

In Response to Consultee's Comments 14 Sep and LPA's Resistance to Application ref 69932.

The EHO has dismissed the submitted sound insulation report as it does not comply with BS4142 however, the LPA have not requested a BS4142 report. Usually, BS4142 is for industrial noise which is not relevant to this application. The determination of noise amounting to a nuisance is beyond the scope of BS4142. It is not intended to be applied to the rating and assessment of sound from recreational activities, music or people. The response from the building compliance company to the EHO's comments is included below.

The sound insulation test was conducted in line with Part E Building Regulations for noise between dwellings and in accordance with 'Test Standard BS EN ISO 140-4 - Acoustics. Measurement of sound insulation in buildings and of building elements. Field measurements of airborne sound insulation between rooms.' The EHO has stated the submitted report does not take account of the noise transmission to adjacent buildings through the party walls however, this is exactly the test which was undertaken, as shown in the report,

"Sound Insulation Testing is the process of measuring how much noise a building element, normally a wall or a floor, stops from travelling through to a neighbouring property. This report describes the process taken and the results obtained from the sound insulation testing at 5 Square Street"

This test in particular passed the Part E requirements.

There is no indication of an extraction system being provided as we do not believe this is required as food would not be cooked on the premises.

The EHO has stated that if windows are to be opened there is potential for noise to be audible outside the property from persons using it. This is true of all the existing businesses on the street. The EHO has also stated there is potential noise from windows and doors being opened and closed and from persons entering and leaving the property. Again, this is true of all the street's existing businesses which include licensed hospitality venues. The only way for these premises to remain silent is for the building to remain unused.

The EHO has stated there is insufficient toilet provision. Plans were submitted to the LPA 6 Apr however; toilet provision has not been raised as an issue before 14 Sep. It was not raised by the EHO in their comments submitted 12 May. It is our understanding that one toilet is required per 25 customers which is sufficient for this small venue. There is also an existing toilet at the rear of the building for staff use.

The EHO has incorrectly stated that there is no facility for refuse storage within the property boundary. The EHO's colleague commented on 12 May,

"As stated in the planning application the waste bins will be situated in the yard of the bar."

The location plan submitted shows the building and yard within the property boundary. The block plan submitted shows the proposed location of the bin store within the yard. The supporting document submitted states the lockable waste bins will be placed in the yard. The EHO's comments have been submitted over 7 weeks since this application was validated. It appears from their comments that the EHO has not visited the premises or viewed the submitted documents in that time.

Across the street at no 10, change of use from shop to shop & restaurant/café was approved by the LPA in Apr 2014 and Levanter tapas bar operated there until recently. There are residential apartments above no 10 and it has an extraction system. There was no noise assessment submitted with the application. There is one toilet in this venue. There is no facility for refuse storage within the property boundary.

Although there are residential apartments above no 10, there was no noise assessment, there is one toilet and no facility for refuse storage within the property boundary, the LPA found that the proposal would improve the economic, social and environment conditions of the area, it comprised sustainable development and the LPA worked proactively and positively to issue approval without delay.

Around the corner at 1 Smithy Street, change of use from shop to shop & restaurant/café was approved by the LPA in Sep 2015 and Baratzuri pintxo bar operated there until recently. There are residential apartments above 1 Smithy Street and it has an extraction system. There was no noise assessment submitted with the application. There was one toilet in this venue.

Although there are residential apartments above 1 Smithy Street, there was no noise assessment and there was one toilet, the LPA found that the proposal would improve the economic, social and environmental conditions of the area, it comprised sustainable development and the LPA worked proactively and positively to issue the decision without delay.

Nearby at 50 Bolton Street, change of use from retail to restaurant; installation of extraction flue to rear was approved by the LPA in Jan 2020 and Ramsbottom Social restaurant & bar has operated there since, with permission to open until midnight on Saturdays. There are residential apartments behind and overlooking 50 Bolton Street and neighbouring apartments at 56-60 Bolton Street. There is one toilet in this venue.

Although there are neighbouring residential apartments and there is one toilet, the LPA considered the development would not have a detrimental impact on the amenity of adjacent occupiers and would be acceptable. The LPA found that as a vacant premises, 50 Bolton Street did not contribute positively to either the vitality of the shopping centre or the character of the conservation area and the re-use of the building would bring positive benefits in preserving the historic character of the area and contributing to the vitality and viability of the town centre. The LPA considered that in heritage principles, the re-use of the building would preserve Ramsbottom town centre. The LPA found that the premises would function amidst other businesses, where comings and goings from shoppers and visitors are expected in shopping areas. The LPA considered that the premises are located in the middle of the town centre where it is expected to find a variety of uses, and where it would also be expected to find various choices of establishments and which would be part of ordinary town centre living for those who reside in these areas. The LPA considered that given the location within a town centre setting, the proposed use would be acceptable.

At 38 Bridge Street, change of use of ground floor from shop to bar was granted in May 2020 and The Ram Bar has operated over ground and first floors since, with permission to open until midnight Sundays and Bank Holidays, 12.30am Monday to Friday and 1am on Saturdays.

Although no 38 adjoins apartment 40a Bridge Street, there are neighbouring apartments at 42a, 34a and 30a Bridge Street which also overlook the rear of no 38 and it is open until the early hours, the LPA found that

the proposal would improve the economic, social and environmental conditions of the area, it comprised sustainable development and the LPA worked proactively and positively to issue the decision without delay.

The bars at 10 Square Street, 1 Smithy Street, 1C Smithy Street, 38 Bridge Street, 50 Bolton Street and 2 Market Place all had residential neighbours when change of use from retail to hospitality was approved. 10 Square Street, 1 Smithy Street and 50 Bolton Street all have one toilet and change of use was approved. The bar at 50 Bolton Street was granted permission to open until midnight and the bar at 38 Bridge Street was granted permission to open until 1am. The business proposed at 5 Square Street would close by 11pm with the last drinks served at 10.40, as stated in the existing licence issued.

As a vacant premises, 5 Square Street does not contribute positively to either the vitality of the shopping centre or the character of the conservation area and the re-use of the building would bring positive benefits in preserving the historic character of the area and contributing to the vitality and viability of the town centre. In heritage principles, the re-use of the building would preserve Ramsbottom town centre. The premises would function amidst other businesses, where comings and goings from shoppers and visitors are expected in shopping areas. The premises are located in the middle of the town centre where it is expected to find a variety of uses, and where it would also be expected to find various choices of establishments, and which would be part of ordinary town centre living for those who reside in these areas. Given the location within a town centre setting, the proposed use at 5 Square Street should be acceptable.

19 Sep 2023

Mark Ainsworth

Part E Testing

From: Jonathon Hill (jonathon.hill@c80solutions.co.uk)

To: ainsproperty@aol.com

Date: Tuesday, 19 September 2023 at 11:33 BST

Good Morning Mark,

The test carried out by C80 Solutions recently was tested in line with Part E building Regulations for noise between dwellings.

This test in particular passed the Part E requirements.

In relation to the requirements in BS4142, this states the below. Usually BS4142 is for industrial noise, I'm not sure this relates to your situation.

1.1 This British Standard describes methods for rating and assessing sound of an industrial and/or commercial nature, which includes:

- a) sound from industrial and manufacturing processes;
- b) sound from fixed installations which comprise mechanical and electrical plant and equipment;
- c) sound from the loading and unloading of goods and materials at industrial and/or commercial premises; and
- d) 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.

The methods described in this British Standard use outdoor sound levels to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident.

NOTE Examples of how ratings might be obtained using this standard are given in Annex A.

1.3 The determination of noise amounting to a nuisance is beyond the scope of this British Standard.

Sound of an industrial and/or commercial nature does not include sound from the passage of vehicles on public roads and railway systems.

The standard is not intended to be applied to the rating and assessment of sound from:

- a) recreational activities, including all forms of motorsport;
- b) music and other entertainment;
- c) shooting grounds;
- d) construction and demolition;
- e) domestic animals;
- f) people;
- g) public address systems for speech; and
- h) other sources falling within the scopes of other standards or guidance.

The standard is not intended to be applied to the derivation of indoor sound levels arising from sound levels outside, or the assessment of indoor sound levels.

The standard is not applicable to the assessment of low frequency noise.

NOTE Information on the assessment of low frequency noise is given in NANR45 [1, 2].



Jonathon Hill

Operations Manager

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