

**LICENSING ACT 2003**  
**Environmental Health Consultation**  
**Response**



*Working for a brighter future together*

EP Ref: ELL/071766

Date Received: 29 March 2021

Name of Applicant:

Address to which application relates: 102 Mill Street, Macclesfield, Cheshire East, SK11 6NR

Conversion:  Variation:  New:

<input type="checkbox"/>	Approve
<input type="checkbox"/>	Approve with Conditions
<input checked="" type="checkbox"/>	Object to Section(s)

**LICENSING OBJECTIVE: PREVENTION OF PUBLIC NUISANCE**

In order to protect the interest of local residents and to ensure that the licensing objective of public nuisance prevention is upheld: all necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises. This Service would express the following concerns:-

1. The application site is at ground level. A residential flat is directly above the application site at first floor level. In addition, other residential flats are in close proximity to the site.
2. There is insufficient information contained within the application to advise what action will be taken to mitigate noise from transmitting via the part ceiling / floor and other flanking transmission routes – to meet with the licensing objective of the prevention of public nuisance.
3. The proposal is to open the premises from 10am until 12.30am Sunday to Thursday and from 10am to 01.30am on Fridays and Saturdays. Noise will be caused from
  - A) the accumulation of persons voices, laughter, raised voices etc
  - B) the watching of live sports on televisions – patrons cheering etc
  - C) live music on Fridays and Saturday evenings from 19.00 hours until 23.00 hours and on Sundays from 17.00 hours to 21.00 hours
  - D) recorded music on Sundays to Thursdays from midday to 23.00 hours, and on Fridays and Saturdays until 01.00 hours
  - E) patrons leaving the premises during sensitive hours
4. There is no information as regards ventilation measures such as the provision of an air conditioning system for the comfort of patrons - to avoid doors and windows from being thrown open during warm weather conditions – thereby allowing noise to freely escape
5. There is no information as regards the location of external plant and equipment such as chiller units, refrigeration units, air conditioning units etc – which may result in problems of externally generated noise being caused to nearby residents – and possible methods of controlling such noise.

This Service would therefore recommend a refusal of this application. If the applicant wishes to resubmit, then comprehensive detail as regards noise control / noise mitigation measures should be submitted including an acoustic assessment / report of the structure of the premises to avoid structure borne sound transmission, external noise control and the overall noise control methods to be taken to mitigate all the aforementioned sources of noise - to ensure that noise emanating from the premises will be adequately controlled at the nearest residential dwellings.

## ***INFORMATIVES***

### **PLANNING PERMISSION**

- It is your responsibility to obtain other consent/planning permission/approvals which may be required in addition to the necessary Premises Licence.
- There are sometimes circumstances where planning conditions have been set which may impact on your activities. If the Planning Permission and the Premises Licence differ; for example where the Planning Authority have set a terminal hour which is earlier than those conditioned by the Premises Licence; you must abide by the earlier time otherwise you leave yourself open to enforcement action.

### **FOOD BUSINESS OPERATIONS**

- Anyone starting a new food business must register with the Council **at least 28 days before** you start any food operations. You can register your food business online via GOV.UK. If you have premises in more than one local authority area, you must register with each authority separately.

Signed:  | Environmental Protection

Dated: 26 April 2021