

## APPENDIX B ENVIRONMENTAL PROTECTION

**From:** Prickett, Mark <[Mark.Prickett@southwark.gov.uk](mailto:Mark.Prickett@southwark.gov.uk)>  
**Sent:** Tuesday, October 22, 2024 12:55 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Cc:**  
**Subject:** EPT rep - premises licence 5 Westmoreland Road

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the new premises licence application for Ammigo Ltd at 5 Westmoreland Road, SE17 2AX.

The premises is described as "Rectangular shaped building, serving Deliveroo, Uber and justeat, pre-ordered via their website."

The application is seeking the following licensable activities:

- Late night refreshment (outdoors): Monday to Sundays 23:00 – 05:00 the following day.
- Opening hours: Monday to Sundays 12:00 – 05:00 the following day.

Section M, part d) of the application has been reviewed. The measures to address the public nuisance licensing objective are stated as follows: "we have no inside area for people. food ordered and collected by registered riders deliveroo, uber, just eat".

### LICENSING POLICY

Southwark's Statement of Licensing Policy 2021-2026 outlines suggested opening hours in table 2 (page 41) for different types of premises in different parts of the Borough.

The application site is just outside the Elephant & Castle major town centre, and therefore is designated a residential area by the location.

Within table 2 it suggests that takeaway establishments in this location with late night refreshment are "not considered appropriate".

For information, the neighbouring restaurant at 5A Westmoreland Road is licensed until 23:30 Monday to Saturdays, 22:00 on Sundays.

### PLANNING PERMISSION

Planning permission for "Change of use from A1 use (Retail) to A5 use (Hot Food Take-away) together with installation of extract flue to the rear elevation" was granted in May 2018.

More information on the application can be found here:

<https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ZZZV0PKBWR673>

The decision notice is attached for reference. Condition 5 from the decision notice restricts the opening times to the following:

5 The A5 use hereby permitted shall only be permitted to operate between the hours of 11:00 - 23:00 on Monday to Sundays.

Reason

To safeguard the amenity of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

### **EPT STANCE**

EPT express concerns over possible public nuisance occurring to the residential neighbours directly above the GF premises if a licence was granted to 5am every morning. Noise & sleep disturbance and public nuisance could occur from the kitchen operations (including operation of equipment and plant) as well as from delivery drivers coming and going from the front of the premises late into the night and early in the morning.

With reference to the Licensing Policy, the takeaway establishment is not considered appropriate. EPT note the location of the premises is in an existing run of commercial shops, just off the junction with Camberwell Road and Walworth Road.

EPT would consider the hours of the existing planning permission would be appropriate for a takeaway in this location which would protect against any future public nuisance from the operation of this premises.

Sections 100-104 within Southwark's Licensing Policy refer to the relationship with the planning regime.

EPT therefore make representation against this application.

If the applicant is willing to reduce hours to 23:00 on all days, then this representation may be able to be conciliated subject to further conditions to address the prevention of public nuisance licensing objective.

Kind regards,

**Mark Prickett**

Principal Environmental Protection Officer  
Environmental Protection Team

TP(Permit)

# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



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## PLANNING PERMISSION

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**Applicant** [REDACTED]

**LBS Registered Number** 18/AP/0595

**Date of Issue of this decision** 23/05/2018

**Planning Permission was GRANTED for the following development:**

Change of use from A1 use (Retail) to A5 use (Hot Food Take-away) together with installation of extract flue to the rear elevation

**At:** 5 WESTMORELAND ROAD, LONDON, SE17 2AX

**In accordance with application received on** 26/02/2018 16:02:30 **Your Ref. No.:**

**and Applicant's Drawing Nos.**

A100, A101, A102, A103, A104, A105,  
Noise impact assessment (26/03/2018) Rev 1.0, Design and access statement,  
Technical equipment information

**For the reasons outlined in the case officer's report, which is available on the planning register**

**Subject to the following seven conditions:**

**Time limit for implementing this permission and the approved plans**

- 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: A102, A103, A104, A105

Reason:

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

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 3 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

**Continued overleaf...**

# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



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## PLANNING PERMISSION

**LBS Reg. No.** 18/AP/0595

**Date of Issue of this decision** 23/05/2018

- 4 Any deliveries or collections to the commercial units shall only be carried out between the following hours: 08.00 - 20.00hrs on Mon - Sat and 10.00 - 16.00hrs on Sun & Bank Holidays

**Reason**

To safeguard the amenity of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007

- 5 The A5 use hereby permitted shall only be permitted to operate between the hours of 11:00 - 23:00 on Monday to Sundays.

**Reason**

To safeguard the amenity of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

- 6 The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the plant Specific sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific sound levels shall be calculated in full accordance with the methodology of BS4142:2014

**Reason**

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

- 7 The kitchen extraction system shall be designed to ensure the ventilation rate is adequate for the size of the area to be ventilated, that the exhaust air is adequately filtered and that exhaust air has a minimum residence time in the carbon filter bank of 0.2-0.4s. All components of the extraction system shall be cleaned, serviced, maintained and replaced fully in accordance with manufacturer's recommendations.

**Reason**

In order to ensure that that any installed kitchen extraction system will not cause a loss of amenity by reason of odour or fume, in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

**Continued overleaf...**

TP(Permit)

# SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



[www.southwark.gov.uk](http://www.southwark.gov.uk)

## PLANNING PERMISSION

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**LBS Reg. No.** 18/AP/0595

**Date of Issue of this decision** 23/05/2018

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### Statement of positive and proactive action in dealing with the application

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Signed *Simon Bevan*

Director of Planning

### 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 Director of Planning, Southwark Council, Chief executive's department, Planning division, Development management, PO Box 64529, London SE1 5LX, or by email to [planning.applications@southwark.gov.uk](mailto:planning.applications@southwark.gov.uk)

UPRN: 200003422840

TP/1337-5

## PLANNING PERMISSION

LBS Registered Number: 18/AP/0595

Date of issue of this decision: 23/05/2018



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### IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

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- [1] **APPEAL 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](http://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](http://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.

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<b>To:</b> Licensing Unit	<b>From:</b> Wesley McArthur <a href="mailto:wesley.mcarthur@southwark.gov.uk">wesley.mcarthur@southwark.gov.uk</a> 020 7525 5779 (On behalf of the Licensing Unit in its role as a responsible authority)	<b>Date:</b> 14 October 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	5 Westmoreland Road, Walworth, London, SE17 2X	
<b>Application number:</b>	<b>883812</b>	
<b>Location ID:</b>	<b>201801</b>	<b>Ward:</b> Rye Lane

We object to the grant of an application for a premises licence, submitted by Ammigo Ltd under The Licensing Act 2003 (the Act), in respect of the premises known as Seven Enterprises Ltd, 34 Choumert Road, Peckham, London, SE15 4SE.

### 1. The application

The application is to allow for the provision of the following licensable activities and opening hours:

The provision of late night refreshment (outdoors) –

- **Monday – Sunday: 23:00 – 05:00**

Opening times:

- **Monday – Sunday: 12:00 – 05:00**

**The premises, and its intended operation, are described in the application as follows (verbatim):**

- *“Rectangular shaped building, serving Deliveroo, Uber and justeat, pre-ordered via their website.”*

### 2. The Statement of Licensing Police (SoLP)

According to section 7 of this council’s statement of licensing policy 2021 – 2026 (the SoLP), the premises fall within a residential area.

A copy of the SoLP is available via:

[Premises licence \(Licensing Act 2003\) - Southwark Council](#)

The following closing times are recommended in our SoLP in respect of various types of licensed premises located in residential areas as stated -

Restaurants and cafes:

- 23:00 daily

Take away establishments providing late night refreshment:

- Not considered appropriate for residential areas



### 3. The Locale

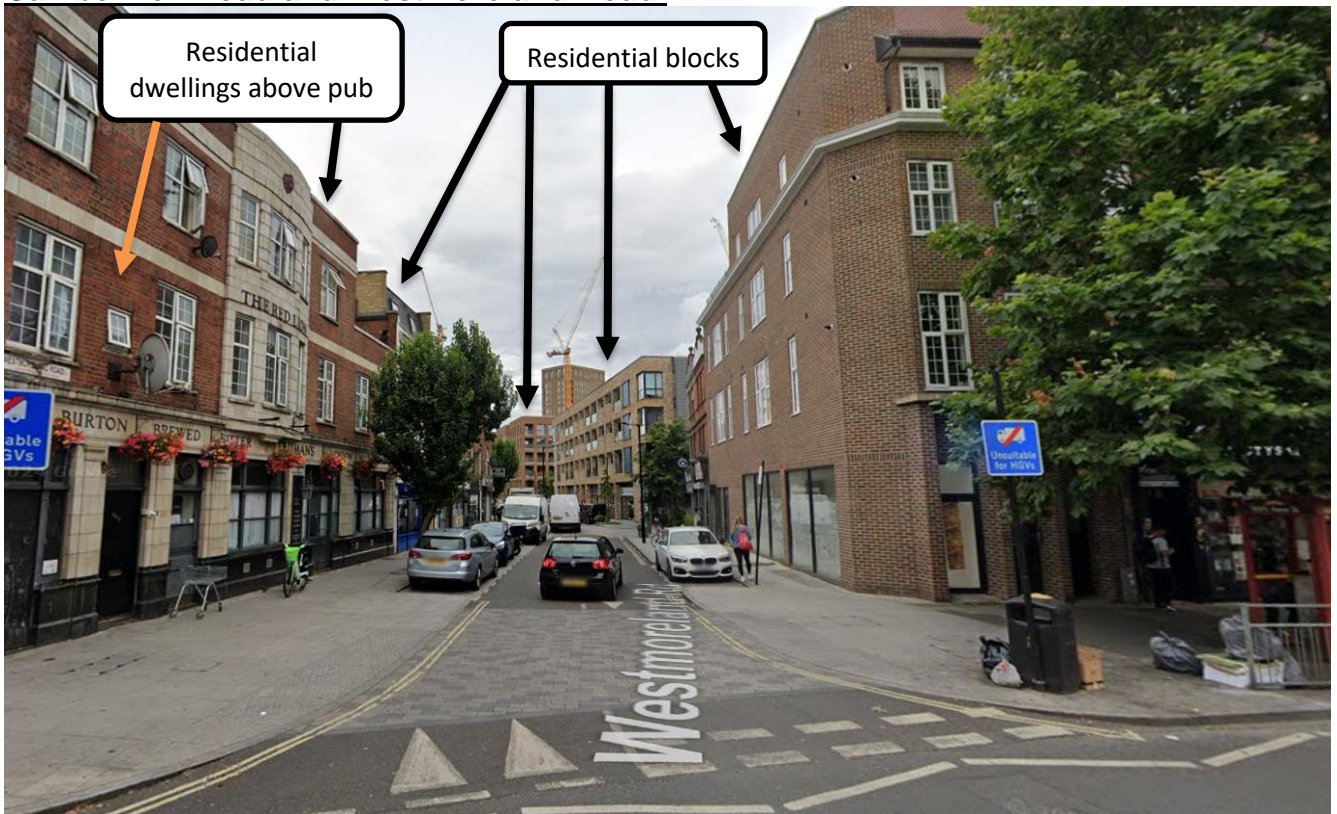
Westmoreland Road is a side road that runs off Camberwell Road. Camberwell Road is a busy road both day and night with a high volume of both vehicular and pedestrian traffic.

Camberwell Road is served by many bus routes and forms part of a very busy thoroughfare from the south to the north of the borough

Westmoreland Road itself is a very quiet road, primarily used by local residents who live in the surrounding residential properties. Westmoreland Road has minimal vehicular traffic and is very quiet from the afternoon through the night and into the early morning.

A map showing the premises location and wider locale is attached as appendix 1.

**Figure 1: View looking southeast down Westmoreland Road from the junction of Camberwell Road and Westmoreland Road.**



**Figure 2: View looking due north across Westmoreland Road.**



**Figure 3: Residential premises opposite the premises.**



**Figure 4: View looking southeast down Westmoreland Road, from just outside the premises, showing residential properties on Westmoreland Road.**



**Figure 5: View looking Northwest up Westmoreland Road showing residential properties at 1<sup>st</sup> floor level and above all the way to the end of the road**



## **2. Our objection**

Our objection relates to the promotion of the prevention of public nuisance licensing objective.

We do not object to the application *in principal* however, in part 'M' of the application, the applicant has not proposed any suitable measures to address the licensing objectives and we also say that further conditions are required.

Any conditions proposed must be practicable, enforceable and unambiguous.

Paragraph 1.16 (Licence conditions – general principles) of the Guidance to the Licensing Act 2003 issued by the Secretary of State under section 182 of the Licensing Act 2003 states that conditions –

- “*must be precise and enforceable;*”
- “*must be unambiguous and clear in what they intend to achieve;*”

We therefore recommend that the following conditions be included in any premises licence issued subsequent to this application, and replace the measures proposed in part 'M' of the application ***in their entirety***.

### **A. General – all four licensing objectives:**

1. That all relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence. Records pertaining to such training ('the staff training logs') shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to authorised officers on request. The training logs shall include the trainee's

name (in block capitals), the trainer's name (in block capitals), the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee, the signature of the trainer shall be included.

2. That no members of the public shall be permitted onto the premises at any time.
3. That no sales of any food or goods shall take place at the premises. The premises shall only be used to facilitate the delivery of food taken via internet or telephone orders. Members of the public shall not be permitted to collect orders of any food or goods from the premises.
4. That food or goods shall only be delivered to a residential or business addresses. Food or goods shall never be delivered to open spaces, or to 'the street'.

#### **D. The prevention of public nuisance**

5. That any delivery drivers and / or delivery companies that the licensee uses will be instructed as follows:
  - (a) all vehicle engines are turned off when deliveries are being collected from the premises
  - (b) that all delivery drivers behave in a quiet and orderly manner with respect to local residents
  - (c) that delivery drivers do not use vehicle horns to attract the attention of workers at the premises, or otherwise use their vehicle horns unnecessarily when approaching or leaving the premises and
  - (d) that delivery drivers do not engage in unnecessary revving of engines on approaching or leaving the premises and locale.

The above must be specified in any contract / written instructions to delivery drivers and / or delivery companies, and evidence of this shall be made available to authorised officers immediately on request.

6. That staff shall be trained to arrive at, conduct themselves at the premises at all times, operate the premises and leave the premises in an orderly manner, with particular care taken when staff close the premises at the end of trade on each day. The details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
7. That clearly legible signage shall be prominently displayed where it can easily be seen and read by staff, at all exits from the premises and in any external areas, requesting to the effect that staff leave the premises and locale in a quiet and orderly manner with respect to local residents. Such signage shall be kept free from obstructions at all times.
8. That an extract ventilation system shall be installed and maintained in full working order at the premises to prevent the odours / fumes or similar from emanating from the premises and causing nuisance of any kind. The ventilation system shall be serviced and cleaned periodically and a log of such servicing / cleaning shall be kept at the premises and be made immediately available to authorised officers on request.
9. (a) That any kitchen extract and / or ventilation systems (user accessible parts) will be cleaned periodically (at least monthly) by staff and / or a person qualified to do so. Details of such cleaning shall be kept in a log that shall be made immediately available to authorised officers on request. (b) That any kitchen extract and / or ventilation systems be inspected at least once annually by a person qualified to do so to ensure

that they are in full working order. The details of any such inspections shall be kept at the premises and be made immediately available for inspection on the request of authorised officers. Any maintenance works to the kitchen extract and / or ventilation identified as required, subsequent to such inspections, shall be undertaken as soon as practicably possible.

10. That staff shall be instructed not to play loud music / entertainment at the premises. The details of such instruction shall be recorded in the staff training logs at the premises.

Should the applicant wish to discuss the above, we advise them to contact us as soon as possible.

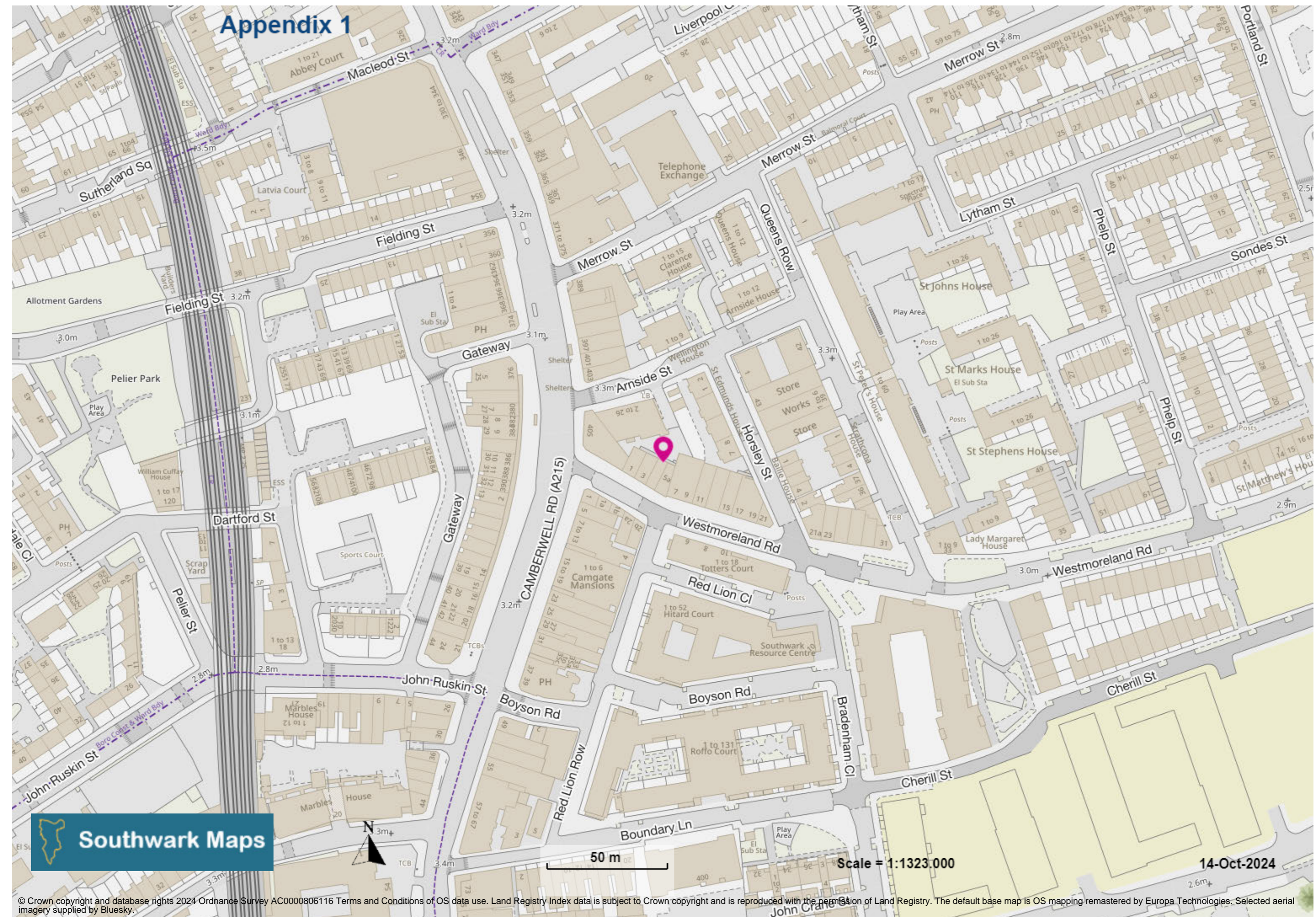
Although takeaway premises offering the provision of late night refreshment are not considered appropriate for residential areas, if the applicant agrees to all of the above conditions we believe any risk regarding public nuisance would be negated.

If the applicant agrees to all the above conditions then we will withdraw this representation.

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer

# Appendix 1



Scale = 1:1323,000

14-Oct-2024