

Dear Planning,

Retrospective use of barn as mixed-use tearoom and education/exhibition space, change of use of Agricultural Land to extend existing car park, amendment to existing seating arrangements with increase in covers from 80 to 100 and use of sound amplifying equipment 15 days per annum.

I refer to the above retrospective application and I recommend that the application be refused on noise grounds.

The Council's Pollution Team have over several months had to respond to residents' complaint concerning loud amplified sound and behavioural noise from patrons. I am not satisfied that the applicant has sufficiently demonstrated that retaining the current and expanding the outdoor sitting area would not result to unacceptable level of noise and disturbance to the residential properties within the locality. The applicant has not been able to satisfactorily demonstrate that any amplified sound can be contained within the building structure to prevent subsequent complaint. It is considered more likely than not that noise would be audible outside and customers would remain outside causing noise and disturbance at a time when neighbours should be able to enjoy the peace of their own properties and outdoor amenity areas.

The Site and surroundings

The locality benefits from a significant low level of background noise, with great peace and tranquillity. Residential properties are situated to the South of the Northney Farm Tea Room, along Cloverly Road and Meadowsweet by St Peter's Road. These properties are within very close proximity to the venue and are most likely to be exposed to amplified sound and noise from the proposed outdoor sitting area. The actual build comprises substantially of wooded construction, and the sound insulation performance of such construction is wholly unacceptable for use in the long term for any form of amplification. Consequently, noise breakout during events will always be a common feature during subsequent functions and use of the expanded car park for sitting area when in full capacity. The outdoor has previously been a source of noise disturbance from patron congregating, screaming, and shouting by patrons to the residents' detriment. Historically, there has been no sustained measures put in place by the applicant to control the noise during events or indeed taking proactive measures to control patron noise outdoors or actively minimise crowd spillage or encourage patrons to come inside in accordance with their existing planning conditions.

Acoustics Report

The previous description of the development has been amended as follows:

'Retrospective use of barn as mixed-use tearoom and education/exhibition space, change of use of Agricultural Land to extend existing car park, amendment to existing seating arrangements with increase in covers from 80 to 100.'

We note the current application excluded the use of amplified music which seems a clear departure from the previous proposal. However, it does not seem to have completely excluded the possibility of adverse impact upon the amenity of residents, from other forms of amplification such as PA systems or flying drones. Accordingly, this application is not supported due to our concerns regarding noise from patron and inability of the applicant to put in place a realistic and achievable measures that will ensure that the amenity of the neighbouring residents is not adversely affected due to excessive noise.

The applicant submitted a noise report in support of the current application. The report being prepared by *Impact Acoustics* is referenced as *IMP7385-1* and dated 3rd July 2023. Having reviewed

the report in the context of the entirety of the site, it is noted that the report made no reference to other forms of amplification, such as PA systems, flying drones including vehicle noise, and car door slams. I can advise that the report failed to address our concerns regarding noise from the premises, especially those highlighted above and indeed, patron noise in the outdoor sitting area. The report has modelled a typical noisy behaviour of 100 patrons talking and has conclude that with a 2m barrier the noise from people would not have any significant adverse effect. We disagree with this conclusion as there are other noise sources that has not been considered. The report fails to consider noise components such as screaming, shouting, and including vehicle noise including car door slamming.

Furthermore, the report predicted a +5dB to the background noise for the external area with the proposed 2meter acoustic barrier. In my opinion, this is very marginal as can be seen in the noise contours which shows patron noise may still be perceptible at the nearest residential receptor. It is minded that the newly proposed sitting area is proposed to expand, and the neighbours will have a hard time enjoying their outdoor gardens, especially during the warmer months and the assessment has demonstrated this virtually. Nonetheless, the tearoom has previously struggled to comply with Condition 16 (restriction times for outdoor activities) of the planning decision notice *APP/17/01071*. Therefore, we are asserting that the applicant failed to show they are able to control the noise effectively and it is not considered that the noise impact assessment is sufficiently robust for the Pollution Team to support the application.

Noise abatement Notice

A wedding event was carried out on Friday 22nd September 2023 on the premises. Despite previous warnings and notification confirming that monitoring will be made during the event by the Pollution Team, the applicant displayed total defiance, in that we witnessed very loud amplified music and unreasonable behaviour of patrons which constituted a statutory nuisance. Accordingly, a Noise Abatement Notice ref: COMP/23/01096 dated 9th October 2023 was served upon the applicant prohibiting further noise nuisance. A breach of the abatement notice may result in further enforcement action.

Conclusion

There is ambiguity concerning the potential for noise impact causing a significant adverse harm to the quality of life /amenity of the residents identified as living within proximity to the premises. There is insufficient information and inadequate noise assessment of potential impact from proposed use to allow for an informed decision to be made as to the suitability of the site for its proposed use. It has not been demonstrated that any adverse impact on the neighbouring residents can be avoided or minimised to a level that will prevent complaints. Accordingly, this application is not supported.

We will be happy to review any additional information the applicant may provide once it comes to our attention.

Regards

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Environmental Health

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NB: Working days are Monday – Thursday (compressed)