

# APPENDIX L

IN THE MATTER OF AN APPEAL  
UNDER THE LICENSING ACT 2003  
IN THE CROYDON MAGISTRATES COURT  
BETWEEN:

(1) Space Investments Limited

Appellant

- and -

(1) London Borough of  
Southwark

First Respondent/Licensing  
Authority

(2) Unique Crispens Food  
Limited

Second  
Respondent/Premises  
Licence Holder

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APPEAL BUNDLE  
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**BETWEEN:**

**SPACE INVESTMENTS LIMITED**

**Appellant**

**and**

**(1) LONDON BOROUGH OF SOUTHWARK**

**First Respondent/  
Licensing Authority**

**(2) UNIQUE CRISPENS FOOD LIMITED**

**Second Respondent/  
Licence Holder**

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**SKELETON ARGUMENT OF THE SECOND RESPONDENT/LICENCE HOLDER**

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**Principal Abbreviations**

Licensing Act 2003	"The 2003 Act / the Act"
Space Investments Ltd	"the Appellant"
London Borough of Southwark	"the Council" / "the First Respondent"
Licensing Sub Committee	"the Sub Committee"
Wazobia Restaurant	"the premises"
Premises Licence number 866452	"the Licence"
Decision of 31 <sup>st</sup> October 2023	"the Decision"

**Introduction**

- 1 This appeal concerns premises known as and situated at Wazobia Restaurant, 670 Old Kent Road, London SE15 1JF.

- 2 The appeal concerns the Decision in respect of an application for review that was taken by the 1<sup>st</sup> Respondent Council on 31<sup>st</sup> October 2023.
- 3 This appeal was commenced by the Appellant (a property management and investment business) against the Decision of the Council to modify the premises licence by adding conditions to the existing premises licence.
- 4 This skeleton argument is submitted on behalf of the Second Respondent – The Premises Licence Holder. Notwithstanding the legal argument as to whether there is a public or private nuisance, or in fact any nuisance at all, the Second Respondent took the pragmatic view not to appeal the decision and within this appeal therefore submits that the steps taken by the Council were appropriate and proportionate to achieving the aims of the statutory scheme i.e. the promotion of the licensing objective of the prevention of public nuisance.

### **Background**

- 5 The issue in this appeal is about the music level played within the licensed premises and whether the noise experienced by the flat owners above could properly be described as a public nuisance. If it is considered a public nuisance, then the next question is whether it was appropriate and proportionate for the local authority to impose licensing conditions to regulate the level of music played within the licence premises. If it is found that there is no public nuisance, then the appeal should be dismissed.

### **Magistrates' Powers on Appeal**

6. On an appeal the Magistrates' Court may :
  - (a) Dismiss the appeal;
  - (b) Substitute for the decision appealed against any other decision which could have been made by the licensing authority; or

- (c) Remit the case to the licensing authority to dispose of it in accordance with the direction of the court

and may make such order as to costs as it thinks fit.

- 7. The court is directed to the Court of Appeal authority of *Hope & Glory* [2011] 3 All ER 579 and also the High Court decision at [2009] EWHC 1996 (Admin) which provides the basis for the accepted principles of appeals under the Licensing Act 2003:
  - a. This appeal is a hearing *de-novo*.
  - b. The Magistrates' should note the decision of the licensing authority.
  - c. The Magistrates' should not lightly reverse the decision of the licensing authority.
  - d. Only reverse the decision if satisfied that it is wrong.
  - e. Hear evidence, including new evidence since the original determination, which may include hearsay evidence (if appropriate) and attach proper weight to the evidence in reaching their judgement.
  - f. Consider the aims and objectives of the legislation, any guidance, policy and authorities
  - g. Not be concerned with the way the licensing authority approaches their decision or the way it was made.
  - h. The burden of proof rests with the Appellant.
- 8. Appeals of this nature are neither criminal nor civil; here the court sits in a judicial capacity hearing an appeal against an administrative decision. Such hearings are *de novo*: the court places itself in the position of the body whose decision is being appealed against. The Court of Appeal has held that '*in all cases the magistrates' court should pay careful attention to the reasons given by the licensing authority for arriving at the decision under appeal, bearing in mind that Parliament has chosen to place responsibility for making such decisions on local authorities. The weight which*

*the magistrates should ultimately attach to those reasons must be a matter for their judgment in all the circumstances, taking into account the fullness and clarity of the reasons, the nature of the issues and the evidence given on the appeal.* (Hope & Glory (CA) [45]).

9. The weight to be given to a decision is often influenced by the nature and quality of the reasons given by the licensing authority: *'The fuller and clearer the reasons, the more force they are likely to carry'* (Hope & Glory (CA) [43]). In the present case we find a clear and carefully reasoned decision consisting of 8 pages, the Council's Decision came after hearing all the evidence, and they decided to impose additional conditions on the licence, to address the cause of concern in an appropriate and proportionate way.
  
10. Decision making at this level does not require the decision maker to produce an elaborate formulistic product of refined legal draftsmanship (*Meek v City of Birmingham DC* [1987] IRLR 250, CA [8]; the approach to a reasons challenge is summarised in *South Bucks District Council v Porter (No 2)* [2004] UKHL 33:

[36] The reasons for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the "principal important controversial issues", disclosing how any issue of law or fact was resolved. Reasons can be briefly stated, the degree of particularity required depending entirely on the nature of the issues falling for decision. The reasoning must not give rise to a substantial doubt as to whether the decision-maker erred in law, for example by misunderstanding some relevant point or some other important matter or by failing to reach a rational decision on relevant grounds. But such adverse inference will not be readily drawn. The reasons need only refer to the main issues in the dispute, and not to every material consideration. They should enable disappointed developers to assess their prospects of obtaining some alternative development permission, or, as the case may be, their unsuccessful opponents to understand how the policy or approach underlying the grant of



permission may impact upon future such applications. Decision letters must be read in a straightforward manner, recognising that they are addressed to parties well aware of the issues involved and the arguments advanced. A reason challenge will only succeed if the party aggrieved can satisfy the court that he has genuinely been substantially prejudiced by the failure to provide an adequately reasoned decision.'

11. The Appellant has approached the decision of the licensing authority with excessive legalism entirely unsuited to such decisions (*South Bucks v Porter (No 2)* [33]). The parties are well aware of the issues, the decision of the sub-committee is clear, fully reasoned and clearly shows how they came to their decision and no prejudice is suffered by the Appellant.

12. The Court of Appeal has confirmed that the Magistrates' Court should depart from the licensing authority's decision only if satisfied it is wrong (*Hope & Glory (CA)* [46]). The Court of Appeal expressly agreed with the way with which Burton J dealt with the matter in pars [43] – [45] of his judgment in the High Court:

'[43] ... What the appellate court will have to do is to be satisfied that the judgment below "is wrong", that is to reach its conclusion on the basis of the evidence before it and then to conclude that the judgment below is wrong, even if it was not wrong at the time. This is what this District Judge was prepared to do by allowing fresh evidence in, on both sides.

[44] The onus still remains on the claimant, hence the correct decision that the claimant should start ...'

13. The High Court in *The Queen on the application of Townlink Ltd v Thames Magistrates' Court* [2011] EWHC 898 (Admin) has subsequently clarified that the correct approach for an appeal court is not to start with considering whether the licensing authority's decision was wrong but first come to its own conclusion on the merits of the appeal. Once it has done so it can then consider whether in its view the licensing authority's decision, taken on its merits, was wrong and should not be upheld. This position has been reaffirmed in the recent case of *London Borough of Lambeth v Ashu* [2017] EWHC 3685 (Admin) [19] and [20] which confirms that the need to find that the decision of the licensing authority was or is wrong is a necessary prerequisite to the magistrates' court exercising any

discretion of its own.

14. *Townlink* and now *Lambeth v Ashu* highlight the importance of the proper approach and also the challenge facing the Appellant; it is for the appellant to demonstrate that the decision is wrong.

### **Licensing Decisions**

15. Licensing decisions 'involve weighing a variety of competing considerations' and 'is essentially a matter of judgment rather than a matter of pure fact' *Hope & Glory*, (CA) [42] (see also [41]). Commenting upon the Court of Appeal decision of *Hope & Glory* [41]-[42] Hickinbottom J states that the decision stresses 'the essentially evaluative nature of the decision-making process in most licensing matters, which demand a complex balancing exercise, involving particularly the requirements of various strands of the public interest in specific circumstances, including the specific location. He [Touslon LJ] also marked the fact that Parliament has determined that, in this context, local authorities are best placed to make decisions of that nature.' *Taylor v Manchester City Council* [2012] EWHC 3467 (Admin) [9].

### **Wider Community Benefit**

16. It must, always, be remembered that the decision is one being made in the wider public interest for the promotion of the licensing objectives (see above). In the case of *R (on the application of Chief Constable of Nottinghamshire Police v Nottingham Magistrates' Court)* [2009] EWHC 3182 (Admin) Lord Justice Moses advises the District Judge that 'He [the District Judge / the Magistrates] would also have to bear in mind that the decision in relation to the appeal as to the licence, as to conditions in the licence, is not a decision similar to that which he would be accustomed to resolving in the course of ordinary litigation. There is no controversy between the parties, no decision in favour of one or another of them, but the decision is made for the public benefit one way or the other in order to achieve the statutory objectives.' [para 38]. See also *Hope & Glory* (CA) [41] and *East Lindsey District Council v Abu Hanif* [2016].

## **Licensing Policy Statement and Framework Hours and Review Guidance**

17. The Appellant's skeleton argument refers to the fact that the sub-committee failed in its Decision to follow the recommended opening hours in the Council's own licencing policy statement ("LPS"), moreover it makes reference to *Waltham Forest LBC v Marshall* [2020]1 W.L.R 3187, and suggests that the Council's starting point on hours should be from the policy, and it must look at the objectives of the policy and ask itself whether those objectives will be met if the policy is not followed. If this is the argument being advance then the point is a bad one, the policy regarding opening hours would only be relevant if the Council were considering a new application for a premises licence.
18. The starting point in relation to a review of a premises licence can be found in the statutory guidance where it says, amongst other things, that in deciding which powers to use, it is expected that the licencing authority should so far as possible seek to establish the cause or causes or concerns that the representations identify. **The remedial action taken should generally be directed at these courses and should always be no more than an appropriate and proportionate response to address the courses of concern that instigated the review.**

### **Appropriate and proportionate**

19. In discussing the powers of a licensing authority on the determination of a review (and, therefore, this Court on appeal), the Guidance states, inter alia (emphasis added):

'11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and **should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.**'

20. The Guidance further states, at paragraph 9.43, that (emphasis added):

‘The authority’s determination should be evidence-based, justified as being **appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.**’

21. This issue of proportionality has been considered by Lord Chief Justice Bingham at paragraph 41 of his judgment in *R v Secretary of State for Health ex p Eastside Cheese* [1999] 3 CMLR 123, where he stated that proportionality “is one of the basic principles of Community law” and approvingly cited this statement of the law from the case of *R v Minister of Agriculture, Fisheries and Food and Another*, which is of relevance to the instant appeal (emphasis added):

22. ‘By virtue of that principle, the lawfulness of the prohibition of an economic activity is subject to the condition that the prohibitory measures are **appropriate and necessary** in order to achieve the objectives legitimately pursued by the legislation in question; **when there is a choice between several appropriate measures recourse must be had to the least onerous, and the disadvantages caused must not be disproportionate to the aims pursued.**’

### **Public Nuisance or Private Nuisance**

23. Section 4 the 2003 Act provides that a licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives. By virtue of s.4 of the Act, the licensing objectives are, namely:

- a. the prevention of crime and disorder;
- b. public safety;
- c. **the prevention of public nuisance;** and
- d. the protection of children from harm.

Further, in carrying out these licensing functions, a licensing authority is obliged also to have regard to:

- a) its licensing statement (or 'policy') published under section 5, and
- b) any guidance issued by the Secretary of State under section 182 of the Act.

24. Section 51 of the 2003 Act provides that where a premises licence has effect, a responsible authority or any other person may apply to the relevant licensing authority for a review of the licence.

25. Section 51(4) of the 2003 Act provides that the relevant licensing authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied—

- (a) that the ground is **not relevant to one or more of the licensing objectives**,  
or

- (b) ...

26. Section 52(3) of the 2003 Act provides that the authority must, having regard to the application and **any relevant representations**, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives, and Section 52(7) provides that “**relevant representations**” means representations which—

- (a) **are relevant to one or more of the licensing objectives**, and

- (b) ...

27. As already outlined, there is a requirement for the licensing authority in carrying out its functions to do so in accordance with the guidance issued by the Secretary of State under section 182 of the 2003 Act and to have regard to it. As suggested by Mrs Justice Slade in *R (on the application of Bassetlaw District Council) v Worksop Magistrates' Court [2008] All ER (D) 65 (Nov)* at paragraph 17 (emphasis added):

'It is recognised that the guidance cannot anticipate every possible scenario or set of circumstances that may arise. So long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it, if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their decisions. Departure from the guidance could give rise to an appeal or judicial review and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.'

28. The licensing objectives, as previously stated, are the prevention of crime and disorder; public safety; **the prevention of public nuisance**; and the protection of children from harm.
29. In the present case the applicant for review is a property management and investment business and leaseholder of the 5 flats above the licensed premises and the only cause of complaints about noise are from some of the tenants who occupy the flats above the licensed premises. No one else has complained, including any other tenant, resident, owner or occupier of any other building or dwelling away from 670 Old Kent Road. The noise complaints are isolated to the building itself and are not sufficiently widespread and indiscriminate so as to affect persons living and working in the area of the licensed premises. There is on the evidence no suggestion that the noise was being heard in any other location.
30. In the case before the council there were no neighbour or tenant representations during the public consultation period of 28 days and no tenant or neighbour appeared before the committee to give evidence.
31. In the present case before the Court there are no neighbours or tenants giving evidence, and it is noteworthy that post the Decision last year, there has been limited cause for concern raised by the tenants about noise escape from the licenced premises. Please see attached summary of alleged complaints about noise.
  - a. Flat 4, raised an alleged complaint on the 3/01/2024 states that tenant doesn't have any dramas during the week at all. Have become accustomed to

noise levels at weekends and there have been no issues with antisocial behaviour (Page 261).

- b. Flat 5, wrote in an email of the 19/01/2024 that they barely heard any noise, and the voice was much lower (Page 276), and on the 09/02/2024 wrote that the noise issue is 'much better now' they cannot hear anything on a Sunday night and on a Saturday can only hear low level music. They have not raised any further complaints (Page 274).
  - c. Flat 1, An email was sent as a response to a request for information by the landlord, rather than a complaint raised by the tenant themselves. The tenant also wishes to know why they were not informed about the alleged ongoing noise complaint when they moved in, as the Landlords request makes it clear they were aware of it before the tenant moved in (Page 286) (notwithstanding the previous occupant sent a representation in support of the licenced premises and confirmed the premises were also cooperative).
32. In *R v Licensing Justices of East Gwent* (1999) 154 JP 339, the High Court found that justices were obliged to consider written statements of objectors who were not present, but how much weight they attached to it was a matter for them taking into account the fact that the makers had not given oral evidence and that such evidence had not been tested by cross-examination. The Editors of Paterson's Licensing Acts, state "...the question is, of course, whether *any* weight should be attached to objections from objectors who are not willing to be tested by cross-examination bearing in mind the applicant's right to a fair hearing. The issue remains to be resolved".
33. The only licensing objective conceivably engaged was 'the prevention of public nuisance'.
34. As it is today, there is only one tenant objector in Flat 5 and this is hearsay evidence, and this cannot be regarded in any sense as a 'public' nuisance. If this is not accepted then at its highest there are three tenants, i.e. Flat 1, 4 and 5, and this will still be regarded as private nuisance according to law. The current edition of the Guidance published by the Secretary of State under s.182 of the Act states:

'2.22 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and **retains its broad common law meaning**. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.'

35. The courts have considered the distinction between public and private nuisances on many occasions. In *R (on the application of Hope and Glory) v Westminster Justices* [2009] EWHC 1996 (Admin) the District Judge considered whether there had been a 'public nuisance' (emphasis added):

"I have already found that noise nuisance was caused, by the patrons of The Endurance gathered in Kemps Court to Miss Schmidt, at 17b Berwick Street, and to Miss Rhys-Jenkins Bailey and her students at Westminster College on Hopkins Street. In addition, I note that although they have not given evidence before me, complaints were made about noise caused by the customers of Kemps Court by Tamara Berton of 17 Berwick Street, Mr Estranero of Ingestre Court and at least one other person who has not been identified had made complaint. In addition, Walter Rigby had made a complaint.

I find, on the balance of probabilities, that **given the number of residents, students and teachers affected and given the geographical spread, the nuisance clearly is a public nuisance.**"

36. The court then observed (emphasis added):

'[T]he words of Romer LJ in P.Y.A. Quarries are generally regarded as the *locus classicus* for the description of public nuisance. He said this, at page 184:

"I do not propose to attempt a more precise definition of public nuisance than those which emerge from the textbooks and authorities to which I have referred. It is, however, clear, in my opinion, that any nuisance is "public" which materially affects the reasonable comfort and convenience of life of a class of Her Majesty's subjects. The sphere of the nuisance may



be described generally as "the neighbourhood"; but **the question whether the local community within that sphere comprises a sufficient number of persons to constitute a class of the public is a question of fact in every case. It is not necessary, in my judgment, to prove that every member of the class has been injuriously affected; it is sufficient to show the representative cross-section of the class has been so affected for an injunction to be issued.**"

Burton J then went on to consider Denning LJ's analysis of 'the classic difference between a public and private nuisance', namely (emphasis added):

"a public nuisance affects Her Majesty's subjects generally, **whereas a private nuisance only affects particular individuals.** But this does not help much. The question, "When do a number of individuals become Her Majesty's subjects generally?" is as difficult to answer as the question "When does a group of people become a crowd?" Everyone has his own views. Even the answer "Two's company, three's a crowd" will not command the assent of those present unless they first agree on "which two". So here I decline to answer the question how many people are necessary to make up Her Majesty's subjects generally. **I prefer to look to the reason of the thing and to say that a public nuisance is a nuisance which is so widespread in its range or so indiscriminate in its effect that it would not be reasonable to expect one person to take proceedings on his own responsibility to put a stop to it, but that it should be taken on the responsibility of the community at large.**"

Having briefly analysed the leading authorities in the field the learned judge concluded [at para 61]:

"In the light of the words of Romer LJ, and the lack of approval of Denning LJ by Lord Rodger in the House of Lords, I do not read Denning LJ's words as meaning that the effect of the public nuisance must be very indiscriminate or very widespread. **It simply needs to be sufficiently widespread and sufficiently indiscriminate to amount to something more than private nuisance.**"

37. Whatever may be the arguments when there are a limited number of individuals locally complaining about a nuisance, it is submitted that those arguments cannot be said to arise in a case where there is but one or no more than three tenants complaining and they reside within the same property/building. In cases where there is alleged to be just such a *private* nuisance then, quite apart from the contractual and tortious remedies available to an affected neighbour, there are ample powers available to Environmental Health officers to prevent or determine an individual statutory noise nuisance. In this regard, the current version of the s.182 Guidance (which the authority was bound to follow, or provide reasons for any departure) specifically states:

‘1.19 Whilst licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

..

- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005’.

38. The complaints of the tenants to an alleged ‘private’ nuisance, which did not fall within s.4 and s.52 (3), and/or relevant under s.52 (7) and should therefore have been disregarded by the council in its final decision.

39. Therefore, the imposition of the additional conditions relating to public nuisance are wrong. The licensing objective of public nuisance had not been undermined.

40. There was no basis upon which a tribunal acting reasonably could, in the light of that evidence before it, conclude that a public nuisance had occurred. Neither the licensing authority nor the Environmental Health apply for a review of the premises.

### Conclusion regarding Public and Private Nuisance

41. The fundamental point is that on the evidence, which the applicant must accept, there is one remaining tenant complaining about noise. The question therefore became whether the noise experienced by the flat owner could properly be described as a public nuisance? With respect, it is obvious that the Council nor this court are entitled to find a public nuisance. (R (Hope and Glory) Public House Ltd v City of Westminster Magistrates Court, supra; Att- Gen v PYA Quarries , supra )( Sheriffdom of Grampian, Highland and Islands -2023 WL 09529193).
42. In the event the court is not persuaded by the aforementioned argument then the imposition of licensing conditions relating to limiting the level of music that can be played at the premises is all that is needed to promote the licensing objective of preventing public nuisance, and there is no need to reduce the hours of the premises, as this would not be proportionate or appropriate. The police did not join the review nor give any evidence in this appeal and the Decision set out, amongst other things, that the police had not submitted a representation (only comments), making the allegations of disorder by the premises patrons questionable.
43. In *Daniel Thwaites plc* Mrs Justice Black was critical of the manner in which the justices had determined the case, saying (at para 63):

“It would be wrong, in my judgment, to say that the magistrates failed to take account of the licensing objectives. At the outset of their reasons, they correctly identify those which are relevant. Similarly, as the first interested party submits, whilst they did not *articulate* that the curtailment of the hours sought was “necessary” to promote those objectives, it is implied in their decision that they did take this view and it can also be inferred from their comment that because of the concept of migration, public nuisance and crime and disorder would be “an inevitable consequence” of leaving the hours as granted by the Local Authority. However, in my view their approach to what was “necessary” was coloured by a failure to take proper account of the changed approach to licensing introduced by the Act. **Had they had proper regard to the Act and the guidance, they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that it was required in the**

**circumstances of the case.** Their conclusion that it was so required on the basis of a risk of migration from other premises in the vicinity was not one to which a properly directed bench could have come. The fact that the police did not oppose the hours sought on this basis should have weighed very heavily with them **whereas, in fact, they appear to have dismissed the police view because it did not agree with their own.”**

44. The respondent’s sub-committee fell into precisely the same error in the present case. In the absence of evidence of a public nuisance it was wrong and contrary to law to modify the premises licence.
45. We therefore ask the Court to determine that a public nuisance has not occurred as a matter of fact, law or both.
46. In the event the court is not persuaded by the aforementioned argument then the imposition of licensing conditions relating to limiting the level of music is all that is needed to promote the licensing objective of preventing public nuisance, and address the cause of concern raised, and there is no need to reduce the hours of the premises, as this would not be proportionate or appropriate.

**David Dadds**

**4<sup>th</sup> June 2024**



**GRID OF EVENTS at Wasobia**

Item No	Date/Time	Alleged Complaints About Noise	Flat Number	Comments
	29/05/2021	Excessive noise reported Flats and appliances shook from bass and DJ shouts heard word for word. Approached manager – had concerns about his manners, disrespect & threats to kick them out of the flat	Tenant of Flat 1 (1)	Tenant complains that they were not made aware that there was a licenced premises directly underneath the flat that was open until late (Page 109)
	16/06/2021	Advised of attempts to speak with council. She advised that reports had been made to police and council continuously and reiterated request to move	Tenant of Flat 1 (1)	The tenant mentions again that they were not informed that there was a licenced premises downstairs when they took on the tenancy (Page 110)
	16/06/2021	Appellant forwarded noise team series of emails from tenants of Flat 1 (1) Council said noise need to be reported by tenant		Tenant expresses frustration was lack of council response. (Page 112)
	28/06/2021	Noise nuisance has got worse raised concerns there was no attention from police or council	Tenant of Flat 1 (1)	This email is sent in response to an enquiry, rather than a complaint made. Nothing heard from Police or Council (Page 113)
	23/09/2021	Termination notice received from tenant – reason cited was persistent noise nuisance	Tenant of Flat 1 (1)	Page 114
	04/01/2022	New Tenant reported major problems with noise. Described the flat as uninhabitable during operating hours of restaurant	Tenant of Flat 1 (2)	Tenant reports again that they were not given the full information about the premises below the flat before signing the lease (Page 75)
	24/01/2022	Tenants advised that they approached manager of Wazobia regarding noise levels and were threatened with removal from flat.	Tenant Flat 5	Page 93
	26/01/2022	Tenants confirmed noise nuisance every Friday and Saturday and shared worries regarding restaurant owner	Tenant Flat 5	Page 94
	02/05/2022	Officers from LA witnessed statutory nuisance and NAN served on 2 <sup>nd</sup> respondent. Warning letter sent to Wazobia 06/05/2022 but had no impact		
	15/02/2022	Report of continual noise nuisance / loud music past operating hours He said that recordings had been made but he had not involved the council yet.	Tenant of Flat 1 (2)	No formal complaint made at this stage (Page 76)

Item No	Date/Time	Alleged Complaints About Noise	Flat Number	Comments
	14/05/2022	Noise issue continuing. Council officers had witnessed Statutory nuisance and NAN had been issued. Tenant concerned that there was no effect on noise levels	Tenant of Flat 1 (2)	No complaints received for three month period between 15 <sup>th</sup> February and 14 <sup>th</sup> May 2022. Noise abatement notice issued for noise on 2 <sup>nd</sup> May 2022 (Page 78 & Page 294)
	24/05/2022	Shared recordings and confirmed noise nuisance was disturbing every Friday/Saturday/Sunday since they had moved in	Tenant of Flat 1 (2)	Statement (page 23) incorrectly states that this complaint came from a new tenant when it was actually the existing tenant due to move out on 31 <sup>st</sup> July (Page 79)
	26/05/2022	Appellant expressed concern to noise team that despite noise complaints reported and witnessed, noise still occurring.		
	28/04/2022	Tenant gave notice to vacate due to persistent noise nuisance	Tenant of Flat 1 (2)	Tenant activated break clause to leave in June rather than July as previously advised (page 77)  It is unclear whether they vacated in June or July as stated in the statement (Para 22 Page 24)
	30/05/2022	Appellant received general response from council noise team with how noise should be reported.		
	04/06/2022	NAN contravened and caution issued		Source ; p10 of noise expert document
	06/06/2022	Appellant raised concerns to council that NAN issued and no improvement made. Requested more meaningful proposal from noise nuisance team on how to resolve issues.		
	31/07/2022	Tenant left	Tenant of Flat 1 (2)	
	17/09/2022	New Tenant of flat 1 (Tenant of Flat 1 (3)) reported loud music and vibrations throughout the property on Fridays and Saturdays until 4am and they were considering moving out.	Tenant of Flat 1 (3)	Again, tenants were not informed of nature of premises downstairs before they signed the lease (page 60)
	10/11/2022	Received a distressed call from the tenant at Flat 1 followed up by email. Approached Restaurant owner directly and met with	Tenant of Flat 1 (3)	No formal complaints made by this tenant, they chose to leave the property (Page 61)

Item No	Date/Time	Alleged Complaints About Noise	Flat Number	Comments
		ignorance. Expressed no interest in escalating matters to the council/police and chose to terminate their lease and move out.		
	13/12/2022	Tenants moved out of flat 1	Tenant of Flat 1 (3)	
	08/05/2023	Tenant complained of excessive noise after 2am also gatherings and shouting outside the licenced premises	Tenant of Flat 4	Page 34
	09/05/2023	Tenant confirmed that complaint submitted to council noise team. Noise on Thursday/Friday/Saturday with swearing and arguing. Tenant did not feel safe to return home at late hours and enquired about moving out.	Tenant of Flat 4	The tenant confirms that the volume and level of disturbance was 'substantially louder than usual' and that there was an altercation outside the premises (page 35)
	16/05/2023	Tenant reported another loud party and enquired re terminating lease	Tenant of Flat 4	Page 37
	17/05/2023	Appellant approached Council Noise team to advise that tenants still experiencing noise nuisance. Shared complaints received from tenants		The appellants email of 17 <sup>th</sup> May confirms that no complaints were received by the council (page 38)
	23/05/2023	Tenant reported LB Southwark noise team had attended and witnessed noise issues.	Tenant of Flat 4	Email of 17 <sup>th</sup> May replied to on 23 <sup>rd</sup> May by tenant confirms that no complaints regarding the premises had been received recently (Page 38)  Tenants email confirms that Council attended on 23 <sup>rd</sup> May but not that they witnessed any issues.  Note from Management of Wazobia shows willingness to engage and work with residents (page 39)
	06/06/2023	Tenant said noise issues were continuing	Tenant of Flat 4	Tenant confirms they have turned the music down and they haven't issued any further noise notices (Page 40)



Item No	Date/Time	Alleged Complaints About Noise	Flat Number	Comments
	12/07/2023	Due to no response from council email of 17/5 appellant sent request to review the noise issue to council		
	13/07/2023	Noise team responded with general information again. They advised that since a stat nuisance not witnessed by an officer following service of the NAN, no action could be taken.		
	14/07/2023	Appellant complained to the council formally as it was creating significant expense for him to re-let the 5 properties.		
	29/07/2023	Tenant moved out due to noise nuisance	Tenant of Flat 4	
<b>POST OCTOBER 2023 REVIEW</b>				
	03/1/2024	Tenant reported noise issues every Friday and Saturday especially after midnight	Tenant of Flat 4 (2)	Email of 3/1/2024 states that tenant doesn't have any dramas during the week at all. Have become accustomed to noise levels at weekends and there have been no issues with antisocial behaviour (Page 261)
	04/01/2024	Noise reported from restaurant as 'disturbing over the weekends' Loud music operated and vibrations were felt up to 4am. Unable to sleep	Tenant of Flat 5	States that restaurant is very noisy, especially during the weekend period (Page 270)
	06/01/2024	Tenants shared recording of noise experienced between 1-2am every Fri/Sat. Flat 5 is 2 stories above Wazobia so flats below must be experiencing this as well	Tenant of Flat 5	
	09/01/2024	Tenant shared screenshot of complaint raised with council of noise	Tenant of Flat 5	Standard response received from the Council (Page 278-279)
	21/01/2024	Tenant confirmed noise levels have not changed and no answer when called council noise team.	Tenant of Flat 5	This is correct however email from tenant of 19 <sup>th</sup> January confirms that they barely heard any noise and the voice was much lower (Page 276)
	09/02/2024	Tenant said noise no longer heard on Sundays but music still present on Saturday night	Tenant of Flat 5	They state that the noise issue is 'much better now' they cannot hear anything on a Sunday night and on a Saturday can only hear low

Item No	Date/Time	Alleged Complaints About Noise	Flat Number	Comments
				level music. They have not raised any further complaints (Page 274)
	18/02/2024	Email received from Tenant noise still heard late. Attached a recording	Tenant of Flat 5	The email just states sound coming through at night, with no further details (Page 273)
	05/03/2024	Email from new Tenant confirming noise bad between 1-3am and not good for sleeping	Tenant of Flat 1(4)	This email is sent as a response to a request for information by the landlord, rather than a complaint raised by the tenant themselves. The tenant also wishes to know why they were not informed about the alleged ongoing noise complaint when they moved in, as the Landlords request makes it clear they were aware of it before the tenant moved in (Page 286)
	08/03/2024	Noise expert for Appellant (Big Sky Accoustics) attended property and 5 flats visited. Tested flats 1-5 between 23:24 and 01:49 and noise evident in each one of the flats		Source; p13 of noise expert document

Month	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Total
Flat 1	0	0	0	0	0	0	0	0	0	0	0	0	0
Flat 4	0	1	0	0	0	0	0	1	0	1	0	0	3
Flat 5	0	0	0	0	0	0	0	2	2	0	0	0	4
Total	0	1	0	0	0	0	0	3	2	1	0	0	7

**IN CROYDON MAGISTRATES' COURT**

**BETWEEN:**

**SPACE INVESTMENTS LIMITED**

**Appellant**

-and-

**(1) LONDON BOROUGH OF SOUTHWARK**

**(2) UNIQUE CRISPENS FOOD LIMITED**

**Respondents**

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**APPENDIX A TO APPELLANT'S SKELETON ARGUMENT**

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The Appellant seeks the modification of the Premises Licence as follows:

**Licensable Activities**

Live music- indoors

Monday to Sunday: 12:00 to 23:00

Recorded music- indoors

Monday to Sunday: 12:00 to 23:00

Late night refreshment

N/A

Sale by Retail of Alcohol (On Sales)

Monday to Sunday: 12:00 to 23:00

Opening Hours

Monday to Sunday: 12:00 to 23:00

## Conditions To Be Added

1. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises and in any external areas, requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents. Such signage shall be kept free from obstructions at all times.
2. That clearly legible signage stating a dedicated contact number for the premises will be prominently displayed where it can easily be seen and read by passers-by. The signage will state that the phone number shown can be used to contact the premises in respect of any complaints regarding the operation of the premises. Such signage will be free from obstruction at all times. The telephone in respect of this number, if a mobile phone, must be on the duty manager's person at all times.
3. That a noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:
  - i. the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses;
  - ii. the operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence Holder;
  - iii. the limiter shall not be altered without prior written agreement from an authorised Environmental Health Officer;
  - iv. no alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Environmental Health Officer; and
  - v. no additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

4. That all external doors and windows at the premises shall be kept closed except to allow ingress and egress to and from the premises.
5. That no noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
6. That the effect of deregulation provided by section 177A of the Licensing Act 2003 does not apply to these premises. All conditions relating to live music and recorded music shall apply at all times the premises is open to the public.

### **Conditions To Be Amended and Removed**

7. That condition 341 be amended as follows: The sound insulation between the ground floor and the first storey above shall be designed to achieve an airborne sound insulation weighted standardised level difference of greater than 60dB DnT,w + Ctr.
8. That condition 846 be amended as follows: A dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation.

The policy should include (but not limited to):

- i. Details of customer/staff egress at the premises shall be managed to minimise causing nuisance.
- ii. Details of public transport and taxis in the vicinity and how customers will be advised in respect of it.
- iii. The management of the “winding down” period at the premises.
- iv. Details of the use of security/stewarding in respect of managing customer dispersal from the premises.
- v. The management of ejections from the premises.
- vi. How any physical altercations at the premises are to be managed.

All staff should be trained in the latest version of the dispersal policy. Details of which will be recorded in the staff training logs at the premises. The dispersal policy shall be made immediately available to responsible authority officers on request.

9. That condition 845 be amended to delete the words 'or when the terminal hour is after 00:30 hours' and to include that the SIA registered door supervisors shall remain at the premises until all patrons have vacated the premises and until at least 30 minutes after the premises close.
  
10. That condition 842 be replaced with the following condition, as form 696 no longer exists: That any third parties/members of the public using the premises for a promoted or private event must complete a venue hire agreement with the premises licence holder. The venue hire agreement shall include the full name and address of the hirer, copy of valid photo identification of the hirer (kept on file in accordance with data protection requirements), the hirer's signature and the date that the venue hire agreement has been signed. The venue hire agreement shall include all of the licensee's terms of hire. Such agreements shall be kept on file 6 months from the date of the event and be made immediately available to responsible authority officers on request.
  
11. That conditions 808, 841 and 854 are removed from the Premises Licence.

**MICHAEL FEENEY**  
**Francis Taylor Building**

**20 May 2024**



WAZOBIA  
RESTAURANT, OLD  
KENT ROAD

## Noise Assessment Report

Reference: 13393.RP01.NAR.0

Prepared: 29 April 2024

Revision Number: 0

Wazobia Restaurant



# Noise Assessment Report



## WAZOBIA RESTAURANT, OLD KENT ROAD

Reference: 13393.RP01.NAR.0

Prepared: 29 April 2024

Revision	Comment	Date	Prepared By	Approved By
0	First issue of report	29 April 2024	Matt Wildman	Torben Andersen

### Terms of contract:

RBA Acoustics Ltd has prepared this report in accordance with our agreed Scope of Works. RBA Acoustics Ltd shall not be responsible for any use of the report or its contents for any purpose other than that for which it was provided. Should the Client require the distribution of the report to other parties for information, the full report should be copied. No professional liability or warranty shall be extended to other parties by RBA Acoustics Ltd without written agreement from RBA Acoustics Ltd.

The recommendations within this report relate to acoustics performance only and will need to be integrated within the overall design by the lead designer to incorporate all other design disciplines such as fire, structural integrity, setting-out, etc. Similarly, any sketches appended to this report illustrate acoustic principles only and again will need to be developed in to full working drawings by the lead designer to incorporate all other design disciplines.

In line with our Environmental Policy, up to two hard copies of the report will be provided upon request. Additional copies of the report, or further hard copies of revised reports, would be subject to an administrative cost of £20.00 (+VAT) per copy.



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Appendix B - Instrumentation

## 1.0 INTRODUCTION

Concerns have been raised regarding the level of noise transfer from Wazobia Restaurant, Old Kent Road into the flats located above the restaurant.

RBA Acoustics attended the restaurant (located on the ground floor) as well as several flats above the restaurant (on the first, second and third floor of the building) in order to assess the level of music noise transfer from the restaurant into the flats directly above. The results of the assessment are included herein.

## 2.0 MEASUREMENT EXERCISE

### 2.1 Existing Levels

Using the restaurant's current in-house sound system, comprised of a single PA speaker, music was played at the typical volume level currently played in the premises. The song 'No Lele' by Wizkid (chosen as an accurate representation of the music played in the restaurant) was played on a constant loop during the measurement exercise. At the current limiter setting, this was just below the volume level where power to the DJ decks would be disconnected momentarily.

Measurements were subsequently undertaken within Flat 1 (located on the first floor of the building directly above the restaurant) and Flat 5 (located on the third floor of the building).

The noise level measured in the restaurant, Flat 1 and Flat 5 during this time are shown in Table 1 below:

Table 1 – Measured Noise Levels

Noise Level in Measurement Location	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	dBA
Wazobia (Ground Floor)	87	90	88	93	89	84	79	78	<b>94</b>
Flat 1 (1st Floor)	60	62	50	36	26	16	12	13	<b>47</b>
Flat 5 (3rd Floor)	47	41	36	28	24	21	20	16	<b>33</b>

Subjectively, the music was clearly audible in most rooms of Flat 1, especially in the rear bedroom below which the speaker was positioned at the time of the exercise. The drums, bass and melody of the music were very prominent and the lyrics were also intelligible in some rooms. The fact that the music was not only audible but clearly discernible suggests a significant issue with the separating floor construction between the restaurant and first floor.

Within Flat 5, only the bass frequencies of the music were just audible above the background noise which consisted mostly of traffic on Old Kent Road.

Due to access issues, full testing was not possible into the 2<sup>nd</sup> floor flats (although some measurements were made). However, we consider the information gained at this stage to be sufficient for us to make reasonable assumptions on the likely future conditions at 2<sup>nd</sup> floor level.

Based on these measured levels, it has subsequently been determined that the likely airborne sound insulation performance level of the separating floor construction between ground and first floor would be in the region of 41 dB  $D_{nT,w} + C_{tr}$ . A summary of the level difference in octave band centre frequencies between the music noise measured in Wazobia and Flat 1 is shown in Table 2 Below.

Table 2 – Level Difference of Separating Floor at Octave Band Centre Frequencies

Separating Construction	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
Separating floor between ground and first floor	27	28	38	58	63	68	67	65

Approved Document E of the Building Regulations outlines the minimum sound insulation performance that is acceptable for a separating partition between a Commercial and Residential uses is 50 dB  $D_{nT,w} + C_{tr}$ . Furthermore, the following is outlined in London Borough of Southwark Technical Guidance For Noise:

*“Party walls, floors and ceilings between the commercial premises and Party walls, floors and ceilings between the commercial premises and residential dwellings shall be designed to achieve the following minimum airborne sound insulation weighted standardized level difference:*

- *For A3 or A5 premises or large A1 cafes, shops and supermarkets: At least 55dB  $D_{nT,w} + C_{tr}$ ”*

It is apparent from this that an additional 14dB of sound insulation performance would be required for the separating floor between Wazobia and the Flats directly above to achieve the requirements of Southwark.

## 2.2 Acceptable Levels

Institute of Acoustics Good Practice Guide on the Control of Noise from Places of Entertainment presents the indicative levels of noise that have been measured inside places of entertainment. According to the guide, the typical noise level of a Busy Restaurant is approximately 80dBA. It is therefore reasonable to suggest that this would be a suitable overall level for setting the limiter for music noise in the restaurant.

Using the measured level noise difference between the restaurant and Flat 1, it is likely that music levels in the region of 80 dBA will result in the music level in the first floor flat being approximately 33 dBA. This assumes a simple overall 14dB reduction to the spectral shape of the existing music as measured within Wazobia. A further breakdown of this calculation is shown in Table 3 below:

Table 3 – Measured Noise Levels

Noise Level in Measurement Location	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	dBA
Wazobia (Ground Floor)	73	76	74	79	75	70	65	64	80
Separating Floor Level Difference	27	28	38	58	63	68	67	65	47
Resultant Noise Level in Flat 1	46	48	36	22	12	2	0	0	33
Measured Background Noise in Flat 1	46	43	30	21	22	20	15	17	29

BS 8233:2014 – “*Guidance on sound insulation and noise reduction for buildings*” presents target internal ambient noise levels for dwellings. Within bedrooms, it is recommended that the internal ambient noise level should not exceed 30 dB  $L_{Aeq}$  over an 8 hour night-time period, which is 3 dB lower than the predicted noise level within Flat 1. Wazobia is licenced to operate until 03:00, meaning music will be played for a maximum of 4 hours of the 8-hour night-time period. It is likely that due to the absence of music noise over the remaining 4 hours of night-time, the overall night-time period averaged noise level will be reduced to a level in the region of of 30 dB  $L_{Aeq}$  or below, demonstrating compliance with the BS8233:2104 limits.

With music noise within Wazobia at the levels set out in Table 3, resultant levels in the third-floor flats would be approximately 18dBA and 21dBA at 2<sup>nd</sup> floor level, which we would anticipate being inaudible.

### 3.0 FURTHER IMPROVEMENTS

Music noise is still likely to be somewhat audible within the first floor flat even with the noise limits adjusted to a maximum level of 80 dBA in the restaurant. Significant improvements to the sound insulation performance of the separating floor construction between Wazobia and the flat above would be required in order to further reduce the noise transfer. Potential improvements to the separating floor could be realised through isolating the floor in Flat 1 or the ceiling within Wazobia.

### 4.0 CONCLUSION

RBA Acoustics have undertaken a noise assessment within Wazobia and the flats above the restaurant.

In relation to the sound insulation itself, we have identified that the levels provided between the ground and 1<sup>st</sup> floor are unlikely to be compliant with the current requirements of Building Regulations. Furthermore, they are substantially below the requirements of London Borough of Southwark.

Notwithstanding the above, we recommend that the noise limiter be set at a level of 80dBA which is appropriate for typical restaurant use.

By reducing the noise within Wazobia to this level, when assessed over an 8 hour period, noise levels within Flat 1 would be in line with the values set out in BS8233.

At this level, we would anticipate that noise transfer to the flats at 2<sup>nd</sup> and 3<sup>rd</sup> floor level would be inaudible.

# Appendix A - Acoustic Terminology

dB	Decibel - Used as a measurement of sound pressure level. It is the logarithmic ratio of the noise being assessed to a standard reference level.
dB(A)	The human ear is more susceptible to mid-frequency noise than the high and low frequencies. To take account of this when measuring noise, the 'A' weighting scale is used so that the measured noise corresponds roughly to the overall level of noise that is discerned by the average human. It is also possible to calculate the 'A' weighted noise level by applying certain corrections to an un-weighted spectrum. The measured or calculated 'A' weighted noise level is known as the dB(A) level. Because of being a logarithmic scale noise levels in dB(A) do not have a linear relationship to each other. For similar noises, a change in noise level of 10dB(A) represents a doubling or halving of subjective loudness. A change of 3dB(A) is just perceptible.
$L_{eq}$	$L_{eq}$ is defined as a notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (1 hour).
$L_{Aeq}$	The level of notional steady sound which, over a stated period of time, would have the same A-weighted acoustic energy as the A-weighted fluctuating noise measured over that period.
$L_{An}$ (e.g. $L_{A10}$ , $L_{A90}$ )	If a non-steady noise is to be described it is necessary to know both its level and the degree of fluctuation. The $L_n$ indices are used for this purpose, and the term refers to the level exceeded for n% of the time, hence $L_{10}$ is the level exceeded for 10% of the time and as such can be regarded as the 'average maximum level'. Similarly, $L_{90}$ is the average minimum level and is often used to describe the background noise.
$L_{max,T}$	The instantaneous maximum sound pressure level which occurred during the measurement period, T. It is commonly used to measure the effect of very short duration bursts of noise, such as for example sudden bangs, shouts, car horns, emergency sirens etc. which audibly stand out from the general level of, say, traffic noise, but because of their very short duration, maybe only a very small fraction of a second, may not have any effect on the $L_{eq}$ value.

## Appendix B - Instrumentation

The following equipment was used for the measurements

Manufacturer	Model Type	Serial No.	Calibration	
			Certificate No.	Valid Until
Norsonic Type 1 Sound Level Meter	Nor140	1404477	U42454	16 November 2024
Norsonic Pre Amplifier	1209	13720		
Norsonic ½" Microphone	1225	384519	42453	16 November 2024
Norsonic Sound Calibrator	1251	35378	U45452	16 November 2024

RBA ACOUSTICS

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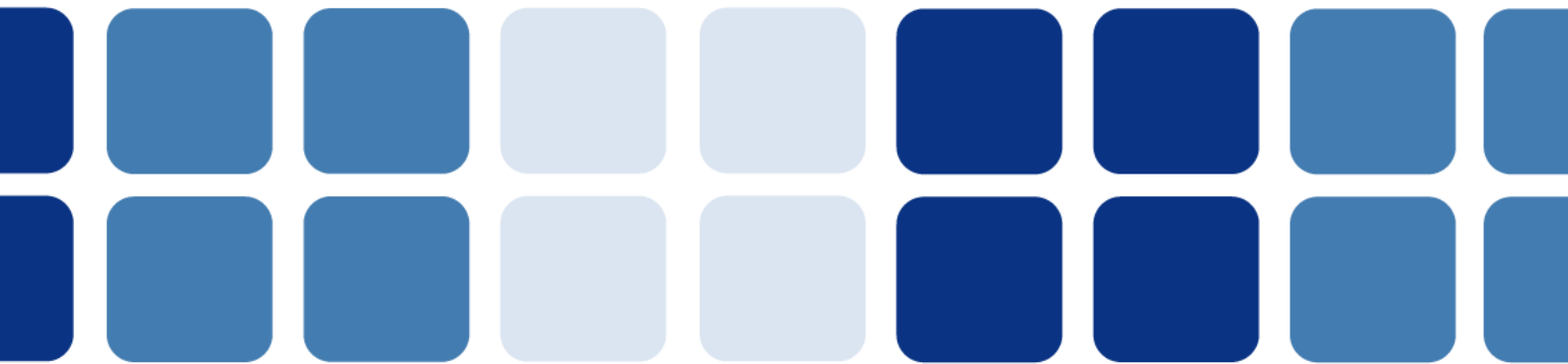
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Croydon Magistrates' Court  
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CR9 3NG

Case No. 012400086922

In the matter of:

SPACE INVESTMENTS LIMITED

-v-

LONDON BOROUGH OF SOUTHWARK

-AND-

UNIQUE CRISPIN FOODS LIMITED

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**Rebuttal Proof Of Evidence  
Noise Expert appointed by the Appellant**

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**Big Sky Acoustics document control sheet**

Project title:	Rebuttal Proof Of Evidence Noise Expert appointed by the Appellant
Document reference:	24051212r1
Submitted to:	Rosa-Maria Kane DAC Beachcroft LLP 25 Walbrook London EC4N 8AF acting on behalf of Space Investments Limited
Submitted by:	Big Sky Acoustics Ltd 60 Frenze Road Diss IP22 4PB 020 7617 7069 info@bigskyacoustics.co.uk
Prepared by:	Richard Vivian BEng(Hons) MIET MIOA MIOL Director, Big Sky Acoustics Ltd

**Document status and approval schedule**

Revision	Description	Date	Approved
0	Approved for issue	16/05/2024	RV
1	Typographic correction	16/05/2024	RV

## **1.0 Qualifications and experience**

- 1.1 My name is Richard Vivian. I am the founder and director of Big Sky Acoustics Ltd. Big Sky Acoustics is an independent acoustic consultancy that is engaged by local authorities, private companies, public companies, residents' groups and individuals to provide advice on the assessment and control of noise.
- 1.2 I have a Bachelor of Engineering Degree with Honours from Kingston University, I am a Member of the Institution of Engineering & Technology, the Institute of Acoustics, and the Institute of Licensing.
- 1.3 I have over thirty years of experience in the acoustics industry and have been involved in acoustic measurement and assessment throughout my career. I have designed sound insulation schemes for a wide range of residential and commercial buildings, developed operational procedures for the control of noise from licensed premises, and am very skilled in the design, configuration and control of amplified music systems. My professional experience has included the assessment of noise in connection with planning, licensing and environmental protection relating to sites throughout the UK. I have given expert evidence in the courts, in licensing hearings, in planning hearings and at public inquiries on many occasions.

## **2.0 Introduction**

- 2.1 Richard Vivian of Big Sky Acoustics Ltd was instructed by Rosa-Maria Kane of DAC Beachcroft LLP, acting on behalf of the Appellant, to carry out a technical review of the 'Noise Assessment Report' (Reference: 13393.RP01.NAR.0) prepared for the premises licence holder by Mr Matt Wildman of RBA Acoustics Ltd.
- 2.2 In order to address the most significant issues I have not sought to rebut all the points in Mr Wildman's evidence with which I disagree. The fact that I do not expressly rebut a point is not an indication that I accept it.

### **3.0 Noise Assessment Report by Matt Wildman**

- 3.1 The following comments given are not exhaustive and are intended to inform in respect of the technical aspects of the noise assessment presented by Mr Wildman in his report dated 29<sup>th</sup> April 2024.
- 3.2 Mr Wildman does not assist by providing details of his qualifications, or his professional memberships, or his relevant experience, as is normal practice for an expert report.
- 3.3 In Section 1.0 Mr Wildman advises that "*RBA Acoustics attended the restaurant...*". It is not clear from the report if that means Mr Wildman attended the site himself.
- 3.4 Mr Wildman does not provide the date, or the time, of the site visit by RBA Acoustics. If the assessment was made during the day then there would have been masking noise from other noise sources including, and significantly, heavy road traffic flow on the Old Kent Road. As the restaurant operates until the early hours of the morning any assessment against background noise should be done at a representative time when there is lower, or no, masking noise from road traffic or from other daytime noise sources that would not be present late at night. Alternatively, this point about masking noise should be acknowledged by Mr Wildman in his report and corrections made for higher ambient noise levels in his assessment.
- 3.5 Mr Wildman does not state if he witnessed the restaurant in operation.
- 3.6 At Section 2.1 Mr Wildman states the "*in-house sound system comprised of a single PA speaker*". No make or model of the speaker is provided by Mr Wildman or a description of the size of the loudspeaker. As the loudspeaker is *the* noise-generating device in this investigation the specification of that device is important

information. In the absence of a detailed specification then a photograph of the loudspeaker would have been of some assistance.

- 3.7 It is normal for there to be multiple loudspeakers providing an even coverage of sound across the customer areas in a licensed premises, particularly a premises with regular DJ promotions. During my testing there was a loudspeaker operating at the front of the premises and this noise source was clearly noticeable in the living room and front bedroom of Flat 1. It may be that additional loudspeakers had been removed for Mr Wildman's visit, and I suspect that more than one loudspeaker is typically used during DJ events.
- 3.8 Section 2.1 also refers to *"the current limiter setting, this was just below the volume level where power to the DJ decks would be disconnected momentarily"* but no detail is provided as to the make of the limiter, the model number, or the calibration details. The type of limiter that *"disconnects power"* would not normally do so *"momentarily"* but without details of the device it remains uncertain if the method of operation of the limiter is correctly described or if the device is appropriate for this type of sound installation.
- 3.9 Table 1 shows a *bass-light* noise profile (i.e. the bass frequencies are lower than the A-weighted level) which, I suggest, is unrealistic for the type of Afrobeat music style promoted at this premises. For high-quality sound reproduction of bass-orientated music levels in the 63Hz and 125Hz octave bands often exceed the A-weighted level by 5-10dB.
- 3.10 Mr Wildman notes that music is clearly audible in the flats and that lyrics were intelligible in some rooms. This is helpful as even with one speaker playing at these bass-light levels, and in the presence of masking noise from traffic, music noise is confirmed as being as intrusive in the flats.

- 3.11 Still in Section 2.1, in the first paragraph on page 2, Mr Wildman states *"Approved Document E of the Building Regulations outlines the minimum sound insulation performance that is acceptable for a separating partition between a commercial and Residential uses is 50 dB  $D_{nT,w} + C_{tr}$ ".* This is not correct, Approved Document E does not specify an absolute level for the minimum sound insulation between commercial and residential uses. What it does say, at paragraph 0.8, is *"A higher standard of sound insulation may be required between spaces used for normal domestic purposes and communal or non-domestic purposes. In these situations the appropriate level of sound insulation will depend on the noise generated in the communal or non-domestic space. Specialist advice may be needed to establish if a higher standard of sound insulation is required and, if so, to determine the appropriate level."*
- 3.12 In Section 2.2 Mr Wildman makes reference to the *"Institute of Acoustics Good practice Guide on the control of Noise from places of Entertainment"*. This document is yet to be published and is still in a draft format. It should not be referenced as guidance as it is not been approved by the Institute of Acoustics or any other body.
- 3.13 In Section 2.2 Mr Wildman quotes guidance for internal ambient levels from British Standard 8233. These figures are for steady external noise sources, eg constant plant noise, not music which is time-varying and has a distinctive character. This use of BS8233 is therefore incorrect.
- 3.14 The proposal by Mr Wildman to limit music noise to 80dBA fails to acknowledge the limitations of the A-weighted measurement curve. Put very simply the A-weighted measurement does not include bass frequencies found in music and so is an inadequate descriptor, and hence inadequate control limit level, for music noise.

3.15 Mr Wildman's finding that improvement to the sound insulation between the restaurant and residential uses above is required is correct, and consistent with my recommendation that the existing Condition 341 on the premises licence is inadequate and should be re-drafted to read ***The sound insulation between the ground floor commercial use and residential flats above shall be designed to achieve an airborne sound insulation weighted standardised level difference of greater than 60dB DnT,w + Ctr.*** This would align the sound insulation performance of the separating floor to the recommendations given in the London Borough of Southwark Technical Guidance for Noise.

## **4.0 Conclusions**

- 4.1 Richard Vivian of Big Sky Acoustics Ltd was instructed by Rosa-Maria Kane of DAC Beachcroft LLP, acting on behalf of the Appellant, to carry out a technical review of the 'Noise Assessment Report' (Reference: 13393.RP01.NAR.0) prepared for the premises licence holder by Mr Matt Wildman of RBA Acoustics Ltd.
- 4.2 Mr Wildman's acknowledgement that noise from the restaurant use at ground floor level is "*clearly audible*" in residential flats, and that "*the drums, bass and melody of the music were very prominent and the lyrics were also intelligible in some rooms*" is helpful, but his assessment method contains some errors which have been identified in this document.
- 4.3 The recommendation to set the limiter to 80dBA does not protect residents from music noise and, by his admission, Mr Wildman states that even at this reduced level music noise is still likely to be somewhat audible within the first floor flat.
- 4.4 I am confident that Mr Wildman has been able to identify the problem that noise from the restaurant directly impacts residents in the flats above, but his recommendation that 80dBA would be an acceptable operating level is not a

complete solution and provides no protection to the residents in the first-floor flat. Improvements to the sound system controls are welcomed and these need to be in combination with a substantial upgrade to the sound insulation performance of the separating floor between the ground floor and first floor residential uses as outlined in my recommendations. This becomes even more important for trading at night when residents will be resting and sleeping.

Richard Vivian BEng(Hons) MIET MIOA MIOL  
16<sup>th</sup> May 2024



## Glossary

### Sound Pressure Level and the decibel (dB)

A sound wave is a small fluctuation of atmospheric pressure. The human ear responds to these variations in pressure, producing the sensation of hearing. The ear can detect a very wide range of pressure variations. In order to cope with this wide range of pressure variations, a logarithmic scale is used to convert the values into manageable numbers. Although it might seem unusual to use a logarithmic scale to measure a physical phenomenon, it has been found that human hearing also responds to sound in an approximately logarithmic fashion. The dB (decibel) is the logarithmic unit used to describe sound (or noise) levels. The usual range of sound pressure levels is from 0 dB (threshold of hearing) to 140 dB (threshold of pain).

### Frequency and Hertz (Hz)

As well as the loudness of a sound, the frequency content of a sound is also very important. Frequency is a measure of the rate of fluctuation of a sound wave. The unit used is cycles per second, or hertz (Hz). Sometimes large frequency values are written as kilohertz (kHz), where 1 kHz = 1000 Hz. Young people with normal hearing can hear frequencies in the range 20 Hz to 20,000 Hz. However, the upper frequency limit gradually reduces as a person gets older.

### A-weighting

The ear does not respond equally to sound at all frequencies. It is less sensitive to sound at low and very high frequencies, compared with the frequencies in between. Therefore, when measuring a sound made up of different frequencies, it is often useful to 'weight' each frequency appropriately, so that the measurement correlates better with what a person would actually hear. This is usually achieved by using an electronic filter called the 'A' weighting, which is built into sound level meters. Noise levels measured using the 'A' weighting are denoted dBA. A change of 3dBA is the minimum perceptible under normal everyday conditions, and a change of 10dBA corresponds roughly to doubling or halving the loudness of sound.

### C-weighting

The C-weighting curve has a broader spectrum than the A-weighting curve and includes low frequencies (bass) so it can be a more useful indicator of changes to bass levels in amplified music systems.

### Noise Indices

When a noise level is constant and does not fluctuate over time, it can be described adequately by measuring the dB level. However, when the noise level varies with time, the measured dB level will vary as well. In this case it is therefore not possible to represent the noise level with a simple dB value. In order to describe noise where the level is continuously varying, a number of other indices are used. The indices used in this report are described below.

- L<sub>eq</sub>** The equivalent continuous sound pressure level which is normally used to measure intermittent noise. It is defined as the equivalent steady noise level that would contain the same acoustic energy as the varying noise. Because the averaging process used is logarithmic the L<sub>eq</sub> is dominated by the higher noise levels measured.
- L<sub>Aeq</sub>** The A-weighted equivalent continuous sound pressure level. This is increasingly being used as the preferred parameter for all forms of environmental noise.
- L<sub>Ceq</sub>** The C-weighted equivalent continuous sound pressure level includes low frequencies and is used for assessment of amplified music systems.
- L<sub>eq,63Hz</sub>** The equivalent continuous sound pressure level in the octave band centred on 63Hz. This can be considered the lower bass octave in music as it covers the frequency range of 44-88Hz.
- L<sub>eq,125Hz</sub>** The equivalent continuous sound pressure level in the octave band centred on 125Hz. This can be considered the upper bass octave in music covering the range of 88-177Hz.
- L<sub>Amax</sub>** is the maximum A-weighted sound pressure level during the monitoring period. If fast-weighted it is averaged over 125 ms, and if slow-weighted it is averaged over 1 second. Fast weighted measurements are therefore higher for typical time-varying sources than slow-weighted measurements.
- L<sub>A90</sub>** is the A-weighted sound pressure level exceeded for 90% of the time period. The L<sub>A90</sub> is used as a measure of background noise.

### Sound insulation terminology

- D<sub>nT,w</sub>** Weighted standardised level difference, a single figure generated by comparing the D<sub>nT</sub> with a reference curve. The reference curve is shifted in 1dB steps until the sum of adverse deviation of the test curve, compared to the reference curve, is as large as possible, but no more than 32.0 dB. The value of the shifted reference curve at 500Hz is taken as the D<sub>nT,w</sub>. N.B. As D<sub>nT,w</sub> for airborne transmission represents a level difference, an improvement generates a larger figure.
- C<sub>tr</sub>** A 'spectrum adaptation term' used to correct the D<sub>nT,w</sub> in order to reflect low frequency performance of the wall or floor tested.

## **EXPERT'S DECLARATION (Civil Cases)**

I Richard Martin Vivian DECLARE THAT:

1. I understand that my duty in providing written reports and giving evidence is to help the Court, and that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied and will continue to comply with my duty.
2. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
3. I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
4. I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
5. I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affect my answers to points 3 and 4 above.
6. I have shown the sources of all information I have used.
7. I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
8. I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
9. I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including my instructing lawyers.
10. I will notify those instructing me immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.
11. I understand that;
  - 11.1. my report will form the evidence to be given under oath or affirmation;
  - 11.2. questions may be put to me in writing for the purposes of clarifying my report and that my answers shall be treated as part of my report and covered by my statement of truth;
  - 11.3. the court may at any stage direct a discussion to take place between experts for the purpose of identifying and discussing the expert issues in the proceedings, where possible reaching an agreed opinion on those issues and identifying what action, if any, may be taken to resolve any of the outstanding issues between the parties;
  - 11.4. the court may direct that following a discussion between the experts that a statement should be prepared showing those issues which are agreed, and those issues which are not agreed, together with a summary of the reasons for disagreeing;
  - 11.5. I may be required to attend court to be cross-examined on my report by a cross-examiner assisted by an expert;
  - 11.6. I am likely to be the subject of public adverse criticism by the judge if the Court concludes that I have not taken reasonable care in trying to meet the standards set out above.
12. I have read Part 35 of the Civil Procedure Rules, the accompanying practice direction and the Guidance for the instruction of experts in civil claims and I have complied with their requirements.
13. I am aware of the practice direction on pre-action conduct. I have acted in accordance with the Code of Practice for Experts.

### **STATEMENT OF TRUTH**

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.



Richard Vivian BEng(Hons) MIET MIOA MIOL

**IN THE CROYDON MAGISTRATES' COURT**

**CASE NO: 2400086933**

**APPEAL UNDER S181 & SCHEDULE 5 OF THE LICENSING ACT 2003 AGAINST  
A DECISION OF THE LONDON BOROUGH OF CROYDON MADE ON 31<sup>st</sup>  
OCTOBER 2024 relating to the premises known as Wazobia Restaurant, 670-672  
Old Kent Road, London, SE15 1JF**

**BETWEEN**

**(1) SPACE INVESTMENTS LIMITED**

**Appellant**

**-v-**

**(1) LONDON BOROUGH OF SOUTHWARK**

**First Respondent/  
Licensing Authority**

**(2) UNIQUE CRISPENS FOOD LIMITED**

**Second Respondent/  
Licence Holder**

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**WITNESS STATEMENT OF EMMANUEL EKE**

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I, Mr Emmanuel Eke, Company Director of Unique Crispens Food Limited trading as Wazobia Restaurant, at 670 Old Kent Road, London, SE15 1JF, wish to make this statement as follows:

- 1) I am over the age of 18. I am a person of good character and a Personal Licence Holder.
- 2) The premises has operated as a late night restaurant and bar since 2001 and I took over the premises in 2016.
- 3) The upstairs was originally for commercial use and then converted to residential.
- 4) We predominantly are food led and play recorded music.
- 5) After the review hearing, the council said we need the following:

4. That a sound limiting device (or similar equipment) will be installed at the premises and will be maintained in full working order and be in use at all times the premises are in operation.
  - i. All amplification equipment, entertainment devices and amplified instruments shall be routed through the sound limiting device (or similar equipment) and shall be calibrated so that the amplified sound at the premises noise emitted from premises does not cause a statutory or other nuisance. Particular regard must be given to the attenuation of bass frequencies. Only management staff will have access to the sound limiting device (or similar equipment) and will be able to demonstrate that it is in use at the immediate request of responsible authority officers.
  - ii. A qualified professional acoustic consultant shall be employed to calibrate the sound limiter at the premises and to arrange the layout, installation and orientation of the speakers at the premises so that sound transmission is minimised.
  - iii. A signed and dated report from the acoustic consultant regarding the calibration of the sound limiter and any amendments to the speaker installation at the premises report shall be kept at the premises and provided to responsible authority officers immediately on request.
  - iv. Once the sound limiter has been calibrated, its control settings shall not be altered at any time, except for when altered by a qualified professional acoustic consultant or the premises' sound engineer.

I did not appeal their decision and took a commercial view to undertake the steps, notwithstanding I do not believe I am undermining the licensing objectives. The Council's full decision is provide as **Exhibit "EE/1"**.

- 6) The council's decision was correct at the time and correct now. The decision of the democratically elected Licensing Authority ought not to be lightly reversed on appeal.
- 7) Attached as Exhibit "**EE/2**" is a Report from a qualified professional Acoustic Engineer.

## **STATEMENT OF TRUTH**

I believe that the facts in this Witness Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed *Emmanuel Eke* Dated 01/05/2024

EMMANUEL EKE

On behalf of: Appellant

Witness: A Tumaite

No. of witness statement: 2nd

Exhibits: AT1 – AT6

Date: 2024

CASE REFERENCE NO: 2400086933

IN THE MATTER OF AN APPEAL  
UNDER THE LICENSING ACT 2003  
IN THE CROYDON MAGISTRATES COURT  
BETWEEN:

(1) Space Investments Limited

Appellant

- and -

(1) London Borough of  
Southwark

First Respondent/Licensing  
Authority

(2) Unique Crispens Food  
Limited

Second  
Respondent/Premises  
Licence Holder

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SECOND WITNESS  
STATEMENT OF ALVYDA  
TUMAITE  
-----

I, Alvyda Tumaite, care of Space Investments Limited, 15 Theed Street, London, England, SE1 8ST

state as follows:

1. I am a Property Manager in the employment of the Appellant. I am duly authorised to make this statement.
2. The facts and matters set out in this statement are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief.
3. There is now produced and shown to me a paginated bundle of true copy documents marked **Exhibits AT1 – AT6** which I shall refer to in this statement.
4. The purpose of this statement is to rebut the evidence filed by the Licence Holder, namely the witness statement of Mr Eke dated 1 May 2024.
5. At paragraph 2 of his statement, Mr Eke states that "*The premises [Wazobia Restaurant] has operated as a late night restaurant and bar since 2001 and I took over the premises in 2016*" and at paragraph 3, he states "*The upstairs was originally for commercial use and then converted to residential*".
6. Further investigation has been undertaken into the use and planning history of the upper and lower floors of 670 Old Kent Road.
7. The ground floor and basement is Wazobia Restaurant and there are currently 5 flats in the three upper floors of 670 Old Kent Road.
8. I exhibit at **AT1** planning permission 06/AP/2483 and officer report dated 13 March 2007. This planning permission grants permission for conversion of the upper floors into 5 residential flats and the officer report (**page 12 of AT1**) notes that the use previously was as a House in Multiple Occupation.
9. I do not believe that Mr Eke is correct in his assertion that the ground floor and basement has operated as a late night restaurant and bar since 2001. I exhibit at **AT2** planning permission 08/AP/0641 and officer report dated 27 May 2008. This grants permission for change of use from a graphics/printing company to a restaurant. The officer report notes that there is residential accommodation in the upper floors, and as can be seen at **pages 7 and 8 of AT2**, the officer report recommends imposing an hours condition and further conditions '*requiring details of extraction and ventilation equipment (including sound attenuation) and sound-proofing between the ground floor and flats*' to ensure no adverse impact arising from cooking fumes and noise/disturbance from a restaurant use.
10. Condition 2 of the permission says that if used as a restaurant, then the operating hours will be 07:00 to 23:00 Monday to Sunday and condition 3 requires the submission of details of sound attenuation for the ventilation equipment required for restaurant use. As is shown from the evidence submitted in this appeal, Wazobia Restaurant are operating in breach of condition 2

by operating their business outside of 07:00 to 23:00 Monday to Sunday.

11. Planning permission 08/AP/0641 was subject to a further condition (condition 4) requiring submission of details of a scheme to insulate the residential accommodation. This is unfortunately missing in the copy of planning permission 08/AP/0641 available from the Council's planning register, as after condition 3 it only states 'continued overleaf'. However, on 11 February 2009 an application to approve the '*details of a scheme to insulate the residential accommodation as required by Condition 4 of planning permission dated 27 May 2008*' was approved, pursuant to decision notice 09-AP-0040 and officer report, which can be found at **Exhibit AT3**. This demonstrates that a condition requiring submission of details of a scheme to insulate the residential accommodation in the upper storeys was also attached to planning permission 08/AP/0641.
12. In 2009, an application was made to vary condition 2 so to allow an increase in its operating hours to midnight Sunday to Thursday and to 6am Friday to Saturday. This application was refused on the grounds of residential amenity. A copy of decision notice 09/AP/0167 and officer report can be found at **Exhibit AT4**.
13. In December 2014, shortly after the Appellant acquired the upper floors of 670 Old Kent Road, an application was made for an internal reconfiguration of the residential aspect, which was granted. The application sought to retain the five residential flats in the upper storeys that had previously been granted permission with a revised layout. A copy of the decision notice and officer report (14/AP/4774) can be found at **Exhibit AT5**.
14. As can be seen from the historical planning documents exhibited to my statement at **AT1 – AT5**, the upper floors were in residential use before the ground floor and basement converted to a restaurant.
15. Since my first statement dated 15 March 2024, the occupiers of the upper floors of 670 Old Kent Road continue to experience noise nuisance as a result of the activities carried on at Wazobia Restaurant. I exhibit at **AT6** noise diaries prepared by our tenants detailing the disruption caused, and a recent email from the tenant of Flat 1 dated 5 May 2024.

## STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed

Alvyda Tumaite

Date 5/15/2024

2024



On behalf of: Appellant

Witness: A Tumaite

No. of witness statement: 2nd

CASE REFERENCE NO: 2400086933

IN THE MATTER OF AN APPEAL  
THE LICENCING ACT 2003  
IN THE CROYDON MAGISTRATES COURT  
B E T W E E N

Space Investments Limited (1)

Appellant

-and-

London Borough of Southwark (2)

First Respondent /

Licencing authority

Unique Crispens Food Limited (3)

Second Respondent /

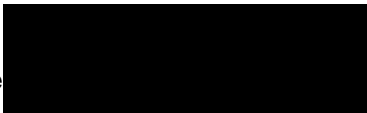
Premises Licence Holder

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EXHIBIT AT1

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This is Exhibit AT1 referred to in the second witness statement of Alvyda Tumaite.

Signe  .....

Alvyda Tumaite

Dated 5/15/2024 .....2024

TP(Permit)

# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

## PLANNING PERMISSION

**Applicant** Newton Property Holdings Ltd  
**Date of Issue of this decision** 13/03/2007

**LBS Registered Number** 06-AP-2483  
**Case Number** TP/2168-670

**Planning Permission was GRANTED for the following development:**

Conversion of upper residential floors to provide 1 x 2-bedroom flat, 2 x 1-bedroom flats and 2 x 2-bedroom maisonettes, together with construction of two dormer window extensions to rear roofslope

**At:** 670-672 OLD KENT ROAD, LONDON, SE15 1JF

**In accordance with application received on** 08/12/2006

**and Applicant's Drawing Nos.** 060502 01 Rev A, 02, 03, 04

**Subject to the following four conditions:**

- 1 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

- 2 The facing materials used in the carrying out of this permission shall match the original facing materials in type, colour, dimensions, and in the case of brickwork, bond and coursing and pointing.

**Reason**

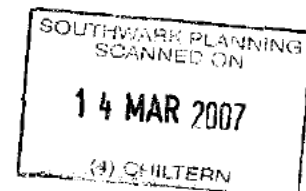
To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan.

- 3 The refuse storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the dwellings before those dwellings are occupied 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 E.3.1: Protection of Amenity and Policy T.1.3: Design of Development and Conformity with Council's Standards and Controls of Southwark's Unitary Development Plan.

**Continued overleaf...**



TP(Permit)

# SOUTHWARK COUNCIL



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

www.southwark.gov.uk

## PLANNING PERMISSION

**LBS Reg. No. 06-AP-2483 Case No. TP/2168-670 Date of Issue of this decision 13/03/2007**

- 4 The cycle storage facilities as shown on drawing 060502 - 3 shall be provided before the units hereby approved are occupied and thereafter such facilities shall be retained and the space used for no other purpose without prior written consent of the local planning authority.

**Reason**

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with Policy E.3.1 'Protection of Amenity' and T.1.3 'Design in Conformity with Council Standards' of the Southwark Unitary Development Plan.

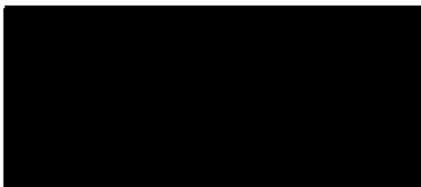
**Reasons for granting planning permission.**

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

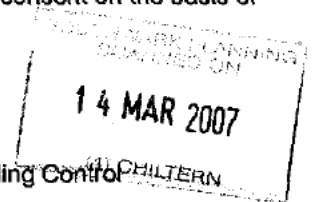
- a) Policies 3.2 Protection of Amenity, 3.10 Efficient Use of Land, 3.12 Quality in Design, 3.13 Urban Design, 4.2 Quality of Residential Accommodation, 4.3 Mix of Dwellings, 5.2 Transport Impacts of the emerging Southwark Unitary Development Plan [Jan.2007].
- b) Policies E.2.3 Aesthetic Control, E.3.1 Protection of Amenity, H.3.3 Dwelling Mix for Conversions, H.3.4 Standards for Conversions, T.1.2 Location of Development in Relation to the Transport Network, SPG 5 Standards Controls and Guidelines for Residential Development of The Southwark Unitary Development Plan 1995

Planning permission was granted as there are no, or insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.

Signed



David Stewart  
Interim Head of Development and Building Control



**Your attention is drawn to the notes accompanying this document**

Any correspondence regarding this document should quote the Case Number and LBS Registered Number and be addressed to: Head of Development and Building Control, Council Offices, Chiltern, Portland Street, London SE17 2ES. Tel. No. 020 7525 5000

UPRN: 200003380710

checked by

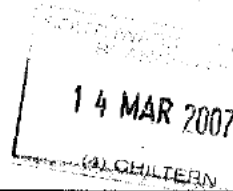


**PLANNING PERMISSION**

LBS Registered Number: 06-AP-2483

Case Number: TP/2168-670

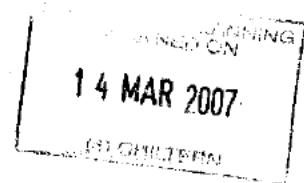
Date of issue of this decision: 13/03/2007

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

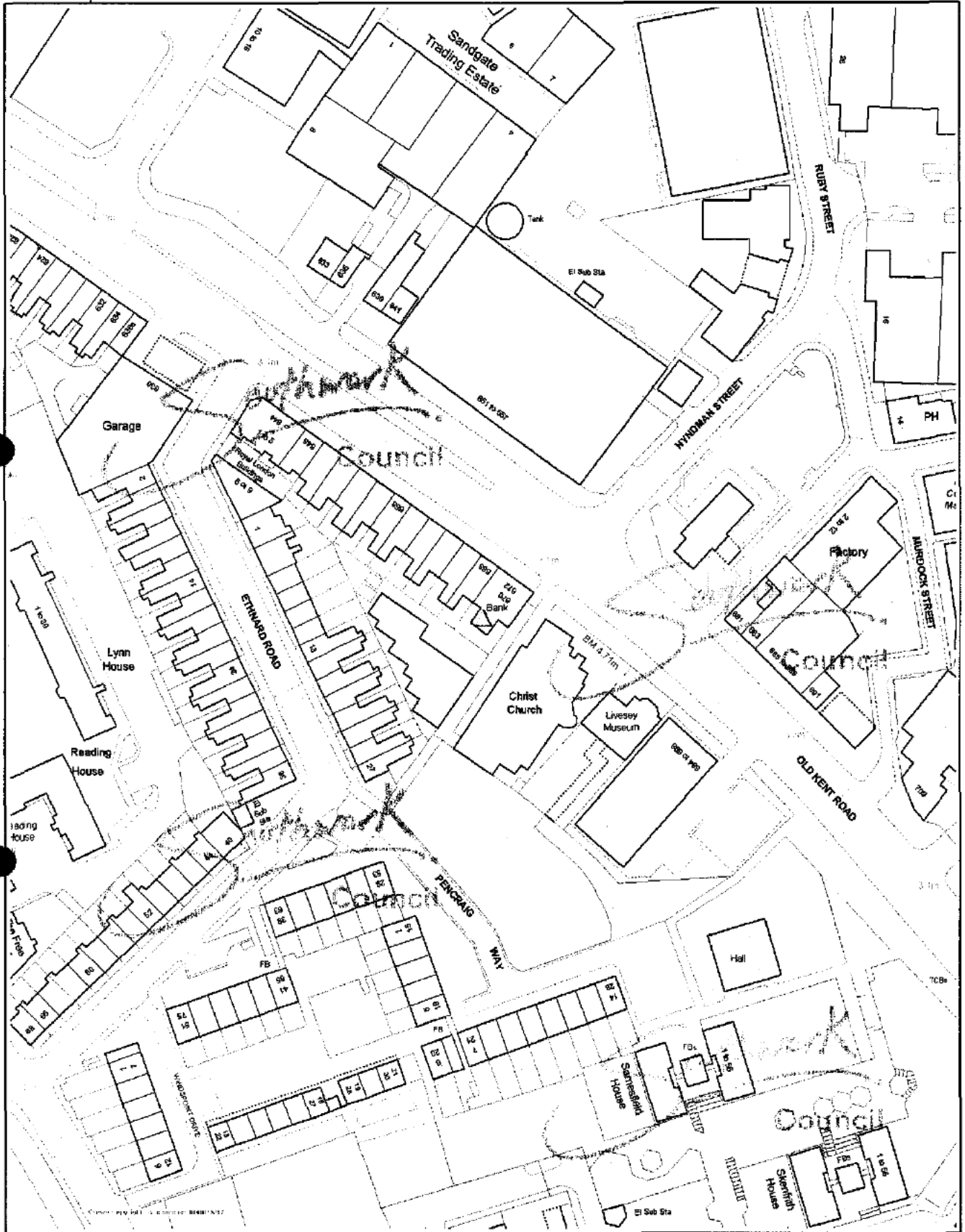
- [1] **APPEAL TO THE SECRETARY OF STATE.** If you are aggrieved by this decision of the council as the local planning authority to grant permission subject to conditions you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you appeal you must do so 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](http://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](http://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].

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.



# 670-672 OLD KENT ROAD SE15



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London Borough of Southwark.  
OS Licence LA08654196. 2003.



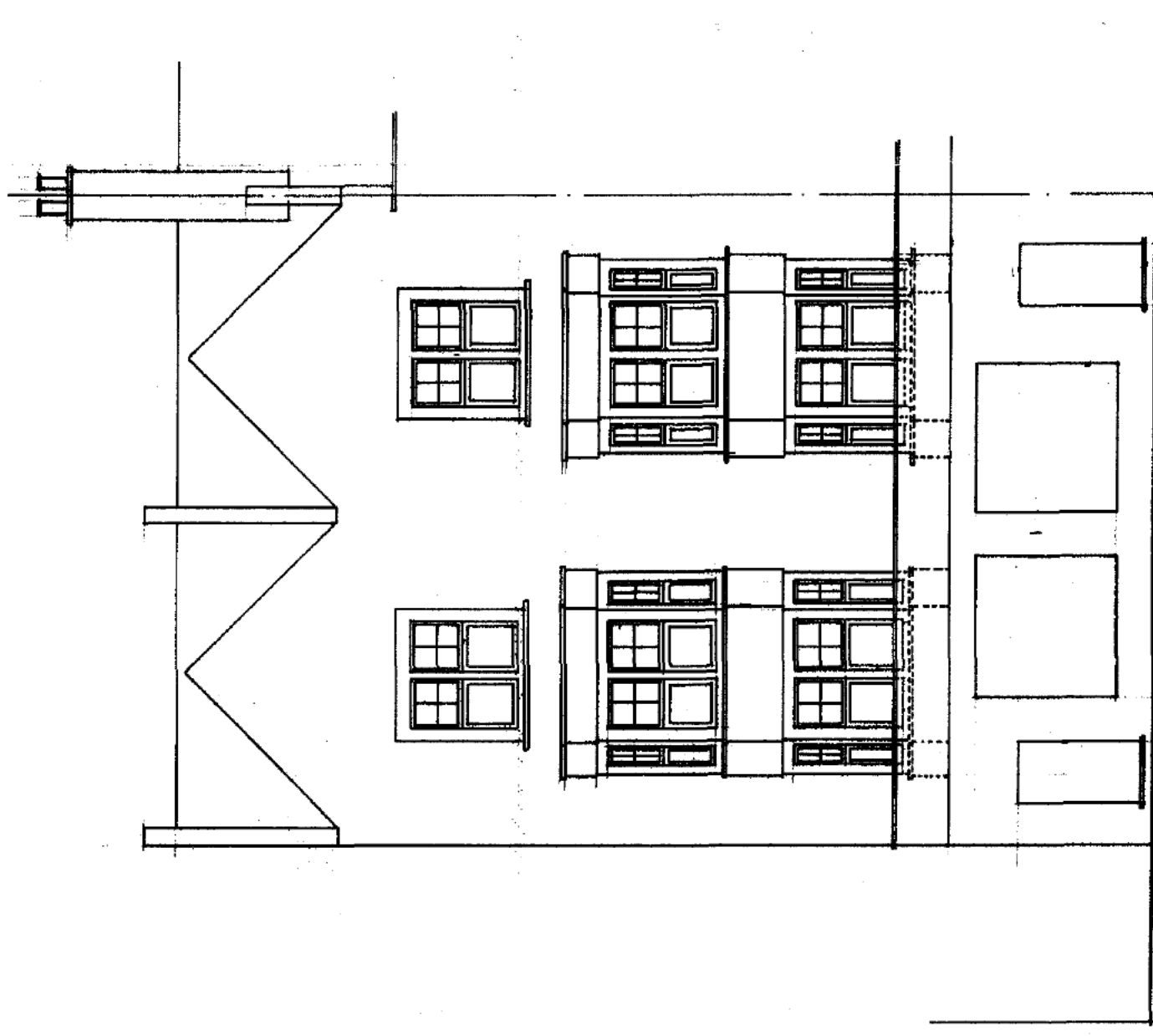
DR  
Scale 1/1250  
Date 28/12/2006

Southwark  
Council

**notes**

**GENERAL**

1. All work to be in accordance with the building regulations and approved by the Local Authority.
2. Do not make any alterations to the drawings without the written consent of the architect.
3. The architect is responsible for securing the validity of the site and works including adjoining sites.
4. This drawing is to be used in conjunction with the specifications and schedule of materials and other relevant drawings. The Contractor must refer to the specifications of the Project for any other relevant drawings. The Contractor must refer to the specifications of the Project for any other relevant drawings. The Contractor must refer to the specifications of the Project for any other relevant drawings.



**EXISTING FRONT ELEVATION (TO BE UNALTERED)**

NO.	DATE	DECISION AND DATE
1	16 JAN 2007	
2	06 APR 2007	DELEGATED
3		13 MAR 2007
4		APPROVED

PLANNING  
 PLANNED ON  
 14 MAR 2007  
 M. SALTER

Rev	Date	Revision
670-672 OLD KENT ROAD, S.E.15		
<b>M Building &amp; Drawing Services</b>		
D 247D Lewisham Way London SE4 1XF		
H Tel: 020 8694 0228		
Client		
Scale	1:100	Date JAN '07
Drawn By		Checked By
Project No.	060502	Drawing No. 04
Revision		
Dwg. Title <b>EXISTING / PROPOSED FRONT ELEVATION</b>		

**NOTES**

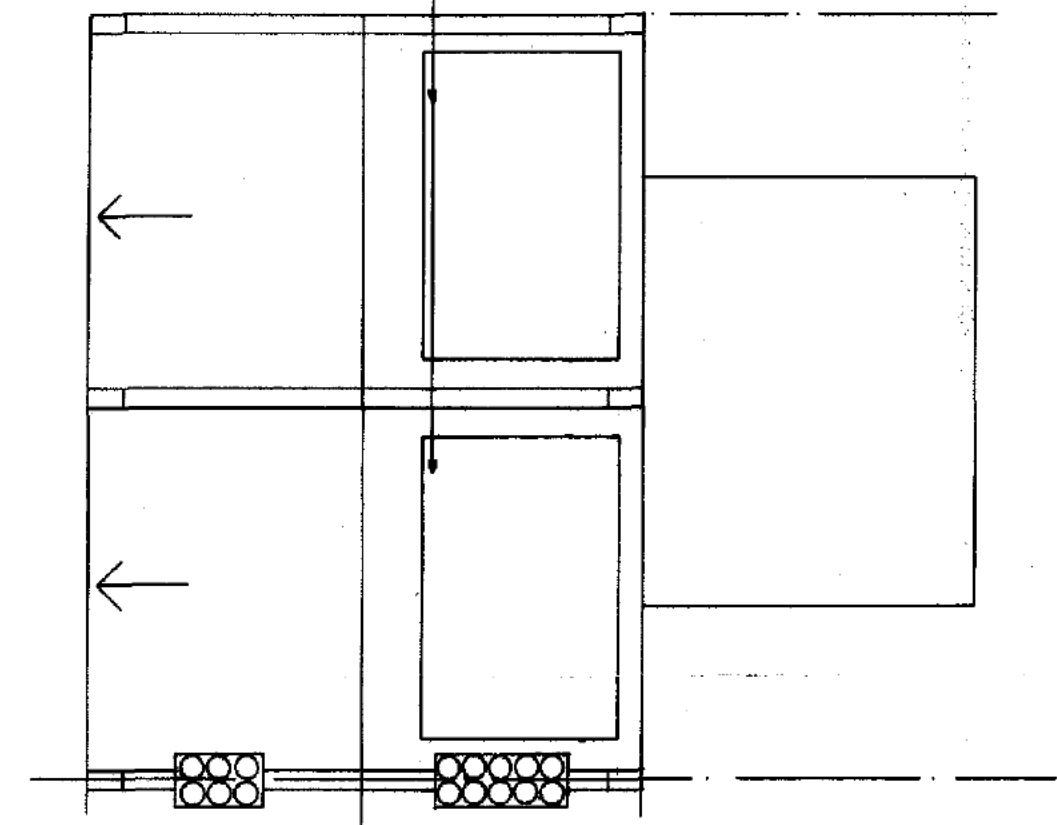
**GENERAL**

1. All work to be in accordance with the building regulations and approved by the Local Authority.
2. The contractor is responsible for ensuring the stability of the site and works including adjoining sites and all services throughout the construction.
3. This drawing is to be used in conjunction with the Specifications/Conditions of Works for the project, see other relevant drawings. The Contractor must refer to the specifications of the Project Design Documents. If any work at the drawing is at variance with the Specifications/Conditions of Works, written agreement is required.

PROPOSED NEW DORMERS TO REAR ELEVATION TO BE FINISHED IN HUNG TILES THAT MATCH EXISTING & ROOF WINDOWS TO BE DOUBLE GLAZED WITH UPVC FRAMES TO MATCH EXISTING.

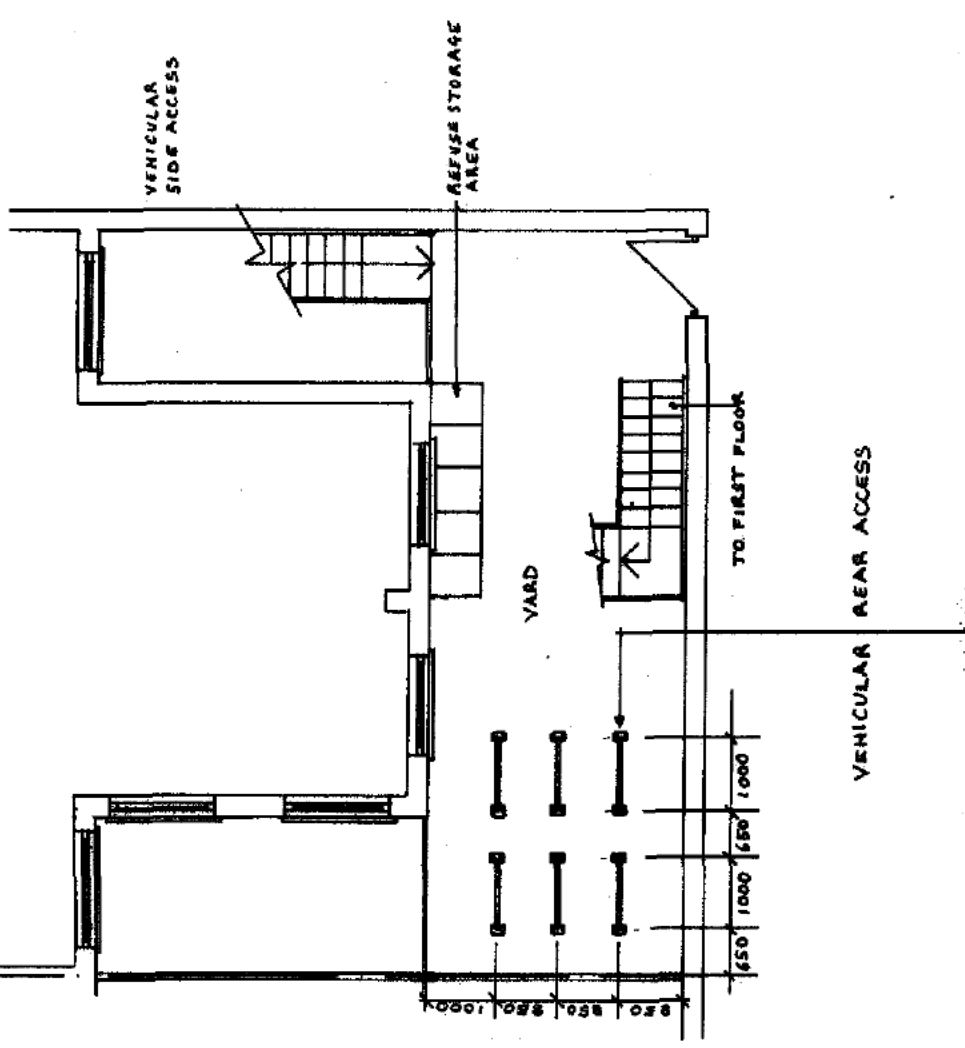
SOUTHWARK COUNCIL PLANNING  
**CASE FILE COPY**

DATE RECEIVED: - 8 DEC 2006  
 DECISION AND DATE: DELEGATED 13 MAR 2007 APPROVED  
 REGISTERED NUMBER: 06 AP 2483



**PROPOSED ROOF PLAN.**

14 MAR 2007



6 NO. SHEFFIELD BIKE STANDS. EACH STAND TO BE MADE OF METAL TUBING AND COATED WITH PLASTIC RESIN COATING TO PREVENT DAMAGE TO BICYCLE PAINTWORK. EACH STAND TO BE BOLTED TO GROUND SURFACE USING AT LEAST TWO HIGH SECURITY BOLTS THROUGH BASE PLATES. TUBING TO HAVE EXTERNAL DIAMETER OF 50-75mm & MINIMUM THICKNESS OF 2.5mm.

**REAR YARD PLAN.**  
 SHOWING PROVISION OF SHEFFIELD CYCLE STAND & REFUSE STORAGE.

Per	Date	Revision
670 - 672 OLD KENT ROAD, LONDON SE15		
<b>M Building &amp; Drawing Services</b>		
<b>D</b> 247D Lewisham Way London SE4 1XF		
<b>H</b> Tel: 020 8694 0226		
Client		
Scale	1:100	Date SEP '06
Drawn By		Checked By
Project No.	060502	Revision
Rev. No.		

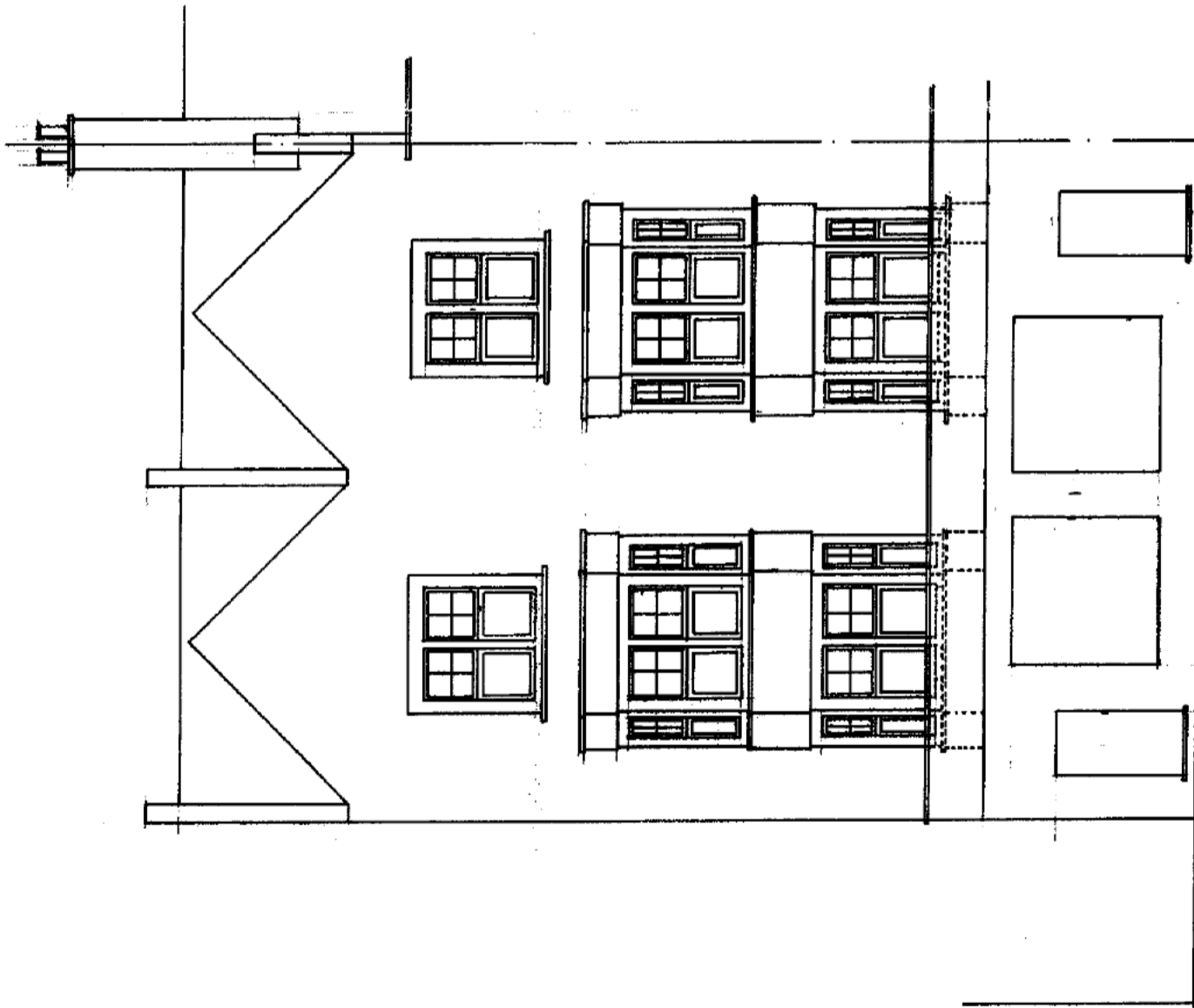
**PROPOSED**



**notes**

**GENERAL**

1. All work to be in accordance with the building regulations and approved by the Local Authority.
2. Do not make the drawings without consultation with the Local Authority and all dimensions should be in millimetres.
3. The contractor is responsible for ensuring the stability of the site and works including retaining walls and all services throughout the construction.
4. The drawing is to be read in conjunction with the Specification/Schedule of Works for the project, and other relevant drawings. The Contractor must refer to the members of the Project Design Committee, if any notes at the meeting are in conflict with the Specification/Schedule of Works, before any work is carried out.



EXISTING FRONT ELEVATION (TO BE UNALTERED)

REV	DATE	DESCRIPTION
1	16 JAN 2007	ISSUED
2	06 APR 2007	DELEGATED
3	13 MAR 2007	APPROVED

SOUTH-WARK PLANNING  
SCANNED ON  
13 MAR 2007  
(A) CHILTERN  
(B) CHILTERN

Rev	Date	Revision
670-672 OLD KENT ROAD, S.E.15		
<b>M Building &amp; Drawing Services</b>		
D 247D Lewisham Way London SE4 1XF		
H Tel: 020 8684 0228		
Client		
Scale	1:100	Date JAN '07
Drawn By		Checked By
Project No.	060502	Drawing No. 04
Revision		
Dwg. Title		
EXISTING / PROPOSED FRONT ELEVATION		

**notes**

**GENERAL**

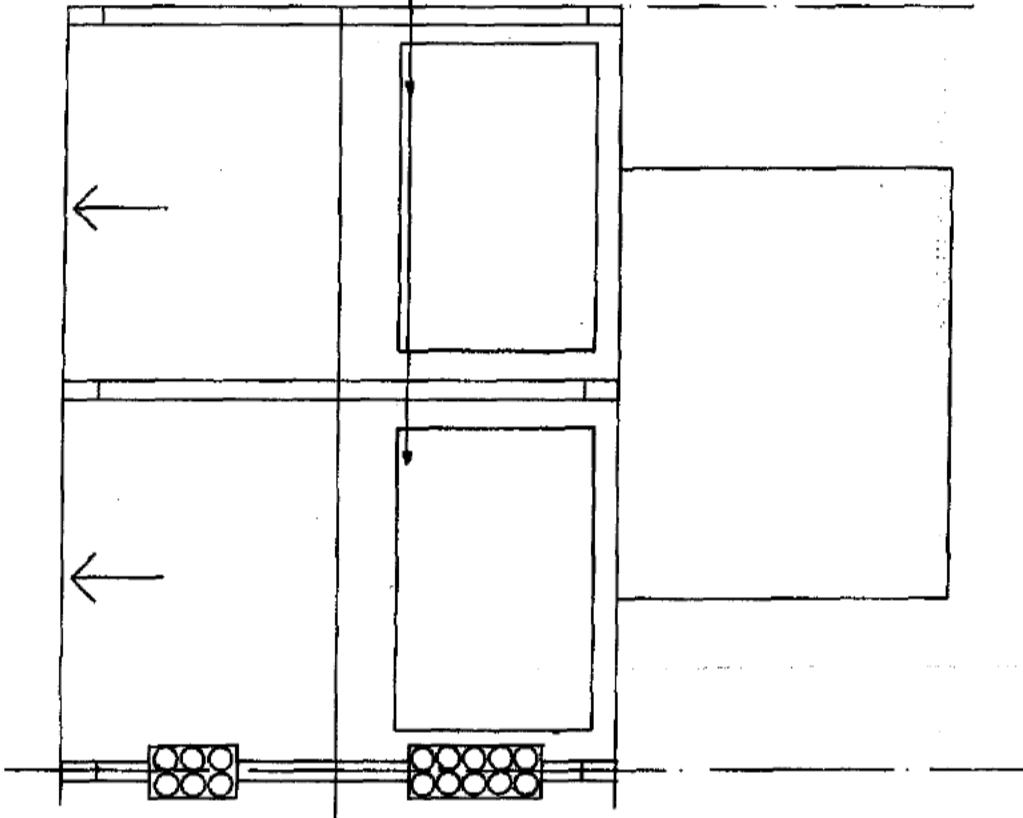
1. All work to be in accordance with the building regulations and approved by the Local Authority.
2. The contractor is responsible for ensuring the stability of the site and works including supporting walls, foundations and all services throughout the construction.
3. This drawing is to be used in conjunction with the Specification/Schedule of Works for the project, and other relevant drawings. The Contractor shall refer to the attention of the Project Design Consultant, if any work on the drawings is in violation with the Specification/Schedule of Works, before any work is carried out.

PROPOSED NEW DORMERS TO REAR ELEVATION TO BE FINISHED IN HUNG TILES THAT MATCH EXISTING ROOF. WINDOWS TO BE DOUBLE-GLAZED WITH UPVC FRAMES TO MATCH EXISTING.

SOUTHWARK PLANNING  
SCANNED ON  
**15 MAR 2007**  
193 CHILTERN

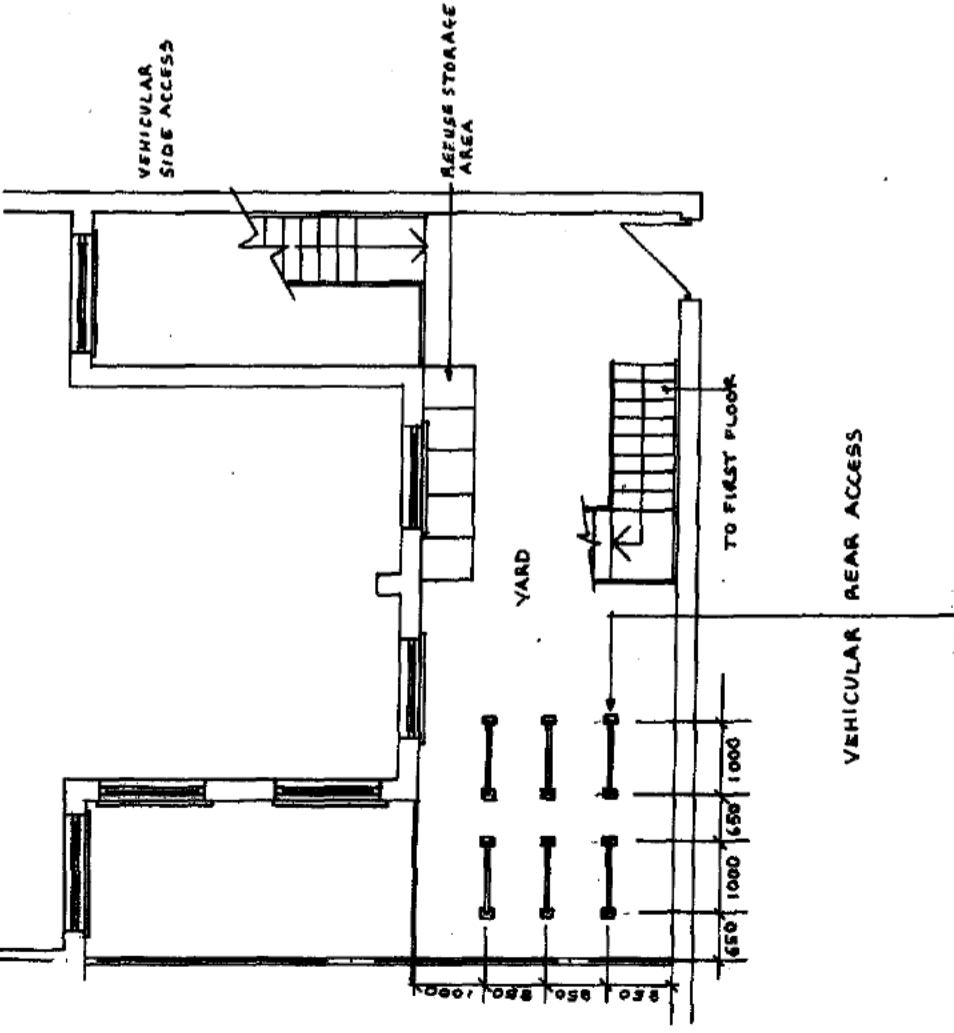
SOUTHWARK COUNCIL PLANNING  
**CASE FILE COPY**

DATE RECEIVED	DECISION AND DATE
- 8 DEC 2006	DELEGATED 13 MAR 2007 APPROVED
REGISTERED NUMBER	
<b>06 AP 2483</b>	



14 MAR 2007  
193 CHILTERN

**PROPOSED ROOF PLAN.**



6 NO. SHEFFIELD BIKE STANDS. EACH STAND TO BE MADE OF METAL TUBING AND COATED WITH PLASTIC OR SIMILAR COATING TO PREVENT DAMAGE TO BICYCLE PAINTWORK. EACH STAND TO BE BOLTED TO GROUND SURFACE USING AT LEAST TWO HIGH SECURITY BOLTS THROUGH BASE PLATES. TUBING TO HAVE EXTERNAL DIAMETER OF 50-75mm & MINIMUM THICKNESS OF 2.5mm.

**REAR YARD PLAN.**  
SHOWING PROVISION OF SHEFFIELD CYCLE STAND & REFUSE STORAGE.

Ref	Date	Revision
670 - 672 OLD KENT ROAD, LONDON SE15		
<b>M Building &amp; Drawing Services</b>		
<b>D</b> 247D Lewisham Way London SE14 1XF		
<b>H</b> Tel: 020 8694 0226		
Client		
Scale	1:100	Date <b>SEP '06</b>
Drawn By		Checked By
Project No.	<b>060502</b>	Drawn No. <b>03</b>
Dep. Title	<b>PROPOSED DETAILS</b>	

**notes**

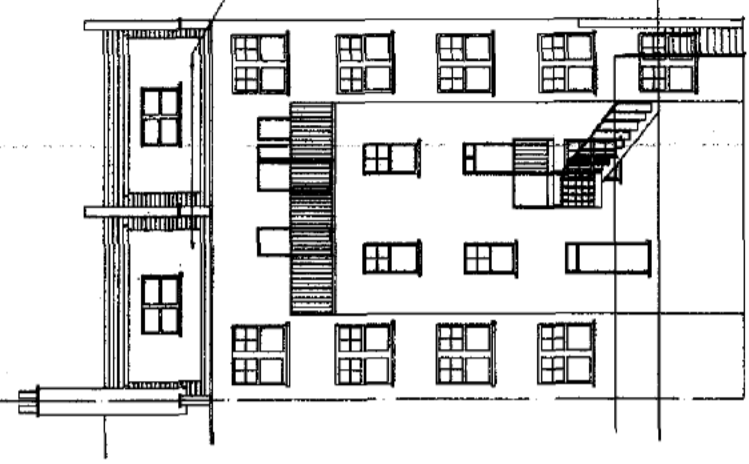
- GENERAL**
1. All work to be in accordance with the building regulations and approved by the Local Authority.
  2. The contractor is responsible for ensuring the stability of the site and works including retaining walls and all services throughout the construction.
  3. This drawing is to be read in conjunction with the Specification/Schedule of Works for the project, and other relevant drawings. The Contractor must bring to the attention of the Project Design Consultant, any items on the drawing set at variance with the Specification/Schedule of Works, before any work is carried out.

PREPARED AND CHECKED BY: [Name]  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 DATE: 13 MAR 2007

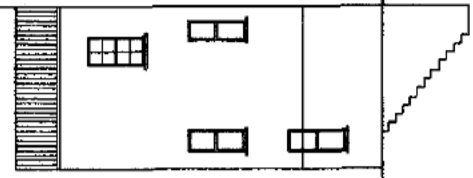
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 SCANNED ON  
**15 MAR 2007**  
 (A) DILTERN

SOUTHWARK COUNCIL PLANNING  
**CASE FILE 007**  
 RECEIVED 8 DEC 2006  
 DELEGATED 13 MAR 2007  
 REGISTERED NUMBER 06 AP 2 4 8 3  
 APPROVED

Name	Date	Revision
670-672 OLD KENT ROAD, LONDON, S.E.15		
<b>M Building &amp; Drawing Services</b>		
D 247D Lewisham Way London SE4 1XP		
H Tel: 020 8684 0228		
Client		
Scale	1:50	1:100
Drawn By		Date 5 SEP 06
Project No.	060501	Checked By
Drawing No.	02	Revision
Drs. The PROPOSED PLANS & ELEVATIONS		

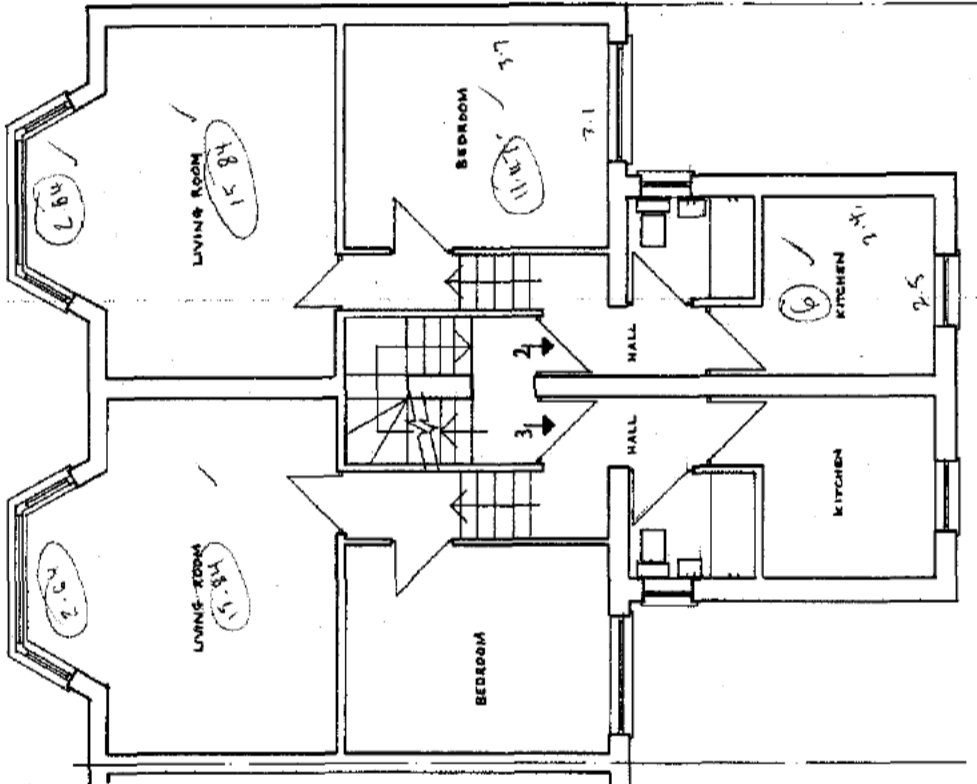


PROPOSED REAR ELEVATION

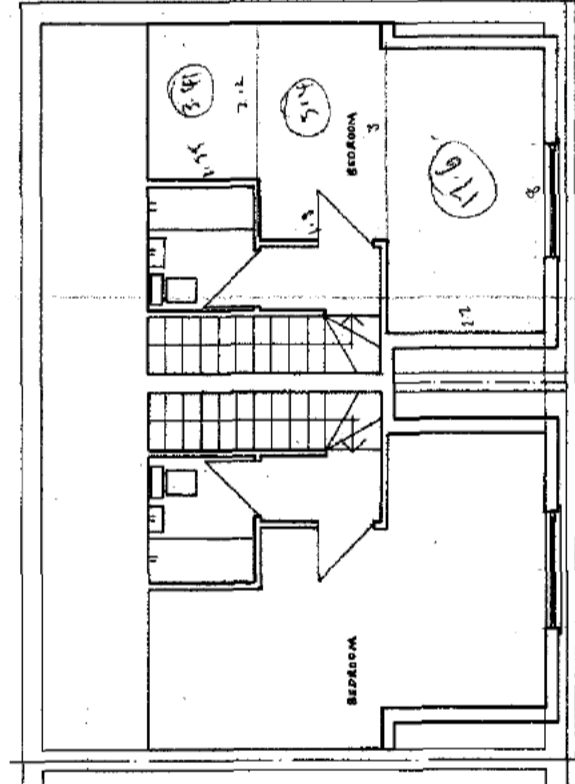


PROPOSED SIDE ELEVATION

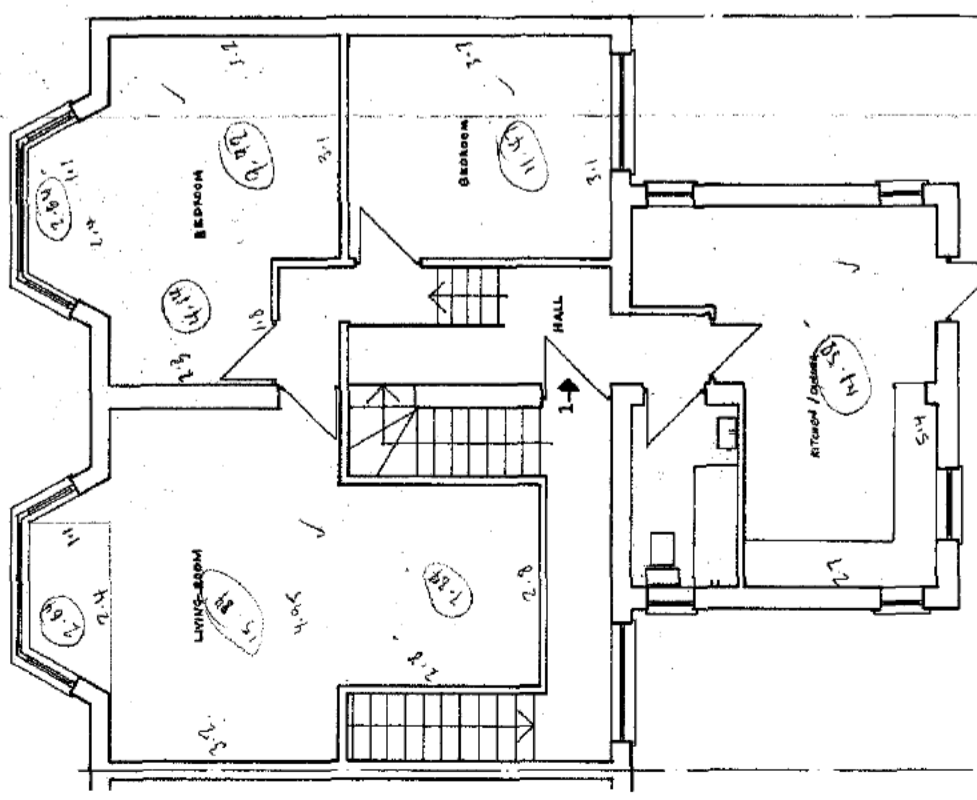
PROPOSED NEW WINDOWS TO REAR ELEVATION TO BE FINISHED WITH WHITE PAINT, FINISHED TO BE UPON RELEASE & DOUBLE GLAZED TO MINIMUM U-VALUE.



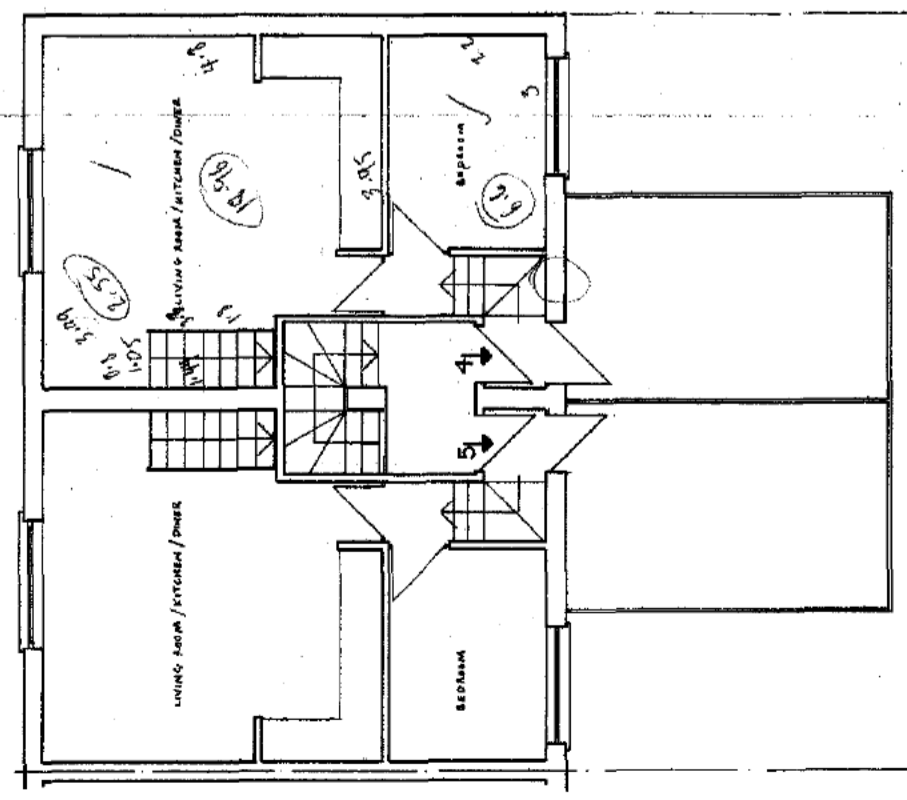
PROPOSED SECOND FLOOR



PROPOSED LOFT PLAN



PROPOSED FIRST FLOOR



PROPOSED THIRD FLOOR

**notes**

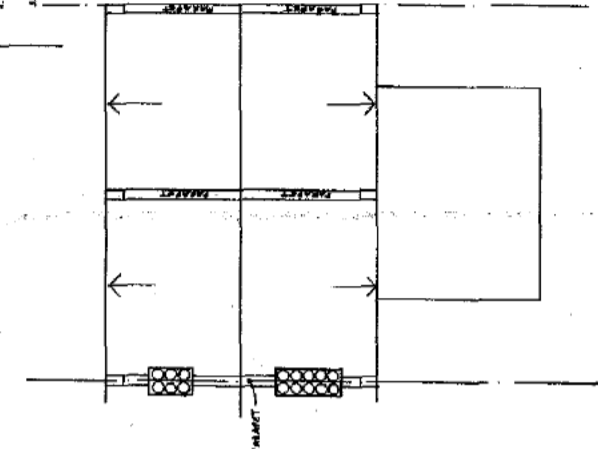
**GENERAL**

- All work to be in accordance with the building regulations and approved by the Local Authority.
- The contractor is responsible for ensuring the safety of the site and works including the use of appropriate safety signs and barriers.
- This drawing is to be used in conjunction with the Specifications/Schedule of Works for the project, and other relevant drawings. The Contractor must bring to the attention of the Design Consultant, if any, before any work is carried out.
- Reference to the Specifications/Schedule of Work, before any work is carried out.

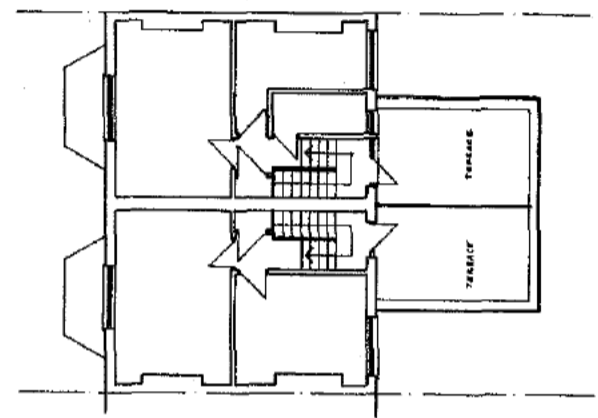
SOUTHMARK PLANNING  
SCANNED ON  
**15 MAR 2007**  
(4) CHILTERN

SOUTHMARK COUNCIL PLANNING  
**CASE FILE COPY**  
RECEIVED  
- 8 DEC 2006  
DELEGATED  
13 MAR 2007  
REGISTERED NUMBER  
**06 AP 2483**  
APPROVED

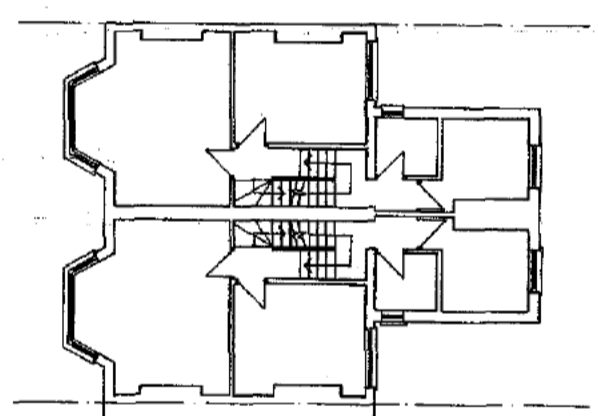
Rev	Date	Revision
		670-672 OLD KENT ROAD, LONDON SE15
<b>M Building &amp; Drawing Services</b>		
<b>D 247D Lewisham Way London SE4 1XF</b>		
<b>H Tel: 020 8694 0228</b>		
Client		
Scale	1:100	Date MAY '06
Drawn By		Checked By
Project No.	060502	Drawing No.
		01
		Revision
		A
Fig Title		
<b>EXISTING PLANS &amp; ELEVATIONS</b>		



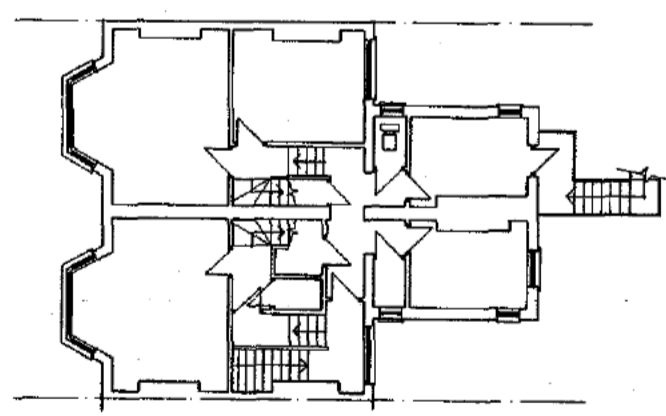
EXISTING ROOF PLAN



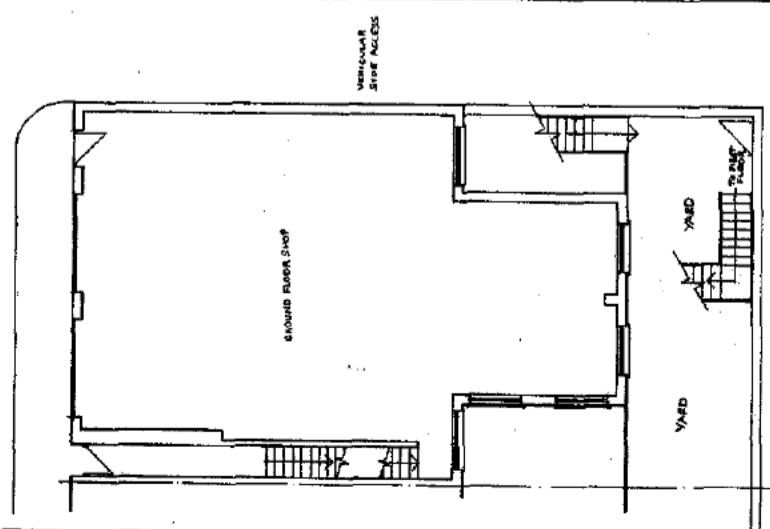
EXISTING THIRD FLOOR PLAN



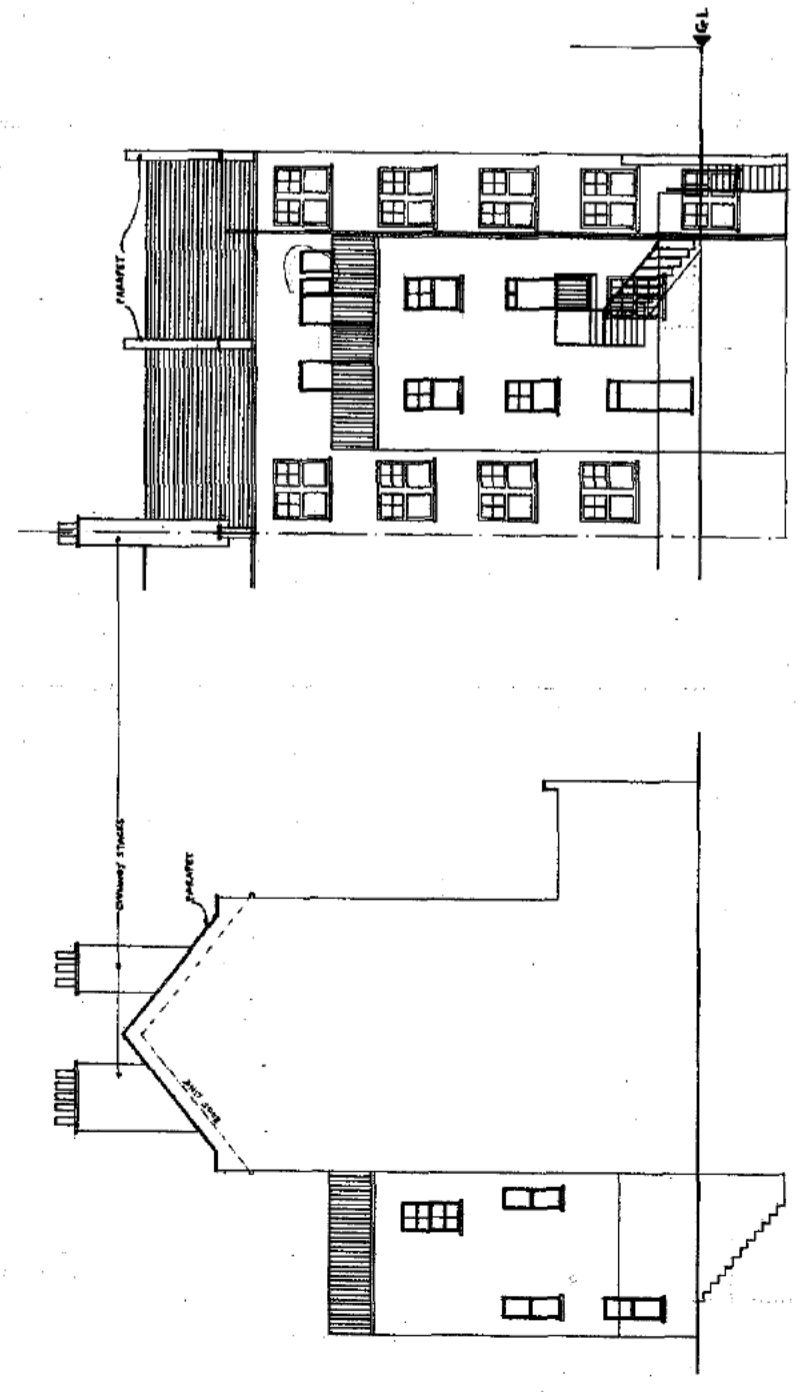
EXISTING SECOND FLOOR PLAN



EXISTING FIRST FLOOR PLAN



EXISTING GROUND FLOOR PLAN  
(TO BE UNALTERED)



EXISTING SIDE ELEVATION

EXISTING REAR ELEVATION

<b>EXPIRES</b> 13/03/2007	<b>Classification</b> OPEN	<b>Decision Level</b> DELEGATED	<b>Date</b> 07/03/07
<b>From</b> Jason Traves		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal</b> (06-AP-2483) Conversion of upper residential floors to provide 1 x 2-bedroom flat, 2 x 1-bedroom flats and 2 x 2-bedroom maisonettes, together with construction of two dormer window extensions to rear roofslope		<b>Address</b> 670-672 OLD KENT ROAD, LONDON, SE15 1JF <b>Ward Livesey</b>	

**PURPOSE**

- 1 To consider the above application

**RECOMMENDATION**

- 2 To grant planning permission

Recommendation proposed by Case Officer:

Signed \_\_\_\_\_ date 12/3/07

Recommendation cleared by Team Leader:

Signed \_\_\_\_\_ date 13/3/07

Recommendation agreed by Delegated Officer:

Signed \_\_\_\_\_ date \_\_\_\_\_

Reason Recommendation either not cleared or agreed:

Signed \_\_\_\_\_ date \_\_\_\_\_

**BACKGROUND****Site location and description**

- 3 The application premises is 670 and 672 Old Kent Road, a four storey end of terrace Victorian property located on the southern side of Old Kent Road. The property is a double fronted retail premises on the ground floor with residential accommodation above. The application site is opposite the junction of Hyndman Street and the Old Kent Road and is bounded by Christ Church and the Livesey Museum to the south east and residential properties to the west and north west. The previous use of the upper floors was as a house of multiple occupation.

**Details of proposal**

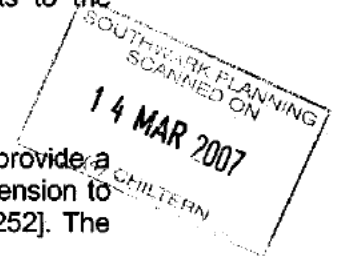
- 4 It is proposed to convert the upper residential floors to provide 1 x 2-bedroom flat, 2 x



1-bedroom flats and 2 x 2-bedroom maisonettes, together with construction of two dormer window extensions to rear roofslope. The pedestrian access points to the ground floor area unchanged.

### Planning history

- 5 Planning permission was refused for the conversion of the upper floors to provide a total of 6 one bedroom self-contained flats, including the erection of an extension to the rear addition at third floor level, on the 30th of December 2004 [03AP2252]. The reasons for refusal were:
- 6
1. *The proposed extension, by reason of its scale would create a dominant and obtrusive form of development that would fail to enhance the character and appearance of the building and the terrace in which it is situated. As such the proposal is contrary to Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan and Policy 3.11 'Quality in Design' of the Southwark Plan [Revised Deposit Unitary Development Plan] March 2004; and*
  2. *Because of its size and relationship to the neighbouring property, the proposed third floor extension would lead to an unacceptable 'sense of enclosure' being created, which would be detrimental to the living conditions that are currently enjoyed by the adjoining residents. As a result the addition would not accord with Policy E.3.2 'Protection of Amenity' of the Southwark Unitary Development Plan and Policy 3.2 'Protection of Amenity' of The Southwark Plan [Revised Deposit Unitary Development Plan] March 2004.*
- 7
- 8 Planning permission was refused for the conversion of the upper floors to provide 4 x 1 and 1 x 2 bedroom flats on 30th March 2005 [05AP0083]. The reasons for refusal were:
- 9
1. *The proposed conversion would result in the provision of an unsatisfactory standard of residential accommodation, and an inadequate level of amenity for future occupiers of flats 1, 2 and 3, due to the size of these units. This is contrary to policy H.3.4 'Standards for Conversions', and Supplementary Planning Guidance Note 5 'Standards, Controls and Guidelines for Residential Development' of the Southwark Unitary Development Plan 1995, and policies 3.2 'Protection of Amenity', 3.10 'Efficient Use of Land' and 4.2 'Quality of Residential Accommodation', and Supplementary Planning Guidance Note 29 'Residential Design Standards' of the Southwark Plan [Revised Draft] February 2005.*
  2. *The proposed conversion would result in an unsatisfactory range of dwelling sizes and types, as the majority of units would have one bedroom, and as such would not meet identified housing need/demand within Southwark (i.e. insufficient provision of family-sized units). This is contrary to policy H.3.3 'Dwelling Mix for Conversions', and Supplementary Planning Guidance Note 5 'Standards, Controls and Guidelines for Residential Development' of the Southwark Unitary Development Plan 1995, and policy 4.3 'Mix of Dwellings', and Supplementary Planning Guidance Note 29 'Residential Design Standards' of the Southwark Plan [Revised Draft] February 2005.*
- 10
- 11 Planning permission was refused on 04 August 2006 for conversion of the 1st, 2nd and 3rd floors to provide 6 x 1 bed self contained flats [06AP1115]. The reason for refusal were:
- 12
1. *The proposed conversion would result in the provision of an unsatisfactory standard of residential accommodation, and an inadequate level of amenity for future occupiers in respect of of flats 5 and 6 due to the size of these units. This is contrary to policies 3.2 'Protection of Amenity' and 4.2 'Quality of Residential Accommodation', and Supplementary Planning Guidance Note 29 'Residential Design Standards' of the Southwark Plan 2006 [Modifications Version] and policy H.3.4 'Standards for*



Conversions', and Supplementary Planning Guidance Note 5 'Standards, Controls and Guidelines for Residential Development' of the Southwark Unitary Development Plan 1995

- 13 2. The proposed application makes no provision for refuse storage or cycle parking facilities within the premises, as such the proposal is contrary to Policies 3.7 'Waste Reduction' and 5.3 'Walking and Cycling' of the Southwark Plan [Modifications Version] 2006 and Policy T.1.3 'Design of Development and Conformity with Council Standards and Controls' of the Adopted Southwark Unitary Development Plan.

**Planning history of adjoining sites**

- 14 There is no planning history.



**FACTORS FOR CONSIDERATION**

**Main Issues**

- 15 The main issues in this case are whether or not the proposal addresses the previous reasons for refusal.

**Planning Policy**

- 16 At its meeting on 24th January 2007 the Council resolved to adopt the emerging Southwark Unitary Development Plan [Jan. 2007] subject to referral to the Secretary of State. The policies in the Southwark Unitary Development Plan 2007 now have significant weight in the determining of planning applications. Whilst the 1995 Unitary Development Plan remains the statutory development plan until such time as the Southwark Unitary Development Plan 2007 is formally adopted, the Council will give predominant weight to the 2007 plan policies in determining pending applications unless material considerations indicate otherwise.

Emerging Southwark Plan [Jan 2007]

- 3.2 Protection of Amenity
- 3.10 Efficient Use of Land
- 3.12 Quality in Design
- 3.13 Urban Design
- 4.2 Quality of Residential Accommodation
- 4.3 Mix of Dwellings
- 5.2 Transport Impacts

Southwark Unitary Development Plan 1995 [UDP]

- E.2.3 Aesthetic Control
- E.3.1 Protection of Amenity
- H.3.3 Dwelling Mix for Conversions
- H.3.4 Standards for Conversions
- T.1.2 Location of Development in Relation to the Transport Network
- SPG 5 Standards Controls and Guidelines for Residential Development

**Consultations**

- 17 Site Notice  
29/01/07  
Press Notice  
N/A  
Internal Consultees  
Waste  
Traffic

Statutory and non-statutory consultees

TFL

Neighbour consultees

See consultee summary on file

Re-consultation

N/A

**Consultation replies**

18 Internal Consultees

Waste - No objection on basis that the site has access to its rear garden

Traffic - No objection

Statutory and non-statutory consultees

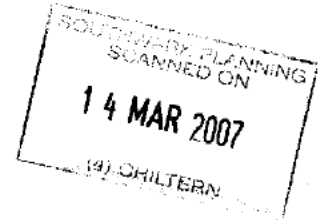
TFL - No comments

Neighbour consultees

Nil

Re-consultation

N/A



**PLANNING CONSIDERATIONS**

**Reason 1 of 06AP1115 - standard of accommodation**

- 19 This reason for refusal is addressed as all flats achieve the minimum floorspace requirements for habitable and non-habitable rooms.

**Reason 2 of 06AP1115 - refuse and cycle storage**

- 20 Refuse and bicycle storage is located to the rear of the site and is accessible via a right-of-way on the southern side of the property. The waste and traffic branches of council as well as TFL raise no objection to the arrangements. The scheme therefore addresses the previous reason for refusal.

**Other matters**

- 21 In respect of policies for aesthetic control and design of the adopted and emerging UDP, the two dormers, whilst somewhat awkward, are subordinate to the form of the roof and no objection is raised to their design in this regard.
- 22 In respect of the existing roof terrace, it appears on site as a much more informal affair than is otherwise to be interpreted for the plans which show proper doorways and balustrading. Nevertheless, the location and scale of the roof terrace reflects the immediate neighbour to the north and therefore there is no new or additional impact to neighbours to warrant refusal.

**Conclusion**

- 23 The proposal is acceptable having addressed the previous reason for refusal relating to the standard of residential accommodation and the provision of refuse and bicycle storage. There are no reasons for refusal and the development is recommended for planning permission.

**COMMUNITY IMPACT STATEMENT**

- 24 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.



- a] There is no impact on local people.
- b] There are no issues relevant to particular communities/groups
- c] There is no likely adverse or less good implications for any particular communities/groups.

**SUSTAINABLE DEVELOPMENT IMPLICATIONS**

25 No issues identified

LEAD OFFICER	David Stewart	Interim Head of Development and Building Control
REPORT AUTHOR	Jason Traves	Planning Officer Development Control [tel. 020 7525 5460]
CASE FILE	TP/2168-670	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

14 MAR 2007  
(4) CHILTERN

On behalf of: Appellant

Witness: A Tumaite

No. of witness statement: 2nd

CASE REFERENCE NO: 2400086933

IN THE MATTER OF AN APPEAL  
THE LICENCING ACT 2003  
IN THE CROYDON MAGISTRATES COURT  
B E T W E E N

Space Investments Limited (1)

Appellant

-and-

London Borough of Southwark (2)

First Respondent /

Licencing authority

Unique Crispens Food Limited (3)

Second Respondent /

Premises Licence Holder

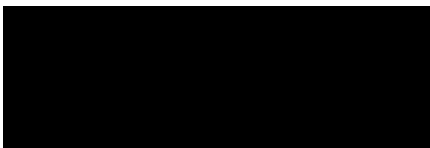
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EXHIBIT AT2

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This is Exhibit AT2 referred to in the second witness statement of Alvyda Tumaite.

Signed...



Alvyda Tumaite

Dated.....5/15/2024.....2024

TP(Permit)

# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

## PLANNING PERMISSION

**Applicant** Theadneedle Pension Ltd  
**Date of issue of this decision** 27/05/2008

**LBS Registered Number** 08-AP-0641  
**Case Number** TP/2168-670

**Planning Permission was GRANTED for the following development:**

Change of use of basement and ground floors from a Graphics/Printing company to use classes A1 (Retail), A2 (Financial & Professional Services), A3 (Restaurants & Cafes) or D1 (Non-Residential Institutions).

**At:** 670-672 OLD KENT ROAD, LONDON, SE15 1JF

**In accordance with application received on 14/03/2008 Your Ref. No.:**

**and Applicant's Drawing Nos.** 03050/1; 1235/01/13 Rev A

**Subject to the following seven conditions:**

- 1 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

- 2 In the event that the premises is used as a Cafe or Restaurant (Use Class A3) the use shall not be carried on outside of the hours of 07:00 to 23:00 Monday to Sunday.

Reason

To ensure no loss of amenity through noise and disturbance to the adjoining residential occupiers, in accordance with policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 3 In the event that the premises is used as a Cafe or Restaurant (Use Class A3), the use shall not be begun until full particulars and details (2 copies) of a scheme for the ventilation of the premises to an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard of dilution expected, has been submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

Reason

In order to that the Council may be satisfied that the ventilation ducting and ancillary equipment will not result in an odour, fume or noise nuisance and will not detract from the appearance of the building in the interests of amenity in accordance with Policy 3.2 of the Southwark Plan 2007 'Protection of Amenity'.

Continued overleaf...



	<b>Classification</b> OPEN	<b>Decision Level</b> Delegated.	<b>Date</b> 21st May 2008  (Hold until 23rd May 08)
<b>From</b> Victoria Lewis		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal</b> (Change of use from a Graphics/Printing company to use classes A1 (Retail), A2 (Financial & Professional Services), A3 (Restaurants & Cafes) or D1 (Non-Residential Institutions).)		<b>Address</b> 670-672 OLD KENT ROAD, LONDON, SE15 1JF  <b>Ward Livesey</b>	
<b>Application Start Date</b> 04/04/2008		<b>Application Expiry Date</b> 30/05/2008	

**PURPOSE**

- 1 To consider the above application

**RECOMMENDATION**

- 2 That planning permission be granted, subject to conditions.

Recommendation proposed by Case Officer:

Signed \_\_\_\_\_ date 21/5/08.

Recommendation cleared by Team Leader:

Signed \_\_\_\_\_ date 27/5/08.

Recommendation agreed by Delegated Officer:

Signed \_\_\_\_\_ date 27/5/08.

Reason Recommendation either not cleared or agreed:

Signed \_\_\_\_\_ date \_\_\_\_\_

**BACKGROUND****Site location and description**

The application premises is 670 and 672 Old Kent Road, a four storey plus basement

end of terrace Victorian property located on the south-western side of Old Kent Road. The property is a double fronted retail premises on the ground floor with residential accommodation above. It is located opposite the junction of Hyndman Street and Old Kent Road and is bounded by Christ Church and the Livesey Museum to the south east and residential properties to the west and north west. The ground floor and basement of the building are currently vacant.

The site lies within an archaeological priority zone, the urban density zone, an air quality management area and the Old Kent Road action area.

### **Details of proposal**

Under article Schedule 2, Part 3, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), flexible permission is sought to for change of use of the ground floor and basement from a graphics / printing company (mixed A2/B1 use) to A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants and Cafes) or D1 (Non-Residential Institutions).

### **Amended Plans**

Additional drawings have been submitted showing the general location of refuse storage, together with marketing details for the property.

### **Planning history**

06-AP-2483 - <sup>version</sup> Conservation of upper residential floors to provide 1 x 2-bedroom flat, 2 x 1-bedroom flats and 2 x 2-bedroom maisonettes, together with construction of two dormer window extensions to the rear roofslope; planning permission was GRANTED March 2007.

06-AP-1115 - Conversion of the first, second and third floors to provide 6 x 1-bed self-contained flats; planning permission was REFUSED in August 2006 for the following reasons:

1. *The proposed conversion would result in the provision of an unsatisfactory standard of residential accommodation, and an inadequate level of amenity for future occupiers in respect of flats 5 and 6 due to the size of these units. This is contrary to policies 3.2 'Protection of Amenity' and 4.2 'Quality of Residential Accommodation', and Supplementary Planning Guidance Note 29 'Residential Design Standards' of the Southwark Plan 2006 [Modifications Version] and policy H.3.4 'Standards for Conversions', and Supplementary Planning Guidance Note 5 'Standards, Controls and Guidelines for Residential Development' of the Southwark Unitary Development Plan 1995.*

2. *The proposed application makes no provision for refuse storage or cycle parking facilities within the premises, as such the proposal is contrary to Policies 3.7 'Waste Reduction' and 5.3 'Walking and Cycling' of the Southwark Plan [Modifications Version] 2006 and Policy T.1.3 'Design of Development and Conformity with Council Standards and Controls' of the Adopted Southwark Unitary Development Plan.*

05-AP-0083 - Conversion of the upper floors to provide 4 x 1-bed and 1 x 2-bedroom self-contained flats. This application was REFUSED in March 2005 for the following reasons:

1. *The proposed conversion would result in the provision of an unsatisfactory standard of residential accommodation, and an inadequate level of amenity for future occupiers of flats 1, 2 and 3, due to the size of these units. This is contrary to policy*

*H.3.4 'Standards for Conversions', and Supplementary Planning Guidance Note 5 'Standards, Controls and Guidelines for Residential Development' of the Southwark Unitary Development Plan 1995, and policies 3.2 'Protection of Amenity', 3.10 'Efficient Use of Land' and 4.2 'Quality of Residential Accommodation', and Supplementary Planning Guidance Note 29 'Residential Design Standards' of the Southwark Plan [Revised Draft] February 2005.*

*2. The proposed conversion would result in an unsatisfactory range of dwelling sizes and types, as the majority of units would have one bedroom, and as such would not meet identified housing need/demand within Southwark (i.e. insufficient provision of family-sized units). This is contrary to policy H.3.3 'Dwelling Mix for Conversions', and Supplementary Planning Guidance Note 5 'Standards, Controls and Guidelines for Residential Development' of the Southwark Unitary Development Plan 1995, and policy 4.3 'Mix of Dwellings', and Supplementary Planning Guidance Note 29 'Residential Design Standards' of the Southwark Plan [Revised Draft] February 2005.*

03-AP-2252 - Conversion of the upper floors to provide total of 6 1-bedroom self-contained flats including erection of an extension to rear addition at third floor level. This application was REFUSED on 30th December 2004 for the following reasons:

*1. The proposed extension, by reason of its scale would create a dominant and obtrusive form of development that would fail to enhance the character and appearance of the building and the terrace in which it is situated. As such the proposal is contrary to Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan and Policy 3.11 'Quality in Design' of the Southwark Plan [Revised Deposit Unitary Development Plan] March 2004.*

*2. Because of its size and relationship to the neighbouring property, the proposed third floor extension would lead to an unacceptable 'sense of enclosure' being created, which would be detrimental to the living conditions that are currently enjoyed by the adjoining residents. As a result the addition would not accord with Policy E.3.2 'Protection of Amenity' of the Southwark Unitary Development Plan and Policy 3.2 'Protection of Amenity' of The Southwark Plan [Revised Deposit Unitary Development Plan] March 2004.*

#### **Planning history of adjoining sites**

##### **662 Old Kent Road**

In January 2001 planning permission for change of use of the ground floor from a shop to a minicab office was GRANTED for a temporary period (reference:00-00-1838). In June 2003 planning permission was GRANTED for continued use of the ground floor as a minicab office, subject to a condition that IT would not be open to personal callers after 10pm Monday to Friday, to ensure no loss of amenity to the flats above (reference:03-AP-0824). The building is now within A2 use, occupied by Alpha Property Services.

##### **666 Old Kent Road**

In July 2004 planning permission was GRANTED for change of use of the lower ground and ground floors of the building from a hairdressers (Use Class A1) to a health club (Use Class D2) and this consent has been implemented (reference:04-AP-1022).

##### **668-670 Old Kent Road**

In August 2002 planning permission was REFUSED for change of use from retail (A1) to flats (Use Class C3) and short stay hotel accommodation on the grounds of loss of permanent housing and creation of an unsatisfactory standard of accommodation (reference: 02001102).

In January 2003 a similar application was REFUSED on the grounds of loss of permanent housing (reference:02-AP-2044).

## **FACTORS FOR CONSIDERATION**

### **Main Issues**

The main issues in this case are:

- a) the principle of the development in terms of land use and conformity with strategic policies.
- b) impact upon the amenities of adjoining occupiers
- c) transport and movement.

### **Planning Policy**

#### Southwark Plan 2007 [July]

Policy 1.10 - Small scale shops and services outside the town and local centres and protected shopping frontages

Policy 2.2 - Provision of new community facilities

Policy 3.2 - Protection of amenity

Policy 3.7 - Waste reduction

Policy 5.2 - Transport Impacts

Policy 5.3 - Walking and Cycling

Policy 5.6 - Car Parking

Policy 7.3 - Old Kent Road Action Area

#### Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]

PPS6 - Planning for Town Centres (21st March 2005).

### **Consultations**

#### Site Notice:

30th April 2008

#### Press Notice:

N/A.

#### Internal Consultees

Access Officer

Pollution Control

Noise and Air Quality

Transport Group  
Waste

Statutory and non-statutory consultees

Transport for London

Neighbour consultees

Letters were sent to neighbouring properties on Old Kent Road.

Re-consultation

No re-consultation undertaken.

**Consultation replies**

Internal Consultees

Access Officer

If reasonable and practical a wheelchair accessible WC should be provided.

Pollution Control

No response received.

Noise and Air Quality

No response received.

Transport Group

- No cycle parking shown on the plans and 1 space per 250sqm is required for class A uses; a minimum of 2 cycle parking spaces are required.
- Details should be sent to the Waste Management Team for comments
- No objections in principle although uses such as a driving school, estate agents and places of worship would have greater highway impacts. However, as Old Kent Road is a red route, TfL comments should be sought.

Waste

No response received.

Statutory and non-statutory consultees

Transport for London

Recommend the following conditions:

- All vehicles associated with the proposal (including customers and servicing vehicles) must only stop and park at locations and within the periods permitted by existing on-street restrictions;
- Servicing must take place away from the Old Kent Rod if possible, or be in accordance with existing on-street restrictions;
- the footway and carriageway must not be blocked during construction works and maintenance and temporary obstruction should be kept to a minimum;



- the loading / unloading of construction materials must not be undertaken from Old Kent Road;
- any fixtures associated with the proposal which would oversail the highway would require a separate licence from TfL.

#### Southwark cyclists

Request that a condition is imposed to ensure bike parking spaces are provided within the site for 130% of residents and 50% of employees that they are covered very secure and within sub-divided lockable spaces. A further 20 spaces should be provided immediately outside the site.

#### Neighbour consultees

One representation has been received objecting to the proposal on the grounds of lack of parking if the premises were used for A3 purposes.

#### Re-consultation

N/A.

### **PLANNING CONSIDERATIONS**

#### **Principle of development**

The site does not form part of a protected retail frontage and is therefore subject to policy 1.10 of the Southwark Plan 'Small scale shops and services outside the town and local centres and protected shopping frontages'. This policy states that outside protected frontages, change of use between A use classes or from A use classes will only be permitted when the applicant can demonstrate that:

- i) the proposed use would not materially harm the amenities of surrounding occupiers; and
- ii) the use that will be lost is not the only one of its kind within a 600m radius and its loss would not harm the vitality and viability of nearby shops or shopping parades; or
- iii) the premises have been vacant for a period of at least 12 months with demonstrated sufficient effort to let, or have not made a profit for a two year period.

The premises has been vacant since October 2005, having last been occupied by a graphics / printing company, and it is not clear whether this would fall within Use Class A2 (financial and professional services) or B1 (offices). The applicant has advised that the last use should be considered a mixed A2/B1 use and in the absence of any evidence to the contrary, the application has been assessed on this basis.

#### Amenity

'A' class uses at ground floor level with residential above is a common arrangement and does not generally result in any loss of amenity to adjoining occupiers. There are therefore, no objections on amenity grounds to the premises being used for A1 or A2 purposes.

Regarding an A3 use, it is noted that there is only one other A3 use in the rank at number 664 and there are no extant permissions for change of use to A3, A4 (drinking establishments) or A5 (takeaways); consequently there are no issues with regard to cumulative impact. The site is located on a main road and ambient background noise levels where likely to be fairly high. However, to ensure no unacceptable noise and disturbance to adjoining occupiers, a condition limiting opening hours to between 07:00 to 23:00 Monday to Sunday in the event the

premises is used for A3 purposes is recommended. Further conditions requiring details of extraction and ventilation equipment (including sound attenuation) and sound-proofing between the ground floor and flats are recommended, to ensure no adverse impacts with regard to cooking fumes and noise and disturbance resulting from an A3 use.

There is a small courtyard at the rear of the building which could be used for refuse storage, and the applicant has shown the general location of this on the plans. An A3 use is likely to generate more refuse than an A1, A2 or D1 use and given that the area marked on the plans for refuse is small, a condition requiring refuse store details for any A3 use is recommended, and it may well be that this would have to be provided internally.

Use Class D1 'Non-residential institutions' includes uses such as clinics and health centres, nurseries, museums, public libraries, galleries, training centres and places of worship. There are no objections in principle to a D1 use in this location, with the exception of it being used as a place of worship. Such uses generally involve large numbers of people in the building at any one time and music and singing which could potentially cause harm to the amenity of the adjoining residential occupiers. Whilst sound-proofing would go some way to alleviate this, it is considered that the potential for the congregation of people outside the premises would cause harm residential amenity therefore a condition preventing the premises being used as such is recommended.

#### Vitality and Viability

With regard to the loss of the existing use, there is a printing firm at number 674 Old Kent Road which is approximately 10m from the site. The proposal therefore complies with part ii of policy 1.10 in that the use to be lost is not the only one of its kind within a 600m radius. Use of the premises within an A1, A2, A3 or D1 use would retain an active frontage and bringing the building back into use would improve the vitality of the parade.

#### Vacancy

The applicant has submitted marketing information which states that the premises has been marketed since June 2007 by way of a board displayed on the building, email advertising and circulation of the particulars to other London based commercial agents. This exercise found there to be no apparent demand for retail use of the premises, which is attributed to low pedestrian footfall and parking difficulties in the area. Although marketing has only been carried out for just under a year, policy 1.10 is worded so that only points ii or iii need be complied with, therefore no objections are raised.

Overall, it is concluded that the granting of a flexible permission for A1, A2, A3 and D1 uses would comply with policy 1.10 of the Southwark Plan, and would aid in bringing this vacant building back into use, without compromising the amenity of adjoining occupiers.

#### **Traffic issues**

Policy 5.2 of the Southwark Plan 'Transport Impacts' seeks to ensure that developments would not have an adverse impact upon highway safety and policy 5.3 seeks to ensure adequate provision for pedestrians and cyclists.

Concerns have been raised regarding lack of parking if the premises is used for A3 purposes. Appendix 15 of the Southwark Plan requires 1 parking space per 10sqm

for roadside restaurants, although these operate as maximum standards, with the emphasis on reducing parking provision to encourage alternative modes of transport. The total floor area of the basement and ground floor is approximately 330sqm which is not particularly large, and footfall for any restaurant use is likely to be local therefore no objections are raised. It is also noted that the Transport Group and TfL have not objected on the grounds of lack of parking.

Appendix 15 also establishes cycle parking standards and requires 1 cycle parking space per 250sqm for uses falling within class A. No cycle parking has been shown on the proposed plans but as there would be adequate space within the rear courtyard for the storage of one cycle, a condition is not considered necessary in this instance.

As the Old Kent Road is a red route, TfL have been consulted and have recommended conditions requiring servicing and parking associated with the proposed uses to be in accordance with existing on-street restrictions. However, as this is covered by highways legislation, enforceable by the Council's Parking Services Team, it is not considered necessary to impose a condition. The size of the premises is such that it is considered unlikely that there would be any significant servicing requirements and the existing on-street restrictions would have to be obeyed. As the proposal is for change of use only and does not involve any building works, a condition requiring a construction management plan is not considered necessary.

It is also noted that the Transport Group raised concerns regarding the highway impact of use of the premises as a driving school, an estate agents and a place of worship. However, as TfL have not raised this as an issue, no objections are raised.

Overall, there are no objections to the proposal with regard to transport issues.

#### **Other matters**

There are no other matters arising from this proposal.

#### **Conclusion**

The proposal is considered to comply with the relevant policies in the Southwark Plan, and it is recommended that planning permission be granted, subject to conditions.

#### **COMMUNITY IMPACT STATEMENT**

In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a] The impact on local people is set out above.

#### **SUSTAINABLE DEVELOPMENT IMPLICATIONS**

There are no sustainable development implications arising from this proposal.

LEAD OFFICER	Gary Rice	Head of Development Control
REPORT AUTHOR	Victoria Lewis	Senior Planner - Development Control [tel. 020 7525 5656]
CASE FILE	TP/2168-670	

On behalf of: Appellant

Witness: A Tumaite

No. of witness statement: 2nd

CASE REFERENCE NO: 2400086933

IN THE MATTER OF AN APPEAL  
THE LICENCING ACT 2003  
IN THE CROYDON MAGISTRATES COURT  
B E T W E E N

Space Investments Limited (1)

Appellant

-and-

London Borough of Southwark (2)

First Respondent /

Licencing authority

Unique Crispens Food Limited (3)

Second Respondent /

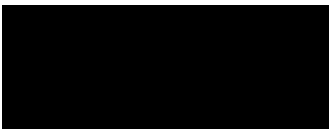
Premises Licence Holder

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EXHIBIT AT3

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This is Exhibit AT3 referred to in the second witness statement of Alvyda Tumaite.

Signed...  .....

Alvyda Tumaite

Dated 5/15/2024 .....2024

TP(AOD)Approve

# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

## APPROVAL OF RESERVED/OUTSTANDING MATTERS

**Applicant** Mr Ricard Bennetts  
**Date of issue of this decision** 11/02/2009

**LBS Registered Number** 09-AP-0040

### Approval has been GIVEN for the following details:

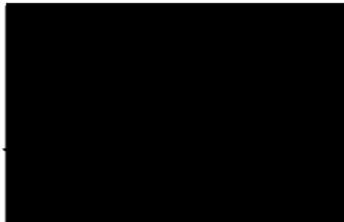
Details of a scheme to insulate the residential accommodation as required by Condition 4 of planning permission dated 27/05/08 - LBS Registration No 08-AP-0641 for change of use of basement and ground floors from a Graphics/Printing company to use classes A1 (Retail), A2 (Financial & Professional Services), A3 (Restaurants & Cafes) or D1 (Non-Residential Institutions).

**At:** 670-672 OLD KENT ROAD, LONDON, SE15 1JF

**In accordance with application received on 09/01/2009 Your Ref. No.:**

**and Applicant's Drawing Nos.** Letter from Phil Robinson dated January 2009, details from [www.british-gypsum.com](http://www.british-gypsum.com) (pages 320, 236, 272 and 273).

Signed



Gary Rice  
Head of Development Control

### Your attention is drawn to the notes accompanying this document

Any correspondence regarding this document should quote the Case Number and LBS Registered Number and be addressed to: Head of Development Control, Council Offices, Chiltern, Portland Street, London SE17 2ES. Tel. No. 020 7525 5000

UPRN: 200003380710

checked by AB TP/2168-670

APPLICATION FOR APPROVAL OF DETAILS			
<b>EXPIRES</b> <b>06/03/2009</b>	<b>Classification</b> OPEN	<b>Decision Level</b> DELEGATED	<b>Date</b> 10/02/2009
<b>From</b> Annabelle Ferary		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal (09-AP-0040)</b> Details of a scheme to insulate the residential accommodation as required by Condition 4 of planning permission dated 27/05/08 - LBS Registration No 08-AP-0641 for change of use of basement and ground floors from a Graphics/Printing company to use classes A1 (Retail), A2 (Financial & Professional Services), A3 (Restaurants & Cafes) or D1 (Non-Residential Institutions).		<b>Address</b> 670-672 OLD KENT ROAD, LONDON, SE15 1JF  <b>Ward</b>	

**PURPOSE**

- To consider the above application

**RECOMMENDATION**

- Grant permission

Recommendation proposed by Case Officer:

Signed \_\_\_\_\_ date 10/2/09

Recommendation cleared by Team Leader:

Signed \_\_\_\_\_ date 10/2/09

Recommendation agreed by Delegated Officer:

Signed \_\_\_\_\_ date 11-2-09

Reason Recommendation either not cleared or agreed:

Signed \_\_\_\_\_ date \_\_\_\_\_

**CONSIDERATIONS** [For detailed background and policy considerations please see report on original application]

The details submitted on 09/01/2009 of a scheme to insulate the residential accommodation, as required by condition 4, have been reviewed by the Council's Environmental Protection Team and are found to be acceptable. It is therefore recommended that condition 4 be discharged.

On behalf of: Appellant

Witness: A Tumaite

No. of witness statement: 2nd

CASE REFERENCE NO: 2400086933

IN THE MATTER OF AN APPEAL  
THE LICENCING ACT 2003  
IN THE CROYDON MAGISTRATES COURT  
B E T W E E N

Space Investments Limited (1)

Appellant

-and-

London Borough of Southwark (2)

First Respondent /

Licensing authority

Unique Crispens Food Limited (3)

Second Respondent /

Premises Licence Holder

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EXHIBIT AT4

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This is Exhibit AT4 referred to in the second witness statement of Alvyda Tumaite.

Signed..



Alvyda Tumaite

Dated.....5/15/2024.....2024

TP(VAR)(Refuse)

# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

## REFUSAL OF PLANNING PERMISSION

**Applicant** Mr R. Bennetts  
Wazobia Restaurants  
**Date of Issue of this decision** 17/04/2009

**LBS Registered Number** 09-AP-0167

**Planning Permission was REFUSED for the following development:**

Variation of Condition 2 on approved application 08-AP-0641 to change opening times: Sunday - Thursday 12 noon to 12 midnight and Friday and Saturday 12 noon to 6:00am (currently hours approved are: 07:00 to 23:00 Monday to Sunday).

**At:** 670-672 OLD KENT ROAD, LONDON, SE15 1JF

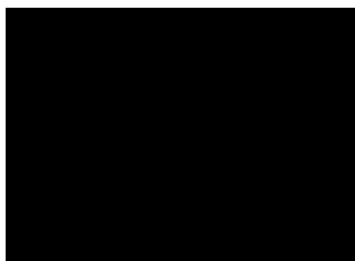
**In accordance with application received on 30/01/2009 Your Ref. No.:**

**and Applicant's Drawing Nos.** Site Plan ( 20.02.09)

**Reason for refusal:**

The proposed variation to opening times, would give rise to undue noise and disturbance to nearby residential properties by reason of people entering and exiting the premises during late night and early morning hours that would normally be quieter. The proposal would therefore be contrary to Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) 2007.

Signed



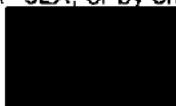
Gary Rice  
Head of Development Management

**Your attention is drawn to the notes accompanying this document**

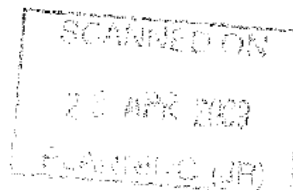
Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Head of Development Management, Southwark Council, Regeneration and neighbourhoods, Planning & transport, Development management, PO Box 64529, London SE1P 5LX, or by email to [planning.enquiries@southwark.gov.uk](mailto:planning.enquiries@southwark.gov.uk)

UPRN: 200003380710

checked



TP/2168-670





<b>Target Date</b> 10/04/2009	<b>Classification</b> OPEN	<b>Decision Level</b> DELEGATED	<b>Date</b> 15/04/2009
		<b>Title of Report</b> DEVELOPMENT MANAGEMENT	
<b>Proposal</b> (Variation of Condition 2 on approved application 08-AP-0641 to change opening times: Sunday - Thursday 12 noon to 12 midnight and Friday and Saturday 12 noon to 6:00am (currently hours approved are 07:00 to 23:00 Monday to Sunday).		<b>Address</b> 670-672 OLD KENT ROAD, LONDON, SE15 1JF  <b>Ward Livesey</b>	
<b>Application Start Date</b> 20/02/2009		<b>Application Expiry Date</b> 17/04/2009	

**PURPOSE**

- 1 To consider the above application

**RECOMMENDATION**

- 2 To refuse planning permission

Recommendation proposed by Case Officer:

Signed \_\_\_\_\_ date 10/04/2009

Recommendation cleared by Team Leader:

Signed \_\_\_\_\_ date 17/4/09

Recommendation agreed by Delegated Officer:

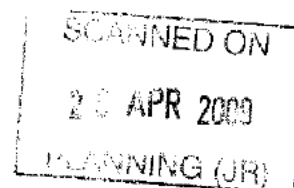
Signed \_\_\_\_\_ date 17/4/09

Reason Recommendation either not cleared or agreed:

Signed \_\_\_\_\_ date \_\_\_\_\_

**BACKGROUND****Site location and description**

The application premises is 670 and 672 Old Kent Road, a four storey plus basement end of terrace Victorian property located on the south-western side of Old Kent Road. The property is a double fronted retail premises on the ground floor with residential accommodation above. It is located opposite the junction of Hyndman Street and Old Kent Road and is bounded by Christ Church and the Livesey Museum to the south



east and residential properties to the west and north west.

The site lies within an archaeological priority zone, the urban density zone, an air quality management area and the Old Kent Road action area.

**Details of proposal**

Variation of Condition 2 on approved application 08-AP-0641 to change opening times: Sunday - Thursday 12 noon to 12 midnight and Friday and Saturday 12 noon to 6:00am (currently hours approved are 07:00 to 23:00 Monday to Sunday)

**Planning history**

09-AP-0040 Approval REFUSED for details regarding the arrangements for the storing of refuse as required by condition 5 of planning permission 08-AP-0641.

09-AP-0040 APPROVAL was given for details of a scheme to insulate the residential accommodation as required by condition 4 of planning permission 08-AP-0641.

09-AP-0038 APPROVAL was given for details of a scheme for the ventilation of the premises to an appropriate outlet level, including details of sound attenuation as required by Condition 3 of planning permission 08-AP-0641.

06-AP-0641 Planning permission GRANTED for proposal to change use of basement and ground floors from a Graphics/Printing Company to use classes A1 (Retail), A2 (Financial & Professional Services), A3 (Restaurants and Cafe's) or D1 (Non-residential institutions).

06-AP-2483 Planning permission GRANTED for proposal to convert upper residential floors to 1x2 bedroom, 2x1 bedroom flats and 2x2 bedroom maisonettes, together with construction of two dormer window extensions to rear roofslope.

06-AP-187 Application WITHDRAWN for proposed change of use of basement to restaurant (A3). Installation of external ventilation ducting on side elevation.

06-AP-1115 Planning permission REFUSED for proposed conversion of 1st, 2nd and 3rd floors to provide 6 x 1 bedroom flats

Reasons for refusal: Unsatisfactory quality of and size of accommodation. No provision made for refuse storage or cycling facilities.

05-AP-0083 Planning permission was REFUSED for a proposal to convert the upper floors to provide 4 x 1 bed and 1 x 2 bedroom self contained flats.

Reasons for refusal: unsatisfactory quality of accommodation

03-AP-2252 Planning permission was REFUSED for a proposal to convert the upper floors to provide a total of 6 one bedroom self contained flats, including erection of a 3rd floor rear extension.

Reasons for refusal: Proposed extension would create a dominant obtrusive form and would not enhance the character or appearance of the buildings and the terrace in which it is situated.

The proposal would create an unacceptable sense of enclosure to the detriment of the living conditions that are currently enjoyed by the adjoining residents.

**Planning history of adjoining sites**

### 662 Old Kent Road

In January 2001 planning permission for change of use of the ground floor from a shop to a minicab office was GRANTED for a temporary period (reference:00-00-1838). In June 2003 planning permission was GRANTED for continued use of the ground floor as a minicab office, subject to a condition that IT would not be open to personal callers after 10pm Monday to Friday, to ensure no loss of amenity to the flats above (reference:03-AP-0824). The building is now within A2 use, occupied by Alpha Property Services.

### 666 Old Kent Road

In July 2004 planning permission was GRANTED for change of use of the lower ground and ground floors of the building from a hairdressers (Use Class A1) to a health club (Use Class D2) and this consent has been implemented (reference:04-AP-1022).

### 668-670 Old Kent Road

In August 2002 planning permission was REFUSED for change of use from retail (A1) to flats (Use Class C3) and short stay hotel accommodation on the grounds of loss of permanent housing and creation of an unsatisfactory standard of accommodation (reference: 02001102).

In January 2003 a similar application was REFUSED on the grounds of loss of permanent housing (reference:02-AP-2044).

## **FACTORS FOR CONSIDERATION**

### **Main Issues**

The main issues in this case are:

- a] the principle of the development in terms of land use and conformity with strategic policies.
- b] impact upon the amenities of adjoining occupiers

### **Planning Policy**

Southwark Plan 2007 [July]  
Policy 3.2 Protection of Amenity

### **Consultations**

Site notice date: 05/03/2009

Press notice date: N/A

Neighbour consultation letters sent: 04/03/2009

Case officer site visit date: 05/03/2009

### Internal consultees

Access Officer  
Environmental Protection Team

Transport Group  
Waste Management  
Transport for London

Statutory and non-statutory consultees

Not required.

Neighbour consultees

As listed in acoaid.

Re-consultation

Not required.

**Consultation replies**

Internal consultees

Access Officer - raised no objections

Environmental Protection Team - Suggested the additional hour sought for Sunday to Thursday could be accommodated with giving rise to nuisance. However, concerns were raised regarding the adverse impact posed by the proposed 7 additional hours on Friday and Saturday.

Transport Group - raised issues regarding servicing.

Waste Management - raised no objections.

Statutory and non-statutory consultees

Transport for London - raised no objections

Neighbour consultees

0 supports

7 objections.

The main objections received related to concerns that later opening hours would lead to a loss of amenity.

Re-consultation

Not required.

**PLANNING CONSIDERATIONS**

**Principle of development**

The proposal does not seek a change of use or propose new development. It rather seeks to extend the hours of operation of an existing permitted use. In principle there are no objections provided the proposed opening hours do not have a detrimental impact on the amenity of existing and future occupiers adjoining the property and in the surrounding area.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area**

There are concerns that the proposed hours of opening, particularly at the weekend, could have a significant level of harm on the amenity of adjoining occupiers and the

surrounding area. 7 objections were received regarding the impact of the proposed development on amenity. One objector was in particular concerned that the proposal would undermine an existing condition on the site designed to prevent the premises from being used as a Cafe or Restaurant out the hours of 07:00 and 23:00 Monday to Sunday. The purpose of this condition was to ensure no loss of amenity.

The Council's Environmental Protection team have raised concerns regarding impact on amenity and suggested an extension of opening times till 02:00 may be acceptable at the weekend without significantly impacting upon the amenity of the area. On a related note, a recent decision by the licensing department has awarded the applicant an extended liquor license to operate until 12am on weekdays and 2am at the weekend, subject to conditions.

The case officer is concerned that the opening times proposed with this application (06:00am on a Friday and Saturday), are significantly later than suggestions made by the Council's Environmental Protection Team and Licensing team. In this regard, there are concerns that such extended hours of operation on a Friday and Saturday would not safeguard the amenity of the people living in the area due to comings and goings from the site and noise arising from its continued operation into the early hours of the morning. The case officer acknowledges that the Old Kent Road is a major road which has an ambient background road noise level higher than most residential streets. However, the case officer is concerned that the proposed hours of operation will adversely affect present and future occupiers living above the shopping parade and those living behind the application site on Ethnard Road. A loss of amenity, including disturbance from noise would contravene the provisions of Southwark Plan policy 3.2 'Protection of Amenity'.

#### **Traffic issues**

Policy 5.2 of the Southwark Plan 'Transport Impacts' seeks to ensure that developments would not have an adverse impact upon highway safety and policy 5.3 seeks to ensure adequate provision for pedestrians and cyclists.

Overall, there are no objections to the proposal with regard to transport issues. However, concerns have been raised by the transport group regarding the impact extended opening hours would have in terms of the level of servicing required by the property.

#### **Other matters**

None.

#### **Conclusion**

The proposal would result in nuisance and disturbance to amenity to adjoining occupiers and the surrounding area. This would have a detrimental impact on the quality of life for people living in the area contrary to policy 3.2 Protection of amenity. For this reason it is recommended that planning permission is refused.

### **COMMUNITY IMPACT STATEMENT**

In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

- a) The impact on local people is set out above.

b] The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as

c] The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are

**SUSTAINABLE DEVELOPMENT IMPLICATIONS**

Safeguarding of amenity.

LEAD OFFICER  
REPORT AUTHOR  
CASE FILE  
Papers held at:

Gary Rice  
Daniel Davies  
TP/2168-670

Regeneration and neighbourhoods dept.  
tel.: 020 7525 5403 email: [planning.enquiries@southwark.gov.uk](mailto:planning.enquiries@southwark.gov.uk)

Head of Development Management  
Planning Officer [tel. 020 7525 5461]

On behalf of: Appellant

Witness: A Tumaite

No. of witness statement: 2nd

CASE REFERENCE NO: 2400086933

IN THE MATTER OF AN APPEAL  
THE LICENCING ACT 2003  
IN THE CROYDON MAGISTRATES COURT  
B E T W E E N

Space Investments Limited (1)

Appellant

-and-

London Borough of Southwark (2)

First Respondent /

Licencing authority

Unique Crispens Food Limited (3)

Second Respondent /

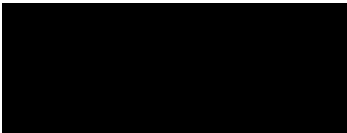
Premises Licence Holder

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EXHIBIT AT5

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This is Exhibit AT5 referred to in the second witness statement of Alvyda Tumaite.

Signed  .....

Alvyda Tumaite

Dated.....5/15/2024.....2024

TP(Permit)

# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

## PLANNING PERMISSION

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**Applicant** Mr P Seaton  
Passion Property Group

**LBS Registered Number** 14/API/4774

**Date of Issue of this decision** 17/02/2015

**Planning Permission was GRANTED for the following development:**

Internal alterations to the upper floors of the building to provide five self-contained dwellings comprising 1x 3-bed flat, 2x 2-bed flats and 2x 1-bed flats.

**At:** 670-672 OLD KENT ROAD, LONDON, SE15 1JF

**In accordance with application received on 22/12/2014 08:01:17 Your Ref. No.:**

**and Applicant's Drawing Nos.** Application Form

Covering letter

Planning, Design and Access Statement

Site Location Plan

Overview Plans Proposed - Plan Number 110 Rev D

Ground Floor - Rear Yard Plan - Plan Number 116 RevB

**Subject to the following three conditions:**

**Time limit for implementing this permission and the approved plans**

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

110 Rev D

116 Rev B

Reason:

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

**Pre-occupation condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 2 The cycle storage facilities as shown on the approved drawing number 116 Rev B shall be provided within 90 days from the date of this permission and shall thereafter be retained and the space used for no other purpose.

Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

**Continued overleaf...**



TP(Permit)

# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



[www.southwark.gov.uk](http://www.southwark.gov.uk)

## PLANNING PERMISSION

**LBS Reg. No.** 14/AP/4774

**Date of Issue of this decision** 17/02/2015

- 3 The refuse storage arrangements shown on the approved drawing number 116 Rev B shall be provided within 90 days from the date of this permission and made available for use by the occupiers of the 5 flats and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

**Reason**

To ensure 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 The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

### Statement of positive and proactive action in dealing with the application

The application was determined in a timely manner within the statutory eight week period.

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](mailto:planning.applications@southwark.gov.uk)

UPRN: 200003380710

TP/2168-670

**PLANNING PERMISSION**

LBS Registered Number: 14/AP/4774

Date of issue of this decision: 17/02/2015



www.southwark.gov.uk

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


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- [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](http://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](http://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.

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### Application recommendation and decision record sheet

#### Decision level:

**Address** 670-672 OLD KENT ROAD, LONDON, SE15 1JF

**Proposal** (14/AP/4774) (Full Planning Permission)

Internal alterations to the upper floors of the building to provide five self-contained dwellings comprising 1x 3-bed flat, 2x 2-bed flats and 2x 1-bed flats.

Start date: 23/12/2014

Statutory expiry date: 17/02/2015

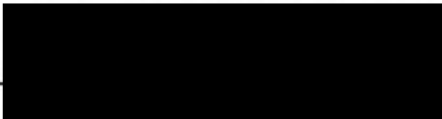
Earliest decision date: 12/02/2015

PPA target decision date: 13/02/2015

**Case Officer:** William Docherty

**Recommendation:** Grant permission

1. Case officer recommendation submitted for agreement and clearing

Signed  date 16/02/15

2. Recommendation agreed and cleared by Team Leader or Group Manager

Signed  date 16/02/2015

3. Recommendation agreed and cleared by Head of Development Management\*

Signed \_\_\_\_\_ date \_\_\_\_\_

\*required for applications to be decided by Planning Committee and Planning Sub-committees

4. Recommendation **NOT** agreed or cleared for decision

Signed \_\_\_\_\_ date \_\_\_\_\_

4a. Reason recommendation **NOT** agreed or cleared:

5. Recommendation agreed by

Signed  date 17/2/15 Signed  date 17/2/2015

6. Recommendation **NOT** agreed by

Signed \_\_\_\_\_ date \_\_\_\_\_ Signed \_\_\_\_\_ date \_\_\_\_\_

6a. Reason recommendation **NOT** agreed by :

<b>Item No.</b>	<b>Classification:</b> OPEN	<b>Date:</b>	<b>Meeting Name:</b>
<b>Report title:</b>	<b>Development Management planning application:</b> Application 14/AP/4774 for: Full Planning Permission  <b>Address:</b> 670-672 OLD KENT ROAD, LONDON, SE15 1JF  <b>Proposal:</b> Internal alterations to the upper floors of the building to provide five self-contained dwellings comprising 1x 3-bed flat, 2x 2-bed flats and 2x 1-bed flats.		
<b>Ward(s) or groups affected:</b>	Livesey		
<b>From:</b>	William Docherty		
<b>Application Start Date</b> 23/12/2014		<b>Application Expiry Date</b> 17/02/2015	
<b>Earliest Decision Date</b> 12/02/2015			

### RECOMMENDATION

- 1 Grant planning permission

### BACKGROUND INFORMATION

#### Site location and description

- 2 The application site is a four storey Victorian terrace located on the southern side of Old Kent Road. The property is a double fronted retail premises on the ground floor with residential accommodation above. The application site is opposite the junction of Hyndman Street and the Old Kent Road and is bounded by Christ Church and the Livesey Museum to the south east and residential properties to the west and north west. The property is currently 5 flats which are occupied, the previous use of the upper floors was a house in multiple occupation (HMO).

#### Details of proposal

- 3 The proposal seeks to retain the property as 5 self-contained flats comprising 1x3 bed, 2x1 bed and 3x2 bed. The scheme has a revised layout to a previous approval granted permission in March 2007 (06-AP-2483).
- 4 The sizes of the flats measure as follows:
  - Unit 01 - 3 Bed flat - 86 m.squ
  - Unit 02 - 1 Bed flat - 46 m.squ
  - Unit 03 - 1 Bed flat - 47 m.squ
  - Unit 04 - 2 Bed flat - 60 m.squ
  - Unit 05 - 2 Bed flat - 58 m.squ

- 5 As part of the application 5 Sheffield Bike stands are to be provided in the secure rear yard area which also provides a bin storage area.

6 **Relevant Planning history**

<p>05/AP/0083 Application type: Full Planning Permission (FUL) Conversion of the upper floors to provide 4 x 1 bed and 1 x 2 bedroom self contained flats. Decision date 30/03/2005 Decision: Refuse (REF)</p>
<p>06/AP/1115 Application type: Full Planning Permission (FUL) Conversion of 1st, 2nd &amp; 3rd floors to provide 6 x 1 bed self contained flats. Decision date 04/08/2006 Decision: Refused (REF)</p>
<p>06/AP/2483 Application type: Full Planning Permission (FUL) Conversion of upper residential floors to provide 1 x 2-bedroom flat, 2 x 1-bedroom flats and 2 x 2-bedroom maisonettes, together with construction of two dormer window extensions to rear roofslope Decision date 13/03/2007 Decision: Granted (GRA)</p>
<p>14/AP/1675 Application type: Variation: non-material changes (VNMC) Non-material amendment of planning permission LBS ref. 06/AP/2483 granted on 13/03/2007 [Conversion of upper residential floors to provide 1 x 2-bedroom flat, 2 x 1-bedroom flats and 2 x 2-bedroom maisonettes, together with construction of two dormer window extensions to rear roofslope]. The changes relate to internal alterations made to the layout of the approved dwellings. (Retrospective application)  Decision date 30/06/2014 Decision: Not Agreed - for app types VLA &amp; VNMC (NAGR)  <i>The completion of the development without compliance with the approved plans ( ref 06/AP/2842 dated 13/03/2007) constitutes a material change by virtue of the provision of substandard and cramped accommodation in terms of unit size, room size and internal stacking contrary to the National Planning Policy Framework (2012) Sections 7 &amp; 12, policy 3.5 (Quality and design of housing developments) of the London Plan (2011), Strategic Policy 7 (Family Homes) of the Southwark Core Strategy (2011), saved policies 3.2 (Protection of amenity) and 4.2 (Quality of accommodation) of the Southwark Unitary Development Plan (2007), the Council's adopted Supplementary Planning Document: Residential Design Standards (2011) and the Mayor's Supplementary Planning Guidance: Housing (2012). These changes do not constitute non-material amendments to the existing planning permission.</i></p>
<p>14/AP/2849 Application type: Variation: non-material changes (VNMC) Non-material amendment to planning permission 06/AP/2483 dated 13/03/2007 for "Conversion of upper residential floors to provide 1 x 2-bedroom flat, 2 x 1-bedroom flats and 2 x 2-bedroom maisonettes, together with construction of two dormer window extensions to rear roofslope" to add a condition listing the approved drawings, which reads;  'The development hereby permitted shall be carried out in accordance with the following approved plans: 060502-02, 060502-03 and 060502-04.' Decision date 20/10/2014 Decision: Not Agreed - for app types VLA &amp; VNMC (NAGR)  <i>The existing development is materially different to that which was granted planning permission under application LBS ref. 06/AP/2483 dated 13/03/2007 and therefore it does not have planning permission. As such, the 2007 permission is considered to have since expired without having been implemented and hence the decision notice for this unimplemented expired permission cannot be altered.</i></p>

7 **Planning history of adjoining sites**

05/AP/0259 Application type: Full Planning Permission (FUL)  
668 Old Kent Road, SE15  
Conversion of upper floors to form three self contained flats.  
Decision date 25/04/2005  
Decision: Grant

## KEY ISSUES FOR CONSIDERATION

### Summary of main issues

- 8 The main issues to be considered in respect of this application are:
1. Impact upon the character and appearance of the host building and the area.
  2. Impact on neighbouring residential amenity.
  3. Quality of accommodation for current/future occupiers
  4. Transport impacts

### Planning policy

#### National Planning Policy Framework (the Framework)

- 9 The following sections are of particular relevance:
4. Promoting sustainable transport
  6. Delivering a wide choice of high quality homes
  7. Requiring good design.

#### London Plan July 2011 consolidated with revised early minor alterations October 2013

- 10
- Policy 3.3 Increasing housing supply
  - Policy 3.5 Quality and design of housing developments
  - Policy 3.8 Housing choice
  - Policy 5.17 Waste capacity
  - Policy 6.3 Assessing effects of development on transport capacity
  - Policy 6.9 Cycling
  - Policy 7.1 Building London's neighbourhoods and communities
  - Policy 7.2 An inclusive environment
  - Policy 7.3 Designing out crime
  - Policy 7.4 Local character
  - Policy 7.6 Architecture
  - Policy 8.3 Community infrastructure levy

London SPG: Housing (2012) (Saved)

London SPG: Sustainable Design and Construction (2006)(Saved)

London SPG: Accessible London – Achieving an Inclusive Environment (2004)

#### Core Strategy 2011

- 11
- Strategic Policy 1 - Sustainable development
  - Strategic Policy 2 - Sustainable transport
  - Strategic Policy 5 - Providing new homes
  - Strategic Policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 12 The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 3.2 - Protection of amenity  
Policy 3.11 - Efficient use of land  
Policy 3.12 - Quality in design  
Policy 3.14 - Designing out crime  
Policy 4.2 - Quality of residential accommodation  
Policy 5.2 - Transport impacts  
Policy 5.3 - Walking and Cycling

Supplementary Planning Document: Residential Design Standards (2011)

**Principle of development**

- 13 There is no objection to the principle of converting the property to separate residential units provided it would not have an adverse effect on neighbouring amenity, is designed to a high standard, provides quality accommodation for its current/future occupiers and makes a positive contribution to the character of the area.
- 14 It should be noted that a previous scheme for 5 flats was approved under reference 06/AP/2483.

**Environmental impact assessment**

- 15 The proposal lies outside the scope of the Town and Country Planning (Environmental Impact Assessment Regulations) 2011 and as such there is no requirement for an EIA.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area**

- 16 The use of the property as 5 self contained flats is not considered to result in levels of activity or noise which would be harmful to the amenities of occupiers of any neighbouring properties.
- 17 The property is only attached to 668 Old Kent Road, which itself is flats, and the restaurant below will not be affected by the use. It is therefore considered that the development will not harm the amenity of adjoining occupiers and the surrounding area and complies with the objectives of Policy 3.2 of the Southwark Plan
- 18 A condition regarding details of waste and recycling storage/collection arrangements is recommended in the interests of the amenities of surrounding occupiers.



### **Impact of adjoining and nearby uses on occupiers and users of proposed development**

- 19 There are a mix of uses surrounding the site including a church, a fast food restaurant and retail outlet opposite. The commercial unit located on the ground floor is a restaurant and there is potential for this use to conflict with residential occupiers above. The restaurant however has planning conditions restricting hours of use and has an extract flue which emits at roof level eliminating any odour concerns. Given the above, it is not considered that this use will significantly affect the occupants of the flats above.
- 20 The upper floors of the neighbouring property, 668 Old Kent Road, are also flats and and given the separation distances from the units opposite and the church, it is not considered that these will have any material impact on the unit.

### **Quality of accommodation for occupiers**

- 21 Unit 1 is located on the first floor and contains 2 x 2 person bedrooms measuring 16m<sup>2</sup> and 12m<sup>2</sup> (the 12m<sup>2</sup> having an on suite bathroom) and 1 x 1 bedroom flat measuring 12m<sup>2</sup> as indicated on the drawings. There is a separate living/kitchen/dining space measuring 25m<sup>2</sup> and bathroom, with a hallway/landing providing access to all the rooms within the flats. The flat has a gross internal area of 86m<sup>2</sup>.
- 22 This unit differs from the 06/AP/2483 permission by the approved separate kitchen, located to the rear of the unit, now being occupied by the 2 person bedroom. The remainder of the flat is as the approval.
- 23 The unit meets the minimal overall floorspace to comply with the minimum space standards set out in the Residential Design Standards SPD for a 5 person 3 bed property of 86 m<sup>2</sup> however does fall short of the minimum room areas for the combined kitchen, dining room and living room by 5m<sup>2</sup>. Having visited the property however, it is not considered that this shortfall results in a cramped unacceptable accommodation and that open plan living/kitchen/dining space is designed to a high standard, providing a comfortable level of space for the occupants as well as being well lit by a bay window which overlooks Old Kent Road.
- 24 The circulation space in the unit is also well designed with the property having an entrance hallway, with a store located next to the entrance door, and each room served by the circulation space.
- 25 Units 2 and 3 are located on the second floor and are mirror images of each other and contain 1 x 2 person bedroom measuring 12m<sup>2</sup>, with a separate lounge/dining area 18m<sup>2</sup>, separate kitchen 7m<sup>2</sup> and bathroom. The individual room sizes for the flats meet the requirements, however the overall flat sizes are 3m<sup>2</sup> and 4m<sup>2</sup> respectively below the space standards being 46m<sup>2</sup> and 47m<sup>2</sup> respectively.
- 26 It is acknowledged that the units fall below the requirement, however both flats are well designed for 1 bed flats having separate kitchen and living dining areas, which meet the room space standards, as well as having circulation space from which the rooms branch off.
- 27 These two flats have the biggest deviation from the space standards, being 8% and 6%, however as stated feature separate kitchens rather than having a combined kitchen/living/dining room, and also meet the individual room standards.
- 28 Both units are the same as the 2007 approval.

- 29 Units 4 and 5 occupy the third and fourth floors and again are mirror images of each other, containing 1 x 1 person (8m<sup>2</sup>) and 1 x 2 person (13m<sup>2</sup>) bedrooms, combined living/kitchen/dining room (25m<sup>2</sup> and 26m<sup>2</sup> respectively), bathroom and roof terraces.
- 30 The layout of these flats differs from the previous approval due to the kitchen/dining areas now being located on the fourth floor, where previously they had been on third floor with bedrooms above. Despite being 1m<sup>2</sup> & 3m<sup>2</sup> below the space standards, the units achieve the same floor space as previously approved, with the combined kitchen/dining/living areas being larger.
- 31 The layout changes are not considered to be of significant concern, with both floors forming part of the same unit and therefore the impact of the vertical stacking would be minimal.
- 32 Both these flats benefit from a screened roof terrace, which was also part of the previous approval, which will provide a level of amenity space.
- 33 As part of the application all the units benefit from a secure bin storage area and 5 Sheffield bike stands are proposed to the rear yard of the site.
- 34 In terms of amenity space, units 4 and 5 have their own private roof terrace, but no provision has been made for the other units. This is not ideal however given that flats above a commercial space rarely have outdoor space the lack of provision is not seen as so harmful such that would warrant refusal of the scheme. It is also noted that there are a number of parks located close to the development site including Bird in Bush Park and Leyton Square Recreation Ground.
- 35 For the abovementioned reasons, the proposal is in accordance with part 7 of the NPPF, Strategic policy 5 of the Core Strategy and saved policies 3.2 and 4.2 of the Southwark Plan (2007).

#### **Transport issues**

- 36 There is no car parking proposed as part of the development, however given the good (PTAL 4) level of accessibility to public transport and the Town Centre location of the application property, this is in accordance with Council policy which aims to minimise the number of spaces provided. The site is located within a Controlled Parking Zone.
- 37 To the secure rear yard 5 'Sheffield bike stands' are proposed, which would provide spaces for up to 10 cycles. It is considered that the proposals are compliant with saved policy 5.2 of the Southwark Plan (2007).

#### **Design issues**

- 38 There are no design issues as part of this proposal.

#### **Impact on character and setting of a listed building and/or conservation area**

- 39 None.

#### **Impact on trees**

- 40 None.

#### **Planning obligations (S.106 undertaking or agreement)**

41 None.

#### **Sustainable development implications**

42 There are no sustainable development implications of any particular significance.

#### **Other matters-CIL**

43 S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail. The application is not CIL liable because it is not constituted as chargeable development under the CIL Regulations 2010 (as amended).

#### **Conclusion on planning issues**

44 The principle of the conversion of the property into 5 self contained units is acceptable and has previously approved subject to a different internal layout. It is considered that despite the some of the units falling marginally short of the space standards that from visiting the property and from the application documentation, the overall design and living accommodation provided is to a high standard, providing well laid out flats, with good levels of natural light and comfortable living space.

45 The proposed development would not cause any undue harm to the amenity of the occupiers/users of adjoining properties nor to the character and appearance of the host building or the wider local area.

46 For the reasons set out above, the proposal is in accordance with the relevant policies within the Southwark Plan 2007 and it is thus recommended that planning permission be granted in this instance.

#### **Community impact statement**

47 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

#### **Consultations**

48 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

#### **Consultation replies**

49 Details of consultation responses received are set out in Appendix 2.

#### **Summary of consultation responses**

- 50 No formal representations were received from neighbour consultations other than Flat 3, 668 Old Kent Road requesting clarification on what the scheme entailed.
- 51 Environmental Protection Team - No Objections. Recommended conditions.

**Human rights implications**

- 52 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 53 This application has the legitimate aim of providing additional residential accommodation. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

- 54 N/A

**REASONS FOR LATENESS**

- 55 N/A

**REASONS FOR URGENCY**

- 56 N/A

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
Site history file: TP/2168-670 Application file: 14/AP/4774 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 1997 Council website: www.southwark.gov.uk

**APPENDICES**

No.	Title
<b>Appendix 1</b>	Consultation undertaken
<b>Appendix 2</b>	Consultation responses received

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice Head of Development Management	
<b>Report Author</b>	William Docherty	
<b>Version</b>	Final	
<b>Dated</b>	13/02/15	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and community services	No	No
Director of regeneration	No	No
<b>Date final report sent to Constitutional / Community Council / Scrutiny Team</b>		

**APPENDIX 1**

**Consultation undertaken**

**Site notice date:** 16/01/2015

**Press notice date:** n/a

**Case officer site visit date:** n/a

**Neighbour consultation letters sent:** 20/01/2015

**Internal services consulted:**

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

**Statutory and non-statutory organisations consulted:**

Transport for London (referable & non-referable app notifications and pre-apps)

**Neighbour and local groups consulted:**

Flat 1 666 Old Kent Road SE15 1JF  
666 Old Kent Road London SE15 1JF  
672a Old Kent Road London SE15 1JF  
672 Old Kent Road London SE15 1JF  
670a Old Kent Road London SE15 1JF  
668 Old Kent Road London SE15 1JF  
First To Third Floors 666 Old Kent Road SE15 1JF  
676-680 Old Kent Road London SE15 1JF  
670 Old Kent Road London SE15 1JF  
674 Old Kent Road London SE15 1JF

Flat 5 670 Old Kent Road SE15 1JF  
Flat B 668 Old Kent Road SE15 1JF  
Flat C 668 Old Kent Road SE15 1JF  
First Floor Flat 668 Old Kent Road SE15 1JF  
666b Old Kent Road London SE15 1JF  
Flat 3 666 Old Kent Road SE15 1JF  
Flat 3 670 Old Kent Road SE15 1JF  
Flat 4 670 Old Kent Road SE15 1JF  
Flat 2 670 Old Kent Road SE15 1JF  
Flat 2 666 Old Kent Road SE15 1JF  
Flat 1 670 Old Kent Road SE15 1JF

**Re-consultation:** n/a

**APPENDIX 2**

**Consultation responses received**

**Internal services**

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

Flat 3 668 Old Kent Road SE15 1JF

On behalf of: Appellant

Witness: A Tumaite

No. of witness statement: 2nd

CASE REFERENCE NO: 2400086933

IN THE MATTER OF AN APPEAL  
THE LICENCING ACT 2003  
IN THE CROYDON MAGISTRATES COURT  
B E T W E E N

Space Investments Limited (1)

Appellant

-and-

London Borough of Southwark (2)

First Respondent /

Licencing authority

Unique Crispens Food Limited (3)

Second Respondent /

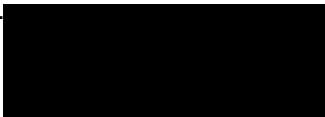
Premises Licence Holder

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EXHIBIT AT6

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This is Exhibit AT6 referred to in the second witness statement of Alvyda Tumaite.

Signed  .....

Alvyda Tumaite

Dated 5/15/2024 .....2024

Diary of noise observations					
Name: [REDACTED]			Your Full Address: [REDACTED]		
Age: <i>over 21.</i>		(If over 21, write "over 21")			
Your Occupation: <i>Employee.</i>					
Date	Time of noise		Where was the noise heard?	Describe the noise	How does the noise affect you?
	Start	Finish			
<i>23.03.2024</i>	<i>11:15</i>	<i>3:32.</i>	<i>in the master bedroom</i>	<i>The vibration of the base bothers more. The <del>was</del> noise is like woofer.</i>	<i>Unable to sleep till <u>4 AM</u></i>

I confirm that the details given above are true and accurate ....

[REDACTED SIGNATURE]

.....(sign) *24.03.2024*.....(date)



Diary of noise observations					
Name: [REDACTED]			Your Full Address: [REDACTED]		
Age: <i>Over 21</i>		(If over 21, write "over 21")			
Your Occupation: <i>Employee</i>					
Date	Time of noise		Where was the noise heard?	Describe the noise	How does the noise affect you?
	Start	Finish			
<i>16.03.2024</i>	<i>12.00</i>	<i>3:05</i>	<i>Bed Room</i>	<i>The noise is same beats, woofer and vibration felt.</i>	<ul style="list-style-type: none"> <li>- Unable to sleep.</li> <li>- Wake me up &amp;</li> <li>- Disturbed sleeping.</li> <li>- Visitor commented how loud it was.</li> </ul>

I confirm that the details given above are true and accurate

[REDACTED SIGNATURE]

.....(sign) *17.03.2024*.....(date)

Diary of noise observations					
Name: [REDACTED]			Your Full Address: [REDACTED]		
Age: <i>over 21</i>		(If over 21, write "over 21")			
Your Occupation: <i>Employee</i>					
Date	Time of noise		Where was the noise heard?	Describe the noise	How does the noise affect you?
	Start	Finish			
<i>15.03.2024</i>	<i>11.45</i>	<i>02:50</i>	<i>Bed Room.</i>	<i>Can hear the wooter along with beds noise</i>	<i>Unable to sleep till 3.00 AM.</i>

I confirm that the details given above are true and accurate

[REDACTED SIGNATURE]

(sign) *16.03.2024* (date)

Diary of noise observations					
Name: [REDACTED]			Your Full Address: [REDACTED]		
Age: <i>over 21</i>		(If over 21, write "over 21")			
Your Occupation: <i>Employee</i>					
Date	Time of noise		Where was the noise heard?	Describe the noise	How does the noise affect you?
	Start	Finish			
<i>22.03.2024</i>	<i>11:45</i>	<i>3:08</i>	<i>Bedroom.</i>	<i>Sometimes they increase the noise &amp; sometimes they decrease it. It is there till late night. Woofer/beats &amp; vibration felt.</i>	<i>Unable to sleep.</i>

I confirm that the details given above are true and accurate

[REDACTED SIGNATURE]

(sign) *23.03.2024* (date)

Diary of noise observations					
Name: [REDACTED]		Your Full Address: [REDACTED]			
Age: OVER 21 (If over 21, write "over 21")					
Your Occupation: BARISTA					
Date	Time of noise		Where was the noise heard?	Describe the noise	How does the noise affect you?
	Start	Finish			
14.03.24	00:00	3:30	My bedroom, living room, bathroom,	BANGING LOUD MUSIC, LOUD SPEAKING/SCREAMING PEOPLE. EACH OF THE "PARTIES" IT'S THE SAME TYPE OF ANNOYING MESS	I cannot sleep properly, wake up in the middle of the night various times!!! I have a morning person' life style and work early hours shifts (starting at 6/7/8 AM) therefore the lack of proper sleep affects my performance at work same as my mental well-being! I also feel embarrassed to invite people over to a noisy flat and cannot fully enjoy myself
15.03.24	00:00	3:30			
16.03.24	01:00	3:30			
17.03.24	21:30	01:30			
<del>18.03.24</del>					
22.03.24	22:15	04:00			
29.03.24	22:30	04:00			
30.03.24	23:00	03:30			

SUNDAY !!!

I confirm that the details given above are true and accurate ..... (sign) [REDACTED] ..... 06/04/2024 (date)

Diary of noise observations					
Name: [REDACTED]		Your Full Address: [REDACTED]			
Age: over 21		(If over 21, write "over 21")			
Your Occupation: Hostess / waitress					
Date	Time of noise		Where was the noise heard?	Describe the noise	How does the noise affect you?
	Start	Finish			
15.03, 2024	22:30	around 3Am	Bedroom	very loud music	Due to working in a cafe I wake up around 5/6am everyday on the weeked and the noise heavily impacts my sleep resulting in me being exhausted at work  I work my shedule in so that I can get sleep before the noise starts as it often wakes me with the music, loud speaking and bass vibration  Thought we would get peace on Sunday night however it was a lack of sleep  I wake up angry after finally falling back asleep, awake again
16.03, 2024	00:00	^^	Bedroom	alongside loud talking	
17.03.2024	23:00	03:30	Bedroom	^^ DJ speaking on mic	
22.03.2024	around 10pm	around 4 am	Bedroom	^^ clearly a birthday party, loud music	
23.03.2024	^^	03:30	Bedroom	shouting → loud music → Bass, shouting	

I confirm that the details given above are true and accurate ..... [REDACTED] ..... (sign) 6.04.2024 ..... (date)

Diary of noise observations					
Name: [REDACTED]			Your Full Address: [REDACTED]		
Age: OVER 21		(If over 21, write "over 21")			
Your Occupation: DIGITAL DESIGNER					
Date	Time of noise		Where was the noise heard?	Describe the noise	How does the noise affect you?
	Start	Finish			
15.03.24	22:30	3:00 AM	BEDROOM	I can sing along to songs since it's so loud. Constant bass, sometimes so so so so loud, FLOOR VIBRATES. CONSTANT BASS! I can hear every lyrics. very clearly and can not sleep → LOUD MUSIC, D'S SPEAKING → LOUD MUSIC → LOUD MUSIC	-BED VIBRATES -TOOK 2 H TO FALL ASLEEP WITH 2 REARPLUGS -COULDN'T FOCUS AND REARPLUGS -HAD TO KEEP TURNING VOLUME UP WHILE WATCHING TELLY -CAN'T SLEEP → WOKE UP, COULDN'T FALL BACK TO SLEEP → IT SHOULD STOP PLAYING MUSIC AT 3AM they went 35m over. LACK OF SLEEP → SUNDAY, REALLY WANTED TO GO TO SLEEP, SINCE HAVEN'T SLEPT BECAUSE OF MUSIC FOR 2 DAYS.
<del>16.03.24</del>	00:02	3:00 AM	BEDROOM		
<del>15.03.24</del>	01:10	01:13	BEDROOM		
<del>17.03.24</del>	02:14	03:35	BEDROOM		
17.03.24	03:00	03:35	BEDROOM		
17.03.24	21:39	00:13	BEDROOM		

I confirm that the details given above are true and accurate ...

[REDACTED SIGNATURE]

(sign) [REDACTED] 06.04.24 (date)

Diary of noise observations					
Name: [REDACTED]			Your Full Address: [REDACTED]		
Age: OVER 21		(If over 21, write "over 21")			
Your Occupation: DIGITAL DESIGNER					
Date	Time of noise		Where was the noise heard?	Describe the noise	How does the noise affect you?
	Start	Finish			
22.03.24	22:15	4.AM	BEDROOM	→ LOUD MUSIC, BASS	○ HAD TO TURN TV SOUND ON ○ HAVE TO SLEEP WITH EARPLUGS ○ CAN'T RELAX ○ FRIEND OVER FELT VERY UNCOMFORTABLE, COULDN'T SLEEP ○ I KNOW BY NOW THAT I CAN'T SLEEP ON WEEKENDS BECAUSE OF MUSIC, SO I DON'T WAIT FORWARD TO IT LIKE I USED TO. SO LOUD MUSIC IN MY OWN HOME, VERY UNCOMFORTABLE
23.03.24	23:00	3:30AM	BEDROOM	→	
24.03.24	22:00	00:00	BEDROOM	PEOPLE SPEAKING OUTSIDE AFTER 4AM WHOLE NIGHT → LOUD MUSIC MUSIC EVEN ON SUNDAY	

I confirm that the details given above are true and accurate

[REDACTED SIGNATURE]

(sign) 06.04.24 (date)

**From:** Alvyda Tumaite  
**Sent:** 07 May 2024 09:25:27  
**To:** Kane Rosa-Maria  
**Subject:** FW: Update, F1, 670 Old Kent Road

**Caution External Email** - This Message originated outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Rosa Maria,

Hope you are well.

Please find below update from tenants at flat 1, for the file.

Kind regards,

**Alvyda Tumaite**  
**Passion Property Group**



Submit your maintenance request

Report Now

**From:** [Redacted]  
**Sent:** Sunday, May 5, 2024 11:00 PM  
**To:** Alvyda Tumaite <a.tumaite@ppg.co.uk>  
**Subject:** Update

Hi Alvyda,

I Hope you are well! I just wanted to check in and see if there's any updates on the music situation,  
We had the owner come recently testing the sound as you probably know however it seems like not much has changed since the engineer changed the music level, the music is just more muffled

I just wanted an update as I have to wake up at 5 am for work on the weekends and unfortunately it's very disturbing and I can't get any sleep, it is currently Sunday night and there is music blasting, just very frustrating.

Please update us when you can.



