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APPENDIX B

THE LICENSING ACT 2003
REPRESENTATION FORM FOR "INTERESTED PERSON" / "BODY"
(living in the 'vicinity' of the premises detailed below)

Your name / Company name	
(Name of Body you represent) Please tick one: <input checked="" type="checkbox"/> i) a person affected by the application <input checked="" type="checkbox"/> ii) a body representing persons <input type="checkbox"/> iii) a person involved in a business <input type="checkbox"/> iv) a body representing persons involved in these businesses <input type="checkbox"/>	
Postal Address (inc post code)	Harston, CAMBRIDGE,
Contact telephone number:	
Mobile Number:	
Email address:	

Name of Premises you are making a representation about:	Malthurst (Harston) BP filling station
Address of the premises you are making a representation about:	123 High Street, Harston, Cambridge, CB22 7QB

The prevention of crime and disorder

The prevention of public nuisance

The filling station is in a residential area and does create both noise and light pollution. During its current operating hours of 07:00 to 22:00, this is not an unreasonable nuisance for its residential neighbours but outside these hours, it would be severely disturbing as this is when most residents would normally be sleeping. Additionally the sale of alcohol during that period would doubtless attract more traffic and visitors to the site, exacerbating the problem. During the night hours, Harston High Street is very quiet and there is very little traffic of any sort. There is a current planning restriction preventing opening outside the hours of 07:00 to 22:00 Monday to Saturday and 08:00 to 22:00 on Sunday. A planning application to amend these hours in 2010 was refused for the reasons given above.

Public Safety

Chief Environmental
Health Office
12 JAN 2018
South Cambridgeshire
District Council

Protection of Children from Harm

If the licensing authority considers that relevant representations are made the licensing team will consider arranging a mediation meeting between the relevant parties (if all agree) to try and reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub Committee will follow, unless the interested parties withdraw their representations.

All representations in their entirety, including your name and address will be disclosed to the applicant for the premises licence.

Signed Date

.....
Please print name

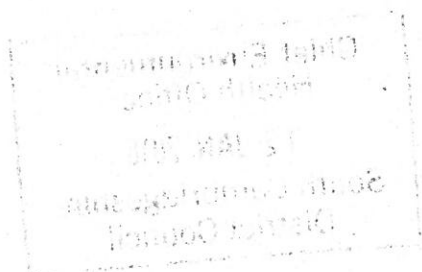
Please return this form along with any additional sheets to the relevant authority.

This form should be returned along with any additional information you may feel relevant within the Statutory Period, which is 28 days from the day after the day on which the application was given to the licensing authority by the Applicant.

In the case of a request for review, a copy of your letter must be served on the Premises Licence Holder as well as to the Licensing Authority

However, because of the tight timescales involved, and to assist in the determination of the application process, any representations should be forwarded to the licensing authority AS SOON AS POSSIBLE and BY NO LATER THAN THE DATE GIVEN BY THE LICENSING AUTHORITY.

If in any doubt, please contact the Licensing section.



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APPENDIX B

THE LICENSING ACT 2003
 REPRESENTATION FORM FOR "INTERESTED PERSON" / "BODY"
 (living in the 'vicinity' of the premises detailed below)
 PLEASE CONTINUE ON A SEPERATE PIECE OF PAPER IF REQUIRED

Your name / Company name	
(Name of Body you represent) Please tick one: <input checked="" type="checkbox"/> i) a person living in the vicinity of the premises <input checked="" type="checkbox"/> ii) a body representing persons who live in that vicinity <input type="checkbox"/> iii) a person involved in a business in the vicinity of the premises <input type="checkbox"/> iv) a body representing persons involved in these businesses <input type="checkbox"/>	
Postal Address (inc post code)	HARSTON CAMBRIDGE
Contact telephone number:	
Mobile Number:	
Email address:	

Name of Premises you are making a representation about:	MALTHURST HARSTON (MRH HARSTON) BP PETROL STATION
Address of the premises you are making a representation about:	123 HIGH STREET, HARSTON CAMBRIDGE CB22 7QB

PLEASE USE ADDITIONAL PAPER IF REQUIRED

The prevention of crime and disorder N/A	<div style="border: 1px solid black; padding: 5px; text-align: center;"> Chief Environmental Health Office 10 JAN 2018 South Cambridgeshire District Council </div>
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The prevention of public nuisance Additional / 24 hour access would have the following negative impact on our (and neighbouring properties and families) :

1) Increased noise from customers/customer vehicles. Currently there are problems with customers leaving engines running, making phone calls, playing loud music from cars. This is problematic early in the evening and early in the morning. Given the current issues 24 hour or additional access would ^{* (please see extra sheet)}

Public Safety

Security risk due to increased access to site at night time. The petrol station car park and forecourt are immediately adjacent to our (and neighbours) properties and additional hours would increase foot traffic and allow cover for being next to/by our boundaries (fence and garage/extension wall). This is currently a problem due to inadequate security on the site, but would become worse with additional opening hours.

Protection of Children from Harm

N/A

The term 'vicinity' is used in the Licensing Act 2003, in particular with reference to those 'interested parties' (see definition in guidance attached) who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. Unfortunately the Act does not define the term 'vicinity' but the licensing authority will determine each case on its individual merit.

If the licensing authority considers that relevant representations are made the licensing team will consider arranging a mediation meeting between the relevant parties (if all agree) to try and reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub Committee will follow, unless the interested parties withdraw their representations.

All representations in their entirety, including your name and address will be disclosed to the applicant for the premises licence.

Signed

Date 8/1/18

* Continued from "The Prevention of public nuisance"

have a significant impact on the ability to sleep as both the master bedroom, and the bedroom of my young son overlook the garage parking / firecourt. This is particularly problematic in summer when the heat indoors requires the bedroom windows to be open.

2) increased noise from deliveries / delivery vehicles. Although opening hours are 7am - 10pm, vehicles for deliveries often appear outside these times, already impacting our ability to sleep / quality of sleep. Increased opening hours or 24 hours would require more deliveries and allow for deliveries at unsuitable times having the same negative impact as asked for point one.

3) increased light pollution. The floodlights for the garage firecourt are directly outside our master bedroom window. Currently the light is switched off at 10pm and on at 6am. Additional opening hours or 24 hour opening would cause disturbance from the light as it is bright enough to affect the light in the room despite reasonable adaptations having been made by us. 24 hour lighting would have a detrimental impact on our ability to sleep.

4) increased ^{air} pollution. We are already affected by current vehicle exhaust pollution caused by a well used petrol station that regularly has large vehicles and delivery vehicles using it, as well as ordinary cars. Many of the larger vehicles leave engines on and idling, which causes extra pollution. Increased use of the petrol station would inevitably be a result of additional hours / 24 hour access which would have a negative impact on air quality. This would be more impactful in summer when we need to open windows and use the garden (part of which directly backs on to the parking for the petrol station). The air pollution issue is more concerning given research that shows diesel engine fumes to be more dangerous than previously thought.

All these issues have already been acknowledged by SDC Planning, who have on a number of previous occasions rejected applications for additional opening hours and 24 hour opening on the grounds that it would "substantially harm residential amenity" of both our property (6 Sheephead Lane) ~~previously~~ and our neighbour's property (5 Sheephead Lane). Both properties are directly referenced in the planning rejection (although under their previous address designations - 125A and 125B High Street). I have attached the previous application response for reference. Any 24 hour licence, or ~~acti~~ additional opening hours would increase public nuisance for us and our neighbours.

Thank you for your consideration.

.....
Please print name

Please return this form along with any additional sheets to:

The Licensing Section
South Cambridgeshire District Council
Cambourne Business Park
Cambourne
Cambridgeshire
CB23 6EA

Telephone: 01954 713132/713024/713144

Email: licensing@scambs.gov.uk

This form should be returned along with any additional information you may feel relevant within the Statutory Period, which is 20 working days from the day after the day on which the application was given to the licensing authority by the Applicant.

In the case of a request for review, a copy of your letter must be served on the Premises Licence Holder as well as to the Licensing Authority

However, because of the tight timescales involved, and to assist in the determination of the application process, any representations should be forwarded to the licensing authority AS SOON AS POSSIBLE and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing section on the above telephone number.

For Reference

Previous application rejected for impact on residential amenity

DELEGATION FORM

S/1268/10

**VARIATION OF CONDITION 8 OF CONSENT REF. S/0797/90/F TO ALLOW
ADDITIONAL OPENING HOURS - Harston Service Station, 123, High Street, Harston,
Cambridge, Cambridgeshire, CB22 7QB**

Recommendation: Delegated Refusal

Date for Determination: 27-Sep-2010

Site and Proposal

Variation of Condition 8 of planning permission S/0767/90/F to allow additional opening hours.

123 High Street is a petrol filling station with forecourt located fairly centrally within the settlement of Harston. The forecourt has independent entrance and exit points and is served by a small kiosk. The current use as a petrol filling station was approved in 1990 in accordance with application ref S/0767/90/F, but it would appear that the site has been used to pump fuel since at least the early 1970's (see application ref C/1269/72/F).

High Street Harston forms part of the A10 and as is a relatively busy through road. Surrounding development is predominantly residential of a mix of age and form.

Planning History

C/1269/72/F – Forecourt canopy over petrol pumps – Approved

S/0767/90/F – Redevelopment of petrol filling service station including shop, office and alterations to access – Approved

S/0367/10/F – Removal of Condition 8 of planning permission S/0767/90/F to allow for the petrol filling station to operate 24hours – Withdrawn following concerns raised for neighbour impact.

S/0844/10/F – Variation of Condition Number 8 to allow additional opening hours (one hour at either end of the day) – Withdrawn following concerns raised for neighbour impact.

Policies

DP/3 - Development Criteria

NE/15 - Noise Pollution

NE/14 - Lighting Proposals

Consultations

Parish Council – Recommends refusal on the grounds of amenity impact in the form of noise and disturbance to nearby residential dwellings.

Local Highway Authority – No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

Environmental Health – No comments received – however for previous applications comments received stating 'no adverse comments in respect of the above application but would recommend that a condition be imposed to prohibit the deliveries of fuel between 22:00 – 07:00 hours'.

Representations

Three letters of representation received from the occupants of; 122, 125a & 125b High Street, objecting to proposals for the following reasons:

- Noise and disturbance from customer use of the station and from fuel and goods deliveries
- Light pollution
- Smells
- Loss of privacy
- Highway issues
- Security

Planning Comments

The site was granted planning permission for redevelopment as petrol filling station in the early 1990s. At this time a conditional requirement of the consent was that the filling station was to be restricted to opening hours of 7:00am – 10:00pm on weekdays and 8:00am – 10:00pm on Sundays. The reason for this condition was to minimise disturbance and loss of privacy to adjoining residents. As such the key issues to consider in this instance are the impact of proposals upon the residential amenity of neighboring dwellings should this condition be varied to allow increased hours of opening 6:00am-10:00pm on weekdays and 8:00am – 10:00pm on Sundays.

It is considered that the greatest potential for impact upon residential amenity is upon nos 125A and 125B High Street, which share a common boundary with the filling station. The rear elevations of these dwellings are sited approximately 5.5m from the common boundary and approximately 16m from the pump canopy. The common boundary at this point comprises a fence of approximately 1.8m in height with taller coniferous hedging behind. Letters of representation objecting to the proposals on the grounds of amenity impact have been received from the occupants of both of these dwellings.

Variation of the condition to allow additional hours of use of the filling station site is considered to impact upon the residential amenity of these two dwellings. The chief concern is for the noise and disturbance impact that general use of the filling station at anti-social hours would have upon the occupants of these dwellings. The present limit on the hours of use are considered to be within social hours where the average person can be expected to be awake and thus a degree of noise and disturbance is not impacting upon sleep. Extending the opening hours to an hour earlier of the current limit would result in use of the forecourt and station in hours of the morning during which it is reasonable to expect the average person to be sleeping/in bed.

It is also acknowledged that the filling station site would need to be illuminated during the evening hours and early morning hours in the winter months. There are down lit lampposts within close proximity to the common boundaries with nos. 125a and 125b. This illumination is also considered likely to impact upon the residential amenity of the occupants of 125A and 125B High Street if the hours of use were to be extended.

Further Considerations – The Local Highway Authority have not commented upon proposals. However a previous application seeking 24-hour use for the garage was considered by the LHA who did not consider that there would be an undue impact upon highway safety should the limiting condition be removed

Representations received raise concerns for a proliferation of antisocial behavior on the forecourt of the filling station should 24hr use be allowed. It is hard to see how this would occur as CCTV protects the site and were it to be manned during the night then this would be a deterrent to antisocial behavior.

On the basis of the above, the application is hereby refused, for the following reasons.

Decision

Delegated Refusal

For the following reasons:-

1. 123 High Street is located in a predominantly residential area. Adjacent dwellings no's 125A and 125B High Street share a common boundary with the site and the rear elevations of these dwellings are within close proximity to the operational areas of the site. Variation of condition 8 of planning permission ref S/0767/90/F to allow for increased hours of use of the site during weekday and Saturday mornings is considered to substantially harm the residential amenity of the occupants of 125A and 125B High Street, through adverse noise and disturbance from general use of the forecourt and through light pollution arising from night time illumination of the site. To this end the proposals are considered contrary to policies NE/14 and NE/15 of the South Cambridgeshire Local Development Framework, Development Control Policies DPD, 2007, which seek to ensure that there is no unacceptable adverse impact on neighbouring or nearby properties from lighting and that there is no unacceptable adverse impact upon indoor and outdoor acoustic environment of neighbouring properties.

Contact Officer: Matthew Hare - Planning Officer
01954 713180

SIGNATURE OF DELEGATION OFFICER

DATE

Plans to be stamped:

PA-01

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REPRESENTATION FORM FOR "INTERESTED PERSON" / "BODY"
(living in the 'vicinity' of the premises detailed below)

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i) a person affected by the application <input type="checkbox"/> ii) a body representing persons <input type="checkbox"/> o iii) a person involved in a business <input type="checkbox"/> o iv) a body representing persons involved in these businesses <input type="checkbox"/>	
Postal Address (inc post code)	C/O 14 Beverley Way, Trumpington, Cambridge CB2 9JS
Contact telephone number:	
Mobile Number:	
Email address:	harstonparishclerk@gmail.com

Name of Premises you are making a representation about:	BP Garage
Address of the premises you are making a representation about:	123 High Street, Harston, Cambridge CB2 5QB

The prevention of crime and disorder

We believe that the current opening hours are appropriate and feel that having had a failed Planning application to allow 24 hour opening, it that this application for a change in licence to enable the shop to be open and the ability to sell alcohol between 11pm and 5am effectively makes it a 24 hour garage. The Council would not support the extension to opening times or licencing hours. Having a facility in the village that opens throughout the night, selling alcohol, would be an unwelcome addition in this residential area

The prevention of public nuisance

The garage is in the middle of a residential area. Vehicles arriving until the small hours, perhaps drinking on the forecourt, is not acceptable to the Council. The forecourt of this garage has been the scene of anti-social behaviour in the past and Harston Parish Council has no wish to encourage a repeat based on late night drinking there

Public Safety

**Chief Environmental
Health Office**
15 JAN 2018
**South Cambridgeshire
District Council**

Protection of Children from Harm

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Signed

Date 14 January 2018...

Sue Atherton, Clerk, Harston Parish Council

Please print name

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