

Environmental Control and Protection - Consultation Response

To: Katherine Edge

From: Vicky Brown
Senior Environmental Health Officer - Environmental Protection

Date: 21st September 2021

Licence application	Tinga, Nos 4a And 4b, Endless Street, Salisbury, Wiltshire
Environmental Health Reference:	WK/202117204
Description of Proposal:	Application for alcohol sales and recorded music 10:00 – 00:00 Monday - Sunday
Site Visited:	Yes

This memo sets out how this department has considered the new licence application for Tinga at 4a And 4b, Endless Street and why we did not make a representation against the application.

The application is for a restaurant business in a building that has planning use class for a restaurant. The impact of the restaurant use on residential amenity was considered in detail during the planning consultation for change of use from nightclub to bar/restaurant (15/09805/FUL). Due to the proximity of residential properties a number of conditions were attached to the planning permission to control noise associated with a restaurant business. The licence application reflects these conditions.

Koh Thai Tapas operated from the building as a restaurant between 2016 and 2019. Our records indicate we did not receive any noise complaints about Koh Thai doing this time. The Tinga licence application reflects the licence that Koh Thai operated under.

It is appreciated that some residents living nearby are concerned about the potential impact of noise from music inside the premises and from customers that may congregate on Endless Street. In a city centre location, sometimes hearing noise from commercial businesses, is to be expected, though of course, it is important to ensure the impact on residents is not unreasonable.

It is understood from conversations with the applicant that it would be the first floor that would have more flexible use and occasionally cater for birthday and Christmas parties etc. The first floor upstairs windows at the front of the building are double glazed and sealed closed. The back of the building is a stair well which effectively provides a 'lobby' between the restaurant rooms and the outside wall.

I have been in communication with the applicant during the consultation period and some additional conditions have been attached to the application. A draft noise management plan (NMP) has been submitted. The measures set out in the draft NMP

are considered reasonable for a business of this nature. Should the licence be granted the NMP will need to be formally agreed within 30 days of the licence being granted.

If the licence is granted, should complaints about noise emanating from the restaurant be made to the Council in the future we would have a duty to investigate them. If evidence indicated a statutory nuisance was in existence, we would take action under the provisions of the Environmental Protection Act 1990. We may also call the licence in for review. However, based on the information supplied by the applicant, and the controls put in place through conditions on the operating schedule, it is unlikely there would be an unreasonable impact on residents that cannot be controlled. We have therefore not made representations against this application.

Please contact the Environmental Control and Protection Officer should you wish to discuss these comments.