

APPENDIX G3

EMAIL FROM ENVIRONMENTAL HEALTH RECEIVED 07/04/2021

Hi Lesley

The conditions on the Representation that I sent on 01.04 were changed from those sent on 22.03. The ones sent on 01.04 should be the final recommended conditions. These conditions were amended following comments from the applicants Noise Consultant. These are within the attached Amended Representation. There are three conditions but also a paragraph which starts as 'To comply with these conditions...' I am not sure whether this should/could be included as a condition? It forms part of our recommendations.

Between 07.00hrs – 23.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) from music noise level emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase by more than +5 dB at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 23.00hrs – 02.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 23.00hrs – 07.00hrs the unweighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz – 125 Hz 1/1-Octave bands, measured using the "fast" time constant at the monitoring points, over any 15 minute period with entertainment taking place, must not increase when compared against the agreed comparable LZeq 15min, with no entertainment taking place.

To comply with these conditions we would expect a noise consultant to be appointed to determine the existing LAeq 15 minutes at the pre-agreed location with no noise entertainment taking place. I have attached a map of the monitoring points for measuring the LAeq 15 min and LZeq 15 min with entertainment taking place. We would require a copy of the monitoring results for approval prior the first use of the premises.

Please note that the applicants Noise Consultant has advised that these new conditions above will be included in the Noise Survey Report which will form part of the Applicants representation.

The Proposed Monitoring sites document is a new document which we have sent to the Noise Consultant. Can this be included in the Supporting documents within the Notice of Response? The Proposed Monitoring sites document shows the recommended monitoring sites, equivalent to residential property boundaries, for measuring the music noise level when noise entertainment is taking place at the licensed premises.

The applicant's Noise Consultant has already carried out noise monitoring at a location in public gardens in front of the properties on Trefusis Terrace. This is to determine the existing LAeq 15 minutes at a pre-agreed location with no noise entertainment taking place.

Any further queries, just let me know. If you want to see correspondence that I have had with the Noise Consultant, please let me know.

Apologies for the amendments to the conditions.

Thanks

Alice

EMAIL FROM APPLICANT'S SOLICITOR RECEIVED 07/04/2021, CONFIRMING THE APPLICANT ACCEPTS THE PROPOSED CONDITIONS RECOMMENDED BY ENVIRONMENTAL HEALTH

Dear Lesley

I can confirm that we accept the proposed conditions.

Regards

Gareth Pinwell

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From: Licensing EDDC <licensing@eastdevon.gov.uk>

Sent: 07 April 2021 15:51

To: Pinwell, Gareth <G.Pinwell@ashfords.co.uk>

Cc: Alice Gill <AGill@eastdevon.gov.uk>

Subject: Licensing Sub Committee Hearing - Mickey's Beach Bar & Restaurant

Dear both

I am in receipt of the response to Notice of Hearing and supporting information from both Environmental Health and the applicant. As far as I can see there does appear to be an agreed position between EH and the applicant? Following discussion with the applicant's noise consultant EH are now seeking the following three conditions:

Between 07.00hrs – 23.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) from music noise level emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase by more than +5 dB at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 23.00hrs – 02.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 23.00hrs – 07.00hrs the unweighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz – 125 Hz 1/1-Octave bands, measured using the "fast" time constant at the monitoring points, over any 15 minute period with entertainment taking place, must not increase when compared against the agreed comparable LZeq 15min, with no entertainment taking place.

EH have also added the following recommendation:

To comply with these conditions we would expect a noise consultant to be appointed to determine the existing LAeq 15 minutes at the pre-agreed location with no noise entertainment taking place. I have attached a map of the monitoring points for measuring the LAeq 15 min and LZeq 15 min with entertainment taking place. We would require a copy of the monitoring results for approval prior the first use of the premises.

This does appear to be in line with the information submitted within the applicant's Environmental Sound Survey.

Gareth, are you able to confirm on behalf of your client that an agreed position has been reached and that your client agrees to the addition of the three conditions on the licence?

If this is the case I will be able to advise the committee within the report that an agreed position has been reached between the applicant and EH which may to some degree reduce the need for a protracted discussion at the hearing. Timescales are tight on adding this to the report so I would be grateful if you could confirm as soon as you are able to speak with your client.

Regards
Lesley

Lesley Barber
Licensing Officer
Governance & Licensing
East Devon District Council