

Memo

Community and Environmental Services

### Memo to Licensing - representation

to Licensing Authority

from Catherine Trollope, Environmental Health Officer, Community and Environmental Services, Watford Borough Council

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date 3<sup>rd</sup> October 2017

re Pizza Planet, Unit 15, Riverside Works, Riverside Road, Watford

As a Responsible Authority under the Licensing Act 2003, the Environmental Health Section has been consulted about the above application.

Environmental Health wish to make the following representation in relation to this application on the grounds of **prevention of public nuisance**;

Environmental Health do not believe that the application should be granted due to the fact that public nuisance in the form of **noise and light** will be caused if the business is operated as requested in the application.

The premises is located on an industrial estate situated in a residential area. The Unit is the first unit on the estate and adjoins the public pavement. It is known as Unit 15.

**Appendix A** contains a map of the area showing Pizza Planet at Unit 15 and the location of residential properties around the Industrial estate and the Unit.

**Appendix B** shows images of Riverside Road; Pizza Planet at Unit 15; and the surrounding residential properties.

The industrial estate has a set of metal gates at the entrance. The units within it are small – medium light industrial units, mainly car workshops. The businesses operating there cease trading at 18:00 at the latest, meaning that traffic flow and noise will start to die down as the businesses close at this time. Table 1 below shows their opening hours:

Business Name	Opening Hours - Monday to Friday	Opening Hours - Saturday	Opening Hours - Sunday
APS	08:00 - 17:00	08:00 - 15:00	closed
PX Motors	08:00 - 18:00	08:00 - 18:00	closed
WMS	08:30 - 18:00	08:30 - 12:00	closed
Armstrong	09:00 - 17:00	09:00 - 13:00	closed
KM Effects	09:00 - 18:00	closed	closed
Paragon Cars	09:00 - 18:00	09:00 - 17:00	11:00 - 16:00

*Table 1: Opening hours of businesses on Riverside Works Industrial Estate*

There are no other business premises, shops, pubs etc. in the vicinity, only residential properties. Riverside Road is an access road to the residential properties on the estate, it is not a main road or a route in or out of Watford. It is used as a cut through by some people between Wiggshall Road and Eastbury Road, but this is at morning and evening rush hours and not during the mid-evening and night.

There is some bus traffic on Riverside Road but the last buses to go down the Road are 17:57 Monday to Friday and 14.24 on Saturday. This indicates a reduction in travel and movement of people on this road at this time.

There are vehicle restrictions on the road as follows:



'Waiting by goods vehicles over a gross weight of 5T prohibited during the periods and in the direction indicated'

Monitoring of the road outside the entrance to Riverside Works and Unit 15 was carried out on Monday 2<sup>nd</sup> October between 20:24 and 00:00. Photographs were taken of the road upon arrival; notes of vehicles witnessed were made; and photos were taken just before departure.

**Appendix C** shows the monitoring location and photographs of the road at 20:30 and 00:00.

A summary of the vehicle movements witnessed is provided in Table 2 below:

Time	Number of Vehicle Movements witnessed	Number of Vehicles that passed the entrance to Riverside Works and Unit 15
20:30 – 21:00	25	20
21:00 – 22:00	25	14
22:00 – 23:00	27	22
23:00 – 00:00	4	4

*Table 2: Number of vehicle movements witnessed at Riverside Road on 2<sup>nd</sup> October 2017 between 20:24 and 00:00*

As can be seen in table 2, the number of vehicle movements remained steady throughout the evening then then decreased significantly at 23:00. In addition, the majority of the street lights were turned off at 23:55. The monitoring Officer also noted that background noise levels in the road were low after 23:00 and once the lights were turned off at 23:55 the road was dark and very quiet. The photographs in Appendix C show lighting levels at both 20:30 and 00.00.

In conclusion, the evidence shows the locality to be a quiet residential location from mid evening onwards and a very quiet dark residential location from 23:00 onwards. It is reasonable to assume that the majority of occupants of the surrounding residential dwellings will be in bed around 11pm on work and school nights and that children will be in bed between 7pm and 9pm. Residents will also want to enjoy their home environments for the evening.

BS 8233: 2014 (2) provides guidance for control of noise in and around buildings and suggests appropriate criteria and limits for different situations. It sets the night time period (when lower limits for noise are set) to be 23:00 to 07:00. The levels that it sets are based on the existing guidelines issued by the World Health Organisation (WHO) who also classify night time as 23:00 to 07:00. Conditions conducive to sleep are therefore to be reasonably expected between these hours.

The unit itself has two food businesses operating from it. A small manufacturing food business and Pizza Planet. There is no mechanical ventilation system. Windows are used for ventilation (this is acceptable under food hygiene legislation for the nature of the current use). There are no planning restrictions on the hours of operation of either of the food businesses and nothing to prevent them from operating at the same time. There are two opening windows on the side of the building facing the gates to the estate. There is a large metal shutter door with a 'standard' door contained within it for access and egress on the same side as the window. The Unit is the first one on the estate, just inside the gates and adjacent to the pavement.

The trade waste bins for the unit are located opposite the entrance door on the left hand side of the entry road to the estate.

There are houses located directly opposite the unit and the access gates/road onto the estate. These are likely to be most affected by the proposed business, they have a number of room windows on both ground and first floor facing the entrance to the estate. There are other houses to the side of the unit and houses on both sides of the road going either way down the road that are also very likely to be affected by public nuisance.

Delivery drivers will approach the unit from either direction and need to pull into the estate through the gates, park up and collect the Pizza. They will then either have to reverse back out on the road or turn around in the estate and drive out forwards through the gates onto the road. There will be noise associated with this and they will need their car lights on during the evening and night. They could park on the pavement outside (there are no restrictions) then either drive on in the same direction or turn around in the road or in the entrance to the estate. Again there will be associated noise and light.

Bearing in mind the above evidence; the nature of the area; the characteristics of the unit; and the nature of the proposed business there is the potential for residents to be affected by public nuisance caused by noise from:

1. Noise breakout from open windows at the premises used for ventilation;
2. Noise breakout as the door opens and closes with delivery drivers collecting pizzas

3. Noise from the metal door and shutters as the door is opened and closed for pizzas to be given to the delivery drivers
4. Noise from delivery vehicles driving up to and away from the unit
5. Noise from delivery drivers opening and closing their vehicle doors
6. Noise from vehicle horns
7. Noise from drivers and staff talking.
8. Noise from use of the bins
9. Noise from the metal gates being closed when the business is closed and the estate locked up – this will take place after the business has stopped trading and has cleared up which could be 15-30 minutes after the end of business, stretching to 4.30am in the morning.
10. Additional noise if the other food business is operating at the same time

Bearing in mind the above evidence; the nature of the area; the characteristics of the unit; and the nature of the proposed business there is the potential for residents to be affected by public nuisance caused by light from:

1. Light breakout from open windows at the premises used for ventilation;
2. Light breakout as the door opens and closes with delivery drivers collecting pizzas
3. Head lights from the vehicles driving up to and away from the unit
4. Light from signage erected at the premises

In the application the applicant states that in order to prevent public nuisance only a set number of vehicles and personnel will be allowed on site at any given time. There is no detail to this and no information on how and where drivers would be prevented from driving onto site. This could result in vehicles waiting on the street. If the business grows, then they will not want to refuse orders and trade in order to keep the number of drivers visiting the premises to collect down to a certain level. I have not been able to determine what a suitable number of cars arriving at the premises during the various hours of operation would be. There is no way of determining the number below which a nuisance would not occur.

The applicant states that only hybrid vehicles will be used but these will need to be used consistently in the electric mode to reduce noise. I have not been able to determine the wording of a condition that would effectively control when, where and how the electric mode would be required to be used when driving to and away from the premises.

If the noise from the vehicles can be addressed through the use of hybrid vehicles and a suitable and enforceable license condition then there is still the issue of light from the vehicles and the other noise associated with the drivers opening and closing the doors.

Overall, a pizza delivery business operating after 23:00 each night until 04:00 every day of the week in this residential location is out of character for the nature of the locality and is not a reasonable use of the premises. These factors increase significantly the risk of statutory nuisance affecting the residents.

**Environmental Health's representation requests that the Licence is not granted.**

However, if the License is granted then we ask that the permitted hours of operation are very carefully considered and that conditions in italics below are considered to be placed on the license to mitigate some of the concerns we have. Please note that although some of the issues raised can be dealt with by the use of conditions we do not believe that there are enough suitable and

enforceable conditions to sufficiently mitigate the noise and light nuisance to a level to prevent public nuisance.

1. *No members of the public shall be permitted to be in the premises while the premises are being used for licensable activities.*
2. *All late night refreshment provided under this licence shall be for consumption off the premises only.*
3. *All orders for late night refreshment shall only be accepted if they are made remotely*
4. *The Premises Licence holder shall ensure that all orders taken by the premises shall be delivered to customers at a bona fide address.*
5. *Only employed delivery drivers shall be permitted to collect late night refreshment from the premises*
6. *The Premises Licence holder shall ensure that no refuse will be moved into the area outside the premises or external bins between 23:00 hours and when the business reopens the following day.*
7. *The premises licence holder shall ensure that no external signage or advertisements shall be illuminated.*

NB this is to make provision for the possible future use of signage

8. *The premises licence holder shall ensure that all glazed windows and doors have internal blinds so that light from the premises is not emitted and that these blinds are pulled down over all areas of glazing at 23:00 until the start of business again the next working day.*

9. *There shall be no metal shutters or metal doors on the building as these cause excess noise.*

NB This will require the License holder to alter the structure of the unit, for which permission from the unit freeholder will no doubt be required. It is therefore not clear whether this condition can be complied with by the applicant.

10. *The Premises Licence holder shall ensure that any extract unit at the premises will be turned off at 23:00 hours and shall not be turned on again until the business reopens the following day.*

NB this is to make provision for the possible future use of signage

11. *The Premises Licence holder shall ensure that all windows and doors shall be closed at 23:00 hours and remain closed until the business reopens the following day, except for the immediate access or egress of staff.*

NB If there is a condition to keep windows and doors closed after 11pm then there will be no means of ventilating the premises, this is required by food and health and safety legislation.

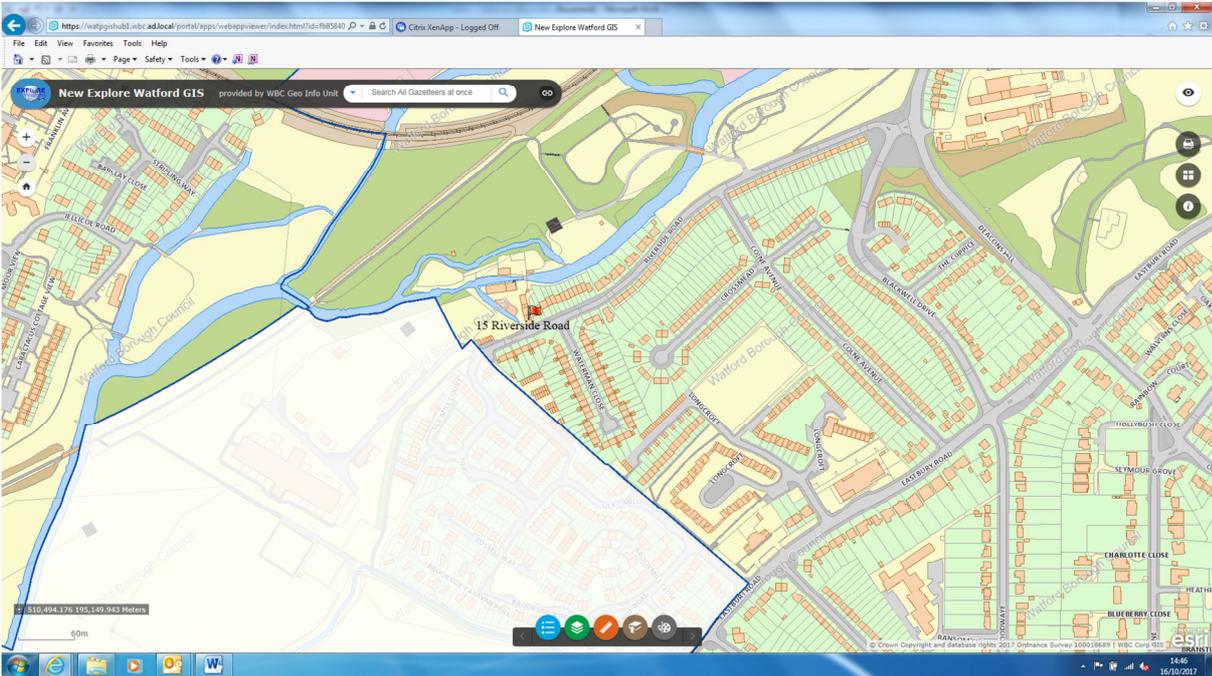
12. *Delivery vehicles shall be electric vehicles only (not hybrid)*

Thank you for considering this Representation from Environmental Health

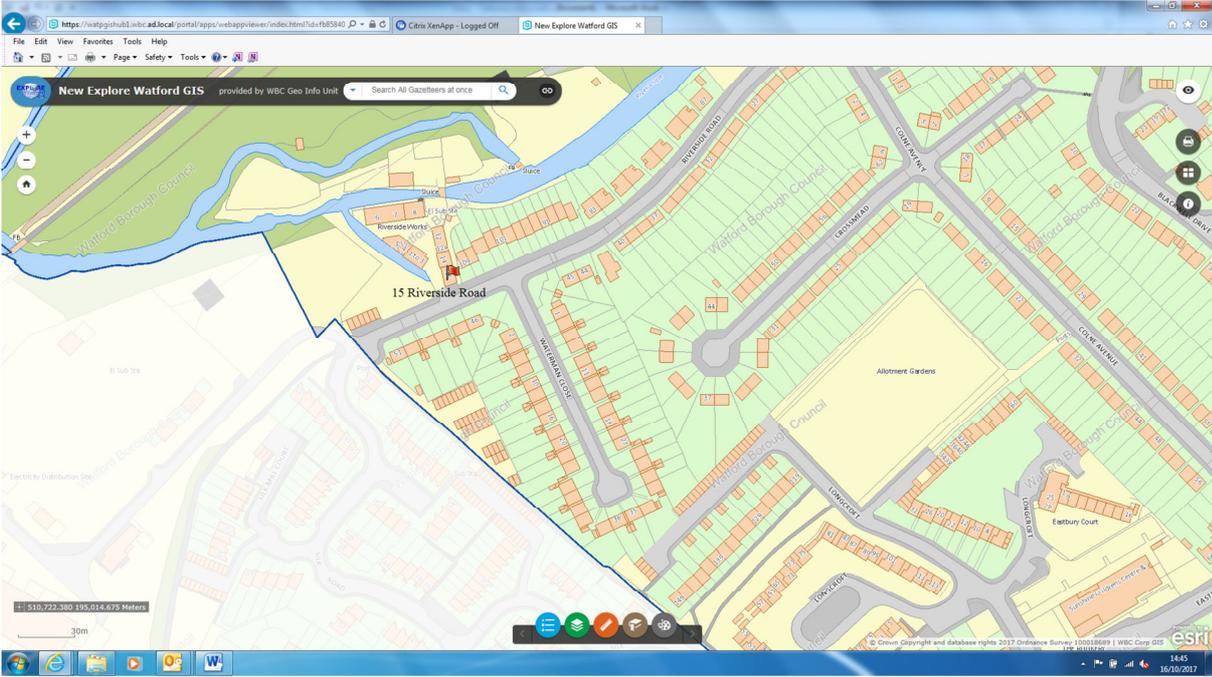
Yours sincerely

Catherine Trollope  
Environmental Health Officer

# Appendix A



Map showing the location of Unit 15 Riverside Road Works (see red marker flag)



Map showing the location of Unit 15 Riverside Road Works (see red marker flag)

## Appendix B



View down Riverside Road towards Silk Mill Road with Unit 15 on the right hand side past the last house on the right



View down Riverside Road towards Silk Mill Road showing the position of houses opposite Unit 15



View down Riverside Road towards Waterman Close with Unit 15 being the first building on the left hand side



Entrance into Riverside Works Industrial Estate with Unit 15 being the first Unit on the right hand side

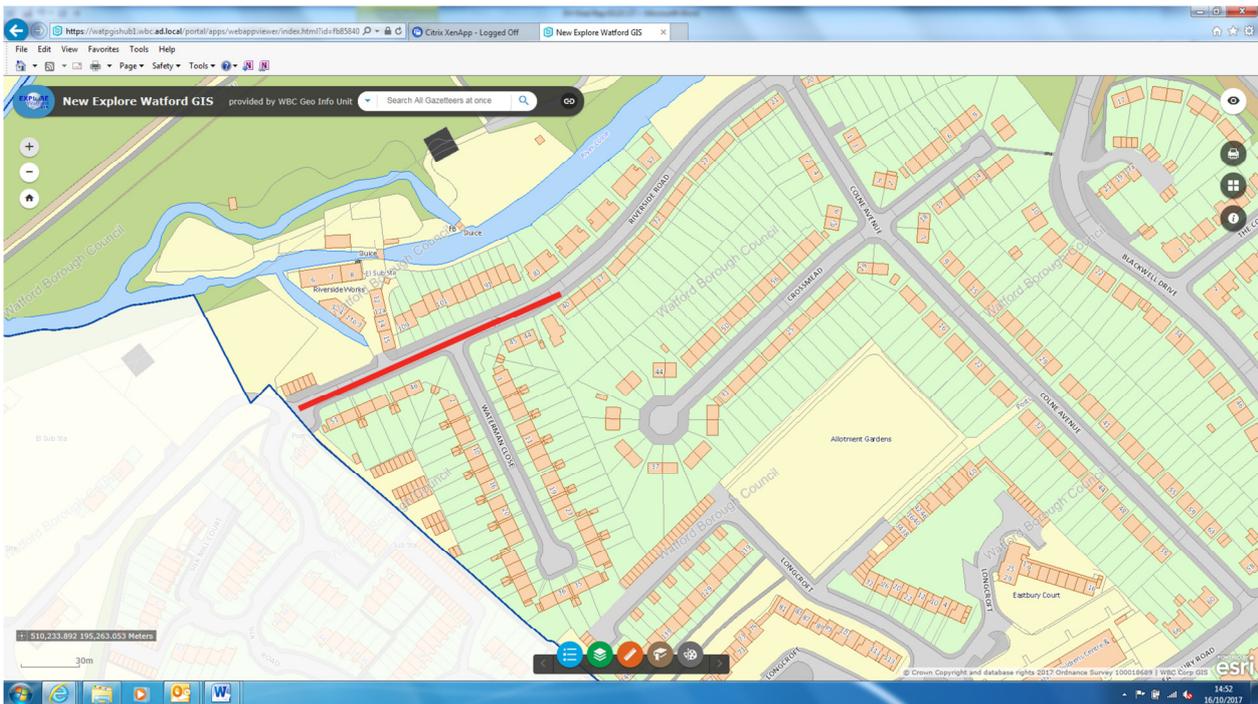


Close up picture of Unit 15 showing the windows used for ventilation of the unit and the large shutter door with an opening door within it



Picture of the side of Unit 15

## APPENDIX C



Map of monitoring location on 2<sup>nd</sup> October 2017 – highlighted in red



20:30 - Monday 2<sup>nd</sup> October 2017: Gate to Riverside Works with Unit 15 on the right hand side of the gates.



20:30 - Monday 2<sup>nd</sup> October 2017: Riverside Road view towards Waterman Close with Unit 15 on the left hand side



20:30 - Monday 2<sup>nd</sup> October 2017: Riverside Road view towards Silk Mill Road with Unit 15 on the right hand side



23:55 - Monday 2<sup>nd</sup> October 2017: Riverside Road view towards Waterman Close with Unit 15 on the left hand side



23:55 - Monday 2<sup>nd</sup> October 2017: Riverside Road view towards Silk Mill Road with Unit 15 on the right hand side