

**From:** uniss ali [REDACTED]  
**Sent:** 29 January 2024 16:33  
**To:** Hewish, Martin 0117  
**Cc:** [REDACTED] Emma.Morgan  
**Subject:** Re: Licence Application for Sombrero's

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Dear Martin thank you for your email  
As discussed we do accept the terms which are mentioned.

Kind regards.

Uniss.

Sent from [Outlook for Android](#)

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**From:** Hewish, Martin 0117 [REDACTED]  
**Sent:** Monday, January 29, 2024 2:54:35 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Emma Morgan <[Emma.Morgan@warwickdc.gov.uk](mailto:Emma.Morgan@warwickdc.gov.uk)>  
**Subject:** Licence Application for Sombrero's

Uniss, Haris

Good afternoon, it was good to speak to you earlier. As we discussed, Warwickshire Police are generally supportive of your application for Late Night Refreshment at the above address. Following our original proposal, I believe we have managed to come to an agreement regarding your opening hours and the provision of SIA registered door supervisors. You have agreed to change your opening hours to close on Sunday's – Thursday's at 2am and remain open on Friday and Saturday to 5am with door supervisors from 11pm-5am

I have tweaked the wording of my conditions to reflect this (Condition 3).

#### Condition 1

The Applicant shall ensure that CCTV is installed and maintained to the satisfaction of the Police and Licensing Officers and shall ensure :-

1. All equipment shall have constant time/date generation.
2. This shall include a system to ensure automatic update in relation to the beginning and end of British Summer Time etc.
3. If the system is not capable of achieving this requirement the Licence holder or a nominated person must ensure that a manual facility is available to carry out this update as an alternative.
4. Recordings must be kept for a minimum of 31 days.
5. Recordings of incidents at the premises must be made secure for inspection by the Police and or Licensing Officers.
6. Copies of recordings will be made available to officers of the responsible authorities on reasonable request.

7. Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.
8. Arrangements for its repair must be made without delay.

#### Condition 2

The Premises Licence holder shall implement and maintain an up-to-date register of incidents occurring on the premises. This register shall be made available to the Police or Authorised Officers on request.

#### Condition 3

Door supervisors are to be employed on Friday's and Saturday's from 11pm to 5am (or closing time). All door staff to be SIA registered and badged. The requirement for the deployment of door staff may be varied in writing with the agreement of Warwickshire Police. Should a variation be agreed and there is subsequently an increase in disorder, then Warwickshire Police may reinstate the original requirements by notifying the license holder in writing.

#### Condition 4

The applicant or manager of the premises shall join the WRCI retail scheme for the Leamington Spa area and participate in the local retail watch meetings and actively use the "retail" radio provided as part of this scheme.

If you are agreeable to these conditions, please reply by email, at your earliest convenience, stating your acceptance/agreement of these conditions. I will then notify Warwick District Council and advise them we have come to an agreement, as long as Environmental Health are in agreement, this will negate the need for a licensing hearing.

Many Thanks

Martin Hewish

**Sgt 117 Martin Hewish**

**Warwickshire Prevention Hub**



**WARWICK DISTRICT COUNCIL**  
**Licensing Act 2003**

**REPRESENTATION FORM FROM  
RESPONSIBLE AUTHORITIES**

**Responsible Authority** – Environmental Health, Riverside House, Milverton Hill, L/Spa, CV32 5HZ

<b>Your Name</b>	Stacey Walsham
<b>Job Title</b>	Environmental Health Technical Officer
<b>Postal and email address</b>	Safer Communities, Leisure and Environment. Warwick District Council, Town Hall, Prade, Leamington Spa, CV32 4AT
<b>Contact telephone number</b>	01926 456719
<b>Email Address</b>	stacey.walsham@warwickdc.gov.uk

<b>Name of the premises you are making a representation about</b>	<b>Sombrero Mexican Takeaway</b>
<b>Address of the premises you are making a representation about</b>	40 Bedford Street Leamington Spa Warwickshire CV32 5DY

<b><i>Which of the four licensing Objectives does your representation relate to?</i></b>	
<b>To prevent crime and disorder</b>	
<b>Public safety</b>	
<b>To prevent public nuisance</b>	X
<b>To protect children from harm</b>	

#### **History**

Sombrero Mexican Food is a hot food take away, with the ability to order online, pay and have food delivered straight to your door. You can order your takeaway via their own website or others such as Ubereats.com, Deliveroo.co.uk and Just-eat.co.uk. Delivery time is stated to be under 30 minutes, and they have over 200 reviews online. The premises is currently trading from 12:00 till 23:00 hours Monday through to Sunday. They are looking to extend these hours to include Late Night Refreshment and trade until 05:00 hours 7 days a week.

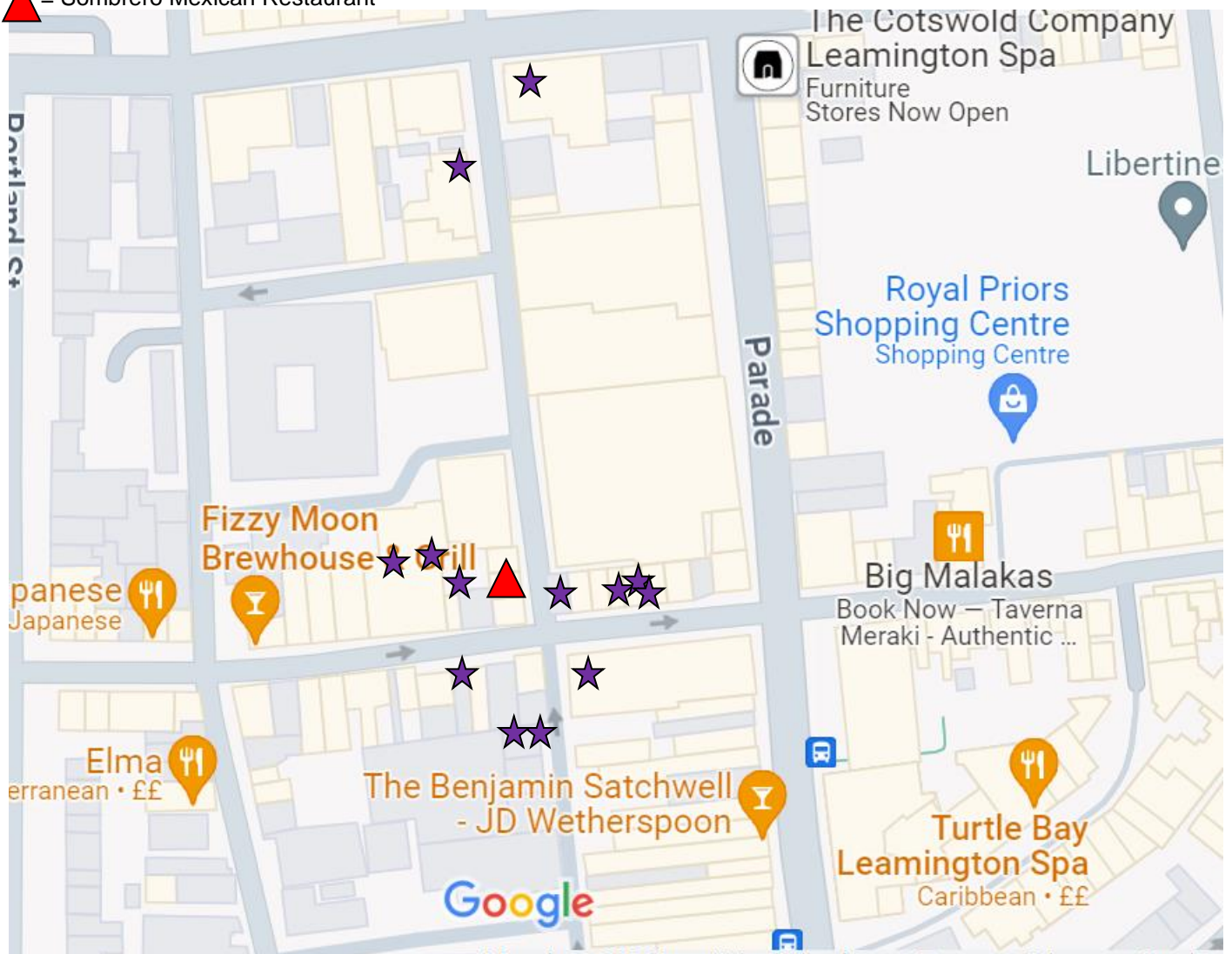
#### **Location**

There has been a food establishment at this premises for at least 20 years in various forms. The premises is in the centre of Leamington Spa, roughly 500 meters from busy late-night establishments. There are currently six licenced premises along this street, four of which open past 23:00 hours serving Late night refreshment. There is also a café along the street which offers light bites and snacks, opening till 15:00 most days except Saturday where they are open until 23:00 hours. On the opposite side of the road is another café, with their entrance located on a different road. There are residential properties near the premises which could be affected by the late night opening and associated plant running throughout the night.

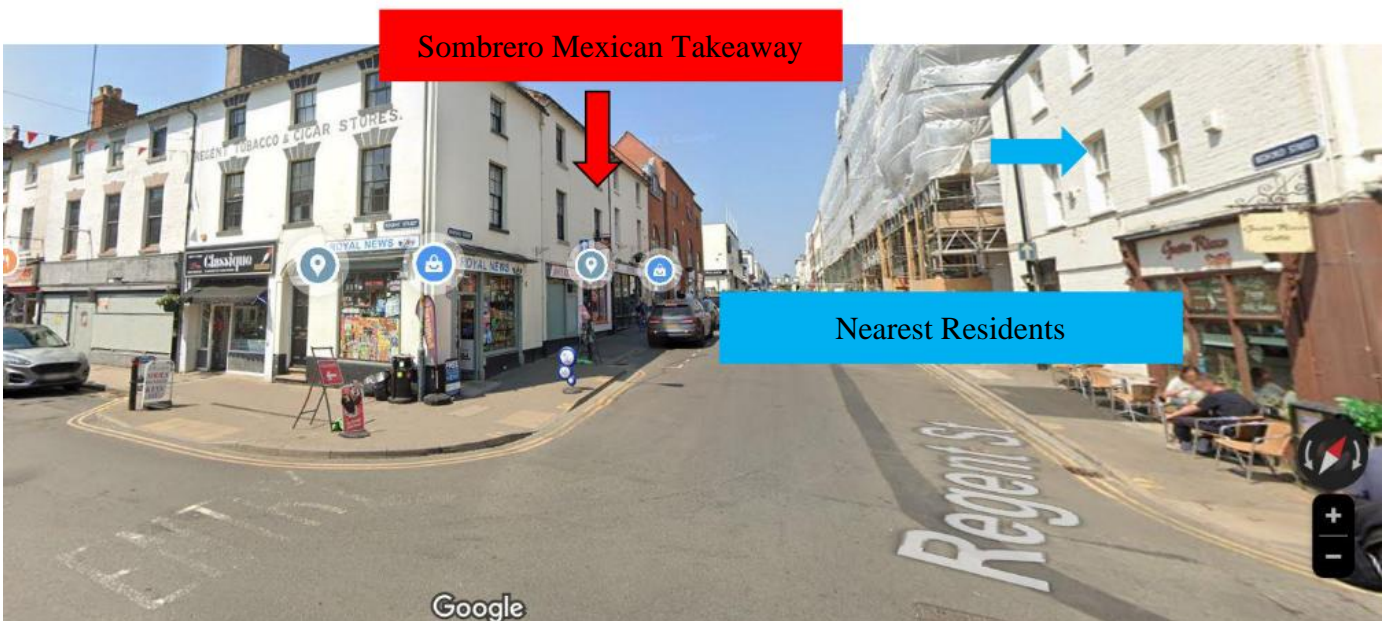
#### **Residential Receptors in close proximity to the Premises:**

Flat 1 – 6 – 1 Bedford Street, Flat 4 Bedford Street, 37 Bedford Street, Apartments 1 to 20, 43 Bedford Street, Bedford Street Lofts, 46/48 Bedford Street, 48 Bedford Street, 24 John Street, 26 John Street, 56a Regent Street, The Flat 73 Regent Street, 76a & 76B Regent Street

- ★ = Residential Property which could be affected by Late Night Refreshment
- ▲ = Sombrero Mexican Restaurant







**Licensable activities applied for:**

<b>Opening Times:</b> 23:00 – 05:00
<b>Late Night Refreshment</b> 23:00 – 05:00

**Comparable Premises in proximity:*****La Bottega, 45 Regent Street, Leamington Spa, Warwickshire, CV32 5EE*****Sale of Alcohol for Consumption on and Off the Premises**

Monday to Sunday from 07:00 to 23:30

**Late night refreshment (both Indoors and Outdoors)**

Monday to Sunday from 23:00 to 23:30

**Normal Opening Hours**

Monday to Sunday from 07.00 to 24.00

**Conditions agreed with the Licensee**

1. Prominent, clear, and legible notices must be displayed at all exits requesting that customers respect the needs of residents and to leave the premises and area quietly.
2. Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of residents and use the area quietly.
3. No open vessels to leave the premises at any time.
4. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21:00 and 08:30 on the following day.
5. No waste or recyclable materials, including bottles, shall be removed from, or placed in outside areas between 21:00 hours and 08:30 hours on the following day.

No off-licence sales after 23:00 hours.

***Papa John's Pizza, 49 Bath Street, Leamington Spa, Warwickshire, CV31 3AG*****Late Night Refreshment for consumption off the premises**

Monday to Sunday from 23:00 to 01:00

**Normal Opening Hours**

Monday to Sunday from 10:30 to 01:00

**Conditions agreed with the Licensee**

Between the hours of 23.00 and 01.00 Monday to Sunday the front door of the premises must be locked with no entry to visiting members of the public. During these hours, all deliveries only to be made to a fixed address for pre-orders only.

**Conditions from Hearing or Magistrates**

Deliveries must be made from the rear access only.

***Halikarnas Take Away, 55 Regent Street, Leamington Spa, Warwickshire, CV32 5EE*****Late night refreshment**

Monday from 23:00 to 01:00

Tuesday from 23:00 to 01:00

Wednesday from 23:00 to 01:00

Thursday from 23:00 to 04:00

Friday from 23:00 to 04:00

Saturday from 23:00 to 04:00

Sunday from 23:00 to 01:00

Christmas Eve &amp; New Year's from 23:00 to 04:00

**Normal Opening Hours**

Sunday to Wednesday from 23:00 to 01:00

Thursday to Saturday from 23:00 to 04:00

Christmas Eve &amp; New Year's from 23:00 to 04:00

***Vialli's Fast Foods, 24 Victoria Terrace, Leamington Spa, Warwickshire, CV31 3AB*****Late night refreshment**

Monday to Wednesday 23:00 to 03:00

Thursday and Friday 23:00 to 04:00

Saturday 23:00 to 04:30

Sunday 23:00 to 02:30

**Normal Opening Hours**

Monday to Wednesday from 11:00 to 03:00

Thursday from 23:00 to 04:00

Friday from 11:00 to 04:30

Saturday from 11:00 to 04:30

Sunday from 12:00 to 02:30

***Dominos Pizza, 118 Regent Street, Leamington Spa, Warwickshire, CV32 4NR***

**Late Night Refreshment on the Premises**

Monday to Saturday including Bank Holiday Sundays from 23:00 to 02:00

Sunday from 23:00 to 01:00

**Late Night Refreshment Off the Premises**

Everyday from 23:00 to 05:00

**Normal Opening Hours**

Monday to Sunday from 07:00 to 05:00(Except Christmas Day)

**Conditions agreed with the Licensee**

1. CCTV to conform to British Standard - and offer live time recording.
2. Membership of Retail Radio Link and conform to it's procedures.

**Conditions from Hearing or Magistrates**

1. CCTV of British Standard B2378 providing live time recording to be installed in positions agreed with the Community Safety/Architectural Liaison Officer of Warwickshire Police. Images are to be retained for at least 31 days and shall be made available at the request of Warwickshire Police.
2. Notices are to be displayed at the exits requesting that customers are to leave the premises quietly and respect the local neighbourhood.
3. There will be at least one SIA Registered member of Door staff on duty at the premises from midnight on Fridays and Saturdays until counter service closure.
4. The Premises Licence Holder will adhere to the attached Operational and Dispersal Plan;
5. The counter service open to the public will only be available until 01:00 Sundays and 02:00 Mondays to Saturdays and Bank Holiday Sundays. Thereafter no public access will be permitted to the premises and the premises will only be used for the provision of late-night refreshment via the delivery service.
6. Any deliveries from the premises will only be made to a customer's place of residence or place of business.

***Thai Elephant, 20 Regent Street, Leamington Spa, Warwickshire, CV32 5HQ***

**Sale of Alcohol for Consumption Off the Premises**

**Sale of Alcohol off the Premises when supplied with substantial meal.**

(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00

(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:00

(3) On Christmas Day: 12:00 to 23:30

(4) On New Year's Eve, except on a Sunday, 10:00 to 23:00

(5) On New Year's Eve on a Sunday, 12:00 to 23:30

(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00:00 on 31st December).

**Late night refreshment**

On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 23:00 to 00:30, On Sundays other than Christmas Day or New Year's Eve, and on Good Friday: 23:00 to 00:00

On Christmas Day: 23:00 to 00:00 On New Year's Eve and Christmas Day except on a Sunday, 23:00 to 00:30 On New Year's Eve on a Sunday, 23:00 to 00:00

**Normal Opening Hours**

The premises will close at the end of the period for the consumption of alcohol referred to in (a) above.

***Aroma Cafe, 47 Bedford Street, Leamington Spa, Warwickshire, CV32 5DY***

**Normal Opening Hours**

Monday to Saturday from 08:30 to 24:00

Sunday from 10:00 to 23:00

**Sale of Alcohol for Consumption on the Premises**

Monday to Saturday from 08:30 to 23.30

Sunday from 10:00 to 22.30

**Recorded Music (Indoors only)**

Monday to Saturday from 08:30 to 23:00

Sunday from 10:00 to 22:00

NOTE: Between the hours of 08:00 and 23:00, when recorded music is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises, all licensing conditions applicable to the control of recorded music on this licence are deemed not to be in operation.

**Late night refreshment (both Indoors and Outdoors)**

Monday to Saturday from 23:00 to 24:00

**Conditions agreed with the Licensee**

1. CCTV to be installed and the premises licence holder must ensure that :-
  - a. CCTV cameras are located within the premises to cover entrances and bar servery.
  - b. The system records clear images permitting the identification of individuals.
  - c. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
  - d. The CCTV system operates at all times while the premises are open for licensable activities'. All equipment must have a constant and accurate time and date generation.
  - e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
  - f. Downloads will be provided to the Police upon reasonable request in line with the DPA.
  - g. Signed off by Warwickshire Police Architectural Liaison officer
2. All Staff training records to be maintained and made available for inspection on reasonable request from responsible authority.
3. Regular staff training to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.
4. No Open vessels containing alcohol to be taken outside the premises at anytime
5. All staff to be trained in age verification policies and procedures
6. A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card
7. A 'challenge log' recording all challenges - where both sales and refusals result must be kept and the Refusals register to be made available for inspection on reasonable request from responsible authority.
8. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made

**Environmental Protection is the Responsible Authority for upholding the licensing objective:  
'The Prevention of Public Nuisance'.**

**We object to the application to extend the opening hours to 05:00 hours for late night refreshment on the following grounds:**

Environmental Protection has tried to engage with the applicant on numerous occasions but have not received sufficient information to demonstrate that they can address our concerns. Customer Noise on the street at unsocial hours could cause a nuisance by way of disturbing nearby residents until 05:00 / 05:30. Delivery drivers and customer's cars idling in the street, car doors slamming, raised voices etc. which are difficult to measure, quantify or control but are highly impactful on neighbours. Late night comings and goings near residential properties can negatively impact on the amenity of the area for residents.

Planning conditions placed on the approval for a change of use to a takeaway limited opening hours to 23:00 hours for the same reasons. They also had pre-commencement conditions for the applicant to provide details of the odour control system and the noise levels of that system to ensure that odour and noise did not impact negatively upon residents in the area. No information has been submitted to address these requirements and, as such Environmental Protection have no evidence to demonstrate that the use of the odour extract system will not negatively impact on residents during this extended period of operation. This is particularly necessary given that the applicant has asked for 05:00 hours when background levels are likely to have dropped significantly in the area.

There are other licenced premises along Bedford Street which are open for Late night refreshment passed



23:00 hours. Two open until midnight, one until 02:00 hours and one which is open until 03:00 hours on a Friday and Saturday night. However, this establishment is a bar which and late-night refreshment is only a part of their business model.

EP therefore have concerns that the opening of this premises until 05:00 hours will attract customers vacating other licensed premises and thereby delay people dispersing from the centre and may become a focal point for congregations of late-night revellers.

**However, if Councillors are minded granting the application, then Environmental Protection recommend the following conditions be placed on the licence as a minimum:**

1. Prominent, clear, and legible notices must be displayed at all exits requesting that customers respect the needs of residents and to leave the premises and area quietly.
2. Prominent, clear, and legible notices must be displayed at all entrances requesting that all delivery drivers, **do not** leave their cars in idle when collecting deliveries.
3. The premises licence holder (or his/her nominees) shall ensure that any patrons queuing and/or smoking outside the premises Do so in an orderly manner and are supervised by staff to ensure that there is no public nuisance or obstruction of the public highway.
4. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21:00 and 08:30 on the following day.
5. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, one waste bins to enable the disposal of waste food, food containers, wrappings etc.
6. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.
7. No deliveries to the premises shall take place between 22:00 and 08:30 on the following day.
8. The counter service open to the public will only be available until 02:00 Sunday through to Thursday. Thereafter no public access will be permitted to the premises and the premises will only be used for the provision of late-night refreshment via the delivery service.
9. The counter service open to the public will only be available until 05:00 Friday and Saturday only if door staff are on duty. Thereafter no public access will be permitted to the premises and the premises will only be used for the provision of late-night refreshment via the delivery service if door staff are not available.
10. Any deliveries from the premises will only be made to a customer's place of residence or place of business.

**Conditions**  
**Agree with Warwickshire Police on**  
**Monday 29<sup>th</sup> January 2024**

**Condition 1**

The Applicant shall ensure that CCTV is installed and maintained to the satisfaction of the Police and Licensing Officers and shall ensure:

- a. All equipment shall have constant time/date generation.
- b. This shall include a system to ensure automatic update in relation to the beginning and end of British Summer Time etc.
- c. If the system is not capable of achieving this requirement the Licence holder or a

nominated person must ensure that a manual facility is available to carry out this update as an alternative.

- d. Recordings must be kept for a minimum of 31 days.
- e. Recordings of incidents at the premises must be made secure for inspection by the Police and or Licensing Officers.
- f. Copies of recordings will be made available to officers of the responsible authorities on reasonable request.
- g. Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.
- h. Arrangements for its repair must be made without delay.

#### **Condition 2**

The Premises Licence holder shall implement and maintain an up-to-date register of incidents occurring on the premises. This register shall be made available to the Police or Authorised Officers on request.

#### **Condition 3**

Door supervisors are to be employed on Friday's and Saturday's from 23:00 – 05:00 (or closing time). All door staff to be SIA registered and badged. The requirement for the deployment of door staff may be varied in writing with the agreement of Warwickshire Police. Should a variation be agreed and there is subsequently an increase in disorder, then Warwickshire Police may reinstate the original requirements by notifying the license holder in writing.

#### **Condition 4**

The applicant or manager of the premises shall join the WRCI retail scheme for the Leamington Spa area and participate in the local retail watch meetings and actively use the "retail" radio provided as part of this scheme.

#### **Recommended Licensable activities:**

<b>Opening Times:</b> <b>Sunday to Thursday</b> 23:00 – 02:00 to the public 02:00 – 05:00 delivery service only <b>Friday to Saturday</b> 23:00 – 05:00
<b>Late Night Refreshment</b> 23:00 – 05:00

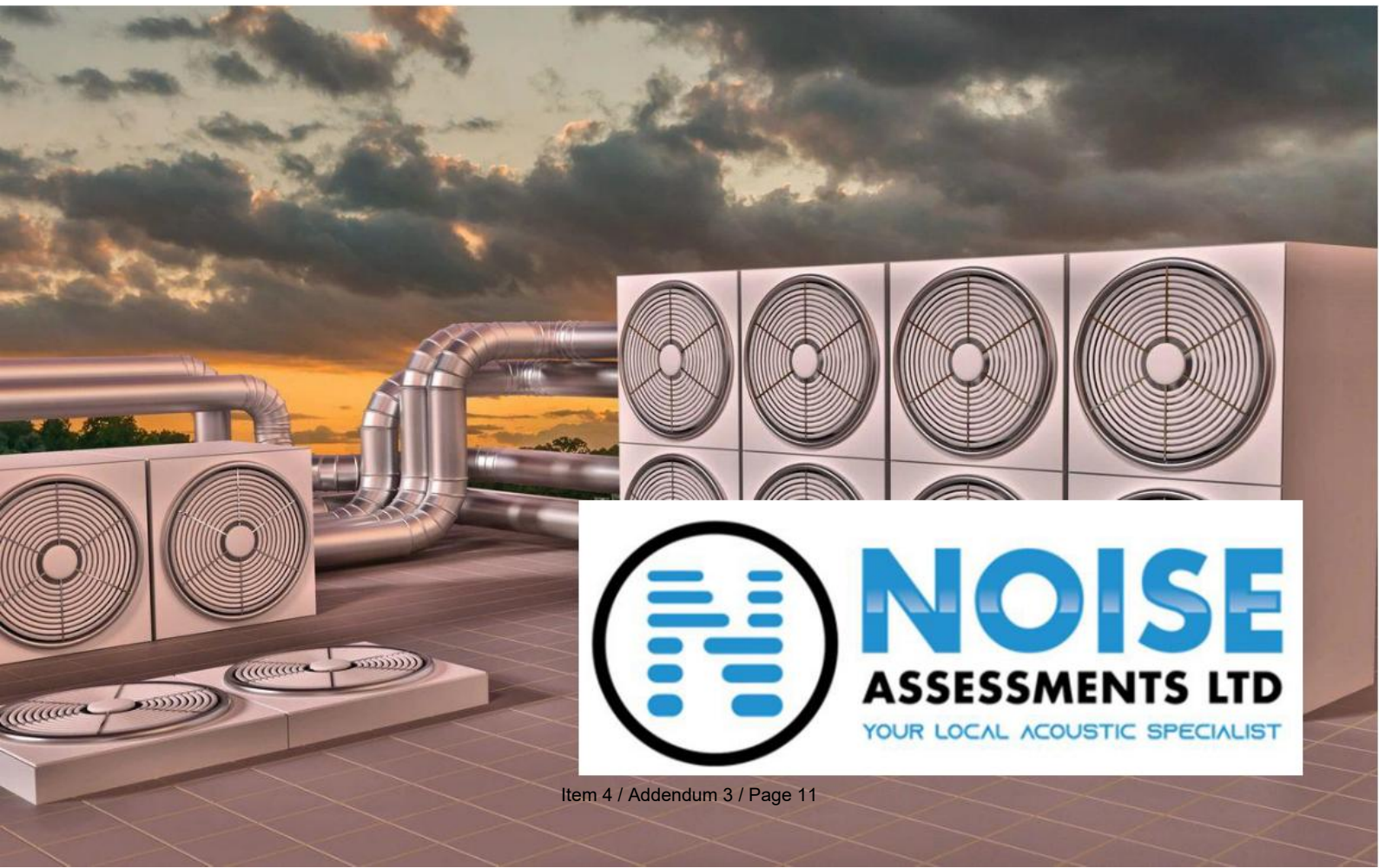
Signed:  
Stacey Walsham  
Environmental Health Technical Officer

Date: Tuesday, 30 January 2024

# ODOUR IMPACT ASSESSMENT

EMAQ, (2018) Control of Odour and Noise from  
Commercial Kitchen Exhaust Systems,  
(amendment DEFRA, 2005)

**Commercial Odour**





**NOISE**  
**ASSESSMENTS LTD**  
YOUR LOCAL ACOUSTIC SPECIALIST

## REPORT DETAILS

<b>Report Title</b>	Odour Assessment: Commercial Extraction
<b>Site Address</b>	40 Bedford Street, Leamington Spa, CV32 5DY
<b>Project No.</b>	NALPRO300124.1a
<b>Consultant Contact</b>	<a href="mailto:jonathan@noiseassessments.co.uk">jonathan@noiseassessments.co.uk</a>

## QUALITY ASSURANCE

Issue No.	Status	Issue Date	Comments	Author	Approved
1	FINAL	05/02/24	-		
			Updated based on council comments	J Mape BSc (Hons) PgDip, IOA Cert. Environ. Noise, TechIOA <b>Consultant</b>	D Warren <b>Director</b>

*This report has been prepared by Noise Assessments the trading name of Noise Assessments Limited, with all reasonable skill, care and diligence within the terms of the Contract with the client, incorporating our General Terms and Conditions of Business and taking account of the resources devoted to it by agreement with the client.*

*We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above.*

*This report is confidential to the client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at their own risk.*

Noise Assessments Limited – Companies House Registered No. 12207511

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## Assessment Summary

A ground floor commercial property wishes to operate as a Mexican food takeaway (herein referred to as the site) is applying for planning permission to operate their extraction system for their site and is required to confirm their external flue complies with external odour guidance. The client has completed an odour assessment at 40 Bedford Street, Leamington Spa, CV32 5DY.

An odour assessment is required to assess the likely impact from odour generated during the cooking process from an extraction system within the rear of the site which has the air vented at ground floor level to above the eaves during the daytime.

The environmental health department of the local planning authority is likely to have concerns of odour emissions from the use of the extraction fan unit on neighbouring sensitive residential properties during the daytime and night-time.

With respect to odour, it has been identified that providing that the recommendations are taken into account, there should not be a loss of amenity at the existing residential receptors in the vicinity of the extraction flue and providing recommendations in the OMP are implemented, this would consist of using the “best practicable means” and would prevent statutory nuisance occurring.

As long as the proposed extraction system is properly maintained on a regular basis, it is highly unlikely that odour would become an issue in the future.

## 1. Proposal

- 1.1 A ground floor commercial property wishes to operate as a Mexican food takeaway (herein referred to as the site) is applying for planning permission to operate their extraction system for their site and is required to confirm their current external flue complies with external odour guidance. The client has completed a noise assessment at 5 Windsor Terrace, Great Lumley, DH3 4JR.
- 1.2 An odour assessment is required to assess the likely impact from odour generated during the cooking process from a new extraction system within the rear of the site which has the air vented at ground floor level to above the eaves during the daytime and night-time.
- 1.3 The environmental health department of the local planning authority will raise concerns of odour emissions from the use of the extraction fan unit on neighbouring sensitive residential properties during the daytime and night-time.

## 2. Existing Context

- 2.1 The site (ground floor level) is set within a residential commercial row of 2-storey attached buildings. The site is surrounded by residential apartments to the front, and commercial properties at the rear of the site.
- 2.2 The environmental health department of the local planning authority is likely to raise concerns of odour emissions from the use of the fan extraction unit venting on sensitive residential properties during the daytime and night-time at the front of the site.

## 3. Policy and Guidance

### Odour Technical Guidance

- EMAQ, (2018) Control of Odour and Noise from Commercial Kitchen Exhaust Systems, an amendment of the original DEFRA document published in 2005, deals specifically with the control of kitchen odours.
  - Guidance on the Assessment of Odour for Planning, Version 1.1 Institute of Air Quality Management (IAQM), 2018. The IAQM published the 'Guidance on the Assessment of Odour for Planning' document in July 2018. This guidance specifically deals with assessing odour impacts for planning purposes, namely potential effects on amenity.
- 3.1 The magnitude of odour impact depends on a number of factors and the potential for adverse impacts varies due to the subjective nature of odour perception. The FIDOL acronym is a useful reminder of the factors that can be used to help determine the degree of odour pollution:
    - Frequency of detection - frequent odour incidents are more likely to result in adverse impacts;

- Intensity as perceived - intense odour incidents are more likely to result in adverse impacts;
- Duration of exposure - prolonged exposure is more likely to result in adverse impacts;
- Offensiveness - more offensive odours have a higher risk of resulting in adverse impacts; and,
- Receptor sensitivity - (The type of land use and nature of human activities in the vicinity of an odour source. Tolerance and expectation of the receptor.)

3.2 It is important to note that even infrequent emissions of odours may cause loss of amenity if odours are perceived to be particularly intense or offensive.

## 4. Nearest Sensitive Receptor Locations

4.1 The nearest sensitive receptors (NSRs) have been identified as residential apartments/dwellings within 20 meters of the site.

## 5. Odour Assessment

### Introduction

5.1 This odour assessment relates to the potential future odour emanating from any kitchen extraction system associated with the change of use development, and the potential odour impacts on any sensitive receptors in close proximity to the extract flue.

### Nature and Effect of Odour

5.2 Odour is perceived by our brains in response to chemicals present in the air we breathe. Odour is the effect that those chemicals have upon us. Humans have sensitive senses of smell, and they can detect odour even when chemicals are present in very low concentrations. Most odours are a mixture of many chemicals that interact to produce what we detect as an odour.

5.3 Different life experiences and natural variation in the population can result in different sensations and emotional responses by individuals to the same odorous compounds. Because the response to odour is synthesised in our brains, other senses such as sight and taste, and even our upbringing, can influence our perception of odour and whether we find it acceptable, objectionable, or offensive.

### Assessment Methodology

5.4 The assessment of odour takes on the following aspects:

- A qualitative assessment of proposed odour emissions from the change of use development;
- An assessment taking into account the nature of the premises;
- The height and position of any proposed flue;
- The recommended exit velocity from the flue; and

- The distance between the proposed flue and the potential odorous emissions and the distance to the sensitive receptor.

### **Guidance on Control of Odours from Kitchens**

- 5.5 The Department for Environment Food and Rural Affairs (DEFRA) originally published Guidance (now withdrawn) on the control of odours from kitchens. That guidance has been subsequently updated by 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (EMAQ, July 2018).
- 5.6 Although the guidance is not statutory, it provides very useful information on best practice techniques for the minimisation of odour nuisance from kitchen exhaust systems. This source of guidance and ACCON's own experience form the basis of the assessment to determine whether nearby occupiers of existing residential properties would consider that odour emanating from the kitchen extract flue is acceptable or not.

### **General Principles in Controlling Odour**

- 5.7 The guidance is generally used for premises where food is cooked for patrons on or off the premises and where a kitchen is used to prepare and cook food. In these instances, a kitchen canopy extract system, are invariably present.
- 5.8 The main purpose of a kitchen canopy is to extract excess heat, steam, fats, smoke and odour arising from cooking processes. Removal of these unwelcome by-products of kitchen activity helps to achieve a reasonably comfortable and safe working environment, protect the working environment, as well as preventing the spread of the products from the kitchen area to other parts of the building.
- 5.9 Odours from cooking are contained both within the solid, liquid and gaseous material which is extracted by the kitchen canopy, and these different phases generally require different abatement techniques to reduce levels of odour to those levels which are acceptable to those in the vicinity. The extent to which any odour mitigation is required is dependent on the type of foods being prepared and cooked.
- 5.10 Commonly the kitchen extract canopy will contain the first line of odour control through the incorporation of coarse grease filters, which take out the largest grease particles from the extracted air stream. Such coarse grease filters tend to be a common feature of almost all kitchen canopy systems.
- 5.11 The type and levels of odour control required downstream of the canopy is very much dependent on a number of factors. The principle ones are:
- Type of food prepared. This is probably the most dominant factor as the type of food, and particularly any spices used, dictates the chemical constituents present in the exhaust air;

- Size of the cooking facility. The number of covers (for these premises, as no dining is included, the important aspect is the amount of general food output from the kitchen); and
- Types of cooking appliances used. This dictates the level of fat, water droplets and temperature within the ventilation air

5.12 The guidance includes two Tables which classify the odour and grease content of extract air according to the general cooking type and equipment used. These are reproduced in Appendix 3 (Table 2A and Table 2B). The information, in Appendix 3, has been used in this report to carry out the odour risk assessment in respect of the consented change of use development.

## 6. Odour Impact Assessment

6.1 Based on the location of the external extraction system, this odour impact assessment and Odour Management Plan has been undertaken in accordance with the EMAQ guidance 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

### Risk Assessment

6.2 The guidance provides a means of risk assessing the impact of any catering establishment and proposed and existing uses. The key elements of the method are reproduced in Appendix 3. The method relies on scoring the proposal on four different aspects:

- **Dispersion** – where the extract vents to atmosphere are in relation to the building to which the vent is attached.
- **Proximity of receptors** – the location of the nearest residents;
- **The kitchen size** – number of covers, i.e. level of activity; and
- **Cooking type** – based on grease and odour loading.

6.3 The level of odour which is created by a premises will depend on the size of kitchen and type of cooking. These can be determined using categories which have been set out in the guidance and are replicated in Appendix 4.

6.4 The scores for each aspect are summed to derive an overall significance score, an impact risk, and a statement about the odour control requirement. The guidance has been utilised where possible to determine the risk of odour nuisance from the proposed change of use development, without any additional odour abatement in place.

6.5 The risk assessment provided in Table 1, is a worst-case scenario.



**Table 1: Odour Risk Assessment – 40 Bedford Street, Leamington Spa, CV32 5DY.**

	Descriptor	Score	Impact Risk	Odour Control Requirement
Dispersion	Moderate	10	High	High level odour control
Proximity of Receptors	Close	10		
Size of kitchen/food cooking area	Small	1		
Cooking Type (Odour & grease loading)	Low	1		
Total		22		

6.6 For the proposed flue extract system, discharging above the eaves (Moderate, Score 10). There are receptors within 20m of the proposed flue extract (Close, Score 10).

6.7 The kitchen will be Small, less than 30 covers or small sized takeaway (Small, Score 1).

6.8 There will be Mexican grilling/frying type cooking to take place at the premises. Therefore, the cooking type (odour and grease loading) is classed as Low (Score 1).

6.9 The results of the overall assessment are potentially a **High Risk**.

## 7. The Odour Management Plan

7.1 Section 7 has quantified that as a worst case for the consented change of use development (provided the recommendations are taken into account) there is deemed to be a 'High' risk of potential nuisance and ordinarily a High level of odour mitigation would be recommended.

### Proposed Ventilation and Extraction System

7.1 The proposals are for the installation of an external flue extract on the rear of the site façade exiting above the eaves.

1. Carbon, grease and particulate filtration (carbon filter with a 0.2 – 0.4 residence time), see attached example.

### Maintenance Programme (Type, Frequency and Regime)

7.2 To minimize the risk of complaints, it is recommended that:

- A visual inspection of the ventilation system be carried out at least once a week. All metal surfaces should be checked to ensure that there is no accumulation of grease or dirt and that there is no surface damage;
- Cooker hoods and grease filters should be cleaned on a daily basis;
- Baffle type self-draining filters and collection drawers should be cleaned weekly, as a minimum. The cleaning period for mesh filters should be at least twice a week;
- Cleaning period for extract ductwork should as follows:

Use	No. hours use per day	Minimum cleaning interval
Heavy use	12-16	Every 3 months
Moderate use	6-12	Every 6 months
Light use	2-6	Annually

7.3 Based on the information provided, it is likely that the premises will be of Light to Moderate use and should be cleaned at least every 6 months.

- Periodic 'deep hygiene cleaning' should be undertaken by a specialist contractor. All accessible main ductwork runs and branches, including fitted equipment should be inspected and cleaned;
- All fans are to be maintained on a regular basis as recommended by the fan manufacturer; and
- Ventilation grilles, where fitted should have easily removable cores to facilitate cleaning.

### Recommendations for maintenance of odour control system

7.4 If the system employs fine filtration and carbon filtration ;

- Change fine filters every two weeks
- Change carbon filters every 4 to 6 months

7.5 Daily cleaning keeps the filters working at their optimum efficiency and will greatly reduce the number of service visits required throughout the year.

7.6 It will be important that the odour control methods are fully implemented and additionally, that the proposed OMP management measures and frequency of servicing is complied with. With

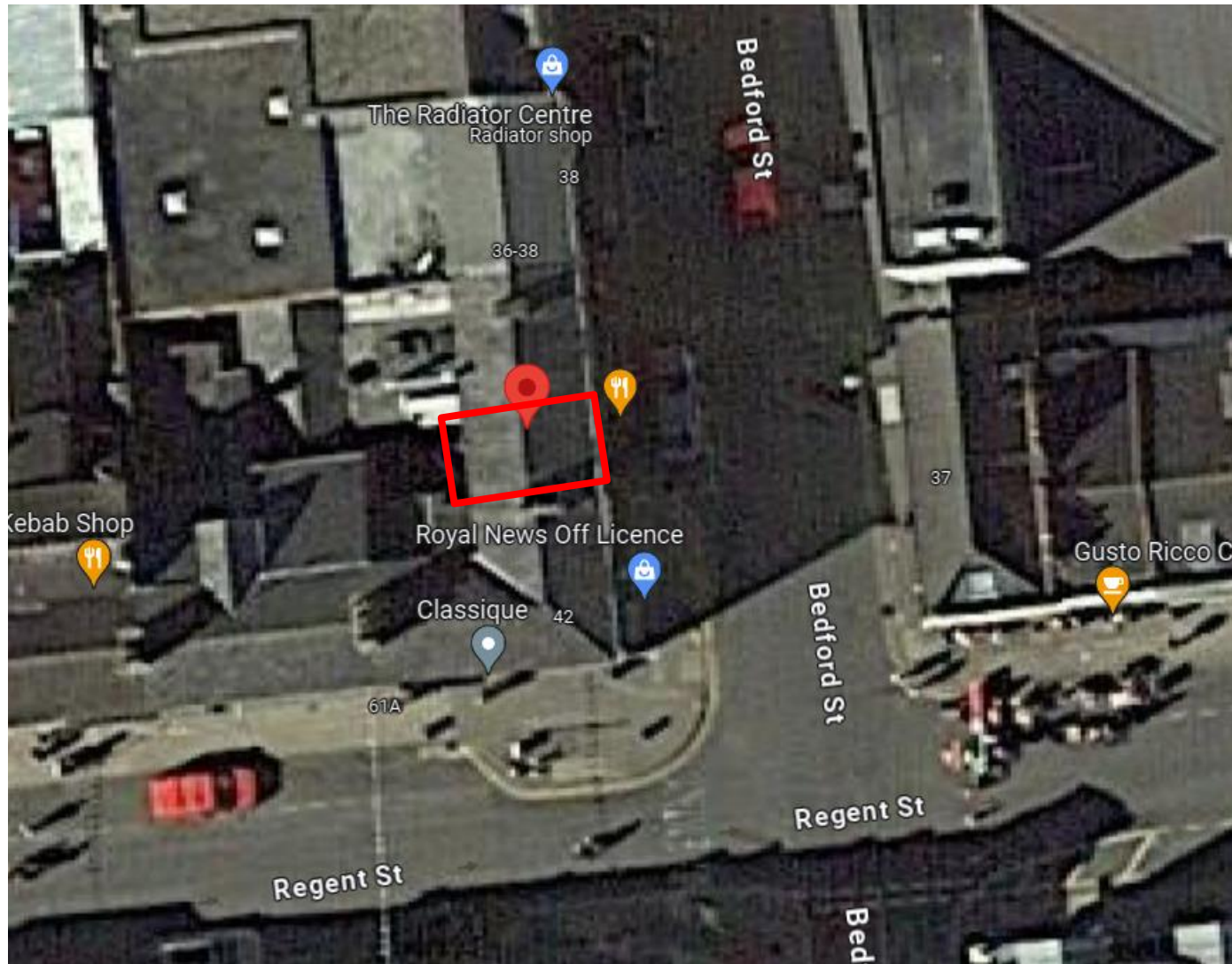
respect to the servicing and maintenance regime, audit and service records should be maintained and made available to the Local Authority on demand.

## **8. Summary**

- 8.1 With respect to odour, it has been identified that providing that the recommendations are taken into account, there should not be a loss of amenity at the existing residential receptors in the vicinity of the extraction flue and as long as the system similar to the ones recommended in the OMP are implemented, this would consist of using the “best practicable means” and would prevent statutory nuisance occurring.
- 8.2 If the extraction system is properly maintained on a regular basis, it is highly unlikely that odour would become an issue.

## **Appendices**

### **APPENDIX A – Site Location**



 Site location



## APPENDIX B – Classification of Odour and Grease Content of Extract Air from Commercial Kitchens

**Table 2A: Table detailing the grease and odour content of various types of food**

Catering establishment	Description	Odour content				Grease content			
		Low	Moderate	High	Very high	Low	Moderate	High	Very high
Tea shop									
Pizza restaurant	Herb								
Steakhouses	Fat								
French	Herbs/garlic								
Italian	Herbs/garlic								
Most pubs	Fat								
Chinese	Ginger, spices, oil								
Japanese	Spices, oil								
Cantonese	Spices, oil								
Indian	Spices, oil								
Thai	Spices, oil								
Vietnamese	Spices, oil								
Kebab	Fat cooking meat								
Fried Chicken	Oil, cooking meat								
Pubs (fried)	Oil, cooking meat								
Fish & chip	Oil								
Fast food, burger	Oil, cooking meat								

**Table 2B: Table detailing the grease & moisture content of various cooking appliances**

Cooking appliance	Grease loading			Moisture content		
	Light	Medium	Heavy	Light	Medium	Heavy
Cooking pots						
Bains Marie						
Steam ovens						
Pizza ovens						
Bratt pans						
Oven ranges						
Flat top grills						
Chip fryers						
Salamanders						
Charcoal						
Gas fired open grills						
Char boilers						
Chinese wok ranges						

## APPENDIX C – EMAQ Odour Impact Risk Assessment Methodology

Odour control must be designed to prevent odour nuisance in a given situation. The following score methodology is suggested as a means of determining odour control requirements using a simple risk assessment approach.

Impact Risk	Odour Control Requirement	Significance Score*
Low to medium	Low level odour control	<20
High	High level odour control	20-35
Very high	Very high level odour control	>35

\*based on the sum of contributions from dispersion, proximity of receptors, size of kitchen and cooking type.

Criteria	Descriptor	Score	Details
Dispersion	Very poor	20	Low level discharge, discharge into courtyard or restriction on stack.
	Poor	15	Not low level but below eaves, or discharge at below 10m/s
	Moderate	10	Discharging 1m above eaves at 10-15m/s
	Good	5	Discharging 1m above ridge at 15m/s
Proximity of receptors	Close	10	Closest sensitive receptor less than 20 m from kitchen discharge
	Medium	5	Closest sensitive receptor between 20-100m from kitchen discharge
	Far	1	Closest sensitive receptor greater than 100m from kitchen discharge
Size of kitchen  Cooking type (odour and grease loading)	Large	5	More than 100 covers or large sized restaurant
	Medium	3	Between 30-100 covers or medium sized restaurant
	Small	1	Less than 30 covers or small restaurant
	Very high	10	Pub (high level of fried food), fried chicken, burgers or fish and chips
	High	7	Kebab, Vietnamese, Thai or Indian
	Medium	4	Cantonese, Japanese or Chinese
	Low	1	Most pubs, Italian, French, pizza or steakhouse

## APPENDIX D – Filtration Specifications

### KATERCARB®

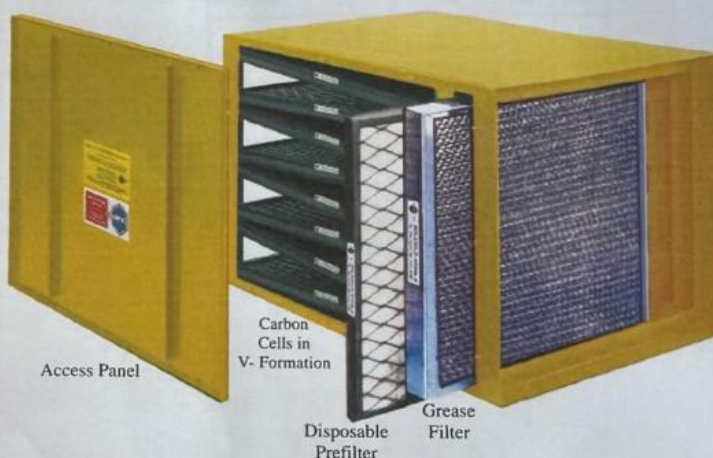
Activated Carbon Filter Units for the effective removal of cooking, catering and food processing odours.



To meet the odour control requirements of the catering and food processing industries the Katercarb activated carbon filter unit has been designed and developed by EMCEL Filters Limited.

#### Applications inc:

- Restaurants
- Public Houses
- Fast Food Outlets
- Take Aways
- Hotels
- Canteens
- Kitchens
- Cafés
- Food Processing



Considerable attention and emphasis has been placed on the catering industry in recent years to provide a comfortable and odour free environment.

Within the Katercarb activated carbon filter EMCEL has brought together three features to counter the problem of catering odours:-

- **Carbon Filter Cells with a special grade of activated carbon to deal more effectively with food and catering odours, especially those generated by onions, garlic and other strong spices.**
- **An integral non-combustible and washable grease filter to protect the carbon cells from grease saturation.**
- **A disposable particle pre-filter pad held within a metal grille and frame to protect carbon cells from dust contamination.**

#### Katercarb Filter Units are produced in three standard versions:

<b>Light Duty:</b>	<b>0.2 second dwell time</b>
<b>Standard Duty:</b>	<b>0.3 second dwell time</b>
<b>Heavy Duty:</b>	<b>0.4 second dwell time</b>

The unique Emcel Filter Cell construction enables a high weight of activated carbon to be employed giving high performance, longer dwell times and therefore greater efficiency.

Longer dwell times may be required where a continuous high odour concentration is present.

Custom built units to suit any airflow or specific conditions can be manufactured as required.

The special Carbon Cells that are used in the Katercarb Filter Unit are also available as replacement cells, manufactured by EMCEL, to suit any old or existing carbon units.



Call on 033 3303 1422 or [info@noiseassessments.org](mailto:info@noiseassessments.org)

### HERE TO HELP

We undertake various noise assessments and noise survey for a wide range of clients to meet their noise requirements and obligations, including for Planning Applications, new developments, building extensions, change of use, small businesses, restaurants, shops and much more.

### QUALIFIED AND EXPERIENCED

Over 15 years UK and international acoustic engineering experience of undertaking Noise Monitoring, acoustic solutions, noise survey and Reporting.

Members of the Institute of Acoustics. Undertaken projects in Manchester, North West and across the UK.

### GET THE PROJECT DONE

We offer competitive, cost effective acoustic solutions, delivering a noise survey report which complies with Local Planning Authority requirements and sound insulation or health and safety obligations.

We can also undertake Noise Modelling if required.



# NOISE IMPACT ASSESSMENT

BS 4142:2014+A1:2019

**Commercial Noise:**  
**Takeaway**





**NOISE**  
**ASSESSMENTS LTD**  
YOUR LOCAL ACOUSTIC SPECIALIST

## REPORT DETAILS

Site Address	40 Bedford Street, Leamington Spa, CV32 5DY
Report Title	Noise Assessment: Commercial Noise, Takeaway
Project No.	NALPRO300124.1b
Consultant Contact	<a href="mailto:jonathan@noiseassessments.co.uk">jonathan@noiseassessments.co.uk</a>

## QUALITY ASSURANCE

Issue No.	Status	Issue Date	Comments	Author	Approved
1	FINAL	05/02/24	-		
				J Mape BSc (Hons) PgDip IOA Cert. Environ. Noise TechIOA <b>Noise Consultant</b>	D Warren <b>Director</b>

*This report has been prepared by Noise Assessments the trading name of Noise Assessments Limited, with all reasonable skill, care and diligence within the terms of the Contract with the client, incorporating our General Terms and Conditions of Business and taking account of the resources devoted to it by agreement with the client.*

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Noise Assessments Limited – Companies House Registered No. 12207511

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## **1. Proposal**

- 1.1 A ground floor commercial property wishes to operate as a Mexican food takeaway (herein referred to as the site) is applying for planning permission to operate their extraction system for their restaurant and is required to confirm the external flue complies with external noise guidance. The client has completed a noise assessment at 40 Bedford Street, Leamington Spa, CV32 5DY.
- 1.2 A noise assessment is required to assess the likely noise impact from noise generated from the extractor fan unit with appropriate silencer within the rear of the site with the air vented at ground floor level to above the eaves during the daytime and night-time. The extract fan inside the kitchen and the discharge flue are insulated to stop further noise breakout. The extract ducting is rigid in construction and installed with anti-vibration mountings.

### **Consultant**

- 1.3 Jonathan has experience in environmental, noise and vibration monitoring, acoustic consultancy and impact assessment gained over a period of 20 years in the industry, across the UK, Australia, Brunei, Turkey and the Middle East. He has a Degree in Environmental Science, Postgraduate Diploma in Environmental Monitoring and is a member of the Institute of Acoustics (TechIOA). He has also completed the IOA Certificate in Environmental Noise, from the University of Liverpool.
- 1.4 Jonathan specialises in the measurement and assessment of noise and vibration for a wide range of planning applications, including those requiring EIA, across the industrial, commercial, residential, and mineral extraction sectors. Jonathan is also involved in undertaking various aspects of indoor occupational monitoring and reporting for projects relating to worker health.

## **2. Existing Context**

- 2.1 The site (ground floor level) is set within a residential commercial row of 2-storey attached buildings. The site is surrounded by residential apartments to the front, and commercial properties at the rear of the site.
- 2.2 The environmental health department of the local planning authority is likely to raise concerns of odour emissions from the use of the fan extraction unit venting on sensitive residential properties during the daytime and night-time at the front of the site.

### 3. Criteria

- 3.1 The following targets have been selected in accordance with 'BS 4142:2014+A1:2019 – Methods for rating and assessing industrial and commercial sound.' This will be achieved when the Rating Level is below the representative background sound level.

### 4. Noise Policy and Guidance

#### Noise Policy Statement for England (NPSE)

- 4.1 The NPSE sets out the Government's policy on noise and includes the long-term vision of promoting good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.
- 4.2 This long-term vision is supported by the following aims:
- 4.3 Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:
- avoid significant adverse impacts on health and quality of life;
  - mitigate and minimise adverse impacts on health and quality of life; and
  - where possible, contribute to the improvement of health and quality of life.
- 4.4 There are two established concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation. They are:
- 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.
- 4.5 Extending these concepts further, NPSE leads to the concept of a significant observed adverse effect level:
- SOAEL (Significant Observed Adverse Effect Level) – this is the level above which significant adverse effects on health and quality of life occur.
- 4.6 NPSE acknowledges that it is not possible to have a single objective noise-based measure that defines NOEL, LOAEL and SOAEL that is applicable to all sources of noise in all situations. It is therefore suggested that more specific advice from other applicable noise standards and guidance could be employed to determine suitable noise level criteria within the overall principles of the NPSE.

#### National Planning Policy Framework (NPPF)

- 4.7 The revised NPPF was updated on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied. This document replaces the first NPPF published in March 2012 and includes minor clarifications to the revised version published in July 2018 and June 2019.
- 4.8 Where issues of noise impact are concerned the NPPF provides brief guidance in Chapter 15 '*Conserving and enhancing the natural environment*' as follows:

Paragraph 170:

Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 180:

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 182:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Planning Practice Guidance (PPG)

- 4.9 PPG is written in support of the NPPF and provides an increased level of specific planning guidance.
- 4.10 It suggests that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. It is also suggested that noise should not be considered in isolation and separately from issues such as the economic, social and other environmental dimensions of proposed development.
- 4.11 Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
  - whether or not an adverse effect is occurring or likely to occur; and
  - whether or not a good standard of amenity can be achieved.

#### **Technical Guidance**

##### **BS 4142:2014+A1:2019 – Methods for rating and assessing industrial and commercial sound'**

BS4142 Is a recognised standard for assessing the noise impact of fixed plant machinery via relation of noise emissions to current background noise levels.

## **5. Nearest Sensitive Receptor Locations**

- 5.1 The nearest noise sensitive receptors (NSRs) have been identified as residential apartments at the front of the site.

## **6. Subjective Impressions**

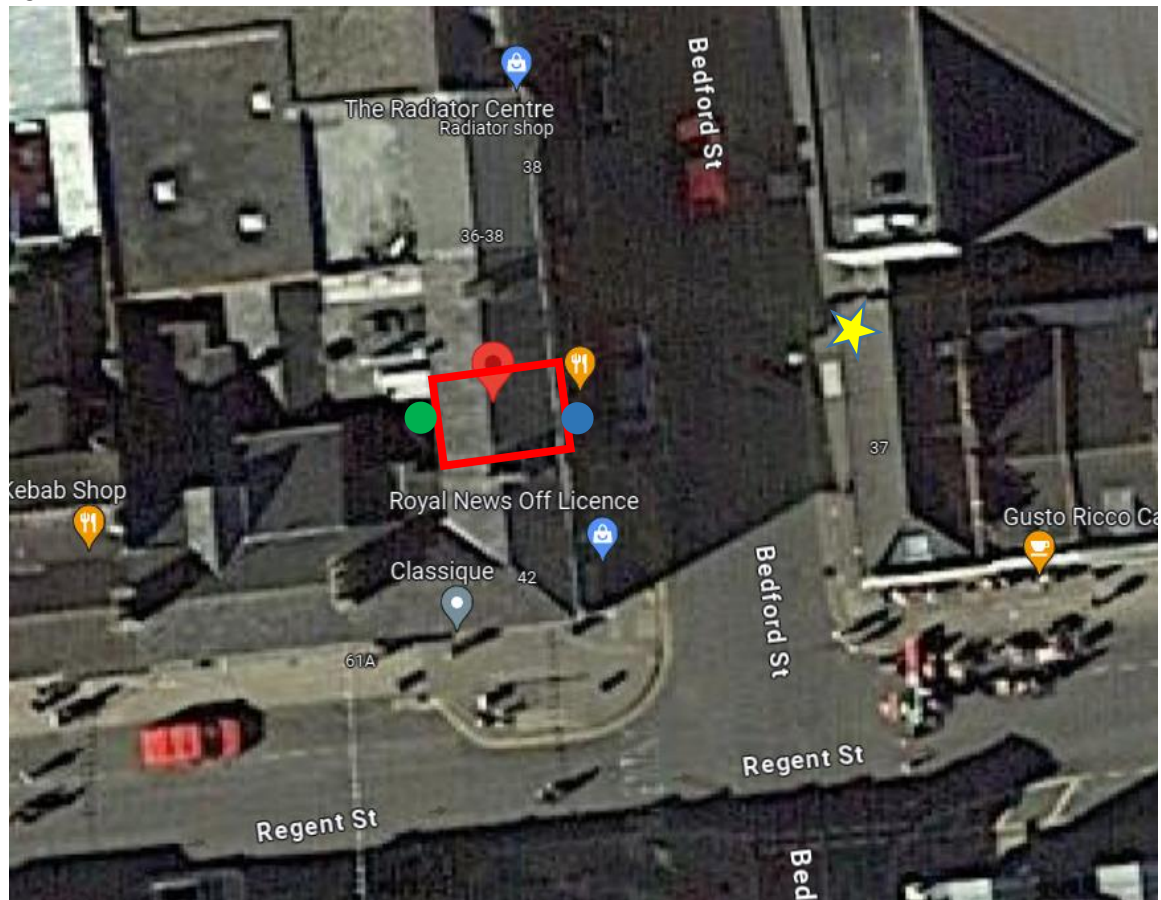
- 6.1 The noise climate at the front and rear of the site is dominated by occasional road traffic throughout the day and night, including cars and HGVs / LGVs where tyre / road interaction noise. Secondary noise sources have been identified as other commercial noise, bird song and people chatting.

## **7. Measurement Locations**

- 7.1 Background noise measurements were undertaken outside the front of the nearest sensitive receptor. The data collected during this period has been used to characterise the existing acoustic environment around the site.
- 7.2 Measurement and NSR locations are shown in figure 1 below:



Figure 1: Site &amp; Measurement Location



Background measurement location    ● M1    ● M2

★ Site location  
★ NSR1 (17m)

## 8. Measurement Procedure

8.1 Unattended/attended noise levels were measured on 2<sup>nd</sup> to 3<sup>rd</sup> February 2024. Full measurement times and durations can be found in **Appendix B**.

## 9. Measurement Equipment

9.1 Measurements were undertaken using a calibrated, Pulsar N45 class 1 sound level meter. Full equipment details can be found in **Appendix C**.

9.2 Measurements at the monitoring location was 'free field' (no vertical reflective surfaces within 3.5 metres of the microphone) and at a height of between 1.2 – 1.5 metres above ground level. During all measurements the microphone was protected with an outdoor windshield.

- 9.3 The calibration level of the meters were checked before and after the survey with a sound calibrator with no variation in the levels observed.
- 9.4 The sound level meters were set to measure various noise parameters including LAeq and LMax values using a 'fast' time weighting.
- 9.5 Full calibration details can be provided upon request.

## 10. Weather Conditions

- 10.1 Weather conditions were deemed acceptable for background noise measurement. Full meteorological conditions are detailed in **Appendix E**.

## 11. Noise Source Levels

- 11.1 The noise level of the extraction unit has been measured in situ.
- 11.2 The outlet noise level is tabulated below:

Table 2: Manufacturer Noise Level

Equipment	LAeq (dB)	r, m
Extractor fan outlet with silencer	56	3.0

## BS4142:2014 Assessment

## 12. Specific Sound Levels

- 12.1 The specific sound level is denoted LAs and is the A-weighted, equivalent noise level at the NSR locations over the reference time period.
- 12.2 The NSRs are located at the front of the site, however the location of the extractor unit ducting is above the eaves at the rear of the site and with no direct line of sight for the apartments at the front of the site. See Figure 1 for the location of sensitive receptors. Full calculations are shown in **Appendix F**:
- 12.3 The Specific Sound Level of the air vented from the internal extractor fan unit at the nearest NSR locations at the front of the site are summarised below:

Table 3: Specific Sound Levels

NSR	Specific Sound Level, Db LAs
1 (17m)	31

### 13. Background Sound Level

13.1 Environmental noise levels were measured on site 2<sup>nd</sup> to 3<sup>rd</sup> February 2024.

13.2 The lowest night-time background sound level (M1) was measured between 19:45-20:00 as 43 dB LA90,15min.

13.3 The lowest night-time background sound level (M1) was measured between 03:00-03:15 as 39 dB LA90,15min.

### 14. Rating Level

14.1 The specific sound level may be corrected for certain characteristics that make a sound more noticeable at the NSR locations. Corrections for tonality, impulsivity and intermittency may be applied.

14.2 The associated rating penalties and resultant sound rating levels, dB L<sub>Ar</sub>, are tabulated below:

Table 4: Rating Penalties, dB, and Sound Rating Levels

NSR	dB L <sub>As</sub>	Tonality	Impulsivity	Intermittency	dB L <sub>Ar</sub>
1	31	3	0	0	34

### 15. Rating Level Vs Background

15.1 The rating level is to be compared to the background sound level to determine the resultant noise impact in accordance with BS4142:

A Sound Rating Level at or below the background noise level is indicative of *Low Impact*;

A Sound Rating Level that exceeds the background noise level by around + 5dB is likely an indication of *Adverse Impact*, depending on the context;

A Sound Rating Level that exceeds the background noise level by around + 10dB is likely an indication of *Significant Adverse Impact*, depending on the context.

15.2 The noise impact during the daytime is tabulated below:

Table 5: Noise Impact

NSR	Rating Level, dB L <sub>Ar</sub>	Difference, dBA	Impact
1	34	-9	Low Impact

15.3 The noise impact during the night-time is tabulated below:

Table 5: Noise Impact

NSR	Rating Level, dB L <sub>Ar</sub>	Difference, dBA	Impact
1	34	-5	Low Impact

15.4 Low Impact has been identified at the NSRs therefore no additional mitigation is required.

15.5 The results of the noise assessment demonstrate that, noise from the use of the extractor unit venting near sensitive receivers will be considered low impact.

## 16. Summary

16.1 A ground floor commercial property wishes to operate as a Mexican food takeaway (herein referred to as the site) is applying for planning permission to operate their extraction system for their restaurant and is required to confirm the external flue complies with external noise guidance. The client has completed a noise assessment at 40 Bedford Street, Leamington Spa, CV32 5DY.

16.2 A noise assessment is required to assess the likely noise impact from noise generated from the extractor fan unit with appropriate silencer within the rear of the site with the air vented at ground floor level to above the eaves during the daytime and night-time. The extract fan inside the kitchen and the discharge flue are insulated to stop further noise breakout. The extract ducting is rigid in construction and installed with anti-vibration mountings.

16.3 The associated rating penalties and resultant sound rating levels, dB L<sub>Ar</sub>, are tabulated below:

Rating Penalties, dB, and Sound Rating Levels

NSR	dB L <sub>As</sub>	Tonality	Impulsivity	Intermittency	dB L <sub>Ar</sub>
1	31	3	0	0	34

16.4 The lowest night-time background sound level (M1) was measured between 19:45-20:00 as 43 dB LA90,15min.

16.5 The lowest night-time background sound level (M1) was measured between 03:00-03:15 as 39 dB LA90,15min.

16.6 The noise impact during the daytime is tabulated below:

Table 5: Noise Impact

NSR	Rating Level, dB L <sub>Ar</sub>	Difference, dBA	Impact
1	34	-9	Low Impact

16.7 The noise impact during the night-time is tabulated below:

Table 5: Noise Impact

NSR	Rating Level, dB L <sub>Ar</sub>	Difference, dBA	Impact
1	34	-5	Low Impact

16.8 Low Impact has been identified at the NSRs therefore no additional mitigation is required.

16.9 The results of the noise assessment demonstrate that, noise from the use of the extractor unit venting near sensitive receivers with mitigation will be considered low impact.

## 17. Uncertainties

17.1 Uncertainty can arise when a calculation method, such as distance correction, is used to determine an overall noise level at an NSR location; however, it is an accepted method when the noise sources are yet to be introduced to the site.

17.2 The monitoring equipment is subject to a 1dB error margin, however calibration before and after measurements allows the drift within the margin to be monitored and thus demonstrates that minimal drift occurred throughout the measurements.

## Appendices

### APPENDIX A – Extractor and flue details



<b>APPENDIX B - Measurement Details</b>				
Measurement	Start Date	Start Time	End Date	End Time
M1/M2	02/02/24	10:30	03/02/24	10:30

<b>APPENDIX C - Equipment Details</b>				
Equipment	Make	Model	Class	Serial Number
Sound Meter	Pulsar	N45	1	1425
Sound Meter	Pulsar	N44	1	1216
Calibrator	Pulsar	PM1	1	011254A

<b>APPENDIX D - Calibration Details</b>					
Measurement	Calibrator Ref Level (dB)	Level Before (dB)	Deviation Before (dB)	Level After (dB)	Deviation After (dB)
M1/M2	94.0	94.0	0	94.0	0

<b>APPENDIX E - Meteorology Details</b>						
Date	Temp C	Wind Speed m/s*	Wind Direction	Humidity %	Precipitation mm	Cloud Cover (Oktas)
02/02/24	11	1.2	s	84	0.0	6/8

\*Windspeeds measured on site using a Skywatch Xplorer 2 Anemo-Thermometer.



## APPENDIX F - Noise Attenuation

Utilising Measured Levels

Equipment	Manufacturer Data, dB LpA	r <sub>1</sub> , m	r <sub>2</sub> , m	Barrier	Level at NSR <sub>2</sub>
Extractor and silencer	56	17	3.0	- 10	31 (NSR1)

Barrier attenuation assumed as 5 dB and 10 dB for the partial and complete blockage of the line of sight respectively between source and receiver as per 'BS5228-1:2009 – Noise and vibration control on construction and open sites' pg. 130.

Point source distance attenuation

$$L_y = 20 \times \log \frac{r_1}{r_2}$$

Where L<sub>y</sub> is the distance attenuation factor and r<sub>1,2</sub> are the source -> measurement distance and source -> NSR distance in metres respectively

## APPENDIX G – Terminology and Definitions

### Noise

Sound only becomes noise (often defined as ‘unwanted sound’ or sound that is considered undesirable or disruptive) when it causes or contributes to some harmful or otherwise unwanted effect, like annoyance or sleep disturbance.

### Acoustic Environment

Sound from all sound sources as modified by the environment.

### Equivalent continuous A-weighted sound pressure level $L_{Aeq,T}$

Value of the A-weighted sound pressure level of a continuous, steady sound that, within a specified time interval  $T$ , has the same mean square sound pressure as a sound under consideration whose level varies with time.

### A-weighting

The human ear is most sensitive to frequencies in the range 1 kHz to 5 kHz. On each side of this range the sensitivity falls off. A-weighting is used in sound level meters to replicate this sensitivity and respond in the same way as the human ear.

### Octave Band

Band of frequencies in which the upper limit of the band is twice the frequency of the lower limit.

### Maximum Sound Pressure Level $L_{Amax,T}$

Highest value of the A-weighted sound pressure level with a specified time weighting that occurs during a given event or measuring period.

### The $L_{A10,T}$ Sound Level

The A-weighted sound pressure that is exceeded for 10% of a given time interval,  $T$ . It is often used to evaluate road traffic noise.

### The $L_{A90,T}$ Sound Level

The A-weighted sound pressure that is exceeded for 90% of a given time interval,  $T$ , measured using time weighting  $F$ . It is often referred to as the background noise level and which might in part be an indication of relative quietness at a given location

### Free-field Level

The sound pressure level away from reflecting surfaces.

NOTE Measurements made 1.2 m to 1.5 m above the ground and at least 3.5 m away from other reflecting surfaces are usually regarded as free-field. To minimize the effect of reflections the

measuring position has to be at least 3.5 m to the side of the reflecting surface (i.e. not 3.5 m from the reflecting surface in the direction of the source).

#### Façade Level

The sound pressure level 1 m in front of the façade.

NOTE Facade level measurements of LpA are typically 1 dB to 2 dB higher than corresponding free-field measurements because of the reflection from the facade.

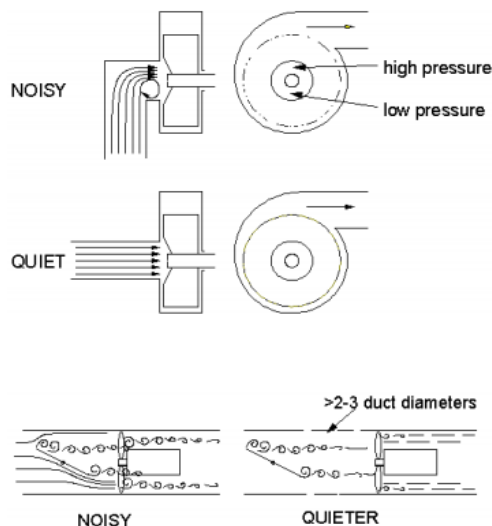
#### Indoor Ambient Noise

Noise in a given situation at a given time, usually composed of noise from many sources, inside and outside the building, but excluding noise from activities of the occupants.

## APPENDIX H – Noise Control Technique Examples

### FAN INSTALLATIONS

Typical applications Axial flow or centrifugal fans. Technique Maximum fan efficiency coincides precisely with minimum noise. Any fan installation feature that tends to reduce fan efficiency is therefore likely to increase noise. Two of the most common examples are bends close to the fan (intake side in particular) and dampers (close to the fan intake or exhaust).



Ideally, for maximum fan efficiency and minimum noise, make sure there is at least 2 - 3 duct diameters of straight duct between any feature that may disturb the flow and the fan itself. Noise reductions of 3 - 12 dB are often possible.

### DUCTWORK

Typical applications Extraction, ventilation, cooling, openings in walls and enclosures. Technique Instead of fitting silencers, it is often possible to achieve a 10 - 20 dB reduction in airborne noise from a duct or opening by lining the last bend in the ductwork with acoustic absorbent (foam or rockwool / fibreglass). Alternatively, construct a simple absorbent lined right-angled bend to fit on the opening. Ideally, either side of the bend should be lined along a length equivalent to twice the duct diameter. Where flow velocities are high (> 3m/s), consider using cloth faced absorbent.



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