

Memo

To	Tina Pickup
From	Daniel Bayles
Date	21 April 2023
Detail	Retrospective use of barn as mixed use tea room 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. Northney Farm, St Peters Road, Hayling Island
Planning Ref	APP/23/00102
EH Ref	CONS 23 00730

COMMENTS

Licensing

The Northney Farm Tea Room has a Premises Licence, reference HPR0274, for the supply of alcohol and recorded music 10 am until 23:00 every day but, evening activity after 6pm will only take place on a maximum of 3 days a week.

The Premises Licence is available online at:

<https://licensing.havant.gov.uk/PAforLalpacHavantLIVE/1/LicensingActPremises/Search/1322>

In addition, the premises can apply for temporary event notices (TEN's). Under the Live Music Act 2012 the premises can have live music between 8 am and 11pm every day.

Noise Complaints

Several responses to the consultation on the Planning application have mentioned noise disturbance.

Environmental Health and Licensing have separate powers to Planning to deal with noise. However, we have only one records of noise complaints against the tea rooms and only one about the dairy from an event in 2012.

Environmental Health, Licensing and Planning are working together to contact those that have report noise problems.

Residents who are disturbed are asked to contact Environmental Health directly on telephone number 023 9244 6016 or online at <https://www.havant.gov.uk/contact-us> or email ehhealth@havant.gov.uk

Noise Breakout

100 human bodies generate a considerable amount of heat especially when dancing. Opening the windows to allow the heat to escape will also allow the noise of the music and loud voices to escape, possibly causing harm to the amenity of the neighbours. We need to know how the applicant proposes to cool the building.

The Health Act introduced 2005 introduced smoke free making smoking inside illegal. As a result, smokers must smoker outside. This can cause issues with loud voices of smokers outside.

There is only one set of doors. It is usual for a music venue to have a lobby formed by two sets of doors. These act as an air lock reducing the noise when people enter and leave the building. This problem is made worse as patrons must exit the building to use the toilets or smoke.

15 Days

15 days could equate to 1 day a weekend every day of the weekend during the Spring or Summer. This a considerable impact on the neighbouring amenity.

Opportunity to Monitor

Environmental Health and Licensing have only just been made aware of the potential noise issues and would like the opportunity to monitor the venue. Could we please have a calendar of event so we can monitor?

Noisy Waste Collections

I note consultee comments about noisy waste such as emptying glass bins. This has been an issue at other licensed premises, which has been restricted by condition.

Waste and Recycling

To ensure harm to the amenity does not occur from rubbish and litter waste and recycling provision should be agreed.

External Lighting

I note consultee comments about external lighting. If poorly designed this could cause unacceptable harm to the amenity. This can be conditioned by requiring a lighting plan.

Noise Assessments

I have read the Noise Assessment for the Tea Room by Critchley Architecture and Design (CAAD) Ltd, dated February 2023, reference SAR/JHL/17077. I do not believe this has been written by an Acoustician.

A sound limiter is being suggested but, the level at which it will be set at and how this level was calculated is not clear. Sound limiters are triggered when a sound level is exceeded for a set period. I am not clear on the period the sound level be measured over, whether it will be A weighted (to reflect how the human ear hears the sound) and what indices will be used, such as will it be an average (eq) or a maximum (max) level.

I am looking for something like L_{Aeq} (30 seconds) 95 dB or $L_{A(max)}$ (10 seconds) 95 dB. The applicant needs to tell me what sound level they are recommending so the limiter can be set correctly, and the limiter can achieve the level agreed and condition can be enforced. I need to know if this level will prevent harm to the amenity of the neighboring property the is joined on to the premises.

I note the comments from Ollie Clawson, of Knights, dated 6 April 2023 stating the noise assessment had not been undertaken in accordance with British Standard (BS) 4142:2014. "BS 4142 - Methods for Rating and Assessing Industrial and Commercial Sound," makes it clear it is intended it is not to be used for entertainment noise such as this. However, it could be used to assess vehicle noise such as from the car park.

I note the building is joined on to the neighbouring property. I understand the part of the building that forms part of the neighbouring property is used as a storeroom currently. However, there is nothing to stop it being used as a habitable room such as an office or summer house. If this were to happen, then the noise of music is likely to harm the amenity unless controlled and could be a nuisance.

Are you able to ask for clarification on what the suggested level is and how this has been calculated and will the suggested noise limiter achieve this level?

WC Provision

For 100 people The Health and Executive (HSE) L24, Workplace health, safety and welfare, approved code of practice and guidance, recommends at least 5 WCs with wash hand basins for up to 100 people the design complies with this requirement.

There is insufficient WC capacity for more than 100 customers. Where there is insufficient WC capacity it is not usual for patrons to relieve themselves in other locations e.g. public urination.

The application is for, "100 covers." The word, "covers," usually refers to dinners so it would be possible for over 100 people the extra made up of customers who are not eating.

If approved I recommend the number of patrons is limited to 100 customers at any one time.

DISCUSSION

Several residents living close to the development have reported disturbance and possible noise nuisance from the venue including loud voices outside the venue. These complaints need to be investigated. We need to know the timetable of future events so Officers can monitor.

The venue is not designed as music venue as there is no lobby, the toilets are external and there is no means of ventilation when the windows are closed to control noise. We also need to know how the applicant will cool the building and prevent the escape of noise.

The noise report within the application is insufficient further details are required.

We need to know:

- We need to know the timetable of future events so Officers can monitor
- The noise report within the application is insufficient further details are required
- How the building will be cooled, and the escape of noise prevented

RECOMMENDATION

REFUSE - insufficient information.

CONDITIONS

The following conditions are suggested in case the recommendation cannot be followed, not as an alternative.

If the recommendation cannot be followed, I suggest a temporary planning permission is considered.

1. Collection and Deliveries

Deliveries to and collections (including waste and recycling) from the premises shall only take place between 8 am and 6 pm.

Waste and from recycling from the venue shall only be placed in external bins between 7 am and 11 pm.

2. Lighting

Within 3 months of the development hereby approved a lighting plan shall be submitted and approved in writing by the Local Planning Authority.

The plan shall be written by a lighting Professional, such as a member of the Institute of Lighting Professionals (ILP). The plan shall show:

- i. The make, model and lumens of lamps
- ii. The position including height and orientation of lamps
- iii. Iso lux levels for the site including stray light on to neighbouring properties
- iv. The plan shall not location, including height and fixings of lamps
- v. Contain a statement confirming the lighting plan will avoid harm the amenity of neighbours, avoid disturbance of local wildlife

Within 3 months of the plan being agreed the plan shall be fully implemented and maintained. The plan shall not be altered without the written permission of the Local Planning Authority.

3. Noise Management Plan

Within 3 months of the development hereby approved a noise management plan shall submitted and approved in writing by the Local Planning Authority.

The plan shall be written by an Acoustic Professional, such as a member of the Institute of Acoustics (IOA). The plan shall consider:

- i. Noise breakout from loud voices and music inside the premises
- ii. Noise from loud voices outside the premises
- iii. Noise from customer and their vehicles leaving

The plan shall detail how the noise will be controlled including setting relevant noise limits.

Within 3 months of the plan being agreed the plan shall be fully implemented and maintained. The plan shall not be altered without the written permission of the local planning authority.

4. Waste and Recycling

Within 3 months of the development hereby approved details of arrangements for waste and recycling shall submitted and approved in writing by the Local Planning Authority.

Within 3 months of the details being agreed they shall be fully implemented and maintained. The details shall not be altered without the written permission of the Local Planning Authority.

5. No More than 100 Customers at any One Time

The development hereby permitted shall not exceed 100 customers at any one time.

Regards

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