

19 JUN 2015

Mr J and Mrs K Loudoun  
The Castle  
Bratton Road  
Westbury  
Wiltshire  
BA13 3EN

17 June 2015

Environmental Health  
Licensing Section  
Wiltshire Council

To whom it may concern

**Ref: Provision of late night refreshment at 1 Bratton Road, Westbury**

I want to complain and reject the application for an extension of licence in the strongest possible terms. The presence of a fast food outlet has caused a deleterious effect to all surrounding residential properties. There are three areas of concern, the smell, the noise and the impact on environmental health. Since opening, the impact has been sustained and unrelenting. The impact can be categorised into those that have a direct impact on the health and well being of the local community. The shop currently opens from 1400 daily with a roar from the fan at the rear of the property which sits directly over my property and provides a sustained source of noise and disgusting smells. On no occasion has the owner of the shop made any attempt to reduce the noise or the exhaust fumes.

The smell now permeates my house and severely restricts my ability to air dry washing during the day. In affect, the fumes have halved our ability to use our garden for drying purposes. I vehemently object to the shop in the first instance, but to increase the hours will add to the smell through the night and cause a persistent smell in our house. We need an opportunity to fumigate.

Since opening the noise has been unbearable. It starts at 1330 Monday-Saturday and 1530 on Sundays and does not stop until at least midnight. The shop appears to be open until midnight currently and I am perplexed as to why they are applying for an extended licence as they appear to be open beyond 2300 anyway. The noise impact is broken into three areas; the fan impact at the rear of the building, the noise and vibration in my home and the late night noise from the shop.

The fan operates from 1330 and persists until at least 2359. There is a constant noise in our back garden that has gotten worse as the fan has been used. It is loud enough to prevent a conversation in the garden and forces us to be louder in an effort to overcome the noise. This creates an upward spiral of noise that impacts both our family and no doubt our neighbours. I would like to petition for the shop to close preferably, or failing that, I would like to petition for the fan to be rebuilt so that the smell and noise is severely abated - the fan should eject into the lane and not over my property.

The second issue is the noise within my house. The fan creates a low level 'hum' that can be heard in my home as soon as the fan operates. It is most acute upstairs in our bedroom. This has forced us to wear ear plugs and re-arrange our bedroom to mitigate the impact. We are already suffering sleep loss due to the noise and to increase their hours and therefore the noise further will have a serious affect on my family's mental health through lack of sleep. In addition, there is a vibration that can be felt in the master bedroom as the fan vibrates through our floorboards which adds to the noise intrusion.

Finally, the late night noise has become an issue. The owners park across the street on a neighbouring property and regularly leave the car running, shout and smoke outside. They have no consideration for the residents that live near by.

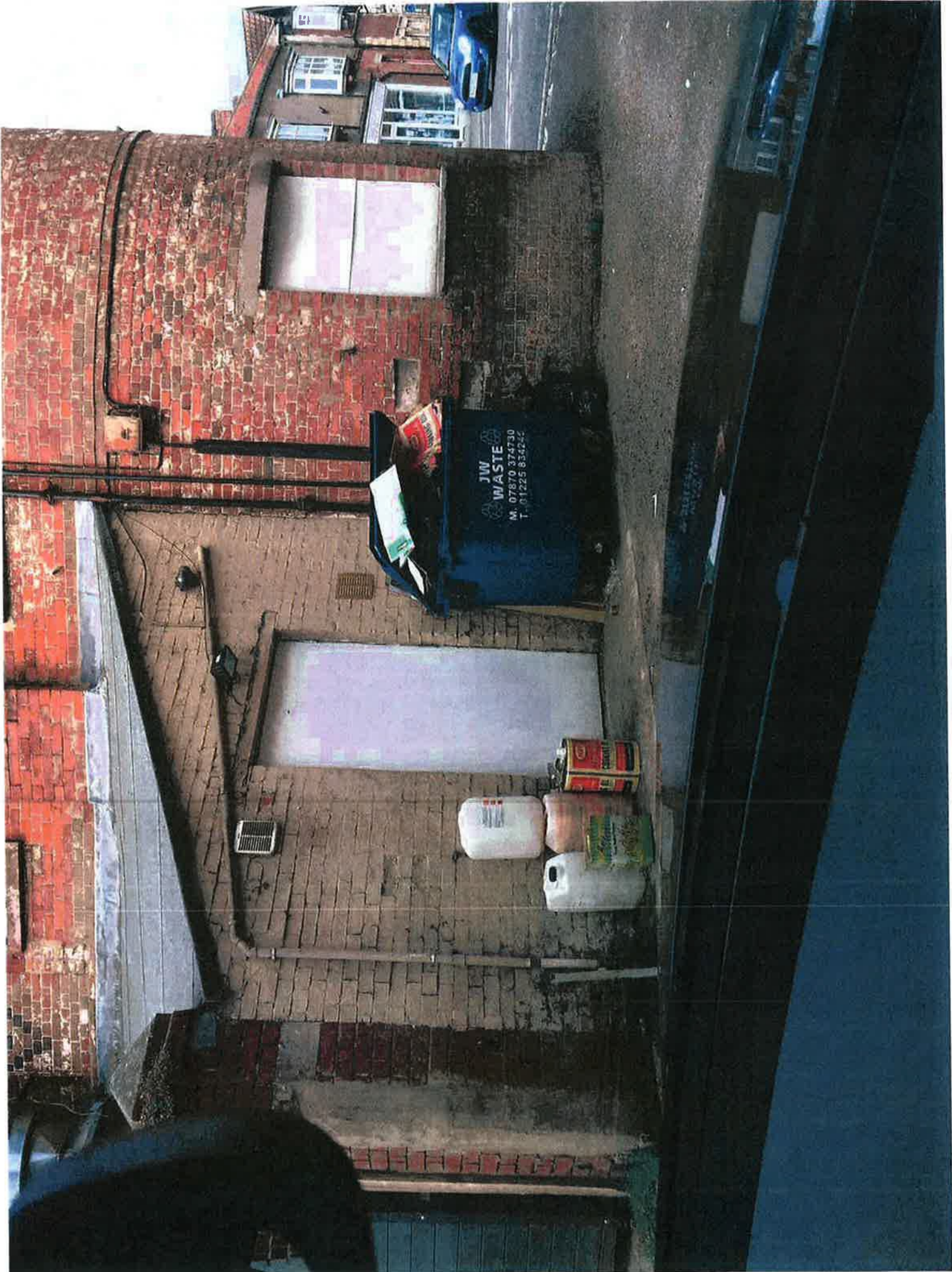
We feel trapped in our own home with the operation of the shop. We are unable to avoid the impact of the shop in our house or in our garden. It is incredibly intrusive. We are now unable to open the windows to fumigate the house or cool it down during the day, and unable to open them at night due to the noise at the front. We are trapped.

In an environmental sense I am deeply concerned that the shop is allowed to continue. Since living in my property we have never had an issue with rats. Since the shop has opened we now regularly have rats in our garden (evidence is contained in the attached picture). The shops waste management is very poor and has attracted the rats. We have to regularly clear them from our garden as cats have killed them. I wish to formally complain and report the shop about its waste management. In addition, I would like to report the dangerous material they are leaving in the street. To the rear of the shop they have left containers marked "corrosive", a large metal oil can with an exposed sharp lid that has been cut open and a plastic bottle which they pour their oil into daily. I would like to report illegal dumping of commercial waste. Please see the attached date stamped photos as evidence. To increase their hours will only exacerbate the issue, increase the rubbish and cause a greater environmental impact. I would also add that they have dumped commercial waste in the communal parking area to the rear of 47A and 49A which may also be an environmental health hazard. On one occasion, they used our (and others) domestic waste bin to remove their commercial waste though I can not substantiate this and have no evidence to corroborate it.

The shop's sphere of deleterious influence is far reaching. Its location is inappropriate and its operation has a far-reaching impact in terms of our mental health, the local environmental health and the air and noise pollution. I would argue that rather than allowing the shop to increase its hours, it should be closed for the communal good.

Yours faithfully

Mr and Mrs Loudoun



JW WASTE  
M. 07870 374730  
T. 01225 834244

PRIMA

WATER







Application no: WK 2015 15281

Mr & Mrs N. Dixon

June 24<sup>th</sup> 2015.

2, Bratton Road, Westbury, Wilts.

BA13 3EN.

Carla Adkins, Environmental Health Licensing Section,  
County Hall, Bythesea Road, Trowbridge, Wilts, BA148JN.

Dear Carla Adkins.

We are writing with reference to the application by Mr Refki Ibsi for the grant of a premises licence for 1 Bratton Road, Westbury, Wilts, BA13 3EN.

We would like to voice objection to this proposed provision of late night refreshment.

Our property lies directly opposite this food takeaway, and since its opening a few weeks ago, we have been troubled by the unpleasant cooking smells from this premises which pervade our garden, and house, when our windows are open. This is seriously spoiling our enjoyment of being in the garden, and is intruding on our home.

The takeaway lies at the busy junction of Bratton Road and Edward Street, so any cars drawing up and waiting outside the takeaway not only cause a traffic hazard on this bend, but are also illegally parked.

We understand that Mr Ibsi proposes to extend his trading hours to 2am on three nights of the week, and to midnight on three other nights. We feel this would be unacceptable to us, as we believe that this provision for late night trading will potentially cause an increase in noise, anti social behaviour, litter, and smells, all of which will negatively impact on our lives, especially at such a late hour.

We have had experience of this being the case when the property was previously a takeaway some years ago.

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Yours sincerely,

Mr & Mrs N. Dixon.

26 JUN 2015

Application no: WK 2015 15281

June 25, 2015

Mr and Mrs Craig Ardrey  
Odd Fellows Hall  
Bratton Road  
Westbury, Wilts. BA13 3EN

Carla Adkins, Environmental Health Licensing Section  
County Hall, Bythesea Road, Trowbridge, Wilts., BA14 8JN

Dear Ms. Adkins,

We are writing in reference to the application by Mr Refki Ibsi for the grant of premises license for 1 Bratton Road, Westbury, Wilts, BA13 3EN. We would like to voice our objection to this proposed provision of late night refreshment.

Our property is located around the corner of the takeaway and our garden is overlooked by the rear of their property. The primary concerns are:

1. The takeaway extractor fan creates noise pollution in the garden and can be heard through our rear windows even when closed.
2. Cars waiting at the takeaway on Edward Street park illegally and block access to our rear drive.
3. There has been an increase in litter on our property.

The proposed request to extend the opening hours of the takeaway would only succeed in increasing what is already a considerable nuisance. It is also feared that as nothing else would be open in Westbury at those late hours the takeaway would be a magnet for anti-social behaviour.

Best Regards,

Mr and Mrs Craig Ardrey

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7 JUL 2015

MICHAEL J GARRETT

BERESWELL COTTAGE  
6, BRATTON ROAD,  
WESTBURY,  
WILTS. BA 13 3EN

Application no: WK 2015 15281  
5 July 2015

Carla Adkins, Environmental Health Licensing Section,  
County Hall, Bythesea Road, Trowbridge Wilts, BA148JN

Dear Carla Adkins

I am writing with reference to the application by Mr Refki Ibisi for the grant of a premises Licence for 1 Bratton road , Westbury, Wilts BA133EN.

I would like to voice objection to this proposed provision of late night refreshment.

I understand that Mr Ibisi proposes to extend his trading hours to 2am on three nights of the week, this is much to late and not fair for the families who live near by. There will be more noise and antisocial behaviour as we have experienced before when the property was a takeaway a few years ago.

Yours sincerely,

Michael J Garrett

Public Protection Services

**To: Carla Adkins Licensing Officer**

**From: Damaris Broad Environmental Health Officer**

**Ref: WK/201515281**

**Date: 08th July 2015**

**Subject: Premises License Application for the Corner Food Shop, 1a Bratton Road, Westbury**

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I would like to make a representation against application for the above mentioned premises license in respect of the level noise of emanating from the kitchen extraction system.

1a Bratton Road is a semi-detached property; the paired property being in residential use. The enclosed garden to the attached residential property includes the area behind the takeaway, so that the takeaway premises and flat above it are positioned right next to the residential garden. The flue is situated on the roof to the back of the takeaway, and sits above the residential garden. The enclosed garden of the residential property is overlooked by other residential properties, so the extract system is very close to people's homes and gardens. (appendix1)

On visiting to assess the noise following a complaint, when stood in the public car park at Westfield House (to the rear of the properties on Bratton Road, with Oddfellows Hall in between) which is approximately 33 meters, the extraction system could be heard. Although the noise was only witnessed inside of one property, due to the extraction's location amongst residential properties and the noise level produced, and representations raised by residents in my professional opinion it is a public nuisance.

Noise from the kitchen extraction has been assessed as the cause of a statutory noise nuisance as defined by section 79(g) of the Environmental Protection Act 1990. To be a statutory nuisance, noise must interfere with a person's enjoyment of their property and occur on a frequent basis. The level of the noise is taken into consideration and whether the 'average person' would find the situation unreasonable. Once a statutory nuisance is established, Environmental Health Officers are obliged by the legislation to serve an abatement notice that requires the person responsible to abate the nuisance. Reasonable time has to be given for compliance with an abatement notice, in this case 12 weeks is being considered for a reasonable timescale for compliance.

Due to noise from the extraction system being a statutory nuisance, and a public nuisance, I would request that the license be refused until the abatement notice is complied with, and the request for a late license reconsidered once the noise has been suitably reduced.

**Damaris Broad**  
**Environmental Health Officer**  
**Tel. 01225 716686**

**Email: damaris.broad@wiltshire.gov.uk**

**Appendix 1**  
**1a Bratton Road Westbury**  
Applicant property marked with blue dot.

