

From: Binya, Raymond <Raymond.Binya@southwark.gov.uk>

Sent: Friday, October 7, 2022 11:39 AM

To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>

Cc:

Subject: Application for provisional statement to be granted under the Licensing Act 2003 for 160a Rye Lane, London SE15 4NB our ref 986103

Dear Licensing Team,

Application for a provisional statement to be granted under the Licensing Act 2003.

Application reference number: 878381

Address: Studio Workspaces
Basement
160a Rye Lane
London
SE15 4NB

A provisional statement for a licence seeks to convert the premises to a live music venue with studio workspaces with following times for licensable activities:

Monday: 1200 hours to 0100 hours
Tuesday: 1200 hours to 2300 hours
Wednesday: 1200 hours to 2300 hours
Thursday: 1200 hours to 0200 hours
Friday: 1200 hours to 0400 hours
Saturday: 1200 hours to 0400 hours
Sunday: 1200 hours to 2300 hours

I wish to make a representation on behalf of Southwark Environmental Protection Team (EPT) in our capacity as Environmental Health Responsible Authority, about the likely effect of the sought licence if granted on the promotion of the 'prevention of public nuisance' licensing objective:

- a) Premises is in Peckham CIA and proposed closing times for licensable activities for Thursdays, Fridays and Saturdays are outside of suggested closing times for licensed premises of this type within this area as stated within Southwark Statement of Licensing Policy 2021-2026.
- b) Application lacks information on structural integrity and management controls for sound.

We therefore wish to make representation on this application and recommend that any formal application be accompanied by a noise impact assessment that should focus on the following areas:

- a) Location and Structure of the premises
 - The location and orientation of loudspeakers must be as specified on the premises plan.
 - Details of any acoustic lobby / acoustic door / acoustic curtains/ acoustic door seals / automatic door closer must also be specified and location defined on the plan
- b) Noise from patrons
- c) Noise from music and
- d) Delivery of goods, collection of waste, cleaning and bottling out.

Informative: A planning application 20/AP/1470 was granted to change use for this premises from use Class A1 (retail) to use Class A4 (drinking establishment) at basement level. The decision notice included conditions requiring for Service Management Plan and Acoustic details for noise transmission (please see attached a full copy of decision notice). I therefore recommend for applicants to contact Southwark Planning Team to discuss this as these two conditions are yet to discharged. It is also important to consult Planning Team on whether the approved Use Class A4 does include provisions of Live Music venue and music studios as included in this application.

Kind Regards

Raymond Binya
Principal Environmental Protection Officer
Environmental Protection Team
Tel: 020 7525 4809

LONDON BOROUGH OF SOUTHWARK

LBS Registered Number: 20/AP/1470

Date of issue of this decision: 12/08/2020



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DECISION NOTICE

LBS Reg. No.: 20/AP/1470

Date of Issue of Decision: 12/08/2020

Applicant Chopra
 RADNOR PROPERTIES LIMITED

Planning Permission was GRANTED for the following development:

Change of use from use Class A1 (retail) to use Class A4 (drinking establishment) at basement level.

At 160-162 Rye Lane London Southwark SE15 4NB

In accordance with the valid application received on 17 June 2020 and supporting documents submitted which can be viewed on our Planning Register.

For the reasons outlined in the case officer's report, which is also available on the Planning Register.

The Planning Register can be viewed at: <https://planning.southwark.gov.uk/online-applications/>

CONDITIONS

Permission is subject to the following Approved Plans Condition:

1 The development shall be carried out in accordance with the following approved plans:

Reference no./Plan or document name/Rev.	Received on:
20-2323/P/02 EXISTING AND PROPOSED SITE PLANS	28.05.2020
20-2323/P/06 PROPOSED ELEVATIONS	28.05.2020
19-2315/P/05 PROPOSED PLANS (Rev: REV B)	01.06.2020
19-2315/P/05 PROPOSED LAYOUT PLANS (Rev: C)	

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

Permission is subject to the following Time Limit:

Continued overleaf...

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2. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

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

Permission is subject to the following Pre-Occupation Condition(s)

3. SERVICE MANAGEMENT PLAN

Before the first occupation of the building hereby permitted, a Service Management Plan detailing how all elements of the site are to be serviced, including servicing times, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason:

To ensure compliance with: the National Planning Policy Framework 2019; Strategic Policy 2 (Sustainable Transport) of the Core Strategy 2011, and; Saved Policy 5.2 (Transport Impacts) of the Southwark Plan 2007.

4. The development must be designed to ensure that habitable rooms on floors above are not exposed to noise from the developed use in excess of 27dB LAeq (5 minute). A written report shall be submitted to and approved by the Local Planning Authority prior to the first use of the site as an A4 unit. detailing acoustic predictions and mitigation measures to ensure the above standard is met; a validation test shall be carried out on a relevant sample of premises before the first use of the premises hereby permitted. The approved scheme shall be permanently maintained thereafter.

Reason:

To ensure that the occupiers and users of the dwellings above do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), and the National Planning Policy Framework 2019.

Signed:

Simon Bevan

Director of Planning

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IMPORTANT NOTES TO THE APPLICANT RELATING TO THE COUNCIL'S DECISION

Conditions

1. If permission has been granted you will see that it may be subject to a number of planning conditions. They are an integral part of our decision on your application and are important because they describe how we require you to carry out the approved work or operate the premises. It is YOUR responsibility to comply fully with them. Please pay particular attention to those conditions which have to be met before work commences, such as obtaining approval for the siting and levels of buildings and the protection of trees on the site. If you do not comply with all the conditions in full this may invalidate the permission.
2. Further information about how to comply with planning conditions can be found at: https://www.planningportal.co.uk/info/200126/applications/60/consent_types/12
3. Please note that there is a right of appeal against a planning condition. Further information can be found at: https://www.planningportal.co.uk/info/200207/appeals/108/types_of_appeal

National Planning Policy Framework

4. In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Appeal to the Secretary of State

5. 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.
6. 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.
7. 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/pes. 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 from and relevant supporting documents supplied to the council by you or your agent, together with the

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	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.
	<u>Purchase Notice</u>
8.	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.
	<u>Provisions for the Benefit of the Disabled</u>
9.	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].
10.	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.
	<u>Other Approvals Required Prior to the Implementation of Planning Permission</u>
11.	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.
	<u>Works Affecting the Public Highway</u>
12.	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.
	<u>The Dulwich Estate Scheme of Management</u>
13.	Development of sites within the area covered by the Scheme of Management may also require

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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].	
<u>Building Regulations</u>	
14.	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].
<u>The Party Wall Etc. Act 1996.</u>	
15.	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].
<u>Important:</u>	
16.	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.



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
ian.clements@met.police.uk

Our **MD/21/191/22**
reference:

Date: **11th October 2022**

Dear Sir/Madam

Re:- Basement 160 A Rye Lane SE154NB

Police are in possession of an application from Theo Bard & Glemerson Carrilho for a new premises licence.

The premises is currently unused and forms the basement of 160A Rye Lane, the applicants are potential tenants. If converted the premises will form a live music venue with studio spaces.

The premises are situated in the Peckham Cumulative impact Zone (CIZ) as designated by Southwark Council. The High Court approval of Cumulative impact policies came in Westminster City Council v Middlesex Crown Court. In brief, it stated "A licence could be refused on the sole ground that the area was already saturated with licensed premises"

The premises is also situated within Peckham's major town centre as defined by Southwark's statement of licensing policy.

The following are the recommended closing times for premises within this area.

Restaurant: Closing time for Restaurants and Cafes: Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours

Public house: Closing time for Public Houses Wine bars or other drinking establishments: Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours

Hotel: Closing time for Hotel bars and guest houses: No restrictions for residents

Nightclubs: Closing time for Night Clubs (with 'sui generis' planning classification): Monday to Thursday is 01:00 hours and for Friday and Saturday 03:00 hours and for Sunday 00:00 hours

The application does not address the Cumulative impact policy as detailed above. The operating schedule lacks in detail and does not describe what control measures would be in place to address the potential impact this premises could have on the CIP.

It also fails to describe how the premises intends to promote the four licensing objectives. General details have been provided but nothing I could describe as clear and or enforceable.

On the grounds that the applicant has not addressed the CIP and or the four licensing objectives, I recommend this application is refused.

Submitted for your consideration.

Yours Sincerely

PC Ian Clements 2362As

Licensing Officer

Southwark Police Licensing Unit

From: Moore, Ray <Ray.Moore@southwark.gov.uk>

Sent: Friday, October 21, 2022 2:49 PM

To: ; Regen, Licensing

<Licensing.Regen@southwark.gov.uk>

Cc: Forrest, Yemisi <Yemisi.Forrest@Southwark.gov.uk>

Subject: RE: Application for a new a provisional statement to be granted under the Licensing Act 2003 Ref: 878381 160a Rye Lane, Peckham, SE15 4NB

Trading Standards as a responsible authority are in receipt of an application for a new provisional statement from Theo BARD and Glemerson CARRILHO in respect of a premises at 160a Rye Lane, London, SE15 4NB. Trading Standards as a responsible authority are making representation in respect of this application under all the licensing objectives, but primarily the protection of children from harm.

It should be noted the following from the Southwark Statement of Licensing Policy 2021-2026:-

This premises is in the Peckham Cumulative Impact Area

The policy covers: Night clubs, public houses and bars, off-licences, supermarkets, grocers, convenience stores and similar premises

In Part 3: Schedule of Works it states:-

“The premises will be converted to a live music venue with studio workspaces. The new space will be fully refurbished, with the following features:

- 3 x studio workspaces for local artists
- Stage and sound system for performances
- New foyer area for Box Office and Cloakroom, with extra doors to prevent noise disturbance to public
- 2 x bars
- 6 x toilet cubicles and 6 x urinals
- Green Room and Dressing Room for artists, with separate toilet/shower
- Office for premises staff”

In the general description it states:-

“The premises are in the basement at 160a Rye Lane, beneath Crisis charity shop. The basement is effectively unused at present. After conversion, the premises will provide a space for local musicians and artists to create music, as well as showcase it through public performances. The venue will become a hub for local musicians to gather in the studios and perform together.”

It is for Plays; Films; Indoor Sporting Events; Boxing or Wrestling Entertainments; Live Music; Recorded Music; Performance of Plays; Other; Late Night Refreshment and Alcohol

Various hours are listed but the hours for alcohol (On sales) are as follows:-

Monday 12:00hrs to 01:00hrs

Tuesday / Wednesday: 12:00hrs to 23:00hrs

Thursday 12:00hrs to 02:00hrs

Friday / Saturday 12:00hrs to 04:00hrs

Sunday: 12:00hrs to 23:00hrs

The opening hours are to be the same as the hours proposed for alcohol sales.

It also states: "There may be nudity or semi-nudity at some events. This will be an over-18's space Challenge 25 will be enforced on entry and at the bar. SIA guards provided at entrance, with metal detectors. Spiking prevention. CCTV provision across the venue with at least 10 cameras. Ask for Angela. Soundproofing measures in the venue, including extra internal doors at entrance to minimise escape of sound. Sound level monitoring inside the venue. Fostering good relations with neighbours with clear and open communications"

It is noted that the application states the following in relation to the protection of children from harm....

Over-18's only premises

Challenge 25 at the door and on the bar

This is not sufficient and Trading Standards asks that the following conditions be put forward to cover all these matters.

4AA - The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

4AB - All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

4AC - Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.

4AI - A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

However, there is a further consideration as to whether this is in fact going to operate as effectively a night club in which case there is a presumption under the Southwark Statement of Licensing Policy 2021-2026 that such an application be refused.

Ray MOORE
Principal Trading Standards Enforcement Officer

MEMO: Licensing Unit

To Licensing Department Date 26th October 2022

Copies

From Farhad Chowdhury Telephone 020 7525 0398

Email: Farhad.chowdhury@southwark.gov.uk

Subject: 160a Rye Lane, Peckham London SE15 4NB

I write in reference to the application submitted by **Theo Bard and Glemerson Carrilho**, under The Licensing Act 2003 for a premises Licence for the above premises.

I have read the application's and note the applicant has not answered any of the licensing objectives in, I would like some clarifications on some points, and have made some recommendations where appropriate:-

- 1) Explain how the applicant will deal with crowd control during performances (are there any risk assessments available. Explain how the applicant will deal with limiting crowd capacity.
- 2) A comprehensive site specific risk assessments to be done by a competent person, and a supplementary risk assessment to be carried out for each event/ performance. The risk assessments should include dealing with violence and how to deal with drunk customers.
- 3) There is no mention of maximum capacity in the application, and no maximum accommodation limit has been set for the space. Please provide your accommodation limit for the space you want to use, you need to refer to the "**Technical Standards** for places of Entertainment" to work this out.
- 4) A comprehensive dispersal policy needs to be produced, maintained and updated and all staff needs to be trained and made aware of any changes, a copy of the dispersal policy shall be made available to the Council or Police on request.
- 5) Explain if there is suitable and sufficient heating and ventilation in all parts of the premises, if not install suitable and sufficient ventilation in all parts of the premises
- 6) Provide suitable and sufficient number of WC's in the premises with hot and cold washing facilities.
- 7) Provide an NICEIC Electrical inspection report of the premises.
- 8) Explain your fire fighting arrangements in place, is there a fire risk assessments carried out. Provide a copy of your fire risk assessments.

- 9) An evacuation plan shall be provided in regards to the premises and shall detail steps to be taken should all or any part of the premises need to be evacuated. The evacuation procedure needs to be in writing and made available to the Council, Police or Fire officers on request.
- 10) Ensure there is emergency lighting in all parts of the premises; provide details of their maintenance regime.
- 11) Provide details of your First Aid arrangements.
- 12) All equipment, devices and systems used in the premises shall be maintained in good state of repair and effective working order, please provide details of your maintenance regime.

I therefore **object** to this application on grounds of Public Safety until the matters above have been Addressed properly.

Farhad Chowdhury
Principal Enforcement Officer