

## Environmental Protection – Licensing Consultation Response

Date Received: 12.02.2024  
Our ref: 24/01261/LICCON

Responded:11.03.2024  
**ORJW**

Your Ref:

RE: 18 Broad Street, Bungay, Suffolk, NR35 1EE,  
Please Find attached application for a new premises licence and supporting documentation.

The Mayfair Bungay LTD  
18 Broad Street  
Bungay  
Suffolk  
NR35 1EE

End Consultation 11th March 2024

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

I can confirm that discussions have been held between the Environmental Protection team (EP) and Mr Silas Rayner, co-applicant for this development.

The premises itself was the subject of complaints of noise nuisance in December of 2023 following its use as a public house under Temporary Event Notices (TENs) issued by the East Suffolk Council Licensing Authority. Investigation of these complaints resulted in the witnessing of noise by Environmental Protection Officers that unreasonably affected the use of residential bedrooms, not connected with the business, immediately above the front bar of the premises (a 'flying' freehold). As it was deemed by EP that no reasonable noise mitigation measures were possible in the short-term to protect the amenity of those in the adjacent dwelling, a representation was raised with the Licensing team, objecting against the granting of further TENs.

Following these events, EP has visited the premises on two occasions at the request of the applicants to discuss potential internal alterations to allow future use as a public house. Following these visits and further discussions, it is the opinion of EP that it would be possible, subject to satisfactory building works, to conduct licensed activities without a return to the unreasonable disturbance as previously experienced.

On the matter of building works, it should be noted that the applicant is in the process of seeking consent from East Suffolk Council Planning and Building Control for a change of use to a licensed café/drinking establishment (DC/24/0590/FUL). EP have been consulted on this application and are, at the time of writing, currently seeking to ensure that if consent is granted, sufficient internal works are undertaken to protect neighbouring properties and those in the vicinity against unreasonable noise. Conditions will be recommended by EP requiring noise testing and validation to be undertaken to the satisfaction of EP prior to first use.

Regarding the sharing of a party wall with neighbouring residential premises, I am mindful that the granting of a premises license will introduce a new potential noise source. While sharing a party wall is certainly not ideal in this situation, it is not uncommon in the general built environment and cafes/public houses and

residential premises co-exist without undue disturbance to residents. Accordingly, EP cannot object to this application solely on the basis of sharing a party wall.

Environmental Protection did not witness unreasonable noise in ground floor rooms while investigating the previous complaint although amplified music was not part of the entertainment. While the potential exists for noise complaints to arise in any premises where amplified music is permitted, if noise complaints do arise, EP are of the opinion that it is possible to implement suitable measures to reduce noise transfer via the control of music levels or the installation of adequate/additional sound insulation.

The applicant has submitted a comprehensive narrative and management plan in respect of the prevention of public nuisance. It is the opinion of the Environmental Protection Team that, if implemented and observed, this plan is suitable and sufficient in term of its scope to effectively manage noise created by regulated entertainment within the premises.

To reduce the potential impact of the night-time environment, at the request of Environmental Protection, the applicant has also agreed to amend the opening times to finish at 23:00

EP would therefore raise no objection representation to this application, subject to an amendment to the finishing times from 00:00 hours to 23:00 hours and the contents of the management plan being attached to any approval granted.

#### Informative

Notwithstanding the above, it should be noted that Environmental Protection retain powers under s.79 of the Environmental Protection Act 1990 and s.43 of the Anti-Social Behaviour, Crime and Policing Act 2014 to seek the abatement of any unreasonable noise issues that may arise through the use of the premises that cannot be resolved through informal means.

Regards,  
Environmental Protection