

South Hams Licensing Sub-Committee



Title:	Agenda
Date:	Wednesday, 22nd March, 2017
Time:	10.00 am
Venue:	Cary Room - Follaton House
Full Members:	<p style="text-align: center;">Chairman Vice Chairman</p> <p><i>Members:</i> Cllr Holway Cllr Pringle Cllr May</p>
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Committee administrator:	Member.Services@swdevon.gov.uk

1. Appointment of Chairman

2. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

3. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests; they may have in any items to be considered at this meeting;

4. Application for new premises licence for Salcombe Brewery, Estuary View, Ledstone Cross, Kingsbridge, TQ7 4BL

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Agenda Item 4

Report to: **Licensing Sub-Committee**

Date: **22nd March 2017**

Title: **Application for new premises licence for Salcombe Brewery, Estuary View, Ledstone Cross, Kingsbridge, TQ7 4BL**

Portfolio Area: **Customer First**

Wards Affected: **Allington and Strete**

Relevant Scrutiny Committee:

Urgent Decision: **Y** Approval and clearance obtained: **Y**

Author: **Naomi Wopling** Role: **Specialist – Licensing**

Contact: **01803 861268 / naomi.wopling@swdevon.gov.uk**

Recommendations:

That the Sub-Committee consider the application for a new Premises Licence and make determinations in respect of this application, namely to:

- i) grant the application as submitted, subject to any Mandatory Conditions required;**
- ii) modify the conditions of the licence;**
- iii) exclude any of the licensable activities to which the application relates;**
- iv) to refuse to specify a person in the licence as the premises supervisor;**
- v) reject the application,**

in line with the licensing objectives contained within the Licensing Act 2003.

1. Executive summary

- 1.1 The purpose of the Licensing Sub-Committee meeting is to determine an application for a new Premises Licence at **Salcombe Brewery, Estuary View, Ledstone Cross, Kingsbridge, TQ7 4BL** in accordance with Section 18 of the Licensing Act 2003.
- 1.2 The Licensing Authority received an application for a new Premises Licence for the above on 25 January 2017. A copy of the application is attached at **Appendix A**. The application is for the sale of alcohol for consumption on and off the premises Monday to Thursday from 9am to 11pm; Friday and Saturday from 9am to midnight; Sunday from 11am to 10pm.
- 1.3 During the consultation period some changes to the licensed hours and additional conditions were included in liaison with the Police, details can be found at **Appendix B**. The applicant has agreed to amend the time for the last sale of alcohol to 9.30pm.
- 1.4 The premises is a brewery. It is proposed that alcohol will be sold for consumption off the premises from an onsite shop unit and for consumption on the premises, primarily for those attending tours of the brewery. There will also be online and telephone sales of alcohol for consumption off the premises.
- 1.5 Seventeen representations were received during the consultation period from local residents, including the parish council and the District Councillor for Allington and Strete, which can be found in **Appendix C**. The main areas for concern relate to public safety due to the location of the premises and public nuisance caused to nearby residents from noise, light pollution and increased traffic. While there is concern about the sale of alcohol for consumption off the premises outside of 'normal business hours', the main area of concern is the sale of alcohol for consumption on the premises. There are fears of 'drink driving', noise and anti-social behaviour from customers drinking alcohol at the premises, as well as concern that the site does not have the capacity to accommodate customers parking on the premises, which could lead to vehicles parked dangerously on the road.
- 1.6 The premises is located at Ledstone Cross between Belle Hill Road and Stumpypost Cross roundabout. Maps showing the location of the site and photos showing access to the site from the road are found at **Appendix D**. Many of those that have made a representation have raised concern in relation to public safety due to the access to and from the site from the adjacent fast moving road, close to three junctions.
- 1.7 Most of the representations received have made reference to the planning permission which is in place at the site. Under Licensing Act 2003 the Licensing Authority are only able to consider reasons

relating to one or more of the four licensing objectives. The lack of appropriate planning permission cannot be taken into consideration when determining a premises licence application. In circumstances where a premises licence is granted at a location where the correct planning permission is not in place, the licence holder would not be in a position to operate until appropriate planning permission was given. In this case, Planning Specialists are aware of the premises licence application and will be advising the applicants regarding any additional planning requirements accordingly.

- 1.8 We have not been able to mediate between parties and so a satisfactory conclusion has not been possible. The Licensing Sub-Committee will now need to consider this application

2. Background

- 2.1 As relevant representations in respect of this application have been received, which have not been withdrawn and mediation has not been possible, the Licensing Sub-Committee acting on behalf of the Licensing Authority must make a determination on this application. When coming to a decision, the Licensing Sub-Committee must give consideration to the Council's Statement of Licensing Policy (the Policy) and Home Office guidance issued under Section 182 Licensing Act 2003 (revised March 2015).
- 2.2 Section 3.1 of the Policy states: The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives. (These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate to achieve the licensing objectives).
- 2.3 The four licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.
- 2.4 Section 3.2 of the Policy states: A licence (or club premises certificate) will only be granted where the Licensing Authority is satisfied that these objectives have been met.
- 2.5 Sections 3.4-3.7 of the Policy lists the kind of measures the Licensing Authority will be expecting to see taken into account to promote the objectives.
- 2.6 Section 4.1 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.

2.7 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in March 2015 state: The Licensing Authority may not impose conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives (paragraph 10.8 of the guidance).

2.8 The following responsible authorities are statutory consultees under the Licensing Act 2003:

- Devon and Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Devon Safeguarding Children's Board
- Devon County Council Trading Standards
- Devon Drug and Alcohol Action Team, NHS Devon
- South Hams District Council Planning Department
- South Hams District Council Environmental Health (Health & Safety)
- South Hams District Council Environmental Health (Pollution Control)

Out of the above responsible authorities, representations were only received from the Police and amendments have been agreed with the Applicant.

2.9 In addition to the above responsible authorities, any person may make a representation in relation to a premises licence application.

3. Outcomes/outputs

3.1 When determining an application for a premises licence, particularly when considering appropriate conditions and operating hours, the following sections of the Statement of Licensing Policy (the policy) and Section 182 Guidance (the guidance) are especially relevant:

3.2 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave (paragraph 2.18 of the guidance).

3.3 Section 6.1 & 6.2 of the policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged, consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or other persons on the basis of the licensing objectives. However, when dealing with licensing hours beyond midnight it is

more likely that relevant representations will be made unless there are higher standards of control within operating schedules to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.

- 3.4 Section 6.4 of the policy states: The terminal hours will normally be approved where the Applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the Licensing Authority believe it necessary, proportionate and reasonable to restrict the hours required. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area.
- 3.5 Paragraph 10.14 of Guidance issued under Section 182 of the Licensing Act 2003 states: where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 3.6 Paragraph 10.15 of the Guidance then continues: Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. Section 6.8 of the Policy gives the following as reasons for a restriction: This could be if an individual shop is known to be a focus of disorder and disturbance and relevant representations have been received. Another such reason may be a particularly early opening time, where there are reasons to believe that the availability of alcohol at that hour could impact adversely on the licensing objectives.
- 3.7 Section 10.1 of the Policy states: The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited unless it is considered necessary to do so in order to protect them from harm.
- 3.8 Section 10.2 of the Policy states: When deciding whether or not to limit access to children the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern and warrant restrictions in the operating schedule include premises: -
- where entertainment of an adult or sexual nature is provided
 - where there is a strong element of gambling taking place
 - with a known association with drug taking or dealing

- where there have been convictions of the current management for serving alcohol to minors
 - with a reputation for allowing underage drinking
 - where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises.
- 3.9 The desired outcome is a determination of the application with reasons provided which relate to the four licensing objectives and when conditions are imposed, that these are appropriate to address the licensing objectives.

4. Options available and consideration of risk

- 4.1 The Licensing Authority may decide to impose additional conditions to address the four licensing objectives, or to amend or remove requested licensable activities. When coming to their decision the Licensing Sub-Committee must give consideration to the Section 182 Guidance and the Statement of Licensing Policy. Reasons must be given which relate to the licensing objectives for any decision made.
- 4.2 The Sub-Committee will need to consider the hours of operation proposed, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential properties, the history of the management of the premises (if applicable), the evidence provided of any problems in the past, the likely impact of any extension of hours and activities, public transport, taxi availability, the right the applicant has to operate a business and balancing the rights of residents to the quiet enjoyment and privacy of family life. The South Hams relies on tourism, with the population in the district doubling in the summer months with holidaymakers both from this country and international visitors who are, in the main, families with young children and retired people – the very segment of society who would perhaps be deterred by anti-social behaviour. These, and any other relevant issues, may be explored at the hearing in so far as it reflects the four licensing objectives.
- 4.3 A decision made by the Licensing Sub-Committee may be appealed by the applicant or any person who has made relevant representations. The right of appeal is to the Magistrates' Court by virtue of Section 181 and Schedule 5 of the Licensing Act 2003. The Magistrates' Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates' Court may make any costs order it thinks fit.
- 4.4 The Licensing Act 2003 contains a provision which enables a responsible authority or any other person to apply to this Licensing Authority for a review of the premises licence once granted. A

hearing follows which enables the Sub-Committee to use the normal powers available, but also to suspend the licence for a period of up to three months or to withdraw it.

5. Proposed Way Forward

5.1 That the Sub-Committee consider the application for a new Premises Licence and make a determination in respect of this application, namely to:

- i) grant the application as submitted, subject to any Mandatory Conditions required;
- ii) modify the conditions of the licence;
- iii) exclude any of the licensable activities to which the application relates;
- iv) to refuse to specify a person in the licence as the premises supervisor;
- v) reject the application,

in line with the licensing objectives (Section 4) contained within the Licensing Act 2003.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Licensing Act 2003 gives Licensing Authorities the responsibility for determining applications submitted under this provision. This is a statutory obligation.</p> <p>As there have been relevant representations in respect of this application which have not been resolved, this hearing must be held. Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by responsible authorities or any other person. The Licensing Sub-Committee must disregard any information or evidence not relevant to the licensing objectives.</p> <p>The Licensing Sub-Committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The Licensing Authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.</p>

		<p>The Act requires (Section 18) that in dealing with a new premises licence application, the committee takes any of the following steps which are appropriate for the promotion of the licensing objectives:</p> <p>(a) to grant the licence subject to:-</p> <p>i) the conditions mentioned in section 18 (2)(a) [ie as applied for] modified to such as extent as the authority considers necessary for the promotion of the licensing objectives, and</p> <p>ii) any conditions which must under section 19, 20 or 21 be included in the licence;</p> <p>(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;</p> <p>(c) to reject the application</p> <p>The Sub-Committee must give its reasons for its decision to take any of these steps. Similarly, if the application is rejected, the Sub-Committee must give its reasons.</p> <p>The applicant or any person who has made relevant representations has the right to appeal a decision made by the Licensing Sub-Committee to the Magistrates' Court by virtue of Section 181 and Schedule 5 of Licensing Act 2003.</p> <p>On appeal, the Magistrates' Court may:</p> <p>a) dismiss the appeal;</p> <p>b) substitute for the decision appeal against another decision which could have been made by the Licensing authority;</p> <p>c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.</p>
Financial	N	<p>There are no direct financial implications to the Council from this Report. However, should a decision be challenged this could result in the Council facing an appeal to the Magistrates Court with the risk of costs being awarded against the Council.</p>
Risk	Y	<p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained within the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.3). These objectives are in place to give protection to the</p>

		public from the potential negative impacts caused by licensed premises. Decisions may be appealed (see financial and legal/governance sections above).
Comprehensive Impact Assessment Implications		
Equality and Diversity		Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial.
Safeguarding		All decisions must take into consideration the ‘protection of children from harm’ licensing objective.
Community Safety, Crime and Disorder		Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.3 of this report.
Health, Safety and Wellbeing		All decisions must take into consideration the four licensing objectives, including ‘public safety’ and ‘protection of children from harm’.
Other implications		

Supporting Information

Appendices:

Appendix A – premises licence application and plan

Appendix B – amendments agreed between the Police and the Applicant

Appendix C – representations

Appendix D – maps showing location of premises and photographs of site location from road

Background Papers:

[under provisions of the Local Government Act 1972]

The Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

South Hams District Council’s Statement of Licensing Policy

Responses to Notices of Hearing

Agreement from Applicant to Police amendments

Consent to be DPS form

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Yes/No

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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	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	EV001	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
<p>Are you an agent acting on behalf of the applicant?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>		<p>Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.</p>

Applicant Details

* First name	Gavin	
* Family name	Hogg	
* E-mail	[REDACTED]	
Main telephone number	[REDACTED]	Include country code.
Other telephone number		
<p><input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone</p>		
<p>Are you:</p> <p><input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader</p> <p><input type="radio"/> Applying as an individual</p>		<p>A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.</p>

Applicant Business

Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	<p>Note: completing the Applicant Business section is optional in this form.</p>
Registration number	08692080	
Business name	Salcombe Brewery Co. Ltd	If your business is registered, use its registered name.
VAT number	- 233043451	Put "none" if you are not registered for VAT.
Legal status	Public Limited Company	

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Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of 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.

We are a stand alone brewery premises. We intend to run both a retail shop unit supply off - supplies of alcohol as well as running a brewery taproom for on site sales of alcohol

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

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

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Section 15 of 19**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

 Yes No**Standard Days And Timings**

MONDAY

Start End Start End Give 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

Will the sale of alcohol be for consumption:

 On the premises Off the premises BothIf 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.

Continued from previous page...

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

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

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

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

Give 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.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give 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

Continued from previous page...

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

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

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

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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.

All staff will be trained in challenge 21 to ensure there is no underage drinking. We will also enforce no serving of people who are under the influence.

b) The prevention of crime and disorder

No serving of people under age or influence to ensure there are no alcohol related incidents

c) Public safety

We will have a rigorous health and safety policy in place which will ensure that we are compliant with all of the current and future legislation

d) The prevention of public nuisance

We are in a rural location so very limited noise issues.

e) The protection of children from harm

No issues as we will not be showing any age related material or off an adult nature

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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.

Premises Licence 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 your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event 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.

The information provided will be held securely by this Council in accordance with current Data Protection legislation. We must protect the public funds that we handle, so we may use the information provided to prevent and detect fraud. We may also share this information with other organisations that handle public funds. Information provided may also be used to check the accuracy of records held elsewhere in the council. See www.southhams.gov.uk for further information.

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?"

* Full name

Gavin Hogg

* Capacity

Managing Director

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* Date

/ /
dd mm yyyy

[Add another signatory](#)

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

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Date and time submitted	<input type="text"/>
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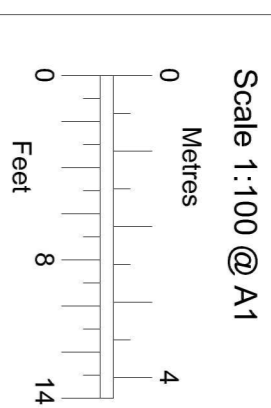
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GENERAL NOTES

Scale
Whilst the drawing has been originally produced and issued by the practice at the scale(s) indicated, please refer to figure dimensions only and check all dimensions on site.
Do not scale from this drawing.

Discrepancies
Discrepancies between issued drawings must be brought to the practice's attention so that they may be checked and amended before any decisions made or works are carried out.



 denotes new level

For further information on the soft landscaping refer to Eden Design's information package

Revision	Date	Revisions
C	29-04-2016	Updated
B	08-04-2016	Brewery extended
A	21-04-2015	Issued for Planning

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www.alda-architects.co.uk



Client:
Quercus Devon Ales Ltd.

Job Title:
Proposed Development at Slade Reservoir, Ledstone Cross, Kingsbridge, Devon, TQ7 4BL

Drawing Title:
Site Plan

Scale:
1:100 @ A1, 1:200 @ A3

Date:
February 2015

Drawn by:
R.H.

Dwg No.
ACL-1010-201

Rev.
C



**THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE FOLLOWING DRAWINGS:
SURVEY ACL-1010-001 SITE PLAN & ACL-1010-002 PLANS.
ACL-1010-202 ROAD ELEVS, ACL-1010-203 PLANS & ELEVS & ACL-1010-204 SECTION**

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Police Amendments

Section 15 Supply of Alcohol: Monday to Sunday 09:00 to 21:30 hours

Section 17 Hours premises open to public: Monday to Sunday 09:00 to 21:30 Hours

Section 18 Licensing Objectives

Section (a) General

Remove Challenge 21 and replace with Challenge 25 policy in place

Section (b) Prevention of crime and disorder

1. CCTV system will be installed and operative at all times while the premises are trading and the equipment to be maintained to the satisfaction of the chief of police. Recorded images to be retained for 30 days and made available to Police Officer on request, at any reasonable time.
2. All drinks to be served in toughened glass.
3. No bottles to be served that any person may have the intention to drink from.
4. Glasses to be cleared from public areas when finished or empty.
5. Zero tolerance to anti-social behaviour and a customer code of conduct notices to be displayed whilst members of public are on the premises.
6. Drinks taken from the premises will be in sealed containers.
- 7 All delivery drivers shall be 21 years of age and above.
8. All refusals will be detailed in a refusals book which shall be retained at the premises
7. All Patrons shall be accompanied by staff whilst on the premises.

Section (d) The prevention of public nuisance

1. Noise emissions shall be kept to an acceptable level not to cause unreasonable disturbance to residents in the local neighbourhood.

Section (e) The protection of children from harm

1. Challenge 25 Scheme shall be in place with posters displayed. Any individual who appears to be under the age of 25 will be asked to produce photographic ID as a passport or UK driving licence, preventing under age sales.
2. No person under the age of 16 shall be permitted inside the premises unless accompanied by a responsible adult.

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①

LICENSING APPLICATION FOR SALCOMBE BREWERY CO. LTD. LEDSTONE CROSS NEAR KINGSBRIDGE

At the Buckland tout Saints Parish Council meeting last night, councillors were unanimously unable to support this application for the following reasons.

It was felt there are material differences between the original and revised planning applications and the licence application.

These differences principally relate to the uses to which the premises will be used, and the hours of opening originally indicated, as compared to those included in the licensing application. Specifically section 18 of their planning permissions dated April 2015 and April 2016 do not include type/class use

A1 Shops,
A4 Drinking establishments or
D2 Assembly and leisure.

Furthermore the supporting Design & Access statement Section 6, penultimate paragraph, clearly states "there is no plan for the business to operate 'outside normal working hours'. However in their licence application dated 24th January 2017 they originally requested opening hours up to 10, 11 & midnight, which we understand the police have since amended to a maximum of 9.30pm all week. The council still considers this excessive as the applicants previously stated that they wouldn't be operating "outside normal working hours".

In addition, in Section 14 of their licence application, the provision of late night refreshments has not been requested.

All of these differences would have impacted against the original planning permission being granted, on the basis of potential for public nuisance.

At our parish council meeting we were told by the managing director and a senior director of Salcombe Brewery that they intended the following:
the Brewery shop open to 'locals and visitors',
brewery tours/tastings of up to fifteen people with a tap room,
pop-up food and beer events,
and from their website 'if you want to get stuck in come to our brew days where you can help brew our delicious beer.'

None of these activities were referred to in their planning applications and all of these will require an increase in volume of traffic into their premises at a junction which the parish council has already highlighted is of a major road safety concern.

See our submissions attached of Sept 15 and May 16 in response to the planning applications.

Increased pedestrian, and more importantly vehicular access to this site, coupled with a potential for alcohol consumption by drivers, could adversely impact road safety, given that the site exits onto a fast road, close to a 4 way junction, with limited sight lines. These risks could be exacerbated by the limited parking on site, which in busy periods could lead to parking on the verges, further limiting sight lines.

The original planning applications were to provide parking and facilities for 10 staff members. Opening up the business as a retail outlet with all the associated marketing activities as above, which has only become apparent through their licence application, will obviously create much heavier visitor traffic with its increased road safety

concerns, and associated parking problems, all of which exceeds the current planning approval for this site.

In conclusion the parish council have unanimously agreed that they cannot support this licence application, primarily in the interests of PUBLIC SAFETY

**And we wholeheartedly support the police directives appertaining to
PREVENTION OF CRIME AND DISORDER
PREVENTION OF PUBLIC NUISANCE
AND THE PROTECTION OF CHILDREN FROM HARM.**

Buckland tout Saints Parish Council
22nd February 2017



1a

Madeline Moore

**App No: 08/1841/15/F Site of Slade Reservoir, Ledstone Cross,
Kingsbridge TQ7 4BL for Quercus Brewery**

Madeline Moore

17 September 2015 at 12:51

To: Development Management <Development.management@southhams.gov.uk>

For attention of Mr Alex Sebbinger

Buckland tout Saints Parish Council met on 15th September and councillors made the following comments on this planning application.

Councillors have visited the current site at Churchstow and the proposed new site. The reason for the proposed relocation is clear when viewing the cramped site they are currently operating from and it was clear that the proposed site would benefit from development and that the Quercus plans are for something unobtrusive since much of the proposal is below ground.

However, there are some significant reservations, particularly concerning traffic safety implications of siting this operation at an already complex junction, and on a 60mph road. Visibility towards Stumpy Post Cross roundabout is not good, and even with the main entrance to the site moved 25metres towards Kingsbridge, vehicles exiting the site would still only have a 50 metre visibility on a 60mph road - the Highway Code states a stopping distance of 73 metres at that speed, and 53 metres at 50mph. It could also be argued that moving the main entrance would give motorists accelerating away from the roundabout more time to achieve the 60mph allowed. In addition to employee movements, delivery vehicles and effluent tankers, the stated desire to encourage retail customers would add to the traffic movements and so increase the risk of accidents.

As much as we would welcome the additional employment that their future expansion would bring, and indeed the success of this local business, our support would have to be tempered with our serious reservations about the traffic implications. We strongly feel that Highways should look at ways of reducing what we see as a substantial risk of accidents here - i.e. possibly a 30mph speed limit from Stumpy Post Cross roundabout to 200 metres on the other side of the proposed main entrance, or at least a 40mph limit. We feel they should support this application, as indeed we do, but ensure that road safety is paramount. It would be such a shame for this to be turned down because of issues that Highways could hopefully find solutions for.

Regards

Madeline Moore, clerk to BTS Parish Council

1250/16/VAR Variation on Planning 08/1841/15/F Quercus Brewery, Slade Reservoir, Ledstone Cross

1 message

Madeline Moore < >

26 May 2016 at 10:50

To: Development Management <Development.management@southhams.gov.uk>

For attention of Joshua Foster

At the council meeting of Buckland tout Saints Parish Council last night this variation application was discussed.

The original planning application was not opposed by the council, and this variation to it has also not been opposed, but councillors are very concerned that their significant reservations made in September 2015 about the traffic safety implications at this site do not appear to have been addressed in any way.

☞ To reiterate their original comments from September last year:

This operation is to be sited at an already complex junction and on a 60mph road. Visibility towards Stumpy Post Cross roundabout is not good, and even with the main entrance to the site moved 25 metres towards Kingsbridge, vehicles exiting the site would still only have a 50 metre visibility on a 60mph road - the Highway Code states a stopping distance of 73 metres at that speed, and 53 metres at 50mph. It could also be argued that moving the main entrance would give motorists accelerating away from the roundabout more time to achieve the 60mph allowed. In addition to employee movements, delivery vehicles and effluent tankers, the stated desire to encourage retail customers would add to the traffic movements and so increase the risk of accidents.

As much as we would welcome the additional employment that their future expansion would bring, and indeed the success of this local business, our support would have to be tempered with our serious reservations about the traffic implications. We strongly feel that Highways should look at ways of reducing what we see as a substantial risk of accidents here - possibly a 30mph speed limit from Stumpy Post Cross roundabout to 200 metres on the other side of the proposed main entrance, or at least a 40mph limit. We feel they should support this application, as indeed we do, but ensure that road safety is paramount.

☞ Finally, it was pointed out that at this time of year particularly the long grass on the verges is causing extra sightline problems at this junction.

Madeline Moore, Clerk
on behalf of Buckland tout Saints Parish Council

2

Naomi Wopling

From: Cllr R. Foss
Sent: 21 February 2017 13:16
To: Naomi Wopling
Subject: Re: New premises licence application - Salcombe Brewery, The Yard, Salcombe

Dear Naomi

Thanks for pointing out that one application applies to Salcombe .

My main concern is the application at ledstone, I am deeply concerned about the safety aspect of any increase of traffic in and out of the site .

I have no confidence in the Highways officers previous comments on the safety of getting in and out of the site.

I will be attending BTS council meeting this evening where two representatives from the Brewery will be making a presentation but at the moment I wish my objection to be registered.

Regards

Richard

Sent from my iPad

3

13 FEB 2017

13 FEB 2017

The Cottage,
Ledstone,
Kingsbridge,
Devon.
TQ7 2HQ.

Licensing senior case manager,
South Hams District Council / West
Devon Borough Council,
Follaton House,
Plymouth Road,
Totnes. TQ9 5NE

9th February 2017

FAO: Tara O 'Keefe.

Dear Madam,

Ref EV001 Salcombe Brewery Co. Ltd.

I wish to strongly object to the licence application for the above premises. When permission for was sought I believed it would be a Production & Distribution Facility with a shop for "Off sales" and open normal shop / business hours not a "Drinking Premises".

My objections are listed as follows:-

- (1) On a technical/legal point the form has not been correctly filled in: *Question 14 of 19 Asks:- LATE NIGHT REFRESHMENTS*

The applicant has replied:- *Will you be providing late night refreshments.*

What sort of response is this? The application should be rejected at this stage.

- (2) The premises are located on a blind bend at the junction of 5 roads. Traffic passes very quickly through this junction which is on a brow of a hill, is on a bend and has very poor line of sight for oncoming traffic. There has been one fatality on this road in the recent past when a pedestrian was killed by a speeding car, at night, not very far from this junction.
- (3) The premises are located next to the very narrow lane down to Ledstone. This lane has very few passing places and is used as a walking/jogging circular route by people from Kingsbridge and local villages as well as dog walkers, children and horse riders. Anything that increases the flow of traffic in this lane must be avoided. We especially do not want the lane used by "Late night drinkers" trying to avoid driving through Kingsbridge. There is

also the prospect of the lane being blocked by vehicles
"inconsiderately" parked.

- (4) Ledstone Cross can only reasonably be accessed by car. I think any premises that encourages the sale of alcohol to be consumed on the premises by motorists, especially at night, should be condemned.

I am not against the premises but consider the shop opening hours to be excessively late and I am totally opposed to the licence for a Tap Room.

Yours Sincerely,

Hugh Cullen.

CC Buckland tout Saints Parish Council.
Ledstone residents.



Naomi Wopling

From: Jan Davies <[REDACTED]>
Sent: 22 February 2017 06:56
To: Naomi Wopling
Subject: Fwd: Licensing application for Salcombe Brewery Ledstone Cross

Dear Naomi,

I feel that after attending the Parish Council meeting for the parish I need to add further concerns that have arisen since my initial email.

The company representatives told us that in addition to providing a tap room on site providing brewery tours for 15+ people they also had plans to have 'pop up events' with local food and drinks producers showing their products for sale to the public. This raises more concerns.

As mentioned before there are 10 parking spaces on site the producers would need transport and this would restrict the number of visitor's parking leading to unsafe parking on the roads nearby.

Along with this if the producers also make alcoholic beverages the ability for Salcombe Brewery to ensure that drinking is limited to tasters only could be difficult to manage.

The representatives of the brewery who attended the meeting did not seem to be able to tell us exactly how they saw the use of the site after gaining a license and this has raised concerns that once a license has been granted for 'tasting' in a tap room situation this will gather momentum and the associated problems of drink driving, noise, and light pollution would soon reach unacceptable levels.

I may add the representatives were LSO speaking about 'the shop' on site. nowhere is this shown on the original or amended planning applications.

Regards

Janice Davies.

----- Forwarded message -----

From: "Jan Davies" <[REDACTED]>
Date: 21 Feb 2017 17:10
Subject: Licensing application ref EV081 for Salcombe Brewery Ledstone Cross
To: <naomi.wopling@swdevon.gov.uk>
Cc:

I am writing to express my concerns over the above application for a license to sell alcohol for consumption on or off the premises.

I feel that the proposed hours mean that essentially this will become a public house rather than just a micro brewery. I also understand that the police had reservations regarding the proposed opening hours.

As far as I am aware this site is classed as light industrial and the initial planning application and subsequent approval did not include any provision for a retail outlet. There are 10 parking places specified for the 10 workers stated in the application positioned to allow delivery vehicles to turn around on site negating the need to reverse onto what is a very busy road with a number of junctions and limited visibility in some directions. If there is access for the public with a retail /drinking establishment increased parking on site has the potential to reduce the turning space and potentially mean either delivery vehicles or members of the public will need to either reverse out onto the main road or even worse park on the adjacent verges further reducing visibility for traffic joining the road to Kingsbridge from Stumpy Post Roundabout at Ledstone Cross.

I understand that an application for a showroom on this site by a previous owner was refused because of the increase of traffic by allowing the public access. Viewing of central heating products would have generated far less traffic than full licensing will.

I am also concerned that effectively turning the brewery into a public house will by necessity given its position mean travel to and from must be by car. This will I feel encourage greater use of the lanes through Ledstone if people who have been drinking wish to take the chance of being stopped by the police by

using back roads rather than main roads. Essentially turning this into a rat run. These are single track lanes with very few passing places, the first being a steep downhill run with a number of blind bends causing concern for the safety of walkers, children and animals using the lane as well as other vehicular traffic. There have in the past been a number of collisions causing substantial damage to the cars and of course on lanes like this insurance companies will generally not apportion blame to a single individual using 'knock for knock'.

This area has no mains drainage and any septic systems on the site I am assuming are designed for the number of staff on site and will not have made provision for any number of customers who may spend the evening drinking there.

I understand that the applicant has stated that the wish is to provide online sales from the site. If it is really necessary for the public to collect orders directly from the brewery surely normal retail trading hours are sufficient.

I also understand that the company has applied for a license for the sale of alcohol for consumption off the premises for an outlet in Salcombe. This site could support the online sales rather than direct from the brewery.

I conclude that I do not have a problem with the brewery itself on the basis of its original application for a brewery allowing the company to expand and provide jobs for the area, however I feel that this application should also consider the need for an application for planning permission for change of use from light Industrial to retail before granting a license to sell alcohol from the site.

Janice Davies
Jasmine Cottage
Ledstone
Kingsbridge
TQ7 2HQ

5

Naomi Wopling

From: Bob Fretton <[REDACTED]>
Sent: 22 February 2017 11:33
To: Naomi Wopling
Subject: Licensing Application - Salcombe Brewery - Ledstone Cross

Hello Naomi

I am writing to express my very real concerns regarding Salcombe Brewery's Licensing Application for the Ledstone Cross site.

In the Buckland tout Saints Parish Council meeting last night, the two representatives of the brewery failed to deliver the assurance sought that the safety issues raised would, or indeed could be adequately addressed.

The site is on a complex, and already very dangerous junction, with this newly developed site entering onto / off from a 60 mph road, and on a bend.

I, and others in the community, were not opposed to the development of the Micro Brewery that the planning application identified, (ie. no public access) even though we recognised that the associated vehicle movements would add further complexity to this dangerous junction, but were assured that DCC Highways would consider signage / speed restrictions to improve the road system and go some way to negating the increased risk. To date this has not happened.

We now find that Salcombe Brewery are attempting to use the licensing process to move their 'only operating during normal working hours' statement in their Planning Application to significantly later in the day – currently 9.30pm, and bring about a radical change of use from that which the SHDC Planning authority gave their consent. The public access to the site that they seek consent for – previously disallowed by the Planning department - raises very serious concerns for safety, with a further increase in vehicle movements, and during the hours of darkness. The road adjacent to the site is not lit, and in a very rural situation such as this, should not need to be.

Furthermore, when questioned regarding the parking provision on the site, it transpires that Salcombe Brewery have only planned for sufficient spaces to accommodate their staff. There is nowhere off site where people could park, other than the road, or on the grass verge.

We were told that, rather than a 'pub', this would be a place where people could do beer tasting. I do not want to spoil other people's pleasure, but given the risks to public safety that I hope I've adequately identified, I might ask 'how much alcohol is safe?'

Thanks for giving me the opportunity to make my views known, and I believe you'll be sending me an acknowledgement of your receipt of this email, together with details of the sub committee meeting.

With best wishes
Bob Fretton
Sunbeam Cottage
Ledstone
Devon
TQ7 2HQ.

[REDACTED]

6

Naomi Wopling

From: Ruth Fretton <[REDACTED]>
Sent: 11 February 2017 22:21
To: Tara OKeefe
Subject: Salcombe Brewery, Ledstone Cross, Licensing Application

Dear Ms Okeefe

As a nearby resident of the new development at Ledstone Cross near Kingsbridge, I am writing to record my concern that Salcombe Brewery are applying for a Licence to drink alcohol late into the night.

Mon – Thurs 9am-11pm
Fri – Sat 9am to midnight
Sun 11am-10pm

These drinking hours are not compatible with the local communities and geography of the area.

The Salcombe Brewery development is located on a fast moving 'A' road adjacent to three, well used junctions. We are also on the edge of an area of 'Outstanding Natural Beauty' with narrow, one track farm lanes all around.

I would like to recommend that in the first instance, a licence only be granted during normal retail hours (9am-6pm) and then perhaps as the business settles into the rural surroundings the licence operating times be reviewed in consultation with Buckland tout Saints Parish Council and the surrounding communities.

Please could you acknowledge receipt of this email.
Many thanks.
Ruth Fretton

Sent from Mail for Windows 10

7

Country Life,
Ledstone,
Kingsbridge.
TQ7 2HQ

RECEIVED
16 FEB 2017

14th February 2017.

Dear Ms. O'Keefe,

We are writing in relation to the Salcombe Brewery Licensing application at Ledstone Cross.

The original application for a brewery made no mention of a retail outlet and we assumed that the number of vehicles using this very dangerous junction of five conjoining roads, 3 farm gates and a nearby caravan site, would be minimal. The road leading from Stumpy Post Cross, always a fast road, is made worse by the fact that visibility of oncoming traffic is not in keeping with the speed of vehicles and can make exiting from the Ledstone road dangerous.

To add leisure vehicles to this dangerous junction, attending a bar for the purposes of alcohol consumption, many of whom will leave the premises having imbibed alcohol will only increase the dangers. At Stumpy Post Cross there is also a grave risk from boy racers who regularly leave skid marks around the roundabout and I imagine use the road past the brewery for their activities adding again to the dangers of late night closing.

At the moment there is no parking at the site and workers vehicles are severely hampering visibility at this junction. With limited parking for employees and trade vehicles within the original planning application there is a strong possibility that cars will overspill onto the road and verges again creating a hazard to all.

The side roads leading to the brewery are very narrow and in parts do not allow even a single car and walker to pass and these are frequented by

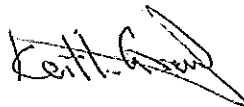
walkers, runners, children, horses, farm animals and farm machinery particularly in the summer months late at night when harvesting. The village of Ledstone itself has no street lighting or pavements making it hazardous when walking through the village and all these factors will be even more dangerous if there are extra cars using the village not only as a short cut but also as a method to avoid any drink drive issues associated with late night drinking especially at night when cars tend to travel faster around the country lanes.

In our current economic climate when so many public houses are closing I feel that the only possible way Salcombe Brewery will cover their cost of running a bar is to use the venue for functions and this application highlights what is possibly a 'back door' method of gaining permission in a rural area for such a facility. The building itself is very prominent above the skyline and if permission is granted for a licence, particularly at night, the noise will travel to all the outlying villages and nearby residents causing massive disturbance in what is a rural and peaceful area. Already the noise from the Kingsbridge Show (very close to the site) and Kingsbridge fair week (a mile and a half distance) is very clear and audible making it necessary to keep doors and windows closed in order to soften the impact during these events. The last thing anyone wants is to hear regular disturbance from cars and people leaving the site and music permeating the tranquillity on a regular basis.

Whilst an application for a brewery was acceptable the application for a bar with late night opening and all its possible implications is we feel not a suitable activity for such a location.

Yours sincerely

Mrs Helen and Mr Keith Grant



8

Mayfield
Ledstone
Kingsbridge
Devon. TQ7 2HQ.

February 17, 2017

South Hams District Council,
Planning Department,
Follaton House
Totnes,
Devon.

For the attention of Naomi Wopling.

Dear Sirs,

**Subject; Application for Alcohol License by Salcombe Brewery Ltd.
Ledstone Cross. Kingsbridge. TQ7 4BL.**

I wish to register my concerns regarding an application for an Alcohol License by Salcombe Brewery, at the Micro Brewery , Ledstone Cross. Kingsbridge.

It is my understanding that when the Planning Application to build a Micro Brewery on this site was approved, it was on the clear understanding it was for Light Industrial use only and clearly states "there is no plan for the business to operate outside "normal" working hours. I am fully supportive of the opportunities for employment for local people, but have very strong reservations regarding the premises being granted an alcohol license on this site, for the following reasons;-

- a) **Extremely dangerous fast busy road with two single track lanes leading from Ledstone & two roads from the opposite side. Visibility would be very restricted and dangerous should vehicles be parked on the road.**
- b) **Increased traffic though the narrow single track lanes of Ledstone.**
- c) **The distinct possibility of noise late at night, should Salcombe Brewery later apply for a music license, restaurant facilities etc. This seems highly likely taking into account their previous record of stating "there is no plan for the business to operate outside normal working hours" !**

Yours sincerely,

Sylvia Griffin
Sylvia Griffin

Naomi Wopling

From: M HALLAM <[REDACTED]>
Sent: 18 February 2017 16:48
To: Naomi Wopling
Subject: Re: Application for a Premises Licence Salcombe Brewery Co. Ltd. Estuary View. Ledstone. TQ7 4BL

Dear Naomi Wopling

We wish to bring to your attention to the objections we have concerning the above.

We trust you will note the following points when considering the application.

Public Safety. Access to the site is directly on to a country road with a 60 m.p.h. limit. It is on the summit of a rise in the road from both directions, on the apex of a bend and also at the junction of three narrow rural lanes. Any member of the public, unaware of the above and approaching or, more important, leaving the premises should be considered to be in danger.

The applicants appear to have made arrangements for ten parking spaces for staff. No mention is made of customer parking. The resultant random use of roadside verges and farm gateways would result in potentially dangerous obstructions and/or blind spots for passing traffic and for those using the premises.

Prevention of Public Nuisance Under this, the applicants only consider 'noise'; and any nuisance thereof as: *Limited, due to the rural location of the premises.*

There are three points to consider here:

1. In rural locations noise pollution is accentuated by the absence of other ambient sounds and the lack of man-made or natural 'insulations' which are found in the urban environment. Inhabitants of urban conurbations become inured to much of the noise around them. Noise from the brewery and their customers, even 200 metres away, will be heard in Ledstone.
2. The noise nuisance (and danger) of numbers of vehicles escaping the threat of the breathalyser by driving down a narrow rural lane and through our hamlet (and others), sometimes 'til after midnight, clearly presents a nuisance to a quiet environment.
3. The hours of licensing applied for seem to us extreme and without foundation.

Originally we had no objections when we heard that a local business was to set up a small venture on the site. No mention was made of a licensed premises selling beer for consumption on and off the premises well into the night.

Yours Faithfully,

Martin & Cheryl Hallam

Centry Cottage

10

Naomi Wopling

From: Jane Harrison <[REDACTED]>
Sent: 21 February 2017 22:21
To: SW-Licensing
Subject: Re; License application for Quercus Devon Ales / Salcombe Brewery - Ref EV001
Attachments: document-1038701.pdf; Mimecast Attachment Protection Instructions

Mimecast Attachment Protection has created safe copies of your attachments.

To the kind Attention of Tara O'Keefe
Licensing senior case manager
Licensing dept at Follaton House

I am writing concerning the License application from Quercus Devon Ales / Salcombe Brewery co LTD - Ref EV001

This application is for a new brewery building at Slade Reservoir, Ledstone cross TQ7 4BL , which was given planning consent in 2015 based on Ref 08/1841/15 , and then further amended to extend one of the buildings in 2016 Ref 1250/16/VAR.

Unfortunately there was no mention on these 2 planning applications about the site having a brewery shop open to the visiting public , or for a tap room and tastings and other functions to be held. I understand temporary event notices will be made for late night events.

So planning approval was given without this information and highways made a judgement without this knowledge as to the danger of the brewery entrance opening straight onto the 60mph road (Belle Hill Road, from Stumpy Cross roundabout to Kingsbridge) .

I understand the police have already reduced back the opening hours permitted on the license request to Monday to Sunday 9.00 to 21.30 and made other directives for the prevention of Crime & Disorder, Public nuisance & the protection of children from harm , which I am grateful for.

But my concern remains the traffic movement of visitors leaving & entering the brewery site at this very tricky junction with the main 60mph road and I would firmly reiterate all the points that my Parish council made to the planning applications in the first place.

Please see attached letter they sent in response to the planning applications , which needs to be reviewed by S Hams council in light of this new information .

So my objection to this license would be in the interest of public safety, with respect to visitors entering and leaving the brewery site, day and night, straight onto an unlit 60 mph road. This traffic movement could also coincide with other traffic entering or leaving the adjacent turning to Ledstone , or the other 2 road entrances on the opposite side of the main road, which would all compound the problem meeting with fast main road traffic doing 60mph and easily cause a major road traffic accident.

Yours sincerely

Jane Harrison
Brookfield
Goveton Kingsbridge
Devon TQ7 2DT
[REDACTED]
[REDACTED]

10a

Michal Osinski

From: Madeline Moore <[REDACTED]>
Sent: 26 May 2016 10:51
To: DM (SWD)
Subject: 1250/16/VAR Variation on Planning 08/1841/15/F Quercus Brewery, Slade Reservoir, Ledstone Cross

For attention of Joshua Foster

At the council meeting of Buckland tout Saints Parish Council last night this variation application was discussed.

The original planning application was not opposed by the council, and this variation to it has also not been opposed, but councillors are very concerned that their significant reservations made in September 2015 about the traffic safety implications at this site do not appear to have been addressed in any way.

To reiterate their original comments from September last year:

This operation is to be sited at an already complex junction and on a 60mph road. Visibility towards Stumpy Post Cross roundabout is not good, and even with the main entrance to the site moved 25 metres towards Kingsbridge, vehicles exiting the site would still only have a 50 metre visibility on a 60mph road - the Highway Code states a stopping distance of 73 metres at that speed, and 53 metres at 50mph. It could also be argued that moving the main entrance would give motorists accelerating away from the roundabout more time to achieve the 60mph allowed. In addition to employee movements, delivery vehicles and effluent tankers, the stated desire to encourage retail customers would add to the traffic movements and so increase the risk of accidents.

As much as we would welcome the additional employment that their future expansion would bring, and indeed the success of this local business, our support would have to be tempered with our serious reservations about the traffic implications. We strongly feel that Highways should look at ways of reducing what we see as a substantial risk of accidents here - possibly a 30mph speed limit from Stumpy Post Cross roundabout to 200 metres on the other side of the proposed main entrance, or at least a 40mph limit. We feel they should support this application, as indeed we do, but ensure that road safety is paramount.

Finally, it was pointed out that at this time of year particularly the long grass on the verges is causing extra sightline problems at this junction.

Madeline Moore, Clerk
on behalf of Buckland tout Saints Parish Council

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Naomi Wopling

From: Jonathan Harrison <[REDACTED]>
Sent: 21 February 2017 23:20
To: SW-Licensing
Subject: Re:License application for Salcombe Brewery - Ref EV001

Attention Tara O'Keefe
Licensing Senior Case Manager
Licensing department - Follaton House

I am contacting you regarding the License application from the Salcombe Brewery Co.Ltd - Ref EV001. This is the application for a new brewery at Slade Reservoir, Ledstone Cross TQ7 4BL, which was given planning consent Ref 08/1841/15, and then a further amendment to extend a building in 2016 Ref 1250/16/VAR.

There appears to be a serious omission on the original planning application regarding the usage of the building but IS mentioned on the licence application giving rise to serious concerns of public safety on the adjacent road.

The omission on the original planning application was that the site is actually having a brewery shop open to the visiting public, and a "Tap Room" for tastings and other functions. A plumbing and heating company was refused planning originally on this site as they wanted a showroom on this site.

It appears that planning approval was given without this crucial information being disclosed and highways made a judgement without this knowledge and the real danger that the entrance to the brewery opening straight onto the 60mph road (Belle Hill Road, from Stumpy Cross roundabout) presents, taking into account the elevated traffic volume onto and off of the site. A survey was recently done on this road and over 210 cars were recorded exceeding the 60mph speed limit in a week.

The serious issue here is that the expected volume of traffic from the site combined with traffic emerging and turning into and from the other THREE road junctions adjacent to the brewery will be seriously increased and is already an issue for the locals without this added traffic volume.

See stated uses on their web site:

<http://www.salcombebrewery.com/the-brewery/>

Notably at the bottom of their marketing: "We look forward to welcoming locals and visitors alike in May 2017 when the new brewery shop and tap room will be open. Once the site is open we will be running brewery tours, pop up food & beer events" None of this was mentioned in the original planning application.

The plans submitted to Licensing (ACL-1010-201 Rev C) and Planing (ACL-1010-201 Rev A&B) are two completely different drawings also.

The serious concern is the greater volume of regular traffic on and off the site combined with the traffic from the other three road junctions at this location onto a 60mph road.

May I suggest highways also looks at this issue again very seriously, as I fear something will only be done (a speed reduction either side of the site to 40mph) once a serious/fatal accident has happened. Safety of customers, staff and local residents MUST be taken more seriously before a licence is granted and appropriate speed limits applied.

I therefore object to this licence being issued on the grounds of the Public Safety of customers, staff and general public entering and leaving the site and using all the road junctions at this location.

Thank you.

Yours sincerely,

Jonathan Harrison

Brookfield

Goveton

Kingsbridge

TQ7 2DT

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Tara O'Keefe, Licensing Senior Case Manager
Licensing Department
South Hams District Council
Follaton House
Plymouth Road
Totnes
Devon TQ9 5NE

Beverley Holmes
Threeways
Ledstone
TQ7 2HQ

15th February 2017

Dear Tara,

I am writing to object to proposed further developments, changes and additions to the present construction under way for Salcombe Brewery site at Ledstone Cross. My family lives in Ledstone hamlet and we have two young children. I object to the application for this to become a retail outlet, including a taproom, on the following grounds:

1. An earlier application to develop this site to include a public showroom was turned down - at this very tricky and dangerous position on the road due to concerns over potential increased vehicle movements. This was in spite of anticipated low visitor levels and daytime hours only. It would therefore be illogical to approve the Salcombe Brewery application, one that would involve greater visitor traffic and for longer hours - more vehicle movements including during the hours of darkness.

2. After this refusal a modified proposal was conditionally approved for development of the site by Burns for purposes of storage and warehousing. However the site is currently being developed for light industrial use - surely this is a mistake? It is certainly a major change of use with potentially considerable impact on the area around the site. They are now applying to change /adapt use once again to become a sale outlet/leisure site.

3. The original Brewery application of April 2016 specifically ruled out there being a shop or drinking establishment on the site. Now just 9 months later, a shift is being proposed - to me this speaks of a strategy of 'gradual creep' or attrition - by attempting to move the goalposts a little at a time, with the eventual aim of reaching their goal, hoping no one will realise their end target. Once a licensing application is approved, even for minimal hours, then it is far more easy for them to get an increase in hours, then apply for being able to serve food, play music, hold events and so it would continue. This approach of little by little is commonly adopted by housing developers locally - for example they state they wish to develop 100 houses, people are up in arms locally, the developers eventually 'compromise' on 70 houses and the local people feel they have won a victory. The developers have done really very well. By asking for long licensing hours they hope to be granted a compromise of shorter hours. No hours is the only acceptable decision. This planning application was granted for storage and warehousing - which is completely different!

4. The April 2016 proposal was for a business that would provide jobs to ten staff members. The facilities at the site were geared to meeting the needs of this number e.g. ten parking places/toilets/waste disposal. Opening up the business as a retail outlet with a taproom would overload the existing design and mean either undisciplined parking or necessitate further extension of the premises. Seeking to buy surrounding land bit by bit to extend....Once they are granted any licensing hours, then they hope it would seem 'only logical and sensible' to

seek to develop more parking facilities etc etc. And so the planning creep potentially continues...

5. The original application was for 'replacement buildings'and my understanding is that making use of the underground storage capacity of this site given its former use was a factor. The site as it seems to be being developed look to include buildings of considerable size and height and I wonder if their dimensions and scale are truly in line with the original proposal and what was agreed to.

6. Ledstone Cross lies in a very rural setting, where this sizeable development already looks out of place and out of character with the surrounding environment. What is more, in its objection to the April 2016 proposal, the Parish Council pointed out the unsuitability and dangers of a business operating at Ledstone Cross where many lanes meet a busy road. That detailed submission appears to have been not given the consideration it deserved. A bad situation then, would only get considerably worse. The latest proposal would only increase traffic on these roads/junction, with the public entering and leaving the site both during daytime and darkness.

7. The lanes leading from the main road to Ledstone are already dangerous and narrow. Walkers, runners and horse riders use these lanes regularly. Drivers approaching Ledstone are a particular risk given that they have to negotiate downhill bends. So, increased volume of traffic is a major concern to Ledstone residents, especially if approaching drivers have been drinking.

8. It is possible that the lane via our residential community/hamlet may be used as a 'back' route for drivers who leave the taproom over the limit and attempt to escape police detection. This would be completely unacceptable and horrendous in terms of peace and safety of our neighbourhood.

9. Noise levels have already increased as a result of the development. These can only become worse if this latest application is approved through greater use of the site by the public, particularly if engaged in late night drinking.

This whole development has areas that raise big question marks on acceptability and being within the correct spirit and conditions of planning permission controls, and any further attempts to develop the site as outlined above call into question how and why such applications might be granted. They should be vigorously opposed.

Yours sincerely,

Beverley Holmes

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Three Ways
Ledstone
Kingsbridge
Devon TQ7 2HQ

Tara O'Keefe
Licensing Senior Case Manager
Licensing Department
South Hams District Council
Follaton House
Plymouth Road
Totnes
Devon TQ9 5NE

RECEIVED
15 FEB 2017

13th February 2017

Dear Tara,

I am writing to make representation against the Proposal to further develop the Salcombe Brewery site at Ledstone Cross. I object to the application for this to become a retail outlet, including a taproom, on the following grounds:

1. The previous owner of the site (Burns) was refused permission to establish a public showroom at this traffic blackspot due to concerns over potential increased vehicle movements. This was in spite of their expected visitor levels being low and the application restricting the proposed showroom's operation to during normal office hours. It would therefore be illogical to approve the Salcombe Brewery application, one that would involve even more vehicle movements including during the hours of darkness.
2. After this refusal a modified proposal was conditionally approved for development of the site by Burns for purposes of storage and warehousing. Quercus Brewery used this conditional approval as part of their case for setting up a microbrewery, switching the site's purpose to light industrial use. I wonder if this was a mistake, one that should not now be compounded by allowing the site's purpose to be changed further by allowing it to become a sales outlet/place of entertainment or leisure.
3. The original Salcombe Brewery application of April 2016 specifically ruled out there being a shop or drinking establishment on the site. It is very suspicious – arguably disingenuous - that just nine months later this radical shift in purpose should be proposed. To me it looks like the original proposal was "the thin end of the wedge". I am concerned that acceptance of this latest application could be followed in due course with further requests to enhance the entertainment onsite, with the provision of food/playing of music etc.
4. The April 2016 proposal was for a business that would provide jobs to ten staff members. The facilities at the site were geared to meeting the needs of this number e.g. ten parking places/toilets/waste disposal. Opening up the business as a retail outlet with a taproom would overload the existing design and mean either undisciplined parking or necessitate further extension of the premises. And so the planning creep potentially continues...
5. In its objection to the April 2016 proposal the Parish Council had pointed out the unsuitability and dangers of a business operating at Ledstone Cross on this fast, busy road that is joined by two single track lanes leading from Ledstone and two roads from the opposite side; in recent times there has already been one fatal accident along this stretch of road. That detailed submission appears to have been not given the consideration it deserved. The latest proposal stands to make the road even busier with the public entering and leaving the site (perhaps in respect of the latter after visiting the taproom), undisciplined parking and the site operating during the hours of darkness.
6. The lanes leading from the main road to Ledstone are already dangerous not only to drivers but also to those who use them as walkers, runners or on horseback. There are no formal passing places (only entrances to fields) and a general lack of verges. Drivers approaching Ledstone are a particular risk given that they have to negotiate downhill bends. So, increased volume of traffic is a major concern to Ledstone residents, especially if approaching drivers have been drinking.
7. It is conceivable that the lane may be used as a preferred route for drivers who leave the taproom over the limit for driving and who wish to minimise the risk of being intercepted by the police.

8. In spite of reassurances from the previous application, noise levels *have* increased as a result of the Salcombe Brewery development. These can only become worse if this latest application is approved through greater use of the site by the public, particularly if engaged in late night drinking.

I can only see that this dodgy proposal is potentially to the benefit of business interests at Ledstone Cross – Salcombe Brewery and the nearby Island Properties – to the detriment of Ledstone and other nearby communities and to the peril of drivers and pedestrians using the main road and adjacent roads/lanes. I am therefore requesting that permission be refused to allow any development of Salcombe Brewery beyond that which has already been approved – one that was arguably already a step too far.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Philip Holmes', written in a cursive style.

Philip Holmes
Lt Col (retd)

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Naomi Wopling

From: Ann Lidstone <[REDACTED]>
Sent: 16 February 2017 21:20
To: Naomi Wopling
Subject: Development at Ledstone Cross

To SHDC Licensing Department

As a resident of Ledstone for 49 years and never commented on a planning application before.

I write to request serious thought be given to the proposal to serve beer to passing customers and run a taproom at the micro brewery presently being built at Ledstone Cross.

The traffic hazard alone should preclude use as a retail outlet.

I do trust the licensing authority are aware of how fast traffic moves on this road which is on a bend, on a rise and where five roads converge,

and will be mindful of the possible consequences during their considerations of this application.

Ann Lidstone

Ledstone Farm

Ledstone

Kingsbridge

TQ72HQ

[REDACTED]

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Naomi Wopling

From: noreply@swdevon.gov.uk
Sent: 22 February 2017 21:52
To: SW-Licensing; Tony Edgcumbe; Mike Ward
Subject: Submitted via Web Site



South Hams
District Council

Form namespace is www.southhams.gov.uk/FORM_V2EMAILCONTACT

The following information was received from the form southhams.gov.uk-article-3392

house Porch Cottage

field17 [REDACTED]

pcode TQ7 2DT

email [REDACTED]

street Goveton

comments I write to object the application for a licence to supply alcohol for consumption on and off the premises of Salcombe Brewery Co Ltd Estuary View Ledstone Cross Kingsbridge TQ7 4BL Having attended the Buckland Tout Saints Parish Council meeting last night, it is immediately clear that the directors of Salcombe Brewery Co Ltd have failed in their duty to be open and honest with this application. Indeed, having gained planning consent from SHDC for an industrial building in an agricultural setting adjacent to an AONB, they admitted that they did not apply for a retail shop or Tap Bar, or sufficient car parking to carry out their intended use and business model which will include group brewery tours. In this respect, they have mislead both the public and SHDC Planning Dept. As a result, the planning for the property, does not match that required for an alcohol Licence. I therefore object on the grounds of Public Safety that the applicants location is on a junction where 3 roads meet at Ledstone Cross, and immediately gives access to the 60 mph Totnes to Kingsbridge road. Public Safety is of paramount importance and so for this reason alone, the granting of a Licence for this site would be foolish in the extreme. Secondly, it should be refused on the grounds of Prevention of Public Nuisance, as traffic will either flow on to the main Totnes/Kingsbridge road, or disappear into the back lanes to Kingsbridge to avoid the main road. Being well out of any major town, such a Public Nuisance will easily slip by local Police by the mere fact that is in a quiet rural setting. The final reason for objecting, is that of Prevention of Crime and Disorder by the simple fact that this location will be impossible to provide any prevention given its remote location. In essence, had Salcombe Brewery Co Ltd been honest at the outset that alcohol consumption at this address was their intention, then planning permission would never have been granted in the first place. It surely follows that their misguided attempt to mislead the public and SHDC planning Dept, should now be sufficient reason to refuse this licence application.

name Stephen Page

oref

formorigin <https://www.southhams.gov.uk/article/3392/licensing>

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RECEIVED

21 FEB 2017

Tara O'Keefe
Licensing Senior Case Manager
Licensing Dept.
South Hams District Council

Jeremy Shepherd
Jasmine Cottage
Ledstone
Kingsbridge
TQ7 2HQ
20/02/17

Dear Tara O'Keefe

I would like to express my concerns over the application for a premises licence for Salcombe Brewery at the site of Slade Reservoir, Ledstone Cross, near Ledstone, Kingsbridge.

The new Salcombe Brewery property is described in the planning permission as a micro brewery with no provision for on site sales. The original application for planning permission did not apply for Section 18 A1 "setting up shop" or A4 "drinking establishment".

The previous owners of the site had applied to build a property for their business (Burns ref 08/0105/11F). This application included a public showroom and was refused permission because of concerns regarding vehicle movements associated with a proposed public showroom, even though expected visitor levels were low and restricted to normal office opening hours. I believe the original Salcombe Brewery planning application, made under the trading name of Quercus Brewery, was not for public access, but for light industrial use. This has now become a change of use for the building.

I am concerned that an application for a premises licence increases the hours of business beyond normal office hours and increases the public access to the site, due to this change of use for the buildings. I am concerned about the increased volume of traffic and the consumption of alcohol at a new venue, requiring most people, due to its rural location, to drive there. I think there is a greater risk of an increase in the amount of traffic using the lane that goes through Ledstone and onwards to Kingsbridge. This would be a worry as drink driving still accounts for 15% of road deaths and almost 10,000 casualties annually (01/06/15). I believe Salcombe Brewery have made an application for a premises licence for their premises in Salcombe. The impact of that type of business in Salcombe, is very different to establishing a business requiring public house hours in a rural-setting such as Ledstone Cross.

Yours Faithfully



Naomi Wopling

From: Robert Williams <[REDACTED]>
Sent: 16 February 2017 15:13
To: SW-Licensing
Subject: Licensing Application: Salcombe Brewery Co Ltd, Estuary View, Ledstone Cross, Kingsbridge, TQ7 4BL. Representation.

Dear Ms Wopling

I wish to object to the subject application:

Applicant: Salcombe Brewery Co. Ltd., Estuary View, Ledstone Cross, Kingsbridge, TQ7 2HQ

Representative: Mr R H Williams, Chipstead, Ledstone, Kingsbridge, TQ7 2HQ

Underlying Objection: The granting of an alcohol licence would infer a tacit change of use for the site. The site has Planning Permission for light industrial use; a material change to sale and consumption of alcohol requires different and prior Planning Permission.

Prevention of Crime and Disorder: The new brewery is located in a very rural area where the development of a small, light industrial enterprise is a welcome employment opportunity. The addition of a retail and drinking establishment at the same site is unacceptable on the grounds of likely increased alcohol related crime and disorder in an area where these are currently unknown. Furthermore, the rural location means that most patrons would arrive and depart by car and therefore increase the incidence of alcohol and vehicle related crimes.

Prevention of Public Nuisance: The following nuisance factors would be exacerbated by a change of use to a retail and drinking establishment:

Noise and sanitation: The brewery facilities have been designed as a light industrial facility with 10 employees, operating during "normal business hours". Thus utilities such as toilets and vehicle parking will be adequate for 10 people. Change of use without prior extension of facilities (requiring Planning Permission) would increase parking noise and load on other facilities not designed for such.

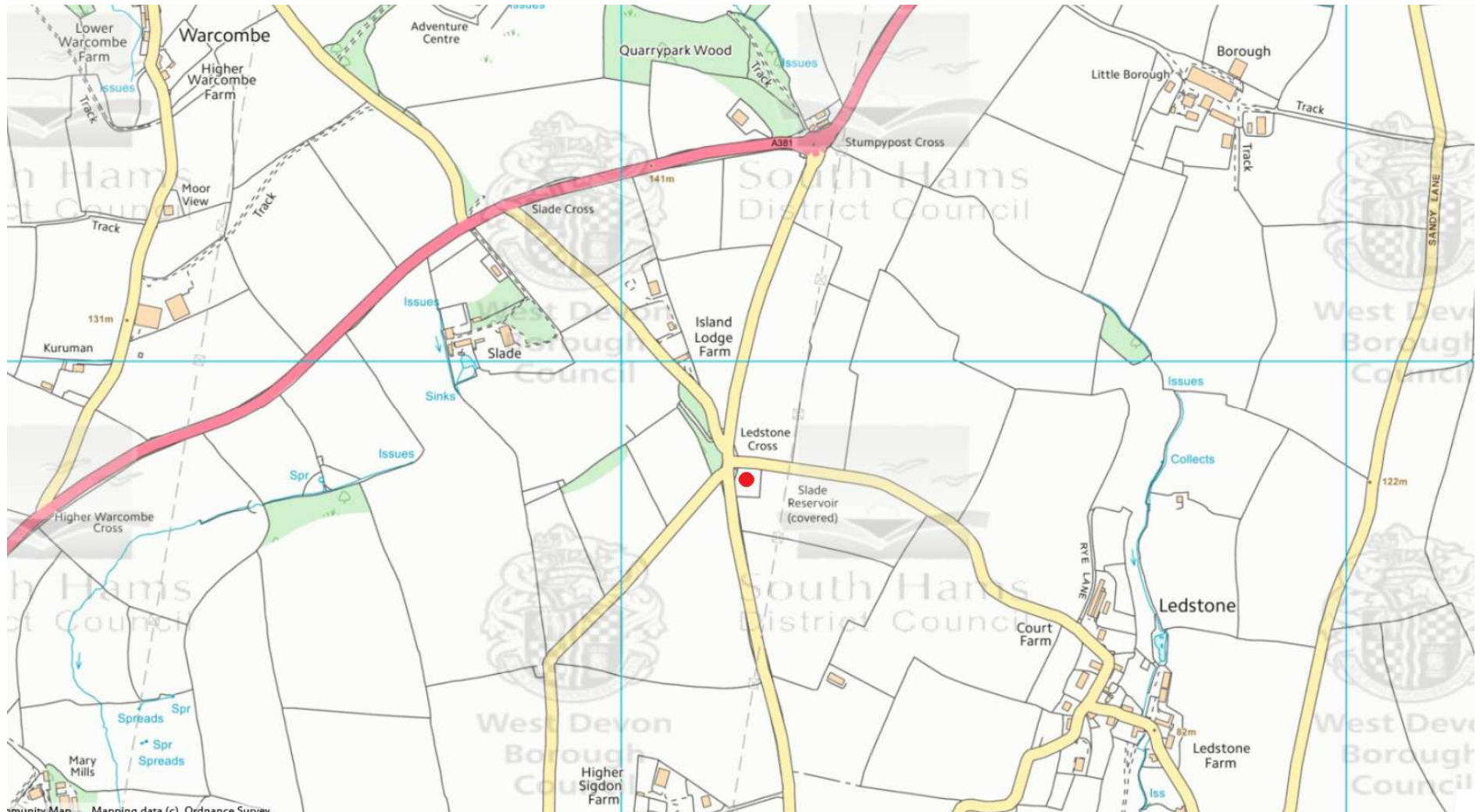
Light pollution: The area local to the site is currently blessed with virtually no light pollution (indeed it is one of the attractions of living in Ledstone). Change of use and extension of facilities, especially site lighting appropriate for public access, will destroy this advantageous aspect of living in the local community.

Public Safety: The site is on a five way junction with a 60 mph speed limit. The brewery as currently planned will add greater hazard at this junction. Change of use to retail and a drinking establishment will increase the hazards further.

I, Robert Williams, hereby declare that all the information I have submitted is true and correct to the best of my knowledge.

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Location of Salcombe Brewery



● = Salcombe Brewery

Location of Salcombe Brewery



 = Salcombe Brewery

Photos of site location from road

Towards Kingsbridge



Away from Kingsbridge



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