

Report No.
ES20378

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: LICENSING SUB-COMMITTEE

Date: 03/04/2024

Decision Type: Non-Urgent Non-Executive Non-Key

Title: APPLICATION FOR A NEW PREMISES LICENCE AT FIRE AWAY WEST WICKHAM 1 BELL PARADE GLEBE WAY WEST WICKHAM BR4 0RH

Contact Officer: Steve Phillips, Nuisance, ASB, Health & Safety and Licensing Manager
Tel: 020 8313 4659 E-mail: steve.phillips@bromley.gov.uk

Chief Officer: Colin Brand Director: Environment and Community Services

Ward: West Wickham

1. Reason for report

- 1.1 To provide the Licensing Sub-Committee with information supporting them to determine this licence application.
-

2. RECOMMENDATIONS

- 2.1 The Licensing Sub-Committee asked to determine this application having taken into account the Council's Statement of Licensing Policy 2021 to 2026 and written and oral representations by the applicant and objectors.

Members can

1. Grant the licence.
2. Grant the licence with the addition of conditions necessary to promote any of the licensing objectives.
3. Reject the application.

Impact on Vulnerable Adults and Children

1. Summary of Impact:

When making decisions under the Licensing Act 2003 the Council is required to promote the licensing objectives, one of which is the protection of children from harm.

Corporate Policy

1. Policy Status: Existing Policy:

The Council has adopted a statement of its licensing policy under the Licensing Act 2003 for the period 2021 to 2026.

2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Vibrant, Thriving Town Centres Healthy Bromley Regeneration

Financial

1. Cost of proposal: Licensing statutes allow for an appeal to the Magistrates Court against the Council's decision. Should an appeal be made, costs are likely to be incurred but it is not possible to quantify these.

2. Ongoing costs: Non-Recurring Cost

3. Budget head/performance centre: Public Protection and Portfolio

4. Total current budget for this head: £1.6M

5. Source of funding: 2024/2025

Personnel

1. Number of staff (current and additional): 1 Licensing Officer supported by 3.5 FTE admin

2. If from existing staff resources, number of staff hours: Not Applicable

Legal

1. Legal Requirement: Statutory Requirement: The Council is the Licensing Authority for the Licensing Act 2003. This is a Non-Executive function and is delegated to the General Purposes and Licensing Committee. Where representations are received about a licence application, it is referred to the Licensing Sub Committee for a hearing and decision.

2. Call-in: Not Applicable

Procurement

1. Summary of Procurement Implications: Not applicable

Property

1. No property implications for this application/licence.
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: There are no significant implications.
-

Customer Impact

1. When considering and making a determination on this application Members need to balance the benefits of holding the licence against any adverse effects to the Public, Local Residents and Businesses by considering its impact against the licensing objectives
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? **Yes**. Ward Members were notified about the application by email on 30th January 2024.
 2. Summary of Ward Councillors' comments: No objections were received from Ward Councillors in regard to this application.
-

Responsible Authorities Views

1. Have Responsible Authorities been asked for comments? **Yes**. They were notified about the application by email on 30th January 2024.
 2. Summary of Responsible Authorities comments: Objections were received from 3 Responsible Authorities in respect of this application. Planning, Health & Safety and Public Health Nuisance Teams all objected on the grounds of Public Nuisance.
-

Residents and Interested Parties

No representations were received from residents on the grounds of public nuisance in regard to this application.

These representations can be found in **Appendix 2**.

3. COMMENTARY

3.1. Licensing Act 2003.

The Licensing Act 2003 states that any premises requires a licence/certificate issued by the Council (premises licence/club premises certificate) where the following activities occur:-

Provision of regulated entertainment

- a) Plays. (Where the audience exceeds 500 people)
- b) Films.
- c) Indoor sporting events. (Where the audience exceeds 1000 people)
- d) Boxing or wrestling entertainment.
- e) Live music. (subject to the Live Music Act 2013 exemptions)
- f) Recorded music.
- g) Performances of dance. (Where the audience exceeds 500 people)

Provision of late-night refreshment (between 2300hrs and 0500hrs).

Supply of alcohol (on and off sales).

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place.

Licences/Certificates may be issued subject to any terms, conditions or restrictions the Council feels are appropriate to address any or all of the four licensing objectives.

The Council has previously agreed Bromley's Statement of Licensing Policy for the Period 2021 – 2026.

The Licensing Sub-Committee must consider the Statement of Licensing Policy and any Special Policy of Cumulative Impact currently in force when making any decisions in respect of these applications.

Members' attention is drawn to the following parts of the policy which are relevant to this application.

Description of the Premises

The premises is a Pizza takeaway that sits on Glebe Way with other businesses to either side. A satellite image and street view of the premises can be found in **Appendix 3**.

Licensing History

This is a new premises licence application and this premises has not been licensed previously.

Details of the Application

This is an application for a new premises licence for **Late Night Refreshment Only**, every day until 02:00. The application states that sales after 23:00 will be via home delivery only.

A full copy of the application form and plan can be found in **Appendix 1**.

Representations

During the public consultation period the Council received 3 representations from Responsible Authorities objecting to the application on the grounds of Public Nuisance.

A full copy of the representations can be found in **Appendix 2**.

An objection was made by the Planning Enforcement Team on the grounds of Public Nuisance because the current planning permission states *“The food delivery service from the premises shall not operate outside the hours of 10:00 to 23:00 on any day.”* A planning application was submitted by the applicant on 21 Feb 2024 extend the delivery service hours to 10:00 to 02:00 Monday to Sunday.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Licensing regimes provide for additional controls through specific permissions to undertake activities. Both the Licensing Act 2003 and Gambling Act 2005 contain licensing objectives which seek to protect particular vulnerable groups. In the case of the Licensing Act 2003 it seeks to protect children from harm whereas the licensing objectives under the Gambling Act 2005 are wider and seek to protect children and vulnerable adults from being harmed or exploited.
- 4.2 Businesses and the Council are required to promote these objectives in the way they operate or make decisions.
- 4.3 Details of applications under both Acts are referred to the appropriate safeguarding teams for comment. None were received in this instance.

5. TRANSFORMATION / POLICY IMPLICATIONS

- 5.1 Both the Licensing Act 2003 and the Gambling Act 2005 require the Council to prepare, consult on and publish statements of their licensing policy. These must be reviewed at least every 5 years under the Licensing Act and 3 years under the Gambling Act.
- 5.2 Members should make decisions in accordance with these policies but are free to depart from them with good reason.
- 5.3 The current policies are -
 - Statement of Licensing Policy 2021 - 2026
 - Statement of gambling policy 2022 - 2025

6. FINANCIAL IMPLICATIONS

- 6.1 There are rights of Judicial Review and appeal to the Magistrates Court against the decision of the Sub-Committee under both the Licensing and Gambling Acts. If an appeal were to be lodged there are costs associated with defending it. These are difficult to quantify and the Courts can award costs. In the event of a successful appeal we could pay the costs of the appellant as well as our own. Equally if we successfully defended an appeal, it is open to the Court to order our costs to be paid by the appellant.

7. PERSONNEL IMPLICATIONS

- 7.1 Number of staff (current and additional): 1 Licensing Officer supported by 3.5 FTE Administration Staff.
- 7.2 If from existing staff resources, number of staff hours: A licensing application typically takes 7hrs professional officer time and 5hrs administration time.

8. LEGAL IMPLICATIONS

- 8.1 Any Parties involved in a hearing before a Sub-Committee can seek a Judicial Review if the Local Authority has failed to administer the hearing in accordance with proper procedures.
- 8.2 Any Party involved with the hearing before licensing subcommittee can appeal any decision made at that hearing to the magistrate's court.
- 8.3 The Council has adopted a procedure for the conduct of hearings.

9. PROCUREMENT IMPLICATIONS

There are no procurement implications.

10. EQUALITIES IMPLICATIONS

- 10.1 The Equality Act (2010) requires public bodies to have due regard to the need to:

- *eliminate unlawful discrimination, harassment, victimization and any other conduct prohibited by the Act.*
- *advance equality of opportunity between people who share a protected characteristic and people who do not share it; and*
- *foster good relations between people who share a protected characteristic and people who do not share it.*

10.2 The protected characteristics covered by the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

10.3 There is no indication that the proposed recommendations will have a disproportionate impact on any individuals or groups with a shared protected characteristic.

11. ENVIRONMENTAL IMPLICATIONS

There are neutral environmental and carbon reduction implications from the proposals contained in this report.

12. WARD COUNCILLOR / OTHER STATUTORY CONSULTEES VIEWS

12.1 Responsible Authorities Views - These are shown in appendix 2 all three relate to public nuisance

The following Responsible Authorities were notified about this application and their views sought.

Responsible Authority	Date Notified	Comments
Metropolitan Police	30 th January 2024.	No objection
Planning Authority	30 th January 2024.	Objection
Trading Standards Service	30 th January 2024.	No response
Public Health Nuisance Team	30 th January 2024.	Objection
Health & Safety Team	30 th January 2024.	Objection
Child Protection Team	30 th January 2024.	No response
Fire Authority	30 th January 2024.	No objection
Public Health	30 th January 2024.	No response

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	Soft File Computer based records

Appendix 1

Application Form & Premises Plan



Bromley
Application for a premises licence
Licensing Act 2003

For help contact
licensing@bromley.gov.uk
 Telephone: 0208 313 4218

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

- System reference This is the unique reference for this application generated by the system.
- Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
- Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
- Yes No

Applicant Details

- * First name
- * Family name
- * E-mail
- Main telephone number Include country code.
- Other telephone number
- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual
- A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

- Is the applicant's business registered in the UK with Companies House? Yes No
- Registration number
- Business name If the applicant's business is registered, use its registered name.
- VAT number Put "none" if the applicant is not registered for VAT.
- Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

*Continued from previous page...***Section 2 of 21****PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of His Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21**OPERATING SCHEDULE**

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The premises is to trade as a pizza takeaway, with the activity of late night refreshment only to be applied for. Sales after 23:00 will be via home delivery only

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

 Yes

 No
Section 14 of 21**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

 Yes

 No
Standard Days And Timings

MONDAY

Start End Start End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start End Start End

WEDNESDAY

Start End Start End

THURSDAY

Start End Start End

FRIDAY

Start End Start End

SATURDAY

Start End Start End

SUNDAY

Start End Start End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

the premises is to operate as a pizza takeaway shop

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
 As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a

Section 17 of 21**HOURS PREMISES ARE OPEN TO THE PUBLIC****Standard Days And Timings**

MONDAY

Start End Start End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start End Start End

WEDNESDAY

Start End Start End

THURSDAY

Start End Start End

FRIDAY

Start End Start End

SATURDAY

Start End Start End

SUNDAY

Start End Start End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

n/a

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

from 23:00 to 02:00 sales will be via home delivery only.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The premises will operate to a high standard, all staff will be fully trained in their responsibilities with regard to conflict management, and will be retrained every six months, with recorded training records kept for inspection.

Members of the public shall not be allowed on the premises after 23:00 hours

After 23:00 the licence and premises are to fulfil internet/ app generated sales for delivery and no direct sales shall take place to the general public from the site counter after 23:00

b) The prevention of crime and disorder

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- a) all crimes reported to the venue
- b) all ejections of patrons
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder
- e) all seizures of drugs or offensive weapons
- f) any faults in the CCTV system, searching equipment or scanning equipment
- g) any visit by a relevant authority or emergency service.

2. All staff members should be checked to ensure they have the right to work in the UK. These checks should be made available upon requests to all responsible authorities. All associated 'entitlement to work' documents:

- a) must be logged and kept on the premises for the duration of the employment; and
- b) must be retained for a minimum of 12 months after employment has ceased.

4. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points must be covered enabling frontal identification of every person entering in a light condition. The CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of the Council.

6. A staff member from the premises who is conversant with the operation of the CCTV system shall be in the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested and within a maximum of 24 hours of the

Continued from previous page...

initial request.

7. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk/USB Stick for the Police or authorised officers of the Local Authority or UK Border Agency without difficulty, delay or charge.

8. Any CCTV breakdown or system failure will be notified to the Police and Local Authority immediately & remedied as soon as practicable. Repair records / invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised persons upon request.

9. Notices shall be prominently displayed within the premises stating that CCTV is in operation.

Orders will only be despatched to bona fide addresses. No deliveries will be made to an open space.

c) Public safety

Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police. All relevant fire procedures are in place for a premise of this size.

d) The prevention of public nuisance

Deliveries will be made by staff directly employed by the licensee only. No agency staff or any external delivery service will be used for the delivery at any time.

Delivery drivers will wait inside the premises for orders to be made, and then they will deliver.

e) The protection of children from harm

There are no issues relating to the protection of children from harm from this application.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

- * I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

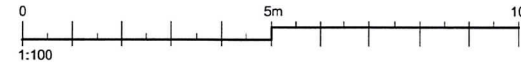
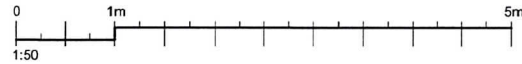
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/bromley/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

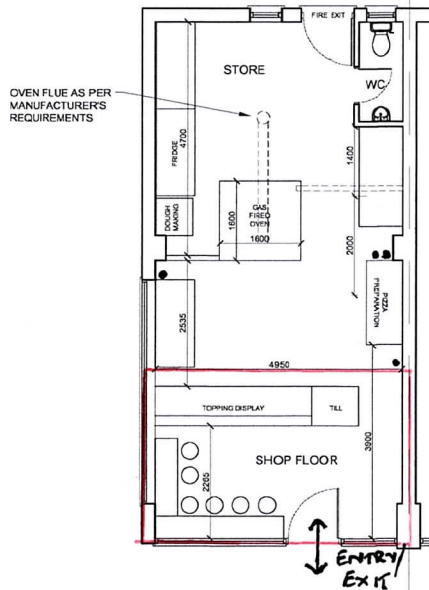
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

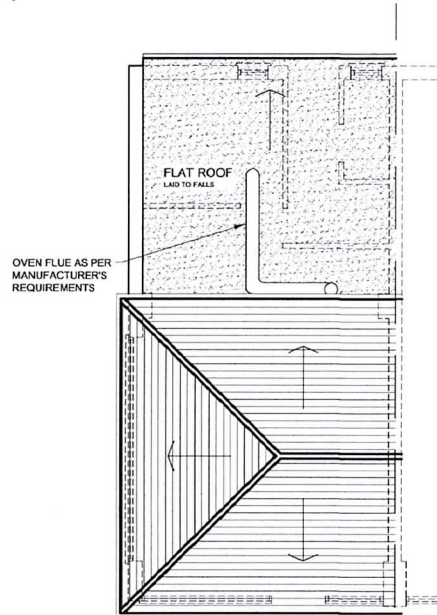
The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. Dimensions are not to be scaled from this drawing.



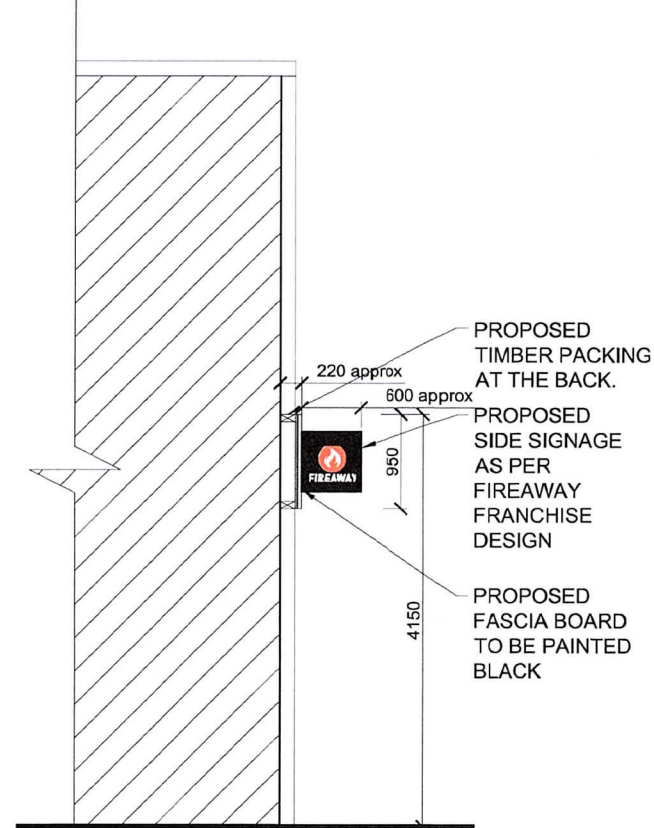
LICENSING: FLOOR PLAN
SCALE 1:100@A3.



PROPOSED GROUND FLOOR PLAN



PROPOSED ROOF PLAN



PROPOSED TIMBER PACKING AT THE BACK.

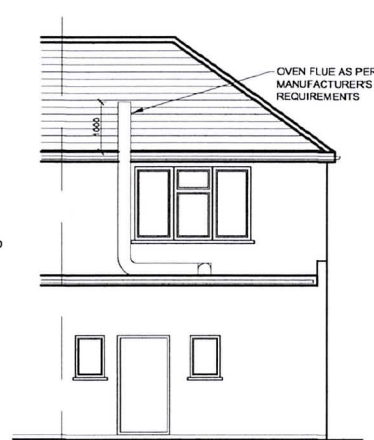
PROPOSED SIDE SIGNAGE AS PER FIREAWAY FRANCHISE DESIGN

PROPOSED FASCIA BOARD TO BE PAINTED BLACK

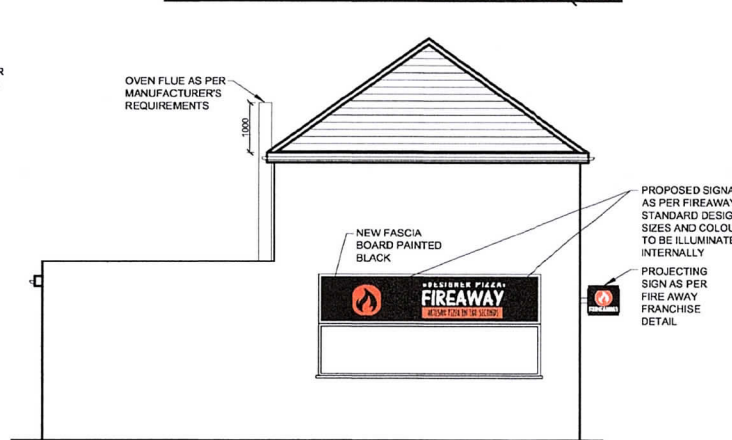
- AREA ACCESSIBLE TO THE PUBLIC
- FIRE EXTINGUISHERS



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

rev.	description	date	chkd.
			
10 Wimborne Avenue Chislehurst BR7 6RQ 020 3004 9238 07931 931 035 s.nagpal@dapconsultants.co.uk www.dapconsultants.co.uk			

project: 1 Bell Parade West Wickham

drawing title: Proposed Floor Plans & Elevations

drawn: SN	chkd: SS	date: 25.03.2021
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status: Planning scale: 1:100@A3

proj no: 1686	drg no: 02	rev no:
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Appendix 2

Representations

Representation 1 - Planning

Objection on the grounds of The Prevention Of Public Nuisance.

Having looked at uniform this property doesn't have planning permission to operate the hours stated on the licensing form.

The planning permission **21/01560/FULL3** states the opening hours are

4. The dine-in use hereby permitted shall not open outside the hours of 10:00 to 23:00 Monday to Saturday, and 10:00 to 22:00 Sundays and Bank Holidays.

Reason: In order to comply with Policies 37 and 98 of the Bromley Local Plan and in the interest of the amenities of neighbouring residents.

5. The food delivery service from the premises shall not operate outside the hours of 10:00 to 23:00 on any day.

Reason: In order to comply with Policies 37 and 98 of the Bromley Local Plan and in the interest of the amenities of neighbouring residents.

A further application was submitted to vary the hours but this was refused **21/01560/RECON**.

They are going to need to get planning permission to open for the hours they want to or only open in line with planning permission 21/01560/FULL3.

Please see following documents referred to in the above representation.



Town Planning

Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020 8464 3333

Direct Line: 020 8313 4956

Email: planning@bromley.gov.uk

Fax: 020 8461 7725

Internet: www.bromley.gov.uk

DX5727 Bromley

Design and Plan Consultants Ltd
10 Wimborne Avenue
Chislehurst
BR7 6RQ

Application No : / DC/21/01560/FULL3
Date : 22nd June 2021

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

NOTIFICATION OF GRANT OF PLANNING PERMISSION

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, has **GRANTED** planning permission for the development, referred to in your application received on 30th March 2021 as amended by documents received on 18.05.2021

at : 1 Bell Parade Glebe Way West Wickham BR4 0RH

Proposal: Change of use to restaurant/takeaway (mixed use class E(b)/sui generis), alterations to shopfront and installation of extractor flue

Subject to the following conditions **and for the reasons set out below:-**

1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

3. The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

4. The dine-in use hereby permitted shall not open outside the hours of 10:00 to 23:00 Monday to Saturday, and 10:00 to 22:00 Sundays and Bank Holidays.

Reason: In order to comply with Policies 37 and 98 of the Bromley Local Plan and in the interest of the amenities of neighbouring residents.

5. The food delivery service from the premises shall not operate outside the hours of 10:00 to 23:00 on any day.

Reason: In order to comply with Policies 37 and 98 of the Bromley Local Plan and in the interest of the amenities of neighbouring residents.

6. Prior to commencement of the use hereby approved the ventilation extract system shall be installed in full accordance with the details submitted, shall be permanently maintained in an efficient working manner thereafter, and no changes to the installed system shall be made without the prior approval in writing by the Local Planning Authority.

Reason: In order to comply with Policy 119 of the Bromley Local Plan and in the interest of protecting residential amenity for adjacent properties.

Signed:

A handwritten signature in black ink, appearing to be 'J.A.', written over a horizontal line.

Assistant Director (Planning)

On behalf of the London Borough of Bromley Council

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

The Local Planning Authority is actively seeking to reduce the need to impose conditions. Any pre-commencement conditions imposed on this planning permission are necessary to ensure that the detail of the development to which they relate is carried out in a satisfactory manner and the submission of the information in relation to this is required before commencement as it would not be possible or desirable for this to happen at a later stage in relation to the specific reasons for imposing each condition.

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website at www.bromley.gov.uk/planning. Through the provision of a pre-application advice service the Local Planning Authority encourages early engagement to resolve problems that can occur in relation to dealing with a planning application by providing clear guidance as to how the aims of the development plan can be achieved in a sustainable and appropriate manner in accordance with paragraphs 188 - 190 of the National Planning Policy Framework 2012.

Please note that your development may be liable for Community Infrastructure Levy (CIL). For more information please visit www.bromley.gov.uk/CIL



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C/o Mr Shailender Nagpal
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Application No : / DC/21/01560/RECON
Date : 18th May 2023

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 73)
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

**NOTIFICATION OF REFUSAL OF PLANNING PERMISSION FOR VARIATION OR
REMOVAL OF CONDITION(S)**

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, has **REFUSED** planning permission for the variation or removal of condition(s), referred to in your application received on 7th February 2023.

at : 1 Bell Parade Glebe Way West Wickham BR4 0RH

Proposal: Variation of Condition 5 (restricted hours of use) of planning permission under ref. 21/01560/FULL3 (granted for change of use to restaurant/takeaway (mixed use class E(b)/sui generis), alterations to shopfront and installation of extractor flue) to allow extension to operational hours of food delivery service from 10:00 to 23:00 to 10:00 to 02:00 on any day.

For following the reasons:-

- 1 The proposed extension in hours of the food delivery service would be seriously detrimental to the amenities that surrounding residents might reasonably expect to be able to continue to enjoy by reason of noise and general disturbance associated with the use; thereby contrary to Policy 37 of the Bromley Local Plan.

Signed:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Assistant Director (Planning)

On behalf of the London Borough of Bromley Council

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

Representation 2 - Health & Safety:

I object to the application for late night refreshment at these premises as I fear the premises will be unable to uphold the licensing objective of the Prevention of Public Nuisance.

The grounds for my objection are as below:-

The premises are sited in an area with residential properties in close proximity. The proposed hours of the application to open until 02.00 would, in my opinion, result in unacceptable noise from delivery drivers causing Statutory Nuisance, harm and loss of amenity to the residents residing locally to the premises.

There are no other licensed premises in close proximity to the premises which operate until 02.00.

Representation 3 – Public Health Nuisance Team:

I object to the above application on the grounds of the prevention of public nuisance and the protection of children from harm licensing objectives.

The grounds of my objection are as follows:-

The application is to operate from 12.00hrs to 02.00hrs as a delivery service and open to the public till 23.00hrs. The premises is situated in an of both residential and commercial premises with residential in close proximity.

Any extension to the current operation will likely cause a public nuisance to residents with delivery drivers causing noise including engine noise from the vehicles used to deliver. The waiting area for delivery rivers would be directly outside the front of the premises or in the rear parking area which is in close proximity to residential addresses.

The application seeks to carry out deliveries till 2am on weekdays and with residential premises in close proximity any children living within the residential premises are likely to their sleep disturbed on a school night causing possible harm.

The premises does not have planning permission to operate after 23.00hrs and was refused on the grounds “The proposed extension in hours of the food delivery service would be seriously detrimental to the amenities that surrounding residents might reasonably expect to be able to continue to enjoy by reason of noise and general disturbance associated with the use; thereby contrary to Policy 37 of the

Bromley Local Plan.” With the notification of refusal being issued on the 18th May 2023

The proposed hours of the application for the provision of late-night refreshment from 23.00 until 02.00 would, in my opinion cause unacceptable noise levels from patrons, delivery drivers and delivery vehicles, causing Statutory Nuisance, harm and loss of amenity to the residents of the locality.

I object to the granting of the application in full.

Submitted for the consideration of the licensing Sub-Committee

Appendix 3

Satellite Image and Street View of the Premises

Satellite Image of Fireaway West Wickham 1 Bell Parade Glebe Way West Wickham BR4 0RH



Closeup Satellite Image of Fireaway West Wickham 1 Bell Parade Glebe Way West Wickham BR4 0RH



Street View of Fireaway West Wickham 1 Bell Parade Glebe Way West Wickham BR4 0RH

