

Response from Development Control, Planning – 18.05.11, Aaron Hill

Planning permission was granted for the 49 London Road to be used for a A3 restaurant (reference SE/05/01830/FUL). This was subject to quite a few conditions (22 in total) and quite a few relate to protecting the residential amenity of neighbouring properties:

Condition 10: Controlling noise

Condition 11: Hours of opening

Condition 12: Hours of commercial deliveries and waste collection

Condition 14: No live music or pre-recorded music shall be played outside the building;

Condition 19: windows in the north and east elevation to be acoustic glazing

Condition 20: internal glass bottle store

Condition 21: No external plant - i.e., air conditioning units shall be installed without prior approval

Condition 22: A scheme for acoustic insulation of the floor to protect first floor flats

Therefore it is quite clear that the need to residential amenity of neighbouring properties and operation of the premises was tightly controlled.

Planning permission was further granted in 2007 to extend the opening hours (condition 11) to the following:

The premises shall not be open for customers or potential customers outside the following hours: 0830 - 24.00 Mondays to Saturdays and 1000 - 2300 Sundays and Public Holidays. The external seating area shall not be used outside the hours of 08:30 - 22:00 Monday to Saturday and 10:00 - 22:00 Sundays and Bank Holidays.

In the interests of the amenities of the area and of the occupants of the first floor flats in accordance with policies EN1 and S6 of the Sevenoaks District Local Plan.

A further planning application was made to extend the opening hours until 1am, however this application was consequently withdrawn.

The licensing application seeks to allow various activities to continue until 1am on a daily basis and occasionally until 3am. I am concerned that the proposed extended hours will tip an already finely balanced site/circumstances to the detriment of the residential amenity of the nearby dwellings due to noise disturbance.

I hope this helps

Aaron Hill

Development Control South Team Manager

Appendix B

Response from Environmental Protection – 16.06.11, Nick Chapman

I refer to the above application which has been passed to the Environmental Protection Team for comment.

The Environmental Protection Team has already received several complaints regarding the activities at this premises and whilst unrelated to the premises licence highlight the sensitivity of the area in which the business operates.

Having reviewed the application I am concerned about the potential for nearby residents to be subjected to excessive noise disturbance from the proposed activities at this premises, particularly those residences to the rear of the premises and the flats above.

With consideration to the licensing objective of preventing public nuisance I would therefore ask that the following conditions be imposed:

- 1, All external doors and windows must be kept closed, other than for access and egress, in all rooms when regulated entertainment occurs.
- 2, When regulated entertainment occurs the lobby doors shall be kept closed other than for access and egress.
- 3, No regulated entertainment should occur in the external areas of the premises.
- 4, Disposal of waste bottles into external receptacles must not occur between 22:00 and 08:00 hours.
- 5, The external seating area shall not be used after 22:00 hours.
- 6, The external area adjacent to the north of the building on Lime Tree Walk shall not be used after 22:00 hours or when regulated entertainment is taking place within the ground floor rooms.

In addition the application seeks to extend the activities at the premises until 1am on a daily basis and on occasion to 3am . I understand that current planning consent restricts the opening hours of this premises to 00:00 Mondays to Saturdays and to 23:00 on Sundays and Public Holidays. I consider that these hours should be adhered to in order to prevent further detriment of the residential amenity due to noise disturbances.

Finally, whilst I understand that applicant does not intend to have regulated entertainment in the external areas, the Environmental Protection team have received complaints regarding the playing of background music in the forecourt area. The applicant should therefore ensure that the external speaker system has a suitable and separate control system independent to the internal sound system and that sound levels in this area are monitored to ensure that they do not constitute regulated entertainment. It is the opinion of the Environmental Protection team that any external music should be stopped at 22:00 hours.