

APPENDIX C EPT

From: Prickett, Mark <Mark.Prickett@southwark.gov.uk>

Sent: Thursday, May 13, 2021 4:26 PM

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

Cc: [REDACTED]

Subject: EPT representation - Major variation of premises licence- Brunchies, 1 Valmar Road

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the major variation application for Brunchies, 1 Valmar Road, SE5 9NG, with reference to the prevention of public nuisance licensing objective.

The application is seeking the following:

- 1) *To remove condition 312 - No person shall use the outside area other than those that leave to smoke to which is limited to 4 people only and shall be monitored by the staff.*
- 2) *To extend the licensable area for the consumption of food and alcohol to include the rear yard with an additional seating capacity of 50 people during the hours of 10:00 to 15:30 Monday to Sunday.*
- 3) *To extend the opening hours and sale of alcohol as below:*
 - a) *Annually on New Year's Eve and Halloween (last Saturday of every October) opening hours to be extended until 03:00 and sale of alcohol with food until 02:30.*
 - b) *Last Friday & Saturday of every month opening hours to be extended until 01:30 and sale of alcohol with food until 01:00.*
- 4) *Change of layout to include sale of alcohol in the yard area*

The application also seeks the following licensable activities:

- Recorded music (both indoors and outdoors) – 10:00 – 22:00 Sunday to Thursday, 10:00 – 23:00 Friday and Saturday. “Although we don't need a licence from 08:00 to 23:00, for clarity, unamplified recorded music will be played in the restaurant during standard times 10:00 to 22:00 Sunday to Thursday and 10:00 to 23:00 Fridays and Saturdays. In the yard, the music will only be 10:00 until 15:30.”
- Late night refreshment (indoors) – “New Years' Eve - 23:00 until 02:30, Last Saturday of every October (Halloween) - 23:00 until 02:30, Last Friday & Saturday of every month - 23:00 until 01:00”.
- Sale of alcohol (on the premises) – 10:00 – 21:30 Sunday to Thursday, 10:00 – 22:30 Friday and Saturday. “New Years' Eve - 21:30 until 02:30 Last Saturday of every October - 22:30 until 02:30, Last Friday & Saturday of every month - 22:30 until 01:00. For clarity, in the yard every day from 10:00 until 15:30”
- Opening hours: 07:00 – 22:00 Sunday to Thursday, 07:00 – 23:00 Friday and Saturday. “In addition to the existing hours: New Years' Eve - 22:00 until

03:00, Last Saturday of every October - 23:00 until 03:00, Last Friday & Saturday of every month - 23:00 until 01:30”.

Planning history

The change of use of the premises to a café/restaurant was granted conditional consent under planning application 10/AP/0549.

In September 2020, under planning application 20/AP/1871, permission was granted to use the outside rear area until 4th May 2021 between the hours 09:00 – 15:30, along with other conditions relating to the café/restaurant use.

On May 5th May 2021, under planning application 21/AP/1001, extended permission to use the rear area was granted to 31 December 2021.

Please find attached all decision notices for reference.

Within 21/AP/1001, the following relevant conditions are attached to the consent with regards to the operational use of the café/restaurant:

3. The use of the rear garden for outdoor seating in connection with the café hereby permitted shall be until 31 December 2021, on or before which date the use shall be discontinued, and cease.

Reason

Such use, other than for a temporary period would potentially harm residential amenity and exceed the objective of enabling the business to operate through the Covid pandemic period. Continued operation would prevent the possibility of review of possible harm to residential amenity resulting from the use contrary to saved policy 3.2 protection of amenity of the Southwark Plan 2007.

4. The rear external area will at no time be used for smoking and signage to advise that it is a no smoking area shall be displayed.

Reason

To protect the amenity of adjoining residential occupiers in accordance with saved policy 3.2 Protection of amenity Southwark Plan 2007.

5. The site shall on all boundaries adjoining a private residential amenity space be treated to a height of two metres so that it is not possible to look from this site directly into the adjoining garden; such treatment to be by way of landscaped planting or wooden fencing.

Reason

To protect the residential amenity of adjoining residents in accordance with saved policy 3.2 protection of amenity of the Southwark Plan 2007.

6. The use hereby permitted of a cafe restaurant internally shall not be carried on outside of the hours of:

07:00 - 22:00 Monday to Thursday,

07:00-23:00 Fridays & Saturdays

08:00-22:00 Sundays & Bank Holidays.

The external seating area at the front of the premises shall not be used outside the hours of 07:00 to 18:00 Monday to Saturday and 08:00 to 18:00 on Sundays and Bank Holidays.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework and Saved Policy 3.2 (Protection of Amenity) of The Southwark Plan 2007

10. No live or amplified music shall be played on the premises.

Reason

In order to protect the amenity of adjoining occupants in accordance with saved policy 3.2 Protection of amenity of the Southwark Plan 2007.

12. The use of the rear garden by customers as an outdoor seating area in connection with the cafe shall only take place between the hours of 09:00 to 15:30 hours Monday to Sunday. It shall not be used by customers outside these hours. Setting up and clearing up by staff of the restaurant shall be limited to 30 mins before and after these times.

Reason

In order to protect the amenity of neighbouring residents, in accordance with Policy 3.2 Protection of Amenity of the Saved Southwark Plan 2007.

EPT stance

The hours of use for the rear yard have been granted consent between 09:00 – 15:30 on all days, only until 31 December 2021. As such EPT do not object to the removal of condition 312 to permit the use of the rear yard only until 31 December 2021.

However this major variation application has applied for additional activities and hours which would be in breach the relevant planning permission in place.

EPT raise objection to the extended operation hours proposed. EPT request that the operational hours of the premises are brought back in line with condition 6 from 21/AP/1001.

Planning permission 21/AP/1001 also clearly states in condition 10 that “no live or amplified music shall be played on the premises”. This is the same for condition 10 for permission 10/AP/0549. EPT therefore request that the applicant remove the recorded music off the application. It was made clear in the planning permission that no music would be permitted in the rear yard, so EPT are confused as to why the applicant is seeking this under the premises licence.

Section 101 of Southwark’s Licensing Policy 2021-26 states “this Authority will look to ensure proper integration with the planning regime...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.”

Section 103 states “There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. It must be emphasised that where these hours are different to the permitted licensing hours, the Applicant must observe the earlier closing or later opening time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. This is emphasised by the decision in the case of Gold Kebab v Secretary of State for Communities and Local Government 2015.”

EPT have concerns that the additional hours and licensable activities sought through this application will lead to public nuisance to the numerous residential neighbours in close proximity. EPT therefore make representation against this application and request the terminal hours be brought in line with existing hours permitted by the planning permission as well as and the removal of recorded music off the application. Further conciliation will follow if the above is agreed to.

Kind regards,

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

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



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PLANNING PERMISSION

Applicant Mr H. Hassan

LBS Registered Number 10-AP-0549

Date of Issue of this decision 23/06/2010

Planning Permission was GRANTED for the following development:

Erection of a single storey rear extension at ground floor level and installation of extract duct to rear, in connection with change of use at ground floor level from betting office (use class A2) to cafe/restaurant (Use Class A3).

At: 1 VALMAR ROAD, LONDON, SE5 9NG

In accordance with application received on 02/03/2010 Your Ref. No.:

and Applicant's Drawing Nos. Site plan, Drawing No: 1, 2 Rev A, 3, 4, 5, 217/1A

Design and access statement

Sitesound Pre-completion testing report

Subject to the following twelve 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:
Drawing Nos: 2 Rev A, 217/1A

Reason:

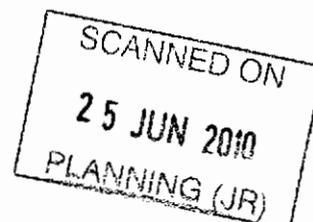
For the avoidance of doubt and in the interests of proper planning.

- 3** The use hereby permitted for restaurant purposes (Use class A3) shall not be carried on outside of the hours 07:00 to 18:00 on Monday to Saturday, and 08:00 to 18:00 Sundays and Bank Holidays.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

Continued overleaf...



SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 10-AP-0549

Date of Issue of this decision 23/06/2010

- 4 The facing materials used in the carrying out of this permission in relation to the rear extension shall match the original facing materials of the original building in type, colour, dimensions, and in the case of brickwork, bond and coursing and pointing.

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 Policy 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007.

- 5 The finish to the flue shall be of a black finish and shall not be of unfinished/unpainted galvanized metal.

Reason:

To ensure that the appearance of the flue would relate the flue to the other pipe work on the building and to the heritage context, to preserve the setting of the adjoining conservation area and in the interest of the design and appearance of the building and the visual amenity of the area in accordance with Policies 3.12 Quality in Design and 3.18 Setting of conservation areas, listed buildings and world heritage sites of the Southwark Plan 2007.

- 6 The scheme of sound insulation between the ground and the first floors as set out in the Sitesound report entitled 'Pre completion testing' shall be carried out prior to the operation of the restaurant use hereby approved and those sound insulation works shall thereafter be retained.

Reason

To ensure that the occupiers and users of the first floor flat do not suffer a loss of amenity by reason of noise nuisance and disturbance from the use of the ground floor, in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 7 The use hereby permitted shall not be commenced before details of the arrangements for the storing and collection arrangements of refuse and recyclables have been submitted to and approved in writing by the Local Planning Authority and the facilities approved have been provided and are available for use by the occupiers and users of the premises. The submitted details shall include a refuse management plan that should set out collection arrangements including the collection day and time as well as arrangements that should preclude refuse/recyclables being left outside the premises for any prolonged period of time.

The facilities shall thereafter be retained for refuse and recyclables storage, and the approved management plan shall be adhered to for the life of the permission.

Reason

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with 3.7 Waste reduction of the Southwark Plan 2007.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



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PLANNING PERMISSION

LBS Reg. No. 10-AP-0549

Date of Issue of this decision 23/06/2010

- 8 The rated noise level from any plant, together with any associated ducting, shall be 10 dB(A) or more below the measured L_{A90} 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 the above specification and shall be permanently maintained thereafter.

Within one month of the installation of the plant and equipment, a noise report shall be submitted to and approved in writing by the Local Planning Authority confirming any previous details and subsequent measurement data of the installed plant including ducting 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 $L_{A90, T}$ 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.

- 9 There shall be no use of the back garden/outdoor open space at the rear of the building by customers.

Reason

To avoid the potential for noise and disturbance from the use of this space that would harm the amenities of adjoining occupiers, in accordance with Policy 3.2 Protection of amenity of the Southwark Plan 2007.

- 10 No live or amplified music shall be played within the premises.

Reason

In order to protect nearby occupiers from noise nuisance thereby protecting the amenity of neighbouring occupiers in accordance with Policy 3.2 Protection of Amenity of The Southwark Plan 2007 and Planning Policy Guidance 24 Planning and Noise.

Continued overleaf...

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



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PLANNING PERMISSION

LBS Reg. No. 10-AP-0549

Date of Issue of this decision 23/06/2010

- 11 Prior to the use hereby approved commencing, details shall be submitted and approved in writing in respect of a receptacle for collection of cigarettes and associated ash/residue, to be attached to the front of the premises

Reason

To reduce the potential for refuse associated with smoking from being dropped outside the premises to the detriment of the appearance of the streetscene, in accordance with Policy 3.7 Waste Reduction of the Southwark Plan 2007.

- 12 Prior to the use which is hereby permitted commencing, details of facilities for the composting of organic waste shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To encourage kitchen recycling and the reduction of kitchen waste in accordance with Policy 3.7 Waste Reduction of the Southwark Plan 2007.

Reasons for granting planning permission.

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

- a) Policies 1.10 Small scale shops and services outside the town and local centres and protected shopping frontages, 2.5 Planning obligations, 3.1 Environmental Effects, 3.2 Protection of amenity, 3.7 Waste reduction, 3.11 Efficient use of land, 3.12 Quality in design, 3.13 Urban design, 3.15 Conservation of the historic environment, 3.18 Setting of listed buildings, conservation areas and world heritage sites, 5.2 Transport impacts, 5.3 Walking and cycling, 5.6 Car parking of the Southwark Plan [July 2007].
- b) Policies 3A.3 Maximising the potential of sites, 3C.3 Sustainable transport in London, 3C.17 Tackling congestion and reducing traffic, 3C.18 Allocation of street space, 3C.21 Improving Conditions for Walking, 3C.22 Improving Conditions for Cycling, 3C.23 Parking Strategy, 4A.3 Sustainable design and construction, 4A.19 Improving air quality, 4B.1 Design principles for a compact city, 4B.5 Creating an inclusive environment, 4B.8 Respect local context and communities, 6A.4 Priorities in planning obligations of the London Plan [2004].
- c) Planning Policy Statements [PPS] and Guidance Notes [PPG] PPS1 Delivering Sustainable Development, PPG 15: Planning and the Historic Environment, PPG23: Pollution Control, PPG24: Noise.

Particular regard was had to the objections raised by surrounding and nearby occupiers in relation to impacts on amenity, cumulative impact of an additional restaurant in the area, noise and disturbance, transport impacts and waste. Although surrounding occupiers have raised concerns about the addition of another A3 use in the local area it was considered that there would not be material planning grounds to refuse the application in principle in relation to the change in use because there would be no loss of an A1 retail use in the shopping frontage, and there is not considered to be an unacceptable number of other similar A3 uses in the vicinity of the site.

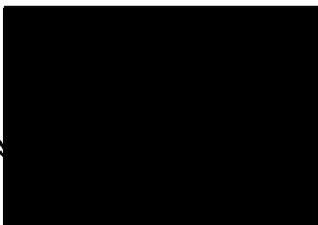
Concerns in relation to transport impacts can be addressed through adherence to the local traffic regulations including no stopping on the double yellow lines outside the site. In terms of other amenity impacts, conditions are used in relation to refuse storage and collection, hours, sound insulation and to preclude the playing of live or amplified sound within the premises.

The previous scheme was considered to give rise to harm in relation to the amenities of surrounding occupiers by reason of the inadequate dispersal of extract as the flue would not have been high enough, and in addition the design of the flue could harm the setting of the adjoining conservation area. By contrast the current scheme now has a satisfactory flue arrangement in relation to dispersal of extract odours, and the location of the duct is considered to be more discreet than the previous scheme, as it would be positioned at the rear of the main building rather than to the side of the back addition where it would have been more visible from within the

conservation area.

It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Signed



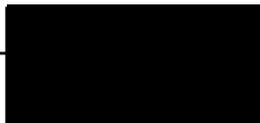
Gary Rice
Head of Development Management

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: 200003464807

checked by



058-1

PLANNING PERMISSION

LBS Registered Number: 10-AP-0549

Date of issue of this decision: 23/06/2010



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INFORMATIVE NOTES TO APPLICANT RELATING TO THE PROPOSED DEVELOPMENT

- 1 You are reminded that all servicing, deliveries and any other traffic movements associated with this development shall be carried out only in accordance with local traffic restrictions that apply within the surrounding streets including adherence to 'No stopping' and any other road markings or street signs.

PLANNING PERMISSION

LBS Registered Number: 10-AP-0549

Date of issue of this decision: 23/06/2010



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IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

- [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. 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.

DECISION NOTICE

Town and Country Planning Act 1990 (as amended)

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



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LBS Reg. No.: 20/AP/1871

Date of Issue of Decision: 02/09/2020

Applicant Hassan Hassan
Brunchies

for the following development:

Variation of Condition 9 - No use of outdoor space, of planning permission 10/AP/0549 (Erection of a single storey rear extension at ground floor level and installation of extract duct to rear, in connection with change of use at ground floor level from betting office (use class A2) to cafe/restaurant (use class A3)) to allow use of rear outdoor space for a temporary period until 4th May 2021 (hours 9am to 3.30pm)

At 1 Valmar Road London Southwark SE5 9NG

In accordance with the valid application received on 9 July 2020 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/>

CONDITIONS

Permission is subject to the following Approved Plans Condition:

1. The development shall be carried out in accordance with the following approved plans:

Reference no./Plan or document name/Rev.	Received on:
019_003 - PROPOSED GROUND FLOOR PLAN Floor Plans - Proposed	08.07.2020
019_001 - SITE LOCATION PLAN AND PLANNING STATEMENT Planning statement	08.07.2020

Reason:

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

DECISION NOTICE

LBS Registered Number: 20/AP/1871

Date of issue of this decision: 02/09/2020



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Permission is subject to the following Compliance Condition(s)

1. PERSONAL PERMISSION

This permission shall be personal to the applicant Hassan Hassan; and shall not endure for the benefit of the land.

Reason:

In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and considers that under the management of the applicant; the proposal would not give rise to a loss of amenity in accordance with: the National Planning Policy Framework 2019; Strategic Policy 13 (High environmental standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007.

2. The use of the rear garden for outdoor seating in connection with the cafe hereby permitted shall be until 4 May 2021, on or before which date the use shall be discontinued, and cease.

Reason

Such use, other than for a temporary period would potentially harm residential amenity and exceed the objective of enabling the business to operate through the CoVid pandemic period. Continued operation would prevent the possibility of review of possible harm to residential amenity resulting from the use contrary to saved policy 3.2 protection of amenity of the Southwark Plan 2007.

3. The rear external area will at no time be used for smoking and signage to advise that it is a no smoking area shall be displayed.

DECISION NOTICE

LBS Registered Number: 20/AP/1871

Date of issue of this decision: 02/09/2020



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Reason

To protect the amenity of adjoining residential occupiers in accordance with saved policy 3.2 Protection of amenity Southwark Plan 2007. Furthermore the rationale for this application is to allow the use to take place and best avoid transmission of a respiratory illness (CoVid 19 virus) it would be both illogical and inimical to the Council's wider public health policies for the space to be used to harm respiratory health.

4. The site shall on all boundaries adjoining a private residential amenity space be treated to a height of two metres so that it is not possible to look from this site directly into the adjoining garden; such treatment to be by way of landscaped planting or wooden fencing.

Reason

To protect the residential amenity of adjoining residents in accordance with saved policy 3.2 protection of amenity of the Southwark Plan 2007.

5. The use hereby permitted of a cafe restaurant internally shall not be carried on outside of the hours of:

07:00 - 22:00 Monday to Thursday,
07:00-23:00 Fridays & Saturdays
08:00-22:00 Sundays & Bank Holidays.

The external seating area at the front of the premises shall not be used outside the hours of 07:00 to 18:00 Monday to Saturday and 08:00 to 18:00 on Sundays and Bank Holidays.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2019, 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. Retain the external flue in black.

Reason

To preserve the setting of the adjoining conservation area and visual amenity in accordance with saved polices 3.12 Quality in design and 3.18 Setting of Conservation areas, Listed buildings and World heritage sites of the Southwark Plan 2007

DECISION NOTICE

LBS Registered Number: 20/AP/1871

Date of issue of this decision: 02/09/2020



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7. Retain the existing sound insulation between ground and first floor.

Reason

to protect the amenity of residents above in accordance with saved policies 3.2 protection of amenity and 4.2 quality of residential accommodation of the Southwark Plan 2007

8. Retain the method of waste collection approved by application 10/AP/3847.

Reason

In order to ensure a suitable and sustainable method of refuse collection in accordance with saved policy 3.7 Waste reduction of the Southwark Plan 2007

9. No live or amplified music shall be played on the premises.

Reason

In order to protect the amenity of adjoining occupants in accordance with saved policy 3.2 Protection of amenity of the Southwark Plan 2007.

10. No new plant shall be fitted to the exterior of the property without the prior written consent of the Local Planning Authority.

Reason

To protect residential amenity from noise and other pollution from such plant in accordance with saved policy 3.2 Protection of amenity Southwark Plan 2007

11. The use of the rear garden by customers as an outdoor seating area in connection with the cafe shall only take place between the hours of 09:00 to 15:30 hours Monday to Sunday. It shall not be used by customers outside these hours. Setting up and clearing up by staff of the restaurant shall be limited to 30 mins before and after these times.

Reason

In order to protect the amenity of neighbouring residents, in accordance with Policy 3.2 Protection of Amenity of the Saved Southwark Plan 2007.

DECISION NOTICE

LBS Registered Number: 20/AP/1871

Date of issue of this decision: 02/09/2020



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Signed: **Simon Bevan** Director of Planning

DECISION NOTICE

LBS Registered Number: 20/AP/1871

Date of issue of this decision: 02/09/2020



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IMPORTANT NOTES TO THE APPLICANT RELATING TO THE COUNCIL'S DECISION	
<u>Conditions</u>	
1.	<p>If permission has been granted you will see that it may be subject to a number of planning conditions. They are an integral part of our decision on your application and are important because they describe how we require you to carry out the approved work or operate the premises. It is YOUR responsibility to comply fully with them. Please pay particular attention to those conditions which have to be met before work commences, such as obtaining approval for the siting and levels of buildings and the protection of trees on the site. If you do not comply with all the conditions in full this may invalidate the permission.</p>
2.	<p>Further information about how to comply with planning conditions can be found at: https://www.planningportal.co.uk/info/200126/applications/60/consent_types/12</p> <p>Please note that there is a right of appeal against a planning condition. Further information can be found at: https://www.planningportal.co.uk/info/200207/appeals/108/types_of_appeal</p>
<u>Community Infrastructure Levy (CIL) Information</u>	
3.	<p>If your development has been identified as being liable for CIL you need to email Form 1: CIL Additional Information, Form 2: Assumption of Liability and Form 6: Commencement Notice to cil.s106@southwark.gov.uk as soon as possible, so that you can be issued with a Liability Notice. This should be done at least a day before commencement of the approved development.</p> <p>Payment of the CIL charge is mandatory and the CIL Regulations comprises a range of enforcement powers and penalties for failure to following correct procedures to pay, including stop notices, surcharges, late payment interests and prison terms.</p> <p>To identify whether your development is CIL liable, and further details about CIL including eligibility and procedures for any CIL relief claims, please see the Government's CIL guidance: https://www.gov.uk/guidance/community-infrastructure-levy</p> <p>All CIL Forms are available to download from Planning Portal: https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5</p> <p>Completed forms and any CIL enquiries should be submitted to cil.s106@southwark.gov.uk</p>
<u>National Planning Policy Framework</u>	
4.	<p>In dealing with this application we have implemented the requirements in the National</p>

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Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Appeal to the Secretary of State

5. 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.
6. 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.
7. 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.

Purchase Notice

8. 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.

Provisions for the Benefit of the Disabled

9. 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:

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10.	<p>(i) Buildings or premises to which the public are to be admitted whether on payment or otherwise. [Part III of the Act].</p> <p>(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].</p> <p>(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].</p> <p>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.</p>
<p><u>Other Approvals Required Prior to the Implementation of Planning Permission</u></p>	
11.	<p>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.</p>
<p><u>Works Affecting the Public Highway</u></p>	
12.	<p>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.</p>
<p><u>The Dulwich Estate Scheme of Management</u></p>	
13.	<p>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].</p>
<p><u>Building Regulations</u></p>	
14.	<p>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].</p>
<p><u>The Party Wall Etc. Act 1996.</u></p>	
15.	<p>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</p>

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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].	
<u>Important:</u>	
16.	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.

SOUTHWARK COUNCIL

Town and Country Planning Act 1990 (as amended)

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



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LBS Reg. No.: 21/AP/1001

Date of Issue of Decision: 05/05/2021

Applicant Hassan Hassan
Brunchies

Planning Permission was GRANTED for the following development:

Variation of Condition 9 (Use of open space) of planning permission 10/AP/0549 to allow the back garden/outdoor space to be used by customers between the hours of 09.00 and 15.30 Monday to Sunday for a temporary period until 31 December 2021.

At 1 Valmar Road London Southwark SE5 9NG

In accordance with the valid application received on 24 March 2021 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/>

Conditions

Permission is subject to the following Approved Plans Condition:

1. The development shall be carried out in accordance with the following approved plans:

Reference no./Plan or document name/Rev.	Received on:
019 003 - PROPOSED GROUND FLOOR PLAN Floor Plans - Proposed	23.03.2021
019 001 - SITE LOCATION PLAN AND PLANNING STATEMENT Plans - Proposed	23.03.2021

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Reason:

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

Permission is subject to the following Compliance Condition(s)

2. PERSONAL PERMISSION

This permission shall be personal to the applicant Hassan Hassan and shall not endure for the benefit of the land.

Reason:

In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and considers that under the management of the applicant the proposal would not give rise to an unacceptable loss of amenity in accordance with: the National Planning Policy Framework 2019 and Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007.

3. The use of the rear garden for outdoor seating in connection with the cafe hereby permitted shall be until 31 December 2021, on or before which date the use shall be discontinued, and cease.

Reason

Such use, other than for a temporary period would potentially harm residential amenity and exceed the objective of enabling the business to operate through the Covid pandemic period. Continued operation would prevent the possibility of review of possible harm to residential amenity resulting from the use contrary to saved policy 3.2 protection of amenity of the Southwark Plan 2007.

4. The rear external area will at no time be used for smoking and signage to advise that it is a no smoking area shall be displayed.

Reason

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To protect the amenity of adjoining residential occupiers in accordance with saved policy 3.2 Protection of amenity Southwark Plan 2007.

5. The site shall on all boundaries adjoining a private residential amenity space be treated to a height of two metres so that it is not possible to look from this site directly into the adjoining garden; such treatment to be by way of landscaped planting or wooden fencing.

Reason

To protect the residential amenity of adjoining residents in accordance with saved policy 3.2 protection of amenity of the Southwark Plan 2007.

6. The use hereby permitted of a cafe restaurant internally shall not be carried on outside of the hours of:

07:00 - 22:00 Monday to Thursday,
07:00-23:00 Fridays & Saturdays
08:00-22:00 Sundays & Bank Holidays.

The external seating area at the front of the premises shall not be used outside the hours of 07:00 to 18:00 Monday to Saturday and 08:00 to 18:00 on Sundays and Bank Holidays.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework and Saved Policy 3.2 (Protection of Amenity) of The Southwark Plan 2007.

7. Retain the existing external flue in black.

Reason

To preserve the setting of the adjoining conservation area and visual amenity in accordance with saved polices 3.12 Quality in design and 3.18 Setting of Conservation areas, Listed buildings and World heritage sites of the Southwark Plan 2007

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8. Retain the existing sound insulation between ground and first floor.

Reason

To protect the amenity of residents above in accordance with saved policies 3.2 protection of amenity and 4.2 quality of residential accommodation of the Southwark Plan 2007.

9. Retain the method of waste collection approved by application 10/AP/3847.

Reason

In order to ensure a suitable and sustainable method of refuse collection in accordance with saved policy 3.7 Waste reduction of the Southwark Plan 2007

10. No live or amplified music shall be played on the premises.

Reason

In order to protect the amenity of adjoining occupants in accordance with saved policy 3.2 Protection of amenity of the Southwark Plan 2007.

11. No new plant shall be fitted to the exterior of the property without the prior written consent of the Local Planning Authority.

Reason

To protect residential amenity from noise and other pollution from such plant in accordance with saved policy 3.2 Protection of amenity Southwark Plan 2007.

12. The use of the rear garden by customers as an outdoor seating area in connection with the cafe shall only take place between the hours of 09:00 to 15:30 hours Monday to Sunday. It shall not be used by customers outside these hours. Setting up and clearing up by staff of the restaurant shall be limited to 30 mins before and after these times.

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Reason

In order to protect the amenity of neighbouring residents, in accordance with Policy 3.2 Protection of Amenity of the Saved Southwark Plan 2007.

Signed: **Stephen Platts** Director of Planning and Growth

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1. Conditions

- If permission has been granted you will see that it may be subject to a number of planning conditions. They are an integral part of our decision on your application and are important because they describe how we require you to carry out the approved work or operate the premises. It is YOUR responsibility to comply fully with them. Please pay particular attention to those conditions which have to be met before work commences, such as obtaining approval for the siting and levels of buildings and the protection of trees on the site. If you do not comply with all the conditions in full this may invalidate the permission.
- Further information about how to comply with planning conditions can be found at:
- https://www.planningportal.co.uk/info/200126/applications/60/consent_types/12
- Please note that there is a right of appeal against a planning condition. Further information can be found at:
https://www.planningportal.co.uk/info/200207/appeals/108/types_of_appeal

2. Community Infrastructure Levy (CIL) Information

- If your development has been identified as being liable for CIL you need to email Form 1: CIL Additional Information, Form 2: Assumption of Liability and Form 6: Commencement Notice to cil.s106@southwark.gov.uk as soon as possible, so that you can be issued with a Liability Notice. This should be done at least a day before commencement of the approved development.
- Payment of the CIL charge is mandatory and the CIL Regulations comprises a range of enforcement powers and penalties for failure to following correct procedures to pay, including stop notices, surcharges, late payment interests and prison terms.
- To identify whether your development is CIL liable, and further details about CIL including eligibility and procedures for any CIL relief claims, please see the Government's CIL guidance:
- <https://www.gov.uk/guidance/community-infrastructure-levy>
- All CIL Forms are available to download from Planning Portal:

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https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

- Completed forms and any CIL enquiries should be submitted to cil.s106@southwark.gov.uk

3. National Planning Policy Framework

- In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

4. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, OR within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to 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 to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.
- Further details are on GOV.UK (<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

5. 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

6. 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.
-

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7. Other Approvals Required Prior to the Implementation of this Permission.

- The granting of approval of a reserved matter or outstanding matter does not relieve developers 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. In this connection applicants 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.

8. 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.

9. 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].

10. 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].

11. 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

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Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code 02BR00862].

12. Important

- This relates to 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.

MEMO: Licensing Unit

To Licensing Unit Date 3 June 2021

From Jayne Tear

Email jayne.tear@southwark.gov.uk

Subject Re: Brunchies, 1 Valmar Road, London, SE15 9NG
– Application to vary a premises licence

I write with regards to the above application to vary a premises licence submitted by Hassan Hassan under the Licensing Act 2003, which seeks to add the following licensable activities:

Non Standard Timings

- Late night refreshment
On New Years Eve from 23:00 to 02:30 the following day
On the last Saturday of every October from 23:00 to 02:30 the following day
On the last Friday and Saturday of every month from 23:00 to 01:00 the following day
In the yard every day from 10:00 to 15:30
- Supply of alcohol (on the premises)
On New Years Eve from 10:00 to 02:30 the following day
On the last Saturday of every October from 10:00 to 02:30 the following day
On the last Friday and Saturday of every month from 10:00 to 01:00 the following day
In the yard every day from 10:00 to 15:30
- Overall opening times shall be on
On New Years Eve from 10:00 to 03:00 the following day
On the last Saturday of every October from 10:00 to 03:00 the following day
On the last Friday and Saturday of every month from 10:00 to 01:30 the following day
In the yard every day from 10:00 to 15:30
- To remove condition 312 which states: *'No persons shall use the outside area other than those that leave to smoke to which is limited to 4 people only and shall be monitored by staff'*
- A change of the premises plan to include a garden area

(Recorded music was removed from the application)

The nature of the variation is described within the application as *'We are applying to vary the premises licence for the following: 1) To remove condition 312 - No person shall use the outside area other than those that leave to smoke to which is limited to 4 people only and shall be monitored by the staff. 2) To extend the licensable area for the consumption of food and alcohol to include the rear yard with an additional seating capacity of 50 people during the hours of 10:00 to 15:30 Monday to Sunday. 3) To extend the opening hours and sale of alcohol as below: a) Annually on New Year's Eve and Halloween (last Saturday of every October) opening hours to be extended until 03:00 and sale of alcohol with food until 02:30. b) Last Friday & Saturday of every month opening hours to be extended until 01:30 and sale of alcohol with food until 01:00. 4) Change of layout to include sale of alcohol in the yard area'*

My representation is based on the Southwark Statement of Licensing policy 2021 – 2026 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

This premise is situated within a residential area and under the Southwark Statement of Licensing policy 2021 - 2026 the appropriate closing times for restaurants; cafes, public houses, wine bars or other drinking establishments on **Monday to Sunday is 23:00 daily.**

This application is asking for in excess of that which is appropriate within the licensing policy in this residential area. Furthermore the application has not addressed the licensing objectives and gives no reason for the licensing sub-committee to divert from the policy closing hours and the frequency of the late hours applied for within this application and of patrons leaving the area late at night is likely to disturb residents who are close by.

I have no objection to the change of plan to include the outside area and I would recommend that a condition is added to the premises licence to promote the licensing objectives as follows:

- The yard/garden area as defined on the premises plan shall be closed to patrons daily from 15:30 to 10:00 the following morning.

I have no objection to the non-standard timings applied for on New Year's Eve (as this is not a regular event).

I recommend that the other non-standards timings are amended in line with the licensing policy closing times for this area and as such the licensable activities (to allow for half an hour drinking up time) as follows:

- Late night refreshment to be removed except for New Years Eve (as not required after 23:00)
- Supply of alcohol (on the premises)
On the last Saturday of every October from 10:00 to 22:30
On the last Friday and Saturday of every month from 10:00 to 22:30
- Overall opening times shall be on
On the last Saturday of every October from 10:00 to 23:00
On the last Friday and Saturday of every month from 10:00 to 23:00

I welcome any discussion with the applicant to consider the above representation and I may submit further supporting information at a later stage.

Southward's Statement of Licensing Policy 2021 – 2026 can be found on the following link: <https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Jayne Tear
Principal Licensing officer
In the capacity of Licensing Authority as a Responsible Authority

PLANNING



Southwark Council,
160 Tooley Street
London
SE1 2QG

Chief Executive's Department

Planning Division

Our ref: CE/21/0137

Your ref:

Contact: Lisa Jordan

Tel: 020 7525 3463

Email: lisa.jordan@southwark.gov.uk

Website: <http://planning.southwark.gov.uk>

Date: 2 June 2021

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

REQUEST FOR FORMAL OBSERVATIONS ON A PROPOSAL

APPLICATION: CE/21/0137

PROPOSAL: Licence number -874686: Minor variation to remove condition 312: "No persons shall use the outside area other than those that leave to smoke to which is limited to 4 people only and shall be monitored by staff"

AT: Brunchies 1 Valmar Road London

I have an open enforcement investigation regarding the opening hours, noise and amenity issues for this site under reference 21EN0122. As there have been numerous complaints from members of the public in connection to this site, I have to disagree with the variation sought.

Yours faithfully

Lisa Jordan

Community Infrastructure Levy Officer - Planning Projects