

APPLICATION FOR A REVIEW OF PREMISES LICENCE

Applicant: South Knutsford Residents Group (SKRG)

Premises: The Lambing Shed, Moseley Hall Farm, Chelford Rd, Knutsford WA16 8RB

Licence Holder: Cheshire Fest Limited

Applicant Details: SKRG is not a 'responsible body'



Grounds for Review:

LICENSING ACT SUB-COMMITTEE:

CHESHIRE FEST, LAMBING SHED, KNUTSFORD, WA16 8RB

PREMISES LICENCE GRANTED 20 DECEMBER 2021: MUSIC AND FOOD FESTIVAL AND FUNFAIR EVENT

HELD ON 02, 03, 04, 05 JUNE 2022

Summary

1. South Knutsford Residents Group (SKRG) requests a Review of the Premises Licence granted to Cheshire Fest Limited ("CF") for Cheshire Fest Food and Music events on this site on the basis that its operation undermines one of the licensing objectives, namely the prevention of public nuisance.
2. SKRG is a group representing residents of South Knutsford, which includes residents of roads closest to the event. SKRG has previously complained to the Cheshire East Council Licensing Sub-Committee by email dated 10 June 2022 regarding noise generated by the Cheshire Fest Event held 2-5 (inclusive) June 2022 at the Premises. Some individual residents have also submitted complaints.
3. In the view of residents, the **noise** generated at the event created a **public nuisance**, and a clear breach of the **Additional Condition of the Premises Licence**, namely **"Noise emanating from the Premises because of entertainment or music shall not be clearly audible at the boundary of the nearest residential premises."**
4. Residents contend that events such as this with loud music, clearly audible at and penetrating across adjacent residential areas are wholly unsuited to the Premises. Contrary to the statement on Page 7 of the Decision Notice dated 20 December 2021 that *"the Premises is rural, open and away from residential areas"*, the Premises are in fact adjacent to large concentrations of housing on the outskirts of the market town of Knutsford.
5. SKRG is therefore applying on behalf of local residents for a Review of this Premises Licence with a view to its revocation.

Prevention of public nuisance - noise

6. Music from the Event was clearly audible over at least the residential areas shown on the attached map at the end of this document. The noise significantly interfered with residents' personal comfort and enjoyment of the indoor and outdoor amenities of their properties. It was made all the worse by extending throughout a 4-day bank holiday, during which local residents should have been able to enjoy their properties and gardens (including having windows open) without suffering the level of noise nuisance generated by the Event.

7. Some residents report hearing melodies and some of the lyrics inside their properties, even with the windows shut. We are aware that some sound recordings were taken during the Event, which demonstrate the intrusive sound levels which they experienced. In addition to the volume of the instrumental music, and pitch of the ‘vocalisations’ as well as (in some cases at the end of Goughs Lane closest to the Event) music reverberating off other properties, the nuisance included the excessively resonating dull thud of the drum/bass beat, which was intrusive and repetitive.
8. As such, residents contend that the licensing objective of the prevention of public nuisance was not upheld.
9. The Additional Condition referred to in the Summary above reflects the Environmental Health Consultation Response dated 5 November 2021. That Response also includes conditions regarding noise assessments and the requirement for “*steps to be taken to reduce the level of noise where it is likely to cause a disturbance to local residents*” in order “*to protect the interests of residents and ensure the licensing objective of public nuisance prevention is upheld*”.
10. At the Application Hearing on 14 December 2021, Mr Joshua Boyd, Project Manager for CF made various oral representations to the Licensing Act Sub-Committee, including that:
 - a. CF is “*fully confident that they can maintain the conditions proposed by the Environmental Health Officers*” - this confidence turned out to be misplaced, as demonstrated by the noise levels experienced by local residents, and the failure of measures (if any) taken by CF to reduce noise to a level where it did not cause a disturbance to local residents, see further below.
 - b. CF’s sound system “*does not send sound backwards*”, as claimed. In fact, this sound system used failed to direct sound away from residential properties along both sides of Chelford Road, Oakleigh and the east end of Goughs Lane and its associated Closes. The music was audible over a wide area of the Legh Road Conservation Area, the Carrwood Estate and into Ollerton Parish. In fact, the noise emanating from the Premises was, in residents’ view, significantly worse than Brand Events Pub in the Park, from which Cheshire Fest was seeking to differentiate itself.
 - c. CF also stated in their ‘Premises Licence Objections - Response Notes’ sent by email to local residents on 12 December 2021: “*We will also use a more refined ‘line-array’ sound system which is an entirely high-specification advanced audio technology which allows for our Production Team to customise both the projection distance and coverage area for all audible sound keeping sound within a defined area, only*”. Whatever sound system was used, it is contended that it was not able to meet this objective.
11. Reported examples of the level and extent of transmission of noise, which SKRG has already shared with the Licensing Sub-Committee in SKRG’s email (10 June 2022) of complaint referred to above, include the following:

“The fine weather early in the weekend meant gardening. All the soundchecks were heard and then the various songs and the constancy of the noise. It continued for the next two days. It was clear the organisers could not control the wind, and this should be the last straw for the Lambing Shed site being able to hold such musical entertainment events”. [Resident of Goughs Lane]

“Believe me, Sunday was a far better day noise-wise than Thursday, Friday and Saturday, which were horrendous! This was because Sunday was wet all day and we were

indoors. Indeed, several neighbours chose to be away for the weekend". [Resident of Rutherford Drive]

"My granddaughter has been revising for 'A' Levels at our house for weeks because we're quieter here than her home elsewhere in Knutsford; during the event's first three (hot) days, we couldn't leave the patio glass doors open because of the event's sound". [Resident of Goughs Lane]

"Only arrived back home at 18:30 this evening and the noise was horrendous. Had we been at home for the duration of the Fest, we would not have been able to sit out in the garden or sit in the house with windows open". [Resident of St George's Close]

"This noise is constant and highly intrusive (I have recordings of it from our daughter). It goes way beyond anything we experience with cars going by, either along Goughs Lane or on Chelford Road. If a neighbour was emitting this level of noise over one day, let alone four, we would be contacting the police/local authority". [Resident of Goughs Lane]

"The volume of the music from the event has been frankly appalling. It has been much worse than on either of the two previous Pub in the Park weekends". [Resident of Rutherford Drive]

"Student in the middle of public exams unable to have the windows open and, even then, disturbed by the music and almost continuous drum beats". [Resident of Oakleigh]

"We could recognise the tunes and, in some cases, hear the lyrics. One day there was also a shrieking DJ or similar who added a yet further level of torture on top of the music". [Resident of Rutherford Drive].

12. In addition, a number of local residents have sought views, through a leaflet drop, from a sample of residents of properties on roads closest to the event as to how affected they were by the noise levels. This is an informal piece of market research, but the responses are interesting. The attached map shows the sampled roads, which are those closest to the event site.
13. The responses received confirm that the noise from Cheshire Fest extended across at least those residential areas on the attached map. A clear majority of those commenting on the noise found the noise levels unacceptable. The email sent to the Licensing Act Sub-Committee on 27 June 2022 by [REDACTED] Goughs Lane, includes a number of the comments received, as follows:

"We found the noise highly intrusive and totally unacceptable. A single day festival is just about tolerable but for the entire weekend we were unable to use our garden without being disturbed by the constant noise. Our house is well insulated from external noise but at one stage on the Saturday evening of the festival, with all our windows and doors closed, we could just about sing along to the music; the constant bass boom was particularly maddening" [Resident of Carrwood]

"The disturbance and noise level we experienced was completely unacceptable. The sounds tests started very early and were extremely loud. The noise then carried on until very late and kept us awake. Ruined a long weekend we were looking forward to. We couldn't sit out in the garden the whole weekend. I would support any efforts to

prevent this being repeated. It was pretty terrible, we expected to hear the bass sound but we could actually hear which song they were singing quite clearly!" [Resident of Carrwood]

"It's not suitable to have a festival there as the noise is too excessive so close to dwellings. Hence why most festivals are out in fields away from towns. Added to the noise is the amount of people walking back into Knutsford at a late time, shouting, swearing, banging windows as they pass etc. This site is totally unacceptable for such a large event and the licence should be removed." [Resident of Chelford Road]

"The noise level at the Lambing Shed was not acceptable based on volume and duration." [Resident of Chelford Road]

"We don't live in a city and lots of us have moved to Cheshire for a quieter life for the kids etc. I just don't think the area warrants such a noisy weekend festival. There must be plenty of places this could be held which are less residential? Some of my friends who live near Delmar Road and around North Downs also were affected." [Resident of Carrwood]

"Appalling" [Resident of Fir Tree Avenue]

"We could hear all the words. For us it was worst on the Sunday and we thought how much longer do we have to put up with this?" [Resident of Fir Tree Avenue]

"Unacceptable noise levels for prolonged periods (2pm to 11pm some days) for 4 days." [Resident of Hallside Park]

"We would not want it on any Bank Holiday, preferably not at all. Even down the lane (half-way) we are at such an angle that we can hear it loudly over the fields. "We were unable to have family and friends around to enjoy the garden, glass of wine or celebration BBQ due to the continuous racket and noise. We hope that this will be stopped in future years." [Resident of Goughs Lane]

Response of Cheshire Fest to complaints by local residents during the event

14. The noise concerns of some local residents were communicated very clearly in writing to Mr Boyd during the event, including an email of complaint to Mr Boyd from [REDACTED] the residents of [REDACTED] on the evening of Thursday 2 June 2022, Day 1 of the event. They said that the noise was already an unwelcome intrusion, and that, if they could hear it from their house, it was too loud.
15. In his email response the next day (Day 2), Mr Boyd compared the production levels of Cheshire Fest favourably with the noise of planes taking off, *"planes taking off are far louder than our production"*. [The noise from planes does not run for hours on end]
16. He also responded to a written complaint by [REDACTED] (a close off Goughs Lane marked 10 on the attached map) on the morning of Sunday 5 June 2022 (Day 4), *"I know that you will hear some low-level music and vocals as you say, but the fact is they are in much less ambient volume than nearby road traffic, overhead aerospace traffic and the level of nuisance this causes is objective"*.

17. Mr Boyd did not seem to have been working to the terms of the Premises Licence, in particular the Additional Condition. Nor did he seem aware of Cheshire East's own Guidance: Prevention of Nuisance for Event Organisers, which lists **noise** as one of four specific issues that cause public nuisance and need to be managed, and states that "*bass level noise is the most intrusive*". This is consistent with the Code of Practice on Environmental Noise at Concerts, which acknowledges that noise assessment in terms of dB(A), whilst convenient, can underestimate the intrusiveness of low frequency noise (see para 19 below).
18. Furthermore, despite being put clearly on notice that the noise levels were disturbing residents, it is submitted that if remedial steps were taken at the Event to alleviate the nuisance, they were ineffective, confirming that the Premises are wholly unsuited to this type of event.
19. CF sought by email to explain the event's noise monitoring processes to justify the noise level, for example (in the case of the first 3 quotes below to [REDACTED] on 5 June 2022 (Day 4) and in the case of the last 2 quotes to the residents of [REDACTED] Goughs Lane on 3 June 2022 (Day 2):

- *"we are managing the noise impacts within standard practices for outdoor events in the UK"*
- *"noise levels are being measured using sensitive professional equipment"*
- *"I [Mr Boyd] have personally conducted sound meter readings.....so that I could be confident that we were abiding to and distanced from limits set by Cheshire East environmental health which I believe has been ultimately successful...."*
- *"I [Mr Boyd] personally took decibel meter readings at different points yesterday, with noise levels averaging far below the limits set by the environmental health office"*
- *"Sound measurements taken during sound check at 3pm and 7pm recorded around 55db - I went to the junction of Gough's Lane at 10pm and recorded an average of 41db"*

Residents had no idea of the standards to which CF were working or whether measurements took account of the disturbance caused by incessant and repetitive rhythm.

20. No local resident was invited to join CF's monitoring of sound levels when they were next working at, say, the Goughs Lane roundabout (which Brand Events, the Pub in the Park organisers, had done at both their events).
21. It is worth noting specifically that, on the last afternoon of the event, with fewer attendees, with cold, wet weather and with the closing stages of the Event then in sight, CF emailed [REDACTED] to state that in relation to noise:
- *"I have today pulled the outdoor kids/acoustic stage based on weather and winding down site activity on this final day"*
 - *"We've also pulled the DJ in the tipi tent and changed this to a silent disco - which was the only PA system (albeit a very small one) that was facing up towards the direction of your estate"*
 - *"I've asked the fairground operators to reduce their PA volume on certain rides to help pull down any cumulative sound effect that's built up from multiple amplified sources"*
 - *"Finally, you may have heard a drum troupe earlier on - I've pulled their 2nd planned performance later on to try and limit noise post-6pm"*
 - *"Site curfew for music has been extended a touch, as we were slightly behind time today given the change of weather and a slower start for setup. This means that Big*

Top stage programme will run until just before 9pm but no later than the licensed closing time"

23. It is submitted that these actions, confronting the noise issues which to that point CF had not acknowledged were a potential nuisance for residents, were far too late to redress in any way the nuisance caused to residents.

Conclusions

24. The Premises (i.e. The Lambing Shed field) are totally unsuited for this type of event. The Premises are too close to residential areas to achieve the licensing objective of preventing public nuisance, as demonstrated by this Event and the two previous PITP events at the same location.
25. The website for CF states: "join us in the fields" and refers to the "luscious rural surroundings" of The Lambing Shed. However, adjacent residential areas (not shown on the aerial photograph of The Lambing Shed on its website), lie between 450m to 550m from the area that CF was using and continue without interruption into Knutsford. This can clearly be seen on the map on the CF website (showing directions to the Event).
26. Local residents have no confidence in the ability of CF to deliver such an event in the future in a manner which will uphold the said licensing objective, again as demonstrated by the Event.
27. In particular, it is contended that CF displayed at the Application Hearing on 14 December 2022 misplaced confidence in their ability to comply with the Additional Conditions to the Decision Notice, which had been specified by the Environmental Health Officer, given the proximity of the Licensed Premises to residential areas.
28. CF have not engaged constructively with residents, even though the potential for noise nuisance was clearly a relevant factor for the Environmental Health Officer, hence the incorporation of the Additional Condition. The one attempt by Mr Boyd to organise a meeting with local residents in the final weeks leading to the Event came to nothing as residents had already made CF aware of their concerns over noise and other issues. Residents therefore relied on the Premises Licence with its Additional Condition to ensure that noise would not cause a disturbance to local residents.
29. Moreover, residents did not receive CF's Event Safety Management Plan until an email from Mr Boyd at 12.32pm on 2 June 2022, Day 1 of the event. None of the attachments to that Plan contained any detailed information re noise mitigation arrangements. In any event the plan made no difference to the overall levels of noise experienced in the locality.
30. Residents therefore ask that the Licensing Act Sub-Committee re-evaluates the licensing of this site for music and funfair events to ensure that the prevention of public nuisance objective is attained and that no further events of this type are licensed for the Lambing Shed field.

Have you made an application for review relating to the premises before? No



SOURCES OF OBJECTIONS TO NOISE NUISANCE FROM CHESHIRE-FEST EVENT JUNE 2 TO 5 2022

- 1 Hallside Park 2 Buckingham Drive 3 Carrwood 4 Fir tree Avenue 5 Parkfield Road 6 6 Croft Lane 7 Chelford Road 8 Leicester Close 9 St George's Close 10 Rutherford Drive
- 11 Goughs Lane 12 Goughs Lane 13 Astley Close 14 Manor Lane, Ollerton

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