



LICENSING SUB COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on
Tuesday, 26th March, 2024 at 10.00 am.

The Members of the Licensing Sub Committee are:-

Cllrs. McGeever, L. Suddards, Wright.

Cllr. Smith (Reserve)

Agenda

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Junction of Church Lane with Bethersden Road, Hothfield

Main road is subject to national speed limit, and the junction is unlit.

Visibility splay is approximately 15m (to the left) x 2.0m x 30m (to the right)

(For a design speed of 70kph, the visibility splay should be 90m x 2.4m x 90m.)

Visibility to left hand side can be improved by moving car forwards so that front of vehicle protrudes over the give-way line into the main road, and leaning forward in driver's seat but sight lines are still substandard.

Visibility at give-way line looking to left hand side is restricted due to brick wall and crest of hill



Visibility at give-way line looking to right hand side is restricted due to bend in road and brick wall. Note that the street name plate sign has been hit by a vehicle.



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The Dovecote
Church Lane
Hothfield
Ashford
TN26 1EL

Alison Simmonds
Ashford Licensing Team
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford TN23 1PL

sheila.flynn@hotmail.co.uk

12 March 2024

Dear Ms Simmonds

Resubmission - Updated Alcohol Premises Licence: Nine Oaks Vineyard, Church Lane, Hothfield TN26 1EL

Thank you for your email of 8 March with resubmission of an Alcohol Premises Licence at Nine Oaks Vineyard. We apologise for not replying sooner, however, we have been waiting to hear back from the Clerk to Hothfield Parish Council, but as yet we have still not heard from her. We felt we should not delay replying any further.

The applicant had many months during which to potentially discuss the application at a Parish Council meeting, particularly as he is one of the Parish Councillors, and it is disappointing that he did not do this sooner. Unfortunately there was no agenda item specifically for this issue on the February agenda, so residents would not have been aware that any such matter might have been raised. We note that the applicant has stated that he gave a briefing at the 14 February meeting and that it is recorded in the Minutes. Unfortunately, those Minutes are not yet available to the public, presumably because they have not yet been approved by the Parish Council. Following your email last Friday, we emailed the Parish Council Clerk to request a copy of those Minutes, however, we have not yet received a reply. The next Parish Council meeting is on 13 March and we presume that the Minutes would be approved at that meeting and then become available for the public to view. It is, therefore, meaningless for the applicant to refer to the Minutes relating to his briefing, as they were not accessible for residents to view during the advertisement period of the application. Notwithstanding this, it did not prevent the applicant from contacting neighbours at any time as he does not require the endorsement of the Parish Council to do so.

The applicant has reduced the number of days per week from seven to four, and the hours have been reduced from 12 hours to 8 hours, which is noted. However, this reduction is of limited meaning or benefit because the applicant has also stated his intention to supplement those times/days with Temporary Events Notices. The end result could be the same or very similar to the original application in terms of the potential numbers of attendees, noise and traffic. In our view, the applicant could have gone much further and proposed a significantly reduced limit on visitor numbers.

Can you please confirm if it is usual practice for TENs to be publicly advertised and a consultation process undertaken with neighbours? We may be mistaken but presumably the use of TENs may evade the consultation with potentially affected parties who might not then be able to comment on upcoming evening events. The applicant acknowledges that a wedding might have had the potential to cause noise disturbance and inappropriate traffic levels – does the current application for an Alcohol Premises Licence absolutely preclude daytime weddings (up to 6pm) and would a future TEN be rejected?

Unfortunately, the applicant has still not addressed the concerns that we previously raised relating to: restricting the number of tickets per event; noise control; decibel limits; restricting amplified music; angle and shielding of floodlights, and highway safety aspects of public safety relating to the substandard width of the lane and the significantly substandard visibility splays at the junction with Bethersden Road (on a blind bend). We would welcome sight of Kent Highways' views on this Licence application as they were recently concerned about the visibility at a nearby private access on the same road where one existing house was to be supplemented with one further house, but which has superior visibility compared to Church Lane. If that proposal for one dwelling gave rise to significant concerns (ie a holding objection to the planning application) then they should surely be concerned and hesitant about the potential significant increased use of Church Lane's inferior junction. The sight lines at the junction are approximately 15m to the left x 2.0m x 30m to the right (and at 2.4m are significantly reduced) and are clearly substandard. If a driver pulls forward beyond the give-way line and leans forward in the driver's seat, visibility is improved to the left, but is still substandard. Bethersden Road is derestricted at this junction. The Design Manual for Roads and Bridges states that with a design speed of 70kph, the visibility splays should measure 90m x 2.4m x 90m. Church Lane varies in width between approximately 4m and 3m, and for about one third of its length two vehicles cannot pass.

We note that the applicant has stated that there would be marshals to deal with traffic on the lane. He states that this was undertaken last year: we were the only marshals at three of his four events last year and we were confined to on-site support. We are not aware that marshalling was undertaken on the public highway at the fourth event (that we did not attend). Furthermore, neither he nor anyone else has the authority to control traffic on public highways: we believe that only the Police have the powers to do this, and so controlling vehicles on the main road, at the junction, or on Church Lane is outside of the applicant's control. No doubt his Insurers would wish to see robust Risk Assessments.

Whilst daytime wine tasting events and vineyard tours may be appropriate and directly related to the business, theatre events and other public entertainment would seem incongruous with the agricultural business and this sensitive rural setting in a Conservation Area.

We feel that our initial representation offered a compromise, and suggested reasonable limits. However, given the width of the lane, the substandard junction with Bethersden Road and the frequent presence of vulnerable road users, permission should not be granted which would allow potentially significant additional traffic using this lane. The existing 12 dwellings and the church enjoy long-standing existing user rights. However, an indefinite Alcohol Premises Licence could result in a significant increase in traffic and in slowing, stopping and turning movements at a substandard junction in addition to a significant increase in the potential for conflict with vulnerable road users who frequently use the lane, including pedestrians, dog walkers, cyclists, disabled and mobility impaired pedestrians from Hothfield Manor Acquired Brain Injury Centre. Emergency access to the 12 dwellings in Church Lane could also be adversely affected. Offering to inform residents of a high number of ticket sales appears to be well intended, however, it is meaningless as it does not address the highway or public safety concerns. The reliance on the provision of warning signs is unsatisfactory and does not address the fundamental issue that Church Lane and the junction are completely unsuitable for the potential number of visitors in association with the application.

The applicant has stated that he would use a Kent based company for the tours and tastings as well as organising his own. If the tour company used a minibus, this could well result in fewer vehicle movements than if all customers arrived by car, which is noted. However, we question the practicality of getting 20 people into a minibus when they usually have legal limits of fewer passengers, although larger midi-buses may have larger capacity. The applicant's own tours and tastings are likely to attract customers arriving in their own vehicles. The amended application still states two tastings of up to 30 people each, equating to 60 visitors per day which represents a potentially significant increase in vehicular use of the lane and the junction. Church Lane is a lightly trafficked road, and so even small increases in traffic would represent a significant proportionate increase on normally low levels.

Altering the entrance to the vineyard would not overcome the safety and hazards of Church Lane referred to in our initial representation.

Our representation of 5 March suggesting a compromise was, in our view, reasonable. Any increase in the volume or duration of amplified noise beyond that which we experienced in relation to last year's licensed events in such a sensitive area would be intrusive and a public nuisance. We are still unaware of the applicant's intentions for growth. If the updated Alcohol Premises License were approved without significant and enforceable limitations or controls, the potential increase in visitor numbers at the vineyard could become significant in the future, and the implications would be unacceptable and unsafe. The applicant has not addressed our concerns and it would seem that he would still be able to undertake what he had proposed in the initial application with the supplement of TENS.

For the above reasons our initial representation dated 5 March 2024 still stands.

Yours sincerely

Christopher Rogers & Sheila Flynn

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Licensing Sub-Committee

Nine Oaks Vineyard

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