

Appendix 1

LONDON BOROUGH OF TOWER HAMLETS
 Licensing Section, Mulberry Place,
 Anchorage House, 5 Clove Crescent,
 London E14 1BY

Application for a premises licence to be granted
 under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We **ELY & SIDNEY LIMITED**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description "THE STABLES GALLERY" LOWER GROUND FLOOR 106 COMMERCIAL STREET			
Post town	LONDON	Postcode	E1 6LZ

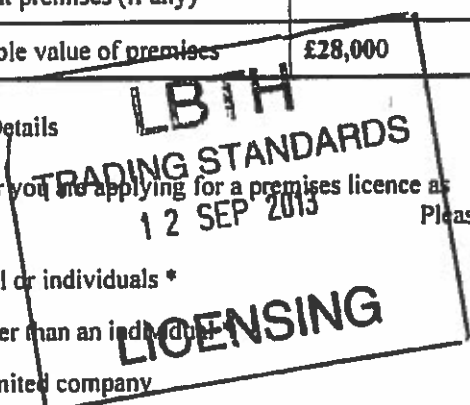
Telephone number at premises (if any)	
Non-domestic rateable value of premises	£28,000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual please complete section (B)
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)



- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name ELY & SIDNEY LIMITED
Address 91 BRICK LANE LONDON E1 6QL
Registered number (where applicable) 01571323
Description of applicant (for example, partnership, company, unincorporated association etc.) COMPANY
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	0	1 0 2 0 1 3

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
-	-	- - - - -

Please give a general description of the premises (please read guidance note 1)

The Premises is to be an exhibition and events space. The Premises is contained within and forms only a small part of the large, previously warehouse use, building being 106 Commercial Street (the "Building").

The Premises comprises the lower ground floor (basement) level of the Building.

The Premises comprises two separate 'dry-hire' exhibition and function spaces at the lower ground level of the building. The dry-hire spaces are to be hired on temporary, short term periods, for events such as exhibitions, trade shows, pop-up shops, brand experiences, and filming.

The Premises is reached via the entrance to the Building on Commercial Street.

Please refer to the Licensing Statement and Appendices which accompany this Application Form, which contain contextual plans and photographs of the Premises, as well as a more detailed description of the layout and nature of the Premises.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> This licensable activity has been selected in case any small scale plays are decided to be hosted in the premises.		
Mon	1100	2230			
Tue	1100	2230	<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Wed	1100	2230			
Thur	1100	2230			
Fri	1100	2230			
Sat	1100	2230	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sun	1100	2230			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) The provision of film and other visual entertainment.		
Mon	1100	2300			
Tue	1100	2300			
Wed	1100	2300	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	1100	2300			
Fri	1100	2300	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	1100	2300	On New Years' Eve throughout the night from the end of standard permitted hours on New years' Eve until the start of standard permitted hours on New Years' Day.		
Sun	1100	2300			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3) To provide for the possible allowance for an indoor sport such as table tennis to be played in the premises at some point in the future.
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4) <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
	1100	2200	
Tue			
	1100	2200	
Wed			
	1100	2200	
Thur			
	1100	2200	
Fri			
	1100	2200	
Sat			
	1100	2200	
Sun			
	1100	2200	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Tue						
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Wed						
Thur						
Fri						
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input type="checkbox"/>	
					Outdoors <input type="checkbox"/>	
					Both <input type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Fri						
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1100	2300	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	1100	2300			
Wed	1100	2300	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	1100	2300			
Fri	1100	2300	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) On New Years' Eve throughout the night from the end of standard permitted hours on New years' Eve until the start of standard permitted hours on New Years' Day.		
Sat	1100	2300			
Sun	1100	2300			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	1100	2230			
Tue	1100	2230			
Wed	1100	2230			
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	1100	2230			
Fri	1100	2230			
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	1100	2230			
Sun	1100	2230			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	1100	2200			
Tue	1100	2200			
Wed	1100	2200			
Thur	1100	2200			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) On New Years' Eve throughout the night from the end of standard permitted hours on New years' Eve until the start of standard permitted hours on New Years' Day.		
Fri	1100	2200			
Sat	1100	2200			
Sun	1100	2200			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	1000	2330	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Tue	1000	2330	
Wed	1000	2330	
Thur	1000	2330	
Fri	1000	2330	
Sat	1000	2330	
Sun	1000	2330	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

Please see attached Licensing Statement regarding the four licensing objectives.

b) The prevention of crime and disorder

Please see attached Licensing Statement regarding the four licensing objectives.

c) Public safety

Please see attached Licensing Statement regarding the four licensing objectives.

d) The prevention of public nuisance

Please see attached Licensing Statement regarding the four licensing objectives.

e) The protection of children from harm

Please see attached Licensing Statement regarding the four licensing objectives.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	[Redacted]
Date	10th September 2017
Capacity	[Redacted]

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

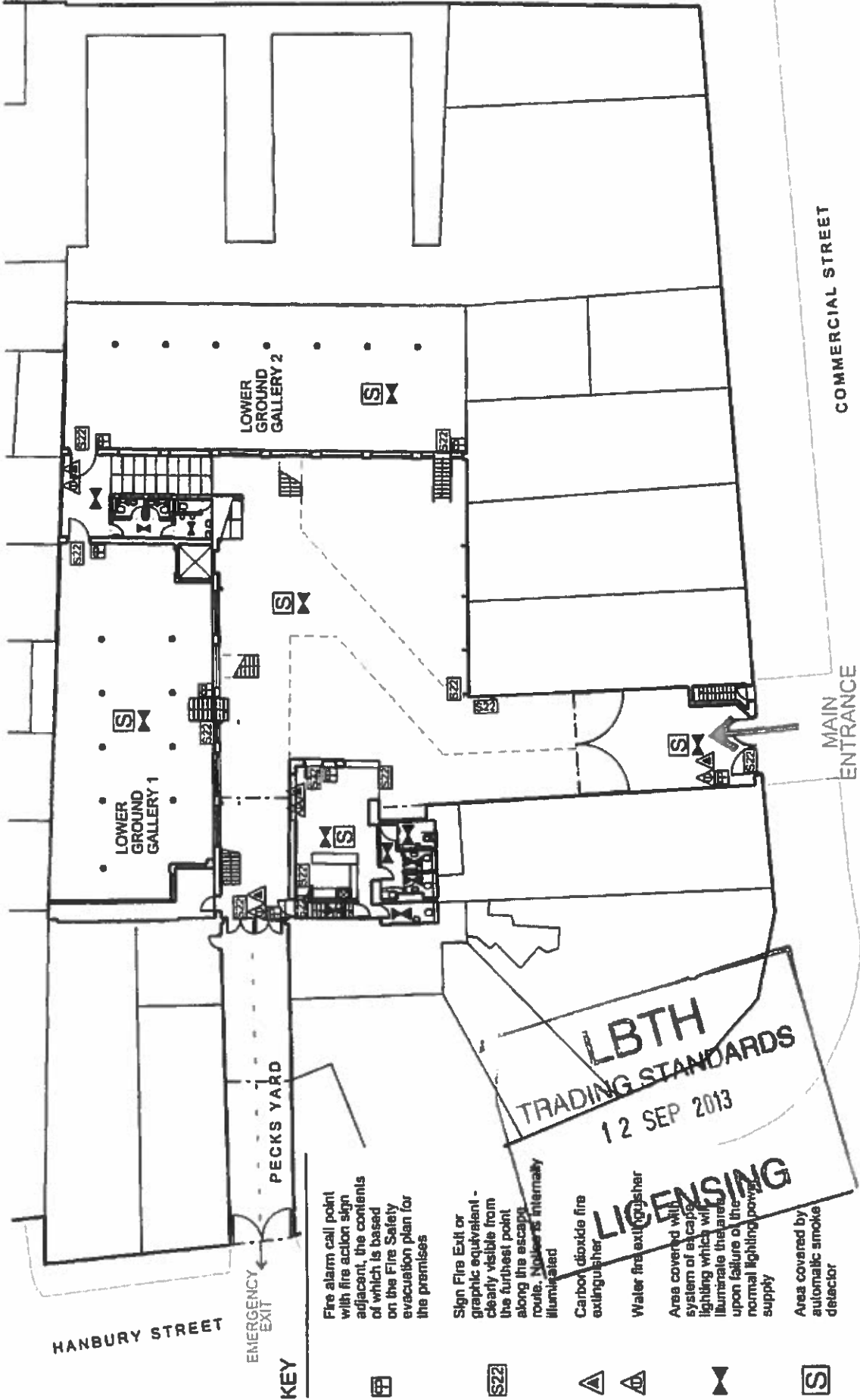
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

[Redacted]			
Post town	[Redacted]	Postcode	[Redacted]
Telephone number (if any)	[Redacted]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[Redacted]			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

PUMA COURT



KEY

Fire alarm call point with fire action sign adjacent, the contents of which is based on the Fire Safety evacuation plan for the premises

Sign Fire Exit or graphic equivalent - clearly visible from the furthest point along the escape route. Notices internally illuminated

Carbon dioxide fire extinguisher

Water fire extinguisher

Area covered with system of escape lighting which will illuminate the area upon failure of the normal lighting power supply

Area covered by automatic smoke detector



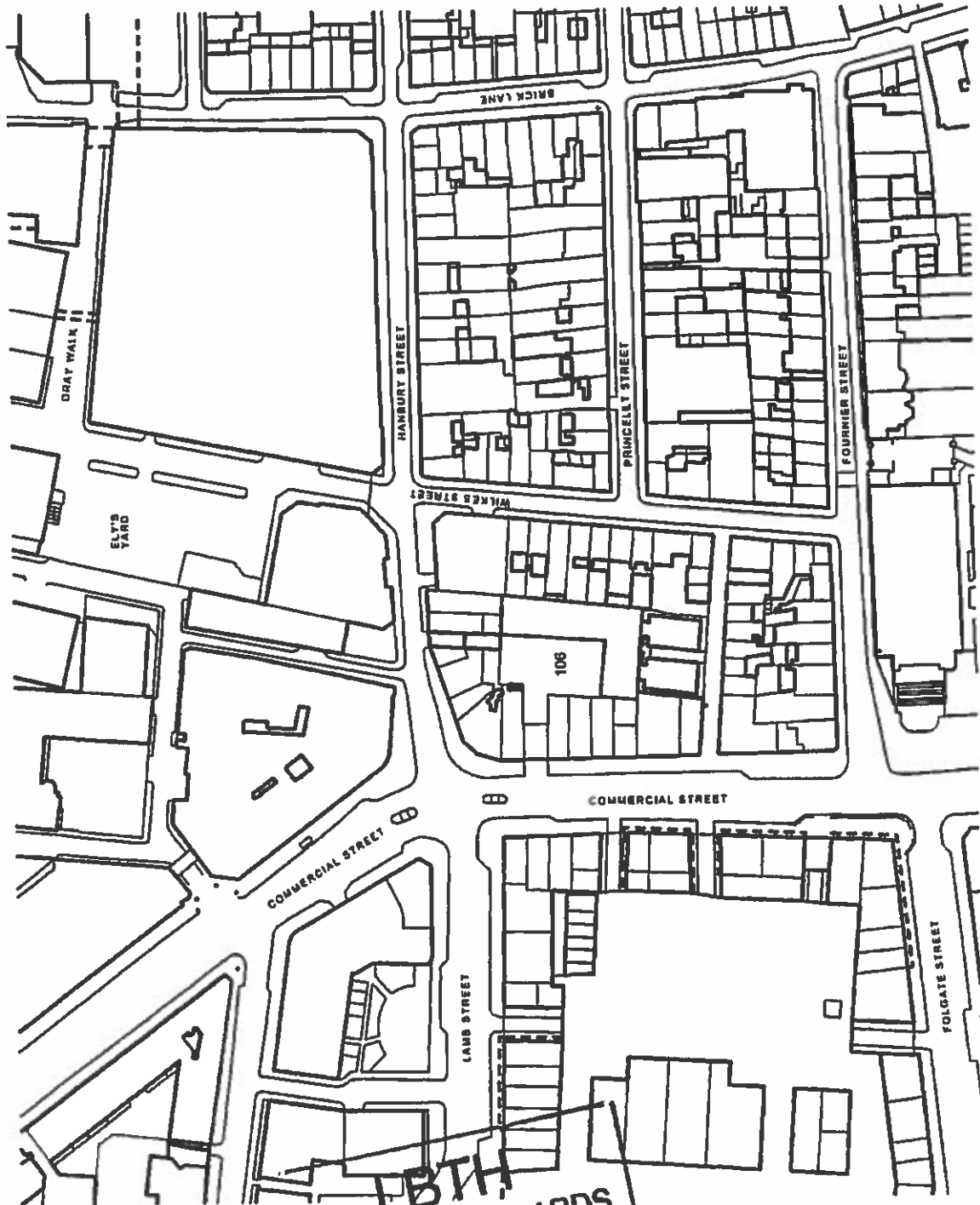
106 COMMERCIAL STREET SITE PROPOSED LOWER GROUND LEVEL LICENCE PLAN - 1:300 at A4



1:300 scale
 1:300 scale drawings are to be used

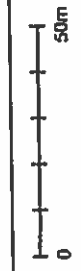


Project No.	106 Commercial Street
Client	CB13
Project Name	106 Commercial Street
Project No.	106
Project Name	106 Commercial Street
Project No.	106
Project Name	106 Commercial Street



LBTH
TRADING STANDARDS
 12 SEP 2013
LICENSING

106 COMMERCIAL STREET LOWER GROUND SITE CONTEXT PLAN - 1:1500 at A4



Comments:
 1. Do not scale from this drawing.
 Ask for dimensions.

Date: 04/11/2008
 Drawing number: P_CS_12010813
 Revision: -

Drawing title:
 106 Commercial Street
 lower ground site
 context plan

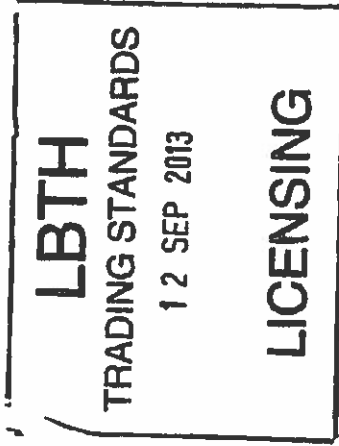
ELY & SIDNEY LIMITED

RISK ASSESSMENT
AND FIRE EVACUATION PLAN

for

**"THE STABLES GALLERY" EXHIBITION SPACES,
LOWER GROUND FLOOR
106 COMMERCIAL STREET, LONDON E1 6LZ**

(Last update 10 September 2013)



This Risk Assessment relates to the proposed exhibition and events spaces to be named "The Stables Gallery" located at lower ground floor, 106 Commercial Street, London E1 6LZ (the "Premises").

The Premises is located at lower ground floor of the building known as 106 Commercial Street (the "Building").

This Risk Assessment has been prepared on the basis of the use of the Premises as exhibition and events spaces. The proposed layout of the Premises is shown on the attached "Layout Plan" and is made up of two gallery/exhibition spaces, "Gallery 1" and "Gallery 2". The extent of the Premises is shown edged in red on the Layout Plan.

This Risk Assessment has been prepared on the basis that the remainder of the Building (not comprised in the Premises) is empty, not in use and contains no fire loading. Those other (empty) areas of the Building are, for the avoidance of doubt, the ground floor, first floor and the second floor of the Building.

The Layout Plan also identifies the proposed locations of the following fire safety installations and equipment:

- Call points
- Fire Extinguishers
- Fire Exit Signage
- Areas covered by Emergency Lighting
- Areas covered by automatic smoke detectors
- Areas covered by heat detectors

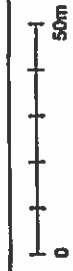
The location of the Premises edged in red and the Building shaded in green in relation to the surrounding area is shown on the attached "Site Plan".

The following Plans are attached to and form part of this Risk Assessment:

- Site Plan
- Layout Plan
- Fire Exits Plan
- Escape Routes Plan
- Fire Brigade Access Plan



106 COMMERCIAL STREET LOWER GROUND BUILDING CONTEXT PLAN - 1:1500 at A4



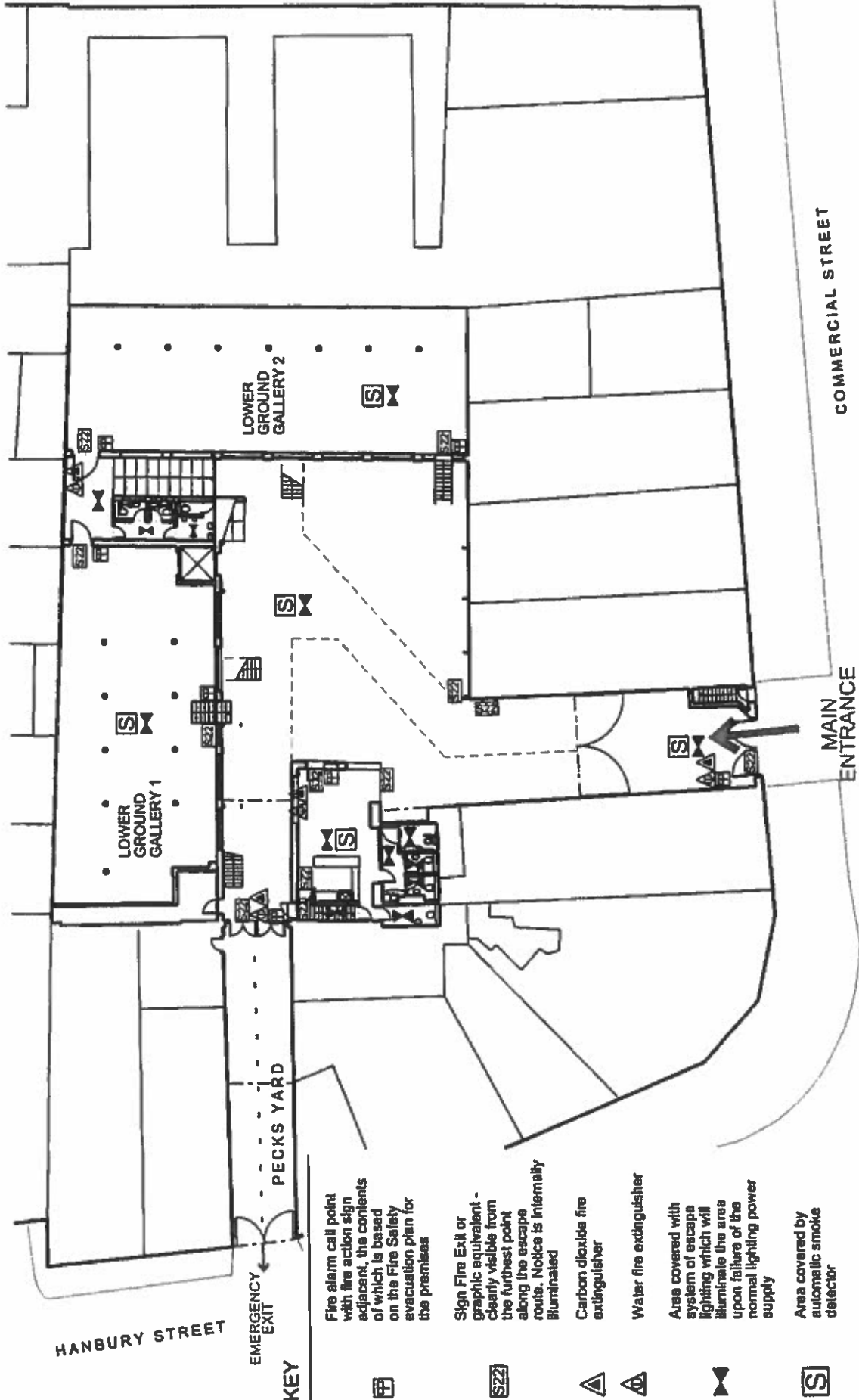
General notes:
 1. All measurements are to the ground.
 All in millimetres.

Project No:

Date of A4: 11/15/00
 Drawing number: P_CS_1200_0613
 Revision: -

Drawing title:
 106 Commercial Street
 lower ground building
 context plan

PUMA COURT



KEY

Fire alarm call point with fire action sign adjacent, the contents of which is based on the Fire Safety evacuation plan for the premises

Sign Fire Exit or graphic equivalent - clearly visible from the furthest point along the escape route. Notice is internally illuminated

Carbon dioxide fire extinguisher

Water fire extinguisher

Area covered with system of escape lighting which will illuminate the area upon failure of the normal lighting power supply

Area covered by automatic smoke detector

106 COMMERCIAL STREET SITE PROPOSED LOWER GROUND LEVEL LICENCE PLAN - 1:300 at A4

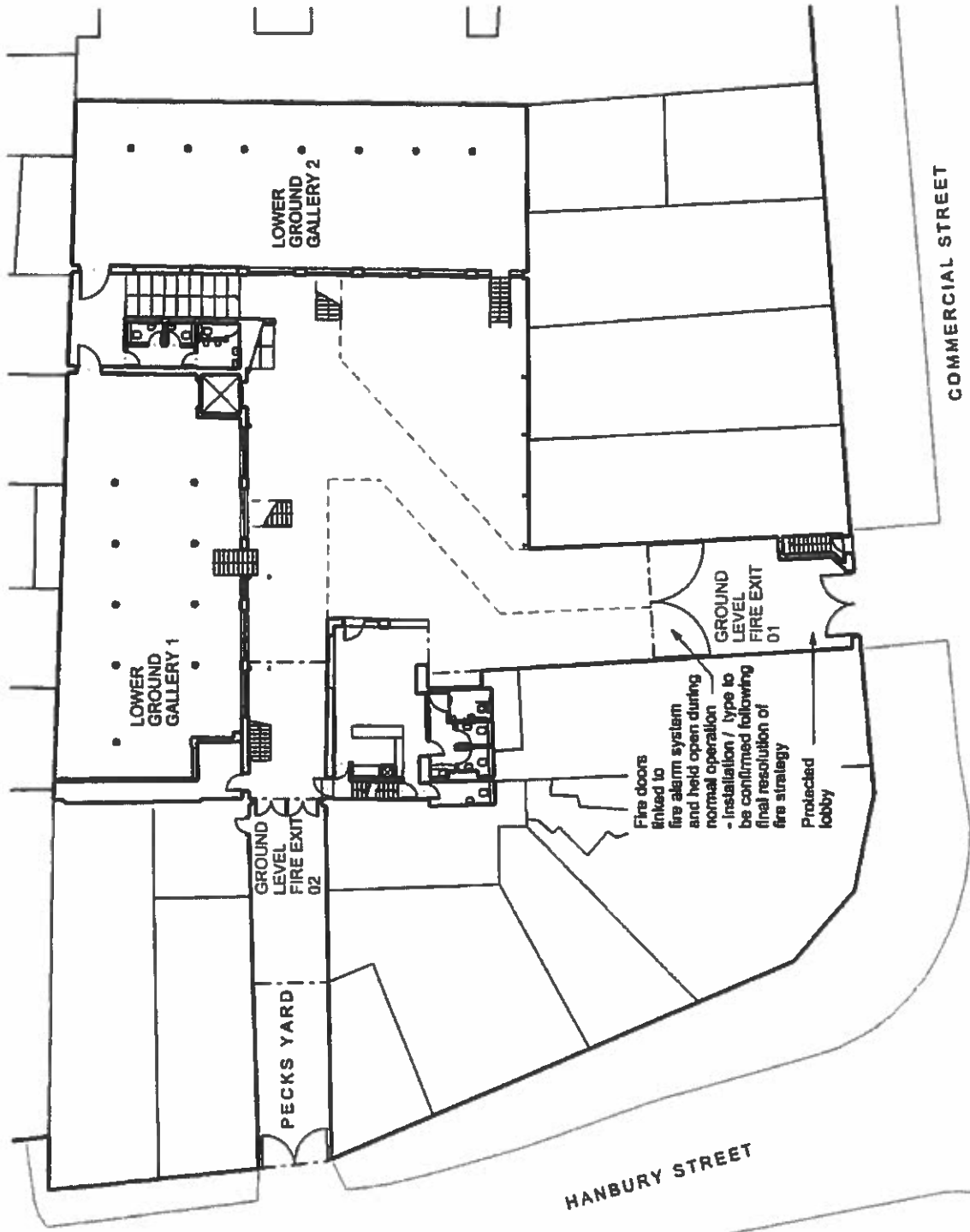
Scale: 1:300
 0 5 10 15 20m

North arrow pointing up.

Professional Engineer's Stamp:
 Name: [Name]
 No. [Number]
 Date [Date]
 Title [Title]

Registered Professional Engineer's Stamp:
 Name: [Name]
 No. [Number]
 Date [Date]
 Title [Title]

Professional Engineer's Stamp:
 Name: [Name]
 No. [Number]
 Date [Date]
 Title [Title]



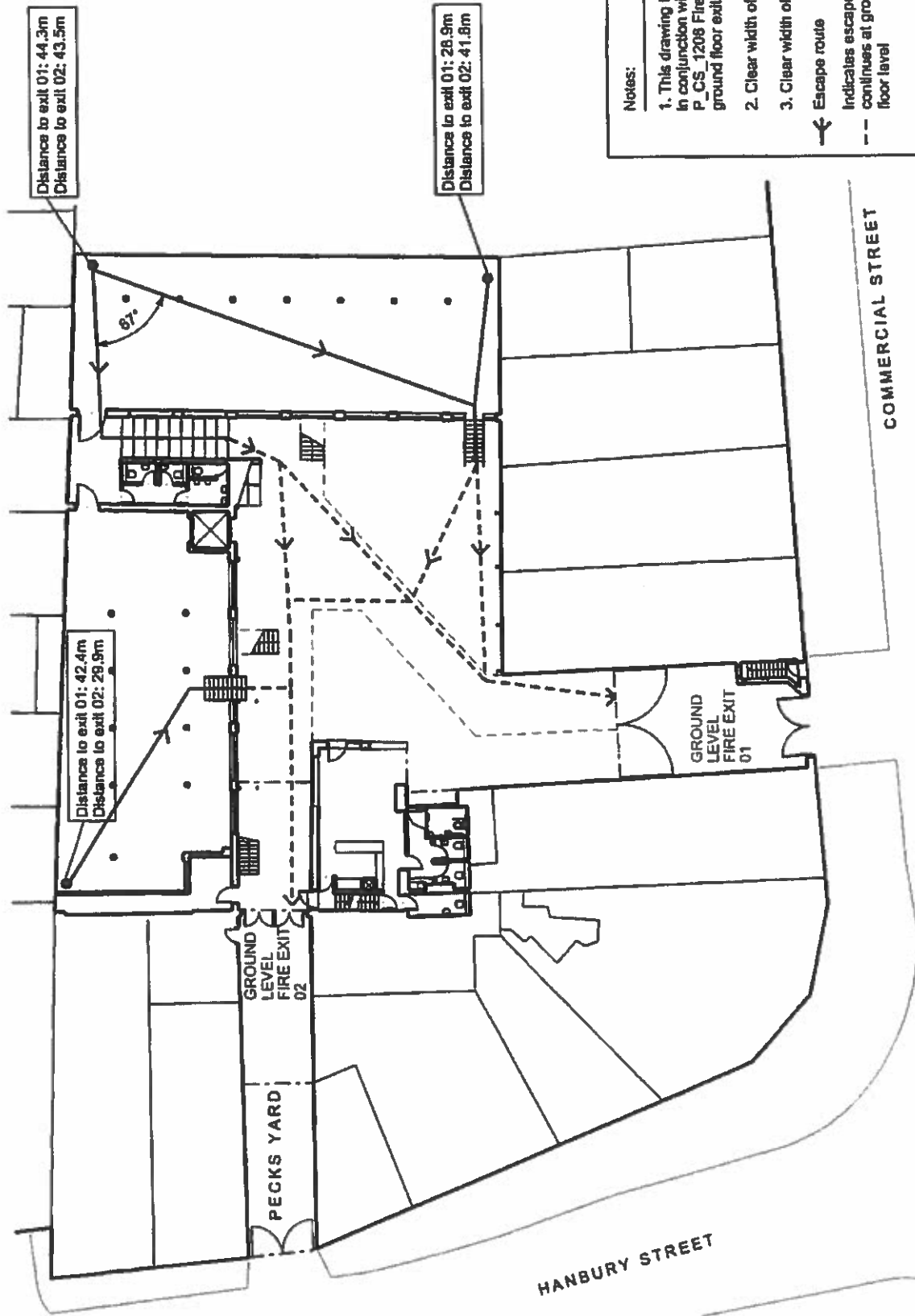
1. FIRE STRATEGY PLAN - GROUND FLOOR FIRE EXITS 1:300 at A4



1. Fire Strategy Plan - Ground Floor Fire Exits



Project No.	12/002
Client	URS Construction Services
Project Name	12/002 - [illegible]
Scale	1:300
Date	12/002
Author	[illegible]
Check	[illegible]
Issue	[illegible]



Notes:

1. This drawing to be read in conjunction with drawing P_CS_1208 Fire strategy plan - ground floor exits.
2. Clear width of exit 01: 2.92m
3. Clear width of exit 02: 3.0m

Escape route
 Indicates escape route continues at ground floor level

1. FIRE STRATEGY PLAN - LOWER GROUND FLOOR ESCAPE ROUTES - 1:300 at A4

Scale: 1:300

North Arrow

Scale Bar: 0, 4, 8, 12, 16, 20m

Client: [Redacted]

Project: [Redacted]

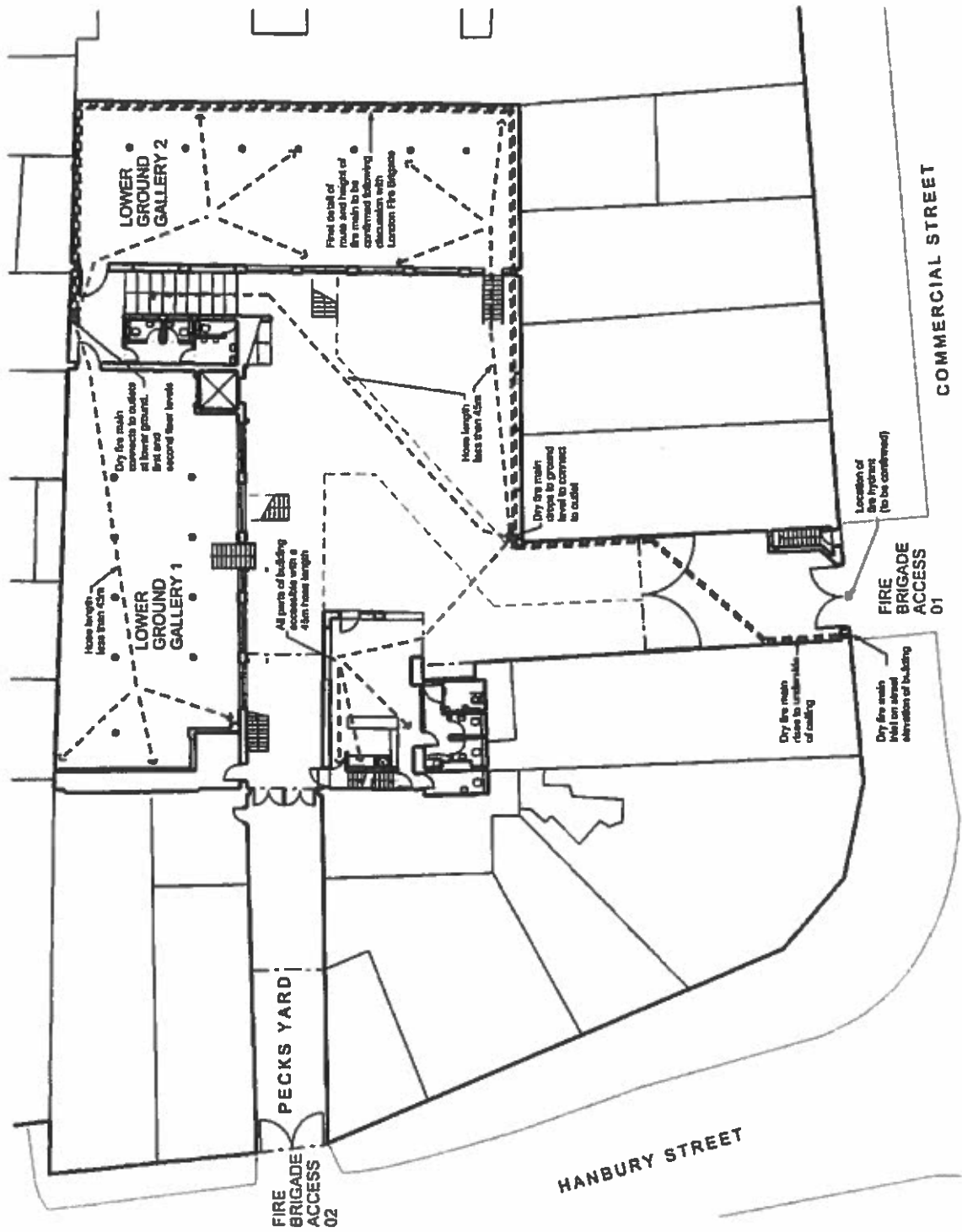
Drawn by: [Redacted]

Checked by: [Redacted]

Approved by: [Redacted]

Date: [Redacted]

Revision: [Redacted]



1. FIRE STRATEGY PLAN - GROUND AND LOWER GROUND FLOOR FIRE BRIGADE ACCESS 1:300 at A4



1:300 scale unless otherwise stated



Project No.	1.0001	Client	GB Commercial Road
Drawn By	[Name]	Scale	1:300 (at A4)
Checked By	[Name]	Date	10/11/11
Project	1.0001	Drawn At	10/11/11

Hazard/Risk	Who is at risk?	Control measures in place	Review: any additional control measures needed?
Fire break out in the Premises or the Building	All occupants	<p>Fire loading in the Premises will be kept to a minimum.</p> <p>The following British Standards in respect of display materials, furniture and furnishings must be complied with:</p> <ul style="list-style-type: none"> • Upholstered furniture in accordance with the medium hazard resistance to ignition classification given in Table 1 of BS 7176:1995 or resist ignition by ignition sources 0, 1 and 5 when tested in accordance with Section 5 of BS 5852:1990. • Fabrics and fabric assemblies used for curtains, drapes and window blinds should be made of materials which are classified as type C in accordance with BS 5867-2:1980. • Textile floor coverings should be made of materials, which have a low radius of effects of ignition in accordance with BS 5287. <p>The emergency exits leading out of the Premises and the Building are located at (i) Commercial Street and (ii) Peck's Yard, and must not be obstructed. Routes to these exits are shown on the "Escape Routes Plan" attached to this Risk Assessment.</p>	
Once a fire has broken out – Fire Extinguishers	All occupants	<p>If a fire is spotted, where appropriate and safe to do so, appropriately competent persons should attempt to put the fire out using the correct type of fire extinguisher.</p> <p>Fires should only be tackled where safe and appropriate to do so, and where the evacuation of occupants is also safely being addressed by other persons.</p> <p>The number, type and location of fire extinguishers in the Premises are shown on the Layout Plan.</p> <p>Fire extinguishers are to be checked and serviced at the appropriate intervals to ensure that they are in good working order at all times.</p>	

<p>Fire Exits being unsuitable for use</p>	<p>All occupants</p>	<p>The fire exits out of the Building must be maintained unlocked, clear and unobstructed at all times while the Premises are in occupation and use.</p> <p>The fire exits leading to (i) Commercial Street and (ii) Peck's Yard are identified on the "Fire Exits Plan" attached to this Risk Assessment.</p> <p>It is necessary that at all times that the Premises are in use the inward opening double door gates at the Commercial Street elevation of the Building are maintained in an open position.</p> <p>Fire exit doors are to be checked and serviced periodically to ensure they are in good working order at all times.</p>	
<p>Not being able to identify an emergency exit - <u>Signage</u></p>	<p>All occupants</p>	<p>The appropriate signage to identify the exits in the Premises and the Building is identified in the Layout Plan.</p> <p>This signage should not be blocked or covered.</p> <p>Any such exit signage which is illuminated must be checked periodically to ensure that they are in good working order at all times. As soon as any bulbs within illuminated signage cease to work the bulbs should be replaced.</p>	
<p>Power cut causing a loss of the 'house lights' in the Building</p>	<p>All occupants</p>	<p>The Premises and the Building are to be fit with emergency lighting to British Standard BS5266 which will switch on in the case of a power cut.</p> <p>The areas covered by the emergency lighting is shown on the Layout Plan, essentially covering all parts of the Premises and all parts of the Building leading from the Premises to final exits.</p> <p>The emergency lighting is to be checked periodically and maintained in good working order.</p>	

<p>A fire in the Building not being detected</p>	<p>All occupants</p>	<p>The Building is to be covered by a fire alarm system maintained to British Standard BS5389.</p> <p>The locations of the call points to be installed in the Premises and the Building are shown on the Layout Plan.</p> <p>There will also be smoke detectors in the Premises and the Building in the areas shown on the Layout Plan.</p> <p>A call point should be activated as soon as any fire or other emergency requiring evacuation of the Premises is noticed if the fire alarm has not already been activated by the smoke and/or heat detectors.</p> <p>The fire alarm is to be tested periodically.</p> <p>All Premises staff should be familiar with the locations of the call points so that they may quickly set off a call point in the event of a fire or other emergency.</p>
<p>Audibility of fire alarm</p>	<p>All occupants</p>	<p>The sound levels in the Premises must be maintained low enough that the fire alarm if activated will always be heard.</p>
<p>Other areas of the Building</p>	<p>All occupants</p>	<p>This Risk Assessment has been prepared on the basis that the remainder of the Building is empty, not in use and contains no fire loading or people. Those other (empty) areas of the Building are, for the avoidance of doubt the ground floor, first floor and the second floor of the Building.</p> <p>At all times that the Premises are in use, there must be appropriate barriers and signage in place to ensure that no Premises customers access or try to access any parts of the Building other than the Premises.</p>
<p>Evacuation Procedure -- people being in the building in case of a fire or other emergency</p>	<p>All occupants</p>	<p>In the case of an emergency and/or the fire alarm sounding, the Premises and the Building must be evacuated.</p> <p>In the event of a fire or other emergency in the Premises or the Building, the Premises and the Building must be evacuated immediately. All people in the Premises (except for any person tackling a fire in accordance with the relevant provisions of this Risk Assessment) must leave the Premises via the nearest available exit, either to Commercial Street or Hanbury Street, and are to assemble on the Pavement of Commercial Street or Hanbury Street as appropriate.</p>

		<p>The staff in the Premises shall ensure a quick and orderly evacuation of all customers through the available fire exits. In this respect all staff should familiarise themselves with the layout of the Premises and the Layout Plan.</p> <p>In addition, so long as safe to do so, staff should check all areas of the Building to ensure that all persons in the Premises have safely evacuated.</p> <p>In addition in the event of a fire or other emergency in the Premises or the Building, a member of staff should immediately telephone '999' Emergency Services and as appropriate call out (i) the Fire Brigade; (ii) Ambulance Service; and/or (iii) the Police, providing the emergency services with accurate information regarding the type and location of the emergency.</p> <p>If staff cannot confirm that the Premises and the Building have been entirely evacuated of people, they must advise the Fire Brigade (or other relevant emergency service) of the possible location of people within the Premises or other parts of the Building.</p> <p>The Premises and the Building must be evacuated fully whenever the fire alarm is activated, even if no danger is apparent.</p>
Fire Brigade Access	All occupants	<p>Fire fighting access to all parts of the Premises for the Fire Brigade is to be provided by means of a dry fire main inlet to be located at the Commercial Street elevation of the building, leading to dry fire main access points on the ground and lower ground floor levels of the Building.</p> <p>This ensures that all parts of the Premises are accessible by the Fire Brigade, and is illustrated in the "Fire Brigade Access Plan" attached to this Risk Assessment.</p>
Capacity – number of people in the Premises	All occupants	<p>The occupancy of the Premises must be managed to ensure that the safe capacity is not exceeded.</p> <p>On the basis of the layout of the Premises as shown in the Layout Plan, the safe maximum capacity for the Premises from a fire safety point of view is 280 persons.</p>
Spillages	All occupants	<p>In the event that and food or drink is spilled in the Premises or anywhere else in the Building, the spillage must be mopped and cleaned away as soon as it is noticed so that there are no slip hazards.</p>
Smoking	All occupants	<p>Smoking is not permitted in Premises or the Building.</p>



**"THE STABLES GALLERY"
LOWER GROUND FLOOR
106 COMMERCIAL STREET
LONDON E1**

APPLICATION FOR A NEW PREMISES LICENCE

LICENSING STATEMENT

10 September 2013

1. INTRODUCTION AND BACKGROUND

This document (the "Statement") is a statement of supplementary information and measures in support of the application for a new premises licence (the "Application") by Ely & Sidney Limited (the "Applicant") for the Lower Ground Floor, 106 Commercial Street, London E1 6LZ (the "Premises").

The Premises is currently in use as a warehouse.

The Application relates to a new premises licence for the Premises as a dry hire exhibition and events space.

The proposed extent of the licensed premises (edged in red) and the proposed layout of the Premises are shown on the "Proposed Premises Licence Plan" in Appendix 1.

2. APPENDICES

Various Appendices are referred to in this Statement and are attached to this Statement to assist with understanding the Application and to demonstrate that the four licensing objectives will be promoted.

The contents page for the Appendices is at the end of this Statement on page 20.

3. DESCRIPTION OF THE PREMISES

The Premises is to be dry hire exhibition and events space. The Premises is contained within part of the large building being 106 Commercial Street (the "Building").

The Building is in warehouse use and comprises Ground Floor, Lower Ground Floor, First Floor and Second Floor.

The Premises comprises a small part of the Building as a whole.

The Premises does not form any part of the Ground Floor, First Floor or Second Floor of the Building.

The Premises comprises two separate dry-hire exhibition and function spaces ('Gallery 1' and 'Gallery 2') at the lower ground level of the Building.

Those parts of the Building which are proposed to be licensed under the proposed new premises licence are shown edged red on the Proposed Premises Licence Plan in Appendix 1.

The Premises is reached from the Ground Floor of the Building. The main Ground Floor of the Building comprises the following:

- The Entrance Hall: leading from main Building entrance on Commercial Street to the central atrium of the Building.
- The Atrium: the central part of the Building is made up of a large single volume atrium reaching from ground floor to the roof of the Building at third floor level.

The Premises is reached from the Atrium by means of various alternative sets of steps leading from the Atrium to the Lower Ground Floor level.

The Entrance Hall, Atrium and the Premises are identified by means of different colour shading on the "Building Areas Plan" in Appendix 1.

The Premises is reached from the public highway via the gated entrance to the Building on Commercial Street.

There is an alternative route out of the Building leading to Hanbury Street (via Peck's Yard). This is to be an emergency exit route only.

There are "Photographs" of the Premises, and also of the entrance to the Premises and the Building on Commercial Street, in Appendix 2.

4. CONTEXTUAL LOCATION OF THE PREMISES

This section is intended to assist with understanding of the Application in the context of the location of the Premises and the surrounding area.

As already explained, the Premises is located at Lower Ground (basement) level of the Building at 106 Commercial Street. The entrance to the Premises is via gates to the Building from Commercial Street.

The Premises and the Building are located on the east side of Commercial Street, which is a busy vehicular and pedestrian thoroughfare. Commercial Street is the busiest vehicular road in the surrounding area with a relatively heavy vehicle flow both during the day and night.

Commercial Street is in use at ground floor level on both its east and west side with exclusively commercial uses, predominately retail and restaurant uses.

In the Premises' immediate vicinity are a number of retail premises (Ben Sherman, Office, Topman, Tesco), restaurants (St John Bread and Wine, Strada), and pubs (the Golden Heart and the Ten Bells).

The immediate vicinity of the west side of Commercial Street opposite the Premises (as part of Old Spitalfields Market) are a number of retail uses, restaurant and bar uses (Smiths at 109 Commercial Street which comprises both a multi-level restaurant, bar, live music venue and events space arranged over a number of floors). Old Spitalfields Market itself has a large central atrium which is used for exhibitions, trade shows and other functions on many occasions throughout the year.

The proposed exhibition and events space in the Premises would fit in to the context of the other premises in the vicinity.

The Premises (edged red), the Building (shaded green) and the surrounding area, are identified on the "Context Plan" which is contained in Appendix 1. This Context Plan also demonstrates the small part of the Building as a whole which the Premises comprises and which is proposed to be licensed under the proposed new premises licence.

The residential streets closest to the Premises are Wilkes Street, Princelet Street, and parts of Fournier Street. These streets are entirely shielded and separated from the Premises by the substantial buildings forming the elevation of Commercial Street.

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. Notwithstanding this, all residential properties proximate to the Premises have been taken into consideration in relation to the Application proposals, in particular in the Prevention of Public Nuisance section below, and the acoustic report which was commissioned together with this Application.

The Premises' location in relation to Wilkes Street, Fournier Street, Princelet Street and Pecks Yard can be seen on the Context Plan contained in Appendix 1.

To assist with further understanding the location and context of the Premises there are "Site Photographs" contained in Appendix 2. The Site Photographs show the entrance to the Building (and thereby the entrance to the Premises further within) both alone and in the context of the premises on either side of the Building. These photographs have also been replicated with the Building's entrance identified edged in red for clarity.

5. MORE APPROPRIATE USE OF THE PREMISES

It is considered that an exhibition and events space is a much more appropriate use of the Premises than warehousing.

The warehouse use of the Premises dates back to when the area was predominately made up of import/export businesses forming part of the '*rag trade*' which dominated prior to the development of the area in more recent years into a commercial area with 'active' uses which members of the public can engage in.

6. ECONOMIC BENEFITS OF THE PREMISES

The proposed exhibition and events space in the Premises is a sustainable form of economic development which would give rise to clear economic benefits.

The proposed exhibition and events space would have a positive impact in terms of regeneration and employment opportunities, creating approximately 8 jobs. These would all be new jobs as the Building's current warehouse use only provides one job, which would in itself not be lost if the Application is granted.

It is strongly considered that the jobs created in the Premises would almost entirely be placed with people who live locally in the Borough of Tower Hamlets.

It is intended that the Premises be let to the Events Department of the Old Truman Brewery. The Old Truman Brewery site is close to the Premises and is located between Hanbury Street and Brick Lane. The Old Truman Brewery has exhibition spaces within the Old Truman brewery site which are run by its Events Department. While the Premises will be run as a separate exhibition space it will be run by the Old Truman Brewery's Events Department, and will benefit from their experience and infrastructure.

7. THE FOUR LICENSING OBJECTIVES

The sections below demonstrate how the operation of the Premises and other measures and steps to be taken will promote the four licensing objectives.

In doing so all relevant licensing aspects of the restaurant or café proposed to be opened in the Premises will be covered.

8. THE PREVENTION OF CRIME AND DISORDER

Exhibitions and Events in the Premises will not cause crime or disorder

The Old Truman Brewery Events Department which will run the Premises has operated various dry-hire events spaces for over 17 years.

Through this long experience, we would note that the types of events hosted by the Old Truman Brewery do not lead to crime and disorder.

Examples of the type of exhibitions and events hosted are: art exhibitions (Examples: Edge of Arabia, Shepherd Fairey, Rankin, Saatchi Gallery New Sensations), pop up retail shops (examples: Swear shoes, Paul Smith, American Apparel), branding experiences (examples: Nissan Cube, Puma, Nike), conferences (examples: Top Shop, Pirelli), trade shows and exhibitions (examples: Tent London, London Coffee Festival, London Design Festival, ABTT Theatre Show, London Tattoo Festival, Bodyworlds), fashion shows (examples: Fashion East, House of Holland, Jonathan Saunders, Hussein Chalayan), and film shoots (examples of feature-film directors recently shooting in Old Truman Brewery events spaces: Woody Allen, Danny Boyle).

Each potential event in the Premises will be vetted by the Old Truman Brewery Events Department to ensure that it is appropriate to the Premises, will be professionally organised and will not cause any negative impact on local residents.

These are events which bring a vibrancy to the locality but which we consider do not create any crime and/or disorder. Nor do they cause a public nuisance or have any detrimental effect on residential amenity.

This is a relatively low impact use, in particular in comparison to bars and nightclubs where the primary purpose is the sale of alcohol, and which operate for much longer hours than are being proposed in this Application.

All events are also fully risk assessed, and in this respect we refer to the 'Public Safety' section below.

We would stress (as we do a number of times in this statement) that the sale of alcohol is *not* the primary purpose of the Premises.

Very limited proposed hours

It is proposed that the Premises may only be licensed for the sale of alcohol between 1100 and 2200 hours.

We consider that these proposed hours are extremely limited and will not lead to any crime or disorder.

These hours are materially more limited than all licensed premises in the vicinity of the Premises, which are licensed for the sale of alcohol until 2300 hours as a minimum, and in some cases many hours later.

This is consistent with our explanation that the Premises is intended to be responsibly run as a low impact exhibition and events space which will have no adverse effect on residential amenity.

Premises management and security measures

The sale of alcohol in the Premises will be monitored either by the Designated Premises Supervisor ("DPS") or a nominated person under their authority of the DPS. We have added this as extra proposed **Condition (number: 1)** to the proposed premises licence. The "**proposed Conditions**" are contained in **Appendix 3**.

Being used for low impact exhibitions and events (not a bar or nightclub use) where the supply of alcohol is not the primary purpose of the Premises, we do not consider that there will be any material issue in respect of the supply of alcohol to people in the Premises and any potential consequent crime and/or anti-social behaviour.

Notwithstanding this we confirm that the supply of alcohol in the Premises will be carried out in a responsible manner. People who appear excessively inebriated will not be served. There will be no irresponsible drink price offers permitted.

During events where alcohol is to be sold, SIA accredited security guards are positioned at the entrance to the Premises monitoring the entrance and exit of people. This has been added as a proposed **Condition (Number: 10)** to the proposed premises licence and can be seen in **Appendix 3**.

The staff and security guards in the Premises will monitor the behaviour of people in the Premises to ensure that there is no disorderly or anti-social behaviour. In the unlikely event that any people are being disorderly or acting in an anti-social manner they are requested to be quiet and/or stop the anti-social behaviour, as appropriate. If the anti-social behaviour does not stop then the person is asked to leave.

There will be signage at the exits to the Premises asking people to be quiet on their journey home. This has been added as a proposed **Condition (Number: 7)** to the proposed premises licence and can be seen in **Appendix 3**.

CCTV

There will be CCTV cameras installed in the Premises to capture the standard 'head and shoulders' shot of all persons entering the Premises.

There will also be CCTV cameras installed in the Premises to cover the general exhibition areas of the Premises and so to capture any incidents which might take place in the Premises.

This has been added as a proposed **Condition (Number: 15)** to the proposed premises licence and can be seen in **Appendix 3**. This will assist the Police to identify people in the Premises if the Police want this information in connection with any crime or disorder.

No Off-Sales

We have added as a proposed **Condition (Number: 12)** to the proposed premises licence that no off-sales of alcohol are to be permitted. The proposed **Conditions** are contained in **Appendix 3**.

This is to guard against any concern that any alcohol from the Premises will leave the Premises and be consumed on the street, and any concern that this might lead to crime or disorder.

The Condition proposed means that the risk of this will be eliminated entirely.

The Imposition of this as a Condition of the proposed premises licence gives the responsible authorities a greater element of control over the Premises in this respect, and also gives the responsible authorities greater powers of enforcement in the unlikely event that such Condition is breached.

We have added a proposed **Condition (Number: 10)** relating to the placement of SIA security at the entrance to the Premises for any events where there is to be the sale of alcohol. This will also in practical terms ensure the enforcement of the 'no off-sales' Condition.

Conclusion in relation to Crime and Disorder

The Premises' proposed management and security procedures, which include:

- the limited proposed hours for licensable activities;
- completion of a risk assessment procedure for every event in the Premises;
- the vetting of potential events in the Premises to ensure they are appropriate and low impact;
- the employment of security guards;
- the responsible supply of alcohol; and
- head and shoulder CCTV coverage of people entering the Premises,

together with:

- there being no off-sales of alcohol,

provides the Premises with the benefit of a significant level of management and security to prevent the potential for crime and disorder.

We also reiterate the low impact use of the Premises as an exhibition and events space (and not as a bar or other similar use) where the sale of alcohol is not the primary purpose. We do not believe that an exhibition and events space such as the Premises causes any crime and disorder issues at all.

We consider that the measures details in this Section adequately promote the prevention of crime and disorder objective.

9. PUBLIC SAFETY

Fire Risk Assessment

A full fire risk assessment (the "Fire Risk Assessment") has been prepared in relation to the Premises and forms part of the Application materials.

This Fire Risk Assessment covers most of the relevant steps in relation to the promotion of public safety licensing objective, and accordingly in this respect we would refer to the detailed provisions therein.

We would add the following brief points and summaries in relation to public safety:

- *Smoke detectors* are to be installed in the Premises to detect fire.
- There are to be *call points* in the Premises to activate the fire alarm in the event of an emergency.
- *Fire extinguishers* are to be in the Premises, to be used only in accordance with the Fire Risk Assessment. These are to be checked and serviced regularly.
- The Premises is to be lobbied with a *minimum of one hour fire separation*.
- *Fire exit signage* is to be in place throughout the Premises and is checked regularly.
- *First aid equipment* is to be maintained in the Premises.
- *Smoking is not permitted* in the Premises.
- Any food and drink *spillages are cleared* away as soon as reasonably practical in order to reduce potential slip hazards.
- The Fire Risk Assessment is to be reviewed annually, and additionally is to be reviewed when additional risks are identified or where changes are made to the Premises or the Building.

Provisions in the 'Prevention of Crime and Disorder' section

In addition, many of the management and security measures which are detailed in the 'Prevention of Crime and Disorder' section also go towards the protection of public safety.

Event Risk Assessments

Every event in the Premises, regardless of whether or not the sale of alcohol is involved, has an event specific risk assessment produced for it. This event risk assessment identifies risks specific to each function. These risks might relate to the type of event, the activities involved, the size of the event, and the physical set up of the event within the Premises.

These event specific risk assessments are reviewed by the Old Truman Brewery Events Department, specifically their Operations personnel. The Old Truman Brewery Events Department has over 17 years of experience in managing dry-hire events spaces, and are both trained and well versed in practical terms in identifying any risks and control measures to minimise risks. The Old Truman Brewery Events Department also has an excellent relationship both with the London Fire Brigade and the Local Authority's Health & Safety team.

Conclusion in relation to the Promotion of Public Safety

We consider that the procedures and measures set out and referred to above adequately promote the public safety licensing objective.

10. THE PREVENTION OF PUBLIC NUISANCE

In relation to the subject of public nuisance, the potential for this falls into two main categories:

- Noise *emanating directly* from the Premises; and
- Noise from the *access and egress of customers* from the Premises.

A. DIRECT NOISE FROM THE PREMISES

In relation to the potential of noise from the Premises an acoustic report (the "Acoustic Report") has been prepared by RBA Acoustics (report reference 5488C/NIA dated 8 July 2013), and is contained in Appendix 4.

The Acoustic Report concludes that:

- *"we do not consider that the proposed use of the Exhibition Spaces in the lower ground/basement level of the 106 Commercial Street building as exhibition and events spaces... will result in any detrimental effect on the prevailing noise climate at the facades of nearby residential properties"* (Section 7.0); and
- *"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. We therefore recommend that the proposed use should not be refused on the grounds of noise"* (Section 7.0).

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

- noise from the Premises being audible at the nearest residential façade (Condition 13 in Appendix 3); and
- noise from the Premises causing a public nuisance and/or statutory nuisance to the nearest affected commercial premises (Condition 14 in Appendix 3).

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

This is in addition to the powers of the Environmental Protection department of the local authority to take enforcement action in the event of any statutory and/or public nuisance being caused by any premises.

Further, we would reiterate that the Premises opens onto the busy vehicular thoroughfare that is Commercial Street. Commercial Street has many cars and other vehicles passing through at all times of the day and night, which create a consequent high ambient background noise level along Commercial Street. We consider that there is no risk at all that the noise of customers in the Premises will lead to a public nuisance.

In light of the above section, we feel that we have demonstrated that there will be no noise nuisance caused from the Premises.

B. NOISE FROM ACCESS AND EGRESS

'Prevention of Crime and Disorder' section

In relation to the possible noise from customer access to and egress from the Premises, this is in large part addressed in the 'Prevention of Crime and Disorder' section above. We will not repeat all of those points here, but we summarise that the following broad measures which will reduce the risk of customers from the Premises engaging in loud or anti-social behaviour on their journey home:

- The monitoring of customers in the Premises and entering/leaving the Premises by the DPS and general staff, to ensure that customers do not become drunk or engage in anti-social behaviour.
- In relation to events in the Premises where there is to be any sale of alcohol, the monitoring and control at the entrance to the Premises by SIA accredited security guards of the access and egress of people into and out of the Premises.
- The responsible supply of alcohol in the Premises to ensure that customers do not become drunk.
- The placement of signage at the exit to the Premises asking customers to be quiet on their journey home.
- Where any customers are being loud on leaving the Premises, the staff asking them to please be quiet on their journey home.
- No-of sales of alcohol proposed.
- Very limited proposed hours for the sale of alcohol from 1100 hours to 2200 hours.
- The installation of a CCTV system in the Premises.
- The risk assessing of each specific event in the Premises to identify and eliminate any risks, including in relation to noise and behaviour.

In addition to the above, we would also note the conclusions reached in the Acoustic Report which is contained in **Appendix 4**. Further, and separate to the subject of noise generated from the Premises, the Acoustic Report also analyses the subject of customer egress from the Premises. The Acoustic Report states that 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.

In addition to the measures which have already been detailed, we consider that the matters detailed in the following sections are also relevant in relation to the prevention of public nuisance.

No external areas

There are no external areas forming part of the Premises. Accordingly noise of people attending an exhibition at the Premises will be contained within the Building.

We note that the restaurants *Strada* (located at 88-90 Commercial Street) and the restaurant and bar *Smiths* (located at 109 Commercial Street) provide external seating areas. We understand that this is both permitted by the responsible authorities and also that it does not cause any public nuisance.

Further, we would note that the various public houses along Commercial Street allow their customers to drink on the public highway in large numbers and without any control measures. They have done so for many years without, to our knowledge, public nuisance being caused or any enforcement action being taken by the responsible authorities.

While the above examples relate to restaurants and pubs, we consider that they are relevant as a comparison to the Premises' not having any outdoor elements to its proposed operation.

Premises' low impact operation

As has been referred to elsewhere in this Statement, the nature and character of the Premises as a dry hire exhibition and events space for the types of exhibitions and events which are to be hosted in the Premises, is low impact. This is particularly the case when compared with bar use.

We reiterate that potential events in the Premises are to be vetted thoroughly by the Old Truman Brewery Events Department.

We also reiterate that the sale of alcohol is not the primary purpose of the Premises.

Very Limited hours

The proposed permitted hours for the various licensable activities proposed, we consider to be very limited as follows:

- Films, Recorded Music: 1100 to 2300 hours.
- Plays, Performance of Dance: 1100 to 2230 hours.
- Indoor sporting events: 1100 to 2200 hours
- Sale of alcohol: 1100 to 2200 hours.

These hours do not constitute "*late night*" given that all licensable activities are proposed to end at or before 2300 hours.

In particular, the proposed hours for the sale of alcohol from 1100 hours to 2200 hours every day we consider are extremely limited, and is considerably *earlier than*:

- all other *restaurants* in the area
- all *bars and pubs* in the area; and
- all off-licence shops in area,

some of all of the above types of premises are *licensed to sell alcohol as late 0230 hours*.

We consider that the risk of a public nuisance being caused by other much later opening licensed premises in the locality is much greater than the risk of any public nuisance being caused by the Premises, in particular in light of the early proposed 2200 hours end time to the sale of alcohol.

No 'Off-Sales'

We reiterate that we have added as a proposed Condition (Condition 12 in Appendix 3) to the proposed premises licence that there may not be any off-sales of alcohol from the Premises.

This proposed Condition will guard absolutely against any concern that alcohol from Premises will be consumed on the public highway, and any concern that this might lead to public nuisance.

The imposition of this as a Condition of the proposed premises licence gives the responsible authorities a greater element of control over the Premises in this regard, and also gives the responsible authorities greater powers of enforcement in the unlikely event that such Condition is breached.

There is also a proposed Condition (Number: 10) relating to the placement of SIA security at the entrance to the Premises for any functions where there is to be the sale of alcohol, which will ensure the enforcement of the 'no off-sales' Condition. The Conditions are contained in Appendix 3.

We would contrast this to some of the public houses in the very near vicinity to the Premises which allow their customers to freely drink in unlimited numbers on the public highway many hours later than 2200 hours, and with no security or other controls whatsoever.

The Condition proposed means that such off sales will not be permitted, so the risk of this is eliminated.

Off-licence shops in the vicinity of the Premises – licensed hours

We summarise below the end time for the sale of alcohol for just a handful of off-licence shops in the locality:

- 116 Brick Lane: 0230 hours
- 114 Brick Lane: 0200 hours
- 106 Brick Lane: 0200 hours
- 97 Brick Lane: 0100 hours
- 80 Commercial Street: 2300 hours
- 116 Commercial Street: 2300 hours
- 139 Commercial Street: 2300 hours

These are the results not of a comprehensive survey of all of the off-licence shops in the area, but only the results of a very quick walk around of the off-licence shops close to the Premises and a look at the displayed 'Part B' of their premises licences. These off licence shops are relatively close to the Premises.

It is evident that the above referred to premises open and sell alcohol for off-sale many hours later than proposed for the Premises (nearly 5 hours later in one case).

We reiterate that while these shops are licensed for off-sales, the Application proposals for the Premises provide for no off-sales of alcohol from the Premises.

While this perhaps seems an obvious point to make, we stress that the risk of any public nuisance or crime and disorder being caused is infinitely higher in respect of one of these off-licence shops than by the Premises under the Application proposals.

Toilet Facilities

The question of toilet facilities and members of the public urinating in the street has been raised in the past as a concern for residents generally in relation to other areas.

We confirm that the Premises has adequate toilet facilities for all people attending functions in the Premises. This can be seen in the **Premises Licence Plans** contained in **Appendix 1**.

There is no incentive for people visiting an exhibition or other event in the Premises, to relieve themselves on the public highway after leaving the Premises. These people will always make use of the toilet facilities available in the Premises.

This topic is only referred to here as it has been mentioned by local residents as a concern in relation to other matters, such as members of the public drinking alcohol in the street.

It is our firm assertion and understanding that any persons relieving themselves on the public highway are *not* people who have attended the Premises, but rather are people who may be drinking alcohol in the street which they are likely to have purchased from one of the many off-licence shops in the area (which sell alcohol very cheaply and late into the night and early morning).

Public transport

The Premises benefits from excellent public transport facilities and has a Public Transport Accessibility Level ("PTAL") of 6B which is described as having "*excellent*" access to public transport, and is the highest possible PTAL rating.

- **Trains**: the Premises lies within easy walking distance from Aldgate East Underground station, Liverpool Street underground and mainline stations, Old Street underground and mainline station and the recently opened Shoreditch High Street Overground station.
- **Buses**: there are an extensive range of bus services within easy walking distance to the Premises.

- **Bicycles**: there are a variety of Barclays Cycle Hire docking stations located close to the Premises on Commercial Street (in two locations, at both 155 Commercial Street and 88 Commercial Street), on Brick Lane (approximately at number 117 Brick Lane), and on Fashion Street (at 10 Fashion Street).

Given the Premises' close proximity to various forms of public transport, it is evident that it is within a sustainable location.

Pedestrian dispersal routes for customers

In terms of access to and egress from the Premises to the closest modes of public transport the majority of customers would access the main transport facilities as appropriate either:

- **via Commercial Street**, which is reached directly from the Premises. Customers can then either walk:
 - straight (west) crossing Commercial Street towards Liverpool Street station;
 - right (north) towards Old Street and Shoreditch High Street stations;
 - or left (south) towards Aldgate East station.

Commercial Street also the primary route from the Premises to reach a number of bus stops, and also the nearest Barclays Cycle Hire docking stations on Commercial Street;

or

- **via Brick Lane**, which is reached from the Premises by turning right (east) out of the Premises along Commercial Street, then turning right (east) down Hanbury Street to reach Brick Lane, or alternatively on Hanbury Street walking through the Old Truman Brewery site to reach Brick Lane.

Brick Lane and Hanbury Street are primarily in commercial use with a very small handful of residential uses on upper floors. The Old Truman Brewery is entirely in commercial use.

It is not anticipated that this Brick Lane route would be used by the Premises' customers to reach any form of public transport, as the quickest and most direct routes are all either via Commercial Street or to the west towards Liverpool Street.

The above referred to primary pedestrian routes to the various means of public transport, to Commercial Street, Liverpool Street, Old Street, Aldgate East, Shoreditch High Street and Brick Lane (though Brick Lane is not a location for public transport other than Barclays Hire Cycles) avoid the need to walk through the residential streets closest to the Premises, such as Wilkes Street, Princelet Street and Fournier Street. These pedestrian egress routes are identified on the "Egress Routes Plan" in Appendix 1.

Premises Entrance/Exit on Commercial Street

We would reiterate that the main entrance to and exit from the Premises is out to Commercial Street. The alternative route to Hanbury Street via Peck's Yard is only proposed as an emergency exit.

As stated elsewhere in this Statement, Commercial Street is an extremely busy vehicular and pedestrian thoroughfare. Commercial Street is the busiest vehicular road in the surrounding area with relatively constant flow of traffic both during the day and night. It has a resulting high ambient background noise level.

Commercial Street is in use at ground floor level on both its east and west side with exclusively commercial uses, including bar, restaurant, and retail uses. The bar and restaurant uses operate later than proposed for the Premises.

The entrance and exit of the Premises to Commercial Street which is busy with vehicles and pedestrians and which has later opening licensed premises, means that there is little potential for the Premises to cause any public nuisance from access and egress of members of the public.

Early end time for licensable activities means that Public Transport is fully operational

As the main proposed licensable activities for the premises end at 2230 hours (with sale of alcohol until the earlier time of 2200 hours, and films and recorded music until the slightly later time of 2300 hours), all modes of public transport will still be in operation to enable people to take public transport home.

There is accordingly less need for anyone in the Premises missing the 'last tube', 'last train', or 'last bus' home (though we of course note that 'night buses' and minicabs home will remain available late into the night).

Nominated/Preferred 'minicab' company

The Premises will have a 'preferred' minicab company, which will be a local firm, which the restaurant or café will offer to call for customers who would like to be picked up by a minicab for their journey home.

The local minicab firm will be familiar with the area and with the Premises.

Customers may be collected by the minicabs directly outside the Premises on Commercial Street, where there are an adequate number of bays available for such customer pick up.

In addition, we note that there is a minicab office (*City Man Radio Cars*) located just *two doors away* from the Premises, at 102 Commercial Street.

Conclusion in relation to the prevention of public nuisance

We consider that the measures set out above adequately promote the prevention of public nuisance licensing objective.

11. THE PROTECTION OF CHILDREN FROM HARM

The following provisions will be put in place for the protection of children from harm.

Alcohol will not be supplied to underage persons.

A 'Challenge 21' policy will operate at the Premises – this means that any individual who visually appears to be under 21 years of age and is seeking to be supplied with alcohol needs to produce acceptable Identification (driving licence, passport, "PASS" ID, etc) proving that they are 18 years of age or older. A proposed **Condition (Number: 8)** has been added to the proposed premises licence in this respect.

We have also added a proposed **Condition (Number: 9)** to the proposed premises licence which states that for functions where there is to be the sale of alcohol, children under 16 years of age are not allowed in the Premises if they are not accompanied by an adult of 18 years or older.

The proposed **Conditions** are contained in **Appendix 3**.

If there is genuine reason to believe that allowing children to enter the Premises at any particular time could result in harm of any kind to such children, then children will not be permitted to enter.

We feel that the above measures adequately promote the protection of children from harm licensing objective.

12. PROPOSED CONDITIONS

In addition to the various steps and other factors described in this Statement, we have proposed comprehensive **Conditions** to be attached to the proposed premises licence, which will provide the responsible authorities with additional comfort and additional powers of enforcement and control on the Premises. These are contained in **Appendix 3**.

We consider that these proposed **Conditions** are comprehensive, robust and are satisfactory to ensure that the four licensing objectives will be promoted in relation to the Application proposals. Reference to specific **Conditions** will be made throughout this Statement.

13. CONCLUSION

We consider that the contents of this Statement and Appendices, together with the proposed **Conditions** and the remainder of the application materials, demonstrate that that the Premises fully promotes the four licensing objectives and will not lead to any detrimental effect on residential amenity.

We respectfully request that this Application for a new Premises Licence be granted.

14. APPENDICES

The following Appendices accompany this Statement:

Appendix 1:

- **Proposed Premises Licence Plan**
- **Site Context Plan**
- **Building Areas Plan**
- **Egress Routes Plan**

Appendix 2: **Photographs**

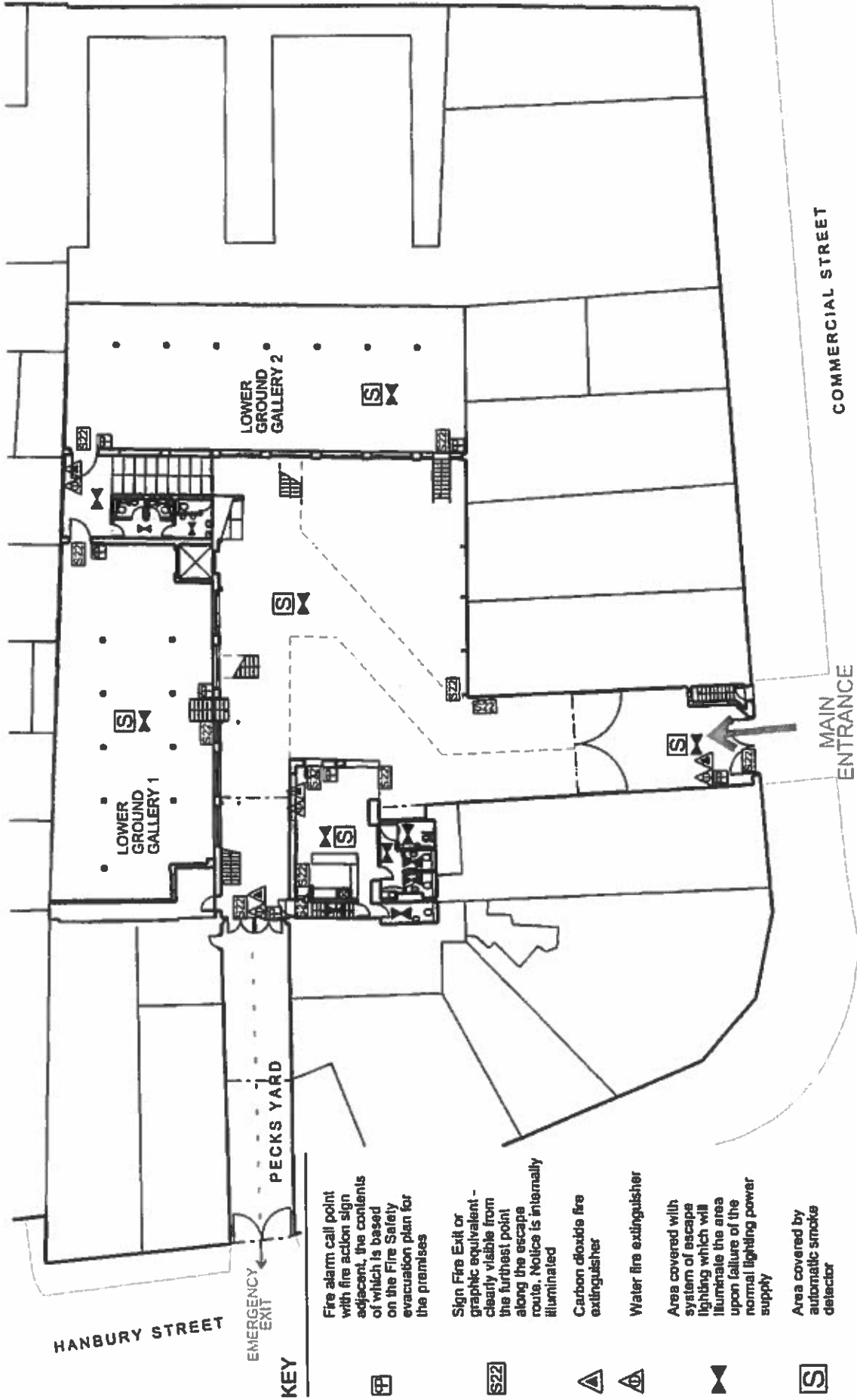
Appendix 3: **Proposed Conditions**

Appendix 4: **Acoustic Report**

APPENDIX 1

- **Proposed Premises Licence Plan**
- **Context Plan**
- **Building Areas Plan**
- **Egress Routes Plan**

PUMA COURT



HANBURY STREET

COMMERCIAL STREET

MAIN ENTRANCE

KEY

Fire alarm call point with fire action sign adjacent, the contents of which is based on the Fire Safety evacuation plan for the premises

Sign Fire Exit or graphic equivalent - clearly visible from the furthest point along the escape route. Notice is internally illuminated

Carbon dioxide fire extinguisher

Water fire extinguisher

Area covered with system of escapes lighting which will illuminate the area upon failure of the normal lighting power supply

Area covered by automatic smoke detector



106 COMMERCIAL STREET SITE PROPOSED LOWER GROUND LEVEL LICENCE PLAN - 1:300 at A4

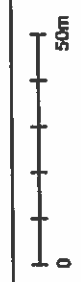


1:300 scale only to be used

Date: 11/05/2011
 Drawn by: P. J. ...
 Checked by: P. J. ...
 Scale: 1:300
 Project: 106 Commercial Street
 Drawing No: 106-13



106 COMMERCIAL STREET LOWER GROUND BUILDING CONTEXT PLAN - 1:1500 at A4



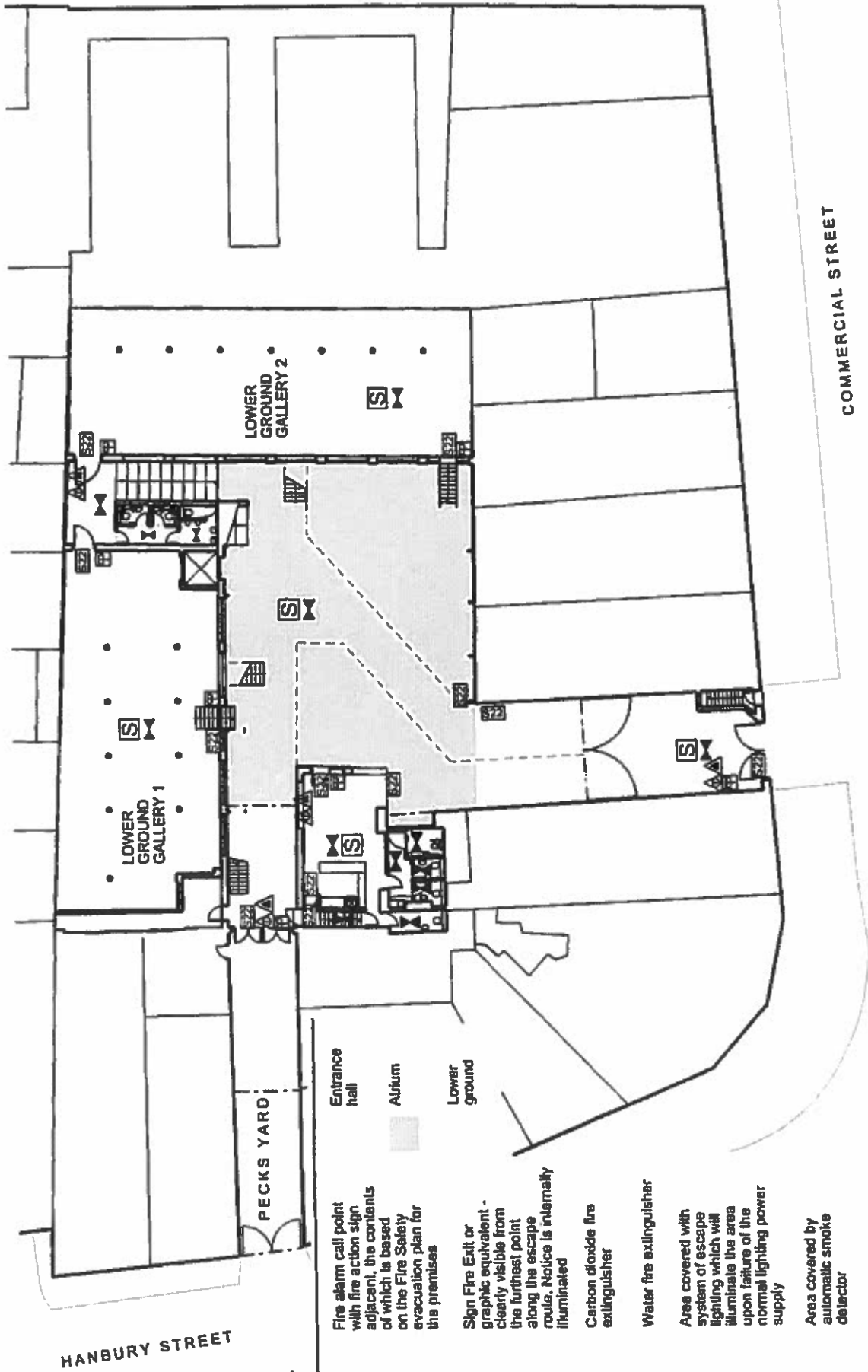
Client name:
 1. Street name for the drawing
 2. Job number

Project:

Scale at A4: 1:1500
 Drawing number: CS_12020613
 Date: -

Number:
 106 Commercial Street
 lower ground building
 context plan

PUMA COURT



HANBURY STREET

COMMERCIAL STREET

KEY

Fire alarm call point with fire action sign adjacent, the contents of which is based on the Fire Safety evacuation plan for the premises



Entrance hall

Atrium

Lower ground

Sign Fire Exit or graphic equivalent - clearly visible from the furthest point along the escape route. Notice is internally illuminated



Carbon dioxide fire extinguisher



Water fire extinguisher

Area covered with system of escape lighting which will illuminate the area upon failure of the normal lighting power supply



Area covered by automatic smoke detector



106 COMMERCIAL STREET LOWER GROUND FLOOR BUILDING AREAS PLAN - 1:300 at A4



1:300 scale to be used for printing

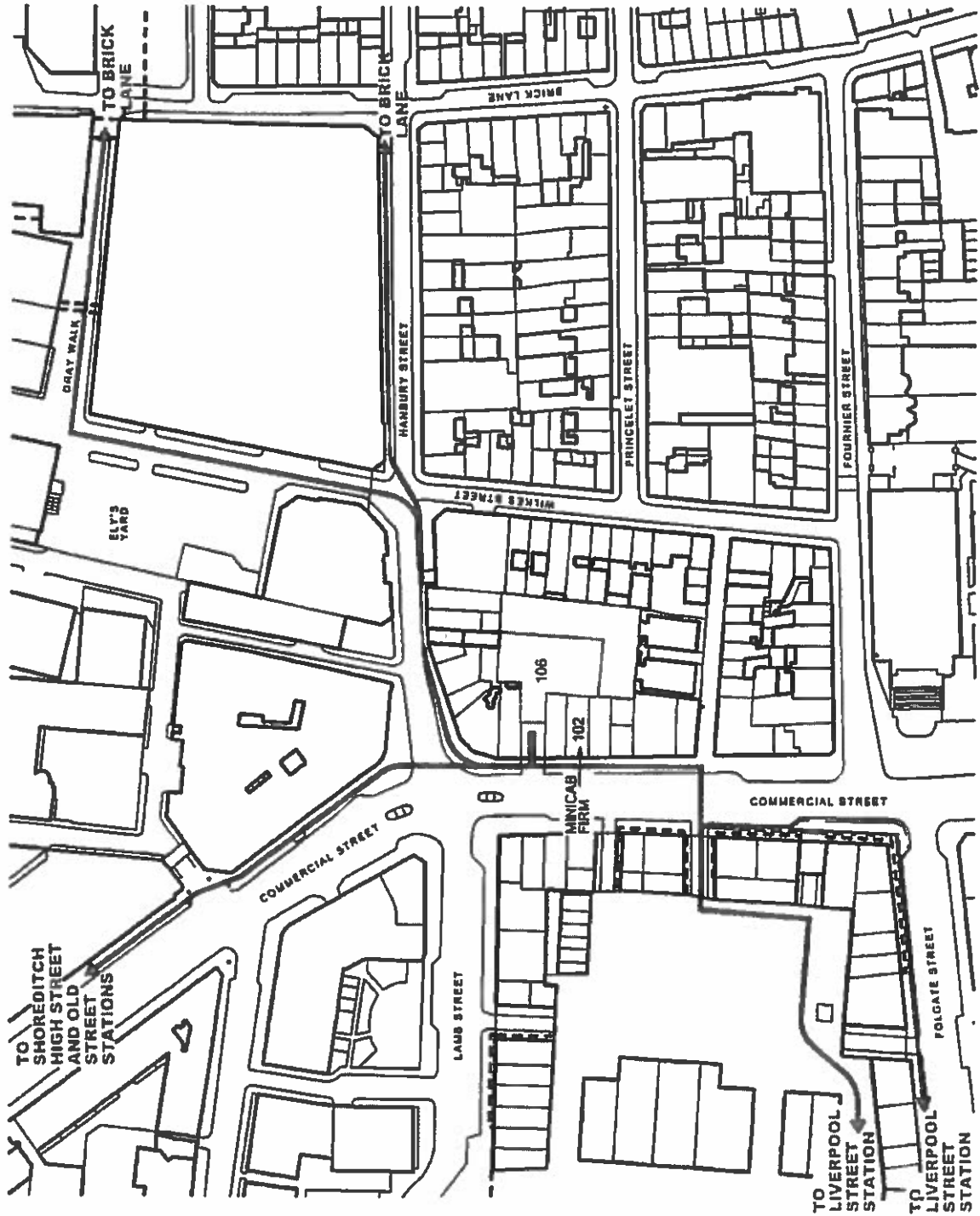
DATE



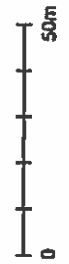
Professional Engineer
No. 123456789
Name: J. D. Smith
Address: 123 Main St, London, UK
Phone: 020 1234 5678

Project No. 12345
Drawing No. 106-01
Scale: 1:300
Date: 15/05/2024

106 Commercial Street
Lower Ground Floor
Building Areas Plan
Scale: 1:300 at A4



106 COMMERCIAL STREET LOWER GROUND EGRESS ROUTES PLAN - 1:1500 at A4



Client name:
 All drawings shall be the property
 of the client.

Project:



Scale of set: 1:1500	Drawing number: P_CS_1203_0613	Revision:
		106 Commercial Street lower ground egress routes plan

APPENDIX 2

- **Photographs**

**"STABLES GALLERY"
LOWER GROUND FLOOR
106 COMMERCIAL STREET
PREMISES LICENCE APPLICATION PHOTOGRAPHS**



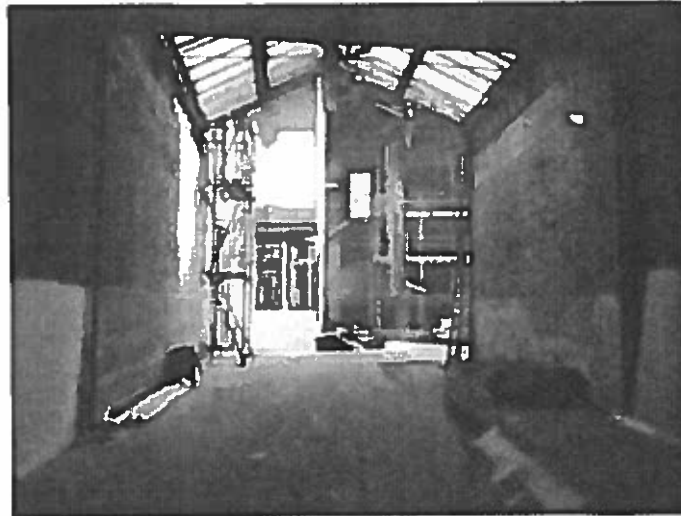
Building frontage viewed from the west



Building frontage viewed from the north



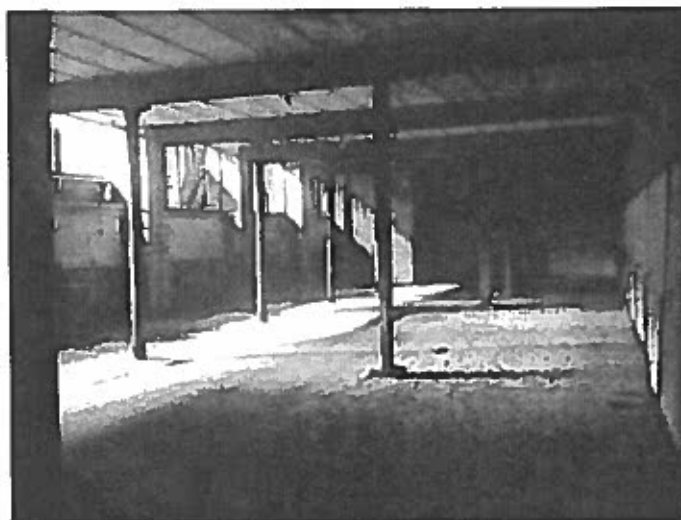
Building frontage viewed from the south



View from Commercial Street east along Entrance Hall towards Atrium



View of atrium looking towards premises



View of Gallery 1



View of Gallery 2

APPENDIX 3

- **Proposed Conditions**

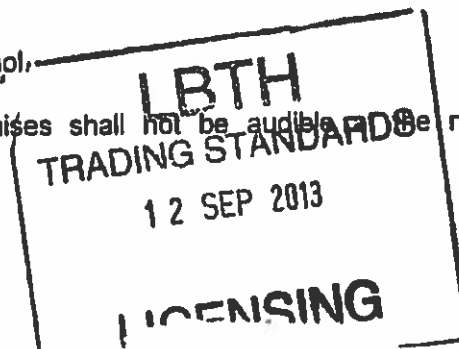
(10th September 2013)

**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.
12. There shall be no off-sales of alcohol.
13. Noise emanating from the Premises shall not be audible to the nearest affected residential façade.

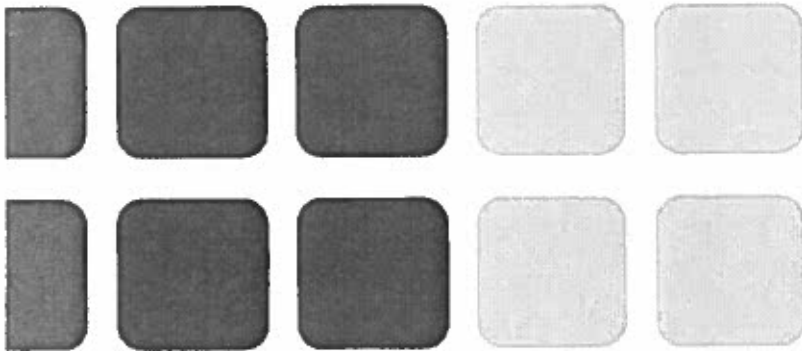


14. Noise emanating from the Premises shall not cause a public and/or statutory noise nuisance to the nearest affected business/commercial premises.

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.

APPENDIX 4

- **Acoustic Report**



106 COMMERCIAL
STREET
EXHIBITION USE
LONDON, E1

NOISE IMPACT
ASSESSMENT

REPORT 5488C/NIA
Prepared: 8 July 2013
Revision Number: 0

Ely & Sidney Limited
91 Brick Lane
London
E1 6QL

NOISE IMPACT ASSESSMENT

106 COMMERCIAL STREET EXHIBITION USE,
LONDON, E1



REPORT 5488C/NIA
Prepared: 8 July 2013

Revision	Comment	Date	Prepared By	Approved By
Zero	Issue of report	8 July 2013	Paul Taylor	Torben Andersen

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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 identified 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 being 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.

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.

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 1/2" 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_{Aeq} [dB]	Average L_{Aeq} [dB]	Lowest L_{Aeq} [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} (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)								Overall (dBA)
	63	125	250	500	1k	2k	4k	8k	
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)								Overall (dBA)
	63	125	250	500	1k	2k	4k	8k	
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 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 $L_{Amax,t}$ 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 $L_{Amax,t}$ 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 an extremely large additional acoustic 'capacity' for the building.

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. We therefore recommend that the proposed use should not be refused on the grounds of noise.

Appendix A - Acoustic Terminology

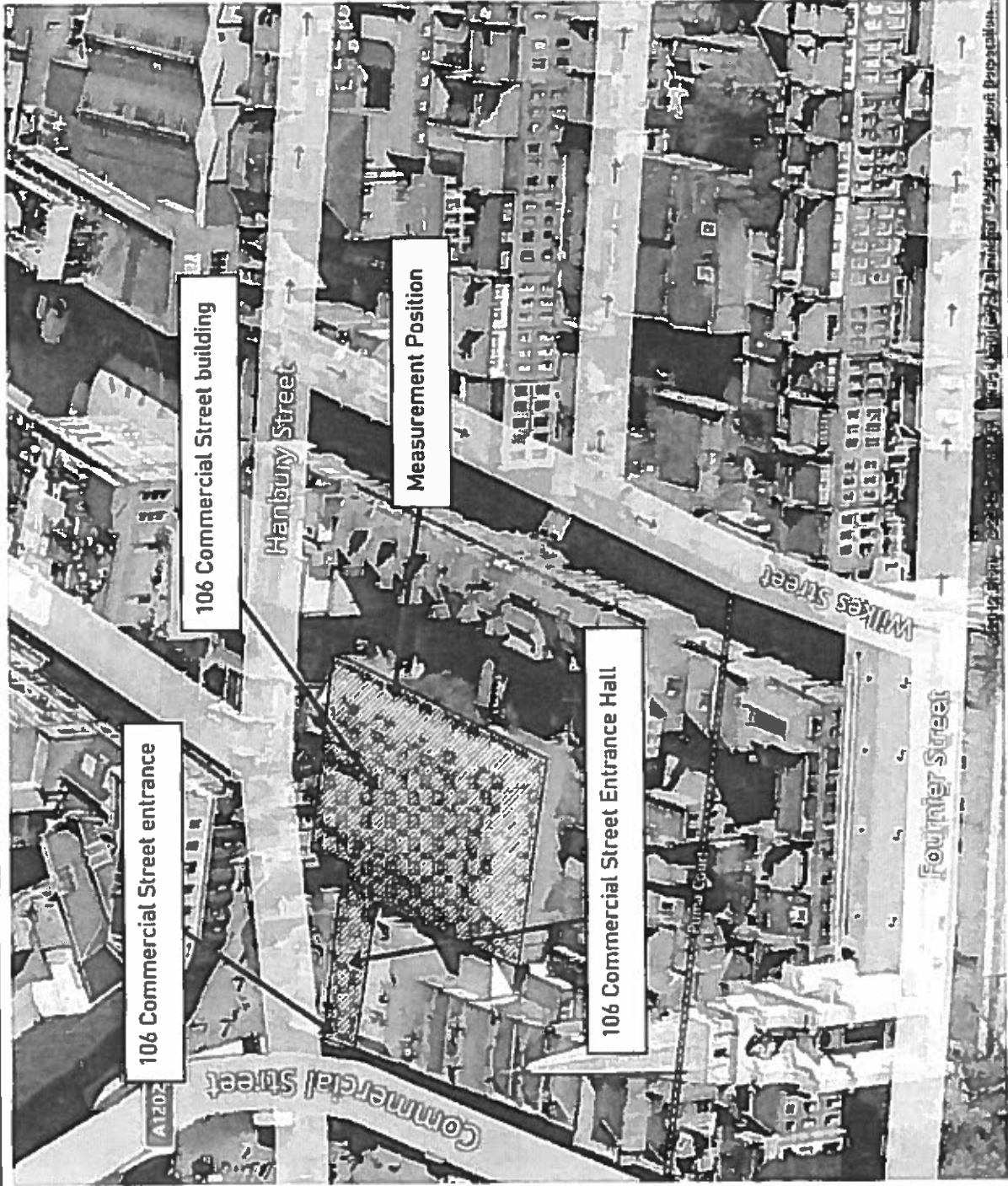
dB	Decibel - Used as a measurement of sound pressure level. It is the logarithmic ratio of the noise being assessed to a standard reference level.
dB(A)	The human ear is more susceptible to mid-frequency noise than the high and low frequencies. To take account of this when measuring noise, the 'A' weighting 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_n (e.g. L_{A1} , L_{A10})	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.

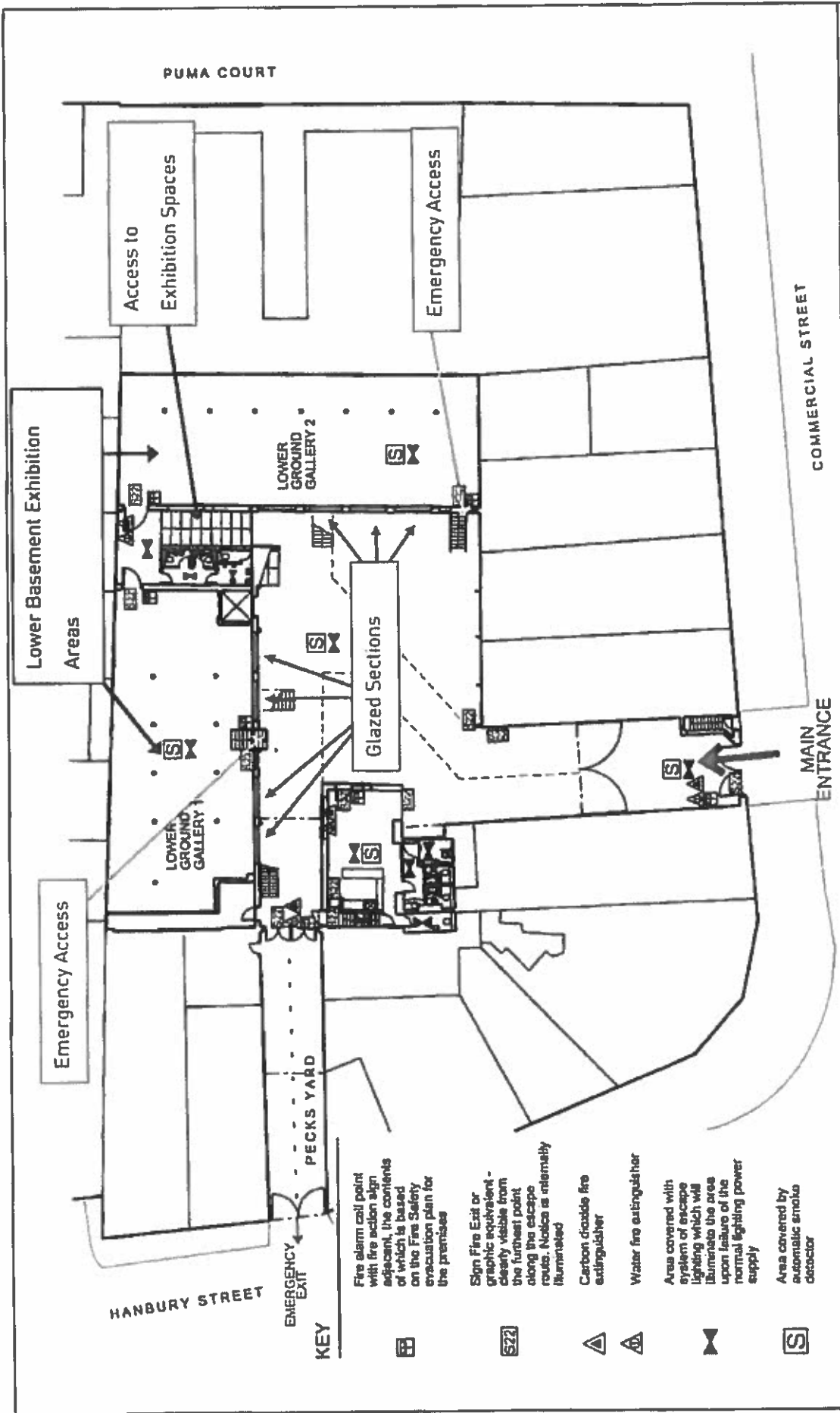
106 Commercial Street
Exhibition Use

Figure 5488C/F1

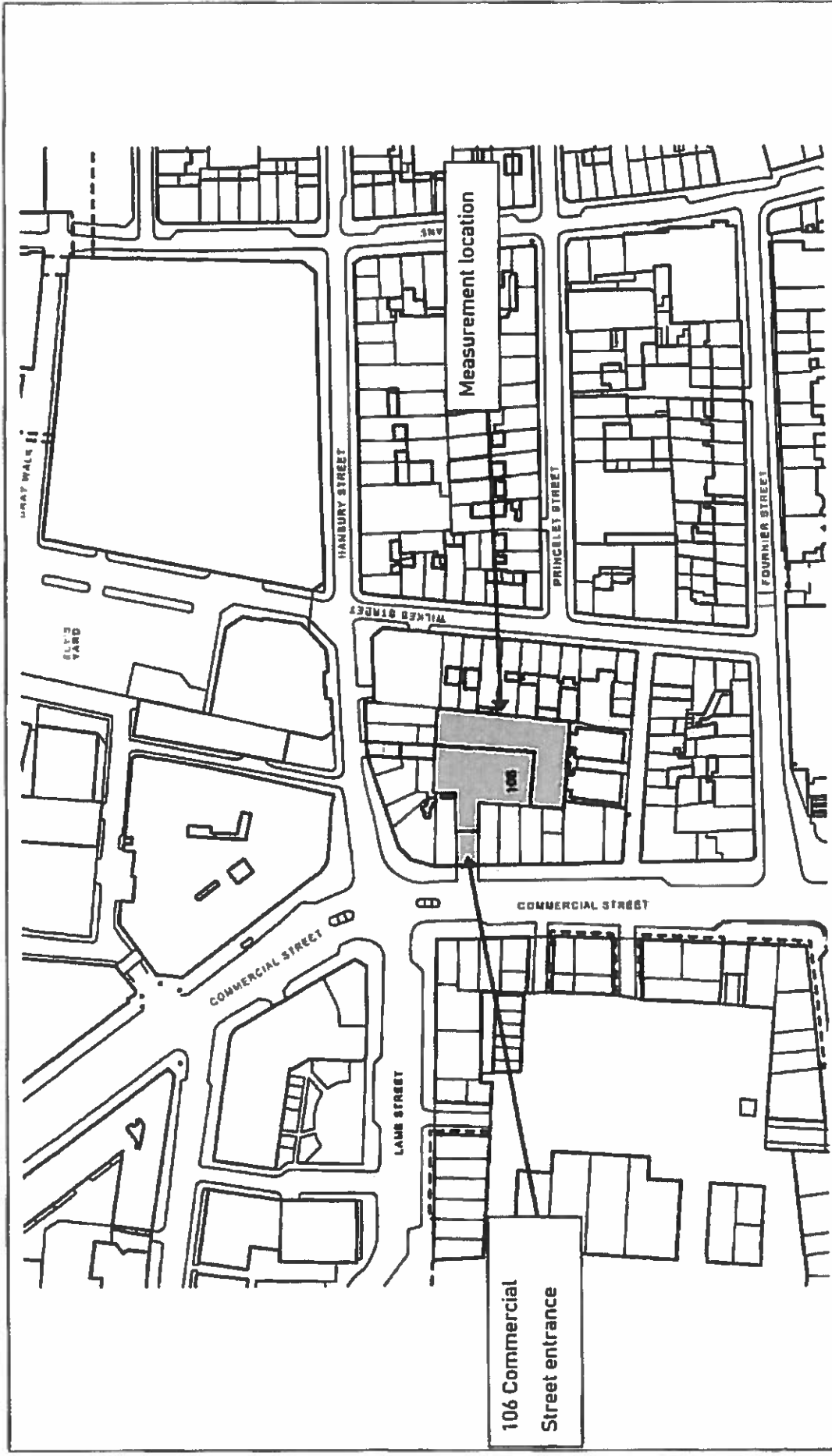
8 July 2013

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



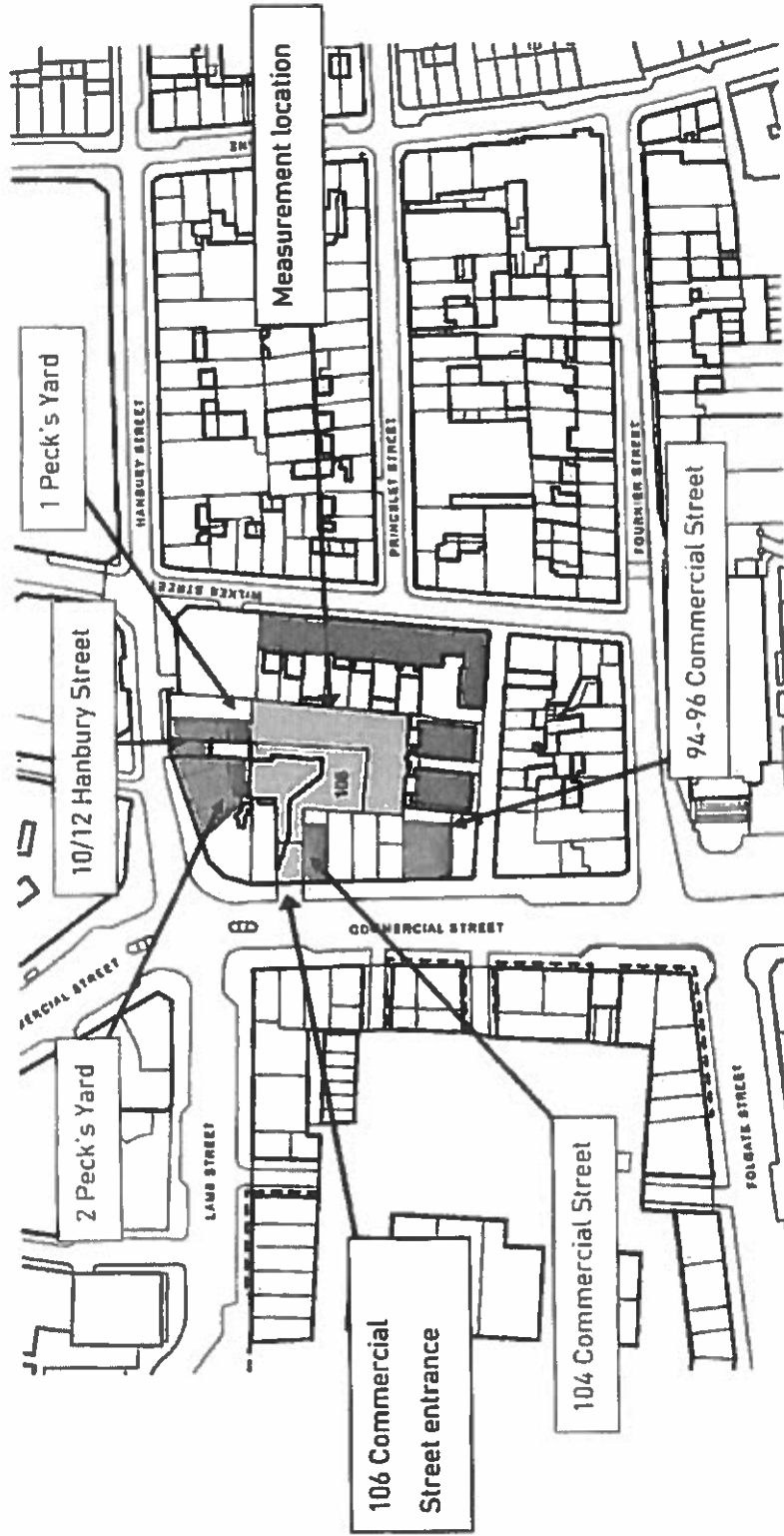


	<p>106 Commercial Street Exhibition Use</p> <p>Proposed lower ground floor layout of exhibition spaces at 106 Commercial Street</p>	<p>Site Plan 5488C/SP1</p> <p>8 July 2013</p>
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106 Commercial Street Exhibition Use
 106 Commercial Street Building Context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

Site Plan 5488C/SP2
 8 July 2013



106 COMMERCIAL STREET BUILDING CONTEXT PLAN - 1:1500 at A4

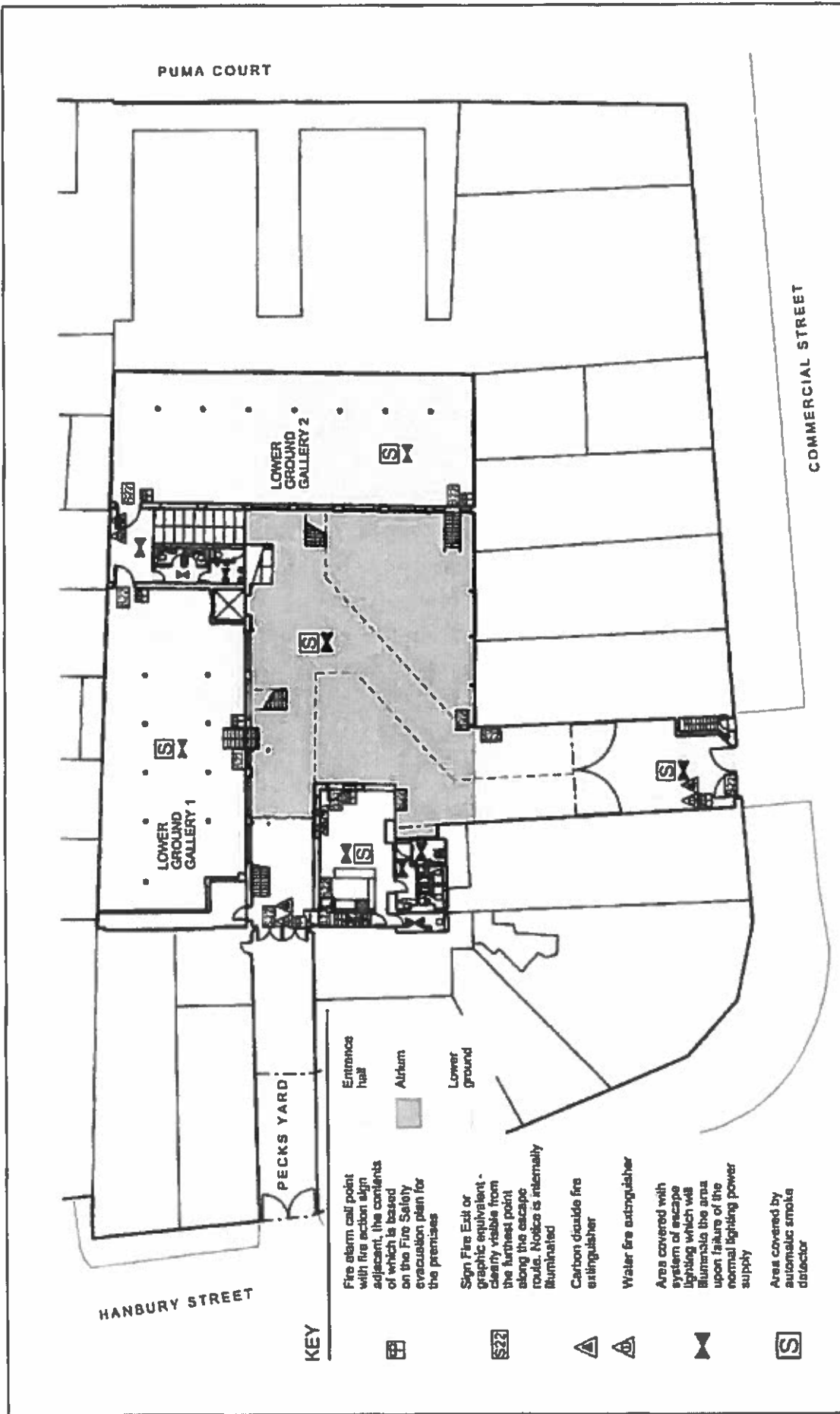
<p>Scale: 1:1500</p> <p>Project No: 106 Commercial Street building context plan</p> <p>Drawn: CS_106B_0113</p>		<p>Residential on all floors</p> <p>Residential upper floors only</p>	<p>0 50m</p>
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Site Plan 5488C/SP3







8 July 2013

106 Commercial Street Exhibition Use
106 Commercial Street Building Context Plan with residential properties identified





KEY

-  Fire alarm call point with fire action sign adjacent, the contents of which is based on the Fire Safety evacuation plan for the premises
-  Sign Fire Exit or graphic equivalent - clearly visible from the furthest point along the escape route. Notice is internally illuminated
-  Carbon dioxide fire extinguisher
-  Water fire extinguisher
-  Area covered with system of escape lighting which will illuminate the area upon failure of the normal lighting power supply
-  Area covered by automatic smoke detector

Site Plan 5488C/SP4

8 July 2013

106 Commercial Street Exhibition Use

Proposed lower ground floor layout of exhibition spaces at 106 Commercial Street



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



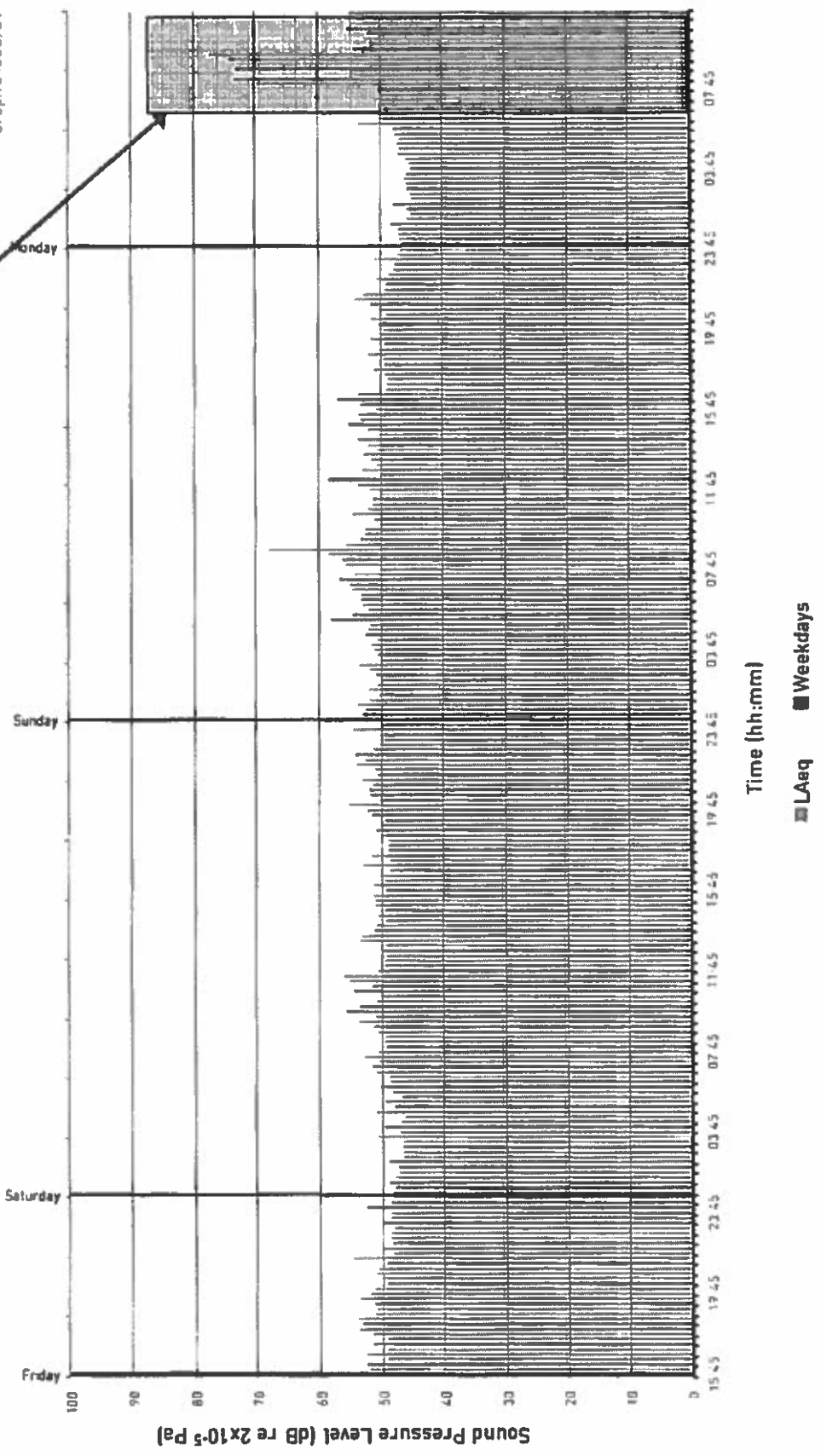
Microphone Location



Graph 5488C/G1

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

106 Commercial Street Exhibition Space
L_{Aeq} Time History
Friday 25 January 2013 to Monday 28 January 2013

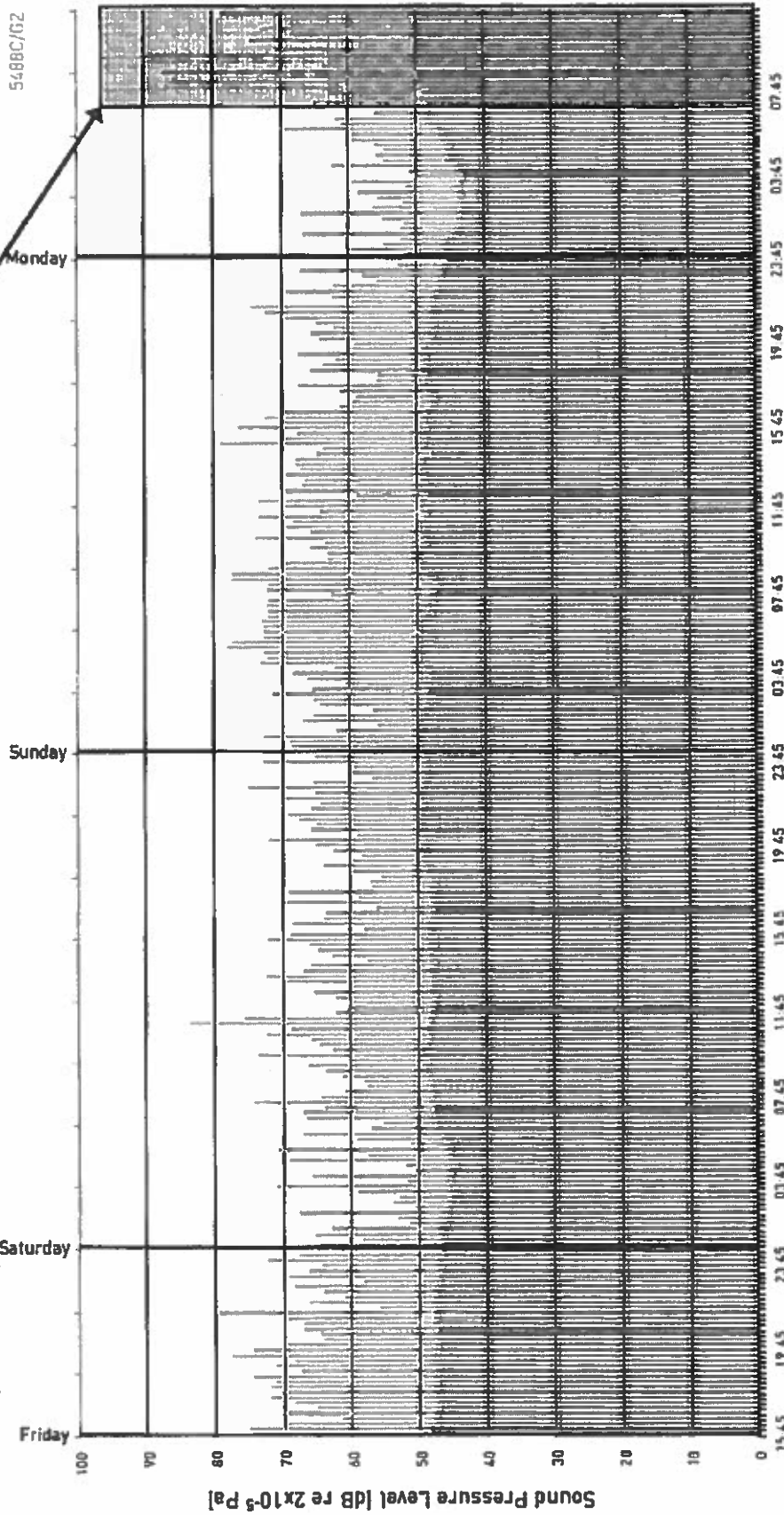




5488C/G2

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

106 Commercial Street Exhibition Space
L_{Amax} and L_{A90} Time History
Friday 25 January 2013 to Monday 28 January 2013



Time (hh:mm)

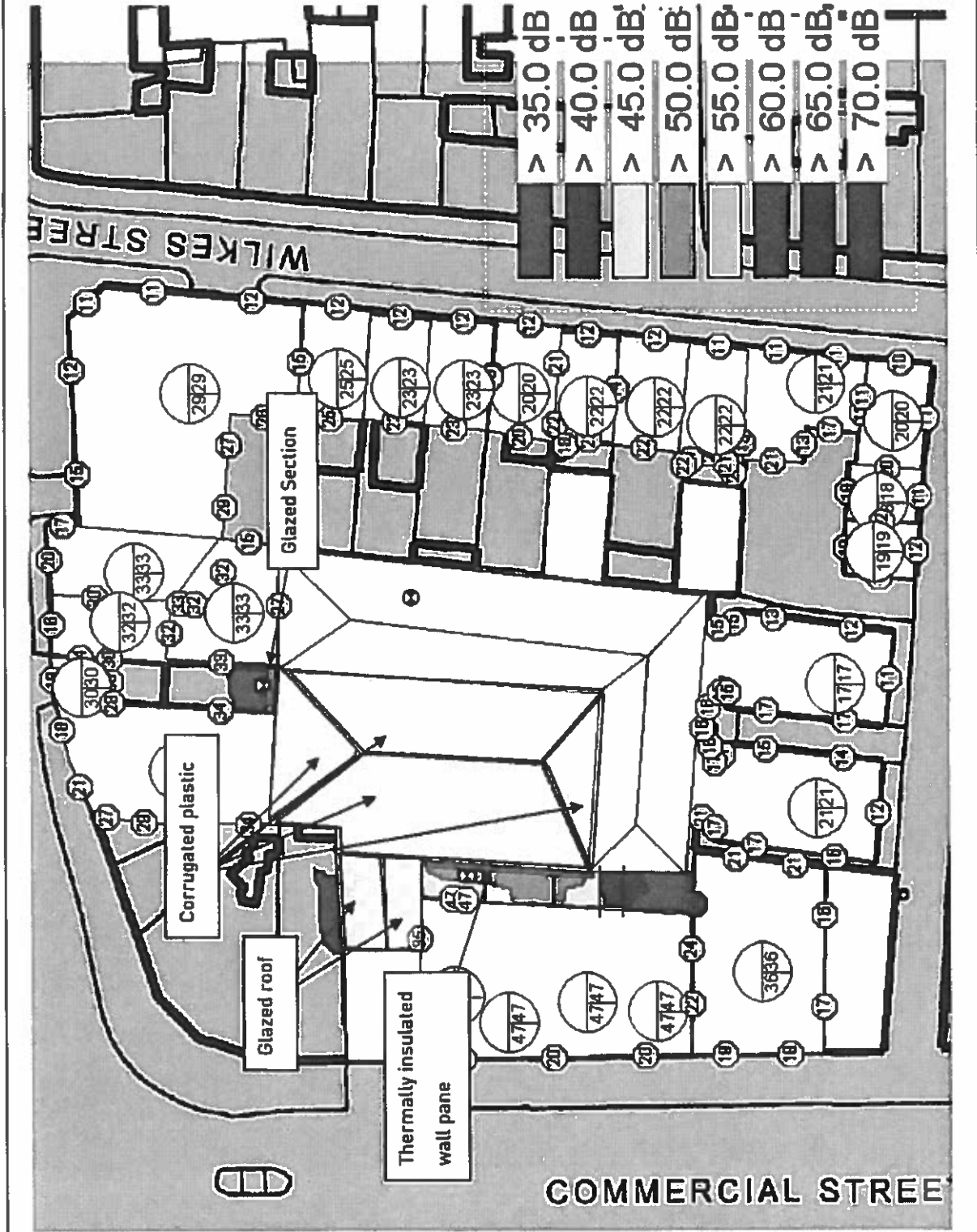
■ L_{Amax} ■ L_{A90} ■ Weekdays

106 Commercial Street
Exhibition Use

Figure 5488C/NM1

8 July 2013

Noise model of noise
breakout from the
Premises



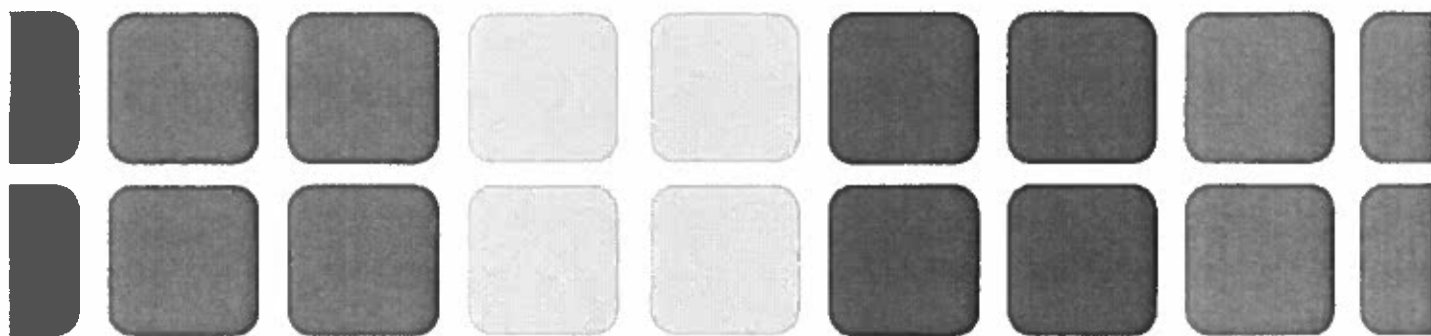
RBA ACOUSTICS

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Appendix 2



Stables gallery

106 Commercial Street E1



Scale 1:1153



TOWER HAMLETS

Appendix 3

Section 182 Advice by the Home Office

Updated October 2010

Relevant, vexatious and frivolous representations

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the Home Office website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority's decision by way of judicial review.
- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.12 The Home Secretary recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.

9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 4

Damian Doherty

From: Annaleena Piel Linna [REDACTED]
Sent: 09 October 2013 13:39
To: Kathy Driver
Subject: license application for The Stables Gallery, 106 Commercial Street E1 6LZ

Hi Kathy,

I am contacting you regarding the licensing application for 106 Commercial Street (The Stables Gallery).

As a resident of [REDACTED] which is adjacent to the said property, I object the application for the following reasons:

1. The assumption that noise will not come into Peck's Yard is based on a gamble: the brewery expects to get away with an illegal roof structure they have erected over this summer. This structure had no building permission and the brewery have still not applied for one retrospectively. The enforcement team may well have it removed. This would drastically change every speculation made about the noise in the licensing application.
2. My property [REDACTED] is adjacent to the stables, yet no acoustic assessment whatsoever has been carried out to ascertain how much noise would emanate through the party wall. This is unacceptable in my opinion. At present, I can hear the builders through the wall, which is not a great sign at all.

Also, I must draw your attention to the fact that the acoustic assessments submitted with the application were carried out early this spring when the brewery was "under the impression" that 1 and 2 Peck's Yard were non-residential properties (as they alleged in their previous licensing application).

If you have any questions regarding the above, please do get in touch.

Kind regards,

Annaleena PIEL LINNÅ
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 5

Damian Doherty

From: Concept Stew Ltd [REDACTED]
Sent: 07 October 2013 13:40
To: Kathy Driver
Cc: Gerard McCormack; Thomas Doyle
Subject: Licensing application, The Stables Gallery 106 Commercial Street

Stephen Morris
[REDACTED]
[REDACTED]
[REDACTED]

Kathy Driver
Communities, Localities & Cultures
Consumer & Business Regulations
Licensing Section
Mulberry Place (AH)
6th Floor
5 Clove Crescent
London
E14 2BG

7 October 2013

Dear Ms Driver,

Re: The Stables Gallery, Lower Ground Floor, 106 Commercial Street, London, E1 6LZ

I am writing in respect of the application for a premises license to be granted under the Licensing Act 2003 at the above premises. I am co-owner of [REDACTED] (where I live) and [REDACTED]

While I have no objection to the proposed use of the premises in principle, I am concerned that the question of noise nuisance needs further exploration. Under "The Prevention of Public Nuisance, A. Direct Noise From The Premises" (p11 of the applicant's Licensing Statement) they propose:

"...additional Conditions to be attached to any new license granted which prohibits both:

- *Noise from the Premises being audible at the nearest residential façade (Condition 13 in Appendix 3); and*
- *Noise from the Premises causing a public nuisance and/or statutory nuisance to the nearest affected commercial premises (Condition 14 in Appendix 3)."*

While these conditions are a welcome safeguard, I feel that the proposal as laid out in the application does not cover all the necessary points sufficiently to ensure that they can be met.

In the same section, they state:

"Further we would reiterate that the Premises opens onto the busy vehicular thoroughfare that is Commercial Street. Commercial Street has many cars and other vehicles passing through at all times of the day and night, which create a consequent high ambient background noise level along Commercial Street. We consider that there is no risk at all that the noise of customers in the Premises will lead to a Public Nuisance."

05/11/2013

In concentrating on the residents of Commercial Street they have neglected to give due consideration to the direct neighbours of Stables Gallery 1 in Pecks Yard. The area covered by 106 Commercial Street is about the size of a football pitch, and the entrance in Commercial Street comes in between the Pecks Yard end and the "halfway line". The noise will emanate from the other side of the "pitch", at the furthest point from Commercial Street but directly adjacent to residents in Pecks Yard, as it were at the "corner flag" on the other side of the pitch. Pecks Yard is protected by the buildings of Commercial Street and Hanbury Street from the sounds of Commercial Street, so that it is actually very quiet there in the evenings. **Noise from 106 Commercial Street would not be swallowed up in the ambient noise, but would stand out clearly.**

Under "*Contextual location of the premises*" (p3 of the applicant's Licensing Statement) they state that:

"The residential streets closest to the Premises are Wilkes Street, Princelet Street, and parts of Fournier Street..."

"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..."

I am not sure what is meant by stating that these residential properties are "very much so in the minority" nor how this could possibly affect our rights. However, there are two houses (1 & 2 Pecks Yard) which are **immediately adjacent**, three flats in 12 Hanbury Street which have their quiet side facing away from Hanbury Street into Pecks Yard, as do the residents 6 and 8 Hanbury Street, and 10 Hanbury Street. All of these residents are either adjacent to or within a very few yards of the Premises, and I feel strongly therefore that the issue of potential noise nuisance to Pecks Yard should be given more care. It seems disingenuous that they concentrate carefully on residents further away but only mention these residents in Pecks Yard in a much more cursory fashion.

Appendix 4 – Acoustic Report (pp24 and following of the applicants Licensing Statement)

P1 of the Acoustic report states:

"As a further part of the renovation and repair works to the building, the north elevation of the building facing Pecks's Yard is being 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."

The licensing department may not be aware that the structure erected which they refer to here is the subject of enforcement interest. The part of Pecks Yard that lies within 106 Commercial Street has been recently roofed in and the vertical aspect enclosed with corrugated metal sheeting, depriving residents of Pecks Yard of light, air and their historic view of the church (Edward Peck, for whom Pecks Yard is named, was one of the church commissioners and has a monument within the church). We do not agree that this is replacing like for like and have aerial photographic proof that there was a mature tree growing in the area now roofed. Further, I note that this application has not submitted "photographs" of this part of the site.

Please see below email correspondence between the enforcement department and Rosa's, 12 Hanbury Street, and 1 Pecks Yard. You will see that Thomas Doyle (LBTH Enforcement) gave Ely & Sidney 28 days from 6 August 2013 to submit a planning application for this structure: however, no such application appears on the LBTH website, so I can only assume it has not been received. Please note references in particular to the **amplification of noise onsite at 106 Commercial Street caused by the erection of this structure**. For this reason we are particularly concerned that the proposed final structure be given proper planning and acoustic consideration before the issue of noise nuisance from 106 Commercial Street in respect of this application can be determined.

I feel strongly that until the invited planning application has been received from Ely & Sidney and

considered by the LBTH Planning Department after consultation, it would be wrong for the licensing department to approve an application based on the assumption that it will get approval – particularly when the majority of Pecks Yard residents and businesses are against it.

This alone therefore invalidates the section of the acoustic report which deals with Pecks Yard.

In response to a licensing application from the same applicant for a different part of 106 Commercial Street for consideration by yourselves in May this year, I pointed out that there was a need for sound measurements to be done to establish levels of sound penetration through their party walls with 1 and 2 Pecks Yard. I note that in this report they do address the issue by making some assumptions and basing calculations upon them. However, neither I nor my neighbour at no 1 has been approached to have proper readings done, and we feel strongly that this very simple process must be carried out: it is neglectful not to, and calls into question the robustness of the entire report. The buildings in this area are all different, and in some parts very old: the reality cannot be relied on to fall in line with even careful calculations based on mere assumptions as the cost of doing these extra acoustic readings would be negligible.

Until this is done, I do not think that the applicant's statement (on p 6 of their Licensing Statement) that *"Each potential event in the Premises... will not cause any negative impact on local residents."* can be justified.

Further, it appears that the focus of the report has been to consider noise nuisance to residents in flats above buildings in Commercial Street, particularly no. 104. Looking at the plan which shows the noise dissemination to the surrounding area, I notice that the decibel level at the rear of no. 104 is given as 47 (approx. 30m from the point of origin), whereas at 1 and 2 Pecks Yard it is only 33 and 34 respectively (adjacent to the point of origin). I find this puzzling, but it may be that this is because the acoustic report is derived from a site visit made to support an earlier application (in May 2013, referred to above) at which time Ely & Sidney were unaware that 1 and 2 Pecks Yard were residential properties. This is borne out by the photograph of the microphone submitted in this new application is sitting in snow.

The acoustic engineers are presumably making their calculations based on assumptions about the likely construction (shape and materials) of the proposed "glazed system" which, as mentioned above, does not exist yet and neither has it been given planning permission; indeed no proposal for this has even been submitted. The present structure was put up after the May 2013 application was withdrawn, so the earlier readings are invalidated by it. It is clearly not the final form of the structure as it is corrugated sheet metal rather than glazed so any new readings that may or may not have been made are equally invalid. At this stage there is simply not enough information available for any solid calculations to be made, which invalidates their conclusions as regards any potential noise nuisance to residents and businesses in Pecks Yard.

May I suggest that an appropriate response to this application is to await the outcome of the planning application for the glazed system which they refer to? Otherwise the licensing authority is in danger of becoming a proxy planning mechanism. It may be that the proposed structure will deal with some of the problems: but as at the moment we know absolutely nothing about it, and nor presumably do the authors of the acoustic report, it is impossible to know what impact it will have in improving (or even worsening) noise nuisance for residents and businesses in Pecks Yard as a result of this application.

Yours sincerely,

Stephen Morris

Correspondence between occupants of Pecks Yard and LBTH Enforcement re the illegal structure at 106 Commercial Street which invalidates the acoustic report.

Included with permission of [REDACTED], and [REDACTED].

1 Rosa's, 12 Hanbury Street – Gerard McCormack, LBTH Enforcement

From: Gerard McCormack [mailto:Gerard.McCormack@towerhamlets.gov.uk]

Sent: 20 August 2013 14:14

To: 'Alex Moore'

Cc: Thomas Doyle

Subject: RE: Pecks Yard

Dear Mr Moore,

I refer to your email below and can confirm that we are already investigating this breach of planning control. Thomas Doyle is the case officer and is currently on leave until Thursday but I can see from his notes that he has been in discussion with the owners of the property and is expecting a planning application to be submitted within the coming weeks. We have asked that prior to submitting a daylight and sunlight survey is carried out which will assist us in making a decision. The issues you raise in relation to the noise and odour disturbance to adjoining neighbours will also be considered as part of this application.

If you have any further questions at this stage then please do not hesitate to contact me or Thomas directly.

Regards,

*Gerard McCormack
Planning Enforcement Manager*

*Development & Renewal
London Borough of Tower Hamlets Council
2nd Floor | Mulberry Place | Clove Crescent | London | E14 2BG
T: +44 (0) 20 7364 5295 | F: +44 (0) 20 7364 5295*

*E-mail: gerard.mccormack@towerhamlets.gov.uk
Website: www.towerhamlets.gov.uk*

-----Original Message-----

From: Alex Moore [mailto:[REDACTED]]

Sent: 20 August 2013 13:55

To: Gerard McCormack

Subject: FW: Pecks Yard

Dear Mr. McCormack,

My wife and I own a [REDACTED] which is adjacent to the Royal Stables in Pecks Yard.

I wanted to inform you about the change in the environment in Pecks Yard which is being caused by development work at the back of 106 Commercial Street. The site appears to be being developed, and from your website I see that it has permission for a change of use to retail (PA/13/00859) and I have no problem with this in principle.

However, I have not been able to find planning permission for the roof which has been put up in the last couple of weeks over the section of Pecks Yard beyond Nos 1 and 2 (behind the shutters). I have been very busy and have not had the opportunity to contact you about this before, but I am very concerned. This roof, which appears to be an illegal construction:

1. excludes a large amount of daylight
2. it funnels noise to an extraordinary extent. This is contrary to the Reasons for Grant given by the Council (item 2) as it is clear that there is and will continue to be significant noise disturbance. I believe this roof is not accounted for in the acoustic report provided to the Council as it did not exist when the soundings were made
3. it blocks 50% of the area from which air enters/exits the yard. This is significant because two restaurants store their waste there, and one is a fish restaurant. In a heat wave like the one we have just had, air circulation is really important to reduce the smells and without it the risk of insect infestation could give rise to an unacceptable health risk. I am aware that there has been a great deal of work in the last few years to ensure that there is no nuisance to local residents caused by cooking smells, and am worried that this could all be undone.

Best regards,

Alex Moore

Rosa's

Website: [\[REDACTED\]](#)

Twitter: [\[REDACTED\]](#)

LinkedIn: [\[REDACTED\]](#)

Office address: [\[REDACTED\]](#)

2 1 Pecks Yard – Thomas Doyle, LBTH Enforcement

From: Thomas Doyle <Thomas.Doyle@towerhamlets.gov.uk>
Subject: RE: 106 Commercial Street illegal roof (Acolaid Case ENF/13/00315)
Date: 6 August 2013 13:17:19 BST
To: "Annaleena Piel Linna" <[REDACTED]>

Dear Annaleena,

It was good to meet you and your neighbours on site last week.

Having reviewed some of our earlier photographs and aerial photography I can see that there was previously a corrugated vertical wall above the roller shutters at some point in the past. Having met with the owner, he seems to think there was also previously a roof in situ but this is more unclear to me.

Considering this, and the concerns you and your neighbours have expressed I have advised the owner that a planning application should be submitted for the roof structure and any further works to potentially infill the section above the roller shutters to the roof within the next 28 days.

Regards,

05/11/2013

Thomas Doyle.

From: Annaleena Piel Linna [mailto:██]
Sent: 02 August 2013 10:56
To: Thomas Doyle
Cc: Gerard McCormack; Concept Stew Ltd
Subject: Re: 106 Commercial Street illegal roof (Acolaid Case ENF/13/00315)
Importance: High

Hi Thomas,

Thank you again for coming to visit Peck's Yard this Wednesday. Since the illegal works continue at full steam, I would once more urge you to take immediate action and deal with this matter outside your normal 28-day process.

To reiterate, here are the three key impacts for the residents of Peck's Yard:

1. LOSS OF LIGHT

The loss of natural light following the erection of the illegal roof structure has been considerable to both 1 Peck's Yard and 2 Peck's Yard.

As someone who works from home, I'm especially affected by this. It is now impossible for me to do any work without lights on, which is straining for the eyes and terrible for the nature of my work (arts). As an afterthought, it concerns me that you seemed to think this was a "reinstatement". No – this roof is a brand-new construction, which can clearly be illustrated with aerial photos and the testimonies of myself and other long-term locals.

2. LOSS OF VIEW

Until recently, Peck's Yard had a view of the spire of Christ Church Spitalfields. You might say that this was the one redeeming feature of the yard, which otherwise lacks any character. The loss of view affects 1 Peck's Yard, 2 Peck's Yard, 8 Hanbury, 10 Hanbury, 12 Hanbury. It is unacceptable to be deprived of the only view we had.

P.S. It might interest you to know that Edward Peck after whom this yard is named, was instrumental in building the church. Read more here: <http://www.british-history.ac.uk/report.aspx?compid=50165>

3. NOISE IMPACT

Yesterday morning, the builders had their radio on – this was the first time since the erection of the illegal roof. The sound was reflected down into Peck's Yard. It was sufficiently loud to wake both myself and the residents of 2 Peck's Yard. This means that the acoustic report submitted in support of the application [PA/13/00859] is therefore invalidated by this structure.

In the Council's Reason(s) for Grant, Item 2, it states that: "...it is considered that the proposed A1 retail use will not result in significant noise disturbance ... to neighbouring residents". However, this is on the basis of the now invalidated acoustic report.

In the Conditions and Reasons, Item 5, it stipulates that: "There shall be no amplified public address system, music system or live music used in any part of the premises so as to be audible outside the premises or within adjoining premises", and gives the reason of safeguarding the amenity of adjacent residents and the area generally.

It is clear from our experience yesterday that the new roof has been constructed in such a way that all sound waves emanating from inside the site will be amplified and channelled out into Peck's Yard. If a single personal radio can cause so much disturbance, there will therefore be significant noise nuisance even without a PA or music on the site. Imagine the noise generated by a busy shopping centre.

I implore you to expedite your investigation and take immediate action to contact the proprietors of 106 Commercial Street.

Kind regards,

Annaleena PIEL LINNÄ

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 6

Noise Leakage from the Premises

General Advice

Extending hours may bring issues about noise leakage to the fore, as many premises are close to residential properties (or even sometimes commercial).

The obvious areas for Members to consider, if they believe there is a problem and it is proportionate to consider conditions are:

- Can internal works, actions or equipment reduce the noise leakage
- Does the problem justify curtailing the activities that are licensed. If Members are minded to do this they must ensure conditions are clear and readily enforceable. For example "Jazz Music Only" is not capable of legal definition and is unenforceable.
- Does the problem justify limiting the hours or place of particular activities. For example "no music in the beer garden at any time and no music past 22 30 hrs" although the premises can stay open until 01 00 hrs.

Members also need to bear in mind the statutory exemptions under the Act (see below).

Licensing Policy

The Licensing Authority expects applicants to have sought advice and to be able to explain how they will address problems. **(See Sections 8. 1-2)**, especially where a negative impact is likely on local residents or businesses **(See 12.1 for core licensing hours)**.

The Licensing Policy recognises that staggered hours can make a positive contribution to alcohol related issues but that consideration will be given to imposing stricter conditions in respect of noise control where premises are close to residents. **(See 12.4)**.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to public nuisance. **(See Appendix 2 Annex G of the Licensing Policy)**. In particular Members may wish to consider the following: (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should be restricted in their use
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

- Conditions controlling the use of explosives, pyrotechnics and fireworks

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down for up to 24 hrs premises causing a nuisance resulting from noise emanating from the premises.

Licensing Act 2003

Schedule 1 Part 2 states that entertainment in churches, morris dancing and accompanying music if live and unamplified and incidental music are not licensable activities-that is no conditions can be set for them.

Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200 additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."

Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.

Section 177 can be disapplied on a licence review if it is proportionate to do so.

Public Nuisance Guidance issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions (13.20).

The prevention of the public nuisance could include low level nuisance, perhaps affecting a few people living locally (2.33). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36), but it is "essential that conditions are focused on measures within the direct control of the licence holder" (2.38).

It may be appropriate to require take-aways to provide litter bins. (2.40).

Other Legislation

Environmental Health Officers have extensive powers under the Environmental Protection Act 1990 to control a noise nuisance, including a power of immediate closure.

Appendix 7

Noise while the premise is in use

General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 8.1 of the Licensing Policy).**

The policy also recognises that staggered closing can help prevent problems at closure time **(See Section 12.1).**

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 12.4).**

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Sections 8.2 of the Licensing Policy).**

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).** In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks

- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

Appendix 8

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one or more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.