

Simmons Bar, Widegate Street – TEN Hearing

The Pollution team have submitted representations to object on the grounds of 'Prevention of Public Nuisance' to the 4 applications of Temporary Events Notice submitted for the following dates:

- 2nd December 23:00 until 4th December 03:00 (operating 23:00-03:00 each evening)
- 9th December 23:00 until 11th December 03:00 (operating 23:00-03:00 each evening)
- 16th December 23:00 until 18th December 03:00 (operating 23:00-03:00 each evening)
- 31st December 23:00 until 1st January 04:00

Paragraph 91 of the City of Londons Licensing Policy states:

'The City Corporation understands the view of the Government but considers that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23.00 and 07:00.'

Considering the frequency of these most recent TENs applications does cause some concern for our department. It is proposed that Simmons Bar operate across 3 consecutive weekends starting from 23:00 on Thursday until 03:00 Sunday, which in our opinion would be detrimental to the residential receptors in the vicinity.

Applications for TENs at these premises have historically been submitted across the previous year I believe there were 18 TENs in total representing 9 evenings 23:00-03:00 the following day, these TENs did not receive representation from the Pollution Team and we have no evidence to support these events took place or that they caused disturbance to the local receptors.

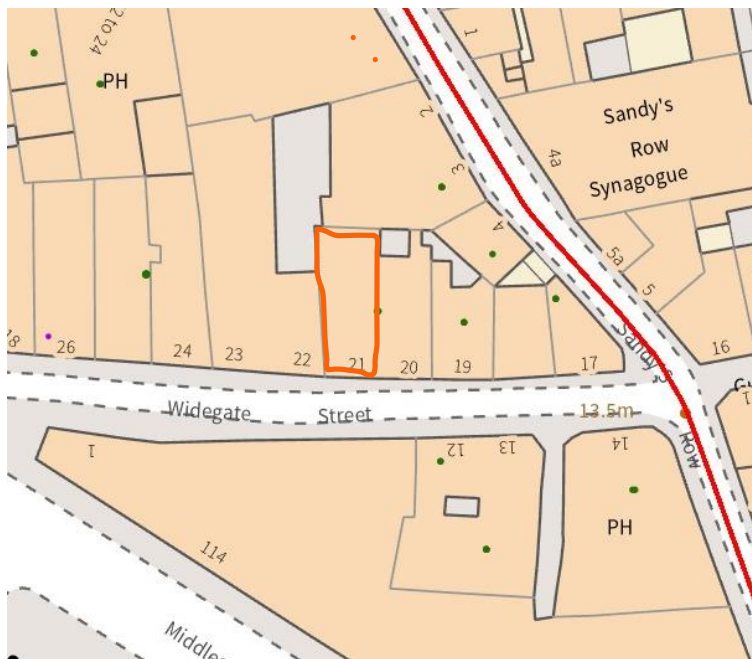


Fig 1. Demonstrates the location of Simmons Bar, 21 Widegate Street, outlined in orange.

The Green Dots denote residential locations.

Residential locations in close proximity to Simmons Bar:

3 flats @ 20 Widegate Street
London E1 7HP

5 flats @ Sandy's Row Apartments
2 - 3 Sandy's Row London E1 7HW

2 flats @ 12 Widegate Street
London E1 7HP

There are 3 flats above the venue, 2 of which share a party wall that has historically demonstrated structural deficiencies which allow noise to travel through the building. This department are aware that some of the properties above Simmons Bar may be let to people staying a few days here and there, sadly the transient nature of these residents would make it difficult to quantify nuisance as they are not likely to make a complaint to the local authority and would in fact opt to complain to the letting agent / owner.

The last complaint received by this department for Simmons Bar was received in March 2019 from residents in Sandy's Row who overlook a courtyard and back door utilised by the staff of Simmons Bar.

On 28th June 2019 a planning hearing took place following an appeal from a planning enforcement notice. The premises had been operating as a drinking establishment but had a restaurant / retail use class. Conditions were recommended by the Pollution team to mitigate the impacts of the drinking establishment on the residents in the vicinity, and whilst it is accepted that Widegate Street is an area that is busy and vibrant in the evening a terminal hour of 23:00 was determined to be appropriate **“to allow residents respite from any noise arising from the premises at times when they should have reasonable expectations for quiet to sleep and relax”**.

The planning inspector stated

“The main issue is the effect of the development on the living conditions of neighbouring residents with particular regard to noise and disturbance.”

He went on to say

“However, subject to controls over opening hours, such noise would not continue on into times when residents would have their highest expectations for peace and quiet. Indeed, it is suggested that peak hours for the premises are between 1830 and 2100. At the Hearing, the parties agreed that, whilst it was earlier than the licencing regime allowed for, a closing time of 2300 would be appropriate. Furthermore, residents living in busy, vibrant mixed residential and commercial areas where there are high levels of night time uses will have expectations for higher ambient background noise levels. It seems to me that a closing time of 2300 would allow neighbouring residents peace and quiet at times when they have the highest expectancy for sleep and relaxation. Particularly since the licencing regime requires music to desist by 2130.”

He then imposed a condition restricting the hours of operation which the applicant now seeks to circumvent by means of a TEN application. It is my opinion that the Planning Inspectors decision (please see Appendices for the Planning Inspectors Appeal Decision) was correct with respect to this matter as the occupiers of the residential properties in the immediate vicinity are likely to be adversely impacted by noise later into the night if these TEN applications were to succeed.

There is currently a planning application for these premises in the process of determination to bring the operating hours in line with the premises licence for this premises.

The current Premises Licence states that they can sell alcohol and play recorded music:

- Sunday – Wednesday 10:00 - 23:00
- Thursday to Saturday 10:00 - 01:00

Unfortunately, the Planning department are not consultees for TENs and are unable to make representation at this time, in spite of any potential breach of planning conditions.

The applicant has informed us that since the planning inspectors' decision in 2019 improvements to the premises have been made, and insulation has been installed. This department has received no evidence to suggest that these improvements have positively impacted the acoustic properties of the building.

There is a sound limiter that has been set with assistance from this department following the planning inspector's decision. The noise level was set with a 23:00 terminal hour in mind and not later.