

1 June 2011

Dear Sir/Madam

Application for review of the premises licence (Licensing Act 2003) Ref No 061205

And

Breach of planning condition

Kaimas Lithuanian Restaurant 561 - 563 Lincoln Road Peterborough PE1 2PB

Further to the proposed review of the **premises licence (Ref No 061205)** regarding the **Kaimas Lithuanian Restaurant at 561 - 563 Lincoln Road, Peterborough, PE1 2PB**, the Local Planning Authority wishes to object to the use of the upper floor as part of the existing restaurant.

The planning permission to use the ground floor of the above premises as a restaurant was granted on 10.05.2001 under reference 01/00225/FUL. The planning decision notice includes at condition 5 the following text:

The restaurant and hot food takeaway use hereby permitted shall be limited to the ground floor of the premises (Nos. 561 and 563 Lincoln Road) only.

The condition specifically prevents the use of the first floor as a restaurant because it would have a significant detrimental impact on the adjacent terraced properties that were and can be used for residential purposes. The impact of noise and vibration from the restaurant use on the upper floor, which could be directly adjacent to possible bedrooms in the neighbouring residential uses, could not be readily addressed by the provision of sound proofing or other enforceable planning conditions.

Furthermore, The Local Planning Authority received a planning compliance complaint on 27.01.2011 that the upper floor of the above premises is being used as a restaurant.

The use of the upper floor as a restaurant was established by site visit on 01.02.2011. A letter dated 08.02.2011 was sent to the owner and the restaurant operator advising that the use of the upper floor as a restaurant was unauthorised and that it should cease as soon as possible and specifically not later than 8/3/11. The recipients chose not to end the use of the upper floor by the due date and this was confirmed by site visit on 08/03/2011.

As the existing use of the upper floor is in breach of the planning permission to use the ground floor as a restaurant, the Group Manager, Development Management within the planning Service has instructed that a planning enforcement notice should be served for breach of the above planning condition. The purpose of the notice would be to put a stop the unauthorised use of the upper floor as a restaurant. The service of the enforcement notice has been held in abeyance pending one further letter of warning to the interested parties (Owner, operator and any mortgage providers) and the out come of this licence review.

The Local Planning Authority is also aware that the restaurant activity on the ground floor is likely to have an impact on the residential amenity of the adjacent dwellings. It

would support the suggested revisions to the licence, as they would minimise the impact of the ground restaurant use on the neighbouring properties.

It is respectfully requested that when considering the review of the licence for the above premises, the licensing panel takes into account the views of the Local Planning Authority that the continued use of the upper floor of the above premises as a restaurant is unacceptable.

Yours faithfully

Mr Nigel Barnes
Compliance Team Leader