

## **Representation 1 – Mrs Rosemary Dew**

Name: Mrs Rosemary Dew

Address: Rosedene, Flimwell Grange London Road, Flimwell Wadhurst, Kent TN5 7QG

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

- Crime Objections
- Noise Disturbance
- Opening Hours
- Parking
- Prevention of Public Nuisance
- Protection of Children from Harm
- Safety of Premises
- Traffic

Comment:09/05/2023 3:45 PM This application is not satisfactory for the small lane. The opening

until 10pm with no street lighting and 50 m-h limit is ridiculous.

There are people driving and turning in neighbours drives. We have witnessed people urinating up

our rubbish bins. People getting in to their vehicles who have excess of alcohol.. A catastrophe

waiting to happen

## **Representation 2 – Mrs Rosemary Dew**

Name: Mrs Rosemary Dew

Address: Rosedene, Flimwell Grange London Road, Flimwell Wadhurst, Kent TN5 7QG

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

- Crime Objections
- Noise Disturbance
- Opening Hours
- Parking
- Prevention of Public Nuisance
- Protection of Children from Harm
- Public Safety
- Safety of Premises
- Traffic

Comment:09/05/2023 3:55 PM I strongly object to the extension of hours,due to the fact that the

lane is unlit. Customers speed down the lane, turning in driveways.

We have witnessed people getting into their cars who have clearly had excess of alcohol. This

contravenes the license laws in respect to public safety. We have witnessed two people urinating

against our rubbish bins.

We have also witnessed our neighbour Mrs Noreen Cole's being physically attacked by the owner

of the Barn.

This license will enable the brewery to open seven days. This a pub not a tap room!

## **Representation 3 – Lisa Coleman**

**From:** Lisa Coleman

**Sent:** 09 May 2023 22:08

**To:** Licensing <[licencing@sevenoaks.gov.uk](mailto:licencing@sevenoaks.gov.uk)>

**Subject:** 23/01387/LAPRE Representation / Objection

I live in Flimwell House Farm with my husband and we live directly next door to Cellar Head Brewery.

I am herein making representation against the variation in Premises License application under reference

23/01387/LAPRE for the reasons below:

### **Public Nuisance**

Noise: The request to extend licensing hours will have a significant detrimental impact on us in terms of public nuisance. You may be aware that there is a planning application to increase customer capacity. With the current opening hours, when the tap room is open, we already have to put up with a great deal of noise and disturbance that is inevitably generated by a pub garden such as raised voices and on occasion's bad language. Because Cellar Head are situated directly next door and customers are seated just behind our garden fence, we are unable to use a great proportion of our garden. An increase in opening hours as per the proposal coupled with the intended increase in the available drinking areas for customers will exacerbate the problem and will increase the stress that is put upon us and this will have a detrimental effect on my mental health as there will be no time at weekends to rest and recuperate in my garden. We have seen the tap room become more and more popular over the months and there has subsequently been an increase in vehicle and customer noise, and general disturbance. This makes spending time in our own garden very uncomfortable and almost impossible to relax in. Naturally, the pub garden atmosphere created by the Brewery increases in its volume, the rumbustious behaviour increasing as the drinking sessions continue; additional hours will not dampen the spirit it will simply increase the noise and disruption. This is why we look forward to when the tap room closes at 8pm so that we can spend time outside and enjoy this area of outstanding natural beauty. Clearly the proposed changes will cause harm to us and I believe it will have a detrimental effect on my mental health because I will have no time during the weekends or Bank Holidays to enjoy our garden in peace.

Parking: Brewery customers generally drive to the site in light of non-existent local public transport. Parking provision is already inadequate resulting in Brewery customers lining this quiet country lane, making access to our driveway difficult. Customers are currently forced to use the lane where we live to park their vehicles and as an example on Friday 28<sup>th</sup> April 2023, with the onsite parking at capacity,

there were 16 additional cars parked in the lane directly outside (photograph available). This situation is not untypical. There is a natural parking “pinch point” outside our house which has resulted in parking chaos as visitors jostle for parking spaces along the lane. The access to our house easily becomes blocked with cars parked by unthoughtful customers during busy periods. The Applicant is aware of this and has witnessed members of the public running over parking bollards which we use to help protect our property. He has also witnessed cars and motorbikes entering and exiting the premises noisily with absolute no respect for us. Clearly an increase in Tap Room opening hours will lead to further parking nuisance to us and fellow on-lane residents in this quiet country lane.

### **Public Safety**

The increasing number of cars negotiating the parking area inside the premises and outside on the lane causes risk to the pedestrians in the vicinity, both the general public and the Brewery Customers. A public footpath crosses the lane and on through the brewery car park and into the adjacent fields, and this proposed change of hours to cover both Sundays and Bank Holidays is massively increasing the real risk to public safety. Children, often seen wandering unsupervised from the Tap Room, then crossing the parking area, are particularly at risk, an accident seemingly inevitable rather than unlikely. An increase in the opening hours of the Tap Room will in no way help to avoid such an accident

I would ask that the proposed variation to the licence is rejected in its entirety

Please also refer to the attached photographs showing our proximity to the Tap Room, and the parking in the lane on a typical evening, taken on 28th April 2023





Kind regards

Lisa Coleman

**Representation 4 – Mr David Coleman**

**From:** david coleman

**Sent:** 10 May 2023 23:18

**To:** Licensing <[licencing@sevenoaks.gov.uk](mailto:licencing@sevenoaks.gov.uk)>

**Subject:** Licensing Application 23/01387/LAPRE

Dear Case Officer Trevor Horner

I live at Flimwell House Farm, which is adjacent to the Cellar Head Brewery and Tap Room operations

The Licensing Application 23/01387/LAPRE requests an increase in licensed opening hours for the Tap Room, and I would like to make representation against the requested variation in the Premises Licence. The associated Planning Application

23/00669/FULL actually describes an annual increase in hours of 63.6%, via the additional opening hours of 20:00 to 22:00 on Fridays and Saturdays, 12:00pm to 17:30 on Sundays, and 12:00pm to 17:30 on Bank Holidays; all of these times are when we expect to be able to enjoy our property peacefully, without the distraction of both noise and environmental nuisance

#### Public nuisance

The current noise attached to the Tap Room following the successful 2018 application relates to the applicant's customers arriving in their cars (this retail site is out of town with no local bus or train connections), slamming car doors, shouting to each other and turning a quiet country lane in to what one may expect of a busy town centre; once served in the Tap Room, the drinkers accumulate outside and the generated noise can often rival a busy town centre pub garden. This noise level increases as the drinkers get stuck in to the Cellar Head beers, and, as is inevitable in a pub garden environment, the enjoyment of the situation rarely has the neighbours' interest in mind. Once ready to leave, the arrival noises are then reversed, and the cars depart - often more speedily than residents wish for. This all may sound like a small issue to enjoyers of a good pub environment, but the change in our neighbourhood once the drinkers have departed is incredible, akin to a massive sigh of relief. At this time, in this location labelled as an Area of Outstanding Natural Beauty, nature is allowed to return to the fore and we as residents can enjoy these magnificent surroundings without disruption. The proposed 63.6% increase in hours will, if permitted, effectively remove any opportunity for us to enjoy this location without having to listen to beer drinkers bringing their own noise nuisance to the countryside.

The current approved external drinking area is shown as 6300 x 6000 on the 2018 approved plan, yet when observed recently this external area seats 36 or more drinkers; the application proposes to double this external area, and surely the prospect of increasing the hours and doubling the number of drinkers in this small area, every Friday, Saturday, Sunday and Bank Holiday Mondays cannot be without a seriously detrimental effect on us as immediate neighbours.

#### Prevention of Crime and Disorder

It is inevitable that attracting all-comers to the Tap Room via what was designed as an "Access Only" lane, where a vehicle is required to get customers home, that, despite the best intentions of the bar staff, drink driving is highly likely in a small percentage of the departing guests. This is a crime, and the risk of a serious accident when accessing the main A21 trunk road is dramatically increased, and serious consideration should be given to this subject if increasing the opening times and therefore increasing the risk of law-breaking

#### Public Safety

The Brewery is well lit internally, yet the access across the on-site parking area and from the lane has no lighting ( as per 2018 planning remit to effectively avoid bright external lighting) and whilst the current 20:00hrs closing time leaves little safety risk in summertime , the proposed 22:00hrs closing time would leave customers

departing in the dark. Post summertime, arrival and departure in the dark. To be clear, the lane speed limit is 50mph, sight lines were not designed for 50 to 100 daily vehicle movements to and from this yard, and there is a real danger to the public (whether Brewery Customers, local residents or visitors using the footpath that crosses the lane and the car parking area)

The car parking arrangements are currently inadequate at busy times, and the proposed increase in hours and open days of the Tap Room will only exacerbate the problem with the expected increased customer and car numbers. The visiting customers unable to secure an on-site parking bay will opt to park badly in the lane, create pinch-points and bottlenecks for other road users, and generally create a public nuisance and a public safety issue

Please also see attached Solicitors letter relating to the associated Planning Application 23/00669/FULL.

The original intention of the Tap Room back in 2018, to have a small number of beer-tasting customers appears to have been lost, where post-lockdown profitability requirement is replacing prudent neighbourhood-conscious decision making.

I formally request that the proposal is dismissed in its entirety.

With kind regards

David Coleman

Flimwell House Farm

Flimwell

TN5 7QG

## **Representation 5 – Mrs Noreen Coles**

From: Noreen Coles

Sent: 09 May 2023 20:30

To: Licensing <[licencing@sevenoaks.gov.uk](mailto:licencing@sevenoaks.gov.uk)>

Subject: OBJECTION TO VARIATION TO LICENCE REFERENCE -  
23/01387/LAPRE/CELLARHEAD BREWERY, THE BARN, FLIMWELL, TN5 7QG

Dear Sirs,

Objection to Variation to Licence – Reference – 23/01387/LAPRE

In respect of CellarHead Brewing Company, The Barn, Flimwell House Farm,  
London Road, Flimwell, TN5 7QG

I did attempt to complete my objection through your on line site but it was too limited as to the number of words that could be uploaded.

I would therefore request the Licensing Department to accept this email as the reasons for my objections to this Licence Variation for CellarHead Brewery

Firstly, I have looked at the original Licence application that CellarHead first submitted to you during 2018. From reading through this application, there are errors contained within that form which I think should not go unchecked now by the Licensing Authority as some statements are both misleading and have also not been adhered to.

1. The licensing application form 2018 attached a block plan showing the areas allocated for the consumption of alcohol both inside and outside the premises – marked as A4 use. These areas have been changed in location and also enlarged massively – beyond recognition to the block plan that you would have considered when granting the licence.
2. The block plan and written information completed by Cellarhead in the paperwork to Licensing stated that their company had B2 and A4 planning. This was not only misleading of licensing but untrue since Cellarhead were granted Suit Generis and the premises only had B1 and B8 usage. Cellarhead is in fact an industrial business (which I believe would require B2 status in order to trade as a microbrewery) and, consequently be able to sell alcohol as well as sell alcohol on the premises. A4 status is not permitted for microbreweries' use. I would therefore ask that Licensing re-visit this original



application and question whether or not Cellarhead do indeed have legal standing in order to sell alcohol under licence.

Although I do appreciate that planning issues are not relevant for Licensing purposes, I think that it is important for Licensing to be confident that this microbrewery conforms to planning B2 use given that a Licence to sell alcohol naturally follows on from the planning information that you are working from and subsequently relying upon.

Residents at Pillory Corner have suffered the detrimental impact of having this microbrewery situated in such a rural area, in a small country lane (albeit it still regarded as A21 trunk road).

The lane is not adequately designed for a business such as Cellarhead to trade in it, let alone encourage unlimited numbers of the public with their vehicles driving into this lane.

I have a map showing all of the safety issues that were identified in this lane all of which were addressed by trying to keep vehicles out of the residential area unless needing access to properties here at Pillory Corner.

Since Cellarhead has traded outside the limit of the block plan areas, which they purported that they would trade within – for the purposes of a “tap room” where alcohol would be served and have also increased in popularity thereby encouraging customers to drink at the premises – much has changed and these changes affect licensing (in my opinion) for the following –

#### Noise Disturbance

Due to it being impossible to limit the number of people and cars that visit the site within this totally residential area of only seven houses – Cellarhead have placed signs at the main traffic lights directing passing traffic into this lane which is effectively a no entry/residents only/access only road.

Noise disturbance has become inevitable – revving motor bikes, sound of cars driving up, parking, car doors slamming, people congregating and talking loudly, shouting at times, sounding car times, screeching of cars driving fast down the lane when leaving the site. People arguing and shouting at times. There is significant noise impact associated with customers drinking at Cellarhead and their subsequent noise levels – at times riotous together with the sound of live music or recorded music and patrons leaving the establishment. The closest house adjoins the brewery yard – and customers’ actions causes distress to the occupiers from the noise disturbance from customers of the brewery.

I would ask that the Licensing Department consider the rights of residents to quiet enjoyment of their homes.

### Parking

Although Cellarhead have now tried to provide the amount of parking that it could never before have provided – now supposedly for 18 cars, this is nowhere near sufficient for the number of actual vehicles that arrive at the premises during opening hours – most particularly from between 12-8pm on Friday and Saturday evenings. Last Friday 5<sup>th</sup> May 2023 there were a total of 39 cars parked in this lane. This lane is really for residents only. Vehicles park both sides of the lane thereby leaving just a narrow gap in between where they have parked – which stops residents getting through and large delivery. If there were ever emergency vehicles needed for properties including the barn itself, they would struggle to get through the number of cars and vehicles parked up in the lane.

### Prevention of public nuisance

Given that the “tap room” was originally supposed to be just for a few customers to sample beer brewed at the brewery – within the areas – with dimensions shown for A4 use – drinking – these have been abused and therefore I do not think it is acceptable for Licensing department to simply grant a licence for the whole premises including all of the outside space as it is detrimental for the residents who have to endure loss of amenity in their own homes due to the noise, and aggression of some of the customers at Cellarhead who are abusive to neighbours and also to other customers as I have seen a few heated arguments in the lane where people have started arguments.

Cars have to do three point turns in order to get their cars facing the right direction to leave the lane, cars block driveways, park on driveways owned by residents, reverse into driveways, accelerate away at speed with the resulting noise from the vehicles. Smells from the barn include food which is brought into the site mainly by visiting food vans which causes a nuisance to the houses close-by.

Reviews of the brewery online state that there are not adequate toilets in the building – I think only two – and the result of this is that men urinate in the lane....this is within sight of both adults and children and I have seen this with young children in my car at the time – when driving younger family members to our home.

### Protection of children from harm

As in all situations in life, children, especially young children require supervision at all times and specifically where there can be unforeseen dangers for children that they are unaware of.

I have seen children in the lane – playing on the gates to the road. The gates are open at all times that the brewery is open to allow cars to go in and out. When it gets dark it is impossible to see children if they are in the area where the gates are. I have also seen parents walk out of the brewery a distance behind their children who are heading back to their car. The lane has just recently over the last two weeks been given 50mph signs. Whereas residents would never drive at this speed and such a high speed would be unnatural to drive at given the layout of this quiet dark lane, this does in fact give the impression that it is ok to drive at 50mph along the lane. Should children wander out either behind or in front of their parents who might not expect a car to shoot past on the lane, past the gates of the brewery, this is now more likely to be the case. In fact, residents have now seen cars speeding very fast up and down the lane, whereas this was never really an issue over the past years. The speed signs have introduced a very deal danger to visitors to the brewery's site – most particularly children.

Children play in the field behind the brewery which they should not be doing – but, this would present dangers as they are out of sight from the main area where people are within and outside the barn. Children have also been seen with footballs playing in the field and in the yard close to the road. If this was a school setting or playground, there would be measures in place whereby they would not be able to wander onto a 50mph road, just inches away from the gates. I believe that it is the responsibility of the Licensing Department to keep children safe in this situation – and especially later in the evening (should hours be allowed to increase), when adults will have been drinking for longer and doubtless become less aware of the dangers presented to their children with both the road and the field behind.

#### Public safety

My daughter nearly had a head-on collision with a car driving quickly out of the brewery's yard. One of my neighbours was almost knocked down on two occasions by speeding cars exiting the brewery premises. The footpath within the yard has to be kept clear at all times but, of course, now there is a car parking area across it and so if someone was walking on the footpath it is possible that parked cars could then start their engines and reverse into people using the footpath if not paying enough attention or perhaps if a child was told to walk on the footpath area – not anticipating that a car could drive or reverse into them. Because residents have regularly seen people in the lane who have clearly had too much to drink – then get into their cars and drive off, this should be taken into account by Licensing since, those same people then drive out onto the A21 and then speed away possibly not even realising exactly how much over the limit they actually are.

I understand that the alcohol content in the beer brewed at Cellarhead is higher than regular beer which could be dangerous when people are unaware of the strength of the beer products – thereby driving away over the limit, when they may think that they are not. Others will know how much over the limit they might be but still drive – as we have also seen happen – and as recently as Friday of last week, 5<sup>th</sup> May 2023

with car drivers who residents spoke with. Some people from Cellarhead can be aggressive with other customers over parking, three point turning etc.

Since the lane is unlit and if people have to walk out of the site to get home, having no car, they would be at risk of being knocked over by traffic on the main A21 as no-one ever realistically walks along the side of the A21. According to papers written by Tunbridge Wells Council regarding this site, the site is in an isolated location within the High Weald AONB with very limited access to public transport facilities.

Therefore customers would be endangered if having to walk home. Emergency vehicles would not be able to get to people either in residents homes or at the Barn, due to the fact that they cannot get through the narrow gap in the road due to so many vehicles parked visiting this site.

## Traffic

Although Highways England have not raised objections to this site, they have incorrectly identified what part of the A21 the Barn occupies. However, on past paperwork from Highways Agency and Highways England (for the same road – being our lane, they have made various statements which still apply regarding traffic – such as –

From Tunbridge Wells Council – “By virtue of this site’s location adjacent to the A21 Trunk Road would be likely to result in substantial number of vehicles entering and leaving the Trunk Road and waiting on the Trunk road carriageway to turn right. This would interfere with the free flow of Trunk road traffic and increase the risk of accidents. Contrary to policies contained within the Tunbridge Wells Borough Local Plan. They have also commented in the past that accidents are more likely where high numbers of vehicles leave the lane and have to negotiate the dangerous junction at the south of the lane in order to turn both right or left in between speeding traffic.

The north end of the lane goes into single lane and then re-enters the A21 (proper). This is known to be a dangerous junction as documented by Tunbridge Wells Council and Highways England. When pulling out at this junction a vehicle has just 15 seconds once it first sees a car coming around the bend heading towards this junction to pull out fast enough to avoid a collision. This is known to residents but often not appreciated or fully understood by people who do not live at Pillory Corner.

The variation to this licence has effectively asked for 7 day trading including all bank holidays – which would result in disturbance issues from noise, smell of food, parking chaos in a quiet lane that is not designed for cars other than residents’ vehicles to use it, cars entering a lane that has been set up with safety in mind and yet, unlimited customers visiting Cellarhead’s premises most to drink, some to excess. However, due to this lane being technically still A21, it has now been given 50mph speed signs which in themselves could cause injury or death to motorists let alone with untold numbers of the public being unwittingly drawn into a chaotic parking

situation coupled with being served beer that they most likely do not know the high alcohol content of this compared with regular beers purchased outside of this microbrewery. This microbrewery has become a "pub" all but in name and is causing real danger to residents and customers alike including children.

This variation to days and hours would result in trading 364 days a year with just 24 hours on Christmas Day during which residents would have peace without the ongoing unbearable disturbance of this brewery.

Given all of the above, I would respectfully request that this variation to this licence be strongly refused by Licensing in order to protect residents and customers alike in all of the above circumstances.

Mrs. N. Coles

Resident/Pillory Corner, Flimwell, TN5 7QG