

Westminster City Council
Licensing Service
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6 Dec 2014

FROM
Wendy Shillam
Chairman
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Dear Sirs,

14/09916/LIPV | Premises Licence - Variation | 19 Newman Street London W1T 1PF

The Fitzrovia West Neighbourhood Forum is now fully constituted and operational, but awaits Westminster City Council ratification to go forward and produce a neighbourhood plan. However we already represent a large number of businesses and residents and it is in this capacity that we write to you.

Draft Planning Agenda

Our overall aim is to ensure that:

- We create a liveable neighbourhood
- The area supports and nurtures young and interesting businesses, to preserve an economic vitality. (Small business in Fitzrovia makes a massive contribution to Westminster's economic wellbeing.)

FITZWEST
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- We safeguard and improve those aspects of the urban realm that are valued by those who live, work and elect to place their businesses here.
- Fitzrovia becomes an environmentally sustainable neighbourhood, including reducing pollution, waste and needless energy use.

Application for a variation to premises licence for 19 Newman St

Local residents have approached us seeking Fitzrovia support against this licence variation. They are concerned at the proposal to nearly double the capacity of a club (from 150 to 280) that they did not want nor see the need for in the first place, as it is likely to cause even greater noise nuisance and make Newman St a less pleasant place to live.

- The concerns that residents expressed in reference to the original application about late hours, and potential noise impact, are doubled.
- These concerns cover in particular people arriving and leaving the premises on foot, congregating in the street, waiting for taxis, taxis coming and going in the small hours with engines idling and car doors slamming. The canyon effect in Newman St, which is relatively quiet at night although very noisy in the day from traffic and building works, means that these noises will be very disruptive even if the guests are beseeched to be quiet by the club owners.
- The current license was granted for a capacity of 150. This was based on a couple of reports from the applicants, addressing transport to/from the premises and acoustics - noise from the premises. These original reports assumed a capacity of 120 people, and the current application seeks to increase capacity to 280. The applicants have submitted no new evidence on the potential noise and footfall impact of this new proposal.
- It may well be the case that the highest peak of noise will not be significantly higher than under the existing licence (although neighbours already regard this as likely to be unacceptable at 3 in the morning) but it is clear that with twice the number of customers arriving and leaving the premises, the duration of the noise will be in that case be twice as long, and cause twice the level of nuisance.
- The applicant argues that additional noise will not be a problem because people will not all arrive and depart at the same time. However, this is clearly

not the case for the showing of films and sessions of dance performance, and for this reason alone these additional activities should be refused.

- Residents likely to be most affected live in 15, 16, 18, and 23 Newman St on the east side, and 73, 74, 79 and 80 on the west side. New developments coming on stream in the immediate vicinity include a 34 bed hotel at 20-21 next door to the club, a residential redevelopment at 75, and the former sorting office site which will include 142 residential properties. Additional traffic noise from taxis will affect **all** the residents of Newman St right up to the intersection with Goodge St.
- The applicant does not have planning permission for change of use of the ground floor, which is currently A1 (retail) and has not applied for it: on the contrary (see below) he has applied for permission to change the back of the ground floor to become a beauty salon. It is unclear from the drawings or the supporting statement how much of the ground floor will be given over to the club. However, it **is** clear that at least the front part of the ground floor will be used, and the planning permission granted for the use of part of the basement as a club does not cover the use of the ground floor now proposed.

The main arguments originally cited in favour of the club and its long hours – the latter having been cited as necessary to ensure the economic viability of the Post Office - now no longer apply. The new application now suggests that the club operating under the present licence will not be economically viable. The Post Office and shop, which the club was to have helped support, is now closing in December in any case. **The whole future of this site should therefore be reconsidered.** The applicant has indeed applied separately for planning permission to convert the ground floor to a beauty parlour, which would appear to be an alternative to the present licence application since this latter proposes an extension of the club into the ground floor. We would much prefer to see the use as a beauty parlour over a Private Members club, although ideally we think that existing A1 uses in Fitzrovia should be preserved and other retail uses should be pursued.

Finally, and more generally, Fitzwest do not support the principle that residents should be exposed to a steady and creeping increase in the level of noise and nuisance simply in the interests of the economic viability of a neighbouring premises which may be of little general benefit to the area. A line must be drawn somewhere as to how much nuisance is acceptable in the pursuit of economic success for a given enterprise, and we believe that, if it was not before, **this line has clearly been crossed by this application for a variation, which should be refused.**

Residents take no confidence, from the way these applications have been handled so far, that further still more damaging concessions will not be sought in the future if the club is not successful.

We believe that, now that the ground floor is available, this is an excellent opportunity to reconsider from scratch alternative uses for the whole space which could be economically viable, and could meet our aim for the area of bringing new and interesting businesses in, without causing nuisance to neighbouring residents.

Yours sincerely

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