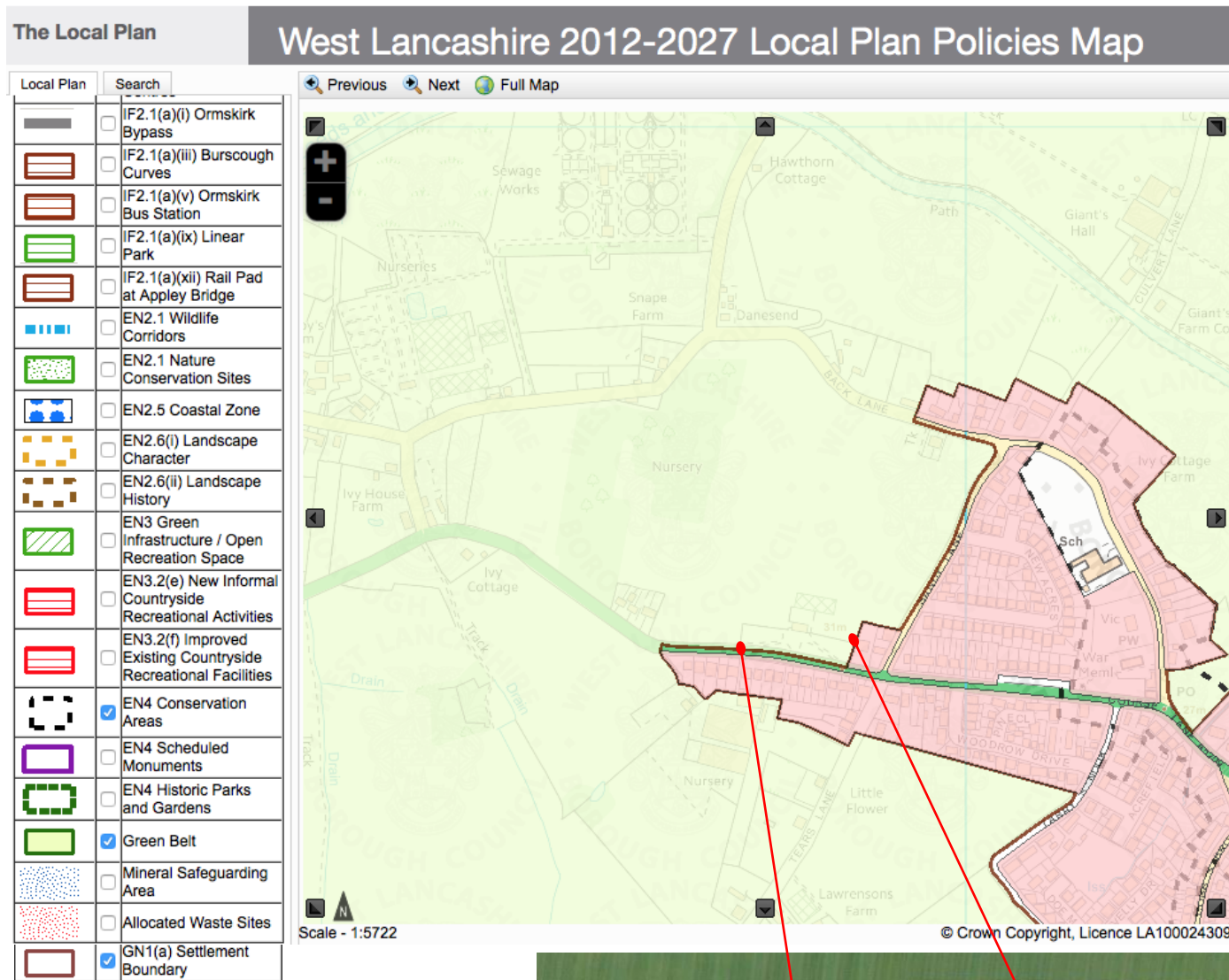


Eden Tearoom Limited have applied for a Premises Licence at:
Eden Tearoom and Gallery, Course Lane, Newburgh WIGAN WN8 7UB

I wish to make representation about this application. I live on New Acres, within 500m of the premises and would be affected principally by the proposed late evening and night noise from events on the premises.

The ex Farm-Shop site is located within the Newburgh Green Belt, with residential properties immediately to the East, and to the South, where residents enjoy the benefit of a quiet rural setting in this residential and agricultural village. There are wide open fields to the west and north, with more, relatively isolated, residential properties within 2-300m of the building to the north and north-west



The proposed licensed area outlined in blue in the application expands well beyond the perimeter of the Tearoom building and into the adjacent field, and doesn't appear to match with the property perimeter.



The premises currently have approval for opening hours 8am to 6pm Mon-Sat, and 9am-6pm Sunday under Planning Approval 2016/1151/FUL

As a local resident, I am unhappy that there has been no Consultation by the Applicant as to this development of the business, other than this re-application for the Premises License due to “technical issues”, where now residents are being consulted under the Licencing procedure.

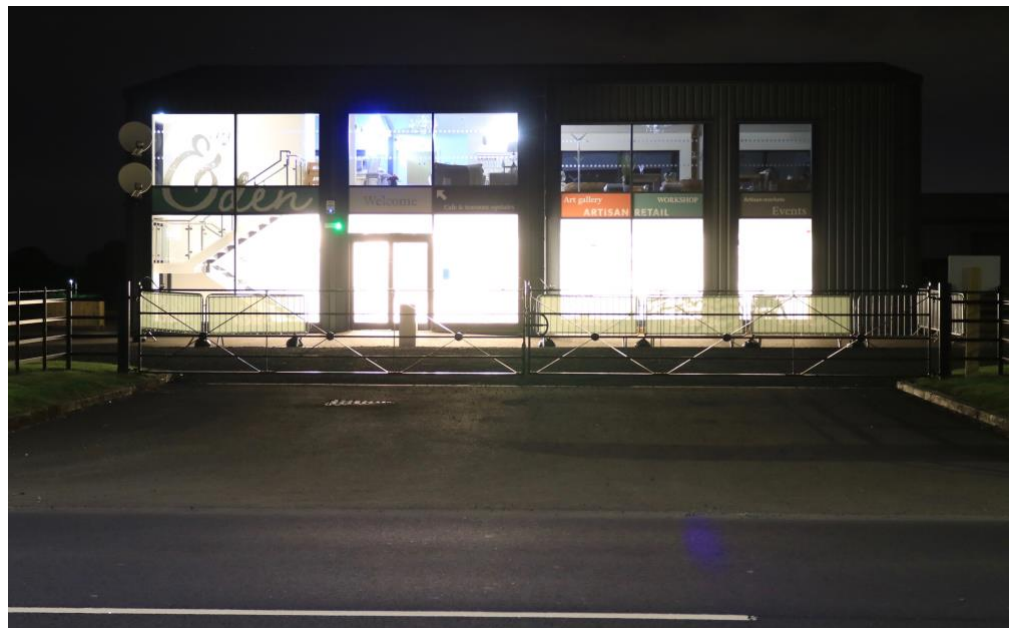
With regard to the Licensing Objectives, I respectfully wish the Licensing Committee to take the following points into consideration when determining any license issue.

Prevention of Public Nuisance: - Light pollution and privacy intrusion from the building

The building is glazed fully at the front, and partially at the sides – acceptable for a Gallery and Tearoom with daylight working hours, but in the evening, when it starts to go dark (around 4:30pm in winter), and once dark, the issue of light shining from the building becomes a serious nuisance

As well as residents getting unwanted views of the events happening within the building, the large glass windows offer unhindered views out over the road and into residents front rooms – upstairs and down.

Light also shines from the building into those properties, who residents are accustomed to having open views to the outside without being overlooked. These images of the Gallery from across the road, were taken by myself at around 1am on 22nd July, when the downstairs lights were left on overnight. If the 1st floor was illuminated too (as it would be for events), it would be an even greater nuisance to those living opposite, who would need black-out curtains, causing serious nuisance and changing their lives. This nuisance would be unacceptable. If a party also had flashing lights, that would further increase the nuisance



These lights have been left on, on several occasions since the opening, and cause particular nuisance to the residents opposite, many of whom are elderly and reluctant to make a fuss



This wide angle image is taken from the Eden facebook page, and you can clearly see the view into the houses opposite, from the middle of the tearoom, without standing directly in the window. At night, customers will be able to see very clearly into the residents illuminated front rooms, causing unwanted intrusion, nuisance and invading their privacy



Prevention of Public Nuisance: - Light Nuisance from Traffic

On 12th August, Eden held a Flower Arranging session in the evening, outside approved opening hours, and the few cars that left the premises that evening after 9pm caused nuisance to residents living opposite, with their headlights shining into their front rooms

This would be multiplied for the proposed events to an unacceptable level, most likely requiring residents to fit black-out curtains in an attempt to minimise the nuisance, which would be an unacceptable nuisance and loss of amenity

Prevention of Public Nuisance: – Regulated Entertainment - Noise

The building has been constructed as a Tearoom and Gallery, and whilst using some thermal insulation in the walls upstairs during conversion, does not seem to have any sound insulation and as such has not been designed to contain amplified music vibrations. In effect this is a metal and glass box, that will likely act like a drum with the likelihood of party music and noise being clearly heard outside the building.

Here's a screenshot from the Eden Instagram account showing the thermal insulation being installed:



The second image shows the internal false ceiling being installed. There appears to be no sound insulation in the roof either:



People going outside for a breath of fresh air or a smoke during events will also allow unwanted noise out of the building every time the door is opened – there is no internal porch to prevent this.

All this extra noise created during evening and late night events will likely result in local residents experiencing disturbed sleep; the need to keep windows closed in the evening and at night making it a real nuisance to be at home in the evening, sleep at night, and live in the village

This type of noise (amplified music, singing) is clearly heard across the village (on the odd occasion they hold an event) from the Scout Camp, Newburgh Fair and the Sports club. This should not be permissible seven days a week, and on no account regularly to 11pm or worse to 1am, and would seriously change the character of the village

Prevention of Public Nuisance: - Noise from the temporary outdoor seating area

Whilst a temporary outdoor seating area may be necessary during the current Covid-19 pandemic, it should not be allowed to stay open beyond 6pm. In the quiet evenings, the spoken word carries a long distance over the open countryside, and would be a serious nuisance to the local residents.

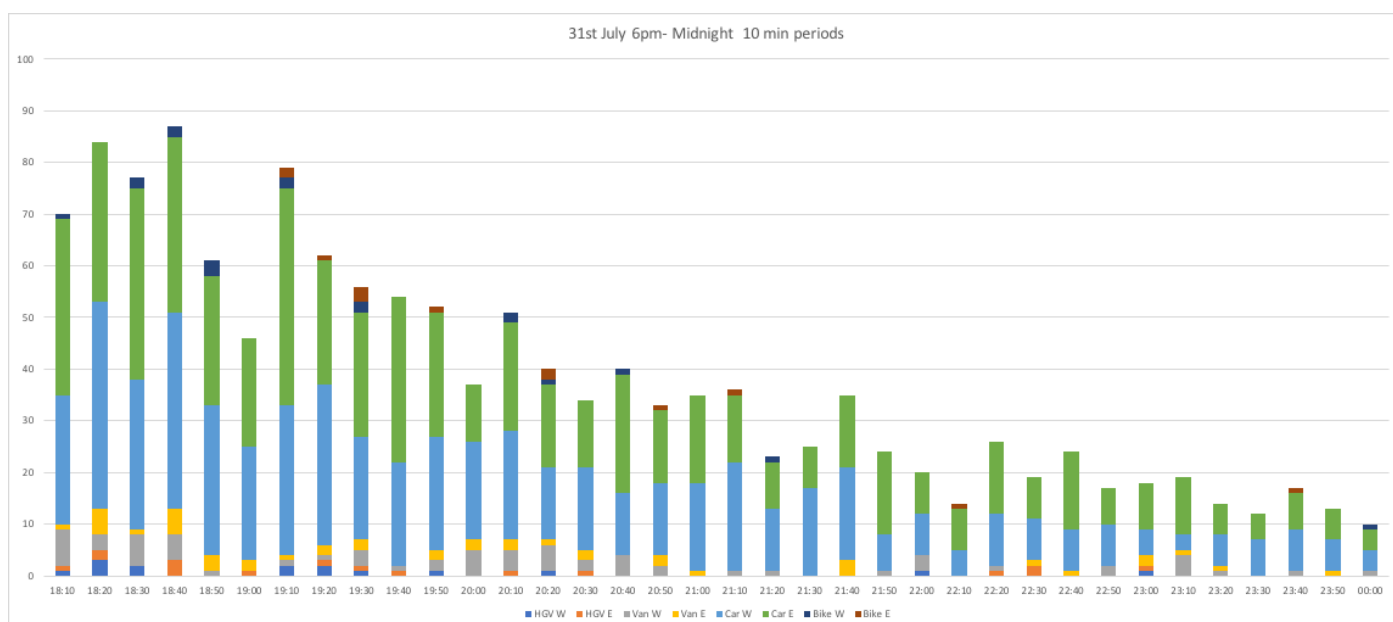
Any Permanent outside seating area should be considered by new Applications once Covid-19 has been determined to be over

Prevention of Public Nuisance: – Noise from extra traffic

Events held in the evening and late-night would obviously deliver an increase in traffic, and with people arriving and leaving, there would be the slamming of car doors, tooting of horns, and shouting cheery goodbye's late into the night, causing nuisance and disturbing residents, particularly on Course Lane

Traffic is very busy during the day in Newburgh, with the lorries from the Burscough and Ormskirk Industrial estates running their business to the M6. However, traffic volume and noise reduces considerably in the evening, such that it is silent for long periods, other than for birdsong, sheep and people taking an evening walk. Noise carries very well over the open countryside, and the residents would like to keep it this way

I sat opposite the Tearoom in the car on Friday 31st July evening doing a traffic survey – and you can see from the chart, the volume is very low from around 7:30pm. The evening and night-time silence was lovely, and ask that you help keep it that way



Prevention of Public Nuisance: - Comments on Timings and Conditions agreed with Environmental Health, Police and the applicant in the License Re-Application

Timings

- The approved Opening hours for the premises are currently restricted by Approval: 2016/1151/FUL

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 0900 and 1800 on Sundays and Public/Bank Holidays”*

I am concerned this application is for outside these hours

Some of these **Conditions** are impossible and many impractical to achieve

- *“External Doors and windows to be kept closed during regulated entertainment”*

Impossible: The building does not have a porch of any kind, so people entering and leaving during regulated entertainment will let noise out. This will be sure to happen many times at an event.

What ventilation does the building have that would enable internal temperature control? The windows are frequently open during the day now. Any air conditioning unit would cause additional noise from its compressor unit, and an extract fan would require fresh air to enter the building somewhere. If the windows are to be kept closed, customers would become hot, and any opening would let noise out constantly.

The building is clearly not designed to contain this type of noise, and should not be allowed to be used for the types of events proposed

- *“Noise shall not be distinguishable at the boundary of any neighbouring property after 6pm”*.

You can clearly hear people talking up to 100m away along Course Lane during the late evening and night. Noise travels further across the open countryside as it gets quieter after the rush hour.

- *“The volume shall be under the control of the management”*

Impractical: When bands come to play at weddings, customers will demand they turn up their volume for dancing – I’ve never been to a quiet wedding

- It is good there will be no external loudspeakers allowed

- *“Notices displayed at public exits (btw there is only one), requesting people to respect the needs of local residents”*

Impractical: When people have been to a party, and drink has been taken, it is inevitable they will shout their cheery goodbyes across the car-park, and slam their car and Taxi doors, especially if they are not locals, and it is too late once the disturbance has been caused.

- *The Designated Premises Supervisor – or other staff will ask people to leave quietly*

Impractical: They may ask, but it just doesn’t happen in practice

- *“No Deliveries will take place between 20:00 and 08:00”*

This has been broken many times already with Greenhalgh’s bakery (and others) delivering early morning – up to 12th Aug, as reported by a Course Lane resident living opposite:

Greenhalgh's deliveries: 14th July - 7.09am; 16th July - 7.23am; 18th July - 6.34am; 8th August - 6.18am; 12th August - 6.51am; 13th August - 6.13am

Unmarked Vans: 15th July - 7.15am; 22nd July - 7.25 & 7.26am; 12th August - 7.35 & 7.36am.

- *“Designated Premises Supervisor or nominated person shall monitor levels of noise in any area used for smoking, and advise customers to respect local residents.....ask people to leave if causing disturbance”*
 Impractical: It is too late to ask someone to leave after disturbance has occurred. This is a small, quiet, rural residential village, and any disturbance is one too many
- *“The outside seating area to be closed after 21:00 and before 8am each day”*
 There is no approved outside seating area, other than currently allowed temporarily during the Covid Pandemic, and by the applicants request, any such area should be in *close proximity* to the building. The 9pm closure for this temporary outdoor seating area is far too late, and should be 6pm at the latest – allowing residents to enjoy the quiet evenings without the noise of customers making nuisance noise after 6pm. Voices, especially after taking alcohol, tend to rise in noise levels, and it’s not appropriate in this rural location as the residents currently have peace and quiet.
- *“If Premises approved between 23:00 and 01:00 they would be for Pre-booked, private functions.....”*
 Irrelevant: As far as I’m aware pre-booked functions are likely to be as enjoyable and noisy as public functions
- Training of Staff
 Just what any business should be doing
- CCTV and recording system around exits
 Standard requirement for a licensed premises

The Protection of Children from harm:

The proposed expansive area for consumption of off sales would likely be very unsafe particularly for children playing under the supervision of adults consuming alcohol. The premises are largely unfenced, in open countryside, adjacent to the main road through the village, and the area covers most of the car-parking area – very dangerous for children and parents popping back to the car for any items at any time, and especially in the darker unlit corners in the evening and night

The Area Proposed for consumption of alcohol off the premises is unacceptably large (appx. 130 x 55m) with regard to the purposes described in the Application:

“The Tearoom is the 1st Floor of the building, operating above a ground floor art gallery. We intend to provide a place for consumption of off-supplies within close proximity to the building, areas to be mapped out and submitted for approval”

The plan submitted in this application shows an expansive area, (appx. 130m x 55m), stretching well away from the building. It includes the car-park, the rear yard and beyond, and shows to be encroaching on the field.



If granted, any exterior area should be as requested in the Application form, i.e. in CLOSE PROXIMITY (ie within 5 or 10m and adjacent) to the café building
UNLIKE the large area shown on this plan

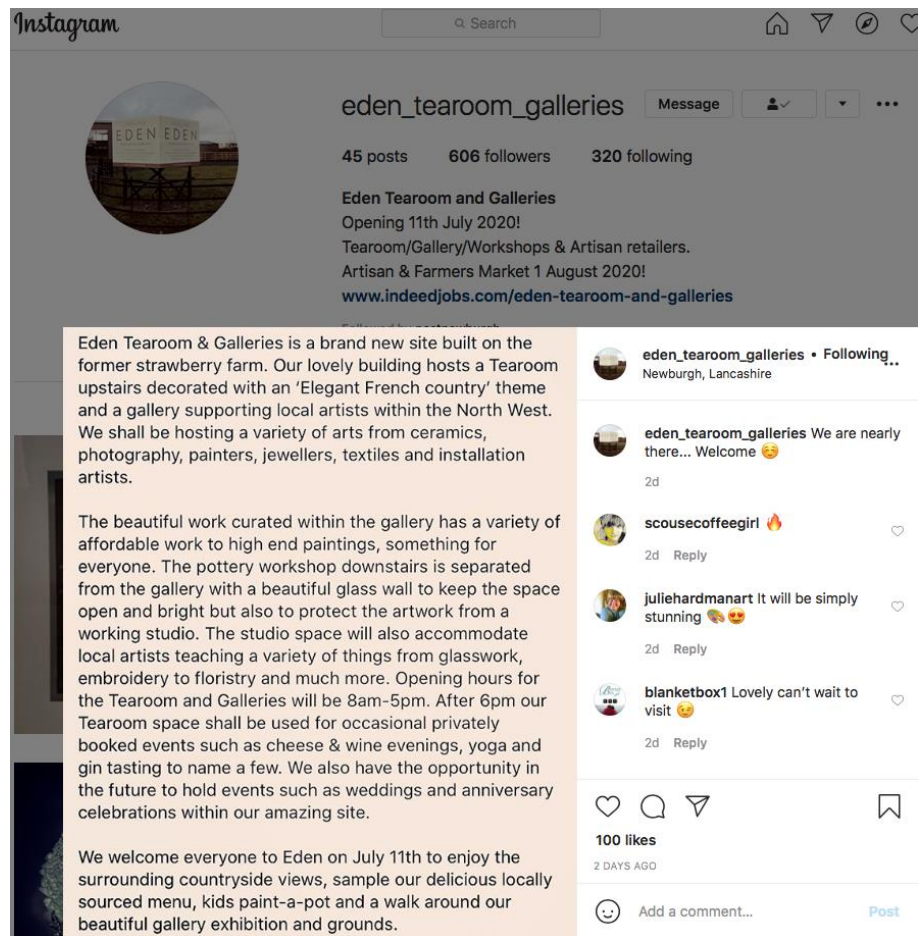
At night, there is no lighting at the sides and rear of the building or car-park - in line with Planning Approval conditions, and if external lighting were to be used after 6pm, it would be a Statutory nuisance.

Any outside area should be subject to being closed by 6pm, so that residents are not subject to noise from customers whose noise levels inevitably rise with the consumption of alcohol. This is a very quiet residential area in the evenings, and local residents should not have this valuable and long held amenity affected by any premises license.

Further, regarding the purposes requiring the Premises License described in the Application, I think that the Licencing Committee should be aware that the Tearoom have been presumptuously advertising since 23rd June on social media, that they SHALL be holding cheese and wine evenings, gin tastings, and future weddings and parties.

This is before they have approved extended hours or a Premises License

Screenshot from Instagram from 25th June – was also on facebook



It also states that these would be for occasional events, and as such a full premises licence could be considered excessive, as I understand any licence issued now can carry over to any subsequent user at the site, who may wish to have events more than “occasionally” – as indeed may the applicant. This midweek use is not mentioned on the Application form, questioning the need for the requested hours to 11pm anyway.

I also don't know if there is any significance, but the Application also states in Section 5, a maximum of 40 covers, but the plan included with it states 58 covers – that post covid could be many more.

The prevention of crime and disorder:

Newburgh is a quiet rural residential village, and Policed by Ormskirk & Rural West Lancs Police. The Police are rarely seen in Newburgh, and should disorderly events occur, would likely take some time to attend to any issues, particularly late evening and night.

From the local Police Crime map in Newburgh

<https://www.police.uk/pu/your-area/lancashire-constabulary/skelmersdale-rural/?tab=CrimeMap>

There have been no incidences of Antisocial behaviour within 250m of the Tearoom in the last 12 months

With customers coming in from outside the village to licensed events to 1am at the Tearoom / Café, there will likely be an increase in drug use in and around the premises – with the dark sides and rear of the building, along with the car-park area likely spots for incidents

Public Safety:

Eden are advertising their events all over the North West, it would be likely that most customers would be travelling from a distance to attend events, and be less thoughtful towards our small village community

There is no exterior lighting permitted after 6pm at Eden (either round the building or covering the carpark) under the existing Planning Approval which would make for safety issues at evening and late night events, with people potentially wandering around outside round the sides and rear of the building for a smoke, and there is a risk of drugs being brought in by outsiders to the village. Car crime could increase in the dark areas too

However, it is important to understand that any external lighting installed and used after 6pm would cause a Statutory nuisance in this rural green belt location.

Approved Planning Application 2017/0950/CON has condition that requires external lights to be operated only from 8am to 6pm and turned off automatically. I see no reason to change these times, as they were imposed to protect the amenity of residents

Public Safety: - risk to Traffic

When drivers pass through Newburgh, they're expecting a quiet rural village. Events going on in the Tearoom, with bright and sometimes flashing lights, would likely be a serious distraction to these drivers, especially late evening and night, with potential to cause accidents – there is a mini-roundabout very close to the premises that is regularly overshot even without these distractions.

Drivers turning out of the gallery exit gate would also increase risk to other road users not expecting this, and viewing the cars from the side as they leave would see no lights.

Public Safety: - Risk to Pedestrians

I have noticed that pedestrians entering the site from the only footpath near Eden have to share the same (Eastern) entrance with cars. There is little room for a car and pedestrian, and no room for a footpath with the wrought iron fencing at the side of the driveway. This is a recipe for an accident, especially in the dark, with vehicles coming to pick up customers when others are leaving on foot. (see the bottom right photo referring to Light nuisance on p.2)

Summary

There has been no change to the close proximity of residential premises since the initial Planning Application, and therefore I see no reason why the Environmental Health Official statement at the time under 2016/1151/FUL:

"I have no objection to the application for change of use of the premises to a retail/cafe use with the proposed hours of operation (8am-6pm). As the site is in close proximity to residential premises there is a potential for some increase in noise which would require restrictions to be placed on the premises"

.....should change their view on the opening time restrictions placed on the premises.

The West Lancs Local Plan vision states that *"In 2027, the rural areas of West Lancashire will continue to thrive off a strong agricultural sector, whilst enhancing biodiversity and providing a more diverse and adaptable economy. Appropriate new employment opportunities in the rural areas will include home based working, facilitated by high speed broadband..."*

..... The pleasant built and natural environment of these (Eastern Parish) rural areas will be sustained and conserved "

Newburgh is a small rural village, and would welcome the tearoom and gallery business, with the already approved opening hours. These requested evening and late-night hours are totally inappropriate in this setting and would adversely change the character of the village. There are over 140 objections to the Planning Application to match the opening hours of this Licensing request, of which over 100 include objection to the Licence. I expect a substantial number of residents have also made representation to the Licencing Application, though a less easily understood process may have disallowed some of these.

The applicants were aware of the Approved hours of 8am to 6pm Mon-Sat, and 9am-6pm Sunday from the start, however, they continue to openly breach conditions relating to planning approvals, that I trust the Planning Department have made you aware of, and this is of real concern to any conditions applied to a Premises Licence.

Crucially, the design of the building without soundproofing of any kind, its location in rural Green Belt and its close proximity to established residential properties, makes it wholly unsuitable for regular evening and late night events.

The fact that many customers will be from outside the village makes it less likely they will treat the village as local residents do, so will be much more disorderly when leaving the premises after drink has been taken, causing noise and disturbance to residents.

I ask that the views of the residents take significant weight in your decision. Most of the people who would likely be most seriously adversely affected by this have lived in this quiet rural residential and agricultural community for many many years. It would be reasonable for the business operating to the approved hours to have a Premises license, but outside these hours is the quiet time for those lucky enough to live in Newburgh.

I respectfully ask you to limit any license you may choose to grant to those approved hours, which were agreed after much consideration by WLBC, with any outside area permitted, albeit temporarily, to be in close proximity to the building.

