

| | |
|-----------------------------|---|
| For Consideration By | Licensing Sub-Committee |
| Meeting Date | 13 October 2022 |
| Type of Application | Vary a Premises Licence |
| Address of Premises | Turquoise Kitchen, 75 Mare Street, London, E8 4RG |
| Classification | Decision |
| Ward(s) Affected | London Fields |
| Group Director | Rickardo Hyatt |

1. **Summary**

- 1.1. This is an application to vary a a premises licence to allow authorisation:
- To extend the hours for provision of late night refreshment

2. **Application**

- 2.1. Mr Hasan Cevik has made an application to vary a premises licence under section 34 of the Licensing Act 2003.
- 2.2. The premises is not located within a special policy area.
- 2.3. The applicant is seeking authorisation for the following licensable activities and times:

| | |
|-------------------------------|---|
| Late night refreshment | <p>Standard Hours:</p> <p>Mon 23:00-23:30 Tue 23:00-23:30 Wed 23:00-23:30 Thu 23:00-00:00 Fri 23:00-02:00 Sat 23:00-02:00</p> <p>All food served after 2300hrs will be for takeaway only</p> |
|-------------------------------|---|

| | |
|--|---|
| The opening hours of the premises | Standard Hours: Mon 11:00-23:30 Tue 11:00-23:30 Wed 11:00-23:30 Thu 11:00-00:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 11:00-23:00 |
|--|---|

2.4. The application is attached as Appendix A. The applicant has agreed with the police that all music after 2300hrs shall be background only. The applicant has proposed some additional measures to address the licensing objectives.

3. **Current Status/History**

3.1. The current premises licence was granted on 10 April 2019(attached as Appendix C).

3.2. No temporary event notices have been given for this premises in current year.

4. **Representations: Responsible Authorities**

| From | Details |
|---|--|
| Environmental Health Authority (Environmental Protection) | No representation received |
| Environmental Health Authority (Environmental Enforcement) | Have confirmed no representation on this application |
| Environmental Health Authority (Health & Safety) | Have confirmed no representation on this application |
| Weights and Measures (Trading Standards) | No representation received |
| Planning Authority (Appendix B1) | Representation received |
| Area Child Protection Officer | No representation received |
| Fire Authority | Have confirmed no representation on this application |
| Police | Have confirmed no representation on this application based on agreed conditions as set out in para 8.1 |
| Licensing Authority (Appendix B2) | Representation received on the grounds of The Prevention of Public Nuisance |
| Health Authority | No representation received |

5. **Representations: Other Persons**

| From | Details |
|-------------|-----------------------------|
| None | No representations received |

6. **Guidance Considerations**

- 6.1. The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

7. **Policy Considerations**

- 7.1. Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy) adopted by the Licensing Authority.
- 7.2. The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP5 (Planning Status) and LP11 (Cumulative Impact-General) are relevant.

8. **Officer Observations**

- 8.1. If the Sub-Committee is minded to approve the application, the following additional conditions should be applied the licence:
- 1) All food served after 2300hrs will be for takeaway only and will not be consumed on site.
 - 2) All music after 2300hrs shall be background only.

9. **Reasons for Officer Observations**

- 9.1. Above additional conditions have been agreed with Police.

10. **Legal Comments**

- 10.1. The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
- The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - The Protection of Children from Harm
- 10.2. It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

11. **Human Rights Act 1998 Implications**

11.1. There are implications to;

- **Article 6** – Right to a fair hearing
- **Article 14** – Not to discriminate
- Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

12. **Members Decision Making**

12.1. **Option 1**

That the application be refused

12.2. **Option 2**

That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

13. **Conclusion**

13.1. That Members decide on the application under the Licensing Act 2003.

Appendices:

Appendix A: Application for a premises licence and supporting documents

Appendix B: Representations from responsible authorities

Appendix C: Current licence

Appendix D: Location map

Background documents

Licensing Act 2003

LBH Statement of Licensing Policy

| | |
|---|--|
| Report Author | Name: Shan Uthayasangar Title: Licensing Officer Email: shan.uthayasangar@hackney.gov.uk Tel: 02083562431 |
| Comments for the Group Director of Finance and Corporate Resources prepared by | Name Title Email Tel |

**Comments for the
Director of Legal,
Democratic and Electoral
Services prepared by**

Name
Title
Email
Tel

Hackney
LA07

Application 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 HASAN CEVIK

(Insert name(s) of applicant)

being 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

100857

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
75 MARE STREET
LONDON

Post town HACKNEY

Postcode E8 4RG

Telephone number at premises (if any)

██████████

Non-domestic rateable value of premises

£15,250

Part 2 – Applicant details

Daytime contact telephone number

██████████

E-mail address (optional)

████████████████████

| | | | |
|---|---|----------|---|
| Current postal address if different from premises address | <div style="background-color: black; width: 100%; height: 15px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 100%; height: 15px; margin-bottom: 5px;"></div> | | |
| Post town | <div style="background-color: black; width: 100%; height: 15px;"></div> | Postcode | <div style="background-color: black; width: 100%; height: 15px;"></div> |

Part 3 – Variation

| |
|---|
| Please tick as appropriate |
| Do you want the proposed variation to have effect as soon as possible? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

If not, from what date do you want the variation to take effect?

| | | |
|----|----|------|
| DD | MM | YYYY |
| | | |

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

A small, family run, Turkish restaurant that offers both eat-in (maximum 25) and takeaway food for the local community.

The premises sits on a quiet part of Mare Street, between Cambridge Heath Over ground and London Fields Over ground, and features an open kitchen, takeaway serving area as well as a seating area comprised of fitted tables, benches and chairs. There is a basement kitchen for food prep, which only employees have access to. Turquoise also boasts a small paved back garden which is available for customers to use as a smoking area, and also doubles up as an emergency fire exit. There are also two toilets available at the rear end of the premises for customers and civilians to have access to.

The restaurant offers alcoholic drinks for customers who wish to eat in, who are only able to consume alcohol whilst seated at their table, and only when they have also ordered food. Alcohol is not permitted to leave the premises at any time, and is only available between the hours of 12pm and 10:30pm.

Since the COVID-19 pandemic, the hospitality industry has taken a hard hit and unfortunately consumer habits have changed drastically; plus people have a significantly reduced budget.

The reason for this application for an updated licence is to enable us to serve hot food after 11pm (23:00) on Friday and Saturday nights. The customers will not be permitted to eat in, nor will they be permitted to buy the alcoholic drinks usually reserved for eat-in customers. The alcohol fridge will be shuttered Blind, so as not to allow anyone to see it, and all staff are fully aware that no alcohol is to be served beyond the point at which out licence allows; and certainly not for takeaway customers.

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:

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.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
| Provision of late night refreshment (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| Supply of alcohol (if ticking yes, fill in box J) | <input type="checkbox"/> |

In all cases complete boxes K, L and M

F

| Recorded music Standard days and timings (please read guidance note 8) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | X |
|---|-------|--------|---|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | 11:00 | 23:30 | <p>Please give further details here (please read guidance note 5)</p> <p>The only music that plays will be from small speakers within the restaurant; usually local Turkish radio to create a soft ambience in the venue. Recorded music will always be played indoors only and is used as a quiet background atmosphere for customers. The noise level won't exceed any level to cause disturbance to customers eating in and certainly not to neighbours.</p> <p>State any seasonal variations for the playing of recorded music (please read guidance note 6)</p> <p>None. When the restaurant is open we request to be allowed to play quiet background music.</p> <p>Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</p> <p>NONE. Quiet recorded music will only be available while customers are dining in, and during the hours of take-away food (which is 11pm-2am Friday & Saturday).</p> | | |
| Tue | 11:00 | 23:30 | | | |
| Wed | 11:00 | 23:30 | | | |
| Thur | 11:00 | 00:00 | | | |
| Fri | 11:00 | 02:00 | | | |
| Sat | 11:00 | 02:00 | | | |
| Sun | 11:00 | 23:00 | | | |

I

| Late night refreshment Standard days and timings (please read guidance note 8) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input checked="" type="checkbox"/> |
|---|----------------|----------------|--|----------|-------------------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | 23:00 ----- | 23:30 ----- | Please give further details here (please read guidance note 5) Food and refreshments are served in the restaurant during all operating hours; this includes serving late night takeaway options until 2am. | | |
| Tue | 23:00 ----- | 23:30 ----- | | | |
| Wed | 23:00 ----- | 23:30 ----- | State any seasonal variations for the provision of late night refreshment (please read guidance note 6) None | | |
| Thur | 23:00 ----- | 00:00 ----- | | | |
| Fri | 23:00 ----- | 02:00 ----- | 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 7) NA | | |
| Sat | 23:00 ----- | 02:00 ----- | | | |
| Sun | ----- | ----- | | | |

K

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 10).

None. This is a family run restaurant, which only plays music deemed suitable for all age groups. There are no TV's on the premises and the only music that plays is from a local Turkish radio station which censors any swear words or inappropriate language. Most of the time the music played is in Turkish language.

There are no gaming machines or adult entertainment activities on the premises.

L

| | | | |
|---|-------|--------|---|
| Hours premises are open to the public Standard days and timings (please read guidance note 8) | | | State any seasonal variations (please read guidance note 6) None. We work standard hours over the whole year, the hours do not vary depending on time of year, or event. |
| Day | Start | Finish | |
| Mon | 11:00 | 23:30 | Non-standard timings. Where you intend 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 7) None |
| Tue | 11:00 | 23:30 | |
| Wed | 11:00 | 23:30 | |
| Thur | 11:00 | 00:00 | |
| Fri | 11:00 | 02:00 | |
| Sat | 11:00 | 02:00 | |
| Sun | 11:00 | 23:00 | |
| | | | |

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.

To be permitted to a) play quiet recorded music for customers and b) serve late night refreshments for takeaway.

Please tick as appropriate

- | | |
|---|---|
| I have enclosed the premises licence | X |
| I have enclosed the relevant part of the premises licence | X |

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 not enclosed the premises licence or relevant part of premises licence.

M 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 and e) (please read guidance note 11)

The restaurant and staff always aim to create a safe and welcoming atmosphere for any customer or passer-by. We do not tolerate any disruptive or abusive behaviour, and reserve the right to deny anyone who is causing a nuisance to enter the premises.

We are extra aware of the implications of remaining open late into the night, and remain hyper vigilant to any behaviour that may lead to disturbance of the local residents, community and visitors to Hackney.

The kitchen in the basement floor will not be making any preps during the hours of 21:00 – 02:00 on the late night Friday and Saturdays to keep any threat of fire under control.

b) The prevention of crime and disorder

We have a zero tolerance policy to abuse and disorder, and always look to ensure our customers and passersby feel safe and able to call upon us in the event of criminal activity.

If there was evidence of crime or disorder we would contact the local police to support with resolving the matter.

We have a 24/7 CCTV recording that will be available to the authority and the recorded footages are kept for 30 days before the system is reset.

c) Public safety

We treat the safety of the public with the utmost importance.

Our restaurant prides itself on having a safe and approachable atmosphere, especially when open late into the night.

We ensure our kitchen is kept to the highest standards, with a food hygiene rating of 4 Stars with latest inspection done in April 2022. We also welcome our customers to use our back garden for a smoking area, as well as dedicating this exit as an emergency exit should one be needed.

We have fire extinguisher allocated at all place in the premises as we had numerous professionals scout the area for what's needed we also have them checked yearly.

d) The prevention of public nuisance

We have signage asking customers to leave quietly and respect our neighbours, and also have a good working relationship with fellow local shop owners on Mare Street.

We provide a safe and friendly atmosphere at all times, but do not tolerate excess noise or disruptive behaviour.

Music is kept to a very low level, nothing more than background ambience.

Alcohol is not available past 22:30, and is only served to eat-in customers who have ordered a meal.

If anyone is being disruptive or causing a nuisance of them self they will be politely asked to leave the premises.

We will keep an incident log in any case if the local authorities were to ask for.

e) The protection of children from harm

Under 16's must be accompanied by a responsible adult at all times. After 9pm (21:00) we have a policy that all under 18s must be accompanied by an adult.

We operate a challenge 25 policy when serving alcohol; if anyone ordering alcohol (with their sit down meal) looks under 25 we will ask for I.D to prove they are over 18. We also only serve alcohol to customers wishing to eat in.

Checklist:

Please tick to indicate agreement

- | | |
|---|---|
| I have made or enclosed payment of the fee; or | X |
| I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. | X |
| I have sent copies of this application and the plan to responsible authorities and others where applicable. | X |
| I understand that I must now advertise my application. | X |
| I have enclosed the premises licence or relevant part of it or explanation. | X |
| I understand that if I do not comply with the above requirements my application will be rejected. | X |

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|----------------------------|
| Signature | Hasan Cevik |
| Date | 09/08/2022 |
| Capacity | Owner of the Establishment |

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

| | | | |
|--|--|------------------|--|
| | | | |
| Post town | | Post code | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | | | |

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

**Planning Authority Representation:
Application under the Licensing Act 2003**

| | |
|---------------------------------|--|
| Details of Authority | 1 Hillman Street, Hackney, London, E8 1FB |
| Officer contact name | Claudette Abraham |
| Officer telephone number | 020 8356 4870 |
| Officer's email address | claudette.abraham@hackney.gov.uk |

APPLICATION PREMISES

| | |
|------------------------------|------------------------------------|
| Name and address of premises | 75 MARE STREET London E8 4RG |
| Applicant name | HASAN CEVIK |

COMMENTS

I make the following relevant representation in relation to the above application at the above address.

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Please supply any relevant evidence/information to support the above representation.

The application proposes to vary an existing premises licence as a small, family run, Turkish restaurant that offers both eat-in (maximum 25) and takeaway food for the local community, The reason for this application for an updated licence is to enable us to serve hot food after 11pm (23:00) on Friday and Saturday nights. The customers will not be permitted to eat in, nor will they be permitted to buy the alcoholic drinks usually reserved for eat-in customers under the Licensing Act 2003.

The licensable activities are:

Late Night Refreshment Mon-Wed 23:00-23:30, Thur 23:00-00:00, Fri-Sat 23:00-02:00

Recorded Music Mon-Wed 11:00-23:30, Thu 11:00-00:00, Fri-Sat 11:00-02:00, Sun 11:00-23:00

Hours of Opening Mon-Wed 11:00-23:30, Thur 11:00-00:00, Fri-Sat 11:00-02:00, Sun 11:00-23:00

Planning Application Ref: 2018/2179 Change of use of ground floor and basement from retail (use class A1) to restaurant (use class A3), including installation of rear extract ducting.

The usage of the premises as a cafe/restaurant is considered established. It has not been possible for officers to locate the decision notice as it appears to have been lost in the 2020 Cyber Attack. However, there are residentials to the upper levels of the properties along Mare Street and Beck Road which may be impacted by the increased hours of use. If there had been a condition relating to hours of use, it is likely it would have been in line with what was on the planning application form which was for 8am to 11pm Monday to Saturday and 10am to 11pm on Sundays and Bank

Holidays.

Please provide the following information (if applicable)

| | |
|-----------------------------------|--------------|
| Area (that permission applies to) | Ground Floor |
| Permitted use | Class A3 |
| Permitted hours | N/A |
| Specific/restrictive conditions | N/A |
| Recent applications | N/A |
| Decisions | N/A |
| Pending Decisions | N/A |
| Reasons for refusal | N/A |
| Relevant Conditions/discharges | N/A |

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

Objection

The usage of the premises as a cafe/restaurant is considered established, planning permission may be required to amend the hours of use. There is concern in terms of the impact the proposed hours would have on neighbouring residents amenity. Therefore the planning service objects due to the impact on neighbour amenity.

The applicant is advised that these comments do not represent a formal decision of the Local Planning Authority as to the acceptability or otherwise of the proposed use and that the decision of the Licensing Authority is not prejudicial to the determination of any subsequent planning application.

| | |
|--------|--------------|
| Signed | SK Carr |
| Name | Seonaid Carr |
| Date | 15.08.22 |

APPENDIX B2

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

| | |
|----------------------|---|
| NAME OF AUTHORITY | Licensing Authority |
| ADDRESS OF AUTHORITY | Licensing Service Hackney Service Centre 1 Hillman Street London E8 1DY |
| CONTACT NAME | David Tuitt |
| TELEPHONE NUMBER | 020 8356 4942 |
| E-MAIL ADDRESS | david.tuitt@hackney.gov.uk |

APPLICATION PREMISES

| | |
|-----------|---|
| Premises | Turquoise Kitchen 75 Mare Street London E8 4RG |
| Applicant | Hasan Cevik |

COMMENTS

I make the following relevant representations in relation to the above application at the above address.

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance **x**
- 4) the protection of children from harm

Representations (which include comments and/or objections) in relation to:

I write to make a representation in relation to this application to vary the existing premises licence.

The proposal exceeds the hours set out in LP3 (Core Hours) and I am concerned that any additional hours could have a negative impact on the promotion of the licence objectives, in particular, the prevention of public nuisance.

LP3 Core Hours

Hours for licensable activity will generally be authorised, subject to demonstrating LP 1 and LP2, as follows:

- Monday to Thursday 08:00 to 23:00
- Friday and Saturday 08:00 to 00:00
- Sunday 10:00 to 22:30

Hours may be more restrictive dependent on the character of the area and if the individual circumstances require it.

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks.

The applicants attention is also drawn to LP5 (Planning) as this site was refused planning permission in 2019. An appeal against this refusal was dismissed. I have attached copies of the appeal decision.

LP5 Planning Status

Licence applications should normally be from premises where:

- (a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995) as amended.
- (b) The hours sought do not exceed those authorised by any planning permission.

The Licensing Authority may take into account the lack of planning permission or an established lawful use in deciding whether there is likely to be any harm to the licensing objectives.

The above representations are supported by the following evidence and information.

The Licensing Act 2003, guidance issued by the Home Office under s182 of the Licensing Act 2003

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

Discussion with the applicant in relation to the issues raised above and what the applicant will do in relation to the planning status of the site.

Name: **David Tuitt (Business Regulation Team Leader) - Licensing and Technical Support**

6 September 2022

London Borough of Hackney
Planning and Regulatory Services
2 Hillman Street
London E8 1FB
www.hackney.gov.uk
Hackney Reference: 2019/1804

Ulas Planning LTD
9 Dispensary Lane
Hackney
E8 1FT

11/07/2019

**Town and Country Planning (Development Management Procedure)
Order 2015**

Application Number: 2019/1804
Site Address: 75 Mare Street London E8 4RG

Thank you for your recent application for the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council, either by post to the Hackney Planning Service, 2 Hillman Street, London, E8 1FB, by email to planning@hackney.gov.uk, or by phone to 020 8356 8062.

Yours faithfully



Ian Rae
Head of Planning
Planning Service
Neighbourhoods and Housing



PLANNING DECISION NOTICE

Town and Country Planning Act 1990 as amended
Town and Country Planning (Development Management Procedure) (England) Order
2015

| | |
|---|---|
| Agent: Ulas Planning LTD 9 Dispensary Lane Hackney E8 1FT | Applicant: Cevik 75 Mare Street London E8 4RG |
|---|---|

| | |
|---|--|
| Part 1 - Particulars of the Application | Application No: 2019/1804 |
| | Date of Application: 16/05/2019 |
| | Date Validated: 16/05/2019 |
| | Application Type: Removal or Variation of Condition |

Proposal: Variation of condition 3 (Hours of opening) of planning permission 2018/2179 to extend hours to 08:00 to 02:00 (the next day) Friday and Saturday.

Location: 75 Mare Street London E8 4RG

Plan Numbers:

18-17-P-BP revV1 (Location and Block plan), 18-17-P-BP revV1 (Basement floorplan), 18-17-P-E-01 revV1, 18-17-P-E-02 revV1, 18-17-P-E-03 revV1, 18-17-P-E-04 revV1, 18-17-P-S-L revV1, 18-17-P-G revV1, Noise impact assessment report by Sound Licensing dated 17/07/2018, Trion electronic air cleaners brochure

Part 2 – Particulars of Decision: **REFUSED**

Notice is hereby given that the London Borough of Hackney as local planning authority in pursuance of its powers under the above mentioned Act and Rules, Orders and Regulations made thereunder refuses to permit the development referred to in Part 1, in accordance with the plan(s) submitted.

Reasons for Decision:

- 1 The proposed extended operating hours would result in an unacceptable impact to amenity in terms of noise and disturbance associated with the operation of the use and coming and going from/to the premises which would be detrimental to the amenities of the occupants of surrounding properties and visitors to the area. As such the proposal is contrary to policy 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes) of the London Plan, policy 15 (Evening and Night Time Economy) of the Hackney Local Development Framework Core Strategy, and policies DM2

(Development and Amenity) and DM11 (Evening and Night Time Economy) of the Hackney Development Management Local Plan 2015.

Informative/s:

1 - Hackney Planning Service adopts a positive and proactive approach when engaging with applicants / agents in line with the National Planning Policy Framework. As part of our planning process, we endeavour to contact applicants / agents regarding any minor issues that may be able to be resolved during the course of the application, providing an opportunity to submit amendments before a final decision is made. We also encourage the pre-application service to avoid delays as a result of amendments and unforeseen issues during the planning process.

Date of Decision: 11/07/2019

Yours sincerely

A handwritten signature in black ink, appearing to read 'I. Rae', written over a light grey rectangular background.

**Ian Rae
Head of Planning
Planning Service
Neighbourhoods and Housing**

Statement of Applicant's Rights - Appeals to the Planning Inspectorate

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please carefully read the information provided below as different appeal deadlines will apply depending on the type of application or circumstances relevant to your application.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

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

If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision, then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision, then you must do so within 8 weeks of the date of receipt of this notice.

If you want to appeal against your local planning authority's decision and the application refused does not fall within one of the criteria specified above, then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any

development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)

Purchase Notices

If either the local planning authority or the Planning Inspectorate refuses planning permission or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990 and Section 32-37 of the Planning (Listed Buildings & Conservation Areas) Act 1990.



Appeal Decision

Site visit made on 17 December 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/U5360/W/19/3235530 75 Mare Street, Hackney, London E8 4RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Hasan Cevik against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/1804, dated 4 May 2019, was refused by notice dated 11 July 2019.
 - The application sought planning permission for Change of use of ground floor and basement from retail (use class A1) to restaurant (use class A3), including installation of rear extract ducting without complying with a condition attached to planning permission Ref 2018/2179 dated 28 September 2018.
 - The condition in dispute is No. 3 which states that: The A3 use hereby permitted may only be carried out between 08:00-23:00 Monday-Saturday and 10:00am -22:00 on Sunday/Bank holidays.
 - The reason given for the condition is: To ensure that the use is operated in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The condition over which there is disagreement relates to a planning permission granted for a change of use from retail to restaurant. The appellant seeks to vary condition No. 3 to extend the opening hours beyond 2300 to 0200 hours the following day on both a Friday and Saturday night.
3. The main issue is whether the condition is reasonable and necessary in the interests of the living conditions of the occupiers of surrounding properties having particular regard to noise and disturbance.

Reasons

4. The restaurant occupies the ground floor of a three-storey building at 75 Mare Street. The immediate area is in mixed residential and commercial use. The first and second floors above the restaurant are in residential use, while tightly packed terraced dwellings directly abut the footway on Beck Road, closely around the corner from the appeal site. St Joseph's Hospice is located immediately across Mare Street.

5. The extension of the opening hours would inevitably result in nuisance resulting from customers coming and going from the premises late into the evening and early morning on weekends. Although this is an urban location, at these times, those residing in the area could reasonably expect to sleep in relative peace and quiet.
6. The effect would be particularly pronounced for properties above the premises and for those on Beck Road, a residential side street where dwellings directly front the footway. The impacts would be further heightened during the summer when occupiers could reasonably expect to be able to open windows for ventilation.
7. The appellant indicates that the premises would operate as a takeaway only during these hours. This would lead to the likelihood of customers lingering in the area to consume their food which would be likely to create further noise and disturbance.
8. Consequently, the increase in noise and disturbance generated by the proposed extension to the opening hours of the restaurant would be unacceptable in an area which is likely to experience relative peace and quiet during these times.
9. I therefore conclude that given the proximity of existing properties to the appeal site the condition is necessary in the interests of the living conditions of the occupiers of surrounding properties. Without complying with condition no.3 the proposal would conflict with Policy 7.15 of the London Plan (2016), Policy 15 of the Local Development Framework Core Strategy (2010) and Policies DM2 and DM11 of the Hackney Development Management Local Plan (2015) which seek amongst other things, the management of noise and the protection of the living conditions of nearby occupiers.
10. Although it is suggested there are other local premises open late at night, no details have been supplied and I cannot therefore afford this matter any weight. Whilst no objections have been received from adjoining neighbours, this does not indicate an absence of harm and I note concerns from occupiers on Beck Road.
11. I acknowledge that the extended opening hours would make a contribution, albeit limited, to local economic growth and the night time economy. Nevertheless, the harm I have found would significantly and demonstrably outweigh this modest benefit.

Other Matters

12. I note that there would be no sale of alcohol during the proposed hours. I also note that a Noise Impact Assessment Report has been supplied although this relates to the kitchen extraction system, which is not identified as an area of concern by the Council in relation to the appeal.

Conclusion

13. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR



This premises licence has been issued by:

Licensing Service
1 Hillman Street
London E8 1DY

PART A – PREMISES LICENCE

Premises Licence Number

100857

Part 1 – Premises details

Turquoise Kitchen
75 Mare Street
Hackney
London
E8 4RG

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

| | |
|--|---|
| Supply of Alcohol | Standard Hours: Mon 12:00-22:30 Tue 12:00-22:30 Wed 12:00-22:30 Thu 12:00-22:30 Fri 12:00-22:30 Sat 12:00-22:30 Sun 12:00-21:30 |
| The opening hours of the premises | Standard Hours: Mon 08:30-23:00 Tue 08:30-23:00 Wed 08:30-23:00 Thu 08:30-23:00 Fri 08:30-23:00 Sat 09:30-23:00 Sun 10:00-22:00 |

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

On Premises

Part 2 –

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Hasan Cevik
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Not Applicable

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

Hasan Cevik
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Licence No: [REDACTED]
Issuing Authority: [REDACTED]

Date of Grant: 10 April 2019

Signed:

[REDACTED]

Gerry McCarthy
Head of Community Safety, Enforcement and Business Regulation
Document re-issued: 28 April 2022

Annex 1 - Mandatory Conditions

Supply of Alcohol

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) 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 responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
5.3. 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 either:-
 - A. a holographic mark or
 - B. an ultraviolet feature.
7. The responsible person shall ensure that:
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - beer or cider: 1/2 pint;
 - gin, rum, vodka or whisky: 25ml or 35ml; and
 - still wine in a glass: 125ml; and
 - a. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - b. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7.2 For the purposes of the condition set out in paragraph 7.1 above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(c) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(d) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol

under such a licence;

(e) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(f) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

7.3 Where the permitted price given by Paragraph 8.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

Not Applicable.

Conditions derived from Responsible Authority representations

8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas and each entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
9. There shall be a staff member from the premises who is conversant with the operation of the CCTV system on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage when requested.
10. Signs will be prominently displayed at all entrance and exit points reminding customers to leave quietly and respect local residents.
11. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
12. Alcohol shall not be sold, supplied or consumed otherwise than to persons who are taking a meal from the menu and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter/waitress service only.
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following. a. All crimes reported: b. All ejections of patrons c. Any complaints received. d. Any incidents of disorder. e. Seizure of drugs or offensive weapons. f. Any faults in the CCTV system. g. Any refusal of the sale of alcohol. h. Any visit by a relevant authority or emergency service.
14. Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs and Weapons policy where appropriate.
15. All instances of crime and disorder to be reported by the Designated Premises Supervisor or responsible member of staff to an agreed police contact point, as agreed with the police.
16. All staff shall receive training on the legislation relating to the sales of alcohol to underage persons and drunken persons and shall have refresher training every 12 months. There shall be written records of such training which will be kept on the premises and produced to a police officer or other authorised officer upon request.

17. There shall be no glass, or open containers taken outside of the premises at any time.
18. All smokers shall be directed to use the rear garden.
19. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
20. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
21. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as their waste carrier arrives to collect the refuse.
22. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
23. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
24. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in the Turquoise Kitchen. This should remain unobstructed at all times and should clearly identify:- the name of the registered waste carrier the date of commencement of trade waste contract the date of expiry of trade waste contract the days and times of collection the type of waste including the European Waste Code.

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

Not Applicable.

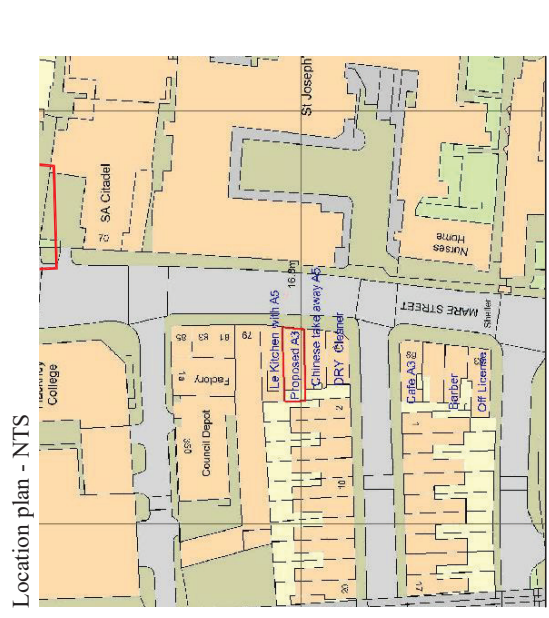
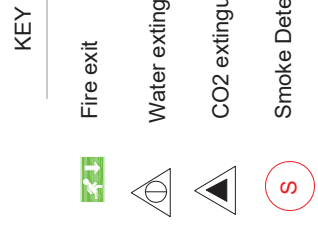
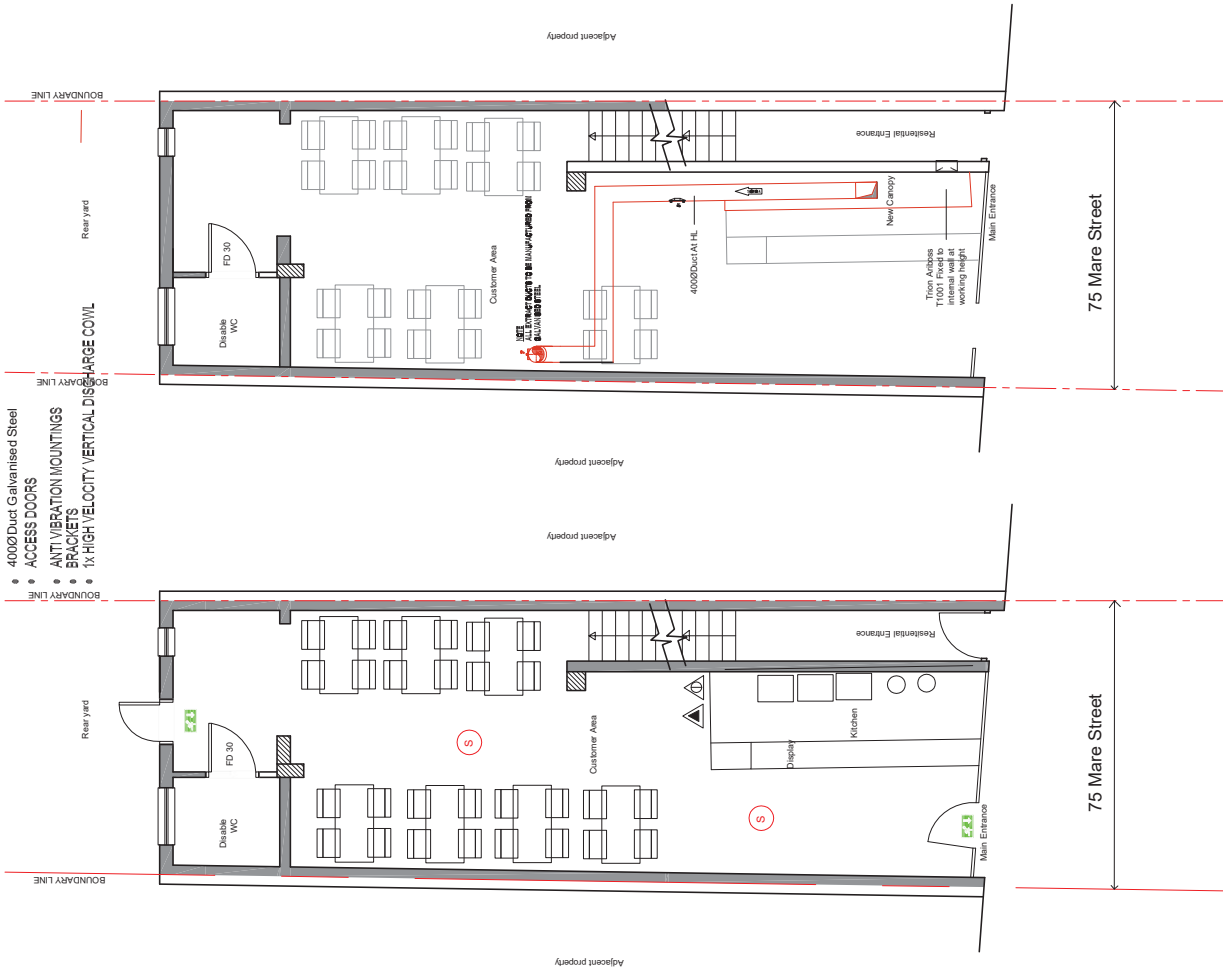
Annex 4 – Plans

PLAN/100857/250219

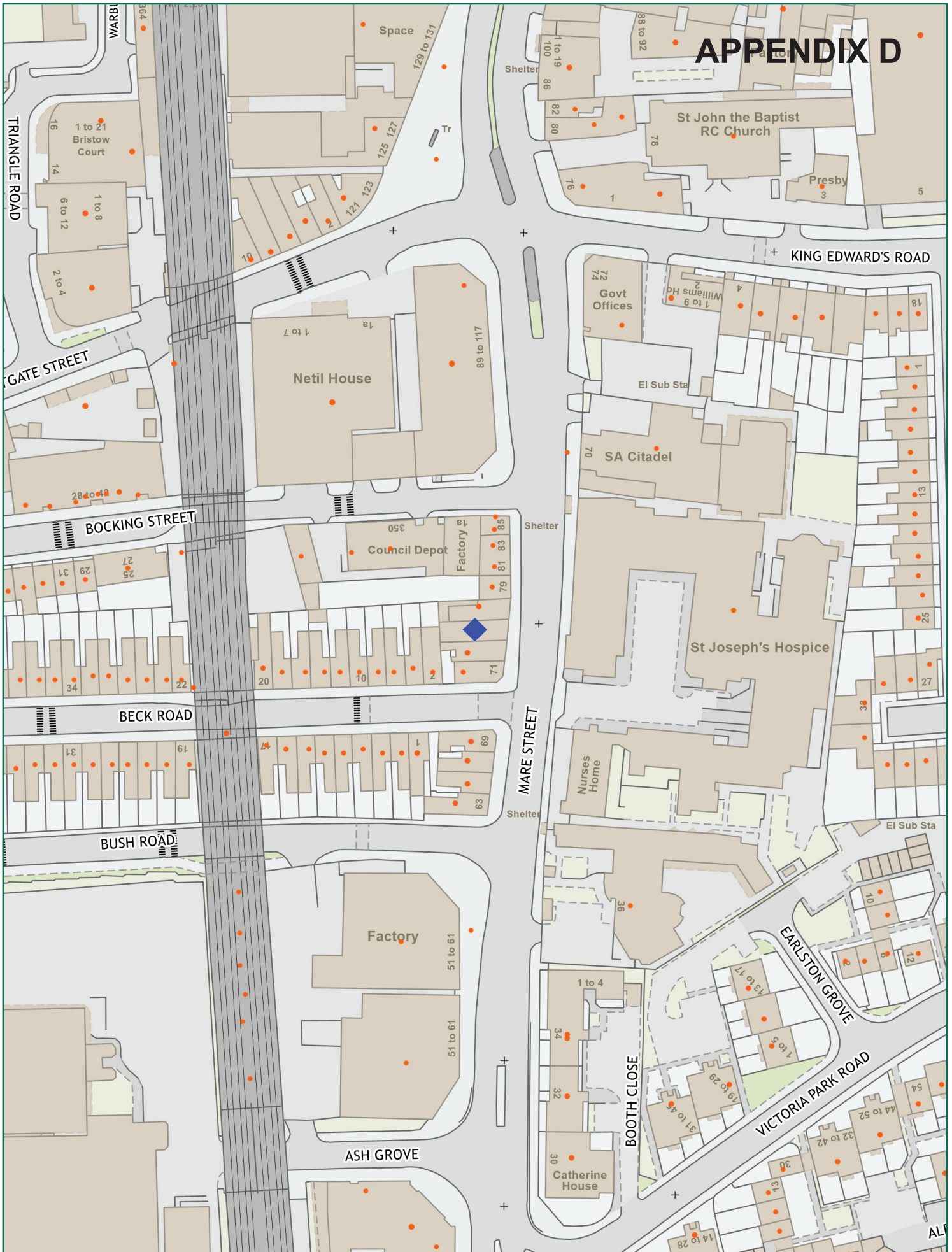
| Project | 75 Mare Street Hackney E8 4RG | Revision | V1 |
|---------|--|------------|------------|
| Drawing | LONDON Ground Floor Plan | Scale | 1:100@ A3 |
| No | 18_17-P-G | Issued by | M. U. Turk |
| V1 | First issued for comments and approval | 06.06.2018 | M. U. Turk |

THE RANGE INSTALLATION WILL REQUIRE A MECHANICAL DEDICATED RANGE EXTRACT SYSTEM COMPOSED OF:-

- 4000Duct Galvanised Steel
- ACCESS DOORS
- ANTI VIBRATION MOUNTINGS
- BRACKETS
- 1x HIGH VELOCITY VERTICAL DISCHARGE COWL



APPENDIX D



Scale: 1:1250 at A4

Turquoise Kitchen, 75 Mare Street, London, E8 4RG



Ref:
Tuesday, October 4, 2022

Produced by: unspecified
email:

please specify copyright statement