From:

19 June 2020 11:25

Sent: To:

Licensing

Cc:

iain@houseofdarwin.co.uk

Subject:

EP Comments - Licence Variation Application - House of Darwin, 221 Chellaston Rd

Attachments:

House of darwin Licensing-Premises-Variation 31.05.20.docx; Perimiter plan.pdf

Dear Licensing,

I refer to the recent Licence Variation application in respect of the licence at House of Darwin, 221 Chellaston Rd and can comment as below with respect to the prevention of public nuisance licensing objective.

I note that the application seeks to allow for an extension to the playing of live and recorded music both *indoors* and *outdoors*. In the case of live music, the application suggests a cut-off for outdoor music of 22:00 hours and for recorded music a cut-off of 21:00 hours. It is worth noting however, that the premises already inherently has permission under the Live Music Act 2012 for the playing of live and recorded music between the hours of 8am and 11pm, provided that the audience remains below 500 people.

Of further note, are conditions attached to the existing licence for the premises, which contradict these permissions brought in by the Live Music Act 2012, namely Conditions 3 and 5 of Annex 3, which appear to forbid music outdoors. It is however my understanding that the Live Music Act 2012 provisions would disapply these conditions.

In this regard, it would appear that the only aspects of the variation application under sections E and F that require consideration are those below:

Section E - Live Music

11pm to 12am (Mon to Sat) - indoors only

Section F - Recorded Music

7am to 8am (Mon to Fri) – indoors only 11pm to 00.30am (Sun to Thur) – indoors only 11pm to 01.00am (Fri to Sat) – indoors only

Conclusions and Recommendations

Due to the close proximity of residential dwellings to the north and eastern boundaries of the premises (and to a lesser extent those opposite Chellaston Road to the west), The Environmental Protection Team objects to the playing of either live or recorded music outdoors at any time at the premises, due to the risk of causing public nuisance.

We do however acknowledge that doing so is already inherently permitted between the hours of 8am and 11pm and therefore there appears to be no justification to refuse the granting of the licence for music between those hours, either indoors or outdoors.

In terms of what is currently being applied for in practice under the application beyond the already permitted hours (see above), the Environmental Protection Team objects to the extension of hours for music on the grounds of public nuisance. This is especially in light of the applicant's apparent intention to utilise external areas at the premises, which is likely to increase the impacts from noise upon local residential dwellings.

I trust the above is of use, however please feel free to contact me for any further clarification.

Kind regards

Karl

Karl Suschitzky | Senior Environmental Health Officer | Environmental Protection Team | Communities, Environment and Regulatory Services | Communities and Place | The Council House, Corporation Street, Derby, DE1 2FS | Telephone 01332 641958 | Minicom 01332 256666 www.derby.gov.uk

From: Iain MacPherson [mailto:iain@houseofdarwin.co.uk]

Sent: 12 June 2020 13:27

To: Licensing; Easton Andrea; dlic@derbyshire.pnn.police.uk

Subject: Variantion of premises licence House of Darwin PL 10550745

Hi Licensing,

Please find enclosed our request to change the license at House of Darwin.

as a bear minimum please can we change the area for our licensable activities to fit the boundary of our property to allow us to serve in our garden that would be greatly appreciated (thinking ahead to Covid19 post lockdown)

if you have any questions, please do not hesitate to contact me.

for payment can we please pay over the phone by card as usual?

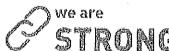
many thanks



lain MacPherson General Manager

A: 221 Chellaston Road, Derby, DE24 9EE
P: <u>+44 (0) 1332 747472</u> M: <u>+44 (0) 7875 145 749</u>









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25th June 2020

The Licensing Team Communities Environment & Regulatory Services Derby City Council The Council House, Corporation Street Derby DE1 2FS

Dear Sirs,

Application to vary a Premises Licence House of Darwin

We wish to make representations against the application for a variation to the premises licence for the above property under the following:

Prevention of Public Nuisance Prevention of Crime and Disorder

It is surprising that, as a matter of courtesy, no notification has been made to the residents surrounding the Darwin that the application requests the playing of music out of doors, and music outside, above conversational sound levels, between the hours of 11.00 a.m. and 9.00p.m. daily. In addition asking for the variation to permit hosting outdoor music events in the garden, restricting outside performance to 22.00 hours.

This property is surrounded by residential properties. A number of gardens in Woodthorne Avenue back onto the Darwin garden and approximately half of our boundary runs alongside the Darwin. Plan enclosed. The request for an extension of hours from 7.00 a.m. until 12.pm during the week will add to the nuisance of noise emanating from the garden. In addition to this the application for change of boundaries to include outside bar areas will inevitably cause more noise and disturbance to residents. There will be increased noise and nuisance with clients leaving the premises at night (which in some instances could be as late as 1.30 a.m.) and causing nuisance with car doors slamming, engines revving, others waiting for taxis and causing disturbance and noise from inconsiderate individuals.

Accommodation for the Darwin is at the back of the property and adjacent to the end of our garden so consequently any extension to licensing hours will mean further noise and disturbance from staff holding animated conversations outside going to the accommodation at these late hours, disturbing our sleep.

We have experienced incidents of music being played in the garden area in the past and the constant thumping of the noise from around 11.00 a.m. until 9.00 p.m. was

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totally unacceptable. We wish to be able to enjoy our garden without the constant thump thump of music being played nearby. We entreat the committee not to grant the application for music to be played outside either live or recorded.

The request for outside music between the hours of 11.00 a.m. and 9.00 p.m. daily is surely an infringement of our quality of life, and a public nuisance to us and our neighbours in the area.

To comment on Item M d). We do not recollect any notification being made to us regarding events taking place and are not aware of the "good relationship with neighbours" as mentioned.

No mention in the application has been made regarding the restaurant hours.

We ask that the Committee take into consideration the points made in this representation.

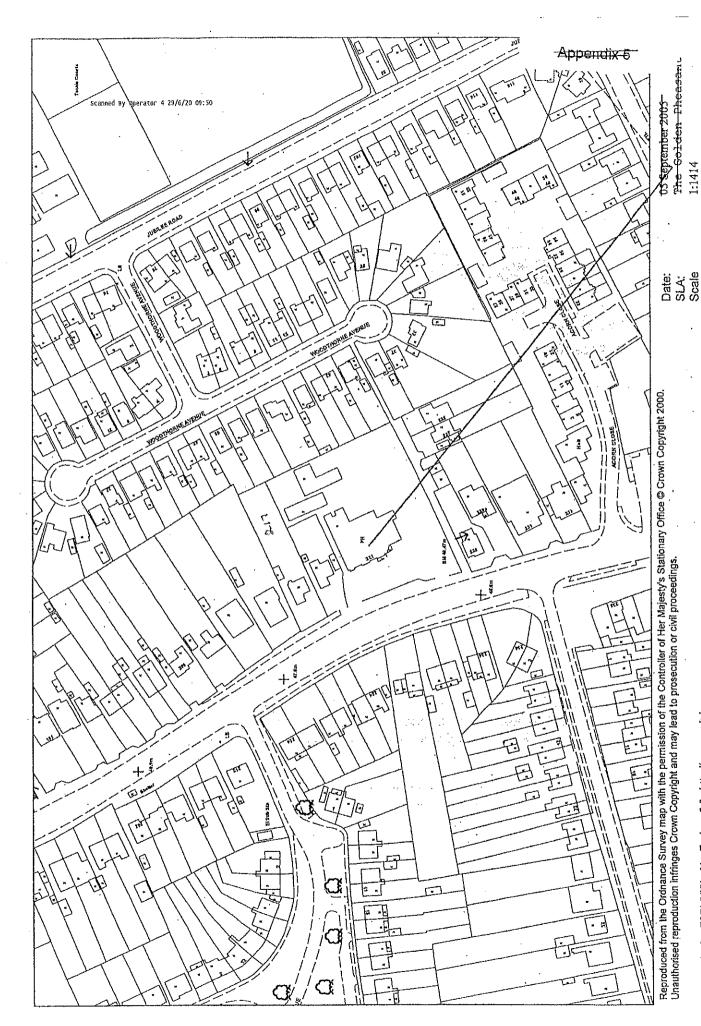
In conclusion we submit that this application is out of character with the surrounding social infrastructure.

Yours faithfully,



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The Licensing Team, Derby City Council, The Council House, Corporation Street, Derby. DE1 2FS

Dear Sir/Madam,

We wish to object to the application to vary the premises license by the House of Darwin Public House, 221 Chellaston Road, Shelton Lock, Derby. Our interest in this may be stronger than the general public because we are situated next door within a few metres of the business.

Our main objections are the noise this will create, and which they seem to want to be continuous on a daily/weekly basis.

When the owners bought the property we were told they intended it to be a nice little village gastro pub, as it states on the enclosed paper work, and for probably twelve months it was.

Our problems began last year when they began to host outdoor events. The noise from the music was intolerable, we were unable to sit and enjoy our own garden, to eat outside or entertain any friends or family.

They have also installed a bouncy castle for children, which also adds considerably to the noise levels. Since they have built on the outside terrace when the doors are open we can hear the loud thumping music from inside the premises. On a couple of occasions cars were parked on the pavement and road because they couldn't get into the car park.

We find the threat of continuous loud outdoor music above conversational sound levels between 11am and 9pm quite frightening. They add that they are willing to stop the outside music to respect their neighbours at 10pm - will they stop at 9pm or 10pm?

There is **no** respect for neighbours at all, I suspect we are not even thought about, the kitchen door is less then 10 metres from our bedroom window and most evenings after closing there is loud music often accompanied by shouting, swearing and a trolley or something being wheeled about which we presume is to move things out of the kitchen. We also have the continuous whirring of fans, and second hand tobacco smoke drifting into windows if they are left open throughout the day and evening when staff take their breaks. At weekends this can go on beyond midnight.

If they are to open till midnight or one o'clock in the morning we dread to think if we will ever get any sleep. I might add this can all be heard through double glazed closed windows.

On a couple of occasions on a weekend we have rung them in desperation to turn down the music, which they do for around 20-30 minutes then its back up to full volume.

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There are quite a lot of other close neighbours surrounding the public house, particularly on Woodthorne Avenue, who are within a very close distance some with their gardens adjoining the Pubs beer garden. This road runs along the back of the Pub and there is no way that we can see of them knowing about this variation application unless they happen to read the local paper. This seems to be very unfair. Some will have school age children, some I know start work early in the morning. I start myself at 5am, so am usually in bed for 9pm. There is also a home for the elderly in close proximity.

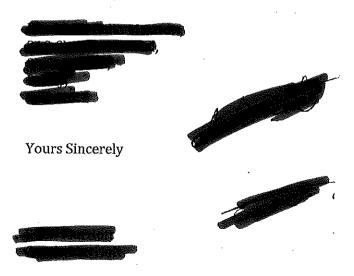
Another concern after reading the notice outside is, where is there room in this relatively small place to hold indoor sporting events, Boxing and Wrestling matches and films. If this goes ahead will we be living next door to a theatre, cinema, sports arena or a nightclub? All of them I think.

I could understand it if they were situated on an industrial area such as Pride Park or even in the town centre away from residents, but its not, it is or was a quiet suburban residential area.

Customers will be able to come for a couple of hours and go home, staff can come and do their shift and go home but close neighbours will not have this luxury, we will have to put up with it all day and every day, there will be no peace for us. Frankly it gives them the right to do what they like and when they like in the name of profit. Respect for neighbours - there is none.

We consider this to be a major rather than a minor variation to this License but under the present circumstance no one is able to go in to the pub, where I believe they have to put up a notice, there is one notice outside, and again because of the current problems with Covid19 very few people are walking past to see it. The notice, which is published in the Derby Telegraph seems to be vastly different and less threatening to the one outside the premises. Working in retail I know that not many people will be buying the local paper anyway. There will be a lot of people who will not know of the variation till it happens. It seems very unfair to all local residents.

Our contact details are:



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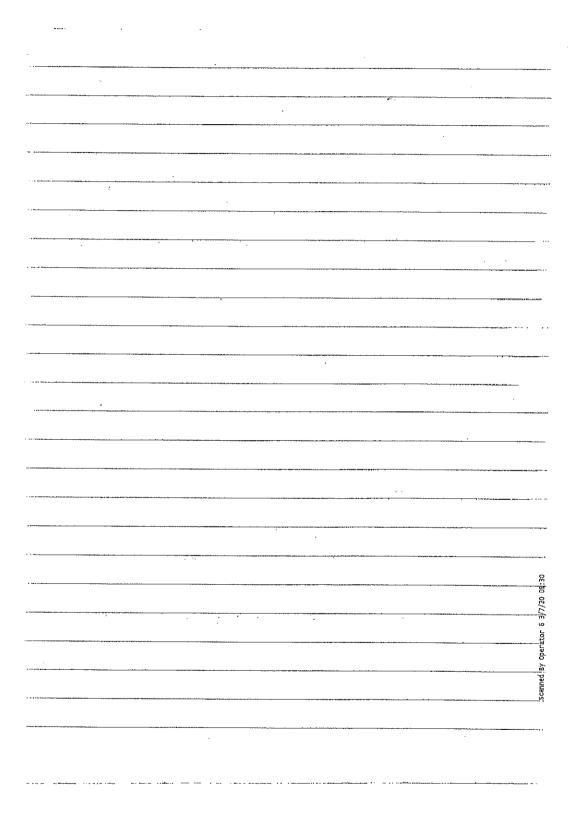
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HOUSE OF DARWIN, 221 CHEVASTON RD
SHELTON LOCK, DERBY, DEZY 9EE
DETAILS OF APPLICATION: SUPPLY OF ACCHOR,
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ANYTHING OF A SIMILAR DESCRIPTION,
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FRIDAY & SATURDAY 8:00 - 01:00 am
We strongly object to the above
application for extended licensing horrs
and music licence.
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and quiet of their gardens! All jobs are stress to be scanned by openator 6 3/7/20 09:30 commorving outback and it would be totaly infair to expect people to pet up with almost 24/7 noise. The House of Darumis at the bottom of our back gorden when we borght or house almost 50 years ago The Golden Pleasant previously The Traveller Jay was a respectable high class pertaugant and there was ne loud music or noise. We thought the House of Darwin war going to boing back this exclusive tradition. On the few occasions that they have had weekend events it has been very noisy and wested a music echoe, are around, we have had to go cost, but as it was only three or four times a year it was just about bearable. The Runk's Klay are ploposing to hosk ac not suitable for a residented pub. To the suburbs, it would be more acceptable in the Caty Centre.



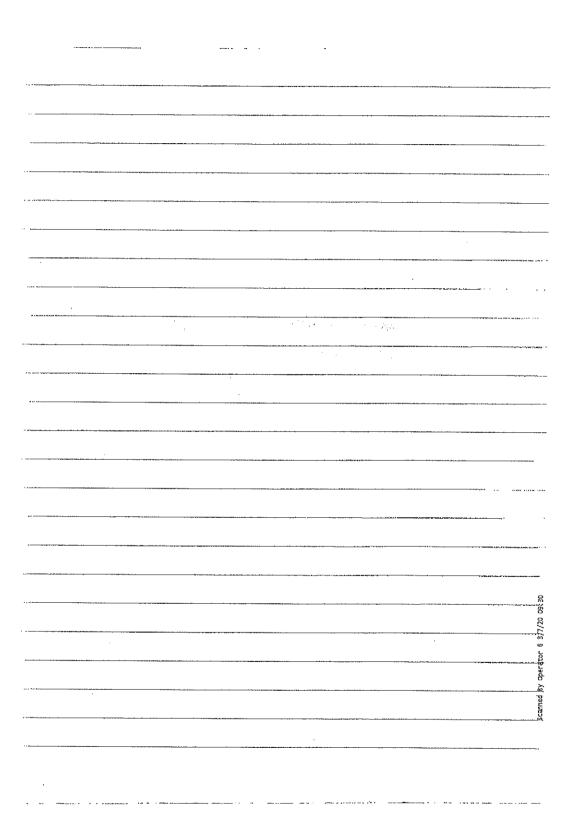
Infortunetely with the going within the scanned by operator 6 377/20 09:30 area we could end up with a repeat of white happened at the Corner Pin Pub on Chairaston. We have had to put up with Very noisy people in the Golden Pleasent over recent years, with different brewseries, Ladlads and Land Ladice and when someone complianed a pool ball war thrown through their car window. We really not went all this to stat Please consider the tox paying residents and pensioners who leserve a quick retirement when you make your decissions, please, please do not allow this application. would you like this To your book garle. we appreciate the House of Dawin like au placer has been through a tealble financial crisis and reads to find ways to recover

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From:

Sent:

07 July 2020 09:04

To:

Licensing

Subject:

Darwin House Shelton Lock CONCERNS WITH PROPOSAL

Hello,

I wish to make clear my reservations regarding House of Darwin (Chellaston Road) application to vary their license.

I live at number only a few houses down from this pub.

I have grave concerns about the potential level of noise emanating from these premises should the application be approved. This is a highly populated and quiet residential area and as such, this proposal would undoubtedly have a detrimental effect on the quality of life of those in the locality due to the noise generated from the playing of loud amplified music. We will no longer be able to enjoy our gardens or be allowed to relax in peace. There is a 20 bed nursing home adjacent to my property. They are at a stage in their lives where they need to go to bed at an early hour, loud music playing outdoors during unsociable hours will have a devastating impact on their well being.

Lalso have concerns about the value of my property. If this application is granted, house prices in my immediate area will fall.

This is simply not the correct location for such a venue to be permitted.

Yours Faithfully



From:

A CONTRACTOR OF THE PROPERTY O

Sent:

07 July 2020 14:09

To:

Licensing

Subject:

House of Darwin application to vary a premises licence @221 Chellaston Road DE24

9EE

With reference to the above application. We would like to register our objection on the following grounds. We do not object to the application to extend the opening hours as that seems reasonable, however the request for

music to be played above conversational level for most or the proposed extended hours would we feel be an intrusion to the ambience of the surrounding area.

The venue is situated on a main road in the middle of a residential area, and while live music is to be supported why do we need pre recorded music to be played extensively every day?

Noise pollution is a growing concern for many local authorities and should be considered carefully in relation to the locale.

The proposal that the extended playing above conversational level of music both internal and external seems to be at odds with providing a relaxing atmosphere for clients.

This objection bears no malice to the applicant but does express a genuine concern for the local ambiance and property valuations.

Yours sincerely

Occupants of Chellaston Road





Re:Objection to the proposed alteration to the Licensing hours for the Darwin Pub/Resturant 221, Chellaston Road, Shelton Lock Derby DE24 9EE.

To whom it may concern,

As a resident of a property three doors from the above premises I object to the "new" proposed licensing hours on the grounds of the,

Nuisance act 1996 to start with.

I have on a number of occasions had to contact the above premises first by telephone (which nobody answers) and then in person at midnight to first ask them to turn the noise down as there is a young child distressed by the loud noise coming from the above premises. The doors are open and weighted back to let the heat out on warm nights when they have too many people inside and noise from the outdoor seating area and secondly the language is not acceptable for a young child to have to tolerate. It has now got to the point that we cannot have our windows open because of the noise and disruption This is not just customers but staff aswell which on my visit I witnessed. On one occasion I contacted the police to investigate abusive verbal behaviour given to me by the Managers son (he told me who he was) I later thought that I should have asked to see his ID under the Challenge 25 act when I had to visit the above premises the day after the unacceptable disturbance the night before.

I dread the hours that are in place now when they hold an event live music etc and to extend Saturday nights hours to 8am- 01:00 am this will go into Sunday morning a day of worship for me. I have lived in our present property for Thirty Five years and the above company have been the worst. The Derby City Council have allowed a number of different companies to take over the licence for the above premises'

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I dread the hours that are in place now when they hold an event live music etc and to extend Saturday nights hours to 8am- 01:00 am this will go into Sunday morning a day of worship for me. I have lived in our present property for Thirty Five years and the above company have been the worst. The Derby City Council have allowed a number of different companies to take over the licence for the above premises over these years without considering the impact that it "could" have on the Residents.'

The Nuisance act 1996: The legislation states that the noise which is the cause of the complaint must be (or is likely to be) either detrimental to a person's health and/or it is interfering (or is likely to interfere) with a person's wellbeing.

The Clean Air Act 1993.

The lack of changing the air filters on a regular basis . I ask at 9am in the morning would you accept the smell of spices and onions when you are out in the garden? Sometimes it is that bad that I cannot hang my washing out because of the impregnated smell on my clothes and that of a young member of my family who is playing outside. The Derby City Council were informed and rather than come out and investigate in person on occasions when the smell was that bad they sent me a record slip to keep a record of dates and times, this came with just a "compliments slip". I duly filled it in and sent it completed back but I have heard nothing from the Environment Department and this was in 2019. I contacted the premises first to give them prior notice of my intent to either change the filters and close the doors to kitchen and preparation area before I contacted the City Council and that did not even help to avoid a dispute. I can only imagine at this present time the impact that opening at 7am in the morning is going to have on my sanity and my lifestyle and to close 17 hours later at 12:00 midnight Monday to Friday is not acceptable in a residential area where people of all age groups have chosen to live well before the Darwin Ltd took over the property .

The Clean Air Act 1993 will concern residential communities where there may be food preparation businesses and alcohol. served during unsociable hours.

Last but not least is the impact and Objection that I have for the new proposed Licensing hours.

The disgusting behaviour that some people have on us when they are coming away from the above premises.

Firstly leaving "human excrement" on a number of occasions near my front door which is a considerable way up my drive.

People being sick and me hearing them when I am in bed and again me having to clean it up before I am taking a small child to school.

Being woken up and having to listen to abusive and physical violence when they have left the above premises. Surely if the Licensee is responsible and <u>on the premises</u> (by law) they have a duty to advise the "intoxicated" customers to respect the residents in and

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around the premises. The Licensee has the authority to advice the "intoxicated" customers that they will **not sell** them any more alcohol.

I had another occasion when I heard my sliding porch door open at 10pm to find a "drunken man" trying to get in. I was on my own so you can I am sure that I was very distressed. I rang the Police and they came and collected him in a van along with other people who were causing a disturbance that had come from the above premises. The Police were called again when I heard a strange noise. I looked out of my front door glass to see a drunken man lay down asleep in my porch. Luckily my adult son was at home and he moved him on and again I rang the Police.

These incidents have all taken place in the last 18 month's. I had hoped that when the premises was updated that it would perhaps have a better cliental frequent their establishment.

When I confronted the Licensee (well I presumed it was him) he said that he had no "Control" of their customers once they leave their establishment and he close's the doors. I wonder if he would like the disturbances that I and the other residents have had to put up with? The hours that they trade now is bad enough.

Is it really necessary to allow the "proposed extended" licence hours to 17 hours a day 7 days a week with no consideration to individual members of their immediate neighbours.

I confirm that I object to the Proposed new Licensing Hours on the grounds of the above disruption outlined in this letter .

Yours Sincerely,



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From:

09 July 2020 18:57

Sent: To:

Licensing

Subject:

House of Darwin, 221 Chellaston Road, Shelton Lock, DE24 9EE

Dear Licensing Team of Derby City Council,

I am writing to complain about House of Darwin pub, which is very closely surrounded by residential houses, applying for a license to play live and recorded music indoors and <u>outdoors</u> past midnight. A lot of our neighbors are working night shifts, so loud music would prevent them from having a sleep. They already had a couple of live concerts that were extremely loud and caused a lot of inconvenience to us and our neighbours, not being able to enjoy spending time neither in the garden nor in the house. When they first opened they were turning all outside lights(very bright lights) off after midnight, yet a couple of months later they started to leave the lights on for most of the night. So they have already shown everybody that they completely disregard everybody's opinion, and always do as they please. It is my strong belief that their 24/7 license won't be honored like nothing else they have done so far.

Please reconsider changing their license.

Yours sincerely,

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From:

A STATE OF S

Sent:

10 July 2020 09:39

To:

Licensing

Subject:

House of Darwin

With reference to House of Darwin's Application to Vary a Premises Licence, we the undersigned residents wish to oppose the application.

Unfortunately, House of Darwin is directly adjacent to the premises on Woodthorne Avenue. There has been a lot of loud music in the past from Darwin, and this application would only make the noise nuisance worse.

Therefore, we wish the application to be declined.



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From:

Sent:

10 July 2020 15:54

To:

Licensing

Subject:

APPLICATION TO VARY A PREMISES LICENCE - HOUSE OF DARWIN, CHELLASTON

ROAD, SHELTON LOCK, DERBY

DETAILS OF THE APPLICATION - SUPPLY OF ALCHOHOL, LIVE MUSIC, RECORDED MUSIC, AND ANYTHING OF A SIMILAR DESCRIPTION, LATE NIGHT REFRESHMENT on MON-THUR 07.00-24.00, SUN 08.00-24.00 AND FRI-SAT 08.00-01.00

I object to the application to vary a premises licence House of Darwin, 221 Chellaston Road, Shelton Lock, Derby DE24 9EE because of the following reasons.

1. I live with my family directly behind the premises on Woodthorne Avenue. I have lived here for over 30 years and during that time there has been various breweries running the business. They have played loud music until midnight when I had three young children whose bedrooms back directly on the rear of the premises and believe me, I know how annoying it is when it is getting late at the weekend and the music is still playing and people are spilling out of the place getting louder and louder. Since House of Darwin have taken over, they have held some events during the summer where there has been a lot of loud music going all day over the whole weekend. There is no way that this should be allowed all the time as the pub is far too close to other neighbours' properties.

I also feel that some of the tables in the pub garden are to close to the back of my property. I live at number 45 and I can hear people talking/shouting/swearing when it is busy as the pub does attract a lot of people when the weather is fine.

- 2. There is a jitty that runs from Chellaston Road adjacent to Darwins that comes out on to Woodthorne Avenue. I have had my car vandalised on a couple of occasions by people who have been drinking in there and been on their way by cutting through on to Woodthorne Avenue. I feel that allowing the venue to stay open later across all nights of the week is unfair to the neighbouring houses who will be affected by this. A lot of people sit in their gardens in the evening during the fine weather and do not want to listen to loud music from a venue that is on their doorstep and their customers who inevitably get louder and louder because they are drinking. It is bound to make the pub busier with more people who will use the jitty to access Jubilee Road so I feel that it is definitely going to be an issue with possible damage to cars as it has happened in the past.
- 3. If I was to start having late night parties and playing music until all hours, I would get a letter from Environmental Services telling me that if I didn't stop, I would be prosecuted as I am being inconsiderate to my neighbours. Do the Officers at Derby City Council who grant these licences not feel that local residents have the right to enjoy where they live without having to make complaints when it is too noisy.

Please feel free to contact me regarding the reasons for my objection to this variation in licence.

Kind regards

