

Environmental Health



Date: 23rd December 2022
To: Andy Merricks, Licensing Agent & Shane Guy, Head of Operations
cc: TDC Licensing
Re: Application for premise licence
Premise Dreamland, 49 Marine Terrace, Margate.

Further to your application dated 5th December 2022, Environmental Health are formally objecting at this stage. Unfortunately the 28 day prescribed consultation period over Christmas and New Year does not give sufficient time to discuss and overcome technical noise aspects of an application, especially where baseline monitoring and modelling which was requested prior to submission is unavailable to adequately assess impacts.

As advised, we have engaged an Acoustic Consultant to assist with the highly technical nature of the application.

This memo is a holding objection and gives some background information for your consideration and that of the licensing sub committee should the matter go to a hearing and to assist them in coming to a decision.

It is our aim to come to an agreement which enables Dreamland to operate successfully whilst upholding the Prevention of Public Nuisance licensing objective. However, the substantial increase in the number of open air music events and the increased terminal hour to 4am for internal regulated entertainment must be considered alongside the Noise Policy Statement for England which aims to avoid significant adverse effects.

It is also recommended that you seek advice from TDC Planning as to whether the proposed increased number of events amounts to a change in planning use.

Existing Licence

The current licences are split into 2 areas: the external event space and the internal areas which include Hall By the Sea, Roller Disco and Ball Room.

The external event space has conditions which restrict the number of large events to 4 x 2 days a year at 75dB at 1m from any residential facade and 12 events at 15dB above background.

Internally licensed areas have a noise limiting condition and may operate until 2am.

Application for New Licence

The proposed application seeks to consolidate both licences and significantly increase the number of external events to:

8 events at 75dB

16 events at 70dB
24 events at 65dB

The terminal hour is to remain at 11pm for external events for all licensable activities. It also seeks to increase the consecutive days from 2 days to 4 days, 4 times per year for 'major' events held on the 'temporary stage' which is less than 50m to residential facades in Eaton Rd. The closest off which (29-17) are supported living properties for vulnerable people. The Scenic Stage is 200m to Arlington House.

Recorded and Live entertainment has been increased from 2am finish to 4am within all internally licensed areas e.g. Hall by the Sea, Ball Room, Roller Disco.

Complaint history

Since the first licence was granted in June 2015, 83 noise complaints, from 74 separate households, have been received. There were no complaints in 2020 likely due to covid restrictions.

In 2022, three complaints were from residents at Arlington House. Officers from the Nuisance Control Service were called out by complainants to witness the noise within their flats. Discussions with Dreamland were underway for an updated NMP however matters have been superseded by this new application.

Complaints, Officer Assessments and measurements are detailed in Appendix 1.

Discussion

Acoustic Consultant, Dani Fiumicelli, Technical Director at Vanguardia has reviewed the application and has offered the following comments:

'As I mentioned previously I am comfortable with setting fixed MNLs rather than linking to background noise levels and to having a hierarchy of highest MNLs for a few events, a lower MNL for a greater number of events and the lowest MNLs for the majority of events.

I'm concerned that although a hierarchy of highest MNLs is proposed the margin between each step on the hierarchy is only 5 decibels i.e. 75, 70 and 65 dBA. A 5 dB reduction between each step is noticeable, but is usually ranked as a moderate change in EIA assessments and I think it is not sufficient to off-set the proposed substantial increase in the number of events. In my view balancing the increase in the number of events applied for requires a greater margin between each step in the noise hierarchy i.e. a 10 decibel difference e.g. MNLs of 75, 65 and 55 dBA. A 10 decibel change is usually ranked as a major difference in EIA term and is crudely equivalent to a halving or doubling of perceived loudness.

In addition, the MNL controls that have been proposed so far are couched in A-weighted terms. This is broadly appropriate, but can lead to underestimation of the impacts of low frequency Bass and Sub-bass noise which are fundamental components of virtually all forms of modern music styles. Over the last 7 years we have piloted using C-weighted guidelines and limits for noise from outdoor concerts which provide a cap to the low frequency content for of site impacts, but allows viable event from an audience perspective. We find this approach is better than trying to set 1/1/ octave or 1/3 octave limits as the broadband nature of the C weighted decibel covers the whole range of frequencies including in the Sub-bass and bass range of interest; and is easier for the sound engineers to consistently manage rather an worry about 8 different frequency bands between 32 Hz to 160 Hz 1/3 Octave all varying from track to track and artist to artist. Typically we set dBC control values as 15 to 20 dBC above the equivalent A weighted values subject to an upper limit of 90 dBC – Above this level we find complaint rates increase sharply and complainants refer to "feeling the beat" and sympathetic resonance effects occur i.e. loose windows rattle. So in this case the

equivalent dBC value for the application proposals would be 90, 90 and 75 dBC; and for my suggestion 90, 85 and 75 dBC.'

A reduced terminal hour from 11pm to 10:30 pm is also recommended to reflect the increased number of events for regulated entertainment.

Summary

Dreamland's existing licence is already at the limit of acceptability; the location and open air nature of the venue does not support the number of external events at the sound levels proposed.

For internally licensed areas, any increase beyond existing 2am will have the potential for public nuisance and is opposed by EH unless areas used for regulated entertainment have an acoustic assessment to determine outbreak and implement mitigation to ensure residents are not unreasonably disturbed from events which are proposed to go on until 4am. A detailed Dispersal Management Plan will also be required to ensure the impacts of patrons leaving the site at 4am is mitigated.

At this stage therefore there is insufficient supporting evidence that the public nuisance objective will be upheld if the application is granted and sufficient cause for concern and EH must object unless the conditions proposed in Appendix 2 are agreed.