

28 South Drive
Warley
Brentwood
CM14 5DJ

7th October 2014

Dear Sir,

I am writing in response to the re-licensing of The Brave Nelson Pub in Warley.

We live at the back of the Nelson and are adjoined by a fence to its garden. We have made numerous complaints to the Noise Pollution Department regarding the screaming and shouting of young children emanating from the Pub garden play area on any day/evening/night when the weather is good. Obviously, this interferes greatly with our quality of life as it makes being out in our garden very unpleasant and, on some occasions, completely intolerable.

Although I can understand that families with young children would want to meet up with friends for drinks – I believe that The Nelson, being closely surrounded on all sides by houses, is not suitably situated for the holding of noisy private functions (such as children's parties) outdoors, as the noise echoes around the neighbouring gardens, houses and streets – making it feel like one is in the middle of a fun fair. Friends and family who visit us are horrified that we have to put up with this situation.

This is not just a complaint about 'one-off' events: It applies to any day that is vaguely nice when you would want to be out in your own garden.

What we would like to be considered with regards to 'The prevention of Public Nuisance', would be that the new owner re-plant the trees, which were all cut down by the previous owner, surrounding the back and side fences of the garden area – in order to soften some of the noise. Furthermore, we would appreciate less emphasis being put on trying to attract families with very young children who are often left screaming outside while their parents are drinking further back in the garden or actually inside the pub. The pub garden is also used for football and the accompanying banging of the ball against the fence and the amount of balls that come over into our garden, makes it impossible to relax outside and it seems ridiculous that we have to endure this when there is a park at the top of the road.

I note that CCTV is cited as being a means of monitoring what goes on in the garden of the pub but this has certainly brought no relief to us and I doubt staff have the time or inclination to check it whilst they are busy serving.

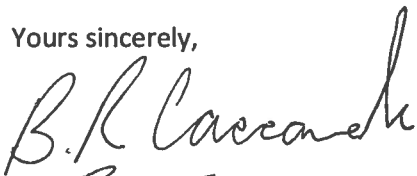

The Brave Nelson is meant to be a local pub for local people but as I am related both to some of the locals and people serving, I know for a fact that they feel 'ousted' by both the 'special events' and the young families whose children run around screaming inside as well as outside. All the regular users of the pub want is a place to 'unwind' and have a drink, chatting with friends.

We have lived at the rear of the pub for fifteen years and, up until the last owner decided to hack down all the surrounding trees and foliage and turn the pub garden into a children's playground to entice families as new customers, we have never ever had the slightest problem with the noise level, music, people leaving the premises.....Indeed, we enjoyed using the pub ourselves. This is the first time we have ever complained about anything to anyone but feel we have no other option in this case as we feel strongly that our privacy and life have been impinged upon.

I hope you will consider these points and put forward our concerns.

Thank you.

Yours sincerely,

Mr and Mrs Caccavale

dave leonard

From: Karen Strudwick [karenstrudwick@btinternet.com]
Sent: 06 October 2014 22:15
To: dave leonard
Subject: Brave Nelson Public House, Woodman Road.

Hi Dave,

The noise that is generated from the Brave Nelson Public House is impacting on the quality of our life.

Situated in a residential area something must be done to restrict this level of disturbance affecting not only Woodman Road residence but South Drive as well.

We have lived at our address since 1987 and we can honestly say the noise we have experienced this summer has been the worst and then there are the events of 9th August!

It is not acceptable that ;

- Customers are allowed to use the garden well into the early hours of the morning disturbing the residence with noisy laughter and talking.
 - The garden should be closed at a more acceptable time, at the latest 10.30pm on a week day.
 - Music, either live bands or disco music is always played to loud- doors and windows are left open which makes the problem worst.
- Music that should finish at 11pm but invariably goes on longer.
- The doors from the pub to the garden are left open so the music can be heard in the garden.
 - Numerous Taxis turning up in the early hours to take customers home and all the noise that generates, car doors slamming.etc.

-Then you get the customers on foot who walk up the road laughing/joking/arguing/swearing without any consideration for the residence who are trying to sleep.

I am happy for Rakish Rose to speak on my behalf should I be unable to attend the meeting to be held by the Council on the subject of the Brave Nelson once a date agreed.

Yours faithfully,

From;
Karen Strudwick & Kevin Ollig,
129 Woodman Road,
Warley,
Brentwood,
Essex.
CM14 5AU.

Tel: 261810
Mobile: 07808729801

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dave leonard

From: Hutchinson, Neil [Neil.Hutchinson@broadridge.com]
Sent: 24 September 2014 09:41
To: Gary OShea
Cc: dave leonard
Subject: RE: Extension to the licensing for The Brave Nelson public house situated on Woodman Road

Gary,

Thanks very much for taking the time to explain the changes. It is much appreciated.

Ok, so the only change is to allow hot food and drink to be served from 11pm to 11:30pm on Fri/Sat.

My seven points (repeated at the bottom of this mail for your convenience) still apply, as what will be created is a late night takeaway, licensed to sell alcohol, particularly, point 4 (littering), which occurs now with bottles and glasses from the pub. If people think it is acceptable to do this [throw bottles and glasses in residents' gardens], then they won't think twice about throwing containers and wrapping in residents' gardens.

Food served during these hours [11pm to 11:30pm] won't be consumed by people who are sitting down for a quiet dinner; this would occur much earlier. This will be alcohol fuelled binge eating, resulting in an increase in anti-social behaviour and criminal activities.

Not to sound rude or discourteous, but this isn't a quiet bistro/café where customers will be sipping a tisane while listening to poetry by Rimbaud at 11pm. There will be very little, if any take up of the hot beverages; it may be there as an option, but not one that will be enacted. What will be created will be a late night takeaway and diner, encouraging the type of behaviour, which already causes residents distress.

I'll leave it to your discretion as to how the parking issue, as it applies to public safety, is applied, as you are the expert. I can only say that there have been examples where customers of the Brave Nelson have blocked access to emergency vehicles and have caused erratic driving from other drivers, due to the way they have parked. I've seen the customers leave the Brave Nelson and get in their cars, so I know it is customers of the Brave Nelson.

Just so you are aware. The situation is now worse than it was with the previous landlord. With the previous landlord the situation was unacceptable, now it is intolerable.

1. It will cause excessive noise. The Brave Nelson is closely surrounded by residential properties. Any noise, particular noise which occurs outside the Brave Nelson impacts negatively on the quality of life of the local residents. Customers purchasing food will congregate outside the Brave Nelson and thus will increase the

noise levels and disturbance to local residents. In addition the extension to 23:30 at night (Fri/Sat) is too late and will mean noise will be occurring when many residents are trying to sleep.

2. Residents are already subject to anti-social behaviour, including, but not exclusive to, criminal damage and fighting in the street. This will worsen due to these licensing changes. The additional hours encouraging additional alcohol consumption.
3. The additional traffic, caused by the extended use/hours will be a risk to public safety. As many of the houses do not have off street parking the parking on the street creates a "chicane type" path, which encourages drivers to make high speed manoeuvres. This extension to the licensing will worsen this problem.
4. Currently, local residents are subject to littering, which has its origins in the Brave Nelson. The extension of hours and service of late night refreshments will increase the incidence of this anti-social and illegal behaviour, which has to be cleaned up by local residents at their own cost/time.
5. Public safety will be put at risk by these changes, as there is insufficient parking for the increased traffic caused by the extension of opening hours. We have already witnessed the effect of this on the 9th Aug, where emergency vehicles were unable to gain access to Woodman Road due to the illegal parking by customers of the Brave Nelson on Woodman Road. The management of the Brave Nelson made no attempt to control/manage this problem.
6. The increased presence of people who have drunk excessive amounts of alcohol on Woodman Road will increase the incidents of criminal damage, anti-social behaviour, and noise, particularly at hours when residents are attempting to sleep, and cause unnecessary distress to local residents.
7. There is insufficient parking for the extended hours. This will negatively impact local residents, as customers of the Brave Nelson will utilize street parking already at a premium, meaning local residents will be unable to park near their homes. This will negatively impact everyone, but is of particular concern for those less able, e.g. parents with children, elderly residents, etc.

Regards,

Neil Hutchinson
Business Development Manager
T: +44 (0)207 551 3223
E: Neil.Hutchinson@broadridge.com

Broadridge Securities Processing Solutions, Inc.

From: Gary OShea [<mailto:gary.oshea@brentwood.gov.uk>]
Sent: 23 September 2014 16:46
To: Hutchinson, Neil
Cc: dave leonard
Subject: RE: Extension to the licensing for The Brave Nelson public house situated on Woodman Road

Dear Mr Hutchinson

I can confirm that the new application with the exception of the late night refreshment element totally reflects the current licence which already contains permission to sell alcohol until 11.30 PM on Friday and Saturday (11PM on other days of the week) therefore there is no request to extend those hours.

I can fully relate to your concern over the noise etc around closing time, this being one of a number of complaints that have been received in recent Months. The application follows discussion between my office and the new manager and his representative where we voiced our concerns over the operation particular during late hours and outdoors. We made it clear that neither the licensing authority nor the Police (who were in attendance with us) would support any application for additional hours. Our interest lies with ensuring that the conditions are clear and manageable and that they are adhered to in the future.

There is (as previously stated) an application on Friday and Saturday evenings to include late night refreshment. It would be unlawful to provide any hot food or drink after 11pm without having this permission on the licence. I do not believe that there is any intention to provide meals at this time but the availability of tea and coffee would normally be encouraged as an alternative to alcohol if the premises are open until 11.30PM. Clearly I cannot account for how much take up there would be if any of hot non alcoholic beverages.

The point relating to the parking of vehicles is a valid point and has been the topic of many a discussion in licensing circles. The difficulty with the manner in which the law is drafted is that the four objectives are the only matters that may be considered and they are relevant only to the specific premises and people attending and in the immediate vicinity. It is not impossible that this could be stretched to include parked cars (as clearly they wouldn't be there if people weren't attending the pub) however, it would need to be shown that a particular car definitely belonged to a patron of the pub and that it was causing a clear public safety concern. The regulations to the Licensing Act do not permit the use of the Act to control matters that are dealt with under other legislation e.g. obstruction of the highway etc.

Now that the application has been submitted, the licensing authority, Police and other agencies have the opportunity to request conditions on any licence issued which may be agreed by the applicant voluntarily or imposed by a licensing committee. This is a discussion that will be taking place over the next week or so.

We retain concern over the number of complaints relating to the operation of the Brave Nelson and will be doing everything possible to curb the noise and disruption that has been reported. Whilst we were on the verge of taking formal action prior to the change of management, this has now been put back slightly as we need to give the new manager a chance to turn the position around. Please rest assured however, that any substantiated breach of licence terms and conditions will be addressed by the licensing authority as appropriate.

All of the points at the foot of your email are matters that we are looking to address with conditions save for the parking as above, which the law does not give us power to condition. Once these conditions are drafted and agreed (or proposed to licensing committee if not agreed) I shall be happy to ensure that you receive a copy.

Kind regards

Gary O'Shea

Principal Licensing Officer

gary.oshea@brentwood.gov.uk

01277 312503

From: Hutchinson, Neil [<mailto:Neil.Hutchinson@broadridge.com>]

Sent: 23 September 2014 09:30

To: Gary OShea

Cc: dave leonard

Subject: RE: Extension to the licensing for The Brave Nelson public house situated on Woodman Road

Gary,

Thanks for the quick response. I appreciate it.

I'm not sure I fully understand, especially with regards to ambiguities regarding the current licensing. My understanding is that the license is expanding from 11pm (current licensing) to 11:30pm for Fri and Sat. I don't understand how this can be of benefit residents. The Brave Nelson shows a complete contempt for local residents during their current opening hours, increasing those opening hours will only expand the time the Brave Nelson can behave in this manner. In practical terms the Brave Nelson shuts around midnight on Fri/Sat, if this moves half an hour later, then I can only predict that it would shut around 12:30. I'm in bed at this time, trying to sleep, and the excessive noise makes this very difficult. In addition, the later the Brave Nelson is open the more alcohol is consumed, and thus the increase in prevalence of varying sorts of illegal and anti-social behaviour.

With regards to the parking, my point is that lack of parking at the Brave Nelson causes customers to park unsafely, which will increase if the opening hours are increased. This means emergency vehicles can't gain access to properties on Woodman Road, and causes drivers to driver erratically, as they weave in and out of vehicles. I'm not an expert, but I thought that one of the main objectives on the licensing act 2003 was public safety, which this would come under.

My address is:

139 Woodman Road

Warley

Brentwood

There are many current issues with how the Brave Nelson operates. These include, but are not exclusive to:

1. Leaving the front and/or back door open creating excessive noise.
2. Live music and music from speakers at an excessive volume that impacts negatively on local residents' quality of life.
3. Drinking and smoking out the front of the Brave Nelson.
4. Anti-social behaviour after leaving the Brave Nelson, littering, fighting, etc.
5. Un-safe parking by customers.
6. People drinking and smoking in the garden late at night.

Best Regards,

Neil Hutchinson
Business Development Manager
T: +44 (0)207 551 3223
E: Neil.Hutchinson@broadridge.com

Broadridge Securities Processing Solutions, Inc.

From: Gary OShea [<mailto:gary.oshea@brentwood.gov.uk>]
Sent: 22 September 2014 14:30
To: Hutchinson, Neil
Cc: dave leonard
Subject: FW: Extension to the licensing for The Brave Nelson public house situated on Woodman Road

Dear Mr Hutchinson

I confirm receipt of your representation (below) in respect of the application for the Brave Nelson Public House.

In the first instance I would advise that applications are processed under provision of Licensing Act 2003, which is prescriptive as to how applications must be processed. This requires the Council to hold a hearing to determine any application where there is a valid representation. Hearings must be conducted in full accordance with the convention on Human Rights which means that no such representation may be anonymous. In this regard, whilst you have provided your name, please would you also provide your address.

Whilst this is a new application, it is something that the Council have pushed the new Management of the premises to submit as we are aware of the issues both past and present and were at the stage of perusing formal action prior to the take over of the premises by the current licence holder. The main problem for us as a licensing authority is that the conditions on the current licence are ambiguous and to some extent very difficult to enforce. We have pushed therefore for a variation (a new application would have the same effect) to tidy up the conditions and provide opportunity for the Council to suggest and implement further conditions that will be achievable, enforceable and therefore creating some respite for residents from the problems that are the subject of the complaints we have been receiving.

With the exception of traffic and parking (which whilst important issues for residents cannot lawfully be considered by a licensing committee) all of your concerns are concerns that my team are trying to address by seeking application to improve the licence conditions. The hours of operation are not being altered, with opening hours and permitted hours for alcohol sales remaining the same as under the current licence.

It is my understanding that the provision of late night refreshment has been added until 11.30PM. Whilst this would permit meals etc to be served it is a requirement of law that any sale of hot food or hot drink between the hours of 11pm and 5am are licensed. This would therefore include the sale of tea and coffee or tasted sandwiches. This sort of activity is often seen as assisting the gradual dispersal of licensed premises.

I have provided this information in order to reassure you that there are no additional permissions sought (other than stated) and whilst the licensing team cannot and will not make recommendation to any sub committee that may be determined to consider this application I do see it as an essential first step in controlling activity on the basis that the conditions will be clear and enforceable allowing my team to take action in respect of any breach. Such action could include a review of the licence, which can result in revocation and/or prosecution in serious cases.

If this application is granted then the existing licence will be surrendered. If refused they will continue to operate under the existing licence.

Please do not read into the above that I am seeking withdrawal of your representation as that is most definitely not the case. However, you have asked for refusal of the application at the foot of your representation and I therefore felt it important to explain why my team has encouraged it to be submitted. It is important that the views of residents are considered and you will have opportunity should you wish to address the Committee at a future hearing. I am happy to discuss this matter at any time and in particular the type of conditions that will be sought.

Kind Regards

Gary O'Shea

Principal Licensing Officer

gary.oshea@brentwood.gov.uk

01277 312503

From: Hutchinson, Neil [<mailto:Neil.Hutchinson@broadridge.com>]

Sent: 22 September 2014 11:41

To: licensing; dave leonard; gary.o'shea@brentwood.gov.uk

Subject: Extension to the licensing for The Brave Nelson public house situated on Woodman Road

Dear Sir/Madam,

This email is in reference to the application for an extension to the licensing for The Brave Nelson public house, located at 138 Woodman Road, Warley, CM14 5AL.

The Brave Nelson is situated in close proximity to residential properties and is wholly unsuitable as a venue for extended licensing hours and the serving of late night refreshment.

The reasons why the Brave Nelson is unsuitable as a venue for the extended licensing hours and the serving of late night refreshment are as follows:

1. It will cause excessive noise. The Brave Nelson is closely surrounded by residential properties. Any noise, particular noise which occurs outside the Brave Nelson impacts negatively on the quality of life of the local residents. Customers purchasing food will congregate outside the Brave Nelson and thus will increase the noise levels and disturbance to local residents. In addition the extension to 23:30 at night (Fri/Sat) is too late and will mean noise will be occurring when many residents are trying to sleep.
2. Residents are already subject to anti-social behaviour, including, but not exclusive to, criminal damage and fighting in the street. This will worsen due to these licensing changes. The additional hours encouraging additional alcohol consumption.
3. The additional traffic, caused by the extended use/hours will be a risk to public safety. As many of the houses do not have off street parking the parking on the street creates a "chicane type" path, which encourages drivers to make high speed manoeuvres. This extension to the licensing will worsen this problem.
4. Currently, local residents are subject to littering, which has its origins in the Brave Nelson. The extension of hours and service of late night refreshments will increase the incidence of this anti-social and illegal behaviour, which has to be cleaned up by local residents at their own cost/time.
5. Public safety will be put at risk by these changes, as there is insufficient parking for the increased traffic caused by the extension of opening hours. We have already witnessed the effect of this on the 9th Aug, where emergency vehicles were unable to gain access to Woodman Road due to the illegal

parking by customers of the Brave Nelson on Woodman Road. The management of the Brave Nelson made no attempt to control/manage this problem.

6. The increased presence of people who have drunk excessive amounts of alcohol on Woodman Road will increase the incidents of criminal damage, anti-social behaviour, and noise, particularly at hours when residents are attempting to sleep, and cause unnecessary distress to local residents.
7. There is insufficient parking for the extended hours. This will negatively impact local residents, as customers of the Brave Nelson will utilize street parking already at a premium, meaning local residents will be unable to park near their homes. This will negatively impact everyone, but is of particular concern for those less able, e.g. parents with children, elderly residents, etc.

The Brave Nelson has made no attempt to control current anti-social behaviour or the excessive noise, as such, any increase to their current license will only increase these behaviours, which will negatively impact on the quality of life for local residents and cause unnecessary distress.

The Brave Nelson made an application for an extension to the licensing hours in Aug 2005, which was refused, due to the negative impact it would have on the residents of Woodman Road. I politely request that a similar judgement is made, and that further requests are considered repetitious and vexatious.

Yours faithfully,

Neil Hutchinson
Business Development Manager
T: +44 (0)207 551 3223
E: Neil.Hutchinson@broadridge.com

Broadridge Securities Processing Solutions, Inc.

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Monday, 22 September 2014

Mr Neil Hutchinson
139 Woodman Road
Warley
Brentwood
CM14 5AJ
+44 (0)7825 426695

Licensing Authority
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

Dear Sir/Madam,

This letter is in reference to the application for an extension to the licensing for The Brave Nelson public house, located at 138 Woodman Road, Warley, CM14 5AL.

The Brave Nelson is situated in close proximity to residential properties and is wholly unsuitable as a venue for extended licensing hours and the serving of late night refreshment.

The reasons why the Brave Nelson is unsuitable as a venue for the extended licensing hours and the serving of late night refreshment are as follows:

- It will cause excessive noise. The Brave Nelson is closely surrounded by residential properties. Any noise, particular noise which occurs outside the Brave Nelson impacts negatively on the quality of life of the local residents. Customers purchasing food will congregate outside the Brave Nelson and thus will increase the noise levels and disturbance of local residents. In addition the extension to 23:30 at night is too late and will mean noise will be occurring when many residents are trying to sleep.
- Residents are already subject to anti-social behaviour, including, but not exclusive to, criminal damage and fighting in the street. This will worsen due to these licensing changes. The additional hours encouraging additional alcohol consumption.
- The additional traffic, caused by the extended use/hours will be a risk to public safety. As many of the houses do not have off street parking the parking on the street creates a "chicane type" path, which encourages drivers to make high speed manoeuvres. This extension to the licensing will worsen this problem.
- Currently, local residents are subject to littering, which has its origins in the Brave Nelson. The extension of hours and service of late night refreshments will increase the incidence of this anti-social and illegal behaviour, which has to be cleaned up by local residents at their own cost/time.
- Public safety will be put at risk by these changes, as there is insufficient parking for the increased traffic. We have already witnessed the effect of this on the 9th Aug, where emergency vehicles were unable to gain access to Woodman Road due to the illegal parking by customers of the Brave Nelson on Woodman Road. The management of the Brave Nelson made no attempt to control/manage this problem.

- The increased presence of people who have drunk excessive amounts of alcohol on Woodman Road will increase the incidents of criminal damage, noise, particularly at hours when residents are attempting to sleep, and cause unnecessary distress to local residents.
- There is insufficient parking for the extended hours. This will negatively impact local residents, as customers of the Brave Nelson will utilize street parking already at a premium, meaning local residents will be unable to park near their homes. This will negatively impact everyone, but is of particular concern for those less able, e.g. parents with children, elderly residents, etc.

The Brave Nelson has made no attempt to control current anti-social behaviour or the excessive noise, as such, any increase to their current license will only increase these behaviours, which will negatively impact on the quality of life for local residents and cause unnecessary distress.

The Brave Nelson made an application for an extension to the licensing hours in Aug 2005, which was refused, due to the negative impact it would have on the residents of Woodman Road. I politely request that a similar judgement is made, and that further requests are considered repetitious and vexatious.

Yours faithfully,



N. Hutchinson

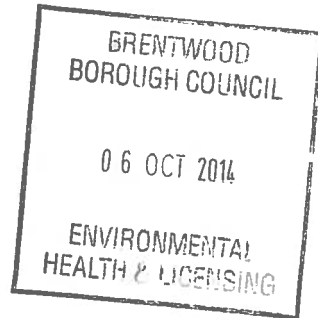
N.B This letter is a copy of an email sent on the 22nd Sep 2014 to the licensing department at Brentwood council.

30 South Drive
Warley
Brentwood
Essex
CM14 5DJ

Licensing Department
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

4th October 2014

Dear Sir / Madam



Reference:

The Brave Nelson – recent new licensing application

I write in connection with the above new license application. As an adjoining neighbour to the site I wish to object to certain aspects of the proposed operating schedule largely with regards to the beer garden, which directly affects me as it borders my garden.

It is my view that the applicant is failing to promote at least one of the four licensing objectives, namely the prevention of public nuisance in respect to noise pollution. Over the last few years and particularly over the course of this summer, there have been numerous complaints made to Environmental Health about the level of noise pollution from both the pub and the pub garden from various neighbours in Woodman Road and South Drive. These include both:

- 1) Excessive daytime noise (i.e. kids screaming and shouting in rear beer garden, kids kicking footballs against fences on most sunny days) and;
- 2) Excessive evening noise (i.e. adults outside and past 10pm plus kids continued screaming way into the evening, often not closely accompanied by adults who are in the front beer garden drinking as well as loud music from the inside of the pub during live music events)

The noise does not allow us and our neighbours to enjoy our gardens and hence has adversely impacted our quality of life. The noise has been so bad that we have barely been able to enjoy our back garden on any hot day or evening on the weekends during this summer and often on a Friday night after pub users have picked up their school kids to then play in the garden. Our neighbours are of the same mind. Furthermore the proposed 10pm garden clearance time negatively impacts on childrens' sleep (mine included) and one of my neighbours works night shifts so we have to close the

windows from the noise, which is particularly frustrating during the hot summer months.

The addition of the climbing frame this summer is directly behind my rear garden boundary has also significantly added to my noise pollution. A particular noise issue which affects myself and other neighbours is the "special event days or nights" which are held by the pub on certain weekends. There are still instances where adults are outside in the front beer garden there until way past 10pm whether smoking or drinking. This poses difficulties for the landlord to police however we as neighbours bear the brunt of this.

I also refer to the WHO guidelines for community noise and suggested that general daytime outdoor noise levels of less than 55dB are desirable to prevent any significant community annoyance. We arranged with Brentwood Borough Council Environmental Health team to come and test this on one of the pub's special family events on 9th August 2014. I have used a sound measuring app myself over the summer in our garden and it has measured way in excess of 55dB on numerous occasions.

Before a decision on the new license proposal is made, I would strongly urge that the noise pollution issues are taken in consideration for the planning request. To partly mitigate this, could the management consider for the garden be cleared by 8pm for instance, not 10pm, kids only come to the pub/garden during certain hours only, move the climbing frame, management make it a strict condition that parents are actively supervising their kids on the climbing frame and rear pub garden to minimise noise to neighbours &/or put up noise-deflecting fences and additional tree planting.

I would like to be kept abreast of progress of this new license request if possible.

Yours faithfully,



Mrs Haynes

