

SSx1

Michelle Fletcher - Licensing

From: Michelle Fletcher - Licensing
Sent: 26 June 2020 16:04
To: Samantha Johnson
Subject: RE: Application M177398 Topsy Cow

Thank you for your response.

Once the last date for representations has passed, a hearing will be scheduled, and you will be invited to attend.

Please note that all matters raised at hearing must refer only to the original representations served on the Licensing Authority and it must be relevant to the four Licensing Objectives and other Legislation such as planning cannot be taken into consideration.

Please note that impending changes to be announced by Government may mean this premises no longer requires permission in the short term to use this space.

Regards

Michelle

[BCP Council Privacy Statement During COVID-19](#)



Michelle Fletcher
Licensing Officer
Communities

bpcouncil.gov.uk

[Sign up](#) to BCP Council's email news service

From: Samantha Johnson
Sent: 25 June 2020 21:20
To: Michelle Fletcher - Licensing
Subject: Re: Application M177398 Topsy Cow

Good afternoon Michelle

Thank you for your email. Sadly after reading the conditions proposed, I do not feel that this is sufficient enough to not infringe upon the residents living in this area. As the outside venue has already been constructed (which I originally thought was going to be a bin store) I feel that prior to the application views of the residents that live here have not been taken into account and so this leaves me extremely worried as to whether all said conditions will be actually honoured. I do feel that the Topsy Cow already has ample outside space for patrons on a busy public area, and stand by my original objection that to allow this outside space at the back of the Topsy Cow would be detrimental to the health and wellbeing for not only my own family but for other residents in the area.

Please accept this email as further confirmation of my objection to this application.

On Wednesday, 24 June 2020, 15:13:29 BST, Michelle Fletcher - Licensing <michelle.fletcher@bpcouncil.gov.uk> wrote:

Michelle Fletcher - Licensing

From: Michelle Fletcher - Licensing
Sent: 26 June 2020 16:05
To: Leanne Hoskins
Subject: RE: Application M177398 Topsy Cow

Thank you for your response.

Once the last date for representations has passed, a hearing will be scheduled, and you will be invited to attend.

Please note that all matters raised at hearing must refer only to the original representations served on the Licensing Authority and it must be relevant to the four Licensing Objectives and other Legislation such as planning cannot be taken into consideration.

Please note that impending changes to be announced by Government may mean this premises no longer requires permission in the short term to use this space.

Regards

Michelle

[BCP Council Privacy Statement During COVID-19](#)



Michelle Fletcher
Licensing Officer
Communities

bcpcouncil.gov.uk

[Sign up](#) to BCP Council's email news service

From: Leanne Hoskins
Sent: 25 June 2020 18:22
To: Michelle Fletcher - Licensing
Subject: Re: Application M177398 Topsy Cow

Good afternoon,

Whilst I appreciate the efforts made to make amendments, I feel these continue to fall short of a reasonable adjustment and that there still remains a significant noise nuisance to the residential side of the premises. I continue to find that the proposed use of the rear enclosed area would be harmful to the living conditions of all us residents living nearby. I believe this would be contrary to the aims and objectives of Policies CS9 and CS38 of the Bournemouth Local Plan: Core Strategy (October 2012) insofar as they relate to noise nuisance and protecting the amenities of local residents.

None of the amendments suggested in your email have led to me alterI got my conclusion.

The rear enclosed eating and drinking area will be a noise nuisance that we will not welcome here.

Sadly, as you will see evidenced by human behaviour this week alone, people in such environments cannot always stick to the recommendations, rules and guidelines and this will be the case for the rear of The Topsy Cow and I remain in opposition to this application! There is ample room within the existing premises to cater for their customers without the addition of the rear area or disruption to the residents.

As I said before, I wish them all the success with reopening and will continue to support the venue...but I do not support this application.

Kind Regards

Leanne Hoskins

On 24 Jun 2020, at 15:13, Michelle Fletcher - Licensing wrote:

Good afternoon

You are in receipt of this email as you have made representation against the above application.

I can confirm that Environmental Health have now agreed the following conditions and withdrawn their representation:

1. The rear outside area shall only be used between the hours of 10:00 and 22:00, (with the last seating up until 21:00).
2. The premises licence holder shall have arrangements in place to ensure any seats unoccupied in the outside rear area after 21:00 are taken out of use.
3. After 22:00 the outside rear area shall be vacated and not used for any purpose, including smoking until 10:00 the following day.
4. No amplified or live music shall be played within the rear open area at any time.

The following conditions are currently on the existing licence and would also include the rear area should the application be granted.

Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

Notices shall be prominently displayed at all exits and external areas reminding patrons to respect the needs of local businesses and residents and leave area quietly.

Loud speakers shall not be located in the entrance lobby or outside the premises building.

A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. The telephone number is to be made available to residents and businesses in the vicinity.

Michelle Fletcher - Licensing

From: Michelle Fletcher - Licensing
Sent: 25 June 2020 10:19
To: Mark Allen
Subject: RE: Application M177398 Topsy Cow

Mr Allen

It is my understanding that the applicant has posted correspondence to the surrounding area explaining his intention and trying to offer some reassurance. He included direct contact details for residents to use, should they wish.

The applicant has also been in consultation with Environmental Health who have made visits to the site and as you know have agreed additional conditions that restrict the concerns you highlight below, for example:

The terminal hour has been reduced to 22:00 hours and this area will not be used after this time including smoking.

Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

No amplified or live music shall be played within the rear open area at any time.

All conditions on a Premises Licence must be adhered to and they are enforceable under the Licensing Act 2003, failure to comply with them could result in the Licence being reviewed and even revocation.

I take on board your comments and will schedule a hearing, as there are no objections from the Responsible Authorities who review all applications, as an objector you would be expected to attend the hearing. You will have opportunity to question the applicant and express your concerns before the Licensing Committee, it will then be down to the Licensing Committee to decide if they grant the licence, add further conditions or reject the application.

I have included the applicants details should you wish to make contact with him:

Alex Marshall

Mobile –

Email –

I will be in contact once a date for hearing has been confirmed, but please don't hesitate in contacting me should you wish to discuss the matter further.

Kind Regards

Michelle



Michelle Fletcher
Licensing Officer
Communities

1

[Sign up](#) to BCP Council's email news service

From: Mark Allen <bigbunny@ntlworld.com>
Sent: 25 June 2020 09:40
To: Michelle Fletcher - Licensing <michelle.fletcher@bcpcouncil.gov.uk>
Subject: RE: Application M177398 Topsy Cow

Hi Michelle,

Your last letter/email suggested the applicant may contact me to try to mitigate the use of the rear yard. He has not.

As the Topsy Cow Bar is primarily a pub, on warm days the outside spaces will I am sure be used by drinkers rather than eaters. If busy or warm it is highly likely smokers and others will move outside with their drinks and unlikely they will be seated.

My tenants who have to keep their windows open particularly during the hot weather will be disturbed by any noise in evenings and this will make turnover and re-letting of the flats problematic.

No, I am not reassured and I still object to this detrimental use affecting the residential users mostly in Belvedere Road.

Regards

Mark Allen

From: Michelle Fletcher - Licensing
Sent: 24 June 2020 15:13
To: Michelle Fletcher - Licensing
Subject: Application M177398 Topsy Cow

Good afternoon

You are in receipt of this email as you have made representation against the above application.

I can confirm that Environmental Health have now agreed the following conditions and withdrawn their representation:

1. The rear outside area shall only be used between the hours of 10:00 and 22:00, (with the last seating up until 21:00).
2. The premises licence holder shall have arrangements in place to ensure any seats unoccupied in the outside rear area after 21:00 are taken out of use.

Michelle Fletcher - Licensing

From: MATTHEW THEODORE ✕
Sent: 08 July 2020 13:57
To: Michelle Fletcher - Licensing
Subject: Re: Application M177398 Topsy Cow

Thank you Michelle, this is very helpful and I agree with your point on describing the space. Can you please confirm that the area will not be in use to serve until a hearing has happened concluded its findings and acted accordingly as this was not mentioned in point 2?

Best

Matt Theodore

Sent from [Outlook](#)

Sent from [Outlook](#)

Michelle Fletcher - Licensing

From: Michelle Fletcher - Licensing
Sent: 08 July 2020 11:57
To: MATTHEW THEODORE
Subject: RE: Application M177398 Topsy Cow

Mr Theodore

1. You can email environmentalhealth@bcpcouncil.gov.uk. quoting the above reference M177398 to request further information relating to the mediation that took place between them and the applicant.
2. The Premises has the provision for ON and OFF sales of alcohol, meaning it can be consumed both ON the premises and taken OFF the premises by customers or delivered with food depending on conditions for example.
3. The area can be used prior to hearing by means of Temporary Event Notice or Impending changes made by Government relating to Covid19.

When you are addressing agencies, I don't feel it is fair to refer to the area outlined in the application as a rear alley it is misleading.

I hope this offers you some clarity.

Regards

Michelle

From: MATTHEW THEODORE
Sent: 08 July 2020 11:28
To: Michelle Fletcher - Licensing
Subject: Re: Application M177398 Topsy Cow

Dear Michelle Fletcher, thank you for getting back once again. Your responses provide some detail however key questions I have still asked are still a little unclear? I have added to your response where this clarity is required, please forgive me as this has been lost in the many communications we have had and my lack of understanding in your area of professionalism.

1. The agreed conditions from environmental health were given to you on the 24 June 2020 at 15:13 – No report was submitted to the Licensing Department, simply the conditions as they were presented to yourself is how we received them.
- 1a. I have also advised you no other representations / or conditions from the other RAs have been received.

I am keen to see what impact assessment if any was conducted or what advice was acted upon in the formation of the terms of license you shared with me on the 24th of June. This is an important point and consideration that I would consider reasonable with a pub that is applying for a license to operate in a new area backing on to a residential garden. Is there a contact for example at environmental health I can have to assess this if it was not an assessment that was made by yourselves or other RA's.

2. I have also advised you of the process and that no decisions on the variation will be made now prior to hearing (Please don't forget they already have a licence and permission for off sales).

2a. I did also advise you this area could be used by the premises.

I am unclear whether or not the area can be used before a hearing has taken place on the licence still. Are you saying that they can operate the area for 'takeaway alcohol sales' or am I just confused here by the term 'off sales' which I am not familiar with. Please could you clarify both points.

3. The application is to vary the existing Premises Licence to include the external area, not temporary.

3a. There is no access to the alley from the premises other in emergencies, nor can anyone access the rear area from the alley.

3b. This is not a smoking area. I am not saying smoking will not take place in this area, but you have been provided with the conditions so you know, this is a tabled seating area only, seats must be removed if not occupied after 21:00 and after 22:00 the outside rear area shall be vacated and not used for any purpose, including smoking until 10:00 the following day.

I think there was some confusion here on your behalf. I have referred to the extension to the property to the rear as 'a rear alley drinking/smoking area' and was not questioning access (3a). I am still in disagreement with the conditions (3b) as they do not consider the impact that you propose to license for in any way.

I am sorry to be so persistent with this case, I am still very concerned that proper assessment of the nuisance this licence extension will cause has been considered in any way (having seen no report of any sort from a RA or yourself to this effect). I also now have experienced the reality of this having logged a first event yesterday using an environmental health tracking sheet that I will continue update before submitting.

Kind regard for your continued efforts to mediate

Matt Theodore

From: Michelle Fletcher - Licensing
Sent: 08 July 2020 10:19
To: MATTHEW THEODORE
Subject: RE: Application M177398 Topsy Cow

Mr Theodore

In response to your email:

1. The agreed conditions from environmental health were given to you on the 24 June 2020 at 15:13 – No report was submitted to the Licensing Department, simply the conditions as they were presented to yourself is how we received them.
 - 1a. I have also advised you no other representations / or conditions from the other RAs have been received.
2. I have also advised you of the process and that no decisions on the variation will be made now prior to hearing (Please don't forget they already have a licence and permission for off sales).
 - 2a. I did also advise you this area could be used by the premises.
3. The application is to vary the existing Premises Licence to include the external area, not temporary.
 - 3a. There is no access to the alley from the premises other in emergencies, nor can anyone access the rear area from the alley.
 - 3b. This is not a smoking area. I am not saying smoking will not take place in this area, but you have been provided with the conditions so you know, this is a tabled seating area only, seats must be removed if not occupied after 21:00 and after 22:00 the outside rear area shall be vacated and not used for any purpose, including smoking until 10:00 the following day.

I hope that answers all your questions.

Regards

Michelle

From: MATTHEW THEODORE
Sent: 08 July 2020 09:42
To: Michelle Fletcher - Licensing
Subject: Re: Application M177398 Topsy Cow

Dear Michelle Fletcher, thank you for your response and acknowledging the the work such an application has caused us. This was exasborated when the very thing we worried about came to fruition with loud adult drinkers swearing and shouting and making our garden unsuitable for our children and their bedtime having to exist around this noise for out 4 and 7 year old which left us really upset and frustrated.

I would like to simplify my request as clearly there is some confusion here which is unhelpful for us both.

1. I would like you to share with us the report that you presumably received as a licensing official from environmental health (or any other body that contributed to the decision you have made or are making) under the Freedom of information act.
2. I would like to know if a license has been granted to the Pub or will be or if we are still moving toward a hearing.
3. I would like to know if the license being considered is just a temporary measure for Covid or if there is a possibility this rear alley drinking/smoking area could ever become permanent?

I appreciate your time and efforts on this and have tried to remain calm and concise and hopefully by just putting these three key questions we can move forward in a constructive manner.

Matt Theodore

From: Michelle Fletcher - Licensing
Sent: 08 July 2020 09:08
To: MATTHEW THEODORE
Subject: RE: Application M177398 Topsy Cow

Mr Theodore

I can appreciate this is a worrying time for you and your family and I have tried to keep an open line of communication throughout this process.

I am afraid I am at a loss trying to establish what you are referring to when you ask about the guidance I have received relating to this application and the impact it will have on your particular property and the reference you have made to the likely legal case under the Freedom of Information Act.

So, I will try and explain the process to you in the hope you can see I have been completely transparent with you.

No pre application consultation is required, anyone can apply for a premises licence for example you or I could apply for one at our residential address should we wish and anyone with a License can apply for it to be varied at any time.

The Application process has a very prescriptive statutory process that has to be adhered to as follows

- When the application is determined as complete and accepted by the Licensing Authority there then begins on the following day a 28-day consultation period.
- During this period mediation and conditions can be added and/or removed from the application if required. All this information has been shared with you to date, along with copies of any agreed conditions.
- On the same day the application is accepted a copy is sent to the nine Responsible Authorities :Police, Fire, Children's Services, Planning, Trading Standards, Environmental Health, Food Health & Safety, Immigration, Public Health England.
- A notice of the application is placed on the BCP Council website.
- A notice of the application is displayed by the applicant at the Premises for the 28 day consultation period..

- A notice of the application must be placed by the applicant in a local newspaper within 10 Working days.
- After the 28 days if there are no outstanding representations the Licence is automatically granted.
- If after the 28 days there are outstanding representation a hearing is scheduled, so the application and representations can be heard by the Licensing Committee.
They then make the decision to either grant, refuse or add further conditions to the application. The Licensing Committee is made up of local councillors

At no point does the Licensing Department not make any decisions or recommendations in regard to any application. It is our role to process the application and ensure the legislation is being adhered to by all parties.

In this case there are no outstanding representations from any of the Responsible Authorities and I have accepted your representation as valid and you will be offered the opportunity to put your representation to the Licensing Committee for their consideration.

The Licensing Act 2003 is Government Legislation and all Local Authorities have to discharge its functions in the same manner.

As I have previously advised all conditions on a Premises Licence must be adhered to and failure to operate in accordance with their licence could result in the Licence being reviewed which could ultimately lead to revocation.

Regards

Michelle

[BCP Council Privacy Statement During COVID-19](#)



Michelle Fletcher
Licensing Officer
Communities

bcpcouncil.gov.uk

[Sign up](#) to BCP Council's email news service

From: MATTHEW THEODORE

Sent: 06 July 2020 19:08

To: Michelle Fletcher - Licensing

Subject: Re: Application M177398 Topsy Cow

Dear Michelle Fletcher, once again thank you for your detailed response. I hope you can appreciate however how frustrating the situation is to a family with their garden backing on to this new area. I am fully aware of the differences between planning and licensing, however these things are intrinsically linked in this case as the license will cover an area of the Pub which did not exist before the licence was applied for. All I am asking for is for you to do please share the guidance you have received on the impact this extension to licence

will have on my property as I feel there will be a hearing and likely a legal case here under the Freedom of Information act so that I can assess this.

Kind Regards

Matt Theodore

Sent from Outlook

From: Michelle Fletcher - Licensing

Sent: 06 July 2020 18:30

To: MATTHEW THEODORE

Subject: RE: Application M177398 Topsy Cow

Mr Theodore

This is not a planning application nor am I a planning officer and any impending changes to Legislation under the Licensing Act 2003 are at Government level and out of any Local authorities control.

I have also previously explained that planning and licensing are separate matters as they are dealt with by separate legislation and the consideration of need is not a matter for the licensing authority in discharging its functions.

The Environmental Health Department as a responsible authority has viewed the application from a noise perspective and consequently has agreed conditions.

I feel it is important for you to understand that that area could be used prior to a hearing due to any impending changes, not an intention to fuel a fire.

I have previously confirmed there are no representations for any of the nine Responsible Authorities involved in the application process. Once the last date for representations has passed I will be able to confirm how many representations both for and against the application have been made this information will also be in the agenda for the meeting.

Regards

Michelle

From: MATTHEW THEODORE

Sent: 06 July 2020 17:29

To: Michelle Fletcher - Licensing

Subject: Re: Application M177398 Topsy Cow

Hi Michelle, thanks for getting back. I am unsure why I did not receive the response response but am glad of receiving it now, however the key questions I asked within it remained unanswered and are important namely:

- I would also like to know your thoughts (as a planning officer in charge of this case) on the inevitable smoking, swearing and noise that a rear facing area backing on to our property where children play through their weekend (the new building being erected not 10 feet from our garden) and how you feel this is appropriate or fair?
- Why do you feel the extension of services to the rear is necessary for such a large-premises with extensive frontage as well as why this should not be an area enclosed if so, to protect neighbours from noise pollution?

I would be extremely disappointed if Licensing chose to allow this 'loophole' to create what will become a noise nuisance of adult drinkers in close proximity to family home and will do all that I can to legally challenge this if I must which is certainly the last thing I want to do.

All I am requesting here is that Licensing respond to the significant concerns or share the guidance they received in making a decision presumably to allow a License? Sadly your suggestion that 'impending changes to be announced by Government may mean this premises no longer requires permission in the short term to use this space' to nothing but add 'fuel to the fire' in this situation.

Finally I would like to request to know if there is further objection to this License as this must surely be an important consideration for all concerned.

Kind Regards

Matt Theodore

From: Michelle Fletcher - Licensing
Sent: 06 July 2020 15:37
To: MATTHEW THEODORE
Subject: RE: Application M177398 Topsy Cow

Mr Theodore

I believe I did respond I have cut and pasted the message below from my sent box.

I will be in contact once a hearing has been arranged but please note that impending changes to be announced by Government may mean this premises no longer requires permission in the short term to use this space.

From: Michelle Fletcher - Licensing
Sent: 25 June 2020 17:33
To: MATTHEW THEODORE
Subject: RE: Application M177398 Topsy Cow

Mr Theodore

Each application has to be dealt with on its own merits and as the Licensing Officer managing this application it is important that I remain completely impartial.

The Environmental Health Officer as a responsible authority views the application from a noise perspective and consequently has agreed conditions to mitigate potential issues of this nature, this includes the restriction on the times and subsequently this area cannot be used for any purpose including a smoking area after 22:00 hours.

Unfortunately planning and licensing are separate matters as they are dealt with by separate legislation and the consideration of need is not a matter for the licensing authority in discharging its functions. Need is a commercial concern and is a matter for the planning authority and the current market.

I can confirm that I have accepted your previous correspondence as a representation (objection) to this application and will arrange for a hearing date so the application can be put before the Licensing Committee. I will update you in due course with the necessary information, however, currently due to the COVID 19 restrictions these are held remotely via Skype.

Regards

Michelle



Michelle Fletcher
Licensing Officer
Communities

T. 01273 835111

bcpcouncil.gov.uk

[Sign up](#) to BCP Council's email news service

Regards

Michelle Fletcher

From: MATTHEW THEODORE

Sent: 06 July 2020 15:21

To: Michelle Fletcher - Licensing

Subject: Fw: Application M177398 Topsy Cow

Dear Michelle Fletcher, I was wondering if you had time to consider my response and the questions I proposed (below) and if you had a date for the hearing for my diary?

Best

Matt Theodore

Sent from [Outlook](#)

From: MATTHEW THEODORE

Sent: 25 June 2020 13:39

To: Michelle Fletcher - Licensing

Subject: Re: Application M177398 Topsy Cow

Dear Michelle, thank you for your speedy response which I am grateful of and which goes some way to addressing the concerns I have raised. I am also very concerned that Responsible Authorities and yourselves have perhaps not considered other cases of rear facing bar restaurants on the street that have become a nuisance in so far that it becomes harmful to the living conditions of all nearby residential occupiers. I would also like to know your thoughts on the inevitable smoking, swearing and noise that a rear facing area backing on to our property where children play through their weekend (the new building being erected not 10 feet from our garden) and how you feel this is appropriate or fair. Finally I am also keen for a comment from licensing as to why you feel the extension of services to the rear is necessary for such a large-premises with extensive frontage as well as why this should not be an area enclosed if so, to protect neighbours from noise pollution.

I look forward to hearing back from you on this, I am genuinely interested in your perspective in advance of the hearing that I will be attending with my family.

Matt Theodore

Sent from Outlook

From: Michelle Fletcher - Licensing
Sent: 25 June 2020 12:52
To: MATTHEW THEODORE
Subject: RE: Application M177398 Topsy Cow

Mr Theodore

Under the Licensing Act 2003 there is no requirement for an applicant to carry out pre consultation, I can't comment on individuals practices but we do see it as positive that the applicant has taken it upon himself to write to every residential address in the surrounding area. Each application runs for 28days to enable consultation.

To confirm this is not a new application, this is a variation of a Premises Licence.

Due to the nature of the premises the applicant is only required to put one notice in the front of the premises and advertise in the local Newspaper both of which have been complied with. The Licensing Authority do not feel any of the other windows on the front of the premises would have been suitable as there are railings preventing public view/access.

With regards to the Responsible Authorities who review each application they have all received the application. I can assure you Environmental Health who deal with noise and statutory nuisance have visited the premises on more than one occasion during this consultation period before suggesting the conditions I forwarded you yesterday and removing their objection. They would have also considered any previous or ongoing complaints.

They have reduced the terminal hour of this area to 22:00 and made it a seated only area. I have also received correspondence from Dorset Fire Service to say they have visited and have no comments to make. Dorset Police have since confirmed they will not be objecting to this application.

You question what will happen beyond Covid 19, the proposed and agreed conditions if granted would be on the Premises Licence and the only way they could be amended or removed would be by means of another variation being submitted.

I can assure you all conditions on a Premises Licence must be adhered to and they are enforceable under the Licensing Act 2003, failure to comply with them could result in a Licence being reviewed and even revocation.

I take on board your comments and will schedule a hearing, there are no objections from the Responsible Authorities who review all applications, as an objector you would be expected to attend the hearing. You will then have opportunity to express your concerns directly to the Licensing Committee, it will then be down to the Licensing Committee to decide if they grant the licence, add further conditions or reject the application.

I will be in contact once a date for hearing has been confirmed, but please don't hesitate in contacting me should you wish to discuss the matter further.

Kind Regards

Michelle Fletcher

[BCP Council Privacy Statement During COVID-19](#)



Michelle Fletcher
Licensing Officer
Communities

bcpcouncil.gov.uk

[Sign up](#) to BCP Council's email news service

From: MATTHEW THEODORE

Sent: 24 June 2020 17:15

To: Michelle Fletcher - Licensing <

Subject: Re: Application M177398 Topsy Cow

Dear Michell, thank you for writing to us in what feels like a genuine attempt to mediate. The Topsy cow also dropped off a polite letter as building works seem almost over and they are obviously keen to get the space open. Although I can sympathise with businesses wanting to make extra space, I am afraid that the revised solution offers no real reassurance nor changes our stance on our objection. It is also sad that the business failed to consult us at any point before beginning what has been a long and loud build outside that feels aggressive in its confidence. The notice of intention for the new licence was posted in the window of a dark bar that had been fully closed for a significant period of time due to COVID on a street with significantly reduced footfall and therefore had to be sought out rather than being in plain sight of those who would be interested in this information. I have lived in this house for 15 years now and seen multiple rear facing Bar/Restaurant/Smoking areas come and go, not one with a positive impact on the area being harmful to the living conditions of nearby residential occupiers and unnecessary. I have listed below my core objections:

- No consultation has taken place.
- No impact assessment has been considered or consulted.
- No review of similar ventures and the complaints they have attracted has been sought as these-rear facing eating areas have a long history in this alleyway.
- It will be impossible to stop smoking and swearing in rear facing area backing on to our property where children play (the new building being erected not 10 feet from our garden).
- Property in the area will become less desirable.
- The space is inappropriate (open roofed building where sound will fast travel up the walls or the three-storey building and echo back).
- What is the intended use in the future beyond Covid? Once planning is granted it will likely just become another bar area and apply for a later licence.
- The building already has significant outside space to the front and a large internal seating area. There is no real need for this area?

Subsequently the objection remains and none of the arguments that have been put to me alter my conclusion. Furthermore, I find that the proposed use of the rear enclosed area would be harmful to the living conditions of all nearby residential occupiers. This would be contrary to the aims and objectives of Policies CS9 and CS38 of the Bournemouth Local Plan: Core Strategy (October 2012) insofar as they relate to noise nuisance and protecting the amenities

of local residents.

I look forward to hearing back from you.

Matthew Theodore

Sent from Outlook

From: Michelle Fletcher - Licensing <
Sent: 24 June 2020 15:13
To: Michelle Fletcher - Licensing
Subject: Application M177398 Topsy Cow

Good afternoon

You are in receipt of this email as you have made representation against the above application.

I can confirm that Environmental Health have now agreed the following conditions and withdrawn their representation:

1. The rear outside area shall only be used between the hours of 10:00 and 22:00, (with the last seating up until 21:00).