

NEWBURGH PARISH COUNCIL
Sandra Jones, Clerk to the Council
10 Priory Close, Burscough, Ormskirk, Lancashire, L40 7UY
e-mail: clerk@newburghlancs.co.uk
website: www.newburghlancs.co.uk

20 August 2020

Dear Councillor

You are hereby summoned to attend an extraordinary Parish Council Meeting using remote communication Zoom on Thursday 27 August commencing at 7pm. The Extraordinary Parish Council Meeting is necessary to consider planning matters where a response is due before the next scheduled Parish Council Meeting on 23 September 2020 and to approve the Annual Governance and Accountability Return. In addition, Councillors are requested to approve the August payments schedule.

Yours sincerely



Cllr Jacky Citarella
Chair

Members of the public are welcome to join the Zoom meeting and are requested to contact the Clerk for the joining details no later than 5pm on 27 August 2020. The Remote Meeting Protocols are included below as part of the agenda. As this is an Extraordinary meeting, it would be helpful if members of the public wishing to comment on non agenda items would contact the Clerk with details outside of this meeting. Any comments made will be considered by Councillors at the next scheduled Parish Council meeting on 23 September 2020.

AGENDA

1. To receive apologies for absence
2. Councillors to declare an interest in subjects for discussion
3. To approve the minutes from the Parish Council meeting held on 25 March 2020
4. Meeting adjournment to receive comments from members of the public (total time 10 minutes)
5. Planning Issues
 - a) Applications to be considered:

2020/0614/FUL - Alterations to detached dwelling. Demolition of existing single storey extensions and erection of new rear extension, side extension and porch canopy at The Paddock, Back Lane, Newburgh

2020/0641/FUL: Proposed bird refuge shelter at Apple Cast NW, Cobbs Brow Lane, Newburgh
 - b) To note the following in relation to Eden Tea Room and Galleries on Course Lane, Newburgh:
 - Representation made by Newburgh Parish Council to West Lancashire Borough Council on the application for a Premises Licence (see attached)
 - Letter sent to the West Lancashire Borough Council Chief Operating Officer expressing the Council's concern about the lack of an agreed comprehensive and coherent plan for all the activities of the Tearoom and Galleries (see attached)
6. Finance
 - a) To approve August Payments Schedule, as attached
 - b) To approve the Annual Governance and Accountability Return for 2019/20 - Section 1 (Annual Governance Statement) will be approved before Section 2 (Accounting Statements)
 - c) To note the report from the Internal Auditor

Remote Meeting Protocols

Please note the following procedures to ensure the smooth running of the meeting:

- The meeting will be recorded
- Members of the public will be muted and will only be able to speak during the public discussion section of the meeting. If you wish to speak during this section please raise a hand, when the Chairman invites the member of the public to speak he/she will be unmuted. Before speaking, the member of the public should state their name. Each member of the public will be able to speak for a limit of two minutes.
- Members will be muted; to speak please raise a hand; when the Chairman invites him/her to speak they will be unmuted
- To vote, members should raise their hand as appropriate

Schedule of Accounts for Payment – August 2020

1&1 - website charges	£ 5.99 *Direct Debit
Nest - pension payment	£ 46.01 *Direct Debit
Mrs S Jones – August Salary, back pay and expenses	£ 749.48
Mr J Horrobin – Play area and footpath maintenance	£ 116.00
Working Woodlands – woodland maintenance	£ 60.00
KC Computers Ltd – printer cartridges	<u>£ 63.98</u>
TOTAL	<u>£1,041.46</u>

NEWBURGH PARISH COUNCIL
Sandra Jones, Clerk to the Council
10 Priory Close, Burscough, Ormskirk, Lancashire, L40 7UY
e-mail: clerk@newburghlancs.co.uk

17 August 2020

Eden Tearoom and Galleries Premises Licence Application – Newburgh Parish Council Representation

Newburgh Parish Council makes the following representation to West Lancashire Borough Council Licensing Authority on the Eden Tearoom and Galleries application for a Premises Licence. Our representation addresses the criteria of potential public nuisance and public safety.

Newburgh Parish Council has objected to West Lancashire Borough Council planning application 2020/0439/FUL for an extension of the Eden Tearoom opening hours to 11pm on Monday – Thursday and Sunday and to 1am on Friday and Saturday on grounds of the potential impact on neighbour amenity, particularly from late night external noise. A copy of our objection submitted to West Lancashire Borough Council on 23 July 2020 is attached for information.

The planning application statement from Eden Tearoom seeks an extension to the current opening hours “to maintain and diversify a viable business.”

A further supporting statement amplifies this, requiring the 11pm closing time from Sunday to Thursday “to accommodate the *occasional** cheese and wine night, a craft gin tasting and events of this nature.” Eden social media similarly says “After 6pm the tearoom space shall be used for *occasional** privately booked events such as cheese and wine evenings, yoga and gin tastings to name a few.”

The case for a 1am extension (or 2am in the licensing application) on Friday and Saturday is justified in the licensing application for “private functions such as weddings, anniversary parties etc to be *occasionally** held on Friday and/or Saturday”. In the planning statement it is similarly for “private pre-booked functions only. This was with the thought of *occasional** wedding anniversaries etc”

Newburgh Parish Council challenges the need for such late hours to accommodate the proposed events. Why would an event such as a cheese and wine evening need a closing time up to 11pm? Why would an anniversary party need a closing time of 1am?

A music and alcohol licence for these late times in a residential area in a rural village is unacceptable on grounds of potential disturbance to neighbour amenity. Whatever internal noise controls are applied, the activity of guests outside up to 9pm (as per the proposed licensing conditions) and departure of guests at times up to 1am presents the threat of unacceptable external noise. A building illuminated until late at night would be an unwanted intrusion into neighbours’ privacy. The departure of traffic on to a main highway late at night presents a risk to public safety. Newburgh Parish Council represents to the Licensing Authority that, once a licence is granted, the potential exists for the late hours to affect neighbour amenity at any time in the future whatever present intentions may be and whoever may operate the site.

While there is much emphasis on “occasional” events this is an ill-defined term without limitation which could simply be interpreted to suit the frequency required by the operators.

There has been considerable support for the concept of a tearoom and gallery and art-related activities opening from 8am to 6pm as currently permitted but much public disquiet at the extension of activities whose frequency and hours would be at the sole discretion of the applicant.

The Council has no objection to a licence applying to current opening hours but recommends refusal of the licence for the late hours proposed on the grounds of the potential public nuisance and public safety.

**our italics*

Submitted online via West Lancashire Borough Council website on 23 July 2020

Newburgh Parish Council response to planning application (2020/0439/FUL)

Newburgh Parish Council has already responded to application 2020/0439/FUL submitting that the late opening hours should be reconsidered in view of the potential impact on neighbour amenity and objecting to the proposed 1am closing time on Friday and Saturday.

The supporting statement by Eden Tea Rooms exemplifies the events for which the opening hours extension is required. These do not require an extension of opening hours to 11pm and as recommended in our earlier submission should be brought forward to an earlier closing time that presents no threat to neighbour amenity. The requirement for a 1am extension on Friday and Saturday is similarly unnecessary for “occasional wedding anniversaries etc”. Whatever internal noise controls are applied, the departure of guests at times up to 1am presents the risk of late-night external noise. The potential impact of the late hours on the character of a rural village is unacceptable. Once granted the potential exists for the late hours to affect neighbour amenity at any time in the future whatever present intentions may be.

Newburgh Parish Council is concerned about the haphazard nature of the planning process for this application. The process for licensing the premises was not transparent, nor did the process include any notification to the village. Now the process for consultation has had to be repeated.

The original planning application on 3 June 2020 offered as the reason for the change in hours no more than “to assist with the viability of the business” (Cass Associates Planning Statement 3.4) and “to maintain and diversify a viable business” (idem 4.2). Only now, more than six weeks later is there any evidence of what this diversification may mean. Subsequently two further applications have been submitted and then withdrawn. There have also been breaches of the original planning application.

Newburgh Parish Council objects to this planning application and urges that a comprehensive and coherent plan for the enterprise should be submitted rather than this disjointed and piecemeal approach.

Letter to West Lancashire Borough Council regarding Eden Tea Room Planning and Licensing applications

NEWBURGH PARISH COUNCIL
Sandra Jones, Clerk to the Council
10 Priory Close, Burscough, Ormskirk, Lancashire, L40 7UY
e-mail: clerk@newburghlancs.co.uk

Ms Jacqui Sinnott-Lacey
Chief Operating Officer
West Lancashire Borough Council
52 Derby Street
Ormskirk
L39 2df

18 August 2020

Dear Ms Sinnott-Lacey

I am writing to express this Council's concern about the planning and licensing applications and permissions associated with Eden Tearooms and Gallery, Course lane, Newburgh. There has been a fundamental change from the original planning permission, breaches of planning permissions, variations sought and withdrawn, an alcohol and music licence granted without proper consultation and a general attitude of testing the limits of permissions. There has been no overall plan to take in all the proposed activities of the site.

In our submission to West Lancashire Borough Council on planning application 2020/0439/FUL we noted our concern about the haphazard nature of the planning process.

The granted planning permissions for this site are 2016/1151/FUL, 2016/1245/FUL and 2017/O738/FUL.

2016/1151/FUL permitted the creation of "retail and café units and ancillary activities" and opening hours of 0800 – 1800 Mon – Sat and 0900 – 1800 Sun and Bank Holidays. The plans show the space being designated for "Concessions Farm Shop Retail Area" on ground and mezzanine floors. While the Tearoom and Gallery appear acceptable, the requirements for an alcohol and music licence and for opening times up to 11pm and 1am for events do not conform.

There have been significant breaches of this planning permission including structural changes, treatment of outside areas and signage which are now the subject of action by West Lancashire Borough Council. In addition, variations of the permission on outdoor seating and construction of a pergola have been submitted and withdrawn. A further application to fulfil a condition on mechanical ventilation has been submitted. Events have been scheduled outside permitted hours. These examples simply serve to add to our concern that there is no coherent or comprehensive plan but instead an interpretation of a planning permission which is no longer fit for purpose.

There are also concerns about the use of the rear building, the subject of permissions 2016/1245/FUL and 2017/O738/FUL. These too have features now identified as breaching the planning applications. Both are permissions to replace greenhouses. The latter has a condition that the new building "shall only be used for the storage of agricultural equipment and machinery, storage of produce grown on the holding and for ancillary sales of produce grown on the holding."

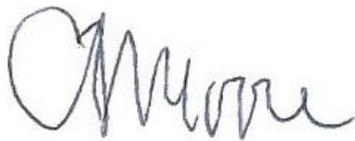
The recent and the proposed monthly artisan and farmers markets held in the building do not conform with this condition and are a clear breach. On Eden's website it is referred to as "our large artisan retail barn". There is as yet no planning application for such activities.

The licensing application for the site has had to be re-run because of technical issues with the original application. The process for licensing is more opaque than the planning process and there are concerns that the public nuisance issues associated with late opening hours were not fully addressed in the original application and that the hours applied for could be more easily permitted. The decision of the Licensing Committee is also likely to come ahead of that of the Planning Committee on the application for late opening hours and the interaction between the two is unclear.

This whole process has turned the goodwill of many residents into antagonism towards the project. It has soured the project in many minds and earlier trust fostered at the time of the original planning application has been sacrificed. The Parish Council is being severely and unnecessarily stretched in dealing with the very high number of objections we are receiving and in formulating responses.

Rather than continuing this unsatisfactory process we would request an intervention to have current applications for the extension of hours and responses to breaches withdrawn and a comprehensive and coherent plan covering the full range of activities and provisions for them prepared. Any new application proposed should address all the owners' plans and intentions for the site and how these will be accommodated in the two buildings and outdoor spaces.

Kind regards
Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Moore', written in a cursive style.

Chris Moore
Vice-Chair
Cc Councillor Edward Pope