

## **Supporting Statement from Paul Robertson, Residential Services, Environmental Health**

### **Premises Application: Mrs Cherie Larkin – 105 High Street, Great Ayton**

- 1) My name is Paul Robertson and I am an Environmental Health Officer working within Residential Services part of Environmental Health. I hold an Honours Degree in Environmental Health and a post-graduate diploma in Acoustics and Noise Control Engineering. I have 30 years' experience of investigating noise nuisance complaints including complaints about amplified music at licenced premises, and outdoor seating areas.
  
- 2) I am the consultee with respect to the Prevention of Public Nuisance for this application. I have assessed the application, carried out a site visit to meet the applicant, Mrs Larkin and her husband, looked round the premises' useable external areas, considered how it is to be used, and held discussions with Mrs Larkin on how the licensing objective of 'Preventing public nuisance' can be achieved.

#### The Site Itself

- 3) The premises were up until recently a residential property with a rear external courtyard. The property is on the busy High Street which is exposed to a lot of road traffic during the day being one of the main roads through Great Ayton. The rear of the property is screened from road traffic noise and is overlooked by surrounding residential properties. On an evening road traffic decreases and associated noise levels will drop away leaving quiet background levels in a predominantly residential area.
  
- 4) A recent change of planning class use has allowed commercial uses to be considered for these premises. The premises are adjacent with Great Ayton Library on one side and the Captain Cook Museum on the other. In December 2017 planning approval was granted for a change of use from a residential use to retail use with a café.
  
- 5) I have asked Mrs Larkin to describe what her business intentions for the property were: During the day it is proposed to operate much like a café – with refreshments, scones, sandwiches and also alcohol. Seating will be provided both inside and in the outside courtyard. On an evening the use is less clear but Mrs Larkin has indicated that she intends to operate a premises licence with both live and recorded musical entertainment until 11pm, the sale of alcohol and late night refreshments until 11.30pm Friday and Saturday, and earlier closing on Sunday (10.30pm). As part of this she intends to use the external courtyard up until 10pm. She has indicated it would be 'somewhere for the young people' to go and has also made reference to theme nights that will be held on some evenings with live music entertainment and food.

- 6) The premises is limited in size with room for a small kitchen on the first floor but not large enough to be cater as a restaurant. The internal ground floor will occupy approx. 40 covers. The external courtyard is approaching 50% of the ground floor area, and the use of this area will feature heavily as part of this business proposal.
- 7) During the evening / night time the premises is located in a noise sensitive area, being surrounded to the rear and front by residential properties. Figure 6 in Appendix 1 shows an aerial photograph of the site and the surrounding noise sensitive residential premises. To the front in an elevated position is 21A High Street overlooking the front façade of the site (see figure 4 in Appendix 1). To the rear in an elevated position is 1 and 2 Park Rise, with a direct line of sight of the rear outdoor seating area (see figure 1 in Appendix 1). To the rear at the side at ground level is 97 High Street (see Figure 5 in Appendix 1).

### **The Application Assessment**

- 8) There are two noise sources I have considered that have the potential to cause public nuisance.
  - noise both from entertainment and people inside the building
  - noise from people's voices using the rear outdoor seating area.
- 9) In order to control noise from the building and yard we have agreed the three following conditions with Mrs Larkin:
  - Doors and windows to the premises shall be kept closed at times when a musical performance is ongoing, with the exception of opening for the purpose of exiting and entering the main building. A self-closing device shall be fitted to the rear access door to facilitate this.
  - Noise from entertainment shall not be discernible from the curtilage of the nearest noise sensitive premises.
  - There shall be no amplified music played in the outdoor rear seating area.
- 10) The area for concern is use of the rear courtyard late into the evening. This area will be provide seating for up to 15 people, and standing for more. There are two houses, 1 and 2 Park Rise, approx. 22m from the rear yard in an elevated position to the rear with a direct line of sight of the rear yard area, meaning no noise attenuation from structures in-between. A second house is to the side of the rear area at ground level – 97 High Street is 12m away.
- 11) The rear area has a separate access so customers will be able to enter and exit via the rear road giving greater cause for concern with regard to voices and general disturbance later in the evening.

- 12) I have recommended that in order to prevent public nuisance to these residential properties: Use of the outside seating area shall be limited to close at 8pm daily. Mrs Larkin has not agreed to this and has requested a closing hour of 10pm.
- 13) The external courtyard will have up to 15 seats, where people can go to eat, or have a drink or a cigarette. There are concerns that noise from raised voices, shouting and laughing from customers using this area will be heard in houses to the rear.
- 14) This area will be most popular in the hot summer evenings, which is also the time when residents have their windows open to provide ventilation in their homes. Bedrooms may be used to sleep children/grandchildren from 8pm onwards or local residents may want to sit in their own gardens and relax on an evening or entertain family and friends.
- 15) The area is currently residential in nature with very quiet background noise levels in the evening. Just as noise from residents using their garden for a barbeque etc. late at night would travel to neighbouring properties – so would noise from 15+ people using this external area. This would be enhanced by; the increase in numbers of people, consumption of alcohol, frequency and duration of impact arising from 7 night use per week up until 10pm. This change in how the rear area is to be used is in line with that of a beer garden.
- 16) Due to the close location noise will be heard at and within residential properties. It would cause public nuisance and impact on the use and enjoyment of properties. The 8pm closing time is intended to provide a quiet couple of hours at the end of each evening for neighbouring occupiers to enjoy the peace and quiet to which they are accustomed.
- 17) The external yard area is satisfactory for daytime use. The safe position to take on the consultation is to set a closing time for this area of 6pm. However, in the spirit of support local business we have stretched this to 8pm, which is the latest we can consider as a balance between Mrs Larkin's business ambitions and the licensing objective relating to the prevention of public nuisance.
- 18) This restriction to 8pm would also address the issue of light nuisance. If the area was to be used later it would need to be lit and with possible impact on local residents from lighting overspill for those in close proximity to the courtyard. It would address the issue of smokers using this rear court yard by preventing access after 8pm and noise breakout of music entertainment from doors opening and closing to access the yard.

Appendix 1 – Photographs of the site and surrounding properties.



Figure 1 - 1 and 2 Park Rise when viewed from the Rear of the Poor House



Figure 2 – Rear outdoor area when viewed from the steps serving 1 and 2 Park Rise



Figure 3 – Front view of premises from 21A High Street



Figure 4 – 21A High Street when viewed from The Poor House.



Figure 5 – 97 High Street when viewed from the rear wall of The Poor House.

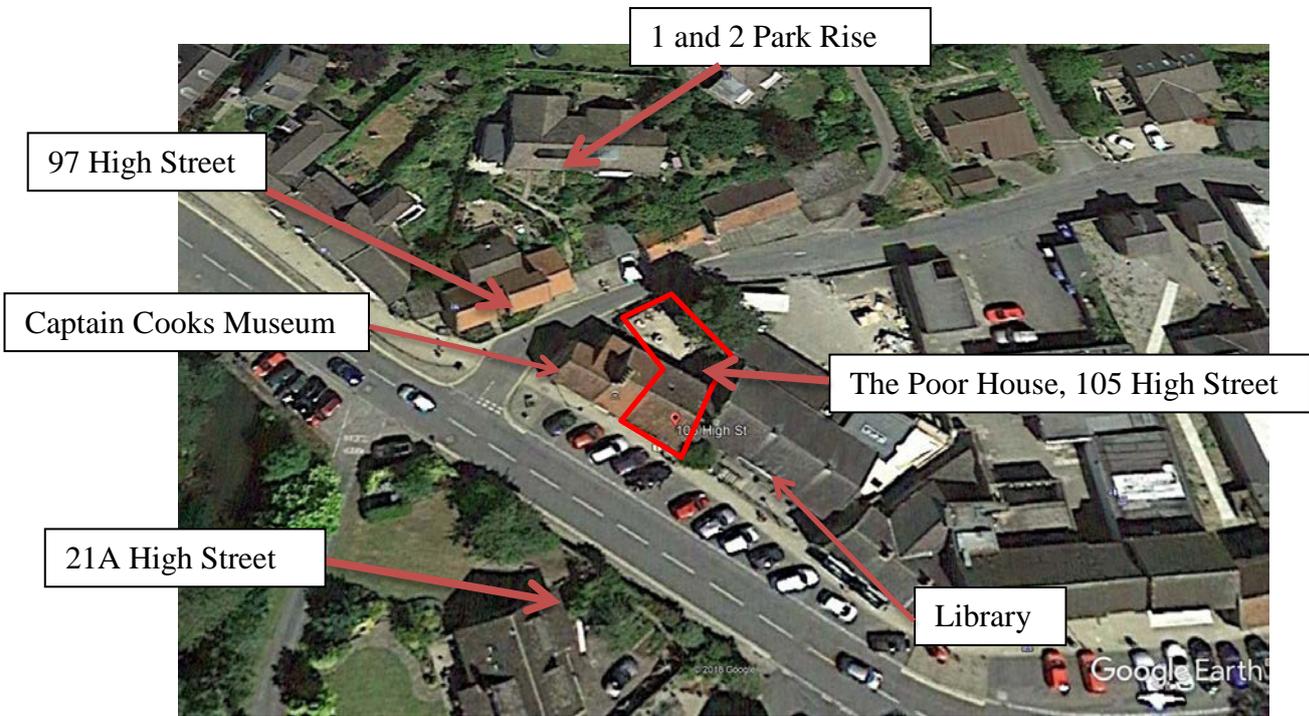


Figure 6 – Ariel View of the site and surrounding properties