

REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 17/02/2022	Classification DECISION	Enclosure
Application for a Premises Licence Jiffy Grocery, Arch 441, Institute Place, London, E8 1LA	Ward(s) affected Hackney Central	

1. SUMMARY

Applicant(s): Cloud Retail Ltd		In SPA: No
Date of Application 16/12/2021		Period of Application Permanent
Proposed licensable activity Supply of Alcohol (Off Premises)		
Proposed hours of licensable activities Supply of Alcohol:		
Standard Hours: Mon 08:00-23:00 Tue 08:00-23:00 Wed 08:00-23:00 Thu 08:00-23:00 Fri 08:00-00:00 Sat 08:00-00:00 Sun 10:00-22:30		
The opening hours of the premises Standard Hours: Not be open to the public		
Capacity: Not known		
Policies Applicable	LP1 (General Principles), LP2 (Licensing Objectives), LP4 ('Off' Sales of Alcohol) and LP11 (Cumulative Impact - General)	
List of Appendices	A – Application for a premises licence and supporting documents B – Representations from other persons C – Location map	
Relevant Representations	<ul style="list-style-type: none"> Other Persons 	

2. APPLICATION

2.1 Cloud Retail Ltd has made an application for a premises licence under the Licensing Act 2003:

- To authorise the supply alcohol for consumption off the premises

2.2 The application is attached as Appendix A. The applicant has proposed measures that could be converted to conditions (see paragraph 8.1 below).

3. CURRENT STATUS / HISTORY

3.1 The premises are not currently licensed for any activity.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	Have confirmed no representation on this application
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	No representation received
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police	Have confirmed no representation on this application
Licensing Authority	Have confirmed no representation on this application
Health Authority	No representation received

5. REPRESENTATIONS: OTHER PERSONS

From	Details
9 Representations opposing the application received from and on behalf of local residents. (Appendices B1-B9).	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm.

6. GUIDANCE CONSIDERATIONS

6.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

7. POLICY CONSIDERATIONS

7.1 Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.

7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2

(Licensing Objectives), LP4 ('Off' Sales of Alcohol) and LP11 (Cumulative Impact - General) are relevant.

8. OFFICER OBSERVATIONS

- 8.1 If the Sub-Committee is minded to approve the application, the following conditions should be applied the licence:

Supply Of Alcohol(Off)

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
 - 3.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
 - 3.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - 3.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

Minimum Drinks Pricing

4.
 - 4.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - 4.2 For the purposes of the condition set out in paragraph 4.1 above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$
Where -
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

4.3 Where the permitted price given by Paragraph 4.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.4 (1) Sub-paragraph 4.4(2) below applies where the permitted price given by Paragraph 4.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the Operating Schedule

5. A written notice of 'authority' record shall be maintained for staffs who sell alcohol.
6. Comprehensive training for staff in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the Licensing Objectives and the staff roles and responsibilities. Such records shall be available for inspection by the responsible authorities.
7. Contact details of the Designated Premises Supervisor shall be available to staff and to the authorities.
8. The business will be a delivery service only with no public visitors to the 'premises'.
9. Deliveries will be only to pre-arranged postal addresses (not to open spaces).
10. A clear document trail shall be maintained of the order process from order, dispatch from the licensed premises and delivery to the customer and available for inspection by an authorised officer.
11. Strict terms and conditions emphasising the right to and the duty to refuse alcohol sales or supplies where there are concerns over age, drunkenness or the vulnerability of customers, which shall be included in promotional material, on the website and through staff training.
12. A written or digital record of refusals (to leave alcohol at given address) shall be kept on the delivery vehicle and maintained, recording the address, date, time and reason for the refusal.
13. Delivery staff shall not be given any incentive to sell or deliver alcohol.
14. Alcohol will not be sold from the delivery vehicle.

15. The delivery person shall only carry alcohol that has been pre-ordered.
16. When the delivery person is employed directly by the Premises Licence Holder, a register of staff details will be kept on the premises and must be made available for inspection by Local Authority officers and the Police.
17. Alcohol will only be delivered to the person who placed the order and whose name appears on the debit or credit card used for the transaction.
18. Records of all alcohol sales including the customer's name and delivery address shall be retained for 12 months and made available for inspection by Local Authority officers and the Police.
19. To prevent and detect crime the property shall be covered by an effective and secure cctv system, the images from which shall be made available to the responsible authorities without delay.
20. Staffing levels shall be maintained appropriately to ensure adequate security of the premises.
21. Staff shall be trained on all security issues including how to identify and to refuse service to customers that are drunk or appear to be drunk.
22. The business shall be a responsible alcohol retailer and will always refuse to supply alcohol where there is a likelihood that such a sale might contribute to crime and disorder.
23. There shall be no cash handling by delivery staff.
24. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
25. The public shall not be permitted to visit the premises at any time.
26. Deliveries will be conducted in a responsible and considerate manner, ensuring no disturbance to local residents or businesses.
27. The site and public areas near to the premises will kept free from litter associated with the operation of the business.
28. Deliveries to and waste removal from the site will undertaken at a time and in a manner that does not cause disturbance.
29. Delivery riders will await deliveries by waiting in an internal section of the premises until such time as a delivery is ordered. Staff on site will ensure that no excessive noise is created by the riders when leaving the Premises.
30. Terms & conditions stressing that the purchaser and those receiving a delivery of alcohol shall be at least 18 years of age.
31. There shall be an effective Challenge 25 policy.

32. At the time an order is placed a declaration will be required from the person placing the order that the person is over 18 years of age.
33. The online ordering process will prevent the consumer from placing an order until they have read the Challenge 25 statement unless the business calls the consumer to provide this information verbally before the order is accepted.
34. Anyone receiving a delivery and not appearing to be of the age of 25 years will be required to produce appropriate identification proving that they have turned 18 in order to be supplied with alcohol.
35. Appropriate ID will be a passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities.
36. Staff shall be trained in all aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy and the identification and refusal of potential 'proxy' purchasers.
37. Staff training will occur before a staff member is authorised to sell or deliver alcohol for the business.
38. Staff training records will be available for inspection by the police or other responsible authority upon request.
39. A refusals log will be kept and reviewed regularly by the DPS and made available for inspection by the police and an appropriate local authority representative.
40. Alcohol deliveries will not be made by a member of staff under the age of 18 years.

9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 Conditions 5 to 40 above are derived from the applicant's operating schedule

10. LEGAL COMMENTS

- 10.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
 - The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - The Protection of Children from Harm
- 10.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

- 11.1 There are implications to;
 - **Article 6** – Right to a fair hearing
 - **Article 14** – Not to discriminate
 - Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence

is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

12. MEMBERS DECISION MAKING

- A. **Option 1**
That the application be refused
- B. **Option 2**
That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

13. CONCLUSION

13.1 That Members decide on the application under the Licensing Act 2003.

Group Director, Neighbourhoods and Housing	Ajman Ali
Lead Officer (holder of original copy):	Shan Uthayasangar Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 2431

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

Description of document	Location
Office File: Jiffy Grocery Arch 441, Institute Place London E8 1LA	Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

↳ Hackney
LA01

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Cloud Retail Ltd (t/as Jiffy Grocery)

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Unit 441, Institute Place Arches Hackney Downs			
Post town	London	Postcode	E8 1LA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£43500

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as appropriate**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A)INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Cloud Retail Ltd (t/as Jiffy Grocery)
Address Kemp House 160 City Road London EC1V 2NX

Registered number (where applicable) 13046988
Description of applicant (for example, partnership, company, unincorporated association etc.) private limited company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	4	01 2022

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1) 'Jiffy Grocery' occupies Unit 441 at Institute Place Arches in Hackney Downs. The business is an online grocer providing home delivery of a range of ambient, chilled and frozen products, as well as alcohol, and responding to internet orders, serving customers locally.

No members of the public will be allowed to visit the premises.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)
- Provision of late night refreshment** (if ticking yes, fill in box I)
- Supply of alcohol** (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read	Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
--------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------	---------	--------------------------

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	0800	2300			
Tue	0800	2300			
Wed	0800	2300			
Thur	0800	2300			
Fri	0800	0000			
Sat	0800	0000			
Sun	1000	2230	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Saidul Hussain	
Date of birth ██████████	
Address ██████████ ██████████	
Postcode	██████████
Personal licence number (if known) ██████████	
Issuing licensing authority (if known) ██████████	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

none

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) THE PREMISES SHALL NOT BE OPEN TO THE PUBLIC AT ANY TIME
Day	Start	Finish	Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The premises licence holder shall ensure:

- A written notice of ‘authority’ record is maintained for staff who sell alcohol
- Comprehensive training for staff in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the Licensing Objectives and the staff roles and responsibilities. Such records shall be available for inspection by the responsible authorities.
- Contact details of the Designated Premises Supervisor shall be available to staff and to the authorities
- The business will be a delivery service only with no public visitors to the ‘premises’
- Deliveries only to pre-arranged postal addresses (not to open spaces)
- A clear document trail shall be maintained of the order process from order, despatch from the licensed premises and delivery to the customer and available for inspection by an authorised officer
- Strict terms and conditions emphasising the right to and the duty to refuse alcohol sales or supplies where there are concerns over age, drunkenness or the vulnerability of customers, which shall be included in promotional material, on the website and through staff training.
- A written or digital record of refusals (to leave alcohol at given address) shall be kept on the delivery vehicle and maintained, recording the address, date, time and reason for the refusal.
- Delivery staff shall not be given any incentive to sell or deliver alcohol
- Alcohol may not be sold from the delivery vehicle
- The delivery person may only carry alcohol that has been pre-ordered
- When the delivery person is employed directly by the Premises Licence Holder, a register of staff details must be kept on the premises and must be made available for inspection by Local Authority officers and the Police.
- Alcohol will only be delivered to the person who placed the order and whose name appears on the debit or credit card used for the transaction.
- Records of all alcohol sales including the customer’s name and delivery address must be retained for 12 months and made available for inspection by Local Authority officers and the Police.

b) The prevention of crime and disorder

- To prevent and detect crime the property shall be covered by an effective and secure cctv system, the images from which shall be made available to the responsible authorities without delay.
- Staffing levels shall be maintained appropriately to ensure adequate security of the premises.
- Staff shall be trained on all security issues including how to identify and to refuse service to customers that are drunk or appear to be drunk.
- The business shall be a responsible alcohol retailer and will always refuse to supply alcohol where there is a likelihood that such a sale might contribute to crime and disorder.
- There shall be no cash handling by delivery staff.

c) Public safety

The premises licence holder will ensure:

- Appropriate fire fighting equipment shall be installed and maintained at the premises and staff trained in its use.
- Delivery vehicles shall be maintained and operated safely
- The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided
- The public shall not be permitted to visit the premises at any time

d) The prevention of public nuisance

The premises licence holder will ensure :

- Deliveries will be conducted in a responsible and considerate manner, ensuring no disturbance to local residents or businesses
- The site and public areas near to the premises are kept free from litter associated with the operation of the business
- Deliveries to and waste removal from the site are undertaken at a time and in a manner that does not cause disturbance
- Delivery riders will await deliveries by waiting in an internal section of the premises until such time as a delivery is ordered. Staff on site will ensure that no excessive noise is created by the riders when leaving the Premises.

e) The protection of children from harm

To protect children from harm, in relation to alcohol sales, there will be a policy of:

- Terms & conditions stressing that the purchaser and those receiving a delivery of alcohol must be at least 18 years of age
- There shall be an effective Challenge 25 policy
- At the time an order is placed a declaration will be required from the person placing the order that the person is over 18 years of age.
- The online ordering process will prevent the consumer from placing an order until they have read the Challenge 25 statement unless the business calls the consumer to provide this information verbally before the order is accepted.
- Anyone receiving a delivery and not appearing to be of the age of 25 years will be required to produce appropriate identification proving that they have turned 18 in order to be supplied with alcohol
- Appropriate ID will be a passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities
- Staff shall be trained in all aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy and the identification and refusal of potential 'proxy' purchasers
- Staff training will occur before a staff member is authorised to sell or deliver alcohol for the business
- Staff training records will be available for inspection by the police or other responsible authority upon request

- A refusals log will be kept and reviewed regularly by the DPS and made available for inspection by the police and an appropriate local authority representative
- Alcohol deliveries will not be made by a member of staff under the age of 18 years

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures(please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	M B Nickson (Michael Nickson) 16 December 2021
Capacity	Authorised Agent for Applicants

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

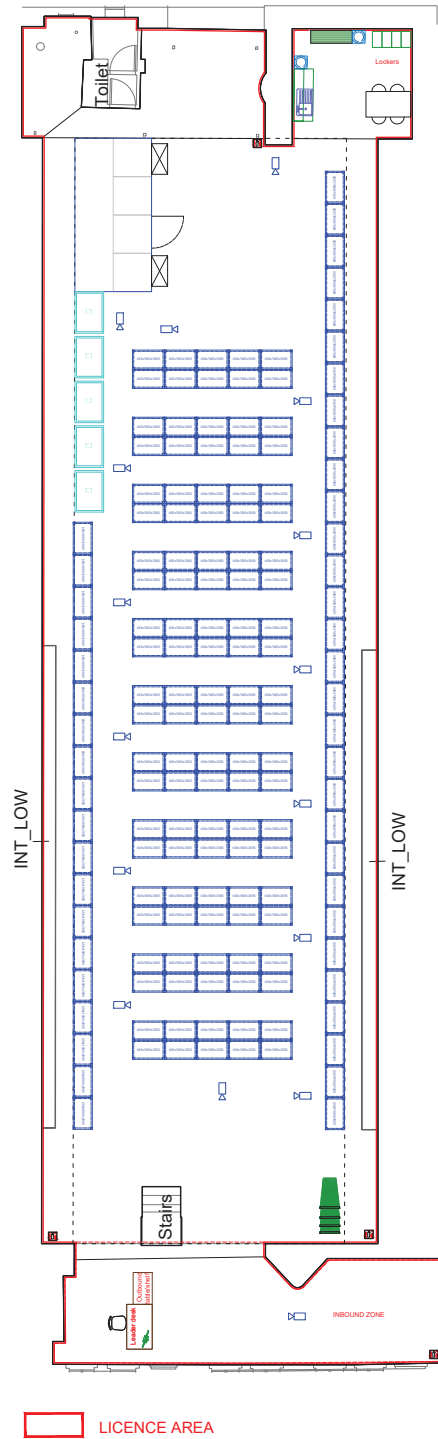
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Michael Nickson Inn Confidence Ltd ██████████ ██████████			
Post town	██████████	Postcode	██████████
Telephone number (if any)	██████████		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i)



- 1. Total shelf units: 159
600*1000*2000 - 159
 - 2. Walk-in-fridge 2400*4800 - 1
 - 3. Freezers 1380*800*2000 - 5
 - 4. Furniture:
 - Leader desk 1500*700*750 - 1
 - Outbound table 1200*400*900 - 1
 - Lockers 500*300*1800 - 4
 - Bench 400*1300*450 - 1
- Total space: 445 sq.m.

Itemref	Quantity	Titte/Name, designation, material, dimension etc			Article No./Reference	
Designed by Maksim Leonov	Checked by Artur Shamalov	Approved by - date 10/12/2021	Filename Hackney	Date 10/12/2021	Scale 1:100	
Cloud Retail Ltd t/a Jiffy Grocery			Hackney: Arch441 Institute Place E81LA			
			1-002	Edition 1	Sheet 1/1	

APPENDIX B1**Application for Premises Licence by Cloud Retail Ltd (t/a Jiffy Grocery) at Unit 441, Institute Place**

1 message

13 January 2022 at 13:36

[Redacted]
To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>**Application for Premises Licence by Cloud Retail Ltd (t/a Jiffy Grocery) at Unit 441, Institute Place**

Dear Sirs

I am an interested party in relation to the above-mentioned application and am writing to make representations objecting to the application.

I live in Academy Apartments, E8 [Redacted]. The other leaseholders and I make use of Institute Place regularly because that is where our recycling bins are located. It is also the location of the car and contractor entrance to Academy Apartments, which is only accessible by via a gate halfway up Institute Place.

If the application by Cloud Retail Ltd succeeds, I am concerned that Institute Place will be subjected to scooter traffic until late at night, potentially making Institute Place a dangerous road in which to locate our recycling and blocking car/contractor traffic into Academy Apartments. I am also concerned that the noise generated by the scooter traffic will be at levels that cause nuisance to the residents of Academy Apartments.

I make these representations by email because the notice was not situated in a sufficiently public location and the application has therefore only recently come to my and other leaseholders' attention, preventing me from making these representations by letter.

Many thanks

[Redacted]

[The contents of this email do not reflect the views of my employer]

[Redacted]

[Redacted]

[Redacted]

Objection licensing application

1 message

13 January 2022 at 13:46

[REDACTED]
To: licensing@hackney.gov.uk

To whom it may concern

I live in institute place and would like to strongly object to the licensing request made by Jiffy Grocery to use unit 441 on Institute Place arches E8 11a as their place of work. First of all we have received no notification of this request, but more importantly, this would pose an incredible disturbance to all homes on institute place, including our flats Academy apartments and the houses with the gardens with their packs to institute place on the other side. The entrance to our home on institute place is already overrun with waste problems with the council bins constantly being used as local tipping grounds. This proposal, for an all-day and late night alcohol delivery service, would pose a significant public hazard with delivery vans and/or bikes travelling up and down. It would make entry and exit dangerous for residents, especially for those like myself with small children; it would turn a pedestrian entrance into a industrial road; it would create more waste in an area that the council is already struggling to keep clear; it would be a noise and air pollutant for residents, from early in the morning to late at night; and it would pose significant entry and exit problems. I urge you to reject this proposal on these grounds.

Please let me know if you need any further information.

[REDACTED]
Sent from my iPhone

Representation in Response to Cloud Retail Ltd Application for Licensing**B3**

1 message

13 January 2022 at 14:14

To: "[redacted]" <licensing@hackney.gov.uk>

To whom it may concern,

I would like to raise a representation against the application for permission to distribute alcohol from Unit 441, Institute Place Arches, Hackney Downs, London, E8 1LA.

The arches at the end of Institute place are accessed by the narrow lane. It has no pedestrian walkways on either side of the street and by introducing the new premises, which will likely mean a significant increase in motor vehicles I believe that you are endangering the residents of Eastside Academy Apartments. There are roughly 50 flats in the block and there are two main entrances and exits. The one on Institute place being used by all residents for the access to refuse bins, as well as street access. There are also a number of other residential buildings on Institute place accessed from the lane.

To clarify I am raising an objection in relation to the public safety licensing objective. Permitting a delivery company to begin using the single track lane with no pavements will no doubt put people in risky situations, particularly as lighting is not always particularly good on the lane. Finally there is a large tree on the lane which would block site of the exit where pedestrians will be walking onto the lane. This will create risk that the drivers of the alcohol deliveries will not be able to see people exiting from the grounds of Eastside Academy Apartments.

Kind regards,

[redacted]

Before printing this e-mail or attachments, be sure it is necessary.
It is in our hands to protect the environment.

[redacted]

Licensing application for Unit 441 Arches, Insitute Place E8 1LA

1 message

B4

13 January 2022 at 16:09

To: licensing@hackney.gov.uk

Cc: "Ben Hayhurst (Cllr)" <ben.hayhurst@hackney.gov.uk>, Hackney Central Councillors <hccouncillors@gmail.com>

Dear Hackney Licensing,

I wish to complain strongly about an application for the use of an Arch space by Jiffy Grocery (Cloud retail Ltd).

Firstly, we have only become aware of this as someone read the application posted on the gate of the currently vacant space. Why wasn't this application circulated to residents who live next to the Arch as I believe is the usual procedure?

Secondly, the residents of Marcon Place and Eastside Academy Apartments have in the past complained to Hackney Council in detail about the inappropriateness of housing a busy business at the end of Institute Place.

The introduction of Jiffy Grocery just repeats the issues that we raised with the council (and to which they never responded despite it being via their planning committee) and that we will continue to raise more vociferously with your team, ArchCo and Cloud Retail Ltd.

I attach the complaint letter in full (which was addressed to the council in relation to the previous occupant 5 Points brewery) as the issues it raises are still very appropriate even if the zoning labels have been changed.

As your website outlines, there are 4 categories to raise an objection to a proposed planning application:

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

We believe that the proposed application contravenes your own guidelines in relation to points 2,3 and 4.

Public Nuisance

Core Strategy Policy 17 "Economic Development" states that "General Industry (B2) and Storage and Distribution (B8) uses *may* be appropriate where existing or proposed physical barriers for example railway arches, canals, roads or landscaping features, **minimise environmental impacts from industrial activity to the surrounding area such as visual intrusion, noise, vibration and general disruption from servicing and vehicular access**".

There are no landscaping features or physical barriers between the proposed use of Arch 441 and the surrounding residential buildings.

Policy DM18 "Railway arches" of the Development Management Local Plan is reproduced in full below: Railway arches are appropriate for B1, B2, B8, and other similar sui generis uses. **Proposals for such uses must not cause adverse environmental, highway or amenity impacts to other uses within the surrounding area.**

We believe that this proposal will cause adverse environmental, highway and amenity impacts.

Other commercial uses may be appropriate, such as A and D class uses, for arches in certain locations, provided they meet the sequential approach for such uses outside of the Borough's Shopping Centres and comply with other policies in this plan. Proposals should: i. Incorporate active frontage uses where appropriate, and result in the upgrade and appearance of the premises; ii. **Not obstruct the public highway**; and iii. Not result in the significant loss of any existing employment generating use.

This Arch is not in an appropriate area with other types of businesses but remains in a residential space, with the only means of access via a narrow public road.

Paragraph C of Policy LP26 of the emerging Hackney Local Plan 2033 states that proposals for employment floorspace located outside designated employment locations will only be permitted if it would not have an unacceptable impact on residential amenity.

Public Safety

As we have previously noted to the council:

The proposed use has a negative impact on the local transport network and is located in a narrow road that is unsuitable to accommodate the movement of vehicles and goods associated with this business. The proposed use would see the vehicles accessing the site continually block the public highway, park outside designated parking areas and obstruct the flow of pedestrian traffic. Furthermore, the physical constraints of Institute Place force arriving vehicles to proceed slowly and to reverse back into the main road, thus emitting fumes and noises for prolonged periods near residential properties.

The local plan states clearly that proposals that can cause disruption to local communities need to be accompanied by either a Transport Assessment (TA) or a Transport Statement (TS), together with a Travel Plan setting out the practical, measurable and enforceable actions that will be undertaken by the occupant of a site to mitigate the “negative transport impact of development proposals”

We submit that the planning application should not be determined until all the relevant reports (Transport Statement, Travel Plan and Delivery and Servicing Plan) are submitted to the local authority and deemed sufficient to address all the planning policies issues evidenced above.

the protection of children from harm

We have many families living in the immediate area including those with young children.

We believe, as outlined above, that the use of the narrow road will mean high levels of pollution from vehicles turning their engines, reversing out and the increased number of delivery vehicles, which include motor bikes that are usually not very well maintained.

Policy LP2 of the new Hackney Local Plan 2033 mirrors the wording of Policy DM2 noted above.

Paragraph 3.3.2 of the DMLP states that “amenity can be compromised in a number of ways through development, such as through detrimental loss of daylight and sunlight to existing and adjacent occupiers; **loss of privacy and outlook** due to the proximity and design **of development; harmful noise, odour, vibration and air pollution** from existing and proposed developments, **typically commercial activities and other activities such as rail; conditions with potential for danger to highway safety**; and causing detrimental microclimate effects”.

Paragraph B of Policy DM42 “Pollution and water and air quality” of the DMLP states that “development proposals should include measures **to reduce adverse noise, vibration, and/or odour impacts and minimise unnecessary light pollution, particularly close to light and noise sensitive areas, the public realm and open space**”.

Paragraph 7.7.7 of the DMLP states that “noise pollution and vibration can come from a range of uses. Some examples include from industrial processes, **transport**, construction activities, foul and surface water mis-connections and energy consumption. As such it can have a detrimental impact on the amenity of areas **as well as serious health impacts of people and the environment**”.

Paragraph 7.7.11 of the DMLP underlines that “where additional information is required as to the impacts of a proposal in respect of impacts on noise, odour or air quality, **the Council will consider refusing planning permission where inadequate mitigation is proposed or if sufficient information is not submitted**”.

IN SUMMARY

Due to its location in a dense urban area, its proximity to residential properties, the absence of physical barriers or other buffers separating it from the adjoining residential properties, and the narrowness of the access road, the site at [3 Institute Place](#) is wholly unsuitable to accommodate the proposed use. The continued industrial use would have negative environmental impacts on the area, would cause disruption and safety hazards on the local highway network and would obstruct the public highway, contrary to Policy CS17 of the Core Strategy and Policy DM18 of the Local Development Management Plan.

We believe that this license application should be rejected.

Best Regards,

Academy Apartments
Institute Place
Hackney E8

--
[Redacted signature]



Letter of Objection - 2019-2456 Final.pdf

310K

Our Ref: LP/JCG1000



Date: 3 October 2019

20 Farringdon Street
London, EC4A 4AB
T +44 20 3691 0500

Nick Bovaird
Neighbours and Housing
Hackney Service Centre
1 Hillman Street
London
E8 1DY

Dear Mr Bovaird,

**3 INSTITUTE PLACE, LONDON, E8 1JE
PLANNING APPLICATION REFERENCE 2019/2456
LETTER OF OBJECTION**

We act on behalf of Eastside Academy Apartments Property Management Company in respect of the retrospective planning application submitted at the above address for the following development:

“Change of use from B1 to B2”

Our client manages the Eastside Academy Apartments, the block of 57 flats located to the north-east of the development site, and wishes to object to the planning application on behalf of all residents and on behalf of residents on Marcon Place

Below is a brief summary of the most recent planning history records for 3 Institute Place, an overview of the key planning policies underpinning our representations and the detailed arguments for each ground of objection.

Planning History

LPA Ref:	Proposal	Decision
2015/2112	Installation of 3 fermentation tanks in the yard to the east of the existing brewery.	Permission GRANTED 05/11/2015
2017/3256	Installation of four additional storage/fermentation tanks in the yard to the east of the brewery.	Permission GRANTED 09/10/2017

Planning Policy Context

The local development framework documents that are relevant for the site include the London Borough of Hackney Core Strategy 2010 (**CS**), the Development Management Local Plan 2015 (**DMLP**) and the London Plan (Consolidated with amendments since 2011) (**LP**).

The emerging Hackney Local Plan 2033 (**HLP 2033**) was submitted for public consultation in early 2019 and the Planning Inspectorate held public hearings in June 2019. Whilst not forming part of the current local plan, the emerging policies of the HLP 2033 can carry weight in the determination of planning applications, depending on the alignment of each policy with national and regional planning policies and guidance and the level of disagreement on any particular policy that still needs to be resolved at examination stage. The policies of the HLP 2033 have been taken into consideration in this letter.

Other materially relevant policy documents for the assessment of the proposal are the National Planning Policy Framework 2018 (**NPPF**) and the National Planning Practice Guidance (**NPPG**).

The Hackney Sustainable Transport Supplementary Planning Document (**Sustainable Transport SPD**) is also a material planning consideration for the assessment of the proposal.

Grounds of objection

Acceptability of Class B2 Industrial use on site

Core Strategy Policy 17 “Economic Development” states that “*General Industry (B2) and Storage and Distribution (B8) uses may be appropriate where existing or proposed physical barriers for example railway arches, canals, roads or landscaping features, minimise environmental impacts from industrial activity to the surrounding area such as visual intrusion, noise, vibration and general disruption from servicing and vehicular access*”.

Policy DM18 “Railway arches” of the Development Management Local Plan is reproduced in full below:

*Railway arches are appropriate for B1, B2, B8, and other similar sui generis uses. **Proposals for such uses must not cause adverse environmental, highway or amenity impacts to other uses within the surrounding area.** Other commercial uses may be appropriate, such as A and D class uses, for arches in certain locations, provided they meet the sequential approach for such uses outside of the Borough’s Shopping Centres and comply with other policies in this plan.*

Proposals should:

- i. Incorporate active frontage uses where appropriate, and result in the upgrade and appearance of the premises;*
- ii. **Not obstruct the public highway;** and*
- iii. Not result in the significant loss of any existing employment generating use.*

Paragraph C of Policy LP26 of the emerging Hackney Local Plan 2033 states that proposals for employment floorspace located outside designated employment locations will only be permitted if it would not have an unacceptable impact on residential amenity.

Objection comment

Contrary to what is suggested in the “Operational Statement” submitted by applicant, a brewery falls squarely within an industrial Class B2 use and not within a light industrial Class B1(c) use.

By definition Class B1(c) uses are those “*which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit*” (Town and Country Planning (Use Classes) Order 1987).

The brewery emits smells and fumes and has an adverse impact on the amenity of the adjoining residential properties. Furthermore, the amount of processing involved in the production of beer is industrial in nature. The Land Use Gazetteer identifies breweries as being within Use Class B2.

The applicant is also suggesting that the brewing activities on site are contained in the “Brewing Area” identified in drawing A0010-A. In reality seven fermentation and storage tanks which are essential to the industrial process leading to the production of beer are located in the front yard, outside the arches. The unit as a whole, rather than a percentage of it, is therefore in Class B2 use.

Core Strategy Policy 17 states that industrial uses may be appropriate where there are existing or proposed physical barriers that minimise their environmental impact on the surrounding area. This means that even where there are barriers creating a buffer from sensitive uses, an industrial use may not be appropriate if its impact on adjoining occupiers is negative.

In the case of 3 Institute Place, there are no physical barriers separating the industrial use from the adjoining residents. The windows of the Eastside Academy Apartments are located just 15 metres away from the external tanks, which emit both smell and fumes (See photographs at Appendix A). Similarly, the rear windows of the residential properties along Marcon Place are just 22 metres away from the tanks and suffer from the smell and noise produced by the industrial activities of the brewery. The retention of the existing use would therefore be contrary to the principles of development set out in the Core Strategy.

The brewery causes adverse environmental, highway and amenity impacts to the residents living in the surrounding area, as testified by the significant number of objections submitted against this application and the photographic evidence submitted to the Council’s planning, enforcement and highway departments in the last years by local residents. The current use is clearly contrary to Policy DM18, which states in unequivocal terms that proposals for industrial uses in railway arches “must not” cause such adverse impacts. Policy LP26 of the emerging Hackney Local Plan provides similar restraints to employment uses that would have unacceptable impacts on residential amenity.

In addition to the above, the existing use causes the obstruction of the public highway. The delivery of raw ingredients and the transportation of other materials in the rear yard forces large vehicles to access a very narrow street in forward or reverse gear without the possibility of manoeuvring on the brewery site. The vehicles park in front of the yard for long periods and move slowly along Institute Place, thus creating a hazard for pedestrians and cyclists accessing the block of flats managed by my client and a general disturbance to the public highway.

In summary, the very principle of retaining a Class B2 industrial on site would be contrary to the policies of the Core Strategy, of the Development Management Local Plan and of the emerging Hackney Local Plan 2033.

In addition to the planning policy conflicts identified above, we submit that the brewery should consider relocating to different premises if the levels of production need to continue at the current pace or increase

in the future. This is a common solution adopted by successful breweries which outgrew their original premises. Alternatively, the beer production should be contained within the envelope of the railway arches and the external fermentation tanks removed.

Redchurch Brewery started its business in Bethnal Green, grew substantially and eventually relocated to the Mead Park Industrial Estate. Pressure Drop had a micro-brewery in the railway arches located to the east of Hackney Central station along Bohemia Place but is now based in Tottenham Hale in a larger, purpose-built industrial warehouse. Both companies relocated when production increased and moved inside an appropriate industrial building within designated industrial estates.

Other examples of existing breweries within Hackney offer a clear benchmark on the amount, location and intensity of use that could be sustained in densely populated areas and in the vicinity of residential properties.

As shown in the photographs of Appendix A, there are other breweries currently operating within the borough which have a much lower impact on residential amenity, have better accessibility or are located well away from houses and flats.

The Hackney Brewery, located at 358 Laburnum Street, does not have external storage or fermentation tanks and has a double vehicular access to Laburnum Street and Whiston Road used by delivery vehicles without the necessity of reversing or parking for long periods on the public highway.

The Hackney Church Brewery and the Deviant & Dandy Brewery are located in the railway arches to the east of Hackney Central station. Both breweries are located at least 50 metres away from residential properties, are screened by boundary walls or other large commercial buildings such as a Tesco Superstore and the Clapton Bus Garage and have no tanks installed in their curtilages.

London Fields Brewery occupies two railway arches in proximity of London Fields Station, is within a designated employment area, does not have external tanks and is screened away from the adjoining residential properties.

On the other hand, 3 Institute Place is the wrong location for the invasive industrial use carried out by the Five Points Brewery.

The site is too small, the access road is too narrow and the residential properties in the vicinity are too close to several sources of noise, fumes and pollutants such as machinery, delivery vehicles and fork lifts used in the front yard.

The site cannot become a lawful Class B2 industrial units without setting a dangerous precedent in the area and causing problems to local residents in the long term. The industrial use should not be allowed to continue. The brewery should relocate to a suitable industrial area as other growing breweries have done, or it should scale back its activities within the limits of the lawful Class B1(c) use of the site.

Traffic, parking and highway safety

Core Strategy Policy 6 “Transport and Land Use” states that the Council “*will ensure that development results in the highest standard of design quality, environment and facilities for pedestrians and cyclists*” and that it will seek to mitigate “any potential negative impacts of the development on the transport network”.

Core Strategy Policy 33 “Promoting Sustainable Transport” states that “to minimise noise and disturbance, operations that require heavy movement of goods should be located close to the higher-level road network as defined by Transport for London”.

Policy DM44 “Movement hierarchy” of the DMLP states that “all new development must be successfully integrated into the existing transport networks and manage demand through traffic restraint and proven demand management tools”.

Policy DM45 “Development and transport” of the DMLP provides detailed guidance on the impact of new developments on transport, highway safety and traffic. The most relevant parts of Policy DM45 for the assessment of the application are copied below.

The Council will not permit development where it is considered the proposal will have a detrimental safety or amenity impact on other highway users, including pedestrians and cyclists; obstruction to access by emergency vehicles; or where manoeuvring, parking and loading risks unduly obstructing the flow of traffic on public highways.

The Council will expect development which is considered to generate significant movement of goods or materials, both during construction and operation, to:

- xv. Be located with easy access to TfL’s Road Network, the Strategic Road Network or other Major Roads;
- xvi. **Accommodate goods vehicles within the curtilage of the site;** and
- xvii. **Minimise disruption for local communities through effective management, including through optimisation of collection and delivery timings. Development proposals should be accompanied by a Construction and Logistics Plan (CLP) and Delivery and Servicing Plan in accordance with TfL guidance;**
and
- xviii. **Ensure that all HGV and PCV operators involved in the construction and servicing of the development comply with the cyclist safety requirements set out in the TfL’s Freight Operator Recognition Scheme.**

The Council will assess each application on its individual merits and may refuse planning permission on transport grounds **where the residual cumulative impacts of a development is severe.**

Paragraph 8.2.3 of the DMLP states that “in order to enable the Council to assess the impacts of new developments upon its transport network, **Transport Assessments will be required in accordance with the thresholds, requirements and guidance set out in the Department for Transport’s ‘Guidance on Transport Assessments’ (2007), the Transport for London’s ‘Transport Assessment Best Practice Guidance Document (2010), and Hackney’s emerging local guidance. Where the Council does not consider the preparation of a full Transport Assessment necessary, a less detailed assessment in the form of a Transport Statement will be asked for**”.

Paragraph 8.2.4 states that “where Transport Assessments/Statements are required, the Council will also seek the submission of a Travel Plan. A Travel Plan is a package of measures that seek to reduce reliance on single occupancy vehicle use and increase the use of more sustainable modes. Travel Plans are the key management tool for implementing any transport solutions highlighted by the Transport Assessment/Statement and are one of the primary tools for mitigating negative transport impacts of development proposals”. Paragraph 8.2.4 also notes that “Travel Plans should be set out in accordance with TfL’s best practice guidance ‘Travel planning for new development in London (2011) and any updated

local guidance” and that “for commercial and workplace developments, the threshold is dependent on the type of land use and scale of the development”.

Paragraph 8.2.13 of the Development Management Local Plan is reproduced in full below:

*Goods vehicles, particularly heavy goods vehicles, can have impacts on local amenity and traffic movement in certain areas. For example, in areas such as Hackney Central many delivery points are located close together. The Council will expect development which is considered to generate significant movement of goods or materials, both during its construction and operation to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. This is because such a development would involve several journeys to and from the development resulting in disruption to traffic movement and congestion. **Goods vehicles manoeuvring, and loading and unloading also add to pollution and may cause congestion, danger to pedestrians and other road users. Unloading and loading may also damage pavements. To mitigate against this, the Council will require development proposals to be accompanied by a Construction and Logistics Plan (CLP) and Delivery and Servicing Plans (DSP) in accordance with TfL guidance, ‘Making Freight Work for You’ to minimise congestion, noise and road danger.***

Paragraphs 5.1 and 5.1.1 of the Sustainable Transport SPD read as follows:

Transport Assessment (TA) is a statutory document which accompanies a planning application for developments that are expected to have significant transport implications. A TA demonstrates how the development proposals are likely to impact on the local environment in transport terms and considers issues before, during and after construction including what measures should be introduced to accommodate and mitigate the effects of trip generation from the site.

***The TA should demonstrate to the Council’s satisfaction that the development will not have a negative impact on safety, cause congestion or lead to illegal or additional parking near the site of the proposed development.** It must also show how it is likely to improve, provide and prioritise travel by walking; cycling and public transport and restrict travel by car.*

Paragraph 5.3.1 of the Sustainable Transport SPD states that “the Council may still require that a Transport Assessment (TA) and a Full Travel Plan accompany applications for new developments that do not meet these thresholds, **where a significant transport impact is expected from the development,** or a cumulative impact is expected from different uses within a development or from a number of developments in the vicinity. Other factors influencing the decision to request a TA include the scale and nature of the proposed development (including floor area, number of employees and operational aspects); whether the proposal is located within a Controlled Parking Area; and new travel demand generated by the development. The sensitivity of land uses adjacent to the site and any existing transport strategies or policies close to the site may also influence the Council’s decision to request a TA”.

Paragraph 5.3.2 of the Sustainable Transport SPD states that “when the Council considers that a full TA is not required, a less detailed assessment in the form of a Transport Statement will suffice”.

Paragraphs 6.1 and 6.1.1 of the Sustainable Transport SPD read as follows:

The Travel Plan is the sister document to the Transport Assessment and both documents are required to be developed together. Travel Plans are the key management tool for implementing any transport solutions highlighted by the Transport Assessment / Statement, and are one of the primary tools for mitigating the negative transport impacts of development proposals. Travel Plans are required to detail the developer's response to the Transport Assessment / Statement and deliver sustainable transport objectives with a package of measures to promote sustainable transport, including measures to achieve a shift from private car use to the most sustainable forms of transport: walking and cycling.

*The Travel Plan is required to set out the on-going management arrangements for the development, which shall include the appointment of a Travel Plan coordinator and identification of the organisation with overall responsibility (e.g. a developer, a management company or community trust etc). A monitoring schedule and outline of the approach to monitoring is required within a Travel Plan; a monitoring period of at least 5 years will apply. **Enforcement actions are required to be agreed prior to any grant of planning permission, in the event of non-compliance or failure to implement measures.***

Paragraph 6.3 of the Sustainable Transport SPD states that “*in general, any development application that requires a Transport Assessment should also include a Travel Plan. Some smaller developments may also require a Travel Plan if they are expected to have significant transport impacts*”.

Paragraph 7.2 of the Sustainable Transport SPD states that “*development proposals that are likely to attract a large number of vehicles for loading and servicing requirements will be required to submit a Delivery and Servicing Management Plan (DSP) as part of the Transport Assessment. The Transport Assessment will usually consider how a new development can best be serviced depending upon the nature, size and location of the development*”.

Paragraph 7.3 states that “*the overall aim of the DSP will be to manage and minimise the impact and amount of servicing and delivery vehicles operations particularly in the morning peak. The DSP will also help to identify areas where safe and legal loading can take place. DSP's should be prepared in accordance with TfL guidance 'Delivery and Servicing Plans – Making Freight Work for You'.*

Paragraph 11.3.2 of the Sustainable Transport SPD specifies that “*the Council will look to restrict access to off-street parking that could potentially impact on highway safety, for example due to vehicles reversing, or through reduced sight lines. Any applications for on-site parking that does not allow vehicles to enter and exit the site in a forward direction particularly on classified roads are likely to be refused. Proposals that impact negatively on the footway, or impede movement on busy bus or cycle lanes are likely to be similarly refused*”.

Objection comment

The existing use has a negative impact on the local transport network and is located in a narrow road that is unsuitable to accommodate the movement of vehicles and goods associated with the brewery. The existing use is not successfully integrated in this context as the vehicles accessing the site continually block the public highway, park outside designated parking areas and obstruct the flow of pedestrian traffic. Furthermore, the physical constraints of Institute Place force arriving vehicles to proceed slowly and to reverse back to the main road, thus emitting fumes and noises for prolonged periods near residential properties.

The parking of vehicles occurs outside the curtilage of the site in a narrow public highway. This is not only contrary to the Council's policies on the safety and amenity of road users, pedestrian and cyclists, but also poses a safety risk in case of incident. Emergency vehicles would not be able to reach the premises if a delivery vehicle happens to be parked along Institute Place - as is often the case during the brewery business hours - at a critical time.

The site has a long history of parking, loading, servicing and noise issues created by the movements of goods and vehicles and the local residents were forced to request the intervention of traffic enforcement officers on several occasions to limit the nuisance and disturbance caused by these activities.

The evidence used to support the retrospective application falls well short of the standards required in such a constrained and sensitive location.

The "Operational Statement" and the "Delivery/Vehicle Movements Policy" submission reports and the additional information presented during the determination period contain broad statements on the willingness of the brewery to minimise the disruption caused by the traffic generated by the industrial use but they do not contain the key information and level of detail required by Policy DM45 of the Development Management Local Plan and the Sustainable Transport SPD.

The local plan states clearly that proposals that can cause disruption to local communities need to be accompanied by either a Transport Assessment (TA) or a Transport Statement (TS), together with a Travel Plan setting out the practical, measurable and enforceable actions that will be undertaken by the occupant of a site to mitigate the "*negative transport impact of development proposals*".

The applicant has not submitted a Transport Assessment, has not submitted a Transport Statement or a Travel Plan. The submitted documents do not contain any detailed analysis of the local transport network and of the impacts of the industrial use that would be expected in these professional reports. More importantly, the mitigating measures proposed by the applicant are vague and not sufficient to resolve the chronic problems generated by the vehicles and machinery servicing the site.

We also note that the applicant has not submitted a Delivery and Servicing Plan, as required by Policy DM45 of the DMLP. This important report would allow a clear understanding of the impact of the scheme on congestion, danger to pedestrians and damage to pavements and trees caused by delivery vehicles.

For these reasons, the applicant has failed to present sufficient information to allow the Council's highway and planning teams to take an informed view of the existing and potentially future impacts of the brewery use on the local community and the highway network. This is contrary to policy and should be a reason to refuse the retrospective planning application in principle.

Alternatively, we submit that the planning application should not be determined until all the relevant reports (Transport Statement, Travel Plan and Delivery and Servicing Plan) are submitted to the local authority and deemed sufficient to address all the planning policies issues evidenced above.

Residential amenity

Policy DM2 "Development and amenity" of the Development Management Local Plan reads as follows:

Development proposals should be appropriate to their location and should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. *The individual and cumulative impacts of development proposals on amenity will be considered in considering their acceptability. The*

consideration of the merits of development proposals will be balanced against the impact on amenity.

Amenity considerations include the impacts of developments on:

- i. Visual privacy and overlooking;*
- ii. Overshadowing and outlook;*
- iii. Sunlight and daylight, and artificial light, levels;*
- iv. **Vibration, noise, fumes and odour, and other forms of pollution;***
- v. Microclimate conditions;*
- vi. **Safety of highway users.***

Policy LP2 of the new Hackney Local Plan 2033 mirrors the wording of Policy DM2 above.

Paragraph 3.3.2 of the DMLP states that “*amenity can be compromised in a number of ways through development, such as through detrimental loss of daylight and sunlight to existing and adjacent occupiers; loss of privacy and outlook due to the proximity and design of development; harmful noise, odour, vibration and air pollution from existing and proposed developments, typically commercial activities and other activities such as rail; conditions with potential for danger to highway safety; and causing detrimental micro-climate effects*”.

Paragraph B of Policy DM42 “Pollution and water and air quality” of the DMLP states that “**development proposals should include measures to reduce adverse noise, vibration, and/or odour impacts** and minimise unnecessary light pollution, particularly close to light and noise sensitive areas, the public realm and open space”.

Paragraph 7.7.7 of the DMLP states that “noise pollution and vibration can come from a range of uses. Some examples include from industrial processes, transport, construction activities, foul and surface water mis-connections and energy consumption. As such it can have a detrimental impact on the amenity of areas as well as serious health impacts of people and the environment”.

Paragraph 7.7.11 of the DMLP underlines that “where additional information is required as to the impacts of a proposal in respect of impacts on noise, odour or air quality, the Council will consider refusing planning permission where inadequate mitigation is proposed or if sufficient information is not submitted”.

Objection comment

As noted in the previous comments, the retention of the existing industrial use would have severe impacts on the residential amenity of the adjoining properties by way of noise, fumes, odour, traffic and inappropriate parking on a public highway. This would be contrary to Policies DM2 and DM42 of the Development Management Local Plan and the policies of new Hackney Local Plan 2033

Adopting the same limited approach used in relation to the transport issues outlined above, the applicant has not provided any technical report setting out clear and enforceable measures to mitigate the amenity impacts of the industrial brewing process currently active on site.

The applicant is fully aware of the complaints raised by neighbours in relation to the air pollution caused by the brewery through the emission of smell and fumes but has not provided any report setting out mitigation measures, nor proposed smell abatement machinery as part of the retrospective application. This demonstrates a lack of collaboration on the part of the brewery and an evident disregard of the right of local residents to enjoy acceptable levels of amenity at all times.

Similarly, the brewery has not made any effort to resolve the noise issues caused by fork lifts on the front yard, the opening until late evening, the diffusion of amplified music with open shutters at unneighbourly hours and the vehicular movements associated with the industrial use.

The agent for the application goes as far as saying that the brewery's "*primary concern*" relates to "*the imposition of restrictive planning conditions that would be detrimental to the commercial operations of the premises*". This is an explicit admission that the well-being and amenity of adjoining neighbours are positioned very low in the scale of the applicant's priorities. It is also a bold suggestion to make to the Council, which has a duty to protect the amenity of its residents and the power to impose appropriate and necessary planning conditions whenever there are sound policy grounds to do so.

As such, we submit that the planning application as currently presented does not satisfy the exacting standards required to justify and mitigate the negative amenity impacts of industrial uses located in proximity of residential properties.

Without the submission of very detailed technical reports on noise, smell and fumes, the merits of the application cannot be properly assessed by the Council's planning and environmental health departments. In the absence of these reports, the application would not provide satisfactory answers to the issues discussed above, would be contrary to the local plan's policies on amenity and should be refused at once.

Even if such reports are produced, stringent planning conditions should be imposed on the planning permission to secure the delivery and enforcement of effective mitigation measures to ensure full compliance with the local plan.

Determination of planning application

The suggestion made by the applicant's agent that the submission of the retrospective planning application was "*made on a strictly 'without prejudice' basis*" is misleading.

The expression "without prejudice" is often used as a caveat by Councils in the written advice given to third parties during pre-application discussions in order not to tie themselves to a pre-established decision-making path when a formal planning application is eventually submitted at a later stage.

A full planning application cannot be submitted "without prejudice" because the very act of submitting it signals the end of the pre-application phase and bounds the applicant to accept the decision of the local authority or of the Secretary of State, as the case may be. The decision notice would provide a final answer to the question "*Can the applicant lawfully implement the proposed development?*" or "*Can the applicant lawfully retain the existing development?*" in the case of retrospective applications.

The contents of a decision notice, including planning conditions, cannot be "without prejudice" as they would be final and legally binding unless successfully challenged in the courts, they would not be re-negotiable unless a removal of condition application is subsequently approved, and would have immediate effect on the planning history of the application site.

In the current case, the refusal of the retrospective application would not give space to further discussions "without prejudice" but would effectively trigger the need to remedy a breach of planning control through adequate enforcement action aimed at stopping the unlawful use of 3 Institute Place for Class B2 industrial activities and the reinstatement of the lawful use of the site for Class B1(c) light industrial activities.

For these reasons, we would invite the Council to firmly resist the suggestion that the current application is a sort of interim placeholder filling the gap between the date of the breach of planning control occurred at 3 Institute Place and further “without prejudice” negotiations with the local authority, which may continue indefinitely whilst a polluting and noisy industrial use that has negative impacts on local traffic and residential amenity continues undisturbed on site.

If the application is refused, the industrial use must be discontinued and the use of the site must return within the limits of Use Class B1(c), which excludes Class B2 breweries.

If the application is approved, the Class B2 brewery use would need to be controlled and regulated by stringent planning conditions to make it acceptable in planning policy terms.

The prolonged planning hiatus that caused significant distress to the occupiers of the Eastside Academy Apartments and the residents of Marcon Place must come to an end either way.

Submission documents and decision-making process

The applicant submitted short statements that deal with serious planning issues in a superficial manner. No proper consideration of key impacts of the industrial use on the surrounding properties and the wider area was undertaken and no satisfactory and enforceable mitigation measures have been proposed.

For proposals with this magnitude of impact on the amenity of residents and on the proper functioning of the highway network, appropriate supporting reports should have been presented as part of the original submission as required by the policies of the local plan.

The applicant has not submitted a Transport Assessment/Transport Statement, a Travel Plan, a Delivery and Servicing Plan, a Noise Impact Assessment, nor submitted proposals for mitigation measures against the emission of fumes, odour or noise, contrary to the validation requirements of Hackney Council.

In addition to the specific issues analysed in the objection comments above, we also submit that the application does not meet basic validation requirements and failed to provide the right amount of information to address, prevent or mitigate substantial shortcomings against planning policy. As such, it should be refused because it did not put the Council’s planning, highways and environmental health teams in a position to make an informed decision on substantive planning policy points and other material planning considerations.

As a minimum, we submit that the applicant must present all the documents listed above to the Council before determination to allow a proper consideration of the planning merits of the scheme.

Summary of proposed reasons for refusal

We submit that, as currently presented, application reference 2019/2456 should be refused for the following reasons:

- Due to its location in a dense urban area, its proximity to residential properties, the absence of physical barriers or other buffers separating it from the adjoining residential properties, and the narrowness of the access road, the site at 3 Institute Place is wholly unsuitable to accommodate a Class B2 industrial brewery use. The continued industrial use would have negative environmental impacts on the area, would cause disruption and safety hazards on the local highway network and would obstruct the public highway, contrary to Policy CS17 of the Core Strategy and Policy DM18 of the Local Development Management Plan.

- The traffic and movements generated by the brewery have negative impacts on highways, residential amenity and the local environment. The continued industrial use would therefore be contrary to Policies CS6 and CS33 of the Core Strategy, Policies DM42, DM44 and DM45 of the Development Management Local Plan and the Sustainable Transport SPD.
- The continued unlawful use of the premises for Class B2 industrial brewery activities would have severe impacts on the amenity of the residential properties adjoining the site by way of noise emissions, air pollution, traffic movements and nuisance. This would be contrary to Policies DM2 and DM22 of the Development Management Local Plan.

As a corollary to the above, we also submit that if the retrospective application is refused enforcement action should be promptly started and lead to the complete cessation of Class B2 industrial activities on site.

Enforcement action

The only way to put the site back to its lawful use is to stop all the uses that fall within Class B2 and limit future uses of the site solely within Class B1(c).

In practical terms, this means stopping all the industrial brewing activities that are currently carried out in the areas labelled as “Brewing Area” and “Front Yard” in drawing No. A0010-A.

It also means stopping using the fermentation tanks located in the front yard, which are in effect the main elements of the industrial process that leads to the production of beer.

We acknowledge that there are valid planning permissions for the *construction* of the existing fermentation tanks, but their *use* is outside the limits of Class B1(c) and the scope of the approved planning permissions. As such, the use of the tanks needs to be discontinued to allow the reinstatement of the lawful use of the site.

Planning conditions

As discussed above, the proposal would be contrary to Hackney’s planning policies on the location of industrial uses, would have significant negative impacts on traffic, parking and highways and the preservation of residential amenity. We therefore submit that it should be refused, and that enforcement action should be taken as soon as possible to remedy the breach of planning control that has occurred.

However, if the Council is minded to grant retrospective permission, we submit that:

- 1) **The applicant must submit appropriate technical reports** to address all the amenity, transport and environmental issues raised above **before the determination of the application**; and
- 2) **Stringent planning conditions must be imposed on the development** to make it acceptable in planning policy terms and address the severe adverse impacts that the industrial use of the site has had on the adjoining residents in the past years.

Paragraph 55 of the NPPF sets out the six tests that need to be met to justify the imposition of planning conditions.

Planning conditions needs to be:

- Necessary;
- Relevant to planning;

- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

We submit that the following planning conditions would meet all the six tests above and that they would be necessary to make the development acceptable in planning terms.

- **Condition 1 – Temporary permission**

The current industrial use of the site has caused significant disturbance to the residential properties located in the vicinity through noise and odour emissions, posed threats to the safety of pedestrians and cyclist and the unlawful occupation of the public highway for delivery and loading activities. The Five Points Brewery has been a bad neighbour for years.

A temporary permission lasting one (1) year would allow the Council to test the actual willingness of the occupiers of 3 Institute Place to comply with the relevant planning policies of the local plan, change their behaviours and minimise their impact on the residential amenity of the local community.

If the brewery wanted to continue its activities on site after one year has lapsed, they will have the option of applying to renew the permission and the Council would then be in a position to verify their compliance with the local plan. Temporary permissions are often used by Councils to test the suitability of highly impacting uses in dense urban locations. The scale of impact of the current use on the surrounding area would justify this course of action. The absence of such a condition would render the development contrary to Policy DM2 of the DMLP.

- **Condition 2 – Permission limited to Class B2 brewery use only**

The retrospective planning permission should limit the use of the site to a Class B2 brewery and prevent the change to any other use within Class B2 without prior planning consent from the local authority. Giving permission for an unqualified Class B2 use could cause the transfer of even more intrusive industrial uses on site without further planning controls, to the further detriment of amenity conditions and traffic. The absence of such a condition would render the development contrary to Policy CS17 of the Core Strategy and Policy DM18 of the DMLP.

- **Condition 3 – No parking allowed on the public highway at any time**

The policies of the local plan clearly state that public highways should never be obstructed by the traffic or parking generated by developments. A planning condition to this effect would be enforceable and would stop the disruption currently caused by the brewery to the local community. The absence of such a condition would render the development contrary to Policy CS6 of the Core Strategy and Policies DM18 and DM45 of the DMLP.

- **Condition 4 – Hours of operation**

Conditions limiting the hours of operation of noisy and polluting activities are standardly used to limit their impact on neighbours. The brewery should operate only between 08:00 and 19:00 from Monday to Friday and be closed on Saturday, Sunday and Bank Holidays. No activities ancillary to the brewery such as guided tours or events should take place outside the brewery operating hours.

The absence of a condition to this effect would render the development contrary to Policies DM2 and DM42 of the DMLP.

- **Condition 5 – No music or noise audible outside the premises at any time and no noise-emitting machinery to be used in the front yard**

To prevent further disturbance to the residential properties in the vicinity, any amplified music and the noises associated with the activities of the brewery should not be audible outside the railway arches. The absence of a condition to this effect would render the development contrary to Policy DM2 of the DMLP.

- **Condition 6 – No loading or unloading between 19:00 and 08:00 on weekdays and no loading or unloading activities at all on weekends and on Bank Holidays**

To prevent further disturbance to the residential properties in the vicinity, deliveries to and from the site and vehicular movements associated with the deliveries should not take place outside the business hours of the brewery. The absence of a condition to this effect would render the development contrary to Policy DM2 of the DMLP.

- **Condition 7 – Details of fumes and odour abating machinery to be submitted within one month of permission and to be installed immediately upon receipt of permission from the Council**

The existing air pollution caused by the brewery needs to stop. Even if the applicant provides drawings and technical reports setting out appropriate mitigation measures curbing the emission of fumes and smell, the permission needs to ensure that the proposals are followed by tangible actions and the installation of fumes and odour abating machinery. The absence of a condition to this effect would render the development contrary to Policies DM2 and DM42 of the DMLP.

Conclusions

The proposed retention of the unlawful industrial brewery would have significant negative impacts on traffic, residential amenity and the environment. These impacts have not been mitigated with appropriate measures and the applicant is not willing to address at the source the issues that have caused distress to the residents of the Eastside Academy Apartments and the properties located along Marcon Place.

The proposal would be contrary to Policies CS6, CS17 and CS33 of the Core Strategy, Policies DM2, DM18, DM42 DM44 and DM45 of the Development Management Local Plan, the Sustainable Transport SPD and the National Planning Policy Framework.

For the reasons set out in this letter, we submit that the retrospective planning permission ref. 2019/1456 should be refused, and that enforcement action should be undertaken to stop the current Class B2 industrial use and reinstate the lawful Class B1(c) of the site.

This would effectively amount to the removal of all the current activities and uses that are industrial in nature, including the processing of raw ingredients to obtain a finished product, and would require the cessation of the use of the external fermentation/storage tanks.

Many breweries that occupied railway arches within the borough of Hackney have now relocated inside larger premises within designated industrial areas to expand their production and gain direct access to appropriate transport networks. Other breweries in the borough are located in buildings or railway arches that do not adjoin residential properties and have direct access to large roads.

The Five Points Brewery should either move inside larger, more accessible premises as many of its peers have successfully done or remove the polluting and noise industrial activities from the site and use it solely for Class B1(c) activities and storage.

If the Council is minded to approve the retrospective application, we submit that the application cannot be determined until detailed specialist reports setting out appropriate and enforceable mitigation measures addressing the severe amenity, transport, air pollution and noise impacts of the brewery are submitted to the Council and approved by officers in consultation with the Council's highway and environmental health departments.

Even if such reports are produced and they respond satisfactorily to the requirements of the local planning policies, any permission would need to include stringent planning conditions to prevent negative impacts on the amenity of adjoining residents in the future and enforce the proposed mitigation measures.

Yours faithfully,
for RPS Consulting Services Ltd



Lorenzo Pandolfi
Principal Planner



Licensing Application for Unit 441 Arches Institute Place E8 and Cloud Retail(taJiffy Grocery)

1 message

13 January 2022 at 18:55

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>, "Ben.hayhurst@hackney.gov.uk" <Ben.hayhurst@hackney.gov.uk>

Dear Hackney Licensing,

I find it necessary to complain about an application for the use of an Arch space by Cloud retail Ltd (t/as Jiffy Grocery).

I have only become aware of this today, as my daughter went to the shops for me and noticed a new sign on the gate of arch 441. Please can you advise why this application was not sent to residents of Marcon Place, considering their proximity to the Arch?

The residents of Marcon Place and Eastside Academy Apartments have in the past complained to Hackney Council in detail about the unsuitability of housing a busy business at the end of Institute Place.

The introduction of cloud retail just repeats the issues that we raised with the council historically, and that we will continue to raise with your team, ArchCo and Cloud Retail LTD. By their own admission on their website, Cloud Retail strive to deliver to every customer within 15 minutes. The number of vehicles travelling into and out of the Arch, all in a rush, night and day, 7 days a week, will make the residents lives a complete misery! Firstly, the residents use Institute Place to walk to the shops etc, there is no pavement, so for the increased number of motorcycle /vans, it will be a strong contender for an accident waiting to happen. Most of the residents' bedrooms are at the back of their houses, so to be kept awake all night with motorcycles/vans/lorries, constantly going up and down is totally unacceptable.

Your website outlines that there are 4 categories to raise an objection to a proposed planning application. These are: the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.

I believe that the proposed application contravenes 3 of these categories as outlined below:

1. Public Nuisance

- This Arch is not in an appropriate area with other types of businesses but remains in a residential space, with the only means of access via a narrow public road, without any pavement - the proposal would have an unacceptable impact on residents.
- There are no landscaping features or physical barriers between the proposed use of Arch 441 and the surrounding residential buildings.
- The proposal will potentially cause adverse environmental, highway and amenity impacts.

2. Public Safety

- The proposal will have a negative impact on the local transport network
- 441 Arch is in a narrow road that is unsuitable to accommodate the movement of large delivery vans / heavy motor traffic
- The proposal will result in increased traffic on a narrow road, resulting in excess noise, air pollution (fumes), and overall disruption to residents quality of life
- The proposal presents a real safety risk for residents walking and cycling

3. Protection of children from harm

- Increased traffic, noise, unpleasant smells, and consequent air pollution will have a detrimental effect on the health and wellbeing of families living in the immediate area, many of which have young children.

- Air pollution and safety risks associated with increased traffic on a narrow road will have a detrimental effect on the ability of children to play freely in their gardens, and consequently potentially a negative impact on their mental wellbeing.

In summary, due to its proximity to residential properties and the narrowness of the access road, the site at [3 Institute Place](#) is unsuitable to accommodate the proposed use. The excess noise, air pollution, odours, and safety risks associated with continued industrial use will have a severely detrimental impact on the quality of life of residents and their children, (as well as cause disruption to the local highway network, and have a negative impact on the environment).

We submit that the planning application should not be determined until all the relevant reports (Transport Statement, Travel Plan and Delivery and Servicing Plan) are submitted to the local authority and deemed sufficient to address the concerns I have outlined above.

I believe that this license application must be rejected.

Best Regards,

██████████

██████ [Marcon Place](#)

[Hackney E8](#) ██████

██████████

Licensing Application For Unit 441 Arches Institute Place Hackney E8 to Cloud Retail (t/a JiffyGrocery)

1 message

13 January 2022 at 19:56

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Cc: "Ben.hayhurst@hackney.gov.uk" <Ben.hayhurst@hackney.gov.uk>, "hccouncillors@gmail.com" <hccouncillors@gmail.com>

Dear Hackney Licensing,

I am writing to complain about an application for the use of a arch space 441 by Cloud Retail (t/a Jiffy grocery), and to have the license application rejected.

I have only become aware of this application today because I had to get shopping for my 91-year-old mother, and noticed the application form on the gate of 441 Arch. I am at a loss to see why the Hackney council did not send this application to the residents of Marcon Place and would like an explanation as to why this didn't happen, please?

Furthermore, I just can't believe that the Hackney Council can even consider this company, Cloud Retail, who by their own admission on their website states that they will get their customers groceries delivered within 15 minutes day and night.

The residents of Marcon place have in the past complained to the Hackney Council, about the unsuitability of housing an extremely busy business at the end of Institute Place. The extreme increase of number of vehicles up and down Institute place 24 hours a day will have a high impact on the residents of Marcon Place. The residents of Marcon Place bedrooms are at the back of their houses, which overlooks Institute Place, the noise from these motor vehicles 24 hours a day will certainly impact their lives detrimentally. Also, the residents use Institute Place to walk to shops etc, there is no pavement or barrier's and the street is an extremely narrow road so the high volume of traffic from Cloud Retail, will make it very unsafe for the residents. The increased traffic on a narrow road will result in excess noise, increased air pollution (fumes) and overall disruption to residents' quality of life. Marcon place has a number of elderly residents as well as families with young children and their gardens back onto Institute Place. The increase of traffic, noise, and consequent air pollution will have a detrimental effect on the ability of children to play freely in their gardens and subsequently have a negative impact on their mental welling and health.

I believe this license application must be rejected.

Regards

 Lauriston Road

Hackney E9



FAO LICENSING DEPT - REPRESENTATION in connection with new Premises Licence

1 message

13 January 2022 at 21:35

To: licensing@hackney.gov.uk

Dear Sir/Madam,

Representation in respect of New Premises Licence for Cloud Retail Limited (T/as Jiffy Grocery), at Unit 441 Institute Place, Hackney, E8.

As a resident of Academy Apartments, [REDACTED] Dalston Lane, which backs onto Institute Place, I wish to object to this premises licence application.

In the first instance, however, please note that I do not believe the relevant notice was displayed for the required number of days and therefore I believe the application is invalid.

Secondly I would raise the following points.

1. **Institute Place** is a narrow lane at the back of a residential property which contains 57 residential apartments (Academy Apartments). This lane, which has no pavements, but is utilised by most/many of the residents to access the property and Amhurst Road. The lack of pavements means that pedestrians compete with vehicles along this route and it is often unsafe. By adding additional traffic with the additional delivery drivers that a new licence would allow, means that pedestrian safety is even more of an issue.

2. The premises if permitted would mean that additional traffic would be expected 7 days a week, late into the evening. This brings an unacceptable level of additional noise and nuisance to the nearby residents.

3. In respect of LB Hackney Core Strategy Policy 17 "Economic Development" - it states that "General Industry (B2) and Storage and Distribution (B8) uses *may* be appropriate where existing or proposed physical barriers for example railway arches, canals, roads or landscaping features, **minimise environmental impacts from industrial activity to the surrounding area such as visual intrusion, noise, vibration and general disruption from servicing and vehicular access**".

4. LB Hackney Policy DM18 "Railway arches" of the Development Management Local Plan is reproduced in full below: Railway arches are appropriate for B1, B2, B8, and other similar sui generis uses. **Proposals for such uses must not cause adverse environmental, highway or amenity impacts to other uses within the surrounding area.**

Other commercial uses may be appropriate, such as A and D class uses, for arches in certain locations, provided they meet the sequential approach for such uses outside of the Borough's Shopping Centres and comply with other policies in this plan.

Proposals should: i. Incorporate active frontage uses where appropriate, and result in the upgrade and appearance of the premises; ii. **Not obstruct the public highway**; and iii. Not result in the significant loss of any existing employment generating use.

5. Paragraph C of Policy LP26 of the emerging Hackney Local Plan 2033 states that proposals for employment floorspace located outside designated employment locations will only be permitted if it would not have an unacceptable impact on residential amenity.

The delivery of goods and then subsequent deliveries to the customers via Institute Place using large vehicles to access a very narrow street in forward or reverse gear without the possibility of manoeuvring is dangerous. It would be expected that delivery vehicles will significantly increase the traffic in Institute Place, thus creating a hazard for pedestrians and cyclists accessing the block our homes and be a general disturbance to the public highway.

I strongly object to the granting of a premises licence and would question whether the Arch has the relevant planning permission to carry out these activities.

Yours faithfully,

[REDACTED]
Academy Apartments

[REDACTED] Dalston Lane

E8 [REDACTED]

Licensing application for Unit 441 Arches, Insitute Place E8 1LA

1 message

13 January 2022 at 22:05

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

Jiffy Grocery
Unit 441 Arches
Institute Place
London
E8 1LA

Hackney
Central

Cloud Retail
Ltd

Application for a premises licence to authorise the supply of alcohol for consumption off the premises from 08:00 to 23:00 Mon to Thurs, 08:00 to 00:00 Fri and Sat and from 10:00 to 22:30 Sun.

13/01/2022

Dear Hackney Licensing,

I oppose this license application on the following grounds.

Institute place is a quiet dead end road which gives onto the bedrooms of all the terraced houses in marcon place road.

Having vehicle movements so late into the evening is going to create a lot of noise disturbance without a doubt. Also the couriers will be speeding down a small cobbled road which will undoubtedly create a safety hazard.

I have just had baby twins who sleep in a bedroom giving onto institute place road. I don't think it's appropriate for them to be woken up by transit vehicles up to midnight on a friday night for the sale of alcohol.

Sadly it seems Arch Co. only seem interested in making money and have no care for the local community otherwise they would have vetted this type of business using this arch as its location.

Businesses of this type should be kept on the main roads where they cause no disruption.

The hours in the application are far too late and should be to the detriment of long-time local residents who just wish to sleep in their bedrooms without disturbance of a badly located business.

I object to this application on the grounds it will create a high volume of traffic on a road which is not able to support it due to the sale of alcohol (Please refer to our complaints about 5 points brewery which were vindicated by Hackney Council - No Heavy Good Vehicles and speeding restrictions). My second objection is the sale of alcohol off site after 8pm will be a detriment to the local amenities (us residents) due to associated business activities.

As a long term resident I urge you to refuse this application and avoid a long standing dispute as we already had with 5 points brewery and make Arch Co understand to find suitable tenants for the premises requirements to operate with harming the local environment rather than just chasing money.

Best Regards,

 **MARCON PLACE E8** 

Re: Cloud Retail (t/a Jiffy Grocery)

1 message

David Tuitt <david.tuitt@hackney.gov.uk>

14 January 2022 at 08:52

To: [REDACTED]
Cc: Shan Uthayasangar <shan.uthayasangar@hackney.gov.uk>

Dear [REDACTED],

Many thanks for your email. I have cc'd my colleague Shan who is the case officer for this application.

Regards,

--
David Tuitt
Business Regulation Team Leader
Licensing | Technical Support
Direct Tel: 020 8356 4942
Tel: 020 8356 2431

On Thu, 13 Jan 2022 at 22:00, [REDACTED] wrote:

Hello

My Name is [REDACTED] and I am the landlord of the 5 flats at [REDACTED] [Marcon Place](#) and also [REDACTED] [Marcon Place, Hackney](#).

All of these properties have residents who have access via the back of the property on to Institute Place.

We have previously serious issues with Meantime Brewery who were the previous occupiers of the units within the arches to the extent where an articulated lorry virtually demolished our back wall and gate whilst attempting to reverse out of Institute Place. I have photographic evidence should you require.

We therefore wish to register our objection to allowing Cloud Retail, another proposed use of the arches which involves Institute Place as means of delivery, to occupy these units.

From a health and safety perspective it is clearly unsuitable to use Institute place, which has no segregated footpath, for a route to allow articulated lorries to make deliveries. There are also council residential bins which obviously involves pedestrians on the same road as the lorries.

The severe damage to our property is evidence enough of this unacceptable use of Institute Place.

Please contact me should you wish to discuss.

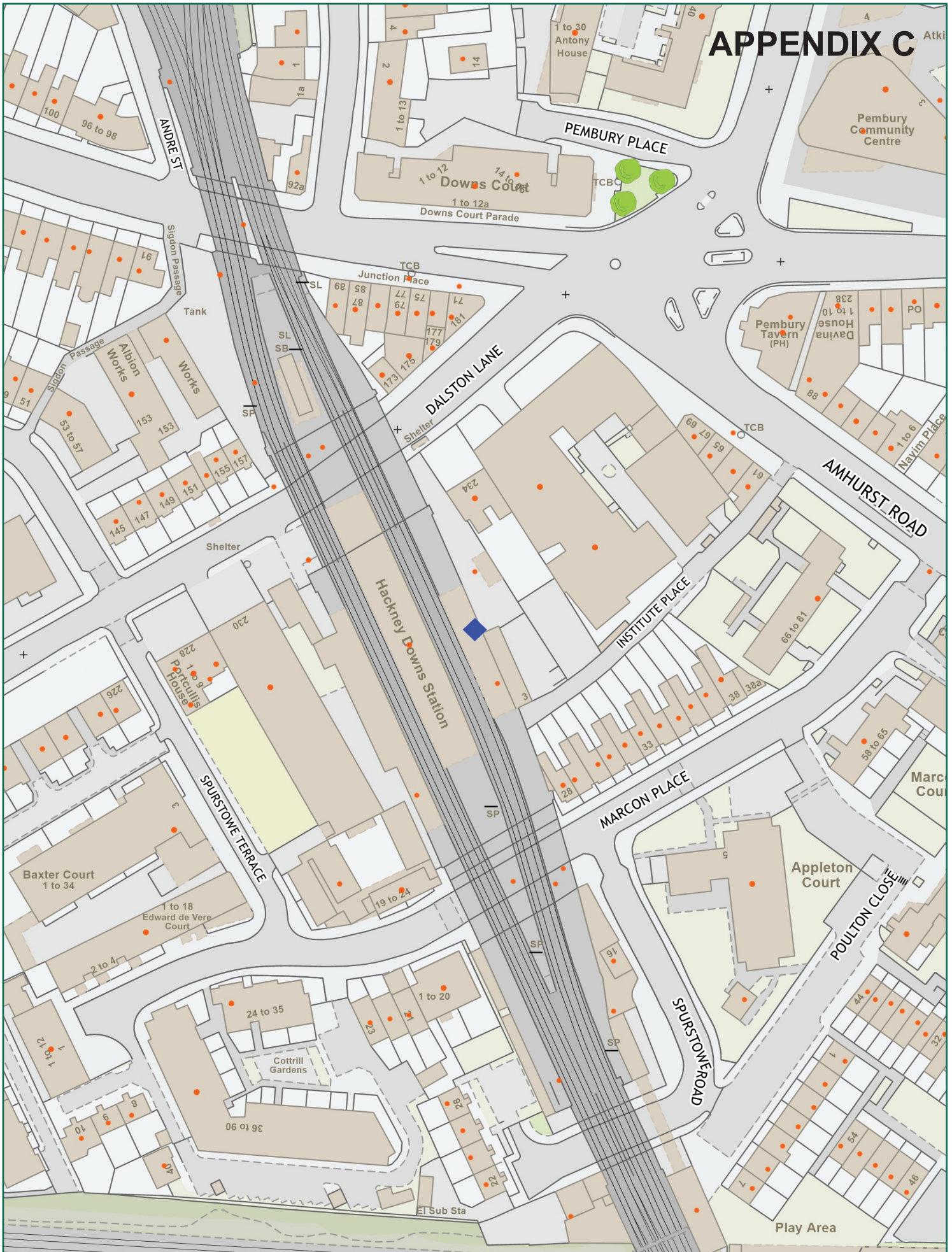
Thanks

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



[REDACTED]

APPENDIX C



Scale: 1:1250 at A4

Jiffy Grocery, Arch 441, Institute Place, E8 1LA



Ref:
Friday, February 4 2022

Produced by: unspecified
email:

please specify copyright statement