

APPENDIX 5

Holford Hall, Chester Road, Plumley, Knutsford, Cheshire WA16 0UA

Proposed Additional Conditions

1. A Noise Management Plan for events to take place within the marquees shall be provided, as agreed with Environmental Health. The plan will address the various issues which may arise from holding events within the marquees and a detailed scheme of measures to minimise noise generation from events.
2. Management will take all necessary steps to ensure that any noise from the premises, including marquees, shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises.
3. Tamper-proof noise-limiting devices shall be fitted to the sound systems within the premises and the marquees, and all amplified music played at the premises must pass through this sound limiter at a level agreed in advance with the Council's Environmental Health Office. The noise limiters shall not be altered without prior agreement with Environmental Health.
4. While live or recorded music takes place, the Licensee or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations or other representative positions to be agreed.
5. A written record shall be maintained of all noise assessments, and shall include: the time and date of the checks, the person making them, location of the assessment and the results including any remedial action taken to reduce the level of noise where required. Records shall be kept for no less than six months and shall be made available upon request by a Police Officer or an Authorised Officer of the Local Authority.
6. Management will give careful consideration to the type of performers hired at the location. All externally-contracted performers will be asked to sign a document ensuring that Management retain effective control over all sound levels.
7. There will be no external speakers (other than those located within the marquees and controlled by a noise-limiter) for the use of amplified music, speech or dance permitted in the open air.
8. Apart from two sets of double doors to the rear of the premises, all external windows and doors shall be closed whilst regulated entertainment is taking place, except for normal access and egress or in case of emergency.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
10. Truthall Lane will only be used for access purposes, but never for egress.
11. There shall be no firework displays at the premises without prior written consent from the Licensing Authority.

Approval for Premises to be used as a Venue for Civil Ceremonies

Cheshire East Council has approved the premises shown below to be regularly used as a venue for the solemnization of marriages by civil ceremony under the provisions of Section 46A and 46B of the Marriage Act 1949 and for Civil Partnerships under Section 6A of the Civil Partnership Act 2004.

Name and Address of the Approved Premises:

The Holford Estate
Chester Road
Plumley

Ceremonies may only take place in the room(s) described below:

The Barn (ground floor) The Barn (first floor)
The Sitting Room

This Approval will continue, subject to revocation until:

12th August 2018

Signed *L. J. Parson* Date *24th August 2015*
Manager of the Registration Service

The Marriages & Civil Partnerships (Approved Premises) Regulations 2005 set out the conditions under which ceremonies may take place in approved premises. It is a requirement of the Regulations that a suitably qualified Responsible Person (or Deputy) be available one hour before and during each marriage ceremony on the premises to ensure that these conditions are met in full.

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pany had failed properly to train the relief manager. Accordingly, if the justices' finding related to a head office failure in implementing training policy, then that finding was not supported under the evidence before them. In these circumstances, while, as I have said, I have great sympathy for the justices in the circumstances in which the case was put before them, I would, for my part, having answered the questions along the lines that I have suggested, and set aside the conviction.

MR JUSTICE SEDLEY: I agree that this appeal must be allowed and the conviction set aside, for the reasons given by my Lord. I wish, however, to add two observations. One is that I found disturbing the repeated submission by Mr Philpott, for the Appellant, that it was a material fact that people, including the complainant, could, but did not always, ask for a top-up if they felt that the head on their beer was excessive. The person who orders a pint is entitled to a pint. If a pint (including, if legally proper, a head) is not supplied, there is no onus on the customer to demand full measure before an offence is committed. My second reservation I express briefly and tentatively. We have heard very little argument upon it because Mr Gioserano has had to live with the concession made below that the Appellant could be liable, if at all, only by way of vicarious liability or an "other person" under section 32, namely the relief manageress. I simply wish to put on record my doubts about what appears to be the accepted approach to Part IV of the Weights and Measures Act 1985. The primary offence of giving short measure created by section 28 is committed by any person who sells beer by the pint. The concession made before the justices reflected the conventional view that the decision of this Court in *Goodfellow v Johnson* [1966] 1 QB 83, precludes any prosecution of the owners whose beer the licensee is selling on the ground that it is the licensee alone who may sell beer. I have been concerned whether it follows from the proposition that only a licensee may sell beer that the company which owns the premises, provides the beer and employs the licensee to sell it is not equally selling beer. I have also asked myself whether the decision in *Hutchin v*

Hindmarsh [1891] 2 KB 181, on which the Divisional Court founded in *Goodfellow v Johnson* and which holds that the forbidden act in this context is the parting with possession and not with title, truly negatives this possibility. If the true position were that a company in the Appellant's position is selling beer through the licensee, then the only relevant question would be under section 34 whether each had exercised due diligence in order to prevent the bartender giving short measure. If this were the statutory scheme, then absent a defence of due diligence neither the brewer nor the licensee could escape liability by blaming the bartender. Indeed section 32 makes it clear that the bartender may also be prosecuted. There would then be no need for the artificiality of trying, as Mr Gioserano has skilfully but unsuccessfully tried, to bring in the Appellant by the device of common-law vicarious liability, a doctrine which distributes civil liability on grounds of legal policy without regard to fault, pinning such liability on the default of someone not (so far as we know) before the Court as a Defendant. The problem of slotting a due diligence defence into a vicarious liability case is evident. The defence either exonerates the licensee or fails altogether, but cannot help the owner. This cannot be right. These considerations, however, cannot directly arise here because the conceded basis on which the case proceeded below makes them immaterial. Given this, I agree that the appeal has to succeed upon the single ground explained by my Lord, Brooke LJ.

R v Liverpool Crown Court, ex parte Luxury Leisure

COURT OF APPEAL
9 October 1998

Lord Justice Simon Brown, Lord Justice Aldous and Lord Justice Clarke

Section 34 Gaming Act 1968 and section 16, Lotteries and Amusements Act 1976 — permits for amusement machine premises — local authority refused application — whether

social conditions and nature of community relevant considerations in refusing permit — whether opposition to project should be taken into account

Decision: local authority entitled to take social conditions into account — nature of community, prevalence of young people and possible effects of amusement arcade on the area were relevant — Crown Court entitled to take extensive evidence as justifying refusal

John Saunders QC, instructed by Hay & Kilner, Newcastle, for the appellants
Stephen Sauvain QC, instructed by Liverpool Legal Services, for the respondents

LORD JUSTICE SIMON BROWN: The appellants are part of the Noble Organisation Group, the largest privately owned group of companies in the leisure field, whose operations include something over 70 amusement centres. They wish to open a further such centre at 72 Broadway, Norris Green in Liverpool. For that purpose they require permits respectively under s.34 and schedule 9 to the Gaming Act 1968, and under s.16 and sch.3 to the Lotteries and Amusements Act 1976.

On 15 August 1995 the second respondents, Liverpool City Council, refused the appellant's application for such permits. On 12 January 1996 the first respondent, the Liverpool Crown Court, dismissed the appellant's appeal against that refusal. On 17 October 1997 Owe J dismissed the appellant's judicial review challenge to the crown court's decision. Before us now is the appellant's appeal from Owen J's order, brought with the leave of the single Lord Justice.

The statutory context in which this appeal arises can be shortly stated. Paragraph 8(1)(a) of sch.9 to the Gaming Act provides that:

The grant of a permit [a permit under section 34 of the Act in a case like the present one] shall be at the discretion of the appropriate authority.

That authority here was the Liverpool City Council. An appeal from the refusal of the necessary permit lies by way of rehearing to the crown court, and on such an appeal the crown court has a precisely similar discretion. The Lotter-

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ies and Amusements Act 1976 contains similar provisions, which I need not consider separately.

The reasons given by the second respondents for their refusal of the permits were these:

After very careful consideration the sub-committee is agreed that in view of the social conditions prevailing in the area and the nature of the community, the granting of this licence would have a negative effect on the area (which is frequented by children and young people in significant numbers). Furthermore, the Sub-Committee also notes that facilities for gaming are already available in the area for the client who is most likely, according to the applicant, to make use of the facilities, and for those reasons the sub-committee considers that, on balance, this is the wrong location for this facility and therefore refuses the application.

The appeal to the crown court was heard by Judge Crompton and four justices, judgement being given extempore after a retirement of some two or three hours at the conclusion of a three-day hearing. The crown court accepted that the appellants were a fit and proper applicant for a permit of this kind, and the premises (for which indeed the applicants had already obtained the necessary planning permission in March 1995 for change of use) were physically suitable for the purpose. The crown court further accepted that the appellants would endeavour to enforce an undertaking which they were prepared to give to the court not to allow admittance to the premises of persons under the age of 21. They had, I may note, in their original application given an undertaking in relation to persons under 18, an undertaking which would not, as it happens, be necessary today; a recent amendment to the 1968 Act has now introduced a statutory condition restricting entry to such premises to those over 18.

One area of concern had been the risk of young people congregating outside the premises, were a permit to be granted. Having regard to the evidence given on that issue, however, the crown court concluded that that was simply not to be regarded as a problem at all.

What then was it that decided the

crown court to reject the appeal? The critical passages in Judge Crompton's judgement, the reasoning in which was agreed unanimously by all four of the justices with whom he was sitting, are these:

I move on next to the question of the social problems in the area. *[One of the specific issues identified by counsel for the crown court's determination was the second respondent's assertion 'that because of the social conditions in this area persons over 21 must be protected from the provision of AWP machines']*. We have, of course, heard statistical evidence about the very high rate of unemployment and the number of single parent families. We have also heard evidence from witnesses who have many years experience of actually living in the area, and who have evidence not simply of their own views, but also on behalf of a very large number of groups and organisations operating in the Norris Green area.

The quantity of the groups and organisations was itself indicative of the perceived problems in this area. In assessing that evidence we had no hesitation in coming to the conclusion that Norris Green is a very deprived area with wide social problems.

Furthermore, we had the advantage yesterday of going to the area and viewing it for ourselves. We have to say that confirmed our assessment of the evidence presented to us.

Then, a little later:

... we are satisfied there has been very wide consultation amongst the community. Furthermore, there has been careful explanation made of what is involved and therefore the views expressed are informed and not simply a gut reaction.

We consider that in those circumstances the view of the majority should be considered as an important factor, and not be lightly cast aside. The voice of the people in this context is important. We were urged to listen to it and we have. We have no doubt on the evidence that there is strong opposition to this application, and by a substantial majority of the community ...

Ultimately we came to this conclusion: that those who wish to play

machines can do so at the bingo hall which is no more than a few yards from the premises [which are] the subject of this appeal.

Overall we take the view that, having regard to the social conditions prevailing in the area, the very strongly expressed view of the community and facilities for gaming already available in what is a relatively small shopping area, the location of these premises is, on balance, unsuitable and we are therefore dismissing the appeals for the reasons I have endeavoured to express.

Before turning to consider the grounds upon which the applicants sought to challenge that decision, initially before Owen J and now again before us, let me finally summarise the contents of certain petitions which were put in evidence before the crown court, two in opposition to the proposal, two in support. Those in support were, first, what was described as a demand survey of 300 members of the public conducted by a polling organisation on a particular day within the vicinity of the premises. In answer to the question 'If such an amusement centre existed would you use it?' some 25 per cent answered yes. The second petition in support, carrying just over a thousand names, was in these terms:

We, the undersigned agree that there is a demand for a Nobles Amusement Centre (restricted to adults - those over eighteen) with fruit machines and prize bingo and should be available in Norris Green Shopping Centre.

The first of the two petitions in opposition had been conducted by the Morningside & Area Residents Association and contained 500 signatures under this rubric:

We, the undersigned object most strongly to the proposal to open an amusement arcade in Broadway shopping centre, Liverpool 11, on the grounds that in an already impoverished area with a high percentage of unemployment young people especially will be tempted to waste their money on the machines and some may resort to petty thieving in order to finance their gambling.

The other was a petition organised by local churches signed by some 650 peo-

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ple in support of the proposition that:

We, the undersigned, do not want an amusement arcade in Broadway.

Thirty three of the signatories to that petition had added short comments of their own, amongst which were included 'Harmful to the community', 'Very bad for our youth' and 'Encouraging the young to spend money they do not have.'

I turn to the grounds upon which it is sought to impugn the crown court's decision. These are conveniently summarised in the appellant's skeleton argument as follows:

(a) Taking into account the strength of the local opposition per se rather than considering whether the grounds for that opposition were valid.

(b) Failing to deal adequately with the question of demand

(c) Failing in its judgement to set out clearly why the appeal had been rejected.

Ground (b) is no longer persisted in. Ground (c) is pursued, but essentially as an alternative to ground (a), i.e. on the footing that if the strength of local opposition was taken into account permissibly and for reasons other than merely the strength of numbers involved, the crown court failed to make that plain in their judgement.

Let me turn at once, therefore, to the critical issue as to the relevance, if any, of the strength of opposition to the proposal

That there was strong local opposition cannot be doubted. What Mr Saunders QC submits, however, is that this is frankly irrelevant unless only, first, the reasoning underlying that opposition is plain and secondly, the court itself agrees with that reasoning.

That submission is said to be supported by a line of Scottish authorities, most importantly *The Noble Organisation Limited v City of Glasgow District Council (No.3)*, (1991) SLT 3 March, 213, and *Kilmarnock and Loudon District Council v The Noble Organisation Limited* [1992] unreported, transcript 25 June 1992.

In the first of those cases, which I shall call *Noble*, these same appellants succeeded in the second division of the Court of Session, as indeed they had done before the sheriff below. Under the legislation there in play, the licens-

ing authority were entitled to refuse the licence on certain specified grounds or for 'other good reason'. (Here I would observe that although under the English legislation the discretion afforded to the licensing authorities is on its face wholly untrammelled, I accept that in England too a permit could only be refused for some good reasons.) The 'other good reason' relied upon by the licensing authority in *Noble* was the strength of local opposition to the proposal. As their decision letter made plain, this was evidenced by the receipt of objectors from Dennistoun Community Council, local churches, business interests and some 94 local residents whose names and addresses are attached hereto. While the committee accepted the submission that these objectors came from only a small proportion of the total population, it took the view that the objection by the Community Council could be regarded as representing the feelings of the local community and it was impressed by the fact that some 94 persons were prepared to sign individual letters objecting to your clients' application. The Committee concluded that such a substantial body of local opinion could not be ignored and the fact that the local community did not wish an amusement centre to be located at 523/525 Duke Street, Glasgow, was good reason for refusing the application.

In upholding the sheriff's decision that the licensing authority 'erred in law in considering the mere number of objectors to be a good reason for refusal', the Lord Justice Clerk, Lord Ross, at page 216 said this:

Counsel for the defenders made it plain that it was no longer being contended on behalf of the defenders that any of these grounds had in fact been made out. The consequence accordingly is that the grounds of objection relied on by the objectors have been rejected and, if that is so, I agree with counsel for the pursuers that there is nothing left in any of the objections. The fact that there were 94 objections is therefore of no consequence. As counsel for the pursuers put it, 94 times nothing still equals nothing ... I am not persuaded that an 'other good reason for refus-

ing the application' would be the number of objections which contained grounds which had been rejected ...

It is unnecessary to determine whether the number of objections could ever be relevant, but I am certainly satisfied that the mere number of objections irrespective of their content could never be a good reason for refusing an application. I am accordingly persuaded that the committee erred in law in considering that the strength of local opposition per se justified their decision to refuse the application. I am also of the opinion that the sheriff was well founded in his conclusion that the defenders' discretion was not reasonably exercised by counting objections, regardless of their content. Indeed, the case is stronger than that because the defenders were not merely regardless of the content of the objections but attached weight to the number of the objections despite the fact that these were all objections which had been rejected so far as their content was concerned.

Lord Murray's supporting judgement concluded, at page 217

It might even be open to a licensing authority in an appropriate case, where the quality and quantity of opposition is adequately vouched by written objections and evidence led before the committee for a licensing authority to take account, say, of overwhelming local opposition against an application, but I would prefer to reserve judgement upon that matter. It is perfectly clear in this case not only that the licensing authority erred in law in taking into account as a separate factor the mere number of objections but also that there is no rational basis upon the undisputed facts here on which the licensing authority could hold that an 'other good reason' for refusal was constituted by the number of these objections alone.

The second case, *Kilmarnock*, perhaps carried that decision a little further forward. The petition of objection there consisted solely of a substantial number of signatures in support of the proposition that 'Kilmarnock does not need a bigger arcade' (that being the proposal

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in question).

As to that the Lord President, Lord Hope, having referred to Noble, at page 13 said this:

The mere number of objections irrespective of their content can never be good reason for refusing an application. What matters are the grounds on which the objection is based. This makes it all the more important, when numerous signatures have been obtained to indicate the weight of opinion on the point, for the grounds of the objection to be clearly specified. Unless this is done it cannot be assumed that the signatories are all objecting for the same reason. Lack of precision in the reason given in the petition may indicate that they themselves were not clear in their own minds about the content of the objections with which they wished to be associated. An objection is not to be treated more leniently in this regard simply because it takes the form of a petition for public signature. On the contrary, it is important that the requirement that the grounds of objection must be specified should be applied as strictly in these cases as it must be in the case of an objection by an individual. If this is not done, the licensing authority may be tempted to attach weight to the objection because of the number of persons associated with it regardless of its content, which is something they are not entitled to do.

As to the terms of the petition in that case, the Lord President said:

The question is whether the grounds for the objection have been specified in the seven words which remain. Although the point is a narrow one, we have reached the opinion without much difficulty that the sheriff was entitled to hold that this test was not satisfied. It seems to use that these words contain a proposition which simply invites the question, why not? It is in the unspoken answer to that question that the grounds for the objection are concealed, not in the proposition which invites it.

Whereas, therefore, *Noble* can be explained on the footing that the reasons underlying the weight of public opposition there had been plainly demonstrated to be invalid, *Kilmarnock*

appears rather to suggest that the burden lies on those seeking to rely on public opposition to show that the reasons underlying it are in fact demonstrably sound.

Let me at this stage turn briefly to the one other authority on this central aspect of the appeal which seems to me of some relevance: the judgement of Brooke J in *R v Chichester Crown Court ex parte Forte* [1995] JPR 285. In common with Owen J, I find in this some broad support for the view that strong local opposition may in certain circumstances indeed be relevant.

True it is, as Mr Saunders submits, that the *Chichester* case was concerned principally with the question whether the extent of the demand is a relevant consideration in all these cases. As to that, Brooke J held, at page 291:

Issues involving gaming machines often gave rise to strong and passionate feelings in 1968, as they still do in Chichester today, and if there has never been an amusement centre in an authority area and its proposed introduction awakens strong opposition I can see no reason why the authority may not lawfully consider the extent to which a demand for the centre exists before deciding whether to grant or refuse a permit.

A little later he said, at page 292:

... I am concerned with the 1968 Gaming Act, when Parliament must be taken to have known that in some areas of the country there would be strong opposition to the introduction of amusement centres. Parliament left these matters for local decision, with an appeal to the local Crown Court, and I do not see any reason why the introduction of a criterion by which the likely demand for a new centre, against a background where none existed before, required any special justification in that context.

Those passages in Brooke J's judgement to my mind reflect the fact that in this context opposition and demand are to some extent related concepts. If a lot of people for perfectly good reason want the facility of a new amusement centre, then that is relevant, but so too is it relevant if a lot of people, again for acceptable reasons, object to it. That is local decision making in action, something which Parliament plainly intended in

this area. Judge Crompton to my mind expressed it well in the present case:

The view of the majority should be considered as an important factor, and not be lightly cast aside. The voice of the people in this context is important.

If of course the objections of the public are founded on a demonstrable misunderstanding of the true factual position, or otherwise indicate no more than an uninformed gut reaction to a proposal, then I would accept that they can carry no weight whatever and must be ignored. Take this very case as an example. Insofar as the objections here were based on the anticipated problem as to youths congregating outside the premises, those objections would fall once the court concluded, as it did, that in fact no such problem was going to arise.

That, however, was by no means the only, or indeed the main, objection here. Take the terms of the Morningside petition itself. The objections expressed there were to introducing this temptation to further gambling into an 'already impoverished area with a high percentage of unemployment', against the fear, entirely understandable, that young people (an expression I would take to include those in their 20s) would be tempted to waste their money on the machines and some might resort to petty thieving to finance their gambling.

Perhaps more important still was the crown court's finding that there had been 'very wide consultation amongst the community', 'careful explanation ... of what is involved' and, in the result, their conclusion that 'the views expressed are informed and not simply a gut reaction.'

I would reject the appellant's central contention here that the crown court relied on what the Scottish cases forbid, namely the mere weight of local opposition. Still less did it rely on opposition based on demonstrably unsound reasoning. Rather, it is plain that the crown court (having listened to very extensive evidence and benefited from their own view of the area) were in agreement with the weight of objection that this was an undesirable proposal. They effectively say that when they state that their view 'confirmed our assessment of the evidence presented to us.'

As to their final overall conclusion,

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that seems to me wholly unexceptionable. They have regard to three, plainly interlocking, considerations: (a) the social conditions prevailing in the area, (b) the very strongly expressed views of the community and (c) the fact that there are already available facilities for gaming in this area. The very strongly expressed views of the community there being referred to are those objecting to this proposal in the light of the social conditions prevailing, objections which the court does not regard as outweighed by the demand for the facility given the alternative opportunities for gaming provided elsewhere in the area.

That conclusion effectively disposes of the other limb of the challenge too, the reasons ground. All I need to say as to that is that I regard the reasons given here as more than sufficient to satisfy the requirement that decisions of this nature be properly reasoned, a requirement analysed and explained in Kennedy J's decision in *R v Warwick Crown Court ex parte Patel* [1991] 8 LR 22. I would accordingly dismiss this appeal.

LORD JUSTICE ALDOUS: I agree. His Honour Judge Crompton gave on 12 January 1996 an extempore judgement which set out the reasons why he and the bench of justices who sat with him dismissed the appeal of Luxury Leisure Ltd. As has been pointed out by Brown LJ, the substantive attack upon that judgement which was made before us was that the crown court had erred in taking into account the strength of local opposition per se, rather than considering whether the grounds for that opposition were valid.

I do not believe that the crown court took into account merely the strength of local opposition. In his judgement, the judge said:

We have, of course, heard statistical evidence about the very high rate of unemployment and the number of single parent families. We have also heard evidence from witnesses who have many years experience of actually living in the area, and who gave evidence not simply of their own views, but also on behalf of a very large number of groups and organisations operating in the Norris Green area.

He went on to conclude that the Norris Green area was a very deprived area

with wide social problems, and pointed out that he and the bench of justices had had the advantage of going to the area and viewing it for themselves. He concluded that they were satisfied that there had been wide consultation amongst the community, there had been careful explanation made of what was involved and that 'the views expressed are informed and not simply a gut reaction.

The discretion given in the legislation is unfettered. That means that the council and the crown court must act judicially and found their decision upon a rational basis. However, it is for the local court and council to decide the matter. To adopt a sentence from the judgement of Lord Scarman in *Westminster City Council v Great Portland Estates plc* [1985] 1 AC 661 at 670:

It would be inhuman pedantry to exclude from the control of our environment the human factor.

That, of course, was a planning case. However, informed views of the community can be a factor which can be taken into account by both the crown court and the council. It will only be one factor which a council, exercising the discretion given to it, will take into account.

As I have said, the council and the court must act judicially when exercising their discretion. It follows that opposition which is misinformed is of no weight, and remains of no weight even if held by many people. However, that is not this case. As I have pointed out, the court heard evidence. It held that there had been wide consultation, careful explanation and that the views expressed by the witnesses were informed. It was implicit in that conclusion that the views were not unreasonable. I believe that the court was right to conclude that the views expressed, being informed views, were one of the factors to consider.

It was also submitted that the reasons which were given by the court were not sufficient. It is sometimes possible to attack a judgement on the basis that the reasons are not sufficient. The attack in this case was made with hindsight. It was not suggested to the judge when he gave his judgement that further reasons were necessary. Like my Lord, I believe the reasons are more than adequate. I

would dismiss this appeal.

LORD JUSTICE CLARK: I agree that for the reasons given in both judgements, this appeal should be dismissed.

Etridge v Leeds Licensing Justices

CROWN COURT, LEEDS
7 September 1998

Adams J and justices

Licensing Act 1964, section 1 — refusal of grant of new on-licence — condition on existing licence prohibiting off sales — applicant wished to place tables on pavement outside premises — condition inhibited service to tables — whether condition valid under terms of Act

Decision: Justices cannot lawfully exclude off sales from an on-licence by condition — statement of intent by applicant on method of operation might offer a solution

John Saunders QC appeared for the applicant;
Martin Walsh for the respondent justices

JUDGE ADAMS: This is the second day of an appeal which began on 24 April 1998 and it began by a notice of appeal dated 28 July 1997 when the applicant, the licensee of the All Bar One, situated at the corner of East Parade and Greek Street in Leeds, appealed against the refusal of the licensing justices on 18 July 1997 to grant a new on-licence for the premises.

The applicant already held a licence, granted on 17 March 1995, which was subject inter alia to a condition which forbade off sales; and the purpose of the application was to obtain an on-licence without this condition.

There was no desire on the part of the applicant to promote off sales, but permission had been obtained, or perhaps the position is it was hoped to obtain it, for the local authority to place seven tables on part of the adjacent pavement and the existing licence would not allow the customers seated there to be served with drinks; hence the application for a new licence.

ARR/PPN/C/2521.01 Rev C

2nd September 2015

Holford Hall

Assessment of noise impact of a
Function Room and Marquee on
nearby residential development

Prepared for :-

Frances Philips at Holford Hall
Holford Hall
Chester Road
Plumley
Cheshire
WA16 0UA

Prepared by :-

Andrew Raymond

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1.0 SUMMARY

A licence application has been submitted as part of the evolving plans for Holford Hall to hold corporate events and weddings. The proposals will inevitably involve amplified music and customers arriving and leaving.

A large number of Representations have been made by local residents, including an outline acoustic assessment, as well as a consultation response from the Local Authority. All comments relating to noise are addressed in this report.

It is highly unlikely that functions of any kind held within the Function Room with doors and windows closed will be audible at any residential location. With doors open, then music could be audible but only with function room levels likely to be well in excess of anything proposed. A well designed sound system should easily allow acceptable levels from an operational point of view and still be generally inaudible at all residential locations, even with doors open.

Music played in the Marquee will be controlled to much lower levels, particularly in terms of bass. It will be less suitable as a "dance floor" without expensive and very specifically designed sound systems but entirely suitable for quieter music and as overspill from the main function room. This report confirms that the mitigation measures proposed will ensure that there is no noise disturbance as a result of the proposed licence application.

Traffic noise is unlikely to have a significant impact, even with rather extreme assumptions of numbers, routes and times.



A R Raymond



P J Durell

2.0 INTRODUCTION

2.1 Basic Instruction

ADC was instructed to carry out an independent assessment of the noise impact of function facilities at Holford Hall on surrounding residential properties.

2.2 Qualifications and Experience

A summary of Andrew Raymond's qualifications and experience is as follows:-

- Founder and director of Acoustic Design & Control Ltd.
- Full-time acoustic consultant since 1990, specialising in all aspects of environmental noise and architectural acoustics.
- Worked for a broad range of clients including defendants/applicants/appellants of all sizes, local authorities and third party objectors on issues of housing, industrial, entertainment, transportation, etc.
- BSc in Electro-Acoustics and an MBA.
- Member of the Institute of Acoustics and a Chartered Engineer.
- ADC holds corporate membership of the Association of Noise Consultants.

Mark Pickering and Andrew Pace are experienced technicians who assisted with the site testing under the direction of Andrew Raymond.

3.0 ASSESSMENT STANDARDS

3.1 Basic Noise Standards

Music

Criteria for music noise has been a contentious issue for many years but the opinion is finally settling down to criteria based on the level of the music, how late it is expected to continue, and how often events take place.

In this case the music is likely to continue past 23:00 and permission is being sought for every night. On this basis, it is reasonable for residents to expect the music to be more or less inaudible inside properties. Clearly "inaudibility" is a subjective criterion and can never be guaranteed and so the phrases "more or less inaudible" or "generally inaudible" are used. We note that the Environmental Health Officer in her consultation response used the phrase "clearly audible" but they are all similar. It is generally accepted that just audible music outside a property will be generally inaudible inside.

Traffic

Detailed traffic noise modelling is beyond the scope of this assessment and not necessary anyway, other than by way of a short discussion in 5.4 below. But the most appropriate standard would be BS8233. Very briefly, this is summarised as follows:-

Table 4 of BS8233 gives the desirable criteria for indoor ambient noise levels for dwellings as follows:-

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35 dB $L_{Aeq,16hour}$	-
Dining	Dining room/area	40 dB $L_{Aeq,16hour}$	-
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16hour}$	30 dB $L_{Aeq,16hour}$

Note that the standard accepts the widely used rule of thumb that, for a partly open window, the levels just outside will be 15dB higher than those just inside. This brings us to an external equivalent of the above table, as follows:-

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	50 dB $L_{Aeq,16hour}$	-
Dining	Dining room/area	55 dB $L_{Aeq,16hour}$	-
Sleeping (daytime resting)	Bedroom	50 dB $L_{Aeq,16hour}$	45 dB $L_{Aeq,16hour}$

It goes on to state that, where necessary, the criteria can be relaxed by up to 5 dB and still achieve reasonable conditions.

Note that the new version of BS8233 more explicitly specifies the assessment periods as 16 hours and 8 hours for daytime and night time respectively.

3.2 Representations

A large number of Representations have been received from local residents. Issues relevant to this assessment can be broadly summarised as follows:-

- Concern that music noise will be disturbing, that it will continue until the early hours, that it will travel large distances, and that marquees provide little sound insulation.

These concerns are reasonable and are addressed within this report.

- Concern that the area is a quiet semi-rural location and that traffic and music will particularly affect the area.

While the area is certainly "semi-rural", we cannot agree that it is particularly quiet. The M6 is clearly audible at all times and the A556 is busy much of the time. Some Representations referred to the busy roads and aircraft and one in fact referred to "an extensive history of noise related issues in Plumley". Our assessment is based on the conditions we found on site.

- Concern that traffic noise will cause disturbance.

Detailed traffic noise modelling is beyond the scope of this assessment and not necessary anyway, as it is clear enough from a brief discussion on 5.4 below.. Note of course that we only discuss noise issues with traffic. Most of the Representations concerned narrow roads and safety.

- Concern that there will be rowdy behaviour in the surrounding roads and village which will cause disturbance.

Clearly, rowdy behaviour in residential areas will be potentially noisy. This has been addressed in detail within the Rebuttal prepared by Leith Planning Limited submitted in support of this licence application. t.

3.3 Possible Conditions

A very helpful consultation response was provided by Environmental Health Officer, Stephanie Bierwas, dated 14th July 2014.

The vast majority of her recommendations are to be incorporated in some form or other by way of additional Conditions offered. These are in progress and will presumably be influenced by the findings of this report.

4.0 SURVEY DETAILS

4.1 Site Times and Personnel

The site and community testing were carried out by Andrew Raymond, Mark Pickering and Andrew Pace of ADC Acoustics. The site work began at approximately 22:30 on 24th August 2015 through to 02:00 the following morning, although no recorded measurements were made until around 00:30.

We were assisted in the music noise phases of the tests by Mr Leigh Hayes of Holford Hall. He played no part in the actual assessment and was there to assist us with identifying residential locations and to provide opinions, when asked, regarding operational acceptability of the music levels inside the function room and marquee area.

4.2 Instrumentation

Instrumentation used was a Rion NL52, a Rion N28 and a Larson Davis 824. These are precision grade sound level meters which hold current calibration certificates and which were field-calibrated as necessary. The meters were set up to measure 5 minute samples in terms of dB L_{eq} , dB L_{max} and dB L_{90} in overall A-weighted terms, and in octave bands across the frequency range. See Definition of Acoustic Terms in Appendix 1.

4.3 Measurement Positions

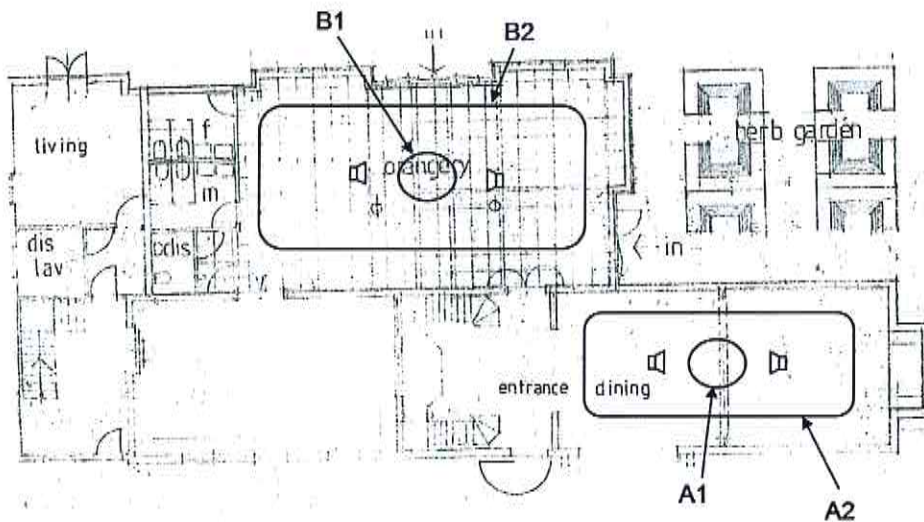
The main measurement positions were as shown on the following plans.

First are the measurements within the function room and outside where one of the marquees will go.

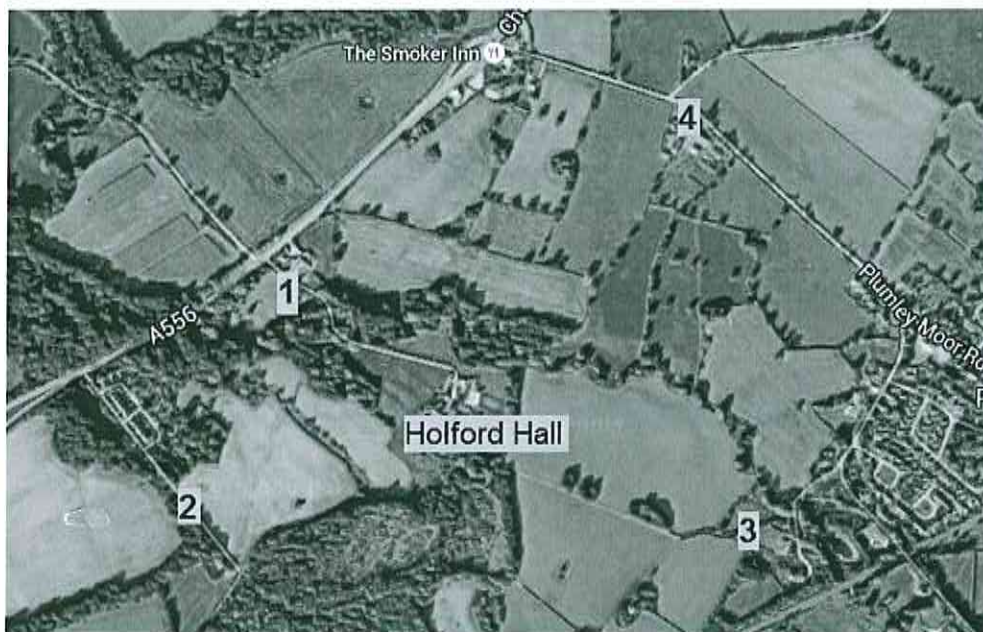
Position A1 is a roughly circular sweep between the speakers across a notional dance floor.

Position A2 represents a sweep of the room edges which will be useful for sound system designers.

Positions B1 and B2 are respectively similar to A1 and A2 but outside where the marquee is proposed.



Secondly we have the positions in the community as shown.



Position 1 is next to Holford Farm and is the closest by far at around 330m, and a direct line of sight (ignoring trees) to the function Room and marquee, although it is not clear whether Holford Farm is actually residential and no objections have been lodged from this property.

Position 2 is at the end of Ascol Drive where the tops of the Holford Hall Buildings are just visible. This is the closest location we know to be residential, at around 530m, and with houses on the Eastern side of the road having a direct line of sight (ignoring trees) to the function rooms and Marquee.

Position 3 is next to Brockhouse Farm and is around 640m away but still the closest point in the Plumley residential area. Note that the Plumley residential area would be heavily screened from the proposed marquee by the function rooms and other buildings.

Finally, position 4 is on Plumley Moor Road at around 570m. It will have a line of sight (ignoring trees) to the functions room and possibly to the marquee.

In all cases, the microphone was 1.5 m above ground and well away from other reflecting surfaces.

4.4 Survey Conditions

We have no reason to believe that the conditions we found on the survey were anything other than representative of normal conditions. Steady background noise was dominated by the M6 and local vehicles were fairly frequent.

Weather conditions were as follows :-

Rain	:	none, dry roads
Cloud	:	0%
Temperature	:	15 to 16 Celsius
Wind	:	negligible

5.0 **RESULTS AND DISCUSSIONS**

This section summarises our findings and opinions. Full results are produced in Appendix 2.

5.1 General Method of Assessment

As the function room was essentially complete in terms of its shell, the process was simple and reliable. Similarly the marquee will provide very limited sound insulation and so we have treated it as effectively an open air venue, and so can be tested directly in the same way.

In addition to the instrumentation detailed in section 4.2 above, two Mackie SRM 450 powered loudspeakers were set up in a simulated dance floor configuration inside the function room and later in the proposed marquee area. See 4.3 above. A continuous loop of music was played from a laptop. The loop comprised two songs chosen for their known popularity at functions such as weddings and for their relatively strong bass beat. Short sections were repeated continuously so as to ensure consistent conditions for measurement. The loops comprised the following:-

- The first four bars of the chorus of “Price Tag” by Jessie J looped for approximately 1 minute

followed immediately by:-

- The first four bars of the chorus of “Bad Romance” by Lady Ga Ga looped for approximately 1 minute.

and immediately back to the Price Tag loop, all continuously repeating.

The testing process went as follows:-

1. The equipment was set up in the function room roughly as shown in 4.3 above and the music started at a level which Mr Hayes said would be acceptable operationally.
2. The four assessment positions were toured but no music was audible at any time.
3. The doors were opened and again the four assessment positions were toured and again no music was audible.
4. At this point the music level was increased until it was just audible – a faint bass beat only. Only at position 1 was it audible at all. It was inaudible at all other positions which was not surprising as they were all further away and, in the case of the Plumley location (Position 3), screened by buildings. Mr Hayes advised the internal level was as loud as he it would ever need to be. Remember the doors were open. By this time it was 00:30 and the music noise was measured at Positions A1 and A2.
5. The doors were closed and the levels were increased significantly until they were well above what Mr Hayes anticipated being required – describing it as unpleasantly loud and making conversation difficult. Note that the music was inaudible at the residential locations, including position 1.
6. The speakers were moved out onto the area where the main marquee is proposed and the process described was repeated. Not surprisingly, the music noise was audible at position 1. The level was reduced until it was inaudible at position 1. The other positions were checked and the music was also found to be inaudible as well. The music noise was measured at this level at positions B1 and B2. Mr Hayes was quite happy with the levels. We would describe them as not dance floor levels, but well above what one would call background music. Note that the music was only audible at position 1.
7. Finally, with no music playing, the background noise was assessed at positions 2 and 4, chosen simply as positions in opposite directions and away from the relatively busy A556, and away from the running stream which influenced position 1.

5.2 Basic Results

Full results are shown in Appendix 2. This section includes a summary.

Measurements within the function areas:-

<i>Conditions</i>	<i>Pos'n</i>	<i>Index</i>	<i>dB(A)</i>	<i>63Hz</i>	<i>125Hz</i>
Bass beat just audible at Position 1 Doors Open	A1	Leq	94	107	98
		Lmax	102	112	105
Bass beat just audible at Position 1 Doors Open	A2	Leq	92	100	94
		Lmax	98	107	101
Inaudible at Position 1 Doors Closed	A1	Leq	101	111	105
		Lmax	108	116	110
Inaudible at Position 1 Doors Closed	A2	Leq	100	107	102
		Lmax	106	114	108
Bass beat just audible at Position 1	B1	Leq	80	92	84
		Lmax	88	97	91
Bass beat just audible at Position 1	B2	Leq	69	80	72
		Lmax	79	87	81

Measurements within the community (no music playing):-

<i>Time</i>	<i>Pos'n</i>	<i>Index</i>	<i>dB(A)</i>
01:22 to 01:52	2	Leq	43
		Lmax	55
		L90	36
01:15 to 01:45	4	Leq	48
		Lmax	69
		L90	39

5.3 Assessment

The assessment of music noise is essentially answered by showing that levels acceptable to the operators can be played with doors open without causing a disturbance to neighbouring properties. With doors closed there is no practical need to impose controls on the music levels. It is unlikely that problems will occur with doors open, but it is obviously less easily defined. The Environmental Health Officer's suggestion of keeping doors closed apart from access and egress is probably unnecessary, even without level control, but with level controls it can certainly be avoided. We understand for instance that it would be desirable to leave doors to the main marquee open.

Although Mr Hayes advised that he was quite happy with the levels played in the marquee position (ie. loud enough in the marquee from an operational point of view), it is likely that officers will require level control for any external or marquee sound systems, to endure that it is not exceeded.

Obviously conditions will vary (wind direction for instance) as will the nature of the songs being played (more or less bass beat for instance). But this assessment is simply to show that acceptable conditions (more

or less inaudible outside residential properties) can be achieved with operationally acceptable levels in the function areas.

5.4 Traffic Noise

Traffic noise has been mentioned and, although a detailed assessment is beyond the scope of this report, we have provided an overview below.

We are advised that the number of guests is unlikely to exceed 150 with the function room and main marquee in use. Even if on average there are two people per car, they all depart within a 2 hour period of each other, and all turn the same way and take the same route away from the site, this is only 37 to 38 cars per hour. This would not be considered a particularly busy road even if it were to persist at these levels all night long. It would be highly unlikely to have any significant impact on a general night time traffic noise assessment under BS8233 criteria.

In any event, all vehicles will exit the site after an event via the A556 and as such, vehicular noise will be directed away from Plumley and residential properties at times when residents have indicated in objections would be most concerning.

5.5 Mitigation

The function room building comprises very substantial walls and it appears to have been restored to a high standard. There is no need to consider increasing the sound insulation.

It should not be necessary to keep doors closed but officers may wish to see some music level controls if it is operationally desirable to leave them open.

A properly designed sound system which can maximise levels on the dance floor, while reducing spread to room edges to the levels specified is recommended. It should be based upon distributing as many speakers as possible over the dance floor and locating them as close to customers heads as possible. Investing in large bass/sub-bass bins is unlikely to be worthwhile as they are not usually associated with weddings and similar functions and they are difficult to predict and therefore control. Vibration isolation of speakers will be essential.

A properly designed sound system can incorporate music level limiters if necessary. These range from the very unsophisticated types which simply cut the mains power supply when a set level is exceeded, to proper limiters which actually prevent the level from exceeding a certain amount. The most sophisticated types can even limit different frequency bands by different amounts. A proper sound system designer will be able to advise which best suits the operational needs.

The marquees will benefit from properly designed systems if higher levels than we set up are desired. The principles described above will help to increase perceived levels. If even higher music levels are desired then impressive results have been obtained from highly distributed speaker arrays. Two examples are as follows:-

- The DAS Zone Array
www.directacousticsolutions.com/products-services/zone-array/
- The JBN Sound Ceiling
www.soundceilingsuk.com/sound-ceiling/

6.0 CONCLUSIONS/RECOMMENDATIONS

A function room and marquee are proposed for the site at Holford Hall for high-end functions such as weddings. The proposals will inevitably involve amplified music and customers arriving and leaving.

A large number of Representations have been made by local residents, including an outline acoustic assessment, as well as a consultation response from the local authority. All are addressed in this report.

It is highly unlikely that functions of any kind held within the Function Room with doors and windows closed will be audible at any residential location. With doors open, then music could be audible but only with function room levels likely to be well in excess of anything proposed. A well designed sound system should easily allow acceptable levels from an operational point of view and still be generally inaudible at all residential locations, even with doors open.

Music played in Marquee will have to be controlled to much lower levels, particularly in terms of bass. It will be less suitable as a "dance floor" without expensive and very specifically designed sound systems but entirely suitable for quieter music and as overspill from the main function room.

Traffic noise is unlikely to have a significant impact, even with rather extreme assumptions of numbers, routes and times.

Recommendations have been proposed by the Environmental Health Officer. The vast majority are to be incorporated in some form or other by way of additional Conditions offered. These are in progress and will be influenced by the findings of this report.

A properly designed sound system is strongly recommended, not for licensing purposes (this report shows that acceptable levels can be achieved with a relatively unsophisticated system), but to improve the flexibility of operations, especially in the marquees.

Appendix 1

Definition of Acoustic Terms

The Decibel

The decibel is the basic unit of noise measurement and is denoted dB. Technically, it is a means of expressing the difference in noise level between the measured noise and a standard level of noise. Most often the threshold of human hearing is used as the standard reference but it really should be stated. The threshold of human hearing is a sound pressure of $20\mu\text{Pa}$ or a sound power of 1pW .

A sound pressure level or SPL should be expressed in dB(re. $20\mu\text{Pa}$). A sound power level or SWL should be expressed in dB(re. 1pW). If the reference levels are omitted, it will often (but not always) be safe to assume that they are referenced to the threshold of human hearing.

A-Weighting and dB(A)

The human hearing system responds differently to different frequencies. The A-weighting system takes account of this by emphasising mid and high frequencies more than low frequencies to give an overall level. An A-Weighted noise level, therefore, reflects the way normal, healthy hearing would perceive the overall level of the noise. The basic unit is dB(A), although other systems of expressing an A-weighted level are discussed below.

Other weighting systems, such as C-Weighting, denoted dB(C), reflect the human hearing system's response at higher noise levels.

Equivalent Continuous Sound Level, L_{eq}

This is a kind of mean noise level.

The unit is dB L_{eq} . For A-weighted levels the unit is dB(A) L_{eq} or, in more modern units, dB L_{Aeq} . The Noise at Work Regulations use $L_{\text{eq(s)}}$ which refers to a sample level.

Maximum Level, L_{max}

This is the maximum level reached (usually for a fraction of a second) in the measurement period.

The unit is dB L_{max} . For A-weighted levels the unit is dB(A) L_{max} or, in more modern units, dB L_{Amax} .

Statistical (Percentile) Levels, L_n

During a measurement of fluctuating noise, it is often useful to establish the levels exceeded for a percentage of the time. L_n is the index representing the level exceeded for $n\%$ of the measurement period.

The unit is dB L_n . For A-weighted levels, the unit is dB(A) L_n or, in more modern units, dB L_{An} .

Common examples are as follows :-

dB L_{A90} is the A-weighted level exceeded for 90% of the time and is often used to describe the underlying background noise.

dB L_{A50} is the A-weighted level exceeded for 50% of the time. Mathematically, it is the median, another kind of average.

dB L_{A10} is the A-weighted level exceeded for 10% of the time and has traditionally been used to describe the intermittent highs in the noise climate such as passing cars or aircraft.

Frequency Analysis

Here the audible frequency range is divided up into bands and the noise level is expressed in each frequency band from low pitches to high pitches.

Octave Band analysis is where the frequency range is divided into 8 bands from 63 Hz to 8kHz, or sometimes into 10 bands from 31.5 Hz to 16kHz.

1/3 Octave Band analysis provides more detailed subdivision into 24 bands from 50 Hz to 10kHz, or sometimes into 30 bands from 20Hz to 20kHz.

Narrow Band analysis takes this further with the possibility of many thousands of bands, possibly only 1Hz wide, or even less.

In all types of frequency analysis, the level in each band can be expressed in terms of L_{eq} , L_{max} , L_n , etc. as defined above.

Appendix 2

Measurement and Calculation Details

Measurements in the Function Areas

Conditions	Pos'n	Index	dB(A)	63	125	250	500	1k	2k	4k	8k
Bass beat just audible at Position 1 Doors Open	A1	Leq	94	107	98	91	87	90	86	85	75
		Lmax	102	112	105	99	92	99	94	91	84
		L90	88	102	91	86	83	83	81	79	70
Bass beat just audible at Position 1 Doors Open	A2	Leq	92	100	94	88	87	88	84	83	73
		Lmax	98	107	101	93	93	95	90	89	79
		L90	87	94	90	84	84	82	80	78	68
Inaudible at Position 1 Doors Closed	A1	Leq	101	111	105	96	95	96	94	93	82
		Lmax	108	116	110	102	101	103	102	98	86
		L90	97	108	101	92	92	90	90	88	79
Inaudible at Position 1 Doors Closed	A2	Leq	100	107	102	96	95	95	92	91	82
		Lmax	106	114	108	104	103	101	97	97	88
		L90	95	98	98	90	90	90	88	87	78
Bass beat just audible at Position 1	B1	Leq	80	92	84	77	70	75	73	72	64
		Lmax	88	97	91	86	76	84	82	79	71
		L90	73	89	78	70	65	67	67	64	57
Bass beat just audible at Position 1	B2	Leq	69	80	72	68	65	63	60	61	53
		Lmax	79	87	81	80	76	73	69	70	61
		L90	62	72	67	60	59	56	53	53	44

Measurements in the Community

Time	Pos'n	Index	dB(A)	63	125	250	500	1k	2k	4k	8k
01:22	2	Leq	43	52	44	40	41	40	31	25	24
		Lmax	52	54	46	46	51	50	35	27	24
		L90	37	47	41	35	35	33	23	23	23
01:27	2	Leq	42	51	43	36	38	39	31	26	24
		Lmax	54	53	45	39	47	52	46	38	32
		L90	35	46	39	32	33	28	21	23	23
01:32	2	Leq	46	51	43	38	44	43	33	26	24
		Lmax	59	55	44	42	61	54	39	26	25
		L90	34	46	39	32	32	28	21	23	23
01:37	2	Leq	39	49	42	35	36	36	28	24	24
		Lmax	48	53	45	42	44	46	37	25	24
		L90	33	45	39	31	31	26	21	23	23
01:42	2	Leq	41	50	43	35	37	38	30	25	24
		Lmax	52	56	47	37	41	51	42	26	24
		L90	37	49	40	35	35	33	24	23	23
01:47	2	Leq	43	51	45	39	40	40	33	26	25
		Lmax	57	56	47	51	58	52	43	40	31
		L90	36	46	41	35	35	31	24	22	23
Overall	2	Leq	43	51	43	37	40	40	31	25	24
		Lmax	55	55	46	45	56	51	42	35	28
		L90	36	47	40	34	34	30	23	23	23

Time	Pos'n	Index	dB(A)	63	125	250	500	1k	2k	4k	8k
01:15	4	Leq	43	51	42	37	40	41	30	19	15
		Lmax	59	69	68	59	58	52	46	43	36
		L90	39	50	39	35	36	36	25	14	13
01:20	4	Leq	41	49	39	35	38	39	27	14	13
		Lmax	56	55	49	43	51	55	40	27	22
		L90	39	49	38	34	36	36	25	13	13
01:25	4	Leq	41	48	38	35	37	40	29	14	13
		Lmax	54	56	47	40	46	53	45	28	21
		L90	38	48	38	34	35	36	24	13	13
01:30	4	Leq	42	49	40	36	38	40	30	15	13
		Lmax	55	56	46	45	48	53	47	28	18
		L90	39	49	39	35	36	36	24	14	13
01:35	4	Leq	44	50	42	39	40	43	32	16	13
		Lmax	57	59	50	49	49	55	48	38	35
		L90	39	49	40	37	37	37	26	14	13
01:40	4	Leq	55	56	49	48	48	52	49	40	32
		Lmax	76	77	72	73	71	73	70	61	56
		L90	39	48	38	34	36	37	26	14	13
Overall	4	Leq	48	52	43	42	42	45	41	32	24
		Lmax	69	70	66	65	64	65	62	53	48
		L90	39	49	39	35	36	36	25	13	13



**PROPOSED LICENCE APPLICATION
HOLFORD HALL, PLUMLEY**

Rebuttal to Local Objections
On behalf of Ladybarn Corporation Limited

7th September 2015

Prepared by Leith Planning Limited

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SECTION 1 INTRODUCTION

- 1.1 An application was submitted by Ladybarn Corporation Limited for a premises licence under section 17 of the Licensing Act 2003; the property is known as Holford Hall, Chester Road, Plumley, WA16 0UA. Leith Planning Limited was instructed in August 2015 to review the representations submitted by local residents and prepare a statement answering the various queries and addressing the concerns raised. As part of this exercise we have provided some context and background concerning Holford Hall, this is set out in Section 2 of this report.
- 1.2 This report does not deal with statutory consultation responses in circumstances where the only matters to be addressed are comments received from the Council's Environmental Health Officer and these are dealt with in the Acoustic Report produced by Andrew Raymond of ADC Acoustics (provided under separate cover).
- 1.3 The Licence Application has been submitted for the provision of:
- Live music
 - Recorded music
 - Performances of dance
- The Licence Application also seeks to secure the provision of late night refreshment and the supply of alcohol. It is proposed that the licenced hours of operation will end at 12.30AM with a complete stop at 1AM. It is worth pointing out that the application originally was for the licenced hours of operation to end at 1.30AM with a complete stop at 2.00AM; this change is in response to concerns raised by neighbours. Furthermore, the number of marquis has been changed from two to one, again in response to concerns raised by neighbours.
- 1.4 Given that some of the concerns raised technical matters we have instructed Andrew Raymond of ADC Acoustics to prepare a Noise Assessment. Andrew Raymond is well qualified and has considerable experience in dealing with acoustics, namely:
- BSc in Electro-Acoustics and an MBA.
 - Member of the Institute of Acoustics and a Chartered Engineer.
 - Founder and director of Acoustic Design & Control Ltd.
 - Full-time acoustic consultant since 1990, specialising in all aspects of environmental noise and architectural acoustics.
 - Worked for a broad range of clients including defendants/applicants/ appellants of all sizes, local authorities and third party objectors on issues of housing, industrial, entertainment, transportation, etc.
 - ADC holds corporate membership of the Association of Noise Consultants.
- 1.5 We have also instructed Andy Kirby of Northern Transport Planning who is very familiar with this site and he has considered the various highway matters raised. Andy Kirby is a Director of Northern Transport Planning, a specialist consultancy that advises clients on transport related issues. Andy holds a degree of Bachelor of Science in Civil Engineering, is a Chartered Civil Engineer and a Member of the Institution of Civil Engineers. Andy has worked in traffic engineering and transport planning for 34 years, both in the public and private sectors. Andy's comments are summarised in this report in circumstances where a separate report is not warranted. The highways

comments provided in this report have been prepared by Andy Kirby and he will be available at the hearing to answer any questions or deal with any remaining concerns.

- 1.6 To assist the Licensing Committee both Andrew Raymond (ADC Acoustics) and Andy Kirby (Northern Transport Planning) will be attending the licensing hearing and will be able to answer any questions.
- 1.7 This licence application is supported by a schedule of proposed conditions, which have been discussed with the Environmental Health Officer. A copy of the draft conditions has been included at Appendix 2.
- 1.8 Section 2 of this submission provides an overview of Holford Hall and the various activities which currently take place on the site, these activities will continue alongside the licensed activities and are mutually compatible. At Section 3 we have had regard to Cheshire East Council's Statement of Licensing Policy (Licensing Act 2003) dated January 2014 to January 2019 and consider that the licence application to be wholly compliant with the Statement of Licensing Policy for Cheshire East. Section 4 sets out the objections and concerns received from local residents and addresses them. The report is concluded at section 5.

SECTION 2 OVERVIEW OF HOLFORD HALL

History and restoration of the property

- 2.1 Holford Hall is a Grade II* Listed Building and is a large moated timber house built in 1601 for Mary Cholmondeley, nee Holford, on the death of her husband Hugh. Holford Hall suffered from neglect and fell into disrepair in the nineteenth century. The south wing collapsed and was demolished in 1844. The north wing was demolished during the 1880's. A chapel survived on the island until 1920's / 30's. Owned by ICI for much of the last century, it has now been fully restored by Mrs. Phillips and the Family Trust whilst in their ownership. Upon Mrs. Phillips purchase of Holford Hall the building had been empty for some time, showed serious neglect and the structure was unsound. The gardens were overgrown and the moat hidden from view.
- 2.2 Following the renovation works carried out by the owner in conjunction with English Heritage the site is now listed as a Scheduled Ancient Monument. Mrs. Phillips has restored the property to reflect the traditional form and design of the building in conjunction with the local planning authority and English Heritage in addition to the re-creation of the traditional knott gardens. Holford Hall was listed on English Heritage's at Risk Register during 1999 and was de-listed during 2009.
- 2.3 One of the largest restoration projects carried out by Mrs. Phillips was the restoration of the front elevation which also showed serious signs of neglect. The work carried out has endeavored to retain the original design of the building and whilst visually there has been little change, this is where the most work has been carried out. The stone roof was removed piece by piece to restore the roof trusses and install a new gutter system. A large percentage of the original stone was put back. The right gable was completely re-built as it was falling down. The rest of the elevation was worked through restoring each of the timbers. Once the window's were opened it was discovered that the windows had been closed up since the 1960's and as such the lead and glass was sent to a specialist who enveloped them into a triple glaze which was then reinstated. During the restoration project as many of the mullion windows were retained as possible albeit not all were restorable. All adornments including gargoyles and roman style pillars were carefully restored and ground excavations carried out to protect the fabric of the building.

History of Activities on Site

- 2.4 Mrs. Phillips commenced development of the equestrian facilities on site immediately upon its purchase and horses were brought to Holford Hall in 1998 when Mrs. Phillips moved into the property. Mrs. Phillips has bred horses at Holford Hall both of which are now over 20 years old. The use of the site for equestrian purposes developed following the death of Mr. Phillips and Mrs. Phillips has built the training side up on site.
- 2.5 Holford Hall was opened to other students for training in 2004. Mr. David Hunt, The President of the International Dressage Trainer Club and Chairman of British Dressage training Committee and representative of the Federation Equestre Internationale Dressage Committee has taught Mrs Phillips for over 15 years. Training has been carried out on site over the last 10 years. Many students travel to Holford Hall to attend training sessions provided by David

Hunt.

- 2.6 In recent years, Mrs. Phillips has learnt how to train horses to the top level and to develop as a trainer. Working closely with David Hunt on site has facilitated this learning process. David Hunt operates a pyramid training system to enable the people he trains to train others. Mrs. Phillips is now able to train at Grand Prix level and currently trains several other people at various levels from novice to advanced.
- 2.7 Holford Hall operates as a genuine equestrian enterprise and stud (currently with 6 horses), which have been trained to compete at a national level; they are not simply horses for domestic or recreation use.
- 2.8 Holford Hall provides facilities for national riders and their horses and also have partnerships that are on the Olympic Potential Training Scheme. By way of example:
- Peter Storr has ridden at Holford Hall and has taken part in the Olympics. Peter is an excellent rider described as one of the UK's "best". Peter rode in the 2000 Olympics in Sydney and participated in the 2012 London Olympics.
 - Polly Stockton has ridden at Holford Hall and has taken part in international events and is always on the Olympic selection (www.pollystockton.com) Polly finished the season in 12th place in the British Eventing Rider Rankings, having won 627 points. The high points of 2009 were winning the British Intermediate Championship on Westwood Mariner and finishing runner up at the Land Rover Burghley Horse Trials on Westwood Poser. Polly is a member of the British World Class Performance squad and has represented her country at Young Rider and Senior level.
 - Melanie Allen trains at Holford Hall and is part of the Olympic Potential Training Scheme with a young stallion having been picked up by talent spotting. Melanie is an Assistant Members Representative for Cumbria for British Dressage.
 - Becky Moody trains at Holford Hall and has already been part of the Olympic Potential Training Scheme with other horses who have not been sufficiently competent to be selected (<http://blog.moody-dressage.co.uk>). Becky represented G.B. at four U21 European Championships – two with Paulette Tuckey's Jordas and two with the Moody Family and Christine Jebson's Kwadraat. In 1998 and 2000 the team won the bronze medals and in 2000 and 2001 Becky was the highest placed Brit- finishing in eighth place both times. In 1998 she also won the Winter Novice Championship on Early Bird and the Under 21 Novice Championship on Kabanza. In 2001 Becky and Kwad were the PSG and Int 1 National Champions and in 2002 made their senior international debut at Soley CDI where they again finished best of the Brits in second place in all three small tour classes. In 2003 she finished ninth in the Grand Prix National Champs with Humble Pie – a horse she has owned and trained since he was 3 years old. In 2004 She was the winner of the Elementary, Medium and Advanced Medium Regional Championships on High Fashion,

and was 5th in the GP Special and 3rd in the GP Freestyle on Humble Pie at Fry's CDI.

- 2.9 The above riders travel with their stallions to Holford Hall and they are provided with stables during their stay, sometimes overnight during training sessions.
- 2.10 Mr. David Hunt, The President of the International Dressage Trainer Club and Chairman of British Dressage training Committee and representative of the Federation Equestre Internationale Dressage Committee operates out of the ménage facilities at Holford Hall and visits the stables every month for two day clinics and trains ambitious/accomplished people in the sport.
- 2.11 It is important to bear in mind that those individuals utilizing the facilities at Holford Hall are paying considerable fees for their tuition on site as a result of the highly skilled professionals training and quality of facilities on site.

Bloodstock – pedigree of Horses

- 2.12 The horses on site range from two young race horses in training who rest at Holford Hall, retired event horses, dressage horses both young and Grand Prix (which is the ultimate of dressage recognized internationally, all Olympic horses are Grand Prix level). The horses training on site are training to compete nationally, internationally and are potential competitors for the Olympics.
- 2.13 The horses at Holford Hall are competition animals and are not to be compared to riding school horses given the value of the horses both monetary and the years of training, dedication, commitment and keeping them fit, well and healthy which is involved.
- 2.14 This is just as important in their later lives when their knowledge is so valuable in using them as school masters. They are often used in specialist training sessions to aid and educate the less experienced. Two of the horses who visit Holford Hall for training have been used for the Para Olympic team.
- 2.15 The working stallion, "Librie" is a registered Dutch Warm Blood stallion and is currently at Holford Hall as a result of his amazing temperament and when he has retired from competitions he will be able to pass on his talents to younger horses. Librie has been bred and graded by the Dutch Federation.
- 2.16 David Hunt has produced more Grand Prix horses than any other trainer in the country with trainers who want to train to competition levels themselves.

Requirement for Diversification

- 2.17 Holford Hall does not currently generate sufficient income to cover the cost of the upkeep of the property and the additional restoration works which are required for the Hall itself and the surrounding grounds and outbuildings.
- 2.18 When Holford Hall was first purchased, it was financially supported by a separate business. As a result of Mr. Phillip's death, the separate business ceased to exist and as such the source of income for Holford Hall's upkeep and restoration was removed. It has been necessary to identify other sources of income for Holford Hall which have included expanding the working farm,

which is currently 30 acres, with plans to continue to increase the size of the working farm through land acquisitions and expansion of the equestrian activities on site. Any financial contribution which Holford Hall can generate for itself is essential for the future viability of Holford Hall, particularly in the current economic climate.

Cottage Kitchen and Culinary School – Application Reference 11/4254M

- 2.19 Consent was granted on 1st May 2012 for the change of use of the existing barn at Holford Hall to create a cottage kitchen style culinary school with ancillary accommodation; the development includes external alterations to the barn and associated works.
- 2.20 The above grant of consent included use of the barn for gourmet dining, cookery classes, food and wine tasting and events. This licence application seeks to support these uses as part of the 'package' provided by Holford Hall.

Wedding Venue

- 2.21 Leith Planning Limited is instructed to prepare and submit a planning application to Cheshire East Council to vary the use of the barn to enable the use of the barn as a wedding/event location. This has been the subject of pre-application discussions with the local planning authority who have advised that:

"If the number of guests would not be greater than for the existing barn scheme, then there would be no greater adverse impact on the highway network and in this regard the development would be acceptable."

- 2.22 This business venture has come to light following a private family wedding, which was hosted at Holford Hall August 2015. Holford Estate received approval from Cheshire East Council on 24th August 2015 for the premises to be used as a venue for civil ceremonies under the provisions of Section 46A and 46B of the Marriage Act 1949 and for Civil Partnerships under Section 6A of the Civil Partnerships Act 2004. This license application seeks to enable the Holford Estate to offer a wedding package to prospective clients.
- 2.23 It is necessary to achieve a balance between the additional income stream this venture would provide for the on-going restoration of Holford Hall, against the need to protect and enhance the existing equestrian business.

SECTION 3 STATEMENT OF LICENSING POLICY

- 3.1 In drafting this submission we have had regard to Cheshire East Council's Statement of Licensing Policy (Licensing Act 2003) dated January 2014 to January 2019.
- 3.2 Paragraphs 1.5 through to 1.7 set out the context of the Policy and refers to the Council's statutory duty under the Crime and Disorder Act 1998 to have regard to the need to do all that it reasonably can to prevent crime and disorder, misuse of drugs and alcohol and reoffending in its area.
- 3.3 The Policy takes into account the guidance issued under section 182 of the Act. The Home Office published the latest guidance in June 2013. In accordance with section 4 of the Act, the Licensing Authority shall have regard to the Policy in the exercise of its functions in respect of Licensable Activities and qualifying Licensable Activities in accordance with Section 1 and Schedules 1 and 2 of the Act.
- 3.4 Paragraph 2.4 recognises the Council's duty to protect the amenity of its residents. This extends to the business community, who can expect the Council to ensure that the environment is attractive and sustainable for the conduct of their business. It is considered that the licence application submitted for Holford Hall and the proposed conditions will ensure that the amenity of residents (including the residential amenity of Holford Hall) is protected and the wider Holford Hall business enterprise is supported.
- 3.5 Paragraph 4.2 states that the Planning Regulation and Licensing Regulation functions are separate statutory regimes. The Licensing Authority recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication.
- 3.6 Paragraph 5.2 recognises that licensed premises are an important contributor to the local economy. Any licence application will be considered by taking certain factors into account. These include:
- . Employment opportunities - the proposal at Holford Hall will generate a wide range of employment opportunities; by way of example: bar staff, security, valet parking, wait staff and chefs. Links will also be generated with local businesses such as taxis, hotels, caterers, florists etc.
 - . The enhancement the proposal might have on the attractiveness of the wider area - The licenced activities will enhance the attractiveness of the wider area in that it will provide a high quality wedding/function venue.
 - . The general impact in attracting visitors to the area – Presently the venue attracts the United Kingdom's Grand Prix equestrian riders/trainers. The licenced activities will add to the attraction of the area, in that it will provide a gourmet kitchen, wine/food tasting events and classes. The weddings/functions venue will also attract visitors to the wider area. Furthermore, the licensed activities will boost the local economy through local business links.
- 3.7 Paragraph 5.3 notes that in undertaking its statutory licensing function the Licensing Authority may have regard to:

- Section 17 of the Crime and Disorder Act 1998 and requirement that the Council do all that it reasonably can to prevent crime and disorder in its locality
 - The European Convention on Human Rights (which is given effect by the Human Rights Act 1998), which places a duty on public authorities to protect the rights of individuals in a variety of circumstances
 - Any other relevant legislation drawn to its attention

- 3.8 Section 6 deals with anti-social behaviour and paragraph 6.1 states that the licensing authority recognises that in addition to the requirements for it to promote licensing objectives, the Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder within its area.

- 3.9 Objections in relation to anti-social behaviour are considered at section 3 D of this submission in relation to prevention of public nuisance. It should be noted that no objections have been received from the police in relation to this licence application and a preemptive policy will be applied to ensure anti-social behaviour does not occur.

- 3.10 Section 7 deals with crime and disorder and notes that in order to meet the Council's duty to prevent and reduce crime, the Statement of Licensing Policy will have regard to the likely impact of licensing on related crime and disorder in the area. It is noted that the licensing authority will consider the location of the premises and the impact, operation and management of the licensable activities. In this case, the measures include:
 - A pre-emptive policy to prevent crime and disorder.
 - Security supervision of all functions including staffed exits
 - Use of CCTV
 - An electric buggy transferring guests from Holford Hall to Holford Mill for taxis
 - Valet parking
 - Directing guests away from Plumley by preventing, at all times, egress via Trouthall Lane

- 3.11 Section 8 deals with public safety and paragraphs 8.2 and 8.3 notes that the licensing authority recognise that the Public Safety Objective is concerned with the physical safety of customers using the relevant premises and not with Public Health, which is dealt with by other legislation. In this case, it is noted that no representation has been received from the Local Authority Director of Public Health.

- 3.12 Section 9 deals with prevention of public nuisance. In this case, concern has been raised by local residents in relation to noise disturbance. In response to the comments received, a Noise Assessment has been undertaken by ADC Acoustics and submitted in support of this application. For the avoidance of doubt, it is considered that the proposed licence application, through the use of appropriate conditions agreed with the Environmental Health Officer, will not result in noise disturbance to local residents. Comments in relation to public nuisance have been addressed at Section 3 of this submission.

- 3.13 Section 10 considered protection of children from harm. This licence application will not place children in a position of risk from moral,

psychological or physical harm. Events, entertainment and activities will be conducted strictly by way of pre-agreed guest lists and pre-approved performers.

- 3.14 Holford Hall is set apart from the village of Plumley and as such, will not impact a 'stress area' by way of cumulative impact, as set out at Section 11.
- 3.15 A schedule of conditions has been prepared in discussion with the Council's Environmental Health Officer, which will assist the Council in delivering the Statement of Licensing Policy objectives in this case, a copy of which is included at Appendix 2.
- 3.16 It is considered that the licence application for Holford Hall is wholly compliant with the Statement of Licensing Policy and will protect the amenity of local residents, whilst delivering the commercial objectives of the Holford Hall enterprise.

SECTION 4 REBUTTAL TO OBJECTIONS

4.1 We have reviewed the objections submitted by third parties and have provided a response and/or further information. The comments received have been considered in line with the objectives for consideration under this application, namely:

- a. general
- b. prevention of crime and disorder
- c. public safety
- d. prevention of public nuisance
- e. protection of children from harm

A. GENERAL

4.2 The Application form states:

"All staff will be briefed on the event timetable, site layout, emergency procedures and other relevant site-specific information.

Open containers of alcohol shall not be removed from the premises, except for consumption in any external area within the grounds of Holford Hall."

Objection: Alcohol consumption is associated with disorderly and antisocial behaviour. Door staff will bar or remove disorderly individuals where will these individuals end up?

4.3 Ladybarn Corporation proposes to operate on a pre-emptive policy with security on site. Individuals undertaking manned guarding activity during the licenced activities will require a Security Industry Authority licence. In addition to the services provided by a security firm, other members of staff will be trained to identify any 'disorderly individuals' and will implement an early intervention approach. Given that we are dealing with a wedding/function venue, the expectation is that the majority of situations will be dealt with in house. However, where it is necessary to remove people from the premises they will be escorted to Holford Mill and placed in a taxi, the host will be asked to ensure that disorderly individuals are accompanied either back to their hotel or home via the A556. At no time will guests exit the site through Plumley. Ladbybarn Corporation Limited will operate at all times, a strict no drugs policy.

Objection: Concerns in relation to the provision of 'adult entertainment

4.4 The licence application submitted does not seek the provision of adult entertainment. All activities and business enterprises undertaken at Holford Hall are delivered to a high standard and quality. The wedding venue and event functions proposed would be delivered with the same care and attention which has been given to the restoration of Holford Hall and the gardens.

Objection: The venue is a residential building not designed for large groups of people attending events.

4.5 Holford Hall provides a unique attractive setting and with the cottage kitchen barn which has recently been restored; Ladybarn Corporation is able to cater for specialist events. Holford Hall, the associated barn and grounds are well equipped to cater for large numbers of people and this has been established historically. Mrs Phillips has previously discussed the possibility of opening the hall up for charity days (which is still under consideration) and residents have previously wholly welcomed this possibility.

Objection: A one-way system has been mooted. Who would police such a system?

4.6 Any event hosted at Holford Hall will be supported by valet parking and security. These arrangements will ensure that visitors and vehicles are directed onto and off the site.

Objection: Events seven days per week will cause intolerable disturbance, effectively creating a nightclub.

4.7 The application has been submitted for seven days of the week to ensure that the business can accommodate all needs, with a growing demand for weekday weddings. However, Mrs Phillips does not envisage hosting more than one event per week. It is necessary to bear in mind that Holford Hall is first and foremost a private residence with an associated high value equestrian enterprise. Any event or function, which takes place at Holford Hall, must not undermine the residential amenity of Mrs Phillips or the equestrian enterprise.

Objection: The Smoker, The Golden Pheasant and the Peover Golf Club all have function rooms capable of holding events and I do not believe another venue is necessary.

4.8 Whilst it is understood that the licensing authority will not be influenced by the question of need (as set out at paragraph 4.1 of the Statement of Licensing Policy), Holford Hall provides a unique and magnificent setting in which a wedding or function could take place. This is recognised by its Grade II Listed status and its identification as a Scheduled Ancient Monument. Whilst there are a number of local pubs/venues, which cater for weddings, it is considered that there is a demand for a high-end wedding/event location such as Holford Hall. In recent years, Mrs Phillips has received many requests/enquiries about the possibility of hosting an event at Holford Hall.

Objection: Has a personal licence been approved for sale of alcohol? What experience does Mrs Phillips have of this type of enterprise and have any training courses been arranged by Mrs Phillips to satisfy quality aspect

4.9 Mrs Phillips successfully ran the Dun Cow, Knutsford for approximately three years during which time the venue hosted events with their top chef, at other times they had outside caterers and weddings. Mrs Phillips worked to considerably enhance the viability of the Dun Cow and only ended her involvement in the Dun Cow due to the restrictions on the lease arrangement and the overly limiting conditions attached. Mrs Phillips success at the Dun Cow was reported in Cheshire Life on 4th May 2011, a copy of which is included at Appendix 1. The award winning team at the Dun Cow included executive chef March Mattocks who trained in some of the country's finest Michelin and AA rosette establishments.

Objection: It is the case that when other developments at Holford hall have been subject to agreements made by the owner of Holford hall has not abided by these agreements e.g. open day for local residents (footpath diversion) viewing platform occluded by new planting - requiring intervention by parish/ Cheshire east councils.

4.10 Mrs Phillips has endeavoured to accommodate the needs/desires of local residents whilst protecting her personal amenity and the business enterprise at Holford Hall. Following the grant of the footpath diversion order by Cheshire East Council, Mrs Phillips ensured that the public footpath incorporated the provision of a viewing platform, which is maintained on site at all times. The diverted footpath is a well constructed, more convenient and safe footpath, which many walkers have recognised as a significant improvement. Furthermore, Mrs Phillips has adhered to the landscaping plan agreed with the Council to ensure views to the property are un-obscured from the viewing platform. Mrs Phillips hopes to enable charity open days on site and this process is on going.

B. PREVENTION OF CRIME AND DISORDER

4.11 In relation to the prevention of crime and disorder, the application form states:

"All entrances, exits and other strategic points will be staffed while an event is taking place.

A digital hard drive CCTV system will be in operation to cover internal and external areas of the premises; any area where customers have legitimate access must be sufficiently illuminated for the purposes of CCTV. All CCTV recorded images will have sufficient clarity/quality/definition to enable facial recognition. CCTV will be kept in an unedited format for a period of 31 days, any DVDs subsequently produced will be in a format so it can be played back on a standard personal computer or standard DVD player. Any person left in charge of the premises must be trained in the use of any such CCTV equipment and able to produce / download/ burn CCTV images upon request by a person from a Responsible Authority. CCTV will be maintained on a regular basis and kept in good working order. CCTV maintenance records to be kept, details of contractor used and work carried out to be recorded. Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc), a secure storage system to store those recording mediums will be provided.

Any person who tries to gain entry to the premises who is involved in disorderly conduct or anti-social behaviour outside of the premises will not be permitted entry. The Premises Licence holder or Designated Premises Supervisor shall ensure that any person within the premises who is involved in disorderly conduct or anti-social behaviour inside the premises will be removed from the premises.

Staff will be trained in how to recognise and refuse service to customers who have had too much to drink, how to handle potential troublemakers and how to diffuse difficult situations.

The need for door security will be assessed by the Premises Licence holder or Designated Premises Supervisor and door staff will be employed when and where the risk assessment deems this appropriate."

Objection: This peaceful rural area would be at risk from theft and damage to vehicles/property.

- 4.12 All events will be involve a security firm on site that will monitor and manage guests arriving and departing the site. It should also be noted that events would be conducted by way of pre-approved guest list, with the intention of attracting a discerning clientele. It should be borne in mind that the horses on site are high value and as such, prevention and pre-emptive action in relation to crime prevention is of the utmost priority for the applicant.

Objection: There is limited pedestrian access and completely dangerous to have intoxicated individuals walking from this venue onto the A556, where there is not always a footpath.

- 4.13 All guests will be provided with an electric buggy to transfer guests from Holford Hall to Holford Mill to taxis for guests' departure from the site. Guests will not be permitted to walk from Holford Hall towards the A556 on their departure to ensure public safety.

C. PUBLIC SAFETY

- 4.14 In relation to public safety, the application form states:

"All fire fighting equipment is inspected and serviced in line with the appropriate British Standard.

Appropriate fire safety and information signs shall be displayed.

All staff will be trained in the safe handling of emergencies and emergency protocols. Emergency exits will be unlocked and kept clear at all times.

Staff will ensure that glasses and bottles are collected on an on-going and frequent basis, make regular inspections for broken glass and clear up glass and any spillages as quickly as possible."

Objection: Guests will park on Trouthall Lane

- 4.15 Parking will be accommodated on the existing hard-standing at Holford Hall and given the length of the walk between Trouthall Lane and Holford Hall it is highly unlikely that guests will be minded to park on Trouthall Lane and walk to an event in best dress. For completeness, the security on site will monitor access at Trouthall Lane and will ensure that no parking takes place on other than on the designated parking areas at Holford Hall.

Objection: Access to the property is across a small bridge that is not designed for volume traffic and along a public footpath used by walkers and cyclists, which may result in injuries or worse.

- 4.16 Access to the property will be via Trouthall Lane and egress will be via the A556, with Ascol Drive being used in case of emergency. The operator will use all reasonable endeavours to encourage guests and taxis to use the preferred access/egress arrangements. This strategy has been adopted to ensure the safe approach of traffic to and from the site. Information regarding access and egress will be circulated to all patrons and their guests in advance of any event.

Objection: The only access for large vehicles is via Ascol Drive, a private residential drive that is not surfaced and leads to a farm track not designed for heavy traffic.

- 4.17 Ascol Drive has been used historically for access to the site by farm vehicles and horseboxes. Deliveries and collections of waste etc would take place before and after the events and would not conflict with the traffic movements to those events.

Objection: Given the lack of public transport in the area, we also feel that the remote location would increase the potential for drink driving late at night, near a busy bypass; causing a dangerous risk to local residents and wider. We appreciate that there is a request for overnight stays but if the venue was for a large party, it is unlikely that accommodation on site could fully cater to eliminate this risk.

- 4.18 The proposed licenced premises will arrange for mini-buses to transport guests to local hotels/accommodation, which will be arranged in advance. Information relating to travel arrangements will be circulated in advance of events and patrons will be reminded of requirements relating to drink driving.

Objection: Compromise human rights by way of risk to highway

- 4.19 The access routes to the site have a satisfactory safety record and have been considered to provide suitable access to Holford Hall by the Highway Authority in relation to previous planning applications involving the change of the barn with associated guests/visitors.

Objection: Visitors, deliveries etc being unable to find the venue in the village.

- 4.20 Suppliers will be advised of the means of access to the site in advance of any event and as such, no difficulties are envisaged.

Objection: Hazardous to public footpath safety

- 4.21 It is a regular occurrence in rural areas for access routes to properties to share the route of a public right of way. The shared use of such routes is not in principle regarded as problematic and we do not envisage any issues arising. Site notices will also be erected in advance of any event advising footpath users of the upcoming event.

Objection: A cursory glance at the expectant number of vehicles travelling either to or from the A556 can cause a serious hazard by traffic 'backing up' into the turning to the entrance of the Hall. The A556 can be 'a race track' during the day let alone at night, second only to Brands Hatch, Oulton Park etc.

- 4.22 The proposal involves access to the site via Trouthall Lane for arrival of guests. The A556 will be used for egress only on a 'left only' basis under the supervision of on-site security and management teams.

Objection: More vehicles increasing risk on the blind bend at Trouthall Lane

- 4.23 There is no safety record at this location and the access to the site is in regular use and operates without difficulty. Guests will be provided with information relating to access/egress arrangements and they will be

encouraged to drive at a low speed and to show courtesy to other users and local residents.

Objection: There are safety implications for the visitors to the Hall especially at night. Plumley village has few street lights and so is quite dark

4.24 Guests and visitors will be directed to leave the site via the A556 and as such, visitors will not be using the access on Trouthall Lane at times when vehicles would be relying upon street lighting.

Objection: The village already has past experience of this when members of Take That lived here and there were often large groups of 'fans' milling around in the village. There was also increased vandalism and damage in the village and at the station during that period.

4.25 As part of the licence application, notices are to be displayed requesting patrons to respect local residents and leave the premises quietly. The licensee will request that this is extended to the areas adjoining the site and the access routes, as well as the site itself.

D. PREVENTION OF PUBLIC NUISANCE

4.26 In relation to the prevention of public nuisance, the application form states:

"The Premises Licence holder will ensure that any complaints from local residents are managed appropriately.

Notices to be displayed requesting patrons to respect local residents and leave the premises quietly.

Car park staff are to use their best endeavours to ensure patrons leave quietly.

Local taxi numbers shall be available for customers to assist in ordering a taxi."

Objection: Increase of noise in such a quiet and peaceful residential area

4.27 Noise has been assessed in detail within the Noise Assessment prepared by Andrew Raymond of ADC Acoustics and submitted in support of this licence application. However, it should be borne in mind that any noise generated at Holford Hall will need to be sufficiently quiet to ensure that it does not disturb the pedigree of horses, which are on site at Holford Hall. Given the need to protect the high value horses from noise disturbance, noise levels will not be generated which would impact upon the residential amenities of residents who are some distance from the site.

Objection: The noise from large events held at Holford Hall would travel locally to Ascol Drive and other neighbouring properties.

4.28 The Noise Assessment submitted in support of the application sets out mitigation measures and proposed conditions to ensure that noise will not travel locally to Ascol Drive or other neighbouring properties. The need to limit and protect from noise generated by events is of the utmost importance

to Mrs Phillips given the need to ensure that noise does not disturb the high value horses on site.

Objection: Marquees have little or no sound reducing capabilities what so ever.

- 4.29 It is proposed that any marquee would incorporate significant noise mitigation measures as set out within the Noise Assessment. No event will take place at Holford Hall in a marquee without effective noise mitigation measures in place to ensure that noise does not disturb or startle the horses on site.

Objection: There could well be a breach of the Noise Criteria Levels associated with Evening and Night-time levels listed for Rural Areas.

- 4.30 Noise has been addressed by Andrew Raymond, ADC Acoustics in the Noise Assessment. Andrew will be available at the hearing to answer any queries, which may arise.

Objection: Any event is likely to have fireworks.

- 4.31 Mrs Phillips will not permit fireworks to be discharged on site firstly to ensure that the licenced activities do not impact on the amenity of the are. Furthermore, it is necessary to bear in mind that the property is first and foremost, an equestrian centre of excellence for dressage and fireworks would distress the horses on site and may even result in harm to the horses. For completeness, a draft condition has been incorporated into the schedule of proposed conditions on this matter. The British Horse Society public advise on fireworks and horses which clearly states that

“Horses are flight animals and anything unexpected will startle them. The response will vary greatly according to the individual horse, but reactions can be extremely dramatic and potentially dangerous for the horse or anyone close by.”

Objection: The Hall had a party last year with 1 Marquee and the music was plainly heard in my house on Ascol drive all night, if this will be seven days a week it will be intolerable.

- 4.32 The wedding, which took place at Holford Hall in August 2014, was a private family function and as such, did not form part of the wider business enterprise for Holford Hall. This application seeks to enable the business enterprise to diversity and offer the availability to host weddings/functions at Holford Hall. Any events will be strictly controlled and noise mitigation measures will be in place to ensure that noise is mitigated.

Objection: Access to Ascol Drive is by an unadopted road which the residents contribute to the upkeep of, by way of funding and manpower. Any increase of traffic to Holford Hall would have a major impact on the drive and the access to and from Ascol Drive is directly onto the busy A556.

- 4.33 The proposal does not involve Ascol Drive as the primary access/egress route and will only be used in an emergency. We do not consider that Ascol Drive will be materially affected by the proposed licence application.

E. PROTECTION OF CHILDREN FROM HARM

4.34 In relation to the protection of children from harm, the application form states:

"Entry by children under the age of 18 to the premises is prohibited unless accompanied by an adult.

The premises must prominently display appropriate signage indicating that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol."

Objection: Young children play in Ascol Drive and their safety would be compromised by the increase in traffic, not only from the guests but also from the delivery lorries of catering contractors and brewery/vintners.

4.35 There is no safety record at this location and the access to the site is in regular use and operates without difficulty. Guests will be provided with information relating to access/egress arrangements and they will be encouraged to drive at a low speed and to show courtesy to other users and local residents.

SECTION 5 CONCLUSIONS

- 5.1 As explained in the introduction an application was submitted by Ladybarn Corporation Limited for a premises licence under section 17 of the Licensing Act 2003; the property is known as Holford Hall, Chester Road, Plumley, WA16 0UA. Leith Planning Limited was instructed in August 2015 to review the representations submitted by local residents and prepare this statement answering the various queries and addressing the concerns raised. As part of this exercise we have provided some context and background concerning Holford Hall, this is set out in Section 2 of this report.
- 5.2 This report does not deal with statutory consultation responses in circumstances where the only matters to be addressed are comments received from the Council's Environmental Health Officer and these are dealt with in the Acoustic Report produced by Andrew Raymond of ADC Acoustics (see paragraph 1.5 below).
- 5.3 The Licence Application has been submitted for the provision of:
- Live music
 - Recorded music
 - Performances of dance
- The Licence Application also seeks to secure the provision of late night refreshment and the supply of alcohol. It is proposed that the licenced hours of operation will end at 12.30AM with a complete stop at 1AM. It is worth pointing out that the application originally was for the licenced hours of operation to end at 1.30AM with a complete stop at 2.00AM; this change is in response to concerns raised by neighbours. Furthermore, the number of marquis has been changed from two to one, again in response to concerns raised by neighbours.
- 5.4 We have reviewed the objections submitted by third parties and have provided a response and/or further information. The comments received have been considered in line with the objectives for consideration under this application, namely:
- a. general
 - b. prevention of crime and disorder
 - c. public safety
 - d. prevention of public nuisance
 - e. protection of children from harm
- 5.5 Leith Planning Limited was instructed in August 2015 to review the representations submitted by local residents and prepare this statement answering the various queries and addressing the concerns raised. The concerns by third parties have been evaluated and further advice obtained from technical experts; namely Andrew Raymond (ADC Acoustics) and Andy Kirby (Northern Transport Planning). Furthermore, the application has been changed to help address concerns raised by local residents.
- 5.6 On balance, having read the objections and paying due regard to the objectives for consideration, namely: general considerations, prevention of crime and disorder, public safety, prevention of public nuisance and protection of children I would ask that this application be approved (as amended). In so doing it will achieve the objectives set out at Paragraph 5.2 of the Statement of Licensing Policy which recognises that licensed premises are an important contributor to

the local economy. Any licence application will be considered by taking certain factors into account, these include:

- . Employment opportunities - the proposal at Holford Hall will generate a wide range of employment opportunities; by way of example: bar staff, security, valet parking, wait staff and chefs. Links will also be generated with local businesses such as taxis, hotels, caterers, florists etc.
- . The enhancement the proposal might have on the attractiveness of the wider area - The licenced activities will enhance the attractiveness of the wider area in that it will provide a high quality wedding/function venue.
- . The general impact in attracting visitors to the area – Presently the venue attracts the United Kingdom's Grand Prix equestrian riders/trainers. The licenced activities will add to the attraction of the area, in that it will provide a gourmet kitchen, wine/food tasting events and classes. The weddings/functions venue will also attract visitors to the wider area. Furthermore, the licenced activities will boost the local economy through local business links.

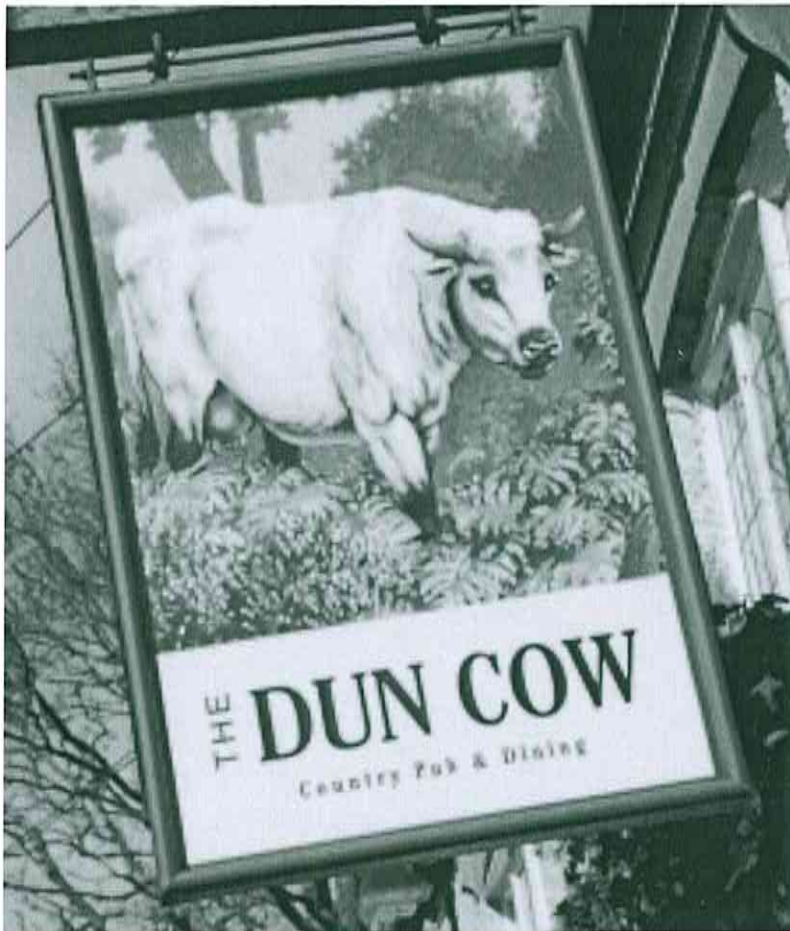
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Cheshire Life Luncheon - Dun Cow, Knutsford

13:37 04 May 2011



Cheshire Life Luncheon - Dun Cow, Knutsford

Guests at this month's Cheshire Life lunch enjoyed food done with flair. Emma Mayoh reports PHOTOGRAPHY BY JOHN COCKS

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(/polopoly_fs/1.1614353/image/452535486.jpg_gen/derivatives/landscape_490/452535486.jpg) *The Dun Cow*

As new business ventures go, it wasn't the best of starts. Dianne Lymm and Frances Phillips had only had the keys to The Dun Cow for two months when disaster struck. A phone call on Boxing Day last year told them their new gastropub had flooded. Frozen pipes had burst, water was pouring everywhere and the ceiling had fallen down.

Some might have crumbled at such a sight. But not this pair. Dianne and Frances, with the help of many buckets and a builder and chef friend who did the repairs, had The Dun Cow back in business the next day.

It is this determined, focussed approach that has earned the friends, who met 29 years ago through a shared love of horses, such remarkable success. As well as boosting the profile of the Ollerton pub, they are also successfully making it more appealing to women through initiatives like a monthly social club.

They run an outside catering company, Graze Out, with the expert guidance of award winning caterer and Cheshire Life Food and Drink Awards judge Rosemary Watts, and hope to start their own boutique hotel with a restaurant in nearby Knutsford.



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(polopoly_fs/1.1614354/image/1356705127.jpg_gen/derivatives/landscape_490/1356705127.jpg) The Dun Cow management, Dianne Lynn and Frances Phillips.

No doubt their previous careers have helped them achieve such early success from their labour. Dianne worked in event management organising high profile parties and corporate occasions from celebrity bashes to the closing party for the Commonwealth Games in Manchester in 2002. Frances worked as a buyer for fashion labels, including Miss Selfridge.

And they have a strong team in the Dun Cow kitchen. Award-winning executive chef Marc Mattocks cut his teeth in some of the countrys finest Michelin and AA rosette establishments. Originally intending to study to be an architect, a job at the renowned Walkington Manor Hotel in North Yorkshire during the school holidays sparked his passion for food.

Marc's cooking is executed with flair. And the 34-year-old chef and his team at the Robinsons owned pub did not disappoint at this sun-baked Cheshire Life lunch. Lanson champagne, served on its own or with elderflower and apple presse, set the benchmark for this impressive dining experience.

The starter showcased the skills of the kitchen staff perfectly. Expertly cooked roasted woodpigeon, a smooth, light liver parfait and small piece of black pudding served with a smattering of blackberries and delicate jasmine flowers were topped with deliciously intense blackberry foam. A Santa Helene Pinot Noir was the perfect companion.



(/polopoly_fs/1.1614355/!image/1566137966.jpg_gen/derivatives/landscape_490/1566137966.jpg) Alison Brebner, Amanda Davies, Milda Zolubaite and Michelle Baldwin

The main course, served with a fruity ros from Spanish vineyard Senorio de Sarria, received satisfied nods from around the room. A delicate swirl of butter roasted lemon sole and crab, Shetland scallop and turnip cannelloni were paired with purple sprouting broccoli, bean blossom, small crosnes vegetables and a blood orange and light soy emulsion.

This was followed by a tasting of Granthams of Alderley Edge two-year-old Comt cheese and roasted fig, before Marcs dessert showed he has lost none of his architectural prowess.

The final course - a celebration of local rhubarb - was as pleasing to the eye as to the palate. A perfectly wobbly rhubarb jelly was topped with foam and sat alongside a super-sweet tart tatin and a creamy rhubarb and custard ice cream topped with a rhubarb sliver. The McGuigan sparkling Shiraz finished the meal off well.

Dianne and Frances had intended to travel the world when they retired. But diners at the triumphant Dun Cow are hoping that wont be happening for some time yet.



(/polopoly_fs/1.1614356/!image/1614378974.jpg_gen/derivatives/landscape_490/1614378974.jpg) Diane Goodhead and Vicki Thompson with Dianne Lynn, Rosemary Watts, Cathie Stone and Frances

Phillips.

Cheshire Life luncheon menu

To start

Local roasted woodpigeon, liver parfait, black pudding, blackberries and jasmine

To continue

Butter roasted lemon sole, crab, Shetland scallop and turnip cannelloni, crosnes, purple sprouting broccoli, blood orange and light soy emulsion and bean blossom Grantham's of Alderley two-year-old Comt cheese with roasted fig

To finish

Rhubarb tart tatin and jelly with Buttertons rhubarb and custard ice cream

Cheshire Life Luncheon - Dun Cow, Knutsford



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Recipe: Rainbow cake by Frances Quinn

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Not your ordinary rainbow cake, this lemon sponge with fresh fruit decoration is perfect for a children's birthday party or just to brighten up a rainy day

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Restaurant review - The Marram Grass Café, Newborough, Anglesey

(http://www.cheshirelife.co.uk:80/food-drink/restaurants/restaurant_review_the_marram_grass_cafe_newborough_anglesey_1_4218836)



In a cabin close to a beautiful Anglesey beach nestles, Marram Grass, an eatery which is exciting both locals and tourists, writes

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Why art collector Frank Cohen is launching a restaurant in Chorlton

(http://www.cheshirelife.co.uk:80/food-drink/why_art_collector_frank_cohen_is_launching_a_restaurant_in_chorlton_1_4218255)



Frank Cohen usually collects contemporary artworks but now he's backing Mish Mash - a new restaurant in Chorlton, he tells us

(http://www.cheshirelife.co.uk:80/food-drink/why_art_collector_frank_cohen_is_launching_a_restaurant_in_chorlton_1_4218255)

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A look ahead to the 2015 Nantwich Food and Drink Festival

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Enjoy a pizza hot from the oven of a fire engine at this month's Nantwich Food and Drink Festival

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Bake Off's Howard Middleton on getting experimental with gluten free-baking

(http://www.cheshirelife.co.uk:80/food-drink/baking/bake_off_s_howard_middleton_on_getting_experimental_with_gluten_free_baking_1_4208252)



Sheffield star of the Great British Bake Off reveals his bad habits in the kitchen, baking tips and life since the BBC cookery show

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Frances Quinn: cake certainly has a lot to answer for

(http://www.cheshirelife.co.uk:80/food-drink/baking/frances_quinn_cake_certainly_has_a_lot_to_answer_for_1_4209437)



Former childrenswear designer and Bake Off winner on channelling her creativity to work with food rather than fabric and why she keeps pencils in the kitchen with gluten free baking

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The Great British Bake Off – Episode 4 poll

(http://www.cheshirelife.co.uk:80/food-drink/baking/the_great_british_bake_off_episode_4_poll_1_4217352)

SPOILER ALERT

Dessert was the name of the game in episode 4 of the BBC cookery show. With whisks and piping bags at the ready, the

Glan Llyn in Clawddnewydd - the champion of the Pub is the hub scheme

(http://www.cheshirelife.co.uk:80/food-drink/glan_llyn_in_clawddnewydd_the_champion_of_the_pub_is_the_hub_scheme_1_4217352)

Meet the locals whose pub is not just a great place to have a drink. Their



bakers set about to create crêpe brulee, spanische windtorte and a 3 tiered chesse cake

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community spirit kept it going and the hostelry is truly a local enterprise, writes Ray King

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Recipe: Satay Sundaes by Howard Middleton from Bake Off series 4

(http://www.cheshirelife.co.uk:80/food-drink/baking/recipe_satay_sundaes_by_howard_middleton_from_bake_off_series_4_1_4207882)



Great British Bake Off star Howard Middleton shares a delicious gluten-free dessert recipe

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The Great British Bake Off – Episode 3

(http://www.cheshirelife.co.uk:80/food-drink/baking/the_great_british_bake_off_episode_3_1_4202072)



SPOILER ALERT Bread was the focus in episode 3 of the BBC cookery show. Whipping out their best bread and whipping out their best bread, the bakers set about

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to create quick breads, French baguettes and 3D bread sculptures

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Bake Off's Edd Kimber: I never expected to win

(http://www.cheshirelife.co.uk:80/food-drink/baking/bake_off_s_edd_kimber_i_never_expected_to_win_1_4191825)



The first ever winner of the Great British Bake Off, Edd Kimber talks growing up in Yorkshire, inspiration, Patisserie Made Simple, and what's next.

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Restaurant review - Cafe Football, Manchester

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A football-themed restaurant in a football-themed hotel? After 90 minutes, were we over the moon, or sick as a parrot?

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Food review - Salt Bar, Macclesfield

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Digest this mini-review in 60 seconds [Read more](#)

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The essential bread recipe: classic white loaf

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Dom Salter, Food Director at award-winning bakery The Sandwich Box, shares his simple recipe for every bread makers essential bake – the basic white loaf –

perfect for Bake Off fans cooking along to Bread Week

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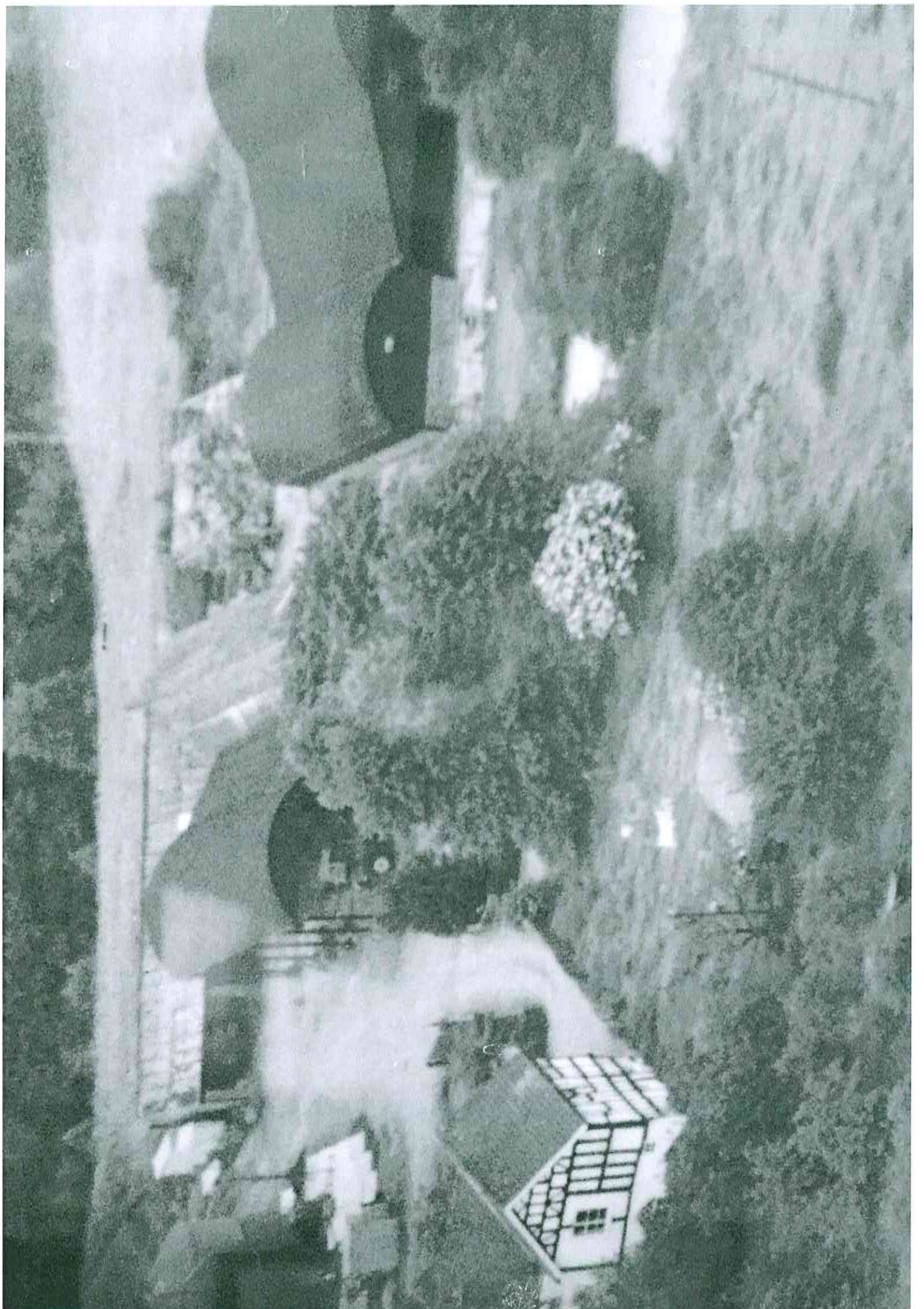
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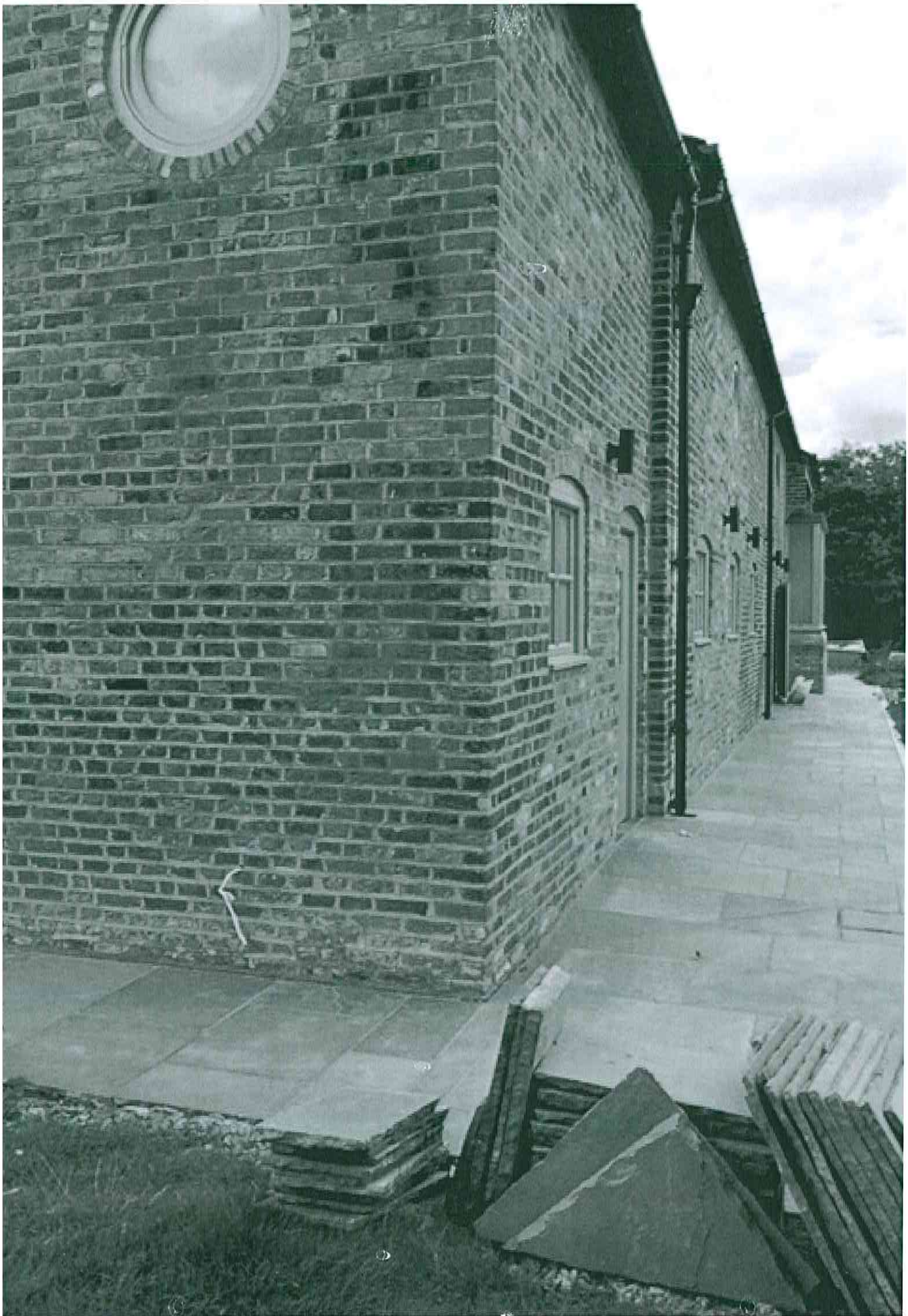
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Proposed Additional Conditions

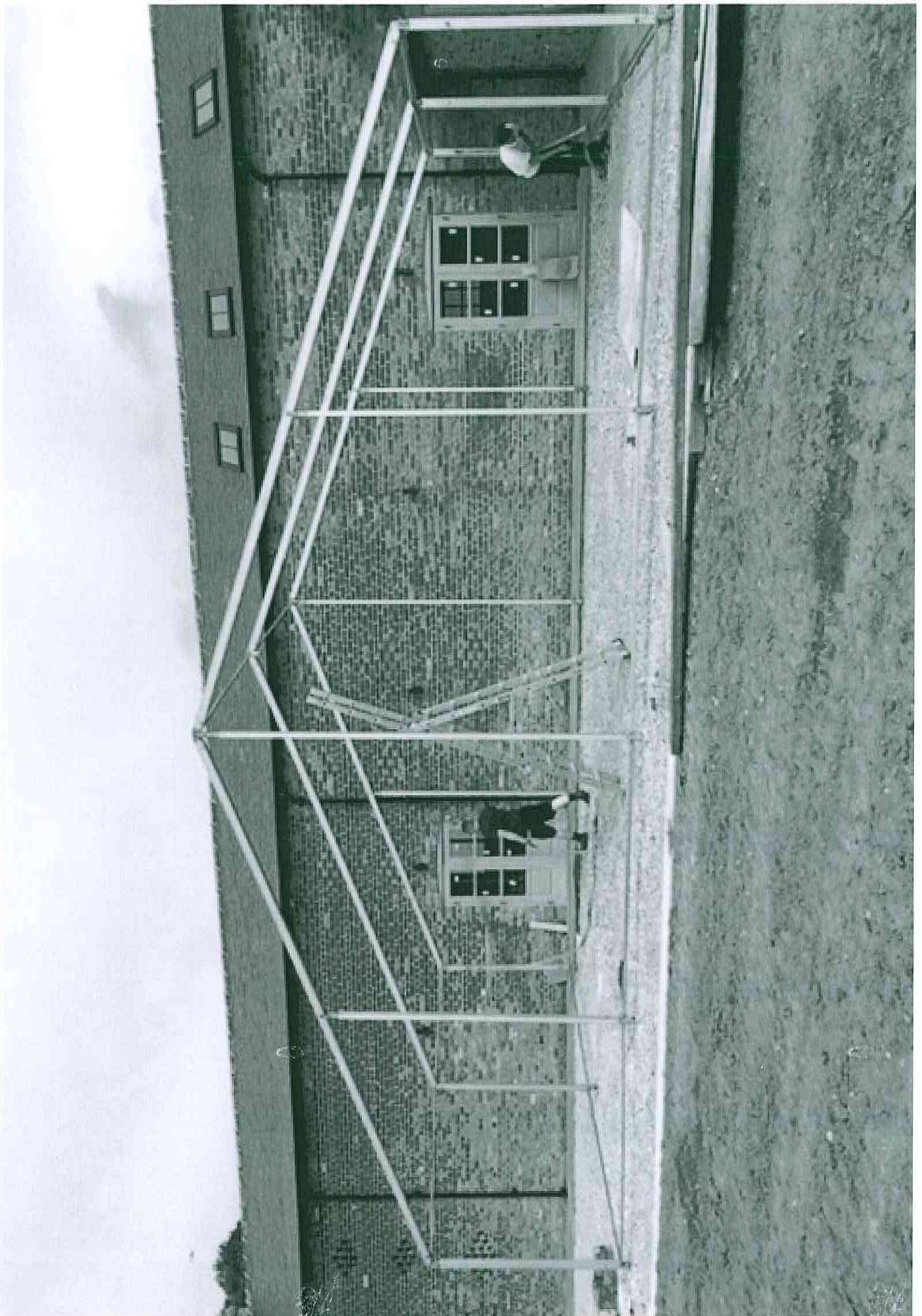
1. A Noise Management Plan for events to take place within the marquees shall be provided, as agreed with Environmental Health. The plan will address the various issues which may arise from holding events within the marquees and a detailed scheme of measures to minimise noise generation from events.
2. Management will take all necessary steps to ensure that any noise from the premises, including marquees, shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises.
3. Tamper-proof noise-limiting devices shall be fitted to the sound systems within the premises and the marquees, and all amplified music played at the premises must pass through this sound limiter at a level agreed in advance with the Council's Environmental Health Office. The noise limiters shall not be altered without prior agreement with Environmental Health.
4. While live or recorded music takes place, the Licensee or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations or other representative positions to be agreed.
5. A written record shall be maintained of all noise assessments, and shall include: the time and date of the checks, the person making them, location of the assessment and the results including any remedial action taken to reduce the level of noise where required. Records shall be kept for no less than six months and shall be made available upon request by a Police Officer or an Authorised Officer of the Local Authority.
6. Management will give careful consideration to the type of performers hired at the location. All externally-contracted performers will be asked to sign a document ensuring that Management retain effective control over all sound levels.
7. There will be no external speakers (other than those located within the marquees and controlled by a noise-limiter) for the use of amplified music, speech or dance permitted in the open air.
8. Apart from two sets of double doors to the rear of the premises, all external windows and doors shall be closed whilst regulated entertainment is taking place, except for normal access and egress or in case of emergency.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
10. Trouthall Lane will only be used for access purposes, but never for egress.
11. There shall be no firework displays at the premises without prior written consent from the Licensing Authority.













HORSES

HORSES





Witchford Ln

plumley Moor Rd

Mill Rd

Jewry Rd

Moor Crn

Tirouthall Lane Access

Holford Hall

plumley

7A556 Access

A556

7Ascol Drive