

[REDACTED]

To. Head of Community Safety, Torbay Council, Torquay Town Hall, Torquay TQ1 3DR

We are writing today to object to a premises license being granted being granted to 5 Babbacombe Road St Marychurch Torquay TQ1 3SB

Our Maisonette is situated directly above and behind the shop. We are now retired and have owned our home for 31 years and have been content with living above a shop with limited noise levels but the granting of a premises license would completely ruin our lives.

We always assumed the shop below only had A1 Planning not A3, A4 or A5. Our premises was originally one property and was only separated from the shop a few years before we purchased our maisonette. There is no insulation at all between us and the shop for sound or fire. Our main bedroom and lounge are directly above the shop with only a plaster ceiling, floorboards and carpet between us, the noise levels would be unbearable.

The downstairs walls between us are mainly partition walls again with no insulation. A friend of ours in her eighties stays with us in the ground floor part of our home which is directly behind the shops toilet again partition walls she can hear every time the toilet is used.

Because it was originally one property we share both the water and electricity supply, we fear that large catering equipment would overload the supply. We also fear the anticipated noise levels from extraction fans and bin use, the bins are only two feet away from the downstairs bedroom.

The shop is next to traffic lights and is a no waiting zone we fear constant taxi service picking up people and our entrance door is next to the shop and we worry about customers smoking.

We fear that if permission is granted we will have to try to sell our home and obviously the value will be greatly reduced

[REDACTED]

[REDACTED]

Telephone [REDACTED]

RECEIVED  
20 APR 2023

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Re:063595 Objections  
**Date:** 18 April 2023 23:02:32

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[REDACTED]

Licensing Department  
18th April 2023

Community & Customer Services

Torbay Council

Town Hall TQ1 3DR

Dear Sir/Madam,

Please see the attached re: 063595

Dear Sir/Madam,

Further to our previous email, please accept our apologies re the first/earlier attachment, unfortunately sent with a glitch of incomplete information and text. Below, on this email, the correct correct format, objections and signatories are detailed.

We wish to express our objections and relevant concerns to the application request, Number 063595, for a Premises Licence WITH Alcohol (On and Off premises) at 5 Babbacombe Rd, St. Marychurch TQ1 3SB, as well as our objections to the requested extensive opening times. We, the signatories herewith, are Torquinian siblings with lifelong and continuing direct connections with this immediate vicinity of Torquay. We would be grateful if the attached objections could be viewed and treated as 3 individual representations.

Yours faithfully,

[REDACTED]

[REDACTED]

[REDACTED]

Re: Application Number 063595

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- We surmise, from the application, that the proposed establishment appears to be more in the nature of a take-away rather than a cafe/bistro.
- Although Number 5 is in a row of 4 small lock-up shops, this area of the St. Marychurch neighbourhood is predominantly comprised of residential properties

viz. residential flats/apartments above, family occupied detached houses opposite and flats/apartments to the side and rear. The latter will be affected by cooking smells and noise from the proposed extractor fan.

- The requested application for the extensive hours of opening and the serving/selling of alcohol and food appears excessive and thereby not commensurate with the 3 neighbouring small lock-up shops, who operate on a standard 9am-5.30pm basis, nor commensurate with the adjacent residential dwellings.
- Already sited on the pavement, associated with the various properties, there is a plethora of unsightly, yet necessary, waste bins and we feel that an establishment selling eat-in and take-away cooked food and alcohol will considerably exacerbate this situation.
- The property is situated within just a few metres of traffic lights at the busy crossroad, on the main A379 Torquay arterial road, with no direct adjacent parking. Hence we feel that there will be a potential for customers and delivery/collection services to flout the law by parking on the “no loading, no unloading at any time” double yellow lines, (or even straddling the double yellow road and curb lines by parking on to the pavement, which has been observed precisely at this point). This will be hazardous - a public safety issue - to both those on the highway as well as pedestrians. This situation would be aggravated if a home delivery services (e.g. Deliveroo, Just Eat) were to be provided with frequent pick-ups by motorcycles and taxis.
- We are also concerned about the possible further placement of street furniture (e.g. free standing advertising stand, table and chairs etc.), creating further hazards for residents and pedestrians, as well as the potential disruption and associated noise during the proposed long opening hours.
- Should this establishment potentially be allowed to offer take-away food and alcohol (the former from 7am to 11.30pm and the latter from 9am until 11.00pm, 7 days a week), there will inevitably be an increase in litter being deposited throughout the beautiful area of St. Marychurch and The Downs.
- Placement of bottles and rubbish into containers at the rear of the property, with regard to noise and vehicular access for subsequent collection, will be disruptive to the residents who have legitimate access to the rear of their properties via the private back lane, as well as being disruptive to those residents residing in the apartments at the rear.

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

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**To:** [Licensing](#)  
**Subject:** Re:063595 Objections  
**Date:** 18 April 2023 23:02:32

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[REDACTED]

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18th April 2023

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18th April 2023

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:**



**Subject:**

Fwd: Chubbs 5 Babbacombe Rd Torquay TQ1 3SB Application no. 063595

**Date:**

18 April 2023 17:59:45

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----- Forwarded message -----

**From:**



**Date:** Fri, 14 Apr 2023 at 16:51

**Subject:** Chubbs 5 Babbacombe Rd Torquay TQ1 3SB Application no. 063595

**To:** <[Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)>

Dear Sirs,

With reference to the Licence Application for the above premises.

Whilst I think a deli with off sales would be good for the area if operating within normal shop hours. I do not believe an in house licence would be appropriate for this site.

Reasons being its close proximity to many residential properties and also the funeral service which operates 24/7 365 days a year. There would also be the probability of cooking smells. The premises has a rear door which goes out into a shared yard then access lane. Which in turn goes out onto an area owned and shared by myself and the funeral parlour which is in constant use by them. I would find this causing unacceptable anxiety if patrons used this area thus leading to unacceptable noise and anti social behaviour. There is already a problem on occasions with Lindridge Rd being used by people to relieve themselves.

Yours sincerely,



RECEIVED

20 APR 2023

I have resided at the above address since October, 2001, and wish to lodge an objection to the granting of a Premises Licence for 5 Babbacombe Road.

Reasons for my objection are as follows: -

1. Noise coming from bottles being cast into the large (ugly) commercial bin right outside my window. Also, noise at closing times.
2. The area at the rear where I live houses several elderly people who would not welcome sleep disturbance.
3. The lack of insulation and the fact that dividing walls are thin will mean constant disturbance from flushing of the toilet.
4. In a "No Stopping" area, close to main traffic lights, taxis will pull up, to load/unload customers.
5. Smoking in adjacent doorways.
6. Important to me personally: if permission is given and my friends, [REDACTED] have to sell the property, downvalued by this, what becomes of me?! I love living here, but am now very nervous <sup>of</sup> my future.

**From:**

█

**Subject:**

Licence Application for 5 Babbacombe Rd.

**Date:**

19 April 2023 16:22:14

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Dear █

I am writing in regard to the above application for an Alcohol Licence. The notice in the window of the premises states Chubbs wish to open a Deli with Alcohol between the hours of 9. a.m. - 11. p.m. 7 days a week. It is unclear what the full intention is.

A Deli possibly selling wine with the purchase of cheese etc during regular shop hours would be acceptable

However, these premises are in a close residential area beside a funeral parlor. If the plan is to sell alcohol for consumption on the premises for such extended hours I would suggest there is huge potential for noise and disturbance for these residents.

If this is the case I strongly object.

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█  
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I agree with the above statements



20-4-2023