

Charney Bassett Parish Council

Application LAPREM/13530/21 for Premises Licence Charney Manor

The Parish Council objects to the granting of a Premises Licence on the terms applied for. In particular, the grant of a Licence would not be compatible with one of the prescribed licensing objectives, namely:

- Prevention of Public Nuisance;

The Council's comments have been informed by:

- The completed application form;
- The summary application on the District Council website;
- Government Guidance (DCLMS) on Premises Applications;
- The District Council's Premises Licence Policy;
- Discussion at a residents' meeting held on 24th March;
- Representations made by residents and copied to the Parish Council;
- A list of possible licence conditions made available by the Licensing Officer.

The main driver for the Parish Council's submission is the fact that so many residents are unhappy with the proposal (we are aware of 23 representations at the time of writing).

The Application

We believe the application asks for the following:

- A licence to supply alcohol for consumption (inside and outside) on and off the premises:
 - o For guests and residents throughout the day and night;
 - o For the general public from 12.00 – 23.00 hours;
 - o For those attending events (limited to 20 per annum) from 12.00 – 00.30 hours;
- A licence to play amplified recorded music indoors at events from 23.00 - 01.00 hours;
- A licence to play amplified live music indoors at events from 23.00 – 00.30 hours.

The premises are defined on a plan, viz:

- The Manor House and its attached buildings;
- The Barn;
- The Courtyard;
- Part of the Garden;
- The former tennis court.

The Surroundings

Charney Bassett is a small village 3-4 miles north-west of Wantage-Grove, comprising 126 households. Apart from the Manor itself, the only commercial property is the Chequers Public House. St. Peter's Church, the Village Hall and Charney Field recreation ground make up its community facilities. There is no bus service and no school.

Roads into and out of the village are typical narrow rural lanes with pinch points and no footpaths.

The core of the village is a Conservation Area. Charney Manor (a Grade 1 listed building) sits in arguably its most sensitive part, cheek by jowl with St Peter's Church.

Being part of the village, the Manor shares a boundary with nine other properties (photo at Appendix 1). In all, there are 26 properties with rear elevations orientated toward the Manor (coloured red on the map at Appendix 2). The distances between these properties and various parts of the Manor are set out in the table at Appendix 3. The nearest property to the Barn (the most central of the two buildings) is only 63 metres away. Of the 26 properties:

- 11 are no more than 100 Metres from the Barn;
- 13 have gardens that are less than 100 metres from the barn;
- 22 are within 100 metres of the Manor garden boundary;
- 24 have gardens within 100 metres of the Manor boundary;

Comments

That part of the Licence that would allow amplified music (in a building) after 23.00 hours

All of the residents describe the village as quiet, and although through traffic can be noisy this is mostly at peak times. No noise readings have been provided in the application but, if they were, we can be confident that background noise levels would be low. Many residents have commented on the peaceful nature of the village where back gardens can be enjoyed, particularly in summer months.

For up to 20 occasions each year this would change. At the Parish Council meeting of 10th March, a trustee told us that this figure had been chosen to allow for an event every other weekend from spring through to late autumn. If used mainly in the summer (which seems highly likely) there could be an event every weekend from the beginning of May to the end of September. For those at work in particular, where weekends are something of an oasis, this is a most unwelcome prospect.

Although an 'event' is not defined, the application does say they may include wedding receptions. The buildings included in the application are unlikely to be able to host such events without temporary structures. We believe the barn is limited to no more than 50 people and the largest room in the Manor even less. The application itself confirms that the outside areas are to be used and alcohol sold from temporary structures.

Standard wording in the application form clearly states that a building can be defined to include a tent. The officer dealing with the application believes that a marquee would not qualify as a building, but this does appear to be at odds with the stated position. Unless confirmed otherwise by condition (and currently there is none) there is at least a possibility – even a likelihood – that marquees could be erected for each event and used for dance with amplified music. This would be unacceptable.

Proposed condition 17 attempts to reassure that noise from live groups or discos should not be a problem. It says:

Live or recorded music from regulated entertainment shall not be audible at the boundary of the nearest noise sensitive property, so as not to cause a disturbance to local residents.....

This may be well meant, but taken literally (noise should not be audible at the boundary) the condition could simply not be complied with. Many residents attest that even unamplified music from within the Manor buildings (often the product of some weekend retreats and not at all unpleasant) can be clearly heard in their gardens. The prospect of amplified music from any of the buildings not being heard at the boundary is unrealistic. If played in a marquee the prospect is simply untenable.

Of the two buildings specified in the application, the barn seems more likely to be used for the playing of amplified music for dance. This is in a central area and residents with knowledge of the building point out that was not designed to contain noise. Even with windows closed, it is hard to believe that noise from the building will not be heard at the site boundary. When complaint is made, it might be possible to persuade a DJ to turn noise down a little; but far less likely a live band.

No noise prediction readings have been provided in the application, even if actual tests have been conducted. This is very disappointing given the obvious potential for so many residential properties to be adversely affected. It is surely for the application to prove that noise will not be a problem beforehand rather than for residents to have to prove it is a problem after.

Condition 17 goes on to say that noise shall not be audible *so as not to cause a disturbance to local residents.....* This is no more than a subjective measure that, if imposed, provides too much scope for future argument. Again, the fact that no noise measurements (actual or predicted) have been provided and an acceptable noise limit put forward surely exposes a flaw in the application.

The District Council's own Licensing Policy requires (para 3.8) that higher standards of control are expected where the premises are in or near a residential area. It also says that (para 6.2) there is an expectation that the application will show how a nuisance will be avoided in such circumstances. With so many residential properties likely to be affected by these events the application should be putting forward some formula for objective noise assessment as a means of establishing when noise would be deemed unacceptable. That this has not been provided surely fails to meet the tests expected by the District Council's policy?

After 23.00 hours people are admittedly less likely to be using their gardens. Nevertheless, in the summer months at least, windows are more likely to be open and normal evenings watching television or sleep patterns are still going to be affected.

Moreover, those attending an event will be on site until 01.30 hours. With no limit being suggested on the number who might attend it is not unreasonable to suggest that the Manor car park will not be adequate and an overflow car park (with lighting?) will be required. A flood of cars can be expected to leave the premises in the early hours and even if properly supervised will create a lot of noise and disturbance on roads through the village (and in particular for Mill Cottage immediately at the site entrance). We leave for the responsible authorities the question of whether so many cars (and maybe the occasional coach or minibus?) with merry passengers (and possibly drivers) represents a danger to public safety on the local road network.

A licence allowing amplified music to be played after 23.00 hours must be withheld. To grant a licence on the basis of the limited information provided in the application leaves far too much uncertainty and

risks months, even years, of unreasonable disturbance for residents who will be left fighting a case to have the licence revoked.

That part of the Licence that would allow for the supply or consumption of alcohol on and off the premises

None of the proposed conditions seek to impose or reinforce any time limits, so it appears that alcohol could be served at any time of the day and night to residents, guests *and the public* – on and off the premises.

With adequate on-site management, there might not be cause to object to alcohol being consumed inside the various buildings: perhaps even the courtyard. However, if offered by way of a bar in an outside temporary structure the potential for noise and disturbance from people congregating there has the potential to turn the quiet Manor grounds into more of a pub garden, with conversation influenced by rising spirits and correspondingly louder voices.

But crucially the grant of an alcohol licence gives an automatic right to play amplified music up to 23.00 hours on any day and in any part of the licensed area, provided this is not for the benefit of more than 500 people. This would include the days of the 20 planned events where music could continue to be played even later. It is before 23.00 hours that people are far more likely to be trying to enjoy their gardens.

Because there are no conditions applying to the playing of amplified music before 23.00 hours it is assumed that this cannot be regulated by anything other than the statutory noise regime and the presumption against an unreasonable disturbance. Again, the application makes no attempt to define what would amount to an unreasonable disturbance and whether the buildings are capable of containing it. It is not unreasonable to assume that this is because it is already known they could not.

Unless conditions can take away the right to play amplified music before 23.00 hours, a licence for the sale of alcohol should not be granted: it would upset the standard of residential amenity that residents close to the Manor could reasonably expect to enjoy in a village such as this.

Other matters

At the residents' meeting of 24th March much was made of the perceived difference between the Manor and many other venues that have now become established as events venues. Appendix 4 provides a list of such properties and shows that nearly all are in an isolated rural setting or a commercial one. Of the 22 properties listed only one has a residential property within 100 metres (Garden House Venue, Milton Hill). Not enough is known of this property to know how it was able to obtain its licence, but it is assumed that the building must be well insulated against noise transmission. The average distance between the facilities listed and the nearest house is 310 metres. There are at least 70 properties (half the village) within this distance of the Manor and, as already demonstrated above, 13 within 100 metres of its buildings.

Part 3 of the application (Operating Schedule) advises that accommodation is to be provided for guests staying at the property *and that further accommodation may be provided elsewhere in the grounds*. Is this pointing to the possibility of mini camps in Yurts or Tipis (as at the Maybush, Newbridge - see Appendix 4)? It is not clear whether or not the licence would control this and there are certainly no conditions to say so. This is one of many aspects of the proposals that suggests an overlap with the planning regime and although it is appreciated the licensing system has to be administered independently it would surely be best know if any of the proposals give rise to a need for planning permission before a decision on the licence is taken.

Finally, on a point of detail, proposed condition 20 states:

At any event occurring outside of the main building, all amplification equipment shall be installed in such a way as to project the sound away from residential property

This condition would seemingly allow speakers in the Manor itself to be directed toward the village, but in the barn and very possibly outside marquees they have to be pointed east to face the village of Lyford. There seems no sense to why this condition shouldn't apply to the Manor building (assuming the Manor is what is being referred to as the main building). Although it is clear the condition only applies on the days of an event, it is not clear whether or not this applies to music played before 23.00 hours.

Summary and Conclusion

The Parish Council values the Society of Friends as part of village life and understands the need for revenue to look after the wonderful buildings and grounds of the Manor. The village looks after land owned by the Friends opposite the church (now part orchard) and residents are allowed allotments in the Manor grounds for a very reasonable consideration. It has therefore been a source of some disappointment that there was no discussion with the village before the application was submitted.

At the Parish Council meeting of 10th March, we were told that the application asks for far more flexibility than is ever likely to be needed and that bookings would still be managed in the Quaker fashion. When asked whether this would continue in 5-10 years' time when trustees had come and gone, we were told we would just have to trust them. But we have since learned a licence is granted in perpetuity and can be transferred, and given the way the application has been approached the trust asked for is currently hard to find. It seems only right that those most affected (the adjoining residents) are taking the more pragmatic view and are looking at the proposals as something that could easily become used to the full if a market demand materialises.

In all honesty the Parish Council does not believe that the full extent of what is being proposed can comfortably fit with village life or be controlled in a way that makes them tolerable to local residents. The application says many things that are perhaps genuinely intended to reassure but which regrettably simply cannot be delivered.

The Parish Council respectfully asks that the District Council refuses to grant the Premises Licence applied for, because of the adverse impacts this would have on many residents of Charney Bassett.

Appendix 1

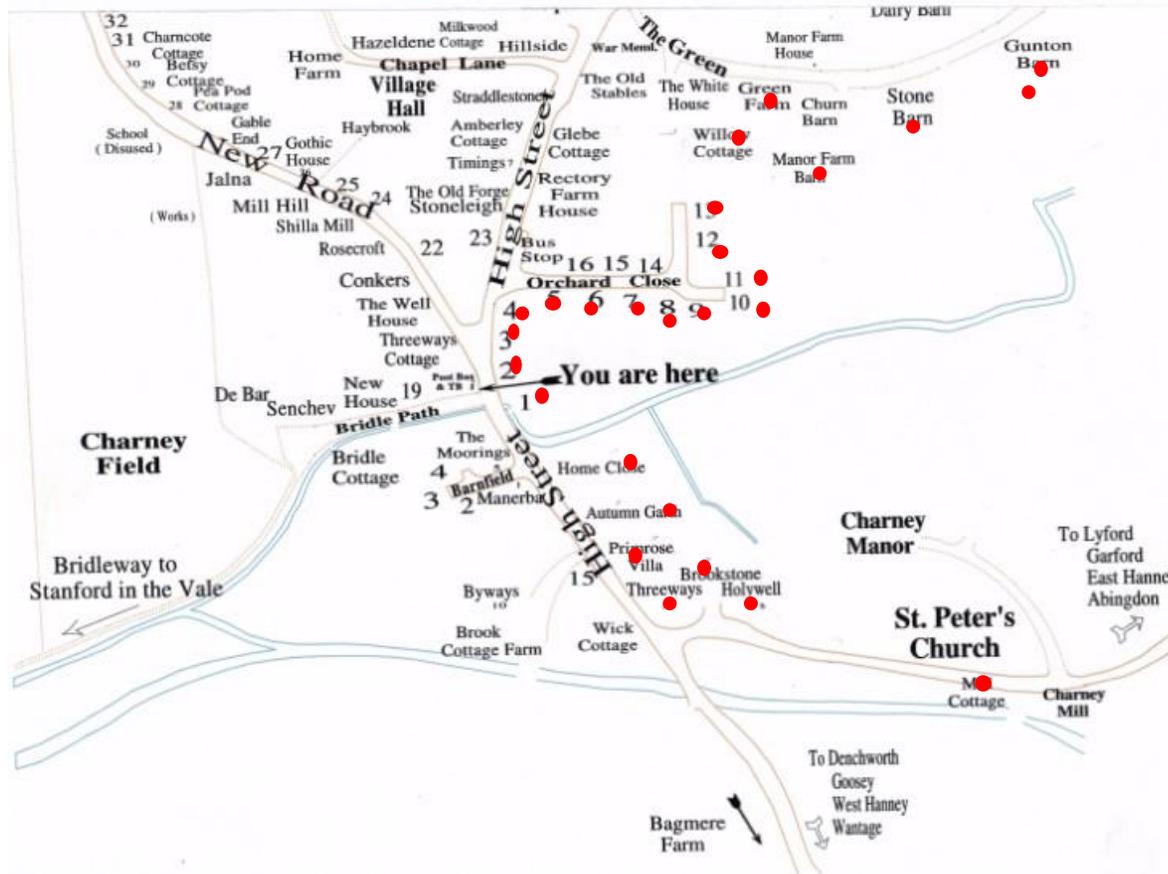
Aerial photograph of southern part of Charney Bassett

Charney Manor sits in the top right corner of the built area



Appendix 2

Map showing locations of properties with rear elevations orientated to Charney Manor



Appendix 3 Properties with rear elevations orientated toward Charney Manor

Property	Distance (Meters)			
	House/Barn	Garden/Barn	House/Boundary	Boundary/Boundary
Mill Cottage	100	100	Road Width (6)	Road Width (6)
Holywell	63	56	Adjoining (1)	Adjoining (0)
Brookstone	70	55	16	5
Threeways	95	85	42	22
Primrose Villa	100	65	40	Adjoining (0)
Autumn Garth	85	75	10	Adjoining (0)
Home Close	95	85	12	Adjoining (0)
1 Orchard Close	134	115	40	10
2 Orchard Close	145	130	45	35
3 Orchard Close	150	140	55	45
4 Orchard Close	155	145	58	50
5 Orchard Close	130	120	44	15
6 Orchard Close	120	110	36	10
7 Orchard Close	108	95	28	Adjoining (0)
8 Orchard Close	98	85	26	Adjoining (0)
9 Orchard Close	85	74	18	Adjoining (0)
10 Orchard Close	75	60	18	Adjoining (0)
11 Orchard Close	90	78	30	20
12 Orchard Close	115	90	55	35
13 Orchard Close	130	118	70	60
Willow Cottage	155	148	96	90
Green Farm	160	145	100	85
Manor Farm Barn	138	115	80	60
Stone Barn	145	115	100	75
Gunton Barn	170	155	135	125
Gunton Barn Annex	145	155	120	125

Appendix 4: Events venues in southern Oxfordshire or nearby

Venue	Postcode	Facility	Nos.	Location	Distance to nearest house
Charney Manor	OX12 0EJ			In Village	63 m (to Barn)
Ardington House	OX12 8QA	Marquee in Grounds		Near Village	147 m Marquee on lower ground
Kingston Bagpuize - House and Garden	OX13 5AX	Marquee in Grounds	200	Near Village	237 m
Lains Barn	OX12 7QG	Barn	180	Rural	298 m
Barton House, East Lockinge	OX12 8QD	Dance Floor inside		Rural	229 m
Friars Court near Clanfield	OX18 2SU	Barn or Marquee		Rural	280 m
Riverside Weddings, Newbridge Farm	OX29 7QD	Marquee		Rural	212 m (farmhouse)
Garden House Venue, Milton Hill	OX13 6AF	Hall with Marquee Ext	140	Rural	62 m (dancing in building)
Maybush Weddings, Newbridge Moorings	OX29 7QD	Outdoor Tipis		Rural	340 m (farmhouse)
Caswell House, Brize Norton	OX18 3NJ	Barns		Rural	768 m
Fisons Barn, Little Wittenham	OX14 4QZ	Barn	90	Rural	427 m
The Sadler Venue, Oxford Science Park	OX4 4GA	Conference Centre		Science Park	187 m
Nortley Abbey, Haddenham (Thame)	HP17 8TN	Country House		Rural	679 m
Blenheim Palace	OX20 1PP	House or Orangery		In large grounds	602 m
Pear Tree Meadow, Brightwell-cum-Sotwell	OX10 0PS	Marquee		Rural	203 m
Purton House, Purton, Swindon	SN5 4EB	Country House		Rural	111 m (but appears part of same complex)
Wasing Park, Aldermaston	RG7 4NG	Barn		Rural	410 m
Springfield Lake, Milton Common	OX9 2JY	Marquee		Rural	212 m
Templars Barn, Great Shefford	RG17 7AH	Barn		Rural	375 m
Shaw House, Shaw, Newbury	RG14 2DR	Marquee		In own grounds	134 m (opposite side of main road)
Combe Manor Barns, Hungerford	RG17 9EJ	Barn		Rural	376 m
Millets Farm (Lakeland Suite)	OX13 5HB	Function room		Rural	397 m
Witney Lakes Weddings	OX29 0SY	Function room / patio		Rural	151 m

Compiled through an internet search in limited time and with no knowledge of the circumstances of how the premises are licensed