



PREMISES / PERSONAL LICENCES SUB-COMMITTEE

DATE: Monday, 13 January 2020
TIME: 10.00 am
VENUE: Council Chamber - Council Offices,
Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor J Henderson
Councillor Casey

Councillor V Guglielmi
Councillor Winfield (Stand-by
Member)

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For further details and general enquiries about this meeting, contact Debbie Bunce on 01255 686573.

DATE OF PUBLICATION: Wednesday, 8 January 2020

AGENDA

1 Election of Chairman for the Meeting

The Sub-Committee will elect its Chairman for the meeting.

2 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

3 Minutes of the Last Meeting (Pages 1 - 10)

To confirm and sign as a correct record, the minutes of the last meeting of the Sub-Committee, held on Thursday 7 November 2019.

4 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

5 Questions on Notice pursuant to Council Procedure Rule 38

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

6 Report of Corporate Director (Operational Services) - A.1 - Application for the Grant of a Premises Licence - East Coast Distillery Ltd, Landermere Hall Farm, Building 3A, Thorpe-le-Soken, Essex (Pages 11 - 36)

The Sub-Committee will determine an application for the grant of a Premises Licence in respect of the above premises.

Information for Visitors

FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON THURSDAY, 7TH NOVEMBER, 2019 AT 12.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors V Guglielmi, J Henderson, Winfield and Davis
Also Present:	Mr Deepak Patel (Applicant), Ms Alison Reed (Manager of The Plough Inn) and Mr Richard Porter (Applicant's Solicitor)
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Licensing Manager), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

44. ELECTION OF CHAIRMAN FOR THE MEETING

It was moved by Councillor Winfield, seconded by Councillor J Henderson and:

RESOLVED – That Councillor V Guglielmi be elected Chairman for the meeting.

45. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

46. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 30 May 2019 were approved as a correct record and signed by the Chairman.

47. DECLARATIONS OF INTEREST

There were none.

48. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none.

49. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - 19/0020/PREMTR - THE PLOUGH INN, PLOUGH ROAD, GREAT BENTLEY, CO7 8LA

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting, including the applicant, Mr Deepak Patel, his solicitor, Mr Richard Porter and Ms Alison Reed, the manager of the Plough Inn, and made introductory remarks.

The Council's Licensing Manager (Karen Townshend) then gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its

consideration, as set out in Item A.1 of the Report of the Corporate Director (Operational Services), an application for the variation of a Premises Licence for The Plough Inn, Plough Road, Great Bentley.

Section 2.2 of the written report set out the proposed opening hours for the premises which were:-

Monday to Thursday	1000 – 0030
Fridays and Saturdays	1000 – 0130
Sunday	1000 – 0030

Section 3.0 of the written report set out the current licensable activities which were:-

Sale of alcohol on and off the premises

Performance of live music	
Fridays and Saturdays	2000 – 2300

Performance of recorded music	
Monday to Thursday	1000 – 0000
Fridays and Saturdays	1000 – 0100
Sunday	1200 – 0000

Provision of facilities for dancing	
Fridays and Saturdays	2000 – 0000

Sale of alcohol on and off the premises	
Monday to Thursday and Sunday	1000 – 0000
Fridays and Saturdays	1000 – 0100

The proposed licensable activities (Variation Application) are as follows:-

Performance of live music [inside and outside]	
Friday and Saturday	1400 – 0000
Sunday	1400 - 2100

The applicant had stated the steps that they propose to take to promote the statutory Licensing Objectives within the Operating Schedule and those steps were detailed in Sections 4.1 to 4.5 inclusive.

Members were further informed that eleven letters of representation/objection had been received from residents in relation to this application.

The Council's Environmental Protection Team had been consulted and they had requested a Noise Management Plan (NMP) be submitted to them by the applicant. Members were provided with a copy of the NMP for their reference. Upon receipt and review of the initial NMP (pages 111-115), the Environmental Protection Team had formally objected to the variation application. However, upon receipt and evaluation of a revised NMP or Noise Impact Assessment carried out by Healthy Abode Ltd trading as HA Acoustics and dated 28 October 2019 (pages 81–110), they had stated that:-

“After evaluation of the recently submitted acoustic report dated 29th October 2019, the Environmental Protection team are satisfied that the levels of noise emitted from the site, can be mitigated and managed providing recommendations within the said report are implemented and maintained.

Physical mitigation by way of using a noise limiter (NL) – both live and recorded amplified music amps and speakers must be plugged into a NL. The level of the NL has been recommended (as outlined in sections 6.11 to 6.13 and point 8.4) to be set at approximately 82dB(A) to ensure the emitted noise levels fall within the scope of “No Observed Effect Level” ; the NL must be installed, calibrated and routinely maintained by a relevantly qualified operator.

Implementation of double doors (as outlined in 6.14.1) to further reduce sound emitting from the internal areas and the restriction of the use of the garden area (as outlined in 6.14.2) is also a recommendation that will assist in mitigating the concern over noise from this area within the late hours of the evening.

As a further precautionary measure, the erection of an acoustic fence along the perimeter of the premises, where noise sensitive receptors are located, will also assist in reducing the perceived sound by nearby residents.

Providing the above recommendations are met and sustained, the Environmental Protection Team have no reason to object to the proposed variation. Compliance with the recommendations should enable the applicant to comply with the licencing objective, under Part P (d), with the prevention of public nuisance, by way of minimising the impact the music will have on nearby residential premises.

Our response purely relates to the noise produced by the music, be it live or amplified and does not include mitigating noise generated by the patrons of the premises.”

No representations had been received from any other Responsible Authorities.

Members also had before them the Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman advised both the applicants and the objectors that she would allow 25 minutes for each party to give their representations. The Chairman then invited the Applicant’s Representative, Mr Richard Porter to give representations to the Sub-Committee.

Mr Porter explained that there were three points to his representations:-

1. There was a general misconception about the extension of time – there was no application to change hours, it was still within the times of amplified music. The application was for live music up until Midnight
2. The objections could be met by having sensible conditions in place. He had seen the objections and would be putting forward a number of conditions which he felt could be met.

3. If the Sub-Committee refused the application the Licence would still be the same. If granted, the Sub-Committee could impose conditions upon the Licence which would hopefully go towards helping the concerns of the objections i.e. noise limiters/doors closed.

The Applicant, Mr Patel was then invited to address the Committee and read his Statement to the Sub-Committee which was also included within the Agenda (unsigned).

The Chairman asked if Members had any questions that they would like to ask Mr Patel.

Members asked why the noise limiters which had now been installed were not installed at the time of the extensive refurbishment, he had spent about £400,000 on the refurbishment. Mr Patel said that the extension was built to Building Regulations standards with extra insulation and double glazed doors. The noise limiter was installed after a Noise Management Plan had been commissioned. Mr Patel explained that he was not aware of any previous objections.

Mr Patel was asked why he had requested live music from 2.00 p.m. and he explained that they sometimes had a singer in the afternoons. He said that during the year there had only been two outside events, a charity event and the Great Bentley Carnival. Mr Patel was asked where the outside music would be and he stated at the rear of the pub. There was a single opening door at the front of the property and bi-fold doors at the rear.

Members queried the noise level of the music and it should be 38 decibels at nearby properties and 76 decibels when there was live music. Live music would only be in the garden on four occasions throughout the year.

Mr Patel had stated in his statement that he was troubled by some of the comments by objectors regarding the noise levels. He said that if he had had any complaints about noise then the music would be turned down. There had been a 50th birthday party and as he was concerned about the noise, he had got the entire party inside the public house.

Members asked Mr Patel how he would monitor the sound levels of live music acts and he advised that he had now purchased a noise monitoring device. Mr Patel also confirmed that air conditioning would be installed before next summer, 2020, that had been allowed for in the budget for the public house for February/March 2020 and this would mean that the doors would not need to be opened and reduce the sound levels.

Alison Reed, the Pub's Manager was then invited to address the Committee and read her Statement to the Sub-Committee which was included within the Agenda.

Mrs Reed explained that she lived above the premises. She went through her statement and said that there was no complaint about the level of noise on 21st June 2019 but she had been concerned herself about the noise levels and had not booked that particular band again.

Members asked Mrs Reed about her comment on page 72 of the Agenda regarding the fact that they were still learning and understanding and improving their systems as she

had worked in the pub before Mr Patel had taken it over and she said that although there had been live music there had not been a lot of customers and there had been no complaints about noise at that time.

Members were concerned about the fact that a number of objectors had mentioned the fact that the doors and windows were kept open which exacerbated the noise levels and she said that there were only windows at the front of the premises and those did not open. They were single glazed as the pub was Grade II listed. There were bi-fold doors at the back of the new extension.

Mr Porter, the applicant's representative handed to the Sub-Committee the Closing Submissions he had prepared and drew attention to paragraph 5 on the second page which confirmed, amongst other things, that there would be no more than 4 live music events to be held in the garden and parking area per calendar year as well as to the list of conditions that he suggested could be made if the variation to the Licence was granted starting at paragraph 10 (on the fourth page).

The objectors were then invited to address the Sub-Committee.

Councillor Lynda McWilliams advised that, as the local Ward Councillor, she would be speaking for a number of the objectors but that there were a number of other objectors who would like to speak to the Sub-Committee themselves.

Councillor McWilliams said that The Plough was central to the village. There were two points to the objections, namely the licensing objectives of Prevention of Public Nuisance and Protection of Children from Harm. The improvements to the Plough were appreciated by the village but that due to the changes, there were concerns about anti-social behaviour. The reports of noise were not just from nearby neighbours, some customers had actually left the pub as it was so loud in the Summer.

It was stated that the doors and windows were not closed at the times required.

With regards to the Licensing Objective of "Protection of Children from Harm", Councillor McWilliams said that nearby houses had children and the loud music and shouting and swearing was disturbing the children's sleep. Residents had to shut their doors and windows even in the hot weather.

She said that two incidents had been reported to the Police, an assault on 12th October and noise and fighting outside the pub on 19th October.

She said that the reason that people lived in the village was because it was quiet. She said that part of the proposed variation was for the rear garden and car park to be used for live music and this would only exacerbate the harm. She queried why the Noise Impact Assessment was carried out in October and not during the Summer months.

Mrs Sally Pollard, one of the objectors was then invited to address the Sub-Committee.

She stated that she lived directly behind The Plough and had lived there for three years. Her daughter has autism and sensory processing disorder. Although the pub had recently been quiet, during the Summer months the noise had been horrendous and they had dreaded the weekends. She explained that her daughter had a routine and

when people at the pub were shouting she could not sleep and this also affects her son. She explained that her daughter could not cope with loud noises and even using her soundproofing headphones the sound had affected her and she had “emotional meltdowns”.

She was particularly worried about bands playing music outside. She said that she should not have to take her daughter away from home because of a band playing outside. They had moved to Great Bentley for peace and quiet. Her daughter loved the village but could not cope with the loud noise.

The Chairman asked her whether the conditions proposed by the applicant would improve the situation and she said that she did not think that it would.

Mr Jason Pollard, was then invited to address the Sub-Committee.

He stated that the noise was so bad that they had considered moving away, they had only moved there 3 years ago because it offered the peace and quiet they needed. He asked when the acoustic fencing was going to be installed. He stated that he had complained to the pub but had been ignored. He said that if the noise levels were kept down and the conditions proposed were met then he considered that this would help the situation. He would be happy if the pub kept to the regulations as long as it did not affect him or his neighbours nearest to the pub, but in his view he felt that the regulations would not be upheld.

Mr Roger Adams, another objector was then invited to address the Sub-Committee.

He said that if all of the recommendations from the acoustic report were implemented then this would help to reduce the noise. He said that during the refurbishment the front of the pub had become a patio area. The front door was where most of the noise emanated from. He said that after checking, he was unsure as to whether the pub was Grade II listed. He said that the recommendation for double doors at the front of the premises would mitigate the noise.

Mr Fowler, another objector was then invited to address the Sub-Committee.

Mr Fowler lived immediately behind the pub, with his boundary next to the pub and he had lived there for 32 years. He had a swimming pool in his garden and he said that he could not use the pool area when the noise was bad. He understood that the extension was going to be a restaurant but the bar had been moved to the new area.

He queried why a good village pub was reliant on live music, he thought that it would remain as a pub with a restaurant but it was becoming more of a nightclub. He stated that when the noise was bad it was impossible to sleep in any of his bedrooms.

The Chairman then asked the Applicant's Representative, Mr Richard Porter if he wished to ask the Council's Environmental Protection Officer, Katie Wesley-Smith any questions and he said that he did.

Mr Porter then said that the recommendation in Katie Wesley-Smith's report regarding double doors at the front of the property could be a problem because of the status of the building, but said that a sound limiter would assist.

Katie Wesley-Smith said that she appreciated the comments regarding the doors, especially as most of the complaints related to noise from the rear of the property. She would therefore be happy to remove the recommendations for double doors from her report which was another factor that could assist with the noise issues

Mr Porter asked Mr Patel if he had any comments to make and he said that he could not agree to the recommendation for the double doors due to the status of the building. He also could not agree to the acoustic fencing as he stated that it would cost in the region of £4,000-£5,000 which was cost prohibitive.

Katie Wesley-Smith stated that she was happy with a noise limiter being installed but that the other recommendations in her report were for the Sub-Committee's consideration. Katie Wesley-Smith also stated that although the report refers to 82dbA that may need to change, depending upon when and where a noise limiter was installed, its direction, speaker type and effect.

The Chairman then asked Mr Porter and the objectors if they had any closing statements that they wished to make to the Sub-Committee.

Councillor McWilliams stated that the recommendation of the installation of acoustic fencing was interesting in that she felt it would help rather than hinder the situation, although it was unclear as to how the noise would be reduced.

Mr Porter said that it was not in his client's interests to fall out with his neighbours, he wanted a good relationship with the village. He said that the pub employed 13 people and provided facilities for the village with quiz nights etc., but that the pub needed to be financially viable. His client was not asking to extend amplified music as he was already licensed for this activity until 1.00 a.m on Fridays and Saturdays. The difference was he simply wanted an extra hour for live music on Fridays and Saturdays as the current license allowed live music until only 11.00pm.

He stated that if his client's application was approved new conditions could be attached to the licence but if it was refused then there would be no conditions upon the licence. He considered that his Client was putting forward constructive proposals.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then withdrew from the meeting in order for the Sub-Committee to consider the application and reach a decision.

After a period of time the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer returned to meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

The Chairman of the Sub-Committee then read out the following decision:-

"Application No: 19/00523/PREMVA Application to Vary a Premises Licence in respect of The Plough Inn, Plough Road, Great Bentley

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1. The Sub-Committee has given careful consideration to his application. In reaching our decision, we have taken into account the views expressed by the applicant, the representations received from residents, along with the Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy.
 2. The decision of the Sub-Committee is to **GRANT** this application in full, subject to the imposition of certain conditions.
 3. In addition to any Mandatory conditions and any conditions that are consistent with the Operating Schedule the following conditions will apply in order to satisfy the relevant Licensing Objective, namely the prevention of public nuisance and the protection of children from harm.

In respect of the Licensing Objectives for The Prevention of Public Nuisance, in this case particularly noise emanating from the Plough on certain occasions and in relation to the protection of children from harm the conditions are taken from the document produced by the solicitor for the applicant headed "closing submissions" and provided to the Sub-Committee at the meeting on 7 November 2019 and to which reference should be made for further detail as that document, in particular the table on pages 4 to 6, forms part of these conditions. In addition, the Noise Impact Assessment produced by HA Acoustics and dated 28 October 2019, also forms part of the Sub-Committee's decision and reference in particular is made to the "conclusion" of that report.

It is noted that the application is for the following in relation to the garden and parking area:

1. to have live music events in the garden or parking area of the public house on no more than 4 occasions per calendar year;
2. that on each of those occasions the noise levels at the perimeter of the public house do not exceed 76 dB (and see the report of HA Acoustics);
3. that recorded music will not be played into the garden or parking areas;
4. that live music will not be played in the garden or parking area beyond dusk or 1900 hours, whichever is the later; and
5. save for parking and removal of vehicles and ancillary activities relating to the arrival or departure of patrons to the public house the garden or parking area will not be available to the patrons after dusk or 2100 hours whichever is the later, and
6. that the times for the playing of live music within the premises on Fridays and Saturdays is from 1400 hours to midnight, and on Sundays from 1400 hours to 2100 hours.

In summary the conditions are as follows, and follows the numbering in the table referred to above and as in the applicant's closing submissions:

1. An electric noise limiter will be installed and properly calibrated, and maintained in accordance with the manufacturers' instructions and a record both of such

maintenance and any records produced by that limiter made available to officers of TDC on request. Whilst the level of noise will initially be set at 82 dbA that may need to change, and that obtaining that level will depend upon when and where installed. It is suggested that these matters be agreed with the Environmental Officer of TDC initially and from time to time as necessary.

2. All doors and windows (where it is possible to open them) shall be kept closed at all times when live or recorded music is played inside the premises, save for the fire escape. At all times when music, live or recorded is played in the premises all access and egress will be through the front door only.
3. The applicant or the manager of the premises, or a responsible member of the staff shall monitor at all times the language or noise emanating from the public house, its gardens or its vehicle parking area.
4. Air conditioning will be installed and operating in the premises for the comfort of patrons particularly at times when all windows and doors are closed.
5. All staff should actively encourage the gradual dispersal of all patrons or customers at closing time and it is particularly noted that the applicant has put forward specific strategies that will be operated during the last 20 minutes of trading on any day and the Committee expect to see these carried out.
6. The applicant accepts that waste from the public house may be in external or public areas, and will carry out checks at least daily to ensure that all waste is disposed of properly.

Reasons: The Sub-Committee has heard from both the applicant, his manager of the Plough and also from the objectors, Cllr Lynda McWilliams, as ward Councillor for Great Bentley, on behalf of a number of the objectors and from a number of the objectors.

The Sub-Committee has noted that the doors to the property, a listed property, are all single opening doors and in the new extension at the back, are bi-fold doors. It is understood that none of these doors are double glazed or have, or can have, a double door system because the property is a listed property and such adjustments would not be acceptable. The applicant and/or his manager have confirmed that there are no windows at the rear of the property, and that the windows at the front are sealed shut and cannot be opened. The Environmental officer from TDC has confirmed that the installation of double doors would assist in reducing the sounds emanating from the public house but accepts that the building being a listed building means it might not be possible to meet such a condition, and therefore would not insist upon such a condition.

The applicant or his manager have confirmed that they have asked, and will continue to do so, bands or musicians to reduce the noise levels; that they do, and will continue to undertake research on bands or musicians before booking them, including on YouTube; and that although they do not know what equipment the band or musicians will be using, they have put a noise monitor in place in order to assist with ensuring that sound levels are kept to reasonable levels at all times that the public house is open.

The Sub-Committee noted that the applicant confirmed that all requirements set out by the Environmental team at Tendring District Council are in place, and will, it is hoped, be prepared to work constructively with them in future.

The applicant has also confirmed that in the budgets for the Plough he has allowed for the installation of air conditioning in the premises, and that such air conditioning will be installed before the start of summer 2020. The installation of air conditioning will help reduce the level of noise heard outside the public house in that the doors will not need to be opened, and the windows do not open in any event.

The Sub-Committee has heard objections in relation to the noise coming from the Plough and also in relation to bright lights, and hopes that the applicant will be able to resolve such issues, possibly by the installation of acoustic fencing in the future but will ensure that all and any lighting coming from the premises is directed down or away from neighbouring properties. The Committee encourages the applicant and objectors to meet and discuss any issues that may arise.

Finally, I must mention that all parties who are aggrieved at the decision of the Sub-Committee have the right of appeal to the Magistrates' Court.

This Decision was made today, 7 November 2019 and will be confirmed in writing to all parties.”

The meeting was declared closed at 4.30 pm

Chairman

PREMISES/PERSONAL LICENCES SUB-COMMITTEE

13 JANUARY 2020

REPORT OF CORPORATE DIRECTOR [OPERATIONAL SERVICES]

LICENSING ACT 2003

Members are respectfully reminded that, in determining the matters listed under item A.1, they are exercising an administrative function but should determine each matter adopting the civil burden of proof, i.e. 'on the balance of probabilities'. The matters will be determined on the facts before the Sub-Committee and the rules of natural justice will apply. Each application must be considered in its own right and on its own merits.

Premises Licence Applications

The Licensing Act 2003 established a single integrated scheme for licensing premises that are used for the supply of alcohol, regulated entertainment or provision of late night refreshment. This system of licensing incorporates the sale of alcohol both on and off licensed premises; public entertainment such as music, dancing, indoor sporting events, boxing or wrestling, theatres, cinemas; and late night refreshment houses and take-aways.

The purpose of the licensing system is to positively promote the four 'licensing objectives'.

These are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety
- The Protection of Children from Harm.

The options open to the Sub-Committee when considering this application are:

1. To grant the application for a premises licence subject to such conditions that are consistent with the operating schedule accompanying the application and any mandatory conditions applicable.
2. To grant the application for the premises licence subject to such conditions as are consistent with the operating schedule accompanying the application and which are modified to such an extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions applicable.
3. To grant the licence as above, but to exclude from the scope of the premises licence any of the licensable activities to which the application relates.
4. To reject the application

When determining the application with a view to promoting the licensing objectives in the overall interests of the local community the Licensing Authority in the form of the Licensing Sub-Committee must have regard and give appropriate weight to the following:

- Full Hearing Procedure for Applications for Premises Licences/Club Premises Certificates where representations have been received.
- Tendring District Council's Statement of Licensing Policy.
- The Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- The steps appropriate to positively promote the four 'Licensing Objectives'.
- Representations (including supporting information) presented by all the parties.

Human Rights Implications

A Licence is to be regarded as the property of the applicant; however their right to the use of the property must be balanced against all other public interests or representations in this matter that the Premises/Personal Licences Sub-Committee may wish to consider as appropriate, reasonable and proportionate in relation to the application that has been submitted and also the representation/s that has/have been received against it.

In making their decision as to whether to grant this application, Members of the Premises/Personal Licences Sub-Committee should also take into consideration Article 1 of the First Protocol of the Human Rights Act 1998, that individuals are entitled to the peaceful enjoyment of their property, and also Article 8 that everyone has the right to respect for his private and family life and his correspondence.

Crime and Disorder Implications

Section 17 of the Crime and Disorder Act 1998 imposes a duty on local authorities when exercising any of their functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all it possibly can to prevent, crime and disorder in its area.

Members are requested to consider the information shown below where the Licensing Authority has received a representation about an application which is relevant to one or more of the four licensing objectives, and which suggests that the application may have a negative impact on one or more of the licensing objectives.

A.1 LICENSING ACT 2003 – APPLICATION NO: 19/00667/PREMGR APPLICATION FOR THE GRANT OF A PREMISES LICENCE - EAST COAST DISTILLERY LTD, LANDERMERE HALL FARM, BUILDING 3A, THORPE LE SOKEN, ESSEX

1.0 APPLICATION DETAILS

1.1 Applicants

East Coast Distillery Ltd

1.2 Premises

Landermere Hall Farm, Building 3A, Thorpe le Soken, Essex

1.3 Agents

None

1.4 Ward

Thorpe, Beaumont & Great Holland

1.5 Reason for Application

The application is made under the Licensing Act 2003 for a Premises Licence to include the sale of alcohol on and off the premises, the provision of films, the provision of recorded music .

2.0 GENERAL DESCRIPTION OF PREMISES

2.1 East Coast Distillery Ltd is a new business and the premises will primarily be used for the distilling and distributing of alcohol. In addition, we plan to open the premises for small events to showcase the product and the process of distilling. These events will take the form of regular scheduled gin tasting/meet the distiller events with small groups as well as larger less frequent events such as launch event, cinema club accompanied with themed cocktails and other themed events. e.g. Mayflower launch celebration. In addition we will be open for direct sales on a limited number of days.

The distillery is located in a former farming unit in a rural area. The private lane consists of premises for a small number of businesses which operate 9-5 working hours. The lane then leads down to a small number of residential properties although only one of these can be seen from the distillery. The premises has parking located adjacent to the property which is accessed by a single door. There is also a double door which will be used only for large deliveries. The premises consist of two main spaces with a high vaulted ceiling. At one end is the space for an office and sales counter which is accessed via personnel door with step. The far end of the space will house the still and other distilling equipment. This will include a secure and locked bottled product storage area (shown as O on diagram). Further details of layout are included on the attached document.

One toilet is available at the exterior of the property (shared with other neighbouring businesses). A toilet is also available within the premises and will be made available for small onsite events.

Parking is available for 6 cars during the working week. Overspill parking is available around the corner from the distillery outside the other businesses outside core business hours which visitors can utilise.

Use of property for sales:

- Off premises sale (spirits produced at the distillery) will be made from a sales counter at the personnel entrance to the premises. Visitors to the distillery will not enter the working part of the distillery for off-premises sales. These sales will be to people who visit purely to make a purchase.
- Small events such as “meet the distillery” and gin tasting events will take place on the premises. These will be ticketed events with tickets purchased in advance through Eventbrite and limited in number. As well as consuming alcohol on the premises people will also be able to buy bottles to take away.
- We also plan to run a limited number of other events including our launch event; seasonal events; and cinema clubs.

2.2 Proposed Opening Hours

The applicants are proposing to open to the public are:

Mondays, Tuesdays and Wednesdays	1000 to 1600
Thursdays, Fridays and Saturdays	1000 to 1600 1900 to 2300
Sundays	1000 to 1500

3.0 PROPOSED LICENSABLE ACTIVITIES

3.1 Provision of Films

Saturdays	1930 to 2200
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3.2 Provision of Recorded Music [Background music to be played at events]

Thursdays	1900 to 2230
Fridays and Saturdays	1900 to 2300

3.3 Sale of Alcohol on and off the premises	
Mondays to Wednesdays	1000 to 1600
Thursdays	1000 to 1600 1900 to 2230
Fridays and Saturdays	1000 to 1600 1900 to 2300
Sundays	1000 to 1500

4.0 STEPS THAT APPLICANTS PROPOSE TO TAKE TO PROMOTE THE LICENSING OBJECTIVES WITHIN THEIR OPERATING SCHEDULE

The applicant has stated the following steps in the application to promote the licensing objectives. These measures are reproduced as shown in the application form and are detailed below for ease of reference. These are:

4.1 Crime and Disorder

We will work to support the local authorities' objectives relating to improving the quality of life and reducing crime and fear of crime.

We will do so by:

1. Ensuring that we always have a sufficient number of trained staff. Both company directors (2, one of whom is the DPS) have personal licences and will ensure that any other people working onsite selling alcohol are robustly trained and supported so that they feel comfortable to challenge inappropriate behaviour as needed.
2. We will ensure that all of those serving alcohol share concerns across the team and will escalate to local services (i.e. police, local authority) as appropriate such as drugs, violence or anti-social behaviour.
3. Ticketed events so we have the details of those people on the premises.

The site itself is close enough to local houses to not be exposed to undue risk of criminal activity but not so close as for the proposed hours of opening or activity to cause any form of nuisance to residents.

The perimeter of the site is well lit out of hours with the unit benefitting from recently installed external security lighting.

The premises are securely constructed with a steel reinforced personnel door and steel reinforced delivery doors.

The premises will be protected by a monitored intruder alarm system and the installation of high resolution CCTV.

In order to maintain security, access to the active area in which distilling takes place and the area where product is stored in duty suspension will be restricted by a dividing wall between this space and the shop/office space.

All visitors will be announced by a door alarm so as to ensure nobody enters the premises unannounced. Visitors will be recorded into and out of the premises using a manual log for security and safety.

Inspection of the integrity of the premises and security measures will be undertaken daily and logged manually with any issues identified and dealt with immediately.

All storage vessels that hold alcoholic product will be taped shut with numbered tamper evident tapes to ensure any evidence of attempted pilfering is identified. The number of these tapes will sit in the product movement log as alcohol is moved from bulk to process.

Whilst in Duty Suspension the product will be kept in a locked cage within the distillery to which only the two directors will have access.

4.2 Public Safety

The premises area also a working distillery and so the number of access of visitors to the distillery will be limited. As shown on the scaled drawings, events will primary take place on the right hand side of the premises (next to the main entrance). All equipment will be cleaned down and turned off during events with more than 15 visitors.

The premises will be fully risk assessed for the purposes of acting as the location for the distillery and this will include personal safety and lone working procedures.

A full fire safety inspection is planned when the plans for the premises have been progressed to ensure that the correct signage, safety equipment, evacuation plans and safety lighting are in place.

4.3 Prevention of Public Nuisance

We have taken the time to reach out to our neighbours to introduce ourselves and provide them with contact details should they have any concerns. We will display clear and prominent signage requesting that visitors respect our neighbours when leaving the premises.

Deliveries will take place only during working hours (9-5) so as to avoid disturbances to local residents.

We will promote local taxi firms and public transport to enable people to get safely to and from the premises. We will do this through our website, via booking confirmation emails for those attending bookable events, and with numbers displayed on our premises.

Environmental sustainability is core to our business ethos, so we will hold regular litter picks. N.B. We do not envisage that our business will contribute to the creation of any litter.

4.4 Protection of Children from Harm

Our gin tasting/meet the distiller events will not be open to those under 18.

For events such as cinema evenings where children may be allowed to some events we will operate a strict Challenge 25 policy. We will ensure all people selling alcohol are trained in its importance and feel confident in applying this. We will also display signs to make clear our policy of Challenge 25.

4.5 General Information in support of the application in relation to all of the licensing objectives.

Our primary objective as a business is to produce spirits for trade distribution – initially a London Dry Gin, with other gins and spirits to follow. We also have a non-alcoholic version of our signature gin in development.

The purpose of applying for a premises licence is to enable us to locally raise our profile and to engage with the local community. We will do this through our small events to showcase the distilling process in the area from which some of our botanicals are sourced.

5.0 RELEVANT REPRESENTATIONS

5.1 Interested Parties/Other Persons

- 5.2** The Police Reform and Social Responsibility Act 2011 (PRSR Act 2011) removed from the Licensing Act 2003 the specific reference for representations to be made by 'interested parties' and also removed the requirement that representations could only be accepted from persons living in the 'vicinity' of the premises concerned, or who had for example, a business in the 'vicinity' of the premises.
- 5.3** There was no guidance or definition of 'vicinity' within the Licensing Act 2003 which effectively had a limiting effect on those that could make relevant representations.
- 5.4** The PRSR Act 2011 replaced the references to 'interested parties' and 'vicinity' and substituted that representations can be made and accepted by the Licensing Authority from 'other persons' which means that those persons do not necessarily have to live or run a business for example in the proximity of the premises to be able to submit a valid and relevant representation.
- 5.5** The relevant extracts from the Section 182 Guidance that accompanies the Licensing Act 2003 advises the following in relation to 'other persons'. They are shown in italics for ease of reference.

8.12 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises.

- 5.6** Representations can be made either against or in support of an application. The relevant extracts from the Section 182 Guidance that accompanies the Licensing Act 2003 advises the following in relation to this point.

9.3 Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

- 5.7** 6 letters of representations/objections have been received from residents in relation to this application.

6.0 RESPONSIBLE AUTHORITIES

No representations have been received from any other Responsible Authorities.

7.0 POLICY CONSIDERATIONS

The Licensing Authority's Statement of Licensing Policy expects applicants to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance relevant to the individual style and characteristics of their premises.

- 7.1** The relevant extracts from the Council's Statement of Licensing Policy in respect of Planning considerations (shown in italics) and also the 'Prevention of Public Nuisance' licensing objective are as follows:

1.20 When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its

licensing functions will be discharged separately from the Authority's functions as the local planning authority. However, applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. (Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.)

5.0 PREVENTION OF PUBLIC NUISANCE

- 5.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 5.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 5.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.
- 5.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.
- 5.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

8.0 RELEVANT SECTION 182 GUIDANCE – PREVENTION OF PUBLIC NUISANCE

- 8.1 The following sections shown below in italics are taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and are included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing. They do not however form the totality of the guidance in relation to this licensing objective which should also be considered in its entirety. These are:
- 2.18 *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.*
- 2.19 *Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. 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 and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

9.0 RELEVANT SECTION 182 GUIDANCE - PREVENTION OF CRIME AND DISORDER

9.1 The following section shown below in italics is taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and is included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing. They do not however form the totality of the guidance in relation to this licensing objective which should also be considered in its entirety. This is:

2.1 Licensing Authorities should look to the police as the main source of advice on crime and disorder.

10.0 RELEVANT SECTION 182 GUIDANCE – PLANNING AND BUILDING CONTROL

10.1 The following section shown below in italics is taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and is included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing.

13.56 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

13.57 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

11.0 ASSOCIATED PAPERS

The following papers are attached as part of this agenda for Members of this Sub-Committee only:-

- (i) Application form and any supporting documentation.
- (ii) Location Plan.
- (iii) Representation/objection letters

Copies of all documentation concerning this application are also available from Licensing Section upon request.

12.0 DECISION

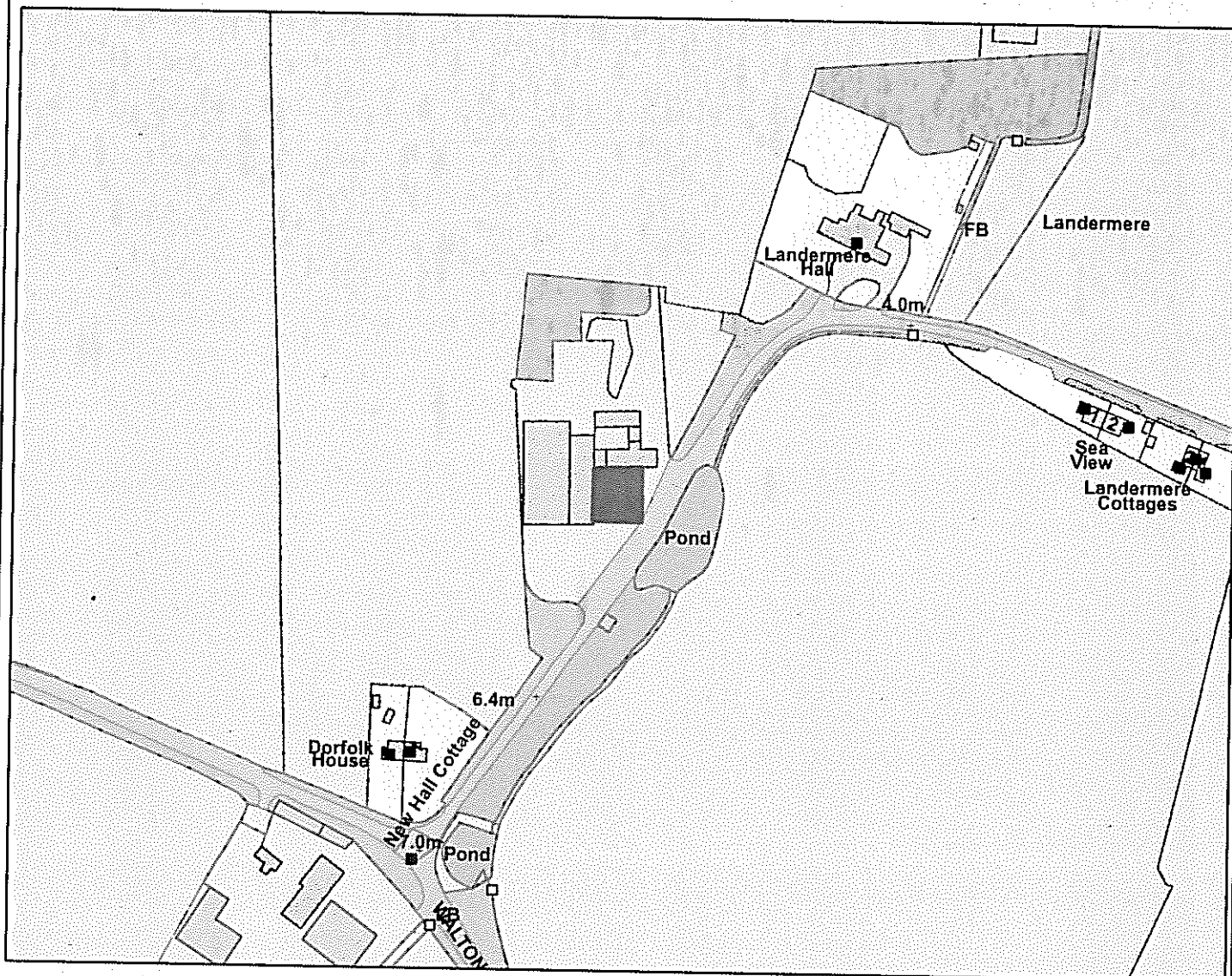
12.1 Each application must be considered in its own right and on its own merits only as to how it might impact on the four licensing objectives which are the Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.

12.2 The Licensing Sub Committee is therefore asked to determine this application taking into consideration the application in its own right and on its own merits and also all of the relevant information that has been submitted as part of this report and at the hearing itself.

PAUL PRICE
CORPORATE DIRECTOR [OPERATIONAL SERVICES]

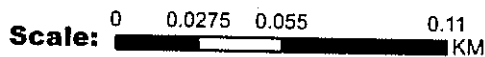
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Organisation	Tendring District Council
Department	Licensing Section
Comments	Not Set
Date	06/01/2020
MSA Number	100018684

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1 0 DEC 2019

9th December 2019

Tendring District Council
Licensing Section
88-90 Pier Avenue
Clacton-on-Sea
Essex
CO15 1TN

Re: Application for a distillery outlet at Landermere Farm Buildings CO16 0NJ

Dear Sir/Madam,

I am writing regarding the Application by East Coast Distillery Ltd to provide 'on and off site alcohol sales' at Landermere Farm Building 3A.

Whereas I do not specifically object to a straightforward distillery at Landermere Farm Building 3A, I am concerned that the intention is that the premises be used not only for selling alcohol but also for drinking it. Indeed, the description 'on and off site alcohol sales' seems to suggest that drinks might be served outside the premises as well as inside, making it more likely that some drinking customers may decide to venture down the lane, unaware that they are entering a highly sensitive SSSI ecological area supporting rare animal and plant life.

I am also concerned that an increase in cars using our fragile lane (which Landermere residents and the local farmer are responsible for maintaining) places an unreasonable maintenance burden on our little community, and poses a safety issue, particularly for children that regularly walk and cycle along the narrow lane.

We, the residents of Landermere, treat this nature conservation area with great care and respect, and I and my wife Dawn are particularly concerned that uninformed wandering distillery customers may inadvertently do real damage to the delicate ecosystem associated with Landermere Creek and the Walton Backwaters.

For example, Landermere Creek is one of only two sites in the whole of the UK that supports a population of the extremely rare Fisher's Estuarine moth. This moth relies wholly on the Hogg's Fennel plant, both for food and breeding. Indeed, Hogg's Fennel is itself rare and has a very limited distribution, and hence it would be disastrous if any of the small groves of these plants at Landermere became inadvertently trampled underfoot. Furthermore, it is now scientifically proven that light pollution has a significantly detrimental effect on the viability of wildlife, in particular, nocturnal animals such as moths which are lured by the light, often to their deaths. The concern is that bright lights from the distillery bar at night together with

the headlights of coming and going cars will significantly disturb the dark nights that Landermere Creek and its wildlife currently enjoys.

Also, there is the issue of noise pollution, particularly if customers are drinking and conversing outside the premises. Surely there are more appropriate locations for a potentially bustling bar than a quiet ecologically sensitive rural area? And if there are to be occasional late 'film screenings', assuming that a cinema-type sound system is used (in what is essentially a warehouse), I am concerned that the sound from this without robust soundproofing could cause significant disturbance to residents in the quiet of the night.

In summary, my wife and I believe that a public bar is wholly inappropriate for one of the few relatively pristine wildlife sanctuaries that still remain in the UK, and we would be most surprised and disappointed if Tendring District Council entertains the prospect of becoming associated with the damaging ecological impact of such a venture.

Yours faithfully,

Andrew Chaplin

10 DEC 2019

Dear Sir/Madam,

Re: Applicant East Coast Distillery Ltd

I understand that east Coast Distillery are applying to sell alcohol on their new premises in Landermere Farm buildings CO16 0NJ.

I have no problems with a distillery opening up at Landermere and I have met one of the owners and he seems very nice. However I have major concerns and strongly object to the application to obtain a license to sell alcohol on and around the premises. :

- 1) Landermere is a quiet residential area, where lots of families live with young children. The children use this quiet lane for recreation, they play, walk and cycle and have done for generations. I believe that it could put the children at risk having extra traffic on this private road. My son has a disability and he loves going down the lane on his bicycle. I think this drinking and driving (drinking and driving here are necessarily linked due to the remoteness of the location and lack of public transport!) is unacceptable. It could put lives at risk. I would have extreme reservations about allowing my disabled son to continue enjoying his freedom – and for what gain? A drinking establishment in an industrial estate?
- 2) Adjacent to Landermere is Hamford Water. This is an area of special scientific interest. It is an area that has the highest protection afforded to this type of habitat – Ramsar protection. There are several of rare species of birds and a seal colony.
- 3) The road is unmade and it would be a bad idea to encourage more traffic due to the maintainance of this road that has to be cared for by residents.
- 4) I believe that it is at odds with the spirit of the area to start a bar. It is unacceptable that drinks should be served. It is unacceptable that drinks should be served late at night –for example up until 11pm on Fridays and Saturday nights.

In addition to these points I would like to know what 'on and off site alcohol sales' means? Does this mean that they can serve drinks outside too?

I believe that there are plenty more places in the local area in Essex that would be more appropriate to sell alcoholic drinks, e.g. in the villages and pubs.

Yours truly

Dr Sarah Darwin

RECORDED DELIVERY

1 0 DEC 2019

Dr. Ben Evans

Tendring District Council

Licensing Section

88-90 Pier Avenue

Clacton on Sea

Essex CO15 1TN

Re. Premises License Application, Landermere Farm Building 3A, Landermere Hall Farm, Thorpe-Le-Soken, Essex. CO16 0NJ.

Dear Sir or Madam,

I am writing to detail my objections to the Premises License application recently made by East Coast Distillery Ltd. At the above address.

The license application is entirely inappropriate for this location for a number of reasons.

Firstly, from a health and safety perspective, the sale of alcohol, especially including off-site sales, in such proximity to the water and deep mud at Landermere Quay, towards which inebriated customers will inevitably be attracted, poses a significant risk to life. There are bodies of standing fresh water in addition to deep mud and tidal waters in which currents can be very strong. Encouraging people whose judgement may be impaired by alcohol into proximity with these environments is singularly irresponsible and should not be condoned by the Council. Furthermore, it places an unfair burden of worry and responsibility upon the residents at Landermere who would be concerned for the safety of people near the water, particularly given that this is private land. It will likely also result in a direct increase in public liability insurance costs for the Landermere Preservation Society, which owns and insures the quay and surrounding areas, since the associated risk will dramatically increase. There is no proposal for the licensee or council to assist with these costs.

This brings me to another concern – that of disturbance. The road to the proposed license site and beyond is private and there is no public vehicular access permitted. However, the premises is beyond the signage indicating this. It is therefore highly likely that customers will feel that they are entitled to continue driving down the lane beyond the industrial units. They are not permitted to do so. Again, this is a concern from a health and safety perspective since the lane is narrow and parked cars make it difficult to see children who may run into the road. Furthermore, encouraging more people and cars to go down the private road will significantly inconvenience the residents in what is currently a peaceful, uncongested and unpolluted environment, the tranquillity of which is highly

valued by many in the area. The maintenance costs of the lane are met in part by private contributions – therefore any increase in traffic leading to greater maintenance requirements directly places an economic burden on the existing residents.

The area is also a haven for wildlife on account of the limited human traffic, and is protected under a number of environmental designations being a National Nature Reserve, Site of Special Scientific Interest and protected under the international RAMSAR convention on Wetlands. It should therefore be a priority of any public authority to protect this rare environment in the face of climate emergency.

Of particular note in respect to wildlife concerns is the effect of the additional light pollution associated with exterior lighting that is inevitable with any such establishment having a license extending after dark. Artificial light has been shown to lead to increased mortality in insects. Hamford Water is home to 70% of the UK's population of Fisher's Estuarine Moth (*Gortyna borelii*), which is a European Protected Species with very limited range and highly specific environmental requirements. Permitting development or activities in the area that may endanger this population further is therefore utterly unacceptable. Of further concern are also the effects on the local bat population

<https://sac.incc.gov.uk/species/54035/>

<https://www.theguardian.com/environment/2019/nov/22/light-pollution-insect-apocalypse>

<https://www.sciencedirect.com/science/article/pii/S1616504715000233>

Returning to the issue of disturbance to human residents, the proposed licensing hours are entirely unreasonable as they will encourage traffic late into the evenings. There is also a risk that antisocial behaviour, including noise, vandalism and theft will be encouraged, particularly after daylight hours. Furthermore, the licensing hours will exacerbate the health and safety concerns posed by the water and mud, which become even more significant after dark.

The terms of the license enabling off-site sales of alcohol are of great concern. As previously mentioned, the picturesque environment at Landermere Quay will inevitably attract customers. If these customers are able to buy alcohol at the site and bring to the Quay for consumption then this will inevitably result in an increase in littering in a currently pristine environment. Since this is private land there are no waste disposal facilities available, nor should any onus be placed upon private landowners to provide such in order to maintain their environment, let alone the subsequent cost of disposal. Tacitly supporting pollution and environmental contamination by encouraging these activities where the necessary infrastructure for mitigation is not, and cannot be, available should be unconscionable for any public servant. I am therefore strongly opposed to any off-site sales of alcohol (and the inevitable food and packaging that will be sold alongside).

The license also does not restrict the types of alcohol sold. If this is a distillery, then it would be reasonable to limit alcohol sales to gin only. As currently proposed, the license would enable the proposer to sell any type of alcohol in any form of packaging. By limiting such sales to their own gin only, some of the off-site consequences might be mitigated to a degree, although they would still represent significant concerns on which the residents of the area should be formally consulted prior to any approval.

Finally, the site is located far from any towns or large villages with no pavements on the road from either Kirby-le-Soken or Thorpe-le-Soken. It is therefore impossible for most people to walk safely to the site and taxis from the nearest population centres are likely to be expensive due to their

distance. It is therefore likely that any customers will be required to drive. This is problematic in that there is inadequate parking supplied to support the number of customers that I imagine would be required in order to make such an enterprise sustainable. This will lead to overflow parking along the lane and at the junction with Walton Road (which presents a road traffic hazard due to impeding visibility on a corner that is known to be dangerous and on which a number of accidents, including fatal ones, have already occurred). Further, the necessity to drive to the site represents a substantial risk of resulting in drink-driving.

Thank you for taking the time to read my objections. I hope you agree that the proposed license, in this location, should not be supported.

Yours Faithfully


Ben Evans

Received On

12 DEC 2019

By Planning Services

Dear Sir -

As you will see I am a resident

of Sandhurst

I believe an application has been made by the East Coast District for a garage at the Sandhurst Farm buildings.

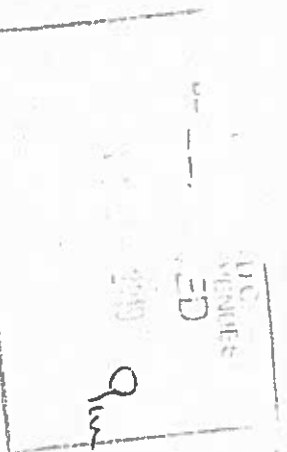
I object to this for the following reasons:

1) It would bring increased traffic to the area - and this would be inadequate

parking; already in poor condition; would need more maintenance by residents

2) It would increase light pollution.

3) Hanford Water is an area of special scientific interest and a



9th December 2019.

habitat of several rare species -
including the fish's estuarine molt
If a bar were to open there would
inevitably be an increase in people
walking the sea wall and surrounding
area.

I hope you will take note of my

strong objection -
Yours faithfully

11 DEC 2019

10th December 2019

This letter is to raise concerns as a Landermere resident to the premises license application ref Landermere Farm Building 3a with the proposal for a gin distillery with on and off site alcohol sales.

There is considerable concern from Landermere residents over the Friday and Saturday late night opening until 11pm and Thursdays until 10.30 pm and the extra lighting both with regard to parking and illuminated signage.

Light pollution is an increasingly significant problem for insect populations these days and is known to adversely affect insects and I would like to draw your attention to the following recent Guardian article

<https://www.theguardian.com/environment/2019/nov/22/light-pollution-insect-apocalypse>

3a Landermere Buildings are very close to Hamford Water and within less than a kilometer of a resident population of Fishers Estuarine Moth. Hamford Water is the most important site in the UK for this nocturnal species and supports 70 per cent of the known UK population.

Kind regards

Stephen Henderson

Received On

11 DEC 2019

By Planning Services

To whom it may concern

Dear Sir.

I am writing to make a representation against the possible Planning Application of developments at Landermere Farm Building 3a for Licensed premises. (copy included)

Licensing Act 2003 Notice ID:COL 1462175

As a member of the Landermere Preservation Society, I wish to protest against this development in this secluded part of Tendring on the grounds that it would be an inappropriate use of buildings in this area of predominantly agricultural and rural land, its littoral and marine environment and its very fragile landscape, and constitute a possible threat to it.

This place has strong associations in English culture being the scenario for both Arthur Ransome's Secret Water and Paul Gallico's Snow Goose, which was filmed here. As a member of the LPRS and the Arthur Ransome Society, apart from being a well known local geographer, I feel it necessary to try to protect this beautiful place, and I make the best use of it by keeping my sailing dinghy and canoes here from I can monitor its erosion.

This unspoilt rural area is adjacent to Landermere Creek and its small settlement. Landermere Creek and Walton Backwaters are a last resort of a very rare moth, the Fishers Estuarine Moth, and a last stronghold of the increasing rare Sea Hog Fennel. This is a very fragile environment, made more so by rising sea levels and increasingly violent weather causing ever more rapid erosion of the local salt marsh.

Amongst my objection to these plans and development is the possibility of a greater intrusion of the uninformed public into this area, causing further damage by their lack of appreciation to its increasing fragility.

In addition, the link between here and the site is by an unmade and private road which is maintained by the local inhabitants who pay for its upkeep and do not welcome public access.

My further objection has to be on the viability of such a project at this location. Since this is primarily concerned with the consumption of alcohol, in the form of Gin, and since there is no possibility of any public transport links, this in itself could be seen as a hazard.

The access to the building described is along a private poorly surfaced and unlit road onto a concrete hardstand, scarcely a car park.

It is difficult to understand how this business can attract clients to such an isolated site and therefore I do not regard this business as being viable and so I can see no point to its development on these grounds too.

Furthermore, this company is called East Coast Distillery Ltd. At this point the aim is to serve Gin and blend it, and possibly show films.

What is the scale of this exercise, how many clients are they expecting? And what is the further possibility of them expanding into an actual distilling in the future?

I trust that these objections will succeed in a review of this application

Yours Sincerely

S.J.McNair-Wilson

LICENSING ACT 2003

An application has been submitted to TENDRING DISTRICT COUNCIL as the LICENSING AUTHORITY for the TENDRING DISTRICT as follows:-

Type of Application:	Premises License
Name of Applicant:	East Coast Distillery Ltd
Premises:	East Coast Distillery
Address of Premises:	Landmere Farm Building 3a, Landmere Hall Farm, Thorpe Le Soken, Essex, C016 0NJ
Type of Activity to be licensed	On and off site alcohol sales - Mon - Wed - 10:00 - 16:00 Thurs - 10:00 - 16:00 / 19:00 - 22:30 Fri & Sat - 10:00 - 16:00 / 19:00 - 23:00 Sun - 10:00 - 15:00 Film screenings on occasional Saturdays - 19:30 - 22:00

Any person wishing to lodge a representation concerning this application may send this, in writing, to Tendring District Council, Licensing Section, 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN or deliver this personally to the Council Offices at 88-90 Pier Avenue, Clacton on Sea where the Public Register is available and may be viewed during normal office hours.

Any such representation must be received by the Licensing Authority by the following date: 11/12/2019

Please note that it is an offence knowingly or recklessly to make a false statement in connection with an application and there is a maximum fine of £5,000 for which a person is liable on summary conviction for the offence.

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