

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

15<sup>th</sup> June 2021

An application for Listed Building Consent for the premises appeared on the CEC planning web page yesterday afternoon (14<sup>th</sup> 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.

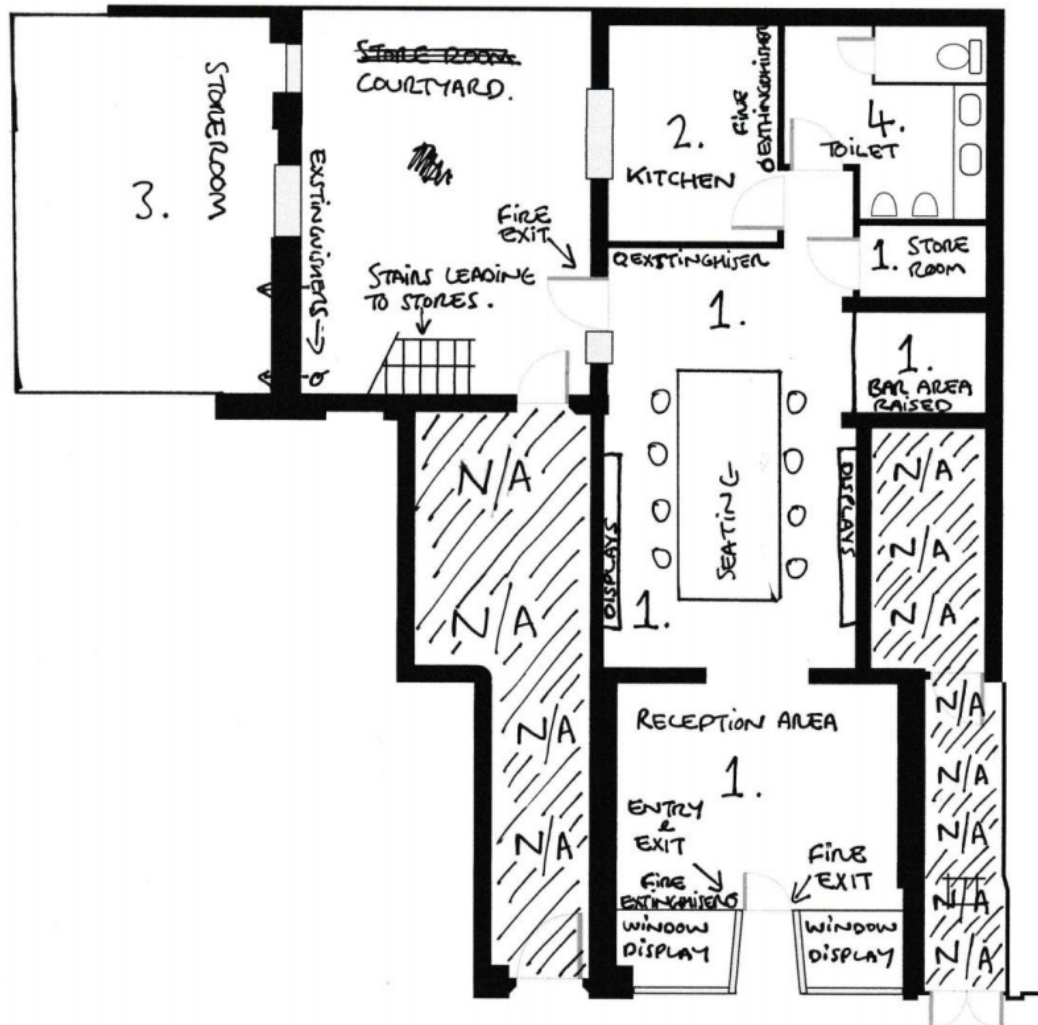
*For information: The planning officer’s report for 15/4077M contains a section **Impact upon residential amenity** including points on ‘Paragraph 17 of the NPPF advises that good standard of amenity should be sought in new developments for all existing and future occupants of land.’ and ‘Para 123 seeks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

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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

## 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

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The location of the kitchen area is in number 4 Chestergate – 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:

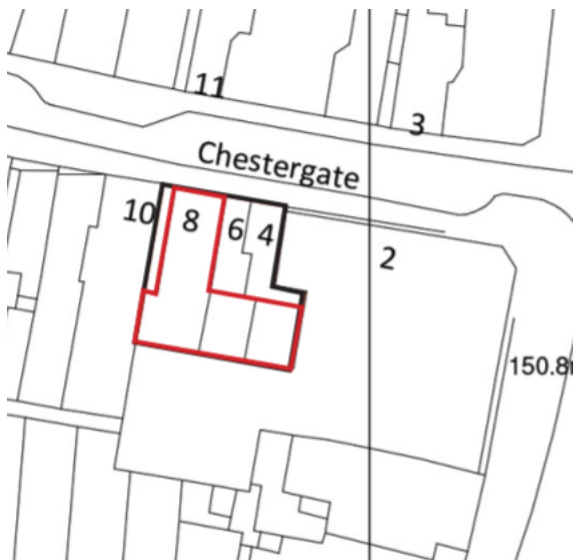
**"It should be noted that Building Regulations govern a variety of issues, which directly contribute to the Licensing Objectives, including means of escape, structural integrity, accessibility and public safety. Building Regulation Approval and Completion Certificates may be required prior to the use 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 17<sup>th</sup> June. Thanks in advance."

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

**Location Map submitted with Listed Building Consent application**



**Public Map Viewer Cheshire East**

