

Licensing GCSX

**From:** McParland Andy <Andy.McParland@charnwood.gov.uk>  
**Sent:** 11 December 2018 16:10  
**To:** 'licensing gcsx'  
**Subject:** EP consultation response - Premises Licence application 12/11/18 - 49 Baxter Gate, Loughborough

NOT PROTECTIVELY MARKED

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Dear Licensing

Given the applicant has not provided the necessary acoustic reporting as detailed below (and acknowledged on 21/11/18), I have no alternative but to object to this premises application on the grounds that noise from the proposed night-time operation of the cooking fume extraction system is likely to cause significant adverse impacts to nearby residential properties.

Andy McParland  
Specialist Environmental Health Officer  
Charnwood Borough Council  
01509 634784

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**From:** McParland Andy  
**Sent:** 20 November 2018 12:17  
**To:**  
**Cc:** 'licensing gcsx'  
**Subject:** Premises Licence application 12/11/18 - 49 Baxter Gate, Loughborough

NOT PROTECTIVELY MARKED

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Dear Mr Lester

Having been consulted by Charnwood Borough Council (CBC) Licensing colleagues on the above application by NAAM Ltd, I confirm the following in relation to my noise control remit in these matters:

Firstly, please note that operating hours for this premises are limited to 23:00 hours by Condition 4 of CBC planning consent P/16/0139/2. This can be viewed at: <http://portal.charnwood.gov.uk/Northgate/PlanningExplorerAA/Home.aspx>. As such, the proposed operating times would be a planning breach and therefore unlawful.

Given the potential for noise disturbance to nearby residential receptors arising from the proposed operation of the cooking fume extraction system until 04:00, I would be minded to object to your premises licence application on the grounds that it is not supported by a suitable acoustic impact assessment.

- As such, this proposal would need to be preceded with the undertaking of a suitable acoustic assessment of the operation of this extraction system between the hours of 23:00 and 04:00. The assessment shall be submitted for CBC approval in writing and follow the methodology detailed in BS 4142:2014 "Methods for rating and assessing industrial and commercial sound".
- Should the approved acoustic assessment establish operation of the said extract system to cause an exceedance of the existing background sound level between the hours of 23:00 and 04:00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises), a noise mitigation scheme detailing measures that will be implemented to ensure that no such exceedance is caused, shall be submitted for CBC approval in writing.
- No variation of the opening hours shall commence until the approved noise mitigation scheme has been completed in full.

I hope this is of help and look forward to your reply in advance of my formal CBC consultation response.

Andy McParland  
Specialist Environmental Health Officer  
Charnwood Borough Council  
01509 634784

#### Data Protection

For information about how and why we may process your personal data, your data protection rights or how to contact our Data Protection Officer, please view our [Privacy Notice](#)

**Cluer Rachel**

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**From:** development.control@charnwood.gov.uk  
**Sent:** 11 December 2018 17:24  
**To:** licensing@charnwood.gov.uk  
**Subject:** Papa Johns Pizza, 49 Baxter Gate, Loughborough, Leicestershire, LE11 1TH  
**Attachments:** Decision Notice P.16.0139.2 - 49 Baxter Gate Loughborough - Papa John's (GB) Ltd.doc

NOT PROTECTIVELY MARKED  
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Licensing Charnwood  
 Charnwood Borough Council  
 Southfield Road  
 Loughborough  
 Leicestershire

Development Management  
 Southfields Road  
 Loughborough  
 Leicestershire  
 LE11 2TN

Please Contact: Karen Barton  
 Direct Line: 01509 634570  
 Email: [development.control@charnwood.gov.uk](mailto:development.control@charnwood.gov.uk)

**11 December 2018**

Dear Sir/Madam

**APPLICATION NO:** P/18/2336/2  
**PROPOSAL:** (Advice) Premises Licence  
**LOCATION:** Papa Johns Pizza, 49 Baxter Gate, Loughborough, Leicestershire, LE11 1TH

Thank you for your enquiry received on 14 November 2018.

The Local Planning Authority would advise that if implemented this will be in breach of Condition 4 of Planning Application P/16/0139/2 (copy attached):

1. No use of the premises shall be carried out other than between 0800 hours and 2300 hours on Sundays to Fridays, and 0800 hours and midnight on Saturdays.  
 REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

If you have any questions or require further information, please contact me on 01509 634570 or Email [development.control@charnwood.gov.uk](mailto:development.control@charnwood.gov.uk)

Yours faithfully

Karen Barton  
 Development Management Support Officer

Data Protection

For information about how and why we may process your personal data, your data protection rights or how to contact our Data Protection Officer, please view our [Privacy Notice](#)



## Full Application

WYG  
3rd Floor  
54 Hagley Road  
Edgbaston  
Birmingham  
West Midlands  
B16 8PE

Grant Conditionally



Charnwood Borough Council  
Development Management, Southfield Road,  
Loughborough, Leicestershire, LE11 2TN

Email:

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### Details of Application

**APPLICATION NO:** P/16/0139/2  
Change of use of ground floor from retail (Use Class A1) to hot food takeaway (Use Class A5) and use of first floor as residential unit linked to ground floor operation plus minor external alterations including flue.

**PROPOSAL:**

**LOCATION:** 49 Baxter Gate, Loughborough, Leicestershire, LE11 1TH

**APPLICANT** Papa John's (GB) Ltd

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**Details of Decision** Please Read All the Information in this Decision Notice.

Charnwood Borough Council has considered this application under the Town and Country Planning Act, 1990, and grants permission for the development.

This permission is granted subject to the following Conditions and Reasons:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 00443-05K and 00443-06G.  
REASON: For the avoidance of doubt.
2. Within three months of the date of this permission, the installation of an in-line silencer to the air intake and extract and the remedial treatment to the boundary fence, as specified in Section 7 of the submitted noise assessment, shall be implemented and at all times thereafter maintained in working condition and complete condition respectively.  
REASON: The premises are close to residential/business properties and these remedial measures are required to prevent a noise nuisance or annoyance to nearby occupiers.
3. Within one month of the date of this permission, the flue shall be altered wholly in accordance with the approved plans. Thereafter the flue shall be retained and maintained in working order for as long as the use, hereby permitted, continues.  
REASON: The premises are close to residential and business properties and a satisfactory extraction system is needed to prevent nuisance or annoyance to nearby occupiers.
4. No use of the premises shall be carried out other than between 0800 hours and 2300 hours on Sundays to Fridays, and 0800 hours and midnight on Saturdays.  
REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

5. The upper floor residential accommodation at the premises shall be limited to persons solely or mainly employed in the business operating from the ground floor, or any resident dependents.  
REASON: The residential accommodation is closely associated with the Class A5 use on the ground floor and a restriction on its independent occupation is in the interests of residential amenity.

The requirements of these conditions must be complied with.

**Note:-**

A fee is payable where a written request is made for written confirmation that one or more conditions imposed on the same planning permission have been complied with. Please visit our website for more information.

<http://www.charnwood.gov.uk/pages/planapps>

The following notes should be taken into account when carrying out the development

1. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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Richard Bennett

Head of Planning and Regeneration **24 May 2016**

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**NOTES:**      **P/16/0139/2**

This notice grants planning permission only; it does not allow the demolition or work to a listed building, for which a separate consent is needed. If you are carrying out building work, you should check whether you need approval under the Building Regulations. Tel: 01509 634924/634757 or email: [building.control@charnwood.gov.uk](mailto:building.control@charnwood.gov.uk)

If you are carrying out works on highway land, you should check whether you need the approval of Leicestershire County Council. Tel: 0116 305 0001 or email: [information@leics.gov.uk](mailto:information@leics.gov.uk) You are also advised to check whether any restrictive covenants apply to the application site.

You can appeal to the Secretary of State for Communities and Local Government (SoSCLG) against our decision to include conditions on this planning permission. You must appeal within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN. Telephone: 0303 444 5000, website: <https://www.gov.uk/planning-inspectorate>

The SoSCLG can allow a longer period for making an appeal, but he will not normally do so unless there are special circumstances to justify any delay.

The SoSCLG need not consider an appeal if it seems to him that we could not have granted planning permission for the proposed development without the conditions we have imposed, having regard to planning law, to the provisions of any development order and to any directions given under a development order. In practice, the SoSCLG does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

**Purchase Notices**

If either we or the Secretary of State grants permission conditionally, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Access and provision for disabled persons.**

If your proposal involves shops, offices, factories, educational buildings & buildings to which the public are to be admitted, you should check the requirements of the Chronically Sick & Disabled Persons Act 1970 (Sections 4,7,8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for Disabled persons within the building. You should also check the Code of Practice B.S. 5810 : 1979, "Access for the Disabled to Buildings" available from the British Standards Institution, 2, Park Street, London, W1A 2BS and (in so far as educational buildings are concerned), to Design Note 18" Access for the Disabled to Education Buildings".

**Access for fire brigade.**

Where you make an application for approval under the Building Regulations for the erection or extension of a building, the Council will have to reject the plans unless, after consulting the Fire Brigade, they are satisfied that the plans show:

- (a) that there will be adequate means of access for the Fire Brigade; and
- (b) that the proposed works will not make inadequate any existing means of access for the Fire Brigade to a neighbouring building.