

Acting as the responsible authority for The Prevention of Public Nuisance I have reviewed the application and wish to formally object on the afore mentioned grounds.

Noise

The Premises is in a residential area, with residential properties on either side and a flat above. The fabric of the building is poor in terms of containing sound. There are 2 large single glazed windows to the front of the premises. There is no entrance lobby system to contain sound, and the installation of such a system would severely impact on the available space for customers. A party wall is shared with No. 39 Shropshire Street, and it has been suggested that the sound absorption properties of this wall is poor, in part due to a chimney between the 2 properties.

A noise assessment has not been carried out by the applicant to consider the impact of people noise and/or the noise of cooking operations and/or music noise. As such there is not considered to be enough detailed information contained within the report to evidence that noise will not have an unacceptable impact on adjacent noise sensitive receptors.

For the reasons stated above I believe there is scope for noise nuisance thereby undermining the Licensing Objective. Should the applicant come forward with a noise assessment to quantify the likely impact of noise transmission through the fabric of the building to adjacent residential areas (expressly the flat at 1st floor level at no 37 and number 39 Shropshire Street) which finds noise levels are acceptable or mitigation is available this concern may be removed allowing additional aspects to be considered and relevant conditions proposed. For completeness sake the application has been assessed to provide detail on what future condition could look like to allow the applicant to consider if carrying out further work to pursue the application is desirable.

I note that a comprehensive set of conditions have been volunteered as part of the application, including conditions that relate to noise and odour, which read as follows :

No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises which gives rise to nuisance.

No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated

however I have concerns that the conditions cannot be achieved, and would be breached once the Premises Licence was granted and utilised by the business.

I consider that there is significant potential for noise disturbance from both music and people inside the venue, and also outside as patrons enter and leave, and potentially gather outside to smoke or wait for taxis etc. Additionally, there is a need to future proof the Premises Licence to ensure that the business remains as a bistro/restaurant and doesn't evolve to become a bar although it is accepted that this would require a change of use planning application from class E to A4.

To minimise these concerns I would suggest the following changes:

Opening Times –Close at 22:00 Sunday – Thursday, 23:00 Friday & Saturday with no additional hours of activity outside of these times (including bank holidays, Christmas eve, new years eve and any other specific date). This would be the latest times considered suitable. Should noise assessment show noise impact prior to these times additional consideration of times will be required.

Additional Conditions:

- **No alcohol to be taken off site in open containers**
- **Alcohol is only to be served to Patrons having a meal.**

I am open to the idea of minor changes to the above condition provided the underlying meaning is maintained, that the venue cannot be used as a drinking establishment is maintained

Odour

The kitchen cooker hood vents to external environment via a small domestic type extractor fan. The discharge point is at low level and close to the boundary of a residential property. There is no other ventilation in the kitchen to remove cooking odours and steam. Discharge of extracted air is horizontal into a narrow passageway where air cannot circulate easily. As such any extract air and odour associated with it is

likely to be trapped in the area for significant periods due to its inability to disperse. The extraction system in its current form is not considered acceptable and is likely to give rise to a nuisance. The increased use from extended hours proposed should a premises license be granted is expected to result in both more intense odour and increased duration and frequency of odour in the locality. This is considered unacceptable given that the extraction system is found to be deficient in its current state.

During the site visit on the 12th January 2021 at a time when the café was not busy due to lockdown (only doing take-away) grease and bacon odours could clearly be detected in a neighbouring garden.

Accordingly, I object to the application on the grounds of odour nuisance.

If a suitable extraction system appropriate to a commercial kitchen was installed, with a discharge point of a suitable height to minimise odour nuisance then I would withdraw the objection. Any system should have due regard to the DEFRA document Guidance on the control of odour and noise from commercial kitchens exhaust. It is acknowledged that this guidance document has been withdrawn by DEFRA however it is still considered to provide good practise by Shropshire Council's regulatory service department. For information it is likely that any system visible to nearby residential properties or to the town more widely would require planning permission.

In summary an objection to the proposed application on potential odour and noise nuisance is submitted. The likelihood of nuisance noise is based on scrutiny of the application details and a site visit coupled with experience of similar types of premises carrying out similar activities in a similar setting, residential properties adjoining and/or above, where nuisance was found to occur requiring the service of legal notice. It is not uncommon for such notices to restrict businesses to the point that they may struggle to operate as they had anticipated. The comments above are not placed to try and be overly restrictive. They are stated to ensure the premises has considered all aspects of the business which require licensing and may create an impact on the locality. By ensuring thought is given upfront this may where possible remove the potential for additional unforeseen restrictions to the business which it has not accounted for and cannot achieve.

A significant amount of work is required to address the concerns raised which are likely to require a significant amount of resource and additional regulated activity through other regimes such as planning approval for certain aspects.

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