





Five flats above the application address
Two flats above 1C Western Road
Five flats above 1A Western Road

The hours of use under planning permission 20011692 (when the premises was 'The Braunstone Gate Inn') were 11:00-23:00 Monday - Saturday and 12:30-22:30 Sundays. No planning permission has been sought and granted to alter these hours of use, however the current hours of use are stated on 'Secret Garden's' website below.

[Dresscode](#)
[Privacy Policy](#)

Contact Information

 <p>Located: 66 Braunstone Gate, LE3 5LG</p>	 <p>Email: secretgardenleicester@gmail.com</p>
 <p>Restaurant Hours: MONDAY - THURSDAY: 12PM - 11PM FRIDAY & SATURDAY: 12PM - 12AM SUNDAY: 3PM - 11PM</p>	 <p>Bar & Lounge: MONDAY: 12PM - 12:30AM TUESDAY: 12PM - 12:30AM WEDNESDAY: 12PM - 12:30AM THURSDAY: 12PM - 12:30AM FRIDAY: 10AM - 2AM SATURDAY: 10AM - 2AM Sunday: 10AM - 12:30AM</p>

The licence application is to 'extend the sale of alcohol, provision of regulated entertainment and late night refreshment and dance etc' to be largely in line with those unauthorised hours. Of particular concern in planning terms is the disturbance caused to nearby residential flats by the in effect 'open air' activities when the retractable canopy is open.

No planning application has been submitted for the change of use or hours. Were planning permission to be granted, it would be highly likely that a condition would be imposed that *'There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers come up under the coordinates with [policy].)'* which would be standard in applications in similar circumstances regarding proximity to residential housing.

Policy PS10 of the City of Leicester Local Plan states that in determining planning applications, the following factors concerning the amenity of **existing or proposed residents** will be taken into account:

- a) **noise, light, vibrations, smell and air pollution (individually or cumulatively) caused by the development and its use;**
- b) the visual quality of the area including potential litter problems;
- c) additional parking and vehicle manoeuvring;
- d) privacy and overshadowing;
- e) safety and security;
- f) **the ability of the area to assimilate development;** and
- g) access to key facilities by walking, cycling or public transport.

[emphasis added]

A formal decision has not yet been made as to the taking of formal enforcement action, which may involve issuing an Enforcement Notice for removal of the structure and/or change of use. Regardless of this, the unauthorised use is currently operating and would not be granted planning permission in its current form due to issues including noise and light issues affecting the flats and lack of bin storage area.

Granting of the licence means the unauthorised activities would continue at the cost of loss of amenity to nearby neighbours and would not be expected to operate in the open air.

The Planning Department objects to the extension of licensing hours in the interests of Prevention of Public Nuisance.