

DM.24.2413 Savannah Cafe Bar, 44 - 46 The Broadway, Haywards Heath. West Sussex. RH16 3AL

Proposal Variation of Condition 1 of planning application 14/00858/CND- to allow to open extra hour on Friday and Saturday to 02.30.

This premises is located in a town, close to a road, in a mixed residential/commercial area offering several bars, restaurants and takeaway establishments.

Where there is an interface between commercial and residential properties, it is always challenging to find a balance between encouraging local business and protecting the quality of life of residents. It could be argued that those living in an area serving the main night time economy in Haywards Heath cannot expect the same level of amenity as those living in a purely residential area or where commercial activity mainly occurs during the day or early evening. However, this should not mean that businesses have carte blanche to make as much noise as they please, and the Planning team may wish to consider whether the potential for night time disturbance to residents outweighs other factors in this case.

It's likely that customers visiting Savannah may cause some disturbance to people living in the area when arriving and leaving the premises later at night than currently permitted, particularly if they are intoxicated. However, given the unpredictability of human behaviour it's impossible to predict with any certainty to what degree the amenity of nearby residents might be affected.

Environmental Protection has in the past received complaints regarding loud music and customer noise emanating from this bar, but these issues have either not been substantiated or have been resolved informally. I have made several evening monitoring visits to this site and witnessed loud music emanating from Savannah during band night, and when a DJ is performing. On these occasions, in my opinion, music would have been clearly audible inside neighbouring residential properties despite the doors to the bar being closed. Noise breakout through the main door when customers were entering and exiting the bar was also noticeable. I understand that Savannah currently closes at 01.00, and I'm concerned that if this is extended to 02.30, local residents could be adversely affected by loud music being played inside the building unless robust controls are put in place.

If permission to extend opening hours at Savannah is granted, I recommend that this should be for a trial period only, to allow the impact on neighbours to be assessed. In addition, I strongly recommend a condition be applied requiring submission of a robust Noise Management Plan, approved in writing by Environmental Protection, demonstrating how noise from music and customers will be controlled. This NMP should include an undertaking by the bar owners to ensure that sound emanating from the bar is inaudible at the nearest noise sensitive dwelling during the extra time when the bar will be open (i.e. after 01.00). Given the structure of the building, it may not be practicable to host live music events or provide musical entertainment that extends past 01.00, and the applicant may wish to consider structural changes if they intend to play loud music after this time.

It is worth noting that the Council has no power to control noise created by people in the street. If complaints were to be received regarding noise generated by customers after

leaving Savannah in the early hours of the morning, perhaps lingering whilst waiting for taxis, then the Council would not be able to act.

The bar owners should be aware that having permission in place is no defence against a statutory noise nuisance being caused or allowed to occur regardless of the time of day when this occurs. Should the Environmental Protection team receive a noise complaint, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.

In addition, if complaints were to be received, Savannah's Premises Licence could be reviewed. The Licensing team may be able to offer further information regarding their powers in relation to the operation of this establishment.

Recommended conditions:

Noise Management: Prior to the use hereby permitted, a Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The NMP shall detail measures to control noise from music and customers and provide site contact details in case of complaints. In particular the NMP shall include an undertaking by the bar owners to ensure that no sound emanating from the bar is audible at the nearest noise sensitive dwelling after 01.00 hours.

The use hereby permitted shall thereafter be carried out at all times in accordance with the approved NMP, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority. The NMP shall be reviewed annually and/or if any significant changes are made to the operation and/or after any noise complaints are received.

Informative: Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the Environmental Protection team receive a complaint once the site is operational, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.

Jane Cooper
Environmental Protection
24 January 2025