

Appendix 3

From: Helen Young [REDACTED]
Sent: 16 November 2019 15:38
To: license
Subject: Oppose to 21 High street Edgware

Hello,

Please see attached application to reject the licence for 21 High Street in Edgware

Thanks
Helen

To whom it may concern,

I am contacting with regards to 21 High Street Edgware, HA8 7EE and their intent to turn the currently derelict pub into a Thai Restaurants.

I had a few queries and concerns with regards to the licensing which I would be grateful if I could please receive some further clarity on;

- **Al fresco dining & use of the rear garden:** The application states 'No recorded music in the rear garden after 21:00 hrs'. Based on this, when music is being played up until that time, how much noise will the proposed installation of the 'sound limiters' absorb?
As I live in the building directly next door and despite having double glazing, I can hear constant traffic which is loud and noisy enough. Therefore, I am naturally conscious of any added disruption this may cause.
- Furthermore, whilst music will cease outdoors at 21:00 - What time will guests be allowed to dine and sit outdoors for? As once again, groups of people laughing and talking etc will lead to noise travelling a long way which is of direct concern to the building next door, with such close proximity.
- **Recorded music indoors 12.00 - 00.00 & 1.30am on weekends:** Again, despite having sound limiters installed - Is it possible to ascertain just how much noise this will absorb? As being a direct neighbour to this establishment, I am entitled to a peaceful night's sleep and overall low disturbances as I do currently and having music playing as well as groups of people talking etc, even if it sounds muffled, for minimum 12 hours a day, 7 days a week, will be incredibly disruptive to my day to day life and overall well-being.
- Furthermore, whilst music will cease at 21:00 outdoors, it will go on until midnight (and later during weekends) indoors which is a huge disruption.
- **'No sale of alcohol outdoors after 2300':** Please could the owners kindly inform whether or not guests will be able to take their existing glasses of alcohol outside (either to the rear or front of the building?) As once again, noise travels incredibly far. A prime example of this would be the nearby building of Shishukunj Bhavan which, despite being further down the street on 25-27 High Street, I can hear loud

instruments being played there all days of the week despite my double glazed windows being closed and also my TV being on loud.

- **'Dining domes':** These which are detailed in the application & cover letter, are merely an image used from an online website of an existing restaurant London Bridge (Link here, for reference <https://www.coppaclub.co.uk/towerbridge/>). Do we have actual plans of what their 'dining domes' will look like? Furthermore, having personally dined in this restaurant in London Bridge, I am aware that first hand, whilst these protect you from the weather, they are **not** soundproof or noise limiters in any capacity.
- **Public safety:**
Car parking space – due to the location of the premises, there is no car parking spaces nearby except for parking on the main road directly across the road. Conscious that this residential area will not lend itself well to a large amount of additional cars. Also concerned about cars blocking the entrance to the Futura Apartments entrance and driveway.
- There is a bus stop very close to the premises meaning many may take this route home or of course, drive home. The noise this will create, whilst people are getting into their cars or waiting for night buses is entirely unacceptable. Local residents are more than entitled to a peaceful night's sleep every day.
- **Prevention of public nuisance:**
Will the buildings' doors and windows be sound proofed? As sound proofing is entirely different to installing ,noise limiters'. I would appreciate further detail and clarity around this please.
- Due to the premises not being large and the tenants' current intent to use the rear garden space, please detail the impact of this on the neighbours? How would they sound proof a larger and entirely outdoor area? Even though it will not be a live band, even sounds from a large group of people talking or clapping etc will still lead to disruption for the neighbours who are immediately next door.

It does not seem reasonable nor considerate of neighbours for a restaurant to intend to operate a business 7 days a week for such long hours consistently, whilst also selling alcohol and also intending to use an entire open and non-private space in the rear for entertainment. Use of the rear space also poses privacy issues for the neighbours who have windows & balconies looking out onto the pub's garden.

Based on the above grounds and the current application's terms detailed as they are, I oppose the license application being granted to Com Catering Ltd t/a Thai Kitchen. An approved license would be entirely detrimental to the surrounding residential area and directly impact many people and families alike and their right to live in a safe and peaceful area. We already have many restaurants in the surrounding area and this area does not require another one that serves alcohol and intends to consistently play any music and attract groups which will be disruptive to the neighbours' overall well-being. Simply stating that the music will not be amplified does in no way prevent the likelihood to repeated disturbances in many different forms.

Ms C Gunn

Harrow community safety service
PO Box 18
Civic Centre
Station Road
Harrow
HA1 2UT
Copy sent via email to: licencing@harrow.gov.uk

13th November 2019

Dear Sir/Madam

Re: "Thai Kitchen", 21 High Street, Edgware, Middlesex, HA8 7EE

I write to object to the licence application for the above premises.

My concerns relate to the prevention of public nuisance and the prevention of crime and disorder. As a resident of a neighbouring property, I am worried by the extended opening hours requested, the use of the rear garden and plans for the provisions for the sale of alcohol until 12am on weekdays and 1.30am on weekends. This is a residential area surrounded by blocks of flats, having a venue here that is permitted to remain open until the early hours of the morning is wholly inappropriate and will blight the lives of local residents who will be forced to endure the noise nuisance from the premises and from patrons leaving late at night.

I will outline the specific provisions that I object to below:

1. Late night refreshment

The application states that late night refreshment (both indoor and outdoors) will be provided until 12am on weekdays and 2am at weekends. As a resident of a block located only 20m from the rear garden, I am extremely concerned by the prospect of customers being served outside so late at night. The rear garden is directly overlooked by a number of flats and it is inevitable that noise from the garden will disturb residents. In the past, when the pub was still open, there were consistent issues with excessive noise from patrons both in the garden and subsequently leaving the premises. The noise from the outdoor area caused me difficulty sleeping (often even with ear plugs), prevented me from having my windows open and overall led to a negative effect on my quality of life, as I was unable to enjoy quietly relaxing at home.

The vast majority of pubs and restaurants close their outside areas between 8-10pm for the sake of local residents, whether serving alcohol or not, and so this late opening appears highly irregular. Also, compared to the pub usage which only saw a handful of people standing outside at any time, we would expect the added disruption of the sound of plates and cutlery being cleared and large numbers of people remaining seated and talking loudly for extended periods if these proposals were allowed to go ahead.



I would also question the permanence of the proposed "dining domes" and query whether these would require planning permission, insofar as they appear to be intended as a permanent structure in this use case?

2. Sale of Alcohol

I am concerned by the provision for the sale of alcohol until 12am (1.30am at weekends). Firstly, it unclear how the applicants will prevent customers from taking alcohol outside which has been purchased inside the venue after the 11pm cut off stated for the garden area. These licencing hours are also unusually long for a restaurant and will likely lead to customers becoming intoxicated, causing a nuisance both at and after they leave the premises.

I also feel that the 11pm cut off time proposed for the sale of alcohol outside is far too late. Many residents go to bed far earlier than this (particularly those with children and shift workers) and should not have to face being disturbed by the noise from drunken customers filtering into their bedrooms. No convincing noise-limiting devices have been proposed for the outside area and there is no information on how many of the "dining domes" are proposed for the garden.

3. Recorded Music

Indoors until 12am (1.30am on weekends)

It is not clear how loud the music proposed to be played indoors is. The building, being old, has no sound proofing and so is not designed to contain modern levels of vibration. Anything other than quiet, background music could easily escape from the premises and affect neighbouring properties.

Outdoors until 9pm

As above, there are no noise-limiting devices in the rear garden and in order for any music to reach the entire area of the garden speakers would either be required to be placed in multiple locations, or the volume increased to cover the area. It is therefore inevitable that any music played outdoors will travel beyond the garden area and cause a nuisance to neighbouring properties. Considering the "dining domes" mentioned in the application, it is not clear how this will enhance the experience for diners either (i.e. will the music be played inside the domes? If played outside, how loud will it need to be to be heard inside the domes?).

Due to the built-up nature of the area, sound travels and echoes between the buildings as there is little to absorb it and even unamplified music can cause a nuisance as it easily reaches neighbouring properties. During the summer when neighbours have their windows open it is unreasonable that the quiet enjoyment of their homes should be invaded in this way, regardless of the time of day. The previous occupants of the premises (Spirit Pub Co) were not permitted to play music outside, I strongly feel that this is a condition that should remain in place.

4. Crime and Disorder

The late serving of alcohol and long opening hours are both factors that are likely to lead to a rise in anti-social behaviour in the area and violence among patrons. While the previous

Ms C Gunn



pub was open, I had to call the police several times due to fights breaking out amongst patrons leaving the premises, and also came home to find a man urinating in the entrance to my building on one occasion.

Due to the irregularity of the night buses and lack of parking, customers are likely to linger in the area after closing time which will lead to an increased likelihood of these issues arising and causing disturbance to residents.

To conclude, the immediate surrounding area is predominantly residential, with a large number of flats having been built here or converted from office blocks in the past 2 years (for example, Middlesex House and Berkeley House); a late-night venue would therefore be out of keeping with the development and character of the locality. We would welcome a restaurant with shorter opening hours and a more considerate use of the outside space, however the application as it stands is likely to cause a decline in the quality of life for nearby residents.

I sincerely hope that my concerns and those of my neighbours and fellow residents will be taken into account when deciding this matter.

Yours faithfully



Charlotte Gunn

Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

Making a Representation against an Application (New or variation) for a premises licence or club premises certificate 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, **CHARLOTTE GUNN**, make this representation under
(Insert name of applicant)
the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
COM CATERING LTD T/A "THAI KITCHEN" 21 HIGH STREET	
Post town EDGWARE	Post code (if known) HA8 7EE

Name of premises licence holder or club holding club premises certificate (if known) N/A
Number of premises licence or club premises certificate (if known) N/A

Part 2 - Applicant details

I am

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

Please tick yes

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname GUNN

First names CHARLOTTE

I am 18 years old or over

Please tick yes

Current address

[Redacted address box]

Post Town [Redacted]

Post Code [Redacted]

Daytime contact telephone number

Email address

(optional)

[Redacted telephone and email fields]

(B) DETAILS OF OTHER APPLICANT

Name and address ALEX STEER [Redacted]
Telephone number (if any) [Redacted]
E-mail (optional) [Redacted]

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

This representation relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note1)

My concerns relate to the prevention of public nuisance and the prevention of crime and disorder. As a resident of a neighbouring property, I am worried by the extended opening hours requested, the use of the rear garden and plans for the provisions for the sale of alcohol until 12am on weekdays and 1.30am on weekends. This is a residential area surrounded by blocks of flats, having a venue here that is permitted to remain open until the early hours of the morning is wholly inappropriate and will blight the lives of local residents who will be forced to endure the noise nuisance from the premises and from patrons leaving late at night.

I will outline the specific provisions that I object to on the basis of the prevention of public nuisance below:

Late night refreshment

The application states that late night refreshment (both indoor and outdoors) will be provided until 12am on weekdays and 2am at weekends. As a resident of a block located only 20m from the rear garden, I am extremely concerned by the prospect of customers being served outside so late at night. The rear garden is directly overlooked by a number of flats and it is inevitable that noise from the garden will disturb residents. In the past, when the pub was still open, there were consistent issues with excessive noise from patrons both in the garden and subsequently leaving the premises. The noise from the outdoor area caused me difficulty sleeping (often even with ear plugs), prevented me from having my windows open and overall led to a negative effect on my quality of life, as I was unable to enjoy quietly relaxing at home.

The vast majority of pubs and restaurants close their outside areas between 8-10pm for the sake of local residents, whether serving alcohol or not, and so this late opening appears highly irregular. Also, compared to the pub usage which only saw a handful of people standing outside at any time, we would expect the added disruption of the sound of plates and cutlery being cleared and large numbers of people remaining seated and talking loudly for extended periods if these proposals were allowed to go ahead.

I would also question the permanence of the proposed "dining domes" and query whether these would require planning permission, insofar as they appear to be intended as a permanent structure in this use case?

Continued overleaf...

Please provide as much information as possible to support the application (please read guidance note 2)

Sale of Alcohol

I am concerned by the provision for the sale of alcohol until 12am (1.30am at weekends). Firstly, it unclear how the applicants will prevent customers from taking alcohol outside which has been purchased inside the venue after the 11pm cut off stated for the garden area. These licencing hours are also unusually long for a restaurant and will likely lead to customers becoming intoxicated, causing a nuisance both at and after they leave the premises.

I also feel that the 11pm cut off time proposed for the sale of alcohol outside is far too late. Many residents go to bed far earlier than this (particularly those with children and shift workers) and should not have to face being disturbed by the noise from drunken customers filtering into their bedrooms. No convincing noise-limiting devices have been proposed for the outside area and there is no information on how many of the "dining domes" are proposed for the garden.

Recorded Music

Indoors until 12am (1.30am on weekends):

It is not clear how loud the music proposed to be played indoors is. The building, being old, has no sound proofing and so is not designed to contain modern levels of vibration. Anything other than quiet, background music could easily escape from the premises and affect neighbouring properties.

Outdoors until 9pm:

As above, there are no noise-limiting devices in the rear garden and in order for any music to reach the entire area of the garden speakers would either be required to be placed in multiple locations, or the volume increased to cover the area. It is therefore inevitable that any music played outdoors will travel beyond the garden area and cause a nuisance to neighbouring properties. Considering the "dining domes" mentioned in the application, it is not clear how this will enhance the experience for diners either (i.e. will the music be played inside the domes? If played outside, how loud will it need to be to be heard inside the domes?).

Due to the built-up nature of the area, sound travels and echoes between the buildings as there is little to absorb it and even unamplified music can cause a nuisance as it easily reaches neighbouring properties. During the summer when neighbours have their windows open it is unreasonable that the quiet enjoyment of their homes should be invaded in this way, regardless of the time of day. The previous occupants of the premises (Spirit Pub Co) were not permitted to play music outside, I strongly feel that this is a condition that should remain in place.

Crime and Disorder

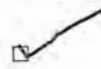
The late serving of alcohol and long opening hours are both factors that are likely to lead to a rise in anti-social behaviour in the area and violence among patrons. While the previous pub was open, I had to call the police several times due to fights breaking out amongst patrons leaving the premises, and also came home to find a man urinating in the entrance to my building on one occasion.

Due to the irregularity of the night buses and lack of parking, customers are likely to linger in the area after closing time which will lead to an increased likelihood of these issues arising and causing disturbance to residents.

To conclude, the immediate surrounding area is predominantly residential, with a large number of flats having been built here or converted from office blocks in the past 2 years (for example, Middlesex House and Berkeley House); a late-night venue would therefore be out of keeping with the development and character of the locality. We would welcome a restaurant with shorter opening hours and a more considerate use of the outside space, however the application as it stands is likely to cause a decline in the quality of life for nearby residents.

Please tick
yes

Have you made a representation relating to this premises before



If yes please state the date of that representation, Day Month Year

03	10	2019
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If you have made representations before relating to this premises please state what they were and when you made them

I OPPOSED TO SIMILAR PLANS SUBMITTED BY THE SAME APPLICANT FOR "LE COMPTOIR" AT THIS PREMISES IN OCTOBER.

THE REPRESENTATION OPPOSED THE LATE OPENING HOURS, PROVISIONS FOR THE SALE OF ALCOHOL AND THE PERFORMANCE OF LIVE MUSIC ON THE GROUNDS OF THE PREVENTION OF PUBLIC NUISANCE AND CRIME AND DISORDER.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature 
Date 14/11/2019
Capacity N/A

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an email address your e mail address (optional)	

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.

Relevant Representations means;

- a) are about the likely effect of the grant of the premises licence or club premises certificate on the promotion of the licensing objectives,
- b) that the representation were made by an interested party or responsible authority within the period prescribed, 28 days from the application was advertised.
- c) in the case of representations made by an interested party (who is not also a responsible authority) that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

Further restrictions apply relating to Police Representations on DPS’s and representations on provisional statements. Please check with the Licensing Section.

Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

Making a Representation against an Application (New or variation) for a premises licence or club premises certificate under the Licensing Act 2003

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I, **ALEXANDER STEER**, make this representation under
(Insert name of applicant)

the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
COM CATERING LTD T/A "THAI KITCHEN" 21 HIGH STREET	
Post town	Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known)
N/A

Number of premises licence or club premises certificate (if known)
N/A

Part 2 - Applicant details

I am

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

Please tick yes



2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname **STEER**

First names **ALEXANDER**

I am 18 years old or over

Please tick yes

Current address

Post Town **[REDACTED]**

Post Code **[REDACTED]**

Daytime contact telephone number

Email address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

2

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

This representation relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note1)

My concerns relate to the prevention of public nuisance and the prevention of crime and disorder. In particular, I want to ask the council to consider the following points in regard to the licence application:

- Recorded music played in the outdoor garden area till 9pm each day is not appropriate due to overlooking nature of the residential buildings, the diverse social (i.e. families, elderly people) and professional (i.e. shift workers) background of the occupants and the conclusion of a noise report conducted last year which states that noise mitigation is not possible. It is also unclear how much recorded music played in the outdoor garden area would increase the noise level. A new noise report and review is imminent. Playing recorded music till 9pm each day is not appropriate for such a dense residential area (Futura Apartments (30 flats), Middlesex House (173 flats), Grosvenor House (25 flats) Berkeley House (est 20-30 flats)).
- It is unclear how much recorded music played indoors would increase the noise level in general and if the suggested sound limiters are appropriate to reduce this possible increase in noise. Since the applicant applies for recorded music to be played indoors until 12/1:30am it is imperative that a proper noise study is conducted and the sound limiters are reviewed by the council. It does not seem appropriate for such a residential area that a restaurant should be allowed to play recorded music indoors till 1:30am without delivering a proper noise report and noise mitigation proposal.
- It is unclear how much the proposed outdoor seating (domes) would increase the noise level in general and how flooding risk is taking into account due to the proposed design/surface. It is further unclear how many guests are likely to occupy the outdoor garden area. This is not acceptable since the outdoor garden area is proposed to be kept open until 12/2am. The applicant clearly shows with the proposed opening hours that he/she is not conscientious about the surrounding area. Serving food and drinks inside and outside till 12/2am is not the business concept of a normal restaurant. Stopping serving alcohol outside at 11pm will not mitigate the noise from (already intoxicated) guests until 12/2am. Not to mention the noise when the outside area is cleaned by staff after the restaurant has closed.
- As stated in the licence application the car park is not part of the lease. The parking situation on High Street and the surrounding streets is already dense since it is mostly a residential area. It is therefore most likely that guests will park in spaces which are not designated parking spaces or on private land as already experienced during religious festivals in the mosque or cultural centre on the High Street. This also refers to parking on the dual carriageway and in bus lanes. A potential use of the car park is also not appropriate since it is even closer to Futura Apartments

Please provide as much information as possible to support the application (please read guidance note 2)

and not designed for late night parking/ constant traffic. That fly-tipping, travellers and bad street lighting is a problem in this car park/ on the public footpath has been reported several times to the council. It does not need this kind of business concept for the pub to solve it. A barrier can be installed easily to prevent people from occupying this space and fly-tipping.

In conclusion this licence application brings back a concept which was already (unsuccessfully) applied for or withdrawn several times. With now three major residential developments in the surrounding area it is inappropriate. Opening hours till 2am in the morning and using the outside garden area as a huge dining area is not what the premises should be used for. The proposed mitigation measures are vague and the proposed design is not properly supported by documents (i.e. structure, number of guests etc.) and would need planning permission anyway.

I also want to point out that two similar new business concepts for the former pub were either refused by the council (P/2988/18) or withdrawn by the applicant (P/5237/18) after supporting documents stated that the concept is not suitable for an area with overlooking residential buildings due to noise. Both documents are attached to this letter. A summary of the reasons can be found below:

P/2988/18 (refused):

"The proposal, by reason of its siting, excessive size, scale and site coverage, would be detrimental to the character and pattern of development in the locality and would harm the significance of the grade II listed heritage asset..."

"The proposal, by reason of its lack of information regarding potential number of customers, proposed opening hours and potential noise levels, provides insufficient details on whether the proposal would be acceptable in terms of noise impacts..."

"The proposal, by reason of its inadequate Flood Risk Assessment, would exacerbate the risk of flooding within the site or increase the risk and consequences of flooding elsewhere..."

P/5237/18 (withdrawn):

"Mitigation of the noise from the rear garden has been briefly considered but due to the overlooking nature of the worst case receptors likely mitigation has been deemed ineffective."

**Please tick
yes**

Have you made a representation relating to this premises before

If yes please state the date of that representation, Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent. (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature



Date

20/11/2019

Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an email address your e mail address (optional)	

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Further restrictions apply relating to Police Representations on DPS's and representations on provisional statements. Please check with the Licensing Section.

Mr A Steer

Head of the Community Directorate
London Borough of Harrow
Civic Centre
PO Box 18
Station Road
Harrow
HA1 2UT

Copy sent via email to: licencing@harrow.gov.uk

20th November 2019

Dear Sir/Madam

Re: "Thai Kitchen", 21 High Street, Edgware, Middlesex, HA8 7EE

I write to object to the licence application for the above premises.

My concerns relate to the prevention of public nuisance and the prevention of crime and disorder.

In particular, I want to ask the council to consider the following points concerning the licence application:

- Recorded music played in the outdoor garden area till 9pm each day is not appropriate due to overlooking nature of the residential buildings, the diverse social (i.e. families, elderly people) and professional (i.e. shift workers) background of the occupants and the conclusion of a noise report conducted last year which states that noise mitigation is not possible. It is also unclear how much recorded music played in the outdoor garden area would increase the noise level. A new noise report and review is imminent. Playing recorded music until 9pm each day is not appropriate for such a dense residential area (Futura Apartments (30 flats), Middlesex House (173 flats), Grosvenor House (25 flats) Berkeley House (est 20-30 flats)).
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- It is unclear how much the proposed outdoor seating (domes) would increase the noise level in general and how flooding risk is taking into account due to the proposed design/surface. It is further unclear how many guests are likely to occupy the outdoor garden area. This is not acceptable since the outdoor garden area is proposed to be kept open until 12/2am. The applicant clearly shows with the proposed opening hours that he/she is not conscientious about the surrounding area. Serving food and drinks inside and outside until 12/2am is not

Mr A Steer

the business concept of a normal restaurant. Stopping serving alcohol outside at 11pm will not mitigate the noise from (already intoxicated) guests until 12/2am. Not to mention the noise when the outside area is cleaned by staff after the restaurant has closed.

- As stated in the licence application the car park is not part of the lease. The parking situation on High Street and the surrounding streets is already dense since it is mostly a residential area. It is therefore most likely that guests will park in spaces, which are not designated parking spaces, or on private land as already experienced during religious festivals in the mosque or cultural centre on the High Street. This also refers to parking on the dual carriageway and in bus lanes. A potential use of the car park is also not appropriate since it is even closer to Futura Apartments and not designed for late night parking/ constant traffic. That fly-tipping, travellers and bad street lighting is a problem in this car park/ on the public footpath has been reported several times to the council. It does not need this kind of business concept for the pub to solve it. A barrier can be installed easily to prevent people from occupying this space and fly-tipping.

In conclusion this licence application brings back a concept which was already (unsuccessfully) applied for or withdrawn several times. With now three major residential developments in the surrounding area, it is inappropriate. Opening hours until 2am in the morning and using the outside garden area as a huge dining area is not what the premises should be used for. The proposed mitigation measures are vague and the proposed design is not properly supported by documents (i.e. structure, number of guests etc.) and would need planning permission anyway.

I also want to point out that two similar new business concepts for the former pub were either refused by the council (P/2988/18) or withdrawn by the applicant (P/5237/18) after supporting documents stated that the concept is not suitable for an area with overlooking residential buildings due to noise. Both documents are attached to this letter. A summary of the reasons can be found below:

P/2988/18 (refused):

"The proposal, by reason of its siting, excessive size, scale and site coverage, would be detrimental to the character and pattern of development in the locality and would harm the significance of the grade II listed heritage asset..."

"The proposal, by reason of its lack of information regarding potential number of customers, proposed opening hours and potential noise levels, provides insufficient details on whether the proposal would be acceptable in terms of noise impacts..."

"The proposal, by reason of its inadequate Flood Risk Assessment, would exacerbate the risk of flooding within the site or increase the risk and consequences of flooding elsewhere..."

P/5237/18 (withdrawn):

"Mitigation of the noise from the rear garden has been briefly considered but due to the overlooking nature of the worst case receptors likely mitigation has been deemed ineffective."

I sincerely hope that my concerns and those of my neighbours and fellow residents will be taken into account when deciding this matter.

Mr A Steer



Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

Making a Representation against an Application (New or variation) for a premises licence or club premises certificate 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 NIKITA DHAKAN make this representation under
(Insert name of applicant)
the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

HARROW COUNCIL
RECEIVED
22 NOV 2019
Service Support

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	<u>COM CATERING LTD 4/A THAI KITCHEN</u> <u>21 HIGH STREET</u>	
Post town	<u>EDGWARE</u>	Post code (if known) <u>HA8 7EF</u>

Name of premises licence holder or club holding club premises certificate (if known)	<u>AS ABOVE</u>
Number of premises licence or club premises certificate (if known)	<u> </u>

Part 2 - Applicant details

I am	Please tick ✓ yes
1) an interested party (please complete (A) or (B) below)	<input type="checkbox"/>
a) a person living in the vicinity of the premises	<input checked="" type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname DHAKAN

First names NIKITA

I am 18 years old or over

Please tick yes

Current address

[Redacted address]

Post Town [Redacted]

Post Code [Redacted]

Daytime contact telephone number

Email address
(optional)

[Redacted telephone number and email address]

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

[Redacted details for other applicant]

2

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

This representation relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

-
-
-
-

Please state the ground(s) for review (please read guidance note1)

PLEASE SEE ATTACHED DOCUMENT

Please provide as much information as possible to support the application (please read guidance note 2)

Please tick
yes

Have you made a representation relating to this premises before



If yes please state the date of that representation, Day Month Year

08	10	2019
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If you have made representations before relating to this premises please state what they were and when you made them

Please refer to email sent to
~~#~~ Licensing @ harrow.gov.uk on
Tuesday 8th October

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent. (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature 
Date..... 19/11/2019
Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you using an email address your e mail address (optional)

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.

Relevant Representations means;

- a) are about the likely effect of the grant of the premises licence or club premises certificate on the promotion of the licensing objectives,
- b) that the representation were made by an interested party or responsible authority within the period prescribed, 28 days from the application was advertised.
- c) in the case of representations made by an interested party (who is not also a responsible authority) that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

Further restrictions apply relating to Police Representations on DPS's and representations on provisional statements. Please check with the Licensing Section.

To whom it may concern,

I am writing with regards to 21 High Street Edgware, HA8 7EE and their intent to turn the currently derelict pub into a Thai Restaurant. My concerns relate to public safety, the prevention of public nuisance and the prevention of crime and disorder.

As a resident of a neighbouring property, I am worried by the extended opening hours requested, the use of the rear garden and plans for the provisions for the sale of alcohol until 12am on weekdays and 1.30am on weekends. As this is a residential area surrounded by blocks of flats, having a venue here that is permitted to remain open until the early hours of the morning, 7 days a week, is entirely inappropriate and will directly and largely impact the lives of local residents who will be forced to endure the noise nuisance from the premises and from patrons leaving late at night.

I have outlined the specific provisions that I object to below:

- **Public safety:**

Car parking space – due to the location of the premises, there is no car parking spaces nearby except for parking on the main road directly across the road. Conscious that this residential area does not lend itself well to a large amount of additional cars. I am also concerned about cars blocking the entrance to the Futura Apartments entrance and driveway.

 - There is a bus stop very close to the premises meaning many may take this route home or of course, drive home. The noise this will create, whilst people are getting into their cars or waiting for night buses is entirely unacceptable. Local residents are more than entitled to a peaceful night's sleep every day.
- **Prevention of public nuisance:**

Will the buildings' doors and windows be sound proofed? As sound proofing is entirely different to installing 'noise limiters'. There is currently no detailed clarity around this on the application. This is concerning especially given how old the building is currently and how much all sound and noise travels.

 - Due to the premises not being large and the tenants' current intent to use the rear garden space, please detail the impact of this on the neighbours? How would they sound proof a larger and entirely outdoor area? Even though it will not be a live band, even sounds from a large group of people talking or clapping etc will still lead to disruption for the neighbours who are immediately next door. The vast majority of pubs and restaurants close their outside areas between 8-10pm for the sake of local residents, whether serving alcohol or not, and so this late opening appears highly irregular.
- **Prevention of crime and disorder:** The late serving of alcohol and long opening hours are both direct contributing factors which are very likely to lead to a direct rise in anti-social behaviours in the area. Due to the lack of parking nearby and the irregularity of night

buses, it is likely to customers are likely to linger in the area – not only adding to noise but also causing potential harm to nearby neighbours.

- **Al fresco dining & use of the rear garden:** The application states 'No recorded music in the rear garden after 21:00 hrs'. Based on this, when music is being played up until that time, how much noise will the proposed installation of the 'sound limiters' absorb? As I live in the building directly next door and despite having double glazing, I can hear constant traffic which is loud and noisy enough. Therefore, I am naturally conscious of any added disruption this may cause.
- Furthermore, whilst music will cease outdoors at 21:00 - What time will guests be allowed to dine and sit outdoors for? As once again, groups of people laughing and talking etc will lead to noise travelling a long way which is of direct concern to the building next door, with such close proximity. Especially given the application stating such late trading hours and particularly over the weekends.
- **Prevention of public nuisance / Recorded music indoors 12.00 - 00.00 & 1.30am on weekends:** Again, despite having sound limiters installed - Is it possible to ascertain just how much noise this will absorb? As being a direct neighbour to this establishment, I am entitled to a peaceful night's sleep and overall low disturbances as I do currently and having music playing as well as groups of people talking etc, even if it sounds muffled, for minimum 12 hours a day, 7 days a week, will be incredibly disruptive to my day to day life and overall well-being.
- Furthermore, whilst music will cease at 21:00 outdoors, it will go on until midnight (and later during weekends) indoors which is a huge disruption.
- **'No sale of alcohol outdoors after 2300':** Please could the owners kindly inform whether or not guests will be able to take their existing glasses of alcohol outside (either to the rear or front of the building?) As once again, noise travels incredibly far. A prime example of this would be the nearby building of Shishukunj Bhavan which, despite being further down the street on 25-27 High Street, I can hear loud instruments being played there all days of the week despite my double glazed windows being closed and also my TV being on loud.

Furthermore residents are entitled to a peaceful nights' sleep and I personally go to sleep significantly before 11pm on most nights. I do not believe a new business, which claims to benefit the community, should be open this late 7 days a week and directly disrupt the wellbeing of its' neighbours.

- **'Dining domes':** These which are detailed in the application & cover letter, are merely an image used from an online website of an existing restaurant London Bridge (Link here, for reference <https://www.coppaclub.co.uk/towerbridge/>). Do we have actual plans of what their 'dining domes' will look like? Furthermore, having personally dined in this restaurant in London Bridge, I am aware that first hand, whilst these protect you from the weather, they are not soundproof or noise limiters in any capacity.

It does not seem reasonable nor considerate of neighbours for a restaurant to intend to operate a business 7 days a week for such long hours consistently, whilst also selling alcohol and also

intending to use an entire open and non-private space in the rear for entertainment. Use of the rear space also poses privacy issues for the neighbours who have windows & balconies looking out onto the pub's garden.

Based on the above grounds and the current application's terms detailed as they are, I oppose the license application being granted to Com Catering Ltd t/a Thai Kitchen. An approved license based on the current late hours would be entirely detrimental to the surrounding residential area and directly impact many people and families alike and their right to live in a safe and peaceful area. We already have many restaurants in the surrounding area and this area does not require another one that serves alcohol and intends to consistently play any music and attract groups which will be disruptive to the neighbours' overall well-being. Simply stating that the music will not be amplified does in no way prevent the likelihood to repeated disturbances in many different forms.

I look forward to hearing from you.

Thank you and regards,

Niki Dhakan