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# **Merton Council**

## **Licensing Sub-Committee**

**5 August 2022**

### **Supplementary agenda**

4      Review of Premises Licence - The Sultan, 78 Norman Road,      1 - 4  
SW19 1BT

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In reference to Licensing Sub-Committee Hearing on 5th August 2022 at 11.30am

Subject of Hearing: The Sultan Pub, 78 Norman Road, SW19 1BT

## Position Statement - Summary of The Applicants' case:

The Applicants are all residents living in neighbouring houses of the Sultan Pub. They have been living here for up to 24 years and have never made a complaint of this nature before. A review is sought under section 52 of the Licensing Act 2003 to consider whether the conditions of the licence should be modified to restrict the outside seating area of the pub along Norman Road. The Applicants are not seeking a revocation of the licence or restricting the activities of the pub in any other way. It is of significance that this pub is situated in an entirely residential area. It is not on a main road and there are no other commercial outlets in the 2 streets it is on the corner of, Norman Road and Deburgh Road.

The **principal grounds** under which this application is made is the nuisance this is causing The Applicants by reason of **noise and privacy**.

There are now 6 tables and benches which can seat up to 36 people on the corner of Norman and Deburgh Road which has hitherto been used as a car park. The Applicants submit that when any of these are occupied by the pub's customers the noise interferes with The Applicants peaceful enjoyment of their homes. The noise complained of is human voices, conversations and laughter that one would normally experience in a social setting. The issue for The Applicants is that this is significantly heard in their homes on a regular basis and causes distress as set out in the statement of the applicants. The council are invited to hear the recordings made as attached to the application. These are not exaggerated as suggested by the Brewery.

Furthermore given the proximity of the properties to the pub, there are privacy issues as the seating area overlooks these homes. All activities that the applicants undertake in the front of their homes are visible and frequently watched by customers sitting in this area. This causes anxiety and apprehension for The Applicants.

The installation of the tables and chairs is a **significant change of use** from a car park and is under further enquiry with the Council's planning department. The title deeds to the property do not permit the erection of anything "within ten feet of any Road except fences and those not to be more than six feet high". In the circumstances the applicants state it is **wholly inappropriate** that these tables and benches have been installed as a permanent fixture.

## The Applicants deny:

- a. The suggestion made by the Brewery that the real motivation for this application is to return this area to a car park so the residents can use it. All the applicants have parking permits to park along Norman and Deburgh Road and do not need to use this area as a car park.
- b. Their claims are exaggerated.
- c. There is any intimidation by The Applicants.

There is no evidence submitted by the brewery that the pub will suffer unduly if the outdoor seating area in Norman Road is removed. Patrons of the pub describe the new area as an enhancement but not having it there would not discourage them from frequenting the pub.

It is acknowledged that the Manager of the pub has restricted the use of the area after 9.30pm but there is no legal requirement for him to continue to do so and there is a risk that if the policy changes (particularly that imposed by the brewery) there will be nothing the residents can do. In addition, there is considerable nuisance before this time and there is nothing to stop a further expansion or use of the area such as with lights and heaters as alluded to by the brewery.

In light of the nuisance described in the application, the Council is invited to modify the conditions of the license to restrict the use of the outside area on Norman Road for the consumption of alcohol. There is no objection to the two tables being used along Deburgh Road, nor the use of the beer garden. The Applicants want the pub to continue to be a success as it has been for many decades without the additional outdoor seating but request consideration to limit this external expansion of the pub on account of its residential location.

**The Applicants request that the pub's licence reflect a restriction on outdoor seating on account of its residential location and proximity to neighbouring homes on Norman Road to prevent nuisance caused since April 2022.**

The Applicants will be making a verbal statement in presentation of their case at the hearing and are available to answer any questions the committee members may have.

Further to our submissions, we have requested Councillor Kirsten Galea attend the hearing as a neutral third party who can attest to the level of negative impact this is causing.

We submit a written statement made by Cllr Galea as well as an additional written statement by Anthony Clark, 20 year resident of [REDACTED]

### **Councillor Kirsten Galea**

Since the Sultan Pub installed the new seating with a capacity for 36 people on Norman Road, a number of neighbours living directly adjacent and opposite have raised concern with the loss of privacy and noise disturbance that they have experienced at various times of the day throughout the week.

The seating has been installed in a quiet residential street, directly overlooking residential houses. The West facing seating appears to have mainly displaced existing punters from the beer garden and inside spaces.

I am surprised that a planning permit wasn't sought or deemed required by the Council for the material change of land use from private parking to seating here. Consultation with the neighbourhood during the planning process would have allowed for neighbours to voice their concerns in a structured manner.

None of the neighbours I spoke with, who have been negatively affected by the new seating, would like the pub to lose their licence. Many have lived happily there for a number of years. However, they would like to be able to return to a peaceful existence that they expect on a quiet residential road.

### **Anthony Clark**

I am a nearby resident and sometime customer of the Sultan.

Given how close to the pub I would be living and on a quiet, otherwise residential street, I made careful enquiries about the nature of the pub, its facilities and its customer base before deciding to buy. In general the Sultan has been a decent neighbour and a pub with a loyal base of regular customers at its core.

Living cheek by jowl with a pub inevitably means some noise, whether that be contractors emptying of the bottle bins in the early hours of the morning, or the occasional reveller on their way home. Living very close to the Sultan, I also sometimes hear the general hubbub of patrons outside the pub both from my garden at one end of my house when I have the windows open. Until recently that noise has been tolerable, largely due to a combination of the Sultan's beer garden having high walls, which substantially buffer noise, and the brewery's previous decision to convert some of the beer garden into inside space.

The addition of 36 outdoor seating places to the Norman Road side of the pub has changed that. There are now outside tables on all three sides of the pub, with the Norman Road side being the largest area, the sunniest aspect. The level of noise from that area is obviously dependent on the numbers and nature of the occupants. A few lone souls sitting reading can be silent but a couple of groups speaking up to make themselves heard over each other or even one animated conversation and noise levels can and do quickly and substantially rise and that noise may now be coming from all three sides of the pub, although the unshielded noise from the new seating area is more intrusive.

The long term levels of occupation of that area are hard to predict. The potential disturbance could be greater as more people become aware of a large outside seating area it may become more and more a destination. Presumably the brewery has set out 36 spaces because it expects a commensurate level of usage. Inevitably, that usage will mostly be during fine weather, when local residents are more likely themselves to be using their gardens or having windows open and so feeling a keener impact. Similarly, the current restriction to 21:30 has a much reduced target audience when the sun has gone in and the temperature drops.

Ultimately, the noise from that area is the same kind of noise you might expect in any pub but now that noise is a few feet away and the mitigation of the relative isolation of the two tables on the Deburgh Road side or the acoustic and visual shielding of the existing beer garden.

I like the Sultan and I want it to thrive, but not at the expense of creating a rift with its neighbours and not at the expense of feeling like I am sat at one end of a pub where I cannot simply walk out when I want the peace and quiet of my home.

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