

Appendix 3 a

Comments received from Environmental Protection (following initial objection received prior to the closure of the objection period) – final comments received 22 October 2020 following discussion with the applicant

New Premises Licence application – Basement Level No. 2 Crescent Terrace, Cheltenham. 20/01041/PRMA

I have considered the above application with regard to the prevention of public nuisance and, in its current form, I have recommended refusal due to the impact on neighbouring residential properties, as the effect of noise from the premises is likely to cause a public nuisance. I am particularly concerned that use of the premises until 1AM, including outdoor areas is likely to have a significant noise impact on those living around this location, both immediately adjacent at 1 Crescent Terrace and to the rear, at flats in Crescent Place and Clarence Parade.

The proposed premises is located in the town centre with commercial property adjoining at No 3 Crescent Terrace and an established residential property at No 1 Crescent Terrace. I have consulted our complaint database for the proposed premises and surrounding area. We have received historic complaints against previous licensed use of the property which were related to use of the courtyard area late at night. Whilst some noise is expected by residents in the town centre there should be effective control measures in place to prevent nuisance arising from activity at licensed premises. A recent licensing application in the area at 12 Royal Crescent was successful in applying for alcohol sales between 0800-2300, closing at 2330. It is therefore reasonable to suggest similar operating hours for this application.

Environmental Protection consider the following amended hours of operation suitable steps to mitigate the effect on the neighbouring properties:

Outdoor areas: 0800 – 2100, daily. The use of outdoor areas by guests is particularly likely to cause noise affecting other premises, due to the lack of any noise control between guests and residential windows. Closing the outdoor area at 2100 will allow the use of the area until a reasonable hour without likely disruption to the use of residential premises.

Indoors: Alcohol sales 0800 – 2230, Sunday – Thursday with premises to close at 2300. On Fridays and Saturdays, alcohol sales from 0800 – 2300, premises to close at 2330. Noise from the proposed licensed premises is likely to include voices of staff and guests entering and leaving, and noise from the kitchen including any air handling plant that may be fitted. (I have noted that the applicant has not included any air handling plant on the plan, but operating a relatively confined commercial kitchen, including ovens and hobs without ventilation is not a realistic proposition). Use of the premises beyond a 2330 close is likely to lead to this inevitable noise adversely affecting neighbouring property, and disrupting the sleep of the average resident.

Officers from this department have discussed the application with the applicant and attempted to negotiate mutually agreeable closing times which would allow us to support the application, but without success, and the applicant continues to insist that a 1AM closing time on Fridays and Saturdays is essential.

Should the applicant agree to amend their operating schedule in line with the above hours, Environmental Protection would withdraw this objection. I would also encourage the applicant to consider using a Temporary Event Notice where he has a specific request to open later. If the applicant can demonstrate that later hours do not cause a nuisance to neighbouring properties, we will look favourably at extending the hours at a later date.

With regards to my responses, there was an error of judgement on my part when I submitted my original response for which I take full responsibility; I failed to note that the property adjacent is residential. I subsequently realised my error and reassessed the application accordingly. My response was at the end of the consultation period, however it was within the deadline.

If you would like to discuss further, or if you believe the recommendations are not suitable, please do not hesitate to contact me.

Kind regards

Esme Rouse
Environmental Health Technical Officer