

## Licensing Act 2003: 41-3 Redchurch St: Statement by the JAG Committee

In advance of the licensing sub-committee meeting on 19 June 2017, the committee of the Jago Action Group has agreed the following updated statement of its objections.

### Summary

We oppose converting any first floor residential flat, surrounded by other residential property, into a restaurant. In licensing terms, any such conversion would be expected to give rise to a serious public nuisance as the property is unlikely to be sufficiently soundproof or capable of dealing with the smell and fumes from a commercial kitchen. Where the neighbouring properties include family homes conversion would additionally affect children and for example their ability to sleep.

In our neighbourhood, which is within the Brick Lane CIZ, in the absence of a compelling case by the applicants, yet another restaurant is furthermore bound to add to the problems faced by local residents arising from the excesses of the 'night time economy'.

Any such conversion would also appear to be contrary to planning policy. Indeed, we are not aware of any case where a first floor flat, surrounded by other residential properties, has recently been given either licensing or planning permission for conversion to a restaurant.

### The neighbourhood

The attached sketch map (derived from an online OS map) shows the application premises on the corner of Redchurch St and Chance St and the immediate locality. As this shows:

- at first floor level and above, the buildings one block either way along both Redchurch and Chance Streets are predominantly residential, including the buildings on both sides of the application premises. Exceptions to residential use include two hotels (where of course people still expect to sleep) an historic pub and the mosque;
- looking slightly wider, there are already 16 licensed premises near to the application premises. This is part of a neighbourhood that is already over-saturated. As the borough recognises in its licencing policy such problems include anti-social behaviour and crime, noise (both from licensed premises and from inebriated groups in the street,) aggressive behaviour, drug dealing and taking, public urination, defecation and vomiting.

Most of these licenced premises no longer operate in the way envisaged when the licence application was made. Directly opposite 41-3 Redchurch St is for example a noisy, smelly burger bar operating under the same premises licence as the friendly cafe, serving bengali food, that used to be there.

## This application

The application is to operate commercial premises serving alcohol with food seven days a week and nearly twelve hours a day. In plain English, this would be a restaurant. The applicants have not responded to our invitation, three months ago, to demonstrate how they would prevent the noise and smell of a commercial restaurant from causing a serious public nuisance to neighbouring homes.

We seriously doubt it would be possible to convert premises designed and built as a residence to cope with the unavoidable smell of a commercial kitchen and the noise of diners as well as the accompanying recorded music allowed. It's one thing to have neighbours who sometime throw a party or entertain friends. It's quite another to have to cope, day in and day out, with a noisy, smelly commercial operation.

Our concerns are compounded by the proposal - confirmed by the applicant's solicitor - to use an outdoor terrace as a smoking area. This is within a few feet of neighbouring windows, including bedroom and living room windows. But even if this use was precluded by licence conditions, the core problem would remain that residents of neighbouring properties would suffer a serious nuisance from the smell and noise of a restaurant operating so close to their homes, and especially close to outdoor areas and windows that were not designed to deal with such a nuisance.

These problems are especially severe where family homes are involved. Children should be able to sleep in good time, not have to wait until 11.30 pm.

Under para 8.4 of the council's licensing policy it is furthermore, as the sub-committee is well aware, incumbent of the applicants to demonstrate "through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced."

In our view, they have not done so. The only thing that it is proposed to add to the conditions of a licence, were one to be granted, is to limit the number of customers to 16 at a time. (Of course this means more than 16 over the course of each day, depending on how quickly customers turn over.) This limit could be expected to moderate the additional negative impact on an already over-saturated area but that is not enough; the applicants have to demonstrate there will be no additional impact. They have not done so.

We therefore continue to object to this licence and ask that it be refused. A licence would in our view be contrary to the council's policy incorporated in section 8 of the licensing policy statement as well as, in any case, contrary to the statutory objectives relating to public nuisance and the protection of children.

Jago Action Group  
14th June 2017