

Relevant Representations

Received on	From
16 th March 2024	Objection 1
<p>Representation (objection) to the Application to vary a premises licence under the Licensing Act 2003 for Proper Sound, 6-8 Chestergate, Macclesfield, SK11 6BA From XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX (CEC Ward councillor) I have addressed Licensing Objectives d) and e) at the start of this document, with additional background afterwards.</p> <p>Licensing Objective d) Prevention of Public Nuisance</p> <p>The current premises licence was granted in 2021. Information provided by the applicant at the time included that alcohol was to be served as an ancillary service to the retail operation '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'; '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.' etc.</p> <p>Soon after the premises licence was granted the unit was operating beyond an ancillary service, causing complaints from the residents living above to myself, Environmental Health/Protection and Planning Enforcement. The courtyard area immediately below the apartment windows was made into a seating and smoking area despite assurances that this would not happen. The courtyard layout is still not included in the premises floor plan. I have included some pictures later in this document to illustrate the usage.</p> <p>The continual noise from voices and music, and smoke fumes, prevents residents in the apartments surrounding the courtyard from opening their windows. It should be noted that the windows are single-glazed due to the building being listed – this applies to the whole building not just the frontage on Chestergate. Noise also permeates from inside the building. A former resident informed me that "The overall situation that Proper Sound brought to that building had a major influence to my decision (to move). The DJ parties, people talking and laughing in the courtyard, our main door always obstructed by tables and customer's buggies. and the overall embarrassment when you were going in and out. It looked like you were under scrutiny all the time."</p> <p>The operating hours are currently limited and should be restricted further in my view to limit the adverse impact on residents. At least one Temporary Event application has been turned down due to objections from Environmental Health. Despite this, residents report that the applicant exceeds the permissible opening hours and advertises them on social media such as Facebook. The noise from the premises disturbs normal activities such as watching TV. I understand from a current resident that they had to approach the police due to the behaviour of the applicant toward them, and that an informal warning was given.</p> <p>The application to vary the licensed hours to 10:00 – 23:00 7 days a week, and opening hours to 08:00 – 23:00 7 days a week shows a total disregard for the residents of this building and their quality of life. The applicant fails to mention the apartments at all despite the Guidance given in the application form:</p> <p>"2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises."</p> <p>The application does not in my view meet this licensing objective. The applicant's reasons for applying for extended opening hours do not override the rights of the residents and will further exacerbate the public nuisance that is already happening. There are no similar bars in the proximity of Proper Sound, and neighbouring properties have restricted opening hours.</p>	

There is no indication of capacity increase above the 10 mentioned in the previous premises application in 2021.

Licensing Objective e) Protection of children from harm

The apartments include 2-bed units, and are social housing managed by Onward. It is likely that children will live there. It is not in their best interests to live in a noisy environment.

Background Information 1

There are 6 social housing apartments immediately above the premises, as shown in the illustration below which is taken from a planning document. The apartments are managed by Onward, and were created many years ago.



The applicant's premises are underlined in green and extend through to the rear of the building. The whole building 4-8 Chestergate is listed. The entrance to the apartments is the door in the centre.

Background Information 2

The extract below is from Nub News in November 2021 showing the use of the courtyard area:



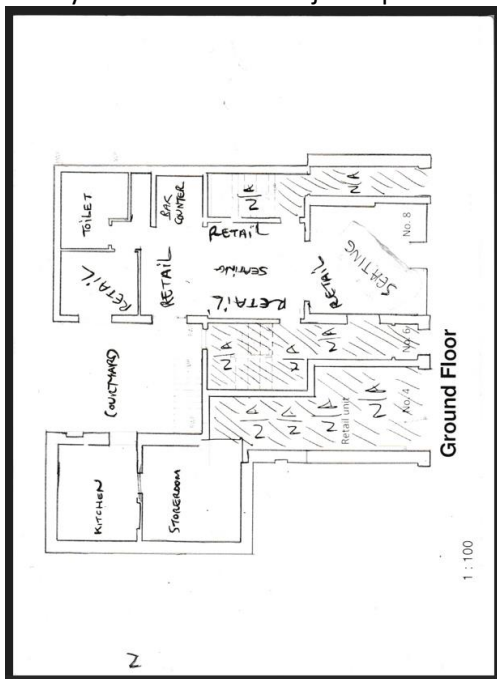
"Macclesfield's Mayor Cllr David Edwardes with the incredible Ian Curtis mural in Proper Sound's courtyard. Cllr Edwardes also serves as the Chair of Cheshire East Council's Licensing Committee, playing a small part in Proper Sounds opening.

It competes with the stunning Ian Curtis mural in the outdoor courtyard as Proper Sound's marquee feature. The tribute to the Joy Division frontman is the first mural in the town dedicated to the ex-Macclesfield musician and civil servant."



Background Information 3

The plan submitted with the application is not accurate and does not reflect use of the courtyard which has a major impact on residents



[Why Cheshire's Manchester-themed music store is more than just a record shop - Cheshire Live \(cheshire-live.co.uk\)](https://www.cheshire-live.co.uk)

Cheshire Live link 2022 inc photo (below)



📷 The Ian Curtis mural in the courtyard at Proper Sound.

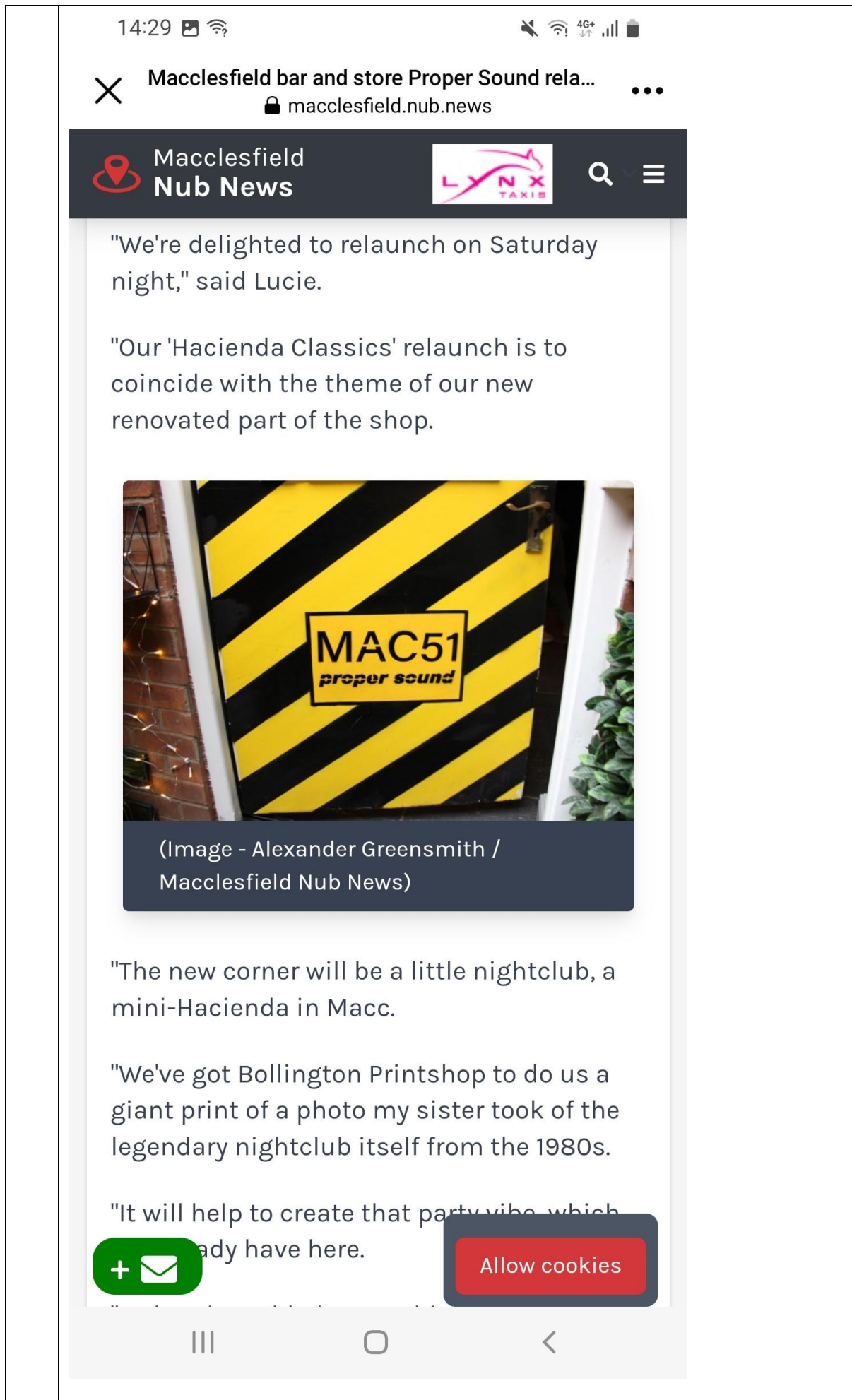
Background Information 4

Example of social media link illustrating bar use.

[Proper Sound opens in Macclesfield this weekend | Local News | News | Macclesfield Nub News | by Alex Greensmith](#)

Appendix 4

Received on	From
17 th March 2024	Objection 2
	<p>Representation (objection) to the Application to vary a premises licence under the Licensing Act 2003 for Proper Sound, 6-8 Chestergate, Macclesfield, SK11 6BA From XXXXXXXXXXXXXXXXXXXXXXXXXX (residential neighbours)</p> <p>I have addressed Licensing Objectives d) and e) at the start of this document, with additional information afterwards.</p> <p>Licensing Objective d) Prevention of Public Nuisance</p> <p>The current premises licence was granted in 2021. Information provided by the applicant at the time included that alcohol was to be served as an ancillary service to the retail operation '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'; '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.' etc.</p> <p>The courtyard has been used as an unofficial smoking area since shortly after the premises opened especially in the warmer weather where people are sat outside smoking and drinking. The premises has become a bar which has been operating since a few months after they opened. Proper Sound have had DJ events, birthday parties and have been operating as mainly a bar. There is proof of this in their adverts on social media and from posters displayed in their shop/ bar window. The applicant herself has admitted that they have been operating as a bar from August 2023 with no planning permission to do so. We are unable to have any of our windows open due to the loud music, conversations and the smoke that comes in. We asked our landlord to provide us with a secondary window to try and counteract the noise a little but that does not work. We are the only ones that have this on one of our windows that back onto the courtyard.</p> <p>We constantly hear music, voices and shouting from both inside the premises and outside. We have been working with Environmental Health on trying to lower the noise which we were told should be background noise. It is very difficult to concentrate on anything or even listen to our own music in our home as it is quite often overpowered by music from Proper Sound. The applicant does not seem to have any regard for the neighbours who live above her. The applicant seems to think as we live in the town centre we should expect this constant noise and disruption from her mini nightclub as she referred to the premises in a local news article.</p>



Appendix 4

Image off Proper Sounds Facebook page 03/23

The noise and disruption caused us to approach Environmental Health and make a complaint. Shortly after they made contact with the owner of Proper Sound we started to receive unwanted shouting, swearing and abuse from the owner and her daughter. The owner would swear at my husband in the street and went as far as making a complaint to his work which was investigated and the complaint was proved untrue. I also had to receive treatment from my GP at this time as the constant name calling, etc impacted both my physical and mental health while I was also caring for my terminally ill Grandmother. This led us to seek advice from the Police who gave the applicant 'words of advice/ an informal warning' not to have any contact with us or the case would be taken further and become official. We have numerous incident numbers if they are needed. The applicant says that she will continue to attract good cliental however it is herself who has had to have police intervention.

Although local businesses are important so is the health and wellbeing of the six families who live above the shop/ bar. It is already causing a great nuisance to us all. The extended opening and drinking hours just stand to make our lives even harder and cause more nuisance to us. In 2021 we were told that capacity would be no more than 10 however, in recent photographs of the premises there are clearly more than 10 people in there.

12:25

**proper sound**

14 Oct 2023 · 🌐

****NOW TAKING DECEMBER BOOKINGS**** Have a proper sound office/private party!! Message us for more details about our party packages. 🥳🎉
🍷 @followers



12



Like



Comment



Send



Share



Like



Comment



Send



Share



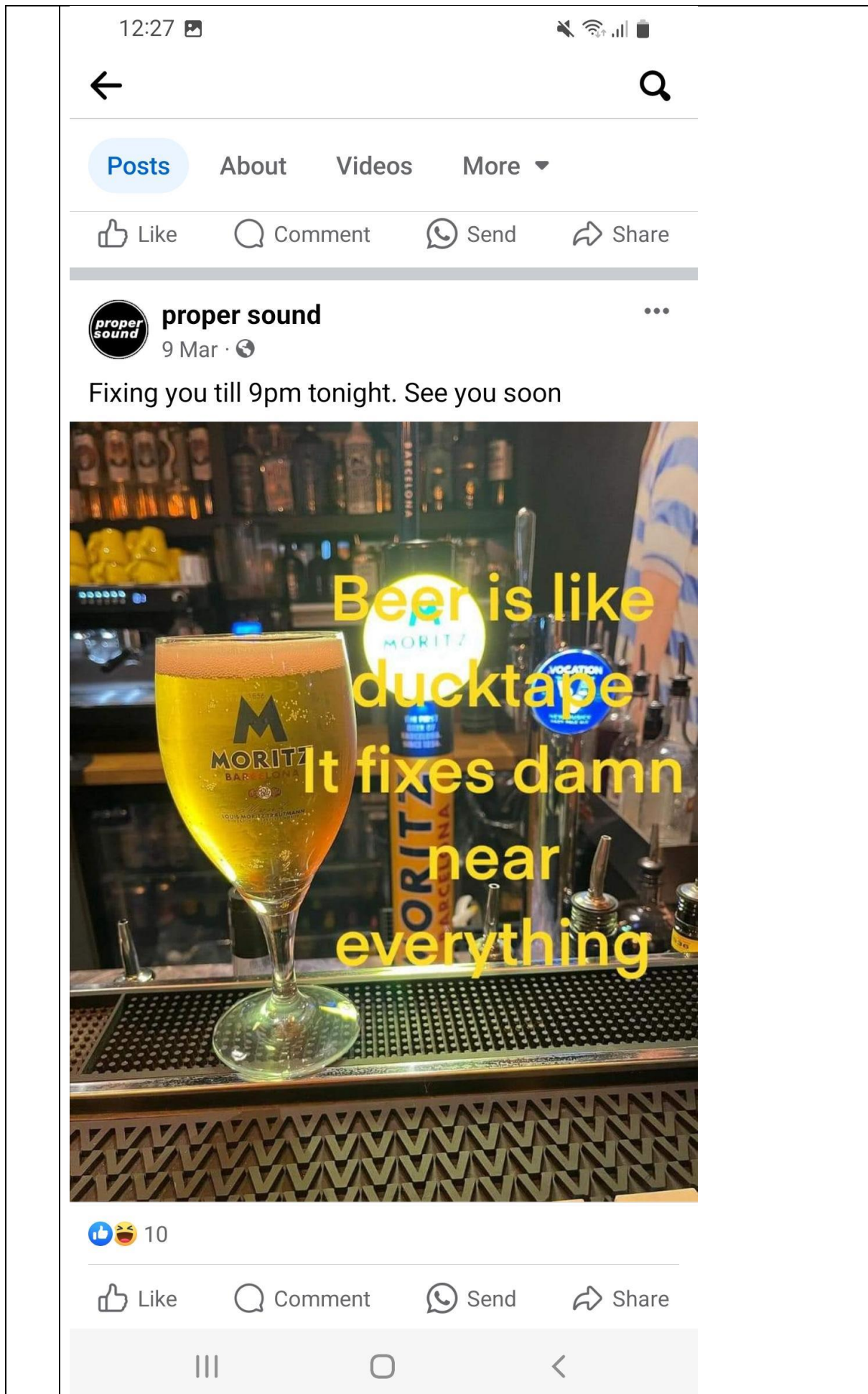
Appendix 4

	<p>Image from Proper Sounds Facebook page- more than 10 people in the venue</p> <p>Licensing Objective e) Protection of children from harm</p> <p>The apartments include 2-bed units, and are social housing managed by Onward. It is likely that older children will live here and visit family here. It is not in their best interests to live in a noisy environment. The apartments were converted long before the applicant opened downstairs and residents were told that the shop downstairs would only be used for retail or offices. There are families living here who have their children, grandchildren and nephews staying but this is difficult due to the constant noise.</p> <p>Recently Proper Sound have been opening until at least 9pm on Friday and Saturday nights meaning that it can be up to 10pm before they finally turn off the music and we can start to rest. We understand that they are only able to serve up until 7.30 unless they have a TEN. It is advertised on both their social media and the opening hours are until 9 or 9.30.</p>
--	---



Appendix 4

--	--



Appendix 4

Above images from Proper Sounds Facebook page

I have included my objection to the Planning Department in regards to Proper Sound applying for a change of use to a bar/ cafe. They currently have not had a decision on their change of use.

There are 6 flats above Proper Sound which are not being taken into account by the owner of Proper Sound. Almost all of the tenants work and would be negatively impacted by a bar being below them which is proposing to open from 9am through to 11.30pm. We often hear noise coming from the building and courtyard now and have been working with Environmental Health on this issue.

Proper Sound are currently using the courtyard which all of our windows open up onto. There is constant music which gets louder as the day goes on and would greatly impact our sleep if it was playing until late at night. It's difficult to watch TV or concentrate on anything because the music is often that loud you can clearly hear the song they are playing. Speaking to the owner and her daughter doesn't help as they are not approachable. We can also clearly hear conversations that are taking place in the courtyard. We also believe that the courtyard shouldn't actually be being used at all at the moment as they don't have planning permission to use it.

Proper Sound said that they would not allow smoking in the courtyard but there are often many people smoking out there which impacts the quality of air that is coming into our flats through the windows. We can't actually have our windows open though as the music and talking is just too loud.

Proper Sound were advised that they could need a change of use when they originally applied for planning permission but said they would not need it as they were mostly just a music shop and said people would be getting just one or two drinks as they would do at maybe a hairdressers. This has certainly not been the case and now Proper Sound has clearly become a bar rather than a shop. Proper Sound should have had in their mind that they might need a change of use before it took an enforcement officer to visit. This shows a clear lack of responsibility from the owner and that she has not followed the procedure that she should have done. There should have been an application for change of use a long time ago- the application form says from August 23 however, we believe they were acting as a bar long before that due to the noise we hear and the advertising that Proper Sound do. They would often have a DJ event on.

If Proper Sound have not followed guidelines in the past and were only found out because of an enforcement visit how can you know that they are going to follow the new set of guidelines they will be given. We were told that applicant had run other bars and restaurants so it is hard to believe that she didn't know what the protocol was.

We accept that we live in the town centre and that comes with its own noises and hustle and bustle but there was no bar underneath us when we moved here and if there was we probably wouldn't have moved here. The shop below was empty but we were told that there would only be a shop or offices

Appendix 4

there which we would expect being in the town centre. 6 flats were here before any mention of a bar.

Proper Sound is up for sale and it is already listed under the bars and restaurants section on the website. This shows that Proper Sound are acting as they are running a bar before they've even put their change of use application in.

In conclusion, we feel that it would be a bad decision to approve this change of use mainly due to the adverse impact it already has on the families who live above the premises. The place is often open for longer than the hours permitted by the Licence, and the hours applied for in the change of use would make our quality of life even worse than it is now. Please refuse this application.

Regards,