



# **A G E N D A**

## **LICENSING SUB-COMMITTEE**

**Thursday 25 May 2023 at 11.00 am  
Wells - Town Hall**

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**Members:** Councillors Hayward, Hill and Wakeman

**Quorum:** 3 Members

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- 3 Determination of an application to vary the premises licence for The Barn, Flimwell House Farm, London Road, Flimwell. (Pages 3 - 18)**

**Democratic Services Team**

**Town Hall  
ROYAL TUNBRIDGE WELLS  
Kent TN1 1RS  
Tel: (01892) 554413**

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If you require this information in another format please contact us, call 01892 526121 or email [committee@tunbridgewells.gov.uk](mailto:committee@tunbridgewells.gov.uk)

## **Licensing Sub-Committee 25<sup>rd</sup> May 2023**

### **Addendum to the report of Head of Housing, Health & Environment concerning an application to vary the premises licence for The Barn, Flimwell House Farm, London Road, Flimwell, TN5 7QG**

Members are advised that on 19<sup>th</sup> May 2023, Mr Stephen Thomas, acting on behalf of the applicant, Cellar Head Brewing Company Ltd, submitted the following documents:

- Addendum appendix F – Letter in response to representations
- Addendum appendix G – Noise report



Cellar Head Brewing Company Ltd  
The Barn  
Pillory Corner  
London Rd  
Flimwell  
TN5 7QG

19<sup>th</sup> May 2023

Att'n Licensing Officer,  
Licensing Team,  
Town Hall,  
Tunbridge Wells  
Kent TN1 1RS

**Response to Representation Letters - Application for Variation of License – for The Barn**

Dear Sir,

Thank you for forwarding letters of representation concerning our application. We wish to continue to work with our neighbours and certainly not against them. We are the tenants of the Barn and our business Cellar Head Brewing Company Ltd is the Premises License Holder. Mr. Roger Wratten is the Freehold owner.

We have run a microbrewery with associated tap room since late 2018. The premises are located close to a very busy main arterial road to London via the M25 – the A21. Despite problems as result of the pandemic, rising material costs, cost of living crisis and supplier issues, the Barn has developed a nice customer base comprising a mix of friends and families attracting what we would describe as “a discerning customer”.

We produce on the premises a varied and a diverse range of beers between 3.8% abv and 5.9% abv. These include to name a few:

- Paraduicy – a grapefruit IPA
- Cold Call – an English Pilsner style Lager
- Sessions Pale – our flagship best selling beer
- Spring Pale Ale – a very popular seasonal beer

We support numerous local businesses and stock a range of the local Turner's ciders, Carr Taylor Wines, Fentiman's and Ringden soft drinks as well as Charrington's apple juice and ciders to further name a few.

### **The Application**

The focus of our business remains the micro-brewery, as we are off the beaten track. There is no signage advertising The Barn or the Tap Room from the A21 so people only come to us if they know about us.

The business has suffered significant long-term cost increases. The cost-of-living crisis has in turn impacted the hospitality sector leading to a down turn in on-trade sales.

We propose a minor change limited to extending the hours of the operation from 20.00 by 2 hours on Fridays and Saturdays until 22.00. This would be subject to a condition that there be no sales for consumption of alcohol after 21:30 to allow 30 minutes drinking up time. Off sales would continue until 22.00.

Additionally, on Sundays it is proposed to open from 12.00 midday to 17.30 but again allow for 30 minutes drinking up time with no sales of alcohol for consumption of alcohol after 17.00 on the premises, off sales continuing until 17.30.

The purpose of the application is purely to enable us to have flexibility that any business trying to survive in the current climate requires. We appreciate that just because we are applying to extend the hours there is no guarantee we will be busy or be able to remain open throughout the hours applied for.

### **Concerns of Residents**

Residents have raised concerns. We focus on the Licensing Objectives. Planning matters will be considered by the Planning Authority and are not addressed in this response.

### **Response of Responsible Authorities**

Given the issues raised we are pleased to note that no representations have been made against this application by:

- The Police
- Environmental Health
- Planning ~~or~~
- Child Protection

### **The Licensing Objectives**

#### **Prevention of Public Nuisance**

The main source of noise in the area stems from the traffic travelling North and South bound along the busy A21. No music is played at the premises other than ambient background music.

The residential property adjacent to The Barn was vacant when the licence was originally granted. Given the concerns raised we have engaged an independent Noise Consultant to advise us.

He has advised that there will be no noise nuisance to any neighbouring properties other than our immediate neighbour. He advises there is a section of the fence that has deteriorated at the corner of the neighbour's property up to the point of a new fence. This offers no acoustic barrier but the installation of a new 3m high solid fence along that part of the boundary line will eliminate any potential noise nuisance. We are prepared to install such a fence.



Clear signage is on display requesting patrons to leave quietly and I will arrange for staff to patrol the area after 20.00 to remind patrons to leave quietly.

## **Public Safety**

In addition to the steps given in the Operating Schedule we comply with other legislation, e.g. Health and Safety, Fire and the like. Risk assessments have been prepared to meet this objective.

## **Protection of Children from Harm**

Challenge 25 applies at the premises. Families do come, but as a general rule stay within the forecourt and Tap Room area.

## **Crime and Disorder**

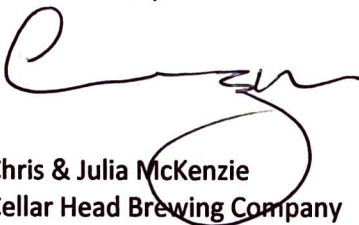
No issues have been raised by the Police and as stated above the customers are courteous and well behaved.

## **SUMMARY**

The Barn is a community space that is an asset to the local area. We are willing to work with our neighbours. I know that we can meet the concerns that have been raised and hope the committee will find this letter of response to the representations raised helpful.

We will amplify on the points raised in this letter and any other matter raised at the hearing.

Yours faithfully



Chris & Julia McKenzie  
Cellar Head Brewing Company



Thursday, 18 May 2023

Christopher MacKenzie  
Cellar Head Brewing Company & Tap Room  
The Barn, Pillory Corner,  
Flimwell,  
Goudhurst,  
Wadhurst TN5 7QG

Dear Mr. MacKenzie,

## Environmental impact assessment

I have pleasure in submitting my calculations in respect of potential noise from outdoor consumption of alcohol at the Cellar Head Brewery premises.

It is my understanding that:

- a) A maximum of 42 customers are permitted outside and 38 customers inside the building
- b) Those seated outside occupy eight bench tables, each with a potential occupancy of up to six persons
- c) The tables are located in the area indicated in red on the diagrams provided in this report
- d) The application seeks to extend operating hours to 22:00 hours on Friday and Saturday and to allow use of the tap room on Sundays from noon until 17:30 hours.
- e) There is no amplified music outside the building. Background music is played inside the building but is not audible outside.
- f) There are no generators, HVAC or audible brewery machinery

### Assumptions

- a) Patrons are generally seated
- b) The sound level from each table has been assessed as 65dBA @ 3m. This would be typical of a group of six persons engaged in animated conversation.
- c) Each table has been attributed 70% activity. This would reflect partial occupancy or 30% periods where conversation was relatively quiet.
- d) Background noise levels have not been measured. They have however been calculated by the modelling system. The principle source of noise is the A21 trunk road which is included in the model with traffic flows typical for evening hours.

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## Receptors

In the model I have considered a number of properties. It is immediately apparent that only one location is potentially be affected, that being the residential property immediately to the south of the brewery site. A view of the location of the potentially affected property is shown in figure 1.



Figure 1

In the model I have located several receptor points around the property and observe that the garden area immediately to the west (rear) of the house is masked from the A21 and will therefore experience lower background noise levels than areas that are in line of sight to the road. The model estimates that background levels will be in the order of 40dBA in that specific area.

## Uncertainty

The measure of uncertainty in the assumptions and in the model calculation would be in the order of +/- 2dB.



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## Model configurations

I have considered two configurations, each having similar occupancy and activity:

- a) The brewery and curtilage as it is at present with fences that have deteriorated to the extent that they offer no acoustic barrier between the outdoor area and the adjacent property
- b) With the addition of a 3m high solid fence along part of the boundary line to replace the deteriorated fence.

The position of the proposed new fence is identified in the models in yellow dotted line. The line is shown substantially wider in scale than the fence would be for clarity in the images.

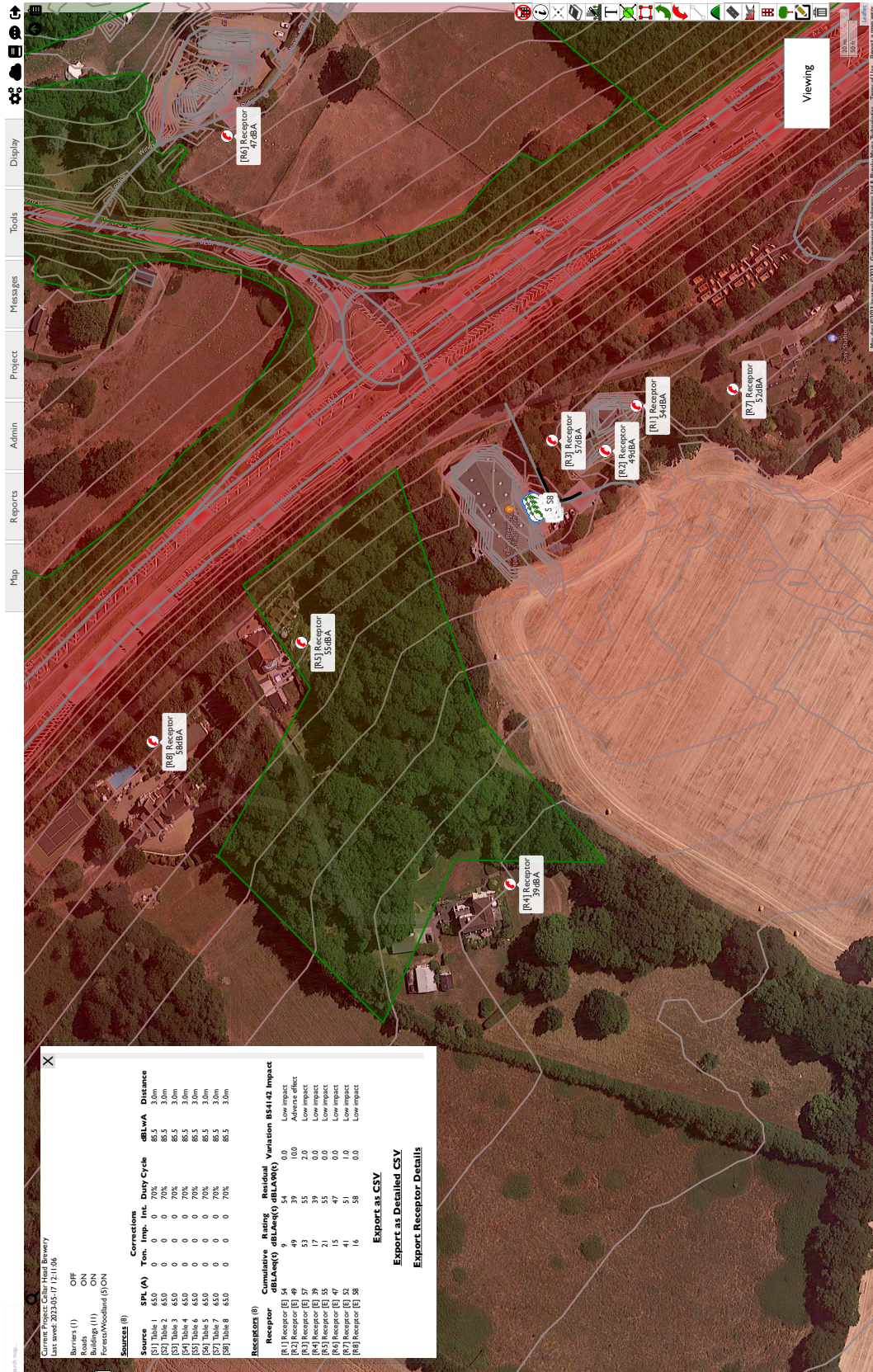
The two configurations are summarised in the images in the following pages:

## Configuration (a) - Existing boundary with no mitigation



Configuration (a) Showing occupied tables and potential noise impact





Wider area model view for configuration (a)

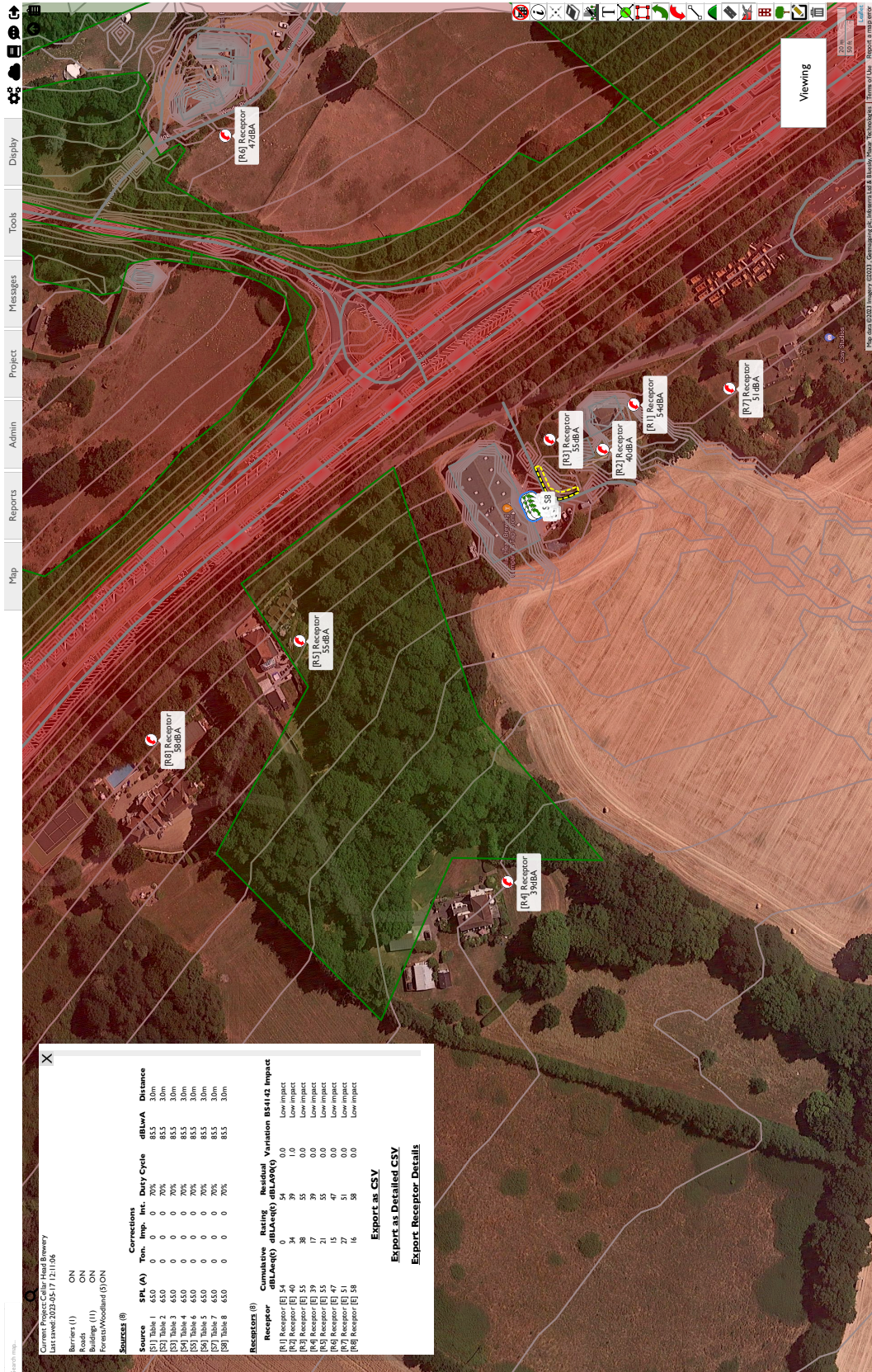


## Configuration (b) - With replacement of the boundary fence



Configuration (b) Showing occupied tables and effect of new fence





Wider area model view for configuration (b)



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**Summary**

The table below indicates potential noise impact for configuration (b) at the receptor points:

Project	Cellar Head Brewery				
Barriers	1	ON			
Roads	13	ON			
Buildings	11	ON			
Forests/Woodland	5	ON			
Sources (8)					
Source	SPL (A)	Duty Cycle	dBLwA	Distance	
[S1] Table 1	65.0dBA	70%	85.5	3.0m	
[S2] Table 2	65.0dBA	70%	85.5	3.0m	
[S3] Table 3	65.0dBA	70%	85.5	3.0m	
[S4] Table 4	65.0dBA	70%	85.5	3.0m	
[S5] Table 6	65.0dBA	70%	85.5	3.0m	
[S6] Table 5	65.0dBA	70%	85.5	3.0m	
[S7] Table 7	65.0dBA	70%	85.5	3.0m	
[S8] Table 8	65.0dBA	70%	85.5	3.0m	
Receptors (8)					
Receptor	Cumulative dBLAeq(t)	Rating dBLAeq(t)	Residual dBLA90(t)	Var.	Subjective Impact
[R1] Receptor [E]	54	0	54	0.0	Low impact
[R2] Receptor [E]	40	34	39	1.0	Low impact
[R3] Receptor [E]	55	38	55	0.0	Low impact
[R4] Receptor [E]	39	17	39	0.0	Low impact
[R5] Receptor [E]	55	21	55	0.0	Low impact
[R6] Receptor [E]	47	14	47	0.0	Low impact
[R7] Receptor [E]	51	27	51	0.0	Low impact
[R8] Receptor [E]	58	16	58	0.0	Low impact

The area of concern, being the garden area immediately to the west of the neighbouring property, is shown as receptor R2 in the table.

Without the installation of the new fence the impact level at R2 would be in the order of 6-8dB higher than that shown in the above table.

It is quite clear that a suitable barrier fence would be an appropriate method of mitigating any potential noise impact at R2. It would also provide improved privacy for the neighbour.

All other residential property locations are unaffected by noise from outdoor tap room activities at Cellar Head Brewery.

I have included larger scale versions of the models as those reproduced in this assessment will be at a scale that is difficult to read.

Chris Beale BSc.  
Thursday, 18 May 2023

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 Glossary of terms

Ambient Noise	The total encompassing sound in a given situation at a given time, usually composed of sound from many sources far and near
A-weighted sound pressure, $p_A$	Value of overall sound pressure, measured in pascals (Pa), after the electrical signal derived from a microphone has been passed through an
A-weighted sound pressure level, $L_{pA}$	Quantity of A-weighted sound pressure, given by the following formula in
Background Noise Level, $L_{A90,T}$	The A weighted sound pressure level of the residual noise at the assessment position that is exceeded for 90% of a given time interval, T, measured using time weighting, F, and quoted to the nearest whole
Daytime Decibel (dB)	The period 09:00-23:00 hours
dB $L_{EP,w}$	Weekly noise exposure level
dB $L_{EP,d}$	Daily noise exposure level
Decibel (dB)	A unit of level derived from the logarithm of the ratio between the value of a quantity and a reference value. It is used to describe the level of many different quantities. For sound pressure levels the reference quantity is 20 uPa. The threshold of normal hearing is in the region of 0 dB and 140 dB is the threshold of pain. A change of 1 dB is only
dB(A), $L_{Ax}$	Decibels measured on a sound level meter incorporating a frequency weighting (A weighting) which differentiates between sounds of different frequency (pitch) in a similar way to the human ear. Measurements in dB(A) broadly agree with people's assessment of loudness. A change of 3 dB(A) is the minimum perceptible under normal conditions, and a change of 10 dB(A) corresponds roughly to halving or doubling the loudness of a sound. The background noise in a living room may be about 30 dB(A); normal conversation about 60 dB(A) at 1 metre; heavy road traffic about
Free-field level	Sound pressure level measured outside, far away from reflecting surfaces. Measurements are made 1.5 m above the ground and at least 3.5 m away from other reflecting surfaces are usually regarded as being free-field measurements. To minimize the effect of reflections the measuring position should be at least 3.5 m to the side of the reflecting surface (i.e. not 3.5 m from the reflecting surface in the direction of the source). Estimates of noise from aircraft overhead usually include a correction of 2
Façade level	Sound pressure level measured 1 m in front of the façade of a property.
$L_{A10,T}$	The A weighted noise level exceeded for 10% of the measurement period, T
$L_{A90,T}$	The A weighted noise level exceeded for 90% of the measurement period, T. This is defined in BS 4142 as the background noise level.
$L_{AE}$	The sound exposure level – the level of a sound with a period of 1 second that has the same sound energy as the event considered.

$L_{Aeq,T}$	The equivalent continuous A-weighted sound pressure level is the value of the A-weighted sound pressure level in decibels (dB) of a continuous, steady sound, that within a specified time interval, T, has the same mean squared sound pressure as the sound under consideration that varies
$L_{Amax}$	The highest A weighted noise level recorded during a noise event. The time weighting (slow or fast) should be stated.
Night time	The period 23:00-09:00 hours.
Octave band	Band of frequencies in which the upper limit of the band is twice the frequency of the lower limit.
Third octave band	Band of frequencies in which the upper limit of the band is 2 times the frequency of the lower limit.
Sound Power Level, $L_W$	An absolute parameter widely used for rating and comparing sound sources. Sound power is a physical property of the source alone, independent of any external or environmental factors.
Sound Pressure, p	Root-mean-square value of the variation in air pressure measured in pascals (Pa), above and below atmospheric pressure, caused by the
Sound Pressure Level, $L_p$	Quantity of sound pressure, in decibels (dB).
Specific Noise Level, $L_{Aeq,Tr}$	The equivalent continuous A-weighted sound pressure level at the assessment position produced by the specific noise source over a given reference time interval.
Specific Noise Source	The noise source under investigation.
Residual Sound Level $L_{Aeq,T}$	The equivalent continuous A-weighted sound pressure level of the residual sound at the assessment location over a given time interval, T
Rating level, $L_{Ar,Tr}$	The specific sound level plus any adjustment for the characteristic features of the sound

