

Minas, Aggie

From: Stothard, Gideon
Sent: 07 June 2018 17:48
To: M&CP - Licensing
Subject: RE: Application for licence review - Gremio De London, 26A Savage Gardens EC3N 2AR (Tower ward)

Good afternoon

I am emailing this representation in support of an application for the review of a premises licence at 26A Savage Gardens EC3N 2AR under the licensing objective **prevention of a public nuisance**.

Relevant Planning History

Planning permission was granted on 06/02/1969 (app. no. 4489K) for "Change of use of the 1st floor from warehouse to licensed restaurant (area involved 3,500 sq. ft.) at Arches 9a, b, c, d & e, Crutched friars". Plans accompanying the application show that this relates to the internal area of 26A Savage Gardens. There is no planning permission for the yard adjoining 26A Savage Gardens (which is regarded as a separate planning unit). There have been no applications for change of use of either 26A Savage Gardens or the yard since.

The yard to the rear of 26A Savage Gardens (land bounded by 25, 26 and 26A Savage Gardens, 1 Pepys Street, Coopers Row and the railway arches) was included within the licenced area on the plans submitted with the 2017 licence application. A search of our records has returned no planning history for the yard.

Planning Use

On the 21 April 2005 the 1987 Use Classes Order was amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005. Those uses previously falling within Class A3 (Food and drink) which included restaurants, cafes and bars were reclassified into Class A3 (Restaurants and Cafes), Class A4 (Drinking establishments) and Class A5 (Hot food takeaways). If a premises were in use as a mix of these classes on 21 April 2005, as defined by the Use Classes Order, the premises could continue to be used as such without requiring planning permission. On the basis of available evidence as to how the premises has been operating post 1969 and pre-21 April 2005, the indication is that the property has been used for the sale of food and drink for consumption in the building, and therefore falls within class A3.

There is little evidence regarding any use of the external yard. There is some limited evidence that part of the yard has been minimally used as a smoking area accessible via the fire escape from 26A Savage Gardens. There were previously a couple of small outbuildings in the yard, possibly in use as storage for one of the retail units backing onto the yard (26A Savage Gardens, 9 Crutched Friars or 9A – 9B Crutched Friars) to a very limited extent. The owner of the land, Network Rail, described the yard as in poor condition, and that it had not been maintained for many years. Based on the evidence available, it is considered that any use of the yard in connection with the restaurant until commencement of the recent building works has been very limited (i.e. de minimus) and not sufficient to be give rise to any established A3 or A4 planning use of the yard, nor to alter the position that it remained a separate planning unit. The yard therefore has no authorised use in planning terms.

Objections

I am submitting this representation to support the review of the license granted to Gremio de London under the licensing objective prevention of a public nuisance.

The rear yard is bounded by 9 residential flats within 25 and 26 Savage Gardens to the west and 90 flats in 1 Pepys Street to the south, a large number of which have windows overlooking the yard. The openings to 26A Savage Gardens (which have recently been enlarged and enhanced) and the metal platform forming the fire escape at first floor level (which is proposed to be used as access to the lower terrace) are in close proximity to the residential units. The western most door opens directly adjacent to the nearest unit at 26 Savage Gardens, whilst the raised terrace directly adjoins a first floor flat roof of no. 26 Savage Gardens, (which houses a skylight serving a ground

floor flat) and is in extremely close proximity to a bedroom window of the first floor flat of no. 26. The windows to the rear of no. 25 Savage Gardens and 1 Pepys Street are set back slightly from the yard area behind a wall rising to first floor level but are still in close proximity to the unit and yard. Windows located at first floor and above in the residential premises directly overlook the yard. There are therefore significant members of the public affected by activities in the yard.

Local residents have an expectation that noise will diminish particularly as the evening progresses. In this case the use of the yard will have a detrimental noise impact upon the many surrounding residential properties, both throughout the day and into the evening. The rear yard is expected to hold 50-60 people. Where there are congregations of people, particularly when eating and drinking, it is common for there to be a build-up of noise. The City's Noise Strategy 2016 – 2026 specifically identifies that a significant proportion of noise complaints are generated by "cafes, pubs and bars" and identifies the key source from "leisure uses" as "people and music". Furthermore the yard is enclosed on all sides which will have the effect of amplifying any noise.

In addition to noise from people in the yard, there is potential for the noise generated from within the premises escaping through the enlarged openings whether open or closed and the resulting noise being clearly audible from within the residential units beyond. This is particularly a problem in quiet locations where there are less background noises. The significant increase in the size of openings on the rear elevation would increase the potential for noise to escape unless significant soundproofing was installed and the doors and windows kept shut. This would appear to be impractical as the doors would be in constant use to access a rear smoking area and to access the yard below and therefore it is likely there would be noise seepage whenever the door is used.

The license for the proposed yard restricts the hours of use to midnight at the latest. While this may limit some harmful effects of the yard the new doors between 26A Savage Gardens and the yard would likely be kept open, particularly within the warmer months. This will mean there will still be significant potential for noise transfer between 26A Savage Gardens and the neighbouring properties into the early hours.

The raised outdoor terrace is likely to be utilised by smokers and people standing and drinking, particularly in summer months. The proximity of residential windows to the proposed raised terrace means that there is a high chance of smoke spreading into the residential properties, which would not be acceptable, and for customers to be standing and chatting in close proximity to residential premises giving rise to a noise nuisance. There would also be the potential for overlooking issues for the first floor flat at 26 Savage Gardens and for the flats at the lower floors of 1 Pepys Street.

In both the City of London's Development Plan and Statement of Licensing Policy the onus is on developers to demonstrate that proposals will not create a public nuisance, and where there will be a nuisance to provide mitigation measures. The issues raised do not appear to have been sufficiently addressed in order that the licensing objective is not undermined.

Other Comments

It should be noted that the proposed use of the yard and the physical alterations associated with enabling that use constitute a material change of use and operational development requiring planning permission. No application for planning permission has been submitted to the Development Division and the use and development are therefore unauthorised. The Planning Enforcement Team are currently conducting an investigation into this matter. Any application for planning permission would need to be considered on its merits and cannot be pre-determined.

Kind regards

Gideon Stothard

Town Planning Assistant (DM and Enforcement)

Department of the Built Environment

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www.cityoflondon.gov.uk/plans



From: Williams, Loreen

Sent: 18 May 2018 12:18

Subject: Application for licence review - Gremio De London, 26A Savage Gardens EC3N 2AR (Tower ward)

Dear All,

Please find attached an application for licence review, received recently by our Licensing section. If you have any further queries, please do not hesitate to contact the Licensing Team on 020 7332 3406 or via email licensing@cityoflondon.gov.uk

Objections or comments are to be made by **Friday 8th June 2018**.

Kind Regards

Loreen Williams
Operational Support Officer
Markets and Consumer Protection
City Of London