

REPRESENTATIONS LIST

APPENDIX D

Application No: 053627

Application Date: 19 April 2022

Licence Type: Premises Licence WITH Alcohol

Licence No: N/A

Application Type: New Application

Premises: Lymptstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Applicant: Lymptstone Manor Ltd
Lymptstone Manor, Courtlands lane, EXMOUTH, Devon, EX8 3NZ.

Person making Representation: Devon & Cornwall Police

Representation Accepted: Representation has been accepted

Reason: Agreed Position

Details:

On the application:-

UNDER THE PREVENTION OF CRIME AND DISORDER LICENSING OBJECTIVE

Delete everything and replace with:-

CCTV

The premises shall install operate and maintain a comprehensive digital colour CCTV system.

All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.

The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All equipment must have a constant and accurate time and date generation.

All recordings will be stored for a minimum period of 14 days with date and time stamping.

Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation) a staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation).

The CCTV system will be capable of downloading images to a recognisable viewable format.

There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.

If the CCTV equipment is inoperative the Licensing Authority must be informed within seven days and immediate steps must be taken to restore the equipment to full working order.

Add the following new condition:-

INCIDENT LOG

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- i. Any incidents of disorder or of a violent or anti-social nature
- ii. All crimes reported to the venue, or by the venue to the police
- iii. All ejections of patrons
- iv. Any complaints received
- v. Seizures of drugs or offensive weapons
- vi. Any faults in the CCTV system
- vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

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The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

UNDER THE PUBLIC SAFETY LICENSING OBJECTIVE

Retain the following sentences:-

"Alcohol and soft drinks in the Pool House Bar & Restaurant will be served in high quality polycarbonate glassware for customers consuming drinks in all external areas of the complex. A personal licence holder will be at the premises at all times when alcohol is being sold or regulated entertainment is being provided."

Delete the following as this is covered under fire safety legislation as opposed to the Licensing Act:-

"We have conducted a suitable fire risk assessment at the premises and implemented the necessary control measures. Exit doors from the premises will be regularly checked to ensure they function satisfactorily. All fire doors are maintained unobstructed and will not be held open other than with approved devices. Upholstered seating is fire retardant and complies with current fire regulations. Furniture and temporary decorations are located so as not to obstruct exits, fire safety signs or firefighting equipment. Fire safety signs are adequately illuminated. Notices dealing the actions to be taken in the event of a fire will be prominently displayed and maintained in good condition. Access is provided for the emergency vehicles and kept clear at all times. Fire drill, emergency light testing will be conducted regularly and records kept to be available on request. The new swimming pool has been risk assessed and the relevant safety and cleaning checks will be conducted daily."

Retain the following sentences:-

When the swimming pool is not in use there is a retractable metal cover for the entire pool surface which can take the weight of a person. There are adequate arrangements within the entire premises for disabled guests.

Adequate and appropriate first aid equipment is available in all areas of the premises.

At least one trained First Aider will be on duty when the public are present in the premises. A full fire and security check of the premises is conducted and recorded by a Duty Manager 5 times over a 24 hour period.

Add the following new condition:-

STAFF TRAINING

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

Add the following conditions from your existing licence:-

No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.

The licence holder or staff authorised by them will check the premises before it opens to the public to ensure there are no risks to patrons and that all safety precautions are in place.

All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.

Membership of the Local Licensees Association must be maintained and the license holder or their representative must attend meetings and participate in all relevant initiatives.

All bottles and glasses and rubbish must be removed from public areas on a regular and frequent basis.

UNDER THE PREVENTION OF PUBLIC NUISANCE LICENSING OBJECTIVE

Retain what you have offered and add the following conditions from your existing licence:-

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All electronically amplified regulated entertainment must be played through the in-house PA system which is only to be operational in the designated rooms and not through any independent systems provided by the entertainers. The controls for the in-house PA system must only be accessible by the Premises Licence Holder or people authorised by them.

The telephone numbers of local taxi operators will be made available at reception for the benefit of customers.

Notices will be displayed in appropriate areas requesting people to leave the premises and the area quietly and to respect the neighbours.

A noise limiting device must be installed and maintained to the satisfaction of East Devon District Council's Environmental Health Service. The level must be set by an Environmental Health Officer of East Devon District Council.

All external windows and doors to any room where regulated entertainment is taking place must be kept closed except for access and egress.

Amplified music must only be played in the rooms marked as Music Room and Drawing Room and the Pool House on the plans submitted to and approved by the Licensing Authority.

The licence holder, or persons authorised by them, must control the volume of regulated entertainment taking place at the premises.

UNDER THE PROTECTION OF CHILDREN FROM HARM LICENSING OBJECTIVE

Delete everything and replace with:-

CHALLENGE 25

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

REFUSALS REGISTER

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal.

Add the following conditions from your existing licence:-

Children will be supervised by parents at all times.

No under 18's will be permitted without an adult to supervise.

Evidence:

Suggestion:

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Premises: Lympstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Person making Representation: Kathryn Kitson

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Kathryn Kitson

I will be sending this representation in writing to the address as directed on the notice.
9th May 2022

Dear Sir/Madam

I wish to make representation regarding the current license application by Lympstone Manor ref 053627. A new application to encompass the new pool complex to the existing footprint.

I wish to state my concerns regarding the application, which is predominantly related to increased noise and disruption to the quiet residential area and residences that directly border the hotel and pool complex.

Courtlands Estate is a quiet residential area comprising of more than 7 independently owned houses. Some residents work full time, some on night-shifts and oncall for the NHS which occurs 24hours a day for any of the 7 days of the week.

The new pool complex and the hotel are extremely close to the quiet residential housing. Some of these properties are only metres away from the pool complex and the hotel - namely South Lodge, Orchard Cottage, Keepers Cottage, Gardeners Cottage, Mill House and East Lodge.

It is my opinion that the current application for provision of alcohol after 11pm is not appropriate for a residential area. It would increase the possibility of becoming a public nuisance. Patrons leaving the Pool house complex after 11pm will cause noise disturbance to the adjacent residences.

Previous planning applications and licenses were granted with conditions that considered and protected the amenity of the local residents from noise in accordance with Policies D1 (Design &Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and local distinctiveness) and EN14 (control of pollution) of the new East Devon Local Plan.

I believe that these conditions need to upheld in the current application.

The current application states that under the heading Prevention of Public Nuisance 'Noise from the premises will be maintained at a level that will not be aud ble to any noise sensitive premises.' This statement is not sufficiently clear and is open to interpretation. The licence should mirror the planning permission:

Planning permission was granted, subject to various conditions, including:

Condition 21 - 'No amplified or other music shall be played in the premises or external in such a way that it is audible beyond the boundary of the premises (Reason to protect the amenity of local residents from noise in accordance with Policies D1 (Design &Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and local distinctiveness) and EN14 (control of pollution) of the new East Devon Local Plan

Planning permission was granted for the pool complex subject to various conditions including Condition 8. Noise emitted from any plant serving the development shall be inaudible beyond the boundary of the premises. Within one month of the installation of such equipment, details of any acoustic mitigation required to achieve this noise level shall be submitted to and agreed in writing by the Local Planning Authority and the equipment shall not be used until and unless the mitigation has been installed as agreed. For these purposes, "inaudibility" shall be determined as the specific noise level (after correction factors have been applied) being at least 5dB less than the lowest background noise level measured at the time of the assessment, all measured in accordance with BS4142:2014. (Reason: To protect adjoining occupiers from excessive noise and in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

These conditions recognise the proximity of residential housing to the hotel and pool house and aim to protect the occupiers form excessive noise.

The current license for the hotel was granted with a number of conditions as stated in Annexe 1 - mandatory conditions, Annexe 2 -conditions consistent with the operating schedule and Annexe 3 - conditions attached following a hearing by the licensing authority-

of particular interest is
" The PA system used it the in-house PA system and the volume is controlled and accessed only by the licensee or those authorised by the licensee

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" all regulated entertainment to be indoors with all doors and windows closed
" a noise limiter to be installed and set by the environmental agency

The current license clearly defines the rooms that the regulated entertainment may occur - this is not stated in the current application and the number of patrons is not specified for the pool house.

The Courtlands Estate, which is the collection of residences (The Gate House, Gardeners Cottage, Orchard Cottage, Keepers Cottage, the Mill House, South Lodge) and Lypstone Manor plus the additional properties owned by The Lypstone Manor/Michael Caines are bound by covenants that have been present since its inception. All properties are bound to abide by these covenants which include no noise between the hours of 11pm and 8am, not to cause or permit anything that may be or become a nuisance or annoyance to owners or occupiers of adjoining properties. (I have enclosed a copy of the restrictive covenants as set out in the deeds).

I believe that there is sufficient evidence that the current application should have conditions that reflect the residential area in which it sits and protects the amenity of the local residents from noise and public nuisance.

I would like to be notified of and be invited to attend any hearing for the consideration of the application.

Yours faithfully

K Kitson

Evidence:

Suggestion:

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Premises: Lympstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Person making Representation: Jessica Dawkins

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: Jessica Dawkins

13 May 2022

Dear Sir/Madam

Re: application for licence ref 053627 Lympstone Manor Hotel, Courtlands Lane.

I wish to make the following representations in respect of the above application:

Lympstone Manor Hotel is located in a quiet residential area. Its boundaries are metres away from many houses, including, South Lodge, East Lodge, West Lodge, North Lodge, Blue Hayes, Orchard Cottage, Keepers Cottage, Gardeners Cottage and Mill House. There are also a number of other properties on Courtlands Lane that are close to the boundary of the hotel. Further, access to Lympstone Manor is along Courtlands Lane. This means that when an event is held large numbers of vehicles will pass along the lane or around the same time when arriving and departing.

Generally, any activities involving increased numbers of people and vehicles, together with music and alcohol after 11pm at night is not appropriate for a residential area and could create a public nuisance.

I understand from an article in BigHospitality published on 29 April 2022, that the pool house restaurant and bar, with outdoor kitchen (that has recently been built at Lympstone Manor) has a capacity to cater for 40 people indoors and 60 people outdoors. The article states the area will be available for private functions and events. The only way to access the pool house area is through the grounds of the hotel. Consequently, groups of people who will have drinking alcohol will be coming to an from this pool area, with many of them leaving the 'event' at a similar time. This will have an obvious noise impact on nearby residents.

The application contains a proposal under the heading Prevention of Public Nuisance, that "noise from the premises will be maintained at a level that will not be audible to any noise sensitive premises." However, that statement is not sufficiently clear. What are the 'noise sensitive premises' being referred to? It will assist everyone if the conditions are clear.

The licence should mirror Lympstone Manor's planning permission. Planning permission was granted subject to various conditions, including:
Condition 21 - 'No amplified or other music shall be played in the premises or external in such a way that it is audible beyond the boundary of the premises (Reason to protect the amenity of local residents from noise in accordance with Policies D1 (Design & Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and local distinctiveness) and EN14 (Control of Pollution) of the new East Devon Local Plan.

By referring to the 'boundary of the premises', the meaning and construction of that condition is clear and unambiguous. Planning permission was only granted on the condition that this restriction was met. Any licence should therefore respect the planner's concerns and should not permit any activity that could amount to a breach of that permission.

I have not seen a plan identifying the areas of the premises that currently have a licence for alcohol/music or what the decibel limit is. Again, I consider that conditions to the licence should be made by reference to a plan, so as to be clear and precise, with decibel limits set out.

Lympstone Manor is an old building it does not have the benefit of modern soundproofing. It is particularly important for doors and windows to be closed if music being played to prevent noise disturbance.

The pool area is designed for al fresco entertaining, which will obviously make it very difficult for the hotel to regulate sound pollution. It is particularly concerning that the facility was constructed close to the boundary of the premises, close to nearby residential housing.

No details have been provided of the acoustic properties of the pool house and the potential for sound pollution when music is played 'indoors'. An acoustic report should be obtained before any licence of this part of the premises is considered, with local consultations to be held thereafter.

The times set out in the application are an obvious concern. In particular, it is entirely unreasonable for a licence to be granted in a sensitive residential area that would allow live music to be played from 11.30am through to 11.30pm six days a week and until 11.00 on Sundays, with recorded music played until midnight every day of the week.

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Premises: Lympstone Manor Hotel
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I would ask for it to be noted that a number of local residents work for the NHS, and are on call 7 days a week, 24 hours a day.

The committee may feel a site inspection would be beneficial to consider these issues with consultations held thereafter. I would be grateful to receive notice of any hearing to consider this application.

Yours faithfully

J Dawkins.

Evidence:

Suggestion:

Application No: 053627

Premises: Lympstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Person making Representation: John Longstaff

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Dear Sirs,

We wish to make a representation with respect of this licence application given in the subject line above.

Our details are:

Name: John & Jill Longstaff

Representation:

We own and occupy a property in a quiet residential environment immediately adjacent to Lympstone Manor and although we have no objection in principle to the indoor uses described, we are concerned about potential noise disturbance for a number of reasons:

- 1) We understand planning permission for the restoration and extension of Courtlands House was granted on 20-Dec-2017 subject to various conditions including: Condition 21 - "No amplified or other music shall be played in the premises or external in such a way that it is audible beyond the boundary of the premises ...". We have noted from our property on a few occasions in the last few weeks that music has been played in the new Swimming Pool complex during daytime. This might have been for testing purposes, but it does illustrate that this condition can easily be breached particularly if any speakers are outside or if doors and windows are open.
- 2) Our property is on a private estate known as Courtlands Estate of which Lympstone Manor is a part and we wish to ensure that any licence granted does not contravene Restrictive Covenants that apply to all properties on this estate. One such restrictive covenant states: "Not to do cause or permit any noise or disturbance which can be heard by other tenants and occupiers of other properties on the Estate between the hours of eleven pm and eight am." We note the licence application refers to indoor activities as late as 02:00 am. We believe any noise and disturbance to other properties on the estate should be avoided between the hours of 11pm to 8am, including through opened doors or windows or elsewhere in the grounds of the property.
- 3) We understand that the swimming pool complex is licenced for functions of up to 60 people so we have concerns about the potential noise generated by outdoor activities and by movements of large numbers of people, particularly at night. The swimming pool complex is a distance of about 200 metres along a gravel path from the hotel and runs close to our property. We have concerns about noise disturbance from significant numbers of people walking, talking and use of 'golf type' electric carts for transportation where the wheel noise on the gravel paths is particularly noticeable, especially late evening and after drinking or other festivities. We think it would be reasonable to limit the time that alcohol is served and these premises vacated to comply with the restricted covenant on this property as described in 2) above, and other local authority planning and licencing conditions for a quiet residential environment.
- 4) We note that under "CONDITIONS OFFERED BY APPLICANT", the following are proposed:
 - a. "Public Safety: Alcohol and soft drinks in the Pool House Bar & Restaurant will be served in high quality polycarbonate glassware for customers consuming drinks in all external areas of the complex."
 - b. "Prevention of Public Nuisance:
 - i. Noise from the premises will be maintained at a level that will not be audible to any noise sensitive premises.
 - ii. Disposal of bottles into waste receptacles will not be permitted to take place between the hours of 23.00 hrs and 0700 hrs to minimise disturbance to nearby premises."

Our representation on these issues are:

- c. We believe the consumption of alcohol to all external areas and disposal of bottles should be restricted to avoid disturbance between the hours of 11pm to 8am.
- d. We are unclear what the definition of 'Noise Sensitive Premises' includes. For the avoidance of doubt can this be clearly defined to include adjacent residential properties?

In summary, we are supportive for the hotel to undertake such functions indoors subject to reasonable measures to limit or avoid noise disturbance from the new swimming pool complex and movements of goods and people to/from the hotel building. We believe the licencing conditions should include the planning condition as referred to in 1) above and extended to other external activities as we have described or alternatively limits placed on licencing times for the swimming pool complex and noise limits at the boundaries of the subject property throughout the day.

We assume this email comprises a suitable 'signed written representation', please advise by return if this is not and we will arrange a copy to be presented by the closing date of 17-May-2022.

Yours faithfully

Signed by
John and Jill Longstaff

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Premises: Lympstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Evidence:

Suggestion:

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Premises: Lympstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Person making Representation: Jeffery Kitson

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: Mr Jeffrey Kitson

Licensing Manager
Licensing Department
East Devon District Council
Blackdown House
Border Road, HeathPark Industrial Estate
Honiton
Devon
EX14 1EJ

16th May 2022

Dear Sir/Madam

Re application for licence ref 053627

I wish to make representation regarding the current license application by Lympstone Manor ref 053627. A new application to encompass the new pool complex to the existing footprint.

I wish to state my concerns regarding the application, which is predominantly related to increased noise and disruption to the quiet residential area and residences that directly border the hotel and pool complex.

Courtlands Estate is a quiet residential area comprising of more than 7 independently owned houses. Some residents work full time, some on night-shifts and oncall for the NHS which occurs 24hours a day for any of the 7 days of the week.

The new pool complex and the hotel are extremely close to the quiet residential housing. Some of these properties are only metres away from the pool complex and the hotel - namely South Lodge, Orchard Cottage, Keepers Cottage, Gardeners Cottage, Mill House and East Lodge.

It is my opinion that the current application for provision of alcohol after 11pm is not appropriate for a residential area. It would increase the possibility of becoming a public nuisance. Patrons leaving the Pool house complex after 11pm will cause noise disturbance to the adjacent residences.

Previous planning applications and licenses were granted with conditions that considered and protected the amenity of the local residents from noise in accordance with Policies D1 (Design &Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and local distinctiveness) and EN14 (control of pollution) of the new East Devon Local Plan.

I believe that these conditions need to upheld in the current application.

The current application states that under the heading Prevention of Public Nuisance 'Noise from the premises will be maintained at a level that will not be audible to any noise sensitive premises.' This statement is not sufficiently clear and is open to interpretation. The licence should mirror the planning permission:

Planning permission was granted, subject to various conditions, including:

Condition 21 - 'No amplified or other music shall be played in the premises or external in such a way that it is audible beyond the boundary of the premises (Reason to protect the amenity of local residents from noise in accordance with Policies D1 (Design &Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and local distinctiveness) and EN14 (control of pollution) of the new East Devon Local Plan

Planning permission was granted for the pool complex subject to various conditions including Condition 8. Noise emitted from any plant serving the development shall be inaudible beyond the boundary of the premises. Within one month of the installation of such equipment, details of any acoustic mitigation required to achieve this noise level shall be submitted to and agreed in writing by the Local Planning Authority and the equipment shall not be used until and unless the mitigation has been installed as agreed. For these purposes, "inaudibility" shall be determined as the specific noise level (after correction factors have been applied) being at least 5dB less than the lowest background noise level measured at the time of the assessment, all measured in accordance with BS4142:2014. (Reason: To protect adjoining occupiers from excessive noise and in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

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Premises: Lymptone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

These conditions recognise the proximity of residential housing to the hotel and pool house and aim to protect the occupiers from excessive noise.

The current license for the hotel was granted with a number of conditions as stated in Annexe 1 - mandatory conditions, Annexe 2 - conditions consistent with the operating schedule and Annexe 3 - conditions attached following a hearing by the licensing authority - of particular interest is

" The PA system used is the in-house PA system and the volume is controlled and accessed only by the licensee or those authorised by the licensee
" all regulated entertainment to be indoors with all doors and windows closed
" a noise limiter to be installed and set by the environmental agency

The current license clearly defines the rooms that the regulated entertainment may occur - this is not stated in the current application and the number of patrons is not specified for the pool house.

The Courtlands Estate, which is the collection of residences (The Gate House, Gardeners Cottage, Orchard Cottage, Keepers Cottage, the Mill House, South Lodge) and Lymptone Manor plus the additional properties owned by The Lymptone Manor/Michael Caines are bound by covenants that have been present since its inception. All properties are bound to abide by these covenants which include no noise between the hours of 11pm and 8am, not to cause or permit anything that may be or become a nuisance or annoyance to owners or occupiers of adjoining properties. (I have enclosed a copy of the restrictive covenants as set out in the deeds).

I believe that there is sufficient evidence that the current application should have conditions that reflect the residential area in which it sits and protects the amenity of the local residents from noise and public nuisance.

I would like to be notified of and be invited to attend any hearing for the consideration of the application.

Yours faithfully

Jeffrey Kitson

Evidence:

Suggestion:

Application No: 053627

Premises: Lympstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Person making Representation: Richard Clarkson

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Dear Sirs,

We wish to make a representation with respect of this licence application given in the subject line above.

Our details are:

Name: Richard & Nicola Clarkson

Representation:

We own and occupy a property in a quiet residential environment immediately adjacent to Lympstone Manor and although we have no objection in principle to the indoor uses described, we are concerned about potential noise disturbance for a number of reasons:

1. We understand planning permission for the restoration and extension of Courtlands House was granted on 20-Dec-2017 subject to various conditions including: Condition 21 - "No amplified or other music shall be played in the premises or external in such a way that it is audible beyond the boundary of the premises ...". We have noted from our property on a few occasions in the last few weeks that music has been played in the new Swimming Pool complex during daytime. This might have been for testing purposes, but it does illustrate that this condition can easily be breached particularly if any speakers are outside or if doors and windows are open.
2. Our property is on a private estate known as Courtlands Estate of which Lympstone Manor is a part and we wish to ensure that any licence granted does not contravene Restrictive Covenants that apply to all properties on this estate. One such restrictive covenant states: "Not to do cause or permit any noise or disturbance which can be heard by other tenants and occupiers of other properties on the Estate between the hours of eleven pm and eight am." We note the licence application refers to indoor activities as late as 02:00 am. We believe any noise and disturbance to other properties on the estate should be avoided between the hours of 11pm to 8am, including through opened doors or windows or elsewhere in the grounds of the property.
3. We understand that the swimming pool complex is licenced for functions of up to 60 people so we have concerns about the potential noise generated by outdoor activities and by movements of large numbers of people, particularly at night. The swimming pool complex is a distance of about 200 metres along a gravel path from the hotel and runs close to our property. We have concerns about noise disturbance from significant numbers of people walking, talking and use of 'golf type' electric carts for transportation where the wheel noise on the gravel paths is particularly noticeable, especially late evening and after drinking or other festivities. We think it would be reasonable to limit the time that alcohol is served and these premises vacated to comply with the restricted covenant on this property as described in 2) above, and other local authority planning and licencing conditions for a quiet residential environment.
4. We note that under "CONDITIONS OFFERED BY APPLICANT", the following are proposed:
 - a. "Public Safety: Alcohol and soft drinks in the Pool House Bar & Restaurant will be served in high quality polycarbonate glassware for customers consuming drinks in all external areas of the complex."
 - b. "Prevention of Public Nuisance:
 - i. Noise from the premises will be maintained at a level that will not be audible to any noise sensitive premises.
 - ii. Disposal of bottles into waste receptacles will not be permitted to take place between the hours of 23.00 hrs and 0700 hrs to minimise disturbance to nearby premises."

Our representation on these issues are:

- c. We believe the consumption of alcohol to all external areas and disposal of bottles should be restricted to avoid disturbance between the hours of 11pm to 8am.
- d. We are unclear what the definition of 'Noise Sensitive Premises' includes. For the avoidance of doubt can this be clearly defined to include adjacent residential properties?

In summary, we are supportive for the hotel to undertake such functions indoors subject to reasonable measures to limit or avoid noise disturbance from the new swimming pool complex and movements of goods and people to/from the hotel building. We believe the licencing conditions should include the planning condition as referred to in 1) above and extended to other external activities as we have described or alternatively limits placed on licencing times for the swimming pool complex and noise limits at the boundaries of the subject property throughout the day.

We assume this email comprises a suitable 'signed written representation', please advise by return if this is not and we will arrange a copy to be presented by the closing date of 17-May-2022.

Signed by Richard & Nicola Clarkson

Application No: 053627

Premises: Lymptstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Evidence:

Suggestion:

Person making Representation: Sue Acred

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Re: Lymptstone Manor Hotel Licensing Application.

Dear Sir,

The Lymptstone Manor Hotel is situated extremely close to quiet residential housing. Its boundaries are metres away from many of the houses including mine Gardeners Cottage.

Generally any activities involving increased numbers of people, vehicles, music and alcohol after 11.00pm at night is not appropriate for a residential area it increases the possibility of becoming a Public Nuisance.

Also the Mangement Company's covenants in place need to be adhered to.

Yours faithfully

Susan A Acred.

Sue Acred.

Evidence:

Suggestion:

Application No: 053627

Premises: Lympstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Person making Representation: George Banks

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

13 May 2022

Dear Sir/Madam,

Re Licensing Application Lympstone Manor Hotel, Courtlands Lane, EX8 3NZ.

We wish to contest the terms of the application, with regard to the extension of hours. The premises are extremely close to quiet residential housing on the Courtlands Estate. Its boundaries are a few metres away from many houses:eg. South Lodge, East Lodge, West Lodge and others. This property itself is adjacent to the Hotel. Indeed it is physically joined to some parts of the Hotel estate - eg The Mill House and Olive Tree Barn. Generally, any activity involving increased numbers of people, vehicles, music and alcohol after 11pm at night is not appropriate for a residential area. It increases the possibility of becoming a public nuisance.

Contained in the current application for a licence, it is proposed under the heading Prevention of Public Nuisance " Noise from the premises will be maintained at a level that will not be audible to any noise sensitive premises". The licence should mirror the planning permission.

Planning permission was granted previously, subject to various conditions including;

"Condition 21 No amplified or other music shall be played on the premises or externally in such a way that it is audible beyond the boundary of the premises".

This is to protect the amenity of local residents from noise in accordance with Policies D1 - (Design and Local Distinctiveness) and EN 15 - Control of Pollution of the East Devon Local Plan, and D1 (Design and Local Distinctiveness) and EN 14 (control of pollution) of the new East Devon Local Plan.

When the hotel was Courtlands Hotel there was a decibel limit relating to the closing of windows and doors after 9pm. We think the same conditions would be appropriate given the existing breaches to prevent public nuisance from noise.

There are existing covenants for the estate (whilst not the province of EDDC to decide) included Courtlands, now Lympstone Manor, and the present owners bought the hotel knowing it had those conditions attached, and so the owners of Lympstone Manor should abide by them.

With regard to what constitutes the premises of Lympstone Manor, a swimming pool and pool house/changing attached, has been built for groups of up to 60 people to hire and enjoy. The site of this as part of Lympstone Manor, suggests that it is an outdoor venue and the licensing application would mean noise and music emanating from premises which are essentially outdoor premises.

The rooms/area and any building extensions which are licensed/and playing of music need to be identified on a plan. Some premises on the Courtlands Estate are only some 50 meters or so from these new facilities.

For the above reasons we oppose the extension of existing licences.

Please advise of any hearing date considering the application.

Yours faithfully,

George Banks
Mary Banks.

Evidence:

Suggestion:

Application No: 053627

Premises: Lymestone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Person making Representation: Environmental Health Officer

Representation Accepted: Representation has been accepted

Reason: Agreed Position

Details:

I have reviewed the submitted premises licensing application for the Lymestone Manor Hotel. Due to Environmental Health concerns in relation to public nuisance please take this reply as a formal representation for the application.

Many thanks

Ian

Dear Mr Caines

I have reviewed your submitted licensing application, due to the close proximity of a noise sensitive property I have concerns in relation to noise. Taking this into consideration I recommend approval with conditions attached:

In order to ensure that the noise climate of the surrounding area will be protected from music noise the following noise conditions are recommended:

1. A noise management plan (NMP) connected with the premises shall be planned and implemented in full. The NMP shall be sufficient to ensure that the music noise level from any regulated entertainment shall meet with part 2 of this condition.

2. Between the hours of 07:00 and 23:00 the A-weighted equivalent continuous noise level (LAeq15min) emanating from the premises, when measured or determined at the boundary of any noise sensitive property* over any 15 minute period with entertainment taking place, must not exceed the background noise level (LA90 15min) by more than 5 dB(A) with no entertainment taking place.

Between the hours of 23:00 and 07:00 the A-weighted equivalent continuous noise level (LAeq5min) emanating from the premises, when measured or determined at the facade of any noise sensitive property* over any 5 minute period with entertainment taking place, must not exceed the background noise level (LA90 5min) with no entertainment taking place.

* Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest noise sensitive property.

Reason: To protect the amenity of local residents from noise.

In order for the licensing team to progress with your application you will need to confirm whether you agree to these conditions being added to your Premises Licence. If you do not agree to the adding of these conditions please let me know, as the application may well have to go to a Licensing Hearing. The licensing team can provide you with further information on that subject.

Should you require any further information, please do not hesitate to contact me.

Kind Regards

Ian

Dear Ian,

I can only apologise for the late response here, as this email went into my junk mailbox and only this morning has Steve brought this to my attention!

The recommendations as outlined below are acceptable.

Indeed we have our own residents to consider here too and we already have restrictions within our existing license (within Annexe 3) that cover this too, which we currently held for 5 years without incident or complaint.

Regards

Michael

Evidence:

Suggestion:

Application No: 053627

Premises: Lympstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Person making Representation: Mary Banks

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

13 May 2022

Dear Sir/Madam,

Re Licensing Application Lympstone Manor Hotel, Courtlands Lane, EX8 3NZ.

We wish to contest the terms of the application, with regard to the extension of hours. The premises are extremely close to quiet residential housing on the Courtlands Estate. Its boundaries are a few metres away from many houses:eg. South Lodge, East Lodge, West Lodge and others. This property itself is adjacent to the Hotel. Indeed it is physically joined to some parts of the Hotel estate - eg The Mill House and Olive Tree Barn. Generally, any activity involving increased numbers of people, vehicles, music and alcohol after 11pm at night is not appropriate for a residential area. It increases the possibility of becoming a public nuisance.

Contained in the current application for a licence, it is proposed under the heading Prevention of Public Nuisance " Noise from the premises will be maintained at a level that will not be audible to any noise sensitive premises". The licence should mirror the planning permission.

Planning permission was granted previously, subject to various conditions including;

"Condition 21 No amplified or other music shall be played on the premises or externally in such a way that it is audible beyond the boundary of the premises".

This is to protect the amenity of local residents from noise in accordance with Policies D1 - (Design and Local Distinctiveness) and EN 15 - Control of Pollution of the East Devon Local Plan, and D1 (Design and Local Distinctiveness) and EN 14 (control of pollution) of the new East Devon Local Plan.

When the hotel was Courtlands Hotel there was a decibel limit relating to the closing of windows and doors after 9pm. We think the same conditions would be appropriate given the existing breaches to prevent public nuisance from noise.

There are existing covenants for the estate (whilst not the province of EDDC to decide) included Courtlands, now Lympstone Manor, and the present owners bought the hotel knowing it had those conditions attached, and so the owners of Lympstone Manor should abide by them.

With regard to what constitutes the premises of Lympstone Manor, a swimming pool and pool house/changing attached, has been built for groups of up to 60 people to hire and enjoy. The site of this as part of Lympstone Manor, suggests that it is an outdoor venue and the licensing application would mean noise and music emanating from premises which are essentially outdoor premises.

The rooms/area and any building extensions which are licensed/and playing of music need to be identified on a plan. Some premises on the Courtlands Estate are only some 50 meters or so from these new facilities.

For the above reasons we oppose the extension of existing licences.

Please advise of any hearing date considering the application.

Yours faithfully,

George Banks
Mary Banks.

Evidence:

Suggestion:

Application No: 053627

Premises: Lympstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Person making Representation: Nicola Clarkson

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Dear Sirs,

We wish to make a representation with respect of this licence application given in the subject line above.

Our details are:

Name: Richard & Nicola Clarkson

Representation:

We own and occupy a property in a quiet residential environment immediately adjacent to Lympstone Manor and although we have no objection in principle to the indoor uses described, we are concerned about potential noise disturbance for a number of reasons:

1. We understand planning permission for the restoration and extension of Courtlands House was granted on 20-Dec-2017 subject to various conditions including: Condition 21 - "No amplified or other music shall be played in the premises or external in such a way that it is audible beyond the boundary of the premises ...". We have noted from our property on a few occasions in the last few weeks that music has been played in the new Swimming Pool complex during daytime. This might have been for testing purposes, but it does illustrate that this condition can easily be breached particularly if any speakers are outside or if doors and windows are open.
2. Our property is on a private estate known as Courtlands Estate of which Lympstone Manor is a part and we wish to ensure that any licence granted does not contravene Restrictive Covenants that apply to all properties on this estate. One such restrictive covenant states: "Not to do cause or permit any noise or disturbance which can be heard by other tenants and occupiers of other properties on the Estate between the hours of eleven pm and eight am." We note the licence application refers to indoor activities as late as 02:00 am. We believe any noise and disturbance to other properties on the estate should be avoided between the hours of 11pm to 8am, including through opened doors or windows or elsewhere in the grounds of the property.
3. We understand that the swimming pool complex is licenced for functions of up to 60 people so we have concerns about the potential noise generated by outdoor activities and by movements of large numbers of people, particularly at night. The swimming pool complex is a distance of about 200 metres along a gravel path from the hotel and runs close to our property. We have concerns about noise disturbance from significant numbers of people walking, talking and use of 'golf type' electric carts for transportation where the wheel noise on the gravel paths is particularly noticeable, especially late evening and after drinking or other festivities. We think it would be reasonable to limit the time that alcohol is served and these premises vacated to comply with the restricted covenant on this property as described in 2) above, and other local authority planning and licencing conditions for a quiet residential environment.
4. We note that under "CONDITIONS OFFERED BY APPLICANT", the following are proposed:
 - a. "Public Safety: Alcohol and soft drinks in the Pool House Bar & Restaurant will be served in high quality polycarbonate glassware for customers consuming drinks in all external areas of the complex."
 - b. "Prevention of Public Nuisance:
 - i. Noise from the premises will be maintained at a level that will not be audible to any noise sensitive premises.
 - ii. Disposal of bottles into waste receptacles will not be permitted to take place between the hours of 23.00 hrs and 0700 hrs to minimise disturbance to nearby premises."

Our representation on these issues are:

- c. We believe the consumption of alcohol to all external areas and disposal of bottles should be restricted to avoid disturbance between the hours of 11pm to 8am.
- d. We are unclear what the definition of 'Noise Sensitive Premises' includes. For the avoidance of doubt can this be clearly defined to include adjacent residential properties?

In summary, we are supportive for the hotel to undertake such functions indoors subject to reasonable measures to limit or avoid noise disturbance from the new swimming pool complex and movements of goods and people to/from the hotel building. We believe the licencing conditions should include the planning condition as referred to in 1) above and extended to other external activities as we have described or alternatively limits placed on licencing times for the swimming pool complex and noise limits at the boundaries of the subject property throughout the day.

We assume this email comprises a suitable 'signed written representation', please advise by return if this is not and we will arrange a copy to be presented by the closing date of 17-May-2022.

Signed by Richard & Nicola Clarkson

Application No: 053627

Premises: Lympstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.



Evidence:

Suggestion:

Application No: 053627

Premises: Lympstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Person making Representation: Jill Longstaff

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Dear Sirs,

We wish to make a representation with respect of this licence application given in the subject line above.

Our details are:

Name: John & Jill Longstaff

Representation:

We own and occupy a property in a quiet residential environment immediately adjacent to Lympstone Manor and although we have no objection in principle to the indoor uses described, we are concerned about potential noise disturbance for a number of reasons:

- 1) We understand planning permission for the restoration and extension of Courtlands House was granted on 20-Dec-2017 subject to various conditions including: Condition 21 - "No amplified or other music shall be played in the premises or external in such a way that it is audible beyond the boundary of the premises ...". We have noted from our property on a few occasions in the last few weeks that music has been played in the new Swimming Pool complex during daytime. This might have been for testing purposes, but it does illustrate that this condition can easily be breached particularly if any speakers are outside or if doors and windows are open.
- 2) Our property is on a private estate known as Courtlands Estate of which Lympstone Manor is a part and we wish to ensure that any licence granted does not contravene Restrictive Covenants that apply to all properties on this estate. One such restrictive covenant states: "Not to do cause or permit any noise or disturbance which can be heard by other tenants and occupiers of other properties on the Estate between the hours of eleven pm and eight am." We note the licence application refers to indoor activities as late as 02:00 am. We believe any noise and disturbance to other properties on the estate should be avoided between the hours of 11pm to 8am, including through opened doors or windows or elsewhere in the grounds of the property.
- 3) We understand that the swimming pool complex is licenced for functions of up to 60 people so we have concerns about the potential noise generated by outdoor activities and by movements of large numbers of people, particularly at night. The swimming pool complex is a distance of about 200 metres along a gravel path from the hotel and runs close to our property. We have concerns about noise disturbance from significant numbers of people walking, talking and use of 'golf type' electric carts for transportation where the wheel noise on the gravel paths is particularly noticeable, especially late evening and after drinking or other festivities. We think it would be reasonable to limit the time that alcohol is served and these premises vacated to comply with the restricted covenant on this property as described in 2) above, and other local authority planning and licencing conditions for a quiet residential environment.
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Our representation on these issues are:

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In summary, we are supportive for the hotel to undertake such functions indoors subject to reasonable measures to limit or avoid noise disturbance from the new swimming pool complex and movements of goods and people to/from the hotel building. We believe the licencing conditions should include the planning condition as referred to in 1) above and extended to other external activities as we have described or alternatively limits placed on licencing times for the swimming pool complex and noise limits at the boundaries of the subject property throughout the day.

We assume this email comprises a suitable 'signed written representation', please advise by return if this is not and we will arrange a copy to be presented by the closing date of 17-May-2022.

Yours faithfully

Signed by
John and Jill Longstaff

Application No: 053627

Premises: Lympstone Manor Hotel
Courtlands Lane, EXMOUTH, Devon, EX8 3NZ.

Evidence:

Suggestion:
