

Appendix 3 – Representations Objecting to Application

Representation 1

With regard to the application for planning and for an alcohol licence to use the Regent Cinema, Lyme Regis, as a bar/shop for the Black Cow Vodka company.

We have some serious concerns about this application that we wish to raise with Dorset Council formally via this email before the 28 August deadline.

OUR SITUATION:

xxxxxxx is a family home occupied by us and our family for about 8 month of the year, spread across the calendar. We value its position, privacy and generally peaceful environment. This is not a summer let property but a vitally important part of our family life. Our location is within 20m of the proposed Vodka Bar.

CONCERNS RELATING TO PUBLIC NUISANCE:

1. What as initially billed as a summer pop-up event is now proposed as an open licence with no end date.
2. A new outside bar opening until later evening will create a major noise nuisance for the surrounding residential properties and businesses. Almost all of the surrounding homes and businesses are Grade II Listed. This prevents them from having double glazing and proper sound insulation from nuisance noise. The proposed bar is within 20 meters of our main living room and main bedroom.
3. The selling of high strength alcohol will encourage late night foot traffic with probable loitering and street noise into the later hours.
4. This will potentially alter the entire character of the top end of Broad Street. This is currently a quiet residential part of town. The only night time business selling alcohol presently is the Volunteer pub. Despite being significantly down the hill from us, this is already a source of burdensome noise at night - and it doesn't have external decking and open-air drinking!
5. The new licence application seeks permission for live music. While the applicant says that this will only be inside, we have no guarantees on this for future events. If amplified music is used - even inside - the bass noise will still be an issue for all neighbours. In summer weather the doors will likely be left open, and this will create a noise nuisance from any internal music. Just the intermittent opening and closing of doors will generate bursts of music.
6. Outside smoking and vaping will also be an issue - the Lyme One hotel has already raised the problems this will raise for their guests. The proprietors of Black Cow cannot feasibly enforce a no-smoking rule outside of the decking area and have no control of the forecourt or pavement outside.

CONCERNS OVER PLANNING AND GRADE II LISTED STATUS:

Firstly we are astounded that the decking work has been completed before any Planning Permission has been granted. Our specific concerns are as follows:-

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1. The decking extends over the Regent forecourt. But is this private property of the Regent or classified as public pavement under Council of Lyme Regis? There is a phone box and litter bin on the same piece of ground, indicating it is likely to be Council land?
2. The new decking and raised seating area has a major impact on the visual aesthetic of a listed building and maybe on its structural integrity. Have any original listed features been damaged and are they at risk of damage in future?
3. Will a lightweight roof be added in future and how will this attach to the original building?
4. Some external lighting will be needed for the outside decking. It is likely that external lights will be mounted on the new poles on the decking. Is the Planning Authority clear on their plans for external lighting? This is a major area that seems not to be covered in the Licence Application and must be covered by Planning.
5. What about drainage from the new structure? Has it interfered with any drainage gully and might this cause localised flooding in heavy rain?
6. Sale of coffee and snacks is proposed (this is my understanding despite the Planning Application). This will surely require a proper assessment by the Fire Service and the Health and Safety Executive / Environmental Health & Public Health. Has this been done or is this planned?

THE LICENCE APPLICATION HAS BEEN SUBMITTED WITHOUT ANY OF THE FOLLOWING IN PLACE:

Listed Building Planning Consent
Health and Safety approval
Fire Regulations assessment and certificate
Police approval

IN CONCLUSION

If this application is granted it will set a dangerous precedent for the commercial development of other properties in the top of the town. Even listed buildings do not seem immune from insensitive development on the lines planned by Black Cow Vodka. If granted, this will undermine the local planning system in its duty to protect residential neighbourhoods and historic listed buildings.

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Representation 2

Objections to Black Cow Vodka Saloon opening in old Regent Cinema, Broad Street, Lyme Regis from immediate neighbours

1. **Licencing** - Black Cow Saloon informed Dorset Licencing Department in their first application that they had put a Public Notice in Local Newspapers – They had failed to comply with these regulations. Claiming that the local LymeOnline newspaper had written an article about this venture, singing their praises of this “Acclaimed” product. This article they claimed confirmed that they had conformed with the regulations. Dorset Licencing Department rejected this argument and instructed Black Cow Vodka Saloon to resubmit their application. Despite the very clear instructions from Dorset Council Licencing Department the applicant failed to place the Public Notice in the local newspaper. Subsequently they have resubmitted their Licencing application.

- The boss of Black Cow Vodka Saloon rang me as owner of Lyme 1 Hotel and enquired what were my objections – I informed him:
They are advertising Live music on the Billboards outside the old cinema – He informed me in the telephone conversation that there will be NO live music.

In Black Cow Vodka Saloon resubmitted application to Dorset Licencing, they have ticked the box for Live music.

- I informed the owner of Black Cow Vodka about the noise nuisance from their outside terrace which will have a devastating effect on my business – Lyme 1 Hotel is a Grade II Listed Building which has charm and character with the individual rooms but does not benefit from modern day technologies like sound insulation and double glazing.
- I informed him about smoking and vaping on the outside terrace – he informed me that there will be no-smoking or vaping on the outside terrace. I enquired how would he police and enforce these rules. With Black Cow Vodka Saloon’s previous record on honesty, as detailed above I think this is just empty words.
- If patrons of Black Cow Vodka Saloon are not allowed to smoke or vape on the terrace they will be forced to move to an area in front of the decking. This area which belongs to the Regent Cinema will be filled with staff vehicles. Therefore, smokers would then have to again move forward – toward the Broad Street/Pound Street pavement – thereby congregating outside the ground floor windows of Lyme 1 Hotel. Patrons who would have been consuming the very strong vodka cocktails will become increasing more vocal disturbing the peace and calm at the top of Broad Street/beginning of Pound Street. PUBLIC NUISANCE CONCERNS: This same scenario can be confirmed and witnessed with the same situation with smokers and vapers outside the Volunteer Pub just a few metres further down Broad Street.

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- I informed the owner of Black Cow Vodka Saloon in our telephone conversation that in my opinion he was creating a “Wetherspoons” which was totally unsuitable and inappropriate for Lyme Regis.

2 Non-existent Planning application for decking in front of the cinema –

- Black Cow Vodka Saloon have failed to submit the necessary applications for Planning and Listed Building approval and gone about the whole process in a correct and professional manner. These correct applications would also have to obtain the approval of The Police, Fire Service, Highways Department, Health, and Safety Executive and Public and Environmental Health Department. All these rules and procedures are in place for a reason – everyone must play by the rules or not play at all.
- To date, Black Cow Vodka have failed to submit any application for the decking in front of the Regent Cinema – common sense dictates that the Planning and Listed Building applications must be submitted and approved before any Licencing application is submitted.

IN CONCLUSION:

If this application is granted it will set a dangerous precedent for the commercial development of other properties at the top of the town. Listed buildings used for business and residential purposes in the area must be protected from commercial ventures such as Black Cow Vodka Saloon.

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Representation 3

Please find below our objections to this license being granted. My wife and I would be very grateful if you could acknowledge safe receipt of our objections please.

Objections to the Application for a Premises Licence to be granted under the Licensing Act 2003 made by Pure Milk Vodka Ltd at the former Regent Cinema premises at Broad Street Lyme Regis Dorset DT7 3QE

My wife xxxxxx and I have lived almost opposite the cinema premises since 1998 and since I retired in 2018 have normally spent alternate fortnights between our house in Watford and xxxxxx xxxxxx in Lyme Regis. We enjoy our time in Lyme Regis because it's a very peaceful environment even though it's just at the top of the towns High Street.

We wish to raise our formal objections to this application being granted and would ask that you reject the applicants proposal to re-open these largely derelict and substantially demolished former cinema premises as some form of Vodka Bar and shop with alcohol and drinks for sale 11:00-23:00 7 days a week throughout the year.

Our concerns with this application:-

1. We note that in Part 1 where the applicants give details of the premises, they no longer refer to the premises as The Regent Cinema but choose instead to refer to the premises as The Regent? This application is for a liquor licence on the site of the derelict and fire damaged Grade II listed Regent Cinema.
2. Later in Part 3 the applicants describe the premises saying "The Regent Cinema is currently closed to the general public" and we note throughout their application there is no mention of the fact that the Regent Cinema is still a listed building albeit that probably 85% of the cinema burnt down or was demolished for safety reasons after the fire in 2016.

Would it not be more accurate to describe the existing building as the remains of a cinema that burnt down/was demolished in 2016 and lain empty ever since? As a retired chartered surveyor of 40+ years standing xxx questions the structural integrity of the remaining cinema structure. Some of the external walls remain standing today but whereas these walls were once tied in and stabilised by the internal cross walls, floors and the roof structure of the cinema, they are now freestanding walls, some several storeys high and xxx suggests those walls have likely lost the structural integrity they once enjoyed as part of the complete pre fire cinema.

Even if there is only a low risk of collapse to the old cinema structure, the consequences of any such collapse could be devastating and reflect very badly on both Town and District Councils.

As a minimum, the remaining cinema structure should be checked and inspected by a competent and qualified structural engineer immediately and then regularly every two years. xxx is not sure how long a freestanding wall built on probably inadequate foundations (by current standards at least) can be expected to remain safe and structurally stable but suggests it's a risk that needs to be considered before possibly filling this fire damaged building with intoxicated Vodka drinkers.

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3. We also note in the description of the premises, the applicants state they “**would like to create a pop up Black Cow bar within the foyer and terrace of the building.**” That’s not quite accurate either because at the time of making the application 28/7/2023, the cinema did not have any terrace. An illegally constructed timber decking had only just been erected, without planning consent or permission and with a ramp that will be of immense danger to any disabled wheelchair users, the danger being that if the wheelchair user loses control on the slope, the wheelchair may quickly end up in Broad Street, which can be very busy at all times of day and night with cars, buses, delivery trucks and very regularly, skateboarders hurtling down the length of Broad Street.
4. We were disappointed to see there is no mention in the application of the listed cinema building being reinstated and do not understand why that is. There was a fire at these listed premises in 2016 and we understood the cinema owners had negotiated a substantial settlement sum with their Insurers which should have enabled them to rebuild the premises but presumably they chose not to reinstate the premises as a functioning cinema. I would have thought the cinema owners were obliged to do so/had a duty/obligation to do so under listed buildings legislation, in a designated Conservation Area.
5. xxxx could not get the WDDC Conservation Officers to answer their phone so emailed PlanningConservation@dorsetcouncil.gov.uk 10/08/2023 @ 16:25 saying he would appreciate a chat with the Conservation Officer responsible for the cinema, but nobody has either acknowledged that email or made contact with him at all.
6. **Adequacy of parking/loading/turning space for vehicles.** The junction of Broad Street, Silver Street and Pound Street is directly outside the cinema site and is probably the busiest junction in town with vehicles making U turns at the top of Broad Street, vehicles turning up Silver Street to get to Uplyme, travellers turning up Pound Street to get further up the coast road, often at high speed late at night plus lorries delivering to the Coop and Tesco supermarkets both less than 40 metres from the cinema boundary. We believe there will be no space for any vehicles to park or turn on the forecourt of the cinema premises, so customers being dropped off or picked up, deliveries etc will only exacerbate the traffic problems at the junction of these three roads.
7. **Conflict with Planning Policies.** The applicants have already transgressed planning policies by erecting the decking structures and ramp pointing in the wrong direction without seeking necessary permissions or consents and that’s not a good start. To do so on a listed building site we suggest is yet a further serious transgression. xxxx submitted an online complaint to WDDC planning enforcement people on Thursday 24/08/2023 about this illegally erected decking, although he has not received any acknowledgement of same as yet?
8. **Disabled access.** Comments on this are given in point 3 above along with the criticisms of the new decking but we believe the ramp incorporated in the decking has a serious safety flaw in that it slopes too severely and points wheelchair users in

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the dangerous direction of Broad Street rather than to a safe landing area in the event they should lose control whilst using the ramp.

- 9. Effect on Listed Buildings and Conservation Area.** We believe what is occurring at the Regent Cinema (a listed building in Lyme Regis Conservation Area) is an absolute disgrace and if the owners are simply ignoring the listed building requirements and legislation they should be reminded that doing so is a criminal offence. We believe WDDC should refuse all and any applications for liquor licences on this deteriorating listed building site and issue a listed building enforcement notice requiring the new timber decking recently erected to be removed forthwith and whether there has been any intent to ignore the listed building legislation.

My understanding is that Listed Building legislation largely relies on the threat of local authorities enforcing the requirements of that legislation and should it become generally accepted practice for listed property owners to simply ignore that legislation, the benefits of retaining listed buildings to the nation will just disappear. I believe this is already occurring in the Midlands with the recent example of the seemingly rapid fire and demolition of the Crooked House pub in Walsall just a matter of weeks after being purchased by its new property developer owners.

To our knowledge, most residents in the town want the cinema reinstated, they don't need or want a Vodka bar operating either in a converted horsebox or the remnants of a fire damaged cinema foyer because there are presently abundant places in the town to get a drink. Why can't the town or district council work with the cinema owners to achieve this objective?

- 10. Highway safety.** This is largely covered in Item 6 above but any increase in traffic at this busy junction in the town will obviously have an adverse impact on highway safety.
- 11. Noise and disturbance resulting from use as a Vodka bar.** Intoxicated drinkers are inevitably much noisier than cinemagoers and I note this application is for a permanent liquor and music licence to operate most of the day, seven days a week throughout the year, selling liquor 11:00-23:00 so there will be lots more noise and lots more drunken people spilling out of this new drinking site.

Unfortunately, this will vastly increase the noise levels throughout the day but particularly late at night and at closing time and the people most affected will be local residents like ourselves whose bedroom is probably just 25 /30 metres from the proposed new bar. The town also has lots of teenagers who are always keen to get drunk and whatever measures the applicants say they will take to avoid under age drinkers they are very unlikely to be successful. The last thing the town needs is yet another drinking hole.

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We don't know whether the Vodka bar will provide toilets for their customers or not, but they need to because there are no public toilets at this end of the High/Broad Street and it is not unusual to see people urinating behind the electrical substation in the adjacent park and behind the telephone box in the cinema forecourt.

The Vodka bar will inevitably change the character at this end of the High/Broad Street from a generally quiet part of town (apart from closing times at The Volunteer which can often be quite noisy) to one of continual noise and commotion emanating from the Vodka bar music and customers drinking on the new decking areas in the open air. My wife and I have noted the current cinema forecourt seems to amplify sounds at night so that if 2/3/4 people are in that forecourt waiting for a car or taxi to pick them up, my wife and I can hear every word being spoken, even if the people are speaking quietly and of course everything is much worse if those people have had a drink and become quite loud and often lairy or aggressive.

In conclusion, my wife and I urge the WDDC Licensing Team to reject this Application for a Premises Licence made by Pure Milk Vodka Ltd at the former Regent Cinema premises at Broad Street Lyme Regis Dorset DT7 3QE. These cinema premises are presently unsuitable for use as a Vodka bar without significant repairs and structural alterations being carried out to this fire damaged but Grade II listed property.