

## **Appendix 2 – Email from Applicant in response to objection**

Hi Brenda,

We have read your email and would like to progress the application so that we can instruct the shop fitters, without any delays.

We hope this information will help you support the application,

These are our suggestions-

We would be happy to turn the music off on the terrace at 22:30hrs to encourage patrons to come inside the premises.

We intend the terrace to be a non-smoking area- anyone who intends to smoke or vape will have to leave the premises at the front entrance. We have already agreed with the police to have signs asking patrons to leave quietly.

With regards to the live music, the venue does not intend to have amplified music outside in the evenings. No live music past 21:00hrs. We do not intend to have heavy rock type music at any time, as this will not be that type of venue.

We obviously want to be a considerate neighbour, whilst establishing a successful business and forging links with the community.

Please let us know your thoughts.

We are happy to meet with you on Thursday 30th October pm, if we still need to.

Many thanks

Mark & Stella

On Mon, 27 Oct 2025 at 10:04, LOMAS, Brenda <[Brenda.Lomas@cheshireeast.gov.uk](mailto:Brenda.Lomas@cheshireeast.gov.uk)> wrote:

Hello Thomas and Stella

Apologies for the delay in my response. I hope you've enjoyed a lovely break.

Nic from the agents kindly showed me around the 15 Market Place premises on 15<sup>th</sup> October.

As you are aware, this Service is a consultee on premise licence applications in terms of the licensing objective of the 'prevention of public nuisance' (Noise). Whilst it is a great premises for your proposed use – I have a concern regarding the proposed use of the outdoor first floor terrace as unfortunately, it seems that there is a residential dwelling above Gayles food premises – which is in close proximity.

The outdoor terrace is a significant size and would therefore hold many patrons. ( I think your plan indicates 60+ persons?) As such – the 'accumulation of people' noise from persons chatting / raised voices / laughter etc at any time - is likely to be very noticeable at the dwelling. During evening hours and on Sundays when the general background noise is at a lower level – then any noise from the outdoor terrace is likely to become even more noticeable. If the house windows of the dwelling are open – then even more noticeable.

In addition to 'people noise', your application includes using the outdoor terrace for the playing of both live and recorded music – the plans include a 'stage'. Obviously amplified music and amplified voice have high potential to affect the residential dwelling due to the open air nature of the terrace and therefore no impedance to the noise to travel. In addition to the music noise, any such entertainment may well be followed by noise from the audience cheering and applauding.

The application states that the proposed hours of use are for live music to continue until 10pm Monday to Sunday and for recorded music to continue all day from 9-10 am until between 11pm and 1am – dependant on the day of the week.

In general, most residents may wish to sleep from 10pm onwards – children would wish to sleep before then. In addition, Sundays, Bank Holidays and evenings are considered to be 'sensitive' times during which most residents would expect to be able to enjoy respite in their homes. In the warmer weather / summer months – residents will expect to be able to have bedroom windows open for natural ventilation / cooling purposes.

I appreciate that the location is a town centre location - and if there was no dwelling nearby – then there would be no cause for concern. However, this is unfortunately not the case and hence the need for this Service's involvement.

I would advise that in the event that complaints of noise nuisance are lodged to this Service – then the Authority has a duty to investigate the complaints and if it finds that a noise nuisance is being caused – then this Service can call for a review of the premises licence . Under the Environmental Protection Act 1990 - this Service also has to consider the service of a noise abatement notice on the person responsible for causing a statutory noise nuisance. Obviously – this Service would prefer to work with you to avoid such possibilities.

At present, I feel that consideration should be given to terminating the use of the outdoor area by patrons at a reasonable time – perhaps 10pm or 10.30pm?

It is thought that background music shouldn't cause a problem of noise nuisance provided the volume level is consistently controlled. Entertainment for live music 'may' be possible if consideration is given to the times of use, type of music and possibly unamplified? For example – an amplified rock band with heavy bass beat is likely to cause a noise nuisance problem whereas the playing of an unamplified acoustic guitar may not. It is difficult at this stage to be certain of how the noise will impact the dwelling until it occurs.

I appreciate that you will be home from your holiday on Thursday 30<sup>th</sup>. Final comments from this Service have to be submitted to the Licensing Department by Monday 3<sup>rd</sup> November . At present, I'm unable to support your proposals. However, I am happy to provide you with time to consider what actions you could take to minimise noise from the terrace area – possibly in the form of a noise management plan.

Would you like to have a think about what would work as a compromise between the operation of your business and the protection of the resident(s) of the apartment and then put forward your suggestions to me? If we can agree a way forward – then this would form the basis of this Services' response to the Licensing Department.

I'm afraid that I don't work on Fridays. If you wish to offer a way forward via email or ring me to discuss the matter – then that would be fine. Alternatively, if you wish to meet to discuss the issue – then it seems that unless you are available on Thursday afternoon – then we would only have Monday morning for a face to face meeting.

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