
Consultation Response

Environmental Protection Officer:

Licensing Reference No: 091358

Ward: Tiptree

Location: Tiptree Press Club 2A Grove Road, Tiptree, Colchester, CO5 0JP

Details: Premises Licence Application

Scheduled Response Date: 21st April 2017

Environmental Protection's Comments: -

The following comments are made in respect of the "Prevention of Public Nuisance" licensing objective

This service has concerns that the following licensable activities applied for will not meet the above licensing objective and will cause public nuisance to the occupants of surrounding residential dwellings;

Indoor Recorded Music	- As applied for
Indoor Live Music	- As applied for
Opening Hours	- After 23:00 Hours on a Friday and Saturday Night
Supply of Alcohol	- After 23:00 Hours on a Friday and Saturday Night
Late night Refreshment	- After 23:00 Hours on a Friday and Saturday Night

Use of the outdoor patio/roof garden area is within approximately 2 metres of residential bedrooms and use for large numbers of people drinking will cause nuisance and allow noise breakout from regulated entertainment during access and egress.

The suggested condition in the operating schedule under d) The prevention of public nuisance is not a satisfactory condition that will achieve the aims of the licensing objective.

There are planning conditions on the premises (permission 95/1456) that restrict the hours of use to 23:00. An application (number 07/2184) to vary those hours to allow later opening times was refused in October 2007 to protect the amenity of nearby residents. The permission that authorised access to the outside patio area (permission 07/01859) prohibits the use of the outside area for consumption of alcohol after 23:00, requires an opaque privacy screen, fixed non openable windows and the installation of a sound limiting device. The premises license application is outside of the permitted use under the premises planning permission.

Noise Complaints were received about the operation of this premises (Then called The Sportsman) in January 2017. A visit by the weekend noise service witnessed noise that would amount to a statutory nuisance caused by loud music and talking from within the bar area directly transmitting through the party wall to an attached dwelling, music noise breakout from the doors and windows to the patio area and noise from people on the patio area that was clearly audible around the premises and in the bedrooms of a nearby residential dwelling. The Sportsman closed down soon after these complaints and no further action could therefore be taken.

I understand the premises has now changed ownership and that the applicant was aware of noise problems and works were carried out to improve the sound insulation, although I was told that no acoustic survey had been conducted to inform the amount and nature of works required to reduce sound transmission and noise breakout from the premises when regulated entertainment is taking place. The

contractor informed me he had carried out similar works successfully before and he deemed them sufficient to resolve the problem.

The premises operated under a TENS on Saturday the 15th April 2017. Officers from the weekend noise service monitored noise from the premises from 22:00 to 22:30 hours while a live band was playing.

The following observations were made;

- Officers *"Could clearly hear the music around the whole block. The windows were open in the venue"*
- Inside a neighbouring dwelling *"The noise was unreasonably loud in living room could hear it above tv."*
- *"In the bedroom even louder. I could feel the bass tones through the floor. Plainly hear people in smoking area and music from the band as door was open all the time."*
- *"The levels if continuing were clearly going to be an issue and if there isn't anything put in place to control the music and door management I would be satisfied that a nuisance existed at the nearest residential premises."*
- The officer also discussed the use of the outside patio area and informally discussed possible restrictions on the numbers of people permitted in the area at any one time with the license holder.

The evidence suggests that the works to improve the sound insulation have not been successful in terms of preventing music noise transmitting to adjoining dwellings, although the works may have been successful at preventing normal conversation noise from within the bar area causing a problem. The transmission appears to be airborne through the party wall and structure Bourne if the bass tones could be felt through the floor. This gives me concern that the premises in its current condition is not suitable to contain noise from regulated entertainment at any time of the day even if operating to the hours specified in the Live music act (The officer considered that nuisance would be caused prior to 23:00 hours).

Music noise breakout from open doors and windows was sufficient to cause nuisance.

People noise from the patio (Smoking area) were clearly audible within bedrooms and therefore sufficient to cause nuisance.

I therefore object to the license as applied for.

Signed: Chris Cornish Bsc (Hons) MCIEH
Environmental Protection Officer

Date: 19th April 2017

SCANNED

12 APR 2017



Colchester borough council licensing authority
Po box 889
Rowan House
33 Sheepen Road
Colchester
co3 3wg
Date 01/4/2017
Dear sirs or madam

Applicant - Janet Williams

Name and postal address of the premises- Tiptree press club 2a grove road Tiptree CO5 OJP
Formerly the Sportsman

I am writing to my objection to the application for a premises licence by Janet Williams at the club above due to the amount of noise and stress it will cause my children and myself.

I have owned this property since May 2005 the club next door was originally an old man's club.

In 2007 this property then was turned in to a sports bar, live music since then I have had many occasions where I had to complain to the previous owners, about noise especially coming through the walls.

I found the owner then very unapproachable. Rather than cause any retaliation or not wanting to receive it I did on numbers of occasion complain to them, through text or facebook messenger. In 2007 or around then a patio area was built 2 metres away from my bedroom window which was really built for smokers which again is unfair and not healthy. Their is restrictions on the use of this until 10pm which again was never adhered to causing distress, many times people would be out their until 3am being noisy, with us being unable to sleep.

How planning was ever given to this monstrous looking smoking area is beyond me not only has this ruined the view at the rear of my property its a health hazard. Also iv never been able to open the windows due to smoke and noise.

I have also put the property on the market twice over the past 12 years and unable to sell due to the noise and the patio area that has destroyed the view from my property.

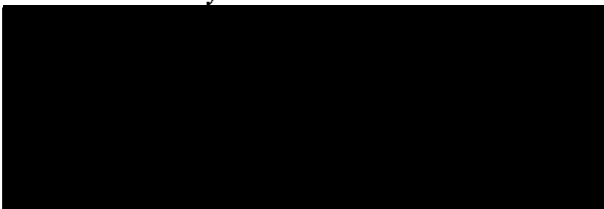
Therefore I am objecting vigorously unless major restrictions are put in place especially noise and the smoking area they call a patio.

No one should feel they have to spend weekends out because the noise is unbearable.

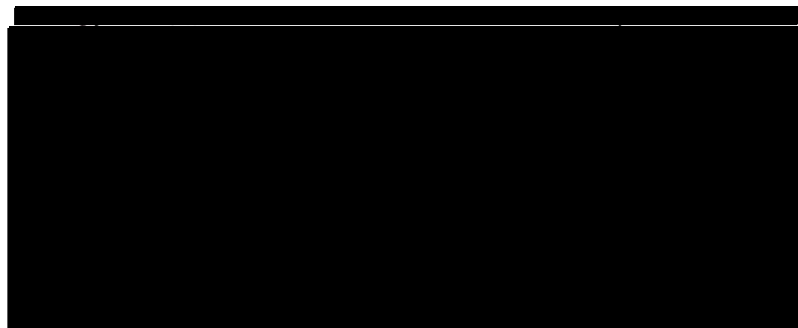
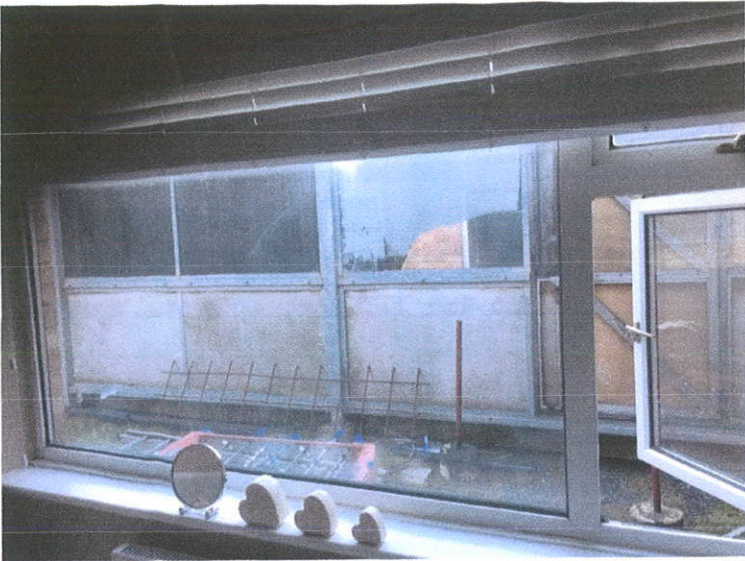
We have already had environment health visit the property while live music was playing and they said the music was far to loud and unbearable.

I look forward to hearing from yourself s

Yours sincerely



**The view of their smoking area
from my rear bedroom
window!!**



**The view of their smoking area
from my rear bedroom
window!!**



Applicant- Janet Williams
2 a grove Road, Tiptree
CO5 0JP.