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14 August 2018

Re Licence Application: Bloom, 7 The Borough, Farnham, Surrey, GU9 7NA

Dear sir / madam

I am writing to register my objection to the above premises licence application for 7 The Borough, Farnham.

The basis for this opposition is that granting the licence will not promote the four licensing objectives, particularly the prevention of public nuisance – due to the harmful effects of noise and cigarette smoke on my ability to peacefully enjoy my home.

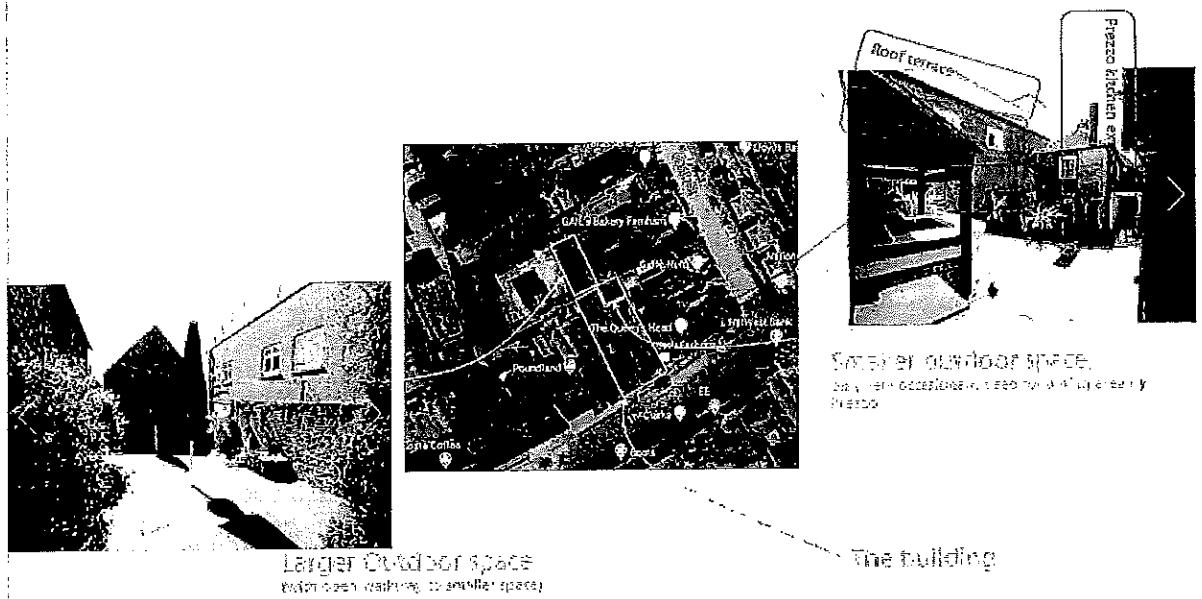
I will also explain in this note that, while I appreciate that there are separate regimes, with separate considerations, I don't consider it appropriate to grant a premises licence for a premises that clearly intends to operate as a bar with expanded food service, until or without condition upon the appropriate planning consent for change of use being granted.

I would like to make it clear that my partner and I support a mixed and thriving economy in Farnham town centre, including night time entertainment, and we are not shy of a fair amount of "town centre" noise early in the morning and late at night from coffee shops, restaurants and bars. But, we feel very strongly that the proposed use of the outside space would be a fundamental step-change from the existing use, and would be intolerably damaging to our residential peace and enjoyment.

1) Harm to right to enjoy residential home, and to residential amenity, from noise and cigarette smoke in the outside areas

Our property, [redacted], shares a long (c. 10 metre) side wall with the outside area of 7, The Borough, as shown in the right hand photo below.

Behind this wall, on the ground floor is a bedroom that is in regular use, on the first floor is our main living area (kitchen and lounge), with two windows, and on the second floor is a roof terrace.



The outside area of the premises is comprised of two rectangular areas, joined at one corner. Our wall runs along the smaller of those two rectangular areas. At the time that we purchased our property (which was developed in 2016), Prezzo, the restaurant previously at the premises, used this small area only very occasionally: for one or two tables of dining customers (once or twice a month), or slightly more often it was an area where kitchen and waiting staff would come out and relax/smoke. Because the use was occasional we didn't obtain secondary double glazing. But we have been aware that if a more thriving restaurant were to occupy the premises, we would need to, and we would need to keep our windows shut – as the noise of talking from only two or three people was already intrusive with our current windows. In addition – when people smoke in that area, smoke drifts into our living area, even through the trickle vents.

Our further concern, however, is that the area will not be used only for seated diners, being served alcohol only with meals. The source of concern being:

- We have viewed the plans at the town hall and there is a substantial bar which is clearly designed to be used as a bar for ordering drinks
- The licence application uses the word 'bar', and dining is described as a "small plates dining experience" – i.e. food to accompany drink, rather than the other way around
- The name, "Bloom" is evocative of a bar rather than a restaurant
- The experience of the responsible applicant shown on the website Linked-in is primarily in bar management, rather than restaurants
- The opening hours stated in the application (until 1am Thursday, Friday, Saturday; midnight Monday to Wednesday, 11pm Sunday) are far more aligned with opening hours of bars (for example the Queen's Head) than restaurants (e.g. Bill's, Giggling Squid, Brasserie Blanc, Cote Brasserie)

We know from experience that the noise levels from an area where people are drinking and/or smoking without seated dining are far in excess of that from a restaurant. We share a much smaller wall with the outside area of the Queen's head pub, and the noise from shouting, singing, laughing and banging on our shared wall, is, at least four or five times a month, very intrusive indeed – enough to be heard through ear plugs, which we wear for sleeping. That wall is not only smaller, but we are also offered some protection in our more

sensitive living areas (particularly the downstairs bedroom), because the shared wall runs alongside our stairs, and so is slightly separated from our living area, and we can shut another door to the bedroom.

I offer as evidence a short recording I made this Saturday (12th August 2018) at 11.40pm, from our downstairs bedroom (with the door to the bedroom shut) , which I trust demonstrates the potential noise from a licensed premises.

I do not think we would be the only residential properties suffering a significant loss of residential amenity through noise – we are also aware of the recently converted flats (with planning permission granted in 2017) in Old Kiln Yard, and we are aware that planning permission currently exists for 12 flats also running alongside the larger rectangular outside area of the premises, in the Poundland building, although we note that there is, at least, a c.6 foot tall physical wall between the premises and the Poundland building.

The licence should not be granted without appropriate planning consent for change of use, or without contingency upon such consent being obtained

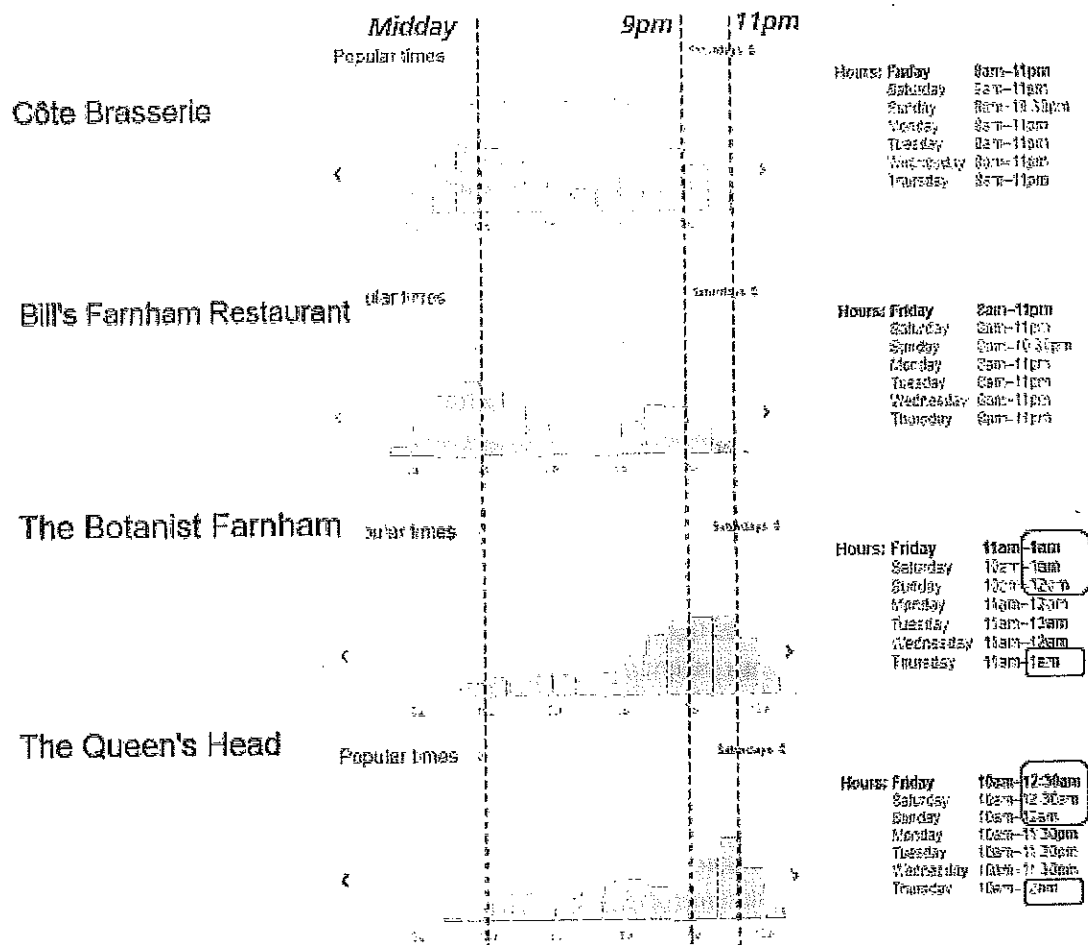
I am aware that the regimes for planning and licencing are different, and have different concerns. But I also believe strongly that they should be used to complement and inform one another, to ensure appropriate spaces are available for licensed activity in the town centre, as well as to ensure that when a licence application implies a change of use of a premises, that change of use is properly applied for.

With regard to this licence application, I think it would be a mistake to grant the licence without making it contingent on a successful change of use application from A3 to A4 or mixed A3 / A4 – as allowing restaurants to “morph” into bars through exploiting the potential for administrative ambiguity between the two categories would undermine the planning regime. I use the phrase “administrative ambiguity” here, as I believe every individual knows clearly the difference between a premises being used as a restaurant and a premises being used as a bar: For a premises being used as a bar during part of its opening hours, a significant proportion of customers are likely to visit solely for the purpose of consuming alcohol, with the option of food available but not always taken up. For a premises being used as solely a restaurant, only a very small proportion of customers would consume alcohol without consuming food. In addition, a premises being used as solely a restaurant would not need to employ door staff to prevent antisocial behaviour, and would not need to stay open until 1am.

I give as an example The Botanist – which has been located in 4-5 The Borough, since around 2016, before which it was a Café Rouge restaurant.

In my understanding, the premises has never applied for a change of use to encompass A4. However, it clearly does not function solely a restaurant. It is clear from the licensing hours, from the online marketing, from the use of door staff and from the music blaring out on many weekend evenings, that this is not just a restaurant.

I offer the following screen-shots from Google’s “popular times” analytics, that show that The Botanist, whilst still classified as solely A3 use, is far closer to the Queen’s Head in regard to usage than to nearby restaurants.



It is my concern that the applicant in this case, similarly, intends to run a bar and restaurant, but intends to get around the planning system – which does not seem like the actions of a responsible licensee.

I would also point to a growing concentration of late night bars in this one very small area of Farnham town centre: if granted this bar/restaurant would lead to a line of premises, almost adjacent to one another: The Queen's Head, Bloom, and The Botanist – which has the potential to exacerbate public order and crime problems, as well as noise. It may also lead to a dominance of bars and pubs, pushing restaurants out of the area.

Finally – I believe that the planning system is an important part of the process, because it is far more likely that the views of residents in the vicinity will be fully obtained. If the potential licensee makes the decision to attempt to avoid a planning application for change of use, then the residents will not be informed. It is only because I saw the workmen behind my residence that I became aware that any sort of application was underway at all. I imagine that some of the residences in the vicinity may be unaware of this application, despite the effect it will have on them.

I trust you will give due consideration to this objection, to the harm that the granting of this licence will do to my right to peacefully enjoy my residence and other residences nearby and to the misalignment of the application with the licensing objectives.