

# AGENDA SUPPLEMENT (1)

**Meeting**: Western Area Licensing Sub Committee

Place: The Pratchett Room - County Hall, Trowbridge BA14 8JN

Date: Wednesday 4 November 2015

Time: <u>10.00 am</u>

The Agenda for the above meeting was published on 27 October 2015. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Lisa Pullin, lisa.pullin@wiltshire.gov.uk or tel -01225 713015, of Democratic Services, County Hall, Bythesea Road, Trowbridge.

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

5g Appendix 7 - Update from Responsible Authority - Environmental Health and Protection (Pages 3 - 16)

DATE OF PUBLICATION: 2 November 2015

# Agenda Item 5g

# Time Line of Events Since the Hearing on the 01st of September 2015

02/09/2015 – An appointment was made by Damaris Broad with The Proactive Learning Centre and one of the owners of 1 Bratton Road, for the 07<sup>th</sup> of September to measure noise from the extraction.

03/09/2015 –Email from the Pro-active Learning Centre to Damaris Broad. The extraction unit had started to make a louder noise and the engineer booked to visit on the 10<sup>th</sup> of September, so noise measurements for the 07<sup>th</sup> of September is not feasible, but meeting to go ahead (See appendix 1).

07/09/2015 – Meeting between an owner of 1 Bratton Road, Members of the Pro-active Learning Centre, and Gary Tomsett (Public Protection Team Leader, Richard Francis (Senior Environmental Health Officer), Damaris Broad (Environmental Health Officer). There was no knowledge of what odour control is in place or whether there is a silencer. Advised to check with engineer on his visit what is in place for odour control and noise. Damaris Broad agreed to send copy of the abatement notices and website details for Building and Engineering Services Association (B&es).

07/09/2015 – Damaris Broad sent email to the Proactive Learning Centre, with B&es website details, further details of what is expected in terms of odour control in relation to relevant guidance (Please see appendix 2)

11/09/2015 – Email from the Proactive Learning Centre to Damaris Broad with details of an engineer visit on Monday the 14<sup>th</sup> of September.

15/09/2015- Email from The Proactive Learning Centre advising that more work is to be done and will be completed on Thursday the 17<sup>th</sup> of September.

17/09/2015- Engineer's report received via email from the Proactive Learning Centre (Please see appendix 3)

17/09/2015- Hearing adjourned due to concerns that the weather will not be suitable, and officer availability to monitor and report back by the 25<sup>th</sup> of September, when the hearing is due to reconvene.

21/09/2015- Telephone call between Damaris Broad and Elite Kitchen Services, that carried out the work. Elite Kitchen services stated that the noise is now 29dB when measured from the courtyard, which meets the abatement notice. Elite Kitchen Services agrees to send the residency time of the carbon filters used.

29/09/2015 – Telephone Call between Damaris Broad and Elite Kitchen Service, chasing up the detail of the carbon filters. Elite Kitchen Services will chase up the supplying company and get back to me.

30/09/2015- Damaris Broad and Richard Francis from Public Protection visited The Castle to take noise measurements. Measurements are taken with the extraction on full, and also the lowest level the extraction can feasibly operate at.

05/10/2015 – Damaris Broad writes up and analyses the noise measurements from the visit on the 30<sup>th</sup> of September 2015. The noise is still a statutory nuisance, and does not meet the criteria of the abatement notice. The noise readings taken are included in appendix 4.

07/10/2015 – Meeting between one of the owners of 1 Bratton Road, members of the Proactive Learning Centre and Gary Tomsett (Public Protection Team Leader, Richard Francis (Senior Environmental Health Officer) and Damaris Broad (Environmental Health Officer). It was discussed that the noise is not suitable level. As the noise is still a nuisance despite two attempts to reduce the noise, with reassurance that the criteria has been met (please see appendix 5), due to concerns about progress, It was recommended to get an acoustician to go out and look at what has been done and then come up with a plan that would achieve the noise criteria. The Proactive Learning Centre were advised to email once they have an initial plan with details of timescale to ask for an extension on the abatement notice. Damaris Broad asked for the details of the residency time of the carbon filters. Damaris Broad arranged to email list of noise consultants.

07/10/2015 – Damaris Broad sends list of noise consultants to the Proactive Learning Centre (See appendix 6)

19/10/2015 - Details of the hearing date for the 04th November 2015 received.

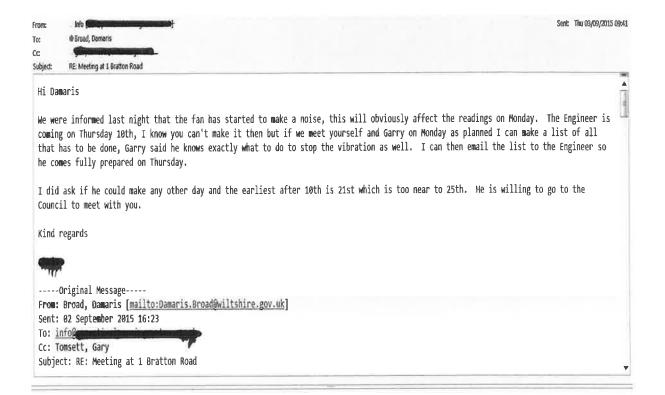
19/10/2015 - Information received from that Elite Kitchen Services were carrying out the work on the extraction at 1 Bratton Road. Linda Holland (Public Protection Team Leader, Licensing), received a call from Proactive Learning Centre that work was being carried out on the extraction and would be completed on the 23<sup>rd</sup> October.

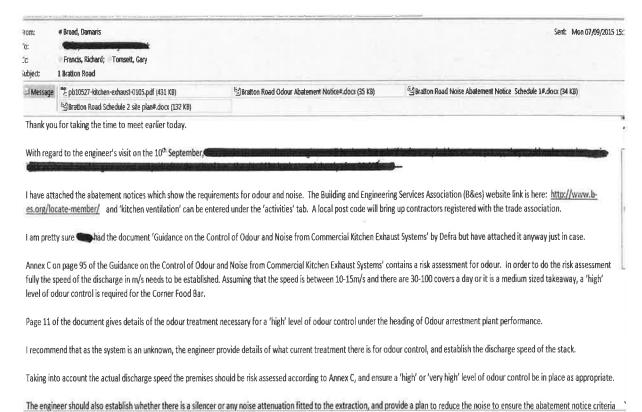
28/10/2015 –Email from the Proactive Learning Centre to Damaris Broad (Environmental Health Officer). Elite Kitchen Services are completing further work today. Struts have been put in place that join to the roof below, so that the flu is not attached to the wall, and a cover over the motor, cowl and fan (Appendix 7).

28/10/2015 – Email from Damaris Broad (Environmental Health Officer) to The Proactive Learning Centre asking for the residency times of the carbon filters (See appendix 8)

28/10/2015 – Noise monitoring following works to extraction are taken.

29/10/2015 – Results of noise monitoring are analysed. Although the noise is reduced, and the tonal noise is gone from the master bedroom the noise level is still 40dB within the upstairs rooms at the back of the property. Before 11pm, noise from the extraction at its reduced level would no longer be a nuisance. World Health Organisation guidelines are that for continuous noise, 30dB should not be exceeded to avoid negative effects on sleep. This applies to 'anonymous' noise, and noise from an extraction cannot be classed as anonymous, which suggests an even lower target value. It is therefore not possible to support the application for a late license, as the noise levels produced by the extraction are too high for the night time period. For monitoring results please see Appendix 9.





# **ELITE KITCHEN SERVICES**



Report on work carried out at the Corner Food Takeaway, 1 Bratton Road, Westbury, BA13 3EN

The following work has been completed;

- Removed top section from silencer and replaced with Environmentally Friendly cowl this
  allows the rain to go inside as well as the outside of the cowl, which helps to cool the
  system.
- Fitted Anti-vibration Neoprene, covered with a stickle rubber coating to make it extremely effective.
- Fitted odour filter on inside of canopy leading to extraction.
- Fitted interlock. The gas appliances cannot be used without extraction.

Signed \_\_\_\_\_

Date 14<sup>th</sup> September 2015

The report has been produced by (Proprietor)

Extraction on full	Outside in courtyard at measuring point on Abatement Notice									
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
56.7dB		76	59	48	40	34	30	27	25	23
(3 mins)	Measured NR	40	38	44	30	41	33	28	22	13
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Extraction on full	Within The Castle (First floor bathroom with window open, as substitute for children's bedroom in similar position)											
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000		
42.4dB		76	59	48	40	34	30	27	25	23		
(3 mins)	Measured NR	40	30	39	28	34	26	17	8	8		

Extraction on as low as practical to use	Outside in	Courty	ard at r	neasu	iring p	oint				
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
52dB		76	59	48	40	34	30	27	25	23
(3 mins)	Measured NR	40	38	44	30	41	33	28	22	13

Extraction on as low as practical to use	Within the 0	Castle								
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
37dB		76	59	48	40	34	30	27	25	23
(3 mins)	Measured NR	24	18	30	18	29	21	12	8	8

Background Noise level taken from Westfield Car Park in absence of the extraction at approximately 11:15 was L90 31dB (5 mins)

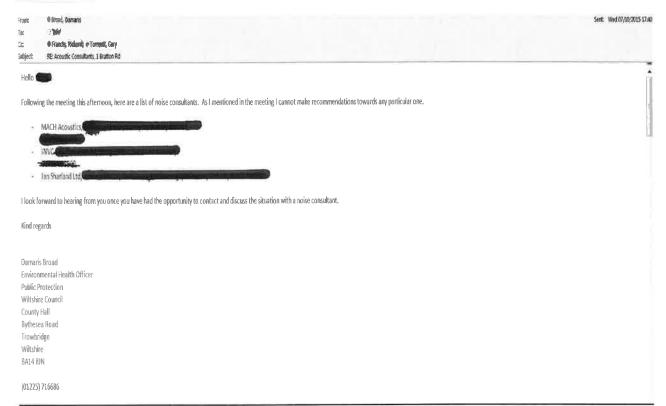
Residual Noise level was 32dB.

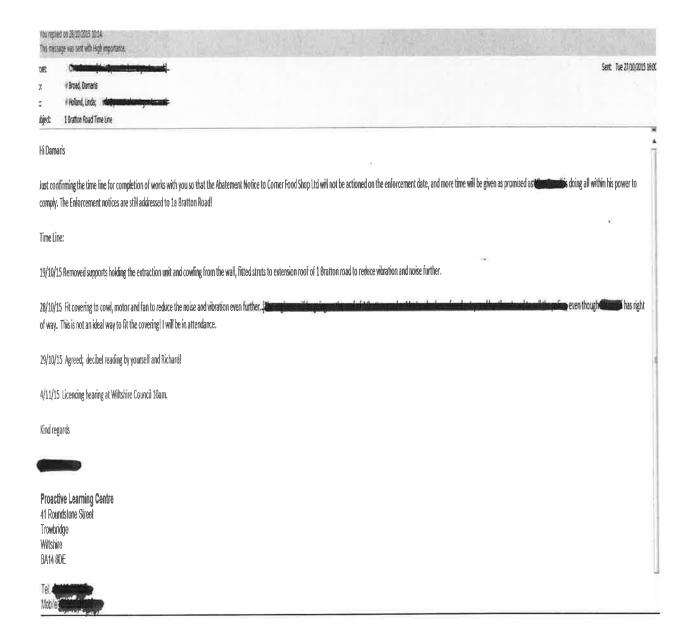
Subjectively a humming from the extraction can be heard in the master bedroom of The Castle, close to the corner of the room that adjoins 1 Bratton Road, and is nearest to where the extraction is positioned, and also nearer to the door. The Bed is positioned between the corner and the door, and the humming can be heard on both sides of the bed. It did not seem to lessen with the extraction on its lowest practical setting or the highest.

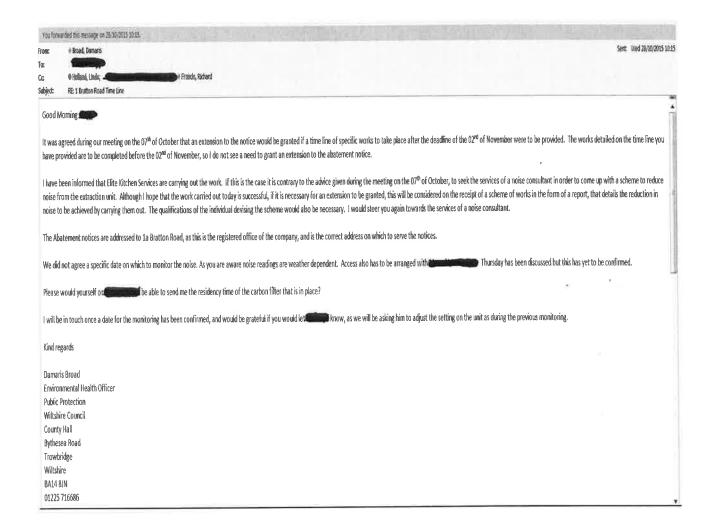
Before any work had taken place on the extraction, noise measured on the first of July, in the courtyard at a similar location was 56dB (As compared to 52dB on the lowest setting, and 56.7dB on the highest setting on this occasion). Noise within the property measured on July the 1<sup>st</sup> at the same point was 45.5dB (Compared to 42.4dB within The Castle with the extraction on full, and 37dB within the Castle with the extraction on the lowest setting as practical). We do not know what setting the extraction was on for these measurements taken in July so it is difficult to make direct comparisons.

There may have been a slight reduction in the noise from the extraction, but not enough to meet the requirements of the abatement notice. It is still very audible within the complainant's property and still a statutory nuisance.

# From: Invol. Seat: 13 April 2015 13:45 To: Holand, Uncla Subject: 1 Rectifice Road, Westbury Importance: High Good Morning Linds So sorry I did not manage to send this email earlier but I and Impself have been at 1 Bratton Road since 7am. 1 did try to call you as soon as we got back to the office but your meeting hard already started. The morning started off bady with a service and holiday, the house sitter refused to give permission yesterday when asked and again today to give access to the extraction company, we resolved that by showing the access and front publicy. The noise / smell etc. has been completed by Eille Ritchen Services. The readings at 10am are as follows; on full 32d (before today 71.4d) running at X - 25d. They have given a certificate for the work which I will send a copy to you shortly. I have got further information on people concerned with 1 Bratton Road: Kind regards Franchise Learninn Centre.







Extraction on full	Outside in courtyard at measuring point on Abatement Notice									
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
48.9 (3 mins)		76	59	48	40	34	30	27	25	23
	Measured NR	56	53	48	36	43	34	29	24	16
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Extraction on full	Within The Castle (First floor bathroom with window open, as substitute for children's bedroom in similar position)									
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
43.1 (3 mins)		76	59	48	40	34	30	27	25	23
	Measured NR	40	30	36	31	35	25	18	10	8
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Outside in Courtyard at measuring point									
NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
	76	59	48	40	34	30	27	25	23
Measured NR	50	45	42	30	42	35	26	19	13
	NR30:	NR30: 31.5 76 Measured 50	NR30: 31.5 62.5 76 59 Measured 50 45	NR30: 31.5 62.5 125 76 59 48 Measured 50 45 42	NR30: 31.5 62.5 125 250 76 59 48 40 Measured 50 45 42 30	NR30: 31.5 62.5 125 250 500  76 59 48 40 34  Measured 50 45 42 30 42	NR30: 31.5 62.5 125 250 500 1000 76 59 48 40 34 30 Measured 50 45 42 30 42 35	NR30: 31.5 62.5 125 250 500 1000 2000 76 59 48 40 34 30 27 Measured 50 45 42 30 42 35 26	NR30: 31.5 62.5 125 250 500 1000 2000 4000 76 59 48 40 34 30 27 25  Measured 50 45 42 30 42 35 26 19

Extraction on half	Within the	Castle								
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
40dB		76	59	48	40	34	30	27	25	23
(3 mins)	Measured NR	30	( <del>-</del> )	36	28	33	28	19	10	9

