

**From:** [Regen, Licensing](#)  
**To:** [Stubbs, Jamie](#)  
**Cc:** [Franklin, David](#)  
**Subject:** RE: EPT objection - TEN event, Studio 68 879622  
**Date:** 16 February 2023 15:38:18  
**Attachments:** [879622 gl.pdf](#)

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**From:** Prickett, Mark <[REDACTED]>  
**Sent:** Thursday, February 16, 2023 3:32 PM  
**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>; [REDACTED]  
**Cc:** SouthwarkLicensing@met.police.uk  
**Subject:** FW: EPT objection - TEN event, Studio 68

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the TEN application, attached.

The event is proposed at Studio 68, Arch 68 Ewer Street, SE1 0NR, for the sale by retail of alcohol, the provision of regulated entertainment and the provision of late night refreshment, between the following dates and times:

- Saturday 4th March 2023- 1.00am - 4.00am
- Sunday 5th March 2023 - 1.00am - 4.00am

The maximum number of people attending is stated to be 200, for an event described as a "Warm Up event playing Melodic music on Saturday 4<sup>th</sup> March for 10pm - 4am with 175 people. The main studio 'LA' space and 'NY' second space will be used to host the event on the night."

- **Background information – premises licence**

Studio 68 have operated as a dance studio for many years and only recently obtained a premises licence in October 2022, a copy of which is found through the following link:

<https://app.southwark.gov.uk/licensing/LicPremisesGrantedDetails.asp?systemkey=878133>

EPT initially made representation on the application due to concerns of potential public nuisance occurring through the late night hours sought (initially sought to 03:30 on Fridays and Saturdays). The opening hours were revised and conditions agreed in order for the premises licence to be granted.

It is worth noting that the premises licence stipulates the following relevant conditions:

340 - That licensable activities shall only take place as ancillary to activities consistent with a dance studio;

349 - No externally promoted DJ led events shall take place at the venue;

350 - The venue shall not operate as a night club;

355 - The only patrons to use these premises shall be dancers who are either training, and may wish a drink after their sessions, or other dancers who are watching others train. These premises are not open to the general public to 'walk in';

- **Background information – planning permission**

The premises has planning permission, under application number 18/AP/0135 to be “a dance studio and health and fitness centre (Use Class D2), together with the retention of the existing front and rear facades of the railway arch”. A copy of the planning permission is attached for reference.

Condition 2 from 18/AP/0135 restricts the opening hours of the use to:

*2 The use hereby permitted for D2 Use Class purposes shall not be carried on outside of the hours 07:00 to 23:00 Mondays to Saturdays, and Sundays and Public Holidays 10:00 to 20:00.*

*Reason: To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Soutwark Plan 2007.*

In September 2022, planning permission was sought to change and extend the hours of use, after the above hours of use restriction was made aware to the applicant by EPT during the premises licence application process.

Planning application number 22/AP/3286 subsequently sought the “Variation of condition 2 (hours of use) pursuant to planning permission 18/AP/0135 (Continued use of railway arch as a dance studio and health and fitness centre (Use Class D2), together with the retention of the existing front and rear facades of the railway arch)”.

The proposal was to extend these opening hours to 07:00 to 00:00 Sundays to Thursdays, and Public Holidays and Friday and Saturday 07:00 to 03:00. This application was **refused** in November 2022. Please find the decision notice attached, which confirms the reason for refusal as “ *Insufficient information has been submitted to demonstrate whether the proposed extended opening hours of the premises would have a detrimental impact on the amenities of neighbouring residential properties.*”

Section 23 & 24 of the officers report for 22/AP/3286 stated the following:

*23. While the planning statement states "the premises has sound proofing" it provides no further supporting details or evidence of this. There is no noise impact assessment provided with the application. The planning statement states "the loudest noise in the area is that of the trains passing overhead on the bridge, far outweighing any other noise in the area". However the applicant is seeking opening hours to 3am, long after trains have stopped or are much reduced to the middle of the night service. There are concerns of the ability of the site to contain*

*late night entertainment noise until 3am, especially as the main studio can hold a maximum of 125 people at any one time and the site has a maximum capacity of 200 people. No noise impact assessment has been submitted. A noise impact assessment should review the insulation properties of the site and assess the worst case operation (at full capacity) of the premises until 3am with loud music taking place and up to 200 people leaving the site to be assess the potential impact on nearby residential properties.*

*24. Therefore, there is insufficient evidence to support the application and to ensure that neighbouring properties will not be adversely affected.*

The premises therefore only has planning consent, via the 18/AP/0135 planning application, to open 23:00 Monday to Saturday and to 20:00 Sunday and Public Holidays.

There is also a discrepancy and concerns raised with the maximum number of people permitted within the premises. The statements from the applicant in the latest planning permission differ to the request in this TEN application. This is further detailed below.

For information, Southwark's Statement of Licensing Policy 2021-2026 outlines the stance between the licensing and planning regimes, whereby in section 101 it states "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, to allow clarity and consistency both for Applicants; and in response of enforcement action, it is strongly recommended 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 may 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."

Section 103 states "There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. It must be emphasised that where these hours are different to the permitted licensing hours, the Applicant must observe the earlier closing or later opening time. Premises operating in breach of their planning permission would be liable to prosecution under planning law."

- **The proposed TEN event**

EPT raise concern over the TEN event, whereby x2 nights of late night use are sought with licensable activities including alcohol and regulated entertainment. The applicant appears to be seeking the use of premises as a nightclub. EPT therefore raise concerns both with regards to the prevention of public nuisance and public safety licensing objectives.

EPT note that the applicant has previously applied for this TEN event, application date 17<sup>th</sup> January 2023 (attached for reference). This TEN application was objected to by EPT and the applicant withdrew the application before it went to a

licensing sub-committee. It is noted that the applicant has removed the word “techno” from this latest TEN application, whereby this application states “playing Melodic music”, whereas the previous TEN stated “playing Melodic Techno music”.

This TEN application also removed the link to the business / operators who would be running the event. The link from the previous TEN can be found here: <https://www.facebook.com/WarmUpOfficial> . Concern is also raised with regards to the fact that the premises is proposed to be hired out to external operators to use the premises as a nightclub.

This TEN event also states that 200 people will be present, after EPT highlighted that the previous TEN application stated 300 which was above the stated capacity limit for the venue. The previous TEN also stated only one part of the premises was going to be used, whereas this application is now stating both studios will be used.

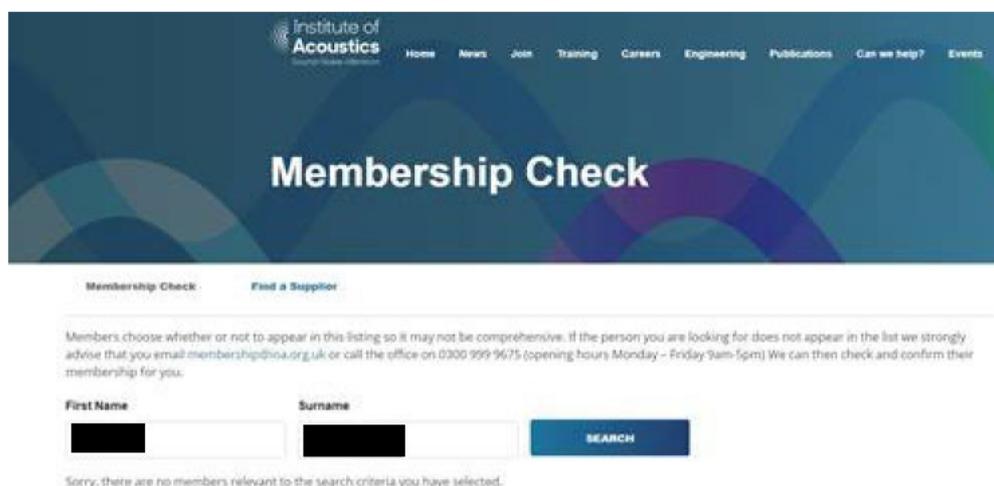
EPT raise an overarching concern that the applicant is tweaking and amending this TEN application compared to the previous refused application in order to gain approval for what is more than likely the same event.

- **Submitted ‘Noise Impact Assessment Report’**

EPT note the applicant has now submitted a ‘Noise Impact Assessment Report’, in light of previous concerns of noise disturbance raised by EPT.

The report is produced by Synapse Sound. However EPT are not aware of said consultancy, can find no record / website / companies house information of said consultancy, nor do Synapse Sound appear in the Institute of Acoustics (IoA) ‘find a supplier’ web page.

Furthermore the author of the report, [REDACTED], is stated to be an Associate Member of the IoA (AMIoA), however a check on the IoA website on 16<sup>th</sup> Feb 2023 for a membership check (<https://www.ioa.org.uk/membership-check>) found no members by that name.



The screenshot shows the 'Membership Check' page on the Institute of Acoustics website. At the top, there is a navigation menu with links for Home, News, Join, Training, Careers, Engineering, Publications, Can we help?, and Events. The main heading is 'Membership Check'. Below this, there is a sub-heading 'Find a Supplier'. A message reads: 'Members choose whether or not to appear in this listing so it may not be comprehensive. If the person you are looking for does not appear in the list we strongly advise that you email [membership@ioa.org.uk](mailto:membership@ioa.org.uk) or call the office on 0300 999 9675 (opening hours Monday - Friday 9am-5pm) We can then check and confirm their membership for you.' Below this is a search form with two input fields: 'First Name' and 'Surname'. Both fields contain redacted text. To the right of the 'Surname' field is a blue 'SEARCH' button. Below the search form, a message states: 'Sorry, there are no members relevant to the search criteria you have selected.'

Concern is therefore raised over this report.

Within the report, the reference / comparison to BS4142 guidance does not appear to be correct. Furthermore, in section 6.1 it states *“It should be noted that although the resulting sound breakout from the premises from the use of a PA at the levels measured would exceed the lowest background noise (LAeq) measured at the receptor, which would appear to contravene aspects of technical guidance”*. The noise from the proposed event does not comply with Southwark’s stated standards / guidance for entertainment noise. As mentioned above, this premises also does not have planning permission to be a nightclub.

EPT raise concerns over who produced this report (not an accredited noise consultancy) as well as noise impact, particularly low frequency noise, from the proposed use which is stated not to meet Southwark’s noise standards for entertainment venues.

- **EPT stance**

EPT have serious concerns over the potential for public nuisance to occur by way of late night noise from the proposed use of the arch as a nightclub. There are concerns this TEN event would generate public nuisance by way of noise disturbance to the closest residential properties.

EPT also raise concerns in relation to the public safety licensing objective. There are noted discrepancies between the previous TEN application and this TEN application with regards to number of persons attending and which studios will be in use. Possible overcrowding could therefore occur in the main studio as well potential public nuisance issues of guests using Ewer Street alleyway for the toilet if the arch provisions are overrun. The use of the alleyway for smoking / drinking by up to 200 people during the event could also cause public nuisance by way of noise, with the door/entrance constantly in use for ingress and egress.

EPT therefore raise objection to this TEN application, with concerns that the prevention of public nuisance and the public safety licensing objectives will not be met.

Kind regards,

**Mark Prickett**  
**Principal Environmental Protection 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>  
Centre for Low Emission Construction - <http://www.clec.uk/>

**airTEXT** - a free subscription service: daily information on pollution and more, by text, email, voicemail, or mobile phone app; download from: <http://www.airtext.info/>

**Walk-it** – free London route planner for less polluted, quieter walking and cycling routes. Download the mobile phone app from: <http://walkit.com/walk/?city=london>

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-----Original Message-----

From: Web form LTN <[noreply@southwark.gov.uk](mailto:noreply@southwark.gov.uk)>

Sent: Tuesday, January 17, 2023 2:19 PM

To: Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>

Subject: Temporary events notices 1954208

Formname: Business - Temporary events notices

Reference: 1954208

IP Address: 10.160.4.6

Language: English

Started On: Jan 17 2023 10:32AM

Completed On: Jan 17 2023 2:18PM

[<https://www.southwark.gov.uk/assets/attach/142844/Here-to-help-email-signature.jpg>]