

David Howarth

Re. Licence application 'The Tudor Peacock', revised submission 4th February 2023

Dear Sir,

I own the property immediately adjacent to the premises the subject of this licence application.

I am writing to set out reasons why I believe the current licence application by The Tudor Peacock should be rejected by the Sub-Committee.

This application is to operate a licensed premise for on and off sale of alcohol at Tudor Lodge, The Square, Chilham.

Subject to this submission being accepted by the Sub-Committee I withdraw my previous submission.

First I would like to state that I fully support the concept of a wine tasting room, wine bar and off-licence promoting local produce and providing local employment. However, the Tudor Lodge is a totally inappropriate property in which to locate such a business and as such should not be licensed for the purpose of operating a wine bar or wine tasting rooms.

I note that the business owners have engaged qualified and well respected consultants (24Acoustics) to undertake noise studies and provide advice regarding measures that can be taken to reduce the impact on my property.

I note the business owner's recent submission regarding full compliance with all Planning Conditions, which include requirements for the tasting rooms and wine bar to operate on an appointment only basis, and the requirement to implement the measures detailed in the 24Acoustics report.

I note the Planning Officer's report at Page 21 item e) highlights that the business is seeking a Licence that is not consistent with the Planning Condition:

e) Whilst the current planning consent limits the use of the bar and wine tasting facilities to prior booking only, therefore only allowing the shop to be open without prior booking, this Licensing Act application conversely seeks to limit only the first floor and basement areas to prior booking.

That said, I note the Licensing Officer's further comments at Page 21 item e) regarding Planning Permission and Planning Conditions. The fact that Planning Permission has been granted and the Conditions that are associated with that Planning Permission should not fetter the decision of the Sub-Committee when determining whether this application meets the requirements of the Licensing Act objectives.

This submission focuses on Licensing Objective – Prevention of Public Nuisance

I note the following comments at Page 23 in the Licensing Officer's report to the Sub-Committee.

- *The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*
- *Public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning for the Act's purposes. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity of other parties living and working in the area of a licensed premises. Public nuisance may also arise as a result of artificial light, dust, odour and insects or where its effect it's prejudicial to health.*

My contention is that the operation of a wine bar and tasing room in this property will:

- Have an unreasonable effect on anyone living or working (noting the large increase in people working from home) in Tudor Cottage
- Have an unreasonable effect on anyone attempting to sleep in Tudor Cottage during the proposed operating hours. In this category I include essential service workers on shift work (including Doctors / Surgeons undertaking lifesaving procedures during the night), babies / very young children and the elderly
- Have an unreasonable effect on anyone seeking a tranquil lifestyle in Tudor Cottage, e.g. a quiet retirement, reading and listening to quiet music
- Cause a public nuisance as in its broad common law meaning. I note the 24Acoustics report details reduction in noise transmission between the two properties and not elimination of the noise transmission. The resultant will be a nuisance that may well be low-level, should the 24Acoustics recommendations be implemented in full, but will impact the living and working amenity of anyone in Tudor Cottage.

I note that with regard to Licensing Objective – Prevention of Public Nuisance, the Applicant at Page 43/44 d) only note the following:

No music or amplified sound shall be generated within the Premises so as to give rise to nuisance within neighbouring dwellings; no music or amplified sound shall be played externally.

In my view this is a clear representation of the importance the Applicant places on this particular Licensing Objective and is another reason this application should be rejected.

Regards,

David Howarth