

## **Representations**

**From:** Louise.Drew

**Sent:** 14 September 2015 11:59

**To:** Internet - Licensing

**Subject:** The Old Fire Station, St James Square, Cheltenham, GL50 3PR - application for a premises licence

Dear Sirs

I write in my personal capacity as the occupier of 4 St James Square, Cheltenham that is directly opposite The Old Fire Station.

I strongly object to the Licensing Application for the premises as the Fire Station is in a residential area and adjoins properties on St Georges Terrace where young children have bedrooms overlooking the road and I have both a bathroom and my bedroom overlooking the premises. I object on the basis that there is no need for licensed premises in this area as the area has enough places to eat and drink on St Georges Road, which is an area of commercial use including the Bayshill within 50 metres of this property, the Chelsea Bar & Brasserie and the Thai Emerald. We also already have No 7 restaurant opposite the premises in a road that is otherwise nearly purely residential. A public house on a residential street cannot be justified under any circumstances, especially when I note that an extended License has been requested on a Friday and a Saturday.

We are already woken on a regular basis at the weekend by people under the influence walking down our street and fighting, shouting and talking in loud voices. We have seen people take off their jackets and hang them on our railings to have a fight outside and this is without a licensed premises across the road. We have had things stolen from our front garden and a neighbour has had their food waste bin thrown through their front window. There is enough crime in the street already to not warrant any further disturbance from a new licensed premises being given approval. We have even had our brand new car written off outside our house by a driver who failed to stop and the street cannot be subjected to any additional drinking house that will enhance the likelihood of further disorder and further crime from that already experienced by the residents.

In the absence of any vegetation in the street, noise reverberates significantly against the rendered walls and people leaving the Old Fire Station between 11:30pm and 12:30am will undoubtedly consistently wake residents. The opening hours of 8am will limit the amount of uninterrupted sleep any of us will be able to achieve. We have Doctors, a Solicitor, a teacher and journalists in the street, all of who work long hours and are entitled to the right of quiet enjoyment in their homes. The licensing hours will be a major nuisance to us. It also sends the wrong message from a Council that is seeking to bring residents back into the central area. It will lead to more traffic congestion from the taxi's dropping people off on the double yellows outside the premises and outside our homes, in a road where our residents parking is consistently being taken by non-permit holders and disabled badge holders. It is hard enough now to find a space without enticing diners/drinkers to take up our spaces. Also, the noise of deliveries in the early hours of the morning will be totally unacceptable, together with food deliveries etc. Where are these vehicles going to park? We already have issues with the Document Exchange van delivering to the Solicitors at Wynstay House and parking outside our homes. The noise of bottles and kegs arriving and being taken away is unacceptable in a street

that cannot dampen such sounds. The properties are old and do not contain proper soundproofing most notably between the Old Fire Station and the family living at No 9 St Georges Terrace.

Finally, the upstairs terrace area will be used for smokers and this directly overlooks my bathroom and my bedroom where I sleep and this will smell. This is unacceptable in a road occupied mainly by residential properties. This will be a further noise nuisance with the voices of those outside being completely audible to those in the street.

These are my reasons for objecting to the licensing application. Whilst I am fed up of looking at the mess that is this building with torn tarpaulin that flaps dangerously in the wind and the fact it is such a shame that this beautiful dwelling remains void after so many years, an application for a Brasserie in this area is not suitable, given the residential use in the street and the lack of need for another business such as this.

Yours faithfully

**Louise Drew**

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No. 3, Saint James' Square,  
Cheltenham.  
Glos.. GL50 3PR.

18th September 2015.

**Licensing Act 2003**  
**Application for a premises licence:**  
**The Old Fire Station, Saint James' Square, Cheltenham. GL50 3PR.**

We submit the following representations:  
Concerning prevention of **Crime and Disorder**:

1. No detail of a Designated Premises Supervisor or of his/her experience generally, the time he/she has held a Personal Licence or as to his/her experience of the intended use of the premises. Should the Application be granted, Notification of his/her contact details to be available, as required elsewhere, and provided to households living within 100m.

2. Likewise, as to enforcement of the conditions that may be imposed and the practical running of the establishment, in any event. The Council's CCTV at the Jessop Avenue roundabout is not very active, as found previously.

3. a. Within two to five minutes' walk, there are nearby premises selling alcohol and food, (including: literally over the road, the No 7 Wine Bar, which is virtually self-contained on three sides, with limited opening, then St George's Place (Chelsea Brasserie, Thai Emerald Restaurant and the Bayshill public house), with Royal Well Tavern. On the corner with Clarence Street, there is St George's Vaults, then The Quaich, with others towards the Town Centre. In Knapp Road, the Railway Inn. The George Hotel is also nearby. There is also the intended use of the groundfloor of Gibson House, on St James' Square, as a restaurant).

3.b. These premises have an established custom, which already affects the residents in the vicinity. Should there be an increase, the more people there are, the greater the risk of Crime and Disorder and Public Nuisance on the premises and nearby, noise, disruption, vandalism and damage to property.

Concerning **Public Safety**:

4. The increase in traffic (taxis, dropping off and collecting), customers and employees trying to find parking space during the day, evenings and coming and going. The premises are on the route of several buses. Rush hours are already crowded and it is hard to cross road, particularly with children. Construction traffic would have to be specifically provided for.

5. To date, there has not been mention of the number of anticipated users, throughout the morning, afternoon, evening and early hours, as to customers and staff, with or without vehicles (noting the intended licensed premises are on two floors and, possibly, with non-alcoholic sale and use of the second floor). This affects all **four** licensing objectives.

Concerning our **perspective of prevention of Public Nuisance**:

(noting, the prevention of public nuisance includes low-level nuisance perhaps affecting a few people living locally. (rf Home Office Guidance under Licensing Act 2003.)

6. Noise and light pollution are one of the greatest concern: from an unavoidable increase of people in the vicinity, particularly late at night (past midnight), cars dropping off & collecting customers, doors slamming and "Goodnights" carrying on the night air. During the day, particularly during rush hours the buses and traffic, deliveries to the premises, rubbish collection, (food and refuse), deliveries & collection, customers' and employees' parking, there will be disruption and nuisance, additionally during construction/conversion building works, when already very limited residents' parking provision, possibly only seven?

7. Threat of customers' smoking and drinking & coffee (not alcohol sales) including consumption of food on the second floor terrace overlooking the frontage, the unavoidable noise carrying far at night and beyond midnight.

The bedrooms of the terrace of houses opposite, being of much the same height, if not lower.

8. No mention of provision of noise prevention reducing fabric/building materials for the 2\* Listed Buildings subject premises or particularly for the adjoining Listed 2\* Buildings, No 8, St Georges' Terrace with young family and the Synagogue, an established Place of Worship, both would be subject to vibrations of building, use, recorded and live music as well, to which also nearby residents would be subject. The proposed condition 2 in Annex A to the Application is not detailed or effective.

Both sides of Saint James' Square are listed: the Southern side grade 2\* with the Northern side in the local Conservation Area.

9. There would be unavoidable public nuisance, not just to nearby residents,

9.a. The frontage of the subject premises, Synagogue Lane and the rear of the premises are not adequate for the placing of food refuse and any other refuse, either because of the public footpaths or that the neighbours abut the premises. It would not be viable for daily collection vehicles, which would not be a silent operation, in any event, with "tumbling glass" noise and other nuisance.

9.b. It is accepted the increase of noise during construction/conversion would be temporary (6mths?) but nonetheless and unacceptable increase, for which provision not made.

9.c. No mention of measures to reduce recorded, live or other music and also as to enforceability of possible conditions, particularly if the front fire door requires to be open; the summer months would be particularly vulnerable to this nuisance. Condition 2 of the Appendix A to the Application does not address the requirements in practice or as to their enforceability.

9.d. Opening the premises at 8am, (breakfast customers &/or deliveries, rubbish and refuse collections, then licensed hours till 11.30pm, midnight and beyond, with drink and food, in light of the surrounding residential area, is not acceptable: for too long and too late.

9.e. The actual smell and the drifting odour of cooking fat and food, particularly in the middle of the day and then at night time till late, would permeate the nearby vicinity. Condition 3 of Annex A to the Application does not in reality address the problem or its enforceability.

9.f. If granted the licence, albeit with strict conditions, would create precedent for successors, which possibly include a club or similar.

#### **Child Protection:**

Wherever there is an increase in the users of a location or area or a gathering, there is a consequent risk of danger to children and families on the premises from other people,

crowds, use of the premises and vehicles outside, particularly with leisure or other entertainment and licensed premises nearby. There is no indication of the number of customers, at any time, or as to which part of the premises, which are virtually three "units."

**Overall.**

Should the application be granted, it absolutely essential the conditions at Appendix A of the Application be imposed, with stringent terms as to enforcement.

Even then, we remain most concerned as to their enforceability, in practice on the ground, as it were, in practical terms, particularly in the evening, late at night and early morning, every day and night of the week .

The application, if granted, would materially affect the reasonable comfort and convenience of the nearby residents.

If the Application is to be granted, we assume that a Change of Use Planning Application would be made that the premises would be within Class A3: Restaurant and Cafes. The primary use being for the sale of food and drink on the premises.

We submit the application should not be granted.

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Rev. Robin and Felicity Littlewood

Cheltenham Borough Council, Licensing Team, Municipal Offices, Promenade, Cheltenham. GL50 1PP

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**Sent:** 19 September 2015 22:49

**To:** Internet - Licensing

**Subject:** Pioneer city Pub

Dear Sir

I am writing to express my objection to the licensing of a Pub at the Old Fire Station at the corner of St James Square and Synagogue lane.

Considering the residential character of the area , generally quiet, with little movement of people and the fact that a well established neighbourhood pub already exist few yards away in the main road, I see no reason for the licensing of a new pub.

Respectfully

Mrs L Elliott

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**Sent:** 19 September 2015 11:33

**To:** Internet - Licensing

**Subject:** Pioneer ( City ) Pub Co. premises at Old Fire Station corner of ST James SQ and Synagogue Lane

Dear Sir

With regard to the above I am detailing my concerns as Chairman of Cheltenham Hebrew Congregation. We own and use the Synagogue which is located in Synagogue Lane and is next to the planned Pub and shares a common wall and is linked at the roof level.

1. The Synagogue itself. The building was constructed in 1839 and is Grade 2\* listed. Damp has been allowed to pass from the Old Fire Station to the Synagogue premises causing serious concern in the past and we are very concerned that this fragile building should be protected from this as well as damage caused by any building modifications.

2. The Community using the Synagogue.

It is very quiet during our services, any noise from people using the proposed premises, especially if they congregate outside the building is likely to interfere with this. Such groups might include groups meeting up or leaving the premises, those not permitted access or smokers. Noise or vibration from extractor fans or other equipment would also not be acceptable.

We are also concerned about the impact on our neighbours, some of whom have young families.

If there are conditions attached to any permission given how will this be enforced, by whom and within what time frame?

Yours sincerely

Jenny Silverston

Chairman

Cheltenham Hebrew Congregation

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

From: Maggie Powell

Sent: 24 September 2015 11:06

To: Internet - Licensing

Subject: The Old Fire Station, St James Square

Regarding this licensing application, I would like to put on record certain concerns:

Whilst not an immediate neighbour, I have concerns about the risk of public nuisance from licensed premises attached to residential accommodation and adjacent to a place of worship. Other restaurants and bars in this area are standalone or attached to commercial premises.

There is no obvious smoking area apart from the street with associated noise and litter.

What about increased traffic and parking? Have I not read that there are plans to reduce the parking spaces in the St James Square car park?

I realise that you are constrained by licensing legislation, but I have increasing concerns about the drift of licensed premises and entertainment venues (licensed premises can now provide live music without an additional license) into primarily residential areas. Although these are economically important to the Town Centre, logically the boundary of the "town centre" is the eastern side of St George's Place. Neighbourhood facilities are important but not one's that will only survive by drawing people into the area.

Maggie Powell  
4 Shaftesbury Hall  
St George's Place  
Cheltenham GL50 3PX

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Dear licensing committee

I am writing to object about the licensing application for the old fire station on St James's Square.

**Background to location:**

We are a primarily residential street, although St Georges Terrace is located close to the town centre, we are located on the residential side of the St Georges Place, which would appear the natural cut off for licence premises in our area. There are already numerous restaurants and brasserie style eateries along this road and on the town centre side of it. The bus station and taxi rank, being located where they are, mean that current footfall from restaurants and bars do not tend to encroach on our road as a result. Although Number 7 St James Square is a small restaurant, it is separated from the residential properties of St Georges Square, not open every night and relatively small with limited covers. It has outside space, to contain smokers and refuse. We find festive periods particularly troublesome with noise and disturbance from this restaurant and the Bayshill Pub, situated behind our property, given the size and location of the Engine House and Fire Station and its adjoining

nature to our listed property we fear the disturbance, noise, litter, vandalism and local crime may increase as a result.

### **Public nuisance:**

#### **Nose disturbance:**

Our property is grade 2 listed and we directly adjoin the property concerned. The sash windows in our property are glazed in original thin millimetre thick crown glass, secondary glazing is not an option. The walls are thin and noise between the buildings travels easily. We are able to hear our neighbour walk up and down the stairs, the phone ring and doors opening and closing. We are able to hear cars doors open and conversations of people walking past, even at normal conversational volume. We hear people walking up and down the stairs within the Engine house and heard a disturbance within the property, which transpired to be a robbery. This was easily heard from our bedroom. We are able to feel the vibration of passing buses within the house.

In their proposal they state 2. *'No noise will emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.'* would appear whole unlikely. I do not see how this is possible given the structural nature of these listed Georgian properties, there will be continuous noise from the proposed bar, kitchen and people coming and going, plus the proposal for music. I have already mentioned we are already disturbed by passers by and the surrounding pub (Bayshill) and Number 7 restaurant at times.

We are a young family. Our property directly adjoins the building in mention. Looking at the proposals the upstairs dining area, which would appear an area that could be cordoned off for private functions/events directly adjoins our daughters bedroom, she is a light sleeper and entering important years at school. The toilets would appear to adjoin our bedroom, given the volume of covers this size property could cater for, I would expect constant use of these toilets and the noise from flushing toilets, banging doors and conversations would be very difficult to mask and cause a considerable disturbance. We are both professionals and it is important for home time to be quality and not constantly disturbed.

Looking at the plans they have a comment stating that the fire door will be open during trading hours. This directly adjoins our property and again is likely to cause increase noise from the property and therefore disturbance.

We are already disturbed as previously mentioned by cars and passers-by, however, this would rise exponentially if a restaurant was licence next door, where people are bound to be talking while departing and walking back to cars or to the taxi rank and noise would be continuous.

*9. The premises licence holder shall devise and implement a dispersal policy to ensure that patrons do not congregate outside the premises, and they disperse from the premises in an orderly and quiet manner so as not to disturb residents within the vicinity.*

Again this provision is highly unsatisfactory. The licence owner is not going to be able to guarantee this and once out of the premises the licence owner would have no responsibility for the behaviour of its patrons. Unacceptable behaviour is a constant problem within the town centre at the time bars and restaurants close and this is well known and evident by the increased police presence at these times. Antisocial behaviour due to alcohol consumption is likely and there would be no way of ensuring or enforcing this proposal. The patrons would need to walk past every residential property in the street to access the taxi rank on the town side of the Bayshill road.

10. *'A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and area quietly'*

I'm afraid this suggestion is not adequate. Firstly, how do you enforce something that is written on a notice, that may or may not be read, and even if it is, it is unlikely to be reliably adhered to, this suggestion would appear wholly unsatisfactory and we would suggest not adequate provision nor realistic.

### **Smoking provision:**

Another grave concern is the lack of outside space within the property. There is no provision for smokers and as a result there is likely to be constant foot fall of people smoking outside the property and spilling on the pavement outside our home. Firstly there is the issue of noise, secondly the issue of litter and thirdly the issue of smoke, both of my children bedrooms are at the front of the house and as I have mentioned our home is old and the windows drafty, which we are unable to adapt given its listed status. The wellbeing of our children is a primary concern.

Likewise, in the summer months, we often have the windows to childrens bedrooms open, cigarette smoking from the front of the premises, is therefore likely to become more of a health hazard for our children.

They state 11. 'Notice shall be displayed prominently at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly. And the area will be cleared of customers within 30 minutes of the last supply of alcohol on any day.'

They have not suggested where these smoking areas may be and the only adjacent space would be directly outside the property, they can not expect smokers not to have conversations while smoking and therefore there would be continued disturbance from this also. To suggest that displaying a notice would be satisfactory indeed is not. Secondly the licence promises to sell alcohol daily and until midnight, disturbance is likely therefore until the early hours of the morning daily and this is unacceptable in a residential area (and we all work).

In the summer months, it is likely that the premises will wish to open their windows. Thus, being unable to contain noise and disturbance. Use of an air conditioner system, may reduced the need for this, however, containment for this, and the disturbance, from the noise of the air conditioner unit, would also need to be a consideration.

### **Smell:**

Given the licence is for a bistro, there will be considerable cooking smells, there would appear to be limited provision for the containment of these smells and as a result they are likely to encroach on our home and garden. And on this basis we object.

### **Refuse:**

There is no outside space for refuse storage at the property concerned. The storage of these along Synagogue lane would lead to inadequate safe passage for pedestrians accessing the Honeybourne line and poses a safety issue. Likewise storage of these on the frontage of St Georges Terrace would be unsightly. There is not adequate space on either pavement for the storage of refuse.

### **Protection of children from harm:**

### **Adult content conversations and swearing**

Given our children sleep at the front of the house, we are gravely concerned they will be exposed to inappropriate adult conversation and swearing as people stand and smoke, arrive or leave the premises. This we feel is potentially harmful and unavoidable if the licence were granted.

### **Traffic and safety crossing the roads**

The road is already hazardous to cross. With increased delivery vehicles parking up outside the property obscuring the roundabout and increased traffic caused by increased footfall this is likely to increase exponentially. Not only are we concerned for the safety of our own children and those that live within our neighbourhood, but also those walking to the local school (St Gregorys), who typically walk up Synagogue Lane from the Honeybourne line to get to school.

### **Smoking**

As previously mentioned smoking outside our property by smokers from the bistro is a grave concern. Given Number 7 has outside space, smokers are contained within a hedged area. However, The Engine House and Fire Station has no outside space for this provision.

Smoke entering our house from smokers on the street would pose direct adverse health implications for our children. In the summer months this would be more problematic, with open windows.

There is a significant volume of medical evidence supporting the negative health implications of cigarette smoking and children.

### **Invasion of privacy**

Our garden is directly overlooked by the rear window of the Engine House where the toilets are planned to be. Additionally the windows at the front of the house are large and easy to look into and we notice people looking in as they walk past. Given the number of additional people walking past, or looking directly into our garden where our young children play is of significant concern to us, from a privacy and safety point of view.

### **Public safety:**

#### **Traffic congestion and road crossing danger**

Given the limited space for parking in our area, it is likely vehicles will double park to drop off outside the venue. This is potentially very dangerous, given its close proximity to the roundabout. There is no safe crossing at all on St James Square, with increased parking, delivery vehicles, refuse collection in the street, this is likely to become more hazardous.

#### **Prevention of crime and disorder:**

Vandalism, theft and damage:

We have had local vandalism within our area, cars have been damaged, graffiti to local buildings and items stolen from outside the house. Given the increased footfall and increased number of people under the influence of alcohol this is again likely to increase.

Looking at local police crime reports, there is evidence of an increased number of criminal activities on St Georges Place, compared to St James Square/St Georges Terrace. Likely to directly relate to the number of licenced properties in these vicinities.

Evidence of local crime likely to increase again can be supported by the increase in number of crime rates within our area when Chemistry was open, compared to recent years, when we have become an entirely residential neighbourhood.

Places of worship:

The property involved is adjacent to a place of worship. The synagogue. It is a place for quiet reflection, and a grade 2star listed building and part of our history as a town. It would appear entirely inappropriate to have a licenced potentially busy and noisy restaurant adjoining a quiet place of worship and contemplation.

Conclusion:

We are not in objection to the Engine House and Fire Station being developed, in fact we would love to see the historic building restored to its former glory as a residential property or offices, where the foot fall, noise disturbance, smoking issues would be significantly less in what is a friendly residential community.

In conclusion, we feel very strongly regarding this matter and strongly object to the licensing of the premises and the proposals on the basis of noise disturbance, smell pollution, invasion of privacy, increased crime and vandalism and increased litter, all resulting in public nuisance, in what is a residential community area. Our main priority is the safety of our children and again feel a licensed property next door with the plans suggested are very worrying. Despite being located close to the town centre, we are separated by the Bayshill Road divide and would appeal that this is not allowed to change.

Thank you for your consideration.

Your sincerely

Dr Rebecca Nicholson and Dr Liam Stanbury

PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
Glos GL50 1PP

Dear Sir/Madam

I am writing in response to the notice being posted on 'The Old Fire Station' in St George's Terrace stating that an application for a premises licence under Section 17 of the Licensing Act 2003 has been made by The Pioneer (City) Pub Company.

As the owner of a small publishing company operating from 7 St Georges Terrace, two doors along from 'The Old Fire Station', I wish to object strongly to this application.

My objections are based on the following:

- 1) This is a quiet residential street with a mix of families (with young children) and other residences – there are some 14 living apartments and houses adjacent to The Old Fire Station alone, Opposite there are more
- 2) The Council is trying to promote this area as a family-friendly living area in Cheltenham, given that it is establishing children's play areas on the other side of the Cheltenham Walk car park for example
- 3) We have experienced our fair share of vandalism and damage in our street without there being a pub remaining open until 00:30 on some nights with its associated noise and incidents likely
- 4) This part of town is already well served with drinking establishments that are longstanding and their residential neighbours are well away from their establishments – such as The Tavern and the Bayshill. This would not be the case with 'The Old Fire Station'
- 5) Our road is to become a major thoroughfare for traffic around Cheltenham, once the Boot's Corner development takes place. There is already restricted parking on our side of St James' Square and opening a pub will attract more stopping/parking traffic than the street can cope with
- 6) The Synagogue, which is one of the finest in the country apparently, backs directly onto 'The Old Fire Station' and is functioning on Fridays

We would not be objecting if the 'The Old Fire Station' was being put to a more suitable use – such as living accommodation or even a restaurant - given the nature of the area. But allowing it to be turned into a pub is totally unsuitable for all concerned in our neighbourhood. Therefore, I appose the granting of a premises licence under Section 17.

Yours faithfully

~  
Roger Gilbert  
Publisher  
Perendale Publishers Limited