



L I C E N S I N G S U B C O M M I T T E E D

Thursday 15 December 2022
at 2.00 pm

SUPPLEMENTARY PAPERS

Mark Carroll
Chief Executive
Tuesday 6 December 2022
www.hackney.gov.uk

Contact: Peter Gray
Governance Officer
governance@hackney.gov.uk

Licensing Sub Committee D
Thursday 15 December 2022
Agenda

- 6 Premises Licence: Great Beyond Brewing Company, 416-418 Union Walk, London, E2 8HP (Pages 7 - 94)**

I confirm that I support the Representations made by [REDACTED] (Long Street, London E2 [REDACTED]) on Nov 16th, 2022 regarding -
Premises License Application for 416-418 Union Walk, Hoxton, E2 8HP
Submitted on 28th October 2022, by Great Beyond Brewing Company

| # | First name | Last Name | Email | Building (1, 3, 5, 7, 9 Long Street Or The Waterson Building) | Apartment No. | Signature |
|----|------------|------------|------------|---|---------------|------------|
| 1 | [REDACTED] | A | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 2 | [REDACTED] | [REDACTED] | [REDACTED] | B | [REDACTED] | [REDACTED] |
| 3 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 4 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 5 | [REDACTED] | [REDACTED] | [REDACTED] | B | [REDACTED] | [REDACTED] |
| 6 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 7 | [REDACTED] | [REDACTED] | [REDACTED] | B | [REDACTED] | [REDACTED] |
| 8 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 9 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 10 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 11 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 12 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 13 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 14 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 15 | [REDACTED] | [REDACTED] | [REDACTED] | Long | [REDACTED] | [REDACTED] |
| 16 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 17 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 18 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 19 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 20 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 21 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 22 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 23 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 24 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 25 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 26 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 27 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 28 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 29 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
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Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Re: LSC- 15 December 2022- Application for a premises licence at Great Beyond Brewing Company, 416-418, Union Walk, Hackney, London, E2 8HP

1 message

12 December 2022 at 23:47

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

Dear Licensing Service Team,

Thank you for sending us the latest information. Is it too late if I wish to join the hearing on Dec 15?

In our representation I pointed out that the applicants had to dismantle brewing equipment due to the lack of planning permission. I note that instead of addressing our concerns around THEIR lack of planning permission, the applicants attached a copy of OUR planning permission to reassure residents that they are protected by sound proofing.

In reality I believe our acoustic glazing is borderline BS8233:1999 compliant. See attached noise measurements, recorded when we moved into the property during 2021:

(a) snsn_open_1.pdf: 4 overground trains, with windows opened is 36-67 dbA

(b) ns_closed_1.pdf: 2 Overground trains (northbound, southbound) with window closed is 36-51dbA

(c) nns_close_1.pdf: 3 Overground trains (northbound, northbound, southbound) with window closed is 36-56 dbA

The pulses due to passing trains are narrow along the time axis, so the noise power averages out over time. I appreciate that whilst the peak dbA for a busy tap room is much lower than the peak dbA for train noise, the tap room dbA averaged over time should still be considered very carefully due to the wider shape of the waveform.

Is the LBH environment officer satisfied that the ambient noise in my property is still BS8233:1999 compliant when the proposed tap room operates at full capacity? What happens if we must leave the acoustic windows open when during peak train frequency and the tap room is busy? We open the window on warm days, to keep air conditioning bills low and to let condensation escape.

We can offer access for Big Sky to visit Flat 17 if they wish to corroborate our noise readings with their professional equipment.

Finally Paragraph 27 on Page 8/51 of the hearing bundle states that:

"The planning authority issued a memorandum in respect of our previous application. Based on the scaled-back and revised proposals, I understand that the planning authority have not issued a memorandum on this occasion"

Can we have reassurances that the planning authority has approved the use of the railway arches as a craft brewery?

Yours sincerely,

[Redacted]
Waterson Building
E2 [Redacted]

27. The planning authority issued a memorandum in respect of our previous application. Based on the scaled-back and revised proposals, I understand that the planning authority have not issued a memorandum on this occasion.

On Monday, 12 December 2022 at 12:26:32 GMT, Licensing (Shared Mailbox) <licensing@hackney.gov.uk> wrote:

Dear Sir/Madam,

We refer to previous correspondence regarding the above premises licence application. Please find attached following documents from the applicant's solicitor that they have asked to be circulated to all residents.

- 1) Amended plan.
- 2) Letter to the objectors setting out amendments to the application.
- 3) Applicant's bundle of supporting material.
- 4) Tab 9 - Noise Report.
- 5) Skeleton Argument of Philip Kolvin KC.

Kind Regards,

Licensing Service
London Borough of Hackney
Tel: 020 8356 2431
Email: licensing@hackney.gov.uk
www.hackney.gov.uk/licensing

Disclaimers apply, for full details see: <https://hackney.gov.uk/email-disclaimer>

3 attachments



snsn_open_1.pdf
105K



ns_closed_1.pdf
92K



nns_close_1.pdf
94K

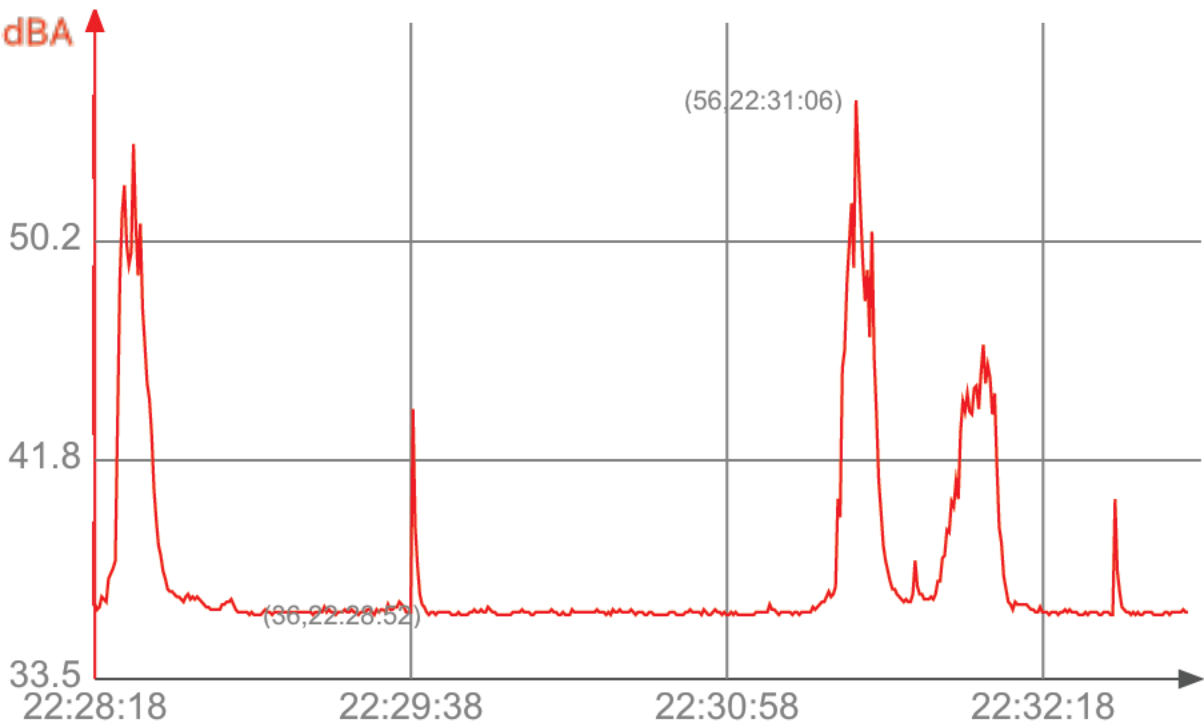
Report

Customer information

| | |
|--------|----------|
| Name: | Address: |
| Phone: | E-mail: |
| Note: | |

Data

| | | | |
|-----------------------|-------------------|----------------------------|--------------------------|
| Device name: UT353 BT | | Report name: nns | |
| Sampling Time: 0.5s | Record Data: 482 | Start: 2021/03/04 22:28:18 | End: 2021/03/04 22:32:19 |
| Max: 56dBA | Alarm max: 100dBA | Min: 36dBA | Alarm min: 50dBA |



Company information

| | |
|-------|----------|
| Name: | Address: |
| Fax: | E-mail: |
| URL: | |

| | |
|-------------|------------|
| Technician: | Signature: |
| Phone: | Date: |

Report

Customer information

Name:

Address:

Phone:

E-mail:

Note:

Data

Device name: UT353 BT

Report name: ns

Sampling Time: 0.5s

Record Data: 361

Start: 2021/03/04 22:51:21

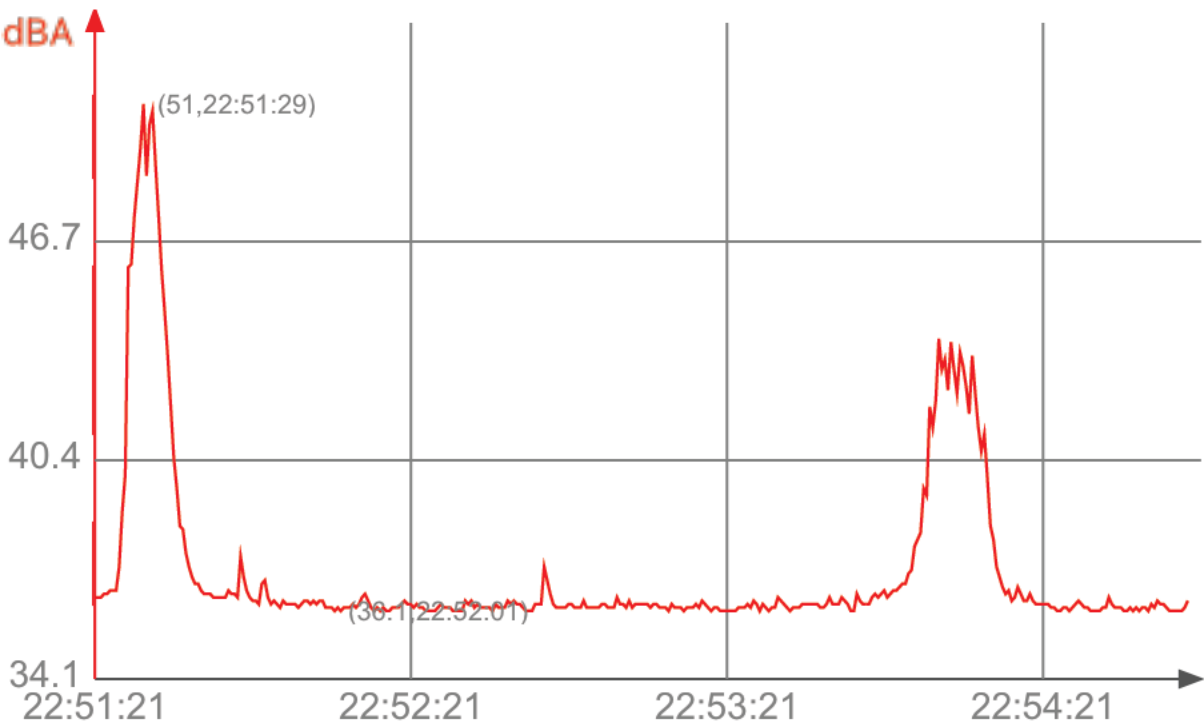
End: 2021/03/04 22:54:22

Max: 51dBA

Alarm max: 100dBA

Min: 36.1dBA

Alarm min: 50dBA



Company information

Name:

Address:

Fax:

E-mail:

URL:

Technician:

Signature:

Phone:

Date:

Report

Customer information

Name:

Address:

Phone:

E-mail:

Note:

Data

Device name: UT353 BT

Report name: sns

Sampling Time: 0.5s

Record Data: 484

Start: 2021/03/04 23:02:00

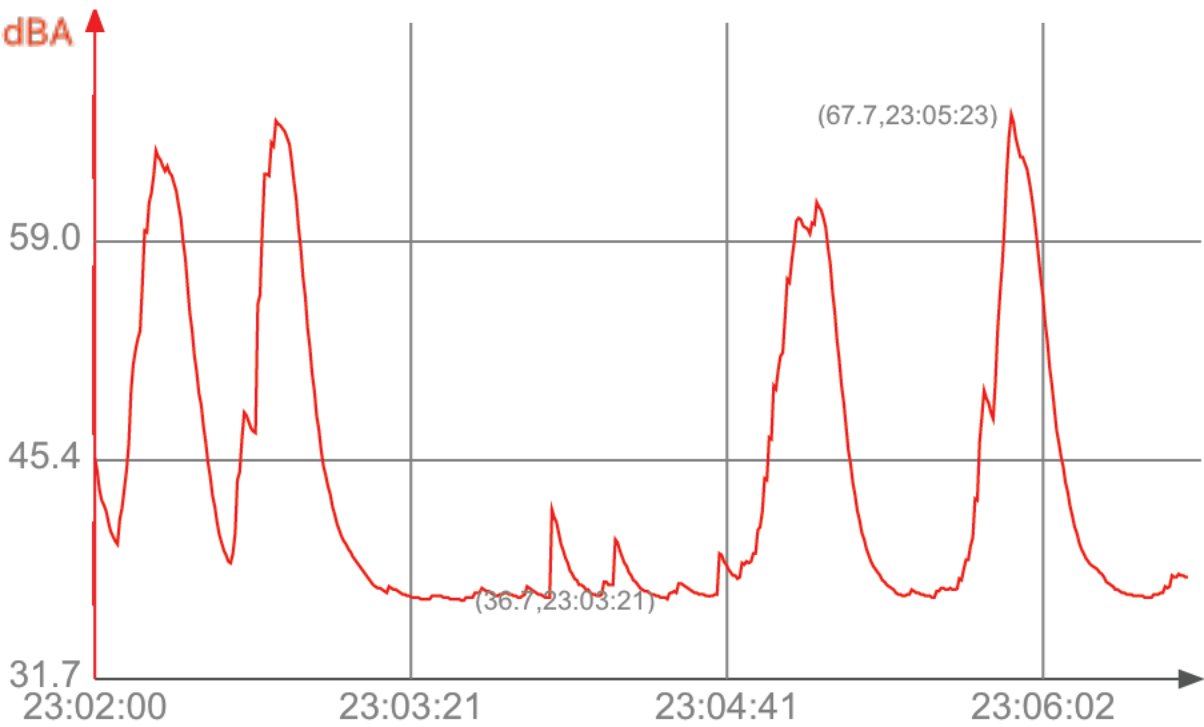
End: 2021/03/04 23:06:02

Max: 67.7dBA

Alarm max: 100dBA

Min: 36.7dBA

Alarm min: 50dBA



Company information

Name:

Address:

Fax:

E-mail:

URL:

Technician:

Signature:

Phone:

Date:

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Letter to be distributed by the London Borough of Hackney Licensing Authority

December 2022

Dear Neighbour

Great Beyond Brewing Company, 416-418 Union Walk Licence Application

We hope that this letter finds you well.

Hackney Council have sent us a copy of your representation in respect of our licence application. Thank you for taking the time to comment on our proposals. We would be most grateful for your consideration of this letter, which we hope will help to address the concerns that you have raised.

Introduction

We are John Drievergen, Oliver Parker and Nicholas Walsh. We are planning to open an independent and environmentally friendly local microbrewery underneath the railway arches at Union Walk.

Following consultation with the council, police and other local stakeholders, we have significantly scaled back our previous application proposal to address concerns raised and more closely align the application proposals with our business plan.

Please find enclosed document setting out the reduced hours and comprehensive conditions all aimed at ensuring that you are not disturbed by the brewery whatsoever. The document also sets out further amendments to the application following consultation with Hackney officer and in consideration of the concerns you have raised.

In particular, we would like to confirm the following, which will be controlled by enforceable licence conditions:

1. There will be no use of the rear yard adjacent to Long & Waterson whatsoever. Our customers will not be permitted in this area and there will be no waste refuse collections or deliveries etc. from the rear yard.

2. There will be no access to the brewery via the rear yard or rear doors adjacent to the Long & Waterson apartments. Access will only be via the front of the brewery and a comprehensive dispersal policy will be in place to ensure customers leaving the brewery make their way home quickly and quietly without causing you any disturbance.
3. An independent acoustic consultant has undertaken a noise assessment and produced a report confirming that in his expert opinion local residents will not be disturbed by our proposed activities on-site.
4. We have agreed a number of further licence conditions addressing the risk of noise emanating from the brewery, as well as a condition limiting the capacity to 74, which is less than the original proposal.
5. Our licence includes a condition requiring the tap room to remain ancillary to the main brewery functions, meaning we cannot transform the Arches into a pub or similar, which has never been our intention in any event.
6. We have not applied for regulated entertainment and will only use two small Sonos speakers for background music in Arch 416.
7. We are installing a high specification vapour condenser to remove any risk of odours travelling to your apartments.

Thank you once again for your consideration of this letter. We hope that it has helped to clarify and address your concerns.

We are committed to providing a welcome local service to those living and working in the local area while being the best of neighbours that operate professionally alongside local residents.

Please do not hesitate to contact us if you would like to discuss our proposals further or have any questions.

With kind regards

John, Ollie and Nick

Enc: Amended licence application summary

Application for a Premises Licence
Great Beyond Brewing Company
416-418 Union Walk, London, E2 8HP

Proposed Licensable Activities:

| | Sale of Alcohol for Consumption on the Premises | Sale of Alcohol for Consumption off the Premises | Opening Hours |
|------------------|---|--|---------------|
| Monday to Friday | 16:00 – 23:00 | 10:00 – 23:00 | 10:00 – 23:00 |
| Saturday | 12:00 – 23:00 | 10:00 – 23:00 | 10:00 – 23:00 |
| Sunday | 12:00 – 21:00 | 10:00 – 21:00 | 10:00 – 21:00 |

NB:

- No non-standard timings
- No Regulated Entertainment
- No Late Night Refreshment

Proposed Conditions:

1. The supply of alcohol for consumption on the premises shall at all times remain ancillary to the use of the premises as a brewery with beer production, storage and distribution.
2. There shall be no licensable activities or consumption of alcohol in external areas.
3. Customers shall not be permitted to access or exit the premises via the rear doors **or rear yard shown on the licence plan**, except in cases of emergency. **The rear doors shall remain closed at all times licensable activities are provided, except in cases of emergency. [Additional wording to address concerns raised by objectors]**
4. The sale of alcohol for consumption off the premises shall be in sealed containers only.
5. A minimum of 60 seats shall be maintained in the premises at all times the premises is open for the sale of alcohol for consumption on the premises.
6. A copy of the premises dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of the Council or Police.
7. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

8. A direct telephone number or email for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or email is to be made available to residents and businesses in the vicinity.
9. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be limited to ~~10~~ 8 persons at any one time. *[Amended wording agreed with LBH Environmental Health Protection Officer]*
10. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
13. All windows and external doors shall be kept closed after ~~21:00~~ 19:00 hours except for the immediate access and egress of persons. *[Amendment to address concerns raised by objectors]*
14. Signage shall be displayed informing customers that they are not permitted to use the gate located adjacent to the junction of Union Walk and Nazrul Street (except in cases of emergency) nor loiter around this area.
15. The gate located adjacent to the junction of Union Walk and Nazrul Street shall be locked at 19:00 ~~Mondays to Saturdays and 12:00 Sundays~~ on any evening that the premises are open for the supply of alcohol for consumption on the premises. *[Amendment to address concerns raised by objectors]*
16. The premises maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
17. There will be a staff member at the premises who will be able to facilitate viewing and downloading of the CCTV system with the minimum of delay.
18. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. any complaints received
 - c. any incidents of disorder

Great Beyond Brewing Company Limited
417 Union Walk, London, E2 8HP

- d. any faults in the CCTV system that you have been made aware of
 - e. any refusal of the sale of alcohol
 - f. any visit by a relevant authority or emergency service.
19. All instances of crime or disorder to be reported by the Designated Premises Supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police. (at this time this will be hackneylicensing@met.police.uk)
20. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
21. All staff engaged in the sale of alcohol shall be fully trained and made aware of the legal requirements relating to underage sales and other legal requirements relating to the sale and supply of alcohol. Such training must take place on a 12 monthly basis and written records of the training must be maintained on the premises for inspection by the Police or Authorities. This training is to include the WAVE (Welfare And Vulnerability Engagement) training.
22. A refusals log will be kept at the premises and completed on any occasion a sale is refused, this will be made available to all Responsible Authorities on request.
23. When the premises use a courier service, it will be with a written agreement that incorporates a challenge 25 Policy. Records of proof of age checks will be retained for a period of three months. Any courier used, will be made aware of the potential for proxy sales.
24. Deliveries will only be made to "post code" addresses, of businesses or residential properties.
25. The Premises Licence Holder shall ensure that all entrances, exits and passageways will be kept clear of debris or furniture.
26. No rubbish, including bottles, shall be moved, removed, or placed in outside areas between 2300hours and 0800hours.
27. When the premises use drivers for their deliveries, it will ensure that vehicles are respectfully parked, do not leave engines running or cause any public nuisance. *A dedicated member of staff will monitor the external areas from time to time to ensure that drivers, riders and customers do not congregate in surrounding areas and cause public nuisance to neighbours. All reasonable steps shall be taken to stop patrons from congregating on the road outside the premises and from causing noise & nuisance to residents living in the vicinity of the premises. [Additional wording agreed with LBH Environmental Health Protection Officer]*
28. Staff will be diligent in observing those who attempt to make proxy purchases on behalf of underage persons and alert the DPS should this occur.
29. The Licensee shall ensure that all relevant staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of

the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.

30. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
31. In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.
32. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
33. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
34. The current trade waste agreement/duty of care waste transfer document shall be displayed and maintained in the premises where it can be conveniently seen and read by persons. This should remain unobstructed at all times and should clearly identify:-
 - a. the name of the registered waste carrier
 - b. the date of commencement of trade waste contract
 - c. the date of expiry of trade waste contract
 - d. the days and times of collection
 - e. the type of waste including the European Waste Code

Additional Conditions Agreed with LBH Environmental Protection Officer

35. No music or amplified sound shall be generated within the premises, so as to give rise to nuisance within neighbouring residential dwellings.
36. The capacity of the premises shall be limited to up to a maximum of 74 patrons at any one time.
37. All patrons & staff shall only smoke in the designated smoking area in the front yard shown on the licence plan.
38. All patrons and staff waiting for taxis or other forms of transport will be encouraged to wait within the premises and this includes delivery drivers and riders.

Further Conditions Proposed by the Application to Address Objectors' Concerns:

39. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
40. There shall be no servicing, deliveries or waste collections via the rear doors or rear yard shown on the licence plan.
41. Customers shall not be permitted to take alcohol from Arch 416 into Arches 417 and 418.
42. There shall be no deliveries from the premises after 18:00.
43. The licence holder shall organise and publicise a meeting for local residents to discuss the operation of the premises at least every 3 months. The frequency of meetings may be varied by agreement between the licence holder and local residents.



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IN THE MATTER OF THE LICENSING ACT 2003

AND IN THE MATTER OF GREAT BEYOND BREWING COMPANY, 416-418 UNION WALK E2 9HP

APPLICANT SUPPORTING MATERIAL

| TAB | DOCUMENT |
|------------|---|
| 1. | Witness Statement of John Driebergen |
| 2. | Amended Application Summary |
| 3. | Dispersal Policy |
| 4. | Initial Letter to Neighbours October 2022 |
| 5. | Letter to Objectors |
| 6. | Long & Waterson Planning Consent (condition 20) |
| 7. | Letter from objectors |
| 8. | Photos |
| 9. | Noise Report |

IN THE MATTER OF THE LICENSING ACT 2003

AND IN THE MATTER OF GREAT BEYOND BREWING COMPANY, 416-418 UNION WALK E2 9HP

APPLICANT SUPPORTING MATERIAL

TAB 1

IN THE MATTER OF THE LICENSING ACT 2003

AND IN THE MATTER OF GREAT BEYOND BREWING COMPANY, 416-418 UNION WALK E2 9HP

WITNESS STATEMENT OF HIDDAH "JOHN" DRIEBERGEN

I HIDDAH "JOHN" DRIEBERGEN of 416 -418 Union Walk, London E2 8HP will say as follows:

1. I am a director of Great Beyond Brewing Company Ltd. My company has applied for a new premises licence in respect of Arches 416-418 Union Walk, London E2 8HP ("the Brewery"). I make this witness statement in support of the application.
2. The facts and matters addressed in this witness statement are within my own knowledge. Where they are not and/or constitute my belief, I say so and identify the source of my knowledge and/or the reasons for my belief.

Background

3. I was born in the [REDACTED] but have previously lived in Colorado, Switzerland, Los Angeles, New Orleans and New York before moving to London. I first moved to Hackney nearly 12 years ago, and I'm still a resident now, based a five-minute walk from Hackney Central station.
4. After a brief career in disaster relief in New Orleans and academic research in New York, I decided to pursue my passion and started a career in craft brewing. I've worked for a variety of craft breweries over my 12 year career, including Meantime Brewing Company in Greenwich, and Fourpure Brewing Company in Bermondsey. I've specialized in helping breweries grow by producing high-quality, innovative beers. I've managed large projects and big teams, but have always aspired to one day open a small, artisan craft brewery.

5. I enjoyed my time helping to grow Meantime and Fourpure into comparatively large operations that supplied the likes of Waitrose, M&S, etc. I'm now bringing my experience to Great Beyond Brewing Company, where I am using my experience to produce creative, high-quality, handcrafted small batches of craft beer for local distribution with minimal environmental footprint.
6. Great Beyond Brewing Company is a small, independent craft brewery based on Union Walk in Hoxton, East London. Based in three railway arches that have stood empty since 2020, we've spent the past six months building our brewery in one arch, a small office and storage area in another, and an intimate tasting room in the third (Arch 416). We also use the tasting room arch for the storage of dry goods, conditioning and packaging of beer, and storage of brewing equipment such as an air compressor, several chillers, etc. We can only use the tasting room unit in the evenings and weekends when it is not in use for other business purposes.
7. We produce our small batches of beer onsite, and have begun to sell kegs and cans to local pubs, venues, etc. The tasting room is currently open under TENs on Thursday and Friday evenings, and from midday on Saturdays, but we would like to trade more often so that we can reach more customers and grow our business. We have successfully built a multipurpose space that has a relaxed and intimate atmosphere where we can sell our products in addition to a small range of other locally sourced, high-quality alcoholic and non-alcoholic drinks to our customers for direct feedback and engagement.
8. Our lengthy experience in the industry is helping us to achieve our goal of producing beer as sustainably as possible, with the use of environmentally friendly cleaning chemicals, capturing of CO₂ produced during fermentation to naturally carbonate beer, second hand & upcycled equipment, etc. We only use renewable energy, try to use as many recycled products as possible and our use of water to beer utilisation ratios is best in class by using innovative brewing techniques. Finally, our spent grain, hops and yeast are sent into an anaerobic bioreactor to produce green energy.
9. We are also partnering with local couriers to ensure that we deliver to our customers in Hackney with minimal emissions through the use of cargo ebikes, electric vans, etc. Union Walk is a neglected backstreet which has undoubtedly seen better days, and we hope to revive the street and make it safer for our neighbours. We hope to breathe new life into the street, without causing disturbance, by being a community-oriented, responsible, independent, local business.

Previous Premises Licence Application

10. Earlier this year we instructed a licensing consultant to handle our premises licence application. We followed his advice and left him to deal with the application process. He advised us to apply for extensive hours and licensable activities that went outside the scope of our actual plans. In hindsight, I now know the terms of the application were not appropriate and the application was not managed well by the consultant. Ultimately, the application was refused by the licensing sub-committee on 8 September 2022.
11. The refusal was devastating. The premises licence is critical to the viability of our new business that we have invested a great deal of time, money and hard work. We spent some time reflecting on the outcome. The police were kind enough to give me some feedback and we sought alternative advice on a more appropriate premises licence proposal. I instructed new lawyers to help with the project and we agreed a scaled-back application to more realistically align with our intended business plan.
12. I also realised that we had failed to adequately reach out to local residents, particularly in the Long & Waterson complex to our rear. It was critical that we engage with them to hear their concerns, answer their questions, and clarify our intentions. I therefore drafted an open letter to introduce ourselves and outline our plans. I included my contact details, and an invitation to an open evening with free refreshments, a tour of the facilities, and a lengthy Q&A session. We had 13 RSVPs, and in the end there were 14 residents in attendance, in addition to Lior Rabinovitz, the CEO of Long & Waterson. It's unfortunate that we didn't have a larger turnout, because many of those in attendance have since become supporters and regular customers. Since operating under TENS, we've had overwhelmingly positive feedback from locals, especially those who live on Union Walk, directly facing the brewery entrance. We're convinced that over time we'll win over many more residents, when they see the positive impact we are having on the street and surrounding neighbourhood.

New Premises Licence Application

13. The new application differs from the previous application, as follows:
 - a. Significantly reduced hours for the sale of alcohol.
 - b. No regulated entertainment.

- c. No licensable activities or customer use of external areas.
 - d. Over 40 comprehensive licence conditions specifically aimed at ensuring local residents' concerns are addressed.
 - e. Pre-application consultation with the Licensing Authority, Police and Environmental Protection Officer.
 - f. Organising a residents evening to meet the local community and listen to their feedback, as above.
 - g. Instructing an independent acoustic expert to undertake a noise assessment and provide advice on any noise mitigation that might be required on-site.
14. I was overwhelmed and extremely grateful for wide-ranging supporting representations made in respect of the new application.
15. Unfortunately, a number of representations have been made against the revised proposal. I am aware that there were communications amongst the local community encouraging objections. I think that some of the resulting representations were based upon misunderstandings about the extent of our proposals. I seek to clarify these misunderstandings and address the objectors' concerns below.
16. A few of the objections also level allegations against me personally. I do acknowledge that mistakes were made during the initial application process but nevertheless found these allegations, which I maintain are completely untrue, upsetting. At all stages I have approached all aspects of this project with integrity, albeit sometimes with naivety, and remain committed to operating a friendly and professional independent business that will be valued by members of the local community.

Action to address concerns

17. I am confident that all of the concerns raised in the objections can be addressed by enforceable conditions, the independent noise report, stringent management policies, well trained and committed staff and the scaled-back revised proposals. I seek to address the concerns raised as follows:

Noise

18. The new application includes comprehensive conditions promoting the prevention of public nuisance licensing objectives. In particular, the following enforceable condition completely protects local residents from any concerns about noise nuisance:

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

19. I have no hesitation offering this condition as there will be no noisy activity on-site. The main brewery functions are not noisy and we only have two small Sonos speakers playing background music in Arch 416. There will be no noisy activity or licensable activities provided in the rear yard. A number of the objectors express concerns about the use of the rear yard which we have completely restricted by way of enforceable conditions (see below). I would also like to mention that a number of the supporters do not share these concerns.
20. In addition, I am hopeful that the noise report prepared by a leading independent acoustic consultant is a source of reassurance. It confirms that there is no realistic prospect of residents being disturbed by noise generated at the brewery.
21. For some context, I would also like to add that the brewery is housed in three railway arches immediately below a noisy railway line. I assume that the local residents' apartments have been very comprehensively acoustically attenuated, which I understand is a common requirement in the planning permission for new residential developments adjacent to busy railway lines.

Odour

22. The brewery process does not omit any significant odour internally, let alone externally. In any event, we are installing a high specification vapour condenser that will prevent the ability for any odour to travel by removing the vapour.

Traffic Management

23. I understand that the previous occupiers of the arches operated a food distribution business with high levels of vehicular traffic servicing the arches. Our servicing and delivery requirements will be

significantly lighter than the previous occupier and various neighbouring businesses. There will usually be one motorised van pick up per week to distribute to local pubs, bars and restaurants. In addition, our web shop will predominantly use electric vehicles.

24. Based on recent evenings authorised under TENs, we have not noticed any customers arriving by motorised vehicle or significant build ups of taxis/Uber. During a recent survey of 96 customers visiting over 1 and 2 December, 61 customers travelled by foot, 29 by public transport, 5 cycled and 1 by taxi.

25. Importantly, there will be vehicular access whatsoever in the rear yard. This will be controlled by the following licence condition:

40. There shall be no servicing, deliveries or waste collections via the rear doors or rear yard shown on the licence plan.

Pub Use – Planning

26. There is no intention whatsoever to operate a pub. The primary function of the arches and our business is a working brewery with an ancillary tap room that operates in one of the arches for a few hours per week. When it is not being used as a tap room, it will be used as a storage and distribution point for the main brewery function. To confirm this commitment we have removed the proposal for on-sales in Arches 417 and 418 and proposed the following conditions:

1. The supply of alcohol for consumption on the premises shall at all times remain ancillary to the use of the premises as a brewery with beer production, storage and distribution.

27. The planning authority issued a memorandum in respect of our previous application. Based on the scaled-back and revised proposals, I understand that the planning authority have not issued a memorandum on this occasion.

Use of Rear Yard

28. A number of residents have expressed concerns about the use of the rear yard. I would like to reiterate that the rear yard will not be used for licensable activities, servicing and deliveries, waste refuse collections, smoking or any other potential noise generating activity. The new application

includes strict conditions preventing the use of the rear yard accordingly, which I hope helps to address this concern raised by the residents:

2. There shall be no licensable activities or consumption of alcohol in external areas.

3. Customers shall not be permitted to access or exit the premises via the rear doors or rear yard shown on the licence plan, except in cases of emergency. The rear doors shall remain closed at all times licensable activities are provided, except in cases of emergency.

40. There shall be no servicing, deliveries or waste collections via the rear doors or rear yard shown on the licence plan.

Use of Long & Waterson Gate and TFL Gate

29. These gates will not be used by customers since there is no access to the brewery from these gates.

In addition, following a specific concern by the developer of the Long& Waterson apartments, the following condition has been included in the application:

15. The gate located adjacent to the junction of Union Walk and Nazrul Street shall be locked at 19:00 Mondays to Saturdays and 12:00 on Sundays on any evening that the premises are open for the supply of alcohol for consumption on the premises.

Use of Arches 416, 417 and 418

30. The revised proposal clearly designates Arch 416 as the only arch permitted for the supply of alcohol for consumption on the premises. Even then, Arch 416 will remain an important part of the brewery storage and distribution function when not being used as a tap room. We have volunteered a new condition restricting customers from taking alcohol from Arch 416 into Arches 417 and 418:

41. Customers shall not be permitted to take alcohol from Arch 416 into Arches 417 and 418.

Music

31. There is no proposal for regulated entertainment. Arch 416 has two small Sonos speakers playing background music only. We have agreed the following condition with the Environmental Protection Officer:

35.No music or amplified sound shall be generated within the premises, so as to give rise to nuisance within neighbouring residential dwellings.

Local Crime

32. The representations correctly identify significant crime in the local area, in particular anti-social behaviour, drug use and drug dealing.
33. I am confident that our occupation of the arches will provide a natural supervisory presence to help discourage and drive out some of the crime historically occurring in the area. We will proactively work with the local police and residents to do whatever we can to help.
34. I therefore firmly believe that we will help to reduce local crime and make local people feel safer in the area, which is confirmed in some of the representations in support.

Proposed Conditions

35. As explained above, we have amended existing conditions and proposed new conditions to address all outstanding concerns, namely:
- a. complete restrictions on the use of the rear yard and rear doors;
 - b. restrictions on the consumption of alcohol in Arches 417 and 418;
 - c. a condition restricting the capacity of Arch 416 to 74 persons only;
 - d. a requirement for a dispersal policy;
 - e. conditions controlling smoking with a clearly identified smoking area in the front yard away from our closest local residents;
 - f. robust conditions eliminating the risk of local residents suffering from all sources of noise from the brewery;
 - g. amended conditions controlling the use of the security gates mentioned above;
 - h. complete restrictions on servicing and deliveries in the rear yard. Servicing and deliveries will happen via the front yard only and will be minimal;
 - i. complete restrictions on waste storage and collection from the rear yard.

Summary

36. Great Beyond Brewing Company has been trading for about 6 weeks now under TENs. We have been engaging with our community and running our tasting room responsibly, in accordance with

the licensing objectives. We have invested so much passion, time and hard work into this under challenging economic circumstances. While we completely understand the concerns raised, we sincerely believe that these concerns have been addressed and we will have an extremely positive impact on Union Walk, the surrounding community, and the rest of the borough.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed.....

HIDDAH “JOHN” DRIEBERGEN

Dated.....

IN THE MATTER OF THE LICENSING ACT 2003

AND IN THE MATTER OF GREAT BEYOND BREWING COMPANY, 416-418 UNION WALK E2 9HP

APPLICANT SUPPORTING MATERIAL

TAB 2

**Application for a Premises Licence
Great Beyond Brewing Company
416-418 Union Walk, London, E2 8HP**

Proposed Licensable Activities:

| | Sale of Alcohol for Consumption on the Premises | Sale of Alcohol for Consumption off the Premises | Opening Hours |
|-------------------------|--|---|----------------------|
| Monday to Friday | 16:00 – 23:00 | 10:00 – 23:00 | 10:00 – 23:00 |
| Saturday | 12:00 – 23:00 | 10:00 – 23:00 | 10:00 – 23:00 |
| Sunday | 12:00 – 21:00 | 10:00 – 21:00 | 10:00 – 21:00 |

NB:

- No non-standard timings
- No Regulated Entertainment
- No Late Night Refreshment

Proposed Conditions:

1. The supply of alcohol for consumption on the premises shall at all times remain ancillary to the use of the premises as a brewery with beer production, storage and distribution.
2. There shall be no licensable activities or consumption of alcohol in external areas.
3. Customers shall not be permitted to access or exit the premises via the rear doors **or rear yard shown on the licence plan**, except in cases of emergency. **The rear doors shall remain closed at all times licensable activities are provided, except in cases of emergency. [Additional wording to address concerns raised by objectors]**
4. The sale of alcohol for consumption off the premises shall be in sealed containers only.
5. A minimum of 60 seats shall be maintained in the premises at all times the premises is open for the sale of alcohol for consumption on the premises.
6. A copy of the premises dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of the Council or Police.
7. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
8. A direct telephone number or email for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or email is to be made available to residents and businesses in the vicinity.

9. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be limited to ~~10~~ 8 persons at any one time. *[Amended wording agreed with LBH Environmental Health Protection Officer]*
10. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
13. All windows and external doors shall be kept closed after ~~21:00~~ 19:00 hours except for the immediate access and egress of persons. *[Amendment to address concerns raised by objectors]*
14. Signage shall be displayed informing customers that they are not permitted to use the gate located adjacent to the junction of Union Walk and Nazrul Street (except in cases of emergency) nor loiter around this area.
15. The gate located adjacent to the junction of Union Walk and Nazrul Street shall be locked at 19:00 ~~Mondays to Saturdays and 12:00 Sundays~~ on any evening that the premises are open for the supply of alcohol for consumption on the premises. *[Amendment to address concerns raised by objectors]*
16. The premises maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
17. There will be a staff member at the premises who will be able to facilitate viewing and downloading of the CCTV system with the minimum of delay.
18. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. any complaints received
 - c. any incidents of disorder

- d. any faults in the CCTV system that you have been made aware of
 - e. any refusal of the sale of alcohol
 - f. any visit by a relevant authority or emergency service.
19. All instances of crime or disorder to be reported by the Designated Premises Supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police. (at this time this will be hackneylicensing@met.police.uk)
 20. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
 21. All staff engaged in the sale of alcohol shall be fully trained and made aware of the legal requirements relating to underage sales and other legal requirements relating to the sale and supply of alcohol. Such training must take place on a 12 monthly basis and written records of the training must be maintained on the premises for inspection by the Police or Authorities. This training is to include the WAVE (Welfare And Vulnerability Engagement) training.
 22. A refusals log will be kept at the premises and completed on any occasion a sale is refused, this will be made available to all Responsible Authorities on request.
 23. When the premises use a courier service, it will be with a written agreement that incorporates a challenge 25 Policy. Records of proof of age checks will be retained for a period of three months. Any courier used, will be made aware of the potential for proxy sales.
 24. Deliveries will only be made to "post code" addresses, of businesses or residential properties.
 25. The Premises Licence Holder shall ensure that all entrances, exits and passageways will be kept clear of debris or furniture.
 26. No rubbish, including bottles, shall be moved, removed, or placed in outside areas between 2300hours and 0800hours.
 27. When the premises use drivers for their deliveries, it will ensure that vehicles are respectfully parked, do not leave engines running or cause any public nuisance. *A dedicated member of staff will monitor the external areas from time to time to ensure that drivers, riders and customers do not congregate in surrounding areas and cause public nuisance to neighbours. All reasonable steps shall be taken to stop patrons from congregating on the road outside the premises and from causing noise & nuisance to residents living in the vicinity of the premises. [Additional wording agreed with LBH Environmental Health Protection Officer]*
 28. Staff will be diligent in observing those who attempt to make proxy purchases on behalf of underage persons and alert the DPS should this occur.

29. The Licensee shall ensure that all relevant staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
30. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
31. In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.
32. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
33. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
34. The current trade waste agreement/duty of care waste transfer document shall be displayed and maintained in the premises where it can be conveniently seen and read by persons. This should remain unobstructed at all times and should clearly identify:-
 - a. the name of the registered waste carrier
 - b. the date of commencement of trade waste contract
 - c. the date of expiry of trade waste contract
 - d. the days and times of collection
 - e. the type of waste including the European Waste Code

Additional Conditions Agreed with LBH Environmental Protection Officer

35. No music or amplified sound shall be generated within the premises, so as to give rise to nuisance within neighbouring residential dwellings.
36. The capacity of the premises shall be limited to up to a maximum of 74 patrons at any one time.

- 37. All patrons & staff shall only smoke in the designated smoking area in the front yard shown on the licence plan.
- 38. All patrons and staff waiting for taxis or other forms of transport will be encouraged to wait within the premises and this includes delivery drivers and riders.

Further Conditions Proposed by the Application to Address Objectors' Concerns:

- 39. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
- 40. There shall be no servicing, deliveries or waste collections via the rear doors or rear yard shown on the licence plan.
- 41. Customers shall not be permitted to take alcohol from Arch 416 into Arches 417 and 418.
- 42. There shall be no deliveries from the premises after 18:00.
- 43. The licence holder shall organise and publicise a meeting for local residents to discuss the operation of the premises at least every 3 months. The frequency of meetings may be varied by agreement between the licence holder and local residents.

IN THE MATTER OF THE LICENSING ACT 2003

AND IN THE MATTER OF GREAT BEYOND BREWING COMPANY, 416-418 UNION WALK E2 9HP

APPLICANT SUPPORTING MATERIAL

TAB 3

Great Beyond Tasting Room Dispersal Policy

1. Purpose of policy

1. To give the management team of Great Beyond Brewing Company Ltd a tool to ensure swift, quiet and orderly dispersal and vacation of the Tasting Room. The Steps and responsibilities below outline a plan to implement our dispersal policy.

1.1 Great Beyond Brewing Company recognizes the importance of a coherent policy for dispersal of guests at the end of service hours so that there is no disturbance or disorder caused by the guests of GBBC Ltd.

2. Responsibilities

2.0 Each duty manager will ensure the implementation of the policy

2.1 Weekly debriefs of service will include the discussion and potential alteration of our policy to ensure both smooth implementation and adherence.

2.2 Staff and duty managers will work with any and all door supervisors when present to ensure smooth implementation and adherence of our policy.

3. Policy

3.0 Guests leaving the premise will not be allowed to remove any open alcohol or glassware from the venue. Duty managers and/or door supervisors will be at exit point(s) to ensure guests do not leave with any open alcohol or glassware along with clear signage to indicate such.

3.1 Last orders will be called 30 minutes prior to closing to ensure the guest(s) have enough time to safely consume their purchased goods. Guests will be notified of the time and how long until the venue closes.

3.2 Once the venue has closed guests will be politely reminded that the venue is indeed closed and politely notified to leave quietly and orderly throughout our neighbourhood to ensure no disturbance of our neighbours.

3.3 Once last drinks have been served the music will be changed to a calmer genre and turned down and the in house lights will be dimmed.

3.4 Guests dispersing will be instructed to leave the venue via Nazrul Street towards Cremer street, and offered directions to the nearest public transport stations/stops or pointed towards the high street (A10) to hire a cab or pre-booked ride. They will also be instructed not to leave the venue via Union Walk towards Waterson Street in the interest of public safety and to avoid disturbance to our neighbours.

3.5 There are clearly signed toilet facilities in the building which are available for customers at all times. Employee training includes the provision that any patron in the process of leaving the premises that requests readmission to use the toilets is allowed to do so. Subject to security and other operational considerations non-customers will also be allowed access to our toilet facilities.

3.6 The venue will not allow entry or reentry after last drinks served

3.7 Clear signage will be provided to remind dispersing guests to leave quietly and respect our neighbours.

3.8 If adherence to our dispersal policy is not respected by a leaving guest they will not be allowed to return in the future. Such a conflict will be recorded in the incident report book. If authorities are called this will also be noted.

3.9 All staff, duty managers and potential door supervisors will be given a copy of the policy to sign and sufficient training to execute the policy adherence.



IN THE MATTER OF THE LICENSING ACT 2003

AND IN THE MATTER OF GREAT BEYOND BREWING COMPANY, 416-418 UNION WALK E2 9HP

APPLICANT SUPPORTING MATERIAL

TAB 4

Dear neighbour,

416-418 Union Walk

Please allow us to introduce ourselves. We are John Driebergen, Oliver Parker, and Nicholas Walsh, and we are planning to open a microbrewery underneath the arches at Union Walk. We have long experience in the quality end of the brewing industry, including at Fourpure Brewing Company, Meantime Brewing Company, and Brooklyn Brewery. We hope to bring our experience to this small new business in Union Walk. We will be producing a range of artisan beers including Hoxton Lager, which will be made using all English ingredients, and Hoxton Fresh, a light and refreshing Session IPA.

Our business will occupy three railway arches. The first will house the brewery itself. The second will be a cold store and small office area. The third will be used for packing and distribution up to 4pm each day. After 4pm we hope to use the third arch as a tasting room, where customers will be able to taste and purchase our products. The tasting room will be small with a capacity for up to 80 customers and full toilet facilities. We hope to operate the tasting room for five evenings per week, well within the core hours under Hackney's licensing policy, closing between 9pm and 11pm depending on the day of week.

We would love to invite you to view our facilities and discuss our plans, with complimentary beer, wine and pizza on Monday the 24th of October at 6:30pm. We will keep this informal, for no more than an hour or two. Please just book your spot by emailing [REDACTED]. We hope this will give you the opportunity to ask any questions which you may have about our proposed operation. If you are unable to make that date we would of course be delighted to meet you in person or on the phone. Please email us to make an arrangement.

You may be aware that Hackney Council recently refused a licence for these premises. However since then we have reconsidered our proposals so that there will be no consumption outside, no live entertainment, no late night refreshment, no outdoor brewing equipment - simply a low-key internal use for the hours that we have mentioned. Over the next few weeks we hope to run some evenings on temporary event notices just to make sure that we are operating without any harm to the amenity of local residents and to modify our operation in the very unlikely event that there are any issues. We shall be submitting a new licence application shortly and if you would like us to notify you individually of the application, again please do let us know by email.

We are intent on providing a welcome local service to those living and working in our locality while being the best of neighbours, so if at any time there is anything you would like to discuss please do just drop in or get in touch by email.

With kind regards,

John, Ollie and Nick
[REDACTED]

IN THE MATTER OF THE LICENSING ACT 2003

AND IN THE MATTER OF GREAT BEYOND BREWING COMPANY, 416-418 UNION WALK E2 9HP

APPLICANT SUPPORTING MATERIAL

TAB 5

Letter to be distributed by the London Borough of Hackney Licensing Authority

December 2022

Dear Neighbour

Great Beyond Brewing Company, 416-418 Union Walk Licence Application

We hope that this letter finds you well.

Hackney Council have sent us a copy of your representation in respect of our licence application. Thank you for taking the time to comment on our proposals. We would be most grateful for your consideration of this letter, which we hope will help to address the concerns that you have raised.

Introduction

We are John Drievergen, Oliver Parker and Nicholas Walsh. We are planning to open an independent and environmentally friendly local microbrewery underneath the railway arches at Union Walk.

Following consultation with the council, police and other local stakeholders, we have significantly scaled back our previous application proposal to address concerns raised and more closely align the application proposals with our business plan.

Please find enclosed document setting out the reduced hours and comprehensive conditions all aimed at ensuring that you are not disturbed by the brewery whatsoever. The document also sets out further amendments to the application following consultation with Hackney officer and in consideration of the concerns you have raised.

In particular, we would like to confirm the following, which will be controlled by enforceable licence conditions:

1. There will be no use of the rear yard adjacent to Long & Waterson whatsoever. Our customers will not be permitted in this area and there will be no waste refuse collections or deliveries etc. from the rear yard.

2. There will be no access to the brewery via the rear yard or rear doors adjacent to the Long & Waterson apartments. Access will only be via the front of the brewery and a comprehensive dispersal policy will be in place to ensure customers leaving the brewery make their way home quickly and quietly without causing you any disturbance.
3. An independent acoustic consultant has undertaken a noise assessment and produced a report confirming that in his expert opinion local residents will not be disturbed by our proposed activities on-site.
4. We have agreed a number of further licence conditions addressing the risk of noise emanating from the brewery, as well as a condition limiting the capacity to 74, which is less than the original proposal.
5. Our licence includes a condition requiring the tap room to remain ancillary to the main brewery functions, meaning we cannot transform the Arches into a pub or similar, which has never been our intention in any event.
6. We have not applied for regulated entertainment and will only use two small Sonos speakers for background music in Arch 416.
7. We are installing a high specification vapour condenser to remove any risk of odours travelling to your apartments.

Thank you once again for your consideration of this letter. We hope that it has helped to clarify and address your concerns.

We are committed to providing a welcome local service to those living and working in the local area while being the best of neighbours that operate professionally alongside local residents.

Please do not hesitate to contact us if you would like to discuss our proposals further or have any questions.

With kind regards

John, Ollie and Nick
[REDACTED]

Enc: Amended licence application summary

IN THE MATTER OF THE LICENSING ACT 2003

AND IN THE MATTER OF GREAT BEYOND BREWING COMPANY, 416-418 UNION WALK E2 9HP

APPLICANT SUPPORTING MATERIAL

TAB 6

Hackney Council
Planning and Regulatory Services
2 Hillman Street
London E8 1FB
www.hackney.gov.uk
Hackney Reference: 2012/2013

DP9
100 Pall Mall
London
SW1Y 5NQ

19 August 2013

Town and Country Planning (Development Management Procedure) Order 2010

Application Number: 2012/2013

Site Address: 1-13 Long Street, Hackney, LONDON, E2 8HJ

Thank you for your recent planning application for the above address on which a decision has now been made.

Important Information about this Decision

- The decision on your Planning Application is attached.
- Please carefully read all of the information contained in these documents.
- If you were granted permission, it may be subject to conditions. Some of the conditions may require action before you start the development and it is important that you seek to have these conditions discharged by the Council before any work commences.
- The Council's Planning Enforcement team may monitor planning permissions to ensure that development is being undertaken in accordance with the permission granted. Any breaches of planning control will be robustly pursued.
- Failing to comply with all of the conditions of this permission may result in a breach of planning control and may lead to enforcement action by the Council.
- If you decide to implement it, then it is your duty to ensure that all conditions are complied with. Failure to do so may cause difficulties if the property is sold or transferred. Failure to comply with conditions may also result in the development not being lawful.
- Where material samples have been provided as a part of the application you must return to collect these within 28 days of the date of your decision notice. If they are not collected they will be disposed of. Please arrange collection with your case officer.
- Please quote your application reference number in any correspondence with the Council, either by post to the Hackney Planning Service, 2 Hillman Street, London, E8 1FB, by email to planning@hackney.gov.uk, or by phone to 020 8356 8062.
- This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not relate to any other permissions that may be required by any other legislation, enactment or byelaw.
- **Community Infrastructure Levy (CIL) Liability Notice – This application is liable for the London Mayor's CIL, a CIL Liability Notice is attached and forms part of this Decision Notice.**

Yours faithfully



John Allen

Assistant Director (Planning and Regulatory Services)

Legal, Human Resources and Regulatory Services

PLANNING DECISION NOTICE

Town and Country Planning Act 1990 as amended Town and Country Planning (Development Management Procedure) (England) Order 2010

| | | | |
|---------------|--|-------------------|---|
| Agent: | DP9 100 Pall Mall London SW1Y 5NQ | Applicant: | Middlewater Trading and Investment Ltd 1 Long Street Hackney LONDON E2 8HJ |
|---------------|--|-------------------|---|

| | | |
|---|-----------------------------|--|
| Part 1- Particulars of the Application | Application No: | 2012/2013 |
| | Date of Application: | 18 June 2012 |
| | Date Validated: | 26/07/2012 |
| | Application Type: | Full Planning Permission - CIL liable |

Proposal: Erection of a new part 4, part 5, part 8-storey building to provide for 237 rooms of student accommodation and associated communal areas; erection of a new 10-storey building and two-storey extensions to the existing buildings at 1-3 Long Street and 5-9 Long Street to create 6-storey buildings along with associated refurbishment works to provide for 73 residential units; conversion of ground floor of 5-9 Long Street to provide for 816 sq m (GEA) of Class B1 use floorspace; construction of a landscaped podium above car parking area at ground floor level (40 car spaces); the provision of 255 cycle spaces and access and landscape works.

Location: 1-13 Long Street, Hackney, LONDON, E2 8HJ

Plan Numbers:

679 PL OS 001, 679 PL OS 002, 679 PL EX 001, 679 PL EX 002,
679 PL EX 003, 679 PL EX 004, 679 PL EX 005, 679 PL EX 006,
679 PL EX 007, 679 PL EX 008, 679 PL EX 009, 679 PL EX 010,
679 PL EX 011, 679 PL EX 012, 679 PL EX 013, 679 PL EX 014,
679 PL EX 015, 679 PL EX 016, 679 PL EX 017, 679 PL EX 018,
679 PL DP 001, 679 PL DP 002, 679 PL DP 003, 679 PL DP 004,
679 PL DP 005, 679 PL MP 000, 679 PL MP 001, 679 PL MP 002,
679 PL MP 003, 679 PL MP 004, 679 PL MP 005, 679 PL MP 006,
679 PL MP 007, 679 PL MP 008, 679 PL MP 009, 679 PL MP 010,
679 PL MP 011, 679 PL RB 000, 679 PL RB 001, 679 PL RB 002,
679 PL RB 003, 679 PL RB 004, 679 PL RB 005, 679 PL RB 006,
679 PL RB 007, 679 PL RB 008, 679 PL RB 009, 679 PL RB 010,
679 PL RB 011, 679 PL RB 012, 679 PL RB 013, 679 PL RB 014,
679 PL SB 000, 679 PL SB 001, 679 PL SB 002, 679 PL SB 003,
679 PL SB 004, 679 PL SB 005, 679 PL SB 006, 679 PL SB 007,

679 PL SB 008, 679 PL SB 009, 679 PL GE 001, 679 PL GE 002, 679 PL GE 003, 679 PL GE 004, 679 PL GE 005, 679 PL GE 006, 679 PL GE 007, 679 PL GE 008, 679 PL GE 009, 679 PL GE 010, 679 PL GE 011, 679 PL GE 012, 679 PL GE 013, 679 PL GE 014, 679 PL GE 015, 679 PL GS 001, 679 PL GS 002.

Daylight and Sunlight Report dated 13 June 2012 prepared by GIA, Internal Daylight and Sunlight Report dated 13 July 2012 prepared by GIA, Internal Daylight Report retained Buildings dated 25 July 2012 prepared by GIA, Planning Statement dated June 2012 prepared by DP9, Transportation Statement (Version 4) dated 12 June 2012 prepared by Stilwell Partnership, Residential/Workplace Travel Plan Framework (Version 3) dated 12 June 2012 prepared by Stilwell Partnership, Development Viability Report with Appendices dated June 2012 prepared by DS2, Tall Building Assessment prepared by DP9 received on 15 October 2012, Landscape Design and Access Statement dated June 2012 prepared by outerspace, Noise Assessment dated June 2012 prepared by Sharps Redmore Partnership, Heritage Report dated June 2012 prepared by Montague Evans, Energy Strategy Report dated 11 June 2012 prepared by MTT Ltd, Sustainability Strategy Report dated 11 June 2012 prepared by MTT Ltd, Design and Access Statement dated June 2012 prepared by Buckley Gray Yeoman, Townscape Views dated March 2012 prepared by cityscape, Structural Engineer's Appraisal dated May 2012 prepared by Price & Myers, Report on the Condition of the Facades dated June 2012 prepared by Szerelmey Ltd, Statement of Community Involvement dated June 2012 prepared by Four Communications, Initial Ecology Appraisal dated 14 June 2012 prepared by The Ecology Consultancy, Student Accommodation Report dated June 2012 prepared by Knight Frank LLP.

Part 2 – Particulars of Decision: **GRANTED SUBJECT TO CONDITIONS**

Notice is hereby given that the London Borough of Hackney as local planning authority in pursuance of its powers under the above mentioned Act and Rules, Orders and Regulations made thereunder permits the development referred to in Part 1, in accordance with the plan(s) submitted and subject to the following condition(s):

Conditions:

- 1 The development hereby permitted must be begun not later than three years after the date of this permission.**

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

- 2 The development hereby permitted shall only be carried out and completed**

strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

- 3** Prior to commencement of the relevant part of the development (excluding that involving landscaping works) full details with detailed drawings, samples including a mock-up of an elevation bay of the materials to be used on the external surfaces of the buildings, shall be submitted to and approved by the Local Planning Authority in writing prior to the implementation of each phase unless otherwise agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the details thus approved:

- A sample board of all external materials including bricks, metal cladding, window frames, external doors, gates, railings, balustrade and coping;
- Facade design and detailing @ 1:20
- Details of all ground floor frontages including entrance doorways, canopies, soffits, and lighting @ 1:20 and 1:5 scales;
- Window design: setting out and specification of all typical windows including reveals, spandrels, flashing and frame thickness;
- Roof terraces and typical balcony details: material, proportions, and positioning @ 1:20 and 1:5 scale; and
- The means of enclosure on all site boundaries including full details of height, materials and construction.

REASON: To ensure that the external appearance of the development is satisfactory and does not detract from the character and visual amenity of the area.

- 4** Detailed drawings showing screening measures to the following elevations shall be submitted to and approved by the Council prior to the commencement of the relevant part of the development and the approved details shall not be carried out otherwise than in accordance with the details thus approved.

- Screening measures to the windows and winter gardens of the Courtyard Building (east elevation) on the first to sixth floor levels. The winter gardens balustrade shall be glazed in obscure glass to a height of 1.7m from the finished floor level or alternative screening measures to prevent overlooking into the properties at Nos. 5-9 Long Street. All windows marked as obscured glazing shall be permanently glazed in obscured glass and kept fixed shut;
- Screening measures to the winter gardens of the Courtyard Building (north elevation) on the second to ninth floor levels. The winter gardens balustrade shall be glazed in obscure glass to a height of 1.7m from the finished floor level or alternative screening measures to prevent overlooking into habitable room areas along the western elevation of the Courtyard Building;

- Screening measures to the winter gardens of the Courtyard Building (south elevation) on the ground to sixth floor levels. The winter gardens balustrade shall be glazed in obscure glass to a height of 1.7m from the finished floor level or alternative screening measures to prevent overlooking into the properties at Nos. 1-3 Long Street;
- Screening measures to the fourth floor south facing terrace of Nos.5-9 Long Street. The southern elevation balustrade of the terrace shall be glazed in obscure glass to a height of 1.7m from the finished floor level or alternative screening measures to prevent overlooking into the properties at Nos. 1-3 Long Street;
- Screening measures to the fourth floor north facing terraces of Nos.5-9 Long Street. The northern elevation balustrade of the terraces shall be glazed in obscure glass to a height of 1.7m from the finis

- 5 Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.**

- Floor plans indicating the location of 5 wheelchair units in the residential accommodation and 24 rooms in the student accommodation; and
- Floor plans of each flat type for wheelchair unit at a scale not exceeding 1:50.

REASON: In the interests of providing satisfactory accommodation for all future occupants including persons with disabilities.

- 6 A hard and soft landscape scheme, illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before each phase of the development commences on site. Plans shall show species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed, benches, lighting and topographical ground levels. All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the relevant phase of the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development and shall be maintained to the satisfaction of the Local Planning Authority for a period of five years, such maintenance to include the replacement of any plants that die, or are severely diseased, or removed. The Phase 2 internal courtyard area landscaping shall be carried out as part of Phase 2 or within 3 years of the completion of phase 1, whichever is the sooner.**

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the appearance of the site and area.

- 7 Details, including samples, of materials to be used on the boundary walls and ground surfaces shall be submitted to and approved by the Local Planning Authority in writing prior to commencement of each phase of the**

development. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the development is satisfactory and does not detract from the character and visual amenity of the area.

- 8 No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the elevations of the building other than as shown on the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.**

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

- 9 No part of the development shall be occupied until 4 car parking spaces (2 for residential units and 2 for remaining uses) shall be marked out for use by persons with disabilities and retained permanently for use by the vehicles of people with disabilities.**

REASON: In order to ensure that a reasonable number of parking spaces are located conveniently for use by people with disabilities.

- 10 Prior to the commencement of development a detailed layout of the car parking arrangement of 40 car spaces shall be submitted to and approved by the Local Planning Authority. The car parking layout shall be marked and retained permanently for the use of vehicles prior to the first occupation of the development.**

REASON: To ensure that a reasonable provision is made within the site for the parking of cars in the interests of discouraging car use, relieving congestion in surrounding streets and improving highway conditions in general.

- 11 Secure lockable space shall be made available within the site for the parking of 255 bicycles before the first occupation of the relevant part of the development. Details of the exact numbers to each designated location, arrangement and type of stands to be used shall be submitted to and approved by the Council prior to the commencement of each relevant part of the development and the approved details shall not be carried out otherwise than in accordance with the details thus approved.**

REASON: To ensure that a reasonable provision is made within the site for the parking of bicycles in the interests of discouraging car use, relieving congestion in surrounding streets and improving highway conditions in general.

- 12 Vehicular access to the site shall be only via the permitted access.**

REASON: In order to confine access to the permitted point(s) to ensure that the development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

- 13** Before the relevant part of the development commences, full details of a scheme for a rainwater harvesting system to the student accommodation building shall be submitted to and approved by the local planning authority and thereafter implemented wholly in accordance with the approved scheme and before the student accommodation building is first occupied.

REASON: In the interests of maximising the environmental performance of the building.

- 14** Full details of all the roof plant enclosures (plans, sections, front and rear elevations, etc.) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of each phase of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To safeguard the appearance of the property.

- 15** Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the condition of the site is suitable for the development proposed and to ensure a reasonable quality of natural environment, in order to safeguard future occupiers and users of the site.

- 16** Prior to occupation of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: This is to demonstrate the effectiveness of the remediation strategy in mitigating the effects of contamination.

- 17** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the condition of the site is suitable for the development proposed and to ensure a reasonable quality of natural environment, in order to safeguard future occupiers and users of the site.

- 18** Full particulars and details of a scheme for sound insulation between the proposed commercial and residential use of the building, shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be installed before commencement of the use hereby permitted and permanently retained thereafter. As a guide, to protect the amenity of neighbouring occupiers, I would expect the level of sound insulation provided by the separating walls and floors to be in the order of Rw 60dB.

REASON: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery.

- 19** The total noise level from any externally fixed plants shall be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises at any time. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed and

constructed in accordance with any approved scheme and be permanently maintained thereafter. A test shall be carried out prior to the discharge of this condition to show above criterion shall be met and the results submitted to the Local Planning Authority for approval.

REASON: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery.

- 20 All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice' to attain the following internal noise levels:**

| Criterion | Typical situations | Design range LAeq, T |
|--|--------------------|-------------------------|
| Good resting conditions 07:00 - 23:00) | Living rooms | 30 dB (day: T =16 hours |
| Good sleeping conditions hours 23:00 - 07:00) | Bedrooms | 30 dB (night: T = 8 |
| LAmix 45 dB (night 23:00 - 07:00) | | |

A test shall be carried out prior to the discharge of this condition to show the standard of sound insulation required shall be met and the results submitted to the Local Planning Authority for approval.

REASON: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources.

- 21 Prior to the commencement of any development, full details of the demolition, design and construction methodology, particularly concerning foundations and superstructure shall be submitted to and approved by the Council in consultation with London Overground and thereafter implemented in accordance with such details as are so approved.**

REASON: To ensure that the development is carried out in a satisfactory manner and does not prejudice the amenity of adjoining landowners.

- 22 Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the development commencing. The details shall include the exact location, specification and design of the habitats. The boxes/bricks shall be installed within the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The nesting boxes / bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.**

REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policy 7.19 of the London Plan 2011 and Policies 24

and 27 of the Hackney Core Strategy.

- 23 Full details of a biodiverse, substrate-based extensive living roof, to include a detailed maintenance plan, shall be submitted to and approved by the Local Planning Authority, in writing, before the development is first occupied. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before each building is first occupied. The substrate depth should vary between 80mm and 150mm with peaks and troughs, but should average at least 130mm.**

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, and to enhance the performance and efficiency of the proposed building in accordance with Hackney Core Strategy Policies 24 and 27, London Plan Policies 5.11 and 7.19, and PPS9.

- 24 A refuse/recycling management plan for the needs of the development shall be submitted to and approved by the Local Planning Authority, in writing, before occupation of the development.**

REASON: To ensure there is adequate provision for refuse and recycling facilities for the development in the interests of the appearance and amenity of the area.

- 25 The development shall achieve Secure by Design standards to the satisfaction of the Metropolitan Police, details of which shall be provided in writing to the Local Planning Authority prior to the occupation of the development.**

REASON: To provide a safer environment for future residents and visitors to the site and reduce the fear of crime.

- 26 Prior to commencement of the development, details of at least 20% active electric charging points and 20% passive electric charging points within the parking area shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the plans approved and maintained as such thereafter.**

REASON: To encourage sustainable modes of transport in accordance with Policy 6.13 of London Plan (2011) and Policy 33 of the Hackney Core Strategy.

Informative/s:

- 1 The following policies contained in the Hackney Local Development Framework Core Strategy 2010 are relevant to the approved development/use and were considered by this Council in reaching the**

decision to grant planning permission:

CSP 2, CSP 6, CSP 7, CSP 8, CSP 9, CSP 10, CSP 11, CSP 12, CSP 16, CSP 17, CSP 18, CSP 19, CSP 20, CSP 22, CSP 24, CSP 25, CSP 27, CSP 29, CSP 30, CSP 32, CSP 33.

The following policies contained in the Hackney Unitary Development Plan 1995 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission:

EQ 13, EQ 14, EQ 40, EQ 42, EQ 43, E 14.

The following policies contained in the London Plan 2011 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission:

1.1, 2.1, 2.2, 2.5, 2.9, 2.14, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 3.14, 4.1, 4.2, 4.3, 4.12, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.13, 5.14, 5.15, 5.17, 5.21, 6.1, 6.2, 6.3, 6.4, 6.5, 6.7, 6.9, 6.10, 6.11, 6.12, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.13, 7.14, 7.18, 7.19, 8.2, 8.3.

2 Building Control

Your attention is drawn to the provisions of the Building Act 1984 and other Building Control legislation, which must be complied with to the satisfaction of The Building Control Service, 2 Hillman Street, LONDON, E8 1FB. Telephone No: 020 8356 8124. Before any building work (including improvements to means of escape and changes of use) is commenced on site, detailed plans, together with the appropriate application form must be submitted for approval and early consultation is advised.

3 Works Affecting Public Highway

The Highways and Engineering Team, Environment Services Division, 300 Mare Street, London, E8 3HT, Telephone 0208 356 5000, should be consulted regarding any works to, on or under the public highway, including vaults and thresholds, vehicle crossing, access, parking and sight lines. Any vehicle crossing works are to be carried out by the London Borough of Hackney.

The developer/landowner will be responsible for all costs relating to the closure of existing vehicular and pedestrian accesses to the site, the construction of new accesses and the reinstatement and repair of public footways where they adjoin the site boundaries.

4 Sanitary, Ventilation and Drainage Arrangements

Before any drainage works are commenced on site, detailed plans, giving notice of intention to build/permission to drain/construct/reconstruct or alter pipes and drains must be submitted for approval under the Building Regulations 1991 to Building Control Service, Hackney Service Centre

1 Hillman Street, LONDON, E8 1DY, Telephone No: 020 8356 5000. Please note that it will be necessary to consult the Thames Water Utilities Ltd., Waste Water Connections, Kew Business Centre, Brentford, Middlesex, TW8 0EE. Telephone No: 020 7713 3865, Fax No: 020 7713 3875.

- 1) All information appertaining to the existing public sewerage system.
- 2) Requests for sewer connections. All works will be carried out by the London Borough of Hackney at the applicant expense. All new developments will be required to have new sewer connections.
- 3) Building over sewers.
- 4) System of drainage to be provided on site.
- 5) Adoption of sewers.

Advisory Note:

It should be noted that most sewers throughout the Borough flow full or surcharge during periods of heavy storm and conditions may be imposed restricting discharge to the system. The prime condition is that any large development shall not cause an increase in the rate of flow to the public sewerage system. This requirement is normally met in the case of new developments by separation on site and storage of surface water flows in tanks or oversized pipes on sites. Where sites adjoin a suitable watercourse or storm relief sewer into which surface water can be discharged by gravity then the policy is for sites to be separated and have their surface water discharged to the watercourse or storm relief sewer. In the case of developments/ rehabilitation/ conversions etc., involving the use of basements these are likely to be particularly vulnerable to the effects of surcharge and applicants must therefore demonstrate that adequate drainage arrangements exist at all times.

5 Control Of Pollution (Clean Air, Noise, Etc)

The Pollution Control Service, 28-33 Independent Place, Shackwell Lane, E8 2HE, Telephone No: 0208 356 4455, should be consulted regarding the Environmental Protection Act 1990.

- 6 Hours Of Building Works (Monday to Friday 08:00-18:00 hours; Saturdays 08:00-13:00 hours; at no time on Sundays and Public Holidays)** Your attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 which imposes requirements as to the way in which building works are implemented including the hours during which the work may be carried out. This Act is administered by the Councils The Pollution Control Service, 28-33 Independent Place, Shacklewell Lane, E8 2HE, Telephone No: 0208 356 4455. You are advised to consult that Division at an early stage.

7 Naming And Numbering

Your attention is drawn to Section 5, and the Regulations made under Section 12 of the London Building Acts (Amendments) Act 1939. Section 5

requires that any proposed name for a street, way, place, row of houses or block of buildings should be submitted to the Council for approval, allowing sufficient time for the statutory consultation process. Section 12 relates to the marking of numbers and names of buildings and to the necessity for you to display such number(s) or name(s). Information may be obtained from, and application under Section 5 should be made to, The Naming and Numbering Officer, The Building Control Service, Directorate of Safer Neighbourhoods, 2 Hillman Street, E8 1FB, Telephone No: 020 8356 5000.

8 Disabled Persons' Provision

Your attention is drawn to Section 4(1) of the Chronically Sick and Disabled Persons' Act 1981, which states that any person undertaking the provision of any building or premises to the public are to be admitted, whether on payment or otherwise, shall, in the means of access both to and within the building or premises, and in the parking facilities and sanitary conveniences to be available (if any) make provision, insofar as it is in the circumstances both practicable and reasonable, for the need of members of the public visiting the building or premises who are disabled.

9 The Regulatory Reform (Fire Safety) Order 2005

Your attention is drawn to the need to comply with the provisions of the Regulatory Reform (Fire Safety) Order 2005 where applicable. The provision of satisfactory means of escape in the event of a fire is the concern of the London Fire and Emergency Planning Authority as fire authority, and information relating thereto may be obtained from the Fire Safety Department, 210 High Street, East Ham, E6 3RS

10 Refuse Storage And Disposal Arrangements

The Borough Services Waste Management Client Group, at Mill Fill Depot, Mill Fill Road, London, E5 0AR Tel: 0208356 6688 should be consulted regarding storage, collection and disposal arrangements for all types of refuse.

11 Consultations With The Twu

The Client Manager North London Thames Water Utilities, Sewerage and Sewage Treatment Operations. Becton Sewage Treatment Works, Jenkins Lane, Barking, Essex, IG11 0AD, should be consulted as directed in respect of proposals affecting their main sewers.

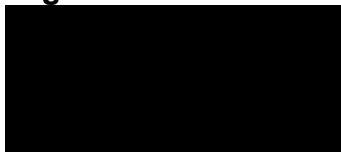
12 This application is liable for the London Mayor's Community Infrastructure Levy (CIL), a CIL Liability Notice is attached and forms part of this Decision Notice.

13 Hackney Planning Service adopts a positive and proactive approach when engaging with applicants / agents in line with the National Planning Policy

Framework. As part of our planning process, we send out update letters to applicants / agents post submission, highlighting any planning issues that may have arisen and providing an opportunity to submit amendments before a final decision is made. We also encourage the pre-application service to avoid delays as a result of amendments and unforeseen issues during the planning process.

Date of Decision: 19 August 2013

Signed



**John Allen
Assistant Director (Planning and Regulatory Services)
Legal, Human Resources and Regulatory Services**

Statement of Applicant's Rights arising from the Grant of Planning Permission

Appeals to the Secretary of State

1. If you are aggrieved by the decision of the Hackney Council to grant permission for the proposed development subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
4. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the development without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

1. If either the local planning authority or the Secretary of State refuses planning permission or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

NOTE:

Please quote the application number in any correspondence, which should be sent to: Planning Service, 2 Hillman Street, London, E8 1DY. Email: planning@hackney.gov.uk. Telephone 020 8356 8062.

Community Infrastructure Levy (CIL)**Liability Notice****Regulation 65, Community Infrastructure Levy Regulations (2010), as amended**

Hackney Council
Planning and Regulatory Services
2 Hillman Street
London E8 1FB
www.hackney.gov.uk
Hackney Reference: 2012/2013

Middlewater Trading and Investment Ltd
1 Long Street
Hackney
LONDON
E2 8HJ

19 August 2013

Proposal: Erection of a new part 4, part 5, part 8-storey building to provide for 237 rooms of student accommodation and associated communal areas; erection of a new 10-storey building and two-storey extensions to the existing buildings at 1-3 Long Street and 5-9 Long Street to create 6-storey buildings along with associated refurbishment works to provide for 73 residential units; conversion of ground floor of 5-9 Long Street to provide for 816 sq m (GEA) of Class B1 use floorspace; construction of a landscaped podium above car parking area at ground floor level (40 car spaces); the provision of 255 cycle spaces and access and landscape works.

Location: 1-13 Long Street, Hackney, LONDON, E2 8HJ

For other recipients, see end of notice

CIL liability

This notifies you that you will be liable to pay **£427,280** of Community Infrastructure Levy to London Borough of Hackney as CIL collecting authority on commencement of development on planning permission 2012/2013. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008. Further details on payment procedure can be found overleaf.

How we calculated this figure

We calculated this figure from the following information:

The proposed development would create floorspace of 12,208 square metres, comprising 8,025 student accommodation, 3,531 increase in residential accommodation, 652 increase in business accommodation, multiplied by CIL rate of £35

Are you eligible for relief from CIL?

If you are a charity or intend to use the development for social housing you may be eligible for a reduction (partial or entire) in this CIL liability, this has already been applied in the calculation above.

When will this CIL amount be due for payment?

The payment procedure is to notify the CIL collecting authority before development commences of:

- a. Who will pay the amount, by assuming liability using CIL Form 1 "Assumption of Liability";
- b. The date on which you intend to commence development, by submitting a valid commencement notice.

A blank commencement notice for you to complete is enclosed with this notice.

Precise details of your payment arrangements and options will be contained in the demand notice that will be sent following submission of a valid commencement notice.

At this point in time the Mayor does not offer the option of paying by instalments as such the payment of the CIL amount will be due within 60 days of the day that development commences. If a valid commencement notice has not been submitted before development commences, payment of the CIL amount will be due in full on the day that the collecting authority believes the development to have commenced.

Consequences of non payment

If you fail to follow the payment procedure described above, the collecting authority may impose surcharges on this liability. Persistent failure to pay CIL liabilities due may result in the collecting authority imposing surcharges, serving a CIL stop notice prohibiting further development on the site and/or taking action to recover the debt due. Please see the document published by the Department for Communities and Local Government, "Consequences of failing to following the CIL Payment procedure" for more information.

The amount of CIL liability in this notice is a local land charge

This CIL liability has been registered as a local land charge against the land affected by the planning permission in this notice. This charge will be cancelled on full payment of this liability.

New liability notices may be issued

Any change in the details contained in this notice (including calculation of the chargeable amount or amount of relief granted) will lead to the collecting authority issuing a new liability notice.

Do you think we have made a mistake in our calculations?

You can ask us to review them. If you are unhappy with the calculation following this review, you can appeal to the Valuation Office Agency. Please see enclosed note on "Appeals Procedure".

IN THE MATTER OF THE LICENSING ACT 2003

AND IN THE MATTER OF GREAT BEYOND BREWING COMPANY, 416-418 UNION WALK E2 9HP

APPLICANT SUPPORTING MATERIAL

TAB 7

Dear all,

I would like to follow-up on the topic of the planned neighbouring brewery as this is **our last chance to oppose** it before a license is granted. On the face of it, **it might seem that by scrapping their plan to use the rear of the arches (our backyard) as an extension of the bar they solved all the possible negative impacts on us, but, as you will see below, it really didn't....**

Personally, I'm supportive of small business, but I don't like this being done at the expense of my well-being and the value of my property. And bear in-mind that **revoking a license is quite difficult.**

I'm particularly concerned as it appears that the **new license application and its conditions contradicts a lot of points made to us** in the letter and in the meeting with the residents, which perhaps should not come as a surprise given false statements made by the owners during the recorder hearing, which many of you know about...

Lior, who most of you know by now, who is also a resident like us, prepared with the help of an independent consultant **a detailed document addressing all the issues that could / will have a negative impact on all of us if not addressed by the applicants / council.**

See just a few examples of these issues from the report:

1. The application is silent in regards to the planned uses of the back of the arches (i.e. our back yard). They could possible use that area for incoming and outgoing deliveries or garbage refuse. **Would you be ok if delivery trucks will arrive at 5am and wake you up? Would you be ok if they will hold the garbage there?**
2. They did not assess the impact on the already congested Waterson Street (**which is the only way to get to the brewery / bar**). Everyone who lives in 1-3 long street knows what I'm talking about. **Imagine it getting worse at 11pm?**
3. **They have not provided a dispersal plan (a document detailing how customers will leave the venue).** In a conversation Lior had with one of the partners (John) he committed to have a security guard to make sure the customers leaving the bar will not disperse via Union Walk to Long Street and then Waterson St. However, that does not appear in the license documents. **Imagine that at 11pm groups of intoxicated loud people with walk and shout below your windows?**
4. Although part of the reason the 1st application was rejected was due to the fact the applicants failed to provide **noise and odor impact assessment reports, , this is missing also from the 2nd application.**
5. In the letter to us **they committed that they will not allow more than 80 people at the bar. However, this commitment is not included in the application.**

Given the circumstances, I plan to support Lior's objection report to the council. In order to prevent any issues we may face in the future, especially that we are already dealing with traffic and drunk people in our streets, so I don't think we want any more of that.

If any of you would like to join me, please **go to the concierge desk** where you can **find the full report** and the sheet to fill your details and **sign to express your support** in the objection.

Best,

IN THE MATTER OF THE LICENSING ACT 2003

AND IN THE MATTER OF GREAT BEYOND BREWING COMPANY, 416-418 UNION WALK E2 9HP

APPLICANT SUPPORTING MATERIAL

TAB 8







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Great Beyond Brewing Company Ltd
416-418 Union Walk, Hackney, London, E2 8HP
Noise Impact Assessment

Prepared by: [REDACTED] Big Sky Acoustics Ltd
On behalf of: Great Beyond Brewing Company Ltd

[REDACTED]
Date: 1st December 2022

Big Sky Acoustics document control sheet

| | |
|----------------------------|--|
| Project title: | Great Beyond Brewing Company Ltd 416-418 Union Walk, Hackney, London, E2 8HP Noise Impact Assessment |
| Technical report number: | ██████████ |
| Site visit and inspection: | 1st December 2022 |
| Submitted to: | Mr Jack Spiegler ██ ██ ██████████ ██████████ acting on behalf of Great Beyond Brewing Company Ltd |
| Submitted by: | ██████████ ████████████████████ ████████████████████ ██████ ██████████ ████████████████████ ██ |
| Prepared by: | ██ ██ |
| | |

Document status and approval schedule

| Revision | Description | Date | Approved |
|----------|--------------------------------|------------|----------|
| 0 | Approved for issue | 09/12/2022 | RV |
| 1 | Update noise management policy | 12/12/2022 | RV |
| | | | |
| | | | |
| | | | |

DISCLAIMER

This report was completed by Big Sky Acoustics Ltd on the basis of a defined programme of work and terms and conditions agreed with the Client. The report has been prepared with all reasonable skill, care and diligence within the terms of the contract with the Client and taking into account the project objectives, the agreed scope of works, prevailing site conditions and the degree of manpower and resources allocated to the project. Big Sky Acoustics Ltd accepts no responsibility whatsoever, following the issue of the report, for any matters arising outside the agreed scope of the works. This report is issued in confidence to the Client and Big Sky Acoustics Ltd has no responsibility of whatsoever nature to third parties to whom this report or any part thereof is made known. Any such party relies upon the report at their own risk. Unless specifically assigned or transferred within the terms of the agreement, Big Sky Acoustics Ltd retains all copyright and other intellectual property rights, on and over the report and its contents.

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Executive summary

An assessment of the impact of noise from the use of a taproom bar for the licensable activity of the sale of alcohol has been carried out.

The premises is formed out of three railway arches which are a substantial structure. The bar will operate from the northernmost arch, with storage and administration in the centre arch and the brewery in the southernmost arch. Brewery activity is restricted to daytime only.

The application is for licensable activities ceasing at 23:00 Monday to Saturday, and at 21:00hrs on a Sunday. There will be no outside seating. No application is made for regulated entertainment. A comprehensive suite of conditions have been proposed by the applicant including conditions for the control of noise.

The premises has successfully operated under Temporary Event Notices and in that respect the application has already undergone a real-world test.

The controlled use of this small-scale premises to modest hours will not adversely impact on the licensing objectives as activity inside is contained by the building envelope, and good operational practices are in place, and already tested, to ensure that patron departure follows industry best-practice.

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1.0 Qualifications and experience

- 1.1 My name is Richard Vivian. I am the founder and director of Big Sky Acoustics Ltd. Big Sky Acoustics is an independent acoustic consultancy that is engaged by local authorities, private companies, public companies, residents' groups and individuals to provide advice on the assessment and control of noise.
- 1.2 I have a Bachelor of Engineering Degree with Honours from Kingston University, I am a Member of the Institution of Engineering & Technology, the Institute of Acoustics, and the Institute of Licensing.
- 1.3 I have over thirty years of experience in the acoustics industry and have been involved in acoustic measurement and assessment throughout my career. My professional experience has included the assessment of noise in connection with planning, licensing and environmental protection relating to sites throughout the UK. I have given expert evidence in the courts, in licensing hearings, in planning hearings and inquiries on many occasions.

2.0 Introduction

- 2.1 Big Sky Acoustics Ltd was instructed by Mr John Drievergen of Great Beyond Brewing Company Ltd to carry out an assessment of the impact of noise from the proposed licensable activities at a brewery tap-room on Union Walk in Hoxton.
- 2.2 The application is for licensable activities ceasing at 23:00 Monday to Saturday, and at 21:00hrs on a Sunday. There will be no outside seating. No application is made for regulated entertainment. A comprehensive suite of conditions have been proposed by the applicant including conditions for the control of noise.
- 2.3 A glossary of acoustical terms used in this report is provided in Appendix A.
- 2.4 All sound pressure levels in this report are given in dB re: 20µPa.

3.0 Site and surrounding area

- 3.1 The location of the site is shown at Appendix B.
- 3.2 I am familiar with the area, the location of existing noise sources, and I have carried out noise measurement surveys and observations in the vicinity of the site over many years.
- 3.3 The application site has very good access to public transport and a high PTAL¹ rating of 6a. 200m to the north is Hoxton Station and the railway line between Hoxton and Shoreditch High Street runs directly over the premises. 50m to the west in Kingsland Road which is served by bus routes 149, 242, 243 and night-bus N242. Public transport continues to serve this area well beyond the proposed closing time.

¹ The public transport accessibility level (PTAL) is a method used to assess the access level of geographical areas to public transport. The result is a grade from 1–6 (including sub-divisions 1a, 1b, 6a and 6b), where a PTAL of 1a indicates extremely poor access to the location by public transport, and a PTAL of 6b indicates excellent access by public transport.



Figure 1: Left hand arch is 416 (the tap room). Arch 418 is opened for noise testing of brewery plant

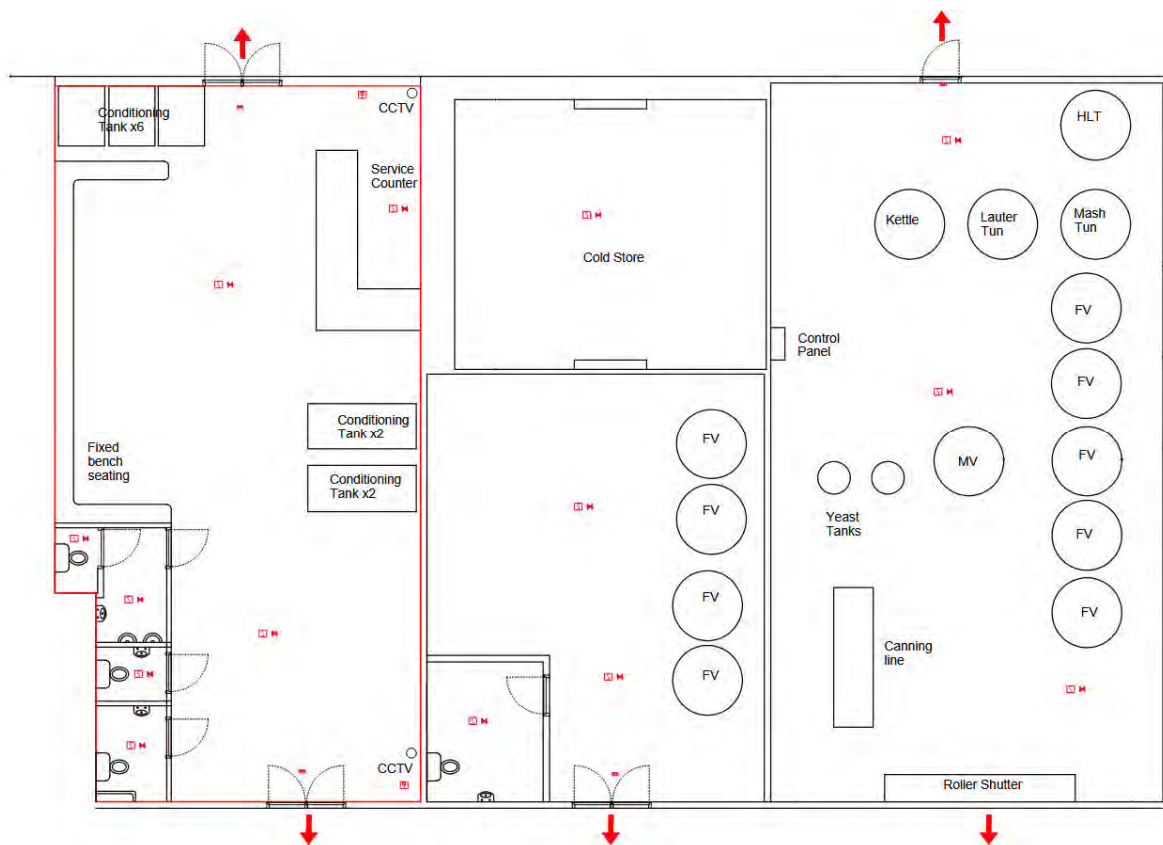


Figure 2: Internal layout of the three arches

- 3.4 It is important when assessing the impact of noise from licensable activities in the tap room that the concept of *additional* noise associated with the activity is taken into account. If effective controls are in place to contain noise generating activity within the building envelope, and to ensure there is a managed dispersal from the premises as patrons leave the area, the licensing objective of the prevention of public nuisance will be promoted.
- 3.5 It is also a consideration that a bona-fide commercial premises can reduce street drinkers, rough sleeping, crime, litter and anti-social behaviour as the commercial operation seeks to eliminate this type of activity from the immediate area outside the premises for the benefit and safety of their own patrons and employees. This is achieved through good lighting, CCTV coverage, litter removal and a presence of professional personnel who will be able to observe, record and respond to activity in the immediate area around the premises. These streets off Kingsland Road have changed significantly during my professional career with improved public transport, better lighting and an evolving residential and commercial community that is creating a safer and more desirable place to be.

4.0 Criteria

Licensing Act 2003

- 4.1 The Licensing Act 2003 requires the Hackney Council, in its role as Licensing Authority, to carry out its various licensing functions so as to promote the following four licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 4.2 Each objective is of equal importance. It is important to note that there are no other licensing objectives, therefore these four are of paramount importance at all times. The Licensing Authority must base its decisions in relation to determining applications and attaching any conditions to licences on the promotion of these four licensing objectives.
- 4.3 The Licensing Act 2003 further requires this Licensing Authority to publish a Statement of Licensing Policy (SLP) that sets out the policies the Licensing Authority will apply to promote the licensing objectives when making decisions on applications made under the Act. The current SLP covers the period 2018-2023.
- 4.4 When it comes to the evaluation of noise under the Licensing Act an understanding of the concept of public nuisance is essential. Public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include, in appropriate circumstances, the reduction of the living and working amenity and

environment of other persons living and working in the area of the licensed premises.

- 4.5 Once those involved in making licensing decisions are satisfied of the existence of a public nuisance, or its potential to exist, the question is how to address it. Home Office Guidance² is useful in this regard and explains that in the context of noise nuisance then conditions might be a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time, noting that conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable.
- 4.6 The guidance is clear that any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community.
- 4.7 The guidance also states that any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. (This is why there is still a need for a licence for performances of live music between 11 pm and 8 am even though it is deregulated at other times).
- 4.8 As with all conditions, those relating to noise nuisance may not be appropriate in circumstances where provisions in other legislation adequately protect those living in the area of the premises.

Other relevant legislation

- 4.9 In addition to the protection afforded under the Licensing Act 2003 members of the public are protected from noise that is a nuisance.
- 4.10 The Environmental Protection Act 1990 part III deals with statutory nuisance which includes noise. This Act allows steps to be taken to investigate any complaints which may then result in the issuing of an abatement notice and a subsequent prosecution of any breach of the notice. A statutory nuisance is a material interference that is prejudicial to health or a nuisance.
- 4.11 The Clean Neighbourhoods and Environment Act 2005 deals with many of the problems affecting the quality of the local environment and provides local authorities with powers to tackle poor environmental quality and anti-social behaviour in relation to litter, graffiti, waste and noise. A fixed penalty notice can be issued when noise exceeds the permitted level at night as prescribed under the Noise Act 1996 as amended by the Clean Neighbourhoods and Environment Act 2005. The permitted noise level using A-weighted decibels (the unit environmental

² Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)

noise is usually measured in) is 34dBA if the underlying level of noise is no more than 24dBA, or 10dBA above the underlying level of noise if this is more than 24dBA.

- 4.12 The Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as "*conduct that has caused, or is likely to cause, harassment, alarm or distress to any person*"; "*conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises*"; or "*conduct capable of causing housing-related nuisance or annoyance to a person*". The Act contains a range of powers intended to support Local Authority and partner bodies deal with anti-social behaviour. These include powers of premises closure in cases of nuisance or disorder which may support primary legislation.

British Standard 8233

- 4.13 BS8233:2014 states that for steady external noise sources, it is desirable that the internal ambient noise level in dwellings does not exceed the guideline values in the table shown below.

| Activity | Location | 07:00 to 23:00 | 23:00 to 07:00 |
|----------------------------|------------------|-------------------------------|-----------------------------|
| Resting | Living room | 35 dB L _{Aeq,16hour} | - |
| Dining | Dining room/area | 40 dB L _{Aeq,16hour} | - |
| Sleeping (daytime resting) | Bedroom | 35 dB L _{Aeq,16hour} | 30dB L _{Aeq,8hour} |

Figure 3: Indoor ambient noise levels for dwellings (from BS8233 Table 4)

- 4.14 The development at 1-13 Long Street is permitted under Planning Application Reference Number 2012/2013. At the time of the application a noise survey³ reported that the daytime noise level was 63dB and the night time level was 56dB L_{Aeq}. It also reported that maximum noise levels at night are 48-88dB L_{Amax} with the 90th percentile of 77dB L_{Amax}. These are very high maximum levels, far in excess of World Health Organisation⁴ guideline levels, and studies show that at these levels there are biological effects, impacts on sleep quality, and even psychiatric disorders.
- 4.15 The noise report for the residential development noted the close proximity of the elevated railway at this location and concluded that measured noise levels show the noise climate of the area is controlled by rail noise. The report recommended acoustic double-glazing and acoustic ventilation (so that windows do not need to be opened) in order to ensure a suitable noise climate for future residents. It also recommended that prior to development there should be a vibration study undertaken to ascertain whether any special measures are required in the buildings or foundations to control rail vibration, adding that the building may need to be constructed so as to minimise vibration transfer through the structure to avoid the potential for disturbance from vibration from the railway.

³ Project No: 1112229: Noise Assessment, 1-13 Long Street, London E2 prepared by The Sharps Redmore Partnership for Middlewater Trading and Investments Ltd.

⁴ World Health Organization. Regional Office for Europe. (2009). Night noise guidelines for Europe.

- 4.16 The planning permission for the Long Street development includes a noise condition (Condition 20) that all residential premises shall be designed in accordance with BS8233 to achieve internal levels that do not exceed 30dB L_{Aeq} in the day and at night, and 45dB L_{Amax} at night. This will have required a high standard of sound insulation, far higher than a typical residential construction, to achieve this performance at a location so close to an elevated railway line which continues in operation at night. There is also a requirement that a test is carried out prior to the discharge of this condition to show that the standard of sound insulation required by this condition is met and the results submitted to the Local Planning Authority for approval.

Operational objectives

- 4.17 Great Beyond Brewing Company Ltd are committed to promoting good relationships with their neighbours and therefore, in addition to all statutory obligations, it is a primary operational objective that noise from the normal operation of the premises does not have a detrimental impact on the neighbourhood.
- 4.18 To support this commitment operational procedures to manage noise have been developed and will be regularly reviewed. A noise management policy and a dispersal policy can be found at Appendix E and Appendix F.

5.0 Predicted noise of patrons leaving the site

- 5.1 The night time average sound level during a long term noise survey carried out by others⁵ was 56dB L_{Aeq} . My own noise survey data from my attended site visit on 1st December shows good correlation with these values.
- 5.2 For the purposes of this assessment I will use a lower, and thus more stringent, measure of the background sound level of 50dB L_{A90} . This value correlates with other noise surveys for the immediate area and a typical for this part of London.
- 5.3 It is helpful to compare this existing noise with the predicted noise of a group of patrons in the area immediately outside the premises as they leave at the end of the evening.
- 5.4 In order to assist in the understanding of actual noise levels produced by people outdoors it is important to understand the effects of the noise source (i.e. people talking) and how that noise level increases as the number of people talking increases. Referring to relevant international standards⁶ for human speech sound

⁵ The Sharps Redmore Partnership

⁶ ISO 9921:2003 Ergonomics - Assessment of speech communication, Annex A, Table A1 shows the vocal effort of a male speaker and related A-weighted speech level (dB re 20 μ Pa) at 1 m in front of the mouth. The table indicates that relaxed vocal effort is 54dB, and normal vocal effort is 60dB.

level, and also data held in our own library, normal conversation is typically in the range of 54-60dBA when measured at 1 metre.

- 5.5 In assessing for a worst-case condition I have considered a larger than expected group of 10 people are talking outside the premises as they leave at the end of the evening.
- 5.6 In normal conversation no more than 50% of them would be talking (there will be at least one listener for each talker). If we now consider people to be talking at the upper end of the normal speaking range, and look at a worst case scenario of half of the people talking concurrently at 60dBA, then in order to calculate the total noise level we logarithmically sum 5 sources of 60dB as follows:

$$\Sigma = 10 \log \left(n \times 10^{\left(\frac{60}{10}\right)} \right)$$

where n is the number of people talking

- 5.7 The formula above gives a value for total sound pressure level for a group of 10 people to be 67dBA⁷.
- 5.8 It is important to remember that this is a worst-case value, when 50% of the people are talking simultaneously and loudly. In reality general lulls in the conversation, smoking, or conversations where there are more than one listener to each talker mean that less than 50% of an average group will be talking simultaneously. I have also observed that groups walking in close proximity to each other will splinter into smaller groups of two, and talk with more hushed voices than static groups of people spread out, for example, in a pub beer garden seated around a large table and surrounded by other talkers.
- 5.9 Sound is attenuated in air and this effect is noticeable as the listener moves away from the source. In a free field for every doubling of distance from a noise source the sound pressure level L_p will be reduced by 6 decibels.

$$\begin{aligned} L_{p2} - L_{p1} &= 10 \log (R_2 / R_1)^2 \\ &= 20 \log (R_2 / R_1) \end{aligned}$$

where

L_{p1} = sound pressure level at location 1 (dB)

L_{p2} = sound pressure level at location 2 (dB)

R_1 = distance from source to location 1

R_2 = distance from source to location 2

A "free field" is defined as a flat surface without obstructions.

⁷ Alternative calculation method according to Growcott, D (Consideration of Patron Noise from Entertainment Venues, Australian Association of Acoustical Consultants Guideline, Australia, 2009) using $L_{Aeq} = 21 * \log(N) + 43$ gives 64dBA and therefore indicates noise to be lower than predicted using the method in this report

- 5.10 In calculating distance attenuation, the noise of people talking is assumed to be a number of discrete point sources so if the noise source is 67dBA at 1 metre, then at 2 metres it is attenuated to 61dBA, at 4 metres 55dBA, and so on.
- 5.11 Attenuation due to distance means that a separation distance of 8 metres renders the sound of 10 people talking in normal conversation to be below the typical lowest background noise level at night and this equates to being subjectively inaudible. A further attenuation of the noise source is achieved by the insertion of any physical barrier that obscures direct *line-of-sight* from the receptor position to the source position.
- 5.12 Any new residential developments in the area will be required to take into account the existing noise climate due to railway noise and will therefore have to provide suitable internal noise levels for normal living. This is typically achieved with modern glazing and ventilation systems and this is clearly demonstrated in the planning permission and associated sound insulation planning conditions for the recent residential development on Long Street.
- 5.13 Inside a residential property all external noise sources are attenuated by the building fabric, the glazing, by the distance from the noise source to the window, and by any physical obstruction of clear line of sight to the noise source.

6.0 Mitigation strategy - remedial works to building

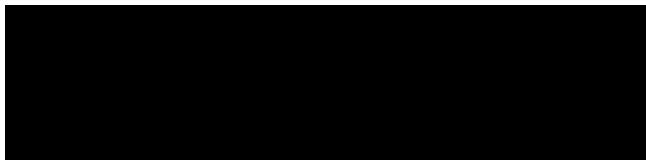
- 6.1 The building envelope already provides a continuous a barrier to contain sound. The existing building is formed out of railway arches which are a substantial structure.
- 6.2 No noise from activity inside, with approximately 30 people and background music playing, could be heard at the façade of residential properties to the front, or to the rear, of the premises on the evening of testing.
- 6.3 It was noted that there is an unused extraction fan and some small service holes in the rear glazing façade. Instructions have been given to seal these using appropriate materials to further reduce noise breakout, and to regularly check and maintain the building envelope.

7.0 Mitigation strategy - operational controls

- 7.1 In addition to any specific requirements for operational controls enforced by conditions on a premises licence, operational procedures to manage noise should demonstrate industry best practice. Such procedures for noise management, and dispersal, are presented at Appendix E and Appendix F at the end of this document. These procedures will be regularly reviewed and updated.
- 7.2 Noise management procedures will be an integral part of all employee training.

8.0 Conclusions

- 8.1 Big Sky Acoustics Ltd was instructed by Mr John Driebergen of Great Beyond Brewing Company Ltd to carry out an assessment of the impact of noise from the proposed licensable activities at a brewery tap-room on Union Walk in Hoxton.
- 8.2 This assessment makes reference to the Licensing Act 2003, the local SLP, the Environmental Protection Act 1990, the Clean Neighbourhoods and Environment Act 2005, the Noise Act 1996, British Standard 8233, relevant guidance and the operational objectives of the applicant.
- 8.3 All noise from activity inside the premises can be contained by the building envelope. Calculations indicate that noise from patrons outside will be below the existing background noise level for the area during the proposed operating hours and therefore promote the licensing objective of the prevention of public nuisance.
- 8.4 The premises has successfully operated under Temporary Event Notices and in that respect the application has already undergone a real-world test.
- 8.5 The controlled use of this small-scale premises to modest hours will not adversely impact on the licensing objectives as activity inside is contained by the building envelope, and good operational practices are in place, and already tested, to ensure that patron departure follows industry best-practice.
- 8.6 Given this location, the style of operation, proposed controls and willingness to take on board further controls if necessary, it is my professional opinion that the normal operation of a tap-room until 23:00hrs, as outlined in this document would not result in an increase in average noise levels in the area or have a detrimental impact due to noise on residents in the surrounding area.



[Redacted signature]

Big Sky Acoustics Ltd

Appendix A - Terminology

Sound Pressure Level and the decibel (dB)

A sound wave is a small fluctuation of atmospheric pressure. The human ear responds to these variations in pressure, producing the sensation of hearing. The ear can detect a very wide range of pressure variations. In order to cope with this wide range of pressure variations, a logarithmic scale is used to convert the values into manageable numbers. Although it might seem unusual to use a logarithmic scale to measure a physical phenomenon, it has been found that human hearing also responds to sound in an approximately logarithmic fashion. The dB (decibel) is the logarithmic unit used to describe sound (or noise) levels. The usual range of sound pressure levels is from 0 dB (threshold of hearing) to 140 dB (threshold of pain).

Frequency and Hertz (Hz)

As well as the loudness of a sound, the frequency content of a sound is also very important. Frequency is a measure of the rate of fluctuation of a sound wave. The unit used is cycles per second, or hertz (Hz). Sometimes large frequency values are written as kilohertz (kHz), where 1 kHz = 1000 Hz. Young people with normal hearing can hear frequencies in the range 20 Hz to 20,000 Hz. However, the upper frequency limit gradually reduces as a person gets older.

A-weighting

The ear does not respond equally to sound at all frequencies. It is less sensitive to sound at low and very high frequencies, compared with the frequencies in between. Therefore, when measuring a sound made up of different frequencies, it is often useful to 'weight' each frequency appropriately, so that the measurement correlates better with what a person would actually hear. This is usually achieved by using an electronic filter called the 'A' weighting, which is built into sound level meters. Noise levels measured using the 'A' weighting are denoted dBA. A change of 3dBA is the minimum perceptible under normal everyday conditions, and a change of 10dBA corresponds roughly to doubling or halving the loudness of sound.

C-weighting

The C-weighting curve has a broader spectrum than the A-weighting curve and includes low frequencies (bass) so it can be a more useful indicator of changes to bass levels in amplified music systems.

Noise Indices

When a noise level is constant and does not fluctuate over time, it can be described adequately by measuring the dB level. However, when the noise level varies with time, the measured dB level will vary as well. In this case it is therefore not possible to represent the noise level with a simple dB value. In order to describe noise where the level is continuously varying, a number of other indices are used. The indices used in this report are described below.

- L_{eq}** The equivalent continuous sound pressure level which is normally used to measure intermittent noise. It is defined as the equivalent steady noise level that would contain the same acoustic energy as the varying noise. Because the averaging process used is logarithmic the L_{eq} is dominated by the higher noise levels measured.
- L_{Aeq}** The A-weighted equivalent continuous sound pressure level. This is increasingly being used as the preferred parameter for all forms of environmental noise.
- L_{Ceq}** The C-weighted equivalent continuous sound pressure level includes low frequencies and is used for assessment of amplified music systems.
- L_{Amax}** is the maximum A-weighted sound pressure level during the monitoring period. If fast-weighted it is averaged over 125 ms, and if slow-weighted it is averaged over 1 second. Fast weighted measurements are therefore higher for typical time-varying sources than slow-weighted measurements.
- L_{A90}** is the A-weighted sound pressure level exceeded for 90% of the time period. The L_{A90} is used as a measure of background noise.

Example noise levels:

| Source/Activity | Indicative noise level dBA |
|------------------------|----------------------------|
| Threshold of pain | 140 |
| Police siren at 1m | 130 |
| Chainsaw at 1m | 110 |
| Live music | 96-108 |
| Symphony orchestra, 3m | 102 |
| Nightclub | 94-104 |
| Lawnmower | 90 |
| Heavy traffic | 82 |
| Vacuum cleaner | 75 |
| Ordinary conversation | 60 |
| Car at 40 mph at 100m | 55 |
| Rural ambient | 35 |
| Quiet bedroom | 30 |
| Watch ticking | 20 |

Appendix B - Application site location



Appendix C - Instrumentation

All attended measurements were carried out using a Cirrus type CR:171B integrating-averaging sound level meter with real-time 1:1 & 1:3 Octave band filters and audio recording conforming to the following standards: IEC 61672-1:2002 Class 1, IEC 60651:2001 Type 1 I, IEC 60804:2000 Type 1, IEC 61252:1993 Personal Sound Exposure Meters, ANSI S1.4-1983 (R2006), ANSI S1.43-1997 (R2007), ANSI S1.25:1991. 1:1 & 1:3 Octave Band Filters to IEC 61260 & ANSI S1.11-2004.

The calibration of the measuring equipment was checked prior to and immediately following the tests and no signal variation occurred. Calibration of equipment is traceable to national standards. The following instrumentation was used during the survey:

| | |
|--|--------------|
| Description | |
| Cirrus sound level meter | type CR:171B |
| Cirrus pre-polarized free-field microphone | type MK:224 |
| Cirrus microphone pre-amplifier | type MV:200E |
| Cirrus class 1 acoustic calibrator | type CR:515 |

Appendix D - Meteorology

| | Temperature | Wind speed | Precipitation |
|---|-------------|---------------------|---------------|
| At start | 7°C | 1-2ms ⁻¹ | None |
| During assessment | 6°C | 0ms ⁻¹ | None |
| At finish | 6°C | 1ms ⁻¹ | None |
| Additional comments: Evening is cooler at the end of a warm day for the time of year, occasional light breeze. | | | |

Appendix E - Noise Management Policy

Version 1.1

Date Issued 12/12/22

Great Beyond Tasting Room - Noise Management Policy

We operate a considerate business. The premises is located directly underneath a railway line and there are other businesses including licensed premises nearby, however, there are also residential properties opposite, to our rear, and in the surrounding streets. We will aim to manage all noise from our premises so we do not disturb people resting and sleeping in their homes. We have a comprehensive approach to managing noise from our premises, and from the area outside our entrance on Union Walk. The following points are critical to our Noise Management Policy and are used in conjunction with our end of night Dispersal Policy:

We will ensure that noise emanating from our premises will not cause a nuisance at any residential property.

Arrangements are in place to ensure that deliveries will only take place between the hours of 06:00 - 20:00hrs, Monday-Friday except where access at other times is unavoidable and specific procedures are in place to limit disturbance.

Glass recycling can make noise, and although the majority of our sales will be of draft beer we will ensure that no empty bottles are to be tipped or thrown into outside storage receptacles between 20:00 - 08:00hrs.

Refuse collections are made at the times allocated for the area. We will ensure that waste is correctly packaged and that refuse can be removed quickly and efficiently. We do not leave waste on the pavement.

Customer may leave the premises to smoke and this will happen on Union Walk by the entrance. This area is supervised and also covered by CCTV. We will regularly inspect and sweep the area of any debris.

We only play background music on two small Sonos speakers. These are controlled so that they cannot operate beyond a preset maximum level. Music will not be noticeable outside the premises.

Any glass or bottles in the immediate vicinity of the premises will be cleared from street furniture, walls, pavements and gutters then safely disposed of. Bottles and glasses will not originate from our premises because we do not allow them outside the premises, but we still make an effort to keep the public areas tidy and safe.

We are proud of the area we work in. We will endeavour to keep the area clean and attractive for our customers and our neighbours. This means dealing with debris outside that may have nothing to do with us but in the interests of making this a better area we will still clear it up.

We will constantly review our Noise Management Policy and respond quickly to the needs of our neighbours.

Great Beyond Brewing Company Limited

416-418 Union Walk, London, E2 8HP

Appendix F - Dispersal Policy

Version 2.0

Date Issued 09/12/22

Great Beyond Tasting Room - Dispersal Policy

Purpose of policy

To give the management team of Great Beyond Brewing Company Ltd a tool to ensure swift, quiet and orderly dispersal of the Tasting Room. The dispersal policy is designed to ensure that the normal commercial operation of the premises does not have a negative impact on neighbouring properties when people leave at the end of an evening.

Responsibilities

Each duty manager will ensure the implementation of the policy. Weekly debriefs of service will include the discussion and potential enhancements of our policy to ensure both smooth implementation and adherence.

Policy

A clear notice is prominently displayed by the exit requesting customers to respect the needs of local residents and to leave the area quietly.

Sale of alcohol will stop 30 minutes before the close of the premises. There will be no admission or re-admission after this time.

Given the style of the business and operating hours there is a gradual departure of customers and the premises are not expected to be at full capacity at closing time.

Internal noise levels will be reduced during the last 30 minutes of trading and any background music will become more down-tempo as the evening winds-down. Lighting levels will be increased during the last 30 minutes of trading.

Patrons requiring public transport can walk the short distance to Hoxton Station or to Kingsland Road for a bus. The pin location for Uber and other popular taxi apps will be managed. Patrons will also be instructed not to leave the venue via Union Walk towards Waterson Street in the interest of public safety and to avoid disturbance to our neighbours.

There are clearly signed toilet facilities in the building close to the exit and these are available for customers at all times. Employee training includes the provision that any customer in the process of leaving the premises that requests re-admission to use the toilets is allowed to do so. Subject to security and other operational considerations non-customers will also be allowed access to our toilet facilities.

Guests leaving the premises will not be allowed to take drinks in open containers with them. Alcohol can only be taken from the premises. Duty managers and/or door supervisors will be at the exit point to ensure guests do not leave with any open alcohol or glassware along with clear signage to indicate such.

So as to minimise disturbance to local residents all employees are given appropriate instructions and training to encourage customers to leave the premises and the area quietly.

There will be a clearly visible management presence at the exit at the end of the evening.

Customers will be managed to avoid congregating in the street outside the premises.

We will attach the utmost importance to the careful investigation and prompt resolution of any complaint made in respect of the running of the premises. Particular emphasis will be placed on building and maintaining close links with local residents including hosting meetings where necessary to allow our neighbours to raise any issues and for those issues to be quickly resolved.

The telephone number of the premises is published on our website and will be provided to all our immediate residential neighbours. Any complaint will be recorded noting the date and time of complaint, the approximate location of the complainant, a description of the noise and how it is affecting the complainant, and any follow up action.

We will constantly review our Dispersal Policy and respond quickly to the needs of our neighbours.

Great Beyond Brewing Company Limited
417 Union Walk, London, E2 8HP

HACKNEY COUNCIL

LICENSING SUB-COMMITTEE

15TH DECEMBER 2022

**GREAT BEYOND BREWING COMPANY, 416-418 UNION WALK, LONDON E2
8HP**

APPLICANT'S SKELETON ARGUMENT

1. The applicant has opened and is operating a small craft brewery in three railway arches in Union Walk. It wishes to use part of one arch, for part of the day, as a tasting room.
2. The application has been sensitively prepared so as not to harm the licensing objectives.
For example:
 - (1) The hours sought are modest, with terminal hours of 11 p.m. Monday to Saturday and 9 p.m. on Sunday. This is well within Core Hours on Friday – Sunday and up to Core Hours on other days.
 - (2) The capacity of the tasting room is just 74 persons. There will be at least 60 seats, as shown in Tab 8 of the applicant's bundle.
 - (3) There is no regulated entertainment, late night refreshment or non-standard timings.
 - (4) There are no licensable activities or alcohol consumption in the front or rear yards. Smokers are limited to 8 persons at the front.
 - (5) There will be no deliveries from the premises after 6 p.m.
 - (6) In response to concerns by residents of an apartment block (Long & Waterson) in the rear, the rear yard will not be used at all, even for servicing or deliveries.
 - (7) There is a comprehensive set of 43 conditions, which have been further developed to take account of comments by the responsible authorities and objectors (applicant's bundle Tab 2).

- (8) The responsible authorities have agreed the revised set of conditions.
- (9) The proposed operation has been tested with a series of TENs, without any issue.
- (10) The operation has been observed by a noise consultant, Richard Vivian (Tab 9 of applicant's bundle), who has no concerns.
3. The Sub-Committee refused a previous application by this applicant (agenda papers page 112). That application received continuing objections from environmental protection, police and licensing, as well as local residents. Following the refusal, the applicant engaged his current legal team, which has advised him on this application, including a) reduced trading hours, b) no regulated entertainment or late night refreshment, c) no consumption in outdoor areas, d) no trade use of rear service yard, e) better consultation with local residents and dialogue with authorities, f) expert acoustic evidence, g) testing the operation with TENs; h) pre-determined capacities; i) comprehensive set of conditions, etc. As a result, the applicant has been able to agree terms with the responsible authorities.
4. It is also fair to point out that the applicant has garnered a significant number of supporters, whose evidence is that the applicant is a benefit to the area, will help to protect against anti-social behaviour in Union Walk and is in fact causing no harm at all. There are also objections, which the applicant has carefully answered in the statement of Mr. Driebergen (Tab 1) and in its letter to the objectors (Tab 5), to which the Sub-Committee is respectfully referred.
5. The applicant has benefited from the views of the Licensing Sub-Committee on the last occasion. It has worked to develop an extensive set of conditions which have satisfied the responsible authorities that there will be no harm to the licensing objectives. The Sub-Committee is invited to the same view, and to grant the application.

PHILIP KOLVIN KC
12th December 2022

11 KBW
Temple EC4