

Licensing Act Sub-Committee

Supplementary Agenda

Date: Thursday, 17th June, 2021
Time: 2.00 pm
Venue: Council Chamber - Town Hall, Macclesfield, SK10 1EA

3. **Application for a Premises Licence at Proper Sound, 8 Chestergate, Macclesfield, Cheshire, SK11 6BA** (Pages 3 - 28)

To consider the above application.

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On 13 Jun 2021, at 08:58, David Johnson <davidjohnson8@virginmedia.com> wrote:

Hi James

I am very excited to see yet another great idea to form a new business on
Chestergate. I will give and recommend my support and hope it's a great success.

Best Wishes

David Johnson

John Douglas

Macclesfield.

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8 Chestergate
Macclesfield
Cheshire
SK116BA

Background.

Lucie has held her personal license for 15 years, it was initially taken when she set up a Tea Rooms in Warwick, Thomas Oken Tea Rooms. At this time she also held a premise license for this business and ran it for 6 years before selling it on. The Tea Rooms served mulled wine and local ales to compliment the menu. Lucie regularly sold mulled wine at the town's Victorian fair and ran 4 stalls at these events alongside Stratfords weekly christmas market in December. She also applied and ran successful temporary events at this time.

A few years later She held a premise license for The Town Cow (15 Church Street, Macclesfield) and ran this responsibly for 6 years before selling the business. No issues ever arose with staff training and policies in place.

She has set up 2 standing start businesses with different concepts well received and sold them on as a going concern.

She was also an Air stewardess for 10 years prior to having the Tea Rooms. During this time she served alcohol daily in the skies and had to handle drunk passengers and the refusal to sell them any alcohol. The night time Ibizas were particularly testing for this. The responsible sale of alcohol is something well practised and safety was paramount at all times.

Lucie also grew up living above restaurants and has been brought up in the industry. Her father Philip Wright ran Topos restaurant (15 Church Street) in Macclesfield for 30 years and her mother ran a restaurant in Ludlow, Shropshire for 15 years. She grew up living in the town center above 15 church street and knows what it's like to live in a lively place as expected within a town center.

Both businesses owned by Lucie over her 12 years were run professionally and responsibly and in accordance with the premise suitability. They were always community benefits and both sat well in the business community.

No problems were ever evident through the efficient standards and training of staff in understanding the responsibilities and license objectives.

James has had a career change recently from 20 years in the motor trade working his way up the ladder through various customer facing roles both at Audi and Volkswagen culminating in a Business manager role dealing with both staff and customers daily. He intends to apply for a personal license himself this year.

Concept explained further.

We appreciate that there must have been an initial shock with regards to the hours applied for. It was a little naive on our side to not appreciate that the residents would not appreciate that when we applied for the license we just went across the board to cover any eventualities and save us revisiting for variations in the future.

We are sorry for this error and hope we can settle their concerns going forward. We also took for granted that the premises were in a pedestrianised zone A and did not anticipate any objections.

The shop space will very much be a retail zone, We want to feature art and apparel associated with the local north west music scene that Macclesfield has a deep heritage link with.

We have added on a small space for people to come in and enjoy the space and chat. A sociable place to grab a coffee and hopefully a beer. The idea is that nobody will sit for hours eating and drinking more of an offering to enhance the environment. Much like a visit to the hairdressers where you get a drink.

The seating capacity inside will be around 10 and we do not plan on letting people stand around drinking. Some of the art etc will be high end and we don't want it being compromised or hinder any shoppers wanting to browse.

We want to create a chilled space, that is all.

It was also apparent within our business plan that to solely rely on retail would not be financially viable. Therefore the add on of the food and drink will be crucial to sustainability. Macclesfield culture has a lot to offer and we feel it would be a great asset to the town and bring the community and business community together and sit well within its area.

The idea that it will be a noisy music filled venue is not what we want to create, just a celebration and appreciation.

We want to work with Cheshire East and their "Hi to the High Street campaign"

A copy of a letter we sent to the residents

Dear Residents of chestergate,

Sorry for the delay in this but we had to get clarification if we were allowed to write directly to you.

We want to introduce ourselves and hopefully set your minds at rest.

We are a local family from Macclesfield James and Lucie ,we have 2 teenage girls. James went to school in Buxton and Lucie went to Tytherington. We have previously had a business in Macclesfield, The Town Cow. This was sold a few years ago as we no longer wanted to work the evenings. This is still the case now.

Lucie has also had another business of a traditional tea room in warwickshire before moving back to the area.

James has a background of sales and lost his job in the first Lockdown which is why we have arrived at the decision to open up Proper sound.

We would like to set your minds at rest on the concept. It will very much be a relaxed

environment and predominantly a retail unit selling vinyl, art, clothing and apparel. There is the add on of a place to grab a coffee, beer and nibble. Relying solely on retail would not be financially viable.

The seating capacity we will have is about 10 seats. We do not want crowds of people standing around in the shop like it's a bar. Once the seats are full then we will turn people away for the food side.

We plan to open Monday to Saturday 10 until 6 (7 on nice evenings)

We would look at Sundays as a possibility but feel the footfall is not currently there. Of course we will open to coincide with town events and the treacle market.

To clear up any licence worries. We applied for the licence hours across the board to cover any town events or one off events we might do. This saves the time and expense of applying for a variation.

We will not be plying people with alcohol nor opening late. The stock in the shop would also be at risk if this was the environment. The stock will be good quality items.

Over the next few days we will be releasing to the public a taster of our concept and this will also be sent to you.

We have sent a revised proposal to the licensing department suggesting the hours

10:00am until 19:30pm mon to Sunday

10:00am until 21:00pm when there is a event in town

We would also like to ask for a provision of up to 6 events a year that we might put on within similar hours.

We would be grateful for your opinion on this, if you feel it is something that you might find acceptable please let us know.

There has been a mention of us having a kitchen in an objection, again we would like to put your mind at rest that this will be very minimal light cooking and not on a full on cafe scale. It would not sit within the concept.

It would also be over the nail bar.

Fire hazards have been brought in when the building was converted each floor got fireproof protection.

Waste disposal, This will be minimal and kept in the cellar in a hygienic manner then disposed of weekly via Henshaws. This system is in place on Church st as a good comparison. Bags are left out the night before a collection which takes place around 8am.

We really want to work together with you to listen to your concerns and set your minds at rest. Please contact us on jkvwmacc@gmail.com

Regards

James and Lucie

Notes on flats

Flat 1 - first floor Aimee Ainsworth (objection)

Flat 2 - first floor Christian Jacobson (pro)

Flat 3 - second floor, no one has come forward either way.

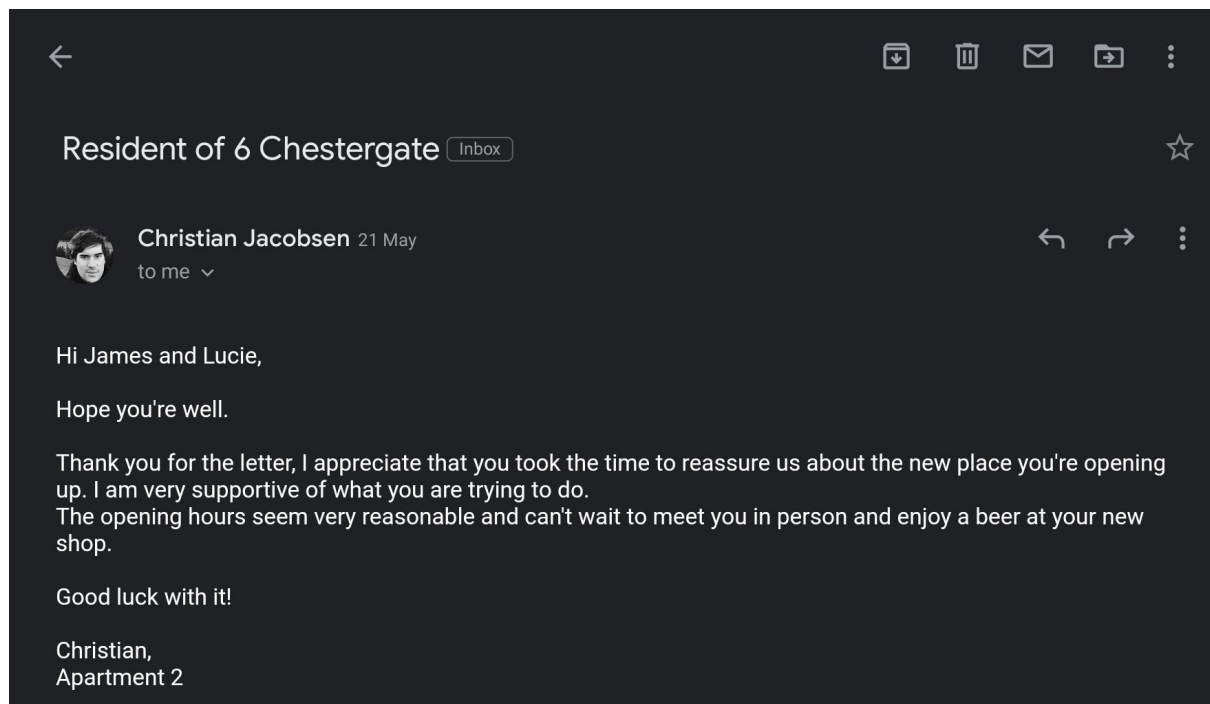
Flat 4 - second floor Heidi de Bott (objection)

Flat 5 - third floor Gemma Shaw (objection)

Flat 6 - third floor Nicolletta Cavriani (objection)

The majority of residents are on the top 2 floors and removed from any internal noise .

A copy of an email received from a resident ,flat 2



Mr Jacobson, the resident, is pleased with us opening. This flat is directly above the shop at the back.

Variation

We are yet to hear back any opinions on our variation.

Gemma Shaw objection

Miss Shaw's objections seem to be based on noise and antisocial behaviour. We will cover this in a specific section .

She mentions potential drunks. We won't accept and have a zero tolerance approach to the sale of alcohol to already drunk people. We reiterate the primary function is retail.

Aimee Ainswoth/Howard (same person married and maiden name)

The courtyard Mrs Ainsworth refers to is similar to that that you would get in a typical terraced house in Macclesfield. Sometimes these are communal but in this case not. If they were to live in a terrace or any semi detached they would still experience the same level of noise or activity that is undertaken in a garden, Family BBQ's, general gatherings and garden chatter. There would not however be the knowledge that these noises would cease at 7.30pm as would be the case for our variation hours.

We also note that they get the everyday noise that comes from living in a pedestrianised zone already. There is no difference to our courtyard, except again this will cease at 7.30pm. The courtyard is actually already bustling in the day as the car park behind is busy and the conversations and car sounds carry down.

Out front it is unpredictable and out of any control. The street during the day and night has a certain buzz that a normal household does not. We feel that a certain life choice is made when moving into a town center home.

Bins, we are more than happy to put them away on arrival to the shop before opening as they are emptied early to tie in with the pedestrianised impact. This would benefit all parties and keep the area safe for the public.

Mrs Ainsworth mentions the unit was empty when they moved in. I need to point out it was always intended as a retail unit and was converted with this in mind. It was not converted to a flat with the others. It should have been taken into account when accessing the flat on viewing that this unit could at any time become a business and as it was empty there was no guarantee what this unit would become.

Coffee Traders a vibrant cafe is one side and a nail bar the other. Gas town is opposite along with a casino and betfred. We do not agree that the building is the wrong location for our business and feel it sits well within the mix.

Mr Ainsworth walks frequently up the street and is greeted as passing by the staff at Betfred and other shops. He has a good rapport with the businesses.

Nicoletta Cavriani

Regarding the pictures attached to this objection, we are not sure what is being pointed out. When the building was converted it was done so by Onward housing and alongside the planning stipulations. It was intentionally converted as a retail unit. The shop frontage is listed.

The area she mentions to the left of the picture is communal and that would include ourselves as tenants. It would not be used by our customers at any time other than a possible fire exit.

The area to the right is a concrete purpose built fire stairwell and the only access required by us would be to access our water/electricity meters or to put away the residents' bins for them as this is also their bin area. The areas highlighted will be used for intended purpose only and no activity will hinder them. Right of way is for both parties in relevant circumstances.

Our Landlord is also the landlord for Onward Housing, not a private landlord as she states.

They are surprised that the tenants are objecting to the unit being let for the purpose it was intended and their agreed conversion with Onward.

James and Lucie are very environmentally minded and are great ambassadors for recycling. Littering is a bug bear in today's society. We are already picking up litter that is an evident problem on Chestergate.





Miss Cavriani mentions fighting through crowds to enter the building, it is one of the towns busiest streets in the day and it will be no different to the normal pedestrian flow.

Cllr Braithwaite.

Unfortunately Cllr Braithwaite seems to be looking at plans that are not correct for the building. I think they may have been first submissions before suggested amendments in the process.

The courtyard mentioned is solely for the use of the retail unit. The residents bin area is at the bottom of the fire stairwell and an area we don't need to access other than to check our water/electricity meters.

No change of use is required since the government band changes to assist the high street. The only part of number 8 that is now listed is the front of the shop as most features were lost in the 1980's conversion.

Fire safety will be covered further on as it's a raised concern for most residents.

We have not altered any internal doors and again refer to the plans Cllr Braithwaite is referring to are incorrect. These 2 doors were removed in the conversion to contain the shop unit from the communal areas.

The mention of no 10 Chestergates conditions has perplexed us as we can not find any mention of this and have checked with the solicitor who assigned our lease and the Landlord. No 10 (Coffee Traders) has a premise license.

No noise will arise from our waste control and it will not be kept in the courtyard. It will be properly contained in the cellar until the weekly collection from Henshaws. Lucie is well

practised in commercial waste handling from her previous business. We consider efficient waste, recycling and pest control important in the running of a business and are very conscious of the environmental impact if not done correctly.

We have made the decision to make the shop a no smoking zone and will not allow smoking in the courtyard or when seated on the tables in front of the shop.

Heidi de Botte

Miss De Botte focuses initially on the hours requested. Again we appreciate that it has understandably been misinterpreted on why we applied for the maximum hours. The variation reduces the hours she highlights and will not be the impact in antisocial noise levels she imagines.

Miss De Botte speaks of feeling unsafe in the area already. We feel that the shop will only assist in promoting a safe environment when it is not empty and rotting away. It will not attract homeless or drug users to sleep in the doorway once in use. There are also many cameras in the zone and as agreed with the police we will install our own CCTV. We intend to open a respectable well run business to enhance the town.

She mentions our lack of respect regarding planning and her right to object. We initially rang planning and spoke with what it turns out was a planning call center not actual planning. This frustratingly caused initial confusion over the listed building consent and the change in usage laws not leading us down a planning route. On meeting the conservation officer in May he said it's a common misconception. He was happy the work undertaken was not detrimental to the building. It was a lift shaft made of breeze blocks that were removed. Unfortunately as previously mentioned the building lost its listed features in the 80's. We hope to be reviving some features with our shop fit.

No planning is required, only listed building consent.

Mediation

We have approached various people to try and set up a mediation meeting between ourselves and the residents. We have signed a 6 year lease and do not want to have a negative relationship with the residents. We really want to work together to resolve any issues and tackle any concerns they might have once we open. We hope to be able to be approachable and that be reciprocated.

Once we are open we hope they come to love the shop and be as excited as we are to be sharing this space with the town we all love and live in.

Onward housing have indicated that they might be able to set up the mediation.

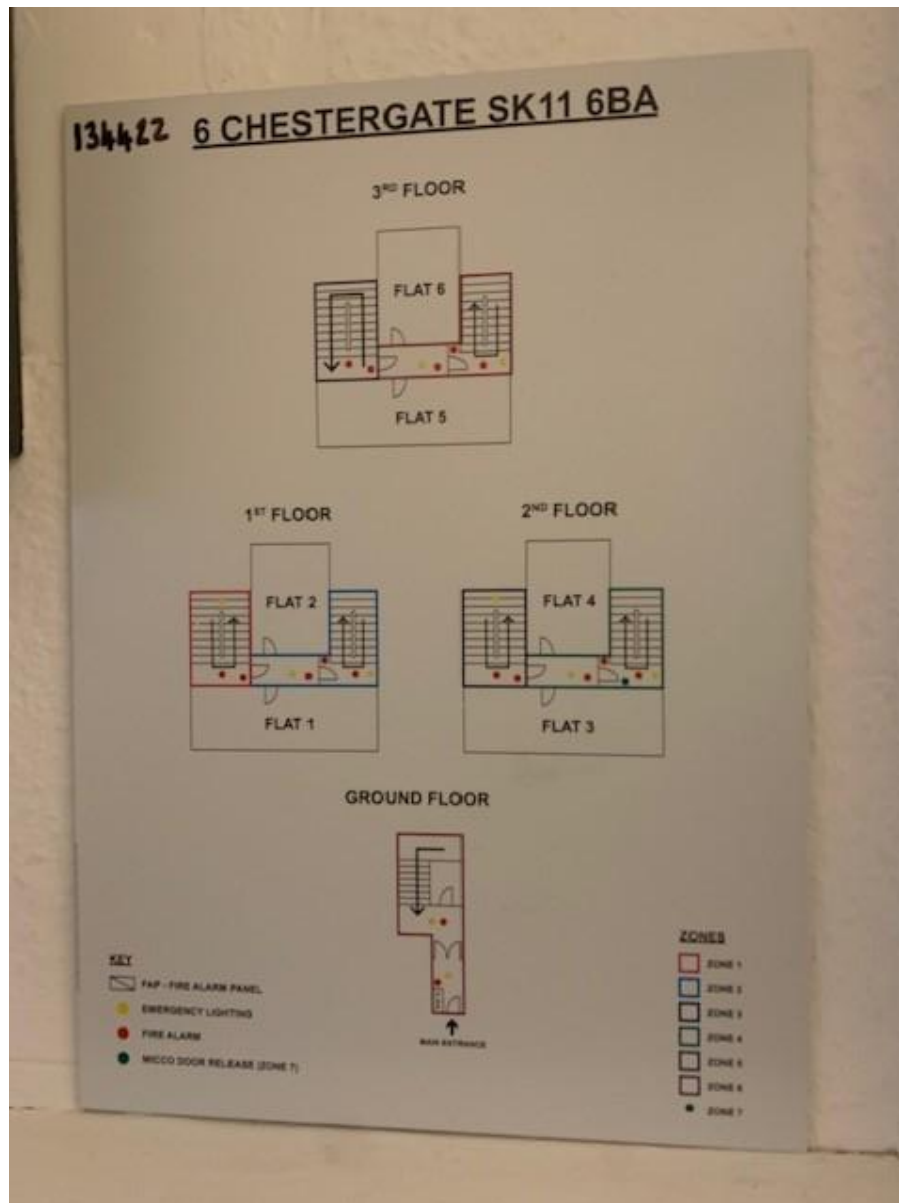
Fire Safety and sound proofing

When the flats were converted it was stipulated that they must be sound proofed and fire proofed. This work was carried out to a high safety and acoustic standard. Fire regulated Concrete slabs have been placed between each floor that provide protection for both fire and sound barriers.

It was noted by the Fire safety inspector on his visit and he commented it would take an hour of a fire burning to be noticed by the flats above. Plenty of protection for our smoke detectors to be effective.

He was also happy with the exits and distance required to access those exits quickly and safely and we have the added bonus of the exit via our courtyard to the communal entrance. The flats also have the protection of a concrete fire standard stairwell that also serves as a purpose built exit.

There is also a very comprehensive alarm system and zoned fire alarm installed in the building. This is located in the communal entrance and we attach the plan.



Both fire and sound were considered in the planning and conversion for the flats to take into account the 2 uses of residential and retail.

We will operate a no smoking policy.

Controls and Prevention

The prevention of crime and disorder.

Public safety

The prevention of public nuisance

The protection of children from harm

We wish to promote a safe environment for staff ,customers and the public.

Security in and around the premises is a key aspect of maintaining the prevention of crime and disorder, we have discussed with the Police the measures we will undertake to ensure this is adhered to.

A CCTV system will be installed in line with recommendations that will deter and enable us to monitor and control both theft and antisocial behaviour should it arise.

Signage and trained staff will monitor the system.

Challenge 25 policy will be enforced .

The premises shall at all times operate the Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification.

Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted.

Notices and/or posters advertising the Challenge 25 policy shall be placed in prominent positions at the premises.

The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police.

The DPS or other responsible person shall check and sign the register once a week.

A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.

Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

Competent, confident trained staff, managers and DPS

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Zero tolerance approach to any drunken or anti-social behaviour.

Responsible sale of alcohol where any visibly drunk people will be politely refused.

No smoking policy on the premises.

Yours faithfully,

James King & Lucie Wright

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Dear Helen,

We write in reference to our support of the application for a premises license at Proper Sound, 8 Chestergate, Macclesfield, SK11 6BA.

As our action group was put together at the start of the pandemic we feel we have managed to get under the skin of Macclesfield's retail and hospitality offering and have been successful in creating some spaces around the town that are either under development or have been a complete success. This has been managed through consultation of businesses, residents and general users of the town centre.

As part of our journey it has become apparent that the high street in Macclesfield is changing rapidly. The closure of big stores and the general closure of retail as we knew it is something that we as users of the town centre must support.

It is well known that the high street is a changing environment and to survive we must adapt and allow for changes that may be what some people find slightly out of the ordinary. However should we not take appropriate action to secure the use of existing shops and other retail outlets we run the risk of our town centres turning ghostly and not functioning for residents, businesses and tourists alike.

Macclesfield is a unique town with amazing access to the countryside along with a hugely vibrant independent traders scene. We must build on this in order to continue to attract outside, private, investment and watch our town grow and turn in to the jewel in Cheshire's crown.



In terms of the support we have for this project we understand that Proper Sound are trying to achieve. A simple, kicked back, environment for music lovers, fashion lovers and people who want a good coffee to make use of a new indoor and outdoor space which will allow for the community around it to thrive. The application for an alcohol license is to enable them to run temporary events or to let customers browsing the retail side to pay for a beer.

With a host of retail and hospitality operations around the venue we do not see how this would do anything but benefit the area and provide a further shop that is not closed and is adding to the vibrancy of the area.

From speaking to James and Lucie, they have assured us that what they are trying to offer is a relaxed environment where drinkers will not be in the establishment for extended periods and that the extended gathering of people is not something that they are trying to achieve. We also understand that they have experience in running hospitality venues in the past with zero issues.

We know that Macclesfield is on the cusp of becoming great and in particular the high street being a really unique place in Cheshire and the Northwest as a whole. We feel that Proper Sound would only benefit the area, the town and the ongoing regeneration of the high street for Macclesfield.

We hope that James and Lucie are successful in their application and look forward to supporting them in the future

Sincerely, Andrew & Becky Thompson, Macclesfield Hospitality Action.

**Macc Means Business**

@maccmb



Macclesfield's next exciting new venture. Introducing 'Proper Sound' on Chestergate. A space with music, music related art, clothing/apparel...plus, giant 'proper cookies'. What's not to like? 🍪 facebook.com/propersoundinf... #Macclesfield #newbusiness

16:29 · 14 Jun 21 · [Twitter Web App](#)**2** Retweets **1** Quote Tweet **6** Likes

From: Jason Carpenter jason.carpenter@spiralcolour.com
Subject: Proper Sound
Date: 11 June 2021 at 13:58
To: James King jkvwmacc@gmail.com

JC

"A unique cultural concept, it is great to be working with 'Proper Sound' on their range of signage and graphics, in order to bring their individual ideas to life. The whole project has been carefully considered to ensure it fully complements the existing surrounding outlets and reflects the character and heritage of the original building.

"As the official print partner of Macclesfield Football Club, having created the full suite of signage at the newly-developed stadium and grounds, we can see the benefits that such regeneration can have for the town and the local community. Creating spaces such as these, can only be a positive in driving footfall and investment into the town to help its rejuvenation. We're looking forward to them opening their doors!"



Jason Carpenter | General Manager

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Clowes Street,
Macclesfield SK11 8HX

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Additional input from Cllr Liz Braithwaite re. Premises License application for Proper Sound, 8 Chestergate Macclesfield

15th June 2021

An application for Listed Building Consent for the premises appeared on the CEC planning web page yesterday afternoon (14th June). The submitted plans differ markedly from the illustration included in the Licensing Application and give cause for concern about the impact on the residents in the apartments above the premises in addition to those raised in my initial representation. Both drawings are included later in this document, with my points/questions relevant to the licensing objectives.

It should be noted that I have raised a query with Planning as to whether a Change of Use planning application is necessary for these premises. This is relevant to the points in the CHESHIRE EAST COUNCIL STATEMENT OF LICENSING POLICY (LICENSING ACT 2003) POLICY DATED 2019 TO 2024 Para 2.8

- Location and environmental impact of the proposed activity
- Suitability of the premises to the application

The Listed Building Consent application clearly shows that the premises is intended for mixed use, far removed from its original retail/office use. By not applying for COU the opportunity for proper scrutiny of the impact of these changes is denied. Environmental Protection would likely require a Noise Impact Assessment to be carried out. This is based on actions taken when the upper floors of the building were converted to residential accommodation under planning application 15/4077M, a planning condition (below) was imposed to assess potential noise from the Grosvenor Centre – it is likely that a similar requirement would be made given the proposed use for licensed activities including Live, Amplified and Non-amplified music immediately below the apartments.

Decision notice condition (15/4077M)

5. Prior to commencement of development a acoustic impact assessment report shall be submitted to an approved in writing by the Local Planning Authority The report will detail ; details of deliveries to the Grosvenor Centre service bay area also noise mitigation measures which could be implemented to overcome noise concerns. Any mitigation shown as part of the report must achieve the internal noise levels defined within BS8233:2014. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.

Reason: In accordance with paragraph 123 of the NPPF to avoid noise from giving rise to significant adverse impacts on health and quality of life.

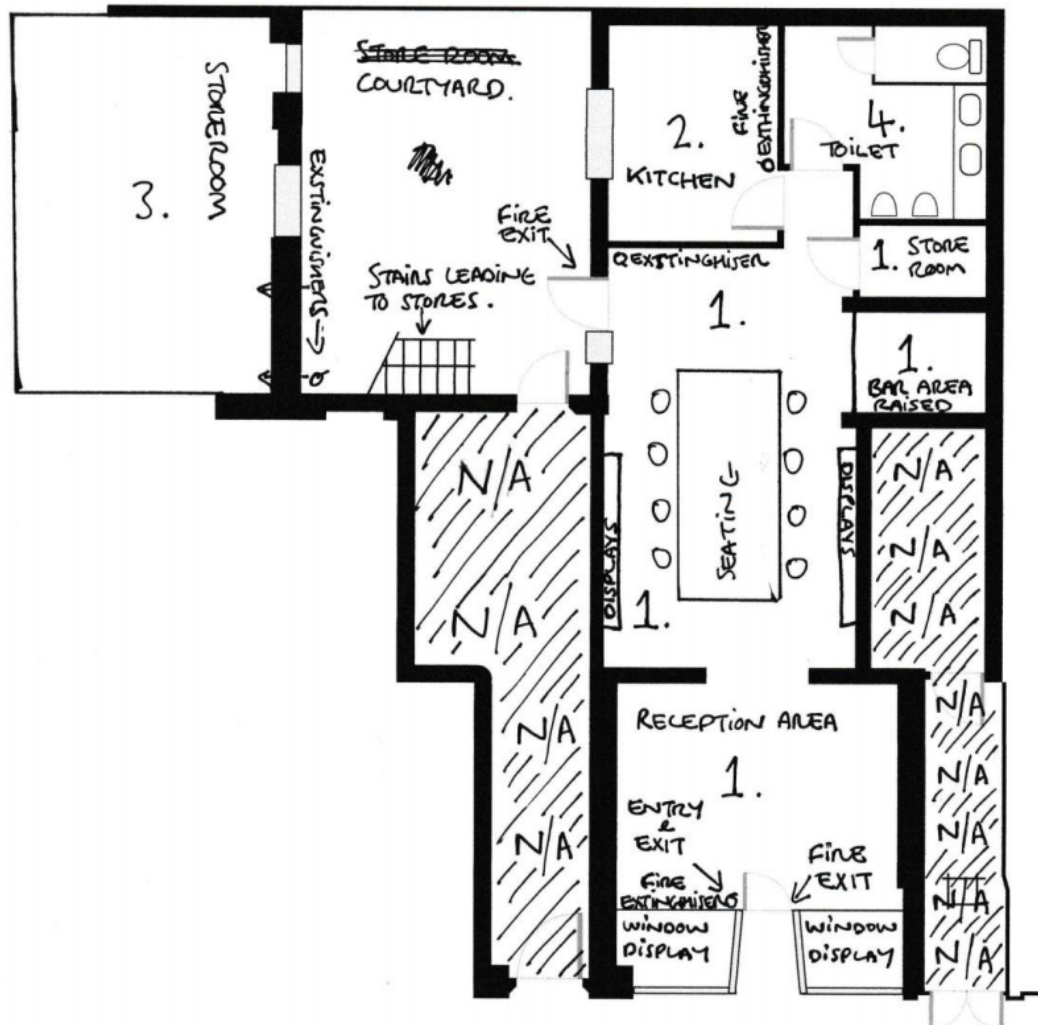
The Decision Notice stated that “Conditions are fair and reasonable to safeguard amenity of future residents.” The condition was met and discharged by Planning Application 16/3698D.

*For information: The planning officer’s report for 15/4077M contains a section **Impact upon residential amenity** including points on ‘Paragraph 17 of the NPPF advises that good standard of amenity should be sought in new developments for all existing and future occupants of land.’ and ‘Para 123 seeks to maintain a good quality of life through new developments.’*

It also refers to restrictions on the neighbouring property: ‘It is noted that the neighbouring property No.10 Chestergate currently has planning consent for an A3 use and is restricted by condition to such (97/2033P). Operating hours are also restricted from between 08:00 and 19.30 on any day. Whilst

the opening hours of the café to 19:00 is by no means ideal when viewed against the proposed residential use. There is reassurance in the fact that the 1997 restricted the proposal to an A3 use class only. Cafes are considered to be a standard Town Centre use and whilst there may be some level of noise generated from visiting patrons coming and going from the site; the level of noise generated is unlikely to cause significant harm. Having regard to the above, and subject to a condition the impact upon amenity for future residents is considered acceptable and therefore satisfies policies DC3 and DC38 of the Local Plan.'

Drawing submitted with Licensing Application



Ground floor plan submitted with Listed Building Consent application



Client: **James King**

Project: **Proper Sound**

Key

- Stud Wall
- Walkway
- Counter/Paypoint (Fixed Down)
- Bar/Seating Area/Display Area (Fixed Down)
- Existing Internal Walls made from breeze block and plasterboard
- Pagoda Structure

Business of Issue

Points relevant to Licensing Application

The majority of the floor space is related to non-retail use, which reinforces the view that a change of use planning application is required

The location of the kitchen area is in number 4 Cheatergate – no indication of how cooking odours etc. will be dealt with. It would also mean access to the kitchen from no. 8 would be via the courtyard immediately below the apartments.

It should be noted that the courtyard is in a 'well' with 2 sides being 4-storeys high, the top 3 storeys of which are residential accommodation. The proposed seating area in this courtyard is immediately below living accommodation, which will adversely impact noise levels. There is also potential for sound to be amplified/echo in this setting.

In addition, the applicant has indicated that a canopy will be constructed. There are no details of materials, but again this will adversely impact noise levels e.g. rainfall on plastic sheeting or canvas close to the resident's windows.

No indication of Ladies toilet facilities

The doors marked as Fire Exits from the courtyard give access to the residential accommodation at no. 6.

Re. means of escape etc. I wrote to CEC Building Control (see below) but have not yet received a reply (text below in blue)

"The premises is currently empty, with the last use being retail/office. An alcohol/music premises license has been applied for under the name of Proper Sound, the intended use of the premises is a mix of retail, café, bar.

I've submitted a representation objecting to the application to Licensing, and in preparation for the hearing I've been reading the Licensing policy. There is a section that says:

"It should be noted that Building Regulations govern a variety of issues, which directly contribute to the Licensing Objectives, including means of escape, structural integrity, accessibility and public safety. Building Regulation Approval and Completion Certificates may be required prior to the use of the premises for licensable activities."

Given that the applicant is making extensive internal changes to the premises, and the intended use for licensable activities, are Building Control involved in assessing the Building Regulation issues (above)? If not, could you tell me who is?

I look forward to hearing from you as a matter of urgency, the Licensing hearing is scheduled for 17th June. Thanks in advance."

There is also an anomaly in that the application refers to 8 Cheatergate but clearly includes nos. 4 and 6 (see maps below)

Location Map submitted with Listed Building Consent application



Public Map Viewer Cheshire East



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