

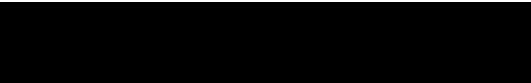
Susan Chadwick

From: Licensing Department
Sent: 25 September 2019 11:49
To: Susan Chadwick
Subject: FW: EH representation against the premises licence application for 5 Rochester Close
Attachments: 5 Rochester Close.pdf

Hi Susan,

Please see the below email which is objecting to the New Premises Licence for Two's and Threes Hideaway (Bacup).

Thank you,



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*Please consider the environment and do not print this email or attachments unless **absolutely** necessary*

From: [Redacted]
Sent: 25 September 2019 11:14
To: Licensing Department <licensing@rossendalebc.gov.uk>
Subject: EH representation against the premises licence application for 5 Rochester Close

Environmental Health have been consulted on the premises licence application from Trevor Paul Hopkins at the domestic property 5 Rochester Close, Weir, Bacup.

We note that over the last couple of years there have been numerous Temporary Event Notices for the sale of alcohol on the premises (indoors only) when used as a pop up restaurant which has resulted in no complaints from neighbours and Environmental Health would have no objection if the application was for indoors only.

However this application relates to extending the licensable area to include the garden (outdoors) and this is where Environmental Health have the issue.

The applicant applies for:

Plays: both indoors and outdoors Fri, Sat, Sun 19.00-22.30hrs

Live music: both indoors and outdoors Fri, Sat, Sun 19.00-22.30hrs

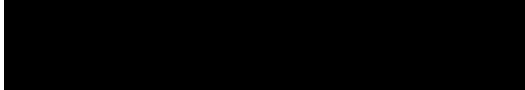
Anything of a similar description to live music: both indoors and outdoors Fri, Sat, Sun 19.00-22.30hrs

Provision of facilities for dancing: both indoors and outdoors Fri, Sat, Sun 19.00-22.30hrs

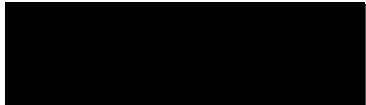
Environmental Health raise an objection to this application on the grounds of prevention of public nuisance objective due to concern about the likely impact of the noise from the proposed outdoors activities on the neighbours which could have a detrimental effect on their use and enjoyment of property and on their quality of life.

Taking into account the character of the surrounding residential area, Environmental Health would potentially receive complaints relating to music, raised voices, people noise etc on a level and frequency deemed inappropriate in a residential area. I have attached a map showing the close proximity of the nearby residential properties which are at the side and rear of 5 Rochester Close which is highlighted in green on the map.

Regards



Rossendale Borough Council
Public Protection Unit | Environmental Health | Room 118 | The Business Centre | Futures Park
Bacup | Lancashire | OL13 0BB



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Residential property around 5 Rochester Close
Scale: Not Set
Date: 25/9/19
Not Set

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Susan Chadwick

From: [REDACTED]
Sent: 04 October 2019 10:47
To: Susan Chadwick
Cc: [REDACTED]
Subject: Application for a premises licence - 5 Rochester Close

Dear Susan,

Please see below comments on behalf of Rossendale Borough Council's Planning Department in relation to the above licensing application;

- As the Local Planning Authority commenting on such licensing applications, we focus the response on the effect of the licensable activity at the property in question and in this instance, on persons living in the area around the property as the property is located within an entirely residential area.
- The Planning Department considers that there will be an obvious and more frequent increase in noise and disturbance emanating from the property and its immediate surroundings (caused by vehicle engines, car radios / music systems, car doors, groups of voices, and amplified music and speech), which would clearly differ significantly from noise from existing sources around the residential area. Such noise, events and disturbance would be occurring on a more frequent weekly basis during unsociable hours, including late into the evening when the ambient noise would be lower and at a time when existing residents should reasonably expect a quieter living environment.
- The Planning Enforcement team are aware that various events have previously taken place at the property and from a planning perspective, National Planning Practice Guidance states that Planning permission will not normally be required to home work or run a business from home, provided that a dwellinghouse remains a private residence first and business second. However, when assessing the impact of this nature it is significantly important to measure the level of activity associated with the use. In this instance the test would be to assess the business activity associated with the use together with the impact the use has on the amenity of local residents which is considered to be a material planning consideration.
- The test on site would be to assess and establish whether the property/pop up restaurant remains incidental to the enjoyment of the dwellinghouse in accordance with Section 55 (d) of the Town and Country Planning Act 1990. But, having already reviewed the website <http://twosandthreeshideaway.co.uk/index.html> there is at present a clear intensification of the primary use of the property as a residential dwelling by also using the land for a business operation from such events being held which will no doubt lead to a number of vehicles and patrons coming to and from the property.
- In addition it is considered by the Planning Department that a premises license for such events for up to 30 people on site (including staff) would not be incidental to the dwellinghouse and this would impact upon the amenity of local residents quite significantly through the various disturbances already outlined above. If the applicant wishes to try and regularise the pop up restaurant business then they need to submit an application for planning permission. As it stands, the Local Planning Authority is not aware of any extant planning permission and so accordingly, a planning enforcement investigation into this matter has now been opened.

Therefore, in light of the above, the Planning Department **objects** to the premises licence application on the grounds that the ongoing use of the residential dwelling as a pop up restaurant would amount to an unlawful public nuisance resulting from a use that does not benefit from planning permission.

Kind Regards

Rossendale Borough Council
The Planning Department | The Business Centre | Futures Park
Bacup | Lancashire | OL13 0BB

The Council's Enforcement Plan can be found here:

www.rossendale.gov.uk/info/210144/planning_and_building_control/10607/planning_enforcement

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