



Mr Sarwat Abdulla Omar



Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Mr Gary Mann
Tel: [REDACTED]

Our reference: 22/055894/EPLA01
16 September 2022

Dear Mr Omar

Licensing Act 2003

Name and Address of Premises: 206 Woodhouse Lane, Woodhouse, Leeds, LS2 9DX

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 from customers, and vehicles arriving and leaving, noise from car doors slamming and music from car radios which would continue into hours where it may adversely affect sleep and other loss of the use and enjoyment of a property.
- Movements of staff, passing through the internal fabric of the property from activities such as, opening/closing doors, moving goods, bottles. There is no guarantee the internal fabric of the premises have been designed to sufficiently attenuate noise. The flats were built circa 2002/03, just prior to release of building regulations approved Code E, resistance to the passage of sound. In any case where a commercial and domestic properties are connected, a higher standard of attenuation is required. This is due to the intensification of use in the commercial property. Noise transference issues are very difficult to resolve due to cost involving retrofitting noise mitigation measures, works can cause significant disturbance and may not be practical.
- The potential for disturbance from anti-social behaviour due to street drinking affecting those nearby residents 24 hours 7 days a week.

- There are external seating areas close by next to Mahmoods and the Pack Horse which may attract people to drink their beverages in these areas when they are closed.
- The application premises are situated in between the Hyde Park and Woodhouse. Which have a number of premises operating late into the night, this premises may attract revellers leaving these premises. So late night customers may be inebriated, which reduces their inhibitions and more likely to cause noise.
- That the hours of operation applied for would set a precedent in an area already served by late opening venues. 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 loud music and from sources outside such as from customers.

We also base our objection on experience including that specifically associated with the premises and the area including data relating to complaints received from members of the public.

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

The area is a mix of commercial and residential properties. Above 206 Woodhouse Lane are 4 flats, with a number of other flats to the rear, which are part of the same building. The pack Horse pub, 208 Woodhouse Lane is adjacent, which may have a residential flat above. Mahmoods takeaway lie the other side, 194 to 196 Woodhouse lane. There are no flats above Mahmoods. The Eldon Pub lies just beyond Mahmoods. There are a number of other food led business beyond the Pack Horse.

The application premises are situated in between the Hyde Park and Woodhouse Cumulative Impact Policy areas. Which have a number of premises operating late into the night

Please refer to Appendix 1 Map of Surrounding Area

Description of the applicant venue and the application:

This is an application for a variation to licensable activities, sale by retail of alcohol from 9am to 2200, to operate 24/7. The proposal is to serve alcohol and other goods from a serving hatch, located within the doorway from 0000 to 0600.

The application has offered the following conditions:

d) The prevention of public nuisance

Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.

Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises between 23.00 hours and 07.00 hours the following day

The business representative shall ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter

The designated premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary

Ensure deliveries are made between 07:00 and 19:00

The management and staff will monitor the exterior of the shop via the CCTV system on a regular basis and aim to keep the exterior of the premises free from litter at all times.

Alcohol should not be sold to street drinkers/livers and customers who appear inebriated will not be served.

The onus is on the applicant to demonstrate such matters (Items 8.33 to 8.41 of the amended guidance issued under Section 182 of the Licensing Act 2003 – June 2014)

Complaint and other history specific to the applicant premises

The premises operated as a café around 2013 to 2019 which received some complaints. The cafe could operate until 2330. But since operation as a convenience store there have been no complaints. However, the terminal hour has reduced to 2200.

Complaint history for the area around the venue

Mahmoods:

21/008304/EPRN02 – Feb 2021 Mahmoods, 194 – 196 Woodhouse Lane noise from cars, customers going to the business. Issues with deliveries down the side of premises through the night right next to residential properties. Changed deliveries to front of premises.

The Pack Horse:

22/010806/EPRN25 Feb 2022 – Patrons in external areas.

21/057727/EPRN25 – October 2021 – bass music and noise from patrons leaving the front of premises. Pub decided to close external areas at 2300.

21/026223/EPRN02 –2021, music.

21/024743/EPRN02 – parties, noise abatement notice served 5/5/21. For loud music.

20/066772/EPRN25 October 2020, music. Patrons in external areas

20/066960/CV19LP – November 2020, patrons and music, mainly related to COVID issues.

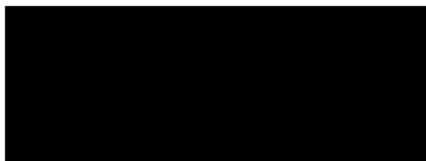
18/027683/EPRN25 – 2018, music and patrons in external areas.

Conclusions reached

- There is potential for significant disturbance from patrons purchasing alcohol and other goods from the store. This is most likely from people and vehicles in external areas but also from within the shop through transference within the building. Even where areas have high background/ambient noise levels, the noise produced by people and their use of vehicles can be completely different in character from underlying acoustic environment, therefore noticeable. The noise will appear incongruous, and the receptor will not habituate over time.
- Issues will be exacerbated during summer months when windows are required to be open for ventilation. Voices at low levels can cause significant disturbance as we are naturally attracted to listen. So even patrons behaving responsibly may lead to disturbance.
- There are external seating areas close by next to Mahmoods and the Pack Horse which may attract people to drink their beverages in these areas when they are closed.
- There are few licensing measures to control people in external areas. People who visit the premises late at night or in the early morning may be inebriated, which makes controlling noise very difficult.
- This department has significant experience in dealing with patron noise complaints and on some occasions, where there are no solutions, they never get resolved and return each year.
- Enforcement powers against patron noise and any noise on the highway fall out of the remit of nuisance legislation, statutory powers may be unenforceable.
- Premises around the area have been subject to noise complaints in relation to patrons using external areas.
- Current planning conditions possibly restrict use of the premises from 11:30 to 2330.

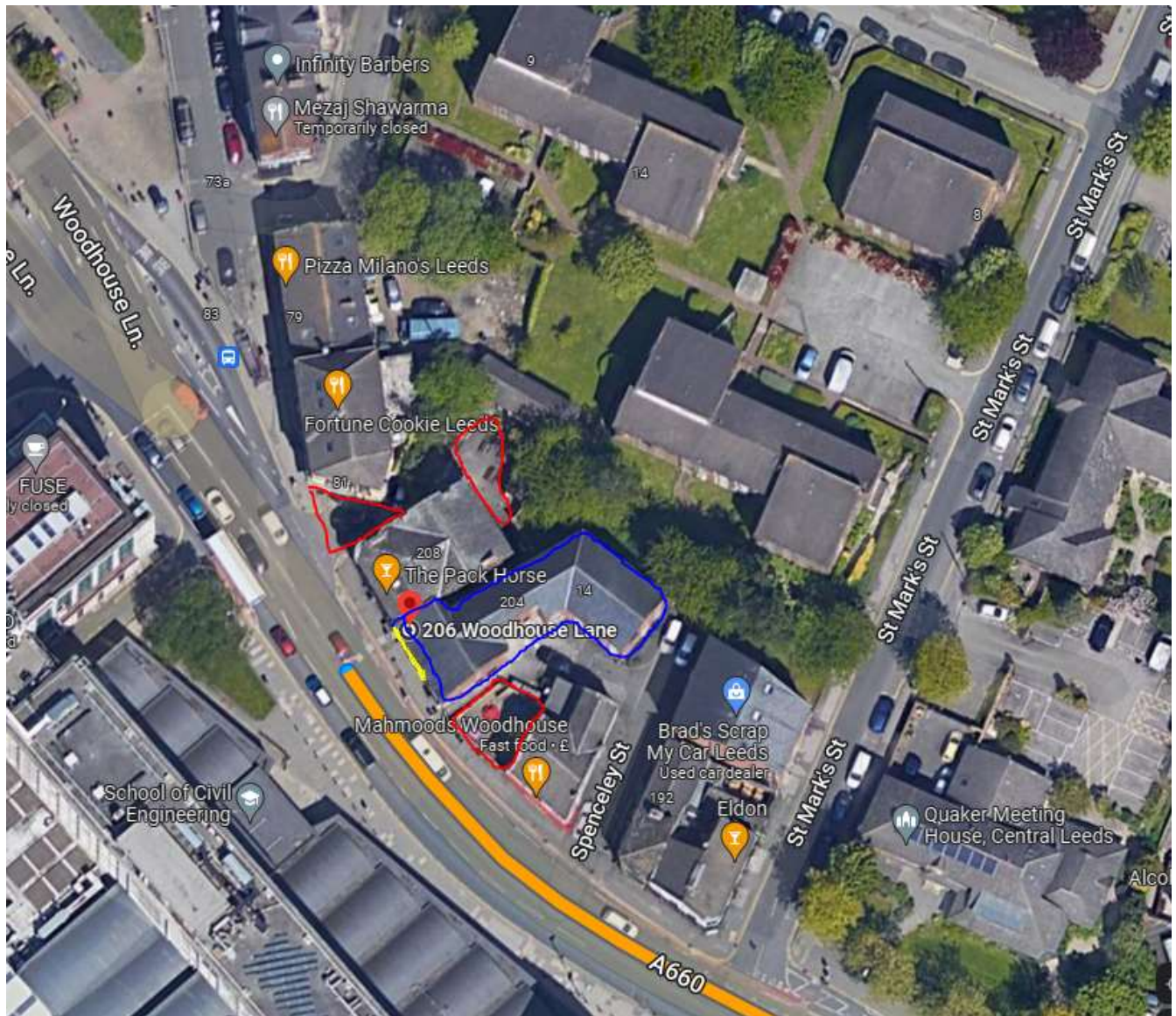
We recommend that the Sub-Committee refuse the application.

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



Mr Gary Mann
Senior Environmental Health Officer

Appendix 1 Map of Surrounding Area



Yellow line – front of store to 206 Woodhouse Lane.

Blue line – outline of residential premises on Spenceley Street

Red area – External seating areas

Photo of store front and flats on page below:



Front of store with flats above. Serving hatch proposed within the doorway.

Appendix 2 Complaints History

Any complaints involving the applicant premises are indicated*, otherwise the alleged source of complaint is redacted. Details may be provided after the agreement of the Licensing Sub-committee.