

<b>APPLICATION NO: 17/01566/CONDIT</b>		<b>OFFICER: Mrs Emma Pickernell</b>	
<b>DATE REGISTERED:</b> 11th August 2017		<b>DATE OF EXPIRY :</b> 6th October 2017	
<b>WARD:</b> Lansdown		<b>PARISH:</b>	
<b>APPLICANT:</b>	Door 4 Montpellier Ltd		
<b>LOCATION:</b>	4 Montpellier Walk, Cheltenham		
<b>PROPOSAL:</b>	Variation of condition 5 of 16/01888/FUL -to extend opening hours to 00:30 Thursday, Friday and Saturday nights and 01:00 on Bank Holiday Sundays, race days (up to 16 race days per calendar year), Christmas Day and New Years Eve		

## REPRESENTATIONS

Number of contributors	<b>16</b>
Number of objections	<b>16</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

15 Royal Parade  
Bayshill Road  
Cheltenham  
Gloucestershire  
GL50 3AY

### **Comments:** 31st August 2017

I am writing to object to the above application on the grounds of:

- Increased noise pollution
- Increase in commercial waste
- Increase in anti - social behaviour
- Exacerbating the in-balance of an area that is already too heavily weighted in favour of bars/restaurants at the expense of quality of the environment for local residents

We notice that the justification offered by the applicant is that the commercial viability of the venue is untenable unless they can extend their opening hours. One has to beg the question as to why they felt that the business was viable under the terms originally agreed with the council, and therefore whether it was the intension of the owner to open the business under your existing terms knowing that they would subsequently seek to extend the opening hours? Commercial viability cannot be a justification. Either the terms were appropriate in the first place, in which case the owner knew full well what the business constraints were, or the council's original terms were unreasonable. As local residents we feel the licencing arrangements are already weighted in favour of the business, particularly the awarding of a live music licence and that there cannot be any reasonable justification for extending the opening hours further on the grounds of noise pollution alone.

With respect to point 2. We assume this issue fall outside your jurisdiction but as residents we are fighting a constant battle with the businesses that use the bin area at the rear of The Courtyard. The capacity of this facility is undersized for the number of businesses now using It and whilst Door 4 isn't part of The Courtyard development, it uses this bin area adding to the already squalid, vermin infested environment that the residents of Royal Parade and Royal Parade Mews are having to live with. In addition to the health issues caused by the overflow of waste, the noise of disposing of hundreds of glass bottles into these commercial bins in the early hours of the

morning is extremely disruptive. These issues will only be exacerbated by any extension to the opening hours.

Finally a contextual point in relation to points 3& 4. We recognise the need for a healthy commercial community, however this is a mixed community , both business and residential. The attractiveness of the neighbourhood, and its draw as a place to live and work is dependent on maintaining a sensitive balance between these two constituencies. We feel that the momentum is currently in favour of commercial interests at the expense of the broader environmental considerations which have a detrimental impact on the quality of life for residents. We all understand that policing is stretched and therefore oversight of laws with respect to public disturbance and anti - social behaviour are all but impossible to enforce. These issues cannot be left to local residents to simply put up with, and shut up about. We strongly request that this application is rejected.

25 The Courtyard  
Montpellier Street  
Cheltenham

**Comments:** 29th August 2017

I am writing on behalf of my mother,[name supplied], who lives at 25 The Courtyard, Montpellier Street, Cheltenham to express her views on the above application.

My mother and all our family are totally against the above application being granted for the following reasons:-

Montpellier is a distinct and separate area to the rest of the town centre. My mother has lived here for over 30 years and when she first came here it was almost 'village' like in its atmosphere with a strong community spirit among its many residents and many small shops - butcher, flower shop, greengrocer, bakery, a couple of cafes and a few pubs/restaurants. Over the years this has changed dramatically and there has been a proliferation of bars and restaurants alongside a decline of small foodshops and an increase in overall noise levels at night.

It would be completely wrong to increase this noise pollution further in this area by allowing any bar or restaurant to open until the early hours of the morning. The only result would be an increase to noise, nuisance and sometimes unruly behaviour of people leaving the bars and restaurants for many more hours into the night at the weekends. You must remember that this is a 'residential area', not a town centre high street and there are many flats above the current premises along Montpellier Street and surrounding area. There are also many elderly people living in the area and it would be completely wrong to affect their lives so adversely by allowing this application. Litter and vandalism would increase too, as people who have been drinking until the early hours rarely leave quietly and peaceably and shops could well suffer from vandalism.

If you allow one business to extend its opening hours so late then others will want to follow suit and that would have a hugely negative impact on the area and the quality of lives of all those people who live here. There are enough clubs/pubs etc in the town centre if people want to stay out until the early hours. Please do not allow this 'nightlife' to spread out into other areas. Montpellier is a picturesque area with two beautiful parks - the whole area could deteriorate with drunken and/or violent activity in the parks by people under the influence of alcohol and possible risk of attacks could increase too where there are no street lights.

We strongly oppose this application.

**Comments:** 4th September 2017

Below copied from previous email sent to you - just wanted to add I fully endorse this complaint and would like to add my name to it for the reasons given below. Also my Mother lives in the residential area (Flat 25); the flat was bought as it was going to be in an up market retail area

NOT a late night drinking area. The addition of the Tattoo shop has already undermined this. My Mother is also recovering from a stroke and I (and she) agree that late night noise would not be appreciated

I am writing on behalf of Montpellier Courtyard Residents Limited - the company that oversees the interests of the 10 apartments that form part of the retail complex known as 'The Courtyard'.

It has come to our attention that the bar 'Door 4' has requested an extension to their opening hours, we only found out about this through a very small announcement in the local paper, please can someone from your offices confirm that this has been requested? If it has, surely there is a duty to inform and advise local people so they can object if they wish?

If Door 4 has applied for an extension, we would have to object due to the close proximity to the residential apartments, some of which are occupied by very elderly people. We object to the extension for the sale of alcohol as this would encourage people to drink, late at night, which will give rise to noise that is unacceptable so near to a residential complex where people are trying to sleep.

We cannot emphasise strongly enough that this is a residential development, people tend to forget this, and think of the whole street as a mixture of shops and restaurants, but there are residents living in the apartments.

7 The Courtyard  
Back Montpellier Terrace  
Cheltenham  
Gloucestershire  
GL50 2XS

**Comments:** 29th August 2017  
Letter attached.

The Old Coach House  
Bayshill Lane  
Bayshill Road Cheltenham  
Gloucestershire  
GL50 3AX

**Comments:** 28th August 2017

I believe that the nature of the proposed extended hours does not suit the location and character of the area in that this is a retail and residential neighbourhood.

Montpellier is nationally well known as a regency shopping/ eatery area which will bring late night noise and disturbance. This will as we have seen on Saturday evening result in shop refuse being distributed by late night revellers all over the pavement and therefore higher Borough Council costs to clean up, plus the need for extra policing.

Being situated in a parallel street we have experience of excessive noise at 2/3am, car doors slamming and enough noise for sleeping people to be woken up, and will become a public nuisance, even with closed windows, less so since the closure of Subtone in The Promenade.

I firmly believe that the later opening hours contravene the location, character and marketing value of the Montpellier area which will lead to more independent retailers who reside above their premises or gain revenue from letting to close and therefore alter the character of the area

10 Rotunda Terrace  
Montpellier Street  
Cheltenham  
Gloucestershire  
GL50 1SW

**Comments:** 22nd August 2017

Please accept this as formal notice to object to the application by "Door Four " 4 Montpellier Walk Cheltenham to extend their licence until 2am. I object as I believe this would result in a further late night noise nuisance .

**Comments:** 20th November 2017

This would potentially add to the noise level ,disturb my peace and interrupt my sleep.

12 Montpellier Walk  
Cheltenham  
Gloucestershire  
GL50 1SD

**Comments:** 22nd August 2017

I object to the plans to extend opening hours to 2am on Thursday Friday and Saturdays.

I live a few doors away and can already hear the music in my bedroom. During summer months when the doors and windows are open at Door 4 I have to keep my windows, blinds and bedroom door closed in an attempt to lessen the music, but can still hear it from my bed.

This is a residential area and I feel that there are many local people who will be disturbed by the extended hours.

Cheltenham Ladies College  
Bayshill Road  
Cheltenham  
Gloucestershire  
GL50 3EP

**Comments:** 30th August 2017

On behalf of the Cheltenham Ladies' College, I wish to formally object to the proposed extended opening hours and change of use application for Door 4 Montpellier, currently logged for consideration.

The grounds of objection are based upon public nuisance and potential crime and disorder.

As you are no doubt aware, much of our Estate is residential, some of which is located within a very short distance of the premises in question. Extended opening hours until the early hours of the morning would no doubt cause significant noise nuisance to our residents as merry revellers leave the premises with raised voices, opening and closing of car doors, revving engines and the inevitable public disorder associated with drunken disagreements.

We have over many years been subjected to criminal damage, graffiti, littering and anti-social behaviour in the proximity of our buildings and on occasions within our property boundaries, and extending licencing hours to yet another establishment can only exacerbate this problem.

In addition to the above the operation of the facility must also be considered. Live music from Door 4 is already intrusive so extending the licensing hours can only add to this problem. Further

noise nuisance will come from the staff after closing by filling external bins with empty bottles and themselves leaving the premises later into the night.

Another bar with extended hours in Montpellier is not necessary and has far reaching implications. This is a growing trend and needs to be curtailed before the characteristics of this delightful area of Cheltenham is permanently and detrimentally changed.

10 Royal Parade  
Bayshill Rd  
Cheltenham  
GL50 3AY

**Comments:** 31st August 2017

We are writing to object to the above application on the grounds of:

1. Increased noise pollution
2. Increase in commercial waste
3. Increase in anti - social behaviour
4. Exacerbating the in-balance of an area that is already too heavily weighted in favour of bars/restaurants at the expense of quality of the environment for local residents

We notice that the justification offered by the applicant is that the commercial viability of the venue is untenable unless they can extend their opening hours. One has to beg the question as to why they felt that the business was viable under the terms originally agreed with the council, and therefore whether it was the intension of the owner to open the business under your existing terms knowing that they would subsequently seek to extend the opening hours? Commercial viability cannot be a justification. Either the terms were appropriate in the first place, in which case the owner knew full well what the business constraints were, or the council's original terms were unreasonable. As local residents we feel the licencing arrangements are already weighted in favour of the business, particularly the awarding of a live music licence and that there cannot be any reasonable justification for extending the opening hours further on the grounds of noise pollution alone.

With respect to point 2. We assume this issue fall outside your jurisdiction but as residents we are fighting a constant battle with the businesses that use the bin area at the rear of The Courtyard. The capacity of this facility is undersized for the number of businesses now using it and whilst Door 4 isn't part of The Courtyard development, it uses this bin area adding to the already squalid, vermin infested environment that the residents of Royal Parade and Royal Parade Mews are having to live with. In addition to the health issues caused by the overflow of waste, the noise of disposing of hundreds of glass bottles into these commercial bins in the early hours of the morning is extremely disruptive. These issues will only be exacerbated by any extension to the opening hours.

Finally a contextual point in relation to points 3& 4. We recognise the need for a healthy commercial community, however this is a mixed community , both business and residential. The attractiveness of the neighbourhood, and its draw as a place to live and work is dependent on maintaining a sensitive balance between these two constituencies. We feel that the momentum is currently in favour of commercial interests at the expense of the broader environmental considerations which have a detrimental impact on the quality of life for residents. We all understand that policing is stretched and therefore oversight of laws with respect to public disturbance and anti - social behaviour are all but impossible to enforce. These issues cannot be left to local residents to simply put up with, and shut up about. We strongly request that this application is rejected.

Second Floor  
10 Montpellier Walk  
Cheltenham  
Gloucestershire  
GL50 1SD

**Comments:** 24th August 2017

I have already been in touch with the council with relation to this bar and the already late noise that local residents have to accept every week with live music and loud drinkers. As they have always stayed within their 11pm curfew I have not made any further complaints, however I am seriously concerned about the application to make the licence later than it already is.

As I work non-standard hours, I am normally in bed by 10pm. On the nights where the bar is playing loud music (mostly a Thursday) neither myself or my partner get to sleep before their 11pm curfew, once the noise dies down. This has had a terrible effect on my ability to work on the following days where I need to be alert in the early hours. Should their licence be extended I would be extremely concerned that this would happen throughout the weekend, disturbing our right to quiet sleep.

We do support local businesses and bars, but are increasingly concerned about the number of new bars and restaurants popping up all the time, with revelers getting louder and the street getting messier. Whilst a sensible finish time of 11pm is a compromise for us that we understand we need to accept in order to live in this location, anything later is totally unacceptable for us.

I hope these concerns are taken into serious consideration.

With thanks

11A Royal Parade Mews  
Cheltenham  
Gloucestershire  
GL50 1SZ

**Comments:** 31st August 2017

We were recently notified that Door4 has applied to extend their opening to 2:00 on Thursdays, Fridays, and Saturdays. We were disappointed to hear about this from a neighbor who noticed a small flier placed on a light post nearby, and not directly from Door4. As a neighbor living across the street from Door4, we would have appreciated Door4 asking for our input and feedback. Ultimately, for the reasons noted below, we oppose the application.

We were excited when Door4 opened, as we were glad to see another new business that helps bring life and excitement to Cheltenham. We were a bit disappointed, however, when we realized they planned to place a patio on both sides of their business, including the side that faces Montpellier Street. After speaking with the owner or manager shortly before opening, they assured us that they intended to be an upscale lounge and that we would not likely experience any annoyance due to noise as that was not the crowd they were looking for. Montpellier Street is a relatively quiet street with mostly retail shopping that closes by 18:00, though there are a few restaurants and bars that give life to the area after 18:00. To my knowledge, only one of them is open after 23:00 on Thursdays, and most are closed by midnight or at the latest, 1:00 on Fridays and Saturdays. Of the restaurants and bars that are open later, none, to my knowledge, have outdoor seating directly across from any residences. Furthermore, most of these restaurants and bars keep their doors and windows closed so as to minimize any impact on the neighbors.

We understand that living in a city results in unwanted noise at times, and we are used to the drunken groups talking or singing loudly as they walk down the street at night. However, this

summer, Door4 has kept their door and windows facing Montpellier Street open until they close. They also have a sizeable patio on Montpellier Street. This results in quite a bit of noise that travels across the street until midnight. Numerous residents, like us, have had to keep windows open due to the heat which makes the noise even worse. In addition, Door4 has live music on Thursdays until around 23:00, which results in quite a bit of noise in our homes, where we can hear the songs being played and the words being sung quite clearly. This has resulted in a rather negative experience, and is contrary to Door4's initial promises and our hopes for the bar.

We oppose Door4's application for extended hours because it is not keeping with the character of the street to have a bar open until 2:00. As mentioned above, none of the businesses on Montpellier Street are open this late. Door4's suggestion in their application that the economic viability of their business depends on having opening hours in line with nearby bars so as not to be at a disadvantage suggests, at best, a lack of research by the applicant, as none of the nearby bars are open until 2:00. As was stated in the Delegated Officer Report and the resulting Decision Notice granting the permit for Door4 in Application No.: 16/01888/FUL, "The premises shall not be open to customers between the hours of 00:00 (midnight) hrs to 0800hrs . . . and there shall be no allowance for 'drinking-up time'. Reason: To safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living." This logic still holds true and should result in the rejection of this application.

We also oppose Door4's application because they have not been good neighbors and have already allowed significant noise to be emitted from their business on a regular basis, which would only be exacerbated by staying open even later when the crowds get drunker and louder.

26 The Courtyard  
Montpellier Street  
Cheltenham  
GL50 1SR

**Comments:** 1st September 2017

I am writing on behalf of Montpellier Courtyard Residents Limited to object to the above application for an extension to the opening hours at 4 Montpellier Walk to 02:00 on Thursdays, Fridays and Saturdays. We are the residents / owners of the 10 apartments located above the retail units in the complex known as 'The Courtyard' situated opposite the bar Door 4.

It is the extension to 2am that we object to as people congregate outside the bar, on both sides (Montpellier Walk and Montpellier Street) all year round unless it is pouring with rain - ie it is not just in the summer months that people are outside on the pavements - and after consuming alcoholic beverages people are far noisier in their conversations. The noise can clearly be heard from the flats and we think it is unreasonable for people living in the flats to have to put up with the noise. It would not 'stop' at 02.00 either - people linger and if very inebriated they shout and swear, urinate in the streets and generally cause a lot of distress to the residents of the surrounding flats.

We have several elderly residents (two in their nineties), and one has recently had a stroke and is confined to her front facing bedroom (from which she can see Door 4).

We are delighted that Montpellier Street is an eclectic mix of shops, bars and restaurants, and there are many bars and restaurants, including those within The Courtyard itself, but it is also a residential area and we feel the wishes of the residents should be taken into account. The restaurants within the Courtyard (Flynn's and Montpellier Café) are mindful of this and have never caused any problems to the residents so we request that this application for an extension be refused.

17 Rotunda Terrace  
Montpellier Street  
Cheltenham  
GL50 1SW

**Comments:** 21st August 2017  
Letter attached.

4 The Courtyard  
Montpellier Street  
Cheltenham  
Gloucestershire  
GL50 1SR

**Comments:** 5th September 2017  
I object to the extension of the licence for Bar door No 4.

I have a Flat that will be affected by the extension of the licence.

22 The Courtyard  
Montpellier Street  
Cheltenham  
GL50 1SR

**Comments:** 6th September 2017  
I write in relation to the above application for extension of license until 2am.

I cannot object more profusely to this. The current license already means that music is still being played often after 1am. Their windows are open and it is necessary to put the volume on the TV right up to drown out the noise in your own front room. In addition, rubbish and discarded glasses are left outside. They have live music on a Thursday and it is impossible to hear anything but this.

We had a bar, Maitai, in the Courtyard a few years ago and it was an absolute nightmare for local residents. This is very reminiscent of this and the noise is already at an unacceptable level and far too late without granting a later license.

Please do not grant this application, I fear it will cause residents to have to consider moving and as a result drastically affect property prices and popularity locally.

Trerece Mill  
Llangarron  
Ross-on-Wye  
HR9 6NH

**Comments:** 25th November 2017  
I have owned and rented out a neighbouring property for over thirty years and both my and tenant's experience has been always that, with extended opening hours, noise and vandalism increase. The present tenant is entitled to "quiet enjoyment" An adjacent drinking club, open until three .a.m is detrimental to this right and for this reason I object to this application.




16 Royal Parade  
Bayshill Road  
Cheltenham  
Gloucestershire  
GL50 3AY

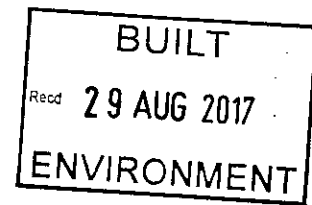
**Comments:** 30th October 2017

We are a family of 4 who live within close proximity to this bar. We feel extending the business hours of not only this bar but any bar in Montpellier will cause disruption to our children's sleep, increase the risk of anti social behaviour and set a precedent which completely changes the feel of Montpellier and the area. There are many areas in the town that provide entertainment until the early hours for people to enjoy. Please don't turn Montpellier into a party zone.

**Comments:** 27th November 2017

I have received a letter stating that this licence is now to be extended to 12.30am on Thursday to Saturday and 1am on Bank holidays and race days. All my previous comments still apply, any extension of opening hours is setting a precedent and residents of Montpellier do not wish this area to cater to drinking into the early hours. If Door 4 are also unable to stick to the terms of their current licence frequently creating noise disturbance past closing time, I see no evidence that they won't be able to stick to their proposed new terms either.

7 The Courtyard  
Royal Parade Mews  
Cheltenham  
Glos  
Tel/Fax 



22nd August 2017

Ms Emma Pickernell  
Built Environment Division  
Municipal Offices.  
CHELTENHAM  
Glos

Dear Ms Pickernell

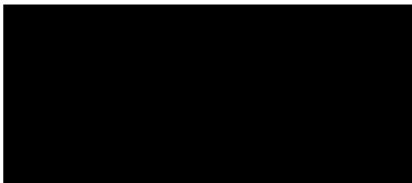
With reference to the very small advertisement regarding Door4's application to extend their opening to 2 a.m. on Thursdays, Fridays and Saturdays I am writing to oppose this as I live opposite. They are already a disturbance and should never have been allowed a licence in the first place! There are residents all around them and it is all ready intolerable on Thursday nights with live music. Summer is particularly difficult when our windows need to be open with the noise emanating through our properties. Some of us have to get up early due to work and they start their noise as we are trying to sleep. To have music intruding at all is unacceptable but to have it up to 2 am would mean formal investigations.

I have been a resident in Montpellier for 30 years and there has been a steady decline in the area due to the amount of bars and restaurants that have been allowed in, causing noise and unrest due to drunks, music etc. let alone our safety comes under threat. Montpellier used to be a peaceful place.

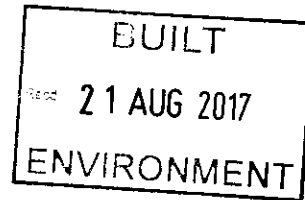
If this is allowed the conduct of the Council must come into question as to what is really going on? And this would get the proper publicity unlike Door4 as to what they have wanted to do all along.

I trust the matter is not needed to be taken any further.

Yours sincerely



Emma Pickernell  
Planning Officer  
Cheltenham Borough Council  
Municipal Offices  
The Promenade  
Cheltenham  
GL50 9SA



**THE  
SQUARE  
PILLOW  
LTD**

17 ROTUNDA TERRACE  
MONTPELLIER STREET  
CHELTENHAM  
GL50 1SW

TEL: (01242) 577027  
FAX: (01242) 510512

18<sup>th</sup> August 2017

Dear Ms/Mrs Pickernell,

**Ref :- 17/01566/CONDIT – 4 Montpellier Walk**

I write to you as a resident in Montpellier.

I live above my shop at the address as above 17 Rotunda Terrace, Montpellier Street across the road from Door 4 that has an application in for extending thier opening hours until 2am Thursday through to Saturday.

I object most strongly to this as already I have to keep my windows closed at night as the music thumps out of their opened windows till midnight; then I have to listen to the shouting , slaming of car doors etc of people leaving the area.

This is not only a shopping area but very much a residential neighbourhood and if we allow this extention of license to happen for them it will be all the other bars that will to want to extend their licenses and this should just not be allowed to happen.

I also have a worry that it will reduce the prices of property and rents in this area and it will lose its charm , sophistication and character of the area that we have built up over the years.

It will bring activiity from the town centre until 3am, revellers kicking the shop refuse around the streets – as they do now but with more drinkers this will increase.  
The whole area will needing more policing !

Please consider my objection .

Yours sincerely

[Redacted signature block]

[Redacted line]