

Andrew Guest/KDC

16/10/2009 08:40

To Licensing/KDC@KDC

cc Robert Draper/KDC@KDC, hilary.marsh@wiltshire.gov.uk,
Gillian Salisbury/KDC@KDC

bcc

Subject Application to vary a Premises Licence - Mr Mehmet Nuri
Bektasoglu, Charcoal Grill, 13a Hughenden Yard,
Marlborough

I refer to the application for premises license variation for late night refreshment at 13a Hughenden Yard, High Street, Marlborough, Wiltshire, SN8 1LT.

I would advise that the local planning authority strongly objects to this application. This is because the application runs counter to a planning condition attached to planning permission reference K/18632 which restricts the hours of operation. Specifically this condition states "The use shall not take place at any time between 2400 and 0800 hours on any day. Reason: To protect the amenities of nearby residential properties". The licensing application which seeks to vary their licence until 01:00 Sunday to Thursday and 02:30 on Friday and Saturday clearly conflicts with this condition.

A planning application was submitted to the Council in September 2008 which sought to change the opening hours to 12 midnight Sunday to Thursday and 3am Friday and Saturday (reference K/59643/F). This application was refused as the proposal was likely to result in increased noise and disturbance to the occupants of nearby residential properties to the detriment of their amenity. A similar application to extend hours until 2am on Friday and Saturday nights was also refused in 2004 for the same reason (KDC ref: K/50650/F).

The applicant appealed against both refusals but each time the Planning Inspectorate upheld the Councils decision. This was on the basis that the proposal to extend the opening hours would adversely affect the living conditions of the occupiers of nearby dwellings by reason of unacceptable noise and disturbance. With regard to the most recent appeal the Inspector specifically noted that the proposed extension to opening hours "would result in additional people congregating around the premises who otherwise would not likely be there, and possibly parking in the car park when otherwise they would not. In this relatively quiet location there would be considerable potential for the later opening of the Charcoal Grill to cause unacceptable noise and disturbance to the occupiers of nearby dwellings, through loud talking, shouting and car movements. This would adversely affect their reasonable expectation of peace and quiet at times when trying to sleep". He went on to comment that any extension beyond 12 midnight would have the potential for unreasonable disturbance.

The proposal to extend opening hours would clearly cause harm to the amenity of local residents by reason of noise and disturbance and for this reason the local planning authority does not consider that the licence application meets licensing objective (d) which is the prevention of public nuisance.

Gill Salisbury
Senior Planning Officer

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Robert Draper/KDC
23/10/2009 10:30

To Licensing/KDC@KDC
cc helen.pinchen@wiltshire.gov.uk
bcc

Subject Charcoal Grill, Variation to Licensing

I have now considered this application fully and wish to object on the grounds of public nuisance.

The area is sensitive to noise and disturbance especially late at night and the addition of later hours will exacerbate the issue of gatherings of people and vehicles in the area of the carpark adjacent to residential properties.

I also note that in the application there is no information or consideration given as to how any such nuisance may be controlled.

Robert Draper

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Thank you
