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Sent: Wednesday, September 13, 2023 5:44 PM
To: Martin, Clare <Clare.Martin@eastleigh.gov.uk>
Subject: Pollution comment : Planning consultation for 24 Station Road - F/23/94825

Hi Clare

Thanks for consulting us on the proposal.

The proposal is for a seating area located to the front of the building onto Station Road and facing the existing residential dwellings located opposite. Given the purpose to which it is proposed to be used, and the need for access from that area into the club for access, we are concerned at the potential for adverse noise impact from the use of the area and breakout noise from the club when in use and on the residential properties opposite the club.

We have reviewed the Noise Management Plan provided however this does not demonstrate that noise will be effectively managed or controlled to avoid significant adverse effects, nor how adverse impacts will be minimised.

For the reasons given above we have significant reservations about the principle of the development and also that the applicant has not demonstrated an adequate understanding of the noise impacts likely to arise, nor provided information demonstrating how any such impacts would be managed to acceptable levels. On this basis we do not support the development.

With respect to the existing club use we are aware that there are other enforcement regimes that may be deemed to replicate control of noise making activities and thereby mitigate the adverse noise impacts should the application be approved, with respect to licensing enforcement and to statutory nuisance we have the following comments: The standard to be applied in licensing is that of preventing 'public nuisance', this is understood to be a lesser standard than that which we would consider under our Environmental Health powers of statutory nuisance (as multiple properties need to be impacted), and which is again a lesser standard still than protection of amenity under planning.

My point being that meeting the licensing requirements will not prevent or protect against loss of amenity and potentially significant loss of amenity given the public nuisance standard.

Similarly, the statutory nuisance standard only seeks to remedy the worst impacts of noise nuisance, and not to return the situation back to how it was before, and so being a lesser standard than amenity. Further, statutory nuisance also provides a defence to commercial operators to demonstrate that they are utilising the 'best practical means', BPM, to control noise, which could also allow for continuing adverse noise impacts with a commensurate loss of amenity without recourse to further remedial action.

Regards

Neil

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