

23 August 2020

Dear Sir/Madam

**Premises Licence application by Matthew Lee Parsons for Eden Tearoom & Galleries,  
Course Lane, Newburgh**

**Summary**

I wish to object to the granting of the above licence. My central objection is to the hours applied for after 6pm. I have provided contextual information below, expanding on my key issues to support the Licensing Committee in their decision making process. These are:

- Newburgh is a village located in the heart of the greenbelt and predominantly a conservation area
- If granted, the licence will significantly undermine three of the four Licensing Objectives namely, Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety

**Prevention of Crime and Disorder**

- Incidents of both crime and disorder will be an almost certain outcome if the licence is granted after 6pm
- Police response time will be problematic due to the remoteness of the location. (Newburgh is not on a regular Police patrol route due to significant calls for service in both Skelmersdale and Ormskirk)
- Significant increase in numbers of people within the village after 6pm, the majority of whom will have consumed to some extent, alcoholic drinks with all the associated risks

**Prevention of Public Nuisance**

- Unacceptable noise from the venue, especially late at night
- Increase in traffic movement, particularly starting up, taxi collections and departures etc
- Increase in litter
- Drift of smoke and loud voices from outside
- Unacceptable light pollution into neighbouring houses late at night
- Fluctuating music being heard when doors open throughout the evening
- Strobing lights during party celebrations
- Loss of privacy for a large number of neighbouring houses

**Public Safety**

- Large open area unsuitable for children, lack of suitable lighting and cctv raising concerns for the safety of children and vulnerable adults
- Lack of footpaths endangering pedestrians, in particular families and people under the influence of alcohol, accessing and exiting the building through large car park and single track vehicular access to the east side of the building from the village

## **Additional considerations**

- Lack of public consultation
- Strength and volume of residents objections
- Failure to adhere to the licence application requirements resulting in a direction to reapply.
- No local demand for another venue with an alcohol licence after 6pm in the evening.
- Environmental Health have previously recommended that 6pm should be the termination hour. This seems to have been overlooked
- Review of conditions already agreed by the applicant and the authority.

## **Newburgh Overview**

*Newburgh has been described as arguably the most attractive village in West Lancashire. Located about five miles from Ormskirk, the parish is bounded by the Leeds and Liverpool canal and the River Tawd and River Douglas.*

*It is rich in open space and recreational areas and is set in countryside attractive for walkers.*

*Newburgh is surrounded by Green Belt and at its heart is a conservation area with a village green – the site of an ancient fair – and a mixture of 17th, 18th and 19th century buildings.*

*We have a strong sense of history and place, as well as being an active and busy community with much to appeal to all ages.*

Please consider my representation carefully as I OBJECT to the above application beyond the current opening times determined by the planning department 8am-6pm. If the licence is granted beyond day time use I believe local residents and the public will not be wholly protected from crime, anti-social behaviour and noise nuisance caused by the venue having an evening/late night/early morning licence.

I live across the road from the site on Course Lane and feel that the hours applied for beyond 6pm until late at night, and on occasions to the early hours of the morning, are not compatible with this rural residential location or the style and construction of the premises.



The business only opened in July and the applicant has not consulted with residents about their plans either before, or since opening. Even when the consultation period had to re-run due to a “technicality” the applicant did not take advantage of the additional opportunity to speak to residents. This has left many residents feeling anxious about the future of the village and in particular the future of the old “strawberry farm” site. A large number of residents have written their objections to the planning application and I believe many have also written representations to the

licence application. There have been many breaches of planning conditions and the business continues to promote and hold events that they are aware are in breach of planning. How are we supposed to believe that the applicant will conduct his business within the conditions set out by the police and environmental health department, to protect the residents in line with the licensing objectives?

My representations below are relevant to three of the four licensing objectives set out in the Licensing Act 2003, namely:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety

### **The prevention of crime and disorder**

Figures taken from ukcrimestats.com website, the leading crime and postcode data research and analysis platform, show that there has been only one reported offence of anti-social behaviour and zero public order crimes within a quarter of a mile of the postcode of Eden Tearooms in the past 12 months. This surely shows how quiet and peaceful the area is in which the site is situated. Add late nights and alcohol into the mix, along with guests to pre-booked events who are unlikely to be residents, and I have no doubt that we will see an increased number of both anti social and public order offences in the area.

We are policed from Skelmersdale and rarely see a police officer, rural officer or police car in the area, apart from when they are passing through the village en route. I am sure with small numbers of officers on duty at any time that the response to any public disorder or anti social behaviour in the evenings and early mornings will not be very effective.

As a small rural village I am not aware of any specific problems with drugs or illegal substances. I have no doubt opening a licensed venue on a large open site until 1am with the provision of late night refreshment, live and recorded music and alcohol to be served for consumption on and off the premises, residents will see an increase in drug use in and around the vicinity of the premises.

### **The prevention of public nuisance**

Course Lane can be a busy road during the daytime and with the volume of traffic, noise from the site is not presently an issue. However, the volume of traffic reduces significantly after rush hour and the residents can once again hear and enjoy the sounds of the countryside with bird noise being the loudest thing we hear, with the occasional sound of passing vehicles. I believe that if the premises get an evening licence, noise will become a significant nuisance. Residents, including myself, will be disturbed by vehicles and customers arriving at and leaving the premises. Noise disturbance through stereos, slamming doors, revving engines and cars beeping horns will be a nuisance.

Customers congregating outside the premises to smoke and chat will be a nuisance. We will see an increase in litter from a very open site which will cause a nuisance by blowing into our gardens on windy evenings. The residents of the village are very aware of litter on our streets, pavements and verges, mainly thrown from passing vehicles, and regularly conduct village clean ups to keep the area clean.

Lights from the premises after dusk will cause a public nuisance highlighted recently when lights were left on downstairs accidentally at the premises overnight. I attach a residents photo which clearly shows the light pollution from the premises, this was without lights being on upstairs in the Tearooms and the addition of “party lights” which are likely to be used for private events. **Please note that there are no window coverings and if an evening licence is granted a condition should be added that windows and other glazed areas should be fitted with heavy duty curtains or similar to prevent light breakout.**



The construction of the building itself is not suitable for the types of events the applicant wishes to hold during the evening. The building is mainly constructed of glass and metal sheets. The building has not been completed to the approved planning conditions and has not got the timber cladding agreed at the time of the planning approval. There are no window coverings so everything inside is viewable from the outside, which also means everything outside is viewable from the inside, causing neighbours to lose privacy and this will be a nuisance to many residents living opposite the venue.



The noise from the venue will be a public nuisance to many residents in Newburgh as sound travels a long way during the quieter evenings. Residents currently live with the noise until midnight from Newburgh Fair, but this is only for one weekend each year with many residents attending and money is raised for charity and the village. We also have noise disturbance during the summer months from the overnight camping at the Tawd Vale Scout Camp but again this is rare and very few complain as it is a celebration for children. However, residents often comment throughout the village of the noise travelling at night.

### **Public Safety**

The site is a large open area with open access to fields. During the daytime hours families are already letting children run around the turf field adjacent to the site without parental control. I am not aware of any signage to deter this happening. If a licence is granted for prebooked events into the early hours with the examples given of weddings/celebrations then conditions should be made to deter children from leaving the building as the lack of lighting and cctv and the open access to the large area available could result in a danger to children.

I would also comment that access to the site from the road includes two one way systems for vehicles and one central two way system. There is no separate pedestrian access and as the main access from the village is to the east side of the site then perhaps a pedestrian path should be considered to promote public safety, in particular for families and again for people who have consumed high levels of alcohol.

### **Proposed Licensed Area**

I refer to the plan attached to the application of the proposed licenced area at Eden Tearooms. The area outlined in blue is far too large and totally disproportionate in size to the Tearooms. I believe that the licensed area should be limited to the building itself and a temporary narrow area alongside the building for outside use before 6pm (to take into account temporary measures for outdoor seating due to Covid-19). ***I ask that the applicant be requested to submit a further plan giving more specific details of the exact areas they intend to use for the consumption of off supplies.*** It would be impossible for staff to manage the proposed area due to the vast size and staffing numbers required. If the licence was granted for later hours it would also become a danger to customers as there is insufficient lighting and cctv coverage for the proposed area. If lighting was increased to cover the area for safety reasons, I believe this would then become a public nuisance to residents.

### **Commercial use category A3**

I would respectfully like to remind the committee that the building use licence for Eden Tearooms is A3 which is for restaurants and cafes where hot food is consumed on the premises. It is not A4 (drinking establishments). Many residents welcomed the idea of a Tearooms & Galleries in the village with or without a daytime licence, however, this venture with the proposed licensing hours appears to be stretching itself so wide that it is bordering on aiming to be a drinking establishment. The Post Office Cafe (A3) has a licence until 9pm (although they rarely use it until that time), Applecast cafe (A3) do not hold a licence and applies for a TEN when required. The other businesses with later licenced hours; the Red Lion and Newburgh Social Club, clearly fall under the category A4. None of these establishments have the same construction and open site as Eden Tearooms and therefore will not impact as many residents as this business.

### **Conditions**

The conditions agreed with the Environmental Health, Police and the applicant are mainly generic conditions that could be applied to any late night venue. They do not take into account the uniqueness of an ancient rural village, or indeed the design and construction of the premises. Have the Environmental Officer and Licensing Officer been to visit the site to see whether the conditions applied are realistic? If not, I would respectfully suggest that this should be done before the application goes any further. I would like to draw your attention to the words of the Environmental Officer quoted on the Case Officers Report in 2016 to the planning application 2016/1151/FUL to create retail and cafe units:

***“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”***

Since there has been no change to the close proximity of residential premises I see no reason why the Environmental Health Officer should change their view on the restrictions placed on the premises.

**Generic conditions to be examined more closely and possibly reviewed:**

- All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency. This means that any live or recorded music beyond 11pm (if the licence is granted) requires the windows and doors to be kept closed. Therefore, as the building only has one main entrance door with no inner door, nobody would be able to exit the building to go home or out to smoke or for fresh air. **As this is impossible to manage I believe if a licence is granted then a condition should be added that no regulated entertainment should be granted beyond 11pm. Furthermore the restricted condition should include a tent or marquee.**
- No deliveries will take place between the hours of 20:00 and 8:00 hours. (This is the similar to the condition applied by planning in that no deliveries before 8:00 hours) Since opening the premises the tenants have not made any effort to work within this condition. There are many dates and times noted by residents when this condition has been ignored (these details are documented and can be made available if requested).
- DPS to ensure that staff arriving early morning or departing late at night to avoid disturbance to nearby residents. Unless the staff are entering the site on foot the noise of the gates opening to allow vehicle access currently cause a disturbance to residents living immediately opposite the site as the staff often arrive by 6am to start food preparation (as recently confirmed on Eden Tearooms facebook page).
- Outside seating area to be closed between the hours of 21:00 and 8:00 hours each day and the outside area used for smoking to be monitored by the DPS or nominated person to advise customers re level of noise with anyone causing a disturbance to leave the premises. At present there is no area outside with planning permission for outdoor seating or smoking. Although I appreciate that due to covid outdoor seating arrangements have temporarily been reviewed it should still be necessary to identify these areas in order to manage them. Presently the business has various types of seating areas jotted around the site but I believe this should be restricted to close proximity to the building and closed from 6pm to protect neighbour amenity and reduce potential of public nuisance and disturbance to residents.
- Consumption of off supplies of alcohol shall be within a designated area clearly marked and monitored by staff. The plan with the application shows a large area to be used which is totally disproportionate to the building and not in close enough proximity to be successfully monitored by staff or indeed CCTV. **I would suggest that the designated area should be reviewed to a narrow area immediately around the building.** Failure to do this could see the potential loss of neighbour amenity and issues of public nuisance and indeed increases the likelihood of crime and disorder.
- No open vessels, glasses, bottles, etc to be allowed to be taken beyond the delineated licensed areas. For the safety of patrons and residents, if a licence for an outdoor seating area was granted could a condition be added to only allow drinks in plastic glasses, no

glass bottles etc to be taken outside. As stated above the delineated licensed area needs to be reviewed due to size.

**Demand**

There is no demand within Newburgh or the neighbouring village of Parbold, for another venue serving alcohol during the evening and late at night. We have a pub and a social club, which can be hired for celebratory events within the village, and there are a further three pubs/restaurants within one mile of the venue serving the needs of residents and visitors to the area.

**I would ask you to consider all of the above and request that you do not grant the premises licence to the applicant beyond the current opening times of 8am-6pm, in line with the current planning permission.**

Yours faithfully



Course Lane, Newburgh