

PARTY 1

From:

Sent: Sunday, April 10, 2022 12:21 PM

To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>

Subject: Representations - objection to variation of license 877177

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To whom it may concern

My name is _____ and my email is _____

I live at number _____ Bellenden Road, _____ doors down from 108-110 Bellenden Road (Units 1 & 2 Bellenden Road Business Centre). Gosnells Beverages Limited has applied for a full variation to the existing licence for the premises (number 877177). I would like to make a representation in relation to the application to vary the licence, on the grounds of public nuisance.

I understand that you are required to send copies of objections to the applicants. I am concerned that the likely effect of a grant of the application (in the terms requested) is not appropriate for the promotion of the licensing objective to prevent public nuisance.

Noise concern and antisocial behaviour

Primarily, I am concerned that increasing the opening hours of the premises to 23.30 each day, increasing the licensable hours, and removing the conditions of the existing licence designed to minimise the impact on the surrounding neighbours will result in significantly increased noise disruption and public nuisance, as it is likely that adult customers will be drinking alcohol late at night, every day of the week, in an otherwise quiet residential area.

The premises are old railway arches, which were not designed to contain modern levels of sound and vibration. Given the stated desire to have entertainment and to use outside areas for seating, noise will inevitably escape from the premises and affect us significantly, particularly if it is permitted for use until 23.30 every day of the week. This is exacerbated by the request to remove existing licence conditions mitigating the noise impact (see further below).

We have previously experienced that customers leaving the premises gather outside the gates and immediately outside our property, to drink and talk loudly, and leave rubbish behind. This is an additional disruption, particularly on weekend nights. We think it is likely that this would increase if the application was granted, because customers would be leaving even later at night, having spent longer drinking alcohol.

This establishment is immediately beside a quiet, residential area with lots of young children, within the Holly Grove Conservation Area. The outside area of the premises

backs onto the gardens of two streets of houses (Lyndhurst Way and Bellenden Road). The other arches are business premises which are closed at night, so the public nuisance of allowing a bar to operate until 23.30 every night will be significant.

Local community

I am concerned that the licence application has been made by the management without due consideration of the local area and the local community concerns, which the Authority must take into account, amongst other considerations, pursuant to s.117 of the Southwark Statement of Licencing Policy 2021-2026.

The concerns of the local community can clearly be seen in the comments to the retrospective application for planning permission (19/AP/6257) to use the premises as a drinking establishment, which was rejected by Southwark Council in 2020. Comments note, for example, that when the premises was previously used late at night by Brew By Numbers:

“Parties congregate in the yard outside the bar in warm months, talking loudly. On sunny days this has sounded like an almost continuous party in the neighbours garden, exactly when we would naturally have windows open or use our garden. This has substantially marred our enjoyment of our house and garden in summer.” And *“The location of the bar in the way it currently operates is unsuitable as it backs straight onto residential gardens on two roads. Bellenden Road and Lyndhurst Way. The noise from the bar has over the summer caused disturbance to children sleeping in these houses.”*

See: <https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=neighbourComments&keyVal=Q0AVNJKBJF000>

Southwark Council rejected the planning application for the following reasons (Decision Notice attached for ease of reference):

“The use causes significant harm to neighbouring residents’ amenity through noise spill which has not been properly assessed or mitigated against. In addition, neighbouring amenity is harmed due to anti-social behaviour caused by introducing a drinking establishment in a residential area without robust and enforceable management procedures. Finally, there is noise and disturbance from patrons congregating in the outdoor area during or outside of the proposed hours which further harms the amenity of neighbouring residents.”

It is of particular concern that – notwithstanding the clear and stated concerns of the local community and Southwark Council – the applicant is seeking to remove the conditions limiting the impact on its residential neighbours. As such, it is likely that, if the licence is granted, the public nuisance impact on neighbours would be even greater, without those mitigations.

Conditions 348 and 349 on the existing licence 875964, which the applicant is seeking to remove, set out that the doors should be shut at 21.30, and that a member of staff should aid in the quiet and orderly dispersal of customers with respect to local residents. Condition 347 on the existing licence, which the applicant is seeking to amend, set out that the external area should be shut by 21.30. These conditions were clearly intended to mitigate the public nuisance caused by late closing times and the noise and disruption caused by patrons leaving the premises. It is concerning that the applicant does not wish customers to be reminded to disperse “with respect to local residents”, particularly where they are also wishing this dispersal to take place at 23.30. The request to remove these conditions shows a complete disregard for the local community.

As such, I consider that it is likely that granting this application would not promote the licensing objective to prevent public nuisance.

Yours sincerely

10 April 2022

SOUTHWARK COUNCIL

Town and Country Planning Act 1990 (as amended)

Town and Country Planning (Development Management Procedure)
(England) Order 2015 (as amended)



www.southwark.gov.uk

DECISION NOTICE

LBS Reg. No.: 19/AP/6257

Date of Issue of Decision: 09/12/2019

Applicant C/O Agent

Planning Permission was REFUSED for:

Retrospective application for the change of use from B8 to brewery, warehousing, and drinking establishment (B1/B8/A4 use class).

At Unit 1 & 2 Arch 235 Bellenden Road Business Centre 108-110 Bellenden Road London

Received 13 November 2019
on:

In accordance with the valid application received on 13 November 2019 and supporting documents submitted which can be viewed on our Planning Register.

For the reasons outlined in the case officer's report, which is also available on the Planning Register.

The Planning Register can be viewed at: <https://planning.southwark.gov.uk/online-applications/>

Planning Permission was REFUSED for the above development for the following reasons:

1. The use causes significant harm to neighbouring residents' amenity through noise spill which has not been properly assessed or mitigated against. In addition, neighbouring amenity is harmed due to anti-social behaviour caused by introducing a drinking establishment in a residential area without robust and enforceable management procedures. Finally, there is noise and disturbance from patrons congregating in the outdoor area during or outside of the proposed hours which further harms the amenity of neighbouring residents. The use is considered to be contrary to Chapter 8 [Promoting healthy and safe communities] of the NPPF 2019; Policy 7.15 [Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes] of the London Plan 2016; Strategic Policy 13 [High Environmental Standards] of the Core Strategy 2011, and; Saved Policy 3.2 [Protection of amenity] of the Southwark Plan 2007.

Signed: *Simon Bevan*

Director of Planning

DECISION NOTICE

LBS Registered Number: 19/AP/6257

Date of issue of this decision: 09/12/2019



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LBS Reg. No.: 19/AP/6257

Date of Issue of Decision: 09/12/2019

IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

- [1] **APPEAL TO THE SECRETARY OF STATE.** If the applicant is aggrieved by this decision of the council to refuse permission, the applicant may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act, 1990 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. 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/pes. 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 Listed Building Consent is refused, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the building and land has become incapable of reasonably beneficial use in their existing state, and cannot be rendered capable of reasonably beneficial use in their existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, the owner may serve on the Council a listed building purchase notice requiring the Council to purchase the owner's interest in the land in accordance with Section 32 of Planning (Listed Building and Conservation Areas) 1990.
- [3] **COMPENSATION.** In certain circumstances a claim may be made against the local planning authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to the Secretary of State. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

Party 2

From:

Sent: Thursday, April 21, 2022 4:41 PM

To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>

Subject: Fwd: Gosnell's licence variation application

Good afternoon,

I write to make representation regarding the application to vary the licence of Gosnell's of London, Unit 1 & 2, Bellenden road business centre, Bellenden Road, SE15 4RF: I object to the requested extension to opening hours due to the increase in public nuisance that this will create:

The sale of alcohol at Gosnell's draws drinkers through this quiet residential area between the areas of bars further down Chadwick / Bellenden Road to Gosnell's to purchase alcohol. After 10pm, as is proposed in the extension, these drinkers are generally very noisy at time when my young son, myself and neighbours are in bed, and in summer wish to have our windows open. The drinkers purchasing alcohol in summer tend to linger in the vicinity drinking, and do not quietly move on. This is from experience as a neighbour; this is not a hypothetical complaint.

This fact was recognized by Southwark Council officers when the planning application for a change of use to a brewery/drinking establishment was rejected (including on appeal) on the grounds of the public nuisance it would cause. I attach the refusal decision for reference, and further details of the decision are available on the Southwark planning portal. The premises is currently approved for use class B8 (storage, distribution, warehousing) under the Town & Country Planning Regulations, and is operating in breach of planning law. I understand that enforcement of the planning decision is in progress.

A strong case could be made that the existing premises license should be revoked, let alone extended, as the establishment is currently causing the nuisance to neighbours that gave rise to the rejection of planning permission. The attached photo of 26th March shows an example of this: The planning application was based on a restriction that there would be no external drinking areas, and even this planning application was rejected as even internal drinking areas were deemed excessive nuisance, yet the external drinking areas in use by Gosnell's are evident in this photo. This is already causing the various nuisances to myself and other neighbours that were clearly foreseen in the objections to the planning application.

Given the nuisance currently caused, and the proprietor's disregard of the neighbours and other (planning) regulations, it is absolutely inappropriate that the current license should be extended.

Best Regards,

Resident - Bellenden Road

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(England) Order 2015 (as amended)



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Signed: *Simon Bevan*

Director of Planning

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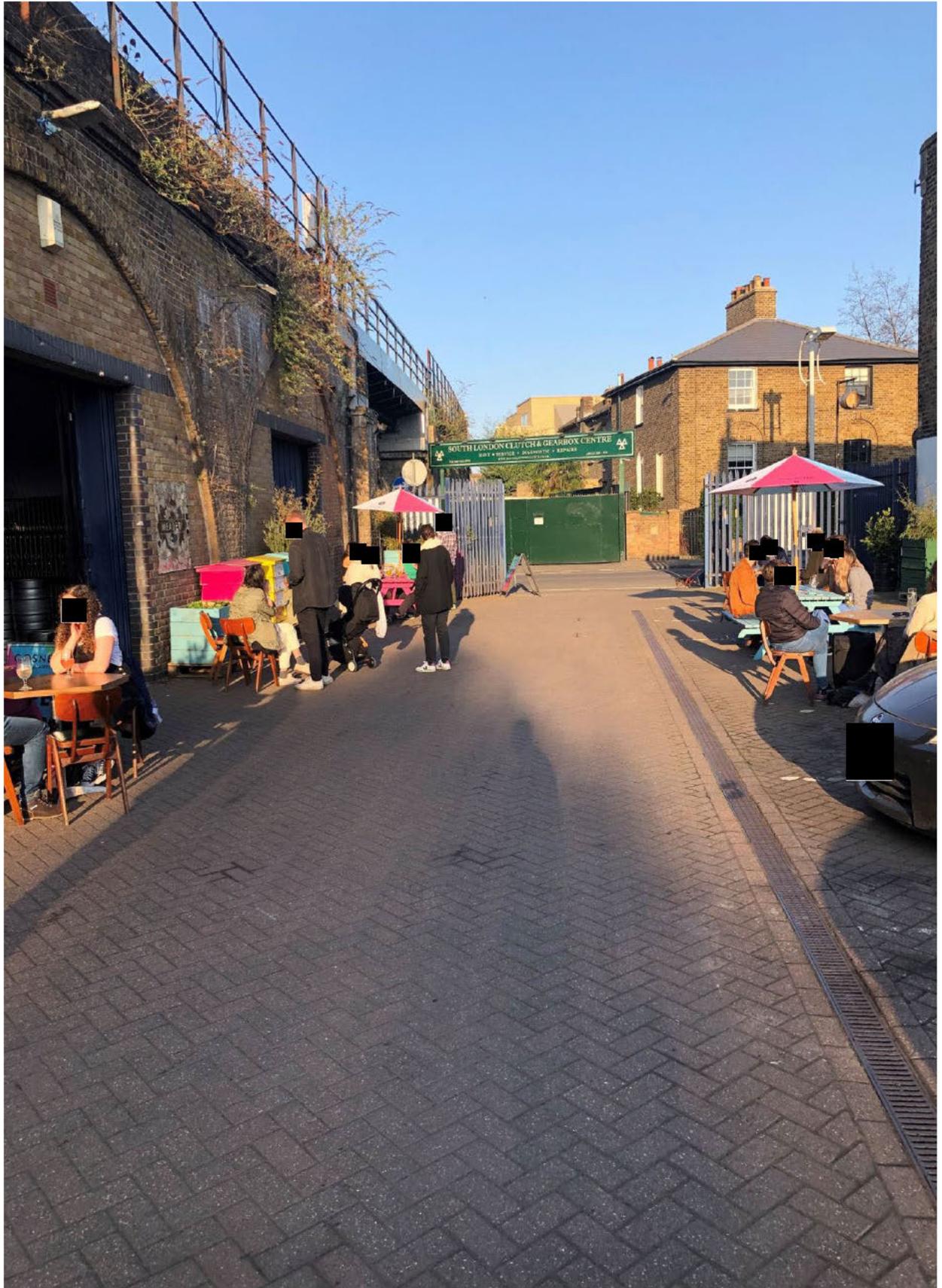
www.southwark.gov.uk

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Party 3

From:

Sent: Monday, April 25, 2022 11:26 AM

To: Enebeli, Emma <Emma.Enebeli@southwark.gov.uk>

Subject: Re: Application to extend licence, Gosnell's Peckham

To whom it may concern,

I am writing to express concern over the application to extend the licence at Gosnell's in Peckham. I live at Bellenden Road and am [REDACTED] weeks pregnant. The road is already pretty noisy with other pubs, which can't be helped. But owing to the fact we have a new-born about to arrive, an outdoor noisy pub being open so close to where we sleep will be catastrophic for our quality of life. It is simply far too close to where families are trying to sleep, and I really hope you don't agree to this. It will have a massively detrimental impact on our health, our baby's as well as all of the other people living on our block.

Beyond this, the unit does not have planning permission to be used as anything other than a warehouse, even though it's already being used as a bar (which makes them in breach of planning).

I really do hope you consider the important needs of people and especially young families living nearby, all of whom are paying council tax and deserve to live in a peaceful environment.

Please do update me with a response.

All the best,

Bellenden Road
Peckham
SE15 [REDACTED]