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### **JOHN WARD**

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 7 February 2024** at **9.30 am** 

MEMBERS: Mr C Todhunter (Chairman), Mr J Cross (Vice-Chairman), Mr R Bates,

Mr D Betts, Mr R Briscoe, Mr J Brookes-Harmer, Ms B Burkhart,

Mrs H Burton, Mrs D Johnson, Mr S Johnson, Mr H Potter, Ms S Quail

and Mrs S Sharp

# SUPPLEMENT TO AGENDA

21 **Agenda Update Sheet - 07.02.24** (Pages 1 - 14)





# **Agenda Update Sheet**

Planning Committee Wednesday 7<sup>th</sup> February 2024

ITEM: 6

**APPLICATION NO: 23/00600/FUL** 

**COMMENT:** 

Additional consultee comment:

CDC Environmental Protection:

Please see the appended report detailing the data collected during the Member's site visit to the Duke and Rye, Saturday 3 February 2024.

# Additional third-party comments:

Two additional third party comment objecting to the proposals has been received. The reasons for objection can be summarised as follows:

- That the noise management plans if lacking professional credibility, missing information
- That the noise impact assessment is not appropriate
- The applicant should be making their cases as to why the application should be approved
- Refuting that EPO had not received responses to requests to locate noise monitoring equipment within any of the noise sensitive properties
- That plans should be shown showing all residential land uses nearby
- That a split decision could be issued
- That the original condition 16 is enforceable
- That there have been complaints made since the noise management plan was said to have been first implemented
- That the submitted documents do not confirm whether patron and/or amplified music can be heard in nearby noise sensitive premises
- The site is surrounded by noise sensitive premises and heritage assets
- Comments from the Head of Prebendal School advising that their position and objection submitted in October 2023 has not changed.

A further comment was received from Prebendal School when agreeing to the monitoring, which can be summarised as follows:

- the data was gained when the Duke & Rye are aware that monitoring is taking place
- It is not representative as the venue will wish to share a different picture
- Therefore the monitoring is flawed from the outset

### Points of Clarification

The application is due to be considered for determination at the Planning Committee at the February 7 2024 Planning Committee. Since the last planning committee meeting the council has received correspondence regarding some of the matters raised at the previous meeting. Clarifications on these are below:

There was discussion about whether the current 16 is enforceable. Although consultee responses have indicated a contrary view it is the view of Planning Officers that the current condition is enforceable and a Breach of Condition Notice had been served. However, it is important to note that this has not been tested through the courts.

With regard to the Breach of Condition Notice it was stated that it is a defence in court that the identified breach of planning control is being sought to be resolved through the planning process and so all formal enforcement proceedings had been held in abeyance pending the consideration of the application. It was incorrect to state that this is a defence as the two defences are set out in section 187A(11) of the Town and Country Planning Act 1990 as follows:

- (11)It shall be a defence for a person charged with an offence under subsection (9) to prove—
- (a)that he took all reasonable measures to secure compliance with the conditions specified in the notice; or
- (b)where the notice was served on him by virtue of subsection (2)(b), that he no longer had control of the land.

It was mentioned during the meeting that no complaints had been received since the Noise Management Plan being brought into operation at the premises. On review of our records this is not the case and there has been correspondence received during this time with regard to noise and anti-social behaviour.

## Amended/Additional Conditions:

#### Amendment to Condition 1:

1) The use permitted under planning permission CC/98/00156/FUL shall not be carried out open to the public other than between the hours of 0830 hours and midnight Monday to Saturday and 0900 hours and midnight on Sunday with last orders being taken before 2330 hours on Fridays, Saturdays and Bank Holiday Mondays, and before 2300 hours on all other days. The building shall be vacated by all customers and public by midnight.

Reason: In the interests of amenity.

Amendment to Condition 3:

3) The use must take place in complete accordance with all the measures detailed within the submitted Noise Management Plan accompanying this application, including the mitigation and dispersal measures. The volume of internal music noise levels shall not exceed 80dB LAeq, 1 min or exceed 80dB Leq, 1 min at any octave band bass frequency at front of house.

Notwithstanding the details within the Noise Management Plan, the premises shall not undertake amplified live music at any time.

The volume of internal music noise levels shall not exceed 73dB LAeq, 1 min or exceed 73dB Leq, 1 min at any octave band bass frequency at front of house from 2300 or 30 minutes before bar closure time, whichever is earlier.

The completed sound log, recording the volume setting procedure and subsequent sound checks, must be submitted to the Local Planning Authority for review every three months for a period of 12 months following the date of permission.

Reason: To protect the character of the conservation area and the amenities of residents.

The proposed condition four is deleted from the recommendation. Condition four sought to apply all conditions from the original planning permission, CC/98/00156/FUL. For the purposes of clarity a decision notice describing the new permission for the purposes of clarity should restate the conditions imposed on earlier permission that continue to have effect. The following additional conditions are added to the recommendation:

4) At no time shall the use hereby permitted be used for the sale of take-away hot food.

Reason: To protect the character of the historic area.

5) At no time shall any mezzanine or first floor be inserted into the building hereby permitted.

Reason: In the interests of amenity.

6) The seating area of the A3 (food and drink) use hereby permitted shall not exceed 175 seats as shown on the substitute deposited drawing SL/5/3a and received on 10th March 1998 without a further grant of planning permission from the District Planning Authority.

Reason: In compliance with the Councils adopted vehicle parking standards.

7) The noise from any fume extraction and ventilation system fitted shall not exceed 45db(A) at 3 metres distance and the system(s) itself shall be fitted with a timer and maintained to shut down the extract and ventilation system at no later than 0030 hours and starting again at no earlier than 0830 hours.

Reason: In the interests of amenity.

8) No video cameras shall be installed on the building without a scheme first being agreed in writing by the District Planning Authority and the scheme as agreed shall thereafter be provided and retained.

Reason: In the interests of the character of the building and the area.

9) The most westerly pedestrian entrance on the south elevation of the premises shall not be used other than as a fire exit and for deliveries.

Reason: In the interests of residential amenity.

10) No external lighting or floodlighting shall be installed without the grant of planning permission (and, if necessary, listed building consent) from the District Planning Authority.

Reason: In the interests of amenity.

11) No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the building or yard area at any time unless approved in writing by the District Planning Authority.

Reason: In the interests of amenity.

12) The memorial garden and memorial to the immediate west of the building the subject of this application shall not be used for any purpose whatsoever in connection with the use hereby permitted.

Reason: In the interests of the amenity of the area.

ITEM: 7

APPLICATION NO: 23/02575/FUL

**COMMENT:** Condition 4 has been amended as below:

4) No more than 4 caravans shall be stationed on the site at any time, of which no more than 2 shall be static caravans. All such caravans stationed on the site shall comply with the definition of caravans as set out in Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act 1968.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal and in the interests of amenity

ITEM: 10

APPLICATION NO: 23/02463/FUL

COMMENT:

Additional Plan for 'Decided Plans' table.

Details	Reference	Version	Date Received	Status
PLAN - EXISTING LOCATION PLAN	2311NE_R0_F S_000		27.10.2023	Approved
PLAN- Proposed Site plan	FS 002	REV 000	14.11.2023	Approved
PLAN - Location Plan	FS 003	REV 000	14.11.2023	Approved
PLAN – Proposed Elevations	FS 004	REV 000	14.11.2023	Approved

**ITEM: 12** 

**APPLICATION NO: 23/01845/FUL** 

COMMENT:

## Paragraph 3.0 to read

3.0 The proposal seeks planning permission for three Gypsy and Traveller pitches, each comprising of a static caravan, **a day room**, hardstanding for vehicle and touring caravan parking, bin and cycle storage with EV vehicle charging, and amenity grass areas and native hedgerow boundary planting.

# **Additional Condition**

No development shall commence on the package treatment plant until a scheme for the maintenance and management of the system has been submitted to and approved in writing by the Local Planning Authority. Upon completed construction of the package treatment plant the scheme shall be strictly adhered to in perpetuity.

Reason: The details are required to ensure the foul drainage system is designed appropriately and properly maintained and managed as soon as it is installed to ensure long-term effectiveness at dealing with wastewater.

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**ITEM: 13** 

APPLICATION NO: 23/01952/FUL

#### **COMMENT:**

The Southbourne Neighbourhood Plan 2014 - 2029 is gaining weight as it progresses. The referendum on the Modified plan held on Thursday 25 January was successful, as such the neighbourhood plan now has substantial weight. The plan does not have full weight as it is not yet a 'Made' neighbourhood plan.

**ITEM: 14** 

**APPLICATION NO: 23/00530/FUL** 

#### COMMENT:

## Additional Supporting Information

- The fledgling business could not possibly meet the financial viability criteria of an agricultural/viability assessment.
- The functional test requires that someone should live on site, within 'sight and sound' of the operation, all year round. My assertion is that this is required, and this is borne out by an assessor I engaged, in order to ensure animal welfare.
- The sheep are a heritage breed, they are not robustly bred hill sheep which can be left unattended.
- A temporary permission would allow time for the business to grow and demonstrate growth and viability.
- Mr Kendall presence on site provides positive benefits for the birds of prey and the farming activities.
- I appreciate that Mr Kendall's personal circumstances are not material to this application, but I feel we should assist our veterans, when and where we can. The fact that we are able to assist each other in this way is very fortunate, and mutually beneficial.
- The site is semi-rural at best, as noted by the Parish Council.
- The business would not be viable without the temporary permission.
- The site is a small parcel of land and I do all that I can to maximise its revenue, hence the choice of heritage sheep.
- The siting of the caravan is not harmful to the character of the area.
- I would ask that my application be permitted to allow at least two separate businesses to grow and flourish.

Report detailing the data collected during the Member's site visit to the Duke and Rye, Saturday 3<sup>rd</sup> February 2024. Members on site from 21:00 to 21:50.

#### Introduction:

A site visit was organised for Members to attend a typical DJ event night, at the Duke and Rye. The opportunity was taken to experience the volume of recorded music, as restricted by the music noise limiter, both inside and outside the premises. Members had the opportunity to witness aspects of the Noise Management Plan in operation, for example the music volume was purposely reduced between 21:37 and 21:44 to replicate the post 23:00 music noise levels that have been adopted at the premises. The music noise limiter is in a locked room, with limited access for chosen members of staff.

#### **Sound Equipment:**

The equipment used during the exercise was provided by the Council's Environmental Protection Team. It consisted of Class 1 precision sound monitoring equipment, as listed below in Table 1. All equipment has traceable calibration history to the relevant British Standards.

Calibration of the sound level meters was carried out using a reference tone before and after measurements were taken. Validation at the end of the survey indicated that all instruments had operated within permitted tolerances for drift and measured level.

The weather conditions were consistent throughout the sound survey and were 11°C, no cloud cover, with a WSW light breeze averaging 1 m/s. The weather conditions were fully conducive to survey work. No rain or high gusts of wind over 5 m/s were experienced.

Position	Manufacturer	Model No.	Description	Serial No.	Calibration Due Date
1.Front of	Larson Davis	LxT	Sound Meter	6489	23.5.25
House					
2.Various	Cirrus	CR199B	Sound Meter	G301044	20.6.24
External					
3.Prebendal	Cirrus	377B02	Sound Meter	G081034	1.6.24
School					
-	Larson Davis	CAL200	Sound Level Calibrator	15521	24.5.24
-	Cirrus	CR515	Sound Level Calibrator	99088	20.6.24

Table 1: Details of sound equipment used during the exercise.

## **Methodology:**

Three sound level meters were time synchronised to British Summer Time and were located and used as detailed below:

- [1] <u>Position 1:</u> A microphone was placed at a Front of House location, as per previous monitoring, being representative of the sound level centrally located in the venue during a DJ event. The microphone was more than 1.5m from reflective surfaces. The location is illustrated in Figure 1. The measurement results are summarised in Table 2.
- [2] <u>Position 2 Various (Roaming):</u> A second sound level meter was utilised to take a series of spot measurement readings during the survey period. Measurements were conducted with Members. Details of the measurement positions, duration, and results (including observations) are provided in Table 3. All these measurements were 1.5m from reflective surfaces.
- [3] <u>Position 3:</u> A third sound level meter was installed in the Matron's bedroom on the second floor of Prebendal School. The location is the nearest habitable room, at Prebendal, in proximity to the Duke and Rye and is directly opposite. The bedroom faces out to West Street. The measurement location is illustrated in Figure 2.

The positioning of the sound level meters allowed an objective assessment of the sound levels to be experienced at various neighbouring locations, to the Duke and Rye, during a typical DJ set. It is possible to analyse the sound levels recorded, against the sound levels being experienced at Front of House.

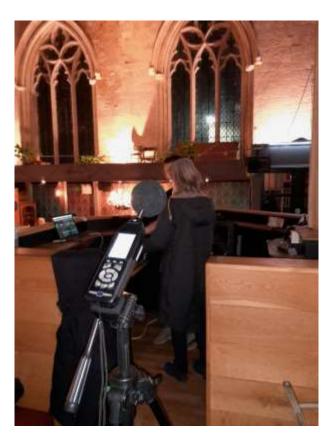


Figure 1 – Position 1 Sound Level Meter Front of House

<u>Figure 2 – Position 3 Sound Level Meter within Matron's Bedroom at Prebendal School. (Image Redacted)</u>

#### **Monitoring Results:**

Table 2 provides a summary of the sound recordings taken at Position 1, at Front of House. Table 3 provides a summary of the sound recordings taken externally, with Members present.

Details of the noise monitoring that took place within the Matron's Bedroom have been taken directly from Kate Simon's notes made whilst at site.

<u>Note:</u> The music noise limiter has been set to restrict music noise levels to not exceed 80dB LAeq, 1 min or exceed 80dB Leq,1min at any octave band bass frequency at the Front of House.

The values in bold, in Tables 2 and 3 are the overall dB(A) values, for the time frame specified. They are A-weighted, to account for the way the human ear processes sound. The octave band frequencies are presented as the un-weighted linear values, sometimes referred to as Z-weighted or zero-weighted. A-weighted values have not been used to present the bass frequencies, as it is considered this would underestimate the impact. For example, at 63Hz A-weighting would reduce the dB value by 26dB. Specifying frequency values as unweighted, when assessing music noise levels, is a common practice.

Time (HH:MM:SS)	dB L <sub>Aeq,T</sub>							
(1111.141141.33)		31.5Hz	63Hz	125Hz	250Hz			
20:51:20	78.5	65.2	78.5	75.6	73.3			
20:52:20	80.0	58.6	76.2	73.2	72.5			
20:53:20	80.3	60.4	76.8	73.0	71.9			
20:54:20	79.7	61.1	76.0	71.8	71.6			
20:55:20	79.6	64.5	75.3	71.1	71.9			
20:56:20	80.3	62.5	74.4	71.1	73.5			
20:57:20	80.2	64.4	79.4	72.2	73.1			
20:58:20	77.6	65.1	77.7	71.2	70.9			
20:59:20	78.0	65.1	78.4	74.6	71.9			
21:00:20	79.0	61.8	76.4	75.1	73.0			
21:01:20	77.1	61.7	77.0	75.0	71.4			
21:02:20	77.3	64.0	73.6	72.0	70.3			
21:03:20	78.3	60.8	73.1	71.5	71.2			
21:04:20	80.2	58.3	73.0	72.8	73.6			
21:05:20	81.1	61.0	74.1	71.9	74.9			
21:06:20	80.3	56.5	76.1	71.2	74.5			
21:07:20	82.9	61.4	75.1	71.5	75.7			
21:08:20	82.1	63.0	75.9	74.1	76.1			
21:09:20	80.6	63.6	75.3	72.0	72.3			
21:10:20	80.2	63.7	74.9	71.7	72.7			
21:11:20	81.7	62.3	76.6	72.6	75.1			
21:12:20	81.9	62.3	76.9	73.1	75.8			

Time	do i	Position 1 Front of House Octave Band Sound Level dB Leg,T							
(HH:MM:SS)	dB L <sub>Aeq,T</sub>	31.5Hz	63Hz	125Hz	250Hz				
21:13:20	82.1	61.2	76.8	74.3	75.8				
21:14:20	82.0	64.5	76.9	74.3	75.0				
21:15:20	81.8	63.8	75.1	73.8	75.6				
21:16:20	80.9	61.8	73.8	73.8	74.6				
21:17:20	81.6	60.4	74.0	72.9	75.1				
21:17:20	80.1	61.6	72.8	71.7	74.2				
21:19:20	77.5	62.0	75.1	71.3	71.0				
21:20:20	77.7	59.1	74.3	71.1	70.8				
21:21:20	77.7	61.8	69.8	70.6	70.1				
21:22:20	77.5	61.7	68.2	70.1	69.3				
21:23:20	78.1	60.4	72.4	71.7	71.1				
21:24:20	77.4	62.9	75.3	71.2	71.1				
21:25:20	76.3	61.3	72.7	69.0	70.1				
21:26:20	77.2	64.1	78.5	72.4	70.1				
21:27:20	77.9	59.9	75.7	71.5	71.4				
21:28:20	77.3	60.9	76.6	73.4	71.8				
21:29:20	77.3	59.4	76.3	73.5	71.8				
21:30:20	77.5	59.9	75.6	74.2	70.7				
21:31:20	77.1	62.8	73.0	72.3	70.4				
21:32:20	76.3	61.2	74.9	73.2	69.9				
21:33:20	78.0	58.8	75.0	71.9	70.4				
21:34:20	77.3	63.6	74.9	72.3	70.2				
21:35:20	77.6	60.5	74.6	72.6	70.1				
21:36:20	76.4	63.2	69.1	70.2	70.1				
21:37:20	71.8	62.7	65.1	66.6	65.6				
21:38:20	73.0	62.1	66.7	67.0	65.8				
21:39:20	73.6	62.0	65.3	64.6	66.3				
21:40:20	73.2	61.8	68.4	66.3	67.6				
21:41:20	74.2	63.5	65.8	66.3	67.6				
21:42:20	74.9	60.0	70.0	67.2	68.0				
21:43:20	75.2	58.1	73.5	70.1	69.0				
21:44:20	76.2	64.6	75.9	71.6	69.7				
21:45:20	74.7	57.6	73.5	69.3	67.6				
21:46:20	75.6	65.2	76.1	71.6	69.6				
21:47:20	75.3	62.8	74.9	67.6	70.3				
21:48:20	76.1	60.5	76.9	67.4	70.4				
21:49:20	77.0	61.6	76.0	71.5	70.6				
21:50:20	76.0	61.2	73.0	73.5	70.5				
21:51:20	77.3	60.0	72.4	73.0	70.6				
21:52:20	76.9	64.7	72.5	72.6	71.1				
21:53:20	77.0	61.4	71.4	70.9	70.0				
21:54:20	77.2	64.7	71.0	68.6	70.1				
21:55:20	77.6	61.1	69.5	67.1	69.6				
21:56:20	76.8	58.0	72.6	69.1	69.8				
21:57:20	75.7	61.8	71.0	67.8	68.7				
21:58:20	75.7	56.3	72.5	67.7	68.6				

Time	dB L <sub>Aeq,T</sub>	Position 1 Front of House Octave Band Sound Level dB L <sub>eq,T</sub>					
(HH:MM:SS)		31.5Hz	63Hz	125Hz	250Hz		
21:59:20	76.9	58.8	75.2	70.8	70.1		
22:00:20	76.4	56.0	73.1	70.6	69.9		
22:01:20	78.1	62.5	70.4	67.4	70.2		
22:02:20	77.1	57.8	71.3	69.2	70.4		
22:03:20	79.0	60.5	70.9	69.5	71.3		
22:04:20	77.5	62.4	70.4	70.1	71.6		
22:05:20	77.7	63.1	70.6	69.9	71.7		
22:06:20	76.4	62.2	68.5	68.1	70.9		
22:07:20	77.6	58.7	70.2	68.9	70.7		

Table 2: Summary of the sound levels recorded at Position 1, Front of House.

<u>Note:</u> There are some occasions when 80dB LAeq,1min is slightly exceeded. This is due to extraneous noises from within the pub, not related to the music sound level, such as a group singing at a table or playing around the pool table etc. Discussions were also held, with Members, around the sound level meter, 21:04 to 21:18, before going outside.

When monitoring took place outside between 21:21 and 21:27, as highlighted in yellow in Table 2 above, the sound levels Front of House ranged between 77.2 and 78.1 dB LAeq,1min. At 21:26 whilst a measurement was being taken in Tower Street the bass frequency at 63Hz was 78.5dB Leq,1min Front of House. This demonstrates the external monitoring took place during representative music levels. The sound levels recorded, Front of House, during the simulated post 23:00 period, are highlighted in green in Table 2 above. The lower bass frequencies 250Hz and below are the ones to focus on when controlling music noise, this is why they are provided in Table 2.

#	Time		Octa	Octave Band (Hz) Noise Level dB L <sub>eq,T</sub>					
#	Location	Duration	31.5	63	125	250	500	1000	dB L <sub>Aeq,T</sub>
1	Outside front façade of Prebendal School, West Street	21:21 (11 sec)	71.1	75.2	75.7	68.4	69.4	66.7	79.3

#### **Comments:**

An initial recording had to be stopped, as a lorry was going to pass. The Members closest to the sound meter asked that the lorry passing was recorded to offer context of the sound climate of the location. The bass frequencies are elevated and the overall value of 79.3dB LAeq was recorded.

2	Outside front façade of Prebendal School, West Street	21:22 (40 sec)	52.3	52.0	50.3	46.4	47.5	44.2	48.7

#### **Comments:**

Outside Prebendal School at roadside facing the Duke and Rye. No traffic during recording. Music was audible but not dominant against the sound climate.

	•	•							
3	Outside Duke and Rye, at roadside with West Street	21:23 (53 sec)	58.3	55.6	52.2	47.4	47.3	44.4	49.0
	nments: ectly outside the Duke ar	nd Rye on roads	ide next	to 21 \	Nest St	reet.			
4	Tower Street, outside public toilet location	21:26 (60 sec)	57.5	54.6	53.1	49.0	47.0	44.0	48.9
	Comments:  Measurement 4 above included a car passing in West Street, which elevated the level.								
5	Tower Street, outside public toilet location	21:37 (34 sec)	51.1	51.6	49.7	47.8	47.8	42.5	48.7
Me	<u>Comments:</u> Measurement above took place when the music volume had been turned down to simulate post 23:00 music noise levels. Keys being jangled elevated the level recorded.								
6	Outside front façade of Prebendal School, West Street	21.40 (43 sec)	57.7	55.5	49.4	47.2	46.7	44.3	48.6
-	<u>Comments:</u> Directly outside the Prebendal School facing the Duke and Rye. Simulated post 23:00 level inside								

#### <u>Table 3: Summary of measurements taken externally, with Members present.</u>

the pub. The recording was around 47dB LAeq but was elevated to the final reading by someone

coming out of their front door and slamming it behind them.

# Account provided by Kate Simons, Senior Environmental Protection Officer, whilst conducting monitoring from within the Matron's bedroom in Prebendal School:

The Matron's bedroom is illustrated in Figure 2. It is the nearest habitable room, at Prebendal School, that is positioned opposite the Duke and Rye. It is located on the 2<sup>nd</sup> floor. School pupils' dorms are positioned further away.

With the window open a car driving past was recorded as 42 to 45 dB LAeq. With no cars the music was just audible with window open wide. Levels recorded 31 to 32 dB LAeq. Cannot hear words of music. Loud vehicle 55 to 57dB LAeq internally with window open.

At 21:53 window open music faint. At 21:55 closed window. Faint car noise. Music not audible. Internal level 24 to 25dB LAeq. Internal clock and fridge audible. With car, level recorded 30dB LAeq with window closed.

#### **Supplementary Information:**

# BS 8233:2014 GUIDANCE ON SOUND INSULATION AND NOISE REDUCTION FOR BUILDINGS

The British Standard 8233:2014 offers guidance on suitable internal ambient noise levels for dwellings in Table 4 of the Standard. These are based on the existing guidelines issued by the World Health Organisation and apply to anonymous noise, such as transportation sources.

Activity	Location	Daytime 07:00 to 23:00	Night time 23:00 to 07:00
Resting	Living room	35dB L <sub>Aeq,16h</sub>	-
Dining	Dining room / area	40dB L <sub>Aeq,16h</sub>	-
Sleeping (daytime resting)	Bedroom	35dB L <sub>Aeq,16h</sub>	30dB L <sub>Aeq,8h</sub>

Table 4 – Indoor ambient noise levels for dwellings (re. BS 8233:2014 Table 4).

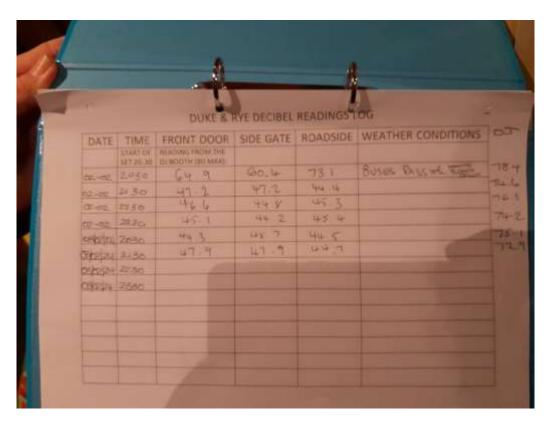


Figure 3 – Photograph of a monitoring log kept by door staff 2-2-24 to 3-2-24.

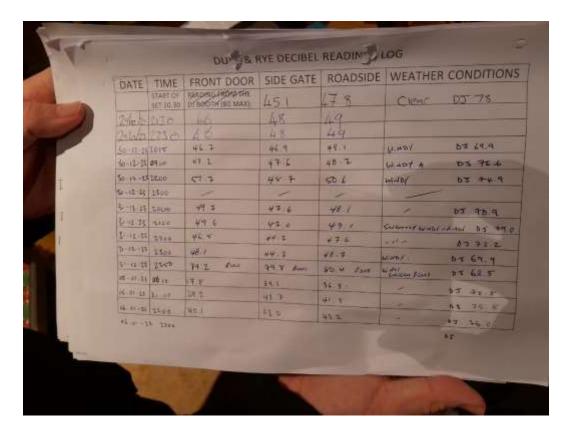


Figure 4 – Photograph of a monitoring log kept by door staff 29-12-23 to 6-1-24. (Door staff take measurements using a Type 2 Sound Level Meter). This is for indicative purposes only. They check the sound level at Front of House and externally. Music sound levels externally to range between 40 and 50dB LAeq, otherwise they would check on the situation internally.