

TORBAY COUNCIL
31 OCT 2019
COMMUNITY SAFETY

Licensing and Public Protection
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

Ref: License application for The Harbour Light, Paignton Harbour, TQ4 6DU.

As a resident of an adjacent property, we object to the license application on the grounds of Prevention of Public Nuisance. The application is clearly counter to the council's guidelines set out in "Torbay Council's Licensing Statement of Principles 2016" and should be refused.

The Harbour Light borders Paignton Harbour and the Eastern Esplanade. It is intended to install outside seating as part of the premises along the Esplanade to provide an estimated 116 seats in this area. (See <https://www.torbay.gov.uk/council/councillors/public-notices/>, but reproduced here for convenience.).



As can be seen on the plan, this is directly adjacent to a number of residential properties.

The Council's Licensing Statement of Principles 2016 states:

"There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable - 39 - Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused."

As far as we are aware, no such consideration has been given, nor mitigation measures proposed. Certainly, no discussions have taken place with residents of neighbouring properties.

Licensing until midnight would be very disturbing to these adjacent properties, particularly as tables and chairs will then have to be tidied up and put away. There is no practical way that usage could be restricted to, say, 9pm.

Further:

“Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise shall not be audible within any noise sensitive premises with windows open for normal ventilation especially after 23.00hr. The criteria applied, from boundary to nearest residential property are:

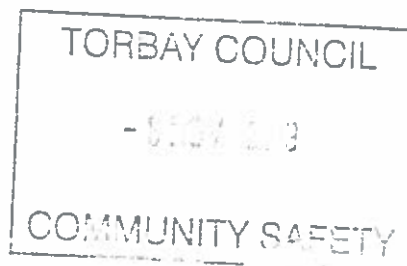
- (i) Before 23.00hr - Noise emanating from the premises shall not be clearly distinguishable above other noise.
- (ii) After 23.00hr - Noise emanating from the premises shall not be distinguishable above background levels of noise.”

Since, unless the sea is rough, the background noise in the area is very low, this could not be sustained.

For these reasons, the application in its present form must be refused.

Yours faithfully,

Laura Wright - Admin, Finance & Performance Leader
Licensing & Public Protection
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR



04/11/2019

Dear Laura

Re. Town and Country Planning Act 1990, Reference: P/2019/1041, Application for Premises License (Licensing Act 2003) to permit the sale of alcohol & play recorded music @ Harbour Lights Restaurant Development, North Quay, Roundham Road, Paignton, TQ4 6DU (St Austell Brewery).

I am writing in response to the public notice as published in the Paignton Herald on 16/10/2019.

As you will be aware from my previous correspondence, I supported the initial application for the regeneration of the Harbour Lights Restaurant.

I have carefully considered the content of the notice in conjunction with the site plan.

Further to this, I would like to put forward the following objections;

- 1.) Excessive noise and anti-social behaviour
- 2.) The proposed additional outside seating (promenade side)
- 3.) Requisite lighting for the coastal path area will be intrusive at night time
- 4.) Loud music being played on the promenade avenue
- 5.) Increased presence of Seagulls (a known pest) attracted to food waste in the external areas

My objections are founded on the basis that my property [redacted] 1 other cottages abut the entire area. I have serious concerns about loud music being permitted outside, especially between the hours of 10 pm until midnight. I do not have any objection to music being played inside the premises or on the North Quay balcony area. Please see the attached plan of which I have marked the areas that apply to my concerns and objections.

The tranquil harbour environment was the main reason I decided to purchase the property and I feel that the proposed seating arrangements (which are additional to the North Quay seating area) will spoil the peace of my home life and result in a loss of personal amenity.

I ask you to sympathetically consider my objection and I look forward to hearing from you in due course.

Yours sincerely

PARADE
GATE.

Boundary including
300' FACE

my category

CLIFF
CARRIAGE

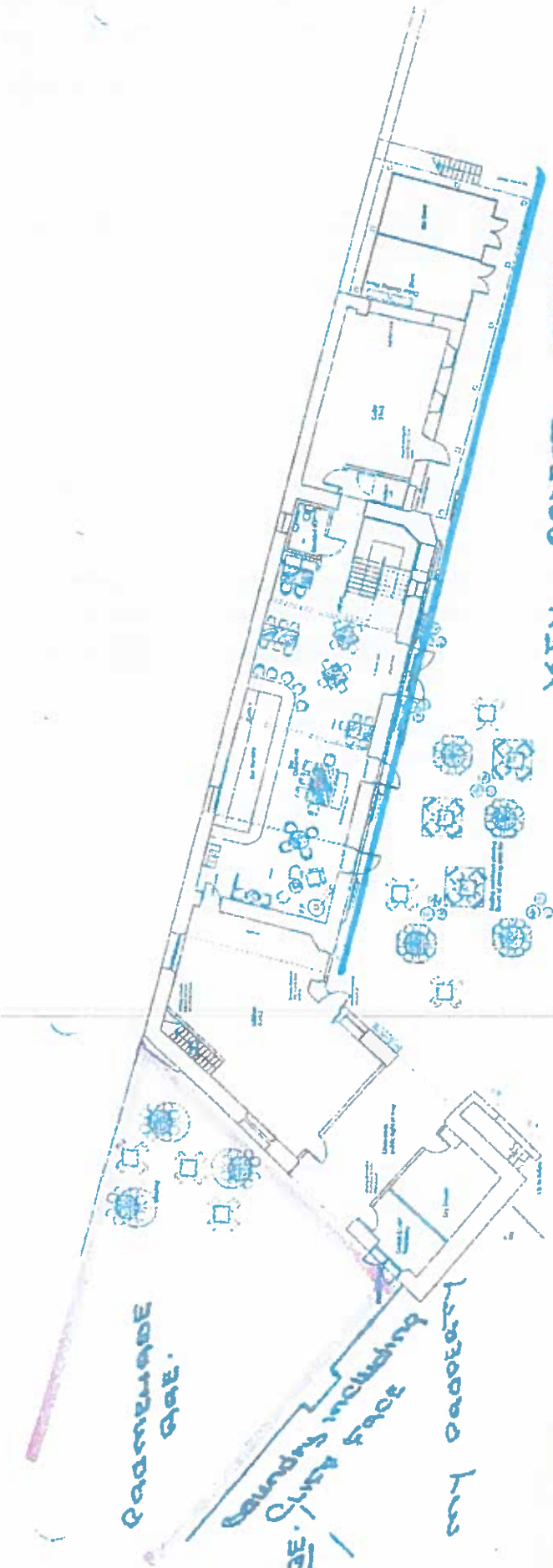
BLOCK A - GROUND FLOOR

KEY - OBSERVATION AREA

10 OBSERVATION AREAS

NORTH QUAY

1000
11000



Executive Head of Community Safety

Torbay Council

c/o Torquay Town Hall

Castle Circus

Torquay

TQ1 3DR



23 October 2019

Re: Objection to Licence Application for Harbour Lights, North Quay, Paignton, TQ4 6DU

Dear Sirs

Not sure if this is the correct address to write to. Can you kindly forward to the relevant department.

As our local councillor, we would like to you know how upset we are about the proposed changes to The Harbour Lights Restaurant

We are most distressed about the request for licencing hours from 10.00 to 00.30 Monday to Sunday. The previous business was a restaurant which kept a lot shorter opening times. Also, everything was inside and therefore very quiet.

We are very concerned about St Austells Brewery wanting to put outside seating along the harbour right in front of our house. We live in one of the three thatched cottages and DO NOT want to have people sitting outside our home, drinking until the early hours.

This will drastically affect our way of life. My husband is a postman and has to get up before 5am every day – how is he supposed to get any sleep if we get disturbed by revellers every night? This is a residential area – how can it be agreed that public seating and drinking is ok to carry on right outside our window?

We have no objection to the restaurant opening but are so distressed about the thought of the outside activity. Where is the consideration for local residents?

- Can the outside seating request be declined in it's entirety?
- What type of seating is planned?
- How many seats are planned?
- Can you guarantee that the seats will be taken in at night?
- Can you guarantee that we will not be disturbed by the noise?
- Can you guarantee that all food/drink/glasses etc are removed from the outside areas regularly?

Please let us have your response as soon as possible

Kind regards