

## Appendix 6 – Any other person

-----Original Message-----

From: Sharon Henson <clerk@westwycombeparishcouncil.gov.uk>

Sent: 16 September 2022 07:32

To: Licensing Mailbox <Licensing@buckinghamshire.gov.uk>

Subject: [EXTERNAL] Hell Fire Caves application

[You don't often get email from [clerk@westwycombeparishcouncil.gov.uk](mailto:clerk@westwycombeparishcouncil.gov.uk). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Mr Whittle.

We considered the Hell Fire Caves application at our September meeting and please see our response below:

West Wycombe Parish Council notes the concerns expressed by some local residents that extending the time and number of occasions on which alcohol can be served at The Caves could result in an increase in excessive noise, disruption, and both pedestrian and road traffic, especially during the evening and night-time. We further note the proximity of The Caves to West Wycombe School and Pre-school, and the consequent potential for these to be affected by any increase in anti-social behaviour in that area; there are already frequent instances of ASB at the top of West Wycombe Hill involving littering, vandalism, drug paraphernalia, etc.

We would draw a clear distinction between the sale at the entrance café of alcohol alongside food at lunchtime and in the afternoon, and the sale of alcohol at evening and night-time events held with The Caves themselves. Given that there is already a process in place for the granting of Temporary Event Notices for the latter, we see no reason why this process cannot continue to be the mechanism used, allowing each event to be scrutinised and judged on its individual merits. We would see no reason to object to an application for a premises licence that was restricted to the café premises at the entrance to The Caves.

Yours sincerely,

Sharon Henson, Clerk, West Wycombe Parish Council

01494 448048

**From:** Chris Hathaway

**Sent:** 16 October 2022 23:11

**To:** Brian Whittall <Brian.Whittall@buckinghamshire.gov.uk>

**Subject:** [EXTERNAL] Hellfire Caves Premises Licence Application

Good morning Brian, hope you had a good weekend.

We are writing with regard to the Premises Licence Application (22/0074/LAPREN) to permit the Hellfire Caves to provide alcohol during their normal opening hours (11am until 5.00pm) and to be able to have an unlimited number of events.

Our homes Hillside, Flint Cottage and The Limes are directly opposite the Caves, and just a few paces from its entrance. Three more residences are along this part of Church Lane which is a single track lane without pavements. At night this area is quiet and any activity at the Caves is dramatically disturbing to residents. Therefore the prospect of intrusive noise into the late evening or early hours from an unlimited number of events which is what the Licence will allow, will fundamentally change the nature of our residential environment.

(The Hellfire Caves, in a letter set by the side of the Application Notice states that they are CONSTANTLY asked for alcoholic drinks during their normal working hours and they would like to meet that demand. They also state that they would normally hold a FEW pre-booked events in the Banqueting Hall throughout the year (film and paranormal events/film showings/dinners etc.) and that applying for TENs for these involves a lot of cost and paperwork. However, if they are genuinely looking at 'a few events' the cost and paperwork for TENs would not be that onerous or as expensive as a Premises Licence.)

If granted, the Licence would place no limit on the number of events that could take place and we therefore object to the application with regard to Prevention of Public Nuisance by virtue of noise and alcohol late into the night in very close proximity to residential properties and this will deny us the right to the 'quiet enjoyment of our homes'.

The Public Nuisance elements are as follows:

- A lack of limit on the number of licensed events that could be held during a year which include Saturdays and Sundays. The Caves do already hold extra events outside their normal opening hours eg Paranormal nights (finishing at 3am), Halloween and Christmas and are frequently used for Filming.
- Guests arriving and leaving the venue by car or coach park hard against our north walls with hooting and shouting between drivers and event guests especially late at night or early morning.
- Catering: the Caves have no integral catering facilities over and above their Café resources therefore Catering has to be brought in for events. This generates noises of shouting, banging of vehicle doors and stowing metal catering equipment in both setting up and clearing away. (The latter has sometimes in the past been between 3 and 7am. Generators have also been used which emit a hum and vibrations.)
- Lavatories and Smoking Area: the Caves have limited lavatory facilities and to accommodate an event, mobile units are hired in and parked on the lane side of the Car Park area adjacent to Hillside and The Limes so there is noise generated from the doors and guests as they go to and fro during the evening. These toilets are in full public view and can, after dark, attract anti-social elements going up and down the hill.
- The car park area has also in the past been a designated smoking area with conversation levels easily audible from our bedrooms.
- The main Caves Café area is out in the open courtyard (only half on the far side has flint walls – not 'surrounded' as stated in Part 3 Operating Schedule of their application) and so any music or gatherings there are easily audible to the properties along this stretch of Church Lane.
- The Caves Car Park is small (7 spaces) & and can be tricky to manoeuvre within and out of – onto the lane. We have had our garden wall demolished and numerous bumps into our

house wall from vehicles leaving the car park and adding alcohol to the equation is likely to add to the number of such incidents.

- No notice is given of Events to the residents so that domestic arrangements for visits of family and friends can be sabotaged by the intrusion of late night noise generated by an event.
- There is a proposal (Section L) that they might extend their opening hours from 5pm to 8pm.
- To Protect Children from Harm:  
The local Combined School is a few yards away from the Caves and on leaving school children will be walking along narrow Church Lane (with no pavement available for safety) past the Caves while drivers could be leaving the site after consuming alcohol.

Other residents in Church Lane who support this objection are The Limes and Silver Birches, and Flint Cottage, Caves Cottage, Farthing Cottage, and Nos 40, 42, and 42A.

I have read the various undertakings and assertions made in the Application but experience tells us that they are generally not considered obligatory by the Caves Management. The big issue for us here in Church Lane is NOISE AT NIGHT and to have this on an unlimited and unnotified basis will deny us our statutory right to 'the quiet enjoyment of our homes'.

Finally, could I ask if limits or conditions can be added to a Licence eg. a given number of events only and a finish time of 11pm.

Apologies for the length of this missive.

Best wishes

Chris

**From:** Nick Phillips

**Sent:** 16 October 2022 17:19

**To:** Licensing Mailbox <Licensing@buckinghamshire.gov.uk>

**Subject:** [EXTERNAL] 22/00774/LAPREN - Hellfire Caves

You don't often get email from [nickcphillips@yahoo.co.uk](mailto:nickcphillips@yahoo.co.uk). [Learn why this is important](#)

[Please note this has been sent from an **external source** - treat with caution and **do not open attachments / use links** until you are sure this is a trusted communication see [intranet/IT for advice.](#)]

Dear Sir, madam

Please find attached letter in relation to the above application.

Regards,

Nick Phillips 1

Dear Sir/Madam, 16/10/2022

We are writing with regard to the licencing application (**Ref. 22/00774/LAPREN**) submitted by West Wycombe Caves (trading as the Hellfire Caves).

As you are aware, the Hellfire Caves are a tourist attraction situated in a tranquil location on a single track lane opposite woodland in an Area of Outstanding Natural Beauty, and within a village predominantly owned by the National Trust.

With regard to the licensing department's assessment criteria of the application we are writing to object under the following criteria: **Prevention of public nuisance**. By this we are referring specifically to the potential for noise and disturbance from the proposed licensed activities preventing us from the quiet enjoyment of our homes and to the potential for public nuisance caused by illegal vehicle parking.

## 1. Noise and disturbance

We are concerned that the proposed activities will involve the use of the courtyard. Whilst within the curtilage of the property, the courtyard is an open space, separated only from Church Lane by railings, and therefore, no barrier to noisy activities. There is precedent for the courtyard being used as part of the Caves events.

Music and entertainment in the outdoor areas is audible from our home and impinges on our right to "peaceful enjoyment of our possessions" (HRA 1998). We would wish to see a requirement that any music, or entertainment, be indoors only.

The use of the car park and the lane for congregation by visitors during events is also a cause of nuisance. Small groups gather in the car park and on the lane, drinking, smoking and chatting. We respectfully request that the licence would require that visitors are to remain on the property of the venue and not to occupy the public highway.

In order to further limit the noise nuisance, we also ask that:

- customers are reminded that they are in a residential area and asked to keep noise levels to a minimum when leaving the premises;
- designated smoking areas where customers will congregate are away from residential properties and on the venue property only;
- any portable toilets are a sufficient distance from the residential area and the unit doors are sufficiently soundproofed.
- Any preparations, setting-up and striking of equipment by contracting caterers or suppliers is to be carried out within licensed hours. There have been occurrences of caterers and suppliers packing-up into the small hours of the morning, which is an unacceptable nuisance for residents.

## 2. Car Parking

The perennial issue of insufficient car parking and congestion caused by visitors attending the proposed events is also a concern. Whilst you may feel that parking matters are not relevant to a licencing decision, we would assert that given the setting of a single track lane and a small car park on site, the potential for illegal parking – i.e. blocking a public highway – would fall under the definition of a public nuisance - *"Public nuisance is a common law offence. It has been defined as follows: A person is guilty of a public nuisance (also known as common nuisance), who (a) does an act not warranted by law..."*

In other words, potential parking that contravenes highway laws would form a public nuisance.

Furthermore, in addition to the above points which we consider to be potential points of public nuisance, we would like to put on record other factors that we believe are important to the context of the decision.

### **Impact on local wildlife, particularly bats**

Natural England have advised us very clearly that the impact on the bat population, a priority species, should be a consideration within the decision making process as public bodies are required by law to consider the impact of any decisions that may affect bats. We refer you to the relevant legislation, as highlighted by Natural England:

All bat species in the UK are protected under The Conservation of Habitats and Species Regulations 2010 (Habs Regs) which makes it an offence to:

- deliberately capture, injure or kill bats,
- damage or destroy a breeding or resting place,
- obstruct access to their resting or sheltering places,
- possess, sell, control or transport live or dead bats, or parts of them
- intentionally or recklessly disturb a bat while it's in a structure or place of shelter or protection.

**Regulation 9 paragraph 5 of the Habs Regs states that *“a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.”***

The definition of *“competent authority”* under regulation 7 includes *“any public body”*. We regularly observe bats above our garden when sitting outside during the summer. The Bat Conservation Trust advises that lighting can disturb bats, as can excessive noise and vibration (such as loud music) if they are roosting in the vicinity. It is important that the increased evening activity at the Caves does not detrimentally affect the bats, and other wildlife.

We would therefore expect a bat survey to be carried out prior to the determination of this application to assess the impact of the proposed evening events, particularly the impact on summer and winter roosts.

### **Anti-social behaviour**

West Wycombe hill suffers from anti-social behaviour with the police often called to noisy motorbike and car racing, and drug taking. A licensed premise in the vicinity has the potential to exacerbate the problem.

Yours sincerely,

Nicola Hannam & Nick Phillips