

OAK TREE COTTAGE
LYNDHURST ROAD
HINTON ST MICHAEL
CHRISTCHURCH, BH23 7DS

Ms Jan Debnam
Democratic Services
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA

Your ref : JD/JA

10 January 2011

Dear Madam

Licensing Act 2003

Application : The Old Vicarage Hotel, Hinton

Thursday 20 January 2011 – Council Chamber, Appletree Court

Thank you for your letter dated 5 January 2011 with enclosures, the contents of which we have fully noted.

Please be advised that we will be attending at the forthcoming hearing and will be strongly opposing that part of the licensing application which relates to the playing of live or amplified music both during outside and inside events to be held at The Old Vicarage as this will cause a public nuisance, as has been the case with such events at the Old Vicarage in the past.

The Licensing Department, and indeed the sub-committee, should be aware that numerous complaints have been made, dating back as far as 1993, due to noise nuisance emanating from the Old Vicarage which has caused loss of sleep to both ourselves and neighbouring residents due to the volume of the music which, in many cases, did not finish until after midnight despite restrictions being placed on the License granted to the previous occupants stating that music at outdoor events should cease by 21:00 hours. In addition, we are aware that noise pollution from the Old Vicarage has been suffered by residents living on the outskirts of both Hinton Wood and Walkford and complaints were made to both New Forest District Council and Christchurch Council by those residents.

Whilst we note from Paul Weston's letter dated 21 December 2010 that the original Licensing Application made by the applicant had been amended after consultation, we fail to see how the 'amendments' can possibly ensure that no noise pollution is received by either ourselves or neighbouring properties from the Old Vicarage.

We have carefully considered each of the stated amendments, and would comment as follows:-

It is stated that the marquee will **PROBABLY** only be up in the months of May to October and in December. This is not a definitive timeframe. The word 'probably' merely means 'most likely'. Therefore there is no certainty as to when the marquee will or will not be in use, and therefore no guideline or restriction can possibly be placed on the outdoor events it will host. This therefore opens us up to suffering outdoor events and noise nuisance for a whole 12 months of the year. This is totally unacceptable.

The applicant has requested that he be granted permission to hold 12 events per calendar month - this equates to 3 events per week - and is wholly unacceptable. Amplified and/or live music on 3 occasions per week would make our lives unbearable. In addition, the applicant is proposing that such amplified music would continue until 24:00 hours.

We live in a quite residential area with few neighbours. It was our intention and wish to retire to a property where noise disruption from neighbouring properties and services was at an absolute minimum, hence our purchase of Oak Tree Cottage. To have to endure 'disco' type music with thumping bass beats until midnight on 3 nights per week is not acceptable and we have no wish whatsoever to endure such noise pollution.

We would again draw your attention to the numerous problems suffered at the hands of the previous occupant of the Old Vicarage where the License expressly stated that outdoor music would cease at 21:00 hours and would only take place on a patio to the west side of the building. This restriction was never adhered to and we suffered greatly due to loud amplified music both live and recorded emanating from the premises often until after 24:00 hours.

Indoor Events

Given the size of the lounge and dining area of the Old Vicarage, it would be extremely difficult to host live music events and/or discos using the inside area of the property only. Even if it were possible, given that such events are generally only successful with larger numbers of attendees, can the applicant honestly state that all windows and doors will be kept closed.

Take a hot summer's evening, temperatures in the region of 75+ degrees, with even as few as 20-30 people attending a function in the lounge/dining area of the Old Vicarage with either live music and/or a disco, the area would become extremely hot and stuffy in an extremely short period of time. How does the applicant intend to ensure the comfort of his guests when all windows and doors are closed to ensure no noise nuisance can be suffered by surrounding properties?

It is stated that noise from amplified music and amplified voices emanating from the inside events held at the premises will be inaudible between 23:00 hours and 09:00 hours, yet we are to expect amplified music from outdoor events until 24:00 hours. This is a nonsense. In addition, we would question how amplified music whether live or recorded can be made inaudible at the boundary of our premises (being a noise sensitive premises) when our boundary is merely some 25-30 feet from the boundary of the Old Vicarage?

The applicant states that prior to 23:00 hours amplified music and amplified voices emanating from the premises, whilst audible, will be so low that distinct tunes, lyrics and bass beats cannot be recognised at the boundary of noise sensitive premises. With due respect, if we were to place a motor vehicle with everyday non-amplified music playing at medium/high volume in Station Road between our boundary and that of the Old Vicarage, we would be able to hear the tune, lyrics and bass beat. We therefore question how the applicant can ensure that AMPLIFIED music will be so low that it cannot be recognised. This clearly is not possible and makes a mockery of the whole application.

Outdoor Music Events

The applicant has stated that outdoor music would only be in the form of a disco. This type of music is not only extremely loud but contains thumping bass beats which will undoubtedly be amplified by the applicant and which we are expected to endure until 24:00 hours! If the applicant is to be allowed to run an outside disco until 24:00 hours, how can he possibly ensure that the music will be so low that it cannot be recognised. Again, this clearly would be impossible if the applicant was to run a successful event.

The applicant himself states that the only real controls to control the noise from outdoor music events is to limit the number and duration of such events. Clearly the applicant is more than aware that he will not be able to comply with his statement that the music he will be permitting will be so low that it cannot be recognised by noise sensitive premises, yet he is requesting that he be able to hold 3 events per week until midnight on each occasion. Perhaps the applicant can advise what limit as to number of events and duration he considers he has offered. Again, this aspect of the amended application is a complete nonsense.

So far as deliveries and service to the Old Vicarage are concerned; the disposal of empty bottles into outdoor storage, and waste collection is concerned, we do not consider this will unduly affect us. Indeed, we also neighbour a service station and a public house, neither of which cause undue or excessive problems with deliveries, waste collection or bottle disposal. Similarly the applicant's assurances that all air conditioning and cooking extraction systems will be switched off when not required will not have any affect on our right to the peaceful enjoyment of our property.

As stated above, we strongly and vehemently oppose the granting of a License to the Old Vicarage where any form of amplified music, whether

live or recorded, is permitted. The premises originally was utilised as a hotel/restaurant and we have no opposition whatsoever to a License being granted to the premises to be run in a similar vein.

Oak Tree Cottage is our home, and we cannot accept that we will not be disturbed by noise emanating from the Old Vicarage if a License is granted permitting the use of amplified music. Previous occupants have been granted Licenses, both restricted and otherwise, and have wholly failed to comply with the restrictions or control the noise nuisance from loud music being played at the property.

We note that similar objections have been received from the residents of 118 and 120 Hinton Wood Avenue who both state that they have experienced noise pollution issues from loud music, singing and bass beats 'as if they were in the same room' emanating from the Old Vicarage despite the fact that they are some 250 meters from the boundary of the Hotel. Our property is merely 25-30 foot from the boundary of the Hotel.

We are further aware that there are a number of additional residents of Hinton Wood Avenue who have also suffered at the hands of the Old Vicarage but who were not aware of the existence of the new application for a License that has been submitted. Upon investigation it would appear that, whilst with previous applications for a License by the Old Vicarage all neighbouring properties were written to by the Council advising that an application had been made, in this instance no such notification has been received by either ourselves or by residents of Hinton Wood Avenue and the only notification that has been made has been by way of a blue notice pinned to a telegraph pole outside the Hotel. We consider therefore that if the sub-committee are considering granting any part of a License permitting amplified music that ALL residents and neighbouring properties of the Old Vicarage are properly notified of the application and canvassed for their views before any final decision is made.

We would ask that a copy of this letter is please provided to the sub-committee for their full consideration in advance of the hearing, and a copy handed to all other parties concerned.

Yours faithfully

Peter and Jacqueline Hammona