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From:planning.comments@leeds.gov.uk

Sent:30 Mar 2021 22:29:14 +0100

To:Fiddes, Lucy

Subject:Comments for Licensing Application PREM/04439/003

Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 30/03/2021 10:29 PM from [REDACTED]

Application Summary

Address: 9 Harrogate Road Rawdon Leeds LS19 7BP

Proposal: Premises Licence - Full Variation

Case Officer: Lucy Fiddes

[Click for further information](#)

Customer Details

Name: [REDACTED]

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Commenter Type: Neighbour response

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 30/03/2021 10:29 PM Dear Sir/Madam,

I would like to object to this licensing application and outdoor seating area. There is no doubt that the outdoor seating area will cause noise nuisance to us on daily basis. As this is a drinking establishment and people tend to get louder after having few drinks which will affect us directly [REDACTED] It will be even worse to open windows in the summer as the noise will affect our quality of lives and the neighbours around us. Also they will be playing music, we can't ignore the fact that the noise [REDACTED]

The premises currently has permitted development approval to be a cafe only yet it

seems to be operating as a bar which requires a complete change of use of the building. The business clearly advertise itself as a bar on their door and on Goggle page. A similar full bar planning application was refused by the planners for the property at 12 Harrogate road, LS19 6HJ, submitted by the same applicant. Yet here they seem to be running a bar without planning permission to operate as a bar.

The other concerns is that their yard is not big enough to seat 12 people specially in current climate with social distancing being in place. The area outside their premises doesn't completely belongs to them, it also provides access for the nail salon above them. Which leaves them with even lesser space for their proposed outdoor seating. Also where will they store their empty beer kegs and also where will they store their waste bins which they currently store on the area outside. It is a safety concern. Extra seating will bring in more people with motor vehicles and causing parking problems for the local residence and other businesses. Therefore I strongly object to this application.

Kind regards



23rd March 2020

RE: PREM/04439/003

Rawdon Moustache, 7-9 Harrogate Road, Rawdon, LS19 6HW

Dear Licensing Authority

We are concerned about the detrimental effect that outdoor drinking until 10pm at the above premises will have on people living close by.

The Rawdon Moustache is situated in the Conservation area of Rawdon Littlemoor. The 'parade', of which it is a part, has shops and businesses with the usual trading hours.

There is a community here; it's a mix of residential and commercial but we are a community. There are more residences than you might think.

Those of us who live here want to live happily alongside those running businesses, and that is perfectly possible. We've done so for many years, but the balance needs to be right.

This application risks tipping that balance. It does not take account of the just how many homes there are close by and of the residential nature of the area, which needs protecting.

We therefore object to outdoor licensing until 10pm every night for the following reasons:

Noise

1. The premises are in a residential setting and attached to residential premises. They share a party wall with 11 Harrogate Road, a shop with a residential apartment above where the business owners live. The potential for disturbance and noise to the apartment from late evening outdoor drinking is clear just from looking at the premises.
2. Across the road, numbers 2- 10 Harrogate Rd are family houses. They stand to suffer too. There is a residential apartment above 17 and the road is all residential from thereon to Park Road.
3. Whilst the neighbourhood can be busy during the day, it is just a quiet residential area once the rush hour is over and the traffic eases.
4. Previous planning and licensing decisions have taken full account of the residential nature of the area – there's a whole history of this. For example, a planning application to open a bar at 12 Harrogate Road was refused. (That application was by the same applicant as this one.) Leeds City Council planners, the Planning Inspectorate, local Councillors and the Parish Council all objected/rejected the proposal on the grounds of noise and detriment to neighbouring residences. (22.10.19).

5. A license for later outdoor serving has recently been granted to Turkuaz restaurant across the road, whose previous license was until 8pm outdoors. Implementation of Turkuaz's new license remains subject to the necessary planning permission and this hasn't been considered by the Council yet. Adding a further licensed premises with late outdoor drinking risks increasing the level of noise beyond that which is acceptable for this residential area.

Safety Concerns

6. The Rawdon Moustache has no parking.

7. Parking is a major problem here. The 19th century houses close to the Rawdon Moustache have no off street parking, so must park on the road.

8. There is no spare parking capacity at all. The increased number of customers, from the provision of 12 outdoor seats at the Rawdon Moustache and at Turkuaz, will only add to the existing parking problems. Sometimes customers for businesses park illegally on footpaths and close to bends and it simply isn't safe.

Other concerns

10. The Rawdon Moustache has Permitted Development Approval to be a café until January 2023.

11. There is some concern locally that the aim of the café is to become a drinking establishment rather than a café. Outside it is described as a "Bar and Charcuterie" – the word café doesn't feature.

12. A café is welcome; but we would ask that any changes to the license should re-inforce the nature of the business as a café only, where alcohol is served solely with food. There is a real worry here that the outdoor area may become more like a beer garden

In view of this, we believe reasonable conditions should be put in place to prevent concerns about noise, safety, and possible misuse as a drinking establishment with any licensed activities outdoors ending considerably earlier in the evening and the external seating being cleared from public use.

Yours sincerely

A black rectangular redaction box covering the signature area.

Licence Reference: PREM/04439/003

Hearing date: 28th April 2021

Additional evidence submitted via e mail 19.04.21

Submitted by [REDACTED]

Further to the initial representation of [REDACTED] (23.03.21) I submit this document as 'Additional Evidence' to expand on our 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 wider context, the conditions imposed on existing licenced premises and the reasons these 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 sufficient information to assure how they will promote the **licensing objective of preventing nuisance occurring**, given the context of this 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 could contribute towards changing that, to the detriment of those whose homes are here. This area is busy during the day but surprisingly quiet by 8-9pm. Residents are simply requesting that suitable conditions be put in place to preserve this and prevent nuisance occurring.

The character of the neighbourhood

1. 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 document.
2. 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).
3. I attach a street plan which shows the number of residential properties, marked with red dots, in the vicinity of Rawdon Moustache. It illustrates exactly how many homes there are here, and I refer the reader to this.
4. On Harrogate Road numbers 1A, number 11 (which shares a party wall with Rawdon Moustache) and 19 Harrogate Road all have residential apartments above shops. Numbers 21-29 are family houses. Across the road from the Moustache there are 5 family houses (Nos 2-10 Harrogate Road) which would be particularly sensitive to noise from outdoor drinking. I know there are very young children living there. Nos 24 (Peasehill House) and 28 Harrogate Road also have residential apartments.
5. Previously the parade of which the Rawdon Moustache is a part was mainly retail and the businesses closed at 5.30pm. This is now changing, with an increased number of cafes and

licensed premises, but the number of people whose homes are right here has not changed at all.

6. The residential and commercial properties have co-existed harmoniously for many years and we want to see this continue. We want both to thrive. This proposal, together with later drinking hours across the road at Turkuaz Restaurant (for which a licence has been granted recently, and a Planning application is awaited) risks shifting the emphasis to a night time economy and upsetting a delicate balance which ensures those of us who live here can be assured the peace of our own homes, which is our right.
7. Previous occasional disturbance from later evening outdoor serving at Turkuaz, risks becoming more regular and is detrimental to the neighbourhood.
8. Also in relation to noise, I would re-iterate that the road is quiet in the evenings. Whilst Harrogate Road does take through traffic it is a B road, B6152. It is simply not comparable to the nearby A65, or the neighbourhood comparable to Horsforth New Road Side, for example, where there are many eateries alongside the busy A65.

Existing Licensed Premises

Turkuaz Restaurant, 20-22 Harrogate Road

9. Turkuaz restaurant is the only nearby establishment with a licence to serve alcohol outdoors.
10. Existing planning permission for Turkuaz limits outdoor seating to 6 covers until 6pm only “in the interests of amenity” (10/04934/FU) clearly recognising the potential for noise and nuisance to nearby residents.
11. Although a subsequent licence was granted until 8pm for outdoors, there was no planning in place beyond 6pm.
12. A further licensing application was granted in Dec 2020 (PREM/02920/009). This permits outdoor serving of alcohol, attendant to food, until 9pm Sunday - Thursday, and 10pm Friday- Saturday.
13. The outdoor dining area regularly has many more tables than permitted by existing planning permission which remains as above. Nearby family homes report being troubled by noise when diners have been served out of doors after 8pm.
14. The potential is for nuisance from noise to have a regular rather than an occasional impact, if drinking outdoors until 10pm is permitted at both Turkuaz and the Rawdon Moustache
15. This has implications for the well- being of those who live here and for the community as a whole.

Browns Greens, 3B Harrogate Road

16. Browns Greens (previously A Comer) is a vegetarian café which closes most days at 3pm.
17. It has a licence (PREM/03282/003) to serve alcohol attendant to food until 8pm in the evenings. Its opening hours are limited by planning until 8pm. There is no licence for outdoor drinking and very little space for outdoor seating.
18. The current licence mentions *“noise will not be audible at the nearest noise sensitive premises which are on the opposite side of the road”*.

Peasehill House, 24 Harrogate Road

19. Peasehill House is a small hotel with 8 bedrooms. It can cater for weddings of up to 60 or so people which means there is occasional noise, but in my experience this has been infrequent. Peasehill House is relatively modest for its use type. It sits in its own grounds and has its own parking.
20. Peasehill House 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.
21. Peasehill House currently operates only as a Bed and Breakfast, but I assume it will return to use as a small hotel in the future.

Relevance of Number 12 Harrogate Road.

22. I believe the planning history in respect of 12 Harrogate Road is relevant to this application. Number 12 Harrogate Rd is directly opposite Rawdon Moustache.
23. No 12 was refused consent to be a deli with hot food takeaway in 2006, due to concerns about the potential for noise to impact on the amenity of residents during the evening.
24. In June 2019, an application to change the use of premises to a drinking establishment was refused, again due to the potential for noise to become a nuisance and impact the amenity of residents.
25. This refusal was appealed and the Inspector, having made a site visit, dismissed the appeal, finding the Council decision to be correct referring 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)
26. Number 12 is now Sardi café , which opened in summer 2020. It is not currently licensed.

27. Sardi café has opening hours restricted by Planning from 8.30 to 5pm “in the interests amenity”, once again emphasising the balancing of interests between residential and commercial premises.
28. From the above, it can be seen that Planning has consistently sought to prevention nuisance which attests to the quiet residential nature of the area.

Rawdon Moustache - Applications

29. The minutes of the Licensing Panel of 21.01.20 (PREM/04439/001) record that the applicant informed the panel that there would be no music or outdoor seating. There would be no bottles or glasses taken outdoors.
30. Also recorded were residents’ concerns that there may be a future application for change of use to a public house. The applicant had been refused permission for a drinking establishment at number 12 Harrogate Road and the opening hours sought were akin to those of a pub rather than a café.
31. There continue to be concerns in this regard as the premises are described as a ‘bar and charcuterie’ on the door and on social media sites.
32. With reference to the current plans submitted, I am concerned that the drawing is inaccurate. I am uncertain that it is to scale. It fails to show the existing door to the first floor premises which house a hair and beauty salon. When the proposed tables are fully occupied clients’ access to that business may be impeded. The recently installed ‘side gate’ is sited where the business next door , which serves milk shakes, usually has tables for its customers.

Licensing Policy

33. I have looked at Licensing Policy and suggest the following is of relevance:
34. Para 4.19. *“Applicants need to focus on the effect of licensable activities on people living and working in the area around the premises which may be disproportionate and unreasonable”.*
35. Para 4.20 *“the prevention of public nuisance is not narrowly defined.. can include low level nuisance perhaps affecting a few people living locally....”*
36. Para 4.24 *“The Council will consider whether issues relating to public nuisance can be effectively dealt with by necessary and appropriate conditions. These conditions will normally focus on the more sensitive periods ...noise from the premises in the late evening or early morning when residents may be attempting to sleep”.*
37. I believe this application is one where the paragraphs quoted above all apply.

Planning Policy

38. I understand that 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 centres it states:
39. *"where there is 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 parade and existing noise levels"*.
40. 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

41. Increased capacity will lead to increased demand for parking – possibly overnight.
42. Parking is a major problem here. The 19th century houses close to the Rawdon Moustache so must park on the road.
43. The Rawdon Moustache has no parking, and there is no spare capacity here.
44. The forecourt at Turkuaz, once used for parking, is now their outdoor dining area. Likewise at the recently opened Sardi café, where the business owners have created a paved forecourt for outdoor seating. Parking for the business at number 18 is restricted.
45. The neighbourhood has lost public parking at former Council premises (Micklefield Lodge) which is now housing and is set to lose parking at the Micklefield House (formerly Council offices) which is to be converted to 8 apartments.
46. As there is no capacity for additional demand, vehicles regularly park illegally on footpaths and dangerously close to bends. I have submitted photographs to illustrate the existing problems and refer you to these.
47. As Rawdon Moustache has not operated outside of Covid restrictions, it is not possible at this point to know its impact on parking in the locality.

Summary and Conclusion

48. I believe the Council has always taken into account 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.

49. In asking this I do not seek to frustrate the business of this newly opened cafe – quite the opposite. I only wish to ensure they can operate harmoniously with their residential neighbours who stand to be adversely affected if the current application is approved as it stands.

50. I fully appreciate that owing to Covid 19, customers at the Rawdon Moustache will certainly want to, and need to, sit outdoors. But this is an application for a permanent change for serving until 10pm on a daily basis.

51. In view of this, and in line with licensing objectives, I respectfully ask that reasonable conditions are put in place to prevent concerns about noise, safety, and possible misuse as a drinking establishment. Outdoor serving ending no later than 8pm may achieve these objectives, with external seating being removed from public use at that time.

52. Ending at that time is also in line with the other licensed café, Browns Greens.

53. It would be reassuring if any changes to the license could confirm that alcohol is served solely with food.

Attachments

1. Street Plan
2. Various photos illustrating the parking/safety problems referred to above.











