

Supplement to the agenda for

Licensing sub-committee

Friday 18 October 2019

10.00 am

**Council Chamber, The Shire Hall, St Peter's Square, Hereford,
HR1 2HX**

		Pages
4.	APPLICATION FOR A REVIEW OF A PREMISES LICENCE IN RESPECT OF ST KATHERINE'S BARN, ST KATHERINE'S, LEDBURY, HR8 1AQ- LICENSING ACT 2003	3 - 70

From: XXXXXXXXXXXXXXXXXXXX

Sent: 07 October 2019 19:53

To: Licensing <licensing@herefordshire.gov.uk>

Cc: Ethelpline <ethelpline@herefordshire.gov.uk>; The Office of Bill Wiggin

<officeofbillwigginp@parliament.uk>; Ledbury Reception

<ledbury.reception@milleroptometrists.co.uk>; Contact Us WMP

<contactus@westmercia.pnn.police.uk>

Subject: Continual disturbances at The Barn

Dear Sir or Madam

I am emailing to report numerous disturbances that have occurred at events held at The Barn in Ledbury recently. I would be grateful if the following could be kept on file.

On Saturday 28th September a live music event was planned to be held at The Barn. I was looking forward to some peace and quiet at my home on the Friday, the night before.

However, at short notice the event was re-scheduled to the Friday, the night before. So I was then looking forward to some peace and quiet the following night, the Saturday.

However, there was to be no peace and quiet for me during this weekend as the owners decided to repeat the very same live music event - on the Saturday.

On both nights the live music was played until 12.00am - one hour after the so called cut off time, thus not adhering to the licensing agreement.

However I would like to express my confusion with regards to this licensing agreement. For months I have referred to the licensing agreement but it has come to my attention recently that The Barn may not even have a licence to play live music in the first place. If this is the case then there aren't any conditions to adhere to anyway. Please can somebody get back to me to clarify this?

At a planning committee meeting at Ledbury Town Council on 12th September, Mr Oakey the owner of The Barn stated that he had been told by an Environmental Health Officer, that he was allowed to play live music whilst awaiting planning permission for The Barn. Please can somebody also clarify if this is true?

On Thursday, October 3rd The Barn held the monthly Farmer's Market. By the time that everybody had left the vicinity it was 9.30pm.

Furthermore, The Barn held live music events on both Friday, October 4th and Saturday, October 5th.

In the space of ten days I have had the 'pleasure' of five nights of events and all that comes with them - noisy customers throughout the night right outside my window, loud live music, the usual disturbances of customers leaving the premises, the usual disturbances of the owners leaving the premises - and on Friday 4th October I had the added 'joy' of a customer's dog barking continually - right outside my window.

Yet again I was unable to relax in my own home or concentrate on whatever I was doing at the time. As per usual I could not even hear my television or listen to my own music. Like so many other occasions I was forced to leave my home to escape the noise.

Most people look forward to going home on a Friday to enjoy their weekend. I do not.

All of the above is not acceptable at all.

I look forward to hearing from you.

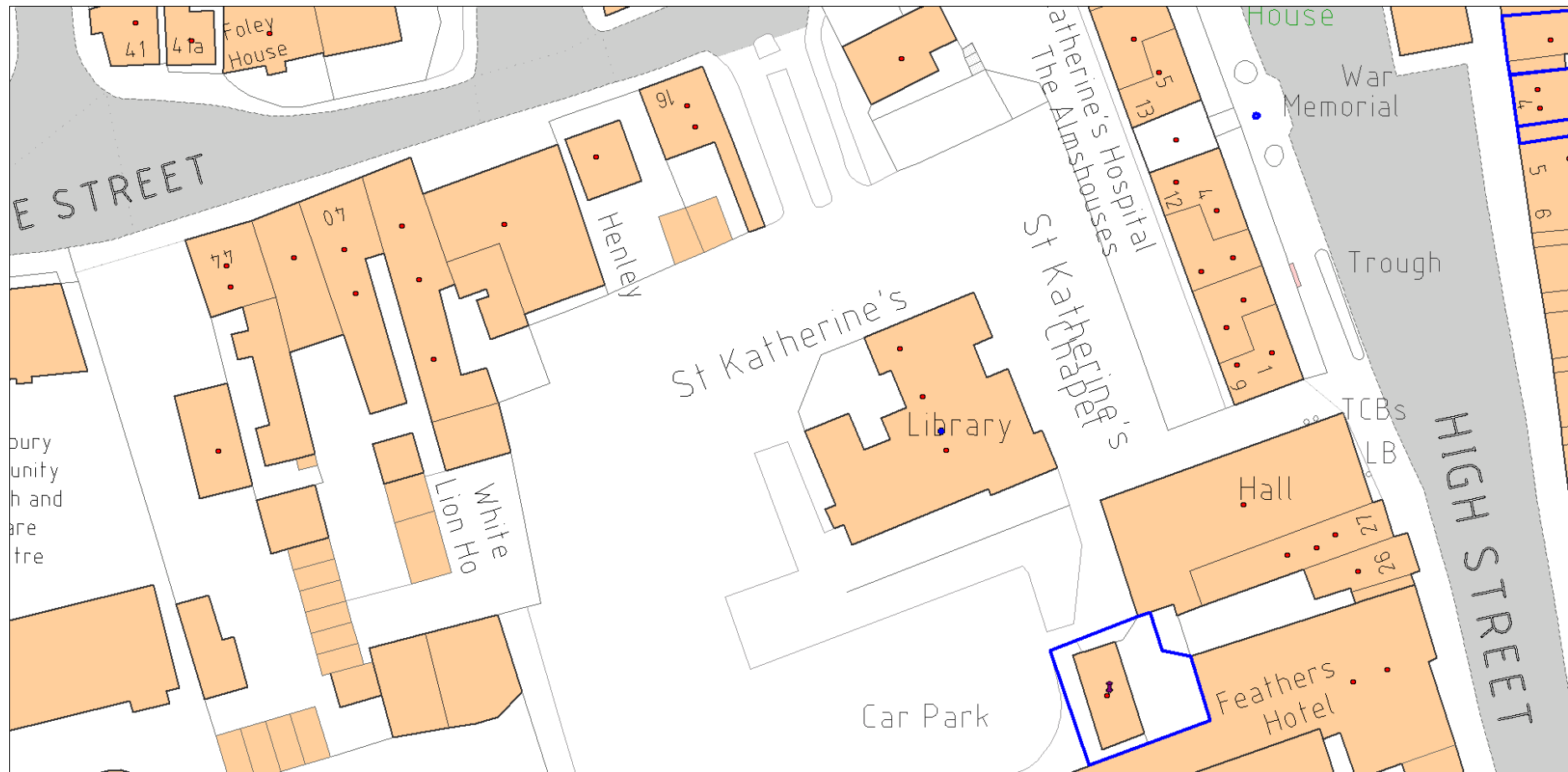
Thank you.

Yours faithfully

David Thomas
XXXXXXXXXXXX

Supplementary Supporting Information produced by the Licensing Authority

- a. Location map showing St Katherine's Barn in relation to other properties
- b. 360 degree Video taken from the centre of St Katherine's Car park – will be played at licensing sub committee meeting on 18 October 2019
- c. 360 degree video taken from directly opposite St Katherine's Barn - – will be played at licensing sub committee meeting on 18 October 2019
- d. Video taken from outside the St Katherine's barn showing the proximity of other properties - – will be played at licensing sub committee meeting on 18 October 2019
- e. Photo showing the outside of St Katherine's Barn on the side closest to the houses - – will be played at licensing sub committee meeting on 18 October 2019
- f. Picture taken from outside the front of St Katherine's Barn showing the closest residential properties - – will be played at licensing sub committee meeting on 18 October 2019
- g. Picture of St Katherine's Barn taken from the Car Park side
- h. Picture looking at St Katherine's Barn taken from the same location as the sound recordings of 23rd August
- i. Email from Planning advising applicant to cease as no permission



Location Map for St Katherine's Barn Ledbury









From: xxxxxxxx
Sent: 10 September 2019 15:32
To: 'xxxxxxxxx'
Subject: St Katherine's Barn, Ledbury

Dear Robin and Lynn

I have just come from a meeting with the Environmental Health Department and have evidence that the above premises are being regularly used as a bar or nightclub with alcohol sales, loud music and late night events.

I am aware that a Premises Licence was issued in April 2019.

Unfortunately you seem to have overstepped the mark considerably in your use of the building which does not have planning permission for this use. Indeed the current planning application does not cover such a use.

I must therefore ask you to cease these activities forthwith or the Council will urgently consider taking enforcement action to secure compliance.

If you wish to discuss the matter I will be in the office on Thursday morning but I wish to make it clear that the above alleged uses constitute a totally unacceptable breach of planning control.

Regards

Planning Enforcement Officer
Planning Department, Herefordshire Council, Council Offices
Plough Lane, Hereford, HR4 0LE
Tel | 01432 260119
Web | www.herefordshire.gov.uk

The Manager
St Katherine's Barn
St Katherine's
Ledbury
Herefordshire
HR8 1EA

Your Ref:
Our Ref: JWM/283348
Please ask for: Mrs J Warren-McCauley
Direct Line / Extension: 01432 260158
Fax: 01432 261982
E-mail: jwarrenmccauley@herefordshire.gov.uk

19th June 2019

Dear Sir/Madam

ENVIRONMENTAL PROTECTION ACT 1990**LICENSING ACT 2003 – PREMISE LICENCE - PR01846****ALLEGED NOISE NUISANCE FROM LOUD MUSIC & ANCILLARY ACTIVITIES- ST KATHERINE'S BARN- ST KATHERINE'S, LEDBURY, HEREFORDSHIRE, HR8 1EA**

I regret to inform you that we have received a number of complaints alleging that loud music & noise from the outside areas at the above address is causing a nuisance to local residents. I must stress that at the present time there is no independent evidence to support the allegation.

My purpose in writing to you at this stage is to make you aware that noise of this type can amount to a Statutory Nuisance, which the above legislation is designed to control. As the occupier of the property you have a duty to ensure that residents of neighbouring premises do not suffer nuisance from any activity at your premises.

The complainants have been issued with a Record of Nuisance log sheet with an instruction to provide more information if there are continuing problems following this letter and record how it is affecting them in their property e.g. time, duration and impact. On receipt of this information or if we receive other similar complaints, we will investigate the matter further. This may involve carrying out monitoring visits using one or more of the following methods relevant to the investigation; personal observations, noise level measurements, sound recordings. If a Statutory Nuisance is identified then formal action through the service of an abatement notice, under the above legislation, will be considered.

Please also be aware there are allegations that the site is operating not in accordance with your premise licence. I respectfully remind you that the existing premise licence conditions should also be adhered to. Should you require any clarification on your licence conditions please contact Licencing Team via 01432 261761

I would be grateful if you could please review the matter and take appropriate action, if required, however should you wish to discuss this matter further or require additional advice or information, please do not hesitate to contact me. Our reference number is detailed at the top right of this letter and should be quoted when contacting us.

Yours sincerely

MRS J WARREN-MCCAULEY
TECHNICAL OFFICER
ENVIRONMENTAL HEALTH AND TRADING STANDARDS

cc Licencing Team by email

8 St Owen Street, Hereford, HR1 2PJ

www.herefordshire.gov.uk | facebook: hfdscouncil | twitter: @hfdscouncil

**TO: DEVELOPMENT MANAGEMENT- PLANNING AND
TRANSPORTATION
FROM: ENVIRONMENTAL HEALTH AND TRADING
STANDARDS**



APPLICATION DETAILS

288932 / 190253

Land at St Katherine's Barn, High Street, Ledbury, Herefordshire, HR8 1DZ

Susannah Burrage, Environmental Health Officer

I have received the above application on which I would be grateful for your advice.

The application form and plans for the above development can be viewed on the Internet within 5-7 working days using the following link: <http://www.herefordshire.gov.uk>

I would be grateful for your advice in respect of the following specific matters: -

<input type="checkbox"/>	Air Quality	<input type="checkbox"/>	Minerals and Waste
<input type="checkbox"/>	Contaminated Land	<input type="checkbox"/>	Petroleum/Explosives
<input type="checkbox"/>	Landfill	<input type="checkbox"/>	Gypsies and Travellers
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<input type="checkbox"/>	Other nuisances	<input type="checkbox"/>	Anti Social Behaviour
<input type="checkbox"/>	Licensing Issues	<input type="checkbox"/>	Water Supply
<input type="checkbox"/>	Industrial Pollution	<input type="checkbox"/>	Foul Drainage
<input type="checkbox"/>	Refuse	<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	

Please can you respond by ..

Comments

Our comments are with regard to potential noise and nuisance issues that might arise from development.

I am of the opinion that the planning application for change of use to a described art gallery and café is misleading as the premises is being used as a weekend live music venue.

We object to the proposed change of use on noise and nuisance grounds as we are of the opinion that as a retrospective planning proposal, what is there is almost certain to adversely impact on the amenity of neighbouring residents. This is in terms of amplified music emanating from a poorly insulated and structurally defective barn and the large seating area immediately adjacent. Voices from the seating area are likely to cause a disturbance to residents and the opening access door onto the seating area will cause noise break out from the barn. Further noise will be generated when guests leave the premises after the event has completed.

Should the applicant wish to provide further supporting evidence in relation to their application and attempt to demonstrate that the proposal will not cause amenity impacts on neighbours at a minimum the following must be provided:

A revised planning statement which sets out more realistically the actual use of the premises.

A noise assessment which examines the impact of amplified music at the nearest closest sensitive receptors.

A detailed noise management plan as to how noise will be managed at the site.

Proposed structural upgrading to ensure that there is no noise break-out from the inside of the premises through poor structure, doors and windows.

Signed: Susannah Burrage

Date: 28 August 2019

Economy and Place Directorate

Director: Richard Ball

Mrs L Jones
St Katherine's Barn
Bye Street
Ledbury
Herefordshire
HR8 1EA

Your Ref:
Our Ref: MIJ/287133
Please ask for: Ms Elisabeth Laughland
Direct Line / Extension: 01432 261676
Fax: 01432 261982
E-mail: elaughland@herefordshire.gov.uk

30 August 2019

Dear Mrs Jones,

**THE BARN, LEDBURY, HEREFORDSHIRE
ENVIRONMENTAL PROTECTION ACT 1990
WARNING LETTER- OFFICERS WITNESSED LOUD AMPLIFIED MUSIC FROM THE BARN**

I regret to inform you that our summer night-time noise team have witnessed amplified music emanating from your premises with an excessive bass level on 4 occasions;

- 2nd August 2019 at 22.25
- 9th August 2019 at 23.45
- 10th August 2019 23.56
- 23rd August 2019 at 22.40

My purpose in writing to you at this stage is to make you aware that noise of this type can amount to a Statutory Nuisance, which the above legislation is designed to control. As the occupier of the property you have a duty to ensure that residents of neighbouring premises do not suffer nuisance from any activity at your premises. Therefore, I would advise you to review and monitor the noise issue and take appropriate action to ensure noise shall not emanate from the premises so as to cause a nuisance.

Our night-time noise team will continue to monitor your premises when they are in the area. This may involve carrying out noise monitoring using one or more of the following methods; personal observations, noise level measurements and sound recordings. If a Statutory Nuisance is identified then formal action through the service of an abatement notice, under the above legislation, will be considered. Licensing have been notified of these incidents.

I thank you in anticipation of your co-operation in this matter. Should you have any queries or wish to discuss the contents of this letter further, please do not hesitate to contact the Environmental Protection team or Licensing team on the number shown above. Our reference number is detailed at the top right of this letter and should be quoted when contacting us.

Yours sincerely,

**MS ELISABETH LAUGHLAND
PRINCIPAL ENVIRONMENTAL HEALTH OFFICER
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

8 St Owen Street, Hereford, HR1 2PJwww.herefordshire.gov.uk | facebook: [hfdscouncil](#) | twitter: [@hfdscouncil](#)

**TO: DEVELOPMENT MANAGEMENT- PLANNING AND
TRANSPORTATION
FROM: ENVIRONMENTAL HEALTH AND TRADING
STANDARDS**



APPLICATION DETAILS

288932 / 190253

Land at St Katherine's Barn, High Street, Ledbury, Herefordshire, HR8 1DZ

Susannah Burrage, Environmental Health Officer

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I would be grateful for your advice in respect of the following specific matters: -

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<input type="checkbox"/>	Landfill	<input type="checkbox"/>	Gypsies and Travellers
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Lighting
<input type="checkbox"/>	Other nuisances	<input type="checkbox"/>	Anti Social Behaviour
<input type="checkbox"/>	Licensing Issues	<input type="checkbox"/>	Water Supply
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<input type="checkbox"/>		<input type="checkbox"/>	

Please can you respond by ..

Comments

Further to my comments of 28th August I now comment specifically on the use of these premises as described in planning application 190253 for an art gallery and café which I understand is based on a previously expired planning permission dating from 2015. (142773)

Should it be intended to use the premises as a café, for food hygiene and building control purposes a commercial kitchen extract ventilation system is likely to be required. I request a plan which contains the location of the kitchen (I cant see one in the drawings submitted) and full details of the exhaust system so that it can be assessed for noise and nuisance. This should include an elevation plan showing the ductwork, flue and terminus to the outside of the building and a floor plan showing the ductwork and extraction system. The type of filtration proposed, location of this and fans and residence times within the flue are also requested.

I would lastly suggest that the proposed opening hours could cause a nuisance to neighbours and therefore recommend that the use of the business ceases outside between the hours of 21:00 and 08:00 and inside 22:00 and 08:00 daily.

Signed: Susannah Burrage

Date: 11 September 2019

Economy and Place Directorate

Director: Richard Ball

Ms L Jones
St Katherine's Barn
St Katherine's
Ledbury
Herefordshire
HR8 1EA

Your Ref:
Our Ref: ELA/289449
Please ask for: Elisabeth Laughland
Direct Line / Extension: 01432 261676
Fax: 01432 261982
E-mail: Elisabeth.Laughland@herefordshire.gov.uk

16 September 2019

Dear Ms Lynn Jones,

**ENVIRONMENTAL PROTECTION ACT 1990
WARNING LETTER- OFFICERS WITNESSED LOUD AMPLIFIED MUSIC – LICENSE REVIEW.
ST KATHERINE'S, LEDBURY, HEREFORDSHIRE, HR8 1EA**

I write to inform you that further to our advice letter sent 19th June and noise warning letter sent the 30th August we have received continuing complaints, from a number of complainants, of noise disturbance from your premises music events. In addition to this officers have gathered additional evidence that support this claim.

My purpose in writing to you at this stage is to again remind you that noise of this type can amount to a Statutory Nuisance, which the above legislation is designed to control. As the license holder of the property you have a duty to ensure that residents of neighbouring premises do not suffer nuisance from any activity at your premises. With regards to this matter we are now considering the information gathered over the summer with regards to statutory nuisance and our next course of action.

Also I confirm we have been consulted by Licencing with regards to a licence review request made against your premises licence. Having considered the information received and gathered by our team over the summer I confirm we will be supporting this call for a review on the grounds the Licensing objective 'Prevention of Public Nuisance' is not being met by the current licensing conditions, considering the premises location, structure, activities and noise management controls.

In the meantime I would again strongly advise you carryout your own review on your current activities to ensure they do not cause ongoing excessive noise disturbance to the area. As part of this review you would need to consider the following :-

- the premises location,
- premises structure
- type of event
- siting of event (inside / outside premises structure)
- duration of events
- frequency of events
- noise management controls.

I note from both your initial licensing application and planning application it appears you were originally planning to operating a café and art gallery from the premises. The summer activities indicate the

premises is more in line with a pub / club activity, this is very different to your application's proposed use.

I confirm we will continue to monitor your premises when in the area. This may involve carrying out noise monitoring using one or more of the following methods; personal observations, noise level measurements and sound recordings.

Should you have any queries or wish to discuss the contents of this letter further, please do not hesitate to contact me on the number shown above. Our reference number is detailed at the top right of this letter and should be quoted when contacting us.

Yours sincerely,

**ELISABETH LAUGHLAND
PRINCIPAL ENVIRONMENTAL HEALTH OFFICER
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

The Manager
St Katherine's Barn
St Katherine's
Ledbury
Herefordshire
HR8 1EA

Your Ref:
Our Ref: JWM/283348
Please ask for: Mrs J Warren-McCauley
Direct Line / Extension: 01432 260158
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E-mail: jwarrenmccauley@herefordshire.gov.uk

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Please also be aware there are allegations that the site is operating not in accordance with your premise licence. I respectfully remind you that the existing premise licence conditions should also be adhered to. Should you require any clarification on your licence conditions please contact Licencing Team via 01432 261761

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TECHNICAL OFFICER
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cc Licencing Team by email

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**TO: DEVELOPMENT MANAGEMENT- PLANNING AND
TRANSPORTATION
FROM: ENVIRONMENTAL HEALTH AND TRADING
STANDARDS**



APPLICATION DETAILS

288932 / 190253

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Date: 28 August 2019

Economy and Place Directorate

Director: Richard Ball

Mrs L Jones
St Katherine's Barn
Bye Street
Ledbury
Herefordshire
HR8 1EA

Your Ref:
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Please ask for: Ms Elisabeth Laughland
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Date: 11 September 2019

Economy and Place Directorate

Director: Richard Ball

Ms L Jones
St Katherine's Barn
St Katherine's
Ledbury
Herefordshire
HR8 1EA

Your Ref:
Our Ref: ELA/289449
Please ask for: Elisabeth Laughland
Direct Line / Extension: 01432 261676
Fax: 01432 261982
E-mail: Elisabeth Laughland@herefordshire.gov.uk

16 September 2019

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premises is more in line with a pub / club activity, this is very different to your application's proposed use.

I confirm we will continue to monitor your premises when in the area. This may involve carrying out noise monitoring using one or more of the following methods; personal observations, noise level measurements and sound recordings.

Should you have any queries or wish to discuss the contents of this letter further, please do not hesitate to contact me on the number shown above. Our reference number is detailed at the top right of this letter and should be quoted when contacting us.

Yours sincerely,

**ELISABETH LAUGHLAND
PRINCIPAL ENVIRONMENTAL HEALTH OFFICER
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

Environmental Protection

The following sound clips will be played at the licensing sub committee on 18 October 2019 which are:

Sound clip 1: Sat outside car park 60m

Sound clip 2: Friday amplified music inside bedroom

Sound clip 3: Friday out of hours car park outside music people

Sound clip 4: Friday out of hours car park outside



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County of Herefordshire District Council,
Brockington, 35 Hafod Road, Hereford. HR1 1SH.
website: www.herefordshire.gov.uk
switchboard: 01432 260000



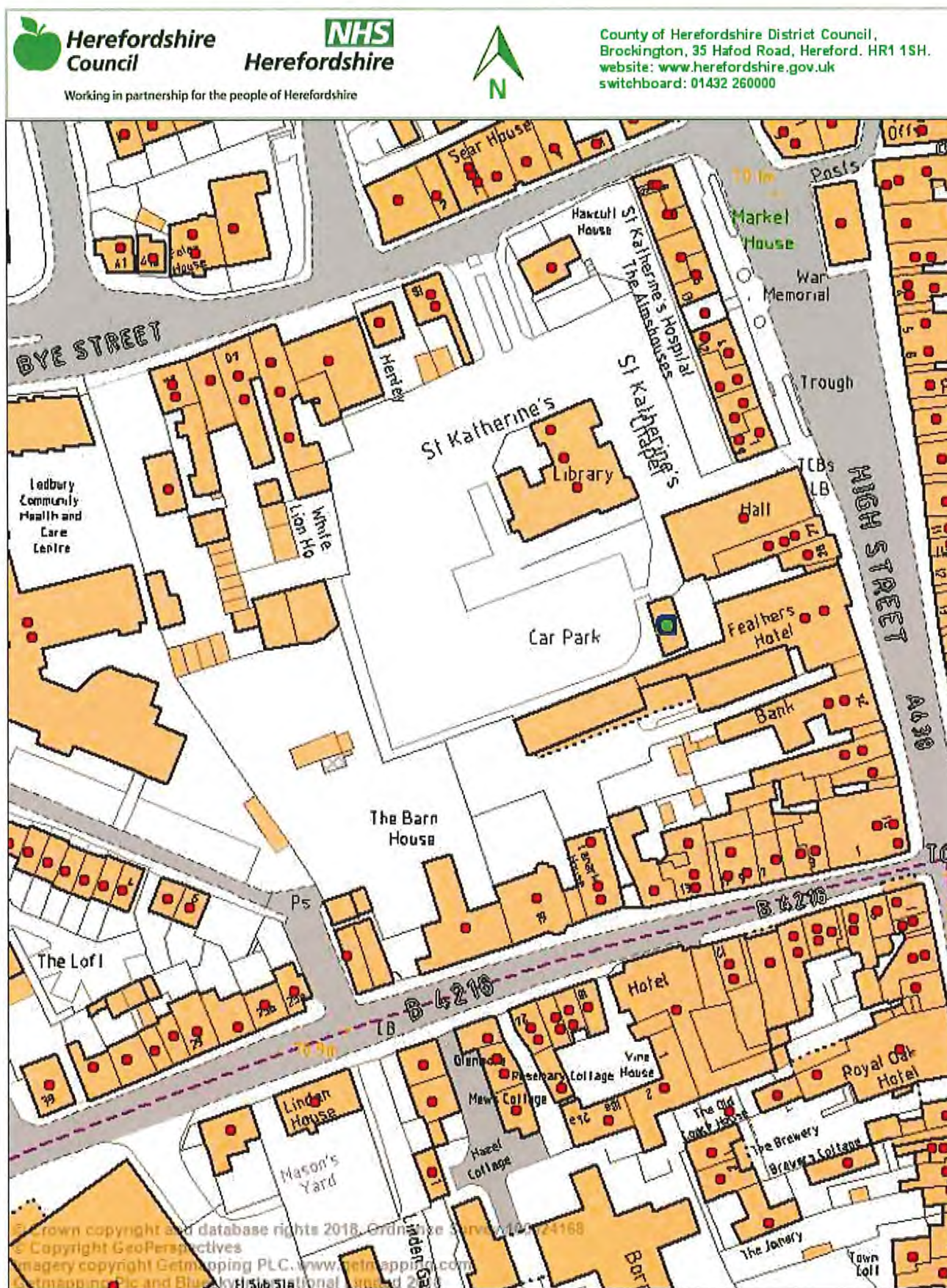
Location: St Katherine's Barn Ledbury HR8 1DZ

Description:

Map Scale 1:155.1 ; Map Centre OS Grid Reference 371,066.8439011:237,623.5516242

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St Katherine's Barn – Located in St Katherine's Carpark Ledbury – behind Ledbury High Town



St Katherine's Barn – East Elevation







(Before railings went up)





Front of St Katherine's Barn and Alms Houses





West of St Katherine's Carpark area





St Katherine's Carpark Entrance



Inside the St Katherine's Barn Entertainment Area.







St Katherine's Barn – Posters









The Barn Ledbury 2019

https://www.list.co.uk/place/116527-the-barn-ledbury/

The Barn (St Katherine's Car...

FREE £60 WINE VOUCHER naked wine

The Barn [Update this place](#)

St Katherine's Carpark, Ledbury, HR8 1EA [view map](#)

Telephone: 07772174088
Website: www.facebook.com/LiveInLedbury/

Jump to [times](#) or [comments](#)

Events at this venue

[Leg Puppy, Pink Diamond Revue, Nature of Wires](#)

Triple-bill of electric dark wave trance bands.

Fri 21 Jun £10 / 07772174088
19:30 - 00:00

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SIMILAR PLACES

Market Theatre
Market Street, Ledbury

Studiocrafts
Ground Floor, 5A The Southend, Ledbury

Eastnor Pottery
Home Farm, Eastnor, Ledbury

Court Farm
Court Farm Barn, Aylton, Ledbury, Hereford

Drunken Monkey Festival Site
Welland Road, Upton Upon Severn

Stanbrook Abbey
Jennett Tree Lane, Worcester

Market House
High Street, Ross-on-Wye

Shirehall
Union Street, Hereford

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Date	Event	Location
JUN 21	LegPuppy album launch party + Art exhibition	The Barn Ledbury
JUL 5	The Very Grimm Brothers	The Barn Ledbury
JUL 6	Gary O'Dea	The Barn Ledbury
JUL 9	Mirimakes Music	The Barn Ledbury
JUL 11	Johnny Kowalski and the Sexy WeirDOS	The Barn Ledbury
JUL 12	Little Rumba	The Barn Ledbury
JUL 13	Performance Workshop: Quaking In Me Stac...	The Barn Ledbury
JUL 13	Hedluv and Passman	The Barn Ledbury

See more of The Barn on Facebook

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20/09/19

SCHEDULE

SEPTEMBER
OCTOBER
NOVEMBER
DECEMBER
6TH

 RYAN SPARROW
AND BAND

4TH

 BEN
WILDSMITH

1ST

 MARK
ALLEN

7TH

 RICHARD
DIGANCE

7TH

 HEREFORD ART
WEEK

5TH

 TALITHA
RISE

2ND

 GARY
O'DEA

14TH

 GARY
O'DEA

13TH

 THIS HUMAN
CONDITION

11TH

 FOLK OFF WITH
KAREN SWAN

9TH

 DJ
SOCIAL

21ST

 PINK
DIAMOND

14TH

 DJ
SOCIAL

12TH

 PINK
DIAMOND

16TH

 WHITNEY AND
DAVE

31ST

 ARCADIA
ROOTS

20TH

 SULTANA
BROTHERS

19TH

 KARMIC
BLUES

22ND

JACK GOODALL

21ST

TOM MARTIN

28TH

JOURNEYMAN

 cancel
Sat
th



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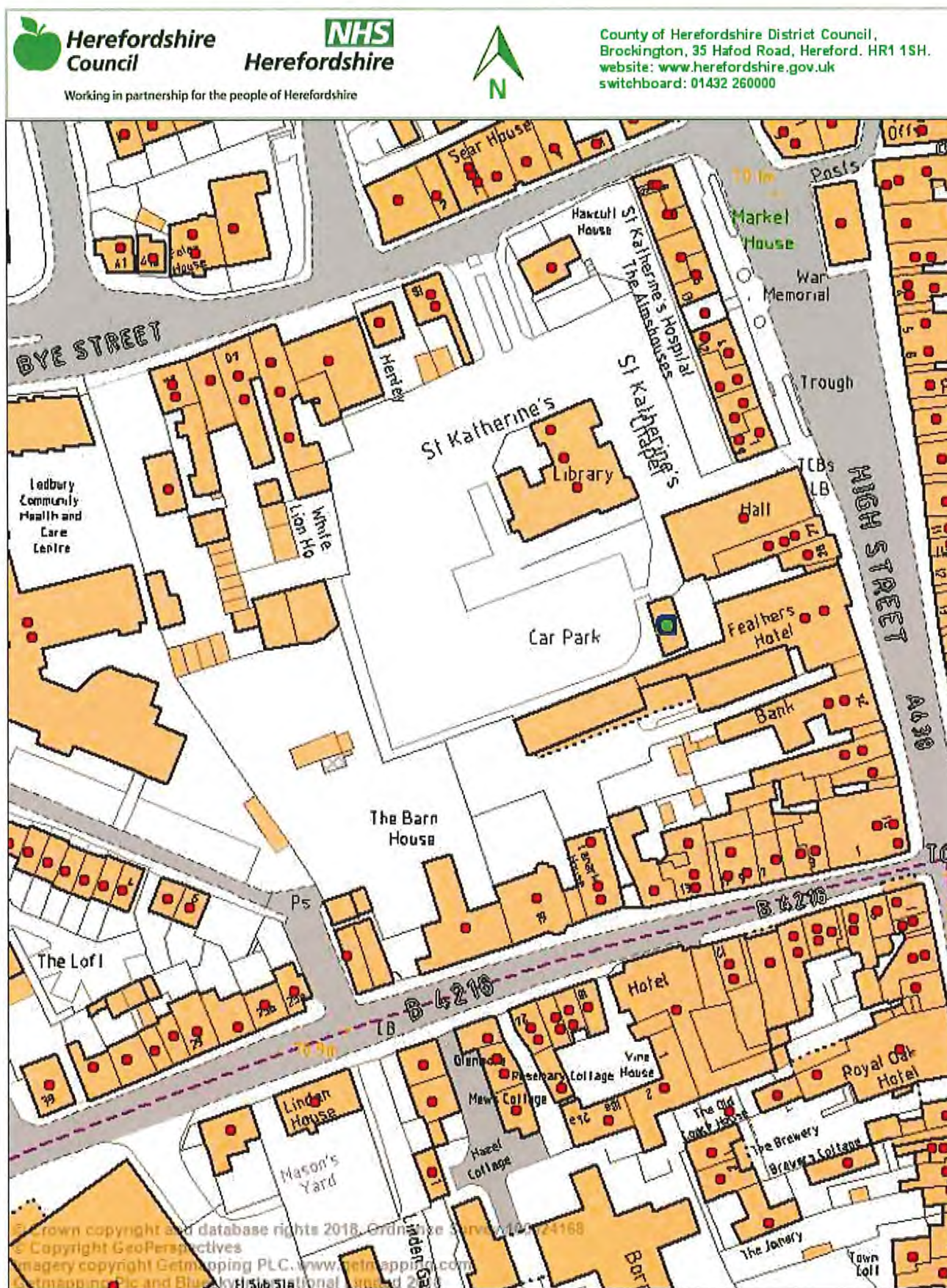
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