

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee D held at Barum Room - Brynsworthy on Friday, 27th January, 2023 at 10.00 am

PRESENT: Members:

Councillor

Councillors Campbell, Cann and Gubb

Officers:

Legal Advisor, Solicitor, Licensing Officer and Licensing Officer

19. APPOINTMENT OF CHAIR

RESOLVED that Councillor Campbell be appointed Chair for the Sub-Committee D.

20. APOLOGIES FOR ABSENCE

There were no apologies for absence.

21. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**22. APPLICATION FOR THE GRANT OF A PREMISES LICENCE:
HARTA RETREAT, CLEAVE FARM, HOLE LANE, EAST DOWN,
BARNSTAPLE, NORTH DEVON EX31 4NX. REFERENCE 055556**

Also present: Mr John Dunkley, Applicant's Legal representative.
Ms E Frolich, Resident of neighbouring property.

The Chair introduced himself and those present.

The Legal Officer summarised the hearing process.

The Licensing Officer outlined the application made in respect of Harta Retreat, Cleave Farm, Hole Lane, East Down, Barnstaple, EX31 4NX, reference 055556, and confirmed that two representations had been made. Mediation had been encouraged, although no compromise had been agreed.

It was noted that, as yet, there had been no planning permission granted for the building proposed by the applicant. This application was purely for the license

application and to consider the prevention of public nuisance and noise, along with safety of vehicles using the site (through access and onsite parking).

The applicant's legal representative addressed the Committee. He advised the committee that:

- The applicant lived on-site with his family
- It was a boutique business which currently comprised of four luxury tepees (which each accommodated adults) and a converted barn (which could accommodate a family). Two tepees were available/occupied throughout the year, and the remaining two were available April to October only.
- The proposed building would likely be timber clad, insulated, and would incorporate double glazed windows and doors. The building would have four walls and not be an open structure. The building would be approximately 400-500m from the neighbouring property to the north. There would be some natural sound proofing from the trees and river alongside the building.
- The applicants proposed conditions were included in appendix F. These included confirmation that entertainment would take place on no more than 3 occasions per week.
- No statutory authorities had made any representations.

In response to questions, the Applicant gave the following information:

- The access to the site was via a track, then another larger road which joined the B road.
- Events would be open to the public occasionally, although it was anticipated most would be for residents/guests on site.
- Events may take place outside in the summer months.
- The tepee accommodation was the primary business. He was aware that entertainment could be at odds with the aim to market the accommodation as a peaceful retreat. It was hoped occasional music would complement the experience of guests.

Ms E Frolich, a person who had made a representation, addressed the committee.

Ms Frolich;

- Presented the Committee with a print of a map of the local area to provide the measurements between the proposed building and her home.
- Provided an additional document from the other person who had made representation (as per appendix e)
- Confirmed that the other person who had made a representation did not live with her, but was a neighbour.
- Stated that the noise from the property would be detrimental to her own business (as a sheep farmer) as the noise would 'spook' the sheep.
- Stated the location is so quiet that at present conversations taking place on the grounds of the property can be heard at her home, and vice versa.

- She had no objections to the alcohol licence but was opposed to the live music and recorded music licence.
- Had concerns over future use/sale of the applicant's property.
- Felt that the location was not suitable for a music licence as sound carried.

In response, the applicant's legal representative advised that:

- The overall aim was to provide quiet, calm music
- There would be controls in place to ensure the conditions were met.

In his summing up the Licensing Officer reminded the Sub-Committee;

- The additional representation provided today by Ms Frolich (on behalf of her neighbour) could not be considered as received outside of the 28 day window.
- The Licensing Authority referred to Revised guidance issued under section 182 of the Licensing Act 2003 (December 2022) to mitigate noise pollution. The frequency and duration of events could be considered, along with the closing of doors and windows, and engineering methods.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Legal Officer and the Corporate and Community Services Officer in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED that everyone be readmitted to the meeting.

The Chair asked the Corporate and Community Services Officer to read the proposed decision with suggested amendments, which the Applicant confirmed he was happy with the agreed amendments, which were voted on and unanimously agreed.

RESOLVED that the grant of a premises licence, in respect of Harta Retreat, Cleave Farm, Hole Lane, East Down, Barnstaple, EX31 4NX, reference 055556, be approved with the conditions proposed by the applicant (in appendix F of the agenda) with the amendment to condition 13 (of appendix F); that the performance of live entertainment will be limited to a maximum duration of four hours, inclusive of any breaks, and further limited to a maximum of three occurrences per week.

Chair

The meeting ended at 11.58 am

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.