

Date: 01/11/21

To: licensing@sheffield.gov.uk

Objection to licensing application 195412 Olivia's Townhouse – 173 – 179 West Street, Sheffield, S1 4EW

I would like to object to the granting of a licence in the terms it has been applied for because it is highly likely to have an adverse effect on the promotion of the licensing objective “the prevention of public nuisance”.

I will outline my reasons below and will attach video and photographic evidence to support my objection.

The condition numbers have changed due to variations so I will include the full text to save any confusion. I am using condition numbers from the latest application.

Conditions 16 & 18 are consistently being breached even after a visit from the licensing enforcement officers. Front and rear doors are propped open therefore there is considerable noise breakout of amplified music until 3 am which either prevents me from sleeping or wakes me from sleep.

16. All doors forming part of any acoustic lobby shall be kept closed save for access and egress (or in case of emergency), and shall not be propped open at any time.

18. All external doors and windows will be closed from 23:00 hours on any day except for the purposes of access, egress or in the event of an emergency.

Part of the problem is that the supplied plans clearly show the main entrance with doors opening outward when in reality they open inwards. The original planning application required an acoustic lobby but the plans supplied were wrong then and are still wrong. The premises should not be given a licence for regulated entertainment until the outside doors are changed to open outwards.

Conditions 13 & 14 are being breached. There are no clear signs in the external area (Cond 14). The DPS is not taking a pro-active approach (Cond 13) to noise control because if I can hear the noise breakout of the internal sound system inside my apartment with doors and windows closed the DPS would also have heard even higher sound levels in the immediate external areas of the bar. In the height of summer the noise disturbance inside my apartment was even higher because I needed to leave the patio doors open due to high night time temperatures. Customers using the outside areas have also caused noise disturbance with prolonged shouting and screaming which I could hear in my apartment and prevented me from sleeping. See video evidence.

13. The DPS or a designated member of staff must take a pro-active approach to noise control, regularly checking outside the premises to ensure that noise breakout of internal noise and noise from patrons using the external areas is managed so as not to cause a nuisance to occupiers of nearby residential properties.

14. Clear signage shall be erected and maintained in each section of the external areas advising customers to use the facilities in a quiet and orderly fashion and to respect the local neighbour's needs.

New Condition 15 – This condition has already been breached. There are now only 8 tables in situ and the other tables that have been removed have been replaced by wooden whiskey or beer barrels. The barrels encourage vertical drinking and therefore more noise disturbance from customers. This is clearly going to be more of an issue in the warmer summer months but this also coincides with my need to leave the patio doors open for ventilation. On 30th May my partner and I walked past the lower terrace area and noticed the sound level was high. The staff member did reduce the sound level but not long after we returned home the sound level of the external speakers were audible in our apartment. My partner went back to the Bloom Garden Terrace (Olivia’s lower terrace) and spoke to a female member of staff who refused to lower the music coming from the external speakers saying that she’d paid for a DJ. She refused to give her name.

15. The lower tier of the external area shall have 18 table in situ at all times and seating for 108 people. No speakers shall be operated in any external area of the premises unless the maximum operational noise level has been set and agreed in advance with Sheffield City Council’s Environmental Protection Service. No external speakers shall be used after 23:00 hours on any day.

I strongly object to any external speakers in the external area and would request that this condition is changed to “no external speakers shall be operated in any external area”. I would also suggest that vertical drinking is not allowed and customers in the external area should be seated at all times unless entering or exiting the area.

Original Condition 17 – 14/04/21 – This condition was removed on 08/06/21

17. Use of lower rear terrace shall be managed such that access is restricted from 23:30 hours and the area closed to all customers, cleared and vacated by 00:00 hours midnight on all days.

This condition should be re-instated because in the summer months this area will be used until 3 am and with the current lack of control of customers by the DPS and other staff this would create an unacceptable noise disturbance for us and all residents of West One.

In 2019 planning for an external area was refused. I agree with the comments made below:

The Local Planning Authority considers that the proposed development, which would result in a significant change to the operational style of the bar, would, without restriction, result in an unacceptable level of noise disturbance to the occupiers of adjacent residential property. As such the development is considered contrary to Policy S10(b) of the Unitary Development Plan and the requirements of the approved Interim Planning Guidance on Night Time Uses, as well as Paragraph 180 of the National Planning Policy Framework.

Opening Hours

I would also object to the opening time of 3 am.

The following is an excerpt from the UPD:

Policy S10 (Conditions on Development in Shopping Areas), states that new development should not cause residents to suffer from unacceptable living conditions.

The following is an excerpt from Interim Planning Guidance on Night Time Uses (NTU):

Guideline 1 of the NTU guidance identifies specific areas in the city centre where there is a need to provide a greater level of protection against noise and disturbance and recommends that, in these controlled areas, a 0030 closing time will normally be applied for pubs and clubs (and takeaways). The later opening of restaurant/cafe uses is much less of an issue as they tend to have little impact on nearby residents. The two areas where opening hours are more vigorously controlled are the Heart of the City/Cathedral Quarter and the section of the Devonshire Quarter to the west of Fitzwilliam Street, including West One.

Olivia's activities impact on all nearby residents whether they complain or not. From my recent experience of making complaints, it is not easy and requires a lot of time commitment which not all residents have. Therefore, the usual reason given by applicants when asking for approval of planning or licensing is that they are a responsible operator and they have not received any complaints. This could be true but in the case of Olivia's Townhouse they have received complaints but have not recorded them and since opening their bar have operated in an inconsiderate way towards local residents. They are an irresponsible licensee who are causing a public nuisance. I therefore suggest a 01:30 closing time which would bring Olivia's in line with most of the other bars in this area.

Regards

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