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Environmental Protection Team
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Contact: Mr Scott Higgins
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 Our reference: PREM/03507/001
 27 August 2014

Dear Sir/Madam

Licensing Act 2003

Name of Premises: The Bunker

Address: Unit D, 6 - 9 Grand Arcade, Leeds, LS1 6PG

We refer to your licensing application for the above premises. We believe that your application does not give enough information about how you intend to meet an important aim of the licence, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

We base our objection on the following matters:

1. The potential for noise disturbance associated with licensable activities due to noise breakout from the premises or passage through the fabric of the building causing noise disturbance at nearby residential and business premises.
2. The potential for noise disturbance at nearby residential/business premises caused by patrons using the external areas to drink and smoke, as well as when arriving or leaving the premises.
3. The potential for the alleged sources of nuisance described in items 1 & 2 above to continue into hours where such disturbance may adversely affect sleep and/or the use of nearby commercial and/or residential premises.
4. That the hours of operation applied for would set a precedent in an area already served by late opening venues. If the precedent was set and other businesses granted such hours then there would be a significant added impact of noise disturbance deeper into the early morning hours at surrounding noise sensitive premises. The existing impact includes noise from loud music and from sources outside such as from customers.
5. The premises are situated in a Cumulative Impact Policy Area, in this case *Area 1 Leeds City Centre*, and currently within the amber zone. In the amber zone, there is an

expectation that the applicant offers additional measures tailored to the problems of that area.

We base our objection on the present Statement of Licensing Policy 2014-2018 issued by Leeds City Council as the Licensing Authority, experience of the Environmental Protection Team including that specifically associated with the premises and the area, including data relating to complaints received from members of the public.

Description of the surrounding area

(See Appendix 1 - Map of Surrounding Area)

The application premises are located in Unit D, 6-9 Grand Arcade, Leeds city centre in the basement area of a unit believed to have previously been occupied by the licensed premises The Atrium and Casa Loco.

There is no direct entrance/exit within the Grand Arcade with the premises accessed via an entrance door and stairway in a yard area/passageway to the side of Grand Arcade. This yard area/passageway, which is currently used as a bin and refuse store by existing businesses, is accessed off Vicar Lane or New Briggate would be also be used by patrons using the premises.

There are several existing licensed premises in the immediate vicinity of the site particularly on Merrion Street but also on New Briggate, Harrison Street and in the Grand Arcade itself and which in general open till 3:30am to 4:30am weekdays. It is understood from the application that the proposed opening hours for this premises would be till 8:00am seven days a week, with licensable activities such as performance of dance, recorded music and sale of alcohol until 7:30am.

However, there are several noise sensitive premises in the area and in close proximity to the site including residential premises on New Briggate, Merrion Street and Vicar Lane. In particular there is a hotel located on Vicar Lane adjacent the premises. The rear elevations and bedroom windows are only approximately 15 metres away and several overlook the entrance and the external areas used by patrons to access the premises, queue and smoke. As the entry/exit point is understood to be located on Vicar Lane patrons accessing the site would also pass also pass the bedrooms on the front elevation of the hotel. From a site visit it was noted that the hotel bedrooms on both elevation have open-able windows and there is a reasonable expectations that occupants of these bedrooms will open windows during periods of hot weather. As these premises are a hotel there is a potential for a greater number of people to be affected by any noise from the application site resulting in loss of sleep and sleep disturbance.

The Grand Theatre also lies adjacent the site approximately 8 metres away and is also potentially affected by noise from the premises although only earlier in the evenings.

Description of the applicant venue and the application:

The application includes the provision of recorded music, performance of dance and sale of alcohol between the hours of 16:00 to 07:30, with opening hours from 16:00 to 08:00 Monday to Sunday. If operating past the early hours of the morning until 8:00am, especially during weekdays, there is an potential for noise from the premises, patrons accessing/leaving the premises or patrons using external areas affecting nearby sensitive premises as ambient noise levels in the area drop due to reduced traffic levels and as other

licensed premises in the area close. The premises would be operating and potentially causing noise disturbance during times of the day and days of the week when it would be reasonably expected for people to be preparing for sleep or already be sleeping in nearby residential premises and the hotel.

The application includes the provision of recorded music. It is the Environmental Protection Team's experience that noise from music, especially dance type music and music with a heavy bass beat, has a tendency to transmit through the fabric of buildings to the external environment and travel, causing noise disturbance at distance especially when ambient noise levels are low such as during the early hours of the morning.

It was noted that the entrance/exit of the premises and external smoking area is located down a narrow alleyway/side passageway with the proposed entrance door facing onto the rear elevations of the hotel where numerous noise sensitive receptors would potentially be located and sleeping when rooms are occupied. The narrowness of the passageway and acoustically reflective properties of the high surrounding walls in the area can give a very reverberant noise environment. This may result in noise from the premises or noise created by patrons reverberating and echoing in the surrounding area, persisting rather than fading away quickly, and affecting nearby sensitive premises to a greater extent than compared to an open space.

The operating schedule within the application indicates that there will be retail sale of alcohol to customers for consumption both within internal parts of the premises but also in the external courtyard. However satisfactory control of noise in external areas from patrons, especially following consumption of alcohol, can in practice be problematic and difficult to achieve. The Environmental Protection Team often receives complaints regarding noise from licensed premises and patrons using external areas especially late at night.

The premises appear to have two sets of doors, at the entrance from the passageway and at the bottom of the stairs to the dance floor/music area. Although two sets of doors would offer some sound attenuation this would only occur if they were kept closed during opening hours. However it is the experience of the Environmental Protection Team for licensed premises to have the main entrance doors kept open to indicate the premises were trading, with the further set of internal doors repeatedly opening and closing as patrons come and go to the external environment. The effect would be to periodically have both sets of doors open at once and allow any music to breakout and affect nearby sensitive premises.

Although the application indicates recorded music for background music and occasional music to dance to, the provision of a dance floor/music area on the plans appears to indicate that music would be more akin to that of a nightclub. Given the location of the premises in the basement and the potential for numbers of people to be dancing there is the possibility for doors to be left open for ventilation reasons. This would allow both music and noise from patrons within to breakout of the premises and affect nearby sensitive premises.

Complaint and other history specific to the applicant premises

As the premises are currently unoccupied and not operating, the Environmental Protection Team has not received any recent complaints. However, there is a history of complaints relating to the site when the premises were operated as licensed premises previously. This includes noise from loud music during the night and during the early hours from residents at the nearby hotel, loud music affecting the performances at the adjacent Grand Theatre and loud music affecting nearby residential premises.

Complaint history for the area around the venue

The premises are surrounded by other licensed premises and the Environmental Protection Team have previously and are currently investigating numerous complaints relating to licensed premises in the area including on Merrion Street, New Briggate, Harrison Street and within Grand Arcade. This includes complaints of noise from music and people in external areas affecting nearby residential and business premises.

Conclusions reached

The application premises are situated in an amber zone of a Cumulative Impact Policy Area and the application has the potential to create noise disturbance from music and patrons. In addition the application may increase the number of late night revelers in the area or remaining in the area at noise sensitive times of the day, giving a greater potential for public nuisance. Unfortunately the measures proposed in the application would not seem to adequately control all the relevant issues and it seems unlikely that the applicant would be able to comply with the appropriate conditions for the prevention of public nuisance.

Therefore Leeds City Council's Environmental Protection Team will be fully objecting to your application.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S Higgins', written in a cursive style.

Mr S Higgins
Senior Environmental Health Officer

Appendix 1 Map of Surrounding Area

