

Comments for Licensing Application PREM/02920/009

Application Summary

Application Number: PREM/02920/009

Address: 20 - 22 Harrogate Road Rawdon Leeds LS19 6HJ

Proposal: Premises Licence - Full Variation

Case Officer: Mr Martyn Musson

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Parish or Town Council

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 29/10/2020 11:52 AM This comment is made under delegated authority by the Clerk following consultation with elected members.

The Parish Council has some concerns about the variation of the licence governing the outside space. While the extension of hours is understandable in the current situation, it has the potential to create additional noise nuisance for nearby residential properties. This in the view of the Parish Council would be contrary to the statutory licencing objective of prevention of public nuisance.



From: [REDACTED]
Sent: 16 Oct 2020 16:25:59 +0100
To: Entertainment Licensing
Subject: PREM/02920/009

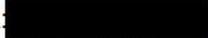
PREM/02920/009

I am emailing to register an objection to the above application by Turquaz restaurant to extend their alcohol license to 10pm. The restaurant is in a quiet, residential area and a license extension would significantly increase the likelihood of noise and nuisance for the community and the many family homes close by. I feel this is particularly likely as the restaurant currently has 9 tables outside in contravention of the planning permission (10/04934/FU) which allows them 6 covers until 6pm.

Thank you,





From: 
Sent: 21 Oct 2020 16:27:39 +0100
To: Entertainment Licensing
Subject: Prem/02920/0009 Objection

Hello

We have been made aware that the Turquaz restaurant has now submitted a full application for license extension, we strongly object on the following grounds

- 1) noise levels have already increased and had impact on 5 bedrooms directly above and to the left of their premises
- 2) during the recent government campaign "eat out to help out" noise levels increasing significantly, with shouting on the main road and guests being overly loud on exiting the premises
- 3) the business use the guinnel running up the side of our property from the main road for bin storage (several), when the business is closing the use of the bins including bottles is creating adverse noise, especially with bin lids slamming down, there are 2 guest rooms affected
- 4) the use of the fire exit, their back exit for storage
- 5) they have recently started storing summer furniture on their roof top, which is visible to our guests on arrival, and must be against fire regulations

During this pandemic we have had house guests walking out of the Turkish restaurant due to the lack of social distancing taking place, especially on a Friday & Saturday, we are also acutely aware of them being cash only which is against current Covid recommendations

Also as continually reported the flue running down the side of their building is of great concern to local residents including ourselves

Should you require any points clarifying please do give us a call

Regards



[Redacted text block]

[Redacted text block]



From [REDACTED]
Sent: Sun, 25 Oct 2020 17:08:16 +0000
To: Entertainment Licensing
Subject: PREM/02920/009 Objection

Dear Licensing Authority,

Re: **PREM/02920/009**

Variation to Premises Licence: Turkuaz, 20 – 22 Harrogate Road, Rawdon, LS19 6HJ

I write to object to the above application on the grounds of public nuisance and safety concerns and ask that the following is taken into account:

NOISE

The application doesn't take account of the residential nature of the neighbourhood.

Turkuaz restaurant is immediately adjacent to the Conservation Area of Rawdon Littlemoor, which is recognised as residential for more than 100 years in the Council's Conservation Area Appraisal Document (June 2011). Whilst the restaurant is situated at a point where there is a mix of residential and commercial properties (previously the 'parade' of which it is a part was mainly retail) there are many family homes in close proximity to Turkuaz on both sides of Harrogate Road.

The restaurant's premises also abut Peasehill House Hotel, whose guest rooms would suffer noise intrusion from extended outdoor drinking hours so close to their windows.

Decisions in previous planning and licensing applications have been mindful of the nature of the area. Conditions have been put in place to meet Licensing's objectives of the **prevention of public nuisance by way of noise**.

When planning permission was granted in respect Turkuaz, outdoor covers were limited to 6 covers until 6pm only 'in the interests of amenity' (10/04934/FU) firmly recognising the potential for noise and nuisance to those who live here. To the best of my knowledge, there has been no subsequent planning application to vary this.

The current licence is different to the planning permission, in that it allows serving outdoors until 8pm. The application under consideration seeks to extend this to 10pm, on a permanent basis.

Our neighbourhood is generally quiet when the school day is over and once rush hour has died down, with relatively few disturbances from licensed premises. Outdoor seating at Turkuaz until 10pm, once the effect of alcohol and longer hours have been taken into account, risks this becoming a much more regular occurrence with adverse effects on well-being of the community and those of us who live here. This is clearly a risk in summer when residents should be able to enjoy the peace of their homes and open their windows in the evening without fear of noise and nuisance.

I am also concerned about an increased risk of noise from patrons leaving late, whether this be by vehicle or on foot.

Other licences granted here have respected the residential nature of the community. Browns Greens Café (3B Harrogate Road) is licensed until 8pm. The Rawdon Moustache (9 Harrogate Road), a new venture which has opened very recently, is licensed until 10pm. Likewise, Peasehill House (24 -26 Harrogate Road) is a small hotel and is very quiet most days. **None of the above premises have licences for outdoors drinking precisely because of where they are in relation to people's homes.**

A recent Planning Appeal regarding an application for a bar at nearby 12 Harrogate Road also seems relevant. The application was first refused by the Council's planners, and then

rejected on appeal by the Planning Inspectorate, on the grounds of noise.
(APP/N4720/W/19/3232376).

SAFETY

Increased capacity and later licensing hours at the restaurant will lead to increased demand for parking – possibly overnight given the later drinking hours. There is no capacity for this. Existing demand for parking regularly sees vehicles parked illegally on footpaths and dangerously close to bends. This will only get worse if licensing hours are extended, with implications for public safety.

In summary, the number of homes and residents whose health and amenity could be adversely affected by noise and nuisance disturbance were this application approved remains exactly the same as when previous applications were determined. A change to licensing hours could have quite a major impact for the community living here.

When this matter was considered as a ‘minor variation’ by the Licensing Authority in August 2020 (Prem/02920/08) the application was refused. I would ask that this application now under consideration also be refused.

Yours sincerely

A large black rectangular redaction box covering the signature area.

4.1 Additional Information for the above Objection (4)

Licence Reference: PREM/02920/009

Hearing date: 9th December 2020

Additional evidence submitted via e mail 26th November 2020.

Submitted by [REDACTED]

Further to my initial representation, I submit this document as 'Additional Evidence' to amplify and clarify my objection as it currently stands. It is a collection of relevant knowledge and other facts and seeks to provide additional information about the character of the area, the conditions imposed on existing licenced premises and the reasons the current restrictions are in the interests of the area. I have tried to structure the evidence and believe it shows:

- Licensing and planning consent for this part of Rawdon have consistently imposed conditions to prevent nuisance in view of the local characteristics of the area and neighbouring residential property.
- The applicant has not offered any information to assure how they will promote the licensing objectives given the context of this quiet residential neighbourhood.

My experience, living here, is that this is a quiet and peaceful place to live once the rush hour traffic dies down. This proposal would change that. It would go from occasional impacts associated with existing businesses to a regular nuisance. This area is busy during the day but surprisingly quiet by 8-9pm. Those who live here are simply requesting that suitable conditions be put in place to preserve this and prevent nuisance occurring, as there are with other neighbouring, licensed premises.

The character of the neighbourhood

I believe the Council has always taken account of the character of this neighbourhood in decisions relating to licensing and planning, as detailed in a later section of this submission.

1. This is primarily a residential area. Leeds City Council describes our neighbourhood as 'residential for more than 100 years' in the Rawdon Littlemoor Conservation Area Appraisal Document (June 2011).
2. Turkuaz is immediately adjacent to the conservation area and in close proximity to many family homes. There are residential properties from 2-10 Harrogate Road, and 24 (Peasehill House) and 28 Harrogate Road have residential apartments. Across the road, numbers 11 and 19 have residential apartments above the shops and numbers 21- 29 are family houses.
3. Turkuaz is situated at a point where there is a mix of residential and commercial properties. Previously the parade of which it is a part was mainly retail, but the balance has tipped towards cafes and restaurants with 2 new such premises opening in summer 2020.
4. It is busy here during the day, but surprisingly quiet by 8pm.

5. The residential and commercial properties have co-existed harmoniously for many years but this proposal risks shifting the emphasis to a night time economy and upsetting a delicate balance which ensures those of us who live here can enjoy the peace of our own homes, which is our right.
6. Nearby family homes report being troubled by noise when the restaurant has served diners outdoors beyond the hours permitted by their current licence (8pm). I can confirm this has included my own home [REDACTED] which is not as close as a number of others. The potential is for noise and nuisance to have a regular rather than an occasional impact if drinking outdoors is permitted until 10pm.
7. Turkuaz abuts Peasehill House, a small hotel. The owners live on the premises and there are guest rooms immediately behind Turkuaz restaurant. The potential for noise intrusion is evident simply from the location (please see photographs submitted).
8. In summary, family homes in close proximity to Turkuaz stand to be adversely affected by late night drinking outdoors. This has implications for the well being of those who live here and for our community.

Existing Licensed Premises

Turkuaz, 20-22 Harrogate Road, Rawdon PREM/02920/007

9. Existing planning permission for Turkuaz limits the outdoor seating to 6 covers until 6pm only 'in the interests of amenity' (10/04934/FU) firmly recognising the potential for noise and nuisance to nearby residents.
10. Licensing has since been granted until 8pm for outdoors and 11pm indoors, but there is no planning in place beyond 6pm.
11. The restaurant should close by 10pm. Licensing has since been granted until 11pm but there is no planning in place beyond 10pm.
12. Some time ago, the operators erected fencing around the forecourt to create a larger outdoor dining area which regularly has many more tables than the number permitted by existing planning permission. Noise relates to capacity. The capacity on the forecourt itself is sufficient itself to cause noise and does so on some summer evenings.
13. The restaurant operators are perhaps mistaken in their understanding of planning and licensing conditions, but in the interests of this community this needs attention.
14. The application now under consideration began as an application for a 'minor variation' (PREM/02920/008) which was refused. As recently as August 18 2020, Licensing officer Janice Archibald wrote to those who made representations "*we believe that the application will impact negatively on the licensing objectives namely the prevention of public nuisance*".

15. Nothing at all has changed since the 18th August this year. The potential for public nuisance is clearly as great now as it was then.

Peasehill House, 24-26 Harrogate Road, Rawdon

16. Peasehill House is a small hotel of 8 bedrooms and can cater for weddings, of up to 50/60 people which means there is occasional noise, but this is infrequent in my experience. Peasehill is relatively modest for its use type. It sits in its own grounds of some size, and has its own parking.
17. Peasehill does not have a licence for alcohol to be consumed in the garden and so there is no noise potential from lawful use of this space in the evening.

Browns Greens, 3B Harrogate Road, Rawdon

18. Browns Greens has a licence to serve alcohol attendant to food until 8pm in the evenings. This was granted to the previous owners when the café was known as A Comer (PREM/03282/003). Its opening hours are limited by planning until 8pm, and the café generally closes earlier than this. There is no licence for outdoor drinking.
19. I note that when the licence was granted conditions were imposed "*Noise from a licensable activity shall not be audible at the nearest noise sensitive premises which are across the road*".

The Rawdon Moustache, 7-9 Harrogate Road, Rawdon

20. The Rawdon Moustache is a new venture, a café bar, opened as recently as summer 2020. It is impossible therefore to know its impact at this point given that Covid restrictions have applied since then. It has a licence to serve alcohol until 10pm, attendant to food. There is no outdoor seating.

12 Harrogate Road, Rawdon (recently opened as Sardi Café).

21. I mention 12 Harrogate Road as a 2019 planning application for a bar there was first refused by the Council's planners and then rejected by the Planning Inspectorate, on the grounds of noise. The Inspector referred to "*substantive harm to residential amenity in terms of noise and disturbance*". (Report of A McCormack dated 22.10.19 ref: APP/N4720/W/19/3232376)
22. From the above it can be seen that Planning and Licensing have consistently applied the principle of 'prevention of nuisance' in this locality. I would ask that they do likewise in respect of this application.

Licensing Policy

23. I have looked at relevant Licensing Policy and would suggest that is an application where para 6.4 of the Council's Statement of Licensing Policy 2019 -23 should apply:
24. *"where businesses have indicated when applying for a licence under the Act that they have also applied for planning permission or that they intend to do so, licensing committees and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs."*
25. I have made enquiries of Planning and am aware that the owners of Turkuaz have been advised that planning permission should be sought. The officer concerned also informed me that the owners had indicated their intention to apply. (Case: 20/01079/NCP3).
26. In view of this I believe this application is one where para 6.4 quoted above applies and that it would be appropriate to defer decision making pending the indicated planning application.

Planning Policy

27. I understand the site in question is classed as a 'lower order centre' under Leeds City Council's Core Strategy 2014. Within policy P3 sub point (ii) in relation to lower order local centres it states:
- "where a proposal involves evening opening, account will be taken of the proposal in relation to the proximity of the premises (and associated parking requirements) to nearby residential accommodation, the nature and character of the neighbourhood parade and existing noise levels".*
28. The emerging Rawdon Neighbourhood Plan, policy R7, point 3, states development will be supported when: *"Local residential amenity is protected and suitable measures put in place to minimise any noise or other disturbance"*.

Safety

29. Increased capacity and later licensing hours will lead to increased demand for parking – possibly overnight given the later drinking hours. Capacity here has been greatly reduced since Turkuaz first began operating.
30. Turkuaz's own forecourt, used for parking by previous owners, is now fenced off and has become their outdoor dining area. Parking for the business at No 18 has restricted access.

No 12 has recently opened as a café (operating until 5pm) and the business owners have created a paved forecourt for outdoor seating where previously there were parking spaces.

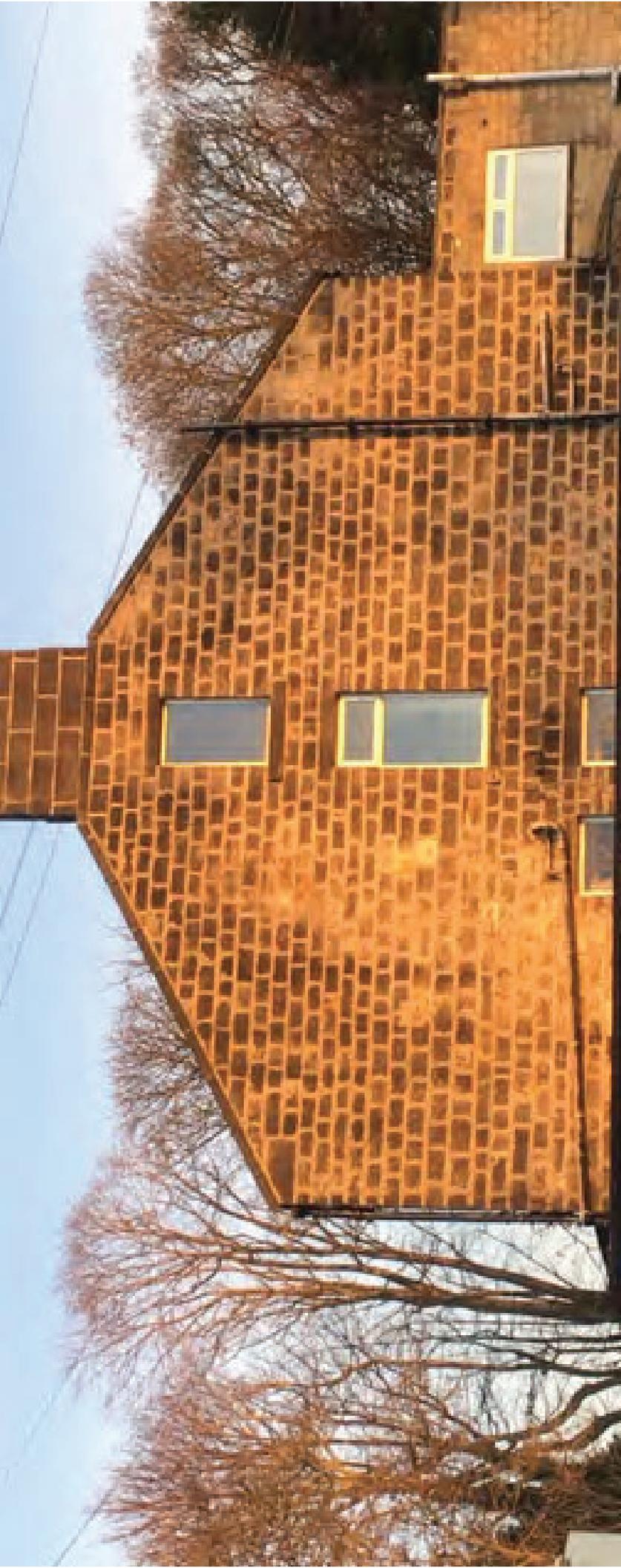
31. As there is no capacity for additional demand, vehicles regularly park illegally on footpaths and dangerously close to bends. This will only get worse if licensing hours are extended, with implications for public safety. I have submitted a photograph to illustrate the problem and refer you to this.

Summary and Conclusion

32. I believe the Council has always taken account of the residential nature of this neighbourhood in decisions relating to licensing and planning, as detailed above, and I would ask that they do so again. The number of family homes here remains exactly the same as when the previous applications were determined but with the opening of the Rawdon Moustache the number of licensed premises has increased.
33. This application, considered in August 2020 as a 'minor variation', could have a major impact on those of us who live here.
34. Turkuaz has operated successfully here for a number of years already. I do not seek in any way to frustrate their business – quite the opposite. I only wish to ensure that they continue to operate harmoniously with their residential neighbours who stand to be adversely affected if the current application is approved. In view of the above I would ask that this application is refused.

Photographs submitted:

1. Turkuaz restaurant
2. The forecourt at Turkuaz on a busy evening (this photo is from the Turkuaz website)
3. Photo taken summer 2020 illustrating parking problems referred to above.



The **Turkuaz** By The Sea - Est. 2002

The **TURKUAZ** RESTAURANT

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SANTITAS

THE MOUNTAIN RESTAURANT

From [REDACTED]
Sent: Mon, 26 Oct 2020 13:11:23 +0000
To: Entertainment Licensing
Subject: PREMISES/02920/009

Dear Sir /Madam, I have registered with your portal but every time I have tried to complete the Objection form I am greeted with the error "sorry there has been an error and your form can not be submitted."

I have therefore completed the relevant details below to register by objection the licence application.

Re PREM/0290/009

Premises Turquaz Restaurant, 20-22 Harrogate Rd, Rawdon , Leeds

My details

[REDACTED]

I am writing to object to the licensing application for the following reasons ;

The representation is relevant to the licensing objective - Prevention of Public nuisance

The grounds for my representation are as follows;

The area surrounding the restaurant is both commercial and residential with many families living in close proximity of the restaurant in the Rawdon Littlemoor conservation area. Albeit situate on a major link road to the airport, the road is generally quiet to both pedestrian and vehicular traffic after 7pm.

Noise and nuisance from the present outside seating area is only occasional at present, but increases mainly on weekends between 5pm and 9pm particularly during periods of good weather, however previous planning permissions limited the use of this area by limiting the area to 6 tables until 6pm. I would anticipate this was to reduce the risk of social nuisance and noise to the local residents.

I understand the licensing dept had extended this to 9 pm at present.

The application to extend the outside licensing hours will initially increase footfall for the restaurant but will also mean that there would be an extended period of noise and nuisance from that increase in customers, both whilst eating/ drinking outside and also whilst departing,

There is no information as to how many tables would be in the outside dining area ? (Is it still 6 as per the planning permission?) as obviously any increase in tables would again impact on both ambient noise and nuisance.

The noise of staff dismantling furniture will then take place at a time when local residents would have expected it to be quiet especially those with young families of which there are several in the vicinity.

There are other several other licensed premises in close proximity to the restaurant. None are licensed for outside dining/drinking after 8pm and have restrictions preventing alcohol sales beyond 10pm which I believe is due to the fact that previous licensing committees recognised the close proximity of residential properties and the adverse effect that the potential for increased noise and/or nuisance would have on these residents particularly those with very young/newborn children of which there are several.

Should this licence be granted with the hours outlined then I can foresee that other neighbouring licensed premises would no doubt seek to extend their hours too and completely change the areas residential/commercial balance for the worse and further increase noise and public nuisance.

Finally I would add that I am a customer of the restaurant and often dine there with my family. I can fully understand, in the present climate of COVID restrictions, their application to increase the alcohol sales to provide increased income in what is a difficult profession at this time, however I feel that the application should not be granted for the outlined reasons.

 26th Oct 2020.

Sent from my iPad

Interested Party Representation

(Form IPR1)

Section 1 – Licence application details

Please indicate as appropriate :

I wish to object to the following application:

Applicant name (if known): Mr Kenan Karaaslan

Applicant premises name and address: Turkuaz Restaurant, 20-22 Harrogate Road, Rawdon, Leeds LS19 6HJ

Section 2 – Your personal details

NB : If you are acting as a representative, please go to Section 3.

Title



Surname



First name(s)



Address (incl postcode):



Section 3 – Representative details

If you are representing someone else please complete details below

Name of Representative/
Organisation

Full postal address
(incl postcode)

Please indicate capacity :

Representative of Residents Association

Ward Councillor

Parish Council

MP

Trade Association

Other (please specify)

Section 4 – Representation grounds

The representation is relevant to one or more of the following licensing objectives:

Prevention of public nuisance

Please tick relevant box(es)

Please select :

I object to the application being granted in its current form*

*If you choose this option remember to tell us in the next section what changes you would prefer to see.

The grounds of the representation is based on the following:

Dear Mr Martyn Musson,

Re: Full Variation to Premises Licence, Turkuaz Restaurant (20-22 Harrogate Road, LS19 6HJ) - PREM/02920/009.

I am writing to formally object to the proposed variation to the licence at the aforementioned address on the grounds of prevention of public nuisance.

I appreciate that this is a difficult time for restaurants and, no doubt, this application is based somewhat on enabling Turkuaz to maximise their capacity given social distancing and enhanced cleaning obligation, maintaining sufficient revenue to ensure the business remains financially viable.

That being said, I understand that this application is for a permanent change to their licence rather than a temporary one. I believe the arrangements required by the restaurant industry to counter the pandemic are reasonably expected to be temporary. As such, **if these are the grounds of the application, any changes or agreements with the Council should be on a temporary basis, and I would be supportive of this.**

If the impact of Covid-19 is not related to this licence change, I wholly object to the application.

There are a number of hospitality establishments located in close proximity of Turkuaz (Rawdon Moustache, Peasehill House and Browns Greens) and none of these establishments, to my knowledge, have permission to serve alcohol outside due to the number of residential properties along and around Harrogate road. The area is generally peaceful and quiet in the evening and I've concerns that a loosening of the licence restrictions, namely extending the time for which their outdoor area can be open and alcoholic beverages served, will cause a public nuisance.

The provision of alcohol inevitably results in an increase in noise and risks increased anti social behaviour. I believe that the current licence provision of 20:00 is suitably adequate (for the avoidance of doubt, this comment applies to both the area being open and the provision of alcohol). I believe there is a heightened risk that a licence until 22:00 caters more to drinking than eating at these times. Turkuaz's outdoor area is clearly visible and audible from my house, and many others, and I consider the risk of increased noise at such a late time of the day objectionable, particularly as my young children are trying to sleep at this time. The area is overwhelmingly residential, bordering the Conservation area of Rawdon Littlemoor, within which my house is located.

Yours Sincerely,



Signed:  (by email)

Date: 28/10/2020

From: [REDACTED]
Sent: 28 October 2020 17:54
To: Entertainment Licensing <Entertainment.Licen@leeds.gov.uk>
Subject: Objection to licensing application PREM/02920/009

Sorry forgot to include my address on previous email.

[REDACTED]

[REDACTED]

[REDACTED]

Dear Sir/Madam

I am writing to object against the application

PREM/02920/009 Turkuaz Restaurant, Harrogate Road,
Rawdon.

I live opposite to the restaurant and feel that a later license would cause a public nuisance increasing noise in a residential and quiet area. We have young children and our sons bedroom faces out to the restaurant and an extension to the licensing hours would impact on our lives with an increase in noise during bedtime.

We already suffer from lack of parking in the area and am constantly unable to park outside my property and this problem will only increase with extending hours. The restaurant seems to have no problems allowing customers to park illegally outside the front of the property and along the road as cars are persistently parked on the kerb on single yellows creating a bottle neck for traffic and increasing the risk of accidents.

I strongly object to the application and feel it would have a

negative impact on the area and my families life as immediate neighbours to the property.

Regards



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[REDACTED]

From: [REDACTED]
Sent: Wed, 28 Oct 2020 08:55:52 +0000
To: Entertainment Licensing
Subject: PREM/02920/009 Dear Sir/Madam,

I tried to post my objection on the website but it's not allowing me to do so. Please find my objection below.

I would like to object to this licensing application on the basis of noise nuisance to us and our neighbours. We have made noise nuisance complaints when the premises was operating longer than permitted hours on the outside tables back in 2019. This proves our point that we have suffered noise nuisance from the premises when the outside tables were being used until 10pm and longer on some occasions back in 2019. The council was involved and served the premises warning letters and visited premises which eventually stopped the use of tables outside after 8pm and reduced the amount of noise nuisance we suffered. It is very obvious that a lot of noise can arise from the premises if the outside tables are being used till late and alcohol is being served. People can be very loud after they've had a few drinks and as a result we will suffer the noise nuisance. The current restriction on the outside tables was imposed while having a lot of consideration for the local residents around the premises. The reason it was imposed was to prevent the noise nuisance as while making this decision the council was fully aware of the consequences of outside tables being allowed longer than 8pm.

The premises also tried to increase their outside tables operating hours via minor variation which was also rejected by the council and had numerous objections from the locals living around the premises. This new application serves the same purpose other than this one is full new application. But the problems will be the same as explained earlier.

Extending the outside tables hours will also increase the amount of people visiting the premises which will have have negative effect on public safety. The parking is already an issue and we always have people leaving cars on pavement, kerbs and bus stop. Extending the outside tables hours will only make this situation worse as the premise will be operating with twice the capacity after 8pm, as the current restrictions prevents this issue. It can be very hard for locals residents to park their cars as people usually leave their cars behind once they've had few drinks and allowing the extensions will bring more vehicles to the area and create more problems for local residents and the local businesses will suffer due to increased demand for the parkings.

Kind regards

[REDACTED]

From [REDACTED]
Sent: Thu, 29 Oct 2020 13:03:20 +0000
To: Entertainment Licensing
Subject: Objection PREM 02920 009

Turquaz Restaurant, 20-22, Harrogate Road, Rawdon, LS19 6HJ

I am very concerned about the application of the above business for a permanent licence for serving alcohol outside until 10pm. The restaurant is situated in a residential area and many family homes would be adversely affected by the level of noise such outside drinking would present.

I also worry that granting such a licence would set a precedent for applications from other similar businesses in the close proximity.

Harrogate Road provides a mix of businesses that enhance and serve the community- Turquaz being one of them. To maintain the spirit of this hub is very important to the area. It is family oriented and should remain so. Serving alcohol outside up to 8pm seems reasonable and less likely to cause upset to neighbouring residences.

Thank you

[REDACTED]