

APPENDIX D

MEMO: Environmental Protection Team

To Licensing Regen **Date** 28 August 2009
Copies File
From Debbie Lawless **Telephone** 020 7525 5759 **Fax** 020 7525 5728
Email debra.lawless@southwark.gov.uk

Subject **Sorrison Restaurant, 5-7 Rockingham Street, London SE1 6PD**
Ref: 391168

I have reviewed the above application and I have met with the applicant on site. The application seeks to allow opening times of 10.00 hours – 02.00 hours Monday till Thursday, 10.00 hours – 04.00 hours Friday and Saturday and 10.00 hours – 23.00 hours Sunday. The application also seeks to allow the following regulated entertainment, live/recorded music, films, making music, dancing, provision of late night refreshments and the sale of alcohol.

In the prevention of public nuisance, I make the following representations:-

- The front seating area is to be curfewed at 22.00 hours.
- No music is to broadcast to the outside area.
- a sound limiting device is to be installed to the ground and first floors and set in agreement with the Environmental Protection Team.
- only six people allowed to front outside area at any one time after 22.00 hours.
- details of the conditioned air units to be provided to the Environmental Protection Team.

The Environmental Protection Team opposes the granting of the license until the above are agreed/placed as conditions of the license.

Debbie Lawless
Enforcement Officer
Environmental Protection Team

Ashenden, Kristie

From: Regen, Licensing
Sent: 25 September 2009 12:35
To: Ashenden, Kristie
Subject: FW: Sorriso details, Rockingham Street

From: Lawless, Debra
Sent: 24 September 2009 12:40
To: 'GLEN LAKE'; Regen, Licensing
Cc: Carlos Naranjo
Subject: RE: Sorriso details, Rockingham Street

Dear Mr Lake

I have informed the Licensing Unit, that as you have agreed to my conditions. I will withdraw my representations.

Regards

Ms D Lawless

From: GLEN LAKE [mailto:g.lake@btinternet.com]
Sent: 23 September 2009 13:52
To: Lawless, Debra
Cc: Carlos Naranjo
Subject: Fw: Sorriso details, Rockingham Street

Dear Ms Lawless,

I write further to your representaions as discussed on site at the premises.

I confirm that our Client was agreeable to all the points noted under reference 391168 to be placed as conditions of the licence. and have since provided you with the manufacturers details of the airconditioning system.

Glen Lake

--- On Mon, 21/9/09, GLEN LAKE <g.lake@btinternet.com> wrote:

From: GLEN LAKE <g.lake@btinternet.com>
Subject: Sorriso details, Rockingham Street
To: debra.lawless@southwark.gov.uk
Date: Monday, 21 September, 2009, 12:34 PM

--- On Mon, 21/9/09, GLEN LAKE <g.lake@btinternet.com> wrote:

From: GLEN LAKE <g.lake@btinternet.com>
Subject: Sorriso ,Rockingham Street
To: debbie.lawless@southwark.gov.uk
Date: Monday, 21 September, 2009, 12:16 PM

Dear Debbie,

I enclose details of the aircon system installed at Sorriso.
there being 4 No indoor units altogether ,ie, 2 upstairs and 2 downstairs,
The indoor unit ref is 11-070 HWI as specified on page 12 of the brochure.

I also confirm that the outdoor use would cease at 22.00hrs.

Glen Lake

Your reference: .



Our reference: MD/21/1811/09

Date: 26th August 2009

The Licensing Unit
The Chaplin Centre
Thurlow Street
London SE17 2DG

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6210 Fax6282

Dear Sir/Madam

Sorriso 5-9 Rockingham Street SE1 6PD

Police are in receipt of an application from the above to vary the existing Premises Licence and have the following representation to make:

The applicant has applied to vary a number of the licensable activities and in particular to extend hours the premises can remain open to the public particularly at weekends but has failed to address adequately the four main licensing objectives.

The premises are located in a densely populated area and the granting of this application could potentially have a detrimental effect upon local residents given the fact that the applicant has failed to adequately address the four main licensing objectives by offering any additional control measures that would elevate any negative effect upon the area.

The applicant is also seeking to utilise an outside area by customers. A high percentage of complaints concerning licensed premises are concerned with the use of outside areas. Police would like to see any outside areas limited to 22.30hrs.

If the permitted hours for the sale/supply of alcohol were to be increased as per the application, Police would like to see the following control measures placed on the Premises Licence:

1. That SIA registered Door Supervisor, shall be employed at all times after 22.00hrs and the terminal hour that the premises are in use under this licence and provided with Hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their

assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

2. That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry, Management reserve the right to refuse entry'
3. That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs
4. That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents
5. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.
6. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council
7. That you shall require any regular and external promoters hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Council and, once completed, you shall ensure that a copy of the agreement is provided to the Police and Licensing Unit a minimum of fourteen days prior to the date of hire.
8. That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.
9. That the Premises Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch Scheme should there be one in existence for the area in which the premises is located.
10. Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Those who do temporarily leave for this reason shall be the subjected to the requirement of a further search.

I respectfully submit this representation in order that it is given consideration by your Licensing Committee and would be obliged if you could acknowledge receipt.

Paul Compton PC294MD
Licensing Officer (Southwark North)

☎ Phone: 0207 232 6210

☎ Mobile: 07990901483

☎ Fax: 0207 232 6282

✉ E-mail: paul.compton@met.police.uk

✉ Mail: Licensing Office, Walworth Police Station,
12/28 Manor Place Walworth London
SE17 3RL

Working for a safer Southwark

Ashenden, Kristie

From: Paul.Compton@met.pnn.police.uk
Sent: 17 September 2009 14:07
To: Ashenden, Kristie
Cc: g.lake@btinternet.com
Subject: Sorriso Rep

Kristie

The E Mail attached indicates that the applicant has agreed to have all the conditions I requested in my original representation letter placed on the premises licence.

Therefore I am in a position to withdraw my representation.

Regards

Paul Compton PC294MD

Licensing Officer Southwark Borough

☎ Phone: 0207 232 6210
☎ Mobile: 07595011458
☎ Fax: 0207 232 6282
✉ E-mail: paul.compton@met.police.uk
✉ Mail: Licensing Office, Walworth Police Station,
12/28 Manor Place Walworth London
SE17 3BB

(not protectively marked)

From: GLEN LAKE [<mailto:g.lake@btinternet.com>]
Sent: 15 September 2009 15:27
To: Compton Paul - MD
Subject: Re: Sorriso Rep

Dear Mr Compton,

I hereby confirm that our client is agreeable to the conditions set out in your representation. Some of these are already in place. Accordingly we look forward to your withdrawal of representations but would be happy to meet you at the premises at your convenience if necessary with regard to the above.

Yours sincerely

Glen Lake
Applicant's agent

Wed, 26/8/09, Paul.Compton@met.police.uk <Paul.Compton@met.police.uk> wrote:

|

17/09/2009

From: Paul.Compton@met.police.uk <Paul.Compton@met.police.uk>
Subject: Sorriso Rep
To: g.lake@btinternet.com
Cc: Kristie.Ashenden@SOUTHWARK.GOV.UK
Date: Wednesday, 26 August, 2009, 8:50 AM

Dear Sir

Please find attached a representation in respect of an application submitted by the above to vary the existing premises licence.

<<Sorriso.doc>>

Paul Compton PC294MD

Licensing Officer Southwark Borough

Phone: 0207 232 6210

Mobile: 07595011458

Fax: 0207 232 6282

E-mail: paul.compton@met.police.uk

Mail: Licensing Office, Walworth Police Station,
12/28 Manor Place Walworth London
SE17 3BB

(not protectively marked)

It is the policy of the MPS that:

MPS personnel (or agents working on behalf of the MPS) must not use MPS systems to author, transmit or store documents such as electronic mail (e-mail) messages or attachments:

- * containing racist, homophobic, sexist, defamatory, offensive, illegal or otherwise inappropriate material;
- * containing material requiring a protective marking higher than RESTRICTED, (and not higher than NOT PROTECTIVELY MARKED across the internet) without the use of approved encryption;
- * containing personal data for use other than in accordance with the notification(s) under the Data Protection Act, 1998 of the system(s) from which the data originates.
- * This Email message has been scanned for viruses and contents.

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- * containing material requiring a protective marking higher than RESTRICTED, (and not higher than NOT PROTECTIVELY MARKED across the internet) without the use of approved encryption;

* containing personal data for use other than in accordance with the notification(s) under the Data Protection Act, 1998 of the system(s) from which the data originates.

* This Email message has been scanned for viruses and contents.



Regeneration and neighbourhoods
Planning & transport
Development management
PO Box 64529
LONDON SE1P 5LX

Richard Parkins
Licensing Unit
Chaplin Centre
Thurlow Street
London
SE17 2DG

Your Ref:
Our Ref: 09-CE- 01562
Contact: Dennis Sangweme
Telephone: 020 7525 5419
Fax: 020 7084 0347
E-Mail: planning.enquiries@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 03/09/2009

Dear Richard

Premises Licensing re:
5-7 ROCKINGHAM STREET, LONDON, SE1 6PD

The premises licensing site in question benefits from original planning permission granted by the Council on 29th November 2004 for the change of use to restaurant (Class A3) and office (Class B1) on the ground and newly created mezzanine floor. (Ref: LBS 04-AP-1840). Condition 4 of this permission required "the Class A3 & Class B1 use hereby permitted for the site shall not be carried on outside of the hours 08:00 am to 23:00 pm on day". The site is known as Sorisso Restaurant.

Following continued breach of condition 4 the Council served an enforcement notice and stop notice requiring the following steps to be taken - cease the use of the Land, for the following activities:

- i. Cease use of the restaurant (Class A3) at 24:00 hours each night, in particular not serving food or drink and playing amplified music ancillary to the restaurant use after 24:00 hours.
- ii. Not allowing members of the public access to the restaurant after 24:00 hours at night or before 08:00 hours in the morning.

The reason for serving the enforcement notice was that the breach of condition 4 has resulted in a reduction in of amenity within the surrounding (residential) area by reason of excessive noise from the site.

Subsequently, planning approval 08-AP-2834 was granted for 'variation of Condition 4 of permission 04-AP-1840 (which permitted change of use to a restaurant (Class A3) and office (Class B1) on ground and mezzanine floor) to extend the hours of operation by one hour from 11pm to midnight on any day (total operating hours therefore being 8am to 12 midnight)'.

Following continued complaints from local residents, officers confirmed that Sorisso had continued to breach the terms of its planning permission by staying open and hosting private parties beyond 12 midnight with customers congregating outside late at night to among other things, talk and smoke with noticeable harm to the amenity values of neighbouring occupiers. The planning enforcement team is in the process of reporting the proprietors of Sorisso restaurant for prosecution for the offence of failing to comply with the requirements of the enforcement notice. The lead officer on this matter is Mathew Cullen.

For the reasons outlined above, Development Management object to the licensing application on the grounds that the proposed hours of operation are likely to result in noise, nuisance and disturbance contrary to the public nuisance objective. I have attached the relevant documents for your information.

Yours sincerely

Dennis Sangweme

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning and Compulsory Purchase Act 2004)**

STOP NOTICE

SERVED BY: THE LONDON BOROUGH OF SOUTHWARK herein after referred to as "the Council".

- To
- 1) Naranjo Corporation Limited, 7 Dartford Street, Camberwell, London SE17 3UQ
 - 2) P & S Newsagents Limited, 5-9 Rockingham Street, London, SE1 6PD
 - 3) The Owner/Occupier of Sorisso Restaurant, 5-7 Rockingham Street, London, SE1 6PD
 - 4) Rockingham Properties Developments Limited, Jubilee Court, Dersingham, Kings Lynn Norfolk, PE31 6HH and care of North Star (2000) Ltd, 50 Ashgrove Road, Bromley, Kent BR1 7JW.
 - 5) National Westminster Bank PLC, City of London Business Centre, PO Box 12264, 4th Floor, 1 Princess Street, London EC2R 8BP
 - 6) Robson Laidler Accountants LLP, Fernwood House, Fernwood Road, Jesmond, Newcastle Upon Tyne, NE2 1TJ

On 31st March 2009, the Council issued an enforcement notice (of which a copy is attached to this notice) alleging that there has been a breach of planning control on land at, 5-9 Rockingham Street, London, SE1 6PD

1. **This Notice** is issued by the Council, in exercise of their power in section 183 of the 1990 Act, because they consider that it is expedient that the activity specified in this notice should cease before the expiry of the period allowed for compliance with the requirements of the enforcement notice on the land described in paragraph 3 below. The Council now prohibit the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

3. **THE LAND TO WHICH THIS NOTICE RELATES**

Land at, 5-9 Rockingham Street, London, SE1 6PD shown edged red on the attached plan ("the Land").

4. ACTIVITY TO WHICH THIS NOTICE RELATES

The use of the Land as a restaurant, within Class A3, beyond the permitted hours (the Unauthorised Use), namely failing to comply with a condition subject to which planning permission has been granted in breach of S171A of the Town and Country Planning Act 1990.

The conditions breached being:

Condition 4 of the permission dated 29th November 2004

"The Class A3 & Class B1 use hereby permitted for the site shall not be carried on outside of the hours 08:00 am to 23:00 pm on any day"

Or in the alternative Condition 2 of the permission dated 26th January 2009

"The Class A3 & Class B1 use hereby permitted for the site shall not be carried on outside of the hours 08:00 to 24:00 on any day"

5. WHAT YOU ARE REQUIRED TO DO

Cease use of the Land, for the following activities:

- (1) Cease use of the restaurant (Class A3) at 24:00 hours each night, in particular not serving food or drink and playing amplified music ancillary to the restaurant use after 24:00 hours.
- (2) Not allowing members of the public access to the restaurant after 24:00 hours at night or before 08:00 hours in the morning.

6. REASONS FOR ISSUING NOTICE

6.1 The issuing of a stop notice is deemed necessary to protect the amenity of residents in the neighbouring residential developments, due to noise and disturbance at unsocial hours, associated with the use of the Land as a restaurant.

6.2 The nature and volume of the noise associated with the Unauthorised Use causes an unacceptable disturbance to occupiers of the surrounding properties, to the detriment of their amenity.

The Unauthorised Use is contrary to Policies 3.2 Protection of amenity, of the Southwark Unitary Development Plan July 2007.

6.3 Planning permission to regularise use of the Land was issued on 26th January 2009, but the permission has not been implemented, nor the conditions 2 and 4 of that permission complied with It has been

apparent to all effected parties that the unauthorised use causes harm to amenity. Insufficient steps have been taken to reduce or mitigate the harm caused.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 3rd April 2009 when all the activity specified in this notice shall cease.

Dated: 31 March 2009

Signed:



Deborah Collins
Director of Legal and Democratic Services

On behalf of The London Borough Of Southwark

Nominated Officer: Dennis Sangweme (Group Manager - Planning Enforcement) Regeneration Department, London Borough of Southwark, Chiltern House, 17 Portland Street, London SE17 2ES

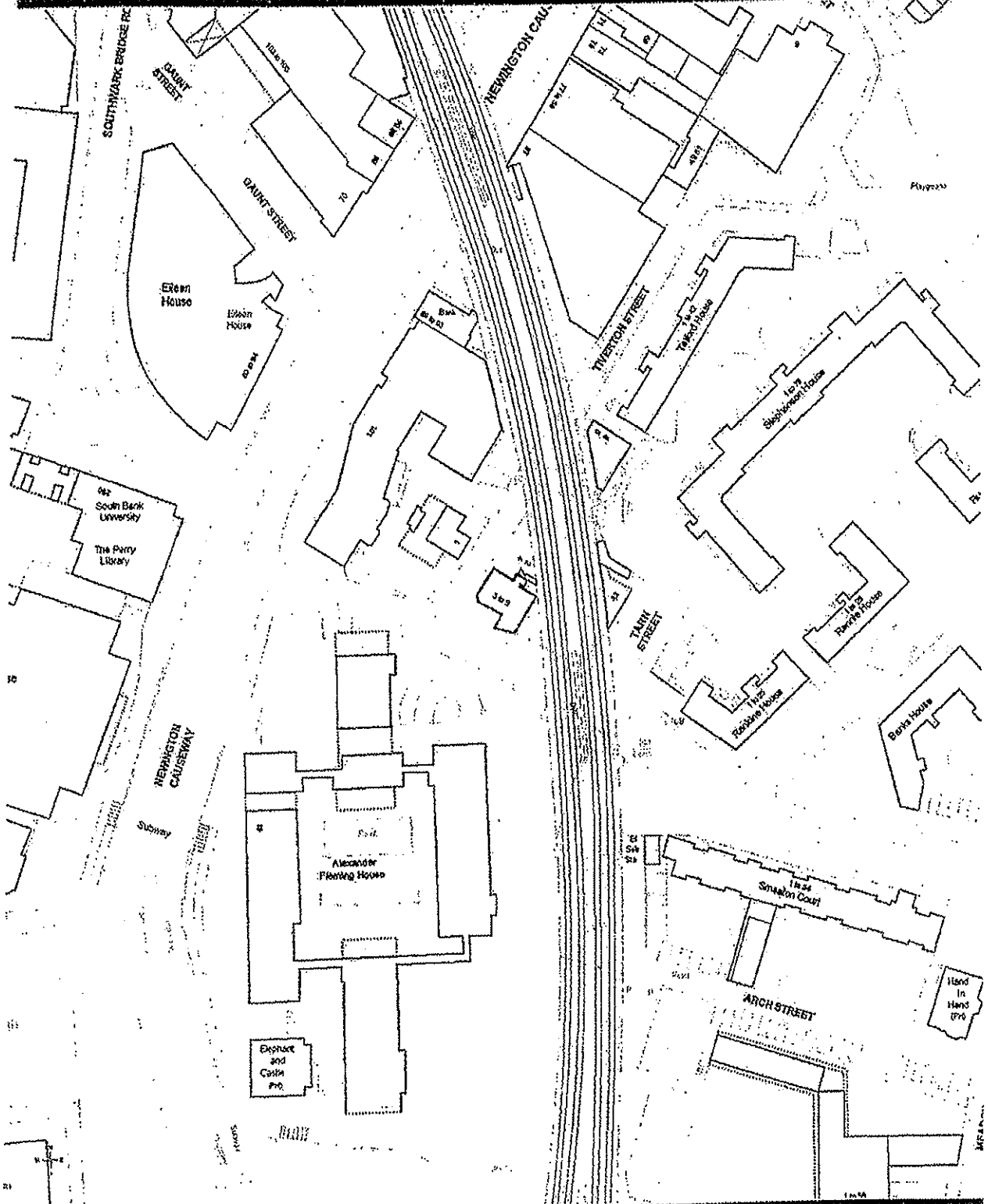
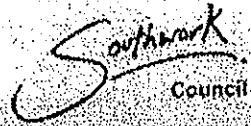
Telephone Number: 020 7525 5419

ANNEX

WARNING
THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 7.
THERE IS NO RIGHT OF APPEAL TO THE FIRST SECRETARY OF STATE
AGAINST THIS NOTICE.

It is an offence to contravene a stop notice after a site notice has been displayed or the stop notice has been served on you. (Section 187(1) of the 1990 Act). If you then fail to comply with the stop notice you will be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with Dennis Sangweme, The London Borough of Southwark, Town Hall, Peckham Road, London, SE5 8UB, Telephone: 020 7525 5419. If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

5-7 Rockingham Street SE1 6PD



Scale 1/1250

TP(VAR)(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

Applicant Mr C. Naranjo
Date of Issue of this decision 26/01/2009

LBS Registered Number 08-AP-2834

Planning Permission was GRANTED for the following development:

Variation of Condition 4 of permission 04-AP-1840 (which permitted change of use to a restaurant (Class A3) and office (Class B1) on ground and mezzanine floor) to extend the hours of operation by one hour from 11pm to midnight on any day (total operating hours therefore being 8am to 12 midnight).

At: 5-9 ROCKINGHAM STREET, LONDON, SE1 6PD

In accordance with application received on 20/11/2008 **Your Ref. No.:**

and Applicant's Drawing Nos. Site plan and planning statement

Subject to the following six 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 Class A3 and Class B1 use hereby permitted for the site shall not be carried on outside of the hours 8:00 to 24:00 on any day.

Reason:

In order to protect the amenity of nearby residential properties in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan [UDP] 2007.

- 3 The variation to condition 4 of consent reference 04AP1840 hereby permitted allowing one additional hour of operation, to extend the hours of operation from 11pm closing time to midnight closing time shall be permitted for a period of only twelve (12) months from the date of commencement, on or before which date the use shall be discontinued.

Reason

In order that the Local Planning Authority may monitor the operation of the variation of the hours, in the interests of the amenities of surrounding residential occupiers, pursuant to Policy 3.2 Protection of amenity of the Southwark Plan 2007.

Continued overleaf...

TP(VAR)(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 08-AP-2834

Date of issue of this decision 26/01/2009

- 4 Prior to the commencement of the variation to condition 4 of consent reference 04AP1840 hereby permitted allowing one additional hour of operation, to extend the hours of operation from 11pm closing time to midnight closing time, a further noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan submitted shall confirm and expand upon those matters set out in the Noise Management Plan dated 19/11/2008 which was submitted with the application, including addressing measures in relation to music, admittance of new customers, and curtaining of the areas being used after 11pm beyond 23:00 hrs. The development or use hereby permitted shall not be carried out otherwise than in accordance with the approved Noise Management Plan.

Reason

In the interests of the amenities of nearby residential occupiers, in accordance with Policy 3.2 Protection of amenity of the Southwark Plan 2007

- 5 The use hereby permitted shall not be commenced before details of the arrangements for the storing of refuse have been submitted to (2 copies) and approved by the Local Planning Authority and the facilities approved have been provided and are available for use by the occupiers and users of the premises. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

- 6 The use hereby permitted 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 Policies 3.2 Protection of amenity and 3.12 Quality in design and Planning Policy Guidance 24 Planning and Noise.

Continued overleaf...

TP(VAR)(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 08-AP-2834

Date of Issue of this decision 26/01/2009

Reasons for granting planning permission.

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

- a) Policy 3.2 'Protection of Amenity' of the Southwark Plan [UDP] 2007
- b) Planning Policy Guidance [PPG] 24: Planning and Noise.

Particular regard was had to the potential loss of amenity that would result from the proposed development but it was considered that this would be outweighed by the overall benefit to the community arising from the slightly longer opening hours that would follow from the proposed development. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Signed


A handwritten signature in black ink, appearing to be "G. Rice".

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: 200003374386

checked by  TP/1421-7

PLANNING PERMISSION

LBS Registered Number: 08-AP-2834

Date of issue of this decision: 26/01/2009



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INFORMATIVE NOTES TO APPLICANT RELATING TO THE PROPOSED DEVELOPMENT

- 1 The consent holder is advised that Conditions 5 and 6 have been imposed as they replicate conditions 2 and 3 of the original planning permission for the change of use, reference 04AP1840. If these conditions have not already been complied with then details to discharge these conditions shall be submitted prior to the implementation of planning permission to vary the hours of operation.

PLANNING PERMISSION

LBS Registered Number: 08-AP-2834

Date of issue of this decision: 26/01/2009



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IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

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

Borough of Barking

PLANNING COMMITTEE / COMMUNITY COUNCIL 21.1.2009

CASE OFFICER REPORT RECORD SHEET

Proposal (08-AP-2834)	Address
Variation of Condition 4 of permission 04-AP-1840 (which permitted change of use to a restaurant (Class A3) and office (Class B1) on ground and mezzanine floor) to extend the hours of operation by one hour from 11pm to midnight on any day (total operating hours therefore being 8am to 12 midnight).	5-9 ROCKINGHAM STREET, LONDON, SE1 6PD Ward Chaucer

Case Officer: Fennel Mason

Recommendation proposed by Case Officer:

Signed [Signature] date 31/12/08

Recommendation cleared by Team Leader / Group Manager:

Signed M G [Signature] date 5.12.2008

Recommendation cleared by Development and Building Control Manager:

Signed [Signature] date 6 Jan 2009 gm
6 Feb 2009

Recommendation NOT cleared by Team Leader / Group Manager OR Development and Building Control Manager

Signed _____ date _____

Reason Recommendation NOT agreed:

Agreed subject to 2 additional conditions:

Decision made by Planning Committee / Community Council

- ① limited period (12 months)
- ② noise impact plan to be submitted & approved + therefore complied with.

Signed B Baker date 21/1/09

Item No.	Classification OPEN	Decision Level BOROUGH AND BANKSIDE COMMUNITY COUNCIL	Date 15/01/2009
From Head of Development Control		Title of Report DEVELOPMENT CONTROL	
Proposal (08-AP-2834) Variation of Condition 4 of permission 04-AP-1840 (which permitted change of use to a restaurant (Class A3) and office (Class B1) on ground and mezzanine floor) to extend the hours of operation by one hour from 11pm to midnight on any day (total operating hours therefore being 8am to 12 midnight).		Address 5-9 ROCKINGHAM STREET; LONDON, SE1 6PD Ward Chaucer	

PURPOSE

- 1 To consider the above which is for Community Council consideration due to number of objections received.

RECOMMENDATION

- 2 To grant planning permission subject to conditions.

BACKGROUND

Site location and description

- 3 The irregular shaped site is located on the northern side of Rockingham Street at the junction with Tiverton Street approximately 100 metres to the east of Newington Causeway. At present the site is occupied by Sorriso Restaurant at ground and mezzanine levels.
- 4 The Salvation Army Publishing Office is located to the west, with the Metro Central Heights Council block located to the south and railway arches to the east. The site is not located within a conservation area nor does the site contain a listed building.

Details of proposal

- 5 Permission is sought for a variation of Condition 4 of the planning permission (04-AP-1840), which permitted change of use to a restaurant (Class A3) and office (Class B1) on ground and mezzanine floor) to extend the hours of operation by one hour from 11pm to midnight on any day (total operating hours therefore being 8am to 12 midnight).
- 6 The applicant has proposed noise management measures to ensure that the addition hour of operation does not cause undue impact on neighbouring occupiers. Such measures would include that music would not be played later than 23:00 hrs Mon to Sat and 22:00 hrs on Sun, no admittance of new customers past 23:00 hrs, and the ground floor will be curtained beyond 23:00 hrs.

7 The amended condition sought would read as follows:

8 *The Class A3 and Class B1 use hereby permitted for the site shall not be carried on outside of the hours 8:00 to 24:00 on any day.*

Planning history

9 Planning permission (04-AP-1840) was granted permission in October 2004 for the change of use to restaurant and office on ground and newly created mezzanine floor.

10 There is currently a planning Enforcement investigation into the hours of operation of the premises.

Planning history of adjoining sites

11 None relevant

FACTORS FOR CONSIDERATION

Main Issues

12 The main issues in this case are:

a] the principle of the development in terms of land use and conformity with strategic policies.

b] the impact of the development on the amenities of neighbouring occupiers.

Planning Policy

13 Southward Plan 2007 [July]

3.2 'Protection of Amenity'

14 Planning Policy Guidance [PPG]

PPG 24: Planning and Noise

Consultations

15 Site notice date: 9 December 2008 Press notice date: N/A

16 Neighbour consultation letters sent: 9 December 2008

17 Case officer site visit date: 9 December 2008 by the case officer only

18 Internal consultees

Environmental Protection

19 Statutory and non-statutory consultees

None

20 Neighbour consultees

Suppliers Ltd Tiverton Street SE1
42 and 42A Tarn Road SE1
Flats 1 to 107 Metro Central Heights Newington Causeway SE1

21 Re-consultation

N/A

Consultation replies

22 Internal consultees

Environmental Protection - satisfied that the premises could operate to the hours proposed in accord with the submitted noise management plan (dated 19 November 2008), without giving rise to nuisance / loss of amenity.

Neighbour consultees

23 Opposition:

24 39, 56, 64, 72, 99 and 382 Metro Central Heights

25 The concerns can be summarised as; the premises currently opens beyond its allowed hours of operation, and not withstanding the customers and the premises itself generate lots of noise which already disturbs the peace of the neighbourhood; the extended hours would make the matter worse; and there is no acknowledgement of the 'please consider our neighbours' sign.

26 Support:

27 91 Metro Central Heights

28 The restaurant makes a useful contribution to the amenities of the area, and is entirely reasonable that it should be permitted to stay open until midnight.

PLANNING CONSIDERATIONS

29 Concern has been raised by neighbouring occupiers within the vicinity of the subject site, namely within the Metro Central Heights building. The main perceived problem is that the noise generated by the premises presently is excessive at times (and sometimes operating beyond permitted opening hours) and the additional hour of opening would exacerbate the problem.

30 Firstly, it should be noted that currently there is monitoring of the hours of operation and noise generation (arising from a concern raised by a neighbour) by the Planning Enforcement Team. It is understood that the situation has improved recently, however should there be ongoing problems it is likely that the premises would be issued a Planning Contravention Notice to ensure that conditions of consent are adhered to. Therefore, the operation of the premises beyond permitted hours is a separate matter and can be dealt with as such. Likewise, the noise generated by the premises and patrons is controlled by separate legislation, and should excessive noise arise, Councils Environmental Protection Team can manage this.

31 With the appropriate management of the premises and an adherence to the permitted hours of operation it is considered that the additional hour of opening would not give rise to any significant loss of amenity to neighbouring occupiers. The reasons for this

opinion are that the subject site is located within a area of mixed uses, with office space and to a lesser extent residential being predominant. The nearest residential units are located within the Metro Central Heights building which is approximately 30m (at the closest point). It is considered that this separation, and the fact that the overland rail line is located to the immediate east of the subject site, and the classified A road of Newington Causeway is located within close proximity to the east, would not give rise to noticeable harm to amenity values of neighbouring occupiers.

- 32 Furthermore, as discussed, the proposed extension of hours has been assessed by Councils Environmental Protection Team who are satisfied that the premises could operate to the additional hour proposed in accord with the submitted noise management plan (dated 19 November 2008), without giving rise to nuisance or loss of amenity to neighbouring occupiers.

Conclusion

- 33 The proposed extended operating hours would not cause any undue harm to any neighbouring occupiers, and would be in accordance with policy 3.2 'Protection of Amenity' of the Southward Plan [UDP] 2007 and PPG 24: Planning and Noise. The application should therefore be granted on this basis.

COMMUNITY IMPACT STATEMENT

- 34 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

- 35 There are no sustainable development implications associated with this application

LEAD OFFICER	Gary Rice	Head of Development Control
REPORT AUTHOR	Fennel Mason	Planning Officer - Development Control [tel. 020 7525 5470]
CASE FILE	TP/1421-7	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

TP(Permit)

SOUTHWARK COUNCIL



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

PLANNING PERMISSION

Applicant Mr Louis Naranja
Date of Issue of this decision 29/11/2004

LBS Registered Number 04-AP-1840
Case Number TP/1421-7

Planning Permission was GRANTED for the following development:
Proposed change of use to restaurant (Class A3) and office (Class B1) on ground and newly created mezzanine floor

At: 5-9 Rockingham Street SE1

In accordance with application received on 05/10/2004

and Applicant's Drawing Nos. LN2504/02, LN2504/03, LN2504/04 as amended by e-mail dated 29/11/2004

Subject to the following four conditions:

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

Reason

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

- 2 The use hereby permitted 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 E.3.1: Protection of Amenity and Policy S.1.6: Hot Food Outlets of Southwark's Unitary Development Plan, and Planning Policy Guidance 24 Planning and Noise.

- 3 The use hereby permitted shall not be commenced before details of the arrangements for the storing of refuse have been submitted to (2 copies) and approved by the Local Planning Authority and the facilities approved have been provided and are available for use by the occupiers and users of the premises. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of 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)

PLANNING PERMISSION

LBS Reg. No. 04-AP-1840 Case No. TP/1421-7 Date of Issue of this decision 29/11/2004

- 4 The Class A3 & Class B1 use hereby permitted for the site shall not be carried on outside of the hours 8:00 to 23:00 on any day.

Reason In order to protection the amenity of nearby residential properties in accordance with Policy E3.1 'Protection of Amenity' of the adopted 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 E3.1 'Protection of Amenity' of the Southwark Unitary Development Plan 1995
- b) Policies 3.2 'Protection of Amenity' of the Southwark Plan [Revised Deposit Unitary Development Plan] March 2004.

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

A handwritten signature in black ink, appearing to read "Slalor".

Seamus Lalor
Interim Development and Building Control Manager

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

checked by *b*

PLANNING PERMISSION

LBS Registered Number: 04-AP-1840
Case Number: TP/1421-7
Date of Issue of this decision: 29/11/2004



INFORMATIVE NOTES TO APPLICANT RELATING TO THE PROPOSED DEVELOPMENT

It is advised that the office shown on approved plans is only to be used as a Class B1 office space. If you wish to use the premises for a mini cab office, additional planning consent for a change of use would be required.

You are reminded that Advertisement Consent under the Control of Advertisement Regulations will be required for the display of any external signage.