

Dear Nicky,

Thank you for forwarding the details below and in your other emails of Friday 15th September 2023.

As discussed, the case officer is on annual leave this week and therefore, the purpose of my email is to provide a prompt response to your query below.

I have reviewed the revised information in conjunction with the original application submitted. The Environmental Protection (EP) Team wish to maintain the objection to the proposal. The applicant has not provided sufficient information to adequately demonstrate that the activities and functions applied for in the licence application, both individually and accumulatively, will not elicit an adverse impact on amenity nor give rise to public nuisance. It is noted that the applicant is only leasing and refurbishing the first floor and open roof terrace. The building itself, comprising different uses including the arcade, residential uses and the venue (the area proposed within the Licence Application), are under the control of different entities. These uses have the potential to negatively impact upon one another. Therefore, it is appropriate that the EP Team highlight these individual uses and consider the likely impact the application (as amended) will have upon other occupiers of the building and the immediate public area. The granting of a licence provides a number of automatic rights to the licensee under that licence and these are also an important consideration in addition to any additional requests the applicant is applying for. Therefore, this objection considers the impact of these automatic rights as well as the additional requests the applicant has applied for on the licence application.

The applicant has amended the application to:

- 1) The trading/licensable hours will only be until 23:00 hours 7 days a week.
- 2) Music will only be played internally on the first floor only and not on the Open Roof Terrace area.

However, it is the control of music and noise prior to 23:00 hours which is also an area of concern. Under Section 6 of the application form the applicant has stated that on the "small stage area" the "music would be of an unamplified nature (stage microphones to be used if needed)", however, it is unclear what further controls will be used for amplified vocals, singing and generally, the Licensing Team need to be aware that any microphone in the general vicinity of music will amplify that music albeit acoustic or otherwise. A full venue of customers enjoying the entertainment from a performer will likely attract regular applause, praise, whooping, cheering etc from the whole audience (132 covers inside, 48 covers on the rooftop terrace). This area has not received sufficient consideration with regards to noise mitigation.

Under Section 10 (Provision of Live Music) of the application form, the applicant has stated "music could be amplified or unamplified and would be heard from the open roof top terrace area showing on the plan". Furthermore, under Section 11 (Provision of Recorded Music) "recorded music will be heard from the open roof top terrace area" and also under Section 13 (Provision of anything of a similar description to Live Music, Recorded Music or Performances of Dance) "music could be heard from the open roof top terrace area". Therefore, if music will be heard in this area it has the potential to cause a wider nuisance to the public unless there are appropriate controls in place. The open roof top terrace is immediately above the pavement area and the arcade area. The arcade is an existing noise source which may conflict with music from the venue. It may be perceived that any music in the open roof top area will need to be played at a louder volume for customers to really benefit from the enjoyment of this form of entertainment. In particular, the location and proximity of the venue to the attached residential properties is a significant concern and the plans show that one property shares the boundary wall with the venue. If music is audible

on the open roof top terrace throughout the daytime and up until 23:00 hours on a daily basis, it could also interfere with the use of the adjoining residential property.

The building has a number of windows, including an east-facing bay window for the residential property that shares a boundary with the open roof top terrace. Although the applicant has stated that the two windows within the boundary wall will be blocked up, this may not adequately minimise disturbance to the residential occupant(s) as the remaining windows of the property are just as likely to be open, including the east facing balcony window which is in close proximity to the open roof top terrace. Throughout the rest of the first floor of the building, there are a number of windows which would open out in the direction of the music and/or the open roof top terrace. It would appear from our records, there are (south facing) windows in the internal area (where the stage and the 132 covers are located) allowing the further escape of music and noise from this area towards residential properties with north facing windows. Noise break out from the doors between the internal area and the open roof top terrace area is a further concern.

Within Section 13 (Provision of anything of a similar description to Live Music, Recorded Music or Performances of Dance), it is stated on the application that the “venue could be hired out for private parties which could include a disco or karaoke a part of the entertainment offered”. This type of provision is also of significant concern because the venue and noise-making activities will not be under the direct control of the applicant (DPS) and would be likely to elicit an adverse impact upon the amenity of those in nearby residential properties. In addition, entertainers, musicians and others who hire or have been hired to perform at the venue would bring their own instruments and equipment thereby meaning there is even less scope for noise controls to be effectively implemented. This is another area which has not received appropriate consideration and mitigation by the applicant.

The application represents an intensification in the use of the venue and the EP Team would wish to see appropriate noise mitigation measures and controls put forward for consideration. Therefore, the EP Team maintain the objection to the application for a premises licence for this venue.

Carol will be able to elaborate further on these points above, however, I trust this information is useful in the interim and outlines the reasons for the objection to the application for a premises licence for this venue. If you have any queries or concerns, please do not hesitate to contact Carol – James Ashby and I are available in the interim.

Thank you

Kind regards

Davina

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