

Licensing Sub-Committee

Supplementary Agenda B

Tuesday 26 September 2023 at 6.30 pm

This meeting will be held remotely

Watch the meeting live: [youtube.com/hammersmithandfulham](https://www.youtube.com/hammersmithandfulham)

MEMBERSHIP

Administration:	Opposition:
Councillor Paul Alexander (Vice-Chair) Councillor Florian Chevoppe-Verdier	Councillor Dominic Stanton

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Public Notice

This meeting will be held remotely. Members of the press and public can watch the meeting live on YouTube: [youtube.com/hammersmithandfulham](https://www.youtube.com/hammersmithandfulham)

Speaking at Licensing meetings is restricted to those who have submitted a representation and registered to speak.

Date Issued: 22 September 2023

Licensing Sub-Committee Supplementary Agenda B

26 September 2023

Item

Pages

5. PAPA JOHNS PIZZA, 63 WALHAM GROVE LONDON SW6 1QR -
ADDITIONAL INFORMATION FROM RESIDENT GROUP

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Pack 2, Supplemental Agenda

26 September 2023, Licensing Hearing 2023/01216/LAPR 18:30 by Zoom

On the following 15 pages, we outline for the Sub-Committee vital evidence to support our request to protect our residential Fulham communities from nuisance and to keep them safe from crime and disorder, our rights to residential amenity, and rights to quiet enjoyment of our homes in one of the busiest cities in the world, London.

We respectfully request the Sub-Committee to reject the Application outright.

The need for evidence

The 2003 Act and its S.182 Guidance doc states the decision of the Licensing Committee must be evidence-based*. This is also reflected in the LBHF Lic Policy 2022-2027, on page 15, at '8 Licensing Committee, '...steps for consideration', point c).

In contrast to residents' submissions of evidence for this, the second application of Papa Johns to be heard in 2023, to increase opening hours, initially for 24-hours and now apparently for a shorter than 24-hours time, the Applicant has provided scant supporting evidence in this application.

(*From S. 182 Guidance August 2023

"9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.")

Link to S. 182 Guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1178789/

[Revised guidance issued under section 182 of the Licensing Act 2003 removal of minor variation relating to off sales.pdf](#)

Tonight, residents are providing the following evidence for the Sub-Committee.

EVIDENCE A – Hours

EVIDENCE B – Takeaways; Framework considerations

EVIDENCE C – Recent Licensing Appeal establishes nuisance at the point of delivery; Judge Newman decides:

EVIDENCE D – S. 182 Guidance (Aug 2023), 2003 Licensing Act regarding terminal hours and 'earlier' hours when different from licensing hours.

EVIDENCE E – Police-suggested hours: not not in line with Framework hours, nor with this addresses' planning hours

EVIDENCE A-Hours

A 1) Planning Framework hours are stated in TLC5 and TLC6 of the latest Local Plan 2018 as 23:00 and exceptionally sometimes 24:00 (see purple graphics here).

POLICY TLC5 MANAGING THE IMPACT OF FOOD, DRINK AND ENTERTAINMENT USES

Planning permissions for use class A3, A4 and A5 food and drink establishments as well as arts, culture, entertainment and leisure uses will be subject to conditions controlling hours of operation, as follows:

- 
- a. except in predominantly commercial areas, such as parts of town centres – premises shall not be open to customers later than the hour of 23:00; and
 - b. within predominantly commercial areas, such as parts of town centres – premises shall not be open to customers later than the hour of 24:00.

Extended opening may be permitted where:

- the activities would not be likely to cause impact especially on local residents, and that, if there is potential to cause adverse impact, appropriate measures will be put in place to prevent it; and
- there will not be any increase in the cumulative impact from these or similar activities, on an adjacent residential area; and
- there is a high level of public transport accessibility to and from the premises at appropriate times; and
- the activity will not be likely to lead to a demonstrable increase in car parking demand in surrounding residential streets and roads forming part of the Strategic London Road Network or the London Bus Priority Network.

In addition, subject to the location of the proposals, the council will consider the type of activities appropriate to the class A3, A4 and A5 premises, and apply conditions on uses where these are appropriate.

Where a use will impact on local amenity, the council may also set an appropriate start time.

EVIDENCE A-Hours, (continued)

A 2) H&F Licencing Policy 2022-2027

The hours 'suggested' in the H&F Lic Policy 2022-2027 on page 22, table below, (for Takeaways Mon-Thurs hours are missing), appeared late last year when the new Licensing Policy (the Lic Policy) was published in September 2022. These are 'suggested' hours, which are well beyond the Planning Framework hours; they are arbitrary, thus, 'suggested'.

To act as a guide for new or existing operators we have set out the suggested closing times for licensed premises below:

Type of premises	Town centres	Mixed use areas	Residential areas
Restaurants and cafes	Fri – Sat 01:30 Mon - Thurs 01:00 Sun – 00:00	Fri – Sat 01:00 Mon - Thurs 00:00 Sun – 23:00	Fri – Sat 23:00 Sun – 22:00
Late night refreshment premises (Takeaways)	Fri – Sat 01:00 Sun – 00:00	Fri – Sat 00:30 Sun – 23:30	Not considered Appropriate

* Note: Above, from online pp 21-22, Mon-Thurs hours are missing for Residential areas as well as for Late night refreshment premises (Takeaways) and Mixed use areas within the H&F Licencing Policy 2022-2027

EVIDENCE B – Takeaways; Framework consideration

POLICY TLC6

BETTING SHOPS, PAWNBROKERS AND PAYDAY LOAN SHOPS AND HOT FOOD TAKEAWAYS

To ensure that shopping areas remain diverse and balanced, the council will seek to manage the concentration of betting shops, pawnbrokers and payday loan shops.

Any proposal for a new betting shop, pawnbroker and payday loan shop will be considered against the provisions of Policy TLC2 and TLC3 and may be granted permission in accordance with the quotas that apply, and where it can be demonstrated that the proposal:

- will not impact adversely on the amenity, character and function of an area;
- will add to the vitality of the existing shopping parade or cluster; and
- will not result in negative cumulative impacts due to an unacceptable concentration of such uses in one area.

When considering proposals for hot food takeaways (class A5), and in addition to the quota policies that will apply, the council will take into account the location and nature of the proposal with regard to the proximity of existing hot food takeaways, its compatibility with surrounding uses and, as applicable, available evidence relating to health impacts.

8.35 Although hot food takeaways provide a service for the community, the council is concerned about the potential health impacts of hot food takeaways, particularly on children and young people. In the case of proposals for class A5 uses (hot food takeaways), consideration will be given to the proximity of schools and similar facilities, the prevalence and clustering of takeaways and relevant evidence relating to potential health impacts arising from the type of use proposed.

EVIDENCE C– Court of Appeal licensing appeal establishes nuisance at the point of delivery;

C 1) Judge Newman decides:

-risk of noise nuisance at the delivery point

-impossible for Premises Licence Holder to manage delivery drivers once they leave the Premises

-Responsible Authorities are unable to effectively monitor couriers

https://ftbchambers.searswebdevelopment.com/images/uploads/documents/Shoaib_LBC.pdf
IN THE HIGHBURY CORNER MAGISTRATES COURT
CASE NO: 2001522020

IN THE MATTER OF AN APPEAL UNDER S.181 & SCHEDULE 5 OF THE LICENSING ACT 2003 AGAINST A DECISION OF THE LICENSING SUB-COMMITTEE OF THE LONDON BOROUGH OF CAMDEN ON 13 AUGUST 2020 IN RESPECT OF PREMISES KNOWN AS KIERA (DELIVERY SERVICE), 134 CHARING CROSS ROAD, LONDON WC2H 0LA

BETWEEN:
MUHAMMAD SHOAB
(t/a Kiera (Delivery Service), 134 Charing Cross Road, London WC2H 0LA) _____

-and-
THE LONDON BOROUGH OF CAMDEN

Appellant

Respondent

JUDGMENT OF JULIA NEWTON DISTRICT JUDGE (MAGISTRATES COURTS) FOLLOWING HEARING ON 16 SEPTEMBER 2021

117. "I accept that deliveries after 23:00 are likely to be to residential addresses and there is a risk of noise at the delivery point. As pointed out, where premises comprise blocks of flats, the **sound of the main doorbell of one flat can be audible in another. Doors opening and closing and conversation at the point of delivery is also capable of disturbing neighbours late at night.**"

118. "...When a delivery is made, it is not possible to manage the situation..."

140. "The responsible authorities are unable effectively to monitor couriers in a delivery only model as envisaged by the Appellant."

C 2) Relevance of this Court Decision to Papa Johns Application 2023/01216/LAPR

- Applicant has little to no control over its own employed Papa Johns-badged drivers once they leave the Premises
- Applicant has little to no control over self-employed drivers who use Papa John-badged motorbikes/vehicles of any type once they leave the Premises
- There is risk of noise and nuisance at the delivery point that Papa Johns has no control over
- Applicant cannot manage the risk of noise and other nuisance at the delivery point
- Responsible Authorities are unable to effectively monitor Papa John's badged delivery riders (employed or self-employed); nor any third party delivery riders such as Deliveroo, UberEats and JustEast—all three platforms are used by Papa Johns.

EVIDENCE D – S. 182 Guidance (Aug 2023), 2003 Licensing Act, regarding planning hours and 'earlier' hours when different from licensing hours.

D "1) Planning and building control

"14.64 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

"14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes.

*"Where these hours are different to the licensing hours, **the applicant must observe the earlier closing time.***

"Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee."

D 2) Hammersmith & Fulham's Statement of Licensing Policy 2022-2027 states:

"POLICY 13: ALIGNMENT WITH PLANNING (p. 31)

"Despite Licensing and Planning being under different legislation, the Licensing Authority will ensure that the licensing regime is in line with the planning regime in Hammersmith & Fulham as far as is possible."

"Where an applicant is granted a premises licence with operating hours that are different to the hours permitted by the premises planning permission, the applicant must observe the earlier closing time."

EVIDENCE:

Planning Inspectorate 07 March 1994 Decision, 4 page document (attached, pp 9-12)

On page 4, "2. The use hereby permitted shall not take place other than between 0900 hours and 2330 hours from Monday to Saturday and between 1130 hours and 2230 hours on Sundays."

CONCLUSION:

The Applicant's allowed opening times are 09:00-23:30 Mon-Sat and 11:00-22:30 on Sundays on planning permission attached.

EVIDENCE E – Police-suggested hours are not in line with Framework hours, nor with this addresses' planning hours

E 1) CONDITIONS 'agreed' with Police:

We would like to point out to the Committee tonight that:

These Conditions agreed with Police for tonight's application 2023/01216/LAPR are ones already noted by the Licensing Committee to be difficult to abide by and have been commented on extensively by the Committee in various of their Decision Letters.

Here are the same four conditions agreed now between Police and Papa Johns in 2023/01216/LAPR also suggested by Police to the Applicant for 2022/00813/LAPR of Select Chicken 22 July 2022, at 349 North End Road just up the road from Papa Johns. Different applications but same Conditions.

"1. Signs shall be prominently displayed reminding patrons that there are residents living nearby and instructing them to respect neighbours and to conduct their behaviour accordingly."

"2. Notices shall be prominently displayed at all exits used by delivery drivers requesting them to respect the needs of local residents and leave the area quietly."

"3. After 23:00 hours, drivers shall wait inside the premises between deliveries/for deliveries"

Comment from residents on point 3.: (For tonight's committee, residents would remind that at the previous 14 Feb 2023 hearing regarding all the same issues, Papa John's three management representatives stated that there was no room for drivers/riders to wait inside. There was mention of 'the window bar' but that might be too small and narrow a space, they said [and we note there are no high stools there to use anyway—see photograph in PowerPoint presentation in Supplemental Agenda of tonight], and it was meant for customers, they explained. Concern was raised by residents at this hearing about the lack of cleanliness of drivers, having witnessed them urinating on too many occasions.)

"4. Delivery drivers/riders will be given clear, written instructions to use their vehicles in a responsible manner so as to not cause nuisance to any residents or generally outside the licensed premises; not to leave engines running when the vehicle is parked; and not to obstruct the highway. The licence holder will positively encourage delivery drivers/riders to use quieter vehicles that are less likely to cause a nuisance such as bicycles."

E 2) Comment from residents on point 4.: Ref this suggested Condition 4., Residents would like to point out to the Sub-Committee tonight:

– We are sure that the Committee would like to see the written instructions, but we are sure that they have had no effect since discussed at the previous 14 Feb hearing, because, in residents' experience

– The Premises is a constant source of various nuisance, as evidenced by photographs submitted by residents as well as all the descriptions given by residents at the hearing on 14 Feb as well as tonight, and written evidence submitted for both hearings (14 Feb 2023 and tonight 26 Sept 2023).

EVIDENCE E – (continued)

- The Applicant has not submitted evidence that he will be supplying 'quieter vehicles'.
- The Applicant has not submitted evidence that any employed, self-employed or third party delivery vehicles/riders will be using quieter vehicles. Quieter vehicles have yet to be defined by a sound report.

E 3) The Licensing Committee will know that it has stated in previous Decision Letters that **these very same four Conditions are neither sufficient to deal with the objectors concerns nor are they sufficient to promote the licensing objectives.**

The Licensing Committee stated in the Select Chicken Decision 2022/00813/LAPR of Select Chicken 22 July 2022, at 349 North End Road:

"24. However in accordance with policy 14 of the statement of licensing policy, it was the Committee's considered opinion that this condition would not be sufficient to deal with possible public nuisance and anti-social behaviour caused by delivery drivers collecting deliveries from the Premises and would not promote the licensing objective of prevention of public nuisance."

"25. In relation to conditions 1 and 2 proposed by the Police as referred at paragraph 21 above, according to which the Applicant will display signs at the Premises asking patrons as well as delivery drivers to leave the area quietly and respect the neighbours, it was the Committee's considered ***opinion that it will be difficult for the Applicant to ensure that the customers and drivers will follow the rules.*** It was the Committee's considered opinion that this condition would not be sufficient to deal with the objectors concerns or promote the licensing objective of prevention of public nuisance."

The Licensing Committee stated in point 20, page 4 in the Decision Letter 2022/01816/LAPR of Papa Johns 14 Feb 2023 point 20 (attached in pack A, Appendix):

"20. ... the existing licence has already a condition requiring the Applicant to display notices at the Premises requesting customers to leave the premises quite and that local residents were still suffering from noise and nuisance associated with the Premise... the imposition of these three conditions would not be sufficient to deal with the objectors' concerns and will not promote the licensing objective of the prevention of public nuisance."

E 4) Hours agreed with Police:

We have been informed by the Licensing Authority that the Police have come to an arrangement regarding hours and conditions for 2023/01216/LAPR, tonight's application. Those hours have moved from Papa John's applying for 24-hour operation in their Application to agreeing the following hours with the Police (taken from Police correspondence):

The provision of late night refreshment - Both Indoors and Outdoors

Sunday- Thursday between the hours of 23:00 to 00:00

Friday and Saturday 23:00-01:00

Proposed Opening Hours:

Sunday-Thursday 10:00-00:00

Friday and Saturday 10:00-01:00

EVIDENCE E – (continued)

E 5) Hours–Further concerns of Residents:

- a) Residents are not convinced about the Applicant's business model and thus the Application's Licensing Application/Operating Plan submitted, in that at the hearing six months ago, the Applicant applied for 02:00am (2022/01816/LAPR), and recently applied again–the hearing tonight–, this time for 24-hours/round the clock operation (2023/01216/LAPR)–which then the Applicant suddenly agreed to Police suggestions, above. The business model has totally changed with no explanation.

The Police suggestions are what we, residents, call 'hours creep', namely, apply for 24-hrs to obtain an extra hour now, and in six months perhaps apply for a further hour, by applying for 24-hrs again, or pushing it till 4am for 1 extra/further hour.

- b) Residents would appreciate clarification about Police 'agreeing' hours with Applicants in a gesture to the Applicant to not make a Representation against the application.

Why are we confused about this?

Answer: As far as residents understand, it is up to the Licensing Committee to stipulate hours, keeping in mind the Framework Hours.

- c) Fact: The Police did not consider the Planning hours. As shown in the following 4-page Planning Inspectorate decision, in point 12.2., page 4, on page 12 of our 13-page document here, in the case of 63 Walham Grove, the Framework hours are 09:00-23:30 Mon-Sat and 11:00-22:30 on Sundays. The 9:00am perhaps comes from tradition, as the address was a sweets bakery long ago.

Conclusion - F 1) The evidence we have presented tonight to the Sub-Committee:

EVIDENCE A – Hours

EVIDENCE B – Takeaways; Framework considerations

EVIDENCE C– Recent Licensing Appeal establishes nuisance at the point of delivery; Judge Newman decides

EVIDENCE D – S. 182 Guidance (Aug 2023), 2003 Licensing Act regarding terminal hours and ‘earlier’ hours when different from licensing hours

EVIDENCE E– Police-suggested hours are not in line with Licensing hours, nor with this addresses’ planning hours

Conclusion - F 2) What we are requesting of the Sub-Committee tonight 26 Sept:

Our biggest concern

We have discussed this at length with our Councillors in Walham Green Ward and Lillie Ward, namely, we would like to let the Sub-Committee know that we are very concerned about this part of Fulham becoming a Delivery Economy hub of choice for eventual 24-hour nuisance throughout our residential roads;

- nuisance at the point of pick up, at all hours
- nuisance at the point of delivery (now defined at Appeal), at all hours
- nuisance on every road as riders linger and ‘do other business’ as they wait for orders, as well as speed through our neighborhoods, at all hours.

Even just last night (22 Sept) I was awoken by two electric bicycles that make a rather dull high pitched sound when nothing else can be heard in those rare moments of London quiet in the small hours.

More nuisance is inevitably associated with more crime and disorder. Increased nuisance is a threat to public safety.

In short: There is no need for this part of Fulham to become a Delivery Economy hub late at night, after midnight or even worse, 24/7/365.

Conclusion - F What we are requesting of the Sub-Committee tonight 26 Sept:

Residents have spent at least 500 hours working on this application, making site visits, reporting breeches, researching and preparing evidence, liaising with legal advisors, gathering crime stats, collating local information, teaming up to create presentations for tonight's hearing, and explaining the licensing process to scores of concerned residents.

Residents have also submitted 50 representations, collected 33 signatures for a quick, 36-hour window August weekend petition in one key block of flats, etc.; all this in order for the Committee to take an informed decision based on the evidence required by your own Licensing Policy and the S. 182 Guidance.

Please reject this application and please convey again our request (Residents 'as well as Councillors' request) to the Applicant to consider being a positive part of our neighbourhood, starting with dealing with their rubbish, picking up litter many times a day, even washing their pavements every morning as any good Italian pizzeria does every morning (!).

Perhaps the Applicant could consider giving attention to his building by looking up to the first and second floors of 63 Walham Grove to see that 63 Walham Grove is a selected historic 'Building of Merit' in a cherished Conservation Area road; as a few Responders pointed out verbally and with specific photos of the side wall, the angled corner frontage needs more than a bit of loving care. We have architects and designers right here in the neighbourhood ready to work with Papa Johns to help you reinstate what could become an award-winning historic shopfront that would show you proud and be a new win for the ongoing success of the North End Road Regeneration.

Thank you to the Sub-Committee tonight from Barclay Road Residents (via our Neighbourhood Watch) and from all residents here present tonight, as well as the thousands of families and individuals that we are speaking on behalf of tonight, who proudly call Fulham their home.

██████████ with and for Barclay Road Residents (Barclay Road Conservation Area Neighbourhood Watch)

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Appendix follows on pages 12-15 (Planning Insp Decision)



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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TP/824/83

RN/93/00026

National Commercial (Planning)
Unit 12
Coldart Centre
King Edward Avenue
DARTFORD
Kent
DA1 2HZ

Your Ref: 993NC229
Our Ref: T/APP/H5390/A/93/229294/P7

Allowed

Date: 07 MAR 1994

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR A SOTERIOU & MISS M TSIELEPIS
APPLICATION NO: 93/00026

1. I have been appointed by the Secretary of State for the Environment to determine this appeal. The appeal is against the failure of the Council of the London Borough of Hammersmith and Fulham to give within the prescribed period notice of their decision in respect of an application for the conversion of the existing ground floor bakery use to a fish and chip take-away restaurant at 63A Walham Grove, Fulham. I have considered the written representations made by you and by the Council and also those made by interested persons, including those representations made directly to the Council which have been forwarded to me. As you know, I inspected the site on 31 January 1994.
2. The Council resolved that had it been empowered to do so, it would have refused your clients' application on the grounds that: 1) it would give rise to customer parking and manoeuvring which would be prejudicial to highway safety; and 2) the proposal would result in an increase in noise and disturbance, thereby harming the amenities of nearby residents.
3. The building is within the Walham Green Conservation Area and under the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas.
4. The Council have formulated and published guidelines for restaurant uses which complement policies contained in the adopted Borough Local Plan and the emerging Unitary Development Plan (UDP). Policy SH12 in the emerging UDP



indicates that when considering proposals for food and drink establishments, account will be taken of their effect on residential amenities, their impact on traffic and the cumulative effect of the introduction of new A3 Uses. The Council's guidelines for restaurant uses highlight factors such as location and access requirements and the potential detrimental effects.

5. The appeal property is a prominent 3 storey corner building situated on the junction of Walham Grove and Vanstone Place. It is included in the Council's local register of buildings of merit. The application relates to the ground floor of the premises, which was formerly a bakers shop, but is now vacant. In addition to the proposed change of use of the shop to a hot food take-away, the development involves the installation of a new shop front and the fixing of an external ventilation duct to the rear elevation of the building.

6. From what I have read in the representations and seen during my inspection of the site and its surroundings, I consider there are three main issues in this case. These are: firstly, the effect on the character and appearance of the Walham Green Conservation Area; secondly, whether the development would adversely affect the amenities of people living nearby as a result of noise and disturbance; and thirdly, whether it would be detrimental to highway safety.

7. The appeal site is a short distance from Fulham Broadway and the locality is typical of a town centre location, with the buildings containing a mixture of commercial uses at ground floor level and residential accommodation on the upper floors. The proposed use would not be very dissimilar to the previous use which also involved the preparation, cooking and sale of foodstuffs. I noticed that there is a street market in North End Road and the character of the area is one of a busy vibrant shopping centre. I therefore consider the proposal to be entirely in keeping with this character and the new shop front is typical of many in the area. The proposed ventilation ducting would be positioned on the rear elevation of the building, where it would not be widely seen and it is proposed to be painted in a dark colour to minimize its visual impact. I thus conclude the development would preserve the character and appearance of the Walham Green Conservation Area.

8. Turning to the second issue, I noted during my visit that the appeal premises are close to a busy road junction and adjoin a launderette which operates until 10pm every day. There is a public house opposite and several other catering premises in the vicinity which also remain open late into the evening. Having regard to the commercial nature of the locality and the very high volume of vehicular and pedestrian traffic, I found the area to be quite noisy. Whilst I accept that the proposed use would also attract night-time customers, the ambient noise levels are such that I consider it would be most unlikely for residents in the neighbourhood to be

disturbed by additional noise attributable to customers of the proposed fish and chip shop. Furthermore, I am satisfied that I can prevent any customer noise at unsociable hours, by attaching a condition to restrict the operation of the premises to opening times similar to those of comparable nearby establishments. In these circumstances, I conclude the development would not adversely affect the amenities of people living nearby as a result of noise and disturbance.

9. I now turn to the third issue. The appeal site, in common with many of the other properties in the locality, has no off-street parking facilities. Additionally, I noted that there are double yellow lines in front of the premises and in Walham Grove there is kerbside parking for residents and meters for the general public. I have seen no evidence to suggest that customers attracted to the proposed fish and chip shop would add unacceptably to the already high traffic flows, or place undue strain on the available roadside parking in the area. I am therefore not persuaded the proposal would result in a significant increase in pedestrian and vehicular movements. I therefore conclude the development would not be detrimental to highway safety in the locality.

10. The Council have suggested a number of conditions, which I have considered in the context of the criteria set out in Circular 1/85. I also note that the final submitted drawings followed extensive negotiations with officers of the Council and their report to the Sub-Committee indicates that the details contained therein meet with their approval and I see no need for conditions which reiterate the specifications shown on the drawings. In addition to the standard time condition, I therefore only propose to attach conditions relating to hours of operation and the installation of the ventilation system prior to the use commencing.

11. I have considered all the other matters raised in the representations including the presence of other A3 uses in the locality, but I have found no other matter of such weight as those upon which I have formed my conclusions and which lead to my decision.

12. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the conversion of the existing ground floor bakery use to a fish and chip take-away restaurant at 63A Walham Grove, Fulham, in accordance with the terms of the application No 93/00026, dated 11 January 1993 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. The use hereby permitted shall not take place other than between 0900 hours and 2330 hours from Monday to Saturday and between 1130 hours and 2230 hours on Sundays;

3. The fume extraction system hereby permitted shall be fully installed and operational before the use is commenced.

13. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

14. The developer's attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.

15. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

16. Your attention is drawn to the provisions of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

Yours faithfully

F. C. Grace

E C GRACE DipTP(Nottm) FRTPI FBEng PPIAAS
Inspector