

**From:** Blackburn, Gavin  
**Sent:** Wednesday, September 02, 2015 3:02 PM  
**To:** Franklin, David  
**Subject:** Banana Bar 374 Walworth Rd

The building appears to pre-date planning control, but appears as a public house (within use class A4). In previous representations the planning department have referred to the use of the site as that of a public house. In 1993 and 1995 decisions were reached in respect of a first floor terrace and its use or otherwise in connection with a public house. There is not though any original planning permission limiting or conditioning matters such as hours or use.

I have seen a schedule of operation and proposed licence conditions that refer to alcohol only being served in connection with a table meal. In my view requiring alcohol to only be served with food alters the use of the premises, probably to that of a restaurant. In my view it is an essential characteristic of a public house that drink on its own can be purchased for consumption on the premises. I am aware that a number of public houses provide extensive food options and may receive significant profit from a food operation and still consider themselves to be a public house, nevertheless if the ability to purchase alcohol on its own is removed I think the use as a public house ceases.

In planning terms a restaurant is a use within class A3. It has since the inception of the A4 use class been the case that a site can change from A4 public house to a A3 restaurant without the need for planning permission. In my view this is because in general a restaurant is quieter and less intense in terms of its operation than a public house. Planning permission would be needed to change from a restaurant to a public house, because of the potential for a more intense operation. A recent exception is that a public house registered as an asset of community value loses its permitted development rights to change use. This site is not currently registered as an asset of community value. No planning issue arises from the change of use to a restaurant.

Kind regards

Gavin Blackburn