

Remaining Issue: Risk of Nuisance because of light pollution impacting on residents above premises.

The rooflights of the premises are features in the courtyard of Seven Dials Court. This is a residential complex of flats surrounding the roof of the premises at 1st floor and above.

Rooflights are above the restaurant. Existing one above mezzanine dining area. New ones above ground floor area.

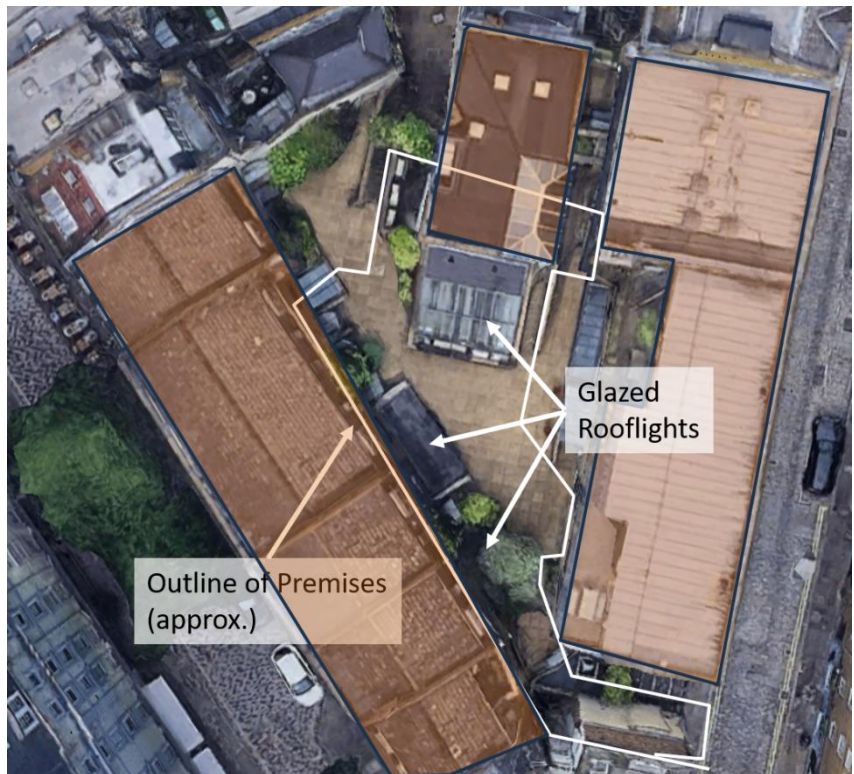
Orange shaded building are residential, with doors at level of roof restaurant roof.

The concern of residents is that, at night, light from the restaurant below will be disturbing and cause a nuisance.

This concern was raised during the planning process and also because of an event that took place in the Mezzanine area of the premises

Image: Google Earth

Outline from Premises Plan (approx.)



Light and noise escape from the mezzanine rooflight was significant and disturbed residents. This was not previously an issue.

This rooflight was an existing feature but did not cause issues from premises as the room was seldom used and, we understand, had internal blinds.

As well as the existing rooflight new rooflights are being created immediately outside residential windows.



The issue of the risk of light from the new rooflights was raised during the planning process and a planning condition requiring blinds to be installed and closed at night was agreed. However there is no similar condition for the existing roof light.

The S182 Guidance states that under Public Nuisance '*The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. 82 Guidance*'. The same section states that Licensing Authorities can then consider '*what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates.*'¹

The CGCA and residents above the premises believe that there is a significant risk of light pollution that will give rise to a nuisance and ask for a condition on the face of the licence to ensure that this is made clear. The proposed condition is modelled on the noise emanation condition (Condition 33, p 127) and is:.

No light shall emanate from the premises which gives rise to a nuisance

This condition **only** requires that light escape/light pollution **does not cause a nuisance**. It does **not** require that no light escapes from the premises. This can be controlled through control of light levels internally, blinds and other management tools.

We believe that this condition addresses a likely source of nuisance from the operation of the premises and that it meets the tests for conditions set out in Guidance. A nuisance has been caused from this source in the past and we wish to mitigate the risk of harm to the Licensing Objectives being arising again.

We have been unable to agree with the applicant that he includes this condition and so we must, regrettably, ask the Licensing Authority to impose it on the Licence to ensure the Licensing Objective of the prevention of public nuisance is supported if you grant the licence.

¹ S182 Guidance Para 2.20