

28th November 2020

**Licensing Team
Town Hall Annex
Steven's Road
Bournemouth
BH2 6EA**

To whom it may concern

OBJECTION

Re Notice of Application for a Premises Licence Under Section 17 of the Licensing Act 2003 – **Daniel Murrell – The Duckingstool, Ducking Stool Lane, Christchurch, BH23 1DS – Application 179872.**

We hereby inform you that we object to the granting of a licence to sell alcohol at the above location between 12pm and 10pm each day.

Our objection relates to the proposed times for the sale of alcohol, not specifically to the sale of alcohol itself.

We have lived in our property for 11 years and we are diagonally opposite this building.

Here is some background information:

Currently the building has planning permission for its substantial demolition and reconstruction as a dwelling [8/18/2531/FUL]. This permission is valid until Dec. 2021. If this residential consent is not enacted, then the prior use would remain the lawful use of the site and any conditions attached to that former use would remain.

Relating to its former use, the building holds A3 planning permission for the ground floor only, with allowed opening between 10am and 5pm each day. Here is the planning history relating to that:

- 8/98/0521/J - 1999 - Certificate of Lawful Use or Development – open from 10:00 - 17:00 Monday - Saturday - Ground Floor Only
- 8/04/0296 - 2004 - open from 10:00 - 23:00 - 7 days a week - refused

- 8/08/0157 - 2008 - open from 10:00 - 17:00 7 days a week - refused but then granted by appeal APP/E1210/A/08/2079214

The building has never had planning consent to open later than 9pm and that was for a trial period of 1 year as the planning committee were concerned about any public nuisance and crime and disorder that might be caused. This is the planning consent relating to that – it expired in 2011:

- 8/09/0147 - 2009 - open from 08:00 - 21:00 7 days a week - refused but then granted by appeal APP/E10210/A/09/2107453 for 1 year - expiring on 31st Jan 2011

The current planning consent for the upper floor is C3 [8/94/0312F – 1994], not A3.

The location of the building is on a quiet, narrow residential lane. We already experience a raised level of public nuisance, disturbance and vandalism mostly during the evenings in the area. This can be confirmed by the Police as all incidents are reported. Patrons of the business who choose to smoke would have to do so outside the front of the building in the street as there are no other outside areas. It is possible that if people had been drinking alcohol, they would probably be louder than normal. This would cause additional noise in the quiet lane.

The applicant is obviously expecting some level of noise/disturbance from his clients as his application notes:

- Patrons smoking outside the premises shall be monitored regularly to ensure the potential for noise nuisance is controlled. The premises frontage shall be regularly monitored to keep it clean and clear of litter. Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises exit.

He does not detail how the potential noise nuisance will be controlled. Signage requesting customers to be respectful of others has not been proven to be effective at other nearby establishments.

The Ducking Stool on the Mill Stream is often used as a late-night gathering place and the proposed “off premises” sale of alcohol in the evening could provide easy access for anyone wishing to purchase alcohol and then congregate at the Ducking Stool to drink it.

We understand that the allowable capacity of the building is not dealt with by this application, but we feel the potential to serve alcohol to up to 65 people in the small building is concerning.

In summary we feel it would be inappropriate to grant a licence to sell alcohol at the location between 12pm and 10pm each day because:

- Currently the premises is only legally allowed to open between 10am and 5pm

- The upstairs of the premises does not have A3 planning – so alcohol could not be served there anyway
- The Council itself was concerned enough about possible public nuisance and disturbance to limit the opening times even when alcohol was not sold at the premises:

The proposed extension of trading hours would result in the potential for increased comings and goings and the accumulation of people in and around the premises later into the evening which is likely to lead to an increase in noise, disturbance and general nuisance in this quieter residential part of the Town Center Conservation Area. As such the proposal is contrary to Settlement Policy H and Environment Policy H of the Bournemouth, Dorset and Poole Structure Plan (2000) and Policies ES9 and BE4 of the Borough of Christchurch Local Plan (2001).

- We are concerned that granting the licence will see a raised level of public nuisance and disturbance.

If a licence to sell alcohol is granted we believe it should be for between the hours of 12pm and 5pm and should be for on premises sales only.

Yours sincerely,

Kevin & Linda Farrell