

APPENDIX 3

REPRESENTATIONS - Other Persons

Mr – Local Resident, Mill Green Road

Mr – Local Resident, Mill Green Road

Mr – Local Resident, Mill Green Road

Mr – Local Resident, Ivy Green Lane

Mr – Local Resident, Mill Green Road

Mr & Mrs – Local Residents, Mill Green Road

THE VIPER, MILL GREEN ROAD, FRYERNING CM4 0PT

APPENDIX 3

REPRESENTATIONS

Other Persons

From: Jean Adams <jean.adams@dadds.co.uk>

Sent: 16 November 2020 16:28

To: Licensing <licensing@brentwood.gov.uk>

Cc: Dave Leonard <dave.leonard@brentwood.gov.uk>

Subject: CASE NO 1283 - Viper Public House, Mill Green, Ingatestone, CM4 0PT - Premises Licence application Objection

Dear Licensing

Please find attached 4 letters of representation from;

- Mr
- Mr
- Mr
- Mr

We act on behalf of the abovementioned who have written letters of representation regarding the premises licence application for the Viper and asked us to forward to you on their behalf.

Please confirm receipt and that the attached are all relevant representations.

Kind regards

Jean Adams

Dadds LLP Licensing Solicitors

Crescent House, 51 High St, Billericay, Essex CM12 9AX

T 01277 631 811 F 01277 631 055 DX 32202 BILLERICAY

E jean@dadds.co.uk

W www.dadds.co.uk

Authorised and regulated by the Solicitors Regulation Authority – Registration No 550469

From: [REDACTED]
Sent: 16 October 2020 12:45
To: Licensing
Subject: Licence Application 20/00012/LAPRE

Follow Up Flag: Follow up
Flag Status: Completed

My name is [REDACTED] and I live at [REDACTED]
[REDACTED]. I am writing on behalf of myself and my wife regarding the above licensing application for the Viper Public house Mill Green Road CM40PT

We wish to object to the following aspects of the licence request/s:-

1. The Sale of Alcohol for consumption on/off the premises.
Monday-Thursday 08:30-23:00
Friday-Sunday 08:30-00:00

The opening hours applied for are excessive in the extreme, normal public house opening times should apply. This is a residential area with woodland and a diverse range of endangered species, having this premises open for that length of time would have an extreme impact on the environment and quality of life of the residents. It is worth noting that current COVID restriction put this at 10:00pm so to even request such extended opening till the early hours of the morning is unacceptable.

2. Music and Live music.
Monday-Thursday 11:00-23:00
Friday-Sunday 11:00-23:30

As previously mentioned the area is predominantly residential and woodland with a good distribution of wildlife, it is crisscrossed by many public foot paths which are enjoyed by the public for its natural beauty and peacefulness. The allowance of continuous music, both recorded and live would become a nuisance to neighbours, pollute the habitat, and contribute to a degradation of the environment.

3. The Performance of Dance

Monday-Sunday 11:00-23:00

It is obvious that the interior of the listed premises is not large enough to accommodate such events inside so it would have to be held outside, again impacting on the residents, neighbourhood and the environment. If by some chance the intention is to have this inside the building, the increased traffic and associated nuisance would still be an issue.

4. Late Night Refreshments'

Friday-Saturday 23:00-00:00.

I assume that this is to allow in-house and off premises sales of food and drink, again having these premises open for such activities at this time would be detrimental to the residents and environment.

5. Opening Hours

Monday-Thursday 11:00-23:30

Friday-Sunday 11:00-00:30

As detailed at item 1. the opening hours applied for are excessive, normal public house opening times should apply. This is a residential area in the heart of the green belt with woodland and a diverse range of endangered species, having this premises open for that length of time would have an extreme impact on the environment and quality of life of the residents.

I would also like to point out that the application notice posted outside the Viper wrongly put my neighbours address [REDACTED] rather than the true address of the Viper. I assume this was a clerical error and not an attempt to deceive the licensing authority. I searched online to see the background of the applicant company, unfortunately it appears that company has reported no assets, holdings or income since its inception some years ago neither has it returned any accounts.

In closing I feel I must comment that the application is such an extreme change from the previous licensing it is almost like the applicant wants the residents to respond negatively and the application to be refused. If the applicant or his representatives had engaged with the residents prior to the application being made then I as a resident would not be so concerned about the overall aims of the applicant.


Finally I am sure the authority is aware of the linkage between the applicants company and the review carried out on the premises licence for the Cricketers, this was due to continued breaches of lockdown rules and numerous reports of antisocial behaviour which required police intervention.

Should you wish to discuss this further please contact me on

[REDACTED]

Yours faithfully

[REDACTED]

Sent from my Tin can and String 

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The Licensing Authority
Brentwood Borough Council
The Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

Date: 16th November 2020

Dear Sirs,

Re: Viper Premises Licence Application

I am writing to register my objection to the application for a premises licence by Viper Mill Green Ltd for the Viper Public House Mill Green Road, Mill Green, Ingatestone, Essex, CM4 0PT.

The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, particularly that of the prevention of public nuisance.

My property is one of the nearest to the premises, and apart from trees, there is nothing to block unwanted sound from travelling the short distance from the premises.

I have had sight of the plans of the licenced area supplied by the applicant - the first is a plan of the building with a red line around showing the licensable area within the premises, which is acceptable; the other is a plan of the entire site which has a red line around the entire curtilage of the premises site encompassing the first plan in its entirety and basically rendering it useless. If the site plan with the licensed area defined is the entire plot, what is the point of putting a red line around the building plan? This in effect means that licensable activity can go on, unchallenged until the times applied for by the applicant (if they are not challenged) and we will have live and/or recorded music playing, without restriction, until 11:30pm on a Friday, Saturday and Sunday and until 11pm weekdays.

It is wholly unacceptable to allow this to happen - especially given the director of the applicant Limited company, Rupert Cherryman, has had recent history of similar complaints (noise from licensed premises and related anti-social behaviour) from another premises he manages - The Cricketers, just down the road from the Viper. The residents nearby, after putting up with noise until it was unbearable any longer, had to bring the licence to review with this council to enable them to live a more peaceful life. I attach the link to the hearing documents in this regard which I may refer to. <https://brentwood.moderngov.co.uk/ie/ListDocuments.aspx?CIId=163&MIId=2222>

I do not personally wish to get into fights such as this in the future, but rather ensure that some kind of sensible constraints are placed on the licence from the outset to restrict the outside use and avoid future noise nuisance.

The wooded area which is between the pub and my property has been used, historically, as overflow parking for the pub, especially during beer festivals. This has created a huge amount of noise, litter and anti-social behaviour at the end of the evening when people return to their cars, late at night shouting, playing music, urinating in the woods, singing, slamming car doors and revving vehicle engines. This was bearable for 2 or 3 times during the year, but the licence in this form gives the applicant the ability to have parties and festivals on a daily basis and until midnight at the weekend. This noise of this dispersal could, and has very much in the past, go on until 1am and beyond when the stragglers leave the premises. This is not something I am prepared to tolerate on a weekly basis.

I have no problem with a traditional pub with traditional hours (11pm) and even the Annual (or more recently bi-annual) beer festival weekends. I can at least have the choice to go away for the weekend to avoid it. This is not a possibility every time an outdoor wedding or event is held under the new licence.

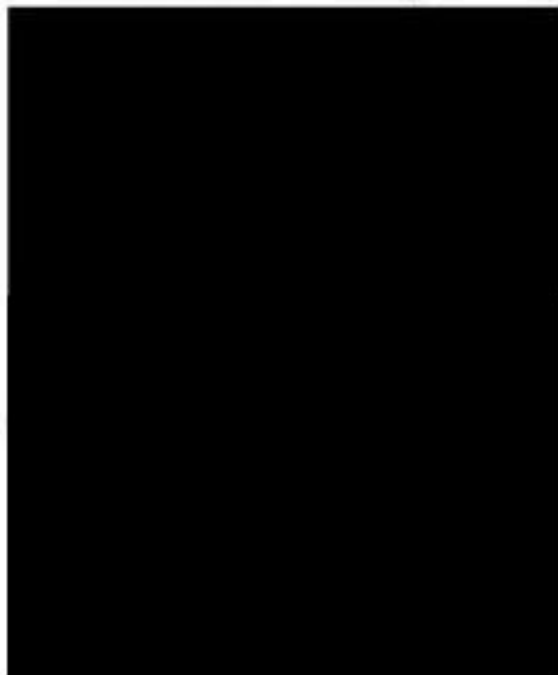
I am aware that one of my neighbours has had a Noise Assessment Report commissioned, to assess the noise impact on the immediate residential neighbours, of which I am one, and my property was used as one of the measuring points.

The report, which I understand will be exhibited by a neighbour, concluded that events at the premises will inevitably give rise to a severe impact of noise disturbance at my property and this concerns me greatly.

I would urge the Committee to consider the findings of the Assessment, and place conditions of use of the outside area, the use of a marquee and restrict times and volume of the live and recorded music played in these areas.

Finally, I ask that my name and address are withheld from being published in any public documents relating to this matter for fear of future intimidation.

Yours faithfully

A large black rectangular redaction box covering the signature area.A black rectangular redaction box covering the address area.

Brentwood Borough Council
Licensing Authority
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

Date: 16th November 2020

Email address [REDACTED]

Sent by email to licensing@brentwood.gov.uk

Dear Sirs

Re: The Viper, Mill Green Road, Mill Green, Fryerning, Ingatestone, CM4 0PT

I would like to make an objection to the application for a premises licence at the Viper Public house in Fryerning.

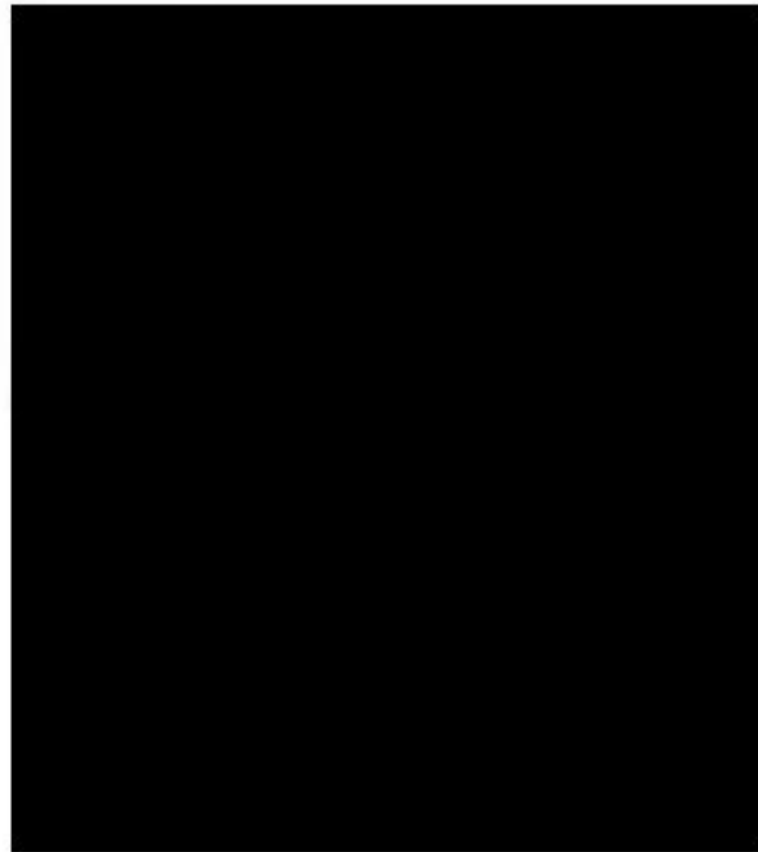
I have lived at [REDACTED] since November 2013 and during that time, I encountered the Viper whilst it was open under different ownership. During that period the pub was open for less hours and undertook only a small handful of outdoor events than the current licence applicant has applied for. I am keen for the pub to reopen however its trading conditions must reflect the quiet rural location within it trades. Based on my previous experience I am concerned about a number of issues.

- A) When outdoor events were held in the past, I was able to hear noise in my home even when the windows were closed.
- B) Special events caused severe parking blockages to the lane which leads to my home. There were occasions when I was unable to drive to my home. Furthermore, pub visitors parked on the verge outside my home again causing blockages.
- C) Even during the normal course of trade, pub visitors parked at the entrance to lane leading to our homes. I am in throws of separating the lane from the clearing in the hope that when the pub reopens, visitors will desist from parking in the entrance. I have numerous photos in the past 6 weeks showing people parking at the entrance to the lane and that's during a time when the pub is closed!
- D) The Viper is a small venue in a very quiet location and therefore excessive numbers visiting the site are highly noticeable. Given the forest location, any external noise is very obvious and cannot be permitted. In the past this was even more pertinent in the evenings. Beer festivals bi annually can be tolerated, but the thought of events being a regular occurrence would not be acceptable and I would be very concerned as to the level of disruption this would cause me and my family.

E) A Noise Assessment report has been commissioned by RBA Acoustics who surveyed the area and used my property as one of the measurement positions at the time of the survey. The conclusion of the report stated that future events in the external area near the Viper containing music noise will inevitably give rise to noise disturbance to the existing residents. Whilst I do not wish the licence to be refused, I implore that the local authority attach the proposed conditions to any new premises licence. I understand that a copy of the report to which I refer is attached with my neighbours representation. If you need me to send a copy, please let me know and I will arrange this.

Please accept this letter as my representation that the granting of the application will undermine the licensing objectives of the prevention of, primarily, public nuisance, as well as public safety, the protection of children from harm and crime and disorder.

Yours faithfully



Brentwood Borough Council
Town Hall Licensing Officer
The Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

Date: 16th November 2020

By email to; licensing@brentwood.gov.uk

Dear Licensing Authority,

Re: Viper Premises Licence Objection

With regard to the new application for a premises licence for the Viper Public house in Mill Green Road, Ingatestone, CM4 0PT, I would like to make an objection against the licence regarding the licensing objectives of the prevention of public nuisance and crime and disorder.

My main concerns about the Viper are based primarily on noise levels. I will give some historical background of my involvement with the premises. The two beer festivals were started in the early 2000's by the then licensee and they were acoustic events with Morris dancing. After the pub was sold to a new licensee the new landlord changed the event to operate over the bank holiday weekends with live amplified music on each of the days which played until midnight.

Historically, we asked Brentwood EHO to monitor decibel levels from our garden and we were required to keep a Record of Statutory Noise Nuisance log of the recordings made by their equipment left in our house. The officers were Stephen Blake and Heather Ziervogel. The level was deemed to be excessive and EHO asked us to attend a hearing to state our complaint. As we had already heard on the local grapevine that other neighbours were claiming that we were trying to stop the beer festivals, we decided there was a risk to us being formally identified at a hearing and so did not agree to the request. The EHO had on one occasion cause to force the landlord to shut down the music as it was so loud.

We have on occasion been unable to watch TV except with all the windows closed and the volume turned up.

The pub would erect marquees on the pre-existing car park and the garden area at the front right of the building. At times there would be hundreds of people gathered in the marquees and the band would play at eardrum bursting levels. Cars were parked on the

clearing opposite the pub, along the woods on Mill Green Road and for 100's of metres down Ivy Barn Lane.

Additionally, we suffered nuisance with cars parking on the verges which form part of our property in [REDACTED]. The festival events finished late and cars would be moving until 12.30- 1.00am

When we first moved to [REDACTED] we were happy to be regular users of the pub however with the change to the nature of the beer festivals we can no longer support it because it causes anti-social behaviour and a public nuisance.

Our fear is that, with this licence application in its current form, these events could take place any time and without notice and until midnight, disturbing us and causing a nuisance, as we experienced on each and every occasion when they used the outside area for music. Under this new application we would be in a worse situation than under the previous licence. This cannot be right, can it?

The premises do not have the facility to hold weddings and events inside the premises, due to the size of the building and we fear that this would mean that these kinds of events would be held outside on a regular basis. We urge you to add conditions to the licence to stop this nuisance from occurring and allow us to enjoy our home in our retirement.

Finally, I ask that my name and address are withheld from being published in the public domain for fear of intimidation - we did not object previously because of this and it is still a worry to us.

Yours faithfully

[REDACTED]
[REDACTED]

The Licensing Authority
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

Date: 16th November 2020

Email to; licensing@brentwood.gov.uk

Dear Licensing,

I wish to object to the application from **The Viper, Mill Green Road, Mill Green, Ingatestone, Essex, CM4 0PT** for a Premises Licence for the;

Sale of alcohol (for consumption on and off the premises) Monday-Thursday 08:30 – 23:00 and Friday - Sunday 08:30 – Midnight

Live and Recorded music Monday – Thursday 11:00 – 23:00 and Friday to Sunday 11:00 – 23:30 INSIDE AND OUTSIDE

Performance of Dance Monday – Sunday 11am-11pm

Late night Refreshment Friday – Saturday 23:00 – 00:00

Opening hours: Monday – Thursday 08:30–23:30 and Friday – Sunday 08:30–00:30

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

I am particularly concerned about noise nuisance as this has been a previous issue when Annual / Bi- Annual Beer festival events are held in the Viper. Because the outside events are held in a marquee, the noise carries very easily. As this nuisance currently only happens occasionally, I am prepared to tolerate it for the beer festivals (I understand that there was a clause attached to the old licence restricting the number of events Viper could hold in a year). However, if by applying for this new licence, it is The Vipers' intention to hold more frequent events, the noise nuisance late at night would not be tolerable. I understand that they will be holding weddings and frequent events and throughout the Summer months especially, when they are more prevalent, this would be a huge noise nuisance to surrounding properties.

The landlord has a history of noise disturbance complaints from a premises he also manages not far from the Viper (The Cricketers). The local resident's association in that location bought a review on his licence due to the huge amount of noise and anti-social behaviour and we do not want the issue being bought further up the road with him.

Our area is even quieter than the Cricketers and I would say that if his weddings and functions caused them a problem, then it is bound to cause us one too.

I would be concerned about the possibility of an increase in low level disorder and noise from dispersal when guests are leaving the premises and getting into their cars.

I urge you to refuse to allow music in the garden area and ensure that live and recorded music is only allowed inside the premises – not in the garden.

I would be grateful if the Licensing team would consider my objection about music outside and all that it brings with it.

Yours sincerely

A large black rectangular redaction box covering the signature area.A horizontal black rectangular redaction box covering contact information.

From: Jean Adams <jean.adams@dadds.co.uk>

Sent: 19 November 2020 16:43

To: Licensing <licensing@brentwood.gov.uk>

Subject: RE: CASE NO 1283 - Viper Public House, Mill Green, Ingatestone, CM4 0PT - Premises Licence application Objection

Dear Licensing,

Mr XXXX sent a representation letter which you have accepted as a relevant representation. Mr XXXX made reference to some complaints regarding the Cricketers. In this regard we exhibit supplementary evidence in the form of the attached freedom of information request which was received by our office from the FOI Coordinator at Brentwood Borough Council regarding noise complaints at the Cricketers. This evidence may be referred to at the hearing.

Kind regards

Jean Adams

Dadds LLP Licensing Solicitors

Crescent House, 51 High St, Billericay, Essex CM12 9AX

T 01277 631 811 F 01277 631 055 DX 32202 BILLERICAY

E jean@dadds.co.uk

W www.dadds.co.uk

Authorised and regulated by the Solicitors Regulation Authority – Registration No 550469

Request: 17278 - Mill Green Conservation Society

1. Please confirm whether there have been any noise, nuisance or other complaints registered in relation to the Cricketers Public House, Mill Green Road, Ingatestone, CM4 0RH in the last 12 months.
2. Please confirm how many individuals have complained about the aforementioned premises in the last 12 months

Yes
19 individuals have made complaints

For the avoidance of doubt, we do not require the individual names or require the identity of any complainant, or any details which may identify the complainant or their address. However, we do require all the correspondence and would expect the Council to edit the same accordingly.

RECEIPT DATE	REFERENCE	DESCRIPTION OF COMPLAINT	OFFICER
29.06.2020	20/001141/COVID	At 17:13 yesterday, there was an altercation in the pub with a customer and bar staff which I could hear from my garden at around 18:30. Whilst I don't know the precise details of what happened, two police cars turned up within a few minutes and dealt with the situation. That was all the police were prepared to reveal. Im sure they will report this incident to you anyway as the Licencing Officer.	Dave Leonard
29.06.2020	20/001139/COVID	<p>It wont have escaped your attention that Mill Green has become a party zone in the last few weeks of lockdown, with hoards of youngsters and people from far afield visiting The Cricketers for takeaway food and alcohol and not taking it away! Instead, they are sitting on the green opposite the pub and many are there for long periods between midday and 9pm, when Rupert Cherryman leaves, and beyond. We have seen many people opposite our house, men and women, openly urinating in the bushes behind and in Mill Green Common car park. Its like a music festival, just without the music. Weve had police attend an all-night party two weeks ago last Saturday, the fire brigade to put out a discarded BBQ left on Mill Green Common last Sunday and generally rowdy loutish behaviour as a result of drunkenness from Tuesday through to Saturday night. Given this is the only pub in the area doing this, as a result of a highly effective social media campaign, the hoards continue to come from far and wide. My fear is that this will continue when the pub ban is lifted as the Common will become an established venue. And then Rupert Cherryman will add music from the pub and rear pub garden again, as he did last summer. As I write to you, there are cars and vans all along Mill Green Road and Mill Green Common car park, making it virtually impossible to pass. It s only a matter of time before there is a serious accident.I have, of course, had contact with Rupert Cherryman and raised my concerns. Although I've always had a polite response, it has made no difference and the situation continues to get worse. In our last exchange of emails he advised that he had an agreement with Lord Petre to extend Mill Green Common car park, at his own expense, to ease parking congestion and traffic issues. Rupert claims to be acting in the public interest, even suggesting that he will provide picnic tables for ramblers and cyclists. On the surface, this all sounds very plausible, even philanthropic but, in reality, this is far from the case. His actions are designed to increase the long-term parking capacity of The Cricketers for all and sundry and I fear that what we have experienced over the last month or so will become the new norm, shattering the peace and tranquility of living at Mill Green.</p> <p>To put this in some context, I've lived in Ingatestone for over twenty years and moved to Redacted, fifteen years ago. I've never had an issue with Redacted to The Cricketers in all this time, until Rupert Cherryman took a tenancy of the pub, about 4 years ago. Over the last two years in particular, there has been an increase in outdoor events in the pub garden, often with extremely loud music and often going on far longer than they should with after-hours drinking too This has given me cause for complaint on a number of occasions and I'm aware he has upset all the owners of neighbouring property. It makes no difference, he just carries on.</p> <p>Without planning consent, Rupert erected a marquee, pizza oven, shipping container (to hold more alcohol outside) and an open-air bar in the rear pub garden and openly advertised The Cricketers as a party venue. The events I refer to above resulted in several of the adjoining property owners employing a planning consultant to raise objections on the grounds of noise, public nuisance, environmental concerns, green belt and conservation area restrictions, plus traffic and highways. Consequently, a retrospective planning application was issued by Rupert. It was soundly rejected in November 2019 on all of the grounds set out above, although the Decision Notice left the door ajar and suggested that the planning authority may reconsider an application if the traffic and highways issues could be alleviated in some way. Obtaining the agreement of Lord Petre to extend Mill Green Common car park may just have given Rupert the opportunity to issue a fresh application and, if successful, turn Mill Green back into a party zone, as he did most summer weekends last year.</p> <p>I fear that you may have been duped into thinking Rupert Cherryman is an inexperienced publican. He is not naïve. He is a shrewd businessman, knows exactly what he is doing and it is all designed for the pub to run over its capacity using space outside the pub.</p> <p>This is causing my wife and I a great deal of stress and anxiety, the polar opposite of the reasons we moved to Mill Green in the first place. This was, and should be, a peaceful, attractive conservation area but, at the current time and for the foreseeable future, it is everything but. Mill Green is not attracting cyclists, ramblers and locals; it is attracting people from outlying areas of Essex and East London, intent on all day drinking, partying and all the anti-social behaviour that comes with it.</p> <p>Consequently, together with a number of neighbours, I'm now employing a planning consultant to raise complaint through the proper channels at Brentwood Council, planning enforcement, environment and public health, but I know very little about Licencing and what he can and can't do. I very much hope you can assist because what is happening at the moment is not tolerable. Please feel free to contact me at your convenience. Alternatively, I'd be very happy to meet you in person, with appropriate social distancing, of course!</p>	Dave Leonard
25.06.2020	20/001114/COVID	This is constantly happening every single day. The pub is open and serving drinks, people are queuing up to get drinks, going into the road. The road is blocked with cars either side and is stopping the flow of traffic trying to get down an already narrow road. People are all sat on the grass bank. This has been happening for weeks now and there seems to be no change. Absolutely sick of trying to get down the road past people who are spending their evening sat outside a pub.	Dave Leonard
22.06.2020	20/001079/COVID	<p>When did this happen? 19/06/2020</p> <p>Approximately what time did this happen? 16:45</p> <p>What would you like to tell us about? This is the second time I am complaining now about large groups of people not social distancing outside the cricketers. It happens every day last time I complained nothing was done yet a few days later three police cars came out for a lost dog!! This large groups of people block the public footpaths meaning my young children have to walk/cycle on the busy stretch of road. They leave glass, rubbish and faeces it's disgusting.</p>	Dave Leonard
22.06.2020	20/001076/POFIVE	With your back to The Cricketers, in the right hand corner there is a pathway keeping Mill Green to your right. People are using this area as a toilet because the pub is serving takeaways but there is no toilet open. Please can you investigate-?	Dave Leonard

19.06.2020	20/001063/COVID	When did this happen? 18/06/2020 Approximately what time did this happen? 17:30 What would you like to tell us about? The pub was open, but large groups of drinkers outside, no social distancing, groups standing very close to one another, i have dash cam footage	Dave Leonard
16.06.2020	20/001033/COVID	When did this happen? 13/06/2020 Approximately what time did this happen? 15:00 What would you like to tell us about? The pub is serving take away meals and drinks and there are a large number (30) sitting on the green opposite not social distancing eating and drinking whilst numerous cars are parked unsafely along the road here causing an obstruction whilst people also queue up for the pub along the road.	Dave Leonard
15.06.2020	20/001009/COVID	When did this happen? 13/06/2020 Approximately what time did this happen? 17:00 What would you like to tell us about? Serving alcohol with no social distancing queue at all . 300 people , no distancing , roads blocked , cars parking on roads	Dave Leonard
15.06.2020	20/001008/COVID	When did this happen? 13/06/2020 Approximately what time did this happen? 14:30 What would you like to tell us about? I was cycling through Mill Green. The road was very congested due to cars parked along the side of the road by the green and the pub. (A car nearly reversed into me as they were backing up to allow a car coming the other way through). There were probably a couple of 100 people having drinks and bbqs and queuing to get on to the Cricketers. No adherence to social distancing	Dave Leonard
08.06.2020	20/000956/COVID	When did this happen? 05/06/2020 Approximately what time did this happen? 19:15 What would you like to tell us about? I recognise that pubs are able to offer a take away service, however I believe this pub has not been supporting the efforts that people are trying to make. I have cycled passed these premises before and there are lots of people congregating in the green in large groups, drinking and within large groups. This was noted prior to lockdown restrictions being lifted and it still continues. There seems to be a blatant disregard to the measures trying to be implemented. I had not reported previously as I felt that they might possibly rectify this, however it still continues. My concern is whilst the pub may be trying to implement measures it is attracting lots of people and leading to other anti-social behaviour for example littering, rubbish, public toileting, noise disturbances and people potentially drink driving as the premises is in the country. However my main concern is groups of more than 6 people are gathering and not maintains any social distancing measures. I realise and support the opportunity some local businesses have to try and get back on their feet, but I feel this one is not putting in enough appropriate measures to support the sacrifices made by many people and is encouraging large gatherings to take place which puts people at risk. Being the head teacher of a school which is trying to open safely I am well aware of the challenges that we are presented with, but situations happening like this at these premises has been going on for too long and is not supporting everyone's efforts. Thank you for taking the time looking into this, however I am sure there are more pressing matters to contend with.	Dave Leonard
03.06.2020	20/000925/COVID	When did this happen? not given Approximately what time did this happen? not given What would you like to tell us about? The Cricketers Pub is selling drinks as if they were open crowds everywhere no social distancing measures are being adhered to. This has been happening the last few days the common opposite and sides of the road are packed with people drinking. No distancing rules are in place where the drinks are being served.	Dave Leonard
01.06.2020	20/000897/COVID	When did this happen? 30/05/2020 Approximately what time did this happen? 14:00 The Cricketers has been selling takeaway alcohol together with food. There is a gathering of 30 plus people with not much, if any, social distancing on Mill Green opposite the pub. This has been going on for a week or two, in the good weather, and is getting worse day by day. Effectively, the pub garden is now outside the front of the pub, on common land. The pub is blatantly breaching current guidance and, unfortunately, folk are behaving irresponsibly.	Dave Leonard
01.06.2020	20/000896/COVID	When did this happen? 27/05/2020 Approximately what time did this happen? 14:00 Pub is doing takeaway drinks, food but lots people parked up dsy and night drinking eating instead taking home there purchase No social distancing euther	Dave Leonard
29.05.2020	20/000893/COVID	resident states that there have been 100-200 people congregating around the establishments going in and out despite the fact it shows itself as no dine in service. Resident states they have been open to public and not adhering to rules. This has been going on for around a week around 2PM till around late evening.	Dave Leonard
26.05.2020	20/000853/COVID	The Cricketers pub Fryerning was serving drinks from 12 till 5 pm ... to the same crowds that were sitting on the green When did this happen? 23/05/2020	Dave Leonard

25.10.2019	19/002055/HSCOMP	Complaint regarding the Cricketers and proposed firework display on 2/11/2019. They held a firework display on New Years Eve on the public bridleway opposite the pub about 30 feet from residents properties and the fireworks landed in residents gardens. Concern that the same will happen again if bridleway used. Previously firework display held on land at end of the pub garden but this has been developed.	Tony Sprackling
13.08.2019	19/001587/NOICOM	<p>1. Horrendous noise due to the fact that the Cricketers Inn have begun to organise Summer Parties with loud external music until late into the evening every weekend. The music is clearly audible in our dining room whilst we are having our evening family meal. The heavy base beat of the music can be heard throughout our house and is negatively impacting the enjoyment of our family home. This includes disruption to sleep for the whole family including our children who are studying for exams. The music also causes our dog to bark intensely due to the anxiety it causes her with the follow on disruptive impact to all of the family.</p> <p>2. Due to the holding of these events there has been a major increase in the volume of traffic in our lane (Hardings Lane) as well as on Mill Green Road. As regards Hardings Lane, this includes cars speeding up and down looking for parking until gone midnight.</p> <p>3. The occurrence of the Summer Events has resulted in the green at the entrance to Hardings Lane being used extensively as a parking lot. This has caused extensive damage to the grass and the margins of the lane. This unsupervised and irregular parking has on a number of occasions obstructed access to our home.</p> <p>4. The parking on Hardings Lane also severely impacts visibility for vehicles entering or exiting the lane making driving conditions dangerous.</p> <p>5. The Summer Events have been facilitated by the erection of an outdoor marquee and a container pizza oven. Both of these are unsightly and are totally out of keeping and unsympathetic to the Green Belt Area of Mill Green.</p>	Heather Ziervogel
13.08.2019	19/001586/NOICOM	<p>We have lived at Redacted to the Cricketers, for 14 years and, until recently, have not had occasion to complain. Initially Rupert Cherryman (Landlord) was quite engaging and has certainly improved the offering at the pub and we were supportive and pleased to see it be successful. Over the last year or so, however, there has been a noticeable increase in events being held outside the pub within the rear garden with both recorded and live music that has effected the reasonable enjoyment of our own property, especially as the proposed marquee offers no sound protection whatsoever. It is, I would estimate Redacted. Until now we have been extremely tolerant, but these latest applications are designed to make this a party venue every weekend and that is just not acceptable.</p> <p>Creation of hardstanding is, as far as I can tell, strictly against greenbelt policy. The marquee, far from being temporary, has become a year round feature. The shipping container is certainly not conducive with being in a conservation area. This is effectively extending the footprint of the pub and taking it outside with all the ambient noise and parking issues that come with it. This is inappropriate development in every sense and is a material intensification of the current use, as a minimum, if not a complete change of use because it becomes more of a party venue rather than a pub.</p>	Heather Ziervogel
13.08.2019	19/001585/NOICOM	I am a tolerant person and have the qualities of a live and let live attitude, however in the last two months it has been on three occasions almost impossible to relax in my garden whilst large parties have been enjoying extremely loud live and recorded music. On these occasions within this period the noise of the MC and the partying was resonating in excess of 150 meters. Although I am a music lover there is only so many times you want to hear High Ho Silver Lining by Jeff Beck and associated tracks including screaming and shouting to the usual wedding and birthday choruses, it just does not seem correct in a green belt and conservation area. I too have had to close the windows, day and night, in my house to insulate myself from this intrusion.	Heather Ziervogel
13.08.2019	19/001581/NOICOM	<p>Dear Heather ,</p> <p>Please excuse the un-solicited intrusion but a neighbour of ours Redacted in Harding's Lane , Fryerning gave us your details as the lady to contact with regards to environmental impact being caused by the above PH.</p> <p>We have for the last 18 months or so been suffering in silence and in the all too British tradition trying to accommodate our neighbours selfish behaviour .</p> <p>We have also tried to discuss the Issues face to face with the publican .This initially drew an arrogant belligerence " I can do what I f 'ing want " and latterly has simply drawn outright verbal abuse.</p> <p>Our house borders the Cricketers PH beer garden and has done for the 23 years that we have lived here . We have never complained before . Since the departure of Marian the previous tenant of many years the pub has been taken over by Rupert Cherryman .</p> <p>On my initial meeting with Mr Cherryman he explained that the pub was losing money and " he has to make the garden pay " since that day he has set about ruining my family's life.</p> <p>Plain and simple .</p> <p>He erected a pop up pizza restaurant and bar and marquee exactly 20 metres from our bedroom windows and set about hosting weddings and parties at weekends and on the off days billowing smoke over our Properties from the wood burning pizza oven (all as advertised on Facebook.) or by burning refuse on our boundary.</p> <p>As I said earlier we have tried our best to live with the effects of this but frankly enough is enough we are at our wits end.</p> <p>I am being told that we have to be more vocal with our complaints so to the point of this particular mail.</p> <p>Yesterday Sunday 11th August 19 saw the hosting of some kind of party in said pop up restaurant and marquee . The event attracted many, many people and with people we all know come cars .</p> <p>Please see the attached pictures ,cars strewn all over the place , parked on blind bends with no regard for safety of anyone.</p> <p>So not only are the events noisy , smoky ,inconvenient but they are also dangerous .</p> <p>Ours is a very small quiet (used to be) village it cannot absorb the influx of a few hundred people for all the reasons noted above .</p> <p>Thank-you for your time and I do apologise if I have directed this note to the wrong department or person , if I have perhaps you can advise and I will redirect.</p>	Heather Ziervogel
13.08.2019	19/001580/NOICOM	<p>After a stressful Sunday morning in Romford we return to our home in a lovely quiet peaceful tranquil private lane in Fryerning, contemplating a tranquil afternoon in our family home. But alas not again loud blaring music from the above named Cricketers pub which has been going on every weekend for months now ... enough is enough.... our weekends have been disturbed by noise and party goers whether it is a wedding a birthday or a funeral we have had them all. Today is no exception our road is now an overspill from the pub as you can see in attached photos I took earlier. Even driving back was stressful for my partner as she had to make an emergency stop because of a car coming in the opposite direction (which was going too fast) with all these cars parked both sides of the road, and he was non too pleased because he had to reverse back so we could turn into our road(Hardings Lane) it could have turned nasty!</p> <p>Is this not a residential area of great beauty? Are we not entitled to peace and quiet in our own home on a Sunday afternoon? Why is the above public House hosting events every weekend involving loads of people getting drunk and getting louder as the night draws in, throwing up, urinating outside and even doing unmentionable things!! You would expect this behaviour in cities not quiet country pubs. Surely he must be breaking licensing laws? We attended a meeting with other neighbours who live nearer to the pub and they feel the same, although they have to contend with the smell and fumes from outdoor cooking.</p> <p>Our environment is being turned into a free for all do what you like? Make as much noise as you want? No consideration for the neighbours surely this can't be right? We object severely to any planning of any kind to this country pub being turned into a musical events venue. With hundreds of people turning up parking any where they want causing havoc, disturbing our peace of mind, causing environmental damage to a conservation area of extreme beauty.</p>	Heather Ziervogel

02.01.2020	20/000146/LIPRCO	<p>I am addressing this email equally to Planning Enforcement, Environmental Health and Temporary Events Licensing because there are overlapping issues outstanding relating to the recent history of unauthorised developments that have taken place through 2019 and which continue (or threaten to continue) into 2020.</p> <p>Planning permission was refused for the development described in the subject line above (Council's Reference 19/00929/FUL, 1 November 2019). A copy of the Planning Officer's Report and the formal decision notice are attached. Also attached is the formal objection I submitted on behalf of a high number of neighbouring and nearby residents who are directly affected by this situation. Included in the Enclosures to that letter is a Noise Impact Assessment Report which concludes that the use of the Garden Bar and Marquee result in Statutory Noise Nuisance.</p> <p>The Garden Bar remains in situ, and whilst the Marquee has been recently removed, it can be reinstated in a matter of hours. Meanwhile, on my own enquiry, The Cricketers continues to advertise and take bookings for these harmful events in to 2020 and beyond. Any reoccurrence of these activities will have immediate and ongoing significant adverse impacts on the wellbeing and amenity of local residents and their residential properties.</p> <p>Planning Enforcement I urge you take, and be primed and ready to take, swift and effective enforcement action. That is against the existing unauthorised structures that remain, and in the event that the marquee returns, to be in a position to serve notices with immediate effect. In the latter case, given the extreme and immediate noise pollution that occurs with every event, any Enforcement Notice served should be backed with a Stop Notice without hesitation. If there is no Stop Notice, then the deleterious effects of the noise nuisance alone will blight the residential of this area for many months, possibly upto say twelve months allowing for the slow pace of enforcement appeals.</p> <p>Environmental Health Enforcement The Noise nuisance that accompany the activities experienced in 2019 is frankly diabolical. The objections are detailed in the consultation responses to the planning application. Many of these were copied directly to Environmental Health and hence are on record. These are not anecdotal complaints, but are consistent, and backed by scientific measurement and analysis. These events are environmentally intimidating and represent a form of bullying. Swift and effective action must be put in place and be immediately responsive.</p> <p>I note that the ability to obtain Temporary Events Licenses is dependent upon a positive response from Environmental Health which indicates that there are no adverse symptoms, including those relating to noise and disturbance. It is perhaps academic to point out that in the light of the now readily available evidence these Temporary Events should not be licensed, but rather prevented due to the noise and disturbance that always occurs. Please can the Council operate a system of joined up collaboration between planning, environmental health and event licensing to protect this local community that is otherwise under the onslaught of extremely damaging events.</p> <p>Temporary Event Licensing It is an anathema to the local community to understand why any temporary events have been authorised. Amplified music, live bands, late hours, in the Green Belt, immediately next to residential curtilages. For example, some residents have even clearly heard wedding speeches emanating from the events, as they lay awake in their beds at night. Please make an effort to see what is happening under the Event Licensing</p>	Dave Leonard
19/08/19	19/001620/LIPRCO	<p>Dear David</p> <p>You may or may not remember that a few weeks ago I contacted you with some issues with regards to the above PH.</p> <p>The issue was the unlawful erecting of a summer bar and marque in the beer garden of the PH and the noise issues and general disturbance that this was causing not only to us but many of the local residents. Things have moved on somewhat since and the Bar / Marquee has been the subject of a planning application and we and a group of local residents have raised our objections accordingly .</p> <p>In doing so one of the local ward members Thomas Bridge stated :</p> <p>I note the concerns being expressed about noise and the frequency of the events and regardless of the appropriateness of the planning decision, I would also suggest you consider raising a complaint with the licencing team at Brentwood as even without the proposed development it would appear that there is an issue of negative impact on the area. Details of how to raise an issue are here http://www.brentwood.gov.uk/index.php?cid=947</p> <p>I simply write to do what has been asked of us and bring this to your attention .</p> <p>All our representations have been uploaded to the council portal should you wish to see any of them but please advise what you need further to consider our concerns ,if anything.</p>	

Licensing Authority
Brentwood Borough Council
Town Hall
Ingrave Road,
Brentwood, Essex
CM15 8AY

Date: 17th November 2020

Dear Sirs,

Re: Representation against Premises Licence Application - The Viper Public House, Mill Green Road, Mill Green, Ingatestone, CM4 0PT - Applicant: The Viper Mill Green Limited

We write with reference to the above application made by the aforementioned Company whose sole director is Mr Rupert Cherryman.

We understand that this is an application for a new premises licence made under and in accordance with the Licensing Act 2003, and that the application should be made in accordance with a statutory scheme, we are aware of the application in its amended form, as it had been previously advertised and re-advertised because of the need to clarify the applicant's name, plans of the premises and detail which was acquired under and in accordance with the legislation.

It has been brought to our attention that the new application and amended application were not advertised in accordance with the statutory scheme. The application was not advertised at least once in the following ten days when the amended application was given to the licensing authority.

We are aware that the objection must be relevant to one of the four licensing objectives.

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance;
- The protection of children from harm.

Guidance issued for interested parties from the Department of Culture, Media & Sports sets out amongst other things: "... If interested parties believe that granting a licence in the terms it has been applied for is likely to have an effect (whether positive or negative) on the promotion of one or more of the licensing objectives, they can make a representation to the relevant authority. Furthermore, it states there is no requirement for an interested party to produce a record of recorded history at the premises to support their representations, and in fact, this would not be possible for new premises. However, it is clearer to be specific to the premises and evidence based. We are concerned that the application as applied for would undermine the licensing objectives, principally public nuisance, the protection of children and crime and disorder.

In relation to the site plan and premises plan, they have not been given in the prescribed form and set out the details as required under the Licensing Act. Clarity is required of where music will be undertaken, alcohol sold, CCTV located, where fire safety equipment will be placed, and where fixed seating and/or fixed structures will be placed.

The application itself lacks specific details of what licensable activities will be carried on in the outside space, but the application and permission sought is wide in scope and nature which means that licensable activities including the playing of recorded and live music can occur outside the premises until 23:30 hrs and on notable occasions midnight and half past midnight the following day. This gives us cause for concern given the huge impact on our family this would have.

RBA Acoustics Limited were instructed to prepare a report on the possible impacts of carrying on such licensable activities and have provided professional opinion on the environmental noise impact which would result from such activities.

We are aware that should music be played outdoors it is likely, judged by the expert, to severely impact upon our family and specifically our young children. The result of the noise survey and assessment can be found within the report at paragraph 7.

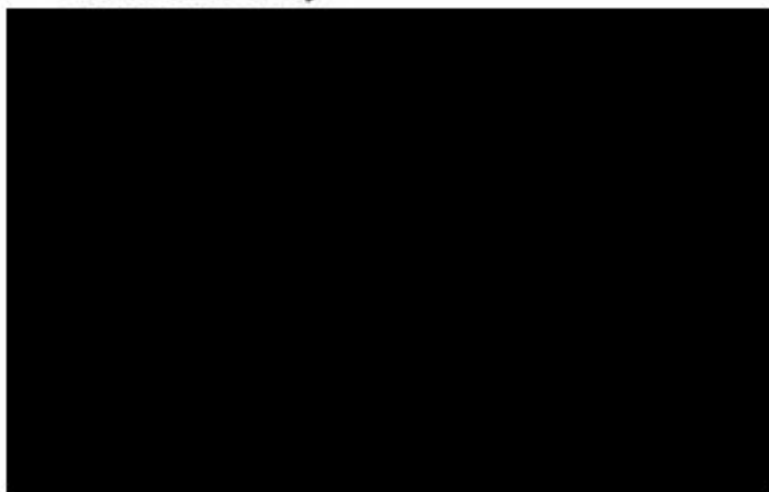
Additional conditions were recommended that will ensure the licensing objectives are promoted. These conditions are set out in paragraph 10 of the report. The report does conclude that music should be prohibited in the outside area so as to protect and ensure amenity of the local residents.

Furthermore dispersal of patrons needs to be carefully managed so we are not disturbed.

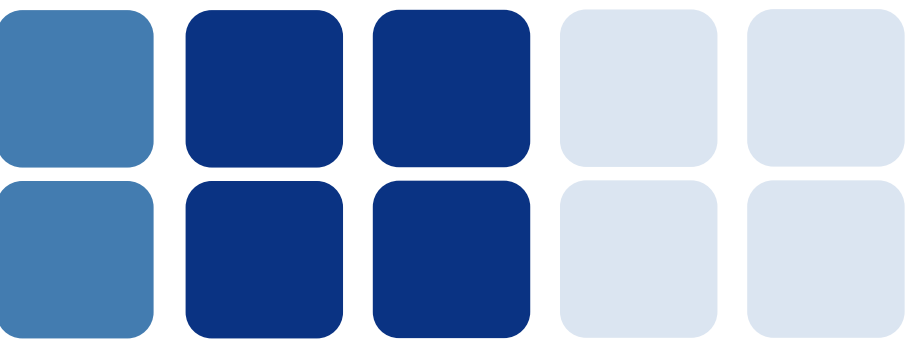
We are of the view that given its location and the noise impact report, that the premises should not be granted a licence for the provision of regulated entertainment and/or music outside (and including inside a marquee) and that licensable activities indoors be restricted to 23:00 hrs with a 30 minute drinking up time for dispersal given the location of the premises and its surroundings. We are willing to consider the granting of approval for two beer festivals for two days per year with prior notice and times to be agreed. This is we believe akin to the operation and hours of the previous premises and operation which worked for all parties.

We respectfully ask that you keep our names and address withheld from the applicant and the public domain as we have to live close by and are fearful of the possible future intimidation that this could result in.

Yours faithfully



Encs.
Acoustic Report
DCMS Guidance



THE VIPER, MILL
GREEN ROAD,
INGATESTONE CM4

Noise Assessment
Report

Reference: 10591.RP01.NAR.0
Prepared: 10 November 2020
Revision Number: 0

Dadds LLP Solicitors
Crescent House
51 High Street
Billericay
Essex
CM12 9AX

Noise Assessment Report



THE VIPER, MILL GREEN ROAD, INGATESTONE CM4

Reference: 10591.RP01.NAR.0

Prepared: 10 November 2020

Revision	Comment	Date	Prepared By	Approved By
0	First issue of report	10 November 2020	Toby Walton	Torben Andersen

Terms of contract:

RBA Acoustics Ltd has prepared this report in accordance with our standard terms and conditions. RBA Acoustics Ltd shall not be responsible for any use of the report or its contents for any purpose other than that for which it was provided. Should the Client require the distribution of the report to other parties for information, the full report should be copied. No professional liability or warranty shall be extended to other parties by RBA Acoustics Ltd without written agreement from RBA Acoustics Ltd.

The recommendations within this report relate to acoustics performance only and will need to be integrated within the overall design by the lead designer to incorporate all other design disciplines such as fire, structural integrity, setting-out, etc. Similarly, any sketches appended to this report illustrate acoustic principles only and again will need to be developed in to full working drawings by the lead designer to incorporate all other design disciplines.

In line with our Environmental Policy, up to two hard copies of the report will be provided upon request. Additional copies of the report, or further hard copies of revised reports, would be subject to an administrative cost of £20.00 (+VAT) per copy.



LONDON
44 Borough Road
London SE1 0AJ
T. +44 (0) 20 7620 1950

MANCHESTER
Lowry House, 17 Marble Street
Manchester, M2 3AW
T. +44 (0) 161 661 4504

LONDON

MANCHESTER

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Appendix A - Acoustic Terminology

Appendix B - Instrumentation

Appendix C –Site Plans

1.0 INTRODUCTION

We understand that a licensing application has been made, for the provision of outdoor events including live music at The Viper, Ingatestone CM4. RBA Acoustics have been commissioned to undertake an assessment of the noise impact on the immediate residential neighbours.

Noise associated with proposed events at the venue has been assessed and compared with the prevailing background noise levels at the site. This report presents the results of the noise assessment.

2.0 SITE DESCRIPTION

The Viper is located on Mill Green Road, approximately 850m north of the village of Mill Green.

We understand it is proposed to allocate space within the grounds at the front of the building for the installation of a marquee to hold live music events.

The closest residential property lies to the north, approximately 5-10 m away from The Viper and it's grounds. The closest residential property to the east is approximately 80 m away from The Viper.

We understand that a clearing directly opposite The Viper, will be used by patrons for parking during events.

3.0 ENVIRONMENTAL NOISE SURVEY

3.1 General

Attended monitoring of the prevailing background noise was undertaken over the following period:

21:00 hours to 00:00 hours Tuesday 20 October 2020.

Measurements were made at the three identified locations within each hour in order to obtain a representative sample. Weather conditions over the monitoring period were dry with only light wind speeds and were considered suitable for noise monitoring.

Measurements were made of the L_{A90} , L_{Amax} and L_{Aeq} noise levels.

3.2 Measurement Locations

To determine the existing noise climate at the nearest affected properties, measurements were taken at the following locations. For reference, a site plan is provided within Appendix A, highlighting the locations.

Residential Receptor 1 – Wood Green, Mill Green Road

Measurements were taken within the rear garden of the residence, directly adjacent to the rear outdoor area of The Viper. The microphone was positioned on a tripod at a height of 1.5 m.

The prevailing noise climate was noted to mainly consist of wildlife and movement of foliage caused by autumnal leaf fall. Very occasional traffic noise was experienced along Mill Green Road. Distant traffic noise arising from the A12 was slightly audible.

Residential Receptor 2 – The Bumbles, Mill Green Road

Measurements were taken within the front driveway of the residence approximately 80 m from The Viper. The microphone was positioned on a tripod at a height of 1.5 m.

The prevailing noise climate was noted to mainly consist of wildlife and movement of foliage. Very occasional traffic noise was experienced along Mill Green Road, and distant traffic noise arising from the A12 was audible.

Residential Receptor 3 – Badgers Lea, Mill Green Road

Measurements were taken within the front garden of the residence approximately 150 m from The Viper. The microphone was positioned on a tripod at a height of 1.5 m.

The prevailing noise climate was noted to mainly consist of wildlife and movement of foliage. Very occasional traffic noise was experienced along Mill Green Road, and distant traffic noise arising from the A12 was audible.

Background noise levels at all three receptors were extremely low.

3.3 Instrumentation

For information regarding the equipment used for the measurements please refer to Appendix B. The sound level meter was calibrated both prior to and on completion of the survey with no calibration drift observed.

4.0 RESULTS

The averaged daytime and night-time L_{Aeq} noise levels are summarised in the following Table 1 below.

Table 1 – Average L_{Aeq} Noise Levels

Measurement Position	Average $L_{Aeq, period}$ Noise Level (dB)		
	21:00 – 22:00	22:00 – 23:00	23:00 – 00:00
Residential Receptor 1 – Wood Green	38	37	36
Residential Receptor 2 – The Bumbles	41	38	40
Residential Receptor 3 – Badgers Lea	41	41	38

The minimum and typical background noise levels ($L_{A90, 15mins}$) are summarised in the following Table 2 below.

Table 2 – Measured $L_{A90, 15mins}$ Noise Levels

Measurement Position	Minimum Measured L_{A90} Noise Level during period (dB)		
	21:00 – 22:00	22:00 – 23:00	23:00 – 00:00
Residential Receptor 1 – Wood Green	35	33	33
Residential Receptor 2 – The Bumbles	37	33	35
Residential Receptor 3 – Badgers Lea	40	38	33

5.0 CRITERIA

As there is no guidance contained within British Standards to cover outdoor events including music noise, we have made our assessment in line with 'Guidelines for Environmental Noise Impact Assessment', produced by the Institute of Environmental Management and Assessment (IEMA), and The Code of Practice on Environmental Noise Control at Concerts which present the most relevant guidance.

5.1 Code of Practice on Environmental Noise Control at Concerts

The Code of Practice on Environmental Noise Control at Concerts (the Pop Code) contains guidance for music events. It addresses environmental noise from music performance with a view to minimising disturbance caused by these events.

The Code provides the following Music Noise Level (MNL) limits when assessed at prediction stage or measured during events at 1 metre from the façade of any noise sensitive premises for events held between the hours of 09:00 and 23:00.

Table 3 – Music Noise Level Limits

Concert days per calendar year	Critical Health Effect(s)	Guideline
1 to 3	Urban Stadia or Arenas	The MNL should not exceed 75 dBA over a 15-minute period
1 to 3	Other Urban and Rural Venues	The MNL should not exceed 65 dBA over a 15-minute period
4 to 12	All Venues	The MNL should not exceed the background noise level by more than 15 dBA over a 15-minute period

The Code further states that events continuing or held between the hours 23:00 and 09:00 the music noise level should not be audible within noise-sensitive premises with windows that are openable for ventilation. This is equivalent to 10 dBA below the background noise level.

The Code fails to identify by which parameter the background noise level should be defined. Therefore, in line with best practice we have used the L_{90} parameter.

5.2 Summary of Music Noise Level (MNL) Limits

For the purposes of this assessment the criteria have been set to Receptor 1 as this presents a worst-case scenario due to its proximity to the venue.

In line with The Code of Practice on Environmental Noise Control at Concerts, the following limits for music noise would apply at Receptor 1:

- 1 – 3 Events per year up to 23:00 hours: 65 dBA
- 4 to 12 Events per year up to 23:00 hours: 48 dBA
- Music being played after 23:00 hours: 23 dBA

5.3 Institute of Environment Management & Assessment (IEMA) and Institute of Acoustics Guidelines on Noise Impact Assessment

'Guidelines for Environmental Noise Impact Assessment', produced by the Institute of Environmental Management and Assessment (IEMA), addresses the key principles of noise impact assessment and provides guidance on how noise impact assessment should be approached.

This document recognises that each situation encountered is likely to be different and that there is no single set of subjective assessment criteria that would apply to all situations. When assessing the subjective impact of any development it is important to consider the specific circumstances of the site. In many cases, a simple comparison of changes in noise levels is sufficient to establish the noise impact; in others, other factors or features of the change might need to be taken into account to determine the extent of any effect and its significance.

In assessing the impact of specific noise sources such as those anticipated at this development it is usual to compare the average noise level (L_{Aeq}) of the noise source with the existing measured L_{Aeq} noise level.

The categorisation shown in Table 2 therefore takes this as its basis, with changes made as appropriate to reflect the proposed development's own circumstances, as defined in the guidelines.

Table 4 - Significance of Noise Level Change

Noise Change (dBA)	Category
0	No Impact
0.1-2.9	Slight Impact
3.0 – 4.9	Moderate Impact
5.0 – 9.9	Substantial Impact
10.0 and above	Severe Impact

IEMA also provides guidance on the relationship between noise impact and noise effect that can help in evaluating the significance of any effect.

Table 5 – Relationship between Noise Impact and Noise Effect

Magnitude (Nature of Impact)	Description of Effect (Receptor Perception)
Negligible	No discernible effect
Slight	Non-intrusive
Moderate	Intrusive
Substantial	Disruptive
Severe	Physically harmful

5.4 Subjective Impact

In addition to the comparison of L_{Aeq} noise levels before and after the proposed development, it is important to understand the potential subjective effect of such changes in the noise level. Table 6 compares the subjective response of the average person changes in noise level.

Table 6 – Subjective Response

Changes in Sound Level (dB)	Change in Power		Change in Apparent Loudness
	Decrease	Increase	
3	1/2	2	Just Perceptible
5	1/3	3	Clearly Noticeable
10	1/10	10	Half or Twice as Loud
20	1/100	100	Much Quieter or Louder

6.0 ASSESSMENT OF MUSIC NOISE LEVEL LIMITS

6.1 Description of Activity

The licensing proposals include a marquee to be located within the front ground of the Viper, with live and amplified music within the marquee.

6.2 Assessment

Noise propagation has been predicted using the CadnaA 3D noise modelling platform which is based on ISO9613 in order to predict the effects of screening and reflections offered by the surrounding environment. The results of our predictions are provided in the attached Figure 2 – 5.

6.3 Results

In line with the guidance contained within The Code of Practice on Environmental Noise Control at Concerts, and to meet the criteria identified within Section 5.2, the following music noise level limits would apply to both live and amplified music within the marquee:

Table 7 – Music Noise Level Limits

Parameter	Criteria at Receptor 1	Music Noise Level Limit within Marquee
1 to 3 concert days per year	65 dBA	74 dBA
4 to 12 concert days per year	48 dBA	57 dBA
Music after 23:00 Hours	23 dBA	32 dBA

A music noise level limit of 74 dBA presents a scenario which is background music only. Any level below this threshold is virtually prohibiting music altogether.

7.0 IEMA ASSESSMENT

7.1 Assessment

We have modelled noise transfer of music noise from The Viper to the identified receptors for the music noise levels as indicated by the Pop Code and outlined in Table 7 above.

In addition, we have also undertaken an assessment for an “uncontrolled” live music event of up to 90dBA which would not be unusual for a private hire event.

7.2 Results

Using the 3 dimensional noise model, noise egress from the proposed marquee has been predicted, resulting in the following noise levels and IEMA category for each identified receptor:

Table 8 – IEMA Assessment Results

Receptor	Music Noise Level (dBA)	Background Noise Level (L _{Aeq}) dB	Received Level (dB)	Noise Change (dBA)	Category
Residential Receptor 1 – Wood Green	90	36	81	45	Severe Impact
	74		65	29	Severe Impact
	57		48	12	Severe Impact
	32		23	0	No Impact
Residential Receptor 2 – The Bumbles	90	38	67	29	Severe Impact
	74		51	13	Severe Impact
	57		34	1	Slight Impact
	32		9	0	No Impact
Residential Receptor 3 – Badgers Lea	90	38	62	24	Severe Impact
	74		46	9	Substantial Impact
	57		29	1	Slight Impact
	32		4	0	No Impact

As can be seen from the above, the provision of outdoor music events at The Viper will have a very substantial impact on the local environment.

With a relatively common live music noise level of 90dBA within the Marquee, there would be up to a 45dA noise change which would be a Severe impact. Even for a controlled event which is fully compliant with the Pop Code requirements for up to 12 events per year, there would be up to a 12dBA noise change and a Severe impact to the local residents.

8.0 RELATED NOISE SOURCES

Whilst on site, subjective measurements were made with regards to the use of the clearing for car parking, and patron speech during egress from the venue.

It was noted that speech within the clearing with a raised voice was audible at Receptors 1 and 2. In addition, the starting and running of car engines, and the slamming of car doors was audible at Receptors 1,2 and 3. Therefore, it is expected that arrival and exit of patrons to the venue will be of particular disturbance and it would be important that this would be managed carefully.

Further, the background noise level at all assessment locations is extremely low, with the only main noise source (A12) lying approximately 2 km away. Therefore, any elevated speech among groups within the grounds of The Viper and its vicinity is expected to be of some disruption to local residents.

9.0 DISCUSSION

Our assessment indicates that realistically and in line with the criteria outlined within Section 3.0, up to 3 music events could be held a year up to 23.00hours. As discussed within Section 7.0, the music would be limited to 74 dBA which is considered to be background music only. Notwithstanding the guidance within the Pop Code, such events would nevertheless cause a Severe noise impact to nearby residents.

The provision of more than 3 such events or the provision of music after the hours of 23:00 is unlikely to be feasible in practice, as the music noise limit will be essentially prohibiting music altogether in order to ensure the amenity of local residents is protected.

Applying similar noise emission limits to potential events within the Viper premises, for more than 12 events per year or events past 23:00 hours, a limit of 32dBA at 1m from the Marquee would be applicable. This would in turn likely lead to a "maximum" internal noise level of around 70dBA (assuming all windows and doors were closed). This would be considered as background level only.

Should permission be granted, it would be important that dispersal of patrons and car parking is handled and supervised carefully, as our subjective assessments highlighted that elevated speech from patrons will be heard at the identified receptors, resulting in inevitable disturbance to the local residents.

10.0 PROPOSED CONDITIONS

As can be seen from the above, we do not consider it practicable for there to be any events involving reproduced or live music in the proposed external marquee. However, should the application be granted for use of the external area we would strongly recommend the following conditions be attached to any licence. These are taken directly from the Pop Code:

- 1) *The licensee shall appoint a suitably qualified and experienced noise control consultant, to the approval of the Licensing Authority, no later than 2 weeks prior to the event. The noise control consultant shall liaise between all parties including the Licensee, Promoter, sound system supplier, sound engineer and the licensing authority etc on all matters relating to noise control prior to and during the event.*
- 2) *A noise propagation test shall be undertaken at least 4 hours prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.*
- 3) *For up to 3 events in any calendar year. the control limits set at the mixer position shall be adequate to ensure that Music Noise Level (MNL) shall not at any noise sensitive premises exceed 65 dB(A) over a 15 minute period.*
- 4) *For up to 12 events in any calendar year. the control limits set at the mixer position shall be adequate to ensure that Music Noise Level (MNL) shall not at any noise sensitive premises exceed 48 dB(A) over a 15 minute period.*
- 5) *The Licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the sound control limits and that any instructions from the noise control consultant regarding noise levels shall be implemented.*
- 6) *The appointed noise control consultant shall continually monitor noise levels at the sound mixer position and advise the sound engineer accordingly to ensure that the noise limits are not exceeded. The Licensing Authority shall have access to the results of the noise monitoring at any time. Following all such events, a report noting the noise levels at the mixer position and the resultant levels at each of the nearby noise sensitive properties will be provided to the Local Authority.*

Should music be required within the Viper premises, we would recommend the following Conditions be attached to the premises licence:

- 1) *A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence.*
- 2) *The noise limiting device shall be installed and set at a level approved by the Council through its authorised environmental health officer prior to the opening of the premises in conjunction with the premises licence.*
- 3) *The noise limiting device shall be properly secured so that it can not be tampered with.*
- 4) *The noise limiting device shall only be reset with the authority of the Council through an authorised officer of the Pollution Control Team. If deemed necessary, the noise limiting device shall be reset to a level approved by the Council through an authorised officer of the Pollution Control Team within 14 days of notification.*

11.0 CONCLUSION

RBA Acoustics have undertaken noise monitoring at identified receptors in proximity to The Viper, Mill Green. The measured noise levels are presented herein.

Music noise level limits have been set in line with The Code of Practice on Environmental Noise Control at Concerts. In addition, an IEMA assessment has been carried out for four different scenarios including typical live music noise levels, and the three music noise levels identified in line with the aforementioned guidance. These highlighted varying impacts from Severe Impact to No Impact.

As such, it is considered that future events in the external area near the Viper containing music noise will inevitably give rise to noise disturbance to the existing residents. As such, it is considered that permission for such use should be refused.

In the event that the local authority are minded to grant permission, we have outlined a series of Conditions that should be attached to any new premises licence.

Appendix A - Acoustic Terminology

dB	Decibel - Used as a measurement of sound pressure level. It is the logarithmic ratio of the noise being assessed to a standard reference level.
dB(A)	The human ear is more susceptible to mid-frequency noise than the high and low frequencies. To take account of this when measuring noise, the 'A' weighting scale is used so that the measured noise corresponds roughly to the overall level of noise that is discerned by the average human. It is also possible to calculate the 'A' weighted noise level by applying certain corrections to an un-weighted spectrum. The measured or calculated 'A' weighted noise level is known as the dB(A) level. Because of being a logarithmic scale noise levels in dB(A) do not have a linear relationship to each other. For similar noises, a change in noise level of 10dB(A) represents a doubling or halving of subjective loudness. A change of 3dB(A) is just perceptible.
L_{eq}	L_{eq} is defined as a notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (1 hour).
L_{Aeq}	The level of notional steady sound which, over a stated period of time, would have the same A-weighted acoustic energy as the A-weighted fluctuating noise measured over that period.
L_{An} (e.g. L_{A10} , L_{A90})	If a non-steady noise is to be described it is necessary to know both its level and the degree of fluctuation. The L_n indices are used for this purpose, and the term refers to the level exceeded for n% of the time, hence L_{10} is the level exceeded for 10% of the time and as such can be regarded as the 'average maximum level'. Similarly, L_{90} is the average minimum level and is often used to describe the background noise.
$L_{max,T}$	The instantaneous maximum sound pressure level which occurred during the measurement period, T. It is commonly used to measure the effect of very short duration bursts of noise, such as for example sudden bangs, shouts, car horns, emergency sirens etc. which audibly stand out from the general level of, say, traffic noise, but because of their very short duration, maybe only a very small fraction of a second, may not have any effect on the L_{eq} value.

Appendix B - Instrumentation

The following equipment was used for the measurements

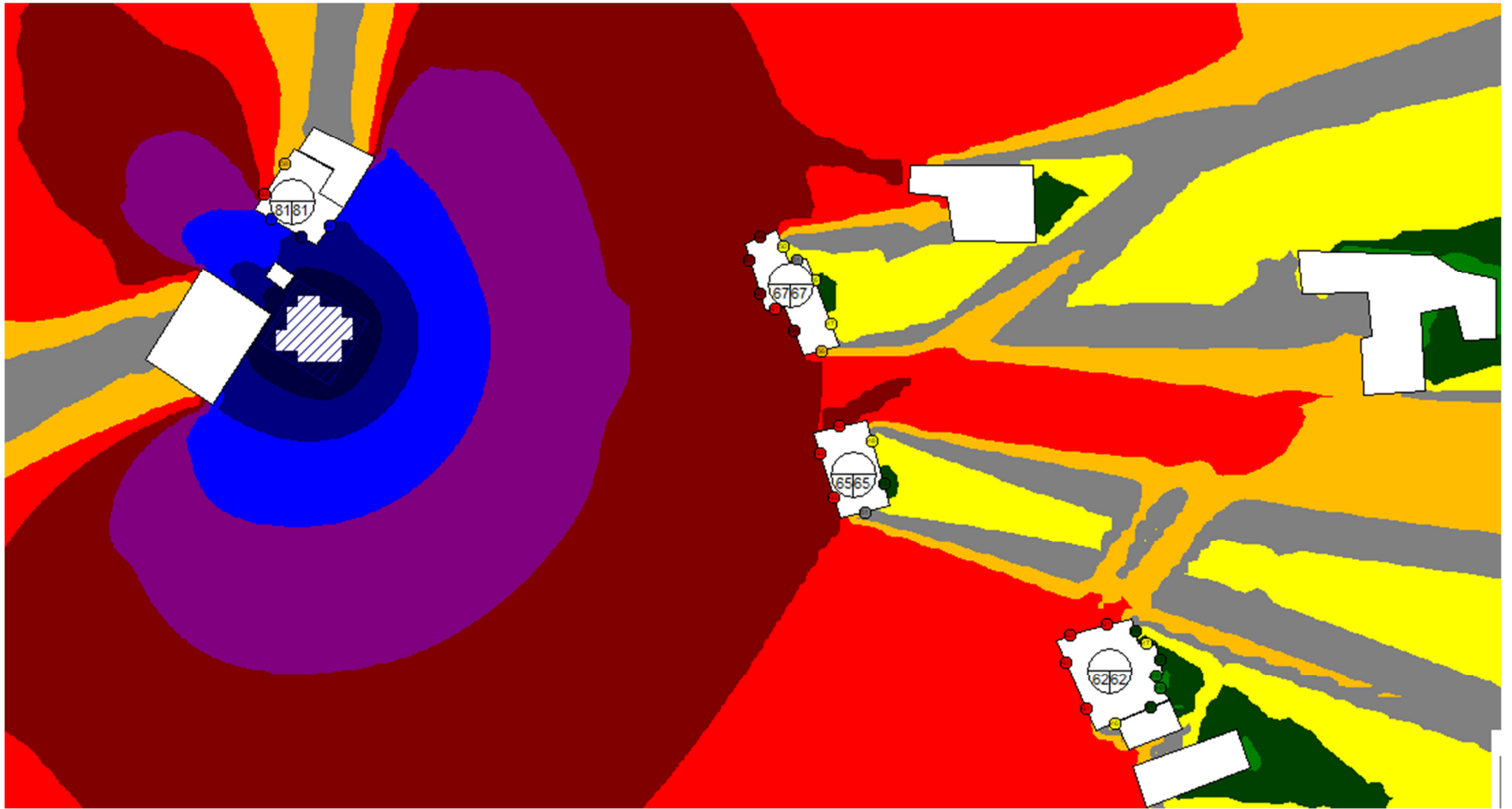
Manufacturer	Model Type	Serial No.	Calibration	
			Certificate No.	Expiry Date
Norsonic Type 1 Sound Level Meter	Nor140	1406262	U31212	13 March 2021
Norsonic Pre Amplifier	1209	20487		
Norsonic ½" Microphone	1225	225566	31211	13 March 2021
Norsonic Sound Calibrator	1251	34429	U31210	13 March 2021

Appendix C – Site Plans



The Viper, Mill Green Road, Ingatestone CM4
Site Map Showing Measurement Locations
Project 10591

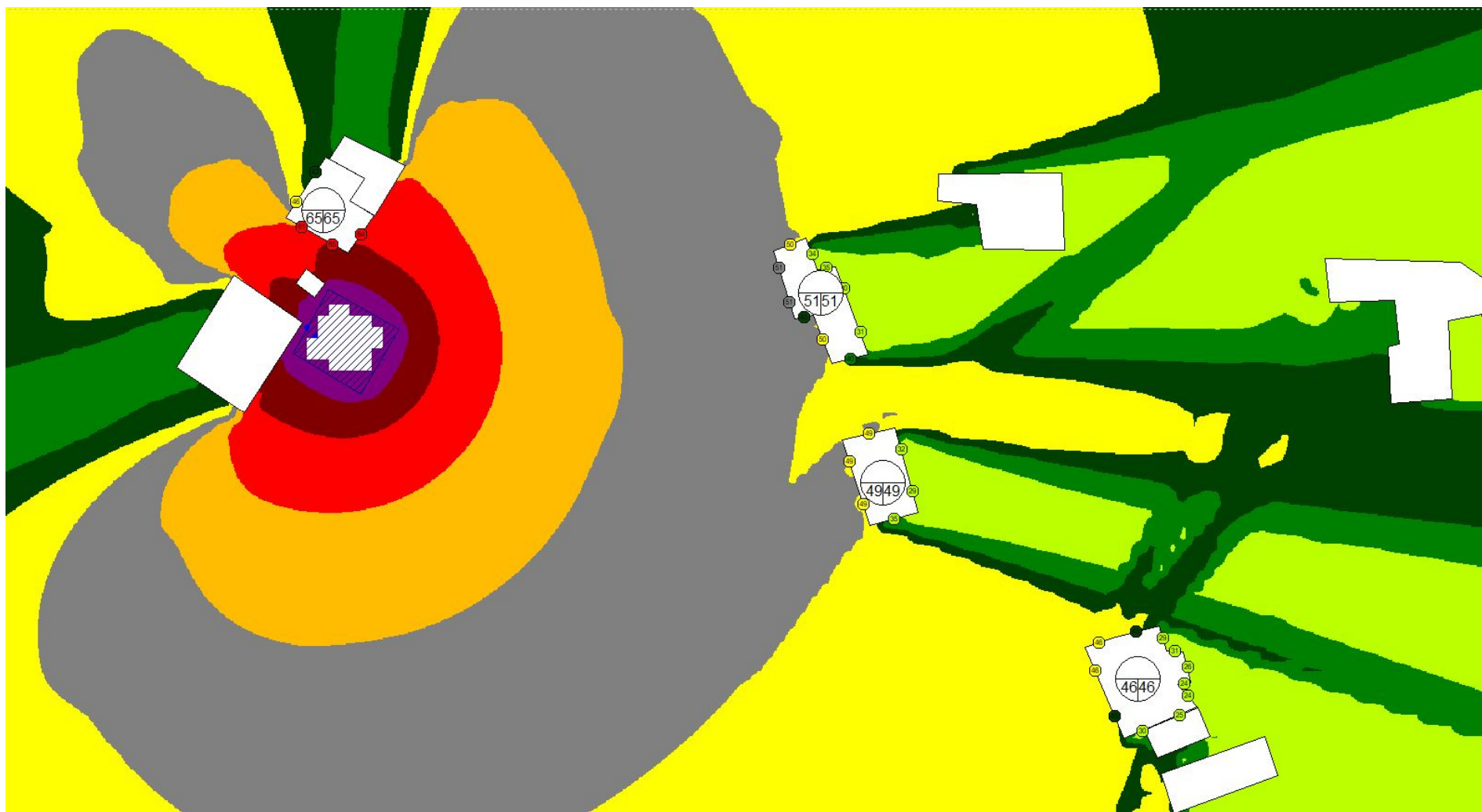
Figure 1
10 November 2020
Not to Scale



The Viper, Mill Green Road, Ingatestone CM4
3D Noise Model – Typical Live Music
Project 10591

Figure 2
10 November 2020
Not to Scale

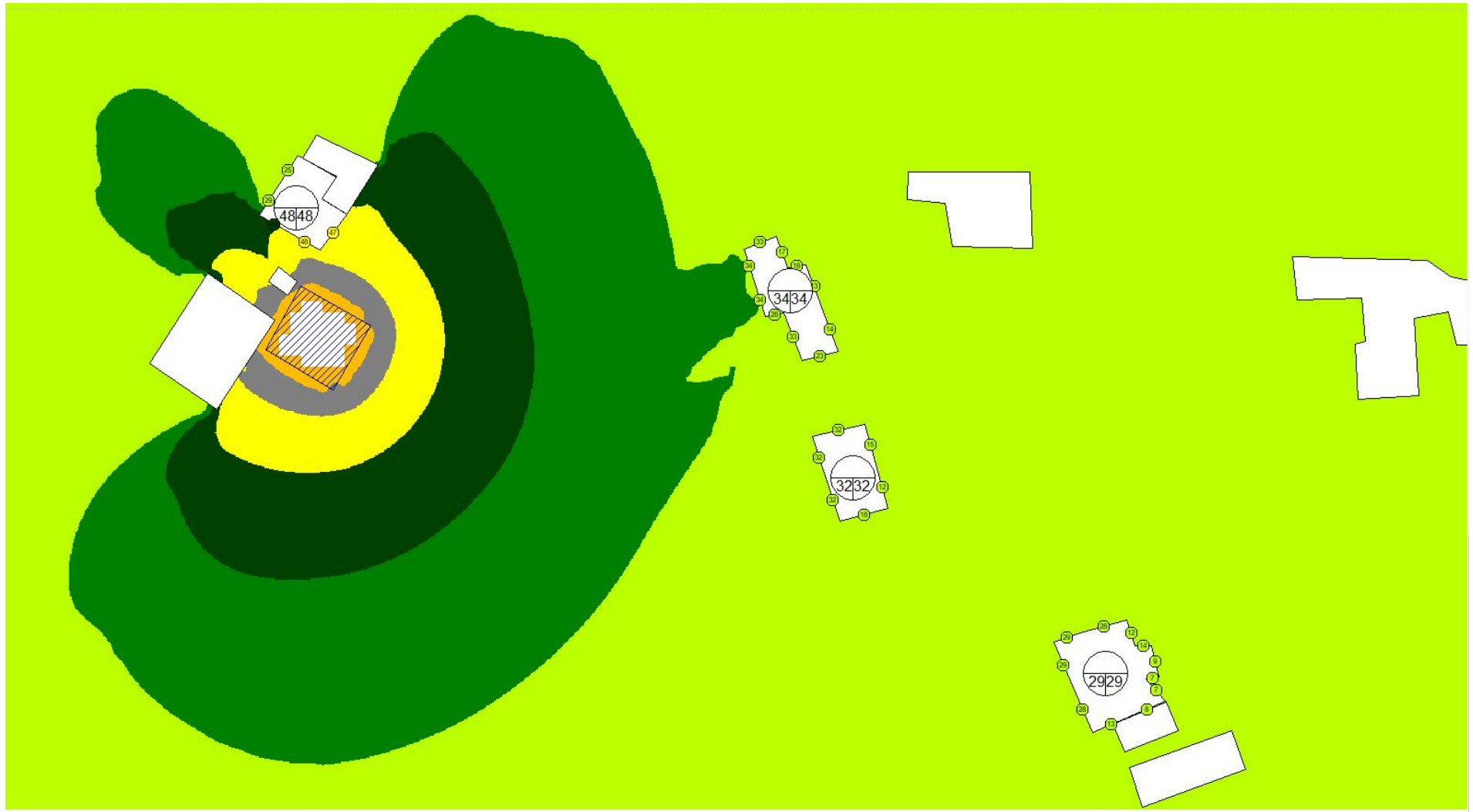




The Viper, Mill Green Road, Ingatestone CM4
3D Noise Model – 1 – 3 Events per Year
Project 10591

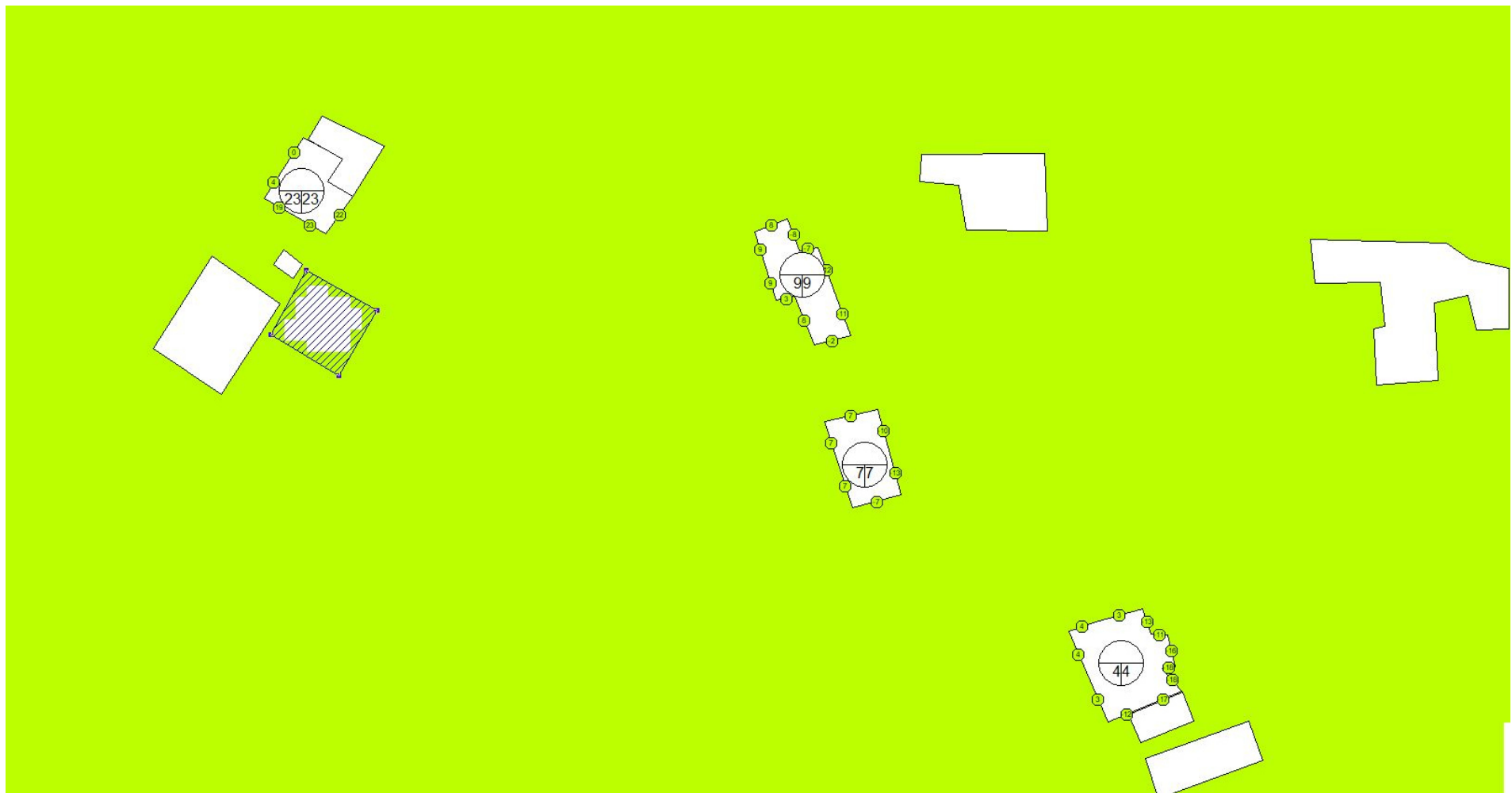
Figure 3
10 November 2020
Not to Scale





The Viper, Mill Green Road, Ingatestone CM4
3D Noise Model – 4 – 12 Events per Year
Project 10591

Figure 4
10 November 2020
Not to Scale



The Viper, Mill Green Road, Ingatestone CM4
3D Noise Model – More than 12 Events per Year
Project 10591

Figure 5
10 November 2020
Not to Scale



RBA ACOUSTICS

W. www.rba-acoustics.co.uk

E. info@rba-acoustics.co.uk

London:

44 Borough Road

London SE1 0AJ

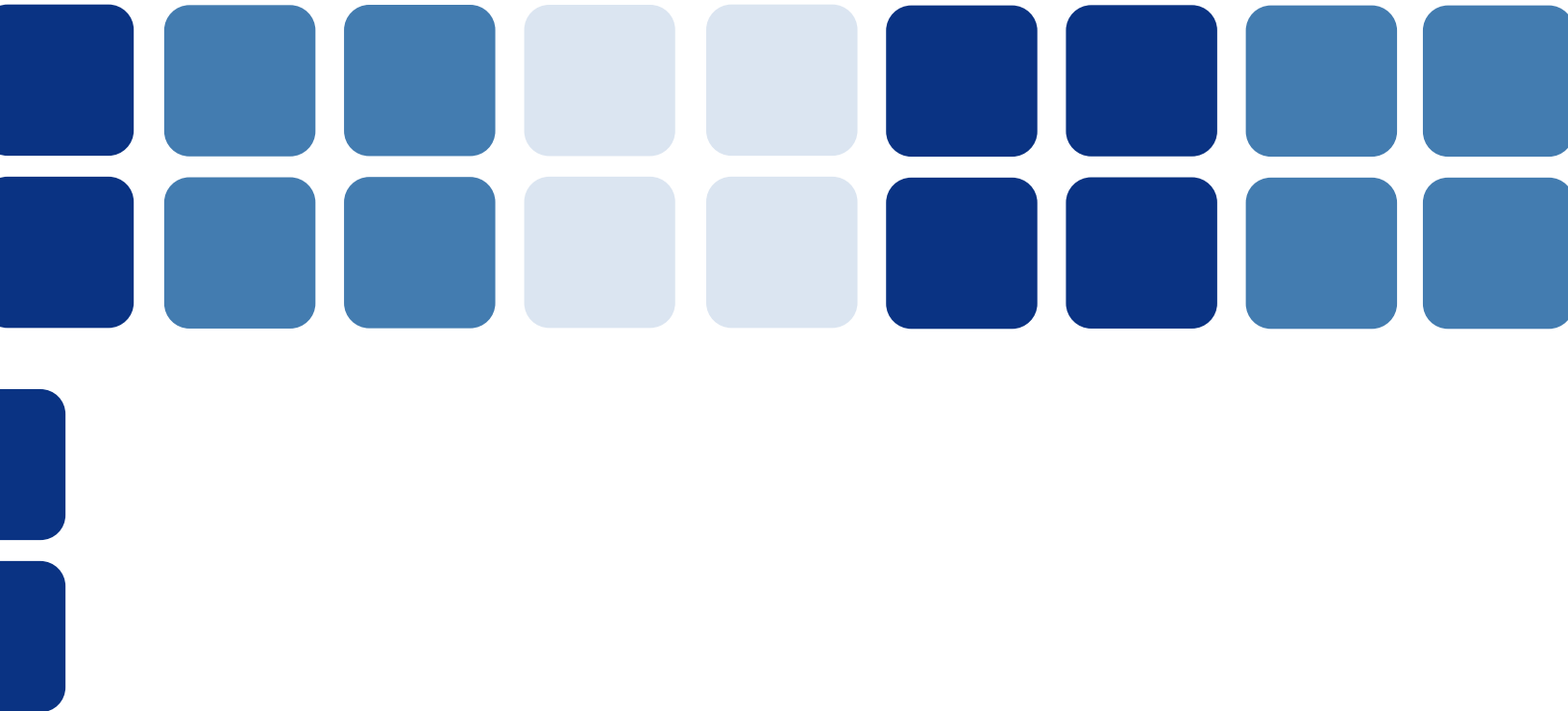
T. +44 (0) 20 7620 1950

Manchester:

Lowry House, 17 Marble Street

Manchester M2 3AW

T. +44 (0) 16 1661 4504





department for
**culture, media
and sport**

Guidance for Interested Parties

Making Representations

March 2010

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

This guidance describes the process for making representations to licensing authorities about applications for:

- **new premises licences or certificates;**
- **full variations to existing premises licences or certificates;**
- **minor variations to existing premises licences or certificates; or**
- **provisional statements.**

It also contains information about the hearings process, which applies to all the application processes except minor variations. Unless stated otherwise, references to ‘licences’ in this text also apply to club premises certificates.

What to look out for

New licence applications and full variations

When applicants want to apply for a new licence, or vary their existing one (for example, to put on additional activities or extend their hours – other than when applying under the minor variation process), they must advertise the application by:

Placing a notice at or on the premises

- On A4 (or larger) pale blue paper (or on white paper, in the case of an application for a Minor Variation).
- Printed legibly in black ink or typed in a font of at least 16.
- Placed **prominently** at or on the premises where it can be **conveniently** read from the **exterior** of the premises.
- Placed every 50 metres on the external perimeter of the premises abutting any highway (where applicable).

Placing a notice in a newspaper

- Newspaper circulation must be in the vicinity of the premises (or if there isn't a local paper, in a local newsletter or circular).
- Advertisement will be at least once in the 10 days following the application being given to the licensing authority.

Licensing Register

Full application details can also be viewed in the licensing authority's "licensing register". Using the Register, applicants will be able to check all opening hours; licensable activities and any steps the applicant has volunteered to take to promote the four licensing objectives. These are set out in the applicant's "operating schedule".

The four licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

If interested parties believe that granting a licence in the terms it has been applied for is likely to have an effect (whether positive or negative) on the promotion of one or more of these objectives, they can make a representation to the relevant authority.

Minor variations

For a Minor Variation application, interested parties have 10 working days in which to make a representation. For other applications, they have 28 consecutive days. In all cases, the timetable starts on the day after the day on which the application was given.

Licensing Policy

Before making representations, interested parties may wish to look at their local authority's "licensing policy statement". These set out councils' policies about licensing, and may explain the procedure for making representations.

Operating Schedule

When considering the steps that an applicant has volunteered to promote the licensing objectives, it is important to remember that applicants should already be adhering to legislation in other areas, and they may feel there is nothing additional they need to do to promote the licensing objectives. Some applicants may therefore simply say something like "nothing beyond existing Health and Safety/Fire Safety etc. requirements" or if they are applying to vary a licence "nothing beyond the steps we are currently taking, which are already conditions of the licence".

For more information about the four licensing objectives, and local authorities' statements of licensing policy, talk to your local authority's licensing department, or visit the DCMS website:

www.culture.gov.uk/alcohol_and_entertainment/licensing_act_2003/licensing_objectives

Making representations

Representations should normally be made in writing to the licensing authority where the premises are situated. Licensing authorities may also accept representations by email, but you may want to check first with the licensing authority that this is the case. If email representations are accepted the interested party should also send the licensing authority a hard copy unless the licensing authority agrees in advance that this is not necessary. If you are in any doubt, you should check with the licensing authority before sending your representations.

All representations must be about the likely effect of granting or varying the licence on the promotion of at least one of the four licensing objectives. It would be wise, therefore, to explicitly link any representation to one or more of the objectives.

Representations do not have to be objections: you can make representations in support of an application if you believe that it will have a positive impact on one or more of the licensing objectives. For example, an application to add live music or late night refreshment to a licence might help the premises attract a more diverse clientele and lower the risk of crime and disorder.

There is no requirement for an interested party to produce a recorded history at a premises to support their representations, and in fact, this would not be possible for new premises. However, it will assist their case if the representations are specific to the premises and evidence based. So, for example, if an interested party believes a variation to an existing premises may cause problems in relation to crime and disorder, they may wish to talk to local police beforehand, or document existing problems themselves by, for example, keeping a diary or photographic evidence of any incidents. Licensing authorities will need to be satisfied that there is an evidential and causal link between the representations made, and the effect on the licensing objectives.

In addition, the licensing authority can only consider representations that are not "vexatious" or "frivolous". These terms have their ordinary meaning. Whether representations are frivolous or vexatious will be for the licensing authority to determine. For example, the licensing authority might

find the representations were vexatious if they arise because of disputes between rival businesses or they might be frivolous representations if they plainly lacked seriousness.

Interested parties cannot make representations anonymously, even if somebody else (e.g. a local MP or councillor) is making the representation on their behalf. This is because, for example, if the interested party is a resident or local business, the licensing authority needs to be satisfied that they live or run a business in the vicinity of the premises, and is not being vexatious. It is also important that an applicant is able to respond to a representation, for example, if they believe that it isn't a "relevant" representation. If interested parties are concerned about possible intimidation, they could consider asking the police, or another appropriate responsible authority to make a representation on their behalf.

Alternatively, the licensing authority may be willing, in exceptional circumstances to withhold some or all of the interested parties' personal details from the applicant. However, withholding such details should only be considered where the circumstances justify such action and the licensing authority is satisfied that the complaints are not frivolous or vexatious.

Councillors making representations must comply with the Local Authorities (Model Code of Conduct) Order 2007 at all stages of the process.

Things you may want to consider when making representations

- **If no relevant representations are made (for applications other than a Minor Variations application), the licence or variation must be granted (subject to the mandatory conditions).**
- Local Authorities must grant a Minor Variation unless there could be an adverse effect on the licensing objectives. They must take representations into account, but they will not hold a hearing.
- It may be helpful to get the backing of other people living, or businesses operating in the vicinity of the premises, or other "responsible authorities", such as the police or environmental health.
- Look at your licensing authority's official records about the premises, kept in their "licensing register". This will show you if other people have asked for a review of the premises in the past.
- If you want to ask another person, such as an MP or local Councillor (or perhaps a solicitor if you are a Councillor making representations) to represent you, it is advisable to make such a request in writing so that the individual can demonstrate he or she was asked. It will be a matter for them to decide whether they should agree to your request. They are not obliged to do so, however, most elected representatives are happy to help residents with this sort of issue, and there is no requirement for them to live in the vicinity of the premises in question for them to be able to make representations on behalf of residents that do. Councillors who are part of the licensing committee hearing the application will not be able to enter into discussions with you about the application, outside of the formal hearing, so it is suggested that you do not approach them to try to.
- Consider how you would like the issues to be addressed.
- If making a representation in support of an application, explain how the proposed activities would help promote the licensing objectives.

What happens after a representation has been made?

Hearings

For applications other than Minor Variations, the licensing authority must hold a hearing to consider representations, unless:

- The representations are irrelevant (i.e. not from an interested party); frivolous; or vexatious; or
- all parties can come to an agreement beforehand, and agree that a hearing is unnecessary. For example, the licensing authority may offer to try and resolve matters via a negotiated agreement outside a formal hearing. You will need to decide if this is appropriate for you, but you can insist upon the hearing.

If there is to be a hearing on an application to which you have submitted representations, the licensing authority will write to you to inform you of the date and time and will explain the format.

If an applicant withdraws their application after a hearing date has been arranged, the licensing authority will let them know that the hearing has been cancelled. Interested parties should be aware that if they make representations about an application that is later withdrawn, and the applicant makes a new, amended application, their representations will not automatically be taken forward. Any amended application would need to be re-advertised as set out above. Interested parties will then have the opportunity to decide whether to make representations about the new application.

Arrangements for Hearings

For a Minor Variations application, licensing authorities must take representations into account, **but there will be no hearing**. The authority must make a decision within 15 working days after the application is made.

Interested parties that made representations are required to give notice to the licensing authority at least 5 working days before the start of the hearing, stating:

- Whether they will attend the hearing in person
- Whether they will be represented by someone else (e.g. councillor/ MP/ lawyer)
- Whether they think that a hearing is unnecessary (if, for example they have come to an agreement before the formal hearing)
- If they want another person to appear at the hearing (not to represent them), a request for permission for the person to attend, and details of their name and how they may be able to assist the authority in relation to the application

Interested parties must let the licensing authority know as soon as possible (by a notice no later than 24 hours before the start of a hearing, or orally at the hearing) if they wish to withdraw their representation.

Hearings will generally be held in public, unless the licensing authority decides it is in the public interest to hold all, or part of the hearing in private. The licensing authority shall ensure that a record is taken of the hearing.

Hearings will normally take the form of a discussion and will be led by the licensing authority, which will consist of three local authority elected councillors (this will be the licensing sub-committee drawn from a full licensing committee of fifteen councillors). The licensing authority will explain the procedure to be followed. It will determine any request for additional persons to appear at the hearing. It will consider evidence produced in support before the hearing and can consider evidence

produced by a party at the hearing, but only if all parties agree. Further evidence can also be produced if this was sought for clarification of an issue by the authority before the hearing. Cross-examination of one party by another during a hearing is not allowed, unless the licensing authority thinks it necessary. The parties are entitled to address the authority and will be allowed equal time to address the authority and, if they have been given permission by the authority to do so, they will be given equal time to ask any questions of any other party. The authority will disregard any information it considers to be irrelevant.

NB - A hearing can still go ahead in the absence of any party (e.g. applicant or interested party)

Hearing Decisions

As a result of the hearing, the licensing authority must then decide how to proceed in order to promote the licensing objectives. It may:

- Decide to grant or vary the licence in the same terms as it was applied for;
- Decide that it is necessary to refuse to issue or vary the licence;
- Decide to grant or vary the licence, but to modify the conditions;
- Exclude from the scope of the licence a licensable activity.
- In the case of a premises licence, refuse to specify a person as the premises supervisor

Licensing Authorities must give notice of its decision within 5 working days (if it does not give a decision at the hearing) and include information on the right of a party to appeal against the decision. For more information on appeals, see the separate guidance on appealing licensing decisions.

For further information about making representations, contact the licensing department at your local council.



department for
**culture, media
and sport**

2-4 Cockspur Street
London SW1Y 5DH
www.culture.gov.uk