

## APPENDIX C

### Diaper, Dawn

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**From:** Stagg, Dom  
**Sent:** 20 March 2024 12:51  
**To:** licensing  
**Subject:** FW: New premises application - Tesco Express. 1 St Olaves Precinct, BSE - My Ref: WK/202402906  
**Attachments:** New Premises Application - Tesco Express, St Olaves Precinct, Bury St Edmunds.pdf; Plan - Tesco Express, St Olaves Precinct, Bury St Edmunds\_.pdf; Public Notice - Tesco Express, St Olaves Precinct, Bury St Edmunds.pdf

**Categories:** Dawn

Dear Licensing,

I have considered the above application and on behalf of the Private Sector Housing and Environmental Health (PSH & EH) Team wish to submit the following **REPRESENTATIONS** in the interest of promoting the prevention of public nuisance licensing objective.

I am aware there is a parallel Planning Application (DC/24/0362/FUL *a. alterations to shop front on front elevation including repositioning of ATM and removal of doors to units 2 and 3; b. infill of door to rear elevation and enlargement of door to side elevation; c. conversion of existing mixed use units to one commercial unit at 1-3 St Olaves Precinct, Bury St Edmunds, Suffolk, IP32 6SP*). I have submitted comments to the Local Planning Authority in respect of that application, which apply here too in respect of the prevention of public nuisance – the key comments (copied and pasted from my Planning response) are as follows:

*"I am mindful that there are residential dwellings on the first floor above the proposed development, as well as other residential dwellings in the immediate vicinity. I acknowledge that there are existing potential noisy uses at the proposed development (this application being to facilitate the existing three units being merged into one), however I am unaware what hours these operate to.*

*In any event, it feels likely in my opinion that additional external mechanical plant / equipment in the form of refrigeration condensers may be introduced to service the proposed Tesco Express, although no information has been provided about this. Similarly, the proposed retail store will require deliveries / collections to / from the store, which could have an impact on residential amenity over and above the existing units. This impact can arise from vehicle movements (engine noise, reversing alarms etc) and the unloading / loading of metal cage trollies used to deliver stock.*

*In the context of the proposed development and its location / surroundings, I have concerns about hours of opening being from 06:00 to 00:00 hours on 7 days a week potentially having a detrimental impact on the amenity of surrounding residential properties.*

*A quick search for Tesco stores nearby would appear to indicate that these hours are generally 'reserved' for Tesco Superstores, which are more likely to be further away from noise sensitive receptors, and certainly not likely to have dwellings immediately above them.*

*Other Tesco Express stores nearby have opening hours of 06:00 to 23:00, and at least two Superstores (Victoria Road in Diss and London Road in Ipswich) are only open from 08:00 to 22:00.*

*In light of these concerns, I would therefore recommend the following conditions be attached to any permission granted:*

#### **CONDITIONS**

*1. The opening hours of the premises shall be restricted to the following hours:*

*07:00 to 23:00 hours each day of the week.*

*Reason: To minimise the impact of the development on the locality in the interests of amenity in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.*

*2. Deliveries to and collections from the development hereby approved shall only take place between the hours of 08:00 and 20:00 Monday to Saturday. There shall be no deliveries or collections on Sundays, public holidays or bank holidays.*

*Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.*

...

I have recommended other conditions in respect of the planning application, but these are more specific to the Planning application.

However, in addition to the two conditions above (minus the stated Reasons, which are also specific to Planning) I would also recommend the following be attached to any Premises Licence granted:

3. Any external mechanical plant and equipment shall be correctly installed, operated, maintained and regularly serviced, all in accordance with the manufacturer's instructions, to ensure that it is operating correctly and efficiently so as not to cause a nuisance to neighbours arising from noise.

**For the avoidance of doubt, my representations / recommended conditions in the interests of promoting the prevention of public nuisance licensing objective for this Premises Licence application are as follows:**

1. The opening hours of the premises shall be restricted to 07:00 to 23:00 hours each day of the week.
2. Deliveries to and collections from the premises shall only take place between the hours of 08:00 and 20:00 Monday to Saturday. There shall be no deliveries or collections on Sundays, public holidays or bank holidays.
3. Any external mechanical plant and equipment shall be correctly installed, operated, maintained and regularly serviced, all in accordance with the manufacturer's instructions, to ensure that it is operating correctly and efficiently so as not to cause a nuisance to neighbours arising from noise.

*Note: if attached, Condition 1 above would, of course, preclude any authorisation being necessary for the provision of late night refreshment.*

ENDS

Kindest regards,

Dom

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