

From: Morse, Trish <Trish.Morse@wiltshire.gov.uk>
Sent: 23 June 2021 10:15
To: Mitchell, Julie <Julie.Mitchell@wiltshire.gov.uk>
Subject: FW: PL/2021/03958 - 29 Brown Street, Salisbury

Dear Julie,

I write further to my earlier response regarding the above application and note that the application has been called into committee for consideration.

The use of the land will be for a hospitality area, used in conjunction with the existing hospitality uses at the adjoining Vestry and Chapel Nightclub. The applicant wishes to use this space between the hours of 11am and midnight and has advised it would be managed as an extension to the existing licenced premises. The applicant further stated '*We do not intend that the Brown Street Garden area will become a nightclub extension*' and '*We intend that this is a relaxed social outdoor area which is planned to operate 11am to 11pm with a pop up food offer*'.

When considering this application we took into account the Live Music Act 2012 which allows for live unamplified music to be played anywhere without the need for a licence, and with no audience limit, between 8am to 11pm. It also allows for live amplified music to be played in areas classed as workplaces (areas where staff have access for work) between 8:00am – 11:00pm, with an audience limit of 500.

As far as I have been able to ascertain, the application site has no residential properties immediately bordering it. The nearest noise sensitive property is likely to be the bedrooms associated with the Red Lion Hotel. Night time hours are considered to be between 2300hrs and 0700hrs and we therefore initially made a recommendation that the use of the land is controlled by the applying the following conditions to any approval of the application:

- The use hereby permitted shall only take place between the hours of 11am and midnight daily.
- Amplified music will not be played on the development site after 2300hrs.

Since submitting our response, I note a significant number of representations have been made in respect of this application, specifically regarding concern that loud amplified music will be played on the application site which will cause a disturbance to residents in the locality, and nearby residents will also be disturbed by loud voices of patrons using/ leaving the site, anti-social behaviour & litter.

If the committee were to approve this application they may wish to consider tighter controls on the use of the space as follows:

- The use hereby permitted shall only take place between the hours of:
11am and 10pm Monday – Wednesday,
11am – 11pm Thursday
11am – midnight on Friday and Saturday, and
11am – 9pm on Sunday and Public/ Bank Holidays.

My understanding from the applicant is that music will only be played at background sound levels on the application site. To avoid patrons needing to raise their voices to compete with any background music levels, the committee may wish to also apply the following condition to any approval of this application:

- Amplified music (live or recorded) played on the application site will not be above 70dB LAeq, 1min in listener areas at any time.
- Amplified music will not be played on the development site after 2300hrs.

For the information of the committee, this department has not received any noise complaints regarding the application site or the Vestry. The last recorded noise complaint in respect of the Chapel night-club was in 2017 and related to amplified music played inside the premise.

If this application were to be approved, with the above recommended conditions, and this department subsequently received noise complaints regarding music played at this site, in the first instance we support our Planning Enforcement team to ascertain whether any planning conditions have been breached, and/or carry out an investigation under the Environmental Protection Act 1991 to ascertain whether noise from music amounted to a statutory noise nuisance or not.

If you have any queries regarding this, please do not hesitate to contact me.

Kind regards

Trish Morse
Public Protection Officer (Environmental Control & Protection)