

## Applicant Information in Support of Premises Licence Variation Application

### Summary

Following our application to vary our premises licence to add the roof terrace, a number of objections were raised. The number and nature of the objections taken at face value appears substantial, however, this report will set out our arguments against these objections, and demonstrate that those objections are unwarranted.

The objections received from the RA's, namely Planning, Licensing and Environmental Health are effectively duplications and all essentially break down to concerns around noise. Planning's comments relate only to the application that was submitted in December 2024 which did not include the noise impact assessment that was included within the licensing variation application. In addition, the planning application has now been resubmitted with the noise impact assessment included. The noise impact assessment quite clearly addresses the noise concerns, concluding that *"the predicted sound impacts have been identified to be in the range of barely perceptible and negligible"*. The noise impact assessment report also concludes that *"that the site is predicted to meet the requirements of the relevant planning guidance, it is considered that noise does not present a constraint to the granting of planning permission for the Proposed Development."*

The comments of the licensing officer appear in agreement that the noise mitigation measures proposed (the acoustic screening) would address the noise concerns, but questions are raised around our ability to implement those measures. However, we have a strong track record of successfully delivering on projects, having already converted what was a vacant and dilapidated town centre building into a modern high-specification venue housing Wales' top rated microbrewery and Caerphilly's top rated hospitality venue (sources referenced in body of report below). In addition, the comments of the Acoustic consultant as noted in the previous paragraph support our position that we will be successful in obtaining the requisite planning consent to carry out the works.

The comments of the EH officer, in failing to accept the findings of the noise impact assessment, are unfortunately deeply flawed. The comments fail to take into consideration the qualifications and experience of the noise report author, the data collected and the extensive analysis conducted in preparing that report. The EH officer on the other hand made unsubstantiated comments while holding no formal qualifications in acoustics, having gathered no primary data on site, nor having prepared any analysis to support their unfounded assertions. The EH officer also failed to recognise the existence of a formal noise management plan in place at our venue, the nature of our venue and our customer base,

and the comprehensive additional measures that we propose to manage noise, which are not only to be incorporated into the noise management plan, but to be included as condition to the licence.

Overall we hope that the committee will recognise the hard work that has gone into this project and this licence variation application, and agree that the extensive measures we have proposed to address noise concerns are adequate to meet the 4 licensing objectives.

### **Response to Planning Objection from Carwyn Powell**

The planning officer objected to our application for the licence variation on the grounds of the risk of excessive noise and disturbance, noting that the proposed mitigation measures were unacceptable.

Unfortunately this comment lacks full context. The planning application that was referred to (24/0919/COU) was submitted in December 2024, which was prior to the preparation of a noise assessment. The noise assessment was completed on 19/2/2025. The planning application (24/0919/COU) was determined on 18/2/2025, so did not pay any consideration to the noise impact assessment. A revised application has now been submitted with the noise impact assessment included.

In addition, the planning application was rejected due to 2 other reasons that are unrelated to Licensing considerations:

1. Highways objected on the grounds that the development apparently requires 6 parking spaces. This is something I have pushed back on strongly, as other venues have opened recently which do not provide any parking (e.g. Ffos Caerffili, Rosita's). In addition, Highways claim that the on-street parking on Lon Y Twyn (immediately outside our venue) and the Twyn car park are both operating at capacity. This is a claim I have been able to disprove quite conclusively using data I have obtained, and this has been provided to Planning as part of the revised planning application. I am confident this objection will be overcome.
2. Planning noted that our application did not include elevation drawings, which were required to assess the visual impact of the proposed development. These drawings have now been completed and submitted as part of the revised planning application. I am confident this objection will be overcome.

So in summary, it is factually correct that the planning application was rejected due to noise complaints, but this statement lacks context. The licensing application included a copy of the Noise impact assessment, and the planning officer failed to incorporate this report into their objection commentary. The noise concerns will be addressed in much greater details later in this report.

**Response to Licensing Officer Objection from Sandra Lewis-Williams**

The licensing officer commenting on our application raised a number of concerns in their response to our application.

Firstly the officer raised concerns around fire escapes and building control considerations. This led to a meeting between the applicant, the fire service and building control on 14/5/2025. It would appear from that meeting that the information passed along to building control from the licensing officer (Sandra) was incorrect. It was suggested that there was inadequate means of escape from the mezzanine level of the bar, which was not the case. Unfortunately the licensing officer choose not to raise this with the applicant, who could have confirmed this, but instead a meeting and site visit was arranged. It was subsequently confirmed by the Licensing manager (Lee Morgan) that these concerns have been addressed and no longer need to be a consideration for the licensing committee.

It is still however a concern of the applicant that this issue was taken as far as it did, when simple correspondence could have addressed the issue simply and quickly, and not wasted time and resource having a meeting.

The second area raised by the licensing officer is around noise and the proposed mitigation proposals. This particular concern is not made clear in the officer's comments. But it would seem that the officer is NOT challenging the fact that the mitigation measures would address noise issues, but rather the officer is merely questioning whether we will be permitted to implement those changes. Precise wording as follows:

*"it is recognised that the applicant has submitted a noise plan with the application which details what they propose to implement to mitigate any potential noise pollution from the use of the roof terrace, it is unclear at this time whether they will be permitted to implement these proposals"*

It is of course good news that the officer is in agreement that proposed mitigation measures will address noise issues, meeting the licensing objective of the prevention of public nuisance. However, it is disappointing that the officer is raising concerns around our ability to implement the measures. As noted

in earlier in this report, the planning application that was rejected was incomplete, and a revised planning application has already been submitted addressing all concerns.

Over the past 5 years since our business moved to this location, we have spent in the region of £750,000 developing the site and the business. We are now positioned as the number 1 rated micro-brewery in Wales (Source: Untappd.com) and our craft beer bar is the highest rated bar/restaurant in Caerphilly as per Google reviews:

Venue	Google Review (Stars)
The Project	4.8
Ffos Caerffili	4.3
Rosita's	4.2
Ten Degrees	4.7
Consurio Lounge	4.3
The Court House	4.1
The Kings Arms	4.1
Casa Mia	4.4
Malcolm Uphill	4.2

During this period, we have made 5 successful planning applications and 4 successful licensing applications and variations. So we have a very clear track record of successfully completing development projects, including obtaining the permissions necessary to support those projects.

We therefore strongly disagree with the suggestion from the licensing officer that we will not ultimately be successful in getting the requisite permissions.

However, if we are ultimately unsuccessful in obtaining planning permission to implement the proposed noise mitigation measures, then we will not proceed with creating a roof terrace at our venue.

But we ask that the licensing committee does not withhold or delay our licence variation on the grounds that planning has yet to be granted, as time is of the essence. Our previous project to develop the yard for use on weekends which was submitted in June 2023 was severely delayed (taking 53 weeks to be accepted by planning!) which meant that we missed most of the summer of 2024, which has had severe financial implication for our business. We started the process of applying for planning permission for this project in December 2024 with the view to operating the terrace during summer 2025. We are already behind on this timeline and cannot afford as a business to have further unnecessary delays.

### **Response to Health and Safety Comments from Dean Pugh**

The officer reviewing our application did not object to our application, but requested that additional information be provided. This information was provided to the officer who confirmed on a phone call that they were happy with the information received. Further information will of course be provided in due course if and when our proposed development project moves forward, and as the specific technical specifications are defined and agreed with building control and other relevant parties such as H&S.

### **Response to Environmental Health Objection from Victoria Woodland**

The officer correctly reflected the conclusion of the Inacoustic reports, stating:

*“The report concludes that noise emanating from the roof terrace, with the proposed noise mitigation measures in place, would be barely perceptible at the nearest noise sensitive receptor (dwelling).”*

Unfortunately, the officer goes on to question the validity of the report, suggesting it does not sufficiently consider the noise source.

*“The worst-case scenario suggested in the report is based solely on continuous conversation and fails to consider patrons shouting, laughing and singing which more commonly reflects the nature of noise emanating from external areas of a public house.”*

This is a deeply flawed and categorically incorrect assertion from the officer on a number of grounds:

Firstly, the author Mr Morgan is a vastly experienced acoustic expert. The officer confirmed on a phone call to me that she holds no formal qualifications in acoustics. Therefore, the officer is not qualified to challenge the findings of the report or the methodology adopted by the report's author.

Secondly, Mr Morgan visited the site in person, where he erected various pieces of specialist acoustic equipment to take background noise readings over a period of time. It is my understanding that the officer has never visited our premises during trading hours, and therefore is not qualified to comment on the nature of customer behaviour that we experience in our venue.

Our venue is a craft beer bar, and tends to attract on average a slightly older, more affluent customer base than other public houses. Our customers on average tend to visit in smaller groups, often as couple and/or families, and tend to stay for less time, relative to other more traditional public houses. Therefore the suggestion that our customers would engage in shouting or singing is not accurate.

During Mr Morgan's analysis, we discussed the nature of our venue, including the types of customers that visit, and this information was incorporated into Mr Morgan's analysis. On the contrary, at no point has the officer engaged in such discussion with myself or my team, and hence she does not have the benefit of a true understanding of our venue's customer base to make such assertions.

Thirdly, Mr Morgan in preparing his report conducted extensive acoustic modelling, all of which is documented within his report. The officer on the other hand has conducted no such modelling (which was confirmed by the officer in a call with the applicant on 2/5/2025). The officer states that *"the intermittency and tonal changes in sound levels presented by this type of noise source can increase the impact of the overall noise upon nearby residents"* but has not carried out any analysis to support this. Therefore this statement is purely speculative in the absence of any actual data or analysis from the officer.

The comments of the officer were relayed to Mr Morgan, who responded on 2/5/2025 with the following:

*"The premises is a tap house and not a sports bar or rowdy revelry establishment and the management of it are fully aware of the surroundings within which the premises sit. Furthermore, the sound power level adopted for each patron is widely used within the industry for beer gardens, etc and has been accepted by many local planning authorities."*

*The sound power level per patron of 72 dB(A), averaged over a continuous hour is considered highly robust and is considered an established basis for assessment of a development of this type, which has stood significant scrutiny.*

*The Project is evidently operated with community relations management in mind, with appropriate premises management protocols in place to manage patron behaviour, in the unlikely event that it becomes out-of-hand."*

Our premises has an existing noise management plan in place, and this will be amended upon the granting of the premises licence variation, to incorporate the roof terrace area.

It should also be noted that we have agreed to reduce the maximum occupancy of the roof terrace to only 30 customers. This combined with the fact that the roof terrace will be fully seated, with no standing areas, means that there is a very low likelihood of rowdy behaviour.

There will also be no music played in the roof terrace area.

In addition to incorporating these measures into the existing noise management plan, these measures have also been proposed as conditions for the licence, which enshrines them as a legal requirement for us to follow. The officer failed to take these robust measures into account when forming their opinion and making their comments.