

Photograph 3 - Ariel plan of area



Mr Arshad Mehmood
250 Easterly Road
Gipton
Leeds
LS8 3ES

Environmental Health Services
Leeds City Council
Seacroft Ring Road Depot
Seacroft
Leeds
LS14 1NZ

Contact: Gary Mann
Tel:

Our reference: PREM/01919/003
10 October 2024

Dear Mr Mehmood

Licensing Act 2003

Name and Address of Premises: Flying Tandoori, 250 Easterly Road, Gipton, Leeds, LS8 3ES,

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 odour extraction equipment and patrons passing through the fabric of the building to cause noise and vibration in adjoining residential/business premises.
- The potential for noise disturbance associated with odour extraction equipment 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 eating/waiting 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.
- Increase in litter and fly tipping in the area.
- That the hours of operation applied for would set a precedent in an area where a number of residential properties are located above food takeaway establishments. 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 to

the surrounding residential premises. The existing impact includes noise from extraction systems and from sources outside such as from customers.

We also base our objection on experience of dealing with general complaints where late night food establishments are located below residential accommodation.

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

Please refer to appendix A, Screenshot 1-3 for photos of the surrounding area, location of parking areas and proximity of nearby residential properties to the takeaway.

The premises is located within a parade of shops, there are 2 other takeaways along this particular row, this includes Raj Panjabi Dhaba and New Dor Bo. Both of which currently have operating hours until 2230 and 2200 respectively. There are 3 residential properties spread out across the parade of shops at 248, 244 and 242 Easterly Road.

248a Easterly Road is an occupied flat which has bedrooms at the **front** and **rear** of the property. which face onto Easterly Road and the rear of the takeaway.

There is ample parking at the front of the premises to park right outside the takeaway and flats.

McDonalds opposite have no residential above or in close proximity and the areas can be controlled by security staff.

Description of the applicant venue and the application:

The applicant wishes to extend sale of hot food from 2330 to 0030 on Fridays and Saturdays. The applicant has recently obtained planning permission for the extension. The planning application was supported with a noise assessment of the kitchen odour extraction.

I have reviewed the noise assessment and have several critiques of the methodology and process. These include:

- 1) Incorrect nearest noise sensitive property. The outcome assessment is based on measuring/calculating specific noise level from the extract, which is compared against prevailing background noise levels. The result is compared to LCC noise criteria. The nearest residential property in the report was cited as 25 Lawrence Gardens (about 20-25m from the extraction units). **When the nearest property is at 248a Easterly Road.** The bedroom window is 4m from the extract. The difference in distance substantially understates the impact cited within the report.

- 2) The noise report states traffic and other noise sources audible at the rear of 250 Easterly Road, I visited the area at 1700 on Friday 4th October during peak traffic, noise from the extraction system dominated the area. Medium frequency tonal components were discernable. I couldn't hear traffic or any other source over the noise from Flying Tandoori Extraction System
- 3) Noise from the extract system clearly audible at the façade of 248a easterly Road. Likely audible within the residential property. Planning permission for extended hours should not have been granted based on the assessment.

Complaint history for the area around the venue

There are high incidents of littering and fly tipping in the area. The database has a number of complaints reported between 2022-2024.

Conclusions reached:

Bedrooms at front and rear of premises will likely be affected by noise from either patrons or the kitchen odour extraction system. There are few methods to control noise from people entering/leaving and loitering outside. Once patrons are outside there is nothing the business can do.

Cars can easily park underneath residential bedrooms at the front of the property late at night. Noise issues include car radios, doors slamming, cars revving and people talking/on mobile phones.

Granting this application may set a precedent for other businesses to follow. The Premises already benefits from longer operating hours than other similar businesses in the area.

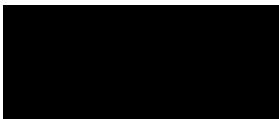
Current noise levels from the extraction unit dominate rear areas and contain annoying tonal components (hum, whine or whistle). Which given further assessment could be a nuisance to nearby residents.

The Local Authority has a duty under S79 of the Environmental Protection Act 1990 to inspect its area for nuisance (this includes noise). If a nuisance is deemed to exist or considered likely to occur or recur the council has a duty to serve an abatement notice.

We recommend that the Sub-Committee refuse the application.

We do not believe that further conditions will resolve the application as it stands.

Yours sincerely

A solid black rectangular box used to redact the signature of Gary Mann.

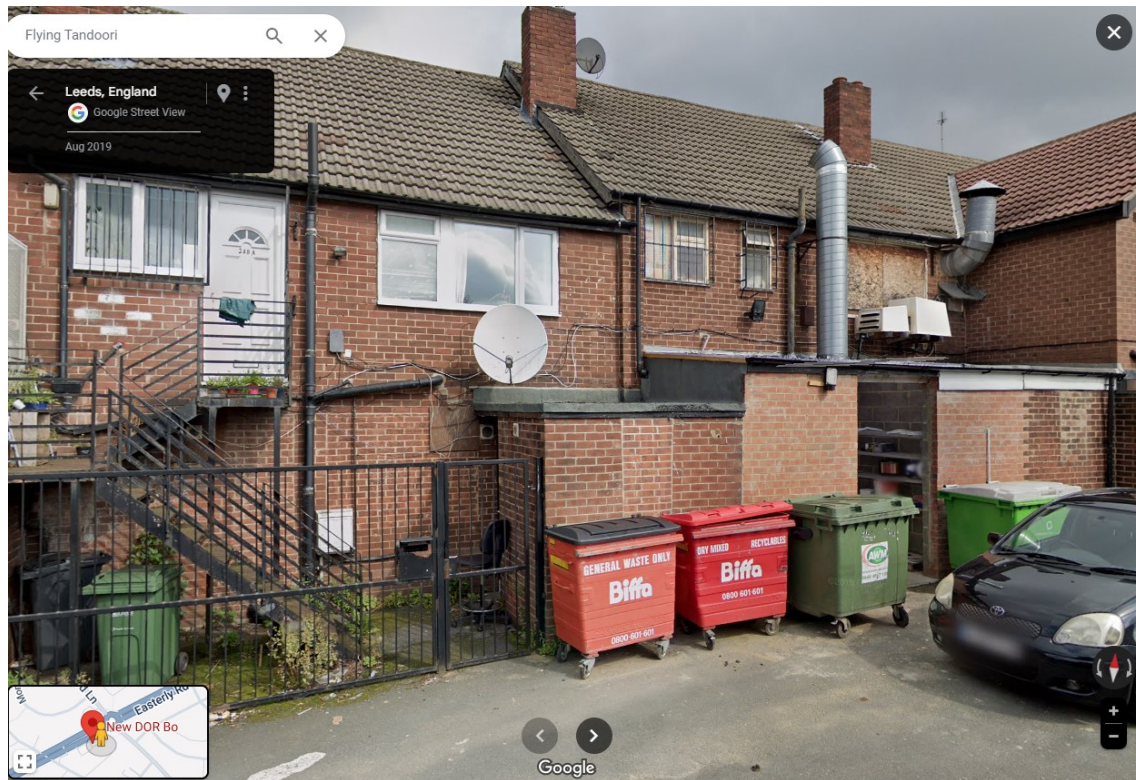
Gary Mann

Appendix A

Screenshot 1 – Front of Premises. Note easy access to park outside.



Screen shot 2 - Rear of Flying Tandoori, note white door, number 248a Easterly Road.



Photograph 3 - Ariel plan of area



Photograph 3 - Ariel plan of area

NSR1- Flat at 248a Easterly Road

NSR2 House at no.25 Lawrence Gardens

NSR3 – Flat at 244a

NSR4 – Flat at 242a



Incorporating The Licence
Trade Association

RJT GROUP 56
11-13 King Street
Drighlington
Bradford
BD11 1AA



14.10.2024

Mr Gary Mann
Environmental Health Services
Seacroft Ring Road Depot
LS14 1NZ

Your Ref; PREM/01919/003

Dear Mr Mann

We represent Mr Arshad Mehmood, in his application to extend licensable hours for Flying Tandoori, 250 Easterly Road, Gipton, Leeds, LS8 3ES.

I am writing to ask you to withdraw your objection, as tomorrow is the deadline.

The premises have a great reputation, 5 stars, and are run by a couple, who have devoted many years to the business.

To the left of the business is a dental practice, we believe the whole of the business is used solely for business, to the right of the business is a large betting office, the upstairs does not have curtains next to our client's premises and looks empty.

The applicants have limited the increase in hours to one hour only at the weekend Fridays and Saturdays. The remaining days will stay the same.

The owners at the end of trade always ensure the outside is rubbish free, and customers normally collect food and leave, you don't see customers eating outside,

Our client's premises do not have accommodation over, so no precedent could be set.

You say you also base your objection on experience of dealing with general complaints where late night food establishments are located below residential accommodation, this is not the case.

McDonalds car park is next to residential property and has a large through put of vehicles all night.

After trading so many years, with a good client base, we would hope the consideration of One hour 2 nights a week would not affect any nearby residents, and we are not aware of any objections from any residents even though the blue notices have been displayed correctly and the application has been advertised.

Debt Assistance, Tax & vat problems, Bankruptcy, Bankrupt Stock bought for cash,

Administrators of the Licence Trade Association, Certified Licencing Practitioner for all Licencing needs

We hope you can reconsider to save the need for a hearing.

Yours Sincerely

R J Thompson MIL MBII

CERTIFIED Licensing Practitioner.

From:Mann, Gary
Sent:15 Oct 2024 15:20:41 +0100
To:RJT GROUP 56
Cc:Entertainment Licensing
Subject:RE: PREM/01919/003 Flying Tandoori, 250 Easterly Road, LS8 3ES

Dear R J Thompson

Environmental Health will not remove the objection.

I understand the flat at 248 Easterly Road is occupied. This is conformed by Council Tax Records. There are 3 residential flats in total, 2 are above other takeaways on the parade which currently have earlier closing hours than Flying Tandoori. If extended hours for the flying tandoori are granted then it would be difficult to refuse any later applications from other takeaways up to and beyond 0030. So a precedent would be set.

The Flying Tandoori extract units at the rear are noisy, in my experience likely causing disturbance to occupiers of nearby properties. The noise report submitted as part of the planning application contains misleading information and likely understates the impact on occupants of nearby properties.

regards

Gary Mann

Senior Environmental Health Officer

Environmental Protection Team

Leeds City Council

Seacroft Ring Road

LS14 1NZ



[REDACTED]

From: RJT GROUP 56 [REDACTED]
Sent: Monday, October 14, 2024 11:36 AM
To: Mann, Gary [REDACTED]
Subject: Re: PREM/01919/003 Flying Tandoori, 250 Easterly Road, LS8 3ES

Good Morning

please see reply to you letter



RJT Group 56

Web www.rjtgroup56.co.uk

[REDACTED]

11-13 King Street Drighlington Bradford West Yorkshire BD11 1AA

[REDACTED]

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On Thu, 10 Oct 2024 at 14:32, Mann, Gary [REDACTED] wrote:

Dear Mr Arshad Mehmood

Please see attached full objection.

regards

Gary Mann

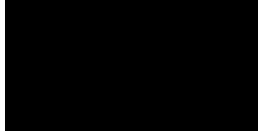
Senior Environmental Health Officer

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