

**REPRESENTATION 1**

Dear Mr Winter.

It was with great disappointment that I discovered the above application was being considered.

As a resident of Althorne for over 30 years I am deeply concerned that this application will continue to harm the area in the following ways:-

1. safety of access - huge risk as cars will be manoeuvring on to what is already a very busy road.
2. site location - this barn was intended as a store for agricultural machinery it is isolated and will encourage crime.
3. noise - continued public nuisance as with all past events. I have had to install double glazing to help dull the noise.
4. suitability - the barn was intended as a storage for agricultural equipment, so would this be suitable for storage of alcohol?
5. safety - have chemicals been stored in the barn and would it now be suitable to serve alcohol.

I do hope common sense prevails and this application is refused.

Regards

The Licensing Authority,  
Maldon District Council  
Princes Road.  
Maldon.  
CM9 5DL

April 25 2019.

Dear Sirs,

Re: An Application for a **Premises Licence** by Samantha Lonergan, at Crouch Ridge Vineyard, Fambridge Road, Althorne, Essex. CM3 6BZ

**Premises:** as per the plan provided with the application, an agricultural barn situated roughly in the middle of the vineyard. **Licence** for the Sale and Supply of alcohol both on and off sales. Licenced hours applied for, Monday to Sunday 10:00 – 18:00.

**I wish to object to this application for the following reasons, which may, or may not be, in relation to licencing statute, considered as material considerations:-**

**1 Unapproved for non-agricultural use** this barn was the subject of planning application 16/00271: Prior Approval for an agricultural barn. The original application was amended to remove the storage of wine, which would have required a full application as a mixed-use proposal. The designated barn is authorised by Maldon District Council Planning Department solely for agricultural purposes and does not have planning consent for use as a retail sales outlet. “Public Nuisance”

**2 Lack of facilities** it is assumed minimal sanitary and other facilities will be required for the use of customers consuming alcohol on the premises. In addition, staff will require similar facilities. There is no adequate sewerage capacity, nor provision for waste and recyclables storage. “Public Safety”

**3 Dangerous access/egress from public road** the proposed access is via an un-surfaced dropdown and gated entrance to the vineyard off Station Road, which is an un-adopted private road owned by Network Rail. At this point access to the Fambridge Road is a Y shaped bifurcated configuration incorporating, at its centre, a War Memorial. The splays are very acute, meaning that sightlines are very poor for access to the Fambridge Road, both at the eastbound and westbound exits. In addition, westbound traffic turning left down Station Road would have poor sight lines, as would traffic emerging from the vineyard. In short, this is an accident black spot in the making; it is a very dangerous access. “Public Safety”

**4 Unsafe on site Vehicular access** from the entrance movement will be across greensward, primarily designed for agricultural implements. It would appear incapable of accommodating safely two vehicles side by side. There is limited scope to segregate pedestrians. “Public Safety”

**5 Inappropriate use of designated cemetery site** according to the Maldon District Local Development Plan Policies Map 3, South West Area, Ref: CH67, the Policies Map Key designates this section of land as for Churches and Cemeteries. It abuts a natural burial ground. “Public nuisance”

**6 Economic justification** the application states that objective is to sell wine made from grapes produced in the vineyard, with a projected volume of 25,000 bottles of wine. However, a profile

of the applicant in a recent edition of the magazine, Essex Life, stated that the third harvest “in 2018, yielded 17 tonnes of fruit..... and produced close to 7,000 bottles in all.” “Last year’s harvest was about as good as we’re going to get.....” Maturing of the vines may marginally increase the yield and possibly it is the intention to triple the acreage under cultivation at some stage, but medium term, as stated in the evidence supporting the application, 25,000 bottles does not appear to be a valid sales estimate.

“Crime and disorder”

**7 Rateable Value** in the application, the rateable value is stated at being between £0 and £4,300, with a payment due of £100. Agricultural land may have a different rateable value from a retail premises. Either way, £100 of rates generated by ten acres of agricultural land, or a retail outlet of this (mini market) size seems implausible (the barn doubtless cost tens of thousands of pounds to construct, but to a much lower standard than for a custom built retail premises).

“Crime and Disorder”

**8 Over development of the site planning** application by the applicant, no. 17/00275, was approved by MDC, giving permission for a large, custom-built, warehouse and visitor facility, specifically for this vineyard, 100m to the east. As a premises licence appears to be granted in perpetuity, this means that there will be two significant retail outlets on the same rural site.

“Public Nuisance”

**9 Over development of the area** situated within two kilometers are two public houses, presumably with off sales licence capabilities: The 3 Horseshoes Pub and the Huntsman and Hounds. A third centrally located pub, the Black Lion, recently was forced to close due to lack of custom. A Club Licence has been issued to Bridgemarsh Marina, c1km down Station Road. Approximately 1km to the west, Clayhill Vineyard, has an existing barn type facility with planning permission to sell wine. Planning permission has been approved for an eight-shop retail development, c3km eastwards, adjacent to the parish boundary with Burnham on Crouch. It seems probable that at least one of these units will seek to sell alcohol. Arguably there is an excess of retail alcohol capacity in the district.

”Public Nuisance”

**10 Mitigation** it is MDC policy to encourage tourism. MDC’s Crouch Valley Wine and Food, in part promoted by the applicant, forms part of this initiative. Were this a temporary application in support of seasonal brand building, preparatory to the completion of the custom facility, as has occurred before on this site using marquees for accommodation and storage, I suggest there would be less objection to this proposal. For the community, however, this licence consolidates the long-term violation of a much loved and highly valued landscape.

Yours Respectfully,

e-mailed but not signed by

### **REPRESENTATION 3**

I wish to make the following representation regarding this application.

**- Inadequate Display of Notices to Local residents**

Under the licensing Act 2003 this application should have been advertised in a manner that is likely to bring it to the attention of persons who live near it .

I do not think this has been done adequately as I discussed with Mr Winter on the telephone .

There are 2 pale blue site notices , one is positioned at the top of Station Rd which is a private road and it not visible from the main road passing the site .

The other is positioned concealed by a hedge and set back from the highway on a gatepost and is not properly displayed so it is curled up from the wind .

The latter is not visible at all when travelling from the east along past the site and is visible when travelling from the west ( if one knows what it is ) but is impossible to read where it is and is at a very dangerous point on a fast road with no pavement on that side which makes it impossible to read even if it were noticed .

Talking to some local people I am only aware of ONE person who has seen the notice at the top of station road the other day , and only because they were coming up the private road after using the station .

I understand the notices were to be inspected on 26/4/19 by Mr Winter .

My representations under the 4 Licensing Objectives are

#### **1. PREVENTION OF PUBLIC NUISANCE**

there have been several events held under temporary licences at this vineyard in close proximity to the barn which is the subject of this application .

The noise from loud amplified music in particular , vehicles and people leaving the venue has historically been terrible .

I live opposite this site and while these events were being held I was unable to hear my television in the house or sleep . Complaints were made to Environmental health which will all be documented .

When the permission was granted to build the wine warehouse and bistro not yet built , at a site further east , conditions were added by the planning department to try to limit this , eg no amplified music and windows and doors at the venue to be kept closed

The Barn , having never having had a planning application or, it would seem, one for change of use, does not at present seem to have these restrictions yet .

The proposal to grant a Premises Licence for 7 days a week albeit 10-18.00 will encourage such activities all weekend especially in the summer months and holidays .

This will cause unbearable disturbance to long standing local residents who have a right to enjoy the peace and quiet of their homes and gardens

The issue of temporary licenses to extend these hours without any restriction on their frequency will add to this problem .

There is also the issue of the potential for littering on the main road and down station road .

If lighting is installed to facilitate access there is the potential for light pollution affecting local residents

#### **2 PROTECTION OF PUBLIC SAFETY**

The premises concerned was built without the requirement for planning permission as it was for agricultural use only, apparently the storage of machinery.

The original intention to use it for wine storage was removed by the owners as that required planning approval, and yet now under this Premises application it would seem wine storage will be needed to allow alcohol sales.

I understand that wine has to be stored under strict climate conditions which may not be met in this case and needs to be considered.

As it is an agricultural barn has there been chemical or insecticides in the barn or on stored machinery that could be a danger to the public ? Is any machinery in the barn that could be hazardous ?

Is there adequate provision for disabled visitors .The access either way to that barn is via grass that makes wheelchair access difficult particularly in the wet.

The matters regarding fire safety and evacuation procedures must be addressed.

It would appear cess pits may be being installed over there at present , are there adequate toilet facilities for all including disabled as local residents do not want people urinating in the hedgerows or in our gardens

The proposed access in and out from station road is potentially dangerous for both visitors on foot and by car and to other road users particularly those turning to go to the station .

It is a fast and very busy road and there are limited pavements , none on the side of the vineyard and none in station road . This compounded by the potential for drink driving could lead to serious accidents

### **3 PREVENTION OF CRIME AND DISORDER**

This barn is set apart from the other buildings associated with farm and holiday cottages and vineyard and therefore would encourage burglary's as it can be approached easily in several concealed ways from the side and the rear via station road. This would attract potential criminals to this rural area and there is limited policing available in this rural location . I am told there has been a number of burglary's at a similar venue in a Barn at a neighbouring vineyard just along the road from this site towards Latchingdon .

Security lighting could be a nuisance in terms of light pollution to local residents .

### **4 PREVENTION OF HARM TO CHILDREN**

Many of the above concerns I have listed apply to children , particularly in relation to the main road and potential exposure to chemicals and machinery .

The site is not adequately secure to stop children getting on to the very busy road  
I presume the required policies to prevent underage drinking will be applied

Thank you for taking this into consideration

Yours Sincerely

## **REPRESENTATION 4**

For the Attention of Licensing

Dear Sir or Madam

We wish to make a representation to the above application.

The premises ( a recently built agricultural barn for storage of agricultural machinery and equipment ) is less than half a mile from our property and has approximately 10 other residences much closer and opposite the Vineyard.

Driving along past the site on the ( Fambridge Road) B1010 daily we have *not* noticed any blue advisory notices on this stretch of road.

### **Prevention of Public Nuisance**

The proposed location being adjacent to other residential properties means they will experience an increase in noise, traffic and public footfall.

The Monday to Sunday 10.00 - 18.00 hours means this will include weekends and public holidays. Presumably the premises will also need to be lit for safety reasons, especially in winter creating added light pollution.

When there is a licence application for an extended event into the evening ( as there has been already ) residents close by have experienced traffic and music noise resulting in complaints to Environmental Health. Neighbouring homeowners are entitled to the quiet enjoyment of their properties and gardens.

### **Public Safety**

The Fambridge Road (B1010) runs parallel to the vineyard. It is an extremely busy road with narrow pavements to the north side only of the road, making even single file walking treacherous in parts. Crossing the road at any point, as will be required, is extremely dangerous.

Vehicular access particularly from the Station approach exit onto the B1010 will need careful negotiation.

### **Crime and Disorder**

As with any licensed premises it will increase the risk of alcohol related anti social issues with the additional risk of burglary. Appropriate measures would need to be put in place for this.

### **Protection of Children from Harm**

Presumably most children would be under parental guidance although with the potential risk of a dangerously busy road near by and wide open spaces it would need safety consideration.

While there is an appreciation that this is a successful family run business, it is also a commercial enterprise that is wishing naturally to increase its revenue through expansion by offering a range of events linked to tourism, licensed sales and entertainment. However, this should *not* be at the expense of local residents' families who need protection by the *prevention* of nuisance. It is important that their entitlement to the peaceful enjoyment of their homes and gardens in a quiet rural village is considered and upheld too.

Please take these points into consideration when making your decision.

Thank you.

Yours Faithfully

**REPRESENTATION 5**

Dear Sir

I wish to object to the application for the following reasons:-

The Prevention of Crime and disorder.

The storage of alcohol in an isolated location without permanent occupation invites break-in and theft.

The Prevention of Public Nuisance.

Planning for the barn building outside the village development area was granted as an Agricultural Building

only under Permitted Development with Prior Approval not required, and no public consultation, but now it

is proposed to use it for the storage, sale and consumption on the premises, of alcohol.

This will incur the start of commercial activity at the site, increased traffic movements entering and leaving

the site, and the parking of non-agricultural vehicles in an area valued by local residents and passing travellers on the 81010 for its extensive views over the Crouch Estuary.

The creeping commercialisation of this sensitive site will be a source of irritation and ongoing nuisance for

the local residents, particularly as planning permission has already been granted to the applicant for a Bistro and wine storage facility on an adjacent site.

The Protection of Public Safety.

The majority of customers at the Barn would presumably arrive by motor vehicle. This will increase the hazard at the War Memorial triangle at the junction of Station Road and the 81010 Fambridge road where

the entry point for the barn traffic is planned, The Fambridge road has a poor accident record, it is very narrow, and the speed limit is set too high at 40mph. A campaign for a lower limit is currently in progress,

and traffic volumes are increasing, particularly of HGVs due to the extensive development in Burnham and

Southminster.

The extra joining traffic that the granting of this application will encourage will have a negative effect on public safety.

The Protection of Children from Harm

The rural setting of the barn would encourage children visiting the facility with adults to play outside, but

they would need vigilant supervision in case they wander out of the entry gate, which would presumably be

left open during trading hours, and onto the Fambridge Road.

Yours Sincerely