



Licensing and Registration  
Civic Hall  
Leeds LS1 1UR



Miss Browns Coffee House  
152 Chapeltown Road  
Leeds LS7 4EE

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**license app**

5 July 2012

Dear Janice,

**Re: Miss Browns Coffee House - 152 Chapeltown Road, Leeds LS7 4EE**

I am Amanda Brown owner of 152 Chapeltown Road, and DPS for the licensed premises. I live locally on St Marys Road and in addition to this building have invested in 5 other properties in the area.

I have since 1990 been a chartered town planner. I have worked for several councils, surveying practices and planning consultancies in London and Leeds and have run Planning and Development Solutions since 2004.

Since purchasing 152 in January 2010, I have invested a very significant amount of money in renovating the property and creating first the coffee shop and then extending that to provide a kitchen to support a restaurant. The upper flat has been converted to provide accommodation for 5 young professionals. In 2011 the rear renovation was the subject of a Heritage Lottery Fund grant of £54,000. All internal work was my personal investment in the property and the area.

I am actively supported by the local police and Matt Davison who runs this area. There are no objections to this application from them or indeed the police licensing department with whom I had a meeting prior to submission.

Prior to the submission of the planning application to change the use to restaurant and extend the hours I met with environmental health and agreed the subsequent license application would relate solely to the sale of alcohol – which it does as agreed.

Planning permission was previously granted for opening until 10.30pm Monday to Sunday and 11.30pm on all bank holidays.

Planning permission for the restaurant is now granted until 11pm Sunday to Monday and 11.30pm on Saturday. Currently these are the opening hours of the premises and the sale of alcohol and other licensable activities are restricted to 10pm.

This license application seeks consent to extend the licensed hours to match those granted in the planning permission and also in line with all other licensed premises in the area to allow opening on New Years Eve until opening the next day. A further request is made for an extra

hour on days around Christmas, Easter, Carnival, May Bank Holidays so that should we wish we can stay open an extra hour until midnight and half past midnight.

I have read the statements from env health and planning and make the following comments:

### **Env Protection Team statement**

This is factually incorrect for the following reasons:

#### Premises

The block within which 152 is part comprises 5 buildings – amazingly the report fails to mention the afterhours night club next door! I am not sure how many of the officers have been to Chapelton at 3am to witness what actually happens in the area. It is not clear in their reports that they have.

#### **No 146** – derelict

#### **No 148** – Nite Trax night club at ground and bar and club at first floor.

I understand this has a license until 4am on Friday and Saturday and until 2am on other days including Sunday.

This club often stays open until 6am well beyond the license.

This club stays open all night on new years eve and does not require a temp event notice.

Regularly on bank holidays the club stays open past 2am on Sunday and Bank Holiday Mondays.

This is an afterhour's club – it is quiet until 2 / 2.30am when many taxis arrive bringing people from Leeds and Bradford etc. it does not really get busy until 3 / 4 am.

It is this business that the councilors and residents seek to control and which attracts people late in to Chapelton.

The club DOES NOT have planning permission for the extended opening hours that were granted to the license in 2010 by the licensing committee. That committee agreed to extend the hours next to a residential property without planning permission being in place. This demonstrates – which is legally correct that licensing and planning legislation operates separately and licenses can and are given to properties which do not benefit from planning permission for those extensions and intensification of use.

The music from the club can be heard throughout No.152 and it disturbs the 5 young professional residential tenants at flat B, 152.

**No 150** – this is not storage – this is the Leeds United Domino Club that opens on an evening and afternoon and evening on a weekend. The slamming of dominoes can be heard in the shop especially if there is a competition. this attracts people coming and going however this closes before midnight usually.

**No. 152** is a restaurant at ground floor with planning permission to open until 11pm Sunday – Friday and 11.30pm Saturday. The ground floor also has permission as a coffee shop to open until 11.30pm on bank holidays.

These hours were agreed following a meeting with environmental health on the understanding that as and when a license application was submitted that ONLY the sale of

alcohol was extended beyond 10pm and that use of outside seating remained at 9pm. Our license application is in line with that agreement.

The planning application was supported by a second noise survey. The noise surveys submitted to the council confirm that the insulation required by building control between the restaurant and the flat is to standard and acceptable.

At first and second floor is a flat let to 5 young professional's incl 2 teachers, 1 employment consultant, 1 PR / Marketing, 1 in computers. All are between 25 – 35 years and all are working. 1 tenant already moved out because of the noise from the club and the children next door and another tenant is now moving. They complain to me as landlord on a regular basis about the noise from the club especially on a Sunday when they need to up early to go to work.

I have no complaints about the shop from the tenants as this has noise insulation. If a temporary event notice is submitted it is agreed with the tenants first and they are given plenty of notice and often attend. There has been 3 TENS so far this year for new years eve and until 2am on 2 other occasions.

2 Grange View – this is not 6 flats or accommodation for old people as the owner insisted at the last hearing. This is a managed house providing accommodation for young people of 16 – 18 years old. They also cause a lot of noise late on a night, playing music loudly and running up and down stairs and keep my tenants awake into the early hours.

Complaints have been made both to the planning department and environmental health department about the noise from both sides and about the lack of planning permission for the hours that the club currently opens to and are on the license.

The environmental health department does not appear to explain how the serving of alcohol for an extra hour should it choose on a bank holiday weekend will harm residential amenity and whose amenity they are protecting. At Midnight and half past midnight when the restaurant would close on occasion the club has not even got going! The majority of the club customers does not turn up till 3am and stay till 6am. If there is any understanding at all about the west Indian community in Chapeltown is that many do not go out UNTIL midnight when Miss Browns is closing!

For avoidance of doubt – contrary to the Env Health Statement – the request is for opening hours of the restaurant is until 11pm Sunday to Friday and 11.30pm Saturday with the option to open an hour later at bank holiday weekends.

ALL other licensed premises and clubs in Chapeltown benefit from a clause in their license that allows them to stay open throughout the night on new years eve without needing to apply for a TENS. Simply on the basis of fairness and to be equitable to all licensed businesses, the same is requested for this restaurant.

The normal operating of Miss Browns is a quiet establishment serving an older crowd of 40s 50s 60s+ age range. The establishment is supported by the local police and Matt Davison who heads up the local team.

I have responded to every request made by the council regarding this property and keep going through the huge expense of getting the relevant permissions. Yet my business

neighbours do not appear to have to do this – Nite Trax opens until 6am without planning permission or a license, Taste opposite the shop has permission for a bakery with ancillary retail – yet trades as a hot food takeaway and café with seating outside on the pavement without planning permission since March 2011. When asked I am told that the planning team is too busy to deal with this and it is not a priority.

#### PLANNING LAW

It is interesting that the officer from the environmental department is advising on planning law. I have been a chartered town planner since 1990 and have practiced throughout the country. Planning permission is not required for occasional use or occasional opening beyond the times conditioned in a planning permission. No planning inspector in the country would support an enforcement notice issued because a restaurant opened 1 hour beyond its normal hours occasionally. However it is against the law to serve alcohol beyond the licensed times and that is the purpose of this application to ensure that should we wish to stay open a little later during festive times – we can do so.

The environmental health officer does not appear to understand the terms of the TENs – in order to open between 11pm and Midnight 1 of the 12 days allowed for each premises must be used up. Should the proprietor wish to open until 2am – 2 days are used up.

It would appear that the only reason the environmental department gives for objecting is based on the planning law which is outside their knowledge and remit.

The environmental health department appears to be asking the licensing department to reduce the hours of opening for which planning permission has been granted. There is no basis for requesting that and as planning permission has been granted the property can remain open until 11pm and 11.30pm on a Saturday lawfully and indeed as a coffee shop until 11.30pm on a bank holiday.

#### Planning Department

The planning department appear to suggest that a small restaurant that opens on occasion for an extra hour during Easter, Christmas, Carnival weekends as and when required until midnight and half past midnight will cause a nuisance within the context of a nightclub next door that does not open until 2am, does not get going till 3am, and closes around 6am. In addition, is next to a residential home for 16-18 year olds who are up half the night playing loud music and causing noise. Opposite is a property occupied by dance students who are quiet.

It is the night club that attracts taxis and people congregating on the street all night. The hours proposed for bank holidays would result in the restaurant being closed a couple of hours before the club opens and people start arriving for that.

In chapel allerton there area several bars and restaurants with flats above which open until 1am.

The music played in the shop cannot be heard upstairs in the flat due to the noise insulation and cannot be heard beyond the entrance hall. It is not audible outside at all.

Permission is requested for an extra hour should we wish to use it around festive times in the year. At these times – Easter, Carnival, May Day, Christmas there are many other

Licensing

4 July 2012

licensed and unlicensed premises in the area that open a long way past midnight – Nite Trax, The African Club, West Indian Centre, The Lodge, Nassau Place Club, The Cricket Club. This list does not include the handful of illegal unlicensed premises in the area.

It would seem that the council have the power through the planning act to curtail the use that cause a problem to some residents in the area should they wish to. Instead they are concerned about Miss Browns opening for an extra hour on occasion at times of the year when there are a lot of people about and within the context that EVERY weekend the premises next door does not open till 2 hours AFTER the flexibility requested.

I reiterate – this is a restaurant – an extension is required in order to sell alcoholic drinks in line with the times already agreed with planning and env health and the police and an extra hour on occasion. The customers are quiet and a mature crowd.

Kind Regards

Yours sincerely,

**Amanda Brown BSc(Hons) Dip TP Dip PD MRTPI**

Town Planning Consultant

MD Miss Browns Coffee House Ltd

Owner of 152 Chapeltown Road

Business Partner of Utilitrack (commercial energy brokers)

Leeds CC Accredited HMO Landlord in Chapel Allerton and Chapeltown

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