

21/06/2024 10:31:07

To the applicant via Licensing :

Acting as the Responsible Authority for the Licensing Objective The Prevention of Public Nuisance I have considered the application and offer the following comments.

I have concerns that the application in the current form will undermine the above Licensing Objective and accordingly must formally object.

The applicant wishes to use units 25 & 26 in The Parade which until recently traded as a retail outlets (Unit 25 was Setonaik a Japanese shop). I note that there is a small pre-existing kitchen in that unit so there may have been a previous use as a café. I note that the extraction above the cooker uses carbon filters to recirculate air back into the kitchen rather than having an external extraction flue. The intended new use is as a Licensed Tapas Bar

The size of the kitchen and the lack of external ventilation may be a constraint on the type of food and number of covers that can be catered for. In view of the lack of external ventilation I have concerns about the potential for odour complaints. Odour is listed in the s182 guidance as a legitimate concern in relation to Public Nuisance.

The building is of historical significance, having been built in 1830 as the Salop Infirmary and is Grade II listed. The ground and first floors are commercial units, primarily retail, and the upper floors are residential apartments, some with balconies facing the river. The properties have single glazed sash windows. There are balconies in close proximity which overlook the proposed external terrace.

The site is in an elevated position and has a large terrace overlooking the river which until recently was used as a car park. The applicant also wishes to use part of the former car park as an external terrace with tables and seating for patrons as part of the business.

In addition to the residential properties above the commercial space, there are residential properties to both sides of The Parade, and residential properties across the river on the site of the former Gay Meadow Football Ground. There is no screening or physical barriers to stop sound travelling across the river.

While The Parade is within the town centre, this part of the town is largely residential and is relatively quiet with low background noise levels.

I note that the River View Café , No. 30 The Parade has a Premises Licence 23/00453/LVDPS allowing opening from 9 am to 5 pm Monday to Saturday. Closed on Sunday. Alcohol sales restricted to 11:30 to 16:30. Under Annex 2 there is a condition "Alcohol will only be sold ancillary to a meal". The Premises does have a number of evening events until 10pm. These are food events featuring a guest chef with selected patrons invited to attend. 3 temporary Licences known as a TEN were applied for in 2023 to facilitate the later opening hours.

Having considered the application and given due regard to the potential for Public Nuisance I am of opinion that due to the proximity of sensitive noise receptors there is a need to significantly curtail the application to Prevent Public Nuisance. I do not consider that it is appropriate to grant permission on the Premises Licence for the external terrace area to be used in the evening or on a Sunday. I would however withdraw my objections with immediate effect if the following changes were made to the application and / the following conditions added to the operating schedule :

Changes to the Premises Licence

General

- The terminal hour for trading to be reduced from midnight to 23:00
- To facilitate 30 minutes drinking up time final alcohol sales to be at 22:30
- The Licensed area (red line) to be reduced to just the building. The external terrace area to be a consumption area to be shown as a hatched blue area on the plan.
- Windows and doors shall be kept closed after 18:00 except for immediate access and egress.
- Alcohol can only be served with a meal / light snack, or as an ancillary item before and/ or after a meal / light snack.
- No noxious smell emanating from the premises shall give rise to a significant negative impact to residents of nearby properties

Terrace

- No alcohol to be taken off site in open vessels or containers except for consumption in the external terrace area as shown in the plan.
- Alcohol can only be served with a meal / light snack, or as an ancillary item before / or after a meal / light snack
- Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables (i.e. no vertical drinking)
- The external terrace area shall be cleared of patrons by 17:00 Monday - Saturday, save for access and egress to the Premises.
- Outside tables and chairs to be rendered unusable after the above times.
- No alcohol or other drinks to be taken into or consumed in the external terrace area after 17:00 Monday – Saturday.
- The outside terraced area shall not be used on Sunday
- There will be no fixed speakers or recorded music in the external terrace area.
- Any external lighting will be designed and positioned to avoid causing Light Nuisance to nearby residents.
- All external lighting to be turned off by 17:00 Monday– Saturday except for any lighting required for safety as opposed to decorative reasons.

Please confirm whether you are willing to accept these changes to avoid Environmental Protection having to call a Hearing of the Licensing sub-committee to adjudicate on the merits of the application.

Regards

Rob Bowland
Environmental Protection Officer