

Appendix C

From: Prickett, Mark <Mark.Prickett@southwark.gov.uk>
Sent: Thursday, February 8, 2024 1:21 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc: licensing@thelicensingguys.com
Subject: EPT rep - premises licence consultation 163 Camberwell New Road

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the new premises licence application for Papa Nadox Kitchen, 163 Camberwell New Road, SE5 0SU.

The premises is described as a "a kitchen producing an exciting range of hot and cold food and food for collection and delivery 24 hrs a day, every day."

The application seeks the following licensable activities:

Late night refreshment (indoors): Monday to Sunday 23:00 – 05:00. "Hot and cold food and drink produced in kitchen for customer collection and delivery only."

Supply of alcohol (off the premises): Monday to Sunday 00:00 – 00:00 (24hrs a day)

Opening hours: Monday to Sunday 00:00 – 00:00 (24hrs a day)

Section M, part d) of the application has been reviewed. The following measures are proposed to address the prevention of public nuisance licensing objective:

- The premises licence holder will operate the business with general consideration in respect of the surrounding areas, neighbours and businesses.
- Appropriate signs, requesting patrons leave quietly and with consideration for neighbours in the vicinity, will be displayed clearly and prominently at exits.

PLANNING HISTORY

Planning application 10/AP/1780 for "Change of use adding Use Class A5 (takeaway), to existing Class A1 (retail) and Class B2 (bakery) use" was granted on 10th Sept 2010.

The decision notice is attached for reference, the application can be found here:

<https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ZZZV1UKBWR029>

Details of the proposal are detailed in the officers report as follows:

Having recently obtained planning permission for a change the use of the ground floor from A1 (Post Office) to a bakery within B2 use class, with ancillary retail element, the applicant now wishes to add an ancillary A5 take away use (09-AP-2808 - detailed below). The application documents confirm that no additional cooking equipment over and above that already approved under the application referenced below, will be installed. There would be no motorised deliveries, and no additional external changes to the building. The opening hours as approved under the previous application are as follows;

Operational opening hours;
Monday to Friday - 4:30am - 4pm
Saturday - 4:30am - 3pm
Sundays and Bank holidays- Closed.

Customer opening hours;
Monday to Friday - 7:30am - 4pm
Saturday - 7:30am - 3pm
Sundays and Bank holidays- Closed.

Take Away facility hours;
Monday to Friday - 10am - 7pm
Saturday - 10am - 7pm
Sundays and Bank holidays- Closed.

Under the previous application, the applicant confirmed that only two members of staff would start work at 4:30am, and activities would be limited to the removal dough from the proofer and into the oven. A total of three members of staff would be employed.

Relevant conditions on the 10/AP/1780 decision notice (attached for reference):

4 Any additional plant, machinery or cooking equipment other than that already approved and shown on the drawings accompanying this application, shall be subject to further consideration with a planning application.

Reason

In order to prevent a more intensified use which could result in the production of fumes and food smells that would harm the amenities of the nearby and neighbouring occupants, and in accordance with policy 3.2 Protection of Amenity, and also in the interests of preserving the appearance of the Camberwell New Road Conservation Area, in accordance with policy 3.16 ' Conservation Areas' of the Southwark Plan 2007.

5 No more than two members of staff shall occupy the building prior to 8am on any day.

Reason

To ensure that the early opening time of the premises at 4:30am does not result in undue activity such that may cause a disturbance to the nearby residential occupiers, in the interests of policy 3.2 Protection of Amenity of the Southwark Plan 2007.

6 The use of the premises hereby permitted shall be limited to between the following hours only, Monday to Friday 4.30am - 8pm, Saturdays 4.30am to 7pm, with customers prevented from entering before 7am on these days, and with no operation on Sundays and Bank Holidays.

Reason:

In the interests of the amenities of adjoining occupiers and in order to accord with Policy 3.2 'Protection of Amenity' of the Southwark Plan (2007)

8 There shall be no delivery service operated from the premises without the prior written consent of the Local Planning Authority.

Reason:

In the interests of amenities and highway safety in the locality and in order to accord with Policy 3.2 'Protection of Amenity' and 5.2 'Transport Impacts' of the Southwark Plan (2007).

Reasons for granting planning permission:

"Particular regard was had to the implications for amenities and highway safety that would result from this proposal, however, no motorised deliveries would take place from the unit, it would be serviced according to restrictions in place on street, and the hours of operation would not result in unreasonable or late night operations, with the number of staff proposed. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations."

The proposals for this premises licence appear to contravene the existing planning permission at the site.

There also appears to be new kitchen extraction ductwork compared to the plans within the planning application. The current extraction equipment can be seen on google street view on the roof to the rear of 163:

<https://www.google.com/maps/@51.4784476,-0.1034212,3a,60.6y,343.02h,95.05t/data=!3m6!1e1!3m4!1sAQFJML3QsBy1k1z0sBeFQ!2e0!7i16384!8i8192?entry=ttu>

EPT have concerns that this plant does not have planning consent and as such has not been previously assessed by way of noise and odour emissions.

EPT STANCE

EPT have several strong concerns regarding public nuisance with regards to this application.

Firstly the hours sought in this application exceed the suggested hours within table 2 of Southwark's Statement of Licensing Policy 2021-26. EPT would classify the application site as a 'small shopping parade', conscious also that there is a lot of residential neighbours in very close proximity. As such opening hours should be to 23:00 Sunday to Thursdays and to 00:00 (midnight) on Fridays and Saturdays.

There is no specific mention to noise from the use of delivery vehicles and associated engine noise. This issue will likely cause public nuisance to residents if operating to the hours sought in this application.

There are numerous residents in close proximity; above the unit, next door and behind on Warham Street. The operation of the unit with ancillary delivery vehicle movements throughout the night / 24hrs a day could conceivably cause noise disturbance, sleep disturbance and public nuisance.

There are also concerns with regards to possible noise and odour nuisance from the external kitchen extraction system operating throughout the night in close proximity to many bedroom windows. This has not been addressed.

The measures put forward to address the prevention of public nuisance licensing objective are not considered satisfactory.

Furthermore, the proposals appear to contravene the existing planning permission at the site with many existing conditions being breached if the use is granted. Sections 100-104 of the Licensing Policy addresses the planning regime, and states "it is strongly recommended that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned. This applies equally to applications seeking a licence intended to facilitate a change of use / type of operation. Where this is not the case, the Council may expect the Applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be."

EPT therefore raise objection to this application over concerns of the likelihood of public nuisance being caused to numerous residential neighbours if this application was granted.

Kind regards,

Mark Prickett
Principal Environmental Protection Officer
Environmental Protection Team
Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX
Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

Applicant Mr T. Lamidi
Date of Issue of this decision 10/09/2010

LBS Registered Number 10-AP-1780

Planning Permission was GRANTED for the following development:

Change of use adding Use Class A5 (takeaway), to existing Class A1 (retail) and Class B2 (bakery) use.

At: 163 CAMBERWELL NEW ROAD, LONDON, SE5 0SU

In accordance with application received on 22/06/2010 Your Ref. No.:

and Applicant's Drawing Nos. Site plan, 4 un-numbered plans showing side elevation, cross sections, roof plan, proposed floorplan and Design and Access Statement.

Subject to the following eight 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 development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

4 un-numbered plans showing side elevation, cross sections, roof plan, proposed floorplan.

Reason:

For the avoidance of doubt and in the interests of proper planning.

3 The rated noise level from any plant, together with any associated ducting, shall be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'.

The equipment shall be installed and constructed in accordance with any approved scheme and be permanently maintained thereafter. Within one month of the installation of the plant and equipment, a noise report shall be submitted to the Local Planning Authority for approval in writing confirming any previous details and subsequent measurement data of the installed plant to demonstrate compliance with the above requirements. The supplementary acoustic report shall include:

- i) A schedule of all plant and equipment installed;
- ii) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- iii) Manufacturer specifications of sound emissions in octave or third octave detail;
- iv) The location of all most affected noise sensitive receptor locations and the most affected windows;
- v) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- vi) The lowest existing LA90, T measurement as already established.
- vii) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery in accordance with Policy 3.2 'Protection of Amenity of the Southwark Plan 2007 and PPG24- Planning and Noise.

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SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 10-AP-1780

Date of Issue of this decision 10/09/2010

- 4 Any additional plant, machinery or cooking equipment other than that already approved and shown on the drawings accompanying this application, shall be subject to further consideration with a planning application.

Reason

In order to prevent a more intensified use which could result in the production of fumes and food smells that would harm the amenities of the nearby and neighbouring occupants, and in accordance with policy 3.2 Protection of Amenity, and also in the interests of preserving the appearance of the Camberwell New Road Conservation Area, in accordance with policy 3.16 'Conservation Areas' of the Southwark Plan 2007.

- 5 No more than two members of staff shall occupy the building prior to 8am on any day.

Reason

To ensure that the early opening time of the premises at 4:30am does not result in undue activity such that may cause a disturbance to the nearby residential occupiers, in the interests of policy 3.2 Protection of Amenity of the Southwark Plan 2007.

- 6 The use of the premises hereby permitted shall be limited to between the following hours only, Monday to Friday 4.30am - 8pm, Saturdays 4.30am to 7pm, with customers prevented from entering before 7am on these days, and with no operation on Sundays and Bank Holidays.

Reason:

In the interests of the amenities of adjoining occupiers and in order to accord with Policy 3.2 'Protection of Amenity' of the Southwark Plan (2007)

- 7 Notwithstanding the provisions of Use Class B2 of the Town and Country Planning (Use Classes) Order and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment or enactment of those Orders) the use hereby permitted shall not include any use other than as a retail shop, takeaway and associated bakery (Use classes A1, A5 and B2).

Reason

To protect the amenities of the adjoining and surrounding occupiers in compliance with Policy 3.2 Protection of Amenity within the Southwark Plan 2007.

- 8 There shall be no delivery service operated from the premises without the prior written consent of the Local Planning Authority.

Reason:

In the interests of amenities and highway safety in the locality and in order to accord with Policy 3.2 'Protection of Amenity' and 5.2 'Transport Impacts' of the Southwark Plan (2007).

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SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



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PLANNING PERMISSION

LBS Reg. No. 10-AP-1780

Date of Issue of this decision 10/09/2010

Reasons for granting planning permission.

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

a] Policies of the Southwark Plan [July 2007].

1.10 Protecting the range of services available outside the town and local centres and protected shopping frontages. (seeks to maintain a provision of retail units outside of the Protected Shopping Frontages);

3.2 Protection of Amenity (advises that permission would not be granted where it would cause a loss of amenity);

3.16 Conservation Areas (requires developments to preserve or enhance the character or appearance of the conservation area)

5.2 Transport Impacts (states that permission will not be granted for developments that have an adverse affect on the transport network and that there is adequate provision for servicing, circulation and access;

5.6 Car Parking (states that all developments requiring car parking should minimise the number of spaces provided).

Particular regard was had to the implications for amenities and highway safety that would result from this proposal, however, no motorised deliveries would take place from the unit, it would be serviced according to restrictions in place on street, and the hours of operation would not result in unreasonable or late night operations, with the number of staff proposed. 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 "GR", written over a horizontal line.

Gary Rice
Head of Development Management

Your attention is drawn to the notes accompanying this document

Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Head of Development Management, Southwark Council, Regeneration and neighbourhoods, Planning & transport, Development management, PO Box 64529, London SE1P 5LX, or by email to planning.enquiries@southwark.gov.uk

UPRN: 200003453247

checked by _____ TP/2507-161

PLANNING PERMISSION

LBS Registered Number: 10-AP-1780

Date of issue of this decision: 10/09/2010



www.southwark.gov.uk

IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

- [1] **APEAL 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 neighbouring building. An explanatory booklet aimed mainly at householders and small businesses can be obtained from the Department for Communities and Local Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code

02BR00862].

IMPORTANT: This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or right of occupation of or entry to the land to which it refers.