

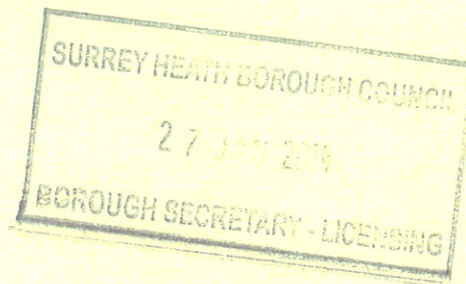
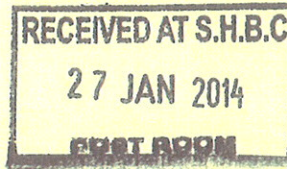


Bob Potter Leisure Limited

Wharf Road, Frimley Green, Camberley, Surrey GU16 6PT
Telephone: 01252 836 464 Facsimile: 01252 836 777
Website: www.lakesidesurrey.co.uk

The Chairman,
Licensing Sub-Committee,
Surrey Heath Borough Council,
Knoll Road,
Camberley,
Surrey. GU15 3HD

23rd. January 2014



Dear Mr. Chairman,

Adjourned Hearing – Water's Edge, Mytchett Road, Mytchett. GU16 6AG.

I represent the Applicants as their Agent in the above matter of an Application for a Premises Licence and appeared before you prior to the adjournment.

I have to say that I was surprised that an adjournment was called but fully understand the reason for it and your decision, based on fairness to the objectors who received late amendments, is accepted. Perhaps I can add some history to the need for me to have submitted Supporting Documentation Against the Representations. The Application was made on 2nd. December 2013, the closing date for objections was 30th. December 2013. We received the Executive Head of Community's grounds of objection, which he signed on Christmas Eve, just before the start of the Lakeside World Darts Championships held on the 4th. January to 12th. January 2014. As far as the Applicants were concerned site meetings took place with all interested parties although the Environmental Health representative, from Community, appears to have been satisfied with her inspection findings she was replaced and the objections arrived "out of the blue" despite the Council's Statement of Licensing Policy 2011 - 2014 at s.67 saying that "officers will seek to discuss proposed conditions in advance with either the applicant or their representative or both with the aim of achieving a mutually agreeable level of protection to the public and fulfilment of the licensing objectives". This direction was clearly not considered by the Responsible Authorities, for whatever reason, and consequently the Applicants are severely prejudiced, aggrieved and out of pocket by this omission. However, during part of your discussion with the representative of Executive Head of Community you touched upon the fragile matter of costs to the Council in relation to monitoring.

cont/.

Following on in that theme I want to make a separate appeal to you regarding the continued participation of two senior representatives from the Planning Department in regard to the Representation made by it. Two very senior officers appeared during the opening session to confirm their objection on a public nuisance ground swathed in planning misinformation. (The claim was essentially that planning consent had expired and conditions had no "bite".) I suggested to the Sub-Committee that the only time restriction I am aware of, in planning terms, is the commencement period following approval – in this case three years and five years – condition 2 (a) and (b) on the 2nd. December 1996 consent. That was not challenged by the Planning Department officers, but, notwithstanding any other guidance the Council's own Statement of Licensing Policy, 2011 – 2014 s.122, specifically excludes planning consent as a pre-requisite for a premises licence determination, so, on the basis that the Representation was tied to a planning matter it must be disregarded when the Licensing Sub-Committee announces its decision.

At the hearing the submissions by the Applicants were sufficient to cause the Executive Head of Community's legal representative to seek an adjournment because they accepted that most of their concerns could, or had, been addressed. As a matter of fact I am confident that subject to conditions we have reached an agreement for your Sub-Committee to consider. Following on from those discussions I have received a further e-mail from Mr. Partington – Development Manager, Regulatory Services, a copy is enclosed together with my reply, which attempts to press home the same message that I say is faux public nuisance wrapped in planning innuendo. Surely, it must be expedient, where two or more Responsible Authorities have concerns on the same or similar grounds for them to elect one of the parties to represent that issue on their behalf – thus saving costs and other valuable resources. I think you ought to consider determining their continued presence as not offering "best value" in taxpayer or good practice terms, on duplication alone. This premises licence application should not be confused with a re-run of a planning issue which is patent nonsense and, as far as I am aware, has no basis in law.

I await confirmation of the resumed Hearing date and look forward to either your or your legal advisor's comments.

Yours sincerely,



Glynn Evans.

(Agent for the Applicants.)

Encs..

Derek Seekings

From: Helen Riglia <Helen.Riglia@waverley.gov.uk>
Sent: 14 January 2014 17:00
To: Richard Haddad; Derek Seekings
Cc: Karen Limmer
Subject: The Water's Edge

Hello Richard and Derek.

As outlined to the Sub-Committee today, the four conditions which Environmental Health would wish to see attached to the licence, if granted, are:

1. There shall be monthly notification to Surrey Heath Borough Council of future events, including event management plans incorporating site-specific risk assessments and car parking / marshalling arrangements.
2. SIA staff to be employed during specified events as agreed with Surrey Heath Borough Council Environmental Health Department.
3. No under-18s to be permitted at adult entertainment events.
4. Noise level measured at the nearest residential property to be 10dB below ambient background noise level.

The applicant agreed these conditions would be appropriate.

The applicant was keen to stress that these conditions would be in addition to measures already outlined in the operating schedule, e.g. "windows and doors shall be kept shut during indoor events except in an emergency," and in the Event Management Plan, e.g. provision for music wind-down to allow customers' hearing to adjust.

As you will be aware, the applicants have now given more information about what the premises would be used for. Richard, I understand you were satisfied that the premises would be primarily a restaurant, the applicant having now stated it is not intended to have any of the following activities at the premises:

Boxing, wrestling and any contact sport
Darts, snooker or any non-contact sport
Dancing competitions
School proms
Pantomimes and theatre shows
Public music concerts

The applicants now seek to license only the building and the two adjacent patio areas (amended plan to be submitted).

Kind regards,

Helen Riglia
Solicitor (Litigation & Licensing), Democratic & Legal Services
www.waverley.gov.uk
Direct Line: 01483 523176

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PREMISES LICENCE APPLICATION

THE WATERS EDGE, MYTCHETT

SUPPLEMENTARY REPRESENTATION OF IAN & CAROLINE ENGLAND (MYTCHETT ROAD) FOLLOWING:

- A) SUBMISSION BY THE APPLICANTS OF "SUPPORTING DOCUMENTS AGAINST THE REPRESENTATIONS" (13th January 2014); and
- B) CHANGES TO THE EVENT SCHEDULE, LICENSED AREAS, AND DRAFT AGREEMENTS WITH SURREY HEATH ENVIRONMENTAL HEALTH DEPARTMENT (14th January 2014)

A:

Arguments made against representations of responsible authorities

1. While acknowledging that this is a new application, the applicants' ask for a licence to be granted purely on the basis of other licences granted at other locations until 2 a.m. As local residents and very close neighbours of the site, we would ask that the Committee consider the application on its own merits based on this specific site in a village residential location (Licensing Act 2.18) and with particular regard to the new 'impact on local residents of activities and noise, including coming and going, which are particularly unacceptable at night' (paragraph 74 Surrey Heath Statement of Licensing Policy')
2. "All planning conditions have been complied with". Historic planning approval for the site required, prior to operations commencing, the existing vehicular access to be 'redesigned, reconstructed, and provided with visibility zones, by agreement with the Planning and Highways Authorities'. This work has never been undertaken. In addition there was also a requirement of 'no occupation until space for parking', and for the substantially changed proposed uses of the complex there would now appear to be 169 parking bays for a capacity of 620 customers plus staff, entertainers etc.(excluding temporary events). Our concern is the inevitable 'off site' parking in adjacent roads with associated noise given the very late closing times requested.
3. The premises are now described as a 'visitor centre/restaurant' with "no restrictions placed on operating hours at the time of consent or subsequently". The original permission was for a visitor centre/**clubhouse**, and paragraph 12 of the 1996 permission for a "Visitors centre/**clubhouse**" restricted the use of the **clubhouse** to 23.00 Monday-Friday and 22.30 Sundays/Christmas Day/Good Friday.", for reason of "**the interest of the residential amenities of the adjoining premises**".

The original 1993 outline permissions were based on the site being for “outdoor leisure uses”, with any “built recreational facilities provided they are **genuinely ancillary** to the outdoor use of the site”, the land being designated ‘Countryside beyond the Green Belt’.

The 1996 building completion certificate included in the late submission is for works to a “visitors centre” not a multi-purpose entertainment venue or “substantial food and drink premises”. Its use as such would be ‘unlawful’ (Surrey Heath Planning Department), and no such premises licence should be granted until the lawful use is established.

Rather than place the Licensing Committee in such an invidious position, it would be preferable if the applicants withdrew this application, and follow the recommendations of the Licensing Policy “that planning consent should first be obtained” (para.124). The reasons for this are highlighted by paragraphs 118-120 regarding late hours of operation, and the absence in this case of the “**rigorous** consideration of late night impact” which can only take place during the planning process.

Arguments against representations made by interested parties (residents)

1. The residents’ concerns are rather dismissed as ‘perceived’, but as this is a new application it is clearly impossible for actual evidence of nuisance to be provided. Rather than be subjective, as non-experts we give due weight to the comments of the officers of the authority, as experts in their fields. An assessment has to be made by responsible authorities in respect of Public Nuisance issues such as noise, car parking on and off site, and disturbance caused by customers gaining access to and egress from the premises via the one access road into a residential area after 2 a.m. We enclose photographs from the site entrance showing the proximity of the nearest family homes (see Appendix 1).
2. The Authority’s Planning, and Environmental Health, Departments share many of the same concerns we have as residents, so we cannot see how our concerns are simply ‘perceived’. Both Responsible Authorities state that there is insufficient information to fully assess the application. The Mytchett, Frimley Green, & Deepcut Society have also expressed their concerns at the proposed 2 a.m. closing time and the unsuitability of ‘adult entertainment’.

“...officers would be concerned with activities up to 2 a.m., given the potential impact on residents.....there is potential for adverse noise and disturbance that could be detrimental to the residential amenities of neighbours in the vicinity.....the coming and goings of vehicles and the associated noise and lights.....”. (Representation of Development Manager, Surrey Heath Borough Council.

B:

Results of meeting with SHBC Environmental Health Department 14/1/14

While welcoming the agreement to scale down the event schedule (at this time) to reduce outdoor noise disturbance, some of the critical issues of concern remain including “inadequate parking”, and in particular the late night provision of refreshment /alcohol (including for consumption off premises) until 2 a.m. seven days per week leading to traffic movement and disturbance by up to 620 customers (plus staff/taxis/commercial vehicles etc.), and any additional disturbance caused by ‘temporary events’.

Conclusion:

The additional submissions and amended application will still not fulfil the licensing objectives as defined in the Act and the Surrey Heath Statement of Licensing Policy, due to public nuisance caused by noise and disruption “disproportionate and unreasonable” to those living locally.

We do not call into question the professionalism that the applicants have in running similar establishments in different locations, and accept that historically approval was obtained for this site to have a café/clubhouse open until 11 p.m. Monday-Friday and 10.30 p.m. on Sundays, for patrons taking part in golf and outdoor pursuits.

We would ask you to consider the impact of:

1. The proposed closing time of 2 a.m. seven days a week. The Act highlights mid-late evening, and the early hours of the morning as being the most sensitive times for you to focus your deliberations, in terms of residents sleeping or trying to get to sleep. Paragraphs 75 and 76 of the Licensing Policy particularly refer to noise after 11 p.m. in areas residential in character.
2. Unacceptable disturbance by customers gaining access to and egress from the premises via the one access road into an area residential in character. Paragraph 74 of the Licensing policy says you will have “particular regard on the impact on local residents of activities and noise including coming and going, which are particularly unacceptable late at night”, and in paragraph 81 that any disturbance so caused is “likely to be unacceptable”.

The representations of the Planning and Executive Head, Environment support our concerns.

We became aware of this application fortuitously over the Christmas period, having the blue A4 notice on the gates of the site brought to our attention by a more observant neighbour, and respectively suggest to the Committee that had more local people been aware, they would have received more representations.

The applicants' assertion that only 4% of residents have concerns is a complete misrepresentation of the actual situation. One hundred people attended a residents meeting on Sunday 2nd February, on a cold Sunday evening, and expressed concern that they were not aware of the plans and were unable to contribute to this hearing. Many more were unable to attend but expressed dismay via friends and neighbours.

In the absence of planning approval and/or change of use consent for the site, we respectfully suggest that the Committee has insufficient information to make an informed decision given the scale of the proposal and its potential impact on residents such as traffic issues which will require specialist impact reports.

However, should you feel unable to legally reject the application, I would ask that the Committee only consider the granting of the licence with modified conditions to mitigate the direct impact of the activities taking place on the members of the public living in the area concerned, in order to promote and achieve the licensing objectives.

1. To vary the hours of trading to 11 p.m. Monday-Friday and 10.30 Sunday in view of noise and traffic to/from the site into a residential area in our village.
Paragraphs 71-73 of the Licensing policy highlight that the risk of disturbance to local residents is greater, late at night and the early hours of the morning. These are hours consistent with previous assessments of acceptability at this location by Surrey Heath.
2. No sale of alcohol for consumption off premises due to the potential for alcohol purchase activity after public houses in the area close, and such sales would appear unnecessary and inconsistent with the stated activities at the site, given the potential impact of alcohol on the local community and the lack of local need.
3. Restrictions on the hours of any 'Temporary Events', with two weeks' notice to responsible authorities, and some form of communication to local residents adjacent to the site and site entrance/exit.
4. Schedule of events to exclude public cabaret and "adult entertainment" events (striptease is specifically highlighted on page 30 of the application documents - paragraph 6 of the Operating Schedule).

We believe that the variations proposed would be an equitable balance of the proposed business and the quality of life of local residents and their children.

We again re-iterate the reports and concerns of the Planning, and Executive Head, Environment Officers of the Council, and those of the Mytchett, Frimley Green and Deepcut Society in addition to those local people here today who feel that their peace and enjoyment of their homes are in your hands.

APPENDIX ONE

Views of residential properties from site entrance:

VIEW TO NORTH:



OPPOSITE SITE ENTRANCE:



OPPOSITE/SOUTH-EAST:



SOUTH/SOUTH WEST VIEW:



PROXIMITY TO OUR PROPERTY:



Derek Seekings

From: Nigelporritt <[REDACTED]>
Sent: 05 February 2014 07:03
To: Derek Seekings
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Re: Representation updated for N Porritt, Water's Edge Hearing to resume on Tuesday 25 February

Sent from my iPhone

Begin forwarded message:

The applicants amended licensing application for the Waters Edge hearing which will now reconvene on the 25th Feb 2014, has not answered any of my original concerns detailed below and in fact following a local residents meeting on the Sunday 2 Feb, which was attended by over 100 local residents, has in fact verified my initial concerns that local residents were not aware of the licensing application, and the fact that they did not make representation did not mean they were content with the application.

I object to the comparison of this application to the applicants other licensed businesses on the grounds that the Waters Edge will not be at the edge of a local village (ie Lakeside Frimley Green) or set in the local Surrey /Hampshire countryside (Potters Inn & Potters International) but will be in the middle of the village of Mytchett hence my concerns detailed below still stand:

Subject: Rejection of Licensing application for the "Waters Edge" in Mytchett

I am a local resident of the village of Mytchett and live opposite the gates to the recently proposed Adult entertainment development called the "Waters Edge" and would like to formally confirm my rejection of said development and licence application for the reasons detailed below.

I live at [REDACTED] Mytchett Rd opposite the gates to the proposed Waters Edge development and have a young family who would be directly affected by this proposed application as a result of detrimental psychological and mental suffering brought about by the additional noise pollution associated with the arrival and departure of revellers between the hours of 08:00 and 02:00 hrs seven days a week.

When I moved to Mytchett it was for its quiet peaceful village atmosphere and there was no hint of an Adult Entertainment facility being built on our door step. My wife is a nurse and works long shifts at unsociable hrs and she needs to be able to come home after a 12 hr shift and not have the worry of not being able to sleep

due to being disturbed by the coming and going of cars and people having consumed alcohol after 02:00hrs, seven days a week, 365 days a year.



I am sure that if the council was to ask the local residents of Mytchett they will not be in favour of such a development and licence as the village is predominantly made up of family size houses that would be adjacent to such a large development resulting in unacceptable disruption to family life 365 days of the year. I also find it rather cynical that the applicant has waited till the end of December to make such an application when families are busy planning for Christmas and when postal services will be disrupted due seasonal closures thus limiting the potential response from local residents. I suggest that the council carries out its own survey of local residents directly on this licence application as it will have a significant bearing on their lives and well being.

Please can you acknowledge receipt of this email and instruct me of what are the next steps associated with the rejection /acceptance or modification to this licensing application in the village of Mytchett?

Regards,

Dr Nigel Porritt.


Local resident of Mytchett.

 Mytchett Rd
Camberley
Surrey
GU16 

Work email: 
Work No. 
Mobile. 

Sent from my iPad

Sent from my iPad

On 5 Feb 2014, at 06:18, Nigelporritt  wrote:

Derek please take this email, and the completed form below, as my confirmation that I will again be attending the licensing hearing on the 25th Feb 2014. I will also be updating my representation in light of the updated information supplied by the applicant at the 11th hour, and I will send this on by return email in due course.

Regards,

Dr N Porritt.

Sent from my iPad

On 24 Jan 2014, at 15:34, Derek Seekings <Derek.Seekings@surreyheath.gov.uk> wrote:

Mytchett Road

Mytchett

Surrey

GU16

Representation regarding the Licensing application for the Water's Edge development in Mytchett.

Further to my earlier complaint about this I now wish to develop an argument against this development based on the wording of the Surrey Heath BC Statement of Licensing Policy, with particular attention to Objective (c) the prevention of public nuisance.

Section 23 says "Applicants will be expected to demonstrate in their operating schedule how they intent to be *good neighbours to residents*" (see also section 47)

Having lived adjacent to this property for over 8 years I have seen little (if any) evidence of the owners being 'good neighbours' so far. (1) The drainage gully along the line of the gardens in Mytchett 'Crescent' (180-214) has never been cleared and is now completely blocked up, resulting in flooding to the end of our garden for approx 20 feet. (2) When a line of some 6 or 8 large Leylandi trees growing inside the boundary of the Golf Range fell into the gardens at the north end of the Crescent at the end of last year (damaging some garden buildings) the residents had to pay to have them cut up and removed as representations to Mr (and Ms) Potter to come to deal with their trees produced no result. I can see nothing in the Water's Edge application that leads me to imagine that this attitude to their neighbours is going to change overnight now.

Section 23 goes on to say that they will also "be expected to propose *practical measures to prevent disturbance to residents and to indicate what action will be taken to prevent or reduce noise emanating from the premises*" (also sections 53, 57)

This brings me to sections 74-83.

These make it clear that "Premises licence holders for premises remaining open after midnight will be expected to have arrangements in place to control noise and the patrons of those premises late at night".

"Operating schedules...will be expected to show the additional measures that will be taken...to reduce noise and to monitor and control people entering and leaving the premises at a time when any disturbance caused is more invasive to residents" The next paragraph draws particular attention to the sound and light coming from car parks.

My rear bedroom looks straight down the garden to the car park next to the golf driving range, which is sure to be used by people attending the Water's Edge 'restaurant' and I do not look forward to being woken up night after night between 2 and 3 am by large numbers of car doors being closed, lights going on, engines starting, etc etc. (see sections 81,82) I cannot see in the License application what "additional" measures are being put in place to guarantee that this does not happen. I suspect that these may amount to little more than a notice on a door asking people to leave quietly. This would not meet the requirements of the Licensing Policy.

Finally, section 83 does not let the License holder get away with ignoring their patrons once they have left the building. "Licence holders would be expected to have direct control of their patrons whilst they are present anywhere on the licence holder's property including any buildings **and surrounding land**" ie: the car parks.

I look forward to seeing in the final printed Schedule exactly how all of these requirements are going to be met, and then monitored; however – based on past experience – I suspect that the wishes and feelings of the neighbours of this site are the last priority for these applicants and I therefore request the Committee to refuse this License Application.

Yours faithfully,

John Milne 07 Feb 2014.

Derek Seekings

From: George Boulden <[REDACTED]>
Sent: 14 January 2014 07:59
To: Derek Seekings
Subject: FW: Ref Waters edge a late addition

Dear Mr. Seekings

Further to my letter of objection I would like this additional thought to be added to my original objection. I hope the decision is to refuse but if the Authority be minded to approve for any reason then I must insist that reasonable hours be included in any authorisation, limiting the use to a maximum 6 days a week and to 10.30 at night as the latest closing time leaving 30 mins to drink up and leave.

To give us at least one nights uninterrupted sleep a week.

We would like to see a condition where the gates closed and locked 30 mins after closing time and opened 30 mins before opening to stop people entering the property during the hours of darkness and being a threat to the security of the homes adjoining this site.

I believe if the applicant is responsible for attracting people to the site he should be made responsible for the security of the people who's property's back on to the site.

Kind Regards

George Boulden

Derek Seekings

From: John [REDACTED]
Sent: 17 February 2014 19:58
To: Derek Seekings
Subject: THE WATERS EDGE, FURTHER OBJECTIONS

Hi Derek

As you will see, I have added 2 additional objections to my Original Objections. These are based on the Traffic Chaos that will be caused on the Mytchett Road should this licensing application be approved.

JOHN AND HELEN EMUSS

Your ref: The Licensing Application for the Waters Edge, Mytchett

Attn: The Chairman of the Licensing Subcommittee.

Dear Sir or Madam

Please find enclosed a copy of a licensing application, to which we wish to object to in the strongest possible terms.

We find this Application totally inappropriate for a peaceful residential neighbourhood.

Also, having read the application in full, we understand that Mr Potter is also applying for a Music Licence, for up to 2 AM as well.

I seem to remember from the time that I was a Surrey Heath Borough Councillor, that strict conditions were placed on Mr Potter's Venue and Golf Driving Range, before his Planning Application was allowed to go through.

And further, I remember that one of these restrictions was that his activities caused no nuisance to neighbouring properties with floodlights and noise.

This Licensing Application seems to directly flout the conditions imposed on him, by the Planning Committee, at that time.

We totally oppose this Licence Application for these reasons:

- **If music is to be played until 2 AM, it will cause noise and disturbance until an antisocial hour, especially if it is to be played outside.**

- **It could bring undesirable characters into the area.**

- **It could cause fights and antisocial behaviour, outside resident's houses, many of whom are elderly, or the parents of young children.**

- **It could also fuel a rise in crime and vandalism, on this part of the Mytchett Road.**

- **What in effect, Mr Potter is asking for is a Nightclub Licence, which is totally unsuitable for this residential area.**

- **It will cause traffic chaos on the Mytchett Road, both at the time when people are entering The Site, and when they are leaving The Site.**

- **Mr Potter's idea of removing the Bus Stop outside the entrance to The Site is totally unviable, as this Bus Stop is well used by Residents, and would cause the Residents Grave Inconvenience.**

Remarks

We have no problem with Mr Potter having a drinks licence until a reasonable hour, say 11:30 PM, with the option to have an occasional extension of the licence for special occasions.

We would also ask that you, DO NOT grant a Music Licence of any kind.

Mr Potter's Licence Application seems to be in effect a complete change of usage for the land, which we understand to have originally been for a **Golf Driving Range with a Club House.**

We would therefore request, that you to contact your Colleagues in the Planning Department and to ask them what conditions were imposed, at the time of Mr Potter's original successful planning application, and is this Licensing Application in contravention of any of them.

Mr Potter's Licence Application seems to have caused a lot of upset to many of the local residents, who we understand are going to make their own written representations about Mr Potter's Licence Application.

YOURS FAITHFULLY

MR JOHN A. EMUSS & MRS HELEN M. EMUSS

Derek Seekings

From: [REDACTED] >
Sent: 06 February 2014 18:09
To: Derek Seekings
Cc: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
Subject: Re: Water's Edge Hearing to resume on Tuesday 25 February

Public Nuisance

Dear Mr Seekings

I am writing again to object to the proposed premises licence at the Waters Edge, [REDACTED] Mytchett Road, Mytchett.

I would like to update my representation, I believe that if the Water's Edge obtains a premise licence for the hours applied for it will be a Public Nuisance; creating noise pollution from the proposed live/recorded music and other outdoor events. Customers leaving the site in the early hours, talking, laughing, shouting, creating noise through starting their cars and revving the engine (especially during winter months) and light pollution, leaving the site, exiting on to the Mytchett road in the early hours.

I completely agree with the objection submitted by Jonathon Partington, Development Manager Regulatory Services and the Executive Head of Community, regarding the opening hours and the disturbance and noise pollution to which they both object

I agree with Jonathon Partington that a new planning application should be applied for, for the proposed use of the building.

If a license is permitted it should be restricted to the opening hours of the club house imposed by planning in 1993 and certainly no later!

It should most certainly be taken into consideration that these premises have never opened since the building control completion inspection on the 17th August 2006 and therefore I believe it to be to totally unreasonable that the applicants request for the late night opening is even considered.

I understand as well, that road changes will be made along the Mytchett Road in front of the entrance to allow cars to turn right from the Mytchett Road B3411 into the site. I understand to form this road layout the bus stop in front of the pumping station will be removed. This concerns me greatly as I use this bus stop to get to various appointments at Frimley Park hospital and Frimley Green Medical Centre. This is my only means of public transport and the nearest bus stop to my property and because I have reduced mobility, this would affect me enormously.

Regards

[REDACTED]
[REDACTED] Mytchett Road
Mytchett

Further representation in regards to the Water's Edge development, Mytchett.

Dear Mr Seekings

Please find attached our further representations following the changes to the original application and additional documentation that was made available by the Potter Group and others in regards of a licenced premises application for the Water's Edge development in Mytchett. There is no change to our original submission of objection but now seeing in more detail the plans and the volume of what is being proposed, I feel that our objection has become increasingly heightened.

For example where we live we have the continuous worry of the following:

1. Late licensing hours due to the site being in a residential village location and the impact that this will have on us all in regards of the noise and activities in the mentioned site and the coming and going of people in and out of the site, both pedestrians and vehicles, especially for those in such close proximity to the proposed site.
2. On and off site parking although it has been shown that there will be parking and spaces for 169 cars with the potential for numbers up to and above 620 people mainly customers but then there are staff and entertainers onto of this, therefore this will inevitably lead to off road parking, outside of the venue, side streets and no doubt at times outside of our own properties.
3. The sale of alcohol off the premises even though there are no other businesses in the local area that feel there is a demand for this and the potential impact that this will have on the local area and community. As well as not fitting in with the stated activities of the said development.

The evidence that has been previously submitted and the deliberations taken at the original hearing in January that we were sadly unable to attend. We have now had the opportunity to look into these proposed plans and the history of the Potter group and we also do not feel that they are able to manage this site in a manner that is acceptable to the residents of the Mytchett area, nor is it something that is required by the local area/community.

We believe from what we have seen and has been explained to us that the Potter group have changed this application on several occasions and that this is quite a different application than the one that was first submitted in December 2013. It is no longer to be the venue that it was originally proposed to be and this is now had a change of use from the original proposition of a driving range and golf course to an Entertainment complex or Lakeside number 2. It also shows that a lot of the original uses were removed whilst others added to the original application including the golf driving range.

We would like to think that the licensing committee are able to make the right decision and listen to those concerns expressed by its own authorities, the planning, environmental and community officers and deny the licensing application especially in light of the change of use and the original mentioning of this being an upmarket fish restaurant which no longer appears to have been mentioned.

A substantial amount of residents are opposed to this application and the future plans of this site but due to the small time frame and the time of year that the original application was put up and displayed on the gates they were unable on this occasion to make official representation, but I know they are keen to support the cause in the next stages and the impact that a venue like this will have on our community. We hope that the licensing committee are able to understand where we as residents are coming from and refuse to grant this licence for the application especially in light of the Potter Group not having the planning permission for the intended use of the Water's Edge development thus allowing a bigger public consultation to take place.

Please can our house number be obscured from the public record.

Yours Sincerely

Miss Karen Trevithick and Mr Gary Sanger.

Mr W Sawers
[REDACTED] Mytchett Road
Mytchett
Camberley
Surrey
GU16 [REDACTED]

Licensing Manager
Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

Ref.

30 January 2014

Dear Mr Seekings,

1. I am writing to you again to strongly object to the Alcohol Licence Application that has been submitted to Surrey Heath Council for the site on Mytchett Road known as 'Waters Edge'.
2. I originally raised my objection on 18 December and also attended the hearing on 14/01/14. My main concern with the Application is the times which have been requested (08:00 am - 02:00 am). As I stated in my original letter to you I have to get up early in the morning for my job and thus have to go to bed at a reasonable time (as most people do). We purchased our property in 1988, where I live with my wife who also has to get up early for work and my two children who have just started there A' level studies at college and a peaceful night's sleep is absolutely essential for all of us. I believe the noise and disturbance that will arise from people (drinkers and staff) and their vehicles leaving these premises up to 02:00-03:00 will cause material interference to the enjoyment and use of our home and cause me and my family personal distress. I consider that the introduction of this noise will result in a broken sleep pattern for me and my family and thus substantially reduce the living standards that we have enjoyed in Mytchett for many years.
3. If the premises do not stop serving alcohol until 02:00, this actually means that drinkers may not leave the bar area until at least 02:30 and maybe later, they will then enter the car park, which sits directly at the bottom of our garden, where it would be impossible to avoid the inevitable goodbye chatter to their friends, car doors (opening and closing), car alarms being deactivated, engines starting, taxis arriving etc. etc. This is not to mention then bar staff leaving the premises with similar noise which realistically could be closer to 03:00 and maybe even later by the time they have cleaned up and locked up.
4. I cannot believe that anybody, other than the applicants (who obviously stand to benefit financially), would actually consider those opening hours as being reasonable and acceptable in a residential area.
5. Noise and disturbance to local residents was picked up by the Surrey Heath Environmental Officers in their original objection to the licence application along with a number of other issues. However, at the hearing on the 14th January 2014 the applicant discussed all of these issues in private with the Officers and subject to a number of conditions the Environmental Officer then agreed to the licence being granted. This decision was quite staggering considering the applicants had not addressed the noise nuisance issue that 02:00 am opening will introduce and nor could they unless a restriction or condition was put in place for a closing time that is fair and reasonable to all (e.g. 23:00hrs).

6. I would very much appreciate your full consideration of my family's, and many other residents', rights before making your decision on this application. I look forward to your response to this letter.

Yours Sincerely

Mr R W Sawers

Derek Seekings

From: mikeheffernan <[REDACTED]>
Sent: 08 February 2014 22:16
To: Derek Seekings
Subject: Further Representation in Objection to the Application for a premises licence in respect of The Waters Edge, Mytchett Road. Mytchett, Surrey GU16 6AG

Further Representation with regard to the Premises License for the Water's Edge Development, Mytchett.

Dear Mr Seekings,

I have considered the additional documentation submitted by the Potter Group and other subscribers with regard to a premises license application for the Water's Edge Development at Mytchett and I have not changed my objections from my original submission enclosed in this email for information. From the evidence presented throughout, the deliberations undertaken at the original hearing in January, my own research into the Potter Groups ability to adhere to advice and fitness to manage its premises, and subsequent communications with other residents in Mytchett, I remain unconvinced of the applicants intentions to manage the premises in a manner that would be conducive to the majority of Mytchett residents.

The Potter Group have changed the application detail at every opportunity such that it is quite a different application today to that which was submitted to the licensing authority in December 2013. I believe that application was in conflict with the original intention for use then and even more so in its various iterations since. It is no longer the venue portrayed and so I would ask the licensing committee to refuse a license on the premise that it is evidently a change of use requiring planning determination; ie. It was to be a golf driving range and clubhouse, which subscribed to support a series of disparate entertainment events. It appears that the majority of these uses have been removed as a result of various challenges by the authorities and Mytchett residents including one of the primary uses – a golf driving range, and now it is to be an 'upmarket Fish Restaurant' akin to the Waterside Inn at Bray. Nowhere on the current application does it actually say this.

If the licensing committee are mindful to ignore the best advice of its own authority planning, environment and community officers and licensing law, and persist in granting a license on the basis that the venue is an 'upmarket Fish Restaurant', then they should limit the opening hours to those of the Waterside Inn at Bray – a Michelin 3 Star venue run by the Roux brothers, which for 2014 are:

Lunch: 12:00 –14:00 Wed – Sun (Feb – Dec) (last orders on Sunday 2.30pm)

Dinner: (19:00 - 22:00) Wed – Sun (Feb – Dec)

Closed: Mondays & Tuesdays and 26 Dec 2014 to end Jan 2015 - reopening on Friday 29th January 2015

http://www.waterside-inn.co.uk/opening_times/

I know that significant numbers of residents in Mytchett are mistrustful of the applicant's immediate intentions and the future for the development. They are angry at the prospect of this venue and its impact on their locality and the confusing ever-changing vision of what the venue is to be. Many have recognised that they do not have the opportunity to represent themselves at the resumed hearing on the 25th February 2014 and have asked that I place on record their objections. I will submit a hand written signed paper petition at the hearing to that effect on their behalf.

In summary; I rely on the licensing committee to do its duty to the letter of the law and protect the interests of the many and not those of a few. They should refuse to grant a premises license for this application until the Potter Group obtains the proper planning permission for the intended use of the Water's Edge development allowing a wider public consultation to be undertaken.

Yours Sincerely,

Michael Heffernan
Mytchett Road
Mytchett Camberley
SURREY GU16

Original Representation to Derek Seekings - Licencing Officer Surrey Heath Borough Council

THIS IS A LETTER OF OBJECTION

Dear Mr Seekings,

Many thanks for the information provided with regard to the New Licence application for Mr Potters Water's Edge complex.

I am writing to register my objection to the above application for a premises licence with regard to the following licencing objectives:

1. Prevention of crime and disorder
2. Public safety
3. Prevention of public nuisance
4. Protection of children from harm

Mytchett Road already suffers noise nuisance and antisocial behaviour by speeding traffic, cars beeping their horns and people shouting as they make their way along the road home from the areas pubs and clubs. My garden has been littered over the years with rubbish and empty bottles of alcohol thrown indiscriminately by passersby. On a number of occasions I have also had to take a water hose to the footpath and my own driveway to wash away vomit left by people who have been suffering from drinking too much alcohol. Children walk along these footpaths to their schools and to the bus stops immediately adjacent and opposite the entrance to the Water's Edge site, their parents have to steer them past this mess on the footpaths and uncomfortably explain why it's there. Allowing this to potentially increase because of the proximity of the venue sends the wrong message to these children.

The fact that 600+ patrons may use the Water's Edge at any one time, notionally an average of 300+ is significantly more than use the road now during the evening to 11pm, presenting additional safety considerations for residents and their visitors at these times from additional vehicles, buses, taxis, private cars and pedestrians increasing the statistical likelihood of accidents due to drink-driving, and anti-social behaviour and other public nuisance offences from unruly revellers. I suggest that allowing people to drink over a longer period up to 2am would exacerbate the nuisance which the local authority could surely not condone within the wider Surrey Alcohol Strategy, going against its own County guidance.

The Surrey Heath area 'well-being' statistics show an increase in anti-social behaviour and that alcohol related issues are above average for the area and have increased in recent years. The Boroughs own 'Safer Surrey Heath' policy initiative which is trying to address the fact that Surrey has some of the highest levels of Hazardous Drinking; with Surrey Heath one of the top 10 in a table identified as having unacceptable levels. (*Hazardous drinking is defined as drinking above recognised sensible levels*) Source – Surrey Alcohol Strategy.

- a. Hazardous drinking levels are greater in Surrey than anywhere else in the country; seven out of the top ten boroughs for hazardous drinking in England are within the county
- b. Hospital admissions for alcohol related harm in Surrey are increasing year on year
- c. Services for those with alcohol problems are less well developed in Surrey than those for people experiencing problems with drugs

- d. Crime and anti-social behaviour relating to alcohol is an issue for many boroughs and districts in Surrey, particularly those with a significant night time economy

With the above in mind, particularly item 'd', it is an accepted fact that younger people are more likely to be opposed to restricted hours which might be expected since they are more likely to use the night time economy and therefore be patrons of this venue. The various attitudes of different ages and genders are important to recognise since they will obviously affect the way they respond to the availability of alcohol but the effects are universally the same; additional burdens on the police, NHS services and the likely dilution of the rights of local residents to be able to enjoy their locality without detriment to their safety. Notwithstanding the inevitable devaluation of property in the area if an extended licence is granted.

The number of licensed premises closing all around the country, but more specifically in the Surrey Heath area, because of economic unsustainability would suggest that the requirement is already being met for places to drink within socially acceptable hours. Therefore, the need to allow a license outside normal hours seems unnecessary as there are already plenty of establishments in the area to drink alcohol at all times, two of which are already well established in the immediate area and belong to Mr Potter.

NOTE: With specific regard to the application form itself I note that the Prevention of Public Nuisance guidance/direction at serials 18 and 19 on page 22 appear to be in conflict with Part 3 schedules A, E, F and G on pages 5, 8, 9, 10 and 11 respectively in that the applicant proposes to break the 22:00 hours cut-off time for outside activity by stating an event termination time of 23:00 hours.

In view of all of the above deliberation, I would urge the Licensing Authority to refuse the application for the Water's Edge Complex on Mytchett Road and in your own words keep Mytchett and the local area a 'Great Place, a Great Community and give it a Great Future'.

Yours faithfully,

Michael Heffernan
[REDACTED] Mytchett Road
Mytchett Camberley
SURREY GU16 [REDACTED]
Tel: [REDACTED]