

APPENDIX 2

To: Licensing
F.A.O: Sandra Bradbury Licensing Officer

YourRef: 1 John Street

From: Environmental Health

Our Ref: as above

Date: 27th February 2024

Re: Environmental Health Representation to the Application for the Grant of a Premises Licence at 1 John Street, Biddulph.

Noise Concerns:

1. Early morning noise: Noise emitted from or associated with operation of the premises from 6am.
2. Evening and Night Time Noise: Adverse impacts to local residents caused by increased noise during unsocial times and change to current noise environment. There is also a potential for anti-social behaviour caused by late opening hours as other shops close in the area.
3. Delivery Noise and unsocial timings (Condition timings)
4. Refrigeration and air-conditioning plant, roller shutters. (Consult planning department).
5. Change of use of premises in potential breach of planning permission (Consult Planning Department);

Comments:

1. Early Morning noise - The proposed opening hours from 06:00am to 07:00am mean the premise will operate during night time hours as defined by World Health Organisation (WHO) and BS8233:2014 Guidance on Sound Insulation for Buildings. It would be expected that sound levels during night time hours are protected in order to prevent sleep disturbance to the nearest residential neighbours. The proposed use will likely impact background noise levels in the area between 6am and 7am e.g car doors slamming, customer noise, shutters opening and closing, opening up and store preparation etc. (Insufficient Information – Noise Assessment required)
2. Out of Hours Operational Noise The proposed shop is in close vicinity to a significant number of residential properties (plan attached). There are 6 apartments on the opposite side of the road, approx. 10m away from the entrance to the premises. There is also intensive residential housing on John Street and Albert Street. It is likely many of these residents would be impacted by early morning noise as the store opens and customers use the store in the early morning e.g vehicle noise, car radios etc, this disturbance would cause sleep

disturbance especially in the nearest residential properties. The proposal to open till 23:00 is also likely to cause some adverse impacts to evening and night time noise levels. (Insufficient Information – Noise Assessment required)

3. The premises is located in an intensive residential housing including the above mentioned apartments which are very close the loading area and rear store access on Albert St (approx.9m), deliveries can cause significant noise disturbance e.g trolley/cage noise, door slamming, engine noise, driver radio, reversing beepers etc. (Recommend condition to restrict delivery timings)
4. The premises will likely need refrigeration plant which will be mounted externally. Refrigeration plant can be noisy and compromise background noise levels throughout the day but especially at night. There is no information provided on the location, specification or predicted impact of the required plant on existing background sound levels: Also there is a likelihood the operator will install roller shutters for security, these can cause significant noise impacts to neighbours when opened early in the morning and late at night. A noise assessment would provide clarity on the level of impact any plant and machinery installed would have on neighbourhood noise levels and if appropriate propose mitigation. Any plant or machinery installed externally would require planning permission and this should be supported with a noise impact assessment. (Planning Application Required and Noise Assessment Required)
5. The current planning permission for the premises (attached) is restricted to that of a picture gallery and studio with retail and light industrial use linked to picture framing (smd/1978/0033_78/05208/OLDDC - Condition 1). The specific restriction in the type of operation currently permitted was imposed to protect the amenity of the neighbourhood. This proposal would obviously be a change in use and potentially a significant change to neighbourhood amenity so would constitute a change of use in planning terms. The Environmental Health Department recommend the applicant consult with the Planning Department on their proposal to operate a convenience and off licence store prior to being granted a licence. (Planning Application Required and noise assessment required)

Summary and Recommendation: The Environmental Health Department are concerned with the potential for adverse noise impacts this application may cause to the amenity of this intensively populated residential area. No advice has been supplied to assess the current noise environment at the premises and the adverse impact this development would cause to local residents.

The current planning permission was specifically conditioned to protect neighbourhood amenity. Advice has been provided by the Planning Department indicating a planning application would be required to change the use of this premises from its current use to the one proposed, signage, plant and lighting would also require planning permission. It is our opinion that a planning application would require a noise assessment which would comprehensively determine the suitability of the proposal for the premises from a noise perspective and if appropriate propose suitable mitigation to protect amenity.

The Environmental Health Department recommend this application is **refused** for the following reasons –

- (i) The significant potential for nuisance to be caused by unsocial opening times;
- (ii) The breach to the current planning permission which specifically was conditioned to protect amenity;
- (iii) The range of potential causes of nuisance which cannot be addressed simply by licensing conditions;
- (iv) Insufficient information being submitted to assess the impact to local residents which are likely to be caused to local residents, a noise assessment should be submitted to support the application.

Conditions:

If a licence is granted then we would request the following conditions are considered to be imposed:

1. Staff shall monitor customers outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
2. No deliveries must be made to the premises between 20:00 and 08:00 with the exception of newspaper deliveries.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
4. Restrict opening/licensed hours (Proposed 7am to 10pm to protect neighbourhood amenity and prevent nuisance)

Regards

Environmental Health