

**Carthy, Sherene**

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**From:** Mohamed Sheikh, Khadija  
**Sent:** 07 December 2018 09:41  
**To:** Planning  
**Cc:** Licensing  
**Subject:** Application to vary licence ( 98 New Cross Road)  
**Attachments:** 98 NEW CROSS ROAD.pdf; Scanned from a Xerox Multifunction Device.pdf

Good morning

I have received an application to vary the existing licence for the premises known as 98 New Cross Road (Oregano Leaf), case number DC/18/110020.

My investigation into the premises has revealed a planning permission dated 19/09/1986 which prohibits the premises from being open for business between the hours of midnight till 8 am. Attached to this email is a copy of that planning permission. For certainty I searched for any planning permission which may have been granted after that date which may allow the intended purpose of the application and there is not one.

The application form which is also attached states that there will not be takeaway services but only deliveries however the taking of orders and making of deliveries constitutes operating a business and falls within the prohibition.

Based on these findings I have raised an objection for the prevention of crime and disorder, public safety and the prevention of public nuisance.

Kind Regards

Land Charges

London Borough Of Lewisham Planning Department  
3rd Floor, Laurence House, Catford, SE6 4RU

**COMMUNITY INFRASTRUCTURE LEVY:** Please take a moment to complete our consultation, running until 6<sup>th</sup> September 2018 ([here](#)) on Lewisham's new CIL PDRS (Preliminary Draft Charging Schedule).





LONDON BOROUGH  
OF  
LEWISHAM

PLANNING DEPARTMENT

Town Hall Chambers  
Rushey Green  
London SE6 4RY

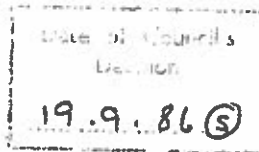
telephone 01-690 4343 ext

your ref

please quote DE/414/98/TP

DEC 1986

Mr A H Kephelas  
7 Stanard Close  
London N16



PERMISSION FOR DEVELOPMENT (CONDITIONAL) Town and Country Planning Act 1971

Dear Sir

Notice is hereby given that the Council, in pursuance of its powers under the above-mentioned Act and Rules, Orders and Regulations made thereunder permits the development referred to in the under-mentioned Schedule subject to the conditions set out therein and in accordance with the plans submitted, save in so far as may otherwise be required by the said conditions.

Your attention is drawn to the Statement of Applicants Rights endorsed hereon.

The grant of planning permission does not relieve developers of the necessity for complying with any local Acts, Public Health Acts, regulations, building by-laws and general statutory provisions in force in the area or 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 Lewisham) entitled to the benefit thereof or holding an interest in the property concerned in this development or in any adjoining property. In this connection applicants are advised to consult the Borough Surveyor as to any works proposed to, above or under any carriageway, footway or forecourt.

Your particular attention is drawn to the London Building Acts and By-laws in force thereunder, which must be complied with to the satisfaction of the District Surveyor whose address, in case of doubt, can be obtained from this office.

Schedule

Date of application 13 June 1986 (completed 2 July 1986)

Plan registered no. 25568 Applicant's plan no. 824 and 825

Development

The use of 98 New Cross Road SE14 as a take-away hot food shop together with the erection of a two-storey extension at the rear and the installation of a new shopfront.

### Standard Condition

The development to which this permission relates must be begun not later than the expiration of 5 years beginning with the date on which the permission is granted.

### Standard Reason

As required by Section 41 of the Town and Country Planning Act 1971.

### Additional Conditions

- (1) All new external finishes shall be carried out in materials treated to match the existing facing work.
- (2) The premises shall not be open for business between the hours of 12 midnight and 8 am.

### Reasons for the imposition of the Additional Conditions

- (1) To ensure that the Council may be satisfied as to the external appearance of the building.
- (2) To safeguard the amenities of adjoining occupiers and the area generally.

### Informative

You are advised to contact the Borough Environmental Health Officer, 185 Lewisham High Street SE13 (tel 01 852 9121) concerning compliance with the Food (Hygiene) Regulations, the Offices, Shops and Railway Premises Legislation and the Health and Safety at Work Act.

Yours faithfully,

Statement of Applicants' Rights arising from Grant of Planning Permission subject to Conditions  
Borough Planning Officer

1. If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 36 of the Town and Country Planning Act 1971, within six months of the receipt of this notice. The Secretary of State has power to allow a longer period for the giving of a Notice of Appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving Notice of Appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the Development Order, and to any directions given under the Order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a Direction given by him.
2. If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the London Borough of Lewisham a Purchase Notice requiring that Authority to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act 1971.
4. Any appeal should be made on the appropriate form which can be obtained from the Secretary of State, Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ.