

Appendix F

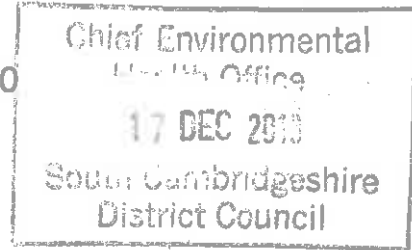
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Monday, 17 December 2018

**Representation Against: License Application submitted 20/11/18,
, LJs Sandwich Bar and Barista,
40 Church Street, Gamlingay SG19 3JH**

Premises Opening Hours Requested:- 07:00 till 00:00
Late Night Refreshment Requested:- 23:00 till 23:30
Supply of Alcohol Requested:- 11:00 till 23:30



Consultation period ends on 18th December 2018.

Representation Against the Application from ; &

We live in a Grade 2 listed building that is directly attached to number 38 at ground and first floor levels. Our master bedroom, kitchen/diner and sitting room all adjoin the party wall with 38, LJs Barista.

We believe that, if the License is granted as per the application, there is likely to be public nuisance in a number of ways.

Factual Inaccuracy in License Application

We understand that the Land Registry has the address of LJs Sandwich Bar as 38a and LJs Barista as 38 Church Street. We believe that 40 Church Street stood between the Alms Houses and LJs Sandwich Bar and was demolished in order to create a wider gateway at some point before 2000 when we moved into 36 Church Street. Therefore there is some potential for discrepancy and confusion in terms of the specific location of any current or future Change of Use and License Applications, if the correct addresses are not used and understood.

History - Our Understanding of the Evolution of use of 38 Church Street

2000 when we moved in, the shop at 38 was operating as Knibbs' Butchers, opening approximately 5 1/2 days per week, typically closing between 3pm and 5pm and closed on Sundays.

2007 Permission was (we were told) granted for change of use from butcher's shop to daytime opening restaurant. Opening hours to remain broadly daytime. We believe that this permission (assuming a ten year window to act) expired in 2017 with no changes having been made to the use of 38 Church Street until 2018.

Early 2018, number 38 was fitted out as a restaurant area to provide 40 seats for customers. Minimal attention was paid to the party wall with wooden planks fixed to existing wall. Above the restaurant ceiling is an open roof space with negligible insulation or sound proofing with voids to number 36 timber frame.

Our Relationship with [redacted] and [redacted] has been cooperative. Our daughter worked in LJs Sandwich Bar for a while. We have opened the gates for their wheelie bin to be emptied whilst they go on holiday. They have done similar for us and received packages for us on many occasions. We have given fresh herbs and cuttings from the garden. [redacted] has lent tools to [redacted] to help with improvements. [redacted] built a low wall to frame a flower bed in the yard behind number 38. We engaged LJs to cater the food for [redacted] 50th Birthday party, which was held at the house earlier this year. Therefore our relations have been good until now. As the volume of business has grown however, the impact upon us has increased and now these new proposals have made it necessary for us to express with regret our deep misgivings.

Situation of Premises

Church Street is a relatively narrow street in a conservation area. There are many homes surrounding 38 and 38a, including ours, number 36, a Grade 2 listed building dating from 16th Century, which is attached via a thin party wall, a terrace of Seventeenth century Alms Houses that house older and otherwise more vulnerable individuals and families, plus a more modern terrace opposite. There is also a close behind, with a house whose gardens back onto the business across a narrow strip of yard owned by number 36. We know that [redacted] and [redacted] who live there, find the levels of food odour travelling onto their property a nuisance as is and this would clearly be worsened by an hours extension.

Public Nuisance - Noise

The position and nature of LJs Sandwich Bar and Barista means that it has no significant outside space around it that would serve to separate neighbours from noise.

All the surrounding gardens in the area are currently subject to a certain amount of noise from daytime customers sitting in the yard behind LJs Sandwich Bar and Barista. An increase in opening times from the current 0900-1500 to the proposed closing time of midnight would likely subject neighbours to increased levels of noise into the evening and night time, particularly when residents may like to use their gardens during the summer.

It seems likely that customers would go to the yard to smoke and perhaps drink. Otherwise, smokers would be standing on the narrow pavement at the front of the premises, or perhaps in the space between 38 and 38a, which would simply shift the noise from the back to the front. This would also cause a problem inside the houses, since bedroom windows will need to be open in the hot weather and therefore noise will be more of a problem. Customers of LJs Barista who go out into the yard behind the shop to smoke or drink when people are trying to sleep are likely to create significant nuisance of noise for all neighbours.

Public Nuisance: Traffic and On-street Parking

Much of the housing stock on Church Street does not possess off street parking, so residents rely on being able to park on the street. The recent additions to the village of a significant number of new houses have lead to the over-stretching of the car parking capacity of Church Street to comfortably meet the needs of residents and visiting customers alike.

Increased traffic is putting pressure on the many residents in the form of pollution from exhaust fumes - a health issue, lots of traffic coming and going makes the road less safe for pedestrians and increased noise levels from deliveries, and customers coming and going. Traffic jams are regular events with drivers unable to pull in to give way to oncoming traffic, due to the lack of places to pull into. The proposed increase in opening hours for 38, 38a is likely to increase the incidence of grid-lock along Church Street, which would have a damaging effect on the safety, convenience and welfare of Church Street residents and other drivers seeking to drive up Church Street.

There is also a current problem with customers regularly parking across the gate vehicular access for 36 Church Street, with regular problems for us of being unable to leave for appointments on time, or to return our cars to the yard belonging to number 36. The addition of a late-opening licensed restaurant will add to this pressure.

LJs, unlike the Cock and Wheatsheaf pub/restaurants also on Church Street, does not possess any customer car park. Thus, any increase in customer activity will press the over-busy street still further. The previous business of butchers and the current business of daytime cafe had a time-limited operation, allowing for quieter periods during the evening and on Sundays. This new proposal will further compromise the comfort, health and welfare of the many Church Street residents who have no off-street parking.

Number 38, where LJs Barista is situated

This building was constructed during the Victorian era by the family then living in number 36, to act as a shop for their butcher's business. Both it and number 36 are listed buildings that were never designed to cope with modern levels of sound and vibration.

The current construction of 38 Church Street allows cooking fumes to pass from the kitchens, up into the loft space above the Barista and pass through the wall (a 17th century timber frame wattle and daub with lime plaster finish, which includes a very old mullioned window frame) and ceiling into the master bedroom of 36 Church Street. Apart from the fact that **early morning (0600) cooking fumes already wake us up on a daily basis**, including at weekends, the passage of the fumes demonstrates that **fire too, could penetrate from 38 into 36 with rapidity**. We contend that the current construction combined with high levels of cooking activity of 38/38a Church Street renders it **unsafe** for the residents at 36 and puts the historical fabric of 36 Church Street at risk. 38 Church Street party wall as currently constructed, seems particularly unsuitable for the proposed extension of opening hours beyond daytime use.

The concepts of Conservation Areas and of Listed Buildings, aim to safeguard the stock of historic buildings. If the financial value of an historic building is undermined by Licenses allowing extended hours of noisy, smelly businesses, then this completely undermines the concept of conservation, as owners will only invest in buildings that they feel they can live in comfortably with their families. Without this investment, the future of Listed Buildings is put at risk.



To the left is an image of the master bedroom of number 36, showing the bed against the party wall with number 38 and the historic architectural features, including an original mullioned window frame (centre) set into the timber framed wall.

The image to the right shows the party wall at first floor level, viewed from number 38. Clearly with noise and cooking fumes getting through this wall into number 36, there must be concerns as to the adequacy and safety of this boundary.



The listed buildings in the area do not possess and are not permitted modern double glazed windows and so this is a further problem in controlling the propagation of noise from the restaurant to the surrounding homes.

The interior of 38 Church Street has hard floors, which provide no sound insulation. Wooden cladding has been attached to the tiled walls of the ex-butchers' shop in order to reduce the very high levels of echo in the space, but experience has shown this to be of limited effect. The chairs in number 38 are heavy and produce plenty of noise when moved against the tiled floor, which can be clearly heard next door as people move in and out of seats.

This has been tolerated during daytime, but clearly would become more of a nuisance noise later in the evening and would certainly disturb sleep after 2200.

Conversation levels in 38 during the daytime tend to be moderate, but a Sunday lunch held by [redacted] and [redacted] family around the end of September 2018 demonstrated that lively conversation, chair noise and music all created a significant disturbance. As a one-off, we as neighbours were able to tolerate it, but if the License were to be granted, this level of disturbance would seem likely to become our new "normal" and as such would be intolerable. It is a scientific fact that the consumption of alcohol dampens hearing, leading to drinkers raising their voices. So late night drinkers are bound to be more of a disturbance than general cafe customers, further adding to the issue.

[redacted] has told us in the past that he hopes to offer live evening music at number 38. Any such music will likely use amplified sound, but with or without amplification, such late-night music along with the natural chatter of diners and drinkers is likely to create significant disturbance to surrounding residents, in particular number 36, the elderly residents of the alms houses and those houses opposite. The cost of a music license has thus far proved prohibitive for [redacted], but either live or recorded music during times when local residents are seeking to relax and rest during the evenings and weekends in particular would cause a nuisance.

Prevention of Crime and Disorder

The application for late night refreshment implies the sale of alcohol without food and this is well known to be associated with alcohol-fueled crime and disorder. 38 Church Street, as it lies so close to 36 Church Street, a four bedroom family home, is not a suitable venue for such activity and we feel as such that the Late Night Refreshment License is completely inappropriate for the premises in question. It will also increase the rate of coming and going of customers late at night, disturbing all the neighbours.

Protection of Children from Harm

The midnight finish of business for seven days per week is likely to provide significant noise to those residents trying to sleep before rising to go to work or school the next day. With the average adult needing about 8h sleep and children requiring more like 10h and many workers needing to wake up any time after 0600 in order to get to work, a midnight finish represents a

significant and continuous **threat to health and welfare** via sleep deprivation.

Conclusions

We feel that for the application to be granted is unacceptable.

For the health and safety of number 36 in particular, modifications to the party wall are required to properly protect the building and residents from fire, fumes and noise.

The likely increased levels of noise from 38, if it were to be open during the evenings would have a damaging impact upon the health and welfare of neighbours, especially those at number 36, due to the physical and psychological effects of continuous noise, including sleep deprivation.

The change from a daytime business to include nighttime and Sunday operation would significantly reduce the value of all the surrounding houses, most particularly number 36, as people are far less likely to want to buy next to a late night, noisy business. This would impact our financial welfare.

Since buying the house in 2000, we have invested somewhere in the region of £350k in renovating and extending what was a derelict Listed Building and, were this application to be granted, our welfare would suffer in that we might not be able to sell our house, or that if we did sell, we may suffer significant financial loss in terms of reduced valuation and selling price, as a result of having a late-opening business right next door.

The price that we paid for our house in 2000 was on the basis of the daytime Butcher's shop next door. A change to an evening business would significantly reduce the likely selling price by perhaps £50k. It is likely that it would also reduce the sale-ability and future selling price of the houses opposite, which certainly counts as a financial welfare issue.

Taken from www.flyinghomes.co.uk

Nuisance neighbours – property values reduced on average by £31,000

According to Halifax, living next to nuisance neighbours in the UK has the potential to reduce average homes values by up to £31,000. Neighbours who cause excessive noise... can give an entire neighbourhood a bad reputation, and that could deter potential buyers from even viewing your property. Nuisance

neighbours and antisocial behaviour do negatively affect house values in every part of the UK.

Taken from www.telegraph.co.uk

“Ten Surprising Things that affect the Value of your Home”

A noisy, rowdy drinking hole... can really put off potential buyers and have a negative impact of your house price...

We seek the support of the Licensing Authority in protecting our most basic rights to sleep and undisturbed family life in the home we have worked on and lived in for 18 years.