

Stewart Broome

From: gordon phillips
Sent: 18 April 2023 18:44
To: Lin Bagwell
Subject: [EXTERNAL] Re: Alcohol Licence Application for Indian Edge at 9A Broad Street, Ely, Cambridgeshire, CB7 4AJ

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is gordon phillips

Dear Lin,

Thank you for your telephone call this afternoon, and for your e-mail below.

Just to confirm, we definitely wish our e-mail of the 16th April 2023 to be taken as a formal objection to the application for a Licence to serve alcohol at the above premises beyond 22:00 hours on any day of the week.

As explained in our e-mail of the 16th April 2023, the main reason we object is that Indian Edge is located in a predominantly residential area, and late night opening would inevitably result in increased noise late into the night.

If they have no intention of opening after 22:00 hours, it is beyond pointless to grant them a Licence to serve alcohol after that time.

Yours sincerely,

Gordon & Marie Phillips


On 18/04/2023 16:26, Lin Bagwell wrote:

Dear Gordon & Marie

Thank you for your email, which I have discussed with Stewart Broome, Senior Licensing Officer, and for my telephone conversation with Gordon today. Stewart has asked me to respond to your email as below.

The way licensing and planning interact is very much as two separate regulatory functions, but I can confirm that the hours permitted on the planning consent were pointed out to the applicants before they submitted the licensing application. However, the law enables a person to apply for licensing hours outside of the planning permission hours, and this is what the applicant has decided to do.

The way the regulatory functions work is simply this, where trading exceeds planning permission hours, our planners enforce the breach, and where the trading exceeds the licensing hours, we enforce the breach.

Condition 7 of the planning permission states, "the use hereby permitted shall not take place other than between the hours of 12:00-22:00 each day Monday to Sunday. Deliveries to and from the site shall not occur outside of the above times."

Whilst this remains a condition of the licence it will not matter if any successful application for a licence contains hours beyond this time, they would be acting illegally if they breach the planning restriction.

Having assessed your comment, I can confirm that it just meets the threshold to be considered a valid representation, but given the information within this email, I would ask whether you still wish for it to be considered as such. The implication of submitting an objection is that the application must be determined by a Licensing Sub-Committee, and this will entail either a full hearing, or if you and the applicant (and any other possible objectors) agree terms, it would require a closed ratification hearing.

Please let me know how you wish me to treat your email as soon as possible.

Best wishes

Lin

Lin Bagwell
Licensing Officer (Enforcement)
East Cambridgeshire District Council
Tel: 01353 616477
Mobile: 07776244488

Email: lin.bagwell@eastcambs.gov.uk

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From: gordon phillips
Sent: 16 April 2023 09:03
To: Licensing <Licensing@eastcambs.gov.uk>
Subject: [EXTERNAL] Alcohol Licence Application for Indian Edge at 9A Broad Street, Ely, Cambridgeshire, CB7 4AJ

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is gordon phillips <gordon.phillips2@ntlworld.com>

Good morning,

We were dismayed today when we saw that the owners of Indian Food (ELY) LTD have applied for a Licence to serve alcohol at the above premises from 17:00 to 23:00 from Sunday to Thursday, and from 17:00 to 00:00 on Friday and Saturday.

This goes against the restriction that was put on them when they were granted planning permission to change the use of 9A Broad Street Ely Cambridgeshire CB7 4AJ to a restaurant/take away, as at that time they were told that they were required to close by 22:00 each day.

This property is in a completely unsuitable location for late night opening, as this is a predominantly residential area, and late night opening would inevitably result in increased noise late into the night. Also, if this permission is granted, this would be the latest opening Indian Restaurant in Ely.

We are left wondering which other restrictions that were applied when Planning Permission for change of use was granted will now be watered down or be completely overridden.

For the above reasons we strongly object to the opening hours of this new Restaurant/Take Away being extended beyond the 22:00 limit that was laid down when Planning Permission was granted for change of use of the premises.

Yours faithfully,

Gordon & Marie Phillips



We are committed to reducing single-use plastics #bringyourownbottle

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**THE LICENSING ACT 2003
REPRESENTATION FORM FOR OTHER PERSONS**

An 'other person' is any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of the geographic proximity to the premises.

Full name	CAROLINE HOOKER
Title	MRS
Postal address (inc post code)	[REDACTED] BROAD STREET ELY [REDACTED]
Contact telephone number	[REDACTED]
Mobile telephone number	[REDACTED]
Email address	[REDACTED]

Name of premises you are making a representation about	INDIAN EDGE
Address of the premises you are making a representation about	9 A BROAD STREET, ELY, CAMBS , CB7 4AJ

This section is about your representation which must relate to one or more of the Licensing Objectives.

Please detail the evidence supporting your representation under the relevant headings, the reason for raising the representation and include all matters you wish to be considered (use additional sheets if necessary).

When considering representations the Licensing Authority may take into account documentary evidence or other information produced by 'other persons' either before the hearing or, with the consent of all parties, at the hearing.

Which licensing objective(s) does your representation relate to?	Detail the evidence supporting your representation, or the reason(s) for your representation (use additional sheets if necessary)
The prevention of crime and disorder	Public safety

<p>The prevention of public nuisance ✓ I believe that the late opening hours will cause considerable noise disturbance to the residential properties surrounding this restaurant, both from the music and diners inside the building and also from customers when they enter and</p>	<p>The protection of children from harm leave the building. There is also a high likelihood of anti-social behaviour from diners late at night. There will also be considerable noise due to people driving/walking to collect takeaways.</p>
<p>Suggested conditions that could be added to assist the Licensing Authority in determining this application, or other suggestions you would like the Licensing Authority to take into account (use additional sheets if necessary)</p>	

If the Licensing Authority considers that relevant representations have been raised, a mediation meeting between the relevant parties (if all agree) may be arranged to try to reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be arranged unless all representations are withdrawn.

All representations in their entirety will be disclosed to the applicant for a premises licence or club premises certificate.

Signed [redacted] Date ... 01-05-23

Please print designation [redacted]

Please return this form along with any additional sheets to:

Licensing Team
 Environmental Services
 East Cambridgeshire District Council
 The Grange
 Nutholt Lane
 Ely
 CB7 4EE

Telephone: 01353 665555

Email: licensing@eastcambs.gov.uk

This form must be returned within the statutory period, which is 28 days from the day after the day on which the applicant served the application on the Licensing Authority.

Due to tight timescales involved and to assist the determination of the application process any representations should be forwarded to the Licensing Authority as soon as possible and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing Team as above.



**THE LICENSING ACT 2003
REPRESENTATION FORM FOR OTHER PERSONS**

An 'other person' is any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of the geographic proximity to the premises.

Full name	Helen Graham & Nigel Graham	
Title	Mrs	Mr
Postal address (inc post code)	Fosbyll El CB7 4AQ	
Contact telephone number		
Mobile telephone number		
Email address		
Name of premises you are making a representation about	9A Broad Street Indian Edge	
Address of the premises you are making a representation about	9A Broad Street	

<p>This section is about your representation which must relate to one or more of the Licensing Objectives. Please detail the evidence supporting your representation under the relevant headings, the reason for raising the representation and include all matters you wish to be considered (use additional sheets if necessary). When considering representations the Licensing Authority may take into account documentary evidence or other information produced by 'other persons' either before the hearing or, with the consent of all parties, at the hearing.</p>	
Which licensing objective(s) does your representation relate to?	Detail the evidence supporting your representation, or the reason(s) for your representation (use additional sheets if necessary)
The prevention of crime and disorder	Public safety

<p>The prevention of public nuisance ✓ <i>In accordance with the East Cambs District Council Approval of the Planning application.</i> <u>Points 7.</u></p>	<p>The protection of children from harm</p>
<p>Suggested conditions that could be added to assist the Licensing Authority in determining this application, or other suggestions you would like the Licensing Authority to take into account (use additional sheets if necessary)</p> <p><i>It is disappointing that the application for an extension of the opening hours has been requested even before premises has been opened.</i></p>	

If the Licensing Authority considers that relevant representations have been raised, a mediation meeting between the relevant parties (if all agree) may be arranged to try to reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be arranged unless all representations are withdrawn.

All representations in their entirety will be disclosed to the applicant for a premises licence or club premises certificate.

Signed [REDACTED] Date 17/4/2023

Please print designation Resident

Please return this form along with any additional sheets to:

Licensing Team
 Environmental Services
 East Cambridgeshire District Council
 The Grange
 Nutholt Lane
 Ely
 CB7 4EE

Telephone: 01353 665555

Email: licensing@eastcambs.gov.uk

This form must be returned within the statutory period, which is 28 days from the day after the day on which the applicant served the application on the Licensing Authority.

Due to tight timescales involved and to assist the determination of the application process any representations should be forwarded to the Licensing Authority as soon as possible and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing Team as above.



THE LICENSING ACT 2003
 REPRESENTATION FORM FOR OTHER PERSONS

An 'other person' is any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of the geographic proximity to the premises.

Full name	ELIZABETH BASSETT
Title	MISS
Postal address (inc post code)	FOREHILL ELY
Contact telephone number	[REDACTED]
Mobile telephone number	[REDACTED]
Email address	[REDACTED]

Name of premises you are making a representation about	INDIAN EDGE
Address of the premises you are making a representation about	9A BROAD STREET ELY, CAMBRIDGESHIRE CB7 4AJ

This section is about your representation which must relate to one or more of the Licensing Objectives.
 Please detail the evidence supporting your representation under the relevant headings, the reason for raising the representation and include all matters you wish to be considered (use additional sheets if necessary).
 When considering representations the Licensing Authority may take into account documentary evidence or other information produced by 'other persons' either before the hearing or, with the consent of all parties, at the hearing.

Which licensing objective(s) does your representation relate to?	Detail the evidence supporting your representation, or the reason(s) for your representation (use additional sheets if necessary)
The prevention of crime and disorder	Public safety

EAST CAMBRIDGESHIRE
No CLC
 20 APR 2023 DMS
 DISTRICT COUNCIL

<p>The prevention of public nuisance</p> <p>The application for recorded music and retail of alcohol goes against the conditions of approval in the planning permission for the property 22/00512/FUL 22/00512/FUL</p>	<p>The protection of children from harm</p>
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Suggested conditions that could be added to assist the Licensing Authority in determining this application, or other suggestions you would like the Licensing Authority to take into account (use additional sheets if necessary)

22/00512/FUL Approval of change of use -
 see additional conditions of attached letter no: 7
 - reason - to safeguard the residential amenity of neighbouring occupiers, use as restaurant/take away shall not take place unless between 12:00 to 22:00.

If the Licensing Authority considers that relevant representations have been raised, a mediation meeting between the relevant parties (if all agree) may be arranged to try to reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be arranged unless all representations are withdrawn.

All representations in their entirety will be disclosed to the applicant for a premises licence or club premises certificate.

Signed [REDACTED] Date 14/11/2023

Please print designation A neighbouring occupier.

Please return this form along with any additional sheets to:

Licensing Team
 Environmental Services
 East Cambridgeshire District Council
 The Grange
 Nutholt Lane
 Ely
 CB7 4EE

Telephone: 01353 665555

Email: licensing@eastcambs.gov.uk

This form must be returned within the statutory period, which is 28 days from the day after the day on which the applicant served the application on the Licensing Authority.

Due to tight timescales involved and to assist the determination of the application process any representations should be forwarded to the Licensing Authority as soon as possible and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing Team as above.

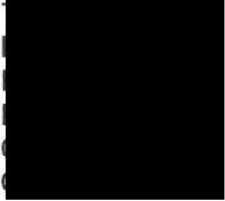


**EAST CAMBRIDGESHIRE
DISTRICT COUNCIL**

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555
DX41001 ELY Fax: (01353) 665240
www.eastcambs.gov.uk

Mr M Rahman
C/O Greg Saberton Design



This matter is being dealt with by:

Rachael Forbes

Telephone: 01353 616300
E-mail: rachael.forbes@eastcambs.gov.uk
My Ref: 22/00512/FUL
Your ref

28th October 2022

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following development:

Proposal: Change of use to restaurant/take away
Location: 9A Broad Street Ely Cambridgeshire CB7 4AJ
Applicant: Mr M Rahman

This consent for planning permission is granted in accordance with the application reference 22/00512/FUL registered 15th June 2022.

Subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
06/2895/22	B	17th August 2022
Servicing Plan		17th August 2022
Ventilation System Full Report		17th August 2022
Arboricultural Impact Assessment	V2	18th October 2022
01/2895/22		8th June 2022
Noise Impact Assessment	2	17th August 2022
02/2895/22	A	23rd June 2022
05/2895/22	A	23rd June 2022

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 Prior to first use a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 3 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 4 Prior to the first use of the development, hereby approved, the extract system silencer shall be installed in accordance with the approved Ventilation System Full Report by Fanworks Ltd, dated 19th July 2022 and Noise Impact Assessment by Noise Assessments Ltd, dated 1st August 2022. Thereafter the approved use shall not take place unless the silencer is installed in accordance with those approved documents.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 The specific rated noise level emitted from the site shall not exceed the existing background noise level. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 Prior to the first use of the development, hereby approved, the extract system shall be installed in accordance with the approved Ventilation System Full Report, by Fanworks Ltd, dated 19th July 2022 and Noise Impact Assessment, by Noise Assessments Ltd, dated 1st August 2022. Thereafter the extract system shall be maintained in accordance with those approved documents and the approved use shall not take place unless the approved extract system is operational.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 The use hereby permitted shall not take place other than between the hours of 12:00-22:00 each day Monday to Sunday. Deliveries to and from the site shall not occur outside of the above times.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 Deliveries and waste collection shall be carried out in accordance with the details in 2598 Servicing Plan by Greg Saberton Design.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 All works shall be carried out in accordance with the Arboricultural Impact Assessment, P2758-AIA 01 V2, dated 18th October 2022. If, during construction, it becomes apparent that further works or changes are required, work shall not progress any further on site until the applicant has secured a site meeting with a suitably qualified professional to agree the details and phasing of any tree surgery

works not detailed in the submitted report. For any works not agreed in the approved document(s), a written schedule shall be submitted to and approved in writing by the Local Planning Authority, and the works carried out in accordance with these approved details.

- 9 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 No hardstanding/surfacing shall be laid at the site without the prior written consent of the Local Planning Authority.
- 10 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 The materials to be used in the construction of the external surfaces of the development shall be either:
 - a. As detailed on drawing number 06/2895/22 Rev B; or,
 - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

All works shall be carried out in accordance with the approved details.

- 11 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 12 No external plant or machinery shall be brought onto the site other than that expressly authorised by this permission.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 The comments of the East Cambridgeshire Access Group regarding requirements and recommendations for accessibility of the development are attached for your attention.
- 2 The applicant/developers attention is drawn to the guidance notes issued by the Council's Environmental Health on potential nuisance during construction and demolition works which is available on our website <http://eastcambs.gov.uk/planning/guidance-leaflets>. All reasonable measures should be taken to prevent nuisance during demolition and construction works, with reference to those notes.
- 3 The decision to approve this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The proposal is considered to be in accordance with the policies of the Development Plan, that are considered to be up to date, and represents 'sustainable' development in compliance with the provisions of the NPPF. The application has been subject to pre-application advice/extensive discussion and amendments have been made that address officer concerns in regards to noise and odour, servicing and trees.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES NOT CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER



Dated: 28th October 2022



Sally Bonnett
Director Community

