

**From:** [REDACTED]

**Sent:** Monday, June 17, 2024 5:20 AM

**To:** Licensing HF: H&F <licensing@lbhf.gov.uk>

**Subject:** Re: Notice of Hearing - Tops Pizza, 74 Fulham Palace Road London W6 9PL

Dear Ms McKenna,

Please find attached 3 pieces of supplementary documentation, which I will draw upon with regards to my objection.

These documents are from your own LBHF Planning portal, and relate to previous license rejections in 1995, 1996 and 2011 for the same premises.

Thanks,

[REDACTED]

Town and Country Planning Act 1990  
The Town and Country Planning  
(General Development Procedure) Order 1995

Refusal to Vary Condition(s)

Applicant: Tops Pizza Ltd

Application dated: 05.09.95

Agent: Tops Pizza Ltd

T.P.Number: 00332/0074/000

Address: Mr A M Yazdi  
74 Fulham Palace Road  
W6 9PL

U.P.R.N: 01738/0074/0/000

Reg. Number: 95/20/01567

Location and Description

74 Fulham Palace Road, SW6

Variation of condition of permission to extend hours of operation of Pizza take away, from allowed closing time of 11 pm to 1 am. (Condition 03 of planning permission dated 02/04/84 RN: 84/00452).

Particulars of Decision

Variation of Condition(s) Refused  
for the following reason(s):

- 01 The proposal is unacceptable in that the extended opening hours are considered to be detrimental to the amenities of residential occupiers by reason of unacceptable levels of noise and disturbance and as such the proposal is contrary to Policies EN21 and SH11 of the Unitary Development Plan.

For your information:-

- 01 In connection with this refusal of planning permission, and in pursuance of its powers under the above Act, the Council has decided that it is expedient to take enforcement action in respect of the unauthorised development and has instructed the Head of Legal Services accordingly.

You will shortly receive a communication from the Head of Legal Services informing you of the precise nature of the action being taken. This may be the service of a notice or, if appropriate, court proceedings.

continued/


95/01567



Director of the Environment Department.

Dated: 12th February 1996

Registered Number: 95/01567

Duly authorised by the Council to sign  
this notice. 

Refer to the Statement of Applicants' Rights and general information enclosed.



# The Planning Inspectorate

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

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st5

2007

TP 332/74  
RW 95/01567

J G Seabrook Esq  
The Oxford Building Design Studio  
Premier House  
1 Canning Road  
HARROW  
Middlesex HA3 7TS

Council Ref:  
SXA/23419  
Our Ref:  
T/APP/H5390/A/96/270304/P8

Date: 27 NOV 1996

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR A YAZDI  
APPLICATION NO:- 95/20/01567**

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the London Borough of Hammersmith and Fulham Council to refuse an application No 95/20/01567 made on 5 September 1995 for planning permission under Section 73A(2)(c) of the Town and Country Planning Act 1990, for the development of land without complying with a condition subject to which a previous planning permission was granted. The planning permission was No 84/20/00452/14 dated 2 April 1984 for change of use of ground floor to take-away hot food shop at 74 Fulham Palace Road, London W6.

2. The condition in dispute is No 03, which states that the use hereby permitted shall operate only between the hours of 9 am and 11 pm on any day. The reason for the condition was stated as to ensure that the amenities of the surrounding neighbourhood are not unduly affected.

3. I have considered the written representations made by you and by the Council. I inspected the site on 5 November 1996.

4. From my view of the site and its surroundings and having read the representations, I consider that the main issue in this case is the effect of a change in the opening hours on the residential amenities of adjoining occupiers, having regard also to local planning policies.

5. You ask that the hours be extended from 2300 to 0100 which you say would be in line with your client's practise over the past 8 years and also that of the previous owner of the site. You say that the appellant was granted a Night Cafe Licence from February 1993 and for the subsequent year up until June 1994. Renewal of the licence was not granted only because it was discovered that planning permission had not been obtained for operating beyond 2300.

6. The development plan policies most relevant to this appeal are Policies EN21 Environmental Nuisance and SH11 Food and Drink Establishments of the Borough's Adopted Unitary Development Plan (UDP). These policies are concerned to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties particularly those in residential use. I am required to decide the appeal having regard to the development plan and to make my determination in accordance with it unless material considerations indicate otherwise.
7. The appeal site is located at the northern end of Fulham Palace Road between Chancellors Road and Distillery Lane. In this parade at ground floor level there is (going from north to south) an estate agent, a shoemaker, an antique shop, the appeal site which is a pizza take-away, a fish and chips/kebab shop, a Chinese take-away and a public house. There are several doors between these commercial premises giving access to two floors of residential accommodation above. At least some of these residential units are in occupation. I am told by the local planning authority that the upper two floors above the appeal site are occupied as a residential maisonette and from the street I saw curtains and blinds at other windows. I also saw at my site visit that there is residential accommodation on the upper floors opposite the appeal site, (with 87 Fulham Palace Road also appearing to be in residential use) and that Chancellors Road to the north and Yeldham Road opposite the appeal site are mainly in residential use.
8. I saw a notice at the appeal site regarding the hours of opening stating that the premises are open from 11.30 to late every day. There was no information given at the adjoining fish and chips/kebab shop or the Chinese take-away. At the public house a notice stated that the premises are open all day Monday to Saturday and closing time on Sunday is 2230.
9. You argue that this is a busy main traffic route in a town centre location some distance from any concentrated residential area where A3 uses may be permitted to operate later than in predominantly residential locations. You say that there have been no well-founded objections lodged in respect of the extended hours. A subsequent application has been made by your client for the extended hours to be operated over a trial period of 12 months to allow the impact to be closely monitored by the local planning authority. I have not been told of any decision relating to that application.
10. When the condition in question was originally imposed it was to ensure that the amenities of the surrounding neighbourhood were not unduly affected. In my opinion, this is still an important consideration here in this area of mixed uses. There are residential neighbours above and reasonably close to the appeal premises and the development plan requires that their amenities are taken into account. The permission does not allow the use at the appeal site to operate beyond 2300. After such a time, ambient noise levels are likely to be lower, even on this busy road. I would expect later opening to 0100 to add materially to the activity and noise close to the appeal site which would be likely to disturb residential occupiers living above and close by. The extra noise, whether from people, cars or delivery motor-cycles could reasonably be expected to disturb residents' sleep. I note that in the officer's report to committee reference is made to two objections received from local residents. This to some extent confirms my opinion. I conclude that to approve the hours you have requested would unacceptably harm the amenities of neighbouring residential occupiers and would be contrary to Policies EN21 and SH11 and the objectives of the UDP.

11. I have considered all the other points raised including that the Safety and Licensing Department of the Council is willing to continue to grant a Night Cafe Licence for the premises. I have found nothing as important as the matters I have discussed.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss the appeal.

Yours faithfully

Handwritten signature of Caroline Briggs in black ink, with a horizontal line underneath the name.

CAROLINE BRIGGS BA(Hons) FRTPI Barrister  
Inspector

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## 1. THE APPLICATION

1.1. On the 8<sup>th</sup> July 2011, Mr Ali Yazdi submitted an application under section 34, Licensing Act 2003 for a variation of a Premises Licence in respect of the premises known as Tops Pizza, 74 Fulham Palace Road, W6 9PL. The current licence has two premises licence holders named. We have since received confirmation from the other licensee Miss S. Yazdi that she is happy for the application to proceed. A copy of this confirmation can be viewed on page 31.

### 1.2. Application Requested

1.2.1. The applicant is applying to vary the current licence to add the licensable activity of Late Night Refreshment.

#### 1.2.2. Current Hours Permitted:

Supply of Alcohol is authorised (for consumption off the premises only):

Monday to Saturday	08:00 until 23:00
Sunday	10:00 until 22:30

With the exception of:

- (a) Good Friday, 08:00 to 22:30
- (b) Christmas Day, 12:00 to 15:00 and 19:00 to 22:30

Premises open to the public:

Monday to Saturday:	08:00 until 23:00
Sunday:	10:00 until 22:30

#### 1.2.3 Proposed Hours

The applicant has applied to vary the licence as follows:

Supply of Alcohol is authorised (for consumption off the premises only):

Monday to Saturday:	08:00 until 23:00 (no change to current licence)
Sunday:	10:00 until 22:30 (no change to current licence)

With the exception of:

- (a) Good Friday, 08:00 to 22:30
- (b) Christmas Day, 12:00 to 15:00 and 19:00 to 22:30

Late Night Refreshment

Everyday:	23:00 until 01:00 (the following day)
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Premises open to the public

Everyday:	11:00 until 01:00 (the following day)
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### **1.3. Applicants Operating Schedule**

1.3.1. In addition to the conditions currently on the premises licence, the applicant has stated the following additional steps to promote the four licensing objectives in Section P of the application form:

1. CCTV will operate 24 hours a day.
2. Door to have a secure quality mortise lock.
3. All incidents are to be reported to the police.
4. The premises will be adequately ventilated
5. Streets nearby are to be monitored nightly and any rubbish generated from the pizza shop to be picked up by staff and disposed of correctly.

The other steps presented in the operating schedule are unable to be converted into conditions on the premises licence as they are duplicated by other legislation or are unenforceable. A copy of the application form can be found on pages 7-31 of this report

### **1.4 Existing Licence (pages 32-34)**

1.4.1 The justices' licence was converted to a premises licence in September 2005 during the transitional period of the Licensing Act 2003. Since this time there has been no variation to the licence and the licence has not been transferred.

## **2. BACKGROUND**

- 2.1. The premises operate as a pizza take away and delivery store which has permission to supply alcohol for consumption off the premises only. The premises operate solely on the ground floor. A plan of the premises can be found on page 41 of this pack.
- 2.2. The premises are located on Fulham Palace Road, in a busy area of Hammersmith. In the immediate vicinity of Tops Pizza are many commercial premises including retail units, off-licences restaurants, cafes and public houses. In addition, some areas in the near vicinity are predominantly residential. Several retail units of Fulham Palace Road have residential accommodation above the shops.
- 2.3. There are several options of transport away from the area including taxis or the several bus routes which operate along Fulham Palace Road. Hammersmith bus station is also close by and the tube at both Hammersmith and Baron's Court are within walking distance. A plan of the local area can be viewed on page 42 of this report
- 2.4. Planning records show that planning permission was granted in 1984 for Change of use of ground floor to take-away hot food (Class A5)

This planning permission was subject to a time condition as follows:-

The use hereby permitted shall operate only between the hours of 9 am and 11 pm on any day.

Further applications were submitted in 1995 and 1996 to vary the condition of the planning permission to extend the hours of operation from 11:00pm to 01.00 am. Both of these applications were refused permission.

- 2.5 The Licensing Authority carried out a test purchase at the premises on 24<sup>th</sup> June 2011. The test purchase was to establish if the premises was offering late night refreshment without the correct authorisation. At 23:30 an officer successfully purchased hot food from the premises. The sale of hot food without the correct authorisation is an offence under Section 136 of the Licensing Act 2003. A warning letter has been issued to both licensees.

### **3. CONSULTATION**

- 3.1. A public notice was displayed at the premises for 28 days. The application was advertised in a local circular. The applicant notified all the statutory consultees as required by the regulation. The Council has served written notice of hearing upon the applicant and parties that have made representations in respect of the application.

#### **3.2. Relevant Representations**

- 3.2.1 The Licensing section has received a total of 3 representations against the application. Both the Planning Authority and the Environmental Protection Department of the London Borough of Hammersmith and Fulham have objected to the application as well as 1 interested party from the local area.

- 3.2.2 The representation from Ms Gloria Gross details concerns relating to the Public Nuisance licensing objective. The representation can be seen on page 35 of this report

- 3.2.3 The representation from Environmental Protection states that the operating schedule does not adequately address the prevention of public nuisance in relation noise from patrons visiting the premises late at night. Environmental Protection have recommended that the application be amended as follows:

1. The opening hours requested are amended to 11:00 until midnight
2. A radius of 100m from the shop shall be swept as required

A copy of the representation from Environmental Protection can be viewed on page 36 of this report.

- 3.2.4 The representation from the Planning Authority draws the committee's attention to the fact that the application, if granted, would breach the current planning permission by 2 hours. The representation also states that the proposed hours would fail to meet the licensing objectives in terms of public nuisance and crime and disorder. The proposed hours would also be contrary to Policies EN21 and SH11.

The licensing authority has received further information from the planning authority which corrects the factual inaccuracies made in its original representation in relation to locality of the premises. The original representation can be viewed on pages 37-38 and the

additional information correcting inaccuracies on the first email can be viewed on page 39-40.

#### **4. POLICY CONSIDERATIONS**

- 4.1. Section 14 of the Council's Statement of Licensing Policy (pages 22 – 23) gives guidance in relation to planning permission. It states that applications for premises licences should normally relate to premises with an existing lawful use for the activities proposed.
- 4.2. Section 14 goes on to say that in general, the planning position should be resolved before a licence application is made. The Licensing Authority may refuse to grant a licence if the activity to be authorised would amount to an unlawful use of the premises or the hours being sought exceed those authorised by any planning permission. However the Licensing Authority may nonetheless determine a licence application without evidence of lawful planning use where the applicant satisfactorily demonstrates special reason justifying such approach.
- 4.3. Section 10 of the Council's Statement of Licensing Policy (pages 17-18) gives particular guidance in relation to the prevention of nuisance. It states that the Council will require applicants to demonstrate within the operating plan how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as it is appropriate to ensure the licensing objectives are met. In considering an application the council will consider the adequacy of proposed measures to remove or effectively manage the potential for nuisance and anti social behaviour.

#### **5. PROPOSED CONDITIONS**

- 5.1. It is the Council's duty under the Licensing Act 2003 to determine applications with a view to promoting the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.
- 5.2. In reaching a decision the Council shall consider the details of any relevant representations received; the applicant's Operating Schedule; the Council's adopted Statement of Licensing Policy and the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 5.3. The operating schedule and the comments made by the interested parties are clearly important considerations.
- 5.4. There are currently 5 existing conditions attached to the premises licence. 4 of the existing conditions can be seen on the current premises licence which can be viewed on pages 32-34 of the report pack. In addition, a further condition was imposed in 2010 when the new mandatory conditions were introduced for all premises licences. This condition reads:
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce

on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5.4.1. Should the committee decide to grant the application, it is requested that all the remaining conditions on the existing licence be retained and that consideration be given to any additional conditions to promote further the licensing objections that may be offered by the applicant at the hearing.

5.4.2. The complete set of mandatory conditions attached to this premises licence are:

### **Mandatory Conditions**

1. No supply of alcohol may be made under the premises licence -
  - a) at a time when there is no designated premises supervisor in respect of the premises licence
  - b) or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.



LBHF Ref: \_\_\_\_\_

Office use only

Schedule 4 Regulation 12

**Application to London Borough of Hammersmith and Fulham  
to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ALI YAZDI \_\_\_\_\_ being  
(Insert name(s) of applicant)

the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

2005/03577/LAPRT

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference, or description	
74 FULHAM PALACE ROAD HAMMERSMITH	
Post town LONDON	Postcode W6 9PL

Telephone number at premises (if any)

0208 741 0090

Non-domestic rateable value of premises

£ 2854.20

LIPREM7A

Variation Premises Licence Application

LILASD13

22/08/2007 Version 1

V 19.2.07

**Part 2 – Applicant details**

Daytime contact telephone number

0208 2262060

E-mail address (optional)

[Redacted]

Current postal address if different from premises address

[Redacted]

Post Town

[Redacted]

Postcode

[Redacted]

**Part 3 - Variation**

Do you want the proposed variation to have effect as soon as possible?

Please  yes

If not do you want the variation to take effect from

Day      Month      Year

--	--	--	--	--	--	--	--	--	--

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

[Redacted]

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please ✓ yes

### Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

### Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

**In all cases complete boxes N, O and P**



**A**

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please ✓ yes (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors of outdoors or both – please ✓ yes (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

**C**

Indoor Sporting Events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Tue			
Wed			
Thur			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please ✓ yes (please read guidance note 2)	Indoors		
				Outdoors		
Day	Start	Finish		Both		
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed					State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Thur						
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please ✓ yes</b> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed					
Thur					
			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please ✓ yes (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for playing of recorded music (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the playing of live music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please ✓ yes (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					



H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>		
Day	Start	Finish	<b>Will the entertainment take place indoors or outdoors or both – please ✓ yes (please read guidance note 2)</b>	Indoors	
				Outdoors	
				Both	
Mon			<b>Please give further details here (please read guidance note 3)</b>		
Tue			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</b>		
Wed			<b>Non standard timings. Where you intend to use the premises for entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Thur			<b>Non standard timings. Where you intend to use the premises for entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Fri			<b>Non standard timings. Where you intend to use the premises for entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sat			<b>Non standard timings. Where you intend to use the premises for entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sun			<b>Non standard timings. Where you intend to use the premises for entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		

V 19.2.07



Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
Day	Start	Finish	Will the facilities for making music be indoors or outdoors or both – please ✓ yes (please read guidance note 2)	Indoors	
				Outdoors	
Mon				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

**J**

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please ✓ yes (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon						
Tue				Please give a description of the facilities for dancing you will be providing		
Wed				Please give further details here (please read guidance note 3)		
Thur				State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Fri						
Sat				Non standard timings. Where you intend to use the premises for provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun						

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within J or K Standard days and timings (please read guidance note 6)</b>			<b>Please give a description of the type of entertainment facility you will be providing</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Will the entertainment facility be indoors or outdoors or both – please ✓ yes (please read guidance note 2)</b>	<b>Indoors</b>
				<b>Outdoors</b>
<b>Mon</b>				<b>Both</b>
<b>Tue</b>			<b>Please give further details here (please read guidance note 3)</b>	
<b>Wed</b>				
<b>Thur</b>			<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within J or K (please read guidance note 4)</b>	
<b>Fri</b>				
<b>Sat</b>			<b>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within J or K at different times to those listed in the column on the left, please list (please read guidance note 5)</b>	
<b>Sun</b>				

L

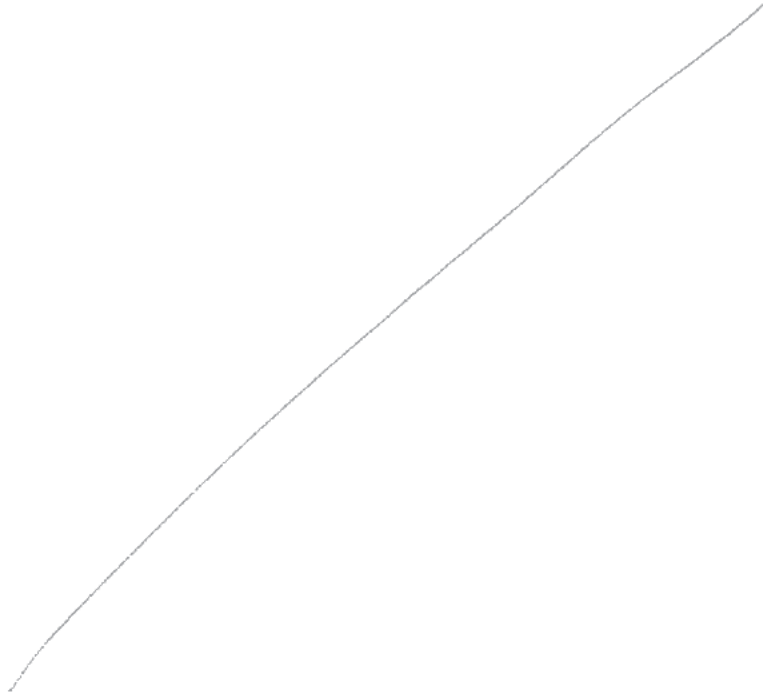
Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please ✓ yes (please read guidance note 2)	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish	Please give further details here (please read guidance note 3) FOR THE SALE OF PIZZA & SOFT DRINKS FOR CONSUMPTION ON OR OFF THE PREMISES.		
Mon	11.00	01.00			
Tue	11.00	01.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	11.00	01.00			
Thur	11.00	01.00	N/A		
Fri	11.00	01.00			
Sat	11.00	01.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sun	11.00	01.00			
			N/A		

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the sale of alcohol be for consumption</b> (please ✓ yes) (please read guidance note 7)		On the premises					
					Off the premises	✓				
					Both					
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)							
Mon	11.00	23.00								
Tue	11.00	23.00								
Wed	11.00	23.00								
Thur	11.00	23.00								
Fri	11.00	23.00								
Sat	11.00	23.00								
Sun	11.00	23.00								
							<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</b>			

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**



O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variation (please read guidance note 4)</b>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon	11.00	01.00	
Tue	11.00	01.00	
Wed	11.00	01.00	
Thur	11.00	01.00	
Fri	11.00	01.00	
Sat	11.00	01.00	
Sun	11.00	01.00	
			<b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</b>

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

WE ARE SEEKING TO ~~CHANGE THE~~ SELL HOT FOOD BETWEEN 11pm + 01.00

Please ✓ yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence



**P**  
Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)**

HEALTH & SAFETY AT WORK  
HAZARD ANALYSIS  
FOOD SAFETY MANAGEMENT  
FIRE PREVENTION.

**b) The prevention of crime and disorder**

CCTV IN OPERATION 24 HOURS A DAY  
DOOR TO HAVE A SECURE QUALITY MORTISE  
LOCK  
ALL INCIDENTS TO BE REPORTED TO THE  
POLICE

**c) Public safety**

PORTABLE FIRE EQUIPMENT AND FIRST AID  
EQUIPMENT SUPPLIED

PUBLIC LIABILITY INSURANCE TO BE  
MAINTAINED

**d) The prevention of public nuisance**

PREMISES TO BE ADEQUATELY VENTILATED

STREETS NEARBY TO BE MONITORED NIGHTLY  
AND ANY RUBBISH GENERATED FROM THE  
PIZZA SHOP TO BE PICKED UP BY STAFF AND  
DISPOSED OF CORRECTLY

STAFF TO DIFFUSE ANY POTENTIAL ANTI-SOCIAL  
BEHAVIOUR.

e) The protection of children from harm

N/A


Please ✓ yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE (UP TO £5000) , UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note10)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature .....   
Date..... 06/07/11 .....  
Capacity ... DIRECTOR .....

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note12). **If signing on behalf of the applicant please state in what capacity.**

Signature .....  
Date.....  
Capacity .....

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 13)	
<b>Post town</b>	<b>Postcode</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

**Aldous Lewis**

---

**From:** [REDACTED]  
**Sent:** 25 August 2011 12:33  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** 74 Fulham Palace Road, W6 9PL

Dear [REDACTED]

Further to your conversation with my colleague [REDACTED] I am writing to confirm that I am happy for the application to extend the opening hours at the above property to go ahead.

I am currently out of the country but contactable by email should you require anything further.

Kind Regards

S. Yazdi  
Tops Pizza



# LONDON BOROUGH OF HAMMERSMITH & FULHAM

**Hammersmith  
& Fulham**  
*Serving our Community*

Licensing Act 2003 Premises Licence Schedule 12 Part A, Regulation 33, 34

**Premises Licence Number: 2005/03577/LAPRT**

## Part 1 – Premises details

**TOPS PIZZA  
74 FULHAM PALACE ROAD**

Post town: **LONDON**

Post code: **W6 9PL**

Phone: **020 8741 0090**

Where the licence is time limited the dates:

**Not Applicable**

Licensable activities authorised by the licence:

**Sale of Alcohol**

The times the licence authorises the carrying out of licensable activities:

	From		To
<b>Monday</b>	<b>8am</b>	<b>until</b>	<b>11pm</b>
<b>Tuesday</b>	<b>8am</b>	<b>until</b>	<b>11pm</b>
<b>Wednesday</b>	<b>8am</b>	<b>until</b>	<b>11pm</b>
<b>Thursday</b>	<b>8am</b>	<b>until</b>	<b>11pm</b>
<b>Friday</b>	<b>8am</b>	<b>until</b>	<b>11pm</b>
<b>Saturday</b>	<b>8am</b>	<b>until</b>	<b>11pm</b>
<b>Sunday</b>	<b>10am</b>	<b>until</b>	<b>10.30pm</b>

With the exception of

<b>Christmas Day</b>	<b>12 midday to 3pm and 7pm to 10:30pm</b>
<b>Good Friday</b>	<b>8am to 10:30pm</b>

# CONTINUATION PREMISES LICENCE 2005/03577/LAPRT

Subject to the following exceptions no person shall, except during the permitted hours listed above, sell or supply alcohol or take alcohol from the premises. The exceptions are

- i. During the first 20 minutes after the above hours the taking of the alcohol from the premises , provided it is not taken in an open container.
- ii. The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- iii. The sale of alcohol to a trader or club for the purposes of the trade or club;

## The opening hours of the premises:

	Opening		Closing
<input type="radio"/>			
Monday	8am	until	11pm
Tuesday	8am	until	11pm
Wednesday	8am	until	11pm
Thursday	8am	until	11pm
Friday	8am	until	11pm
Saturday	8am	until	11pm
Sunday	8am	until	11pm

Where the licence authorises supplies of alcohol whether these are on and / or off supplies:

**Off Supply (only) permitted**

**P. 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

**Ali Morad Yazdi and Safieh Yazdi**  
**74 Fulham Palace Road**  
**Hammersmith**  
**London**  
**W6 9PL**  
**Phone: 020 8569 5555**

Registered number of holder, for example company number, charity number (where applicable):

**Not Applicable**

# CONTINUATION PREMISES LICENCE 2005/03577/LAPRT

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

**Ali Morad Yazdi**  
**74 Fulham Palace Road**  
**Hammersmith**  
**London**  
**W6 9PL**

**Phone: 020 8569 5555**

Personal licence number: **2005/03676/LAPERG**

Issuing authority: **London Borough of Hammersmith and Fulham**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made under the premises licence –
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

## Annex 2 – Conditions consistent with the operating Schedule

### General – all four licensing objectives

3. Alcohol shall not be sold or supplied in an open container or be consumed in the licensed premises.
4. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied.

## Annex 3 – Conditions attached after a hearing by the licensing authority

Not Applicable

## Annex 4 – Plans

See attached.

Signed:   
Authorised Officer

Date: 22/19/05



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 01 August 2011 11:22  
**To:** [REDACTED]  
**Subject:** 2011/01082/LAPR 74 Fulham Palace Road 'TOPS PIZZA'  
**Importance:** High

Dear [REDACTED]

As outlined when we spoke – I am concerned about yet another extended license in this area even if at this stage they have not asked to extend the alcohol license. No doubt this will be sought at some later date.

We suffer major noise, filth and drunken behaviour in our streets at night. Public nuisance will just be increased if there is one more place to entice people to hang around here longer. We, the residents, just can't take any more!

Therefore I object to this extension.

Best regards

[REDACTED]

NHW – Winslow Road  
FULHAM REACH – Ward Panel Member



## LICENSING CONSULTATION INTERNAL MEMO

To: **Lewis Aldous**

From: **Somayya Yaqub**

Date: **22 July 2011**

Premises: **Tops Pizza 74 Fulham Palace Road London W6 9PL**

CAPS Ref: **2011/07022/EPLAC**

Application: **Variation**

---

I have considered the above application with regard to the prevention of public nuisance. On behalf of Environmental Protection I would like to:

### **Make representations to the Variation**

On the following grounds:

That the operating schedule does not adequately address the prevention of public nuisance from:

- *Noise from patrons visiting the premises late at night*

### **Supporting Information**

The premises is outside the Hammersmith Town Centre. It is located among a parade of shops between two public houses. There are residential premises above and opposite the 74 Fulham Palace Road. The two licensed premises do not open past 11:30pm. In light of this it would be unreasonable to allow this premises to operate past midnight as this would encourage people to remain in the area at a time when it is reasonable to expect people to be sleeping.

I would therefore recommend the following restrictions / conditions be attached to the premises licence:

1. Opening hours: 11am to midnight
2. A radius of 100m from the shop front shall be swept as required

**Somayya Yaqub**  
**Environmental Health Officer**  
**Environmental Protection**  
**22 July 2011**

**From:** Thornton Cathy  
**Sent:** 27 July 2011 08:08  
**To:** Aldous Lewis  
**Subject:** Tops Pizza 74 Fulham Palace Road

Planning permission was granted in 1984 for Change of use of ground floor to take-away hot food (Class A5) (1984/00452/FUL)

This planning permission was subject to a time condition as follows:-

The use hereby permitted shall operate only between the hours of 9 a.m. and 11 p.m. on any day.

Further applications were submitted in 1995 and 1996 to vary the condition of the planning permission to extend the hours of operation from 11:00pm to 01.00 am. Both these applications were refused permission.

Clearly the proposed licence application would exceed the permitted hours of operation by 2 hours and therefore would be in breach of the planning condition.

The premises is located within the retail frontage of Fulham Town Centre. North End Road is a busy and well-used route with day and night bus services and also carries a substantial flow of other vehicles within Fulham Town Centre. There is a significant level of pedestrian and other activity in this location during the day when the background noise levels would be relatively high. There are residential properties on North End Road which are located above the ground floor premises.

The main issues relates to whether the use as a hot food take away in operation until 01.00am would adversely affect the amenity of the area in terms of environmental nuisance, noise and disturbance and traffic generation in the area. The Council's Unitary Development Plan (Policy SH11) advises that in town centres, food and drink establishments shall not be open to customers later than midnight.

Policy EN21 - Environmental Nuisance requires that all developments (including changes of use) shall ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties, particularly where commercial and service activities are close to residential properties.

The general area comprises retail shops on both sides of the street; the shops trade generally between 9.00am and 5:00pm. After the shops close whilst it is true that this is a Town Centre location on a bus route, the ambient noise levels after the shops have closed would be considerably lower. There are many restaurants and pubs in North End Road; however these are concentrated further south closer to Fulham Road and Fulham Broadway; these premises are lawful long standing uses without planning controls several of which operate until after

midnight.

A hot food take away outlet is by its very nature more likely to generate an increase in activity in and around the premises. (As opposed to a restaurant, which primarily provides for the consumption of food on the premises where customers enjoy a sit down meal with beverages with waitress service. The target audience is generally small groups i.e. families, couples etc., where the diners will spend a number of hours on the premises; they generally arrive and leave the premises at different times in small groups, and not all at once at closing time. Diners also generally do not loiter outside the premises after vacating the restaurant). By contrast, hot food take away outlets provide fast food and are more likely to attract a different target audience. Fast food take aways often attract large groups (often younger people). This could give rise to anti-social behaviour; including increased litter and general noise and disturbance.

There are numerous drinking establishments in the immediate vicinity and in the nearby Fulham Broadway Town Centre. A take away of this nature with a closing time beyond 01:00am (in this case up to 3 and 4 am) would inevitably attract customers leaving the nearby drinking establishments. This would further increase the potential for anti-social behaviour since there would be a high level of activity with people entering and leaving the premises. Patrons are also more likely to congregate outside on the pavement resulting in a public nuisance due to noise and disturbance especially in the early morning hours when ambient noise levels are generally much lower.

The proposed opening hours until 01.00am are therefore considered to be unacceptable and would be contrary to Policies EN21 and SH11 of the Council's Unitary Development Plan. As such, it is unlikely that planning permission would be granted for the extended hours as proposed.

In my opinion a more reasonable hour would be 24:00hrs in line with Town Centre Policy SH11. However, I would however reserve the right to exercise powers of enforcement under the Town and Country Act in the event that by reason of the extended hours the use gave rise to noise and disturbance to neighbouring occupiers.

Catherine Thornton  
Deputy Team Leader (Planning Enforcement)  
Development Management  
Planning Division  
Environment Services Department  
London Borough of Hammersmith and Fulham  
Tel: 0208 753 3496  
cathy.thornton@lbhf.gov.uk  
web [www.lbhf.gov.uk](http://www.lbhf.gov.uk)  
Nigel Pallace, Director of Environment

**From:** [REDACTED]  
**Sent:** 23 August 2011 15:33  
**To:** Aldous Lewis  
**Subject:** Premises License, Tops Pizza 74 Fulham Palace Road W6

I refer to the Licence application to extend the hours of operation from 23:00hrs to 01:00hrs.

Planning permission was granted in 1984 for Change of use of ground floor to take-away hot food (Class A5) (1984/00452/FUL)

This planning permission was subject to a time condition as follows:-

The use hereby permitted shall operate only between the hours of 9 a.m. and 11 p.m. on any day.

Further applications were submitted in 1995 and 1996 to vary the condition of the planning permission to extend the hours of operation from 11:00pm to 01.00 am. Both these applications were refused permission.

Clearly the proposed licence application would exceed the permitted hours of operation by 2 hours and therefore would be in breach of the planning condition.

The premises is located within a terrace of shop premises fronting Fulham Palace Road. In the immediate vicinity 9 of the total of 16 business are food and drink establishments, comprising 4 Takeaways, 2 Public house, and 2 Restaurants. Fulham Palace Road is a busy and well-used route with day and night bus services. It is the main North to South access road through Fulham linking Hammersmith Broadway to the South of the Borough. There is a significant level of pedestrian and other activity in this location during the day when the background noise levels would be relatively high. There are residential properties located above many of the shops and wholly residential side streets running off Fulham Palace Road.

The premises is not within the town centre although it is the primary bus route, which links Hammersmith to the South of the Borough. The ambient noise levels after the shops and offices have closed would be considerably lower; and more particularly much lower after 11.00pm as the levels of activity progressively decrease. A hot food take away outlet is by its very nature more likely to generate an increase in activity in and around the premises. (As opposed to a restaurant, which primarily provides for the consumption of food on the premises where customers enjoy a sit down meal with beverages with waitress service. The target audience is generally small groups i.e. families, couples etc., where the diners will spend a number of hours on the premises; they generally arrive and leave the premises at different times in small groups, and not all at once at closing time. Diners also generally do not loiter outside the premises after vacating the restaurant). By contrast, hot food take away outlets provide fast food and are more likely to attract a different target audience. Fast food take aways often attract large groups (often younger people). This has the potential for anti-social behaviour; including increased litter and general noise and disturbance.

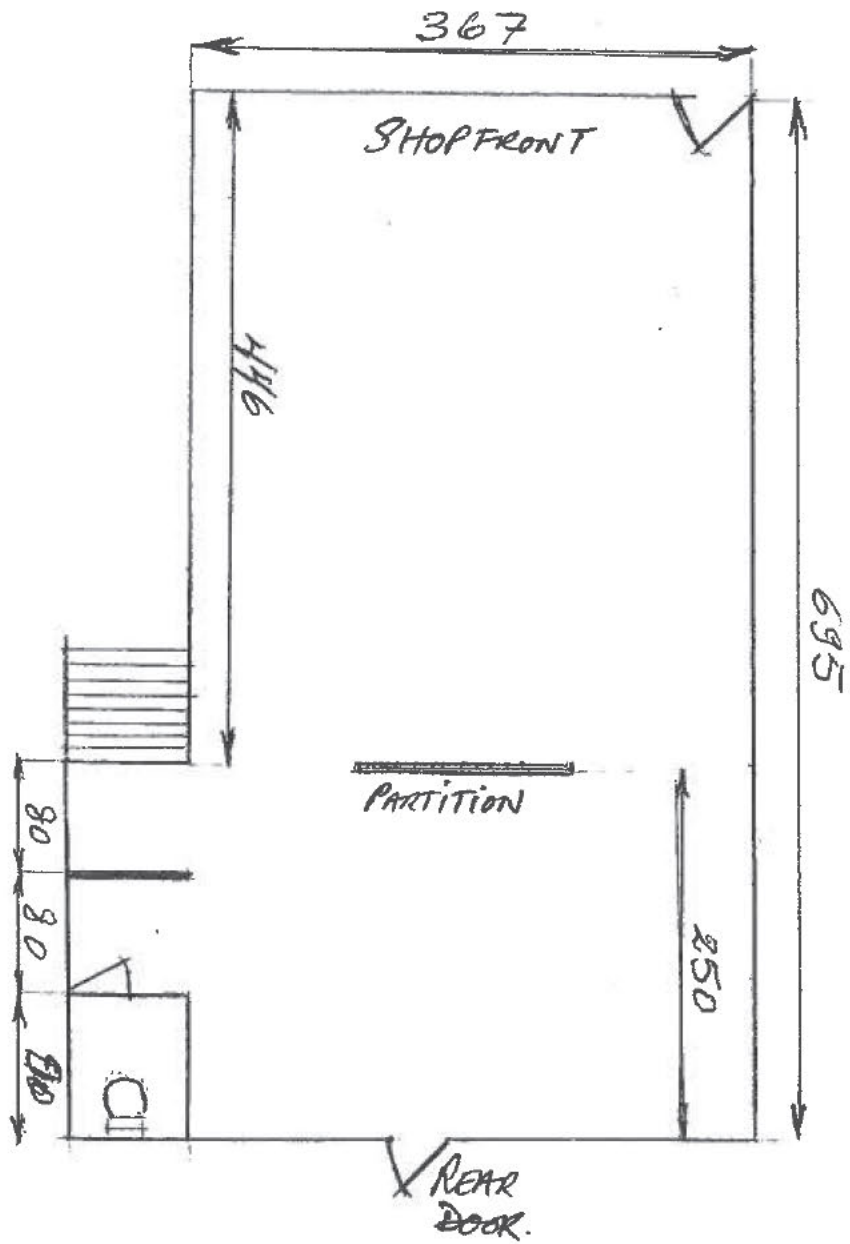
The noise of customers arriving/leaving these premises, together with the noise of delivery motor cycles which forms a substantial and essential part of a pizza takeaway business, would be more noticeable during the quieter later evening hours. To operate such a use during these quieter periods late at night is likely to cause noise and disturbance to neighbouring residential properties, especially those dwellings located directly above the shops in this parade. This view was held by the Council when they refused to grant planning permission for 2 planning applications to extend the hours of operation to 01:00hrs and pursuing enforcement action following those refusals gives a clear indication of its concerns on this matter.

There are a number of drinking establishments in the immediate vicinity and in the nearby Hammersmith Broadway Town Centre. A take away of this nature with a closing time beyond 11:00pm until 01.00 am would inevitably attract customers leaving the nearby drinking establishments. This would further increase the potential for anti-social behaviour since there would be an increased level of activity with people entering and leaving the premises. Patrons are also more likely to congregate outside on the pavement resulting in a public nuisance due to noise and disturbance especially in the later hours when ambient noise levels are generally much lower.

The proposed opening hours until 01.00am are therefore considered to be unacceptable and would fail to meet the Licensing objectives in terms of Nuisance and crime and disorder; and contrary to Policies EN21 and SH11 of the Council's Unitary Development Plan. On this basis the Council would object to the application.

Catherine Thornton  
Deputy Team Leader (Planning Enforcement)  
Development Management  
Planning Division  
Environment Services Department  
London Borough of Hammersmith and Fulham  
Tel: 0208 753 3496  
cathy.thornton@lbhf.gov.uk  
web [www.lbhf.gov.uk](http://www.lbhf.gov.uk)  
Nigel Pallace, Director of Environment

Tops Pizza

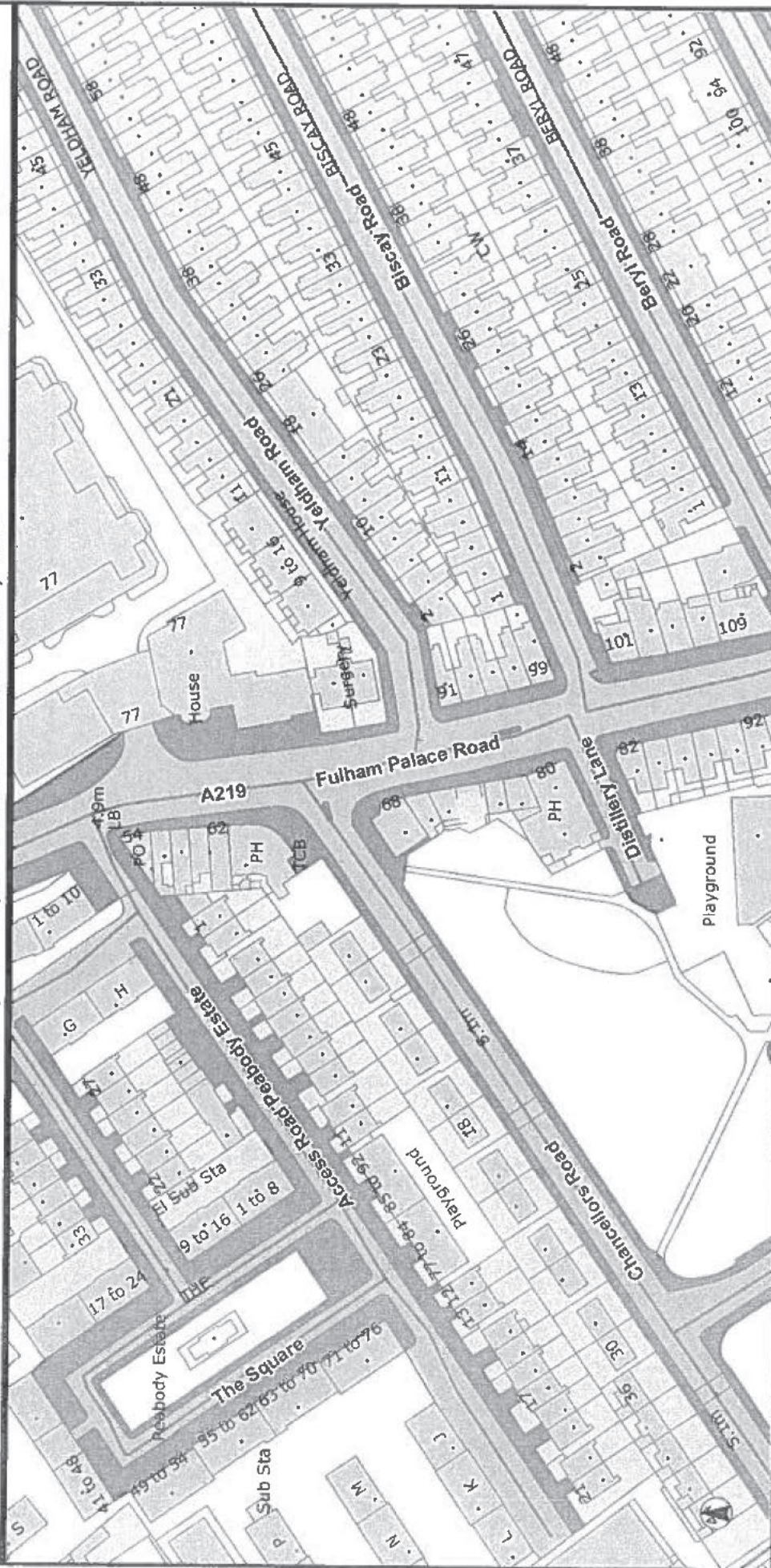


Floor Plan for 74 FULLHAM PARADE ROAD,  
London  
W6 9PL.

SCALE : 1:50.

# London Borough of Hammersmith & Fulham

Tops Pizza, 74 Fulham Palace Road, W6



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