

Licensing Sub-Committee Agenda

Wyre Borough Council
Date of Publication: Date Not Specified
Please ask for : Duncan Jowitt
Democratic Services Officer
Tel: 01253 887808

Licensing Sub-Committee meeting on Wednesday, 10 June 2020 at 6.00 pm by Remote Access via webex

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Webex Meeting...

1. **Apologies**

2. **Confirmation of minutes**

To confirm as a correct record the minutes of the adjourned meeting of the Licensing Sub-Committee held on 8 June 2020.

3. **Objections to a Temporary Event Notice submitted by Max Fox in respect of Trapp Farm, 176 Fleetwood Road South, Thornton Cleveleys** (Pages 3 - 122)

Report of the Corporate Director Environment, attached as part of the 8 June 2020 agenda.

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Licensing Sub-Committee Minutes

The minutes of the Licensing Sub-Committee meeting of Wyre Borough Council held on Monday, 8 June 2020 by Remote Access via Webex.

Licensing Committee members present:

Councillors Cartridge, Armstrong and Sir R Atkins

Other councillors present:

None

Officers present:

Mary Grimshaw, Legal Services Manager and Deputy Monitoring Officer
Niky Barrett, Senior Licensing Officer
Duncan Jowitt, Democratic Services and Councillor Development Officer
Emma Keany, Democratic Services Officer

Representing the applicant:

Max Fox, applicant
Sarah Millard, Head of Security
Greg Kelly, Head of Compliance
James Atha, Acoustic Noise Consultant
David Bowen, Head of Security

Representing objectors:

Chris Kehoe, Police
Emma Pritchard, Police

No members of the public or press attended the meeting.

1 Election of Chairman

Councillor Peter Cartridge was elected as chairman.

2 Apologies

None

3 Declarations of Interest

None

Objections to a Temporary Event Notice submitted by Max Fox in respect of Trapp Farm, 176 Fleetwood Road South, Thornton Cleaveleys

The Corporate Director Environment submitted a report to provide members of the Licensing Sub-Committee with information to assist them to consider two objection notices received from Environmental Health and Lancashire Police, who are Relevant Persons under the 2003 Licensing Act to allow them to decide whether or not to serve a counter notice on the event organiser in accordance with Section 105 of the Licensing Act 2005 (the Act). The objections were to a proposed temporary event, scheduled to run from Saturday 4 July to Friday 10 July at Trapps Farm in Thornton. Mr Max Fox (the applicant) had uploaded a Temporary Event Notice (TEN) to the Gov.uk site on 23 May 2020.

The applicant was present to speak in support of the application. He was accompanied by Sarah Millard, Greg Kelly, James Atha and David Bowen.

The Senior Licensing Officer (SLO) said that Environmental Health (EH) were concerned that the event, if held, could undermine the Licensing Objectives and in particular the prevention of public nuisance.

The written submission from EH was included with the agenda. It raised concerns about light pollution from the screen and from vehicle headlights and about noise that would be generated on site from the amplification of the shows and artists through the vehicle stereos and the potential audience participation with the sing along elements, on the basis that vehicle occupiers were likely to have their windows open and that the organiser would be unable to control the volume levels in private vehicles.

EH were also concerned about engine noise and emissions, as they felt most vehicles would need to keep their engines idling to provide the power to stereos and heating systems. As the initial TEN indicated that toilets would not be provided, concerns were also raised about the potential for ASB and odour due to patrons leaving their vehicles and urinating indiscriminately. The applicant had since confirmed that toilets would be provided. EH were also concerned about littering, along with the potential for increased pest activity from food waste being left on the site.

Lancashire Constabulary were concerned that the event would be unlawful in terms of the current Covid-19 closure Regulations, prohibiting cinemas from being open and restricting public gatherings.

The SLO said that the applicant had been selling tickets for individual screenings and musical acts since Saturday 23 May, in the hope that the Government would continue to relax restrictions in accordance with their "COVID-19 recovery strategy", which suggests that, based on the current reduction of the "R figure" to below 1, phase 3 could see the reopening of the hospitality and leisure sector from 4 July, subject to the Government's five tests being met and social distancing measures being adhered to. An R rate higher than 1 indicates that the disease is growing exponentially.

She cautioned however that, if the R figure indicated that the spread of the virus had started to go back up, the Government would tighten restrictions again, possibly at short notice. On 1 June, the Government amended regulation 7 and public gatherings, were now permitted for up to 6 people from different households, subject to social distancing between households.

The SLO stated that guidance on the closure of certain businesses and venues in England in accordance with regulation 4, was revised and published on 5 June. Schedule 2 now reads “Cinemas, theatres and concert halls (indoor and outdoor) must remain closed to members of the public, with no exceptions”.

She asked the sub-committee to consider the objection notices having regard to the evidence before it, the Statutory Guidance issued under section 182 of the Licensing Act 2003, and Wyre’s own Statement of Licensing Policy and advised that, as the site does not have an existing premises licence, conditions could not be imposed on this TEN. The sub-committee had only 2 possible options.

- 1) Endorse the TEN and allow the event to proceed, subject to the Government revising the Regulations that currently prohibit cinemas, theatres and concert halls (indoors and outdoors) from being open to the public.

Or

- 2) Issue a Counter Notice under section 105 of the Licensing Act 2003. This would mean that licensable activities at the event would be unlawful.

The organiser Mr Fox, speaking in support of the application, explained that the company had a great deal of experience in organising events and were looking to provide new productions in the wake of COVID-19 that would give much needed recreational activity and employment to local residents. He brought the attention of the Sub-Committee to his Public Health Preparedness for Mass Gathering Events certification by the WHO and claimed that attending the performances would be a much safer activity than visiting a garden centre as it would be completely contactless - tickets were to be purchased online and scanned to gain admittance and customers would remain within their cars and tune into the movie audio via their in-car FM radios.

He touched upon the Government’s current timescale which planned for the reopening of pubs on 22 June and the recent guidance which now allowed for outdoor gatherings of up to 6 people from different households providing that rules of social distancing were respected with no limit to the size of the gathering or the distance travelled as long as return on the same night was possible.

He said that there would be manned security of the toilet facilities and that they would be fully sanitised after each use. In respect of increased traffic, he

said that customers could arrive up to an hour before the event and would filter into the venue in “dribs and drabs”. Similar events had, he said, been held in many countries including the USA, Germany, Denmark and Australia.

The applicant and his colleagues responded to questions from members of the Sub-Committee as follows:

- there would be more than enough toilets for the number of attendees – 10 toilets compared to a more usual 3-4 for similar-sized events
- as people would be there for only about 2 hours and the toilets were intended for emergency use, people would be advised to go to the toilet before coming to the event.
- the movies would be shown on a large screen which faced the field and not the roundabout
- the proposed cinema closing time would be approximately 10.30pm so it would only affect light minimally and for a period of only 1 hour.
- this would be a one-off event in the summer of COVID and there was no intention of continuing thereafter.
- noise had been assessed as not intrusive based on 200 cars and a volume of 70dB inside each car. The nearest houses were 100m away and 10 SIA approved security staff would be patrolling. They and 6 distributing catering would ensure that windows were closed and volumes kept down to acceptable levels.
- there would be a 4m gap between vehicles so if someone was asked to leave, there was sufficient space for their vehicle to exit the field.
- Safe Events Blackpool were a local business and had not approached other authorities to run anything similar. Another company (At The Drive In UK) was doing a complete UK tour.
- Age would be verified on entry to ensure no viewers were underage.
- Customers would not be allowed to bring alcohol to the venue and only non-alcoholic drinks and pizzas provided in conjunction with Dominos would be available for purchase on-site. Litter pickers would ensure that the place was kept tidy.
- Where there was to be 2 shows on the same day, early arrivals for the second screening would wait in the upper part of the field which was reserved as a holding area whilst viewers of the first showing would leave through the other gate.

Chris Kehoe speaking on behalf of the Police confirmed that they had no concerns that the event would be likely to lead to disorder and that the Police objection had been raised purely on the basis that, as the current regulations stood, the event would be unlawful and they were therefore unable to agree to it.

The EH representative had experienced technical issues when attempting to join the meeting and was therefore unable to present the EH objections and respond to questions from the panel and the applicant.

Members retired to consider in closed session whether to continue to a decision without EH being present or whether to adjourn and reconvene at a later date. Following consideration, the Chairman announced that, as it was important for EH to be present to respond to questions, the meeting would be adjourned and would continue from the same point later that week.

Following discussion with the Democratic Services Officers, it was agreed that the meeting be adjourned until 6pm on Wednesday 10 June 2020.

The meeting started at 6.00 pm and finished at 7.21 pm.

Date of Publication: 9 June 2020

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Wyre Borough Council
Date of Publication: 29 May 2020
Please ask for : Duncan Jowitt
Democratic Services Officer
Tel: 01253 887808

Licensing Sub-Committee Agenda

**Licensing Sub-Committee meeting on Monday, 8 June 2020 at 6.00 pm
Remote Access via Webex**

This meeting is accessible to the public: [Join this Webex meeting](#)

Meeting number (access code): 163 002 3448

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**The Sub-Committee membership will be Councillor Craig Armstrong,
Councillor Sir Robert Atkins and Councillor Peter Cartridge**

1. **Election of Chairman**
2. **Apologies**
3. **Declarations of Interest**

Members will disclose any pecuniary and any other significant interests they may have in relation to the matter under consideration.

4. **Objections to a Temporary Event Notice submitted by Max Fox in respect of Trapp Farm, 176 Fleetwood Road South, Thornton Cleveleys** (Pages 3 - 22)

Report of the Corporate Director Environment.

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Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Sub-Committee	8 June 2020

Objections to a Temporary Event Notice submitted by Max Fox in respect of Trapp Farm, 176 Fleetwood Road South, Thornton Cleveleys

1. Purpose of report

- 1.1 To provide Members with information to assist them to consider two objection notices from relevant persons and decide whether or not to serve a counter notice on the event organiser in accordance with Section 105 of the Licensing Act 2005 (the Act).

2. Outcomes

- 2.1 Members consider the objection notices submitted under section 104(2) of the Act.

3. Recommendation

- 3.1 That Members determine whether it is appropriate to issue a counter notice under section 105 of the Act.

4. Background

- 4.1 The Act introduced Temporary Event Notices (TENs) as a simple way to authorise the temporary provision of licensable activities on or from premises, including land, which are not authorised under an existing premises licence or club premises certificate.
- 4.2 Events authorised under TENs are subject to a maximum of 499 persons being permitted on the premises at the same time, this figure includes the audience, staff and performers.
- 4.3 They are subject to a number of statutory limits and where these limits would be breached, the Licensing Authority would automatically issue a counter notice under section 107 of the Act.
- 4.4 The Police and local Environmental Health Authority are relevant persons for the purposes of section 99A of the Act and may object to a TEN where

they are concerned that allowing the premises to be used in accordance with the notice, would undermine one or more of the licensing objectives.

- 4.5 Where an objection notice is submitted and not withdrawn, the Licensing Authority must hold a hearing to consider the notice within seven working days starting at the end of the three day period given to relevant persons to respond to the TEN, unless all parties agree a hearing is not necessary.
- 4.6 Where a TEN relates to an existing licensed premises, the licensing authority may impose one or more of the existing licence conditions on the TEN, if it considers that it is appropriate for the promotion of the licensing objectives to do so.

5. Key issues and proposals

- 5.1 The event organiser has been advertising on social media under the trading name Safe Events Blackpool and selling tickets for a number of film screenings and musical performances scheduled during the first week of July, at Trapp Farm, since 23 May 2020.
- 5.2 The performances advertised to date include:
 - 6pm Sat 4 July, film screening - Sing along Greatest Showman
 - 8.30pm Sat 4 July, tribute act - Queen will rock you
 - 6pm Sun 5 July, tribute act - Billie Eilish meets Ariana Grande
 - 8pm Sun 5 July, film screening - Sing along Grease
 - 8pm Mon 6 July, film screening - Joker
 - 8pm Tues 7 July, film screening - Titanic
- 5.3 Trapp Farm is not currently authorised under an existing premises licence for any type of licensable activity under the Act.
- 5.4 A TEN was uploaded to the Gov.uk site by Mr Max Fox at 22:09 hrs on Saturday 23 May 2020 (**Appendix 1**).
- 5.5 The notice is for authorisation to provide regulated entertainment, which includes the showing of films and live music, from Saturday 4 July to Friday 10 July, between 11am and 11pm each day, on land known as Trapp Farm, 176 Fleetwood Road South, Thornton Cleveleys, FY5 5NR.
- 5.6 Copies of the TEN were forwarded to the Police and Environmental Health on Tuesday 26 May 2020, being the first working day following the submission.
- 5.7 On 27 May 2020, Environmental Health submitted an Objection Notice under section 104(a) of the Licensing Act 2003. (**Appendix 2**).
- 5.8 Environmental Health are concerned about the potential for public nuisance in respect of noise, light, litter and odour arising from the vehicles, screen and audience activity.

- 5.9** On 27 May 2020, Lancashire Constabulary submitted an Objection Notice under section 104(a) of the Licensing Act 2003. **(Appendix 3)**.
- 5.10** The Police are concerned that the activities would be unlawful under the current coronavirus restrictions.
- 5.11** The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 currently state in regulation 4 that a person responsible for carrying on a business or providing a service which is listed in Part 2 of Schedule 2, must cease to carry on that business or to provide that service during the emergency period. Cinemas, theatres and concert halls are all included in Schedule 2.
- 5.12** Regulation 7 currently provides that no person may participate in a gathering in a public place of more than two people except where all the persons in the gathering are members of the same household, or for a limited number of other prescribed reasons which do not include attending a film screening or performance.
- 5.13** The health protection legislation is subject to review by Parliament and is expected to be revised in the coming weeks.
- 5.14** When considering this matter Members should take into account the Council's own Statement of Licensing Policy. The following sections are particularly relevant to this application.
- 12. Temporary Event Notices
 - 14.3 Prevention of public nuisance
- 5.15** Members are also directed to the Statutory Guidance issued under section 182 of the Act. The relevant sections about TEN's are reproduced at **Appendix 4**.
- 5.16** After having regard to the objection notices, the council's Statement of Policy and the Statutory Guidance, the Sub-Committee must consider whether permitting the event would undermine any of the licensing objectives.
- 5.17** If it is satisfied that the licensing objectives would not be undermined, it should endorse the TEN and permit the event.
- 5.18** However if it considers that granting the application would have the potential to undermine one or more of the licensing objectives and that it is appropriate for the promotion of a licensing objective to do so, it should issue a counter notice under section 105 of the Licensing Act 2003.
- 5.19** The applicant and objectors have been invited to attend the hearing and have been provided with a copy of this report and notice of the hearing procedure.

Finance	There are no financial implications directly associated with this application.
Legal	Where the relevant licensing authority gives a counter notice under s.105(3), the premises user may appeal. Where that authority decides not to give a counter notice a relevant person may appeal. Any appeal must be made to a magistrates' court within 21 days, but no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins. The hearing should be conducted following the principles of natural justice and in accordance with the Council's own hearing procedure.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	✓

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Niky Barrett	01253 887236	Niky.barrett@wyre.gov.uk	29 May 2020

List of background papers:		
name of document	date	where available for inspection
Statement of Licensing Policy 2016-2021	January 2016	Licensing section

List of appendices

- Appendix 1 - Copy of TEN
- Appendix 2 - Copy of Environmental Health objection notice
- Appendix 3 - Copy of Police objection notice
- Appendix 4 - Extract from Statutory Guidance issued under S.182 of the Licensing Act



**Wyre
Temporary Event Notice
Licensing Act 2003**

For help contact
licensing@wyre.gov.uk
Telephone: 01253 887406

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Max

* Family name

Fox

* E-mail

Main telephone number

Include country code.

Other telephone number

- Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

- Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

11667147

Business name

International Shows Ltd

If your business is registered, use its registered name.

VAT number

GB

323864496

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

- Yes No

Enter details of any previous names or maiden names

First name

Family name

* Your date of birth / /

dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Continued from previous page...

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

Building number or name	Unit 1a
Street	Stanley Road
District	
City or town	Blackpool
County or administrative area	Lancashire
Postcode	FY1 4QL
Country	United Kingdom

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

E-mail	●●●●●●●●
Telephone number	●●●●
Other telephone number	

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

- Yes No

Continued from previous page...

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither Premises licence Club premises certificate

Location Details

* Provide further details about the location of the event

The event will be held on the land to the rear of the farm on a gravelled section of the land. There is no residential dwellings in close proximity of the vicinity of the land.

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

The area of use will be cordoned off but will ofcourse follow health and safety guidelines.

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

These proposed events are in response to the COVID-19 outbreak. Instead of risking our company going bankrupt after losing many large scale event bookings at Blackpool Pleasure Beach, North Pier Theatre, and Theatres and Arenas up and down the country we have decided to create a Coronavirus SAFE event.

We are creating a selection of events where families that live together can remain in isolation within their vehicles and watch outdoor cinema screenings and live stage shows, where audio is transferred via an FM frequency. AT NO POINT will any of the members of the public leave their vehicles.

Continued from previous page...

This is a proven working method as you can see via the following link

https://www.google.com/url?sa=t&source=web&rct=j&url=https://www.forbes.com/sites/davidnikel/2020/04/29/in-pictures-denmarks-drive-in-venue-gets-around-coronavirus-event-ban/amp/&ved=0ahUKEwjV3Jb2xqLpAhW_aRUIHbicC-UQyM8BCE8wCA&usg=AOvVaw3MJz7aZrPd6n72XKzgBo9M&cf=1

We have vetted security staff on standby to make sure people don't leave their vehicles and it remains safe and at a distance. There will be a maximum of 150 vehicles allowed at any one time, and a space of 2 metres minimum between vehicles.

Any of our staff members in close proximity to the vehicles (ie on entry scanning tickets) will be equipped with guideline PPE equipment. We will only accept tickets purchased online. No cash will be transferred at any point during these events. There will be no toilet facilities available on site, and customers will have been made aware of this prior to ticket purchase. Vehicles will be inspected on entry to make sure that only families in isolation together at home are attending together. There is a maximum capacity of 4 family members per vehicle.

The maximum time any one person shall be in attendance of an event is 2 hours. All guidelines related on what to do if a member of the public becomes unwell will be shown using LED screen advertisement prior to show commencement, by voice through their radios, and numerous boards in the vicinity of the parked vehicles. Safety is our number one priority, and we have a risk assessment and method statement in place should the Environmental Health or Police request it. As this is an FM transmitted event there will be very minimal noise pollution.

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

[\(see also guidance on completing the form, note 6\):](#)

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date

/ /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/ /
dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

11.00 - 23.00

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

450

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
- Off the premises only
- Both

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RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

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PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence? Yes No

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PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

Continued from previous page...

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence:
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.
* Ticking this box indicates you have read and understood the above declaration This section should be completed by the applicant, unless you answered "yes" to the question "Are you an agent acting on behalf of the applicant?"
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for such an offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.
* Ticking this box indicates you have read and understood the above declaration

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as..
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/wyre/apply-1> to upload this file and continue with your application.
Don't forget to make sure you have all your supporting documentation to hand.

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Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
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Date: Wed 27/05/2020 11:14

From: Nick Clayton, Environmental Health

Good Morning,

Please could you note my objections to the requested TEN applications for a drive through cinema at Trapp Farm for dates in June and July.

I will provide a further detailed response to these TEN applications later today.

Date: Wed 27/05/2020 13:34

From: Nick Clayton, Environmental Health

Good afternoon,

Further to my email earlier today, I would like to provide further comments as to why I have objected to the submitted TEN applications for a Drive through Cinema for 5th-11th June and 4th-10th July. My objections to these TEN applications are based on the prevention of public nuisance, specific due to the likely impact of noise, light and ASB/Odour on the surrounding area and nearby residential properties. Below I have broken down my reasoning into specific areas.

NOISE

Having read through the limited information provided by the applicant, it has been outlined that the corresponding sound for the films will be played through a localised FM radio frequency which each car will tune into. Therefore the applicant will not be directly using their own amplified sound system to play audio for the film being shown. Given that the TEN application will allow up to 450 people to attend the event, this therefore has the potential for a significant number of vehicles to be on site for screening of a film. In my view this means a significant amount of amplified noise will be generated, as sound will be emitted from vehicles that have windows open for ventilation or soft top vehicle that have their roofs down. Given that there are residential properties nearby there is the potential for a noise nuisance to arise as the background sound levels will be lower as the night goes on meaning amplified noise will be more noticeable and likely to negatively impact on the surrounding area.

I have also considered the impact of noise from a significant number of vehicles arriving and leaving the site late at night, plus the potential noise from vehicle engines being left running in case occupiers want to heat their cars in the event they become cold.

LIGHT

As these TEN applications will be a drive through cinema, there is also the potential for light nuisance from the projection of the film on to the screen. Given the outdoor nature of the proposed event, it is assumed the screen for the projection will have to be large enough for all to see. This means there will be a large structure which will be emitting light and images which may negatively impact the surrounding residential properties nearby either on Norcross lane or on Fleetwood Road South. The applicant has not provided any information about how they will manage light emissions from the projection of the film and it should also be noted that there will be a significant amount of light generated by cars headlights leaving the site late at night.

ASB/ODOUR

Due to the current need to carry out social distancing, the applicant has stated in their application that patrons will not be allowed to leave their vehicles at any point and there will not be the provision of public toilets for patrons to use. The argument being that the provision of such provisions would be against current advice and may lead to the spread of covid-19. I believe that this will not be enforceable as the sheer number of people who potentially attend will exceed the applicant's ability to safely enforce a policy where patrons stay within their vehicles for the duration of their visit. I also believe that the lack of toilet facilities will encourage people look for alternative facilities to use as a rest room and this will likely lead to public urination in the surrounding area, which will cause anti-social behaviour and odour issues for both patrons and members of the public.

Finally I would advise that the proposed events is likely to generate a high volume of litter that patrons may discard from their vehicles which in turn could encourage an increase in pest activity. This is not unlikely as with agricultural land there is always a certain level of pest activity and anything that can contribute to an increase in activity should be avoided. When all of the above are taken into consideration I feel that this is sufficient grounds to object to the granting of the submitted TEN application.

Date: Fr 29/05/2020 11:11

From: Nick Clayton, Environmental Health

An article in the Blackpool gazette about Trapp farm has been brought to my attention

<https://www.blackpoolgazette.co.uk/news/people/drive-cinema-and-live-shows-set-thornton-next-month-2867743>

In the article Mr Fox has stated that there is going to be live music on 6th July. Given this information I would like to reiterate my objections to the TEN applications for Trapp Farm. Given this new information about having live open air music performances I would like to update my concerns about noise. Noise from live open air music performances is likely to cause a nuisance and that any open air performance will require significant noise monitoring by a qualified noise consultant and the adherence to specific noise conditions agreed by the council and the applicant months in advance.

As you are aware the necessary conditions that would need to be applied to this event cannot be applied to a temporary event notice. In the past any open air performance/music events venues have applied for a full premises licence where suitable conditions can be applied to ensure noise from the event will not negatively affect residents. With this in mind it is not appropriate for this application to be granted, as the necessary controls to control the noise have not been agreed.

I feel that this and my previously stated views provide sufficient grounds to object to the granting of the submitted TEN application.

Wyre Council Licensing Service				
Objection made by Lancashire Constabulary to a Temporary Event Notice				
Responsible Authority		Lancashire Constabulary		
Name of Officer <i>(please print)</i>	PC 4107 Emma Pritchard			
Signature of Officer				
Contact telephone number	01253 604073			
Date representation made	27	05	20	
Do you consider mediation to be appropriate			NO	
Premises Details				
Premises Name	Trapp Farm			
Address	176 Fleetwood Road South			
	Thornton-Cleveleys			
Post Code	FY5 5NR			
Reasons for objecting				
<p>I am in receipt of a Temporary Event Notice at the above premises for the provision of regulated entertainment from 4th July to 10th July 2020.</p> <p>On behalf of the Police I believe that allowing this TEN will undermine the licensing objectives, namely in relation to the Protection of Public Safety.</p> <p>This objection is based on the current Government guidance in relation to The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 which restricts gatherings (Regulation 7).</p> <p>Whilst some social distancing measures are mentioned in the application, Police are concerned that the organiser would not be able to reasonably know that the attendees in each car are from the same household and although the idea is that the attendees remain in their vehicles the applicant cannot prevent attendees getting out of their own vehicles to socialise/ move around the area.</p> <p>This application as it stands is encouraging a mass gathering of members of the public at a time when the Government is encouraging the public to remain at home as much as possible to prevent the spread of the coronavirus Covid-19. The current Government guidance also states THE public should not attend 'ticketed events', therefore this application is openly encouraging members of the public to breach this guidance.</p>				

In addition to this, parts of the application relate to a drive-in cinema. 'Cinemas' are included in part 2 schedule 2 as businesses that are required to close under the Act; this does not distinguish between outdoor or indoor.

Therefore, due to the increased risk to public safety Lancashire Constabulary wishes to object to this Temporary Event Notice.

The Police recommend to the Panel that a Counter Notice be served by the Licensing Authority unless the following restrictions or requirements can be imposed by condition.

N/A

7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

7.29 Premises users are not required to be on the premises during the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children and allowing disorderly conduct on licensed premises.

7.30 In the case of an event authorised by a TEN, failure to adhere to the requirements of the 2003 Act, such as the limitation of no more than 499 being present at any one time, would mean that the event was unauthorised. In such circumstances, the premises user would be liable to prosecution.

Police and environmental health intervention

7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.

7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.

7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if

objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance – even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.

Licensing Committee Supplement to Agenda

Licensing Committee meeting on Monday, 8 June 2020 at 6.00 pm
Remote Access via Webex

4. **Objections to a Temporary Event Notice submitted by Max Fox in respect of Trapp Farm, 176 Fleetwood Road South, Thornton Cleveleys** (Pages 3 - 96)

Report of the Corporate Director Environment.

Supplement to agenda:

Additional documents submitted by the applicant on Friday 5 June 2020

- WHO Cert
- 18_00065_LMAJ-FINAL_Noise_report-336044
- 18_00065_LMAJ-Transport_Statement-332111
- 20216-R01-A Noise impact assessment report
- norcross-retail-site-aerial-view-google-maps
- feb-2019-visual-norcross-retail-site
- Screenshot 2020-06-05 at 10.21.52
- Norcross site plan-4

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Licensing Committee Supplement to Agenda

Wyre Borough Council
Date of Publication: 5 June 2020
Please ask for : Duncan Jowitt
Democratic Services Officer
Tel: 01253 887808

Licensing Committee meeting on Monday, 8 June 2020 at 6.00 pm
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- feb-2019-visual-norcross-retail-site
- Screenshot 2020-06-05 at 10.21.52
- Norcross site plan-4

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CERTIFICATE of ACHIEVEMENT

This is to certify that

Max FOX

has completed the course

Public Health Preparedness for Mass Gathering Events

2 June 2020



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KIER PROPERTY

NORCROSS LANE, THORNTON CLEVELEYS

DRAFT NOISE ASSESSMENT REPORT

FEBRUARY 2018

DATE ISSUED: FEBRUARY 2018

JOB NUMBER: LE13636

REPORT NUMBER: 002

KIER PROPERTY

NORCROSS LANE, THORNTON CLEVELEYS

NOISE ASSESSMENT REPORT

FEBRUARY 2018

PREPARED BY:

R Calvert

Principal Acoustic
Consultant (MIOA)



APPROVED BY:

M Dawson

Technical Director (MIOA)



This report has been prepared by Wardell Armstrong LLP with all reasonable skill, care and diligence, within the terms of the Contract with the Client. The report is confidential to the Client and Wardell Armstrong LLP accept no responsibility of whatever nature to third parties to whom this report may be made known.

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ENERGY AND CLIMATE CHANGE
ENVIRONMENT AND SUSTAINABILITY
INFRASTRUCTURE AND UTILITIES
LAND AND PROPERTY
MINING AND MINERAL PROCESSING
MINERAL ESTATES AND QUARRYING
WASTE RESOURCE MANAGEMENT

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3	NOISE SURVEY	11
4	PROPOSED SOURCES OF NOISE AND DETAILS OF NOISE MODELLING	14
5	NOISE IMPACT ASSESSMENT	16
6	NOISE ATTENUATION SCHEME	21
7	CONCLUSIONS	26

APPENDICES

Appendix A	Noise Monitoring Results
Appendix B	Analysis of Measured Background Noise Levels

DRAWINGS

LE13636-001	Noise Monitoring and Existing Sensitive Receptor Locations
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FIGURES

Figure 1	Arrangement of the Noise Model
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1 INTRODUCTION

1.1.1 By instruction dated 12th December 2017, Wardell Armstrong LLP was commissioned to undertake a noise assessment to support a Section 73 application to vary a planning condition for the proposed development at Norcross Lane, Thornton Cleveleys.

1.1.2 The proposed development site is located on the edge of Thornton Cleveleys and currently comprises open land, following the demolition of buildings on the site. To the north, the site is bordered by Clarke House with open land and White Carr Lane beyond. To the east, the site is bordered by open land with Amounderness Way and further open land beyond. To the south, the site is bordered by Norcross Lane, with an existing residential property and further open land beyond. To the west, the site is bordered by offices used by Veterans UK, with existing dwellings off Goldstone Drive and Sixfields beyond.

1.1.3 The application site comprises part of a larger area which benefits from outline approval (13/00200/OUTMAJ), granted in December 2015, for a range of uses including retail (A1/A2/A3/A4 and A5), commercial (B1) and residential (C3) uses.

1.1.4 A detailed planning application was submitted to Wyre Bough Council (WBC) for retail uses (A1, A3 and A5) and 354 associated car parking spaces. Planning permission was granted in December 2017 (17/00122/LMAJ), with the following conditions.

16. *'The rating levels for cumulative noise from all fixed plant and machinery and transportation sources (including delivery, waste collection, and customer vehicles) connected to the development hereby permitted shall not exceed the background noise level (LA90) at the nearest noise sensitive premises, as assessed in accordance with British Standard 4142:2014. Alternative levels and monitoring locations may be used subject to the prior written agreement of the Local Planning Authority'.*

17. *'The Maximum Instantaneous Noise Levels (LAFmax) from the development hereby permitted shall not exceed 60 dB(A) night-time (23.00-07.00) at the façade of the nearest noise sensitive premises. Alternative levels and monitoring locations may be used subject to the prior written agreement of the Local Planning Authority'.*

18. *'The development hereby permitted shall not be open to customers outside of the following times: 08.00 to 22.00 hours on any day'.*

19. *'No vehicle shall enter the development site for the purpose of making a delivery or a collection (including waste collections) between 2300 and 0630 hours, nor shall any collections or deliveries take place between these hours'.*

- 1.1.5 Following the granting of the planning permission, a Section 73 (S73) application (18/00065/LMAJ) to vary Condition 18 has been submitted. This noise assessment report has been prepared to support the S73 application.
- 1.1.6 The variation of Condition 18 will apply to Units 8 and 9 only, with the opening hours for the remainder of the units remaining in line with Condition 18. Units 8 and 9 and drive through take-away restaurants.
- 1.1.7 The proposed operating hours of Unit 8 are as follows:
- 0600 to 0000 hours Monday to Saturday; and,
 - 0700 to 2300 hours Sunday and Bank Holidays.
- 1.1.8 The proposed operating hours of Unit 9 are as follows:
- 0600 to 2130 hours Monday to Saturday; and,
 - 0700 to 2130 hours Sunday and Bank Holidays.
- 1.1.9 The client has provided a drawing showing the proposed locations and orientation of retail units on the proposed development site (Dwg: 14338-230 Rev A). This drawing has been used to calculate the likely noise impact from the extended operational hours at units 8 and 9 at existing sensitive receptors.

2 ASSESSMENT METHODOLOGY

2.1 Noise Survey

2.1.1 An unattended noise survey was carried out in November 2016 to support the detailed planning application (17/00122/LMAJ), to assess the noise levels at existing sensitive receptor locations. This information will be used to inform the assessment for the S73 application.

2.2 Assessment Methodology

2.2.1 An assessment is required to consider any potentially noise sensitive areas near to the site. The potential impacts of the future sources of noise, at existing sensitive receptor locations, in the vicinity of the proposed development have been assessed with reference to;

- National Planning Policy Framework, 2012; (NPPF);
- Planning Practice Guidance – Noise, 2014;
- Noise Policy Statement for England 2010; (NPSE);
- World Health Organisation Guidelines for Community Noise 1999 (WHO);
- British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings (BS8233);
- British Standard 4142:2014 Methods for Rating and assessing industrial and commercial sound (BS4142); and,
- Department of Transport’s technical memorandum ‘Calculation of Road Traffic Noise’ 1988 (CRTN).

National Planning Policy Framework

2.2.2 In March 2012 the ‘National Planning Policy Framework’ (NPPF) was introduced as the current planning policy guidance within England. Paragraph 123 of the NPPF states:

‘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.'*

2.2.3 With regard to 'adverse impacts' the NPPF refers to the 'Noise Policy Statement for England' (NPSE), which defines three categories, 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'.*

2.2.4 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided. The second aim refers to the situation where the impact lies somewhere between LOAEL and SOAEL, and it requires that all reasonable steps are taken to mitigate and minimise the adverse effects of noise. However the requirement to mitigate and minimise the adverse effects of noise does not mean that such adverse effects cannot occur.

2.2.5 The Planning Practice Guidance (PPG) provides further detail about how the effect levels can be recognised. Above the NOEL noise becomes noticeable, however it has no adverse effect as it does not cause any change in behaviour or attitude. Once noise crosses the LOAEL threshold it begins to have an adverse effect and consideration needs to be given to mitigating and minimising those effects, taking account of the economic and social benefits being derived from the activity causing the noise. Increasing noise exposure further might cause the SOAEL threshold to be crossed. If the exposure is above this level the planning process should be used to avoid the effect occurring by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused. At the highest extreme the situation should be prevented from occurring regardless of the benefits which might arise. Table 1 summarises the noise exposure hierarchy.

Table 1 National Planning Practice Guidance noise exposure hierarchy			
Perception	Examples of Outcomes	Increasing Effect Level	Action
Not noticeable	No Effect	No Observed Effect	No specific measures required
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, eg turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, eg avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

2.2.6 The Noise Policy Statement for England refers to the World Health Organisation (WHO) when discussing noise impacts. The WHO Guidelines for Community Noise 1999 suggest guideline values for internal noise exposure which take into consideration the identified health effects and are set, based on the lowest effect levels for general populations. Guideline values for annoyance which relate to external noise exposure are set at 50 or 55 dB(A), representing day time levels below which a majority of the adult population will be protected from becoming moderately or seriously annoyed respectively.

2.2.7 The following guideline values are suggested by WHO:

- 35 dB L_{Aeq} (16 hour) during the day time in noise sensitive rooms
- 30 dB L_{Aeq} (8 hour) during the night time in bedrooms
- 45 dB L_{Amax} (fast) during the night time in bedrooms
- 50 dB L_{Aeq} (16 hour) to protect majority of population from becoming moderately annoyed
- 55 dB L_{Aeq} (16 hour) to protect majority of population from becoming seriously annoyed

2.2.8 British Standard 8233 “Guidance on sound insulation and noise reduction for buildings” 2014 bases its advice on the WHO Guidelines. In addition, for internal noise levels it states;

“Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved.”

2.2.9 With regard to external noise, BS8233, 2014 states;

“For traditional external areas that are used for amenity space such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB $L_{Aeq, T}$ with an upper guidance value of 55 dB $L_{Aeq, T}$ which would be acceptable in noisier environments. However, it is also recognised that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited”.

2.2.10 The PPG summarises the approach to be taken when assessing noise. It accepts that noise can override other planning concerns, but paragraph 002 of the noise guidance states:

“Neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separate from the economic, social and other environmental dimensions of proposed development”.

British Standard 4142:2014 (BS4142), Method for rating and assessing industrial and commercial sound:

2.2.11 BS4142 is used to rate and assess sound of an industrial and/or commercial nature including:

- sound from industrial and manufacturing processes;
- sound from fixed installations which comprise mechanical and electrical plant and equipment;
- sound from the loading and unloading of goods and materials at industrial and/or commercial premises; and
- sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises or processes, such as that from forklift trucks, or that from train or ship movements on or around an industrial and/or commercial site.

2.2.12 The standard is applicable to the determination of the following levels at outdoor locations:

- rating levels for sources of sound of an industrial and/or commercial nature; and
- ambient, background and residual sound levels, for the purposes of:

1) Investigating complaints;

2) Assessing sound from proposed, new, modified or additional source(s) of sound of an industrial and/or commercial nature; and

3) Assessing sound at proposed new dwellings or premises used for residential purposes.

2.2.13 The purpose of the BS4142 assessment procedure is to assess the significance of sound of an industrial and/or commercial nature.

2.2.14 BS4142 refers to noise from the industrial source as the 'specific noise' and this is the term used in this report to refer to noise which is predicted to occur due to activities associated with the proposed commercial premises. The 'specific noise' levels, that have been used are detailed in Section 4 of this report.

2.2.15 BS4142 assesses the significance of impacts by comparing the specific noise level to the background noise level (L_{A90}). Section 4 provides details of the background noise survey undertaken.

2.2.16 Certain acoustic features can increase the significance of impacts over that expected from a simple comparison between the specific noise level and the background noise level. In particular BS4142 identifies that the absolute level of sound, the character, and the residual sound and the sensitivity of receptor should all be taken into consideration. BS4142 includes allowances for a rating penalty to be added if it is found that the specific noise source contains a tone, impulse and/or other characteristic, or is expected to be present. The specific noise level along with any applicable correction is referred to as the 'rating level'.

2.2.17 The greater the increase between the rating level over the background noise level, the greater the magnitude of the impact. The assessment criteria given by BS4142 are as follows:

- A difference of around +10dB or more is likely to be an indication of a significant adverse impact, depending on the context.

- A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context.
- The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

2.2.18 During the daytime, BS4142 requires that noise levels are assessed over 1-hour periods. However, during the night-time, noise levels are required to be assessed over 15-minute periods.

2.2.19 Where the initial estimate of the impact needs to be modified due to context, BS4142 states that all pertinent factors should be taken into consideration, including:

- The absolute level of sound;
- The character and level of the residual sound compared to the character and level of the specific sound; and
- The sensitivity of the receptor and whether dwellings or other premises used for residential purposes will already incorporate design measures that secure good internal and/or outdoor acoustic conditions.

Relationship between Planning Policy and BS4142

2.2.20 The three categories in NPPF can be related to the impact assessment categories in BS4142. The relationship between NPPF and BS4142 is shown in Table 2 below.

Table 2: Relationship between NPPF and BS4142		
Observed Effect Level	BS4142 magnitude of the impact	BS4142 Impact criteria
SOAEL	A difference of around +10dB or more	significant adverse impact
LOAEL	A difference of around +5dB	adverse impact
NOAEL	A difference of around +0dB	low impact

2.2.21 This relationship can be taken forward and used in this assessment to more easily determine the impact of noise from the development at existing sensitive receptors in terms of planning policy.

2.3 Existing Sensitive Receptors

2.3.1 The following existing receptors have been identified as those potentially affected by noise from Units 8 and 9 during the proposed extended hours.

2.3.2 Other receptors may be affected by noise from the development, however the noise impact will be equal to or less than at the receptors identified. The existing sensitive receptors identified are shown on Drawing LE13636-001 and in Table 3 below;

Table 3: Existing Noise Sensitive Receptor Locations				
Receptor	Address	Receptor Type	Bearing from Site	Distance from the proposed site boundary to the receptor
ESR1	23 Brescot Way FY5 3QA	Residential	West	70m
ESR2	22 Prenton Gardens, FY5 3RR	Residential	West	80m
ESR3	Norcross Cottage, Norcross Lane, FY5 3DE	Offices	South East	20m
ESR4	Norcross Hall Farm, Norcross Lane, FY5 3DE	Residential	South East	20m

2.3.3 ESR3 is both vacant, and a commercial premises, therefore, noise at this premises will only be considered during the daytime (i.e. 0700-0800 hours only).

3 NOISE SURVEY

3.1.1 On the 22nd, 23rd 24th, and 25th November 2016, Wardell Armstrong LLP carried out a noise survey at the proposed development site.

3.1.2 Unattended noise measurements were taken at two monitoring locations, which are considered to be representative of existing sensitive receptors near to the south eastern and western parts of the site.

3.1.3 The monitoring locations are as follows, and are shown on Drawing Number LE13636-001:

- Monitoring Location 1 (ML1): In the western part of the proposed development site. This location was chosen to be representative of existing sensitive receptors ESR1.
- Monitoring Location 2 (ML2): In the south-eastern part of the proposed development site. This location was chosen to be representative of existing sensitive receptors ESR2, ESR3 and ESR4.

3.1.4 Unattended noise monitoring was carried out between 2109 hours on 22nd November and 1306 hours on 23rd November 2016 at ML1, and between 1356 hours on 23rd November and 1117 hours on 25th November at ML2.

3.1.5 The noise measurements were made using Class 1, integrating sound level meters. The microphones were mounted vertically on tripods 1.2m above the ground. The sound level meters were calibrated to a reference level of 94dB at 1kHz both before, and on completion of, the noise survey. No drift of more than 0.5dB in the calibration was noted during the survey.

3.1.6 On the 22nd November, the weather conditions during the survey were as follows:

- Low wind up to 3m/s;
- Damp ground; and,
- Temperature approximately +7°C.

3.1.7 On the 23rd November, the weather conditions during the survey were as follows:

- Low wind up to 5m/s;
- Dry ground;
- Temperature ranged between approximately +2 and +7°C; and,
- Partly cloudy.

3.1.8 On the 24th November, the weather conditions during the survey were as follows:

- Low wind up to 5m/s;
- Dry ground;
- Temperature ranged between approximately +0 and +7°C; and,
- Clear Sky.

3.1.9 On the 25th November, the weather conditions during the survey were as follows:

- Low wind up to 5m/s;
- Dry ground;
- Temperature ranged between approximately +0 and +7°C; and,
- Clear Sky

3.1.10 For the purpose of this assessment daytime hours are taken to be 0700 to 2300 hours and night-time hours to be 2300 to 0700 hours.

3.1.11 A-weighted¹ L_{eq}^2 noise levels were measured to comply with the requirements of WHO and BS8233. A-weighted L_{90}^3 and L_{10}^4 noise levels, together with the maximum and minimum sound pressure levels, were also measured to provide additional information. The measured noise levels are set out in full in Appendix A.

UNCERTAINTY

3.1.12 To reduce measurement uncertainty the following steps have been taken:

- The background noise measurement locations were selected to be representative of the background noise level at the closest receptors to Units 8 and 9. In accordance with guidance the sound level meters were mounted vertically on tripods 1.2m above the ground. The monitoring locations were also more than 3.5 metres from any other reflecting surfaces;
- The background noise measurements were undertaken during dry and calm/low wind speed weather conditions;
- The daytime background noise monitoring was undertaken during what is considered to be a representative period of the daytime;
- The daytime background noise monitoring was undertaken over 1 hour periods in accordance with the reference period required by BS4142;
- The night time background noise monitoring was undertaken during what is considered to be a representative period of the night time;

- The night time background noise monitoring was undertaken over 15 minute periods in accordance with the reference period required by BS4142;
- The results of each measurement period are reported to the nearest 0.1dB; and
- Noise measurements were made using Class 1, integrating sound level meters.

¹ A' Weighting An electronic filter in a sound level meter which mimics the human ear's response to sounds at different frequencies under defined conditions

² L_{eq} Equivalent continuous noise level; the steady sound pressure which contains an equivalent quantity of sound energy as the time-varying sound pressure levels.

³ L_{90} The noise level which is exceeded for 90% of the measurement period.

⁴ L_{10} The noise level which is exceeded for 10% of the measurement period.

4 PROPOSED SOURCES OF NOISE AND DETAILS OF NOISE MODELLING

4.1 Introduction

4.1.1 The operational activities associated with Units 8 and 9 have the potential to generate noise which may have an impact at the existing sensitive receptors identified.

4.1.2 To determine the noise likely cumulative impact of the noise to be generated by activities at Units 8 and 9 and the remainder of the proposed commercial and retail development, noise predictions have been carried out using SoundPLAN (Version 8.0) computer noise modelling software.

4.2 Details of Modelling Data

Operational Activities Associated with the Proposed Commercial and Retail Development

4.2.1 Details of the activities at Units 8 and 9 and the remainder of the proposed site, have been used to calculate likely levels of noise at the existing sensitive receptors.

4.2.2 From the information submitted with the planning application, it is understood that the operational hours of the retail development will be between 0800 hours and 2200 hours Monday to Sunday, and this activity is currently permitted. Deliveries will take place between 0630 hours and 2300 hours, and any proposed plant will operate 24 hours per day.

4.2.3 Drawing 14338-230 Rev A shows the location of the proposed retail units, associated delivery areas, location of fixed plant and carparking areas. This layout has been used within the noise model, to calculate the noise levels at the sensitive receptors, identified in Table 3.

4.2.4 The following assumptions have been made when carrying out the noise predictions for the extended hours:

- A total of 4 HGVs will enter and leave the site per hour during the daytime (0700-2300 hours), and night-time (0630-0700). All vehicles will gain access and leave via Norcross Lane.
- Three potential routes, taken by the HGVs, have each been included within the noise model. These include deliveries to Units 1 through 6, deliveries to Units 7a, 7b and 7c, and deliveries to Units 8 and 9.

- A maximum noise level for each delivery to each unit has been modelled using WA archive noise data, the 3rd octave measured data has been included within the noise model.
- Noise from each delivery has been placed at a height of 1.5m above ground level.
- Noise levels from any fixed plant are based on the noise level limits set in the Noise Assessment Report (LE13436-001) prepared by Wardell Armstrong, dated January 2017. A noise level limit of 60dB(A) has been used for Unit 9.
- Noise from customer vehicles accessing the proposed development site via Norcross Lane, has been modelled using traffic data provided by Bryan G Hall, received December 2016.
- Noise from the carpark areas, including noise from trollies, is based upon 330 car parking spaces, using the 'car park' module in SoundPLAN.
- It has been assumed that 60 vehicles per hour will access the drive through facilities at Units 8 and 9 during the daytime and 30 vehicles during the night-time (0600-0700 hours, and 2300-0000 hours).
- The noise model includes the fences shown on Drawing 14338-231.

4.2.5 Each item of equipment and process has been included in the noise model at the approximate location and height at which it is likely to operate. The arrangement of the noise sources in shown on Figure 1.

Calculation of noise from vehicle movements

4.2.6 The HGV used in the noise model is described in Table 4 below.

Table 4: Details of the Equipment used in the Noise Model				
Item		Noise Level		Speed (kph)
		Data Location Table	Noise Level (SWL/dB(A))	
1	Road Lorry (Full)	BS5228 - Table C6.21	108	32

On-Site Mitigation

4.2.7 It is understood that boundary treatment is included in to the development proposals. These have been included within the noise model, and are located as follows;

- To the east of Units 7a, 7b and 7c, around the external area to the rear of the units. The barrier is 1.8m in height; and,

- In the south eastern part of the site, around the drive thru associated with Unit 9. The barrier is 1.8m in height.

5 NOISE IMPACT ASSESSMENT

5.1 Introduction

5.1.1 An assessment is required to support a variation of Condition 18 of the decision notice 17/00122/LMAJ, which restricts operating times for the proposed development.

5.1.2 To determine the noise likely to be generated by the proposed activities at the site, noise predictions have been carried out using SoundPLAN (Version 8.0) computer modelling software, using the assumptions and data, which is detailed in Section 4 of this report.

5.2 Assessment of Noise from On-site Activities

5.2.1 In accordance with the Noise Assessment Report prepared by Wardell Armstrong (dated January 2017), and BS4142, noise penalties have been applied to the noise sources where applicable.

5.2.2 A 2dB penalty for tonal noise has been applied to the noise from the fixed plant, and, a 6dB penalty for impulsive sound has been applied to the noise from deliveries.

5.2.3 The calculated daytime and night-time specific noise level includes a contribution of the noise from each of the sources associated with the proposed retail and commercial development.

5.2.4 The calculated noise level at the nearest façade of each existing sensitive receptor has been calculated using SoundPLAN 8.0.

5.2.5 The model has calculated the noise level at the façade of the existing sensitive receptors, therefore, a 3dB façade correction has been added to the measured background noise level.

5.3 BS4142 Assessment to Vary Condition 18

5.3.1 Condition 18 states;

'The development hereby permitted shall not be open to customers outside of the following times: 08.00 to 22.00 hours on any day'.

5.3.2 However, the S73 variation proposes that;

- The proposed operating hours of Unit 8 are as follows:
 - 0600 to 0000 hours Monday to Saturday; and,
 - 0700 to 2300 hours Sunday and Bank Holidays.

- The proposed operating hours of Unit 9 are as follows:
 - 0600 to 2130 hours Monday to Saturday; and,
 - 0700 to 2130 hours Sunday and Bank Holidays.

5.3.3 Therefore, a BS4142 assessment has been undertaken to support the variation of condition 18, so that the extended operational hours between 0600 and 0800, and 2200 and 0000 hours may be permitted.

5.3.4 ***Selection of Background Noise***

5.3.5 Section 8 of BS4142 provides guidance on the selection of the background sound to be used in the assessment. BS4142 states that the background sound levels used for the assessment should be representative of the period being assessed (i.e. daytime or night-time periods), and that there is no “single” background sound level.

5.3.6 Therefore, some assessment of the measured noise levels is required to select the most appropriate and representative background sound level. An assessment has been carried out based upon the measured noise levels during the daytime period.

5.3.7 For the purposes of this assessment, the measured background noise level from ML1 and ML2, is considered representative of the background noise level at sensitive receptors.

5.3.8 The background noise levels, used in the BS4142 assessment are the L_{A90} levels measured at ML1 between 22nd and 23rd November 2016, and ML2 between 23rd and 24th November 2016. The daytime levels have been measured over 1 hour reference periods. For the daytime periods being assessed (2200-2300 hours, and 0700-0800 hours), the 1 hour measured background noise levels have been used in the assessment.

5.3.9 For the night-time periods, the background noise levels have been averaged over the period being assessed (2300-0000, and 0600-0700).

2200 to 2300 hours

5.3.10 The measured background noise level for the period 2200 to 2300 hours is 48dB $L_{A90,1Hour}$ at ML1 and 50dB $L_{A90,1Hour}$ at ML2. This includes a facade correction of 3dB as the assessment has been undertaken at the façade of the existing sensitive receptors.

2300-0000 hours

5.3.11 The measured background noise level for the period 2300 to 0000 hours is 47dB $L_{A90,15min}$ at ML1 and 46dB $L_{A90,15min}$ at ML2. This includes a facade correction of 3dB as the assessment has been undertaken at the façade of the existing sensitive receptors.

0600-0700

5.3.12 The measured background noise level for the period 0600 to 0700 hours is 56dB $L_{A90,15min}$ at ML1 and 58dB $L_{A90,15min}$ at ML2. This includes a facade correction of 3dB as the assessment has been undertaken at the façade of the existing sensitive receptors.

0700-0800 hours

5.3.13 The measured background noise level for the period 0700 to 0800 hours is 57dB $L_{A90,1hour}$ at ML1 and 61dB $L_{A90,1hour}$ at ML2. This includes a facade correction of 3dB as the assessment has been undertaken at the façade of the existing sensitive receptors.

BS4142: 2014 Assessment for the Proposed Commercial Premises

Specific Noise Levels

5.3.14 As discussed in Section 4, the proposed noise sources have been modelled using SoundPLAN 8.0.

5.3.15 In accordance with the Noise Assessment Report prepared by Wardell Armstrong (dated January 2017), and BS4142, noise penalties have been applied to the noise sources where applicable.

5.3.16 A 2dB penalty for tonal noise has been applied to the noise from the fixed plant, and, a 6dB penalty for impulsive sound has been applied to the noise from deliveries.

5.3.17 In accordance with BS4142, the calculated noise rating level for the noise sources associated with the proposed retail and commercial premises, has been compared with the corresponding measured background noise level during the daytime and night-time. The assessment has been carried out for each receptor during the daytime and night-time periods. The result of the assessment is shown in Tables 5 and 6.

Table 5: BS4142 Assessment During the Daytime (Figures in dB(A))								
	2200-2300				0700-0800			
	ESR1	ESR2	ESR3	ESR4	ESR1	ESR2	ESR3	ESR4
Cumulative Rating Noise Level	36	39	50	49	37	39	50	50
Selected Background Noise Level	48	50	50	50	57	61	61	61
Noise Impact	-12	-11	0	-1	-20	-22	-11	-11

5.3.18 The cumulative rating level will be equal to or below the measured background noise level at all ESRs during the daytime periods under consideration. Therefore, noise from the development will cause a **low impact** at ESR's during the extended hours of operation during the daytime period.

Table 6: BS4142 Assessment During the Night-time (Figures in dB(A))								
	2300-0000				0600-0700			
	ESR1	ESR2	ESR3	ESR4	ESR1	ESR2	ESR3	ESR4
Cumulative Rating Noise Level	33	36	Not considered at night	51	35	38	Not considered at night	53
Selected Background Noise Level (incl. façade correction)	47	46		46	56	58		58
Noise Impact	-14	-10		+5	-21	-20		-5

5.3.19 The cumulative rating level will be above the measured background noise level at ESR4 between 2300 and 0000 hours and below the measured background noise level at ESR1 and ESR2. The cumulative rating level will be below the measured background noise level at all ESRs between 0600 and 0700 hours.

5.3.20 Noise from the development will cause a **low impact** at ESR1, ESR2, ESR3, ESR4 during the proposed hours of operation, with the exception of 2300-0000 hours at ESR4, where there is a potential for an adverse impact to be felt.

5.3.21 It is recommended that mitigation be put in place to attenuate noise levels from the retail and commercial development and therefore reduce the impact at ESR4.

6 NOISE ATTENUATION SCHEME

6.1.1 Mitigation measures are required to reduce the impact from noise from the retail and commercial development at ESR's.

6.1.2 It is recommended that a barrier, 1.8m in height is located around the drive thru area at Unit 8. A BS4142 assessment has been carried out with the proposed barrier in place. The result of the assessment is shown in Tables 7 and 8.

Table 7: BS4142 Assessment During the Daytime with the Proposed Barrier at Unit 8 (Figures in dB(A))								
	2200-2300				0700-0800			
	ESR1	ESR2	ESR3	ESR4	ESR1	ESR2	ESR3	ESR4
Cumulative Rating Noise Level	37	39	49	49	36	39	49	49
Selected Background Noise Level	48	50	50	50	57	61	61	61
Noise Impact	-11	-11	-1	-1	-21	-22	-12	-12

6.1.3 The cumulative rating level will be below the measured background noise level at all ESRs during the daytime periods. Therefore, noise from the development will cause a **low impact** at ESR's during the extended hours of operation during the daytime period, depending on context.

Table 8: BS4142 Assessment During the Night-time with the Proposed Barrier at Unit 8 (Figures in dB(A))								
	2300-0000				0600-0700			
	ESR1	ESR2		ESR4	ESR1	ESR2		ESR4
Cumulative Rating Noise Level	33	40	Not considered at night	50	35	41	Not considered at night	51
Selected Background Noise Level (incl. façade correction)	47	46		46	56	58		58
Noise Impact	-14	-6		+4	-21	-17		-7

6.1.4 The cumulative rating level will be above the measured background noise level at ESR3 and ESR4 between 2300 and 0000 hours and below the measured background noise level at ESR 1 and ER2. The cumulative rating level will be below the measured background noise level at all ESRs between 0600 and 0700 hours.

6.1.5 Noise from the development will cause a **low impact** at ESR1, ESR2, ESR3, ESR4 during the proposed hours of operation, with the exception of 2300 and 0000 hours at ESR4, where there is a potential for an adverse impact to be felt.

6.1.6 The mitigation is not providing a significant reduction to the noise impact at ESR4. Higher barriers have been tested in the noise model and have shown not to provide any real benefit at ESR4.

BS4142 Context Assessment

6.1.7 BS4142:2014 States; “The significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound sources exceeds the background sound level and the context in which the sound occurs”.

6.1.8 The first requirement of this statement has been determined within the noise impact assessment section above. To determine the context in which the proposed industrial sound will reside, three factors must be considered, these are;

- The absolute level of sound;

- The character and level of the residual sound compared to the character and level of the specific sound; and,
- The sensitivity of the receptor.

Absolute level of Sound

6.1.9 The impact of a given difference between rating level and background noise level will depend upon whether the residual sound level is low or high.

6.1.10 The residual noise level at the site is high during the daytime and night-time periods. The proposed development is located adjacent to a busy road, which has a significant flow of traffic during the daytime.

Character and Level of Residual Sound Compared with the Specific Sound

6.1.11 The predicted specific noise from the proposed commercial and retail development is low. The development is located next to a busy single carriageway road, and there is a busy single carriageway road to the east of the proposed development site. Furthermore, there is an existing industrial premises located to the north of the proposed development site. These sources of noise give a high residual noise level at ESR4.

6.1.12 Onsite observations indicate that HGV's currently access the existing industrial premises to the north of the proposed development site at the times in question. Therefore, existing sensitive receptors currently experience noise from HGV movements.

6.1.13 The existing noise environment contains low to mid frequency noise. Noise from fixed plant and the carpark areas also contains low to mid frequency noise, and does not contain any distinguishable features. As such the character of the noise from the proposed retail development is not of a significantly different character to other noise sources in the vicinity of the sensitive receptors. Therefore the impact is less significant.

Sensitivity of Receptor

6.1.14 The sensitivity of the receptor changes throughout the day, with the night-time and evening periods being more sensitive due to the occupants' need for quiet for rest and relaxation.

6.1.15 It is understood that ESR3 is permitted for use as an office. It is therefore not considered to be a sensitive receptor during the night-time period.

6.1.16 The existing sensitive receptors will have a medium sensitivity to noise, however there is no option to mitigate the sound at the receptor.

Summary of the Site Context

6.1.17 A BS4142 assessment has been undertaken to assess the potential noise impact from the proposed retail and commercial development.

6.1.18 The absolute level of noise from the proposed commercial and retail development is low, and it is unlikely that noise from the proposed commercial and retail development will be distinguishable from the existing noise environment.

6.1.19 The context assessment has highlighted that noise from the proposed retail and commercial development will cause a **low impact** at existing sensitive receptors, and will and will not cause any change in behaviour or attitude, therefore resulting in a 'No Observed Adverse Effect' (NOAEL).

6.2 Comparison with Planning Condition 16

6.2.1 Condition 16 of the planning decision notice requests that;

'The rating levels for cumulative noise from all fixed plant and machinery and transportation sources (including delivery, waste collection, and customer vehicles) connected to the development hereby permitted shall not exceed the background noise level (LA90) at the nearest noise sensitive premises, as assessed in accordance with British Standard 4142:2014. Alternative levels and monitoring locations may be used subject to the prior written agreement of the Local Planning Authority'.

6.2.2 The assessment of noise at ESR4, between 2300 and 0000 hours demonstrates that the rating level slightly exceeds the background sound level, and would therefore not be in strict compliance with Condition 16. However, the condition states, that *'Alternative levels and monitoring locations may be used subject to the prior written agreement of the Local Planning Authority'.*

6.2.3 In this case we suggest that *'alternative levels'* are used, and that noise at ESR4, is considered to be acceptable for the following reasons;

- The main source of noise from the development site, is road traffic on development roads, and at the drive-through of Unit 8. Which has the same character as noise from existing road traffic on Norcross Lane, which is closer to ESR4 than the development site. Therefore, the character of the noise will remain the same.

- The existing ambient noise level at the site between 2300 and 0000hours is around 54dB(A), and the calculated noise from the site is 50dB(A), during the same time period. Therefore, noise from the development site will be lower than the existing ambient noise level, and will be partially masked by existing road traffic noise.
- The excess of the rating level over the background sound level occurs for a period of 1 hour only between 2300 and 0000 hours. Noise during all other times meets the planning condition requirement.
- During the period between 2300 and 0000, residents of dwellings will typically be indoors. When the sound from the development site is considered internally, the mitigation provided by the facades of the buildings should be considered in accordance with BS4142. Internal noise levels are unlikely to be affected by noise from the activities at Units 8 and 9.

6.2.4 Therefore, we propose that noise from the development site during the proposed extended hours is acceptable.

7 CONCLUSIONS

- 7.1.1 Wardell Armstrong has carried out a further noise assessment for the proposed commercial and retail premises located at Norcross Lane, Thornton-in-Cleveleys, Lancashire.
- 7.1.2 This assessment follows granting of the detailed planning application for retail uses (A1, A3 and A5) and 354 associated car parking spaces in December 2017 (17/00122/LMAJ), with conditions.
- 7.1.3 This noise assessment report has been prepared to support a Section 73 application to vary Condition 18, which restricts operational hours of the site to between 0800 and 2200 hours.
- 7.1.4 The proposals are to extend the operational hours of the following units to;
- Unit 8;
 - 0600 to 0000 hours Monday to Saturday; and,
 - 0700 to 2300 hours Sunday and Bank Holidays.
 - Unit 9;
 - 0600 to 2130 hours Monday to Saturday; and,
 - 0700 to 2130 hours Sunday and Bank Holidays.
- 7.1.5 To establish baseline noise levels an unattended noise survey has been carried out. This report assesses the results of the noise surveys carried out in accordance with current guidance and includes recommendations for noise mitigation as appropriate.
- 7.1.6 Details of the likely sources of noise at the proposed commercial development are not available at the time of writing. Therefore, a noise limit for the mechanical plant has been set to minimise the impact of noise from the development.
- 7.1.7 Careful selection of the plant and mitigation measures may be required to reduce noise emissions to achieve the suggested noise limits.
- 7.1.8 Noise modelling of the proposed development site has been undertaken, and includes a consideration of noise from;
- Delivery by HGV;
 - Fixed plant;
 - Customer vehicles on site access roads, and drive-throughs; and,

- The car park area.

7.1.9 An assessment has been carried out in accordance with British Standard 4142: 2014 Methods for rating and assessing industrial and commercial sound; (BS4142) for noise from mechanical plant, deliveries and vehicle movements within the carpark areas.

7.1.10 In accordance with BS4142, the noise will cause a **low impact** at existing sensitive receptors, when considering site context.

7.1.11 Noise from the development slightly exceeds the background sound level, and is therefore, not strictly in accordance with Condition 16 of the decision notice attached to the planning approval. However, Condition 16 allows some flexibility, including the use of alternative levels to be agreed, and consequently as part of this submission. For the reasons discussed in this assessment the extended operating hours will not cause an unacceptable noise impact at nearby sensitive receptors.

APPENDICES

Appendix A Noise Monitoring Results

Appendix A
Noise Monitoring Results

ML1 – To the north west of the site, near to existing receptors off Goldstone Drive and Sixfields						
Time	L_{Aeq} (dB)	L_{A min} (dB)	L_{A max} (dB)	L_{A90} (dB)	L_{A10} (dB)	Comments
22/11/2106 - Daytime						
2200-2300	49.6	41.9	60.6	45	52.4	
22/11/2016 – 23/11/2106– Night-time						
2300-2315	49	42.7	61.5	44.5	51.9	
2315-2330	47.6	41.7	60.1	44	50.2	
2330-2345	46.8	42.2	60.5	44	48.7	
2345-0000	47.6	42.2	64.6	43.8	49.9	
0000-0015	46.8	42.7	58.4	43.7	49.2	
0015-0030	45.6	42.6	55	43.7	47.2	
0030-0045	44.9	41.3	52	42.6	46.8	
0045-0100	45.4	41	56.6	42.2	46.6	
0100-0115	48.1	42.7	59	43.7	51.5	
0115-0130	48	42.5	64	43.4	49.2	
0130-0145	46.3	42.5	56.3	44	48.2	
0145-0200	45.6	41.2	59.8	43	46.6	
0200-0215	45.1	41.5	54.3	43	46.6	
0215-0230	46.1	41.2	57.4	43.1	48.1	
0230-0245	46.1	40.3	57.3	42.9	48.4	
0245-0300	46.8	41.6	58.6	43.2	49.6	
0300-0315	46.1	40.8	57.3	43.1	48.4	
0315-0330	46.6	40.8	60.9	42.9	48.5	
0330-0345	46.9	41.5	58.1	43	49.8	
0345-0400	47.8	41.9	62.7	44.2	50.5	
0400-0415	48.3	42	58.6	44.1	51.4	
0415-0430	48	42.3	61.3	44.3	50.8	
0430-0445	48.8	41.7	61.5	44.1	51.8	
0445-0500	51.1	43.8	63.9	46.7	53.7	
0500-0515	51.9	44.1	61.2	47.9	54.1	
0515-0530	52.4	46.7	61.8	48.3	54.7	
0530-0545	53.1	46.5	60.5	49	55.4	
0545-0600	53.8	47.2	62.7	51.1	55.5	
0600-0615	55.2	49.5	62	52.5	56.9	
0615-0630	55.4	50.3	63.3	52.8	56.9	
0630-0645	55.8	51.2	70.3	53.8	57.1	
0645-0700	56.6	51.9	71	54	57.9	
23/11/2016 - Daytime						
0700-0800	56.2	50.5	66.3	53.6	57.7	
0800-0900	55.9	52.1	65.1	54.1	57.2	
0900-1000	55.4	48.5	71.8	52.5	56.8	
1000-1100	54.7	48.3	73.6	51.9	56.2	
1100-1200	54.2	48.6	66.7	51.9	55.8	
1200-1300	53.9	48.7	67.4	51.7	55.3	

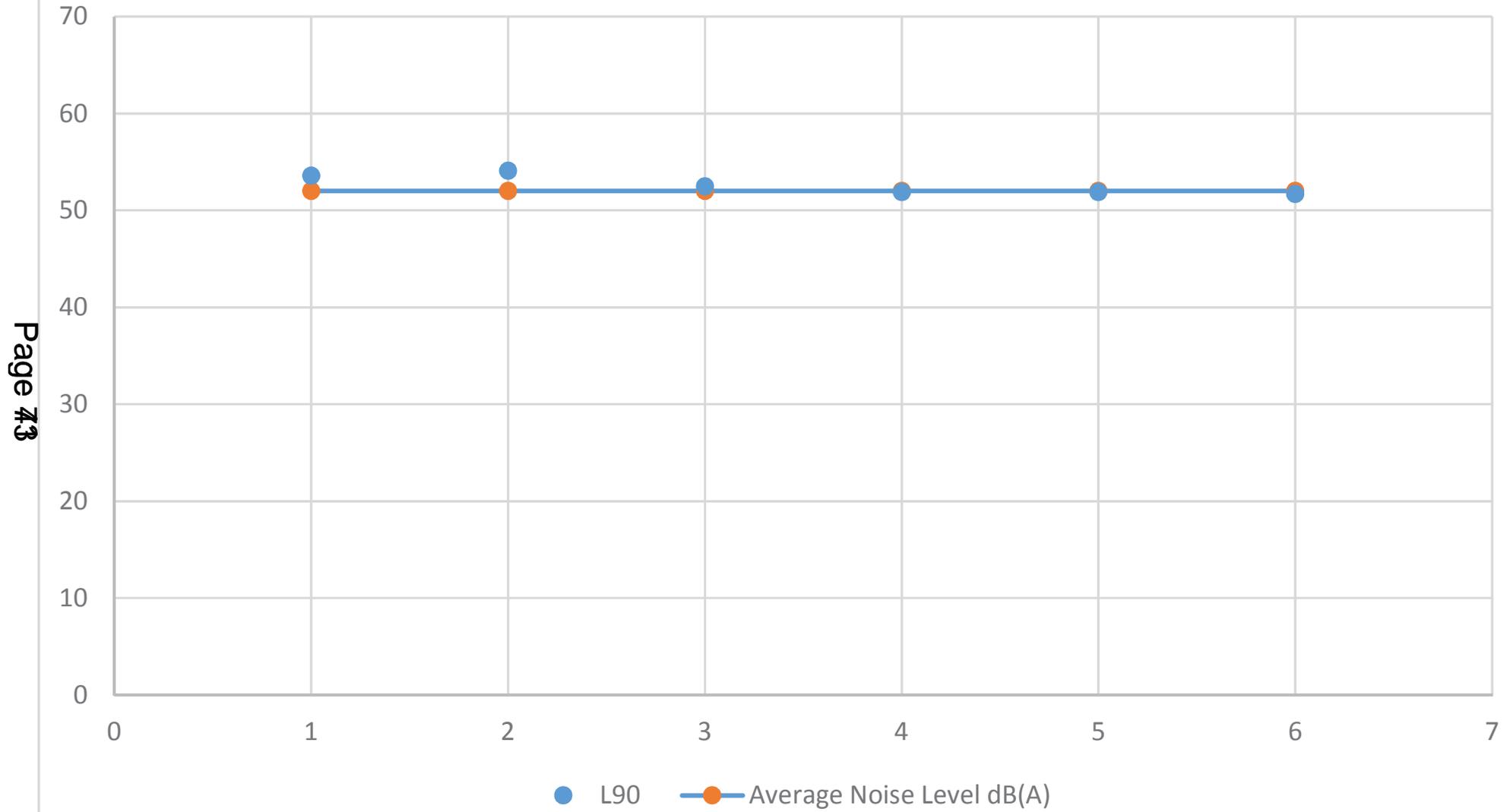
ML2 – In the south eastern part of the site, approximately 15m from Norcross Lane						
Time	L_{Aeq} (dB)	L_{A min} (dB)	L_{A max} (dB)	L_{A90} (dB)	L_{A10} (dB)	Comments
23/11/2106 - Daytime						
1400-1500	62.3	48.9	80.8	53.9	65.4	
1500-1600	64.8	52.3	94.7	56.6	65.9	

1600-1700	62.3	51.4	80.7	56.4	65.1
1700-1800	63.2	52.3	80.9	57.4	65.8
1800-1900	62.8	51.2	80.4	56.7	65.4
1900-2000	65	50.8	92.5	55.1	65.3
2000-2100	60.5	48.2	77.1	53	64.2
2100-2200	59.1	44.7	70.4	49.6	63.4
2200-2300	57.5	43	75.2	47.3	61.9
23/11/2016 – 24/11/2106– Night-time					
2300-2315	54.7	41.2	68.5	44.3	58.6
2315-2330	54.7	39.3	69.6	43	59.2
2330-2345	53.7	37.1	70.3	40.9	57.3
2345-0000	53	37.5	67.6	42	56.6
0000-0015	53.3	38.5	69.1	41.7	55.3
0015-0030	53.3	35.7	70.9	40.7	55
0030-0045	52.3	32.7	73.3	39.7	53.2
0045-0100	52.7	32.3	71.2	38.6	54.7
0100-0115	50.5	31	72.5	34.5	51.2
0115-0130	57.7	31.9	85.1	35	49.5
0130-0145	48.2	27.6	69.5	31.4	48.7
0145-0200	48.5	30.6	70.7	33.6	49.7
0200-0215	42.6	29.6	64.5	31.6	43.6
0215-0230	52.4	29.2	71	32.1	53.3
0230-0245	49.7	28.8	68.4	31.6	51.1
0245-0300	49.7	29.8	72.9	32.4	48.1
0300-0315	46.3	28.5	67.9	29.9	47
0315-0330	49	31.5	69	33.9	51.3
0330-0345	50.5	31.2	70.2	35	53.1
0345-0400	48.4	30.3	69	33.3	49.6
0400-0415	50.8	31.3	72.9	35.2	52.5
0415-0430	52.8	33.7	72.2	39.8	54.6
0430-0445	53.5	36.8	72.3	41.1	55.9
0445-0500	54.1	34.3	70.7	39.6	57.1
0500-0515	54.4	40.7	70.7	44.6	56.9
0515-0530	56.5	40.8	72.4	44.9	60.7
0530-0545	58.6	45.7	70.7	48.2	63.4
0545-0600	59.2	45.5	71.6	50.7	63.5
0600-0615	60.2	48.3	72.3	52.1	64.8
0615-0630	61.1	50.6	71.2	53.8	65.3
0630-0645	62.5	51.6	72.7	55.9	66.1
0645-0700	63.4	55.4	77.4	57.1	66.5
24/11/2016 - Daytime					
0700-0800	63.9	53.6	75	58.3	66.7
0800-0900	63.3	53.1	71.9	57.3	66.2
0900-1000	63	46.2	82.5	55.6	65.9
1000-1100	62.5	45.9	75.3	52	65.9
1100-1200	63	47	90.3	52	65.8
1200-1300	62.8	46.4	80.3	52.1	65.9
1300-1400	62.2	47.2	73.2	52.2	65.6
1400-1500	63.2	47.3	88.9	54.1	65.7
1500-1600	65.4	49.3	95.3	56.4	65.8
1600-1700	62.7	49.1	80.2	55.3	65.6
1700-1800	62.8	51.4	82.8	56.7	65.2
1800-1900	62.8	53.1	73.1	57.3	65.4
1900-2000	62	50.6	74.3	55.3	65.2
2000-2100	61.4	49.8	87.4	53.6	64.6
2100-2200	62.2	46.3	93.1	51.4	64
2200-2300	57.9	42.8	75.5	48.7	62.3
24/11/2016 – 25/11/2016 Night-time					

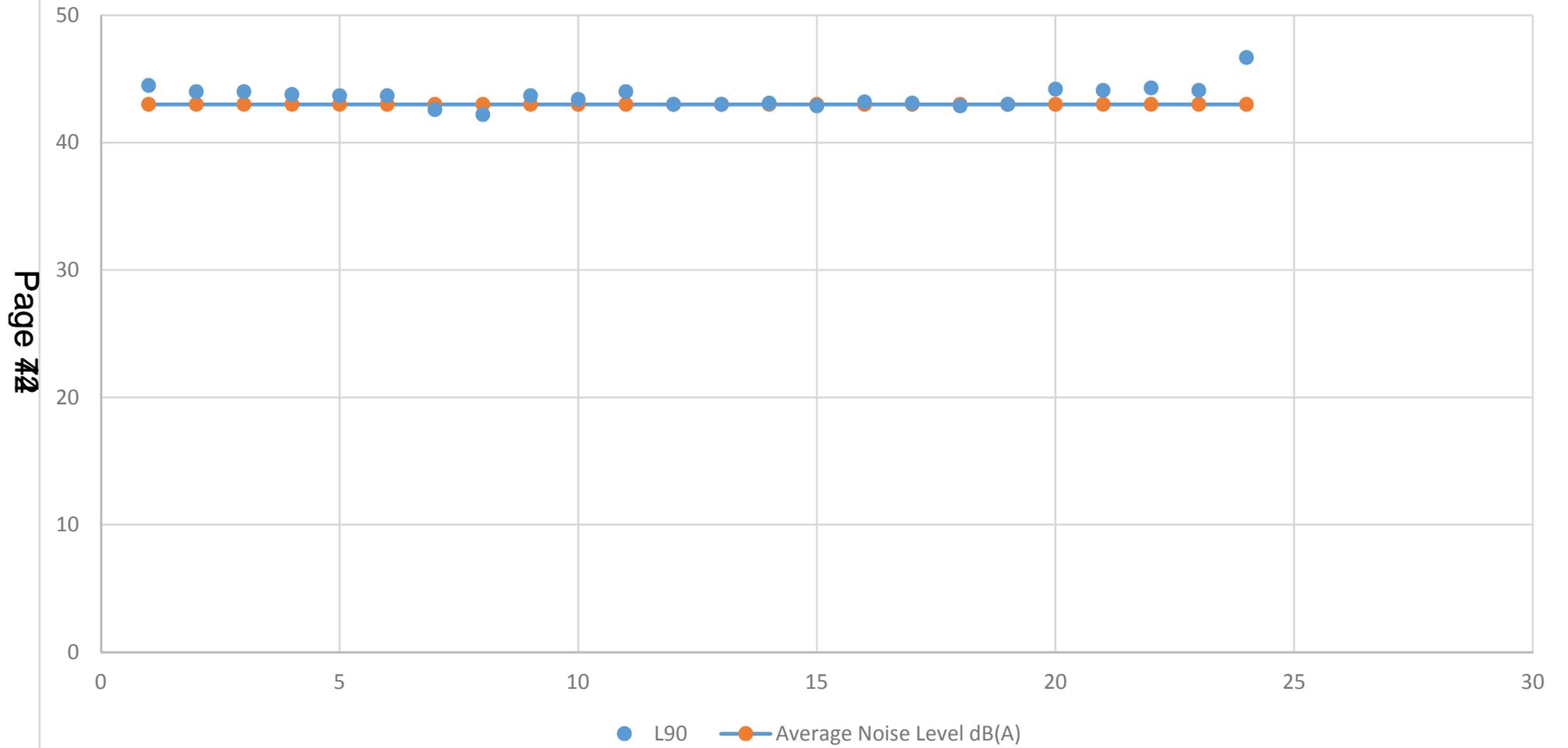
2300-2315	56.5	41	72.9	46.2	61.1
2315-2330	56.5	42	68.7	46	61.3
2330-2345	54.3	37	70	42.1	57.3
2345-0000	55.4	38.9	72	43.3	59.6
0000-0015	53	37.2	72.6	41.1	53.9
0015-0030	52.5	35.4	69	39.4	54.8
0030-0045	51.9	35	71.7	40.3	54.5
0045-0100	53	34	70.4	38.8	55.7
0100-0115	50.3	31.6	71.2	37	50.3
0115-0130	55.2	31.5	78.1	36.4	52.5
0130-0145	49.3	29	67.7	33.2	50
0145-0200	48.4	28.6	67.6	30.9	49.9
0200-0215	50.2	32	70	36.6	50.9
0215-0230	57.4	27.6	81	33.3	50.6
0230-0245	59.8	30	86	32.4	50.3
0245-0300	51.1	27	72.3	28.8	52.5
0300-0315	46.8	28	67	29.6	48.5
0315-0330	44.8	29.9	59.4	31.8	48.6
0330-0345	49.9	32.1	70.2	37.5	52.5
0345-0400	49.1	32.3	69	35.7	51.6
0400-0415	48.7	29.4	67.5	33.7	50.8
0415-0430	48.2	31	68.9	36.1	49.7
0430-0445	53.7	32.3	71.8	40.2	55.6
0445-0500	53.2	35.1	69.5	39.7	55.3
0500-0515	56.2	35.4	70.5	41.9	59.8
0515-0530	56.7	39	73.5	44.2	60.3
0530-0545	58.4	45.7	71.7	48.8	62.8
0545-0600	59.3	48.1	71.4	51.5	63.6
0600-0615	59.5	48.6	70.8	51.7	63.8
0615-0630	61.1	47.2	70.7	52.8	65.3
0630-0645	61.8	52.2	72.4	55	65.7
0645-0700	63.4	52.9	76.3	56.9	66.6
25/11/2016 Daytime					
0700-0800	64	54.8	76.7	58.7	66.7
0800-0900	63.9	52.8	78.7	58	66.6
0900-1000	63.6	51.6	77	56.8	66.5
1000-1100	62.4	48.6	76.5	54	65.7

Appendix B Analysis of Measured Background Noise Levels

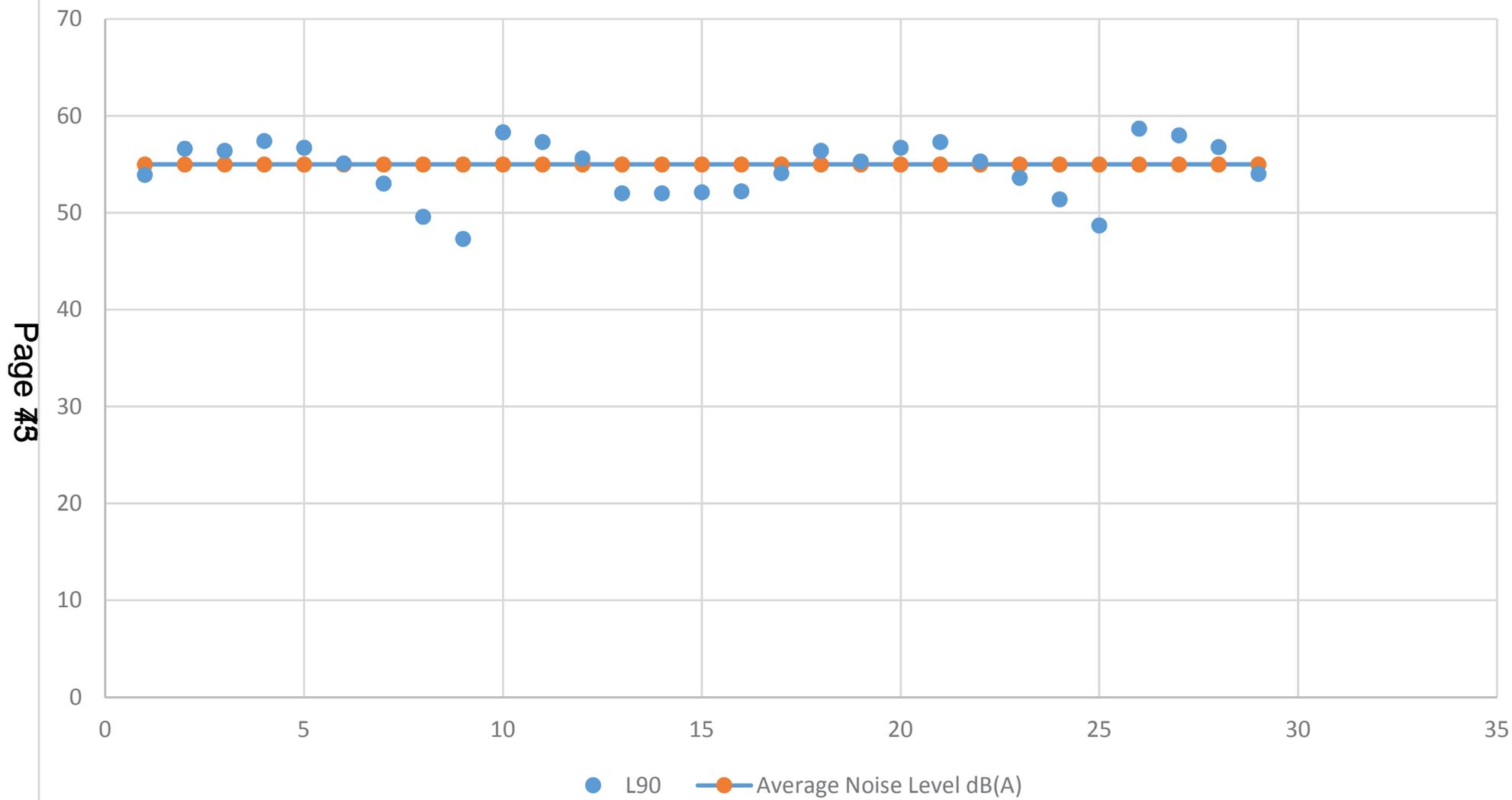
ML1 - Daytime Background Noise Levels



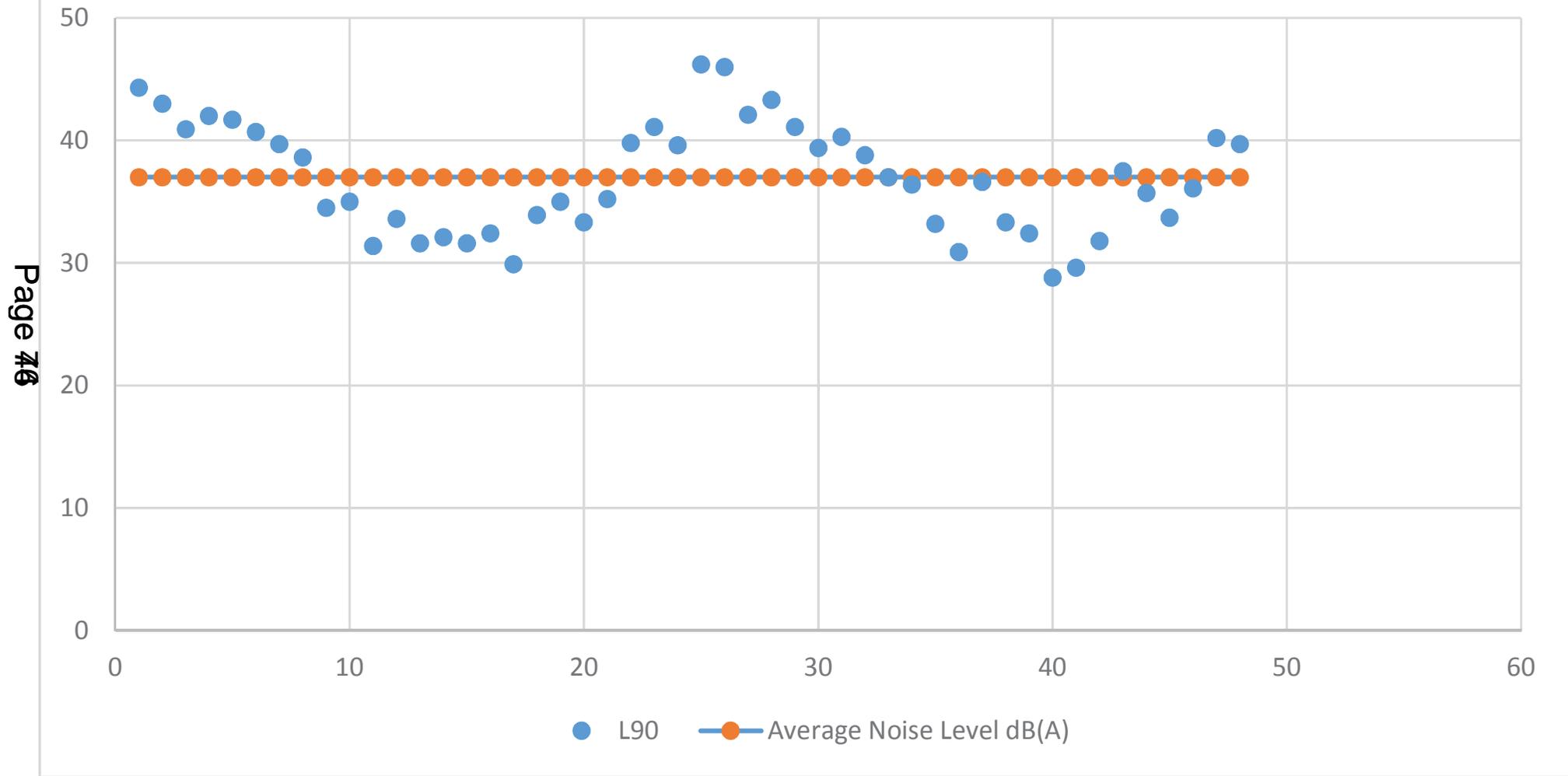
ML1 - Night-time Background Noise Levels



ML2 - Daytime Background Noise Levels

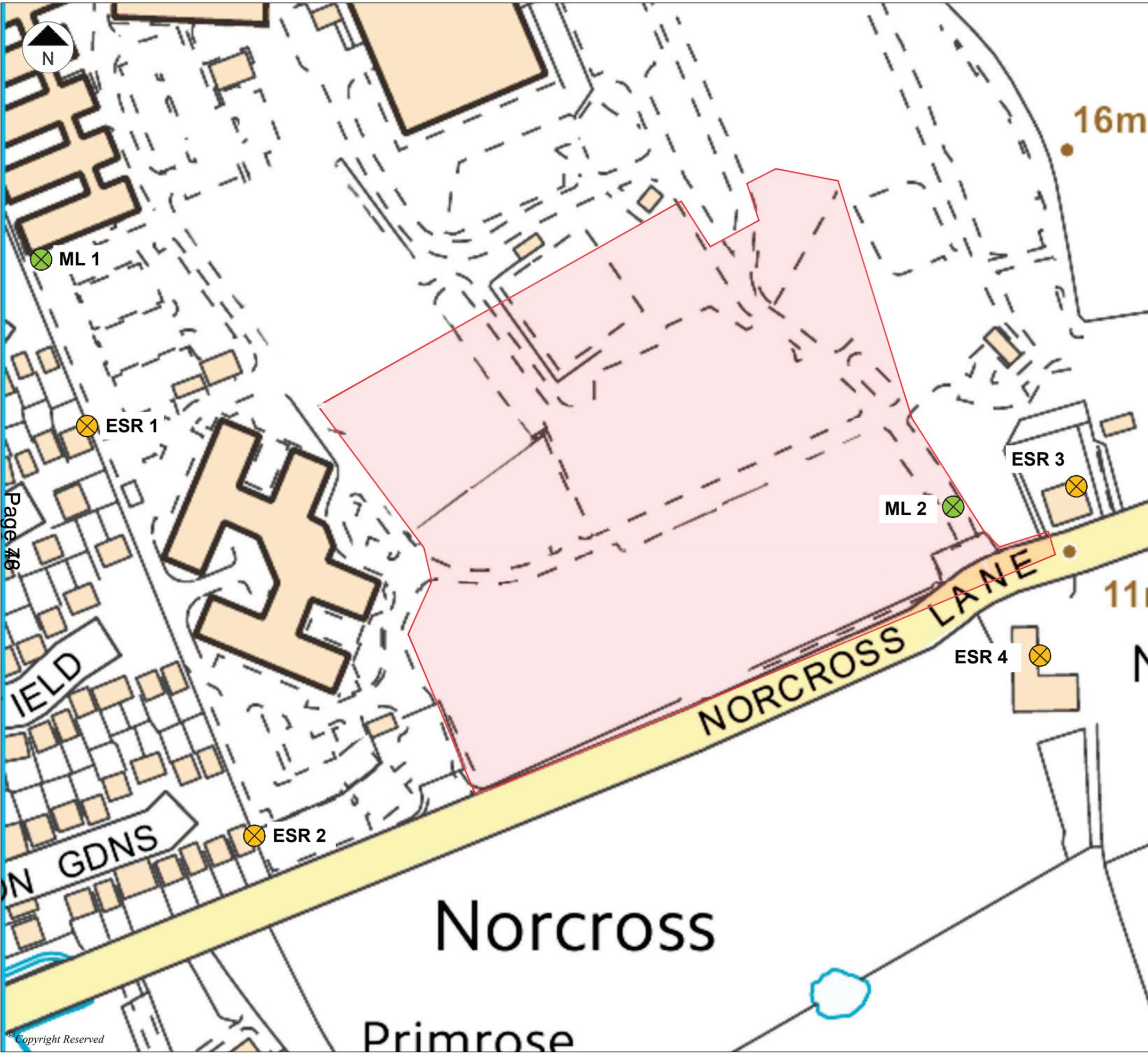


ML2 Night-time Background Noise Levels



DRAWINGS

LE13636-001 Noise Monitoring and Existing Sensitive Receptor Locations



DO NOT SCALE FROM THIS DRAWING

REFERENCE

	SITE BOUNDARY
	EXISTING SENSITIVE RECEPTOR LOCATION
	NOISE MONITORING RECEPTOR LOCATION

Page 7/8

REVISION	DETAILS	DATE	DR'N	CHK'D	APP'D
----------	---------	------	------	-------	-------

CLIENT	Kier Property
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PROJECT	Norcross Lane, Thornton-Cleveleys
---------	-----------------------------------

DRAWING TITLE	Noise Monitoring and Existing Sensitive Receptor Locations
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DRG No.	LE13636-001	REV	A
DRG SIZE	A3	SCALE	NTS
		DATE	01/12/16
DRAWN BY	PG	CHECKED BY	LE
		APPROVED BY	CMD

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FIGURES

Figure 1 Arrangement of the Noise Model

Norcross Lane 2nd App
LE13636

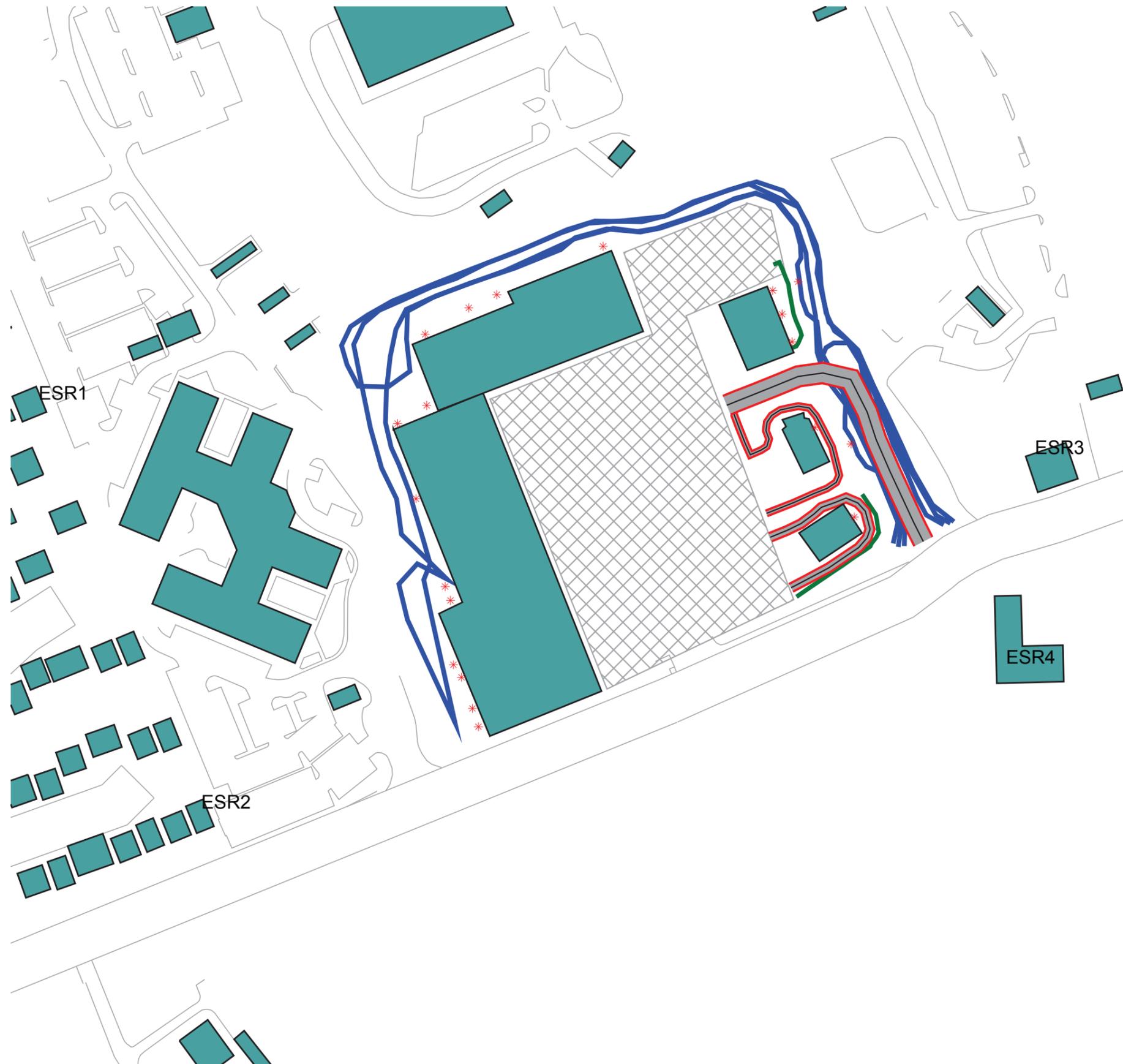
Figure 1
Arrangement of Model

Drawn By: R Calvert

Checked By: R Calvert

Approved By: Mark Dawson

09/02/2018



Signs and symbols

-  Existing NSR
-  Existing Buildings
-  Road axis
-  Emission line
-  Site Boundary
-  Surface
-  Parking lot
-  Point source
-  Wall



Length scale 1:1500



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Wardell Armstrong
2 The Avenue, Leigh, Greater Manchester, WN7 1ES, United Kingdom
Telephone: +44 (0)1942 260101 Facsimile: +44 (0)1942 261754 www.wardell-armstrong.com

ENERGY AND CLIMATE CHANGE
ENVIRONMENT AND SUSTAINABILITY
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STOKE-ON-TRENT
Sir Henry Doulton House
Forge Lane
Etruria
Stoke-on-Trent
ST1 5BD
Tel: +44 (0)178 227 6700

BIRMINGHAM
Two Devon Way
Longbridge Technology Park
Longbridge
Birmingham
B31 2TS
Tel: +44 (0)121 580 0909

CARDIFF
22 Windsor Place
Cardiff
CF10 3BY
Tel: +44 (0)292 072 9191

CUMBRIA
Marconi Road
Burgh Road Industrial Estate
Carlisle
Cumbria
CA2 7NA
Tel: +44 (0)122 856 4820

EDINBURGH
Great Michael House
14 Links Place
Edinburgh
EH6 7EZ
Tel: +44 (0)131 555 3311

GLASGOW
2 West Regent Street
Glasgow
G2 1RW
Tel: +44 (0)141 433 7210

LONDON
46 Chancery Lane
London
WC2A 1JE
Tel: +44 (0)207 242 3243

MANCHESTER (City Centre)
76 King Street
Manchester
M2 4NH
Tel: +44 (0)161 817 5038

MANCHESTER (Greater)
2 The Avenue
Leigh
Greater Manchester
WN7 1ES
Tel: +44 (0)194 226 0101

NEWCASTLE UPON TYNE
City Quadrant
11 Waterloo Square
Newcastle Upon Tyne
NE1 4DP
Tel: +44 (0)191 232 0943

SHEFFIELD
Unit 5
Newton Business Centre
Newton Chambers Road
Thornccliffe Park
Chapelton
Sheffield
S35 2PH
Tel: +44 (0)114 245 6244

TRURO
Baldhu House
Wheal Jane Earth Science Park
Baldhu
Truro
TR3 6EH
Tel: +44 (0)187 256 0738

International offices:
ALMATY
29/6 Satpaev Avenue
Regency Hotel Office Tower
Almaty Kazakhstan
050040
Tel: +7(727) 334 1310

MOSCOW
21/5 Kuznetskiy Most St.
Moscow
Russia
Tel: +7(495) 626 07 67

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Proposed Retail Development Norcross Lane, Thornton Cleveleys

Transport Statement

January 2018

PROPOSED RETAIL DEVELOPMENT
NORCROSS LANE
THORNTON CLEVELEYS

KIER PROPERTY DEVELOPMENTS LTD

TRANSPORT STATEMENT

Report by: Nick Calder

Bryan G Hall
Consulting Civil & Transportation Planning Engineers
Suite E15, Joseph's Well, Hanover Walk, Leeds, LS3 1AB

Ref: 16-214-005.02

January 2018

Report Reference No: 16-214-005.02

	Name	Signed	Date
Report prepared by	N Calder		15/1/18
Report checked by	A Cooper		15/1/18

Distribution of Copies

Revision	Electronic	Number of bound copies	Issued to	Date Issued
Draft .01	Y	-	Planning Team	9 th January 2018
Final .02	Y	-	Planning Team	15 th January 2018

CONTENTS

1.0	INTRODUCTION	1
2.0	THE DEVELOPMENT PROPOSALS	3
3.0	DEVELOPMENT TRIP GENERATION	5
4.0	SUMMARY AND CONCLUSIONS	8

APPENDICES

Appendix BGH1

Site Location Plan

Appendix BGH2

Site Layout Plan

Appendix BGH3

Car Park Accumulation Exercise

1.0 INTRODUCTION

- 1.1 This Transport Statement (TS) has been prepared by Bryan G Hall (BGH) and forms part of a Section 73 planning application submitted by Kier Property Developments Ltd. The application seeks a minor material variation in the quantum and make up of retail provision previously granted consent under planning permission 17/00122/LMAJ on land at Norcross Lane, Thornton Cleveleys, Lancashire.
- 1.2 The site is located within Thornton Cleveleys, which itself is located to the east of the settlement of Cleveleys, south of Fleetwood and north of Blackpool. In the context of the highway network the site is bounded by Norcross Lane to the south, the A585 Amounderness Way, which forms part of the Strategic Road Network (SRN) to the east, White Carr Lane to the north and existing residential development served from Bescot Way to the west. A plan showing the location of the site in relation to the surrounding area is attached at **Appendix BGH1**.
- 1.3 The site is subject to a number of historic planning approvals. The whole site benefits from an extant planning permission which was granted by Wyre Council in December 2015 (application ref: 13/00200/OULMAJ) for a mixed use site comprising B1 office, C3 residential and a local centre consisting of a supermarket, class A1 through A5 uses inclusive, together with means of vehicular access.
- 1.4 Further planning permission was granted in December 2017 (application ref: 17/00122/LMAJ) which effected the retail elements of the December 2015 approval only and which increased the total retail floor area in addition to a change to the retail offer and mix. This application was supported by a Transport Assessment and Framework Travel Plan prepared by BGH in January 2017. These reports formed the basis of further post-application discussions with Lancashire County Council (LCC) as highway authority and Highways England (HE) custodians of the nearby Strategic Road Network (SRN) on various technical considerations including accident analysis, trip generation, trip distribution and impact on the highway network. All matters discussed within these post-application discussions were resolved.
- 1.5 Access to the retail element of the site, as granted in December 2017, will be unchanged. Access to the retail element (and retail service yard) will be taken from Norcross Lane at the eastern end of the Norcross Lane site frontage by way of a traffic signal controlled junction.
- 1.6 The current planning application, which this TS supports, is in respect to minor changes in the approved retail provision only as approved in December 2017 and

seeks permission to reduce the total retail floor area in addition to a change to the retail offer and mix at the site. The quantum of development associated with the extant residential and employment land uses on the wider development site will remain unchanged and as previously approved; these elements are therefore not considered in this TS.

1.7 A package of off-site improvements were agreed as part of the December 2017 planning permission and will still be delivered as part of this planning application. These improvements include:

- Partial signalisation of Norcross Roundabout – condition 9 of the December 2017 permission; and
- Improvements to the Warren Drive / White Carr Lane dumbbell roundabouts – condition 8.ii) of the December 2017 permission;

1.8 This TS provides details of the net change in traffic generation that is likely to result from the revised retail scheme. This TS is based upon guidance contained within the Communities and Local Government documents the ‘National Planning Policy Framework’ (March 2012) and the ‘Planning Practice Guidance’ notes (March 2014).

1.9 The remainder of this TS is structured in the following chapters:-

Table 1.1

Transport Statement Report Structure

Chapter	Title	Description
2.0	The development proposals	This section describes the proposed development.
3.0	Development trip generation	This section presents appropriate trip generation rates for the development.
4.0	Summary & conclusions	Finally, this section presents the conclusions drawn from the analysis contained within the Transport Note.

1.10 This TS will demonstrate that the development proposals do not result in any material highways or transportation concerns over and above those agreed as part of the extant December 2017 planning permission, and therefore should not be reasonably refused on highways or transportation grounds.

2.0 THE DEVELOPMENT PROPOSALS

2.1 The application seeks permission to reduce the retail floor area in addition to a change to the retail offer mix at the site. The overall floorspace will decrease from a total of 7,188 sqm gfa as approved, including a discount food store, traditional foodstore and various retail units, to 6,845 sqm gfa, including a frozen food store, traditional food store and various retail units. The proposed site plan is attached at **Appendix BGH2**.

2.2 The revised provision at the site will now provide the following:-

Table 2.1
Proposed Uses

Unit	Use	Floor Area (Sqm GFA)
01	Non Food Retail	929
02	Non Food Retail	929
03	Food Retail	1,115
04	Non Food Retail	650
04a	Non Food Retail	464
05	Non Food Retail	929
06	Food Retail	1,096
07a, b, c and d	Café / Restaurant / Retail	391
08	Restaurant / Fast Food	176
09	Restaurant / Fast Food	167
Total		6,845

- 2.3 Access to the retail element of the site, as granted in December 2017, will be unchanged. Access to the retail element (and retail service yard) will be taken from Norcross Lane at the eastern end of the Norcross Lane site frontage.
- 2.4 With respect to car parking, the application seeks to provide car parking provision in accordance with the local standards as defined in the joint Lancashire Structure Plan (2001 to 2016) and adopted in March 2005. The document states the following maximum standards:
- 1 space per 15 sqm GFA for food retail;
 - 1 space per 21 sqm GFA for non-food retail; and
 - 1 space per 8.5 sqm GFA for restaurant / fast food.
- 2.5 On the basis of the floor areas outlined at Table 2.1 and the above standards, the site could provide a maximum of 418 spaces. The proposals will provide a total of 330 parking spaces (including 26 accessible, 13 parent & child and 24 staff spaces). This provision is within the maximum standards set out above and considered to be appropriate.
- 2.6 As further evidence of the appropriateness of the parking provision, a car park accumulation exercise has been undertaken using the TRICS data (discussed further in the following Chapter), this is attached at **Appendix BGH3**. This exercise demonstrates that the maximum accumulation would be in the order of 247 vehicles (75% of total capacity) occurring on a Saturday. Allowing for some spare circulation space, to maintain a good level of service and providing some spare capacity to cater for peak demand at busy times, such as at Christmas, the proposed level of provision is considered to be appropriate.
- 2.7 As for car parking with regard to disabled and parent & child bays, reference has been made to the local standards, which suggests that disabled and parent & child parking should be provided at a level of 1 in 10 spaces of the overall provision. Whilst 10% of the proposed provision would equate to 42 spaces, a total of 26 disabled bays and 13 parent & child bays will be provided (39 total). Whilst this is 3 spaces below the standard, the level of provision is considered appropriate on the basis that the guidance states that a lesser provision may be provided for some uses where it can be demonstrated that the proposals would cater for linked trips between retail outlets, which is clearly the case on the proposed development.
- 2.8 The standards require cycle parking and motorcycle parking at 1 space per 200 sqm GFA and 1 space per 500 sqm GFA respectively. 24 cycle spaces and 4 motorcycle spaces will be provided as part of the proposals and is considered to be appropriate.

3.0 DEVELOPMENT TRIP GENERATION

3.1 Current guidance set out within PPG states that any assessment should consider the scale of the proposed development and its potential to generate additional trips on the highway network.

3.2 As set out as part of the extant retail permission on the site as approved in December 2017, the revised retail scheme will generate trips during the weekday morning, weekday evening and Saturday peak periods, and it is these three key periods for which the impact of development related traffic has been assessed.

Trip Rates and Traffic Generation

3.3 With respect to the trip generation of the extant permission on the site, the overall scheme with a total floor area of 7,188 sqm gfa sought to provide an anchor discount food-store and a traditional foodstore with ancillary retail uses. The traffic generation rates as previously approved for the land use category 01/J – ‘Retail Park including Food’ are set out in the table below with the extant generations. These trip rates included sites with a mix of traditional and discount food and are therefore considered relevant to apply to the proposed scheme under consideration. The trip rates were previously agreed with LCC and HE.

Table 3.1: Extant Trip Rates and Trip Generation

Trip Rates and Traffic Generation	Morning Peak			Evening Peak			Saturday Peak		
	In	Out	Total	In	Out	Total	In	Out	Total
Trip Rates	2.408	1.679	4.087	4.227	3.701	7.928	4.536	4.637	9.173
Trip Generation of extant permission, 7,188 sqm	173	121	294	304	266	570	326	333	659

3.4 The currently proposed retail scheme, as set out in the previous Section, seeks to reduce the retail floor area in addition to a change to the retail offer and mix at the site. The retail element is expected to decrease from a total of 7,188 sqm gfa as approved to 6,845 sqm gfa. The retail offer will also change from a discount food store with various non-food retail units to traditional food store, frozen food retail and various non-food retail units. The land uses are comparable and therefore the agreed trips rates are considered to remain appropriate.

3.5 Based upon the agreed trip rates, the new retail provision is expected to generate the following number of trips:-

Table 3.2: Proposed Trip Rates and Traffic Generation

Trip Rates and Traffic Generation	Morning Peak			Evening Peak			Saturday Peak		
	In	Out	Total	In	Out	Total	In	Out	Total
Trip Rates	2.408	1.679	4.087	4.227	3.701	7.928	4.536	4.637	9.173
Trip Generation of proposals, 6,845 sqm	165	115	280	289	253	542	310	317	627

3.6 It can be seen that the proposed retail scheme is estimated to generate a total of 280, 542 and 627 two-way trips in the AM, PM and Saturday peak hour periods respectively.

3.7 Table 3.3 below sets out the difference in generated trips expected as a result of the proposals.

Table 3.3: Net Difference in Generated Trips

Trip Rates and Traffic Generation	Morning Peak			Evening Peak			Saturday Peak		
	In	Out	Total	In	Out	Total	In	Out	Total
Extant Generated Trips	173	121	294	304	266	570	326	333	659
Proposed Generation Trips	165	115	280	289	253	542	310	317	627
Difference	-8	-6	-14	-15	-13	-28	-16	-16	-32

3.8 Table 3.3 above shows that the proposed scheme with amended retail offer has a negligible difference in likely traffic generation compared to the extant permission, with a net decrease in generated trips during the weekday morning, weekday evening and Saturday peak periods. The retail distribution agreed as part of the extant permission will remain unchanged, therefore the wider impacts will be the same proportionally.

3.10 It is therefore considered that the development proposals will not result in a material impact upon the future operation of the local highway network over those

identified as part of the extant December 2017 permission. The proposals remain committed to delivering the following junction improvements identified as part of the extant permission:

- Partial signalisation of Norcross Roundabout – condition 9 of the December 2017 permission; and
- Improvements to the Warren Drive / White Carr Lane dumbbell roundabouts – condition 8.ii) of the December 2017 permission;

3.11

Delivery of the above improvements are addressed by conditions within planning permission 17/00122/LMAJ and these conditions would be carried forward on the Section 73 applications.

4.0 SUMMARY AND CONCLUSIONS

- 4.1 This Transport Statement has been prepared by Bryan G Hall and forms part of a Section 73 planning application submitted by Kier Property Developments Ltd. The application seeks a change in the quantum and make up of retail provision previously granted consent on land at Norcross Lane, Thornton Cleveleys, Lancashire.
- 4.2 The site is located within Thornton Cleveleys, which is located to the east of the settlement of Cleveleys, south of Fleetwood and north of Blackpool. In the context of the highway network the site is bounded by Norcross Lane to the south, the A585 Amounderness Way, which forms part of the Strategic Road Network to the east, White Carr Lane to the north and existing residential development served from Bescot Way to the west.
- 4.3 The site is subject to a number of planning historic planning approvals. The whole site benefits from an extant planning permission which was granted by Wyre Council in December 2015 (application ref: 13/00200/OULMAJ) for a mixed use site comprising B1 office, C3 residential and a local centre consisting of a supermarket, class A1 through A5 uses inclusive, together with means of vehicular access.
- 4.4 Further planning permission was granted in December 2017 (application ref: 17/00122/LMAJ) which effected the retail elements of the December 2015 approval only and which increased the total retail floor area in addition to a change to the retail offer and mix. This application was supported by a Transport Assessment and Framework Travel Plan prepared by BGH in January 2017. These reports formed the basis of further post-application discussions with LCC as highway authority and HE as custodians of the nearby SRN on various technical considerations including accident analysis, trip generation, trip distribution and impact on the highway network. All matters discussed within these post-application discussions were resolved.
- 4.5 Access to the retail element of the site, as granted in December 2017, will be unchanged. Access to the retail element (and retail service yard) will be taken from Norcross Lane at the eastern end of the Norcross Lane site frontage by way of a traffic signal controlled junction.
- 4.6 The current planning application, which this TS supports, is in respect to a change in the approved retail provision only as approved in December 2017 and seeks permission to reduce the total retail floor area in addition to a change to the retail offer and mix at the site. The quantum of development associated with the extant

residential and employment land uses on the wider development site will remain unchanged and as previously approved; these elements are therefore not considered in this TS.

4.7 It has been shown that the proposed scheme with amended retail offer has a negligible difference in likely traffic generation compared to the extant permission, resulting in a net reduction in level of generated trips. It is therefore considered that the development proposals will not have any material impact upon the future operation of the local highway network over those identified as part of the extant December 2017 permission. The current proposals remain committed to delivering the following junction improvements identified as part of the extant permission:

- Partial signalisation of Norcross Roundabout – condition 9 of the December 2017 permission; and
- Improvements to the Warren Drive / White Carr Lane dumbbell roundabouts – condition 8.ii) of the December 2017 permission;

4.8 In conclusion, subject to the implementation of the above improvements, it is considered that there are no highway or transportation reasons which would prevent the proposed development being granted outline planning consent.

BRYAN G HALL
CONSULTING CIVIL & TRANSPORTATION PLANNING ENGINEERS

Registered in England & Wales
Co No: 4104802

VAT No: 399 4601 07

Registered Office

Suite E15 Joseph's Well
Hanover Walk
Leeds LS3 1AB

Telephone: 0113 246 1555

Email: highways@bryanghall.co.uk

London Office

Lighterman House
26-36 Wharfdale Road
London N1 9RY

Telephone: 0203 553 2336

Website:
www.bryanghall.co.uk

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London, Manchester, Edinburgh, Birmingham, Belfast

post@sandybrown.com

www.sandybrown.com

Sandy Brown Associates LLP

Registered in England & Wales

No. OC 307504

Registered Office: 55 Charterhouse Street, London EC1M 6HA

SANDY BROWN

Consultants in Acoustics, Noise & Vibration

Version	Date	Comments	Author	Reviewer
A	4 Jun 20		Thomas Dent	James Atha

Summary

Sandy Brown has been commissioned by International Shows Ltd to provide acoustic advice in relation to the application for temporary events at Trapp farm, Thornton-Cleveleys, FY5 5NR.

Temporary events are proposed on the site, consisting of a drive-in cinema/concerts for around 150-200 cars, 6 days per week between 16:00 and 22:00 hrs, for 3 weeks. No external amplified music is proposed. Sound for the events will be radio broadcast to customers cars.

Based on objections raised to the application for temporary events, a noise impact assessment has been performed.

An environmental noise survey has been carried out at the site, with the purpose of determining existing external typical noise levels outside nearby noise sensitive premises.

Predicted noise egress levels have been assessed against guidance given in IOA/IEMA guidelines, the Code of Practice for Environmental Noise Control at Concerts, as well as comparison against WHO guidelines.

The results indicate that at the nearby Norcross Hall farm moderate noise impact is predicted. For all other nearby noise sensitive premises, 'negligible' noise impact is predicted.

A 30 m x 10 m exclusion zone could be introduced on the site close to Norcross Hall farm, to reduce the noise impact to minor. This may result in a reduction to maximum capacity. Alternative, acoustic screening or provision of headphones could be implemented to reduce the noise impact.

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1 Introduction

Sandy Brown has been commissioned by International Shows Ltd to provide acoustic advice in relation to the application for temporary events at Trapp farm, Thornton-Cleveleys, FY5 5NR.

This report presents the results of an environmental noise survey carried out at the site, along with an assessment of noise egress associated with proposed temporary events.

2 Site description

2.1 The site and its surroundings

The site location in relation to its surroundings is shown in Figure 1.

The site consists of existing fields. The temporary events development is proposed to the area highlighted in blue.



Figure 1 Aerial view of site (courtesy of Google Earth Pro)

2.2 Adjacent premises

The nearest residential premises to the site is Norcross Hall farm, to the west. There is also a row of houses to the east of the site, along B5268.

Other nearby premises include a building to the north west of the site (assumed to be commercial) and Norcross Vets to the north of the site.

2.3 Proposals

Temporary events are proposed on the site, consisting of a drive-in cinema/concerts for around 150-200 cars, 6 days per week between 16:00 and 22:00 hrs, for 3 weeks. No external amplified music is proposed. Sound for the events will be radio broadcast to customers cars.

3 Assessment method

It is understood objections to the application for temporary events have been raised from Environmental Health due to noise pollution. The concerns raised relate to noise impact from the following sources at the nearby residential premises:

- Cars idling on the field
- Event sound breakout from within cars
- Cars arriving and leaving the events.

These concerns are assessed in this report using the following methodology:

- An environmental noise survey at the site to determine the existing noise climate
- Measurements of the typical sources of noise set out above
- Producing a 3D computational environmental noise model to predict the noise egress levels due to the noise sources set out above
- Carrying out a noise impact assessment based on existing baseline noise levels and the guidance given in IOA/IEMA guidelines and the Code of Practice for Environmental Noise Control at Concerts
- Comparing predicted noise levels with WHO guidance.

4 Criteria

4.1 Scale of noise effects

The Noise Policy Statement for England (NPSE) provides guidance on the scale of noise effects.

Assessment will be performed to identify whether the overall effect of noise exposure generated by the proposed temporary events development is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level. The definitions for the different effect levels are outlined below:

- Significant Observed Adverse Effect Level (SOAEL): The level of noise exposure above which significant adverse effects on health and quality of life occur
- Lowest Observed Adverse Effect Level (LOAEL): The level of noise exposure above which adverse effects on health and quality of life can be detected
- No Observed Effect Level (NOEL): The level of noise exposure below which no effect at all on health or quality of life can be detected.

Typically, effects (either before or after mitigation) that are major or moderate in scale shall be considered as 'significant effects' i.e. exceeds the LOAEL.

Residential properties are generally considered as high sensitivity noise sensitive receptors (NSPs). The below criteria correspond to significance of observed effects at the nearby noise sensitive residential premises identified in Section 2.

4.1.1 IOA / IEMA 'Guidelines for Noise Impact Assessment'

Based on the IOA / IEMA 'Guidelines for Noise Impact Assessment', significance criteria for assessing the effects of increases in noise levels are presented in Table 1.

Table 1 Description of the magnitude of impact rating for assessing the effect of increases in ambient noise

Significance of effects	Increase in noise level (dBA)	Description
Negligible	<1.0	Noise increase is unlikely to be discernible.
Minor	1.0 - 2.9	A slight increase in noise levels may be perceived in affected buildings and outdoor recreational areas.
Moderate	3.0 - 4.9	Increase in noise levels is likely to be noticeable in affected buildings and outdoor recreational areas.
Major	>5.0	Increase in noise levels is likely to be clearly perceptible and could have a significant effect on the continued use of a building.

4.2 World Health Organisation (WHO) guidelines

The World Health Organisation document on the 'Community Noise Guideline Values' recommends external noise levels for outdoor living areas/gardens/balconies of $L_{Aeq,16hour}$ 50 dB (threshold for moderate annoyance) with $L_{Aeq,16hour}$ 55 dB as an upper limit (threshold for serious annoyance). These apply for the daytime and evening.

It should be noted that these L_{Aeq} criteria values are based on 16 hour noise level average, however it is understood that events are only proposed between 16:00 and 22:00, i.e. 6 hours.

4.3 Code of Practise on Environmental Noise Control at Concerts

Based on Code of Practise on Environmental Noise Control at Concerts, Music Noise Levels (MNL) guidance is provided in Table 2.

This code is designed to assist in planning an amplified music event, so may not be fully applicable to the proposed temporary events venue. However, the guidance can be used as reference.

Table 2 Music Noise Levels guidance from Code of Practise on Environmental Noise Control at Concerts

Concert days per calendar year, per venue	Venue category	Guidelines
1 to 3	Urban stadia or arenas	The MNL should not exceed 75 dB(A) over a 15 minute period
1 to 3	Other urban and rural venues	The MNL should not exceed 65 dB(A) over a 15 minute period
4 to 12	All venues	The MNL should not exceed background noise level by more than 15 dB(A) over a 15 minute period

It is understood that events are proposed up to 6 days a week for 3 weeks, i.e. 18 days. This would not fall into any of the days per calendar year categories in Table 2.

The code states that:

For indoor venues used for up to about 30 events per calendar year an MNL not exceeding the background noise by more than 5 dBA over a fifteen minute period is recommended for events finishing no later 2300 hours.

Although the proposed development is not specifically an indoor venue, the above requirement could be considered a guide for assessing operational noise egress.

5 Environmental noise survey

5.1 Method

Attended sample measurements were performed by Thomas Dent at the four positions indicated in Figure 1 on 1 June 2020. These were chosen to be close to the identified noise sensitive premises (NSPs) to the site, with the purpose of determining existing external typical noise levels outside the NSPs.

Measurements were made over 15 minute periods. In each case the microphone was mounted on a tripod approximately 1.5 m above the ground level and at least 1 m from any other

reflective surface. The weather and equipment information during the day of attended measurement is provided in Appendix A.

5.2 Measurement results

Noise levels and key sources recorded during the attended measurements are summarised in Table 3. All measurements were free field.

Evening noise measurements were affected by construction noise, therefore the late afternoon measurements have been used as basis for our assessment.

Noise levels may be lower than usual, due to the current Covid-19 pandemic and drivers potentially avoiding the area due to additional traffic caused by the roadworks. Therefore, measured levels may be below the typical noise levels on the development site and are therefore likely to be worst-case.

It is understood that roadworks close to the site have been ongoing for approximately 10 months. However, it is understood that completion is due within the next few weeks.

Table 3 Noise levels and key noise sources from attended measurements

Position	Start time	Sound pressure levels (dB)			Noise sources
		$L_{Aeq,15min}$	$L_{AFmax,15min}$	$L_{A90,15min}$	
A	16:44	50	63	46	Occasional traffic on Norcross Ln. Frequent, quiet, distance traffic on A585 and roundabout NE of site.
A	20:28	48	61	43	Construction noise (generators, large vehicles, operational noise etc). Norcross Ln closed due to roadworks. Occasional, quiet, distant traffic from A585.
B	17:22	69	92	45	Occasional, high speed traffic on Norcross Ln. Max caused by loud car exhaust.
B	20:46	49	72	40	Norcross Ln closed due to roadworks. Birdsong and construction noise audible. Distant traffic audible.

C	17:03	56	68	53	Frequent traffic on A585 and roundabout NE of site. Occasional traffic on Norcross Ln. Quiet low frequency rumble, perhaps construction site generator.
C	21:07	58	81	54	Loud construction noise. Norcross Ln closed due to roadworks. Occasional (mostly inaudible) traffic along A585 and roundabout. Max caused by ambulance siren.
D	17:42	52	65	49	Frequent traffic on A585 and roundabout NE of site. Occasional traffic on Norcross Ln. Birdsong, wind through trees and dogs barking audible.
D	21:24	54	72	47	Loud construction noise. Norcross Ln closed due to roadworks. Occasional, quiet traffic along A585 and roundabout.

6 Assessment

6.1 Acoustic modelling

A computational model of the development has been produced for the purpose of predicting noise egress levels to the NSPs.

The geometry of the site and surrounding areas has been taken from Google maps.

Computer modelling has been performed using the acoustic modelling package CadnaA (version 2019). The software carries out calculations using a ray tracing technique, and considers the effects of topography, reflections, screening and distance attenuation for noise sources to predict noise levels in three dimensions. Calculation are carried out in accordance with ISO9613 Attenuation of sound during propagation outdoors.

A screenshot of the model is provided in Figure 2.



Figure 2 Image from 3D computational modelling

6.1.1 Modelling scenarios

Four modelling scenarios have been assessed:

- Scenario 1: 200 cars idling
- Scenario 2: 200 cars idling with car stereo audio (car windows closed)
- Scenario 3: 200 cars idling with car stereo audio (car windows open)
- Scenario 4: 40 cars moving, 160 cars idling.

These scenarios are considered worst case and aim to address the noise concerns identified.

Specific site layouts have not been provided, therefore cars are assumed to be evenly distributed across the field area.

6.1.2 Source noise levels

The sound source noise levels used for this assessment have been based on sample measurements performed of a typical hatchback with standard stereo system. These are summarised in Table 4.

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Table 4 Sound source noise levels

Noise source	Sound pressure level at 1m, L_{Aeq} (dB)
Single car idling	57
Single car idling with typical (70 dBA) internal stereo music, car windows closed	58
Single car idling with typical (70 dBA) internal stereo music, car windows open	59
Single car passby accelerating from 5 mph to 10 mph	61

6.2 Results

6.2.1 Predicted noise maps

Predicted noise maps at a height of 1.5 metres for the four modelling scenarios are presented in Figure 3 to Figure 6.

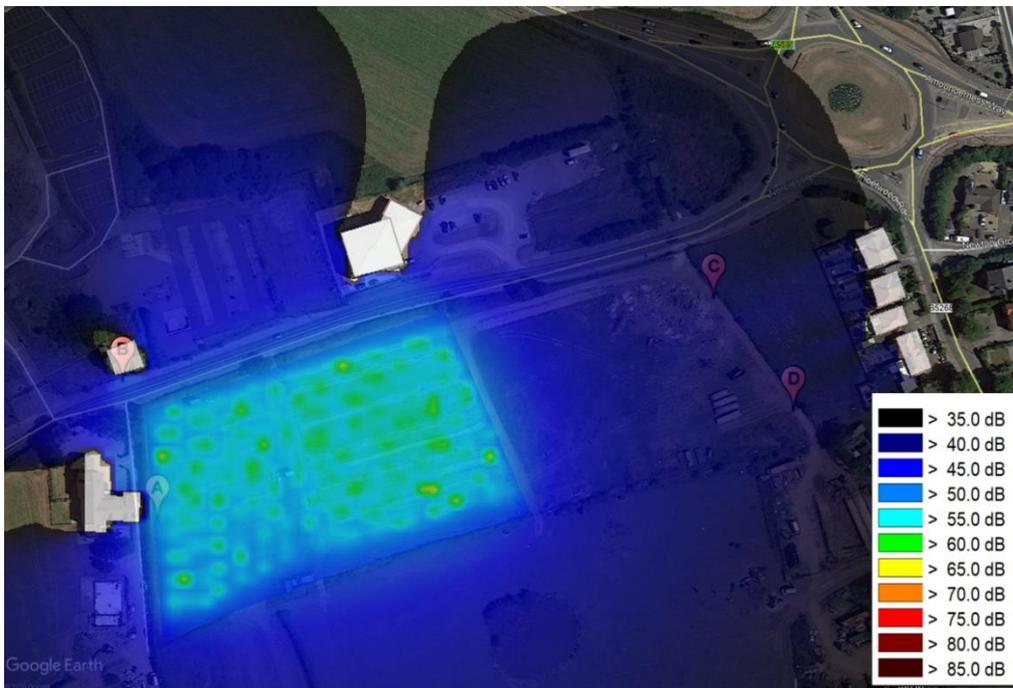


Figure 3 Noise map from model showing $L_{Aeq,15min}$ (dB) for 200 cars idling

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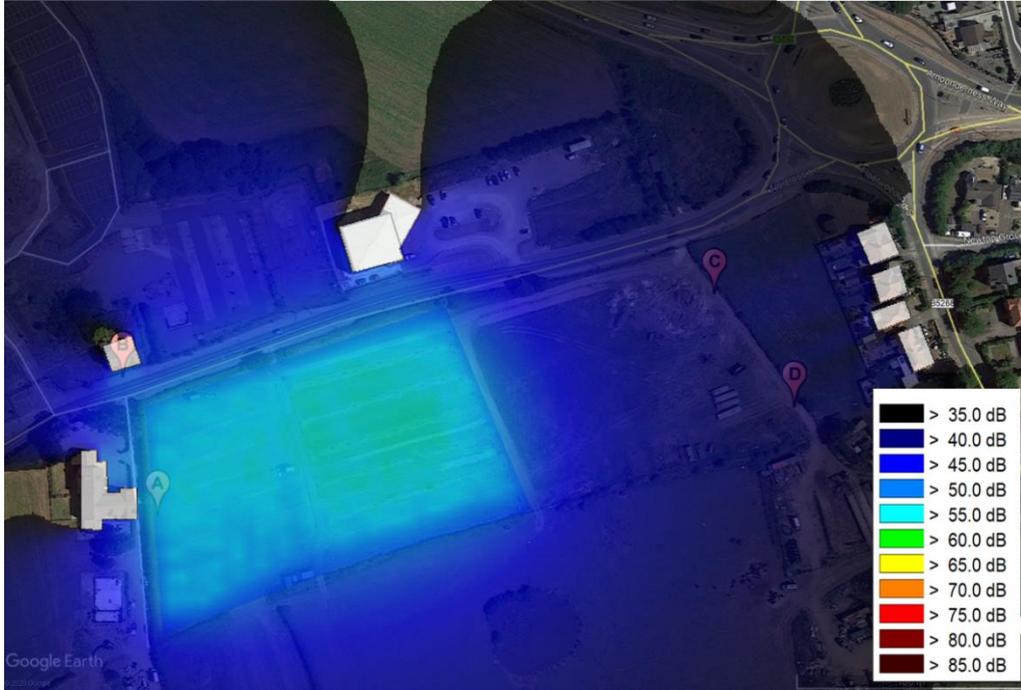


Figure 4 Noise map from model showing $L_{Aeq,15min}$ (dB) for 200 cars idling with stereo (windows closed)

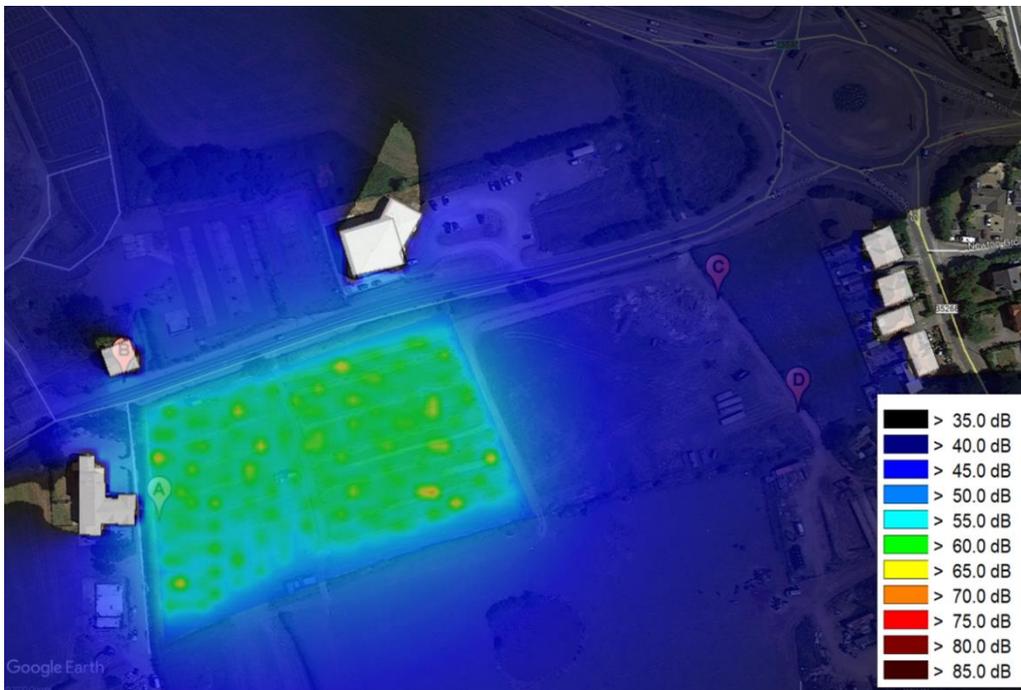


Figure 5 Noise map from model showing $L_{Aeq,15min}$ (dB) for 200 cars idling with stereo (windows open)

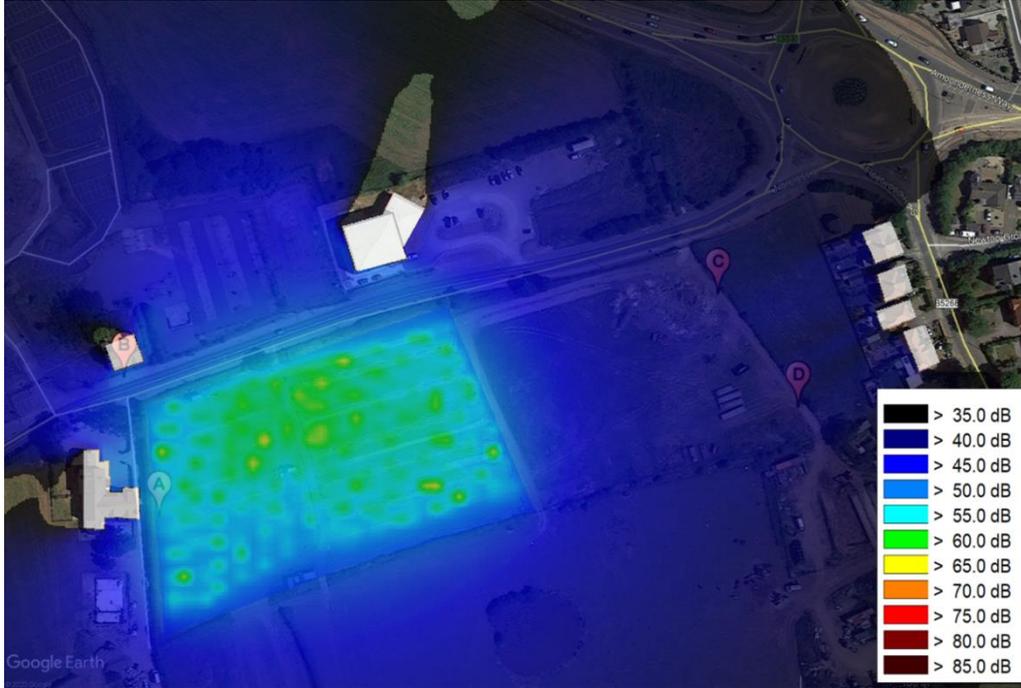


Figure 6 Noise map from model showing $L_{Aeq,15min}$ (dB) for 40 cars moving, 160 cars idling

6.2.2 Predicted noise levels

Predicted operational noise levels at the NSPs are presented for the four modelling scenarios in Table 5. Also provided is the predicted resultant overall noise levels and the difference compared to the measured levels.

Table 5 Predicted operational noise levels compared to measured existing daytime levels

Receptor	Daytime sound pressure level, $L_{Aeq,15min}$ (dB)			
	Measured existing	Predicted operational noise	Overall	Increase
Norcross Hall farm building				
Scenario 1	52.5 ¹	51.5	55.0	2.5
Scenario 2	52.5 ¹	52.7	55.6	3.1
Scenario 3	52.5 ¹	54.0	56.3	3.8
Scenario 4	52.5 ¹	52.1	55.3	2.8

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Receptor	Daytime sound pressure level, $L_{Aeq,15min}$ (dB)			Increase
	Measured existing	Predicted operational noise	Overall	
Building to NW of site on Norcross Ln				
Scenario 1	72.2 ¹	47.6	72.2	0.0
Scenario 2	72.2 ¹	48.8	72.2	0.0
Scenario 3	72.2 ¹	50.1	72.2	0.0
Scenario 4	72.2 ¹	49.0	72.2	0.0
Garden of northmost house along B5268, near roundabout				
Scenario 1	56.3	38.7	56.4	0.1
Scenario 2	56.3	40.0	56.4	0.1
Scenario 3	56.3	41.1	56.5	0.2
Scenario 4	56.3	39.6	56.4	0.1
Garden of southmost house along B5268, away from roundabout				
Scenario 1	52.0	38.3	52.1	0.1
Scenario 2	52.0	39.6	52.2	0.2
Scenario 3	52.0	40.7	52.3	0.3
Scenario 4	52.0	39.3	52.2	0.2

[1] 3 dB correction has been applied to measured free field noise levels to obtain existing facade noise levels.

Predicted music noise levels from car stereo systems at the NSPs are presented in Table 6. These are compared against the measured background noise levels.

Table 6 Predicted music noise levels compared to measured existing background daytime levels

Receptor	Measured background sound pressure level, $L_{A90,15min}$ (dB)	Predicted stereo noise egress, $L_{Aeq,15min}$ (dB)	Difference (dB)
Norcross hall farm building			
Car windows closed	44.9	40.7	-4.2
Car windows open	44.9	44.8	-0.1

Receptor	Measured background sound pressure level, $L_{A90,15min}$ (dB)	Predicted stereo noise egress, $L_{Aeq,15min}$ (dB)	Difference (dB)
Building to NW of site on Norcross Ln			
Car windows closed	43.7	37.3	-6.4
Car windows open	43.7	40.9	-2.8
Northmost house along B5268, near roundabout			
Car windows closed	52.9	31.0	-21.9
Car windows open	52.9	34.1	-18.8
Southmost house along B5268, away from roundabout			
Car windows closed	48.5	30.2	-18.3
Car windows open	48.5	33.3	-15.2

6.3 IOA / IEMA ‘Guidelines for Noise Impact Assessment’

The increase in noise level due to proposed temporary events is predicted to have ‘negligible’ noise impact at all NSPs except for Norcross Hall farm, meaning noise increase is unlikely to be noticeable at these locations.

At Norcross Hall farm, cars idling in combination with typical stereo noise, with either car windows open or closed, is predicted to result in ‘moderate’ significance of noise impact. This means that increase in noise levels is likely to be noticeable in affected buildings and outdoor recreational areas (i.e. gardens).

The increase in noise level at Norcross Hall farm due to cars idling without stereo audio and for cars entering and leaving the site is predicted to have ‘minor’ significance of noise impact, meaning a slight increase in noise level may be perceivable.

6.4 World Health Organisation (WHO) guidelines

Predicted operational noise egress exceeds the WHO threshold for moderate annoyance of L_{Aeq} 50 dB for all modelling scenario at Norcross Hall farm and for scenario 3 (with windows open) at the building to north west of site on Norcross Lane.

It should be noted that the WHO criteria is provided as a 16 hour average, however it is understood that events are only proposed between 16:00 and 22:00, i.e. 6 hours.

For all other NSPs, predicted operational noise egress is below the L_{Aeq} 50 dB criteria.

There are no cases where the WHO threshold for serious annoyance of L_{Aeq} 55 dB is predicted to be exceeded.

6.5 Code of Practice on Environmental Noise Control at Concerts

Predicted noise emissions from car stereos are within criteria provided in Code of Practice on Environmental Noise Control at Concerts for all NSPs with either windows open or closed.

7 Mitigation measures

Mitigation measures could be introduced to reduce the predicted noise impact at Norcross hall farm from 'moderate' to 'minor' as per IOA / IEMA 'Guidelines for Noise Impact Assessment'. Possible options that are expected to be capable of achieving this are investigated below.

7.1 Exclusion zone

This could be achieved by requiring customers car windows to be closed and introducing a 30 x 10 m exclusion zone close to Norcross Hall farm, as per Figure 7. This may result in a small reduction to maximum capacity.

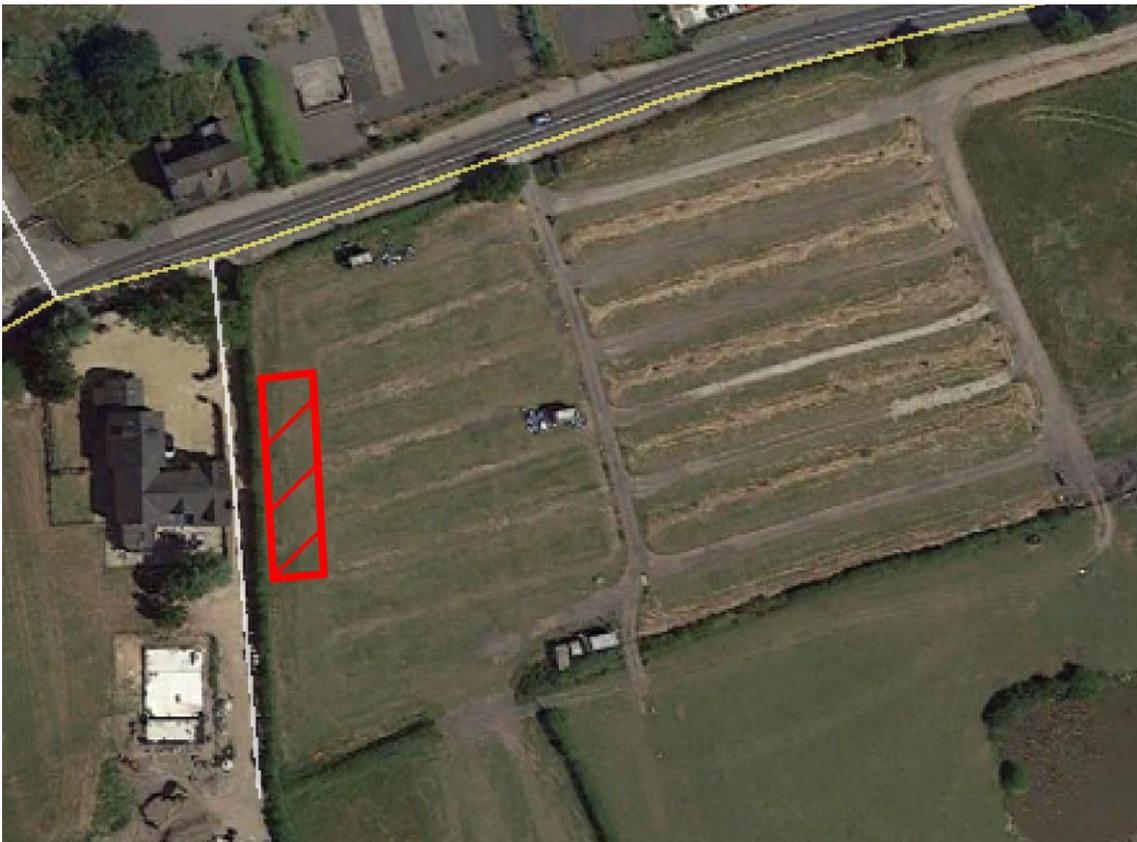


Figure 7 Exclusion zone

Modelling has been performed with this exclusion zone implemented, with 196 cars evenly distributed across the rest of the available area. These results are summarised in Table 7.

Table 7 Predicted operation noise levels with exclusion zone

Scenario	Daytime sound pressure level, $L_{Aeq,15min}$ (dB)			Difference
	Measured existing	Predicted operational noise	Overall	
Scenario 1	52.5 ¹	50.1	54.5	2.0
Scenario 2	52.5 ¹	51.3	55.0	2.4
Scenario 3	52.5 ¹	52.8	55.7	3.2
Scenario 4	52.5 ¹	51.0	54.8	2.3

^[1] 3 dB correction has been applied to measured free field noise levels to obtain existing facade noise levels.

With the exclusion zone implemented, scenario 3 (with car windows open) is still predicted to have 'moderate' significance of noise impact, hence customers should be required to have car windows closed.

With the exclusion zone implemented and car windows closed, it is predicted that cars idling with stereo audio will have 'minor' significance of noise impact to Norcross Hall farm. Cars arriving and leaving the site is also predicted to have 'minor' significance of noise impact to Norcross Hall farm.

As per previous assessment, all other NSPs are predicted to have 'negligible' noise impact with the exclusion zone implemented.

7.2 Alternative mitigation measures

Alternatively, a solid screen could be implemented along the length of the Norcross Hall farm building, i.e. along the 30 metre length of the exclusion zone indicated in Figure 7, of minimum height 3 metres and minimum weight 15 kg/m². This is predicted to allow 'minor' significance of impact or better to be achieved at Norcross Hall farm for all modelling scenarios.

Other mitigation measured could include providing headphones to customers, instead of using car stereo systems. As well as reducing amplified noise egress from car stereos, this would also reduce the need for cars to be idling, as battery powered audio systems could be used (rather than using the car battery).

8 Conclusion

Based on objections raised to the application for temporary events, a noise impact assessment has been performed.

An environmental noise survey has been carried out at the site, with the purpose of determining existing external typical noise levels outside nearby noise sensitive premises.

Predicted noise egress levels have been assessed against guidance given in IOA/IEMA guidelines and the Code of Practice for Environmental Noise Control at Concerts, as well as comparison against WHO guidelines.

The results indicate that at the nearby Norcross hall farm 'moderate' noise impact is predicted. For all other nearby noise sensitive premises, 'negligible' noise impact is predicted.

A 30 m x 10 m exclusion zone could be introduced on the site close to Norcross Hall farm, to reduce the noise impact to 'minor'. This may result in a reduction to maximum capacity. Alternatively, acoustic screening could be provided along the west boundary of the site, or customers could be provided with headphones to reduce the levels of noise egress.

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Appendix A

Survey details

Equipment

A Rion NL-52 sound level meter was used to undertake the attended measurements. The calibration details for the equipment used during the survey are provided in Table A1.

Table A1 Equipment calibration data

Equipment description	Type/serial number	Manufacturer	Calibration expiry	Calibration certification no
Sound level meter	NL-52/01143564	Rion	19 Dec 20	TCRT18/1993
Microphone	UC-59/10153	Rion	19 Dec 20	TCRT18/1993
Pre-amp	NH-25/43581	Rion	19 Dec 20	TCRT18/1993
Calibrator	NC-74/34257023	Rion	19 Dec 20	TCRT18/1991

Calibration of the sound level meters used for the tests is traceable to national standards. The calibration certificates for the sound level meter(s) used in this survey are available upon request.

The sound level meters and microphones were calibrated at the beginning and end of the measurements using their respective sound level calibrators. No significant deviation in calibration occurred.

Noise indices

The equipment was set to record a continuous series of broadband sound pressure levels. Noise indices recorded included the following:

- $L_{Aeq,T}$ The A-weighted equivalent continuous sound pressure level over a period of time, T.
- $L_{AFmax,T}$ The A-weighted maximum sound pressure level that occurred during a given period with a fast time weighting.
- $L_{A90,T}$ The A-weighted sound pressure level exceeded for 90% of the measurement period. Indicative of the background sound level.

The L_{A90} is considered most representative of the background sound level for the purposes of complying with any local authority requirements.

Sound pressure level measurements are normally taken with an A-weighting (denoted by a subscript 'A', eg L_{A90}) to approximate the frequency response of the human ear.

A more detailed explanation of these quantities can be found in BS7445: Part 1: 2003 *Description and measurement of environmental noise, Part 1. Guide to quantities and procedures.*

Weather conditions

During the attended measurements carried out on 1 June 2020, the weather was dry and no rain occurred. Wind speeds were noted to be low during the measurement.

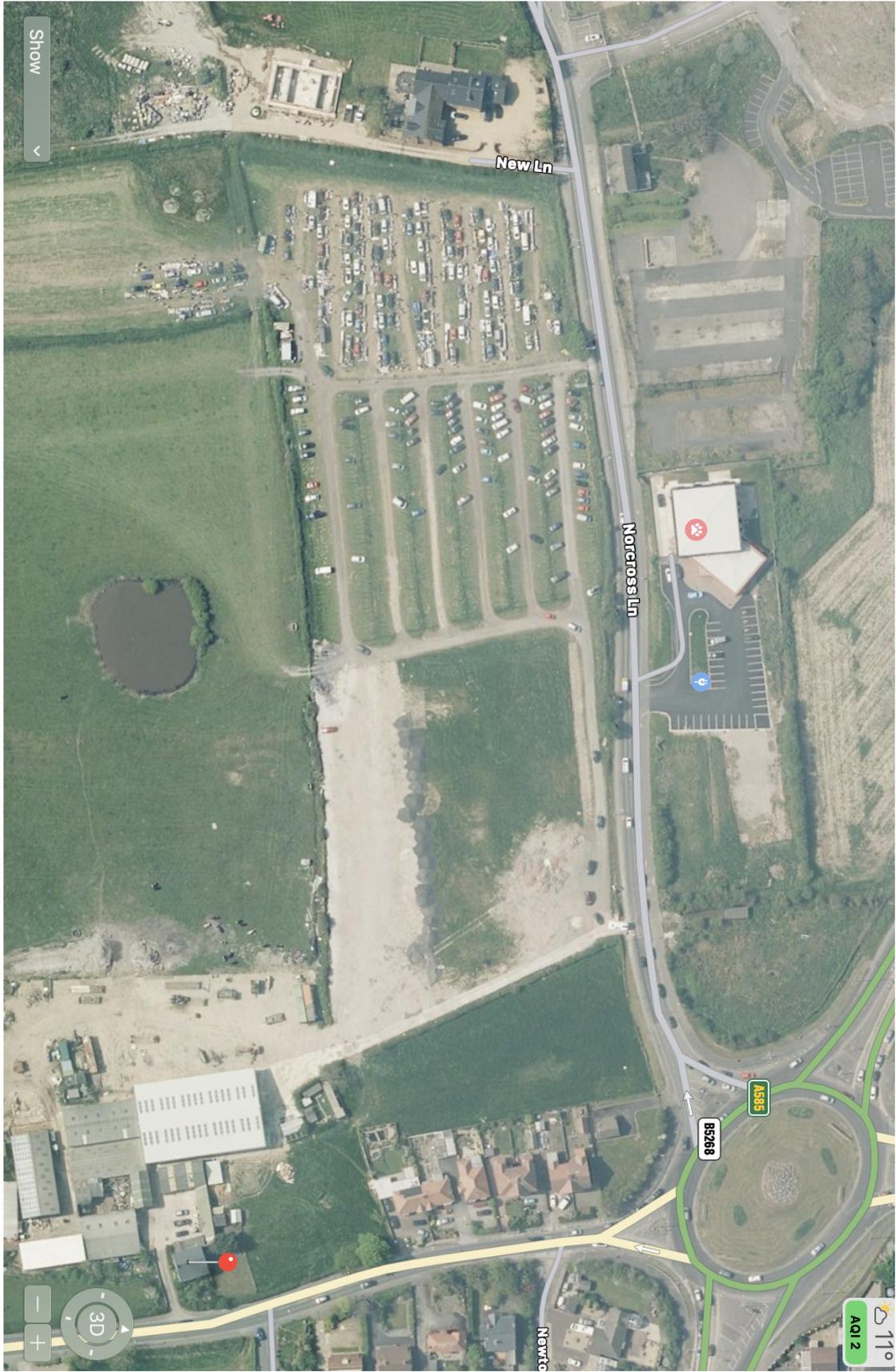
These weather conditions are considered suitable for obtaining representative measurements



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GATE 1
ENTRANCE

NORCROSS LN

NORCROSS LN

GATE 2
ENTRANCE

Norcross
Roundabout

SECURITY ZONE /
REFRESHMENT DISTRIBUTION POINT

Exclusion
Zone

SCREEN

PARKING

PARKING

CAR HOLDING AREA

TOILETS

EVACUATION
FIELD

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