

**From:** Jodie Wilson  
**Sent:** 27 September 2021 10:57 AM  
**To:** Licensing  
**Subject:** Pinchington Hall premises licence review 21/00786/LQN - EQ response

Good morning

I am responding to the application for the review of the Pinchington Hall premises licence from Mr Nigel Bryant on behalf of local residents made on the 7<sup>th</sup> September 2021.

My comments are made as statutory consultee for the 'prevention of public nuisance' licensing objective and as the lead officer in the ongoing noise nuisance investigation.

### **The premises**

Pinchington Hall is a large property with fairly large grounds surrounding it. Directly to the left side of the property is the new development Wellingtonia Drive, with a number of properties around the garden.

The building is leased out by Phoenix Apartments. Phoenix Apartments had intended to open up the use more as an entertainment venue, to include wedding receptions, parties and similar events.

### **The premises licence**

In May 2020 the premises licence was issued by the Licensing Committee despite objections from Environmental Health due to noise nuisance concerns. The premises did not have the relevant planning permissions in place to operate as a commercial venue.

For a variety of reasons, no events have yet been held under this premises licence.

The property is let through AirBnB and has mostly been used for private holiday lets and private parties (which do not require a licence) to date.

### **Complaints history**

Local residents had expressed concern about these premises before a licence was even issued due to the quiet local area and proximity to existing residential dwellings and under construction.

In late summer 2020 some complaints were received in relation to parties with entertainment, however our investigation stalled and no formal conclusions were made and due to evolving coronavirus restrictions and the cooler months coming, the premises became quiet and the investigation was closed. In early Summer 2021 we

started to receive complaints of noise and the noise investigation was reopened. The new residential development directly beside Pinchington Hall was starting to become occupied.

A number of complaints have been received from local residents when the property has been in use during 2021. Many of the complaints received may not be relevant to this review application specifically, as they were noises from people staying at the property as a holiday let with no specific organised entertainment.

I was in the process of organising independent mediation between Phoenix Apartments and the local residents due to help with misunderstandings about what was actually happening and was planned at the premises and to be more considerate of the situation from the other perspective.

### **19<sup>th</sup> August 2021**

A Temporary Event Notice was applied for the premises for retail sale of alcohol on the 19<sup>th</sup> August. Because the application was for alcohol only and that no formal conclusions regarding noise nuisance had been reached at that stage, we felt we could not object on grounds of noise nuisance even though we were concerned about the likelihood of music and corresponding noise nuisance. However, Environmental Health still have powers under the Environmental Protection Act 1990 to investigate and enforce noise nuisance.

Due to concerns about noise impact from entertainment at the property, we liaised with Phoenix Apartments to remind them of the proximity to local residents and need to control noise to ensure that nuisance would not occur. We recommended that a detailed noise management plan and that noise ought to be monitored through the event and corrective actions taken as required.

On the evening of the TEN on Thursday 19<sup>th</sup> August 2021, I and a colleague visited Wellingtonia Drive and the local area to assess for noise nuisance. In addition to the visit in person, we had a fixed noise meter set up in one of the properties and the residents all had access to the Noise App, an app which enables residents to make recordings and send direct to the Council as evidence of nuisance.

We observed noise within the bedrooms of one property to be audible, with lyrics recognisable, through closed double-glazed windows though for the time of year, open most people would have open windows. With open windows the noise was clearly audible and intrusive.

I also received 20 noise app recordings on the night from 3 other properties and 9 recordings on the noise meter from a 4<sup>th</sup> property. These recordings corroborate our findings as again, songs were clearly audible and lyrics recognisable within the neighbouring dwellings.

We visited the premises on the night to discuss the noise with Greg, who was responsible for managing noise on behalf of Phoenix Apartments on the night. I was of the opinion that the noise levels within the outdoor marquee were as low as could be achieved in order to provide a reasonable quality of entertainment but unfortunately

this was not low enough that it would not be audible and intrusive in neighbouring property, most likely due to the very close proximity. We gave feedback to Greg that the music was audible within neighbouring properties, to which he expressed disbelief. We were told that the music would be off at 11pm.

We continued to observe. The sound levels remained the same level and the music came off at just before 11pm.

We then observed a number of taxis arriving. As they had planned, the gates were opened to allow them to pick up within the grounds to minimise noise. Whilst there were no beeping horns, there was a flow of cars in and out, with headlights on, which would not be there if there was not an 'event' on.

### **Statutory noise nuisance**

When the Council is considers there to have been a statutory nuisance there is a legal duty to serve a notice to prevent a recurrence. Hence, on the 21<sup>st</sup> September 2021, a noise abatement notice has been served under section 80 of the Environmental Protection Act 1990 as a result of the noise impact on the evening of the 19<sup>th</sup> August.

Unfortunately mediation cannot take place alongside enforcement action and so the mediation process has been stopped.

### **Waste**

There are ongoing concerns with regards poor management of waste and risk of encouraging rodents. When there are larger parties, the bins are insufficient to contain the waste generated and the bins overflow. I am not satisfied that Phoenix Apartments have taken this matter seriously as evidence of poor waste management continues to be received.

### **Prevention of public nuisance at these premises**

Whilst this event was not technically in breach of the premises licence, as it was not held under it. It was a 'private' party. However, the noise impact of that event on the 19<sup>th</sup> August 2021 demonstrates that it would be difficult for these premises to host successful outdoor events with amplified music outdoors as permitted under their premises licence without significant adverse impact on local residents.

### **Other matters which may be relevant**

Whilst Planning is a separate regime to Licensing, it may be of interest that the Planning Committee decided in August 2021 to refuse planning permission for the uses permitted by the premises licence due to concerns of noise nuisance.

### **Environmental Health recommendation**

My recommendation to the Licensing Committee is that the premises licence should be either revoked or varied so that any entertainment with amplified sound be limited to remove 'outdoor' use from the licence.

Kind regards,

**Jodie Wilson**  
**Environmental Health Officer**