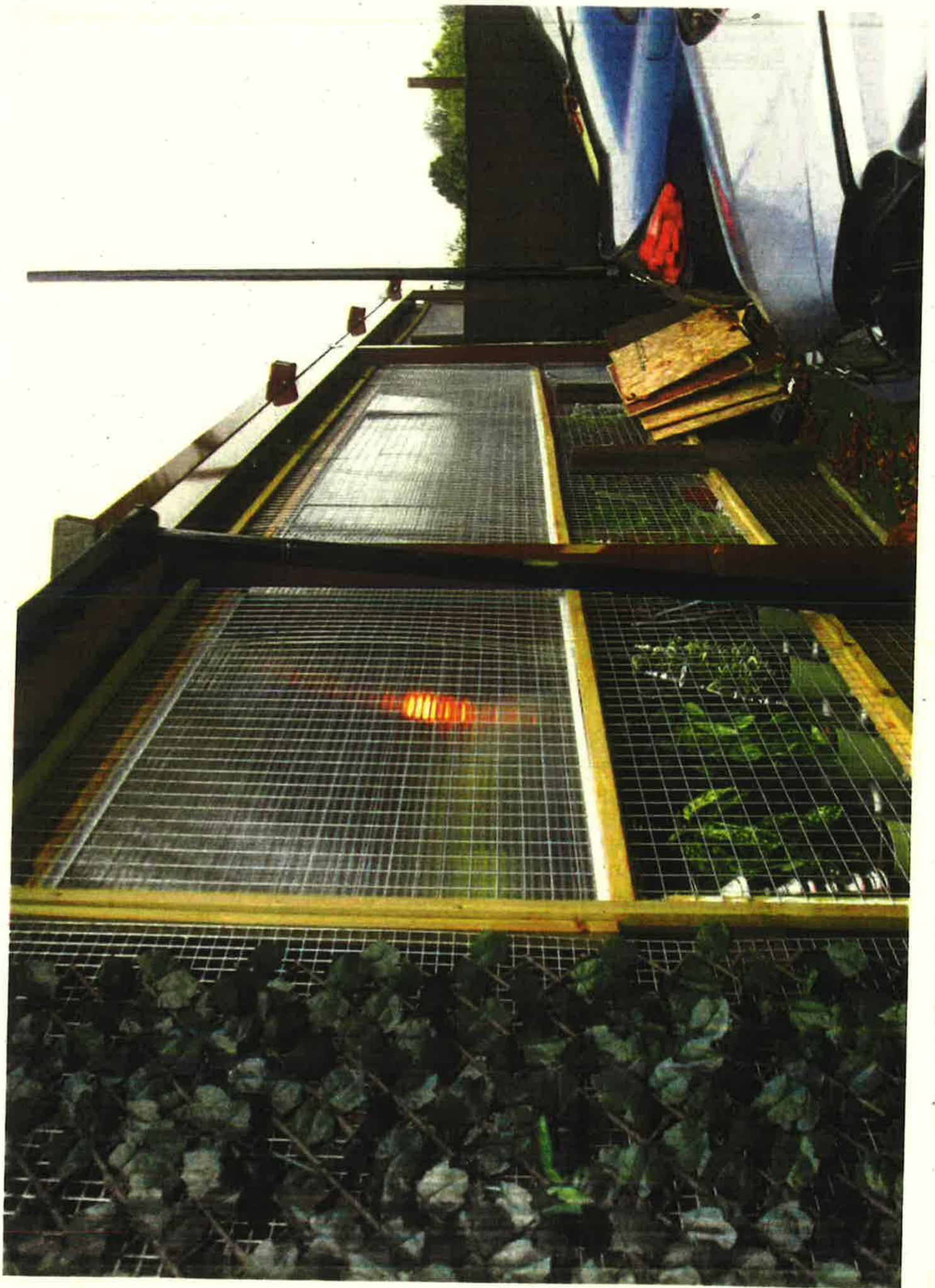


APP 16.





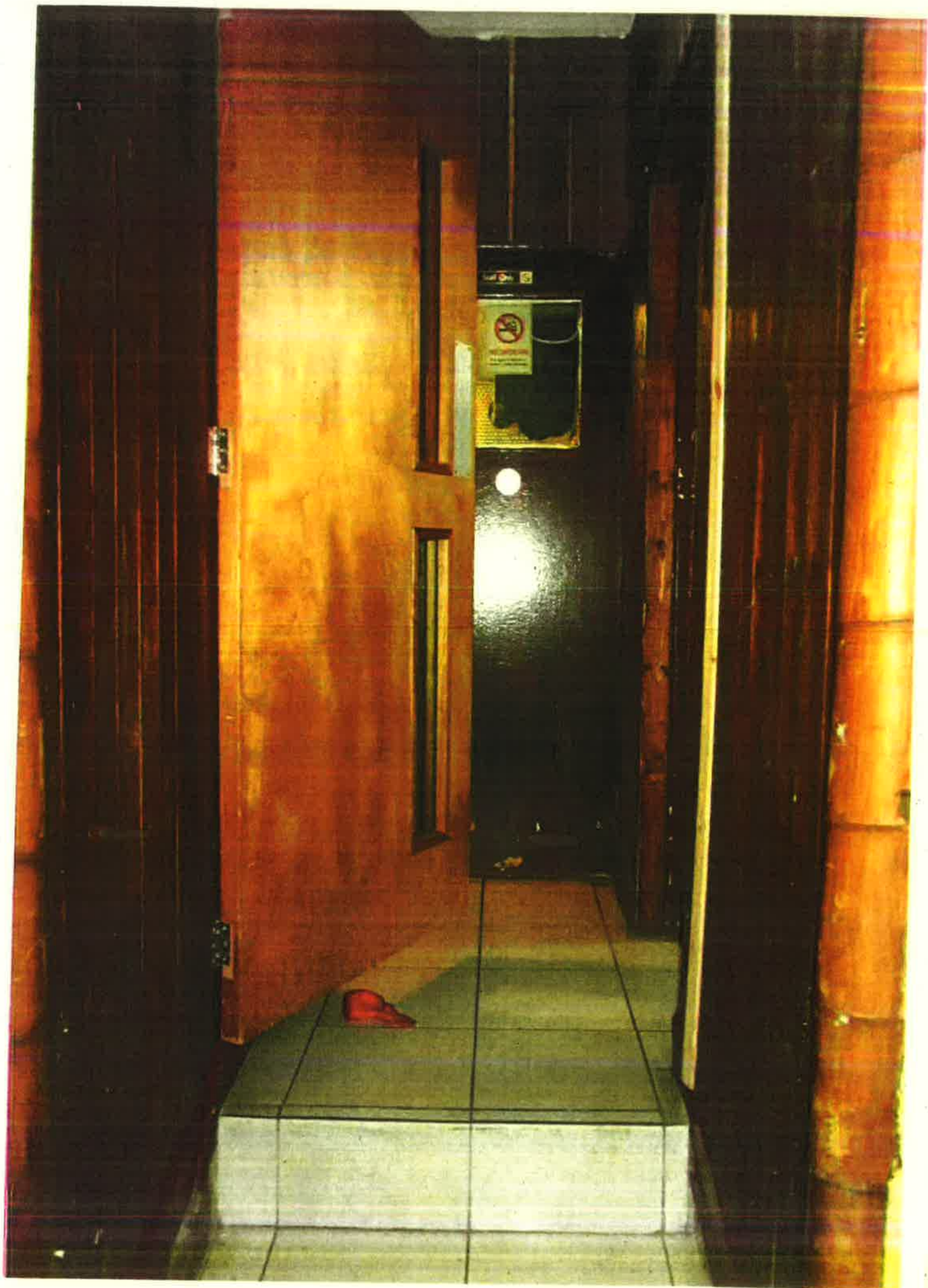
















Date	Brief Description of Training Carried Out	Name of Staff	Signature of Staff Receiving Training	Name & Position of Person Providing Training	Date Refresher Training due
23/04/02	Read Enrolment Control guidelines	John Smith	[Signature]	Don Alenda	
23/04/02	Opening hours	John Smith	[Signature]	Don Alenda	
23/04/02	Refusal book	John Smith	[Signature]	Don Alenda	

Date	Brief Description of Training Carried Out	Name of Staff	Signature of Staff Receiving Training	Name & Position of Person Providing Training	Date Refresher Training due
23/04/02	Read Enrolment Control guidelines	John Smith	xxxxxx	Joe Bloggs DPS	21/07/04
02/05/02	Opening hours with food check	John Kent	[Signature]	Don Alenda	02/10/02
02/05/02	Opening hours Refusal book	John Kent	[Signature]	Don Alenda	
	Food Ad policy 25 (10)	John Kent	[Signature]	Don Alenda	

Date	Brief Description of Training Carried Out	Name of Staff	Signature of Staff Receiving Training	Name & Position of Person Providing Training	Date Refresher Training due
7/10/02	Food Ad policy 25 (10)	Talip Octopros	[Signature]	Don Alenda	
8/10/02	Opening hours Refusal book	Talip Octopros	[Signature]	Don Alenda	
9/10/02	Food check alcohol to be served with meals only	Talip Octopros	[Signature]	Don Alenda	

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Kalamis fish Restaurant	
Premises Address	112 High Street, Enfield, EN3 4ES	
Time of Visit:	Start: 14.45	Finish: 15.05



During an inspection of your premises on Tues 7th Nov 2017, the following was checked:

Part B of Premises Licence displayed? Yes  No   
 Address & tel no. of PLH & DPS on licence correct? Yes  No  (If incorrect, insert new details below)  
 Conditions of licence checked? Yes  No

No. of condition not in compliance	Evidence/Advice
C11	Alcohol zone poster to be displayed.
C5	No personal licence holder on the premises during inspection - staff advised they would sell alcohol if someone wanted to buy it & was having a meal
C10	Unable to check CCTV. Orhan knew the password but not how to check the system.
C17, 18, 19	Will be checked during an evening visit.

Any other matter(s) that need addressing: Training records seen for 3 staff - advised to include licence conditions in training. Refusals book seen - 1 entry - recommend including what they tried to buy & a brief description of item. Sound checks - records seen going back to 27/07/17 - recommend staff sign them to show who has done the check & DPS checks them at the end of the day/night.

You are required to have the above matters attended to within .....days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Signature of Officer on visit: 	Signature: 
Print Name: CHARLOTTE PALMER	Print Name & Position: Orhan Kurt Staff
Email/Tel: 0208 379 3965 Charlotte.palmer@enfield.gov.uk	Email/Tel: 

Application forms can be downloaded at <https://new.enfield.gov.uk/services/business-and-licensing/>.

checked plans - one door missing & and another area in the main restaurant area does not match the submitted plans. The back wall is only half open.



Health Act 2006 Offence

Back of premises more than 50% enclosed - shisha pipes in use



**Charlotte Palmer**

APP 18

**From:** Charlotte Palmer  
**Sent:** 08 November 2017 14:55  
**To:** [REDACTED]  
**Cc:** Ellie Green  
**Subject:** Kalamis - URGENT [SEC=OFFICIAL]  
**Attachments:** Plan.pdf; Enfield Wash to Ponders End - Bottom.doc; Inspection Report.pdf

Classification: OFFICIAL

Dear Mr Duzgun,

I visited your premises yesterday afternoon with PC Staff to carry out a full licence inspection and to also see if the plan you have submitted is now accurate.

Unfortunately the plan is not accurate.

I have marked the areas of concern in red on the attached copy of the plan.

The closing day for representations is tomorrow. You have until 5pm tomorrow to contact the Licensing Team ([licensing@enfield.gov.uk](mailto:licensing@enfield.gov.uk)) and request that the application be put on hold until you submit a correct version of the plan. If you do not do so I shall have no choice but to submit an objection to the minor variation application. The team would be willing to put the application on hold for a maximum of 7 days.

Whilst at the premises I was given an email address for Orhan so that I could send him an alcohol zone poster to display. The address I have been given does not appear to be accurate as the email bounced back to me. I have therefore attached the poster to this email for you. I have also attached a copy of the inspection report that was left on site yesterday. Please address all of the issues listed.

Regards

Charlotte Palmer  
Senior Licensing Enforcement Officer  
Council Housing and Regulatory Services  
Health, Housing and Adult Social Care  
Enfield Council  
Silver Street  
Enfield  
EN1 3XY

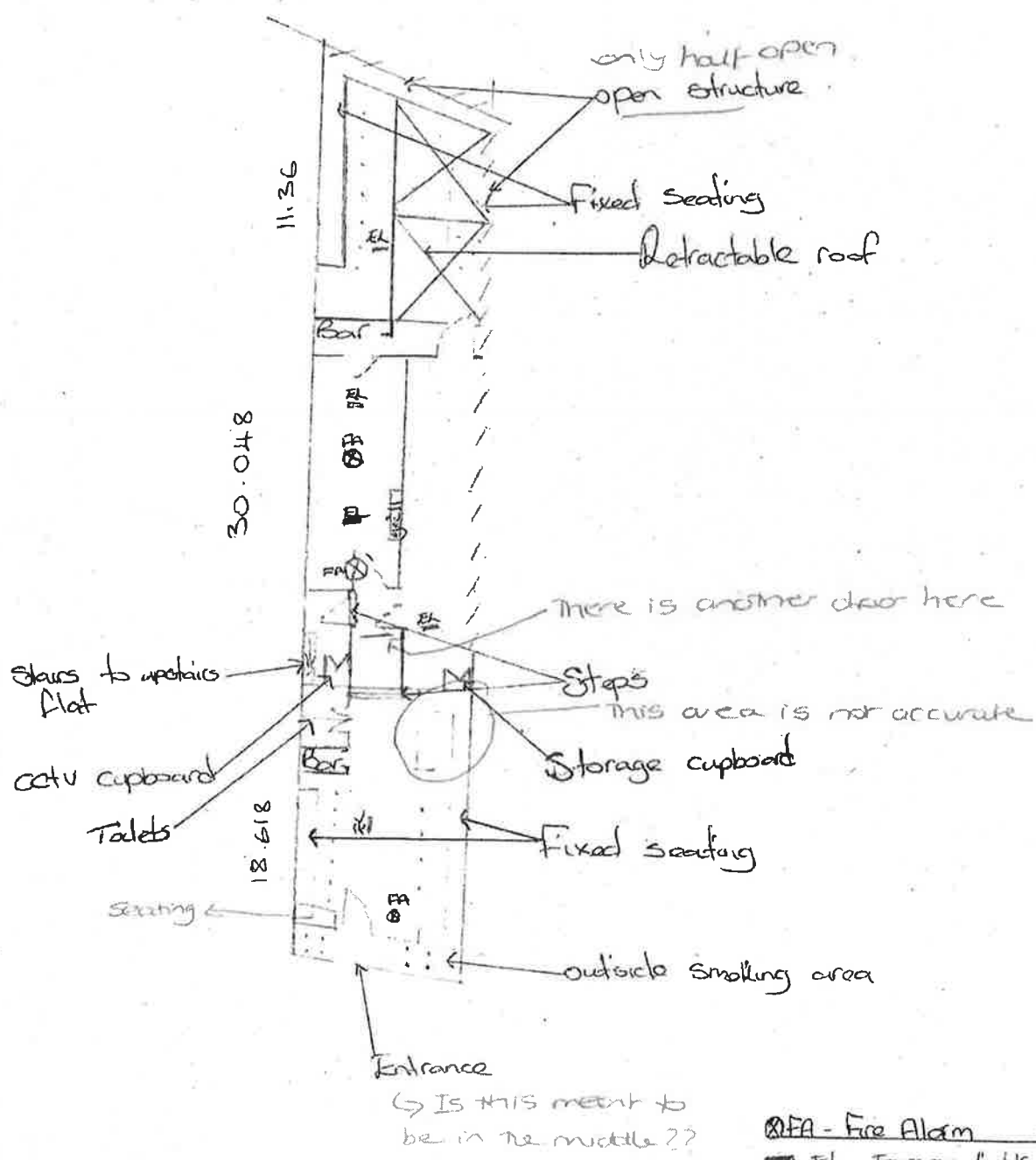
Tel: 0208 379 3965

Email: [charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)

Enfield Council is committed to serving the whole borough fairly, delivering excellent services and building strong communities.

Classification: OFFICIAL

# Floor Plan - 112 High Street, EN3 4ES



(FA) - Fire Alarm  
 EL - Emergency Lights  
 Fire exit from R.C.2  
 Date: 13/10/07



Charlotte Palmer

APP 19

**From:** [REDACTED] >  
**Sent:** 09 November 2017 10:11  
**To:** Charlotte Palmer; Ellie Green  
**Subject:** Re: Kalamis - URGENT [SEC=OFFICIAL]  
**Attachments:** Scan0160.pdf

**Importance:** High

Dear Charlotte,

Attached is another updated plan.

Can you advise why you are visiting the premises with a police officer?, have there been any criminal allegations, has a criminal incident occurred at the premises?, have you ever been threatened by myself or any of the staff on the premises, can you please explain the purpose and role of the police officer accompanying you to the visit?, I would understand if you visited with another colleague from your department, but I do not understand the purpose of a police officer visiting with you whilst you are carrying out your duties.

By bringing a police officer to my premises when here have been no criminal incidents, you are giving the business the wrong reputation, I do not want the public to assume that my place is a criminal hotspot.

If you are planning to visit the business again, please advise me of when you are doing so as I would like to be present. Or better still contact the DPS and he will be present.

In regards to the alcohol zone poster being displayed, this is the first time you have asked us to display this. Why have you not asked us to display this before, upto now, we have cooperated with you and have tried our best to put in place what you have asked for.

In regards to the CCTV, the licence condition states that Police & council authorised staff will have access at reasonable times. Turning up at any time of the day with no notice is not reasonable, for privacy & security issues, as a responsible business, only authorised staff members access the images held. Orhan advised you that he is only authorised to access the images if the DPS is at the premises, which is after 2pm, but on your sheet, you have written "Orhan knew the password but not how to check the system".

On your sheet, conditions C17, 18 & 19 have been listed as not in compliance but alongside this you have written - will be checked during an evening visit. If you are to check these conditions on an evening visit, why have you listed them as non compliant?,

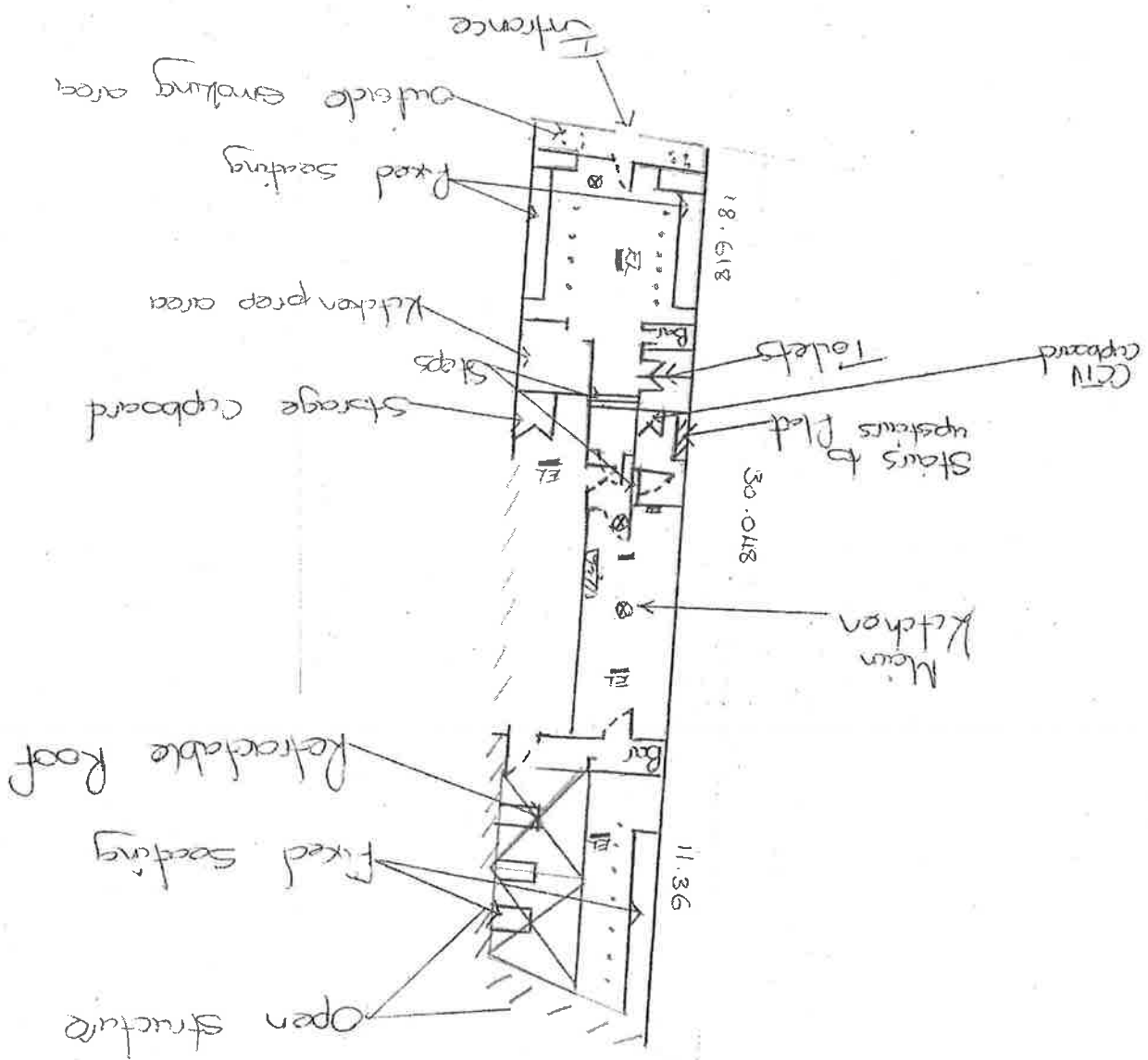
Please advise me urgently if you think the plan should be amended again. If I do not hear from you by 3pm today to confirm that you are happy with the plan, I will assume that you have accepted the amended plan.

Will you be visiting the premises again to check this plan?, if so please advise so that I can be present.

Regards

Mansur

First Plan - 12 High Street, EUGLIS



⊗ Fire Alarm  
 - E. Emergency Light  
 - Fire exit - Room 2 C  
 Radio 1:100



**From:** Charlotte Palmer  
**Sent:** 09 November 2017 11:27  
**To:** 'mansur duzgun'  
**Subject:** RE: Kalamis - URGENT [SEC=OFFICIAL]

Classification: OFFICIAL

Dear Mr Duzgun,

PC Staff is the Police Licensing Officer for the area where your premises is located. I have visited the premises with her before and you have met her. We visited together as we both need to consider the minor variation application. PC Staff has also been consulted about the review application I submitted. PC Staff was not in uniform and none of your customers would have known she was a police officer.

Officers do not always carry out inspections via appointments as we need to ensure that you are complying with the licence conditions even when you are not expecting the visit – this is particularly common with premises who repeatedly fail to comply with their licence or have an application pending.

Displaying the alcohol zone poster is a condition of the licence (Condition 11) and as such you should be aware of the requirement. Condition 11 is listed on the inspection report left at the premises on 16<sup>th</sup> June as being non-compliant. It is also mentioned in a letter sent to you on 14<sup>th</sup> August and was discussed during your PACE interview.

In relation to the CCTV conditions both PC Staff and I are of the opinion that during the day whilst the premises is open and trading is a 'reasonable time' to check that the system is working. Whilst at the premises we were told by Orhan that he knew the password but not how to use the system which is why I write that on the form.

We were unable to check conditions C17, 18 & 19 as it was a day visit which is why I have said they will be checked during an evening visit.

I have looked at the plan again and have the following comments – the area at the back of the premises is not an open structure, there is one full fence panel and one half fence half plastic section. You also seem to have missed off the seating along the back wall that was shown in the last version. Regarding the area you have changed to a kitchen preparation area – Orhan told us this was going to be a seating area and that seating had been ordered from Turkey – please confirm which version is correct. If there is any doubt that you will get the plan sorted out by 5pm today I recommend you email [licensing@enfield.gov.uk](mailto:licensing@enfield.gov.uk) and request that it be put on hold for 7 days. If the plan is not correct I shall have no choice but to object to it and the application will not be granted. I have been advised that minor variations do not go to a hearing if there are objections and the application fee is not refunded if the application is refused.

A revisit will be made to the premises to ensure the remaining conditions are being complied with. This is will be an unannounced visit.

Regards

Charlotte Palmer  
Senior Licensing Enforcement Officer

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**From:** mansur duzgun [mailto:██]  
**Sent:** 09 November 2017 10:11  
**To:** Charlotte Palmer <Charlotte.Palmer@enfield.gov.uk>; Ellie Green <Ellie.Green@Enfield.gov.uk>

Charlotte Palmer

APP 21

**From:** mansur duzgun [REDACTED] >  
**Sent:** 09 November 2017 13:03  
**To:** Charlotte Palmer  
**Subject:** Re: Kalamis - URGENT [SEC=OFFICIAL]

Dear Charlotte,

We are aware that PC staff has also been consulted on the minor variation application, when PC Staff comes to the premises, she addresses herself as a police officer, other workers and customers become aware of this. Your explanation still does not justify her presence, as you say she has already submitted a representation.

In regards to viewing the CCTV, a reasonable time is when the appropriate staff member is there to show you the images. I do not agree with yours or PC Staff's opinion on this.

In regards to conditions, 17,18 & 19. If you had not inspected these conditions at the time of your visit, then you should not have listed them as non compliant, this is inaccurate.

Fair enough if you had visited during the evening and saw that we were not compliant with these conditions.

In regards to the back area, we really need to look at this together so that we both understand what you are requesting. The back bottom area behind the chairs is open, there is no fence behind the fixed seating, there are shelves attached to these seats. We have removed the top panel. We have mesh wiring, which at the time, you and your colleagues advised was fine.

Again, we really need to view this area together so that it is clear what you are requesting. Please advise when we can meet at the premises?

In regards to the kitchen prep area, we have shown it as it currently is, this is correct.

Regards

Mansur

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**From:** Charlotte Palmer <Charlotte.Palmer@enfield.gov.uk>  
**Sent:** 09 November 2017 11:27  
**To:** mansur duzgun  
**Subject:** RE: Kalamis - URGENT [SEC=OFFICIAL]

Classification: OFFICIAL

Dear Mr Duzgun,



Charlotte Palmer

APP 22.

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**From:** mansur duzgun [REDACTED] >  
**Sent:** 09 November 2017 13:19  
**To:** Charlotte Palmer; Ellie Green  
**Subject:** plan for 112 High Street, Kalamis Restaurant

Hi,

On the 26th October, I sent you the amended version of the plan and you emailed back the following " Thanks, I shall pass onto the Licensing Team".

Why did you give me that response if you were planning to visit the premises and check the plan again, at a later date, giving me a very short time frame to make amendments.

Regards

Mansur

Charlotte Palmer

APP 23

**From:** Charlotte Palmer  
**Sent:** 09 November 2017 16:27  
**To:** 'mansur duzgun'  
**Cc:** Karen.Staff@met.pnn.police.uk; Ellie Green  
**Subject:** RE: plan for 112 High Street, Kalamis Restaurant [SEC=OFFICIAL]

Classification: OFFICIAL

Dear Mr Duzgun,

I have forwarded your email on to PC Staff in case she wants to comment further but as the Police Licensing Officer she does not need to justify her presence in a licensed premises where breaches are repeatedly occurring, where the plan does not match the actual layout and a review application to revoke the licence is pending. It seems obviously to me that she would want to attend to be see what the current situation is, particularly as she will attending the review hearing and may be asked questions about this by the Licensing Sub Committee. PC Staff does the same job as me just for the police. Any breach of a licence is an a criminal offence which we are both employed to investigate.

PC Staff is yet to make a representation on the minor variation but has submitted a representation for the review. These are two separate applications. As she has already made a representation in relation to the review she is entitled to add extra evidence prior to the hearing.

I have discussed your emails my line manager and we feel that we have already given you as much advice as is expected in these situations yet the outcome is still noncompliance. It has reached a point where we cannot offer you anything further and again recommend that you employ an external professional to address these matters for you. If you employ such a person PC Staff and I would be willing to meet with them.

I see that you have put the application on hold.

Please let me know when the kitchen preparation area will be complete? As it stands, it is work in progress and it is not clear whether it will be a seating area or a kitchen prep area.

If work is still ongoing the minor variation should have stated, if granted, when it would come into effect.

On 26<sup>th</sup> October the plan looked correct from my memory. However, every time I visit the premises something else appears to have changed so I wanted to double check and to carry out a further licence inspection prior to the review hearing. As the Premises Licence Holder it is your responsibility to ensure that the plan is accurate. I am a Licensing Enforcement Officer employed by the council not a licensing agent.

I recommend that you attend the premises and check the structure as when we visited on Tuesday the plastic sides had been put back up meaning that it was more than 50% enclosed. Customers were using shisha pipes at the time. This is an alleged criminal offence under the Health Act 2006 and is particularly concerning as there were very young children on the premises. A smoky environment is not appropriate for anyone let alone children in prams.

Regards

Charlotte Palmer

**From:** mansur duzgun [mailto: [REDACTED]]  
**Sent:** 09 November 2017 13:19

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## Appeal Decision

Site visit made on 24 May 2016

by **H Cassini DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 June 2016

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**Appeal Ref: APP/Q5300/W/16/3145551**  
**112 High Street, Ponders End, Enfield EN3 4ES**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mansur Duzgun against the decision of the Council of the London Borough of Enfield.
  - The application Ref 15/03864/FUL, dated 14 August 2015, was refused by notice dated 12 October 2015.
  - The development proposed is a canopy at rear to restaurant.
- 

### Procedural Matters

1. I have used the description of the proposal from the Council's decision notice. It adequately and simply describes the proposed development instead of the longer and detailed description given on the application form.
2. It was clear from my site visit, and from evidence before me, that work relating to the planning application has already commenced. On the basis of the above details, I will therefore deal with the appeal as a retrospective application.

### Decision

3. The appeal is allowed and planning permission is granted for a canopy at rear to restaurant at 112 High Street, Ponders End, Enfield EN3 4ES in accordance with the terms of the application, Ref 15/03864/FUL, dated 14 August 2015, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Floor Plan, Seating Area Plan, 3D View – EX.1, 3D View – Ex.2, 3D view – Ex.3.
  - 2) The canopy area to the rear and side of the site shall be available for the use of customers only between the hours of 08.00 - Midnight Mondays to Saturdays and 09.00 – 22.00 on Sundays and no other time.

### Main Issue

4. The main issue is the effect of the proposal on the living conditions of residents of the flats above the appeal premises and the surrounding area, with particular regard to noise and disturbance.

### Reasons

5. Further to my site visit, it was evident that the appeal site is located in a mixed use area, with both residential dwellings and non-residential premises being



located in proximity to each other. Whilst the premises on the ground floor of the terrace the appeal site is located in are in retail and commercial uses, including a Chinese and Thai takeaway, the first floors appeared to have been converted into residential flats. The rear gardens of a small number of residential units on Clarence Road also back onto the appeal site.

6. The site is also located next to a Eurocar park, which is a private car park for the use of patrons of the Picture Palace public house. The public house, located approximately 24 metres from the appeal site, is of a substantial size and has an outdoor seating area facing onto the car park and the flank wall of the appeal site.
7. As detailed within the planning officer's report, and was further confirmed at the time of my site visit, work relating to the planning application has been undertaken. Framework posts, a plastic corrugated roof and clear plastic sheeting at both sides and the rear of the site have been erected. Electric lighting has also been erected within the seating area, and therefore it would appear that the area is in use by patrons of the restaurant.
8. Whilst the proposed wooden pitched roof had not been installed, I agree with the view of the Council that views of the canopy would be restricted from the public realm. Although the proposal would be visible to both patrons of the public house and surrounding residential dwellings, the tall wooden fencing and mature vegetation on the boundaries of the site would result in only the uppermost sections of the canopy being visible from ground level.
9. I accept that some intensification of use may occur as a result of the proposal. However, this must be set in context as the appellant confirmed that the space under the proposed canopy was already in use for outdoor dining and smoking, albeit that the use would be limited during periods of inclement weather. In terms of opening hours, I note that the appellant made an initial error regarding the opening hours however this was subsequently rectified and no change to existing opening hours was included within the planning application.
10. I acknowledge that some levels of noise and disturbance may arise in relation to customers and staff coming and going to and from the seating area beneath the canopy and note the objection from the Council's environmental health department. However, there is no substantive evidence before me to demonstrate that the proposal would result in any material increase over and above any noise and disturbance that currently exists. In this regard, I am also mindful that there are several other uses in the vicinity of the appeal site which have similar opening hours to that of the appeal site and are also likely to produce a general level of noise and disturbance.
11. As such, I would expect the area to be relatively lively in the evening with significant pedestrian and vehicle activity, which would generate a further level of associated noise and disturbance. The scale of the intensification of use of the restaurant is unlikely to significantly change that. Residents choosing to live in such an environment, particularly in proximity to a classified road, may not be able to expect the degrees of peace and quiet that may be appropriate in a solely residential area, removed from commercial uses.
12. The sides of the structure are to remain open to allow for ventilation, the proposed roofing is to be constructed from dark brown timber. The roof would provide cover over both the seating area and also the walkway to the rear

entrance of the appeal site and flat above. I consider that the use of dark timber and a pitched roof are appropriate in both terms of material and design. The introduction of a solid roof structure would, to an extent, muffle noise from the seating area which would be of benefit to residents of the flats and residents of No. 1 Clarence Road. As such, I do not consider that the introduction of the canopy structure would in any way materially affect the living conditions of the existing or future residents of the flats.

13. The Council has suggested a planning condition to restrict opening hours on a Sunday and I have also noted the appellant's willingness to close the outside seating area at 22.00. Whilst I do not find that the introduction of the canopy will result in an unacceptable increase in noise and disturbance, I am mindful of the presence of the residents in the flats. As such, some consideration needs to be given to the effects of the opening hours on those residents. I have therefore found the reduced opening hours on a Sunday to be appropriate in the interest of residential amenity.
14. I therefore find that the proposal, once fully completed, would not harm the living conditions of existing or future neighbouring occupiers with regards to noise and disturbance. As such, it would not be contrary to Policy DMD 68 of the Enfield Development Management Document 2014 (the DMD), Policy CP 32 of the Enfield Core Strategy 2010 and Policy 7.15 of The London Plan 2015 which state that new developments should avoid significant adverse noise impacts on amenity. The Council also referenced the National Planning Policy Framework (the Framework) in the decision notice, but made no reference to specific policies. I am mindful however that the Framework, at paragraph 123, indicates that planning decisions should aim to avoid new developments giving rise to significant adverse impacts on the quality of life of as a result of noise.

#### **Other Matters**

15. The Picture Palace public house is defined as a non-designated heritage asset due to its architectural and historical features. The Framework, at paragraph 135, states that the effect on the significance of non-designated heritage assets should be taken into account in determining an application, and that a balanced judgement will be required having regard to the scale of any harm and the significance of the asset.
16. The side elevation of the public house is located approximately 24 metres from the appeal site and is separated from the appeal site by the car park. As only the upper most section of the proposed canopy would be visible above the existing fence line, I concur with the view of the Council that no harm would occur in terms of the significance of the non-designated heritage asset.

#### **Conditions**

17. I have considered the conditions suggested by the Council against the tests of the National Planning Policy Framework and advice provided by the Government's Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case.
18. A condition requiring that the development is carried out in accordance with the approved plans in order to provide certainty is necessary. In the interests of safeguarding the amenity of nearby residential properties, a condition controlling opening hours is also necessary.

19. I have not included a time limit condition. As the development has already started, and appears to be nearing completion, there is no need for a condition relating to a time limit for the commencement of development.

**Conclusion**

20. For the reasons given above, and subject to appropriate conditions, I conclude that the appeal should be allowed.

*Helen Cassini*

INSPECTOR



Ex.3

