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Sent: 30 July 2020 21:30

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Fwd: Objection to Licence Extension by Eden Tearoom & Gallery

From:

Subject: Objection to Licence Extension by Eden Tearoom & Gallery

Date: 30 July 2020 at 21:25:44 BST

To: licensing.enquiries@westlancs.gov.uk

Cc:

Licensing Department,
West Lancashire Borough Council
Robert Hodge Centre,
Skelmersdale WN8 8EE

To Whom It May Concern

My wife & I have been residents in Newburgh Village for over 45 years & we object very strongly to the application to have extended Alcohol Licensing hours for the Eden Tearoom & Gallery, Course Lane, Newburgh.

In our opinion there is absolutely no necessity for a "Tearoom & Gallery" to need to be serving alcohol as early as 8.00am or indeed for such a premises to be open & serving alcohol until 11.00 pm at night - even less necessity for the premises to be asking to change its use to provide refreshments, live & recorded music for late night events until 1.00am on Fridays & Saturdays.

This is completely out of character with the **rural residential** area in which the premises are located because it is heightening the possibility of nuisance, noise, & inconvenience to local residents & could even be a danger to children in the area.

Please take these comments into consideration.

Yours Faithfully

From:

Sent: 09 August 2020 14:16

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tea Rooms

Application – 2020/0439/FUL

- alcohol to be served for consumption on and off the premises Sunday to Thursday 8 am to 11 pm. Friday and Saturday 8 pm to 1 am:
 - provision of late-night refreshment, live and recorded music indoors only for the same hours for pre-booked events only:
 - proposed opening hours Sunday to Thursday 8 am to 11 pm. Friday and Saturday 8 pm to 1 am:

It is inconceivable that any positive consideration should be given to the above application. Eden was originally planned to be Tea Rooms opening 8 am to 6 pm Monday to Saturday and on Sundays and Bank holidays 9 am to 6 pm.

Not only to excessively extend the hours, but also to include alcohol does not appear to be in keeping with the expectations of the original application in which no mention was made of these future proposals. The outcome of the original application may have been different had this been made known at the time. As the tea rooms have only been open for a few weeks the change of use seems to be extraordinarily sudden to say the least.

The late night hours are of grave concern to those of us living near by. Very few will be leaving before the 11 pm or 1 am closing times and the resulting noisy exodus in cars will disturb many residents, some of whom have to go to work the following day and need a good nights sleep. It has been noted in the media recently that when alcohol is consumed, respect for others seems to evaporate – this is a worrying thought.

The wedding and other private functions which are planned for the future (at which the proposal is to provide alcohol) also poses the question of the numbers of people we can expect to be attending. At the moment numbers are limited, but this is just for now and reading about the couple who recently married with a compulsory reduced attendance of 30 instead of the planned 300 – I think we need some answers before it is too late.

Venues like this are usually sited in a city or town centre, far away from houses and residents who could be affected by the noise associated with the consumption of alcohol. This venue is very close to many houses and residents who will be affected. Let's not lose sight of the fact that we live in a small rural village not a city or a town and we would ask that others respect that fact.

Sent: 05 August 2020 09:06

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Fw: Eden Tearoom and Gallery - Premises Licence Application

I am forwarding my message because I wrongly addressed it.

----- Forwarded message -----

From: >

To: licensing.enquiries@westlancs.co.uk <licensing.enquiries@westlancs.co.uk>

Sent: Tuesday, 4 August 2020, 17:21:22 BST

Subject: Eden Tearoom and Gallery - Premises Licence Application

I wish to make the following representations for consideration by the Licensing Authority:

The application for alcohol to be served for consumption on and off the premises Monday to Sunday 8 am to 11 pm is likely to cause nuisance to the public, particularly those living nearby. There is a considerable likelihood of late night noise from people leaving the premises and from associated vehicles. There is a risk to public safety in that the premises are clearly designed to attract passing motorists with a consequent risk of additional casual drinking. The hours for off sales are probably longer than at most local off licences, with a risk of additional traffic as people drive to Newburgh towards the end of the opening time.

The hours are longer than most pubs and seem inappropriate for a self styled cafe and gallery. The application effectively changes the premises from a cafe to a pub.

The application for the provision of late night refreshment, live and recorded music 11 pm to 1 am Friday and Saturday for pre-booked events only serves to exacerbate the problems raised above - with the potential for public nuisance extending to 1 am on two nights a week. No limitation is proposed for the number of such events to be permitted. The hours proposed are excessive in any case and even more so if the events could occur every week.

The proposed opening hours allow for the premises to be open till 1 am every Friday and Saturday, presumably without refreshment on the nights when there is no pre-booked event. This is again a potential source of nuisance on a regular basis.

Back Lane
Newburgh
WN8 7XB

Newburgh

From:

Sent: 26 July 2020 15:16

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearoom and Gallery - Premises Licence Application

Dear Licensing Authority members,

I write to object to the premises Licence Application by Eden Tearoom and Gallery, Course Lane Newburgh.

I do so because the application, if granted, would have a detrimental effect on some or all of the relevant licensing objectives. Light and noise 'leakage' from inside the venue would be compounded by the noise and light from late-night vehicular movements, affecting the sleep and general quality of life of children (and other local residents). The application would allow increased drinking time and thus pose an increased threat to road safety in the village. All in all the workings of the application would constitute a public nuisance and go well beyond the reasonable and apposite proposals originally approved for opening the establishment.

Yours sincerely,

New Acres,
Newburgh.

Cobbs Brow Lane
Newburgh

-----Original Message-----

From:

Sent: 22 July 2020 22:01

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Objection to licensing and changes to proposed building

Hi

I would like to object to the application for late licensing at the Eden Tearooms and gallery.

A late license until 1am would be detrimental to the rural area and would cause disturbance to local residents. Noise, late at night, when people are leaving premises in the early hours. Original application was for 11pm, NOT 1pm.

I also object to the application for a large outdoor seating area on greenbelt land, this will cause further late night disturbance and the footprint of the new building was supposed to be within that of the old building. This is NOT. It would be a new structure outside the original footprint agreed.

I also object to the new signage, more suited to an urban retail park, not in keeping with a rural village in a conservation area and with buildings of historical interest.

King regards

Newacres

Newburgh

WN8 7TU

Ref Eden Tearooms License.

We strongly object to this application.

It does not matter how many conditions are attached to the license, the applicant HAS to abide by them, the residents of Newburgh have no idea if the conditions will be adhered to. The applicant has so far flouted many breaches of planning as it is. In our experience it does not matter how many conditions are attached to planning applications, applicants rarely abide by them and nothing is done about it by the Council! They have admitted there is very little they can do.

If this license is granted the residents of Newburgh will have noise, extra traffic, car doors banging in the early hours, not to mention light pollution which is causing a nuisance to nearby residents at the present time. Whatever the event in the summer months partygoers etc will inevitably go to sit outside in the early hours, this will cause untold nuisance to residents all over Newburgh, noise carries in the evening. We are quite a distance from Tawd Vale scout camp, when they have gatherings and events and we can clearly here what is going on, Tawd Vale is set in a valley surrounded by trees, the Eden Tearooms are in a wide open space with no trees to deaden any sound emitting from the premises.

Light pollution is a big issue with this building, the construction being steel and mainly glass, 'the whole frontage is glass', we do not believe the building is a suitable structure for weddings and events etc.

Newburgh is a quiet village served by The Red Lion. Briars Hall along with the Sports Club all suitable venues for any events.

Residents feel they have been completely misled by the applicant, there were no objections to the tearoom and gallery in the first application, a pleasant stopping place for a bite to eat etc, at no time did we think a late alcohol license would be applied for! They have never at any time discussed their plans with the village or the Parish Council (they were invited to).

When we last went past the building there were two very large and obtrusive satellite dishes on the front of the building, what are they for we ask? There is seating outside which is being used by customers at present (flouting planning rules) leaving us and many residents with serious concerns that the applicant will just ignore any conditions attached to the license.

If trouble were to occur at an event at the Eden Tearooms (being music or wedding etc) with alcohol involved there could be great disturbance caused to residents, we all know to our cost how difficult it is to get a police response in a small village as they are invariably dealing with issues in towns and cities. In these present times with Covid in our midst times are even harder for everyone, fire, police, ambulance, especially are already at their limits.

Who could possibly police the "guests" at music events etc to stop them going outside? they would need so many staff it would not be cost effective!

Please have some thought for the residents and refuse this application.

There are serious concerns how the alcohol license was granted in the first place.

-----Original Message-----

From:

Sent: 25 July 2020 16:14

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Cc:

Subject: Eden Tearoom, Newburgh application

I wish to lodge an objection to the application made by Eden Tearoom, Course Lane, Newburgh for:

- Alcohol license on Monday - Sunday,
- Late license on Friday and Saturday,
- Opening hours to 11am weekdays and Sunday and 1am Friday and Saturday

The original application for a tearoom was supported by residents however this late license will create noise and light disruption to this small, rural village. The business also propose to develop an outside area for events will also add to the noise levels in the village.

This type of venue is inappropriate in an area where there is limited public transport and will mean additional traffic late into the evening as well as the noise generated by groups of people.

I would ask you to decline this application.

Best wishes,

Woodrow Drive,
Newburgh

From:

Sent: 04 August 2020 09:36

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearooms & Gallery

I strongly object to the late hours Sunday to Thursday 8am to 11 pm and Friday and Saturday 8am to 1am as this will cause considerable disturbance to the residents of Course Lane i.e. the bright lights from the building, the noise from people drinking outdoors and people leaving late at night with car doors banging and headlights shining into houses which will cause a major public nuisance for the residents of Course Lane. I strongly recommend this application be rejected.

Course Lane, Newburgh

From:

Sent: 22 July 2020 22:56

To: Murray, Michaela <Michaela.Murray@westlancs.gov.uk>

Subject: Re: Eden Gallery and Tea Rooms 2020/0439/FUL

I understand that this application together with any variation now falls back in your remit. We wish to reiterate our strong objection to the granting of any licence that will prove to be detrimental to the peace and tranquillity of our village. There is no objection to the originally planned opening times as a tea rooms and gallery but a venue that intends to operate until 1am on Friday and Saturday offering both alcohol and live music are not compatible with the quiet nightlife Newburgh village offers.

You can insist on as many safeguards as you wish but you are absolutely not going to avoid disturbance for the near neighbours to this venue. There will be increased traffic, raised voices, vehicle doors closing. Presumably flashing lights from any live music event/private function. None of this fits in with the original vision created and applied for by the applicants. It is for these reasons and those stated in our original email that we again voice our concerns and strong objections.

WN87UW

From:

Sent: 24 July 2020 16:53

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden tearoom and gallery

I wish to make a few points in relation to the application by Eden Tearoom and Gallery for a licence to serve alcohol into the late evening. I believe that that application should be rejected.

It is absurd to grant an alcohol licence for hours that the premises are not allowed to be open. It is obviously more sensible for the applicant to apply to vary the hours of opening first and, if approved, then to apply for a licence to sell alcohol.

However, if this state of affairs is going to be done back to front, then I would object to the alcohol licence on the following grounds

1. The application runs contrary to the planning permission granted to the applicant. The planning permission took into account the local situation and the conditions were applied after due consideration. These conditions are very important and should be upheld.
2. Late night opening with a licence to sell alcohol would inevitably have a negative impact on the quality of life of local residents. The applicant talks about using the venue for weddings! The noise and light generated by large late night gatherings would constitute a public nuisance. Please take into account that the building has glass walls and noise and light nuisance would be greater than for a brick-built building.
3. The applicant is already advertising events that flout the existing planning permission. This has led to considerable suspicion locally about nuisance being unchecked by the applicant.

New Acres
Newburgh
WN8 7TU

From:

Sent: 25 July 2020 14:44

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tea Rooms

I wish to register an objection to the proposed license for Eden Tea Rooms on the grounds of the prevention of public nuisance. There is no justifiable reason why these "Tea Rooms" should be in a position to supply late night refreshment and live or recorded music until 1.00 am on any Friday or Saturday. It is my understanding that planning permission to operate the premises in the evenings after 6.00 pm on any day has not been as yet approved, and would question whether any of the immediate neighbours would have approved of the original application had they realised that this was going to happen. I am sure you will get appropriate advice but a building with glass on both sides at the upper level may not be sufficiently sound proofed to protect the local residents from internal intrusive noise, let alone a car park which could have noise emanating from guests to the facility shouting and banging car doors late at night which we all know is what does happen no matter what measures the operator puts in place. It will without a doubt increase noise levels and therefore cause a public nuisance. For the record, in my objection to the planning application I have stated that 10.00pm would be the latest time that evening opening might possibly be acceptable but I am a resident of Newacres and am less likely to be impacted in any case. I do however feel that my fellow villagers on Course lane and Sandy Lane who will be impacted do not deserve to have their quality of life potentially affected by these licensing proposals. As a tea rooms operating in tea room hours, the development is very welcome but as an evening and late night facility, this is not appropriate and the financial viability of the business has absolutely no basis for consideration as the operator must have been well aware of the restrictions when they moved in.

Many thanks.

Newacres, Nerwburgh, WN8 7TU

From:

Sent: 24 July 2020 16:25

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Consultation on Application by Eden Tearoom, Newburgh

Dear Sir,

I raise the following points on the proposed licence application for the serving of alcohol for consumption on and off the premises, for the provision of late night refreshment and for late opening hours.

(Planning Application No 2020/0439/FUL)

1. The Planning Statement supporting the planning application states that there will be active management of sound levels within the premises so that noise shall not be clearly distinguishable at a neighbour's property boundary after 6:00pm. I would comment that this is a somewhat arbitrary level of control and potentially open to interpretation. An enforceable noise limit should be defined at the boundary of the tea room premises with that limit established as the current noise level (as measured in dba) at defined locations on the boundary of the premises during the proposed hours of operation. i.e. there should be no detriment to the current standard of amenity in the village.

2. The potentially more difficult problem associated with the proposal is that relating to movement of people, particularly away from the venue late at night. I think that this type of music venue is suitable for locations where the local infrastructure supports the effective movement of people away from the venue with little impact on the neighbourhood. For example, where there is immediate connection to local public transport or plentiful local overnight accommodation. The proposed village setting will not work in this respect. The Planning Statement identifies a number of potential problems associated with people outside the premises including the prohibition of use of litter bins after 8:00pm to avoid noise! Other concerns are apparent:

- Congregations of people outside the premises during the event, smoking, for example, causing elevated noise,
- Spread of litter and rubbish, especially if litter bins will not be available,
- Traffic noise associated with congregation of taxis or minibuses awaiting pick-ups,
- Traffic noise associated with cars leaving the venue,
- Road safety issues associated with interaction of existing traffic, including HGVs, and new traffic, for example waiting taxis,
- Adequacy of toilet facilities,

And noise outside the premises as groups of people leave the event.

3. It is the ongoing regularity of the proposed events that is of concern and the consequent likelihood of continued loss of amenity to village residents given that any proposals for control over noise and disturbance associated with movement of significant numbers of people will be impossible to enforce.

Consequently I object to the proposal.

Regards

Newacres

From:

Sent: 29 July 2020 17:45

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Application for Premises Licence Eden Tea Room NEWBURGH by Mr Parson, - owner of Ditto music Ditto Coffee and Director of Eden Tea room

Importance: High

This is to **object against the application of alcohol licence for the EDEN Tea Room.**

1. A tea room does not need alcohol licence and the planning application for Wedding Venue to 2am on Friday and Saturdays will be a public nuisance and Crime potential for the Greenbelt community of Newburgh. We are a designated green belt conservation village and this licence will go against the ethos of the village. It will bring late night noise and light pollution and criminal damage from drink driving as there is no public transport at night through the village and will create a litter nuisance.
2. See photo:



I would be grateful if you could explain the differences between the two boundary lines for Eden tea room. The original boundary from the planning application is in red and the original licence boundary is in blue. Eden is actually applying to use greenbelt land which is outside the planning permission from the 2017 agreement.

Note: the huge discrepancy between the two boundaries. What is going on, surely the applicant can't be suggesting the site is as big as they suggest?

They have already broken several breaches to the building application and continue to flout the restrictions. They have tried to gain an alcohol license by hiding the original notices behind their barriers and yet this week the council has had to re-issue the public notice as the details were incorrect. This is after suspending their licence as it was issued without public consultation. It could be argued that the police and

How on earth can the council agree to such a licence of 2am when the planning application states 1am in a green belt. This is wholly unacceptable in a green belt area and the building is a commercial building that is unlikely to attract weddings. Live music would be heard around the village and this would travel throughout the village. Once a year we have to experience the Tawd valley scout celebrations and the disco can be heard in the centre of the village and although they have a licence until midnight it continues until 1am so what is to stop Eden continuing live music past the licence time.

I put it to the council that as they have over 10 breaches already that they will continue to breach and they are advertising alcohol now – when they don't have a licence – are they actually serving it now?

How can they propose that all doors and windows will be kept closed when it is a glass building and in summer months it will be very hot so they will open windows. The night lights at present create a light pollution already which will cause a noise pollution once live music is undertaken.

How can they control the sound when people leave events at all times of the night so this will create noise all night and also staff leaving the venue will be even later than the proposed 2am

I also must advise that they are receiving deliveries at 7am which breaches the original licence which stated 'all deliveries to be understood between 8am-6pm'

You cannot trust this company who has a multi million pound director just out for profit – not putting anything back into the community unlike other companies in the village ie Applecast. The application states that the 'volume of the amplified sound shall at all times be under the control of the licensee' BUT Matt Parson will not be present at all times as he has his other companies to run and the website of Eden states that it is his wife's business. She has young children so again is unlikely to be present till 2am. If leaving this to young staff it is unlikely that they will abide with the regulation and the community would be unable to ensure the terms are complied with.. It is a known fact that the council does not check whether licensee's abide by rules.

They had submitted a letter 'supporting statement' for the proposed business times and they stated that they would not be accepting 'young adults, only mature' – this is discriminatory and how on earth would they be able to police this. If it was a 50th birthday party does this mean they wouldn't accept children of couples in their 50's.

It is a ludicrous statement to make and just shows how arrogant they are towards the community. They are also already advertising nationally on certain websites the menu with alcohol and accepting payments for night time event, it is as if it is just a process and that they know they already have been granted the alcohol and late night opening.

The village community will be strongly protesting against both the alcohol licence past 6pm and late nights opening and alcohol at these times. The village has already contacted media and will continue to shout loud and hard about the gross violation of a greenbelt area.

I look forward to your comments and am also interested in knowing why you granted a licence without correct procedure, who is accountable for this error. Who do I contact in order to find out what investigation and the outcome of the investigation in the 'discrepancies'

As a high paying council tax payer I insist on knowing who is accountable for these errors and wish to see the process for which licenses are granted and want assurance that there has been no 'handing over of money' in order to achieve both the alcohol and changes to building regs. Why are councillors on both committees. Is this not a conflict of interest. Have you asked the police and environmental officer for a new assessment based on the breaches of planning.

Clovelly Drive
Newburgh

From:

Sent: 04 August 2020 07:00

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Notice of Application for the Grant of a Premises Licence, Eden Tearoom and Galleries, Course Lane, Newburgh, Lancashire WN8 7UB

Back Lane

Newburgh

Lancashire

WN8 7UQ

Licensing Officer

West Lancashire Borough council

Licensing Section

Robert Hodge Centre

Stanley Way

Skelmersdale WN8 8EE

4th August 2020

Dear Licensing Officer

REF: Notice of Application for the Grant of a Premises Licence, Eden Tearoom and Galleries, Course Lane, Newburgh, Lancashire WN8 7UB

I wish to object to the proposal as per the following statements:

The Local Plan is clear that each area of the District should retain its own distinctive character through the protection of assets and good design of development. This development in this quiet Green Belt location does not match these requirements specified ref the local plan.

1. noise will be excessive and disruptive to local residents including those caused by patrons at events, travel to and from the venue, music being played at various times, deliveries, plant, etc.
2. disturbance from patrons visiting and leaving the premises late into the evening, live music bands packing up and leaving after the event
3. litter from patrons drinking, eating and smoking outside the premises, and on their way to and from the premises;
4. Antisocial behaviour including violence, alcohol abuse, drug use, damage cause by reckless behaviour, etc
5. Environmental damage through excessive light pollution contrary to initiatives already in place and planned to reduce this

Yours faithfully

From:

Sent: 04 August 2020 08:56

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Licensing application Eden Tea Rooms

Sirs, I wish to register my strong objections to the licensing application by Eden Tea Rooms and Galleries in Course Lane, Newburgh on the grounds that the late hours until 11pm Sundays to Thursdays and until 1am Fridays and Saturdays. These late hours will cause considerable disturbance to the residents of Newburgh and in particular the residents of Course Lane, especially those living directly opposite the building.

The noise of people and vehicles leaving the premises at that time of night will create a lot of noise and will cause disturbance to the residents' sleep and thereby their mental well being

Course Lane, Newburgh WN8 7UB

-----Original Message-----

From:

Sent: 26 July 2020 15:06

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearoom and Gallery

Dear Sir

Re Eden Tearoom & Gallery, Course Lane.

I object to the premise license application on a number of grounds:

1. The extension of hours until 01:00 would be highly significant risk for public nuisance and crime and disorder. The impact this would have on both residents and surrounding areas would be immense. This type of licensing sees excessive episodes of disorder and is associated with urban areas where the areas are afforded security personnel, CCTV, higher levels of policing and the infrastructure to cope.
2. Public Safety. The venue is located on the A5209 with potential for significant risk to both traffic and users of the venue with vehicle access and egress to the site, taxi attendances and alcohol related traffic incidents.

There is no similar precedent for such licensing in the surround area and the Licensing Authority must observe its statutory duties in protecting the public.

Ash Brow
Newburgh
WN8 &NG

-----Original Message-----

From:

Sent: 11 August 2020 16:09

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearoom and Gallery in Course Lane Newburgh Premises Licence

F A O The Licencing Officer

Dear Sirs

We write with reference to the above matter When the premises the subject of the above application changed hands an Open Evening was held when plans were disclosed, discussed with the New Owner and his Agent, and broadly welcomed by residents as a fitting amenity for this small rural community. The prospect of a Tea Room and Gallery with limited opening hours was considered to be appropriate and in keeping with the locality.

As the construction of the building continued it was apparent that this would be a desirable amenity and the original Planning Application confirmed this.

Out of the blue and with no opportunity for dissent it then became known that a Music and Alcohol Premises Licence had been granted fundamentally changing the hours for which the Planning Consent has been obtained and changing the entire nature of the proposed use originally envisaged Furthermore the premises at the rear were last weekend used for a Farmer's Market without correct approval and several other breaches of Planning appear to have been made.

The name given to the premises confirmed its objective but it now appears that by seeking to obtain a Premises Licence for vastly increased hours with the addition of a music Licence this objective was spurious from the start.

The hours of opening in the Original Planning Application cannot have been a mistake or oversight and the current applications are a cynical ploy to obtain fundamental changes The 4 items applied for are entirely out of keeping with a tea room and gallery and obviously would have raised objections to the original Planning Application if they had been revealed then We therefore object strenuously to the application on the following grounds:

1. Public Nuisance

Singing and amplified music would reverberate around the village to the detriment of residents particularly those living opposite.

Annual events such as Newburgh Fair each June have some musical evenings and the sound carries to all parts of the village. They do not go on late into the night and are open to all.

Musical events on a regular basis with late licences and music would create a public nuisance.

We note the reference on the website to keeping external doors and windows closed. With respect this is very unlikely to be fulfilled and in any event are the premises sound proofed? This is entirely inappropriate for a rural village location and more suited to a city centre There would also be the issue of vehicles and other traffic creating noise and disturbing the tranquility of the village It is understood that a ventilation fan has been installed contrary to the submitted plans. These are very noisy and the omission from the plans surely cannot have been accidental

2. Public Safety The road is a busy A road linking to the M 6 motorway and is in use throughout the year The sale of alcohol to be consumed so near to the road will inevitably create problems given the extent of the outside drinking area designated on the Application

3. The venue is being widely advertised and is likely to attract people from outside the area resulting in potential crime and disorder as well as harm to young children. Furthermore there is very little police support in the area As well as protecting young people from harm consideration for the many elderly and retired local residents needs to be given.

Finally please note that in our opinion the premises when in use would result in light pollution for nearby residents and a distraction for vehicles passing through It seems a great pity that what began as a pleasant gentle artistic venue now seeks to reform itself into something inappropriate for

anywhere other than a town or city centre Please acknowledge receipt of these objections Yours
faithfully

Ash Brow Newburgh Wigan WN 8 7 NF Sent from my iPad

Short description: Licensing enquiry

Description: Contact Type:
Web

Type of request:
Other

If other, please state:
re application 2020/1151/FUL Eden Tearooms for extended alcohol licence

Details of enquiry or feedback:

I wish to lodge my objection for the above application for extended alcohol licence
This is more in keeping with a town centre than a small rural village.

this will cause a great deal of distress to the many homes that surround Eden Tearooms.

1, the noise from people leaving the proposed functions at 11pm Monday- thursday and Friday and Saturday at 1am will cause residents which include elderly and children a great deal of sleep disruption.

2 The people leaving said functions would certainly not leave quietly, there would be car doors banging, lights from cars and possibly coaches leaving by two exits

3 it also opens up the possibility of crime and disorder by the fact alcohol will be served at such a late hour.

4 The lights emanating from this building would be most intrusive to people who live in close proximity. They have been left on one or twice (maybe by accident) and looks like a well lit car showroom.

5 this business is advertising their functions widely outside the village so people who do attend may not appreciate we are a quiet village.

As a resident of Newburgh we at first welcomed Eden Tearooms as an asset to our village with the opening hours of 8am-6pm which I do not object to alcohol being served, now we are very concerned that it will turn into what some might describe as a nightclub.

Please put the residents first and turn down this licensing application.

Kind Regards

From:

Sent: 05 August 2020 14:44

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Premises licence application by Eden Tearoom and Gallery Newburgh

We are objecting to the above application on a number of grounds.

Prevention of public nuisance:

The 2016 planning consent was subject to certain conditions, one of which was opening hours up to 1800 hours.

The granting of an alcohol licence up to 2300 hours would be at variance with this condition and cause a nuisance to the residents in the surrounding area.

Extending the opening hours to 1am at weekends would produce disturbance with the departure firstly of guests and subsequently of staff.

Live and recorded music provision. The building was not built with soundproofing as a principle of its construction. Music played internally would inevitably intrude on the peaceful village surroundings until late into the night/morning.

Public Safety:

The A5209 is not an accident free road. Adding to the late night post entertainment traffic will not improve this state. The number of lamp standards that have to be replaced and the damaged hedgerows are witness to the current problem.

Reliability of the site operators:

The applicants have shown their disregard of the terms of their planning consent. Consideration should be given to how closely they would comply with the terms of any licence.

These collectively are substantial changes to the original planning consent and materially impinge on the right of local residents to a peaceful life.

From:

Sent: 25 July 2020 11:55

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Fwd: Change to alcohol license at Eden Tearoom and Gallery

FAO Licencing Dept

I would like to object to the application for a license to sell alcohol at Eden Tearoom and Gallery.

My reasons are the same as I listed in the email regarding the revised planning applications (please see below) I would also add that the chosen name for this business may have led Newburgh villagers to believe it would be a TEAROOM not a venue for late night functions!

I am very concerned that the chances of road accidents and public disorder would be high if this alcohol license is granted.

I would be grateful if you could consider my objections during this consultation.

Many thanks

From:

Sent: 27 July 2020 12:11

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden tearoom, Newburgh

Dear sir/ madam,

I write with regard to the license application for Eden tearooms and gallery, Course Lane, Newburgh.

As a resident of the village whose address is on Course Lane I am registering my concern about the impact of the licensing application to sell alcohol on and off the premises and late licensing hours application for pre booked events on Friday and Saturday evenings.

This is a quiet village, with a lot of elderly residents and the increased level of noise this license will potentially cause is a public nuisance to local residents. As the serving of alcohol will require the clientele to either walk through the village with potential increased noise disruption at a late hour, or after an 'event', transport required to take people from the venue is additional noise and a potential public nuisance at a late hour., There is little police presence around the village and no one to monitor the behaviour/ noise levels of people leaving the venue.

The original planning application was for a gallery and tearoom - less invasive than the fallout of that now becoming a place where alcohol could be served.

I would like to register my objections to this application.

Kind regards,

Course Lane,
Newburgh
WN87XD

From:**Sent:** 12 August 2020 15:03**To:** Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>**Subject:** Representation regarding Eden Tearoom, Newburgh

Dear WLBC Licensing Officer,

Please register our concerns about the recent alcohol licence application made by Matt Parsons on behalf of Eden Tearoom, Newburgh. Although we could respect an alcohol licence that matches the approved daily opening hours of 8am-6pm (9am-6pm on Sundays), the current application to extend these hours is wholly unacceptable to us for the reasons below. Our objection is particularly significant given the enormous disparity requested for an extension to 11pm daily and 1am on Fridays and Saturdays. Eden Tearoom did not consult with villagers about this licence application and is pushing beyond reasonable limits. Even the boundary for alcohol consumption unreasonably includes outside areas (excessive space at that) so amplifying litter, noise and light pollution.

The Prevention of Crime and Disorder

Newburgh is a small village with little crime and disorder. Litter, graffiti, damage, violence, driving offences, theft, burglary, drunkenness, drug use, smoking and disputes are rare, thanks to a strong, supportive, traditional community environment. The village already has a licensed pub and a sports club that are sufficient to serve the local residents. If this licence were granted, evening users of Eden Tearoom would mostly live outside the village and have little respect for it, with a resulting increase in crime and disorder beyond a level that could be properly policed. Visitors from the nearby towns of Burscough, Skelmersdale, Ormskirk and Wigan would be unsympathetic to respecting and maintaining our rural quality of life.

Public Safety

Granting this licence would lead to increased traffic through the village, rendering an already busy road even busier and further endangering pedestrians, cyclists and animals. This effect would be amplified because of increased noise levels and erratic driving due to alcohol consumption. Although police respond to incidents when requested, there would be no local capacity for dealing with minor problems such as loud music, unruly behaviour, shouting, theft from gardens, discarded litter and broken glass left behind by drunken visitors. Such matters can instil fear in local residents and cause harm to pets and wildlife.

The Prevention of Public Nuisance

Course Lane is very busy with lorries, cars, buses, motor bikes and other vehicles during daytime hours, so the evenings currently provide some relief from this noise and danger. Clearly, any increase in evening traffic would be a nuisance to local residents. The levels of noise and light pollution would also increase and become a public nuisance to villagers, not just those located close to Eden Tearoom but all Newburgh's residents. We know this because we live several hundred yards from the Red Lion and the School but hear the annual fireworks and fair celebrations, respectively, clearly from our house. Such rare village events are bearable, but regular noise and light pollution, as would arise if this application were granted, would be a very annoying nuisance to us all. Although the licence application suggests that noise and light pollution and driving problems would be controlled, general

experience elsewhere suggests that this would not happen in practice as thorough monitoring and licence revocations are rare.

The Protection of Children from Harm

We have no children and so have no direct experience or concerns here. However, the points raised above clearly have implications for the health and safety of children in the village.

Yours truly,
Cobb's Brow Lane, Newburgh.

----- Forwarded message -----

From:

Date: Thu, Aug 13, 2020 at 12:39 PM

Subject: Licence application 2020/1151/FUL

To:

Dear Licencing Team,

My wife and I have lived in Newburgh for almost 50years, I am a former Parish Councillor, we moved to this lovely quiet Village and lived quietly.

I am over 80 years old and disabled, I object strongly to the proposed extended hours at The Eden Tea Rooms.

To allow alcohol to be served till 11pm, 5 days a week will I am sure result in a lot of noise after 11pm as customers leave the building, car doors, drunken goodbyes, horns sounding etc.

The will cause a considerable nuisance to many neighbouring properties.

To have the hours extended to 1am on Fridays and Saturdays gives an extra 2 hours of noise and nuisance which is just not in keeping with the quiet life the people of Newburgh are used to.

The size of the area for proposed consumption of alcohol will accommodate a large number of people who will get noisier as the night progresses and more drinking goes on.

A dozen people drinking and chatting makes a lot of noise, the outside area may well have 50 or more noisy drinkers

This is not good for Village Life.

The outside consumption area appears to include the parking area, so calls into question where will the customers par ... Sandy Lane, New Acres, Tears Lane or the Main Road?

This will create more widespread noise and nuisance and danger to the public, traffic accidents and more mayhem.

The Venue is advertising widely and will attract more traffic from other areas, resulting in more parking problems, public disorder, noise and drunken abuse for anyone objecting, there is even the mention of Coaches being able to visit in the advert!

There is a potential that it will increase the crime rate which is currently very low, but with all those cars to steal thieves will come from far and wide and we don't have a Police presence in Newburgh or anywhere near so the residents, many of them elderly, will be at the mercy of the influx of criminals.

There are lots of venues for Weddings, etc in the area. WE DON'T NEED ONE IN NEWBURGH

Yours faithfully

From:

Sent: 13 August 2020 12:09

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearooms, Newburgh drinks application

Dear Sir/Madam,

I wish to object to the above application for a drink/music license upto 11pm Sunday to Thursday and 1am Friday and Saturday for the following reasons:-

1) Noise and public nuisance. There will be car door slamming, engine noise, shouting, late at night in a very quiet village.

2) Road safety. Extra traffic coming from a place that will be selling alcohol late into the night must be of public concern.

3) Light pollution. Front of building is mainly glass so the light will be a nuisance to both local residents and passing motorists. It will also effect the local wildlife, especially the bats which frequent this area.

4) Is a potential nightclub suitable for a quiet, agricultural village like Newburgh? I would strongly suggest it is not.

Yours faithfully,

Course Lane, Newburgh, WN87UB

To WLBC Licensing Team.
Licensing.enquiries@westlancs.gov.uk

Ref: Eden Tearooms, Course Lane Newburgh.

Newacres Newburgh, WN8 7TU

I would like to register my objections against planning application 2020/1151/FUL
I would like to set out my objections against the licensing act 2003.

- The prevention of crime and disorder.
- Public Safety.
- The prevention of public nuisance.

The prevention of crime and disorder.

Newburgh is a small quiet Rural Village with little or no crime, or disorderly behaviour.

- How can this be prevented if the consumption of alcohol has been consumed over a long period of time.
- When leaving the premises after a late night of consuming alcohol **disorderly** disagreements are bound to happen.
- In the event of a **disorder** who would police this, there is no Police Support in the close vicinity.
- Customers attending these functions would be coming from further afield, so would not have the same respect as locals to keep the noise down when leaving.

Public Safety

Newburgh has only one A road in and out of the village, Advertising this venue would generate a large amount of people who would not be used to a quiet rural village life style, and with no other means of transport, this would generate an increase traffic flow with cars, mini buses, etc. during early evening and Late at night, increasing the risk of **public safety**.
With the isolation of the venue being in a small rural village, could this not encourage drink driving, causing a **public safety** concern?

Added to that with the venue so close to Course lane, lighting and amplified music could be a distraction to drivers passing through, causing a high risk to **public safety**. Also, with large crowds congregating outside at the end of the evening having consumed alcohol all night could distract any drivers coming through the village.

Prevention of public nuisance.

Newburgh is a small rural village, after 6pm the village becomes a much quieter place to live and enjoyed by its residents. At night, the village becomes silent.

The Building that the Eden Tearoom operates from on Course Lane, was designed as a farm shop. And does not have the acoustic design to reduce any noise.

On that basis, amplified music would travel causing a **public nuisance** to the residence on Course Lane, Sandy Lane, Back Lane, Newacres, Tears Lane. Woodrow Drive, causing a **public nuisance** to 500 or more residence in Newburgh.

Other consideration, where will the customers be parking if they decide to drive to the venue, Parking in residential areas would cause a **public nuisance**.

There is very little parking space outside Eden Tearooms.

Public nuisance caused by light pollution. The front of the Tea rooms is fronted with glass and is already bad with internal security lights on, lighting up the whole area.

Flashing lights to the early hours of the morning would be a real **public nuisance** for all residence within proximity of Eden tearooms.

To conclude. I am totally opposed to the application to extend opening hours for a music venue, and the consumption of Alcohol, at the Eden tearoom in Newburgh. For all the reasons mentioned above.

I also do not understand why they would want such a large area outside the premises for the consumption of alcohol. The initial planning application which was approved was between the times of 8-6pm, and 9-6pm on Sunday. This fits in with a quiet rural village lifestyle, why now and with breaking planning rules would Eden Tearoom apply for a late-night music and Alcohol consumption Licence in a quiet Rural village.

Yours Sincerely

To whom it may concern.

I would like to inform the parish council of my households objections to the application from Eden for extended hours til 11pm weeknights and 1am at weekends.

As a resident directly opposite the building I find the proposed hours to be inappropriate in such close proximity. The noise levels are undoubtedly going to affect my family; even if the only noise is large parties of people leaving the premises at 1am or 11pm.

I have seen the restrictions but note there is no limit to the number of events per year or month. Therefore this could be every weekend. The hours applied for do not seem to fit with the original proposed business which is a tea room and art gallery.

I will be objecting officially with the council.

Kind regards

Ash Nook
Course Lane

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Sent from my Android phone with [mail.com](mailto:) Mail. Please excuse my brevity.
Thank you for your email. I can confirm that a Licensing Sub Committee will be required to determine this application. Further details will be provided regarding dates and times and a formal invitation will be provided on or before Monday 24 August 2020.

Please see below my reasons for my objection to Eden Tea rooms having a licence till 1am. The prevention of public nuisance- the noise of people leaving after 10 pm when they have been consuming alcohol would be a disturbance to the residents of Newburgh with increased traffic ,car doors and conversations. Taxis drivers and mini buses would probably be used as a transport as well adding to the public nuisance of noise levels.

This could also be a safety aspect as the number of vehicles on a dark road and the additional traffic with no pavement on that side of the road.

In addition I would be concerned re the amount of alcoholometer being being consumed till that time would lead to an increase in crime and disorder in the vicinity , litter, and fights may be an issue in the summer people may wonder from the venue resulting in broken bottles on roads and pavement and vandalism to nearby building bus shelters etc. People attending would be visitors to the area and cause disturbances as they were leaving the venue.

Thank you

Sorry for the delay I have been away

> Courselane

> Newburgh

> Wn8 7la

>

From

Sent: 16 August 2020 16:32

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Alcohol License Objection: Eden Tearooms, Newburgh

Dear Sir/Madam,

I am writing to register my objection to the alcohol and music license application from [Eden Tearooms, Course Lane, Newburgh, WN8 7UB](#), dated 27th of July 2020. I am owner and resident of Tabby's Nook, Newburgh, WN8 7LN.

I object to this application, as I believe the conditions of the license would result in **public nuisance** to nearby residents. My arguments for this are as follows:

- 1) The proposed license considerably extends the opening hours of this premises, in contradiction to conditions set in the original planning permission for the building.**

Condition seven of the original approved planning application (2016/1151/FUL) states: *"The premises shall only be open to customers and deliveries/collections shall only be made between the hours of 0800 and 1800 Mondays to Saturdays and 0900 and 1800 on Sundays and Public/Bank Holidays"*.

For the stated reason:

"To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document"

Therefore, it is plain that local government (following public consultation) have already established that an extension of opening hours would, *ipso facto*, **risk** the amenity of adjacent properties and the area generally.

- 2) The proposed license would cause both noise and light pollution, into the early hours each weekend.**

Despite the license requirements to keep doors and windows shut, I would draw your attention to the construction and locality of the Eden Building. The building is situated in a small, quiet village, facing residential housing and surrounded by flat agricultural land. The front of the Eden building is glass, and in keeping with the design language for many modern galleries, it appears to consist of a poured concrete floor and minimalist interior – i.e. a semi-transparent echo box, situated on a flat open plane. As such, the building represents a source of both light and noise pollution, which could be reasonably expected to carry beyond the immediate barrier of the property. To illustrate, noise from night events held in Tawd Vale (approximately 1.3 miles away, again over predominantly flat agricultural land) can be heard in Newburgh.

- 3) The proposed license would cause considerable traffic, into the early hours each weekend.**

Newburgh and nearby Parbold are well served for licensed premises (e.g. the Railway, the Windmill, the Stocks, the Wayfarer, the Red Lion, Newburgh Sports Club). It would therefore be reasonable to assume the requested extension to business hours, in particular the light night pre-booked events on Fridays and Saturdays, would be aimed at serving the needs of a predominantly late night, out of town audience, rather than local residents. In turn, this would likely increase traffic from visitors cars and local taxis, causing noise from car engines, banging car doors, as well as noise generated by patrons leaving the site.

Many thanks for your consideration of these objections.

Sincerely,

NEWBURGH
Lancashire
WN8 7LD
16th August 2020

West Lancashire Borough Council
Licensing Service
Robert Hodge Centre
Stanley Way
Skelmersdale
West Lancashire
WN8 8EE

Granting of the Alcohol and Music Licence for the Eden Tearooms, Newburgh

Dear Sir / Madam,

I understand that another application has been made for the granting of a licence for alcohol and amplified music (8am -11pm, and to 1 am on Fridays and Saturdays) at the Eden Tearooms, Course Lane, Newburgh, this time by the Director Mr Matt Parsons.

Yet again I wish to register my strong objection to the granting of this licence, on the grounds of potential public nuisance. As the properties immediately opposite and adjacent to Eden Tearooms are homes of working families and elderly residents, I feel that the licence, if granted would bring many hours of unacceptable noise and disturbance to this previously quiet, residential community.

The neighbours could potentially be subject to disturbance and sleep deprivation until the early hours every weekend. Even the earlier closing time of 11pm during the week would bring its own problems of noise and light pollution, slamming of car doors, coming and going of cars and clients adding to the disturbance in the outdoor seating area. I might add that the main road through Newburgh (A5209) is extremely busy and noisy during the day, with thousands of large HGVs thundering through the village. It is a welcome relief at the end of the working day when the road becomes relatively quiet. How sad it would be for the neighbours of the Eden Tearooms to be deprived of this quiet time due to this ill-considered licence application.

Despite the applicant's assurances that noise from the customers will be closely monitored, I do not believe that this would prevent unacceptable levels of disturbance for the residents who live in close proximity to the venue. The area where outside drinking would be permitted seems large to me, and I do not think that staff would realistically be able to enforce the quiet and restrained behaviour of clients who are out to celebrate and have a good time. The consumption of alcohol until late night is surely a factor here!

The claim that the venue would only be open late for pre booked functions is of little significance. Just because a function is 'pre-booked', this does not guarantee the peace and quiet the neighbours deserve.

Keeping the doors closed to prevent music and disco sounds emanating from the building is also unrealistic as people would obviously want to move freely between the building and the outside area.

An element of public nuisance is to "materially affect the reasonable comfort and convenience of life of a class of Her Majesty's subjects" The granting of this licence

would in effect turn the 'Tearoom' into a night time venue, with all the noise, inconvenience and disturbance this would bring to nearby households.

Appropriate function venues are already available at the Sports Club and the Red Lion public house, and are more in keeping with the needs of local residents.

The original application to turn the old strawberry farm into a tearoom and gallery was welcomed by many residents of Newburgh as this seemed in keeping with the quiet, rural nature of the village. The incremental steps towards turning the 'tearoom' into a night time drinking and music venue however seem presumptuous and unfair. In view of these concerns, which I believe to be shared by many in Newburgh, I request that the application be denied.

Yours sincerely

Back Lane

Newburgh

WN8 7UQ

16 August 2020

Dear Sir/Madam,

Re: Eden Tearooms and Gallery, Course Lane, Newburgh - application to

extend alcohol and music licence

I am a resident of Newburgh village and wish to object to the application to

extend the music and alcohol licence beyond 6pm daily.

1. The noise created by amplified music and the sound of people drinking

alcohol after 6pm, either inside or outside the premises, constitutes a public nuisance which would materially and adversely affect the quality of life of the residents of Newburgh. I can hear music from the marquee erected for the annual Newburgh village fair and from Tawd Vale scout camp whenever they apply for extended licensing hours. However these licenses are applied for very rarely. It would adversely affect the whole of Newburgh village if the sounds of music and customers drinking alcohol at Eden Tearooms (which is much closer to my house than the fair or scout camp) were to be allowed every day of the week.

In addition, the consequential noise created by suppliers of alcohol delivering bottles and the staff clearing empty bottles into the waste bins is already and will continue to be intolerable for those residents on Course Lane, Sandy Lane and Back Lane.

A commercial enterprise such as the applicants are envisaging after 6pm

is out of character for the village. Residents with school age children who need to be in bed much earlier than 11pm or 1am and those who are retired (as I am) will regard the extra noise as a public nuisance which will affect their quiet enjoyment of their houses and gardens.

2. The noise created by the frequent sounds of cars and other vehicles travelling to and from Eden Tearooms along Course Lane, Sandy Lane and Back Lane would also constitute a public nuisance. Newburgh is a very quiet village and there is hardly any sound from vehicles in the evenings as there are few commercial businesses operating after 6pm and so the vehicular traffic tends to be that of residents returning home from work. Eden Tearooms have space for a large car park which will also create noise from customers parking and exiting the car park late at night which will also be a public nuisance which does not occur in Newburgh at present.

3. There are many residents who walk their dogs down Back Lane, which does not have pavements for their safety. Back Lane is a narrow, quiet road and the parish council have sent reminders to residents to drive slowly to ensure that vehicles show consideration to pedestrians and cyclists. Customers using Eden Tearooms after 6pm are unlikely to be aware of pedestrians and their safety and I would urge the licensing authorities to take into consideration the public safety of pedestrians and cyclists.

4. Light pollution caused by the bright lights facing Course Lane and the smaller windows which are situated on all other sides of the buildings constitutes a public nuisance in my opinion. At the present there is hardly any light pollution in the village. The only lights that I can see come from residents' houses and the street lights. There are no commercial businesses which use powerful lights in the evenings. The envisaged light pollution caused by Eden Tearooms would materially and adversely impact upon the quality of life of the residents of Newburgh and would change the character of the village.

5. As most people know, late night consumption of alcohol can often lead to disorderly arguments where police involvement may be required. Newburgh is a quiet rural village where disorderly arguments are extremely rare, perhaps even non-existent. It is totally different from urban locations where the police are on hand and commonly deal with such issues.

6. The applicant originally applied for permission to use the building for a tea room and gallery, not a late night venue for parties involving alcohol. I believe that the licence originally granted to the applicants, to serve alcohol until 6pm, is fair and not excessive. In addition, it is clear that Eden Tearooms wishes its customers to consume alcohol outside the premises. Again, this may be appropriate for the hours up to 6pm, but after this time, the residents of Newburgh village should be allowed quiet enjoyment of their homes.

Eden Tearooms are already in breach of planning permission granted to them. For example, the building has not been properly clad, designated grassed areas now have tarred hard surfaces, a craft market has been held

without prior approval and suppliers have arrived before 8am in breach of

planning approval. I therefore have no faith that they will honour future obligations if the extended licence is granted.

Eden Tearooms should not be permitted to impose their commercial

interests above the residents by this application which will materially and adversely impact on the whole of the village.

For the above reasons I strenuously and wholeheartedly object to the application to extend the licensing hours beyond 8am -6pm (Monday to Saturday) and 9am – 6pm Sunday.

Yours faithfully,

From:

Sent: 17 August 2020 12:30

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearoom night time alcohol & music license application

Dear sir / madam

I am writing to express my concerns over the above application in Course Lane, Newburgh.

I object to the application for the following reasons:-

Light pollution from internal lighting coupled with vehicle headlights exiting the venue, along with noise from events and members of the public leaving the venue late at night will become a public nuisance for our rural community.

I feel the current approved hours are sufficient and hope that careful consideration will be given to the necessity of this application.

Yours faithfully

Back Lane, Newburgh, WN8 7UW

From:

Sent: 18 August 2020 17:01

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Cc:

Subject: Premises Licence Application - Eden Tearoom and Gallery, Course Lane

I refer to the Licence Application for the above premises and comment as follows.

The original Licence Approval (now withdrawn for “ technical reasons “) should not have been approved.

The Licensing Authority should not have granted, and should not grant, any Licence for hours of opening that are not consistent with the hours of opening defined on any Planning Approval.

It appears, on the face of it, that the action of the Licensing Authority in granting a Licence in the first instance was bordering on the negligent.

I now refer to the current application. The application states that “ operating times and conditions already agreed with the Police and Environmental Health will remain in place “ and goes on to list those agreements.

It is quite wrong to assume in the current licence application that those conditions still apply. How can the Licensing Authority grant a Licence that may be at variance with the hours of opening defined in any Planning Consent ?

It is clear that there is considerable public concern about this application. This is evident in the document, available on line, relating to the Planning Application 2020/0439/FUL which seeks to allow later opening hours.

I have no doubt that it would greatly assist the Licensing Committee, in coming to a decision in this matter, if they read the responses to that application.

Many of these responses specifically refer to the matters that can be taken into account and in forthright and strong terms the responses include comments on:

The prevention of crime and disorder

Public Safety

The prevention of public nuisance

I have not read any responses that mention the Protection of Children from harm.

For my part I wish to object to the the possible approval of this Licence on the grounds of The Prevention of Public Nuisance (light pollution, noise pollution, traffic pollution).

This e-mail is not vexatious or frivolous and it relates directly to the defined Licensing objectives.

I hope that the Committee arrives at a decision that will promote the common good of the people of Newburgh.

I would be grateful if you would acknowledge receipt of this e-mail.

Thank you.

Cinnamon Nook,
Newburgh,

From:

Sent: 18 August 2020 17:57

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearoom

I wish to raise an objection to the extension of the licensing hours of The Eden Tearoom (the title says it all...Tearoom !) When the idea of a tearoom, gallery and art workshops was put forward most residents seem to think it was a good idea and a possible asset to our village. Since then it appears the owners think they can flaunt all original intentions.

Newburgh is a quiet community and does not require a hostelry.

We are virtually a crime free village and when necessary we are supported by Skelmersdale Police Force. Should Eden Tearooms be granted extended licence hours, I feel it would bring disturbance and problems.

I think most people know that when alcohol is involved all reasonable behaviour will be challenged, I.e. disregard for residents, loud shouting, singing etc. when leaving the building in the early hours.

Many of the residents in the surrounding properties are elderly, and have enjoyed living in a quiet environment without the kind of disturbance and nuisance that the extended hours would bring. Some of the residents will also be troubled by the amount of bright light from the all glass building. Also the properties directly opposite the building will lose a great deal of privacy.

Course Lane is a very busy road during the day, but quietens somewhat in the evening, late night revellers in their vehicles would change this.

Please, please consider the points I have made.

-----Original Message-----

From:

Sent: 17 August 2020 14:07

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden tea room. Course Lane Newburgh licence application

My name is , I live with my husband at Course Lane Newburgh, we are both very concerned about this license application.

We have lived in Newburgh for 20 years, relocating from east Lancashire as we had friends who had moved to the area and we loved it so much we decided to move here too.

One of my concerns is that there is relatively very little crime or disorderly behaviour at the moment in the village, I fear this would change if a licence was to be granted for the hours requested. The venue is very much in a residential area, a late event until 1.00 am with alcohol would have a detrimental effect on neighbours, with potential to increase crime and public nuisance, many of these functions would not be for the benefit Of residents, in addition if there was any situation we have no police support close by.

Another of my main concerns is the noise and light pollution. Anyone who has lived in the village for some time will remember the noise travelling from Tawd Vale camp which is over a mile away, this only happened once a year but was enough to keep you awake. As this is a rural location the noise travels. The noise would also be made worse by the opening and closing of doors during the event, especially if it is hot and people smoking outside etc. Course Lane becomes much quieter at night and the noise and light would also affect the abundance of wildlife that is in the area.

I sincerely hope that my concerns will be given consideration.

NEWBURGH PARISH COUNCIL
Clerk to the Council
Burscough, Ormskirk, Lancashire, L40 7UY
e-mail: clerk@newburghlancs.co.uk

17 August 2020

Eden Tearoom and Galleries Premises Licence Application – Newburgh Parish Council Representation

Newburgh Parish Council makes the following representation to West Lancashire Borough Council Licensing Authority on the Eden Tearoom and Galleries application for a Premises Licence. Our representation addresses the criteria of potential public nuisance and public safety.

Newburgh Parish Council has objected to West Lancashire Borough Council planning application 2020/0439/FUL for an extension of the Eden Tearoom opening hours to 11pm on Monday – Thursday and Sunday and to 1am on Friday and Saturday on grounds of the potential impact on neighbour amenity, particularly from late night external noise. A copy of our objection submitted to West Lancashire Borough Council on 23 July 2020 is attached for information.

The planning application statement from Eden Tearoom seeks an extension to the current opening hours “to maintain and diversify a viable business.”

A further supporting statement amplifies this, requiring the 11pm closing time from Sunday to Thursday “to accommodate the *occasional**cheese and wine night, a craft gin tasting and events of this nature.” Eden social media similarly says “After 6pm the tearoom space shall be used for *occasional** privately booked events such as cheese and wine evenings, yoga and gin tastings to name a few.”

The case for a 1am extension (or 2am in the licensing application) on Friday and Saturday is justified in the licensing application for “private functions such as weddings, anniversary parties etc to be *occasionally** held on Friday and/or Saturday”. In the planning statement it is similarly for “private pre-booked functions only. This was with the thought of *occasional** wedding anniversaries etc”

Newburgh Parish Council challenges the need for such late hours to accommodate the proposed events. Why would an event such as a cheese and wine evening need a closing time up to 11pm? Why would an anniversary party need a closing time of 1am?

A music and alcohol licence for these late times in a residential area in a rural village is unacceptable on grounds of potential disturbance to neighbour amenity. Whatever internal noise controls are applied, the activity of guests outside up to 9pm (as per the proposed licensing conditions) and departure of guests at times up to 1am presents the threat of unacceptable external noise. A building illuminated until late at night would be an unwanted intrusion into neighbours’ privacy. The departure of traffic on to a main highway late at night presents a risk to public safety.

Newburgh Parish Council represents to the Licensing Authority that, once a licence is granted, the potential exists for the late hours to affect neighbour amenity at any time in the future whatever present intentions may be and whoever may operate the site.

While there is much emphasis on “occasional” events this is an ill-defined term without limitation which could simply be interpreted to suit the frequency required by the operators. There has been considerable support for the concept of a tearoom and gallery and art-related activities opening from 8am to 6pm as currently permitted but much public disquiet at the

extension of activities whose frequency and hours would be at the sole discretion of the applicant.

The Council has no objection to a licence applying to current opening hours but recommends refusal of the licence for the late hours proposed on the grounds of the potential public nuisance and public safety.

**our italics*

From:

Sent: 18 August 2020 10:20

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Licence application for Eden Tea Rooms, Newburgh. Representations from Newburgh resident

Sandy Lane
Newburgh
WN8 7TT

I would like to make know my objections to the Alcohol and Amplified Music licence application recently submitted by Eden Tea Rooms which requests permission for sale of alcohol and playing of live and recorded music beyond the time limits of opening hours as agreed in planning application 2017/0738/FUL which restricts the opening hours of the tea room to between 8am and 6pm every day of the week.

- The approved planning application (2017/0738/FUL) does not mention the sale of alcohol and the playing of music of any kind so an application for such a licence is a major change to the use of the building so the full planning process should revert back to square one and the planning process started again.
- The sale of alcohol and playing of music will inevitably cause significant problems to the neighbours of the site and surrounding areas. The site is very exposed ,sound will travel great distances and will especially be intrusive at night.
- It will be very difficult to control the behaviour of customers attending events and especially when they leave the site (loud voices, doors slamming etc). There will also be a problem with the lighting from the building which will be very bright and intrusive to the neighbours , especially so in the winter and late at night.
- The licence application asks for extension of serving of alcohol to 1am on Friday and Saturday evenings **but also requests extension of playing of live and recorded music to 2am** , which inevitably means that the site would not finally close until about 3am to allow staff to clear up . This is surely not acceptable .
- The threat of raising the level of CoronaVirus infection from the extended hours cannot be emphasised too much. The recent abysmal performance of site management to implement the required safety measures to control the spread of the virus at the recent Artisans Market gives me no confidence that best practice will prevail if the licence is granted.
- Please confirm that the application for extension of hours only applies to the Eden Tea Room cafe and not to the Art Gallery and especially not to the Agricultural Storage area which was used to hold the Artisans Market in direct contravention of Planning Approval (2017/0738/FUL) where Restriction 5 states that the Agricultural Storage facility ' will only be used to store agricultural equipment and produce grown on site ' .
- Granting of the licence to all parts of the site opens up the possibility of large-scale events in the Agricultural Storage which would be a disaster for the village .

In my opinion the original opening hours granted by the approved planning application are sufficient for the running of the business and the local community. I hope the committee see fit to refuse the application for extension of these opening hours.

Regards,

From:

Sent: 18 August 2020 17:52

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearooms night time alcohol and music licence (weekend late hours application), in Newburgh village.

Woodrow Drive

Newburgh

WN8 7LB

REF:- Application by Ditto Coffee: WLDC Planning Application No 2020/0515/NMA:
2020/0439/FUL: 2016/1151/FUL

Under Licensing Act 2003, the Council is the licensing authority for the Newburgh area of West Lancashire, and deals with the retail sale of alcohol and the performance of live music. My area of concern, aligns with the council's objective of preventing nuisance in our quiet rural village.

In essence, the nuisance that would be caused by alcohol consumption into the late hours of Friday and Saturday nights, by granting a alcohol and live music licence until 1am in the morning. This is totally unreasonable, and is normally only granted at Christmas and New Year. Car parking will overflow into Woodrow Drive where I live, and other side roads, with late night revellers, and the slamming of car doors.

Please review these late hours.

Yours Sincerely

Sent from [Mail](#) for Windows 10

From:

Sent: 20 August 2020 11:31

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Objection to Licence Application for Eden Tea Room

Course lane

Newburgh

WN8 7XD

20 August 2020

Licensing Service

West Lancashire Borough Council

Dear Sir,

Application for a Premises Licence

Eden Tearoom Newburgh

I live further down Course Lane from the above premises and wish to make representations to the Council in relation to the application for a premises licence. The grounds on which I am relying in support of my objection are the likely adverse effects of the grant of the application on the promotion of the statutory licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Newburgh is a quiet residential village in a rural setting with ample provision of licensed premises. The Community Council will confirm that there is no demand for additional provision so the likelihood is that the granting of this application will lead to an overprovision. With insufficient local demand, the viability of the business must be questioned and may well lead to the applicant seeking to attract customers from outside the village. Such customers will not have the same respect or concern for the amenity and good order of the locality which would likely be reduced.

There is a serious fear among local residents that the granting of the application will lead to many of the problems and issues associated with licensed premises which attract customers from outside the local area. Surveys show that such premises suffer from greater incidences of fighting, disorderly behaviour and drug problems, none of which are present in the village at the present time. Allied to this the absence of public transport, especially in the evenings, will mean that most of the customers will arrive by car, leading inexorably to drink driving and other motoring offences and accidents. It is also a major worry of local residents that customers stranded at the premises or fuelled by alcohol, will be tempted to steal cars from local residences and that there will be a sudden increase in opportunistic burglaries.

It is well established that those who operate licensed premises have no responsibility for their customers once they have left the premises and it will be down to the residents of Newburgh to deal with the consequences. All the emergency services are some distance away.

It is in support of the licensing objective of preventing public nuisance that I have the strongest objection to the granting of this application. I ask the Council to recognise that its own Environmental Health advisers required its planners to put a condition on the planning permission for a tea room granted to the applicant, that the business must not stay open after 6.00 pm in order to protect and secure the amenity of local residents. I am at a complete loss to understand how one arm of the Council can advise that to protect local residents a tea room must close each day at 6.00pm but the same department of the Council subsequently advises

that it is appropriate for the same premises to be allowed to serve alcohol and stay open until 11.00 pm Sunday to Thursday and 1.00 am Friday and Saturday. I fear that the interests of the local residents have been completely overlooked in the “terms agreed by the Environmental Health, the Police and the applicant.”

As a local resident of many years standing, I am in no doubt that the granting of this application will result in a very significant and detrimental change in the character of the neighbourhood. The site of the premises was formerly arable farmland with a farm shop. When the shop closed – usually by 6.00pm each day - the site was completely quiet. If the application is granted, the site will become a hive of activity all evening and until the early hours of the morning on Friday and Saturday. There will be constant traffic, additional fumes, noise, vibration, light, litter – all of which will constitute a public nuisance and adversely affect the quality of life of local residents and myself.

Licensed premises are completely out of keeping with this locality but even more so is it a kick in the teeth to local residents to permit live and amplified music to be played during licensing hours. It will be inevitable that the music will be heard in nearby houses and constitute a major intrusion into residents’ quiet enjoyment of their homes. I have read the proposed conditions whose intention is to control noise emanating from the premises but the reality will be: windows will not be closed on hot summer evenings, performers always increase the sound level to prevent their audience from talking during their set, bass levels are always increased to create vibration, late night revellers are always noisy when they leave, soundproofing material (if any was used in the construction of the premises which was designed as a tea room) is never as effective as the manufacturer claims and at booked events, such as weddings, the occasion is so important to the customer that they feel justified in ignoring closing times and continue celebrating for much longer than the permitted hours. And it goes without saying that customers and staff do not finally leave licensed premises until a considerable time after the so-called permitted hours. The end product is that local residents will suffer this nuisance well into the next day and considerably later on Friday and Saturday – without respite.

The granting of a premises licence will create a multitude of problems and difficulties for myself and my neighbours. These matters were investigated by the Environmental Health Department when the planning application was made and their conclusion that there should be no activity at all on this site after 6.00 pm each day of the week is correct. The Council should honour that conclusion when considering this application and determine that protecting the amenity of local residents is overwhelmingly more important than an individual’s business interest.

Yours faithfully,

From:

Sent: 21 August 2020 11:58

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Objections to Planning Application 2020/0439 - Eden Tearooms, Course Lane, Newburgh

Dear Sirs

I write in respect of the above application and object most strongly on the following grounds:

Why does a tearoom need an alcohol licence to 11.00pm Sunday to Thursday and to 01.00am Friday and Saturday?

I don't know of any other "tearoom" that has a licence after 9.00pm

We have no bus service after 6.00pm and Course Lane after around 7.00pm is extremely quiet. Customers to these premises will be arriving by car/taxi/minibus which creates noise in itself and on leaving the premises later in the evening say 11.00 - 01.00am the noise is bound to be amplified thereby causing a public nuisance to neighbours.

Late night drinking can lead to altercations/disagreements and as we are in a rural area sounds travel over an extended area so causing distress to local residents. I would also state that customers to the tearooms, later in the evening, would in the main not be villagers and as a consequence would be bound to be less interested in keeping quiet as they leave the premises.

My understanding of the original application was for a Tearoom not a music venue or a venue where parties/weddings could be held? How many quiet parties and weddings have you attended?

Why is the area for outside consuming of alcohol so large? Surely this is going to increase noise levels which will lead to unnecessary stress on local residents?

Yours faithfully

Woodrow Drive
Newburgh

Sent from Windows Mail

From:**Sent:** 21 August 2020 11:16**To:** Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>**Subject:** Eden Tearoom, Course Lane, Newburgh. Premises Licence Application - Representation

Eden Tearoom Limited have applied for a Premises Licence at:
Eden Tearoom and Gallery, Course Lane, Newburgh WIGAN WN8 7UB

I wish to make representation about this application, in line with Licensing Objectives

As a local resident, I am unhappy that this request for a Premises Licence, and extended opening hours significantly changes the approved purpose of the former Farm Shop, now Café, and would adversely affect the character of Newburgh village

Prevention of Public Nuisance: - Light and visibility from the building

At night, when the building is lit-up, the light shining from the premises is a serious public nuisance to those living opposite, who would need blackout curtains if the evening and late-night hours are permitted. This would be a significant change to the residents and is totally unacceptable.

At all times, you can see from the Tearoom into resident's homes opposite, and this would be exacerbated at night, invading privacy.

Residents would also be able to see everything going on in the Tearoom

Traffic leaving the building would shine their headlights directly into people's front rooms, causing nuisance late evening and night

Prevention of Public Nuisance: - Noise

The building has been constructed as a day-time Gallery and Tearoom, and has no soundproofing. Any amplified music and party noise will be audible around a wide area. Residents experience it annually for Newburgh Fair, and Scout Camp Jamboree's. It is unacceptable to allow it seven days a week. The conditions listed to manage unwanted noise are unworkable.

The Protection of Children from harm:

There is a serious danger to Children playing in the outside area – whether supervised by parents consuming alcohol or not:

This proposed area for outdoor alcohol consumption is far too large. The applicant asks for an area in “close proximity” to the building, then puts a plan of an expansive area – which even goes off-curtilage. This area is mainly unfenced, and alongside a main road that is busy during the day. The outside area has no approval to be lit after 6pm, and any outside lighting after 6pm would be a Statutory nuisance.

Public Safety:

Most of the customers to the premises are likely to be from outside the area – that’s where the Tearoom is advertising, so there will be many strangers coming into the village. There is little crime in Newburgh, and outsiders are likely to bring in recreational drugs, and even attract crime to the un-lit car-park, sides and rear of the cafe

The applicants were aware of the Approved hours of 8am to 6pm Mon-Sat, and 9am-6pm Sunday from the start. These evening and late-night hours would cause significant change to the character of our quiet rural village, and would be contrary to the WLBC Local Plan, which aims to sustain and conserve the pleasant built and natural environment of the Eastern Parishes.

Please do not allow the Premises Licence after 6pm, and ensure that any outside area is as requested – in close proximity to the building.

Thank-you

New Acres
Newburgh

-----Original Message-----

From:

Sent: 21 August 2020 10:59

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Cc: Councillor Edward Pope <Cllr.Pope@westlancs.gov.uk>; ParishClerk, Newburgh (MBX) <

Subject: Representations re Eden Tearoom Licensing Application

To the WLBC Licensing Team,

We would like to raise the following points regarding the application to extend the licensing hours of Eden Tearooms in Newburgh.

We live on Back Lane, directly behind the Tearooms and are worried about the noise and disturbance this will cause. We say "will cause" from a life experience point of view. We have never been to a wedding or similar function where the sound from the disco or group have not been too loud to talk over. There is no way the a Responsible Person would be able to regulate or control this noise, therefore a Public Nuisance will be inevitable with almost every event that is staged. There is nothing in the application to say how often these functions will be held. We believe that if the licence is granted, functions will be held regularly and not occasionally, therefore causing a Public Nuisance.

Our experience tells us that events where alcohol is being sold until the early hours of the morning will result in noise and disturbance in the neighbourhood when guests are vacating the premises. Causing a Public Nuisance.

Should a disturbance or public nuisance occur, there is little Police cover in the area.

We assume that if the original licence application and planning application had included the late opening hours, it would have been refused. We therefore believe this is a ruse by the applicant to circumvent the procedures, and should be seen as such and refused.

The application appears only to cover for numbers up to 40, however, it is common sense that if the changes are granted to allow for functions, the tables and chairs will be removed and many more visitors will be allowed into the premise. There appears to be nowhere in the application to show that a Fire Risk Assessment has been carried out, to show whether this first floor Functions Area has adequate fire escape staircases for the probable occupancy. As the terrible fire that occurred at Grenfell Tower proved, if the building is not correctly configured or managed, many lives could be lost.

We have elderly relatives who live directly opposite this development on Course Lane and would certainly suffer from the Public Nuisance, that will almost certainly occur during or following Licensed events.

On your website it states the lengths that the Applicant says they will go to to minimise disruption etc., but again, our experience informs us that warnings and signs do not work with people who are under the influence of alcohol. The comment that doors and windows will be kept closed is laughable. There is no practical way this is going to happen.

The Applicant has already proved that he is not to be trusted. There have been many instances of breaching the conditions of the Planning Application. Why therefore should the Licensing Authority believe him when he agrees to undertakings?

We are disappointed that WLBC Planning Department appears to be allowing most of these breaches by asking the applicant to apply for Retrospective Planning Permission, instead of enforcing

what was originally passed. The original Planning Application was for a Shop, we are going to end up with what is tantamount to a night club in our village if this application is allowed. We strongly oppose the extension of licensing hours, and the use of the venue for functions.

Back Lane,
Newburgh.
WN8 7UW

From:

Sent: 21 August 2020 17:11

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Cc:

Subject: Premises License application Eden Tearoom and Galleries, Course Lane, Newburgh

21 August 2020

The Licensing Officer

WLBC

Licensing Dept

We wish to object to the granting of the hours requested on this application as they fall outside of the permitted hours of use shown in Planning Approval 2016/1151/FUL with these hours being 8am to 6pm Monday to Saturday and 9am to 6pm Sunday's and Bank Holidays. The hours therefore requested for licensing are disproportionate to opening times.

There is also the question of the area to be licensed as the map on the application shows a far greater area which is well beyond the boundaries of the actual premises and on Green Belt area.

A licence granted outside of the approved hours would result in increased noise, traffic and lighting issues which will be extremely damaging to Newburgh Village Community and especially nearby residents who are already being caused distress and affecting health and mental well-being.

Main reason for objection :-

Prevention of Public Nuisance

Noise - The building structure is constructed of metal and glass windows with no soundproofing insulation nor acoustic glass so all sound after 7pm when traffic diminishes and the evening quiet and tranquillity closes in will inevitably be heard externally. The noise generated from live/recorded music, general visitor conversation, mechanical ventilation fan etc will all combine releasing noise externally affecting the Community and nearby residents. There is only one entrance door so each time this opens and closes it will allow more sound into the outside thus causing disturbance and Public Nuisance.

Traffic movement on and off the premises - the car park has a gravel surface which emits a loud crunching noise from tyres of vehicles moving on or off the premises and

especially when turning. Doors opening and closing, horns sounding (taxis) and reversing sensors all sound much louder in the still, quiet of evening and will have a damaging effect on resident. Headlights from traffic leaving the premises at night will be shining directly into nearby residents living and bedroom windows causing again considerable invasion of privacy and have a damaging effect. This happened just a short time ago, again a breach of condition by tenant but cars leaving illuminating houses opposite.

Visitors entering and leaving premises for smoking continually will add to external noise as this will happen many times throughout the course of the evening and with a no smoking area present it is likely they will wander around the site for this purpose. The tenant also mentions external areas for licencing but they have no planning permission for this at this time and the associated noise from this in the evening would be intolerable.

Public nuisance to nearby residents with lighting on all evening as there are 15 residential properties that would be seriously affected by light shining onto living rooms and bedrooms - many of these are retired, elderly residents and some more vulnerable who at present do feel safe in the confines of their homes in quiet Newburgh village. There are no window coverings or obscurity filters on the windows which is a privacy intrusion to neighbours in close proximity. Many residents living in close proximity cannot enjoy their own living rooms due to the lack of privacy and overlooking at all times of the day and some too vulnerable to speak up about the impact thus is having on our lives. To add evening usage would further compound this with no enjoyment in own homes or gardens and no view of the night time skies.

There is also the question of wildlife as the noise and light will disturb these and other livestock in the near vicinity.

PREVENTION CRIME AND DISORDER

There is no police presence in Newburgh and often drinking can lead to disorderly behaviour and there would be delays in getting police to attend from Skelmersdale putting more stress on nearby residents.

Majority of visitors will be from further afield and with no transport amenities in Newburgh problems could arise on closing times and delays with planned transport or taxis.

PUBLIC SAFETY

There is no pedestrian access to the premises so at night time this would pose a threat to health and safety as these visitors would have to navigate the vehicle access roads to gain entry to the building.

There is no external lighting on the property as this would be statutory nuisance as agreed by Environmental Health but this could also be a potential issue for safety.

SUMMARY

Have the tenants fully considered the major impact that these extended hours will have upon the community with a building structure not suitable for this change of use. It was designed for Tearoom Cafe with retail sales and not for evening social venues.

Despite assurances From tenant that “ a Responsible Person would be able to regulate and control the noise, keeping doors and windows closed,” this would be impossible to predict and will inevitably cause Public Nuisance with most events staged.

***Presently varied staff members/ cleaners when leaving the premises in the evening leave excessive lighting on causing distress to neighbours opposite and this information has been relayed to tenant via Environmental Health a number of times now but still occurs to date. Residents are woken up from 6.10 am by delivery vans when there is a condition in place that they are to be between 8am and 6pm only - again breached by tenant and very damaging to residents health.**

The tenant has never attempted to consult with residents to gauge feeling and has apparently ruled out any discussion over possible compromise if this was to be an option.

You may or may not be aware that both WLBC Planning Dept and Environment Support put the restricted hours of use condition in to Safeguard the amenity of nearby residents who are in close proximity to the premises. Environment Support stated in their support statement “ as the site is in close proximity to residential premises there is a potential for some increase in noise which would require these restricted hours to be in place “.

We ask that you respect the rights of the Community and nearby residents in line with GN3 policy and Human Rights Act Article 1, Protocol 1, safeguarding resident amenities and refuse this application for the hours proposed - we have no objection to a premise licence for the permitted hours of business.

Regards

**Course Lane
Newburgh
WN8 7UB**

Alcohol License Representation - Eden Tea Rooms

I am the owner of _____, Course Lane which is located 200 metres to the West of the premises across an open field. I wish to make representations on the granting of the above alcohol licence in its current form.

Preamble

Professionally, I am a Licensing and Violence Reduction consultant for the Night Time Economy (NTE).

I am also a former Head of licensing for Merseyside Police in North Liverpool. My current consultancy advises licenced premises on all matters relating the Licensing Act 2003 and a wide range of crime and violence reduction measures. I work nationally and am considered a subject matter expert in NTE issues in particular, as well as the safe management of public open spaces. (Portfolio and references available on request.)

I have approached this issues as if I were advising a client and have tried to take my personal interest out of the equation. That said, as a locally resident who will undoubtedly be affected by this application, I am deeply concerned with the natural consequences of the late hours proposal, should this be granted.

Basis of Objection

I believe that the proposal undermines 2 of the 4 Licensing Objectives as follows:

Objective One: Prevention of Crime and Disorder

The primary Objective within the Licensing Act 2003 is the prevention of Crime and Disorder. The proposal and associated conditions, given the operating environment and geographical location of the

premises, will negatively impact on this condition. The disorder associated with incongruous rural licensed 'offers' (those not in keeping with the local prevailing culture) is well documented. The original proposal is cautiously welcomed by the local community but the late extension of hours' application is already eroding public trust in the enterprise. The late hours' extension significantly elevates the potential for inter and intra personal conflict, especially after 8pm. (See comments on the Planning Statement below for further details.)

Objective Three: Public Nuisance

It is anticipated that public nuisance, even in a well-run and regulated venue (which, I have no doubt this will be), will be a constant feature during operating hours after 8pm. As no impact assessment has been completed by an independent body with specialist Licensing expertise, the depth of this nuisance can only be inferred from parallel cases across England and Wales where similar applications

have been sought. The Licensing Department will have access to these precedents. I suggest that this won't be needed but as evidence based practise is the sensible route to take for such proposals, the Licensing Department should be consulted and requested to advise on similar cases in rural settings within England and Wales. I believe their conclusions will concur with my own once the full facts are known.

Further information on the impact on public nuisance is contained within the proposed conditions comments below.

Proposed Conditions

I make the following comments on the conditions proposed in support of the application. These are made based on my professional knowledge and experience in managing these type of applications from a Responsible Authority perspective as well as an industry practitioner and guest University lecturer on night time economy public space protection issues.

2.6 The provision of recorded and live music Between 08.00 and 23.00 Monday

Thursday and

Sunday and 08.00 – 01.00 Friday and Saturday

This condition is incompatible within the geographical setting it will operate. There are many reasons

for this which other objectors have cited, however, the below is a non-exhaustive list of my concerns:

- Fifteen bedrooms directly overlook the venue. The closest is less than 40 metres away
- Light pollution for all residential premises within line of sight will certainly occur

2.7 Condition 1: All external door to be kept closed

This condition would be subject to breach on every occasion that a patron enters or exits. I am unaware of the capacity but there is a simple industry calculation which should be applied for Committee to be able to gauge this. This is called 'Pedestrian Vectoring' and is a well-studied industry

phenomenon. The actual assessment (Pedestrian Interactive Process Analysis or PIPA Assessment), is also well documented and a simple academic literature search will provide all the source information Committee requires should this concept be unfamiliar to you.

Pedestrian Vectoring = Number of patrons times hours in attendance times number of entrances/exits

minus 75% Plus number of patrons (Captures termination.)

Example: Private function operating between 8pm and 1am with 50 attendees and 2 exits/entrances

$50 \times 5 \times 2 - 75\% + 50 = 175$ (Or 35 per hour)

This would mean that during the event, the numbers of patrons exiting/entering the venue would be 175 which is 35 per hour or approximately **9 every 15 minutes**. Even when supervised (which there

are no plans to do other than at the termination of business), this would lead to a noticeable and constant source of external noise.

2.7 Condition 2: Noise from music and associated sources shall not be clearly distinguishable at the boundary of any neighbouring residential premises after 18.00hrs

This is impossible to manage. Using the same calculation as above, 9 times every 15 minutes a door will be opened for a brief period which will result in noise pollution discernible by local residents.

There has been no mention of the noise level within the application. The industry maximum of amplified music is 89Db and at this level it would most certainly be distinguishable, a fact presumably

known to the authors if they have been exposed to these types of assessments in the past.

2.7 Condition 3: Volume of the music under the control of the Licensee at all times

As a regulator of this industry for over 30 years, I can say with certainty that this condition is unachievable. Even with a resident band (which is not proposed), visiting DJs and other music professionals insist on control not only of volume, but of base resonance as this is part of their performance. Any attempt to regulate this will be rejected. Base resonance is the single biggest concern expressed by complaints of loud music as it is this that has a physical effect on the body. (If you think of when the base has been too high when you have listened to loud music you will recall the way it makes your stomach and ears vibrate. This is a natural phenomenon at low frequencies and

is part of why we found music exciting to listen to at volume. Unfortunately, it does not discriminate and is even more noticeable at a distance from the origin of the music.)

2.7 Condition 4: Regular assessments of noise by the DPS

Plans for regular assessment of noise implies an understanding that this will be an issue. (Otherwise, why would this be required.) Even if excessive noise is found and dealt with, the problem would still have happened.

2.7 Condition 6: Notices requesting respect for the needs of local residents

Such notices, whilst popular with people seeking an alcohol Licence, are wholly ineffective, particularly

during the termination hour. There is a particular well known and studied phenomenon called 'The Law of Pragnanz' (taken from the Gestalt School of Psychology which focusses on understanding the world in organised wholes.) Once a notice has been observed, the brain disregards this as irrelevant on subsequent occasions. The NTE industry uses what is called 'The Sky Sports Analogy'. Imagine here

seeing the Sky Sports icon in the corner of the screen during a televised match but within a few minutes, this is screened out by your brain and loses its impact on subsequent views. (much the same

as the warning notices.)

2.7 Condition 11: Monitoring of the smoking area

The smoking area will be responsible for the majority of external noise as well as the smell of smoke and vapes carried on the wind. Both will invade the personal space of local residents and certainly impact of their enjoyment of their outside spaces, especially during clement weather.

2.7 Condition 12: Outside seating areas closed after 21.00hrs

9pm is too late for such an area to remain open as it will have a direct impact on the privacy and enjoyment of residential outside spaces as previously discussed.

3.3 Proposal will not increase levels of disturbance or nuisance that would be unduly detrimental

to local people

This is an impossible assertion to make given the above.

3.4 and 4.2 Support for diversification of the existing business

There is currently no operating business to diversify as they are yet to trade. Presumably, one would expect a fully costed business plan which the original alcohol licence submission was based on. As nothing material has changed in their proposal, I suspect that their strategy was to introduce different

elements of their plans in degrees. If this is the case then at best, they had a poor thought out plan and at worst, they contrived to request this late hour's application once the initial licence was in place.

In either event, this shows poor judgement, poor planning or mischievous intent.

3.7 No representations made by the public objecting to the proposals

This statement is deliberately misleading as it refers to the initial application and not the late hours extension. It is important to note that the business has not engaged in any public consultation throughout this application process. This is a key issue for any business applying for such a licence and

in the many Licensing Committees I have been involved in, is expected to have taken place. (I have not appeared before West Lancashire Licensing Committee but have made the presumption that this is process that Councillors also expect to have taken place.)

4.3 "It has been demonstrated there will be no additional negative impact on the amenity of neighbouring residents through the extension of business hours"

Unless there is an impact assessment in place which we have not had sight of, then I fail to see where

they have demonstrated no negative impact. If there is a missing document, please supply this so I can take a view.

4.4 "No identified dis-benefits"

There is no balance in this statement and this demonstrates a lack of fairness and accuracy in what I believe is a biased report.

Application for late hours

My views differ here from the significant majority of other residents. A 1am licences is indeed inappropriate for the many reasons cited within others' objections. It is however, my professional judgement that a reasonable compromise should be made in permitting a licence to 9pm 7 days a week with all outside consumption of alcohol to cease at 6pm. My rationale is in balancing what

should be a community asset versus a community liability and the potential for the business to be sustainable going forward.

If the venue closes at 6pm due to a lack of demand based on the non-provision of alcohol, the premises

may struggle to be viable in the long term and the site given over to another less desirous endeavour.

If, however, they are permitted a 9pm licence exclusively for inside only, they will be able to deliver community driven and compatible events such as cheese and wine evenings, craft demonstrations with alcoholic refreshments, gallery launches with wine and canapes etc. This is an entirely laudable use of the space and in keeping with the original proposal for the venue to be an Arts driven offer.

It was my intention to attend Committee to present my case but I have made a decision not to do so as I am aware that my views on hours are incompatible with the majority and I wish to retain my relationship with neighbours. That said, I am in universal support with the remainder of the issues local residents have put forward other than the permitted hours.

Course Lane
Newburgh

Eden Tearoom and Galleries, Course Lane, Newburgh, Lancashire WN8 7UB

Email to: licensing.enquiries@westlancs.gov.uk

For the attention of: West Lancashire Licensing Team

Re: Application for a Premises Licence at Eden Tearoom and Galleries, Newburgh.

Name of person making this representation: Date: 21st August 2020

Address of representee: Clovelly Drive, Newburgh, Wigan, Lancashire WN8 7LY

I am a resident of Newburgh and I wish to make a representation in opposition to the above application because I am concerned that the granting of a licence for the sale of alcohol and the playing of amplified music late at night particularly in this rural situation, will create the potential to undermine one or more of the four licensing objectives of the 2003 Licensing Act and the evidence for my objection is as follows:-

Prevention of Public Nuisance

The application proposes new extended operating hours when licensable activities can be carried out that are likely to undermine the licensing objectives by causing a nuisance to nearby properties and the general area. The proposed opening hours of Sunday to Thursday 08:00 - 23:00hrs; Friday & Saturday 08:00 - 01:00hrs, are contrary to the trading hours specified in Condition 7 of the Amended Full Planning Permission document dated 2nd February 2017, which states: **"The premises shall only be open to customers and deliveries/collections shall only be made between the hours of 0800 and 1800 Mondays to Saturdays, and between 0900 and 1800 on Sundays and Public/Bank Holidays"**. The reason given for stipulating these approved opening hours as stated in the Planning Permission document is: *"To safeguard the amenity of the adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document"*.

Policy GN3 in the above document allows development provided it retains or creates reasonable levels of privacy and amenity for occupiers of the neighbouring and proposed properties. It is my belief that this Policy will be contravened if the proposed new extended trading hours is permitted and it would also undermine one or more of the Licensing Objectives by increasing and not preventing the interference and nuisance caused to local residents and the nearby community.

In view of the foregoing and by reference to Section 5.0 Intergration Strategies in the WLBC Statement of Licensing Policy 2020, Planning and Building Control on page 21, items 5.3 to 5.6, I fail to see how the proposed extended operating hours can be permitted to override any lawful requirement of the planning system, because items 5.4 and 5.5 in the Policy give clear guidance for applicants and the procedures they must follow, extracts from which are as follows:-

- "The granting of an authorisation/permission will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes"*.

- "Applicants and existing licensees should ensure that they have due regard to any planning restrictions on the use of premises to avoid any possible enforcement action"*.

•"Prospective applicants must be aware of potential breaches of legislation arising from the decision process of both regimes. This is particularly pertinent in relation to opening hours. For example, if a closing time has been set through the planning regime, which is different from the time set through the licensing regime, the applicant must observe the earlier closing time".

The WLBC Statement of Licensing Policy 2020 provides more information and guidance about the measures needed to prevent the occurrence of public nuisance in items 4.24 to 4.33 on pages 14 to 17, and item 4.26 in particular describes a situation which is relevant to Newburgh and its rural situation, where it is stated that:

•"the Authority is committed to ensuring that the operation of licensed premises does not unreasonably interfere with the personal comfort or amenity of immediate neighbours or the nearby community. The impact of night-time activity has caused some considerable concern to residential and business communities in the Borough".

I have been a resident of Newburgh village for over 40 years and have enjoyed its quiet and peaceful rural location surrounded by agricultural fields. The village has a good community spirit and an active Parish Council which effectively deals with official matters and keeps every villager informed of what is happening through its regular news letter. Everyone welcomed the news that the old Farm Shop site on the former strawberry field at Course Lane was to be redeveloped and provide a much missed facility for the village.

Some villagers were perplexed when the plans were amended to provide a change of use to a mixed use of non-food retail and cafe, but their concerns were eased when they heard that the planning permission included conditions restricting the opening and closing times to between 08:00 and 18:00 Mondays to Saturdays, and 09:00 to 18:00 on Sundays and Public/Bank Holidays. This decision was made by the Planning and Environmental Officers after giving due diligence to determine suitable opening hours for the premises. However, the applicant is now seeking to extend the opening hours until 23:00 from Sunday to Thursday night and until 01:00 on Friday and Saturday nights, which is a considerable increase in trading hours and is likely to have a greater detrimental impact on the amenity of those residents living on Course Lane and also those living in the general area.

My real concern is that all of the proposed extension in time will occur after 18:00 and continue into the middle of the night which is likely to create an increasing amount of public nuisance in and around the village as people and vehicles leave the building. This is simply due to the fact that levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower.

I trust that my representation clearly shows my concerns about this application and the likely effect that licensing the premises for the sale of alcohol and the playing of amplified music late at night could have in failing to promote one of the Licensing Objectives.

Yours faithfully,

-----Original Message-----

From:

Sent: 22 August 2020 00:31

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Objection to alcohol & music licence (extended hours) Eden Tea Rooms, Course Ln Newburgh

Dear Sir/Madam

I wish to raise my concerns regarding the application for an alcohol & music licence for up to 11pm daily & 1am Friday/Saturday nights.

Newburgh is a quiet rural village & these extended, licensed opening hours would have an adverse effect on the residents throughout the village. Residents would be subjected to the nuisance of the noise. Loud music cannot be contained in a building that is basically a glass box. People will be in & out the building during the evening & sat outside using the outdoor seating. This makes the noise uncontrollable. Then there is the noise from people leaving the premises at 1am. Car doors being closed, taxis arriving, noise from intoxicated partygoers which would go on for another 30-40 minutes before they had all departed. The increase in traffic is also a hazard as the main road through Newburgh is narrow & windy. Strobe/ flashing lighting which can clearly be seen, will be a nuisance to all residents who live adjacent & very distracting to all other road users.

There is bound to be an increase in alcohol fuelled antisocial, rowdy behaviour which is something we are not used to. Glasses & bottles will be taken off the premises & then left littering the paths & roads or dumped in people's gardens & fields, this is another hazard to residents. There is also the hazard to livestock that graze in adjacent fields. We also have a lot of elderly residents in the village & this noise & antisocial behaviour would be frightening for them & leave them feeling very vulnerable.

The application states that this would only be for pre-booked events but within no time this would be every weekend & week night as any 'party night ' not just occasional weddings or birthdays can be classed as pre-booked. The owners of Eden Tea Rooms have already demonstrated little regard for planning regulations or the local residents as there have already been numerous breaches Eg. holding Farmers Markets in the adjacent buildings, tarmac over green belt, no wood cladding etc.

I have no objection to the Tea room as applied for in the original application but I strongly object to it being used to hold late night events.

Yours sincerely

Ash Brow
Newburgh

From:

Sent: 22 August 2020 12:59

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Gallery Licence Application

While I think the present opening hours for Eden Galley Newburgh are acceptable, I strongly object to the new application for late night alcohol and music. It would be completely unacceptable to allow this in a quiet village like Newburgh. The noise and light pollution, the inevitable smoking and drinking outside, the banging of car doors and the loud talking that always ensues after a night of partying would cause distress and nuisance particularly to residents living opposite or alongside the venue. When we have music at Newburgh Fair the whole village can hear it, but that is a village event and only once a year, not every night. The building is essentially a metal shed, so I fail to see how this could contain the sound of loud music. This is a low crime area and we would like to keep it that way. The potential for anti-social behaviour would obviously be increased after late night drinking by groups of people. Just ask the police! We do not want this urban problem imported to our village. It is likely that people wanting to book this facility would be from elsewhere and therefore not concerned about the local impact. There is no public transport at night so we could expect a large number of taxis to be used adding to the noise and light nuisance already mentioned.

I notice that there have been many breaches of the current planning permission by Eden: lack of timber cladding. wrong type of gates, tarmac on green belt land, missing fence, air conditioning unit, lack of cycle racks, satellite dishes, extra metal staircase etc. Do Eden think they can build what they like and just get permission afterwards? If retrospective permission is granted this would make total nonsense of planning procedure and I hope they will be asked to rectify all the breaches. We could all quote examples of people being made to take down extensions, and occasionally whole buildings, which had not been given planning permission or hadn't built what they were given permission for.

I hope you will not grant permission for this late night alcohol and music licence application to be implemented.

Yours faithfully.

The Hawthorns
Newburgh

Representation with regard to premises licence application for:

Eden Tearooms, Course Lane, Newburgh, WN8 7UB

As a local resident, I wish to object most strongly to this application and make the following representations in support of this objection:

1. With regard to licence conditions, as previously agreed with environmental health, police and the applicant:
 - Whilst I appreciate that this is a re-application, due to a 'technicality', there would have been objection if anyone had known about the first application and this may have affected the original decision, parts of which remain in place. The behaviour of the applicants in placing the application notification where no residents could see it, suggests a level of dishonesty and a lack of respect for both licensing rules and local residents.
 - The timings applied for are unsuitable for an un-soundproofed building and outdoor area in a quiet rural and residential location.
 - Licence conditions state that it is for 'indoors only' - this has already been breached by applicant on several occasions, as she has installed outdoor seating. The installation of seating in itself is a breach of planning conditions and the serving of alcohol for consumption there breaches current license conditions.
 - License conditions state that 'noise is not to be heard outside after 6.00p.m.' - The building does not appear to have appropriate soundproofing to achieve this, as it is made of glass, with no external cladding, (a further breach of planning conditions). Non-music events have already been held after this time, with noise from people leaving and drinking outside, breaching conditions. A music event would certainly create more noise than this.
 - In addition, the application for an 'indoors' licence also includes use of a tent - this cannot possibly be adequately soundproofed to meet the above condition and the applicant has already told residents she is intending to regularly have marquees.
 - Noise carries in a quiet rural area, particularly at night - this is clearly demonstrated by the occasional events held at the Cricket Club and Tawd Vale Scout Camp, which are clearly audible within the village - due to the rarity of such events, they are currently tolerated in the interests of community relations. However, twice weekly events of this nature would cause intolerable nuisance and distress to residents.
 - Conditions state that 'no deliveries are to take place between 20.00 and 8.00. - Deliveries have been regularly taking place prior to 8.00 a.m. and have woken up local residents on several occasions. This again suggests the applicant's lack of respect for planning and licensing rules.
 - Conditions state that the 'outside seating area is to be closed between 21.00 and 8.00'. - This area does not in fact have planning permission so should not be used at all! It is currently, (and retrospectively), **temporarily** allowed due to Covid. Even if outdoor seating were permanently allowed, it would be extremely difficult to move all the people sitting outside, to inside at 21.00 and this could cause significant disruption to an event indoors and possible altercation over lack of seating. Current Covid distancing rules mean that there could be an issue that not all outdoor seated people could safely be transferred indoors. This could mean some would stay outside - breaking this condition. Who would 'police' and enforce this condition as it is unlikely that one staff member would be able to deal with it?
 - Although late events are for 'pre-booked, private' events only, this can still mean ticketed music events - owners have no control over those who attend. Pre-booked or not, the numbers and clientele attending would be the same as a public event and the noise and

nuisance caused would be the same in either case. Thus this condition does not mitigate the impact of the application.

- In addition, whilst the application states pre-booked events, in one section, they are also applying for premises to be 'open to the public' during the same hours - which seems a contradiction.
- The area for consumption of outside supplies is NOT clearly marked, (as stated in conditions), and has been enlarged by the applicant, (without planning permission), to encompass areas at the rear and side of the building, out of sight of cameras / licensees, (a condition is that all areas of consumption should be monitored by and in view of the licensees).
- Music, alcohol and 'late night refreshments' have been applied for between 11pm and 2.00a.m. This is later than the original application to 1.00a.m. A 2.00a.m. finish time would be even more disruptive for local residents and means that people will not have fully vacated the premises until 3.00a.m at least, and clearing up activities (e.g. bottles being thrown in a bin) will create further outdoor noise.
- The condition that the 'volume of amplified sound shall at all times be under the control of the licensee', would be impossible to achieve with live, amplified music or, for example, a band at a wedding.
- The currently approved opening hours (8a.m. to 6p.m. Mon-Sat and 9a.m. to 6p.m. Sunday) are acceptable, but the license application is entirely disproportionate to these hours. No extension of opening hours has, as yet, been granted and there is a huge number of objections to this.
- The applicants have been advertising late events with alcohol since 23rd June, without actually having a license to hold these.

2. With regard to Licensing Objective 1 - Prevention of Crime and Disorder:

- Behaviour after leaving the premises at 2.00a.m. after consumption of alcohol is likely to be noisy and possibly aggressive. This could easily lead to public order issues.
- Late events, (notably weddings), often end in loud argument or fight, due to alcohol - this disorder would cause disruption to residents as well. (Even 'cheerful' noise would cause nuisance to residents!)
- Likely attendees at events would not be local so would have no care for the village or its rural location and nature. This is likely to result in littering, from outdoor consumption and off license sales, as well as possible vandalism.
- Newburgh is a rural and residential village, with a very low current crime rate, so there is a lack of regular police presence and a significant time delay in access to this if necessary. This would mean that any issues could not be easily resolved and would therefore cause further disruption. A significant number of late night events would mean that this fact would be more widely known and this is likely, in turn, to attract people who wish to cause trouble or indulge in criminal activity, (e.g. drug use / dealing).
- The site configuration means that youths could easily congregate behind the building out of sight - increasing the possibility of drug use. N.B. this is increasing generally in the local area (e.g. along the canal bank - evidenced by nitrous oxide capsules and syringes discarded). A late night venue is likely to increase this further - in line with the point above.
- Patrons of the venue have already been observed urinating outside - with a large event and very limited toilet facilities, this would be likely to increase and would constitute a public decency and disorder issue.

3. With regard to Licensing Objective 2 - Public Safety:

- Traffic and parking violations - due to the limited and inadequate parking on site for a large event, (much has been re-purposed for outdoor seating), there is a likelihood of parking in narrow residential streets nearby or of parking on the main A5209, where the bend in the

road to west of the venue would cause a hazard, due to lack of visibility. There are already speeding issues on this stretch and this, combined with irresponsible parking would constitute a hazard. This would also exacerbate the likely issue of parking and noise on nearby residential streets late at night.

- The lack of pavement on the road outside the venue is likely to lead to people waiting and taxis stopping on the main road causing traffic hazard.
- Advertising hoardings / flags are a distraction to motorists and therefore also constitute a traffic hazard.
- Lights - particularly flashing disco lighting, cannot be hidden in a glass building and would be not only distracting for motorists, thus causing a traffic hazard, but would also be likely to affect the mental and /or physical health of residents opposite - flashing can be seen through curtains. The current security lighting alone is very bright and causes annoyance. I cannot think of any large event venue, where a late night license has been granted for such events in such an externally visible building, so close to residential property.
- Large numbers of people from a wide geographical area visiting a small rural village with which they have no connection, for the purpose of drinking and music events could give rise to fights etc - see point above.
- There is a risk of intimidating and threatening behaviour (some has already been reported to police), by the applicant towards local residents if they make any representation about any issue. This makes them fearful of reprisal if they raise an issue related to light or alcohol consumption nuisance.
- The area is inadequately fenced, outdoor seating is in place and there is no pavement - this could lead to unsupervised children straying into the road very easily or drunken individuals walking into it in a stretch where visibility from one side, (the side of oncoming traffic), is poor and there is no pavement, particularly in the dark.

4. With regard to Licensing Objective 3 - Prevention of Public Nuisance:

- See above regarding urinating customers
- The village, particularly the area along Course Lane is currently almost silent at night - flashing lights and noise from music until 2.00a.m. would cause nuisance to most of the village, not just this area. The development is directly opposite and adjacent to residential areas and if late night events are held, this would inevitably cause a significant level of noise and disturbance for those living both opposite and to the sides of the venue. Even if it were possible that noise from the event itself was kept inside the building, there would be noise from attendees coming and going, particularly at the end of an event, in terms of interaction between people and also traffic noise.
- Since the building is glass, it would also be likely to generate issues of bright lights as well as noise.
- No reassurance or plans have been seen from the applicant as to how they will ensure that music and lights will not be distinguishable to residential premises, how noise will be kept low enough that it does not cause a disturbance to local residents, or how the applicant will ensure that visitors leave quietly.
- The building is unsuitable as a party venue as its construction means it will automatically cause nuisance - it was approved as a shop and tea room, not an events venue. The amount of glass means that lights will shine out directly into the houses of local residents. Even the security lights cause significant light disturbance and nuisance at night.
- There is no public transport to the venue, so it is likely that not only a significant number of cars but also taxis and minibuses etc would be arriving at / leaving the site - with the attendant use of horns and slamming doors as well as loud voices. This would cause significant disruption and nuisance to local residents at 2.00a.m. or later, as people left the premises. This would be likely to waken residents, particularly due to bright headlights

shining directly into houses as they leave the premises. Many local residents are elderly and this would be a particular issue for them.

- Loss of privacy - There is a direct view from the upstairs of the building into the bedrooms of residents opposite, meaning that event attendees could see into properties with ease. The applicant herself has already been observed taking photographs of local residents in their homes and gardens. Whilst this is already unacceptable at any time, there is a loss of privacy, which causes a nuisance to local residents and this is exacerbated late at night when people are going to bed.
- The noise from attendees using outside seating is likely to cause nuisance, (as well as breaching planning conditions with regard to noise outside the building), - see also point above re seating, under 'conditions'.
- Since parking in local residential streets is likely, this will cause a nuisance to residents, particularly over access into and out of their property and through noise from returning event attendees in the early hours of the morning.
- With regard to 'sustainable development', no consideration seems to have been given to the current character of the area - an historic agricultural and residential area - the site was formerly a farm shop. The area is quiet, particularly in evenings and during the night. If this application was granted the entire character of the area would be changed at nights, causing significant public nuisance to residents.
- In addition to disturbance for immediate neighbours to the venue, it is likely that late night events would cause wider nuisance for village residents - particularly on Course Lane, Sandy Lane, Newacres and Woodrow Drive. Currently, sound from events at Tawd Vale Scout Camp and the Cricket Club can be heard in those areas. Such events are currently rare and finish by midnight, (even the final event for the once per year Newburgh Fair has to finish by 12.00), and are therefore tolerated by residents in the spirit of village community. However, a facility which has the potential, to hold late music events every weekend, could cause significant and intolerable disruption for village residents over a wider area than the immediate neighbours.
- It must also be asked whether a venue with the potential to hold late night licensed music events twice every week is an appropriate development for a small rural village. The two currently licensed village venues, (the Red Lion and the Cricket Club), currently hold late licenses, but have very rarely had need to use them. I have spoken to the venue owners and they liaise with local residents every time they have an event, and put measures in place to mitigate the effects of this (e.g. no music or noise outside). The events are rare, (once a month maximum for the Red Lion, and never until 1.00a.m.), and the rarity itself would suggest the lack of demand or necessity for further late night events. Thus, it seems highly unlikely, given the village demographic, that residents would regularly attend such events. Therefore, the development would not benefit the residents of the village and would need to attract visitors from elsewhere. This would in turn cause additional traffic and noise issues and visitors would be unlikely to understand or respect the nature of a rural village, since they would have no interest in it.
- Whilst the applicant has currently agreed to keep all doors and windows closed, this does not seem practical or sensible in a glass building, partially clad in metal sheeting with a lot of people in it, particularly in hot weather. If doors / windows were opened, noise would carry and cause nuisance. Similarly, the application states that a tent is deemed an indoor venue - noise and light would certainly carry from this and could not be stopped - thus causing nuisance.
- People going in and out of the building to smoke or into / out of the outdoor seating, would necessitate regular opening of doors - this would allow sound to 'escape' and cause nuisance.

- There is no designated outdoor smoking area, so people leaving the building to smoke would initially allow noise out and then also potentially cause nuisance to residents by going off the site and near to homes to smoke.
5. With regard to Licensing Objective 4 - the Protection of Children From Harm
- The area is inadequately fenced, outdoor seating is in place and there is no pavement - this could lead to unsupervised children straying into the road very easily in a stretch where visibility from one side is poor. This presents a risk to children.
 - See earlier note re groups of youths congregating.
6. Other considerations
- Not only people would be affected by nuisance and safety from this - there are stables and farms in the immediate vicinity and the site is adjacent to green belt land. The disruption, noise and flashing lights could adversely affect livestock and horses, (and therefore farmers' and residents' livelihood). There is also a need for consideration of wildlife protection. As the land is green belt and agricultural, a variety of wild animals and birds live in, on and above it, including bats, (a protected species). Their natural life cycles would be severely impacted by regular noise and late night light nuisance.
 - The number of breaches of planning regulations already committed by the applicant, (more than 15), suggests a lack of care or respect for adherence to laws or rules. This, combined with a threatening and intimidating attitude towards village residents, with whom she has consistently failed to engage, despite invitations and requests, does not suggest that the applicant would adhere to the conditions of the license. It further suggests that the applicant is unlikely to consider noise or other nuisance to local residents, an issue for her to address.

For these reasons, I believe that this license application should be refused or, if any license is granted, that this should be strictly limited to include only serving of alcohol in the building during currently approved times up to 6.00p.m. as the venue is entirely unsuitable in terms of construction and location for late night events.

The temporary outdoor Covid measures should be reviewed immediately following amended government advice and if a future application for outdoor seating and sales is made, any license application should be separately made at that time.

Yours sincerely

, Newacres
Newburgh
Lancs
WN8 7TU