

## **APPENDIX 5**



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**Capita**

## REPORT

To: Licensing Section

Author: Claire Wilson  
Environmental Health  
Telephone: 0191 643 6645

Date: 8 April 2021  
Licensing Act 2003

**RE: Application for a premise licence at The Topsy Horse, Unit 20, Arrow Close**

The premises are located on a dedicated industrial estate, but there are residential properties located to the west of the site in Sharon Close that includes for a residential complex at Nellie Gormley House. The plans include for an external decking area for external drinking. This will result in a new noise source in the area.

Complaints are often received with regard to noise breakout from amplified music and customer noise from other premises that open late in the evening. Conditions are recommended to control noise breakout for nearest residential properties by requiring doors to the licensed premises to be kept closed except for access and egress as it is unclear on the sound attenuating properties of the structure and I note that the applicant is requesting for live and amplified music to be played at the premises. The playing of live and amplified music may result in noise breakout from the premises if it is poorly insulated and it is unclear if its construction will provide adequate sound attenuation for a licensed premises.

I note that external seating will be provided at the premises via a decked seating area. Environmental health receives frequent complaints about similar premises due to associated noise from the activity, specifically about loud voices from customers using the seating areas during the late evening. Any external seating areas that may be provided should be restricted to 08:00 – 21:00 hours Monday to Sundays to minimise noise late evening for neighbouring residents.

### **Recommendation**

I would recommend the following conditions:

- 1.0 Ensure the front doors, all fire exit doors and windows at the premises are kept closed except for access, egress or in the case of emergency.

Reason: To minimise noise breakout from the licensed premises to the residential premises.

## 2.0 Noise condition

The Licensee shall ensure that all noise arising from any licensable activities within the premises shall not exceed a level of 55 dB LAeq during daytime when measured over a 15 minute period for external amenity areas of residential properties located on Sharon Close.

Reason: To minimise noise transmission from the licensed premises to the residential premises.

3.0 No live or amplified music to be played externally at the premises.

4.0 Opening Hours: to those on the application.

5.0 Deliveries and collections must not be permitted between the hours 23:00 and 07:00 hours.

## External Seating Areas

6.0 The use of the external seating area shall be restricted to 08:00 hours to 21:00 hours Monday to Sundays.

Reason: To minimise noise late evening for neighbouring residents.

7.0 Submit for approval in writing to the Licensing Authority a noise management scheme for the premises with regard to the use of the external seating areas and any smoking areas, detailing measures to be taken to minimise external noise, and thereafter implemented.



**From:**  
**Sent:** 05 April 2021 14:56  
**To:** Liquor Licensing  
**Subject:** Premises license application - objection

\*EXTRNL\*

Re application for premises license for THE TIPSY HORSE UNIT 20 ARROW CLOSE KILLINGWORTH  
I object to the proposals submitted under the above application on the following grounds;

The Killingworth, Westmoor and Forest Hall area is already well serviced by pubs, restaurants and bars. The Shire Horse, Killingworth Club, Westmoor Club, Killingworth Arms, Plough, Coach Inn, George Stephenson and Station Hotel are all within a short distance of the proposed site as are several licensed and non-licensed restaurants and cafes as well as a plethora of take aways and fast food providers. There is simply no need for another such venue.

The provision of an open air venue is inappropriate in a predominantly residential suburban area. Even with well managed and controlled audio systems a significant degree of disturbance is inevitable, particularly in the late evening. Rather than being covered by a licensing application would an appropriate planning application not also be required in this respect?

In addition, the typical climate and prevailing weather in the north east does not lend itself to a permanent outdoor venue - I suspect that within a very short time period further proposals would be made to provide a covered seating area and other extensions to the already unsightly assembly of temporary and mobile buildings that have already appeared on this site.

The proposal is entirely out of keeping with the surrounding area. Whilst I fully accept that mobile bars and catering are an essential element of the facilities for city centres and for festivals etc there is no precedent of any such events in what is a small commercial estate surrounded by domestic dwellings. Historically there have been occasional community festival events held on the green spaces in and around the area but even the longest of these have been a few days at most in duration - provision of temporary bar and catering facilities for events such as this is perfectly reasonable and indeed necessary but what is being proposed by Topsy Horse is a permanent provision and would represent a permanent change to the surrounding area with significant negative impact in terms of visual and environmental intrusion.

The application references a low level audio system with satellite speakers to provide coverage. Without a permanent structure within which to mount these satellite speakers it is not possible to provide coverage in this way. Consequently it must either be the intention of Topsy Horse to build such a structure (in which case it is presumably attempting to circumvent objections by developing in several phases) or to use a conventional PA broadcast system to provide audio coverage to the outdoor area which will create significant disturbance.

In summary, I object to the potential granting of the above premises license and request a reply to acknowledge receipt of my objection and answers to the questions raised therein. I am happy to provide further detail to my objections and enter into correspondence if required. I provide my details to that end below.

Kind regards,

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Susan Vert

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**From:**  
**Sent:** 05 April 2021 11:25  
**To:** Liquor Licensing  
**Subject:** Opposing the license of The Topsy Horse

\*EXTRNL\*

I wish to oppose the license application of the Topsy Horse Killingworth.  
This area is surrounded by new houses where young families live.  
To have a license which allows them to play music and attract lots of people from 11am until 11pm is going to be a nuisance to so many people living nearby.  
The Station Hotel and Gosforth Park has a license to play music on an occasional Saturday night and we can hear it on Highfields Estate but this is time limited. To enable The Topsy Horse to play music every day for a long period is reckless.

Regards

Sent from my iPad

**From:** .uk>  
**Sent:** 06 April 2021 22:30  
**To:** Liquor Licensing  
**Subject:** Tipsey Horse, Unit 20, Arrow Close

\*EXTRNL\*

Dear Sir/Madam,

I am writing to you to firmly oppose the granting of a liquor license and premises license to The Tipsy Horse, Unit 20, Arrow Close, Killingworth.

There are various reasons why I believe that these licenses should not be granted:

1. Killingworth lake is surrounded by beautiful wildlife and lots of money has been spent on improving the area for locals (including children and families). A bar and lounge is not a pub, it does not attract the same types of clientele and it does not provide the same atmosphere or ambience that a local pub does. With most city centre bars going to struggle for social distancing and outside space, revellers from all areas will be looking for a local spot where they can have a 'night on the town', bringing noise, litter and anti-social behaviour with them. This will affect local wildlife and local residents in a bad way, damaging a township which has become better year on year since the towers were demolished, with Killingworth now a proud place to live. Killingworth does not have a high street like other main towns. We have a ring road which encompasses schools, parks and homes, and the thought of providing a license to a bar and lounge so close to new build properties, local businesses, a kid's park and an area which is a local refuge to many types of animals and birds, regularly visited by families is incomprehensible.
2. Killingworth and the surrounding areas are already home to too many local public houses and social clubs, with Miller & Carter restaurant (and cocktail bar) recently provided a license to sell alcohol in the area also. More new build houses and new jobs will be given as reasons as to why the licenses should be granted by the applicants, however this is exactly the reason why the licenses shouldn't be granted. With 'The Plough', 'The Killingworth Arms', 'The Station', 'The Clousden', 'The George Stephenson', 'Westmoor Social Club', 'Killingworth Social Club' and now Miller & Carter in the area, the location is saturated. Prior to the pandemic most of these establishments were struggling putting local jobs and businesses at severe risk. The new housing developments have provided nothing more than a fighting chance for our local pubs but the pandemic has affected them further, with some now clinging on. In a normal world trade should never be restricted, entrepreneurs never held back and new businesses and competition never seen as negative, however we aren't in a normal world. We are still in the midst of a global pandemic and this summer (if pubs do re-open - and anything can happen) provides our local pubs with a chance to claw back some of the money they have lost and the tenants repay some of the debt they have incurred due to something completely out of their control, in turn maintaining local jobs. It would be wrong to make any decision which will put these community hubs at further risk and local jobs at further risk. Next year yes but this year in the pandemic no, morally it is not the right decision.

3. The applicants operated a converted mobile horse trailer selling alcohol across the streets of Killingworth during lockdown, on considerably more occasions than their TENS license allows. It is therefore questionable whether they are fit and proper business people who are able to follow the licensing laws if they succeed in gaining a license. I would ask that the council request information about their sale of liquor during lockdown, all of which was advertised to locals on social media with total disregard to the laws they were breaking. Our local pubs have followed the rules throughout the pandemic and I am yet to hear of any local pub being caught bending, never mind breaking the rules even though they have been hit in the pocket hard. Seeing these individuals exploit the horrendous situation that we are all in for their commercial benefit paints a very telling picture of these individuals who supposedly want to transform the location for the benefit of the community.

I do hope that you see sense when making a decision on the granting of the licenses and take into account all aspects of the local community and the desperate times our local businesses in the hospitality industry find themselves in.

Yours faithfully

Susan Vert

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**From:** jm>  
**Sent:** 06 April 2021 22:04  
**To:** Liquor Licensing  
**Subject:** New licence

\*EXTRNL\*

Hi I would like to put objections in for licence application from. ' Topsy Horse ' Arrow close killingworth. I feel that the granting of this licence would be very detrimental to surrounding retail businesses that have struggled financially during coronavirus. Arrow close is an industrial estate which I feel does not lend itself to a licenced venue . I also feel that the noise from people leaving would cause a disturbance for people that have recently bought property nearby.

Susan Vert

5)

**From:**

**Sent:**

**To:**

**Subject:**

06 April 2021 21:58

Liquor Licensing

Tipsy horse.

,>

\*EXTRNL\*

I live very close to this ..not happy ..the noise level at closing times will be appalling....I am a shift worker..

Susan Vert

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**From:** net>  
**Sent:** 06 April 2021 17:49  
**To:** Liquor Licensing  
**Subject:** Topsy horse licence application

\*EXTRNL\*

I would like to support the application from the Topsy Horse Killingworth. Killingworth has expanded over the years, however there are very few pubs/restaurants. The Topsy horse is on an industrial estate away from housing. I cannot see it being any noisier than the Station Hotel which is a short walk away. It will be exciting for the area and hopefully create jobs for local people as well as being good for the local economy. Thank you for reading this '

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Sent from Samsung tablet.

Susan Vert

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**From:**  
**Sent:** 06 April 2021 19:41  
**To:** Liquor Licensing  
**Subject:** Topsy Horse notice of premises

\*EXTRNL\*

To whom it may concern

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> I would just like to put in a note of support for the liquor licence that has been submitted by The Topsy Horse to open a licenced premises in Unit 2 Arrow close, what has already been done in that area is very exciting and will most certainly bring a new and exciting atmosphere to Killingworth and North Tyneside.

>

> Many thanks

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>

> Sent from my iPhone

**Susan Vert**

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**From:** ( ) < >  
**Sent:** 07 April 2021 08:03  
**To:** Liquor Licensing  
**Subject:** Support for licensing application.

\*EXTRNL\*

Hello, I am a resident of Killingworth and would like to voice my support for the application to licenced premises of the proposed development at unit 20 Arrow Close Killingworth.

Sent from my Huawei phone

Susan Vert

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**From:**  
**Sent:** 07 April 2021 09:48  
**To:** Liquor Licensing  
**Subject:** The Topsy Horse, Arrow Close, Killingworth

\*EXTRNL\*

Please note that I am in support of the plans for the restaurant/ bar, we do not have enough restaurants in Killingworth to cater for all the people living here, there should be more

10  
**Susan Vert**

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**From:**  
**Sent:** 07 April 2021 10:56  
**To:** Liquor Licensing  
**Subject:** The Topsy Horse

\*EXTRNL\*

Hi,

I am a resident in Killingworth and I 100% support the opening of this venue. Not only will it bring more jobs into the area, it will add more value to the surrounding community. I fully believe a majority of this community will welcome a new venue to get together.

Considering recent global events, to bring the community together more is a blessing we have all missed out on for over a year. And there is not many nice bars around here so will be nice to have a decent place to go to thats local.

Kind regards,

**Gary Callum**

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**From:**  
**Sent:** 07 April 2021 19:00  
**To:** Liquor Licensing  
**Subject:** The Topsy Horse. 20 Arrow Close.

\*EXTRNL\*

Hello.

I would like you to consider my wife's and my support of this proposal.

After a long time without any form of social meeting places, this will be a welcome boost to an area that is increasing in size exponentially and is not particularly well served with good quality, well run venues.

This will be run by a local man who is well aware of resident's concerns and seems to have taken this into consideration.

Please support a local business in these difficult times.

Best Regards.

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**Gary Callum**

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**From:**  
**Sent:** 07 April 2021 22:23  
**To:** Liquor Licensing  
**Subject:** The Topsy Horse Ltd

\*EXTRNL\*

Dear Sir/ Madam,

I am in total support of this license being approved. It will bring much needed entertainment to the area and possibly create extra jobs.

Regards

Susan Vert

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**From:**  
**Sent:** 08 April 2021 13:43  
**To:** Liquor Licensing  
**Subject:** Re pub at arrow close west moor

\*EXTRNL\*

Dear Sir I would like to offer my support for the new public house at Arrow close west moor  
Kind regards

Sent from my iPhone

Susan Vert

14

**From:**

,1>

**Sent:**

07 April 2021 13:09

**To:**

Liquor Licensing

**Subject:**

The Topsy Horse

\*EXTRNL\*

I would just like to say that I am in favour of this development.

Specifically as it allows additional functionality in the means of hospitality in an area that has expanded considerably in the past 10 year, with amenities no longer meeting the needs of the community.

Live events in this dedicated area is welcomed.

Sent from my Galaxy

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**From:**  
**Sent:** 08 April 2021 13:33  
**To:** Liquor Licensing  
**Subject:** Arrow Close development

\*EXTRNL\*

Good afternoon,

I would like to give my support to the license application at Arrow Close. I think the development will be a great addition to the surrounding area.

Thanks

Susan Vert

16 .

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**From:** xi.com>  
**Sent:** 08 April 2021 13:32  
**To:** Liquor Licensing  
**Subject:** Arrow Close

\*EXTRNL\*

Good afternoon,

I would like to give my support to the license application at Arrow Close. I think the development will be a great addition to the surrounding area.

Thanks

Susan Vert

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**From:**  
**Sent:** 08 April 2021 13:26  
**To:** Liquor Licensing  
**Subject:** Arrow close

co.uk>

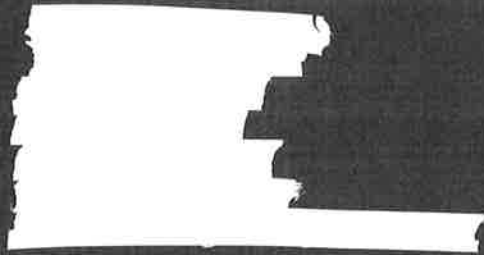
\*EXTRNL\*

Hello,

I would like to confirm that I support the license application at Arrow Close.

Many thanks

Sent from my iPhone



**NorthTyneside Council**

The Licensing Section,  
The Killingworth Site  
Harvey Combe  
Killingworth  
Newcastle upon Tyne  
NE12 6UB.

Dear Sir or Madam,

I am writing in relation to the licensing application by 'The Topsy Horse' Unit 20 Arrow Close Killingworth. I would like to object to the application on the grounds that the noise from such an 'open air' venue would be a public nuisance, the noise pollution from which would be detrimental to the surrounding area not least the 'Lakeside Park' which is an increasingly well used local beauty spot and haven for wildlife.

I would appreciate it if you would take my concerns into consideration when processing this application.

Yours sincerely,