

The Residents of Derwent Close

The Licensing Section
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

16th November 2011

Dear Sir/ Madam,

**Re : Application for Premises Licence Licensing Act 2003 - BarleyHops,
5 Derwent Close, Macclesfield, Cheshire SK11 7XS**

Further to the legal notice published in the Macclesfield Express (09/11/2011) regarding the above Premises Licence request for Mr P Plant for 5 Derwent Close, Macclesfield, Cheshire SK11 7XS, we the residents of Derwent Close wish to lodge a representation for this case.

Derwent Close is a quiet and family orientated residential cul de sac and has been since it was built over 41 years ago. We as residents wish to see it remain that way and feel that the above Premises Licence application would not lend itself to this environment in any way for the reasons that follow.

- Alcohol distribution and delivery can be extremely noisy and it is unfair to expect fellow residents to accept this in a quiet residential environment when it is more suited to an industrial unit and consequently not infringing on any residents right to peace and quiet at their own property.
- Delivery vehicles that are loading or arriving and departing could block an already narrow road, resulting in many residents having difficulty accessing their own properties or worse still any Emergency Services vehicles not being able to gain access. Children also regularly play out in the Close and industrial delivery vehicles arriving, unloading and departing could potentially lead to an accident. Derwent Close was designed for private light traffic only and not for any type of regular industrial use and consequently would not lend itself at all to this kind of business.

- Having a business of this nature run from a residential address could severely impact on property value in Derwent Close making it potentially hard to sell or receive the value of the property as it stands today. This would particularly affect the adjacent properties either side of 5, Derwent Close and also opposite this dwelling.
- Alcohol is an age restricted substance and this is not acceptable nor fitting to be stored in a residential area where families and young children are in the vicinity.
- From a security point of view storage of age restricted substances in a residential garage, no matter how well secured, is an invitation to encourage crime and could potentially be observed by any passers-by or opportunists. The residents of Derwent Close do not wish to be placed in a situation that could lead to worry about criminal activity that could be aimed at both this property or their own.
- If this Premises Licence is agreed it sets a precedent for other similar businesses to be able to trade in the future which we as residents do not wish to encourage. Potentially this could destroy the safety and tranquillity of our community which has been set up here over the past few decades.

Consequently we are writing to ask that this Licence should not be granted on this occasion due to the nature of the business proposed, and that our Close can remain a safe environment for all residents, young and old, to live in and enjoy the peace and quiet that encouraged them to move to this residential area in the first place. We enclose a petition with names and signatures of all those who are opposed to this Licence Premises proposal and business venture being operated from 5 Derwent Close, Macclesfield, Cheshire, SK11 7XS.

We wish Mr Plant every success with any business proposal he wishes to pursue but would ask that he operate this from an official safe and secure storage unit on an appropriate industrial estate where no bother will be caused to any residents and his stock will be a lot more safe and secure.

We look forward to hearing from you.

The Residents of Derwent Close

Encls.

(11) With the object of achieving uniformity of siting design and external appearance on the estate of the Lessor not without the previous consent in writing of the Lessor to erect or maintain or suffer to be erected or maintained in front of the building line any building erection or structure whatsoever whether movable or immovable or any gate post wall fence hedge or other partition AND not without the like consent to plant in front of the building line any tree shrub (except as hereinafter mentioned) bush or plant of any description which shall exceed a height of two feet AND not without the like consent to cut down or damage any tree or shrub planted by the Lessor on the demised premises as part of the initial landscaped layout of its estate and to prune tend and replace when requisite such trees and shrubs

(12) To give notice to the Lessor of any Underlease Assignment Assent or other devolution of the interest of the Lessee in the demised premises or any part thereof giving particulars and details of the name and address of the person liable to pay the yearly rents hereby reserved and to pay to the Lessor its - Solicitors or Agents a fee of One pound one shilling in respect of each such registration

(13) Not to do or permit or suffer anything to be done on the demised premises or in any buildings erected thereon anything which may be or become a nuisance - damage or annoyance to the Lessor or to the occupier or occupiers of any adjoining or neighbouring premises

(14) At the expiration or sooner determination of the said term peaceably to yield up to the Lessor the - premises hereby demised with all the buildings and additions made thereto in the meantime and all fixtures in such good and substantial repair and condition as aforesaid and in all respects in such state and - condition as shall be consistent with the due -

Derwent Close Residents Signatures for Petition Against the Premises Licence
Application for BarleyHops, 5 Dewent Close, Macclesfield, Cheshire, SK11 7XS
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**Derwent Close Residents Signatures for Petition Against the Premises Licence
Application for BarleyHops, 5 Dewent Close, Macclesfield, Cheshire, SK11 7XS**

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18 November 2011

The Licensing Section
Cheshire East Council
Westfields
Middlewich Road, Sandbach
Cheshire CW11 1HZ

Dear Sirs

**re: Application for a Premises Licence at "BarleyHops", 5 Derwent Close, Macclesfield
(Mr P Plant)**

With regard to the legal notice published in the Macclesfield Express (9/11/2011), and details of the licence application kindly supplied by yourselves: as residents in Derwent Close, my wife and I wish to lodge the following representation. (Please also refer to the attached street plan of the area.)

We feel that the proposal to store and distribute alcohol from the above premises is open to the following objections:

(1) concerning the prevention of crime and disorder: The address of the proposed storage facility has been published in the local press, and will be available to anyone researching the registered website domain name www.barleyhops.co.uk (using WHOIS), thus providing a prime target for thieves. To provide adequate security will presumably require unsightly steel shutters, security lights etc.

(2) concerning public safety: this is a narrow residential road; even one or two carelessly parked vehicles can and quite commonly do create access problems. Regular use of the road by large delivery vehicles may be expected to make these problems considerably worse. It is vital to ensure that access to ambulance and fire service vehicles is not compromised.

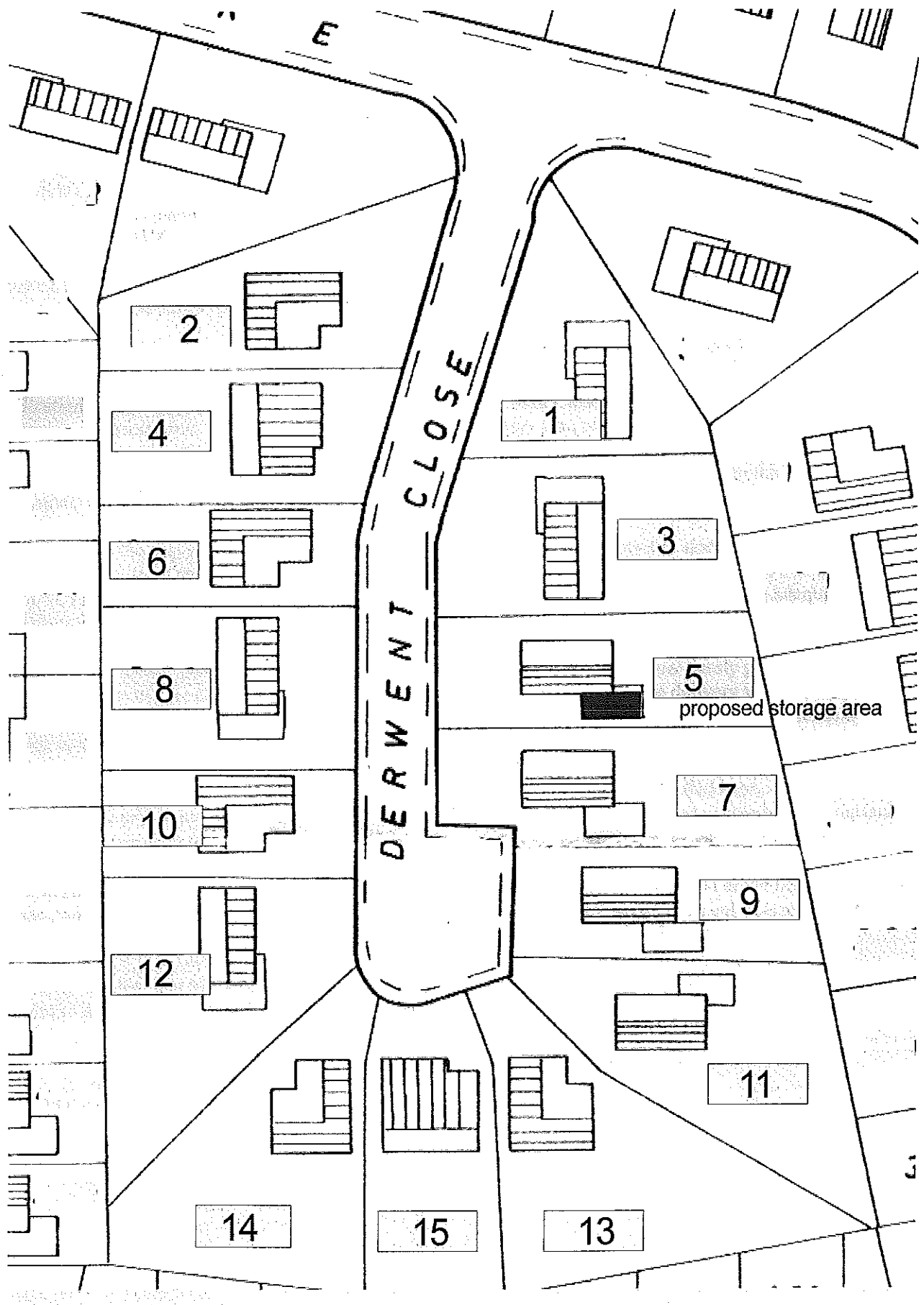
(3) concerning the prevention of public nuisance: Unloading and loading of bottled beer, apart from creating traffic problems (2 above), would be a noisy and protracted operation, creating considerable nuisance and distress, especially to close neighbours.

(4) concerning the protection of children from harm: Large vehicles have to turn round at the head of the cul-de-sac, which is an area in which children regularly play. Residents have chosen this cul-de-sac as a largely traffic-free road which is ideal for family life. It is wholly out of character to encourage extra traffic.

In general, we feel that to encourage activity more appropriate to an industrial estate is likely to cause upset and distress to the majority of residents, and sets an undesirable precedent for the future. It is characteristic of housing estates that their character tends to deteriorate with the passing of time, and Derwent Close is a notable exception to this trend.

I should be grateful if you would acknowledge receipt of this letter (e.g. by email).

Yours sincerely ..



Street plan of Derwent Close, Macclesfield, SK11 7XS
 (Google Earth provides an excellent image of this street -
 regrettably copyright prevents inclusion here)

APPENDIX - 1

Sent: 30 November 2011 21:22

To: CADMAN, Nikki

Subject: Application for a Licence: Barley Hops, Derwent Close.

Re: your letter dated 24 Nov 2011.

We note the changes made to the application and feel that we still need to object to a business of this nature being run from this address.

We would re-iterate our previous objections and also point out that not only would it cause safety and security problems for we the neighbours on the close but it could have an adverse affect on the value of our property.

Other than requesting a rebate on our council tax and some form of recompense for the de-valuation of our home and lessening of the attractiveness of our neighbourhood, we feel that this venture would cost us not only in money terms but also in the disruption these hours of license would cause.

For several years there has been a distribution business run from the above address. Not only have there been two large white vans parked on or in the vicinity of the house, they had had their own personal car at the address and often those of any workers who have left their vehicles whilst working – not necessarily on or near the above address. According to the property deeds no business shall be run which may affect the neighbouring properties. We live directly opposite this house.

There have also been large delivery vehicles frequently in the close delivering pallets of leaflets or items for distribution at the address.

This has meant large Lorries frequenting what is for us a quiet, secluded close where many of us have allowed our children to play in safety.

We have lived here happily for 14 years and bought the house because of the safe, friendly nature of the neighbourhood.

We have never complained about the previous business as we do commend small businesses but this is a residential estate and not an industrial estate.

We hope that the licensing committee would consider the affect were it your house neighbouring this kind of business.

With thanks

APPENDIX - 1

Sent: 28 November 2011 16:48
To: CADMAN, Nikki; DRUCE, Damien (Councillor); JEUDA, Laura (Councillor);
Subject: OBJECTION TO LICENSE APPLICATION AT 5, DERWENT CLOSE
Follow Up Flag: Follow up
Due By: 30 November 2011 09:30
Flag Status: Red

Dear Mrs Cadman (Ref. 016488)

Thank you for your reply (tr) dated 24 November 2011 concerning the petition from the residents of Derwent Close objecting to the license application by Mr & Mrs Paul Plant of 5, Derwent Close.

We note the changes to the application and wish to reinforce our objection to the license application with the following observations.

The original notice in the Macclesfield Express announced that sales and supply of alcohol were to be Monday to Friday 9 a.m. - 6 p.m. and Saturday, Sunday and Bank Holidays to be 12 noon - 6 p.m. Now they are to be extended from 9 a.m. - 6 p.m. Mondays - Sunday inclusive plus Bank Holidays. Therefore, potentially we could be suffering noise and disturbance from the deliveries of bottles all week.

An advertisement in the Macclesfield Express dated 23 November 2011 by Holden & Prescott, Estate Agents, quotes the sale of 1, Derwent Close as "a highly attractive cul-de-sac providing quiet location". As we have been residents of Derwent Close (along with 4 other residents) for over 40 years, we expect this description to be maintained.

Our boundary : from Mr Plant's garage (proposed storage facility). Therefore, further adequate strengthening of security would be required, but this would still not quell our fears of burglaries. The storage of alcohol next to us is totally unacceptable to us considering that the location has been well advertised in the press, internet, and Mr Plant's front garden.

We trust that you will consider the above points when you make your judgment.

Yours sincerely,

Sent: 29 November 2011 17:02
To: CADMAN, Nikki
Subject: Licensing application for 5, Derwent Close, Macclesfield.
Importance: High

Dear Mrs. Cadman, with reference to the above application and objections to that application from the residents of Derwent Close. May I first inform you that I wholeheartedly support the objects outlined in the letter dated 16/11/11 from the residents of Derwent Close. I would also like to add further objections to those already outlined.

Mr. Plant appears to already run a business from his residency at 5, Derwent Close. This is a courier/distribution business called Distribution Unlimited. This business has been running for some years and consists of a large Transit van type vehicle and smaller van. These are parked on his drive leaving little room for any other vehicles. His own personal vehicle is parked on the road outside his house or in front of his neighbours house across the road. We have already had the scenario where deliveries on pallets have been left on the footpath or on his path and not unloaded for some time. In the past vehicles have also been parked in various parts of the close. Running another business from his premises will make the problem worse.

I live Derwent Close and look up the close towards number five and do not want to see deliveries coming and going from my dinning room window. I bought the house because it is a quite Close and property value rises steadily. I will in the next few years be looking at retirement and possibly selling my house, imagine what this business will do to the value of my property. Potential buyers will be put off by it.

The Environmental Health officer has stated that a condition imposed on the deliveries shall be that they are restricted between the hours of 9am and 6pm. Monday to Sunday inclusive of Bank Holidays. What happens during the summer holidays when children are out in the close during that time or when children under five are playing there, we have families in the close who have children who have young children and the parents perform baby sitting duties. Delivery vehicles and young children do not mix, has a risk assessment been taken into consideration on that particular issue I wonder.

My other concern is to do with the storage of the alcohol within the property. The letter from the residents already outlines the crime issue but I am also concerned about the fire and health and safety risk that the storage presents. We know that alcohol burns and could produce a far fiercer blaze that would be expected and potential cause extra damage in a fire situation to neighbouring properties. What guarantees do the residents have that the alcohol will be stored correctly and not present the risk outlined.

The licence conditions state that there will be no direct sales from the premises, how is that going to be Policed and monitored. Could we be in a situation that if illegal activity is identified that the residents would now have to provide evidence, ie video, statements

of the wrong doing. This would cause upset and upheaval in a quite close.

The Human Rights Act states that I have a right to a private life but it will not be very private with this activity in close proximity, if the business is succesful then we will see an increase in activity and more intrusion into private lives.

Article 8: Right to privacy

(1) Everyone has the right for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Has Mr Plant applied for planning permission as some of the criteria outlined below seems to apply.

If running your business from home means that the use of the building changes a lot, or the activities that you undertake have an effect on the area where you live, you may need to apply for planning permission from your local authority.

You may have to apply for planning permission if:

- Your home will no longer be used mainly as a private residence. This is the key test - has it become business premises first and a home second?
- Your business activities will lead to increased traffic or parking in a residential area.
- Your business involves any unusual activities for a residential area.
- Your business may disturb your neighbours at unreasonable hours or create other forms of nuisance, such as noise or smells.
- You are making major structural changes to your property, altering or extending it.

Hazardous substances and working from home

If you have to use hazardous substances or materials in your home-based business, you should check whether they:

- are flammable, toxic or corrosive
- give off fumes
- are safely stored, well away from children
- are being used strictly according to manufacturers' instructions

30/11/2011

"Paul Plant"

29/11/2011 17:44

To <macclesfield.licensing@cheshire.pnn.police.uk>
cc
Subject RE: Premises Licence Application <NOT
PROTECTIVELY MARKED>

Hi Tony,

Many thanks for this, we have no objections whatsoever with the three conditions to be included.

Please regard this email as full confirmation to the items listed 1-3 below.

Kind Regards

Paul and Linda

The operating schedule meets the four licensing objectives but so as to clarify some points police would ask for the following conditions to be included should the licence be granted

1. No home sales to general public, home delivery sales service operation only.
2. All sales shall be conducted by telephone and or by on line sales only for consumption off the premises.
3. Proof of age/ Challenge 25 shall be conducted on delivery.

this has been agreed with the applicant

There are no other Police representations..

From: Paul Plant
Sent: 11 November 2011 16:00
To: CADMAN, Nikki
Subject: RE: Application for a Premises Licence - Barley Hops, 5
Derwent Close, Macclesfield

Thanks Nikki, we have no problem with the recommended conditions being added.

Kind regards

Linda and Paul

From: CADMAN, Nikki
Sent: 11 November 2011 14:41
To: Paul Plant
Subject: FW: Application for a Premises Licence - Barley Hops, 5
Derwent Close, Macclesfield

Dear Paul,

Further to recent correspondence, please see below the representation from our Environmental Health Officer with recommended conditions. Please could you let me know (by email is fine) if you are happy to agree to these conditions being added to your Premises Licence when it is issued.

I look forward to hearing from you.
Yours sincerely

Nikki Cadman

Mrs N Cadman
Licensing Officer
Cheshire East Council

From: LOMAS, Brenda
Sent: 10 November 2011 09:56
To: CADMAN, Nikki
Subject: Application for a Premises Licence - Barley Hops, 5 Derwent
Close, Macc

Hi Nikki

I have considered the above application which relates to the storage / deliveries of real ale bottles from a domestic garage of a dwelling

within a residential area.

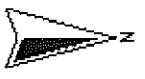
In order to protect the residential amenity of the neighbouring residents in terms of noise and disturbance from deliveries to and from the site - and under the Licensing objective of the prevention of public nuisance, I would recommend that the following points form conditions of a Premises Licence in the event of an approval of the application.

1. All deliveries to and from the application site shall be restricted to / made between 9am and 6pm from Monday to Sunday inclusive and including Bank Holidays.
2. There shall be no direct sales made to the general public or other type of customer (e.g other company's) from the garage site.

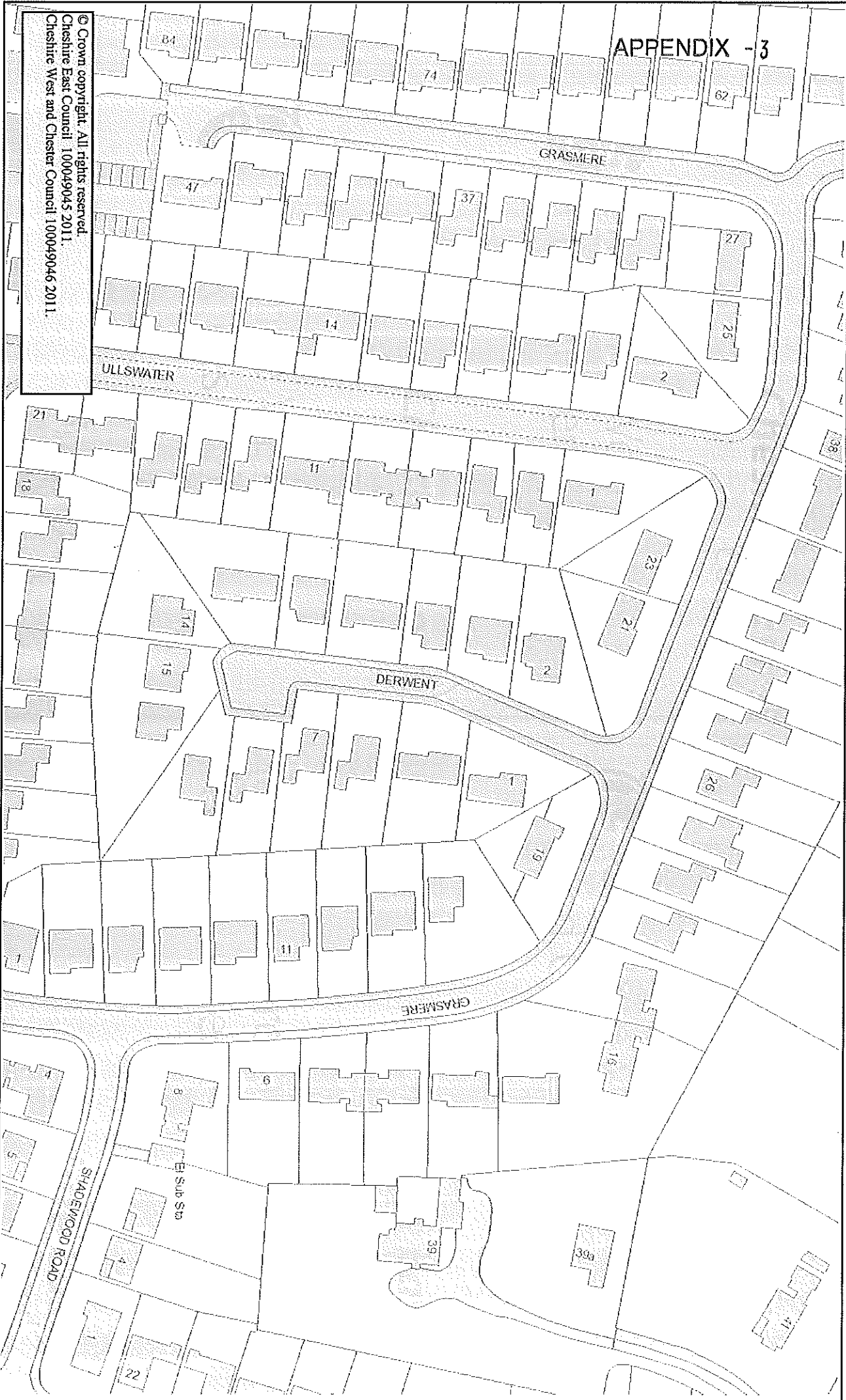
regards

Brenda

Brenda Lomas
Enforcement Officer



APPENDIX - 3



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 Cheshire West and Chester Council 100049046 2011.