

**NOTICE OF HEARING
BY THE LICENSING SUB-COMMITTEE
under the
LICENSING ACT 2003**

**APPLICATION FOR A VARIATION OF PREMISES LICENCE
WINDMILL SERVICE STATION, SALISBURY ROAD, BLASHFORD,
RINGWOOD BH24 3PB**

Date and Time: THURSDAY 31 OCTOBER 2019 AT 10.00 AM

Place: COUNCIL CHAMBER, APPLETREE COURT, LYNDHURST

**Telephone enquiries to: Lyndhurst (023) 8028 5000
Direct Line (023) 8028 5588 – ask for Andy Rogers
E-mail: andy.rogers@nfdc.gov.uk**

These papers are also available on audio tape, in Braille, large print and digital format

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- 1. APPLICATION FOR A VARIATION OF PREMISES LICENCE - WINDMILL
SERVICE STATION, SALISBURY ROAD, BLASHFORD, RINGWOOD, BH24 3PB
(Pages 1 - 72)**

THE RELEVANT PAPERS ARE ATTACHED

To: Members of the Sub-Committee:

Cllr Steve Clarke
Cllr David Hawkins

Cllr Neil Tungate
Cllr Joe Reilly (substitute)

Parties to the Hearing:

Applicant's Representative – T Vlahovic/R Botkai, for Peregrine Retail

Objectors:

Ms H Porter
L Wise

J D & V J Heath

Miss L T Burtenshaw, Ellingham, Harbridge & Ibsley Parish Council

Responsible Authority Representatives
Hampshire Constabulary – PC Sharon Conway

Copies for Information:

Cllr Emma Lane - Local Member

Licensing – C Ferguson

Environmental Health

Legal Services – Miss G O'Rourke/M Wisdom/P Mwedzi/A Wilson

LICENSING SUB COMMITTEE – 25 OCTOBER 2019

APPLICATION TO VARY A PREMISES LICENCE

WINDMILL SERVICE STATION, SALISBURY ROAD, BLASHFORD.

1. INTRODUCTION

- 1.1 The purpose of the report is to provide Members with information at the hearing to determine an application to vary a premises licence under section 34 of the Licensing Act 2003. The premises is Windmill Service Station, Salisbury Road, Blashford, Ringwood, BH24 3PB.

2. BACKGROUND INFORMATION

- 2.1 The Windmill Service Station is situated on the A338 (Salisbury Road), a busy main road near Ringwood which links Fordingbridge, Ringwood and Salisbury. The service station is positioned next to a large business park and a small number of residential properties.
- 2.2 The premises licence holder is Peregrine Retail Limited and the shop and facilities are operated under the Budgens brand. The shop services passing trade, residents and customers from the Headland Business Park and there is also a car wash and fuel pumps. A location plan of the premises is provided in **Appendix 1**.
- 2.3 In 1994 this site was the subject of a planning appeal hearing and at the time, no restrictions were placed on the operating hours for the site. This has been confirmed by a planning officer. This email together with the appeal decision is provided in **Appendix 2**. Whilst Planning and the Licensing Act 2003 should be considered separately, planning information is being provided for clarity.

The licensing history of this site is as follows:

- 2.4 In 2009, the operator made an application for a premises licence to allow;
- Supply of alcohol (off the premises) from 08:00hrs to 23:00hrs
 - Late Night Refreshment (hot food or drink) from 23:00 to 05:00 hrs and
 - Opening hours from 00:00hrs to 00:00hrs
- 2.5 Objections were received and on 18 June 2009 a Licensing Sub-Committee determined the application and granted a premises licence (no. 1466) for the following:
- Sale of alcohol from 08:00hrs to 23:00hrs
 - Late Night Refreshment was not permitted.
 - Opening hours from 06:00hrs to 23:00hrs.
- 2.6 On 3 December 2010, whilst the site was under development, a new licence (no. 1502) was applied for and granted. This covered the temporary changes to the site.
- 2.7 The licence permitted the sale of alcohol from 08:00hrs to 23:00hrs and opening hours of 06:00hrs to 23:00hrs.
- 2.8 Following the development of the site and the retail unit, the licence number 1502 was surrendered.

2.9 The site currently holds a premises licence issued under the Licensing Act 2003 (number 1503) also dated 3 December 2010 which permits the following licensable activities:

- Sale of alcohol (off the premises) from 08:00hrs to 23:00hrs (Monday to Sunday)
- Opening hours 08:00hrs to 23:00hrs

(There were no representations against this application.)

2.10 However, the premises are permitted to operate outside of these hours where no licensable activities are taking place i.e. the sale of alcohol.

2.11 The current premises licence with conditions is provided in **Appendix 3**.

2.12 In May 2019, the Licensing Authority received an application for a Minor Variation to the licence. The Minor Variation process allows for a simplified procedure to make changes to a licence if the changes will not have a detrimental effect on the licensing objectives. There is a shortened time frame for advertising the application, parties are not required to be consulted and there is no requirement for a hearing.

2.13 The Minor Variation sought to:

- Add Late Night Refreshment from 23:00 to 05:00 and
- Amend the opening hours to from 00:00 hours to 00:00 hours.

2.14 Following representations received from neighbours, the New Forest District Council, as the Licensing Authority, rejected the application to add Late Night Refreshment and alter the opening hours on the licence. However, the premises may still open over the 24 hour period if no licensable activities are taking place.

2.15 All residents who contacted the Licensing Authority during this process were informed that the Minor Variation application had been rejected. Further clarification was provided on the fact that 24 hour operating is permitted where no licensable activities are taking place. This does not have to be granted by the Licensing Authority.

2.16 Photographs of the property, front and rear are provided for Members in **Appendix 4**. Photographs also reference the properties from which representations were received and they are indicated on the location plan in **Appendix 1**.

2.17 The photographs are described as follows:

- Photo 1- Customer parking for Budgens
- Photo 2- Front of shop and A338
- Photo 3- Front corner of Budgens and residential properties
- Photo 4- Headland business park entrance and service station
- Photo 5- Nearest residential properties
- Photo 6- Residential properties
- Photo 7- Land opposite Windmill Services
- Photo 8- Forecourt and carwash
- Photo 9- Rear exit of Windmill Services

3. THE APPLICATION

3.1 On 30 August 2019, New Forest District Council received a variation application from Winckworth Sherwood LLP on behalf of the Premises Licence Holder, Peregrine Retail Limited. The application is attached in **Appendix 5** (blank pages removed).

- 3.2 The variation application seeks the following:
- To extend the sale of alcohol to take place 24 hours per day;
 - To add the provision of late-night refreshment between 23:00hrs and 05:00hrs daily;
 - To amend the opening hours from 00:00hrs to 00:00hrs;
 - To remove any conditions listed under Annex 2 on the current premises licence;
 - To replace the current Annex 2 conditions with those listed in box b to e of Section 16 of the application;
 - To update the Premises Licence Holder's address.
- 3.3 This is a full variation application and, therefore, consultation by way of public notices and notification to the Responsible Authorities must take place during a 28 day period. The application has been correctly advertised both on the premises and in the local newspaper, thereby fully satisfying the requirements under the Licensing Act 2003

4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to determine the application where relevant representations are made about the likely effect of the grant of the application to vary the licence on the promotion of the licensing objectives. These objectives being:
- 1) The prevention of Crime and Disorder;
 - 2) Public safety;
 - 3) The prevention of public nuisance;
 - 4) The protection of children from harm.
- 4.2 Members are referred to statutory guidance issued by the Home Office under section 182 of the Licensing Act 2003 dated April 2018, in particular the sections on the licensing objectives and variations.
- <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- 4.3 In determining the application, the Licensing Sub-Committee must give appropriate weight to:
- 1) The steps that are appropriate to promote the licensing objectives;
 - 2) The relevant representations presented by all the parties;
 - 3) Home Office guidance;
 - 4) The Council's own Statement of Licensing Policy.

5. REPRESENTATIONS RECEIVED

- 5.1 During the representation period the Licensing Authority received four representations against the application. These are provided in **Appendix 6**.
- 5.2 All representations were received from nearby residents and relate to issues that this application, if granted, could impact on. However, some issues referred to in the representations fall outside the scope of the Act (i.e. noise from a gardener and deliveries etc).

- 5.3 Some of the concerns relating to noise and lighting may occur even when the licensable activity is not taking place. Complaints relating to these issues are already being investigated by the Council's Environmental Protection Team and are separate to the scope of this application.
- 5.4 Two of the representations make reference to section 176 of the Licensing Act 2003 which provides that no premises licence has the effect to authorise the sale by retail or supply of alcohol on or from 'premises used primarily as a garage or which form part of premises which are primarily so used'. However, this premises is already licensed to sell alcohol and this application seeks to vary that licence.
- 5.5 There have been no representations from any of the Responsible Authorities. These include the Police, Fire, Planning, Health and Safety, Child Protection, Environmental Health, Trading Standards and The Home Office.

6. LEGAL IMPLICATIONS

- 6.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations 2005. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs this.
- 6.2 The Applicant and those parties making representations have been invited to this hearing and have been provided with this report and the procedures to be followed at the hearing.
- 6.3 The Applicant and those who have made relevant representations are entitled to address the Sub-Committee and to ask questions of the other party as set out in the procedure.

7. RIGHT OF APPEAL

- 7.1 It should be noted that the Applicant and those who have made relevant representations may appeal the decision made by the Licensing Sub-Committee to the Magistrates' Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 7.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates' Court.

8. CONCLUSION

- 8.1 The Licensing Sub-Committee must, having regard to the application and any relevant representations take such steps as it considers appropriate for the promotion of the licensing objectives. Members may:
- 1) Modify the conditions of the licence or
 - 2) Reject the whole or part of the application.

(and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added).

9. RECOMMENDATION

9.1 That the Licensing Sub-Committee determines the application to vary the premises licence.

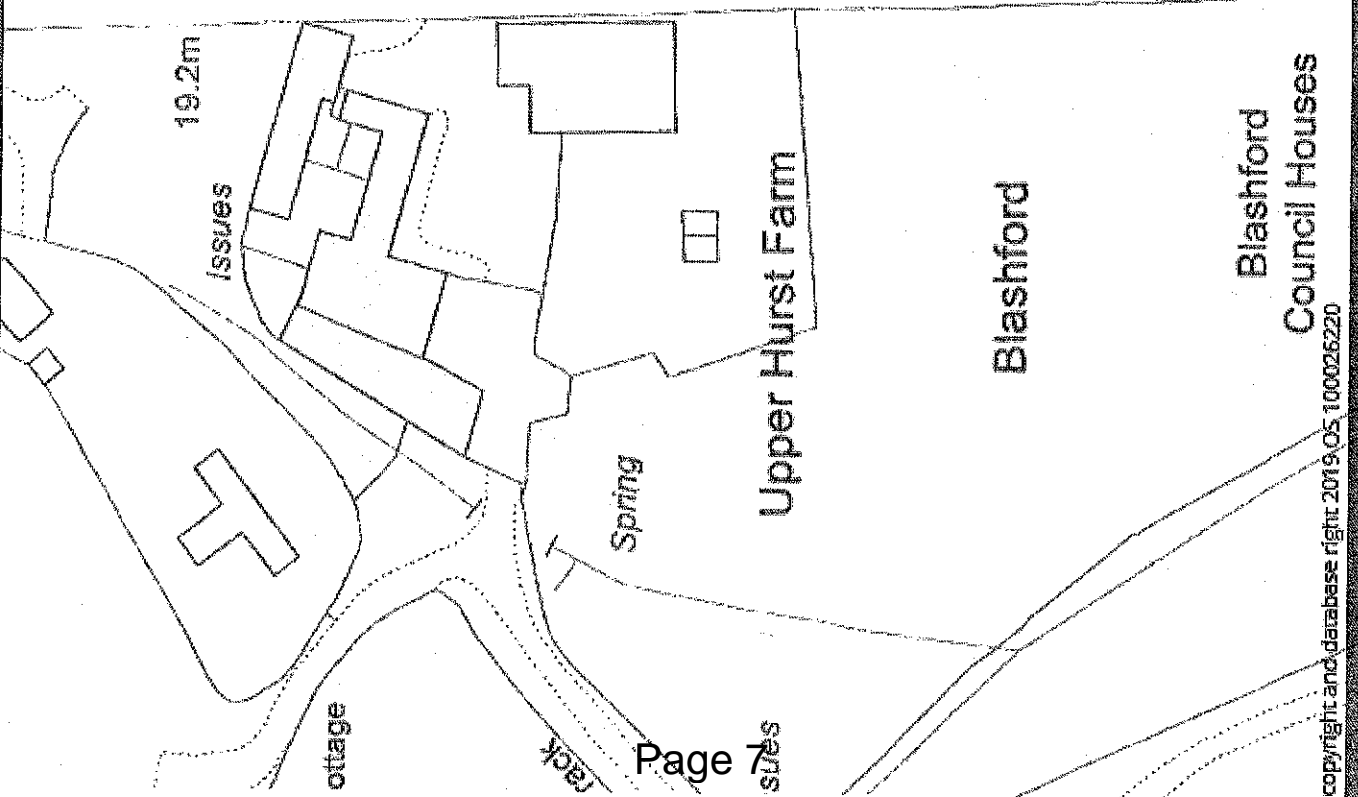
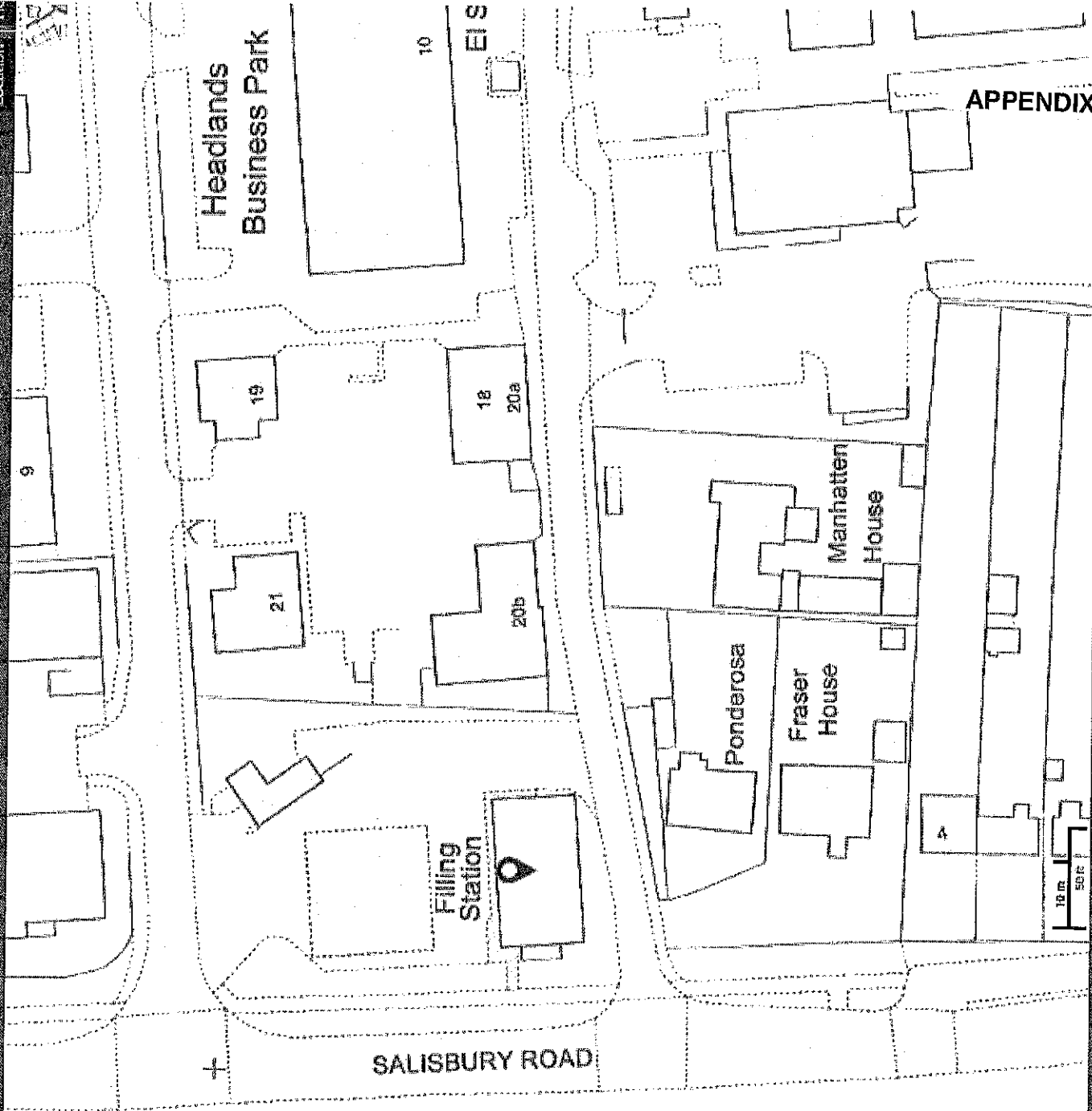
10. APPENDICES

Appendix 1 Location plan
Appendix 2 Planning documents
Appendix 3 Current premises licence
Appendix 4 Photographs of the site and vicinity
Appendix 5 Application form
Appendix 6 Representations

Further information:

Christa Ferguson
Licensing Manager
Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk

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APPENDIX 1

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From: Arleta Miszewska
Sent: 07 June 2019 10:38
To: [REDACTED]
Subject: Budgens store, Blashford

Dear [REDACTED]

I am writing in response to your enquiry and I note you have received complaints from residents about anti-social behaviour.

I have now had a chance to review the planning history of the site to establish the presence of planning restrictions imposed on the use of the building as a store.

Planning records reveal that the store, together with the petrol filling station, was allowed on appeal in February 1994. At that time it wasn't considered necessary to restrict the use of the store, and in particular to limit the opening hours. Therefore, in terms of planning consent, the store operators are allowed to trade 24/7 without being in breach of planning controls.

I trust this answers your query, however, please do not hesitate contacting me should you wish to discuss this further.

Kind regards,

Arleta Miszewska
Senior Development Management Officer
arleta.miszewska@nfdc.gov.uk
New Forest District Council
newforest.gov.uk
Tel: 023 8028 5588



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The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218927
Switchboard 0272-218811
Fax No 0272-218769
GTN 1374

file

Reinge Services Bristol
16 Clare Street
BRISTOL
BS1 1XY

Your Ref: WSS/93

Our Ref: T/APP/B1740/A/93/230752/P5

CONDITIONS DISCHARGED
2 Dat 5/5/94: 19/5/94
15/5/94

10 FEB 1994

SEE ALSO
MINOR AMENDMENT
REF: access width
DATE 23/3/95

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY: WATSON PETROLEUM LIMITED
APPLICATION NO: 00052837

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the New Forest District Council to refuse planning permission for the redevelopment of a petrol filling station on land at the Windmill Service Station, Salisbury Road, Blashford, Ringwood, Hants. I conducted a Hearing into the appeal on 2 February 1994.

2. The proposal before me is a full application to redevelop an existing petrol filling station in accordance with the details indicated in application Drawing No: WSS/93.1. From the evidence presented a petrol filling station and garage facility has existed on this site for over 30 years. On 27 September 1991 permission (Ref No: 00048096) was granted to redevelop the site in accordance with details indicated in Drawing No: WSS/91.1D. The proposal now before me is an alternative to that earlier scheme.

3. From all that I have seen, read and heard I consider the main issues in this appeal to be the effect of the proposal on 1. the character and appearance of the area and 2. the living conditions of nearby residents from noise and disturbance.

4. The provisions of the development plan drawn to my attention are included in the approved Hampshire County Structure Plan SP (which has recently replaced the former South West Hampshire Structure Plan) and the adopted Avon Valley Local Plan (LP). Those plans contain a framework of policies which require any new development to be itself of suitable design, to respect the character of the surroundings and the amenities of neighbours. The plans also include countryside policies which echo advice in Planning Policy



Guidance Note 7 *The Countryside and the Rural Economy* and indicate that in the countryside new development will not normally be permitted unless required for agriculture or other appropriate rural purposes.

5. The LP defines countryside as all land outside settlement boundaries identified in the Proposals Map. Although the appeal site lies outside any settlement boundary Policy EC1 of the SP and Policy CP.4 (v) of the LP indicate that limited extensions to existing industrial, commercial, business, institutional and office premises may be permitted where there would be no harm to interests of acknowledged importance.

6. Your client's scheme includes provision of a new forecourt canopy. The canopy would be about 5m high, 19.2m deep and 24m long. The existing canopy is smaller and only about 4.5m high. Furthermore the canopy approved in 1991 would be about 4.4m high x 22m deep x 13.5m in length. In the Council's view the proposed canopy, because of its height, length and prominent location near to Salisbury Road, A338, would be visually intrusive, especially having regard to the proximity of open countryside to the west.

7. This locality is identified as countryside in the local planning policies. Although there is open land to the west I observed the east side of Salisbury Road was characterised by built development. There was long established residential development to the north and south of the appeal site and the recently developed Headlands Business Park to the east. Most views of the proposed canopy along Salisbury Road would be oblique views from the side. From those views the length of the canopy would not be readily apparent and it would be seen against a background of built development. Views of the canopy from the countryside to the west would also be seen against the backcloth of the Business Park. The rear of the site, adjacent to the business park, would be screened by proposed landscaping. Having regard to those considerations, and the fact that the height of the canopy would be only about 0.5m higher than both the existing and its approved replacement, I conclude that the canopy would not harm the character and appearance of the area.

8. Turning to the second issue this scheme proposes a service road to the rear of the shop building at the south end of the site. That road would include a customer water and air tower. The Council, supported by some local residents, claims that service road and customer facility could increase existing background noise levels by about 10dB(A) and would give rise to noise nuisance, especially in the evening or night when traffic on the A338 would be light and background noise levels would be low.

9. I observed the site of the proposed customer water and air towers would be separated from nearby dwellings by the southern access road to the Headlands Business Park. This scheme also proposes new landscaping between the proposed

towers and the industrial access road. I consider those separating and screening features would avoid any significant nuisance to neighbouring residents from the operation of both the service road and the customer water and air facility. Furthermore your client would accept a similar restriction on the use of the towers to those hours of operation proposed for the car wash. That requirement could be achieved by a suitable condition. Those considerations lead me to conclude this proposal would not harm the living conditions of nearby residents from noise and disturbance.

10. I have considered the proposed access and egress arrangements for the petrol filling station but since they would be similar to those already approved, and I have no evidence of any objection to this scheme from the local highway authority on traffic grounds, I conclude existing conditions would not be worsened in those respects. Because I have found no harm to interests of acknowledged importance I consider this scheme meets the requirements of SP Policy EC1 and LP Policy CP.4(V).

11. It was agreed in the Hearing that conditions should be attached to any permission and I have considered these in the light of advice in Circular 1/85. In the interests of visual amenity I will require the further approval of details of external building materials together with effective implementation of the proposed landscaping scheme. To protect the local foul and surface water drainage systems against pollution I will require a scheme to safeguard against any harmful discharge of fuel or waste products from the site to be agreed with the local planning authority. Finally to safeguard residents from noise and disturbance I will limit the hours of operation of the proposed car wash and customer water and air towers.

12. I have taken into account all the other evidence presented and matters raised, together with all the written representations, but I have found nothing to affect the considerations that led to my decision.

13. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the redevelopment of filling station at Windmill Service Station, Salisbury Road, Blashford, Ringwood, Hants, in accordance with the terms of the application (No 00052837) dated 19 August 1993 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

2. details and samples of all external facing and roofing materials shall be submitted to and approved by the local planning authority before any development is commenced.

agreed →
5/5
19/5
15/7.

3. all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

4. details of a scheme to safeguard against any harmful discharge of fuel or any other oil or waste products from the site shall be submitted to and approved by the local planning authority before any development is commenced. The approved scheme shall be implemented before the use of the development hereby permitted is commenced and thereafter retained.

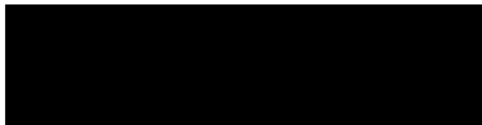
5. the car wash and customer water and air towers shall only be used between the hours of 07.00 and 22.00.

14. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their planning decision within the prescribed period.

15. The developer's attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.

16. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours Faithfully,



FRANCIS FARRIMOND DipTP MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

- Mr Paul Reinge - Reinge Services, Bristol,
16 Clare Street, Bristol,
BS1 1XY.
- Mr Gordon Puttick DFS MRTPI - "

FOR THE LOCAL PLANNING AUTHORITY

- Miss S Banks BTP MRTPI - Planning Officer, New
Forest District Council.

INTERESTED PERSONS

- [REDACTED] - [REDACTED] ty
- [REDACTED] - [REDACTED]
- [REDACTED] - [REDACTED]
- [REDACTED] - [REDACTED]

DOCUMENTS

- Document 1 - List of persons present at the Hearing.
- Document 2 - Copy of Council's letter of
notification of appeal, dated 4 January
1994, and list of persons notified.
- Document 3 - Copy of extract from South West
Hampshire Structure Plan.
- Document 4 - Copy of extract from The Hampshire
County Structure Plan.
- Document 5 - Copy of extract from Avon Valley Local
Plan.

Ref No: T/APP/B1740/A/93/230752/P5

- Document 6 - Survey of daily air tower usage at selection of local petrol filling stations.

PLANS

- Plan A - The application plan, drawing No: WSS/93.1
Plan B - Site location plan, scale approx. 1/5000.
Plan C - Plan of redevelopment scheme for appeal site approved in 1991, drawing No: WSS/91.1D.
Plan D - Comparative views from south of approved and proposed redevelopment schemes.
Plan E - Comparative views from west of existing, previously approved and proposed redevelopment schemes.

PHOTOGRAPHS

- Photograph 1 - 6 views of appeal site from Salisbury Road and accompanying plan indicating positions from which photographs were taken.

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Premises Licence

Issued under Section 24 of the above Act

Premises Licence Number	1503/5
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Part 1 - Premises Details

Postal address of premises, or if none, ordinance survey map reference or description	
Budgens, Windmill Service Station Salisbury Road Blashford Ringwood, BH24 3PB	Map Ref (E): 414991.123501068 Map Ref (N): 106648.708063374 UPRN: 100062214130
Telephone Number: 01425 472926	

Where the licence is time limited the dates
This licence is NOT time limited

Licensable activities authorised by the licence
J) Sale or Supply of Alcohol

The times the licence authorises the carrying out of licensable activities			
J - Sale or Supply of Alcohol			
Day	Start	Finish	
Mon	08:00	23:00	Further details: Seasonal variations: Non standard timings:
Tues	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

The opening hours of the premises**L - Opening Hours**

Day	Start	Finish	
Mon	08:00	23:00	Seasonal variations: Non standard timings:
Tues	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Alcohol is supplied for consumption OFF the premises only

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Peregrine Retail Limited
 Gladstone Place
 36-38 Upper Marlborough Road
 St Albans
 AL1 3UU

Telephone:

Email:

Registered number of holder, for example company number, charity number (where applicable)

3327423

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Telephone:

Email:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

BH182510
 Bournemouth Borough Council

The licence is granted by New Forest District Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Date licence issued: 20/09/2019

Date licence commences: 16/09/2019

Date first licence came into force: 03/12/2010

Colin Read

Executive Head of Environment & Regulation
 (Authorised Officer)

Annex 1 - Mandatory conditions

Where licence authorises supply of alcohol:

- (1) No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(Additional Condition with effect from 28 May 2014)

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$
where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

(Additional Condition with effect from 1 October 2014)

1. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Annex 2 - Conditions consistent with the operating schedule

a) General - all four licensing objectives (b, c, d, e)

The premises are covered by CCTV internally and externally.

The premises will operate a Challenge 21 Policy and staff to be refreshed of this policy every three months.

~~Staff will be trained in relation to the law applicable to the Premises Licence.~~

Only photo ID will be accepted in the form of a passport, driving licence or ID with the PASS logo.

A written log shall be kept of all refusals including refusals to sell alcohol. The holder of the premises licence shall ensure that the refusals log is properly maintained and this shall involve, but is not limited to nominating in writing a responsible person to check and sign it on the weekly basis.

b) The prevention of crime and disorder

As above - no additional steps identified.

c) Public safety

As above - no additional steps identified.

d) The prevention of public nuisance

As above - no additional steps identified.

e) The protection of children from harm

As above - no additional steps identified.

Annex 3 - Conditions attached after a hearing by the licensing authority

N/A

Annex 4 - Plans

This licence permits the licensable activities stated at the premises addressed above in accordance with the plan(s) attached.

Plan of Premises	
Plan/Drawing No:	BLA/101/10 Revision F
Date of Plan:	January 2010 Rev. Date: 23/06/2010

((n))

Licensing Act 2003

Premises Licence Summary

Issued under Section 24 of the above Act

Premises Licence Number	1503/5
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Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
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Telephone Number: 01425 472926	

Where the licence is time limited the dates
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Licensable activities authorised by the licence
J) Sale or Supply of Alcohol

The times the licence authorises the carrying out of licensable activities			
J - Sale or Supply of Alcohol			
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Mon	08:00	23:00	Further details: Seasonal variations: Non standard timings:
Tues	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

The opening hours of the premises			
L - Opening Hours			
Day	Start	Finish	
Mon	08:00	23:00	Seasonal variations: Non standard timings:
Tues	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:
Alcohol is supplied for consumption OFF the premises only

Name, (registered) address of holder of premises licence
Peregrine Retail Limited
Gladstone Place
36-38 Upper Marlborough Road
St Albans
AL1 3UU

Registered number of holder, for example company number, charity number (where applicable)
3327423

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol
[REDACTED]

State whether access to the premises by children is restricted or prohibited
Not Restricted

APPENDIX 4

Photo 1

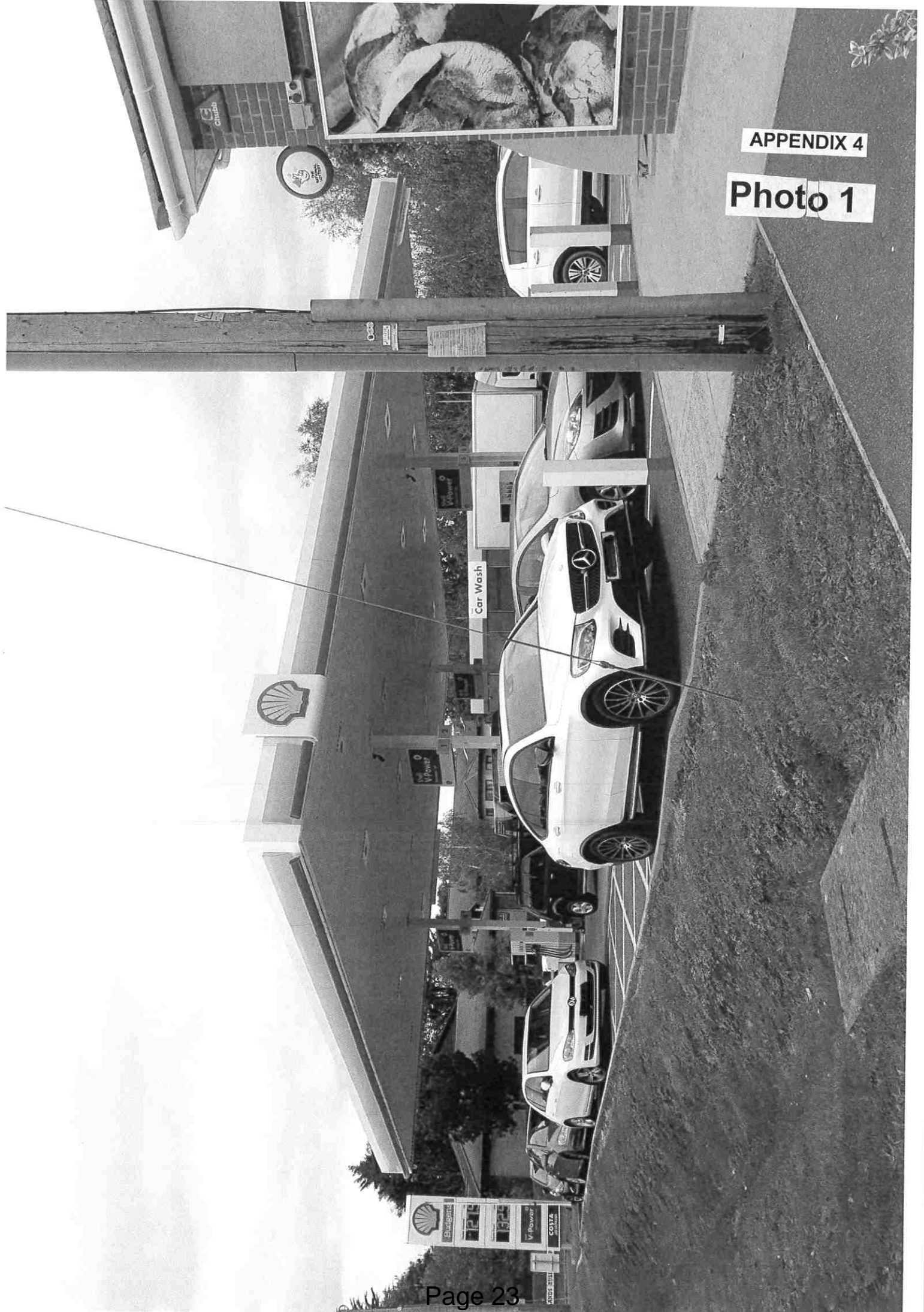


Photo 2

Budgens

Regular Unleaded Litre

1249

Regular Diesel Litre

1329

Shell
V-Power
Performance Fuels

COSTA
EXPRESS



Photo 3



Photo 4

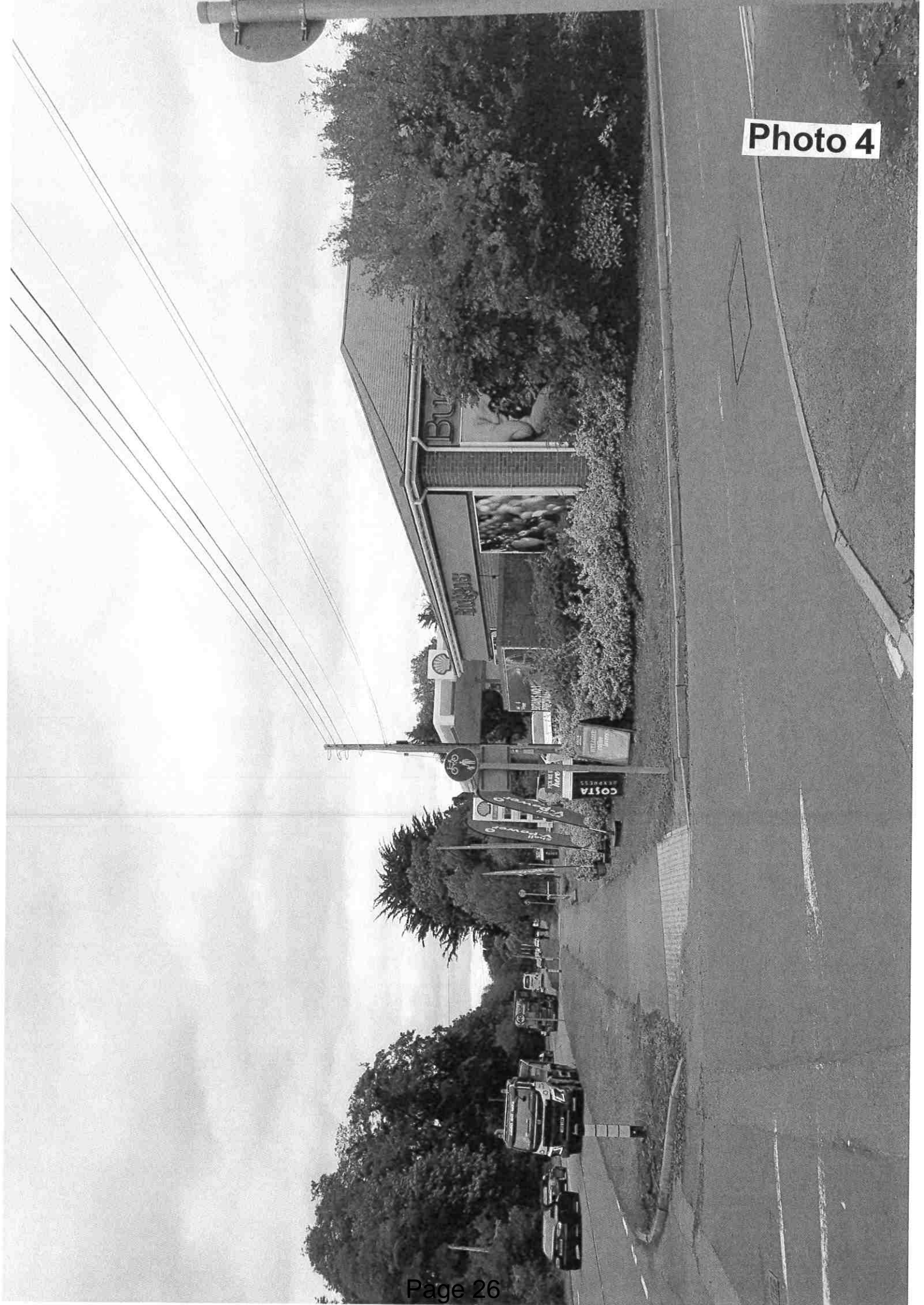


Photo 5

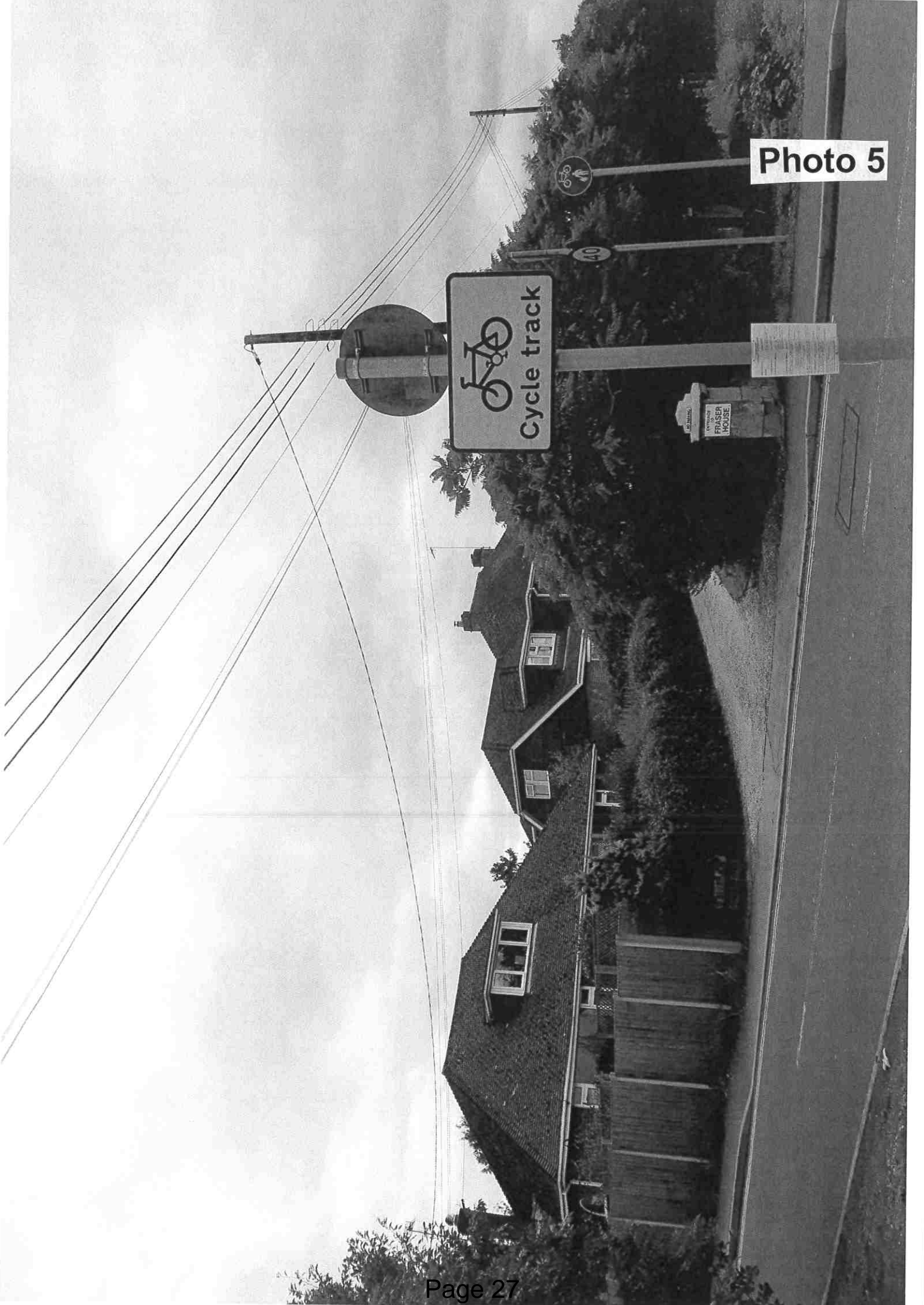


Photo 6

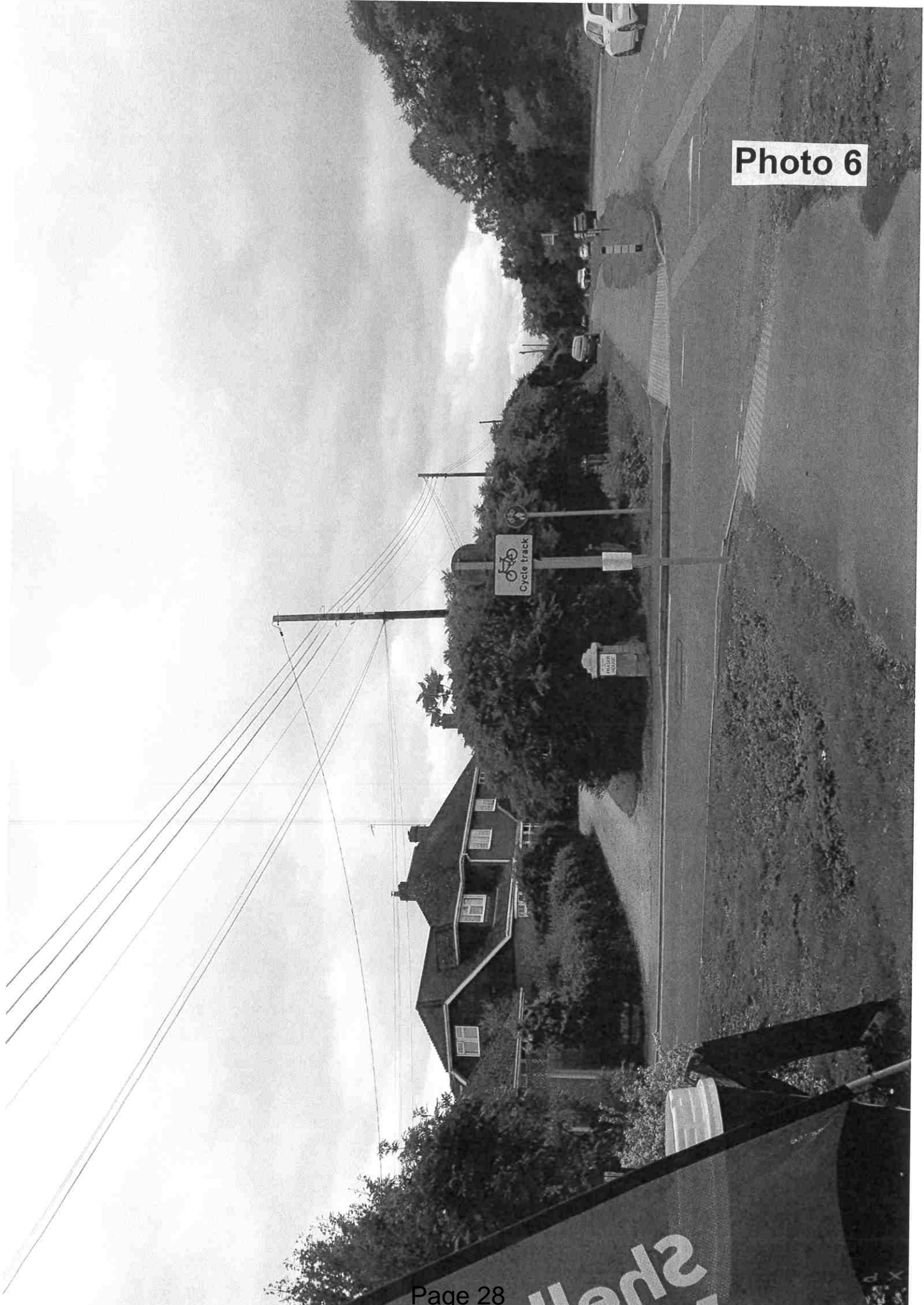


Photo 7



Photo 8



Photo 9



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LICPR/10/08167
Windmill S.S.

LAST DAY
27/9/19



New Forest
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@nfdc.gov.uk
Telephone: 023 8028 5505

APPENDIX 5

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

119,000

Section 3 of 18

VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

Yes

No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

Yes

No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

A petrol forecourt store located on Salisbury Road, Blashford, Ringwood, BH24 3PB.

The variation is to do the following:

1. To extend the sale of alcohol to 24 hours daily.
2. The provision of late night refreshment between the hours of 2300 and 0500 daily.
3. To remove any conditions listed under Annex 2.
4. To include in Annex 2 the conditions in box b to e of Section 16 of the application.
5. To update the licence holder address, as below:

Peregrine Retail Limited
Gladstone Place
36-38 Upper Marlborough Road
St Albans
AL1 3UU

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to
vary is successful?

Yes

No

Section 5 of 18

Continued from previous page...

PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Continued from previous page...

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The provision will take place inside the premises but customers may leave the premises with items purchased.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start 00:00

End 24:00

Start

End

THURSDAY

Start 00:00

End 24:00

Start

End

FRIDAY

Start 00:00

End 24:00

Start

End

SATURDAY

Start 00:00

End 24:00

Start

End

SUNDAY

Start 00:00

End 24:00

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 18

ADULT ENTERTAINMENT

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

The premises sells alcohol and other age restricted products.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Conditions listed under Annex 2.

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.

2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.

3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

Continued from previous page...

4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

2. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

3. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

4. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

This book/register shall be available for inspection by a police officer or other authorised officer on request.

5. An incident book/register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

This book/register shall be available for inspection by a police officer or other authorised officer on request.

NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

450.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Continued from previous page...

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/new-forest/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >

*Ponderosa
Salisbury Road
Blashford
BH24 3PB*

WL

NFDC
Licensing Section
Appletree Court
Lyndhurst
SO43 7PA

25 September 2019

Dear Sirs

Peregrine Retail Limited
Windmill Service Station/'Budgens of Blashford', Salisbury Road, Blashford BH24 3PB
Licensing Act 2003
Application to vary a Premises Licence

I write further as an affected resident in objection to the above Application. Ponderosa is a residential dwelling immediately adjacent to the service station/Budgens, on the other side of a service road, half the width of a standard public road.

In summary, the objections which must be decided at a full meeting of the Licensing Sub-Committee are:

- The Applicant does not have planning consent for 24/7 opening, for many of its illuminations or for the recent '24 hour' opening signage
- If granted, there would be an increase in crime and disorder, as evidenced pre-2009 and more recently since the Applicant has opened the premises 24/7
- If granted, there would be a threat to public safety
- If granted, there would be an increase in nuisance to the public, particularly to those residential dwellings in the immediate vicinity
- If granted, this is likely to cause harm to children/minors, as evidenced pre-2009

Background

As the Council will be aware from the history of this site, we have been here before. I would refer NFDC to its decision of the Licensing Sub-Committee dated 18 June 2009 when the hours for the supply of alcohol were restricted to 0800 to 2300 daily and the opening hours of the premises from 0600 to 2300 daily. I mention this because I understand that NFDC has recently advised that there was no previous restriction on opening hours when it agreed to the current 24/7 opening hours earlier this year without proper consideration of the views of residents and in breach of its decision dated 18 June 2009.

Although the service station was permitted to open until 11pm daily, it in fact closed at 10pm daily. The reason given to me at the time was that there was insufficient traffic to warrant the additional hours. NFDC should be reminded of the Applicant's reasons in support of its application to increase the size of the store ten years ago. This was so that the 200+ employees on the Headlands Business Park could get a light lunch instead of travelling into Ringwood, an improvement to reduce car travel

and intended to be more sustainable. The vast majority of those employees leave work at around 5-5.30pm on week days and do not work weekends. There is no reason for them to return after 10pm to purchase alcohol.

A snap shot survey undertaken on site on 6 August 2009 by the Applicant showed that the busiest trading hours were 0700-0800, 1000-1100 and 1300-1400. I have not been provided with any more recent surveys to show that these busy trading hours are any different today but an employee at the shop has recently confirmed that the need for 24/7 opening is to attract more trade to its shop.

In support of the submissions made at the licencing public meeting in 2009, I attach a copy of my letter to the Council dated 13 May 2009 referring to the more serious incidents of anti-social behaviour when the service station was (up to that time) open 24/7. Noise complaint logs were kept by myself and my neighbours at Manhattan House in 2009 and provided to the Council.

I would remind the Council that they are a public authority and therefore any decision in relation to the current application to vary must take into account the local residents' rights under Article 8. The Council must therefore provide detailed reasons if they decide to support the application because such decision will be subject to judicial review and/or appeal based on my human rights as evidenced by the previous ASB suffered by ourselves. We have already shown the disturbance that 24/7 opening hours had on our lives in the past and the anti-social behaviour it attracted to our neighbourhood, the increased incidents of theft and criminal damage on the Headlands Business Park, the nearby Adventure Activity Centre and on the environment and particularly Blashford Lakes to the rear of the service station.

Dealing with the Licensing Objectives in detail and in response to the current application:

1. The prevention of crime and disorder

Since 2009, CCTV has been introduced. Unfortunately, that has proven ineffective against determined anti-social behaviour as was evidenced recently with the theft of the ATM machine at Budgens. As the residents understand, the perpetrators came onto site with blue spray cans and painted over the CCTV before driving onto site. The police were therefore frustrated in their investigations by the lack of CCTV.

Further, I have heard that the staff in the service station complain that they have had small scale theft. While the police know who stole the articles and found them in their houses in the locality, they were unable to prosecute because of the absence of CCTV having recorded the actual theft. The presence of CCTV therefore acts as very little, if any, deterrent to crime and anti-social behaviour.

Employees at Budgens of Blashford claim that the reason for 24/7 opening is to improve security. Proper enquiries should be made of Development Control/Enforcement Office and Environmental Health as to alternative restrictions that could be put in place to prevent 24 hour opening. For example, what restrictions are already in place to control noise and light nuisance and prevent crime and littering on the Headlands Business Park and on the nearby Carvers Industrial Estate?

As recent as 3.15am on Sunday 22 September 2019, I (and other neighbours) were woken up by young adults in a small dark vehicle repeatedly using their car horn on the service station forecourt (presumably captured on their CCTV). It is possible that the staff in the service station may have tried to ask them stop because after they revved up and left the service station, I witnessed them pulling up at the bottom of the drive to Frazer House and the man in

the passenger seat shouted profanities through the open car window before the driver accelerated out onto Salisbury Road and headed off in the direction of Fordingbridge/Salisbury. Fortunately, at that time of the morning there is very little if any traffic on the A338 otherwise the dangerous way that they drove out onto Salisbury Road could have caused an accident had there been any traffic, particularly if they had collided with a motor bike. Highways should perhaps also be consulted.

I have read the Representations of Mrs Lorna Wise of Frazer House. I confirm that I was also disturbed by the noise nuisance on the morning of 31 August 2019. This was a major consideration in 2009 when Budgens applied to expand the retail store from a small Spar shop to the current Budgens of Blashford store. It was agreed with the then director of Peregrine Retail Limited that deliveries of groceries and fuel would be restricted to between 0700 – 2000, taking into account the restrictions placed on Merlo's who operate on the Business Park, so as to keep noise levels to a minimum.

The Applicant has recently undergone a change in its board of directors who appear to have ignored previous agreements between its then directors and local residents. Mr John Mason took a great deal of time and effort in meeting with the local residents and putting in place certain measures which were acceptable to all. Email correspondence can be provided including a letter from the solicitors instructed by Peregrine Retail Limited dated 4 June 2009 that confirmed "*The premises will only open during those hours (ie 0600 to 2300 daily) and will not operate as a 24 hour facility.*" Perhaps the Applicant (who remains the same legal entity as in 2009) can now explain why their solicitor's letter should not be relied upon in the current application; and why the NFDC allowed 24/7 opening recently without proper public consultation.

The residents tolerate the noise and increased traffic of the larger Budgens store during the day (car wash, vacuum machine, constant vehicle movements, people shouting, deliveries etc etc). Practically every day when I return from work I face drivers who pull out of the service station onto the service road without looking right and straight into my right of way. It is only because of the care and attention (and a high useage of my horn) that I have avoided an accident to date. The Applicant has done nothing to increase visibility. The 'give way' sign at the "exit" is partly covered by trees; overgrowth is not cut back making it difficult for drivers to look up the service road in the direction of the Business Park and no signs are displayed to make it clear that the service road is a two way road.

For the past 2-3 weeks, the Applicant has placed two large containers along the side of their store. This has had a huge impact on the visibility of drivers exiting the service station as they are unable to clearly see traffic (including myself) approaching along the service road from the A338 travelling into Headlands Business Park.

I regularly watch every morning (before going to work) HGVs pull out of the service station and mount the pavement alongside my boundary fence as there is insufficient road width for them to turn right to travel up to the A338 Salisbury Road. The result of yet another decision of NFDC who presumably believe that this is acceptable use of the public highway.

In all these circumstances, the Applicant has shown a complete disregard for crime and disorder and in fact could be said to encourage highway incidents by its failure in its duty of care to road users. If permitted to sell alcohol 24/7, this will only lead to increased traffic (as is the Applicant's intention), more vehicle noise at night, more deliveries during unsocial hours and more vehicles mounting pavements in their desire to leave the site.

2. Public Safety

As noted above, the incident on 22 September could have caused a fatal accident. There are now websites that advertise service stations in the local area that sell alcohol 24/7 which is designed to generate more traffic to the store. There is little if any reason or evidence why anyone should want to purchase alcohol after 2200 unless they were out on an alcohol fuelled mission to cause mayhem and put the safety of others at risk. Given the location of the service station outside the town centre, people would have to drive to purchase alcohol from Budgens.

I do not know whether the occupants of the vehicle early on Sunday morning had also purchased alcohol. While the driver must have presumably been over 25 and able to purchase alcohol, are the service station staff trained to check that everyone within the vehicle are over age or that the alcohol will be consumed by legal adults off the premises and off the driveways of local residents and businesses' car parks on the Headlands Business Park or that bottles are disposed of sensibly?

There is hardly any passing traffic on the A338 after 2200 and practically nothing between 2300 and 0400. Blashford is a small hamlet located in the countryside. Anyone therefore wishing to purchase alcohol after 2200 will have to drive specifically to Budgens of Blashford to do so. If the occupants of the small vehicle on Sunday morning is a prime example, the speed that the vehicle left Headlands Business Park could have caused a fatal or at least a serious accident and threatened the safety of others.

One of the problems witnessed before when the Applicant opened 24/7 was that it attracted a certain generation of mainly lads on motor bikes. With the Headlands Business Park operating in predominately day time hours, they used to arrive in groups during the evening, park up in the car parks and identify whose engine sounded the loudest and longest when revved up before racing each other round the Park disturbing the peace and quiet of residential owners. Potentially, it also had an effect on the local wildlife.

3. The prevention of public nuisance

The majority of the staff currently employed to work unsociable hours after NFDC recently agreed to 24/7 opening are young adults themselves and unlikely to be the permit/licence holders who are not on the premises at all times.

I again woke up this past weekend (21/22 September) to beer bottles left in my driveway accompanied by cigarette ends and rubbish. Condoms and tissues are often also discarded on the drive or in the hedgerow. The caretaker of Budgens is asked to collect rubbish most mornings. He studiously ignores (presumably on the instructions of the Applicant) my boundary on the other side of the service road to the service station where cans and plastic rubbish and food wrappers are deposited or usually thrown from car windows on a daily basis. I have watched him deliberately cross the road to avoid having to collect the litter from my boundary along the fence line, which I have tried planting with lavender in previous years to make the verge look more appealing.

When the Applicant was under different management, the previous caretaker also litter picked the boundaries of local residential dwellings.

I anticipate that deliberate littering is a public nuisance and NFDC should be controlling and preventing the same? There are no signs up on the Applicant's premises asking customers to take their rubbish home with them and not to throw them out of car windows to litter the local environment.

There are no signs up on the Applicant's premises asking customers to use the parking spaces designated for them and not to use the driveways of local residential properties. I am constantly having to ask people to remove their vehicles from my driveway only to be met by verbal abuse that they are only going to be a few minutes (eating their sandwiches, changing nappies, having a cigarette etc etc) visiting the shop opposite ie Budgens of Blashford.

4. The protection of children from harm

It is not clear as to the definition of 'harm' in these Objectives. Does this include having to protect children from watching adults use the grass verges and my driveway as a public urinal count? Alcohol increases the need to urinate.

Does NFDC wish to see a return to the sorts of crime and disorder witnessed ten years ago as described in my letter attached? NFDC's recent responses have been that we should fill in log sheets to record incidents of noise, ASB, light pollution etc. But we did all this 10 years ago and amply demonstrated that there was a risk of crime and disorder, to public safety, public nuisance and threats to children.

I would request that the Applicant and/or the NFDC provide details of the number of incidents during the past 10 years, both traffic and crime in this area. Ringwood has lost its local police station. Police attending any incidents in Blashford now travel from Southampton I believe, taking them 3-4 times longer to get here, if they attend at all.

The legal bit

As far as I understand, section 176 of the Licensing Act 2003 remains good law. The question the Council therefore needs to ask is "what is the intensity of use by customers at the premises?" To consider this further, the Applicant is asked to provide to me (and presumably to the Council) the last two years of their sales figures, breaking down sale of fuel from sale generated by the retail side of the site.

I would urge the Council to take a sensible approach this time and refuse the application, not least to protect my Article 8 rights. The local residents put up with the daily traffic, noise, nuisance and littering (we do not have a choice). Why do we have to do so all night long as well? It is enough that I cannot sleep anymore because of the illuminations provided by the Applicant on their site which will presumably devalue my property. This used to be a quiet countryside area where there were no street lights. In my opinion, the illuminations only encourage traffic to go faster along this stretch of the A338 because it is slightly wider and now well lit in front of the site.

As a reminder, Article 8 states:

1. *Everyone has the right to respect for his private and family life, his home and his correspondence.*
2. *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention*

of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

It therefore seems to me that NFDC have already acted in breach of my Article 8 rights in allowing the Applicant to operate 24/7. To date, I have not received a reasoned decision from NFDC as to why it found that its recent decision to allow 24/7 trading hours was "in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others". Presumably, the rights of the local residents do not qualify and the views of the parish council ignored.

Finally, it would appear that the Council is confusing its role in relation to the application to vary an alcohol licence and the planning/development control issues. The licensing committee would be acting in breach (and has already done so) of development control if it granted the latest application as the applicant does not have planning consent to open 24 hours nor for many of the illuminations 24/7 which are a light nuisance to residential dwellings nor for the additional signage promoting 24 hour opening (one of which presumably led to a car driving into the ditch in front of the site on 20 September 2019).

The Applicant is well aware of the statutory planning process and should make the appropriate applications so that there can be a proper and reasoned public debate.

Yours faithfully


Helen Porter

* Objection *

**Ponderosa
Salisbury Road
Blashford
Hampshire BH24 3PB**

FAO. Mr Paul Weston/Licensing
New Forest District Council
Appletree Court
Lyndhurst
Hampshire SO43 7PA

13 May 2009

14 11 2009

Dear Sirs

**Section 17 Application requesting a licence to sell alcohol and for all night opening
BP Spar, Windmill Service Station, Salisbury Road, Blashford, Ringwood
Applicant: Peregrine Retail Limited**

I would invite the Council to take the following objections to the above application into consideration. In summary, I would draw the Council's attention to :

- The Applicant has failed to control alcoholic and non-alcohol related crime and disorder on its premises to date
- The Applicant has failed to control the number of anti-social vehicles/occupants visiting its premises in the evening hours
- Despite two serious incidents in 2008 on its premises, the Applicant has failed to provide CCTV on its premises to prevent further crime
- The Applicant has failed to display notices inviting its customers to respect neighbouring residential properties
- The Applicant has failed to control misuse of its premises and surrounding area as a public urinal
- The Applicant has failed to control the misuse of its premises by children
- The Applicant has failed to specify why an alcohol licence is required at these premises on a major highway which has a high fatality incident rate in contravention of Section 176 of the Licensing Act 2003 and in breach of restrictive covenants binding the use of the land and prohibiting the sale of alcohol
- The application, if granted, would have an adverse effect on the value of my property and the safety of my family

The prevention of crime and disorder

In the past year, the garage (formerly known as Watsons) has had two serious break-ins, one involving armed robbery. On the second occasion, a male attendant was kidnapped and released in the Stoney Cross/Cadman area. Burglaries at residential properties in the immediate area is on the increase. Last year a bicycle was stolen from my garden.

The garage currently attracts a large number of young people who arrive in cars, on motor bikes and on bicycles, particularly on Friday and Saturday evenings. Many tend to stock up on drink, food and cigarettes before disappearing off into Headlands Business Park where they vandalise property and break into the scout hut at the back of the Business Park. The police are in regular attendance.

On Saturday 2 May at approximately 9.45pm I was disturbed by a loud banging which, initially, I thought came from the back of my house. I live on my own with a young child

who was woken by the noise. From my kitchen window I have a clear view of the garage. A party of four men had arrived in a car (registration number recorded) and they were banging on the rear door of the garage shop. All of the gentleman appeared to be carrying a bottle of something from which they were drinking. When these were emptied, they were thrown onto the ground of the forecourt and further supplies were found from within the car. Bottle caps were ripped off with teeth and thrown out of the car. Some of the men were wandering or dancing around the forecourt, across the pumps smoking, to speak with girlfriends in a van parked along the side of the car wash, also smoking. No-one from the garage came out to speak with the men or alert the police.

I was petrified for the safety of my family. The whole incident lasted no more than 5-10 minutes. If the garage cannot control similar incidents now, how is the presence of CCTV, staff training etc going to assist in the prevention of future crime, alcohol related or otherwise?

On several occasions, I have seen people arriving in vehicles (mainly men) who obviously consider it acceptable to urinate against the back of the garage and down the side of my property or along the accessway into Headlands Business Park. I regularly see young men walking back past my house zipping up their trousers. The worst incident was last year when a coach stopped at the garage. Approximately half the passengers suddenly had an urge to urinate in the road opposite my home. They obviously seem to think that because it is dark, no-one can see them!

Men and women also find it acceptable to sit on my low level fence whilst consuming food and drink purchased from the garage or to smoke. The fence has been damaged at one end by such behaviour.

I am confident that if BP Spar were granted an alcohol licence and/or allowed to remain open all night, the current mischief and (to date) low level crime would escalate dramatically. The often daily removal of litter (food wrappers, cigarette packets and drinks cans/plastic bottles) from our properties and hedgerows would escalate to include broken glass bottles and beer cans, if not worse.

While I understand that all garage sales persons would have to enforce the Challenge 21 Policy, in practice this would be difficult to police. The legal age to hold a driving licence is 17. While one of the occupants of a vehicle may be over 21 years old, the other passengers/driver may not be. BP Spar have failed to propose suitable measures that they will impose once alcohol is introduced into the vehicle while it remains on its forecourt or within the immediate residential vicinity. The garage has been unable to control anti-social behaviour to date. Will a licence to sell alcohol or to stay open all night assist them in the future in protecting the neighbours from noise, littering and crime?

Public Safety

In addition to the above, on occasions the garage forecourt can be packed with as many as eight vehicles or more. This can have the effect of persuading other potential customers not to stop as they are concerned about their personal safety. I do not have the same luxury of leaving when the nuisance arrives. All I can do is watch and pray that the nuisance behaviour in such a large group or by individuals does not cross the road and enter onto my property putting the safety of myself and my daughter at risk. My one consolation at present is that the garage closes at 11pm and the safety of the neighbouring residents is restored.

The prevention of public nuisance

Much of what is referred to under "the prevention of crime and disorder" above can be repeated here. In addition, music played in the vehicles is often at full volume, assisted by noise amplification equipment, causing my property to vibrate with the noise and disturbing the sleep of my daughter. This is combined by full car headlights which shine directly into my property as the drivers do not consider it necessary to turn them off whilst parked on the forecourt. Most of the noise happens during the evening. The garage currently do nothing to control the nuisance although they are aware of the effect it has on the neighbouring properties as complaints have been made to the garage personnel on a regular basis regarding noise. I understand that letters addressed to the previous owners remain unanswered. No notices are displayed requesting that the public respect the needs of local residents and to leave the premises and the area quietly, contrary to condition 6.4 of the Council's Statement of Policy.

Young people arrive on bicycles (to use the air pressure facilities) and skateboards. The islands on which the petrol pumps are situated become ramps on which to practice their "manoeuvrability skills" to the applause of their friends before disappearing into the lakes and common area behind the Business Park.

It is anticipated that the increased level of crime and anti-social behaviour from the sale of alcohol from the garage premises, will have a detrimental effect on the value of my property and the safety of my family.

The protection of children from harm

As a single mother, my main concern is obviously the health and safety of my daughter. If the level of noise and violence increases after alcohol was permitted to be sold from the garage, I would have to move house in order to protect my daughter from the possibility of an alcohol related break-in to my home. With the obvious devaluation of my property, it will be difficult for me to find a similar property within the area – or a purchaser for my property who would be prepared to live next door to licensed premises.

The proposed presence of CCTV at the garage premises is welcomed. May I suggest that such CCTV also be positioned so as to record incidents of urination and littering along the accessway to the Headlands Business Park along the side of my property so that relevant prosecutions can be followed up by the police.

The garage have done nothing to date to prevent children from misusing the forecourt as an area for skateboarding/cycling adventure or restricting the use of its air pressure facilities. The applicant seeks to rely on the future provision of CCTV and staff training/the Challenge 21 Policy to protect children from harm. The applicant has failed to show that it will actively encourage its staff members to intervene directly in the future to prevent alcohol-related nuisance by children on its forecourt.

In conclusion ...

Both Threshers in the High Street, Ringwood and in Gorley Road, Poulner open until 10pm and the Somerfield store/garage on the A31 at Ringwood open 24 hours, sell alcohol. The BP Spar garage, situated approximately 0.7 miles from the A31 roundabout at Ringwood would provide no additional service to the largely residential community if granted an alcohol licence or be permitted to remain open 24 hours, other than to attract more vandalism onto Headlands Business Park, the lake/scout hut beyond, the residential properties on Salisbury Road and in Snails Lane.

Finally, I would point out that there are various restrictive covenants binding the freehold registered title to the premises now owned by BP Spar which prohibit the sale of alcohol. Similar covenants are attached to the neighbouring residential properties. BP should not be permitted to breach these covenants which were obviously made for a very good reason. I attach a copy of the Registered title at Land Registry with the relevant covenant highlighted.

Further, section 176 of the Licensing Act 2003 prohibits the sale of alcohol at service areas, garages etc. If the Act is to be respected, then the application must fail.

According to the Licensing Policy produced by New Forest District Council, there are approximately 800 licensed establishments in the District. Do we really need one more on a major road (the A338) which suffers from an inordinately high number of fatalities and on premises where it would not provide any benefit to the local residential population?

Similarly, for the reasons set out herein, I would request that the application to trade between 11pm – 5am be rejected as this would have an adverse consequence on the neighbouring residential properties. Not only would it encourage all-night anti-social behaviour, the noise from cars and HGVs visiting the garage forecourt throughout the night would affect my family's health. It is submitted that this application is being brought through the back door in breach of paragraph 9 of the Council's Statement of Policy (planning).

BP Spar have failed to consider the effect that a licence to sell alcohol and/or all night trading would have on the local resident community. It has not approached the local residents but hides behind the statutory placing of a notice in a position not visible to most users of the garage shop.

Given that I live alone with a young child, I trust that this letter is not circulated outside the relevant department responsible for considering the application, and that my personal details remain confidential. If a copy is forwarded to BP Spar, I would ask that they and their solicitors respect my request for confidentiality.

Yours faithfully

Helen Porter (Ms)

Enc: Office Copy Entry of Title No. HP149048

Representation form for other persons

N.F.D.C.
RECEIVED
★ 24 SEP 2019 ★
POST ROOM
Mrs ATC

W2

Full name	Lorna Wise	Title	Mrs ATC
Home address	Fraser House, Salisbury Road, Blashford, Ringwood, Hants. BH24 3PB		
Email address	[REDACTED]		
Phone number	[REDACTED]		

Name of premises you wish to make a representation about	Peregrine Retail Ltd Budgens Windmill Service Station
Address of premises you wish to make a representation about	Salisbury Road Blashford Ringwood Hantspshire BH24 3PB

Which of the four licensing objectives does your representation relate to?	(✓) Tick	Please add full details of your concerns regarding the application and include any evidence to support your representation. Please use separate sheets if necessary
Prevention of crime and disorder	(/)	Whether racing, riding backwards and forwards continuously, on scooters, motorcycles and cars by some of the local 'unruly elements' on Headlands Business Park constitutes 'DISORDER' under the LA 2003 I am unable to say, but such things do occur on reasonably regular occasions.

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		<p>Allowing the garage to open 24hours earlier this year has created issues for those of us who live locally. Complaints were made to management on a number of occasions. The garage have also had problems in the past with local youths.</p> <p>Alcohol sales would only increase these issues.</p>
Public safety	(✓)	<p>Along the footpath through Blashford and near the garage, there are ditches in the verges. They are overgrown and in the past I have raised concerns with NFDC that someone could fall in as they are not visible as ditches, especially as there are no street lights. If alcohol is involved it could be more likely this may happen.</p>
Prevention of public nuisance	(/)	<p>NOISE</p> <p>Blashford is a small village with no street lighting in the New Forest.</p> <p>Up until earlier this year the garage closed at 10pm. They asked the NFDC for an amendment to their licence to open 24 hours daily. The houses that are the closest, the width of the road, objected. We were later told that the amendment had been granted and we would need to monitor the situation.</p> <p>Since we have made numerous complaints ,mainly about noise and the strong lights of the advertising boards on the side walls, these are at the bottom of our drive. We have asked if they could be switched off at night, only to be told everything is on the same switch!!!!</p> <p>4am on Saturday 31st August I had to go across and ask them to be quiet as the deliveries had woken me up. Very load banging and cages being taken across the forecourt, lasting 20 minutes or more. The noise of a lorry's reversing alarm at that time in the morning is like an alarm clock going off .A few days later I spoke to the manager again as I was woken up around 5am. Again reversing noises and cages being moved. This time they left their engine running too.</p>

	<p>She informed me that was usual timing for deliveries. No consideration for the neighbours there then.</p> <p>Their handyman regularly uses an industrial strimmer at around 7.15am in the morning to do the verges Extremely noisy. Even on Sundays, I've asked them to stop him only to be told that he has to do it then as he finishes at 8am. What would they say if it was one of their neighbours gardening at that time?</p> <p>The above issues led to me complaining to the environmental health team at NFDC.</p> <p>We live on the A338, a busy road during the day, but quiet at night we would like it to stay that way. Without attracting cars, vans and HGVs.</p> <p>The store manager said they have very few sales at night, therefore selling food and alcohol they are hoping to increase their sales. Profit over local peoples peace and quiet.</p> <p>We all struggle during the day to get in and out of our drive, as do our neighbours. I think we tolerate the garage users enough. Our right to a quiet nights rest should be seen as a priority over company profits. A company who are already the largest profit making retail company in the country.</p> <p>LIGHT</p> <p><i>Under 6.5 of NFDC's Statement of policy.</i></p> <p><i>Flashing or particularly bright lights on or outside licensed premises may cause a nuisance to nearby properties and may distract road users, especially in unlit areas.</i></p> <p>Now the advertising boards that were turned off at 10pm previously are left on all night. In a village with no street lights they are extremely bright. Our bedroom window is in direct line.</p>
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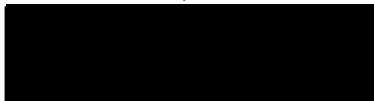
		<p>LITTER</p> <p>It is plain that some customers on foot and in cars, visiting the Service Station and Shop, who purchase food and drink including alcohol are not overly concerned as to where the disposal of their empty bottles, cans and packaging should take place. Which accounts for the fact that such litter can be found all around the garage entries, thrown down on the roadway, in ditches, my driveway with bottles and rubbish thrown over fences etc. The opening of the Station will just add to this problem either to greater or lesser extent with hot food being sold. All the litter seems to originate from Windmill Service Station and Budgens. More bottles and cans???</p>
<p>Protection of children from harm</p>	<p>(✓)</p>	<p>Concerns around underage customers that could be attracted to the garage to buy alcohol and then creating problems in the area through drunken behaviour. They will always find a way round any conditions in place.</p>

Are there any steps or conditions which the applicant could take or add to the application which would alleviate your concerns?

If yes – please give details below

None. Don't allow the amendment to sell food and drink at night. Only people with alcohol problems need to buy alcohol after normal selling hours. Again creating possible problems for us as locals.

If you do make a representation you will be invited to attend a Licensing Sub-Committee meeting where the application will be considered, together with any subsequent appeal proceedings.

<p>Will you be prepared to attending a hearing?</p>	<p>(Yes)</p>
<p>I acknowledge that my representation will form part of a public document at a hearing, (personal telephone numbers, email addresses and signatures will be redacted)</p>	<p>Please initial LW</p>
<p>OVERVIEW</p> <p><i>Under 2.5 of NFDC's Statement of policy.</i></p> <p><i>'The Council's primary focus is the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the vicinity of the premises concerned.'</i></p> <p>We once again have to write to the NFDC licencing about our concerns. It's a disgrace.</p> <p>Anything we change to our homes in this area takes, in some cases, years to go through NFDC. Yet the 24 hour opening was granted with very little consideration to the impact on local people and their wellbeing.</p> <p>There are already two 24 hour petrol stations in the Ringwood area, both of which supply refreshments and one hot food and a full grocery service.</p>	
<p>Signature</p> 	<p>Date</p> <p>20/09/2019</p>

Sarah Herringshaw

From: Lorna Wise [REDACTED]
Sent: 09 September 2019 09:05
To: Licensing e-mail address
Subject: Peregrine Retail Limited. Windmill service station Blashford

Dated 9th September 2019

Regarding the extension to the application for changes to their licence to permit selling of alcohol and food 24 hours daily.

Below are my reasons for objecting to these changes.

Peregrine Retail Limited own the Shell/Budgens garage on Salisbury Road Blashford near Ringwood.

Blashford is a small village with no street lighting in the New Forest.

Up until earlier this year the garage closed at 10pm. They asked the New Forest District Council for an amendment to their licence to open 24 hours daily. The houses that are closest, width of the road, objected. We were told the licence was granted and we would need to monitor the situation.

Since then we have all made numerous complaints, mainly noise and the strong lights of the advertising boards, these are at the bottom of our drive. We have asked if they could be turned off at 11pm but were told they are all on the same switch???

4am on Saturday 31st August I had to go across and ask them to be quiet as their deliveries had woken me up. Very load banging and cages being taken across the forecourt, lasting 20 minutes or more. Not the first or last time. A few days later I complained again to the Manager, this time it was 5am. She informed me that's when they arrive every day. No consideration for the neighbours.

Having complained to Environmental Health on Monday 2nd September I was upset to see the application for change on the posts on 6th September. Only leaving us until 27th to object. No letters sent out by NFDC to the locals once again. For changes this I believe is not required.

They have a handyman who regularly uses an industrial strimmer at 7.15am or earlier. Even on Sundays. Extremely noisy. When I asked for it to stop I was told he finishes at 8 am so has to do it then. An absolute joke.

They have now asked for another change to their licence. To sell alcohol and food 24 hours daily. We believe this is because they have had very few sales at night and now have erected a huge sign outside on the grass verge displaying the fact they are open 24 hours, and hoping alcohol and food sales will increase their footfall.

We believe this will only attract the wrong kind of people, those wanting alcohol out of hours. This could lead to anti social behaviour, which we have had in the past from the local usual bunch of people.

When I spoke to the Manager, she said they had previously been broken into and knew it was thus

local group responsible but police couldn't prove it. The ATM was stolen and she said that was the reason they were open 24hours. This is not true as the extension to licence was applied for before this theft.

We live on A338, a busy road during the day, but quiet at night. We would like it to stay that way without attracting cars, vans and HGVs.

I struggle during the day to get in and out of my drive, as do the neighbours. I think we tolerate the garage users enough. Our right to a quiet nights rest should be seen as a priority over company profits.

We once again have to write to the NFDC licensing about our concerns. It's a disgrace.

Anything we change to our homes takes, in some cases, years to go through the NFDC. Yet this is granted with very little consideration to the impact on local people and their wellbeing.

Regards
Lorna Wise

Sent from my iPad

W3

Representation form for other persons

Full name	J D & V J Heath	Title	Mr&Mrs
Home address	Manhattan House Salisbury Road, Blashford, Ringwood, Hants. BH24 3PB		
Email address			
Phone number	[REDACTED]		

Name of premises you wish to make a representation about	Peregrine Retail Ltd Budgens Windmill Service Station
Address of premises you wish to make a representation about	Salisbury Road Blashford Ringwood Hantpshire BH24 3PB

Which of the four licensing objectives does your representation relate to?	(✓) Tick	Please add full details of your concerns regarding the application and include any evidence to support your representation. Please use separate sheets if necessary
Prevention of crime and disorder	(/)	We have lived at our present address since 1991 (28Years) During that time Windmill service Station has evolved from a dispenser of petrol and diesel ,plus a few motoring sundries like oil and water, to the mini supermarket it is now. When an all night alcohol licence was granted some years ago it caused a great deal of trouble for people who lived near-by. Gangs of young people would congregate under the lighted area talking and shouting loudly and the language was obscene
Public safety		Insufficient knowledge.
Prevention of public nuisance	(/)	We would lock our doors and stay in at night. On several occasions the police were called in an attempt to quieten the crowd. This could go on after midnight sometimes until 3-4 am. In the morning we would regularly find plastic and glass bottles and beer cans in our drive and often stuffed into our hedge.

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		<p>LIGHT</p> <p><i>Under 6.5 of NFDC's Statement of policy. Flashing or particularly bright lights on or outside licensed premises may cause a nuisance to nearby properties and may distract road users, especially in unlit areas.</i></p> <p>There is no street lighting along Salisbury Road, all the Service Stations lights will be on all through the night including all its illuminated advertising signs. This would attract local youths again.</p>
Protection of children from harm		No information.

<p>Are there any steps or conditions which the applicant could take or add to the application which would alleviate your concerns? If yes – please give details below</p>
<p>None.</p>

If you do make a representation you will be invited to attend a Licensing Sub-Committee meeting where the application will be considered, together with any subsequent appeal proceedings.

Will you be prepared to attending a hearing?	(Yes)
I acknowledge that my representation will form part of a public document at a hearing, (personal telephone numbers, email addresses and signatures will be redacted)	<p>Please initial</p> <p>V J H</p>
OVERVIEW	
<p>If a 24 hours alcohol licence was granted again we have no reason to think it would be any different from what we have previously experienced and for that reason we would object strongly to granting this request for the licence.</p> <p><i>Under 2.5 of NFDC's Statement of policy.</i></p>	

The Council's primary focus is the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the vicinity of the premises concerne

Signature	Date
	2/06/2019

W4

Full name	Ellingham, Harbridge & Ibsley Parish Council.	Title	
Home address	C/o Chairman, Miss L T Burtenshaw		
Email address	lindsay.burtenshaw@ehipc.co.uk		
Phone number	[REDACTED]		

Name of premises you wish to make a representation about	LICPR/10/08167 Budgens, Windmill Service Station
Address of premises you wish to make a representation about	Salisbury Road, Blashford, Ringwood BH24 3PB

Which of the four licensing objectives does your representation relate to?	(✓) Tick	Please add full details of your concerns regarding the application and include any evidence to support your representation. Please use separate sheets if necessary
Prevention of crime and disorder	Tick	<p>It is a well known fact that alcohol consumption is likely to increase the risk of crime and disorder and therefore the proposal is bound to be detrimental to one of the main licensing objectives.</p> <p>If the 24 hour opening of a garage/shop with the sale of alcohol and refreshments were to be granted, it could set a precedent for more appropriate premises i.e. public houses, to be open 24 hours which might lead to an intolerable and potentially dangerous situation?</p> <p>As a parish council, the safety and security of our residents is paramount in our concerns. This application, if granted, would lead to a failure by all local authorities of their duty to others.</p>
Public safety	Tick	<p>Anti-social behaviour such as increased litter, the threat of burglaries, the potential fire hazards from smoking near the petrol station are all likely to increase if alcohol and refreshments are available for consumption on a 24 hour basis and particularly during the night, after other public</p>

		houses have closed? This would have the effect of leaving local residents feeling vulnerable with a potential lack of their safety and security.
Prevention of public nuisance	Tick	Noise: Car horns sounding, shouting profanities, lorry deliveries and the movement of equipment, vehicles arriving and leaving, revving of engines. Light: 24 hour illuminations (otherwise in an area with little or no street lighting) leading to sleep deprivation.
Protection of children from harm	Tick	The availability of alcohol and refreshments on a 24 hour basis could well encourage under-age drinking and maybe the use of illegal substances. Younger children could also be badly influenced by the example set by adults in any anti-social behaviour.

All the above concerns are well evidenced by local residents

**Are there any steps or conditions which the applicant could take or add to the application which would alleviate your concerns?
If yes – please give details below**

**We wish to see a return to the Licensable Activities and times permitted as set out in the Decision of the NFDC Licensing Sub-Committee on 18th June 2009.
i.e. Supply of Alcohol 08.00 to 23.00 hours Monday to Sunday
Premises Open to the Public 06.00 to 23.00 Monday to Sunday**

(It is particularly noted that, at the time, the applicant withdrew their application for 24 hours opening and late night refreshment to alleviate the concerns of objectors.)

There is no change today in the level of those concerns of residents.

Similarly, there have been no changed circumstances or mitigating proposals put forward by the applicant to justify either 24 hour opening or the sales of

alcohol.

Earlier this year, the premises started to open for 24 hours. This would surely constitute a Change of Use and therefore require (planning) consent?

We would seek clarification on the legality of these opening hours for the premises, before any decision is taken by the Licensing Authority on any specific retails.

In May 2019 a Minor Variation application was received to vary the opening hours to 24 hours (and provide late night refreshment) so it was already accepted by the applicant that existing opening hours did not extend to 24 hours.

The installation of appropriate low-level lighting and CCTV cameras to protect the security of both the garage and adjoining residential premises outside of authorised opening hours might go some way to alleviate concerns.

If you do make a representation you will be invited to attend a Licensing Sub-Committee meeting where the application will be considered, together with any subsequent appeal proceedings.

Will you be prepared to attending a hearing?	Yes
	Please circle
I acknowledge that my representation will form part of a public document at a hearing, (personal telephone numbers, email addresses and signatures will be redacted)	Please initial
	LTB
Signature LTB	Date. 27/09/19

Licensing Services privacy notice can be viewed on the Council's website at <http://www.newforest.gov.uk/article/18315/Licensing-Services-Privacy-Notice>

Please return this form along with any additional sheets / supporting information to : licensing@nfdc.gov.uk or post to

Licensing Manager
Licensing Services
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA

Kelly M. Say

From: Lindsay Burtenshaw <[REDACTED]>
Sent: 27 September 2019 17:17
To: Licensing e-mail address
Cc: Development Control (Dev Control); Environmental & Regulation Administration; Emma Lane; Cllr Emma Lane; Roly Errington; Lindsay Burtenshaw; Cllr Thierry
Subject: Licensing Act 2003 - Variation Premises Licence (S34) Ref: LICPR/10/08167 Budgens, Windmill Service Station BH24 3PB
Attachments: NFDC LICPR - Representation form and guidance V03 051118 (3).doc

Dear Sirs

I am writing on behalf of Ellingham, Harbridge & Ibsley Parish Council in response to your letter dated 30 August and the application received to extend the sales of alcohol to 24 hours, daily off the premises and add the provision of late night refreshment and other amendments to the existing Licence.

The Council strongly object to the proposal of the 24 hour sales of alcohol as it would be likely to violate all of the four licensing objectives and we would ask for a hearing attended by all members of the responsible authorities to consider representations made by us and our residents. I attach the Representation form as required.

It is accepted that Representations can only be made based on the four licensing objectives. However, clarification is first needed as to the legality of the existing Opening Hours as we assume any decision by the Licensing Authority will be based on the Permitted Hours of Opening?

Recently, the premises have started to open for 24 hours. We would ask by what authority this Change of Use is permitted?

By its decision on 18 June 2009 (para 6), the Licensing Sub-Committee ruled:-
Supply of Alcohol 08.00 to 23.00 hours Monday to Sunday.
Premises Open to the Public 06.00 to 23.00 Monday to Sunday
At that time, the applicant "withdrew their application for 24 hour opening and late night refreshment" in order to alleviate the concerns of objectors.

There is no change today in the level of those concerns of residents.

Furthermore, we would ask what has fundamentally changed since 2009 to either justify a 24 hour opening of the premises or to extend the sales of alcohol for night time trading?
Between the hours of 23.00 and say 06.00, the A338 is a relatively quiet traffic route so consequently this remains a predominantly residential area which should be respected as such.

We would have thought the opening hours of a premises (usually outside the remit of the Licensing Authority) would fall to be decided or curtailed by Development Control; hence a copy of this email to them (and Environmental Health).

Earlier this year, there was a similar application (under the same reference no. but as a S41A Minor Variation) to vary the opening hours to 24 hours and provide late night refreshment. This was refused.

What has changed since May 2019 when the applicant wished to **vary** the opening hours to 24 hours compared to the current application when it is assumed there is an **existing** 24 hour opening time?

In our opinion, none of the circumstances or reasons for objection and representation have changed either since 2009 or since the Minor Variation application in May.

We trust the relevant authorities will take our concerns and objections into account.

Yours faithfully

Cllr Lindsay Burtenshaw (Chairman)

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