



Mr Gurnek Singh



Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Gary Mann
Tel: 0113 378 6589
Gary.mann@leeds.gov.uk
Our reference: PREM/03856/001
21 October 2016

Dear Mr Singh

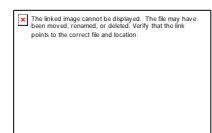
Licensing Act 2003

Name and Address of Premises: Papa Johns, 54 Austhorpe Road, Cross Gates, Leeds, LS15 8DX,

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 objective 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:

- The potential for noise disturbance associated with licensable activities passing through the fabric of the building to cause noise and vibration in adjoining residential/business premises.
- The potential for noise disturbance associated with licensable activities to break out of the premises or pass through the fabric of the building to cause noise disturbance to nearby residential/business premises.
- The potential for noise disturbance from the use of outside areas whilst smoking/drinking in the area/s provided/whilst arriving/leaving, including that from vehicles.
- The potential for the alleged sources of nuisance described in items 1 to 3 above to continue into hours where such disturbance may adversely affect sleep and other loss of the use and enjoyment of a property.
- The potential for disturbance from customers coming and going from the premises, customers congregating in the streets, noise associated with arrival and departure of cars, the slamming of car doors, revving of engines, sounding horns, loud use of car stereos., it is anticipated that the customers visiting the application premises would park their vehicles outside residential properties late at night. Environmental Health have no enforcement powers to deal with any noise associated with customers'



vehicles or customers causing noise disturbance in the residential streets immediately surrounding the application premises.

- The Department is also concerned about the likelihood of noise disturbance from the commercial kitchen's extract ventilation system as the tonal noise from this equipment will be more dominant / noticeable when the background noise levels are relatively low as the night progresses. The possible noise problems from the above-mentioned sources of noise will be exacerbated especially during the summertime as the nearby residents will have their windows open for ventilation purposes.
- There is potential odour from cooking extraction equipment causing disturbance late into the night.

Having read the matters we describe below if you feel we should consider anything else please do not hesitate to contact us.

Description of the surrounding area

The area is a mix of commercial shops, with residential flats above at 52A, 56A, 58A Austhorpe Road and 2 Marshall St.

Please refer to Appendix 1 Map and photographs of Surrounding Area

Description of the applicant venue and the application:

The premises has been operating since February 2016. The takeaway service occupies the groundfloor whilst the first and second floor space is used for storage.

The application proposes the sale of late night refreshment i.e. providing hot food and beverages and extending hours of operation until 0100 Sunday to Thursday and 0300 Fridays and Saturdays. Current operational hours are 11:00 to 23:00 every day.

The application premises have been granted planning permission to open from 8.00 hours - 23.30 hours Monday to Saturday and 12:00 to 23:00 Sundays and bank holidays. It is my understanding that an application to extend these hours has not been forthcoming.

A planning application has been submitted in relation (16/05626/FU) to the first and second floor area to form a four bedroom House in Multiple (HMO). This has yet to be determined; however there is potential disturbance for future occupants if late night opening is granted.

The onus is on the applicant to demonstrate such matters (Items 8.33 to 8.41 of the amended guidance issued under Section 182 of the Licensing Act 2003 – June 2014)

Complaint and other history specific to the applicant premises

There is no history of complaints in relation to noise or odour associated with this premises since opening February 2016.

Conclusions reached

Late night opening has the potential to cause disturbance to existing and future residents. The licensing conditions to prevent public nuisance as suggested by the applicant in their operating schedule would in practice have only limited effect in addressing the above concerns. In view of the above concerns this Department objects to this application for the proposed extension of the operating hours as it will generate noise nuisance complaints

from the nearby and future residents and, therefore would undermine the prevention of public nuisance objective of the Licensing Act 2003.

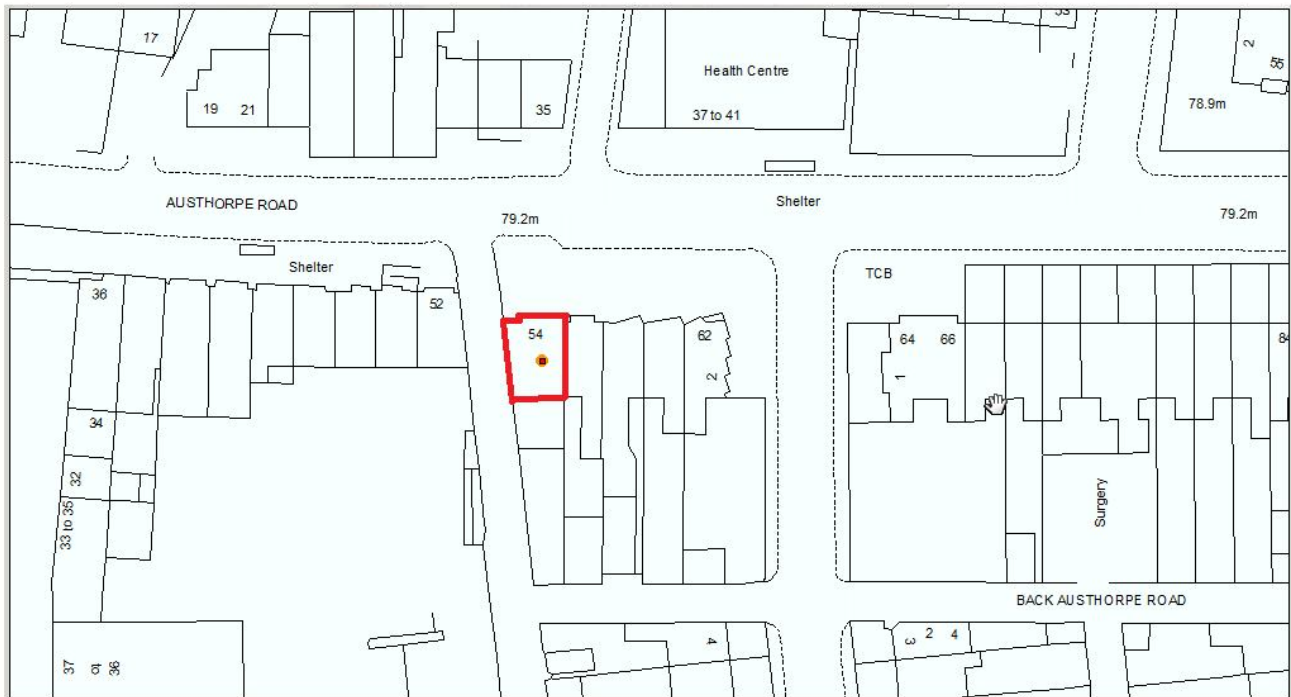
We recommend that the Sub-Committee refuse the application.

We understand that the Sub-Committee may take a different view and grant the application. We recommend that if that is the case we should be given the opportunity to suggest measures as conditions on the licence. We do not say that conditions would effectively prevent public nuisance but that they may go some way to reducing the potential impact.

Yours sincerely

Gary Mann
Environmental Health Officer

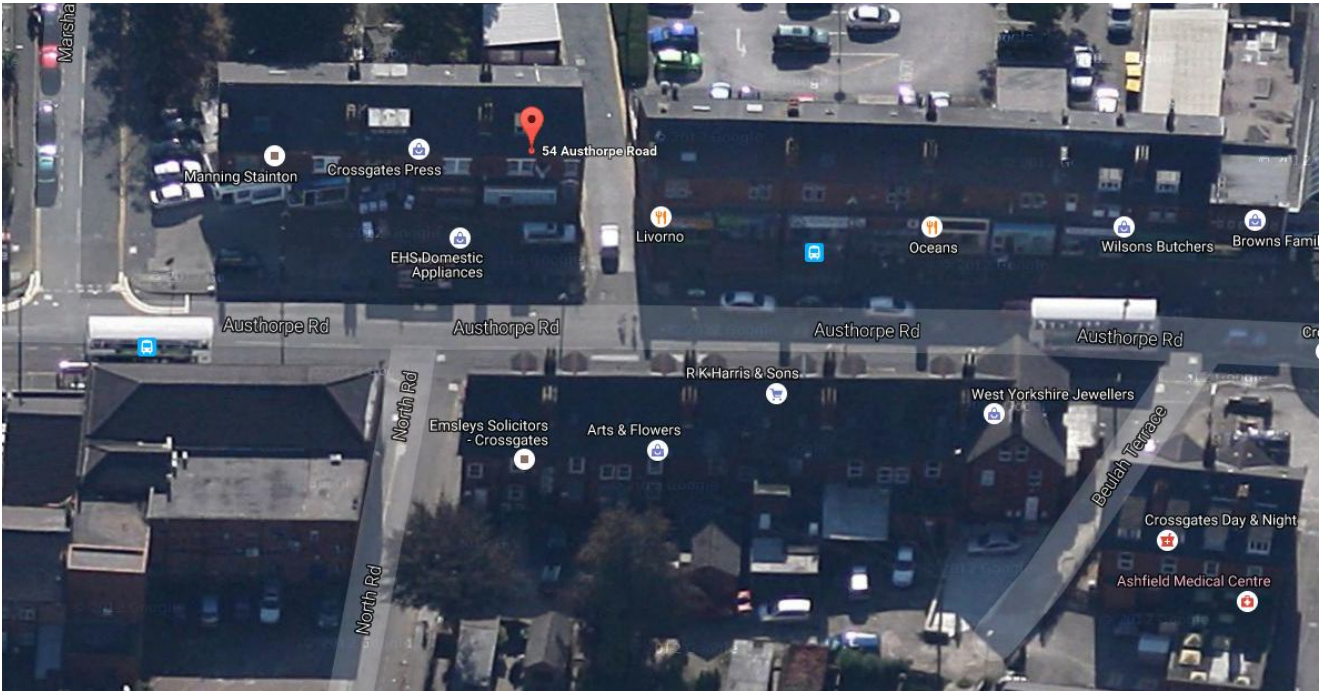
Appendix 1 Map of Surrounding Area



Applicant premises outlined in red above – residential flats are located at 52A, 56A, 58A Austhorpe Road and 2 Marshall St.



Rear of 54 Austhorpe Road



Front view of 54 Austhorpe Road



Front view of Papa Johns

SA
Prem/03856/001



City Development Department
The Leonardo Building
2 Rossington Street
LEEDS
LS2 8HD

Contact **Lisa Hart**
Tel 0113 3788073
Fax 0113 2478230

Your Ref
Our Ref Licence Applications

Date 20th October 2016

Mr Gurnek Singh

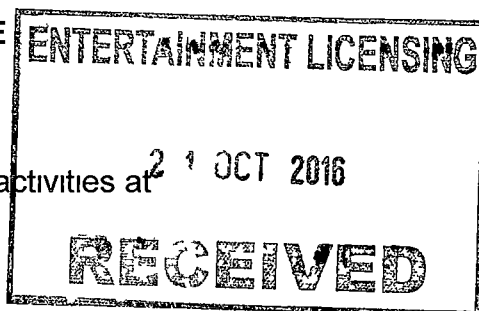

Dear Sir/Madam,

Subject APPLICATION FOR PREMISES LICENCE
PART A

Thank you for submitting your application for licensed activities at

Name of venue - Papa Johns

Address - 54 Austhorpe Road, Cross Gates, Leeds, Leeds 15



We write to inform you we shall be objecting to your application and a copy of this letter will be sent to the Licensing Authority

The premises were granted planning permission for the change of use and alterations of ground floor restaurant (use class A3) to take away hot food shop (use class A5) in September 2015 subject to a condition restricting the hours of use of the premises. The proposed hours of use set out in your premises license application exceed those allowed by the planning permission. The Development Department objects to the granting of a Premises License in the terms as applied for due to noise and disturbance being caused to nearby residential occupiers as a result of the comings and goings of customers and their motor vehicles, from customers congregating on the street in the vicinity of the building and from activities within the building. It is considered that the opening hours applied for at these premises would conflict with the Licensing objective of preventing public nuisance.

The City Development Department considers that the extended opening hours proposed are unlikely to be acceptable and that a Premises Licence should not be granted outside the hours specified in the existing planning permission unless and until an express planning permission or a Certificate of Lawful Development is obtained by the operator of the premises to extend those operating hours. If you are willing to amend your application to the hours as specified in the existing planning permission, details of which are contained in Part B, then we shall withdraw our objection.



PART B

Licensing Act 2003 – Application for Premise Licence

On behalf of

Mr Gurnek Singh

For the premises known as and located at

Papa Johns, 54 Austhorpe Road, Cross Gates, Leeds 15

I am the applicant / representative authorised by the applicant (delete as appropriate)

In signing this document I request that the Licensing Authority accept this letter signifying my wishes to amend the application to reflect the hours as detailed in the existing planning consent, as follows

Planning permission has been granted for the change of use and alterations of ground floor restaurant (use class A3) to take away hot food shop (use class A5) (permission ref 15/04497/FU dated 22-09-2015) subject to the following condition

THE OPENING HOURS OF THE PREMISES SHALL BE RESTRICTED TO 08 00 HOURS TO 23 30 HOURS MONDAY TO SATURDAY AND 12 00 HOURS TO 23 00 HOURS ON SUNDAYS AND BANK HOLIDAYS

THE REASON FOR THE CONDITION WAS IN THE INTERESTS OF RESIDENTIAL AMENITY IN ACCORDANCE WITH ADOPTED CORE STRATEGY (2014) POLICY P2 AND SAVED LEEDS UDP REVIEW (2006) POLICY GP5 AND THE NATIONAL PLANNING POLICY FRAMEWORK

Signed

Dated

Please return this document to

Development Department
The Leonardo Building
2 Rossington Street
LEEDS
LS2 8HD

Yours faithfully

Lisa Hart
Principal Compliance Officer