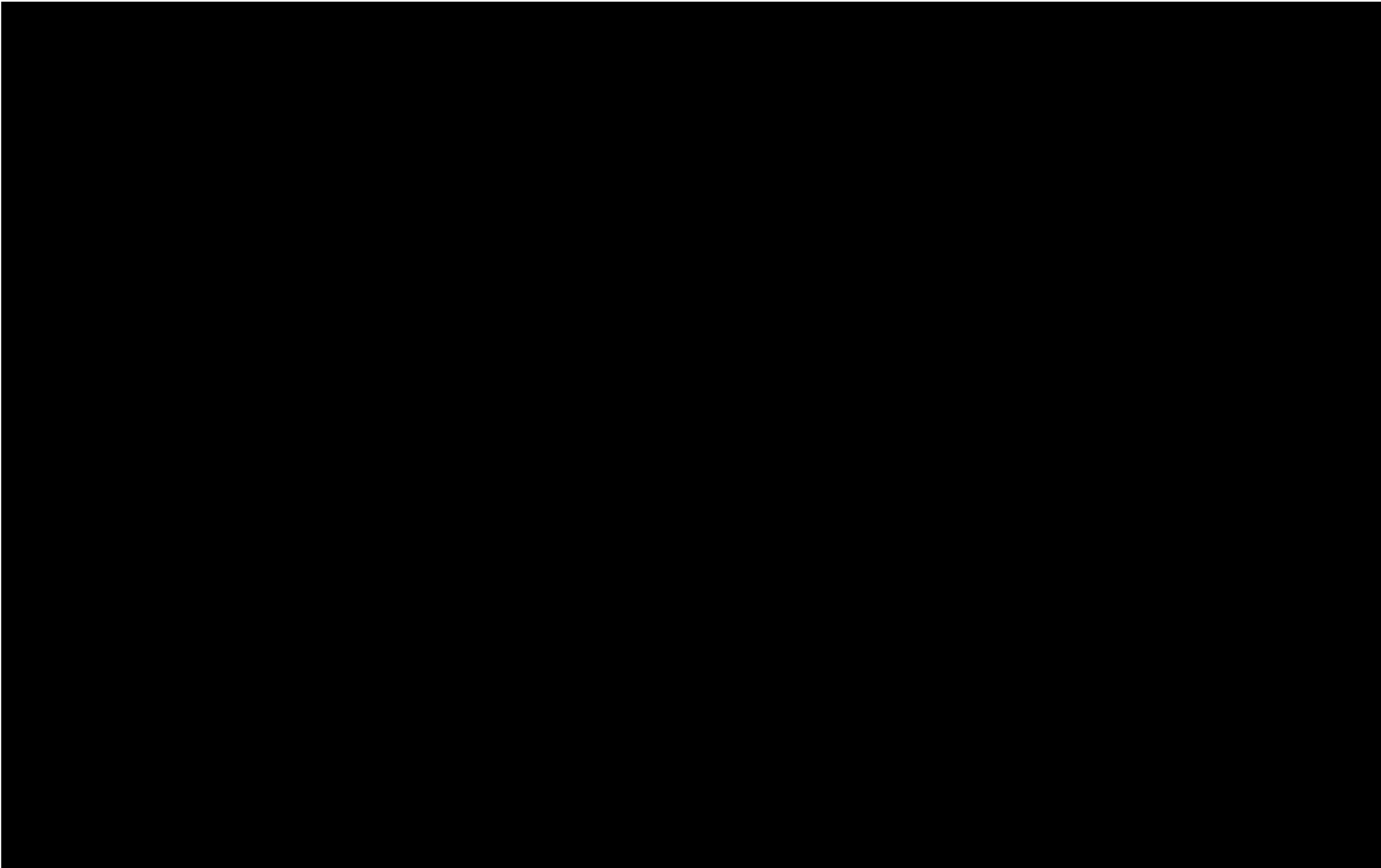




From: Adrian Burrows [REDACTED]
Sent: 24 November 2019 05:16
To: Nick Howard <Nick.Howard@arun.gov.uk>
Cc: Maria Tomalova <Maria.Tomalova@arun.gov.uk>
Subject: Re: 2-10 queensway (BR/208/19/PL)

Dear Nick,

Thank you for the below .

I would be grateful if we could meet up on site to discuss the issues.

by way of back ground, we own both the QE2 and Richmond Arms pubs in bognor so have considerable local experience with the various management and licensing issues surrounding pubs in bognor.

taking each of your points in the order adopted below:

1. Management issues: There have been constant issues relating to the management of the pub running back as long as I can remember. There have been vagrants living in the under growth outside the pub on land on which the pub should be maintaining. There have been vagrants sheltering in and around the bins behind the pub. The bins, barrels and rubbish areas behind the pub are in a dire state of disrepair, filth , health and safety , fire and other hazardous states. I can provide photographic and email evidence of our complaints (as freeholder complaining to the leaseholder) running back years.

2. Music: The pub does not have music currently but :

a) it does have televisions, fruit machines and can be very very loud on a busy evening so people walking outside would naturally speak at an increased volume;

b) It is my understanding that the pub is permitted to have music on some occasions (pls confirm);

c) indeed what is stopping the pub playing music? (pls confirm);

d) we are not necessarily concerned with people going from inside to outside. we are concerned with people who are already outside just speaking loudly , drinking and smoking circa 3m from our implemented (therefore existing) windows.

3. There is a very grave concern that the floor area of the garden is going to increase by about 30% and also be much more used/ usable. The increased number of people will of course increase the noise. The noise was previously in one restricted part (below only a few flats). The new garden reaches around the back of the flats as well so exposes more flats to noise. further, the green buffer zone that had many large trees on it naturally dulled the sound. This will be gone and the flank was of the flats next door will of course reflect the sound. so more of our flats will be exposed to 30% more noise. the noise levels will increase due to increased number of users and the noise will increase due to loss of reverberation and loss of green buffer.

If we must have more noise, we would certainly wish for the new area to have a time restriction and as many conditions as possible.

what about smoking underneath our windows? noise is one issue but there are other issues. can you tell me the rules on smoking next to windows?

we are not the only possibly victim: are you aware that the new area will be turning a green buffer zone into a beer garden and the new beer garden will be immediately next door to doors and windows in the flats at fitzleet? literally 2 m away at ground level? pls confirm?

I had always understood that the green buffer zone was left vacant with bushes precisely to protect the fitzleet flats from the beer garden. I would imagine this is in the the planning history. have you checked this pls?

4. Licence review: as you will be aware , once the pub build their garden, the LPA will be under enormous pressure not to hold back or restrict the licence renewal: indeed they will be exposes to costs and damages if they do. In our experience, the issue must be handled correctly now. Based on my 20 years experience , I can absolutely guarantee that issues will immediately arise and our future residential tenants will be objecting constantly from day one. so permitting this now will lead to years of EH complaints and battles. This is costly and time consuming for all parties and we encourage a good decision now to avoid / minimise this.

5. Reasonable Purchasers: The pub has existed for years. But , we have already purchased the building with planning permission for flats. we had planned to build the flats and rent them out to young families providing a valuable contribution to the local need for affordable and sensibly priced housing for the young to rent. What is now happening is that our existing business to build and rent flats is being destroyed because the pub is expending its garden which makes many of the flats unusable/ unrelatable. so your summary is not the reality. It is not a question of future buyers. it is a question of us, as existing buyers having our business model damaged and tis is of detriment to many of the aims of the Local Planning policies. These poliscses encourage development of flats, encourage formation of new adorable units, encourage rental stock, encourage redevelopment of vacant spaces especially in sustainable town centre locations. If it is the now the case that about 4 of the flats are now severely damaged by increased noise, the viability of our scheme is threatened. By contrast, there is no evidence that the pub cannot continue to operate as it has for years. their viability is not threatened.

6. Nuisance: again, as you know, the practicalities of residents keeping sound recording devises in their living rooms and then presenting them and the LPA enforcing upon the pub that the pub close their garden is highly unlikely. I respectfully submit that the time to manage this likely issue is now . not after the horse has bolted.

Im sorry to write such a lot on this hence I think a meeting on site is the best solution.

kind regards,

Adrian.

On 11 Nov 2019, at 11:59, Nick Howard <Nick.Howard@arun.gov.uk> wrote:

Dear Adrian,

Thank you for your email. I have taken into consideration your concerns and I discussed this case with Arun DC Licensing team. EH and Licensing both accept the application to extend the beer garden at The Hatter's Inn, Bognor Regis and are reasons are as follows;

- We do not receive complaints therefore I feel the area is being managed correctly, we haven't ever observed issues on inspection and the premises benefit from SIA during peak periods
- The pub does not have music therefore there are no issues with people going outside and talking at an increased volume due to hearing not adjusting
- If there is concern I would recommend that we look at restricting use past a certain time but feel that this could only apply to the extended area as the current area is not presenting a problem. It is not right to restrict the business because a number of new flats have appeared
- There is **remedy available** via licence review if issues arise
- This business has been open for years and a Beer garden already exists . It would not be reasonable to the average person to purchase a flat and expect that they will not be aware there is a licensed premises there
- The licence holder has an obligation to ensure that they do not present a nuisance

Kind Regards
Nick Howard
SEHO

From: Adrian Burrows [REDACTED]
Sent: 06 November 2019 10:43
To: Nick Howard <Nick.Howard@arun.gov.uk>
Cc: Maria Tomalova <Maria.Tomalova@arun.gov.uk>
Subject: Fwd: 2-10 queensway

Dear Nick,

I would be grateful if you would consider my objection below.

perhaps we could meet on site and chat about the significance of the increase in beer garden and the affect it will have on our residential windows only 3m above the smokers and drinkers who could be in the garden until 1am.

many thanks in advance,

Adrian

Begin forwarded message:

From: Maria Tomalova <Maria.Tomalova@arun.gov.uk>
Subject: RE: 2-10 queensway

Date: 25 September 2019 at 18:40:17 BST

To: Adrian Burrows [REDACTED]

Dear Adrian,

I have acknowledged your objection.

Checking our website I could not see any problem; probably meanwhile they corrected it.

I have contacted Environmental Health Officer, pointing out the development above.

If permitted, the conditions will be attached.

Kind regards

Maria

Maria Tomalova | Senior Planning Officer, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37510 | External: +44 (0) 1903 737510 | E-mail: maria.tomalova@arun.gov.uk

Visit Arun's web site at www.arun.gov.uk  Save the environment - think before you print.

From: Adrian Burrows [REDACTED]

Sent: 20 September 2019 12:05

To: Maria Tomalova <Maria.Tomalova@arun.gov.uk>

Subject: 2-10 queensway

Dear Maria,

we write to raise our concerns about the extension of the beer garden at the Hatters Pub.

regrettably we cannot see the plans online, but it appears that the garden will increased in size by approximately 11m x11m which could have upto around 100 people standing in it on busy evening.

if you look at the existing beer garden and you take out the area required for the 2 sets of double doors to swing, the proposal serves to nearly double the usable floor area of the beer garden.

the objection we have is :

1. we have a permitted and implemented planning application for residential flats immediately above the beer garden. the windows to bedroom and living rooms are circa 2-3m above the head of a potential customer who is likely to be drinking in a crowded space (and possibly smoking) and therefore fairly loud.

2. we cannot see the references to the hours for the space to be used, but it seems completely intolerable to consider the space could be used so close to children's bedrooms after say 8pm. we seal of the flats on that elevation are two bedroom

flats and due to their size and location it seems highly likely that they would be occupied by families with young children . Any application to permit any enhancement of the beer garden will inevitably lead to significant objections from the future occupiers of the flats from an environmental perspective.

3. we accept that there is already a beer garden but the proposal not only vastly increases the area but also encourages customers further north into the garden which will means our north facing flats are affected ; further , the flats on the corner which could have previously shut their west facing windows and opened their north facing windows to get ventilation ,but limited sounds, will now have sound from both sides.

4. arun has a desperate need for low cost housing (as proposed) , especially in such a sustainable locations so close to shops and train station. we are concerned that vast extension to the beer garden will make the proposed flats less desirable and possibly un viable to build.

5. the original vegetated area was conceived to de couple the houses and flats to the north from the noisy beer garden. the loss of this area will have a detrimental impact on the flats and houses to the north which will now have a beer garden some 1m from their windows.

6. we are also concerned that there is a creeping of the use evolving over time. initially we believe the pub times increased , then the beer garden was formed then further licenses were applied for.

7. we cannot see any evidence in the application that the garden needs to be increased. we are concerned that it may be used for something such as live music that is not being fully disclosed at present.

8. The application is invalid becuase our company owns the freehold and we have not been served an owners notice. additionally, we have not seen a notice up on the site .this has meant that we only discovered the application yesterday and this has prejudiced our ability to object and discuss the matter with town council and environmental health etc. please arrange for the application to be withdrawn and a fresh application correctly submitted with an owners notice.

9 the address is incorrected stated as 2-8 queensway. it is 2-10 queensway. again, this has meant that anyone searching for the application using the correct address is unable to find the application and this has prejudiced our ability to object in a timely way.

other:

if this application is to be approved, may we propose the conditions are imposed to assist as follows;

- a) an acoustic canopy is attached to the west elevation of the building to protect the flats above from the noise and smoke emanating from the beer garden;
- b) the garden doors should have soft closers on them;
- c) ash try should not be fixed or close to the building - they should be farther away for both fire and smoke pollution reasons;
- d) no music should be permitted at any time;

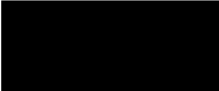
e) no live events should be permitted;

f) the opening hours should be restricted to no later than children's bedtimes ie 7 or 8pm.

please can you confirm your thoughts on the above.

kind regards,

Adrian
Adrian Burrows



<http://www.arun.gov.uk>

DX 57406 Littlehampton

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Adrian Burrows



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Adrian Burrows

