

ZIPPED MULTI-MEDIA, 58-60 WINDMILL ROAD

The premises 58-60 Windmill road Croydon CR0 2XP is a metal warehouse-like structure located in a mostly residential area. In the past, this premises was used for warehousing of goods by companies that included 'Uniparts' and 'Sky'.

At that time the only complaints received by the Councils noise pollution Team were regarding noise from lorry deliveries.

'Zipped Multi-Media' who are the present occupiers, took over the premises and received planning permission on the 7th August 2015 for the change of use of the premises for it to be used as a multi-media and radio studio with ancillary offices (see pictures in appendix).

The planning permission granted included a condition that stated that **"No activity within the premises should be audible at the nearest sensitive residential premises"**, and that **"The premises shall not be used except between 08.00hrs-20.00hrs Monday – Sunday including Bank holidays"**.

Please find attached a break down of calls the Pollution team has received mainly from residents of Thornhill road at the rear of the premises (appendix I).

These complaints were received from residents of 6 different houses on Thornhill road from 14/02/16 till 26/10/16.

The Pollution team received a total of 8 complaints and officers visited the location a total of 7 times.

The Pollution Enforcement officer that visited on the 23/05/16 at 21.37 hrs witnessed loud music from the premises and had to advise the DJ to reduce the volume of the music. On this occasion a written warning was sent to the Licensee (please see attached letter – Appendix II).

It appears that the warning letter had little or no effect at all as on another such visit on the 8/10/16 at 02.50hrs, the officer witnessed very loud music with a heavy bass beat. The music was audible and intrusive in a neighbouring residential property. The visiting officer was satisfied the noise witnessed was a Statutory nuisance. As a result of this a Noise Abatement Notice under the Environmental Protection Act 1990 was served on the Occupier of the premises (see attached Appendix III). Please see the officer's statement and the statement of service of the Notice (appendix IV & V)

On the 26/10/16 another complaint was received but by the time the Officer arrived the event had ended.

APPENDIX

BREAKDOWN OF COMPLAINTS 58-60 WINDMILL ROAD

ITEM	DATE	TIME of COMPLAINT	VISIT	NOISE WITNESSED	DETAILS
1	14/02/16	01.09HRS	YES 02.10hrs	NO	Visiting officer saw balloons etc. indicating a function.
2	23/05/16	21.37hrs	YES	YES	Visiting officer advised that DJ reduce volume of music
3	23/05/16	00.55hrs	YES	NO	Noise had stopped
4	23/05/16		NO		Warning letter sent
5	25/05/16		NO		Officer telephoned manager of premises to give warning/advice.
6	11/06/16	22.41hrs	NO	NO	Complainant cancelled visit, Noise had stopped
7	16/06/16	23.23hrs	YES	NO	Officer witnessed people leaving. Party had finished
8	2/10/16	23.56hrs	YES	NO	Visiting Officer spoke to manager and gave advice/warning.
9	8/10/16	02.50hrs	YES	YES	Visiting officer witnessed loud bass music. Stat Notice served.
10	26/10/16	22.15hrs	YES	NO	Visiting officer attended and witnessed some music but event (church concert) was ending.
		TOTAL 8 Complaints	TOTAL 7 VISITS		

Ms Lartey
Zipped Multimedia Ltd
58-60 Windmill Road
Croydon
CR0 2XP

Please ask for/reply to: Linda Johnson

Your Ref:
Our Ref: 16/00734/NODM2
Dated: 23 May 2016

Dear Ms Lartey

Environmental Protection Act 1990
RE: Zipped Multimedia Ltd 58-60 Windmill Road

I am writing further to a number of recent complaints about noise at your premises.

The basis of these complaints is that noise from your premises is allegedly so loud as to affect nearby residents.

I would ask that care be taken to ensure that any noise is controlled to ensure that no nuisance is caused to local residents.

In addition I note that you have a number of planning conditions attached to planning permission 15/02656/P that not being complied with, details below:

1. Subject to the following condition(s) and reason(s) for condition(s):-
 - 1) Details of how noise from all activities in the premises (e.g, sound producing, recording, radio and TV transmission) will be controlled. **No activity within the premises should be audible at the nearest sensitive residential premises.**
2. Unless otherwise previously agreed by the Local Planning Authority in writing the matters approved in compliance with Condition 1 shall be provided before the use commences and shall be retained for so long as the development remains in existence.
3. The application premises shall not be used except:- between 08.00 hours and 20.00 hours Monday to Sunday (including Bank Holidays)

We have received no details of how you propose to the control noise and the officer informed me that noise was audible therefore you are not compliant with Condition 1. In addition complaints have been received at 22.35 and 23.18 therefore Condition 3 is also not being complied with.

I have referred the complaint to Planning Enforcement and they will be contacting you regarding this non-compliance with the Planning Conditions.

I must advise you that should a statutory nuisance be witnessed from your premises the Council may have no alternative but to serve legal notices under section 80 of the Environmental Protection Act 1990. Consideration can also be given to the review of your premises license.

I hope that this action is not necessary and the matter can be resolved at this stage.

Please do not hesitate to contact me should you wish to discuss the matter further or if you feel that this complaint is unjustified.

Yours faithfully



Linda Johnson
Acting Pollution Team Manager

London Borough of Croydon

8am - 8pm

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Legal Notice

Noise Nuisance Abatement Notice

To: The occupier
Zal Multi Media 58-60 Windmill Road Croydon

Environmental Protection Act 1990 Section 80

1. The Council of the London Borough of Croydon is satisfied that a Statutory Noise Nuisance (See Note 1)

*exists

*is likely to occur

*or likely to recur

at the premises known as:

Zal Multi Media 58-60 Windmill Road Croydon

The noise nuisance is the result of: **Loud Amplified Music**

Note 1: Statutory Nuisance is defined in section 79(1)(g) of the Environmental Protection Act 1990.

2. As you are

- * the person responsible for the noise nuisance
- * ~~the owner of the premises from which the noise is being emitted~~
- * the occupier of the premises from where the noise is being emitted

The Council require you to abate the nuisance (See Note 2) and also

- * PROHIBIT the occurrence/recurrence of the nuisance
- * RESTRICT ~~the occurrence/recurrence of the nuisance~~
- * within/immediate effect 1 days from the service of this Notice.

Note 2: Abate means stop.

3. In order to comply with this Notice, the Council require you to:

- (a) Adjust the volume controls of the amplification equipment so that no nuisance is caused to local residents; or
- (b) Remove the amplification equipment from the premises

Dated 03.00 8/10/2011 Signature of Officer [Signature] Designation Pollution Enforcement Officer

(NOTE: * = Please delete as necessary)

See over for Right of Appeal

Witness Statement

Criminal Justice Act, 1967 s9; Magistrates' Courts Act, 1980 s5A(3)(a) & 5B;
Magistrates' Courts Rules, 1981 r70

Name John Soggee
Occupation Pollution Enforcement Officer
Age Over 21

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 9th October 2016

Signed ... *John Soggee* 

Signature witnessed by 

I am John Soggee, a Pollution Enforcement Officer employed by the London Borough of Croydon to deal predominantly with issues of noise nuisance.

On the 8th of October 2016, at 02.28, I received a complaint from a local resident who stated that there was music playing at Zip Multimedia, 58 to 60 Windmill Road, Croydon, so loud as to be affecting their property.

I visited the complainant's address, at 02.50, to witness this loud music for myself. On arrival I could hear loud music emanating from the other end and side of the Cul-de sach, (Windmill Road) of the complainant's property, all that could be heard was a thumping beat from within the complainant's premises. I then received another complaint from a second complainant in the same road, I recognized the music as the same with the thumping beat, a reading was taken from the doorstep which peaked at 68dBA, with a thumping beat, nuisance witnessed and a notice was completed. I then drove round to 56 to 60 Windmill Road, and the same music was still playing from behind a large roller shutter which was pulled down, I spoke to one of the two security men who called the person in charge a Black man who I recognized as someone I had spoken to on the 2/10/2016, regarding loud music at the same premises. After introduction and showing my ID, he was informed of the two complaints and the reading taken and handed the notice and I explained the reasons for serving it, one was the reading taken which was 68 dBA, well over the legal limit for the time of the night and two was that I had previously spoken to him only a week ago regarding loud music at the same address.

I consider the music I witnessed on the night to be a statutory nuisance which is backed up by the reading I took.

Dated the 9th..... Day of October 2016 Signed *John Soggee* 

Signature witnessed by 

Witness Statement

Criminal Justice Act, 1967 s9; Magistrates' Courts Act, 1980 s5A(3)(a) & 5B;
Magistrates' Courts Rules, 1981 r70

consider the music I witnessed to be in my opinion a statutory nuisance this is supported by noise reading I took at the property which gave a level of 57dBA, at 23.01

Dated the 9th..... Day of October 2016 Signed *John Soggee*

Signature witnessed by

STATEMENT OF WITNESS

(C.J. Act 1967, s.9; M.C. Act 1980 s.102; M.C. Rules, 1981, r.70)

Statement of JOHN SOGEE

Occupation of Witness POLLUTION ENFORCEMENT OFFICER

Address and Telephone Number Place Department Safety Division
Pollution Team
10th Floor Zone B
Bernard Weatherill House
8 Mint Walk
Croydon CR0 1EA.....020-8760 5483

This statement, consisting of 1 page each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

On (date) 8-10-2016 I delivered a Statutory Notice(s) (copy attached) to:

(address) 58-60 Windmill Road.
Croydon
Multimedia ZIP

at: (time) 03:00 ~~am~~/pm

- I served the Notice by:
- ~~delivering it to Mr./Mrs./Ms. (person named on Notice.)~~ Person in charge of premises
 - ~~leaving it with Mr./Mrs./Ms. for person named on Notice.~~ a Black man who I had previously spoken to
 - ~~posting it through the letter box.~~
 - ~~fixing it to the outside of the door.~~
 - ~~sending it by recorded delivery to the proper address as specified on the Notice.~~
 - ~~stamping it for first class postal delivery and posting it in a post box.~~

delete as necessary

I hereby produce a copy of that notice (those notices) attached as exhibit number: JS/1

Signed 8-10-2016 Dated [Signature]
Witnessed by [Signature] Dated 8/10/16









