

LICENSING SUB-COMMITTEE: 28 JUNE 2019

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 036618

Name of Premises: Ivy Collection, 18 The Hayes, The Morgan Quarter, Cardiff CF10 1AH

Ward: Cathays

1. Application

1.1 An application for the Grant of a Premises Licence has been received from Troia (UK) Restaurants Limited in respect of; Ivy Collection, 18 The Hayes, The Morgan Quarter, Cardiff CF10 1AH.

1.2 The applicant has applied for the following:

(1) In respect of licensable activities:

- (i) The sale by retail of alcohol for consumption on and off the premises
- (ii) The provision of regulated entertainment in the form of recorded music (indoors).
- (iii) The provision of late night refreshment (indoors & outdoors)

(2) Description of Premises (as stated by applicant):

“It is a food based operation offering high quality food and wines.”

(3) Unless otherwise indicated the premises may be open to the public during the following hours and for any hours consequential to the non standard timings:

Monday to Sunday: 08:00 to 00:30 hours

Non-Standard Timings:

New Year’s Eve: Until the start of permitted hours on New Year’s Day

(4) To provide licensable activities during the following hours:

- (i) The sale by retail of alcohol for consumption on and off the premises:
Monday to Sunday: 10:00 to 00:00 hours

Non-Standard Timings:

New Year's Eve: Until the start of permitted hours on New Year's Day

- (ii) The provision of regulated entertainment in the form of recorded music (indoors):

Monday to Sunday: 08:00 to 00:30 hours

Non-Standard Timings:

New Year's Eve: Until the start of permitted hours on New Year's Day

- (iii) The provision of late night refreshment (indoors & Outdoors)

Monday to Sunday: 23:00 to 00:30 hours

Non-Standard Timings:

New Year's Eve: Until the start of permitted hours on New Year's Day

1.3 A site plan of the premises can be found in *Appendix A*.

2. Promotion of Licensing Objectives.

2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached to the report and can be found in *Appendix B*.

3. Relevant Representations

3.1 A representation was received from South Wales Police in respect of this application. A copy of the Police representation can be found in *Appendix C*.

3.2 Representations have also been received from a number of 'other persons' as defined by the Licensing Act 2003. Copies of these representations can be found in *Appendix D*.

4. Legal Considerations.

4.1 In respect of the application the decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:

Prevention of crime and disorder
Public Safety
Prevention of Public Nuisance
Protection of Children from Harm

4.2 In each case the Sub-Committee may make the following determination

- a) To grant the application.
- b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
- c) Reject the whole or part of the application.

4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

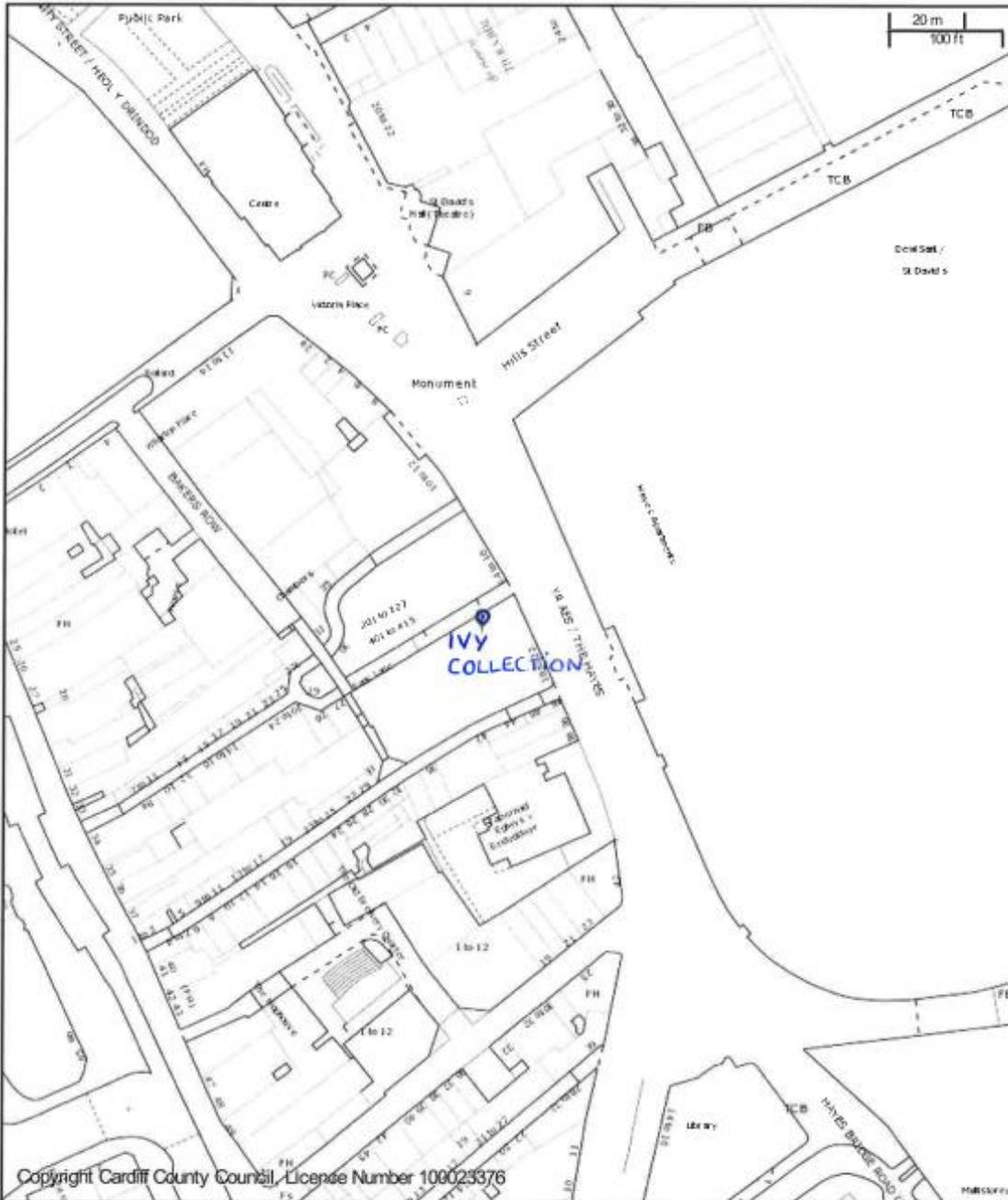
5. Issues for Discussion.

5.1 The application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

Dave Holland
Regulatory Services

11 June 2019

Site Plan – Ivy Collection, 18 The Hayes, The Morgan Quarter, Cardiff CF10 1AH



<p>CHIEF EXECUTIVE</p> <p>Neuadd y Sir, Glanfa'r Iwerydd CAERDYDD CF10 4UW Tel: 029 20872088</p> <p>County Hall, Atlantic Wharf CARDIFF CF10 4UW Tel: 029 20872087</p>	<p>Cyngor Caerdydd</p> <p>Cardiff Council</p> 		<p>Ivy Collection, 18 The Hayes, The Morgan Quarter, Cardiff CF10 1AH</p> <p>Scale: 1:1417 Date: 11/6/2019 at 11:34 AM Coordinates © Crown copyright and database rights (2014). This copy is produced specifically to supply County Council information NO further copies may be made. Ordnance Survey 100023376 (2014).</p>
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Operating Schedule - Conditions Proposed by Applicant

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Please see attached list of proposed conditions which will promote the four licensing objectives.

The premises fall within the Cardiff City Centre Cumulative Impact Policy (CIP), The hours applied for are in line with the core hours set out in Cardiff's Licensing Policy for restaurant premises and the applicant has included the "additional measures" set out in the Policy within their operating schedule.

The premises will trade predominantly as a restaurant with alcohol being served as ancillary to a table meal save for a small bar area as indicated on the licensing layout drawing where the applicant would like the flexibility to serve alcohol without the requirement of a full table meal.

Taking into account the hours sought and conditions that have been offered, the granting of the application will not have a negative impact on the four licensing objectives.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Operating Schedule - Conditions Proposed by Applicant - Continued

Proposed Conditions – New Premises Licence

Ivy Collection, 18 The Hayes, The Morgan Quarter, Cardiff

1. The premises shall install and maintain a comprehensive CCTV system. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon request of Police or authorised officer throughout the preceding 31 day period.
2. At least 70% of the public space will be occupied by tables and chairs.
3. All meals will be consumed at tables with non-disposable crockery.
4. The sale of alcohol for consumption on the premises will be ancillary to the taking of a substantial table meal with the exception of those customers in the hatched area as indicated on the licensing layout drawing. In the hatched area, substantial food shall be available throughout the premises at all times during the permitted hours.
5. There will be no self seating, customers will be shown to their table by staff.
6. Food will be served by waiter/waitress service only.
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
8. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of training prior to them being authorised to sell or supply alcohol. Such training shall consist of providing staff with an understanding of:
 - (a) The need to ensure the responsible sale and supply of alcohol
 - (b) The need to refuse the sale and supply of alcohol to persons who are intoxicated or underage
 - (c) The need to seek credible age verification from persons seeking to be sold or supplied alcohol who may appear under the age of 18 years old
9. There will be appropriate signage at the premises requesting customers to leave quietly.

Operating Schedule - Conditions Proposed by Applicant - Continued

10. All external doors and windows at the premises shall remain closed at all times when regulated entertainment is provided save for ingress and egress.
11. All exit doors will be regularly checked and all fire doors maintained unobstructed and effectively self closing. All fire fighting equipment will be regularly checked to ensure they function correctly.
12. Staff will routinely check the premises during the opening hours to ensure that the premises are clean and tidy
13. Empty glasses will be regularly collected and any spillage dealt with as soon as practicable.
14. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.

Police Representation

Licensing Department,
Cardiff Bay Police Station,
James Street,
Cardiff
CF10 5EW

20th May 2019

Kerry McGowan
Popleston Allen Sols.
The Stanley Building,
7 Pancras Square,
London
N1C 4AG

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE
LICENSING ACT 2003.**

**"IVY COLLECTION", 18 THE HAYES, CARDIFF CF10 1AH Units 1-5 BBC BUILDING,
CENTRAL SQUARE, CARDIFF CF10 1FS**

I, Chief Inspector J. REDRUP of the South Wales Police for the district of Cardiff, hereby give notice that an objection shall be made to the application for the grant of a premises licence for "IVY COLLECTION", 18 THE HAYES, CARDIFF CF10 1AH.

This objection is made under the licensing objectives of;

The prevention of crime and disorder,
Public safety.

The prevention of public nuisance.

The protection of children from harm.

(The premises are in a saturation policy zone, there is a disproportionate amount of alcohol related crime, disorder and public nuisance in the area.)

Should the committee be minded to grant this application South Wales Police ask that the below conditions be attached to the licence.

p.t.o.

Police Representation - Continued

1. a. The hours the premises are allowed to be open to the public will be 08:00 to 00:00 each day.
- b. The hours permitted for the sale of alcohol will be 10:00 to 23:30 each day.
- c. The hours permitted for the playing of recorded music will be 08:00 to 00:00.
- d. The hours permitted for the provision of late night refreshment will be 2300 to 00:00 each day.

On New Years Eve all activities are permitted throughout the night until the start of the permitted hours on New Years Day.

2. The sale/supply of alcohol will be ancillary to the partaking of a table meal.
3. No bar for the purpose of dispensing alcohol will be set up in the outside area.
4. On major event days in the Cardiff City Centre no glass vessels will be allowed in the outside area.
5. A cctv system shall be installed to a standard agreed with South Wales Police. The system shall be maintained and operated at all times the premises are open to the public. The system shall cover all parts of the licensable areas to which the public have access (excluding toilets) and all outside areas and exits and entrances used by customers. Images shall be kept for a minimum of 31 days.
The images shall be produced to an authorised Police employee immediately upon request when the premises are open and at all other times as soon as is reasonably practical. There will be sufficient staff training to facilitate the above.
6. No recorded music shall be played in the outside area after 23:00 hours each day.

Police Representation - Continued

7. There will be no entertainment of a sexual nature such as striptease or lap dancing.

Should you have any queries regarding the above objection, please contact Licensing Officer Tony BOWLEY at the Licensing Department, Cardiff Bay Police Station. Telephone 02920 527207.

Yours faithfully,

J. REDRUP
CHIEF INSPECTOR.

COPY TO:-
Clair HARTREY,
Operations Manager,
Licensing & Strategic Services
Cardiff County Council,
City Hall,
Cardiff.
CF10 3ND.

Anthony Bowley
Police Licensing Officer
Cardiff Bay Police Station
Direct Line : +44 (0) 2920 633421 (Ext 34208)
Fax : +44 (0) 2920 527256
E-Mail : Anthony.Bowley2@south-wales.pnn.police.uk

'Other person' representations

From: [REDACTED]
Sent: 05 June 2019 16:28
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: 18 The Hayes, Cardiff re application by Troia (UK) Restaurants Limited

To:
Cardiff Council
Licensing Department
City Hall
Cardiff CF10 3ND

18 The Hayes Cardiff CF10 1AH
Application by Troia (UK) Restaurants Limited for a Premises Licence

This submission is made on behalf of the [REDACTED] which is a recognised Tenants Association in accordance with section 29 of the Landlord and Tenant Act 1985. We represent the significant majority of the 56 residential leaseholders of the [REDACTED] apartments that are immediate neighbours of the premises to which this licensing application relates.

Following the withdrawal last year of an earlier (Dec 2017) application for a licence in respect of this same property (18 The Hayes), a site meeting was arranged by the applicant and their consultants Pegasus on 8th February 2019. Since that time, the [REDACTED] has engaged in constructive correspondence with Pegasus on detailed matters of interest to residential leaseholders. However, a number of issues remain of concern to DMOA members, some of whom will be more directly impacted by the proposal than others.

We have submitted comments to Cardiff's Planning department in relation to a parallel application for change of use and also aware that concerns have been raised in relation to the neighbouring property (Hayes Apartments) directly across the street from the premises under consideration. We ask that these submissions, be taken into account in your assessment of the current application.

Hours of Operation

The proposed hours of operation are inconsistent with those of comparable nearby businesses and would involve both late night and early morning hours.

The periods before opening and after closing are likely to be particularly noisy due to deliveries, waste removal and the ingress/egress of some 120 full- and part-time staff. Residents who are closest to 18 The Hayes and its entry/exit routes will be most seriously affected.

We note that residential leaseholders are bound by the terms of their residential lease agreements which prohibit residents from holding meetings, playing dance music and singing between the hours of 11pm and 8am in order to minimise disturbance to other building occupants. The application, if accepted without amendment, would introduce a significant asymmetry in that the business occupying the premises would be permitted to act in a manner (eg playing music and creating noise after 11pm) for which the building's residents could be subject to sanctions.

Deliveries.

We understand that under the current proposals, these are due to arrive around 7-7.30 am each morning which will cause disturbance to some residents. Although we have been told there are no plans initially to sell draft beer and so there would be no noisy rolling of beer kegs during early morning hours, there is a concern that this could change in the future. We therefore ask that the matter of deliveries, especially if outside trading hours, be duly considered as a licensing matter.

'Other person' representations

Barry Lane and Surrounding Areas.

The applicant's policy is that their 120+ staff will not use the restaurant's customer entrance. We understand that the intention is to use what was the Moss Bros emergency exit opposite the entrance door into the Apartments and that staff will enter and exit the premises via Morgan Arcade and Bakers Row. This presents a major concern for leaseholders for several reasons, especially:

- (i) The physical security system established from the time the apartments were first occupied in 2008 ensures that when residents gain access to Barry Lane from The Hayes during hours when the stores have closed, they feel safe as soon as the external security gate has closed behind them. This safety is enhanced since the Barry Lane section is also closed off from the Morgan and Royal Arcades during non-trading hours. The proposal under consideration will compromise this security. Even if new controls were introduced, designed to ensure that the level of physical security in Barry lane is kept as high as possible in the circumstances, residents are worried that the applicant would be unable to ensure that third parties could not 'tailgate' staff entering and leaving the premises and that even if prosecution quality CCTV were to cover the entire accessible internal area, this would not completely remove the safety risks.
- (ii) Leaseholders are concerned that departing customers and/or those who might have been declined entry might be tempted to hang around the restaurant's entranceway on The Hayes. If this were the case, residents would feel extremely uncomfortable and potentially intimidated when seeking to enter Barry Lane through the robust security gate which is locked outside of shop trading hours (+/-30 min). Problems could also arise if the premises' internal staff were unable to effectively discourage loitering and move any parties on from this area.
- (iii) The general ambience of the apartments would suffer if staff were to loiter in Barry lane at any time. Leaseholders whose bedrooms open onto Barry Lane are especially concerned that a strict smoking prohibition in that area may not be fully observed and enforced. Likewise, residents who live directly above the proposed customer entrance on The Hayes would be disturbed by noise and smoke from both the tables planned for the pavement area and in relation to customers in the doorway area unless practical steps could be taken to substantially mitigate the problem.
- (iv) The security key fob system is particular to the apartment complex and leaseholders have received assurances from Pegasus that the applicant intends at all times to prevent staff from 18 The Hayes from entering the residential section. We are seeking assurances in relation to the change of use matter that this concern be sympathetically considered and that the design of any system to control and monitor staff ingress/egress is completely separated from the residential system.
- (v) We have suggested to Pegasus, acting for the applicant, that the gates currently between Barry Lane and Morgan Arcade at Tabernacle Lane should be moved closer to The Hayes sufficient to allow the rearmost ground floor exit to Barry Lane (adjacent to the electrical plant room shown on the applicant's floorplan "Plan 6176-201 Proposed GA – Ground" submitted in relation to change of use.) to be used to permit staff to securely enter/exit either via Bakers Row or via Tabernacle Lane to The Hayes without granting out-of-hours access to Barry Lane. Although we understand that the applicant does not favour this solution, we nevertheless propose that it should be seriously considered in the context of the application for a premises licence.

Noise and Light Emissions.

The main operation on the first floor will clearly generate a considerable level of noise (music, customers, kitchen etc). We have participated with the applicant's retained acoustic engineer in enabling several sample measurements to be made. The void between first floor ceilings and second floor flooring is substantially empty and we have been advised of the intention to install insulation in this space.

'Other person' representations

The acoustic report that has been supplied with the application for change of use appears to be based on a reasonably representative sample of measurements. However, we are conscious that (a) it was not possible in practice to measure comprehensively throughout the residential complex and so some anomalous situations may exist and (b) the measurements relied on a specific type of noise-generating equipment placed on the floor of the Hayes premises whereas in practice, loudspeakers are likely to be ceiling or column-mounted. We ask that, in the event that a premises licence be approved, strict noise limits are imposed and suitable tests undertaken in an operational environment to confirm the engineering assumptions have been met.

Lightwell Issues

The lightwell will be a central feature of the main dining room and entertainment area but this has fixed openings a matter of 1.70 metres from one apartment's bedroom windows and another's terrace. We note the proposal that the air vents will be blocked up and that a screen will be put in place to shield residents from audio disturbance and we again propose that further audio measurements be taken in the lightwell after operations have begun. Further, if change of use is approved, we have asked that suitable preventative measures be required in relation to the lightwell scheme so as to ensure no internal lights shine from the Hayes premises into residential bedrooms during hours of darkness.

We are concerned that, as a consequence of the unvented Perspex cover over the lightwell at a level between 2nd and 3rd floors (which we understand to have been a temporary measure to protect the lightwell features pending restoration), the temperature in the lightwell space rises in summer to such an extent as to melt the lightwell's lead flashings. At these temperatures the affected apartment owners have no option but to keep bedroom windows open for extended periods in the summer months. The intended blocking of the lightwell air vents in order to reduce noise will remove whatever access they currently have to fresher air. We propose that this matter be addressed by the introduction of new ventilation to or removal of the Perspex cover as a condition of approving a premises licence.

Kitchen Exhaust Waste. While we appreciate that this may not necessarily be a licensing matter, we include this comment in order to provide contextual information for the licensing committee. The change of use proposal seeks to build a large flue system which will take the gaseous waste to roof height and force it upwards to a level above roof height. We are not fully aware of how this system would work and whether the external amenity and paint finishes to the residential portion of the estate might be affected. Nor are we aware of how waste would be flushed into the Victorian sewer system and the impact this may have on other users, including the established Giovanni's restaurant, and we have sought assurance that a suitable treatment of fatty waste be introduced before disposal.

Fire Hazard. We note that the kitchen will use gas cookers. Currently there is no gas in the apartments so the combination of a commercial kitchen and gas supply will mean the risk of fire is likely to increase. There is concern that the building design, especially the number of conduits (some of which are believed to be of Victorian construction) could speed up the spread of fire in the event of an accident. This is something on which leaseholders and residents would expect a thorough fire safety analysis and systemic mitigation of risk. In particular, we would expect that appropriate fire detection equipment be put in place throughout both the Hayes premises themselves and the relevant residential areas so as to ensure the earliest possible detection of fire.

We were concerned by reports of a severe fire at one of the applicants' other premises in Manchester in November 2018, (<https://www.manchestereveningnews.co.uk/news/greater-manchester-news/live-the-ivy-fire-manchester-15632236>) and have questioned the suitability of the former David Morgan store as an appropriate location for a licensed premises. We were initially assured by Pegasus on behalf of the applicant that (a) they have considerable experience of combining restaurant operation in mixed use buildings and (b) the root cause for this particular incident in Manchester was a faulty external patio heater and that these were not intended for use in the proposed outdoor seating area. We have subsequently been informed by Pegasus that the explosion was in fact caused by an indoor bioethanol heater of a type not intended for use in The Hayes premises. In order to provide a degree of comfort to residents on this point, we are seeking the imposition of strict obligations in relation to the design of any heating system that may be permitted in the event that the licensing and change of use applications are approved.

Conclusion

'Other person' representations

While we hope the above points are clear, we would be happy to expand on anything that may require further exploration. Representatives of the [REDACTED] would also be happy to meet with Council officials to discuss how best the residential interests might be preserved alongside those of the applicant and wider Cardiff community in considering this application for a premises licence.

Sincerely,

[REDACTED]

Chairman

[REDACTED]

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'Other person' representations

From: [REDACTED]
Sent: 05 June 2019 21:48
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: 18 The Hayes' Cardiff - Application by Troia (UK) Restaurants Limited

To:

Cardiff Council

Licensing Department

City Hall

Cardiff CF10 3ND

18 The Hayes Cardiff CF10 1AH

Application by Troia (UK) Restaurants Limited for a Pেমises Licence

Further to the submission made on our behalf by the [REDACTED] which is a recognised Tenants Association in accordance with section 29 of the Landlord and Tenant Act 1985, we would like to outlay our concerns regarding the proposed restaurant.

My fiancé and are owners of an apartment within [REDACTED]
[REDACTED] The apartments are immediate neighbours of the premises to which this licensing application relates.

The chairman of [REDACTED] has submitted comments to Cardiff's Planning department in relation to a parallel application for change of use. We ask that these submissions, be taken into account in your assessment of the current application.

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The acoustic report that has been supplied with the application for change of use appears to be based on a reasonably representative sample of measurements. However, we are conscious that (a) it was not possible in practice to measure comprehensively throughout the residential complex and so some anomalous situations may exist and (b) the measurements relied on a specific type of noise-generating equipment placed on the floor of the Hayes premises whereas in practice, loudspeakers are likely to be ceiling or column-mounted. We ask that, in the event that a premises licence be approved, strict noise limits are imposed and suitable tests undertaken in an operational environment to confirm the engineering assumptions have been met.

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We are concerned that, as a consequence of the unvented Perspex cover over the lightwell at a level between 2nd and 3rd floors (which we understand to have been a temporary measure to protect the lightwell features pending restoration), the temperature in the lightwell space rises in summer to such an extent as to melt the lightwell's lead flashings. At these temperatures the affected apartment owners have no option but to keep bedroom windows open for extended periods in the summer months. The intended blocking of the lightwell air vents in order to reduce noise will remove whatever access they currently have to fresher air. We propose that this matter be addressed by the introduction of new ventilation to or removal of the Perspex cover as a condition of approving a premises licence.

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'Other person' representations

Pegasus that the explosion was in fact caused by an indoor bioethanol heater of a type not intended for use in The Hayes premises. In order to provide a degree of comfort to residents on this point, we are seeking the imposition of strict obligations in relation to the design of any heating system that may be permitted in the event that the licensing and change of use applications are approved.

Conclusion

While we hope the above points are clear, we would be happy to expand on anything that may require further exploration. Representatives of the [REDACTED] would also be happy to meet with Council officials to discuss how best the residential interests might be preserved alongside those of the applicant and wider Cardiff community in considering this application for a premises licence.

Sincerely,

[REDACTED]

Chairman

[REDACTED]

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Sent from my iPad

'Other person' representations

Griffiths, Paul (PPE)

From: [REDACTED]
Sent: 05 June 2019 11:51
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Lincensing : Troia IVY 18 The Hayes CF10 1AH representation

Dear Licensing, sorry about this but yesterday evening near 8pm I submitted via your email link on the Troia Ivy website licensing application this representation and included myself as a Cc but once sent I did not receive 'sent' message or my Cc so I have no proof this it was sent / received. Hence this direct email without using the link. It may therefore have already been received by yourselves. Apologies therefore if this is a duplicate

NOTE ** this representation may be a duplicate of the one I may have had technical problems submitting yesterday evening **

My name is [REDACTED] address [REDACTED]
[REDACTED]

I wish to make a representation relating to APPLICATION FOR A PREMISES LICENCE (under Sections 17)

by Troia (UK) Restaurants Limited Ivy Collection, 18 The Hayes, The Morgan Quarter, Cardiff, CF10 1AH

I wish to make representation against the Licensing application submitted by Troia(UK) Restaurants Limited on behalf of the Ivy Collection which is related to the 19/01197/MNR | CHANGE OF USE FROM CLASS A1 (SHOP) to CLASS A3 and related planning applications, the premises being situate at 18, The Hayes, CF10 1AH (formerly occupied by Moss Bros. as a two floor clothing retailer).

The planning applications submitted by Troia (Ivy group) are to convert the ground and first floor of the grade 2 listed building into a large licenced restaurant, that will operate for approx. 20 hours a day, 7 days a week. (5.30am deliveries through to expected 01.30am staff exited closure). No other Arcade premises operate with these extended hours, the Arcade being closed and locked c 7.30pm until c7.30am and other local eateries being situated away from apartment complexes and with lesser licencing hours. This part of the Hayes is a quiet residential area at night. The premises are below and adjacent to the David Morgan 56 residential apartments and opposite to The Hayes Apartments building. The restaurant proposes 228 covers, 18 of which will be external on The Hayes frontage and abut the gated overnight security entrance to Barry Lane and the David Morgan Apartments. There is a similar more

'Other person' representations

modern entrance to the larger Hayes Apartments directly opposite that would also be affected by these applications.

Public safety and nuisance

The public safety of residents, particularly single / elderly / non drinkers, will be compromised by the impact of diners, waiting /leaving customers/staff and alcohol adjacent to this night time entrance with the proposed licence application. The IVY staff and deliveries will also enter and exit / have breaks in the overnight hitherto closed off and secure area of Barry Lane, (between The Hayes security door and main apartment entrance).

For many single tenants the close proximity of Ivy patrons/crowd (on event days) to this access will create an unsafe or uncomfortable situation which goes against the Cardiff LDP 3.3 recommendations. Having door "greeters" for customers is not going to solve this situation or for those tenants in the larger Hayes apartment complex opposite.

CDLP - "All new development and redevelopment shall be designed to promote a safe and secure environment and minimise the opportunity for crime. In particular development shall:

- i. Maximise natural surveillance of areas which may be vulnerable to crime such as publicly accessible spaces, open space, car parking areas and footpaths;
- ii. Have well defined routes, spaces and entrances that provide convenient movement without compromising security;
- iii. Maintain perceptible distinction between public and private spaces through well-defined boundaries and defensible space;

Residents have a right to feel safe when entering their place of domicile.

Noise

I own a one bedroom apartment on the third floor of the [REDACTED] [REDACTED]. The apartment is directly 2 floors up from the proposed kitchen area and staff/delivery/break entrance and exit which it is proposed will operate from 05.30am to expected staff exited by 01.30am. The applicant has indicated that there won't be beer casks being rolled in but all deliveries, material or human, across flag stones and the late/early morning entering and leaving to supply the food and alcohol will not be silent. 35 times a week. Currently the area is all securely locked at night and quiet as it was with Moss Bros.

'Other person' representations

“My apartment has just 2 windows, one in the bedroom and one in the adjoining bathroom. Both are normally left slightly open in order to get air in especially in summer time. The apartment has no other windows. The proposed licencing hours will severely effect the peaceful enjoyment of the apartment and the occupants ability to sleep. The sound from the restaurant, its music ,staff and its customers will certainly be noticeable every time the Barry Lane staff/delivery door is opened below my windows. The proposed hours for music and refreshment to 00.30am with alcohol until midnight are excessive in a residential area taking into account the business’s early morning daily deliveries.

The tenancy of apartments has significant restrictions on noise, section 4.1 “Quiet Enjoyment” especially within the hours of 11pm and 8am. The proposed licencing operation is outside of these hours.

Even city dwellers need to sleep after day work, shift work or study.

The apartments are conversions from the original David Morgan store and are mainly constructed of wood and plasterboard with boxed in conduits feeding the electrical and water supplies throughout the building. They are not intrinsically well sound proofed. The applicant has carried out some white noise acoustic tests for sound passing from the proposed restaurant to surrounding apartments. My understanding that the daytime expected noise transmission to my apartment falls within an acceptable additional level even though increased background noise is not a bonus. I remain unconvinced but open minded as to the midnight sound transmission of 200+ happy customers, staff and music. Potentially 7 days a week.

Fire comment.

There is a strong upward air draft within the conduits and one of the main site ducts starts from a room within the proposed development at the back of the designed ‘kitchen area’ which will have gas supplied for cooking. A fire spread to the conduit room could very quickly be drawn up throughout the apartment complex via the conduits.

This may not be related strictly to this licencing application but the fact is that the whole operation proposed comes as a package with the supply alcohol from 10am to midnight 7 days a week currently as an intrinsic part of the plan.

Suitability of location - Tying in Licencing and Planning

'Other person' representations

From: [REDACTED]
Sent: 05 June 2019 16:59
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Application for Premises Licence - 18 The Hayes, Cardiff CF10 1AH
Attachments: DMA Lightwell 2.jpg

Cardiff Council
Licensing Department
City Hall
Cardiff CF10 3ND

Dear sir/madam,

We make this representation as an immediate neighbour of the premises to which this application has been made by Ivy Collection / Troya (UK) Restaurants Ltd, relating to the 18 The Hayes. The comments which we previously submitted in January 2018 remain valid and we ask that they also be taken into consideration. Please treat the following comments as supplemental to our earlier submission.

Our apartment [REDACTED] is situated on the second floor of the building, fronting The Hayes, with two bedrooms at the rear. Our bedrooms open onto a rooflight void. This ornate stained glass rooflight forms part of the premises at 18 The Hayes to which the application relates. The attached photograph shows the rooflight void area. Our two bedrooms each have windows that are less than 1.70m from the permanently open holes in the rooflight. The photograph illustrates this particularly close proximity together with the extent of the temporary repairs and the weather protection cover that sits a few feet above our bedroom windows.

Our understanding is that the applicant intends to protect the stained glass structure with a close-coupled acoustic shield, located either just over or under the lightwell. In warm weather it is essential for us to open our windows fully in order to get ventilation, the availability of which is severely restricted by the unvented perspex cover and we rely on a small flow of air through the rooflight openings, the removal of which would completely cut off our access to ventilation which may cause a health problem.

During the years that Moss Bros occupied the premises at 18 The Hayes, we could clearly hear, from our bedrooms, the voices of staff and customers in the shop below the rooflight. Likewise, we expect that they could hear any noise that we made in the rear quarters of our property. The nuisance only existed during shop trading hours ending at 5.30pm. Although the applicant proposes to undertake comprehensive sound insulation measures calculated to reduce disturbance to acceptable levels, however we are by no means certain that these theoretical proposals will be fully successful in practice and are concerned that the licence application currently under consideration will result in a nuisance that persists throughout the evening and into the night. Furthermore, the noise from Moss Bros did not commence until the shop opened at 9.30am whereas, as stated in the applicant's application for change of use, we expect the noise to commence from 7am.

We ask that no premises licence be awarded until a permanent solution is devised that will:

- Ensure full restoration of the protected rooflight;
- Protect residential properties, including ours, from nuisance, and
- Provide a means of safely and effectively ventilating the rear quarters of our property and other affected properties.

We would be happy to further explain our concerns and discuss possible solutions with the members of the licensing committee at any time and would endeavour to attend any licensing committee meeting at which this application is considered.

'Other person' representations

We would be grateful if you would please send all written communication to us via the following email address:

[REDACTED]

[REDACTED]

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'Other person' representations



'Other person' representations

Barker, Kirstie

From: [REDACTED]
Sent: 17 May 2019 21:37
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Objection to application 18 The Hayes

Re: application by Troia (UK) Restaurants Ltd for a premises licence under the Licensing Act 2003 for Ivy Collection, 18 The Hayes [Unique Property Reference Number: 10013748832]

I wish to object to this application.

Please be aware that this application is linked to a planning application: 19/01197/MNR | CHANGE OF USE FROM CLASS A1 (SHOP) TO CLASS A3 (RESTAURANT) USE WITH ASSOCIATED EXTERNAL ALTERATIONS, COMPRISING INSTALLATION OF AN ACOUSTIC CASING TO THE EXISTING ROOF LANTERN; PROVISION OF EXTERNAL SEATING AREA; AND INSTALLATION OF PLANT EQUIPMENT | 18 THE HAYES, CITY CENTRE, CARDIFF, CF10 1AH

Close reading and comparison between the planning application and this application would suggest that the applicants have been less than candid.

18 The Hayes is the old David Morgan building and a prominent building in the city centre. It lies at the northern end of The Hayes, close by the Hayes Island, John Bachelor statue and St David's Hall, an area of peaceful charm within the wider shopping area. It lies opposite the St Davids 2 shopping and apartments complex. The site lies immediately beneath the David Morgan apartments within the same building, and directly opposite and within 100 metres of the entrance to 139 apartments on the other side of The Hayes. I am a resident of the [REDACTED] and overlook the site from both my living room and my two bedrooms.

The Troia company controls "the Ivy group" of restaurants. The Ivy group website indicates a range of restaurants which include some, e.g. Manchester and Leeds, which as well as restaurant facilities offer late night drinking venues with music and resident DJs, open as late as 03.00am.

The associated planning application is for a restaurant with two bars with bar seating for 30 people, outside seating on The Hayes for 18, a private dining room for 22, and inside seating for a further 118. From the plans it is evident that the private dining room could be readily converted for other uses. The indicated opening times are 07.00am to mid-night every day of the week including Sundays and Bank Holidays, however with "the building" only clear of customers by 00.30am.

The application for alcohol sales includes sales on and off premises, i.e. on The Hayes. The application for a licence from New Year's Eve to start of permitted hours on New Year's Day would allow drinking on the street throughout the night and intoxicated customers exiting the venue throughout the night which is totally unacceptable in a residential area. It is also at variance with the planning application.

The application for alcohol sales on and off premises is Monday to Sunday inclusive until mid-night. This late night alcohol consumption on the premises and on The Hayes seven days a week is unacceptable in a residential area.

'Other person' representations

For comparison, The Duke of Wellington pub much further down The Hayes, opens at 09.00am and closes at 11pm Monday to Thursday, mid-night Friday and Saturday and 10.30 Sunday. Giovanni's, a small family restaurant, opens midday and closes at 11pm. The more comparable Miller and Carter steakhouse opens at mid-day and closes 11pm except Friday and Saturday when it closes at midnight. Cosy Club which is situated opposite Miller and Carter on The Hayes but accessed from Hills Street opens at 09.00am and closes at 11pm Sunday to Wednesday and 11.30pm Thursday, Friday and Saturday. The application is for the provision of late night refreshment on and off the premises, i.e. on The Hayes, until 00.30 Monday to Sunday. This late night street trading is unacceptable in a residential area where numerous apartments and their bedrooms overlook the street.

The application is for regulated entertainment in the form of recorded music (indoors) Monday to Sunday 08.00 to 00.30. The planning application refers to background music for diners and provides extensive documentation of structural changes to the building to limit noise intrusion into the apartments above, based upon the assumption that noise will relate to meals service and background restaurant music only. Background restaurant music should not require a licence, and this application suggests a possible intent at variance with the planning application and in line with other venues of the company which operate what are effectively nightclubs. This is unacceptable in a building with residences above and within a wider residential area.

I invite the licensing committee to:

Either reserve consideration of the application until the planning application is resolved

Or in the alternative to:

1. Approve the application for alcohol retail sales on premises but limit the hours to 10.00-23.00 Monday to Saturday and to 22.30 Sunday. Refuse the application for alcohol sales off premises. Refuse the application for extended sales times New Year.
2. Refuse the application for regulated entertainment in the form of recorded music (indoors) given that such a licence is unnecessary for background restaurant music.
3. Approve the application for provision of late night refreshment 23.00 - 00.00 Friday and Saturday only and indoors only. Refuse the application for provision of late night refreshment outdoors on The Hayes.

