

ARGYLL AND BUTE LICENSING BOARD
APPLICATION FOR PROVISIONAL LICENCE

1. NAME OF PREMISES

1.1 Isle of Bute Gin Distillery, Land to the Rear of Mansion House, & 61-67 High Street, Rothesay, Isle of Bute, PA20 0AZ

2. APPLICANT

2.1 Isle of Bute Gin Company Limited

3. DESCRIPTION OF PREMISES

3.1 The application relates to the development of a distillery, shop and general retail (including markets), event space, visitor centre and tasting room with café and licensed courtyard.

4. NARRATIVE REPORT

4.1 The premises will operate as an events space with a café/bar, distillery and brewery with warehouse and offices and provision of four non-public space units for food/drink service. The courtyard may host music, sports and a variety of markets.

4.2 Proposed activities will include:

- a) Conference, restaurant facilities/bar meals
- b) Social functions including weddings/funerals, club meetings
- c) Entertainment including recorded music, live performances, dance facilities, theatre, films, gaming, indoor/outdoor sports and televised sport
- d) Outdoor drinking facilities
- e) Other activities including distillery tours, trade, charity and community events, tasting and related events, private events including life event celebrations, corporate events and product launches

4.3 The application form states that Column 4 activities, noted above, may be available during but not normally before 7am or after terminal hour. Production, packing, and other work associated with distilling occurs outwith core hours but not normally before 7am or after terminal hour.

4.2 Alcohol will be sold for consumption both on and off the premises.

- a) Core times for on sales will be:
 - Sunday till Thursday 11am till midnight
 - Friday and Saturday 11am till 1am
- b) Core times for off sales will be:
 - 10am till 10pm seven days.

5. COMMENTS

5.1 The proposed development is sited close to the town centre surrounded by residential properties including High Street, Castle Street, Broadcroft Lane, Stuart Street and Mount Pleasant Road. It is noted that there is a Residential Home located close by on Church Lane.

5.2 At the time of receipt of the planning application for the development in early 2020 it was identified that the proposed use of both indoor and outdoor spaces for events, including late at night and close to residential properties, is likely to cause noise disturbance to those living nearby. This is likely to be from amplified live and recorded music, patron noise and use of external areas such as the courtyard.

5.3 In order to ensure that noise generated by the development does not cause disturbance to those living and/or working nearby the applicant was required to carry out an evaluation of the proposed development and draw up a Noise Management Plan (NMP) to identify the noise issues likely to arise and the proposed methods of dealing with those issues by the operator.

5.4 A Noise Impact Assessment and Management Plan dated 21st May 2020 was subsequently produced which stated:

“On the basis of the current design, it is inevitable that amplified sound will break out through the structure [of the main building], and, where sound levels are significantly elevated inside the venue, may cause adverse impacts at the closest dwellings. This may be the case during events where the focus is amplified sound, such as a loud wedding band or gig, however it is far less likely to cause significant effects where amplified sound levels are lower, for example during Farmers’ Markets and Street Food events” (page 12) “providing they occur during acceptable times” (page 18).

5.5 The report concluded by stating:

“Private events where amplified music is a focus will therefore not feature in the early stages of Bute Yard operation, as the Operators will require the opportunity to assess the scope for such events within the restrictions that would be appropriate to the setting. A start up period of 6 months has been suggested, during which appropriate investigations can be conducted” (page 18).

“Acceptable levels in the venue will be defined and linked to defined positions on the site boundary closest to the surrounding residential dwellings. This level setting exercise will occur during the initial 6 month start up period” (page 13).

A copy of the Noise Impact Assessment and Management Plan is attached in Appendix 1.

5.6 In view of these findings, this Service proposed the following conditions relevant to the intended use of the site for day to day operations and events such as Farmers Markets, Food Trucks/Street Food up to 22:00 but excluding private events such as weddings /gatherings where amplified music is the focus:

Condition 1: No amplified music (live or recorded) to be permitted from the site after 22:00.
Reason: In order to avoid noise nuisance in the interest of amenity.

Condition 2: The continuous equivalent sound level Leq, T from amplified music (either live or recorded) from the development as measured 1 metre from the façade of a habitable room of any nearby residential property shall not exceed the following limit in the table below:

Time period	dB	
	LAeq, 1 hour	LCeq, 1 hour
07:00-22:00	48	58

(Reference: World Health Organisation (WHO) 'Guidelines for Community Noise' and 'BS 8233 Indoor Ambient Noise Limits for Dwellings').

Reason: In order to avoid noise nuisance in the interest of amenity.

- 5.7 These conditions were incorporated into the final decision for the planning application when planning permission was granted in October 2020 (see Appendix 1: Planning Decision Notice Ref: Ref. No: 20/00153/PP). Further conditions were imposed in relation to odour management.
- 5.8 It is the view of this Service that the application of these conditions will allow the applicant to start using the site for a range of day to day operations and events whilst minimizing any adverse noise impact on those living nearby. In the meantime, it is expected that the applicant will carry out an assessment of the suitability of the site, including the Main Building, for use for private events using the methodology described in the 'Noise Impact Assessment and Management Plan'. This includes events where amplified music is the focus, such as weddings and gigs, and for which a later finish time may be required. Any further proposals will then be considered by this Service for such events, based on the findings of such an assessment and provision of a suitable Noise Management Plan which can demonstrate compliance with suitable control limits.

6. CONCLUSION

- 6.1 Given the proximity of residential properties to the development, the nature of the activities proposed for the site and the limitations of the existing main building from the point of view of noise transmission, the conditions forming part of the planning application decision dated 5th October 2020 (see point 5.6 above) must be implemented in order to avoid noise nuisance to those living nearby.
- 6.2 In line with the recommendation of the Noise Impact Assessment and Management Plan, events where amplified music is the focus, such as weddings, live performances, dances should not be permitted on site until appropriate noise investigations have been carried out and the applicant has provided a suitable Noise Management Plan which can demonstrate compliance with suitable control limits appropriate to the setting. A copy of the amended Noise Management Plan should be submitted to the Environmental Health Service for approval prior to these events taking place.
- 6.3 In order to avoid odour and/or noise nuisance from the preparation of hot food and brewing processes on site (including any activity planned for the food/drinks units), the conditions forming part of the planning application decision dated 5th October 2020 which relate to the proposed ventilation systems must be implemented.

6.4 To comply with Covid-19 Regulations, a risk assessment must be carried out by the applicant identifying the controls in place to manage the risks of Covid-19 for the business in line with Scottish Government legislation and associated statutory guidance.

SIGNED:

Richard Gorman

Richard Gorman
Environmental Health Officer
Argyll and Bute Council
Tel: 01700 501366

DATE: 31st March 2021

APPENDIX 1

Noise Impact Assessment and Management Plan by KSG Acoustics dated 21.5.2020
Planning decision Planning Decision Notice Ref: Ref. No: 20/00153/PP).