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23rd May 2019

Please find enclosed the representations in relation to Dia Y Noche Licensing Application from the Environmental Health Team.

Regards

A handwritten signature in black ink, appearing to read "Charlotte Scott", with a long horizontal line extending to the right.

Charlotte Scott
Environmental Health Officer

Licence review representations - Epsom & Ewell Borough Council – Environmental Health

Dia Y Noche, 39 The Oaks Square, Epsom, KT19 8AS

Overview

In June 2017 the licensed premises Dia Y Noche started trading. Prior to this the premises has been occupied by food businesses with mainly day time trade.

Substantiated complaints have been received concerning

- Noise from external amplified speakers
- Noise from customers in external seating area / smoking
- Noise from amplified music within the building

Epsom & Ewell Borough Council – Environmental Health is of the opinion that that the Licensing objective of Prevention of Public Nuisance has been undermined.

Below is an overview of the staged intervention the Environmental Health department have had with the premises operator.

Prior to the premises opening the operator of the business discussed proposals regarding operation and liaised with an officer in the Environmental Health team. This officer requested that the operator instruct the services of an acoustic consultant to undertake an assessment of noise from the premises. An Acoustic Design Report was produced on 11 May 2017 which outlined remedial works that should be completed to try and reduce the levels of noise surrounding residential accommodation could be exposed to. A copy of this acoustic report has been included in the Appendix of this report.

Noise complaints have been received in relation to the premises

Date of noise complaint	Nature of noise complaint
23/06/2018	People and music noise
13/07/2018	Loud music and doors open
24/07/2018	Amplified music
31/07/2018	Loud music
29/09/2018	Football match and speakers outside

More recently noise complaints were received from three separate complainants between 29/03/19 and 23/04/19. Two complaints were in relation to music noise from a speaker

outside of the premises and the other in relation to noise in the complaints property from inside the premises.

The complainants have been submitting recordings via The Noise App, which is an application which allows the complainants to record the noise when they are being disturbed. Copies of these recordings have been provided as evidence to support the representation being made.

Date of noise complaint	Nature of noise complaint
Original complaint - 23/03/2019	Music
Update 29/03/2019	Music
Update 19/04/2019	Music
Update 4/05/2019	Music
Original complaint - 19/04/2019	Speaker outside the premises
Update 20/04/2019	Speaker outside the premises and doors open wide
Original complaint – 21/04/2019	Speaker outside the premises - continual music.
Update 03/05/2019	People noise
Update 10/05/2019	People noise

Noise from external amplified speakers

The operator of the business was contacted on 26th April 2019 to notify him of the complaints received and that we were undertaking investigations to establish whether a statutory nuisance exists. Following this conversation the operator decided that the premises would no longer use the external moveable speaker to provide music. Since this change has been implemented we have not received complaints regarding music noise from outside the premises. Commensurate with this, a suggested condition is nominated in this document which restricts the future use of external speakers.

Noise from customers in external seating area / smoking

Complainants are still experiencing disturbances as a result of noise from patrons of the premises using the outside area. The premises are not effectively managing people noise within the current licence therefore the Environmental Health team would not support an extension to the hours of the licence. Owing to the presence of a greater proportion of

residences in Oaks Square compared with Derby Square this department has not received any recent noise complaints in relation to other businesses in the development.

The department has installed calibrated noise monitoring equipment into one of the complainant's properties. They utilised this equipment to record when they were being disturbed to demonstrate how the operation of the premises is affecting their enjoyment of their property.

As a result of the noise complaints this would be an appropriate opportunity to review the condition in relation to number of individuals permitted in the smoking area. Based on the capacity of the premises it is proposed that the number is reduced from 10 to 5 people. It is felt that 5 people would be easier for the premises to manage and also a calculation has been completed based on the Joint Strategic Needs Assessment (JSNA)¹. This calculation has been provided in the Appendix of this report. Other licensed premises in the Borough have smoking areas with conditions restricting the number of individuals permitted in these areas. From experience and witnessing how these smoking areas are managed it is necessary to control and limit the number of individuals.

The premises does not currently have a condition requiring them to proactively monitor noise, from both music and people, associated with the premises. Given the amount of residential accommodation in the vicinity of the premises and noise complaints being received a condition relating to monitoring, and documenting these checks, would promote the licensing objective of the prevention of public nuisance.

It is expected that if the proposed conditions were added to licence and adhered to noise associated with the premises would be better controlled and public nuisance less likely to occur.

Noise from amplified music within the building

With reference to music entertainment taking place within the building structure itself, the Acoustic Design Report² states "...it is likely that music noise levels should comply with the proposed requirements at the residential properties opposite but are likely to exceed the proposed requirements within the residential properties above". It is the position of the Environmental Health team that without additional structural measures, it remains likely that noise levels within the residential properties above will be excessive and an extension in hours of is inappropriate leading to the undermining of the licensing objective.

Summary

Whilst there has been some co-operation and engagement with the Environmental Health Team the issues with noise associated with the premises there still continues to be valid complaints. A staged approach of enforcement has been utilised but it appears that more formal intervention, in the form of a representation to the consultation in relation to the premises licence variation, is required. There has been some welcome improvement in

¹ <https://www.surreyi.gov.uk/jsna/improving-health-behaviours/#header-the-level-of-need-in-the-population>

² (Adnitt Acoustics, 2017)

relation to noise from amplified music where the source was a moveable speaker position outside the premises following the discontinuation of the use of this speaker.

Based on the content of this representation, Epsom & Ewell Borough Council – Environmental Health would request the following:

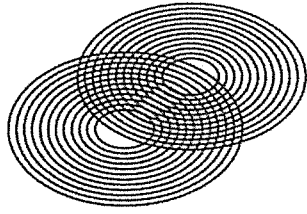
- That permission for the extension of an hour on a Friday and Saturday until 01:00hours and an additional half an hour Monday to Thursday 23:30hours for all licensable activities, except live music, is not granted.
- The variation of Condition 10 is not permitted.
- The variation of Condition 11 is not permitted.
- Condition 12 is varied to reduce the number of people permitted in the smoking area after the specified area.
- Include an additional condition in relation to noise monitoring.
- Include an additional condition in relation to external sources of amplification.

Proposed conditions have been included with this report and have been provided to the applicant prior to the hearing.

Evidence provided in Appendix

- Acoustic report provided in relation to Dia Y Noche. 39 The Oaks Square, Epsom, KT19 8AS
- Noise App summary completed by complainants
- Noise App recordings made by complainants on CD
- Audio noise monitoring completed by complainant on Trojan noise monitoring equipment on CD
- Calculation to determine the basis for number of people submitted in smoking area (including extract from JSNA report)
- Proposed conditions for the premises licence

APPENDIX



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Report 1921/EBF/R1-
Issue Date 11 May 2017

Project **39 Oaks Square**
Epsom, Surrey, KT19 8AS

Title **Acoustic Design Report**
Sub Title

Client Dia y Noche Ltd.
39 Oaks Square
Epsom
Surrey
KT19 8AS

Case No

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MInstP

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Revision	Reason	Checked	Signature

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1. INTRODUCTION

- 1.1 Adnitt Acoustics have been commissioned by Dia y Noche Ltd to undertake an acoustic assessment of the new café bar at 39 Oaks Square, Epsom, Surrey.
- 1.2 The assessment makes use of the results of a series of acoustic tests undertaken between the venue and nearby residential properties above the unit and in the building opposite.
- 1.3 An assessment of the likely music noise levels has been undertaken using the predicted acoustic performances of the separating floor and through the front façade against the good practice criteria found within the relevant Codes of Practice and research reports.
- 1.4 As this is a technical report it will be necessary to make use of some technical terms. To assist the reader a glossary has been included in Appendix A.

2. ACOUSTIC DESIGN REQUIREMENTS

National Planning Policy

- 2.1 Since March 2012 national planning policy has been governed by the National Planning Policy Framework (NPPF). Paragraph 123 of the NPPF gives generic advice with regard to noise and vibration.

“Planning policies and decisions should aim to:

- (i) avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of the new development;*
- (ii) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from the new development, including through the use of conditions;*
- (iii) recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- (iv) identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*

- 2.2 Further guidance with regard to the phases and “significant adverse impacts” and “adverse impacts” is given in the Noise Policy Statement for England (NPSE) which provides the following guidance.

“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.

Extending these concepts for the purpose of this 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.”

- 2.3 The NPSE further clarifies that due to the complex and subjective nature at which noise impacts are perceived by individuals or groups of individuals that:

“It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from

noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.”

2.4 A hierarchy of noise impacts has recently been published by the Department for Communities and Local Government as part of the National Planning Practice Guidance (NPPG). This hierarchy is presented as a table and has been reproduced below.

<i>Perception</i>	<i>Examples of Outcomes</i>	<i>Increasing Effect Level</i>	<i>Action</i>
<i>Not Noticeable</i>	<i>No Effect</i>	<i>No Observed Effect</i>	<i>No specific measures required</i>
<i>Noticeable and not intrusive</i>	<i>Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life</i>	<i>No Observed Adverse Effect Level (NOAEL)</i>	<i>No specific measures required</i>
		<i>Lowest Observed Adverse Effect Level</i>	
<i>Noticeable and intrusive</i>	<i>Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.</i>	<i>Observed Adverse Effect</i>	<i>Mitigate and reduce to a minimum</i>
		<i>Significant Observed Adverse Effect Level</i>	
<i>Noticeable and disruptive</i>	<i>The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.</i>	<i>Significant Observed Adverse Effect</i>	<i>Avoid</i>

Perception	Examples of Outcomes	Increasing Effect Level	Action
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Significant Observed Adverse Effect	Prevent

Table 1921/T1 - National Planning Practice Guidance with regard to Noise

Local Planning Policy

2.5 The local authority, Epsom and Ewell Borough Council, have the following planning policy with regard to noise, Core Strategy Policy CS6:

“Proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development - both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development:

- *minimises the use of energy in the scheme by using an appropriate layout, building design and orientation;*
- *minimises the emission of pollutants, including noise, water and light pollution, into the wider environment;*
- *has no adverse effects on water quality, and helps reduce potential water consumption, for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage;*
- *avoids increasing the risk of, or from, flooding;*
- *minimises the energy requirements of construction, for example by using LDF Core Strategy 2007 27 sustainable construction technologies and encouraging the recycling of materials;*
- *encourages the use of renewable energy by the incorporation of production facilities within the design of the scheme;*
- *incorporates waste management processes, for example for the recycling of water and waste. The waste hierarchy (Reduce-Reuse-Recycle-Recover Dispose) should be applied to all stages of development design, construction and final operation.”*

Acoustic Design Requirements

2.6 As this is an entertainment venue it is not considered appropriate nor is it considered to be within the scope of the requirements of British Standard BS 4142:2014. Therefore, the following design requirements are provided.

Music Noise within Residential Properties

2.7 Music noise emissions from the bar should be controlled within the residential properties above in general accordance with the recommendations given within the Institute of Acoustics draft “Code of Practice (Good Practice Guide) of Noise from Pubs and Clubs”. On this basis the following requirement is recommended:

- The L_{Aeq} of the entertainment noise should not exceed the representative background noise level L_{A90} (without entertainment noise).

2.8 Music noise levels outside of the residential properties in the opposite building should be controlled in accordance with the recommendations provided in “*The Noise Council Code of Practice on the Control of Noise from Concerts*”. In keeping with the spirit of the Code the following is recommended:

- The L_{Aeq} of the entertainment noise should not exceed the representative background noise level L_{A90} (without entertainment noise) when measured at 1m from the façade of the residential properties.

Low Frequency Noise within Residential Properties

2.9 Whilst controlling music noise levels as described above is an indication that noise pollution from the venue is reduced the properties of the A-Weighting may not adequately control the low frequency content (e.g. bass beat).

2.10 It is recommended that the low frequency noise within the nearby residential properties, those within the same building and those within the building opposite, is controlled such that the levels are below the reference curve identified within the University of Salford report for DEFRA NANR45. This reference curve is reproduced below:

10Hz	12.5Hz	16Hz	20Hz	25Hz	31.5Hz	40Hz	50Hz	63Hz	80Hz	100Hz	125Hz	160Hz
92dB	87dB	83dB	74dB	64dB	56dB	49dB	43dB	42dB	40dB	38dB	36dB	34dB

Table 1921/T2 - Low Frequency Noise Reference Curve (Reproduced from NANR45)

2.11 Please note that compliance with the recommendations contained within this report is not a defence or does not indemnify the operator against any further noise complaint or statutory nuisance claim and does not guarantee inaudibility.

3. ACOUSTIC TESTS

3.1 A series of acoustic tests were undertaken within the commercial unit on Tuesday 25th April 2017. The following tests were undertaken:

- Airborne sound insulation test between the commercial unit and the residential properties above using pink noise and the methodology described in British Standard BS EN ISO 16283-1:2014;
- Measurements of level difference between the commercial unit and the residential properties above using a music noise source;
- Measurements of music noise level at a location representative of the residential properties opposite.

Airborne Sound Insulation Tests using pink noise

3.2 A set of airborne sound insulation tests were undertaken between the commercial unit on the ground floor and the residential units above. Measurements were undertaken within the Living Room of Flat 26 and the Living Room of Flat 27 which are understood to be directly above the commercial unit.

3.3 The construction of the separating floor is understood to be as follows:

- Floor finish;
- Concrete slab of unknown thickness;

3.4 Sound insulation tests were undertaken between the following rooms:

Source Room	Volume m ³	Receive Room	Volume m ³	Test Sample	Area m ²
39 Oaks Square	243.4	Flat 26 Living Room	59.6	Floor	26.0
39 Oaks Square	243.4	Flat 27 Living Room	77.0	Floor	33.5

Table 1921/T3 - Airborne Test Room Physical Details

3.5 The following test equipment was used in undertaking the tests:

Equipment Description	Manufacturer & Type Number	Serial Number	Calibration Last Date	Certificate Number
Integrating sound level meter	Nti XL2-TA	A2A-08401-E0	16/08/2016	U22423
Microphone	NTI MC230	7798	16/08/2016	22422
Preamp	NTI MC230	3376	16/08/2016	22422
Loudspeaker	Mackie Thump	-	-	-
Loudspeaker	Mackie SRM550	-	-	-
Pink Noise Source	NTi Minirator Pro	-	-	-

Table 1921/T4 - Equipment Details

3.6 The results of the tests are summarised below and presented graphically in the indicated figures.

Source Room	Receive Room	Test Sample	Test Figure ref.	Result D _{nT,w}	Result D _{nT,w} +C _{tr}
39 Oaks Square	Flat 26 Living Room	Floor	1921/AB1	56 dB	52 dB
39 Oaks Square	Flat 27 Living Room	Floor	1921/AB2	59 dB	54 dB

Table 1921/T5 - Airborne Sound Insulation Test Results

Airborne Sound Insulation Tests using music noise

3.7 Airborne sound insulation tests were undertaken using music noise with loud speakers in the approximate location of the proposed DJ console. Noise levels within the commercial

unit were measured in the order of 91dB $L_{Aeq,T}$. Noise levels were measured in the residential properties above and are summarised in the Table below.

- 3.8 The measurements of the music noise level within the properties above have been corrected for the ambient noise within the residential property using the methodology detailed in BS EN ISO 16283-1:2014. The results have been presented in the Table below.

Receiving Room	Background Noise Level (No Music)	Music Noise Level	Difference
Flat 26 Living Room	25dB $L_{A90,T}$	39dB $L_{Aeq,T}$	+ 14dB
Flat 27 Living Room	29dB $L_{A90,T}$	37dB $L_{Aeq,T}$	+ 8dB

Table 1921/T6 - Music Noise Sound Insulation Test Results (Music)

- 3.9 Low frequency noise levels have been processed in a similar fashion and the results compared with the reference curve found in NANR45. These results are presented in Figure 1921/AB3 which is appended to this report.

Sound Propagation Tests using music noise

- 3.10 A sound propagation test to the residential properties in the building opposite has been undertaken using a music noise source and loudspeakers in the approximate location of the DJ console. Noise levels within the commercial unit were measured in the order of 91dB $L_{Aeq,T}$. Noise levels were measured at a location external to the residential properties opposite and corrected for the ambient noise levels using the methodology detailed in BS EN ISO 16283-1:2014 and the results presented in the Table below.

Receptor	Background Noise Level (No Music)	Music Noise Level	Difference
Residential property opposite 39 Oaks Square	50dB $L_{A90,T}$	59dB $L_{Aeq,T}$	+ 9dB

Table 1921/T7 - Music Noise Sound Insulation Test Results (Music)

4. ACOUSTIC ASSESSMENT

Discussion of Acoustic Test Results

- 4.1 The acoustic test results show that the separating floor between the commercial unit and the residential units above achieves in excess of the minimum requirements of the building regulations. Therefore, it is anticipated that the depth of the concrete slab is likely in the order of 250mm. However, music noise is audible within the apartments.
- 4.2 Furthermore, the sound propagation tests showed that music noise is audible at the receptor location opposite the entrance to the commercial unit.
- 4.3 Our onsite observations showed that the majority of the noise transfer between the commercial units and the residential properties was flanking around the outside of the building through the acoustically weak front façade.
- 4.4 Therefore, in addition to the proposed improvements to the separating ceiling it is recommended that the front elevation be replaced with a higher performance glazing construction and a lobby is installed to further reduce noise emissions from the unit.

Proposed Improvement Works

- 4.5 It is understood that the separating floor will be upgraded by installing a suspended ceiling constructed from 15mm Fireline with 100mm mineral wool insulation within the cavity. It is predicted that this should improve the acoustic performance of the separating floor by approximately 10dB R_w .
- 4.6 Similarly, it is understood that the front elevation is to be replaced with a double glazed unit formed from 6.4mm lam / air gap / 4mm glass. It is assumed that the air gap should be in the order of 12mm. It is predicted that the acoustic performance of this new elevation should be in the order of 37dB R_w .

Music Noise Level Predictions

- 4.7 Using the measured data and anticipated acoustic performances it is possible to provide a likely indication of the music noise levels within the residential units. The likely indicated levels within the residential properties above are presented in Table 1921/T8 below.

Receptor	Separating Element	Background Noise Level (No Music)	Predicted Music Noise Level	Difference
Flat 26 Living Room	Floor	25dB $L_{A90,T}$	34dB $L_{Aeq,T}$	+ 9dB
Flat 27 Living Room	Floor	29dB $L_{A90,T}$	34dB $L_{Aeq,T}$	+ 5dB
Residential Property opposite 39 Oaks Square	Front Facade	50dB $L_{A90,T}$	45dB $L_{Aeq,T}$	- 5dB

Table 1921/T8 - Likely Music Noise Levels at Receptors

- 4.8 The predictions show that it is likely that music noise levels should comply with the proposed requirements at the residential properties opposite but are likely to exceed the proposed requirements within the residential properties above.
- 4.9 As discussed above, these predicted music noise levels are based upon a level within the commercial unit in excess of 90dB $L_{Aeq,T}$. As this is on the extreme upper limit for the proposed use it is recommended that a limiter be installed within the sound system to limit music noise to 80dB $L_{Aeq,T}$.

- 4.10 The limiter should be installed immediately before the amplifiers and set prior to opening. This limiter may either be an analogue limiter installed within a lockable cupboard or a digital distributed audio system (Allan and Heath iDR or equivalent) which is set using a computer with no controls which may be tampered with.
- 4.11 Consideration should be given to installing an ambient noise limiter (Electric Orange or equivalent) which is fitted to the electrical ring main should it be decided to have live acts playing who bring their own sound system.
- 4.12 Any limiter should be set by a suitable qualified acoustician using a Class 1 Sound Level Meter. Access would be required to the residential properties above for the duration of the limiter setting exercise.
- 4.13 Any loud speakers should be installed on independent column or wall linings. Alternatively speakers should be installed on resilient neoprene rubber speaker brackets.
- 4.14 Following installation of the limiter it is considered likely that the music noise levels should comply with the guidance found within the *Code of Practice (Good Practice Guide) of Noise from Pubs and Clubs* and low frequency noise levels should be below the low frequency noise reference curve as published in DEFRA report NANR45.
- 4.15 Therefore, it is considered that the development should comply with the requirements of the Local Planning Authority as expressed in their Core Strategy Policy CS6 and the requirements of the National Planning Policy Framework.
- 4.16 Please note that compliance with the recommendations contained within this report is not a defence or does not indemnify the operator against any further noise complaint or statutory nuisance claim and does not guarantee inaudibility.

5. CONCLUSION

- 5.1 Adnitt Acoustics were commissioned by Dia y Noche Ltd to undertake an acoustic assessment of the new café bar at 39 Oaks Square, Epsom, Surrey.
- 5.2 The assessment makes use of the results of a series of acoustic tests undertaken between the venue and nearby residential properties above the unit and in the building opposite.
- 5.3 The sound insulation tests of the separating floor showed that the separating floor between the commercial unit and the residential properties above achieved an acoustic performance in excess of the building regulations and is assumed to be constructed from a 250mm thick concrete slab.
- 5.4 Following completion of the proposed remedial works it is predicted that the music noise levels at the residential properties within the building opposite are likely to comply with the proposed design criteria.
- 5.5 However, the music noise levels are likely to exceed the proposed design requirements within the residential properties above even with the proposed remedial works.
- 5.6 Therefore, it is recommended that a limiter is installed within the sound system in a tamperproof cabinet and set to level of 80dB $L_{Aeq,T}$.
- 5.7 Consideration should be given to installing an ambient noise limiter (Electric Orange or equivalent) which is fitted to the electrical ring main should it be decided to have live acts playing who bring their own sound system and any house loudspeakers should be installed on independent column or wall linings. Alternatively speakers should be installed on resilient neoprene rubber speaker brackets.
- 5.8 Therefore, it is considered that the development should comply with the requirements of the Local Planning Authority as expressed in their Core Strategy Policy CS6 and the requirements of the National Planning Policy Framework.
- 5.9 Note, compliance with the recommendations contained within this report is not a defence or does not indemnify the operator against any further noise complaint or statutory nuisance claim.

Chris Turner BSc(Hons) MSc MIOA MInstP

for ADNITT ACOUSTICS

APPENDIX A: GLOSSARY OF ACOUSTIC TERMS

Ambient Noise	The noise climate heard over a period of time due to all normal sources, in the absence of extraneous or atypical sounds. Used to describe noise in the absence of the introduced sound, generally.	
Ambient Noise Level	Describes the average noise level of the ambient noise over a stated period of time, e.g. hourly noise	
	Parameter: A-weighted Continuous Equivalent Sound Pressure Level determined over the time period T. Expressed in decibels / A-weighted decibels	$L_{eq,T}$ or $L_{Aeq,T}$ dB(A) or dB
Decibel scale dB	A linear numbering scale used to define a logarithmic amplitude scale, thereby compressing a wide range of amplitude values to a small set of numbers	
dB(A)	An electronic filter in a sound level meter, which approximates under defined conditions the frequency response of the human ear.	
$L_{Aeq,T}$	The equivalent continuous sound level. The steady dB(A) level which would produce the same A-weighted sound energy over a stated period of time as the measured sound pressure level.	
L_{Amax}	The maximum dB(A) level measured during a survey period.	
L_{A10}	The dB(A) level exceeded for 10% of the survey period, often used as a quantifier of traffic noise level.	
L_{A90}	The dB(A) level exceeded for 90% of the survey period. Used in BS 4142:2014 as being representative of the background noise level.	
Acoustic screening	Physical barrier to sound formed by fence, wall, building or other structure, which has the effect of reducing the sound transmitted.	
Individual Event Noise	The noise of a distinctive event with the varying noise climate, usually a transient activity, such as a vehicle pass-by, aircraft flyover or similar, rather than an isolated impulsive noise.	
Individual Event Noise Level	Describes the highest noise level during the event as measured under particular conditions of time-weighting	
	Parameter: A-weighted Maximum Sound Pressure Level with FAST or SLOW time weighting Expressed in decibels / A-weighted decibels	$L_{Amax,FAST}$ or $L_{Amax,F}$ $L_{Amax,SLOW}$ or $L_{Amax,S}$ dB(A) or dB
Sound Reduction Index R_w	Single number rating used to describe the sound insulation of building elements as defined in BS EN ISO 717-1:2013.	
Weighted element-normalized level difference $D_{n,e,w}$	Single number rating used to describe the sound insulation of building elements as defined in BS EN ISO 717-1:2013.	

APPENDIX B: SOUND INSULATION TEST RESULT FIGURES

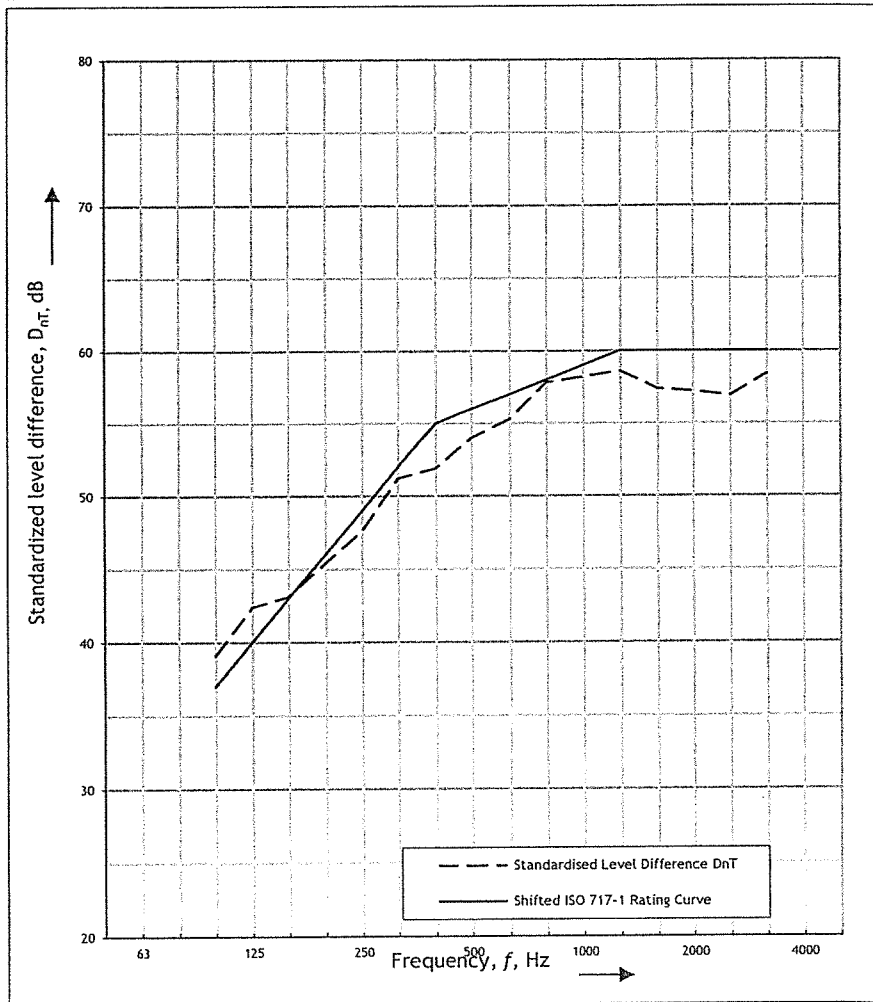
Standardised level difference according to ISO 140-4:1998
Field measurement of airborne sound insulation between rooms

Project Number: 1921	Description	
Property: 39 The Oaks Square	Source Room: 39 The Oaks Square	243.4 m ³
Epsom	Receive Room: Flat 26 Living Room	59.6 m ³
KT19 8AS	Test Element: Floor	Area: 26.0 m ²
Client: Dia y Noche Ltd	Dwelling Type: Purpose Built Flat(s)	
	Construction: Floor finish on concrete slab of unknown thickness	

Tester: 12 Chris Turner
 Checker: 13 Graham Shaw
 Date of Test: 25-Apr-17

$D_{nT,w} + C_{tr}$
52 dB

Frequency <i>f</i> Hz	D_{nT} (one-third octave) dB
50	
63	
80	
100	39.1
125	42.4
160	43.1
200	45.4
250	47.6
315	51.2
400	51.9
500	54.0
630	55.3
800	≥ 57.8
1 000	58.2
1 250	58.6
1 600	57.4
2 000	57.2
2 500	56.9
3 150	≥ 58.4
4 000	
5 000	



Rating according to ISO 717-1

$D_{nT,w}(C;C_{tr}) = 56$ (-1 ; -4) dB; $C_{50-3150} =$ dB; $C_{50-5000} =$ dB; $C_{100-5000} =$ dB

Evaluation based on field measurement results obtained by engineering method $C_{tr,50-3150} =$ dB; $C_{tr,50-5000} =$ dB; $C_{tr,100-5000} =$ dB

Test figure reference: 1921/AB1

Adnitt Acoustic Services Ltd.

Signature:

Chris Turner

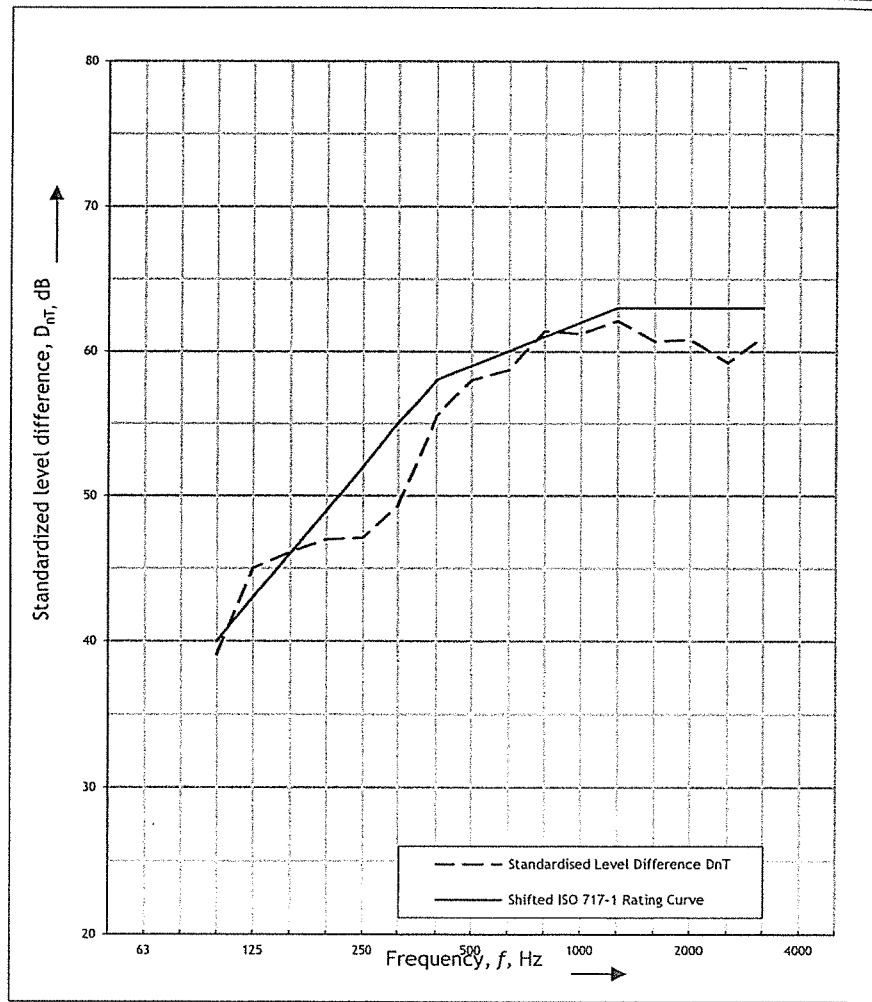
Issue Date: 11-May-17

Standardised level difference according to ISO 140-4:1998
Field measurement of airborne sound insulation between rooms

Project Number: 1921	Description	
Property: 39 The Oaks Square Epsom KT19 8AS	Source Room: 39 The Oaks Square	243.4 m ³
Client: Dia y Noche Ltd	Receive Room: Flat 27 Living Room	77.0 m ³
	Test Element: Floor	Area: 33.5 m ²
	Dwelling Type: Purpose Built Flat(s)	
	Construction: Floor finish on concrete slab of unknown thickness	
Tester: 12 Chris Turner		
Checker: 13 Graham Shaw		
Date of Test: 25-Apr-17		

$D_{nT,w} + C_{tr}$
54 dB

Frequency <i>f</i> Hz	D_{nT} (one-third octave) dB
50	
63	
80	
100	39.1
125	45.0
160	46.1
200	47.0
250	47.1
315	49.3
400	55.5
500	58.0
630	58.7
800	≥ 61.4
1 000	≥ 61.2
1 250	≥ 62.1
1 600	≥ 60.7
2 000	≥ 60.8
2 500	59.2
3 150	≥ 61.0
4 000	
5 000	



Rating according to ISO 717-1

$D_{nT,w}(C;C_{tr}) = 59$ (-2 ; -5) dB; $C_{50-3150} =$ dB; $C_{50-5000} =$ dB; $C_{100-5000} =$ dB

Evaluation based on field measurement results obtained by engineering method $C_{tr,50-3150} =$ dB; $C_{tr,50-5000} =$ dB; $C_{tr,100-5000} =$ dB

Test figure reference: 1921/AB2

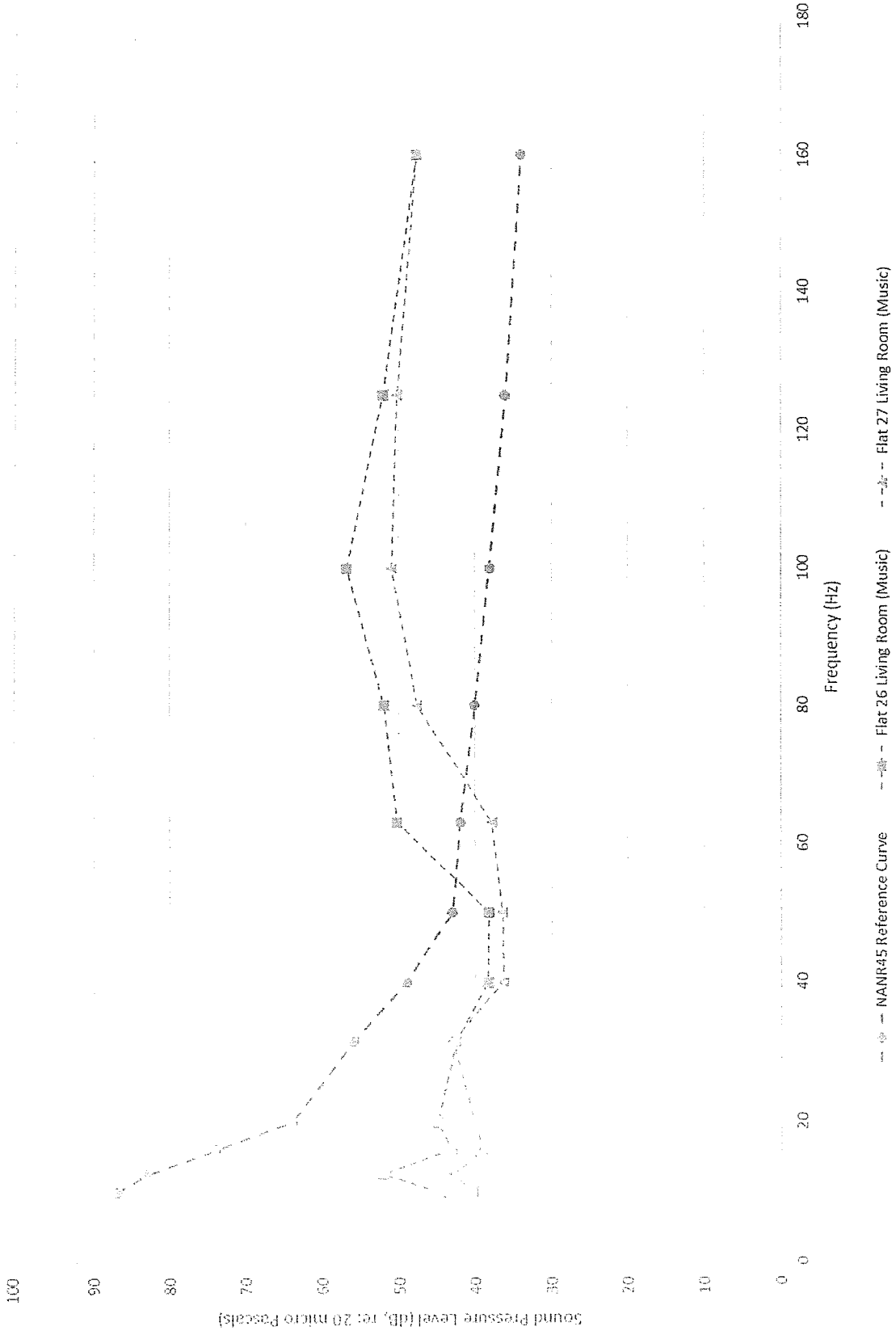
Adnitt Acoustic Services Ltd.

Signature:

Chris Turner

Issue Date: 11-May-17

Figure 1921/ AB 3 : Comparison of Noise Levels with NANR Reference Curve



Complainant Details

Carlos Felipe Perazona

carosfeli@perazona.com

10 The Oaks Square, Epsom, KT19 8AS



07534252204

Last updated 26 Apr 2019 09:16am

Source Address

Dai Y Noche, The Oaks Square,, Epsom, KT19 8AS

Reports



Date	Source	Location	Intensity Rating	Duration
20 Apr 2019 20:15pm	 Music	 Dining Room	9/10	05:00:00

Comments

”

-

Officer Notes

Date	Source	Location	Intensity Rating	Duration
20 Apr 2019 20:13pm	 Music	 Dining Room	9/10	05:00:00

Comments

”

doors wide open and music extremely loud. When is someone going to do something about this place? speakers outside, music loud and 2 doors fully opened.

[REDACTED]

Date	Source	Location	Intensity Rating	Duration
------	--------	----------	------------------	----------

20 Apr 2019
19:57pm



Music



Dining Room

9/10

05:00:00

Comments

”

all day again with music outloud and both door fully opened at all times.

Officer Notes

Date	Source	Location	Intensity Rating	Duration
------	--------	----------	------------------	----------

19 Apr 2019
20:40pm



Music



Dining Room

9/10

03:00:00

Comments

”

they have a speaker outside the premises and then they always keep the door open and very high and loud music with no care or respect for neighbours. why is the noise so loud?

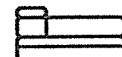
Officer Notes

Date	Source	Location	Intensity Rating	Duration
------	--------	----------	------------------	----------

~~25 Oct 2018~~
~~06:56am~~



Other



Bedroom

9/10

00:15:00

Comments

”


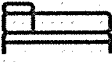
~~Denver truck from Wendos with the engine on since 6:15 and started unloading at 6:50 am.~~

**INCORRECTLY
LOGGED
AGAINST THIS
PREMISES**

SECRET

SECRET
TOP SECRET
SECRET

SECRET



Date	Source	Location	Intensity Rating	Duration
20 Oct 2018 00:35am	 Music	 Bedroom	9/10	01:00:00

Comments

”

-

Officer Notes



Date	Source	Location	Intensity Rating	Duration
08 Sep 2018 20:44pm	 Music	 Dining Room	8/10	02:00:00

Comments

”

Keep using a speaker outside the place and doors wide open.

Officer Notes

Date	Source	Location	Intensity Rating	Duration
27 Jul 2018 21:23pm	 Music	 Dining Room	9/10	04:00:00

Comments

”

Everyday the same. We allowed it during the world cup but this is too much. All afternoon with very loud music from Dia y Noche.

Officer Notes

21 Jul 2018
21:19pm



Music



Dining Room

9/10


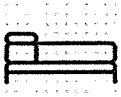
01:15:00

Comments

”

No body at the pub but they have the music extremley loud with doors open. Is this a club ?

Officer Notes


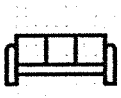
Date	Source	Location	Intensity Rating	Duration
20 Jul 2018 21:46pm	 Music	 Bedroom	8/10	00:45:00

Comments

”

Very loud music with pubs doors fully opened

Officer Notes

Date	Source	Location	Intensity Rating	Duration
07 Jul 2018 23:14pm	 Music	 Living Room	8/10	01:15:00

Comments

”

-

Officer Notes

Date	Source	Location	Intensity Rating	Duration
07 Jul 2018 22:49pm	 Music	 Living Room	8/10	01:00:00

Comments

¶¶

This it's becoming more a more common. Ending very late, not closing the door and loud music.

Officer Notes

Complainant Details

~~Alex Hillinger~~

~~alex.hillinger@gmail.com~~

~~20, The Oaks Square, Epsom, Surrey, Middlesex~~

~~17233706679~~

Last updated 04 May 2019 22:46pm

Source Address

Dia Y Noche Lounge, 39 The Oaks Square, EPSOM, KT19 8AS

Reports

Date	Source	Location	Intensity Rating	Duration
04 May 2019 22:45pm	 Music	 Bedroom	7/10	02:00:00

Comments

”

Unable to sleep

Officer Notes

Date	Source	Location	Intensity Rating	Duration
19 Apr 2019 23:32pm	 Music	 Bedroom	8/10	02:00:00

Comments

”


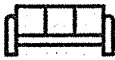
Unable to sleep

1


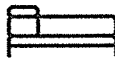
2

3

4

Date	Source	Location	Intensity Rating	Duration
29 Mar 2019 22:54pm	 Music	 Living Room	9/10	02:00:00
Comments				
” The bass is vibrating the furniture				
Officer Notes				

Date	Source	Location	Intensity Rating	Duration
29 Mar 2019 22:10pm	 Music	 Living Room	7/10	01:00:00
Comments				
” Can't hear television				
Officer Notes				

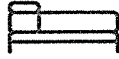
Date	Source	Location	Intensity Rating	Duration
23 Mar 2019 23:24pm	 Music	 Bedroom	10/10	02:00:00
Comments				
” Unable to sleep				
Officer Notes				

15 Mar 2019

21:38pm



Music



Bedroom

9/10

01:00:00

Comments

” Unable to hear tele and relax

Officer Notes

Date

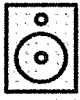
Source

Location

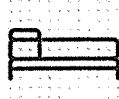
Intensity
Rating

Duration

02 Mar 2019
00:55am



Music



Bedroom

10/10

04:00:00

Comments

” Now 1.00 am and music is still playing at unreasonable level

Officer Notes

Date

Source

Location

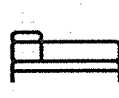
Intensity
Rating

Duration

02 Mar 2019
00:28am



Music



Bedroom

10/10

03:00:00

Comments

” Now 12.30 this is unbearable and causing me distress

Officer Notes

Date

Source

Location

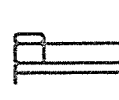
Intensity
Rating

Duration

02 Mar 2019
00:15am



Music



Bedroom


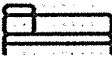
10/10

03:00:00

”

12.15 now the is getting ridiculous!!! When are you going to do something? This has been going on for months and you have done NOTHING!!!!

Officer Notes



Date	Source	Location	Intensity Rating	Duration
02 Mar 2019 00:11am	 Music	 Bedroom	9/10	03:00:00

Comments

”

Unable to sleep!!!!!!

Officer Notes

Date	Source	Location	Intensity Rating	Duration
01 Mar 2019 22:41pm	 Music	 Living Room	9/10	02:00:00

Comments

”

I can feel the base through the furniture in living room

Officer Notes

Date	Source	Location	Intensity Rating	Duration
01 Mar 2019 21:46pm	 Music	 Living Room	7/10	01:00:00

Comments

”

Unable to hear television clearly

Complainant Details


andydye8
andydye2009@btinternet.com
9 The Oaks Square, Epsom, Epsom, KT198AS
07737127618

Last updated 10 May 2019 23:01pm

Source Address

Dai Y Noche , Epsom, KT198AS

Reports

Date	Source	Location	Intensity Rating	Duration
10 May 2019 22:49pm	 Loud Voices	 Living Room	4/10	03:00:00

Comments

”

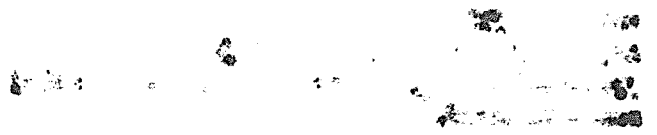
Further to my earlier submission, this is what can be heard in my lounge, with a small window ajar, generated by people outside, smoking and talking, at Dai y Noche. I have been careful to ensure this recording does not include people passing by, heading to one of the nightclubs, as this would be unfair. As I mentioned before, it is 10.40pm and I expect noise, but if this was later, circa 00.30 to 1.00am, I don't feel this is acceptable, and as Dai Y Noche's smoking area is out the front in Oaks Sq., I can only imagine this would become an issue in relation to future disturbances. I hope this additional recording is of help going forward. As always, I am more than happy to discuss.

Regards Andy Dyer

Officer Notes

03 May 2019 10:00:00 AM

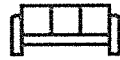
03 May 2019



22:02pm



Loud Voices



Living Room

5/10

04:00:00

Comments

”

This is the noise that I hear, and a lot worse when people are lugging or swearing, when the tables outside are cleared away, but because patrons are coming outside to smoke. This continues until midnight, and I hear that they want to extend this until 1pm on Friday and Saturdays in future, hence the reason I have decided to submit this recording.

Officer Notes


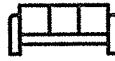
Date	Source	Location	Intensity Rating	Duration
21 Apr 2019 15:28pm	 Music	 Living Room	5/10	03:30:00

Comments

”

-

Officer Notes

Date	Source	Location	Intensity Rating	Duration
21 Apr 2019 14:04pm	 Music	 Living Room	5/10	02:00:00

Comments

”

This was recorded whilst sitting in my lounge. The music is from an outside speaker playing continual music by Dai Y Noche whilst people are drinking outside the front of their premises. It was like this Saturday too. I really do not want this for the rest of the summer, especially on Sundays. Please could someone call me as to if this is acceptable, and if not, what can be done. Thank you. [REDACTED]



Calculation to determine the basis for number of people permitted in the smoking area.

100 (Capacity of premises) / 14% (Percentage of smokers over 18 in Surrey) = 7.14

7 people / 3 (Number of peak hours of operation for premises) = 2 people

Rounded up to 5 people.

Across Surrey 14.7% of people aged 18 and over are smokers (Joint Strategic Needs Assessment (2015)). A copy of the relevant section of the Joint Strategic Needs Assessment has been provided in the hearing report.

CONDITION 12

Current condition

The use of the outside designated smoking area will be monitored during licensing hours and the number of smokers permitted in the outside area will be limited to 10 at any one time from:

21:00 hours Sunday to Thursday

22:00 Friday and Saturday and on non- standard timings.

No liquid refreshment to be taken into this area.

Proposed condition

A dedicated smoking area for the sole use of patrons from the premises, to be used only by individuals smoking, shall be provided at the front of the premises. The number of people in this area shall be restricted to a maximum of 5 people at any one time from:

21:00 hours Sunday to Thursday

22:00 Friday and Saturday and on non- standard timings.

Whilst the business is trading, this area will be monitored every Friday and Saturday and non – standard days from 20:00 hours until the premises closes. No liquid refreshment shall be taken into this area.

ADDITIONAL CONDITION – NOISE MONITORING

Proposed new condition

Throughout the normal opening hours of the premises, half an hour patrols of the area outside the premises shall be carried out by staff, especially areas closest to residential accommodation. During these patrols observations of noise and disturbance shall be made and documented and shall be kept in a written log together with any resultative action taken. Documents shall be made available for inspection by an authorised officer of any responsible authority

ADDITION CONDITION – PROVISION OF EXTERNAL SOURCES OF AMPLIFICATION

Proposed new condition

No external speakers or means of amplifying noise shall be permitted or used in relation to licensable activities.

