

Application No:	Consultees Name:	Received:	Comment:	Response:
2020/1133/P	[REDACTED]	16/05/2020 17:41:38	OBJ	I hope you will reject the application on the grounds of noise and disturbance to neighbours. Late night revellers who I believe drink their own wine on the premises rather than purchase it there emerge noisily and loiter in the street.
2020/1133/P		17/05/2020 20:27:14	OBJ	I live next to Alcatraz and strongly object to this application. There are noisy groups outside my window late at night when I am trying to sleep. A drunk woman once even tried to physically stop me from getting into my own flat as she left Alcatraz. Local residents should not have to put up with this. While security is necessary, I shouldn't have to be stopped and need to explain myself when trying to use my own front door as we share it with Alcatraz. I also shouldn't have to walk over a carpet of cigarette butts outside my front door.
2020/1133/P		16/05/2020 15:02:58	OBJ	<p>[REDACTED]</p> <p>I wish to object to this retrospective application on the grounds of noise pollution and health &amp; safety.</p> <p>Throughout the evening, many large groups gather directly outside [REDACTED]. The various groups block both the pavement &amp; top end of Neal street. The groups range from 12 to 25 people are always inebriated &amp; extremely loud. The Alcatraz staff who act as USA Jail wardens walk up &amp; greet the groups outside [REDACTED] their performance is loud, offensive, disturbing &amp; excessive, Neal street is a residential street with specialist retail shops. My staff have on many occasions complained about the excessive groups of people, the noise and ongoing interference with [REDACTED]. There is no duty of care by the Alcatraz Staff, the groups stand gather on the highway, many are tourists who have no idea that Neal Street is a one way road with frequent vehicles driving past. The noise generated by the groups has certainly disturbed many residents throughout Neal Street including [REDACTED]. The noise is constant &amp; appalling. This application must be refused as it caused such detriment to the local environment &amp; residents.</p>

Printed on: 18/05/2020 09:10:05

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2020/1133/P		17/05/2020 00:34:31	OBJ	<p>I am unfortunately writing to object to the proposed change of use requested in the application referenced above. The premises have been used by Alcotraz for their immersive theatrical experiences since late last summer. I like the team that operates and works at Alcotraz. They are aware of the impact that their operations have on the surrounding community and have been doing their best to minimise that impact, however, there still is a significant impact in terms of noise and nuisance, and sadly the premises are just in the wrong location to be used for an immersive theatrical experience.</p> <p>The premises occupy a rear building located in between the buildings that front onto Neal Street and Endell Street. The surrounding buildings are almost exclusively residential on the upper floors, and thus the premises are located in the middle of a highly residential community.</p> <p>As a general matter, groups entering and leaving the premises can and do result in noise and nuisance to local residents, in particular during the evening and later at night when Neal Street is generally quiet once the shops have closed. The problem is exacerbated as this results not only in noise from the street side of the properties but also the rear side of the properties (due to the premises being located to the rear of the residential properties, with access by an open passageway). The rear side of the residential properties is otherwise quiet and protected from street noise. Groups linger in particular when leaving the premises, speaking, smoking and sometimes drinking, as they check their phones and decide their next move. Large groups also congregate before entering the venue, contributing to noise and congestion on narrow and, what are during the day and early evening, crowded streets.</p> <p>Although the use applied for is sui generis for an 'immersive theatrical experience', the impact on local residents is equivalent to use of the premises as an A4 drinking establishment as it effectively operates as a bar operated on a prison theme. Alcotraz's website describes the premises as 'a secret basement home to a speakeasy prison'. It further states that 'the working inmates of Block Six Eight will be serving unique, personalised cocktails behind bars using liquor that visiting convicts will have smuggled in. All convicted criminals, dressed in their orange prison jumpsuits get their inmate number upon arrival before experiencing the bar behind bars, learning the secret of smuggling contraband'.</p> <p>The applicant seems to recognise that the proposed use is effectively equivalent to an A4 use through the submission of an operations management plan. The applicant should clarify whether this is the current operations management plan - I expect that it is and, as mentioned earlier, although the applicant is doing their best to try to minimise the impact on local residents, even with the best controls there is still significant impact on local residents given large groups entering from, and exiting into, a narrow residential street and the alcohol involved despite the steps Alcotraz have taken to try to minimise that impact through that plan.</p> <p>The Council has recognised the impact that establishments where alcohol is served can have on the local community. The premises are located in the Seven Dials area of Covent Garden and Holborn which is designated in Camden's Statement of Licensing Policy 2017-2022 as a cumulative impact policy area. This means that there is a presumption that the Council will normally refuse an application for a new premises licence or a variation of an existing licence which is likely to add to the cumulative impact of licensed venues in the area). The proposed use would effectively add an additional licensed premise to the area against the goals of the Statement of Licensing Policy.</p> <p>The Council's Local Plan 2017 also recognises that 'alcohol related crime and late night disorder have been</p>

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identified as significant issues, particularly within . . . the Seven Dials area of Central London). In respect of Central London, the Local Plan states that the the Council 'will support residential communities within Central London by protecting amenity and by managing the location and concentration of food, drink and entertainment uses and their impact'.

In the Council's Planning Guidance for Town Centres and Retail, the Council further recognises that 'food, drink and entertainment uses are an important part of the mixed use character and function of Covent Garden however additional food, drink and entertainment uses may cause harm to residential amenity and to the mix and balance of uses in the area. The dense built form, fine grained mix of uses in the area means the area is particularly sensitive to the impacts of food, drink and entertainment uses . . . New entertainment uses will be allowed only when they have minimal impact on amenity for the local residential population, taking into consideration the cumulative effects'.

The proposed entertainment use will unfortunately have more than minimal impact on amenity for the local residential populations. Local residents deal with groups of noisy patrons disturbing the relative evening and night time quiet of a residential corner of Covent Garden - a corner that is not entertainment focused and for which the proposed opening hours are neither suitable nor will cause minimal adverse effects. On the contrary, local residents have been living with the more than minimal effects at unsuitable hours for some time now.

In addition to the impact on the local residential community more generally, my immediate neighbours and I have specific additional concerns as we live in the flats at 268A Neal Street, and share a common entrance door with the premises. As a result, we are most impacted from noise of patrons entering and exiting the premises. Due to the common entry door arrangement, the flats have been disturbed by patrons ringing the buzzers of the flats for entry despite a clearly marked separate buzzer for the premises itself. The flats also suffer from noise and vibrations caused by the opening and closing of the common door to the street - it is a heavy door with a strong automatic closing mechanism (which is needed for security purposes) but which is very clearly both heard and felt throughout the residential parts of the buildings which is a particular problem when groups leave the premises late at night. Residents have also on occasion been delayed in being able to enter the flats as groups are briefed as part of the theatrical experience before entering or in leaving the flats by inebriated patrons. Cigarette smoke from patrons has also been a particular problem for the first floor flat.

The applicant has not provided plans or elevations which show the proximity of the premises to local residents or the shared entry arrangements, which in my view are serious omissions from the application.

For the reasons set out above, I object to the application and would be grateful if it could be denied as the change of use is not appropriate for the location of the premises.

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2020/1133/P		16/05/2020 15:28:22	OBJ	<p>Fully oppose this retrospective application</p> <p>This immersive theatrical experience does not just occur in the Basement but also on the Neal Street, before &amp; after. The performances by the staff and the noise of the drunk groups waiting throughout the night are extremely loud, offensive &amp; disturbing.</p> <p>My evenings have been dramatically affected by serious noise pollution of excessive shouting, screaming &amp; laughter which I can directly hear from my flat. It has really disturbed by evenings, affected my mental health &amp; peace of mind. Neal Street is a residential street with specialist retail shops. It is not to be drunk outdoor area. Many individuals in the various groups have alcohol on them and drink straight from the bottle, the staff from Alcatraz who perform outdoor are aggressive, offensive &amp; loud. They shout and abuse each other attempting to get laughs from the waiting groups. Once finished the groups come out drunk and continue to shout &amp; scream, it is us residents on Neal street that are affected, the application must be refused, the noise from groups of people coming and going until very late in the evening is harmful. The groups gather right outside my flat, the noise is extremely loud causing me stress and sleep disturbance. I have complained constantly to the Managers who really don't care about us residents. The groups gather outside the Punjab which has affected their business, disrupted their guests entering into the Restaurant.</p>
2020/1133/P		17/05/2020 16:17:46	OBJ/NOT	<p>No documents available today to view. However the fact that this is a retrospective application tells all. A disregard for neighbours and a disregard for limits to consents if you were to grant them. In the absence of written information, I have heard that it is a "speakeasy" premises, a word redolent of Chicago lawless days! The simple fact is that no soundproofing can operate to protect the substantial number of domestic premises nearby, those living above and behind, both in Ventana Court and Endell St. This is a densely packed residential area, and so it should continue. The thump of music is intolerable and deeply disruptive of rest and quiet possession. Electronic sounds travel, especially in the bass. Any premises with loud so called background music is intolerable to live with and a certain noise nuisance.</p>
2020/1133/P		17/05/2020 19:03:09	OBJ	<p>The planning application for change of commercial use at 68A Neal Street should be rejected.</p> <p>This is a residential area and the impact on local residents will be damaging. There will be more noise, particularly at night, in an already busy area. The planning application does not give sufficient detail about the ventilation and likely noise from customers, events and air conditioning.</p> <p>This area is protected by rules on the cumulative effect of commercial premises, and as such the planning application should not be granted.</p>

Application No: 2020/1133/P  
 Consultees Name: [REDACTED]  
 Received: 17/05/2020 22:59:45  
 Comment: OBJNOT

**Response:**

Covent Garden Community Association strongly OBJECTS to this application. We can see no policy grounds to justify its approval, and plenty to refuse it.

An alcohol-led operation of the nature for which this change of use is sought would normally require a licence under the Licensing Act 2003. It would therefore be subject to restriction, and we believe in this case refusal, through reliance on policy and enforcement under both the Planning and Licensing regimes. However, the applicant's specific business model exploits a loophole through which it is not required to apply for a licence. It is therefore especially important that the Local Authority takes care to invoke Planning policies to prevent nuisance and protect amenity in this case, as the local community has no 'back-up' protection via Licensing.

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**Context of the site**

View from the front on Neal Street

The application site comprises parts of a modern office building. The building is tucked behind and between Neal Street and Endell Street, in a part of Covent Garden where buildings are densely packed.

The office building shares an entrance with flats at 68 Neal Street. The entrance starts with a small doorway on Neal Street, and continues with a narrow corridor under 68 Neal Street, then a passageway out in the open until it reaches the door of the office building to the rear.

In addition to the flats at 68 Neal Street itself, all the neighbouring buildings are residential, and back onto the shared space that is occupied by the site. They include:

- ❖ 70-74 Neal Street, with 6 flats.
- ❖ 66 Neal Street, with 3 flats.
- ❖ 61 Endell Street, with 6 flats.
- ❖ 71 Endell Street, with 8 flats.

Many of these flats are occupied by families. A feel for how close they are to the application site is given by the pictures below.

View from the rear at 70-74 Neal Street

View from the rear at 71 Endell Street

View from office building along shared passage - part enclosed / part open beneath residential buildings

There are even more flats in the next buildings along both streets, and opposite the entrance on Neal Street.

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**Nature of the operation**

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The use that is being applied for is 'immersive theatrical experience (Sui generis)'. It is a retrospective application because the site has been used (problematically) for these purposes for several months.

The experience is called 'Alcotraz' and the theme is smuggling alcohol into a prison. A feel for the operation is given by the pictures below.

View of interior -> taken from the applicants website

View of operational style -> taken from a stag party website

The application gives the size of the site as 131 square metres, 97 of which are at basement level. The events space there appears on the plans to be less than 75 square metres. The Design & Access statement says that 'there are only ever 11 staff members on the premises at any given time (to a maximum of 40 guests)'.<sup>1</sup>

The operation therefore involves up to 51 people squeezed into less than 75 square metres for hours at a time. They must then leave at night through a narrow exit and passageway under flats that allows people to move only in single file.

In addition to the amenity issues described below, we believe that the operation is itself unsafe for such a large number of people in a tight space with one narrow means of access.

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Objection on grounds of loss of neighbouring amenity

As shown above, the context within which the application site lies is densely residential. The entrance requires access through a narrow open space between residential buildings. This space is hard-surfaced, and every sound echoes.

Office uses at the application site have caused few problems because access is mostly during the day, and the numbers of trips where people come in and out are low.

However, the proposed use as an immersive theatre experience would cause problems, as access is required at night and for large groups of people in party mood.

Indeed, the unconsented use has already caused problems, and the council is aware of complaints throughout the past Autumn and Winter when the space was being used for events.

The complaints include:

- Noise echoing in the open space at the back that causes considerable nuisance to residents in several buildings.

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- Congestion, ringing doorbells, and unpleasantness from patrons jostling with residents in the narrow corridor under 68 Neal Street - which is also the only means of access to the flats there.
  - Noise, drunken behaviour and obstruction from crowds of patrons gathering in Neal Street before and after attending events at the application site. This affects businesses further down Neal Street as well as residents, because patrons are instructed to meet at the location disclosed on their tickets which is some distance away.
  - Loiterers smoking and drinking in the street under bedroom windows until the early hours. This can go on until very late, as patrons of Alcotraz finish off the alcohol that they have remaining after the event. It frequently prevents residents from sleeping.
  - Fire alarms going off after Midnight.
  - Noise within the building which causes nuisance to other business occupiers. We understand that this was a factor in the dental practice above the events space moving out, and that a tenant of another floor was unhappy with the new arrangements and has since given notice.
- The only thing that is surprising to us is that all this has been allowed to continue for so long.
- The nature of the complaints is not surprising given the operation. With up to 40 patrons per sitting, and 2 sittings in the evening with more in the afternoons at weekends, the volume of comings-and-goings is enormous. Including staff, there can be over 180 person trips in and out of the space in one evening. 160 of these will involve people carrying clanking bags of bottles.
- Up to 80 of these people have been drinking cocktails, usually without food. And outside they have plenty of their own drink left to finish in the street before everyone goes home.
- The application states that 'It is deemed that this change of use does not negatively affect the surrounding area adversely in any way and should be viewed as a positive addition to the local community.' Clearly this claim is very, very far from the case.
- It is, in fact, clear that the applicant's Operational Management Plan is not fit for purpose. The version submitted with the application states that:
- 'Clientele are routinely reminded to remain quiet by staff members before entering the application site, including the corridor leading to 'Alcotraz' itself. Reminders are issued that loitering and the creation of unacceptable noise disturbances can result in no admission to the immersive theatrical experience.' The complaints indicate that these measures have been ineffective in eliminating antisocial activity.
  - 'The applicant believes that the operational management measures currently in place are effective and go well beyond the expected requirements.' Sadly, given the level of complaints from his neighbours, this statement shows the applicant to be out of touch with them.
  - 'The current hours of operation are in line with the neighbouring properties within Neal Street and the

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wider Covent Garden area in that there are very little residential properties in such a commercial location.<sup>1</sup> Given the majority of units surrounding the events space are residential, the applicant demonstrates a lack of understanding of the context in which he is working.

It is our view that no Operational Management Plan could make Alcotraz, or any similar 'immersive experience', suitable use for the site at 68a Neal Street. The use is contrary to the principles of the Local Plan, whose spatial strategy specifically states that 'The council ... will support residential communities within Central London by protecting amenity'. It is contrary to Policy TC4 on town centres where 'The Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.'

The Planning Guidance states that 'Food, drink and entertainment uses should be located in areas where their impact can be minimised'. The site behind 68 Neal Street is not such an area!

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Poor job creation, and failure of applicant to make serious attempts to market the existing use

Although, as stated above, the premises are clearly unsuited to the use applied for, we would also like to address the applicants reasoning in relation to employment and viability, and to show that planning policy cannot be used to justify the application on those grounds.

A floor of the same building which is the same rentable size as the application site is on the market as a fully-serviced office with the description shown below.

Current advertisement to let an upper floor in the same building as the application

Firstly, the applicant claims that the use applied for would increase employment. His operation offers 2 full-time and 15 part-time roles. However, as we can see from this advertisement, a floor of this building will accommodate 20 full-time people, which would mean more jobs in the area if it were office use.

Secondly, the applicant claims to have placed the basement floor on the market for some time at £50 psf + £20 psf rates for a 4 year lease. So the total cost is £70 psf + bills. This is more expensive than the flexible term, serviced office being offered on the upper floor that is a far superior space with windows - the cost of which is £70 psf all-inclusive.

We have not seen the basement of the property marketed in the area, in fact - and certainly not with any of the agents who usually cover our area. However, had it been on offer, then it is clearly vastly over-priced for what is essentially a refurbished storage space with no windows at a higher price than a proper upper level office floor with natural light in the same building.

We suggest that the applicant is seeking to increase his yield on the property in an unfair way via this application. Were the property to be marketed as an office or as storage space, at a competitive price commensurate with its amenities, then we can see no reason why it would not be viable. The applicant was



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fully aware of the situation when he took on the property.

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Consideration of Local Planning Authority role where the Local Licensing Authority's role is denied

The operation promoted by the applicant raises serious questions for the council in its dual role as Planning and Licensing authority.

The website for the venue states 'The working inmates of Block Six Eight will be serving unique, personalised cocktails behind bars using liquor that visiting convicts will have smuggled in.' And it is listed as a 'Cocktail Bar' on most tourist sites.

The clue is in the name, after all! 'Alcotraz' rather than 'Alcatraz' is an alcohol-led operation.

Were the operation to apply for a licence then it would be almost certain not to receive one due to the problems outlined above in relation to the site's location in the midst of dwellings, and to it being within a stress area where the presumption is to refuse new licences. Indeed, any licence application might be refused on all three counts: prevention of public nuisance, protection of children from harm, and crime & disorder.

However, the applicant sells tickets for patrons to access the building and the general experience. He does not sell the alcohol itself, but mixes it and serves it. The applicant acknowledges that this has some equivalence to a licensable activity because his Operational Management Plan states that 'Staff undergo training specifically to align and adhere with the licensing goals of the area, and to adhere to a policy on the protection of children from harm.'

But since the sale of tickets alone seems to fall outside the current scope of the Licensing Act, the council is left to control such an operation solely through the Planning regime.

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For the reasons stated above we believe that it is important that this planning application is not only refused, but that enforcement action is taken against the applicant for operating a business so wholly in breach of the consented use.

At the present time we understand from the Planning Enforcement team that there is a little more capacity to take action, so we ask that you require the applicant to strip out the premises now to prevent it being used once Covid-related measures are eased. If Alcotraz were to resume operations at this site, then it would continue to make the lives of its neighbours a misery.