

[REDACTED]

From: [REDACTED]
Sent: 18 May 2020 23:17:30 +0100
To: Musson, Martyn

[REDACTED]
Subject: PREM/04534/001 PREM/04534/001 First Floor, 12C-12D, Austhorpe Road, Cross Gates, Leeds, LS15 8DX - PREM/04534/001 First Floor, 12C-12D, Austhorpe Road, Cross Gates, Leeds, LS15 8DX Premises Licence - New Application

Dear Martyn,

**PREM/04534/001
First Floor, 12C-12D, Austhorpe Road, Cross Gates, Leeds, LS15 8DX - Premises Licence - New Application**

Cross Gates Watch Residents' Association wishes to object to the above application with relation to the following objectives of The Licensing Act 2003: the prevention of public nuisance; public safety. I understand you are the Case Officer on this application.

We are aware that Licensing and Planning are effectively two separate systems but firstly would wish to point out that the premises have yet to be granted planning permission for conversion to a multi-purpose function room and bar with capacity up to 100 persons. We are not in a position to prejudge the outcome of the planning objection but consider the recommendation of the LCC Senior Environmental Health Officer that the application be refused, on the grounds of noise issues, to be significant here.

We will return to some of the points made in the LCC Senior Environmental Health Officer's recommendation later.

Secondly, we would like to point out the close proximity of residential premises to the site for which the licence application is being made. Within 100 metres of the site, there are, in fact, 42 residential premises. We can provide a list of these premises, together with the number of units involved and, where relevant, the dates on which permission for their conversion to residential was granted, if required and on request.

Thirdly, we feel it appropriate to draw to your attention, although we would hope that LCC Licensing is "up to speed" on this issue, the significant body of evidence regarding the impact of community noise (any noise other than that created by the industrial workplace) on the health and wellbeing of local communities and residents. The evidence derives from a considerable range of internationally accepted, peer-reviewed research publications, based upon investigations carried out in the UK, USA, Europe and elsewhere, and official documents of like standing. We will be happy to supply a bibliography of such academic and professional research sources on request, if required.

In summary,

Community noise, typically from premises and installations related to the catering trade (e.g., bars, restaurants), is one of the most common **pollutants**.

Like all pollutants, noise pollution has a **negative** impact upon health and wellbeing.

It is important to recognise not only the difference between noise and sound (the former the totality of perceptions within the recipient arising from contact with energy from a sound source, the latter the nature and quantity of physical energy involved) but also the very **different types** of noise and their **differential impacts** upon the recipient.

While the recipient may have the capacity to deal with so-called '**continuous**' noise, especially where it is of a low-intensity, low-frequency type (e.g., the background hum of a distant motor), **intermittent, unpredictable** noise has a distinct negative impact on activities requiring focus and concentration and **conglomerate noise**, i.e., different noise elements present simultaneously but occurring randomly within themselves and relative to each other, has a very considerably negative impact on performance and activities.

Further, community/environmental/random noise is a primary example of a general environmental **stressor**, a pervasive and influential source of stress which increases psychological and physiological stress on the human system, and is a stressor that affects **multiple domains** of functioning. As such, it poses a general public health risk.

For noise, intensity is a less significant characteristic than **the type and schedule of noise**. **Intermittent noise** is more disruptive and stressful than continuous noise and the negative impact is even greater with **speech noise**. Perhaps this is not surprising as the human system has evolved to respond to noise, especially human voices, as part of the needs to alert, to warn and to communicate. As a result, **sound, wanted or unwanted**, directly evokes **reflexes, emotions and actions** which act as stimulants and as **stressors**. The extent to which noise can act as a stimulant and stressor is related to the noise source, the **duration and characteristics of the sound** and **whether noise exposure is voluntary or involuntary**. This last is particularly important as it is the **unpredictable change in environmental input** that is one of the most significant sources of stress. The **variation in**, rather than the absolute level of, **acoustic noise** is a central factor.

The type of noise described above is exactly the type of noise produced by establishments such as that for which the licensing application is being made. It is this type of noise which is particularly stressful to nearby recipients. We are particularly mindful of the type of noise — guffawing, random shouts, sudden laughter, etc. — often described as 'patron noise', which fits the criteria outlined above precisely.

In addition to the supply of alcohol for consumption both on and off the premises, we note that the application is for the performance of live music, indoors, every day, 01:00 PM - 10:30 PM, and the performance of recorded music every day, 10:00 AM - 11:30 PM. This type of noise 'carries' considerably, especially at times when windows may be

open for ventilation purposes, and will be a further source of negative impact on local residents.

For the above reasons, we object to the application on the grounds of **the prevention of public nuisance**. In fact, our objection goes much further than the simple term 'public nuisance' might indicate, as the long-term health and wellbeing of local residents is the main issue here.

In addition, there is the issue of **public safety**. The proposal is to convert the premises to a multi-purpose function room with bar which, according to the Planning Statement submitted as part of planning application 19/06712/FU, yet to be approved, may be let out for a considerable variety of purposes, involving up to 100 persons at any one time. This figure is stated to be an 'estimate' only and so could, on some occasions, be exceeded. Again, from the Planning Statement already submitted, "The building does not have any external areas ... There is a smoking area to the rear that is owned by the Amusement Place below. Our client does not have use of this area." So, 100+ persons, some of whom may have consumed a considerable number of units of alcohol, will be spilling out from the premises on to the public footpath at the front, Austhorpe Road, and/or at the rear, Back Austhorpe Road, where there is no footpath at all, just a straight lead on to the roadway itself. We consider this not only to be of danger to the individuals themselves but also to passing members of the public who may be inadvertently hustled on to the roadway, especially at the front which is extremely busy.

As mentioned earlier, we feel that the comments of the LCC Senior Environmental Health Officer in response to the planning application are relevant to this licensing application, which concerns the provision of alcohol and the performance of music, both live and recorded. He points out that noise attenuation provided by the fabric of properties is not particularly effective where long-wavelength, low-frequency noise, distinctive of most styles of entertainment music (e.g., pop, dance, indie/rock, hip hop/RnB), is concerned. Any entertainment noise assessment involving the premises needs to provide evidence to comply with LCC noise criteria, which apparently is not currently the case. In addition, we would point out that immediately to either side of the property are charity shops, where customers may prefer a relatively quiet ambience in which to make decisions about purchases, and immediately beneath the property is the Cashino gaming arcade, where customers may need to concentrate and to focus intently on their activities. We consider that the comments of the LCC Senior Environmental Health Officer dovetail with our own, regarding the inappropriateness of a licence for alcohol and music at the premises, on the grounds of **the prevention of public nuisance**.

The LCC Senior Environmental Health Officer also comments on documentation provided with the planning application which concerns "measures to reduce patron noise, i.e. ensure people leave via the back and to stagger the times when people leave. However, in reality it is questionable how effective this will be to implement and the overall impact. It only takes a small number of people to cause disturbance when located so close to residential properties. There are loading restrictions on Austhorpe Road, but

these are during busiest periods (i.e. morning and early evening), so people are likely to hang around on Austhorpe road waiting for taxis. Patrons leaving via the back areas could still create significant disturbance in areas which have lower background noise levels. The planning statement sent by [REDACTED] on 26th February mentions smoking areas. The proposed smoking area at the front has been omitted and the smoking area to the rear is owned by the amusement arcade. The proposed bar do not use of this area. Which means smokers will have nowhere to go, so I suspect they would use the front of the premises.”

We think it is easy to see that the above, although initially focussing upon public nuisance, may also involve issues of **public safety**.

Further, the LCC Senior Environmental Health Officer’s view is that the documentation “fails to provide evidence of compliance with LCC noise criteria. This could severely understate the impact of entertainment noise on adjacent residential properties. There are still significant issues with controlling noise from comings and goings of patrons especially when there are potentially large number of people vacating the premises at night. Then hanging around waiting for taxis as there are residential properties in very close proximity. The intended use of the premises as an events function may not be suitable next to residential properties. We recommend the application be refused.”

We at Cross Gates Watch Residents’ Association recommend that the Licensing Application be refused.

We consider that the licensing application may well be premature, as the planning application is still current and yet to be resolved, but still wish to object strongly, under the Licensing Objectives set out above.

Yours,

[REDACTED]

CGWRA

REP 2.

From: [REDACTED]

To: entertainment.licencing@leeds.gov.uk,

Subject: THE VENUE,12C&D,AUSTHORPE ROAD,LEEDS LS15 8DX YOUR REF PREM/04534/001

Date: Mon, May 18, 2020 4:03 pm

Dear Ms Woods,

I understand you are the Licensing Officer dealing with the above application, and as a [REDACTED] the owners of the properties [REDACTED]

[REDACTED], I wish to object to the application on the following grounds.

(Public Nuisance) The Applicant has applied for both Live & Recorded music to be played between the hours of 10-30AM to 10-30PM which I believe will have a detrimental effect to occupants of 14A, Back Austhorpe Road a Residential Maisonette which adjoins the subject property and as such will be vulnerable to both noise, and vibration emanating from the subject property. together with additional noise from the activities of persons entering, and leaving the building until 11PM

(Safety) The subject property is situated above a Gaming Machine Operator which attracts an inordinate amount of young people especially in the evenings, these people tend to hang out around the rear of the premises which borders the rear of Back Austhorpe Road, giving access to other residential properties situated above the shops, As owners of several shops, and Bank premises along Austhorpe Road, we have a continuing problem with youths causing damage, to fences, waste bins etc., and breaking into premises which leads me to believe if this permission is granted will only increase the problem.

In the last two years there has been a proliferation of licenced premises within the Commercial centre of Crossgates, and I estimate there are at least thirteen Bars, Restaurants Pubs and an Off Licence within a quarter mile of the subject premises, indeed I understand that the Applicant already operates a Bar within yards of the subject premises, and it is my opinion that we have already gone beyond saturation point, and inevitably Retail Shops which have traditionally been the mainstay of business activity in the area will suffer even further.

My [REDACTED] recently received an email from the Applicant Chris Reading for permission to allow his Sound Engineer to access [REDACTED] to take sound readings for what I assume he will need to provide to Planning for a Change Of Use within his email he outlined his proposals for what he intended the premises to be used for and these are as follows.

Craft Classes

Sewing Classes

Neighbourhood meetings

Autism Sensory Meetings

Sign Language Classes,

Training Events

H&S Training

First Aid Training

and as a footnote (May include Birthday & Engagement Events possibly once a week)

The question needs to be asked given what he has outlined above why within his current application he is applying for a Live & Recorded Music Licence, together with a Licence to allow Alcohol to be served both on the premises, and for sale to Retail Customers. from 10-30AM until 11PM. as this sounds more like an application for Bar premises than for what he is suggesting to us will be used for Educational purposes

Yours Sincerely [REDACTED]

