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From:

Sent: 22 August 2020 18:29

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

Subject: Objection re application: Eden Tea Rooms, Course Lane, Newburgh.

I am objecting to this application. I have read the application closely. I am deeply troubled, as a long-term resident of Newburgh, firstly about the whole approach Eden Tea Rooms have take to their application, having already set a precedence of conducting their approach to planning in a cavalier way.

This has made me feel distrustful of them enough to submit my concerns, which are re. licencing:

1. Section 11 states that they require their application to end at 02.00. This may be when the premises have to close, but I also object to their opening hours on Fri and Sat night to 01.00. Newburgh is a peaceful area and these arrangements do not suit this quiet village. The propensity for noise at these times on Fri and Sat is too high. Seeing how cavalier Eden Tea Rooms have already been with their applications, I'm afraid I do not trust them to police their noise in a respectful, thoughtful way to local residents, despite their requirement to do so in this application.

2. Section 11 also states that indoor licencing could include a tent. If you lived in Cobbs Brow Lane as I do, you would know that intrusive sound of music and revelling from a marquee or tent, travels at a high sound rate. I experience this from the annual fair, which is only 2-3 nights a year and finishes on the dot at 11pm. I also experienced it from a marquee set up near Taylor's farm shop last year, most likely from a marquee wedding event.

This is not vexatious comment, this is factual evidence that the noise travels to an intrusive point here and would so from Eden's marquee events, along with late night general sounds (in the warmer weather, there will be intrusive noise from revellers drinking and smoking outside).

In theory, there could be weekly 'tent' events with this licence til 1a.m. every Fri and Sat night in Newburgh.

This would be detrimental to my well-being. I chose to live in Newburgh because it is a quiet, gentle village. Granting this application changes this and I oppose it.

My final point repeats my concerns: I welcomed Eden Tea Rooms, even when the name was a misnomer, but bit by it is applying to be something else, and I no longer welcome.

Please share my clear and absolute objection to this licence.

Thank you.

Regards,
Cobbs Brow Lane,
Newburgh

From:**Sent:** 22 August 2020 21:09**To:** Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>**Subject:** EDEN TEAROOM NIGHT TIME ALCOHOL & MUSIC licence application

Representations are the same, as the previous e-mail, sent on 6th July 2020, which are stated below.

Please reject application, due to the risk of crime and disorder, threat to public safety and prevention of public nuisance!

Thank you.

Begin forwarded message:

From:**Subject:** 2020/0439/FUL**Date:** 6 July 2020 at 10:11:41 BST**To:** plan.apps@westlancs.gov.uk

Please register our objection, to the extended opening hours for Eden Tea Rooms, Course Lane, Newburgh up to 11pm(sun-thu) 1am(fri-sat).

Reasons to reject application;

- 1) Invasion of noise into the private dwellings of the residents of Newburgh village, during the evening and into the night, causing neurological problems (memory, thinking ,concentration etc)
- 2) As a person, with a missing stapes in my left ear, constant excessive noise, within a personal environment is likely to illicit an aggressive response, towards the source of the noise contamination.
- 3) My mother, who is into her nineties, goes to bed each night at approximately 10pm. This will cause sleep disturbance and exacerbate her potential ageing problems

Back Lane, Newburgh, WN8 7XB.

RE EXTENDED HOURS OF LICENSING AT EDEN TEA ROOMS AND GALLERIES

Newburgh is a very pretty, quiet village, formerly a farming area now residential. People choose to live here to enjoy the peace and quiet of a pretty village, the centre of which is a conservation area. This village has twice won best kept village competition. We have a post office with a tea room and a charity Apple Cast also with a tea room. Both welcome local people, Apple Cast providing pensioners with the occasional free cream teas. What a contrast with Eden Tea Rooms (whose aim is to attract people from outside the village and therefore having no input into the village) who have been antagonistic with local people who are concerned about the impact the proposed licensing hours will have on their lives! Recently there has been a malicious and vindictive accusation-(lies)- entirely false. Can one trust such a person?

Course Lane is a very busy road during the day but quiet and peaceful at night. Eden plan music nights and group celebrations. The building was a farm building and is not designed for this purpose. We have experience of how sound travels.

1. The dance held on the Saturday evening at Newburgh Fayre. The music can be heard over a wide area but as it is only once a year it is tolerated. Likewise the music from the scout camp holding their jamboree, music going on for three nights, sound travelling across the fields. The music and noise emanating from Eden Tea Rooms will be a public nuisance especially to those living across the road, many of whom are elderly.

2. Light Pollution. Recently the lights downstairs were inadvertently left on. All the surrounding area was dark so the building stood out like Manchester Airport, hardly an appropriate sight on entering a pretty village and very disturbing for all the neighbours. How much worse it will be when the lights upstairs are on also especially in winter. This could cause a traffic accident when the driver's attention is distracted by this building. (We have had experience of attention being distracted by the selling of Christmas trees when a car went into our son's car.)

3. Drinking and smoking outside - voices carry (especially today as people talk so loudly). This will cause a public nuisance to neighbours used to the quiet evenings.

4. Noise.-There will be a nuisance to the public, namely the folks living opposite when people are leaving the venue.Loud voices as they say good bye. Car doors slamming, engines revving ,headlights shining into homes as they leave.

5. Newburgh is an area rarely policed as there is never any trouble.Where there are parties and liquor especially going on to the time 1am asked for, rowdy behaviour and arguments ensue. Can this be monitored properly? Younger people will be attracted to the venue.

6. Each morning very early (6.45 am) residents are disturbed by delivery vans. They are not supposed to be there before 8 am.This is causing concern .

7.Eden Tea Rooms have deliberately ignored existing planning regulations. a) they used the barn designated to store agricultural machinery for a Farmers market despite being told they had no licence. b) They are using greenbelt land for outside tables and also for extra parking. c) On Thursday 13th August held a flower arranging class until 7.45 pm despite having to close at 6 pm.

This makes me very apprehensive what extra limits will be breached if these licencing hours of 1am Fridays and Saturdays and 11pm the rest of the week are granted. I vehemently oppose these hours and licensing and hope they will not be granted. Therefore I wish that the present hours of opening remain. If however extended hours are to be granted then I believe no later than 9pm inside the building and no later than 6pm outside the building should be granted. Our quiet country life will be no longer. It fills us with horror.

The yearly rental on this place is enormous. Coffee,tea and cakes will not be enough. They need to sell liquor and lots of it. It is a business venture purely.

.They are putting in planning application after application.There is no stopping. We are having to be vigilant.

course Lane, Newburgh.

From: Sent: 23 August 2020 13:52

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

Subject: Objection to Application for a Premises Licence - Eden Tearooms and Gallery, Newburgh

Dear Sir or Madam

I wish to make my objections to Edens late night licence application and to the excessive boundary for the following reasons:

Prevention of Public Nuisance

- The structure of the building is metal and glass with apparently no soundproofing insulation or acoustic glass. Consequently, a late night licence with events in the building would undoubtedly generate noise in Newburgh which, although busy during the day, returns to the peaceful, quiet village that it is known for. Sound carries and would undoubtedly be a nuisance to the residents of the village.
- Another level of noise can be anticipated if the licence is granted because the outside areas surrounding the building would undoubtedly have people smoking, drinking, talking and laughing. Until there is an approved outside seating area, the licence boundary should be confined to the building only. This nuisance would be amplified by the arrival and departure of vehicles on the gravel surface which already emits a loud crunching noise. Add to this the arrival of taxis, (horns beeping), car doors being opened and slammed shut and the inevitable reversing sensor noise that accompanies most modern cars these days and there is a serious public nuisance being committed. At the moment, the planning application has been granted to ensure that no deliveries take place before 8am to prevent public nuisance and disturbance. I have personally witnessed deliveries at 7.21am and earlier. So, already there is a public nuisance with the breach of delivery hours.
- The building overlooks several houses on Course Lane. In the hours of darkness if a licence is granted, the headlights from vehicles leaving the property will disturb private residential houses as the lights will shine into the front of their houses, whether it be living room or bedroom windows. I have witnessed the lights being left on in the building in the hours of darkness and it is a serious illumination disturbing the peace and tranquillity of the area and adjoining residents.
- The application is flawed because the number of people is not indicated at the proposed functions.

Prevention of Crime and Disorder

- Newburgh has a fantastic (touch wood) crime statistic in that according to the crime figures on the police.uk website there has been no anti social behaviour or drug use within 250m of the Eden building since July 2017. In that time there has only been one theft reported.
- As an ex police-officer, I am concerned that a late licence will attract some undesirables intent on drinking to excess in order to have a 'good time' resulting in public order offences and violence. The proposed functions for which the license is required are being advertised on social media throughout the North West so it is reasonable to assume that many people from outside the village will be in attendance, some of which will have no conscience about keeping quiet and behaving accordingly. There is also the possibility that recreational drugs may be in use, (on the increase throughout the UK) which would scupper the drug use statistics mentioned above. The perimeter of the buildings is very dark and there would be ample opportunity to carry our illegal practices.
- A venue such as the Eden might also attract the opportunistic thief who would have multi vehicles as targets in the unlit carpark and as there is limited parking, any vehicles parked on the surrounding roads. This could bring a whole host of problems to Newburgh as many properties are overlooked from the Eden building. It is estimated that a burglary in the UK occurs every forty seconds and if undesirables are attracted to the village because of the late licence, it would be easy

to view which properties are empty during the evening. It is my experience also that when thieves target a village, they continue to cause crime in that vicinity until they are disrupted.

- Which brings me to the subject of a police presence in the village. There isn't one. Any crime, public order etc requiring police intervention would be seriously impaired as patrols would have to be summoned from other towns resulting in a substantial delay. Prompt attendance by the police is essential should any problems arise and this is unlikely to happen.
- The tone of the project has already been lowered by evidence I have seen in a photo of a male urinating against the side of the building in daylight hours. If people can't be bothered to use the toilets during the day, then it is likely there will be males and females urinating around the building because there is only one toilet where the proposed functions would take place.

Public Safety

- The car park has three access roads to the building, none of which have pedestrian paths within the grounds. I have witnessed cars arriving and having to wait until pedestrians have cleared the path before they can park. This could be extremely dangerous especially in the dark when these functions would take place.
- Also, a major safety issue is the lack of footpaths leading to the Eden building on Course Lane. From two access roads, the pedestrian is faced with the busy road to cross in order to get to a pavement which could be a nightmare scenario if children were left unsupervised. The gravel covering is hard to walk on and completely undesirable for use in the dark hours as a late licence would allow. For good reason, external lighting is not permitted on the site after 6pm as a condition of the existing planning approval so the dangers to pedestrians remain high.
- I visited the tearooms recently and was surprised to see there was one toilet on the first floor, the proposed venue for evening events. In my opinion this is not enough especially if someone falls ill and is occupying the toilet for any length of time. It begs the question as to where people will use the toilet if capacity is high? Downstairs toilets are likely to be out of bounds.
- I was also surprised to see that the fire escape is at the far end of the kitchen. If a fire was to occur, for example from the kitchen, there is a possibility that both the escape route and the stairs giving access to the first floor, at the other side of the kitchen, would be blocked with fire and smoke. I accept that there might be minimal risk of this but whatever the risk, safety must be the prime consideration and if this floor was full of people at an event, there could be potential danger to life.

Conclusion

I am a resident of Newburgh and would like to make it clear that I am not objecting to the Eden project as a whole, but to the licence application after 6pm. I am disappointed that this application has been submitted without consultation with anybody in the village to my knowledge.

I think the buildings concerned are a monstrosity, not in keeping with the village at all but heyho, the planning approval was granted and the premises still need to be completed in line with the approved drawings. I walked around the roads surrounding the fields where the premises are when there was a recent artisan market and in my opinion, the entire site was an eyesore to anybody approaching Newburgh or leaving on the A5209. There were cars everywhere, rubbish skips, people milling about, children playing unsupervised on the green belt land. This was in daylight and the market finished at 4pm. I dread to think what the situation would be with events at night.

The application is ambiguous as to whether the premises would be closed to the public after 6pm and if tents or similar could be erected and used on the premises at any time. I do not think the general public should have access to alcohol after 6pm as having public on the premises would make all of the above objections even more relevant. I have read in the application that tents are

classed as 'indoor' - I do not think they should not be used as it would be impossible to control the boundary noise condition and furthermore, it would not be unsightly for green belt land.

Any problems associated with public nuisance, crime, safety and harm to children occurring in the evening after 6pm, including those outlined above, could be easily prevented by not granting a late licence. As there is currently no approved outside area dedicated to drink off sales, the extensive licence boundary should be refused and amended to only include alcohol served in the building during the hours up to 6pm.

I hope my objections are clear and they are taken seriously by the Licensing Department.

Newburgh,

WN8 7LB

From:

Sent: 23 August 2020 14:38

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

Cc: Councillor Edward Pope <Cllr.Pope@westlancs.gov.uk>; ParishClerk, Newburgh <clerk@newburghlancs.co.uk>

Subject: Eden Tearooms and Galleries Course Lane Newburgh Night time Alcohol and Music Licence Application

Eden Tearooms and Galleries Course Lane Newburgh

Night time Alcohol and Music Licence Application

Dear Sir/Madam

I make the following representation to West Lancashire Borough Council Licensing Authority on the Eden Tearoom and Galleries application for a premises licence. My representation addresses the criteria of potential public nuisance, public safety and the prevention of crime and disorder.

The original, approved application was for a Tearoom and Galleries operating between 8am - 6pm Monday to Saturday and 9am - 6pm Sundays. These are adequate times for a tearoom and looked forward to by Newburgh residents.

The application for licensing hours of 8am - 11pm Sunday to Thursday and 8am - 1am Friday and Saturday are totally unacceptable and bear no resemblance to the original accepted planning permission for a tearoom.

Newburgh is a quiet rural village particularly so in the evenings. Having lived here for 20 years I fully accept that noise travels from the annual Newburgh Fair and the occasional events at Tawd Vale. The application would create noise nuisance on a regular basis and also public nuisance into late evening and early morning as the sound will travel great distances. It will be a particular nuisance to those living close by.

The applicant has stated that all external doors and windows will be kept closed to limit the noise. How will this happen when people are entering and exiting a building not built or designed to restrict the nuisance of noise.

There are no public transport links in Newburgh which would therefore necessitate the use of taxis in the evening, again creating noise nuisance with the sounds of engines, possible horn tooting and the greetings of people exiting at 11pm or 1am and later in the early morning.

Light pollution is another public nuisance being created. The building frontage is mostly glass. The light emanating from the building is already disturbing those living opposite and causing a distraction to drivers with the possibility of causing accidents. This would increase in public nuisance value with late night closures and possible flashing lights at events.

Alcohol fuelled events can often lead to disorderly behaviour leaving events creating public nuisance. It can also lead to aggression creating concerns for the residents of Newburgh as any police support needed is difficult to access.

Another public nuisance concern is the boundary area outlined in their plans for alcohol consumption. Why is such a large area needed?

In summary, the application for a Night-time Alcohol and Music License for Sunday to Thursday 8am -11pm and Friday and Saturday 8am -1am is totally unacceptable for what is, with planning permission Monday - Saturday 8am - 6pm and Sunday 9am - 6pm, a Tearoom and Galleries in a quiet rural village.

Yours faithfully

Newburgh

WN8 7TT

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:

Representation of Public Nuisance

The current application is asking for licencing hours up to 2:00AM on Friday and Saturday night/Sunday morning and up to 11:00PM on other evenings.

The original application for the project led the public to believe that the Eden Tearooms and Gallery was just that. Applications are now being made for music and entertainment nights to times way beyond what I would consider acceptable for the situation and structural make up of the building. As you are aware, the building is situated by a main road (A5209) in a rural village opposite houses who would be subject to the nuisance of lights and noise when they would be trying to sleep. This is not acceptable in my eyes.

The hours of application are more suited to a nightclub than a tearoom.

It should be noted that Eden are suggesting that events will be held on an "occasional" basis. The word "occasional" can be taken in various ways and is not clear to the meaning of what the owners require – once a week, once a month?

The building is primarily a glass-clad structure and at late night hours would produce light disturbance nuisance from events especially if there is a disco being held – again this is unacceptable for people living in sight of the building.

People living in houses around the building can be seen from customers in the tearoom therefore their privacy has been invaded. At night when houses have lights on and curtains not drawn then it is easier to be seen from the tearoom.

The type of events suggested imply that there will be a large amount of traffic entering and exiting the premises at various times and certainly late at night at weekends with all the nuisance of noise associated with it – car doors, engines, people talking and shouting.

The licence is being sought for "indoor" use – I understand that indoors can include a tent. Should a marquee be erected for an event then there is no way that noise from music and people be insulated from the public living close by.

Many people in the village can hear the noise from events held at the cricket club, Tawd Vale Scout Camp and Newburgh Fair but these events do not happen very often and are usually associated with local people. With an event closer to the centre of the village the noise and light nuisance would be more noticeable and disturb many more people and animals such as horses that are stabled in fields close by.

Representation of Public Safety

Flashing lights from a disco can be very distracting to drivers passing by – this could lead to accidents on this stretch of road which although has a 30mph limit often has vehicles exceeding this limit from personal observation.

Many of the people living in the vicinity of the tearoom are elderly and may feel intimidated if they feel the need to complain about the noise and light disturbance and may of course be reluctant to express their views to the relevant authority leading to stress and mental health disorder.

Representation under Crime and Disorder

People under the influence of alcohol tend to be louder when talking and can lead to disorderly disagreements.

The business is advertising its functions outside of the local area and it is assumed that the late-night events proposed to be held at Eden will not be for local people (although this does not mean that locals are excluded from holding an event here of course) and that an influx of people from afar would not be mindful of people living close by and not respect their right to not being disturbed late at night.

Newburgh does not have a local police station – The nearest police stations are Skelmersdale and Ormskirk. Should police presence be necessary it is not likely to be an immediate response giving any trouble occurring time to escalate.

Representation under Protection of Children from Harm

The entrance and exit gates are open to vehicles during opening hours of the site and the fence surrounding the site is an open metal fence which could allow unsupervised children to climb through easily. The fence is approximately 1m from the main road with a 30mph limit.

I do not believe that a licence should be granted up to the hours being applied for because of the reasons stated above but would be happy for the licence to be granted up to 9:00pm on all days.

New Acres

Newburgh
WN8 7TU

Dear Sir / Madam

I reside at , Back lane, Newburgh and I am writing to voice my objections to the issuing of an alcohol licence for the premises Eden Tea Rooms and Galleries, Course Lane, Newburgh. This email will read, somewhat similar, to my parents who also reside at this address. I have discussed the matter at length with them and I concur with the issues expressed in this email. It has been a pleasure to grow up in this village and we did welcome a low key coffee/arts space. Not what seems to be proposed. Therefore, please take what is written below seriously and I very much echo its sentiments.

CRIME AND DISORDER

Newburgh, as you would expect for a small country village located in an agricultural Green Belt, has a low crime and disorder rate. The recorded crime figures in the UK Crime Stats show there has been a total of 30 recorded crimes committed in a 1 mile radius of my home between the 1st January, and the 20th June, 2020. They break down as follows:-

Anti Social Behaviour = 13

Burglary = 6

Violence = 7

Theft = 2

Possess weapon = 1

Public Order = 1

No offences relating to Vehicles, Drugs, Damage or Robbery have been recorded.

The siting of a licensed premises on Green Belt, offering live music, open 8am to 11pm Sunday to Thursday and 8am to 2am Friday and Saturday will attract people from outside the area some of whom will have no regard for the lifestyle of a sleepy village, located in a Conservation Area, or its inhabitants.

It will increase the opportunity for drunkenness and associated disorderly behaviour, eg. alcohol fuelled arguments escalating to fights, criminal damage to vehicles and property and drug abuse.

Pre-booked parties will no doubt include Hen parties, Stag Nights, wedding, engagement, anniversary and birthday celebrations accompanied by live or recorded music. All of these functions by their very nature will create NOISE. Patrons will be entering and leaving the premises regularly to smoke a cigarette or get some fresh air allowing any NOISE to travel.

I do not accept that the management will control the NOISE emission as that would upset the very people who are putting money in the tills. The behaviour of the applicant to date has already displayed a total disregard for regulations so how can he be trusted to control NOISE emission.

The premises is located in a Green Belt area where the only public transport is by a very infrequent bus service which finishes at 7.30pm and doesn't operate on Sundays. Therefore, the only means of attending the premises is by taxi, hired mini bus/ coaches or car. How do you control a crowd of alcohol fuelled revellers waiting for their transport to arrive. How will the applicant deal with that situation. This will also increase the opportunity for vehicle crime as customers will be parking their vehicles on the car park at the front of the premises. As the premises is remote it will also increase

patrons risking driving whilst under the influence of alcohol with all the attending dangerous consequences.

I am aware of the staffing issues the Lancashire Constabulary has to contend with and the number of officers available in West Lancashire during the evening and night. Any incident at the Tearooms would not be a high priority and an immediate response cannot be guaranteed.

PUBLIC SAFETY

The applicant is already advertising his business widely outside the immediate area. Therefore it is reasonable to anticipate a dramatic increase in road traffic on a road that is already unfit for purpose. The premises is only accessible by car / minibus after 7.30pm and all day Sunday. The increase in road traffic will be reflected in more road traffic incidents.

PREVENTION OF PUBLIC NUISANCE

The NOISE from raised voices of customers during the evening or from the beer garden during the day. The NOISE made by customers leaving the premises on foot or by vehicle or waiting to be collected by a vehicle eg taxi. The NOISE from the slamming of vehicle doors and the starting and revving of engines. The music, live or recorded being played via an amplifier during the day and late into the evening. I understand the applicant has a business that promotes new music acts so there will be no shortage of live music on any night of the week.

NOISE caused by delivery vehicles outside of normal opening hours. We have already experienced deliveries before 8am despite the promises made this would not happen.

The application is for the premises to be open until 2am Friday / Saturday. This means customers will be exiting the premises any time afterwards up to and beyond 3am together with the groups of musicians moving their musical equipment and staff leaving the premises after cleaning up and throwing bottles out. The residents of the village are either elderly or have young families and work during the day. The average working family will be getting up around 7am to start their day. This means the adults and children will only have uninterrupted rest between 3am and 7am. What quality of life is that for anyone. The same applies when the premises closes at 11pm. Customers will take at least an hour to leave, bands moving their equipment and staff clearing up. So on a weekday there will be disturbance until beyond midnight. This will be happening 5 days a week.

The area is extremely quiet during the evening and night. The premises is not designed to restrict NOISE from amplified music, juke boxes or public address systems and it will be clearly heard within the village. The NOISE will certainly be heard from my premises and beyond thereby disturbing residents in their own homes at a time they should reasonably expect to be able to relax.

NOISE carries at night. The music from the Newburgh Fair and from the Cricket Club and Tawd Vale Scout Camp can be clearly heard from my home but thankfully they only take place once a year not 7 days a week.

A considerable increase in litter and debris from customers drinking, smoking and eating outside the premises and on their way to and from the premises.

Light pollution from the premises particularly from Autumn to Spring. The lights from the premises are directly in the view of the houses on Course Lane.

NOISE caused by any ventilation system. If one is not fitted then the doors and windows will need to be open allowing NOISE to travel to the surrounding area.

There are what appear to be Sky dishes attached to the building. What would a Tearoom, Art Gallery or room holding pre booked parties want with Sky TV unless they are to show sports programmes. If this is the case then on these occasions the premises would be attracting a type of client who will be leaving the premises having consumed a large quantity of alcohol, chanting their teams name no matter what time of day or night it may be upsetting residents and more than likely causing a reaction and confrontation.

PROTECTION OF CHILDREN FROM HARM.

As I have mentioned already if the licence is granted there will be NOISE coming from the premises after midnight Sunday to Thursday and 3am Friday and Saturday. Children of school age will have their sleep disrupted and this will impact on their ability to function during the day and could impact on their schooling and education.

The increase of traffic on the roads of Newburgh will also increase the danger to children as they walk the streets.

CONCLUSION

In conclusion, the original application was for a Tearoom open from 8am to 6pm Monday to Sunday and 9am to 6pm Sundays and Bank Holidays. No mention or suggestion of a licensed premises catering for live amplified music until 2am. This has been a back door approach to operating what is in reality a Night Club on Green Belt in a quiet village. If the applicant had been honest from the start would planning permission have been granted for the use of a building for amplified music events with a liquor licence and opening hours 8am to 11pm Sunday to Thursday and 8am to 1am Friday and Saturday on a green belt in the heart of a small village surrounded by private dwellings.

A key objective of the local plan is that each District should retain its own distinctive character through the protection of assets and good design of development. How does this development meet this criteria?

There is no need or desire from the residents of Newburgh for an establishment of this type which is more suited to a city or town where there are ready made customers.

THIS WILL SEVERELY IMPACT UPON THE QUALITY OF LIFE OF THE RESIDENTS OF NEWBURGH

I believe the points I have raised are valid and relevant to the application and I hope you give them due consideration.

Yours sincerely

From:

Sent: 23 August 2020 17:18

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

Subject: Representation Against: EDEN TEAROOM NIGHT TIME ALCOHOL AND MUSIC LICENCE APPLICATION

OBJECTION FROM:

Parbold

WN8 7HB

Our elderly parents live on Course Lane, as well as many friends (we attend Christ Church, Newburgh). In relation to this objection I refer you to the West Lancashire Local Plan 2012-2027 Policy GN3 and the Licencing Objectives in the Licencing Act 2003.

In relation to the prevention of public nuisance, this proposal will not only cause noise and disturbance to the residents of Newburgh (most of whom are elderly, but also some young families), but will also bring larger amounts of people into this quiet village, and other surrounding villages, partying until late at night in the week, and the early hours of the morning at the weekends. Late nights and alcohol do not mix very well, and this will cause loud anti-social behaviour and possibly noisy drunken disagreements when leaving the premises. Unfortunately, we do not have an immediate and local police presence to contain this behaviour.

There will also be issues with parking, and therefore the loud noise of vehicles (cars, taxis, minibuses) coming and going until the early hours of the mornings, with multiple bright car headlights shining directly into the private properties opposite. I don't believe that anyone has an issue with the current hours that have been granted for the Course Lane site, but in the evening noise carries, and there will be live and possibly amplified music playing, car doors banging, anti-social drunken behaviour, etc from this site, which will obviously disturb many residents that live specifically in the close vicinity of the site, and then carry further afield, causing a serious public nuisance. Please bear in mind that even the noise from Newburgh Fair carries afar, so the closing of doors and windows in late evening will not contain much of the noise nuisance. I would also question if, as the building is clad in metal sheeting, is it soundproof? It was approved for use as a shop, not a party venue.

There are also current known flooding issues on Course Lane (and surrounding fields and area), and with many more cars accessing this site throughout the day and night it will cause more water logging due to mud and sludge being forced onto the road and blocking the drains.

We totally object to this night time alcohol and music licence application, it is not in keeping with the West Lancashire Local Plan 2012-2027 Policy GN3 and ask for it to be refused

Regards

From:

Sent: 23 August 2020 19:38

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

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

22 August 2020

The Licensing Officer

WLBC

Licensing Dept

I 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. The hours therefore requested for licensing should be 8am to 6pm Monday to Friday and 9am to 6pm Sunday and Bank Holiday.

The area to be licensed shown on the map on the application goes beyond the boundaries of the premises and is on Green Belt land. There is no planning permission for outdoor seating.

Newburgh Village has a high population of retired residents many of whom live in close proximity to the premises and who enjoy the quiet nature and security of village life. The residents are appreciative of the natural beauty of the area and although the A5209 is a busy road, after 7pm when it quiets down they can be seen in the gardens enjoying the quiet of the evening. At present in the day time nearby residents are overlooked with invasion of privacy due to the large expanse of windows on the Eden premises and so only feel comfortable to the front of their own houses when the premises close at 6pm.

Prevention of Public Nuisance

The noise generated from live/recorded music, people talking, fans and air conditioning are all going to result in this being heard externally affecting the Community and nearby residents as there is only one entrance door so each time this opens and closes it will allow more sound into the outside areas thus causing disturbance and Public Nuisance. Should visitors mill around outside smoking and drinking then again there will be not only disturbance of noise but also a

feeling of insecurity to elderly nearby residents whom are used to the quiet confines of the village.

Traffic coming onto and leaving the premises will also create a lot of noise. The countryside at night is quiet and sounds magnify and travel over the fields and all external noise will be heard on Course Lane, Back Lane, Sandy Lane, Tears Lane and further.

The car park surface is coarse gravel which is noisy when vehicles are moving on or off the premises and especially when turning and reversing.

Doors opening and closing, horns sounding, much more traffic if taxis are picking up and dropping off.

When Eden held an evening event recently headlights from cars leaving the venue were shining directly into residents living room and bedroom windows opposite resulting in an invasion of privacy and constituting a public nuisance.

Public nuisance to nearby residents with internal 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. This lighting issue has already been brought to the attention of the tenant from Environment as the "Responsible Person" on site when closing up in the evening now leave excessive lighting on continually which really is impacting on neighbours nearby.

PREVENTION CRIME AND DISORDER Drinking socially can bring with it issues arising from arguments or just high spirits and where this carries on outside then this could be disturbing to nearby residents. With events being advertised all over North West area it is outsiders who will be visiting who are not familiar with quiet villages and respect for residents. Again with limited public transport and taxis not turning up when requested this could lead to issues on leaving premises.

PUBLIC SAFETY

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. The security fencing to the front west of the building has not been installed (this is currently being looked at by planning department) which leaves direct access to the rear of the building and open fields which is very dark and thereby not secure and not able to be monitored from inside the building. Pedestrians do not have access to the premises other than via the vehicle driveways which at night has definite safety concerns.

Summary

The extended hours requested will have a major negative impact upon the village community mainly due to the building structure not suitable for this change of use. With no soundproofing installed and potential to play music in the evenings then this will cause disturbance and likely to add stress and affect mental well being of nearby residents. It was designed to be a Tearoom Cafe with retail sales and not to hold evening social venues as defined by class of use A3.

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.).Despite assurances by tenant as to the evening venues being "infrequent" "now and then" the advertising on social media and newspapers shows differently - reference from Ditto Coffee shows "venues to be a drop in centre for musicians to record, play music" does not sound like a cafe selling coffee and cake to me but more of a drinking social establishment. I cannot think of many visitors who would request coffee and cake at 11pm in the evening.

Environment Support stated in their statement for change of use of the building as a Cafe retail unit class A3 that "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 ". These hours being until 6pm only. The residents rights remain the same now as when the statement was issued and need to be continued to be protected.

I ask that you respect the rights of the Village Community and nearby residents in line with GN3 policy and Human Rights Act Article 1, Protocol 1, safeguarding amenities and refuse this application for the hours proposed

- I have no objection to a premise licence for the current permitted hours of business finishing at 6pm in the evenings.

Regards

Course Lane

Newburgh

WN8 7UB

From:

Sent: 23 August 2020 22:52

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

Subject: Eden Tearooms

As we all know Newburgh is a small village and at night very few cars pass through. With events being held at the tearoom until late this will create disorder, with vehicles leaving late. Its known that some people after they have had too much alcohol can be disruptive with the possibility of damage done to property, cars and gardens.

Newburgh has a variety of ages living here. If the parents are young they could have children of school age, the light pollution, and music and sound coming from the tea rooms could stop children from having a good nights sleep disrupting there progress in school. A lot of people would not even live locally, they would just drive home not even thinking about the disruption left behind.

Newburgh is a quiet place we all enjoy this I do hope it won't change. And hope strangers going to Eden will not leave an uneasy feeling behind.

How can this be a Tea Room with the hours they want to keep. If you say to them it's a pub the reply you get is it's a tea room. I don't know anywhere you can have afternoon tea at midnight.

The applicants have not even consulted with the locals that says a lot about them.

Thank you for reading this I hope it's not a waist of time and you will give us some consideration.

From:

Sent: 22 August 2020 15:53

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

Cc: Lovelady, Kay <Kay.Lovelady@westlancs.gov.uk>; Breakell, Kirsty

<Kirsty.Breakell@westlancs.gov.uk>

Subject: Eden Tearoom and gallery

Dear Licensing Committee members

As an elected representative of the residents of Newburgh I wish to voice concerns about the license application submitted by Eden Tearooms.

As their title suggests this is a tearoom, not a licensed premises. The premises have permission for retail, café units and ancillary facilities all of which could be accommodated within the village of Newburgh. What the license application does is change the whole emphasis of the site into a licensed alcohol and entertainment establishment more conducive to a city or town site, with no consideration of the village status which has seen Newburgh twice been named Best Kept Village in Lancashire.

I believe that there are significant licensing issues as follows :-

- 1) **Prevention of Crime and Disorder.** A quiet village in a rural location, Newburgh has seen little crime and disorder in its long history. This application, for a licensed premises, at the entrance to the village and situated in the middle of a field changes the emphasis much more akin to a pub and entertainment venue, which in turn could make it more susceptible to the criminal elements in our society. The potential for disorderly behaviour, drug issues and traffic issues is significant. No noticeable public transport exists coming through Newburgh and it is likely that most customers will come in their own vehicles, again increasing the risk of traffic offences, drink driving and illegal car parking.
- 2) **Public nuisance.** This is the biggest issue as it leads to a risk or interference against the lives, well-being, property and common rights of the public. Already we have seen light pollution when the establishment's lights were left on overnight. In this location, the middle of a field, the whole area becomes illuminated. Car lights at the times requested will exacerbate this greatly, can you imagine an event running at full capacity, with multiple vehicles coming out onto the A5209 at 1am. This will undoubtedly disturb residents and may cause sleep deprivation issues. I note the potential measures to prevent noise, however the reality is that there will be significant noise at the end of the evenings' events with doors opening/closing, people saying their goodbyes and the noise will travel continuously out of the premises/car park and into the open field and beyond to residential homes. Allowing people to drink outside will also cause public nuisance. Who, in the gardens opposite, will want to hear excessive noise coming from over in the field or find litter being blown across the road. Residents over the road are already feeling constrained

by the tea rooms and licensed premises will destroy the peace and tranquillity they currently enjoy.

- 3) **Promotion of Public Safety.** This is paramount to the site and licensing it for late hours makes the impact potentially devastating for residents. To ensure safety will require significant additional lighting, the A5209 onto which vehicles will access from the site is a very busy link road direct to the M6 and for HGV's and cars to see traffic exiting the site will require increased lighting on the open field. This, of course, will increase the public nuisance aspect for residents.
- 4) **Prevention of children from harm.** This is clearly vital to everyone yet I see no evidence of it in the thoughts of the applicant. The aim appears to be sell alcohol at all times, from 8 in the morning until 11 at night or 1 in the morning. People are coming to a tearoom and gallery and bringing children so why are they being exposed to potential early morning drinkers when a more appropriate time to start selling alcohol may be 12 noon. I also see no condition preventing children entering the licensed premises after a certain time, say 8pm.

Overall this is a poor expansion of a development that, generally, had the support of residents as a tearoom. The idea of a tearoom and gallery fitted well into the village environment yet the owner has attempted to transform the permission for retail, café units and ancillary facilities into something totally different and totally inappropriate for the village of Newburgh. This will be damaging to its residents, the majority of whom have retired to the peace and quiet of a beautiful village.

I believe this application should be turned down completely, with the applicants invited to come up with a more reasonable suggestion in keeping with the village.

Newburgh

From:

Sent: 23 August 2020 22:28

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

Subject: Eden Tearoom night time alcohol & music licence application

Representation from

I strongly object to the supply of alcohol and music at Eden Tearoom in the evening.

Newburgh is a quiet village populated by a number of older people, younger members who often have young children and others who commute to work in nearby towns and cities. All have chosen to live in a quiet environment and they often have an early start to their day needing a good night's sleep and good quality of life.

The prevention of crime and disorder:

The Tearooms will spoil the environment as there will be noise from music, cars, doors banging, people being loud/drunken as they leave the premises in taxis, cars etc. Anti social behaviour will increase as visitors won't have any regard for the disturbing the locals or their property and there will be overspill parking, litter, vandalism etc in a place where police support isn't close by.

Notices in the Tearoom advising guests to be respectful to villagers and to leave the premises quietly will probably have little effect after the consumption of alcohol, especially when it's late and they've been drinking all evening.

Public Nuisance

Noise can be heard very easily around the village and while people didn't mind hearing it from the final night of the annual village fair, they would strongly object to being disturbed late on Friday and Saturday night on a regular basis

On week nights adults and children need to have a peaceful nights sleep for work/ school.

We open windows at night so the noise will carry and disturb us and the increased volume of traffic during the evening will also be annoying as this is the only time we get a quieter road.

Public Safety

The light from the tearooms is a distraction, not only for people living opposite but also for passing motorists.

The village would have been supportive of a traditional tearoom but this is more like a public house/events venue. It doesn't enhance the village or bring any asset to it but it only brings problems to our environment, safety and quality of life.

Course Lane
Newburgh
Nr Wigan
Lancashire
WN8 7UB

Sunday 23rd August 2020

Dear WLBC Licensing Team,

RE: Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB

Please take into account our representation relating to the above's application for a Premises License

We object to the Premises License application.

Crime and disorder

Living directly opposite, we have concerns around prolonged and late-night consumption of alcohol and associated potential for anti-social behaviour e.g. offensive language and damage to private property. Alcohol has the potential to increase the volume of the spoken word and increase disinhibited behaviour, often as an evening progresses, until 1am in the morning if approved. This could spoil a quiet evening in the garden for us, or equally disturb our sleep later on.

CCTV to monitor/deter crime and disorder is laudable, but the likelihood of our every move to and from our private property being recorded is not. Within wide camera angles, we suggest there is potential for our privacy to be compromised.

Public nuisance

Noise

Gatherings of people will inevitably make noise, whether at a public or private function. This noise will travel to surrounding properties, unencumbered, from the margins of the proposed supervised alcohol consumption zone at the front of the Eden Tearoom And Galleries. We have previous experience of noise traveling across the road to our property during the Tea Room's former incarnation as a Fruit Farm, thankfully with limited hours and principally only over the summer months. The proposed 'zone' has the potential to bring noise disturbance (alcohol related or not) closer to our residential property and that of others.

Light

As we live opposite, we are prone to light nuisance from the following:

- Increased headlights (access/egress directly opposite our property)

- Lit internal lights through the glazed frontage of Eden Tearoom And Galleries day and night giving us a clear view within their building. We suspect an equally clear view will be available to the patrons of Eden Tearoom And Galleries of inside the rooms at the front of our property, and indeed of us too.

Having experienced the Tea Room's standard internal and security lighting late at night (please reference my email to Ms. Bailey, 25th July 2020), we have found this to be extremely distracting and impossible to ignore. In a similar vein, we have concerns relating to additional lighting associated with licensed entertainment e.g. strobe lighting, coloured and/or flashing lights, if they were used as they are likely to distract us when entertaining, reading, watching television and indoor exercising in the front room.

We respectfully request WLBC Licensing Team takes our objections seriously when considering the above Premises License application.

Yours sincerely

From: >

Sent: 24 August 2020 16:40

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

Cc: ParishClerk, Newburgh (MBX) <Newburgh.ParishClerk@westlancs.gov.uk>

Subject: Application for Premises Licence - Eden Tea Room and Galleries, Course Lane, Newburgh, Lancashire

Back Lane

Newburgh

Lancashire

WN8 7UQ

Dear Sir / Madam

I have resided at the above address for the last 21 years and I am writing to voice my objections to the issuing of an alcohol licence for the premises Eden Tea Rooms and Galleries, Course Lane, Newburgh.

The siting of a Licensed Premises on Green Belt, offering live music, open 8am to 11pm Sunday to Thursday and 8am to 2am Friday and Saturday will attract people from outside the area, some of whom will have no regard for the lifestyle of a small historical village. Nor will they have respect for its inhabitants. Newburgh is also a Conservation Area and the Parish is unique, and as such, it should remain so instead of being swallowed up and disappear into the abyss, as so much of our rural countryside these days.

These extended hours will have the potential for drunkenness and associated disorderly behaviour, e.g. alcohol fuelled arguments which invariably escalate to violence, criminal damage to vehicles, surrounding property and drug abuse. It is not unusual for drunks to use surrounding property /gardens of venues as urinals and to carry out overt sex acts.

Pre-booked parties can include Hen parties, Stag Nights, wedding, and birthday celebrations, all of which will be accompanied by live or recorded music. All of these events will create NOISE. Patrons sitting outside the premises in the evening will create NOISE. Patrons entering and leaving the premises regularly to smoke a cigarette or get some fresh air will allow any NOISE to travel.

The management will be unable to control the NOISE emission from their patrons, as that would upset the very people who are putting money in the tills. The applicant to date has already displayed a total disregard for planning regulations so I believe that it is highly unlikely he would control NOISE emission or any other stipulations imposed by the Council, whether it be Planning or Licensing!!!!

The premises are located in a Green Belt area with a very infrequent bus service which finishes at 7.30pm and doesn't operate on Sundays. The only means of attending these premises is by taxi, hired mini bus/ coaches or car. Alcohol fuelled revellers waiting for their transport will create NOISE. Vehicle crime may increase as customers will be parking their vehicles on the car park at the front of the premises. It also increases patrons risking driving whilst under the influence of alcohol with its attendant dangers.

Lancashire Constabulary has experienced cuts on staffing and fewer officers are available in West Lancashire during the evening and night. Any incident at the Tearooms would not be a high priority and due to lack of Police Officers and location of the premises an immediate response cannot be guaranteed if required.

CRIME AND DISORDER

Newburgh, is a small country village surrounded by agricultural Green Belt and has a low crime and disorder rate. The recorded crime figures in the UK Crime Stats show there has been a total of 30 recorded crimes committed in a 1-mile radius of my home between the 1st January, and the 20th June, 2020. They break down as follows:-

Anti-Social Behaviour = 13

Burglary = 6

Violence = 7

Theft = 2

Possess weapon = 1

Public Order = 1

No offences relating to Vehicles, Drugs, Damage or Robbery have been recorded.

PUBLIC SAFETY

The business has been advertised widely outside the immediate area. It is reasonable to anticipate a dramatic increase in road traffic on a road that is already unfit for purpose. The premises are only accessible by car / minibus after 7.30pm and all-day Sunday. The increase in road traffic will be reflected in more road traffic incidents.

PREVENTION OF PUBLIC NUISANCE

The NOISE from raised voices of customers during the evening or from the beer garden during the day. The NOISE made by customers leaving the premises on foot or by vehicle or waiting to be collected by a vehicle e.g. taxi. The NOISE from the slamming of vehicle doors

and the starting and revving of engines. The music, live or recorded being played via an amplifier during the day and late into the evening. The applicant has ticked the Live Music, as in his application Section 10 of 21 (Provision of Live Music)

NOISE caused by delivery vehicles outside of normal opening hours. We have already experienced deliveries before 8am despite the promises made this would not happen.

The application is for the premises to be open until 2am Friday / Saturday. This means customers will be exiting the premises any time afterwards up to and beyond 3am together with the groups of musicians moving equipment and staff locking up the premises after cleaning and throwing bottles out. The residents of the village are either elderly or have young families and work during the day. The average working family will be getting up around 7am to start their day. Therefore, adults and children will only have uninterrupted rest between 3am and 7am. What quality of life is that for anyone!!! The same applies when the premises closes at 11pm. Customers will take at least an hour to leave, bands moving their equipment and staff clearing up. So, on a weekday there will be disturbance until beyond midnight. This will be happening 5 days a week.

The area is extremely quiet during the evening and night. The premises are not designed to restrict NOISE from amplified music, juke boxes or public address systems and it will be clearly heard within the village. The NOISE will certainly be heard from my premises and beyond thereby disturbing residents in their own homes at a time they should reasonably expect to be able to relax.

NOISE carries at night. The music from the Newburgh Fair and from the Cricket Club and Tawd Vale Scout Camp can be clearly heard from my home but thankfully they only take place once a year not 7 days a week.

A considerable increase in litter and debris from customers drinking, smoking and eating outside the premises and on their way to and from the premises.

Light pollution from the premises particularly from Autumn to Spring. The lights from the premises are directly in the view of the houses on Course Lane.

NOISE caused by any ventilation system. If one is not fitted then the doors and windows will need to be open allowing NOISE to travel to the surrounding area.

There are what appear to be Sky dishes attached to the building. What would a Tearoom, Art Gallery or room holding pre booked parties want with Sky TV unless they are to show sports programmes, which brings into question the type of clientele they will be attracting, who will also be leaving the premises having consumed a large quantity of alcohol, chanting and shouting. It does not matter what time of day or night it will upset residents and is more than likely going to cause reaction and unpleasant confrontation.

PROTECTION OF CHILDREN FROM HARM.

As mentioned, previously, if the licence is granted there will be NOISE coming from the premises after midnight Sunday to Thursday and 3am Friday and Saturday. Children of school age will have their sleep disrupted. This will impact on their ability to function during the day and impact on their education.

The increase of traffic on the roads of Newburgh will also increase the danger to children as they walk the streets. It is bad enough now, when HGVs mount pavements nearly missing pedestrians.

NOISE and LIGHT emissions will also have a negative effect on our local wildlife e.g. our colonies of bats, birds, foxes and badgers

CONCLUSION

The original application was for a Tearoom open from 8am to 6pm Monday to Sunday and 9am to 6pm Sundays and Bank Holidays. No mention or suggestion of a licensed premises catering for live amplified music until 2am. This has been a back-door approach to operating what is in reality a Night Club on Green Belt in a quiet village. If the applicant had been honest from the start would planning permission have been granted for the use of a building for amplified music events with a liquor licence and opening hours 8am to 11pm Sunday to Thursday and 8am to 1am Friday and Saturday on a Green Belt in the heart of a small village surrounded by private dwellings.

Had residents been aware of these plans in the first instance there would have been many objections from the outset.

A key objective of the local plan is that each District should retain its own distinctive character through the protection of assets and good design of development. How does this development meet this criterion?

There is no need or desire from the residents of Newburgh for an establishment of this type which is more suited to a city or town where there are ready made customers.

THIS WILL SEVERELY IMPACT UPON THE QUALITY OF LIFE OF THE RESIDENTS OF NEWBURGH

I believe the points I have raised are valid and relevant to the application and I hope you give them due consideration.

From:**Sent:** 24 August 2020 16:58**To:** Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>**Cc:** ParishClerk, Newburgh (MBX) <Newburgh.ParishClerk@westlancs.gov.uk>**Subject:** Application for Premises Licence - Eden Tea Room and Galleries, Course Lane, Newburgh, Lancashire

Woodrow Drive

Newburgh

Lancashire

WN8 7LB

Dear Sir / Madam

I have resided at the above address for the last 3 years (But have lived in Newburgh for 18 years previously with parents) and I am writing to voice my objections to the issuing of an alcohol licence for the premises Eden Tea Rooms and Galleries, Course Lane, Newburgh.

The siting of a Licensed Premises on Green Belt, offering live music, open 8am to 11pm Sunday to Thursday and 8am to 2am Friday and Saturday will attract people from outside the area, some of whom will have no regard for the lifestyle of a small historical village. Nor will they have respect for its inhabitants. Newburgh is also a Conservation Area and the Parish is unique, and as such, it should remain so instead of being swallowed up and disappear into the abyss, as so much of our rural countryside these days.

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The management will be unable to control the noise emission from their patrons, as that would upset the very people who are putting money in the tills. The applicant to date has already displayed a total disregard for planning regulations so I believe that it is highly unlikely he would control noise emission or any other stipulations imposed by the Council, whether it be Planning or Licensing!

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Noise caused by delivery vehicles outside of normal opening hours. We have already experienced deliveries before 8am despite the promises made this would not happen.

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CONCLUSION

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Yours sincerely,

