

# APPENDIX 5

## Representation from Rotherham Borough Councillors representing the Wickersley Ward

This is an objection to the recent application being sought for the proposed restaurant known as Seasons. The application is for the sale of alcohol from 11am to midnight Monday to Friday and 10am to Midnight on Saturday and Sunday. Thus, the premises will be open every day of the week all year round. This is for both inside and outside of the premises and appears to extend to the first floor seating area for which planning permission has not yet been given.

It is widely recognised that the night-time economy for Rotherham has changed and Wickersley has become the location of choice for a good night out with customers coming from all over Rotherham, Sheffield and Doncaster into Wickersley. However, this displacement of Licensed premises from the Town Centre to Wickersley causes a conflict between the positive impact on the economy and the negative effects in relationship to local residents. Wickersley does not have the infrastructure to support the burdens of such a growing industry. This conflict has recently been acknowledged and evidenced by the new Cumulative Impact Zone(CIZ) that was recently adopted at a full Council meeting (3<sup>rd</sup> June 2020). The CIZ was supported by the Police and the Public Health Department. Since this is such a recent decision Ward Councillors feel that all the evidence that the report quoted is relevant and up to date. During this process extensive consultation with Wickersley residents was undertaken. Further consultation was also part of Wickersley Parish Council's Neighbourhood Plan exercise. When public meetings were held they were attended by over 50 people. All consultation agrees that the people of Wickersley feel there are sufficient pubs, restaurants and licensed premises in the area and that Wickersley's general amenity is now threatened by negative effects of the night-time economy. The CIZ recognises that the "Wickersley Zone" has become saturated as new businesses open up or existing businesses vary the use of a particular premise. The "Seasons" site was bought and covers 3 previously viable businesses, a butchers, a delicatessen and a beauticians.

The 4 Licensing objectives are undermined by the amount of Licensed premises in Wickersley.

### **1. Prevention of Crime and Disorder**

The Community Action Partnerships (CAP) for Wickersley Ward meetings in the last 2 years have always had this on each and every agenda as an area of concern with regard to crime and the night-time economy. These concerns have been with regard to serious assaults, spiking of drinks and anti-social behaviour. The Police have made resources available to cope with the problems at the weekends where possible. However, this has not eradicated the problems and they continue. As quoted in the CIZ report. 65% of crimes recorded in Wickersley West could be linked to the night-time economy in the area. Peak levels occur between 21:00 and 01:00 and at weekends and there were clear links between Licensed premises and crime. Of particular concern has been the violent and sexual offences. An FOI in 2019 highlighted that over a period of 10 months there were 158 incidents reported and this was at a time when Atlas Court was so overwhelmed it ceased to

take referrals. So these figures do not take in account abandoned calls which means that a level of incidents would have been far higher.

## **2. Public Safety**

It is concerning to note that Wickersley West is in the top quartile with regard to ambulance call outs relating to alcohol across Yorkshire and Humberside. This is not consistent with the demographics of the area which show that Wickersley's residents are older than the Rotherham average and predominantly over 60. Therefore, this statistic can be attributed to the large number of Licensed premises selling alcohol.

The Seasons Restaurant is sited on the A631 which is a busy road linking the M1 and M18 Motorways. The danger of people who may be drunk walking between premises and causing accidents is very real. Road traffic accident figures at the weekend and late-night support this. It is also exacerbated by the fact that people are unable to leave the area quickly as transport infrastructure is lacking, there is no taxi ranks/rail stations. This means people are spending much longer hanging around waiting for transport home.

## **3. Prevention of Public Nuisance**

**Noise:** Noise nuisance is of particular concern to local residents which was evidenced at all consultations held. Over the years there have been concerns/complaints from all residents and in particular the residents of the Cottages, the Grove and Sheltered Accommodation on Willow Court which are all in close proximity to the Seasons Restaurant. This application will exacerbate the existing problem due to the outside seating area that has just been completed and so allow the additional noise to travel unimpeded to the houses behind and adjacent to the site. This will not be a problem confined to good weather but an all year-round problem. It is normal in Wickersley for the wine bars, restaurants and outside areas to be provide outdoor heating, overhead canopies and rugs/blankets. To keep the clientele warm and drinking during the winter months and bad weather.

However, it is true that residents tell us that in the Summer it is even worse and they are unable to enjoy their gardens, have their friends round, open their windows to get a good nice sleep, all due to excessive noise they have to endure because of the sheer volume of people congregating in the Courtyard.

The Seasons application shows bi-folding doors to the front of the building. This is presumably so that they can be opened out, enabling the noise inside to spill out and may indicate further use of the pavement area for people to gather and drink. Thus making the location even noisier.

Noise from customers as they leave the area has a huge impact in the early hours of the morning. At this time people are often intoxicated which means that it is common for people to be shouting, swearing and banging car doors. Taxis are lined up in nearby streets and thus people living in those streets are either unable to get to sleep or are woken up and the impact of this should not be underestimated.

**Littering:** Customers often visit more than one establishment and work their way along "The Strip" this is 300m section of Bawtry Road that has 16 licensed premises on it. The Seasons Restaurant is on that strip and it is highly likely that people will have drinks at different venues before and after going into Seasons. It is therefore inevitable that like many other people they will leave their glasses on the pavement

and walls after they have finished their drinks. It is common that glasses and shattered glass are there the following morning. Not only do customers leave their glasses either empty or full of liquid but they also leave the contents of their stomachs, vomit is not an uncommon site on the pavements between licensed premises. Wickersley Parish Council employ people to clear up the aftermath of visitors having a good night out, however, this is not always possible and is a detriment to the village with all the hard work to make the public realm clean and welcoming being totally undermined.

#### **4. The protection of children from harm**

Wickersley is attractive to both adults and children. This year in the past few months young people have been congregating in the areas with growing numbers 40-50 nights and weekends. The general language and behaviours by some visitors to licensed premises cannot be a good example to young people. The associated health risks associated with alcohol consumption are well documented as are the increased crime statistics.

#### **Conclusion**

We do not believe that the applicant has evidenced at all that their proposal will not add to the cumulative impact within the Wickersley area. The CIZ firmly states it is their obligation to demonstrate that the application is suitable for the area. The Council's own policy states "that the number of licensed premises within Wickersley is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licenses or certificates in the area (Wickersley), and restrict any changes to licensable activities of existing licenses". We therefore urge the Licensing Committee to reject this application.

Councillor Sue Ellis  
Councillor Chris Read  
Councillor Emma Hoddinott

## Representation from Wickersley Parish Council

A licensing application has been sought for the proposed restaurant at the premises to be known as 'Seasons' on Bawtry Road, Wickersley. This application seeks a license to sell alcohol 7 days a week from 11am to midnight Monday to Friday and 10am to midnight on Saturday and Sunday. The license is sought for both inside and outside the premises but there is no indication of the extent of the outside area to be included. Planning permission has been granted for an A3 restaurant use for the ground floor of the premises but this application also seeks a license for the upstairs area from which planning permission has not yet been granted.

Wickersley Parish Council wishes to **object** to the granting of this license on the basis that it would be contrary to the objectives of the recently adopted Cumulative Impact Policy for Wickersley which seeks to prevent any further adverse effects of licensed premises on the local area. The policy has recognised that Wickersley is suffering from the high concentration of restaurants and bars in the village centre which has resulted in a number of adverse effects being experienced by the local population in so far as 3 of the licensing objectives are concerned. These related to public safety through excessive drinking and lack of capacity to move people from the area when the premises close; public nuisance through late night noise and disturbance, litter, broken glass etc; crime and disorder through higher crime associated with the night time economy and anti social behaviour impacting in particular on the higher than average elderly population in Wickersley. There is therefore now a presumption against granting any further licenses unless the applicant can demonstrate that their proposal will not further add to the impact already being felt from the existing licensed premises in Wickersley.

The basis on which the Parish Council considers that the granting of this license would add to the cumulative impact is as follows:

- **Scale** The proposal is for a large restaurant which would have some 62 covers as well as a bar area and serve alcohol until 12 midnight 7 days a week. This would inevitably lead to significantly more people being attracted to Wickersley to eat and drink, leaving the premises late at night, adding to the late night noise nuisance as well as more people lingering while waiting for taxis or public transport to take them home.
- **Outdoor Noise and Activity** Of particular concern is the proposal for the license to be for the outside of the premises as well as the inside. The application does not indicate the extent of the area proposed but is likely include the extensive courtyard at the side of the premises which the applicant also owns as part of the restaurant and bar known as 'The Courtyard'. Indeed the applicant received planning permission last year to construct a large permanent winter canopy over the upper part of that open area as well as other physical changes to the lower section linking through to the side entrance to the Seasons restaurant. The canopy has already been erected and construction is now underway with regard to the laying out of the lower patio area. This investment in the open courtyard area is clearly intended to attract many more customers to eat and drink in this outside area from where noise travels much more easily into the residential streets behind. Indeed, residents from the Grove complain about late night noise

disturbance from the existing premises which already attracts large numbers of customers who congregate in the open courtyard especially at weekends when those premises function solely as a bar. If a license were granted to the Seasons to serve alcohol to customers using the open courtyard area then this would further add to the number of people drinking in that extensive area until late at night, significantly adding to the level of noise being experienced by local residents.

- The proposed bi folding doors shown on the front of the premises also suggests the intention to use the hard surfaced area to the front of the premises up to the public footpath as part of the restaurant offer. This again is of particular concern as it not only means that late night noise nuisance would increase as it would not be contained within the building itself, but it would also mean that passers by could be subject to drunken behaviour spilling out onto the streets. If the outside areas of the premises were to be granted a license then the scale of the business would also significantly increase from the 62 covers shown on the submitted plan to a significantly larger number thus further adding to the cumulative impact being experienced from the existing premises.
- **Track Record** As already stated, the applicant already owns the premises known as 'The Courtyard' which residents frequently cite as a cause of late night noise nuisance. Prior to the current restrictions from the coronavirus pandemic, those premises were very busy especially at weekends and open until 1am despite a condition imposed on appeal in 2010 that requires the premises to close by 12.30 am. Furthermore, local residents frequently complain about not being able to sleep due to music levels until the early hours of the morning despite a planning condition that required self closing doors to be fitted to all entrances to and exits from the premises. This history does not therefore indicate sensitivity being shown towards the local resident population, nor an adherence to the conditions being imposed by regulatory bodies. The Parish Council would not therefore have any confidence that any conditions imposed on a license to control the impact of the business would be strictly followed.
- **Intensity of Use** At present 'Seasons' only has planning permission for an A3 restaurant use which means that the sale of drink should only be in association with the sale of food. However, the trend within Wickersley has been for premises that originally were food focused to become more focused on serving drink especially at weekends irrespective of the nature of the planning permission. This is true, for example, of the premises known as 'Gaslamp' which has an A3 planning consent but which functions solely as a bar in the evenings. It is the premises that operate in this manner that cause the main impacts for the local population with regard to noise, drunken and anti-social behaviour. It also means that the intensity of use of those premises significantly increases because the space is given over to higher densities of people standing. It is therefore of concern that the 'Seasons' would also become more focused on serving drinks during weekend evenings like the other premises in Wickersley due to the difficulty of enforcing the planning requirements. Furthermore, if an alcohol license were to be granted for the outside areas then it would be difficult to distinguish between the customers from the 'Courtyard' who can legitimately be

served only drink and those from 'Seasons' who should really only be drinking while being served food.

- **Concentration of Licensed Premises** 'Seasons' is located on the stretch of Bawtry Road which houses the highest concentration of licensed premises and it would therefore add to the high intensity of impact being felt in that particular area. This concentration of premises also encourages some punters to move between premises on a 'pub crawl' thus increasing the likelihood of excessive drinking. To allow a further licensed premise would therefore exacerbate the public nuisance, public safety and crime and disorder problems already experienced by the local population living on the north side of Bawtry Road.

For all the reasons set out above the Parish Council object to the granting of a license being granted to these premises. The applicant has not taken account of the introduction of the Cumulative Impact Policy and failed to put forward any evidence to demonstrate how his business would operate to ensure it did not add to the existing impacts being felt in this locality. Indeed, the application provides little background information and does not even show the extent of the outside areas for which a license is sought. It is therefore an application that falls woefully short of what is expected from a responsible licensee.

## Representation from Mr and Mrs Malpas – local residents

We are writing to object to the above premises being granted a license. We feel the granting of a license will not take into account additional noise levels under the Cumulative Impact Policy (CIP) for Wickersley.

As local residents of the Grove, including our next door neighbour Mrs Green we already have to endure high noise levels particularly from the Courtyard and other outlets including The Three Horse Shoes, The Olive Lounge, and the Masons Pub. Footfall and cars are another cause of noise.

Every Friday and Saturday night since 2016 when Mr Green took over the Courtyard things have got progressively worse. There appears to be no management control, all we can hear is tub thumping music and screaming and shouting by his customers which generally starts up between 9.30pm to 1am Fridays and Saturdays. This disturbs our sleep as you can appreciate and more often than not we get up and make a drink. This has been reported to Environmental on numerous occasions.

Prior to Mr Green taking over in 2016 there was an order put in place that all doors had to be closed and no music heard in the Courtyard. Now we see Mr Green has put in for a license for his new premises, Seasons on Bawtry Road connecting to the Courtyard and that this will operate 7 days a week until midnight.

This will have an additional impact upon our quality of life, perhaps Mr Green could inform us when we can get a decent nights sleep.

Should the Licensing Authority require any additional documentation, then we will be pleased to forward this to your department.

Regards

Mr & Mrs Malpas

Representation from Mr I Postlethwaite – a local resident

Dear Sir/Madam

I would like to register my objection to the licensing application of Seasons (Wickersley) Ltd, 151-152 Bawtry Road.

This is for the sale of alcohol (via a restaurant) on and off the premises up to midnight, seven days a week.

I have been a resident of Wickersley for 33 years now and have witnessed the steady increase of noise, litter and unruly behaviour attributed to the premises that are selling alcohol.

After attending a meeting in Wickersley library I, and many others, had hoped that there would be action taken to halt this trend.

I live on the Grove so am within earshot of many of the establishments and also have to walk past the debris left behind.

The balance and mix of premises has now tipped too far towards the alcohol selling venues and what attracted people to this area is being eroded.

Best regards

Ian Postlethwaite

Representation from Mrs H Bartholomew – a local resident

Good Evening,

I wish to object to the above Licensing Application on the basis that the recently installed Cumulative Impact Policy for Wickersley has been brought in to prevent anymore drinking establishments to the village. Wickersley is currently over run with bars/restaurants and takeaways. By having yet another licensed premises will result in yet more late night noise disturbance to residents, more litter, more broken glass and more anti social behaviour. Having elderly parents living on The Grove, along with other surrounding residents they have pretty much given up getting any sleep on a Friday or Saturday night for the last 10 years, if its' not the loud music blaring from the Courtyard, it's drunks shouting and screaming at all hours, car doors slamming, driveways being blocked by inconsiderate people who think this is totally acceptable, but lets also not forget about the regular drug use that is being carried out behind the back of the proposed new premises. As already proven, the owner of the Courtyard has a track record with environmental heath, having received numerous visits asking them to turn there music down. I would love my children to stay at my parents house more often, however with the children also finding it hard to sleep, it isn't fair on my parents. Based on this the owner has absolutely no consideration for local residents and I would ask that the council refuse the above licensing application.

Kind regards

Mrs H Bartholomew.