

Meeting of the

# LICENSING SUB COMMITTEE

Thursday, 19 December 2013 at 6.30 p.m.

## SUPPLEMENTAL AGENDA

	PAGE NUMBER	WARD(S) AFFECTED
5 .1 Application for a New Premises Licence for The Stables Gallery, Lower Ground Floor, 106 Commercial Street, London, E1 6LZ - Supporting documents	1 - 74	Spitalfields & Banglatown
5 .2 Application for a New Premises Licence for Bottle Shop and Tap Room, Arch 251 Paradise Row, London, E2 9LE - Supporting documents	75 - 80	Bethnal Green North
6. <b>ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT</b> Application for a Temporary Event Notice for Bar Solento, 3 Clove Crescent, London E14 2BB	<b>81 - 108</b>	

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**“THE STABLES GALLERY”**

**LOWER GROUND FLOOR**

**106 COMMERCIAL STREET**

**LONDON E1**

**APPLICATION FOR A NEW PREMISES LICENCE**

**LICENSING SUB COMMITTEE MEETING OF 18:30 HOURS ON 19 DECEMBER 2013**

**SUPPLEMENTARY INFORMATION**

*16<sup>th</sup> December 2013*

## **A. INTRODUCTION**

This document (the “**Supplementary Statement**”) provides supplementary information in support of the application for a new premises licence (the “**Application**”) by Ely & Sidney Limited (the “**Applicant**”) for the Stables Gallery, Lower Ground Floor, 106 Commercial Street, London E1 (the “**Premises**”).

The Application is being determined by the Licensing Sub Committee at a meeting to be held at 18:30 hours on 19 December 2013 (the “**Hearing**”).

A main agenda (the “**Agenda**”) has already been produced for the Hearing. This Supplementary Statement is intended to be provided as part of a Supplementary Agenda.

After having recently seen the Agenda and the two objections to the Application from local residents, we have responded directly to those two objections, and have accordingly produced this Supplementary Statement to demonstrate the same for the benefit of the Licensing Sub Committee, and to provide additional information.

We hope that the submission of this Supplementary Statement does not cause too much inconvenience and hope that its contents are helpful in consideration of the Application.

This Supplementary Statement also contains the following **Appendices**:

- Appendix A:**           **Email to Annaleena Piel Linna of 14:57 hours on 16 December 2013**
- Appendix B:**           **Email to Stephen Morris of 15:46 hours on 16 December 2013**
- Appendix C:**           **Additional Photographs**
- Appendix D:**           **Stables Gallery Surroundings Plan**
- Appendix E:**           **Updated proposed Conditions (‘tracked’ and ‘clean formats)**
- Appendix F:**           **Updated Acoustic Report**

## B. CORRESPONDENCE AND ENGAGEMENT WITH LOCAL RESIDENTS

There have been two objections to the Application from local residents, being the residents living at 1 Peck's Yard and 2 Peck's yard respectively.

**Appendices A and B** of this Supplementary Statement contain emails from Jason Zeloof to each of those two local residents.

We have sought, in these emails to:

- **respond to all specific points raised** in each resident's representation;
- **clarify the scope of the Application** relating to use of the Premises as a low impact exhibition and events space;
- provide **electronic copies of some of the Application materials** to assist with the clarification of the Application proposals;
- demonstrate that the Application proposals will not cause any disturbance, and to provide comfort that the Application has been vetted by the Council's **Environmental Health Department** (including a site visit), and that **they are satisfied that no disturbance will be caused**;
- clarify that the Application does **not propose off-sales of alcohol**;
- demonstrate and **provide comfort that the four licensing objectives will be promoted** in relation to the proposed premises licence; and
- **invite further comments**.

These emails are included in this Supplementary Statement in order to:

- provide the Licensing Sub Committee with **answers to the points raised** in the two residents' representation;
- demonstrate that we **take residents' comments seriously**, and have taken the time and effort to **address all of the points raised in considerable detail**; and
- demonstrate that we are **engaging** with the two residents in relation to the Application.

### C. PHOTOGRAPHS AND DETAILS OF PECK'S YARD ELEVATION TO THE BUILDING

One of the resident representations commented that the Application Photographs (Appendix 2 of the Licensing Statement of 10 September 2013) did not include photographs of the Peck's Yard elevation of the Building.

Although (as is explained in the email to Mr Morris in **Appendix B** of this Supplementary Statement):

- the Premises forms a small part only of the whole Building at 106 Commercial Street,
- Peck's Yard is proposed only to be an emergency exit route for the Premises, and
- Peck's Yard does not directly adjoin the Premises or form part of any normal entrance/exit route to the Premises (that entrance/exit route is via Commercial Street and the Atrium of the Building),

in order to address Mr Morris' query and to provide as full and comprehensive a picture as possible, we have prepared additional photographs (the "**Additional Photographs**") which are contained in **Appendix C** of this Supplementary Statement.

As also explained in full in the email to Mr Morris, we confirm that the Building's current elevation to Peck's Yard is comprised of the following:

- An external layer made up of profiled metal sheeting (corrugated steel) of 1mm, being the external elevation;
- Immediately behind that profiled metal sheeting, layers of dense rockwool sound attenuating material of 200mm thickness (this itself is made up of two layers of rockwool, each of which is 100mm in thickness); and
- Immediately behind the rockwool insulation, timber cladding of 12mm thickness, this being the internal skin of the Peck's Yard elevation to the Building.

The Additional Photographs in **Appendix C** show all elements of this elevation to Peck's Yard, including the external elevation and also including detailed photographs of each of the above referred to layers of materials.

This provides an excellent level of acoustic insulation for the Building's elevation to Peck's Yard, which is explained further in Section D below.

## **D. NOISE – PREVENTION OF PUBLIC NUISANCE**

The two resident objections in objection to the Application relate purely to their concern as to the potential of noise disturbance from the Premises. Accordingly we have (in addition to the correspondence with those two residents) prepared this Section D to the Supplementary Statement in order to provide additional comfort in relation to the Prevention of Public Nuisance licensing objective.

### **(i) Updated Acoustic Report – Existing Elevation to Peck’s Yard**

The representation from Mr Morris of 2 Peck’s Yard questions the boundary treatment of the Building’s elevation to Peck’s Yard.

This elevation is referred to in the Acoustic Report forming part of the Application materials as to be replaced with a glazing system, and concludes that with this glazing system in place there will be no disturbance caused to neighbouring residents. Mr Morris notes that the glazing system is not yet in place and planning permission for the same has not yet been sought. It is correct that the glazing system on this elevation is not yet in place and also has no planning permission as yet.

Although we do not anticipate a problem in planning permission for the glazing being granted (as we consider that changing the existing corrugated metal external elevation treatment for a glazed boundary treatment would be an improvement aesthetically), we have noted Mr Morris’ point here, and accordingly have, in order to demonstrate absolute robustness in relation to the prevention of public nuisance, commissioned an updated acoustic report.

The updated acoustic report (report ref: 5488C/NIA Revision 1, dated 16 December 2013)(the “**Updated Acoustic Report**”) is contained in **Appendix F**.

For clarity, the existing boundary treatment for the elevation of the Building to Peck’s Yard is made up of the following:

- Corrugated steel (1mm) on the external elevation.
- 200mm of dense rockwool insulation (made up of two x layers of rockwool, each being 100mm thick); and
- 12mm timber cladding on the internal elevation.

The Additional Photographs in **Appendix C** show all elements of this elevation to Peck’s Yard. We stress that this Peck’s Yard elevation has the benefit of full planning permission.

This existing construction of the elevation to Peck’s Yard provides a high level of acoustic insulation which is specifically assessed in the Updated Acoustic Report.

Section 4.5 of the Updated Acoustic Report contains the main assessment of the existing Peck' Yard elevation, and concludes that with the existing construction of the elevation to Peck's Yard:

- a) there is only a 1dB difference between the existing elevation and the proposed glazing system, and that this difference is "*not material*";
- b) the predicted noise from the Premises reaching Peck's Yard would be 12dB below the lowest measured background noise levels recorded.
- c) noise from the Premises "*will not cause disturbance to nearby residents*".

In simple terms, the predicted noise caused by the Premises cafe, on the basis of all the various worst case scenario assumptions used in the Revised Acoustic Report, will be considerably (more than 10dB) below than the existing background noise levels for 1 and 2 Pecks Yard. This means that the noise of the Premises will not be heard at these properties and in acoustic terms is a positive indication that complaints are unlikely under BS4142.

The Updated Acoustic Report concludes (Section 7.0) that:

- "*we do not consider the proposed use of part of the Exhibition Spaces in the lower ground/basement level of the 106 Commercial Street building as exhibition and events spaces as envisaged in this report will result in any detrimental effect on the prevailing noise climate at the facades of nearby residential properties*"
- "*it is our professional opinion that predicted and potential noise generated from the proposed exhibition and events use of the Premises between 10:00 and 23:00 hours Monday to Sunday will not cause disturbance to nearby residents. **This is the case both for the current construction of the elevation to Peck's Yard and the proposed construction.** We therefore recommend that the proposed use should not be refused on the grounds of noise*" (our emphasis).

We consider that this is conclusive that with both the current and proposed elevations to Peck's Yard (thereby providing 'belt and braces' protection) the Application proposals will cause no public nuisance or other noise related disturbance.

## **(ii) Acoustic Reports - Worst Case Scenario Assumptions**

As a reminder, we confirm that the worst case scenario assumptions made both of the Acoustic Reports are as follows:

- It is assumed that the windows of neighbouring residential properties are open.
- It is assumed that all customers in the Premises will be *speaking simultaneously*. This is unlikely to be the case. Rather, it is most likely that a small proportion of customers will be speaking at any one time. It is usually the case that when one person in a group (or couple) of friends is speaking, the other people will be listening to the first person speak. If this was not the case it would be impossible to hold any meaningful conversation.
- It is assumed that all customers in the Premises are *speaking with raised voices*. We consider that in light of the exhibition and events use of the Premises, that people will be speaking using normal (rather than raised) voices.



- The benchmark background noise level being used throughout is the *quietest 15 minute period measured* on the survey days during the proposed operating hours.

By applying these worst case scenario assumptions in both of the Acoustic Reports, RBA Acoustics add to the robustness of this report. This provides a stronger demonstration that the Application proposals will not cause any noise nuisance.

**(iii) Transmission of noise from the Premises to 1 & 2 Pecks Yard through party walls**

Both Acoustic Reports (Section 5.0) make a specific and detailed analysis of the potential for the transmission of noise through party walls, and confirm that there will be no noise transfer through party walls between the Building and each of 1 and 2 Pecks Yard.

The Stables Gallery Surroundings Plan in **Appendix D** identifies 1 and 2 Peck's Yard in relation to the party walls in more detail.

**(iv) Store room in Gallery 1 - additional sound insulation to 1 Peck's Yard**

In addition to the assessment in the Acoustic Reports relating to transmission through the party wall itself to 1 Peck's Yard, we note that Gallery 1 (which is adjacent to 1 Peck's Yard) is to have a store room built at the north end of the premises. This is shown both on the proposed Premises Licence Plan (which formed part of the main Application materials) and also in more detail in the Stables Gallery Surroundings Plan in **Appendix D**. This store room will provide an *additional level of sound insulation* between the Premises and 1 Peck's Yard.

**(v) Glazing between the Premises and the Atrium of the Building**

Although this is already referred to in the Application materials and correspondence to residents, we reiterate that almost all of the existing openings between the Premises and the Atrium of the Building are to be re-glazed. This is also referred to (and annotated) in both of the Acoustic Reports.

This glazing will provide additional sound insulation to the Premises, will reduce any noise breakout from the Premises to the Atrium of the Building, which in turn will reduce the potential for noise to breakout from the Building to any surrounding residential properties.

To make this point clearer the openings which are to be glazed are annotated on the Stables Gallery Surroundings Plan.

**(vi) Noise from egress**

We stress that in terms of egress, as the main entrance to and exit from the Premises remains via Commercial Street, there is no change to the submissions in the Licensing Statement dated 10 September 2013.

In this respect we refer to **Section 10B** of the Licensing Statement.

We would add that the Revised Acoustic Report also maintains the confirmation that in terms of egress “*it is anticipated that the customers leaving the Premises will not unduly influence the character of the existing noise climate at the nearest residential receptors*” (Section 6.0) i.e. that customer egress from the Premises will not materially increase background noise levels and will not detrimentally affect residential amenity.

**(vii) Other Prevention of Public Nuisance factors**

We stress also that in terms of all other prevention of public nuisance factors, there is no change to the submissions in the Licensing Statement dated 10 September 2013, and we refer to the following sub-sections of **Section 10B** of the Licensing Statement:

- No external seating
- Low impact operation
- Very limited hours
- No ‘Off-sales’
- Toilet facilities
- Public transport
- Pedestrian dispersal routes
- Entrance/exit on Commercial Street
- Nominated minicab company

**(viii) Already proposed Premises Licence Conditions**

Further, we have already proposed additional **Conditions** to be attached to any new licence granted, which **prohibit** both:

- noise from the Premises being audible at the nearest residential façade; and
- noise from the Premises causing a public nuisance and/or statutory nuisance to the nearest affected commercial premises.

These Conditions would apply also to all residential properties, including 1 & 2 Pecks Yard.

We have actively proposed this Condition as a positive prohibition on noise from the Premises being audible at the nearest residential façade.

This provides the responsible authorities and local residents with both protection from this noise risk and also the ability to enforce in the extremely unlikely event that any nuisance is caused by the Premises.

**(ix) Additional proposed Condition**

In order to provide additional comfort and protection we have amended the proposed Conditions to add a **new proposed Condition** that ***recorded music may not be played in the Premises in excess of an overall level of 82dBA***. This Condition ties in precisely with the level indicated in Table 5488C/T8 of the Acoustic Report and Updated Acoustic Report as being acceptable.

The **amended proposed Conditions dated 16 December 2013** are contained in **Appendix E** in both ‘tracked’ and clean formats. The

This provides another clear and enforceable level of protection against the risk of public nuisance.

**(x) Conclusion in relation to Public Nuisance**

We consider that we have demonstrated that there will be no noise nuisance caused from the Premises.

## APPENDIX A

- Email to Annaleena Piel Linna

## Jason Zeloof

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**From:** Jason Zeloof  
**Sent:** 16 December 2013 14:57  
**To:** 'Annaleena Piel Linna'  
**Subject:** The Stables Gallery, Lower Ground floor, 106 Commercial Street, London E1  
**Attachments:** 106 Commercial Street lower ground floor proposed premises license plan.pdf; 106 Commercial Street lower ground building context plan.pdf; 106 Commercial Street - Acoustic Report.pdf; PA 13 02336 - Decision Notice - 19.11.13.pdf; 106 Commercial Street (Basement) - Licence Conditions (clean) - 16.12.13.pdf

- **The Stables Gallery, Lower Ground floor, 106 Commercial Street, London E1 (the "Premises")**
- **Application for a new premises licence (the "Application")**

Dear Annaleena

I hope you are well.

Thank you for your email of 9 October 2013 to Tower Hamlets' Licensing Section with your representations in objection against the Application.

In this email I seek to address the points which you raise in your email, to clarify what the Application relates to, and hopefully to provide you with comfort in relation to the points raised in your email of 9 October 2013.

### The Premises

Brief details of the Premises are as follows:

- The Premises is located at lower ground floor (basement) level within 106 Commercial Street. The Premises comprises two separate gallery areas (*Gallery 1* and *Gallery 2*), to be run by the Old Truman Brewery's Events Department.
- Although the Premises is to be run by the Old Truman Brewery Events Department it is of course outside of and well away from the Old Truman Brewery site itself.
- I confirm that the Application does not relate to any parts of the 106 Commercial Street building other than the two lower ground/basement gallery areas.
- The entrance to and exit from the Premises is to be via Commercial Street, and not Peck's Yard. Peck's Yard is to be used for emergency exit purposes only.
- Accordingly the Premises' entrance/exit is located well away from residential properties.
- The Premises is shown on the attached plans:
  - **Context Plan** – this shows the Premises in the context of the surrounding area. The Premises is shown edged in red, and forms only part of the building which is shown shaded in green.
  - **Premises Plan** – this shows a more detailed plan of the Premises.
- I reiterate and stress that the Application relates to *exhibition* spaces, not a bar, club or any other similar high impact use. This is a low impact use in particular when compared to bar use. The types of events to be held in the Premises are art exhibitions, pop up retail shops, trade shows and exhibitions, and film & photography shoots.
- We have proposed a Condition that off-sales of alcohol are not permitted.
- There are no external areas forming any part of the Premises or the Application.
- The Premises is to have ample toilet facilities.
- Every event in the Premises is separately 'risk assessed' to ensure that all risks, including in relation to health & safety, crime & disorder, public nuisance, and protection of children, are assessed and addressed.

### Licensable Activities

The licensable activities proposed for the Application are:

- Supply of Alcohol: 1100 to 2200 hours every day. NB. off-sales are not proposed.
- Indoor Sporting Events: 1100 to 2200 hours every day.
- Performance of Plays: 1100 to 2230 hours every day



- Playing Recorded Music: 1100 to 2300 hours every day.
- Performances of Dance: 1100 to 2230 hours every day.
- Exhibition of Films: 1100 to 2300 hours every day.

As noted above, these proposed hours are considerably earlier than the other licensed premises in the locality. These proposed hours do not constitute "late night" for licensing purposes.

The limited hours also ensures that all forms of public transport will all still be running at the end of the proposed licensable activities, and there would be no problem for people attending the Premises to take public transport home.

The proposed prohibition of off-sales will ensure that the Application proposals will not lead to any alcohol being consumed on the public highway.

### **Noise & Acoustic Report & New proposed Condition**

In terms of noise from the Application proposals, I attach an Acoustic Report produced by RBA Acoustics and commissioned in relation to the Application. It concludes that the Application proposals will not cause any disturbance to nearby residential properties. The basement location of the Premises is of assistance here, in addition to its relative distance from almost all of the surrounding residential properties. The Premises does back onto some gardens on the south (odd numbered) side of Wilkes Street, but the basement location of the Premises and the thick boundary walls of the 106 Commercial Street building ensure that noise from the Premises will not reach those Wilkes Street homes. Gallery 1 of the Premises also shares a boundary wall with your home at 1 Peck's yard (although the Premises Basement location and your home's location on ground and upper floors means that this boundary wall is not shared laterally to any material extent), but the Acoustic Report confirms that there will be no transmission of noise through that wall.

In relation to your comment in your email that "*no acoustic assessment whatsoever has been carried out to ascertain how much noise would emanate through the party wall*" between your home and the Premises, this is not correct. Please could I refer you specifically to Section 5.0 of the Acoustic Report ('*Noise Transfer Through Party Walls*'). In this Section detailed and specific assessment has been carried out in relation to the potential for the transmission of noise from the Premises to your home, and it is concluded that no transmission of noise would be expected. Your home at 1 Peck's Yard are also identified on Site Plan SP3 of the Acoustic Report.

I note your comment that you can hear builders working in the 106 Commercial Street building. I would note here that the noise of builders working is often louder (because of their activities) than the noise which would be generated from the Stables Gallery. In addition, I would note that it is not likely that you will have heard any noise coming from the Premises itself which is located at basement level of the Building, but rather you might have heard noise from work or other activities taking place on in the area close to the boundary between 106 Commercial Street and which is not located at basement level and which accordingly is not as acoustically insulated from your home. Your home at 1 Peck's Yard will also benefit acoustically by the installation of a store room at the north end of Gallery 1 as shown on the Premises Plan. This means that the exhibition area of Gallery 1 will be set away from the party wall by this store room, which will provide additional sound insulation.

I would also comment that as well as the Premises being located at basement level (which it itself means that there will be no material laterally shared party wall between the Premises and your own home which is located and ground and two upper floor levels), it is also the case that the existing window openings leading from the Premises (in the basement of the Building) to the Atrium of the Building are to be reglazed, and so will add a further level of sound insulation to stop the transmission of noise form the Premises to the Atrium of the Building, and therefrom to any surrounding properties. These openings are currently unglazed. This re-glazing of the Premises as a further separation between the Premises and the Atrium of the Building is annotated on Site Plan SP1 of the Acoustic Report as the '*Glazed Sections*', and is also referred to in the main body of the Acoustic Report.

The Acoustic Report also assesses potential noise generated from the Premises based on a number of worst case scenarios in relation to the number of people in the Premises, those people speaking simultaneously, those people speaking with raised voices, as well as there being recorded music playing in the Premises. With these worst case scenarios it is concluded that there will be no disturbance caused to local residents or transmission of noise to residential properties, including your own.



You comment that an earlier acoustic report from Spring 2013 did not identify 1 and 2 Peck's Yard as being residential. It is correct that a previous acoustic report relating to a different matter did not initially identify 1 and 2 Peck's yard as being residential. This, however, was rectified immediately in Spring 2013 after which a new and updated acoustic report was prepared by RBA Acoustics duly identifying 1 & 2 Peck's Yard as being residential – this new and updated report carried out a specific assessment of 1 and 2 Peck's Yard and confirmed and concluded that no noise nuisance would be caused specifically to 1 & 2 Pecks yard.

Importantly, I stress also that the Acoustic Report which forms part of *this Application* (which is attached to this email) does correctly identify 1 and 2 Peck's Yard as being residential, does make a specific assessment of potential transmission of noise to those properties, and concludes that no disturbance will be caused to you.

I would also confirm and hope to provide you with some comfort in this respect that the Acoustic Report has been checked and assessed by the Council's Environmental Protection Department, and that they have raised no representations or concerns in relation to the Acoustic Report or the Application. This includes a site visit having been carried out by the relevant environmental health officer specifically to assess this Application.

In addition, to provide you with further protection and comfort, I have proposed Conditions be attached to any premises licence which is granted, that noise from the Premises **must not be audible at the nearest residential façade**, and further that noise from the premises **may not cause a public or statutory nuisance**. These Conditions are fully enforceable by the responsible authorities and provide you with a great deal of substantive protection.

Further, we have now proposed a **new Condition** for the Application that the recorded music played in the Premises may not exceed an overall level of 82dBA. This precisely mirrors the levels set out in Table 5488/T8 of the Acoustic Report. This provides you with an additional level of protection.

I would finally stress that we have no intention whatsoever of causing you or any other local resident any disturbance or nuisance of any sort. I hope that this is reflected in the limited licensable hours applied for in this Application, the proposed low impact use of the Premises, and the extensive conditions which we have proposed for the Application. We will work extremely hard and robustly to ensure that you are not disturbed from the operation of the Premises. I confirm also that you are always welcome to contact me if you have any concerns whatsoever.

### Roof

In relation to your comments about "an illegal roof structure", you are referring to a small part of the roof of 106 Commercial Street adjacent to Peck's Yard which was recently rebuilt. We do not consider that this roof is illegal. Rather, this roof is the replacement of a roof which previously existed in that location. This roof was replaced as part of the on-going repair and renovation works to the Building which has been in our ownership since 1981.

It is also not correct that no planning application has been submitted in relation to this small roof. Notwithstanding that we consider that no planning permission was required for this roof (being the replacement of a previous roof in that location) a planning application was submitted on 24 September 2013 to regularise the planning position for that replacement roof and to remove any lack of clarity in relation to it (planning application reference PA/13/02336). I confirm also that no enforcement action has been taken by the Council.

Finally, I can confirm that planning permission for the small roof was granted by the Council's Planning Department on 19 November 2013 under planning permission reference PA/13/02336. This now fully regularised the position with that roof, which is fully authorised by the Council, and removes any lack of clarity about the same. For your easy reference I attach the Council's Decision Notice relating to the planning permission.

I hope that this clarity about the roof provides you with the comfort that the roof will remain in place, will not be removed, and will provide the acoustic insulation which is referred to in the Acoustic Report. There is no element of speculation regarding this roof.

### Off-sales

- We have proposed a Condition that no off-sales of alcohol be permitted.
- This absolute restriction on off-sales will guard against any concerns you might have that the Premises will lead to members of the public drinking alcohol on the public highway, though I do appreciate that this is not a concern which you have raised.



### Nature of the Premises as an exhibition space

- I stress that the Application relates to an exhibition and events space, and not a bar, club or any similar use. The supply of alcohol is not the primary purpose of the premises, and is in my opinion a low impact use. This is in particular the case with the entrance to and exit from the Premises being on Commercial Street.
- I also consider that the Old Truman Brewery Events Department's close to 18 years of experience hosting exhibitions and events will be useful in the vetting of events proposed to be held in the Premises and also in managing events which are held in the Premises.

### Visitors' journeys home

As touched upon above, the Commercial Street entrance/exit from the Premises means that people will be leaving onto what is a busy vehicular road, extremely well placed for all forms of public transport, and away from residential streets (including Peck's Yard). The pedestrian routes from the Premises to all modes of public transport avoid residential streets. The proposed end of licensable activities timings for the Application also means that all forms of public transport will remain operational. There is also a minicab firm (City Man Radio Cars) located two doors away from the Premises at 102 Commercial Street.

### Conditions

I attach the proposed Conditions (which were updated today, 16 December 2013, with the addition of new Condition number 16), which I consider to be robust. Some relevant Conditions are:

- There may be no off-sales.
- Noise from the Premises may not be audible at nearest residential façade.
- Noise from the Premises may not cause a public or statutory nuisance.
- The Premises must be covered by CCTV cameras.
- Please leave quietly signs must be displayed at the exit.
- **New Condition** that music in the Premises may not exceed 82dBA.

### Licensing Statement

We prepared an extensive Licensing Statement which accompanied the Application, which provides a large amount of detail relating to the Application proposals. This forms part of the Agenda for the Licensing Sub Committee meeting which will be called to determine the Application. I hope that the Licensing Statement will be helpful to you in your further consideration of the Application.

As a summary, attached to this email are the following in electronic form for your easy reference:

1. Premises licence plan.
2. Context Plan.
3. Proposed conditions.
4. Acoustic Report.
5. Decision Notice for planning permission PA/13/02336

I would also confirm that I am more than happy to discuss the Application with you in further detail if you so wish. The statutory consultation period following the submission of a licensing application is in large part for this precise purpose: the raising of representations by the responsible authorities and local residents, and the applicant responding to and addressing those representations. If you have further queries about the Application after you read this email please do let me know.

I do hope my email does not come across as overly adversarial in any way, as this is certainly not my intention in writing this email. This email is intended to provide you with clarification as to what the Application relates to and comfort as to the four licensing objectives being promoted.

Importantly, I would like to try to focus this email on the relevant subject at hand, which is the Application itself. Accordingly, I would like to end by referring back to the first few paragraphs of this email which explain in more detail the Premises and the Application. The Application relates to a low impact exhibition space (not a bar or other primary drinking type of establishment), with very limited hours, with no off-sales allowed, and with comprehensive Conditions proposed to be attached to the proposed premises licence. The Acoustic Report demonstrates (including with a specific assessment relating to your own home at 1 Peck's Yard) that the use of the Premises will not cause you or



any other resident any disturbance, and this has been vetted and agreed by the Council's Environmental Health Section. I also hope that the contents of the Licensing Statement give you some added comfort in this respect.

I can also confirm that no objections to the Application have been made by any of the 'responsible licensing authorities' (being the Licensing Authority, the Police, Environmental Health, the Fire Brigade, Health & Safety, Trading Standards, Planning, Child Protection, and Primary Care Trust). They have all been satisfied that the Application satisfies the four licensing objectives. I hope that this provides you with some additional comfort.

I stress that Ely & Sidney Limited strives to live happily side by side with our residential neighbours, and I hope and expect that the Application proposals, together with the lengthy and sensitive renovation works which we have been carrying out to the Building will enhance the local area physically and will also provide a useful and welcome cultural improvement to the area for visitors and residents alike.

I hope this email is helpful, and that it addresses the concerns which you have raised in relation to the Application. If you have any queries in relation to the above, please do let me know.

Kind regards

Jason Zeloof

## **APPENDIX B**

- **Email to Stephen Morris**

## Jason Zeloof

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**From:** Jason Zeloof  
**Sent:** 16 December 2013 15:46  
**To:** 'Concept Stew Ltd'  
**Subject:** The Stables Gallery, Lower Ground floor, 106 Commercial Street, London E1  
**Attachments:** 106 Commercial Street lower ground floor proposed premises license plan.pdf; 106 Commercial Street lower ground building context plan.pdf; PA 13 02336 - Decision Notice - 19.11.13.pdf; 106 Commercial Street (Basement) - Conditions - 16.12.13.pdf; 5488repC16122013(REV1).PT.pdf

- **The Stables Gallery, Lower Ground floor, 106 Commercial Street, London E1 (the "Premises")**
- **Application for a new premises licence (the "Application")**

Dear Stephen

I hope you are well.

Thank you for your email of 7 October 2013 to Tower Hamlets' Licensing Section with your representations in objection against the Application.

I am pleased that you say that you have no objection to the use of the Premises in principle, though I note that you object on the grounds of potential noise nuisance.

In this email I seek to address the various points which you raise in your email, to clarify what the Application relates to, and hopefully to provide you with comfort in relation to the matters you raise.

### The Premises

Brief details of the Premises are as follows:

- The Premises is located at lower ground floor (basement) level within 106 Commercial Street. The Premises comprises two separate gallery areas (Gallery 1 and Gallery 2), to be run by the Old Truman Brewery's Events Department.
- Although the Premises is to be run by the Old Truman Brewery Events Department it is of course outside of and well away from the Old Truman Brewery site itself.
- I confirm that the Application does not relate to any parts of the 106 Commercial Street building other than the two basement gallery areas.
- The entrance to and exit from the Premises is to be via Commercial Street, and not Peck's Yard. Accordingly the Premises' entrance/exit is located well away from residential properties.
- The Premises is shown on the attached plans:
  - **Context Plan** – this shows the Premises in the context of the surrounding area. The Premises is shown edged in red, and forms only part of the building which is shown shaded in green.
  - **Premises Plan** – this shows a more detailed plan of the Premises.
- I reiterate that the Application relates to exhibition spaces, not a bar, club or any other similar high impact use. This is a low impact use in particular when compared to bar use. The types of events to be held in the Premises are art exhibitions, pop up retail shops, trade shows and exhibitions, and film & photography shoots.
- We have proposed a Condition that off-sales of alcohol are not permitted.
- There are no external areas forming any part of the Premises or the Application.
- Every event in the Premises is to be separately 'risk assessed' to ensure that all risks, including in relation to health & safety, crime & disorder, public nuisance, and protection of children, are assessed and addressed.

### Licensable Activities

The licensable activities proposed for the Application are:

- Supply of Alcohol: 1100 to 2200 hours every day. NB. off-sales are not proposed.
- Indoor Sporting Events: 1100 to 2200 hours every day.



- Performance of Plays: 1100 to 2230 hours every day
- Playing Recorded Music: 1100 to 2300 hours every day.
- Performances of Dance: 1100 to 2230 hours every day.
- Exhibition of Films: 1100 to 2300 hours every day.

As noted above, these proposed hours are considerably earlier than the other licensed premises in the locality. These proposed hours do not constitute "late night" for licensing purposes.

The limited hours also ensures that all forms of public transport will all still be running at the end of the proposed licensable activities, and there would be no problem for people attending the Premises to take public transport home.

The prohibition of off-sales will ensure that the Application proposals will not lead to any alcohol being consumed on the public highway.

### Noise

In terms of noise from the Application proposals, I refer to the acoustic report dated 8 July 2013 (Ref: 5488C/NIA, the "**Acoustic Report**") produced by specialist acoustic consultants RBA Acoustics, commissioned in relation to the Application, forming part of the Application materials. From your email of 7 October 2013 it appears that you already have a copy of this. The Acoustic Report concludes that the Application proposals will not cause any disturbance to nearby residential properties.

The basement location of the Premises is of considerable benefit here, in addition to its relative distance from almost all of the surrounding residential properties. The Premises does back onto some gardens on the south (odd numbered) side of Wilkes Street, but the basement location of the Premises and the thick boundary walls of the 106 Commercial Street building ensure that noise from the Premises will not reach those Wilkes Street homes.

Gallery 1 of the Premises shares a boundary wall with 1 Peck's Yard (although the Premises' basement location and 1 Peck's Yard's location on ground and upper floors means that this boundary wall is not largely shared laterally). The Acoustic Report confirms that there will be no transmission of noise through that wall (Section 5.0 of the Acoustic Report). 1 Peck's Yard will also benefit acoustically by the installation of a store room at the north end of Gallery 1 as shown on the Premises Plan. This means that the exhibition area of Gallery 1 will be set away from the party wall by a store room, which itself will provide additional sound insulation.

The *Building* 106 Commercial Street also in part shares a boundary wall with 2 Peck's Yard, which is your home. The *Premises*, however, does not share any boundary wall with 2 Peck's Yard. The Premises forms a small part only of the Building at 106 Commercial Street (this is illustrated on the attached Context Plan). Your own home at 2 Peck's Yard is greatly acoustically separated and insulated from the Premises by:

- the basement location of the Premises;
- the west walls and glazing windows separating the Premises from the Atrium of the Building;
- the location of another significant building structure within the larger 106 Commercial Street Building which sits between the Premises and 2 Peck's Yard; and
- the physical distance between the Premises and 2 Peck's Yard.

I would also comment that as well as the Premises being located at basement level it is also the case that the existing openings leading from the Premises to the Atrium of the Building are to be re-glazed. This will add a further level of sound insulation to stop the transmission of noise from the Premises to the Atrium of the Building, and therefrom to any surrounding properties (including your own). This re-glazing of the Premises as a further acoustic separation between the Premises and the Atrium of the Building is identified on Site Plan SP1 of the Acoustic Report and is also referred to in the main body of the Acoustic Report.

The Acoustic Report also assesses potential noise generated from the Premises based on a number of *worst case scenarios* in relation to the number of people in the Premises, those people speaking simultaneously, those people speaking with raised voices, as well as there being recorded music playing in the Premises. With these worst case scenarios it is concluded that there will be no disturbance caused to local residents or any transmission of noise to residential properties, including your own.



You comment that an earlier acoustic report relating to a separate application in May 2013 did not identify 1 and 2 Peck's Yard as being residential. This is a point which was rectified immediately in May 2013 after which a new acoustic report was prepared duly identifying 1 & 2 Peck's Yard as being residential, which new acoustic report confirmed and concluded that no noise nuisance would be caused specifically to 1 & 2 Pecks Yard. I stress also that the Acoustic Report which forms part of the Application materials for this Application (which is attached to this email) correctly identifies 1 and 2 Peck's Yard as being residential, and also concludes that no disturbance will be caused to you.

The update of the Acoustic Report in this way does not in any way invalidate the Acoustic Report or the noise measurements taken. Conversely it adds to the robustness of the Acoustic Report. There is nothing which invalidates earlier noise measurements, as the noise measurements taken by RBA Acoustics are measurements of the background noise level in the surrounding area which are entirely independent of any part of the Building and the Premises.

I would also confirm and hope to provide you with some comfort in this respect that the Acoustic Report has been checked and assessed by the Council's Environmental Health Department, and that they have **raised no representations or concerns in relation to the Acoustic Report or the Application**. They have considered the Acoustic Report to be both robust and valid. I can confirm further that the scrutiny of this Application by Environmental Health included a site visit to the Premises.

You appear to seek in your representation to bring into question the professional nature of RBA Acoustics, the specialists who prepared the Acoustic Report, and to allege a level of neglect against them. I must say that RBA Acoustics are extremely experienced, extremely respected, have carried out a great many acoustic reports for myself within Tower Hamlets, have dealt with the Council's Environmental Health Department similarly on a great many occasions, and have never been found to be anything other than independent, robust and professional in their work. All measurements, assessments, and conclusions in the Acoustic report are based on full and proper noise measurement readings (as fully explained in their Acoustic Report) and on a number of site visits to the Building and the Premises, including specifically and specially to inspect and assess the party wall between the Premises and 1 Peck's Yard and between the Building and 2 Peck's yard where you live.

I reiterate that the Acoustic Report has been fully scrutinised by the Council's Environmental Health Department, including a site visit by an extremely experienced Environmental Health Officer to the Premises and the Building more generally in order to assess the Application and the Acoustic Report, and that he was completely satisfied that the Application would not lead to any disturbance and that the Application promoted the 'prevention of public nuisance' licensing objective. The Council's Environmental Health Department have not raised any representation in relation to the Application.

In addition (as you note yourself) I have proposed Conditions be attached to any premises licence which is granted that, notwithstanding that the Acoustic Report demonstrates that the Application proposals will not cause any noise disturbance to any nearby residents, all residents are absolutely protected by the proposed unequivocal conditions that:

- Noise emanating from the Premises shall not be audible at the nearest affected residential façade; and
- Noise emanating from the Premises shall not cause a public and/or statutory noise nuisance to the nearest affected business/commercial premises.

These conditions are fully enforceable and would (if the Application is granted) provide both local residents and the Council with an absolute means of controlling and ensuring that the Application proposals do not cause any nuisance to residents. I am pleased that you state in your email of 7 October 2013 that these conditions are a welcome safeguard.

I would finally stress that we have no intention whatsoever of causing you or any other local resident any disturbance or nuisance of any sort. I hope that this is reflected in the limited licensable hours applied for in this Application, the proposed low impact use of the Premises, the extensive conditions which we have proposed for the Application, and the detailed level of assessment by acoustic specialists of the potential for noise disturbance, and the assessment of the same by the Council's Environmental Health Department that the Application proposals would indeed not cause disturbance to any resident. We will work extremely hard and robustly to ensure that you are not disturbed from the operation of the Premises. I confirm also that you are always welcome to contact me if you have any concerns whatsoever.



## Contextual Location of the Premises, and the assessment of all residential properties around the Premises

I now write with reference to your comments about the wording in the Licensing Statement that "*There are some residential properties at upper floors on Commercial Street and Hanbury Street, and also some residential properties in Pecks Yard. These are very much so in the minority, and Commercial Street (as its name suggests) is a street in overwhelmingly commercial use*". What was and is meant by this extract from the Licensing Statement is that in relation to the contextual location of the Premises, residential properties are in the minority. This remains correct, and the majority of premises in the locality are commercial, and residential properties are in the minority. This statement was and is not intended to seek to belittle or marginalise the rights of surrounding residential occupiers, but to explain the contextual location of the Premises. Accordingly this statement in the Licensing Statement is accurate.

Further, the reference in the Licensing Statement to the "*residential streets closest to the Premises*" was and is to identify those streets which are predominately residential in nature. Hanbury Street, Pecks Yard and Commercial Street are not predominately residential in nature as they all include large proportions of commercial operations. The "*residential streets*" which I refer to, being Wilkes Street, Princelet Street and Fournier Street are, precisely that: predominately more residential in nature than commercial or mixed use. Accordingly the statement you refer to that "*the residential streets closest to the Premises are Wilkes Street, Princelet Street and parts of Fournier Street*" is accurate.

In order to further allay a concern which you raise, the setting out of the context of the Premises does not in any way seek to affect your rights in any way. We have, rather, gone to great lengths to ensure that the Application proposals will have no negative impact on the amenity of any local residents.

We have certainly not sought to address the residential properties in Peck's Yard in a "*cursory fashion*", nor in any way been or sought to be "*disingenuous*", nor "*concentrating on the residents of Commercial Street... neglected to give due consideration to the direct neighbours of Stables Gallery 1 in Peck's Yard*", nor was "*the focus of the report has been to consider noise nuisance to residents in flats above Commercial Street*". Quite contrary to these claims in your email, the Application materials has sought to be very clear about the residential properties in the locality, and has sought to focus on and assess the potential impact on all surrounding residential properties.

We have not concentrated on residents further away than Peck's Yard. This is indeed borne out by the wording from the Licensing Statement which you refer to in your email, as this wording specifically refers to residential properties in Peck's Yard, Hanbury Street and Commercial Street. Further, the Acoustic Report specifically assesses the potential noise impact to all of those properties, and indeed the Acoustic Report at Section 5.0 ("*Noise Transfer Through Party Walls*") assesses in considerable detail the potential for transmission of noise through party walls to 1 Peck's Yard and 2 Peck's Yard. In this Section specific assessment has been carried out in relation to 1 and 2 Peck's Yard, and it is concluded that there will be no such transmission of noise. 1 and 2 Pecks Yard are also clearly identified on Site Plan SP3 of the Acoustic Report as being residential on all floors.

This has been done with the express intention of being robust in ensuring that the Application proposals will promote the four licensing objective and in particular will not cause any public nuisance to any nearby residential properties, including your own.

If I could clarify this further, the Acoustic Report, as mentioned above, takes specific account of the residential properties you refer to, being 1 & 2 Pecks Yard, and 6, 8, 10 & 12 Hanbury Street (as well as all other residential properties in the area which you do not refer to). These properties and the potential for noise reaching those properties are all *all specifically assessed and addressed* in the Acoustic Report. Site Plan SP3 of the Acoustic Report identifies 1 and 2 Pecks Yard (shaded blue) as being residential properties at all floors, and identifies residential properties at upper floors of 4, 6, 8, and 12 Hanbury Street (shaded orange).

The Noise Breakout Modelling at Noise Model 1 of the Acoustic report also assesses and identifies in great detail the predicted noise levels generated by the Premises at *each façade of all of those properties*. In all cases the noise levels are more than 10dB lower than the ambient noise levels in those areas. The Acoustic Report concludes that no disturbance or nuisance will be caused by the Application proposals.

If I could please reiterate, the Application materials do not "*concentrate carefully on residents further away but only mention these residents in Peck's Yard in a much more cursory fashion*". Conversely, the Application materials consider all residential properties surrounding the Premises and the Building and indeed specific assessment is made for potential of noise transmission to 1 and 2 Peck's Yard.



With reference to access to the Premises opening onto Commercial Street, the reference to this factual matter in the Licensing Statement was in order to stress that the entrance/exit to the Premises for members of the public is via the entrance at Commercial Street (and not via Peck's Yard). In terms of your reference to noise from "106 Commercial street not being swallowed up in the ambient noise", the Acoustic Report is very clear in its assessment that the noise which would be generated from the Premises (which is based on a number of worst case scenarios) "are significantly below the existing background noise levels in the locality, and will lead to no increase in such ambient noise levels".

I would also again reiterate that notwithstanding that the Acoustic Report is both valid and demonstrates that the Application proposals will not cause any noise disturbance to any nearby residents, all residents are would be absolutely protected by the proposed and unequivocal conditions that:

- Noise emanating from the Premises shall not be audible at the nearest affected residential façade; and
- Noise emanating from the Premises shall not cause a public and/or statutory noise nuisance to the nearest affected business/commercial premises.

These conditions are fully enforceable and would provide both local residents and the Council with an absolute means of controlling and ensuring that the Application proposals do not cause any nuisance to residents. I am pleased that you note in your email of 7 October 2013 that these conditions are a welcome safeguard.

### Roof of the Building adjacent to Peck's Yard

In relation to your comments about that part of the Building "recently roofed" and which is referred to elsewhere in your representation as being an "illegal structure", you are referring to a small part of the roof of 106 Commercial Street adjacent to Peck's Yard which was recently rebuilt. This roof is not illegal. This roof is replacement of a roof which previously existed in that location. This roof was replaced as part of the on-going repair and renovation works to the Building which has been in our long ownership of the Building since 1981 (which long ownership also enables us to confirm that the newly installed roof is a replacement roof).

It is also not correct that no planning application has been submitted in relation to this small roof. Notwithstanding that we considered that no planning permission was required for this roof (being the replacement of a previous roof in that location) a planning application was submitted on 24 September 2013 to regularise the planning position for that roof and to remove any lack of clarity in relation to it (planning application reference PA/13/02336). I can confirm also that no enforcement action has been taken by the Council.

I can also confirm that planning permission for the small roof was granted by the Council's Planning Department on 19 November 2013 under the same planning permission reference PA/13/02336. This fully regularises the position with that roof as being fully authorised by the Council, and removes any lack of clarity about the same. For your easy reference I attach the Council's Decision Notice relating to that planning permission.

I hope that this clarity about the roof provides you with the comfort that the roof will remain in place, will not be removed, and will provide the acoustic insulation which is referred to in the Acoustic Report.

This also addresses conclusively all of the comments you refer to in the correspondence with the Council you have copied into your representation, all of which relate solely to representations in respect of the planning status of the area "recently roofed". As planning permission has now been granted for the same all such comments have been assessed in full by the Council and concluded fully and to the Council's satisfaction.

You refer to "aerial photographic proof" that the roof in this part of the building does not replace a previous roof on a like for like basis. While I stress that this roof does not form part of the Premises or the Application, I would note that we have an aerial photograph (which formed part of the application materials of the granted planning application PA/13/02336) which demonstrates that the roof you refer to is indeed a replacement of the previous roof at this location. My understanding (both from professional advice and from having seen the photograph that I believe you refer to in your email) is that the "mature tree" you refer to in your aerial photograph is in fact a buddleia plant growing on the old (now replaced) roof of the Building. While this is an interesting point of discussion I must confirm that it is of no relevance given that the roof which you were concerned with is fully authorised with the benefit of planning permission.

You claim that the roof "deprives the residents of Peck's yard of light, air and their historic view of the church". Although these are not valid licensing considerations (rather, they are planning considerations), I do not agree that the



roof blocks light, air, or outlook in any material way. Further, the grant of planning permission for the roof bears this out and fully addresses any concerns you may have in respect of light, air and outlook. I would separately also note that whether or not Edward Peck had any part in the building of the church is of no relevance to the Application.

I reiterate that the Acoustic Report was produced on the basis of the roof which now exists in that part of the Building. Accordingly the Acoustic Report is valid and is not based on any element of speculation in this regard. The roof has been duly considered by the Council's Planning Department and has the benefit of planning permission.

#### Photographs of the Peck's Yard elevation of the Building

With reference to your comment that no photographs of this part of the Building have been submitted, this is purely because that part of the Building does not form part of the Premises, does not form part of the entrance route to the Premises from Commercial Street, through the entrance hall of the Building, through the Atrium of the Building and then to the entrance of the Premises. As noted above, the roof you refer to forms no part of the Application. However, as you have raised this point, I now attach photographs of this part of the Building (both from within the Building, and from Peck's Yard looking at the Building)(the "**Additional Photographs**").

#### Photograph of microphone in the snow

You refer to the photograph of the microphone in the Acoustic Report in snow during the baseline noise measurement survey. While the microphone itself is not in snow, the feet of the microphone stand is in snow which is on the roof of the Building. The presence of snow will not have affected the noise measurements other than, if anything, it will have reduced the background noise measured on those days as those days will consequently have been quieter than normal. As stated in the Acoustic Report, the noise measurement survey was carried out from 25 January 2013 to 28 January 2013, which being in January again would, if anything, have reduced the background noise measured on those days as January is generally a quiet time of the year. These factors in turn will have made the benchmark background noise level against which the operation of the Premises is measured, lower. This in turn makes the results and conclusions of the Acoustic Report even more robust.

#### "Vertical Aspect" of Building's elevation to Peck's Yard

You refer to the "*vertical aspect*", being the vertical wall at the boundary between 106 Commercial Street and Peck's Yard being enclosed with corrugated metal sheeting, the Peck's Yard elevation of the Building. This is correct as to the *external* element of this boundary, and this is Peck's Yard elevation which has historically always been in place. It is, as stated in the Acoustic Report, intended to replace this vertical wall with a sound insulating glazing system as referred to in the Acoustic Report.

The replacement of this vertical wall with a glazing system is due to be carried out following the submission and determination of a planning application. This we are confident will be an improvement to the area aesthetically and for the benefit of adjoining properties. This Peck's Yard elevation alteration will follow through the planning process in the usual and ordinary course. We would not anticipate any problems with a planning application for the same as it would be an improvement to the area (including Peck's yard in particular) and all matters relating to overlooking would be addressed through the use of obscure glazing.

It is correct that this small change in the Building's Peck's yard elevation which is assumed in the Acoustic Report does not currently physically exist and planning permission has not yet been submitted or granted for the same.

Accordingly, in order to be as robust as possible, and to provide you with as much comfort as possible (and indeed all the comfort you could reasonably require) we have arranged for the Acoustic Report to be updated to assess the potential impact to you (and other residents) on the assumption that the glazing to the vertical aspect of the Building facing Peck's Yard is *not installed*. The updated Acoustic Report is dated 16 December 2013 and is attached to this email (the "**Updated Acoustic Report**"). The Updated Acoustic Report has been commissioned to provide you and the Licensing Authority with 'full belt and braces' protection in relation to the two potential Peck's Yard elevations to the Building as follows:

1. **Proposed:** The position in the event that the glazing to that vertical aspect *is installed*: this position is unchanged from the Acoustic Report dated 8 July 2013 which accompanied the Application. The assessment in that Acoustic Report, as well as the Updated Acoustic Report, remains the same, with the conclusion that noise generated from Premises will not "*result in any detrimental effect on the prevailing noise climate at the facades of nearby residential properties*" and "*will not cause disturbance to nearby residents*".



2. **Existing:** The position in the event that the glazing to that vertical aspect *is not installed*: in this instance then the Peck's Yard elevation will remain as it currently exists. I confirm that this consists of the following:

- External elevation made up of 1mm thickness profiled metal sheeting (corrugated steel).
- Middle/insulated element made up of dense rockwool insulation of 200mm thickness (made up of 2 x layers of 100mm rockwool).
- Internal elevation made up of timber cladding of 12mm thickness.

In this respect I refer attach to the Additional Photographs attached, which identify all parts of this Peck's Yard elevation both internally and externally. This provides a high level of acoustic insulation.

I confirm also, that the existing Peck's yard elevation has full planning permission: the external elevation is both historic and also addressed in permission PA/13/02336, while the insulation and internal materials do not require planning permission as they are internal treatments.

I refer now to the conclusions in the Updated Acoustic Report in respect of the existing construction of the Peck' Yard elevation to the Building. The Updated Acoustic Report concludes that:

- The predicted noise caused from the Premises in Peck's yard would be "12dB below the lowest measured background noise levels";
- "we do not consider the proposed use of part of the Exhibition Spaces in the lower ground/basement level of the 106 Commercial Street building as exhibition and events spaces as envisaged in this report will result in any detrimental effect on the prevailing noise climate at the facades of nearby residential properties";
- "it is our professional opinion that predicted and potential noise generated from the proposed exhibition and events use of the Premises between 10:00 and 23:00 hours Monday to Sunday will not cause disturbance to nearby residents. **This is the case both for the current construction of the elevation to Peck's Yard and the proposed construction.** We therefore recommend that the proposed use should not be refused on the grounds of noise".

Accordingly it can be seen that regardless as to whether the *existing* "vertical aspect" to the Building facing Peck's Yard is retained, or the *planned* glazing system is installed to that vertical aspect, that no noise disturbance will result from the use of the Premises as proposed in this Application.

This eliminates any element of uncertainty whatsoever from the Application proposals, and I hope it provides you with comfort that you will not be disturbed from the Premises.

#### Correspondence from Mr Alex Moore and Ms Annaleena Piel Linna to the Council relating to planning permission

You have copied in as part of your own representation email dated 7 October 2013 correspondence from Mr Alex Moore and Ms Annaleena Piel Linna to the Council relating to matters of planning permission, specifically relating to roofing works to the Building.

As explained above planning permission for the roof in question has been granted by the Council's Planning Department (planning application reference PA/13/02336). Accordingly, this copy correspondence which is specific to planning matters which have been fully and satisfactorily regularised, are both:

- (i) fully addressed by means of planning permission PA/13/02336 being granted; and
- (ii) not relevant to this Application. This Application is a licensing application, while the correspondence related to planning matters. As you will appreciate, the planning and licensing regimes are separate.

If I could clarify here, all of Mr Moore's and Ms Piel Linna's comments in the copied correspondence relate solely and specifically to the "roof which has been put up in the last couple of weeks" (from Mr Moore's correspondence) and "the illegal roof structure" (Ms Piel Linna's correspondence).

Accordingly, given that planning permission has been granted for said roof (which is not an illegal structure, but an authorised structure), all of Mr Moore's Ms Piel Linna's comments have been fully and satisfactorily addressed through the grant of said planning permission. The roof has been fully assessed by the Council and found to be completely acceptable.

### Off-sales

- We have proposed a Condition on the premises licence that no off-sales of alcohol be permitted.
- This absolute restriction on off-sales will guard against any concerns that the Premises will lead to members of the public drinking alcohol on the public highway, though I do appreciate that this is not a concern which you have raised.

### Nature of the Premises as an exhibition space

I am pleased to note that you have no objection to the proposed use of the premises in principle.

- I stress that the Application relates to an exhibition and events space, and not a bar, club or any similar use. The supply of alcohol is not the primary purpose of the premises, and is in my opinion a low impact use. This is in particular the case with the entrance to and exit from the Premises being on Commercial Street.
- I also consider that the Old Truman Brewery Events Department's close to 18 years of experience hosting exhibitions and events will be useful in the vetting of events proposed to be held in the Premises and also in managing events which are held in the Premises.

### Visitors' journeys home

As touched upon above, the Commercial Street entrance/exit from the Premises means that people will be leaving onto what is a busy vehicular road, extremely well placed for all forms of public transport, and away from residential streets (including Peck's Yard). The pedestrian routes from the Premises to all modes of public transport avoid residential streets. The proposed end of licensable activities timings for the Application also means that all forms of public transport will remain operational. There is also a minicab firm (City Man Radio Cars) located two doors away from the Premises at 102 Commercial Street.

### Existing proposed Conditions

I attach the proposed Conditions (which were updated today, 16 December 2013, with the addition of new Condition number 16), which I consider to be robust. Some relevant Conditions are:

- There may be no off-sales.
- Noise from the Premises may not be audible at nearest residential façade.
- Noise from the Premises may not cause a public or statutory nuisance.
- The Premises must be covered by CCTV cameras.
- Please leave quietly signs must be displayed at the exit.
- **New Condition** that music in the Premises may not exceed 82dBA.

I am pleased to note that you consider the proposed conditions relating to audibility of noise and prohibition on causing a nuisance a welcome safeguard.

### Additional proposed Condition

In order to provide you with additional comfort and protection, we are amending the proposed Conditions to add a Condition that recorded music may not be played in the Premises in excess of an overall level of 82dBA. This Condition ties in precisely with the level indicated in Table 5488C/T8 of the Acoustic Report and Updated Acoustic Report as being acceptable, and provides an additional enforceable level of protection against the risk of public nuisance.

### Licensing Statement

We prepared an extensive Licensing Statement which accompanied the Application, which provides a large amount of detail relating to the Application proposals, and which it appears that you have read in detail. I hope that the Licensing Statement has been helpful to you in your consideration of the Application.



As a summary, attached to this email are the following in electronic form for your easy reference:

1. Premises licence plan.
2. Context Plan.
3. Proposed conditions.
4. Decision Notice PA/13/02336 in respect of planning permission for the "recently roofed" part of the Building.
5. Updated Acoustic Report.

### Conclusion

I do very much hope my email does not come across as overly adversarial in any way, as this is certainly not my intention in writing this email. This email is intended to provide you with clarification as to what the Application relates to, specific responses to points you have raised, and comfort as to the four licensing objectives being promoted. In relation to points in your email where I disagree with you then I feel it necessary to explain why I disagree. We have gone to great lengths, and will continue to do so, to ensure that neither you nor any other local resident is disturbed in any way in respect of the Premises.

Importantly, I would like to try to focus this email on the relevant subject at hand, which is the Application itself. Accordingly, I would like to end by referring back to the first few paragraphs of this email which explain in more detail the Premises and the Application. The Application relates to a low impact exhibition space (not a bar or other primary drinking type of establishment), with very limited hours, with low level recorded music played, with no off-sales allowed, and with comprehensive Conditions proposed to be attached to the proposed premises licence. The Acoustic Report demonstrates (including with a specific assessment relating to your own home at 1 Peck's Yard) that the use of the Premises will not cause you or any other resident any disturbance, and this has been vetted and agreed by the Council's Environmental Health Section. I also hope that the contents of the Licensing Statement and this email give you some added comfort in this respect.

I can also confirm that no objections to the Application have been made by any of the 'responsible licensing authorities' (being the Licensing Authority, the Police, Environmental Health, the Fire Brigade, Health & Safety, Trading Standards, Planning, Child Protection, and Primary Care Trust). They have all been satisfied that the Application satisfies the four licensing objectives. I hope that this provides you with some additional comfort.

I stress that Ely & Sidney Limited strives to live happily side by side with our residential neighbours, and I hope and expect that the Application proposals, together with the lengthy and sensitive renovation works which we have been carrying out to the Building will enhance the local area physically and will also provide a useful and welcome cultural improvement to the area for visitors and residents alike.

I hope this email is helpful, and that it addresses the concerns which you have raised in relation to the Application. If you have any further comments then I look forward to hearing from you.

Yours sincerely

Jason Zeloof

Ms Pletts  
Brown and Pletts LLP  
The Old Truman Brewery  
91 Brick Lane  
London  
E1 6QL

**My Ref:** PA/13/02336  
**Alt Ref:** PP-02887657

19/11/2013

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**Enquiries to:** Adam Williams  
**Tel:** 020 7364 6657  
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**Town and Country Planning Act 1990 (as amended)**  
**Town and Country Planning (Development Management Procedure) Order 2010**

Dear Sir/Madam,

**CONDITIONAL PERMISSION FOR DEVELOPMENT**

In accordance with the Act and Order mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to grant permission for the development referred to in the schedule to this notice and as shown on the submitted plans and particulars subject to the conditions set out in the schedule.

You are advised that this permission does not modify or extinguish any covenants, easements or other restrictions applying to or affecting the land, or the rights affecting the land, or the rights of any other person entitled to the benefits thereof. You are also advised that this permission does not relieve you of the need to obtain any approval necessary under the Building Act 1984, Building Regulations 2000, or other related legislation. In this connection you should contact the Head of Building Control, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG (020 7364 5241) for advice or guidance on the necessity for obtaining building regulation approval in this particular case.

Applicants are reminded of the need to comply with the provisions of Part II of the London Building Acts (Amendment) Act 1939 in order to obtain official postal addresses. This should be carried out at least one month prior to the completion of the exterior works. Details of the development, including site and block plans should be sent to the Head of Building Control, Mulberry Place, 5 Clove Crescent, London, E14 2BG.

Your attention is drawn to the following statement of applicants' rights:-

### **1) Appeals to the Secretary of State**

If you are aggrieved by this decision you may appeal to the Secretary of State for Communities & Local Government in accordance with Section 78 of the Town and Country Planning Act 1990. If you want to appeal from the date of your decision notice then you must do so within six months, or 28 days, if the development in your application is the same or substantially the same as development that is currently or subsequently the subject of an enforcement notice. You must use a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 6372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

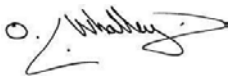
### **2) Purchase Notice**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

### **3) Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Yours sincerely,



**Owen Whalley, Head of Planning and Building Control**

## **SCHEDULE**

### **Full Planning Permission**

**Location:** 106 Commercial Street, London, E1 6LZ

**Proposal:** Retrospective application for the erection of high level profiled metal cladding to the north elevation and the erection of a mono-pitch profiled metal sheet roof to the northernmost section of the building.

**Date:** 19/11/2013

**Reference:** PA/13/02336

**Application Received on:** 24 September, 2013

**Application Registered on:** 24 September, 2013

#### **Drawings Approved:**

**Registered Number:** PA/13/02336

**Applicant's Number:**

- E\_CS\_1200;
- E\_CS\_1201;
- E\_CS\_1202;
- E\_CS\_1203;
- P\_CS\_1220;
- P\_CS\_1221;
- P\_CS\_1223;
- Design, Access and Impact Statement, dated 24 September 2013;
- Site Photographs, dated 23 September 2013;
- Daylight and Sunlight Assessment, prepared by Accon UK, document reference A2046 v6.

#### **Statement of positive and proactive engagement**

The Local Planning Authority has worked with the applicant in a positive and proactive manner by making available a formal pre-application process, including free duty officer advice. The Local Planning Authority has also produced policies and provided written guidance, all of which are available on the Council's website and which has been followed in this instance.

**Conditions and Reasons:**

1 - The development hereby permitted shall be retained out in accordance with the approved plans listed in the Schedule to this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

## **APPENDIX C**

- **Photographs of Peck's Yard Elevation**



## 'STABLES GALLERY'

### LOWER GROUND FLOOR, 106 COMMERCIAL STREET

#### Photographs of Peck's Yard Elevation and Openings to Atrium



External elevation of Building taken from Peck's Yard. External boundary made up of profiled metal sheeting



Internal elevation of Building facing Peck's Yard taken from the Atrium looking towards Peck's Yard. This photograph shows (during installation) the *first* 100mm layer of rockwool installed immediately behind the profiled metal sheeting.



Internal elevation of Building facing Peck's Yard. This photograph shows (during installation) the second 100mm layer of rockwool installed behind the profiled metal sheeting. This also shows (during installation) the layer of 12mm plywood being installed behind the rockwool insulation.



Internal elevation of Building facing Peck's Yard. This photograph shows (following installation) the layer of 12mm plywood installed behind the rockwool insulation



Internal elevation of Building facing Peck's Yard. This photograph shows (following installation and painting) the layer of 12mm plywood installed behind the rockwool insulation. This is the currently final internal finish of the boundary facing Peck's Yard



Openings between Gallery 1 and Atrium (to be reglazed as per drawings)

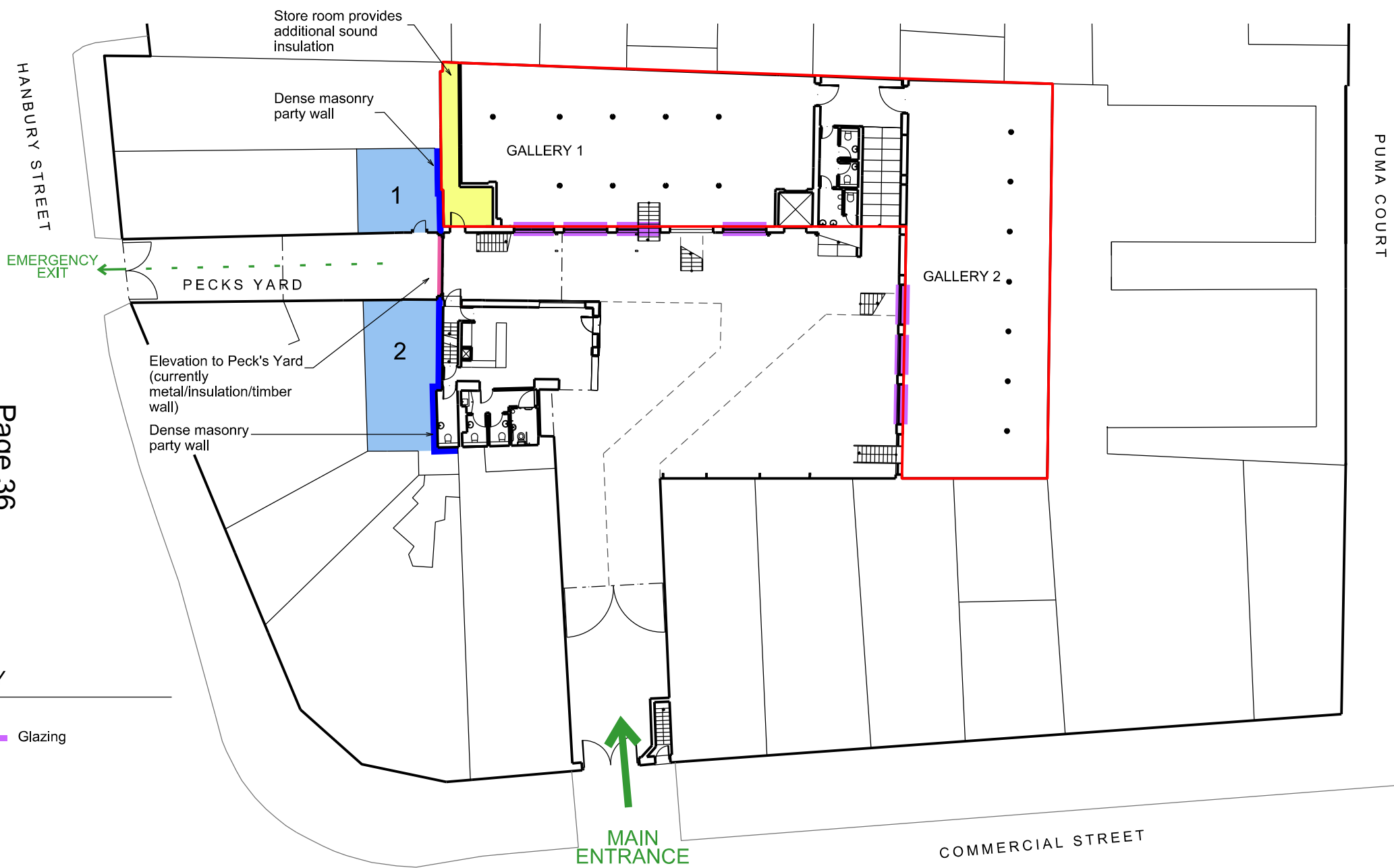




Openings between Gallery 2 and Atrium (to be reglazed as per drawings)

## **APPENDIX D**

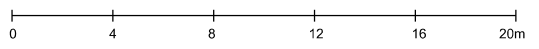
- **Stables Gallery Surroundings Plan**



Page 36

KEY  
 — Glazing

STABLES GALLERY SURROUNDINGS PLAN - 1:300 at A4



General notes:  
 1. Do not scale from this drawing. Ask for dimension.

Revisions



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 London E1 6GL  
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Scale at A4 1:300 Client		-	
Status	P	Job No	106 Commercial Street
Job number	P0028	Drawing number	P_CS_1224
Date	0613	Revised	*
		Drawing title	Stables Gallery surroundings plan

## APPENDIX E

- Updated proposed Conditions ('tracked' and 'clean' formats)

(16<sup>th</sup> December 2013)

Deleted: 0

Deleted: September

## Conditions in respect of:

### New Premises Licence Application for:

**Lower Ground Floor  
106 Commercial Street  
London  
E1 6LZ**

1. The Designated Premises Supervisor or a Personal Licence Holder or nominated person will be on the Premises at all times while open for trade.
2. Adequate and appropriate first aid equipment will be available in the Premises.
3. A fire risk assessment will be maintained and reviewed as necessary.
4. An event specific risk assessment shall be prepared in respect of every event in the Premises.
5. Emergency lighting, illuminated emergency exit signs, fire fighting equipment and emergency exit doors will be regularly checked to ensure they function correctly.
6. When disabled people are present adequate arrangements will be made to enable their safe evacuation in the event of an emergency. In the event of an emergency any disabled people in the Premises will be made aware of the evacuation arrangements.
7. Clear and legible notices will be displayed at the exit to the Premises requesting customers to respect local residents and to leave the Premises and the area quietly.
8. The Premises will adopt a policy under which any person attempting to purchase alcohol who appears to be under 21 will be asked for photographic ID as proof of their age.
9. For any event in the Premises where there is to be the sale of alcohol, children under 16 years of age will not be allowed to enter the Premises without being accompanied by an adult of 18 years of age or older.
10. During events where alcohol is to be sold in the Premises, SIA accredited security guards will be positioned at the entrance to the Premises monitoring the entrance and exit of people.
11. Any spillages of food or drink in the Premises will be cleaned up as soon as they are noticed by staff.
12. There shall be no off-sales of alcohol.
13. Noise emanating from the Premises shall not be audible at the nearest affected residential façade.



14. Noise emanating from the Premises shall not cause a public and/or statutory noise nuisance to the nearest affected business/commercial premises.

15. A CCTV system shall be installed in the Premises capturing the entrance to the Premises and generally covering the Premises itself. This CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises will be open for any licensable activity. Copies of CCTV recordings will be made available to the police and the other responsible licensing authorities on request. There shall be someone on duty at the Premises who is able to operate the CCTV system at all times that the Premises is open for business.

16. Recorded music may not be played in the Premises in excess of an overall volume of 82dBA.

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No bullets or numbering

(16<sup>th</sup> December 2013)

**Conditions  
in respect of:**

**New Premises Licence Application for:**

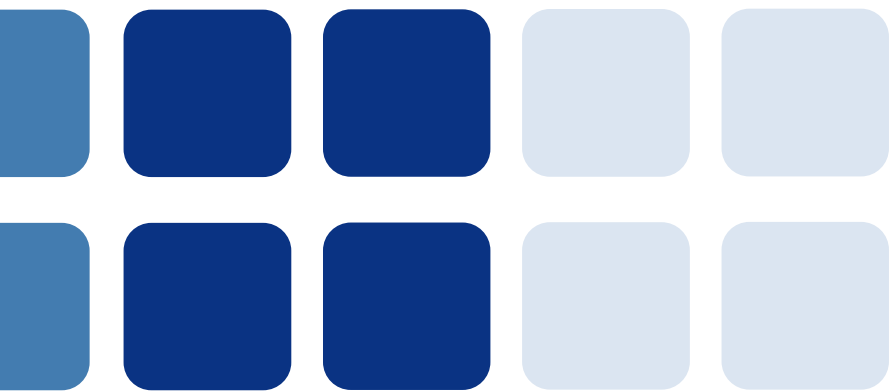
**Lower Ground Floor  
106 Commercial Street  
London  
E1 6LZ**

1. The Designated Premises Supervisor or a Personal Licence Holder or nominated person will be on the Premises at all times while open for trade.
2. Adequate and appropriate first aid equipment will be available in the Premises.
3. A fire risk assessment will be maintained and reviewed as necessary.
4. An event specific risk assessment shall be prepared in respect of every event in the Premises.
5. Emergency lighting, illuminated emergency exit signs, fire fighting equipment and emergency exit doors will be regularly checked to ensure they function correctly.
6. When disabled people are present adequate arrangements will be made to enable their safe evacuation in the event of an emergency. In the event of an emergency any disabled people in the Premises will be made aware of the evacuation arrangements.
7. Clear and legible notices will be displayed at the exit to the Premises requesting customers to respect local residents and to leave the Premises and the area quietly.
8. The Premises will adopt a policy under which any person attempting to purchase alcohol who appears to be under 21 will be asked for photographic ID as proof of their age.
9. For any event in the Premises where there is to be the sale of alcohol, children under 16 years of age will not be allowed to enter the Premises without being accompanied by an adult of 18 years of age or older.
10. During events where alcohol is to be sold in the Premises, SIA accredited security guards will be positioned at the entrance to the Premises monitoring the entrance and exit of people.
11. Any spillages of food or drink in the Premises will be cleaned up as soon as they are noticed by staff.
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16. Recorded music may not be played in the Premises in excess of an overall volume of 82dBA.

## APPENDIX F

- Updated Acoustic Report



106 COMMERCIAL  
STREET  
EXHIBITION USE  
LONDON, E1

## NOISE IMPACT ASSESSMENT

REPORT 5488C/NIA  
Prepared: 16 December 2013  
Revision Number: 1

Ely & Sidney Limited  
91 Brick Lane  
London  
E1 6QL

# NOISE IMPACT ASSESSMENT



106 COMMERCIAL STREET EXHIBITION USE,  
LONDON, E1

REPORT 5488C/NIA

Prepared: 16 December 2013

Revision	Comment	Date	Prepared By	Approved By
Zero	Issue of report	8 July 2013	Paul Taylor	Torben Andersen
One	Assessed current construction adjacent to Peck's Yard	16 December 2013	Paul Taylor	Torben Andersen

## Terms of contract:

RBA Acoustics Ltd shall not be responsible for any use of the report or its contents for any purpose other than that for which it was provided. Should the Client require the distribution of the report to other parties for information, the full report should be copied. No professional liability or warranty shall be extended to other parties by RBA Acoustics Ltd without written agreement from RBA Acoustics Ltd.



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## 1.0 INTRODUCTION

106 Commercial Street is a large Commercial building, currently in use as a warehouse and undergoing renovations. Access to the building is gained from Commercial Street and the building also extends to cover an area to the rear of various properties (occupied by third parties) along Commercial Street, Hanbury Street and Wilkes Street. The building also has an accessway leading from the north end of the building to Hanbury Street via a roadway known as Peck's Yard (which is indentified in Site Plan 5488C/SP1).

It is proposed to use the units at lower ground/basement level on the east and south sides of the building as exhibition and event spaces (the Exhibition Spaces"). These spaces are marked on Site Plan 5488C/SP1 and are outlined in red. The Exhibition Space to the east is "Gallery 1" and the Exhibition Space to the south is "Gallery 2" as annotated on Site Plan 5488C/SP1. The Exhibition Spaces are also shown outlined in red and shaded pink in Site Plan 5488C/SP4.

The building in the context of the surrounding area is shown in the Site Plan 5488C/SP2, on which the full extent of the building is shown shaded in green. The red outlined area identifies the Exhibition Spaces within the context of the building as a whole.

Site Plan 5488/SP3 identifies residential properties which are in the locality.

The building in the context of the surrounding properties is also shown by means of the aerial view in Figure 5488C/F1, in which the building has been outlined and shaded.

The Exhibition Spaces are arranged at basement level within the main, heavy built, brick building structure of the 106 Commercial Street Building itself.

The building also includes an "Entrance Hall" leading from the entrance to the building on Commercial Street in to the building and towards the Exhibition Spaces. The Entrance Hall is shown shaded in yellow on Site Plan 5488/SP4. The Entrance Hall is enclosed above in part by the upper floors of the 106 Commercial Street building and in part by a glazed roof.

The building also includes a central "Atrium" through which people attending the Exhibition Spaces need to pass from the Entrance Hall to reach the Exhibition Spaces. The Atrium is shown shaded in blue on Site Plan 5488/SP4. The Atrium is enclosed above by the corrugated plastic roof of that part of the building.

While the proposed exhibition and events use is confined to the Exhibition Spaces, as noted above people attending the Exhibition Spaces will need to pass through the Atrium, and accordingly in this report references to the "Premises" includes both the Exhibition Spaces and the Atrium.

The operating hours of the Exhibition Spaces are proposed to be between the hours of 10:00 hours to 23:00 hours Monday to Sunday.

Music is proposed to be amplified and reproduced within both Exhibition Spaces. Suitable noise limits are suggested within this report.

As part of the renovation works, roof repairs have been undertaken, and insulated wall panelling is being installed along the west edge of the Atrium part of the building, facing the rear of properties 98-104 Commercial Street. As a further part of the renovation and repair works to the building, the north elevation of the building facing Peck's Yard is proposed to be re-enclosed by means of a glazing system, thereby offering increased sound insulation to nearby residential properties in particular to the north. Historically corrugated metal sheeting existed on these boundaries. In this report we have assessed the acoustic affect between the existing construction and the proposed glazing system.

As a further part of the renovation and repair works to the building, the roof of the Entrance Hall is being refurbished with a new glazed roof replacing the old glazed roof to the Entrance Hall.

Furthermore, glazing is to be installed in the existing openings between the Atrium Space and each respective Exhibition Space.

There are some openings between the Exhibition Spaces and the Atrium. Some of these were historically glazed, and from which the glass was removed a number of decades ago. As part of the renovation works, glazing is to be installed in most of these openings between the Atrium and the Exhibition Spaces. Those areas not to be glazed will be used as emergency exit routes with lobbies between the Exhibition Spaces and the Atrium.

The main access to the Exhibition Spaces is via the wide staircase from the south-east corner of the Atrium to the lower ground level, leading to a lobby area between Gallery 1 and Gallery 2. Gallery 1 also has an alternative emergency exit route in the middle of its west boundary leading out of Gallery 1 to the Atrium, which route is also to be lobbied. Gallery 2 has an alternative emergency exit route at its west end leading out of Gallery 2 to the Atrium, which route is also to be lobbied. Accordingly, both the main access points and the alternative emergency exit routes out of the Exhibition Spaces are to be lobbied, thus increasing the sound isolation between the Exhibition Spaces and the Atrium.

The public entrance to the Exhibition Spaces is to be via the main Commercial Street entrance to the building, and for the avoidance of doubt the Peck's Yard route to Hanbury Street is not proposed to be used as the entrance.

This report provides the results of our analyses and assessment of the use of the Exhibition Spaces as exhibition and event spaces.

In summary it is our professional opinion that potential noise generated due to the exhibition and events use of the Exhibition Spaces will not cause an unacceptable noise increase or disturbance to nearby residents.

*Note:*

This report has been revised following feedback that the existing construction of the building facing Peck's Yard is different to that assumed within our initial report (Report 5488C Rev 0 dated 8 July 2013). Our initial report assessed the building's elevation to Peck's Yard on the basis of the glazing system which Ely & Sidney Limited proposes to install. However, as this glazing system has not yet been installed, Ely & Sidney Limited have commissioned us to update our initial report to address the current and existing treatment of the building's elevation to Peck's Yard (which is made up of corrugated metal, rockwool insulation and timber). Details of the existing construction are given herein and a further assessment has been carried out based on this construction.

## 2.0 BACKGROUND NOISE LEVELS

A noise measurement study was undertaken continuously between 16:00 hours on Friday 25 January 2013 and 11:30 hours on Monday 28 January 2013 on the edge of the eastern roof and flank wall of the 106 Commercial Street building (facing the rear of the properties along Wilkes Street).

As the surveys were unattended it is not possible to comment with certainty regarding meteorological conditions throughout the entire survey period, however the weather was generally considered satisfactory it being predominantly dry with little rain.

Measurements were made of the  $L_{A90}$ ,  $L_{Amax}$  and  $L_{Aeq}$  noise levels over sample periods of 15 minutes duration.

Graphs summarising the background  $L_{Aeq}$ ,  $L_{A90}$  and  $L_{Amax}$  noise levels throughout the measurement duration are shown in Graphs 5448C/G1 and 5448C/G2.

The measurement location is shown in Figure 5488C/F1. Photograph 5488C/P1 also shows the equipment set-up in situ on the roof.

### 2.1 Measurement Position

Measurements were undertaken on the east edge of the roof of 106 Commercial Street. This location was chosen as it represents noise levels experienced by residents to the east of the building (along Wilkes Street), with significantly reduced noise levels arising from Commercial Street due to shielding from buildings along Commercial Street itself. Dominating sources of noise were traffic noise from Commercial Street, and regular aeroplane flyovers.

During the last day of measurements (Monday 28 January 2013) it was noted that roofing work was being carried out on the roof of 106 Commercial Street, explaining the higher noise levels observed on this day. This data has been removed from our analysis.

### 2.2 Instrumentation

The following equipment was used for the measurements.

Table 5488C/T1 – Equipment Details

Manufacturer	Model Type	Serial No.	Calibration	
			Certificate No.	Expiry Date
Larson Davis Type 1 Sound Level Meter	SLM824	3153	U11517	27 June 2014
Larson Davis Pre Amplifier	PRM902	4467		
Larson Davis ½" Microphone	2541	8177		
Larson Davis Calibrator	Cal 21	3321	U11516	27 June 2014

The sound level meter was calibrated both prior to and on completion of the survey with no calibration drifts observed.

### 2.3 Results

Table 5488C/T2 below summarises the lowest  $L_{A90}$  and  $L_{Aeq}$  noise levels measured and calculated over a period covering a typical weekend period between 08:00 and 22:30 hours. These values exclude data due to roof works being undertaken (data measured on Monday 28 January).

Table 5488C/T2 –Background Noise Levels

Time Period	Average $L_{A90}$ (dB)	Average $L_{Aeq}$ (dB)	Lowest $L_{A90}$ (dB)	Lowest $L_{Aeq}$ (dB)
10:00 – 23:00	48.0	53.6	45.0	47.9

Site Plan 5488C/SP2 identifies:

- shaded in orange, in general terms the nearest residential properties to the Premises which are located at upper floor levels (above ground floor commercial premises); and
- shaded in blue, in general terms the nearest residential properties to the Premises which are residential on all floors.

## 3.0 NOISE ASSESSMENT CRITERIA

Following discussions with Joe Aghomi (EHO at London Borough of Tower Hamlets Council), it has been agreed that the assessment of noise associated with the proposed application should be compared with the values given in the WHO & British Standard guidance document (BS8233).

### 3.1 WHO Community Noise Guidelines

It is important to consider the recommendations stated in the World Health (WHO) Organisation document "Guidelines for Community Noise". This document describes guideline levels that are "essentially values for the onset of health effects from noise exposure".

A table of guideline values is included, relating to adverse health effects, referred to as any temporary or long term deterioration in physical, psychological, or social functioning that is associated with noise exposure. The following is an extract from the Table 4.1: Guideline values for community noise in specific environments, as stated in the WHO document.

Table 5488C/T3 – Guideline Values for Community Noise

Specific Environment	Critical Health Effect(s)	$L_{Aeq}$ (dB)	Time Base (hours)	$L_{Amax,f}$ (dB)
Outdoor living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Dwelling, indoors	Speech intelligibility and moderate annoyance, daytime and evening	35	16	-
Inside bedrooms	Sleep disturbance, night-times	30	8	45
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60

From Table 5488C/T3, it is implied that an open window offers a level difference of approximately 15 dB  $L_{Aeq}$ , as the difference between guideline values for areas inside of a bedroom (30 dBA) should be 15 dB lower than that directly outside of the bedroom (45 dBA).

Therefore, assuming a worst case scenario of windows being open in the nearest potentially affected properties, acceptable levels outside of living rooms (for daytime periods) can be calculated as being 50 dBA. This being 15 dB  $L_{Aeq}$  above the level of 35 dB  $L_{Aeq}$  referred to in the WHO guidelines above in relation to "Dwelling, indoors".



### 3.2 BS 8233:1999 Sound Insulation and Noise Reduction for Buildings – Code of Practice

BS 8233:1999 Sound insulation and noise reduction for buildings – Code of Practice, draws on the results of research and experience such as that detailed in WHO ‘Guidelines for Community Noise’, to provide information on achieving internal acoustic environments appropriate to their functions. As part of this document recommendations are given to the internal noise levels which are commensurate with achieving good/reasonable resting and sleeping conditions within residential properties. The values given are generally in terms of an  $L_{Aeq}$  level although guidance is also given on the maximum noise level considered reasonable within bedrooms at night. The values given are detailed below:

Table 5488C/T4– BS8233 Residential

Location	Good	Reasonable
Living Rooms	30 dBA	40 dBA
Bedrooms	30 dBA	35 dBA

Although the document does not specifically outline the time periods over which these criteria should be considered suitable, it does note the time period should be appropriate for the activity involved. It is therefore common for the following assessment time periods to be adopted:

Living Rooms	Daytime	07:00 to 23:00 hours
Bedrooms	Night-time	23:00 to 07:00 hours

### 3.3 Assessment Summary

Considering the proposed opening hours of 10:00 – 23:00, only the daytime criteria, relating to living rooms, is applicable. In line with WHO Guidelines and BS8233, an internal noise level within living rooms of 35dBA is considered a satisfactory noise level within the assessed properties. Furthermore, from the conclusions in Section 3.3 about an open window giving a reduction of around 15dBA, a façade level of 50dBA would achieve an interior noise level of 35dBA.

It can therefore be inferred that, according to WHO and BS8233 guidelines, façade incident levels of 50dBA or below can be considered acceptable.

## 4.0 NOISE BREAKOUT ASSESSMENT

### 4.1 Predicted Noise Levels – Noise Modelling Assumptions

In order to predict the likely noise levels generated by people and music within the Premises at the nearest affected residential windows, we have undertaken a detailed noise modelling exercise using both the Odeon and CadnaA software.

This modelling suite incorporates the guidance within ISO9613 and has taken as its basis a Premises occupancy of:

- 90 customers within Gallery 1 (to the east) all of whom are talking simultaneously using raised voices;
- 90 customers within Gallery 2 (to the south) all of whom are talking simultaneously using raised voices; and
- 10 customers within the main Atrium, passing through it to reach the Exhibition Spaces all of whom are talking simultaneously using normal voices.

The above are worst-case assumptions in the following ways:

- It is likely that only a small proportion of people in the Exhibition Spaces will be talking simultaneously, as it is usually the case that when one person is talking that the other will be listening to the first person speaking. If this was not the case then it would be practically impossible to hold a conversation.
- Given the relatively low impact proposed exhibition and events space use of the Exhibition Spaces, we would expect the people in those spaces to be speaking with normal voices, rather than with raised voices. This in particular the case when compared with bar and pub uses.
- The operating hours of the Exhibition Spaces is assumed in this report to be 10:00 to 23:00 hours Monday to Sunday. We understand that reality the Exhibition Spaces may be proposed to operate over a shorter period.

The adoption of these worst-case assumptions will add to the robustness of this report in relation to the proposed use of the Premises.

Noise levels within the Exhibition and Atrium Spaces have been calculated based on the following assumptions shown in Tables 5488C/T5-8.

Table 5488C/T5 - Predicted Octave-band Equivalent Absorption Coefficients

Parameter	Octave-band Equivalent Absorption Coefficients							
	63	125	250	500	1k	2k	4k	8k
Equivalent Absorption Coefficient of Exhibition Space	0.03	0.03	0.03	0.05	0.06	0.07	0.10	0.10
Equivalent Absorption Coefficient of Atrium Space	0.06	0.06	0.05	0.07	0.08	0.11	0.12	0.12

Table 5488C/T6 - Predicted Composite Sound Reduction Index (SRI)

Parameter	Octave-band Sound Reduction Indices							
	63	125	250	500	1k	2k	4k	8k
Composite SRI Between Exhibition Spaces and Atrium Space (dB)	15	15	16	18	20	20	22	22

The noise levels predicted within various areas of 106 Commercial Street are shown in Table 5488C/T7 and Table 5488C/T8.

Table 5488C/T7 - Noise Levels Assumed Within the Model

Noise Level Parameter	Noise Levels Predicted (dB)								
	63	125	250	500	1k	2k	4k	8k	Overall (dBA)
Within each Exhibition Space (90 people)	76	76	79	84	81	72	65	57	76
Within main Atrium Space (10 additional people)	59	59	63	67	60	52	46	41	66

Table 5488C/T8 shows the maximum permissible music level within each Exhibition Space.

Table 5488C/T8 – Reproduced Music Levels Assumed Within the Model

Noise Level Parameter	Noise Levels Predicted (dB)								
	63	125	250	500	1k	2k	4k	8k	Overall (dBA)
Music Level in Internal Area	80	78	78	75	75	75	74	72	82

Noise generated is assumed to breakout through the plastic corrugated roof of the Atrium, the glazing above the Entrance Hall, the insulated wall panel to be installed along the west edge of the Atrium facing the rear of properties along 98-104 Commercial Street, and the glazing proposed to be installed to the north elevation of the Atrium facing Peck's Yard and the rear of properties along Hanbury Street. No noise breakout is assumed to occur from the tiled roof or brick outer walls.

It should be noted that an empty room is assumed with no finishes, people, production structures, or other attenuation on the walls (such as paintings in the event of an exhibition). This will inevitably be increased when any such attenuating materials are installed and when people are in the Exhibition Spaces, leading to a reduction in the overall predicted noise level in both spaces.

Table 5488C/T9 - Predicted Octave-band Level Differences

Parameter	Octave-band data							
	63	125	250	500	1k	2k	4k	8k
Level Difference of Corrugated Plastic Roof (to Atrium Space)	10	10	10	15	15	20	20	20
Sound Reduction Index of Insulated Wall Panel (to west Atrium elevation)	20	18	20	24	20	29	39	47
Sound Reduction Index of Glass Roof (to Entrance Hall)	15	19	21	27	31	32	26	26
Sound Reduction Index of Glazing System (to Peck's Yard)	15	19	21	27	31	32	26	26

## 4.2 Noise Model Results

The attached Figure 5488C/NM1 details the results of our noise model, with noise levels resulting from the people and music in the Exhibition Spaces and from people in the Atrium for the worst-affected floor on each part of the relevant residential property being shown in the small white circles along the relevant façade. In summary, the following worst-case noise levels are predicted:

Table 5488C/T10 – Summary of Predicted Noise Levels

Receptor Location	Worst-case Activity Noise Level (dBA)
1 – Flats contained within 104 Commercial Street	47
2 – Flats between 10 & 12 Hanbury Street	30
3 – 1 Peck's Yard	33
4 – 2 Peck's Yard	34
5 – Flats contained within 94-96 Commercial Street	36

## 4.3 $L_{max}$ Assessment

A query was raised by Tower Hamlets council with regard to the resultant  $L_{max}$  noise levels at nearby residences.

Our database information suggests that for typical continuous speech,  $L_{max}$  values are approximately 10dB above the  $L_{eq}$  noise level.

It is not possible to accurately model  $L_{max}$  noise due to multiple sources in the same way as  $L_{eq}$  noise levels as this would assume all  $L_{max}$  events for each person occurred simultaneously, which is clearly not valid. However, for the sake of completeness, the following table outlines the worst case  $L_{max}$  values at the façade lines.

Table 5488C/T11 – Summary of Predicted Noise Levels

Receptor Location	Worst-case Activity Noise Level (dBA)
1 – Flats contained within 104 Commercial Street	57
2 – Flats between 10 & 12 Hanbury Street	40
3 – 1 Peck's Yard	43
4 – 2 Peck's Yard	44
5 – Flats contained within 94-96 Commercial Street	46

Comparing the predicted  $L_{max}$  values in Table 5488C/T11 with the WHO bedroom night-time criteria in Table 5488C/T3, it can be seen that even the worst case predicted  $L_{max}$  noise level is below the 60dB  $L_{Amax,f}$  level suggested for sleep disturbance. It should be noted that this criteria applies to night-time only. With the proposed opening hours being only daytime and evening, a more relaxed approach can be taken. Even with a worst case comparison, predicted  $L_{max}$  noise levels are below those which are likely to cause sleep disturbance at the worst affected property.

Furthermore, existing  $L_{Amax,f}$  noise levels (as shown in Graph 5488C/G2) in the area frequently exceed 60 dBA and are often above 70dBA. This is owing to the vibrant central London locality in the area of the building. We stress that the predicted noise levels potentially generated by the use of the Exhibition Spaces are significantly below the existing background noise levels in the locality, and will lead to no increase in such ambient noise levels.

#### 4.4 Assessment of Impact

The most noise sensitive property is 104 Commercial Street situated to the west of the Atrium. Here the estimated noise level due to use of the Premises under our worst case conditions is 47 dBA at the external façade of 104 Commercial Street. Assuming the worst case scenario of an open window, the noise level due to use of the Premises within a living space in 104 Commercial Street would be 32 dBA due to the 15 dB reduction which an open window provides. This is below that recommended in the WHO Guidelines of 35 dBA  $L_{Aeq}$  as shown in Table 5488C/T3.

As shown in Table 5488C/T10, all other noise sensitive properties have a predicted façade  $L_{Aeq}$  noise level considerably below 47 dBA. Accordingly, these receptors are also well below the internal noise levels recommended within the WHO Guidelines as shown in Table 5488C/T3.

Consideration has also been given to the possibility of the Premises containing more people than that assessed within this report, notwithstanding that this is unlikely given the space available. Even if the assumed number of customers in each exhibition space was increased from 90 to 140 customers, the predicted  $L_{eq}$  noise level would only increase by 2dB. This would result in a worst case noise level at 104 Commercial Street of 34dBA, which is still below the WHO Guidelines.

Consideration has also been given to the possibility of the Exhibition Spaces being used as assumed in this report, and at the same time the potential café (at ground floor and part first floor), market (at ground floor), and retail spaces (at first floor) within the building being in use. For these alternative and simultaneous uses we have assumed the following occupancy:

- 45 café customers in the Atrium seating area;
- 25 café customers in the Entrance Hall seating area;
- 30 customers in the retail spaces (first floor); and
- 30 customers in the Atrium in market area,
- All of whom are talking simultaneously using normal voices.

We note also that the above assumed occupancy numbers for the café (a total of 70 customers in the Atrium and Entrance Hall seating areas) is in itself an overestimation of the capacity of this café seating area, which totals only 50 customer covers. Even assuming the above referred to uses simultaneous with the assumed people and music occupancy of the Exhibition Spaces, the predicted  $L_{eq}$  noise level would only increase by 4 dBA within the Atrium. This does not correlate precisely with the predicted noise level at 104 Commercial Street due to the level difference offered by the insulated wall panel. This would therefore result in a worst case noise level outside 104 Commercial Street of 50dBA, which is still in line with the WHO Guidelines. Assuming the worst case scenario of an open window, the noise level due to use of the Premises within a living space in 104 Commercial Street would be 35 dBA due to the 15 dB reduction which an open window provides. This is in line with the WHO Guidelines.



The above considerations adds to the robustness of the conclusions in this report, and provides and extremely large additional acoustic 'capacity' for the building.

#### 4.5 Further Assessment

In order to predict noise levels at the nearest residential façades, we have undertaken further noise modelling which takes into account the current construction of the Atrium facing onto Peck's Yard.

We understand that the current construction between the Atrium and Peck's Yard consists of a 3m high roller shutter at ground level, and an insulated partition above.

The insulated partition is composed of:

- 1mm corrugated steel panel (external face to Peck's Yard)
- 200mm cavity filled with Rockwool
- 12mm plywood (internal face)

From our database, we have an estimated performance of the roller shutters and have used this in our calculations.

The predicted acoustic performance of the roller shutters, wall panel and the overall performance of these two elements is provided in Table 5488C/T12.

Table 5488C/T12 - Predicted Octave-band Level Differences

Parameter	Octave-band data							
	63	125	250	500	1k	2k	4k	8k
Sound Reduction Index of Roller Shutter	15	16	21	25	26	24	23	32
Sound Reduction Index of Insulated Partition	10	20	28	35	45	45	45	45
Overall Sound Reduction Index of Elements	11	18	24	28	30	28	27	35

Based on the overall sound reduction index and internal noise levels presented in Table 5488C/T7-8, the results of our additional noise model are shown in 5488C/NM2 and are summarised in Table 5488C/T13.

Table 5488C/T13 – Summary of Predicted Noise Levels

Receptor Location	Worst-case Activity Noise Level with Existing Construction(dBA)	Worst-case Activity Noise Level with Proposed Glazing System (dBA)
2 – Flats between 10 & 12 Hanbury Street	30	30
3 – 1 Peck's Yard	34	33
4 – 2 Peck's Yard	35	34

As shown in Table 5488C/T12, with the existing construction of the elevation to Peck's Yard we predict noise levels within Peck's Yard to be 35dBA  $L_{Aeq}$  or below at the worst affected façade within Peck's Yard. The predicted  $L_{Aeq}$  noise levels are 12dB below the lowest measured background noise levels. From our study, we predicted only a 1dB decrease in noise levels around Peck's Yard would occur should the proposed glazing system be installed.

The 1dB difference between the current construction to Peck's Yard (metal, rockwool insulation and timber) and the planned construction to Peck's Yard (a glazing system) is not material and would not affect our conclusion that predicted and potential noise generated from the proposed exhibition and events use of the Premises between 10:00 and 23:00 hours Monday to Sunday will not cause disturbance to nearby residents.

With the current construction of the building at the elevation to Peck's Yard the predicted noise caused from the Premises would still (even on the basis of the various worst case scenario assumptions in this report) be 12 dB below the lowest measured background levels, which would not be expected to cause any disturbance and is materially below the WHO guidelines.

## 5.0 NOISE TRANSFER THROUGH PARTY WALLS

We have given consideration to potential noise transfer from the Premises to adjoining residential properties through party walls.

To the north, 1 and 2 Pecks Yard (being residential properties) share party walls with the building, but only 1 Pecks Yard shares a party wall with the Exhibition Spaces. The party wall to 1 Pecks Yard is a substantial dense masonry wall with a minimum thickness throughout of 325mm (13 inches). Given the construction of this wall and the relatively low noise levels anticipated in the Exhibition Spaces and building more generally we would not expect any transmission of noise across this element. The building's party wall to 2 Pecks Yard is a minimum thickness throughout of 225mm (9 inches), and as noted above this wall does not form any part of the Exhibition Spaces or the Premises, and accordingly there is no assumed noise which could be transmitted through this wall. Notwithstanding this, even if there was noise in this area at the level predicted for the Exhibition Spaces, we would not expect any transmission of noise through this wall.

To the south are the Norton Folgate Almshouses (being residential properties) on Puma Court. These are detached from the 106 Commercial Street boundary wall and so we would not expect any transmission of noise through this wall. Notwithstanding this, we note that this south boundary wall of 106 Commercial Street is also a substantial dense masonry wall with a minimum thickness throughout of 3,375mm (13.5 inches). This provides additional control, and we reiterate that given the construction of this wall, the relatively low noise levels anticipated in the Exhibition Spaces and building more generally, and the detached nature of the residential properties on Puma Court we would not expect any transmission of noise across this element.

## 6.0 CUSTOMER ACCESS/EGRESS

In this section we set out a brief assessment of the potential noise which may be caused by customers coming to and leaving from the Premises.

Given the low impact proposed use of the Premises as an exhibition and events space (in particular when compared to pubs and bars) we do not consider that the people attending the Exhibition Spaces will be particularly noisy on their journeys to and from the Premises.

It is normal that customers leave exhibitions in a staggered manner, as party of visiting people come and go as they please. This is different from bars which have more risk of all of their customers leaving at the same time at closing time. This nature of the Premises proposals will help to ensure that customers leave towards the end of the evening in a steady and staggered way.

In addition, the entrance and exit to the Premises is via Commercial Street. Commercial Street is an extremely busy thoroughfare, both with vehicles (through the day and night) and with pedestrians, which means that the sound of customers leaving the Premises is not likely to increase the ambient background level.

The egress point at Commercial Street is also extremely well served by public transport, with the Underground, Overground and Mainline train stations, buses and bicycle hire stations all within easy walking distance. Commercial Street being a busy and predominately commercial use highway also has the benefit that people leaving the Premises will be extremely unlikely to walk down residential streets in order to reach any form of public transport.

With the above in mind and considering the inner city location of the Premises, where the prevailing noise climate has previously been shown to be high, it is anticipated that the customers leaving the Premises will not unduly influence the character of the existing noise climate at the nearest residential receptors.

## 7.0 CONCLUSIONS

RBA Acoustics have undertaken an assessment of noise associated with people and music within the proposed Exhibition Spaces and also in the Atrium within parts of the building at 106 Commercial Street, London E1.

Even under the worst-case assumptions, which we have used in this report, predicted noise levels from the Premises at the worst affected residential receptor are 3 dB below WHO Guidelines for internal living spaces. The predicted noise of the Premises at all other residential receptors in the vicinity are even quieter than the level at this worst-case level. Therefore no impact is likely to occur.

Taking everything in our report into account, we do not consider the proposed use of the Exhibition Spaces in the lower ground/basement level of the 106 Commercial Street building as exhibition and events spaces as envisaged in this report will result in any detrimental effect on the prevailing noise climate at the façades of nearby residential properties.

In summary it is our professional opinion that predicted and potential noise generated from the proposed exhibition and events use of the Premises between 10:00 and 23:00 hours Monday to Sunday will not cause disturbance to nearby residents. This is the case for both the current construction of the elevation to Peck's Yard and the proposed construction. We therefore recommend that the proposed use should not be refused on the grounds of noise.

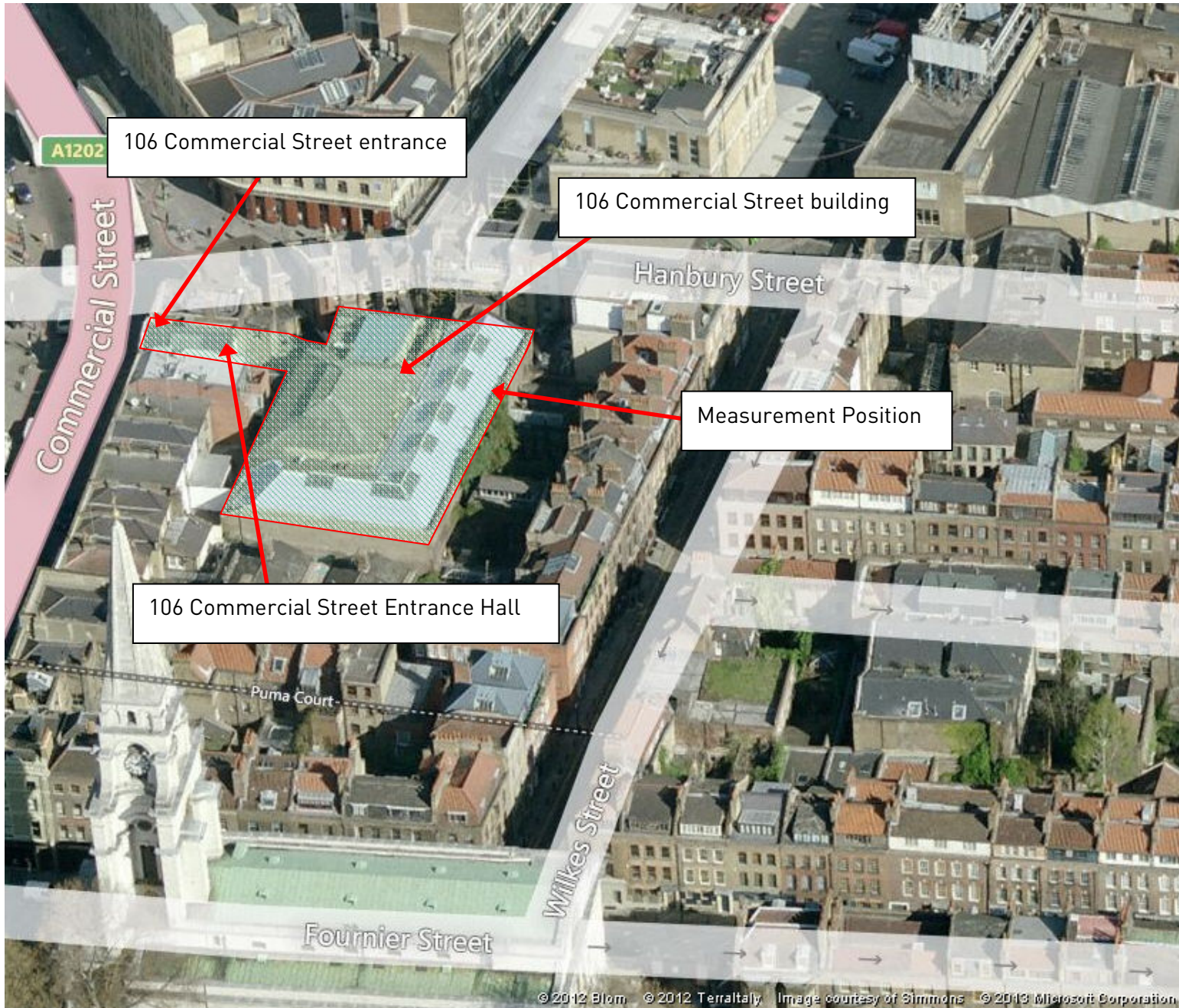




## Appendix A - Acoustic Terminology

dB	Decibel - Used as a measurement of sound pressure level. It is the logarithmic ratio of the noise being assessed to a standard reference level.
dB(A)	The human ear is more susceptible to mid-frequency noise than the high and low frequencies. To take account of this when measuring noise, the 'A' weighting scale is used so that the measured noise corresponds roughly to the overall level of noise that is discerned by the average human. It is also possible to calculate the 'A' weighted noise level by applying certain corrections to an un-weighted spectrum. The measured or calculated 'A' weighted noise level is known as the dB(A) level. Because of being a logarithmic scale noise levels in dB(A) do not have a linear relationship to each other. For similar noises, a change in noise level of 10dB(A) represents a doubling or halving of subjective loudness. A change of 3dB(A) is just perceptible.
$L_{eq}$	$L_{eq}$ is defined as a notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (1 hour).
$L_{Aeq}$	The level of notional steady sound which, over a stated period of time, would have the same A-weighted acoustic energy as the A-weighted fluctuating noise measured over that period.
$L_{An}$ (e.g. $L_{A1}$ , $L_{A90}$ )	If a non-steady noise is to be described it is necessary to know both its level and the degree of fluctuation. The $L_n$ indices are used for this purpose, and the term refers to the level exceeded for n% of the time, hence $L_{10}$ is the level exceeded for 10% of the time and as such can be regarded as the 'average maximum level'. Similarly, $L_{90}$ is the average minimum level and is often used to describe the background noise.
$L_{max,T}$	The instantaneous maximum sound pressure level which occurred during the measurement period, T. It is commonly used to measure the effect of very short duration bursts of noise, such as for example sudden bangs, shouts, car horns, emergency sirens etc. which audibly stand out from the general level of, say, traffic noise, but because of their very short duration, maybe only a very small fraction of a second, may not have any effect on the $L_{eq}$ value.





106 Commercial Street  
Exhibition Use

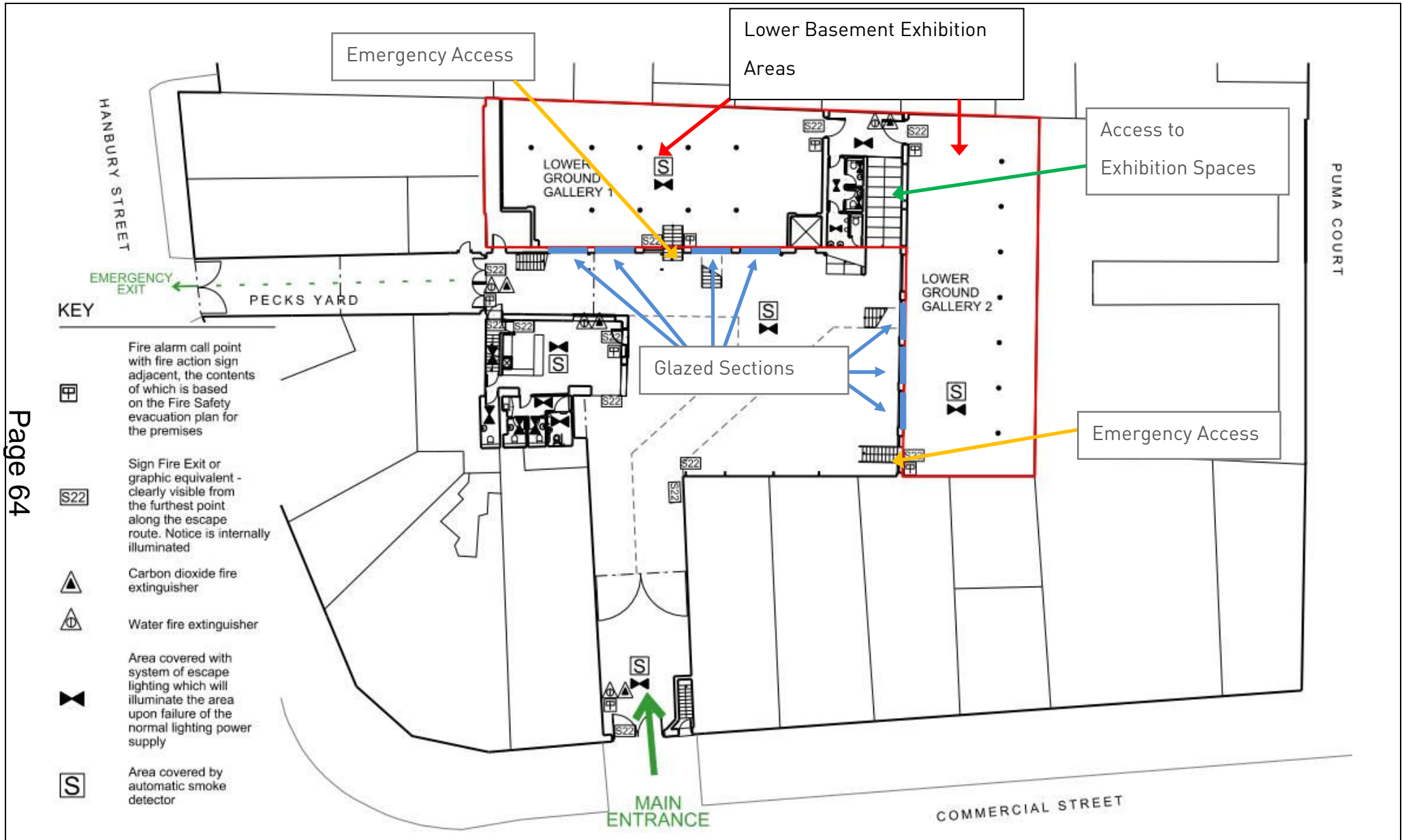
Figure 5488C/F1


8 July 2013

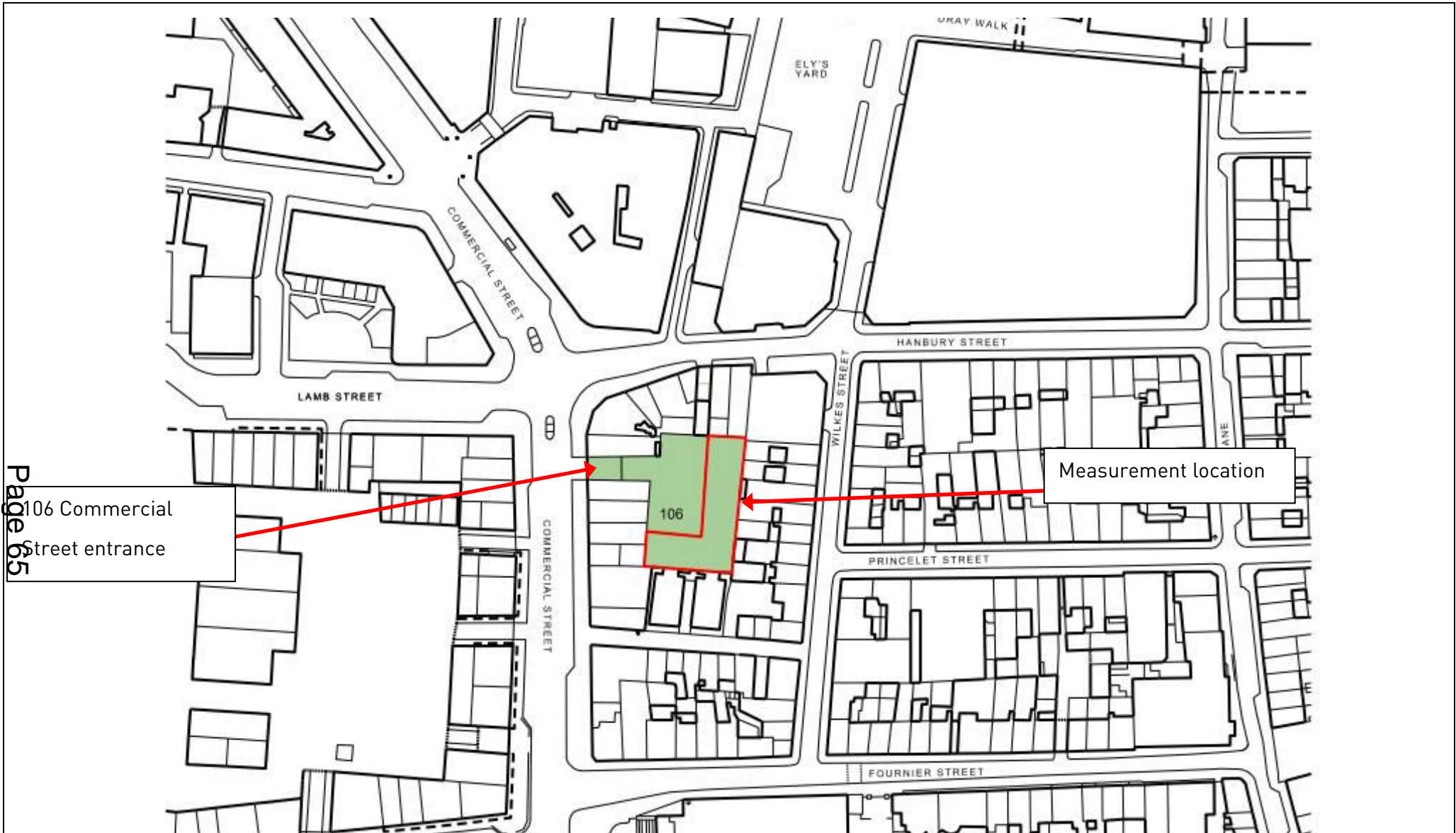
Aerial view of 106  
Commercial Street and the  
surrounding area, showing  
the measurement location







<p>Site Plan 5488C/SP1</p>	<p>106 Commercial Street Exhibition Use</p>	
<p>8 July 2013</p>	<p>Proposed lower ground floor layout of exhibition spaces at 106 Commercial Street</p>	



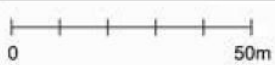
Page 65

106 Commercial Street entrance

Measurement location

Site Plan 5488C/SP2	106 Commercial Street Exhibition Use	
8 July 2013	106 Commercial Street Building Context Plan with residential properties identified	





- Residential on all floors
- Residential upper floors only

General notes:  
1. Do not scale from this drawing. Ask for dimension.

Revisions



Scale at A4:1:1500	Drawing number P_CS_1068	Date 0113	Revision -	Drawing title 106 Commercial Street building context plan
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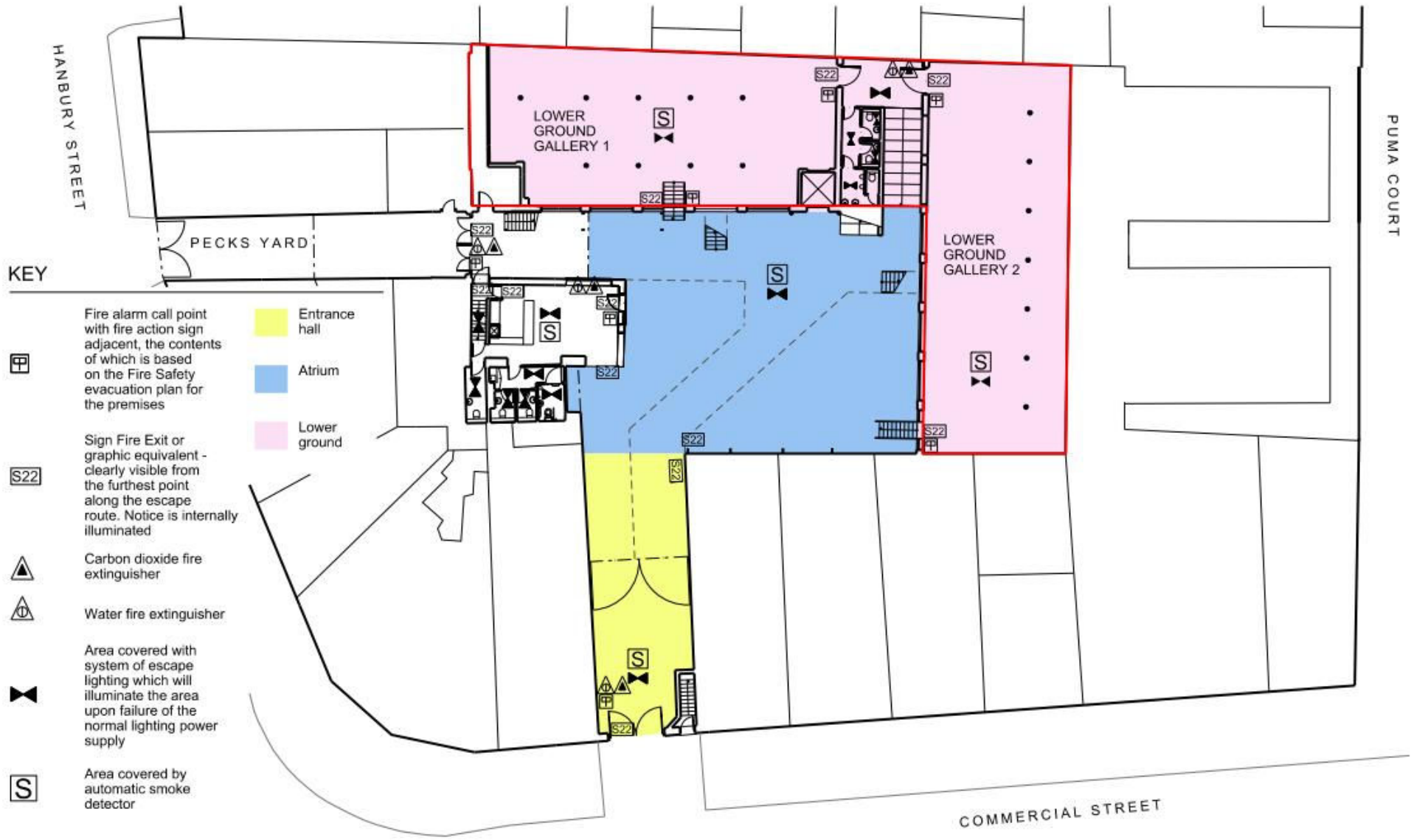
Site Plan 5488C/SP3


106 Commercial Street Exhibition Use

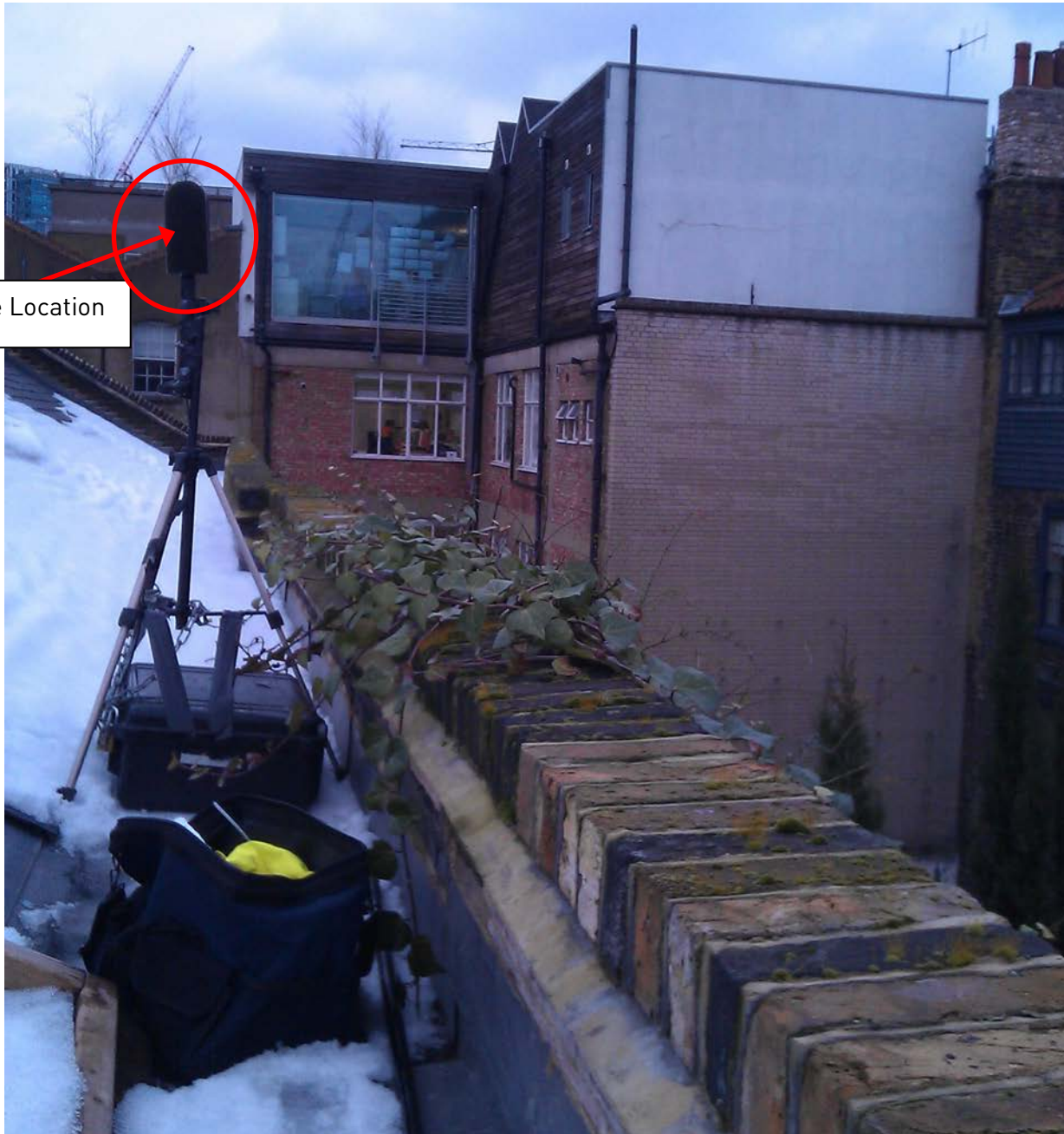
8 July 2013

106 Commercial Street Building Context Plan with residential properties identified





<p>Site Plan 5488C/SP4</p>	<p>106 Commercial Street Exhibition Use</p>	
<p>8 July 2013</p>	<p>Proposed lower ground floor layout of exhibition spaces at 106 Commercial Street</p>	



Microphone Location

106 Commercial Street  
Café, Retail & Market

Photograph 5488C/P1

25 January 2013

Photograph taken of noise  
measurement equipment  
in situ on the roof of 106  
Commercial Street



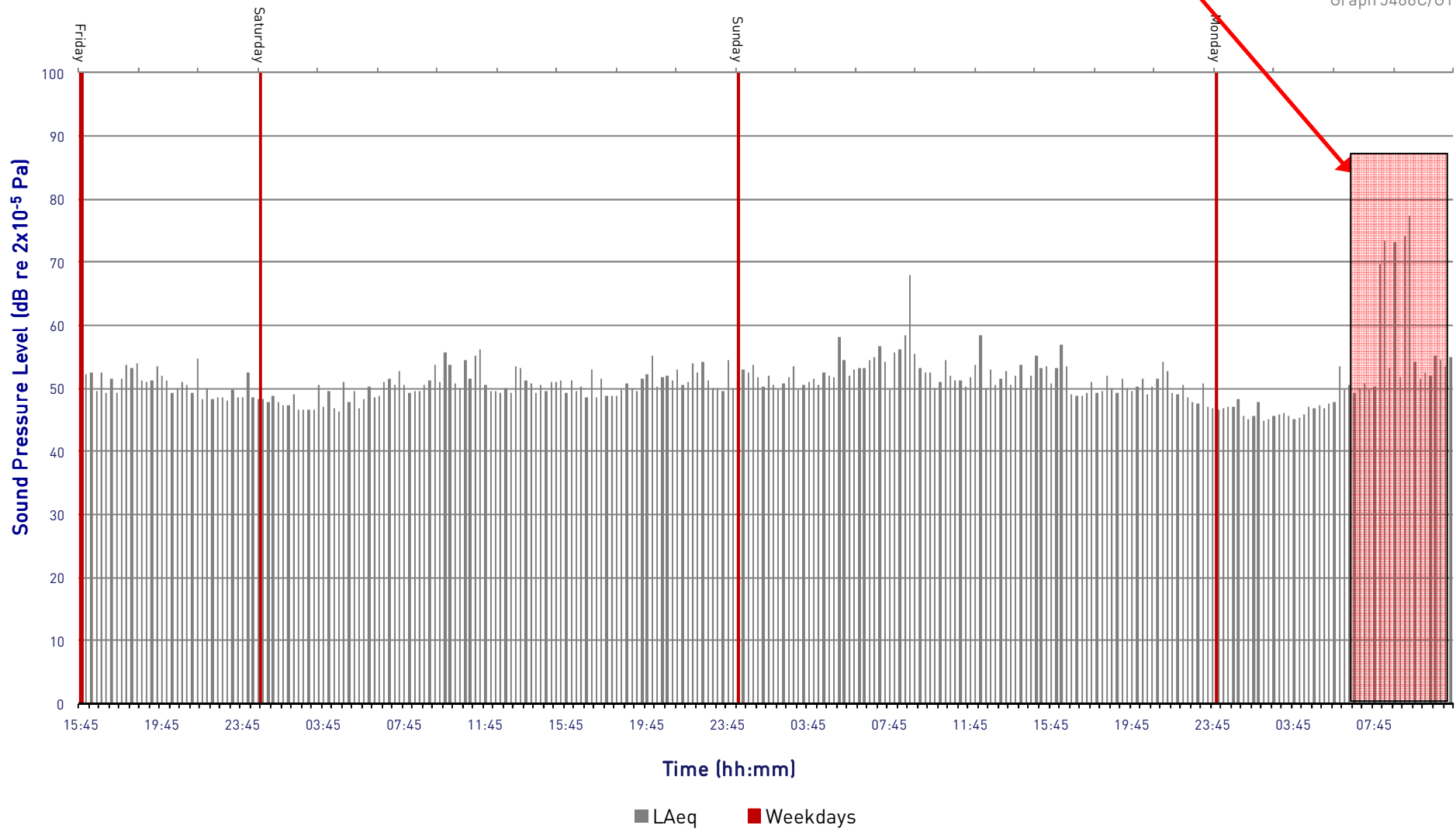
106 Commercial Street Exhibition Space  
L<sub>Aeq</sub> Time History  
Friday 25 January 2013 to Monday 28 January 2013

Roofing work taking place on other side  
of building (data ignored)



Graph 5488C/G1

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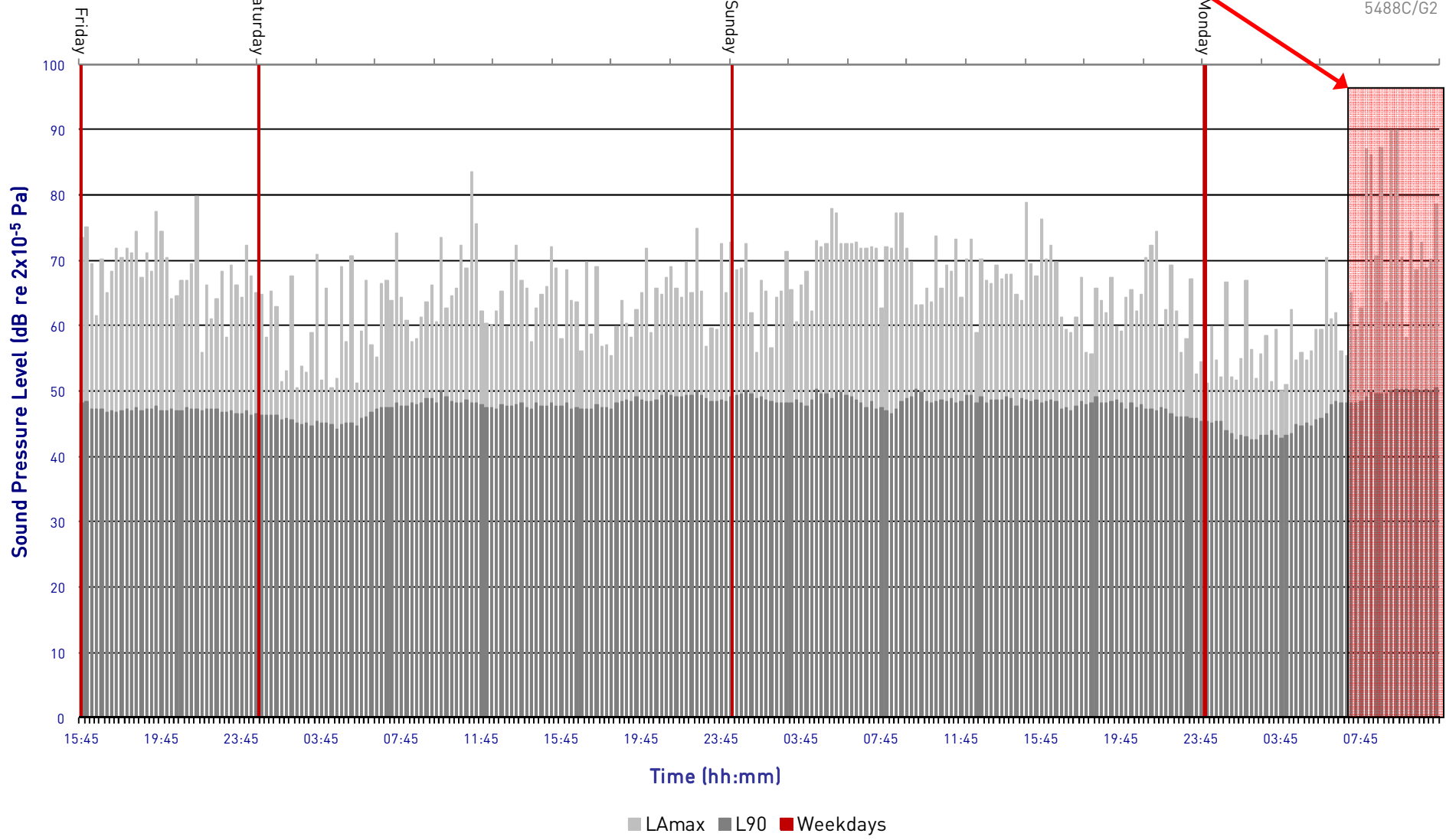
106 Commercial Street Exhibition Space  
L<sub>Amax</sub> and L<sub>A90</sub> Time History  
Friday 25 January 2013 to Monday 28 January 2013

Roofing work taking place on other side  
of building (data ignored)

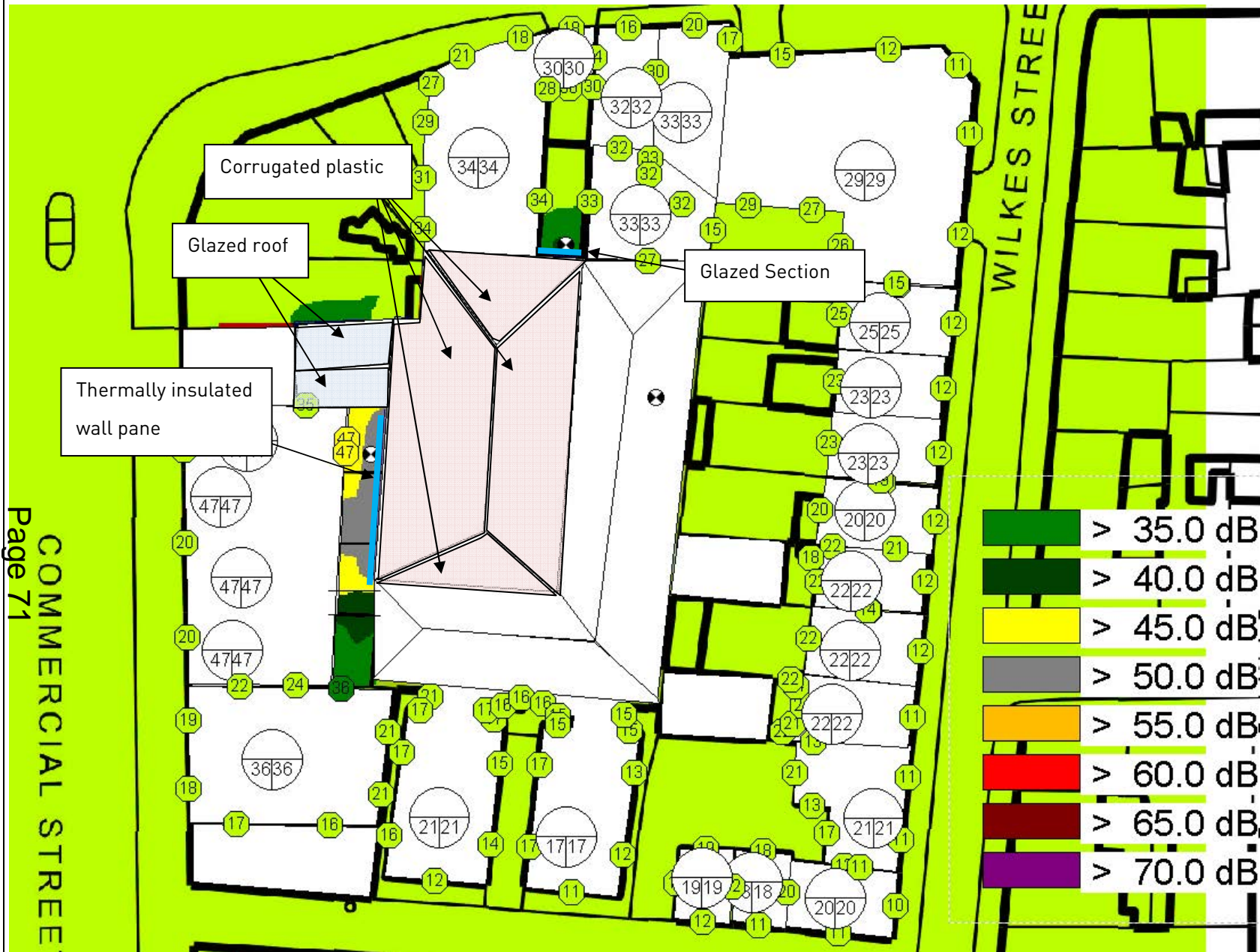


5488C/G2

Page 70





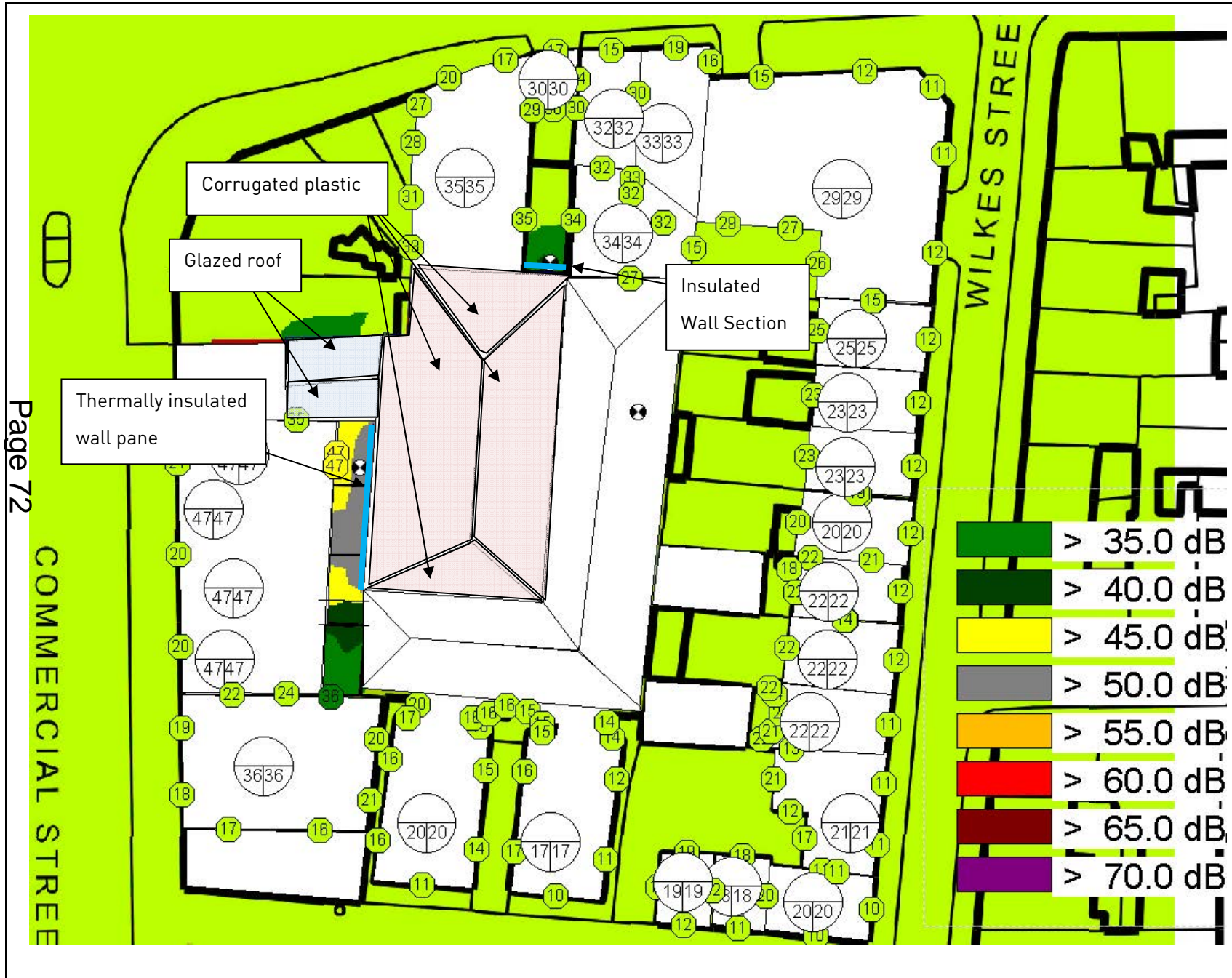


106 Commercial Street  
Exhibition Use

Figure 5488C/NM1

8 July 2013

Noise model of noise  
breakout from the  
Premises



106 Commercial Street  
Exhibition Use

Figure 5488C/NM2

12 December 2013

Noise model of noise  
breakout from the  
Premises



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**Jack Spiegler**

---

**Subject:** FW: 251 Paradise Row

On 2 December 2013 17:49, nigel owen [REDACTED] wrote:  
Dear Mr Henry,

I refer to your representation in respect of our premises licence application.

We would be most grateful for the opportunity to tell you a little more about the application and our proposals at Arch 251. We hope that the Bottle Shop and Tap Room will be a valuable community asset where local people can enjoy our wide variety of fine beer and ale. We are experienced operators and understand our responsibilities when operating close to local residents.

During the application process we engaged in consultation with the responsible authorities. This included agreeing conditions proposed by the council's environmental health officer, as follows:

1. No customer drinking in the premises external area after 10.00 pm.
2. No noise from regulated entertainment shall be audible at any effected façade at a level that causes a public nuisance.
3. No more than 10 smokers allowed to smoke in the external areas after 10.00 pm.

The objective of these conditions is to address the concerns set out in your representation. I hope this provides some reassurance to you that we are committed to being friendly and responsible neighbours.

If you have any queries whatsoever, or would like to meet me to discuss the application further, please do not hesitate to contact me.

Many thanks and kind regards

Nigel Owen

[REDACTED]  
The Queens Head

66 Acton Street

London

WC1X 9NB

[REDACTED]  
Nigel@queensheadlondon.com

[REDACTED]  
07980259014

**From:** Roy Henry [REDACTED]  
**Date:** 2 December 2013 23:01:22 GMT  
**To:** nigel owen [REDACTED]  
**Cc:** [Andrew.Heron@towerhamlets.gov.uk](mailto:Andrew.Heron@towerhamlets.gov.uk)  
**Subject:** Re: 251 Paradise Row

Dear Nigel,

Firstly, thanks for your email and I appreciate you directly getting in touch with me.

My main concern with this proposal is those people who are outside the premises after 10pm. My bedroom is located at the back of number 13 and I can guarantee you that the noise of



those people standing outside (especially at weekends) will be a nuisance when I'm trying to sleep. I tested this with my neighbours and asked them to stand in their yard and chat. The noise radiated off the tunnels and straight into my room. If this is increased to at least 10 people (who are meters away from my window) you will certainly hear them, and I know from experience when people consume alcohol they will chat louder.

Is it possible to erect some sort of partition that extends up the side of number 14, so at least it acts as a sound barrier to the back of the houses on Paradise Row? At present the gap means that noise will certainly travel up the street (see attached pic).

Andrew - I've noticed a number of other alcoholic licences for the other arches, so in this instance I think something that blocks the noise from that gap will certainly be welcomed by the residence if all is approved, 10 people at one arch will increase to 20 people on another. At present I'm still very unhappy regarding the noise outside.

Kind Regards,  
Roy Henry



**From:** Nigel Owen <nigel@queensheadlondon.com>  
**Date:** 6 December 2013 16:36:42 GMT  
**To:** Roy Henry <[redacted]>  
**Subject:** 251 Paradise Row

Dear Mr Henry

Thank you very much indeed for your email.

I am confident that the restriction on drinking after 10.00 pm will ensure the number of smokers, and the time they spend outside, will be kept to an absolute minimum. Under no circumstances whatsoever will I tolerate any customer behaviour that will disturb the local residents.

I have forwarded your concerns and proposals for a partition sound barrier to Network Rail, who own the Arches. While I cannot install a barrier on their Arches myself, I will certainly pursue this proposal and encourage Network Rail to follow your suggestion. I hope that helps.

Please let me know if you would like to meet to discuss your concerns further. I would be delighted to meet you and the other local residents.

I understand from the Council that, based on your sole objection, the application will proceed to a hearing on 19 December at 6.30 pm. Please do let me know if there is anything further I can do to help address your concerns further and hopefully forego the requirement for the hearing

Many thanks and kind regards

Nigel Owen  
The Queens Head  
66 Acton Street  
London  
WC1X 9NB  
Nigel@queensheadlondon.com  
07980259014

**Andrew Heron**

---

**From:** Jack Spiegler [REDACTED]  
**Sent:** 12 December 2013 13:32  
**To:** Andrew Heron  
**Cc:** Tilly Burton  
**Subject:** FW: 251 Paradise Row

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Andrew

Thank you for sending the report.

Please see below correspondence for your reference. I would be grateful if copies (together with the emails you have) could be distributed to Members ahead of the hearing, as I hope it assists. I will let you know if my client hears back from Mr Henry.

Thanks and kind regards

Jack

Begin forwarded message:

**From:** Nigel Owen <nigel@queensheadlondon.com>  
**Date:** 6 December 2013 16:36:42 GMT  
**To:** Roy Henry <[REDACTED]>  
**Subject:** 251 Paradise Row

Dear Mr Henry

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Many thanks and kind regards

Nigel Owen

The Queens Head

66 Acton Street

London

WCLX 9NF

[Nigel@queensheadlondon.com](mailto:Nigel@queensheadlondon.com)

07980259014

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# Agenda Item 6

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	19 December 2013	<b>Unclassified</b>	LSC 46/134	

Report of <b>David Tolley</b> <b>Head of Consumer and Business Regulation</b>  Originating Officer: <b>Alexander Lisowski</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Temporary Event Notice for: Bar Solento, 3 Clove Crescent, London, E14 2BB</b>  Ward affected: <b>Blackwall and Cubitt Town</b>
---	--

## 1.0 Summary

Applicant: **Roberto Plati**

Address of Premises: **Bar Solento  
3 Clove Crescent  
London E14 2BB**

Objectors: **The Metropolitan Police**

## 2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and objections then adjudicates accordingly.

**LOCAL GOVERNMENT 2000 (Section 97)**  
**LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT**

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Alexander Lisowski  
020 7364 7446

### 3.0 **Background**

- 3.1 This is an application for a Standard Temporary Event Notice. Police have objected on the grounds of crime and disorder and public nuisance.
- 3.2 Enclosed is a copy of the application. (**See Appendix 1**). Also enclosed is a copy of the premises licence. (**See Appendix 2**).
- 3.3 The applicant has described the nature of the application as follows:  
The supply of alcohol  
Regulated Entertainment  
Late Night Refreshment
- 3.4 The premises that has been applied for is:
- 3.5 The dates that have been applied for are as follows:
- 3.6 The times that have been applied for are as follows:
- 3.7 A map showing the relevant premises and immediate area is included as **Appendix 3**.

### 4.0 **Temporary Event Notices**

- 4.1 Temporary Event Notices (TENs) are a creation of the Licensing Act 2003. They provide a method by which licensable activities can be carried out on a temporary basis (max. 168 hrs) without a licence. The maximum number that can attend at any one time is 499. At least 10 full working days notice must be given to the licensing authority. When a TEN cannot be obtained, for example the event is over 499, then a full premises licence must be obtained, for a limited duration.
- 4.2 The licensing authority cannot oppose an application, (nor can local residents or businesses). The licensing authority must reject any application that does not meet the rules as to numbers, maximum per year etc. The limits are now as follows: 12 TEN per calendar year or 21 days. The responsible authorities that can object is the Metropolitan Police or Environmental Protection.
- 4.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.
- 4.4 Following an objection by the relevant responsible authority one or more conditions may be imposed by the Licensing Authority
  - (a) if it considers it appropriate for the promotion of the licensing objectives to do so,

- (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
  - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 4.5 Where the authority decides to impose one or more conditions;
- (a) the authority must give the premises user notice of the decision;
  - (b) the notice must be accompanied by a separate statement (the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice; and
  - (c) a copy of the notice and statement of conditions must be given to each relevant party.
- 4.6 LATE TENs have been created through the Police Reform and Social Responsibilities Act 2011, a Late TEN can be made no later than FIVE working days and no earlier than NINE working days before the event. The limits to these applications are no more than 2 for a non personal licence holder or no more than 10 for a personal licence holder.
- 4.7 The Police and Environmental Protection can object to Late TENs, if an objection is made the Licensing Authority must issue a counter notice advising the event cannot take place.

## 5.0 **Objections**

- 5.1 The Police objections are contained in **Appendix 4**.

## 6.0 **Advice to Members**

- 6.1 The Police Reform and Social Responsibility Act 2011 have amended legislation whereby Environmental Protection alongside Police can object to Temporary Event Notice under any of the licensing objectives.
- 6.2 This hearing is required by the Licensing Act 2003. As always the decision is on the civil burden of proof, i.e. the balance of probability.
- 6.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.
- 6.4 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences

of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.

- 6.5 The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

## 7.0 Legal Comments

- 7.1 The Council's legal officer will give advice at the hearing.

## 8.0 Finance Comments

- 8.1 There are no financial implications in this report.

## 9.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	A copy of the premises licence
<b>Appendix 3</b>	Maps of the area
<b>Appendix 4</b>	Police objection

# Appendix 1





Fee:

Receipt No:

## LONDON BOROUGH OF TOWER HAMLETS Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

<b>1. The personal details of premises user (Please read note 1)</b>	
<b>1. Your name</b>	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	PLATI
Forenames	Roberto
<b>2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)</b>	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
<b>3. Your date of birth</b>	
<b>4. Your place of birth</b>	
<b>5. National Insurance Number</b>	
<b>6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)</b>	
3 CHOVE CRESCENT EAST INDIA DOCK.	
Post town	LONDON
Post code	E14 2BB
<b>7. Other contact details</b>	
Telephone numbers Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

LBTH  
TRADING STANDARDS  
- 0 200 7013  
LICENSING

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
3 Chove Crescent Docklands London	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	IN 201200817
Club premises certificate number	8261161
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
WINE BAR REST	
Please describe the nature of the event below. (Please read note 5)	
FAMILY PARTY DJ AND FRIENDS NO PASSING BY TRADE - NO WALK IN	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input checked="" type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
WEDNESDAY 1 JAN 2014	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
01.00 to 04.00.	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	160
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate) (Please read note 11)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 12)	
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	[REDACTED]
Licence number	[REDACTED]
Date of issue	[REDACTED]
Date of expiry	[REDACTED]
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I have (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent a copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>

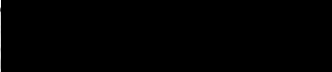
5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>



If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

<b>8. Condition (Please read note 16)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 17)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	9/12/13
Name of Person signing	Roberto Plat

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 18)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

# Appendix 2

**(Bar Salento)  
3 Clove Crescent  
London  
E14 2BB**

**Licensable Activities authorised by the licence**

Sale by retail of alcohol

**See the attached licence for the licence conditions**

**Signed by**

**John McCrohan**



**and Licensing Manager**

**Date: 4<sup>th</sup> August 2005**

**Amended by variation (08/10/2013)**



**Part A - Format of premises licence**

Premises licence number

**Part 1 - Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

(Bar Salento)  
3 Clove Crescent

**Post town**

London

**Post code**

E14 2BB

**Telephone number**

██████████

**Where the licence is time limited the dates**

Not applicable

### **Licensable activities authorised by the licence**

- The sale by retail of alcohol
- The provision of late night refreshment
- The provision of regulated entertainment

### **The times the licence authorises the carrying out of licensable activities**

#### The sale by retail of alcohol (on sales only)

- Sunday to Monday from 07:00hrs to 23:30hrs
- Tuesday to Saturday from 07:00hrs to 00:30hrs (the following day)

#### The provision of late night refreshment (indoors)

- Sunday to Monday from 07:00hrs to 23:30hrs
- Tuesday to Saturday from 07:00hrs to 00:30hrs (the following day)

#### The provision of regulated entertainment (in the form of live music (indoors), recorded music (indoors))

- Sunday to Monday from 07:00hrs to 23:00hrs
- Tuesday to Sunday from 07:00hrs to 01:00hrs (the following day)

#### Further Non-Standard Timings

- The venue may have up to 50 non-standard timing a year, these timings extend the opening hours to 03:00. They require the approval of both the Police Licensing and Tower Hamlets Environmental Health and must be submitted at least 3 weeks prior to date of event.

### **The opening hours of the premises**

- Sunday to Monday from 07:00hrs to 00:00hrs (midnight)
- Tuesday to Saturday from 07:00hrs to 01:00hrs (the following day)

### **Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

- On sales only



## **Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Bar Salento Ltd  
CKR House  
70 East Hill  
Dartford  
Kent  
DA1 1RZ

**Registered number of holder, for example company number, charity number (where applicable)**

8261161

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Angelo Camassa  
[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal Licence No.: [REDACTED]  
Issuing authority: [REDACTED]

## Annex 1 - Mandatory conditions

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4.
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

## **Annex 2 - Conditions consistent with the operating Schedule**

1. A security plan to be agreed with Metropolitan Police;
2. A 696 risk assessment form is to be completed for all DJ's and promoters who appear or book the venue. Assessment to be sent to [SCD9ProactiveLicensingIntelligence@met.police.uk](mailto:SCD9ProactiveLicensingIntelligence@met.police.uk) at least 21 days prior to the event;
3. The venue may have up to 50 non-standard timing a year, these timings extend the opening hours to 03:00. They require the approval of both the Police Licensing and Tower Hamlets Environmental Health and must be submitted at least 3 weeks prior to date of event;
4. The premises must keep an incident book to be filled in every day, this will record who the duty manager was, any refusals of sale of alcohol, requests for ID, refusal of entry and any incidents that occur in the premises;
5. There is to be a zero tolerance to drugs, any person found in possession of drugs is to be detained and the police contacted;
6. The premises is to operate a Challenge 25 Policy.

## **Annex 3 - Conditions attached after a hearing by the licensing authority**

Not applicable

## **Annex 4 - Plans**

The plans are those submitted to the licensing authority on the following date:

13 June 2005



**Part B - Premises licence summary**

**Premises licence number**

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

(Bar Salento)  
3 Clove Crescent

**Post town**

London

**Post code**

E14 2BB

**Telephone number**

██████████

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

- The sale by retail of alcohol
- The provision of late night refreshment
- The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (on sales only)

- Sunday to Monday from 07:00hrs to 23:30hrs
- Tuesday to Saturday from 07:00hrs to 00:30hrs (the following day)

The provision of late night refreshment (indoors)

- Sunday to Monday from 07:00hrs to 23:30hrs
- Tuesday to Saturday from 07:00hrs to 00:30hrs (the following day)

The provision of regulated entertainment (in the form of live music (indoors), recorded music (indoors))

- Sunday to Monday from 07:00hrs to 23:00hrs
- Tuesday to Sunday from 07:00hrs to 01:00hrs (the following day)

Further Non-Standard Timings

- The venue may have up to 50 non-standard timing a year, these timings extend the opening hours to 03:00. They require the approval of both the Police Licensing and Tower Hamlets Environmental Health and must be submitted at least 3 weeks prior to date of event.

The opening hours of the premises

- Sunday to Monday from 07:00hrs to 00:00hrs (midnight)
- Tuesday to Saturday from 07:00hrs to 01:00hrs (the following day)

Name, (registered) address of holder of premises licence

Bar Salento Ltd  
CKR House  
70 East Hill  
Dartford  
Kent  
DA1 1RZ

Where the licence authorises supplies of alcohol

On sales only

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

Name of designated premises supervisor

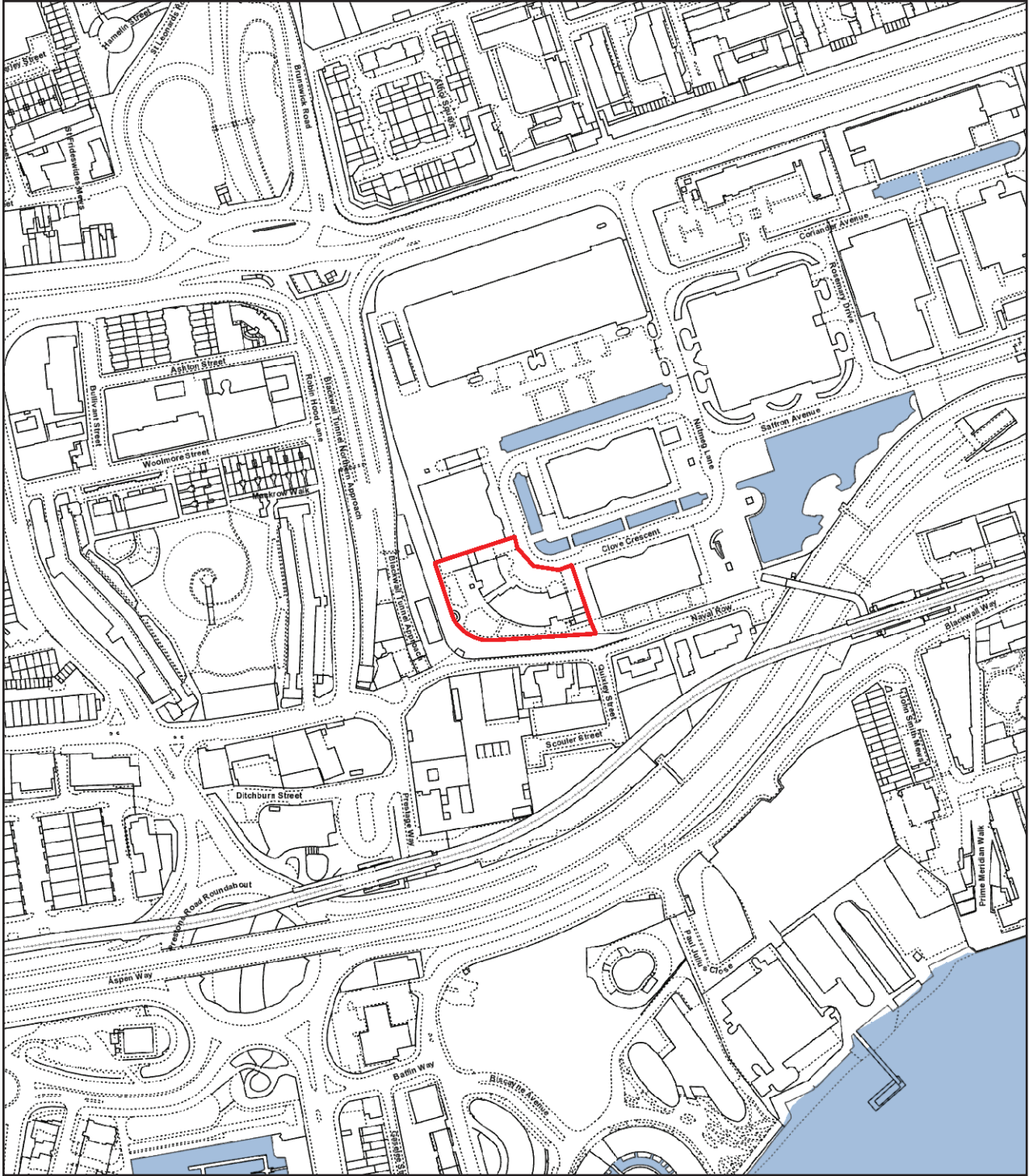
Angelo Camassa

State whether access to the premises by children is restricted or prohibited

Not restricted



# Appendix 3

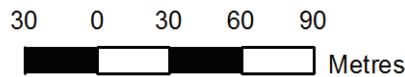


# Bar Solento

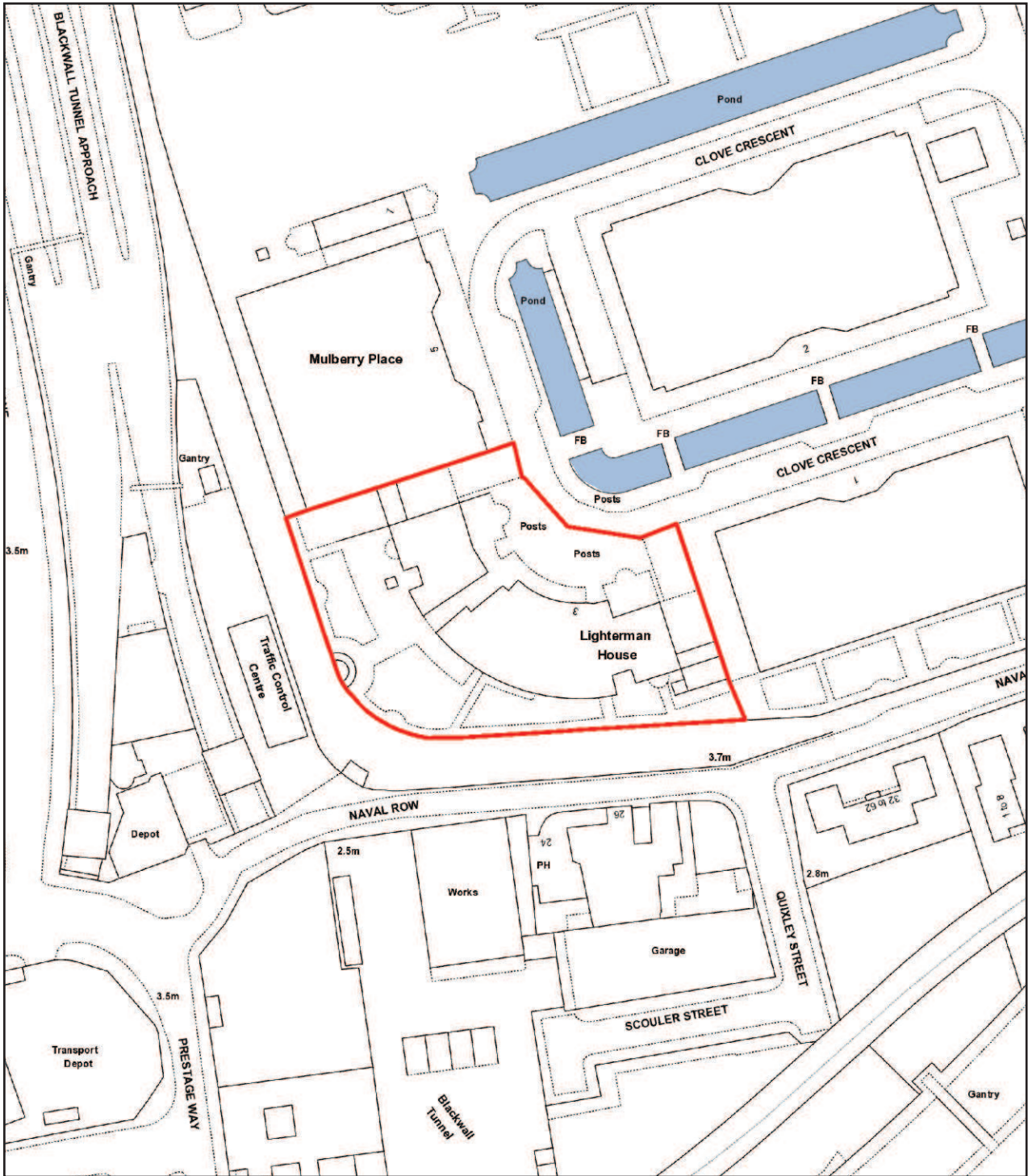
3 Clove Crescent



Scale 1:3835



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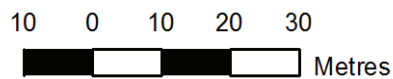


# Bar Solento

3 Clove Crescent



Scale 1:1342



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# Appendix 4

## Alex Lisowski

---

**From:** [REDACTED]  
**Sent:** 11 December 2013 18:53  
**To:** [REDACTED]  
**Subject:** TEN Objection - Bar Salento

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Licensing, Mr Plati,

Police formally object to the Temporary Event Notice Application for Bar Salento, 3 Clove Crescent E14, received by Police on the 9th December 2013 for the 1st January 2014.

The objection to this application is on the grounds of Crime and Disorder.

The premises recently varied its license and after discussion with Police and Tower Hamlets Environmental Health was allowed to have up to 50 non standard hours events per year, with the agreement of the Police and Tower Hamlets Environmental Health prior to each event. Mr Plati was warned by myself that this was not a license to run a night club and that he had to make sure that each party was risk assessed and also had to agree a security plan with Tower Hamlets Police.

On Sunday 1st December 2013 shortly after 3:48am an anonymous informant called Police regarding a large scale disturbance involving persons leaving Bar Salento which had spilled out onto Mulberry Place E14. Officers attended and initially there were in excess of thirty people fighting and urgent assistance was requested from other officers due to the large number of people fighting and the threat to the safety of the persons present and to Police officers responding. Police officers at the scene described the situation as "Chaos" had to draw their batons in an attempt to restore order.

Eventually sufficient officers arrived to calm the situation and disperse people on scene. Due to the volatile situation and the aggressive nature of those people leaving Bar Salento it was not possible to identify individual aggressors. People at the fight were extremely anti-police and despite the fight taking place, nobody substantiated any allegations.

After the crowd had been dispersed a flick knife was recovered from the ground. This had apparently been in the possession of one of the people fighting and in all likelihood had been taken into Bar Salento, despite a search policy and SIA staff allegedly being on duty. As a result of this violent incident any future calls to this premises have been asked to be marked with "Officer Safety Issues".

On Monday the 2nd December 2013 I visited Mr Plati and issued him with a Sec 19 Closure Notice due to his not having submitted a security plan which is a condition of his license, and also as he had not submitted a 696 risk assessment form so that Police could check the history of the DJ's playing. Although I have sent Mr Plati a proposed security plan he has yet to agree it.

More concerning is when I spoke to Mr Plati, he did not think he had any responsibility for what happened outside his premises, even though the initial incident appears to of started in Bar Salento, and the fight took place just outside the bar. While I believe he is a fit and proper person to run a restaurant and bar, he does not have the experience or skill to run a night club which is what Mr Plati had turned Bar Salento into. Mr Salenti stated that he needed these parties to keep him from going out of business. This to me is concerning as it appears he is accepting parties and events without risk assessing them or being able to control them because he needs the money.

I have informed Mr Plati that the Police will not agree to him using any more of his non standard hours until he can demonstrate that he can run them safely and properly.

When I spoke to Mr Plati, he stated that there were three parties going on during his proposed application (1st Jan) and also that it was just for one person which is confusing. I asked him why a Birthday party would need to go on till 4:00am and he was unable to give me an adequate answer other than saying it was a party for a cleaner who worked in Mulberry Place. Police believe that if this TEN is to go ahead that it will attract a similar crowd as before, that it will be a New Years Eve party and that Mr Plati will not be able to control it, which leads to a risk of crime and disorder, on a night when Police resources will be stretched.



I therefore ask for this application to be rejected.

Regards

Pc Mark Perry  
Licensing Officer  
Tower Hamlets Borough  
Limehouse Police Station  
27 West India Dock Road  
[REDACTED]

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