

Application for a New Premises Licence

McCAFFERTY'S BAR, 99 HIGH STREET, BRENTWOOD CM14 4RR

APPENDIX C

Representations

Responsible Authorities

Brentwood Borough Council

Environmental Health -

Mr David Carter (Noise Pollution)

Ms Elaine Higgins (Health & Food Safety)

Planning -

Mr Max Gibson

MEMO

From Mr David Carter

To: Licensing

Our ref 22/001314/LICON

Your ref

cc

Date 14th July 2022

| | |
|----------|--|
| Location | 99 High Street, Brentwood, Essex, CM14 4RR |
| Details | new Prem Licence - McCAFFERTY'S |

With regard to this application Environmental Health has concerns on the licensing objective of prevention of public nuisance.

This application is for a premises licence with the performance of live music, recorded music, dance, supply of alcohol and provision of late-night refreshment until 2am on Friday and Saturdays with the premises open until 2.30am at the weekend.

There is a proposal to use the first-floor flat roof as a smoking area and for use by customers with a bar server shown on the plans. This area is adjacent to a fire escape door at the adjacent Bishopsgate residential development, which may result in noise disturbance to the occupiers of the apartments in this building. It is also possible that other residential property in the vicinity may be affected by noise from customers using the roof bar area and from amplified music in this area.

There is also a party wall at ground floor level which is believed to be shared with the Bishopsgate development that may result in noise breakout to the adjoining dwellings, this will also need to be considered and appropriate conditions attached to control noise levels from amplified music and speech should be attached to the premises licence.

Mr David Carter
Environmental Health Manager



Ms Lisa Gilligan
Freeths LLP
One Colton Square
Leicester
Leicestershire
LE1 1QH

Date: 12 July 2022
Our reference: 22/001315/LICON
Your reference: PL429504281

Dear Ms Gilligan

**Application for Premises Licence to be granted under the Licensing Act 2003
99 High Street, Brentwood, Essex, CM14 4RR**

Further to the above application of the 23 June 2022, I confirm that as Environmental Health (Health and Food Safety) I have a number of concerns. I am therefore making a representation as a responsible authority in accordance with the Licensing Act 2003. This representation is under the licensing objective of Public Safety

There is insufficient detail offered in the premises application under the promotion of the licensing objectives of Public Safety. I require more information in order to be able to satisfy my concerns.

The reasons for my representation are detailed as:

Public Safety

Details of the following matters have not been considered in the application as measures to promote the licensing objectives, or been offered up as conditions:

1. What is the maximum safe working load for the roof terrace area?

Are there any design and structural calculations of a safe load for the roof terrace area? Are there any fragile surfaces, such as skylights which have been covered that could permit a fall from height from the terrace area. The construction of the roof is currently asphalt, is this structurally sound to permit the addition of a bar, equipment, tables and chairs, members of the public, staff and contractors that may be present.

2. What is the anticipated capacity of the roof terrace area?

The promotion of the licensing objectives do not specify a capacity of the roof terrace area. This should be supplied by the applicant, taking into account the structural capacity, the weight of the fixtures and other fittings such the proposed furniture.

3. What measures will be taken to prevent a slip or trip hazard on the roof terrace area?

The roof terrace area currently consists of asphalt with air conditioning and extract ventilation equipment. The surface is not level an even and there are tripping hazards, including a gully that runs along the length of the roof. What works will be taken to protect staff, members of the public and others from slipping, tripping and falling?

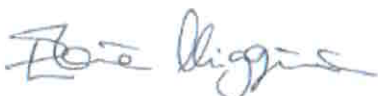
An additional concern from the on-site meeting was that the proposed retractable roof over the roof terrace has the potential to make this a substantially enclosed place and not suitable for smoking. The walls surrounding the roof are less than 50% open and the addition of a roof would cause this to become enclosed. Should you wish to make this area available for smoking, at least 50% of the walls will have to be not enclosed. Should you remove some of the walls to facilitate the retractable roof and smoking area, you may create a health and safety hazard regarding falls from height, which must be prevented.

The plans submitted with the application do not reflect the on-site discussions in that the roof terrace has a bar servery indicated towards the staircase leading from the ground floor. During the meeting it was discussed that the bar would be located in a different position towards the rear staircase.

I request that we look to agree conditions regarding the use of the roof terrace area around my three points above. This area must be compliant with the smoke-free requirements should you wish smoking to be allowed. Furthermore the plans should reflect the proposals.

Whilst I was assured by the on-site meeting I make my representation to obtain clarity and be assured that the licensing objective of public safety is satisfied. If my concerns are satisfied I may withdraw my representation.

Yours sincerely,



Elaine Higgins PGDip, DMS, BSc (Hons), CMIOSH, MCIEH, CEnvH

Principal Environmental Health Officer

Chartered Environmental Health Practitioner

Environmental Health

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Email: elaine.higgins@brentwood.gov.uk

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99 HIGH STREET BRENTWOOD CM14 4RR

Response to Brentwood Borough Council

Public Safety

1. What is the maximum safe working load for the roof terrace area?

Are there any design and structural calculations of a safe load for the roof terrace area? Are there any fragile surfaces, such as skylights which have been covered that could permit a fall from height from the terrace area. The construction of the roof is currently asphalt, is this structurally sound to permit the addition of a bar, equipment, tables and chairs, members of the public, staff and contractors that may be present.

The roof is of solid concrete construction, either reinforced concrete or beam and block with a structural screed over covered with two layers of asphalt to a thickness of 19mm, to the east side, there is a drainage channel that connects to internal rainwater pipes.

The roof is carrying all the former occupier's A/C and ventilation at present, and it is assessed that this roof is constructed to carry a minimum imposed load of 8.5Kn/M2 (177.52lb/ft2).

The proposal is for this area to be used by a maximum of 100 customers, plus bar server and furniture. The current requirement is for a trading area floor construction to carry an imposed of 7.5kNm2 (156.64lb/ft2), therefore the current construction is more than adequate to carry the changes proposed.

The attached photographs show this area, there are skylights or no other weak points in this structure, and it is enclosed by 280mm solid masonry walls

2. What is the anticipated capacity of the roof terrace area?

The promotion of the licensing objectives do not specify a capacity of the roof terrace area. This should be supplied by the applicant, taking into account the structural capacity, the weight of the fixtures and other fittings such the proposed furniture.

As above the current construction meets the Building Regulation requirements.

3. What measures will be taken to prevent a slip or trip hazard on the roof terrace area?

The roof terrace area currently consists of asphalt with air conditioning and extract ventilation equipment. The surface is not level an even and there are tripping hazards, including a gully that runs along the length of the roof. What works will be taken to protect staff, members of the public and others from slipping, tripping and falling?

The plant and asphalt covering will be completely removed, and the concrete construction re-surfaced to provide a level finish.

The drainage channel will be infilled to provide a completely level surface and the whole concrete construction covered with a suitable non-slip floor finish.

The drainage arrangements will be redesigned to comply with the Building Regulations.

An additional concern from the on-site meeting was that the proposed retractable roof over the roof terrace has the potential to make this a substantially enclosed place and not suitable for smoking. The walls surrounding the roof are less than 50% open and the addition of a roof would cause this to become enclosed. Should you wish to make this area available for smoking, at least 50% of the walls will have to be not enclosed. Should you remove some of the walls to facilitate the retractable roof and smoking area, you may create a health and safety hazard regarding falls from height, which must be prevented.

Separate to this response, there are revised design details regarding the retractable roof and the positioning of the bar servery.

99 High Street Brentwood CM14 4RR



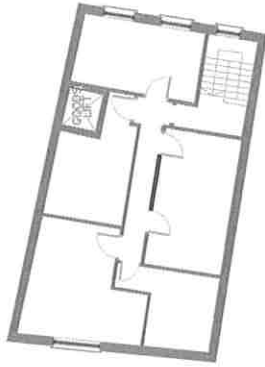
Plate No.1
View of the flat roof facing towards the rear of the building with A/C and other ventilation plant and electrical equipment



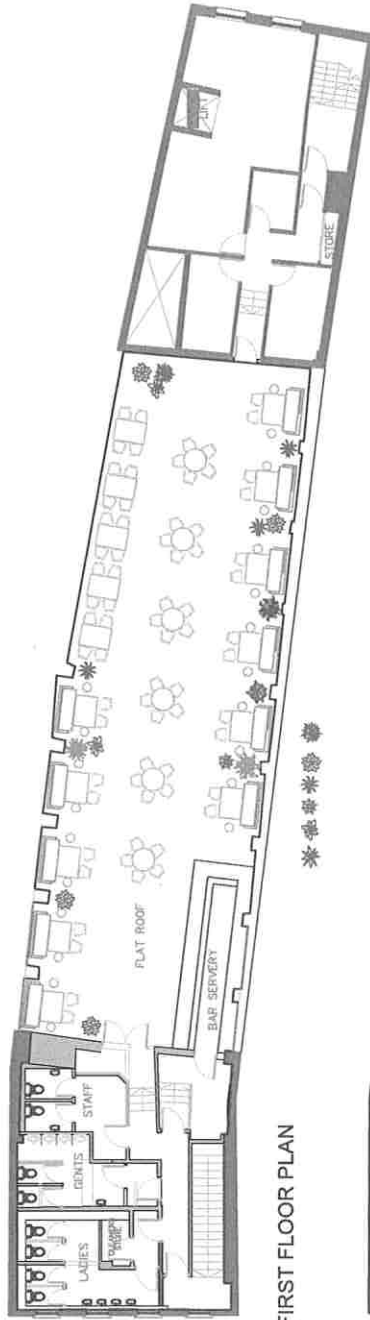
Plate No.2
Flat roof is of concrete construction over covered with asphalt. Drainage channel to the east side. Area enclosed both sides, 97 and 101 by 280mm soiled masonry wall approx 2.5mm high

Notes:

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 No part of this material may be reproduced in whole or in
 any form or by any means without permission.
 No dimensions to be scaled from this drawing.
 All dimensions to be checked on site.
 Any errors or discrepancies to be reported in writing to the
 Architect immediately.
 All work to be in accordance with the relevant Building
 Regulations.



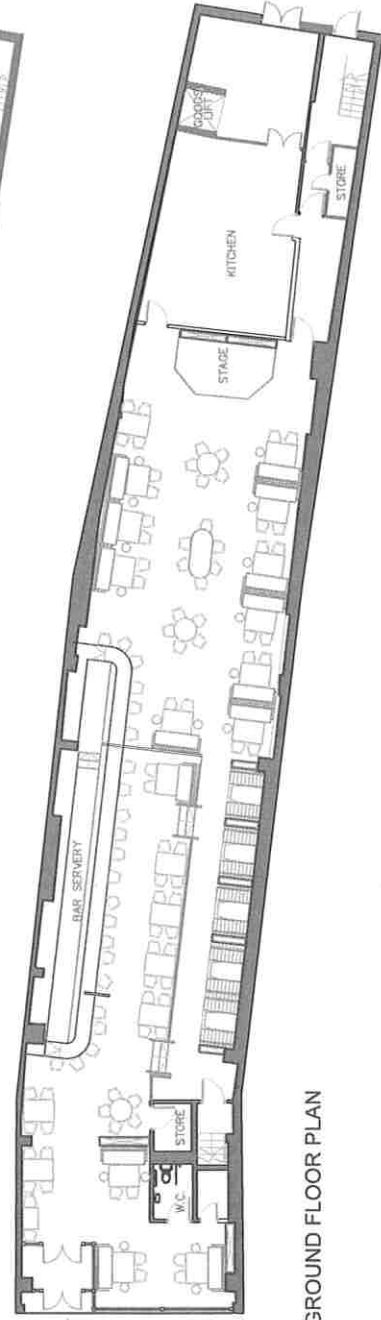
SECOND FLOOR PLAN



FIRST FLOOR PLAN



Proposed Licenced Area outlined in red thus



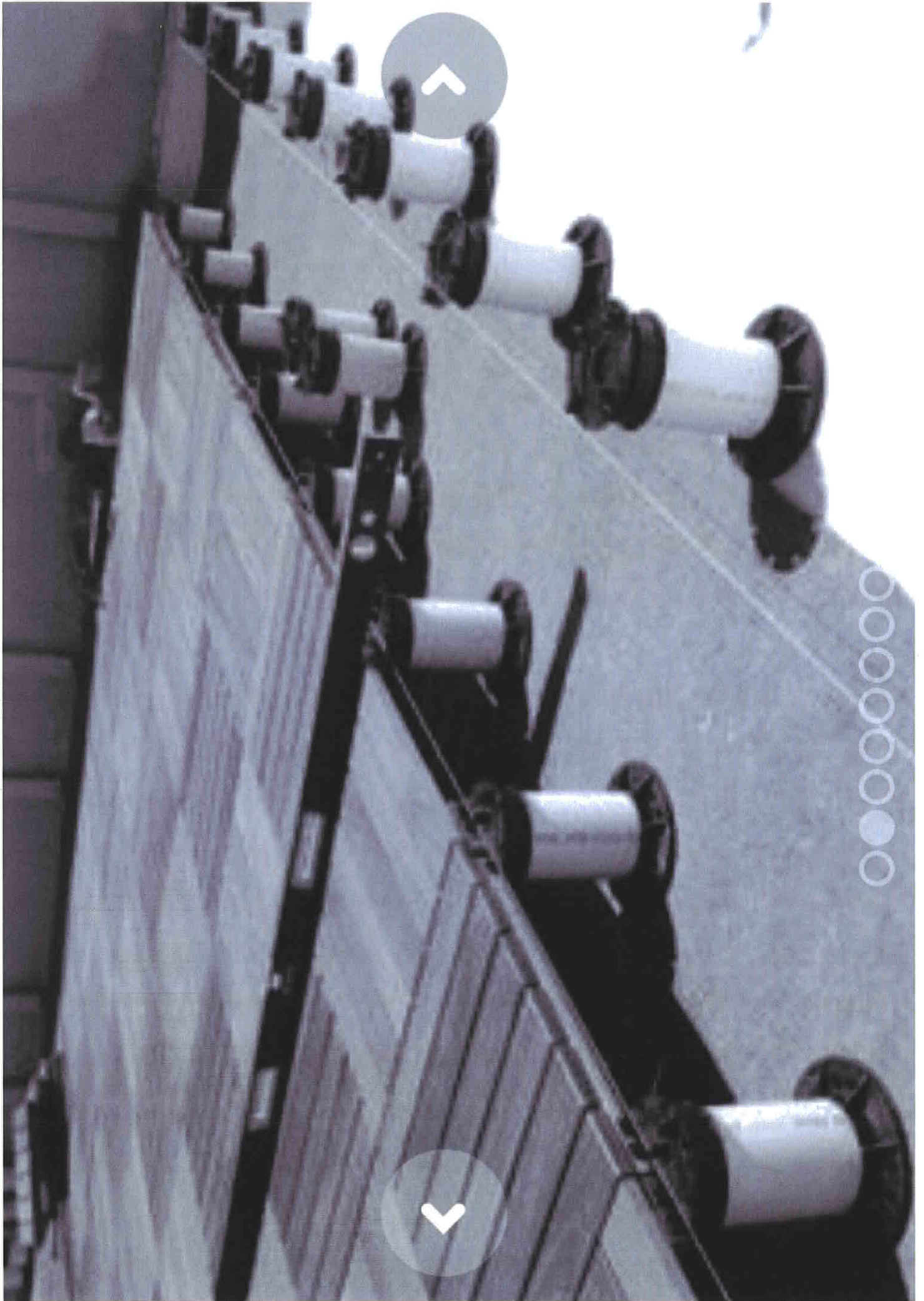
GROUND FLOOR PLAN

NO. 40
 HIGH STREET
 ENTRANCE

| No. | Date: | Revision Description |
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|-----------|-----------------------|
| Client: | MCCAFFERTY'S GROUP |
| Project: | BIRNWOOD HIGH STREET |
| Drawing: | PROPOSED LICENCE PLAN |
| Date: | APR 22 |
| Scale: | 1:1000000 |
| Drawn: | Checked |
| Dwg. No.: | Rev |

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MEMO

From Mr Max Gibson

To: Licensing

Our ref

Your ref

cc

Date 21st July 2022

| | |
|-----------------|---|
| Location | 99 High Street, Brentwood, Essex, CM14 4RR |
| Details | New Premises Licence - McCafferty's |

This application is for a premises licence with the performance of live music, recorded music, dance, supply of alcohol and provision of late-night refreshment until 2am on Friday and Saturdays with the premises open until 2.30am at the weekend.

Where the proposal includes a large first floor open terrace, with external bar area and potentially amplified music, adjacent to the residential development at Bishops Gate and other residential developments there is potential for this to result in noise disturbance both in the day and into the late evening/ early morning considering the times proposed within the license when in use. Looking at the ground floor, the resultant noise from the bar use as well as both live and recorded music can have a similar impact to surrounding residential developments.

Further, due to the limited space at the front of the site and in close proximity to the High Street and crossing, there is potential for safety implications for pavement users in relation to users queuing and the relationship this has with other bar uses on the High Street e.g. The Sugar Hut.

Finally, the quantum of bar premises in this location of the High Street can give rise to a detriment of the enjoyment of the High Street space where in close proximity to each other, especially in late evening/ early morning hours, which must be managed.

Mr Max Gibson
Planning Officer
Brentwood Borough Council

