

Representations made relating to the application for a premises licence: 35 Church Road, Bishops Cleeve, Cheltenham, Gloucestershire, GL52 8LP

1 – [REDACTED]

I am writing to make representations concerning the above application for a new premises licence at 35 Church Road, Bishop's Cleeve.

My wife and I live at [REDACTED], and we object to the application for a variety of reasons:

Our Responses are in Red.

Bishops Cleeve Italian restaurant is the 6th Italian restaurant that our tenant has set up. All of them are still running and very successful.

This business model is to create a quality family restaurant that integrate the community.

The quality food is the focus of the restaurant accompanied by moderate amounts of wine, beer, and spirits.

The quality can be shown by the fact his Solihull restaurant won the young Michelin chef of the year award 2022. We feel this is exactly what is needed to help regenerate the high street in Bishops Cleeve.

1 Public safety

- 1.1 It is our understanding that the proposed restaurant intends to have outside seating (where the outside paving has already been removed and replaced and external lighting has been installed without planning permission). The proposed outside seating area is at the entrance to a quiet residential street (Church Approach) which is also the road entrance to the village church (and a busy thoroughfare connecting the north and south of the village via a public footpath). Serving alcohol to people sat outside of the premises is likely to result in: the obstruction of the drop down kerb adjacent to the premises; patrons of the premises obstructing Church Approach (which may impact on the ability for emergency vehicles to access Church Approach); and the fire escape for the flats that have been built on top of the premises being obstructed. – **The seating will be directly outside the building at the front, there will be no seating down the side alley. This is out the way of Church Road approach. We have taken the necessary precautions regarding fire safety with building control.**
- 1.2 Permitting the sale of alcohol will encourage beverage deliveries to be made along an already congested road. With the premises not having a rear entrance, deliveries will either block Church Approach or they will cause an obstruction on the blind bend on Church Road where the premises is situated (which also happens to be directly opposite the vehicular access to the Tesco car park). - **Beverages and food will be delivered at the same time using vans not HGVs. The vans can use numerous spaces near 35 Church Road, including 4 directly outside the property. Tenant is happy to restrict deliveries between hours of 12PM and 5PM.**
- 1.3 The Royal Oak is the only licensed premises in the vicinity. Although it has a premises licence permitting the sale of alcohol and playing of music, its outside seating area is to the rear of the premises (away from residential areas) and its patrons are confined to that one establishment. Permitting a second venue in the vicinity that serves alcohol (not to mention the playing of music) will encourage people to move between the two venues, crossing Church Road at a dangerous

bend and junction. - We feel that the customer base is significantly different, to a pub. The restaurant is catering for a glass of wine or beer with a meal rather than being a dedicated drinking venue. There is a zebra crossing that is located approximately 50m on the same road which will enable people to cross between the two properties safely.

2 Prevention of public nuisance

- 2.1 Serving alcohol to people sat outside of the premises risks obstructing the public in the enjoyment of their right to walk along Church Approach in the manner currently enjoyed, not to mention restricting the width of the pavement (which the public has used for many years without obstruction when walking along Church Road). The village already has a problem with young people smoking and drinking in public areas (particularly in the church yard), and allowing alcohol to be served outside in view of the public at the entrance to the church would be seen as an endorsement of public drinking. - This Italian restaurant will be a high quality, establishment, where people can expect to have a glass of wine, it will not be a pub environment. A strict and clear age verification/restriction policy will be detailed within staff training program.
- 2.2 If permitted to serve alcohol outside, I question how the proprietor will ensure that patrons remain within a confined, designated area and prevent the obstruction of the public pavement. – This area will be seated customers only, people will not be standing and walking around with drinks.
- 2.3 The east end of Church Road is the quieter, more residential part of the street. The playing of music, particularly to the extent of the hours proposed, risks adding to the noise pollution already endured by the local residents from The Fitness Studio at The Old Sorting Office. It would be inappropriate to put the local residents (many of whom are elderly) in a potential position of to having to confront the proprietor of the premises to ask them to reduce the volume of the music if it did cause a nuisance. Restrictions requiring the proprietor to keep windows and doors closed to reduce the effect of noise on the surrounding premises would not be appropriate, as people will need to enter and leave the premises and it is highly likely (particularly given the nature of restaurant dining) that windows and doors will be kept open during summer months for ventilation. - This Italian restaurant will be a high quality, establishment, where people can expect to have a glass of wine, it will not be a pub environment. Recorded background music volume will be kept well within acceptable levels at all times.
- 2.4 Extending the point made in paragraph 2.3, the east end of Church Road is almost silent after 6pm as almost all of the businesses in the area are closed by that time. Encouraging the consumption of alcohol at this location, together with the playing of music, will fundamentally disrupt the aesthetic of the area. It would be more appropriate to confine such a business to the west end of Church Road, where similar businesses have congregated. - The Royal Oak is open till 11PM, and as previously mentioned recorded background music volume will be kept well within acceptable levels at all times.
- 2.5 Extending the point made in paragraph 1.3, having two venues that are permitted to serve alcohol and play music that are in close proximity to one another will encourage people to be outside, moving between the venues, in a part of the village

that is known for being quiet (in terms of pedestrian traffic) at night and is essentially a residential area. - Please refer to our response to this in point 1.3.

3 Prevention of crime and disorder

3.1 I refer to paragraph 2.1 regarding the encouragement of public drinking in an area already subject to anti-social behaviour caused by, amongst other matters, underage alcohol consumption. - The application is for the sale of Alcohol for a restaurant, not a bar or public house. The restaurant brings a much-needed high quality venue and will concentrate on food excellence rather than alcohol volume.

4 The protection of children from harm

4.1 I refer to paragraph 2.1 regarding the encouragement of public drinking in an area already subject to anti-social behaviour caused by, amongst other matters, underage alcohol consumption. It is also not unreasonable to assume that if people are sitting outside to eat and drink alcohol, it is likely that they will also be smoking/vaping (and any attempted restrictions on such behaviour would be difficult to enforce, and I question whether the proprietor would so discourage their patrons from such behaviour and risk losing their custom). – Refer to our response on 2.1

4.2 As mentioned in paragraph 1.1, Church Approach is the entrance to the main north-south public footpath that runs through the church yard. Pupils from nearby Bishop's Cleeve Primary Academy, not to mention Cleeve School, regularly use that route to walk to and from school in significant numbers. It is not appropriate for them to have to pass an establishment serving alcohol, particularly to people outside, not to mention passing people smoking/vaping. - The Church Approach is not the main route in and out of Cleeve, there are other Establishments that sell alcohol that the children from the local school's pass, including the Royal Oak directly opposite. A strict and clear age verification/restriction policy will be detailed within staff training program.

Even if a licence is granted with restrictions and conditions designed to place limits on noise levels and how alcohol is served, the fact that a licence is granted will set an unwelcome precedent for the premises and the area. The current proprietor of the premises may adhere to such restrictions and conditions, but the door would be left open for an unscrupulous proprietor to exploit such a licence to the detriment of the residents of Church Road and Church Approach, not to mention the numerous residents of the village as a whole who regularly use the area. Relying on enforcement action would not be an adequate remedy for those effected, as they would remain exposed to the infringing actions while waiting for the process to be concluded. - The application is for the sale of Alcohol for a restaurant, not a bar or public house. The restaurant brings a much-needed high quality venue and will concentrate on food excellence rather than alcohol volume.

The appropriate course of action is not to grant the licence in the first place.

2 – [REDACTED]

Introduction:-

The original planning application for the building, on the ground floor, was for 3 retail units with the restriction that NO FOOD would be allowed.

After rejection by Tewkesbury council it was approved by Gloucester Council.

We now have a proposed restaurant which wants an alcohol licence to also include drinking in an outside area.

Objections:-

- A) No account has been taken that this outside area is in front of domestic premises which are within a few feet of the proposed area.
Indeed no part of the licence application asks for the applicant to consider others in the area? No notification has been given to close neighbours of this application as required? - **The Proposed seating area faces the Royal Oak and the approach to Tesco Car Park. We, the applicant have followed all the steps set up by Tewkesbury Borough Council, regarding this premises licence. Including advertising the license in the local newspaper (Gloucester echo and Citizen) & displayed the relevant notices on the property which the public can easily view.**
- B) The proposed outside seating area for eating and drinking is insufficient to allow for flats entrance, tables and chairs for eating plus emergency evacuation.
Before fire service approval we would request that the proposed seating area is actually stacked with the chairs and tables to test if the remaining space is sufficient to cover flats entrance etc - **The seating area to the side of the building has been removed.**
- C) With the proposed opening hours we have invasion of our privacy from viewing, have to suffer noise, smell and music for up to 15 hours per day. All from a very short distance away approx 15 feet. - **All noise will be kept within an acceptable level. The**
- D) **nearest property is 50feet away.**
- E) If we have to accept approval it is requested that The Fri/Sat opening is reduced to the other 5 days opening time of 12noon.
Also, that the Fri/Sat closing time is reduced to 10pm. By drinking up time and premises closure are completed we are probably nearer 11 pm before noiseless. - **We have set hours appropriate to location and setting.**
- F) To reduce viewing of our premises and the general passing public, including the morning and afternoon infant and junior school children it is proposed that:-
The current railings are covered. This would be beneficial to both drinkers and passing public. - **The railings are existing and will remain unchanged, as previously mentioned the seating area to the side has been omitted from the application.**
- G) Conservation Area
Whilst we have been informed this is not within the remit of licensing we believe that it should be considered.
The short road length is as its name suggests an 'approach to the Church'
Do weddings parties and particularly funeral and burial attendees wish to be accosted by noise, music, smell and drinking. - **35 Church Road is not within the conservation area, which is not relevant to licensing applications.**
- H) Licensed Area
It is requested that you give consideration to the Licensed area being restricted to consumption within the indoor restaurant area. This would solve most of the objections from both the public and ourselves.

We trust that the above points are taken into your consideration of this licence application.

As mentioned in a previous point, the outside seating will face the Royal Oak and the approach to Tesco car park, minimising the impact on nearby residential properties. The external area is limited, and the restaurant will be serving seated customers this will minimise noise and movement.

3 - Bishop's Cleeve Parish Council

The Councillors have asked me to say that whilst they support the premises licence application for the restaurant itself, they have concerns about extending the licence to the outside areas indicated on the plan.

- Although the plan states that there would be a 0.6m wide walkway for access and egress to the flats, they dispute this measurement. The current walkway is approximately 1m wide, and the addition of outside seating and /or tables would basically fill this space. They believe this would contravene fire regulations and affect the safety of the residents who will occupy the flats above. – The seating at the side of the building has been omitted from this application.
- It is unclear if the applicants wish to place seating outside the front of the premises. Again, the Councillors are concerned that this would affect public safety as it would severely reduce the public footpath in an area that leads directly to a drop-down kerb for push chairs, wheelchairs and mobility scooters. – With the seating at the front of the building, we will obtain an unobstructed minimum 1.5m walkway for pedestrians at all times.
- The Councillors also believe that having patrons outside of the building potentially consuming alcohol and smoking would cause a public nuisance to pedestrians and nearby residents, particularly given the long licensing hours that have been requested by the applicants.- - The application is for the sale of Alcohol for a restaurant, not a bar or public house. The restaurant brings a much-needed high quality venue and will concentrate on food excellence rather than alcohol volume.