

1

[REDACTED]

From: [REDACTED]
Sent: Wednesday 28 June 2023 17:13
To: Licensing Policy
Subject: 10-12 Petworth Road, Haslemere, GU27 2HR

Follow Up Flag: Follow up
Flag Status: Flagged

[** This email originates from an external source **]

The notice in the window of the above property indicates there is a licensing application for live music Thursday evenings to Saturday evenings. And Sunday afternoons.

I live [REDACTED] this property and, whilst I have no objection to the restaurant coming there (Vicky's Brasserie, I believe), I strongly object to there being any live music. Home dwellings are above and around this property and live music would hugely intrude into our homes and gardens, causing much nuisance.

If it were in the High Street it would be a different matter but it is not, it is in a residential road. Recorded music is one thing, live music is quite another.

I sincerely hope these objections will be listened to.

Regards
[REDACTED]

1a

[REDACTED]

From: [REDACTED]
Sent: Tuesday 18 July 2023 23:06
To: Licensing Policy
Subject: Notice of hearing - licensing Act 2003

[** This email originates from an external source **]

FAO [REDACTED]

Notice of hearing - licensing Act 2003
Application for a new premises licence for Vicky's Brasserie
10-12 Petworth Road, Haslemere, Surrey GU27 2HR 10.00am 14th August 2023

Dear Sir

No3 PREVENTION OF PUBLIC NUISANCE

I emailed a while ago, and am doing so again now, to express my extremely strong objections to the licensing of live music at the above property. [REDACTED] the property opposite no 10-12, namely [REDACTED] Petworth Road, Haslemere, Surrey GU27 2JB. Any live music is going to be a major nuisance to my own property and to the others in the vicinity including the flats above and beside no 10-12. It would be an intrusion and violation into our quiet homes with no escape from such noise. This is primarily a quiet residential road with a few quiet offices and shops at the beginning of the road. The High Street is the place for live music - not Petworth Road. It would be a serious affront to us all, and would be a continual source of aggravation within our road and to each property - and, sadly, would not dispose us to good relations with the management which would be a very great shame. No one property should be allowed to cause such noisy offence to its neighbours.

I would definitely have wanted to attend the meeting called for the 14th August to express in person my very strong objections, but very unfortunately I have a flight booked [REDACTED] that day which precludes me from doing so. I am seeking to find someone to represent me and, should I be successful, I will inform you within the required time limit.

I ask you to respect the privacy and quiet of our neighbourhood which has existed until now.

Regards
[REDACTED]

2

From: [REDACTED]
Sent: Thursday 29 June 2023 13:20
To: Licensing Policy
Cc: [REDACTED]
Subject: Premises Licence Representation - Vicky's Brasserie, Haslemere

Follow Up Flag: Follow up
Flag Status: Flagged

[** This email originates from an external source **]

Dear sir/madam,

Due to the technical issue on the Waverley website of which I believe you are aware, please find as follows my objection to the licence application at Vicky's Brasserie, 10-12 Petworth Road, Haslemere, Surrey, GU27 2HR.

I vehemently object to this premises licence application. As the [REDACTED] flat directly above the premises, I am deeply concerned about the significant impact it will have on my quality of life, as well as that of my neighbours and the wider local community, in relation to the four licensing objectives.

(i) The conversion from a charity shop into a bar and restaurant introduces a significant change in the nature of the establishment. Bars and restaurants often attract large crowds, particularly during evenings and weekends, which may increase the risk of fights, public drunkenness, drug-related offenses, and anti-social behaviour in the area. This would lead to an increased burden on local law enforcement resources and would severely compromise the safety and well-being of residents.

(ii) In addition to the challenges listed above, this application is also concerning in terms of crowd management, fire safety, and emergency evacuation procedures. The risks associated with installing a commercial kitchen in a listed building, directly below several existing residential properties should not be underestimated. Additionally, the increased footfall and vehicle traffic in the area may pose risks to pedestrians, particularly during peak operating hours.

(iii) The operation of a bar and restaurant in close proximity to residential premises raises concerns about potential public nuisance issues. Noise pollution will disrupt the peace and tranquillity of the surrounding residential area. Late-night activities will significantly impact the quality of life for residents living in the immediate vicinity. Furthermore, issues related to litter, loitering, and public urination may arise, further contributing to the degradation of the local environment.

(iv) As a responsible member of the community, I am particularly concerned about the potential harm to children. Families of all ages live here, and many have young children who need to have established sleep patterns, uninterrupted by noise in the small hours, regardless of days of the week - not just school days.

In light of the above, I respectfully request that the licensing authority thoroughly considers the potential negative impacts associated with the conversion of the premises into a bar and restaurant. I believe it is crucial to strike a balance between economic development and the well-being of the local community. Alternative locations that are more suitable for this type of establishment, which do not have a direct impact on residential areas, should be considered instead.

I trust that the licensing authority will carefully evaluate the concerns raised in this objection and take them into account during the decision-making process. I also kindly request to be kept informed of any further developments or hearings related to this matter.

Thank you for your attention to this important issue.

[REDACTED]



[REDACTED]

From: [REDACTED]
Sent: Wednesday 05 July 2023 14:28
To: Licensing Policy
Subject: Objection

Follow Up Flag: Follow up
Flag Status: Flagged

[** This email originates from an external source **]

Dear Sir/Madam,

I am writing to object to the licensing application for alcohol and live music at 10/12 Petworth Road, Haslemere, Surrey. GU27 2HR.

I [REDACTED] the flat directly above. Valued at [REDACTED]. It's a listed building in a residential area with very old thin windows which can not be changed due to its listed status.

Live music would be totally unacceptable and lead to major intrusion in my life. This can not be allowed to go ahead.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Monday 17 July 2023 22:12
To: Licensing Policy
Subject: Objections and request for the refusal of new premise licence

[** This email originates from an external source **]

SENT by EMAIL to the Licensing section licensing@waverley.gov.uk

SENT by LETTER to the Licensing Committee Section Waverley Borough Council Offices The Burys, Godalming GU7 1HR.

Between:

The Applicant Tenant

[REDACTED]

v

SECRETARY OF STATE FOR COMMUNITIES AND LOCAL
GOVERNMENT

Application for new premise licence for new commercial
business

Waverley Borough Council, Godalming Surrey.

Licensing Authority Committee, Planning, Environmental
Health Officer, Listed Building Officer Surrey Police and Fire
authority Officers

Previous
Planning
Application
Reference
WA/2023/01018

This is a letter of objection and resistance to the application made by the [REDACTED]
[REDACTED] [REDACTED] under the Licensing Act 2003, Secretary of State and Town and Country
Planning Act 1990 England

In the exercise of the Council Licensing Committee, Planning, Environmental Health Officer Conservation
Officer, Surrey Police judgement what considerations and assessment have been given by the Local
Authority Officers to:-

1. The site address is a former 100+ years old retail unit on the ground floor 10/12 Petworth Road Haslemere
GU27 2HR It is situated in a four-storey building with residential flats above and other flats adjoining the party
wall of the ground and first floor of the building. The site is within a Conservation area of the town of
Haslemere on a quieter road leading out of the town with residential houses and flats on both sides of the
road.

2. To the rear of the site is a private residential car park owned by various other residents and tenants on and around the Petworth Road.
3. To the rear of the site is a private residential car park owned by various other residents and tenants on and around the Petworth Road, it is dimly lit and there is high probability it could be used for customer car parking and late night activities.
4. To the rear of the site is a fire door and fire exit this is to be used as an emergency exit ONLY not for staff or customers in any way shape or form over the private residential car park.

The Lease

3. On or around 2023 the [REDACTED] ("the Landlord") granted a lease to the tenant ("the Tenant") and the tenant is changing its use from a former retail unit to a wine bar and restaurant. Since then, the tenant has undertaken internal removal of ceilings and building works to the premises for those purposes this has caused residential noise disturbance and car parking complaints due to obstruction of the main private car parking entrance and exit on the Petworth Road.
4. Reason for refusal- Whether there is restriction within the lease contract as to hours of operation; and not to cause annoyance and nuisance.
5. Whether the Landlord has given consent to the tenant for the alterations to the external fabric of the grade 2 listed building.
6. Reason for refusal- There will be a significant increase in the building insurance cost against the insured risk fire which will cause financial burden to all parties.
7. Reason for refusal- The tenant has not provided a plan of the ground floor area showing where the new kitchen and music systems will be sited.
8. Reason for refusal- There is no evidence before me that the tenant has obtained an expert acoustic report or evidence of improved sound proofing between the adjoining properties. Condition to be imposed limitation of decibels required 40 DBA.

Planning

1. Reason for refusal- As a [REDACTED] flat adjoining the building, I believe that the granting of the change of use from a retail unit to a wine bar and restaurant has already negatively affected [REDACTED] property and quality of life. I am concerned about the noise; smell increase in traffic and unsociable hours which would be a flagrant disregard of the enjoyment of [REDACTED] property and cause [REDACTED] discomfort and inconvenience as well as the impact on the decrease in value of [REDACTED] asset and its future saleability.
2. Additionally, any evening opening hours would have a negative impact on the peace and tranquillity of the neighbourhood, [REDACTED] already experienced parking obstructions and passive aggressive behaviours from the tenants' builders long before the wine bar has opened. I believe this will happen again and again when there are late night parties, music and customers coming and going and weekly delivery vehicles slamming doors etc.
3. What conditions will be imposed on the opening and closing times to reduce residential disturbance under "Saved Unitary Development Plan Policies" SH10 Drink and Food use;

AND

9. What conditions will be imposed on the permitting of cooking and serving of alcoholic beverages on the premises this will impact detrimentally on the amenities of neighbouring residents and the residential locality generally through an increase in odour, noise, activity, litter and loss of privacy and car movement contrary to policies H4, E6, E82 and S21 Unitary Development Plan.

AND

10. E2 Noise and Vibration where the noise generated from ventilation/extractor systems to control odours is considered likely to have a deleterious impact on the visual and acoustic amenities of the locality affecting the amenity of neighbouring residents and the grease dripping onto the parked cars underneath these systems in a Conservation area will cause harm to the flats above and adjacent to the building in a housing residential area.
9. I understand that other owner occupiers have been consulted about the application and that other objections have been received regarding noise and vibration given the proximity of adjoining residential flats and houses, at present a wine bar with unknown hours is inappropriate and disturbances are likely in the terms of the comings and goings and slamming of car doors as customers go to and from the wine bar which is likely to occur especially during periods of warm weather when residents would want to open their windows in the night and when people are trying to sleep.

Soundproofing – vibration and noise

10. Regarding building works, sound, and acoustic insulation concerns. There is no or insufficient evidence on noise mitigation to protect the flats above and the party wall from construction noise and vibration. It is critical to the flats above and party walls to the building that the ground floor unit is properly soundproofed otherwise the sound and vibration will have a significant impact on the peace and enjoyment of the properties.

11. The other key concern is the very likely increased disturbance and noise from the increase in customers and employees coming to the wine bar and the increase in car and deliveries traffic as well as unlawful parking on double yellow lines and increase of vehicles trespass using a private car park and obstructing the entry and exit to the car park which is already happening.

12. Has the tenant provided evidence of expert reports in relation to noise mitigation? Will a limitation be imposed suggested 40DBA.

13. Clarification is required how will noise and vibration levels be controlled e.g., working times, opening times, vehicle, and delivery traffic, how will live or the playing of music be limited so as to not to increase levels of noise transmission to adjacent properties.

Listed building and Conservation.

14. The starting point for analysis is that it is rare to convert a grade 2 listed building in a conservation area and quiet residential area of the town from a retail unit to a wine bar and restaurant with no existing kitchen and parking facilities for customers.

15. The Application has the tenant provided the Council with details of the proposed flues and a scheme for installation and maintenance of grease and filters and

A scheme for the acoustic treatment of the flue?

16. Listed building objection and the potential impact of ductwork and grilles on the character and appearance of the conservation area is in my view harmful particularly if a high-level duct is necessary this area is primarily residential my resistance to the application is based on the installation of mechanical

extraction flues and noise of the fans will not preserve or enhance the character and appearance. The application would conflict with policies which seek to protect the character of the area.

17. Construction of the semi-detached building, the basic construction of the floors, walls, and single pane glass windows of the grade 2 listed building and timber ceiling parts noise and cooking smells will easily permeate to be noticed by the residents of the flats above and the adjoining properties.

18. The single pane windows of the living areas of the flats are in close proximity to the front main and fire exit doors and objectionable smells and noise are very likely to emanate by these external routes.

19. In warm weather the tenant is already leaving the fire exit door wide open and ground floor window for ventilation. In the warmer months there would be problems with smells and noise and the fall in value of the properties as well as legal fees and injunctions.

20. There is already a dispute with the tenant over no right of way via the emergency exit door onto another tenant's private car parking space.

21. What is the maximum capacity of customers that the ground floor can safely accommodate as per health and safety guidelines?

22. What is happening about a BAT survey to protect the species?

23. In my view granting permission would conflict with policies in the development plan for this area which aim to protect living conditions for local residents whilst not hindering sustainable business practices. I judge that the need to safeguard a listed building and residential amenity outweighs the commercial benefit sought by the applicant.

24. Whether this application is contrary to the Secretary of State policies, National Planning Policy Framework (NPPF).

Licensing

25. The licensing authority statement of Waverley Borough Council provides that the licensing committee and planning department must be consulted, and the license application given proper consideration by local people with local knowledge and who would be aware of any concerns about noise nuisance. Will the Council, Environmental Health, Surrey Police and Surrey Fire services be making any site visits?

26. The tenant has not done everything possible to engage and liaise with the neighbouring residents and businesses notices have only recently been displayed, a new premise licence for selling alcohol and live music has only recently been applied for.

27. The Licensing objectives under the Licensing Act 2003 the title of the Act is “ An Act to make provision about the regulation of the sale and supply of alcohol, the provision of entertainment and the provision of late-night refreshment, about offences relating to alcohol and for connected purposes “
28. Essentially the Act integrated alcohol, public entertainment, theatre, cinema, night café and late-night refreshment licensing.
29. The Act creates a system to regulate the activities of the sale and supply of alcohol, the provision of regulated entertainment and the provision of late-night refreshment referred to as licensable activities.
30. The licensing authority is the local authority Waverley Borough Council who is accountable to local residents whose lives are fundamentally affected by the decision taken.
31. Accessibility the resident seeks to influence decisions in the hands of the local Councillors.
32. Crime and disorder the local authority have a leading statutory role in preventing local crime and disorder and the link between alcohol and crime persuasively argue for them to have a similar lead on licensing.
33. Section 4 sets out duties of licensing authorities it identifies licensing objectives which licensing authorities are to promote These include the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.
34. Section 5 requires licensing authorities to produce statements of licensing policy for 3-year periods.
35. And must have regard to its licensing statement and any guidance issued by the Secretary of State for Culture, Media and Sport under section 182 Council Licensing Policy and legal authorities before determining a policy for a three-year period.
36. A licensing authority must go through the process of public consultation s5(3) Section 6 provides for the licensing authority to conduct their licensing function through a licensing committee.
37. Section 9 deals with proceedings before licensing committees and empowers the Secretary of State to make regulations about them.
38. It is open to a licensing authority to attach conditions to a license under s(18) necessary for the promotion of the licensing objectives s(4).
39. As an interested person living in the vicinity a responsible local authority has statutory responsibilities in relation to the protection of the Conservation area, environment, and human health s(13)(4) e.
40. The licensing committee may take steps and impose conditions necessary proportionate and not consistent with the applicants operating schedule the conditions may be modified s52(10) based on representations from the local officer of Surrey Police, Fire authority and the Environmental Health Officer.
41. On the balance of probabilities, the Smoking ban will cause customers to congregate outside on the street in the day and evenings to amount to public nuisance.
42. On the balance of probabilities, under the Human Rights Act Article 8 I have a right to privacy home and private life, invasion of privacy.
43. On the balance of probabilities, the level of noise caused by customers congregating outside of the building drinking and talking noise on the street in the day and evenings will amount to public nuisance.
44. Conditions to be imposed – no smoking and drinking permitted with glass containers outside the premises.
45. Conditions to be imposed – no live or amplified music permitted whatsoever.

46. Conditions to be imposed exclusion of all licensable activities on all public holidays Christmas New Year and Easter.

47. Conditions to be imposed exclusion of all licensable activities between 10.00 pm and 09.00 am.

48. Condition to be imposed specified person in the licence as premise supervisor.

49. Local Authority committee are urged to consider the impact of their decision making on the lives of the local residents and reject the application.

50. The tenant does not have a right to appropriate a part of the public realm the bus top and private car park for his own commercial purposes.

51. The effect of the tenant workmen and commercial bins blocking the entrance and exit to the car park in doing so are causing public nuisance.

Please provide me with the date and time for the hearing I wish to attend.

I wish my details to remain private and confidential.

Yours faithfully,

[REDACTED]

[REDACTED]

5

[REDACTED]

From: [REDACTED]
Sent: Tuesday 18 July 2023 16:11
To: Licensing Policy
Subject: Comment on license application for 0-12 Petworth Road

[** This email originates from an external source **]

We have lived at [REDACTED] Petworth Road for nearly 35 years. During this time commercial properties, restaurants and workshops in the immediate vicinity have been gradually changed to residential and the council have been very happy with change of usage, quoting that it is now a quiet residential area.

The property concerned No10-12 Petworth Road is [REDACTED] down from us and has been a retail/charity shop for many years until its recent closure. It is now due to open as a restaurant/cafe/bar with no change of usage required. However it is now the last premises that isn't residential in the town end of Petworth Road and really isn't suitable for this with residential use next door, above and opposite. A seven days a week, often late alcohol license isn't conducive to the quiet nature of the residential area with people leaving the establishment and taxi's etc stopping to collect people, especially as there is no on or off-street parking at the premises.

Of special concern is the application for Live Music and entertainment 4 days a week. This will be very obtrusive to us and other residents. We don't have any real outdoor space so often have our windows open, the property is 3 storey so especially from [REDACTED] top floor noise carries - we can already hear music from the High Street pubs on the odd occasion they have entertainment, with this new license being [REDACTED] doors away it will be very loud and cause a disturbance. Although we believe they are installing sound proofing to the adjoining walls the 2 sided frontage is predominantly glass and as such will let the sound out.

There has been no licensed premises for alcohol or music in Petworth Road for at least 8 years so we don't really feel it is suitable for the area now.

I hope that the nearby residents views on this matter will be considered in the application.

Kind regards

[REDACTED]

[REDACTED]