

Representations received

No.1 New Market Street, Usk NP15 1AU

We don't have an issue with the sale of alcohol within the limits of the building other than the fact that extending of hours brings with it the extending of noise from the Marquee, which you point out, is not Licensable.

Our original Representation should not be put forward as it has been superseded by events.

We agree that, in Licensing terms, the applicant has moved significantly from the original request.

We feel that we are limited in the options we have to register the impact of noise on the neighbourhood, apart from complaints to Environmental Health as and when events occur. This Licensing Variation presents us with an opportunity to do so.

Prior to the current Licensing Application, there have been some issues for us with the level of noise nuisance from events being held at the venue on a few nights around Christmas over a few years. We appreciate that the current owners have not been responsible for all of these.

Until now, we have made no complaints as we have been trying to be 'good neighbours' and allow people to run their businesses. However, we understand that any variation to the hours inside the building will also entail an increase to the hours when people are consuming the drinks outside the building, including the Marquee area. So, an increase in the hours where alcohol is served brings with it an increase in the potential for disturbance.

We appreciate that any amplified music played should finish by 23.00 and that the Licence Variation does not affect the times to which music can be played, but rather the sales of alcohol, inside the building.

However, any customer noise in the outside area/Marquee carries easily, as it has no sound mitigation or muffling to restrict the noise levels. Residents have no option but to endure it to the detriment of their enjoyment of their own spaces.

Key issues of concern for us would be:

- The plan attached to the Licensing application doesn't include the Marquee, as it relates only to alcohol sales inside the building; However, consumption will take place in the outside/Marquee. We are unsure whether there is any planning permission granted for this structure, as we have been unable to find it. The last Approved Planning Decision was for the erection of a lean-to canopy in 2020. (Ref: DM/2020/01732)

- As mentioned above, the location for many customers, the bands and music systems is in the marquee. There is no soundproofing and the noise travels further and at higher volumes than if it was contained within a building. Because of the nature of the venue and the lack of any buildings in between, noise easily travels to affect the neighbourhood.
- The noise level causes a direct nuisance and has a considerable negative effect on people living in the area. Any increase in the number of days where there is a noise nuisance due to later hours would have a real and significant impact on the mental health and wellbeing of residents.

No.2 Uskbridge Mews , Bridge Street, Usk

I wish to object to the application from 57 Bridge Street for a variation to extend the hours of the existing licence in respect of the playing of live and recorded music and the supply of alcohol and other refreshments.

My objection is based on my concern that this new licence may increase the possibility of public nuisance for the nearby dwellings , mine included.

I haven't minded the occasional event with amplified music incorporated into proceedings , albeit that it might be somewhat intrusive at times. The relative infrequency of such events and the existing

restrictions on the hours during which music can be played are factors not to be ignored.

On occasion there are incidents of what might be called ribald behaviour, when at the end of an evening licenced premises along Bridge Street disgorge their customers into the street. Groups of drinkers sometimes carouse along or even into the road disturbing the residents whilst also putting themselves in harms' way.

The possibility that such events could in theory take place every evening and run on into the early hours of the following morning I find distressing . I enjoy a visit to the pub as much as the next man but surely given that research has shown a link between the availability of alcohol, on the amount consumed and the harm associated therewith I do not believe that increasing licensing hours is what society needs.

I urge the Licensing Authority to consider the negative impact of this application on the well being of local residents and the community at large.

No.3 New Market Street, Usk NP151AU

Our home of 30 years directly abuts the boundary of 55-57 Bridge Street (57) Our occupation is multigenerational as my mother-in-law lives in part of the house and our one-year-old grandson stays with us regularly. We set out below our objections

to the change of the existing licence, when the licence was granted the use of the building was as per the planning permission which was granted in July 2018. The use was set out in the planning permission as a Deli counter, for food customers to take away a small restaurant serving morning coffees, light lunches, and early light meals, a retail section dedicated to kitchen specific homeware goods and bar area where guests can sit and enjoy a drink and buy a bottle of wine to take home, with recorded music, and a finish time of 22.00.

The outside area was a dedicated car park not a beer garden or anything ancillary to the building apart from a car park. In February 2012 a further planning was granted for the erection of a single storey lean-to canopy to the rear elevation. No planning has been obtained for the marquee or change of use of the car park to beer garden. This is very relevant when considering the new licence which will have to take into consideration Licencing Act 2012 which allows especially as the act will allow Alcohol to be sold and music played as a non-licensable use within a beer garden between the hours of 8am and 11pm. The car park has never had a change of use to a beer garden so being not licensable due to the so called "workplace" exemption under the Act should not apply, and by allowing the licence this would go against the spirit of the planning permission and could be considered a change which would be open to a judicial review.

This use relates to the use class within the planning permission of A1, A2, and A3. When we moved into our house the premises use was a bank, we did not object to the proposed change of use as this use related specifically to the building not the car park as mentioned above, Our home of 30 years directly abuts the boundary of 55-57 Bridge Street (57) Our occupation is multigenerational as my mother-in-law lives in part of the house and our one-year-old grandson stays with us regularly. We set out below our objections to the change of the existing licence, when the licence was granted the use of the building was as per the planning permission which was granted in July 2018. The use was set out in the planning permission as a Deli counter, for food customers to take away a small restaurant serving morning coffees, light lunches, and early light meals, a retail section dedicated to kitchen specific homeware goods and bar area where guests can sit and enjoy a drink and buy a bottle of wine to take home, with recorded music, and a finish time of 22.00.

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This use relates to the use class within the planning permission of A1, A2, and A3. When we moved into our house the premises use was a bank, we did not object to the proposed change of use as this use related specifically to the building not the car park as mentioned above, In the planning officers report he specifically mentioned that the car park should be for the use of the customers not a beer garden or area for a Marquee This new licence not only covers the building but the car park to the rear and Marquee. If granted it would enable the applicant to erect a bar on the car park and drinking with the associated disturbance seven days a week with customers in the car park area until 00.00 Monday, Wednesday, and Sundays and 1.15 on Thursdays, Fridays and Saturdays. As mentioned the car park does not have planning for a beer garden I note that one does not necessarily need separate planning to use land for a beer garden, however the moment one wants to put anything on the land whether it be tables, chairs signs parasols smoking shelter you are required to obtain planning. The Marquee also does to have planning and if in place for more than 28 days will also require planning. I have been told by the licensing officer that these planning objections will not be taken into account when considering the licence but to me they are very relevant as I cannot see how a licence can be granted if legally the area does not allow the use

I have also been advised that other establishments have similar hours to those being requested this may be the case, but the activity does not take place in an open car park in an uninsulated marquee. In fact, the licence granted for the Mad Platter allows live music but only if the windows and doors are shut. I mention this as by granting the proposed licence this will also encourage late night drinking which due to the nature of the car park will basically be in the open air which due to the proximity to our property would affect its use. If the licence covers the building only this would not be the case.

If approved, the variation would enable the Premise to sell late-night refreshments, **including alcohol, indoors and outdoors** (in the marquee), on:

- Sunday to Wednesday from **9am until 23.30pm**
- Thursday to Saturday, Christmas Eve, New Years Eve and New Years Day from **9am to 00.45am**
- If approved, under the live Music Act 2012 this would remove the licensing requirement for live and recorded music and where There is a premises licence or club premises certificate in place permitting 'on sales'
- The premises are open for the sale or supply of alcohol for consumption on the premises
- Live or recorded music is taking place between 8am and 11pm
- If the music is amplified live music or recorded music (e.g., DJs or a disco for example), the audience consists of no more than 500 people

We strongly object to the proposal to change the licence enabling the sale of selling alcohol within the car park and marquee.

Which would affect the quiet enjoyment of our property.

- 1) The rear of 57 is in a residential location with houses and flats in close proximity.
- 2) We live in as do others in the area in listed buildings (one of the oldest in Usk) where there is no double glazing so sound insulation is not up to modern day standards and are unable to make any structural changes to enhance sound

insulation. The car Park and marquee are not insulated so in practice what goes on is in the open air.

- 3) Our garden immediately abuts the marquee any noise from the marquee interferes with the use of the garden and the house. At weekends for instance in the summer afternoon entertainment can go on all day and the day progresses the noise gets louder and louder with the extended hours to sell alcohol this disturbance will be unacceptable.
- 4) There have been events that have taken place in the marquee recently place in the marquee. During two events that occurred on the 29th of December and the 15th the decibel reading during the evenings at our property ranged from 80-85 decibels with a very high base content. This compares to the ambient decibel level during the day at our property of 45 during the day and 40 decibels at night. At two recent functions the decibel level reach 80-85 decibels. There was a considerable amount of shouting and noise which could have been enhanced due to the amount of alcohol being consumed. If the hours of alcohol sales are extended this will only get worse, The change in licence would allow these to take place in the marquee between 8am and 11pm on a regular basis. Following the 29th event mentioned above we spoke to the manager about the noise but nothing was looked at and the event on the 15th was just as noisy so we have no confidence that the management will consider going forward any issues we have.
- 5) This application is not an extension of the existing license it is a totally new application. The original licence only covered the building not the car park area. There is no issue with the licence covering the building as this is insulated with doors and windows that can be closed.
- 6) If the licence is granted the applicant would have the ability due to the licensing Act 2012 to have recorded or live music every day of the week, between 8am and 11pm which would basically be in the open air with no sound insulation, the rear car park area is within a residential location where people live and want to be able to use their properties without noise interference and the levels that are produced from 57 could exceed the World Health Organisation recommended noise levels.
- 7) The proposed licence and planning permission was granted for the building on the bases that the building was used to be used as Deli counter, for food customers to take away, a small restaurant serving morning coffees, light lunches, and early light meals, a retail section dedicated to kitchen specific homeware goods and bar area where guests can sit and enjoy a drink and buy a bottle of wine to take home, with recorded music, and a finish time of 22.00. the expanded licence will alter the use drastically to what was proposed. And the change would be without consultation
- 8) The proposed licence covers the building and the rear garden which as stated abuts our home. The proposed licence would give 57 the opportunity to have live and recorded music every day of the week until 11pm which would be in the open air with no sound insulation and could exceed the world Health Organisation recommended noise levels.
- 9) If granted the use of our home and garden would be restricted and eventually our well-being and mental health affected.

- 10) Attached is a recent recording of an event which took place on the 29th of December which highlights the noise generated from the rear of 57. You will note that the recording not only shows the noise from the music but also the noise from the customers which as the evening progresses and I assume more alcohol I drunk the noise increases.
- 11) The planning use for the building is A1 A2 A3 and the description was for a deli counter for food customers to take away a small restaurant serving morning coffees, light lunches, and early light meals, A retail section dedicated to kitchen specific homeware goods and bar area where guests can sit and enjoy a drink and buy a bottle of wine to take home, with recorded music and a finish time of 22.00. If the proposed licence is granted this would subtly change the use of the building to a Sui Generis and D2 use in other words from a restaurant with background music to a venue with outside music which was not what was originally proposed.
- 12) If the licence is granted, we will see an increase in the time alcohol can be sold and the length of time that music can be played at present with the music at the level it is we can hear the customers conversations in the marquee area as they are having to shout to be heard above the music. During the day as the marquee has no insulation can quite clearly hear conversations and are therefore aware that they can hear ours. With the increase in alcohol sales the conversations will only get louder.
- 13) One cannot compare this application with existing licence within the bridge street area, as this licence is being applied for within a car park, marquee which has no sound insulation.
- 14) Common sense should prevent the opening of a late-night venue in a marquee in a centre of a residential area.

Please suggest any conditions that could be added to license to remedy your representation or other suggestions you would like the Licensing Sub committee to take into account. **

- 1) The licence should restrict the use to the **building** to its original use of a deli counter for food customers to take away, a small restaurant serving morning coffees, light lunches, and early light meals, A retail section dedicated to kitchen specific homeware goods and bar area where guests can sit and enjoy a drink and buy a bottle of wine to take home, with recorded music and a finish time of 22.00 and nothing further. The licence should not be extended to the marquee or car park
- 2) The only solution would be to only allow the licence to be on the building alone with a decibel requirement and no extension to cover the marquee or car park.

