

## PLYMOUTH CITY COUNCIL

**Subject:** Margo's at Mount Wise at 2 Charles Darwin Road, Devonport, Plymouth.  
Grant of Premises Licence

**Committee:** Licensing Sub Committee

**Date:** 12 August 2014

**Cabinet Member:** Councillor Brian Vincent

**CMT Member:** Kelechi Nnoaham (Office of the Director of Public Health)

**Author:** Frederick Prout (Senior Licensing Officer)

**Contact details:** 01752 304792  
email: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

**Ref:** ERS/LIC/PREM

**Key Decision:** No

**Part:** I

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### **Purpose of the report:**

An application has been received from Andrew Miller in respect of Margo's at Mount Wise of 2 Charles Darwin Road Devonport Plymouth for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

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### **The Brilliant Co-operative Corporate Plan 2013/14 – 2016/17:**

This report links to the delivery of the City and Council objectives and outcomes within the plan.

In particular: Growing

See [http://www.plymouth.gov.uk/corporate\\_plan.pdf](http://www.plymouth.gov.uk/corporate_plan.pdf)

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### **Implications for Medium Term Financial Plan and Resource Implications:**

**Including finance, human, IT and land:**

Not applicable

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### **Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

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### **Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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### **Recommendations and Reasons for recommended action:**

That Members consider this report.

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### **Alternative options considered and rejected:**

None.

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**Published work / information:**

For more information please see the below links.

**Licensing Policy**

[http://www.plymouth.gov.uk/statement\\_of\\_licensing\\_policy.pdf](http://www.plymouth.gov.uk/statement_of_licensing_policy.pdf)

**Licensing Act**

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

**Licensing Act Guidance**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/209526/1167-A\\_Licensing\\_Act\\_2003\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf)

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7
Application									

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**Sign off:**

Fin		Leg	SD/2 4.7.1 4/20 833	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? No													

## 1.0 INTRODUCTION

1.1 On the 24<sup>th</sup> June 2014 the licensing department received an application from Andrew Miller for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Margo's at Mount Wise situated at 2 Charles Darwin Road, Devonport, Plymouth.

### 1.2 Grant application.

Deli/Shop & Café/Restaurant. A wholly flexible menu offering grazing foods, lighter options and full meals at all periods of the day with the possibility to take-out. Alcohol is only to be served with food. The Development is situated on a prominent road in the heart of Mount Wise 'The Village by the sea'. The building is 984sq ft open plan with a back service yard. The area also benefits from 12 car parking spaces.

### 1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<b><u>(j) Supply of Alcohol for consumption ON and OFF the premises</u></b>
All Days 12.00 midday to 10.00pm
<b><u>(l) Hours Premises are Open to the Public</u></b>
All days 08.00am to 10.00pm

1.4 As part of the application the applicant has put forward a number of conditions to promote the four licensing objectives (Appendix 1).

1.5 Representations have been received in respect of this application.

### 1.6 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

## 2.0 RESPONSIBLE AUTHORITIES

2.1 *Devon & Cornwall Police* – has made representation relating to the prevention of crime and disorder and public nuisance which have since been withdrawn as the applicant has agreed additional conditions (Appendix 2).

2.2 *Environmental Health* – has made representations relating to public nuisance which have since been withdrawn as the applicant has agreed additional conditions (Appendix 3)

2.3 *Devon & Somerset Fire & Rescue Service* – no representations.

2.4 *Trading Standards* – no representations

2.5 *Planning Officer* - no representations.

2.6 *Child Protection* – no representations

2.7 *Health & Safety Executive* – no representations.

2.8 *Health Authority* – no representations.

2.9 *Licensing Authority* – no representations.

### **3.0 OTHER PARTIES**

Three letters and one petition containing 18 signatures have been received that are attached to this report marked appendix 4 to 7.

### **4.0 CONSIDERATIONS**

4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

In making its decision the Committee is also obliged to have regards to:

- The guidance issued under section 182 of the Licensing Act 2003 with the following paragraph's relevant to this application: 1.2 – 1.5, 1.16 – 1.17, 2.1, 2.3, 2.8, 2.9, 2.18 – 2.22, 2.24, 9.3, 9.12, 9.33 – 9.36, 9.38 – 9.40, 10.8 - 10.11 and 13.42 -13.43.
- The Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Planning (page 6), Licensing Hours (Page 11), Public Nuisance (Page 17 – 18) and Licensing Conditions (page 20)
- Also the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

1. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

R. Carton  
Manager of Public Protection Service



**Section 18 of 19****LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Prove 21  
Alcohol only served with food  
Pub watch  
No drugs policy

b) The prevention of crime and disorder

Prove 21  
Alcohol only served with food  
Pub watch  
No drugs policy

c) Public safety

These premises will not attract any problems as its primary function is as a deli shop and cafe.

d) The prevention of public nuisance

These premises will not attract any problems as its primary function is as a deli shop and cafe.

e) The protection of children from harm

All employees will be required to be DCP checked as this is a very family friendly venue

**Margo`s**  
**2, Charles Darwin, Devonport, Plymouth, PL1 4GU**

**Proposed Conditions**

**Prevention of Crime and Disorder –**

- All staff shall be fully trained to perform their role. The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that all staff are trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack or equivalent, contents of the premises licence including times of operation, licensable activities and all conditions prior to undertaking the sale of alcohol and then at least every 12 months.
- Training of staff shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 3 years.
- A refusal register will be kept for any underage or person refused service. The record will contain the time and date, the reason, the person (if known), the action taken and details of the person responsible for the management of the premises at the time of the incident.
- An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.
- The refusals register and incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority. The records will be retained for at least 3 years.
- The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)) regarding installation of CCTV is provided at the premises.
- The CCTV equipment shall be maintained in good working order and shall cover all areas of the premises to which the public have access including outside frontage of premises.
- Images shall be retained for a minimum of 14 days and the CCTV system shall be capable of downloading images to a recognizable viewable format.
- The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.

- The Premises Licence Holder and/or Designated Premises Supervisor and/or Responsible Person shall not allow any open drinking vessel, glass or bottle to be taken from the premises.
- The Premises Licence Holder and/or Designated Premises Supervisor or nominated person shall write a drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances within the premises and the actions taken when discovered. All staff members are to be trained in the policy.
- Supply of alcohol - Intoxicating liquor shall not be sold to a person to be consumed on the premises unless consumption by such a person is ancillary to a meal.
- All alcohol will be served to the customer when they are seated and will be provided by waiter/waitress service.

#### **Prevention of Public Nuisance**

- The Premises Licence Holder and/or Designated Premises Supervisor and/or responsible person shall ensure that outside the establishment will be controlled in a safe and effective manner to the same standard operated within the premises building and will pay special attention to the impact that the use of the outside area has on the surrounding community.

#### **Protection of Children from Harm**

- All staff shall be trained in the requirements of the Challenge 21 policies. The following type of acceptable identification is the PASS Card.
- All staff shall be suitably trained in the operating procedures for refusing service to any person who is deemed drunk or appears to be under-age.

By signing this document you are agreeing to the conditions above to be placed on your Premises License

#### **Applicant**

Name.....Signature.....Date.....

#### **Police Alcohol Licensing Officer**

Name.....Signature.....Date.....

**LICENSING ACT 2003  
ENVIRONMENTAL HEALTH REPRESENTATION**

**Schedule Ref: PC/862032**

**Premises:** Margo's at Mount Wise

**Address:** Charles Darwin, Devonport, Plymouth, PL1 4GU

**Applicant:** Mr Andrew Miller

**I, Mr Andrew Miller, have read the schedule of conditions below and agree for them to be included in the operating schedule: -**

1. All outside areas associated with the business must be cleared of customers by 21:00 hours each day. Adequate notices shall be displayed to inform patrons of this requirement.
2. The Premises License Holder or nominated person shall control levels of noise in the outside area and advise customers of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.

No. 2 Charles Darwin Road  
Mount Wise  
Plymouth  
PL1 4GU

Tel: 01752 230981

11 July 2014

**BY HAND**

Plymouth City Council  
Licensing Department  
Floor 6, Civic Centre  
Plymouth PL1 2AA

**RECEIVED**  
**PUBLIC PROTECTION SERVICE**

**21 JUL 2014**

F.A.O. ....

Dear Sir/Madam

**Application 044518**

**Margo's, 2 Charles Darwin Road, Mount Wise, Plymouth PL1 4GU**

I write to object to this Application on the following grounds:

**1. Use Classes**

The Premises are advertised as Consented Use A1 which I believe under the Town & Country Planning (Use Classes) Order 1987 does not include the use of the premises for the sale of food and alcohol for consumption on the premises – restaurants, snack bars and cafés. This is only permitted I believe under an A3 classification. Wine bars are only permitted under an A4 classification as far as I understand.

I was originally advised by the applicant that he intended to operate a Deli and Coffee shop from these premises. This has now changed to an application for a Licensed Premises with an outdoor seating area selling alcohol to which I strongly object. The premises are located in a residential area, totally unsuitable for the sale and consumption of alcohol in a public place under any circumstances, and especially outdoors.

Does the Applicant intend to lodge an application for a change of use classification from A1 to A3 and A4 or is this deemed to be unnecessary by the Licensing authority?

Notwithstanding the above objection to the alcohol licence being granted, I further object to the application on the following grounds:

**2. Location**

The premises is located immediately adjacent to, immediately opposite and immediately under, private residential houses and flats, some designated for the over-55s. I therefore believe this is an unsuitable location for an A3/A4 type of business with the intended sale and consumption of alcohol. The flats directly above have balconies and windows which would be subject to noise disturbance, and our main bedroom and two further bedrooms are directly opposite the said premises and would be subject to noise disturbance until 10.00pm.



**3. Hours of operation**

The proposed hours are 0800-2200 7 days a week. I believe these are excessively long hours. Sunday hours should be restricted to 1000-2000 at the earliest and latest. Monday to Saturday should be 0830-2130. That is still a total of 88 hours per week. Any trading outside these hours would be very detrimental to the peace and quiet of this residential area.

**4. Noise**

I would strongly object to the arrival, unloading and departure of delivery vehicles to the premises at times other than as shown in no.3 above. There is a strong likelihood of considerable noise associated with deliveries, as well as disruption to the free flow of traffic and residents' parking in Charles Darwin Road which is already a narrow and busy single lane street. Charles Darwin Road is also one of the main access roads to other parts of the residential estate.

**5. Outside tables and seating**

As far as I can determine from the site plan, there is no available space for outside seating other than on the existing walkway and residents' parking areas. Outside seating with dining/alcohol consumption would also create a noise nuisance to the residents. I therefore object to the granting of any outside use on these grounds as well as Health & Safety issues relating to the safe passage for pedestrians, some of whom are disabled, mothers with prams and the elderly. Has any Health & Safety assessment been undertaken?

**6. Customer parking**

What provision would be made for customer car parking? This residential area of Mount Wise already has a shortage of on-site parking spaces, and this is an ongoing issue with the Mount Wise developer and their management company, TMS. The area immediately outside these premises is very narrow and has very limited access for pedestrians and motor vehicles. There is a small car park on the far side of Mount Wise Crescent, however this is allocated for the use of the adjacent large commercial premises, known as "the Tesco site".

**7. Kitchen ventilation**

What provision would be made for environmentally satisfactory kitchen waste ventilation? Neither the residents above the premises nor the other residents in Charles Darwin Road would want kitchen ventilation smells and noise to emanate from the Premises.

**8. Waste disposal**

What provision would be made for the appropriate disposal of food, glass and other waste that would not create noise, mess, smells or attract vermin to the immediate area or the estate in general?

**9. Alcohol consumption**

As previously stated, I do not believe that currently this location has the correct Consented Use classification required by the applicant to operate a deli/coffee/restaurant with the sale of alcohol. The immediate area has in the past experienced considerable Anti Social Behaviour, in part due to alcohol abuse. This problem has now been largely brought under control by the expert intervention of the Police, Social Housing staff, Sovereign Housing

Association staff, on-site management, the local Member of Parliament and a residents committee. The granting of an alcohol licence to this premises could seriously undermine all the good work that has been accomplished to date.

I object to this alcohol licence application in its entirety.

I have also spoken to many of the residents, elderly and otherwise in the immediate vicinity of this proposed licensed premises and without exception they are all against the granting of such a licence. Unfortunately due to their circumstances many are unable to formalise their own objections and in fact some are not even aware of the application. I believe that there is a duty of care to these elderly residents that the PCC should make them aware individually rather than just a small notice attached to the front of the premises.

Should an application for a change of Consented Use to A3 or A4 be lodged or deemed to be not necessary/applicable by the PCC, I continue to object to the application on the grounds of the above points 2-9, and request your acknowledgement of this letter in writing.

Yours faithfully

CC:  
Mount Wise (Devon) Ltd  
Mount Wise Residents Association  
Oliver Colville MP  
Sovereign Housing Association  
TMS Management Services  
Mount Wise Site Management

Prout, Frederick

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**From:**  
**Sent:** 21 July 2014 20:52  
**To:** Licensing  
**Cc:**  
**Subject:** Licensing representation of application 044518, 2 Charles Darwin Rd Plymouth PL1 4GU

Dear Sirs,

I would like to make a Licensing representation against application 044518, Margo's, 2 Charles Darwin, Devonport, Plymouth, Devon, PL1 4GU.

I own the residential house at Charles Darwin Road. It was my understanding that the rental unit at 2 Charles Darwin was classified as an A1 retail unit.

I understand that the listers' property information states that "the property is suited to other areas falling within Classes A2 (office-compatible-with-retail), A3 (cafeteria/restaurant), and D1 (quasi-health/medical), subject to **compatibility with residences and to statutory consents**.

I do not agree with the proposal.

In relation to the **Prevention of Public Nuisance**, it is a residential area and I do not feel that drinking alcohol on decking until late in the evening is compatible with the residents in the immediate area and those who live in the over-55s flats above the Premises; concerns include nuisance relating to smells from ventilation, waste, noise and parking which is already at a premium in the area.

In relation to **The Prevention of Crime and Disorder**, I feel the consumption of alcohol and purchase for taking away has potential to increase general risk to the area in relation to alcohol fuelled crime and disorder. And following on from that, the entrance / exit from the Mount Wise residential area onto the Devonport Hill main road poses a **Public Safety** risk after potential consumption of alcohol at the premises from both a pedestrian and road user perspective.

I hope you will take my objections into account,

Yours sincerely,



No. 1 Charles Darwin Road  
Mount Wise, Plymouth  
PL1 4GU

E: 01752 200887

18 July 2014

Plymouth City Council  
Licensing Department  
Floor 6, Civic Centre  
Plymouth PL1 2AA

RECEIVED  
PUBLIC PROTECTION SERVICE

21 JUL 2014

F.A.O. ....

Dear Sir/Madam

**Premises Licence Application No.044518**

**"Margo's", no.2 Charles Darwin Road, Mount Wise, Plymouth PL1 4GU**

**Activities**

The Notice on the front of the Premises states:

*The relevant licensable activities are as follows:*

*8am-10pm Weekdays                      8am-10pm Sundays*

*The activities are Deli/Coffee/Restaurant/bottled beer & wine only with food. No off licence. Outdoor area shut by 9pm. Family venue & shop.*

The Plymouth City Council Licensing Section Premises Register as at 07.58 on Mon 30 June 2014 states:

*Permitted Activities: - the sale by retail of alcohol*

*Premises Open Hours requested: - Monday to Sunday 8:00am to 10:00pm*

*Activities – Times requested: M. The sale by retail of alcohol for consumption ON and OFF the premises.*

*Monday to Sunday from Noon to 10.00pm.*

Which time is requested for alcohol off the premises? 9pm as per Notice, or 10pm as per Register?

**Comment**

I wish to make strong objections to this Application, in particular the outside area where alcohol will be served until 9pm "when the outdoor area will be shut by 9pm" but alcohol will continue to be served until 10pm.

We feel that this type of business is unsuitable in this residential location (residential homes directly opposite and I enclose photographs to show how close; over-55s flats with balconies/bedrooms directly above; part - buy/part-rent adjacent.

We are pleased to see that the Notice has now been amended by the Applicant to include the fact that alcohol will be available and that reference has been made to an outdoor area. These facts had originally been omitted.

**Preliminary**

I live at No. 1 Charles Darwin Road, Mount Wise, with my husband, Stephen Cornhill. We are both aged 60+. Our house is directly opposite Sovereign Housing flats for the over-55s, and some of the flats are inhabited by people in their 70s and 80s. Other properties in Charles Darwin Road are lived in by single people, families, couples, groups of friends etc.

The "Premises", for which this Application is made, is directly opposite our house and directly beneath the over-55s flats. The Premises is in close proximity to our property. Our bedroom directly faces the "Premises" at no.2 Charles Darwin Road. I enclose photographs taken from our bedroom windows (the window cill and external wall can be seen); it is possible also to see some of the flats for the over-55s in these photographs as well as the brick road in the foreground, and a bricked parking area. (I suffer from migraines and the only cure is to go to bed, and lie quietly for 24 hours or so. If this Application goes ahead, there will be no peace at all – especially if it is open from 8am to 10pm, 7 days a week.)

The enclosed photographs also show the frontages of the Premises. Immediately outside the Premises there is a pedestrian walkway adjacent to which is vehicle parking (delineated by different pattern of brickwork). Vehicles can be seen parked in this location.

Charles Darwin Road is a main thoroughfare in Phase I of the housing development leading from Cumberland Road/Devonport Hill. Charles Darwin Road gives vehicular access to Beagle Road, Mizzen Road and Falcon Road. There is a smaller exit/entrance at the other end of Charles Darwin Road/Pembroke Street which is mainly used by cars exiting the estate and by the Council vehicles for bin emptying. I enclose a plan of the Mount Wise development.

Mount Wise "Village by the Sea" consists of predominately residential accommodation, and in the regenerated Devonport area of Plymouth.

#### **Consented use of The Commercial Unit – no.2 Charles Darwin Road**

I enclose a copy of the Listers Commercial Property information. This shows a plan of the Premises.

No.2 Charles Darwin Road, the proposed "Margo's", is advertised as **Classification A1**, on Listers Commercial Property advertising board. Listers' literature also advertises the Premises as A1: "the consented use is as an A1 retail unit but the property is suited to other areas falling within Classes A2 (office compatible with retail), A3 (cafeteria/restaurant), and D1 (quasi health/medical) use, **subject to compatibility with residences above and to statutory consents**".

The Applicant came to our home some weeks ago to inform us that he wished to open a "deli/coffee shop with some tables/seating at the back [of the shop]". No mention was made of an outdoor area/alcohol.

There are many cafes in the immediate vicinity (without alcohol), as well as take-away fish & chips, pizza etc, as well as public houses which sell alcohol with or without food, and supermarkets/retail outlets such as Lidl, Co-op, Spar.

#### **? Questions:**

- Has the "deli" in the Application qualified the Premises for A1 classification (shops and retail outlets) thus allowing other activities to take place?
- Would the use of Premises be as a "coffee/restaurant" with ancillary delicatessen, or would it be primarily a shop/deli with ancillary "coffee/restaurant"? There is a big difference. (Also, "Deli", or delicatessen, implies a place where fine, specialised foods are sold, and not bread rolls, sandwiches etc.)

#### **Family Venue**

Repeating what a neighbour said to us: "the Application states "family venue", but what if I want to go in there with a group of mates from the ..... club for food and drinks"? The point was that the Premises would be unlikely to be restricted to families only and the "family venue" in the Application would be meaningless. There would be no control over who turned up.

#### **Outside area/tables/seating**

This is the area about which I have very strong objections. There is nothing on the Notice stating the location of the outdoor area for the consumption of food and drink. We can only assume that the outdoor area would be immediately in front of the Premises on the pedestrian walkway because the location is not stated.

I have not seen a notice on site advertising the intended use of part of the footway as a street café. The present Notice seems to assume that there is an outdoor area ["which would be shut by 9pm"]. Would umbrellas/heaters be permitted over the tables?

The two frontages of the Premises measure c.6890cms wide (to pillar) and c.5367cms wide (see Listers plan enclosed which will hopefully clarify). I also enclose photographs showing the road/parking space/pedestrian access in fuller detail.

From the front of the rectangular unit frontage (no.1 next to entrance to flats) there is c.120cms of pedestrian walkway, then a c.30cms gulley/kerb, and c.154cms of car parking area.

From the front of the almost triangular-shaped Premises frontage (no.2 next to "Tesco" store), there is at the widest point c.3600cms of pedestrian walkway (it is on a corner) but reducing to c.120cms where it connects with frontage no.1. As with unit no.1, there is the c.30cms gulley/kerb and c.154cms car parking space.

It can therefore be seen from the photographs and the information above that there is no space for an outdoor area for eating and drinking without putting pedestrians at risk.

There is current controversy at Royal William Yard where residents have complained about noise emanating from outdoor seating which they say harm their living conditions. We do not wish to find ourselves having the same problems at Mount Wise as is experienced at Royal William Yard.

#### Public Safety Issues

The Notice states: "outdoor area shut by 9pm". The Application is for the outdoor area to be used for food and alcohol with food.

Assuming, as stated above, that the outdoor area would be immediately outside the Premises (but we don't know where the intended location is), this space is, in fact, the pedestrian walkway and which is used by the elderly, parents with young children, children going to the green – in fact, the general public. Beyond the footpath is a gulley/kerb which separates the footpath from vehicular parking and road. Again, please see photographs attached.

Plymouth City Council has informed us that the Applicant has mentioned to them "decking" for the outdoor area. Whether there is decking or not, we maintain that outdoor seating would be a Public Safety Issue because it would leave limited/insufficient space for the safe and free movement of pedestrians – used by parents with pushchairs and young children, the elderly, the disabled (impaired vision, wheelchair users) – in fact, general public. Should pedestrians have to walk around any outdoor seating, they would have to walk on the car-parking area (if able to) or in the road.

With parking of cars on both sides of Charles Darwin Road (see photograph enclosed), there is room only for one vehicle at a time to go along the road. Therefore in the event of an emergency there could be difficulty for Emergency vehicles gaining access and pedestrians would not have safe passage along the pedestrian footway.

#### Opening hours

The Application is for relentless 8am-10pm, 7 days a week. The Notice states that "the outdoor area shut by 9pm" but as previously mentioned, how would this be monitored if it were allowed? We have spoken with several of our neighbours in the Sovereign Housing flats and each person we have spoken to is very concerned about this Application.

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The 98 hours per week of opening for this Premises is excessive. It is not compatible with this residential area, especially with the tenants of the over-55s flats – or with us personally. Our bedroom faces the Premises, and we would have to face noise/activity/light pollution etc from 8am to 10pm (or possibly later when customers leave the Premises) every day of the week. This is totally unreasonable and would reduce the quality of living in our own home.

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The flats to the left as you face the over-55s flats are part-buy/part-rent. We have spoken with some of the owners and they are also concerned about this Application.

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**? Questions:**

- If there are customers on the outdoor area, will they adhere to the "shut by 9pm"?
- Will customers be herded inside at 9pm, taking unfinished food and drink with them?
- Or would customers be allowed to purchase food/drink for outside consumption until 9pm, and continue to stay outside until 10pm? This would make the "outdoor area shut by 9pm" pointless.

**Public Order Issues & Noise**

(See Listers' details enclosed regarding classification of premises "..... subject to compatibility with residences above and to statutory consents.")

There have been many issues of anti-social behaviour on this development which have, over the past few months, greatly improved with the efforts of the Police, Mount Wise Ltd's Management Company (TMS), Sovereign Housing etc. (We understand from some of the Sovereign Housing residents, however, that they continue to suffer problems.)

The anti-social behaviour became so bad that one resident convened a meeting for residents, Sovereign Housing, TMS and Oliver Colville. We received a letter from this home-owner who stated:

"There is also the noise nuisance, mainly at weekends and often in the early hours ... They have even been seen urinating up the entrance doors ... and we had two drunken lads kick the doors of nos. .... Beagle Road and then throw and smash an empty wine bottle against the house at no.... Charles Darwin Road."

One resident of the over-55s flats had his work-van crashed into by a car racer who raced from the Cumberland Road entrance, along Charles Darwin Road, and out into Pembroke Road. The resident could not go to work (Police, Sovereign Housing, Mount Wise, TMS informed and involved), and one resident from the over-55s flats moved because of noise from Charles Darwin Road and from Cumberland Road/Devonport Hill.

As per management company Minutes, residents are having to consider the extra expense of CCTV coverage around the estate following anti-social behaviour, thefts from bike stores, additional evening patrols [from Devonport Security].

At the risk of repeating myself yet again, the Premises are located immediately below Sovereign Housing flats occupied by the over-55s and opposite our home (we are over 60) and we all suffered noise and anti-social behaviour in 2013 (some still experiencing problems, we hear from some Sovereign Housing residents). The residents in the flats enjoy sitting on their balconies. If there is an outdoor seating area directly below them, they will experience noise until 9pm at the earliest during the summer months, possibly longer, as well as people leaving the Premises at, or after, 10pm. And my husband and I will also have to suffer the same problems.

**Alcohol**

The Notice states "Bottled beer and wine only with food".

The combination of alcohol and an outdoor area is strongly objected to. The serving of alcohol from noon to 10pm (outside until 9pm) seems excessive for a family venue. The current A1 classification does not seem sufficient for this Application. We do not consider alcohol consumed outdoors in this location to be compatible with the residents because of the possible impact on noise/public order/health & safety, and other issues.

**?Question:**

- Would there be any restriction on the quantity of alcohol served with whatever food the Applicant intends to supply?

**Deliveries**

In line with the objections to the hours of opening, we are concerned about deliveries being made prior to 8am — and even after that time. As already stated, our bedroom, as well as two other bedrooms, is

immediately opposite the Premises. There is only one way, as far as we can see, of getting deliveries into the Premises – via the front door. This will create parking/vehicular movement issues and noise.

#### **Parking**

There are currently insufficient parking spaces on site for residents, and parking for the Premises will exacerbate the existing problems. Charles Darwin Road, in particular, has parking problems. Many home owners are having to consider (many have already completed) the installation of a bollard to safe-guard their private parking space.

#### **?Questions:**

What provision will be made for deliveries and customer parking? The car park opposite what was to have been the "Tesco" store is, as we understand it, designated for that store.

#### **Waste Disposal**

There seems to be a waste disposal store for the Premises (see the Listers' plan), but:

#### **?Questions**

- Are there special arrangements for the disposal of empty beer and wine bottles?
- Will food waste be dealt with so as not to allow smells and attract vermin? The front doors of the over-55s flats may be above the waste store.

#### **Ventilation**

The application is for a "deli/coffee/restaurant". It is usually a café that provides snacks, sandwiches, cakes etc. However, this Application is for a "restaurant" which implies properly cooked meals requiring ovens, hobs, hot plates, fryers etc. We cannot see an outside wall except on the front of the Premises and we would strongly object to ventilation opposite our home, directly beneath the homes of the over-55s, and onto a pedestrian walkway.

#### **?Question:**

- To where would odours be ventilated?

Across the Plymouth Cricket Club field, in the far corner, is the Plymouth Cricket Club clubhouse which has a balcony at first floor level. There are sometimes functions taking place at the clubhouse and we can occasionally hear distant voices/music emanating from there – but it is not immediately opposite our house nor immediately below residences of the over-55s.

Finally, I wish to re-emphasise that I object strongly to the Application for "Margo's at Mount Wise" on the grounds that the premises is not classified for the Application as it stands. Notwithstanding the Classification, I strongly object to an outdoor area, as well as serving food and drink in the outdoor area on the grounds set out above.

I trust that my objections will receive your consideration.

Yours faithfully



Licensing Act 2003

Notice is hereby given that I / we \* *\* delete as appropriate*

of PLUMAGE'S AT PLUMAGE (insert name of premises)

on 25.11.11 (insert date of application)

Have made application to Plymouth City Council, being the Licensing Authority for the purposes of the Act, for the grant of a Premises Licence / Club Premises Certificate \* in respect of the premises situate at and known as

No. 1 PHOENIX DRIVE RD. DEVLIN RD. BATHON  
(insert name & full postal address of premises)

The relevant licensable activities or relevant qualifying club activities \* are as follows

8.00pm - 12.00am on weekdays, and (insert hours of operation)  
8.00pm - 12.00am on Sundays

The activities are DELL / COFFEE / RESTAURANT / BOTTLED BEER & WINE ONLY  
WINE ONLY  
FOOD  
FOOD

Any representations to this application should be made in writing or electronically to:

Licensing Department, Floor 6, Plymouth City Council, Civic Centre, Plymouth. PL1 2AA. [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk) (For electronic representations please provide your postal address).

Not later than 28 days after the date of this notice.

A copy of this application can be viewed at the Civic Centre address above during normal office hours.

It is an offence knowingly or recklessly to make a false statement in connection with this application, the maximum fine on summary conviction being £5,000.

*This notice must be kept exhibited for not less than 28 consecutive days from the day after the application date*

Dell/coffee/restaurant/Bottled beer & wine only with food. No off licence. Outdoor area shut by 9pm. Family venue & shop.

Remove all the restrictions and conditions contained in Annex 2 of the premises licence.

Include in Annex 2 the conditions in boxes b to e section M of the operating schedule

Make alterations to the premises.

- 
- Last date for representations: 17 July 2014

## Esso

Name of applicant: Rontec Watford Limited

Application for a variation of premises licence to extend the sale of alcohol to 24 hours a day to include late night refreshment between the hours of 11pm and 5am.

Remove all the restrictions and conditions contained in Annex 2 of the premises licence.

Include in Annex 2 the conditions in boxes b to e section M of the operating schedule

Make alterations to the premises.

- 
- Last date for representations: 17 July 2014

## MAR60'S

2 Charles Darwin Street, Devonport, Plymouth

Name of applicant: Andrew Miller

Application for a new premises licence to be granted - the supply of alcohol both on and off the premises from Monday to Sunday midday to 22.00hrs.

- *Application received: 18 June 2014*
- Last date for representations: 22 July 2014

## Making a representation (objection or support)

Anyone can make a representation about an application.

If you wish to make a representation about an application, you should write to: Public Protection Service Manager, Licensing Office, Public Protection Service, Civic Centre, Plymouth PL1 2AA. Your representation must relate to one or more of the licensing objectives.

Alternatively, you may email us at [\[redacted\]](#). If you email, you must supply your name, address and telephone contact number to establish that your representation is not frivolous or vexatious or designed purely to cause annoyance.

You can also view details of all current applications on our [\[redacted\]](#) or view a copy of the application by appointment at the Civic Centre between 9am and 4.30pm, Monday to Friday.

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 £5,000.

Please refer to our guidance note below which explains how to make a representation and then complete the representation form.

[How to make a representation](#) [96KB]

[Representation form](#) [72KB]

[\[redacted\]](#) [53KB]

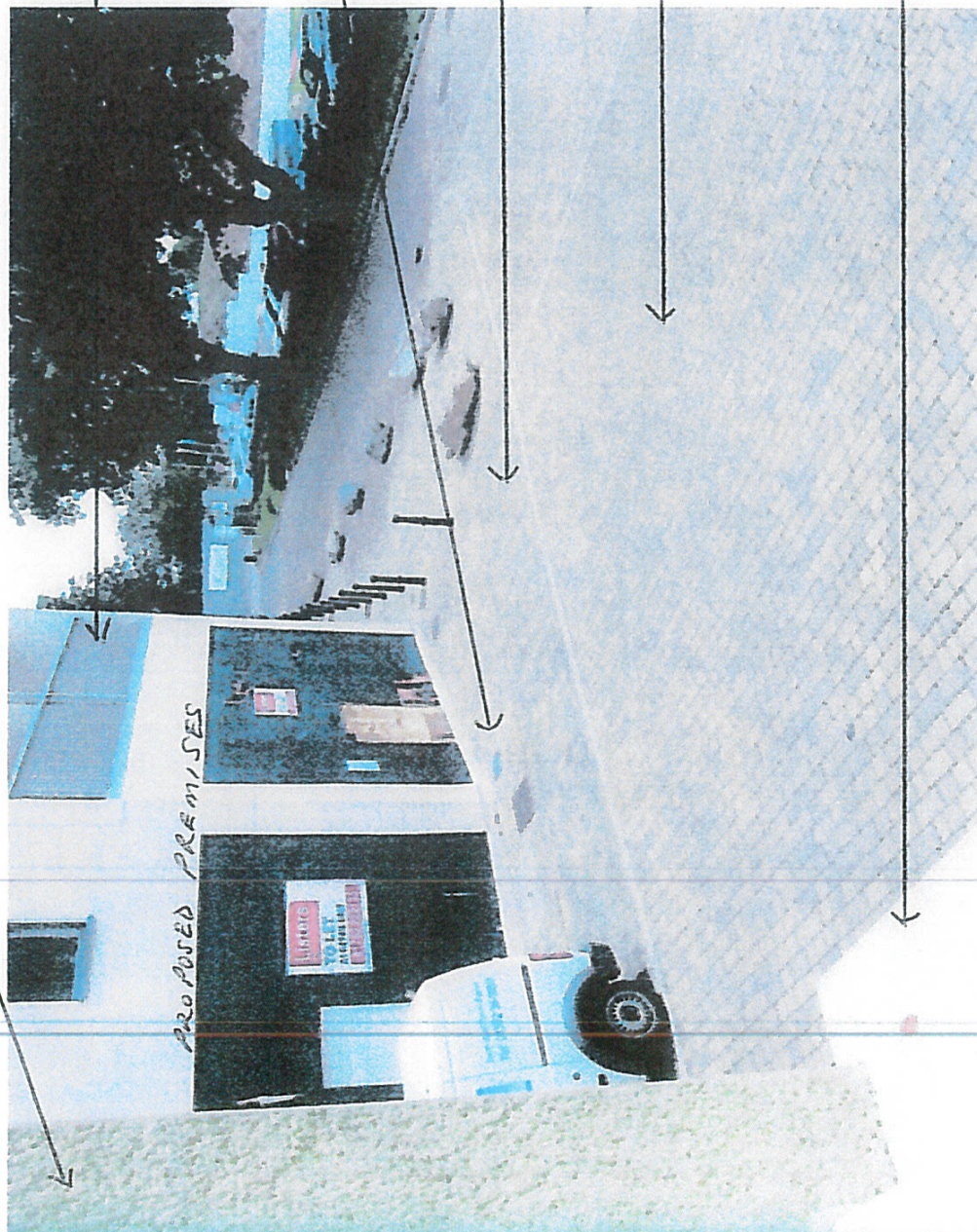
Please read the guidance note carefully as you need to show how the granting of the application will have a negative affect on the following licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety



VIEW FROM MAIN BEDROOM WINDOW - CHARLES DARWIN ROAD

EXTERNAL WALL OF HOUSE



044518



044518





044518

FIRST FLOOR BALCONIES  
SOVEREIGN HOUSING OVER-55 FLATS

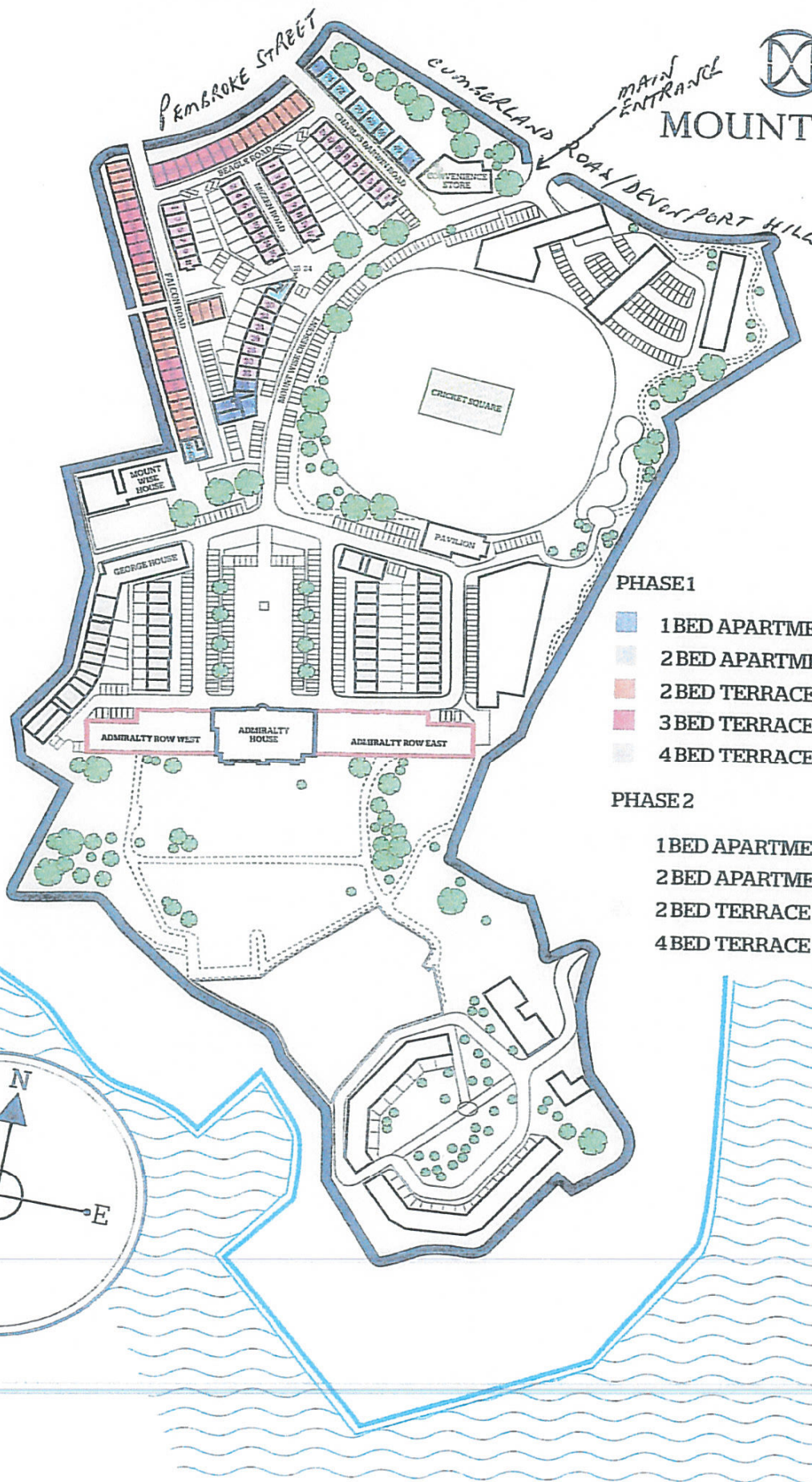


Charles Darwin Road  
Bedroom window cill





# MOUNT WISE

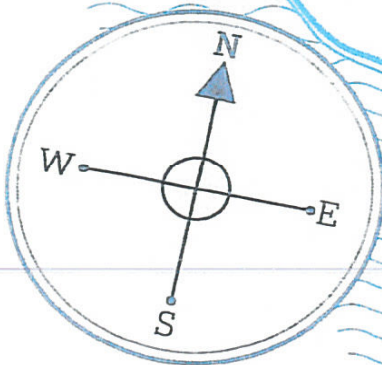


## PHASE 1

- 1 BED APARTMENTS
- 2 BED APARTMENTS
- 2 BED TERRACE
- 3 BED TERRACE
- 4 BED TERRACE

## PHASE 2

- 1 BED APARTMENTS
- 2 BED APARTMENTS
- 2 BED TERRACE
- 4 BED TERRACE





044518

TO LET

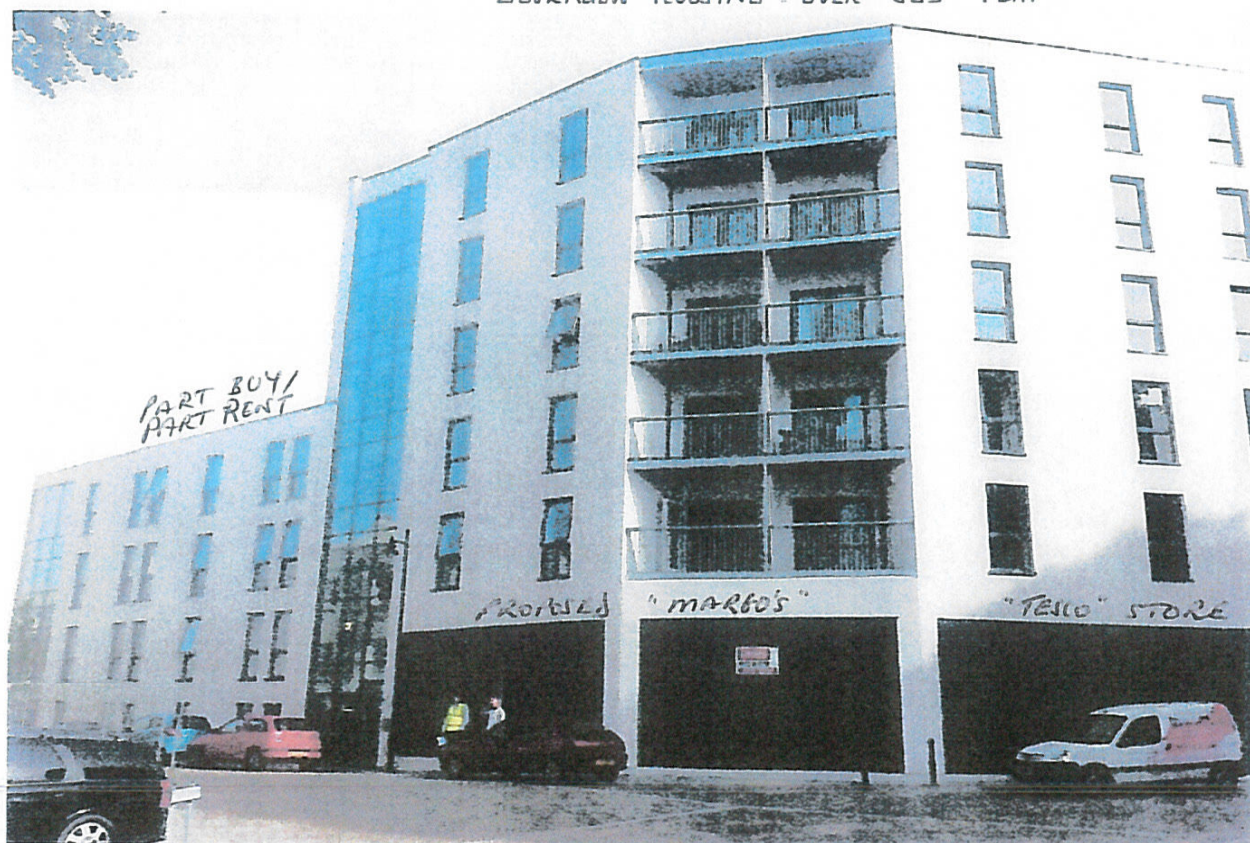
**Listers**  
PROPERTY CONSULTANTS

## Retail Unit 2

2 Charles Darwin Road, Mount Wise,  
Plymouth, PL1 4GU.

959 ft<sup>2</sup> / 88.5 m<sup>2</sup>

SOVEREIGN HOUSING : OVER-55s FLATS



Tel: 01752 222135

Email: [enquiries@listers.uk.com](mailto:enquiries@listers.uk.com)

[www.listers.uk.com](http://www.listers.uk.com)



044518

TO LET

**Listers**  
 PROPERTY CONSULTANTS

### Location & Description

Mount Wise, where Georgian elegance meets 21<sup>st</sup> Century living, lies about a mile to the west of Plymouth's city centre and forms part of its stunning historic waterfront, which includes The Hoe and The Barbican.

The Mount Wise development is clustered around a splendid cricket pitch and retains mature trees and sea views, as well as a well-planned road layout with landscaping.

The subject retail unit, in Phase 1 of the scheme has already been completed to shell specification, ready for shop-fitting. The Tesco convenience store adjacent is expected to open soon and will undoubtedly draw custom from a wide part of the Devonport community.

### Accommodation

The available retail unit comprises 88.5 m (959 ft) on a Gross Internal Area basis and will enjoy a frontage of some 13m, which may be glazed or fenestrated as appropriate.

### Use

The consented use is as an A1 retail unit but the property is suited to other uses falling within Classes A2 (office-compatible-with-retail), A3 (cafeteria/restaurant), and D1 (quasi health/medical) use, subject to compatibility with residences above and to statutory consents.



### Services

All mains services are supplied.

### Business Rates

To be assessed.

### Terms of Availability

The property is offered by way of a new FR&I under-lease for a term to be agreed at an initial rent of £13,500pa.

A sale of a long-leasehold interest may be considered, subject to reasonable controls on compatibility with residents.

### Energy Performance

A predictive EPC is currently in production. This will be made on the basis of a number of assumptions in respect of fit-out and heating appliances.



### Viewing

Via the developer's sole agent, Listers, during normal business hours. Weekend inspection may be possible, by prior arrangement.

Tel: 01752 222135

Email: [enquiries@listers.uk.com](mailto:enquiries@listers.uk.com)

[www.listers.uk.com](http://www.listers.uk.com)



6890  
7770

"MARGO'S AT MOUNT WISE"  
2 CHARLES DARWIN RD.

Tel: 01752 222135

Email: [enquiries@listers.uk.com](mailto:enquiries@listers.uk.com)

[www.listers.uk.com](http://www.listers.uk.com)



044518



PEDESTRIAN WALKWAY

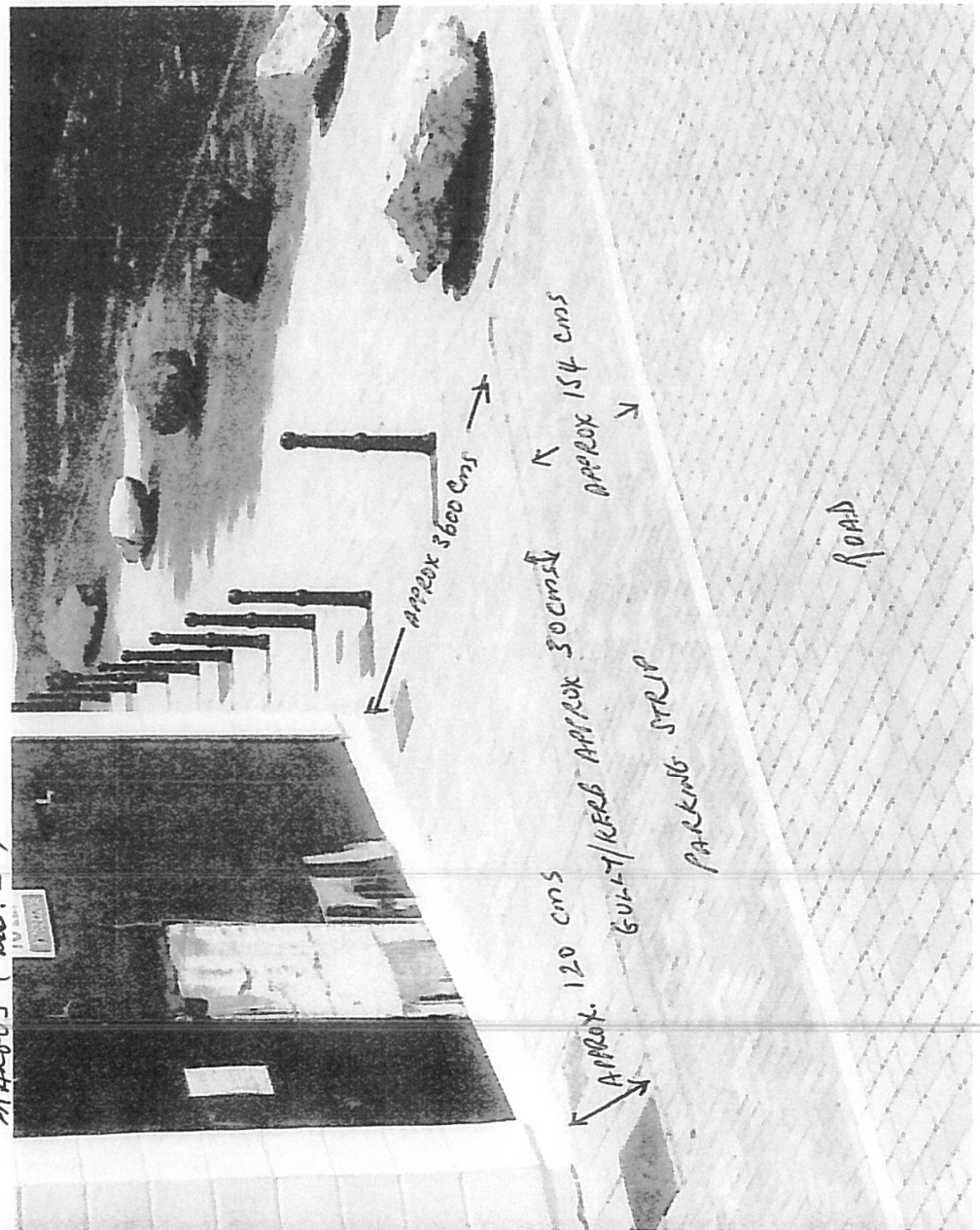
PARKING

ROAD

WINDOW CLK  
SHAPES DARWIN ROAD

044518

PROPOSED  
MARELS ("NO. 2")





044518





VIEW FROM No. 1 CHARLES DARWIN ROAD  
TOWARDS No. 2 CHARLES DARWIN ROAD



044518

ROAD



FIRST FLOOR SALOONIES  
SOVEREIGN HOUSING PLATS  
FOR OVER-55s.



044518



044518

PARKING IN CHARKES DARWIN ROAD LOOKING TOWARDS PEMBROKE STREET



← SOVEREIGN  
HOUSING  
OVER-55s  
FLATS

← PROPOSED  
PREMISES



Charles Darwin Road  
Mount Wise  
Plymouth  
PL1 4GU  
T: 01752 200987

18 July 2014

**BY HAND**

Plymouth City Council Licensing Section  
Floor 6, Civic Centre  
Plymouth  
PL1 2AA



Dear Sir/Madam

**Premises Licence Application No. 044518**  
**"Margo's", 2 Charles Darwin Road, Mount Wise, PL1 4GU**

We were asked by some residents of Charles Darwin Road to compile a Petition with regard to the Licensing Application for no.2 Charles Darwin Road. Many more petitioners have, however, come forward to sign the document which is enclosed.

As in my personal letter of objection, many of us in Charles Darwin Road (as well as in Beagle Road) have suffered noise, anti-social behaviour, public nuisance etc, especially in 2013. Many residents of Charles Darwin Road are concerned about these issues re-occurring, in particular with a combination of alcohol and outdoor area at Margo's. Residents are also concerned about safe public access (especially for those who are elderly, parents with young children, or who have a disability), parking etc.

On behalf of many Charles Darwin Road residents, therefore, I enclose the Petition showing names, addresses and telephone numbers.

Yours faithfully

Gillian Bode (name)

Encs



**PETITION**

To: Plymouth City Council Licensing Section

Re: Application no. 044518 "Margo's at Mount Wise", 2 Charles Darwin Road, PL1 4GU

In connection with the Notice displayed on the front of No.2 Charles Darwin Road, Mount Wise, Plymouth PL1 4GU which states:

*"Margo's at Mount Wise on 24 June 2014 have made application to Plymouth City Council, being the Licensing Authority for the purposes of the Act, for the grant of a Premises Licence/Club Premises Certificate\* in respect of the premises situate at and known as No.2 Charles Darwin Road, Devonport, Plymouth PL1 4GU.*

*The relevant licensable activities or relevant qualifying club activities\* are as follows:*

*8am-10pm                      on weekdays, and  
8am-10pm                      on Sundays*

*The activities are Deli/Coffee/Restaurant/Bottled beer and wine only with food. No off licence. Outdoor area shut by 9pm. Family venue & shop."*

We, the undersigned, strongly object to:

- an outdoor eating and drinking area at No.2 Charles Darwin Road ("Margo's at Mount Wise) beneath Sovereign Housing over-55s flats
- an outdoor area where alcohol is served
- opening hours of 8am to 10pm for seven days per week
- health and safety issues with regard to lack of pedestrian safe access in the event of an outdoor area being allowed
- noise and other public nuisance caused by customers, deliveries, waste disposal etc
- potential exacerbation of existing parking problems and traffic flow

Name	Address	Phone no.	Signature
	CHARLES DARWIN ROAD, PLYMOUTH.		
	CHARLES DARWIN		
	CHARLES DARWIN		
	CHARLES DARWIN		
	CHARLES DARWIN		

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Name	Address	Phone no.	Signature
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	CHARLES DARWIN ROAD Charles Darwin Rd		
	CHARLES DARWIN		
	11		

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