

CHERWELL DISTRICT COUNCIL  
LICENSING AUTHORITY

02 DEC 2013

**Cherwell District Council  
Public Protection and Development Management  
Anti-Social Behaviour Units Licensing Consultation Response.**

**Licensing Act 2003: Application for a premises license  
Applicant(s): Mr Adnan AHMED**

**Premises: Banbury Fried Chicken 24 Middleton Road BANBURY OX16 4QT**

**Details of the application:**

An application for a premises license in respect of a hot food take away to open for the provision of late night refreshment until 00:00 hrs, Mon – Thur, 02:00 hrs, Fri, 02:30 hrs Sat and 01:00 hrs, Sun

**History**

These premises have been operating as a take away food outlet since 2004 when planning approval (04/01113/F) for a change of use was granted to permit the activity to take place. Planning approval was granted subject to a condition permitting the premises to remain open until 22:30 hrs Mon –Thur and 23:00 hrs on Fri and Sat. No opening was permitted on Sun or Bank or Public holidays.

In 2006 a further planning application was made seeking permission to vary the hours restriction described above (06/01971/F). Approval was granted permitting the premises to remain open until 00:00 hrs Sun – Thurs and 02:00 hrs on Fri and Sat.

No application for a premises license was made following the grant of this planning permission. A complaint was received alleging the premises were opening beyond 23:00 hrs which was investigated jointly with the Licensing Department. The allegation was found to be justified and the situation was eventually regularised.

During 2012 the ASB Team received a complaint from a nearby resident (12/11754/NSPEOP) alleging that customers attending the premises were responsible for ASB in the immediate area. This was alleged to take the form of waste being deposited in nearby gardens, discarded food being thrown at nearby dwellings and nuisance parking in a nearby residential street. It was also alleged that the manager of the premises at that time had not dealt with these complaints in an appropriate manner when they were made directly to him.

We have a current complaint which is under investigation that alleges there is noise being emitted from the premises well beyond the permitted trading hours.

**Observations.**

Since the initial grant of planning permission and the subsequent successful application to vary the hours restriction condition the immediate area surrounding Banbury Fried Chicken has changed significantly. In 2007 planning permission was granted (07/01428/F) to permit the development of the adjoining car sales forecourt to form a complex of flats. This consent was implemented in 2009. The result being that the premises are now sandwiched between two residential areas which could be adversely affected by late night noise.

The frontage of Middleton Road is subject to a double yellow line parking restriction and the premises themselves have a maximum of three off street parking spaces, one of which is utilised by their take away delivery vehicle. The result being that customers either park illegally in front of the flats fronting on to Middleton Road or drive into the residential area of Mckeavor Place to park. This activity has the potential to generate noise and the impact would be greater the later into the night that it takes place.

It is noted that this application seeks hours of operation for which a current planning consent is not held.

**Recommendation.**

**That the application is rejected due to the proximity of residential properties and the potential customers using the premises have to cause nuisance to the occupants of these properties.**

**It would however be considered acceptable to grant a premises license that would permit the opening of the premises until 00:00 (midnight) on any day.**

**Anti Social Behaviour Manager  
02/12/13**

A copy of this report is sent to the applicant(s) or their agents and to the Licensing Authority for the Cherwell District Council Area. Should you wish to discuss the contents of this report and its recommendations please contact Rob Lowther on 01295 221623 or [rob.lowther@cherwell-dc.gov.uk](mailto:rob.lowther@cherwell-dc.gov.uk).

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Correspondence must be addressed to Safer Communities, Urban & Rural, The Licensing Authority, Cherwell District Council, Bodicote House, Bodicote Banbury OX15 4AA