

Licensing Department
Dorset Council

via email

1 September 2022

Dear Sir/Madam,

Licence Application for 4-5 The Square, Piazzo/Loungers Ltd, Wimborne.

I am writing to object to the above application on the grounds that it will lead to Public Nuisance and Crime & Disorder.

I do not object to the use of the building as a cafe/bar, or to the applicants, my objection relates to the proposed opening hours and the use of the rear car park as a beer garden.

Context.

In total there are 5 flats [REDACTED] two of which are single aspect only and would partially overlook the proposed beer garden. The other three flats all have living accommodation that would partially overlook the beer garden. The attached photograph shows the view from the application site car park [REDACTED]

The distance from these windows to the proposed beer garden varies but is approximately 15m.

Beer garden

The proximity of the proposed beer garden to [REDACTED] will inevitably lead to unacceptable levels of noise nuisance, which will reduce living amenity, contrary to the License objectives as noted in para. 4.18 of the Licensing Policy.

Due to the open nature of the proposed beer garden there is no effective way of abating this nuisance.

Evidence for this level of nuisance can be found with the beer garden of The Man in the Wall which has proved a nuisance since opening. This application is of a similar nature as it also involves extensive accommodation at ground floor and, rather than use the first floor rooms, seeks to increase the overall consumption area with external space.

This application can also be considered within the context of other premises in the town where there has been a change of use. Most notably the recent refusal (Planning) of the use of the rear garden at The Butchers Dog, where the decision of the Planning Inspector was upheld - *"The close proximity of the outside space that the proposal seeks to use to the adjacent dwellings ... would result in unacceptable levels of disturbance for the occupants of these dwellings arising from persons socialising in this outside space."* There is an argument regarding proportionality as the neighbouring dwellings in this instance were less than 2m

away, but that is negated in this instance by the numbers of patrons – The Butchers dog was limited to no more than 15 patrons in the garden – whereas this application provides space for 40+ (an assumption based on floor area).

Similarly, the Petit Prince (adjacent to The Butchers Dog) has a limit on their garden of no more than 18 patrons and restricted to use between 11.00 and 15.00 however, they are a cafe that closes at 4.00pm and they do not have an alcohol license.

Whilst these decisions were made within the Planning regime, the legal principle remains the same and highlights the issues created where a proposed licensed premises also requires a Change of Use.

The beer garden should not be permitted as it will inevitably lead to nuisance, for which there can be no workable mitigation or abating.

Hours of Opening

I have never been to a cafe that remains open until 12.30am.

Therefore I can only interpret the application as a cafe during the day and a bar/pub during the evening. Within this context the issue of Crime and Disorder becomes a factor as the town centre already suffers from alcohol fuelled anti-social behaviour, particularly at closing time. The evidence for this has been collated and discussed previously with both the Licensing team and Dorset Police.

Should this application be granted, five of [REDACTED] eight direct neighbours (as shown on the attached plan) will have alcohol Licenses. Of these Prezzo and Nusara (formerly The Square Chinese) have 11pm licenses/closing times and do not cause us any nuisance. The Cafe on the Square also has an 11pm license but this is only used on a few occasions (to avoid submitting TENS) and they normally close around 5pm.

By far the biggest contributor of nuisance and crime and disorder, relating to opening hours, is The Man in the Wall with the majority of issues occurring after midnight.

However, the issue is town-wide as evidenced by a recent serious assault taking place along West Borough that had started at a premises elsewhere – a premises that does not have a reputation from trouble and, on this particular night, closed at 12.30am.

One final issue to raise is the disturbance caused by staff clearing up and going home. If the remainder of the car park is used by staff and the hours as requested are granted, then staff will be driving out onto West Borough, [REDACTED] nearer to 1am.

Conclusion

To conclude, the use of the existing car park as a beer garden will cause unacceptable levels of noise nuisance. The opening hours, as requested, will compound this nuisance and will increase the already unacceptable levels of antisocial behaviour that we experience. With this comes the inevitable increase crime and Disorder.

For these reasons I do not believe the application addresses the objectives of The Licensing Act 2003.

If the applicants reduce their proposed opening hours to 11pm and remove the rear beer garden, I would withdraw my objection.

Yours faithfully,

[REDACTED]