

Appendix 3 – Representations

From: Warren, Brett <brett.warren@wiltshire.gov.uk>

Sent: 17 March 2022 19:45

To: Price, Jemma <Jemma.Price@wiltshire.gov.uk>

Subject: Land known as the Hop Garden, Broad Town Brewery, 29 Broad Town Road, Broad Town, SN4 7RB

Dear Jemma

Re: New Premises Licence Application

Land known as the Hop Garden, Broad Town Brewery, 29 Broad Town Road, Broad Town, SN4 7RB

Our Ref: PL/2021/08484

I wish to raise an objection to this application on grounds of public nuisance.

My concerns relate specifically to noise from patrons using the proposed hop garden. Table 16 of the noise assessment ref 08394/3/1/3 by LCP Acoustics confirms that at the nearest noise sensitive premises (MP2), noise from loud speech from patrons will result in a level of 53 dB(A). This is 22dB above the measured background level according to background noise data in table 2* of the noise assessment. This difference in background over patron noise is considered significant in that residents would have to change their behaviour in the evenings – for example not being able to have a conversation at a normal volume level whilst eating their dinner outside because of the noise. This impact would be considered as a Significant Observed Adverse Effect Level (SOAEL) according to the Noise Policy Statement for England (NPSE) – this is the level above which significant adverse effects on health and quality of life occur. I accept that there is no British Standard or Good Practice Document that clearly outlines a definitive process to establish the acceptability of patron noise within external areas, however based on my experience, a level of 22dB in excess of the background noise level would cause a significant adverse impact on the quality of life of residents and this is sufficient to be considered a public nuisance. Furthermore, the British Standard known as BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound, although a standard that is not intended to be applied to the rating and assessment of people noise, does nonetheless provides some guidance/context on the impact of noise levels above background levels. Section 11 of BS4142:2019 states the following:

“The significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs”

“a) Typically, the greater this difference, the greater the magnitude of the impact. b) A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context. c) A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context. d) The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.”

The noise assessment ref 08394/3/1/3 by LCP Acoustics provided by the applicant states that there is no detrimental effect from hop garden activity and states that the maximum recommended level for hop garden activity at which moderate annoyance will occur is 50dB(A). This statement is based

on World Health Organisation (WHO) Guidelines for Community Noise (1999), however it should be noted that section 6 of these WHO guidelines state that this standard is only applicable to “steady, continuous noise” that is relatively anonymous, such as road transport noise and not sporadic impulsive sounds associated with noise from 150 people drinking in a garden 40 metres from a residential premises. It is not therefore appropriate in my view to use this standard to assess people noise in this context.

**It should be noted that the background levels measured on Saturday 5th February and Sunday 6th February are not considered representative as the monitoring occurred at a time when winds were in excess of 50km/h with showery bursts of rain.*

Best wishes

Brett Warren MSc CEnvH
Senior Environmental Health Officer

Wiltshire Council

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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 Hop Gardens, Broad Town Brewery (WK/202203740)
Your Name	████████████████████
Postal Address	<input type="checkbox"/> Redhills Broad Town Wiltshire SN4 7RD
Contact Telephone Number and Email address	████████████████████
Are you (please tick): <ul style="list-style-type: none"> <input type="checkbox"/> An individual? <input checked="" type="checkbox"/> <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	Provided on page 3 with images on separate page.

The prevention of public nuisance	Provided on page 3/4 with images on separate page.
The prevention of crime and disorder	Provided on page 4 with images on separate page.
Public safety	Provided on page 4/5 with images on separate page.

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

Provided on page 5 with images on separate pages.

Licensing objective: The protection of children from harm

- **Granting the premises licence will make the Broad Town Road more dangerous, specifically to children.**
- **Granting the premises licence endangers children on horseback on Broad Town Road and especially passing the Brewery and Hop Gardens.**
- **Granting the premises licence will endanger children at the Brewery and Hop Gardens.**

Evidence: Broad Town Church of England Primary School is only 0.4 miles up Broad Town Road from the Broad Town Brewery. The playground and sports field are across the road on Redhills. There is no safe crossing and children cross the road daily. Drop off and collection times represent times of particular vulnerability. We can state this as we are witnesses to the careless behaviour of these children and have amended the way we drive in the area surrounding the school as to reduce risk to children. Granting the licence for the proposed Hop Gardens for 150 people **will increased road traffic to and from the venue**, and increase danger to children crossing the road especially where the driver does not know the area and has **diminished capacity under the influence of alcohol**.

Broad Town Road is also a route used by children on horses that pass directly by the Brewery daily. We have seen this many times when driving. The licence should not be granted as **children on horseback, passing a noisy venue, with increase traffic entering and leaving the site, are at risk of harm from a panicked horse**. An increase in alcohol-compromised drivers, who do not know that a horse is potentially around the next turn, may result in a tragic accident causing harm to the child.

Many local Broad Town children attend the school. It is a quiet town. They play in the street at Redhills, bicycle, kick balls and play other games in the road. **This licence would rob them of their safety as the increased road traffic will prevent them safely playing in their street**. Their parents will have to choose between their freedom or the potential harm to them.

The Hop Gardens, Brewery and surrounding lands present a risk to children. The Hop Gardens has no real fence or wall between it and surrounding parking areas. The site is wholly unsuited to this expansion along with questionable choices regarding the care of children onsite evidenced by the page of images provided below.

Licensing objective: The prevention of public nuisance

- **Granting the premises licence will cause a public nuisance from crowds of 150 people, traffic and potentially loud private parties and special events or even potentially temporary licenses granted with loud music then attended by 150 people.**

Evidence:

We bought our home in Broad Town as there was no light pollution from street lights and no noise pollution. We could not hear the M4 as a constant background noise as you can in Wroughton. We are not alone in our love of this town or in our right to the fair use of public spaces: our village is a unique space which we can all enjoy. It is neither fair nor right to grant this licence as one individual or company will profit solely from the destruction of the peace and quiet by allowing Broad Town Brewery to create a public nuisance.

The nearest resident is a mere 150ft from the proposed Hop Gardens **and they are trying to sell their property as shown in the images provided**. These are images showing the property for sale and the tunnel erected next to the Hop Gardens, adjacent to this property. Spectacular arrogance is the only way to describe the fact that the Hop Gardens and tunnel have been located closer to the neighbour's property than to the Pub Director's own living premises. This tunnel is the location of a sound system and where live acts perform. This licence may not include live acts or make mention of this sound system, but it equally does not preclude its usage for private parties or special event temporary licence usage as was inflicted on us last summer and autumn. Who will check that only 150 people attend, or is the fox to guard the hen house in this regard? The fact that a tunnel remains suggests its usage is intended and licencing for 150 people will make its use certain. We have already heard it being tested again in February. We are not so close as the property in the images, but we have already experienced many instances of the Brewery's sound system. **Granting this licence will cause a public nuisance, especially when private parties are held, or as was the case last year, when temporary events are licenced**. We can state this with certainty as on the occasions that we have already experienced the noise nuisance caused by the Brewery, we have needed to wear headphones to work and ear plugs to sleep. This would negatively impact everyone within a radius of 0.6 miles at least. Granting the licence would force us to do this again, and subject us to intolerable levels of stress, damaging both our health and productivity. Furthermore, by granting this license our productivity would be curtailed as we have to now make complaint about the noise disturbance each and every time it occurs, so as to undo what might now be prevented.

Granting this licence is at the expense of the health and well-being of the entire village and does not deliver value to the community overall. Harm from noise nuisance comes in many forms and includes the devaluing of a home, often one's primary asset, through decreased resale value. **Granting this licence would redefine and devalue the very character and nature of the place we all live by creating a constant public nuisance that is both mentally and materially harmful to our community.**

Licensing objective: The prevention of crime and disorder

- **Granting the premises licence will significantly increase the risk of anti-social behaviour and violent crime in our community.**

Evidence: The link to alcohol abuse and violent crime, public disorder and anti-social behaviour is well documented. There is a 39% correlation in England according to published statistics. The crime statistics in Broad Town compared with Royal Wootton Bassett and Wroughton are extremely low. We have researched these, and this is an obvious drawcard to living in Broad Town. When assessing the crime in Broad Town we were advised by the Police in 2015 that in 2010 the Redhills playground had become a hangout for drunken youths. We also spoke to the previous owner of our property about this. He had a constant issue with broken bottles being thrown at the property and anti-social behaviour related to alcohol. He was particularly concerned because of the threat this posed to his daughters. It caused an ongoing issue for both the Council and the Police and took too long to resolve. So when the Brewery closes at 11pm, the Director of the Brewery cannot guarantee that those who wish to continue to drink and socialise will disperse to their homes or even out of Broad Town. The application refers to restricted sale of open containers pretending a bottle cap is a preventative to anti-social behaviour. **We do not wish, by extension, more anti-social behaviour be granted a licence as we have direct knowledge of how difficult it is to eradicate once it starts.**

Licensing objective: Public safety

- **Granting this licence is a public safety hazard due to Broad Town Brewery's rural location and the lack of supporting infrastructure, services, sufficient parking and safe collection area.**
- **Granting this licence is a public safety hazard due to the blind bend less than 400 ft toward Broad Town preventing safe exit.**
- **Granting this licence is a public safety hazard due to gravel spillage from the driveway onto the road.**
- **Granting this licence is a risk to public safety due to Covid infectivity.**

Evidence:

Across and outside Broad Town Brewery there are no sidewalks on either side of the Broad Town Road. There is no public transport, no bus service. The brewery has already repurposed the fields behind/ beside the brewery and house for parking. A huge pile of logs indicates the second entrance, **a public footpath**, to the Alpaca Car park. Images provided below. This parking area is not indicated on the application map. So the NFU advises that there are strict rules associated with farm land use. Rule infringement under Environmental schemes, Basic Payment Schemes, Insurance liabilities and Tenancies (pre or post 1986)/ Mortgage (contract and asset value change) may occur each with potential illegality and public hazard. Thus before granting this premises license, the council should know that the relevant planning regulations for the associated parking are complied with and the environmental stewardship impact of the associated parking for so many visitors. Has the Rural Payments Agency granted permission and the BPS claim been removed?

The population of Broad Town is 574. The Hop Gardens proposes to support 150. The reality is that the vast majority of customers are travelling by car. It is even more dangerous to walk drunk. With no sidewalk and no street lights on Broad Town Road, and a speed limit of 50 miles an hour, the results of walking home may be more tragic than driving. It is pure pretence that taxis will be used. Invoking an 'imaginary Uber or taxi' while maintaining an extra, undisclosed farm field parking (Alpaca Car Park) for brewery-goers is a deliberate omission. We have seen the field parking in use many times as we pass by.

Further, the Hop Chapel and the Hop Gardens is separated by the main vehicle entrance and driveway where the parking and collection point is. This is very dangerous and a public safety hazard that will be made significantly worse by the granting of this application.

We have also first-hand experience of the danger posed by the Brewery as a few weeks ago, we had to brake to avoid a collision with a vehicle leaving the brewery, and in late 2021, experienced an erratic and dangerous driver by the Brewery. Fortunately, a collision was avoided. We are already made shocked witness to the dangers of the brewery; we do not wish to be made victims to a tenfold increase in drunk driving. **The Brewery's rural location therefore presents an immediate threat to public safety and therefore the premises licence should not be granted.**

It is on a quiet road, but coming out of Broad Town cars pick up speed and the bend in the road makes stopping in time difficult. This blind bend is about 350ft up the road which is adequate stopping distance in good weather. (50mph requires 198ft to stop, but this distance doubles in the wet and add a zero for snow or ice.)

There is a damaging amount of gravel that kicks up as you drive past the Brewery due to abnormal traffic in and out of the property. This licence would increase this

And then there is Covid which we must plan for and find ways to live with, whichever highly-infectious new strain we are facing. Crowds of people in a small cramped space, drinking and shouting at each other to be heard; we do not wish Broad Town to be the centre of a new outbreak to further burden the NHS.

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

Noise, control and enforcement: While the licence is for 150 people maximum, how is this to be monitored and policed when the previous, withdrawn license variation was for 500 and that was the intention? The Brewery is located in a rural village and a rural pub would be appropriate. However, the scale of this application for 150 people clashes with what is reasonable for the site and location.

Stroud Brewery and Taproom Model: Here provided below are images of Stroud Brewery and Taproom. Located on a small industrial estate, they overlook a green hillside and a river. This offers itself as an event venue and regularly hosts 150 people. Its parking area for approximately 80 cars is full at weekends. It is deafeningly noisy, but contained appropriately on the industrial estate, it is located where an industrial scale venture should be. It has sufficient indoor space, indoor food preparation, safe fenced outdoor space for children, adequate designated parking, plentiful toilets and does not nuisance a rural village.

Other pubs and restaurants: So there is now a luminous green double decker bus that may serve food located permanently next to the Hop Garden tent (when erect). Is it licenced to serve food or is this a way of avoiding food premise's approval? It may be a bus, but it doesn't go anywhere. How are pubs and restaurants within a three-mile radius affected by this? What analysis has been done on the impact this will have on their turnover especially the Bassett High Street?

Property price impact study: How are properties within 0.6 miles of a loud Hop Gardens and potential event venue devalued? The adjacent property remains unsold through winter.

Infrastructure issues: As it stands, the site is wholly unsuitable due to lack of street lights, side paths, public transport and safe designated collection area. Attention needs to be paid to aspects of road safety first so that turning out of the pub is limited to one direction only. However, this would do nothing to deal with the parking on farm land and the dangerous gravel caused by gravel grids not being laid and clean up not being done.

Covid impact and other dangers: Again, where is density analysis in this application? The Hop Garden deck is 20m by 10m. The central area is occupied by a bar. Therefore, 150 people will each have slightly more than 1m². Omnicron has a 67% lower risk of death than Delta. However, at the time of this representation we now have the new issue of Omnicron variants and Deltacron which anecdotally from French infections, has increased death rates amongst the elderly again. Let us not forget that 6.7% of all deaths are Covid related still. Experts are warning that the pandemic isn't over and sensibly no venue should be granted a licence if it could not safely comply with safe distancing of 2m² per person. As the farm land with seating and land behind is not part of the application this would optimally mean 60-80 people only in the Hop Gardens. As the farm land (if legally used as parking) represents parking for 50-60 cars, this too is a more realistic number.

Infrastructure issues: Where are the additional toilets? Pub requirements Males: 2 per 40; Females 1 per 25. Are there 2 men's and 3 lady's toilets as required for 150 people assuming equal numbers of each sex? Where are they located? Must 150 people cross the parking entrance to get to them? That's not safe. The Hop Chapel entrance is next to the gate where cars and deliveries turn in and out, how is this to be managed safely?

This application shows a lack of planning and forethought by the Director of Broad Town Brewery. Our concerns are focused on the haphazard and dangerous attempts to scale the Brewery and Gardens. A luminous green bus, a motley array of tents, make shift seating and eating, inadequate fencing, field car parks and a blatant disregard for safety – a description more suited to a carnival. This licence should be refused as it will create issues of safety and nuisance that may have no means of resolution as the proposed location is wholly unsuitable for what the Director is proposing in the application.

Potential risks to children at The Hop Gardens and Brewery - Images from Facebook.



Unfenced bonfire



Children being given and playing with flaming swords.



Above: Children near alpacas with only rope separation, no fence.



Children pretending to drink alcohol.

Right: View from The Hop Gardens as children play on drive entrance to major parking areas. There is no proper fencing off of the area so children have access to multiple dangerous areas.



Material cost to community.



Last year, Broad Town Brewery hosted live music events. These images from Rightmove and Facebook show the Live Act tunnel and how close it is to the neighbour who is now selling. Below left, is my photo of a more discrete tunnel that has replaced the red and black one. Why is it there and what, if not the noise nuisance sound system, does it house?



Dangerous gravel and blind bend.



No plastic permeable gravel grids used on driveway so dangerous gravel has spilled over the edge and down the street. Second image from 7m down the road.

Blind bend, wall and hedge obstruct line of sight.

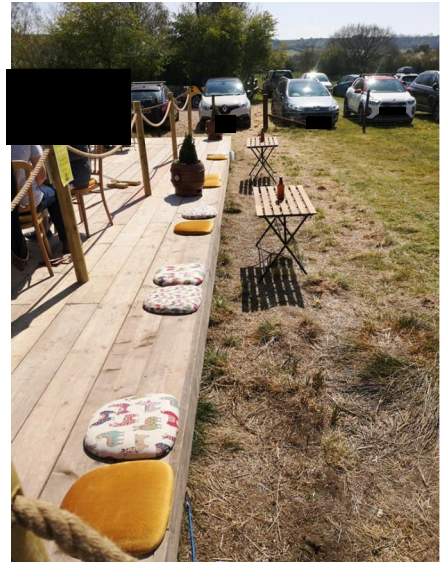


Access to this overflow carpark used all last summer is a public footpath. Images from Google and above, Facebook.



This image from Google shows the Broad Town Brewery entrance. The Hop Chapel door is to the left behind the hedge; gravelled area in front is we presume the taxi collection area and the small, single car entrance between the brick wall is where all the cars must pass though for 150 people.

Misrepresentation of Hop Gardens supporting 150 visitors.



Aerial view (Google Maps) of The Hop Garden, benches in adjacent field and land behind.

Additional irregular seating



Presently, The Hop Gardens has regular seating for 50; additional irregular seating for 20 and a further 20-30 seated in the adjacent field to The Hop Gardens. Even if seating pads are placed all along the rim, the application is for 150, and that is only accomplished with temporary bale seating in the land behind as in image below. These images off Facebook suggest that The Hop Gardens is not where 150 people will be seated, but rather on the land behind and that this application is actually about being able to host noisy special events.



Model of how this should be done. All images below of Stroud Brewery and Taproom from their website and Google Earth.



Aerial view of the safe, designated parking area.



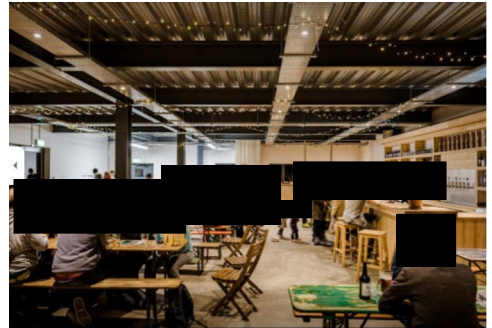
View of the beer garden, closed off from the parking and not near to residential area.



Events and party venue inside.



Commercial setting for commercial venture.



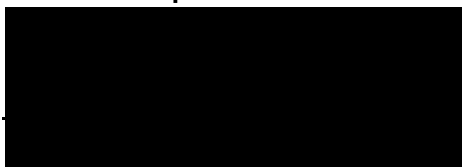
Tap room and pizza restaurant inside.

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..... 15/03/2022

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