

## **Environmental Protection – Licensing Consultation Response**

Date Received: 31.01.2023  
Our ref: 23/00909/LICCON

Responded: 27.02.2023  
**ORDK**

Your Ref:

RE: 288 High Street, Walton, Felixstowe, Suffolk, IP11 9EB  
Please find attached an application for new premises licence.

The Little Wine Bar  
288 High Street  
Walton  
Felixstowe  
IP11 9EB

The consultation period ends 27.02.23

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Thank you for your consultation regarding the above application. The Environmental Protection Team's comments are given below.

Thank you for your consultation on this new premises licence application.

I have some concerns that this application may be premature in that these premises may not have the relevant planning consent for the proposed wine bar/bistro type use. The lawful planning use of the premises takes precedent over other regimes in terms of what activity can take place.

I have had some discussion with the local planning authority but at this stage it isn't clear within which planning use class the proposed business could fall within.

My understanding is that the current planning use of 288 High Street is for a retail shop only which would presumably have operated on approximately an 08:00 to 18:00 hours basis. Previous attempts to change that use to a hot food takeaway premises were refused permission by the local planning authority. Further, a planning appeal was dismissed by the planning inspectorate on the grounds of significant adverse impacts on the neighbouring dwelling of 290 High Street from noise and disturbance.

Given the planning history at these premises, and proximity to a residential dwelling, it may be challenging for the applicant to achieve the appropriate planning consent. You will understand therefore that I have some concerns about the licensing authority granting a premises licence at this time.

I have reviewed the key details of this premises licence application, and I have also had some initial communications with the applicant to gain additional description of the type of premises proposed and how they will address concerns with respect to the 'Prevention of Public Nuisance'.

The licence seeks the supply of alcohol on and off the premises between 11:00 and 23:00 hours 7 days per week. If a licence were granted I understand the premises would then be able to have regulated entertainments for these same times. The applicant has advised us that music is most likely to be ancillary to the use and provide background music only (which is technically not licensable anyway).

The licensed area includes the building, but also a garden room in the rear garden, and an 'outdoor dining deck' to the front of the premises.

My opinion is that a drinking type establishment in such close proximity to an existing residential dwelling brings a risk of unreasonable noise disturbance to the neighbouring dwelling and perhaps beyond. The front of 288 High Street is in extremely close proximity to the front door and living room window of 290 High Street. The proposed use of the outdoor dining deck is not compatible with the residential use a few feet away, and the living room windows. At first floor I suspect is a bedroom window that would also overlook the front of 288 High Street. I am advised by the applicant that they would limit the use of this area to 9pm each day, and provide screens between the area and the neighbour. In my experience though, customers will naturally want to relax and enjoy themselves using this area and this will come with speech, raised voices and laughter. In spring and summer this could lead to conflict with the nearby residential neighbours. As an example, I have dealt with noise concerns raised from the use of a similar wine bar/bistro type premises in Woodbridge and their external terrace area. In that case the restricted outdoor hours at that premises have had to be enforced by planning to ensure the ongoing protection of residential amenity.

The use of the garden room to the rear of 288 High Street could also lead to complaints of noise disturbance from neighbouring residents. I am led to believe from the applicant that the rear area would be for customers wishing smoke rather than a social area so this would reduce my concerns in that area.

I would like to acknowledge that the applicant runs 'The Little Wine Bar' premises in a slightly more commercial part of the High Street. These premises are small, with no outside areas, and I note that the Environmental Protection Team have received no noise complaints in the year that these premises have operated to date.

At this time, I do not consider that the premises of 288 High Street are entirely suitable for the proposed wine bar/bistro use as described in the application, and therefore I wish to object to this application.

I note that the applicant would seek to install air-conditioning to serve the premises (which would need to be subject to a planning application and noise assessment). Assuming noise impacts were low from this equipment, this would allow the premises to keep external doors and windows closed, customers and staff to keep cool, and therefore manage noise within the building.

I would therefore be prepared to consider accepting a licence on the basis of no external dining/drinking/entertainment areas in order to protect the residential neighbours which are very close by.

The hours of 11:00 to 23:00 represent a significant change to existing operational hours of the current/former shop, particularly on a Sunday. I consider that were the licensing authority minded to grant a premises licence then I would recommend a condition to ensure that all customers have left the premises by 23:00 to limit/prevent any disturbance to neighbours in the more sensitive night-time period. Shorter licensing hours may be appropriate on a Sunday to provide neighbours some respite from associated activity.

To conclude, I anticipate some further communications with the applicant, but wish to make an objection at this time and therefore make a representation at a licensing hearing with respect to this new premises licence application.

Regards,  
Environmental Health Officer