

Representations from Local Residents - The Highway Inn, Burford

I. Carolyn Walton

I live in [REDACTED], Burford, and have done so for over 25 years, my parents living in my house before that.

My bedroom window looks down over Swan Lane towards Witney Street. We hear noise (if any) from the back gardens of the High Street and Witney Street easily in the summer months.

I object to aspects of this licensing application on the grounds of:

- (i) public nuisance,
- (ii) noise pollution,
- (iii) light pollution,
- (iv) potential anti-social activities and
- (v) unpleasant odours

Introduction

Burford. Burford is a small medieval market town, busy during the day, but very, very quiet at night. People live and visit here to enjoy the beauty and tranquillity, peace and quiet of a small Cotswolds town set in a designated Area of Outstanding Natural Beauty in the Windrush Valley. They do not come or live here for an exciting night time experience, save to relish the peace of the night, hear the night bird life and observe the stars.

The Highway Inn has been a pub, a pub/restaurant with rooms, and, whilst the downstairs was a needlework shop, a Bed and Breakfast for many years. It is set in the heart of the town and flanked by residents' homes, courtyards and gardens. The owners and managers of the Highway have met the needs of visitors and locals to Burford without extended licensing requested in this application or the use of the garden at the back. The accommodation at the back has always been used by the owners or staff of the Highway.

My fear and that of other close neighbours is that the requested extension of the hours with permission to serve food and drink means the kitchens with all their concomitant use of noisy and smelly equipment and machinery – in particular extractor fans – will create nuisances for the neighbours and their guests. The provision of 24 hour food and drink should be limited to that which can be produced without the use of smelly cooking and extractor fans – sandwiches and other cold food perhaps?

As long as I have lived or partially lived in Burford (30 years) the garden has been used privately, solely by the owners or the staff occupant of the garden cottage. This garden abuts the gardens and courtyards of full time Burford residents. Should the use of this garden be opened up to guests, the fear is that this will create noise nuisance and light pollution which will inevitably disturb those neighbours.

The application states that “ The premises would still operate as they have historically, the variation is simply to clarify the position in relation to what has been a long-standing use of the premise.” Does this mean that the garden will remain private?

Since the application is “simply to clarify the position”, please can the clarification be carried through to explicit conditions that ensure the “long standing use” is maintained by having the restriction such as currently exists for the Bull- ie: The premises would still operate as they have historically, the variation is simply to clarify the position in relation to what has been a long-standing use of the premise.’ This implies that the garden will remain private, but resident neighbours would be reassured if this could be formalised through a condition similar to that currently in place at The Bull, namely “Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises”.

If this current practice is not formalised in a condition, please impose other conditions to minimise public nuisance that:

- any outside seating area be closed daily by 10 pm at the latest
- the garden should only be lit with soft down lighters and these to be switched off once the gardens are closed
- use of the garden area for weddings and functions where regulated entertainment is being provisioned only be allowed on a few (maximum 6) weekends annually.

2. George Hart

Burford has been my home for twelve years and so I know it well.(Lucy - Burford is your now home or whatever suits to establish some connection).

Burford and the surrounding area is famous as an area of outstanding natural beauty..

The criterion under s82 of the CROW for an AONB includes “ relative tranquillity, where natural sounds, such as streams or birdsong predominate “

But I am very concerned about the damage that will be done to that tranquillity and the loss of background nature as a result of the outside music and lighting proposed for the Bull with further noise and smells from the proposed late night refreshments.

I believe the noise, light and smells from the Bull Hotel will have a very damaging affect on local nature.

Light and noise are proven to be damaging to humans and wildlife. People suffer with anxiety, mental health issues, inability to sleep, stress and much more.

Wildlife cannot function in the noise and the light and are badly affected, which causes loss of wildlife species.

This is well established by major research bodies and the effect of both light and noise where none has been before will be a major public nuisance and a tragedy for the “ tranquillity “ of Burford. And the quiet of Burford will be badly affected for its residents as a whole and for the individual properties nearby.

Burford is famously quiet. Particularly as soon as the high street traffic finishes and the back streets grow silent. All the residential areas with their gardens are havens of peace, birds and insects. This will be changed by outside light and music late into the night and with

increased public access to the hotels at all times, causing noise and disturbance. An unjustifiable Public Nuisance.

There is also a proposal to have weddings which with the two hotels will mean a possible wedding every weekend for that part of Burford.

This intensity of activity, noise and light at the two hotels, will appear magnified as the two hotels are so close to each other, four properties apart only.

The noise and disturbance will change the character of quiet residential and naturally beautiful Burford.

Both are a public nuisance.

Both must be restricted to stop the damage they will do to the people and environment of the town.

There must be a town friendly limit on late hours of music and other hotel noise. 23.00 hours is too long and too late for a town to wait for peace for their night's sleep.

Equally outside light must be reduced from 22.00.

Nature must have a chance.

Without peace and dark to our evenings, we will all be affected to our detriment.

I object to the changes proposed by the variation to the licences of these two hotels.

The original terms of the licences should stay for both hotels.

3. Dr K W Gray CBE

I am a resident of Burford. Burford is very small town with a High Street that is a totally intermixed medieval mixture of houses, retail and hotels. Burford High Street has the highest percentage of and High Street in the UK, 93% and thus needs special protection.

I am writing to object to elements of this application on the grounds that, if granted, the permitted activities are highly likely to cause a public nuisance particularly to nearby domestic properties

Aspects of the application relating to external activities

The aspects of the licensing application which relate to the external parts of the Highway's premises must be considered in the context of it being surrounded by residential properties with gardens or courtyards which either abut or are very close to its outdoor areas. Many of the neighbouring buildings are listed and are not permitted to install double glazing windows.

The current and historic usage of the Highway's garden has been limited to use by the owners or the hotel staff and has not been open to guests. I am very concerned that this could change and cause a significant public nuisance.

The applicant states ‘The premises would still operate as they have historically, the variation is simply to clarify the position in relation to what has been a long-standing use of the premise.’ This implies that the garden will remain private, but this should be formalised through a condition similar to that currently in place at The Bull, namely “Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises”.

If this practice at the Bull is not formalised in a condition, please impose conditions to minimise public nuisance that:

- Any outside seating area be closed daily at 22:00hrs
- The garden should only be lit with down lighters and these to be switched off once the gardens are closed
- Use of the garden area for weddings and functions where regulated entertainment is being provisioned shall not be held on consecutive weekends
- A quiet environment is preserved on Sunday mornings for the nearby Quaker Meeting House

Aspects of the application relating to internal activities

I raise no objection to the elements of the license application relating to activities within the buildings on The Highway Inn’s premises except for one issue, extractor fans.

However the 24-hour provision of refreshments and food will require kitchens to be kept operating and thus the noise and odours will inevitably arise from the kitchen’s extractor fans. These fans should have filters to absorb the smell and have a low noise level. I note Westminster Council have this covered and WODC should follow suit. This should be a condition and not wait for the public nuisance reporting method

4. Manfred and Gabi Schotten

The Highway Inn Licensing Application, 117 High Street, Burford

We are working and living [REDACTED]

The rear to the houses fronting the High Street, residential and gardens, are very quiet and tranquil.

We are objecting to the use of the garden behind the Highway Inn on the grounds of creating a considerable public nuisance.

1. There are real concerns, not only by us but all the near neighbours regarding the use of the back garden, which has not been used as a pub/Hotel garden since we have lived here, which is 40 years and, before that.

The applicant states The premises would operate as they have historically, the variation is simply to clarify the position in relation to what has been a long-standing use of the premises.

This implies that the garden will remain private –Can that be formalised to what is in place now.

= Entertainment is to be held inside only and no music or speakers shall be provided to outside areas of the premises.

2. The serving of refreshments and food 24/7 inside and outside, which requires the use of the kitchen that will therefore create noise and kitchen smells as the extractor fan will have to be switched on.

This is not reasonable. Voices, smells and music do carry a long way and we, for example are only 2 gardens away.

Other neighbours are directly next to the Highway back garden.

I hope you will consider our objections on the grounds of public nuisance.

5. Susan Ashton

The Highway Inn Licensing Application, 117 High Street Burford, OX18 4RG

I am a resident of Burford, residing at [REDACTED], and part-owner of the garden on the corner of Swan Lane and Pytts Lane which abuts the east end of the Highway Inn's garden. I am writing to object to this application on the grounds that, if it leads to guest entertainment and activity in the Highway's garden, it will cause a public nuisance.

I was born and brought in the premises immediately adjacent to the Highway, and from at least the 1950's, the Highway's garden has only been used by the owners or the hotel staff and has not been open to guests. I am very concerned that this could change and impact the quiet enjoyment of my garden.

I note that the applicant states 'The premises would still operate as they have historically, the variation is simply to clarify the position in relation to what has been a long-standing use of the premise.' This implies that the garden will remain private, but it would be reassuring if this could be formalised through a condition similar to that currently in place at The Bull, namely "Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises".

6. Reg and Dorrit Marshall

We write with regard to the application to vary the Premises Licence at the Highway Inn as listed above.

We are extremely concerned that any change to the existing permissions will lead to unacceptable noise levels, especially externally and that the changes to the licence will result in clients at the premises spilling into the street, both during the licenced hours and beyond. Smokers often congregate outside licenced premises in the town, and often cause a nuisance late at night.

Burford is a small town, beautifully quiet in the evenings when there is little traffic and the day tourists have left. It would be such a pity if extending the licence at The Highway impacted negatively on the town and its quaint character.

We ask you take our above comments into account when considering the application.

7. Bill Risebero DipArch DipTP MA RIBA

Dear Ms Thomas **LICENSING ACT 2003 Application for Variation of Premises Licence: Highway Inn, Burford** Cllr Ashton has kindly informed us of the proposals for the Highway Inn. We have not been consulted on them by the Applicant. As we will be affected by them, I have the following comments:

1. **Site boundaries.** The Application does not include a site plan showing which external spaces are affected by the proposals. Two spaces at the rear of the building raise questions. These are the courtyard and the garden.

1. **Highway Courtyard** (please see attached plan). This is already in use as an eating/drinking area. It shares a party wall with a residential property to the north, which overlooks it. The Application states that 'the premises would still operate as they have historically'. In that case will the Applicant agree to confine all outside public hospitality/entertainment to this courtyard?

2. **Garden behind Highway** (see plan). The garden is domestic, and demonstrably has been for at least 55 years. There is no evidence of any historic use as a public venue. I realise that you are not concerned with 'planning' matters, but I would suggest that to change it would be a material change of use. A change would raise other planning issues too, including conservation, historic buildings, nature conservation and local amenity.

3. **Noise levels.** At the moment the rear gardens (including that of the Application premises) bounded by the High Street, Swan Lane, Pytts Lane and Castles Yard are residential in character. The buildings on the High Street protect the area from noise, giving it an ambient noise level which I estimate to be between 20 and 40 dBA. Use of the garden by the public as hospitality/entertainment could generate an SPL of 80-90 dBA, very intrusive in a residential area.

4. **Anti-social hours.** There are a number of properties sharing a boundary with the application site. Four dwellings have adjoining gardens. Fifteen or more dwellings, plus the Quaker meeting house, are between a distance of 5m and 45m from the site. Many have bedrooms which face towards it, needing an SPL of 20 dBA or less to be tolerable. At most, attenuation will reduce a dBA level of (say) 85 to one of about 52 dBA. This is clearly unacceptable.

5. **Light pollution.** If the site is lit after dark this will worsen the problem of disturbance, creating light pollution in an area which at present is dark at night. Noise and light pollution will badly affect both people's amenity and the existence of wildlife in the area. 6. **Safety and Security.** Public access to what is at present a private garden area raises the question of security, especially at night. Fire safety, including from wildfire, and means of escape are also an increasingly important issues and need to be considered. 7. **Commercial uses.** I recognise that the planning of Burford Town centre needs to strike a balance between commercial and residential uses. But an increase in commercial value should not be achieved by degrading residential value. Residential accommodation facing the High Street of course has a noise problem and this is to be expected. But it makes the quiet enjoyment of the rear gardens and houses all the more important. The proper place for noisy uses is on the High Street frontage, not among the private gardens at the rear.

8. Safety and nuisance. To license the garden for hospitality/entertainment would be to increase noise, disturbance, light pollution, insecurity and danger, to the considerable detriment of the surrounding residential environment. This would compromise **public safety** and amount to a **public nuisance**.

9. Licence decision. It will be clear from the above that I think developing the Highway garden area would be wrong in principle. I also think that it would be impossible adequately to mitigate the effects on the surrounding gardens and houses.

(a) I would ask you therefore to agree a condition that all outdoor hospitality/entertainment be confined to the existing courtyard.

(b) I would also ask you to make it clear that the licence does not permit use of the domestic garden behind the Highway for public hospitality/entertainment.

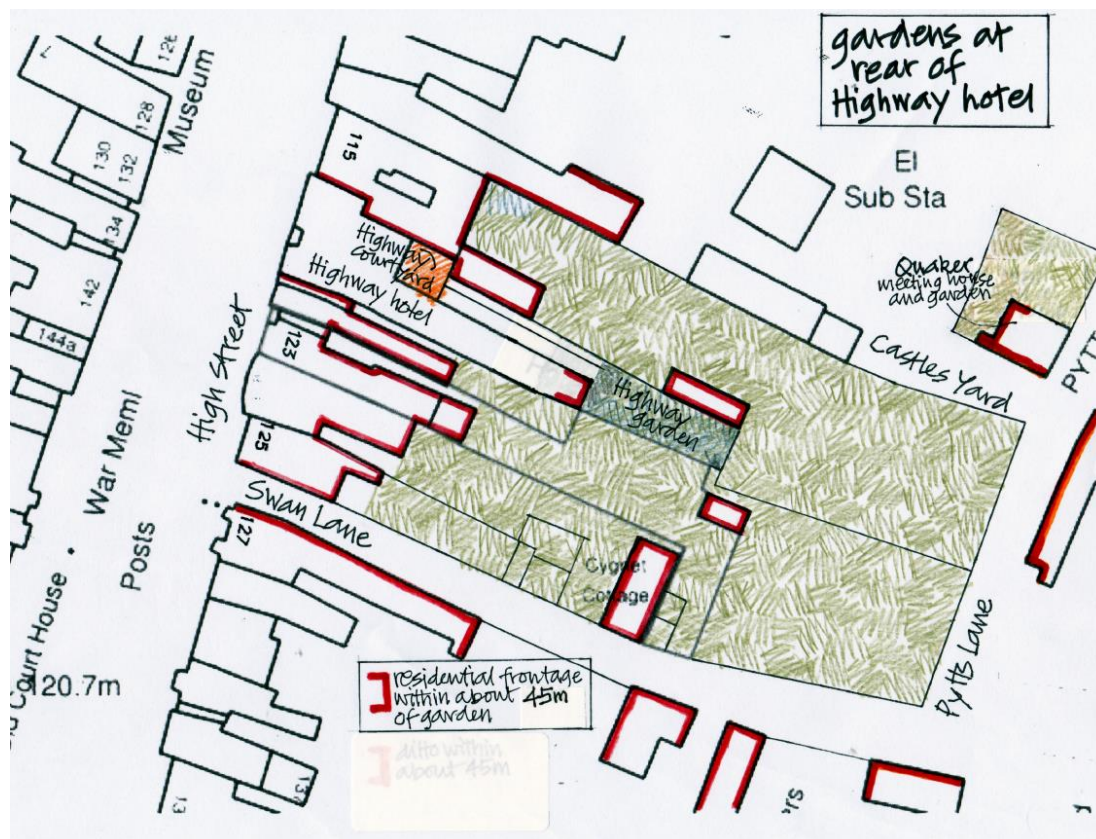
(c) Without prejudice to

(a), if for any reason you are minded to recommend use of the garden for hospitality/entertainment, then I would ask you to make the decision

(i) in the context of a considered planning view of the proposals and

(ii) on the basis of a proper local consultation on what is intended, proposed timings, noise levels and safety and security considerations.

(d) The aim should be to agree limited hours and dates, especially on Sundays, keep noise to agreed levels, dispense with music, keep lighting levels low, and deal with all problems of safety and security.



8. Jonathan Hart

HIGHWAY HOTEL, BURFORD - Application to vary premises licence

I am a resident of Burford and live at [REDACTED] – immediately next to the Highway Hotel.

I note in the application for a variation of the premises licence that the proprietor is assuring you, and the residents of Burford that **“the premises would still operate as they have historically, the variation is simply to clarify the position in relation to what has been a long standing use of the premises”**

I also note that the application is not specific with regard to the use of the term “outdoors” which implies that there has been historic (long standing) use of the garden (which presumably forms part of the premises), and not just the courtyard, for the trading of the hotel.

The only outside area used by the hotel for its guests to drink and dine is the stone courtyard immediately outside the back of the hotel and which extends to the corner of the building next door (which is a defined point). The courtyard is cut off from the hotel’s land beyond by a solid wooden fence, on which there is a sign informing guests that there is no entry beyond that point. The fact is the garden beyond the courtyard has never been used by the Highway Hotel for guests during the past 55 years at least and an immediate neighbour and other residents can confirm this. Indeed the garden is currently (and has been for many years) unkempt and overgrown, akin to a wildlife haven.

Thus, for the past 55 years, the Highway Hotel has operated successfully, while respecting the rights of the residents and local wildlife and the gardens immediately surrounding the hotel and those in the near vicinity have enjoyed a certain peace and tranquility.

It seems to me therefore, that if the variation to the licence is granted, the proprietor of the Highway Hotel will, in one stroke, have gained the tacit right **(a)** to extend the facilities of the hotel (winning and dining of guests) to the garden (presumably part of the term “outdoors”, referred to on the application) and not just the courtyard; and **(b)** to serve guests (whether or not resident at the Hotel) in the garden as well as the courtyard until midnight every night, except Sunday.

To accommodate guests in the garden, the hotel will insert outside lighting, position tables and chairs and naturally guests during the summer will gravitate to the garden to wine, dine, smoke and generally socialise. And as we know, alcohol can raise the noise levels.

Midnight is far too late for guests to be socialising outside in the garden and residents in the vicinity will have very disturbed nights as a result. This, as you will know, can cause anxiety, depression and stress as well as other mental issues. Light pollution is also a serious concern to health and a public nuisance as it also disrupts sleep, is intrusive to neighbours, and an increased amount of light at night lowers melatonin production, which results in sleep deprivation, fatigue, headaches, more stress and anxiety and other health problems. This will

potentially become a devastating public nuisance to all those residents who live nearby, including in Castles Yard, Pytts Lane and Swan Lane.

May I therefore respectfully suggest that, taking the applicant at its word - **the premises would still operate as they have historically** - that any variation to the licence for the outdoors **excludes** specifically the garden beyond the courtyard at the back of the hotel, because that part of the premises has not been used for the trade of the hotel for the past 55 years. Such a condition, if imposed, would I believe settle much angst among the residents of Burford.

9. Christine Risebero

We live at [REDACTED] and our garden adjoins that of the Highway Inn. I would like to lodge my objection to the application to vary the premises licences for the two named hotels, particularly for the Highway Inn. My objection falls under the heading of Public Nuisance.

We have lived next to the Highway Inn for 7 years and have been allowed to enjoy the peace and quiet of all the residential gardens behind these Inns with the present licences in place. It may surprise you to learn how residential it is behind the very noisy High Street. We believe that any music played at the back of the Highway and in the courtyard during the day and late at night will cause a public nuisance for us all. The Bull is further down the hill, but music carries over long distances and the two Inns playing music at the same time would be intolerable. Increased numbers of arrivals, departures and diners will add to the noise, all speaking loudly over the music. Many of us are very distressed by this prospect, when we thought we were coming to live in a unique Medieval town. We find we could be living in the middle of a party culture. The public come to Burford to escape from the noise of the 24 hour economy of major cities and it is our unique Medieval heritage that many people come to enjoy.

Many of us have created wildlife gardens, and the ancient Friends Meeting House between The Bull and Highway on Pytts Lane has a garden registered with the Quiet Gardens movement where people can come and sit in peace and quiet contemplation.

You say in your recent communication that the Highway Inn is just asking for an increase in hours for what they were doing already. Music in the courtyard is completely new, as is outdoor dining at the front and back until midnight. You say they will ask people to leave quietly, but car doors and engines cannot be quiet and night-time voices, fuelled by alcohol, carry a long way.

I believe that this extension of licensing hours will cause much distress and a Public Nuisance.

10. Julia Hart

I wish you and any other officer involved could visit the properties affected and see how quiet this the area is naturally.

The application is incorrect where it implies there has been historic use of the garden. The fact is the garden has never been used by the Highway Hotel for guests. A neighbour can confirm this for the last 55 years and others also.

So to go from a quiet garden like those surrounding it, to noise from 10.00 to 23.00 is a terrible, a devastating public nuisance to all those many people who live nearby, including in Castles Yard, Pytts Lane and Swan Lane.

Noise is recognised by the World Health Organisation as affecting mental health causing mood swings, anxiety, depression and stress. The WHO recognises that it can cause range of Short and long term threats to health, cardiovascular effects, poorer work and school performance. Light waves affect the circadian rhythm/biological clock and so our sleep/wake cycle, metabolism, immune system.

Children spend more time in bed and are more exposed to night noise. There is consistent evidence that noise exposure harms cognitive performance the elderly are very sensitive to noise.

23.00 is a long time past many people's bedtime and an announcement at 11.00 pm is not going to be quiet.

Light pollution is also a serious concern to health and a huge public nuisance as it disrupts sleep, is intrusive to neighbours, proven harmful to wildlife.

An increased amount of light at night lowers melatonin production, which results in sleep deprivation, fatigue, headaches, more stress and anxiety and other health problems.

All this risk to health from increased noise and light from late use of the garden and outside space.

This is all so serious as a public nuisance to all nearby residents and cannot be justified by such a late end to the outside use of the previously unused and quiet garden.

We ask please that all the outside activity ends at 22.00.

It can continue inside but without causing a public nuisance with harm and disturbance to the neighbours that outside use would do.

To protect the wildlife in gardens in Burford and to open the gardens to young people and help them enjoy and understand Nature in gardening, we have set up " Burford Wildlife Gardens ". It is already growing fast as an organisation and we are in contact with local schools for pupil visits and lessons.

In the face of terrible loss of wildlife over recent years, much important research has been done into the harm to wildlife from Noise and Light Pollution as well as loss of habitat.

I forward one of very many articles. All reports confirm substantial damage to insect and wildlife with species damage and loss of numbers. Human life depends absolutely upon insect life and pollinators.

It is also well proven that damage to mental health to humans comes with both noise and light pollution. These are a major and frightening form of Public Nuisance for the damage they do. As both noise and light are so destructive and this is so widely known now, please confirm you will condition

1. the lighting to a minimum of the standards and fittings approved by West Oxon District Council where Biodiversity is at risk, with no form of flood lighting and no "Light Trespass" permitted to reach the adjoining wildlife gardens.
2. These conditions should apply also to the Bull hotel given the nearness of the two properties to each other and the risk of a large area between the two being affected by noise and light.
2. The noise by requiring notices to be posted prominently on each boundary wall adjoining another property to require noise is kept to a minimum given with quiet near other properties at all times.
3. These conditions should apply also to the Bull Hotel given the nearness of the two properties to each other and the risk of a large area between and around the two being affected by a joint area of noise and light pollution.

11. Diane Marchington

West Oxon District Council

Dear Sir, Madam.

Licensing Act 2003.

Application for Variation of Premises License -
Highway Inn, High Street, Burnford.

My house is next door to the Highway Inn and my garden wall is against their flat-roof extension and part of their garden. If the Highway Inn garden is to be open to Partying and/or dining and drinking with music and lighting it will be impossible for me to use my garden peacefully, owing to noise and light pollution.

I live alone and will be 82 next May, and up till now I have lived amicably with The Highway Inn for almost 12 years and hope to continue doing so.

For these reasons I object to this application.

Yours faithfully

Diane V. Marchington.

(MISS D.V. MARCHINGTON)

