

Letter of Representation re License Application LI 22/1292

Mr J Bryant.
Licensing@Midsussex.gov.uk

APPENDIX 9

Dear Mr Bryant, Mid Sussex Licensing Authority,

I write to make representations in objecting to the grant of the New Premises License application Ref : L1/22/1292, on the grounds of Public nuisance and in particular Noise Nuisance.

I am a local resident, having lived in ^{full address of property} ~~redacted~~ Deaks Lane for over 18 years. Our property is one of a number residential dwellings situated in close proximity to the proposed new licensed premises on Highweald Wine Estate. Our house is located approximately × yards from the proposed site of the new licensed premises. Our garden and surrounding land is due south and south west of the house. The south west perimeter of our property is approximately × yards from the proposed site of the new licensed premises. The entire west boundary of our property abuts with the agricultural/ vineyard land currently known as Highweald Wine Estate. It is our view that were this application for new premises license to be granted in this particular location, it would be likely to have adverse impact upon the promotion of Licensing Objective, the Prevention of Public Nuisance, in particular Noise Nuisance .

A number of factors specific to this particular location render it an unsuitable location for the proposed licensable activities which this business, Highweald Wine Limited, proposes to carry out on this site. The net effect of these factors together with the proposed licensable activities is a potentiation of likely risk of noise nuisance.

The noise nuisance generated would have a significant adverse impact on the health and wellbeing of local residents. Furthermore it would interfere with our right to peacefully enjoy our homes and amenities of our properties, to work without interruption from home as many do, achieve restful nights sleep.

I shall address these points in turn below.

1. Location and specific characteristics of this area. This is a rural area within the AONB. The topography of the land in this area is such that sound/noise travels with notable ease, even when the source of the sound/noise is located some distance away. Furthermore the baseline background noise in this area is low even in daytime hours and most particularly so in the evenings and at night time. For example, audible bird song at dawn and dusk and the sound of owls at night is the norm. In these conditions noise is perceived as more intrusive and effects of noise nuisance are greater.

2. Proximity to the source of noise is a known key factor in Noise Nuisance. The close proximity of our and other local residents properties to the of the site of proposed new licensed premises on Highweald Wine Estate puts us at significantly greater risk of the adverse impacts associated with noise nuisance.

3. A Licensed premises involved in the retail sale of alcohol and the activities associated with this proposed business, are known to pose a significantly greater potential risk for the

generation of noise nuisance as compared with similar unlicensed premises in same location.

4. Quite simply by virtue of the fact of the gathering of customers, no doubt in a convivial atmosphere, likely engaged in conversation, engaged in activities involving retail sale and consumption of alcohol, whether that be on or off site e.g. in a wine/ beer garden type of setting, Garden Bar, or attending an event, or congregating outside of a Visitor Shop etc will generate noise.

4. The proposed licensed premises application LI22/1292, includes both indoor and outdoor areas. An outdoor licensed premises involved in activities related to the retail sale of alcohol, for consumption on and/or off site premises will by its very nature pose a greater risk for the generation of noise nuisance as compared to a similar indoor area. Furthermore is less amenable to mitigation.

5. The Garden Bar/Visitor Shop in this premises has full length glass bifold doors on its southern which open onto the area of decking and adjacent garden. The floor plan also shows area of roof patio on top of the building and accessed via an external outdoor stairway. Noise generated in this outdoor area will travel with greater ease and have a knock on greater impact upon the noise nuisance experienced by local residents.

6. The indoor areas/buildings covered by this proposed new premises license includes the entirety of the Winery building and the Garden Bar/Visitor Shop.

It remains unclear from the details provided in the written application and operating policy in this application as to why the entire indoor area of the Winery building has been included in the area for which licensable activities be carried out.

6. The potential for noise nuisance on this site will be exacerbated by the wider activities associated with this alcohol related business. For example the clearing up and locking up by staff in evenings, the disposal of empty bottles in to bottle bank. The application form and operating schedule states that clearing of empty bottles, glass will not be permitted after 23.00 hours. While this may well be suitable mitigating policy in a more urban location, in this particular situation any noise of this nature and potentially occurring up to 11 pm is a cause of great concern for local residents, as it will further contribute to noise nuisance in the evenings and nighttime impacting on the ability of local residents to peacefully enjoy our homes and properties in the evenings and to have a peaceful restful nights sleep.

7. Days and Hours of opening. The proposed days and hours of opening are in our view inappropriate, excessive and unreasonable. Even if the hours of operation were to be confined to daytime only ie closing at 4/5pm, the baseline background noise levels for residents in this area of Deaks Lane are such that any noise generated by activities such as those associated with a business of this nature, will be intrusive and have a negative impact on our quality of daily life, our ability to work, work from home as many do, relax and enjoy in peaceful may the amenities of our properties. The proposed opening hours of operation, 363 days per year, 11 am to 9pm, would simply further exacerbate the noise nuisance for local residents, both in terms of duration and degree. Noise nuisance is de facto experienced as more intrusive in the quieter evenings and nighttime. Even with the proposed closure of outside area after 9pm as outlined in the application operating schedule policy, this is simply a totally inadequate noise public nuisance mitigation step in a location such as this.

8. A proposed closing time of 9 pm, or last sales at 9pm this does not allow for the time taken for customers finishing up their drinks and for customers to leave the premises. The point referred to above in regard to no clearing of empty bottles into bottle banks after 11 pm, perfectly illustrates this point.

9. The steps outlined by the applicant to reduce noise by customers entering and leaving the premises are clearly not applicable when the premises is outdoors, for example in the Garden Bar with bifold doors open when weather permits, customers consuming alcoholic beverages while standing or sitting in the surrounding outdoor area.

10. Public Footpath/Bridlepath

Noise Nuisance during daytime hours will also impact upon members of the public enjoyment of the public footpaths which cross the Highweald Wine Estate. In particular bridlepath 22CR passes directly alongside the proposed area of licensed premises. These public amenities allow safe and peaceful walks in the AONB including the Highweald Diamond Way and are highly valued by members of the public.

11. The application refers to the playing of recorded un-amplified music indoors and outdoors, Wednesday to Sunday inclusive, from 11am to 9pm. In this particular location, for the reasons outlined above, and particularly outdoors, this will contribute to noise nuisance for local residents.

12. The inclusion of any part of the premises on this site for online sales of alcohol, were that to occur, would contribute further to noise generation, due to the additional impact of this activity, e.g. deliveries.

I thank you in advance for your consideration of the points which I have raised in our objections to the License application L1/22/1292

Yours Sincerely,

Mrs Angela Pope

December 1 st., 2022

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