

Report No.  
ES20399

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** LICENSING SUB-COMMITTEE

**Date:** 18<sup>th</sup> July 2024 - 14:00hrs

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

**Title:** APPLICATION FOR TO VARY THE PREMISES LICENCE AT VYBES BY ALPHA (FORMERLY SCALA) 132 - 134 HIGH STREET ORPINGTON BR6 0JS

**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:** Orpington

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1. Reason for report

- 1.1 To provide the Licensing Sub-Committee with information supporting them to determine this licence application.
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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 variation of the licence
2. Grant the variation of the licence with the addition of conditions necessary to promote any of the licensing objectives
3. Exclude from the scope of the licence any of the licensable activities to which the application relates
4. 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.

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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

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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
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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
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Procurement

1. Summary of Procurement Implications: Not applicable
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Property

1. No property implications for this application/licence.
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: There are no significant implications.
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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
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? **Yes**. Ward Members were notified about the application by email on 24th May 2024.
  2. Summary of Ward Councillors' comments: An objection was received from Cllr Tony Owen on the grounds of Public Nuisance and Public Safety.
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Responsible Authorities Views

1. Have Responsible Authorities been asked for comments? **Yes**. They were notified about the application by email on 24th May 2024.
2. Summary of Responsible Authorities comments: **Objections** were received from Planning and the Public Health Nuisance Team.
  - **Planning – Objected** on the grounds of Public Nuisance. The restrictions placed on the property state that the premises shall not be open to customers outside 08:30hrs and 23:00hrs.
  - **Public Health Nuisance Team - Objected** on the grounds of Public Nuisance.

**Note:** On 27<sup>th</sup> June 2024 the applicants' agent informed this authority that the applicant would be applying for planning permission to extend the trading hours of the premises.

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Residents and interested parties

2 valid representations were received from local residents objecting to the application on the grounds of Public Nuisance and Crime & Disorder.

In response to the resident concerns the applicant agreed to provide SIA door staff at weekends from 9pm until the premises closes.

These objections can be found in **Appendix 3**.

### **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.

#### **3.2 Description of the Premises**

The premises is a restaurant situated on a busy High Street surrounded by other commercial properties with nearby residential properties.

A satellite image and street view of the premises can be found in **Appendix 5**.

#### **3.3 Licensing History**

The premises has previously traded under the name of Scala. The current premises licence holder transferred on to this licence in January 2021.

#### **3.4 Application**

This is an application to vary the current licence by extending the licensed hours for the sale of alcohol on and off the premises, the playing of recorded music and the provision of late night refreshment and the addition of the performance of live music and dance. The application also proposes to change the name of the premises from Scala to 'Vybes by Alpha'.

**Proposed changes to timings**

Activity	Times permitted on Current Licence	Proposed Variation	Times agreed with police
Sale of Alcohol	Every day 11:00 to 23:00	Mon – Wed 11:00 to 23:00 <b>Thurs – Sun 11:00 to 01:00</b>	Monday – Wednesday : 11:00 – 00:00 Thursday : 11:00 – 00:00 Friday : 11:00 – 01:00 Saturday : 11:00 – 01:00 Sunday : 11:00 – 00:00
Recorded Music	Every day 11:00 to 23:00	<b>Thurs – Sun 23:00 to 01:00</b>	Thursday : 23:00 – 00:00 Friday : 23:00 – 01:00 Saturday : 23:00 – 01:00 Sunday : 23:00 – 00:00
Live Music	Not currently authorised on licence	<b>Thurs – Sun 23:00 to 01:00</b>	Thursday : 23:00 – 00:00 Friday : 23:00 – 01:00 Saturday : 23:00 – 01:00 Sunday : 23:00 – 00:00
Late Night Refreshment	Every day 23:00 to 23:30	Mon – Wed 23:00 to 23:30 <b>Thurs – Sun 23:00 to 01:00</b>	Monday – Wednesday : 23:00 – 00:00 Thursday : 23:00 – 00:00 Friday : 23:00 – 01:00 Saturday : 23:00 – 01:00 Sunday : 23:00 – 00:00
Performance of Dance	Not currently authorised on licence	<b>Thurs – Sun 23:00 to 01:00</b>	Thursday : 23:00 – 00:00 Friday : 23:00 – 01:00 Saturday : 23:00 – 01:00 Sunday : 23:00 – 00:00
Opening Hours	Every day 11:00 to 23:30	Mon – Wed 11:00 to 23:30 <b>Thurs – Sun 11:00 to 01:30</b>	Monday – Wednesday : 11:00 – 00:30 Thursday : 11:00 – 00:30 Friday : 11:00 – 01:30 Saturday : 11:00 – 01:30 Sunday : 11:00 – 00:30

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

A copy of the current premises licence and plan can be found in **Appendix 2**.

**Note:** The hours agreed with the police exceed those requested on the application form for some of the activities. The hours granted **cannot** exceed those requested by the applicant.

### 3.5 Representations

During the public consultation period the Council received a total of 5 objections. In response to the resident concerns the applicant agreed to provide SIA door staff at weekends from 9pm until the premises closes.

All of the objections can be found in **Appendix 3**.

## 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. No comments were received regarding this application.

## 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 COUNCILLORS / OTHER STATUTORY CONSULTEES VIEWS

- 12.1 Have Ward Councillors been asked for comments? Yes. Ward Members were notified about the application by email on 24th May 2024.
- 12.2 Summary of Ward Councillors' comments: 1 objection was received from a Ward Councillor regarding this application.
- 12.3 Responsible Authorities Views: 2 objections were received from Responsible Authorities.
- 12.4 Summary of Responsible Authorities Views: **Objections were received** from Planning and the Public Health Licensing Team.
- **Planning – Objected** on the grounds of Public Nuisance. The restrictions placed on the property state that the premises shall not be open to customers outside 08:30hrs and 23:00hrs.
  - **Public Health Nuisance Team - Objected** on the grounds of Public Nuisance.

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

<b>Responsible Authority</b>	<b>Date Notified</b>	<b>Comments</b>
Metropolitan Police	24th May 2024	No objection if conditions added
Planning Authority	24th May 2024	<b>Objection</b>
Trading Standards Service	24th May 2024	No response
Public Health Nuisance Team	24th May 2024	<b>Objection</b>
Health & Safety Team	24th May 2024	No objection
Child Protection Team	24th May 2024	No response
Fire Authority	24th May 2024	No objection

**Note:** Whilst the police did not make any representations to the Licensing Authority, they did contact the applicant directly and requested amended timings and that a number of conditions be voluntarily added to the licence. The applicant agreed to these conditions which can be found at **Appendix 4**.

<b>Non-Applicable Sections:</b>	9. Procurement
Background Documents: (Access via Contact Officer)	Soft File Computer based records



## Appendix 1

### Application Form



**Bromley**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@bromley.gov.uk](mailto:licensing@bromley.gov.uk)  
 Telephone: 0208 313 4218

\* required information

### Section 1 of 18

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

Not Currently In Use

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?

- Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Imran

\* Family name

Hussain

\* E-mail

info@knighttraining.co.uk

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.

Continued from previous page...

**Address**

\* 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 private individual acting as an agent

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

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

*Continued from previous page...***Agent Registered Address**

Address registered with Companies House.

Building number or name	<input type="text" value="127 The Barracks"/>
Street	<input type="text" value="White Cross Business Park"/>
District	<input type="text" value="South Road"/>
City or town	<input type="text" value="LANCASTER"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="LA1 4XQ"/>
Country	<input type="text" value="United Kingdom"/>

**Section 2 of 18****APPLICATION DETAILS**

**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.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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	<input type="text" value="132-134"/>
Street	<input type="text" value="High Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Orpington"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="BR6 0JS"/>
Country	<input type="text" value="United Kingdom"/>

**Premises Contact Details**

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="31,750"/>

**Section 3 of 18****VARIATION**

Continued from previous page...

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

- Yes                       No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

- Yes                       No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

**Describe Briefly The Nature Of The Proposed Variation**

Describe 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 a restaurant, providing International and mediterranean cuisine. The premises is located on Orpington High Street.  
 Change of Premises name to Vybes by Alpha.  
 Change of opening hours, licensable activities and seasonal variations.  
 Review of condition 14 and 16 and the addition of conditions regarding CCTV and risk assessments.

**Section 4 of 18**

**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes                       No

**Section 5 of 18**

**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes                       No

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

*Continued from previous page...*

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

Provide 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.

Continued from previous page...

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of live music take place indoors or outdoors or both? Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Indoors                     
  Outdoors                     
  Both

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.

Pianist, solo artist or band.

State any seasonal variations for the performance of live music

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

Seasonal variations to cover the day immediately prior to all bank holidays and all public and bank holidays 2300 hours to 0100 hours.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

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

Christmas Day, Boxing Day, New Year's Eve, New Year's Day, 2300 hours to 0100 hours.

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes                     
  No

**Standard Days And Timings**

MONDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

Provide 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	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

*Continued from previous page...*

WEDNESDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the playing of recorded music take place indoors or outdoors or both?

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

- Indoors                     
  Outdoors                     
  Both

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.

State any seasonal variations for playing recorded music.

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

Seasonal variations to cover the day immediately prior to all bank holidays and all public and bank holidays 2300 hours to 0100 hours.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

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

Christmas Day, Boxing Day, New Year's Eve, New Year's Day, 2300 hours to 0100 hours.



Continued from previous page...

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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

Will the performance of dance take place indoors or outdoors or both?

- Indoors                       Outdoors                       Both

Where taking place in a building or other structure select 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.

Belly Dancing

*Continued from previous page...*

State any seasonal variations for the performance of dance.

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

Seasonal variations to cover the day immediately prior to all bank holidays and all public and bank holidays 2300 hours to 0100 hours.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

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

Christmas Day, Boxing Day, New Year's Eve, New Year's Day, 2300 hours to 0100 hours.

**Section 11 of 18**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes
  No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes
  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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 select 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.

State any seasonal variations.

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

Seasonal variations to cover the day immediately prior to all bank holidays and all public and bank holidays 2300 hours to 0100 hours.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

Christmas Day, Boxing Day, New Year's Eve, New Year's Day, 2300 hours to 0100 hours.

Continued from previous page...

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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

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THURSDAY

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FRIDAY

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Start

End

SATURDAY

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Start

End

SUNDAY

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Start

End

*Continued from previous page...*

Will the sale of alcohol be for consumption?

- On the premises     
  Off the premises     
  Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

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

Seasonal variations to cover the day immediately prior to all bank holidays and all public and bank holidays 2300 hours to 0100 hours.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

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

Christmas Day, Boxing Day, New Year's Eve, New Year's Day, 2300 hours to 0100 hours.

**Section 14 of 18**

**ADULT ENTERTAINMENT**

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.

Provide 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.

NONE

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

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

Seasonal variations to cover the day immediately prior to all bank holidays and all public and bank holidays 2300 hours to 0100 hours.

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

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

Christmas Day, Boxing Day, New Year's Eve, New Year's Day, 2300 hours to 0100 hours.

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

Condition 14 to say the patio area to the rear of the premises will not be used after 2300 hours Monday, Tuesday and Wednesday and not after 0100 hours Thursday, Friday, Saturday and Sunday.  
 Condition 16 to say no new customers to be admitted to the premises after 2300 hours, Monday, Tuesday and Wednesday and not after 0100 hours, Thursday, Friday, Saturday and Sunday.

I have enclosed the premises licence

*Continued from previous page...*

I have enclosed the relevant part of the premises licence

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

**Section 16 of 18**

**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.

b) The prevention of crime and disorder

The premises has a 24 CCTV system, which covers both indoor and outdoor areas of the premises, with recording facilities for up to 30 days. Access will be available to any responsible authority up on request.  
Staff will be trained in the use of the CCTV system.

c) Public safety

Smoking will always be outside and away from the premises, at all times.  
The premises licence holder and DPS, will carry out risk assessments and where so required, SIA door staff will be employed at peak times, if so required, as a result of the risk assessment.

d) The prevention of public nuisance

e) The protection of children from harm

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

\* 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/change-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, 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.**

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed



## Appendix 2

### Current Premises Licence & Plan

**LICENSING ACT 2003**

**Premises Licence  
London Borough of Bromley**

Premises licence number

**13/00465/LAPRE**

Signed

Joanne Stowell  
Assistant Director of Public Protection

Licence Granted 20<sup>th</sup> September 2013

Issue Number **006**

This licence consists of **10** pages (Including Licence Summary)

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description**

Scala Restaurant  
132 - 134 High Street Orpington BR6 0JS

**Where the licence is time limited the dates**

Not applicable.

**Licensable activities authorised by the licence**

Sale or Supply of Alcohol  
Alcohol Off Sales  
Late Night Refreshment  
Recorded Music

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

Both On & Off Sales

**The opening hours of the premises**

Hours Open to the Public on Every Day from 11:00 to 23:30

**The times the licence authorises the carrying out of licensable activities.**

Sale or Supply of Alcohol on Every Day from 11:00 to 23:00  
Alcohol Off Sales timings same as for Sale or Supply of Alcohol  
Late Night Refreshment on Every Day from 23:00 to 23:30  
Recorded Music on Every Day from 11:00 to 23:00

**Part 2**

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

Imran Hussain

**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 licence authorises for the supply of alcohol**

Full Name: Imran Hussain

**Mandatory Conditions**

1. Supply of Alcohol:

(1). No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

(2). Every sale of alcohol under the premises licence must be authorised by a personal licence holder.

## 2. Irresponsible Promotions:

(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;

(e) 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 disability).

## 3. Free Potable Water

(1). The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

## 4. Age Verification:

(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 sale or supply of alcohol.

(2). The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(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.

5. Minimum Measures:

(1).The responsible person must 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— .

- (i) beer or cider: ½ pint; .
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and .
- (iii) still wine in a glass: 125 ml; .

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .

(c) 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.

6. Permitted Price:

(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.

(2). For the purposes of the condition set out in paragraph 1 -

(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

(iii). 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;

(c) "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;

(d) "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

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3). Where the permitted price given by Paragraph (b) of paragraph 2 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.

(4). (1). Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

#### 7. Films:

(1). The admission of children must be restricted in accordance with the recommendations laid down by the British Board of Film Classification.

OR

(2). In circumstances where the licensing authority has reclassified a film. Then access of children should be restricted to meet this reclassification standard.

Note:- "Children" means any person under 18 years of age.

#### 8. Door Supervision:

(1). Any individual employed at the premises as a door supervisor must

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

### **Conditions consistent with the Operating Schedule**

9. This premises must operate in accordance with the submitted application form and is subject to the additional conditions as specified within part 3 (Operating Schedule) of the form held by the Licensing Authority dated 11<sup>th</sup> July 2013

### **General**

10. This is an Italian style restaurant providing on and off sales alcohol and late night refreshment.

11. Alcohol sold for consumption on the premises will only be sold/supplied by waiter or waitress service to those persons seated at tables who are taking or who have taken a substantial table meal and as an ancillary to that meal. There is to be no vertical drinking anywhere on the premises.

12. Where alcohol is sold for consumption away from the premises it may only be sold to those persons who have either purchased a substantial table meal or a substantial 'take away' meal.

13. Alcohol sold for consumption off the premises will only be supplied in sealed containers.

### **Crime and Disorder**

Not applicable

### **Public Safety**

Not applicable

### **Prevention Public Nuisance**

14. The patio of the premises shall not be used after 22.00 hours on any night.

15. Signs shall be displayed on all exits requesting that the public should leave quietly.

16. No new customers shall be admitted to the premises after 23.00 hours on any day.

**Protection of Children from Harm**

17. All staff will receive documented training in relation to the Licensing Act 2003, and the 'challenge 21' policy. Records of this training and the written policies relating to it will be kept and made available to Police or Council Officers on request.

18. That the premises adopts the 'challenge 21 scheme' whereby any person that appears under 21 year of age has to prove they are over 18 by providing identification by means of Passport, Photographic Identity drivers licence, military ID or identification card approved by the proof of age standards scheme (PASS) and bearing the PASS logo.

**Conditions attached after a hearing by the Licensing Authority**

See above.

**Plans**

Held by the Licensing Authority: Stamped Reference Number:  
13/00465/LAPRE Dated: 20<sup>th</sup> September 2013



**LICENSING ACT 2003**

**Premises Licence Summary**

**Premises licence number**

13/00465/LAPRE

Signed

Joanne Stowell  
Assistant Director of Public Protection

Licence Granted 20<sup>th</sup> September 2013

Issue Number **006**

This licence summary consists of **2** pages

**Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description**

Scala Restaurant  
132 - 134 High Street  
Orpington  
BR6 0JS

**Where the licence is time limited the dates**

Not applicable.

**Licensable activities authorised by the licence**

Sale or Supply of Alcohol  
Alcohol Off Sales  
Late Night Refreshment  
Recorded Music

**The opening hours of the premises**

Hours Open to the Public on Every Day from 11:00 to 23:30

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

Both On & Off Sales

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

Sale or Supply of Alcohol on Every Day from 11:00 to 23:00  
Alcohol Off Sales timings same as for Sale or Supply of Alcohol  
Late Night Refreshment on Every Day from 23:00 to 23:30  
Recorded Music on Every Day from 11:00 to 23:00

**Name, (registered) address of holder of premises licence**

Imran Hussain  
of  
55 Braundton Avenue  
Sidcup  
DA15 8EN

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

Not applicable.

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Full Name: Imran Hussain

**State whether access to the premises by children is restricted or prohibited**

See conditions 17 & 18.

BUILDING REGULATIONS NOTES

STRUCTURAL
ALL STRUCTURAL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE STRUCTURAL ENGINEER'S DRAWINGS & TO COMPLY WITH THE BUILDING REGULATIONS APPROVED DOCUMENT A.

RESOLUTION
ALL RESOLUTION WORKS TO BE CARRIED OUT TO THE APPROVAL OF THE LOCAL AUTHORITY CONCERNED & ALL WORKS ARE TO BE TO THE STRUCTURAL ENGINEER'S DETAILS.

FIRE PROTECTION
STEEL BEAMS TO BE COATED WITH SPALLITE OR SIMILAR APPROVED TO PROVIDE FIRE RESISTANCE AS REQUIRED BY THE BUILDING CONTROL OFFICER. FOR ALL OTHER PREVENTION REQUIREMENTS, REFER TO THE NOTES FOR THE FIRE PREVENTION OFFICER.

ELEVATION WORKS
ELEVATION WORKS TO THE STRUCTURAL ENGINEER'S DETAILS & FOUNDATIONS TO BE OF A SIZE & DEPTH TO SUIT THE SITE CONDITIONS & AS DETAILLED ON THE STRUCTURAL ENGINEER'S DRAWINGS.

WALL CONSTRUCTION
ALL NEW WALL CONSTRUCTION DETAILS MUST BE READ IN CONJUNCTION WITH THE STRUCTURAL ENGINEER'S DRAWINGS. UNLESS DETAIL OTHERWISE, ALL NEW INTERNAL WALLS TO THE GROUND FLOOR ARE TO BE CONSTRUCTED FROM 100mm LIGHTWEIGHT BLOCKWORK, WITH LIGHTWEIGHT PLASTER & SKIM COAT FINISH & ALL FIRST FLOOR WALLS TO BE CONSTRUCTED FROM 100mm METAL STUD PARTITIONS WITH A PLASTERBOARD & SKIM FINISH. ALL NEW WALLS TO BE TAKEN UP TO THE UNDERSIDE OF THE STRUCTURAL FLOOR.

PLUMBING
ALL PLUMBING TO BE IN ACCORDANCE WITH BS 6749 WATER SUPPLY PIPEWORK, BS 6445 PART 1 SANITARY PIPEWORK & BS 5322 SANITARY WORK. SANITARY PIPEWORK TO BE AS FOLLOWS:- 150mm DIA. UPVC SOIL & VENT PIPE WITH 100mm DIA. BRANCH TO W.C. PAN 100mm DIA. UPVC WASTE TO KITCHEN SINK 75mm DIA. UPVC WASTE TO WASH HAND BASIN

ACCESS
ACCESS TO BE PROVIDED AT ALL CHANGES IN DIRECTION. VENT PIPES ARE TO BE PROVIDED AT THE TERMINATION OF THE RUNS. ALTERNATIVELY ANTI-SYPHON TRAPS ARE TO BE USED. ALL WASTE PIPES ARE TO BE IN ACCORDANCE WITH BS 5255.

BELOW GROUND FLOOR
BELOW GROUND FLOOR DRAINAGE TO BE UNDERGROUND QUALITY UPVC PIPEWORK OR SIMILAR RISERS & SURROUNDING IN 75mm POLYETHYLENE TO MANUFACTURER'S RECOMMENDATIONS. LARGE RADIAS DROPS TO BE PROVIDED AT THE BASE OF STAIR STACKS.

CEILING
CEILING ARE OTHER TO BE CONSTRUCTED OF SHIMMED PLASTERBOARD ON METAL SUSPENSION OR SHIMMED PLASTERBOARD ON THE EXISTING JOISTS WHERE APPLICABLE. FIRE BREAKS TO BE INSTALLED IN THE CEILING VOID AS REQUIRED BY THE BUILDING CONTROL OFFICER.

WALL FINISHES
ALL PLASTERED CEILING ARE TO BE DECORATED THROUGHOUT WITH AN EMULSION PAINT FINISH.

WALL FINISHES
ALL WALL & CEILING FINISHES ARE TO BE AS FOLLOWS:- 1) PUBLIC AREAS - CLASS 1 SURFACE SPREAD OF PLANE RATING 2) MEANS OF ESCAPE - CLASS 0 SURFACE SPREAD OF PLANE RATING 3) UPOLSTERY TO SEATING TO BE CLASS 5 & COMPLY WITH BS 682 PART 1 & PART 2

VENTILATION
TOILETS ARE TO BE MECHANICALLY VENTILATED & ALL LOBBIES ARE TO BE PROVIDED WITH DUCTED FRESH AIR INTAKE.

LOADING AREA
LOADING AREA - MIN 40 AIR CHANGES PLUS FLOOR PREP AREA - MIN 40 AIR CHANGES PLUS FLOOR DECKED TOILET - MIN 6 TO 8 AIR CHANGES PLUS FLOOR TOILET/CLOAKS - MIN 4 TO 8 AIR CHANGES PLUS FLOOR STORES/STAFF AREAS - MIN 4 TO 8 AIR CHANGES PLUS FLOOR.

PROVISION FOR DISABLED PERSONS
PART 12 ACCESS AND THE BUILDING
THE MAIN ENTRANCE TO THE BUILDING IS TO BE LEVEL.

DOORS
SHOPFRONT & FOLDING DOORS TO BE HERMETICALLY SEALED DOUBLE GLAZED UNITS BY THREE FRAMES. ALL GLAZING FALLS WITHIN CRITICAL AREAS AS DEFINED BY DIAGRAM 1 OF BUILDING REGULATIONS APPROVED DOCUMENT A1 MUST COMPLY WITH BS 6266:1991.

SEATING / HOT WATER
ALL SEATING / HOT WATER TO BE PROVIDED BY GAS FUELED BOILER SYSTEM IN ACCORDANCE WITH THE APPROPRIATE BRITISH STANDARDS & CODES OF PRACTICE.

FIRE SAFETY NOTES

MEANS OF WARNING & ESCAPE
A MANUALLY OPERATED ELECTRICAL SYSTEM SHALL BE INSTALLED TO BS 5839 PART 1989, COMPRISING MANUAL BREAK GLASS POINTS COMPLYING TO BS 5839 PART 3989 TO BE INSTALLED AT A HEIGHT OF 1.4m ABOVE FINISHED FLOOR LEVEL. TO BE PLACED IN THE LOCATIONS INDICATED ON THE DRAWINGS.

SMOKE DETECTORS
SMOKE DETECTORS WILL BE INDICATED BY 'SD'. MANUAL CALL POINTS ARE TO BE OF THE FRAMBLE COVER TYPE AND ARE TO BE FITTED APPROXIMATELY 1.4m ABOVE F.F.L. IN THE POSITIONS AS INDICATED ON THE DRAWINGS.

EMERGENCY LIGHTING
AN INDEPENDENT SELF CONTAINED NON-MAINTAINED SYSTEM SHALL BE INSTALLED TO COMPLY WITH BS 5266 PART 1:1996. EMERGENCY LIGHTING & THE CODE OF PRACTICE FOR EMERGENCY LIGHTING OF PREMISES OTHER THAN CINEMAS & CERTAIN OTHER SPECIFIED PREMISES FOR ENTERTAINMENT.

EMERGENCY LIGHTING
LUMINAIRES ARE TO BE LOCATED IN THE APPROXIMATE POSITIONS AS INDICATED ON THE DRAWINGS. WHERE SPECIFICALLY REQUIRED ONLY A MAINTAINED SYSTEM TYPE 'K2' WILL BE INSTALLED IN ACCORDANCE WITH BS 5266, PART 1:1996.

EMERGENCY LIGHTING
WHERE BOXED SIGNS ARE SHOWN ON THE DRAWINGS 'VAN INTERNALLY ILLUMINATED EXIT SIGN' IS TO BE PROVIDED IN ACCORDANCE WITH BS 2594 & IS TO BE OF THE 'TIMING HAT' TYPE. THE EXIT SIGNS SHOULD BE POSITIONED CENTRALLY ABOVE THE DOORS BETWEEN 2.5m ABOVE THE FINISHED FLOOR LEVELS, AS FAR AS IS REASONABLY POSSIBLE.

EMERGENCY LIGHTING
WHERE MAINTAINED ILLUMINATED SIGNS ARE NOT REQUIRED, FREE EXIT SIGNS IN CONSPICUOUS 100mm WHITE BLOCK LETTERS ON A GREEN BACKGROUND SHALL BE PROVIDED IN THE POSITIONS AS SHOWN ON THE DRAWINGS DENOTED BY 'EMERGENCY EXIT' OR IN ACCORDANCE WITH BS 5499, PART 3991. THESE SIGNS ARE TO BE ILLUMINATED BY NON-MAINTAINED ILLUMINATED EMERGENCY LIGHTS. ALL NOTICES ARE TO BE OF THE 'TIMING HAT' TYPE.

EMERGENCY LIGHTING
ALL INTERNAL DOORS EXCEPT THOSE TO W.C.'S TO BE SELF-CLOSING DOORS TO BE SELF-CLOSING. SELF-CLOSING DOORS TO BE ELECTROMAGNETIC DOOR HOLDERS LINKED TO THE FIRE ALARM SYSTEM.

EMERGENCY LIGHTING
THE PROPOSED NEW ENTRANCE DOOR SHALL BE HELD IN THE OPEN POSITION DURING THE HOURS OF TRADING. THIS DOOR TO HAVE A CLEAR OPENING WIDTH OF 900mm TO PROVIDE DISABLED ACCESS.

EMERGENCY LIGHTING
VISION PANELS WITH PYRAM GLASS OF MAX. 650mm, COMPLYING WITH BS 5269, PART 5 FOR ROBUST CONSTRUCTION & 4.2.2.2. PART 4, SHALL BE INCORPORATED INTO THE DOORS DENOTED BY THE SYMBOL. THE GLAZING IS TO COMPLY WITH APPROVED DOCUMENT H, GLAZING MATERIALS & PROTECTION.

EMERGENCY LIGHTING
A CLEAR OPENING OF 800mm SHALL BE MAINTAINED TO ALL ROUTES BETWEEN SEATING AREAS. EXIT WIDTHS IN FRONT OF THE ENTRANCE & EXIT DOORS SHALL BE OBTAINED BY THE REQUIREMENTS OF THE LOCAL AUTHORITY.

EMERGENCY LIGHTING
ALL WALLS & CEILING TO COMPLY WITH BS67 PARTS 6 & 7 AS FOLLOWS: PUBLIC AREAS - CLASS 1 SURFACE SPREAD OF PLANE RATING PROTECTED MEANS OF ESCAPE - CLASS 0 SURFACE SPREAD OF PLANE RATING

EMERGENCY LIGHTING
THE PROVISION OF APPROVED 'A' PARAGRAPH A12 (A) OF THE APPROVED DOCUMENT PART 8 SECTION B2 OF THE BUILDING REGULATIONS FOR ESCAPE ROUTES. SEATING UPHOLSTERY - CRIB 5 TO BS 5839, PART 1 & BS 7176

EMERGENCY LIGHTING
TEST CERTIFICATES TO COMPLY WITH THE FOLLOWING ARE TO BE SUBMITTED TO THE FIRE PREVENTION OFFICER AND THE CONTRACT ADMINISTRATOR ON COMPLETION OF THE WORKS.

EMERGENCY LIGHTING
THE UPHOLSTERY IS TO CONFORM TO BS 5839, PART 1 FIRE TEST FOR FURNITURE. METHODS OF TEST FOR THE IDENTIFIABILITY BY SMOKERS MATERIALS FOR UPHOLSTERY COMPOSITES FOR TESTING BY PLANE SOURCE. UPHOLSTERY FURNITURE BS 7176, BS 474 FIRE TESTS ON BURNING MATERIALS & STRUCTURES PART 4. METHOD OF TEST FOR FIRE PROPAGATION FOR PRODUCTS PART 7. A METHOD FOR CLASSIFICATION FOR SURFACE SPREAD OF FLAME OF PRODUCTS. THERMOPLASTIC MATERIALS ARE TO COMPLY WITH A) FLEXIBILITY & T801 WHERE THEY ARE NOT COVERED BY THE APPROPRIATE RATING UNDER BS 474

EMERGENCY LIGHTING
CAVITY BARRIERS TO BE PROVIDED WITHIN ALL CEILING VOIDS IF REQUIRED AND ALL JOINTS OF COMPARTMENT WALLS & FLOORS IF POSSIBLE TO COMPLY WITH PART 12.

EMERGENCY LIGHTING
THE FLOORS BETWEEN GROUND/FIRST FLOOR & FIRST/SECOND FLOOR TO MAINTAIN 1 HOUR FIRE RESISTANT INTEGRITY.

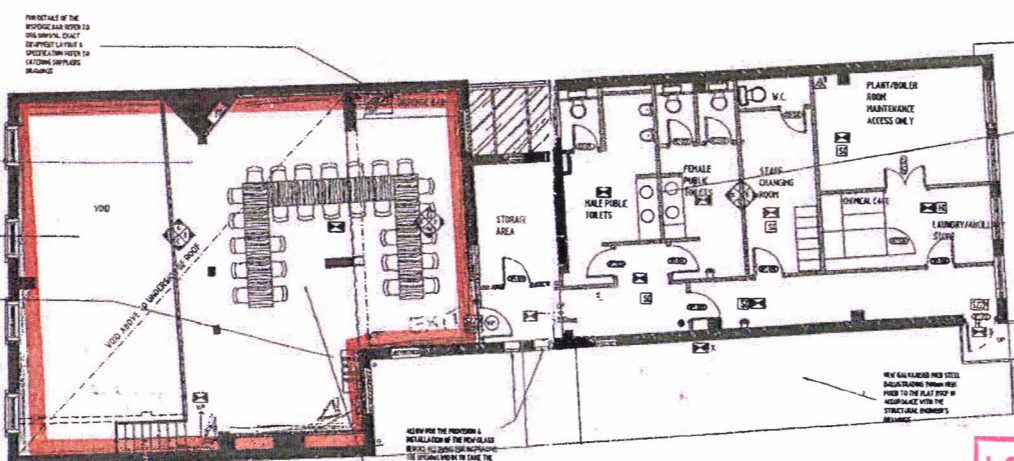
EMERGENCY LIGHTING
THE WALLS BETWEEN EACH DWELLING AND THE SECTION OF THE BUILDING WITH CLASS 4 USAGE & EACH DWELLING & THE COMMON STAIR ENCLOSURE TO MAINTAIN 1 HOUR FIRE RESISTANT INTEGRITY.

EMERGENCY LIGHTING
ALL OPENINGS WITHIN THE WALLS & FLOORS IF NECESSARY FOR PIPEWORK, DUCTS OR FLUES TO HAVE FIRE SEALS.

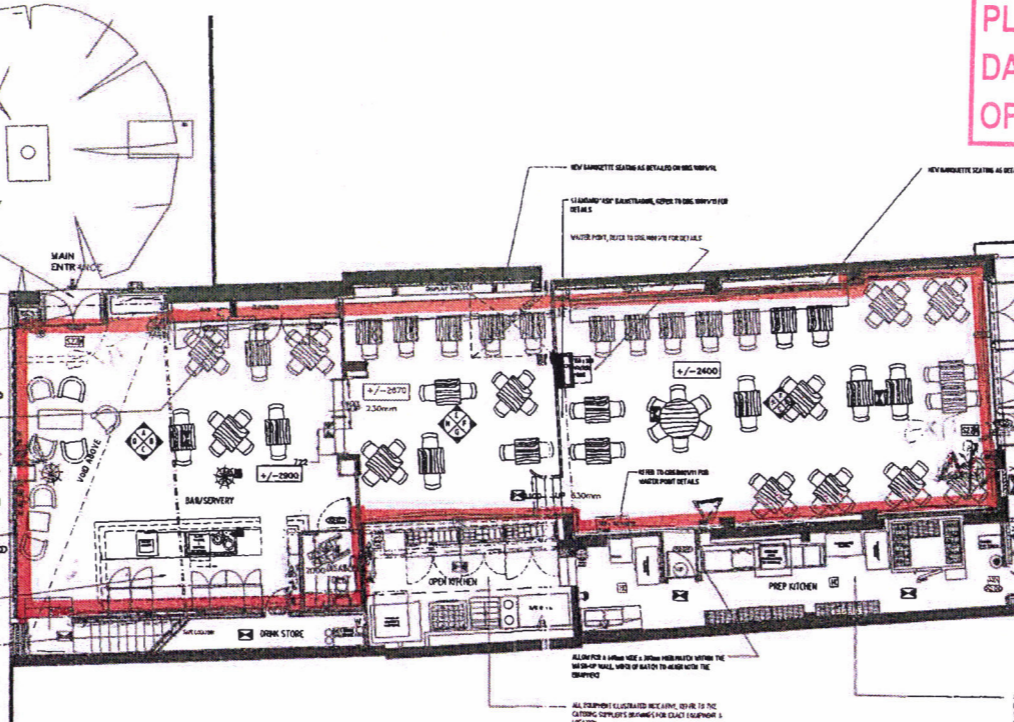
EMERGENCY LIGHTING
ALL WALLS FORMING ESCAPE ROUTES SHALL BE 1 HOUR FIRE RESISTANT CONSTRUCTION. ALL WALLS IN THE GROUND FLOOR TO BE TAKEN FULL HEIGHT TO THE UNDERSIDE OF THE FIRST FLOOR WITH EMERGENCY FIRE STOP BETWEEN THE WALL & FLOOR.



ROOF PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN

MATCH KEY

- EXISTING BRICK WALLS
NEW BLOCKWORK
100mm BLOCKWORK WITH PLASTER & SKIM FINISH
100mm METAL STUD PARTITIONS WITH PLASTERBOARD & SKIM FINISH

WALL FINISHES

- 100 x 400mm CASHEMERE BEIGE TILES TAKEN 100mm HIGH
100 x 400mm CASHEMERE BEIGE TILES TAKEN FULL HEIGHT TO THE UNDERSIDE OF THE SUSPENDED CEILING
6mm PAR SAFETY BACKED SILVER MIRROR ON 12mm PLY BACKING
300 x 300mm TABACOLOR 111 TILES TAKEN FULL HEIGHT TO THE UNDERSIDE OF THE SUSPENDED CEILING EXCLUDING ABOVE THE WASH HAND BASIN WITHIN THE DISABLED TOILET. 2 ROWS

ALL TILES TO BE OBTAINED FROM UNITED TILES, TEL: 01622 757161, UNLESS INDICATED OTHERWISE. ALL GROUTING TO MATCH THE COLOUR OF THE TILES, I.E. BLACK TILES - BLACK GROUT, WHITE TILES - WHITE GROUT. ALL PLASTER & SKIM WALLS TO BE DECORATED IN 2 No. UNDERCOATS & 1 No. TOPCOAT OF DULUX VME BRILLIANT WHITE EMULSION TO BE TILED UNLESS INDICATED OTHERWISE BY THE FLOOR FINISH.

LONDON BOROUGH OF BROMLEY LICENSING 1 of 1 PLAN REF. 13/00465/LAPRE DATE 20th SEPTEMBER 2013 OFFICER LAG

NOTES

1) DIMENSIONS AND LEVELS SHOULD BE CHECKED BY THE CONTRACTOR ON SITE BEFORE CONSTRUCTION OR MANUFACTURE AND ANY DISCREPANCIES BROUGHT TO THE ATTENTION OF THE CONTRACT ADMINISTRATOR. DIMENSIONS SHOULD NOT BE SCALED. PLAN ALIGNMENTS OR COPIES OF C.I.D. MAPS, ELEVATION POINTS ETC. MAY CONTAIN INACCURACIES IN DIMENSIONS AND LEVELS.

COPYRIGHT FOR ALL DESIGN AND DRAWINGS IN WHOLE OR PART SHALL REMAIN WITH THE DESIGNER.

Table with 3 columns: Revision No., Description, Date. Includes revisions for emergency lighting and signage, general amendments, and construction issues.

Fire Protection Indication/Equipment Key table listing symbols for fire alarm call point, smoke detectors, heat detectors, emergency lights, extinguishers, and alarm panels.

SEATING CAPACITY table listing RESTAURANT - GROUND FLOOR - 104, PARTY AREA - FIRST FLOOR - 32, and BAR AREA - 10.

ASK RESTAURANTS LTD PROJECT

CARRINGTON, STEVENS, MOORE DESIGN CONSULTANTS

LOCATION 132-134 HIGH STREET ORPINGTON, KENT, BR6 0JS

Table with columns: SCALE, DATE, PROJECT No., DRAWING No., REVISION, DRAWN BY. Includes drawing title PROPOSED FLOOR PLANS LICENSING.

## Appendix 3

### Representations

## Application comments:

### Objection 1 - Cllr Tony Owen

I am submitting a formal objection to the above licensing objection based on the Public Nuisance licensing objective and, to a lesser extent, the Public Safety objective (see below). Orpington High Street is a shopping and leisure destination during the day, a thriving cinema and eating area during the evening and a dormitory area at night, with a large number of residents living above high street premises and in adjoining roads. There is very limited parking in the high street and, with the hours requested, it is inevitable that in the small hours of the morning noise will intrude into these roads.

The White Hart has been a difficult neighbour for many local residents and had additional hours granted, allegedly to prevent migration to a neighbouring pub (no longer existing). Migration would be a genuine risk if this application were granted.

The sentiment among residents about whether the local restaurant Vybes should be granted a late premises license until 1:30am is largely negative, with significant concerns being raised about various issues. A poll that was run by Knoll Residents' Association on WhatsApp and Facebook showed 70% of the 160 residents who responded objected to the proposal.

Summary of feedback:

**\*\*Support for the Night Economy:\*\***

A few residents highlight the potential benefits of extending the license, emphasising the need to support the night economy, particularly in the high street area. They argue that businesses are struggling to survive and that a late license could help rejuvenate the local nightlife. Some believe that such an extension might offer something new and different to the town, potentially attracting a younger demographic which could be beneficial for the local economy. One resident pointed out that having a later night venue might reduce street drinking, which is currently a problem.

**\*\*Concerns About Noise and Disturbance:\*\***

However, the majority of residents express opposition to the idea, primarily due to concerns about noise and disturbances. Many emphasise that the high street is surrounded by residential properties, and late-night operations could significantly disrupt the peace for those living nearby. There are worries about loud music and general noise from patrons leaving the premises late at night, which could lead to sleep disturbances for residents. Specific mentions were made about previous issues with loud music from the Vybes location and other establishments, indicating that noise pollution is a recurring problem.

## Application comments:

### **\*\*Safety and Anti-Social Behaviour:\*\***

Safety concerns are also a prominent theme. Some residents point to past incidents of anti-social behaviour and crimes, including sexual violence, associated with late-night venues. They argue that the area lacks adequate police presence and infrastructure to handle the potential increase in safety issues that a late license might bring. A number of premises have closed over the years after licensing difficulties.

### **\*\*Equity and Precedent:\*\***

There are also arguments about fairness and precedent. One resident notes that a similar request by another local establishment, SJayz, was recently turned down, questioning why Vybes should be treated differently. There is a feeling among some residents that extending the licence for Vybes would set an undesirable precedent for other businesses.

### **\*\*Overall Sentiment:\*\***

In summary, while a few residents see the potential economic benefits of granting Vybes a late license, the overall sentiment is negative. The primary concerns revolve around noise, safety, and the impact on the quality of life for nearby residents. There is a strong call for maintaining the current licensing hours to ensure a balance between supporting local businesses and protecting the well-being of the community.

Checking the planning portal I am unable to find the current authorised planning hours. The change of use from shop to restaurant was granted on appeal. This needs to be investigated.

Kind regards,  
Cllr Tony Owen

### **Objection 2 – Public Health Nuisance Team**

I am objecting to this application on the grounds that no consideration has been made with regard to the Protection of Public Nuisance Licensing objective, considering the times that the premises wishes to extend their alcohol and regulated entertainment to.

Kind regards,  
Statutory Nuisance & Anti-Social Behaviour Team

## Application comments:

### Objection 3 - Planning Investigations Team

Planning Investigation would have to raise an objection based upon the history of the site.

Planning permission was granted under appeal ref 01/02717/FULL2, which contains several conditions. Changes to these conditions would need to be considered through a formal planning application.

The conditions state hours of operation should be 830 am until 2300hrs. This license application appears to suggest 23.30 for closing however the forms also shows 1.30am for Thursday Friday and Saturdays.

The use of the patio/landscaped garden area by customers, is also forbidden due to potential harm to adjoining residents.

The hours of operation and patio use were restricted to protect the amenities of residents and so our objection would be based on public nuisance. The restriction of the premises from being used as a takeaway is also a condition. The applicant is advised to carefully review the conditions on the attached decision notice.

Applying to vary conditions can be done online through the planning website;

For more advice about submitting applications please advise the applicant to contact the planning team at [planning@bromley.gov.uk](mailto:planning@bromley.gov.uk)

It should also be advised;

Planning investigations cannot give further advice about planning as this is a paid service. You have the option to seek a private planning agent to advise you further or apply for the pre application service online.

Please contact the planning team for advice on the pre application service as we cannot offer planning advice.

You should also be aware that we currently have a planning investigation case open for the unauthorised extension for use as a shisha room. Ref 24/00182/OPDEV.

Kind regards

Planning Investigations Team

# Town Planning

Stuart Macmillan - Chief Planner

Page 40 of 58

Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020 8464 3333  
Extension: 4525  
Direct Line: 020 8313 4525

Fax: 020 8313 0095  
DX5727 Bromley  
Internet: www.bromley.gov.uk

Your Reference

Officer Name : Peter Beagles  
Our Reference  
DC/01/02717/TUI.2

Warrant Securities Ltd  
c/o White Associates  
4 Kingsend  
Ruislip  
Middlesex HA4 7DA

24th August 2001

Dear Sirs

**Reference No :** DC/01/02717/TUI.2

**Proposal :** Change of use of ground, first and second floors from retail (Class A1) and offices (Class B1) to sale of hot food and drink (Class A3) at 132-134 High Street, Orpington

**Location :** 132 High Street Orpington Kent BR6 0JS

Thank you for your application which I received on 15th August 2001 .

I am still examining your application form and the accompanying plans and documents to see whether they comply with the law.

If I find that your application is invalid because it does not comply with the statutory requirements then I shall write to you again as soon as I can.

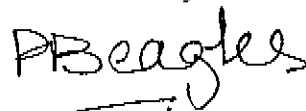
If, by 10th October 2001:

- you have not been told that your application is invalid; or
- you have not been told that your fee cheque has been dishonoured; or
- you have not been given a decision in writing; or
- you have not agreed in writing to extend the period in which the decision may be given,

Then you can appeal to the Secretary of State for the Environment under section 78 of the Town and Country Planning Act 1990. You should appeal within six months of 10th October 2001 and you must use a form which you can get from the Planning Inspectorate at Tollgate House, Houlton Street, Bristol BS2 9DJ. This does not apply if your application has already been referred to the Secretary of State for the Environment.

In the interest of giving adequate publicity to all planning applications, PLEASE DISPLAY THE ENCLOSED NOTICE ON SITE FOR A PERIOD OF NOT LESS THAN 14 DAYS. Some applications require a statutory notice to be displayed on or near the site, and if this is the case I will contact you further in due course.

Yours faithfully



Peter Beagles  
Senior Administration Officer



INVESTOR IN PEOPLE

Greater London Council - Director of Environment & Planning

TOWN PLANNING - ENVIRONMENTAL PROTECTION - PLANNING - ENVIRONMENTAL - QUALITY & TRADING STANDARDS





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APPEARANCES

FOR THE APPELLANT:

Mr B White  
FRICS MRTPI

Principal, White Associates, 5/40 Eastcote Road, Pinner,  
Middx, HA5 1DH

Mr A Tutchings  
FRICS

Partner, Linays Commercial, Downe House, 303 High  
Street, Orpington, Kent, BR6 0NJ

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Lambert  
BSc DipTP MRTPI

Planning Officer, London Borough of Bromley

DOCUMENTS

- Document 1 List of persons present at the hearing  
Document 2 Council's notification letters  
Document 3 Letters from Mrs C Gray, 7 Broomhill Road, Orpington

PLANS

- Plan A Application drawing nos 10601/01, 02A & 04 & SK/01A & 02A and site plan  
(Appeal A)  
Plan B Application drawing nos 10801/01A, 02A, 03A & 04A and site plan (Appeal B)  
Plan C London Borough of Bromley Unitary Development Plan Proposals Map (sheet 2 of  
4)

DC EAST	_____
DC WEST	_____
DC CENTRAL	_____
BEN STEPHENS	_____
Land Charges	_____
PETER BEAGLES	_____
Planning Admin	_____
GREG ULLMAN	_____
Bor. Secretary's	_____
Topic	_____

KCMB

# Appeal Decision

Hearing held on 26 March 2002

by David Smith BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Transport,  
Local Government and the Regions

4445W

The Planning Inspectorate  
A/08 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PY  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gov.uk

Date: 23 APR 2002

## Appeal A - Ref: APP/G5180/A/01/1077611

132-134 High Street, Orpington

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Warrant Securities Ltd against the London Borough of Bromley.
- The application (Ref. DC/01/02717/FULL2) is dated 14 August 2001.
- The development proposed is a change of use from retail Class A1 on ground floor and offices Class B1 on 1st and 2nd floors to sale of hot food and drink Class A3 and demolition of outbuilding.

**Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.**

## Appeal B - Ref: APP/G5180/A/02/1083994

132-134 High Street, Orpington

- 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 Ask Restaurants Ltd against the decision of the London Borough of Bromley.
- The application (Ref. DC/01/03995/FULL3) dated 7 December 2001, was refused by notice dated 31 January 2002.
- The development proposed is a change of use from retail Class 1 on ground floor and offices B1 on first and second floors to sale of hot food and drink A3 non take-away.

**Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.**

### Procedural Matters

1. The description of the proposals on the application forms omitted to mention some aspects of the operational development shown on the submitted drawings. The Council confirmed at the hearing that it had considered all these works when determining the applications.
2. As discussed, I shall therefore deal with Appeal A on the basis of a 'change of use from retail (Class A1) and offices (Class B1) to sale of hot food and drink (Class A3), new shopfront, demolition of outbuilding, new fire escape stairs and external and internal alterations'. The description for Appeal B is identical except that take-away is specifically excluded from the proposed A3 use. The proposals themselves are similar but Appeal A has an external seating area at the rear whilst Appeal B has a landscaped garden area.

### Planning Policy

3. The development plan is the London Borough of Bromley Unitary Development Plan (UDP) which was adopted in 1994. The appeal premises are within the Orpington District Centre.

4. Policy S2 establishes that within District Centres preference will be given to shopping uses and to proposals for improvements to existing premises. Furthermore, according to Policy S3, proposals for a change of use of a shop to a non-retail use at ground floor level should not create significant breaks in the retail frontage. Display windows and entrances should be compatible with adjoining shops and the proposed use should not be detrimental to the established retail character. Policy S6 indicates that establishments within Class A3 will be permitted in suitable locations. This is provided that they would not be detrimental to the amenities of nearby residential property and, in the case of take-aways, would not cause undue traffic congestion.
5. The First Deposit Draft of the Review of the UDP (DUDP) was published in 2001. Policy S2 provides that in secondary retail frontages changes from retail to complementary uses will be permitted. Policy S7 reiterates that there should be no adverse impact on residential amenity or highway conditions. In view of the relatively early stage of this emerging Plan, I attribute limited weight to these policies.

### **Main Issues**

6. The appeal site is within the Orpington Priory Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
7. The Council confirmed at the hearing that it raised no objection on conservation area grounds. In my view, the proposed external works, particularly those on the elevations facing the High Street would improve the appearance of the appeal building. Furthermore, a commercial use of the premises would be consistent with the general character of the area. The proposal would consequently enhance the character and appearance of Orpington Priory Conservation Area.
8. I therefore consider that the main issues are the effect of the proposals on the vitality and viability of Orpington district shopping centre and on the living conditions of adjoining residential occupiers with particular reference to noise and disturbance.

### **Reasons**

#### ***Vitality and viability***

#### **Appeals A and B**

9. The Proposals Map of the UDP distinguishes between the Core and the Fringe of District Centres. Based on the depiction of the Conservation Area boundary, the Council considered that the appeal site fell just within the Core. The appellants disputed this and drew attention to the position of the premises relative to the boundary to the rear of the houses along Broomhill Road. There is no written schedule of the properties within either area.
10. The Committee report regarding the grounds for contesting Appeal A explained that the premises are within the secondary frontage of the northern fringe of the district centre. I also note that a refusal of planning permission in 1998 referred to the fringe and that display material in connection with the emerging DUDP also placed the site in the Fringe. Furthermore, it seems to me that the forward projection of the premises forms a logical

- physical division of the shopping frontage and would place the premises beyond the Core. My interpretation of the UDP is therefore that the appeal site is within the Fringe area.
11. The Council's objection was that the proposal would result in a 'significant break' in the retail frontage since three adjoining units would be in A3 use. Nevertheless, there is no definition in the UDP of what is meant by this expression. The Council commented at the hearing that the creation of a row of three similar uses would normally be sufficient to tip a proposal into this category. Paragraph 5.20 of the UDP indicates that a proliferation of non-retail uses should not break up the retail frontage or undermine the retail character and function of the centre. I therefore consider that whether or not a concentration of uses could be construed as significant should be assessed against this objective.
  12. The defined District Centre stretches for some 900 metres along the High Street and also encompasses The Walnuts shopping centre on its eastern side. At the time of my visit the centre was busy but the greatest activity was within The Walnuts and between its two pedestrian entrances which lie to the south of the appeal site. I observed a marked reduction in the footfall along the northern section of the High Street. Consequently I consider that the premises are somewhat peripheral to the main hub of the centre. The loss of a retail use would therefore have less impact on its overall shopping function than more centrally located premises.
  13. The appellants' intention is that the premises would trade as a restaurant. PPG6: *Town Centres and Retail Developments* indicates that the diversity of uses in town centres can make an important contribution to their vitality and viability. Paragraph 5.21 of the UDP also comments that restaurants perform an important ancillary function in a shopping centre. It is envisaged that the proposed use would be open in the daytime and, in my view, this would be complementary to other uses nearby and would also increase the attractiveness of the centre into the evenings.
  14. In recent years, a number of businesses occupying the property have failed and it is now empty. The premises have been marketed over the last three years and short-term retail lettings have been achieved. However, the appellants' evidence was that the prospects of a permanent ground floor retail use being secured were very limited. This is because the unit is of substantial size and as this end of the centre has become unattractive to retailers. The Council did not dispute this but asserted that the site could still be used for retail purposes.
  15. Nevertheless, the marketing undertaken indicates to me that at best this would be a continuation of the short-term lets. The transient nature of such uses and the likely lack of investment into the fabric of the building would not, in my judgement, greatly assist the general well being of the centre. I consider that the appearance and function of the proposals would be preferable to the perpetuation of the current situation. In reaching this view, I have attached considerable weight to the support for the proposals expressed by the Town Centre Manager.
  16. Although PPG6 warns of the possible cumulative effects of a loss of retail outlets it also points out that there should be scope for more flexibility in secondary frontages. There is no reason to suppose that the proposals would interrupt pedestrian flow past the site towards the main part of the centre. Indeed, to my mind, the proposals would be likely to encourage shoppers seeking refreshment into the northern end of the centre and may rejuvenate the immediate surroundings where there are currently a number of vacancies. Whilst there is already a sprinkling of A3 uses in the locality they do not predominate. I am therefore of

the opinion that if the proposals were implemented a reasonable balance between retail and non-retail uses would remain at this end of the centre.

17. Drawing these points together, I consider that the external appearance of these prominent premises would be improved and that this would be compatible with the surroundings. Furthermore, the proposed use would be complementary to the established retail character of the centre. I have also taken account of the location of the premises, the benefits that would ensue from their occupation and the limited demand for retail use. I therefore find that the proposals would not constitute significant breaks in the retail frontage since they would bolster rather than undermine the character and function of the centre.
18. Whilst the emerging DUDP does not have statutory weight it is nevertheless a material consideration. I especially note that the appeal site is within the proposed secondary frontage. Draft Policy S2 supports A3 uses within such areas and makes no reference to the use of adjoining premises. In addition, paragraph 11.18 considers that the secondary areas in Orpington are the most appropriate in which to encourage food and drink establishments. The DUDP therefore reinforces my findings in relation to the development plan.
19. I conclude that the proposal would not harm the vitality and viability of Orpington district shopping centre and would accord with Policies S2 and S3 of the UDP.

#### *Living conditions*

##### Appeal A

20. The closest neighbouring dwellings to the proposed external customer area are in Broomhill Road and Vinson Close. Although there is some upper floor residential accommodation in the High Street this is either some distance away or is linked with other catering uses. No technical noise evidence has been submitted regarding existing background levels. Nevertheless, I found that it was very quiet in Broomhill Road during my unaccompanied evening visit.
21. The rear windows of properties in Broomhill Road would be approximately 25 metres from the appeal site. I judge that the provision of an outdoor space for those patronising the A3 use would give rise to disturbance due to the low ambient noise levels that prevail and the type of noise that would be caused by socialising customers. Although it is proposed to construct a wall along the rear boundary, I am of the opinion that the internal and external living conditions of residents in Broomhill Road would be significantly reduced, especially at late hours. However, in view of the dense vegetation at the bottom of the adjoining gardens in Vinson Close I consider that the effect on their occupiers would be insignificant.
22. Circular 13/87 indicates that granting permission for Class A3 uses subject to conditions designed to alleviate a particular difficulty should always be considered. The appellant suggested that the use could be restricted to a restaurant and that use of the seating area could cease at 2130 hours. However, the effect of such conditions would be that sound emanating from diners such as conversation and laughter as well as clattering tableware and scraping chairs would still continue well into the evening.
23. I have taken particular account of the representations made about children trying to sleep and note that the intended seating capacity is 32. On this scale, my view is that sound from even a restricted outdoor use would be heard in the gardens or through the open windows of nearby houses. I consider that this would materially harm the residential environment. The

appellant commented that an earlier time limit would be impractical and, in my view, a condition to this effect would therefore be unreasonable. Consequently I find that the proposed external seating area would be unacceptable.

24. Nevertheless, the appellant indicated that outdoor seating could be prevented by condition. I am satisfied that modifying the proposed development in this manner would not make it substantially different from that comprised in the application. Furthermore, the use of this area as a landscaped garden has been considered by the Council and local residents as part of Appeal B.
25. I therefore conclude that the harm to the living conditions of the occupiers of adjoining residential properties could be overcome by condition and that the proposal would not be contrary to Policy S6 of the UDP.

#### Appeal B

26. No seating is shown within the landscaped garden at the rear and a condition could be imposed prohibiting its use by customers. I therefore conclude that the proposal would not harm the living conditions of the occupiers of adjoining residential properties and would comply with Policy S6 of the UDP.

#### Other Matters

27. It is not the purpose of the land-use planning system to determine whether there is an adequate supply of restaurants in a locality or to regulate competition between proposed and existing uses. I have taken account of the representations regarding parking and congestion but they are, in my view, insufficient reason to prevent the proposed use of premises in a commercial location. The potential problem of litter would be minimised by the exclusion of any take-away use. None of these matters therefore alter my conclusions in respect of the main issues.

#### Conditions

28. I consider that an hours of use condition is necessary to protect residential amenity but there is no reason to prevent the use commencing at 0830 hours in line with the usual pattern of commercial use. The Council's suggested wording required all customers to have left the premises by a certain time but there was no specific justification for this format. It seems to me that it would be preferable to enable customers to leave the premises at staggered times thereby lessening potential disturbance.
29. The appellant argued that given the location within a district centre a closing time of midnight was reasonable. However, there are residential properties in the general vicinity whose occupiers are entitled to some peace and quiet once traffic levels have fallen. I therefore consider that closing the premises to customers at 2300 hours would reasonably balance their expectations with the living conditions of adjoining residents.
30. The Council sought to prevent the future introduction of a take-away use. Customers stopping briefly outside the premises to collect or order food would obstruct the free flow of traffic contrary to the intentions of Policy S6 of the UDP. The appellant thought that legitimate on-street parking could take place in the bays in the High Street to the south but these were all occupied at the time of my evening visit. In my opinion, there would

therefore be a tendency for short-term parking to occur outside the premises and consequently a restriction on a take-away use is justified.

31. The appellant is willing to accept a condition limiting the use to a restaurant. However, exceptional circumstances are needed to restrict future changes of use that would otherwise be permitted by the Use Classes Order. A limitation on the use to this effect is not sought by the Council and I consider that it is unnecessary in this location.
32. As previously mentioned, the use of the rear garden by customers and as a seating area should be precluded on amenity grounds. Since the external stairs access this area, it would be prudent not to prevent its use in an emergency. A scheme for ventilation should also be implemented in the interests of residential amenity. Details of the rear boundary wall, the surface treatment of the courtyard and of any external lighting should be agreed for the same reason and to preserve the character and appearance of the conservation area.

### Conclusions

33. I have had regard to all other matters raised, including the appeal decision at West Wickham and previous decisions by the Council at the appeal site. I find that the proposals would not harm the vitality and viability of the shopping centre or the living conditions of adjoining residents. My overall conclusion, for the reasons given above, is therefore that both appeals should succeed.

### Formal Decisions

#### Appeal A

34. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for a change of use from retail (Class A1) and offices (Class B1) to sale of hot food and drink (Class A3), new shopfront, demolition of outbuilding, new fire escape stairs and external and internal alterations at 132-134 High Street, Orpington in accordance with the terms of the application (Ref. DC/01/02717/FULL2) dated 14 August 2001, and the plans submitted therewith, subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
  - 2) The use hereby permitted shall not be open to customers outside the times of 0830 - 2300 hours.
  - 3) The use hereby permitted shall not commence until details of ventilation equipment have been submitted to and approved by the local planning authority. Such details shall include provision for the alleviation of fumes and odours. The approved equipment shall be installed prior to the commencement of the use hereby permitted and thereafter shall be operated and maintained at all times in accordance with the manufacturers' specifications.
  - 4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order), no sale of food or drink for consumption off the premises, whether by take-away or delivery, shall take place at any time.
  - 5) Notwithstanding drawing no 10601/SK/01A the garden patio shall not be used as a seating area and shall not be used by customers at any time except in an emergency.

- 6) No development shall take place until details of the:
  - i) Design and materials of the rear boundary wall;
  - ii) Surface treatment of the garden patio area; and
  - iii) Any lighting to the rear of the building

have been submitted to and approved in writing by the local planning authority. The wall and surface treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

### Appeal B

35. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for a change of use from retail (Class A1) and offices (Class B1) to sale of hot food and drink (Class A3) (non take-away), new shopfront, demolition of outbuilding, new fire escape stairs and external and internal alterations at 132-134 High Street, Orpington in accordance with the terms of the application (Ref. DC/01/03995/FUL.3) dated 7 December 2001, and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- 2) The use hereby permitted shall not be open to customers outside the times of 0830 - 2300 hours.
- 3) The use hereby permitted shall not commence until details of ventilation equipment have been submitted to and approved by the local planning authority. Such details shall include provision for the alleviation of fumes and odours. The approved equipment shall be installed prior to the commencement of the use hereby permitted and thereafter shall be operated and maintained at all times in accordance with the manufacturers' specifications.
- 4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order), no sale of food or drink for consumption off the premises, whether by take-away or delivery, shall take place at any time.
- 5) The landscaped external garden area shown on drawing no 10801/03A shall not be used as a seating area and shall not be used by customers at any time except in an emergency.
- 6) No development shall take place until details of the:
  - i) Design and materials of the rear boundary wall;
  - ii) Surface treatment of the external garden area; and
  - iii) Any lighting to the rear of the building

have been submitted to and approved in writing by the local planning authority. The wall and surface treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.



**Information**

36. A separate note is attached setting out the circumstances in which the validity of either of these decisions may be challenged by making an application to the High Court within 6 weeks from the date of the decision.
37. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
38. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.

*David Smith*

INSPECTOR

## Application comments:

### Objection 04 - Broomhill Road

I am totally against the proposed licensing hours for the above property.

I am not against a new business opening up and understand the need to attract customers but any hours that business premises are open after 11.30 pm is totally unacceptable.

I live in Broomhill Road and my family have in the past been woken up by people coming home from pubs and restaurants in the area after midnight. This is a highly residential area so any applications for opening hours after 11 30 pm such as this should be turned down.

To open at 11 am and be serving alcohol until 1 00 am the following morning four nights a week will cause several problems. There will be an increase in criminal and anti-social behaviour, more litter and vandalism.

### Objection 05 - Broomhill Road

I would like to express my concerns and objections to 24/00686/LAPRE Licensing Application For Vybes in 132 - 134 High Street Orpington BR6 0JS.

I am concerned about the extended opening hours on Thursdays through to Sundays and believe they will have a detrimental effect on the largely Residential area in the vicinity of the Restaurant.

#### Public Nuisance Concerns.

Concerns About Noise and Disturbance: I would like to express my opposition to the idea, due to concerns about noise and disturbances. As you are aware this part of Orpington High Street is surrounded by residential properties, and late-night operations will significantly disrupt the peace for residents like myself who live nearby.

I also have concerns about loud music and general noise from patrons leaving the premises late at night/early in the morning, which will lead to sleep disturbances for residents.

In addition I have worries about previous issues with loud music from the Vybes location and others nearby including the White Hart, indicating that noise pollution is a recurring problem.

#### Crime and Disorder

This is also a concern and the Met Police and their resources are going to be stretched to deal with any Public Order offences likely to occur as a result of late night drinking activities.

## **Application comments:**

I am not confident they will be able to handle any such incidents in a timely and reactive manner.

In view of my concerns I do not believe extending the opening hours to 1am from Thursdays through to Sunday is a good idea and I would like to officially express my concerns and objections.

I have no problem with new businesses opening in the High Street but believe they should only be allowed to stay open until 11pm throughout the week and not 1am.

## Appendix 4

### Amended Timings and Additional Conditions Agreed with Police

**Conditions and Amended Timings Agreed with Metropolitan Police  
Vybes by Alpha 132 - 134 High Street Orpington BR6 0JS**

**Live Music : Dance : Recorded Music :**

- Thursday : 2300 - 0000
- Friday :2300 – 0100
- Saturday : 2300 - 0100
- Sunday : 2300 – 0000

**Late Night Refreshment :**

- Monday – Wednesday : 2300 – 0000
- Thursday : 2300 - 0000
- Friday :2300 – 0100
- Saturday : 2300 - 0100
- Sunday : 2300 – 0000

**Supply of Alcohol :**

- Monday – Wednesday : 1100 - 0000
- Thursday : 1100 - 0000
- Friday : 1100 – 0100
- Saturday : 1100 - 0100
- Sunday : 1100 – 0000

**Opening Hours :**

- Monday – Wednesday : 1100 – 0030
- Thursday : 1100 - 0030
- Friday :1100 – 0130
- Saturday : 1100 - 0130
- Sunday : 1100 – 0030

**CONDITION 14 of the existing licence will be amended to read :**

The patio area at the rear of the premises will not be used after 2300hrs on Mondays, Tuesdays, Wednesdays, Thursdays and Sundays and not after 0000 on Fridays and Saturdays.

**CONDITION 16 of the existing licence will be amended to read :**

Last admission on Mondays, Tuesdays, Wednesdays, Thursdays and Sundays will be at 2300 and at 0000 on Fridays and Saturdays.

**NEW CONDITIONS TO BE ADDED to the Premises Licence :**

- Install and maintain a CCTV system covering the entrances, internal areas and external areas of the premises. Recordings shall be stored for a minimum of 28 days and CCTV images shall be delivered to Police or Council Officer on request. One of these CCTV cameras shall be installed at the entrance door to enable head and shoulders images to identification standard, of each person entering, to be captured as they enter the premises.
- Ensure a member of staff trained in the use of the CCTV system be available at the premises at all times that the premises are open to the public and that CCTV signage is clearly displayed.
- 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 a driving licence, passport or proof of age card with the PASS Hologram and appropriate signage will be displayed inside the premise.
- Ensure that all staff within the business are trained in relation to the Licensing Act 2003 and conflict management. Training records shall be held at the premises and made available for Inspection by the police / Council upon request. Refresher training will be undertaken every 12 Months and this will include WAVE training.
- Maintain a comprehensive incident register at the premises. The DPS shall ensure that the details of incidents shall be added to the register within 24 hrs of any incident. The following details shall be recorded:-
  - Date
  - Time
  - Location
  - Persons concerned
  - Summary of incident
  - Identification of any Emergency Services Personnel who attended
- Ensure that a refusals book or electronic system to record all refusals of sales be maintained on the premises and made available to the police and local authority upon request.
- A weekly risk assessment will be completed by either the PLH, DPS or manager on duty to assess the need for SIA door supervisors to be deployed at the premises. A copy of this risk assessment will be made available to Police / Council on request.
- When SIA door supervisors are deployed a log will be kept containing the following information and will be made available to Police / Council on request.
  - Name and date of birth
  - Full16 digit SIA badge number
  - Dates and times employed

## Appendix 5

### Satellite Images and Street View of the Premises

Street View of Vybes by Alpha (formerly Scala) 132 – 134 High Street Orpington





Satellite Image of Vybes by Alpha (formerly Scala) 132 – 134 High Street Orpington



Close-up Satellite Image of Vybes by Alpha (formerly Scala) 132 – 134 High Street Orpington

