

Appendix 4 - Responses to Objections

Licensing

From: Guy Chittenden [REDACTED]
Sent: 31 August 2023 10:15
To: Licensing
Subject: Answers to [REDACTED] - Black Cow Saloon at the Regent

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Kathryn

Hello Kathryn,

Thank you for sending me the objections from the trio yesterday, I will work through the objections per email and Issue them back to you one by one if that's suitable.

[REDACTED]

Dear Sir

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:

[REDACTED] 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.

Due to not being able to open as a popup, but, from hearing the overwhelming support from local businesses, individuals and the tourists that have fond memories of the Regent Cinema, we decided that we would like to fully invest in the town of Lyme Regis. Our plan is to reinstate the long held license which was operated in the Regent cinema and provide a welcoming meeting space for all, and to also provide full time work for local residents and young persons, much in line with the town plan.

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.

We appreciate that this is a perceived concern, however we have found that due to the location, being on a hill, and at a junction on the main thoroughfare and highstreet, there is quite a significant road noise which far overshadows any possible noise patrons might create. This type of noise is very in character for the area, and it is mentioned as being a busy and vibrant area after hours as part of the Lyme Regis Conservation area appeal.

3. The selling of high strength alcohol will encourage late night foot traffic with probable loitering and street noise into the later hours.

Our bar will be closing earlier than the adjacent pub which will direct foot traffic away from silver street. Like above, however we see this as being in keeping with the area; Lyme Regis Conservation Area Appeal: "The town's current activities and building uses provide continuity with those of the past, which underpin the town's character. Broad

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Street is the town's bustling main street with its impressive concentration of retail and business frontages that include inns and hotels. In some rear yards, residential and retail uses follow tradition, whilst the street after hour uses, especially restaurants and the cinema, help extend liveliness.

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!

I don't foresee much change in the character of Broad Street, but, I would disagree with the description of it being a quiet residential street, The Lyme Regis Carnival ran down this road only a few weeks ago which certainly wasn't a quiet event! The Volunteer Inn is a matter of 20 meters from us, there is also an alcohol serving restaurant opposite on silver street as well as a late night takeaway further up the hill on silver street.

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. The license we have applied for is for music inside only, if in the future we were to want to hold an event with outdoor music (which we have no plans for at this time) we will be required to go through the process of obtaining a license for that. The indoor music we have is for background ambience, not for dancing or anything alike. This will be easily drowned out by the road noise outside.

6. Outside smoking and vaping will also be an issue - the [REDACTED] 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.

We will be operating a no smoking or vaping rule for the premises and the deck. This is clearly sign written.

CONCERNS OVER PLANNING AND GRADE II LISTED STATUS: **Not applicable to Licensing?**

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

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

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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.

Licensing

From: Guy Chittenden [REDACTED]
Sent: 31 August 2023 13:11
To: Licensing
Subject: Re: Representations - [REDACTED] - Regent Cinema

Follow Up Flag: Follow up
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Categories: Kathryn

Hello Kathryn,

- Licensing** - 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.
This is so that in the future we may have the possibility to make use of the piano inside the premises. Much like the original license that was held in the time that the Regent building was operated as a cinema.
- 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 – [REDACTED] 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.
- With this being a high street, there is some noise to be expected. We have an earlier closing time than other local establishments, I might add there are only two windows high above the forecourt, meaning this relates to a maximum of two rooms in the hotel. The rest of what we share is a very substantial solid wall.**
- We have mentioned on a number of occasions that as a business Black Cow would happily make use of [REDACTED] Hotel for our visitors to the distillery and saloon, it makes sense for us to work with the community, provide accommodation as part of these tours and also provide 100’s of year round on and off peak guaranteed bookings for our neighbour, far from any devastating effects. .**
- 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

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rules. With Black Cow Vodka Saloon's previous record on honesty, as detailed above I think this is just empty words.

- We have provided clear signage stating no smoking or vaping on the premises, this will be enforced by us, and has been up to this point.
- 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 ████████ 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.
- There will be no vehicles situated on site, this will remain a cordoned off area.
- There is a contradiction between the peace and calm that is currently enjoyed and the volunteer pub a few meters away with smoking and vaping. I'm unsure what the concern really is here, if that's the case
- 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.
- We are not looking to emulate Wetherspoons in any way, by way of an example Weatherspoons offers a price based cheap and high volume offering of food, alcohol and often live sports. Black cow is a premium product, focused on high quality, sustainable and local ingredients, we do not intend to create a "pub / nightclub environment. Our relaxed and ambient offering would likely deter a "Wetherspoons regular". This option might come down to misunderstanding our brand, its values, and ideals.

Kind regards,
Guy

Licensing

From: Guy Chittenden [REDACTED]
Sent: 31 August 2023 12:40
To: Licensing
Subject: Re: Representations - [REDACTED] - Regent Cinema

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Kathryn

Dear Kathryn,

In response to [REDACTED]

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.
 1. **The application is for a premise license within the foyer, shop and forecourt of the former Regent Cinema, not the whole premises.**
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 [REDACTED] 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 [REDACTED] 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. [REDACTED] 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.

This relates to the Cinema’s auditorium, a separate area which is not part of the application, isn’t operated by Black Cow, or has any public access.

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

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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.

1. This application covers these of the terrace with is in the process of having consent gained.
 2. The ramp is of gentle gradient, is very wide and has grip strips across it, these are to enable all manner of persons to be able to access the premises without discrimination. Prior to this the steps were quite restrictive to those less mobile.
 3. The entire geography of this area is that of steep gradients, the work we have done in creating this decked area, and the building of a wide ramp has served to prevent accidents as to be more inclusive to the wider community.
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.
1. From our understanding, that settlement was a previous owner of the premises, who have since moved on. The fate of the auditorium which doesn't form part of this application, is out of our control. Black Cow are operating as tenants within just a section of the cinema, and have been doing the necessary work to prevent the further degradation of a long vacant listed building, once used for public entertainment.
5. █████ 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.
1. We do occasionally find there are vehicles parked on the double yellow lines outside the Regent Cinema's forecourt, these are often other businesses deliveries, people dropping luggage off and checking in to the adjacent hotel, or "nipping into town". This of course isn't up to us to police, or monitor. The forecourt will not be used for turning and will not be used for parking when open either. Should we be expecting a delivery in the morning, we, unlike most businesses here, do have the ability to offer off street parking for this drop off.

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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. ■■■ 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 the dangerous direction of Broad Street rather than to a safe landing area in the event they should lose control whilst using the ramp.
 1. **The ramp has a gentle gradient, is extra wide and has grip strips along its length to make it safe and inclusive.**

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 ask the police to investigate what is really going on with the Regent Cinema (ie has any criminality occurred) 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.

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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.

This is a main tourist walking spot, the main high street in town, and the location of many shops, restaurants and a main road so it is always a busy place during the day. I don't see this being much louder in the evening than the current noise from the road, these restaurants, the takeaway, and local pub. I don't take such a dim view of the local teenage residents, and it's been a pleasure meeting and working with some of them, including the children of some of the local residents. We will have a challenge 25 policy, which is the agreed nationwide policy for the protection of children.

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.

Due to the previous nature of the establishment, the toilet facilities we have are more than adequate.

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 terms of a change of character, I would disagree, this is an extract from the "the Lyme Regis Conservation Area Appeal: "The town's current activities and building uses provide continuity with those of the past, which underpin the town's character. Broad Street is the town's bustling main street with its impressive concentration of retail and business frontages that include inns and hotels. In some rear yards, residential and retail uses follow tradition, whilst the street after hour uses, especially restaurants and the cinema, help extend liveliness.

At the top of Broad Street, a concentration of hotels begins, and this traditional use then continues along the south side of Pound Street."

With the road noise, it is near impossible to hear people on the other side of it, so I do find this point to be moot.