

Ribble Valley Borough Council

Memo

From: COLIN SHARPE
To: DIANE RICE
cc: CATHERINE MOORE
Ref: CS/CMS
Ext: 4500
Date: 19 OCTOBER 2015
Re: PREMISES LICENCE APPLICATION RELATING TO THE GARDEN KITCHEN AT HOLDEN CLOUGH NURSERY, HOLDEN, CLITHEROE

I am aware of the premises licence application as described above that has been submitted by Kate Elizabeth Lawson. The application seeks to extend the opening hours of the premises in order to allow opening on any day between 9am and midnight.

Two of the planning conditions applicable to Holden Clough Nursery are as follows:

- The use of the café and shop shall be restricted to the hours between 0900 and 1830 on any day.
- The use of the lecture room for the giving of lectures/presentations shall be on a pre-booked basis only and shall be restricted to the hours between 0900 and 2100 and visitors shall leave the site no later than 2130 hours on any; except that the lecture room can also be used as an overspill area for the café during the hours 0900 and 1830 on any day.

I am obviously aware that the opening hours could be extended for licencing purposes irrespective of the planning conditions that are applicable to the premises. I also appreciate that the fact that the requested variation under licencing would be in conflict with planning conditions does not represent a relevant objection to the licencing application.

In this particular case, however, I would like to make the point that the site is located in a small rural hamlet and that, whilst planning permissions have been granted to extend the nature of the nursery business (most notably in the form of the café/restaurant) planning conditions have been imposed in order to ensure that the business would not be injurious to the character of the area or detrimental to the amenities of nearby residents. I consider that to extend the opening hours as requested in the licence application would be detrimental to both the character of the locality and the amenities of nearby residents.

I have written to the proprietor of Holden Clough Nursery advising him that, even if the licence application is successful, any operation of the business outside the hours specified in his planning permission would represent a breach of planning control in respect of which he would be liable to enforcement action under the Planning Act.

I would request that these comments are taken into account in the consideration of the licence application (insofar as you are able under the terms of the Licencing Act). Thank You.

[REDACTED]
[REDACTED]
[REDACTED]

Ms Catherine Moore
Administration & Licensing Officer
Council Offices
Church Walk
Clitheroe
BB7 2RA

RECEIVED BY
CHIEF EXECUTIVE

20 OCT 2015

16 October 2015

Dear Ms Moore,

RE: APPLICATION TO VARY A PREMISES LICENCE FOR THE GARDEN KITCHEN, HOLDEN CLOUGH NURSERY, HOLDEN, BOLTON-BY-BOWLAND. No 015579.

I am saddened and angered to be writing to you once again regarding the relentless and pernicious development plans of the proprietors of the above named business.

For your information I have enclosed a copy of a document received from those proprietors in 2013, (the document is undated and was delivered by hand), stating their aims and attempting to assuage the concerns of the inhabitants of the hamlet of Holden as to their future intentions. The highlights are mine. From the evidence of what is before us now, they have quite clearly lied to their neighbours in a devious and underhanded way to further their own selfish intentions. In bold type they state categorically that **"There will be no late night functions as some rumours have suggested and certainly no loud music late at night"**.

We are already subjected to traffic entering and leaving the premises throughout the day. The noise of tyres spinning, doors slamming, alarms sounding, kids screaming and conversation held by visitors that can probably be heard a quarter of a mile away. Just consider that, it really does add something to a sunny Sunday afternoon relaxing in my garden!

A short while ago a helicopter landed in the croft to the rear of my premises, (the noise was horrendous), and adjacent to The Garden Kitchen, its passengers visited the establishment and were later seen off by the proprietors of the establishment – perhaps the next application will be for the construction of a heli-pad!

There are numerous reasons why you ought not to be encouraging/facilitating the development of a business in this location, here are some of them.

- Holden is a quiet rural village located in a beautiful part of the Ribble Valley and certainly not an appropriate location to develop a 7 days a week, late night drinking and dining establishment. There are already two establishments in the area providing similar facilities, The Copy Nook and the Coach & Horses (presently being renovated), therefore a 3rd late drinking facility appears to be one too many.

- There is restricted vehicular access to the premises presenting a real danger to visitors and residents alike, particularly late at night. The available lane width is restricted to one vehicle in places. This development, if allowed, will result in an increase in traffic and likely conflicts in traffic movements.
- The approach lanes to the establishment are in constant disrepair from potholes and surface scaring caused by poor repairs and maintenance of affected surfaces and will be subject to further and faster deterioration if traffic flows increase.
- Local vehicular traffic includes farm tractors and trailers, tankers collecting milk and feed tankers visiting farms in the area.
- On the western boundary of the property begins a "Quiet Lane" the purpose of which is to encourage walkers, cyclists and children to use the area for recreational purpose. Commercial development in the vicinity can only bring motorists and pedestrians into contention with appalling consequences

My wife and I are specifically affected by the dust thrown up from the loose top surface of the Garden Kitchen car park which predominantly blows in our direction. It forms a dust layer on or cars, garden furniture and path ways and is a continual nuisance which will be exacerbated by increased traffic. The roadway outside of the car park is always coated with this material which when wet makes a dangerous slippery surface for traffic using the lane.

We are affected by the high output, amber, street/car park lighting that shines through our kitchen window – during winter months from 6:00am to midnight if this application were to be approved. The once dark skies have been replaced by a city center like amber glow, reminiscent of a Tesco car park, in the hamlet of Holden, totally out of place, totally out of character with the accompanying decimation in amenity values.

All things considered, we urge you to turn down this application.

Yours sincerely,

George T Brookes & Lorraine Brookes

(holden clough licence oct15.docx)

2013

HOLDEN CLOUGH

EST 1927

NURSERY

**Holden
Bolton-by-Bowland
Clitheroe
Lancashire
BB7 4PF
Tel: 01200 447615**

Dear George & Lorraine

We are just writing to you in light of our recent application for the sale of alcohol, and playing recorded and live music at the nursery. You will all be aware that we are on track for opening our tea room this Spring and we are intending to sell alcohol like any other establishment in the area, but it has come to our attention that there has been some slight confusion and concern with regard to the 'Live Music' part of the application. Last year at the open weekend we had a guitarist on the patio playing and singing all afternoon, well to technically do this nowadays you have to have a live music license! We do not intend to be holding the next Glastonbury at the nursery nor do anything else which would detrimentally effect the village. We have as a result removed the 'Live Music' application from our license and will carry out such events like the open weekend by purchasing a temporary live music license. We apologise for any confusion created by this and look forward to seeing you again in the coming weeks!

Best Wishes

John & Kate

John and Kate



Further to recent concerns that have been raised among the village we feel it necessary to clarify all matters that have arose and set the record straight!

Alcohol, Live Music and Recorded Music License

As many of you will have seen or heard we have applied for a premises license to carry out the above activities.

Alcohol - we feel is self explanatory and is only for the consumption between the hours of 09:00-17:00hrs any day of the week as it is seen as standard nowadays at any food establishment.

Recorded Music – Low level background music to listen to whilst eating in the tea room

Live Music – This is where ‘wires have been crossed’ and our intention was only for a single guitarist in the daytime on our open weekends once or possibly twice per year. There was concern with the fact that if someone else took over the business in the future then this could have been used inappropriately. The live music license has therefore been **removed** and events such as the open weekend will be justified by attaining a temporary licence for the day concerned. **No rock bands and no loud music at night time!**

Car Parking

There is currently planning application which relates to extending the existing car park to allow parking for the lecture days, which are low key and no relation to the normal business function

My father ran the nursery for 30 years on a basis where he felt that parking cars on the road was not just suitable but perfectly acceptable. I **do not** believe the same!

Farm Shop

With us cooking our own produce in house and using a range of ingredients sourced from local suppliers we feel that it will be a benefit to the village to provide a small shop in the building selling essential items such as milk, vegetables, bacon etc. We will all agree that the surrounding area is lacking a shop of this kind and prior to 1980 ‘Mear Croft’ next to the nursery used to be a small shop selling such items. This is not a new idea and was thought about in the planning application for the tea room, please see insert below

S 12 Policy T1 Transport and Mobility

In making decisions on development proposals for local planning authority, it shall have regard to the following factors:

- the availability and adequacy of public transport to serve those moving to and from the development;
- the relationship of the site to the primary route network;
- the provision made for access to the development by pedestrians, cyclists and those with reduced mobility;
- proposals which promote development within existing developed areas or locations which are highly accessible by means other than the private car;
- proposals which strengthen existing town and village centres which offer a range of everyday community shopping and employment opportunities by protecting and enhancing their viability and vitality;
- proposals which locate developments in areas which maintain and improve routes for people to walk, cycle or catch public transport rather than develop areas where homes and facilities which they need to visit regularly.

In relation to Policy T1 the following factors are relevant:

Public transport is very limited throughout the AONB however the site lies only 3km from the A59 so traffic movements within the District's rural roads are minimal

Within the development provision will be made for cycle storage and full disabled access to all areas

The proposal will strengthen Holden village in terms employment provision and services. Holden village has no shop at this time. The site will include a small 'farm shop' area for local meats and vegetables

Since the nursery was established in 1927 times have changed and the recent need for business to diversify in these times of economic downturn has never been more apparent and just selling plants is not enough to get customers through the gates regularly and keep the business sustainable.

What is the core business?

Our core business will always be plants! There are enough garden centres in the area selling everything from plants to pergolas, and BBQs to bedrooms. Outside of the new building the nursery remains the same, selling 95% plants, and the other 5% being compost and gardening essentials such as fertilizer etc. The lecture room allows us to run gardening related courses on various subjects, plus it allows us to look at working with the local schools in helping to educate children into becoming interested in gardening and working with plants, and finally the small farm shop is to help generate a regular local customer base and provide a facility that is essential in a rural area.

Evening Lectures

You may not have noticed but over the last couple of years we have occasionally had gardening groups visit the nursery on an evening for a small talk and a tour of the site. The nursery can open the lecture room on a pre booked basis until 9pm. ~~Now please make it clear that our sole intention~~
~~of the evening is to have a small talk and a tour of the site and to have a small~~
~~meal in the evening. The lecture room will be open until 9pm, and~~
~~the lecture will be booked on a pre booked basis until 9pm. There will be no late~~
~~night functions as some rumours have suggested and certainly no loud live music late at night!~~

From the start we have had the vision and drive to re build an established business that needed a lot of TLC, but we understand that it is a business at the heart of the village and upon taking on the challenge we realise that the developments have to blend into the surroundings and be sympathetic to the village. We are a young couple and see ourselves not just as the couple who run the nursery, but also as residents of the village. During our developments it has always been in the forefront of our minds as to how we can carry out our work on improving our business whilst still maintaining a good relationship with the locals by keeping everyone informed of our plans. We realise on this occasion if we had come round with our proposed car park extension and licensing plans the confusion could have been avoided and this wouldn't have led to our plans for the nursery being exaggerated and blown out of all proportion!

We look forward to showing you all the new improvements at the nursery in the coming few weeks and are sure you will all see that our true intentions still lie where they always have been.

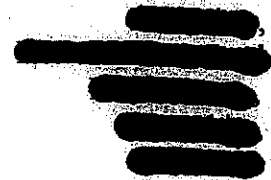
Kind Regards

A handwritten signature in black ink that reads "John & Kate". The signature is written in a cursive, slightly slanted style.

John and Kate

RECEIVED BY
COUNCIL OFFICE

23 OCT 2015



22/10/15

Dear Catherine,

Ref. Holden Clough Nursery.

I write to you regarding the proposed extension of the premises licence at Holden Clough Nursery.

These last few days I have been contacted by several of the local residents regarding the above, all who are worried about the effect and damage to the locality. People in the neighbouring houses are already suffering from disturbance from children and adults talking loudly or shouting to each other, car doors being banged shut and sometimes noise from within the garden café going on until late and occasionally until midnight.

Most people were behind the garden and café business when it started, pleased to support a local man and his future, and after the building work was finished there was very little harm or noise in this little hamlet.

But, as the first extension to the opening hours were given and the place got busier, problems were created for the local residents.

There already traffic and noise complaints so may be it is time to listen to the concerns of the local people who live here and say no more extensions to opening hours. I believe there is already provision for up to 15 late nights with a temporary event licence. As requested by local residents I would like to oppose the extension.

The relevant reasons being, Public Nuisance, Public Safety, a shortage of off road parking, and highway issues on a narrow lane, and possible harm to children on dark nights

Yours sincerely,

Rosemary Elms Cllr
Ribble Valley Borough Council

[REDACTED]

The Administration & Licensing Officer,
Ribble Valley Borough Council,
Council Offices,
Church Walk,
Clitheroe,
Lancashire
BB7 2RA.

23rd October, 2015

Dear Sir/Madam,

Application of Variation of Premises License: The Garden Kitchen, Holden Clough Nursery

We note the above-mentioned application and wish to make a number of representations concerning it.

Those involved in the variation application for the premises in 2013, and the subsequent hearing, may recall that residents objected strongly to the extended hours being sought at the time, on a number of grounds connected, in the majority of cases, with the licensing objectives. The variation sought in 2013 was for the various regulated activities to continue until 9pm, and only in circumstances where pre-booked events had been arranged.

This fairly limited variation was, itself, controversial enough that the licensing authority was unable to come to a decision on the day of the hearing (as parties had been led to expect would happen), since it was abundantly clear there were real concerns regarding the objectives. In an attempt to be supportive towards a local business rather than simply block its growth, we proposed a number of compromises during and prior to the hearing, including a suggestion that the "pre-booked events" in question would be limited to presentations and lectures of a horticultural nature – partly because this was what residents had been promised both in person and in planning applications since the inception of the Garden Kitchen planning and licensing process¹, but primarily because limiting evening events to those of this nature would go some way to preventing the hamlet from being overrun by large, noisy and drunken groups of people, in clear contravention of the public nuisance licensing objective.

During the hearing, the applicant's legal representative argued that the nature of the events to take place during the hours in question was not relevant, a line of argument flatly contradicted by all relevant guidance on this subject, both local and national (see citations below). The applicant's legal representative also relied on the somewhat bizarre assertion that it was not unusual for licences to be granted locally in similar rural locations. Given the unique nature of the location of the premises, this was clearly unlikely to be accurate, at least in recent years, Holden being not only rural and within the AONB, with the corresponding expectation of peace and tranquillity that this entails, but also a hamlet with a number of residences adjacent to, opposite or in close proximity to the premises in question, which until recently operated solely as a nursery. In areas where pubs and restaurants have existed for some time, residents have long been aware of the impact such establishments have on their amenity. Such areas are, in effect, already impacted. Holden is not in such a position; it remains, on most evenings, at least, a haven of tranquillity. The impact of the proposed licence variation is to strip this away in its entirety.

¹ For instance, with respect to the original planning application which only allowed for evening opening on the basis of this assertion – "lectures in the evening", as per the Delegated Report for Application 3/2011/0838/P

[REDACTED]

In spite of the clear flaws in these arguments, the Licensing Authority ultimately granted the variation requested, albeit with a number of conditions relating to noise management included, presumably on the assumption that the 9pm limit and the requirement for events to be pre-booked would mitigate the damage caused, and also noting the assertion that there was no intention for regulated activities to go on any later or form a significant part of the applicant's business on the site. Residents subsequently received legal advice that a court challenge to the grant of the variation was viable and would have a reasonable chance of success, but ultimately decided to give the applicant the benefit of the doubt. This decision was bolstered by the actions of Ribble Valley Borough Council's Planning Committee, which decided, only weeks later, to insert a condition into the applicant's planning permission with the effect that pre-booked evening events would be limited to lectures and presentations – the same stipulation that the Licensing Committee had chosen not to include².

We were genuinely surprised, given how "close-to-the-edge" the application for activities up to 9pm during pre-booked events only was at both Licensing and Planning stages, and in the light of the frequent assurances residents were given that there was no intention to go beyond this, to note (without warning or consultation) the new application to allow activities until midnight, every night, without any kind of limitation at all. Despite having been through all of this before, it appears that we must once again rehearse the arguments as to why evening regulated activities in this location are both inappropriate and entirely contrary to the Licensing Objectives.

Holden is a tiny, quiet hamlet with a number of residential properties in close proximity to the site. Evening events, in such a small place, are very disturbing indeed, with numbers visiting far exceeding the entire population of the hamlet, and bringing the disruptive levels of noise one would expect in such circumstances. Events run until late based solely around food, music and alcohol are utterly inappropriate for the location and extremely detrimental to local residents, and run counter to a number of licensing objectives (principally the prevention of public nuisance, but also, potentially, crime and disorder and, with the increase in night-time traffic and drunkenness on a narrow, twisty designated Quiet Lane, a threat to public safety), as well as the additional "key aims and purposes" of the licensing regime. Indeed, evening events that have already taken place at the site under the TENs regime have caused significant noise and nuisance, with party-goers gathering in large groups for significant periods outside the venue and producing levels of noise that would be considered unacceptable in a town centre, let alone a rural hamlet³. All of this has resulted in complaints to the applicants, but at least, as things stand, we can rest assured such events are limited in number by the TENs regime itself, and that occasional searches of the Premises Register will provide warning of when such events will occur. The current application, however, proposes to do away with such restrictions, which would change the nature of the venue itself, the activities provided there and the clientele, and as the TENs events have shown, allow free reign to significant public nuisance. If these concerns were sufficient to consider blocking or heavily restricting an application for regulated activities until 9pm for pre-booked events only, how much more so for unrestricted events until midnight every night?

² Application 3/2013/0408, Revised Condition 4:

"The use of the lecture room for the giving of lectures/ presentations in accordance with this permission shall be on a pre-booked basis only and shall be restricted to the hours between 0900 and 2100.....",

revising pre-existing Condition 4:

"The use of the lecture room in accordance with this permission shall be on a pre-booked basis only and shall be restricted to the hours between 0900 and 2100...."

³ Indeed on one such occasion, revellers were competing in the volume they could produce from their car stereos.

[REDACTED]

With regard to the legislation and guidance on this matter, there are a number of supporting statements from the March 2015 Revised Guidance in respect of s182 of the Licencing Act (the "Guidance"), the Home Office Pools of Conditions (the "Pools") and the Ribble Valley Statement of Policy (the "SLP"):

Importance of Location of Premises, Nature of Activities, Clientele

- Guidance, 1.16 and 1.26: "type, location and character of the premises";
- Pools, Core Principles: "nature, type and location", "activities" and "clientele" are all key considerations;
- SLP 7(3): authority to take into account "style, characteristics and activities";

Impact on Residents Falling within Public Policy Objective

- Guidance, 1.5: "protecting the public and local residents from...noise nuisance" a "key aim", "vitally important";
- Guidance, 2.14: important for authority to focus on "the effect of the licensable activities at the specific premises on persons living and working...in the area around the premises" – including "noise nuisance";
- Guidance, 2.15: public nuisance carries its "broad, common law meaning", which includes "the reduction of the living and working amenity and environment of other persons living and working in the area of the licenced premises";
- Guidance, 2.17: with regard to noise, "the approach of licensing authorities and responsible authorities should be one of prevention";
- Guidance, 8.34 and 8.36: in promoting the licensing objectives, and with particular regard to noise and public nuisance, applicants should take into account "proximity to residential premises";
- SLP, 4: Licence holders to display "sensitivity to the potential impact of activities on local residents"; authority to act in a way that "protects residents from detrimental effects" – including noise;
- SLP, 7(3): Council to "examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of residential accommodation";
- It is to be noted that the issue regarding imposition of artificial opening hours creating a concentrated risk of disorder is designed to be taken into account in town centres with multiple licensed premises closing at similar times, and is not an appropriate consideration in this rural location.

Public Safety

- Guidance, 2.6: responsibility regarding "prevention of accidents and injuries...";
- Guidance, 2.7: matters to be considered include "Ensuring the safety of people when leaving the premises".

The SLP also notes (8), regarding the interaction between Licensing and Planning functions, that licensing applications should not be used to "rerun" planning applications. Given the Planning Committee, with the restriction noted above, have sent a clear message that even pre-booked events until 9pm are not sufficiently restricted, we fail to see how they can be expected to agree to allow the premises to remain open in accordance with the variation sought here. The SLP goes on to point out that in general, planning permission should have been obtained prior to the licensing objective. If the true purpose of this application is to nudge the planning authority towards acceptance by demonstrating capitulation at licensing stage, we very much hope the licensing

[REDACTED]

authority will not give the applicants this opportunity. If the view of the licensing authority is that the nuisance element can be more effectively addressed by the authority's planning function, it may be pertinent that the applicants have already chosen not to abide by their current planning constraints with regard to evening events on multiple occasions; as noted above, planning permission permits "use of the lecture room in accordance with this permission ... on a pre-booked basis only and ... restricted to the hours between 0900 and 2100", and (contrary to the impression residents have been given) licensing under the Temporary Event Notice does *not* obviate the requirement to obtain the appropriate planning consent. On that basis, therefore, the licensing authority should be aware that granting of the variation sought would, even absent the appropriate planning consent, be sufficient to completely change the character of the premises, clientele and events and bring a significant increase in the nuisance caused.

Whilst we are not prepared to accept a proposal that would impact our lives so significantly, we are not against growth in a measured and manageable fashion, where such growth does not directly cause nuisance. On that basis, we would be prepared to consider a compromise position whereby licensable activities at evening events until midnight would be limited to a certain number per year (a dozen seems reasonable), on a pre-booked only basis, and where (in accordance with the current planning permission, and to ensure the character of the venue, activity and clientele is not radically changed so as to pose a clear public nuisance), the event or activities are in connection with a gardening lecture or presentation.

We have taken and will continue to take further legal advice in relation to this matter, and reserve our position pending your decision. We trust the points we have raised will be taken into account when a final decision is made.

Yours faithfully,

Joel and Sarah Hames-Clarke, [REDACTED]

RE
CHI

26 OCT

[REDACTED]

The Administration & Licensing Officer,
Ribble Valley Borough Council,
Council Offices,
CLITHEROE BB7 2RA

22nd October 2015

Dear Sir,

Application of Variation of Premises License: The Garden Kitchen, Holden Clough Nursery

We object to the above application and wish to make the following comments.

Living in close proximity to the above premises, I have considerable concern regarding this application. I am, however, sympathetic to the aim of making a success of a local rural business provided the correct restrictions are in place. Without such restrictions, however, the application will prove to be far more problematic than the premises already are to the residents of Holden.

I understand the legal position is that acceptance of this variation would then be subject to planning considerations. I also understand that since we are dealing with separate legal entities it is common practice to first apply for licensing acceptance and follow this with a ~~variation~~ variation to current planning arrangements.

So by accepting this variation to the current premises license, we are in fact faced with at least two totally unacceptable planning situations.

Firstly

If Planning application 3/2013/0408 is deemed to be adequate for these premises, we are still left with an unacceptable situation.

The restriction of hours for **Café and Shop** would appear virtually unaffected with alcohol only permitted up to 17.00 hrs.

However, even if the current planning restrictions were still enforced the new proposed Premises License would most significantly alter the situation with respect to the **Lecture Room**. Times of opening would still be restricted to 21.00 but now, with the supply and consumption of alcohol on the premises. Whilst there has been reluctant acceptance of events with alcohol allowed under the Temporary Events License arrangements, they have served to demonstrate the significant increase in public nuisance.

Once alcohol is introduced the whole nature of the venue is changed, as are the activities and the people who attend. The premises can then be used for a succession of social events with no reference to garden related subjects at all.

Evening events, some aimed at attracting young 'party goers', have already taken place under the Temporary Event Notice License. These events have shown to create a significant amount of public nuisance, with people gathering outside the premises for substantial periods of time and producing unacceptable levels of noise of all kinds. Evening events in such a small hamlet are very disturbing. These levels of noise would be considered unacceptable in a Town Centre let alone a quiet hamlet. Events based solely around food, music and alcohol are utterly inappropriate for the location of the premises and run counter to a number of licensing objectives principally the prevention of public nuisance.

Furthermore, people having consumed alcohol are less able to drive sensibly and will create a safety hazard on narrow country lanes already experiencing a substantial increase in traffic. Taxis, mini buses and even large buses have been used to bring people to events further adding to the congestion on the lanes.

All of these problems will be a consequence of approving the variation to the Premises License whilst maintaining the current planning constraints.

Secondly

If on review, planning now or in the future relaxes the present arrangements to allow activities within the limits of this new premises license, the whole nature of the business could and almost certainly would change the business out of all recognition in the future.

In this situation the premises could be open to the public 365 days a year for music, food and the supply of alcohol all day from 09.00 to Midnight.

The potential escalation of activities as a consequence would virtually destroy the nature of a peaceful hamlet. It may be argued that this is not the intention.

However, we were assured by the current proprietors that the planning was only sought for a tea room to complement the nursery and a lecture room to, I quote 'run garden related courses and helping to educate children into becoming interested in Gardening and working with plants.' We were assured that this was the sole intention of the use of the lecture room in the evening.

I quote,

'There will be no late functions as some rumours have suggested and certainly no loud music late at night'

The actual escalation of activities makes it abundantly clear that assurances given at the outset have been totally disregarded in pursuit of business objectives and the evidence thus far suggests there is every reason to assume this will continue

It is therefore clear, that current planning permissions do not prevent a totally unacceptable expansion of activities. The potential for relaxing planning constraints is real with the opportunity and even greater threat of changing the business out of all recognition. The resulting increase to safety and expanding nuisance problems are highly probable and is clearly evidence based on events that have already taken place.

Holden is a small, rural hamlet in an area of outstanding natural beauty with a number of residences adjacent to, opposite and in close proximity to Holden Clough, which until recently operated solely as a nursery.

We feel that both the current planning and licensing arrangements are more than adequate for an acceptable business activity in this location. This is particularly true with the Temporary Events License as an option. Moreover, this business, which has been imposed upon us has with some reluctance, been accepted by residents. I have no problems with business expansion but surely all businesses have to operate with constraints.

However, the outcomes I have outlined as a consequence of accepting this license variation are completely unacceptable and I urge the Licensing Committee to reject this application

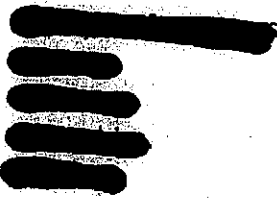
It is not only the interests of a business, which should be considered but the local people who live here and work. Families with children and the elderly also deserve your consideration and protection. We should not have to be bombarded by unacceptable noise caused by music, partygoers or late night transport arrangements.

Yours faithfully,

Carole Willock



Carole and Ian Willock



25th October 2015

The Administration & Licencing Officer
RVBC,
Council Offices
Church Walk,
Clitheroe,
BB7 2RA.

Dear Sir

Application for variation of Premises Licence

The Garden Kitchen, Holden Clough Nursery, Holden, Clitheroe BB7 4PF

I am writing to record our objection to the above application and make representations against it.

Living in the tranquil hamlet of Holden, we are sympathetic to the applicant's aim of trying to develop their nursery business, we admire the owners drive in making a successful nursery. The continual development of the nursery (Garden Kitchen) and into a restaurant, it now requires a alcohol licence from 9am through till midnight 7 days a week, with this a full music licence to cover the same time periods.

We are in close proximity to the Nursery and constantly feel the impact, not just from the noise and smells produced, the increased footfall through the Holden and right in front of our property, the increased road traffic not just from cars but also from coaches, this is a small hamlet and many of the properties are built next to the road the increased vibrations are felt through the houses, this is not helped by the single lanes to Holden and through the hamlet.

I would also like to bring to your attention that in 2013 RBVC revised the conditions of planning permission to restrict the hours of the café and shop to 0900 – 1830 on any day. Similarly, use of the lecture room was restricted to pre booked basis only, and hours limited to 0900 – 2100 with visitors leaving the site by 2130. The reason given in both cases was that "uses of these elements of the business outside these hours could prove injurious to the character of the area and detrimental to the amenities of the nearby residents". An additional condition regarding signage indicating how a control mechanism will be put in place on local residents was imposed by RBVC "to protect adjacent residential amenity in order to minimise any possible noise.

It seems that the application for a variation to have live music, Recorded Music, Alcohol and Opening hours running between 0900 and midnight on any day flies in the face of the conditions previously imposed, and ignores the reasons for those conditions and the spirit of looking after the amenities of the local residents. I am not aware of any discussions having taken place between

local residents and the applicant, which shows a lack of care and respect about resident's interests.

In 2013, the applicant wrote a letter to many residents, to which we were one, explaining the reasons for their earlier application to have licence to sell alcohol, music, late opening etc. and reassuring us that it was never their intention to do this on a regular basis. That assurance would now seem to be worthless, and again shows lack of concern for residents. I am not well versed in the protocol of these applications, but it is normal to apply for the licencing prior to gaining planning permission, or is this a tactic to pressurise for planning acceptance should the licence be approved.

The lane from Copy Nook and into the Hamlet is already carrying far more traffic that it should, due to cars carrying cyclists up to Stocks forest and of course, nursery traffic. Opening until midnight, selling alcohol and provision of live and recorded music is obviously going to mean more traffic hammering up and down the lane in and out of Holden.

Being extremely close proximity to the nursery we are seeing the issues daily, staff are parking on the lane as the car park has not enough capacity, this causes traffic issues on the road, and also affects our access to our property.

We have small children and are ever aware of the now busy road, the noise tends to quieten down after 7pm however there has been occasions where it has been a lot later, this will become more frequent if the applications are granted, we also are concerned that the music will be loud as you cannot dampen a live band or the revellers, this will undoubtedly be heard at our property causing noise disturbance and with small children this will have an impact on them.

I have sent letters before explaining our concerns all the points above were made last time,

In its current location it just isn't suitable to have a late night venue, and is no longer in keeping with the hamlet.

As young family, we have already experienced an increase of traffic and noise, this was a concern when the original planning was sought, and we signed a local community letter listing the aforementioned concerns. Planning still went ahead.

We therefore wish to object to the proposed extended alcohol licence from 9am through till midnight 7 days a week, with this a full music licence to cover the same time periods. Because of highway safety, increased noise disturbance and reduced residential amenity, particularly on Saturday and Sunday evenings and Bank Holidays.

Yours faithfully,

Graham Macmillan
Eng Tech, AMSOE AMIRTE

Administration & Licencing Officer

RVBC

Council Offices

Church Walk

Clitheroe

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
25/10/15

Sir,

I would like to raise an objection to the Application for the Variation of a Premises Licence in respect of the Garden Kitchen in Holden.

My reasons for objection are stated in the printed email below which I sent to ensure my views were heard.

Yours faithfully



Ian Daws

From: Ian Daws [REDACTED]
Subject: Garden Kitchen, Holden Clough Nursery
Date: 25 October 2015 20:17
To: marshal.scott@ribblevalley.gov.uk, cllr.hirst@ribblevalley.co.uk, cllr.alcock@ribblevalley.gov.uk,
john.macholic@ribblevalley.gov.uk

Sir, I would like to lodge my objection to the variation of premises license at the Garden Kitchen in Holden.

It has not been well publicised, however I understand an application to extend the hours which the Garden Kitchen can be open, serving alcohol and for live and/or recorded music to midnight on any day of the year is to me, a Holden resident, unacceptable.

I completely understand the need for local businesses to develop and have been supportive of the Nursery's activities to date. However I feel this variation introduces a diversion of its status as a rural gardening business in the midst of a quiet hamlet, to something else which is completely incompatible with its surroundings. The introduction of a late night opening facility with the service of alcohol and playing of music has the potential to destroy the very fabric of the community that hosts it. Late night noise and traffic through tight country lanes, in addition to the prospect of anti-social behaviour in the hamlet is completely at odds with the quiet enjoyment I and the other residents expect and form the very reason we choose to live there. It appears as though the motive is not as a rural enterprise integral with its surroundings, but merely as an entertainment establishment regardless of the desires of the surrounding community. Parking, additional noise and traffic are already areas of concern. Extending operating hours just compounds those flash points.

For both visitors and locals there are existing establishments offering late night food and drink within a short walk away that are well established and serviced with more appropriate infrastructure.

I live in the community, can see how the nursery has developed over the last few years. I see this further application as a blatant move to develop an incompatible business that will destroy the community amongst which it sits. I therefore urge you to reject this application to extend the opening hours, licensing and the playing of live and recorded music.

Best regards

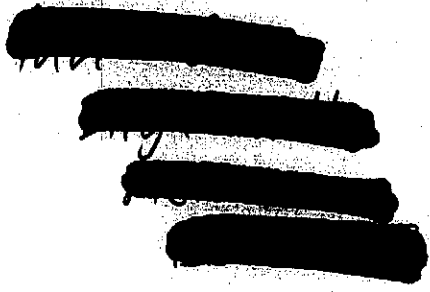
Ian Daws

[REDACTED]
[REDACTED]
[REDACTED]



Sent from my iPhone

The Administration & Licencing Officer ,
Ribble Valley Borough Council ,
Council Offices ,
Church Walk ,
Clitheroe ,
Lancashire BB7 2RA



20th October 2015

Dear Sir ,

**Application for Variation of Premises Licence
The Garden Kitchen , Holden Clough Nursery , Holden , Clitheroe BB7 4PF**

I wish to register my objection to the above application and make representations against it . Living in the tiny and erstwhile tranquil hamlet of Holden , I am sympathetic to the applicants' aim of trying to find ways of further developing their Nursery Business . I admire the way the Nursery has been improved and smartened up over the last few years . I was supportive of the original wish to develop a facility where tea and cakes could be offered to visitors to the Nursery . However , the continual development of this idea has resulted in the Garden Kitchen becoming not just a full blown restaurant , but also a much bigger business than the Nursery itself . With the business being located in the centre of the hamlet , it is important that the interests and rights of the residents to be able to enjoy their properties in an unhindered way is maintained .

It should be noted that in 2013 the RVBC revised conditions of planning permission to restrict the hours for the use of the café and shop to 0900 – 1830 on any day . Similarly , use of the lecture room was restricted to pre-booked basis only , and hours limited to 0900 – 2100 with visitors leaving the site by 21.30 . The reason given in both cases was that "use of these elements of the business outside these hours could prove injurious to the character of the area and detrimental to the amenities of nearby residents" . An additional condition regarding signage indicating how a control mechanism will be put in place to minimise the impact on local residents was imposed by RVBC "to protect adjacent residential amenity in order to minimise any possible noise disturbance."

It seems that the Application for a Variation to have Live Music , Recorded Music , Alcohol , and Opening Hours running between 0900 and midnight on any day flies in the face of the conditions previously imposed , and ignores the Reasons for those conditions and the spirit of looking after the amenities of local residents . I am not aware of any discussion having taken place between local residents and the Applicant , which shows a lack of care and respect about residents' interests. In 2013 , the Applicant wrote a letter to many residents explaining the reasons for their earlier application to have licence to sell alcohol , music , late opening etc and reassuring us that it was never their intention to do this on a regular daily basis . That assurance would now seem to be worthless , and again shows lack of concern for residents . I am not well versed in the protocol of these applications , but is it normal to apply for the licencing prior to gaining Planning

Permission , or is this a tactic to pressurise for Planning acceptance should the Licence be approved ?

The lane from Copy Nook and into the hamlet is already carrying far more traffic than it should due to cars carrying cyclists up to Stocks forest and of course , Nursery traffic . Opening until midnight , selling alcohol and provision of live and recorded music is obviously going to mean even more traffic hammering up and down the lane in and out of Holden .

Parking is already a problem with some Nursery staff and visitors parking regularly on the roadside and thus making it difficult on occasion for residents to get past . With the Garden Kitchen intent on turning itself into a "pub" or "club" , the pressure on parking will get much worse and the on-road parking will feature more strongly and continue to midnight .

In order to comply with insurance and health & safety , strong car park lighting will need to be on at night which will be very unpleasant for residents in the neighbouring houses .

The visitor profile will change in the evening . Those wishing the music and alcohol are likely to be much younger and more boisterous , than those taking tea and cakes in the afternoon . There will inevitably be some incidents of drunkenness with both the noise and other elements of unpleasantness that go with it . We could easily have groups of young revellers prowling up and down the hamlet causing damage to vehicles , property and even farm stock . Who will be able to control any trouble or disturbances ? The police are already stretched for resources . Rural crimes like rustling , poaching and barn break-ins are on the increase .

More traffic , particularly at night will lead to more accidents . When that happens visitors will complain about lack of lighting . Younger clientele is likely to equate to faster driving on the lanes with attendant chances of bumps or much worse .

We have a number of drinking establishments in the area (but not in the hamlet) such as Copy Nook , Spread Eagle and of course Coach and Horses in Bofton By Bowland , although temporarily closed at present . A major problem for the applicants business is it's very location . It is physically difficult to expand it due existing curtilage , and to change the nature of it from Nursery to Night Club is totally inappropriate to a quiet hamlet in an area outstanding natural beauty .

For the sake of clarity , we know from a recent questionnaire in connection with Neighbourhood Plan , the overwhelming majority of those resident in Holden , do not want road widening , street lighting , yellow lines , car parks or anything out of keeping with the character and rural aspect of the charming , sleepy hamlet we have chosen to live in . Allowing the Kitchen Garden to have music , alcohol , and up to midnight opening is not wanted , not necessary and not welcome .

I trust you will take my representation into consideration , particularly in respect of traffic , parking , noise , lighting , and the boisterous younger visitor that is likely to be attracted by these licences to come out to Holden at night .

Yours Faithfully ,



REF
CHP

26 OCT 2015

FA

The Administration & Licensing Officer,
Ribble Valley Borough Council,
Council Offices,
CLITHEROE BB7 2RA

22nd October 2015

Dear Sir,

Application of Variation of Premises License: The Garden Kitchen, Holden Clough Nursery

We object to the above application and wish to make the following comments.

Living in close proximity to the above premises, I have considerable concern regarding this application. I am, however, sympathetic to the aim of making a success of a local rural business provided the correct restrictions are in place. Without such restrictions, however, the application will prove to be far more problematic than the premises already are to the residents of Holden.

I understand the legal position is that acceptance of this variation would then be subject to planning considerations. I also understand that since we are dealing with separate legal entities it is common practice to first apply for licensing acceptance and follow this with a variation to current planning arrangements.

So by accepting this variation to the current premises license, we are in fact faced with at least two totally unacceptable planning situations.

Firstly

If Planning application 3/2013/0408 is deemed to be adequate for these premises, we are still left with an unacceptable situation.

The restriction of hours for **Café and Shop** would appear virtually unaffected with alcohol only permitted up to 17.00 hrs.

However, even if the current planning restrictions were still enforced the new proposed Premises License would most significantly alter the situation with respect to the **Lecture Room**. Times of opening would still be restricted to 21.00 but now, with the supply and consumption of alcohol on the premises. Whilst there has been reluctant acceptance of events with alcohol allowed under the Temporary Events License arrangements, they have served to demonstrate the significant increase in public nuisance.

Once alcohol is introduced the whole nature of the venue is changed, as are the activities and the people who attend. The premises can then be used for a succession of social events with no reference to garden related subjects at all.

Evening events, some aimed at attracting young 'party goers', have already taken place under the Temporary Event Notice License. These events have shown to create a significant amount of public nuisance, with people gathering outside the premises for substantial periods of time and producing unacceptable levels of noise of all kinds. Evening events in such a small hamlet are very disturbing. These levels of noise would be considered unacceptable in a Town Centre let alone a quiet hamlet. Events based solely around food, music and alcohol are utterly inappropriate for the location of the premises and run counter to a number of licensing objectives principally the prevention of public nuisance.

Furthermore, people having consumed alcohol are less able to drive sensibly and will create a safety hazard on narrow country lanes already experiencing a substantial increase in traffic. Taxis, mini buses and even large buses have been used to bring people to events further adding to the congestion on the lanes.

All of these problems will be a consequence of approving the variation to the Premises License whilst maintaining the current planning constraints.

Secondly

If on review, planning now or in the future relaxes the present arrangements to allow activities within the limits of this new premises license, the whole nature of the business could and almost certainly would change the business out of all recognition in the future.

In this situation the premises could be open to the public 365 days a year for music, food and the supply of alcohol all day from 09.00 to Midnight.

The potential escalation of activities as a consequence would virtually destroy the nature of a peaceful hamlet. It may be argued that this is not the intention.

However, we were assured by the current proprietors that the planning was only sought for a tea room to complement the nursery and a lecture room to, I quote 'run garden related courses and helping to educate children into becoming interested in Gardening and working with plants.' We were assured that this was the sole intention of the use of the lecture room in the evening.

I quote,

"There will be no late functions as some rumours have suggested and certainly no loud music late at night"

The actual escalation of activities makes it abundantly clear that assurances given at the outset have been totally disregarded in pursuit of business objectives and the evidence thus far suggests there is every reason to assume this will continue

It is therefore clear, that current planning permissions do not prevent a totally unacceptable expansion of activities. The potential for relaxing planning constraints is real with the opportunity and even greater threat of changing the business out of all recognition. The resulting increase to safety and expanding nuisance problems are highly probable and is clearly evidence based on events that have already taken place.

Holden is a small, rural hamlet in an area of outstanding natural beauty with a number of residences adjacent to, opposite and in close proximity to Holden Clough, which until recently operated solely as a nursery.

We feel that both the current planning and licensing arrangements are more than adequate for an acceptable business activity in this location. This is particularly true with the Temporary Events License as an option. Moreover, this business, which has been imposed upon us has with some reluctance, been accepted by residents. I have no problems with business expansion but surely all businesses have to operate with constraints.

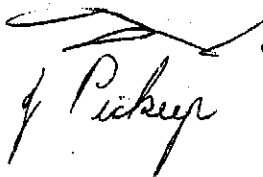
However, the outcomes I have outlined as a consequence of accepting this license variation are completely unacceptable and I urge the Licensing Committee to reject this application

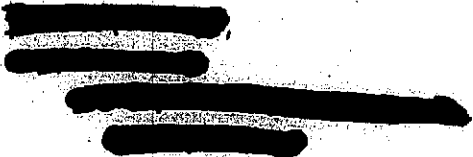
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Yours faithfully,

MR. J. Pickup

MRS. J. Pickup




The Administration & Licencing Officer ,
Ribble Valley Borough Council ,
Council Offices ,
Church Walk ,
Clitheroe ,
Lancashire BB7 2RA

20th October 2015

Dear Sir ,

**Application for Variation of Premises Licence
The Garden Kitchen , Holden Clough Nursery , Holden , Clitheroe BB7 4PF**

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I trust you will take my representation into consideration , particularly in respect of traffic , parking , noise , lighting , and the boisterous younger visitor that is likely to be attracted by these licences to come out to Holden at night .

Yours Faithfully ,

Lynne McDonough

LYNNE McDONOUGH

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The Administration & Licensing Officer,
Ribble Valley Borough Council,
Council Offices,
CLITHEROE BB7 2RA

22nd October 2015

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Application of Variation of Premises License: The Garden Kitchen, Holden Clough Nursery

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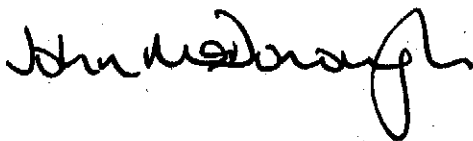
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Yours faithfully,



JOHN McDONOUGH



CHIEF

26 OCT 2015

[REDACTED]

The Administration & Licencing Officer ,

Ribble Valley Borough Council ,

Council Offices ,

Church Walk ,

Clitheroe ,

Lancashire BB7 2RA

20th October 2015

Dear Sir ,

Application for Variation of Premises Licence

The Garden Kitchen , Holden Clough Nursery , Holden , Clitheroe BB7 4PF

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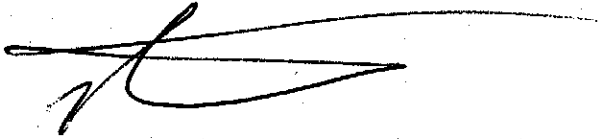
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Yours Faithfully ,

A handwritten signature in black ink, consisting of a series of fluid, overlapping strokes that form a stylized, elongated shape.

RICHARD MATTHEWS



Ribble Valley
Borough Council
www.ribblevalley.gov.uk

LICENSING ACT 2003

Ribble Valley Borough Council, as the relevant licensing authority, hereby **GIVE NOTICE** that it has received an application for the **VARIATION** of a Premises Licence from:-

Applicant:	Kate Elizabeth Lawson
Address of premises:	The Garden Kitchen, Holden Clough Nursery, Holden, Clitheroe BB7 4PF
Nature of proposed variation:	<p>To add the provision of regulated entertainment in the form of Live Music, indoors only:</p> <ul style="list-style-type: none">Monday to Sunday: 0900hrs until Midnight; <p>To amend the provision of regulated entertainment in the form of Recorded Music indoors only:</p> <ul style="list-style-type: none">Monday to Sunday: 0900hrs until Midnight; <p>To amend the supply of alcohol for consumption on the premises only:</p> <ul style="list-style-type: none">Monday to Sunday: 0900hrs until Midnight; <p>To amend the hours the premises are open to the public:</p> <ul style="list-style-type: none">Monday to Sunday: 0900hrs until Midnight.

A record of the application has been placed on the licensing authority's register and can be inspected between 9.00am and 5.00pm on Level B of the Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA.

Any Responsible Authority or Other Person who wishes to make representations regarding this application must give notice in writing to: The Administration & Licensing Officer, Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA. Representations must be received no later than **MONDAY 26 OCTOBER 2015**.

Under Section 158 of the Licensing Act 2003 it is an offence to knowingly or recklessly make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction is up to £5000 (level 5 on the standard scale).

M. H. Scott

Marshal Scott
Chief Executive

Dated 28th September 2015

26 OCT 2015

The Administration & Licensing Officer,
Ribble Valley Borough Council,
Council Offices,
CLITHEROE BB7 2RA

22nd October 2015

Dear Sir,

Application of Variation of Premises License: The Garden Kitchen, Holden Clough Nursery

We object to the above application and wish to make the following comments.

Living in close proximity to the above premises, I have considerable concern regarding this application. I am, however, sympathetic to the aim of making a success of a local rural business provided the correct restrictions are in place. Without such restrictions, however, the application will prove to be far more problematic than the premises already are to the residents of Holden.

I understand the legal position is that acceptance of this variation would then be subject to planning considerations. I also understand that since we are dealing with separate legal entities it is common practice to first apply for licensing acceptance and follow this with a variation to current planning arrangements.

So by accepting this variation to the current premises license, we are in fact faced with at least two totally unacceptable planning situations.

Firstly

If Planning application 3/2013/0408 is deemed to be adequate for these premises, we are still left with an unacceptable situation.

The restriction of hours for **Café and Shop** would appear virtually unaffected with alcohol only permitted up to 17.00 hrs.

However, even if the current planning restrictions were still enforced the new proposed Premises License would most significantly alter the situation with respect to the **Lecture Room**. Times of opening would still be restricted to 21.00 but now, with the supply and consumption of alcohol on the premises. Whilst there has been reluctant acceptance of events with alcohol allowed under the Temporary Events License arrangements, they have served to demonstrate the significant increase in public nuisance.

Once alcohol is introduced the whole nature of the venue is changed, as are the activities and the people who attend. The premises can then be used for a succession of social events with no reference to garden related subjects at all.

Evening events, some aimed at attracting young 'party goers', have already taken place under the Temporary Event Notice License. These events have shown to create a significant amount of public nuisance, with people gathering outside the premises for substantial periods of time and producing unacceptable levels of noise of all kinds. Evening events in such a small hamlet are very disturbing. These levels of noise would be considered unacceptable in a Town Centre let alone a quiet hamlet. Events based solely around food, music and alcohol are utterly inappropriate for the location of the premises and run counter to a number of licensing objectives principally the prevention of public nuisance.

Furthermore, people having consumed alcohol are less able to drive sensibly and will create a safety hazard on narrow country lanes already experiencing a substantial increase in traffic. Taxis, mini buses and even large buses have been used to bring people to events further adding to the congestion on the lanes.

All of these problems will be a consequence of approving the variation to the Premises License whilst maintaining the current planning constraints.

Secondly

If on review, planning now or in the future relaxes the present arrangements to allow activities within the limits of this new premises license, the whole nature of the business could and almost certainly would change the business out of all recognition in the future.

In this situation the premises could be open to the public 365 days a year for music, food and the supply of alcohol all day from 09.00 to Midnight.

The potential escalation of activities as a consequence would virtually destroy the nature of a peaceful hamlet. It may be argued that this is not the intention.

However, we were assured by the current proprietors that the planning was only sought for a tea room to complement the nursery and a lecture room to, I quote 'run garden related courses and helping to educate children into becoming interested in Gardening and working with plants.' We were assured that this was the sole intention of the use of the lecture room in the evening.

I quote,

'There will be no late functions as some rumours have suggested and certainly no loud music late at night'

The actual escalation of activities makes it abundantly clear that assurances given at the outset have been totally disregarded in pursuit of business objectives and the evidence thus far suggests there is every reason to assume this will continue

It is therefore clear, that current planning permissions do not prevent a totally unacceptable expansion of activities. The potential for relaxing planning constraints is real with the opportunity and even greater threat of changing the business out of all recognition. The resulting increase to safety and expanding nuisance problems are highly probable and is clearly evidence based on events that have already taken place.

Holden is a small, rural hamlet in an area of outstanding natural beauty with a number of residences adjacent to, opposite and in close proximity to Holden Clough, which until recently operated solely as a nursery.

We feel that both the current planning and licensing arrangements are more than adequate for an acceptable business activity in this location. This is particularly true with the Temporary Events License as an option. Moreover, this business, which has been imposed upon us has with some reluctance, been accepted by residents. I have no problems with business expansion but surely all businesses have to operate with constraints.

However, the outcomes I have outlined as a consequence of accepting this license variation are completely unacceptable and I urge the Licensing Committee to reject this application

It is not only the interests of a business, which should be considered but the local people who live here and work. Families with children and the elderly also deserve your consideration and protection. We should not have to be bombarded by unacceptable noise caused by music, partygoers or late night transport arrangements.

Yours faithfully,

Jan D Mason,

Betty Mason,

[Redacted signature]

[Redacted signature]

[Redacted signature]

RECEIVED BY
CHIEF CLERK

26 OCT 2015

[REDACTED]

FAO

The Administration & Licensing Officer,
Ribble Valley Borough Council,
Council Offices,
CLITHEROE BB7 2RA

22nd October 2015

Dear Sir,

Application of Variation of Premises License: The Garden Kitchen, Holden Clough Nursery

We object to the above application and wish to make the following comments.

Living in close proximity to the above premises, I have considerable concern regarding this application. I am, however, sympathetic to the aim of making a success of a local rural business provided the correct restrictions are in place. Without such restrictions, however, the application will prove to be far more problematic than the premises already are to the residents of Holden.

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Once alcohol is introduced the whole nature of the venue is changed, as are the activities and the people who attend. The premises can then be used for a succession of social events with no reference to garden related subjects at all.

Evening events, some aimed at attracting young 'party goers', have already taken place under the Temporary Event Notice License. These events have shown to create a significant amount of public nuisance, with people gathering outside the premises for substantial periods of time and producing unacceptable levels of noise of all kinds. Evening events in such a small hamlet are very disturbing. These levels of noise would be considered unacceptable in a Town Centre let alone a quiet hamlet. Events based solely around food, music and alcohol are utterly inappropriate for the location of the premises and run counter to a number of licensing objectives principally the prevention of public nuisance.

Furthermore, people having consumed alcohol are less able to drive sensibly and will create a safety hazard on narrow country lanes already experiencing a substantial increase in traffic. Taxis, mini buses and even large buses have been used to bring people to events further adding to the congestion on the lanes.

All of these problems will be a consequence of approving the variation to the Premises License whilst maintaining the current planning constraints.

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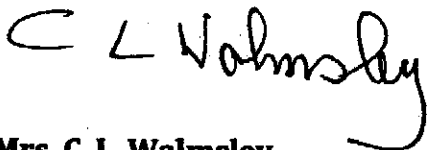
Holden is a small, rural hamlet in an area of outstanding natural beauty with a number of residences adjacent to, opposite and in close proximity to Holden Clough, which until recently operated solely as a nursery.

We feel that both the current planning and licensing arrangements are more than adequate for an acceptable business activity in this location. This is particularly true with the Temporary Events License as an option. Moreover, this business, which has been imposed upon us has with some reluctance, been accepted by residents. I have no problems with business expansion but surely all businesses have to operate with constraints.

However, the outcomes I have outlined as a consequence of accepting this license variation are completely unacceptable and I urge the Licensing Committee to reject this application

It is not only the interests of a business, which should be considered but the local people who live here and work. Families with children and the elderly also deserve your consideration and protection. We should not have to be bombarded by unacceptable noise caused by music, partygoers or late night transport arrangements.

Yours faithfully,



Mrs. C. L. Walmsley


18/02/13

Director of Community Services &
Licensing Officer,
RVBC,
Church Walk,
Clitheroe,
BB7 2RA.

Dear Sir

Planning Application No: 3/2013/0091.

We are writing to record our concerns regarding the above, however this letter also relates a recent Application for a live and recorded music and alcohol Licence and Planning Permission No 3/2011/0838P at the same premises.

The existing Planning Permission is for a Café, a Training Room and a Nursery Shop.

The Delegated Report upon Application No 3/2011/0838 stated 'the County Surveyor considers the recently constructed car park adequate to serve the proposed building....etc' and concludes 'the development will not have any detrimental effect upon the visual amenity, the amenities of nearby residents or highway safety'.

We understand Barret Hill Brow is an unclassified road or 'Quiet Lane'.

The music and alcohol licence refers to the Garden Kitchen Ltd which is now to be a fifty seat plus Licensed Café/Restaurant supported by a corresponding Kitchen and Bakery, Farm Shop/Delicatessen and Accessories Shop all of which are clearly intended to be a destination venue in their own right rather than support the existing business, which we believe is contrary to the Design and Access Statement and intention of the Planning Permission. A view which is supported by the fact that the Applicant has felt it necessary to apply for an additional 42 car parking spaces taking up a large proportion of the existing Nursery area in addition to the 21 considered adequate by the County Surveyor.

The building work is nearing completion and particularly the east elevation has quite a visual impact and perhaps some additional screening as originally suggested by the Parish Council should now be considered.

We did not oppose the original Planning Application for good neighbourly reasons but we are now very concerned regarding the diversity of the actual development and scale of the extended car park area and what the future may hold in terms of the increases in out of hours deliveries, reduced road safety, increased customer traffic noise and disturbance and an overall reduced amenity and possible further diversification adversely affecting our Hamlet which we have all invested in because of the peaceful rural location.

Also of immediate concern is the local signage to be adopted all of which, we understand, should be subject to a further Local Authority application and we would ask be kept to a minimum, be non illuminated and in keeping with the Hamlet location.

HOLDEN CLOUGH

EST 1927 NURSERY

**Holden
Bolton-by-Bowland
Clitheroe
Lancashire
BB7 4PF
Tel: 01200 447615**

Feb 2013

To whom it may concern

I have recently sent an application to yourselves for a premises licence at the above address for the sale of alcohol, the playing of recorded music and also the playing of live music.

I would like to inform you that we would like to remove the application for the playing of live music at the premises.

Kind Regards



Kate Lawson



[REDACTED]

20th May, 2013.

Colin Sharp Esq.
Council Offices,
Ribble Valley Borough Council,
Church Walk,
Clitheroe,
BB7 2RA.

Dear Mr. Clark,

Applicant Mr. J. Foley.
Planning Application No. 3/2013/0408
Variation of Conditions 3 and 4 of planning
permission 3/2011/0838/P
Location: Holden Clough Nursery Ltd,
Clitheroe, Lancashire BB7 4PF.

I strongly object to the applications for the above. I give below my reasons:-

Condition 3 (Statement sent to Neighbours by the Applicant before they received planning permission for extended Car Park.)

Supporting Statement from the Applicant.

"This service will play an important role for locals as an after work service" "From where have they gleaned this information? There are 39 residents in Holden. 26 are retired or work from home, 13 travel out of Holden to work.

In a statement sent to neighbours by the applicants they stated that prior to 1980 "Mear Croft" next to the Nursery used to be a small shop selling such items. This is untrue, I have lived in Holden since 1968 and it has never been a shop. I think I am correct in saying the bungalow was built to accommodate the gardener at Holden Clough House.

"In accordance with Policy 6 of the RVDLP and the extended service, it is highly unlikely to be detrimental to the amenities of nearby residents."

This is also untrue. I feel very sorry for the residents of Mearcroft Eadycroft, Broxup Cottage, Broxup House, Broxup Barn and Springfield because of the increased traffic noise so close to them. This affects the rest of the village to a lesser extent. The road between Copy Nook Hotel, Holden Lane, Holden has increased dramatically since the opening of the Cycle tracks in Gisburn Forrest. Vehicles with up to four bicycles strapped on to the back make it even more difficult to drive safely and this is a quiet lane (See letter to me from LCC Environment Directorate dated 24th November, 2005)

Condition 4 Supporting Statement as above.

Now let me make it clear that our sole intention of the Lecture Room in the evenings e.g. Local W.Is or Garden Clubs to come along followed by a talk and tour of the Nursery. The gates will be closed at 5 p.m.

Contd/

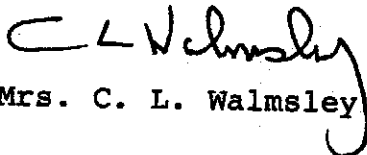
I object to the proposal that the Lecture room should be allowed to be used as a reserve annex to the Cafe subject to customer demand bolstered by virtue of additional Car Parking.

I enclose copy of letter re Quiet Lanes dated 24th November, 2005, I think Conditions 3 and 4 should be refused due to highway safety and noise disturbance.

The contents of the letter to the Director of Community Services dated 18th February, and signed by most residents shows we were correct to express our concern, our fears were not unfounded. John and Kate have not been honest with us about their plans for the Nursery, some residents withdrew their objections due to the applicants re-assurance in the statement sent to neighbours.

We all supported the original planning application as good neighbours happy to see them make a success of their business but they have ignored our concerns and thought only of themselves and hood-winked us with the lies.

Yours sincerely,


Mrs. C. L. Walmsley

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

30th July 2013.

Mrs C. Moore,
Licensing Department,
RVBC,
Church Walk,
Clitheroe BB7-2RA.

Dear Mrs. Moore,

Application to vary a premises licence.
Licensing Act 2003.
The Garden Kitchen at Holden Clough Nursey.

I strongly object to the above application to extend the hours of the Premises Licence until 9 p.m.

I enclose copies of correspondence re the planning and licencing and music licence for the above. The enclosed statement sent to neighbours by the applicants before they got planning permission for the extended Car Park makes interesting reading, especially the paragraph on Evening Lectures. I have most faith in anything they say.

I asked when I spoke to you recently what "private and pre-booked events" entailed when they originally said "their sole intention of use of the Lecture room in the evenings is local W.I.s or Garden Clubs to come along - the gates will be closed at 5 p.m."

I know licensing and planning are separate departments but in view of the disruption we have already suffered which includes traffic noise nuisance, cars being parked in the field opposite my home most days from Easter until approximately three weeks ago, coaches parking on the narrow "quiet lane" instead of the Car Park etc.

Permission, both planning and licensing, should be refused for removing Conditions 3 and 4 and extending the hours of the premises licence until 9 p.m.

Original Planning permission dated 24th February, 2013.

Item 3 - The use of the cafe and shop in accordance with this permission shall be restricted to the hours between 0900 and 1700 on any day.

Reason In order to comply with Policy G1 of the R.V. District Local Plan as the use of these elements of the business outside of these hours could prove injurious to the character of the area and detrimental to the amenities of nearby residents.

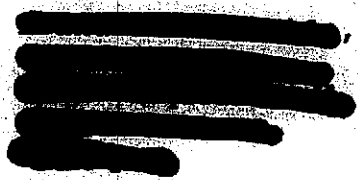
Item 4 The use of the lecture room in accordance with this permission shall be on a pre-booked basis only and shall be restricted to the hours between 0900 and 2100 on any day.

Reason: In order to comply with Policy G1 of the R.V. District Local Plan as the use of this element of the business outside these hours could prove injurious to the character of the area and detrimental to the amenities of nearby residents.

Copy sent to Mr. Colin Sharpe.

Yours sincerely,
C. L. [Signature]

Copy to Colin Sharpe Planning
Copy to Leader of RVBC. *Councillor*
Shirley First



7th August, 2013.

Mrs Catherine Moore,
Licensing Officer,
Ribble Valley District,
Church Walk,
Clitheroe BB7-2RA.

Dear Mrs Moore,

Licensing Act 2003 - Application to vary
a Premises Licence - Holden Clough Nursery.

sd I am in receipt of your letter of the 2nd inst. re the above.

It is incorrect to say that I objected to the original planning permission dated 24th February, 2013. I understand there was only one objector who did not live in Holden. We were all delighted at the improvement in the run-down nursery which was an eyesore and wished them well. It is removing conditions 3 and 4 which is the problem, and to which I have already objected to Colin Sharpe - Planning Officer.

I understand from your letter that Home Office guidance states "A representation is relevant if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four reasons licensing objectives" The following are my reasons:-

(1) Public safety.

It is amazing the increase of traffic and noise between the Copy Nook Hotel and Holden Clough Nursery. The road has no footpath and is single track for much of its length. The road is unlit and is especially dangerous in the winter dark months. I walk my dog most days on this stretch when I visit my vegetable garden next to the Council house and it has ceased to be a pleasure more like "taking my life in my hands" !!

(2) Prevention of Public Nuisance.

I have lived in Holden since 1968 and eight other residents lived here before Peter Foley, John's father, bought the Nursery in 1977-78. I remember John being born. Extending the shop, cafe and lecture room licence to 9.m. will make matters even worse. We have lost the tranquility of this delightful hamlet since the Cafe/Shop opened at Easter. John Foley and Kate Lawson have no thought for their neighbours and are making a mockery of the Planning Conditions. It is time RVBC realised and accepted that extending the Premises Licence to 9 p.m. will be injurious to the character of the area and detrimental to the amenities of the Local Residents as will relaxing Conditions 3 and 4 which you say is not relevant because it is a planning matter.

(3) Protection of children from harm.

There are 7 young children living in Holden Village and the increased noise and traffic is detrimental to their wellbeing.

It is time that Ribble Valley Borough Council Planning, Licensing and Highways got their act together and considered the concerns of local residents.

I await your reply with interest.

Yours sincerely,



Mrs. C. L. Walmsley.

Copy to Jo Tuxton C. Hall Preston PRI-8XJ
Exec. Director of Environment
L.C.C.

[Redacted]

Copy to Alan
By B. Parnell Council

24th August 2013.

Colin Sharpe Esq,
Planning Department,
RVBC
Church Walk,
Clitheroe,
BB7 2RA.

Dear Mr. Sharpe,

Holden Clough Nursery Planning Application 3/2013/0733.

I object to the above for the following reasons:-

Original Planning permission dated 24th February, 2013.

Condition 3 states

The use of the cafe and shop in accordance with this permission shall be restricted to the hours between 0900 and 1700 on any day. I understand the applicant has recorded the opening hours as 0900 to 1800 on any day. This is incorrect. In order to comply..... the use of these elements of the business outside these hours could prove injurious to the character of the area and detrimental to the amenities of nearby residents.

Condition 4 states

.....could prove injurious to the character of the area and detrimental to the amenities of nearby residents.

The increased car, coach and delivery traffic is now far in excess of what was originally envisaged.

If conditions 3 and 4 are deleted and the above planning application passed to cater for larger functions for longer will prove injurious to the character of the area and detrimental to the amenities of nearby residents.

Residents on Brookside including me have had near misses due to the restricted visibility and despite three of us being in our seventies we spent over three hours on the 16th August cutting back the growth at the base of the tree because we were so worried "waiting for an accident to happen"

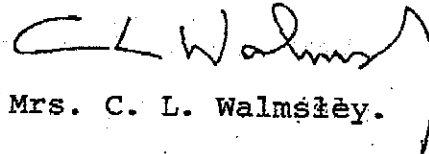
I contacted RVBC and LCC Highways about the danger and Phil Johnson (RVBC tree officer) inspected the Lime Tree and said it was a danger and advised LCC Highways cutting all branches four metres from the ground to enable improved vision and high sided vehicles to pass safely both on Barrett Hill Brow and our Private Road. I explained that the tree was on private land. He was most helpful which is more than can be said for his colleague and the woman dealing with the matter at LCC Highways. They were more interested that they did not own the tree. I offered to pay for the tree to be lopped because the situation was so dangerous.

I must also point out that when coming into Brookside private drive from the Copy Nook Hotel direction I have to draw onto the offside of Barrett Hill brow to reverse into Brookside and drivers from the nursery side cannot see my car due to a bend in the road until they are approximately 10 yards from my car. Until the car park was extended so much this was not a problem because the road was mainly used by local traffic.

I do not have room to turn my car on the private drive and refuse to drive in forward and reverse onto Barrett Hill brow. This predicament needs URGENT action by the Highways Authority.

I will be pleased to have your comments.

Yours sincerely,



Mrs. C. L. Walmsley.

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2014/0257

DECISION DATE: 2 June 2014

DATE RECEIVED: 17/03/2014

APPLICANT:

Mr John Foley
Holden Clough Nursery
Holden
Bolton by Bowland
Clitheroe
BB7 4PF

AGENT:

Mr Stephen Bialecki
S J Bialecki Limited
Rosedale
Back Lane
Grindleton
Clitheroe
Lancs
BB7 4RZ

DEVELOPMENT PROPOSED: Proposed single storey extension to the kitchen with additional ancillary accommodation in the roof space, and relocation of "means of escape" steps.

AT: Holden Clough Nursery Holden BB7 4PF

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall relate to the proposed development as shown on drawing numbers 8004, 8005, 8006 and 8007.

REASON: For the avoidance of doubt and to ensure compliance with the submitted plans.

3. The rooms within the extension hereby submitted shall be used only for the purposes stated on drawing number 8006 and shall not be used for any other purposes (and, specifically, the extended area of the kitchen shall be used only for food preparation and shall not be used as a cooking area; and the first floor shall be used as a kitchenette dry food storage area and staff rest area) unless a further planning permission has first been granted in respect thereof.

REASON: To comply with the terms of the application and because the use of rooms for any other purposes could lead to circumstances that would be detrimental to the amenities of nearby residents or highway safety contrary to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

P.T.O.

Report to committee 29/10/14 Condition
6. does not appear on planning to

4. The floor space within the existing building shall only be used for the purposes indicated on drawing number 8005 and shall not be used for any other purposes (specifically, no part of the shop or the existing kitchen shall be used as an additional dining area) unless a further planning permission has first been granted in respect thereof.

REASON: To comply with the terms of the application and because any increase in the area of the restaurant could lead to circumstances that would be detrimental to the amenities of nearby residents or highway safety contrary to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

5. Other than those shown on the submitted drawings, no additional door or window openings (including roof lights) shall at any time be formed in the extension hereby permitted unless a further planning permission has first been granted in respect thereof.

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

6. Prior to the commencement of development on the kitchen extension hereby permitted, the applicant shall submit to the Local Planning Authority written details of measures that would result in the more efficient use of the existing parking spaces within the site of Holden Clough Nurseries and would thereby reduce the need for vehicles to be parked either on local roads or on other land that is outside the existing curtilage of the Nursery. These details could include a car park management plan. All measures that are subsequently approved in writing by the Local Planning Authority shall be put into operation prior to the first use of the kitchen extension hereby permitted; and, thereafter, shall remain in operation at all times when the business is open for operation.

REASON: In the interests of the amenities of nearby residents and highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

NOTE(S):

1. The applicant is advised that it is an offence to intentionally kill, injure or take bats, disturb bats or destroy or block access to their roosts and bat roosts are protected whether bats are present at the time or not. Appropriate care should therefore be taken in carrying out the development hereby permitted and in the event that any bats are found or disturbed during the development operations, all works shall cease until advice has been obtained from a licensed ecologist.
2. The Council's Environmental Health Officers advise the applicant of the need to comply with the current food safety legislation and they also advise that detailed plans of the new kitchen need to be sent to the Council's Environmental Health Section prior to the commencement of development.

4. The floor space within the existing building shall only be used for the purposes indicated on drawing number 8005 and shall not be used for any other purposes (specifically, no part of the shop or the existing kitchen shall be used as an additional dining area) unless a further planning permission has first been granted in respect thereof.

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Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. The applicant is advised that it is an offence to intentionally kill, injure or take bats, disturb bats or destroy or block access to their roosts and bat roosts are protected whether bats are present at the time or not. Appropriate care should therefore be taken in carrying out the development hereby permitted and in the event that any bats are found or disturbed during the development operations, all works shall cease until advice has been obtained from a licensed ecologist.
4. The Council's Environmental Health Officers advise the applicant of the need to comply with the current food safety legislation and they also advise that detailed plans of the new kitchen need to be sent to the Council's Environmental Health Section prior to the commencement of development.
5. The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.

Director of Community Services.
RVBC
Church Walk,
Clitheroe BB7 2RA

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

22nd April, 2014.

Dear Sir,

Applicant Mr John Foley.
Planning Application No. 3/2014/ 0257.

I object to the above on the material considerations of highway safety and noise disturbance.

The applicant was boasting that over two days of the Easter Weekend he had 700 covers. Cars were parked on the lane outside the nursery and an "overflow carpark" owned by Bolton Hall Estate and rented to a local farmer, was yet again used in the centre of our Hamlet. ~~PEOPLE WERE EVEN TRYING~~ to park on the private drive outside my home which is owned by me. The noise disturbance was significant.

The narrow road, "a quiet lane" from the Copy Nook Hotel to Lane Ends is totally inadequate for the amount of traffic using it.

I enclose photographs taken on Sunday 6th April two weeks before the "easter Invasion."

A number of residents including me have never received a letter from Ribbles Valley Borough Council about planning applications at Holden Clough and if it wasn't for the kindness of neighbours we would not have the information. A number of residents are away on holiday who I know would have complained. Please rectify this for all future applications.

Yours faithfully,

Mrs C L Walmsley
(widow of Eric Walmsley F.R.I.
F.R.I.C.S.)

HOLDEN CLOUGH

EST 1927

NURSERY

**Holden
Bolton-by-Bowland
Clitheroe
Lancashire
BB7 4PF
Tel: 01200 447615**

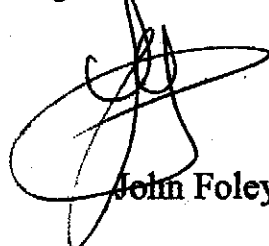
3rd May 2014

Dear All

I am writing to inform you that the parking in the field is on an infrequent basis, generally on public bank holidays and special events at the nursery where demand can exceed our parking facilities.

We use this space to park the vehicles in a managed fashion to avoid the cars parking around the village and to help efficiently manage demand at seasonal times of year, I would like to take this opportunity to thank you for your co-operation and look forward to seeing you soon.

Regards



John Foley

Holden Clough Nursery



HOLDEN CLOUGH

EST 1927

NURSERY

**Holden
Bolton-by-Bowland
Clitheroe
Lancashire
BB7 4PF
Tel: 01200 447615**

Dear Christine

We are just writing to you in light of our recent application for the sale of alcohol, and playing recorded and live music at the nursery. You will all be aware that we are on track for opening our tea room this Spring and we are intending to sell alcohol like any other establishment in the area, but it has come to our attention that there has been some slight confusion and concern with regard to the 'Live Music' part of the application. Last year at the open weekend we had a guitarist on the patio playing and singing all afternoon, well to technically do this nowadays you have to have a live music license! We do not intend to be holding the next Glastonbury at the nursery nor do anything else which would detrimentally effect the village. We have as a result removed the 'Live Music' application from our license and will carry out such events like the open weekend by purchasing a temporary live music license. We apologise for any confusion created by this and look forward to seeing you again in the coming weeks!

Best Wishes

John & Kate

John and Kate



5.12 Policy T1 Transport and Mobility

In making decisions on development proposals the local planning authority will attach considerable weight to:

- the availability and adequacy of public transport to serve those moving to and from the development;
- the relationship of the site to the primary route network;
- the provision made for access to the development by pedestrians, cyclists and those with reduced mobility;
- proposals which promote development within existing developed areas or locations which are highly accessible by means other than the private car;
- proposals which strengthen existing town and village centres which offer a range of everyday community shopping and employment opportunities by protecting and enhancing their viability and vitality;
- proposals which locate developments in areas which maintain and improve choice for people to walk, cycle or catch public transport rather than drive between homes and facilities which they need to visit regularly;

In relation to Policy T1 the following factors are relevant:

- Public transport is very limited throughout the ADNB however the site lies only 50m from the A50 so traffic movements within the District's rural roads are reduced.
- Within the development provision will be made for cycle storage and full disabled access to all areas.
- The proposal will strengthen Holden village in terms employment provision and services. Holden village has no shop at this time. The cafe will include a small 'farm shop' area for local meats and vegetables.

Since the nursery was established in 1927 times have changed and the recent need for business to diversify in these times of economic downturn has never been more apparent and just selling plants is not enough to get customers through the gates regularly and keep the business sustainable.

What is the core business?

Our core business will always be plants! There are enough garden centres in the area selling everything from plants to pergolas, and BBQs to bedrooms. Outside of the new building the nursery remains the same, selling 95% plants, and the other 5% being compost and gardening essentials such as fertilizer etc. The lecture room allows us to run gardening related courses on various subjects, plus it allows us to look at working with the local schools in helping to educate children into becoming interested in gardening and working with plants, and finally the small farm shop is to help generate a regular local customer base and provide a facility that is essential in a rural area.

Evening Lectures

You may not have noticed but over the last couple of years we have occasionally had gardening groups visit the nursery on an evening for a small talk and a tour of the site. The nursery can open the lecture room on a pre booked basis until 9pm. **Now let me make it clear that our sole intention of use of the lecture room in the evening is for example, local WI's, or garden clubs to come along for an evening supper followed by a talk and tour of the nursery, the gates will be closed at 5pm, and this kind of event is only on a pre booked basis and can only run until 9pm. There will be no late night functions as some rumours have suggested and certainly no loud live music late at night!**

Statement sent to Neighbors by the applicant before they got planning perm
for extended car park

Further to recent concerns that have been raised among the village we feel it necessary to clarify all matters that have arose and set the record straight!

Alcohol, Live Music and Recorded Music License

As many of you will have seen or heard we have applied for a premises license to carry out the above activities.

Alcohol - we feel is self explanatory and is only for the consumption between the hours of 09:00-17:00hrs any day of the week as it is seen as standard nowadays at any food establishment.

Recorded Music - Low level background music to listen to whilst eating in the tea room

Live Music - This is where 'wires have been crossed' and our intention was only for a single guitarist in the daytime on our open weekends once or possibly twice per year. There was concern with the fact that if someone else took over the business in the future then this could have been used inappropriately. The live music license has therefore been **removed** and events such as the open weekend will be justified by attaining a temporary licence for the day concerned. **No rock bands and no loud music at night time!**

Car Parking

There is currently planning application which relates to extending the existing car park to allow parking for the lecture days, which are low key and no relation to the normal business function

My father ran the nursery for 30 years on a basis where he felt that parking cars on the road was not just suitable but perfectly acceptable. I do not believe the same!

Farm Shop

With us cooking our own produce in house and using a range of ingredients sourced from local suppliers we feel that it will be a benefit to the village to provide a small shop in the building selling essential items such as milk, vegetables, bacon etc. We will all agree that the surrounding area is lacking a shop of this kind and prior to 1980 'Mear Croft' next to the nursery used to be a small shop selling such items. This is not a new idea and was thought about in the planning application for the tea room, please see insert below.

From the start we have had the vision and drive to re build an established business that needed a lot of TLC, but we understand that it is a business at the heart of the village and upon taking on the challenge we realise that the developments have to blend into the surroundings and be sympathetic to the village. We are a young couple and see ourselves not just as the couple who run the nursery, but also as residents of the village. During our developments it has always been in the forefront of our minds as to how we can carry out our work on improving our business whilst still maintaining a good relationship with the locals by keeping everyone informed of our plans. We realise on this occasion if we had come round with our proposed car park extension and licensing plans the confusion could have been avoided and this wouldn't have led to our plans for the nursery being exaggerated and blown out of all proportion!

We look forward to showing you all the new improvements at the nursery in the coming few weeks and are sure you will all see that our true intentions still lie where they always have been.

Kind Regards

John & Kate

John and Kate

HOLDEN CLOUGH NURSERY

**APPLICATION FOR VARIATION OF CONDITIONS FOLLOWING
GRANT OF PLANNING PERMISSION**

SUPPORTING STATEMENT

CONDITION 3

The use of the café and shop in accordance with this permission shall be restricted to the hours between 0900 and 1700 on any day

PROPOSALS

The café provides an elementary service supported by the shop which principally offers local produce.

This service will play an important role for local people as an after work service. A convenience in lieu of visiting town super markets.

We propose the hours of opening should be extended to 0900 and 1830 on any day.

In accordance with Policy GI of the R.V.D.L.P. and the extended service, it is highly unlikely to be detrimental to the amenities of nearby residents.

CONDITION 4

The use of the lecture room in accordance with this permission shall be on a pre-booked basis only and shall be restricted to the hours between 0900-2100 on any day.

PROPOSALS

The original condition is based on 21 car spaces, hence the restriction in use of the lecture room.

The most recent application has now secured Planning Permission to extend car spaces to 62.

Relating to the lecture room, lectures are more often than not given after normal work hours (early evening). As a consequence the lecture room is vacant during normal trading time.

Catherine Moore

From: [REDACTED]
Sent: 26 October 2015 11:56
To: Licensing
Cc: Marshal Scott; Cllr Stuart Hirst; Cllr Alcock; john.machoic@ribblevalley.gov.uk;
[REDACTED]
Subject: Application for Vaiation of Premises Licence The Garden Kitchen Holden Clough

26th October 2015. [REDACTED] Angus & Alison Grimshaw

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Sir,

Application of Variation of Premises Licence The Garden Kitchen. Holden Clough Nursery.

We object to the above application and wish to make the following comments.

We live close to the above premises and our reasons of objection are.

Noise levels from music

Increased parking on the approach lanes in the dark and winter months on untreated lanes with no footpaths or lighting, covered in snow and ice.

Increased blocking of entrance gates and access to our property on already narrow lanes in the dark.

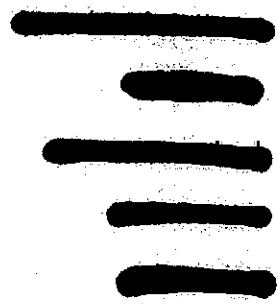
Increase in traffic on the narrow lanes that bring people from the surrounding towns in the dark in poor weather conditions, we have no treating or lighting of the lanes in winter and the local people have to take extra care when using the very steep and tight corners when ice snow and water are a problem. It is bad enough when local people are slip sliding about but the thought of young inexperienced drunk drivers and car passengers walking to there cars in the dark is not acceptable or fair to the local residents.

The cooking smells are already a problem and the extension of hours will only make it worse.

We would like to ask your members to visit the Hamlet of Holden and walk the area as we feel it is the only way to see the terrible impact this application would have on us living and working here.if allowed to go ahead.

Yours faithfully,

Angus & Alison Grimshaw.. [REDACTED]



24th October 2015

The Administration & Licensing Officer
Ribble Valley Borough Council,
Clitheroe
BB7 2RA

Dear Sir,

Application for Variation of Premises Licence

The Garden Kitchen, Holden Clough Nursery, Holden, BB7 4PF

We would like to register our objection to the above application, the Garden Kitchen was supposed to be a Tea room to compliment the nursery. However it as now grown out of proportion to the nursery

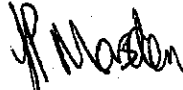
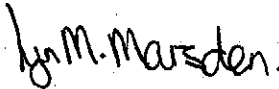
We are already under siege from traffic going to and from this venue, from early morning, 7.00am onwards we treated to noisy delivery vehicles and staff vehicles driving through the hamlet, followed by vistors all day, every day, in summer especially the road outside our home is extremely busy and as that road is only single track its hardly coping with in volume of traffic as it is without increasing it.

We believe that to allow live music, recorded music and the selling of alcohol from 9.00-midnight on any day would be devastating to this small rural hamlet in an AONB. There are already issues with parking on the roadside, it is causing obstruction at present and this would increase with cars being parked on this rural unit road after dark in addition to daytime

There would be more noise from people leaving the premise late at night and the thought of taxis whizzing up and down Holden Lane in the dark and revellers spilling out and wondering down the hamlet is a recipe for disaster, there are no footpaths along the road side in Holden.

We believe Holden is not the place for a music and dance club and this proposal is what would turn the Garden Kitchen into and ruin the peace and tranquillity of this beautiful Ribble Valley hamlet for ever.

Yours faithfully

 
John & Lyn Marsden

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The Administration & Licensing Officer,
Ribble Valley Borough Council,
Council Offices,
CLITHEROE BB7 2RA

22nd October 2015

Dear Sir,

Application of Variation of Premises License: The Garden Kitchen, Holden Clough Nursery

We object to the above application and wish to make the following comments.

Living in close proximity to the above premises, I have considerable concern regarding this application. I am, however, sympathetic to the aim of making a success of a local rural business provided the correct restrictions are in place. Without such restrictions, however, the application will prove to be far more problematic than the premises already are to the residents of Holden.

I understand the legal position is that acceptance of this variation would then be subject to planning considerations. I also understand that since we are dealing with separate legal entities it is common practice to first apply for licensing acceptance and follow this with a variation to current planning arrangements.

So by accepting this variation to the current premises license, we are in fact faced with at least two totally unacceptable planning situations.

Firstly

If Planning application 3/2013/0408 is deemed to be adequate for these premises, we are still left with an unacceptable situation.

The restriction of hours for **Café and Shop** would appear virtually unaffected with alcohol only permitted up to 17.00 hrs.

However, even if the current planning restrictions were still enforced the new proposed Premises License would most significantly alter the situation with respect to the **Lecture Room**. Times of opening would still be restricted to 21.00 but now, with the supply and consumption of alcohol on the premises. Whilst there has been reluctant acceptance of events with alcohol allowed under the Temporary Events License arrangements, they have served to demonstrate the significant increase in public nuisance.

Once alcohol is introduced the whole nature of the venue is changed, as are the activities and the people who attend. The premises can then be used for a succession of social events with no reference to garden related subjects at all.

Evening events, some aimed at attracting young 'party goers', have already taken place under the Temporary Event Notice License. These events have shown to create a significant amount of public nuisance, with people gathering outside the premises for substantial periods of time and producing unacceptable levels of noise of all kinds. Evening events in such a small hamlet are very disturbing. These levels of noise would be considered unacceptable in a Town Centre let alone a quiet hamlet. Events based solely around food, music and alcohol are utterly inappropriate for the location of the premises and run counter to a number of licensing objectives principally the prevention of public nuisance.

Furthermore, people having consumed alcohol are less able to drive sensibly and will create a safety hazard on narrow country lanes already experiencing a substantial increase in traffic. Taxis, mini buses and even large buses have been used to bring people to events further adding to the congestion on the lanes.

All of these problems will be a consequence of approving the variation to the Premises License whilst maintaining the current planning constraints.

Secondly

If on review, planning now or in the future relaxes the present arrangements to allow activities within the limits of this new premises license, the whole nature of the business could and almost certainly would change the business out of all recognition in the future.

In this situation the premises could be open to the public 365 days a year for music, food and the supply of alcohol all day from 09.00 to Midnight.

The potential escalation of activities as a consequence would virtually destroy the nature of a peaceful hamlet. It may be argued that this is not the intention.

However, we were assured by the current proprietors that the planning was only sought for a tea room to complement the nursery and a lecture room to, I quote 'run garden related courses and helping to educate children into becoming interested in Gardening and working with plants.' We were assured that this was the sole intention of the use of the lecture room in the evening.

I quote,

'There will be no late functions as some rumours have suggested and certainly no loud music late at night'

The actual escalation of activities makes it abundantly clear that assurances given at the outset have been totally disregarded in pursuit of business objectives and the evidence thus far suggests there is every reason to assume this will continue

It is therefore clear, that current planning permissions do not prevent a totally unacceptable expansion of activities. The potential for relaxing planning constraints is real with the opportunity and even greater threat of changing the business out of all recognition. The resulting increase to safety and expanding nuisance problems are highly probable and is clearly evidence based on events that have already taken place.

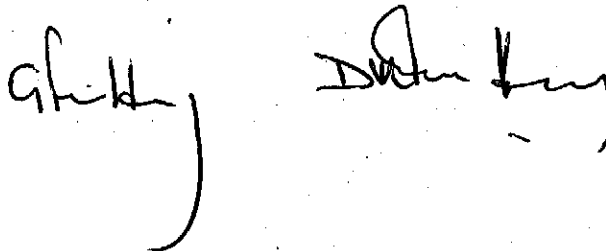
Holden is a small, rural hamlet in an area of outstanding natural beauty with a number of residences adjacent to, opposite and in close proximity to Holden Clough, which until recently operated solely as a nursery.

We feel that both the current planning and licensing arrangements are more than adequate for an acceptable business activity in this location. This is particularly true with the Temporary Events License as an option. Moreover, this business, which has been imposed upon us has with some reluctance, been accepted by residents. I have no problems with business expansion but surely all businesses have to operate with constraints.

However, the outcomes I have outlined as a consequence of accepting this license variation are completely unacceptable and I urge the Licensing Committee to reject this application

It is not only the interests of a business, which should be considered but the local people who live here and work. Families with children and the elderly also deserve your consideration and protection. We should not have to be bombarded by unacceptable noise caused by music, partygoers or late night transport arrangements.

Yours faithfully,



DIANA MATTHEWS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Administration & Licencing Officer ,
Ribble Valley Borough Council ,
Council Offices ,
Church Walk ,
Clitheroe ,
Lancashire BB7 2RA

23rd October 2015

Dear Sir ,

**Application for Variation of Premises Licence
The Garden Kitchen , Holden Clough Nursery , Holden , Clitheroe BB7 4PF**

I wish to register my objection to the above application and make representations against it . Living in the tiny and erstwhile tranquil hamlet of Holden , I am sympathetic to the applicants' aim of trying to find ways of further developing their Nursery Business . I admire the way the Nursery has been improved and smartened up over the last few years . I was supportive of the original wish to develop a facility where tea and cakes could be offered to visitors to the Nursery . However , the continual development of this idea has resulted in the Garden Kitchen becoming not just a full blown restaurant , but also a much bigger business than the Nursery itself . With the business being located in the centre of the hamlet , it is important that the interests and rights of the residents to be able to enjoy their properties in an unhindered way is maintained .

It should be noted that in 2013 the RVBC revised conditions of planning permission to restrict the hours for the use of the café and shop to 0900 – 1830 on any day . Similarly , use of the lecture room was restricted to pre-booked basis only , and hours limited to 0900 – 2100 with visitors leaving the site by 21.30 . The reason given in both cases was that "use of these elements of the business outside these hours could prove injurious to the character of the area and detrimental to the amenities of nearby residents" . An additional condition regarding signage indicating how a control mechanism will be put in place to minimise the impact on local residents was imposed by RVBC "to protect adjacent residential amenity in order to minimise any possible noise disturbance."

It seems that the Application for a Variation to have Live Music , Recorded Music , Alcohol , and Opening Hours running between 0900 and midnight on any day flies in the face of the conditions previously imposed , and ignores the Reasons for those conditions and the spirit of looking after

the amenities of local residents . I am not aware of any discussion having taken place between local residents and the Applicant , which shows a lack of care and respect about residents' interests. In 2013 , the Applicant wrote a letter to many residents explaining the reasons for their earlier application to have licence to sell alcohol , music , late opening etc and reassuring us that it was never their intention to do this on a regular daily basis . That assurance would now seem to be worthless , and again shows lack of concern for residents . I am not well versed in the protocol of these applications , but is it normal to apply for the licencing prior to gaining Planning Permission , or is this a tactic to pressurise for Planning acceptance should the Licence be approved ?

The lane from Copy Nook and into the hamlet is already carrying far more traffic than it should due to cars carrying cyclists up to Stocks forest and of course , Nursery traffic . Opening until midnight , selling alcohol and provision of live and recorded music is obviously going to mean even more traffic hammering up and down the lane in and out of Holden .

Parking is already a problem with some Nursery staff and visitors parking regularly on the roadside and thus making it difficult on occasion for residents to get past . With the Garden Kitchen intent on turning itself into a "pub" or "club" , the pressure on parking will get much worse and the on-road parking will feature more strongly and continue to midnight .

In order to comply with insurance and health & safety , strong car park lighting will need to be on at night which will be very unpleasant for residents in the neighbouring houses .

The visitor profile will change in the evening . Those wishing the music and alcohol are likely to be much younger and more boisterous , than those taking tea and cakes in the afternoon . There will inevitably be some incidents of drunkenness with both the noise and other elements of unpleasantness that go with it . We could easily have groups of young revellers prowling up and down the hamlet causing damage to vehicles , property and even farm stock . Who will be able to control any trouble or disturbances ? The police are already stretched for resources . Rural crimes like rustling , poaching and barn break-ins are on the increase .

More traffic , particularly at night will lead to more accidents . When that happens visitors will complain about lack of lighting . Younger clientele is likely to equate to faster driving on the lanes with attendant chances of bumps or much worse .

We have a number of drinking establishments in the area (but not in the hamlet) such as Copy Nook , Spread Eagle and of course Coach and Horses in Bolton By Bowland , although temporarily closed at present . A major problem for the applicants business is its very location . It is physically difficult to expand it due to existing curtilage , and to change the nature of it from Nursery to Night Club is totally inappropriate to a quiet hamlet in an area of outstanding natural beauty .

For the sake of clarity , we know from a recent questionnaire in connection with Neighbourhood Plan , the overwhelming majority of those resident in Holden , do not want road widening , street lighting , yellow lines , car parks or anything out of keeping with the character and rural aspect of the charming , sleepy hamlet we have chosen to live in . Allowing the Kitchen Garden to have music , alcohol , and up to midnight opening is not wanted , not necessary and not welcome .

I trust you will take my representation into consideration , particularly in respect of traffic , parking , noise , lighting , and the boisterous younger visitor that is likely to be attracted by these licences to come out to Holden at night .

Yours Faithfully ,

Diana Matthews

DIANA MATTHEWS



Ribble Valley
Borough Council
www.ribblevalley.gov.uk

LICENSING ACT 2003

Ribble Valley Borough Council, as the relevant licensing authority, hereby **GIVE NOTICE** that it has received an application for the **VARIATION** of a Premises Licence from:-

Applicant:	Kate Elizabeth Lawson
Address of premises:	The Garden Kitchen, Holden Clough Nursery, Holden, Clitheroe BB7 4PF
Nature of proposed variation:	<p>To add the provision of regulated entertainment in the form of Live Music, indoors only:</p> <ul style="list-style-type: none">Monday to Sunday: 0900hrs until Midnight; <p>To amend the provision of regulated entertainment in the form of Recorded Music indoors only:</p> <ul style="list-style-type: none">Monday to Sunday: 0900hrs until Midnight; <p>To amend the supply of alcohol for consumption on the premises only:</p> <ul style="list-style-type: none">Monday to Sunday: 0900hrs until Midnight; <p>To amend the hours the premises are open to the public:</p> <ul style="list-style-type: none">Monday to Sunday: 0900hrs until Midnight.

A record of the application has been placed on the licensing authority's register and can be inspected between 9.00am and 5.00pm on Level B of the Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA.

Any Responsible Authority or Other Person who wishes to make representations regarding this application must give notice in writing to: The Administration & Licensing Officer, Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA. Representations must be received no later than **MONDAY 26 OCTOBER 2015**.

Under Section 158 of the Licensing Act 2003 it is an offence to knowingly or recklessly make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction is up to £5000 (level 5 on the standard scale).

M. H. Scott

Marshal Scott
Chief Executive

Dated 28th September 2015

Catherine Moore

From: CHRISTOPHER MYERSCOUGH [REDACTED]
Sent: 27 October 2015 11:35
To: Catherine Moore
Cc: marshall.scott@ribblevalley.gov.uk
Subject: The garden kitchen , Holden, Bolton by Bowland

Re application to extend alcohol and music licence at Kitchen Garden Holden.

We live approximately 200 metres in a direct line from the Garden Kitchen and understand there has been an application to extend the alcohol and music licence at the premises.

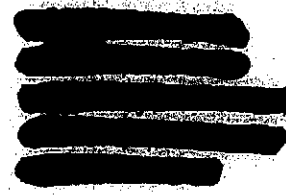
We feel that any extension of existing licenses would be inappropriate in a small rural hamlet. We do currently endure nuisance from the site, vehicles which miss the signs for the site turn around in our house access and at weekends this amounts to steady stream all day. To add a licence for music and alcohol until midnight any day of the year we feel would be detrimental to the area and the residents. We understand that there is a need for businesses in the countryside but the current venture seems quite successful as it is and there seems to be no need to add to this formula at a cost to all the residents and wildlife of the area.

Yours faithfully,

Mr C J Myerscough, [REDACTED]

RECEIVED BY
CHIEF EXECUTIVE

28 OCT 2015



The Administration & Licensing Officer,
Ribble Valley Borough Council,
Council Offices,
Clitheroe BB7 2RA

26th October 2015

Dear Sir,

**Application of Variation of Premises License: The Garden Kitchen,
Holden Clough Nursery**

We object to the above application and wish to make the following comments.

Living in close proximity to the above premises, we have serious concern regarding this application, which will prove to be far more problematic than the premises already are to the residents of Holden.

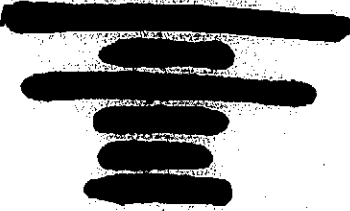
If on review, planning now or in the future relaxes the present arrangements to allow activities within the limits of this new premises license, the whole nature of the business could, and almost certainly would, change the business out of all recognition in the future.

To this end, the premises could be open to the public **365 days a year for music, food and supply of alcohol all day from 9.00 to midnight. This premises is not a public house, restaurant or hotel. It is a plant nursery with a café and lecture room.** Until recently, Holden Clough Nursery operated solely as a nursery.

The potential escalation of activities, as a consequence, would virtually destroy the nature of a peaceful hamlet. **As our property is immediately adjacent to the junction of Holden Lane with Barrett Hill Brow, we are already acutely aware of the problems of increased traffic, unfamiliar with the narrow roads, attempting to negotiate the restricted nature of the lanes.** Add alcohol, poor lighting and late nights to the mix and the effect will be detrimental to all the residents of this quiet, rural hamlet.

Yours faithfully,

Nicholas & Anne-Marie Hellewell



RVBC
Council Offices
Church Walk
Clitheroe
BB7 2RA

FAO The Administration & Licensing Officer

28 October 2015

Dear Sir/Madam

Licensing Application: The Garden Kitchen, Holden Clough Nursery, Holden

Please be advised that we wish to object to the above application, the latest in a line of planning and licensing applications which have effectively changed Holden Clough from a plant nursery to a fully fledged restaurant and party venue in a totally inappropriate location.

It is submitted that if the applicant(s) had originally applied for permission for a restaurant and party venue in a rural hamlet accessed only by a narrow single track lane it is more likely than not that permission would not have been granted. Therefore, they have adopted the piecemeal or "planning creep" approach via a series of successive applications which have ultimately resulted in the premises becoming a restaurant/party venue which was always probably the original intention.

The applicant(s) circulated a letter a couple of years ago when they became aware of the concerns of Holden residents regarding the transformation of Holden Clough and the negative impact it was having on life in the hamlet. The letter sought to assure residents that any extensions to licences or planning permissions were only to allow activities incidental to lectures on gardening or the Holden Clough annual Open Day in spring but subsequent applications have shown the contents of that letter to be a complete fabrication as the applicant(s) have reneged on all the assurances given therein.

We would submit that the vast majority of visitors to Holden Clough have no interest in plants and are basically attending The Garden Kitchen. It has become a restaurant/party venue with plants a subsidiary sideline. Since the restaurant opened the narrow lane to Holden has experienced a dramatic increase in traffic. Many of the visitors come from far afield and have no idea how to drive on narrow country lanes. There have been several near misses caused by people driving too fast on Holden Lane round bends and not expecting there to be traffic approaching in the opposite direction. There are also often traffic jams on the lane and at the junction with the Bolton-by-Bowland road at The Copy Nook, usually caused by the inability or unwillingness of certain car drivers to reverse as the road is too narrow at certain points for vehicles to pass. These traffic problems are occurring during daylight hours when drivers have most likely not consumed any alcohol. Allowing The Garden Kitchen to remain open until

midnight with a corresponding alcohol licence can only exacerbate the road safety problems as visibility will be compromised further by darkness and judgement impaired by alcohol.

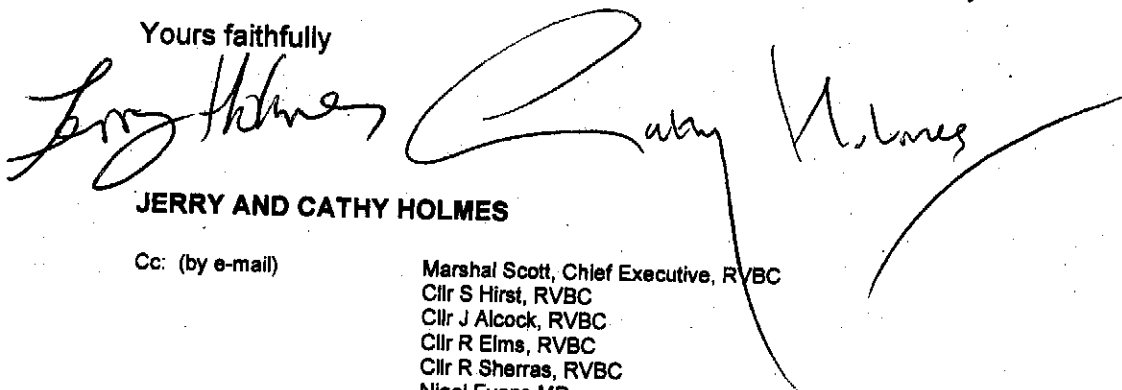
If The Garden Kitchen were to remain open until midnight the existing noise nuisance would also be exacerbated for the residents of the hamlet, amongst whom are at least six children under the age of 14 and the same number of older people over 65, not to mention the rest of the population who also do not appreciate disturbance late in the evenings. It was noticeable last year when a number of temporary events were held prior to Christmas that the noise level at night increased with the comings and goings of large groups of people and there were also people regularly outside at the venue itself whilst the event was in progress. As the hamlet is so quiet (or used to be) any increase in noise is more readily noticeable as there is no other background noise as there would be in an urban environment.

We have also noticed on a regular basis, depending on which way the wind is blowing, the smell of cooking food from The Garden Kitchen which, again, is not a typical rural odour and not something which we view positively. The smell is more appropriate for a strip of takeaway outlets rather than an agricultural location and just adds to the sentiment that The Garden Kitchen is in totally the wrong place. Allowing an extension of the activities at the restaurant would therefore cause a corresponding increase in the invasive nuisance caused by the smells emanating from the kitchen.

Over recent years we feel that applications made by Holden Clough have been too readily approved with the justification being the venue promotes tourism and commerce in the Ribble Valley. The rights of residents of Holden have obviously been considered as of secondary importance.

We would respectfully request that Ribble Valley Borough Council now seek to address the concerns of Holden residents and refuse this latest application by The Garden Kitchen.

Yours faithfully



JERRY AND CATHY HOLMES

Cc: (by e-mail)

Marshal Scott, Chief Executive, RVBC
Cllr S Hirst, RVBC
Cllr J Alcock, RVBC
Cllr R Elms, RVBC
Cllr R Sherras, RVBC
Nigel Evans MP

The Administration & Licensing Officer,

R. B. B. C.

Council Offices,

Church Walk.

Lithness BB7 2RA CHIEF EXECUTIVE

RECEIVED BY

TIME

29 OCT 2015

24.10.15

Dear Sir,

Application of Variation of Premises license:

The Garden Kitchen, Holden Clough Nursery.

I object to the above application & wish to make the following comments:

1) The revised license until 9.00pm (21.00) was acceptable as infrequent use in relation to the lecture room. A revised license until Midnight is an entirely different use of the Nursery — food, drink, loud music etc., potentially any day of the year.

2) The road to the Nursery have already caused problems to locals in Holden, & area, & also farm traffic to which this is an important right of way.

3) Parking on the road outside the Nursery restricts an already narrow country road.

H) With the extension of the license until 12.00 Midnight, the future of the Nursery could be a Nightclub, or a Caravan site.

When we were invited to give our opinions at the original extension of the Nursery & building the Café, we were glad to support John & Kate.

The proposed type of business with this licensing extension until 12.00 is not what we supported. The potential is horrific.

It will offer potential destruction of a peaceful, rural hamlet.

Sorry for handwriting this letter — my computer is poorly!

Yours faithfully,
Liz Moorhouse
(E.A. MOORHOUSE)

[REDACTED]

28th October, 2015

RECEIVED BY
CHIEF EXECUTIVE
29 OCT 2015

FAO

Dear Sirs,

We are writing to formally object to the current application for the variation of a premises licence from Kate Elizabeth Lawson of The Garden Kitchen, Holden Clough Nursery, Holden, BB7 4PF.

Our understanding from a neighbour was that the deadline for objections was tomorrow, so if our letter is technically out of time we hope you will still allow it.

Our concerns are essentially the same as those contained in our objection to a previous application, dated 25th April, 2014.

We remain deeply concerned at the site's rapid expansion and the increasing impact this is having on the local community. Holden is a small hamlet and in our view the current footprint of the 'nursery' is already more than adequate.

You will note that we wholeheartedly supported an application in 2013 to expand the car park. The nursery was established in 1927 and we welcomed the fact that it was beginning to prosper after so many years in the doldrums.

However, our personal concerns, and the concerns of other residents, have steadily increased since then. The nursery's owners now appear to be using the planning and licensing regulations as a means of expanding by stealth. We have already seen, for example, the integration of the 'lecture room' into the main restaurant, and we expressed our fear last year that once the kitchen extension was completed it would be followed up with further applications to expand the restaurant both in size and in terms of its opening times.

There is now increasing concern that the premises have switched from being a rural nursery with café to an overblown and ever-growing 'restaurant with plants'. This latest application will effectively allow what was supposed to be a nursery to operate in a near-identical way to a hotel or pub. It is not 'Nimbyism' for us to now object.

This seems to us to be completely wrong. Would Ribble Valley Council approve an application to build a new pub or hotel in a similar, highly rural location? We suspect not. Yet that is effectively what the application, if approved, would allow; all in a tiny hamlet with limited parking and difficult access.

Furthermore, we suspect that at some point in the near future Kate and John will apply for a licence to hold weddings at the venue.

Ribble Valley Council has a duty to protect the character and integrity of our hamlet, as well as to uphold the status of the highway on which the nursery stands as a 'quiet lane'. The designation 'quiet lane' appears increasingly ironic to those of us who live here. The current 5pm deadline is entirely adequate for a daytime business. For the site to close at midnight would mean dramatically increased noise and traffic and is entirely inappropriate for a site of this nature. It would produce, effectively, a second wave of high volume traffic and an accompanying increase in noise. Your officers may have noticed that the volume of traffic already using the lane to and from the nursery has had a detrimental effect, with some of the walls crumbling or otherwise being damaged.

When we moved here we did so in the knowledge that there was a nursery just up the road. We wished it well; we still do. Had we been close to a pub or a hotel, it would be churlish now to object to an entertainment licence. But this is neither: it is a garden centre.

We deplore the ruthlessness with which Kate and John are seeking to expand their empire. At the outset they gave what appeared to be heartfelt promises about wanting no more than a tea room and a lecture room. They also promised ongoing consultation with their neighbours.

The reality now, it seems, is that they want to expand without any regard to those living in the hamlet, and without any consultation. When they started out they lived on site. It has not escaped our attention that they have now moved out of the local area and make no attempt to afford us the courtesy of speaking to us about their plans.

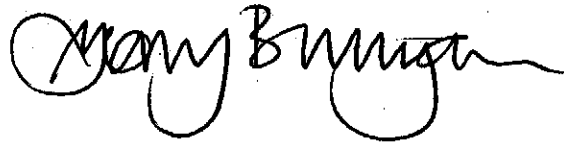
We feel aggrieved at the trail of broken promises and hope our previous support for Holden Clough – and for a young couple embarking on a business venture with seemingly altruistic intent - will actually lend weight to the objection we now feel forced to make.

In conclusion, we note that what began as the welcome restoration of a neglected nursery has already grown out of all proportion with its setting, and there is now a threat that it is about to expand yet again, thus making it an entirely different and unwelcome business.

In our previous letter we requested an assurance from yourselves that we would be contacted with regard to all future applications from the site, so we are disappointed to have heard nothing about the current matter.

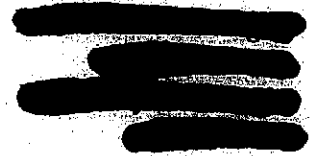
Yours faithfully,

Nigel and Gerry Bunyan

A stylized, cursive handwritten signature, likely belonging to Nigel Bunyan, consisting of a large loop followed by a long horizontal stroke.A handwritten signature in cursive script, clearly legible as "Gerry Bunyan".

- 2 NOV 2015

FAO	
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The Administration & Licensing Officer,
Ribble Valley Borough Council,
Council Offices,
CLITHEROE BB7 2RA

22nd October 2015

Dear Sir

Application of Variation of Premises License:
The Garden Kitchen, Holden Clough Nursery

I object to the above application and wish to make the following comments.

Living in close proximity to the above premises, I have considerable concern regarding this application. I am, however, sympathetic to the aim of making a success of a local rural business provided the correct restrictions are in place. Without such restrictions, however, the application will prove to be far more problematic than the premises already are to the residents of Holden.

I understand the legal position is that acceptance of this variation would then be subject to planning considerations. I also understand that since we are dealing with separate legal entities it is common practice to first apply for licensing acceptance and follow this with a variation to current planning arrangements.

So by accepting this variation to the current premises license, we are in fact faced with at least two totally unacceptable planning situations.

Firstly

If Planning application 3/2013/0408 is deemed to be adequate for these premises, we are still left with an unacceptable situation.

The restriction of hours for **Café and Shop** would appear virtually unaffected with alcohol only permitted up to 17.00 hrs.

However, even if the current planning restrictions were still enforced the new proposed Premises License would most significantly alter the situation with respect to the **Lecture Room**. Times of opening would still be restricted to 21.00 but now, with the supply and consumption of alcohol on the premises. Whilst there has been reluctant acceptance of events with alcohol allowed under the

Temporary Events License arrangements, they have served to demonstrate the significant increase in public nuisance.

Once alcohol is introduced the whole nature of the venue is changed, as are the activities and the people who attend. The premises can then be used for a succession of social events with no reference to garden related subjects at all.

Evening events, some aimed at attracting young 'party goers', have already taken place under the Temporary Event Notice License. These events have shown to create a significant amount of public nuisance, with people gathering outside the premises for substantial periods of time and producing unacceptable levels of noise of all kinds. Evening events in such a small hamlet are very disturbing. These levels of noise would be considered unacceptable in a Town Centre let alone a quiet hamlet. Events based solely around food, music and alcohol are utterly inappropriate for the location of the premises and run counter to a number of licensing objectives principally the prevention of public nuisance.

Furthermore, people having consumed alcohol are less able to drive sensibly and will create a safety hazard on narrow country lanes already experiencing a substantial increase in traffic. Taxis, mini buses and even large buses have been used to bring people to events further adding to the congestion on the lanes.

All of these problems will be a consequence of approving the variation to the Premises License whilst maintaining the current planning constraints.

Secondly

If on review, planning now or in the future relaxes the present arrangements to allow activities within the limits of this new premises license, the whole nature of the business could and almost certainly would change the business out of all recognition in the future.

In this situation the premises could be open to the public 365 days a year for music, food and the supply of alcohol all day from 09.00 to Midnight. Whilst this relates to the permitted times for the sale of alcohol, it is not uncommon for customers to only vacate up to an hour or so later. This means late night/early hours disturbance which is an environmental and social issue for residents of Holden.

The potential escalation of activities as a consequence would virtually destroy the nature of a peaceful hamlet. It may be argued that this is not the intention.

However, we were assured by the current proprietors that the planning was only sought for a tea room to complement the nursery and a lecture room to, I quote, 'run garden related courses and helping to educate children into becoming interested in gardening and working with plants.' We were assured that this was the sole intention of the use of the lecture room in the evening.

I quote:

'There will be no late functions as some rumours have suggested and certainly no loud music late at night.'

The actual escalation of activities makes it abundantly clear that assurances given at the outset have been totally disregarded in pursuit of business objectives and the evidence thus far suggests there is every reason to assume this will continue

It is therefore clear, that current planning permissions do not prevent a totally unacceptable expansion of activities. The potential for relaxing planning constraints is real with the opportunity and even greater threat of changing the business out of all recognition. The resulting increase to safety and expanding nuisance problems are highly probable and is clearly evidence based on events that have already taken place.

Holden is a small, rural hamlet in an area of outstanding natural beauty with a number of residences adjacent to, opposite and in close proximity to Holden Clough, which until recently operated solely as a nursery.

We feel that both the current planning and licensing arrangements are more than adequate for an acceptable business activity in this location. This is particularly true with the Temporary Events License as an option. Moreover, this business, which has been imposed upon us has with some reluctance, been accepted by residents. I have no problems with business expansion but surely all businesses have to operate with constraints.

However, the outcomes I have outlined as a consequence of accepting this license variation are completely unacceptable and I urge the Licensing Committee to reject this application

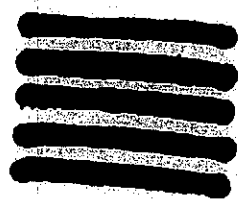
It is not only the interests of a business, which should be considered but the local people who live here and work. Families with children and the elderly also deserve your consideration and protection. We should not have to be bombarded by unacceptable noise caused by music, partygoers or late night transport arrangements.

Yours faithfully



Jeremy Collins

28 OCT 2015



27 October 2015

The Administration & Licensing Officer
Ribble Valley Borough Council
Church Walk
Clitheroe
BB7 2RA



Dear Sirs,

**Re: Applicant : Kate Elizabeth Lawson of the Garden Kitchen, Holden Clough Nursery,
Clitheroe, BB7 4PF**

Further to my email sent on 26 October, we would like to confirm our objection to the Variation of the Premises Licence in its entirety.

Both my wife and I are residents of Holden Clough, which sits directly behind Holden Clough Nursery. Holden is a small and quiet hamlet of which the Nursery is centrally positioned within. Therefore the potential noise and disruption caused by having such a Variation to the Licence would have an extremely negative impact upon the majority of the residents.

We would therefore respectfully request that the Variation is not granted.

Yours faithfully,

Andrew Yates

Catherine Moore

From: Andrew Yates [REDACTED]
Sent: 26 October 2015 12:56
To: Licensing
Subject: Atn The Administration & Licensing Officer

Dear Sirs,

**Reference: Applicant Kate Elizabeth Lawson of the Garden Kitchen, Holden Clough Nursery, Holden, Clitheroe BB7 4PF
Variation of Premises Licence**

Both my wife and I are residents of Holden Clough House, which sits directly behind Holden Clough Nursery.

We object to the Variation of the premises licence in its entirety.

Holden is a both small and quiet village, and the Nursery is centrally positioned - therefore the potential noise created by having such a variation to the license would negatively impact upon the vast majority of residents.

We would respectfully ask that the Variation is not granted.

Please do not hesitate to contact me if you require further information.

Regards

Andrew Yates
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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