

12/01052/LAPLA

**2 Rosebank
Flash Lane
Rufford
Ormskirk
L40 1SN**

**Chorley Council
Licencing Department
PO Box 613
Chorley
PR6 6LG**

10 December 2012

**12/01052/LAPLA ALAWAR RAHMAN.
PANSHI 24 TOWN ROAD, CROSTON, PR269RS.**

Dear Sir, madam,

My name is Paul Evans and my wife's name is Emma Evans.

We are the owners of the property 24a Town Road, Croston, PR26 9RS.

We have been the legal owners of this property since 31 July 2007. Our property is located directly above the business premises now known as Panshi. When we purchased the property it was in desperate need of a full renovation and at the time we very carefully and with no expense spared completely stripped out and refitted the 3 bedroom apartment to a very high standard as our next family home. At the time the business below, (Café Rendezvous), had been operating as a village cafe serving the public and visitors to Croston with Coffee, teas, lunches and snacks. It had never been licenced to serve alcohol and we believe that any previous applications had been rejected. Cafe Rendezvous used to open at about 10am and usually close for business at 4.30 every day.

This was great for us as we were out working during the day and in with our young family in the evening when everything was quiet. Shortly after buying the property we were informed of a pending licence application made by the current owners Rasburn & Kenyon. Following several appeals a more restricted licence was granted which in reality prohibited from ever being able to move into our newly re-furbished home due the noise levels both inside and outside the premises during opening hours. When the premises were divided into business and residential premises inadequate care and investment consideration was given to the levels of insulation, soundproofing and prevention of odour passing into the 1st floor premises. I have endeavoured to correct this situation myself but as a retro fit it is impossible to access all of the ceiling/floor space areas between the two premises.

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There is a void of about 1.5 meters in height between the whole ceiling/floor which is calculated to be an area of around 1200 square feet below our apartment. This obviously allows any sound to travel through the whole premises which can be heard thought the whole of the private dwelling above. Two of the three bedrooms are directly above this void area.

Although the premises had its licence revoked over two years ago this has still prevented us returning to our premises.

The property is however currently occupied by our tenant, Mrs Amber Marsh who has made the premises her home since May 2012. There have been several noise disturbance since her tenancy and as Mrs Marsh is a lovely yet rather sensitive and timid individual I have had to approach not only the current management and staff on several occasions regarding noise, odours, late night opening, litter and waste management issues, infestation of insects, flies and vermin and frequent drainage issues. All of these concerns have been reported to the relevant departments within Chorley Council at the time each issue arose. I have also had to address all of the same issues with the previous manager Mr Khan and his staff, and the previous management, Mr Razburn & Mr Kenyon.

Our previous tenant Mrs Heyes also gave the regular disturbance of noise, including talking voices, shouting, occasional staff arguments, music and the underlying constant background noise of customers inside the restaurant, kitchen noise including the banging sound of saucepans and utensils, together with the odours both inside and outside the property as factors why notice had to be given to her 3 year tenancy with her three young children.

It is now not just our financial interest at the property that we are concerned about. If a licence was to be granted we, together with our tenant and her family would be the most directly affected by your decision. This would obviously have a huge detrimental effect on potential quality of life for all current and future occupants of this private dwelling. We know first-hand the affect that this would have on any future satisfactory occupancy of our premises above the restaurant. We are directly affected both in the short term with regards to how the quality of life would deteriorate for our tenant but how over the longer term this would also prohibit us as a family with a very personal attachment to our premises from ever being able to consider moving into our intended home in the future. I would strongly suggest that before a potentially life changing decision can be made in relation to this application, that it would be essential to conduct a site visit during current opening hours to witness and experience the potential negative effects that licencing of this premises would cause.

These particular premises have never benefited from the required separating structures of sound insulation, vapour, fire and odour barriers necessary to isolate the noises associated with this type of business from affecting the separate dwelling directly above.

Mr Rahman has always been positive about his current status as the only BYOB restaurant in the village as it makes them unique, affordable and appealing to the local client base.

There are currently seven different licenced public houses/restaurants and two off licence premises within a very short walking distance of Panshi and all within the village of Croston.

Appendix 4

I know that all of the publican and restaurant owners have made their business choices to live within and above their chosen business premises. I am aware that it is sometimes not an ideal situation to live as a family especially with young children living with them, but it is their career choice and often a necessity to live there. It would obviously not be our choice to live directly above licenced premises with our family and children aged eight and eighteen months. This is the same situation currently for our tenant and her children who works full time and has both children in full time education.

Mr Rahamam took on the business at the premises knowing that it had had previous problems with licencing. That the previous licence had been revoked, that there were restrictions on licencing/opening hours, and that it was and still is directly and uniquely attached to a privately owned private dwelling We have discuss this situation with him and his staff personally on many occasions. Mr Rahman is fully aware of our feelings regarding this matter. Although it is nothing personal to Mr rahman, it is a very emotive and personal issue to us!

The situation has not changed since our first appeal in 2007. I trust that you will consider all of my comments very carefully together with the affects that this would have on all of the other nearby occupants of this small village centre conservation area. There are many private dwellings to either side, behind and directly opposite the Panshi Restaurant.

If you would like to arrange a site visit as suggested, my contact details are;-
Paul Evans.m. 07769 194048. h. 01704 821864.
e-mail, evanstours@live.co.uk

Please acknowledge this message to ensure that it has been received and delivered' to the correct department prior to the closing date of 12/12/12.

Yours faithfully.



Paul Evans