



APPENDIX C

POLICE

The Licensing Unit
Floor 3
160 Tooley Street
London
SE1 2QH

Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/3221/18

Date: 26th September 2018

Re:- Tropical, 186-188 Old Kent Road, London SE1 5TY

Dear Sir/Madam

Police are in receipt of an application from the above for a variation to the premises licence to operate between 16.00hrs and 02.30hrs Friday & Saturday with a licensable activities stopping at 02.00hrs. The venue is situated in a residential area as stipulated within the Southwark statement of licensing policy, which recommends a closing time of 23.00hrs. However, the Old Kent road already has a number of this type of premises and I would consider it as more commercial in this location. Because of this, I would recommend a terminal hour in line with a major town centre, which is specified as 01.00hrs Friday and Saturday and 00.00hrs Sunday to Thursday within the policy. The current licence already allows for a terminal hour of 00.30hrs.

The operating schedule indicates that this a restaurant, the application and current licence contain a number of control measures in order to restrict the operation to this specific manner.

The police object to the granting of the licence in its current format on the grounds of crime and disorder. If the Licensing sub-committee consider granting any extension to the hours of operation, we would like to see the following condition added to the licence.

- That two SIA registered door supervisors will be engaged when the premises are in operation Friday and Saturday and New Years Eve, and will be employed at all times after 21:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented

The Following is submitted for your consideration, Police would welcome the opportunity to conciliate with the applicant should the need arise.

Yours Sincerely

Working for a safer Southwark

PC Graham White 288MD
Licensing Officer
Southwark Police Licensing Unit

Heron, Andrew

From: Prickett, Mark
Sent: 26 September 2018 16:34
To: Regen, Licensing
Cc: Tear, Jayne; Heron, Andrew; [REDACTED]
Subject: Major variation application - Tropical, 186-188 Old Kent Road
Attachments: 1083875.pdf; 12-AP-3234 decision notice.pdf

Dear Licensing,

The Environmental Protection Team have reviewed the major variation application for Tropical, 186-188 Old Kent Road, SE1 5TY.

The variation is "To extend all licensable activities on the premises licence to 02:00hrs Friday and Saturday. To extend the closing time of the premises licence to 02:30hrs on Friday and Saturday to allow for a 30 minute drinking up time and dispersal of customers".

The applicant is seeking the following licensable activities;

- Recorded music (indoors) – Friday and Saturday 16:00 – 02:00 following morning. “Amplified music for the enjoyment of customers.”
- Performance of dance (indoors) - Friday and Saturday 16:00 – 02:00 following morning. “Customers will be permitted to dance at weddings, birthdays, christenings and funeral gatherings.”
- Anything similar (indoors) - Friday and Saturday 16:00 – 02:00 following morning.
- Late night refreshment (indoors) - Friday and Saturday 23:00 – 02:00 following morning. “South American food will be provided to customers and any alcohol purchased at the restaurant will be ancillary to the sale of food.”
- Supply of alcohol (on the premises) - Friday and Saturday 12:00 – 02:00 following morning.

Revised opening hours – Friday & Saturday: 12:00 – 02:30.

EXISTING LICENCE

A copy of the existing licence can be found here:

<http://app.southwark.gov.uk/Licensing/LicPremisesGrantedDetails.asp?systemkey=851458>

The premises currently is permitted to open to 00:30 Friday & Saturdays, with licensable activities until 00:00.

The existing licence contains the following conditions with relation to prevention of public nuisance licensing objective;

311 - That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner

312 - That no parts of the outside curtilage, including the patio area, shall be used for the purpose of entertainment; either live performance or recorded performance provided via speaker.

340 - No entertainment will be allowed in the exterior patio area by way of either live performance; or recorded performance provided via speakers.

342 - On each night the premises are in operation under the premises licence, there will be no new entry or re-entry to the premises one hour prior to the terminal hour for the provision of licensable activities, save for those that leave the premises for the purpose of smoking.

343 - Premises management shall regularly monitor outside the premises to ensure that the volume and bass levels of any licensed entertainment is kept at a level that does not cause disturbance at the closest or most exposed noise-sensitive facade to ensure compliance with the licensing objective regarding the prevention of public nuisance.

841 - That the rear door to the premises is to be kept closed after 20:00 Hours.

842 - That Stock and Refuse are not to be moved at the rear of premises after 20:00 Hours.

PLANNING PERMISSION

Planning permission for an A3 restaurant at ground floor at 186-188 Old Kent Road was granted under application number 12/AP/3234. The decision notice for this planning permission is attached.

Condition 14 of the permission restricts opening hours for the restaurant to 23:00;

- 14 The A3 restaurant uses hereby permitted on the ground floor shall only operate within the hours of 07:00 to 23:00.

Reason

To limit noise and disturbance to those residing in the hotel and residential accommodation above in accordance with saved policy 3.2 Protection of amenity Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

EPT STANCE

This major variation of a premises licence seeks longer hours of operation that is permitted under the relevant planning permission.

The following is extracted from Southwark's Licensing Policy 2016-2020 regarding planning matters:

Planning & building regulations regimes

95. The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Each regime involves consideration of different (albeit related) matters. Neither licensing nor planning committees are bound by decisions made by the other.

96. However, this Authority will look to ensure proper integration with the planning regime. While it is understood that there is no legal basis for a licensing authority to refuse a licence application solely because it does not have planning permission, it would be inconsistent for the authority to give a licence for an activity when planning permission for the same activity has been refused. Therefore, it is expected that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned. This applies equally to applications seeking a licence intended to facilitate a change of use / type of operation. Where this is not the case, the council would expect the applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be.

Considering the proposed extended opening hours exceeding the relevant planning permission, EPT therefore **make representation** against this application with concern that the longer hours sought could lead to noise disturbance and public nuisance to residents / hotel guests above.

Kind regards

Mark Prickett
Principal Enforcement Officer
Environmental Protection Team
Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX
Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

Air Quality web pages: <http://www.southwark.gov.uk/air-quality>
Construction web pages: <http://www.southwark.gov.uk/construction>

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

Applicant Mr J. Paţel
Eurotraveller Hotel Limited

LBS Registered Number 12/AP/3234

Date of Issue of this decision 13/12/2012

Planning Permission was GRANTED for the following development:

Demolition of existing single storey restaurant building on site of no.186-188 Old Kent Road. Demolition of existing 3 storey building containing 2no. shop units at ground floor and 2no. residential apartments above, on site of no.190-192 Old Kent Road. Erection of 4 storey block on site of 186-188 Old Kent Road containing restaurant at ground floor and 3no. residential apartments on the floors above. Erection of 4 storey block on site of 190-192 containing a restaurant unit (Use Class A3) at ground floor and 15no. hotel bedrooms on the floors above, an annex of the adjacent hotel building at 194-202 Old Kent Road.

At: 186-192 OLD KENT ROAD, LONDON, SE1 5TY

In accordance with application received on 03/10/2012 12:02:24 **Your Ref. No.:**

and Applicant's Drawing Nos. Site plan, E01, E02, E03, E04, E05, E06, P01 B, P02 B, P03 B, P04 B, P05 C, P06 C, P07, Planning/design access statement, noise impact assessment May 2009

Reasons for granting planning permission.

This planning application was considered with regard to various policies including, but not exclusively:

Core Strategy 2011

- Strategic Policy 3 - Shopping, leisure and entertainment
- Strategic Policy 5 - Providing new homes
- Strategic Policy 10 - Jobs and Businesses
- Strategic Policy 12 - Design and Conservation
- Strategic Policy 13 - High Environmental standards

Southwark Plan 2007 (July) - saved policies

- 1.8 (Location of developments for retail and town centre uses)
- 1.9 (Change of Use within a protected shopping frontage)
- 1.12 (Hotels and Visitor accommodation)
- 3.1 (Environmental effects)
- 3.2 (Protection of Amenity)
- 3.6 (Air Quality)
- 3.7 (Waste reduction)
- 3.9 (Water)
- 3.11 (Efficient use of land)
- 3.12 (Quality in design)
- 3.13 (Urban design)
- 3.14 (Designing out crime)
- 3.19 (Archaeology)
- 4.2 (Quality of residential accommodation)
- 4.3 (Mix of dwellings)
- 4.6 (loss of residential accommodation)
- 5.2 (Transport impacts)
- 5.6 (Car parking)



Policy 4.1 Developing Londons Economy
Policy 4.5 Londons Visitor Infrastructure
Policy 4.7 Retail and town centre development
Policy 7.6 Architecture
Policy 6.13 Parking

National Planning Policy Framework (NPPF) 2012

Particularly part 2 'Vitality of town centres' and part 7 'Quality in Design'

Particular regard was had to the principle of uses proposed, the degree of impact on amenities, the quality of the accommodation provided and impacts from the adjoining highway, the design of the proposals and the impact on highways issues. Due to the nature of the proposals these aspects were considered to be acceptable subject to the conditions imposed. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following twenty conditions:

- 1 The development hereby permitted shall be begun before the end of one year from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 Samples of the materials to be used in the carrying out of this permission shall be provided on site and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of the materials in the interest of the appearance of the building in accordance with Policy 3.12 'Quality in Design' of the Southwark Plan (UDP) July 2007 and Strategic Policy 12 'Design and Conservation' of the Core Strategy 2011.

- 3 The refuse storage arrangements shown on the approved drawings for the residential units, hotel extension and restuarants hereby permitted shall be provided in accordance with the approved plans and be available for use prior to first occupation and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007 and Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 4 Details of the facilities to be provided for the secure storage of cycles shall be submitted to (2 copies) and approved by the local planning authority before the development hereby approved is commenced and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with policy 5.3 'Walking and Cycling' of the Southwark Plan (UDP) July 2007.

Continued overleaf...

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 12/AP/3234

Date of Issue of this decision 13/12/2012

- 5 All residential premises shall be designed to attain the following internal noise levels;
Bedrooms - 30dB_Laeq,T* and 45dB LA_fmax
Living Rooms - 30db Laeq,T*

*T - Night-time 8 hours between 23:00-07:00 and daytime 16 hours between 07:00-23-00.

Reason

To ensure that occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007 and Strategic Policy 13 'High Environmental Standards'.

- 6 The flats hereby permitted sharing a party element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound. The sound insulation of the party element shall be sufficient to ensure that NR25 is not exceeded in residential premises due to noise from the commercial premises. The specification required to meet the above standard shall be installed prior to first occupation of the dwellings hereby permitted and shall be permanently retained as such thereafter.

Reason

To ensure that the occupiers and users of the proposed development do not suffer loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

- 7 Prior to commencement of works details of the extract ducts for the kitchen fume extraction systems for the two restaurants hereby permitted, which shall show the extract ducts routed internally through the rear of these buildings to discharge points no less than 1m above the adjacent eaves heights at the top of the buildings at the rear, shall be submitted to and approved in writing by the Local Planning Authority. The ducts shall be installed in strict accordance with the approved details prior to the first operation of these restaurants and thereafter permanently retained as such.

Reason:

To ensure that occupiers of the permitted and adjacent premises do not suffer a loss of amenity by reason of noise nuisance or smells, or the appearance of the ducts, in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

- 8 The rated noise level from any plant, including the kitchen extraction plant, together with any associated ducting, shall be 10 dB (A) or more below the measured LA90 level at the nearest noise sensitive premises. The method of assessment shall be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed in accordance with the above standard and retained as such thereafter.

The method of assessment shall include:

- i) A schedule of all plant and equipment installed,
- ii) Locations of the plant and ducting and associated attenuation and damping equipment,
- iii) Manufacturer specifications of sound emissions in octave or third octave detail,
- iv) The location of all most affected noise sensitive receptor locations and the most affected windows,
- v) Distances between plant and equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location,
- vi) The lowest existing La90, T measurement as already established,
- vii) New noise monitoring data, measurement evidence and any calculations demonstrating that the plant/ducting complies with the planning condition.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise/vibration

nuisance from plant and machinery in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007 and Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 9 Prior to commencement of works, a report detailing steps to minimise the exposure of future occupiers of the development to air pollution shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation as may be approved shall be installed in strict accordance with the approved details prior to first occupation and thereafter retained as such.

Reason

To ensure that end users of the premises do not suffer a loss of amenity by reason of pollution in accordance with saved Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

- 10 Prior to implementation of the permission the developer shall submit a written construction management plan, detailing how the demolition and construction will be carried out with minimum impact to users of the highway and adjoining premises for approval in writing by the Local Planning Authority. The Construction Management plan will confirm that building work will be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday.

Reason

To protect free movement along the highway and prevent harm to local amenity in accordance with saved policies 3.2 Protection of Amenity and 5.2 Transport Impacts Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

- 11 No development shall take place until the applicant, or their successors in title has secured the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation which has been submitted (2 copies) by the applicant and approved by the Local Planning Authority.

Reason

To ensure that the archaeological operations (programme of archaeological evaluation works) are undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived, and in order to accord with Policy 3.19 'Archaeology' of the Southwark Plan (2007).

- 12 No development shall take place within the proposed development site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, which has been submitted to the Local Planning Authority and approved in writing.

Reason:

To ensure that the archaeological operations (programme of archaeological mitigation works) are undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived, and in order to accord with Policy 3.19 'Archaeology' of the Southwark Plan (2007).

- 13 Within six months of the completion of archaeological site works the applicants shall supply an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive and this document shall be submitted to the Local Planning Authority and approved in writing.

Reason:

To ensure that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived and the project is published in a suitable way. This will be demonstrated by the production of a document following the guidance of Management of Archaeological Projects II (MAP II assessment report) and in order to accord with Policy 3.19 'Archaeology' of the Southwark Plan (2007).

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 12/AP/3234

Date of Issue of this decision 13/12/2012

- 14 The A3 restaurant uses hereby permitted on the ground floor shall only operate within the hours of 07:00 to 23:00.

Reason

To limit noise and disturbance to those residing in the hotel and residential accommodation above in accordance with saved policy 3.2 Protection of amenity Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

- 15 The A3 restaurant use(s) hereby permitted shall not be occupied until a completion certificate in respect of the entirety of the development hereby permitted is issued by the Architect or Engineer employed to supervise the construction work of this development and that certificate is received by the Local Planning Authority.

Reason

To avoid piecemeal development of the site and secure improvement to the streetscene in accordance with saved policies 3.11 Efficient use of land and 3.12 Quality in design of the Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of the Core Strategy 2011.

- 16 The development shall be operated in accordance with the Site and Servicing Management Plan approved by application ref 06-AP-0762. The development shall not be carried out otherwise than in accordance with any approval given.

Reason

In order that the Council may be satisfied that the servicing of the building will be carried out in a satisfactory manner in the interests of highway safety in accordance with saved Policy 3.11 'Efficient Use of Land' and Policy 3.13 'Urban Design' of the Southwark Plan 2007

- 17 Notwithstanding the provisions of Parts 24 and 25 The Town & Country Planning [General Permitted Development] Order 1995 [as amended or re-enacted] no external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby permitted without the prior written consent of the Local Planning Authority.

Reason

In order to ensure that no telecommunications plant or equipment which might be detrimental to the design and appearance of the building and visual amenity of the area is installed on the roof of the building in accordance with saved Policies 3.2 'Protection of Amenity' and 3.12 'Quality in Design' of the Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of the Core Strategy 2012.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 12/AP/3234

Date of Issue of this decision 13/12/2012

- 18** No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof or be permitted to project above the roofline of any part of the building[s] as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosure[s] of any building[s] hereby permitted without the prior written consent of the Local Planning Authority.

Reason

In order to ensure that no additional plant etc. is placed on the roof of the building in the interest of the appearance and design of the building and the visual amenity of the area in accordance with saved Policies 3.2 'Protection of Amenity' and 3.12 'Quality in Design' of the Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of the Core Strategy 2012.

- 19** Detailed drawings of the means of access and egress for people with disabilities to all parts of the development hereby approved, including full details of threshold levels, shall be submitted to and approved by the local planning authority before any work is commenced on the development. The submission shall include, as appropriate, elevations, plans and cross-sections of the building at a scale of 1:50 and of all doors and handrails at a scale of 1:20. Provision in accordance with the details thus approved shall be made prior to the occupation of the development and shall thereafter be permanently retained to the satisfaction of the City Council as local planning authority.

Reason

To make sure that there is reasonable access for people with disabilities and to ensure a satisfactory appearance.

- 20** The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: P01 B, P02 B, P03 B, P04 B, P05 C, P06 C, P07,

Reason:

For the avoidance of doubt and in the interests of proper planning.

Statement of positive and proactive action in dealing with the application

To assist applicants the Local Planning Authority has produced policies, provided written guidance, all of which is available on the Council's website and which has been followed in this instance.

The local planning authority delivered the decision in a timely manner.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 12/AP/3234

Date of Issue of this decision 13/12/2012

Signed *Gary Rice*

Head of Development Management

Your attention is drawn to the notes accompanying this document

Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Head of Development Management, Southwark Council, Chief executive's department, Planning division, Development management, PO Box 64529, London SE1 5LX, or by email to planning.applications@southwark.gov.uk

checked by _____

UPRN: 200003372270

TP/2168-188

PLANNING PERMISSION

LBS Registered Number: 12/API/3234

Date of issue of this decision: 13/12/2012



www.southwark.gov.uk

IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

- [1] **APPEAL TO THE SECRETARY OF STATE.** If you are aggrieved by this decision of the council as the local planning authority to grant permission subject to conditions you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you appeal you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If you do decide to appeal you can do so using The Planning Inspectorate's online appeals service. You can find the service through the appeals area of the Planning Portal at www.planningportal.gov.uk/pcs. You can also appeal by completing the appropriate form which you can get from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN [tel. 0117-3726372]. The form can also be downloaded from the Inspectorate's website at www.planning-inspectorate.gov.uk. The Planning Inspectorate will publish details of your appeal on the internet on the appeals area of the Planning Portal. This may include a copy of the original planning application form and relevant supporting documents supplied to the council by you or your agent, together with the completed appeal form and information you submit to The Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to someone else please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- [2] **PURCHASE NOTICE.** If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.
- [3] **PROVISIONS FOR THE BENEFIT OF THE DISABLED.** Applicants are reminded that account needs to be taken of the statutory requirements of the Disability Discrimination Act 1995 to provide access and facilities for disabled people where planning permission is granted for any development which provides:
- (i) Buildings or premises to which the public are to be admitted whether on payment or otherwise. [Part III of the Act].
 - (ii) Premises in which people are employed to work as covered by the Health and Safety etc At Work Act 1974 and the Management of Health and Safety at Work Regulations as amended 1999. [Part II of the Act].
 - (iii) Premises to be used as a university, university college or college, school or hall of a university, or intended as an institution under the terms of the Further and Higher Education Act 1992. [Part IV of the Act].
- Attention is also drawn to British Standard 8300:2001 Disability Access, Access for disabled people to schools buildings – a management and design guide. Building Bulletin 91 (DfEE 99) and Approved Document M (Access to and use of buildings) of the Building Regulations 2000 or any such prescribed replacement.
- [4] **OTHER APPROVALS REQUIRED PRIOR TO THE IMPLEMENTATION OF PLANNING PERMISSION.** The granting of planning permission does not relieve the developer of the necessity for complying with any Local Acts, regulations, building by-laws and general statutory provisions in force in the area, or allow them to modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities [including the London Borough of Southwark] entitled to the benefits thereof or holding an interest in the property concerned in the development permitted or in any adjoining property.
- [5] **WORKS AFFECTING THE PUBLIC HIGHWAY.** You are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.
- [6] **THE DULWICH ESTATE SCHEME OF MANAGEMENT.** Development of sites within the area covered by the Scheme of Management may also require the permission of the Dulwich Estate. If your property is in the Dulwich area with a post code of SE19, 21, 22, 24 or 26 you are advised to consult the Estates Governors', The Old College, Gallery Road SE21 7AE [tel: 020-8299-1000].
- [7] **BUILDING REGULATIONS.** You are advised to consult Southwark Building Control at the earliest possible moment to ascertain whether your proposal will require consent under the Building Act 1984 [as amended], Building Regulations 2000 [as amended], the London Building Acts or other statutes. A Building Control officer will advise as to the submission of any necessary applications, [tel. call centre number 0845 600 1285].
- [8] **THE PARTY WALL Etc. ACT 1996.** You are advised that you must notify all affected neighbours of work to an existing wall or floor/ceiling shared with another property, a new building on a boundary with neighbouring property or excavation near a

neighbouring building. An explanatory booklet aimed mainly at householders and small businesses can be obtained from the Department for Communities and Local Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code 02BR00862].

IMPORTANT: This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or right of occupation of or entry to the land to which it refers.



SCANNED ON
28 DEC 2012
PLANNING (GD)

SCANNED ON
28 DEC 2012
PLANNING (GD)

PUBLIC HEALTH

Heron, Andrew

From: Regen, Licensing
Sent: 21 September 2018 14:48
To: [REDACTED]
Cc: Heron, Andrew
Subject: FW: Consultation - Major Variation, 186-188 Old Kent Road
Attachments: Alcohol crime and harm report.docx

160 Tooley Street | London | SE1 2QH

From: Public Health Licensing
Sent: Friday, September 21, 2018 2:31 PM
To: Regen, Licensing
Cc: Public Health Licensing; Shapo, Leidon
Subject: RE: Consultation - Major Variation, 186-188 Old Kent Road

To Whom it may concern:

RE: Tropical, 186 – 188 Old Kent Road, SE1 5TY

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

This representation is made in respect of the following licensing objective(s):

General Comments

The applicant requests a variation to amend the hours for entertainment similar to live/recorded music indoors, performance of dance indoors, late night refreshment, and sale of alcohol on the premises.

The current granted hours are:

Currently granted hours	Entertainment similar to live/recorded music indoors	Late night refreshment	Performance of dance	Recorded music	Supply of alcohol on the premises
Monday - Sunday	20:00 – 00:00	23:00 – 00:00	20:00 – 00:00	23:00 – 00:00	11:00 – 00:00

Days which Opening hours apply to	Currently granted Opening hours
--	--

Wednesday - Monday	10:00 – 00:30
Tuesday	10:00 – 01:30

The requested hours are:

Requested hours	Opening hours	Entertainment similar to live/recorded music indoors	Late night refreshment	Performance of dance	Recorded music	Supply of alcohol on the premises
Friday & Saturday	12:00 - 02:30	16:00 – 02:00	23:00 – 02:00	16:00 – 02:00	16:00 – 02:00	12:00 – 02:00

Concerns relating to this application

This premises is located in the East Walworth ward. Figure 1 depicts a high number of On-Licenses in East Walworth, in addition to this, East Walworth currently accounts for 7% of all alcohol related alcohol-related ambulance call outs in Southwark (thus placing it in the 2nd highest quintile). Thus alcohol has resulted in a cumulative impact in Southwark.

Figure 1 – Number of licensed premises in East Walworth

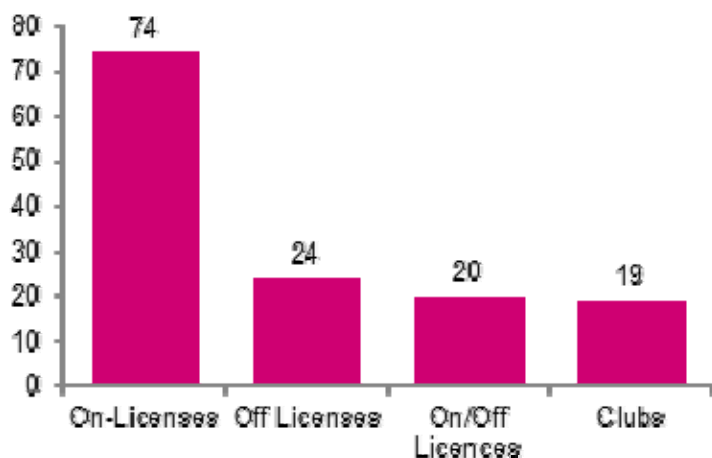
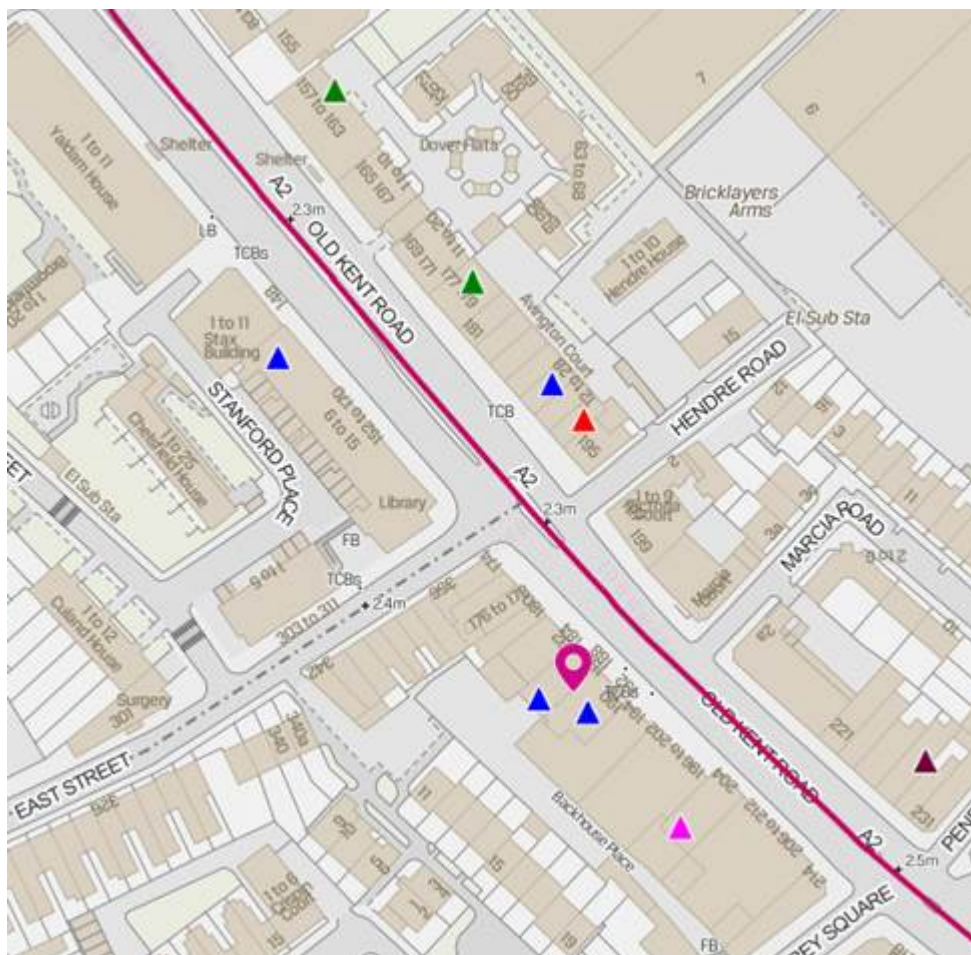


Figure 2 shows that the premises is located within walking distance of 1 drinking establishment in a residential area. Thus the increased hours for the entertainment and alcohol supply (from this variation) could result in a cumulative impact of more noise and disorder for local residents during late-night hours along with complaints.

Figure 2 – Map excerpt showing location of the premises and proximity to other premises.



▲ Licensed premises - Drinking Establishments

▲ Licensed premises - Eateries

▲ Licensed premises - Off-Sales

▲ Licensed premises - Other

▲ Licensed premises -Takeaways

Finally, it has been shown (report attached to email) that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015).

Recommendations

As the premises is already granted operation hours that are an hour above those recommended by the Southwark Statement of Licensing Policy for restaurants in residential areas (23:00), I recommend that the variation be rejected in its current state (especially as the entertainment provided at late hours in this residential area has a high likelihood of generating complaints).

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

Please copy my supervisor –Leidon– who can be reached at Leidon.Shapo@southwark.gov.uk in any further correspondence regarding this case.

Yours sincerely,

Aakulan Kangatharan
on behalf of Professor Kevin Fenton, Director of Health and Wellbeing (incorporating the role of Director of Public Health)

From: Jerrom, Charlie

Sent: Thursday, August 30, 2018 10:09 AM

To: Alcohol@homeoffice.gsi.gov.uk ; Qau Safeguarding; Costin, Holly; DIP Team; FireSafetyRegulationSE@london-fire.gov.uk (FSR-AdminSupport@london-fire.gov.uk); Graham White; Highwayslicensing; Moore, Ray; Planning.Enquiries; Public Health Licensing; Reg Env Protection; Reg Health and Safety; Sharpe, Carolyn; southwark.repro@pbms.co.uk; Taylor, Dan; Tear, Jayne; West Team diary

Subject: Consultation - Major Variation, 186-188 Old Kent Road

Buying alcohol at later times is associated with drinking excessive amounts of alcohol, which in turn increases the likelihood of harm to the drinker and others.

There is evidence of this from a number of scientific studies from high-income countries across the last 3 decades. Extending the terminal hour of alcohol sales has increased alcohol-related harm (Smith 1988a, b; Smith 1990; Ragnarsdottir et al. 2002). Recently it was shown that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015). Within the UK, extensions of the hours of alcohol sales have been associated with increased per capita consumption of beer, increases in the number of alcohol-related diagnoses in hospitals, and increases in violent crime (Bruce 1980; Duffy & De Moira 1996). Within London, increases in alcohol-related overnight attendances to the ED and alcohol-related admission rates were associated with the 2005 implementation of the 2003 Act. The increases included a rise in the number of alcohol-related attendances as a consequence of injury and assault (Newton et al. 2007).

In light of this evidence, several scientific reviews have concluded that restricting the hours of alcohol sales is an effective strategy for reducing excessive alcohol consumption and related harms (Grover & Bozzo 1999; Stockwell & Gruenewald 2004; Smith 1988; Popova et al. 2009). A number of international bodies, including the World Health Organisation, have recommended the control of hours of alcohol sales as a means to reduce alcohol misuse and alcohol-related harms. We in the Public Health team at Southwark Council are heeding this advice by recommending stronger policies to reduce alcohol misuse and alcohol-related harm. Indeed, stronger policies have been associated with a reduced likelihood of youth drinking and youth binge drinking (Xuan et al. 2015), and binge drinking in the general population (Xuan et al. 2015). One of our recommendations is that the hours of alcohol sales be restricted. We are seeking a terminal hour of 0000 for all off-licenses.

I would like some restriction on high-strength beers, lagers, and ciders, given that many purchasers of these drinks are alcohol misusers, and that one of these drinks exceeds the NHS's Safer Drinking Guidelines.

The NHS's Safer Drinking Guidelines state that males should not regularly drink more than 3-4 units of alcohol, and that females should not regularly drink more than 2-3 units. We decided to ask for the 5% because:

- One 330mL bottle of 5% beer/lager/cider contains 1.7 units of alcohol
- One 440mL can of 4.5% beer/lager/cider contains 2 units of alcohol
- One 440mL can of strong beer/lager/cider contains 4.5 units of alcohol

Bruce D. Changes in Scottish drinking habits and behaviour following the extension of permitted evening opening hours. *Health Bull.* 1980;38(3):133–7

de Goeij MCM, Veldhuizen EM, Buster MCA, Kunst AE. The impact of extended closing times of alcohol outlets on alcohol-related injuries in the nightlife areas of Amsterdam: a controlled before-and-after evaluation. *Addiction.* 2015; 110: 955-964

Duffy JC, De Moira ACP. Changes in licensing law in England and Wales and indicators of alcohol-related problems. *Addiction Res.* 1996;4(3):245–71

Grover PL, Bozzo R. Preventing problems related to alcohol availability: environmental approaches. DHHS, SAMHSA, CSAP; 1999

Newton A, Sarker SJ, Pahal GS, van den Bergh E, Young C. Impact of the new UK licensing law on emergency hospital attendances: a cohort study. *Emerg Med J.* 2007;24:532–4

Popova S, Giesbrect N, Bekmuradov D, Patra J. Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. *Alcohol Alcohol.* 2009;44:500–16

Ragnarsdottir T, Kjartansdottir A, Davidsdottier S. Effect of extended alcohol serving hours in Reykjavik, Iceland. In: Room R, editor. *The effects of Nordic alcohol policies.* Helsinki, Finland: Nordic Council for Alcohol and Drug Research; 2002. pp. 145–54

Rossow I, Norström T. The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities. *Addiction;* 107(3): 530–537

Smith DI. Effect on casualty traffic accidents of changing Sunday alcohol sales legislation in Victoria, Australia. *J Drug Issues.* 1990;20(3):417–26

Smith DI. Effectiveness of restrictions on availability as a means of preventing alcohol-related problems. *Contemp Drug Prob.* 1988:627–84

Smith DI. Effect on casualty traffic accidents of the introduction of 10 p.m. Monday to Saturday hotel closing in Victoria. *Aust Drug Alcohol Rev.* 1988;7:163–6

Smith DI. Effect on traffic accidents of introducing flexible hotel trading hours in Tasmania, Australia. *Br J Addict.* 1988;83:219–22

Stockwell T, Gruenewald P. Controls on the physical availability of alcohol. In: Heather N, Peters TJ, Stockwell T, editors. *International handbook of alcohol dependence and problems.* Chichester, UK: Wiley; 2004. pp. 699–719

MEMO: Licensing Unit

To Licensing Unit **Date** 26 September 2018

Copies

From Jayne Tear **Telephone** 020 7525 0396 **Fax**

Email jayne.tear@southwark.gov.uk

Subject Re: Tropical, 186-188 Old Kent Road, London, SE1 5TY –
Application to vary a premises licence

I write with regards to the above application to vary the premises licence submitted by Carlos Fernando Delgado Armijos under the Licensing Act 2003, which seeks to extend the following licensable activities:

- To extend recorded music (indoors) on Friday and Saturday to start from 16:00 (rather than 23:00) and to finish at 02:00 the following day (rather than 00:00)
- To extend performance of dance on Friday and Saturday to start from 16:00 (rather than 20:00) and to finish at 02:00 the following day (rather than 00:00)
- To extend anything of a similar description to live music, recorded music and performance of dance (indoors) on Friday and Saturday to start from 16:00 (rather than 20:00) and to finish at 02:00 the following day (rather than 00:00)
- To extend late night refreshment (indoors) on Friday and Saturday from 00:00 to 02:00 the following day
- To decrease the supply of alcohol (on the premises) on Friday and Saturday to start from 12:00 (rather than 11:00) and to extend on Friday and Saturday to finish at 02:00 the following day (rather than 00:00)
- To decrease the opening hours on Friday and Saturday to start from 12:00 (rather than 10:00) and to extend the opening hours on Friday and Saturday to finish at 02:30 the following day (rather than 00:30)
- Overall opening times shall be on Sunday to Thursday from 10:00 to 00:30, Friday and Saturday from 12:00 to 02:30 the following day

The premises was described in the previous application as a *'Bar/Restaurant with a South American cultural feel and cuisine'*.

The nature of this variation is described within the application as *'To extend all licensable activities on the premises licence to 02:00 Friday and Saturday. To extend the closing time of the premises licence to 02:30 on Friday and Saturday to allow for a 30 minute drinking up time and dispersal of customers'*.

The description above is not consistent with the hours actually asked for within the application as the application is not only asking to extend the hours forward to 02:30 the following day on Friday and Saturday. It is also asking to start the licensable activities earlier and to decrease the opening hours on a Friday and Saturday by 2 hours to start at 12:00 rather than 10:00.

My representation is submitted under the prevention of crime and disorder, the prevention of public nuisance licensing and public safety licensing objectives and has regard to the Southwark Statement of Licensing Policy.

The premises is situated in a **residential area** and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for Restaurants; Cafes, Public Houses, Wine bars or other drinking establishments is 23:00 daily. **Night Clubs (with sui generis planning classification) are not considered appropriate for this area.**

The later operation of the premises and of people leaving the premises later a night would impact further upon local residents living nearby and in the surrounding streets. The management would have no control of patrons that have left the premises if it were allowed to open later and the possible impact of any rowdy and anti-social behaviour or crime and disorder.

Further to this most of the conditions offered within the operating schedule are currently on the existing licence and no further control measures have been offered to promote the licensing objectives.

Due to this limited information I ask the applicant to provide the following:

- An accommodation limit for the premises
- To provide a written dispersal policy for the premises

I may submit further comments once all of the information has been received.

I therefore submit this representation and welcome any discussion with the applicant

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:
<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

Jayne Tear
Principal Licensing officer
In the capacity of the Licensing Responsible Authority