

Breese, Robert

From: Deborah Tompkinson
Sent: 18 May 2014 14:31
To: M&CP - Licensing
Subject: Planning application for licensed premises at 200 Aldersgate Street

Dear Sirs

I object to the current planning application in respect of licensed premises at 200 Aldersgate for the reasons below.

1 Prevention of public nuisance

There are 4 inevitable sources of a public nuisance:

(i) Customer noise every night until Midnight, save Fridays and Saturdays when it will continue to 1.00 am.

(ii) Noise / vibration from music / dancing.

(iii) Kitchen extractor fans, facing onto Aldersgate will emit cooking smells and noise affecting all flats on the front of Aldersgate.

(iv) Air conditioning plant to be installed at ground level in the rear of 200 Aldersgate Street, facing the rear of London House, and affecting all the flats at the rear. Our own flat is at the rear.

These nuisances engage Articles 8 and Article 1 of the First Protocol Human Rights 1996 (Respect for family life and Peaceful enjoyment of property, respectively).

The Act is engaged by the City's right to control uses of property. A fair balance must be struck. The balance should be exercised in favour of refusing the permission because:

a 172 Aldersgate has been residential property (over 80 flats) since it was built. 200 Aldersgate was designed, built, and used as lawyers' offices. Prior to Clifford Chance's departure, and since, it was never used for public entertainment or sale of alcohol.

b It follows that this application is not a continuation of former use but a new one. If any previous approvals of use included such possibilities, they were not employed, and the application constitutes a de facto change of use.

c The owner can use the building in the ways it was formerly used and many other ways (current use includes a health club) without interference with its enjoyment.

d Conversely, granting the application will interfere substantially with ours.

e Our leases forbid us to make any noise that can be heard outside our flats after 11.00 pm. Tenants will be deprived of a valuable benefit in their leases without compensation or remedy.

f Many of our residents (myself included) work in occupations in the City which require them to rise early – and retire to sleep early. And see below, we have families with young children.

g The City's own policy is that residents are entitled to peace and quiet between 2300 and 0700.

h Previous commercial tenants in 200 have installed noisy air conditioning machinery, without permission, then sought retrospective approval for a fait accompli. The City encourages applicants to consult with neighbours.

This applicant has not done so. That bodes ill for its compliance with application procedures on other matters, such as more air-conditioning - or with terms of approvals.

2 Protection of children from harm

The building includes families with young children. Merrymakers' noise is erratic and be particularly difficult for any child to filter out so she can sleep. It is our understanding that medical practitioners consider that children need more hours sleep, and at more regular intervals, than adults.

Yours faithfully

Deborah Tompkinson
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