

Supplementary Papers for Licensing Sub-Committee

Date: Thursday, 28 April 2022



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- 1) Photographs from Mr C Cook
 - 2) Letter provided by Applicant's Solicitor
 - 3) Email correspondence regarding Amended Plan F
 - 4) Email submission from Mr T Watts
 - 5) Email submission from Mr D Allen

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Published: 27 April 2022

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Rear of Railway Hotel prior to reopening in April 2021



Rear of pub April 2022



Pub car park prior to April 2021



Pub car park April 2022

IMPORTANT !

Dear Resident,

Punch Taverns Ltd has applied to the BCP Council to install a permanent bar in the garden of 'The Railway' pub on the corner of Stour Road and Bargates. If permitted, the bar will operate from 11.00h until 23.00h each day. Thereafter, the beer garden will remain open and in use but be served from bars within the pub until the terminal hour of the licence, which is 01.00h on most days of the year.

You are being contacted as your residence lies within 100m of 'The Railway'. You are, therefore, likely to be affected by the proposed licence alterations.

During the Covid social distancing restrictions a garage in the pub car park was converted into an external bar and the pub garden was extended into its car park (both without licencing authority or planning permission). The external area was used during the summer of 2021 for large parties, live music, and the streaming of sports events such as the European Football Championships. The antisocial repercussions were significant but were largely tolerated in view of the pandemic. Punch Taverns Ltd now seeks to formalise these alterations and to extend further the use of the garden and external bar.

The main impacts of the proposal are likely to be a further increase in noise disturbance and anti-social activity such as fights, vomit and broken glass on pavements and carriageways, people urinating in the public realm etc. Additionally, as the noise nuisance and anti-social behaviour becomes established, it is likely to impact the appeal of the neighbourhood, the value of your home and your insurance premiums.

The pub is a treasured facility in the area. However, it needs to co-exist in harmony with the community. It is reasonable to expect that the operation of the business should not impact negatively upon the neighbourhood it which it is situated.

To minimise such negative impacts, local residents are being asked to appeal to the BCP to oppose Punch Taverns Ltd's proposed external bar and licence variations, and to request that the company return the pub to its pre-Covid arrangement of a smaller, more intimate, beer garden which is vacated by 22.00h.

If you wish to object to the licence variation you must do so by post or email stating one or more of the following grounds: i) The Prevention of Crime and Disorder, ii) the Prevention of Public Nuisance, iii) Public Safety, iv) The Protection of Children from Harm, and requesting that you would like the pre-Covid arrangements reinstated.

Representations must be made by the end of NEXT Friday 1 April 2022, to the BCP Licensing Authority at Licensing Team, Town Hall Annexe, St Stephen's Road, BH2 6DY. Or by email to: licensing@bcpcouncil.gov.uk



EMAIL CORRESPONDENCE REGARDING AMENDED PLAN

From: [Ewen Macgregor](#)
To: [Columba Cook](#); [richardtoctar](#); [David O'Sullivan](#); [David Allen](#)
Cc: [Tania Jardim](#); [Paul Uren](#)
Subject: THE RAILWAY HOTEL APPLICATION FOR VARIATION
Date: 20 April 2022 16:07:04
Attachments: [Railway Hotel Revised plan.pdf](#)

Good afternoon

Firstly thank you for taking the time to join the call yesterday evening to discuss the above

Secondly, and as promised, please find attached a revised plan. This removes the area on Stour Road that Mr Cook had identified as falling within the red line

A copy has been sent to the licensing authority (Tania Jardim cc-ed in to this email) and will be sent to all of those parties who have made representations both for and against the application.

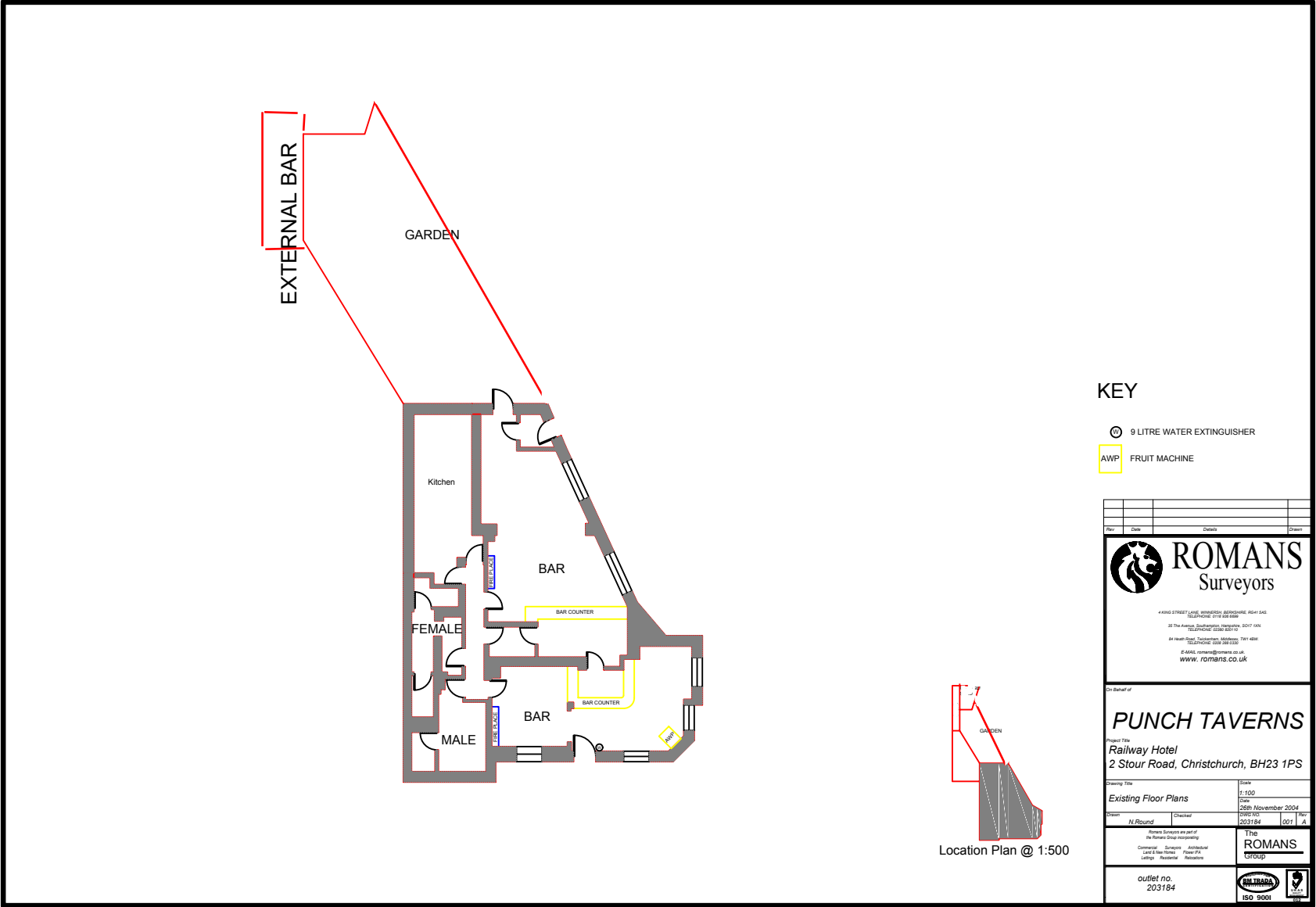
If you could please acknowledge receipt.

With best wishes

Ewen Macgregor
Partner
For TLT LLP



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www.tltsolicitors



From: [Columba Cook](#)
To: [Ewen Macgregor](#)
Cc: [Tania Jardim](#); "[David O'Sullivan](#)" [REDACTED]; [David Allen](#); [richardtoctar](#) [REDACTED]
Subject: RE: THE RAILWAY HOTEL APPLICATION FOR VARIATION
Date: 21 April 2022 16:49:45
Attachments: [S2_A.pdf](#)
[S4_A.pdf](#)

Dear Mr Macgregor,

I acknowledge receipt of your email of yesterday's date and the accompanying revised licensing drawing. Thank you. I note that it is a scaled drawing prepared by a firm of Chartered Surveyors. Despite this, the drawing is not as accurate as I would expect; e.g. it does not follow the boundary walls, it shows a slither of Mr O'Sullivan's garden within the red line, and it does not indicate whether or not the recently converted garage is also to be included within the licensed area. However, with regards to the south boundary of the garden, the drawing clearly shows it at its original extent, i.e. in line with the south wall of the garage (line D-B on the drawing), also as shown on drawing S2 /A which I have revised to indicate the WC intended as the bar.

With regards to the recently converted garage, would you please confirm whether or not it is also the applicant's intention to extend the licensed area into the garage or to extend the proposed bar into the garage. You stated at the Teams meeting that only the WC is to be used as a bar.

For your information, the pub has a gross internal floor area, excluding WCs and Kitchen, of approximately 110sqm. Prior to April 2021, the garden added a further 76sqm. The proposed variation to the licence will increase the size of the garden to 105sqm (assuming the garage and WC are to be included). The unlicensed garden extension results in a garden of 182sqm! This means that the garden will be almost 2.5 times larger than it was April 2021 unless a fence is erected. These empirical statistics are at variance with the applicant's and operators assertion that the garden will not be enlarged beyond its present licensed dimensions.

It is self-evident that the larger the garden the more people it can hold and the greater the noise and disturbance likely to be generated.

With reference to the Teams meeting, the group I was with were disappointed that there was no apparent recognition of the intense disturbance caused by the pub to the lives of its neighbours over the last year. That's a pity.

At the Teams meeting I promised I would write to you in the following terms, viz:

While we remain firmly against the external bar, if the Licensing Committee is minded to accept it, at the very least, the following conditions should be applied.

- i. The garden should be reinstated to its pre-covid and current licence plan dimension, i.e. to the dimensions shown on the revised plan, and that a fence / barrier should be reinstated along the red boundary in line with the south wall of the garage.
- ii. That no music or live-streaming of any sort should be permitted in the garden.

To that end, I should be grateful if you would propose these additional conditions to your client for acceptance.

I can see nothing in these additional conditions that might frustrate the applicant's stated purposes of the external bar, i.e. to assist with customer flow and to provide better staff supervision of the garden.

I hope you will appreciate that just as it will be impossible to stop amplified and live music travelling from the licensed area of the garden to any open non-licensed area – and indeed into neighbours gardens – it will be similarly impossible to prevent people taking and consuming food from the licensed area to an open non-licensed area of the garden. Your point is taken that the consumption of alcohol is not a licensable activity and, while I do not propret to be an expert on the subject, I do not think the same is true of food.

<https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/4/crossheading/class-da>

I would make the very obvious point that just as the pub garden will be used most intensively when the weather is fine, the same stands for the gardens of local residents. They too, would wish to be outside and to have their windows open when the weather is at its best.

Finally, I would reiterate that the concerns and objections of the local community which, incidentally, are fully supported by the local Christchurch Councillor Peter Hall, are borne not of an irrational fear of change but of bitter experience over the last 12 months.

With every good wish.

Columba Cook Chartered Architect

ATP,DipArch(Hons),RIBA,MScBldCons(Dist),AABC,ILC

Bargates

Christchurch

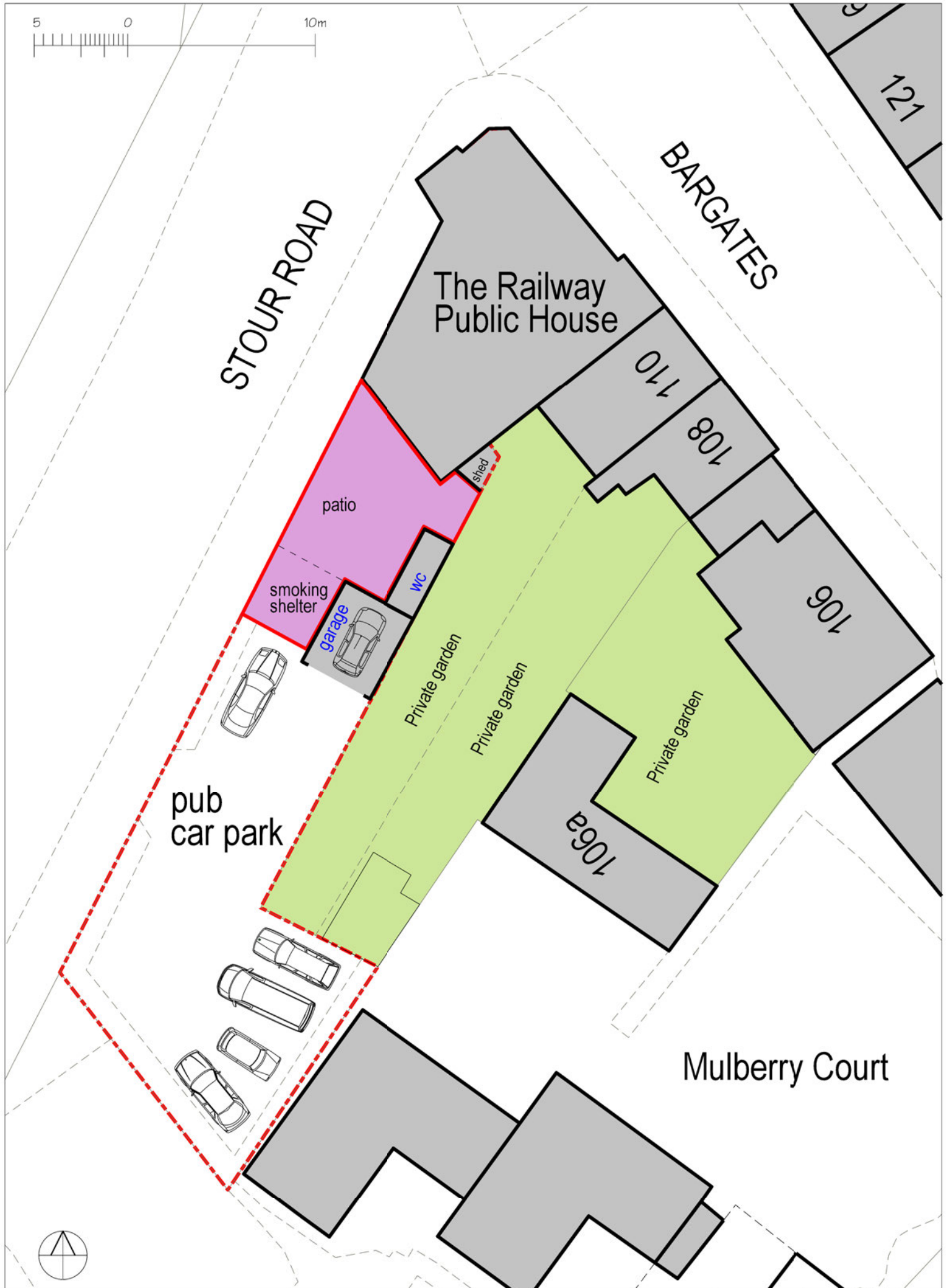
Dorset

BH23 1QP

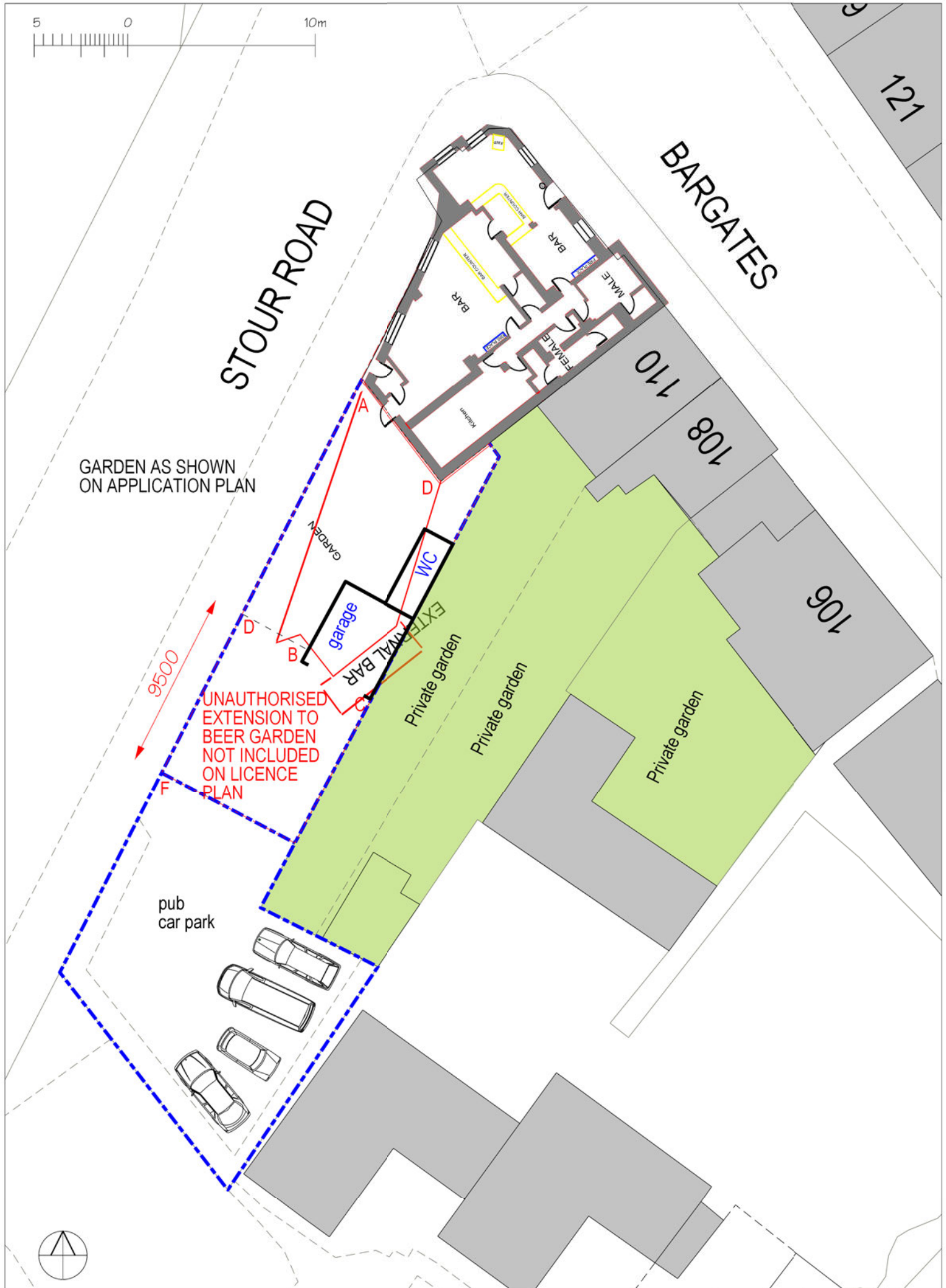
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DRAWING TITLE:	Site Plan - pre-Covid - April 2021	DATE:	03/22	SCALE:	1:250	SIZE:	A4
PROJECT:	The Railway Pub, Stour Road, Christchurch	Job No:		DRG No:	5.2	REV:	A



DRAWING TITLE:	Site Plan - Showing overlay of application plan	DATE:	03/22	SCALE:	1:250	SIZE:	A4
PROJECT:	The Railway Pub, Stour Road, Christchurch	Job No:		DRG No:	5.4	REV:	A

From: [David O'Sullivan](#)
To: [Ewen Macgregor](#); [Columba Cook](#); [richardtoctan \[REDACTED\]](#); [David Allen](#)
Cc: [Tania Jardim](#); [Paul Uren](#)
Subject: RE: THE RAILWAY HOTEL APPLICATION FOR VARIATION
Date: 25 April 2022 10:49:37

Dear Mr Macgregor

Thanks for sending these revised plans, however, the layout makes no sense at all as drawn by the red line.

Most alarming is it appears to run over our gardens. The pub/garden wall runs parallel to the wall of the building which is attached/terraced to our house at 110 Bargates and is essentially rectangular not parallelogram – it looks diagonal to the Stour Road – so it must be perpendicular to the end of the pub building.

As the new beer garden runs around 70 foot along our garden I'd say it looks only half the actual length in pro to the building - but there are no dimensions on the drawing to get a sense of scale. The 1:500 is the location plan.

You don't appear to have copied the plans to Mr Greenfield who would advise you on the layout of the garden and dimensions.

Regards

David O'Sullivan

[REDACTED]
[REDACTED]

From: [Ewen Macgregor](#)
To: [Columba Cook](#)
Cc: [Tania Jardim](#); "[David O'Sullivan](#)" [REDACTED]; [David Allen](#); [richardtactar](#) [REDACTED]
Subject: THE RAILWAY HOTEL APPLICATION FOR VARIATION
Date: 25 April 2022 12:36:31

Dear Mr Cook

Thank you for our email. I have also received an email from Mr O'Sullivan this morning and deal with his observations below

In response to your email, and in so far as the matters relate to the variation application:

1. The plan that attaches to the current licence and was the basis on which the application was submitted and has been amended further so as to remove that part of Stour Road which was shown as falling within the licensed area. Thank you for bringing this to our attention.

There is clearly no intention for the "red line" to encroach in to Mr O'Sullivan's garden.

If, following the hearing on Thursday, the Committee require a revised plan to be attached to the licence then this can be arranged.

2. I can confirm that the bar will be situated in, and limited to, the former WC block in the garden
3. As you are aware, the application is limited to the installation of a bar in garden

My clients proposed a number of conditions with the application and these were added to, and amended, following discussions with the Police and EHO. As a consequence of this it is proposed that there will be a number of additional conditions attaching to the licence.

These place restrictions on the external area that are not currently on the licence and are both appropriate and proportionate to the application that has been submitted.

My clients do not propose to offer any further conditions in relation to the use of the external bar, over and above those already offered and I am afraid my clients are unable to agree to the conditions that you have proposed.

It is clear that we are unfortunately going to be unable to reach agreement on this matter and the application will have to be determined by the licensing committee on Thursday when my clients will be in attendance.

With best wishes

Ewen Macgregor
Partner
For TLT LLP



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The Ministry of Justice has confirmed that Outdoor weddings at licensed venues in England and Wales will be legalised permanently

Read the Ministry of Justice Announcement [here](#). The timetable for this change will be announced in due course

From: [Trevor Watts](#)
To: [Tania Jardim](#)
Subject: RE: NOTICE OF HEARING - Application to Vary Premises Licence at The Railway Hotel 2 Stour Road
Christchurch BH23 1PS (M194695)
Date: 26 April 2022 11:21:23
Attachments: [image002.png](#)

Hi Tania

Many thanks for your message below but unfortunately I wont be able to attend the meeting due to a prior commitment.

Please can it be noted for the record that I full support the application and hope that the Sub-committee can find in favour of the applicant.

I have been for many years a long standing customer of the Railway and on my numerous occasions have never witnessed and antisocial behaviour. The atmosphere has always been extremely friendly and welcoming.

The railway is a warm and friend family pub.

Will the Sub-committee either grant or reject the application at this meeting?

Regards

Trevor Watts.



From: [David Allen](#)
To: [Tania Jardim](#)
Subject: Re: Thurs 28
Date: 26 April 2022 17:36:00

Dear Licensing Committee Members

I write to oppose the change of licensing proposal for the Railway Pub, Christchurch.

My reasons are based on potential public nuisance and are informed by the problems experienced during the pandemic.

There are several residential properties within hearing distance of the Railway garden.

This was a small intimate area pre pandemic. The expansion of the area proposed together with new outside bar and outside events will greatly affect the quiet enjoyment of the local residents' own gardens and ability of elderly and children alike to sleep.

During the Euros there were broken glasses on the pavement and patrons of the pub urinating in the street. The current pub manager says there are no plans to hold regular events in the garden. Once granted by the committee however there is nothing stopping this from becoming regular in the future.

Please consider whether the current proposals for cctv, event risk assessments and staff monitoring of customers will realistically be sufficient to prevent excessive noise / nuisance behaviour to the local community.

A return to the pre pandemic garden use/dimensions would be the safer option.

Regards

David ALLEN

Sent from my iPad

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