

Wiltshire Council

Where everybody matters

REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact the Licensing team to confirm this date.

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which representation is being made	Pear Tree Purton Licence No 000003080
Your Name	██████████
Postal Address	■ Waite Meads Close, Purton
Contact Telephone Number and Email address	██████████
Are you (please tick): <ul style="list-style-type: none"> • An individual? <input checked="" type="checkbox"/> • A person who operates a business? • A person representing residents or businesses? • A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? 	
If you are representing residents or businesses who have asked you to represent them?	

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	

<p>The prevention of public nuisance</p>	<p>The application fails to provide any satisfactory measure to control or monitor sound.</p> <p>There should be no audible noise in neighbouring properties with windows open or closed. The vague description of limiting it to background noise on the premises is not adequate. Take as a guide: West Yorkshire PLANNING CONSULTATION GUIDANCE (CONDENSED VERSION)</p> <p>Noise & Vibration</p> <p>Events in The Pear Tree can create spillage of sound when doors open, people go outside and after drinks do not moderate their voices and the sounds of car doors and when leaving the property will also generate some nuisance.</p> <p>I would suggest that an extension to the drinking hours and music licence will be impossible to manage such that there is no disturbance to neighbours. Historically, it has been a very quiet area and the the disturbance to neighbours will be unreasonable and impossible to control and manage!</p>
<p>Public safety</p>	
<p>The prevention of crime and disorder</p>	

Please list below any suggested actions that you feel the applicant could take to address your concerns:

The applicant will need to make much better provision to limit sound levels than described in the application.

I would argue that monitoring of sound levels at the boundary of the property can be studied accurately with devices that will measure dBA, and I would suggest that after 10pm no sound emanating from The Pear Tree should be no higher than 45dBA/ambient levels

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If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's report, which is a public document published on the Council's website and circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.

Signature.......... Date..... **18 October 2021**.....

Please return this form, along with any additional sheets, to the relevant Wiltshire Council Office listed below or return by email to publicprotectionnorth@wiltshire.gov.uk:

Salisbury Area – (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Bourne Hill
Salisbury
Wiltshire, SP1 3UZ

All other areas please send to the address below:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire, SN15 1ER

Representation 2

Premises about which representation is being made: The Pear Tree, Purton, Swindon, SN5 4ED

Your Name: [REDACTED]

Postal Address: [REDACTED] The Hyde, Purton, Swindon, Wiltshire, SN5 4EA

Contact Telephone Number and Email address:

Are you (please tick):

- An individual?
- A person who operates a business?
- A person representing residents or businesses?
- A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)?

If you are representing residents or businesses who has asked you to represent them? Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES EVIDENCE

The protection of children from harm

The prevention of public nuisance:

1. I object to the variation of playing music until 1am. It will cause a public nuisance because the noise emanating from The Pear Tree will interfere with my right to a good night's sleep. The sound amplification systems, and the prevailing wind, will direct the sound to my property.
2. I object to the variation of refreshments being served, inside and out, from 11pm-5am. It will cause a public nuisance because guests outside the Pear Tree during the night will create noise which will interfere with my right to a good night's sleep. The prevailing wind will direct the sound of voices to my property.
3. I object to the variation of a 24 hour, 7 days a week drinks licence. It will cause a public nuisance because guests will create noise when drinking outside. If excess alcohol is consumed by guests during the night it could lead to rowdy behaviour and increased noise levels. This interferes with my right to a good night's sleep and the prevailing wind will direct the sound to my property.

This year the noise levels during events at The Pear Tree have been excessive on many occasions. There has been a background hum of voices and music that has disrupted the enjoyment of sitting outside in my garden.


The prevention of crime and disorder

Public safety

Please list below any suggested actions that you feel the applicant could take to address your concerns:

- 1. Our suggestion is that the internal noise is kept below 87dBs throughout the whole building, making no distinction between the main building and the orangery. Also that an additional clause is added to the outdoor noise section to have a dBs limit which is acceptable.**

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Signature.....  Date.....**18.10.21**.....

Please return this form, along with any additional sheets, to the relevant Wiltshire Council Office listed below or return by email to publicprotectionnorth@wiltshire.gov.uk: Salisbury Area – (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to: The Licensing Officer Wiltshire Council Public Protection Services and Licensing Bourne Hill Salisbury Wiltshire, SP1 3UZ All other areas please send to the address below: The Licensing Officer Wiltshire Council Public Protection Services and Licensi

Representation 3

From: [REDACTED]
Sent: 20 October 2021 16:05
To: PublicprotectionNorth <PublicprotectionNorth@wiltshire.gov.uk>
Subject: Pear Tree at Purton Planning Application.

I wish to register the strongest of objection to parts of the current application which is inconsiderate to the village population.

The application to serve guests with food, indoors and outdoors up till 5am is ludicrous,!!! It is obvious that such guests will find easy access to alcohol to accompany their "snacks" and the hotel staff will no doubt be incapable of controlling the revellers!!!!

I live within 150 yards of the premises and regularly quite clearly hear the revelers outside the premises during the day, so why should it be any different up to 5am in the morning??

A concern not even alluded to in the application is that of firework displays. It is quite likely that when the dust has settled re this current application, the management may well think it to be a great idea to further entertain their guests with firework displays!!!

Is there to be any restriction imposed here?? This is a very rural area with plenty of livestock living alongside residents with pets at home.

[REDACTED]
[REDACTED] Church Path Purton Swindon SN54DR

■ The Hyde
Purton
SN5 4DY

Representation 4

The Licensing Officer
Wiltshire County Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire
SN15 1ER

20 October 2021

Dear Sir or Madam

Representation regarding the licensing of the Pear Tree, Purton, Swindon SN5 4ED on the grounds of Prevention of Public Nuisance and Public Safety. WK202122064-Application.

Prevention of Public Nuisance

- Although the Pear Tree, as a hotel, has been a great asset to the village, and could also be as a Wedding Venue it could create a number of issues. We feel concerned for people who live locally and may no longer be able enjoy a peaceful location.
- The timescale of the license application appears to be unlimited, thus potentially afflicting any nuisance 24/7.
- The venue is close to existing housing and also the proposed extension to the village cemetery. In both cases loud and persistent noise could cause distress.
- Some types of music also carry some distance on the wind and in this case would be heard at the church and in the centre of the village.
- Noise is not just caused by live or recorded music, although that is certainly contributory, but also by a large number of relatively uncontrolled people being outside – quite possibly merry from alcohol!
- The application claims to keep noise at background levels but it is not clear what this means in practice and what impact this might have.

Public Safety

Excessive parking on the road outside the premises on a very narrow road has already occurred causing a great deal of disruption to traffic and could easily result in an accident.

Suggested actions

- We are not authorities on noise reduction but the suggestion of noise reducing fencing confined to the outside kitchen area would seem to be totally insufficient.
- Ensure that all parking is within the premises – perhaps by limiting numbers.
- Limit outside music times as well as frequency.

Yours faithfully

[Redacted signature block]

Wiltshire Council

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Premises about which representation is being made	THE PEAR TREE PURTON (VENUE CATERING AND EVENTS LTD)
Your Name	[REDACTED]
Postal Address	[REDACTED] CHURCH END, PURTON SN5 4EB
Contact Telephone Number and Email address	[REDACTED]
Are you (please tick):	<input checked="" type="checkbox"/> An individual? <input type="checkbox"/> A person who operates a business? <input type="checkbox"/> A person representing residents or businesses? <input type="checkbox"/> A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)?
If you are representing residents or businesses who have asked you to represent them?	

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LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	CONSIDERATION SHOULD BE GIVEN TO FAMILIES AMONG THE GUESTS WITNESSING OR BEING AFFECTED BY THE CONSUMPTION OF EXCESSIVE ALCOHOL

<p>The prevention of public nuisance</p>	<p>THIS IS A WEDDING VENUE, CATERING FOR UP TO 200 PEOPLE. ALL WOULD THEREFORE BE BONA FIDES GUESTS ALCOHOL WOULD BE AVAILABLE TO ALL 200 24 HOURS A DAY. THIS IS EXCESSIVE AND WILL LEAD TO EXCESSIVE NOISE AND NUISANCE BEHAVIOUR.</p>
<p>The prevention of crime and disorder</p>	<p>WITH SO MUCH ALCOHOL AVAILABLE THE PROPENSITY FOR DRINK DRIVING IS HIGH. THIS WILL LEAD TO DEATH AND INJURY 200 PEOPLE WITH EXCESSIVE ALCOHOL AVAILABLE WILL LEAD TO DISORDER AND DRUNKEN BEHAVIOUR IN THE GROUND AND OUTSIDE UP TO AND AFTER 5 AM</p>
<p>Public safety</p>	<p>DRINK DRIVING DISORDERLY CONDUCT EITHER WITNESSED OR PERPETRATED AGAINST EARLY MORNING WALKERS (COMMON DOG WALKING ROUTE IS ADJACENT</p>

Please list below any suggested actions that you feel the applicant could take to address your concerns:

THE ACOUSTICS OF THIS AREA, PREDOMINANTLY A CONSERVATION AREA, ARE SUCH WE CAN HEAR CONVERSATIONS WHERE WE LIVE.

I HAVE CONCERNS THAT GUESTS OUTSIDE AND INSIDE (UP TO 200) CANNOT BE POLICED BY THE COMPANY AND ITS STAFF.

I SUGGEST THE ALCOHOL LICENCE IS ALIGNED TO THE ENTERTAINMENT HOURS

I FURTHER SUGGEST THE ENTERTAINMENT HOURS ARE CUT TO FINISH AT 10:30. THIS IS A WEDDING VENUE NOT A NIGHT CLUB.

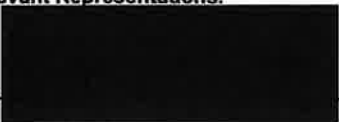
I SUGGEST A REGULAR MONITORING BY POLICE OF GUESTS LEAVING IN PRIVATE CARS TO ENSURE THEY ARE FIT TO DRIVE

I SUGGEST THE BACKGROUND NOISE LEVEL ADVOCATED IS TRANSLATED INTO DECIBELS AND SET AT A LEVEL NOT TO DISRUPT LOCAL RESIDENTS.

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Signature.....

Date..... 29/10/21

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Salisbury Area – (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Bourne Hill
Salisbury
Wiltshire, SP1 3UZ

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The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire, SN15 1ER

THE BEAR TREE, PURTON
LICENCE NO 02089162146

I STRONGLY OBJECT TO THE EXTENSION OF THE HOURS OF OPERATION.

IT WILL CHANGE THE CHARACTER OF THE CONSERVATION AND BRING NOISE, DISRUPTION AND DANGER TO LOCAL RESIDENTS.

EXCESSIVE ALCOHOL WILL LEAD TO UNACCEPTABLE BEHAVIOUR. CONTROLLING THAT BEHAVIOUR OF UP TO 200 PEOPLE WILL BE IMPOSSIBLE.

EJECTING DISRUPTIVE GUESTS, AS PER THE COMPANIES SUGGESTED POLICY, WILL ONLY TRANSFER THOSE BEHAVIOURS INTO THE NEIGHBORHOOD.

THE INGENUOUS NOTION THAT ALL GUESTS WILL USE TAXIS OR PRIVATE HIRE CARS IS NONSENSE

5th November, 2021

Representation 6

Representation Form (The Pear Tree, Purton)

Please accept this document as my Representation Form submission. I could not find an editable PDF version for submission electronically on the Wiltshire Council's website.

- **Include your name and address.**

██ The Hyde, Purton SN5 4EA
██

- **Include the name and address of the premises you are making a representation about.**

The Pear Tree, Purton

- **Be relevant to the four Licensing Objectives and no other matters.**

The Prevention of Public nuisance:-

- **In relation to Licence variations it must only relate to the variation and not the existing Licence.**

- **Explain in as much detail as necessary what problems you believe will arise from what the applicant is proposing, and include any evidence/records if referring to existing concerns.**

The new licence calls for live/amplified music 7 days a week until 1.00am, 20 days of which can be sited in the orangery. The licence is proposing that live/amplified music in the orangery will cease at 23.30.

Having experienced excessively loud music from The Pear Tree this summer, in particular on 6th, 8th, 19th and 28th August, when the music was so loud it was not possible to enjoy my outdoor space or to sleep with a bedroom window open (which was needed due to the warm temperatures), I must make the following points in objection to the granting of this licence.

Firstly, please note that in the Noise Management Plan there is a mistake when this section refers to the orangery as being outlined in green, whereas it is actually outlined in red. (e.g. Page 27 "Indoor Noise") This could cause enough ambiguity for the conditions to be circumvented.

The application is proposing that live music be allowed to be played up to 7 days a week until 1.00am. This is both very late and very frequent. (It would seem that an excessively late time and high frequency of events has been applied for in the full expectation of some knock back). It would be far more reasonable in consideration of the people living in surrounding properties to have this limited to two evenings a week (on Friday and Saturday) and to stop any music other than quieter background music at 11.30pm.

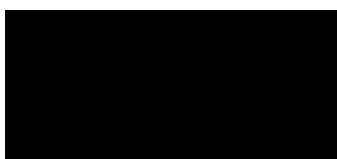
The excessively loud music I have experienced from The Pear Tree on the dates mentioned, I believe must have been amplified music in the orangery. This part of the building is definitely not suitable for staging music at 87dBa. The very nature of the structure, which is predominately glass, means that there is little dense fabric in the structure to adequately absorb sound. The orangery has less sound deadening ability than a standard constructed building of brick or block; glass is particularly bad at deadening any sound and it will only absorb sound at its resonant frequency (around 400Hz). Of the remainder some is reflected back into the room, but the rest is transmitted as sound waves to the surrounding area with little or no absorption. This means that all frequencies are transmitted into the surrounding area until absorbed by dense matter such as surrounding properties. Low frequencies such as "thumping base" are heard at significant distances. Consequently, there will be a higher level of ambient noise transmission from music played in the orangery, at levels which will be far higher than if the event were staged in a room constructed of dense materials with little glazing for the sound to travel through

In the summer months, the orangery will likely be warmer than the rest of the building due to the passive solar gain caused by the glass panels. Therefore, despite assurances given by the applicant that door closers will be used and windows will be kept closed during amplified music performances, attendees to the event will likely prop doors open and open windows to gain adequate ventilation, especially if the attendees are dancing, when they will feel warmer than usual.

Given the location of Pear Tree and the lack of any superstructure to absorb noise between it and the many surrounding properties, I really must advise that the orangery is not at all a suitable venue for any amplified music, other than background music.

It is clear from events already staged in this part of The Pear Tree that significant and intrusive sound transmission can be heard in many surrounding properties. It is not acceptable that residents of those properties cannot enjoy their own, normally peaceful outside space during nice summer evenings or sleep with their windows left open. The only option to avoid the intrusive sound is to be inside with doors and windows kept closed, which is not acceptable particularly during warm summer evenings.

I would urge that the licence application should not include any amplified music in the orangery as this will inevitably cause (and has caused) significant public nuisance to those residents living along The Fox, Church Street, Church Walk, Church End, The Hyde and Hyde Lane. Any amplified music should be confined to the main building only, with windows and doors closed and only on Friday and Saturday evenings up until 11.30pm, except for New Year's Eve.



WK202122064 Variation Application The Pear Tree Purton Swindon SN5 4ED

We are regular members of the St. Mary's congregation and write to challenge this licence variation application. We understand that the field immediately adjacent to the North West boundary of the Pear Tree has already been acquired for church burials. While the current impacts of events at the Pear Tree are already causing major disturbances around St. Mary's church, burial services on the new plot would be in an even worse position.

Looking at the details in the application, the following aspects cause much concern.

The supply and consumption of alcohol on and off the premises Monday to Sunday inclusive sounds as if such a licence variation would allow liquor store type sales to the public yet we understand that the Pear Tree is supposed to be a wedding venue.

Late night refreshments between 23.00 and 05.00 would surely be able to be accommodated by – and restricted to – room service only.

Live and recorded music amplified outdoors up to 19.00 hours Monday to Sunday will very likely continue to be carried on the prevailing South Westerly winds and be clearly audible during church services. Even indoor music (from 10.00 to 01.00 Monday to Sunday) is still likely to be heard if current experiences are repeated.

The late night refreshment "facility" could surely be provided by the existing kitchen but if approved in this application, might even allow the positioning of a kebab van or other mobile fast food outlet all through the night, seven days a week. Combined with the potential liquor sales (see above) the outdoor area would become a magnet for anyone hungry and/or thirsty, especially between 23.00 and 05.00. We understand that the Pear Tree claim this is a temporary structure and thus avoids any planning need. It is hard to square this with a structure fitted out with electrical and mains water supply, a drain, a pizza oven and another large oven – yet the main building already has a fully fitted kitchen. If all activities were kept indoors the noise pollution would be substantially reduced, regardless of the time of day.

Additionally, it would seem that alcohol is to be served in the gardens at any time between 10.00 and 01.00 hours and that could only add to noisy gatherings outdoors. Indeed under page "L" there would be nothing to stop a New Year's Eve party for up to 500 people that could last "*until the normal commencement time on New Year's Day*" – meaning that could effectively last uninterrupted for 35 hours and surely that would not be acceptable.

Clearly the applicant is all too aware of the current noise pollution by appending a Noise Management Plan (NMP). It appears that indoor noise levels will be kept at a maximum of 95dBs (87dBs in the Orangery) yet no maximum levels are specified for outdoor noise levels. "*Regular staff patrols*" to keep noise levels to a minimum and "*periodic monitoring and record keeping of dB levels at property boundary*" hardly provide any confidence that this NMP will be strictly followed, especially as the applicant appears to live in Wrexham over 140 miles away and will not have control of the NMP until after the fact.

We believe that the Pear Tree has not provided any expert evaluation that setting the noise level to 95 or 87dBs is sufficient to stop the current noise nuisance nor have they provided any expert advice on their mitigation measures, whether the doors are open or closed. Surely the NMP needs to be informed by expert advice that seeks to ensure noise pollution is **not** caused, rather than just trying to minimise any impact that might well still cause nuisance. If the noise leaving their site cannot be controlled, surely they should cease the offending activities.

Allowing outdoor music “only” between 10.00 and 19.00 Monday to Sunday will clearly clash with services in church including weddings and funerals as well as outdoor burial services, especially in the next door field in years to come. Would a solution be to limit noise levels to 45dBs to 50dBs on Sundays and any other day when church services are expected to take place?

St. Mary’s church has been there for at least six centuries and the needs of the church should surely take precedence as the new owners of the Pear Tree would have known that the church was already in situ when purchasing. Even their website refers to the church spire in the background for romantic photographs.

We have no idea if 45 or 50 dBs would cause a nuisance and expert advice seems essential. It must be for the Pear Tree to ensure that their activities do not cause a nuisance. Experience confirms that having up to 200 people celebrating a wedding in the Pear Tree garden would disturb services and certainly would clearly disrupt burial services in the field next door. Football crowd style singing of songs such as ‘Come on Sweet Caroline’ are hardly appropriate when clearly audible in church and from many hundreds of yards around.



Hoggs lane
Purton
SN5 4BU

Representation 8

██████████ response to The Pear Tree's variation to Licence Oct 2021

History

I've been experiencing noise nuisance at my residence, The Old Coach House, since it re-opened as a wedding venue after lockdown due to Covid.

We purchased the property on 30/6/21 and did extensive research into the area, as did the solicitors. The main reasons for choosing this property was it's location: close to a village, near a bus route, not overlooked, in a conservation area, not listed. Purton House was on the planning history asking for a partial variation to become a wedding venue, there was an environmental impact statement detailing considerations made to local residential properties. The Pear Tree was only there asking for an extension so I was not unduly concerned. So as far as I could see it was a perfect location for our retirement, a quiet rural location.

We didn't move in straight away, but when we did on 14th July, a friend came to help and despite being distracted by moving, eating, organising, we could hear loud shouting and music. In fact we all had to close the bedroom windows on 2 sides of the house when we went to bed at midnight due to the excessive noise which continued until at least 12.30 when we fell asleep exhausted.

Since then there has been varied disturbances from midday to midnight coming from The Pear Tree. Although we came from a rural area we were expecting more noise as it is busier in Purton than where we lived in Cornwall and we anticipated more traffic, planes, trains, schools, which most of the time are background noise, but not shrieking, cheering, screaming, laughing, music, loud talking, arguing and being able to hear individual conversations and words to songs. There is a footpath in the field behind the property greatly used by dog walkers with children, shouting to their dogs but it's for 2 seconds, 3 or 4 times a day, during the day. There have been other events, but again we expect that, in Cornwall there are village shows, and that's all part of living in the country.

Sorry for the length of the document, I'm just trying to ensure something doesn't get allowed through the backdoor, as I have no faith in their promises from past experience.

I object to the variation as it will cause a public nuisance undermining the licence objective.

Comments on variation of licence application from The Pear Tree

Page 2, describe briefly the nature of the proposed variation.

Addition of a Noise Management Plan

The plan, appendix B, appears to be pretty much what we asked for when we had a meeting with them months ago but has many shortcomings.

Under 'Indoor Noise', they are suggesting live or recorded music for entertainment purposes to be played in the orangery at above background volume levels, maximum 87dBs in the orangery but this is not controlling bass notes which travel further and have been a regular complaint on the noise nuisance forms. Music of any description, at any time, in the orangery must be at lower than

currently being played and the windows and doors must be kept closed to contain the noise and to reduce the occurrence of future noise nuisance.

Orangery is outlined in red not green, main part is outlined in green not red.

Although noise will be limited to 95dBs in the rest of the building, there is no limit on how many times this will occur. It states that windows and doors will be kept closed after 20:00 when amplified or recorded music is being played. Music of any description, at any time, in the rest of the building must be at lower than currently being played and the windows and doors must be kept closed to contain the noise and to reduce the occurrence of future noise nuisance.

Under 'Outdoor Noise', it states there will only be outdoor music between 10:00 and 19:00, from noise nuisance sheets the music causes a problem during these hours. There is no mention of how they are going to control outdoor noise during these hours. Again amplified music will be kept to background music. This needs to be defined. Background music within 5m of it's source may not be heard 50m away in the garden, so at what distance are they going to control the music? This needs to be defined. In order to remove any future noise nuisance complaints music of any description should not be played outside.

The plan states an acoustically insulated fence will be erected in the land behind the outdoor kitchen. Do they have planning permission for the kitchen? Is it a temporary structure, is so when it's moved will the fence be moved? How tall, long, thick will the fence be?

The main shortcoming of this plan is that it appears to deal only with music, most of my noise nuisance complaints from myself are to do with human generated noise. The noise gets progressively louder throughout the day suggesting it may increase as alcohol is consumed. No alcohol or food should be served outside as this encourages groups of people to congregate outside and be extremely noisy.

There is no provision for local residents to inform a member of staff on duty at The Pear Tree of noise nuisance and it to be dealt with at that point in time. It is imperative that we are able to have a contact number where we can report any noise nuisance at any time day or night and it to be answered and dealt with immediately.

Supply of alcohol for consumption ON and OFF the premises. I OBJECT TO THIS [on the grounds that it will cause a public nuisance which will undermine the licencing objective.](#)

They haven't currently got this, so they should be prevented from allowing it to happen, immediately, not allowing it to continue until they have got a licence to do it. Allowing alcohol to be supplied and consumed outside the building would encourage guests to stay outside and therefore the human noise nuisance will continue so this should not be permitted at any time.

Supply of alcohol to residents and their bona-fide guests 24 hours daily. I OBJECT TO THIS [on the grounds that it will cause a public nuisance which will undermine the licencing objective.](#)

As this is asking for residents and bona-fide guests to be able to buy and consume?? alcohol 24 hours, this implies that alcohol can be supplied and drunk by up to 200 people non-stop. This will

only increase the noise nuisance experienced by local residents. It is well documented that people become louder the more alcohol they consume. Currently excessive noise is documented from 12:30 to 00:30, already too much, and this amendment would allow it to be extended. This should not be permitted.

Supply of alcohol within all areas inside and out as per the property boundaries. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

Presumably the difference between this and 'supply of alcohol for consumption ON and OFF the premises' is that they are asking to be able to sell alcohol outdoors, so where would the outdoor bar be? Another site outside where people will congregate and create noise, will a sound barrier be erected around this? From their noise nuisance plan they have already identified the outdoor kitchen as a problem area but are asking for other outdoor areas to be allowed. This would increase the noise nuisance to local residents and others who wish to enjoy the countryside close to The Pear Tree and should not be allowed.

Late night refreshments 23:00 – 5:00. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

Who will be served? Where will they be served? What will they be served? Where can it be consumed? There is already more than enough human generated noise without allowing the period to be extended. No-one wants waking up in the early hours by noisy people in the grounds less than 500m from our property, we can already hear them with closed windows and the TV on. This should not be allowed, the period of time the guests are outdoors will only increase the number of noise nuisance complaints.

Regulated entertainment indoors, both live and recorded 10:00 to 01:00. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

So, again they are looking to extend their hours of business, and guests in all their guises will be wandering inside and out, possibly full of alcohol, making noise until 01:00. At what time will they be leaving the premises? We have already experienced noise at 00.30 if they are allowed to drink longer and party longer this will only create a bigger noise nuisance so this should not be permitted.

Acoustic music outdoors until 19:00. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

What is acoustic music, another terminology introduced, the Noise Management Plan only refers to amplified live or recorded music? The guidance notes make no mention of acoustic noise. Any music outside should not be permitted as it causes a noise nuisance.

Removal of Annex 2A

Removal of historical hotel conditions, No comment.

Page 8, box headed E

Seasonal variation to Live music requested on New Year's Eve/Day. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

What they are asking for here, I believe, is the playing of live music from 10:00 New Year's Eve until 19:00 on New Year's Day outdoors and 10:00 New Year's Eve until 1:00 on 2nd January indoor, so we would be getting outdoor music and human noise at the levels we are currently experiencing for 31 hours or longer. Seriously. I totally object to this variation, we do need to sleep and enjoy our own homes, gardens, surroundings and enjoy our own celebrations. This should definitely not be permitted outdoors and only indoors if all windows and doors are kept closed.

Page 9, box headed F. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

Playing of recorded music on 20 occasions, is this in addition to the 20 playings of live music? Either way should not be allowed outdoors and only indoors if windows and doors are kept closed.

Seasonal variation to recorded music requested on New Year's Eve/Day. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

What they are asking for here, I believe, is the playing of recorded music from 10:00 New Year's Eve until 19:00 on New Year's Day outdoors and 10:00 New Year's Eve until 1:00 on 2nd January indoor, so we would be getting outdoor music and human noise at the levels we are currently experiencing for 31 hours. Seriously. I totally object to this variation, we do need to sleep and enjoy our own homes, gardens, surroundings and enjoy our own celebrations. . This should definitely not be permitted outdoors and only indoors if windows and doors are kept closed.

Page 12, box headed I, I OBJECT TO THE SERVING OF LATE NIGHT REFRESHMENTS OUTDOORS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

Late night refreshments for patrons, the dictionary definition of patron is a paying guests, so is this the same as residents, which would be a limited number and not bona-fide guests or guests which would mean up to 200 people indoors and out. Either way 20 – 30 guests can be very noisy and this should not be permitted outside.

Page 13, box headed J

The extension of supplying alcohol to outdoor areas from 10:00 to 01:00 is unnecessary. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

There is no indication where this will be located. This will create additional noise as people will congregate around the area where sales of alcohol will take place and will only increase the number of human generated noise complaints.

Non-standard timing. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

Here they are asking for, I believe, is the selling of alcohol from 10:00 New Year's Eve until 19:00 on New Year's Day outdoors and indoors, so we would be getting outdoor human noise at the levels we are currently experiencing for 31 hours, this is unacceptable and should not be permitted.

Page 14, box headed L

Hours premises are open to the public. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

They are asking for an extension to their operating hours. Non-residential guests, up to 200 people will be staying until 01:30 and leaving at this time and expecting to get a taxi!! We are already experiencing noise from guests leaving at 00:30, an hour later, an hour's more alcohol, an hour more noise, this should not be allowed.

Seasonal Variations to opening hours. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

Here they are asking for non-residents to be on the premises from 10:00 New Year's Eve until 19:00 on New Year's Day outdoors and indoors, so we would be getting outdoor human noise at the levels we are currently experiencing for 31 hours. Also non-residents, up to 200 people could be leaving at any time and trying to get a taxi. This will increase the amount of noise nuisance so should not be permitted.

Page 15, box headed M

- a) General – It states here that all licensing objectives are managed centrally, but does not mention a Noise Management Plan/Policy
- b) The prevention of crime and disorder – no mention of excess consumption of alcohol or drunkenness or noise management
- c) Public Safety – no mention of excess alcohol consumption or drunkenness

The steps they are taking to promote the licensing objectives are sloppy and need tightening up.

Overall Conclusion

This is a rural area. This is a conservation area.

The Noise Management Plan, is in it's formative stages and woefully lacking. The Variation of Licence should not be granted until it is finalised and fit for purpose, and proven to be adequate. A professional noise consultant should be employed to assess the situation. It should not be a document cobbled together by employees trying to appease the locals and basically give them what they asked for months ago. It does not reflect the other changes requested.

The original ecological assessment does not take into consideration the effects of noise on wildlife only light, this is a serious failing as bats navigate by eco-location, a new assessment should be conducted.

The impact of noise on the local residents has been conducted in summer when the trees are in full leaf, it is already apparent to me, as the leaves start falling, that the noise levels are increasing

despite it being colder and fewer people are congregating outside. There is no consideration of this seasonal variation in their plan. This needs to be addressed.

As local residents, we have no means of informing The Pear Tree of current noise nuisance as we have been banned from the premises, have been refused a contact number of the duty manager and told to leave a message on the answer machine which will be dealt with in 2 working days. Completely unacceptable. We should be given a responsible person's contact details which should be answered and acted upon immediately.

The Noise Management Plan only addresses music noise in its Outdoor Noise section and ignores what are the majority of the noise nuisance complaints and that is noise made by the people attending the events at The Pear Tree. In order to eliminate or greatly reduce the noise nuisance created by humans there should be no food or drink consumed outdoors.

The Noise Management Plan seems to think that the noise is only a problem in the evening but many complaints are made about noise nuisance from 12:30 when the event begins.

Before we were banned from visiting the premises, those attending events were seen with drinks in their hands, as The Pear Tree hasn't got a current licence for consumption of alcohol OFF premises, they should be made to stop this practice immediately, or should we be reporting them to the police?

All the other requests on the variation are to increase the length of time alcohol is consumed and sold, and entertainment to last longer encouraging food and drink to be bought and consumed.

A good business plan.

Unfortunately for the local residents and wildlife this is not a good living plan. The noise duration will undoubtedly extend and noise levels probably increase.

As such I request that all the variations are rejected and that the current licence has conditions attached.

The condition I would like to see attached are:

A professional Noise Management Policy introduced, which has proven effectiveness, which will be monitored, initially monthly, by professionals.

A small group of local residents, senior Pear Tree employees, the noise management professional and a representative from the Environmental Health to meet, initially monthly, to monitor the effectiveness of the plan, with The Pear Tree being responsible for implementing reasonable changes in a reasonable timeframe to reduce the noise nuisance which they have admitted exists.

The outdoor kitchen to be removed.

All sales of food and drink outdoors and OFF the premises, including any temporary structure such as tents to be prohibited.

All consumption of food and drinks outdoors and OFF the premises, including temporary structures such as tents to be prohibited.

Late night refreshments should be limited to indoors only and to residents only and not include alcoholic drinks.

A professional to be employed to patrol the outdoor area to control the noise generated by people attending the events.

An environmental impact assessment should be conducted as it was for Purton House.

The ecological report should be re-done



Church End, Purton, SN5 4EB

[REDACTED] Church End, Purton,
SWINDON SN5 4EB, UNITED KINGDOM [REDACTED]
[REDACTED]

date : 07-November 2021

Jemma Price,
Public Protection Officer (Licensing),
Wiltshire Council,
Monkton Park,
Chippenham
WILTS **SN15 1ER**

Noise Nuisance, The Peartree, Purton
Variation Application

Dear Ms. Price,

Thank you for visiting us on Thursday 04 November, to discuss my submission dated 29 October, and to update us on the changes to Licensing sought by The Peartree, as per your letter received 03-November, with amended plans.

After what you explained to us to distinguish the acknowledged noise nuisance from the Licensing issue, I understand that at this point we are being given the opportunity to make representation about the latter only, and that you have already intervened, in order that a more robust License be put in place, and that a Noise Management Plan is yet to be fully developed. I was dismayed to learn that the Applicants are now seeking to expand their activities in a manner that is likely to make the acknowledged nuisance worse.

I further now better understand that The Peartree is regarded as having a License in place for carrying out weddings, irrespective of whether these are conducted indoors, or outdoors, but that the issue you are handling is about the sale and consumption of alcohol, by wedding attendees (throughout the day) in the grounds of The Peartree immediately adjacent to Church End residents, as distinct from the consumption of alcohol freely distributed to guests, (as toasts, and with the “wedding breakfast”) which I had not wholly understood before.

I therefore wish to add to mine of 29/10, in the light of the recently changed Variation Application from The Peartree, that :

We are not seeking to object to events conducted indoors, as long as the noise generated is contained within the premises (and that you have already instigated a degree of enforcement, by instructing that live music be conducted from the part of the premises that are licensed, and not the Orangery, for which section of the premises The Peartree was not licensed, being effectively a separate newly-built structure).

We wish to object in the strongest possible terms to the proposed provision of a licence for a “temporary bar” being added (as described in the Outdoor plan you provided, in the area demarked purple). It is our understanding that this would then legally permit Off-Sales if the Variation Application was granted. The noise nuisance of which we have complained (and which, you informed us, is of such severity that monitoring equipment has been placed in our neighbours’ garden) has been largely attributable to the outdoor consumption of alcohol in conjunction with outdoor dining, making the overall proceedings extremely loud, most especially on summer afternoons into the evenings, over many hours of most days, practically consecutively, to the detriment of our use and enjoyment of our garden, rather than from a few minutes of an actual wedding event.

We did not have cause to complain about weddings at the former Peartree Hotel. The newly constituted Peartree major/wedding events venue has already seriously exploited their perceived commercial freedom, as an enterprise on a drastically bigger scale, by offering their customers refreshments over an 11-12 hours, period, without any recognition of the noise nuisance generated by outdoor activity, and music. I therefore ask that the Variation Application, in regards to outdoor consumption of alcohol (Off-Sales, if I understood the distinction from On-Sales) be declined.

Yours sincerely,

A solid black rectangular redaction box covering the signature area.

Representation 10

Objections to Pear Tree Licence Variation Application – Premises licence no. 000003080

Summary of objection to the licence variation

- The Pear Tree need to **ensure** that the variations applied for do not create a noise nuisance to their neighbours, that is not unreasonably and substantially interfere with the use or enjoyment of homes in the neighbourhood. The application fails to do this:
 - It does not include an expert evaluation of the additional noise levels leaving their site that the variation will cause.
 - It does not include an expert evaluation of the effectiveness of the noise mitigation they propose. New external structures like acoustic barriers would require planning permission which may not be granted. as the Pear Tree is in a designated Conservation Area.
 - The Noise Management Plan is completely inadequate, only seeking to 'put in place reasonable measures to reduce the noise impact'. The variation should only be considered if there is a Noise Management Plan that will **ensure** no noise nuisance will be caused.

Background information

- When the Pear Tree was managed as a hotel by the previous owner in accordance with the existing licence, there was no noise nuisance to neighbours. When events were held including weddings with music, these did not disturb the neighbours in their garden or home.
- The new owners of the Pear Tree have been operating beyond the scope of the existing licence and neighbouring residents have kept diaries of the regular and frequent noise nuisance caused. This is evidence that the variations to their licence sought, would continue to cause noise nuisance unless adequate additional mitigation is implemented.
 - Outside events of up to 200 people inevitably generates high noise levels, particularly if they are celebrating and drinking alcohol. Regularly, neighbours are suffering noise nuisance in their gardens as they are only a few hundred metres away. Even whole conversations from the Pear Tree garden can be heard and the noise nuisance is much worse when there is cheering and chanting which is frequent.
 - Outside music, acoustic or amplified, at events has caused noise nuisance. On the worst occasions it has sounded like the bands are playing in our gardens.
 - Inside amplified music has cause noise nuisance in the gardens of neighbours and the bass of the music has caused noise nuisance inside our homes. This nuisance although reduced, has continued even when the Orangery doors are closed.
 - Events cater for up to 200 with rooms for only about 40. This means that large numbers of highly excited people leave the premises at or around midnight which has caused noise nuisance to neighbours, waking them from sleep.
- About 500m from the Pear Tree is Purton House who in 2020 were granted planning permission for change of use to hold weddings (19/06908/FUL), a very similar situation to this application for a variation of licence for the Pear Tree. The Environmental Control and Protection response to this application includes:

This premises have been operating as a wedding venue on a relatively infrequent basis for the last few years and no noise complaints have been received from local residents in relation to wedding events. However, there remains a potential for disruption to nearby noise sensitive receptors (the closest being some 40-50 metres

to the south west of the site) especially if the frequency and scope of wedding events increases in the future.

Despite there being noise control restrictions under the premises licence, I am not clear at this stage whether these controls are necessary or relevant for planning purposes. In order to determine whether there is likely to be a significant noise impact to local residents, I will require a noise impact assessment to be undertaken by a competent acoustic professional in order to determine whether any noise conditions are appropriate. The assessment must assess and represent the impact of the full range of potentially noise producing activities on nearby noise sensitive dwellings having regard to prevailing background noise levels. Should mitigation/controls be deemed necessary this must also be stipulated in the report as these are likely to form the basis on any noise related planning conditions. Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

It seems reasonable that similar requirements should be put on the Pear Tree.

Objections broken down by Schedule

- **Schedules A to D – Performance of plays, Exhibition of films, Sports events, Boxing and wrestling entertainments**
 - No application for a variation
- **Schedules E & F - Live Music and Recorded**
 - I object to playing of any live or recorded music outside, either acoustic or amplified. I am not convinced it is possible to screen the sound adequately to ensure noise nuisance is not caused to the neighbours and the Pear Tree have provided no evidence that they can. With up to 200 guests outside, even background music, if audible at the event, would cause noise nuisance to neighbours.
 - I object to the playing of any live amplified or recorded music in the Orangery (outlined in red) or in the main building (outlined in green) unless sufficient measures are in place to ensure it does not cause noise nuisance to neighbours. This mitigation should include adequate control of bass sounds. Current controls are inadequate even when the Orangery doors are closed. The Pear Tree have provided no evidence that their proposed measures, which are the same as they are unsuccessfully currently using, are adequate to ensure no noise nuisance to neighbours.
 - The licence application asks for live amplified music in the Orangery to 23.00, 20 times a year plus recorded music another 20 times a year. I object to this unless adequate mitigation is in place. The bar to nuisance should continue to be set very high for a disturbance that will happen almost once every week.
 - I object to an extension to 10.00 the following day for New Years Eve. A much more modest extension would seem appropriate.
- **Schedules G to H – Performance of Dance and other events**
 - No application for variation.
- **Schedule I – Late night refreshments**
 - I object to the provision of late-night refreshments to residents or their guests, between 23.00 and 05.00 **outside** unless adequate noise mitigation measures are in place to ensure that noise nuisance does not occur.

- I object to the serving of late-night refreshments to non-residents **inside** after 00.00. This is in line with my objection to the Pear Tree being open to non-residents after 00.30 (see objection in Schedule L). Visitor leaving the Pear Tree late at night or in the early morning will inevitably cause noise nuisance to neighbours. I do not object to late-night refreshments being served to residents between 2300 and 05.00 **inside**.
- **Schedule J – Supply of alcohol for consumption**
 - I object to the sale, serving or consumption of alcohol by large numbers of people **outside** at any time, the consumption of alcohol by groups of up to 200 in the garden will inevitably cause noise nuisance unless noise mitigation is in place that is sufficient to ensure noise nuisance is not caused to neighbours.
 - I object to the extension of the time alcohol can be sold, on- or off-sales, from 00.00 to 01.00. This will lead to non-residents leaving the premises later at night and in the early hours, inevitably causing noise to the neighbours.
 - I object to an extension to 10.00 the following day for New Years Eve. A much more modest extension would seem appropriate.
- **Schedule K – Adult entertainment**
 - No application for variation.
- **Schedule L – Premises open to the public**
 - This application seems to conflict with the entry under Schedule M b) which states: ‘the venue is not open to the public and is only private hire for licensed activities’.
 - I object to the premises being open to non-residents after 00.30 as this will lead to non-residents leaving the premises late at night and in the early hours, inevitably causing noise to the neighbours.
 - I object to an extension to 10.00 the following day for New Years Eve. A much more modest extension would seem appropriate.
- **Schedule M – Additional steps**
 - **b) The prevention of crime and disorder.** I object to the variation of the license unless it is clear who has responsibility for managing the over 100 guests, most of whom will have been drinking all day, as they leave at around midnight and ensuring there is no disorder. Just ‘*ensuring clients are aware of closing times and have made suitable provision for transport*’ is not sufficient to ensure disorder will not take place.
 - **c) Public safety.** I object to all public areas being sufficiently lit, in particular the lighting of the garden. If the garden continues to be open to guests and residents, detailed specification of the lighting needs to be provided and evaluated to ensure it does not cause nuisance to neighbours. Until a satisfactory lighting regime has been agreed, the garden should not be lit or open to guests after dark. The planning application for the erection of the Orangery (17/11454/FUL) included an ecological impact assessment. This found 5 species of bat foraging in the Pear Tree garden. It also included a recommendation for the mitigation of light spill and lighting disturbance into the lighting scheme for the development. The 2017 development proposal did not provide for the use of the garden for events. Note should be taken of the ecological recommendation if the lighting scheme is extended into the garden. It is likely such a development would require planning permission. The public highway outside the Pear Tree is a narrow road with blind rises that links Purton with Millicent Lydiard villages. Cars during Pear Tree events have been parked on this road and on its verges, dangerously narrowing the road and restricting views of oncoming traffic for those leaving the Pear Tree entrance. It

should be a requirement of the licence that all cars associated with their events are parked within their site.

- **d) The prevention of public nuisance.** The current Noise Management Plan is completely inadequate because it does not set as its aim the prevention of public nuisance just *'to put in place reasonable measures to reduce noise impact'*. I object to any variation of the licence until an adequate Noise Management Plan has been published, accepted by the local authority to ensure no noise nuisance will be caused and its implementation is set as a requirement of the licence.

Comments on the Noise Management Plan

- As already stated, a Noise Management Plan should have as its central aim the prevention of noise nuisance, not the definition of reasonable measures which may or may not be effective. If it is not possible to prevent a noise nuisance from an activity, it should not be licenced or take place.
- A Noise Management Plan (NMP) should be based on expert advice on what measures are required to prevent a noise nuisance. The licence application should be accompanied by expert advice both of how and to what degree the noise generation should be limited and what noise prevention infrastructure is needed to prevent a noise nuisance to residential neighbours.
- No evidence is provided that limiting the noise level to 87 dBs in the Orangery with the doors closed is sufficient to prevent noise nuisance, including at bass frequencies. From our experience it is not. Music should only be played in the Orangery or elsewhere in the building, if it does not cause noise nuisance to residential neighbours, in their homes and in their gardens.. (The draft plan has the red and green outlines reversed.)
- The NMP should state who has responsibility to ensure a noise nuisance is prevented **during** an event. For example, just promoting quiet departure of patrons is not sufficient. Training needs to be sufficient to enable the responsible person to prevent noise nuisance.
- If the expert advice finds just closing the Orangery doors will prevent a noise nuisance with the sound limiter set at a particular level, then **all** doors on the Orangery need to be fitted with self-closers and it should be the responsibility of the duty manager to ensure they are all kept closed.
- Outdoor noise causes the same nuisance before 19.00 as after. Expert advice needs to be taken and followed to prevent noise nuisance before any outdoor activity is licenced. The addition of acoustically insulated fencing behind the outdoor kitchen seems a completely inadequate measure to prevent noise nuisance. Attached is their site plan with arrows showing the direction of residential properties and gardens, and their distance from the Pear Tree. Only a significant acoustically insulated barrier on a berm (a raised bank typically 2 m high) would stand any chance of preventing noise nuisance from outside events hosting large numbers and it is unlikely that planning permission would be granted for such an imposition within a designated Conservation Area. In my opinion the Pear Tree garden is unsuitable for outside events.
- The NMP does not specify what it means by late at night in the provision for repositioning tables and chairs in the garden. A time should be specified.
- Customer noise management as they leave is clearly important as often there are more than 100 leaving at once. The NMP should clearly state who has responsibility for preventing noise nuisance at this time. Words like encouragement and recommended are not adequate to prevent noise nuisance late at night.

Update to Variation Application – Pear Tree

The Pear Tree provided an update to their Variation Application in late October. Below is my response to this update.

Schedule J

This additional clarification does not address my objection for this Schedule.

Schedule I

This additional clarification does not address my objection for this Schedule.

Non-Standard Timings – New Year’s Eve

This additional clarification is welcome but does not go far enough. I object to the provision of services, including of alcohol to non-residents as late as 03.00 on New Year’s Eve. Visitor leaving the Pear Tree late at night or in the early morning will inevitably cause noise nuisance to neighbours.

Amended site plan (with purple line)

This clarification does not change my objection to the sale or consumption of alcohol in the garden. I object to the setting up of a portable bar anywhere outside because it will inevitably cause noise nuisance to The Pear Tree neighbours.

The clarification also appears to seek an update of the variation requested in Schedule J, supply of alcohol, although this is not made very clear. I object to the serving or consumption of alcohol outside at any time for the reasons given previously. Finishing the serving or consumption of alcohol outside at 19.00 will still cause noise nuisance between 10.00 and 19.00. The link between the timings when music will be played in the Orangery and the bar is open in the garden also concerns me, as this suggests the movement of guests through the Orangery doors when this bar is open. These doors need to be kept closed to mitigate noise nuisance. Also, Schedules E and F seek to play live, not background music in the Orangery 40 times a year and until 23.30, so the suggestion that the outside bar opening times align with the playing of live & recorded music within the Orangery is not correct.

Amended site plan – first floor plan (green line)

If the Licence is to be extended to cover the Ceremony Room sufficient measures should be in place to ensure no noise nuisance will be caused, the green line is referenced in Schedules E & F which relate to the playing of music. These measures should be supported by expert advice both of how and to what degree the noise generation should be limited and what noise prevention infrastructure is needed to prevent noise nuisance to residential neighbours.

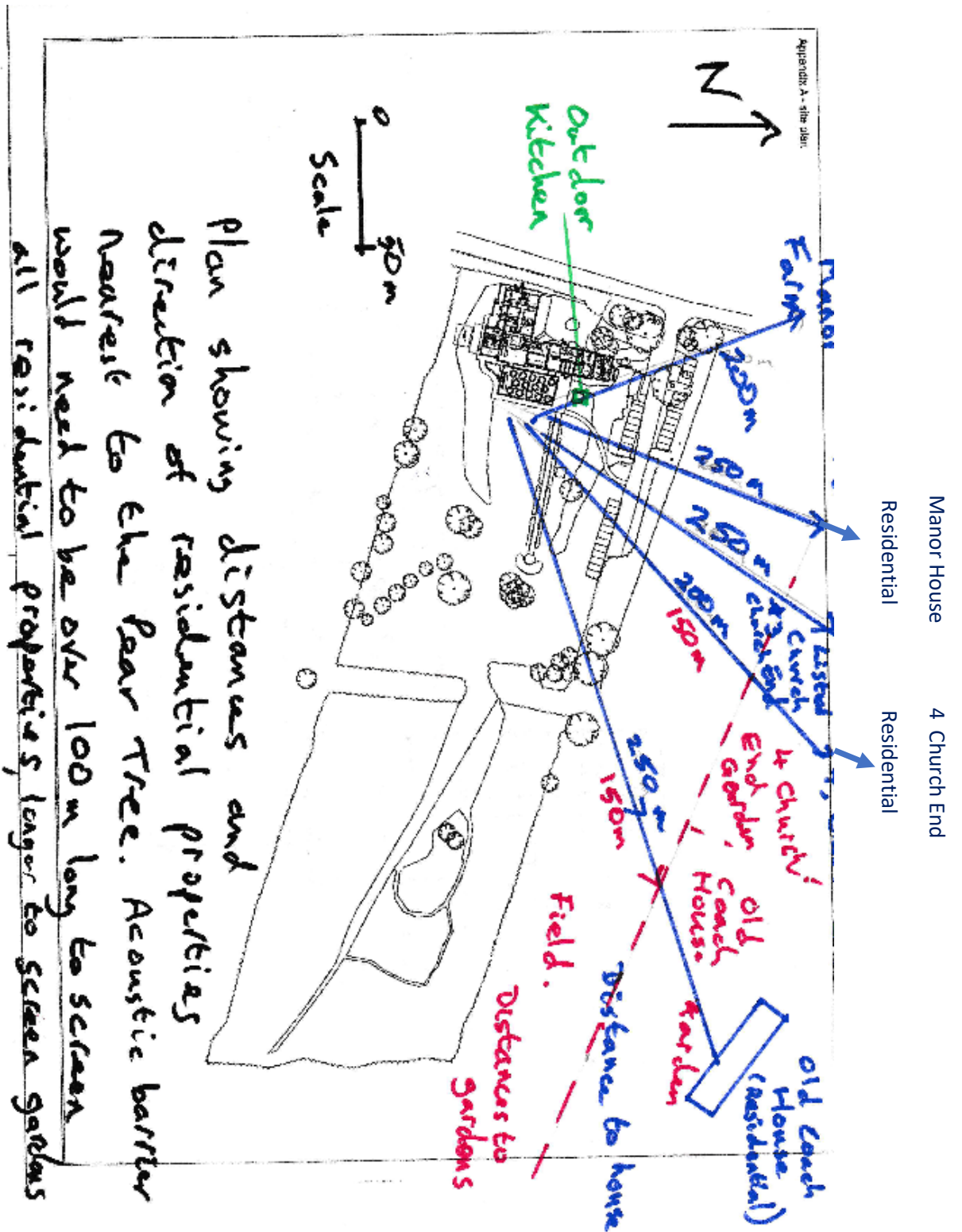
Noise Management Plan

This clarification identifies and corrects an error identified in my objection.

██████████ 6 November 2021

■ Church End Purton SN5 4EB, neighbour of The Pear Tree Purton.

Annex – Plan of The Pear Tree site showing proximity of 5 residences and Grade 1 listed Church



Plan showing distances and direction of residential properties nearest to the Pear Tree. Acoustic barrier would need to be over 100m long to screen all residential properties, larger to screen gardens

Representation 11

Representation – Purton Parish Council

Good afternoon Jemma

Apologies for my error, please now see the comments made in relation to the variation of the licence for the Pear Tree in Purton.

At the full council meeting held on Monday 8th November 2021, the Council objected to the changes in the licence for the Pear Tree on the grounds of noise and nuisance to residents in a conservation area. The extended hours requested will be detrimental to local residents concerning noise, parking and movement of vehicle late at night.

Regards

Deborah

Deborah Lawrence, PSLCC

Parish Clerk

Purton Parish Council

Station Road

Purton

Wiltshire , SN5 4AJ

01793 771066

01793 771066 www.purtonparishcouncil.gov.uk

Wiltshire Council

Where everybody matters

REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact the Licensing team to confirm this date.

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which representation is being made	the Pear tree Purton SN5 4ED
Your Name	[REDACTED]
Postal Address	[REDACTED]
Contact Telephone Number and Email address	[REDACTED]
Are you (please tick): <ul style="list-style-type: none"> • An individual? <input checked="" type="checkbox"/> • A person who operates a business? • A person representing residents or businesses? • A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? 	
If you are representing residents or businesses who have asked you to represent them?	

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	

<p>The prevention of public nuisance</p>	<p>music (even loud talking!) from the Orangery and garden can be clearly heard by all the neighbours even as far as 7 church end. the orangery has the same sound proofing as a marquee. In the past we have ignored it as we too run a wedding venue, but it does impact us quite badly and the loud music has upset some paying guests who want to sleep at 11!</p>
<p>The prevention of crime and disorder</p>	
<p>Public safety</p>	

Please list below any suggested actions that you feel the applicant could take to address your concerns:

I would suggest that music is played only in the house. To have 20 weddings playing until 1 am effectively means every Saturday night throughout the summer we will be disturbed. I think the Pear Tree is a great venue but if they can keep playing the music in the main house as they have been doing for the past month or so it would work well. I would suggest that they are granted music until 1 am in the main house (bar). but no music in the orangery (or music in the orangery until 9pm as Purton House was granted.

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's report, which is a public document published on the Council's website and circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.

9 November 21

Signature.....  Date.....

Please return this form, along with any additional sheets, to the relevant Wiltshire Council Office listed below or return by email to publicprotectionnorth@wiltshire.gov.uk:

Salisbury Area – (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Bourne Hill
Salisbury
Wiltshire, SP1 3UZ

All other areas please send to the address below:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire, SN15 1ER

Representation 13

Objection to variation of licence at the Pear Tree, Purton

I would like to object to the variation of the licence of the Pear Tree, Purton on the grounds that they will cause a public nuisance. I will go through the application listing my comments/objections

In the summary

- It states that “the supply of alcohol for residents and their bona-fide guests 24 hours daily”. As the Pear Tree is an exclusive wedding venue all the guests are bona-fide so the licence is being asked for up to 200 people 24 hours a day. That is not acceptable in a conservation area with residents close by.
- I presume that “The supply of alcohol within all areas inside and out” means that they can run a bar outside. This will generate even more noise than is done at present, so I object to this.

E

- At present music outdoors is not allowed to be amplified but is still disturbing us. Surely amplified music will be worse?
- If music is to be “restricted to background volume levels” I assume that it will not be audible in my garden. If it is audible to me it is not background, so I would complain about the noise nuisance caused.
- The suggestion is that playing of live music in the Orangery is limited to 20 times a year. This suggests to me that they accept that playing live music in the Orangery causes a nuisance. If this is the case, is it acceptable to do this 20 times a year?
- Music indoors at present ceases at 11.30. When it moves into the main part of the premises I would imagine that noise will still be audible in my property as doors and windows will be open (especially in the summer) as that part of the building does not have air conditioning. I feel that 11.30 is late enough, considering the problems that we are having - I do not wish to be disturbed any later.

F

- At present recorded music outdoors is not allowed I feel that recorded music will be turned up so guests can hear it, in which case it will be audible in my property.
- If recorded music is to be “restricted to background volume levels” I assume that it will not be audible in my garden. If it is audible to me it is not background, so I would complain about the noise nuisance caused.
- The suggestion is that playing of recorded music in the Orangery is limited to 20 times a year. This suggests to me that they accept that playing recorded music in the Orangery causes a nuisance. If this is the case, is it acceptable to do this 20 times a year?
- Music indoors at present ceases at 11.30. When it moves into the main part of the premises I would imagine that noise will still be audible in my property as doors and windows will be open (especially in the summer) as that part of the building does not have air conditioning. I feel that 11.30 is late enough, considering the problems that we are having - I do not wish to be disturbed any later.

I

- I can see no justification in asking for late night refreshments to be served outside between 23.00 and 05.00. If people are outside they will be making noise, which disturbs us. I have no objection to them being served indoors to residents/patrons.

J

- If my understanding of this is correct, when supply of alcohol is on the premises (ie inside) it must be drunk inside. (It is my understanding that this is the licence they have at the moment and have been abusing the whole summer.) I object to alcohol being drunk in the garden. If there are up to 200 guests drinking in the garden they generate a huge amount of noise which increases as the amount of alcohol. My property is 50m from the garden and the noise has been intolerable this summer. I am happy for any amount of alcohol to be sold to be drunk in the main building and the Orangery.

L

- In an email from the Pear Tree on 10/10/21 they stated "The Pear Tree is not open to the public". Thus I find it confusing that this section is completed .
- If it applies to their wedding parties, I object to the hours being extended unless all the existing noise nuisance problems have been dealt with.

M

- a) If, as they say, "the management team has extensive experience and expertise in managing licenced activities at similar venues across the UK" I find it disgraceful that we have been subjected to the summer of noise nuisance that we have. At all times they have denied causing any nuisance where the EHO was in no doubt that they have. I feel that they are trying to get away with things all the time.
- b) The Pear Tree have not been ensuring that suitable provision of transport is arranged. At the end of the event many people are waiting for taxis, often outside causing a great noise nuisance to local residents.
- d) considering that almost all the issues between the Pear Tree and local residents comes under this category I find it rather insulting that this is all that is written
- e) "All public areas are well lit". Is this to include the garden? Are we to expect extra lighting which will change the character of the conservation area even more than the Pear Tree is doing at the moment?

Noise management Plan (appendix B) I feel that this should become part of the licence when it is finalised and adhering to it should be a condition of the licence.

General

- "All staff to promote quiet departure of patrons". Not enough, I need them to ensure this.

Indoor noise

- The colours on the plan are reversed from the previous mention.
- The main time the noise from the Pear Tree affects me is during the afternoon/early evening when I am in my garden. Thus, the closing of doors and window after 20.00 is too late for me. In an email from the Pear Tree on 9/9/21 it was stated that "we ensured that the doors we're (sic) kept closed later on in the evening to avoid entertainment sound freely escaping." This, to me, admits that they are aware that the noise is disturbing us. The

definition of a Statutory Noise nuisance is if there is “a material interference with the enjoyment and use of (my) property”. This will be the case if doors and windows are open during the day/evening.

- I am assuming that ALL doors in the Orangery will have self closers on.
- A member of staff will need to be on duty opening and closing doors for guests whilst the outside kitchen is supplying food. Otherwise the door will be propped open and noise will be an issue.
- There is already a noise limiter in place and it does not stop noise nuisance. The bass thudding can be heard inside our house over the tv (and our house has 1m thick walls!)

Outdoor noise

- No mention is made in this section of the noise made by up to 200 guests being in the garden. It is often possible to hear conversations from my garden. The noise of all these people makes sitting in the garden unpleasant and often it is not possible to hold conversations because of it. The shouts, cheers and laughter are very distracting. I do not feel that the garden should be being used in this way. It is NOT what was talked about in the Planning Application for the Orangery.
- The list of banned instruments is not enough. Other brass instruments, African choirs, electric violins were all heard this summer.
- If music is to be “restricted to background volume levels” I assume that it will not be audible in my garden. If it is audible to me it is not background, so I would complain about the noise nuisance caused.
- “Acoustically insulated fencing will be erected in the land behind the outdoor kitchen”. Where do I start!? The outdoor kitchen is supposedly a temporary structure without planning permission, so I assume it will not be there for much longer. If the fence is higher than 2m it will need planning permission, especially because it is in a conservation area. If it is not taller than 2m, I am of the opinion that it will not be sufficient. If this is the case I would look to ask for the licence to be reviewed. Putting it up just behind the kitchen will not be sufficient either. It would need to be along the whole of the Northern border of the property if the noise nuisance is to be reduced. If it were put up just behind the kitchen and it were not sufficient I would complain about the noise nuisance caused.
- I am unclear what the staff patrols would entail. What would they be seeking to minimise?

Customer noise and car parks

- It is not enough to encourage patrons to leave quietly. They have a legal responsibility to ensure that this happens, using whatever measure they see fit.
- It should be a condition of the booking that all taxis are pre-booked. This can be done on the day, but not late at night.
- It was agreed at our meeting with the 3 members of the Pear Tree/Head office management team on 9/8/21 that guests should wait for taxis in the bar area and only go out when the taxi arrives. They later reneged on this agreement. Encouraging the guests to wait inside is not enough. The noise created by rowdy guests outside at midnight (or later if this variation is approved) is a noise nuisance and needs to cease.
- On a number of occasions there have been cars parked on the grass verges outside the Pear Tree and/or on the road. This is not safe. The road is narrow and cars come down Manor Hill fast and do not expect hazards. Turning it into a single track road is dangerous. All parking for the weddings should be within the gates of the premises. (on 16/10/21 witnessed by me, but no photos taken, on 30/10/21 a friend witnessed, took photos and wrote “They are parked in the verge by the sign that states who’s getting married. So

if you was pulling out of the venue you wouldn't be able to see up the hill" Earlier in the year another friend had problems driving past as cars were parked on the road and the verge)

To conclude, my stance is that I object to almost all the variations that have been asked for on the grounds of public nuisance. If sufficient noise management was put in place so there was no noise nuisance caused to me then I would look favourably on most of them. I am not against the business as such, but object to the misery that they have caused this summer.

Update to Variation application

- This does not alter my objection to OFF sales. Until the noise nuisance is sorted there should be no drinking in the garden as 200 people drinking is bound to make a lot of noise.
- I am happy for refreshment to be served inside at any time, but do not see the need for them to be served outside until 05.00
- I object to the later time as it will cause noise nuisance to the local residents.

NST

I have no objections to once a year activities. It's the other 100+ a year that I do!

Amended Appendix A

I object to any outside bar at all until noise nuisance issues have been sorted.

I do not understand the 2nd paragraph. It seems to imply that music is going to stop at 19.00 in the Orangery which is never the case. According to the proposals, either there is no music in the Orangery or it goes on until 23.00. So, if they want the portable outside bar to match the music it will be available until 23.00 which is not acceptable.

Amended Appendix A

I would have no problem with the ceremony room being used for the music/dancing as long as it does not cause a noise nuisance. I presume it does not have air con as it's part of the old building. I feel this would need to be installed so doors and windows are kept closed to avoid noise nuisance.

NMP

Accepted

 Church End, Purton, SN5 4EB

Representation 14

Application for a licence variation by The Pear Tree Purton SN5 4ED October 2021

I wish to object to the granting of the above licence. I detail below my reasons for this objection.

Licensing objective b – Prevention of crime and disorder.

Since mid July there have been a number of occasions of disorderly behaviour constituting shouting, screaming and heated arguing by guests in the garden. This occurs principally in the evening following the consumption of alcohol throughout the day and in the early hours when those not staying overnight are asked to leave and congregate in the car park while waiting for taxis. Loud boisterous behaviour has ensued on numerous occasions until the transport eventually arrives. The Pear Tree staff appear to have no inclination or ability to deal with this disorder and it has been left to guests to sort it out should anyone feel inclined. I have heard instances of fights breaking out with women screaming 'get off him you ***' followed by much swearing. It would appear that it is not company policy for their staff to intervene when disorder takes place and as such this is not being addressed by the proposal. A professional presence is required on site at all times to address this and is not addressed in the application.

Licensing objective d – Prevention of Public Nuisance.

In my opinion the Company to date have demonstrated contempt for the complaints that have been made to them since mid July. The complaints concern excessively loud music, singing, shouting, screaming, arguing, and general noise nuisance into the small hours making the neighbours lives a misery.

Event Managers leave guests to do whatever they want. There has been no evidence of any effort at control with comments by the event manager including 'They are enjoying themselves' and 'Get a life'. Nothing in the proposal demonstrates any willingness to change this. I believe that there were 23 wedding celebrations out of the 31 days in August and each day brought with it unacceptable noise and disturbance that meant that we were unable to sit outside and enjoy our own garden with the noise still being heard inside.

The Company has demonstrated that it cannot be trusted. Its representatives verbally committed to make minor changes, stated understanding and concern, and the following day retracted everything informing those present not to set foot on the premises as they were 'not a hotel' even though it would appear that they were operating under a hotel licence. Complaints were to be left on an answering machine with no commitment to even read the message therein. They also stated that they were not doing anything outside of their licence regarding the playing of music outside and the consumption of alcohol outside. This would appear to be untrue. If this is the case this provides further evidence of their apparent view that they can do whatever they want without consideration as to whether it is legal or not and in my opinion are unfit to be operating a business of this nature in its current rural location.

The way that the business is run has no consideration for the effect that it has on the nearby neighbours, most of who have been there long before this location appeared on the company's radar and is wholly inappropriate for its location on the edge of a quiet village and in a conservation

area. The Company appear to be only interested in selling as much food and drink as they can in order to increase their profits regardless of the impact on their neighbours.

The Noise Management Plan will not have any impact on the nuisance and disturbance caused to myself and my wife. We are situated to the north east of the garden. The plan refers to a noise barrier to the small area where drinks are proposed to be served. This area constitutes only a small part of the noise problem, guests use the whole of the garden and this is from where the noise emanates so any plan must address the whole area and if not effective people should not be allowed to use it nor should there be any playing of live or acoustic music outside or inside with the doors/windows open.

We were informed that guests who are not staying at the venue are told to leave the premises at 12.30 where they wait outside until their taxis arrive. This generates a lot of noise as people fuelled by drinking all day and night are left to argue and fight and indulge in other drunken behaviour which has woken us up and our guests in the early hours and/or prevented us from getting to sleep.

There should be no consideration given to allowing outside drinking/eating/music unless and until they have agreed and implemented noise reduction plans that are subsequently proven to be effective and there is a professional presence to stamp out the shouting and any aggressive behaviour rather than just leaving it to run its course. Any outdoor area subsequently approved should be away from the neighbours and towards the area where the hotel itself forms part of a sound barrier.

 Church End, Purton, SN4 4ED

WK202122064 - Variation Application (including update) - The Pear Tree, Purton, Swindon, SN5 4ED – Representation

I was unable to edit the pdf form on the website, so hope that you will accept this as my comments on the application below:

My Name and Address:

██ The Hyde, Purton SN5 4EA
██

Name and address of application this relates to:

Pear Tree, Purton

Comments:

Public Nuisance:

The application appears to be requesting a licence to serve alcohol until 01:00 hours 7 days a week. This would be to non-residents as well as residents, since the premises is open to the public until 01:30 hours 7 days a week. These extended opening hours (well beyond normal pub opening hours) seem excessive and is likely to encourage over consumption of alcohol leading to anti-social behaviour. This would impact people living locally due to the increased levels of noise late at night as people depart.

As non-residents are allowed to stay drinking until 01:00 hours, this means that there will be people leaving the hotel at this time potentially every day of the week, including Sundays. This will lead to an increased level of late night traffic noise, and quite possibly people being noisy as they depart. As the premises is located in a quiet country area, this increased level of traffic and voices will cause disturbance to local residents. It does not seem appropriate to allow alcohol to be served until 01:00 hours every night to non-residents. A finishing time of 11:00 hours during the week and 12:00 hours on Friday and Saturday would be more than enough to serve for wedding functions and normal hotel usage.

The other area of concern is the 20 times a year when music can be played until 23:30 hours in the orangery. Given that the orangery is largely glass this will not absorb the noise to any great degree, meaning that the music will be causing a disturbance to neighbours. This will especially be an issue on hot evenings, when windows and doors will be open to allow air through, both at the premises and the neighbouring properties. For this reason it does not seem reasonable to continue with loud music until 23:30 hours in this area of the premises.

Wiltshire Council

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REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact the Licensing team to confirm this date.

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which representation is being made	Application # wk 202122064 The Pear Tree, Purton, SN5 4ED
Your Name	[REDACTED]
Postal Address	The Hyde Purton, SN5 4EA
Contact Telephone Number and Email address	[REDACTED]
Are you (please tick):	<input checked="" type="checkbox"/> An individual? <input type="checkbox"/> A person who operates a business? <input type="checkbox"/> A person representing residents or businesses? <input type="checkbox"/> A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)?
If you are representing residents or businesses who have asked you to represent them?	

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	

<p>The prevention of public nuisance</p>	<p>WE believe the Pear Tree receiving a varied licence will have a major impact on us. Its suggested music to be played 7 days a week until 0:100. If this is played in the same room as this previous summer, we will definitely hear this! We recently moved to the area for more peace & quiet & feel this will ruin our peaceful enjoyment of our home.</p>
<p>The prevention of crime and disorder</p>	
<p>Public safety</p>	

Please list below any suggested actions that you feel the applicant could take to address your concerns:

To professionally have acoustic or sound proofing installed.

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's report, which is a public document published on the Council's website and circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.

Signature



Date 11-11-2021

Please return this form, along with any additional sheets, to the relevant Wiltshire Council Office listed below or return by email to publicprotectionnorth@wiltshire.gov.uk:

Salisbury Area – (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Bourne Hill
Salisbury
Wiltshire, SP1 3UZ

All other areas please send to the address below:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire, SN15 1ER


Wiltshire Council

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Premises about which representation is being made	THE PEAR TREE, PUTLOW SWINDON · SN2 4ED
Your Name	[REDACTED]
Postal Address	[REDACTED] COLLEGE LANE PUTLOW SN2 4XR.
Contact Telephone Number and Email address	[REDACTED]
Are you (please tick): <ul style="list-style-type: none"> <input checked="" type="checkbox"/> An individual? ✓ <input type="checkbox"/> A person who operates a business? <input type="checkbox"/> A person representing residents or businesses? <input type="checkbox"/> A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? 	
If you are representing residents or businesses who have asked you to represent them?	

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	

<p>The prevention of public nuisance</p>	<p>① LIVE CLOSE TO VENUE. DURING SUMMER 2021 THE MUSIC WKS AT A LEVEL TO CAUSE NUISANCE. SO EXTENDING HOURS WILL CLEARLY EXACERBATE.</p> <p>② SUPPLY OF ALCOHOL ON + OFF PREMISES TO RESIDENTS + NON RESIDENTS WILL LEAD TO INCREASED MOVEMENT OF TAXIS ETC AT UNSOCIABLE HOURS.</p>
<p>The prevention of crime and disorder</p>	<p>SERVING ALCOHOL 24/7 ON + OFF PREMISES AND TO NON-RESIDENTS IS LIKELY TO LEAD TO DISORDERLY BEHAVIOUR.</p>
<p>Public safety</p>	

Please list below any suggested actions that you feel the applicant could take to address your concerns:


THIS IS A WEDDING VENUE AND HOTEL IN A CONSERVATION AREA IN A VILLAGE SETTING.

- ① REMOVE SALE OF ALCOHOL OFF PREMISES - HOW DOES THIS SUPPORT THE BUSINESS OBJECTIVES?
- ② 24 HOUR SUPPLY OF ALCOHOL SEEMS UNNECESSARY BUT IF ALLOWED SHOULD BE RESIDENTS ONLY WILL REMOVE TRAFFIC MOVEMENT AT UNSOCIABLE TIMES
- ③ LATE NIGHT REFRESHMENT - RESIDENTS ONLY - REDUCE TRAFFIC MOVEMENT.
- ④ APPLICATION IS FOR MUSIC TO 1 AM EVERY DAY. THIS IS NOT ACCEPTABLE BASED ON THE NOISE NUISANCE ALREADY APPARENT LAST SUMMER. REDUCE TO FRIDAY / SATURDAY ONLY.
- ⑤ RESTRICT AMPLIFIED MUSIC TO MIDNIGHT ~~AND~~ AND FRI / SAT. ~~ONLY~~
- ⑥ LATE NIGHT REFRESHMENT - AMEND TO INDOOR ONLY
- ⑦ RESTRICT ALL ~~ANY~~ NOISE ON SUNDAY DUE TO PROXIMITY OF CHURCH.
- ⑧ NEW YEARS EVE - PUT THIS IN LINE WITH OTHER WEEK END RESTRICTIONS - 10.15 PM LIMIT.

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

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Signature..........

Date..... 9/11/21.....

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Public Protection Services and Licensing
Bourne Hill
Salisbury
Wiltshire, SP1 3UZ

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Wiltshire Council

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Premises about which representation is being made	THE PEAR TREE PURTON SWINDON SNS 4ED
Your Name	[REDACTED]
Postal Address	[REDACTED] COLLEGE RD PURTON SNS 4AR
Contact Telephone Number and Email address	[REDACTED]
Are you (please tick): <ul style="list-style-type: none"> • An individual? <input checked="" type="checkbox"/> • A person who operates a business? • A person representing residents or businesses? • A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? 	
If you are representing residents or businesses who have asked you to represent them?	

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	

<p>The prevention of public nuisance</p>	<p>Last summer the music being played could be heard on several occasions causing a nuisance to local residents. Selling of alcohol to none residents could</p>
<p>The prevention of crime and disorder</p>	<p>cause disruption with noise levels and extra cars.</p>
<p>Public safety</p>	

Please list below any suggested actions that you feel the applicant could take to address your concerns:

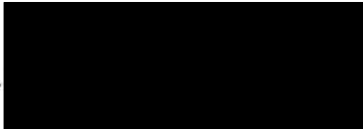
- Remove the selling of alcohol to those off premises.
- To change the late night refreshment sales to 1am in line with the indoor entertainment.
- Drinks to be served indoors only.
- Remove the outdoor music to minimise noise disruption.
- The 1am finish should be limited to Friday and Saturday.

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

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Signature.....



Date..... 9/11/21

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Wiltshire, SP1 3UZ

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Wiltshire Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire, SN15 1ER

Representation 19

Good Morning,

I would like to put in a representation against the licence variation from the Pear Tree Purton WK202122064 (LN/00003080) as the activities requested undermine the licensing objectives with regards to prevention of public nuisance.

For several months I have been investigating complaints of noise nuisance arising from loud music and people noise. This has involved visits to the area and observations made from multiple residential properties. The noise complained of in diary sheets submitted to the council and witnessed by direct observation by officers has been intrusive in the sense that it unreasonably affects the enjoyment of individuals in their home and in my professional opinion clearly meets the criteria for causing a public nuisance. Music was so loud that I was able to identify songs being played from both recorded and live music events. People noise was such that it sounded as though people were having a loud conversation from the other side of a hedge when the event was actually within the grounds of the Pear Tree Purton. Cheering and applause could be heard as well as music which sounded so loud as to be amplified. Whilst living near several wedding venues, the residents have an expectation of quiet enjoyment of their homes and gardens and being able to go to bed when they wish, rather than waiting for an event to finish.

I have concerns about what is now being applied for given the issues and severe level of public nuisance caused to nearby residents. There is a potential for a continuation of a public nuisance unless noise related controls are introduced.

The applicant has asked for 20 events with live music for the purposes of entertainment in the orangery and 20 recorded music events in the orangery. It is not clear if this is a total of 40 events with music for entertainment or 20 per calendar year. Either way I would object based on the information currently available. The orangery by its nature is acoustically poorly insulated with large areas of glazing. This combined with amplified music of any type that is above the background level of conversation means that music will likely be heard at nearby residential receptors. I would be looking to either limit the number of events with live and recorded music in the orangery much more than that applied for, or require an acoustician's report to demonstrate that the noise from events would not be heard beyond the property boundary. I am not of the opinion that we have this evidence as yet and must therefore object and put in this representation.

I would also object to the request for recorded and live music outdoors, potentially on a daily basis until 19:00hrs for similar reasons. There is also the issue of people noise which has also in my professional opinion amounted to a public nuisance.

Since making observations and monitoring of what was being carried out, the Pear Tree have been advised to carry out any music other than background music within the main part of the building and keep their windows and doors closed. Monitoring carried out on 30th October 2021 showed a vast improvement and music was not heard.

I accept a NMP has been submitted, however I am not confident that the measures submitted to date would be able to control the noise for what is being applied for.

I would want to see the following conditions applied to the licence:

- The premises shall engage an acoustician to advise on suitable mitigation measures and demonstrate that they are able to carry out the requested activities without causing a public nuisance. The acoustician shall produce a report to be submitted in writing to the

Environmental Health Officer. This report must detail measures to control noise from all types of music and people noise. These mitigation measures must be incorporated into a noise management plan.

- A noise management Plan shall be submitted and agreed in writing by the Environmental Health Officer and implemented fully thereafter. It shall be reviewed every 3 months and include controls for music, (live, recorded, unamplified) and people noise.
- The noise management plan must include:
 - target sound levels at key monitoring points close to the boundary with residential premises to allow the Pear Tree to undertake their own validation monitoring during events to ensure that noise controls are working.
 - written observations shall be made at agreed points on the premises perimeter by a member of staff. This shall relate to both music and people noise. Notes shall also be made on what corrective actions were taken.
- The noise limiter level shall be set by agreement with the Environmental Health Officer's recommendations. The noise limiter must be set at a level where music is not audible at residential dwellings.
- Later night refreshment to be restricted to indoors only.
- No alcohol sales to be carried out outside. There shall be an area for consumption only.
- Any music played outside shall not be audible at the premises boundary.
- Windows and doors shall be kept closed when there is music for entertainment in the orangery.

I am happy to discuss the possible conditions and NMP further.

I regret I must make a representation against this licence variation.

Kind regards

Tessa

Mrs Tessa Hares
Environmental Health Officer
Environmental Control and Protection (North and West)
Monkton Park
Chippenham
Wiltshire
SN15 1ER

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Please note I do not work Mondays

Wiltshire Council

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Representation 20

Good Afternoon

Re: Licensing Act 2003 – Variation Application
Premises: The Pear Tree – Purton
Applicant: Venue Catering and Events Ltd

The Licensing Authority is in receipt of the recent application to vary the premises licence LN/00003080

As the Officer delegated to respond on behalf of the Licensing Authority, I have considered the variation application which seeks to extend the areas (to include use of additional buildings and outside space) for licensable activities namely supply of alcohol and addition of regulated entertainment, remove converted conditions and add a noise management plan.

The Licensing Authority notes that the Premises Licence was transferred to the current operator in April 2018 and substantive building work was undertaken which impacted upon the Licence and at no time since the work was completed until it was pointed out by a Licensing Officer a month ago was the operator aware they were in breach of their licence. It is disappointing that the operator had not taken the time to consider the implications of any changes and activities taking place had on their licence in order to prevent contravention. Advice was given in writing by a Licensing Officer prior to the transfer taking place, setting out the possible requirements for the proposed changes to be taken based on the current licence at the time.

Whilst you could say this was an oversight but for a company running more than one licensed premises, the operator should clearly understand their obligations under the Licensing Act 2003 to promote the four licensing objectives. The Designated Premises Supervisor who permits the sale of alcohol at a premises needs to have a clear understanding of the premises licence what it permits and what it does not and again it was evident this was not the case when officers visited.

The Authority has received numerous complaints relating to noise nuisance and other matters which were not addressed adequately by the management of the premises when approached by residents to advise of the issues, whilst I recognise the premises was trying to re-establish itself following the COVID-19 lockdowns and hold as many weddings as feasible in a short space of time, there is little evidence that the impact on the local community of numerous events being held at the venue was not considered or mitigated for.

Following observation by Officers it's clear that the use of the outside space and the orangery is in their opinion causing a public nuisance and I have reason to believe this will not be managed correctly going forward.

The variation application does outline a number of actions that the Premises Licence Holders says it is already doing, but the Licensing Authority suggest this needs to be more detailed and conditioned especially in relation to management controls and noise management. Consideration should be given to reducing the permitted hours for consumption outside so as to reduce the impact of people noise on local residents.

The Licensing Authority has considerable reservation in regard to the variation as applied for as the operator and the management of the premises has not demonstrated their ability to comply with their current premises licence or even to seek guidance to ensure they are compliant following major works to the site.

Therefore the Licensing Authority as a Responsible Authority, formally objects to the variation, as I consider the proposed variation as written is likely to undermine the licensing objectives: Public Safety and the Prevention of Public Nuisance.

Kind regards

Linda

Linda Holland
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The latest COVID-19 information for premises can be found on our licensing pages online – [Licensing Act 2003 overview](#) and [Premises Licence](#) . Further information can be found on www.gov.uk .

Information regarding animal businesses can be found at [Animal licensing](#)

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