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CITY PLANS PANEL

THURSDAY, 10 OCTOBER 2024

SUPPLEMENTARY INFORMATION

Agenda Item 7, Application 24/02803/RM – 71-73 Mabgate, Sheepscar,
Leeds, LS9 7DR

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Originator: Andrew Perkins

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Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 10th October 2024

Subject: 24/02803/RM – Reserved matters approval in relation to appearance, landscaping, layout, scale and access pursuant to planning permission 22/03514/FU for the construction of three buildings comprising apartments and ancillary space, commercial units and landscaping at 71 - 73 Mabgate, Sheepscar, LS9 7DR

APPLICANT
MY DevCo Ltd

DATE VALID
23rd May 2024

TARGET DATE
22nd August 2024

Electoral Wards Affected:

Little London & Woodhouse

Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

SUPPLEMENTARY INFORMATION REGARDING FURTHER REPRESENTATIONS RECEIVED

1. This additional information should be read alongside the main reports of the Chief Planning Officer. Additional representations have been raised on behalf of MAP Charity by Knights solicitors with an accompanying report by Enviroconsult Limited. In summary these representations comment on the Council's duty to investigate noise complaints and address any statutory noise nuisance; the

ability of any complainant to independently seek redress under the Environmental Protection Act by making an application to the Magistrates Court; the fact that late night events at MAP take place on a weekly basis with noisy uses in the courtyard adjacent to the application site; the adequacy of the noise survey, assessment and the proposed noise mitigation measures and that instead alternative mitigation measures to address the noise at source should be pursued. The full comments from Knights as well as the report from Enviroconsult Limited are appended to the bottom of this report for Members information.

2. In respect of some of the matters raised, officers can provide the following response and information for Members consideration. One of the matters raised is regarding the adequacy of the noise assessment carried out at Hybrid Planning Permission (HPP) stage and the proposed mitigation measures. As noted in the Chief Planning Officers report of 12th September, officers considered the potential of the development and its impact on the use and on going operations of MAP. A noise survey was undertaken during one of MAPs late night events, which was in consultation with a representative of MAP to ensure that the survey gathered a sufficient understanding of the noise levels created during a typical event. The noise impact assessment submitted to support the planning application was undertaken by Buro Happold on behalf of the applicant (a reputable expert organisation with significant experience in undertaking such work) and has been agreed as an acceptable approach by the Council's Acoustic Officer.
3. Significant levels of noise from patrons and music break-out was measured in the yard area adjacent to the proposed elevation overlooking MAP and as a result a package of mitigation measures comprising of internal layout and sound control engineering options were set out. Calculations of external to internal sound levels via winter gardens and acoustic glazing with mechanical ventilation were shown to achieve our criteria for living spaces. Officers in their professional opinion are therefore content that the proposed noise mitigation measures would be effective and allow the residential development to be implemented without fettering MAP's ability to continue its authorised operations. As a result the alternative mitigation measures set out by MAP are not considered necessary.
4. It should also be noted that the planning permission for MAP's use of the ground floor of Hope House was approved in 2007, under application ref: 07/06897/FU. The permission was for a Class D1 use (Arts education projects for young people). The former class D1 use covered non-residential institution uses such as health centres, clinics, day nurseries/ creches, training or education centres (including schools), art galleries, museums, libraries, halls, churches/ places of worship. At the time MAP stated that the Hope Foundry site would provide facilities for groups of no more than 10 participants and two staff members.
5. Knights refer to misinformation about the number of MAP charity fundraising events. For members information only, council officers based their verbal

response on the information that was available at that time. The current entertainment license granted in March 2011 for MAP relates to all licensable activities taking place inside the building of which the license application form submitted by MAP confirms that the Gallery space is soundproofed and also quotes that *'at music events the volume is very low compared to the current standards. There is no residential nearby and businesses in the rest of the building operate 9-5 hours during which sounds if any, is kept at low levels which are inaudible in adjacent units'*. The 2011 license application form also stated the frequency of the use of the Gallery space past midnight for events, which was stated to happen a couple of times a month with one fundraising event 22:00 – 03:00 hrs, which would be attended by up to 120 people. The application form also stated that MAP have desires to hold more events in the future but *"by no means would these take place even once a week"*. The granted premises license also provides details in regard to the operating schedule and that if any music will be played this will be at a low level and suitable for all ages. In addition, the premises license also confirms that any persons using the external area after 23:00hrs shall be reminded to have regards to local residents and refrain from shouting and anti social behaviour. The use of the car park/courtyard area is not included in this existing premises license, which permits licensable activities to take place indoors. The 2011 entertainment license is appended to this report for Member's information only.

6. It should be noted that despite Enviroconsult's statement at paragraph 85 of their report that "MAP currently enjoys a city centre location that does not have sensitive residential land uses in the immediate area, and therefore the risk of complaints about their normal activities is very low", it should be noted that there are existing residential uses located close to the MAP site (to the south and east). The Council's Environmental Health Officers have confirmed that no complaints have been received from these current residents, in regard to any events which have been held at MAP or the noise generated.

Leeds City Council
Planning And Development Services
The Leonardo Building
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Dear Sirs

Planning Advice: 71-73 Mabgate, Leeds

1. INTRODUCTION

- 1.1 Knights have been instructed by Music and Arts Production Leeds (**MAP Charity**) to make further representations to the Leeds City Council (**Council**) Plans Panel members following a decision to defer determination of approval for application 24/02803/RM (**Application**): *“Reserved matters approval in relation to appearance, landscaping, layout, scale and access pursuant to planning permission 22/03514/FU for the construction of three buildings comprising apartments and ancillary space, commercial units and landscaping”* (**Proposed Development**) for its site at 71 - 73 Mabgate, Sheepscar, Leeds LS9 7DR (**Site**) by Cheyne Capital (**Applicant**).
- 1.2 The Panel is asked to give due consideration to these additional representations which are designed to assist Panel members by correcting misinformation provided during the Plans Panel meeting on 12 September, and to provide relevant additional information for its consideration as part of the due process for deliberations in relation to the reason for deferral of the Application.
- 1.3 The Plans Panel should have all of the correct relevant information available to make an informed decision and the information provided is specifically relevant to the decision for the deferral. Should the Panel not be afforded the opportunity to review this information, there could potentially be grounds for a challenge to its decision by way of a claim for judicial review, as the impact of the Proposed Development (in its current iteration) on MAP Charity is significantly

BY EMAIL

Date

1 October 2024

Our Reference

ETHO2/MUS1905/1

Your Reference

Please ask for

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likely to have an adverse impact on MAP Charity's ability to operate in the future, as expanded on below.

2. EXECUTIVE SUMMARY

2.1 The Council has a statutory duty to take steps to investigate complaints of statutory nuisance, which includes noise and vibration from premises. It would be acting contrary to its statutory duty to refuse to take action where there is sufficient evidence that a statutory nuisance is occurring.

2.2 Consequently, the **EHO has a specific duty to serve an abatement notice where satisfied a statutory nuisance exists or is likely to occur/re-occur**

2.3 Should the EHO decides not to take further action, **the complainant can apply to the local Magistrates Court requesting an order to prevent the statutory nuisance**. The Magistrates Court can:

- make a noise abatement order and require specific works to be carried out to prevent recurrence of the nuisance;
- impose a fine on the entity creating the nuisance;
- order compensation to the complainant; and
- require payment of the complainant's reasonable expenses.

2.4 The Council has been misinformed on the number of late night events that take place – these are not every 1 to 2 months as stated at the Plans Panel meeting on 12 September, but in fact take place on a weekly basis. **Between October 2023 and September 2024 MAP Charity has held 64 music / cultural events.**

2.5 Music and Cultural events contribute a critical 30% of funding for MAP's activities.

2.6 **MAP Charity hold a premises licence for Hope Foundry with opening hours of 22:00 to 00:30 Sunday to Thursday and 22:00 to 04:00 on Friday and Saturdays.** There is therefore scope for it to increase its events on an as needed basis to assist in funding its activities. **The premises licence allows the potential for MAP Charity to hold events every day should they choose to do so.**

2.7 The scenario of **informing residents in advance of their entering into a lease (as outlined in the Resident's Brief) of the impact of MAP Charity's events is not credible**. No individual can understand the impact of noise on the quality of enjoyment of their home, particularly during nighttime hours and into the early morning, unless experiencing this for themselves.

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- 2.8 Practical demonstrations of how the proposed mitigation measures will work prior to residents taking a lease can only be theoretical, as they will not be viewing the apartments during the relevant time that MAP Charity holds one of its late night events.
- 2.9 **Residents cannot be compelled to close the windows in the winter gardens or operate the mechanical ventilation mitigation correctly**, nor can the Council bypass its duty to investigate the impact of noise where these mitigation measures have not been used appropriately, could this even be proved.
- 2.10 A Resident App with a link to the Cosmic Slop events will not assist - not all events are advertised online. **These fundraising events take place several times in a week meaning residents would not be able to enjoy the proposed winter gardens in any meaningful capacity.**
- 2.11 There is no time scale provided by the Applicant within which any given noise complaint made to the operator's on-site management team would be dealt with, creating uncertainty and frustration for residents, particularly given the fundraising events take place on a weekly basis.
- 2.12 The Applicant has failed to confirm how the proposed mitigation measures would be serviced or the Residents Welcome Pack / complaints procedure would be enforced should it decide to sell or transfer the Proposed Development to another operator.
- 2.13 Enviroconsult Limited has provided a letter commenting on the Buro Happold (BH) acoustic report prepared on behalf of the Applicant. This finds a number of deficiencies in the way in which noise monitoring of the event at Hope Foundry took place.
- (a) Parts of the Proposed Development are likely to be exposed to multiple transmission paths not identified in the BH report.
 - (b) Building B is a sensitive receptor which directly faces onto a significant noise source – i.e. Hope Foundry and **the ideal measure would be for a gable end facing Hope Foundry** and to move sensitive rooms away from this noise source.
 - (c) The proposed **mitigation measures incorporate glazing systems which are poor at preventing transmission of low frequency sound and the winter gardens are not fully tested for mitigation from music,**

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so consequently have the potential for substantive adverse impacts.

- (d) **Acoustic mitigation is best implemented at the source of the noise and at the receptor– I.e. Hope Foundry and the courtyard area** which is used by patrons during these events.

2.14 **It is suggested that Applicant enter into a planning obligation to provide a contribution to pay for mitigation works to Hope Foundry.** These works could be secured by a similar planning obligation imposed upon MAP Charity to carry out the appropriate works in a timely manner.

2.15 Ultimately **there is a direct conflict** between the proposed winter garden mitigation and the creation of any windows for Building B fronting onto Hope Foundry and the existing MAP Charity operations, which **is contrary to the agent of change principles** set out in the NPPF.

3. REASON FOR DEFERRAL

Panel members requested that the Application be deferred for Officers to provide to them details of the Applicant's Residents Welcome Pack and details of how potential noise complaints will be dealt with in this particular case.

4. INABILITY OF THE COUNCIL TO PREVENT A SUCCESSFUL STATUTORY NUISANCE CLAIM

4.1 The Council has a statutory duty to take reasonably practical steps to investigate a complaint of statutory nuisance made to it by any person living in its area. (Section 79(1) Environmental Protection Act 1990 (EPA 1990)). Statutory nuisance includes noise from premises including vibration. **It is not within its remit to prevent residents of the Development from pursuing noise complaints** and would be acting contrary to its statutory duty to refuse to take action where there is sufficient evidence that a statutory nuisance is occurring.

4.2 Whilst it is the Council's Environmental Health Officer (EHO) who would have to decide whether the noise, including its frequency and volume amounts to a nuisance, that officer has a **specific duty to serve an abatement notice where satisfied that a statutory nuisance exists or is likely to occur/re-occur** (section 80(1) EPA 1990) and must reach this decision on the balance of probabilities.

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- 4.3 Alternatively, where the statutory nuisance relates to noise, the Council's EHO has the option of taking such other steps as it thinks appropriate to persuade the person to restrict the occurrence of the noise – i.e. require the entity producing the noise to carry out works of prevention. If this does not occur, the EHO will still be bound by duty to serve an abatement notice. **I.e., it is the statutory duty of the EHO to investigate and take action should a statutory nuisance in relation to noise from MAP Charity's premises occur.**
- 4.4 **Where the EHO decides not to take further action, the complainant can still apply to the local Magistrates Court** to ask it to make an order to prevent the statutory nuisance. The complainant can also complain to the Local Government Ombudsman regarding LCC's failure to act. **This can be used where a complainant has asked the Council's EHO to investigate and the EHO has either failed to do so or decided such nuisance does not exist.**
- 4.5 **Where the Magistrates Court is satisfied that the statutory nuisance exists**, or that has been abated but is likely to recur in the same premises, **it must make an order** either:
- (a) Requiring the defendant to obey the noise abatement order within a specified time and carry out and any necessary works; or
 - (b) Prohibiting recurrence of the nuisance and require the defendant within a specified time to execute any works necessary to prevent that recurrence.
- 4.6 If the Defendant is found guilty of causing the statutory nuisance, the Magistrates Court can also:
- (a) impose a fine;
 - (b) make a compensation order up to a maximum of £5000 in favour of the complainant; and
 - (c) impose an order for the defendant to pay the complainant's reasonable expenses incurred in bringing the proceedings.
- 4.7 **Consequently, it is not within the control of the Council to prevent independent action being taken by a resident of the Development against MAP Charity** or any other existing business whose operations create noise within the vicinity of the Development.

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5. MISINFORMATION REGARDING THE NUMBER OF MAP CHARITY FUNDRAISING EVENTS

- 5.1 Following a review of the Panel meeting, it is noted that members are under the misapprehension that MAP Charity only hold their fundraising activities, including Cosmic Slop events, once every 1 to 2 months. This is incorrect and Fundraising **events take place on a weekly basis**, sometimes with 2 events taking place within the space of one weekend. Clearly there is a large difference to the impact from an event occurring monthly – i.e. no more than 10 to 12 times a year in comparison to events taking place at **least one or two times every week of the year, with increased use over holiday periods.**
- 5.2 Not all events held at Hope Foundry fall under the Cosmic Slop brand and events are publicised on social media under different names, dependent upon the artists performing. However, the range of music styles and sound produced from the premises does not change significantly between events.
- 5.3 It is important to bring to the Panel's attention that these **music events contribute approximately 30% of the funding for MAP Charity's activities** and substantively make the charity a viable entity, particularly at a time where charitable donations are declining due to the pressure of cost of living increases.
- 5.4 MAP Charity holds a premises licence for Hope Foundry, with opening hours of 10:00 - 00.30 Sunday - Thursday and 10:00 - 04.00 on Friday and Saturday. MAP Charity organises music events at their venue approximately once per week, but it is important to note that **the premises licence allows the potential for MAP Charity to hold events every day should they choose to do so.**
- 5.5 As part of the fundraising events, the Hope Foundry courtyard area immediately adjacent to the Proposed Development is used as a smoking area, and occasionally as part of the event space (typically for food mobiles), and will therefore generate significant external noise **which is currently acceptable under the terms of the premises licence.** We therefore draw a distinction between the noise generated in the courtyard area which is a protected space and monitored by MAP Charity staff to prevent the adverse impact of patron noise, as opposed to patrons using the street, where no such enclosure or control is available. This use would be jeopardised by the current design proposal that the Applicants have submitted.

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6. INADEQUACIES OF THE RESIDENTS WELCOME PACK

- 6.1 This encompasses three sheets of A4 paper which set out: *"the scope of information which will be shared with prospective residents ahead of signing a lease for those apartments in building B of Mabgate Yard, which faces towards the courtyard of Hope Foundry, and the scope of information provided in the residents welcome pack."* (**Resident's Brief**).
- 6.2 It is noted that the proposed condition 4 in Appendix 1 of the Report of the Chief Planning Officer to the Panel will secure the final details of the Residents Welcome Pack, but given the Residents Brief is provided to give reassurance, it both cursory and inadequate in the level of information provided to Panel members regarding the final quality of the content.
- 6.3 The Residents Brief sets out a number of "Items", with "Notes" providing minimal details on how particular points would be addressed and includes the following:

Information Shared with Perspective Residents

- (a) This sets out a scenario where residents are informed about:
- "MAP charity and their high-level noise events (Cosmic Slop) events, including typical start and end times of these events when they view the apartment."* It is important to reiterate that Cosmic Slop is not the only event type that takes place at Hope Foundry.
- (b) The premise that a verbal warning to potential residents prior to their entering into a lease for the apartment will provide a realistic understanding of the impact of such noise on living standards within the apartments is not credible. **No individual can comprehend the impact of noise on the quality of enjoyment of their home, particularly during nighttime hours and into the early hours of the morning, until experiencing this for themselves.**
- (c) The Applicant goes on to state this information will include reference to the mitigation measures in place for residents – which **can only present a theoretical demonstration as the residents will not be viewing the apartments during the relevant time that MAP Charity holds one of its late night fundraising events, such as Cosmic Slop, for obvious reasons.**

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Operation Instructions / Education on Mitigation Measures / Controls of Mechanical Ventilation / Cleaning and Maintenance Instructions

- (d) The Residents Brief includes information on what will be contained in the Welcome Pack to deal with these points. However, residents cannot be compelled to close the windows in the winter gardens or to operate the mechanical ventilation mitigation should they decide not to do so nor, as has been highlighted in part 4 above, can the Council bypass the duty to investigate the impact of noise on the apartments solely because a resident has not used the mitigation measures appropriately, assuming that this could in fact be proved.

Time of Day / Year when the mitigation should be used

- (e) That states that it will provide residents with a link in the Residents App to the Cosmic Slop events page. However, not all fundraising events held at Hope Foundry are Cosmic Slop events, nor are all events advertised by MAP Charity online via their website as tickets can be bought directly at the door. **It is not clear who will be responsible for notifying residents in advance when events are to be held** and it is not the responsibility of MAP Charity to do so.
- (f) In addition, given the number of events that MAP Charity has held within the last 12 months and the capacity of its current licence should it wish to expand those events, **these could take place several times a week, which means residents would not be able to enjoy the winter gardens in any meaningful capacity**, particularly in the summer months.
- (g) MAP Charity's Hope Foundry is subject to a deed of covenant with the Council and the European Regional Development Fund (**ERDF**) which requires that the building will be used as cultural space, to preserve the economic lifespan of the building. This, along with the business plan submitted to the ERDF and the Council for funding to improve facilities at Hope Foundry will enable MAP Charity to expand the number of cultural events, participants and visitors over the coming months and years to enable its successful longevity.

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Complaint Handling Procedure

- (h) The Applicant has set out a staged process for complaints to *the “operator’s on site management team”*. No time scale is provided within which any given complaint will be dealt with. The fact that fundraising events are held on a weekly basis (and regularly back to back– ie Friday and Saturday nights) means that residents could become frustrated very quickly at any perceived lack of response from the management company whilst it proceeds through the phased complaint process.
- (i) There is no information on how a complaints service for residents would be maintained should the Applicant decide to sell the Proposed Development or transfer it to another legal entity. **The Residents Welcome Pack and the information within it are not secured by any valid legal process – i.e. there is nothing that requires this to be imposed upon any potential new operator / owner.**
- (j) In addition, as has been noted above, the residents have a right to complain directly to the Council or to the Magistrates Court and **the Applicant has no lawful ability to bind a resident’s right to exercise these options.**

7. ENVIROCONSULT ACOUSTIC ASSESSMENT FOR MAP CHARITY

7.1 MAP Charity has instructed its own acoustic expert, “Enviroconsult Limited” to:

- (a) Review the overall acoustic design of the proposed development, particularly with reference to compliance with planning policy and specifically for proposed elements closest to MAP;
- (b) Review the acoustic report prepared on behalf of the Applicant by Buro Happold;
- (c) Provide commentary on likely impacts of music from MAP on the Proposed Development; and
- (d) Speculate on the implications for MAP of building the current design.

7.2 We attach a copy of a letter from Enviroconsult Limited dated 1 October 2024 for the Panel’s information and whilst we do not intend to repeat the information contained within it, the following conclusions

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are relevant to the Panel's deliberations over the adequacy of the Resident's Welcome Pack and the inability for the Applicant or the Council (particularly in light of its statutory duty to investigate and take action) to assure the Panel that they will be able to control how potential noise complaints from residents are dealt with.

7.3 The Enviroconsult Limited letter includes the following comments / conclusions:

- (a) The current noise impact assessment by BH underestimates the potential for music noise **as the monitoring location is inadequate to fully assess the noise transference**. Parts of the Proposed Development are likely to be exposed to multiple transmission paths not identified in the BH report and there is uncertainty over the proven suitability of some mitigation measures.
- (b) Enviroconsult Limited has confirmed that **glazing systems are poor at preventing transmission of low frequency sound**. The consultant has concerns that the winter garden protection may be effective for neutral broadband sounds like road traffic but would not prevent low frequency music sounds / vibrations entering the dwellings.
- (c) **The size of the rooms (including winter gardens) are consistent with the wavelengths produced by low frequency music noise** and may create standing waves within rooms that are impossible to predict.
- (d) The current design for the south elevation of Building B is at odds with Professional Practice Guidance on Planning & Noise Supplementary Document 2 in that sensitive receptors directly face a significant noise source. **Ideally measures to present gable ends to noise sources or move sensitive rooms away from noise sources should be implemented**. In this case, windows directly face a noise source and unproven mitigation measures are proposed to justify the inclusion where the principles of good acoustic design ordinarily dictate another option.
- (e) There is uncertainty over the proven suitability of some mitigation measures in respect of music noise based on the BH calculations as the music contains frequencies below those used in calculations. **It should also be noted that the BH report conclusions rely on specifications for glass and materials that do not provide data of <63 Hz, and the modelling data itself is not accurate for <63 Hz.**

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- (f) The Applicant has clearly stated that residents will need to implement the control measures in full. The effectiveness of this mitigation is therefore reliant on actions not in its control. In addition, these mitigation measures have not been proven to be effective against the impact of low frequencies from music even if appropriately used. The Applicant states that closed windows, a closed winter garden and mechanical ventilation are all required to achieve acceptable internal sound levels. A further requirement is that maintenance and cleaning for these systems are also required.
- (g) There is no way to enforce the use of the mitigation measures indicated, and as such permanent engineering solutions are preferred (see alternative mitigation above).

8. PROPOSED NOISE MITIGATION SOLUTION

- 8.1 Given that it is impossible for the Applicant or the Council's EHO to assure the Panel that no action could be taken against MAP Charity (or any other operator already within the area holding similar events – e.g. Boom which is specifically referred to in the Enviroconsult Limited letter), **further consideration should be given to protecting the original businesses in the area. This would be in line with the protections provided in relation to the Agent of Change principles set out in the NPPF.**
- 8.2 As members have previously discussed, and as per the recommendation from the letter from Enviroconsult Limited, **the best approach would be to orientate Building B to present a gable end and have no sensitive rooms on the exposed elevation.** This would protect those residents from any potential sound transmission and consequently protect the ongoing existence of MAP's Cosmic Slop events with their critical input into MAP's fundraising.
- 8.3 In addition, **to prevent any potential noise complaints from residents throughout the Proposed Development, in particular Building A and Building B - both of which are in close proximity to Hope Foundry, it is proposed that action be taken to minimise the impact of noise at the source.** I.e. for mitigation works to be carried out to the Hope Foundry as set out in the Enviroconsult Limited letter.
- 8.4 Such **mitigation could be secured by way of a planning obligation in a s.106 agreement requiring a financial contribution from the Applicant** to be allocated by the Council to MAP Charity to carry out insulation works on the Hope Foundry property.

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8.5 **MAP Charity would then also be required to enter into a similar planning obligation to carry out the necessary works**, which would provide both the Council and the Applicant with reassurance that such works can be enforced by the Council should MAP Charity fail to undertake these in a timely manner. This solution has been utilised by other local planning authorities (i.e. Birmingham City Council in relation to noise mitigation works for a similar sensitive receptor – a nightclub). **MAP Charity has indicated its willingness to enter into such an agreement in order to safeguard its ongoing existence.**

8.6 This proposed mitigation would not only protect residents of the Proposed Development, but also future residents of other development within the area, from the potential for noise disturbance by the MAP Charity's fundraising events. Funds could potentially be sought from and used to mitigate noise from other similar events held by other operators.

The Panel is asked to give due consideration to these additional representations which are designed to assist Panel members by correcting misinformation provided during the Plans Panel meeting on 12 September and to provide relevant additional information for its consideration as part of the due process for deliberations in relation to the Application.

Yours faithfully



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FAO Tom Smith
MUSIC AND ARTS PRODUCTION LEEDS
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1 October 2024

Dear Tom

Re: Hybrid Residential Application for a site at 71 - 73 Mabgate, Sheepscar, Leeds, LS9 7DR

1. Further to your instructions to Enviroconsult Limited, I have reviewed the planning application materials provided in respect of noise.
2. I note that the above application is yet to be determined, and these comments are likely to be used as either (a) technical support objecting the proposed development or (b) as a means to engage with the developer seeking amendments to the scheme.

Instruction

3. Music and Arts Production (MAP Charity) is a registered charity and an alternative education provider working with young people who are unable to access the mainstream school system.
4. MAP Charity in Hope Foundry has operated since 2007 and delivers creative training for young people, alongside running a gallery space for art exhibitions and music events. More recently in 2023 MAP opened workspaces for creative businesses.
5. I am advised that the music events contribute approximately 30% of the funding for the MAP activities and substantively make the charity a viable entity, particularly at a time where charitable donations are declining due to the pressure of cost of living increases.
6. MAP Charity holds a premises licence, with opening hours of 10-00.30 Sunday- Thursday and 10-04.00 on Friday and Saturday. MAP Charity organise music events at their venue approximately once per week playing a wide range of music from modern rock and pop to dance, garage, R&B and others. The venue also hold weekly discos with the events continuing until 4am. I am advised that the Hope Foundry courtyard area immediately adjacent to the proposed development is used as a smoking area, and occasionally as part of the event space (typically for food mobiles). In the year to between October 2023 and Sept 2024 64 events were held in Hope Foundry
7. I am advised that MAP Charity does not object in principle the proposed development of apartments at 71-73 Mabgate but is extremely concerned that the design put forward to Leeds MBC Planning Department in the reserved matters application ref: 24/02803/RM, will adversely impact the music events that are the basis of so much of the charities funding.
8. I have been asked to:

- review the overall proposed acoustic design, with particular reference to compliance with planning policy, specifically for the proposed elements closest to Hope Foundry
- review the acoustic report provided by Buro Happold (BH)
- provide commentary on likely impacts of noise from Hope Foundry on the proposed development
- speculate on the implications for MAP Charity of building the current design

I will deal with each issue separately.

Planning Policy

9. Paragraph 180 and 191 of the National Planning Policy Framework 2023 (NPPF) require that:

“180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- e) *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. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*

...” [emphasis added]

“191. 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 life⁶⁹;*
- 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.” [emphasis added]*

10. The emphasis of paragraph 180 is that new development should not be put at risk from existing polluting activities and that development should be prevented where an unacceptable risk is likely, but, where the risk is tolerable, the applicant should seek to mitigate and reduce to a minimum any potential adverse impact arising from the development. Acoustically, the level of impact can be assessed using direct sound level measurement of sources, and then predicting likely impact by calculation or the use of modelling software. To assess impact on a proposed development, a robust design is necessary so that key sensitive receptor locations can be identified for use in predictive models. The normal method of reducing potential adverse risks is through use of the principle of good acoustic design (see section below) to ensure that sensitive elements of a development are not exposed to potential risk. The BH report provides an impact assessment for the current reserved matters design. Comments on this report are provided below.

11. Paragraphs 193 goes on to make a specific requirement of planning determinations in relation to the ‘agent of change’ as follows:

“193. 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.” [Emphasis added]

12. Paragraph 193 describes exactly the specific issue for MAP in relation to the proposed new development. Permitting sensitive residential development within 6.5 - 20m of an existing music event space playing loud dance style music is likely to be a recipe for disturbance, complaint, ultimately leading to significant restrictions on the Hope Foundry event space that will detrimentally affect MAP Charity's fundraising income and jeopardise the viability of the charity.
13. The key issue is accurately determining the level of impact and establishing the level of mitigation necessary to achieve the policy objectives.

Local Planning Policy

14. The [Leeds Noise and Vibration planning Guidance](#) provides specific guidance as follows:

Paragraph 2.2 states:

*"2.2 It is expected that the design of developments will achieve a **good** standard of amenity, protecting both the inside and outside areas of dwellings and other noise sensitive premises. The design should minimise the need for fixed glazing to achieve internal noise levels that would be acceptable to Leeds City Council. Any mitigation measures that require windows to be kept closed to meet the internal noise level targets shall include a ventilation strategy, which provides for the control of room comfort during warm summer months that is sufficient to achieve this." [emphasis added]*

The above paragraph has been addressed by the applicant.

15. [Paragraph 5.0](#) of the guidance provides specific advice and advises that noise from entertainment venues should include customer noise, applause, etc, as well as assessment of smoking areas, balconies, etc.
16. The standard required by Leeds MBC is 'inaudibility' inside any sensitive receptor premises. The guide determines inaudibility as:

"5.2 Inaudibility as defined by the Institute of Acoustics' Good Practice Guide on the Control of Noise from Pubs and Clubs 2003:

- *Entertainment Noise Level, LA_{eq} (1 minute) should not exceed the Representative Background Noise Level, LA_{90} .*
- *Entertainment Noise Level, L_{10} (5 minutes) should not exceed*

Representative Background Noise Level, L_{90} , in any 1/3 octave band from 40Hz to 160Hz.

- *If the use of 1/3 octaves is problematic then the following criteria in octaves is considered to give the same level of protection:*
- *Entertainment Noise Level, LA_{eq} (1 minute) should not exceed the Representative Background Noise Level, LA_{90} (without entertainment noise).*
- *Entertainment Noise Level, LA_{eq} (1 minute) should be at least 3dB below the background noise level LA_{90} (without entertainment noise) in 63 and 125Hz octaves."*

"5.4 The use of Noise Rating (NR) curves (as discussed in the DEFRA document, 'Noise from Pubs and Clubs, Phase I' (2005)), is an alternate way of establishing acceptable levels in noise sensitive premises, as long as this will achieve the equivalent level of protection as provided by 5.2. It is expected that the following criteria will be demonstrated:

- *NR 20 in bedrooms (23:00 to 07:00 hours); (Where low frequency noise is a particular concern then NR15 at 63 and 125Hz octaves should be achieved in bedrooms).*
- *NR 25 in all habitable rooms (07:00 to 23:00 hours).*
- *Noise rating curves should be measured and assessed against a 15 minute linear Leq at the octave band centre frequencies 31.5 to 8 KHz."*

17. The above paragraph 5.4 is the option selected by the applicant, NR15 inside noise sensitive rooms being the selected target compliance requirement.

Good Acoustic Design

18. Good Acoustic Design is a fundamental part of compliance with the planning process. Good acoustic design can be summarised as follows:
- Appraisal of acoustic environment within which the development will exist
 - Site location, orientation and layout of the development minimise acoustic impacts
 - Building design to ensure sensitive aspects of the development are protected
 - Use of barriers and screens to protect sensitive facades or amenity space
 - Mitigation for exposed sensitive rooms
 - Management of external amenity space.
19. The Professional Practice Guidance on Planning & Noise Supplementary Document 2 [\[link\]](#) provides advice on good acoustic design, which in turn references BS8233:2014.
20. The design as a whole appears to have implemented the basic good acoustic design approach with the exception of the southern elevation facing MAP. The impact assessment conducted clearly identifies MAP as a potential significant source, and ideally, the design should seek to prevent noise from impacting the development. Normally this would be achieved by orientation of the buildings to present gable ends, or having no sensitive rooms on the exposed elevation. It is understood that design constraints exist e.g. need to optimise the development density, but some design requirements can cause significant potential impacts that mitigation cannot adequately address.
21. The south elevation has been designed that sensitive rooms are within 11 – 21m (linear) of the Hope Foundry Licenced Premises. The design relies entirely on mitigation to minimise the impacts and appears not to have considered alternatives such as single aspect development, less sensitive uses e.g. offices, or reduced development (removing south facing apartments and reorienting).
22. Notwithstanding the above design comments, the BH report considered the design as submitted for reserved matters, and determines the impact based on that design.

BH Report Commentary

23. Th BH report correctly considered the following sources of noise likely to impact the proposed development:
- Traffic noise from Mabgate
 - Traffic noise from Regent Street and other surrounding roads
 - Event noise from MAP
 - Event noise from The Boom.
24. The BH report assessed impact against the following standards:
- BS8233:2014/WHO Guidelines
 - Approved Document F – Ventilation
 - Approved Document O – Overheating
 - Noise from Pubs and Clubs Phase 1 (2005)

The above standards are considered acceptable.

Traffic Noise from Mabgate:

25. Traffic noise was assessed at Location 2 (revised in 2024) to assess road noise resulting from the change in traffic flow to a one way street. Paragraph 3.4 provides the location details and advises that 5 days of monitoring were conducted with day and nighttime measurements at a height of 3m from ground level. The results are presented in paragraph 3.6.2 and observe that Mabgate road is the dominant source.
26. Traffic noise was assessed against BS8233:2014 and WHO standards

This would appear to be consistent with good practice.

Traffic Noise from Regent Street

27. Traffic Noise was assessed at location 1. Paragraph 3.4 advises that this measurement location was 12m from the road centre. The measurements were in stated to be in accordance with CRTN and comprises 3 x 15 min measurements. The data was presented in paragraph 3.5.1 along with the CRTN shortened method calculations to convert the data to $L_{Aeq16hour}$.
28. This paragraph notes that short term measurements to determine road traffic levels were conducted over 15 minute periods as opposed to 1 hour periods for the CRTN shortened method. Whilst the report does acknowledge that a longer period should be used, the author exercised professional judgement to use a shorter period as this was considered representative. Paragraph 3 of CRTN states that:

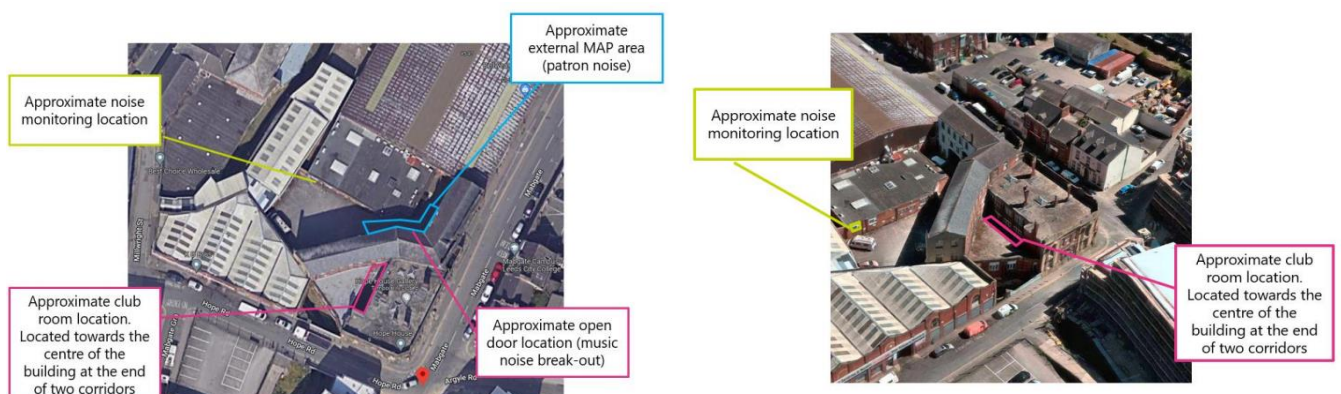
“... Prediction will constitute the preferred calculation technique but in a small number of cases (sec para 38) traffic conditions may fall outside the scope of the prediction method and it will then be necessary to resort to measurement.” [emphasis added]
29. Paragraph 38 CRTN advises these conditions are limited to; (i) where the traffic conditions fall outside the validity of the CRTN charts (a redundant issue in this case as modelled is used to predict levels at façade rather than charts), (ii) traffic site conditions are complex (again unlikely as the features are all relatively straight roads and no complex junctions, and (iii) measurement is more economic.
30. Data is available for Regent St from Department for Transport for Regent St ([count point 26603](#)), which might have provided more robust data.
31. *Where measurement is considered necessary, a full assessment or the full shortened method should be used in order to reduce uncertainty.*

Taking short duration measurements on a single day for road traffic may have increased uncertainty in respect of façade noise levels used in modelling. As these levels are the basis for mitigation on the entire west façade it may be worth verifying the input data in the model against road traffic flows and recalculate.

Traffic noise was assessed against BS8233:2014 and WHO standards.

Event Noise from MAP

32. Music and Event Noise were assessed in section 6 of the report. Measurements were carried out at a (unreferenced) location identified as Fig.6-2/Fig 6-3 in the report. (reproduced inset below).



33. The monitoring location does not appear to have direct line of sight with the event space and appears to be at a height of ~2m (a window area?). It therefore does not reflect direct noise breakout but reflected levels of sound in the courtyard area.

34. There are some concerns that the measurements were both unattended, and that the location may have underestimated sound levels.

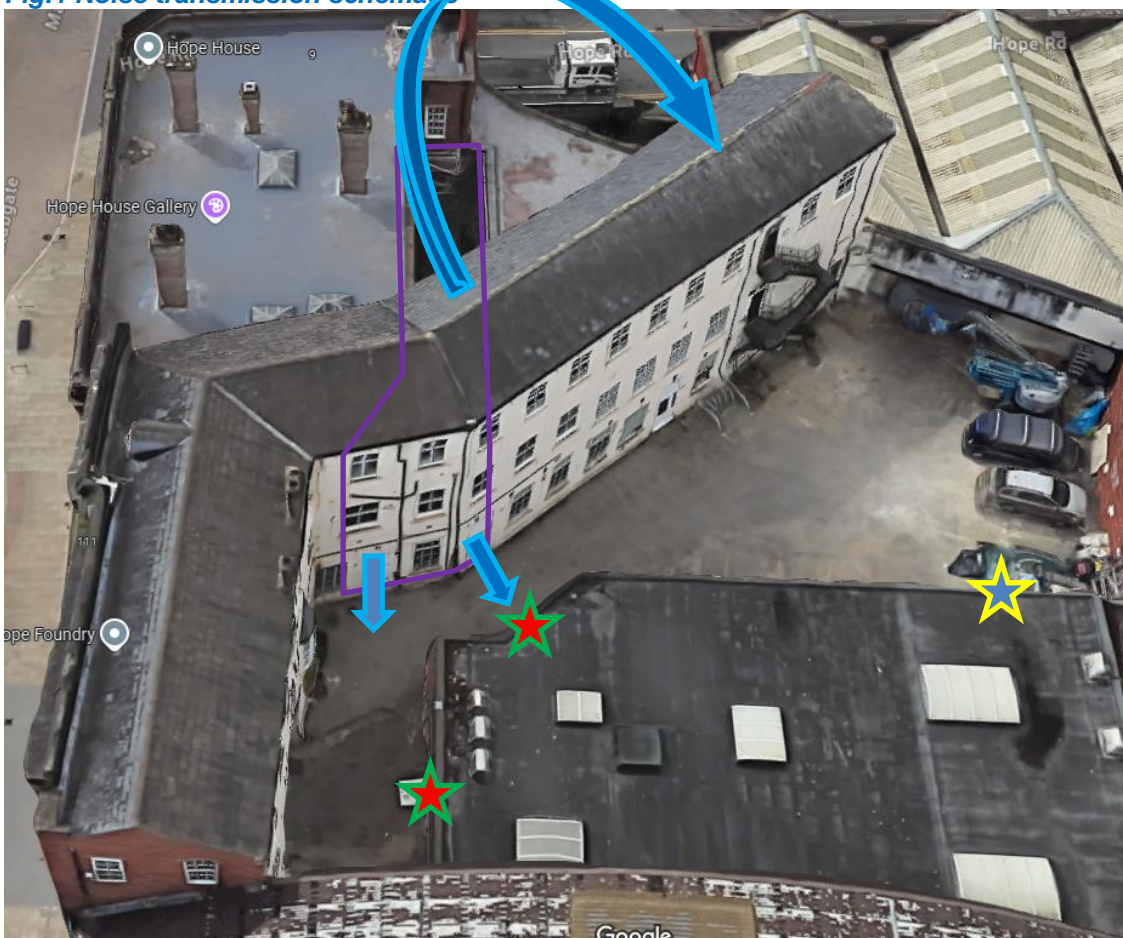
Fig.1 below provides a Google image of the site, and the potential noise break out from the event space. (marked in purple).

35. The BH monitoring point is noted with a yellow star, better alternate monitoring points that could have been used are marked with green stars.

Note that both the proposed alternate monitoring point offer line of sight on the music event and would be ~3m above ground level.

36. The expected transmission paths for music noise are shown in blue arrows. Clearly whilst the BH monitoring location might be expected to sample reflected sound at that location for ground level sources from the doors, it will not predict the element of sound escaping vertically over the existing Hope Foundry building.

Fig.1 Noise transmission schematic



37. The monitoring exercise for Hope Foundry appears to reflect only a single event, where music and patron noise were assessed. Enviroconsult is advised that the courtyard area is occasionally used to host events and that food mobiles are sometimes engaged and located within the yard area.

Moreover, patrons have access to the entire courtyard area during events and the locations modelled by BH may not represent (or be typical of) every event, particularly those larger events where food mobiles, or a second stage are present.

Whilst the method and approach undertaken by BH are considered appropriate, the data used may significantly underestimate music noise **and will** underestimate the activities in the yard area.

It follows that the modelled outputs upon which mitigation measures depend may not be sufficient.

Event Noise from The Boom

38. Measurements at location 3 identified in the BH report were unattended and are assumed to be intended to observe activity from The Boom and/or road traffic from Regent Street. The microphone at location 3 was 8m above ground level and was located at a point central to the 'Boom' building with (presumably) limited line of sight with road traffic or the event area for The Boom.

It is noted that the intervening building between The Boom and the microphone would have been approximately at eaves level of the building (and thus heavily screened).

BH observed in paragraph 3.1.1 that:

“Upon analysis of the unattended noise survey data, it was noted that noise levels during a concert were not considered significant as they did not seem to contribute to the measured sound levels at the long-term measurement location.”

39. This is likely due to a large intervening building between the music venue and the proposed development providing screening to this noise source, as acknowledged by BH in paragraph 4.4.1 for traffic noise.

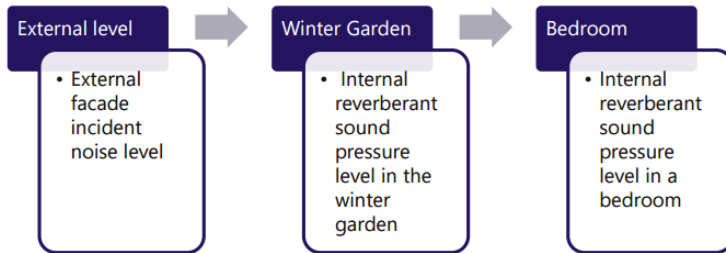
Monitoring location 3 was in situ 16 December 2021 and 20 December 2021, and a number of events took place. One such event featured Guilt Trip, described as ‘old school hardcore fist pumping metal’ it appears very surprising that nothing was recorded by the location 3 meter. (see Youtube video [\[link\]](#)) and that a conclusion to screen out event noise from The Boom was taken.

Whilst not affecting the Hope Foundry submission it is reasonable to flag potential concerns over this assumption.

Discussion on Monitoring and Impact Assessment.

40. As noted above monitoring and modelling of road traffic appears robust (notwithstanding comments about Location 1), there is some concern that assessment of music event noise may not be representative of the actual sound levels generated.
41. Whilst modelling of sound levels is a standard technique used to help predict impacts, particularly for new developments, the predictions used in modelling cannot offer complete surety. Almost all modelling data is ± 3 dB (according to ISO9613) and uncertainty increases where source data such as topography, building heights and locations, and source sound levels are not accurately input into the model. It is also worth noting that modelling software methodology conforming to ISO 9613-2 only predicts down to the 63Hz octave band. Any modelling results based on those calculations for low frequency noise are outside the direct scope of the methodology and therefore likely to result in even higher uncertainty.
42. The impact assessments are therefore open to uncertainties that multiply for each additional prediction feature used.
43. In the case of the application to be considered, we have multiple stages of process to calculate an expected interior sound level based on predictions of an exterior level, assumed transmission loss for glazing, calculated reverberation times based on that transmission loss, and then transmission within a building based on predictions of transmission paths and materials data.
44. The BH report summarises this process in Fig.6-11 in respect of the winter gardens on the south elevation of the building (reproduced below).

Figure 6—11 Calculation methodology to incorporate the sound reduction provided by a winter garden



45. The method is accepted as a reasonable attempt to predict internal sound levels. BH helpfully report the calculation steps, and the formulae used for calculation and then use a spreadsheet to produce the results and report accordingly.
46. However, fundamentally the calculations are based on reverberation within rooms, and whilst this is certainly true for continuous sources, it may not be true for variable sources like music, with different loudness, frequency profiles and durations that distinguish one music style from another.
47. This is important because reverberation is frequency dependent, all the tables produced by BH (Figs. 6-12, 6-14, 6-17) all note that transmission loss performance of materials is reduced for low frequencies. Moreover, the calculations used do not account for frequencies below 63 Hz, and the degree of uncertainty at these frequencies is higher because of the materials are far less effective in reducing sound transmission.
48. Music noise has most of the energy in the low frequency bands, typically 40 – 80 Hz, so the calculations provided by BH may not be able to offer comfort that the proposed construction can prevent music from adversely impacting proposed occupiers. This venue more than most will produce low frequency components due to the style of music and equipment in use at the venue (e.g. subharmonic synthesisers).
49. Lastly, the modelling and predictions used assume that the characteristic sound is constant, the average frequency spectra and the average level of sound. Music noise varies over time, and, in the real world, a low frequency thump (base beat) is normally detectable in the environment and inside rooms of (even well insulated homes) as a dull repetitive low frequency thump.
50. *It is my experience in over 30 years of investigating music noise complaints, that glazing systems are poor at preventing transmission of low frequency sound. I would have concerns that the winter garden protection may be effective for neutral broadband sounds like road traffic but would not prevent low frequency music sounds entering the dwellings.*

Standing waves

51. Additionally, the size of the rooms (including winter gardens) are consistent with the wavelengths produced by low frequency music noise and may create standing waves within rooms that are impossible to predict.
52. The typical dominant frequencies for modern music are 40 Hz – 80 Hz (wavelengths of ~4 – 8m) which varies over time with music style and artist. The modelling carried out is based on an average frequency spectrum (monitored at a location that did not have direct line of sight with the source) and that may not adequately represent low frequency music noise. Most materials suppliers (glass, insulation, brickwork etc. only provide octave band noise data for transmission loss set down to 63 Hz. It therefore follows that where a noise source (music) has elements outside this set frequency range, there is enhanced uncertainty that would need to be specifically addressed.
53. This uncertainty becomes greater where receiving rooms may suffer standing waves, or resonance because low frequency performance of materials is inadequate to prevent the sound energy entering the room, and most room dimensions are within the range 4 – 8m (assuming 330 m/s speed of sound in air).

54. I am not aware that standing waves can be predicted with modelling, but they are most likely where direct transmission of sound strikes a façade as might be the case for the winter gardens, particularly on the upper floors (see Fig.1 above)

Mitigation proposed (general)

55. The impact assessment identified a need for mitigation. The BH report specified two forms of treatment to minimise impacts on the façade from music noise.

56. Paragraph 5.5 of the BH report specifies façade insulation requirements for:

- Roof
- Walls
- Glazing
- Mechanical Ventilation Systems

57. The specifications for all facades with the exception of those on the South elevation facing MAP are substantially identical.

BH assume that the performance of the fabric of the façade is dictated by the acoustic performance of the weakest element (windows and glazing systems).

They again specify the formulae for the calculations performed and again use a spreadsheet to report results.

58. Table 5.1 identifies a glazing specification that would achieve compliance and provides a number of commercially available examples that are available. That requires a 25 dB $R_w + C_{tr}$ (4-20-4) glazed unit. Each of the glazed units is openable (for rapid ventilation) and fitted with passive ventilation and supported with mechanical ventilation systems.

These measures appear reasonable.

Mitigation proposed (south elevation facing MAP)

59. The south elevation facing MAP is considered separately as noted above. The calculated levels for the south elevation include the presence of the intervening Winter Garden structure that is intended to provide a buffer between the true glazed façade and the dwelling proper.

60. Paragraph 6.4.7 of the BH report provides results from the monitoring exercise carried out between 23.00hrs and 04.00hrs. Notwithstanding the monitoring location commentary is noted above; the mitigation measures are based on the ‘worst case’ results for the monitoring of the single event (that may in itself be a significant underestimate of noise emissions). Fig. 6-8 and table 6-2 summarise the results and these are used in the CADNA noise model as the basis for external façade noise levels for the south elevation.

The result indicated on Fig.6-9 suggest a worst case scenario of 76 dB at the façade, and provide the frequency as noted below.

Extract from table 6-12

| | dB(A) | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | R_w | $R_w + C_{tr}$ (dB) | |
|--|-----------|------|-------|-------|-------|------|------|------|-------|------------------------|----|
| Free Field Leq in octave bands (dB) | 76 | 87 | 73 | 68 | 75 | 72 | 68 | 59 | | | |
| Resultant Free-Field Leq with distance attenuation (dB(A)) | 76 | 87 | 73 | 68 | 75 | 72 | 68 | 59 | | | |
| Window (R_w) | 12.8 Phon | | 28 | 29 | 32 | 36 | 41 | 42 | 51 | 40 | 37 |

61. The winter gardens are assumed to be fully glazed with unopenable 12.8mm laminated glass. The glass has a specified performance in table Fig.6-12 (reproduced above) but does not specify performance of the glazing below 63 Hz. The update provided by the applicant (welcome pack draft)

notes that operational instructions on how to close windows in the winter garden would be provided to tenants – this implies that they can be opened and the mitigation effects bypassed).

- 62. As noted above this creates uncertainty in the overall calculations and suitability of the glazed area which may also experience issues with standing waves.
- 63. The results indicate that, during a music event, levels inside the winter garden would be ~40 dB, with the majority of break in noise being low frequency.
- 64. It is accepted that Winter Gardens have been used for other developments, for example Newham Way London ([link](#)), but most such scheme deal with transport noise, it is unknown if music noise is effectively treated by this method.
- 65. The Winter Gardens are assumed to be unventilated or ventilated using MVHR, it is not clear from the BH report which option is to be applied. Review of the welcome pack notes that that can be opened and thus negates the benefit of the mitigation offered.

Clearly any large south facing glazed structure would suffer from significant thermal gain.

- 66. The glazing aspect of the mitigation is the secondary protection, windows inside the winter garden 4-16-6.8 laminated glass with a specification of:

Extract from Table 6-3

| | 63 Hz | 125 Hz | 250 Hz | 500 Hz | 1,000 Hz | 2,000 Hz | 4,000 Hz |
|-----|-------|--------|--------|--------|----------|----------|----------|
| L1 | 66 | 51 | 43 | 46 | 38 | 33 | 15 |
| SRI | 26 | 24 | 21 | 32 | 45 | 53 | 50 |

- 67. The calculated levels then assume that the windows will further reduce the transmitted sound inside the apartment to negligible (inaudible) levels <NR10.
- 68. *Whilst the approach and methodology are accepted as reasonable for continuous noise sources, this may not be entirely suitable for music noise. Additionally, the lack of materials performance data for low frequencies is likely to overestimate the performance of the winter garden system, and in practice may result in complaints about low frequencies inside the dwelling space as a result of music.*
- 69. Paragraph 6.8 of the BH report provides an assessment of potential impact with a blank gable wall. In this case data is supplied for the wall construction that includes frequency data to 50 Hz for transmission loss.

The wall system is certified to provide 56 dB R_w and states a mass – air – mass resonant frequency of 20 Hz, 58 Hz.

The applicant should be asked to verify that the selected system is suitable for a noise source that has dominant frequencies spanning this range.

- 70. Notwithstanding the comment above, it is obviously the case that a wall is likely to be more effective than a window in preventing transmission of low frequency noise. A wall was selected for the eastern façade of block B. Paragraph 6.8.2 advises that:

“Based on the calculation, the predicted internal noise level within the Studio is predicted to be NR 15. Figure 6—15 presents the noise break-in calculation for the Studio.

This prediction demonstrates that a marginally enhanced internal lining consisting of 2 x 15 mm SoundBloc plasterboard can mitigate sound to 5 dB lower than the target value in apartments as per Leeds City Council guidance.

Therefore, it is recommended that:

- *Living rooms with windows*
- *Bedrooms with windows*

are avoided in this location.”

71. The paragraph goes on to state that winter gardens may be an option in this area, but clearly may be an unproven technique for music noise.

Alternative mitigation

72. The potential for adverse noise impacts as a result of music played at Hope Foundry put at risk the viability of MAP Charity if the development is implemented as currently proposed. The current activities at Hope Foundry are sufficient to meet fundraising needs. MAP does not currently maximise the extent of the use allowed by the premises licence, but may need to do so in the future. The proposed development threatens the existing use, but also any necessary expansion of those activities that may be needed in the future.
73. Paragraph 193 above noted that planning decisions should integrate into the existing environment, without placing unreasonable restrictions on businesses. The current design iteration of Building B fails to take this into account. Consequently, in my opinion there is a high likelihood of complaint in respect of noise from music and ancillary behavioural noise from customers if the current development proposal is approved.
74. Most acoustic mitigation is best implemented at the source of the noise or at the receptor. Implementation of the former allows better control and normally is a cheaper, and simpler methods of achieving good acoustic performance, typically by enclosing the source and reducing emitted sound or redirecting sound away from receptors. Implementation of the latter normally means treating a larger area, and a greater number of receptors, and could be more expensive and offer less flexibility for the receptors, particularly if closing windows and use of expensive mechanical ventilation is mandatory.
75. MAP Charity has advised that the organisation would be amenable to options that provide better acoustic control of music noise from the Hope Foundry premises.
76. Whilst a full acoustic assessment might be necessary to address the requirements for enclosure, it is likely that roofing over the Area A (marked on the plan below), and improving the door access for doors B and C with a foyer entrance (double doors) might address the main music concerns at reasonable cost, and partial cover of area B may ensure that the impact of behavioural noise, food mobiles, and the occasional outdoor event are minimised.

Fig.2 Areas for alternative/additional mitigation



Area A open area might be capable of creating an atrium area.

Area B there are two access doors currently used, both could be connected to an interlocked foyer where to prevent noise emissions.

Area C The extent of the cover/enclosure would be determined by the current use, partial or complete cover would offer varying degrees of additional comfort for control of noise and from activities therein

77. Treating noise generated by activities at Hope Foundry at source is likely to be a better sustainable option that protects MAP interests as well as improves the acoustic environment for the proposed residential development.

Summary Comments

78. The mitigation and control measures identified, whilst feasible are obviously costly and the effectiveness is difficult to predict.

79. **Most acoustic mitigation is best implemented at the source of the noise and at the receptor.** Implementation of the former allows better control, typically by enclosing the source and reducing emitted sound or redirecting sound away from receptors. Implementing at the latter can be less effective, restrictive on receptors and potentially costly.

80. Where noise impacts are severe it is sometimes necessary to do both.

81. In my opinion, the proposed mitigation options are unproven and there is a risk that the implementation will not be as effective as anticipated for the reasons stated above. Moreover, there is an enhanced risk where mitigation measures are dependent on the actions of tenants to maintain, operate or manage those measures, in particular keeping windows shut, using MVHR, and maintaining systems.

Residents Welcome Pack

82. Enviroconsult has been asked to comment on the 'Residents Welcome Pack'. It is noted that the Planning Panel spoke at some length about this matter. The resulting document is helpful in that it clearly validates the potential concerns MAP Charity holds in respect of the development.

83. The applicant has clearly stated that residents will need to implement the control measures in full. The effectiveness of this mitigation is therefore reliant on actions not in the control of the applicant, in addition these mitigation measures have not been proven to be effective against the impact of low frequencies from music even if appropriately used. They identify that closed windows, a closed winter garden, mechanical ventilation are all required to achieve acceptable internal sound levels. It goes further in stating that maintenance and cleaning are also required.

84. I am advised that while MAP Charity welcomes this clear statement, the measures indicated address some of their concerns, but they would not prevent complaints being made to regulators and would not prevent regulators taking enforcement action. There is no way to enforce the use of the mitigation measures indicated, and as such permanent engineering solutions are preferred (see alternative mitigation above).

Conclusions

85. Having reviewed the application materials supplied, I would make the following comments:

- MAP Charity holds a premises licence and currently hold music events up to 70 times per year, sometimes on consecutive days, and finish ~4am, this however is far fewer events than the premises licence allows. MAP currently enjoys a city centre location that does not have sensitive residential land uses in the immediate area, and therefore the risk of complaints about their normal activities is very low. Indeed MAP advise that they have had no statutory nuisance complaints over the last 15 years.
- The BH report methodology is essentially good. The methods used are acceptable and the report have clearly provided both the method, and the calculations used to assess impact. However, the current impact assessment underestimates the potential for music noise as the monitoring location was not ideal and is related to measurements of only one event. Additionally, the modelling may not have taken account of exposure to multiple transmission paths. It is my experience in over 30 years of investigating music noise complaints, that glazing systems are poor at preventing transmission of low frequency sound. I would have concerns that the winter garden protection may not prevent low frequency music sounds entering the dwellings.
- The BH report also relies on calculations based on reverberation within rooms, and whilst this is certainly true for continuous sources, it may not be true for variable sources like music, with different loudness, frequency profiles and durations that distinguish one music style from another. There is uncertainty over the proven suitability of some mitigation measures in respect of music noise based on these calculations as the music contains frequencies below those used in calculations. It should also be noted that the BH report conclusions rely on specifications for glass and materials that do not provide data of <63 Hz, and the modelling data itself isn't accurate for <63 Hz.
- The proposed development of 300+ apartments on land adjacent to Hope Foundry site had outline planning consent. Residential development is going to be implemented, however, the detailed design presented in the current application does not provide sufficient comfort that the fundraising and cultural activities at Hope Foundry can continue without potential for future restriction. It is my opinion that there will be complaints about low frequencies inside the dwelling space as a result of music based on the current proposed mitigation measures.

86. This leads to a number of mitigation options (in order of preference):

- The current design for the south elevation of Building B is at odds with Professional Practice Guidance on Planning and Noise Supplementary Document 2 in that sensitive receptors directly face a significant noise source. Ideally measures to present gable ends to noise sources or move sensitive rooms away from noise sources should be implemented. In this case, windows directly face a noise source and unproven mitigation measures are proposed to justify the inclusion where the principles of good acoustic design ordinarily dictate another option. As the councillors noted during the panel discussions on 12.09.24, no glazing facing MAP would be the preferred option.
- MAP Charity advise that they are happy to entertain alternative/additional mitigation to control noise at source. The exact specifications may need to be established, but in principle, enclosing the areas identified in Fig.2 above would be an effective option, as would providing enhancements to doors and a foyer arrangement to prevent escape of noise. Such works could be identified as part of a formal section 106 arrangements.
- The mitigation measures identified rely on the impact assessment and have a degree of uncertainty. Clearly there is a potential for substantial adverse impacts. The mitigation measures currently identified include winter gardens, enhanced glazing, and mechanical ventilation systems. Glazing systems are poor at preventing transmission of low frequency sound and whilst winter garden protection may be effective for neutral broadband sounds like road traffic it would be less effective in preventing low frequency music sounds entering the dwellings. Such systems also have to be used by occupiers to be effective. Irrespective of the unverified performance of these

systems in respect of music noise it is noted that applicant clearly has some concerns that these measures may be unsustainable as a 'Residents Welcome Pack' has been proposed to provide comfort that the measures identified will be used effectively, which is not possible to enforce.

- The 'Scope for residents welcome pack' [undated] provided by the applicant clearly envisages that there is a potential risk of adverse impacts on amenity, if some or all of the proposed mitigation measures are not understood, and/or not utilised by tenants. This is outside the immediate control of, and cannot be guaranteed by, the applicant.

87. I believe it is possible to secure a suitable solution that provides the applicant and MAP with positive outcomes. The best outcome would be one that treats both source and receptor based on an accurate assessment of the potential impact of the source noise. A further survey of MAP activities would be recommended to ensure that the transmission paths and potential impact is clearly understood, and that mitigation measures identified that address that level of impact.

If you require further advice or assistance, please contact the undersigned.

Yours sincerely



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Our Ref: A80/PREM/03001

25th March 2011

Dear Sirs,

Premises Licence: PREM/03001

For: Hope House Gallery, Music And Arts Production, Part Ground Floor, Hope House, Mabgate, Sheepscar, Leeds, LS9 7DR

Please find enclosed your new premises licence in two parts. The Part A full licence and the Part B summary licence.

Also attached is guidance produced by Leeds City Council Health and Safety team as an explanation of conditions that may be attached to this Licence.

Please check the details on the licence carefully. The licensing authority is prepared to correct clerical errors for up to 28 days upon receipt of this letter. Beyond that time, any change must be made as an application for a new licence or as a variation. This does not affect your statutory right of appeal.

Please now display the Part B summary licence (or a certified copy) on your premises. Please keep the Part A (or a certified copy) on the premises. In your absence the Part A must be under the control of a nominated person who has been authorised in writing by yourself for this purpose. This authority must also be displayed, preferably along side the Part B summary.

Can we remind you that it is an offence to operate other than in accordance with the provisions of your licence. The penalty on conviction for doing so is a fine of up to £20,000 and/or 6 months imprisonment. You will also need to ensure that you have the necessary planning and building control permissions for your property. Nothing in your new licence changes existing law in relation to these matters.

Please note that an annual fee of £180 .00 will be required on the anniversary of the first grant of the premises licence for these premises. This will fall on the 12th March 2012.

Should you require any further information, please do not hesitate to contact the Licensing office on the above number.

Yours sincerely,

A handwritten signature in black ink, appearing to read "M. Nelson". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Mr Matthew Nelson
Licensing Officer
Entertainment Licensing Section

Premises Licence

Premises Licence Number:

PREM/03001

Part A

Initial licence issued from:

12th March 2011

Schedule 12 Licensing Act 2003

Current licence effective from:

12th March 2011

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Hope House Gallery
Music And Arts Production
Part Ground Floor
Hope House
Mabgate
Sheepscar
Leeds
LS9 7DR

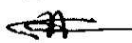
Telephone number 0113 246 8468

Licensable activities authorised by the licence

Sale by retail of alcohol
Provision of late night refreshment
Performance of a play
Exhibition of a film
Performance of live music
Performance of recorded Music
Performance of dance
Entertainment similar to live music, recorded music or dance
Provision of facilities for making music
Provision of facilities for dancing
Provision of facilities for anything similar to making music or dancing

Licence Issued under the authority of Leeds City Council



Mr Matthew Nelson 
Licensing Officer
Entertainment Licensing
Legal, Licensing and Registration

Times the licence authorises the carrying out of licensable activities

| | |
|--|---------------|
| <i>Sale by retail of alcohol</i> | |
| Monday to Thursday | 18:00 - 23:30 |
| Friday | 18:00 - 03:30 |
| Saturday | 14:00 - 03:30 |
| Sunday | 14:00 - 23:30 |
| <i>Provision of late night refreshment</i> | |
| Friday & Saturday | 23:00 - 04:00 |
| Sunday to Thursday | 23:00 - 00:00 |
| <i>Performance of a play</i> | |
| Friday & Saturday | 10:00 - 04:00 |
| Sunday to Thursday | 10:00 - 00:00 |
| <i>Exhibition of a film</i> | |
| Friday & Saturday | 10:00 - 04:00 |
| Sunday to Thursday | 10:00 - 00:00 |
| <i>Performance of live music</i> | |
| Friday & Saturday | 10:00 - 04:00 |
| Sunday to Thursday | 10:00 - 00:00 |
| <i>Performance of recorded Music</i> | |
| Friday & Saturday | 10:00 - 04:00 |
| Sunday to Thursday | 10:00 - 00:00 |
| <i>Performance of dance</i> | |
| Friday & Saturday | 10:00 - 04:00 |
| Sunday to Thursday | 10:00 - 00:00 |
| <i>Entertainment similar to live music, recorded music or dance</i> | |
| Friday & Saturday | 10:00 - 04:00 |
| Sunday to Thursday | 10:00 - 00:00 |
| <i>Provision of facilities for making music</i> | |
| Friday & Saturday | 10:00 - 04:00 |
| Sunday to Thursday | 10:00 - 00:00 |
| <i>Provision of facilities for dancing</i> | |
| Friday & Saturday | 10:00 - 04:00 |
| Sunday to Thursday | 10:00 - 00:00 |
| <i>Provision of facilities for anything similar to making music or dancing</i> | |
| Friday & Saturday | 10:00 - 04:00 |
| Sunday to Thursday | 10:00 - 00:00 |

The opening hours of the premises

| | |
|--------------------|---------------|
| Friday & Saturday | 10:00 - 04:00 |
| Sunday to Thursday | 10:00 - 00:00 |

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is sold for consumption on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Music And Arts Production Leeds
MAP
Hope House
65 Mabgate
Leeds
LS9 7DR

Email Address: info@musicandartsproduction.org

Registered Charity Number: 1125303

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Edward Smith
16 Knowle Terrace
Burley
Leeds
LS4 2PA

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: LEEDS/PERL/05628/10 Licensing Authority: Leeds City Council

Annex 1 – Mandatory conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made
 - a. By the British Board of Film Classification (BBFC,) Where the film has been classified by the Board, or
 - b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or,
 - c. where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- a. games or activities which require or encourage, or are designed to require or encourage, individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

- i. the outcome of a race, competition or other event or process, or
 - ii. the likelihood of anything occurring or not occurring;
- e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that -
- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider. 1/2 pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass:125 ml; and
 - b. customers are made aware of the availability of these measures

Annex 2 – Conditions consistent with the Operating Schedule

Additional details in respect of Licensable Activities authorised by this licence

10. All licensable

Non Standard Timings:

On the 24th, 25th, 26th, 27th and 28th December, the Sale of Alcohol will be permitted from 14:00 hours to 03:30 hours.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On each Sunday prior to the April, May and August Bank Holiday the Sale of Alcohol will be permitted from 14:00 hours to 03:30 hours.

11. Provision of late night refreshment

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Serving Teas at fundraising events.

12. **Performance of a play**

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Standard Plays or Performance Arts as stand alone performance or part of a wider exhibition.

13. **Exhibition of a film**

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Stand alone Films or as part of a wider visual arts exhibition. Some films may place an age restriction upon those who can enter the gallery.

14. **Performance of live music**

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Live Music sometimes take place as part of an exhibition. The space is soundproofed.

15. **Performance of recorded Music**

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Recorded Music is often used as part of an exhibition or film event. The Gallery is soundproofed.

16. **Performance of dance**

Location where activity will take place:

This activity will take place indoors.

Activity Details:

As a stand alone performance or as part of a wider exhibiton or event.

17. **Entertainment similar to live music, recorded music or dance**

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Exhibitions, performance arts and fundraising activities.

18. **Provision of facilities for making music**

Location where activity will take place:

This activity will take place indoors.

Activity Details:

As a stand alone workshop/event or as part of a wider exhibition.

19. **Provision of facilities for dancing**

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Dancing may be part of an exhibition/play, but generally it will take place at a music event or fund raiser. The Gallery space is sound proofed and has ventilation.

20. **Provision of facilities for anything similar to making music or dancing**

Location where activity will take place:

This activity will take place indoors.

Activity Details:

The Gallery space is sound proofed.

21. **Concerns in respect of children**

None defined

Conditions consistent with the operating schedule relating to the licensing objectives

General – All four licensing objectives

Measures Consistent with the Operating Schedule

22. Music, if any, will be played at a low level and activities will be suitable for people of all ages.

The prevention of crime and disorder

Measures agreed with West Yorkshire Police

23. A suitable CCTV system will be operational on the premises at all times when licensed activities are being carried out.

24. The system will conform to current West Yorkshire Police guidelines in respect of business related CCTV equipment. It will be adequately maintained and be capable of transporting recorded material onto removable media.
25. CCTV security footage will be made secure and retained for a minimum period of 31 days time to the satisfaction of WYP.
26. At all times that licensable activities are taking place there will be a member of staff on duty who is conversant with operating the CCTV system and who is able to download immediately any footage requested by an officer from any of the Responsible Authorities or the Licensing Authority.
27. The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.
28. The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, admissions refusals and ejections from the premises.
29. The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and / or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.
30. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.
31. The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises.
32. Drinks, open bottles and glasses will not be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of safely using suitable receptacles. Receptacles will be secured and not accessible to the customers.
33. The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.
34. Plastic or toughened polycarbonate (or similar) glasses/bottles will be used when requested by West Yorkshire Police.
35. Notices indicating the existence and effect of an Alcohol Designated Public Places Order will be prominently displayed at the exits to the premises.
36. 10 Days written notice will be given to West Yorkshire Police for all events where the premises intend to operate beyond 2300hrs.

Measures Consistent with the Pro-Forma Risk Assessment

Door Supervisors and Other Security Staff

37. The Premises Licence Holder (PLH)/Designated Premises Supervisor (DPS) will ensure that a 'Daily Record Register' is maintained on the premises by the door staff.

38. The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual's signature).
39. The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.

Responsible Sale of Alcohol

40. The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with WYP. The PLH/DPS will ensure that staff receive training on the policy.

Measures Consistent with the Operating Schedule

41. For any exhibition opening or event that runs beyond 00:00 hours, SIA registered security will be used and these events will be ticket/invite only.

Public safety

Measures Consistent with the Pro-Forma Risk Assessment

Management Arrangements

42. Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
43. Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
44. During opening hours the cellar door must be kept locked or adequately supervised to prevent unauthorised access by the public.
45. A suitably trained and competent person must ensure regular safety checks of the premises including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
46. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.
47. Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. Inspection records/certificates will be kept and made available at the request of an authorised officer. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
48. One of the following protective measures shall be used for all socket-outlets which may be used for the connection for lighting, video or sound amplification equipment and display models:
- a) Each socket-outlet circuit shall be protected by a residual current device having a rated residual operating current not exceeding 30mA, or
 - b) Each individual socket-outlet shall be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.

The current operation of all residual current devices shall be checked regularly by pressing the test button. If the device does not switch off the supply, an electrical contractor should be consulted. At the same time action should be taken to prohibit the use of socket outlets

associated with a faulty residual current device.

First Aid

49. Adequate and appropriate First Aid equipment and materials will be available on the premises at all times.
50. A procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.

Special Effects

51. A written health and safety policy covering all aspects of the safe use of strobes, lasers, smoke machines or any other special effects, will be provided and staff will be appropriately trained.
52. No strobes, lasers or smoke machines will be used at the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.

The prevention of public nuisance

Measures Consistent with the Pro-Forma Risk Assessment

53. The activities of persons using the external areas shall be monitored after 23:00hrs and they shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti social behaviour etc when necessary.

Measures Consistent with the Operating Schedule

54. Policies to control exiting from the premises and notices to the public about considerate behaviour will be in place.

The protection of children from harm

Measures Consistent with Pro-Foma Risk Assessment

Entertainment and/or Facilities Specifically Provided for Children

55. Close supervision will be held when children use balconies and other raised areas.
56. Upon egress from the premises the Licensee will deploy staff on exit doors and within the vicinity of the premises to ensure the safe dispersal of children and the premises will not close until all children have left the area.

Child Protection Measures

57. The PLH/DPS will perform the necessary background checks including relevant police checks on all potential staff before offering them employment. The Licensee will report any child related concerns to the police he/she has about potential staff, existing staff and customers.
58. The PLH/DPS will ensure staff receive training to deal with unaccompanied children on the premises and prevent them from harm.
59. The PLH/DPS will comply with the written guidance for protecting children from harm issued by Leeds City Council, Department of Social Services.

Conditions Consistent with the Pro-Forma Risk Assessment

60. Where a film/exhibition contains material not suitable for people of a certain age, supervisors will control entry to the premises.

61. Each exhibition which allows young people to view it, will be risk assessed individually.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 - Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council Licensing Authority.

Premises Licence

Premises Licence Number:

PREM/03001

Part B

Initial licence issued from:

12th March 2011

Schedule 12 Licensing Act 2003

Current licence effective from:

12th March 2011

Premises Address: Hope House Gallery, Music And Arts Production, Part Ground Floor, Hope House, Mabgate, Sheepscar, Leeds, LS9 7DR

Licensable activities authorised by this licence: Sale by retail of alcohol, Provision of late night refreshment, Performance of a play, Exhibition of a film, Performance of live music, Performance of recorded Music, Performance of dance, Entertainment similar to live music, recorded music or dance, Provision of facilities for making music, Provision of facilities for dancing, Provision of facilities for anything similar to making music or dancing

Times for licensable activities

Sale by retail of alcohol

Monday to Thursday 18:00 - 23:30
Friday 18:00 - 03:30
Saturday 14:00 - 03:30
Sunday 14:00 - 23:30

Provision of late night refreshment

Friday & Saturday 23:00 - 04:00
Sunday to Thursday 23:00 - 00:00

Performance of a play

Friday & Saturday 10:00 - 04:00
Sunday to Thursday 10:00 - 00:00

Exhibition of a film

Friday & Saturday 10:00 - 04:00
Sunday to Thursday 10:00 - 00:00

Performance of live music

Friday & Saturday 10:00 - 04:00
Sunday to Thursday 10:00 - 00:00

Performance of recorded Music

Friday & Saturday 10:00 - 04:00
Sunday to Thursday 10:00 - 00:00

Performance of dance

Friday & Saturday 10:00 - 04:00
Sunday to Thursday 10:00 - 00:00

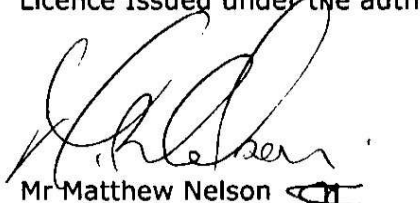
Alcohol sales are permitted for consumption on the premises

Premises Licence Holder(s): Music And Arts Production Leeds, MAP, Hope House, 65 Mabgate, Leeds, LS9 7DR

Designated Premises supervisor:

**Access to the premises by children is unrestricted.
Detailed in full on Part A of this licence.**

Licence Issued under the authority of Leeds City Council



Mr Matthew Nelson
Licensing Officer
Entertainment Licensing
Legal, Licensing and Registration

Times for licensable activities

Entertainment similar to live music, recorded music or dance

Friday & Saturday 10:00 - 04:00
Sunday to Thursday 10:00 - 00:00

Provision of facilities for making music

Friday & Saturday 10:00 - 04:00
Sunday to Thursday 10:00 - 00:00

Provision of facilities for dancing

Friday & Saturday 10:00 - 04:00
Sunday to Thursday 10:00 - 00:00

Provision of facilities for anything similar to making music or dancing

Friday & Saturday 10:00 - 04:00
Sunday to Thursday 10:00 - 00:00

Opening hours of premises

Friday & Saturday 10:00 - 04:00
Sunday to Thursday 10:00 - 00:00

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