

Bath & North East Somerset Council

MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 12 October 2010	
TITLE:	Application for a Review of Premises Licence for Opa Bath Ltd, 14 North Parade, Bath, BA2 4AJ	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A	Application for the Review of a Premises Licence	
Annex B	Copy of Current Premises Licence	
Annex C	Site Plan	
Annex D	Response from respondent, Opa Bath Limited	
Annex E	Representation from Environmental Protection	
Annex F	Representations from Interested Parties	

1 THE ISSUE

- 1.1 An application has been received from an interested party for a review of a Premises Licence under the Licensing Act 2003 in respect of **Opa Bath Ltd, 14 North Parade, Bath, BA2 4AJ** (Annex A).

2 RECOMMENDATION

- 2.1 That the Sub Committee determines the application to review the Premises Licence.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report.

4 THE REPORT

- 4.1 An application for a review of the Premises Licence for **Opa Bath Ltd, 14 North Parade, Bath, BA2 4AJ** has been received from **Georgian House (Bath) Management Company Ltd (Annex A)**.

The application relates to the **prevention of public nuisance** licensing objective. The grounds for review relate to the public nuisance caused by Opa customers queuing to enter the premises, smoking outside of the premises, leaving the premises, vomiting and urinating near residencies. The review

applicant also alleges a breach in conditions relating to both the upper and lower terraces, especially when the weather is warmer.

4.2 The Licensing Authority may, having had regard to the application and any relevant representations, take any of the following steps (if any) as it considers necessary for the promotion of the licensing objectives:

- a) Modify the conditions of the Licence
- b) Exclude a licensable activity from the scope of the Licence
- c) Remove the Designated Premises Supervisor
- d) Suspend the Licence for a period not exceeding three months
- e) Revoke the Licence

Where the Licensing Authority takes a step mentioned in 4.5 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Any determination made by the Licensing Authority does not have effect until the end of the period given for appealing against the decision, or, if the decision is appealed against, until the appeal is disposed of.

4.3 The Licensing Authority will also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, the Licensing Act itself, and, in particular, to:-

- a) Sections 4, 9, 10, 13, 51, 52, 53, 182, and 183 of the Act.
- b) Chapters 8 - 11 of the Statutory Guidance (as revised on 28 June 2007).
- c) Paragraphs 3, 5, 6, 15, 18 - 20, 24, 30, 33 - 37 and 40 - 45 inclusive of the Policy.

4.4 An appeal may be made to the Magistrates' Court within 21 days of the notification of the decision by the Council to the applicant for the review, the holder of the premises licence or any other person who made relevant representations in relation to the application.

On appeal the court may either; dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such Order for costs as it thinks fit.

4.5 The current Premises Licence (**Annex B**) permits the following licensable activities:

- 1) The **Sale of Alcohol** for consumption on the premises between the following hours:

Monday to Saturday 12:00 to 02:00

Sunday 12:00 to 23:30

Bank Holidays 12:00 to 02:00

From normal activity start time on New Year's Eve until normal activity finish time on New Year's Day.

- 2) The provision of **Regulated Entertainment** by way of **Live Music**, indoors, between the following hours:
- Sunday 18.00 to 23.00
- 3) The provision of **Regulated Entertainment** by way of **Recorded Music** and **Provision of Facilities for Dancing**, indoors, between the following hours:
- Monday to Saturday 12:00 to 02:00 (following morning)
- Sunday 12:00 to 23:00
- Bank Holidays 12:00 to 02:00 (following morning)
- 4) The provision of **Late Night Refreshment** between the following hours:
- Monday to Saturday 23:00 to 02:00 (following morning)
- Sunday 23:00 to 23:30
- Bank Holidays 23:00 to 02:00 (following morning)
- 5) The current **Opening Hours** are:
- Monday to Saturday 12:00 to 02:30 (following morning)
- Sunday 12:00 to 00.00 (midnight)
- Bank Holidays 12:00 to 02:30 (following day)

From normal opening time on New Year's Eve until normal opening time on 1 January.

4.6 The following **conditions** are attached to the Premises Licence:

- No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.
- Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
- At least one door supervisor to be posted at the entrance to the premises on Thursdays, Fridays and Saturdays.
- At least one door supervisor will remain on duty until at least 30 minutes after the premises are closed.
- Door supervisors will ensure good order is maintained and will supervise all

- queuing into the premises, as well as all persons leaving the premises.
 - Door supervisors to carry a name badge and proof of registration.
 - CCTV to be installed throughout the premises.
 - Capacity limit of 250 persons to be enforced.
 - No drinks promotions to take place on the premises.
 - Adequate and appropriate first aid equipment and materials to be available on the premises at all times.
 - There is to be no smoking in the dining areas.
 - Only persons aged 19 years or over to be admitted to the premises after 1800 hours.
 - At least one notice to be displayed stating that persons aged under 19 years will be required to finish their meal and leave by 1800 hours.
 - A telephone will be made available for customers to make calls to a local taxi company, at no cost to the customer
 - Noise from amplified music shall not be audible so as to cause a nuisance at the nearest noise sensitive premises.
 - Prominent, clear and legible notices shall be displayed at all exits, and on the terrace, requesting that customers respect the needs of local residents, use the outside areas quietly and leave the premises quietly.
 - Doors and windows to the river terrace shall be kept shut after 23:00 hours except for access and egress.
 - Two SIA registered door supervisors will be on duty at the premises on Thursday, Friday and Saturday in order to promote the licensing objectives. One door supervisor to be stationed at the top of the stairs at the pavement entrance to the front of the premises to maintain the good order of those entering and leaving the premises and one to be stationed within the premises to supervise the good order of the premises and in particular the rear terrace.
 - All door staff shall wear yellow fluorescent jackets whilst on duty.
 - The garden area to be closed at 23:00 hours.
 - The terrace area affronting the riverside and abutting the raised terrace and patio area of the Nunes House as indicated on the plan shown in Annex B shall be closed to all customers after 20:00 hours daily.
- 4.7 A site plan is attached at **Annex C**.
- 4.8 In accordance with the requirements of the Act the applicant has served copies of the application upon the Licence Holder, Police, Fire Authority, Environmental Health, Development Control, Trading Standards, and the Child Protection Agency.

- 4.9 Notices were placed by the Licensing Officer outside the premises and in the public area of the Licensing Office at 9-10 Bath Street, Bath, BA1 1SN, for a period of 28 days.
- 4.10 A response to the review application has been submitted by the respondent, Opa Bath Limited (**Annex D**).
- 4.11 A representation has been received from Environmental Protection in respect of the prevention of public nuisance licensing objective (**Annex E**).
- 4.12 Relevant representations in support of the review which relate to all the licensing objectives have been received from persons both living and carrying on a business within the vicinity of the premises (**Annex F**).
- 4.13 This report has not been sent to the Trades Union because they would have no involvement in this application.

Contact person	Terrill Wolyn, Licensing Officer, 01225 396939
Background papers	The Licensing Act 2003, Guidance issued under s.182 of the Act, Regulations issued under the Act, BANES Licensing Policy

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Georgian House (Bath) Management Company Ltd *(insert name of applicant)*
apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 - Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description. Opa 14 North Parade	
Post town Bath	Postcode (if known) BA2 4AJ

Name of premises licence holder or club holding club premises certificate (if known) Opa Bath Ltd

Number of premises licence or club premises certificate (if known) 08/02555/LAPRE

Part 2 – Applicant Details

I am

Please tick Yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)

- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev) _____

Surname

First names

Please select for Yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address Georgian House (Bath) Management Company Flat 6 Georgian House Duke Street Bath BA2 4AQ
Telephone number (if any) 07747 798705
E-mail (optional) toby@banwellhouse.com

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |



Please state the ground(s) for review (please read guidance note 1)

We are calling a review on the basis of continued Public Nuisance for the past three years.

Previous reviews by other parties have lead to extra conditions being placed on this premises these have been occasionally obeyed with them being regularly broken during the hot weather.

A recent committee of councillors have found that the proximity of Opa as a nightclub to residential properties is unique not only to Bath but to the whole of the UK. They found during this planning hearing for change of use that a nightclub this close to residential property is unacceptable.

While planning is not relevant to the Licensing Act 2003 the basis that a property with a 2am license this close to residence, and not enabling people to sleep is unacceptable.

The way the flats have been converted in Georgian house, are with all the rooms either at the front of the building (by Duke Street) or the back of the building (by the river) so there is no escape from the noise by moving to another room. If the noise is coming from the terrace all rooms are affected and likewise if the noise is from the entrance to Opa all rooms are affected.

As stated in previous representations we are not criticising the way Opa is run, purely the kind of establishment it is in its location. In some circumstances bedrooms back directly on to a courtyard where customers are until 2am.

The Public Nuisance that residents are exposed to takes the form of:

1. Customers queuing to enter Opa.

On many occasions there are over 50 people queuing outside of the premises. There are no barriers to control these people. There is little supervision from the door staff and customers waiting to go in are rowdy, loud, appear intoxicated. The queuing tends to start at 11pm when other premises close and then there are people outside until 3am. These people are standing in front of residential doorways, looking into properties and dropping drinking containers and cigarette butts into residential basements.

2. Customers smoking outside Opa.

Customers smoking tend to be in groups of up to ten. They are always talking which is always loud to get over the noise of other people queuing and the music emanating from the Parade Gardens side of Opa. Cigarette butts are discarded on the floor or

onto other properties. Smoke drifts into open windows of residential properties along North Parade. These smokers stand in the residential doorways to shield themselves from the elements. This is very intimidating to residents returning late wanting to get into their homes having to fight their way through large rowdy crowds.

These groups are not controlled by door staff. Customers are entering and leaving the premises by the same tight entrance and there seems to be little order.

3. Customers leaving Opa.

When customers leave it is not the case of quietly moving out of the vicinity. They are loud and rowdy after just leaving a noisy nightclub which is licensed from Live and Recorded music. They tend to hang around outside, talking, shouting and screaming. Customers do not tend to be aggressive but they are not sensitive to being in a densely populated residential area.

There is no control from the door staff and they do not appear to be active. There are no signs outside asking people to be quiet.

With these first three points there are always people stood on the street during busy nights from 11pm until 3am making it impossible for residents of neighbouring properties to get any sleep.

4. Customers throwing up and urinating near properties after leaving in the early hours.

I have witnessed customers urinating in our doorway directly before joining the queue for Opa. I have witnessed customers leaving Opa, hanging around for 30 minutes and then urinating or throwing up in doorways. While we do not witness every pool of vomit on our doorstep that we find in the morning from living with Opa and witnessing it in the past we are sure it is coming from their customers.

5. Customers drinking on the terrace.

The license allows them to use the lower terrace until 8pm this is breached every time it is warm without fail. This also goes on past 11pm on a fairly regular basis. This noise affects the residents overlooking the river and stops them from sleeping.

The lower terrace is defined as the strip along the river, down the bottom of the steps when coming out of Opa.

The upper terrace is licensed until 11pm, on a weekend this is continually breached and is often used until the early hours of the morning.

The upper terrace is directly outside the back doors of Opa and withing touching distance of residential property.

We have previously heard from the owner of Opa that he has no control over what customers do outside his premises (while entering, leaving or smoking). The previous conditions applied by review are not helping the situation. If the licensee and his door staff are unable to control this Public Nuisance then the only cause for action to stop this is to reduce the hours for licensable activity to 11pm 7 days a week.

While the Licensing Act 2003 does not distinguish from one type of licensed premises to another the nature of a 2am license creates a late night drinking environment which is what Opa is doing.

The final point is that the owners of Opa have now purchased another restaurant next door, La Flamenca, while no application for variation has been made and despite out pleading with the owner he has led to believe that they will knock through to Opa as that is what he has told one of our directors.

Please provide as much information as possible to support the application

(please read guidance note 2)

The evidence we are submitting is as follows:

1. Noise Log from Toby Brett of Flat 6 Georgian House, Duke Street. Mr Brett's Flat overlooks the terrace area. He is regularly disturbed by customers on the lower terrace past 8pm and often past 11pm. The lower terrace is licensed until 8pm. He is affected by customers on the upper terrace past 11pm and sometimes into the early hours of the morning. The upper terrace is licensed to 11pm.
2. A noise log from Flat 15 Georgian House then owned by Jeremy Coley. Jeremy was so disturbed by the noise and continuous disturbance from OPA that he had to sell his flat and move elsewhere. This log was recorded during 2008.
3. A noise log from the purchaser of Flat 15 Edward Chudleigh. Mr Chudleigh is experiencing exactly the same disturbance and Mr Coley was.
4. Photos of breaches, including doorman without the high visibility jackets, rubbish and cigarette butts discarded in the basement of Georgian House, queues and a drummer playing his instrument on the pavement in the early hours of the morning.
5. An Environmental Noise Report commissioned by the Advanced Studies of England. This report shows the levels of noise suffered by crowds queuing on the pavement, swearing and shouting, going out for a cigarette, and also the levels of noise from the music played inside. At the end of this report there is a photo showing the proximity from Opa to residential property. There is also a letter from Daniel Oldaker outlining why Opa is not acceptable in its current location.
6. Minutes of the Development Control Committee Meeting held on 7th July they listened to the planning application for change of use to a nightclub this is an extract from the decision:
"Members debated the motion. It was generally felt that a nightclub use was not acceptable in this location due to its close proximity to residential properties. In response to an enquiry about the nightclub use continuing, the Case Officer informed that enforcement action would be considered if the unauthorised use of the premises did not cease. The motion was put to the vote and was carried unanimously."
7. Enforcement action from Emma Stoneman, although nothing for the past year, this is linked to complaints made to licensing. Complaints have up until now been submitted to other council departments.

We have been unable to gather noise logs from other flats due to the highest amount in the Management Companies history of flats remaining empty on the North Parade / Duke Street side due to the inability to let flats with rooms uninhabitable from the noise caused by OPA.

Please tick ✓

Have you made an application for review relating to this premises before? Yes

If yes please state the date of that application

Day		Month		Year		

If you have made representations before relating to this premises please state what they were and when you made them

We have made representations for the previous review in August 2008 and an application to vary in November 2008 and July 2009.

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date **17/8/10**Capacity **Director of Georgian House (Bath) Management Company Ltd**

Contact name (where not previously given) and address for correspondence associated with this application. (please read guidance note 5)

Toby Brett
Flat 6 Georgian House
Duke Street

Post town **Bath**Post code **BA2 4AQ**Telephone number (if any) **07747 798705**

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

toby@banwellhouse.com

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



Printed on recycled paper

Review of Opa, North Parade**Supporting Information**

Appendix 1: Noise Log Toby Brett Flat 6

Appendix 2: Noise Log 6-08-08 to 11-08-08 Jeremy Coley Flat 15

Appendix 3a: Flat 15

Appendix 3b Ed Chudleigh sound log opa 20.7.10 to 11.8.10

Appendix 4: Photos

Appendix 5a: Environmental Noise Report

Appendix 5b: Rebuttal of OPA noise assessment 05-05-10[1]

Appendix 6: Minutes of DCC meeting

Appendix 7: Enforcement by Emma Stoneman

Date	Time	Disturbance
Friday 21st May 2010	Midnight	Loud voices and shouting from terrace area. People out there with drinks past the 11pm cut off.
Saturday 22nd May 2010	2330	Continued noise and shouting similar to previous night.
Friday 4th June 2010	2345	The noise from the terrace was so loud I got up and dressed to look over the bridge to see the patio nearly full as well as several people on upper patio and outside the front of Opa
Friday 11th June 2010	2315	Noise not as bad as has been but people still out on terrace.
Thursday 17th June 2010	2300	people still on terrace
Friday 18th June 2010	Midnight	Noise from outside, was too tired to get up to check.
Friday 25th June 2010	2430	Noise seems louder tonight than usual with several people outside
Saturday 26th June 2010	2330	Continued noise and laughing.
Saturday 1st July 2010	2430	Came home late and customers from Opa had turned bench around on Duke street and there was vomit in Georgian House doorway.
Saturday 10th July 2010	2315	people still on terrace
Tuesday 27th July 2010	2430	Large amount of noise coming from Parade Gardens side. 10 men stood outside smoking and talking very loudly.
Wed 28th July 2010	2100	People on the terrace after 2100.
Friday 30th July 2010	2130	People on lower terrace
Friday 30th July 2010	2430	People still on upper terrace noise audible from my flat.
Tuesday 3rd August 2010	2130	People still on lower terrace.
Wed 4th August 2010	2130	People on lower terrace
Friday 6th August 2010	2330	Doorman on door with no high visibility jacket
Friday 6th August 2010	2330	Customers on lower and upper terrace. Although it has been sectioned off half way so can not be seen from my flat.
Wednesday 11th August 2010	21.45	Lower terrace still being used
Wednesday 11th August 2010	2345	Upper terrace still in use noise audible from my flat
Saturday 14th August 2010	2330	Large number of people queuing to enter Opa (approx 50) stood in front of two front doors.
Saturday 14th August 2010	2345	Three men urinating in doorway to Georgian house, two in white shirts one in a black shirt
Saturday 14th August 2010	2350	The three men urinating are now queuing to get into Opa.

Georgian House Basement Flat – Noise Log

Date	Time	Internal Noise	External Noise
Weds 6 th Aug 2008	22.54	Started loud dance music from Opa.	
	23.30	Complained to Opa. Sound slightly quieter afterwards.	Woken up by people talking loudly outside Opa.
	2.06		Woken up by people leaving Opa.
	2.20		Woken up again by people leaving Opa.
	2.45		Woken up again by people leaving Opa.
Thurs 7 th Aug	21.30	Music audible and continuing at same level until 2am	Woken briefly by people leaving Opa.
	1.45		Woken briefly by people leaving Opa.
Sat 9 th Aug	22.00	Music audible. Louder than usual. Continuing until 2.05	Noise from people outside. More noise than usual before the licence change. Presumably from people smoking. Difficult to get to sleep until midnight.
	22.30 - 0.00		Noise from people outside. More noise than usual before the licence change. Presumably from people smoking. Difficult to get to sleep until midnight.
	1.45	Woken up. Not sure by people or loud music. Loud music continues and people are noisy leaving Opa.	Woken up. Not sure by people or loud music. Loud music continues and people are noisy leaving Opa.
	2.05	Music finishes five minutes after licence allows.	
	2.35 - 2.45		Noise from people leaving Opa.
	3.00	Finally quiet and able to get to sleep	

Date	Time	Internal Noise	External Noise
Tue 12 th Aug	23.00	again. Music noise from Opa as well.	People from Opa talking loudly outside.
Thurs 14 th Aug	1.54 22.10		Woken up by people from Opa talking loudly. Drunk people from Opa smoking outside of Georgian House, speaking very loudly and tried to get down steps to our flat.
Fri 15 th Aug	2.00 22.30 22.40	Could hear music from Opa through the night until 2am. No music noise – unusual!	People from Opa talking loudly in front of our flat.
Sat 16 th Aug	23.00 0.05 2.20 2.45 3.05 8.00 22.30	Loud music started – later than usual. Audible music. All quiet!	Woken by people outside. Woken again by loud shouting outside. Obviously people leaving Opa. Woken again by more talking/shouting. Many fag ends found by our gate and down steps.
		Music noise starts – disturbed going to sleep.	

Date	Time	Internal Noise	External Noise
	0.30		People talking and shouting loudly just outside our flat – disturbing our sleep.
	2.14		People leaving Opa talking loudly and shouting – disturbing our sleep.
Mon 18 th Aug	12.24		People arguing just outside our flat – disturbing our sleep. Not sure that they are from Opa.
Tues 19 th Aug	1.24		Sleep disturbed by people talking and music from Opa.
	2.06		Disturbed again by people talking very loudly outside Opa.
Weds 20 th Aug	22.54	Loud music started	People talking very loudly in front of our flat (smoking?)
	1.30		People leaving Opa talking loudly in front of our flat.
	2.22		Sleep disturbed by people leaving Opa talking loudly.
Thurs 21 st Aug	2.14		Woken by people leaving Opa and talking loudly outside our flat.
Fri 22 nd Aug	2.22		Loud music audible – difficult to get to sleep.
Sat 23 rd Aug	0.00		Woken by people leaving Opa and talking loudly outside our flat.
	2.30		Woken by people leaving Opa and talking loudly outside our flat.
Sun 24 th Aug	23.00	Could hear music loudly until 2am. Surely not allowed on Sunday even on Bank holiday?	

Date	Time	Internal Noise	External Noise
Tues 26 th Aug	2.30		Woken by people leaving Opa and talking and shouting very loudly outside our flat.
	0.20		Woken by people talking outside Opa.
Fri 29 th Aug	2.05 –		Woken by people leaving Opa –
	2.30		disturbed until 2.30am
	22.05	Music starts	
23.50	Made phone call to Opa to complain about noise from loud dance music, but they did not answer for a long time. Eventually answered 5 minutes later. Could hear loud dance music from the phone so they could not hear what I said, then they suddenly hung up. Called Opa again and again had to wait for a while. When they answered, still very loud dance music from the phone so difficult to hear what I said. Eventually they understood the complaint and apologized, but still loud dance music afterwards. Whatever they did didn't make much difference.		
0.30	Can still hear dance music.		
1.05		Disturbed by people outside Opa shouting and talking loudly.	
1.35		Woken up again by people talking and shouting loudly. Someone came down the steps to our flat presumably	

Date	Time	Internal Noise	External Noise
Sat 30 th Aug	22.30 23.00 – 0.00	Very warm night tonight. Could hear dance music coming from Opa.	<p data-bbox="1329 990 1368 1123">to urinate.</p> <p data-bbox="1044 990 1227 1473">People from Opa talking and shouting just outside our flat. Very noisy for a long time – seemed almost like a street party! Prevented us from getting to sleep.</p>
	1.05		<p data-bbox="887 990 1028 1473">Woken by people shouting and talking outside Opa. Sounds like someone vomiting on the pavement just outside our flat.</p>
	1.34	Woken up by loud dance music from Opa.	
	2.05		<p data-bbox="715 990 777 1473">Woken again by people shouting and talking outside Opa.</p>
	2.40 – 3.00		<p data-bbox="409 990 691 1473">Woken again by people leaving Opa talking, shouting and screaming very loudly just outside our flat. Tonight was absolutely awful, presumably partly due to the warm weather. If it hadn't rained so much this summer, this is what it could be like every weekend!</p>
Sun 31 th Aug	11.00		<p data-bbox="315 990 385 1473">Many fag ends found by our gate and down steps.</p>
Mon 1 st Sep	1.32	Quiet. No dance music even after 23.00.	<p data-bbox="268 990 307 1218">Raining all night.</p> <p data-bbox="181 990 213 1473">Woken by people talking just outside</p>

Date	Time	Internal Noise	External Noise
Tue 2 nd Sep	Quiet. Even after 23.00.	of our flat.	Raining all evening and night.
Wed 3 rd Sep	Quiet. Even after 23.00.	Woken by people talking outside of our flat.	People shouting, talking, screaming for about 10 minutes.
Thu 4 th Sep	Both away tonight.	People continuously talking outside of flat.	People continuously talking outside of flat.
Fri 5 th Sep	23.00	Dance music started. Noisier than usual.	2 people urinating from pavement into basement area. Turned light on and knocked on window. They said "sorry" but did not stop.
23.40	Music a bit loud. Owner was outside so he said he would turn it down.	People continuously talking outside of flat.	4 cars parked illegally.
1.49		People talking. Police car arrived. Sound quieter afterwards.	
2.09		People start talking.	
Sat 6 th Sep	21.54	Music starts. Audible but not too loud.	
1.34		Woken by people talking outside.	
2.23		Woken by people talking loudly leaving Opa until 2.29.	
Sun 7 th Sep	Quiet.	Raining.	

Date	Time	Internal Noise	External Noise
Mon 8 th Sep		Quiet.	Raining.
Tues 9 th Sep		Quiet.	Raining.
Wed 10 th Sep	23.00	Can hear music when in lounge.	Raining.
Thu 11 th Sep		Quiet.	Raining.
	2.08		Woken briefly by people leaving Opa.
Fri 12 th Sep	2.23		Woken by people leaving Opa.
Sat 13 th Sep	22.00	Dance music started.	Warm weather.
	23.10	Dance music quite loud.	People talking, shouting, screaming.
Mon 15 th Sep	1.54		Woken by people talking, shouting.
Wed 17 th Sep			Woken a couple of times by people shouting, talking.
Thu 18 th Sep	2.22		Woken by people leaving Opa.
Fri 19 th Sep	23.00	Noisy dance music. Woken several times by music and people.	Woken several times by music and people.
	12.04		Woken by people shouting. Someone on the phone, shouting "I'm going to Opa! ... Opa! ... Opa!" so obviously Opa's customer.
	12.40		Woken by people shouting.
	2.28		Woken by people leaving Opa.
Sat 20 th Sep	21.56	Noisy dance music	
	23.10	Complained to Opa, better afterwards.	

Date	Time	Internal Noise	External Noise
Sun 21 st Sep	0.00	Dance music audible, quite noisy.	Woken by people shouting, talking outside of our flat.
	2.00		Woken by people shouting, talking.
	2.30		Woken by people shouting, talking.
Mon 22 nd Sep		Not well, so taken medicine. Slept well.	
Tue 23 rd Sep	1.30	Dance music audible.	Woken by people talking outside.
Fri 26 th Sep	23.10	Dance music audible.	People talking outside continuously.
Sat 27 th Sep	22.00	Dance music started.	
	23.00	Dance music audible – noisy.	
	2.05		Woken up by people talking, shouting continuously just outside our flat until 2.45.
	1.10	Dance music very loud.	Woken by people shouting, talking. Someone opened the gate and came down the steps.
Wed 1 st Oct	1.23	Dance music very loud. Could not go back to sleep because of music.	Went out to close the gate.
Thu 2 nd Oct	1.56	Music stopped.	People leaving Opa shouting, talking loudly. They were shouting "Opa! Opa!" so obviously Opa's customers.
	14.45		Bumped into Opa staff and complained about the noise on the previous night. He just said "Okay".
	23.00	Music started, but not too noisy.	

Date	Time	Internal Noise	External Noise
Fri 3 rd Oct	2.26	Music audible, but not noisy. Slept well – did not wake up at all. (Unusual for a Friday – is it because of complaint or cold weather?)	Woken by people talking. Cold weather.
Sat 4 th Oct	23.00	Music audible, but not noisy.	Cold weather. Unusually quiet.
Mon 6 th Oct	2.09		Woken by people leaving Opa – talking, shouting, singing. More people talking and shouting until 3am.
Tue 7 th Oct	2.05		Woken by a man talking loudly on a phone.
Wed 8 th Oct	2.05		Woken again by a man talking on a phone in front of the flat for a while.
Thu 9 th Oct	10.30	Quiet.	Woken by noise of people talking outside.
	0.45	Woken by noise of music and people talking outside.	Woken by noise of music and people talking outside.
	1.00	Complained by phone to Opa. They answered at 1.05 but they couldn't hear because the music was so loud and hung up. Called again but no answer by 1.10.	
	1.20	Complained directly to Opa and spoke to owner.	We saw at least a dozen people outside Opa smoking and talking loudly. Called to police about noise from people outside smoking.

Date	Time	Internal Noise	External Noise
	1.25	Music noise slightly less noisy, but still audible.	
	1.35	Music still audible until 2am.	Noise from people outside quieters for 10 – 15 mins, presumably because police arrive. Afterwards the noise continues as before.
	2.00	Music stops.	Loud noise from people talking, shouting and singing while leaving Opa, continuing until 2.30am.
Fri 10 th Oct	2.30	All quiet, but still could not sleep. So tired because of last night, we sleep through this night with no disturbance.	
Sat 11 th Oct	21.45	Music started earlier than usual.	
	23.00	Audible music preventing us from sleeping.	Woken by noise from people outside Opa and someone urinating from the pavement into our basement area. Kept awake by noise from what seems like a big crowd of people outside talking loudly and laughing.
	0.19		Lots of noise from people talking loudly, shouting and singing tonight on and off from 0.20.
	0.20		Noise from people leaving Opa continuously until 3am including maybe staff from Opa.
	1.48	Music stops a bit earlier.	
	3.00	Quiet.	

Previous to extension of closing time

Date	Time	Internal Noise	External Noise
Prior to 6 th Aug 2008	22.30	Friday and Saturday - bass-heavy dance music is usually audible from Opa from about this time. Increasingly on Thursday and other days of the week as well. A number of times we have complained directly to Opa and they have turned it down slightly, but usually still clearly audible.	Friday and Saturday - usually woken or disturbed by people talking loudly or shouting when leaving Opa. Also increasingly during the week.
	1.45		Usually quieters down by this time. This behaviour was more or less regular since they opened, but the noise from people leaving has been getting louder and louder the more popular they get.
	2.15		

Log of excessive noise and other detrimental activities:

- 1) **Friday, Jan 15th 2010 @11pm – 3:00am (Sat, Jan 16th)** excessive noise from OPA, people shouting/yelling/singing on pavement having exited OPA – No attempt by staff to move them on
- 2) **Wednesday, Jan 20th 2010 @11pm – 2:40am (Jan, Thurs 21st)** excessive noise from OPA, people shouting/yelling/singing on pavement having exited OPA – No attempt by staff to move them on
- 3) **Sunday, Jan 24th 2010 early am,** people urinating into the basement area of residential properties next to OPA. excessive noise from OPA, people shouting/yelling/singing on pavement having exited OPA – No attempt by staff to move them on
- 4) **Wednesday, Jan 27th 2010 @11pm – 3:15am (Thurs, Jan 28th)** excessive noise from OPA, people shouting/yelling/singing on pavement having exited OPA – No attempt by staff to move them on
- 5) **Thursday, Jan 28th 2010,** Complaint logged with Environmental Health @10:05am 28th – expected call back from licensing dept and/or Environmental Health
- 6) **Thursday, Jan 28th 2010,** visited OPA to ask to speak to owner left number – no call back
- 7) **Thursday, Jan 28th 2010 @11pm – 2:50am (Fri, Jan 29th)** excessive noise from Music people shouting on pavement having exited OPA – No attempt by staff to move them on
- 8) **Friday, February 5th 2010 @10:30pm – 3:30am (Sat, Feb 6th)** excessive noise from Music and people shouting on pavement – No attempt by staff to move them on
- 9) **Sunday, February 7th 2010** excessive music from OPA @ around **01:30am** called police **12:30am** – private party
- 10) **Wednesday, February 10th 2010 @11pm- 2:40am (Thurs Feb 11th)** excessive noise from OPA and people shouting on street – No attempt by staff to move them on
- 11) **Saturday, February 13th 2010** visited OPA to ask to speak to owner left number – no call back, later @11pm – 3:20am excessive noise from OPA and people shouting on street – No attempt by staff to move them on
- 12) **Wednesday, February 17th 2010 @10:45pm – 3:10am (Thurs 18th Feb)** excessive noise from OPA and people shouting at front and side of property asked – No attempt by staff to move them on. Photographs Taken
- 13) **Thursday, February 25th 2010 @11pm – 3:00am (Fri 26th Feb)** excessive noise from OPA and people shouting on street – No attempt by staff to move them on
- 14) **Friday, February 27th 2010 @11pm – 3:45am (Sat 28th Feb)** excessive noise from OPA and people shouting on street. – No attempt by staff to move them on. Photographs Taken
- 15) **Saturday, February 28^h 2010 @11pm – 3:40am (Sun 29th Feb)** excessive noise from OPA and people shouting on street – No attempt by staff to move them on

- 16) **Monday, March 1st 2010 @11pm – 3:15am (Tue 2nd March)** excessive noise from OPA, people shouting and singing on street – police called **around 2:15am (March 2nd)**
- 17) **Tuesday, March 2nd 2010 @11pm –2:30am (Wed 3rd March)** excessive noise from OPA and people shouting on street – No attempt by staff to move them on
- 18) **Wednesday March 3rd @10:30pm – 2:45am (Thurs 4th March)** excessive noise from OPA and people shouting/Yelling and Singing on street – Live music played in street 3 meters from residents windows @ **12:42am (Thurs 4th March)** Police called @ **around 1:35am (Thurs 4th March)**
- 19) **Thursday March 4th 2010** – complaint logged with Environmental Health @ **4:50pm**

Sound Log OPA			
Day	Date	Start	Finish
Tuesday	20/07/2010	23:00	02:00
Wednesday	21/07/2010	23:00	02:00
Thursday	22/07/2010	22:45	02:15
Friday	23/07/2010	22:30	02:20
Saturday	24/07/2010	22:30	02:15
Monday	26/07/2010	22:00	02:05
Wednesday	28/07/2010	22:00	02:05
Friday	30/07/2010	22:30	02:20
Wednesday	04/08/2010	22:00	02:20
Wednesday	11/08/2010	22:00	02:00

Loud Bass noise, vibrates windows. People shouting.
Some nights music very loud and people within premises
can be heard shouting. Thud of Bass vibrates objects
inside room. Can hear the bass clearly over the sound of TV.
Can't sleep most nights due to people screaming and shouting
whilst leaving premises up to 3am on any given night.

Evidence to support attached objection



Fig 1

(People queuing and shouting less than 3 metres from resident's windows Sat 27th Feb 2010)

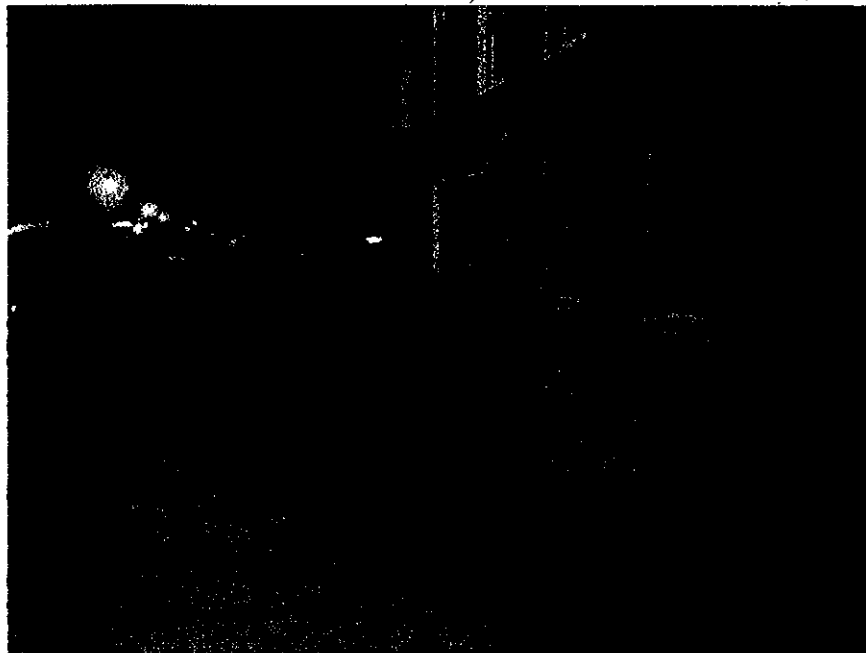


Fig 2

(Rubbish being thrown and People queuing and shouting less than 3 metres from resident's windows, Sat Feb27th 2010)

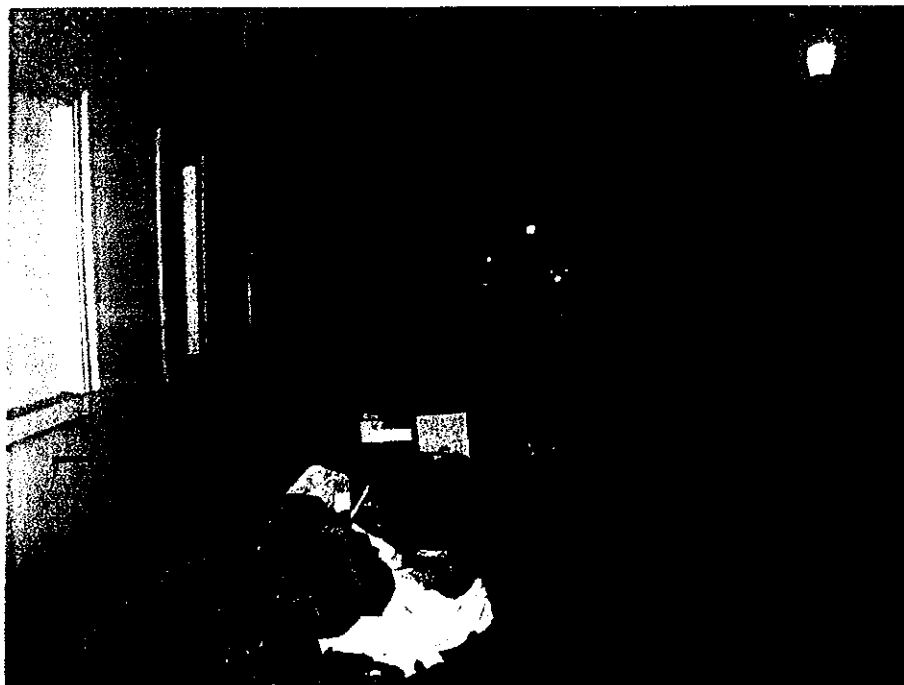


Fig 3
(People outside residents windows, Thursday am 18th Feb 2010)

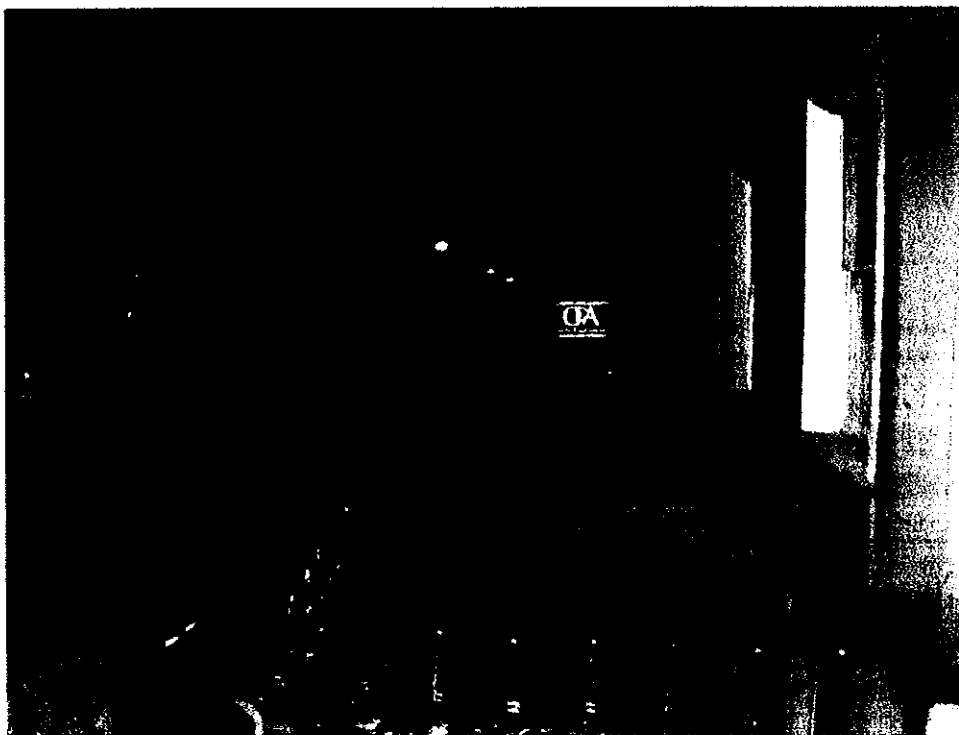


Fig 4
People queuing and Doorman standing to left of "OPA" sign without fluorescent jacket.
(Thursday am 18th Feb 2010)

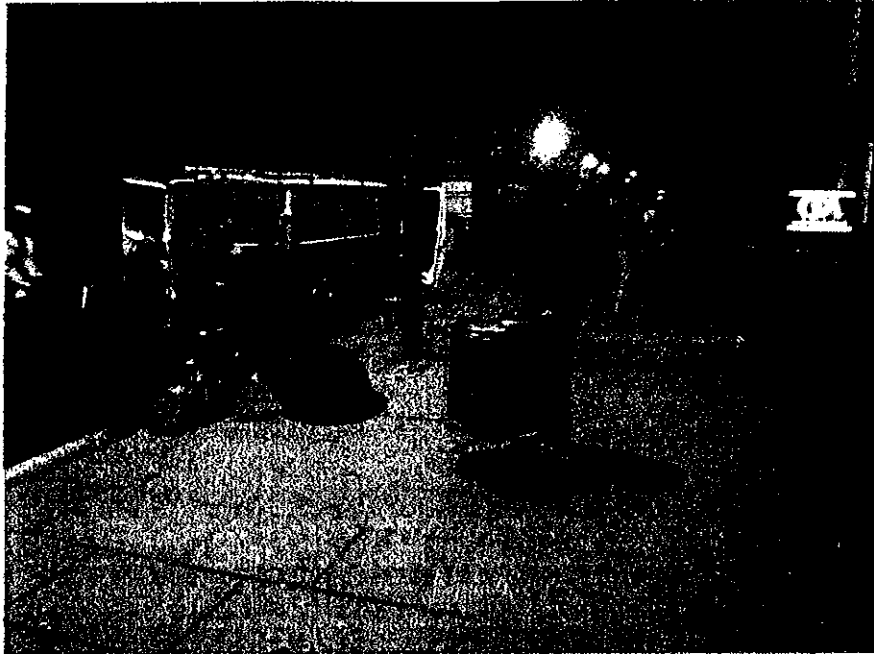


Fig 5

(Live music in street 3 metres from the front of residential property and no Doorman present. Thursday 4th March 2010@ 00:42am)



Fig 6

(Live music in street 3 metres from the front of residential property and no Doorman present. Thursday 4th March 2010@ 00:42am)

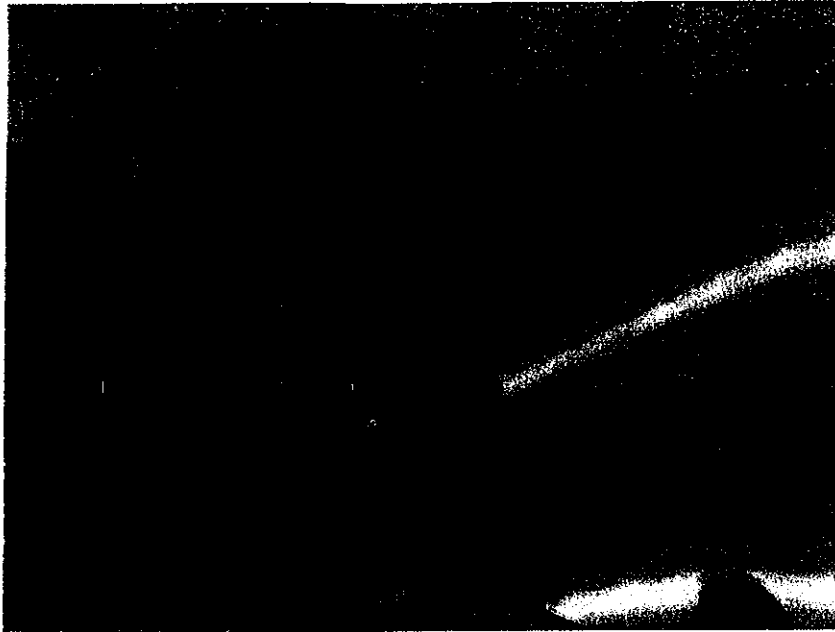


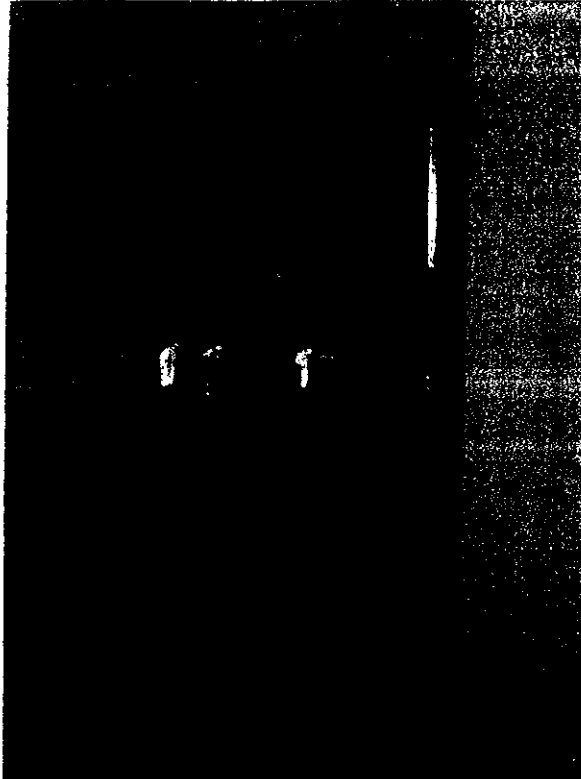
Fig 7

(Doorman with no fluorescent jacket in centre of photo by doorway and "special" lighting)



Fig 15

(Rubbish in basement area)



23.30 Friday 6th August 2010. Doorman with no high visibility jacket. Door man is the one on the right in white shirt with a tie.



23.30 Friday 6th August 2010. Customers on lower terrace past the 8pm cut off
Picture unclear due to it being dark that late at night.

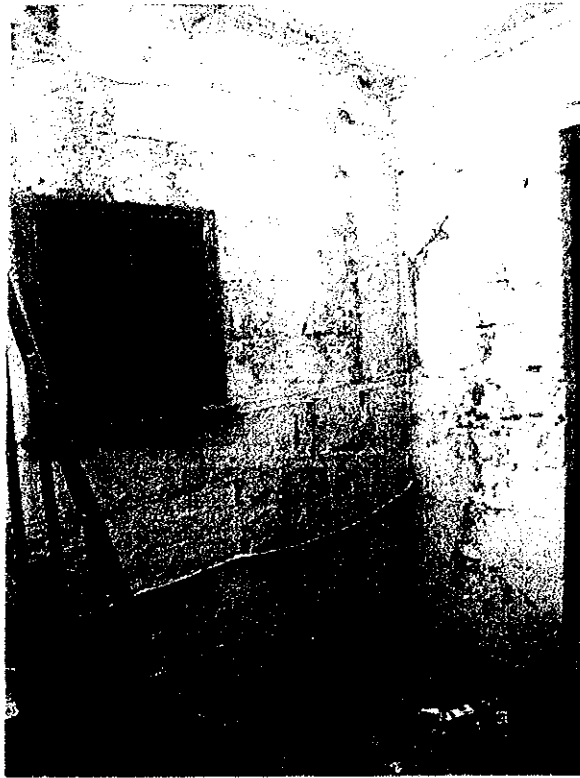
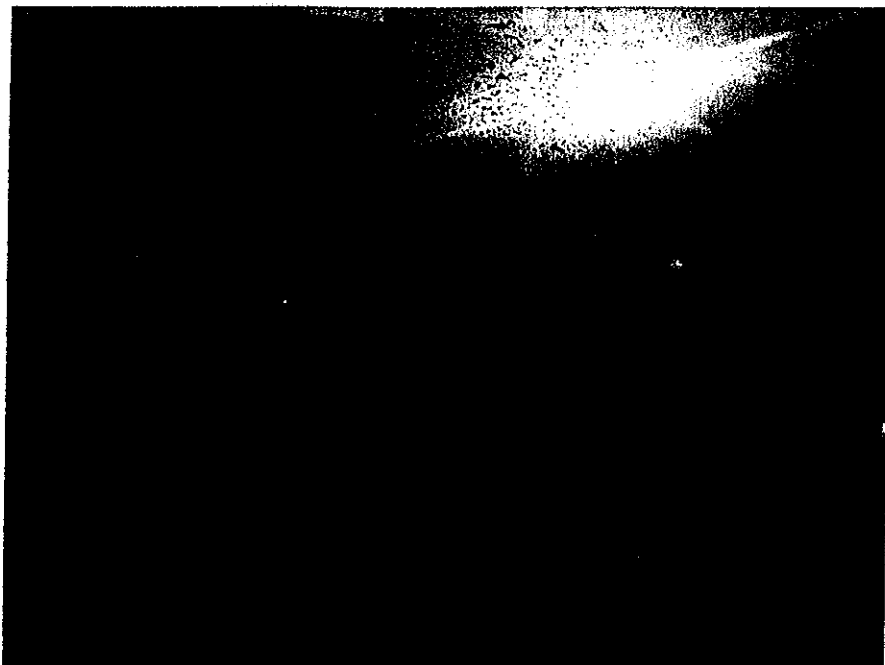


Fig 16
(Rubbish in Basement area adjacent to OPA)



Fig 17
(Fag butts thrown from queue into basement)



23.30 Saturday 14th August – a large group queuing to get into Opa, blocking front doors.



ACOUSTIC CONSULTANTS LTD

RALEIGH HOUSE
WELLSWAY
KEYNSHAM
BRISTOL BS31 1HS

TELEPHONE	0117 - 9862956
FACSIMILE	0117 - 9860554
EMAIL	mail@acoustic-ltd.co.uk
WEBSITE	www.acoustic-ltd.co.uk

**OPA BATH LIMITED
14 NORTH PARADE
BATH
BA2 4AJ**

ENVIRONMENTAL NOISE REPORT

CLIENT:

Advanced Studies in England
Nelson House
2 Pierrepont Street
Bath
BA1 1LB

ARCHITECT:

GL Hearn
The Malt House
17-20 Sydney Buildings
Bath
BA2 6BZ

NOISE & ACOUSTIC CONSULTANTS:

Acoustic Consultants Limited
Raleigh House
Wellsway
Keynsham
Bristol
BS31 1HS

Reference: 4723/DO/sm

March 2010

OPA BATH LIMITED
14 NORTH PARADE
BATH
BA2 4AJ

ENVIRONMENTAL NOISE REPORT

INDEX

	PAGE
1.0 INTRODUCTION	3
2.0 SITE NOISE MEASUREMENTS	3
3.0 SUBJECTIVE ASSESSMENT	6
4.0 OBJECTIVE ASSESSMENT CRITERIA	7
5.0 OBJECTIVE ASSESSMENT OF MONITORING RESULTS	10
6.0 OTHER ISSUES	13
Figure 1/4723 - Photograph from North Parade	
Appendix 1/4723 - Measured Noise Levels	
Appendix 2/4723 - Letter from OPA Solicitors dated 20 th November 2010	
Appendix 3/4723 - Email from Diarmid Henry dated 8 th March 2010	
Appendix 4/4723 - Email from Diarmid Henry dated 15 th February 2010	

OPA BATH LIMITED
14 NORTH PARADE
BATH
BA2 4AJ

ENVIRONMENTAL NOISE REPORT

1.0 INTRODUCTION

Advanced Studies in England appointed Acoustic Consultants Limited to experience and comment upon the acceptability of noise from OPA Bath Limited operations as it affects the existing residential properties at 14 North Parade, Bath.

Our appointment addresses noise from the OPA premises in relation to a Planning Application for a change of use from A3 use (restaurants and cafés) to mixed use as restaurant, bar and nightclub (Application Reference: 10/00054/FUL).

We have been informed that OPA is currently operating as a bar and nightclub without the appropriate planning consent and that there have been complaints from residents with regard to noise. This resulted in a Noise Abatement Notice being enforced on the premises in October 2008.

The report provides the results and conclusions with regard to noise from OPA operations as it affects the residential premises at 14 North Parade, Bath, in terms of planning.

2.0 SITE NOISE MEASUREMENTS

Noise measurements were undertaken over the weekend of Saturday 20th March 2010.

An attended noise survey was undertaken between 00:25 hours and 02:00 hours on the 20th March 2010. Unattended noise monitoring was undertaken from 02:00 hours on the 20th March 2010 and finished at 07:00 hours on the 22nd March 2010.

The equipment used was as follows:

Table 1 : Noise Monitoring Equipment

Equipment Description / Manufacturer / Type	Serial number	Date of expiration of calibration	Calibration Certification Number
Real Time Analyser, CEL, Type 593	3/0472212	04/05/10	73112
Pre-Amplifier, CEL, Type 527	3/1262243	04/05/10	73112
Microphone, CEL, Type 250	7134	04/05/10	73112
Calibrator, CEL, Type 110	045169	04/05/10	73160

The equipment was checked before and after use with the calibrator and no drift greater than 0.1 decibels was detected.

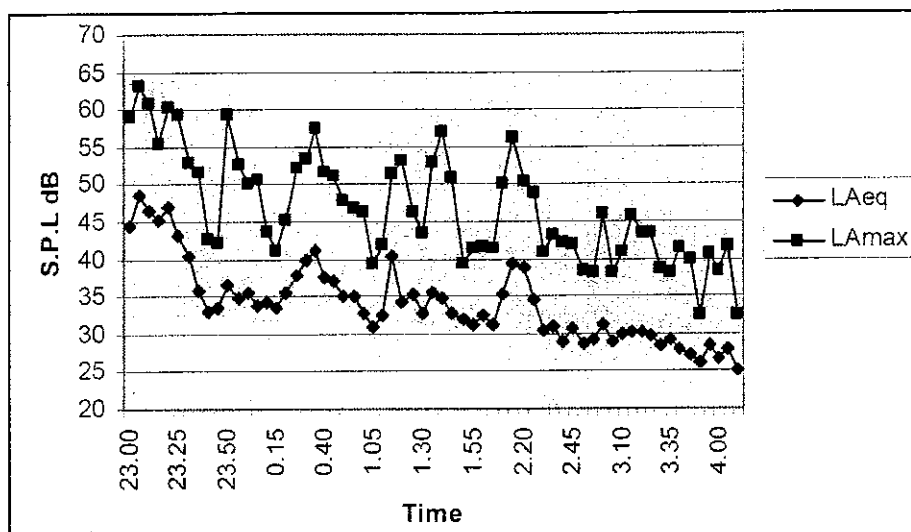
The sound level meter was set to measure noise levels within the basement flat living room which faces the terrace of OPA and North Parade. This was to measure noise from activities within the OPA premises and patrons of the premises outside.

The most significant source of noise affecting the residential premises during the attended survey was from patrons of OPA on the pavement directly outside the building comprising of talking, shouting, laughing and occasional swearing. This comprised two groups of people. There were people queuing to enter the premises (there was a queue until approximately 01:00 hours). There were also patrons temporarily leaving the premises to smoke up on the North Parade. There were people outside until the end of the attended monitoring session at 02:00 hours. The latter congregated in an area to the east of the premises entrance directly in front of the front door of the flats. There are other licensed premises along North Parade, but the noise from these other premises was not significant.

Music from OPA was audible in the basement living room with the doors to the premises shut. It was possible to determine the song being played. When the external door to the terrace was open it was significantly louder.

The full monitoring data measured within the basement flat living room is provided in Appendix 1/4723. The following chart shows the equivalent noise level, $L_{Aeq} (5 \text{ minutes})$ decibels and maximum noise levels $L_{Amax} (f)$ decibels for 5 minute duration measurements between 23:00 hours on Saturday 20th March 2010 and 04:00 hours on Sunday 21st March 2010.

Table 2 : Chart showing measured noise levels in basement flat living room (5 minute duration measurements)



OPA closes at 02:00 hours. As can be seen from the chart the maximum (L_{Amax}) and equivalent noise levels (L_{Aeq}) drop significantly after 02:30 hours. The trend on the previous night is similar.

Short term noise measurements were undertaken in the ground floor common room between 00:43 hours and 01:14 hours to measure noise levels from patrons on the pavement. The common room window is directly above the entrance stairwell to OPA.

It is our opinion that noise levels measured in this location from patrons voices when outside on North Parade are representative of noise experienced in the ground floor flat bedroom on the other side of the front door.

The following table provides the measured noise levels within the ground floor common room due to patrons of OPA queuing outside, entering and leaving the premises and smoking. The most significant source of noise was from people talking, laughing and shouting. The monitored recordings were paused for passing road traffic.

The results are as follows:

Table 3: Measured noise levels from patrons outside OPA in ground floor common room (5 minute duration measurements).

Date and time	L_{Aeq}(5 minutes) dB	L_{Amax}(f) dB
20/03/2010 00:43	43	57
20/03/2010 00:48	42	54
20/03/2010 00:53	40	56
20/03/2010 00:58	41	61
20/03/2010 01:03	41	54
20/03/2010 01:08	42	55

3.0 SUBJECTIVE ASSESSMENT

There are two separate noise sources from OPA activities affecting the residential premises at 14 North Parade, firstly noise from people and groups of people outside the premises and secondly amplified music from within the premises.

The most significant source of noise affecting the rooms in the basement flat and the ground floor flat was noise from patrons of OPA on the pavement directly outside the building comprising of talking, shouting, laughing and occasional swearing.

This comprised of two groups of people as noted in Section 2. It was those queuing to enter the premises (there was a queue until approximately 01:00 hours) and those temporarily leaving the premises to smoke (there were people outside until the end of the attended monitoring session at 02:00 hours).

The latter congregated in an area to the west of the premises entrance, directly in front of the front door of the flats. During the attended monitoring exercise the terrace of OPA was closed.

With the windows closed the conversations from patrons outside could clearly be heard within the rooms assessed in the basement and ground floor. This would be considerably worse if the windows were open, which is likely in warmer weather. It is my opinion that this noise will adversely affect the use of the habitable rooms whether they are used as a living space or a bedroom.

Amplified music within the basement living room was audible during the attended noise monitoring exercise with the windows closed and the door between OPA and the terrace shut. When in the basement flat living room, it was possible to distinguish the song being played in OPA. It is my opinion that this noise will adversely affect the use of the habitable rooms whether they are used as a living space or a bedroom.

During the attended monitoring, the door between OPA and the terrace was open for a short time between 01:27 and 01:31 hours. During this time the music was significantly louder and more intrusive.

4.0 OBJECTIVE ASSESSMENT CRITERIA

The Department of the Environment (now Department of the Environment Transport and the Regions) document Planning Policy Guidance Document 24 (September 1994) entitled Planning and Noise provides relevant guidelines in relation to noise. The document preface states that it outlines the considerations to be taken into account in determining Planning Applications both for noise-sensitive developments and for those activities which will generate noise.

With regard to 'Noisy Development' paragraph 10 states that:

"local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions."

With regard to 'Noise from industrial and commercial developments' Paragraph 20 Annex 3 states:

"Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Local Planning Authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity."

4.1 Good Practice Guide on the Control of Noise from Pubs and Clubs

There is no British Standard which can be used to assess noise from a bar or club. The most relevant guidance is provided in the Institute of Acoustics document "Good Practice Guide on the Control of Noise from Pubs and Clubs" published in March 2003. This addresses amplified music and the more relevant extracts are as follows:

2. SCOPE

- 2.1 *This document provides guidance for the assessment and control of noise affecting noise-sensitive properties, from the public and private use of public houses, clubs, hotels, discotheques, restaurants, cafes, community or village halls and other similar premises. The main noise sources considered are music; singing; public address (PA) systems; children's play areas; beer gardens; people in general; car parks and access roads; deliveries; collections; materials handling; plant and machinery; and skittle alleys. Noise arising from live sporting events held at such premises is not covered by this document.*
- 2.2 *The purpose of this Guide is to assist local authority officers and venue management and their staff in the prevention of noise disturbance and in the investigation and resolution of noise complaints. It is also intended to assist with the planning and licensing of proposed or existing premises.*
- 2.3 *The original intention was to include objective noise criteria in this document, or in a separate but related document, that could have been used to assess and control noise from all the main sources of noise that can be present at pubs, clubs and similar premises. However, it has not been possible to subject the new criteria that have been developed and proposed by the working party to a satisfactory validation process.*

It is hoped that future research will lead to the publication of criteria that have been fully validated in terms of human response and have been subject to trials which confirm their practicability in terms of measurement, enforcement and use within the planning process. Until such criteria are developed, it is recommended that local authorities and others should devise and apply policies having regard to this guide and taking into account local circumstances and existing licensing and planning policies.

- 2.4 *Music, singing and speech, both amplified and non-amplified, are common sources of noise disturbance arising from the premises listed in 2.1 above. As far as these sources are concerned, the purpose of developing the objective noise criteria mentioned in 2.3, should be to attempt to ensure that:*
- For premises where entertainment takes place on a regular basis, music and associated sources should not be audible inside noise-sensitive property at any time. In the absence of the objective criteria mentioned in 2.3, what is "regular" should be determined on a local basis to reflect local expectations and should be incorporated by local authorities in the planning and enforcement policies (see Section 4); and*

- For premises where entertainment takes place less frequently, music and associated sources should not be audible inside noise-sensitive property between 23.00 and 07.00 hours. For other times, appropriate criteria need to be developed which balance the rights of those seeking and providing entertainment with those who may be disturbed by the noise.

For the purposes of this document, noise may be considered not audible or inaudible when it is at a low enough level such that it is not recognisable as emanating from the source in question and it does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question. A more simplistic explanation of the term "inaudible" is given in Appendix "B".

- 2.5 The determination of "nuisance" is not within the scope of this Guide, however, the Guide may be useful in forming a view on the likelihood that a "nuisance" has occurred, is occurring or could occur.
- 2.6 The Guide should not be used to determine or enforce noise standards for occasional music events of the type covered by the Code of Practice on Environmental Noise control at Concerts [1]."

It is important for amplified music to be inaudible within noise sensitive properties to minimise the impact on residents. If speech is audible within a habitable room it is not necessarily a nuisance. However, it should be controlled to acceptable noise levels to allow reasonable sleeping and resting conditions within a residential property. Swearing, shouting and other anti-social noise will have a greater impact on residents than general calm conversation. Further advice on maximum internal equivalent noise levels is provided in the following section.

4.2 British Standard 8233:1999

British Standard 8233:1999 entitled "Sound insulation and noise reduction for buildings – Code of Practice" provides internal design criteria as a result of external anonymous noise sources in relation to design criteria in Tables 5 and 6. The relevant extracts from Tables 5 & 6 are as follows:

Table 4: BS 8233 Maximum Internal Equivalent Noise Levels

Criterion	Typical Situations	Design Range $L_{Aeq,T}$	
		Good	Reasonable
Reasonable resting / Sleeping conditions	Living Rooms	30	40
	Bedrooms	30	35

In addition, it states that levels from individual events in bedrooms at night should not normally exceed 45 dB L_{Amax} on the fast time weighting.

The above noted criterion is for anonymous constant noise such as road traffic. Music and speech is a more noticeable type of noise and is therefore likely to have a greater impact on nearby noise sensitive premises.

When assessing noise of this nature it is common practice to apply a penalty correction to the British Standard criteria, normally -5 decibels.

In our opinion it is suitable to work to the 'Reasonable' range. However, within Bath & North East Somerset, the majority of residential developments in noisy areas are required to achieve the 'Good' design range by the Local Planning Authority. With a -5 decibel acoustic feature correction (a penalty for the distinctive type of noise) the maximum internal noise levels are as follows:

Table 5 : Internal noise level criteria for noise from patrons outside

Criterion	Typical Situations	Design Range $L_{Aeq,T}$	
		Good	Reasonable
Reasonable resting / Sleeping conditions	Living Rooms	25	35
	Bedrooms	25	30

Individual events in bedrooms at night should not normally exceed 45 dB L_{Amax} on the fast time weighting.

It is our opinion that the noise level at night from OPA operations and activities of its patrons should not exceed the above noted noise levels within the residential properties when determined over the worst case 5 minute period.

5.0 OBJECTIVE ASSESSMENT OF MONITORING RESULTS

The following section compares the results of the noise monitoring survey against the objective assessment criteria noted in Section 4 above. It is our opinion that the Good Practice Guide on the Control of Noise from Pubs and Clubs is the most appropriate assessment method for amplified music and activities within the OPA premises in terms of planning. The guide also addresses noise from patrons of pubs and clubs outside the premises.

If natural calm speech is audible within a habitable room it is not necessarily a nuisance, although it should be controlled to acceptable noise levels to allow reasonable sleeping and resting conditions within a residential property. As such we recommend that noise from patrons should be assessed in accordance with the criteria set out in Section 4.2.

Noise from the OPA premises should not impact on the normal living conditions in the residential properties. Any assessment should consider the possibility that the occupiers should be able to open the windows of the flats and still not be adversely affected by noise from OPA.

5.1 Good Practice Guide on the Control of Noise from Pubs and Clubs

The guide states that:

“For premises where entertainment takes place on a regular basis, music and associated sources should not be audible inside noise-sensitive property at any time.”

During the attended measurements of 20th March 2010 amplified music within the basement living room was audible with the windows closed and the door between OPA and the terrace shut. When in the basement flat living room it was possible to distinguish the song being played in OPA.

During the attended monitoring the door between OPA and the terrace was open for a short time between 01:27 and 01:31 hours. During this time the music was significantly louder and more intrusive. A letter dated 20th November 2009 from Mark Hoare Solicitors (the Solicitor for OPA) was submitted to the Local Planning Authority in support of the Planning Application (Appendix 2/4723). In the first paragraph of Section C it states:

“The premises has no air conditioning. Therefore, the rear door sometimes has to be kept open in order for the premises to be ventilated, particularly since it is, after all, a restaurant, but also when the premises are busy.”

With the door open or closed music from OPA is audible within the basement flat and as such does not meet the guidance provided within the Code of Practice. If the occupant were to open the windows of the property the noise level would be even louder.

5.2 Internal ambient noise level criteria

The most sensitive habitable room is the ground floor bedroom to the east of the front door to the flats. The area of pavement in front of the windows is used by patrons queuing and smoking.

Internal ambient noise levels were measured in the basement flat living room and the ground floor common room with the windows closed. The measurements in the Common Room were paused to omit extraneous noise such as vehicle traffic. The Common Room is directly above the entrance to OPA on North Parade to the west of the front door to the flats. It is our opinion that noise levels in the bedroom will be similar or marginally greater than those in the Common Room. The measurements in both rooms were with the windows closed. If the windows are open the noise levels would be significantly higher.

The range of the measured noise levels in each room with the windows closed are as follows:

	$L_{Aeq(5 \text{ minutes})}$ dB	$L_{Amax(t)}$ dB
Internal design criteria	25	45
Basement flat living room	31 – 39	42 – 57
Ground floor common room	40 – 43	54 – 61

As can be seen, noise from patrons of OPA significantly exceed the acceptable noise levels within the habitable rooms with windows closed. If the windows of the rooms are open the noise level would be significantly higher.

5.3 Conclusions

Noise from amplified music and activities within OPA as it affects the habitable rooms of 14 North Parade has been assessed in accordance with the Good Practice Guide on the Control of Noise from Pubs and Clubs. This states that music and associated sources should not be audible inside noise-sensitive properties at any time. From the monitoring undertaken on site, it is clear that music from within OPA is audible within the habitable rooms even when the external door is closed. Noise from patrons outside OPA is also audible.

Noise from patrons outside OPA within the habitable rooms has been compared with criteria for reasonable resting and sleeping conditions. The measured noise levels in the habitable rooms regularly exceed the design criteria with the windows closed. If the windows were opened the noise levels would be significantly louder.

If the smoking area was to be moved from the pavement to the terrace this would increase the noise levels in the basement flat. Noise levels in the ground floor flat would not change significantly as it is still exposed to patrons queuing to enter OPA and noise from people on the terrace.

The results of the monitoring exercise clearly indicate that noise from OPA within the noise sensitive properties is louder than acceptable and to adversely affect the amenity of the occupiers of the property.

6.0 OTHER ISSUES

We understand that the OPA premises currently serve food until 23:00 hours, after which it serves alcohol and plays amplified music until 02:00 hours. The current Planning Permission does not cover these activities and a Planning Application has been submitted to allow these activities to continue.

A Noise Abatement Notice was served on the premises in October 2008. The Notice states that the statutory nuisance arises from

"a) noise from amplified music and voice

and or

b) Noise caused by voice from persons or groups of persons"

Subsequent to the serving of the Abatement Notice a number of complaints have been received by the local Environmental Protection Department as outlined in the email from Diarmid Henry to David Cox on the 8th March 2010 (Appendix 3/4723). However, these do not appear to have been investigated by the Environmental Protection Department where the email states:

"While complaints have been received subsequent to the service of the abatement notice on 24 October 2008, no evidence has been obtained of a breach of this notice."

From the monitoring survey we have undertaken it is our opinion that noise from OPA activities are breaching the Abatement Notice in respect to the residential properties of 14 North Parade.

As far as we are aware the Environmental Protection Department has not undertaken an assessment in response to the noise complaints received since the service of the Abatement Notice.

In an email from Environmental Health Officer Diarmid Henry to David Cox on the 15th February 2010 (Appendix 4/4723) he confirms that he has no objections to the noted Planning Application. This statement appears to ignore the problems experienced by the residents. The application is to use the OPA premises as a restaurant bar and nightclub, activities which currently take place without Planning Permission and have resulted in a statutory noise nuisance.

In the letter from Mark Hoare Solicitor to Bath & North East Somerset Planning Services on 20th November 2009 (Appendix 2/4723) the method of minimising noise from amplified music and patrons affecting nearby residents is outlined. These measures are currently in place and must be assumed to be in place during our monitoring exercise. However, during our monitoring exercise we are of the opinion that noise from OPA activities is such that it causes an unacceptable degree of disturbance to residents. This would be supported by the Noise Abatement Notice served on the premises and the subsequent noise complaints.

In terms of planning and regardless of any Noise Abatement Notice, Planning Policy Guidance Document 24 states

"local planning authorities must ensure that development does not cause an unacceptable degree of disturbance."

From the objective and subjective assessments undertaken within the residential premises on the 20th and 21st March 2010 it can be shown that the OPA activities for which Planning Permission is being applied adversely affect the amenity of the nearby residential properties.

ACOUSTIC CONSULTANTS LIMITED	
Project:	4723 - OPA
Date:	March 2010
Appendix:	1/4723
Title:	Measured Noise in basement flat

Date and Time	LAeq	LAmx	LA1	LA90
20/03/2010 01:20	39.2	62.2	50	30
20/03/2010 01:25	39.1	55.5	47	28
20/03/2010 01:30	38.6	57.1	47	32
20/03/2010 01:35	35.9	47.2	42	31
20/03/2010 01:40	33.5	53.1	41	29
20/03/2010 01:45	33.4	56.5	41	29
20/03/2010 01:50	31.4	42.4	40	28
20/03/2010 01:55	32.4	51.2	42	28
20/03/2010 02:00	42.1	66.2	53	29
20/03/2010 02:05	37.2	53.4	48	27
20/03/2010 02:10	36.1	51.4	44	29
20/03/2010 02:15	34.8	48.7	44	29
20/03/2010 02:20	32.5	45.9	39	29
20/03/2010 02:25	33.2	42.5	39	29
20/03/2010 02:30	33.7	46.5	41	28
20/03/2010 02:35	28.3	42.1	37	24
20/03/2010 02:40	26.4	39.6	37	24
20/03/2010 02:45	29.6	41.3	37	25
20/03/2010 02:50	26.8	39.7	35	24
20/03/2010 02:55	26.8	39.3	36	24
20/03/2010 03:00	26.7	39.6	36	24
20/03/2010 03:05	29.6	43.6	40	25
20/03/2010 03:10	26.7	38.3	36	25
20/03/2010 03:15	29.1	41.4	37	25
20/03/2010 03:20	27.9	40.6	36	25
20/03/2010 03:25	26.7	38.6	36	24
20/03/2010 03:30	29.1	46.1	41	23
20/03/2010 03:35	24.4	33.1	29	23
20/03/2010 03:40	26.8	42.4	38	23
20/03/2010 03:45	26.3	40.6	37	23
20/03/2010 03:50	25	40.7	34	23
20/03/2010 03:55	23.4	28.4	25	23
20/03/2010 04:00	27.4	38.2	37	23
20/03/2010 04:05	25.8	35	34	23
20/03/2010 04:10	28.7	39.2	38	23
20/03/2010 04:15	27.5	38.8	33	23
20/03/2010 04:20	25.7	38.5	36	23
20/03/2010 04:25	23.3	26	24	23
20/03/2010 04:30	23.6	31.4	25	23
20/03/2010 04:35	24.5	35.2	33	23
20/03/2010 04:40	23.7	32.6	26	23
20/03/2010 04:45	25.5	39.1	35	23
20/03/2010 04:50	23.4	32.4	25	23
20/03/2010 04:55	26.2	41.8	38	23
20/03/2010 05:00	26.3	43.5	39	23
20/03/2010 05:05	24.1	34.8	29	23
20/03/2010 05:10	24.3	33.8	27	23
20/03/2010 05:15	24.3	35.5	31	23
20/03/2010 05:20	24.3	33.5	27	23

Date and Time	LAeq	LAmx	LA1	LA90
20/03/2010 05:25	24.7	36.9	35	23
20/03/2010 05:30	26.7	38.6	37	23
20/03/2010 05:35	29.4	43.7	42	23
20/03/2010 05:40	28.9	46.2	38	24
20/03/2010 05:45	27.7	44.4	38	24
20/03/2010 05:50	26.9	43.8	37	23
20/03/2010 05:55	29.3	44.3	42	24
20/03/2010 06:00	29	41.7	38	24
20/03/2010 06:05	29.6	40.6	39	24
20/03/2010 06:10	29.3	44.3	38	24
20/03/2010 06:15	28.2	41.5	40	24
20/03/2010 06:20	25.9	36.4	32	24
20/03/2010 06:25	33	46.5	44	25
20/03/2010 06:30	28.6	42.7	40	24
20/03/2010 06:35	26.6	38.7	35	24
20/03/2010 06:40	33.3	49.5	43	25
20/03/2010 06:45	29.2	41.3	38	24
20/03/2010 06:50	32.9	47.4	43	25
20/03/2010 06:55	37	56.8	51	24
20/03/2010 07:00	30	41.9	40	24
20/03/2010 07:05	32.6	53.3	47	24
20/03/2010 07:10	29.1	38.8	37	24
20/03/2010 07:15	28.3	40.7	37	24
20/03/2010 07:20	31.7	42.8	41	25
20/03/2010 07:25	33.6	47.3	43	26
20/03/2010 07:30	29.2	41.9	37	25
20/03/2010 07:35	31.3	45.9	42	25
20/03/2010 07:40	31.2	41.5	39	25
20/03/2010 07:45	30.4	40.1	38	25
20/03/2010 07:50	34.4	52.9	45	26
20/03/2010 07:55	30.9	40.7	39	26
20/03/2010 08:00	31.7	49.5	43	25
20/03/2010 08:05	34.5	48.8	44	26
20/03/2010 08:10	32.5	42.8	40	27
20/03/2010 08:15	37	50.1	45	29
20/03/2010 08:20	33.4	46.6	43	27
20/03/2010 08:25	34.2	57.4	40	27
20/03/2010 08:30	34.1	45.9	43	27
20/03/2010 08:35	34.2	44.7	43	26
20/03/2010 08:40	32.8	40.8	39	26
20/03/2010 08:45	33.4	51.1	43	27
20/03/2010 08:50	32.8	46.9	39	27
20/03/2010 08:55	32.5	42	38	28
20/03/2010 09:00	32.1	43.3	38	29
20/03/2010 09:05	35.3	55.3	43	29
20/03/2010 09:10	35.3	47.4	43	30
20/03/2010 09:15	33.5	43.9	39	29
20/03/2010 09:20	35.5	57.6	46	29
20/03/2010 09:25	32.1	41.3	37	29
20/03/2010 09:30	33.5	39.6	39	29
20/03/2010 09:35	30.7	40	38	26
20/03/2010 09:40	33.2	40.6	38	27
20/03/2010 09:45	31.8	39.6	39	26
20/03/2010 09:50	32	40.1	38	26
20/03/2010 09:55	32.7	41.5	38	27

Date and Time	LAeq	LAmx	LA1	LA90
20/03/2010 10:00	31.2	38.5	37	26
20/03/2010 10:05	32.5	43.1	41	27
20/03/2010 10:10	32.7	44.7	41	27
20/03/2010 10:15	34.9	50.8	45	27
20/03/2010 10:20	33.1	43.7	41	28
20/03/2010 10:25	31.4	40.8	38	26
20/03/2010 10:30	33.9	45.5	42	27
20/03/2010 10:35	37.7	61.5	49	28
20/03/2010 10:40	37.5	50.9	47	29
20/03/2010 10:45	34	48.6	43	28
20/03/2010 10:50	31.7	44.1	39	27
20/03/2010 10:55	31.9	50.7	39	27
20/03/2010 11:00	33.1	43.9	39	28
20/03/2010 11:05	34.3	45.7	40	28
20/03/2010 11:10	33.7	40.3	38	29
20/03/2010 11:15	37.7	57.3	49	31
20/03/2010 11:20	35.4	51.1	45	29
20/03/2010 11:25	37.3	57.4	47	28
20/03/2010 11:30	36	53.7	46	29
20/03/2010 11:35	39.7	59.8	50	28
20/03/2010 11:40	34.7	49	44	29
20/03/2010 11:45	34.8	43	41	28
20/03/2010 11:50	33.3	43.8	40	28
20/03/2010 11:55	32.6	42.8	40	28
20/03/2010 12:00	38.6	61.6	46	28
20/03/2010 12:05	34.6	43	40	29
20/03/2010 12:10	33.5	42	38	29
20/03/2010 12:15	33	43.7	39	28
20/03/2010 12:20	35.3	50.5	45	28
20/03/2010 12:25	34.3	50.3	39	29
20/03/2010 12:30	33.2	44.9	38	28
20/03/2010 12:35	34.4	58	44	27
20/03/2010 12:40	31.4	39.7	38	27
20/03/2010 12:45	32.9	47.5	40	27
20/03/2010 12:50	32.3	41.3	38	28
20/03/2010 12:55	31.9	51.7	37	26
20/03/2010 13:00	32.3	42.9	37	28
20/03/2010 13:05	34.1	47.6	45	27
20/03/2010 13:10	32.8	41	39	28
20/03/2010 13:15	32.8	45.7	41	27
20/03/2010 13:20	33.1	46.1	41	27
20/03/2010 13:25	32.5	42	39	27
20/03/2010 13:30	31.6	39.2	37	27
20/03/2010 13:35	32	39.6	38	27
20/03/2010 13:40	32.3	41.9	38	27
20/03/2010 13:45	33.3	48.6	40	28
20/03/2010 13:50	33.6	48.1	42	28
20/03/2010 13:55	32.4	45.8	40	27
20/03/2010 14:00	34.1	48.1	43	28
20/03/2010 14:05	33	43.4	39	28
20/03/2010 14:10	33.4	41.2	39	28
20/03/2010 14:15	33.2	50.3	40	28
20/03/2010 14:20	32.5	42.5	40	27
20/03/2010 14:25	32.3	42.4	39	27
20/03/2010 14:30	39.1	71.1	42	27

Date and Time	LAeq	LAmx	LA1	LA90
20/03/2010 14:35	44.8	78.1	42	27
20/03/2010 14:40	33.9	50.8	46	26
20/03/2010 14:45	33.5	47.3	43	28
20/03/2010 14:50	31.8	46.2	38	27
20/03/2010 14:55	32.3	43.6	39	27
20/03/2010 15:00	32.1	42.4	38	28
20/03/2010 15:05	33.3	45.2	42	27
20/03/2010 15:10	34	45.5	42	27
20/03/2010 15:15	39.8	55.2	52	28
20/03/2010 15:20	35.5	53.4	47	26
20/03/2010 15:25	34.7	51.3	42	28
20/03/2010 15:30	32.1	45	39	27
20/03/2010 15:35	31.8	41.5	37	27
20/03/2010 15:40	33.1	46.9	43	27
20/03/2010 15:45	31.7	44.2	38	27
20/03/2010 15:50	33.1	44.8	43	28
20/03/2010 15:55	32.8	52	40	27
20/03/2010 16:00	31.1	41.9	38	27
20/03/2010 16:05	33.4	47.8	41	28
20/03/2010 16:10	34.6	44.5	41	29
20/03/2010 16:15	31.6	40	38	28
20/03/2010 16:20	31.7	39.9	38	26
20/03/2010 16:25	32.6	44.8	41	27
20/03/2010 16:30	32.9	49.4	40	26
20/03/2010 16:35	35.4	44.2	42	28
20/03/2010 16:40	34.1	47.2	42	27
20/03/2010 16:45	36.1	52.7	44	29
20/03/2010 16:50	33.4	43.9	40	27
20/03/2010 16:55	33.2	44.8	42	27
20/03/2010 17:00	33.7	44.4	42	26
20/03/2010 17:05	33.2	39.8	38	28
20/03/2010 17:10	32.9	45.2	40	27
20/03/2010 17:15	34.3	41.6	39	28
20/03/2010 17:20	33.2	44.8	39	27
20/03/2010 17:25	34.6	46	44	27
20/03/2010 17:30	34.1	46.4	41	28
20/03/2010 17:35	32.9	43.8	39	27
20/03/2010 17:40	32.7	44.9	38	27
20/03/2010 17:45	34.1	41.9	40	29
20/03/2010 17:50	33.2	43.5	39	27
20/03/2010 17:55	33.7	42.5	39	29
20/03/2010 18:00	31.7	40.9	38	26
20/03/2010 18:05	33	43.8	39	27
20/03/2010 18:10	33.5	44.6	40	28
20/03/2010 18:15	32.8	45.1	40	26
20/03/2010 18:20	32.4	40.7	40	26
20/03/2010 18:25	31.7	42.6	38	26
20/03/2010 18:30	33.1	46.8	39	26
20/03/2010 18:35	32.6	46.5	40	26
20/03/2010 18:40	33	42.7	40	27
20/03/2010 18:45	32.3	48.8	40	26
20/03/2010 18:50	32.4	47.2	40	26
20/03/2010 18:55	34	44.6	41	28
20/03/2010 19:00	33.7	44.6	40	29
20/03/2010 19:05	34.1	48.5	40	30

Date and Time	LAeq	LAmx	LA1	LA90
20/03/2010 19:10	37	50.7	46	31
20/03/2010 19:15	35	46.2	42	29
20/03/2010 19:20	32.8	41.3	38	28
20/03/2010 19:25	35.7	46.1	43	30
20/03/2010 19:30	34.5	53.4	41	30
20/03/2010 19:35	33.4	43.8	40	28
20/03/2010 19:40	33.4	43.9	40	29
20/03/2010 19:45	34.2	45.5	41	29
20/03/2010 19:50	32	44.5	39	27
20/03/2010 19:55	33.8	48.5	43	28
20/03/2010 20:00	33.1	40.9	39	28
20/03/2010 20:05	33.8	53.4	43	27
20/03/2010 20:10	32.2	44.4	39	27
20/03/2010 20:15	29.7	43.9	37	26
20/03/2010 20:20	33.9	45.6	42	28
20/03/2010 20:25	33.3	41.5	39	28
20/03/2010 20:30	36.3	52.5	46	29
20/03/2010 20:35	37.9	56.3	47	30
20/03/2010 20:40	33.4	44.3	40	28
20/03/2010 20:45	36.8	59	47	29
20/03/2010 20:50	33.6	43.7	40	29
20/03/2010 20:55	35.1	47.3	42	29
20/03/2010 21:00	33.4	45.3	40	29
20/03/2010 21:05	34.5	46.3	41	29
20/03/2010 21:10	33	43.3	40	28
20/03/2010 21:15	37	54	46	30
20/03/2010 21:20	36.2	59.1	45	29
20/03/2010 21:25	35	48.2	42	30
20/03/2010 21:30	39.1	59.4	47	33
20/03/2010 21:35	41.1	55.7	49	35
20/03/2010 21:40	39.9	52.8	48	34
20/03/2010 21:45	37.3	52.6	45	32
20/03/2010 21:50	39.9	54.7	48	34
20/03/2010 21:55	44.1	59.7	54	35
20/03/2010 22:00	38.9	51.9	47	34
20/03/2010 22:05	39.7	50.6	46	35
20/03/2010 22:10	39.2	52.2	46	35
20/03/2010 22:15	43.8	59.4	54	36
20/03/2010 22:20	44.9	59.6	54	37
20/03/2010 22:25	42.7	59.6	51	37
20/03/2010 22:30	46	68.3	56	39
20/03/2010 22:35	47.9	66.1	58	40
20/03/2010 22:40	45.2	61.5	54	40
20/03/2010 22:45	46	58.3	54	39
20/03/2010 22:50	43.3	57.7	51	38
20/03/2010 22:55	44.1	59.8	51	40
20/03/2010 23:00	44.4	59.1	52	40
20/03/2010 23:05	48.5	63.1	59	42
20/03/2010 23:10	46.6	60.8	56	40
20/03/2010 23:15	45.3	55.5	52	41
20/03/2010 23:20	47.1	60.4	55	42
20/03/2010 23:25	43.3	59.3	51	39
20/03/2010 23:30	40.3	52.9	49	31
20/03/2010 23:35	35.7	51.6	43	30
20/03/2010 23:40	33	42.6	38	29

Date and Time	LAeq	LAmaz	LA1	LA90
20/03/2010 23:45	33.5	42.2	40	30
20/03/2010 23:50	36.5	59.3	40	30
20/03/2010 23:55	34.9	52.6	41	31
21/03/2010 00:00	35.6	50	43	31
21/03/2010 00:05	33.9	50.6	40	30
21/03/2010 00:10	34.2	43.6	40	31
21/03/2010 00:15	33.4	41.3	39	30
21/03/2010 00:20	35.6	45.3	42	31
21/03/2010 00:25	37.8	52.2	45	33
21/03/2010 00:30	40	53.5	48	35
21/03/2010 00:35	41.1	57.6	49	35
21/03/2010 00:40	37.6	51.6	45	33
21/03/2010 00:45	37.1	51.2	45	33
21/03/2010 00:50	35.1	47.7	42	30
21/03/2010 00:55	35.1	46.9	42	30
21/03/2010 01:00	32.8	46.2	40	29
21/03/2010 01:05	31	39.5	36	28
21/03/2010 01:10	32.6	41.9	39	29
21/03/2010 01:15	40.4	51.4	48	31
21/03/2010 01:20	34.2	53.1	43	29
21/03/2010 01:25	35.4	46.4	42	31
21/03/2010 01:30	32.7	43.5	38	29
21/03/2010 01:35	35.5	53	44	30
21/03/2010 01:40	34.8	57.1	40	30
21/03/2010 01:45	32.8	50.8	39	29
21/03/2010 01:50	32	39.5	38	29
21/03/2010 01:55	31.2	41.4	40	27
21/03/2010 02:00	32.5	41.8	40	28
21/03/2010 02:05	31.3	41.5	39	27
21/03/2010 02:10	35.4	50.2	44	30
21/03/2010 02:15	39.4	56.1	49	33
21/03/2010 02:20	39	50.3	47	32
21/03/2010 02:25	34.6	48.7	44	28
21/03/2010 02:30	30.4	41	38	26
21/03/2010 02:35	30.9	43.1	39	26
21/03/2010 02:40	29	42.2	38	25
21/03/2010 02:45	30.7	42	40	25
21/03/2010 02:50	28.8	38.4	36	25
21/03/2010 02:55	29.2	38.2	37	26
21/03/2010 03:00	31.3	46.1	41	26
21/03/2010 03:05	28.9	38.2	37	26
21/03/2010 03:10	29.9	41	39	26
21/03/2010 03:15	30.1	45.8	41	25
21/03/2010 03:20	30.1	43.4	40	26
21/03/2010 03:25	29.8	43.4	38	26
21/03/2010 03:30	28.3	38.7	38	26
21/03/2010 03:35	29.3	38.2	37	25
21/03/2010 03:40	27.8	41.4	36	25
21/03/2010 03:45	27.2	39.8	37	24
21/03/2010 03:50	26.2	32.5	30	25
21/03/2010 03:55	28.5	40.7	38	25
21/03/2010 04:00	26.7	38.3	36	24
21/03/2010 04:05	27.8	41.8	37	24
21/03/2010 04:10	25	32.6	29	24
21/03/2010 04:15	25.7	37.4	35	23

Date and Time	LAeq	LAmx	LA1	LA90
21/03/2010 04:20	24.8	36.3	30	23
21/03/2010 04:25	28.2	42.2	40	24
21/03/2010 04:30	24.7	32.9	29	24
21/03/2010 04:35	25	38.5	35	23
21/03/2010 04:40	26.2	41	36	23
21/03/2010 04:45	27	42.3	37	23
21/03/2010 04:50	28.1	42.7	39	23
21/03/2010 04:55	26	37.1	32	23
21/03/2010 05:00	24.8	37	31	24
21/03/2010 05:05	26.5	38.1	35	24
21/03/2010 05:10	24.7	36.9	33	24
21/03/2010 05:15	26.3	38.6	35	24
21/03/2010 05:20	24.5	35	27	24
21/03/2010 05:25	27.9	38.8	37	24
21/03/2010 05:30	27.1	41.2	37	24
21/03/2010 05:35	36.7	59.3	50	24
21/03/2010 05:40	26.3	37.7	35	24
21/03/2010 05:45	28.9	46.9	40	24
21/03/2010 05:50	28.7	44.9	39	24
21/03/2010 05:55	25.7	38	32	24
21/03/2010 06:00	29.3	44	39	24
21/03/2010 06:05	25.4	41.3	32	24
21/03/2010 06:10	28	38.6	34	24
21/03/2010 06:15	28.7	45.1	40	24
21/03/2010 06:20	31.4	47.1	42	24
21/03/2010 06:25	29.3	40.1	37	25
21/03/2010 06:30	25.5	39.5	32	24
21/03/2010 06:35	27	41.2	35	24
21/03/2010 06:40	25.9	39.1	34	24
21/03/2010 06:45	30.5	48.5	43	24
21/03/2010 06:50	30.2	47.5	40	24
21/03/2010 06:55	26.7	38.3	35	24
21/03/2010 07:00	28.2	37.5	36	25
21/03/2010 07:05	29	43	37	24
21/03/2010 07:10	28.6	38.7	36	25
21/03/2010 07:15	25.9	36.7	33	24
21/03/2010 07:20	29.5	40.3	35	24
21/03/2010 07:25	28.9	40.9	36	24
21/03/2010 07:30	26.1	38.6	36	24
21/03/2010 07:35	32.1	45.4	38	29
21/03/2010 07:40	27.2	37.9	36	24
21/03/2010 07:45	26.6	36.4	34	24
21/03/2010 07:50	30.6	43	40	24
21/03/2010 07:55	27.4	44.1	36	24
21/03/2010 08:00	29.7	42.6	41	24
21/03/2010 08:05	30.2	46.4	43	24
21/03/2010 08:10	25.1	35.9	32	24
21/03/2010 08:15	26.2	40	37	23
21/03/2010 08:20	28.2	39	38	24
21/03/2010 08:25	31.1	46.9	42	24
21/03/2010 08:30	28.9	41.6	39	24
21/03/2010 08:35	29.4	40.6	37	24
21/03/2010 08:40	32.7	43.5	42	27
21/03/2010 08:45	33.8	55.5	42	25
21/03/2010 08:50	30.7	38.4	37	25

Date and Time	LAeq	LAmx	LA1	LA90
21/03/2010 08:55	30.2	44.9	39	24
21/03/2010 09:00	32.8	46.5	43	25
21/03/2010 09:05	29.5	40.9	38	25
21/03/2010 09:10	28.2	43	37	24
21/03/2010 09:15	30.5	40.5	38	25
21/03/2010 09:20	31.2	43.2	40	25
21/03/2010 09:25	30.3	38.8	38	25
21/03/2010 09:30	31.7	44.1	40	25
21/03/2010 09:35	30.9	40.5	38	25
21/03/2010 09:40	29.9	43.9	39	25
21/03/2010 09:45	32	43.5	39	25
21/03/2010 09:50	32.6	43	41	25
21/03/2010 09:55	32.3	48	43	26
21/03/2010 10:00	31.9	47.4	43	25
21/03/2010 10:05	32.7	50.8	39	26
21/03/2010 10:10	34.5	54.4	44	28
21/03/2010 10:15	33.6	42.7	40	30
21/03/2010 10:20	31.9	40.5	38	26
21/03/2010 10:25	31.6	40.4	39	26
21/03/2010 10:30	35.4	50.5	45	27
21/03/2010 10:35	33.6	42.6	40	29
21/03/2010 10:40	32.6	44.7	42	26
21/03/2010 10:45	31.6	39.6	37	26
21/03/2010 10:50	32.6	41.5	38	29
21/03/2010 10:55	32.8	43.1	40	28
21/03/2010 11:00	30.8	40.7	39	26
21/03/2010 11:05	32.6	46	40	27
21/03/2010 11:10	32.8	45.4	41	26
21/03/2010 11:15	32.3	43.1	39	26
21/03/2010 11:20	32.1	44.1	42	26
21/03/2010 11:25	33.5	46.8	40	28
21/03/2010 11:30	31.7	46.6	40	25
21/03/2010 11:35	34.6	55.3	45	27
21/03/2010 11:40	33.6	44.7	42	27
21/03/2010 11:45	31.7	41.3	37	26
21/03/2010 11:50	32.7	40.4	39	28
21/03/2010 11:55	32.5	44.1	42	26
21/03/2010 12:00	33.4	41.1	39	28
21/03/2010 12:05	32.8	46.8	43	28
21/03/2010 12:10	32.5	47.1	39	28
21/03/2010 12:15	32.8	46.4	40	28
21/03/2010 12:20	32.6	44.2	41	28
21/03/2010 12:25	31.7	39.9	37	27
21/03/2010 12:30	33.3	49.2	44	26
21/03/2010 12:35	32.8	50.9	42	26
21/03/2010 12:40	32.5	43.2	41	27
21/03/2010 12:45	34.8	53.4	45	28
21/03/2010 12:50	32.1	41.3	39	26
21/03/2010 12:55	30.3	40.4	37	25
21/03/2010 13:00	34.7	49	45	28
21/03/2010 13:05	31.7	43.6	39	26
21/03/2010 13:10	30.1	40.4	36	25
21/03/2010 13:15	32.5	45	43	26
21/03/2010 13:20	31.8	45.2	40	26
21/03/2010 13:25	31.7	47.6	40	26

Date and Time	LAeq	LAmaz	LA1	LA90
21/03/2010 13:30	31.9	44.2	39	26
21/03/2010 13:35	32.3	41.6	39	27
21/03/2010 13:40	33.6	45.4	42	27
21/03/2010 13:45	32.3	42.8	41	26
21/03/2010 13:50	31.3	39.7	38	26
21/03/2010 13:55	31.4	48	39	26
21/03/2010 14:00	29.8	41.2	37	26
21/03/2010 14:05	33.6	47.2	43	27
21/03/2010 14:10	33.5	47.5	44	26
21/03/2010 14:15	30.8	40.3	38	26
21/03/2010 14:20	34	48.1	46	26
21/03/2010 14:25	31.1	46	40	26
21/03/2010 14:30	32.1	44.8	40	26
21/03/2010 14:35	30.5	38.4	37	26
21/03/2010 14:40	32.2	45	43	26
21/03/2010 14:45	31.5	51.7	39	26
21/03/2010 14:50	30	44.4	36	26
21/03/2010 14:55	30.4	44.7	38	25
21/03/2010 15:00	31.2	38.7	38	26
21/03/2010 15:05	32.7	42.2	40	26
21/03/2010 15:10	32.5	44.6	41	26
21/03/2010 15:15	32.1	44.4	39	26
21/03/2010 15:20	34.5	44.5	41	30
21/03/2010 15:25	31.9	43.8	39	26
21/03/2010 15:30	40.7	66.1	54	26
21/03/2010 15:35	32.3	46.7	43	26
21/03/2010 15:40	36.5	58.3	50	27
21/03/2010 15:45	31.5	43.2	39	26
21/03/2010 15:50	31.6	43.3	40	26
21/03/2010 15:55	31	39.3	38	26
21/03/2010 16:00	31.9	46.8	42	27
21/03/2010 16:05	35.2	52.4	46	27
21/03/2010 16:10	32.5	48.9	42	26
21/03/2010 16:15	32.2	41.9	39	26
21/03/2010 16:20	31.2	41.6	38	26
21/03/2010 16:25	32.7	43.4	39	27
21/03/2010 16:30	34.7	53.7	45	27
21/03/2010 16:35	32.5	43.1	39	26
21/03/2010 16:40	32.1	41.6	40	26
21/03/2010 16:45	31.2	44	38	26
21/03/2010 16:50	32.3	41.3	38	27
21/03/2010 16:55	31.2	40.3	39	26
21/03/2010 17:00	29.7	37.6	35	26
21/03/2010 17:05	31.3	45.1	39	26
21/03/2010 17:10	33.5	46.9	41	27
21/03/2010 17:15	31.8	39.1	37	27
21/03/2010 17:20	38.3	59.1	54	26
21/03/2010 17:25	33.4	49.2	45	26
21/03/2010 17:30	31.4	44.4	39	26
21/03/2010 17:35	33.1	46.4	39	25
21/03/2010 17:40	35.1	51	44	30
21/03/2010 17:45	33.7	42.5	39	30
21/03/2010 17:50	32	42.2	40	26
21/03/2010 17:55	31.4	43.9	38	27
21/03/2010 18:00	33	42.7	40	28

Date and Time	LAeq	LAmx	LA1	LA90
21/03/2010 18:05	30.8	37.7	37	27
21/03/2010 18:10	33.3	43.6	40	27
21/03/2010 18:15	33	40.8	39	28
21/03/2010 18:20	32.9	47.1	41	26
21/03/2010 18:25	33.8	43.7	41	28
21/03/2010 18:30	31.7	48	39	25
21/03/2010 18:35	32.6	53.4	39	25
21/03/2010 18:40	31.2	40.6	38	25
21/03/2010 18:45	32.5	51	43	25
21/03/2010 18:50	29.8	38.4	37	24
21/03/2010 18:55	30.8	39.7	38	25
21/03/2010 19:00	32.3	42.9	40	25
21/03/2010 19:05	30.4	40.4	37	26
21/03/2010 19:10	33	52.8	41	26
21/03/2010 19:15	30.5	41.7	39	25
21/03/2010 19:20	31.8	42.4	38	26
21/03/2010 19:25	34.2	51.3	46	25
21/03/2010 19:30	31.8	40.4	39	25
21/03/2010 19:35	30.4	42.9	37	25
21/03/2010 19:40	30.4	38.7	37	25
21/03/2010 19:45	28.8	37.5	36	24
21/03/2010 19:50	30.4	46.8	38	24
21/03/2010 19:55	30.4	40.2	37	24
21/03/2010 20:00	29.5	39.8	37	24
21/03/2010 20:05	30.9	49.2	43	24
21/03/2010 20:10	27.9	38.2	36	24
21/03/2010 20:15	30.8	44.1	39	24
21/03/2010 20:20	28.8	41.1	37	24
21/03/2010 20:25	30	38.6	37	24
21/03/2010 20:30	29.7	45	40	24
21/03/2010 20:35	30.5	38.1	37	25
21/03/2010 20:40	29.5	41.8	38	23
21/03/2010 20:45	30.4	43.8	39	24
21/03/2010 20:50	28.9	38.4	37	24
21/03/2010 20:55	29.2	39.9	37	24
21/03/2010 21:00	29.1	40.3	38	24
21/03/2010 21:05	31.4	41.8	38	25
21/03/2010 21:10	29.9	38.8	37	24
21/03/2010 21:15	29.2	39.5	37	24
21/03/2010 21:20	27.4	40.4	36	24
21/03/2010 21:25	28.5	39.1	38	24
21/03/2010 21:30	27.7	37.3	36	23
21/03/2010 21:35	30.1	40	38	24
21/03/2010 21:40	29.6	45.3	42	24
21/03/2010 21:45	29.3	44.7	39	23
21/03/2010 21:50	29.8	40.2	39	24
21/03/2010 21:55	29.8	41.1	38	24
21/03/2010 22:00	29.2	42.8	39	23
21/03/2010 22:05	30.6	48.3	43	23
21/03/2010 22:10	29.9	41	38	23
21/03/2010 22:15	27.6	42.5	37	23
21/03/2010 22:20	29.8	42.9	39	23
21/03/2010 22:25	28.2	41.8	37	23
21/03/2010 22:30	30.1	43.4	38	24
21/03/2010 22:35	28.6	45.6	38	23

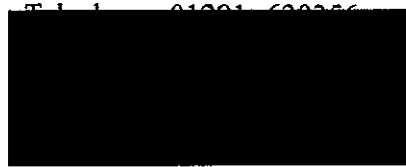
Date and Time	LAeq	LAmaz	LA1	LA90
21/03/2010 22:40	28.5	41	39	23
21/03/2010 22:45	29.9	43.7	39	24
21/03/2010 22:50	26.1	38.4	37	23
21/03/2010 22:55	25	37.7	35	23
21/03/2010 23:00	26.5	42.4	35	23
21/03/2010 23:05	28.2	42	38	23
21/03/2010 23:10	28.7	42.4	39	23
21/03/2010 23:15	25.1	34	33	23
21/03/2010 23:20	30.1	42.3	40	23
21/03/2010 23:25	33.7	52.8	48	23
21/03/2010 23:30	28.9	41.3	38	23
21/03/2010 23:35	26.3	35.4	34	23
21/03/2010 23:40	27.2	38.5	36	23
21/03/2010 23:45	28.3	44.2	39	23
21/03/2010 23:50	30.2	43.3	39	24
21/03/2010 23:55	27.2	39.7	37	23
22/03/2010 00:00	27	45.4	36	23
22/03/2010 00:05	26.4	40.3	36	23
22/03/2010 00:10	25.1	34.8	34	23
22/03/2010 00:15	23.7	26.5	25	23
22/03/2010 00:20	27.2	38.3	37	23
22/03/2010 00:25	30.6	47.3	43	23
22/03/2010 00:30	25.7	41.3	37	23
22/03/2010 00:35	26.7	40.9	38	23
22/03/2010 00:40	23.4	28.3	25	23
22/03/2010 00:45	24.6	40	35	23
22/03/2010 00:50	29	36.8	34	23
22/03/2010 00:55	28.3	43	34	23
22/03/2010 01:00	26.6	39.5	36	23
22/03/2010 01:05	26.1	46.5	37	23
22/03/2010 01:10	24.6	37.9	34	23
22/03/2010 01:15	26.3	36.1	34	23
22/03/2010 01:20	24.5	36.5	33	23
22/03/2010 01:25	23.4	36.7	25	23
22/03/2010 01:30	23	26.2	24	22
22/03/2010 01:35	23.3	32.4	29	22
22/03/2010 01:40	25	37.5	36	23
22/03/2010 01:45	23.2	26.6	25	23
22/03/2010 01:50	22.9	26	24	22
22/03/2010 01:55	23.4	32.9	31	22
22/03/2010 02:00	24.9	41.2	35	22
22/03/2010 02:05	23.9	35.8	31	23
22/03/2010 02:10	24.7	40	36	22
22/03/2010 02:15	24	37	34	22
22/03/2010 02:20	23.7	38.8	31	22
22/03/2010 02:25	25.4	38.1	34	23
22/03/2010 02:30	25.7	42.1	38	23
22/03/2010 02:35	23.2	26.3	25	23
22/03/2010 02:40	23.7	37.3	32	22
22/03/2010 02:45	24.6	41.3	34	22
22/03/2010 02:50	23.1	27	24	22
22/03/2010 02:55	25.4	39.5	36	23
22/03/2010 03:00	24.3	38.2	35	22
22/03/2010 03:05	25.4	40.3	35	22
22/03/2010 03:10	23	29.7	26	22

Date and Time	LAeq	LAmx	LA1	LA90
22/03/2010 03:15	25.7	43.9	38	23
22/03/2010 03:20	22.8	29.8	25	22
22/03/2010 03:25	22.7	29.6	25	22
22/03/2010 03:30	22.5	29.6	24	22
22/03/2010 03:35	22.8	29.9	24	22
22/03/2010 03:40	25.6	35.7	30	23
22/03/2010 03:45	23.3	32.3	29	22
22/03/2010 03:50	24.1	37.7	33	23
22/03/2010 03:55	25	38.5	37	22
22/03/2010 04:00	23.2	28.2	25	23
22/03/2010 04:05	24.5	38.2	34	23
22/03/2010 04:10	22.9	28	24	22
22/03/2010 04:15	22.9	30.4	24	22
22/03/2010 04:20	23	28.3	26	22
22/03/2010 04:25	23.1	29	24	22
22/03/2010 04:30	23.4	28.2	25	23
22/03/2010 04:35	25.1	40.3	34	23
22/03/2010 04:40	25.9	40.6	38	23
22/03/2010 04:45	25.8	40.9	37	23
22/03/2010 04:50	27	43.6	39	23
22/03/2010 04:55	25.7	41.1	38	23
22/03/2010 05:00	24.7	38.8	34	22
22/03/2010 05:05	29.7	44.5	42	24
22/03/2010 05:10	26.4	41.4	39	23
22/03/2010 05:15	26.3	37.6	35	23
22/03/2010 05:20	26.6	42	38	23
22/03/2010 05:25	28.8	42.4	39	23
22/03/2010 05:30	26.8	42.2	40	23
22/03/2010 05:35	26.6	39.8	38	23
22/03/2010 05:40	29.8	43.5	42	24
22/03/2010 05:45	32.6	44.4	41	24
22/03/2010 05:50	31.7	52	44	23
22/03/2010 05:55	26.9	39.9	37	23
22/03/2010 06:00	31.7	48.2	44	24
22/03/2010 06:05	26.6	38.3	37	23
22/03/2010 06:10	29.8	48.6	40	24
22/03/2010 06:15	32.4	47.6	45	24
22/03/2010 06:20	31.3	47.6	43	24
22/03/2010 06:25	30.1	42	37	25
22/03/2010 06:30	30.1	40.7	38	24
22/03/2010 06:35	31.5	44.5	40	24
22/03/2010 06:40	30.7	43.6	39	24
22/03/2010 06:45	30.3	40.4	38	25
22/03/2010 06:50	28.4	36.3	34	25
22/03/2010 06:55	32.1	46.6	42	25

MARK HOARE SOLICITOR

Manor House
Bank Street
Chepstow
Monmouthshire NP16 5EL

Planning Services
Bath & North East Somerset Council
Trombridge House
Trim Street
Bath
BA1 2DP



Date: 20 November 2009

Our Ref: O4.14

Dear Sirs,

OPA - North Parade

I am the solicitor for the above business and have been so at all material times since the premises were acquired from the previous owner who operated a restaurant for the sale of Indian cuisine. Since the business opened well over two years ago in June 2007, it has been engaged in the sale of Greek cuisine. However, my client tells me that your department has advised that an application should be made for "mixed use" use of the premises. This is because you consider that some aspects of the use of the premises fall outside the current A3 use.

Therefore, the purpose of this letter is to support the said application. Since the intending application will be advertised to the public, my client wishes to address a number of matters in relation to the application, either by way of dealing with potential objections, or else generally in support of the application. Those matters are as follows.

A.

Potential Objection

The recorded music that is played on the premises and complaints about that music that have been received.

My client's representations

As is well known, the premises are very near to premises that are used for residential accommodation. My client is aware that there have been occasions when some local residents have complained that they can hear recorded music coming from the premises at

Sole Principal – Godfrey Mark George Hoare B.A.

Licensed Conveyancer – Nicola F. Arthur

This firm is regulated by The Solicitors Regulation Authority under reference 348218

an hour of night that they consider to be too late. As to the playing of music, then until the serving of food stops at or around 11pm, this is ancillary to dining customers. Until at least 11pm, music is played at a level that permits the easy dialogue between customers and staff. I understand that there is no issue about the sound level of the music up to such time.

Thereafter, as permitted by the current Premises Licence (notice of which was given to the public as well as to all relevant departments of the council, including Planning), customers may be served alcohol until 2am on all days except Sundays (when the "stop" time is 11.30pm). Between the times when the service of food ceases and the premises closing time, music continues to be played. The volume at which that music is played is louder than when food is served. However, my client being conscious of the proximity of living neighbours, the decibel level at which the music is played is monitored in a way that is intended to balance the wishes of customers with those of local residents. Therefore, my client considers that the level at which music is played is a fair balance between these two potentially conflicting interests.

In respect of any objections about the playing of music that may be raised, my client wishes any such actual or potential objectors to be assured that OPA, being aware of the proximity of persons living within hearing distance of the premises, has taken and will continue to take all reasonable measures to minimise any potential music interference to local residents when the playing of music reaches a time of night that has the potential be such a nuisance. By way of example of my client's willingness to listen to what local people say, about six months after opening, following some suggestion of loud music, my client spent about £830 putting in an extra sound-proofing window in the window that faces on to the residents at the front of North Parade.

B.

Doormen

These are employed and paid for by the business. These persons are only employed if they demonstrate that they have received the required training. Further, their activities are monitored by the owners of the business to ensure that they carry out their duties effectively, not only in respect of the proper conduct of customers while they are on the premises (whether indoors or outside), but also when customers are near to the premises. When customers are using the area just outside the rear door or the area along the riverbank (particularly the latter), it is part of the doormen's duties to monitor the level at which customers communicate in order to minimise potential noise nuisance to residents whose premises overlook that area. If appropriate, customers are advised by the doorman.

Similarly, the doormen are made aware by the owners that, so far as the law permits them to do so, then customers who are queuing to get in while standing on North Parade or else smokers who can only go upstairs to North Parade after 11pm, should behave in a way that minimises potential noise nuisance to residents whose premises overlook North Parade.

Therefore, in respect of any objections that may be raised, my client wishes any such actual or potential objectors to be assured that OPA, being aware of the proximity of persons living within hearing distance of the premises, has taken and will continue to take all reasonable measures to minimise any potential customer interference to local residents by continuing to

employ doorman who will continue to exercise control of the noise level of actual or queuing customers both at the front and rear of the premises.

C.

The policy employed by the business in respect of the use of the door that leads to the rear balcony that overlooks the river.

The premises has no air conditioning. Therefore, the rear door sometimes has to be kept open in order for the premises to be ventilated, particularly since it is, after all, a restaurant, but also when the premises are busy. After the rear area has to be closed to customers, a doorman is posted at the door to supervise the rear area to minimise any potential nuisance that may be caused to local residents.

Therefore, in respect of any objections that may be raised, my client wishes any such actual or potential objectors to be assured that OPA, being aware of the proximity of persons living within hearing distance of the premises, has taken and will continue to take all reasonable measures to minimise any customer noise nuisance interference to local residents by continuing to supervise the use of the rear door access to the balcony area after it is no longer available for use by customers.

As to the two doors that lead onto Parade Gardens, these were initially put in for compliance with fire regulations. That having been done, they have also been used for the purposes of ventilation. Because they are designed to be opened quickly and easily from inside, then my client has taken steps to prevent customers going into the gardens via these doors by erecting a metal gate on the inside of each of the doors.

D.

The main bar area, as distinct from the two dining only areas.

The two dining areas have 82 covers and the tables therein are never moved. The main bar area has the capacity to provide 28 covers. Between about 11.30 and midnight, then depending on how busy the night is, four of those table are cleared away to provide more space to the main bar floor. In case it is said that this clearing away in some way changes the premises into what is generally considered to be a nightclub, my client reminds all concerned that, compared with what is generally regarded as a nightclub, there is no dedicated dance floor, no special lighting, no entrance fee and no membership. Also, if my client really did operate as a nightclub, then the music licence for which they currently pay £850, would cost them something like 5 times as much. Further, as can be seen from the business website, the business markets itself for the sale of Greek food, not in any way as a nightclub.

E.

Along North Parade, OPA is one of three businesses providing similar dining and leisure services to members of the public.

Since North Parade has a wide pavement and is a popular area for customers wishing to eat and drink, any excess noise or other behaviour that might be criticised should not be

attributed solely to my client's business. Having been open for well over two years, there have been no issues with under-age drinking, fighting, noise, drugs or other nuisance. My client will say that that has come about because of the combination of the type and age of customers that it attracts and encourages (as well as those whom it does not), the employment of doormen, and the willingness to work with and be responsive to any concerns expressed by members of the public, the police and the council.

Yours faithfully,

A solid black rectangular redaction box covering the signature of G.M.G. Hoare.

G.M.G. Hoare

Appendix 3/4723

Mandy Dando

From: David Cox
Sent: 08 March 2010 10:07
To: Development Control
Subject: FW: OPA 10/00054/FUL

Please scan into Idox

From: Diarmid Henry
Sent: 08 March 2010 10:07
To: David Cox
Subject: OPA

Hi David,

As discussed please find a history of recent complaints received by Environmental Protection in relation to OPA, 14 North Parade, Bath:

10.02.08 *"Noise from music from OPA, 14 North Parade, Bath"*

15.04.08 *"Noise nuisance from OPA, 14 North Parade, Bath weekdays and weekends, customers trespassing"*

14.08.09 *"Noise from OPA, 14 North Parade, Bath"*

01.09.08 *"People drinking outside on the terrace of OPA, 14 North Parade, Bath, very noisy"*

27.05.09 *"Noise from OPA, 14 North Parade, Bath"*

03.03.10 *"Noise from loud music from OPA, 14 North Parade, Bath"*

04.03.10 *"Noise from loud music, people playing drums outside OPA, 14 North Parade, Bath"*

An abatement notice was served on OPA, 14 North Parade, Bath under section 79(1) (g) of the Environmental Protection Act 1990 on 24 October 2008. The notice related to noise from amplified music and voice and/or noise caused by voice from persons or groups of persons. While complaints have been received subsequent to the service of the abatement notice on 24 October 2008, no evidence has been obtained of a breach of this notice to date.

Regards,

Diarmid Henry
 Environmental Health Officer
 Environmental Protection
 Bath & NE Somerset Council
 Telephone: 01225 477555
 Facsimile: 01225 477596
 Web: www.bathnes.gov.uk
 Email: diarmid_henry@bathnes.gov.uk

Making Bath & North East Somerset an **even** better place to live work and visit.

♻️ Before printing, think about the environment

Julie Cummins

Figure 4/4723

From: David Cox
Sent: 15 February 2010 13:32
To: Development Control
Subject: FW: Opa, 14 North Parade, Bath. App ref: 10/00054/FUL

please scan into Idox

From: Diarmid Henry
Sent: 15 February 2010 09:18
To: David Cox
Subject: Opa, 14 North Parade, Bath. App ref: 10/00054/FUL

Dear David,

I refer to your application in relation to the above matter and confirm that I have no objections.

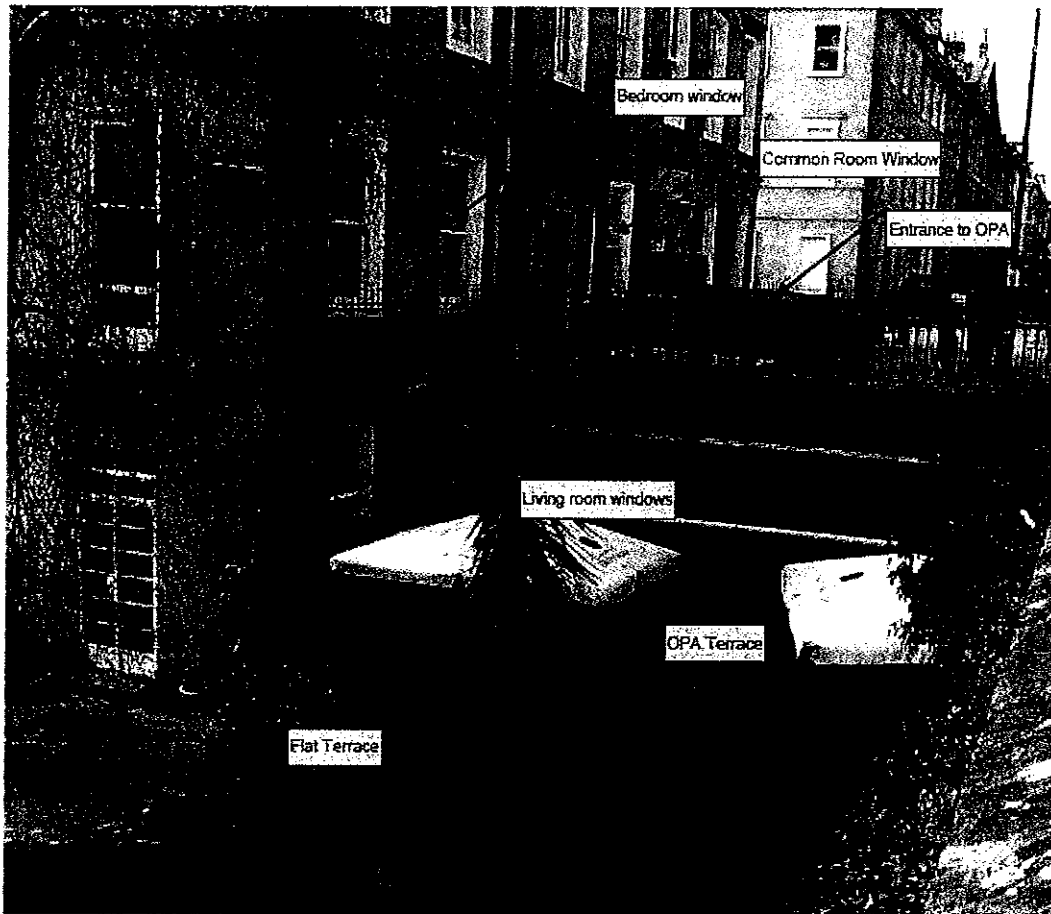
Kind regards,

Diarmid Henry
Environmental Health Officer



OPA, NORTH PARADE
BATH
ENVIRONMENTAL NOISE REPORT

FIGURE 1/4159 – Photograph of OPA and 14 North parade





ACOUSTIC CONSULTANTS LTD

C. Beaver Esq.,
GL Hearn,
The Malt House,
17-20 Sydney Buildings,
Bath,
BA2 6BZ

RALEIGH HOUSE
WELLSWAY
KEYNSHAM
BRISTOL BS31 1HS

TELEPHONE	0117 - 9862956
FACSIMILE	0117 - 9860554
EMAIL	mail@acoustic-ltd.co.uk
WEBSITE	www.acoustic-ltd.co.uk

By email: Chris_Beaver@GLHEARN.COM

Our Reference: 4723/DO/SRP
Date: 5th May 2010

Dear Chris,

OPA – APPLICATION REFERENCE 10/00054/FUL

Further to our recent liaison please find my further comments on the planning application for a change of use from a restaurant to a nightclub at OPA, 14 North Parade, Bath.

This letter addresses the issues raised in two documents; an email from Dairmid Henry to David Cox dated 26th March 2010 and a Noise Impact Assessment prepared for the applicant by Airtight and Noisecheck Limited dated 1st April 2010.

The letter also addresses the relevant requirements of Planning Policy Guidance Document 24 that should be considered when determining a planning application for a noisy development against the scope and points raised in the two documents.

1.0 THE SITE AND HISTORY

The application site is OPA, 14 North Parade in Bath. The site has planning consent for use as a restaurant although we understand it has been operating as a night club for some time. An application for change of use from a restaurant to a night club has been submitted, for which relevant planning guidance on noise is provided in Planning Policy Guidance Document 24.

There are residential premises at 14 North Parade directly above and to the side of the application site. These are the most exposed residential properties to noise from OPA and its patrons on the public highway.

OPA currently operates as a night club. People queue outside the residential properties before entering OPA and currently use an area directly outside the residential properties to smoke.

A noise abatement notice was served under the Environmental Protection Act in September 2008 following complaints about noise from amplified music and persons.

Further complaints have been received by the Council following the abatement notice about noise from people gathering on the highway entering and exiting the premises or smoking. However, the Environmental protection act does not cover noise created off the premises by their patrons and as such these complaints were not substantiated by the Council.

It should be noted that the requirements of planning guidance and noise nuisance are not the same. A noise may not be acceptable in planning terms even though it is not deemed a noise nuisance. Planning Policy Guidance Document 24 does provide clear guidance that an application must consider noise from patrons both inside and outside of the premises.

2.0 PLANNING GUIDANCE

The Department of the Environment (now Department of the Environment Transport and the Regions) document Planning Policy Guidance Document 24 (September 1994) entitled Planning and Noise provides relevant guidelines in relation to noise.

The document preface states that it outlines the considerations to be taken into account in determining Planning Applications both for noise-sensitive developments and for those activities which will generate noise.

With regard to 'Noisy Development' paragraph 10 states that:

"local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions."

With regard to 'Noise from industrial and commercial developments' Paragraph 20 Annex 3 states:

"Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Local Planning Authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity."

2.1 Good Practice Guide on the Control of Noise from Pubs and Clubs

There is no British Standard which can be used to assess noise from a bar or club. The most relevant guidance is provided in the Institute of Acoustics document "Good Practice Guide on the Control of Noise from Pubs and Clubs" published in March 2003. This addresses amplified music and the more relevant extracts are as follows:

2. SCOPE

2.1 *This document provides guidance for the assessment and control of noise affecting noise-sensitive properties, from the public and private use of public houses, clubs, hotels, discotheques, restaurants, cafes, community or village halls and other similar premises. The main noise sources considered are music; singing; public address (PA) systems; children's play areas; beer gardens; people in general; car parks and access roads; deliveries; collections; materials handling; plant and machinery; and skittle alleys. Noise arising from live sporting events held at such premises is not covered by this document.*

- 2.2 *The purpose of this Guide is to assist local authority officers and venue management and their staff in the prevention of noise disturbance and in the investigation and resolution of noise complaints. It is also intended to assist with the planning and licensing of proposed or existing premises.*
- 2.3 *The original intention was to include objective noise criteria in this document, or in a separate but related document, that could have been used to assess and control noise from all the main sources of noise that can be present at pubs, clubs and similar premises. However, it has not been possible to subject the new criteria that have been developed and proposed by the working party to a satisfactory validation process.*

It is hoped that future research will lead to the publication of criteria that have been fully validated in terms of human response and have been subject to trials which confirm their practicability in terms of measurement, enforcement and use within the planning process. Until such criteria are developed, it is recommended that local authorities and others should devise and apply policies having regard to this guide and taking into account local circumstances and existing licensing and planning policies.

- 2.4 *Music, singing and speech, both amplified and non-amplified, are common sources of noise disturbance arising from the premises listed in 2.1 above. As far as these sources are concerned, the purpose of developing the objective noise criteria mentioned in 2.3, should be to attempt to ensure that:*
- For premises where entertainment takes place on a regular basis, music and associated sources should not be audible inside noise-sensitive property at any time. In the absence of the objective criteria mentioned in 2.3, what is "regular" should be determined on a local basis to reflect local expectations and should be incorporated by local authorities in the planning and enforcement policies (see Section 4);and*
 - For premises where entertainment takes place less frequently, music and associated sources should not be audible inside noise-sensitive property between 23.00 and 07.00 hours. For other times, appropriate criteria need to be developed which balance the rights of those seeking and providing entertainment with those who may be disturbed by the noise.*

For the purposes of this document, noise may be considered not audible or inaudible when it is at a low enough level such that it is not recognisable as emanating from the source in question and it does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question. A more simplistic explanation of the term "inaudible" is given in Appendix "B".

- 2.5 *The determination of "nuisance" is not within the scope of this Guide, however, the Guide may be useful in forming a view on the likelihood that a "nuisance" has occurred, is occurring or could occur.*
- 2.6 *The Guide should not be used to determine or enforce noise standards for occasional music events of the type covered by the Code of Practice on Environmental Noise control at Concerts [1]."*

It is important for amplified music to be inaudible within noise sensitive properties to minimise the impact on residents. According to the code amplified music from the premises should be inaudible at all times within the noise sensitive premises. This would include when the terrace is open during the day.

If speech is audible within a habitable room it is not necessarily a nuisance. However, it should be controlled to acceptable noise levels to allow reasonable sleeping and resting conditions within a residential property. Swearing, shouting and other anti-social noise will have a greater impact on residents than general calm conversation and the occurrence of anti social behaviour from patrons of a nightclub would need to be considered. Further advice on internal equivalent noise levels is provided in the following section.

2.2 British Standard 8233:1999

British Standard 8233:1999 entitled "Sound insulation and noise reduction for buildings – Code of Practice" provides internal design criteria as a result of external anonymous noise sources in relation to design criteria in Tables 5 and 6. The relevant extracts from Tables 5 & 6 are as follows:

Table 1: BS 8233 Maximum Internal Equivalent Noise Levels

Criterion	Typical Situations	Design Range $L_{Aeq,T}$	
		Good	Reasonable
Reasonable resting / Sleeping conditions	Living Rooms	30	40
	Bedrooms	30	35

In addition, it states that levels from individual events in bedrooms at night should not normally exceed 45 dB L_{Amax} on the fast time weighting.

The above noted criterion is for anonymous constant noise such as road traffic. Music and speech is a more intrusive type of noise and is therefore likely to have a greater impact on nearby noise sensitive premises.

When assessing noise of this nature it is common practice to apply a penalty correction to the British Standard criteria, normally -5 decibels.

In our opinion it is suitable to work to the 'Reasonable' range. However, within Bath & North East Somerset, the majority of residential developments in noisy areas are required to achieve the 'Good' design range by the Local Planning Authority. With a -5 decibel acoustic feature correction (a penalty for the distinctive type of noise) the maximum internal noise levels are as follows:

Table 2: Internal noise level criteria for noise from patrons outside

Criterion	Typical Situations	Design Range $L_{Aeq,T}$	
		Good	Reasonable
Reasonable resting / Sleeping conditions	Living Rooms	25	35
	Bedrooms	25	30

Individual events in bedrooms at night should not normally exceed 45 dB L_{Amax} on the fast time weighting

It is our opinion that the noise level at night from activities of OPA (excluding amplified sound and music) and its patrons should not exceed the above noted noise levels within the residential properties when determined over the worst case 5 minute period. This is with the windows of the residential properties open and would apply to all properties including those which are currently unoccupied.

2.3 Conclusions of Acoustic Consultant's Noise Assessment

Noise from amplified music and activities within OPA as it affects the habitable rooms of 14 North Parade has been assessed in accordance with the Good Practice Guide on the Control of Noise from Pubs and Clubs. This states that music and associated sources should not be audible inside noise-sensitive properties at any time. From the monitoring undertaken on site, it is clear that music from within OPA is audible within the habitable rooms even when the external door is closed. Noise from patrons outside OPA is also audible.

Noise from patrons outside OPA within the habitable rooms has been compared with criteria for reasonable resting and sleeping conditions. The measured noise levels in the habitable rooms regularly exceed the design criteria with the windows closed. If the windows were opened the noise levels would be significantly louder.

If the smoking area was to be moved from the pavement the noise levels in the ground floor flat and the disturbance would not change significantly as it is still exposed to patrons queuing to enter OPA and departing.

The results of the monitoring exercise clearly indicate that noise from OPA within the noise sensitive properties is louder than acceptable and adversely affect the amenity of the occupiers of the property.

3.0 APPLICANT'S NOISE IMPACT ASSESSMENT

A noise impact assessment prepared by Airtight and Noisecheck Limited has been submitted by the applicant. On page 4 of the report under 'Objectives' it states:

"The objective of the acoustic testing was to determine that OPA nightclub will decrease the likelihood of complaints for the nearby neighbours by moving its smoking area away from the residential dwellings".

This report does not address the noise issues that have been raised in our noise assessment and which should be taken into consideration for planning. These are:

- Noise from people queuing outside OPA.
- Noise from people entering OPA.
- Noise from people leaving OPA.
- Noise from OPA with external doors closed.
- Noise from OPA with external doors open.
- Noise from people on the terrace at all times (there is currently no planning restriction on use of the terrace).

The report is insufficient in scope to assess the impact of the proposed change of use on the amenity of the noise sensitive residential properties. The assessment method used in the assessment is also questionable.

The report uses British Standard 4142 to assess noise from the smokers. The British Standard 4142 1997 entitled "Method for rating industrial noise affecting mixed residential and industrial areas" provides an assessment method in relation to the likelihood of complaints. The principle is that of establishing the "difference" between the rating level (the specific investigated noise with a +5 decibel acoustic feature correction, if applicable) and the background noise level.

British Standard 4142 is for the assessment of plant noise, it is not intended to determine the likelihood of complaints from voice which is a different type of noise source and is subjectively more intrusive. As such, it is our opinion that the assessment method is not valid for this type of noise source.

The report shows measured background noise levels. These appear to be measured when there was noise from patrons of OPA present. The noise from patrons and OPA activities could have increased the measured background noise level and as such cannot be deemed representative of the site without the development present, it is therefore flawed. An acoustic feature correction has not been applied to the assessment although the British Standard states that it should be applied if the noise source is irregular enough to attract attention.

The report does not consider other noise associated with the movement of the smoking area such as noise breakout from the club when an external door is opened or how patrons access the smoking area.

On page 6 of the report it states:

"There have been other environmental noise reports carried out for this location and those reports clearly state that the noise emissions for the patrons currently using the smoking area is the most significant noise disturbance associated with the site."

The author does state the report to which he refers although our report does not state this. Our report states:

"The most significant source of noise affecting the residential premises during the attended survey was from patrons of OPA on the pavement directly outside the building comprising of talking, shouting, laughing and occasional swearing. This comprised two groups of people. There were people queuing to enter the premises (there was a queue until approximately 01:00 hours). There were also patrons temporarily leaving the premises to smoke up on the North Parade."

It is fair to surmise that moving the smoking area away from the residential properties will reduce the noise from this source. However, the report does not address noise from people that will be queuing to gain entry to the club or noise from people leaving the premises, both which will occur late at night.

With regard to 'Noise from industrial and commercial developments' Paragraph 20 Annex 3 of Planning Policy Guidance Document 24 states:

"Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Local Planning Authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity."

The report does not address noise made by patrons queuing entering or exiting the premises which will occur late at night, nor does it address noise from amplified music as it affects the residential properties.

With regard to 'Noisy Development' paragraph 10 of Planning Policy Guidance Document 24 states that:

"local planning authorities must ensure that development does not cause an unacceptable degree of disturbance."

The report provides no any evidence that noise from the application site will not adversely affect the amenity of the residential properties or cause an unacceptable degree of disturbance.

The report does not refute any of the findings of our report which clearly demonstrates that the proposed change of use will cause an unacceptable degree of disturbance.

4.0 EMAIL FROM DAIRMID HENRY TO CHRIS COX

The email from Diarmid Henry to Chris Cox dated 26th March 2010 provided comment from the Environmental Health department to the planning department on the noise report produced by ourselves dated 25th March 2010.

In our report dated 25th March 2010 we address the planning application for a change of use from a restaurant to a night club following the relevant guidance of Planning Policy Guidance Document 24. In section 6 of the report entitled "Other Issues" we also consider the noise abatement notice as supporting evidence of nuisance and amenity issues. Mr Henry only appears to have responded to the issue of the noise abatement notice and made no reference to the noise assessment following planning guidance for this planning application.

The purported lack of a noise nuisance should not be considered in determining any objection to a planning application.

It is very unusual the applicant has not been asked to submit an acoustic report for a night club operating adjacent to residential properties. Bath & North East Somerset Council normally apply very stringent noise criteria to planning applications and it seems unusual that with the history of this site no assessment has been requested. Subsequent to our involvement the applicant has submitted a report assessing the impact of changing the location of the smoking area. The noise impact assessment provided by the applicant does not address the noise issues related to planning application for the proposed change of use.

I had a conversation with Mr Henry after he received our report in which he stated that the Noise Abatement Notice does not address people outside the premises. However, I pointed out that in terms of planning and regardless of the limitations of the Abatement Notice noise from within and customers around the premises should be considered and evidence in our report shows that this noise is unacceptable.

Mr Henry's statement that he has no objection to this application appears to be based on two points. Firstly that people on the street outside the premises is outside the scope of the Noise Abatement Notice and secondly that the property in which measurements were undertaken was not occupied and therefore no impact can be

demonstrated on the individual. No reference is made by Mr Henry to planning guidance on which this application should be considered.

Mr Henry states in his email that the Abatement Notice "*is related to noise from amplified music and noise from persons on the terrace*". This is factually incorrect as the Notice does not mention "terrace" – it states "*premises*". However, we accept that noise from people associated with the premises on the pavement is outside the scope of the Environmental Protection Act 1990.

This does not mean that these activities are not causing a disturbance to residents but rather shows the limitations of the EPA. Planning Policy Guidance Document 24 does address noise from these activities. A planning assessment is undertaken for all existing residential properties with planning permission whether occupied or unoccupied.

We would reiterate that our report addresses a planning application by OPA to operate as a Night Club and as such should be assessed under Planning Policy Guidance Document 24. The Environmental Protection Act and limitations thereof should not be considered when determining this planning application.

Noise from OPA has been assessed following relevant planning guidance in Planning Policy Guidance Document 24.

With regard to 'Noisy Development' paragraph 10 states that:

"local planning authorities must ensure that development does not cause an unacceptable degree of disturbance."

With regard to 'Noise from industrial and commercial developments' Paragraph 20 Annex 3 states:

"Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Local Planning Authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity."

We have assessed noise from amplified music within the premises, people outside the premises queuing to enter and people on the pavement smoking in accordance with the relevant planning guidance. Mr Henry makes no comment in the relation to the planning issues involved and his email does not refute our findings in respect to planning and Planning Policy Guidance Document 24.

Mr Henry does not refute our conclusion and has provided no supporting information to demonstrate that the OPA proposed development is acceptable.

5.0 SUMMARY

Acoustic Consultants Limited has assessed the noise from OPA and its patrons as it affects the nearest noise sensitive properties at 14 North Parade following a planning application for a change of use from a restaurant to a night club. This letter considers the comments made by Mr Diarmid Henry of Bath & North East Somerset Council and the applicants' noise impact assessment in relation to the planning application and considerations of Planning Policy Guidance Document 24.

OPA already operates as a night club with amplified music and people queuing to gain entry until the early hours of the morning. We have undertaken a noise survey to determine the impact of the OPA operations in accordance with Planning Policy Guidance Document 24. This includes noise from patrons of OPA on the public highway.

Noise from amplified music and activities within OPA as it affects the habitable rooms of 14 North Parade has been assessed in accordance with the Good Practice Guide on the Control of Noise from Pubs and Clubs. This states that music and associated sources should not be audible inside noise-sensitive properties at any time. From the monitoring undertaken on site, it is clear that music from within OPA is audible within the habitable rooms even when the external door is closed. Noise from patrons outside OPA is also audible.

Noise from patrons outside OPA within the habitable rooms has been compared with criteria for reasonable resting and sleeping conditions. The measured noise levels in the habitable rooms regularly exceed the design criteria with the windows closed. If the windows were opened the noise levels would be significantly louder.

If the smoking area was to be moved from the pavement noise levels in the ground floor flat would not change significantly as it is still exposed to patrons queuing to enter OPA.

6.0 CONCLUSIONS

Our noise survey and study clearly demonstrates that the use of the OPA premises as a night club results in severe noise disturbance in adjoining residential properties. It exceeds the criteria in British Standard 8233 and the Good Practice Guide on the Control of Noise from Pubs and Clubs.

Neither the applicants' noise impact assessment nor the comments of Mr Diarmid Henry address the noise issues relating to planning. No evidence is provided by either party to show that the proposed operations will not adversely affect the amenity of the residential properties or refute the conclusions of our report.


In conclusion, from the objective and subjective assessments undertaken within the residential premises on the 20th and 21st March 2010, it can be shown that the OPA activities for which Planning Permission is being applied adversely affect the amenity of the nearby residential properties (the dwellings) and cause "*an unacceptable degree of disturbance.*"

Planning Policy Guidance Document 24 states:

"local planning authorities must ensure that development does not cause an unacceptable degree of disturbance."

I trust this is of assistance. If you require anything further please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'D Oldaker', written in a cursive style.

**Daniel Oldaker BSc.(Hons), MIOA
For Acoustic Consultants Limited**

Copy to:

BWhite@ASEBATH.ORG
Gaynor_Parkinson@GLHEARN.COM

Emma Stoneman

From: Emma Stoneman [Emma_Stoneman@BATHNES.GOV.UK]
Sent: 10 August 2010 16:10
To: 'toby@banwellhouse.com'
Subject: RE: Opa, North Parade

Dear Toby,

Further to your request please find a summary of the enforcement action we have taken with Opa.

Kind regards,

Emma

- January 2008 - 22.50 hours

Multi-agency visit (Licensing, Police, Fire Service, Environmental Protection)

All in order

2 February 2008 - 01:45 hours

Multi-agency (Licensing, Police, Environmental Protection) in response to complaint

Observed outside garden/terrace still in use

Entry to premises obstructed by doorstaff, Police intervention required. Inside premises observed recorded music still being provided, customers dancing and alcohol being sold - all beyond permitted hours. Discussion at time with manager.

4 February 2008

Telephone conversation with licence holder re visit on 2 February. Licence holder invited to Police Station to discuss. Invitation confirmed in writing on 8 February.

11 February 2008 - 14.00 hours

Meeting at Bath Police Station (Licensing Officer, Police Inspector, Police Licensing Officer, Opa's Designated Premises Supervisor and Opa's manager)

Discussed breaches of licence, obstruction by doorstaff. Apology accepted from Opa's manager and reassurances for future.

Meeting and advice confirmed in writing (letter dated 19 February 2008). Offences outlined and written warning included.

15 February 2008

Telephone call to premises following complaint. Discussed allegations and verbal advice given.

14 March 2008 - 01.50 hours

Joint visit (Licensing and Police)

No music, bar closed and customers all leaving. All in order.

4 April 2008 - 01.55 hours

Joint visit (Licensing and Police)

Premises quiet and closing up. All in order.

11 June 2008

Joint visit (Licensing, Police, SIA investigator)

4 doorstaff checked, all registered with SIA and displaying SIA badge as required.

8 October 2008

Letter sent to premises following complaint alleging use of Parade Gardens and licensable activities continuing beyond permitted hours. Formal written warning included.

14 October 2008 - 11am

Meeting at Licensing Office (Licensing Officer, Environmental Protection Officer and Opa's manager)
Discussed complaint and ongoing concerns, including noise issues. Discussed various solutions to minimise disturbance. Positive discussion.

6 December 2008 - 01.10 hours to 01.30 hours

Observations outside premises to check for doorstaff and control of customers/impact of customers. No problems observed.

12 December 2008 - 23.50 hours

Multi-agency visit (Licensing, Police, Environmental Protection)
Doorstaff displaying SIA badge but not wearing high viz yellow jackets - advice given and well received. Outside area being controlled well. All in order.

4 January 2008 - 00.55 hours

Observed large group outside premises, 2 SIA doorstaff wearing high viz yellow jackets present and controlling queue.

21 August 2008 - 22.15 hours

Multi-agency visit (Licensing, Police, Fire, Food Safety)
Doorstaff present and wearing high viz yellow jackets, member of staff monitoring use of terrace, licensing matters all in order.

From: Toby Brett [mailto:toby@banwellhouse.com]
Sent: 28 July 2010 16:55
To: Emma Stoneman
Subject: Opa, North Parade

Emma

Please can you let me know what you have done to enforce the conditions on the license of the above premises.

Regards

Toby

The contents of this email message, and any attachments, are confidential and intended solely for the use of the individual or entity to whom they are addressed. The message does not necessarily express the views of Bath & North East Somerset Council and should be considered personal unless there is a specific statement to the contrary.

If you have received this email in error you may not take any action based on it, nor should you copy or

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday 7th July 2010

PRESENT -: Councillor Les Kew in the Chair

Councillors: Cherry Beath (Substitute for Nicholas Coombes), Gerry Curran, Colin Darracott, Eleanor Jackson, Malcolm Lees, Bryan Organ (Substitute for Richard Maybury), Carol Paradise, Brian Webber, John Whittock and Steve Willcox

An apology for absence was received from Councillor John Bull

Also in attendance: Councillor Terry Gazzard

13 EMERGENCY EVACUATION PROCEDURE

The Committee Administrator drew attention to the emergency evacuation procedure as set out on the Agenda

14 ELECTION OF VICE-CHAIRMAN (IF DESIRED)

RESOLVED There was no vice-chairman elected

15 DECLARATIONS OF INTEREST

There were no declarations of interest made

16 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were none. However, the Chairman informed the meeting that the planning application at Parkhouse Lane ("K2"), Keynsham (Item 3, Report 10) and the Enforcement Item on Land at Poplar View, Woollard Lane, Whitchurch (Report 11) had been withdrawn and would not be considered at this meeting.

17 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Committee Administrator informed the meeting that Notice had been given of a Statement/Question by the Bath Preservation Trust. Also that there were numerous members of the public etc wishing to make statements on planning applications who would be able to do so when reaching those items in Report 10.

Caroline Kay, Chief Executive of Bath Preservation Trust, made her Statement culminating in a Question regarding the possible omission of a Reception Area from the Planning Offices which were being relocated to Lewis House in October. The Development Manager responded accordingly. The Chairman stated that Members would make their best endeavours that a public consultation area be provided.

(Note: A copy of the Statement/Question and the Reply has been retained in the Minute Book)

18 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were none.

19 MINUTES: WEDNESDAY 9TH JUNE 2010

RESOLVED that the minutes of the meeting held on Wednesday 9th June 2010 be confirmed as a correct record and signed by the Chairman

20 MAJOR DEVELOPMENTS

The Senior Professional - Major Developments informed the meeting that the Bath Western Riverside planning applications were to be considered at this meeting and that there was no update on other major developments but he would respond to any queries by Members.

There were no queries and the Committee therefore noted.

21 APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Report 10)

The Committee considered

- A report by the Development Manager on various planning applications
- An Update Report by the Development Manager on Item Nos 1 and 2, regarding Bath Western Riverside, attached as Appendix 1 to these Minutes
- An Update Report by the Development Manager on Item Nos 1-4, 6, 7, 12 and 13, attached as Appendix 2 to these Minutes
- Oral statements by members of the public etc on Item Nos 1, 2, 4, 6, and 8-13, the Speakers List being attached as Appendix 3 to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as Appendix 4 to these Minutes.

NOTES: Decisions were made by the Committee as per the recommendations set out in the Report with the Agenda and were carried unanimously or without dissension unless stated otherwise. Where the Officer's recommendation was

overturned, or there were amendments whether lost or carried, or there were decisions on matters other than on planning applications, these are listed below.

Items 1&2 Bath Western Riverside Development Area, Midland Road, Twerton, Bath - A new residential quarter including up to 2,281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants and other community services and facilities (within Classes A1-A5 and D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping (Ref 06/01733/EOUT); and Phase 1A of Bath Western Riverside Western quarter on land at former Stothert and Pitt Works comprising 299 residential homes and apartments (Class C3); shops (Class A1); construction of roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping (Ref 06/04013/EFUL) - The Committee had received a report by the Development Manager on the above 2 applications which provided (1) an Introduction to the schemes, including an extract from the approved Minutes of the Special Development Control Committee meeting held on 27th November 2007 that had considered these applications previously and had provided a platform for the current proposals; (2) a description of the proposed amended development and notes on the status of the 2 applications; (3) Policy Background; (4) Consultations and Representations; (5) Planning Considerations; and (6) Conclusions.

The Senior Professional - Major Developments reported on these proposals. He informed the meeting that, since November 2007, Officers had been in discussions with the applicants regarding the terms of the S106 Agreement and conditions but that, due to significant factors, the permissions couldn't be issued. In particular, the Senior Professional highlighted that challenges had arisen in the context of a formal complaint to the European Commission regarding the terms of the various legal agreements that were intended between the Council and the Developer and, as a result of these issues, more weight is to be attached to securing an acceptable development using planning conditions with rather less reliance being placed upon the legal agreements. As a result of these legal considerations and of amendments to the proposed schemes, a potential basis for approval had now emerged which would need to be considered and determined by the Committee.

He gave a Power Point presentation on the previously approved schemes and details of the 3 main amendments now proposed, namely, (i) deletion of the 93mews94 development and replacement with terraces of town houses up to 4 storeys in height, and basement parking in sections; (ii) provision of family housing at the rear of Victoria Terrace, Lower Bristol Road, on an area of land that had previously been proposed to remain undeveloped and where there had previously been resident badgers; and (iii) provision of lower residential units (instead of an apartment block) on the area of land across the River from Norfolk Crescent Green. The Senior Professional informed the meeting that, in planning terms, these were considered by Officers to be generally beneficial amendments which also made the proposals more financially viable by facilitating potential financial support for the scheme from the Homes and Communities Agency. CABE and English Heritage had indicated that, in their opinions, there was no significant adverse impact resulting

from the amendments although English Heritage had strongly suggested that there should be further discussions about how the comments of UNESCO could best be incorporated into the consideration of later stages of the overall scheme. The Committee was advised that Officers would liaise closely with English Heritage on these issues.

The Senior Professional continued by referring to the Update Report on these schemes and apologised for their late circulation. This Report provided (1) Introductory Comments; (2) Further Representations and Consultation Responses; (3) Legal and Policy Framework Considerations; (4) Conclusions; and (5) Recommendations for both applications, namely, that the Development Manager be authorised to Permit subject to such conditions as the Development Manager may determine and subject to the prior completion of an Agreement under S106 of the Town and Country Planning Act 1990 (as amended) on such terms as the Development Manager and the Planning and Environmental Law Manager may determine. Attached to the Update Report was a letter from the Strategic Director of Development and Major Projects which recommended that, as in 2007, the applicants' packages of proposals are considered to be acceptable in terms of the overall viability of this complex regeneration scheme and in terms of the financial and 93in kind94 contributions (including affordable housing) now being offered in order to address the technical and community implications of the proposed development.

The Senior Professional introduced Giles Pink, a consultant Solicitor from London, acting on the Council's behalf on various legal aspects of the matter. Regarding late observations, he reported the receipt of messages from (a) the Bath Chamber of Commerce who supported the proposals; and (b) Councillor Sharon Ball regarding the problem of seagulls - as a result, he would ensure that some form of gull control be included in the scheme.

A Question and Answer Session followed whereby Members sought clarification on various issues regarding the site boundary, the number of units being provided, affordable housing, basement parking and on-street parking. The Senior Professional responded accordingly.

The public speakers who had given notice to speak then made their statements both against and in favour of the proposals. Major Crombie MBE said that the Bath Society's objections to the scheme had not been included in the Report. The Cabinet Member for Development and Major Projects, Councillor Terry Gazzard, made a statement in favour of the scheme.

The Members commenced their debate on the applications. Councillor Gerry Curran referred to the amount of detailed attention that had been paid to the development. He had noted the differences highlighted by the Senior Professional between the 2007 proposals and the applications now submitted for the Committee's determination. There had previously been a lot of opposition to the proposals but these amendments were important and improved the scheme as a whole. It was an important part of the City being formerly an industrial site and adjoining the heritage area. The proposals had been the subject of a lot of scrutiny and he felt entirely able to support them. He therefore moved the Officer's recommendations as set out in the Update Report. After a query regarding the approval of the terms of the S106

Agreement and the Conditions, and so that the scheme would not be unduly delayed, the Motion was amended so that, as in the 2007 resolution, these aspects would be the subject of delegated approval following consultation with the Chairman and Councillors John Bull and Gerry Curran as leading spokespersons on the Committee for the Labour and Liberal Democrat Groups respectively. This Motion was seconded by Councillor Bryan Organ.

Members debated the motion and expressed their support of the scheme as regards the amended design with lower apartment blocks and more family housing being provided. It was noted that public open space had been provided and that access to the River was more open and attractive. It was generally felt that the scheme was worthy of approval. The Chairman read out the wording regarding the 3 Members being consulted on the S106 Agreement and Conditions. The motions on both applications were then put to the vote separately and were each carried unanimously with 11 in favour and 0 against.

Item 3 Parcel 4200, Parkhouse Lane, Keynsham - Hybrid planning application for a housing-led mixed use development comprising 285 dwellings, retail accommodation, flexible business/employment floorspace, affordable housing, formation of new vehicular, pedestrian and cycle accesses, pedestrian and cycle improvements to Parkhouse Lane, formal and informal public open space including junior playing pitch and associated changing rooms and parking facilities, together with landscaping and tree planting and ancillary works including drainage (Full Application); and extension to Castle Primary School (Outline Application, All matters Reserved) - This application was withdrawn.

(NOTE: After these items at 3.25pm, there was an adjournment for 5 minutes before resuming consideration of the following business.)

Item 4 OPA, 14 North Parade, Bath - Change of use from Restaurant (Use Class A3) to mixed use as restaurant, bar and nightclub - The Case Officer reported on this proposal in the basement and referred to the problems of noise and disturbance late at night from a nightclub use in very close proximity to local residents. He was therefore recommending that permission be refused. The Update Report referred to a further objection received from agents acting on behalf of local residents.

The public speakers made their statements against and in favour of the application. The Ward Councillor Terry Gazzard spoke against the use as a nightclub.

Councillor Colin Darracott referred to the problems associated with a nightclub use with loud amplified music which can penetrate walls. He considered that a restaurant use was suitable in this location but not a nightclub and therefore moved the recommendation to Refuse. This was seconded by Councillor Brian Webber.

Members debated the motion. It was generally felt that a nightclub use was not acceptable in this location due to its close proximity to residential properties. In response to an enquiry about the nightclub use continuing, the Case Officer informed that enforcement action would be considered if the unauthorised use of the premises did not cease. The motion was put to the vote and was carried unanimously.

(Note: After this decision was taken, a Member commented that there did not appear to be any form of disabled access to the establishment. The Chairman responded that this matter could be considered outside of this meeting.)

Item 5 Recreation Ground, Pulteney Mews, Bath - Erection of temporary East Stand - The Case Officer reported on this application for a 5 year temporary permission and his recommendation to Permit with conditions.

Councillor Brian Webber commented that there had been various applications for extended seating in the past. He felt that it was a significant change but not to the extent that it would be unacceptable in terms of the impact on the area and local residents. He therefore moved the recommendation to Permit which was seconded by Councillor Colin Darracott.

Members debated the motion. Members made reference to fire evacuation procedures and the problems of removing the stands after 39 weeks of use (included in Condition 2 as recommended). The motion was put to the vote and was carried unanimously.

Item 6 Parcel 7100, Woollard Lane, Whitchurch - Change of use of land (Retrospective) to gypsy site for 1 mobile home, 1 touring caravan and 1 ancillary building and provision of new access - The Case Officer reported on this retrospective application and his recommendation to Refuse permission. He referred to the Update Report which contained further objections by Whitchurch and Publow Parish Councils and representations from the applicant's agent which included a request that a temporary permission also be considered.

A representative made a statement on the applicant's behalf in favour of the proposal.

Councillor Bryan Organ referred to the number of similar applications previously refused for this proposal which was an inappropriate use of this site in the Green Belt. He still had concerns regarding the road conditions and the potential highway hazard and moved that permission be refused as recommended in the Officer Report. This was seconded by Councilor Carol Paradise.

Members debated the motion. The issue of the lack of provision of gypsy sites generally in the Council's District and the possibility of a temporary permission on this site were discussed. Some Members considered that a personal temporary permission could be given. Councillor Steve Willcox relayed the comments of the Ward Councillor Peter Edwards who couldn't attend the meeting and who had advised that he had received a lot of complaints from local residents. It was clear from the debate that Members were fairly divided on their views of the proposal. The motion to Refuse as per the recommendation was put to the vote. Voting: 6 in favour and 5 against. Motion carried.

Item 7 Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath - Erection of key stage 2 building and link to key stage 1 building with associated external works and landscaping following demolition of existing key stage 2 building and alterations to key stage 1

building, and erection of a biomass heating station - The Case Officer reported on this application and her recommendation to Authorise the Development Manager to Permit subject to (A) securing an obligation from the applicants to secure a contribution of A310,000 towards the costs of amending the existing Traffic Regulation Order to extend the 20mph zone and to provide additional signage; and (B) subject to the prior completion of the above obligation, authorise the Development Manager to Permit subject to the receipt of no new material planning objections and to conditions. The Update Report referred to further representations received and recommended additional Conditions 8-12 being imposed.

Members asked questions regarding the delivery of material for the biomass boiler to which the Officer responded. Councillor Malcolm Lees considered that the size of delivery vehicle was an important issue. He referred to the problem of parking for local residents and expressed concerns about the reopening of the entrance onto Lansdown Lane. He acknowledged though that the School had a good rating and that this was a good proposal and therefore moved the Officer recommendation. This was seconded by Councillor Eleanor Jackson.

Members debated the motion. Councillor Steve Willcox considered that a condition should be added limiting the delivery time of material for the boiler to avoid busy periods of children's movements at the School. The Development Manager undertook to consider this aspect and initiate any appropriate safeguards. Regarding a request to impose a condition limiting the use of the entrance onto Lansdown Lane, she advised that this would be taken on board as part of the Construction Management and Travel Plans. The motion was then put to the vote which was carried unanimously.

Items 8&9 No 39 St James's Square, Bath - Conversion of existing disused rear out-building into ancillary accommodation to the ground floor (Resubmission) (Ref 10/01443/FUL); and Internal and external alterations for the conversion of the existing disused rear out-building into ancillary accommodation to the ground floor (Ref 10/01444/LBA) -
The Case Officer for the listed building application reported on these applications and the recommendations to Refuse permission/consent.

The applicant made a statement in favour of the proposals.

Councillor Carol Paradise considered that this was a good use of the space and a good design. She felt that there was sufficient information to take a decision and that this proposal would not constitute overdevelopment and would preserve the historic and architectural character of the building. She therefore moved that the recommendations be overturned and that permission/consent be granted. This was seconded by Councillor Colin Darracott.

Members debated the motions. It was generally accepted that this was a good proposal worthy of support. The Development Manager advised that permission would need to be delegated to impose appropriate conditions which was accepted by the mover and seconder. The amended motions were then put to the vote and were carried unanimously.

Item 10 The Old Chapel, The Mead, Farmborough - Conversion of The Old Chapel to 2 dwellings with garaging beneath (Resubmission) - The Case Officer reported on this application and her recommendation to Refuse permission.

The applicant's agent made a statement in favour of the proposal.

Councillor Bryan Organ felt this was a good application that brought a building back into domestic use. On the basis that he considered that the access was not sub-standard and would not be prejudicial to road safety, he moved that the recommendation be overturned and permission granted. This was seconded by Councillor Steve Willcox.

Members debated the motion and considered the design, vehicle manoeuvring, provision for the number of vehicles and road conditions. It was generally felt that this was a good scheme although one Member considered that the vehicle manoeuvring and effect on highway safety was not acceptable. The Chairman advised that the permission should be delegated in order to impose appropriate conditions which was accepted by the mover and seconder. The amended motion was then put to the vote. Voting: 10 in favour and 1 against. Motion carried.

Item 11 Greenleigh Farm, Wells Road, Chew Magna - Reconstruction and rebuilding of former barn to form holiday cottage - The Case Officer reported on this application and his recommendation to Refuse permission.

The applicant's agent made a statement in favour of the proposal.

The Case Officer responded to a Member's query concerning car parking provision. Councillor Eleanor Jackson moved the Recommendation to Refuse. She considered that substantial reconstruction would be required as the existing building was dilapidated and it would constitute inappropriate development in the Green Belt. Councillor Gerry Curran seconded the motion as he considered the proposal was totally against policy.

Members debated the motion. Some Members considered that a holiday let in this part of the countryside would not be inappropriate and would tidy up this part of the farm buildings. The Development Manager emphasised that this building required major reconstruction and, although described as a holiday let, it was still residential use. If Members decided to overturn the recommendation to Refuse, it would cause serious problems for Officers in view of the proposal being totally in breach of Green Belt policies that had been approved by Council. The motion was then put to the vote. Voting: 6 in favour and 4 against with 1 abstention. Motion carried.

(Note: After this item at 5.15pm, there followed a 15 minute adjournment for Tea.)

Item 12 Sun House, Brassknocker Hill, Claverton Down, Bath - Erection of a 2 metre high timber acoustic fence to be erected along the highway boundary of the site behind the existing dry-stone wall, planting to be reinstated and reinforced behind the fence - The Case Officer reported on this application and his recommendation to Refuse permission. He referred to the Update Report which informed that the second recommended reason for refusal had been withdrawn.

The applicant made a statement in favour of the proposal.

Councillor Cherry Beath stated that she knew the site well and felt that a timber fence would not make the site any more enclosed than the existing wall and vegetation. On the basis that she considered that the proposal would not have a detrimental impact on the openness of the Green Belt or the rural character of the area, she moved that the recommendation be overturned and permission granted. On advice, this was amended to Delegate to Permit for appropriate conditions including a Condition set out in the Update Report. This was seconded by Councillor Steve Willcox.

Some Members expressed concerns regarding the proximity close to the highway and the possibility of graffiti. However, most Members considered that it would not materially alter the appearance of the streetscene and would blend in when the vegetation reappeared. The motion was put to the vote. Voting: 9 in favour and 2 against. Motion carried.

Item 13 Hillgarth, The Wrangle, Compton Martin - Erection of new dwelling following demolition of existing (Revised resubmission) - The Case Officer reported on this application and his recommendation to Refuse permission. The Update Report referred to further representations from the applicant regarding the increase in volume.

The applicant made a statement in support of his application.

Councillor Steve Willcox stated that the building had not been extended since it was built in 1924 and could have been extended a number of times over the years. This was now an opportunity for a decent new dwelling to be developed on the site. He therefore moved that permission be granted. On advice, this was amended to Delegate to Permit with appropriate conditions. The motion was seconded by Councillor Colin Darracott.

Members debated the motion. Members discussed the definition of materially larger than the dwelling it replaced (as referred to in the recommended reason for refusal). It was generally considered that it was a matter of degree. A Member queried the loss of trees on the site but it was explained that they were not covered by Tree Preservation Orders.

The Development Manager stated that reasons for overturning the recommendation were required. She advised that this was not Green Belt and that there was little merit in the existing dwelling on the site. She read an extract from Policy HG.14 of the Local Plan which was the basis for refusing the application and advised that Members needed to consider whether the proposed house would be materially larger than the existing and whether it would have a materially greater impact on the countryside. The mover and seconder accepted that the dwelling would be materially larger but would not harm the countryside. The motion was then put to the vote with suitable conditions to be imposed. Voting: 10 in favour and 1 against. Motion carried.

22 ENFORCEMENT ITEM - LAND AT POPLAR VIEW, WOOLLARD LANE, WHITCHURCH (Report 11)

The Committee noted that this Report had been withdrawn.

23 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Report 12)

RESOLVED to note the report

The meeting ended at 6pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services

Premises Licence

Premises Licence Number	08/02555/LAPRE
--------------------------------	----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Opa Bath Ltd
14 North Parade
Bath
BA2 4AJ

Telephone number	01225 317900
-------------------------	--------------

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Monday to Saturday	12:00 - 02:00
Sunday	12:00 - 23:30
Bank Holiday	12.00 – 02.00
From normal start time on New Year's Day until normal finish time on New Year's Day	

Performance of Live Music (Indoors only)

Sunday	18:00 - 23:00
--------	---------------

Performance of Recorded Music (Indoors only)

Monday to Saturday	12:00 - 02:00
Sunday	12:00 - 23:30
Bank Holidays	12.00 – 02.00

Facilities for Dancing (Indoors only)

Monday to Saturday	12:00 - 02:00
Sunday	12:00 - 23:30
Bank Holidays	12.00 – 02.00

Late Night Refreshment (Indoors and Outdoors)

Monday to Saturday	23:00 - 02:00
Sunday	23:00 - 23:30
Bank Holidays	23.00 – 02.00

The opening hours of the premises

Monday to Saturday 12:00 - 02:30
 Sunday 12:00 - 00:00

From normal opening time on New Year's Eve until normal opening time on 1 January.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol is supplied for consumption on the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Dios Mastrogiannopoulos
 14 North Parade
 Bath
 BA2 4AJ
 01291 630356 (solicitor)

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number - Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

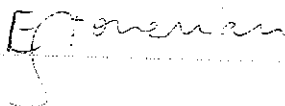
Mr Dios Mastrogiannopolous
 14 North Parade
 Bath
 BA2 4AJ

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

PLN654
 Monmouthshire County Council

This licence is issued by Bath & North East Somerset Council as licensing authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Signed for and on behalf of
 Bath & North East Somerset Council:



Dated 29 November 2008

Annex 1 – Mandatory conditions

No supply of alcohol may be made under the premises licence:

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.

Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

Annex 2 – Conditions consistent with the Operating Schedule

At least one door supervisor to be posted at the entrance to the premises on Thursdays, Fridays and Saturdays.

At least one door supervisor will remain on duty until at least 30 minutes after the premises are closed.

Door supervisors will ensure good order is maintained and will supervise all queuing into the premises, as well as all persons leaving the premises.

Door supervisors to carry a name badge and proof of registration.

CCTV to be installed throughout the premises.

Capacity limit of 250 persons to be enforced.

No drinks promotions to take place on the premises.

Adequate and appropriate first aid equipment and materials to be available on the premises at all times.

There is to be no smoking in the dining areas.

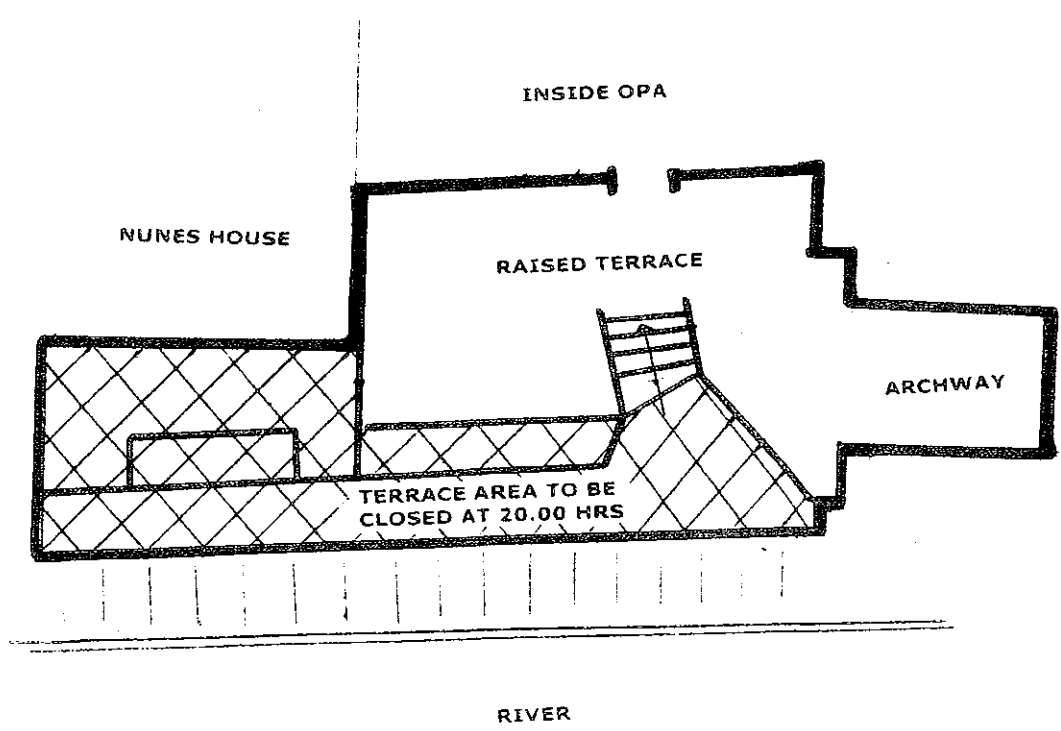
Only persons aged 19 years or over to be admitted to the premises after 1800 hours.

At least one notice to be displayed stating that persons aged under 19 years will be required to finish their meal and leave by 1800 hours.

A telephone will be made available for customers to make calls to a local taxi company, at no cost to the customer.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. Noise from amplified music shall not be audible so as to cause a nuisance at the nearest noise sensitive premises.
2. Prominent, clear and legible notices shall be displayed at all exits, and on the terrace, requesting that customers respect the needs of local residents, use the outside areas quietly and leave the premises quietly.
3. Doors and windows to the river terrace shall be kept shut after 23:00hrs except for access and egress
4. Two SIA registered door supervisors will be on duty at the premises on Thursday, Friday and Saturday in order to promote the licensing objectives. One door supervisor to be stationed at the top of the stairs at the pavement entrance to the front of the premises to maintain the good order of those entering and leaving the premises and one to be stationed within the premises to supervise the good order of the premises and in particular the rear terrace.
5. All door staff shall wear yellow fluorescent jackets whilst on duty.
6. The garden area to be closed at 23.00 hours.
7. The terrace area affronting the riverside and abutting the raised terrace and patio area of Nunes House as indicated on the plan below shall be closed to all customers after 20.00hrs daily.



Annex 4 – Plans

As submitted with application.

Part B

Premises Licence Summary

Premises Licence Number	08/02555/LAPRE
Premises Details	
Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code	
Opa Bath Ltd 14 North Parade Bath BA2 4AJ	
Telephone number	01225 317900
Where the licence is time limited the dates Not applicable	
Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities	
Sale of Alcohol	
Monday to Saturday	12:00 - 02:00
Sunday	12:00 - 23:30
Bank Holiday	12:00 - 02:00
From normal start time on New Year's Day until normal finish time on New Year's Day	
Performance of Live Music (Indoors only)	
Sunday	18:00 - 23:00
Performance of Recorded Music (Indoors only)	
Monday to Saturday	12:00 - 02:00
Sunday	12:00 - 23:30
Bank Holidays	12:00 - 02:00
Facilities for Dancing (Indoors only)	
Monday to Saturday	12:00 - 02:00
Sunday	12:00 - 23:30
Bank Holidays	12:00 - 02:00
Late Night Refreshment (Indoors and Outdoors)	
Monday to Saturday	23:00 - 02:00
Sunday	23:00 - 23:30
Bank Holidays	23:00 - 02:00

The opening hours of the premises

Monday to Saturday 12:00 - 02:30
Sunday 12:00 - 00:00

From normal opening time on New Year's Eve until normal opening time on 1 January.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol is supplied for consumption on the premises

Name, (registered) address of holder of premises licence

Mr Dios Mastrogiannopoulos
14 North Parade
Bath
BA2 4AJ

Registered number of holder, for example company number, charity number (where applicable)

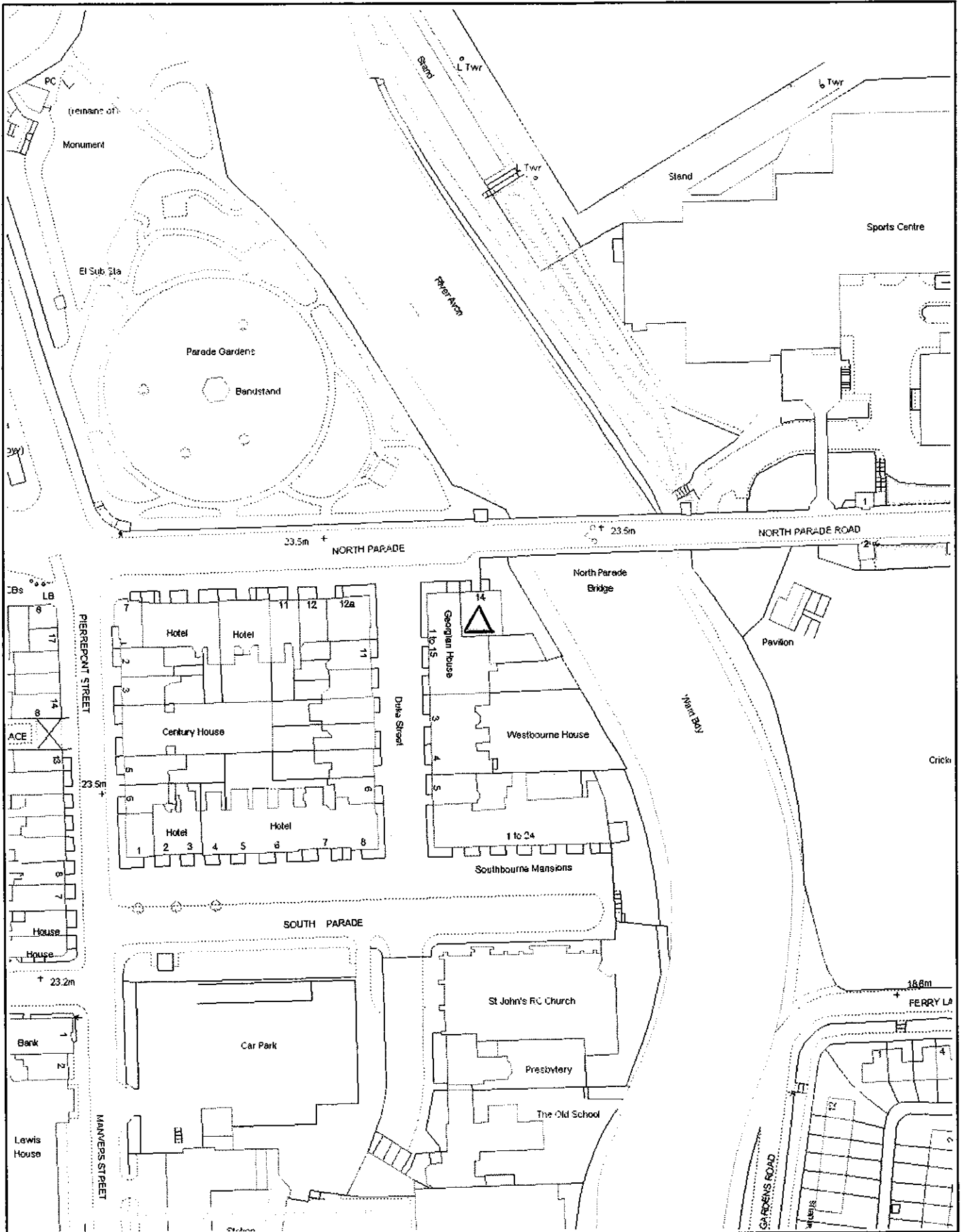
Registered Business Number - Not applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Dios Mastrogiannopolous

State whether access to the premises by children is restricted or prohibited

As per Operating Schedule at Annex 2.



Bath & North East Somerset Council

Opa North Parade

Scale 1/1250

Date 28/9/2010

Centre = 375341 E 164683 N

Drawn by:

Terrill Wolyn

Bath & North East Somerset Council,
 Planning Services,
 Trimbridge House,
 Trim Street,
 Bath BA1 2DP



Before the Licensing Sub-committee of Bath and North East Somerset Council
In the matter of an application for a Review of the Respondent's Premises Licence

Licence Number: 05/03099/LAPRE

Between

Georgian House (Bath) Management Ltd

Applicant

And

Opa Bath Limited

Respondent

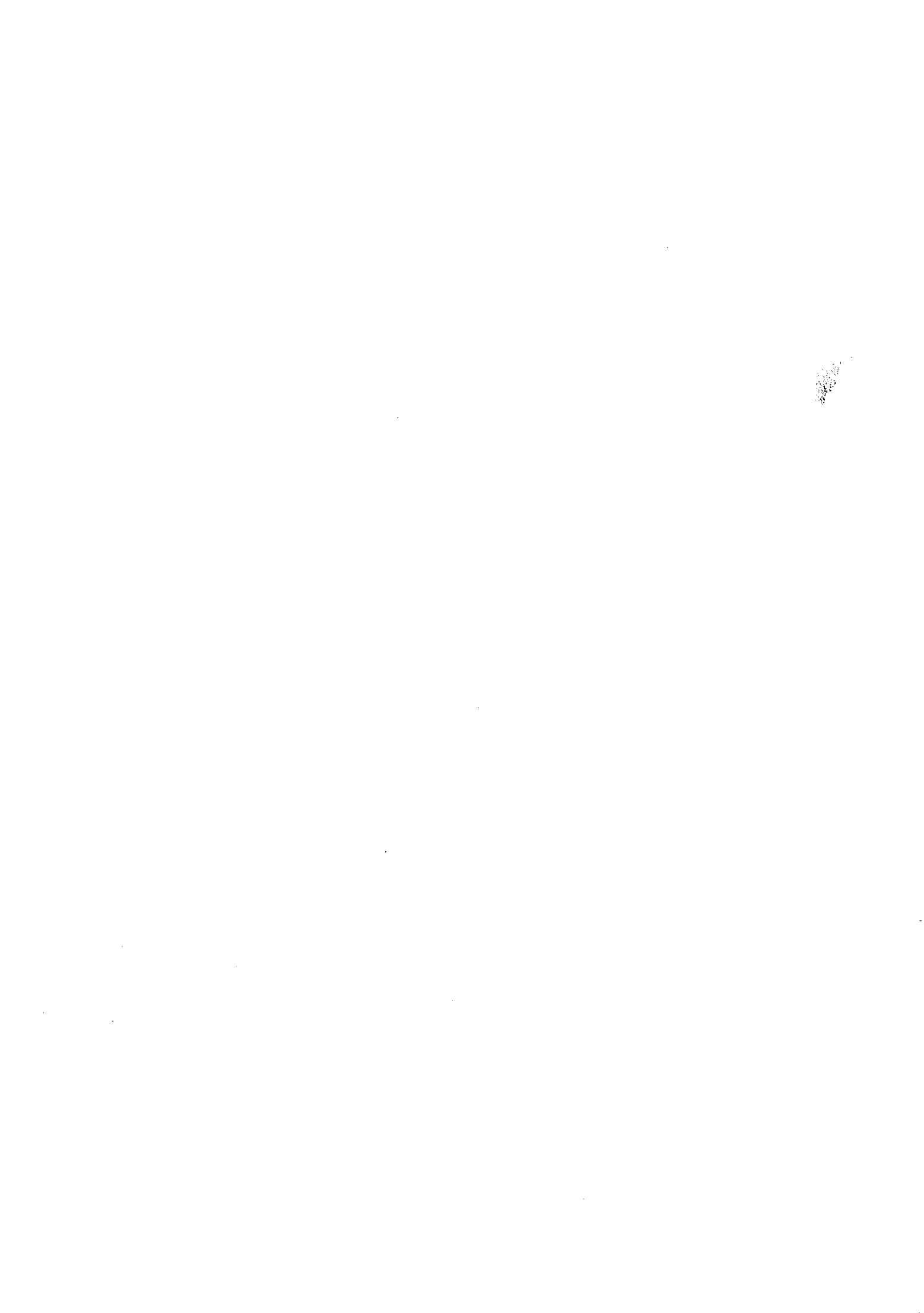
RESPONDENT'S RESPONSE

To the application dated the 17th August 2010

1. The application to cut back all the permissible hours to 11pm every day is based on 5 areas of complaint. These are responded to as follows.
2. *Queuing customers being a nuisance.* If this does happen, it is rare. Also, if it does happen, it is not accepted that such loud behaviour or urination comes from customers queuing for OPA.
3. *Smoking customers being a nuisance.* It is because this complaint has been made since the law was changed that OPA has been seeking all required permissions to direct smokers to Parade Gardens. Until OPA is allowed to do this, and then see what difference it makes, then changing the license now is wrong.
4. *Departing customers being a nuisance.* OPA is not a nightclub. Security staff supervise departing customers. There is a sign about keeping quiet. The committee needs to be satisfied that any such behaviour comes from OPA customers.
5. *Departing customers being sick and urinating.* It is not accepted that this happens. If it does happen, it is not accepted that such behaviour comes from customers of OPA.
6. *Customers drinking on the terrace.* The river terrace is part of OPA and is a particular attraction to customers. To the extent that customers may make enough noise to disturb residents, that is why OPA has been trying to get the use of Parade Gardens. Until OPA is given the chance to use Parade Gardens, limiting the license now is wrong.

Date: 15 September 2010

Mark Hoare - Solicitor for OPA



Representation Form

Responsible Authority. (Please delete as applicable.)
EP (noise)

Your Name	Diarmid Henry
Job Title	Environmental Health Officer
Postal and email address	9-10 Bath Street BATH BA1 1SN
Contact telephone number	01225 477555

Name of the premises you are making a representation about.	OPA
Address of the premises you are making a representation about.	14 North Parade BATH BA2 4AJ

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	Yes	I received a complaint of noise disturbance from a neighbouring property to OPA, 14 North Parade, Bath on 8 July 2010 concerning an alleged statutory noise nuisance. The complainant alleged that loud music from OPA was audible within his property. As part of the investigation noise monitoring equipment was installed from 1 – 8 September 2010. Recordings of music, which the complainant has confirmed was coming from OPA were made as were recordings of noise from patrons of OPA on the

		<p>pavement outside the premises. A bass beat was audible within the complainant's home at 0049 hours on Thursday 2 September 2010. Another recording was made on Thursday 2 September 2010 where shouting and singing can be heard, a member of staff from OPA can be heard saying "<i>calm down, there is people sleeping</i>". On Saturday 4 September 2010 the complainant was awoken by noise from patrons leaving OPA at 0218 hours.</p> <p>By virtue of the Environmental Protection Act 1990, the local authority can only take action in relation to noise emanating from premises. It therefore follows that the local authority is unable to take action in relation to noise from patrons not on the premises. In relation to noise emanating from this premises, the Local Authority served an abatement notice under s.80 of the Environmental Protection Act 1990 on OPA in October 2008 concerning noise from loud music. In light of the recordings of music from OPA I will continue to investigate to determine whether this amounts to a statutory nuisance. Nevertheless the recordings of noise from people on the street either queuing to enter OPA or leaving at the end of the night coupled with the intrusive bass beat present's evidence of a significant disturbance. The reality is that the complainant is subjected to noise of this nature on a weekly basis until the early hours of the morning as a direct result of OPA's activities which would not otherwise occur.</p> <p>It is widely recognised that sleep is essential for maintaining physical and mental wellbeing. My concern is that the activities of OPA are resulting not only in the prevention of the quiet enjoyment of properties in the immediate vicinity of 14 North Parade, but also that the occupiers of these properties are being deprived of their sleep. In my opinion the noise that has been recorded would suggest that the licensing objective of "<i>prevention of public nuisance</i>" is not being met. I intend to play the recordings referred to above at the licensing committee hearing.</p>
The prevention of harm to children	No	

Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.

N.B. If you do make a representation you will be expected to attend the Licensing Panel and any subsequent appeal proceeding.

Signed:

Date: 13 September 2010

Please return this form along with any additional sheets to:

Licensing Team
Public Protection
9-10 Bath Street
Bath
BA1 1SN

E-mail address: licensing@bathnes.gov.uk

This form must be returned within 28 consecutive days of the application being made to the Licensing Authority.



Printed on recycled paper

Terrill Wolyn

From: Licensing
Sent: 15 September 2010 10:26
To: Terrill Wolyn
Subject: FW: OPA Licensing Review - Ref 10/03038/LAPRE

From: Jenny Draper [mailto:Jenny.Draper@cobbfarr.com]
Sent: 15 September 2010 10:05
To: Licensing
Subject: FW: OPA Licensing Review - Ref 10/03038/LAPRE

**OPA Licensing Review
Ref 10/03038/LAPRE**

To Whom It May Concern,

I am writing in relation to the OPA Licensing Review. At the beginning of this month my tenants moved into Flat 2, Georgian House, Duke Street BA2 4AQ. The front door is immediately adjacent to that of OPA MEZE BAR, and the bedroom and study windows look out onto North Parade Road.

I have had various complaints from my tenants regarding the noise immediately outside the apartment and take this opportunity to list some of them.

Two to three times per week there is a significant noise issue as a result of people queuing outside windows, smokers leaning against the railings and drunk individuals and groups being expelled from the premises.

A couple of evenings they have experienced intoxicated customers looking for OPA knocking loudly on our front door. The noise pollution reaches it's peak at 1:30 to 3am when the club is closing, as people congregate outside without moving on or going home.

One evening they were holding a private party for some friends and on three occasions that night strangers attempted to enter the flat, despite the presence of OPA's bouncer outside. The first of these was a man who physically prevented them from closing our front door and refused to leave the premises. They had to call the police.

Each morning we wake up to find empty bottles and cigarette butts in the fenced area outside our front door, and several times a week there are piles of bin bags and many empty cardboard crates by the fence outside our windows, clearly visible from inside.

Urinating on the front doorstep of Georgian House. When confronted abuse was shouted in response.

It is not acceptable that these incidents are allowed to carry on considering that the application for night club was refused. Something needs to be done urgently as it is affecting peoples lives on a daily basis.

Regards,

JENNY DRAPER
Company Secretary
COBB FARR RESIDENTIAL
35 Brock Street, Bath BA1 2LN
01225 333332/444322

Terrill Wolyn

Subject: FW: Licensing Review ref 10/03038/LAPRE -

From: Licensing
Sent: 15 September 2010 10:26
To: Terrill Wolyn
Subject: FW: Licensing Review ref 10/03038/LAPRE -

From: Woodward, Francis
Sent: 15 September 2010 09:26
To: Licensing
Subject: Licensing Review ref 10/03038/LAPRE -

Dear Sir or Madam

The above reference refers to OPA which is a restaurant that , in effect, runs as a night club.

I own a property in Georgian House which is situated above the night club entrance and is tenanted by the same people for some 8 years now and they have been complaining for many months about the nuisance and disorder that takes place regularly into the early hours. That is by people, often intoxicated, who spill out of the restaurant/night club onto North Parade who talk loudly, often shout and even sometimes engage in fights and sexual activity. They find it very difficult to sleep, are sometimes distressed and are exhausted for work the following day. Families with children must find it unbearable to live anywhere nearby. I believe that anyone who has complained has found the response from both revellers and the OPA management to be intimidating.

This restaurant/nightclub is situated in a residential area. There are around 10 flats directly above and below the entrance and numerous more flats on North Parade and Duke St affected by this very real nuisance. Like nearby hotels and pubs it is reasonable to have a license until 11pm but I submit utterly unreasonable for the license to go beyond 11pm.

I therefore urge the committee to limit the OPA license to 11pm.

Yours faithfully

F.Woodward

.....

Alan Bartlett

From: Graham Webb [graham.webb@stjohnsbath.org.uk]
Sent: 15 September 2010 17:22
To: Licensing
Cc: Robin Anderson
Subject: OPA Licensing Review Ref 10/03038/LAPRE

Dear Sirs,

I wish to support the current proposal to carry out a review of the licence at OPA restaurant.

We frequently receive complaints from our tenants at 11 North Parade about the behaviour of people using the restaurant which, I understand, operates as a nightclub. The residents are frequently exposed to noise and nuisance until and after the night club closes after 2am, and they are obliged to tolerate people vomiting, urinating and smoking outside the communal entrance to our building. There have even been reports of a couple having sex outside the door.

One of our tenants is terminally ill and in very poor health, and this kind of anti-social behaviour is the last thing she needs.

Many thanks - Graham

Graham Webb
Commercial Estate Surveyor

St John's Hospital
4/5 Chapel Court
Bath
BA1 1SQ

Tel: 01225 489 722
Fax: 01225 463 439

graham.webb@stjohnsbath.org.uk

Please visit our new website at www.stjohnsbath.org.uk

Have you downloaded the new free St John's Hospital "Phone app"?

The app's an interactive guided tour of the architectural details of the UNESCO World Heritage Site Bath with an interactive map, stunning photos and expert text.

Download the free app by clicking

<http://bit.ly/stjohnsbathapp>

Alan Bartlett

From: Licensing
Sent: 15 September 2010 08:15
To: Terrill Wolyn
Subject: FW: OPA Licensing Review Ref 10/03038/LAPRE

From: David Appleton [mailto:]
Sent: 14 September 2010 19:04
To: Licensing
Subject: OPA Licensing Review Ref 10/03038/LAPRE

To whom it may concern,

I write with regards the flagrant disregard for the local environment, local residents, current planning and approved license by the owners of the OPA restaurant.

It is obvious without being prejudice that the current owners of the OPA restaurant are operating their restaurant as a night club into the early hours of the morning especially so over the weekend.

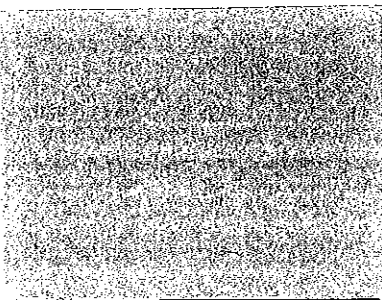
They have little if any regard for their neighbours and the impact the noise has on the local environment let alone any concern to the overall public nuisance they cause. The premises is unsuitable for this type of use and continues to destroy the lives of local residents.

The owners of OPA should, as all law abiding citizens should be, be forced to operate within the law.

Regards

David Appleton

11 Georgian House
Duke St
Bath
BA2 4AQ



Please consider the environment - Think before you print. 

ADVANCED STUDIES IN ENGLAND

ANNEX F

Nelson House, 2 Pierrepont Street, Bath, BA1 1LB, England Tel: (011 44) 1225 447134
Fax: (011 44) 1225 446134 E-mail: admin@asebath.org Website: studyabroadbath.org
Company Registration Number 2172562 Sponsor Licence Number QC9JCQFG8-Tier 4

30th August 2010

Licensing Department
9-10 Bath Street
Bath
BA1 1SN

ENVIRONMENTAL SERVICES
- 1 SEP 2010
Post Log No:
Receipt No:
CH/GA £.....

REF: 10/03038/LAPRE

Dear Sir/Madam,

On behalf of *Advanced Studies in England* (ASE), which owns five flats at 14 North Parade, I wish to write in support of Georgian House (Bath) Management Company Limited's application to you for a review of licensing hours at Opa, 14 North Parade. Despite being refused planning permission to operate as a nightclub at a planning committee meeting held this July, Opa continues to display all the worst behaviour of a nightclub, with noise and disorder until 2pm or 3pm in the morning. This is despite the fact that a noise abatement order was placed on Opa in October 2008 (copy enclosed). I also enclose a copy of the Environmental Noise Report that ASE commissioned in March 2010 which concluded that *'the results of the monitoring exercise clearly indicate that noise from Opa within the noise sensitive properties is louder than acceptable and to adversely affect the amenity of the occupiers of the property'* (p.12). This blatant disregard for the Council's rulings demonstrates Opa's lack of respect for the rights of its neighbours to peace and quiet and toward the stated wishes of the Police to crack down on the excessive consumption of alcohol.

ASE is a study abroad Programme for American undergraduates and is owned by *Franklin and Marshall College* in Pennsylvania. We have a group of American students due to arrive on 30th August, including one student in a wheelchair who has to be housed in a flat closest to Opa, for purposes of access. 14 North Parade will be their home for the next four months and yet I know in advance, that their evenings will be disturbed by loud music and the noise from anything up to sixty or seventy young revellers (as opposed to diners), queuing under our windows, smoking on our property or sheltering from the weather in our door stoop. I have had numerous letters of complaint and disturbance logs from students and summer school faculty in the past and enclose samples from 2007 to the present. There is usually one doorman on duty to control this large crowd and of course, it is impossible for him to keep this group orderly or quiet. As I am responsible for the students in my charge, I have a genuine concern for their safety if they have to confront drunken people from Opa to gain access to their home.

Such large numbers impede access to Nunes House and are intimidating to our students when they wish to leave or re-enter their home. This sense of intimidation is exacerbated if our students are returning home late and the Opa clientele are particularly drunk. This, combined with the regular litter of cigarette stubs outside our doorway as well as vomit and evidence of urination in the areas close by, constitutes a real public nuisance in this vicinity. I refute the owner of Opa's previous suggestion that the smokers are all ASE students. Our records show that we had two smokers in 14 North Parade last semester and only one expected in Autumn 2010.

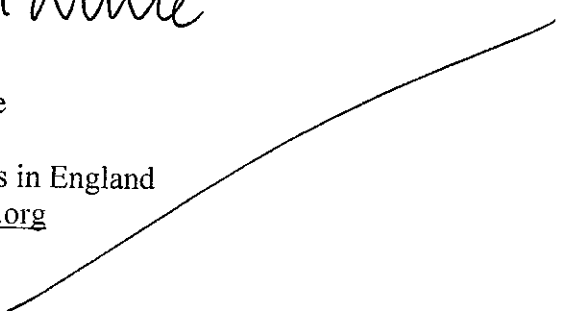
Franklin and Marshall College has invested heavily in the city of Bath since its purchase of ASE in 2004. The college has already bought two properties here, one being 14 North Parade, and are looking to buy a third. Through ASE, the College offers employment to seven full and part-time members of staff and offers work on a semester-basis to over thirty tutors a semester. In addition, ASE offers regular business to coach companies, letting agents, builders, hotels and council-run venues like the Victoria Art Gallery. Unfortunately, the many complaints we receive from our students and visiting faculty is leading *Franklin and Marshall* to review its investment in the City. We are already losing money each semester in that one flat is permanently empty and I am not even able to use it for five weeks in the summer because of the noise and disturbance.

I respectfully ask that Opa's licence be restricted to 11pm so that the area around 14 North Parade and Georgian House can return to the restaurant area it once was and which was promised by Opa when they first took over the business from *The Maharajah*. I wish, therefore, to support Georgian House's request that Opa's premises should only be licensed to serve alcohol until 11pm Sunday to Monday in keeping with what one would expect from a genuine restaurant.

Yours sincerely



Dr Barbara White
Director
Advanced Studies in England
b.white@asebath.org



Environmental Services
Bath & North East Somerset Council
9-10 Bath Street, Bath BA1 1SN
Telephone: 01225 477000
(main switchboard)
www.bathnes.gov.uk

Date: 19 September 2008
Our ref: 08/08185/E_ND
Direct line: (01225) 477555
Fax: (01225) 477596
E Mail: Diarmid_Henry@bathnes.gov.uk

Ms Claire Jordan
Flat 1
14 North Parade
BATH
BA2 4AJ

NOISE ABATEMENT ORDER

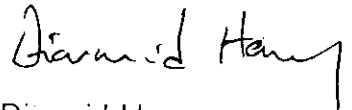
Dear Madam,

**The Environmental Protection Act 1990
Noise Complaint concerning OPA Bath Ltd**

I would refer to your complaint of 1 September 2008 concerning the above matter and my recent visits to you in that regard.

I confirm that I am satisfied that noise amounting to a nuisance under the provisions of the above Act has occurred. Accordingly a Notice has been served requiring abatement of the Nuisance and a copy of that Notice is attached for your information. The Notice specifies the time within which its requirements must be complied with. If you are of the opinion that the terms of the Notice are being breached then you should contact me as soon as possible after the time specified for compliance so that I can advise you of the further steps which will have to be taken.

Yours faithfully,



Diarmid Henry
ENVIRONMENTAL HEALTH OFFICER

COUNCIL

ENVIRONMENTAL PROTECTION ACT 1990
(Section 80)

COPY

Abatement Notice in Respect of Statutory Noise Nuisance

TO: Mr Dios Mastrogiannopoulos

OF: OPA Bath Ltd, 14, North Parade, Bath, BA2 4AJ

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990, the BATH AND NORTH EAST SOMERSET COUNCIL being satisfied of the existence and likely recurrence of a statutory nuisance under section 79(1) (g) of that Act emanating from the premises known as: **OPA Bath Ltd, 14, North Parade, Bath, BA2 4AJ** within the district of the said Council arising from:-

- a) Noise from amplified music and voice and or
- b) Noise caused by voice from persons or groups of persons

HEREBY REQUIRE YOU as the premises licence holder and person responsible for the said noise nuisance emanating from the premises **FORTHWITH** from the service of this notice, to abate the same and also **HEREBY PROHIBIT** the recurrence of the same and for that purpose require you to-

ABATE THE NUISANCE

TAKE NOTICE that pursuant to The Statutory Nuisance (Appeals) Regulations 1995 regulation 3 paragraph (2)(b) applies and this Abatement Notice shall continue to have effect notwithstanding any appeal to a magistrate's court that has not been decided by the court.

If without reasonable excuse you contravene or fail to comply with any requirement of this Notice you will be guilty of an offence under Section 80 of the Environmental Protection Act 1990 and on summary conviction will be liable of a fine not exceeding £5,000 together with a further fine of an amount equal to one tenth of that amount (£500) for each day on which the offence continues after the conviction. A person who commits an offence on industrial, trade or business premises shall be liable on summary conviction to a fine not exceeding £20,000. The Council may take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. If you fail to execute all or any of the works in accordance with this notice, the Council may execute those works and recover from you the necessary expenditure incurred.

DATED THIS DAY THE

24 October 2008

Signed _____
Diarmid Henry
Environmental Health Officer

All communications should be sent to:-

BATH AND NORTH EAST SOMERSET COUNCIL
ENVIRONMENTAL AND CONSUMER SERVICES, 9-10 BATH STREET, BATH, BA1 1SN
Tel: (01225) 396635 Fax: (01225) 477596

NB The person served with this notice may appeal against the notice to a magistrate's court within 21 days beginning with the date of service of the notice. See notes on the reverse of this form.

**ACOUSTIC CONSULTANTS LTD**RALEIGH HOUSE
WELLSWAY
KEYNSHAM
BRISTOL BS31 1HSTELEPHONE 0117 - 9862956
FACSIMILE 0117 - 9860554
EMAIL mail@acoustic-ltd.co.uk
WEBSITE www.acoustic-ltd.co.uk**OPA BATH LIMITED
14 NORTH PARADE
BATH
BA2 4AJ****ENVIRONMENTAL NOISE REPORT****CLIENT:**Advanced Studies in England
Nelson House
2 Pierrepont Street
Bath
BA1 1LB**ARCHITECT:**GL Hearn
The Malt House
17-20 Sydney Buildings
Bath
BA2 6BZ**NOISE & ACOUSTIC
CONSULTANTS:**Acoustic Consultants Limited
Raleigh House
Wellsway
Keynsham
Bristol
BS31 1HS**Reference: 4723/DO/sm****March 2010**

OPA BATH LIMITED
14 NORTH PARADE
BATH
BA2 4AJ

ENVIRONMENTAL NOISE REPORT

INDEX

	PAGE
1.0 INTRODUCTION	3
2.0 SITE NOISE MEASUREMENTS	3
3.0 SUBJECTIVE ASSESSMENT	6
4.0 OBJECTIVE ASSESSMENT CRITERIA	7
5.0 OBJECTIVE ASSESSMENT OF MONITORING RESULTS	10
6.0 OTHER ISSUES	13
Figure 1/4723 - Photograph from North Parade	
Appendix 1/4723 - Measured Noise Levels	
Appendix 2/4723 - Letter from OPA Solicitors dated 20 th November 2010	
Appendix 3/4723 - Email from Diarmid Henry dated 8 th March 2010	
Appendix 4/4723 - Email from Diarmid Henry dated 15 th February 2010	

■■■■■ V F

**OPA BATH LIMITED
14 NORTH PARADE
BATH
BA2 4AJ**

ENVIRONMENTAL NOISE REPORT

1.0 INTRODUCTION

Advanced Studies in England appointed Acoustic Consultants Limited to experience and comment upon the acceptability of noise from OPA Bath Limited operations as it affects the existing residential properties at 14 North Parade, Bath.

Our appointment addresses noise from the OPA premises in relation to a Planning Application for a change of use from A3 use (restaurants and cafés) to mixed use as restaurant, bar and nightclub (Application Reference: 10/00054/FUL).

We have been informed that OPA is currently operating as a bar and nightclub without the appropriate planning consent and that there have been complaints from residents with regard to noise. This resulted in a Noise Abatement Notice being enforced on the premises in October 2008.

The report provides the results and conclusions with regard to noise from OPA operations as it affects the residential premises at 14 North Parade, Bath, in terms of planning.

2.0 SITE NOISE MEASUREMENTS

Noise measurements were undertaken over the weekend of Saturday 20th March 2010.

An attended noise survey was undertaken between 00:25 hours and 02:00 hours on the 20th March 2010. Unattended noise monitoring was undertaken from 02:00 hours on the 20th March 2010 and finished at 07:00 hours on the 22nd March 2010.

The equipment used was as follows:

Table 1 : Noise Monitoring Equipment

Equipment Description / Manufacturer / Type	Serial number	Date of expiration of calibration	Calibration Certification Number
Real Time Analyser, CEL, Type 593	3/0472212	04/05/10	73112
Pre-Amplifier, CEL, Type 527	3/1262243	04/05/10	73112
Microphone, CEL, Type 250	7134	04/05/10	73112
Calibrator, CEL, Type 110	045169	04/05/10	73160

The equipment was checked before and after use with the calibrator and no drift greater than 0.1 decibels was detected.

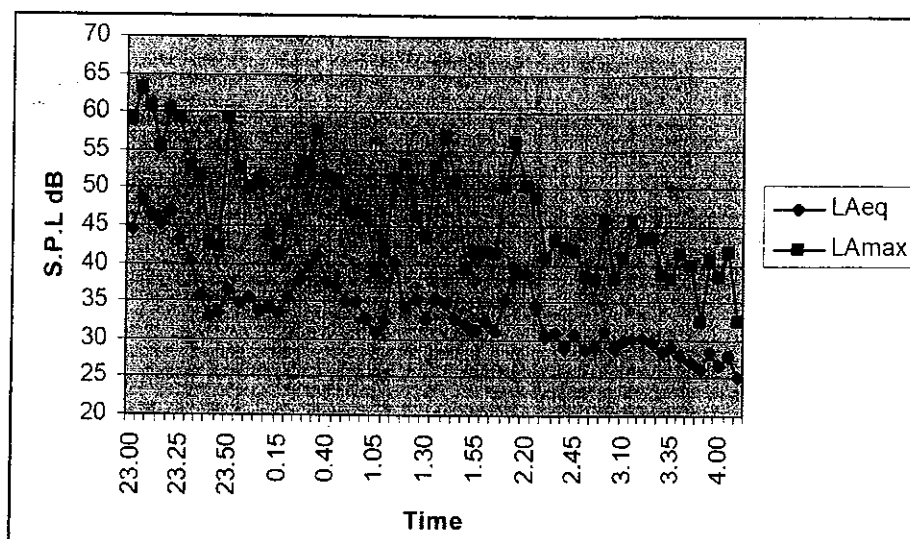
The sound level meter was set to measure noise levels within the basement flat living room which faces the terrace of OPA and North Parade. This was to measure noise from activities within the OPA premises and patrons of the premises outside.

The most significant source of noise affecting the residential premises during the attended survey was from patrons of OPA on the pavement directly outside the building comprising of talking, shouting, laughing and occasional swearing. This comprised two groups of people. There were people queuing to enter the premises (there was a queue until approximately 01:00 hours). There were also patrons temporarily leaving the premises to smoke up on the North Parade. There were people outside until the end of the attended monitoring session at 02:00 hours. The latter congregated in an area to the east of the premises entrance directly in front of the front door of the flats. There are other licensed premises along North Parade, but the noise from these other premises was not significant.

Music from OPA was audible in the basement living room with the doors to the premises shut. It was possible to determine the song being played. When the external door to the terrace was open it was significantly louder.

The full monitoring data measured within the basement flat living room is provided in Appendix 1/4723. The following chart shows the equivalent noise level, L_{Aeq} (5 minutes) decibels and maximum noise levels L_{Amax} (f) decibels for 5 minute duration measurements between 23:00 hours on Saturday 20th March 2010 and 04:00 hours on Sunday 21st March 2010.

Table 2 : Chart showing measured noise levels in basement flat living room (5 minute duration measurements)



OPA closes at 02:00 hours. As can be seen from the chart the maximum (L_{Amax}) and equivalent noise levels (L_{Aeq}) drop significantly after 02:30 hours. The trend on the previous night is similar.

Short term noise measurements were undertaken in the ground floor common room between 00:43 hours and 01:14 hours to measure noise levels from patrons on the pavement. The common room window is directly above the entrance stairwell to OPA.

It is our opinion that noise levels measured in this location from patrons voices when outside on North Parade are representative of noise experienced in the ground floor flat bedroom on the other side of the front door.

The following table provides the measured noise levels within the ground floor common room due to patrons of OPA queuing outside, entering and leaving the premises and smoking. The most significant source of noise was from people talking, laughing and shouting. The monitored recordings were paused for passing road traffic.

The results are as follows:

Table 3: Measured noise levels from patrons outside OPA in ground floor common room (5 minute duration measurements).

Date and time	L_{Aeq(5 minutes)} dB	L_{Amax(f)} dB
20/03/2010 00:43	43	57
20/03/2010 00:48	42	54
20/03/2010 00:53	40	56
20/03/2010 00:58	41	61
20/03/2010 01:03	41	54
20/03/2010 01:08	42	55

3.0 SUBJECTIVE ASSESSMENT

There are two separate noise sources from OPA activities affecting the residential premises at 14 North Parade, firstly noise from people and groups of people outside the premises and secondly amplified music from within the premises.

The most significant source of noise affecting the rooms in the basement flat and the ground floor flat was noise from patrons of OPA on the pavement directly outside the building comprising of talking, shouting, laughing and occasional swearing.

This comprised of two groups of people as noted in Section 2. It was those queuing to enter the premises (there was a queue until approximately 01:00 hours) and those temporarily leaving the premises to smoke (there were people outside until the end of the attended monitoring session at 02:00 hours).

The latter congregated in an area to the west of the premises entrance, directly in front of the front door of the flats. During the attended monitoring exercise the terrace of OPA was closed.

With the windows closed the conversations from patrons outside could clearly be heard within the rooms assessed in the basement and ground floor. This would be considerably worse if the windows were open, which is likely in warmer weather. It is my opinion that this noise will adversely affect the use of the habitable rooms whether they are used as a living space or a bedroom.

Amplified music within the basement living room was audible during the attended noise monitoring exercise with the windows closed and the door between OPA and the terrace shut. When in the basement flat living room, it was possible to distinguish the song being played in OPA. It is my opinion that this noise will adversely affect the use of the habitable rooms whether they are used as a living space or a bedroom.

During the attended monitoring, the door between OPA and the terrace was open for a short time between 01:27 and 01:31 hours. During this time the music was significantly louder and more intrusive.

4.0 OBJECTIVE ASSESSMENT CRITERIA

The Department of the Environment (now Department of the Environment Transport and the Regions) document Planning Policy Guidance Document 24 (September 1994) entitled Planning and Noise provides relevant guidelines in relation to noise. The document preface states that it outlines the considerations to be taken into account in determining Planning Applications both for noise-sensitive developments and for those activities which will generate noise.

With regard to 'Noisy Development' paragraph 10 states that:

"local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions."

With regard to 'Noise from industrial and commercial developments' Paragraph 20 Annex 3 states:

"Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Local Planning Authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity."

4.1 Good Practice Guide on the Control of Noise from Pubs and Clubs

There is no British Standard which can be used to assess noise from a bar or club. The most relevant guidance is provided in the Institute of Acoustics document "Good Practice Guide on the Control of Noise from Pubs and Clubs" published in March 2003. This addresses amplified music and the more relevant extracts are as follows:

2. SCOPE

- 2.1 *This document provides guidance for the assessment and control of noise affecting noise-sensitive properties, from the public and private use of public houses, clubs, hotels, discotheques, restaurants, cafes, community or village halls and other similar premises. The main noise sources considered are music; singing; public address (PA) systems; children's play areas; beer gardens; people in general; car parks and access roads; deliveries; collections; materials handling; plant and machinery; and skittle alleys. Noise arising from live sporting events held at such premises is not covered by this document.*
- 2.2 *The purpose of this Guide is to assist local authority officers and venue management and their staff in the prevention of noise disturbance and in the investigation and resolution of noise complaints. It is also intended to assist with the planning and licensing of proposed or existing premises.*
- 2.3 *The original intention was to include objective noise criteria in this document, or in a separate but related document, that could have been used to assess and control noise from all the main sources of noise that can be present at pubs, clubs and similar premises. However, it has not been possible to subject the new criteria that have been developed and proposed by the working party to a satisfactory validation process.*

It is hoped that future research will lead to the publication of criteria that have been fully validated in terms of human response and have been subject to trials which confirm their practicability in terms of measurement, enforcement and use within the planning process. Until such criteria are developed, it is recommended that local authorities and others should devise and apply policies having regard to this guide and taking into account local circumstances and existing licensing and planning policies.

- 2.4 *Music, singing and speech, both amplified and non-amplified, are common sources of noise disturbance arising from the premises listed in 2.1 above. As far as these sources are concerned, the purpose of developing the objective noise criteria mentioned in 2.3, should be to attempt to ensure that:*
- For premises where entertainment takes place on a regular basis, music and associated sources should not be audible inside noise-sensitive property at any time. In the absence of the objective criteria mentioned in 2.3, what is "regular" should be determined on a local basis to reflect local expectations and should be incorporated by local authorities in the planning and enforcement policies (see Section 4); and*

- For premises where entertainment takes place less frequently, music and associated sources should not be audible inside noise-sensitive property between 23.00 and 07.00 hours. For other times, appropriate criteria need to be developed which balance the rights of those seeking and providing entertainment with those who may be disturbed by the noise.

For the purposes of this document, noise may be considered not audible or inaudible when it is at a low enough level such that it is not recognisable as emanating from the source in question and it does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question. A more simplistic explanation of the term "inaudible" is given in Appendix "B".

- 2.5 The determination of "nuisance" is not within the scope of this Guide, however, the Guide may be useful in forming a view on the likelihood that a "nuisance" has occurred, is occurring or could occur.
- 2.6 The Guide should not be used to determine or enforce noise standards for occasional music events of the type covered by the Code of Practice on Environmental Noise control at Concerts [1]."

It is important for amplified music to be inaudible within noise sensitive properties to minimise the impact on residents. If speech is audible within a habitable room it is not necessarily a nuisance. However, it should be controlled to acceptable noise levels to allow reasonable sleeping and resting conditions within a residential property. Swearing, shouting and other anti-social noise will have a greater impact on residents than general calm conversation. Further advice on maximum internal equivalent noise levels is provided in the following section.

4.2 British Standard 8233:1999

British Standard 8233:1999 entitled "Sound insulation and noise reduction for buildings – Code of Practice" provides internal design criteria as a result of external anonymous noise sources in relation to design criteria in Tables 5 and 6. The relevant extracts from Tables 5 & 6 are as follows:

Table 4: BS 8233 Maximum Internal Equivalent Noise Levels

Criterion	Typical Situations	Design Range $L_{Aeq,T}$	
		Good	Reasonable
Reasonable resting / Sleeping conditions	Living Rooms	30	40
	Bedrooms	30	35

In addition, it states that levels from individual events in bedrooms at night should not normally exceed 45 dB L_{Amax} on the fast time weighting.

The above noted criterion is for anonymous constant noise such as road traffic. Music and speech is a more noticeable type of noise and is therefore likely to have a greater impact on nearby noise sensitive premises.

When assessing noise of this nature it is common practice to apply a penalty correction to the British Standard criteria, normally -5 decibels.

In our opinion it is suitable to work to the 'Reasonable' range. However, within Bath & North East Somerset, the majority of residential developments in noisy areas are required to achieve the 'Good' design range by the Local Planning Authority. With a -5 decibel acoustic feature correction (a penalty for the distinctive type of noise) the maximum internal noise levels are as follows:

Table 5 : Internal noise level criteria for noise from patrons outside

Criterion	Typical Situations	Design Range $L_{Aeq,T}$	
		Good	Reasonable
Reasonable resting / Sleeping conditions	Living Rooms	25	35
	Bedrooms	25	30

Individual events in bedrooms at night should not normally exceed 45 dB L_{Amax} on the fast time weighting.

It is our opinion that the noise level at night from OPA operations and activities of its patrons should not exceed the above noted noise levels within the residential properties when determined over the worst case 5 minute period.

5.0 OBJECTIVE ASSESSMENT OF MONITORING RESULTS

The following section compares the results of the noise monitoring survey against the objective assessment criteria noted in Section 4 above. It is our opinion that the Good Practice Guide on the Control of Noise from Pubs and Clubs is the most appropriate assessment method for amplified music and activities within the OPA premises in terms of planning. The guide also addresses noise from patrons of pubs and clubs outside the premises.

If natural calm speech is audible within a habitable room it is not necessarily a nuisance, although it should be controlled to acceptable noise levels to allow reasonable sleeping and resting conditions within a residential property. As such we recommend that noise from patrons should be assessed in accordance with the criteria set out in Section 4.2.

Noise from the OPA premises should not impact on the normal living conditions in the residential properties. Any assessment should consider the possibility that the occupiers should be able to open the windows of the flats and still not be adversely affected by noise from OPA.

The range of the measured noise levels in each room with the windows closed are as follows:

	$L_{Aeq(5\text{ minutes})}$ dB	$L_{Amax(f)}$ dB
Internal design criteria	25	45
Basement flat living room	31 – 39	42 – 57
Ground floor common room	40 – 43	54 – 61

As can be seen, noise from patrons of OPA significantly exceed the acceptable noise levels within the habitable rooms with windows closed. If the windows of the rooms are open the noise level would be significantly higher.

5.3 Conclusions

Noise from amplified music and activities within OPA as it affects the habitable rooms of 14 North Parade has been assessed in accordance with the Good Practice Guide on the Control of Noise from Pubs and Clubs. This states that music and associated sources should not be audible inside noise-sensitive properties at any time. From the monitoring undertaken on site, it is clear that music from within OPA is audible within the habitable rooms even when the external door is closed. Noise from patrons outside OPA is also audible.

Noise from patrons outside OPA within the habitable rooms has been compared with criteria for reasonable resting and sleeping conditions. The measured noise levels in the habitable rooms regularly exceed the design criteria with the windows closed. If the windows were opened the noise levels would be significantly louder.

If the smoking area was to be moved from the pavement to the terrace this would increase the noise levels in the basement flat. Noise levels in the ground floor flat would not change significantly as it is still exposed to patrons queuing to enter OPA and noise from people on the terrace.

The results of the monitoring exercise clearly indicate that noise from OPA within the noise sensitive properties is louder than acceptable and to adversely affect the amenity of the occupiers of the property.

6.0 OTHER ISSUES

We understand that the OPA premises currently serve food until 23:00 hours, after which it serves alcohol and plays amplified music until 02:00 hours. The current Planning Permission does not cover these activities and a Planning Application has been submitted to allow these activities to continue.

A Noise Abatement Notice was served on the premises in October 2008. The Notice states that the statutory nuisance arises from

"a) noise from amplified music and voice

and or

b) Noise caused by voice from persons or groups of persons"

Subsequent to the serving of the Abatement Notice a number of complaints have been received by the local Environmental Protection Department as outlined in the email from Diarmid Henry to David Cox on the 8th March 2010 (Appendix 3/4723). However, these do not appear to have been investigated by the Environmental Protection Department where the email states:

"While complaints have been received subsequent to the service of the abatement notice on 24 October 2008, no evidence has been obtained of a breach of this notice."

From the monitoring survey we have undertaken it is our opinion that noise from OPA activities are breaching the Abatement Notice in respect to the residential properties of 14 North Parade.

As far as we are aware the Environmental Protection Department has not undertaken an assessment in response to the noise complaints received since the service of the Abatement Notice.

In an email from Environmental Health Officer Diarmid Henry to David Cox on the 15th February 2010 (Appendix 4/4723) he confirms that he has no objections to the noted Planning Application. This statement appears to ignore the problems experienced by the residents. The application is to use the OPA premises as a restaurant bar and nightclub, activities which currently take place without Planning Permission and have resulted in a statutory noise nuisance.

In the letter from Mark Hoare Solicitor to Bath & North East Somerset Planning Services on 20th November 2009 (Appendix 2/4723) the method of minimising noise from amplified music and patrons affecting nearby residents is outlined. These measures are currently in place and must be assumed to be in place during our monitoring exercise. However, during our monitoring exercise we are of the opinion that noise from OPA activities is such that it causes an unacceptable degree of disturbance to residents. This would be supported by the Noise Abatement Notice served on the premises and the subsequent noise complaints.

In terms of planning and regardless of any Noise Abatement Notice, Planning Policy Guidance Document 24 states

"local planning authorities must ensure that development does not cause an unacceptable degree of disturbance."

From the objective and subjective assessments undertaken within the residential premises on the 20th and 21st March 2010 it can be shown that the OPA activities for which Planning Permission is being applied adversely affect the amenity of the nearby residential properties.

ACOUSTIC CONSULTANTS LIMITED	
Project:	4723 - OPA
Date:	March 2010
Appendix:	1/4723
Title:	Measured Noise in basement flat

Date and Time	LAeq	LAmx	LA1	LA90
20/03/2010 01:20	39.2	62.2	50	30
20/03/2010 01:25	39.1	55.5	47	28
20/03/2010 01:30	38.6	57.1	47	32
20/03/2010 01:35	35.9	47.2	42	31
20/03/2010 01:40	33.5	53.1	41	29
20/03/2010 01:45	33.4	56.5	41	29
20/03/2010 01:50	31.4	42.4	40	28
20/03/2010 01:55	32.4	51.2	42	28
20/03/2010 02:00	42.1	66.2	53	29
20/03/2010 02:05	37.2	53.4	48	27
20/03/2010 02:10	36.1	51.4	44	29
20/03/2010 02:15	34.8	48.7	44	29
20/03/2010 02:20	32.5	45.9	39	29
20/03/2010 02:25	33.2	42.5	39	29
20/03/2010 02:30	33.7	46.5	41	28
20/03/2010 02:35	28.3	42.1	37	24
20/03/2010 02:40	26.4	39.6	37	24
20/03/2010 02:45	29.6	41.3	37	25
20/03/2010 02:50	26.8	39.7	35	24
20/03/2010 02:55	26.8	39.3	36	24
20/03/2010 03:00	26.7	39.6	36	24
20/03/2010 03:05	29.6	43.6	40	25
20/03/2010 03:10	26.7	38.3	36	25
20/03/2010 03:15	29.1	41.4	37	25
20/03/2010 03:20	27.9	40.6	36	25
20/03/2010 03:25	26.7	38.6	36	24
20/03/2010 03:30	29.1	46.1	41	23
20/03/2010 03:35	24.4	33.1	29	23
20/03/2010 03:40	26.8	42.4	38	23
20/03/2010 03:45	26.3	40.6	37	23
20/03/2010 03:50	25	40.7	34	23
20/03/2010 03:55	23.4	28.4	25	23
20/03/2010 04:00	27.4	38.2	37	23
20/03/2010 04:05	25.8	35	34	23
20/03/2010 04:10	28.7	39.2	38	23
20/03/2010 04:15	27.5	38.8	33	23
20/03/2010 04:20	25.7	38.5	36	23
20/03/2010 04:25	23.3	26	24	23
20/03/2010 04:30	23.6	31.4	25	23
20/03/2010 04:35	24.5	35.2	33	23
20/03/2010 04:40	23.7	32.6	26	23
20/03/2010 04:45	25.5	39.1	35	23
20/03/2010 04:50	23.4	32.4	25	23
20/03/2010 04:55	26.2	41.8	38	23
20/03/2010 05:00	26.3	43.5	39	23
20/03/2010 05:05	24.1	34.8	29	23
20/03/2010 05:10	24.3	33.8	27	23
20/03/2010 05:15	24.3	35.5	31	23
20/03/2010 05:20	24.3	33.5	27	23

Date and Time	LAeq	LAmx	LA1	LA90
20/03/2010 05:25	24.7	36.9	35	23
20/03/2010 05:30	26.7	38.6	37	23
20/03/2010 05:35	29.4	43.7	42	23
20/03/2010 05:40	28.9	46.2	38	24
20/03/2010 05:45	27.7	44.4	38	24
20/03/2010 05:50	26.9	43.8	37	23
20/03/2010 05:55	29.3	44.3	42	24
20/03/2010 06:00	29	41.7	38	24
20/03/2010 06:05	29.6	40.6	39	24
20/03/2010 06:10	29.3	44.3	38	24
20/03/2010 06:15	28.2	41.5	40	24
20/03/2010 06:20	25.9	36.4	32	24
20/03/2010 06:25	33	46.5	44	25
20/03/2010 06:30	28.6	42.7	40	24
20/03/2010 06:35	26.6	38.7	35	24
20/03/2010 06:40	33.3	49.5	43	25
20/03/2010 06:45	29.2	41.3	38	24
20/03/2010 06:50	32.9	47.4	43	25
20/03/2010 06:55	37	56.8	51	24
20/03/2010 07:00	30	41.9	40	24
20/03/2010 07:05	32.6	53.3	47	24
20/03/2010 07:10	29.1	38.8	37	24
20/03/2010 07:15	28.3	40.7	37	24
20/03/2010 07:20	31.7	42.8	41	25
20/03/2010 07:25	33.6	47.3	43	26
20/03/2010 07:30	29.2	41.9	37	25
20/03/2010 07:35	31.3	45.9	42	25
20/03/2010 07:40	31.2	41.5	39	25
20/03/2010 07:45	30.4	40.1	38	25
20/03/2010 07:50	34.4	52.9	45	26
20/03/2010 07:55	30.9	40.7	39	26
20/03/2010 08:00	31.7	49.5	43	25
20/03/2010 08:05	34.5	48.8	44	26
20/03/2010 08:10	32.5	42.8	40	27
20/03/2010 08:15	37	50.1	45	29
20/03/2010 08:20	33.4	46.6	43	27
20/03/2010 08:25	34.2	57.4	40	27
20/03/2010 08:30	34.1	45.9	43	27
20/03/2010 08:35	34.2	44.7	43	26
20/03/2010 08:40	32.8	40.8	39	26
20/03/2010 08:45	33.4	51.1	43	27
20/03/2010 08:50	32.8	46.9	39	27
20/03/2010 08:55	32.5	42	38	28
20/03/2010 09:00	32.1	43.3	38	29
20/03/2010 09:05	35.3	55.3	43	29
20/03/2010 09:10	35.3	47.4	43	30
20/03/2010 09:15	33.5	43.9	39	29
20/03/2010 09:20	35.5	57.6	46	29
20/03/2010 09:25	32.1	41.3	37	29
20/03/2010 09:30	33.5	39.6	39	29
20/03/2010 09:35	30.7	40	38	26
20/03/2010 09:40	33.2	40.6	38	27
20/03/2010 09:45	31.8	39.6	39	26
20/03/2010 09:50	32	40.1	38	26
20/03/2010 09:55	32.7	41.5	38	27

Date and Time	LAeq	LAmx	LA1	LA90
20/03/2010 10:00	31.2	38.5	37	26
20/03/2010 10:05	32.5	43.1	41	27
20/03/2010 10:10	32.7	44.7	41	27
20/03/2010 10:15	34.9	50.8	45	27
20/03/2010 10:20	33.1	43.7	41	28
20/03/2010 10:25	31.4	40.8	38	26
20/03/2010 10:30	33.9	45.5	42	27
20/03/2010 10:35	37.7	61.5	49	28
20/03/2010 10:40	37.5	50.9	47	29
20/03/2010 10:45	34	48.6	43	28
20/03/2010 10:50	31.7	44.1	39	27
20/03/2010 10:55	31.9	50.7	39	27
20/03/2010 11:00	33.1	43.9	39	28
20/03/2010 11:05	34.3	45.7	40	28
20/03/2010 11:10	33.7	40.3	38	29
20/03/2010 11:15	37.7	57.3	49	31
20/03/2010 11:20	35.4	51.1	45	29
20/03/2010 11:25	37.3	57.4	47	28
20/03/2010 11:30	36	53.7	46	29
20/03/2010 11:35	39.7	59.8	50	28
20/03/2010 11:40	34.7	49	44	29
20/03/2010 11:45	34.8	43	41	28
20/03/2010 11:50	33.3	43.8	40	28
20/03/2010 11:55	32.6	42.8	40	28
20/03/2010 12:00	38.6	61.6	46	28
20/03/2010 12:05	34.6	43	40	29
20/03/2010 12:10	33.5	42	38	29
20/03/2010 12:15	33	43.7	39	28
20/03/2010 12:20	35.3	50.5	45	28
20/03/2010 12:25	34.3	50.3	39	29
20/03/2010 12:30	33.2	44.9	38	28
20/03/2010 12:35	34.4	58	44	27
20/03/2010 12:40	31.4	39.7	38	27
20/03/2010 12:45	32.9	47.5	40	27
20/03/2010 12:50	32.3	41.3	38	28
20/03/2010 12:55	31.9	51.7	37	26
20/03/2010 13:00	32.3	42.9	37	28
20/03/2010 13:05	34.1	47.6	45	27
20/03/2010 13:10	32.8	41	39	28
20/03/2010 13:15	32.8	45.7	41	27
20/03/2010 13:20	33.1	46.1	41	27
20/03/2010 13:25	32.5	42	39	27
20/03/2010 13:30	31.6	39.2	37	27
20/03/2010 13:35	32	39.6	38	27
20/03/2010 13:40	32.3	41.9	38	27
20/03/2010 13:45	33.3	48.6	40	28
20/03/2010 13:50	33.6	48.1	42	28
20/03/2010 13:55	32.4	45.8	40	27
20/03/2010 14:00	34.1	48.1	43	28
20/03/2010 14:05	33	43.4	39	28
20/03/2010 14:10	33.4	41.2	39	28
20/03/2010 14:15	33.2	50.3	40	28
20/03/2010 14:20	32.5	42.5	40	27
20/03/2010 14:25	32.3	42.4	39	27
20/03/2010 14:30	39.1	71.1	42	27

Date and Time	LAeq	LAmx	LA1	LA90
20/03/2010 14:35	44.8	78.1	42	27
20/03/2010 14:40	33.9	50.8	46	26
20/03/2010 14:45	33.5	47.3	43	28
20/03/2010 14:50	31.8	46.2	38	27
20/03/2010 14:55	32.3	43.6	39	27
20/03/2010 15:00	32.1	42.4	38	28
20/03/2010 15:05	33.3	45.2	42	27
20/03/2010 15:10	34	45.5	42	27
20/03/2010 15:15	39.8	55.2	52	28
20/03/2010 15:20	35.5	53.4	47	26
20/03/2010 15:25	34.7	51.3	42	28
20/03/2010 15:30	32.1	45	39	27
20/03/2010 15:35	31.8	41.5	37	27
20/03/2010 15:40	33.1	46.9	43	27
20/03/2010 15:45	31.7	44.2	38	27
20/03/2010 15:50	33.1	44.8	43	28
20/03/2010 15:55	32.8	52	40	27
20/03/2010 16:00	31.1	41.9	38	27
20/03/2010 16:05	33.4	47.8	41	28
20/03/2010 16:10	34.6	44.5	41	29
20/03/2010 16:15	31.6	40	38	28
20/03/2010 16:20	31.7	39.9	38	26
20/03/2010 16:25	32.6	44.8	41	27
20/03/2010 16:30	32.9	49.4	40	26
20/03/2010 16:35	35.4	44.2	42	28
20/03/2010 16:40	34.1	47.2	42	27
20/03/2010 16:45	36.1	52.7	44	29
20/03/2010 16:50	33.4	43.9	40	27
20/03/2010 16:55	33.2	44.8	42	27
20/03/2010 17:00	33.7	44.4	42	26
20/03/2010 17:05	33.2	39.8	38	28
20/03/2010 17:10	32.9	45.2	40	27
20/03/2010 17:15	34.3	41.6	39	28
20/03/2010 17:20	33.2	44.8	39	27
20/03/2010 17:25	34.6	46	44	27
20/03/2010 17:30	34.1	46.4	41	28
20/03/2010 17:35	32.9	43.8	39	27
20/03/2010 17:40	32.7	44.9	38	27
20/03/2010 17:45	34.1	41.9	40	29
20/03/2010 17:50	33.2	43.5	39	27
20/03/2010 17:55	33.7	42.5	39	29
20/03/2010 18:00	31.7	40.9	38	26
20/03/2010 18:05	33	43.8	39	27
20/03/2010 18:10	33.5	44.6	40	28
20/03/2010 18:15	32.8	45.1	40	26
20/03/2010 18:20	32.4	40.7	40	26
20/03/2010 18:25	31.7	42.6	38	26
20/03/2010 18:30	33.1	46.8	39	26
20/03/2010 18:35	32.6	46.5	40	26
20/03/2010 18:40	33	42.7	40	27
20/03/2010 18:45	32.3	48.8	40	26
20/03/2010 18:50	32.4	47.2	40	26
20/03/2010 18:55	34	44.6	41	28
20/03/2010 19:00	33.7	44.6	40	29
20/03/2010 19:05	34.1	48.5	40	30

Date and Time	LAeq	LAmx	LA1	LA90
20/03/2010 19:10	37	50.7	46	31
20/03/2010 19:15	35	46.2	42	29
20/03/2010 19:20	32.8	41.3	38	28
20/03/2010 19:25	35.7	46.1	43	30
20/03/2010 19:30	34.5	53.4	41	30
20/03/2010 19:35	33.4	43.8	40	28
20/03/2010 19:40	33.4	43.9	40	29
20/03/2010 19:45	34.2	45.5	41	29
20/03/2010 19:50	32	44.5	39	27
20/03/2010 19:55	33.8	48.5	43	28
20/03/2010 20:00	33.1	40.9	39	28
20/03/2010 20:05	33.8	53.4	43	27
20/03/2010 20:10	32.2	44.4	39	27
20/03/2010 20:15	29.7	43.9	37	26
20/03/2010 20:20	33.9	45.6	42	28
20/03/2010 20:25	33.3	41.5	39	28
20/03/2010 20:30	36.3	52.5	46	29
20/03/2010 20:35	37.9	56.3	47	30
20/03/2010 20:40	33.4	44.3	40	28
20/03/2010 20:45	36.8	59	47	29
20/03/2010 20:50	33.6	43.7	40	29
20/03/2010 20:55	35.1	47.3	42	29
20/03/2010 21:00	33.4	45.3	40	29
20/03/2010 21:05	34.5	46.3	41	29
20/03/2010 21:10	33	43.3	40	28
20/03/2010 21:15	37	54	46	30
20/03/2010 21:20	36.2	59.1	45	29
20/03/2010 21:25	35	48.2	42	30
20/03/2010 21:30	39.1	59.4	47	33
20/03/2010 21:35	41.1	55.7	49	35
20/03/2010 21:40	39.9	52.8	48	34
20/03/2010 21:45	37.3	52.6	45	32
20/03/2010 21:50	39.9	54.7	48	34
20/03/2010 21:55	44.1	59.7	54	35
20/03/2010 22:00	38.9	51.9	47	34
20/03/2010 22:05	39.7	50.6	46	35
20/03/2010 22:10	39.2	52.2	46	35
20/03/2010 22:15	43.8	59.4	54	36
20/03/2010 22:20	44.9	59.6	54	37
20/03/2010 22:25	42.7	59.6	51	37
20/03/2010 22:30	46	68.3	56	39
20/03/2010 22:35	47.9	66.1	58	40
20/03/2010 22:40	45.2	61.5	54	40
20/03/2010 22:45	46	58.3	54	39
20/03/2010 22:50	43.3	57.7	51	38
20/03/2010 22:55	44.1	59.8	51	40
20/03/2010 23:00	44.4	59.1	52	40
20/03/2010 23:05	48.5	63.1	59	42
20/03/2010 23:10	46.6	60.8	56	40
20/03/2010 23:15	45.3	55.5	52	41
20/03/2010 23:20	47.1	60.4	55	42
20/03/2010 23:25	43.3	59.3	51	39
20/03/2010 23:30	40.3	52.9	49	31
20/03/2010 23:35	35.7	51.6	43	30
20/03/2010 23:40	33	42.6	38	29

Date and Time	LAeq	LAmx	LA1	LA90
20/03/2010 23:45	33.5	42.2	40	30
20/03/2010 23:50	36.5	59.3	40	30
20/03/2010 23:55	34.9	52.6	41	31
21/03/2010 00:00	35.6	50	43	31
21/03/2010 00:05	33.9	50.6	40	30
21/03/2010 00:10	34.2	43.6	40	31
21/03/2010 00:15	33.4	41.3	39	30
21/03/2010 00:20	35.6	45.3	42	31
21/03/2010 00:25	37.8	52.2	45	33
21/03/2010 00:30	40	53.5	48	35
21/03/2010 00:35	41.1	57.6	49	35
21/03/2010 00:40	37.6	51.6	45	33
21/03/2010 00:45	37.1	51.2	45	33
21/03/2010 00:50	35.1	47.7	42	30
21/03/2010 00:55	35.1	46.9	42	30
21/03/2010 01:00	32.8	46.2	40	29
21/03/2010 01:05	31	39.5	36	28
21/03/2010 01:10	32.6	41.9	39	29
21/03/2010 01:15	40.4	51.4	48	31
21/03/2010 01:20	34.2	53.1	43	29
21/03/2010 01:25	35.4	46.4	42	31
21/03/2010 01:30	32.7	43.5	38	29
21/03/2010 01:35	35.5	53	44	30
21/03/2010 01:40	34.8	57.1	40	30
21/03/2010 01:45	32.8	50.8	39	29
21/03/2010 01:50	32	39.5	38	29
21/03/2010 01:55	31.2	41.4	40	27
21/03/2010 02:00	32.5	41.8	40	28
21/03/2010 02:05	31.3	41.5	39	27
21/03/2010 02:10	35.4	50.2	44	30
21/03/2010 02:15	39.4	56.1	49	33
21/03/2010 02:20	39	50.3	47	32
21/03/2010 02:25	34.6	48.7	44	28
21/03/2010 02:30	30.4	41	38	26
21/03/2010 02:35	30.9	43.1	39	26
21/03/2010 02:40	29	42.2	38	25
21/03/2010 02:45	30.7	42	40	25
21/03/2010 02:50	28.8	38.4	36	25
21/03/2010 02:55	29.2	38.2	37	26
21/03/2010 03:00	31.3	46.1	41	26
21/03/2010 03:05	28.9	38.2	37	26
21/03/2010 03:10	29.9	41	39	26
21/03/2010 03:15	30.1	45.8	41	25
21/03/2010 03:20	30.1	43.4	40	26
21/03/2010 03:25	29.8	43.4	38	26
21/03/2010 03:30	28.3	38.7	38	26
21/03/2010 03:35	29.3	38.2	37	25
21/03/2010 03:40	27.8	41.4	36	25
21/03/2010 03:45	27.2	39.8	37	24
21/03/2010 03:50	26.2	32.5	30	25
21/03/2010 03:55	28.5	40.7	38	25
21/03/2010 04:00	26.7	38.3	36	24
21/03/2010 04:05	27.8	41.8	37	24
21/03/2010 04:10	25	32.6	29	24
21/03/2010 04:15	25.7	37.4	35	23

Date and Time	LAeq	LAmaz	LA1	LA90
21/03/2010 04:20	24.8	36.3	30	23
21/03/2010 04:25	28.2	42.2	40	24
21/03/2010 04:30	24.7	32.9	29	24
21/03/2010 04:35	25	38.5	35	23
21/03/2010 04:40	26.2	41	36	23
21/03/2010 04:45	27	42.3	37	23
21/03/2010 04:50	28.1	42.7	39	23
21/03/2010 04:55	26	37.1	32	23
21/03/2010 05:00	24.8	37	31	24
21/03/2010 05:05	26.5	38.1	35	24
21/03/2010 05:10	24.7	36.9	33	24
21/03/2010 05:15	26.3	38.6	35	24
21/03/2010 05:20	24.5	35	27	24
21/03/2010 05:25	27.9	38.8	37	24
21/03/2010 05:30	27.1	41.2	37	24
21/03/2010 05:35	36.7	59.3	50	24
21/03/2010 05:40	26.3	37.7	35	24
21/03/2010 05:45	28.9	46.9	40	24
21/03/2010 05:50	28.7	44.9	39	24
21/03/2010 05:55	25.7	38	32	24
21/03/2010 06:00	29.3	44	39	24
21/03/2010 06:05	25.4	41.3	32	24
21/03/2010 06:10	28	38.6	34	24
21/03/2010 06:15	28.7	45.1	40	24
21/03/2010 06:20	31.4	47.1	42	24
21/03/2010 06:25	29.3	40.1	37	25
21/03/2010 06:30	25.5	39.5	32	24
21/03/2010 06:35	27	41.2	35	24
21/03/2010 06:40	25.9	39.1	34	24
21/03/2010 06:45	30.5	48.5	43	24
21/03/2010 06:50	30.2	47.5	40	24
21/03/2010 06:55	26.7	38.3	35	24
21/03/2010 07:00	28.2	37.5	36	25
21/03/2010 07:05	29	43	37	24
21/03/2010 07:10	28.6	38.7	36	25
21/03/2010 07:15	25.9	36.7	33	24
21/03/2010 07:20	29.5	40.3	35	24
21/03/2010 07:25	28.9	40.9	36	24
21/03/2010 07:30	26.1	38.6	36	24
21/03/2010 07:35	32.1	45.4	38	29
21/03/2010 07:40	27.2	37.9	36	24
21/03/2010 07:45	26.6	36.4	34	24
21/03/2010 07:50	30.6	43	40	24
21/03/2010 07:55	27.4	44.1	36	24
21/03/2010 08:00	29.7	42.6	41	24
21/03/2010 08:05	30.2	46.4	43	24
21/03/2010 08:10	25.1	35.9	32	24
21/03/2010 08:15	26.2	40	37	23
21/03/2010 08:20	28.2	39	38	24
21/03/2010 08:25	31.1	46.9	42	24
21/03/2010 08:30	28.9	41.6	39	24
21/03/2010 08:35	29.4	40.6	37	24
21/03/2010 08:40	32.7	43.5	42	27
21/03/2010 08:45	33.8	55.5	42	25
21/03/2010 08:50	30.7	38.4	37	25

Date and Time	LAeq	LAmx	LA1	LA90
21/03/2010 08:55	30.2	44.9	39	24
21/03/2010 09:00	32.8	46.5	43	25
21/03/2010 09:05	29.5	40.9	38	25
21/03/2010 09:10	28.2	43	37	24
21/03/2010 09:15	30.5	40.5	38	25
21/03/2010 09:20	31.2	43.2	40	25
21/03/2010 09:25	30.3	38.8	38	25
21/03/2010 09:30	31.7	44.1	40	25
21/03/2010 09:35	30.9	40.5	38	25
21/03/2010 09:40	29.9	43.9	39	25
21/03/2010 09:45	32	43.5	39	25
21/03/2010 09:50	32.6	43	41	25
21/03/2010 09:55	32.3	48	43	26
21/03/2010 10:00	31.9	47.4	43	25
21/03/2010 10:05	32.7	50.8	39	26
21/03/2010 10:10	34.5	54.4	44	28
21/03/2010 10:15	33.6	42.7	40	30
21/03/2010 10:20	31.9	40.5	38	26
21/03/2010 10:25	31.6	40.4	39	26
21/03/2010 10:30	35.4	50.5	45	27
21/03/2010 10:35	33.6	42.6	40	29
21/03/2010 10:40	32.6	44.7	42	26
21/03/2010 10:45	31.6	39.6	37	26
21/03/2010 10:50	32.6	41.5	38	29
21/03/2010 10:55	32.8	43.1	40	28
21/03/2010 11:00	30.8	40.7	39	26
21/03/2010 11:05	32.6	46	40	27
21/03/2010 11:10	32.8	45.4	41	26
21/03/2010 11:15	32.3	43.1	39	26
21/03/2010 11:20	32.1	44.1	42	26
21/03/2010 11:25	33.5	46.8	40	28
21/03/2010 11:30	31.7	46.6	40	25
21/03/2010 11:35	34.6	55.3	45	27
21/03/2010 11:40	33.6	44.7	42	27
21/03/2010 11:45	31.7	41.3	37	26
21/03/2010 11:50	32.7	40.4	39	28
21/03/2010 11:55	32.5	44.1	42	26
21/03/2010 12:00	33.4	41.1	39	28
21/03/2010 12:05	32.8	46.8	43	28
21/03/2010 12:10	32.5	47.1	39	28
21/03/2010 12:15	32.8	46.4	40	28
21/03/2010 12:20	32.6	44.2	41	28
21/03/2010 12:25	31.7	39.9	37	27
21/03/2010 12:30	33.3	49.2	44	26
21/03/2010 12:35	32.8	50.9	42	26
21/03/2010 12:40	32.5	43.2	41	27
21/03/2010 12:45	34.8	53.4	45	28
21/03/2010 12:50	32.1	41.3	39	26
21/03/2010 12:55	30.3	40.4	37	25
21/03/2010 13:00	34.7	49	45	28
21/03/2010 13:05	31.7	43.6	39	26
21/03/2010 13:10	30.1	40.4	36	25
21/03/2010 13:15	32.5	45	43	26
21/03/2010 13:20	31.8	45.2	40	26
21/03/2010 13:25	31.7	47.6	40	26

Date and Time	LAeq	LAmx	LA1	LA90
21/03/2010 13:30	31.9	44.2	39	26
21/03/2010 13:35	32.3	41.6	39	27
21/03/2010 13:40	33.6	45.4	42	27
21/03/2010 13:45	32.3	42.8	41	26
21/03/2010 13:50	31.3	39.7	38	26
21/03/2010 13:55	31.4	48	39	26
21/03/2010 14:00	29.8	41.2	37	26
21/03/2010 14:05	33.6	47.2	43	27
21/03/2010 14:10	33.5	47.5	44	26
21/03/2010 14:15	30.8	40.3	38	26
21/03/2010 14:20	34	48.1	46	26
21/03/2010 14:25	31.1	46	40	26
21/03/2010 14:30	32.1	44.8	40	26
21/03/2010 14:35	30.5	38.4	37	26
21/03/2010 14:40	32.2	45	43	26
21/03/2010 14:45	31.5	51.7	39	26
21/03/2010 14:50	30	44.4	36	26
21/03/2010 14:55	30.4	44.7	38	25
21/03/2010 15:00	31.2	38.7	38	26
21/03/2010 15:05	32.7	42.2	40	26
21/03/2010 15:10	32.5	44.6	41	26
21/03/2010 15:15	32.1	44.4	39	26
21/03/2010 15:20	34.5	44.5	41	30
21/03/2010 15:25	31.9	43.8	39	26
21/03/2010 15:30	40.7	66.1	54	26
21/03/2010 15:35	32.3	46.7	43	26
21/03/2010 15:40	36.5	58.3	50	27
21/03/2010 15:45	31.5	43.2	39	26
21/03/2010 15:50	31.6	43.3	40	26
21/03/2010 15:55	31	39.3	38	26
21/03/2010 16:00	31.9	46.8	42	27
21/03/2010 16:05	35.2	52.4	46	27
21/03/2010 16:10	32.5	48.9	42	26
21/03/2010 16:15	32.2	41.9	39	26
21/03/2010 16:20	31.2	41.6	38	26
21/03/2010 16:25	32.7	43.4	39	27
21/03/2010 16:30	34.7	53.7	45	27
21/03/2010 16:35	32.5	43.1	39	26
21/03/2010 16:40	32.1	41.6	40	26
21/03/2010 16:45	31.2	44	38	26
21/03/2010 16:50	32.3	41.3	38	27
21/03/2010 16:55	31.2	40.3	39	26
21/03/2010 17:00	29.7	37.6	35	26
21/03/2010 17:05	31.3	45.1	39	26
21/03/2010 17:10	33.5	46.9	41	27
21/03/2010 17:15	31.8	39.1	37	27
21/03/2010 17:20	38.3	59.1	54	26
21/03/2010 17:25	33.4	49.2	45	26
21/03/2010 17:30	31.4	44.4	39	26
21/03/2010 17:35	33.1	46.4	39	25
21/03/2010 17:40	35.1	51	44	30
21/03/2010 17:45	33.7	42.5	39	30
21/03/2010 17:50	32	42.2	40	26
21/03/2010 17:55	31.4	43.9	38	27
21/03/2010 18:00	33	42.7	40	28

Date and Time	LAeq	LAmx	LA1	LA90
21/03/2010 18:05	30.8	37.7	37	27
21/03/2010 18:10	33.3	43.6	40	27
21/03/2010 18:15	33	40.8	39	28
21/03/2010 18:20	32.9	47.1	41	26
21/03/2010 18:25	33.8	43.7	41	28
21/03/2010 18:30	31.7	48	39	25
21/03/2010 18:35	32.6	53.4	39	25
21/03/2010 18:40	31.2	40.6	38	25
21/03/2010 18:45	32.5	51	43	25
21/03/2010 18:50	29.8	38.4	37	24
21/03/2010 18:55	30.8	39.7	38	25
21/03/2010 19:00	32.3	42.9	40	25
21/03/2010 19:05	30.4	40.4	37	26
21/03/2010 19:10	33	52.8	41	26
21/03/2010 19:15	30.5	41.7	39	25
21/03/2010 19:20	31.8	42.4	38	26
21/03/2010 19:25	34.2	51.3	46	25
21/03/2010 19:30	31.8	40.4	39	25
21/03/2010 19:35	30.4	42.9	37	25
21/03/2010 19:40	30.4	38.7	37	25
21/03/2010 19:45	28.8	37.5	36	24
21/03/2010 19:50	30.4	46.8	38	24
21/03/2010 19:55	30.4	40.2	37	24
21/03/2010 20:00	29.5	39.8	37	24
21/03/2010 20:05	30.9	49.2	43	24
21/03/2010 20:10	27.9	38.2	36	24
21/03/2010 20:15	30.8	44.1	39	24
21/03/2010 20:20	28.8	41.1	37	24
21/03/2010 20:25	30	38.6	37	24
21/03/2010 20:30	29.7	45	40	24
21/03/2010 20:35	30.5	38.1	37	25
21/03/2010 20:40	29.5	41.8	38	23
21/03/2010 20:45	30.4	43.8	39	24
21/03/2010 20:50	28.9	38.4	37	24
21/03/2010 20:55	29.2	39.9	37	24
21/03/2010 21:00	29.1	40.3	38	24
21/03/2010 21:05	31.4	41.8	38	25
21/03/2010 21:10	29.9	38.8	37	24
21/03/2010 21:15	29.2	39.5	37	24
21/03/2010 21:20	27.4	40.4	36	24
21/03/2010 21:25	28.5	39.1	38	24
21/03/2010 21:30	27.7	37.3	36	23
21/03/2010 21:35	30.1	40	38	24
21/03/2010 21:40	29.6	45.3	42	24
21/03/2010 21:45	29.3	44.7	39	23
21/03/2010 21:50	29.8	40.2	39	24
21/03/2010 21:55	29.8	41.1	38	24
21/03/2010 22:00	29.2	42.8	39	23
21/03/2010 22:05	30.6	48.3	43	23
21/03/2010 22:10	29.9	41	38	23
21/03/2010 22:15	27.6	42.5	37	23
21/03/2010 22:20	29.8	42.9	39	23
21/03/2010 22:25	28.2	41.8	37	23
21/03/2010 22:30	30.1	43.4	38	24
21/03/2010 22:35	28.6	45.6	38	23

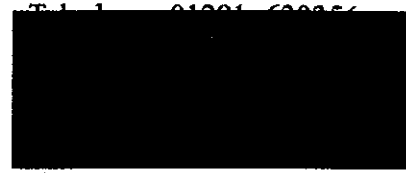
Date and Time	LAeq	LAmx	LA1	LA90
21/03/2010 22:40	28.5	41	39	23
21/03/2010 22:45	29.9	43.7	39	24
21/03/2010 22:50	26.1	38.4	37	23
21/03/2010 22:55	25	37.7	35	23
21/03/2010 23:00	26.5	42.4	35	23
21/03/2010 23:05	28.2	42	38	23
21/03/2010 23:10	28.7	42.4	39	23
21/03/2010 23:15	25.1	34	33	23
21/03/2010 23:20	30.1	42.3	40	23
21/03/2010 23:25	33.7	52.8	48	23
21/03/2010 23:30	28.9	41.3	38	23
21/03/2010 23:35	26.3	35.4	34	23
21/03/2010 23:40	27.2	38.5	36	23
21/03/2010 23:45	28.3	44.2	39	23
21/03/2010 23:50	30.2	43.3	39	24
21/03/2010 23:55	27.2	39.7	37	23
22/03/2010 00:00	27	45.4	36	23
22/03/2010 00:05	26.4	40.3	36	23
22/03/2010 00:10	25.1	34.8	34	23
22/03/2010 00:15	23.7	26.5	25	23
22/03/2010 00:20	27.2	38.3	37	23
22/03/2010 00:25	30.6	47.3	43	23
22/03/2010 00:30	25.7	41.3	37	23
22/03/2010 00:35	26.7	40.9	38	23
22/03/2010 00:40	23.4	28.3	25	23
22/03/2010 00:45	24.6	40	35	23
22/03/2010 00:50	29	36.8	34	23
22/03/2010 00:55	28.3	43	34	23
22/03/2010 01:00	26.6	39.5	36	23
22/03/2010 01:05	26.1	46.5	37	23
22/03/2010 01:10	24.6	37.9	34	23
22/03/2010 01:15	26.3	36.1	34	23
22/03/2010 01:20	24.5	36.5	33	23
22/03/2010 01:25	23.4	36.7	25	23
22/03/2010 01:30	23	26.2	24	22
22/03/2010 01:35	23.3	32.4	29	22
22/03/2010 01:40	25	37.5	36	23
22/03/2010 01:45	23.2	26.6	25	23
22/03/2010 01:50	22.9	26	24	22
22/03/2010 01:55	23.4	32.9	31	22
22/03/2010 02:00	24.9	41.2	35	22
22/03/2010 02:05	23.9	35.8	31	23
22/03/2010 02:10	24.7	40	36	22
22/03/2010 02:15	24	37	34	22
22/03/2010 02:20	23.7	38.8	31	22
22/03/2010 02:25	25.4	38.1	34	23
22/03/2010 02:30	25.7	42.1	38	23
22/03/2010 02:35	23.2	26.3	25	23
22/03/2010 02:40	23.7	37.3	32	22
22/03/2010 02:45	24.6	41.3	34	22
22/03/2010 02:50	23.1	27	24	22
22/03/2010 02:55	25.4	39.5	36	23
22/03/2010 03:00	24.3	38.2	35	22
22/03/2010 03:05	25.4	40.3	35	22
22/03/2010 03:10	23	29.7	26	22

Date and Time	LAeq	LAmaz	LA1	LA90
22/03/2010 03:15	25.7	43.9	38	23
22/03/2010 03:20	22.8	29.8	25	22
22/03/2010 03:25	22.7	29.6	25	22
22/03/2010 03:30	22.5	29.6	24	22
22/03/2010 03:35	22.8	29.9	24	22
22/03/2010 03:40	25.6	35.7	30	23
22/03/2010 03:45	23.3	32.3	29	22
22/03/2010 03:50	24.1	37.7	33	23
22/03/2010 03:55	25	38.5	37	22
22/03/2010 04:00	23.2	28.2	25	23
22/03/2010 04:05	24.5	38.2	34	23
22/03/2010 04:10	22.9	28	24	22
22/03/2010 04:15	22.9	30.4	24	22
22/03/2010 04:20	23	28.3	26	22
22/03/2010 04:25	23.1	29	24	22
22/03/2010 04:30	23.4	28.2	25	23
22/03/2010 04:35	25.1	40.3	34	23
22/03/2010 04:40	25.9	40.6	38	23
22/03/2010 04:45	25.8	40.9	37	23
22/03/2010 04:50	27	43.6	39	23
22/03/2010 04:55	25.7	41.1	38	23
22/03/2010 05:00	24.7	38.8	34	22
22/03/2010 05:05	29.7	44.5	42	24
22/03/2010 05:10	26.4	41.4	39	23
22/03/2010 05:15	26.3	37.6	35	23
22/03/2010 05:20	26.6	42	38	23
22/03/2010 05:25	28.8	42.4	39	23
22/03/2010 05:30	26.8	42.2	40	23
22/03/2010 05:35	26.6	39.8	38	23
22/03/2010 05:40	29.8	43.5	42	24
22/03/2010 05:45	32.6	44.4	41	24
22/03/2010 05:50	31.7	52	44	23
22/03/2010 05:55	26.9	39.9	37	23
22/03/2010 06:00	31.7	48.2	44	24
22/03/2010 06:05	26.6	38.3	37	23
22/03/2010 06:10	29.8	48.6	40	24
22/03/2010 06:15	32.4	47.6	45	24
22/03/2010 06:20	31.3	47.6	43	24
22/03/2010 06:25	30.1	42	37	25
22/03/2010 06:30	30.1	40.7	38	24
22/03/2010 06:35	31.5	44.5	40	24
22/03/2010 06:40	30.7	43.6	39	24
22/03/2010 06:45	30.3	40.4	38	25
22/03/2010 06:50	28.4	36.3	34	25
22/03/2010 06:55	32.1	46.6	42	25

MARK HOARE SOLICITOR

Manor House
Bank Street
Chepstow
Monmouthshire NP16 5EL

Planning Services
Bath & North East Somerset Council
Trombridge House
Trim Street
Bath
BA1 2DP



Date: 20 November 2009

Our Ref: O4.14

Dear Sirs,

OPA - North Parade

I am the solicitor for the above business and have been so at all material times since the premises were acquired from the previous owner who operated a restaurant for the sale of Indian cuisine. Since the business opened well over two years ago in June 2007, it has been engaged in the sale of Greek cuisine. However, my client tells me that your department has advised that an application should be made for "mixed use" use of the premises. This is because you consider that some aspects of the use of the premises fall outside the current A3 use.

Therefore, the purpose of this letter is to support the said application. Since the intending application will be advertised to the public, my client wishes to address a number of matters in relation to the application, either by way of dealing with potential objections, or else generally in support of the application. Those matters are as follows.

A.

Potential Objection

The recorded music that is played on the premises and complaints about that music that have been received.

My client's representations

As is well known, the premises are very near to premises that are used for residential accommodation. My client is aware that there have been occasions when some local residents have complained that they can hear recorded music coming from the premises at

Sole Principal – Godfrey Mark George Hoare B.A.

Licensed Conveyancer – Nicola F. Arthur

This firm is regulated by The Solicitors Regulation Authority under reference 348218

an hour of night that they consider to be too late. As to the playing of music, then until the serving of food stops at or around 11pm, this is ancillary to dining customers. Until at least 11pm, music is played at a level that permits the easy dialogue between customers and staff. I understand that there is no issue about the sound level of the music up to such time.

Thereafter, as permitted by the current Premises Licence (notice of which was given to the public as well as to all relevant departments of the council, including Planning), customers may be served alcohol until 2am on all days except Sundays (when the "stop" time is 11.30pm). Between the times when the service of food ceases and the premises closing time, music continues to be played. The volume at which that music is played is louder than when food is served. However, my client being conscious of the proximity of living neighbours, the decibel level at which the music is played is monitored in a way that is intended to balance the wishes of customers with those of local residents. Therefore, my client considers that the level at which music is played is a fair balance between these two potentially conflicting interests.

In respect of any objections about the playing of music that may be raised, my client wishes any such actual or potential objectors to be assured that OPA, being aware of the proximity of persons living within hearing distance of the premises, has taken and will continue to take all reasonable measures to minimise any potential music interference to local residents when the playing of music reaches a time of night that has the potential be such a nuisance. By way of example of my client's willingness to listen to what local people say, about six months after opening, following some suggestion of loud music, my client spent about £830 putting in an extra sound-proofing window in the window that faces on to the residents at the front of North Parade.

B.

Doormen

These are employed and paid for by the business. These persons are only employed if they demonstrate that they have received the required training. Further, their activities are monitored by the owners of the business to ensure that they carry out their duties effectively, not only in respect of the proper conduct of customers while they are on the premises (whether indoors or outside), but also when customers are near to the premises. When customers are using the area just outside the rear door or the area along the riverbank (particularly the latter), it is part of the doormen's duties to monitor the level at which customers communicate in order to minimise potential noise nuisance to residents whose premises overlook that area. If appropriate, customers are advised by the doorman.

Similarly, the doormen are made aware by the owners that, so far as the law permits them to do so, then customers who are queuing to get in while standing on North Parade or else smokers who can only go upstairs to North Parade after 11pm, should behave in a way that minimises potential noise nuisance to residents whose premises overlook North Parade. Therefore, in respect of any objections that may be raised, my client wishes any such actual or potential objectors to be assured that OPA, being aware of the proximity of persons living within hearing distance of the premises, has taken and will continue to take all reasonable measures to minimise any potential customer interference to local residents by continuing to

employ doorman who will continue to exercise control of the noise level of actual or queuing customers both at the front and rear of the premises.

C.

The policy employed by the business in respect of the use of the door that leads to the rear balcony that overlooks the river.

The premises has no air conditioning. Therefore, the rear door sometimes has to be kept open in order for the premises to be ventilated, particularly since it is, after all, a restaurant, but also when the premises are busy. After the rear area has to be closed to customers, a doorman is posted at the door to supervise the rear area to minimise any potential nuisance that may be caused to local residents.

Therefore, in respect of any objections that may be raised, my client wishes any such actual or potential objectors to be assured that OPA, being aware of the proximity of persons living within hearing distance of the premises, has taken and will continue to take all reasonable measures to minimise any customer noise nuisance interference to local residents by continuing to supervise the use of the rear door access to the balcony area after it is no longer available for use by customers.

As to the two doors that lead onto Parade Gardens, these were initially put in for compliance with fire regulations. That having been done, they have also been used for the purposes of ventilation. Because they are designed to be opened quickly and easily from inside, then my client has taken steps to prevent customers going into the gardens via these doors by erecting a metal gate on the inside of each of the doors.

D.

The main bar area, as distinct from the two dining only areas.

The two dining areas have 82 covers and the tables therein are never moved. The main bar area has the capacity to provide 28 covers. Between about 11.30 and midnight, then depending on how busy the night is, four of those table are cleared away to provide more space to the main bar floor. In case it is said that this clearing away in some way changes the premises into what is generally considered to be a nightclub, my client reminds all concerned that, compared with what is generally regarded as a nightclub, there is no dedicated dance floor, no special lighting, no entrance fee and no membership. Also, if my client really did operate as a nightclub, then the music licence for which they currently pay £850, would cost them something like 5 times as much. Further, as can be seen from the business website, the business markets itself for the sale of Greek food, not in any way as a nightclub.

E.

Along North Parade, OPA is one of three businesses providing similar dining and leisure services to members of the public.

Since North Parade has a wide pavement and is a popular area for customers wishing to eat and drink, any excess noise or other behaviour that might be criticised should not be

attributed solely to my client's business. Having been open for well over two years, there have been no issues with under-age drinking, fighting, noise, drugs or other nuisance. My client will say that that has come about because of the combination of the type and age of customers that it attracts and encourages (as well as those whom it does not), the employment of doormen, and the willingness to work with and be responsive to any concerns expressed by members of the public, the police and the council.

Yours faithfully,

A solid black rectangular box redacting the signature of G.M.G. Hoare.

G.M.G. Hoare

From: David Cox
Sent: 08 March 2010 10:07
To: Development Control
Subject: FW: OPA 10/00054/FUL

Please scan into Idox

From: Diarmid Henry
Sent: 08 March 2010 10:07
To: David Cox
Subject: OPA

Hi David,

As discussed please find a history of recent complaints received by Environmental Protection in relation to OPA, 14 North Parade, Bath:


- 10.02.08 *"Noise from music from OPA, 14 North Parade, Bath"*
- 15.04.08 *"Noise nuisance from OPA, 14 North Parade, Bath weekdays and weekends, customers trespassing"*
- 14.08.09 *"Noise from OPA, 14 North Parade, Bath"*
- 01.09.08 *"People drinking outside on the terrace of OPA, 14 North Parade, Bath, very noisy"*
- 27.05.09 *"Noise from OPA, 14 North Parade, Bath"*
- 03.03.10 *"Noise from loud music from OPA, 14 North Parade, Bath"*
- 04.03.10 *"Noise from loud music, people playing drums outside OPA, 14 North Parade, Bath"*

An abatement notice was served on OPA, 14 North Parade, Bath under section 79(1) (g) of the Environmental Protection Act 1990 on 24 October 2008. The notice related to noise from amplified music and voice and/or noise caused by voice from persons or groups of persons. While complaints have been received subsequent to the service of the abatement notice on 24 October 2008, no evidence has been obtained of a breach of this notice to date.

Regards,

Diarmid Henry
Environmental Health Officer
Environmental Protection
Bath & NE Somerset Council
Telephone: 01225 477555
Facsimile: 01225 477596
Web: www.bathnes.gov.uk
Email: diarmid_henry@bathnes.gov.uk

Making Bath & North East Somerset an **even** better place to live work and visit.

 Before printing, think about the environment

Julie Cummins

From: David Cox
Sent: 15 February 2010 13:32
To: Development Control
Subject: FW: Opa, 14 North Parade, Bath. App ref: 10/00054/FUL

please scan into Idox

From: Diarmid Henry
Sent: 15 February 2010 09:18
To: David Cox
Subject: Opa, 14 North Parade, Bath. App ref: 10/00054/FUL

Dear David,

I refer to your application in relation to the above matter and confirm that I have no objections.

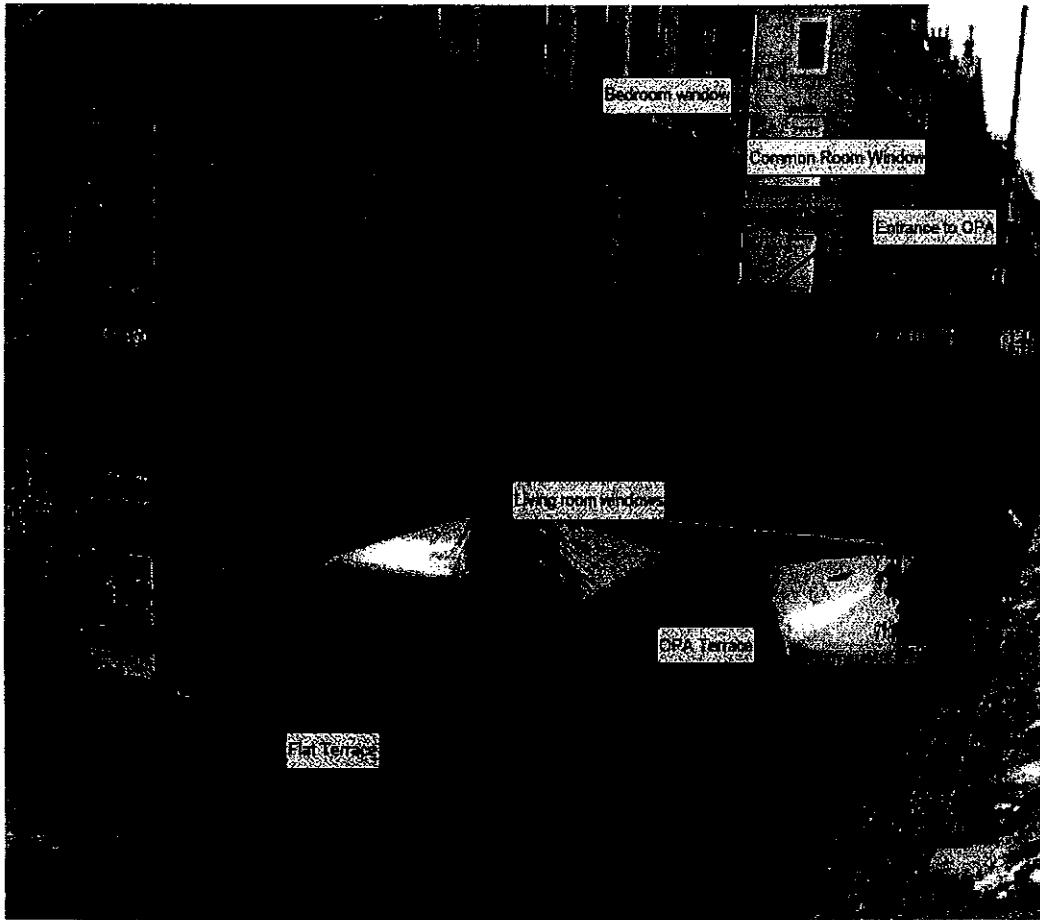
Kind regards,

Diarmid Henry
Environmental Health Officer



OPA, NORTH PARADE
BATH
ENVIRONMENTAL NOISE REPORT

FIGURE 1/4159 - Photograph of OPA and 14 North parade





9 July 2010

MEMORANDUM

To: Dr Barbara White, Director Advanced Studies in England

From: John E. (Jack) Ryan, Gettysburg College Interim Vice Provost and Advanced Studies in England Summer Tutor 2010

Re: Restaurant Opa Noise Pollution: Update Report

My family and I reside at 14 North Parade, Nunes House, Flat #3, Bath BA2 4AJ. We have been in the flat since 5 June. Ours is a five week let, which has been provided by the Advanced Studies in England program for my five weeks as one of their summer tutors. I submitted a report on the noise pollution from Restaurant Opa on 29 June; this summary updates that report.

On Wednesday 30 June, the noise from Opa was loud. We learned to expect noise on Wednesdays because it is "International Night." The people collected below our window to either smoking or talk were Opa patrons. The noise level was loud, and a group remained outside until 3.30 a.m.

7 July was an exceptionally outrageous night. The crowd on the street was tremendous and the amount of noise they generated exceeded rational limits. The group was smoking, drinking, and shouting. At 1.30 a.m. I tried using earplugs in order to fall asleep. At 3.45 a.m. I remained awake, listening to the last revelers yelling and breaking glass on the street. The next morning the litter remaining from the night before was staggering—glasses, bottles, cigarette butts and cigarette cartons were everywhere, visible reminders of Wednesday night's crowd. This signifies the shameful disregard Opa has for its neighbors.

People live near Opa, but the management of the restaurant does not care about people who do not patronize the establishment. Opa is not a restaurant; it's a place where young people come to party. Opa's customers have no stake in the well-being of this portion of the city; rather, it's where they come to drink, carouse, and make noise without restraint. Because this commotion is practically a nightly occurrence, I believe the noise is deliberate—that Opa's management is responsible for controlling the behavior of its customers.

A handwritten signature in black ink, appearing to read "John E. Ryan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.



29 June 2010

MEMORANDUM

To: Dr Barbara White, Director Advanced Studies in England

From: John E. (Jack) Ryan, Gettysburg College Interim Vice Provost and Advanced Studies in England Summer Tutor 2010

Re: Restaurant Opa Noise Pollution

My family and I reside at 14 North Parade, Nunes House, Flat #3, Bath BA2 4AJ. We have been in the flat since 5 June. Ours is a five week let, which has been provided by the Advanced Studies in England program for my five weeks as one of their summer tutors.

On 10 June my wife and I noticed a great deal of noise coming from the outdoor portion of Restaurant Opa, which is just below our bedroom windows. Our room faces North Parade and is above the entrance to the restaurant. Although troubling, the noise from the restaurant that evening was not excessive.

However, on the night of Wednesday 9 June the noise from Opa took a turn for the worst. A sign in front of the restaurant announcing "International Night" should have alerted me to this change. From midnight to 2.30 am people congregated on the sidewalk below our apartment; they were leaning on the iron railing that runs from the Nunes House to North Parade Bridge, and they occupied the area from the fence to the area in front of the building next to 14 North Parade. By 2.30 am more than fifty people occupied the street. Collectively, they made a tremendous amount of noise. My wife was forced into the back bedroom. Opa appeared to be closed. The people on the street had emerged from the restaurant and members of Opa's staff, marked by their black uniforms, were part of the crowd. This congregation did not break-up until 3.30 am.

15 June: Excessive noise coming from the outdoor portion of the restaurant. Between 2-2.30 am people leaving the restaurant made a great deal of noise but did not assemble on the sidewalk.

16 June: "International Night" announced, and once again the noise level was excessive. A small group congregated below our windows but they broke up before 2.30 am.

23 June: Another Wednesday night—another "International Night." The noise level was excessive at 11.00 pm; the noise level would rise and drop as the evening progressed. At 3.45 am people had assembled on the sidewalk. The individuals were shouting and yelling, smoking cigarettes, and a few were drinking. The noise was extreme for a residential area.

24 June: A great ruckus emanates from the outdoor restaurant; the noise peaks around 12.30 am.

26 June: Many party groups have entered Opa this evening. Different groups have assembled on the sidewalk to share champagne, among other drinks, and cigarettes. At 2.15 am a large group of young women, one sporting angel wings, occupies the area just in front of North Parade Bridge, where they loudly debate where to take their party.

28 June: At 2.30 am members of the Opa staff placed glass and cardboard for recycling outside of the building next to 14 North Parade. They made a tremendous amount of noise, a combination of their chatter, glass clattering as it was poured into the recycling containers, and the ripping and folding of the cardboard products. Though this involved only two people, the racket they created was extraordinary. Because their commotion was taking place in front of a residence, I believe the noise was deliberate.

In summary, the noise coming from Restaurant Opa is unreasonably excessive for a residential area. I have lived in a number of large cities, including New York, London, and Cleveland, and I have lived near restaurants and bars. The noise emerging from Opa and the late night assemblies on the street would not be tolerated in any of these places. The residential value of a property like 14 North Parade has been seriously compromised by Restaurant Opa, a neighbor in name only. This building has been providing a valuable service for students and faculty since 1987; its location allows students and faculty to participate in the daily life of Bath. It would be shameful if ASE could no longer use this facility because of the excessive nighttime noise emerging from Opa.



Tuesday, 29 June, 2010

Dr. Matthew M. Schousen
Professor of Government
Franklin and Marshall College
Lancaster, Pennsylvania USA

My wife, 7-year-old son, and I are staying in the 3rd floor flat in Nunes House at 14 N. Parade in Bath while I am teaching a class for Franklin & Marshall's Advanced Studies in England (ASE) program. Franklin & Marshall owns the buildings that house the program and when I return to the college later this summer I will be reporting to the administration my belief that the outdoor noise from the Opa! night club makes Nunes House completely unsuitable for housing students and faculty who are participating in the ASE program.

The front bedroom overlooks N. Parade and receives a great deal of noise not only from people entering and leaving the club but also from the club's grotto area where patrons congregate until the wee hours of the morning. Upon my arrival in Bath on 4 June, 2010, I attempted to use the front bedroom for sleeping. By the time my wife and son arrived on 16 June, 2010, it was clear that the front bedroom was unusable. Upon their arrival we moved all the beds to the rear bedroom and have all been sharing that room since. While there is still noise from the restaurant (my wife continues to wear earplugs every night), it is better than it is in the front room. The following is a log of my experience:

Flat 4

Sunday June 6—

Went to bed at 9:00, between 10:00 and 12:30 noise woke me up—including a very loud "happy birthday song" around midnight. 12:30 put in earplugs and was able to sleep.

Monday June 7—

Rain meant a very nice sleep.

Tuesday June 8—

Bed at 11:00, put in earplugs right away and as was able to sleep.

Wednesday June 9

Bed at 11:00 but the noise, even with earplugs too loud to sleep. At midnight I went to sleep in the back room.

Thursday June 10

I cannot remember.

Friday and Sat out of town

Sunday, Jun 13 No noise problem.

Monday, June 14

Was woken at 11:00 by the noise and kept getting woken until 12:30 when I went into another bedroom.

Tuesday, June 15, 2010

Woken up at about 11:30 and again several more times. Finally at 12:30 I moved to the back bedroom

Wednesday, June 16, 2010

I just moved all the beds to the back bedroom—now my wife, son and I are all in one room in the back of the flat. It is not great but at least we are all able to sleep through the night.

DISTURBANCE LOG - OPA RESTAURANT, 14 NORTH PARADE

Opening hours: Sun-Mon - 12pm-12.30am, Tues-Sat - 12pm-2am 2007-2008

Date of Disturbance (dd/mm/yy)	Times of Disturbance (24-hr clock)	Type of Disturbance (e.g. Music, Building works etc)	Disturbance observed by (Name of staff member/student)
7.09.06	Started 8am - until 19.00	Builders had taken both chairs from balcony again - asked not to use them	CJ
04.04.07	Until 20:00	Building work	CJ
05.04.07	Until 22:00	Building work	CJ
06.04.07	Until 22:00	Building work	CJ
12.04.07	Until 22:00	Building work	CJ
13.04.07	Until 23:00	Building work	CJ
16.04.07	Until 21:00	Building work	CJ
17.04.07	Until 22:00	Building work	CJ
18.04.07	Until 20:30	Building work	CJ
10.05.07	Until 23:00	Building work	CJ
11.05.07	Until 21:00	Building work	CJ
12.05.07	Until 21:00	Building work	CJ

DISTURBANCE LOG - ΩPA RESTAURANT, 14 NORTH PARADE
Opening hours: Sun-Mon – 12pm-12.30am, Tues-Sat – 12pm-2am

13.05.07		Until 23:30	Building work	CJ
14.05.07		Until 22:00	Building work	CJ
15.05.07		Until 21:00	Building work	CJ
16.05.07		Until 19:00	Building work	CJ
23, 24, 25.06.07		Until 4:00/5:00 a.m.	Building work, power tools, etc. leading up to opening	SD
	ΩPA	RESTAURANT	OPENED	20th JUNE 2007
25.06.07		<i>Beginning 22:00; Still going by midnight – probably later</i>	Loud music – increasing volume over time; loud talking/yelling	SD
06.07.07		3:30 a.m.	Very loud, rowdy people leaving ΩPA at 3:30 a.m. Official closing time is 2:30 a.m.	SD
11.07.07		<i>Beginning 22:00; Still going by midnight – probably later</i>	Noticeable loud talking and laughing towards the back of the balcony – heard in the back bedroom of Flat One	SD
	NUNES EMPTY FOR	3 WEEKS (14th July – 2nd August).	REOCCUPIED	FROM 9PM 2.8.07
3.8.07		19:00 onwards	Bicycle chained to railings outside Nunes	CJ
5.8.07		Until 3am	Loud talking/singing	CJ
8.8.07		23:00	Smokers blocking access to front door of Nunes	CJ

DISTURBANCE LOG - OPA RESTAURANT, 14 NORTH PARADE
Opening hours: Sun-Mon - 12pm-12.30am, Tues-Sat - 12pm-2am

8.8.07	Until 2am	Loud talking (all along balcony)	CJ
9.8.07	Until 3am	Smokers on terrace & in front of front door of Nunes. Loud talking/music	CJ
29.8.07	Until 2am	Smokers on terrace. Loud talking/laughing esp. towards back i.e. in front of back bedroom of Flat 1	CJ
5.9.07	Until 1.30am	Smokers on terrace. Loud talking/laughing/shrieking esp. towards back i.e. in front of back bedroom of Flat 1	CJ
12.9.07	Until 2am	Smokers on terrace. Loud talking/laughing/shrieking esp. towards back i.e. in front of back bedroom of Flat 1	CJ
6.10.07	Until 2am	Patrons of bar came onto private patio & used patio chairs & table. Loud talking etc	CJ
26.10.07	1am onwards	Several drunken girls running onto private balcony via steps & jumping off at other end (approx 1&1/2m drop)	CJ
27.10.07	10pm-2am	Occupant of Flat 1 asked 3 different groups of customers of OPA to leave private balcony and not use private patio furniture (10pm, 11.30pm,	CJ - <i>Patio chairs stacked & moved to one side to discourage people sitting on private balcony</i>

DISTURBANCE LOG - ΩPA RESTAURANT, 14 NORTH PARADE
Opening hours: Sun-Mon - 12pm-12.30am, Tues-Sat - 12pm-2am

			1.45am)	
15.11.07	Until 2am		Loud talking all along balcony & terrace. Rubbish (empty bottles etc) left outside Nunes front door next morning.	CJ
28.11.07	11pm onwards		Loud talking/singing	CJ
30.11.07	Until 2am		Loud music until 11pm. Loud people on terrace & balcony.	CJ
7.12.07	Until 1am		Loud talking/singing on terrace. Person on phone talking outside back bedroom of Flat 1.	CJ
8.12.07	Until 2am		Loud talking on terrace.	CJ
12.12.07	Until 1am		Loud music till late evening.	CJ
14.12.07	Until 3am		Smokers on terrace & in front of front door of Nunes. Loud talking/music	CJ
20.12.07	Until 2am		Smokers on terrace & along balcony -- loud noise	CJ
NUNES EMPTY FOR	3 WEEKS (22nd December -		6th January). REOCCUPIED	FROM 11PM 6.1.08
ΩPA	RESTAURANT		CLOSED	JANUARY 2008
ΩPA	RESTAURANT		REOPENED	28 JANUARY 2008

DISTURBANCE LOG - OPA RESTAURANT, 14 NORTH PARADE
Opening hours: Sun-Mon – 12pm-12.30am, Tues-Sat – 12pm-2am

Date of Disturbance <i>(dd/mm/yy)</i>	Times of Disturbance <i>(24-hr clock)</i>	Type of Disturbance <i>(e.g. Music, Building works etc)</i>	Disturbance observed by <i>(Name of staff member/student)</i>
NUNES EMPTY FOR	6 WEEKS (13th July – 24th)	August). REOCCUPIED	FROM 7PM 24.8.07
24.8.08	Until 1.30am	OPA Customers using full terrace – loud talking/laughter	CJ
29.8.08	12am	Witnessed OPA staff member standing at external door to prevent customers coming out onto external terrace. Some noise from opened door so had to close living room door.	CJ
30.8.08	11am	Witnessed OPA bouncer clearing external terrace of customers – asked to go inside or to area on other side of bridge if still want to smoke. Some male customers asked why & bouncer explained re: noise complaints – customers pointed to windows of Flat 1 & asked if it was those residents. Bouncer denied & said was next building over.	CJ
6.9.08	11.30pm	OPA customers still on terrace beyond 11pm condition of licence – bouncer began moving customers inside from 11.30pm.	CJ

DISTURBANCE LOG - OPA RESTAURANT, 14 NORTH PARADE
Opening hours: Sun-Mon - 12pm-12.30am, Tues-Sat - 12pm-2am

9.9.08	12.30am onwards	OPA customers still on terrace significantly beyond 11pm condition of licence - B&NES Council was called at 12.45am to log the contravention of licence.	CJ - Complaint made to B&NES
12.9.08	Until 2am	OPA customers using external terrace until 2am.	CJ
13.9.08	Until 1am	OPA customers using external terrace until 1am.	CJ
14.9.08	Until 9.30pm	OPA customers using external terrace until 9.30pm (beyond 7.30pm planning licence).	CJ
18.9.08	Until 1am	OPA customers using external terrace until 1am.	CJ
19.9.08	Until 2am	OPA customers using external terrace until 2am. Loud music played.	CJ
20.9.08	Until 2am	OPA customers using external terrace until 2am.	CJ - Patio chairs on private balcony used by OPA customers
24.9.08	Until 11.30pm	OPA customers using external terrace until 11.30pm.	CJ
25.9.08	Until 1am	OPA customers using external terrace until 1am.	CJ
26.9.08	Until 2am	OPA customers using external terrace until 2am.	CJ - Diarmid Henry from B&NES set up sound recording equipment
27.9.08	Until 2.30am	OPA customers using external terrace until 2.30am.	CJ - Recorded

DISTURBANCE LOG - OPA RESTAURANT, 14 NORTH PARADE
Opening hours: Sun-Mon - 12pm-12.30am, Tues-Sat - 12pm-2am

28.9.08	Until 11.30pm	OPA customers using external terrace until 11.30pm.	CJ - Recorded
29.9.08	Until 12.30am	OPA customers using external terrace until 12.30am.	CJ - Recorded. Recording equipment removed by Diarmid Henry on 30.9.08 - rang to put equipment in again from 3.10.08
2.10.08	Until 12am	OPA customers using external terrace until 12.00am.	CJ
3.10.08	Until 12.30am	Few OPA customers using external terrace until 12.30am.	CJ - Diarmid Henry from B&NES set up sound recording equipment for 2 nd weekend
4.10.08	Until 2am	OPA customers using external terrace until 2am.	CJ - Recorded
5.10.08	Until 11.30pm	Few OPA customers on external terrace throughout evening	CJ - Recorded
6.10.08	Until 11pm	OPA customers using external terrace until 11pm (beyond 7.30pm planning licence).	CJ

ENVIRONMENTAL SERVICES

15 SEP 2010

Post Log No:

Receipt No:

CHICA 8

ANNEX F
MRS S. L. HENDERSON
GROUND FLOOR FLAT
11 NORTH PARADE
BATH
BA2 4AL
01225 466105

14 - 9. 2010

Dear Sir

DPA Licensing Review

Ref. 10/03038/LAPRF

I am writing on behalf of myself
& the other five residents of the above
address.

We strongly protest about the
noise & general disorder & disturbance
to our lives in the small hours (last
Wednesday until after 3.00 am) at the
Spa Restaurant.

This is not a night club. It
exists in a residential area & has
not got permission to open for these
hours.

There is a complete public
nuisance on North Parade from these
people. I invite you to come into

our flats, clear up the corner &
urine from our front door &
listen to the noise & disturbance
it is intolerable & making our lives
a misery. The quality of our life
is dreadful.

Please help,

Yours sincerely,

S. Louise Henderson

LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	10/03038/LAPRE
Applicant's name:	OPA BATH Ltd
Premises name and address:	14 North Parade Bath BA2 4AJ
Application for a:	Review

Objector Details:

Objector's Name:	Ian Perkins & Michael Brett
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	11 Pierrepont Street Bath BA1 1LA
Organisation name if applicable:	The Abbey Resident's Association - TARA

Objection Details:

My/our representation is relevant to the following licensing objective(s):

Prevention of crime and disorder



Prevention of public nuisance



Protection of children from harm



Public safety



Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments

The Abbey Residents Association has about three hundred members including a number in the vicinity of OPA and seeks to improve conditions for those living in the city centre.

This part of the city centre is primarily residential. The block on which OPA is located bounded by North and South Parades and Duke Street is entirely residential containing 65 apartments in 7 apartment buildings as well as ASE (Advanced Studies in England) a residential hostel for foreign students which has operated on North Parade above the subject premises since the late 1980's

For some time, and on many occasions, local residents and local businesses have complained about the late night noise created by OPA's operation; indeed they have been the subject of noise abatement enforcement by Environmental Protection officers. We understand that local residents will be providing testimony for the committee's consideration. The noise complained of derives from extensive noise leakage from OPA's premises and noise created by, often rowdy and intoxicated, revellers entering and leaving the building and gathering outside on the pavement.

OPA is the focus of much anti-social behaviour and again we understand that resident's will be providing detailed testimony about the crime and disorder they are routinely subjected to including threatening behaviour, street urination, vomit and littering

OPA has effectively become a nightclub by stealth and indeed recently applied to have this new use endorsed by the planning committee.

The premises were operated as a restaurant between 1983 and 2007 without adversely affecting the amenity of local residents and we believe that the conditions on the licence should be amended to be more appropriate to use as a restaurant and restrict the licensee's ability to operate as a nightclub as this activity runs counter to both the spirit and letter of the cumulative impact policy

TARA has no objection to OPA operating as a traditional well managed restaurant similar to many others in residential areas of the city centre. Our objection is to OPA as a bar and nightclub. We therefore would ask the committee to consider imposing conditions or modifying existing conditions to constrain the licensee's ability to operate their premises as a bar and nightclub. This should include consideration of the hours of operation, the conditions under which alcohol can be served, the provision of live dancing and the playing of music other than as a background to the serving of food.

I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.

Signed Ian Perkins

Date 14.9.10

Contact telephone number(s) 07905 4951617
 (This is essential as we may need to contact you at short notice)

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name Ian Perkins

I will be attending the hearing I will not be attending the hearing

I will be represented at the hearing by

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary / unnecessary

Form to be returned to:

Licensing Team
Public Protection
9-10 Bath Street
Bath
BA1 1SN

11, Duke Street,
Bath, Somerset.
BA2 4AG
Telephone 01225 466962

ANNEX	
ENVIRONMENTAL SERVICES	
15 SEP 2010	
Post Log No:
Receipt No:
CH/CA £:

15th, September, 2010
The Licensing Team,
Bath and North East Somerset Council,
9-10, Bath Street,
Bath. BA1 1SN

Dear Sirs,

OPA BATH, Ltd. - Review of License

I see from a notice affixed to the premises of the above company that the License is to be reviewed and comments are required by the 15th September.

The comments in my previous letter regarding the question of public nuisance still stand. I am now aware from your telephone call yesterday afternoon that you do not have access to that letter and I am therefore giving examples of the antisocial problems below.

Several times a week it is usual for my front door to be used as a urinal as well as people urinating into the area through the railings. My neighbors experience similar problems.

On one rather horrible occasion, when I opened the front door in the morning I found a cardboard box up against it. Someone had emptied their bowels into it and also deposited excrement on the door itself.

Shouting, screaming and foul language by both males and females is a nightly occurrence, as is ringing the door bell and/or banging on the door in the early hours of the morning.

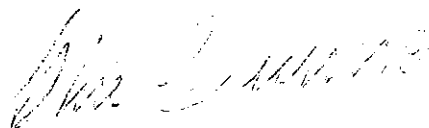
The list is not exhaustive, but is sufficient to give you a few examples of the many problems which now happen which did not happen until Messrs. OPA opened. There is no doubt that this area may now be described as more "Third World" than "World Heritage".

It is my opinion that matters will not improve until the premises revert to a restaurant closing by midnight at the latest. I believe that was what the original license was for.

To be fair to OPA Ltd., this area has been allowed to have a number of unsuitable developments of this nature and it may be that their activities should be curtailed also.

Yours faithfully,

Clive Quinnell



Alan Bartlett

From: frank moffatt [frank24664828@yahoo.com]
Sent: 22 August 2010 13:10
To: Licensing
Subject: Re: 10/03038/LAPRE

Having suffered endless nights of disrupted sleep due to the noise emanating from Opa customers during later opening hours and after closing time I have had to endure levels of voice disturbance ranging from loud excitable chatter to group singing, shouts, high pitched screams and deep booming incoherent emissions.

I have to witness our Grade 1 Street and property being used openly by customers for urination and cigarette litter and fight a constant cleaning battle against the smell and mess.

It is not an unusual occurrence for me to have to hose vomit from the walls of our property (and the street) and then manually clear the solids from our outside drain to prevent blockage. Empty beer cans, bottles and broken glass have also been left behind.

I take pride in being a 'custodian' of a little part of Baths heritage but am tired, sometimes scared, stressed, and addened by the public nuisance to which Opa contributes through a lack of duty and care.

I fully support the application to review the licensing hours of this 'restaurant'.

Kate Moffatt
10 Duke Street

Alan Bartlett

From: Licensing
Sent: 15 September 2010 08:12
To: Terrill Wolyn
Subject: FW: 10/03038/LAPRE

From: steve.morris@talk21.com [mailto:steve.morris@talk21.com]
Sent: 14 September 2010 19:31
To: Licensing
Cc: Robin Anderson
Subject: 10/03038/LAPRE

Dear Sir/Madam,

I am writing with reference to the review of the licence for the Greek Restaurant and unofficial nightclub, OPA (Reference 10/03038/LAPRE). These premises are extremely close to residential property at Georgian House (where I own a flat) (13 North Parade, 1 & 2 Duke Street) and Wessex House (3 & 4 Duke Street).

Restaurants have traded at this address for many years without posing problems for local residents. I have no objection to OPA trading as a restaurant. However, for the past 2 years OPA has been using its 2am licence to enable it to trade as a nightclub. This has made life unbearable for local residents. As the adjoining flats are at all levels of the building (basement, ground, first etc), the noise from OPA customers leaving the premises at 2 or 3am in the morning particularly on Wednesday, Friday and Saturday nights is preventing us from sleeping.

The vast majority of restaurants in Bath close at a reasonable time (say by 11pm or midnight). If OPA was trading in this way, I am confident there would not be a problem.

OPA has been refused planning permission to trade as a nightclub for precisely the reasons that make it an unsuitable for any late-night use - namely that the premises are in the most densely residential part of central Bath. There may be a case for a small number of Bath's restaurants to be granted special late licences - but surely a site with a large number of flat bedrooms literally feet away is totally inappropriate.

I object to OPA retaining a 2am licence, as it makes it impossible to live in my flat. I would fully support a return to a 11pm licence as a restaurant.

Yours Sincerely,

Steven Morris
Georgian House
Duke Street
BATH
BA2 4AQ

Alan Bartlett

From: Toby Brett [toby@banwellhouse.com]
Sent: 14 September 2010 11:16
To: Licensing
Subject: Opa Review 10/03038/LAPRE

I wish to make a personal representation for the review against Opa.

I have lived in Flat 6 Georgian House with my partner for over 3 years, during this time Opa have been a continual nuisance. If it is not people out on the terrace when we are trying to sleep it is avoiding their customers urinating in our doorway when we get home.

I am aware of other similar places in Bath but none with such close proximity to residential property where neighbouring properties form the boundary of this property which is licensed until 2am.

I support Georgian house is asking for the license to be reduced to 11pm for all licensable activities.

Regards

Toby Brett and Tanya Mansfield
Sent using BlackBerry®

Alan Bartlett

From: Christine Skaar [christine_skaar@hotmail.co.uk]
Sent: 13 September 2010 23:18
To: Licensing
Subject: OPA Licensing Review - Ref 10/03038/LAPRE

**OPA Licensing Review
Ref 10/03038/LAPRE**

To Whom It May Concern,

We are writing in relation to the OPA Licensing Review. At the beginning of this month we moved into Flat 2, Georgian House, Duke Street BA2 4AQ. Our front door is immediately adjacent to that of OPA MEZE BAR, and our bedroom and study windows look out onto North Parade Road.

So far we have noted that two to three times per week there is a significant noise issue as a result of people queuing outside our windows, smokers leaning against the railings and drunk individuals and groups being expelled from the premises. A couple of evenings we have experienced intoxicated customers looking for OPA knocking loudly on our front door. The noise pollution reaches it's peak at 1:30 to 3am when the club is closing, as people congregate outside without moving on or going home. One evening we were holding a private party for some friends and on three occasions that night strangers attempted to enter our flat, despite the presence of OPA's bouncer outside. The first of these was a man who physically prevented us from closing our front door and refused to leave the premises so we had to call the police.

Each morning we wake up to find empty bottles and cigarette butts in the fenced area outside our front door, and several times a week there are piles of bin bags and many empty cardboard crates by the fence outside our windows, clearly visible from inside.

We both work full time, as an Architectural Assistant and as a doctor. Shortly Matthew will be working the accute rotation at the RUH Hospital which regularly involves working unsociable hours, finishing at around midnight and starting at 8am. It is unacceptable if he is unable to sleep during these limited hours due to the excessive noise levels.

One evening when he came home from work Matthew overheard a girl, who was laughing with her group of friends, comment that she had just been urinating on the front doorstep of Georgian House. When he confronted her she proceeded to shout abuse in response.

These are our experiences over the last two weeks. Since moving in we have become acquainted with some of the other residents of Georgian House and have discovered that these events are sadly commonplace. We have no interest in seeing OPA shut down, we simply desire to limit the noise to acceptable levels.

We would like to commend the bouncers for their efforts to keep the noise down, however there are simply too many people and too much noise to be successfully controlled.

Regards,

Christine Skaar and Matthew Crockett
Flat 2, Georgian House, Duke Street BA2 4AQ

From: Anthony Tomlinson [mailto:tomlinsonanthony@hotmail.com]
Sent: 15 September 2010 13:59
To: Licensing
Subject: OPA Licensing Review Ref 10/03038/LAPRE

Dear Sir,

I strongly appeal to you to reduced OPA's license to 11.00 pm. The basis for this application is that OPA continues to cause noise and disturbance until the early hours, despite being refused planning permission to operate as a nightclub. It is clear to me that the prevention of this public nuisance can best be served by limiting their licence to serve alcohol which will prevent them from operating as a night club in a residential area.

Your faithfully,

Anthony Tomlinson

Flat 10
Georgian House
Duke Street
Bath
BA2 4AQ

The contents of this email message, and any attachments, are confidential and intended solely for the use of the individual or entity to whom they are addressed. The message does not necessarily express the views of Bath & North East Somerset Council and should be considered personal unless there is a specific statement to the contrary.

All communications sent to or from their organisations may be subject to recording and/or monitoring in accordance with relevant legislation.

If you have received this email in error you may not take any action based on it, nor should you copy or show this to anyone; please reply to it and highlight the error to the sender, then delete the message from your system.

The provision of links to Web sites which are not part of the Bath & North East Somerset Council domain are provided for convenient information sharing purposes. The Council is not responsible for the reliability of these links, or the information provided, and it is not intended to imply endorsement of the site.

This footnote also confirms that this email message has been checked for all known viruses by the MessageLabs Virus Scanning Service.

Subscribe to Inform - Bath & North East Somerset Council's free weekly e-newsletter. Click <http://www.bathnes.gov.uk/inform3>

Making Bath & North East Somerset an even better place to Live, Work and Visit.

The contents of this email message, and any attachments, are confidential and intended solely for the use of the individual or entity to whom they are addressed. The message does not necessarily express the views of Bath & North East Somerset Council and should be considered personal unless there is a specific statement to the contrary.

If you have received this email in error you may not take any action based on it, nor should you copy or show this to anyone; please reply to it and highlight the error to the sender, then delete the message from your system.

The provision of links to Web sites which are not part of the Bath & North East Somerset Council domain are provided for convenient information sharing purposes. The Council is not responsible for the reliability of these links, or the information provided, and it is not intended to imply endorsement of the site.

Terrill Wolyn

Subject: FW: Opa Review

To: Terrill Wolyn
Subject: Re: Opa Review

Dear Sirs

With regards to the review of licensing for OPA Ref: 10/03038/LAPRE

I would like to offer my support to getting the licensing hours limited down to 11pm 7 days per week.

Licensing should please consider the following: Public safety, prevention of public nuisance and the protection of harm to children.

Public safety is continually compromised as a result of OPA's customer's late night/early morning activities; crowds of drunken patron's regularly congregate around and on a number of occasions have entered my property in a drunken state. Evidence of which can be obtained from the local Police if required, our flat is not the only flat that has been subjected to this. We have narrowly avoided on several occasions glass bottles being thrown into the basement area, it is a fact of probability that there WILL be an occasion where one of us gets hit; the height I might add is 18ft to the pavement from where they are thrown. The consequence of the resultant force would be more than capable of serious injury or even death. I have never had anything thrown down during normal restaurant operating hours and I can't think why any normal person would dream of doing such a thing unless they had just stumbled inebriated from a club! I have to clear up the sick, urine, half eaten takeaways, bottles, cans, fag butts and other rubbish at least once a week. I have spoken to the staff and there has been no change in behaviour of their patrons as there is nothing they can do. There are often people milling around in the middle of north parade road and sometimes lying down, presumably asleep.

Public nuisance is a continual nightmare; there are people sometimes every night of the week shouting and screaming outside with the doormen just looking on. This can go on until as late as 4am, I am sick to death of getting no sleep; this is against my human rights. As a result I awake with having obtained on average 4 hours sleep, sometimes none at all, I have a 45 minute drive to work which I have had stop on a number of occasions to avoid sleeping at the wheel. We have tried earplugs and not even these are capable of allowing us some sleep. This has to change before it is too late! This is meant to be a restaurant. The public bench is often removed and left in a state for the council workers to have to rectify the following day. I have witnessed a number of fights that have happened between people leaving which tend to spill out onto the pavement. On the occasions where I have gone out to calm any situations, I have always had to retreat due to a barrage of abuse and threatening behaviour.

Protection of harm to children I refuse to invite any children in my family even though they have wanted to visit; the embarrassment and upset of crying children from the inevitable onslaught of uncontrolled behaviour from 10pm-4am will be far too much to even contemplate. I know of others in the buildings who have told me not to invite children after experiencing these consequences too. I have never seen anyone walking children around this area during its later hours of operation. Something that is not that uncommon in other areas of the City Centre.

Lastly we moved here recently after being told OPA was a restaurant, I can accept city sounds having lived in the heart of many busy cities. The restaurant in question has been proved to be operating as a nightclub; it has applied for planning permission for a nightclub which has been refused by ALL councillors present. It continues to operate as a nightclub with no actions being taken to control its operations, a reduced license would remove all of the above issues and allow it to operate as a great restaurant with facilities as a bar until

11pm. I find it incredibly hard to come to terms with the fact that I am in the process of applying to change the layout of my flat through 'planning permission' to enable a better quality of life for us by reducing the impact of an establishment that has no granted 'planning permission' and would appear not to require it!

I urge you to consider these points very carefully please, OPA is an excellent restaurant and that is the way it should run and continue to run. The rules and regulations are laid down in this country for good reasons; reasons that have been formed and evolved to stop repeats of the sometimes disastrous consequences from which they derive. I think it is time now that these rules are adhered too before its too late and we find ourselves staring at such a consequence in the face.

Thanks for taking the time to read this.

Alan Bartlett

From: Licensing
Sent: 15 September 2010 08:13
To: Terrill Wolyn
Subject: FW: Opa ref 10/03038/LAPRE

From: [REDACTED]
Sent: 14 September 2010 21:09
To: Licensing
Subject: Opa ref 10/03038/LAPRE

To Whom it may concern,

I am writing with reference to the continued disturbance from OPA's late night hours and causing unacceptable levels of noise when children are trying to sleep. My concern is that the pleasure I once enjoyed living in my property has been devastated by the sleepless nights caused by the late night, early hour leavers. This has not only impacted my property as a residence but the sale value is also impacted by the changes in licensing conditions of what was a pleasant restaurant to what is clearly now a night club on a residential street.

I would consider legal action against the council if something is not done to protect the residents as this has gone on long enough. I'm sure if our councillors were asked to live under these conditions it would be considered unreasonable.

Please ensure that the best interests of residents are considered as it is the council which is allowing this unacceptable behaviour to continue.

M [REDACTED]

Alan Bartlett

From: Licensing
Sent: 15 September 2010 08:14
To: Terrill Wolyn
Subject: FW: OPA and Licensing Review

From: CLIVE COLLINS [mailto:clive.collins500@btinternet.com]
Sent: 14 September 2010 20:48
To: Licensing
Subject: OPA and Licensing Review

Richard & Jenny Collins
Flat 5 , Georgian House , Bath

OPA Ref; 10/03038/LAPRE

Dear Sirs

My wife and I uphold the request , in the strongest possible terms to limit licensing hours to 11pm max 7days a week and have considered the following;
Public safety, prevention of public nuisance and the protection of harm to children.

We are often witnessing binge drunken young revellers falling over and laying on the road and pavements outside our flat ,at the early hours of various nights and mornings , these people have come from OPA night club. The road is the A3039 North Parade and is often used by Emergency Vehicles , the police station is nearby. My wife and I think it will not be long before somebody is run over.

The noise level in our bedrooms is equivalent to a loud television and it is impossible to sleep until often 3am.

We have 4 grandchildren and recently our 2 youngest stayed on Saturday 21st August. At about 2am they were crying , they had whitnessed people falling over and shouting in the road , the children thought they were very ill , being only 4 and 5 1/2 we had to calm them down a lot because they were traumatised. My daughters have asked me if it is safe for their children to stay with us . This has hurt my wife and I more than any words can express !

The environment of this lovely elegant residential area is changing into a place not suitable for ordinary working people. The OPA people have been told by the planning dept that they cannot run a night club, but they continue to do so , OPA are not good neighbours and do not run their business with integrity, they care only for profit. The night club is probably the main core of their business and in future may even expand into La Flemca .

My wife and I wonder why you should grant a License to serve alcohol at all to OPA, but hope that you will stop them being a night club. We have no objections at all to being a restaurant.

I don't honestly know if we can continue living here .
Richard Collins

