

Consultation with Responsible Authority

Resp Auth: CYC Planning

1. Application

Ref No: CYC/010757 (*license number*)

Premises: 51 Blossom Street Yorkcastle Takeaway

2. Representation:

Yes

Date: 21.8.2006

3. Representation details

Licensing Objective

Public Nuisance

Reason for representation (with regard to the relevant licensing objective(s))

It has been brought to the attention of the planning dept. that the aforementioned premises are in the process of submitting an application to extend its opening hours.

I write to advise you of planning permissions at the application site and also those nearby.

51 Blossom Street was granted planning permission at appeal to change the use into a hot food takeaway in 1998. The hours of opening were restricted to 24:00 (midnight).

Permission had previously been refused by planning committee in 1997, as there was a concern that there would be an adverse impact on residential amenity by virtue of noise.

Permission was also refused in 2003 to extend the opening hours until 02:00 the next day on Fridays and Saturdays.

At 49 Blossom Street Fryways there is a similar situation where the premises are required by planning condition to cease trading by 24:00. An appeal is awaiting determination by the secretary of state, which will determine whether the Local Planning Authority decision is overturned. If so, the premises would be allowed to operate until the hours granted by its premises license, until 03:00.

To summarise the planning department have resisted applications to extend opening hours in this area given the number of residential units nearby. Beyond the rear of the site there is a row of terraced dwellings, but more importantly, there are residential uses above ground floor level at Nos. 45, 47, 49, 51 and 53 Blossom Street. There is significant concern that noise pollution, associated with the comings and goings of customers, which although may not warrant police attention is likely to occur during opening hours to an extent that would unduly disturb and be detrimental to the amenity of nearby residents.

Conditions/Remedy

In determining the hours that the premises is allowed to open under the Licensing Act 2003, councillors are requested to take into consideration the information given above.

4. Contact details for Mediation

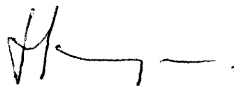
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Date sent to Licensing Authority: 21.8.2006

Signed:



*delete as appropriate