



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

15 June 2023

Licensing Ref No:

23/02095/LIPN - New Premises Licence

Title of Report:

Domio Home Interior Ltd  
70 Brompton Road  
London  
SW3 1ER

Report of:

Director of Public Protection and Licensing

Wards involved:

Knightsbridge & Belgravia

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Kevin Jackaman  
Senior Licensing Officer

Contact details

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<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	3 April 2023		
<b>Applicant:</b>	Domio Home Interiors Limited		
<b>Premises:</b>	Domio Home Interiors		
<b>Premises address:</b>	70 Brompton Road London SW3 1ER	<b>Ward:</b>	Knightsbridge and Belgravia
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form the premises is a furniture show room with a restaurant on the first floor.		
<b>Premises licence history:</b>	<p>This is a new premises licence application, and no premises history exists however a previous application for a premises licence was refused by the Licensing Sub Committee in December 2021.</p> <p>A full licence history for the premises appears at appendix 3</p>		
<b>Applicant submissions:</b>	<p>The application is made following pre-application advice with the Environmental Health Consultation Team.</p> <p>An Online meeting has taken place with some residents associations and representatives and will hopefully continue throughout the consultation process.</p> <p>The applicant has submitted the following documents which appear at appendix 2.</p> <ul style="list-style-type: none"> <li>• Application submissions</li> <li>• Pre application report</li> <li>• Marketing brochure</li> </ul>		
<b>Applicant amendments:</b>	None		

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>	<p>From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.</p> <p>From 23:00 to 00:00 on Sundays immediately before Bank Holiday Mondays</p>						

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day. From 23:00 to 00:00 on Sundays immediately before Bank Holiday Mondays					

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day. From 23:00 to 00:00 on Sundays immediately before Bank Holiday Mondays					
<b>Adult Entertainment:</b>		None					

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Ian Watson
<b>Received:</b>	28 April 2023
<p>I refer to the application for a New Premises Licence.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> <li>1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday 09.00 to 23.30 hours, Friday and Saturday between 09.00 and 00.00 hours and Sunday between 09.00 to 22.30 hours. NYE to NYD. Bank holiday Sunday till 00.00 hours.</li> <li>2. To provide Late Night Refreshment 'Indoors' Monday to Thursday 23.00 to 23.30 hours, Friday and Saturday between 23.00 and 00.00 hours. NYE to NYD. Bank holiday Sunday till 00.00 hours.</li> </ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"> <li>1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.</li> </ol>	

2. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

The applicant has provided additional information with the application which is being addressed.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	01 May 2023
<p>I object to this application as I have the following concerns:</p> <p>Deliveries: Deliveries should not be allowed via the courtyard as early deliveries and idling of delivery trucks will disturb the sleep and health of local residents, especially that noise gets amplified in the courtyard as it reverberates between buildings.</p> <p>Off sales of alcohol should not be permitted.</p> <p>There is no mention of the number of covers, when you add this to the 130 covers currently at Zuma this will cause huge disruption in the area and increase crime, begging congestion and traffic violations.</p> <p>Smoking: There should be a clear and designated area for smokers on Brompton road and not on Lancelot place which is a residential street.</p> <p>Entry and egress to the restaurant : Should only be made via the entry on Brompton road.</p> <p>Entry to the shop should only be made via the entry of Brompton road.</p> <p>Odours: The license application should be subject to a planning application specifying that the extractor fans be at the top of the building.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	27 April 2023
<p>We object strongly to license selling alcohol and taking alcohol outside . Lancelot Place is a quieter residential block road . Shoppers and clients must not enter or exit via Lancelot Place. The strict requirement to be legal binding</p> <p>Lancelot Place has residential blocks, as residents in [REDACTED], we are highly concern of noise, loitering , people smoking outside, increase crimes. For public safety, please reject application of restaurant.</p> <p>Please have reasons for objections to restaurant: We notice the hours applied will operate to midnight 00 hours, past 11pm Westminster Noise Control is up to 11pm , Lancelot Place is a short road and there are only residential blocks in this section.</p> <p>Premise was Top Shop for retail shopping. Apply for a restaurant and sale of alcohol are to Change the nature of Licence, against community interest please do not permit a change of the nature of the licence</p>	

Restaurant is different to a shop. Restaurant over burden traffic and parking which are already very congested in the area. The noise level is loud with diners and deliveries of food and cages unloading will be very disturbing and over the noise limit .

Lancelot Place has high residential occupation. No restaurant in this particular section of the area. There are cafe, restaurants in the next roads but not in this section.  
The quieter residential nature in the road should be preserved .

Lancelot Place : Loading and deliveries must not take place in this short narrow road at any time of the day. Vehicles will block the road. Trevor Square and Lancelot Place are already very congested. Noise level will be very loud and disturb the whole road.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	28 April 2023

Apparently Domio wants to open a restaurant on the first floor.  
I strongly object to this application

- 1) licence does not state number of covers
- 2) area is extremely crowded with restaurants and the noise level is too loud.
- 3) there are unfortunately too many beggars and crime in our neighbourhood.
- 4) Trevor Street and Trevor Rd are extremely crowded  
There is no indication to entry and egress to the restaurant.
- 5) Extractor fans. The licence should be subject to the grant of an application under which the extractor fans should be maintained and on the roof of the building as to avoid noise.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	28 April 2023

Objections:

1. Increased crimes on Lancelot Place: a new high end retail unit and restaurant could attract muggers, thieves, etc.
2. Noise from customers leaving the venue late at night (drunken shouting, large groups, etc.)
3. Vehicle noise late at night and early mornings for deliveries, taxis picking customers up on Lancelot Place, increased traffic at weekends, parking issues, etc.
4. Consumption of alcohol purchased until closing can be taken off the premises. Meaning they could drink this walking down Lancelot Place, sitting on the planters, damaging the plants and walls, additional littering, noise disruption, etc.
5. Customers smoking outside the premises and loitering in Lancelot Place late at night.
6. Taxis and drivers to cause more traffic at the end of Lancelot Place adjoining Brompton road.

Comments to the license:

7. Smoking area: there should be a clear and designed smoking area on Brompton Road and not on Lancelot Place.
8. Entry or egress to the restaurant and dispersal policy: Entry or egress to the restaurant should be on Brompton Road both during the day and in the evening. Entry to the shop only should be made via the entry of Brompton Road and Lancelot place. This condition is important as we want to minimise the number of cars going via Lancelot place and Trevor Square. At the moment, cars are allowed to park on Brompton Road in front of cafe concerto and the former

top shop premises in the evenings. We should ensure that this is not the case anymore so that people are not dropped off on Lancelot place.

9. Deliveries: Taking into account the trouble we other retail and food units with the early deliveries and the idling of their delivery trucks, deliveries should not take place via the courtyard but should take place via Lancelot place or Brompton Road. The courtyard also multiplies the noise of the deliveries so deliveries via Lancelot place

**Name:**

[REDACTED]

**Address and/or Residents Association:**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Received:**

28 April 2023

Dear Westminster City Council Licensing Team.

I represent the resident of [REDACTED]. We are a residence of 201 apartment with over 500 residents many of whom are elderly or younger persons.

We welcome this opportunity to comment on the application for a new liquor license at 70 Brompton Road which is located next to Lancelot Place [REDACTED].

We understand that the license applications pertains only to the 1st floor of the premises and that licensable activities will be a secondary function of this site which will operate as a design boutique and we ask that the license conditions are such that the primary role of this establishment remains as a retail outlet with a cafe as opposed to a large restaurant.

Specifically having reviewed the application and being familiar with the site we would comment as follows and suggest that conditions are implemented to ensure the following:

- Any smoking area should not be sited on the residential Lancelot Place
- Access to the site for customers should not be allowed on Lancelot Place which would risk causing traffic issues on this narrow residential street
- Deliveries should only take place on Brompton Road or Lancelot Place to avoid noise disturbance to residents
- There should be no off sales permitted
- A limit on the number of persons allowed on the premises should be in place to avoid over intensification of the area
- Any plant such as extraction should be sited on roof areas with heavy filtration in place to avoid any odour and noise nuisance to residents in the area

Thank you for your consideration.

**Name:**

[REDACTED]

**Address and/or Residents Association:**

[REDACTED]

[REDACTED]

[REDACTED]

**Received:**

30 April 2023

Dear councillors,

I object to this new restaurant application. Lancelot Place and Trevor Square are residential areas. This new restaurant will increase crime. We already have a lot of crime (including knife crime), drug dealing and begging (those last two every night) due to Zuma and the other existing restaurants. No other restaurant should be opened on Lancelot Place.

We also greatly suffer from traffic and idling throughout the day and night because of these businesses. Opening another restaurant will yet increase even more those problematic issues.

A new restaurant will also disturb residents' sleep. And there are many families like mine living in this area.

Should a licence be granted and I hope it won't. The following conditions should be inserted in the licence:

- deliveries via the beginning of Lancelot place or Brompton Road as they do for Waitrose and sainsbury s and not the courtyard so as to limit the nuisances for families living in the area. The existing restaurants regularly breach their licence conditions with regards to deliveries.
- extractor fan should be on the roof of building and properly maintained
- dispersal and entry to restaurant only via Brompton Road so as to limit noise and cars into the residential areas. The door at the corner of Lancelot place and Brompton Road should only be used for the shop.
- smoking area on Brompton Road
- no possibility to take out alcohol from restaurant.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██
<b>Received:</b>	29 April 2023

I am writing on behalf of the ██████████ in response to the new licensing application 23/02095/LIPN for 70 Brompton Road:

The ██████ has appreciated the engagement from the applicant's representative, Lana Tricker, before and during the application process. The ██████ remaining concerns about the application include:

1. **Model WCC restaurant conditions:** Please apply WCC's model licensing conditions for restaurants as the minimum requirements. This is important for any new licenced premises in the Knightsbridge Neighbourhood Area. Prohibiting delivery/rubbish times to an earlier time of 8pm (not 11pm) is supported and the avoidance of early mornings. See also below.
2. **Capacity:** The ██████ understand that the applicant is seeking 115 covers at any one time. Please include a condition limiting the total number of people on the licenced premises to 125 (excluding staff) at any one time.
3. **Access:** Please include conditions to ensure that access and egress is directly to/from Brompton Road after 9pm not via Lancelot Place or the corner entrance/exit.
4. **Dispersal:** Please include a condition requiring a dispersal plan approved by the Council with periodic subsequent review. We are keen to avoid the risk of minicabs or taxis using Lancelot Place, Raphael Street, Trevor Square, Trevor Street or the Montpeliers as a 'staging' or 'waiting' (with the inevitable collateral impacts).
5. **Servicing/deliveries:** Please include a condition requiring servicing/deliveries directly in and out of Lancelot Place to Brompton Road i.e. not via Trevor Square or Raphael Street.
6. **Identity of operator:** Please require clarity and protections on the restaurant operator and style of operation i.e. fine dining Italian. It is unclear whether it would be interior design company or an independent operator with respect to this application. The ██████ is also concerned to avoid possible adverse future impacts e.g. if the licence were transferred to another operator in future.
7. **Smoking:** Please include a condition on smoking that keeps it to Brompton Road.
8. **Exhausts/flue:** Please include an odour condition and restrict the hours of operations of any flues to the permitted licensing hours.
9. **Link to retail activity:** Please include a condition limiting any permission to the first floor

and the continued and ongoing operation of the interior design company on the ground floor. Otherwise, if circumstances change, this application and permission could lead to a different restaurant on the first floor and a new restaurant on the ground floor due to Class E planning flexibilities.

This is a major and important site in an iconic and sensitive location so the [REDACTED] is keen to ensure that the details are sorted out at this stage.

Please contact me if you require clarification on any of the above. Please also redact my personal details before publishing the [REDACTED] representation.

We are happy to be contacted by the Council should the applicant make any proposals in connection with the above. We would also wish to attend a hearing.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	28 April 2023

There is already so much traffic and noise during the night on Lancelot Place and into Trevor Square. Cars are parked in residents permit areas, rubbish thrown out of cars onto the streets and even people urinating on Trevor Square.

Another large restaurant/ bar in this vicinity will only compound the issues highlighted above.

There are ample selection of bars/ restaurants in the immediate vicinity.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	24 April 2023

I am the Licensing Representative for the [REDACTED]. Following consultation with residents I ask that the Conditions to the Licence be amended as follows:

1 - Smoking area. To be designated as being at the front of the premises, i.e., on Brompton Road, not Lancelot Place.

2 - Entry to / egress from the restaurant and dispersal policy. At all times only using the Brompton Road doors. Entry to the shop should be via either entrance (i.e. Lancelot Place also), to minimise noise and disturbance caused by late night departure of patrons.

3 - Deliveries. These should not be made to the courtyard at the rear, all to be made at the front, on Lancelot Place / Brompton Road.

4 - Off sales of alcohol. Points 10 to 12 on the list of conditions state that "there shall be no sales of alcohol for consumption 'off' the premises after 23.00 hours, except for resealed part consumed bottles of wine, with no sales of hot food or hot drink for consumption off the premises after 23.00, all sales of alcohol for consumption off the premises to be in sealed containers". Off Sales should be totally restricted.

5 - Covers. There is no indication as to the number, which should be limited to a maximum capacity of 130, as indicated by the applicant's lawyer in her meeting with the [REDACTED] on 28th March

2023. This figure should be included in the list of conditions.

6 - Extractor fans. There is no reference to their use. This is important to minimise the impact on the residents of 10 Lancelot Place residences. The extractor fans should be subject to noise controls and maintained regularly. We understand that a planning application to cover their installation will be made within 2 months of the submission of the licensing application. The approval of the licence should be conditional on the approval of the planning application.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	24 April 2023

Increased crimes on Lancelot Place: a new high end retail unit and restaurant could attract muggers, thieves, etc. There are already many crimes on Lancelot Place with numerous car vandalisms and thefts.

- Noise from customers leaving the venue late at night (drunken shouting, large groups, etc.)
- Consumption of alcohol purchased until closing can be taken off the premises. Meaning they could drink this walking down Lancelot Place, sitting on the planters, damaging the plants and walls, additional littering, noise disruption, etc.
- Concerned about customers smoking outside the premises and loitering in Lancelot Place late at night.
- Smoking area: there should be a clear and designed smoking area on Brompton Road and not on Lancelot Place.
- Entry to the restaurant should be on Brompton Road both during the day and in the evening.
- Deliveries: Deliveries should not take place via the courtyard but should take place via Lancelot Place or Brompton Road. The courtyard also multiplies the noise of the deliveries so deliveries via Lancelot Place / Brompton Road would be more appropriate. The previous retail unit (Top shop) also had their deliveries via Brompton Road.
- Off sales of alcohol: Off sales of alcohol should NOT be permitted.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	26 April 2023

I have read through the application and conditions submitted on behalf of the Applicant and have the following concerns:

- (a) Off Sales of Alcohol: There appears to be a disconnect between what is requested on the Application for both on and off sales and the accompanying conditions which require only on sales. It would be inappropriate for the restaurant to supply off sales to the public and this matter should be clarified.
- (b) I could not see that there were a stated number of covers in the proposed restaurant - the number should be stated and restricted to the size of the eating area.
- (c) Smoking on the pavement is the only likely outside area for customers and this should be monitored as it will obviously be of nuisance to pedestrians
- (d) Entrance to the restaurant should only be via the entrance doors immediately on Brompton Road so as to limit noise and disturbance to residents in Lancelot Place and Trevor Square.

(e) It is assumed that the Licensing Authority if it is so minded to grant a Licence to the Applicant will make the same conditional on planning being obtained for the installation of the required extractor fans which in turn are to be of a type so as to limit both noise and smells

**Name:**

[REDACTED]

**Address and/or Residents Association:**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Received:**

24 April 2023

I object to the Domio restaurant application. We already have excessive traffic /idling/ begging / stealing/ drug dealing on Lancelot Place and Raphael Street because of Zuma and the Bulgari. Another restaurant will only increase those issues. This is all the more problematic that the licence application does not state precisely how many covers the restaurant will have.

Entry and egress of restaurant customers should only be via Brompton Road and not via the entrance at the corner of Brompton Road and Lancelot Place. This will limit the amount of cars that will go through or idle on Lancelot Place and Trevor Square.

We still have major problems with deliveries and Zuma. Zuma sometimes start their deliveries as early as 5:30 in the morning. Despite our numerous complaints to them and intervention by the council, the early deliveries have never really stopped.

Deliveries are problematic as they take place in a narrow courtyard where all noises are multiplied. This is more problematic in the summer months, when the deliveries also give rise to early morning noisy conversations.

Caffe Concerto, Waitrose... (as well as Top Shop at the time) carry out their deliveries via Brompton Road or the beginning of Lancelot Place. The same should be done by Domio.

I am afraid of extractor fans being at ground or 1st floor level. We already have the odours on Lancelot Place from Caffe Concerto as the fan is not high up. Is also problematic the unmaintained fan at the ground floor of the building where Zuma is. It creates a lot of noise and with the echo of the courtyard, it creates a very disagreeable noise when our windows are open. We have numerously asked for it to be maintained but were unsuccessful. Any Domio extractor fan should therefore be on top of the building and properly maintained.

I hope the application will be rejected on these grounds.

**Name:**

[REDACTED]

**Address and/or Residents Association:**

[REDACTED]

**Received:**

28 April 2023

We act for the owner of a flat in [REDACTED] ("our client"), being an adjacent and neighbouring property to the Premises. On behalf of our client, we are writing to express a number of concerns in relation to the Application by Dolmio Home Interiors Limited (the "Applicant").

The Application seeks to secure a premises licence for 70 Brompton Road which comprises a furniture showroom with a restaurant on the first floor subject to certain draft conditions (the "Draft Conditions") (see Schedule to this letter for full list).

Although the Draft Conditions seek to mitigate some negative impacts of this Application, these

do not sufficiently address our client's main concerns in relation to public nuisance, noise and the proposed sale of alcoholic beverages and food for consumption off the Premises.

Our client accordingly wishes to object to a number of the Draft Conditions and proposes additional conditions to control nuisance and safety as detailed further below.

### **Westminster City Council Licencing Policy (October 2021)**

The Westminster Licencing Policy document sets out how the Council will promote licencing objectives whilst protecting residential amenity and supporting businesses. The following policies are relevant to the

Application:

*Policy PN1 – Prevention of Public Nuisance*

*(a) "The Licencing Authority will not grant applications that do not promote the prevention of public nuisance licensing objective."*

*(b) "When considering Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below:*

*(c) Criteria*

*(i) "The potential for nuisance associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps which would be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in proximity of the premises."*

*(ii) Considerations*

*(iii) "Whether Operating Schedules contain adequate measures to prevent noise and vibration, whether airborne or structure borne, generated from within the premises, outside it, or from an open site, that may cause disturbance to people in the vicinity. Regard will be had to disturbance of people whether at home, at work, staying in, or visiting the vicinity. However, stricter conditions will be imposed on Premises Licences in areas that have denser residential accommodation or have residential accommodation close to them."*

*(iv) "Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to limit noise and vibration, eating, drinking and smoking outside their premises and other environmental impacts by:*

*(v) Restricting the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open-air site.*

*(vi) Limiting the escape of noise from the premises or open-air site.*

*(vii) Restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping.*

*(viii) Identifying whether people standing or sitting outside premises are likely to cause obstruction or other nuisance.*

*(ix) Identifying whether the premises are under or near to residential accommodation.*

*(x) Limiting the hours of the sale of alcohol in open containers or food for consumption outside the premises.*

*(xi) Introducing measures to make sure that customers move away from outside premises when such sales cease.*

*(xii) Identifying whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not), between certain hours or at all times. In addition, there may be particular issues of crime and disorder with regard to outside activities.*

*(xiii) The measures proposed in the Operating Schedule should have regard to the objective noise criteria set out in Appendix 11."*

*Appendix 11*

*(i) "The council regards the control of noise as an essential aspect of good neighbourliness, contributing to the sustainability of residential and commercial communities. The Westminster Noise Strategy outlines Westminster's commitment to adopt noise conscience city management, planning and licensing."*

*(ii) "Applicants should consider the potential sources of noise and the hours when it may be generated. The Licensing Authority's noise criteria relate to all these sources of noise whether indoors or in the open air, including:*

(iii) Music and human voices, both amplified and unamplified.

(iv) Other internal activities

(v) Use of open areas

(vi) Patrons queuing

(vii) Patrons and staff entering and leaving the premises and in its vicinity.

(viii) "Many licensed activities can cause noise that is heard outside the premises or originates from an open-air site and some of these risks generating noise that causes public nuisance.

The risk assessment carried out for licence applications for such activities, should take account of the criteria and guidance on noise set out below which indicates circumstances in which a noise report will be necessary and what it should contain."

*Licensing Strategy – Related Strategies and Initiatives*

*B17: The local planning authority is a responsible authority and can make representations on applications. However, it can only make representations related to the licensing objectives.*

*Nuisance and crime and disorder are shared concerns of planning and licensing.*

### **Westminster Licensing Policy and Planning**

We are fully aware that planning and licensing are considered under distinct and separate regimes and that you are required as a matter of law to only consider matters that relate to the licensing objectives as set out in the Licensing Act 2003 being (i) prevention of crime and disorder (ii) public safety (iii) prevention of public nuisance and (iv) protection of children from harm.

However, section B17 of Westminster Council's Licensing Policy recognises that planning concerns relating to the impact on residential amenity, to the point it causes public nuisance is within the scope of licensing and should be considered being a matter of shared concern.

### **Public Nuisance**

Our client is concerned about noise and disturbance arising both from within and outside the Premises. Policy PN1 of the Statement recognises that regard must be had to the disturbance of people living and working within the vicinity and that strict controls should be imposed in areas where there is close residential accommodation, as in this instance given that Lancelot Place is adjacent to the Premises.

The Draft Conditions submitted by the Applicant are not sufficient to protect the residential amenity of neighbouring properties and they do not satisfy the guidance set out in Appendix 11 of the Statement.

In particular, our client is concerned about the following issues:

#### *Off Site Consumption*

Draft Condition 1 of the Application states that the restaurant will "*not provide any takeaway service of food or drink for immediate consumption off the Premises*" other than food or drink consumed as part of meals. [Our underlining]

Draft Conditions 10-12 contradict this and allow for the sale of alcohol, food and non-alcoholic beverages for consumption off the Premises before 11pm, and the sale of resealed bottles of wine after 11pm.

The Draft Conditions accordingly lack clarity as to whether the Applicant simply seeks to provide customers with sealed "doggy bags", or to in fact allow the sale of "takeaway" food and drink which could be delivered or collected from the Premises, or eaten immediately within the vicinity of the Premises before 11pm.

Our client is particularly concerned about the increased loitering of both persons and delivery drivers, and the associated nuisance and noise which accompanies idle persons and engines on and around Lancelot Place. We therefore recommend that conditions attached to the licence clearly state that the sale of takeaway or "off site" beverages and food, especially alcoholic beverages is not permitted **at any time** (unless sealed and not consumed within the vicinity of the Premises.)

We would also highlight that the sale of takeaway food and beverages does not fall within

Class E of the *Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020* and would therefore require planning permission for a change of use.  
*Noise and Dispersal Policy*

The proposed opening hours are considered to be within Westminster Council's core hours. However, we note that a restaurant of such capacity will increase the footfall of Lancelot Place during both daylight and non-daylight hours. In addition, the sale of off premises beverages and food encourages the loitering of persons within the proximity of the Premises and will increase noise disturbance within a residential street. To mitigate noise and disturbance to the adjacent residential community, entry and egress from the Premises should be conditioned to be made via Brompton Road and not via Lancelot Place.

In addition any designated smoking areas should also be located off Brompton Road, rather than Lancelot Place for the aforementioned reasons.

This increased capacity is likely to create idling engine noises and increased traffic at the end of Lancelot Place adjoining Brompton Road. Conditions must be included to manage additional traffic and associated noise pollution. No idling should be permitted on Lancelot Place.

Although the Draft Conditions seek to mitigate noise disturbance caused by deliveries, the Draft Conditions do not sufficiently specify the route of such deliveries. Our client is concerned that deliveries via the courtyard would create additional noise disturbance and idling engine noise, and therefore all deliveries should be made to the Premises via Lancelot Place or Brompton Road.

#### **Public Safety and the Prevention of Crime and Disorder**

Our client also wants to raise concerns about safety in respect of the surrounding residents. Policy CD1 and PS1 of the Statement recognises that regard must be had as to whether the operation of a premises promotes the prevention of crime and disorder and ensures public safety within both the premises and its vicinity. Again, we do not feel the Draft Conditions go far enough to protect local residents and do not follow the guidance contained in the Statement. Our client is especially worried that the increased footfall, the late opening hours and the potentiality of vandalism and littering linked to the consumption of alcoholic beverages. The high-end nature of the proposed development may also lead to the area being an increased target for crime, putting both the public and the residents at risk. Finally, the Draft Conditions currently allow for unrestricted opening hours on New Year's Eve. For all the reasons above, these hours should be reduced to protect residential amenity, prevent public nuisance and ensure public safety.

#### **Proposed Amendments to Conditions**

If the Council is minded to approve the Application, we respectfully request that the Draft Conditions are amended/deleted/added as set out below to protect residential amenity. Our client's proposed amendments are indicated in red and the proposed deletions to the Draft Conditions are indicated in red and struck through.

#### **Deletions of Draft Conditions**

The following Draft Conditions should be deleted in their entirety:

*12. All sale of alcohol for consumption off the premises shall be in sealed containers .*  
*20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (20.00) hours and (08.00) hours on the following day.*

Hours: NYE- unrestricted hours

*35. The premises may remain open for the regulated entertainment, sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.*

#### **Amendments to Draft Conditions**

- 1. The premises shall only operate as a restaurant, (iv) which do [sic] not provide any takeaway service of food or drink. **for immediate consumption off the premises.***
- 8. No noise generated on the premises, or by its associated plant or equipment, shall emanate*

from the premises nor vibration be transmitted through the structure of the premises which

(a) gives rise to a nuisance;

(b) at the nearest façade of the nearest noise sensitive property shall not exceed 10 dB below the minimum external background noise during the operating period; and

(c) at the nearest façade of the nearest noise sensitive property, the noise generated within each octave band level should not exceed 5 dB below the minimum external background noise level expressed in any of the individual octave band levels.

10. There shall be no sales of alcohol for consumption 'Off' the premises. after 23.00 hours except for resealed part consumed bottles of wine.

11. There shall be no sales of hot food or hot drink for consumption off the premises. after 23.00.

13. Patrons or staff permitted to temporarily leave and then re-enter the premises at ground floor level, or who remain in the vicinity of the premises for such temporary duration, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

16. No waste or recyclable materials, including bottles, shall be moved, removed or collected from or placed in outside areas between (20.00 19:00) hours and (08.00) hours on the following day.

25. The external doors directly onto Brompton Road shall be kept closed after 22.00 20:00 hours daily except for the immediate access and egress of persons.

**Additional Conditions**

36. Smoking will only be permitted in designated areas, such designated areas shall not be adjacent to, or in the immediate vicinity of Lancelot Place.

37. No deliveries to the premises of the restaurant shall take place in or be made through the courtyard. All deliveries to and from the premises of the restaurant shall be made via Brompton Road.

38. Clear signage and communication to persons entering and exiting the premises shall be implemented to prevent and control noise and crowding of persons outside the premises.

39. Measures shall be implemented to control and prevent queuing outside the premises, ensure the quiet entering and exiting of the premises by all persons and to ensure good behaviour to minimise any disturbance outside and within the Premises.

40. Arrangements shall be made for dedicated taxi or licensed minicabs to collect and to ensure that all private vehicles use designated dropping off/picking up and waiting points as agreed with the Council and away from Lancelot Place.

41. Measures managing transport arrangements to and from the premises (including staff or patron parking) shall be implemented to minimise any disturbance.

42. Drivers shall be encouraged to switch off engine during deliveries, collections and servicing, and to minimise other noise caused by their activities.

43. No outside seating areas will be permitted any time.

44. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.

We trust that the above will be taken into account and that if the Council is so minded to approve the Application, that the conditions are amended/ deleted/ added proposed above.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████
<b>Received:</b>	28 April 2023
Im a owner/occupier at ██████████ and I have the below concerns about the new license.	
<b>Objections:</b>	
<ul style="list-style-type: none"> <li>Increased crimes on Lancelot Place: a new high end retail unit and restaurant could attract muggers, thieves, etc.</li> </ul>	

- Noise from customers leaving the venue late at night (drunken shouting, large groups, etc.)
- Vehicle noise late at night and early mornings for deliveries, taxis picking customers up on Lancelot Place, increased traffic at weekends, parking issues, etc.
- Consumption of alcohol purchased until closing can be taken off the premises. Meaning they could drink this walking down Lancelot Place, sitting on the planters, damaging the plants and walls, additional littering, noise disruption, etc.
- Customers smoking outside the premises and loitering in Lancelot Place late at night.
- Taxis and drivers to cause more traffic at the end of Lancelot Place adjoining Brompton road.

**Comments to the license:**

- Smoking area: there should be a clear and designed smoking area on Brompton Road and not on Lancelot Place.
- Entry or egress to the restaurant and dispersal policy: Entry or egress to the restaurant should be on Brompton Road both during the day and in the evening. Entry to the shop only should be made via the entry of Brompton Road and Lancelot place. This condition is important as we want to minimise the number of cars going via Lancelot place and Trevor Square. At the moment, cars are allowed to park on Brompton Road in front of cafe concerto and the former top shop premises in the evenings. We should ensure that this is not the case anymore so that people are not dropped off on Lancelot place.
- Deliveries: Taking into account the trouble we other retail and food units with the early deliveries and the idling of their delivery trucks, deliveries should not take place via the courtyard but should take place via Lancelot place or Brompton Road. The courtyard also multiplies the noise of the deliveries so deliveries via Lancelot place / Brompton Road would be more appropriate. The previous retail unit (Top shop) also had their deliveries via Brompton Road.
- Off sales of alcohol: Off sales of alcohol should not be permitted.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	26 April 2023

I am written to you regarding the attached and above mentioned New License Application, which I strongly object due to the following reasons:

**Objections:**

- Increased crimes on Lancelot Place: a new high end retail unit and restaurant could attract muggers, thieves, etc.
- Noise from customers leaving the venue late at night (drunken shouting, large groups, etc.)
- Vehicle noise late at night and early mornings for deliveries, taxis picking customers up on Lancelot Place, increased traffic at weekends, parking issues, etc.
- Consumption of alcohol purchased until closing can be taken off the premises. Meaning they could drink this walking down Lancelot Place, sitting on the planters, damaging the plants and walls, additional littering, noise disruption, etc.
- Customers smoking outside the premises and loitering in Lancelot Place late at night.
- Taxis and drivers to cause more traffic at the end of Lancelot Place adjoining Brompton road.

**Comments to the license:**

- Smoking area: there should be a clear and designed smoking area on Brompton Road and not on Lancelot Place.
- Entry or egress to the restaurant and dispersal policy: Entry or egress to the restaurant should be on Brompton Road both during the day and in the evening. Entry to the shop only should be made via the entry of Brompton Road and Lancelot place. This condition is important as we want to minimise the number of cars going via Lancelot place and Trevor

Square. At the moment, cars are allowed to park on Brompton Road in front of cafe concerto and the former top shop premises in the evenings. We should ensure that this is not the case anymore so that people are not dropped off on Lancelot place.

- Deliveries: Taking into account the trouble we other retail and food units with the early deliveries and the idling of their delivery trucks, deliveries should not take place via the courtyard but should take place via Lancelot place or Brompton Road. The courtyard also multiplies the noise of the deliveries so deliveries via Lancelot place / Brompton Road would be more appropriate. The previous retail unit (Top shop) also had their deliveries via Brompton Road.
- Off sales of alcohol: Off sales of alcohol should not be permitted.

I hope you will consider the adverse effect on those who consider Knightsbridge their home.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	28 April 2023

To whom this may concern,

**REFERENCE: 23/02095/LIPN - 70 Brompton Road (Topshop Retail Unit) - New License Application – Objection**

I act on behalf of [REDACTED], the freeholder of 10 Lancelot Place, who represents all the leaseholders which includes 53 no. Apartments. We have reviewed the license application and we fully object to this new application.

Please see below our concerns regarding the license (particularly the Restaurant on the first floor):

**Objections:**

- Increased crimes on Lancelot Place: a new high end retail unit and restaurant could attract muggers, thieves, etc.
- Noise from customers leaving the venue late at night (drunken shouting, large groups, etc.)
- Vehicle noise late at night and early mornings for deliveries, taxis picking customers up on Lancelot Place, increased traffic at weekends, parking issues, etc.
- Consumption of alcohol purchased until closing can be taken off the premises. Meaning they could drink this walking down Lancelot Place, sitting on the planters, damaging the plants and walls, additional littering, noise disruption, etc.
- Customers smoking outside the premises and loitering in Lancelot Place late at night.
- Taxis and drivers to cause more traffic at the end of Lancelot Place adjoining Brompton road. Causing road traffic blockages.

**Objections / Comments to the current proposed license:**

- Smoking area: there should be a clear and designed smoking area on Brompton Road and not on Lancelot Place or near Lancelot Place.
- Entry or egress to the restaurant and dispersal policy: Entry or egress to the restaurant should be on Brompton Road both during the day and in the evening. Entry to the shop only should be made via the entry of Brompton Road and Lancelot place. This condition is important as we want to minimise the number of cars going via Lancelot place and Trevor Square. At the moment, cars are allowed to park on Brompton Road in front of cafe concerto and the former top shop premises in the evenings. We should ensure that this is not the case anymore so that people are not dropped off on Lancelot place.

- Deliveries: Taking into account the trouble we have with other retail and food units with early deliveries and the idling of their delivery trucks. Deliveries should not take place via the rear courtyard but should take place Brompton Road. The courtyard also multiplies the noise of the deliveries so deliveries via Lancelot place / Brompton Road would be more appropriate. The majority to the rear of the unit are Residential dwellings. The previous retail unit (Top shop) also had their deliveries via Brompton Road.
- Off sales of alcohol: Off sales of alcohol should not be permitted at all only to be consumed in the restaurant only.

On the basis of the above we object to this license application. Please do take note that there will also be additional Residences that will be affected in Lancelot Place (15 Lancelot and 3-11 Lancelot) this is a large Residential area and needs to be respected for all Residences and Residents in the close vicinity of this retail unit.

3.	<b>Policy &amp; Guidance</b>
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li> <li>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including</li> </ol>

	<p>arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for This application as defined within this policy is:</p> <p>8. <b>Restaurants:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p>
<p><b>Policy RNT1(A) applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>

#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

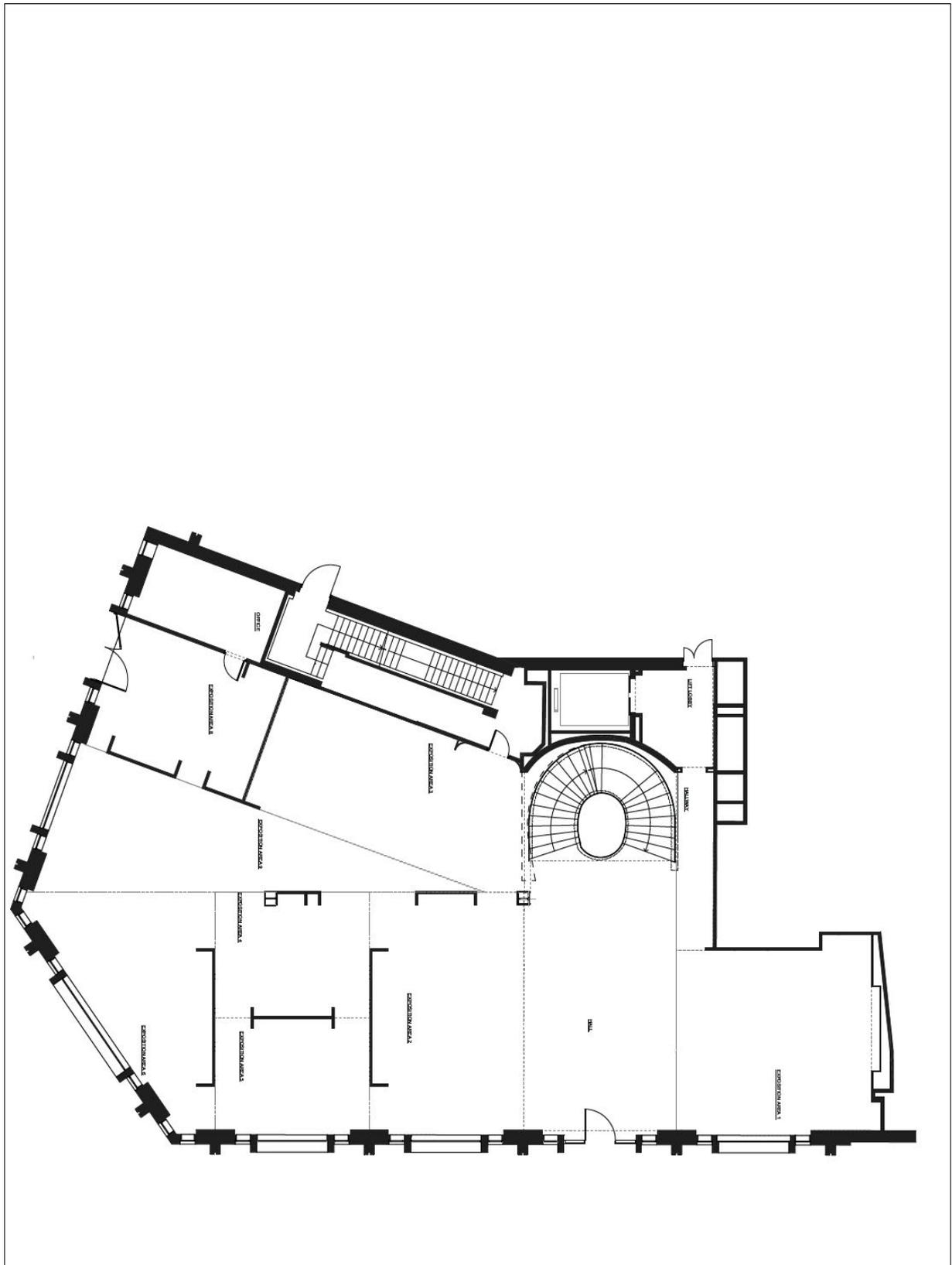
<b>5.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman
<b>Contact:</b>	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

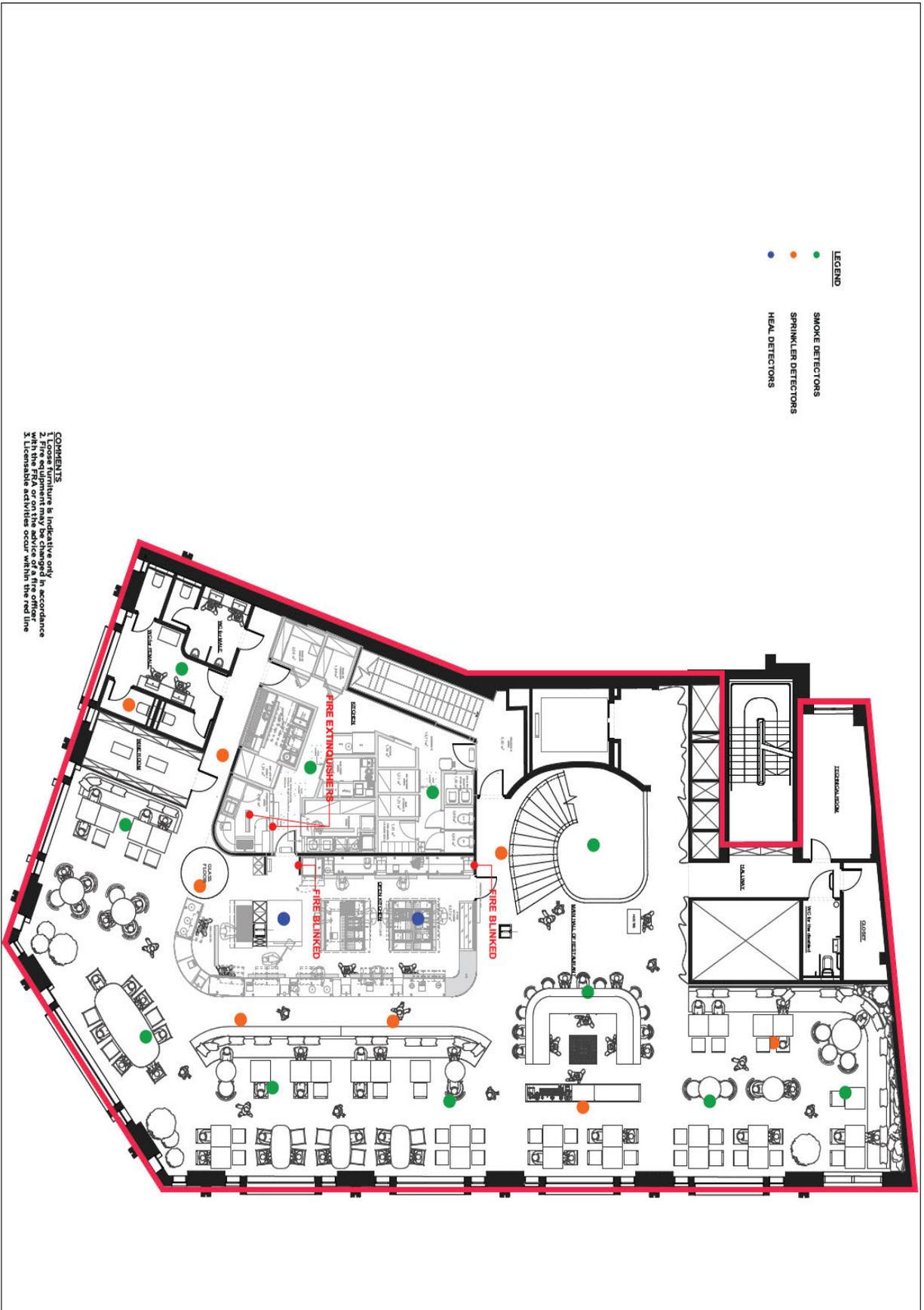
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

**Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
<b>4</b>	Environmental Health representation	28 April 2023
<b>5</b>	Interested Party representation (1)	01 May 2023
<b>6</b>	Interested Party representation (2)	27 April 2023
<b>7</b>	Interested Party representation (3)	28 April 2023
<b>8</b>	Interested Party representation (4)	28 April 2023
<b>9</b>	Interested Party representation (5)	28 April 2023
<b>10</b>	Interested Party representation (6)	30 April 2023
<b>11</b>	Interested Party representation (7)	29 April 2023
<b>12</b>	Interested Party representation (8)	28 April 2023
<b>13</b>	Interested Party representation (9)	24 April 2023
<b>14</b>	Interested Party representation (10)	24 April 2023
<b>15</b>	Interested Party representation (11)	26 April 2023
<b>16</b>	Interested Party representation (12)	24 April 2023
<b>17</b>	Interested Party representation (13)	28 April 2023
<b>18</b>	Interested Party representation (14)	28 April 2023
<b>19</b>	Interested Party representation (15)	26 April 2023
<b>20</b>	Interested Party representation (16)	28 April 2023



002	Sheet	Sheets	A2 format	23.03.2023	Ground Floor plan M 190, 1:1		Design project YDF London	
					Completed: Scrum 5	Checked: Voskoboinyk Artem		



- LEGEND**
- SMOKE DETECTORS
  - SPRINKLER DETECTORS
  - HEAT DETECTORS

**COMMENTS**

1. Changes to be indicated only
2. Fire equipment may be changed in accordance with the FRA on the advice of a fire officer
3. Licensable activities occur within the red line

<p><b>YDF DESIGN</b> Architectural interior design studio info@ydfdesign.com www.ydfdesign.com</p>	Design project YDF London		
	<p>29.03.2023</p> <p>A2 format</p> <p>Sheet Sheets</p> <p>00.4</p>	<p>First Floor plan M 1:90</p>	<p>Completed: Scrum 5</p>



18 Soho Square, London W1D 3QL

**DOMIO, 70 BROMPTON ROAD LONDON- APPLICATION FOR NEW PREMISES LICENCE- LICENSING ACT 2003**

I act for Domio Home Interiors Limited in relation to their new licence application listed for hearing on 15 June 2023.

Acting as a high-end home interior brands' ambassador, Domio showrooms represent unique collections of furniture, decor, textiles, and accessories – everything to design your dream home. By way of background, the story of the Domio Group began in 2008 with the love to the interior design of the founders Julia Danilova and Vadim Chemer who understood that interior design is not limited to design, and it has many more components. Domio has become curators and experts who carefully select collections, objects and stories filled with meaning and emotion. From a distributor of premium brands, the Domio Group has evolved into a team that creates impeccable interiors with expressive character. In 2015, Julia Danilova, co-founder of Domio, together with her partner – designer Natalia Bolshakova, founded the representative office of The Society of British and International Design (SBID Ukraine) in Ukraine. The aim of the representative office is to form a professional community of designers, architects, creators, to increase the value of design and architecture in Ukraine, as well as to represent Ukrainian interior designers in the international arena. One of the main missions of the Community is to help young professionals in Ukraine expand the horizon of their professional activities. Another of Domio's initiative is the launch of the international magazine ELLE Decoration in Ukraine in cooperation with the publishing house HS Ukraine, which also owns ELLE, Harper's Bazaar, Cosmopolitan. Julia Danilova acts as a guest editor at ELLE Decoration Ukraine magazine. In 2020, Domio Group became a design partner of the Ukrainian office of Sotheby's International Realty, world leader in real estate. By joining forces with this strong brand the Domio Group is preparing unique projects in the field of real estate and interiors.

As an initial statement for this application, we agree with the residents who have written in, that the subject site is important in the area; and this is precisely the reason why Domio has taken on the site.

The site sits within the City of Westminster and at the edge of the borough, with properties on the southeast side of Brompton Road falling within Royal Borough of Kensington and Chelsea. The site comprises of a 7 storey modern building, which houses commercial offices on the top floors. The most recent occupier of the retail space was Topshop and Topman. The site is located on the commercial Brompton Road. The site is located opposite Harrods.

In terms of planning, The Westminster City Plan 2019 – 2040 (adopted April 2021) Policies Map confirms the Site is allocated as being within the Central Activities Zone and Knightsbridge Town Centre.

In terms of licensing the premises are not located within any cumulative impact or special consideration zone therefore the main policy considerations are RTN1 and HRS1. This policy recognises that applications must demonstrate that the proposals meet the relevant criteria in policies CD1, PS1, PN1 and CH1 with regard to operational conditions. Such conditions must also address the later opening hours especially with regard to PN1 and CD1. There is no policy requirement to demonstrate that the premises will add to cumulative impact in the area.

The premises being sought to be licensed is a first floor restaurant. The applicant has taken a long lease for the basement, ground and first floors. A complete fit out of the premises will be carried out at a substantial cost to include kitchen equipment, ventilation and decoration that needs to be carried out.

There are 2 floors of showroom (ground and basement) and then a first floor of restaurant space, however the restaurant is part of the interior design business and will be designed with their furniture and furnishings. So for example, if you like the plates/ cutlery in the restaurant- you can buy it etc. If you like the dining room table but want it in a different colour, that can be done too. It is essentially showing a Domio kitchen/dining rooms etc- showcasing their furniture and interior design in practice. This style therefore provides a unique full experience to customers.

The operation of the first-floor restaurant shall remain ancillary to the main operation of the premises as a retail interior design showroom (Domio). This is conditioned and the proposed condition reads: "The operation of the first-floor restaurant shall remain ancillary to the operation of the premises as a retail interior design showroom"

The restaurant is a fine dining Italian restaurant concept to fit in with the furniture/interior design business- as the majority of their furniture comes from Italy. The food concept is from L'Alba. The chef will prepares fish and seafood, fresh vegetables, omelettes, and salads. The restaurant's cuisine is traditional and Mediterranean. All products are fresh and quality to make homemade dishes.

L'Alba gives the visitor a clear sense of the atmosphere of the Apennine Peninsula. When creating the concept of the restaurant space, the team was inspired by the coasts of Amalfi and Capri: their sea, rocks and lush greenery. Here guests will immerse themselves in an interior filled with orange and lemon trees of the same varieties that grow in southern Italy. Surrounded by cobalt blue seas, Capri is known for its rugged cliff-lined coastline. The Faraglioni, three rocky peaks near the island, inspired the architects to use chipped travertine as the central stone in the interior. Travertine, as a natural material, also carries the rich history of Italy. Within the walls of the L'Alba restaurant, guests can experience the atmosphere of sun-drenched sand.

One of the main tasks of L'Alba is to enable its guest, just by opening the restaurant door, to teleport from London to sunny Italy. Amalfi and Capri are some of the most popular holiday destinations, and arrival in this fairy tale begins with an atmospheric boat trip. Therefore, the designers went deeper and used elements of the yacht in the architecture of the space: deck masonry on the floor, smoothed shapes and corners, glossy veneer, and an abundance of

leather. Each element of the restaurant's interior design is thought out to the smallest detail and fulfils its function of transforming the space into a whole region. Delving into the history and seizing the opportunity to immerse visitors in the atmosphere of the coast, the team also added a distinctive element of a sailing ship, namely, a ceiling draped in light fabric. Such a decision will soften the rough travertine and emphasize the smooth lines of the architecture.

The licence holder is the interior design business, Domio Home Interiors Limited, and the dps will be a personal licence holder from Domio's business (for the application the DPS has been specified as Julia Danilova, who is a director of the Domio but that will change prior to opening to a person involved in the operation once hired). It is important to the applicant that they keep control of the entire concept/business, however they will benefit from the operator's (L'Alba's knowledge and experience in delivering high quality food. They also benefit from consulting advice in setting up the restaurant business which is a sensible option.

Having said all of the above, it is hopefully agreed that the concept for the site is well in keeping with the Knightsbridge shopping area and the high end brands on offer there.

The applicant is seeking core hours for the restaurant operation.

The applicant carried out pre-application advice with Ian Watson, Environmental Health. A copy of the pre-application report is attached for information.

The Police have made no objection to the application.

There are numerous residential objections. Prior to lodging the application the applicant contacted and held a residents meeting with some local residents associations. They were kind enough to also invite some other residents to attend. We were able to discuss the application proposed in a positive light and the applicant is grateful for this opportunity.

The representations from the residents are similar in their concerns and we set out below some replies to their questions/concerns

1. Dispersal policy- it has been requested by some that the dispersal policy be subject to a periodic review. The applicant agrees and can suggest that the condition be reworded from " A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council" to "A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council. All necessary staff, including security shall be trained on the contents and implementation of the dispersal policy. The dispersal policy shall be reviewed regularly, at least annually, or whenever a complaint is received (whichever is the earlier) and thereafter amended if needed to respond to such complaint."
2. Capacity- the capacity will be agreed with Environmental Health when they sign off on the works. However we agree that an upper limit on the capacity will be helpful and can suggest that the condition be reworded from "No licensable activities shall take at

the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined” to “No licensable activities shall take at the premises until the capacity of the first floor premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. The capacity of the first floor shall not be more than 125 (excluding staff)”

3. Smoking area- nearly all residents have suggested than any smoking by patrons of the restaurant occur on Brompton Road. We agree with this and can suggest a condition “Smoking will only be permitted in a designated area on Brompton Road, such designated area shall not be adjacent to, or in the immediate vicinity of Lancelot Place.”
4. Entry/Egress- as the plans show, there are 2 main doors, one on the corner and one onto Brompton Rd directly. Both doors will be used during the day as we would not want to restrict that for customers shopping and we want customers from the showroom to use the restaurant so we cannot separate the uses.

There are 2 conditions proposed in respect of doors “All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.” And “The external doors directly onto Brompton Road shall be kept closed after 22.00 hours daily except for the immediate access and egress of persons.” Having read the representations we are able to bring the time for the doors to be closed to 20.00 as requested by some residents. This would mean the above conditions would be amended to “All windows and external doors shall be kept closed after (20:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.” And “The external doors directly onto Brompton Road shall be kept closed after 20.00 hours daily except for the immediate access and egress of persons.” We appreciate there is some duplication in the wording of these conditions, however, would leave this to Members to consider.

We further note that some residents would like a limitation placed on what doors that patrons leaving the restaurant would leave from. Having considered this we would suggest a new condition that: “Dispersal from the first floor restaurant after 21:00 will be via the doors leading directly onto Brompton Road (not the corner doors)”. This is the logical way to leave as those doors are opposite the spiral staircase that leads up/from the restaurant floor.

5. Limitation of use- We confirm there is already a proposed condition that licensable activities are limited to the first floor and that the restaurant is ancillary to the use of the other floors as a showroom, as suggested by Environmental Health
6. Delivery and Rubbish- We confirm that the premises licence shall deal with restaurant deliveries and waste only. Following the meeting with some residents the applicant

was able to alter their initial proposal for waste and deliveries and they changed the delivery/rubbish times to an earlier time (8pm and not 11pm)

7. Restaurant operation- the premises are food-led, not only by the actual intended operation but also by the conditions proposed. MC 66 has been proposed in line with Westminster's model conditions.
8. Extraction/Exhaust/Flu etc- Some residents have raised comments about this. We have taken the view that the positioning of extract etc is a planning matter and a planning application will be made to deal with this. We do however confirm that this will be high level extract. We can also suggest, to try and give some comfort to residents, that the following model condition be added to the proposed conditions: "No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated."
9. Off Sales/deliveries- This is not a core part of the business and would not be offered until some months after opening, after the restaurant has achieved operational efficiency but as we have seen, especially during Covid and post Covid, this request is important for restaurants now generally to increase revenue and service patrons and so this request is in line with the other restaurants. The applicant has however considered residents comments and would propose the following additional conditions to be added to its operating schedule to ensure this offering is well regulated and controlled
  - A) Deliveries of food shall only be made to a bonafide residential or business addresses
  - B) The premises Licence Holder shall ensure that riders/drivers will be instructed not to loiter in the vicinity of residential premises.
  - C) The premises Licence Holder shall ensure that riders/drivers will not be permitted to congregate in the immediate vicinity of the premises.
  - D) The premises Licence Holder shall ensure that riders/drivers will not be permitted to smoke in the immediate vicinity of the premises
  - E) Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licenced premises
10. Outside seating- we confirm there will be no outside seating for the licensed premises

On some other points:

1. the applicant notes the premises are a commercial building and a usage needs to be put into play. The option is to have the building empty with little care going to its appearance on a busy shopping high street.
2. The applicant notes, as other residents will, and the licensing pre application report shows, that a previous application, by a different operator, for this site as a restaurant/bar was refused by Members in 2021. However by comparison this application is tied into a retail usage, for considerably less capacity (the

application in 2021 was for 350 patrons). We also re-iterate that the licensed premises is on the first floor, so the immediate view into the site is for a retail usage. Further, the footprint is 1/3 less, over 1 floor only. This application will clearly be dealt with on its own merits.

3. The site has a Public Transport Accessibility Level ("PTAL") of 6a representing a high level of public transport accessibility.
4. As Environmental Health confirm in their pre-application report there have been no complaints of nuisance for neighbouring premises:
  - Zuma, 5 Raphael Street, SW7. No complaints in last 5 years regarding nuisance. Historic complaints concerning deliveries to yard area.
  - Caffe Concerto, 78 Brompton Road, SW3. Single complaint last year regarding external tables and chairs, investigated and not substantiated.
  - Signor Sassi, 13-14 Knightsbridge Green, SW1 No recent complaints.
5. With the additional conditions proposed, the applicant is proposing 42 operational conditions dealing with policy considerations and all of the licensing objectives. The conditions fully dictate how the premises can operate. The premises cannot become a bar, club, sev venue or the like. Food sales must be the primary focus of the first floor restaurant (by MC66 proposed condition) and further the restaurant must be an ancillary to the showroom operation.
6. This application proposes, in its operating schedule a myriad of up to date and enforceable conditions restricting the trade and promoting the licensing objectives to ensure moving forward the venue is not adding to any concerns in the neighbouring areas.
7. Given the nature of the premises, and the absence of any Police representation, crime and disorder is not a concern for this operation
8. Whilst not located in any CIZ or SCZ in respect of incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault, we rely on the style of operation. Fine dining restaurants have minimal call outs for all of these concerns. WCC policy recognises restaurants normally represent a low risk to the licensing objectives if sufficient conditions and controls are in place. We would submit the 42 proposed conditions are adequate controls
9. There will be CCTV at the premises.
10. There will be high service levels at the premises
11. The premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council



Office Name: Ian Watson  
Designation: Senior Practitioner EH  
Licensing  
Date: 12<sup>th</sup> October 2022  
Contact number:  
Email: iwatson@westminster.gov.uk  
Signed: Ian Watson  
Uniform Ref Number: 22/08910/PREAPM

Trading name of business and Address: 70 Brompton Road, SW3 1ER		
Reference Number if Applicable: 22/08910/PREAPM		
Licence: No	Applicant/solicitor: Lana Tricker LTLaw	CIZ/SCZ Area: No
Proposed Business: Restaurant		
Proposed Licensed Areas: First Floor		
Proposed Licensed Activities: Supply of Alcohol, Late-Night Refreshment		
<b>Pre application advice purpose:</b> To assess the premises for a new licence regarding licensing hours, activities, capacity and conditions.		
<b>Background to application:</b> The premises are currently empty but previously operated as a Top Shop store. New owner is seeking a Premises Licence and will carry out a major refurbishment to establish a retail interior design showroom on the ground floor with a restaurant on the first floor. Advise on policy considerations, capacity and safety.		
Inspection carried out by Ian Watson (Senior Practitioner Environmental Health (Licensing)).		
<b>Means of Escape</b>		
Ground Floor - The current ground floor proposal details three exit routes. The main entrance/exit, an alternative to the front of the premises direct onto Brompton Road and a rear alternative. These escapes will need to be retained to ensure suitable provision for the proposed use.		
First Floor - The first floor is accessed by a large open circulation staircase and a single protected secondary means of escape down to ground floor level, escaping to street. For a proposed capacity of circa 140 persons then a second protected escape would be required. It is advised to open up a second protected route into the landlord's staircase that serves the upper floors. All secondary escapes must be readily accessed from the public area and not through a risk area like a kitchen. The clear widths of the secondary escapes should not be less than the escape staircases that they would be escaping onto. This would then achieve the maximum capacity based on escape provision and allow greater flexibility of use.		
It is advised that a fire strategy is provided to justify the proposed capacity to this floor and confirmed with your building control provider that they are content for the accommodation staircase to be considered for means of escape purposes as it is not protected at any level but open throughout.		

You are advised that the maximum travel distance to any means of escape is 18m in a single direction and escape routes should be designed accordingly.

### **Additional Safety Comments**

- All fire doors protecting exit routes should be provided with intumescent strips and smoke seals, three hinges and self-closing devices and generally comply with the relevant provisions of Table B1 of Approved Document B.
- Suitable primary and secondary lighting should be provided throughout, and this should include all changes of level and key staff areas such as fire alarm panel location.
- The fire alarm system should include suitable cut offs of any music and other entertainment systems and our recommendation would be that the alarm system is a minimum L2 coverage standard if being updated.
- Any gaps/openings to the balustrading on site or any gaps between the edges of barriers and pillars/staircases or similar elements should not allow a sphere of 100mm to pass through.
- Contrasting nosing's should be provided to all staircases and particular attention is drawn to the core evacuation staircases.
- Every escape route (other than those in ordinary use) should be marked by emergency exit signs complying with BS 5499: Part 1 and these will be located in accordance with the recommendations of BS 5499: Part 4.
- A cause and effect for the fire alarm system and any fire curtains should be produced for consideration and this should include suitable cut offs of the music and other entertainment systems.
- Level of fire alarm detection to be considered and it is recommended that system is in line with BS 5839 Part 1 2002 Category L1/L2 protection to allow maximum flexibility with capacity calculations.
- All protected exit routes to be provided with 30 minutes fire separation to other parts of the premises. The existing areas of penetration to other floors should be appropriately fire stopped/rated.
- Full details of the emergency lighting scheme should be provided and we would expect the system to be in line with BS 5266.
- Lighting to all public areas should be under management control.

### **Disabled Evacuation**

The operator will need to set out a method statement covering the disabled evacuation for the premises and the use of any evacuation chairs as required.

We have detailed below some advisory notes on disabled evacuation from the RRO guidance to assist as it may be possible to use certain lifts in an emergency under management control.

Below are a number of paragraphs lifted from guidance documents, which may be useful for consideration when establishing a robust Disabled Evacuation Plan.

## **BS 8300 - 8.3.4 Lifts for emergency evacuation**

Lifts that are provided to evacuate disabled people in an emergency, whether fire-fighting lifts or evacuation lifts, should conform to the relevant recommendations in BS 9999.

NOTE 1: Lifts can be used to assist in the evacuation of disabled building users if they are encased within a fire-protected shaft and have their own independent electrical supply, control panel and other features described in BS 9999.

NOTE 2: Lifts not designed for evacuation can be used for evacuation in certain circumstances, provided a fire risk assessment has evaluated that the lift is able to function as an evacuation lift (see BS 9999).

NOTE 3: Guidance on fire safety risk assessments for a variety of building types is available from the Department for Communities and Local Government.

NOTE 4: BS 9999 refers to BS EN 81-72 for fire-fighting lifts.

## **HM Government Fire Risk Assessment-Theatres, Cinemas and similar premises document**

If disabled people are going to be in your premises then you must also provide a safe means for them to leave if there is a fire. You and your staff should be aware that disabled people may not react, or can react differently, to a fire warning or a fire. You should give similar consideration to others with special needs such as parents with young children or the elderly.

Where staged alarms are being used, disabled people should be alerted on the first stage to give them the maximum time to escape or move to a refuge, and to implement evacuation procedures involving your staff. If you have well-protected refuges and appropriate management procedures, you may wish to delay the evacuation of non-ambulant people from certain areas until after the able bodied have left since the total evacuation time may be reduced if the disabled people are likely to impede the speed of the able-bodied evacuees.

A refuge is a place of reasonable safety in which disabled people can wait either for an evacuation lift or for assistance up or down stairs. Disabled people should not be left alone in a refuge area whilst waiting for assistance with evacuation from the building. Depending on the design and fire resistance of other elements, a refuge could be a lobby, corridor, part of a public area or stairway, or an open space such as a balcony or similar place, which is sufficiently protected (or remote) from any fire risk and provided with its own means of escape and a means of communication.

Normal lifts may be considered suitable for fire evacuation purposes, subject to an adequate fire risk assessment and development of a suitable fire safety strategy by a competent person.

Enough escape routes should always be available for use by disabled people. This does not mean that every exit will need to be adapted. Staff should be aware of routes suitable for disabled people so that they can direct and help people accordingly.

## **General points for Consideration**

### **Doors**

To clarify the width of a doorway on the means of escape routes is the clear width measured between the leaves (or, if a single door, the leaf and the frame or doorstep) of the doors when open at right angles to the frame. Door hardware may be ignored if the door opens more than 90 degrees to the frame. Doorways should be not less than 2060mm high except that the height may be reduced to 1960mm in existing buildings. Curtains or drapes should never be hung across doors or escape routes within any of the licensable areas as this could impede any evacuation.

### **Double Swing Doors and Doors Across Corridors**

Double swing doors, doors across corridors and doors that may cause an obstruction should be fitted with safety glass vision panels with zones of visibility between 500mm and 1500mm from the floor. Fire resisting safety glass panels should be fitted in fire doors to the same level of fire resistance as the door itself.

### **Thresholds**

No door should open immediately over or onto a step. A single step on the line of a doorway is not acceptable. A landing at least as wide as the door and at least as long as the width of the door plus 400mm, should be provided between the door and the first step of any stair.

There should be no upstand or threshold bar across any doorway or escape route, other than a chamfered weather bar or threshold seal for sound insulation protruding a maximum of 6mm and arranged so as not to cause a trip hazard.

### **Door fastenings**

All exit doors should be free from fastenings when public, entertainers or staff are present or have fastenings that may be readily opened in emergency without using both hands or a key to open the door.

Note 1: This does not preclude the use of a key to open the door from the outside.

Note 2: Any removable devices, such as locks, bolts, chains or padlocks, used to improve security must be removed before the premises are occupied. A door alarm system is preferable to removable security devices where possible.

Where there may be more than 60 people, any fastenings on doors should be panic bolts or panic latches operated by push bars complying with BS EN 1125.

If a room holds less than 60 people, push pads or lever handles complying with BS EN 179 are acceptable. The use of latches operated by lever handles should be avoided in public areas. Round knobs should not be used as they could be difficult to operate.

Any door furniture should be fitted between 800mm and 1200mm above floor level and should provide visual contrast with the surface of the doors. To avoid confusion push plates should usually be fitted for pushing doors and handles to pull doors.

## **Lighting**

The premises should have an adequate supply of both normal and emergency and each system should be sufficient to enable the public, performers and staff to see their way to move around the premises safely and to escape from the premises.

Adequate emergency lighting in addition to sufficient normal lighting should be provided so that all parts of the premises including toilets and internal and external exit routes leading to the street are illuminated. All emergency lighting should comply with BS 5266: Parts, 1, 7 & 8.

Both supplies of lighting should be independently capable of providing the recommended minimum illuminance. However, whilst both normal and emergency supplies are functioning properly, either or both supplies may operate at a reduced level so long as the minimum recommended illuminance is provided. In the event of the failure of either supply the remaining supply should be automatically restored to full illuminance.

The lighting and emergency lighting circuits should not normally be switched off by the operation of any RCD. The lighting should be operated by an automatic switching system or remain on when the public are present. Light switches should preferably not be installed in public areas such as the event space but if so installed should be key-operated or otherwise protected from unauthorised operation.

Maintained emergency lighting (that is operating whenever the premises are occupied) should be installed where the normal lighting may be dimmed. Where non-maintained emergency lighting is installed, it should come into operation on the failure of the local normal lighting circuit forming part of the normal lighting.

Lighting fittings should be fixed at least 2100mm above floor level or pitch line of stairs. Suspended fittings, other than small lamp pendants, should be provided with suitable means of suspension independent of the electric cable. Heavy fittings should be rigidly fixed or be provided with two non-combustible independent means of suspension.

## **Communication**

Adequate communication is needed throughout the premises. Where noise levels are loud communications systems such as a public address system may be needed especially in emergency as there are emergencies where the fire system does not suffice. Consideration should be given to the type and style of operation proposed and the type of entertainment available as this will help inform any decisions made regarding communication systems. In some circumstances a duty manager, equipped with two-way communication with designated members of staff is sufficient.

## **Exit Signage**

All exit routes should be suitably signed, with particular attention drawn to the need for signage throughout the large ground floor space.

## **Protected Exit Routes**

All protected exit routes should be provided with 30 minutes fire separation to other parts of the premises or as detailed in the Fire Strategy.

All Fire doors protecting escape routes should be provided with intumescent strips and smoke seals and all fire doors will comply with the relevant provisions of Table B1 of ADB.

Every escape route (other than those in ordinary use) should be marked by emergency exit signs complying with BS 5499: Part 1 and these will be located in accordance with the recommendations of BS 5499: Part 4

In addition, the normal works condition and plans change condition should be attached to the application.

The above list is not exhaustive but details some of the key considerations for the proposed use of the space. It is also advised that a final clearance inspection should take place prior to any use under the licence.

## **Proposed Hours of Operation.**

### **Supply of Alcohol 'On' and 'Off' the premises.**

Monday to Thursday 09.00 to 23.30 hours

Friday and Saturday 09.00 to 00.00 hours

Sunday 09.00 to 22.30 hours

Sunday before a Bank Holiday Monday 09.00 to 00.00 hours

New Year's Eve to New Year's Day

### **Late Night Refreshment 'Indoors'**

Monday to Thursday 23.00 to 23.30 hours

Friday and Saturday 23.00 to 00.00 hours

Sunday before a Bank Holiday Monday 09.00 to 00.00 hours

New Year's Eve to New Year's Day

### **Opening hours**

Monday to Thursday 09.00 to 00.00 hours

Friday and Saturday 09.00 to 00.30 hours

Sunday 09.00 to 23.00 hours

Sunday before a Bank Holiday Monday 09.00 to 00.30 hours

New Year's Eve to New Year's Day

### **Licensing Policy:**

The premises are not located within any cumulative impact or special consideration zone therefore the main policy considerations are RTN1 and HRS1.

This policy recognise that applications must demonstrate that the proposals meet the relevant criteria in policies CD1, PS1, PN1 and CH1 with regard to operational conditions. Such conditions must also

address the later opening hours especially with regard to PN1 and CD1.

There is no policy requirement to demonstrate that the premises will add to cumulative impact in the area.

The proposed hours of operation are in line with the core hours policy but conditions are proposed that reflect the operation of a restaurant. Consideration should be had for any residents in the area who may be impacted by the operation, the proposed capacity of the premises, waste management and the times customers and staff will be leaving the premises.

The premises are in an area of heavy residential use and therefore, it is advised that both a dispersal policy and smoking policy are drawn up to show that the premises have arrangements in place to minimise nuisance from the activities.

A previous application for this site, 21/07425/LIPN, seeking later hours and different uses received a large number of objections from residents and residential groups and was refused at licensing committee.

An application 12/01133/LIPN was granted at committee for slightly shorter hours with residential objections.

### **Public Toilet Provision**

The proposed capacity of 140 persons would require the following number of toilets for both male and female customers.

3 WC's female

1 WC plus 2 urinals male.

1 disabled WC.

Separate staff facilities should be provided and 1 WC per sex is recommended.

### **Nuisance**

A check on complaints against licensed premises in the locality.

Zuma, 5 Raphael Street, SW7. No complaints in last 5 years regarding nuisance. Historic complaints concerning deliveries to yard area.

Caffe Concerto, 78 Brompton Road, SW3. Single complaint last year regarding external tables and chairs, investigated and not substantiated.

Signor Sassi, 13-14 Knightsbridge Green, SW1 No recent complaints.

### **Licensing Position:**

Conditions proposed to address the licensing objectives.

- The premises shall only operate as a restaurant,
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - (iv) which do not provide any takeaway service of food or drink for immediate consumption off

the premises,

(v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

- Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- The operation of the first-floor restaurant shall remain ancillary to the operation of the premises as a retail interior design showroom.
- All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
- There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours except for resealed part consumed bottles of wine.
- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, military ID card, passport or proof of age card with the PASS Hologram.
- Patrons permitted to temporarily leave and then re-enter the premises at ground floor level, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received regarding crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system

(f) any refusal of the sale of alcohol

(g) any visit by a relevant authority or emergency service

- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- The external doors directly onto Brompton Road shall be kept closed after 22.00 hours daily except for the immediate access and egress of persons.
- The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
- All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
- No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
- No licensable activities shall take place until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
- No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
- Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

To consider if concerns are raised.

- A direct telephone number for the duty manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

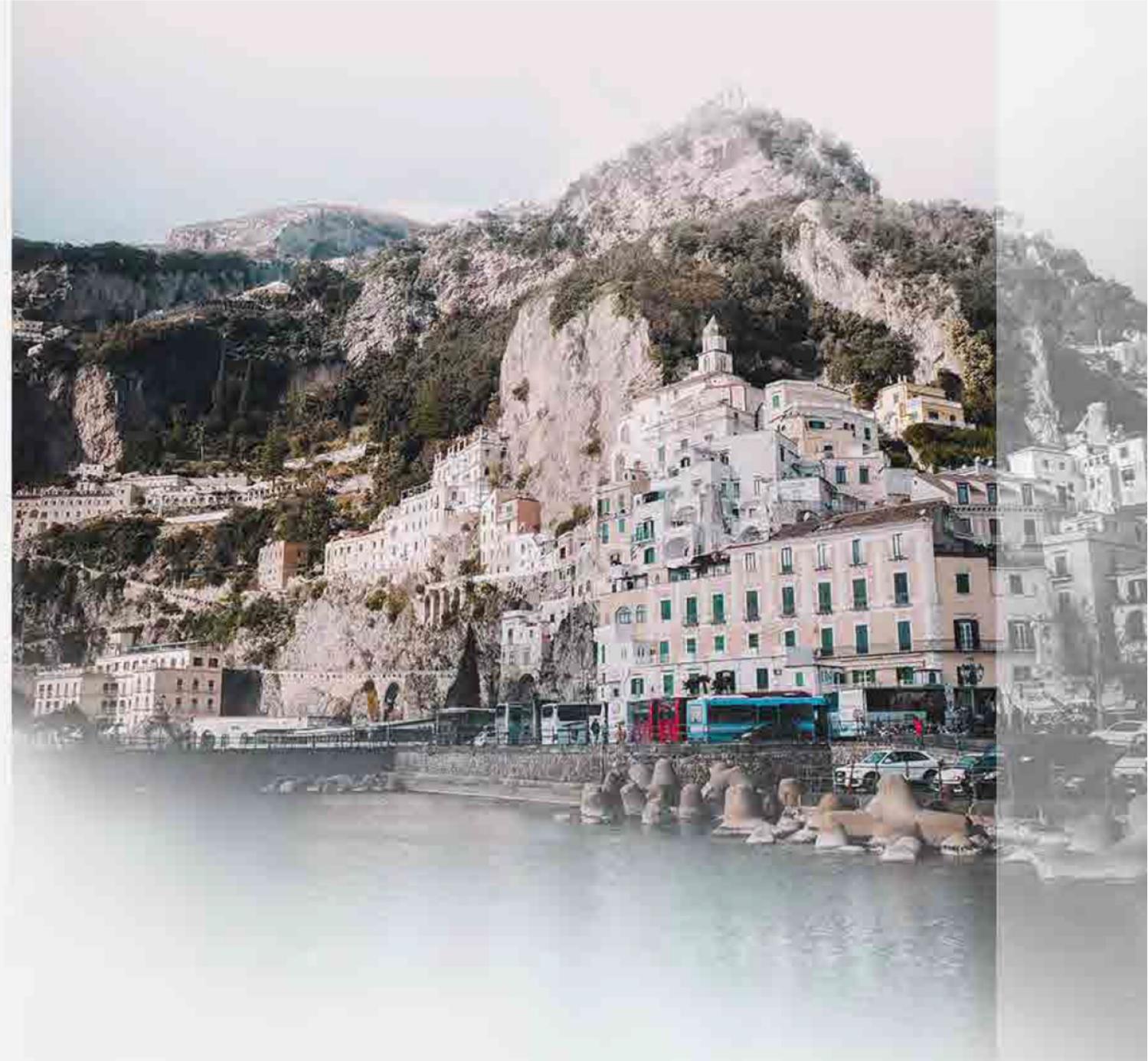
### **Conclusion**

The new application should reflect the overall operation of the premises supported by model and unique conditions to address the licensing objectives and policy concerns. Any smoking area should be positioned so as not to impact on any adjacent premises or residential amenity. The licensing objectives of Public Safety, Prevention of Public Nuisance and Crime and Disorder are addressed with model conditions and these should satisfy the responsible authorities. Additional conditions might be proposed to address any concerns from residents.

As part of the application process it is advised that the other responsible authorities will also need to assess the proposals and may wish to make additional comments.

**Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.**

2023



YODEZEEN  
Architectural and interior design studio

L'ALBA

RESTAURANT

# INSPIRATION

## COLOUR

# 03



# INSPIRATION

## COLOUR



**PANTONE**  
7746



**PANTONE**  
536



**PANTONE**  
281



# INSPIRATION

## APENNINE PENINSULA REGION



# INSPIRATION

## APENNINE PENINSULA REGION



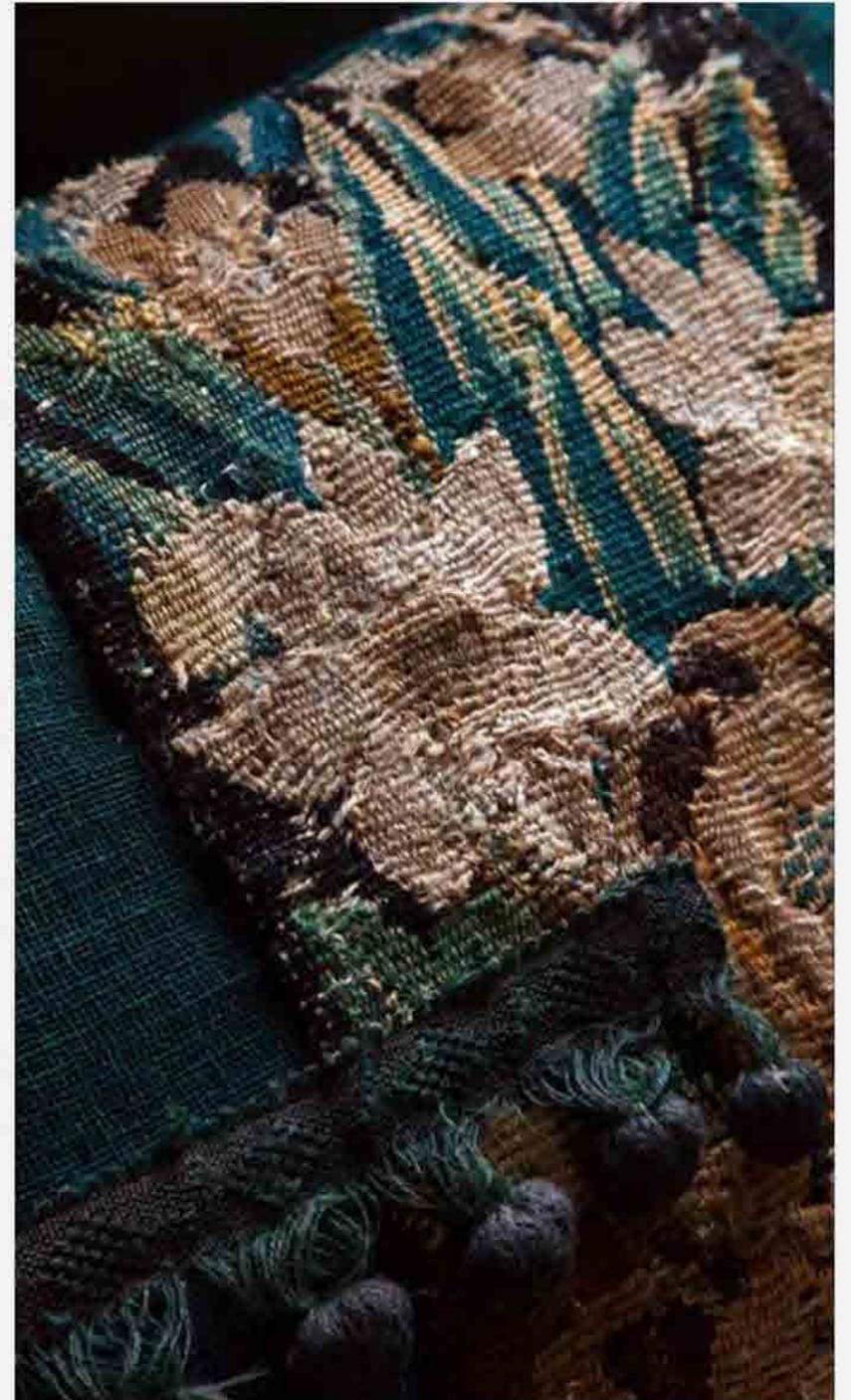
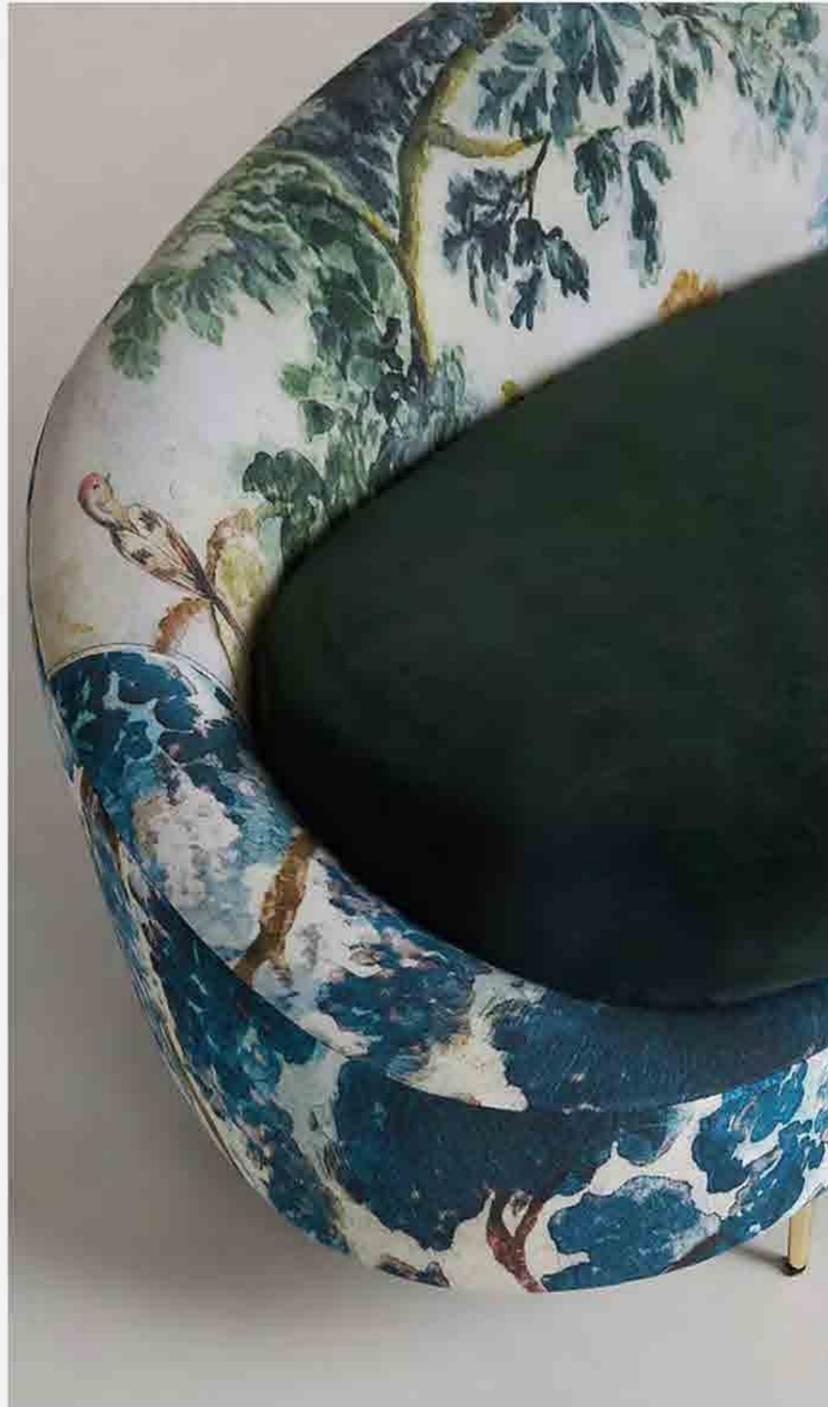
# INSPIRATION

## APENNINE PENINSULA REGION



# INSPIRATION

APENNINE  
PENINSULA REGION



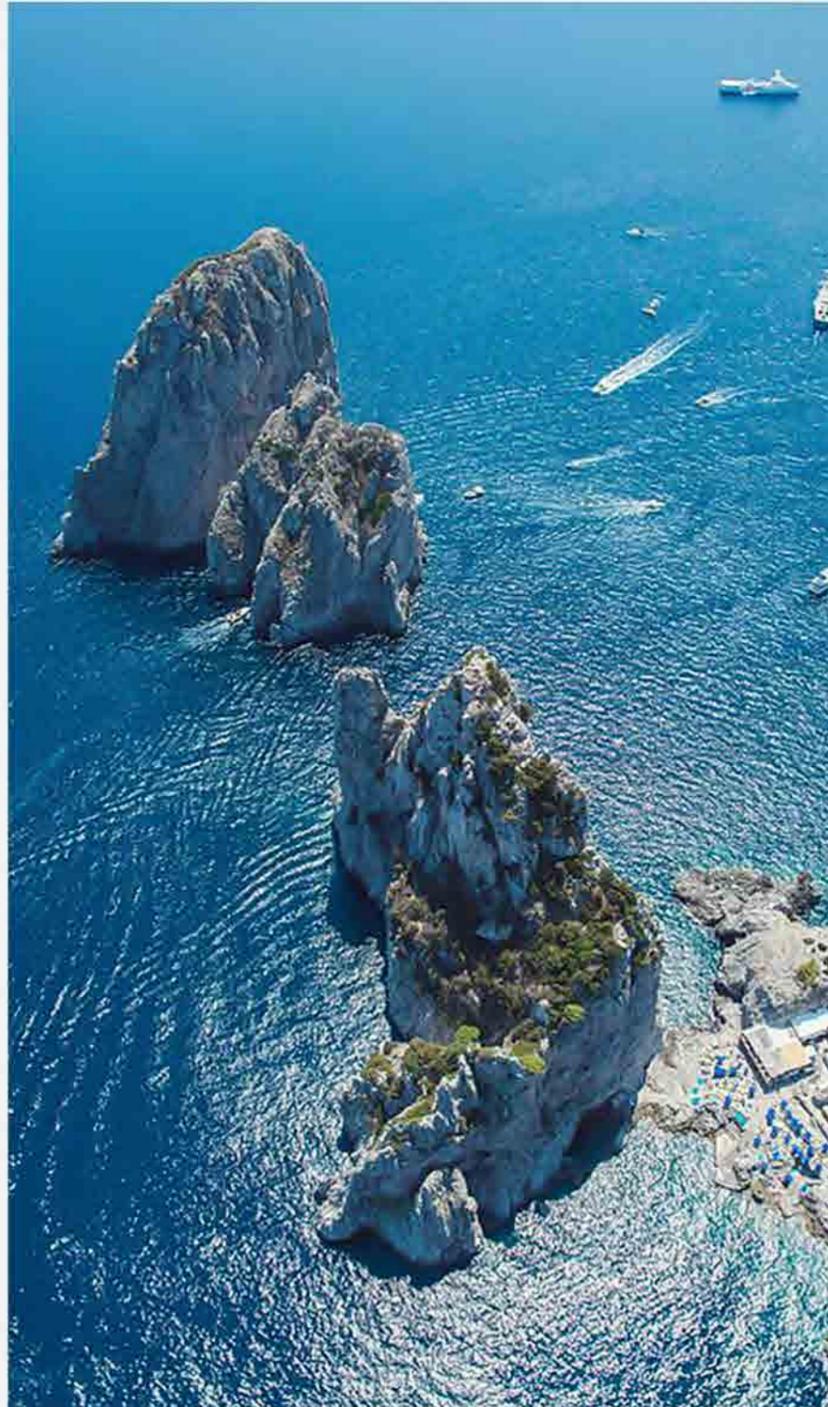
# INSPIRATION

## MATERIALS



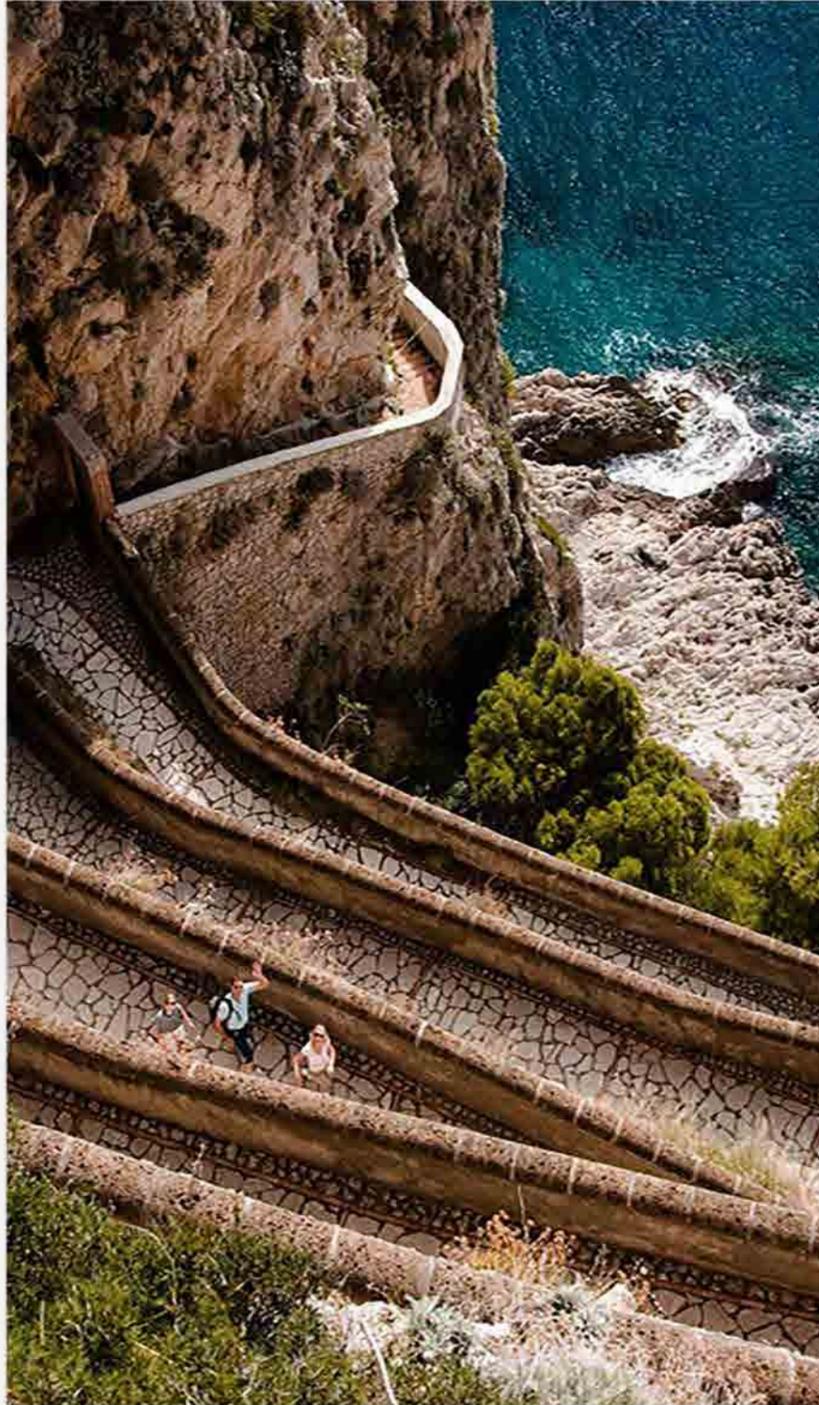
# INSPIRATION

## MATERIALS



# INSPIRATION

## MATERIALS



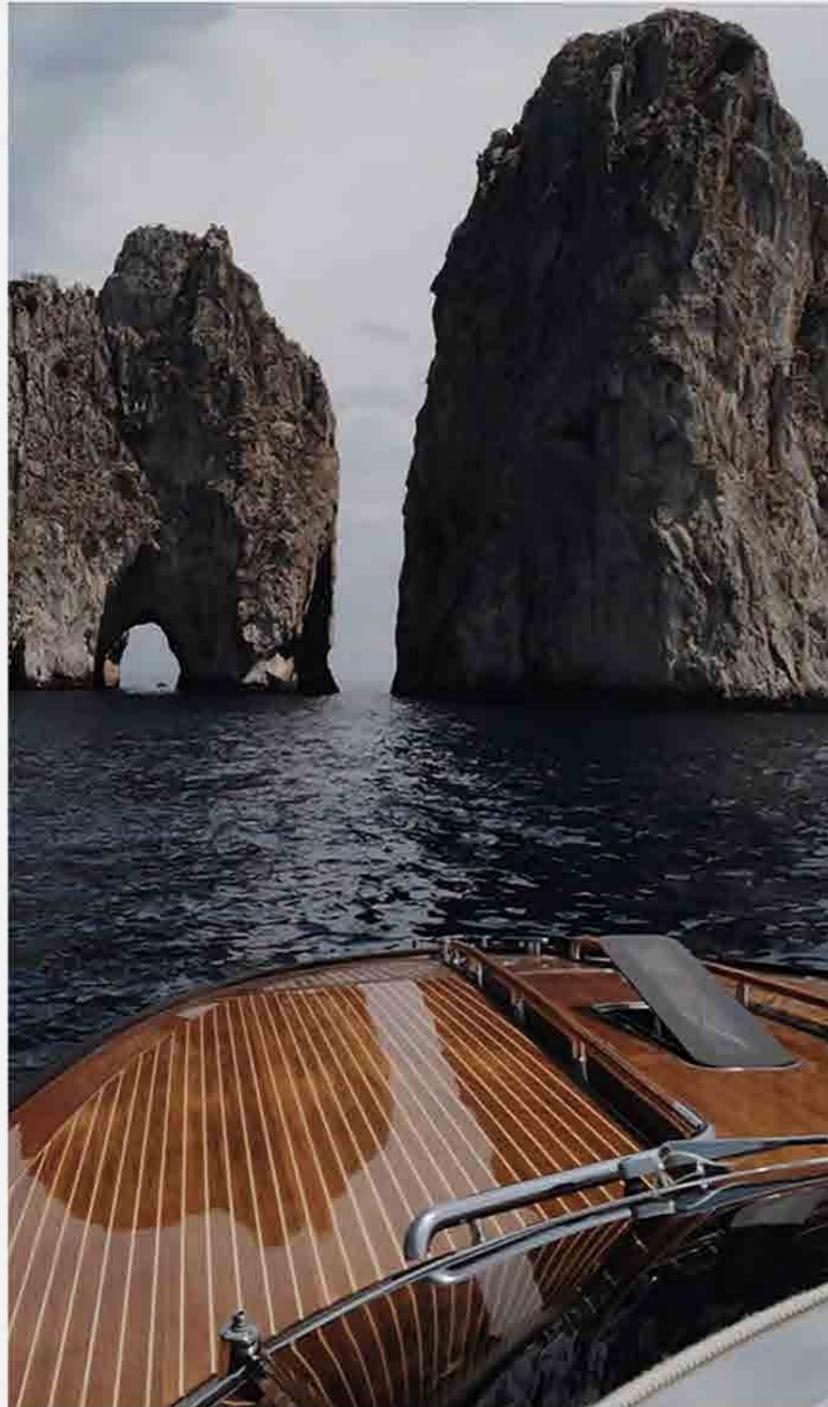
# INSPIRATION

## MOOD



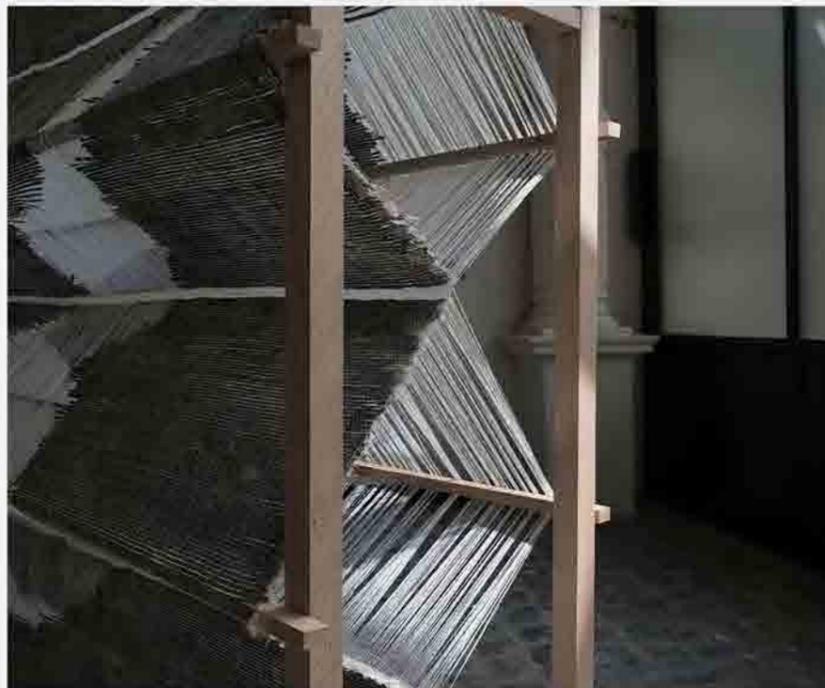
# INSPIRATION

## MOOD



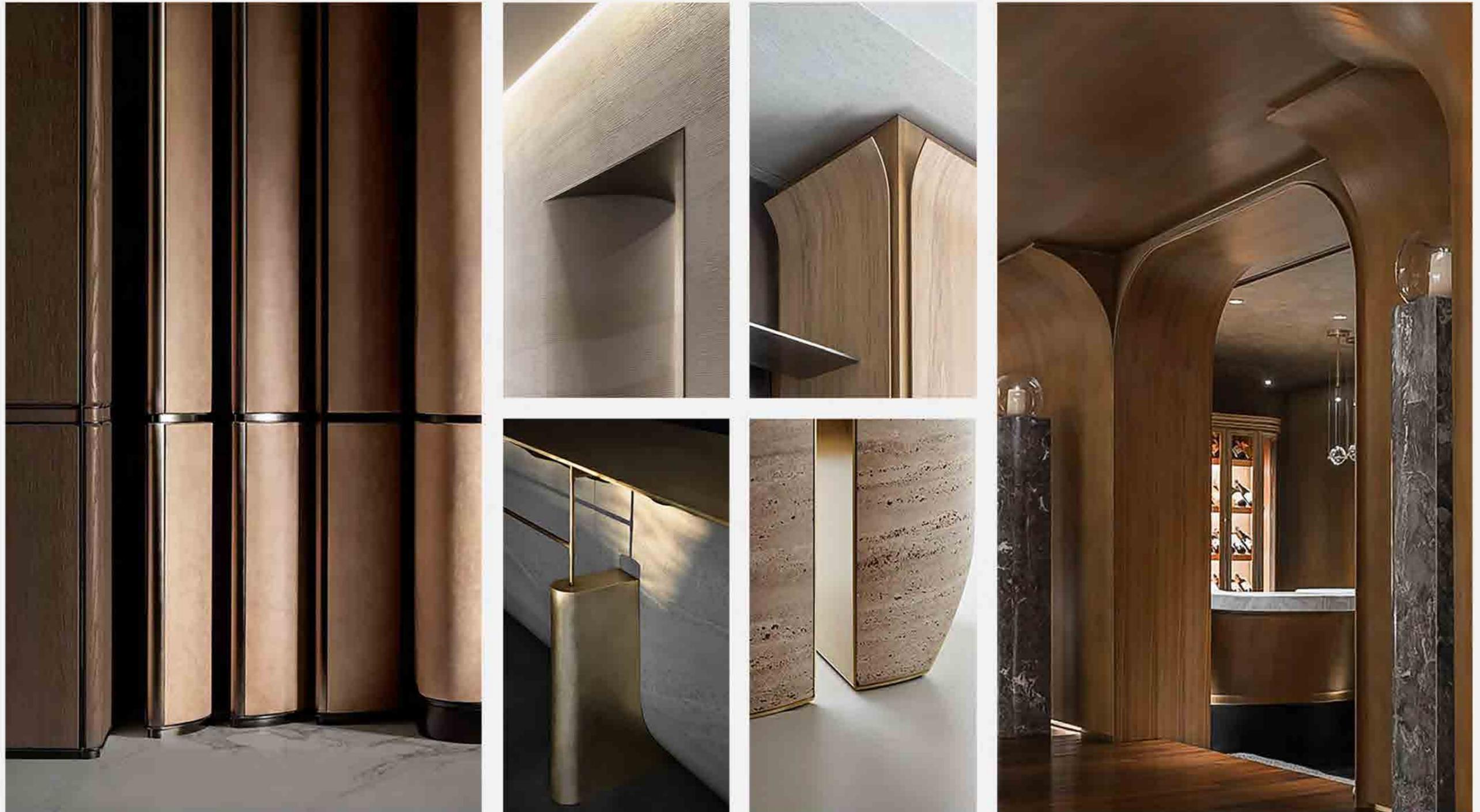
# INSPIRATION

## MATERIALS



# INSPIRATION

## DETAILS



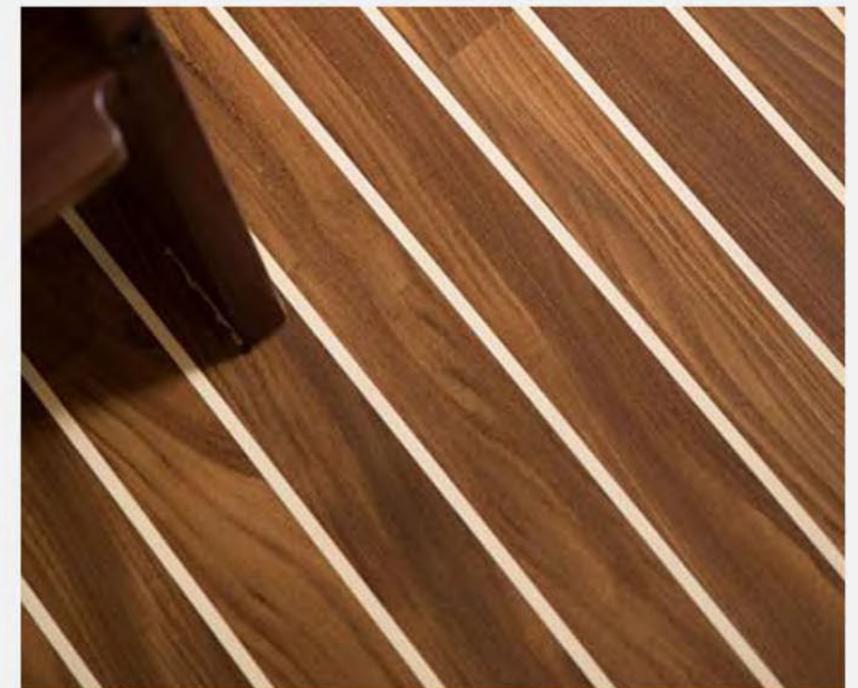
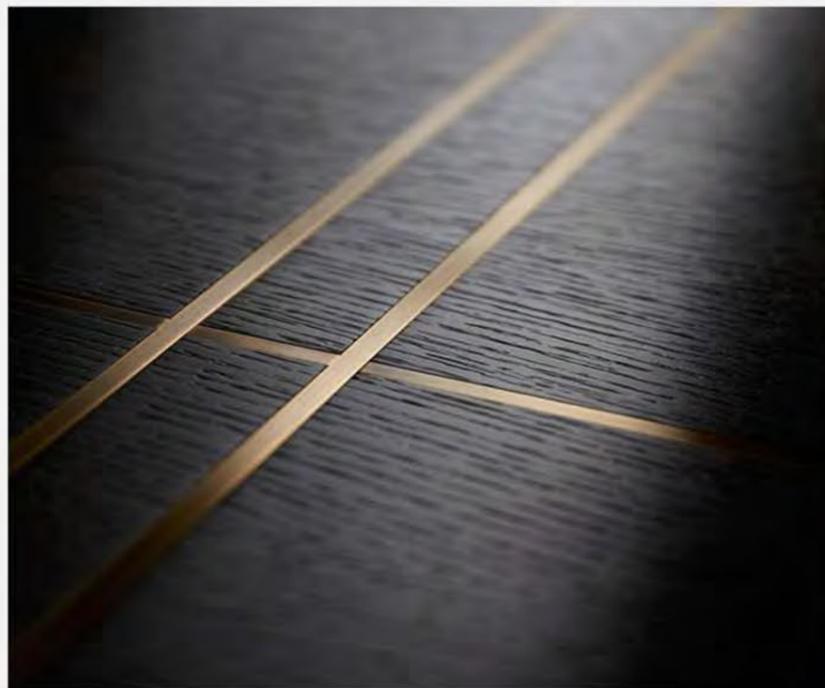
# INSPIRATION

## BAR DETAILS



# INSPIRATION

## FLOOR



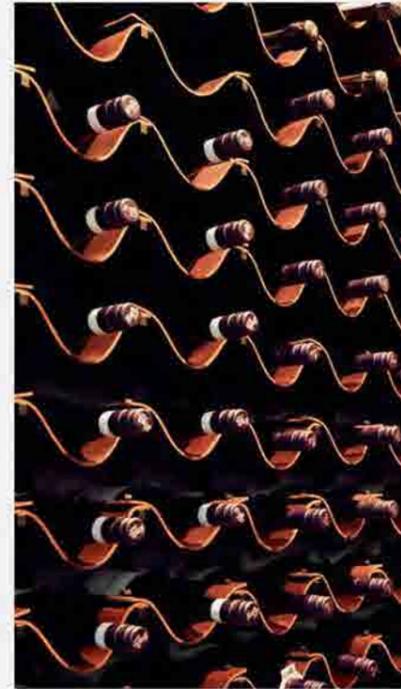
# INSPIRATION

## FLOOR



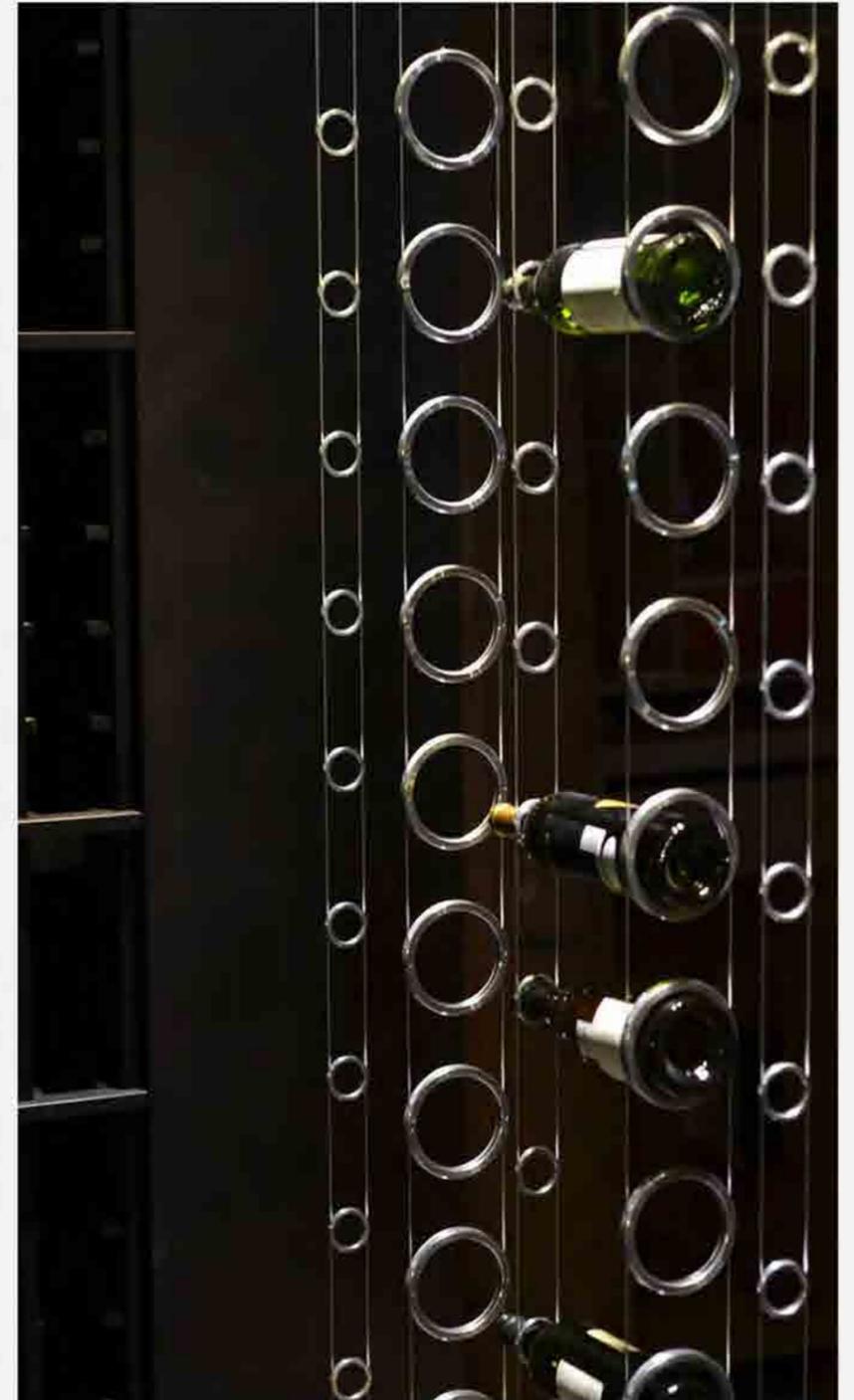
# INSPIRATION

## WINE ROOM



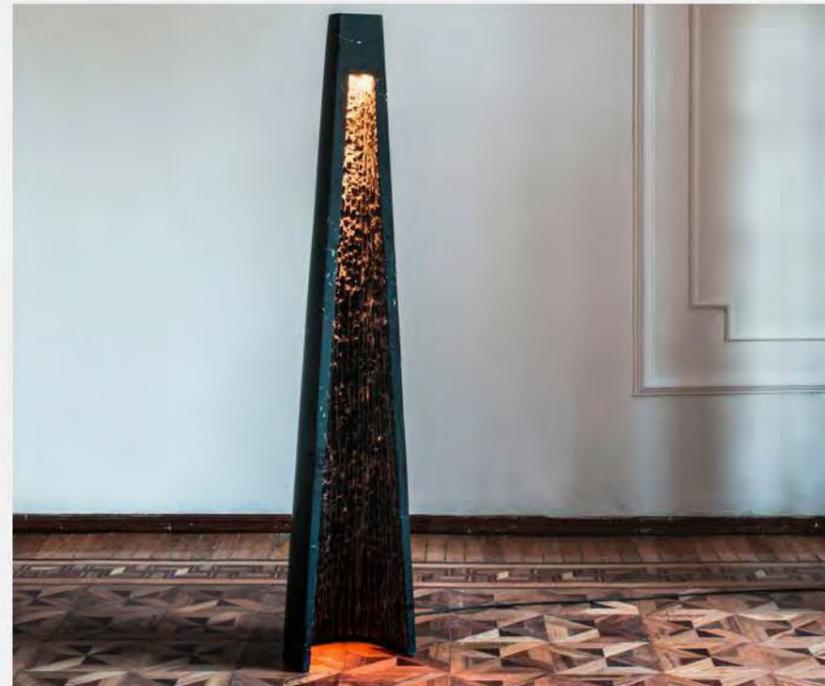
# INSPIRATION

## WINE ROOM



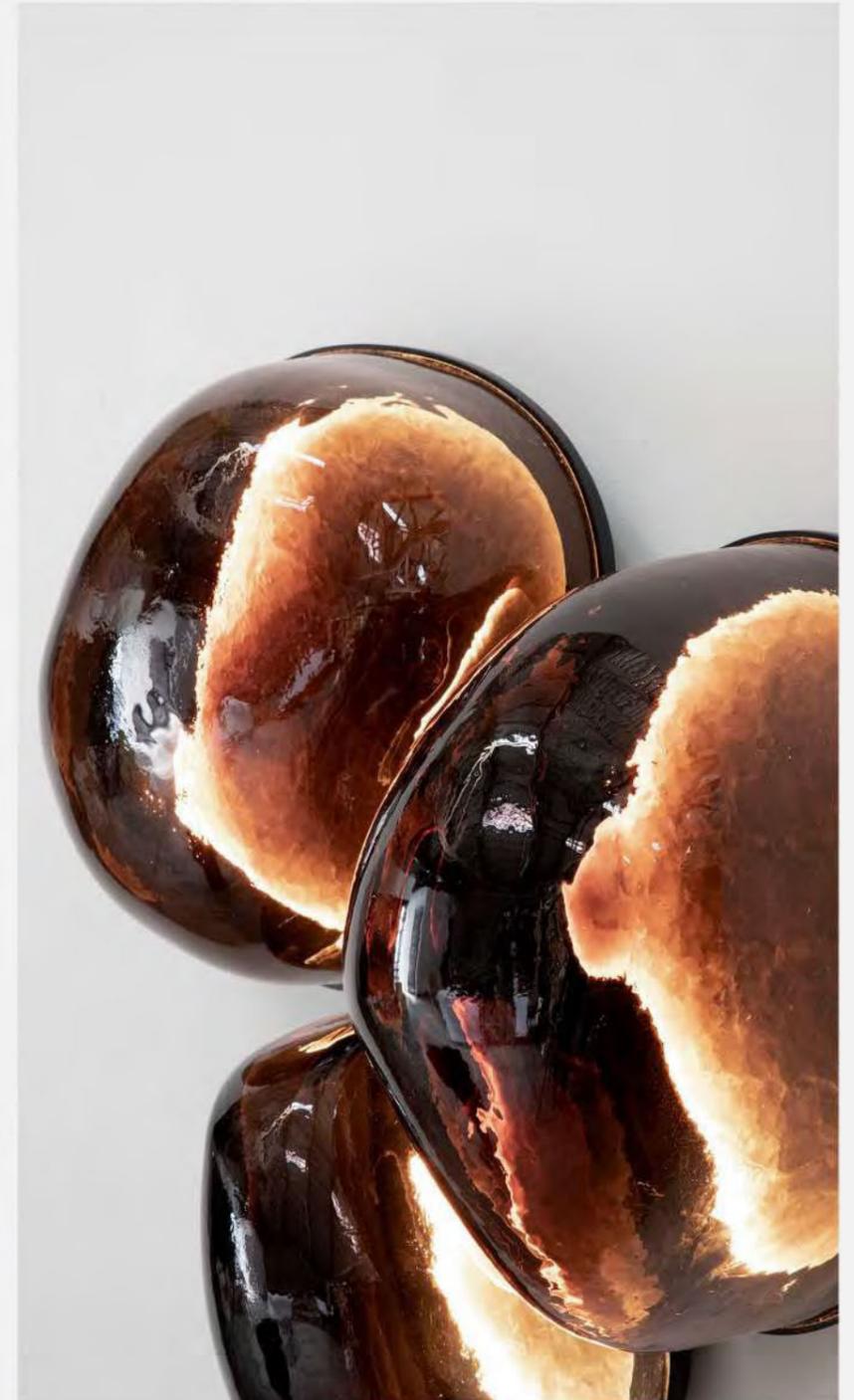
# INSPIRATION

## LIGHT



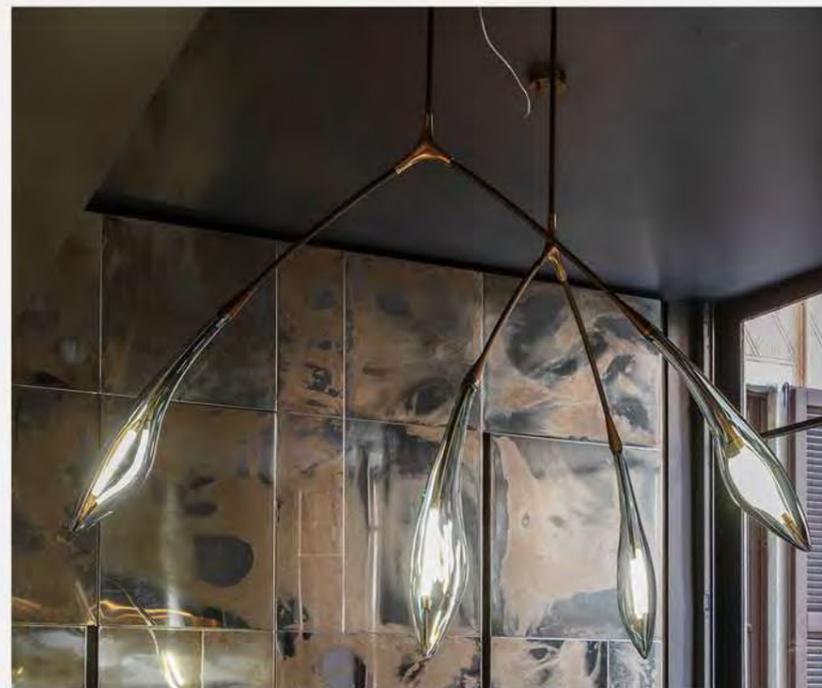
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## LIGHT



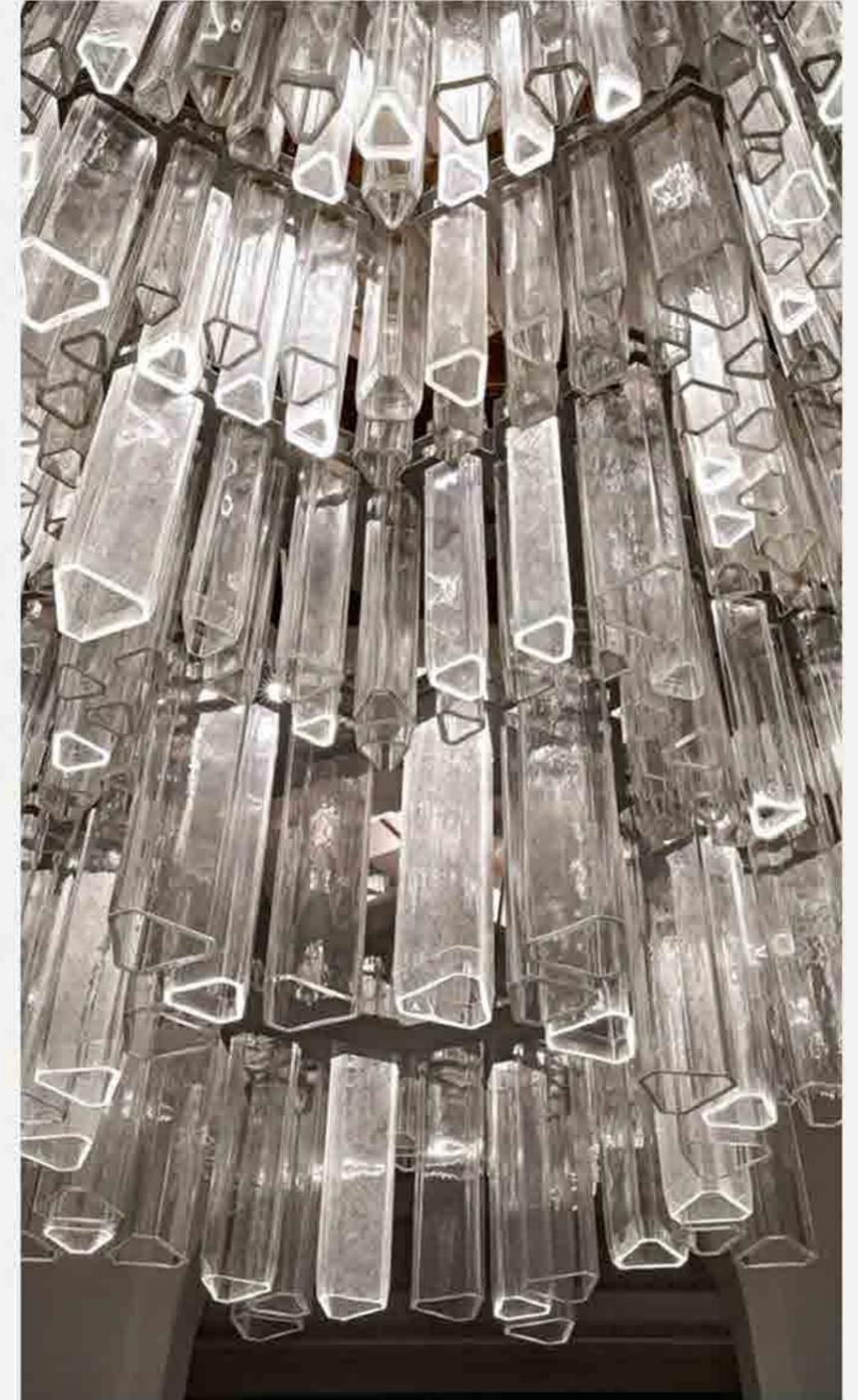
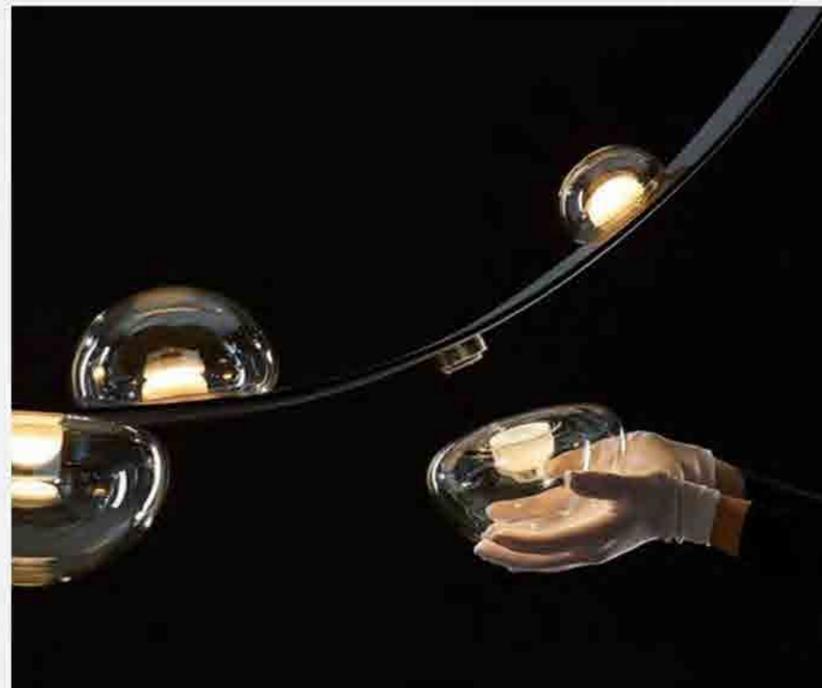
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## LIGHT



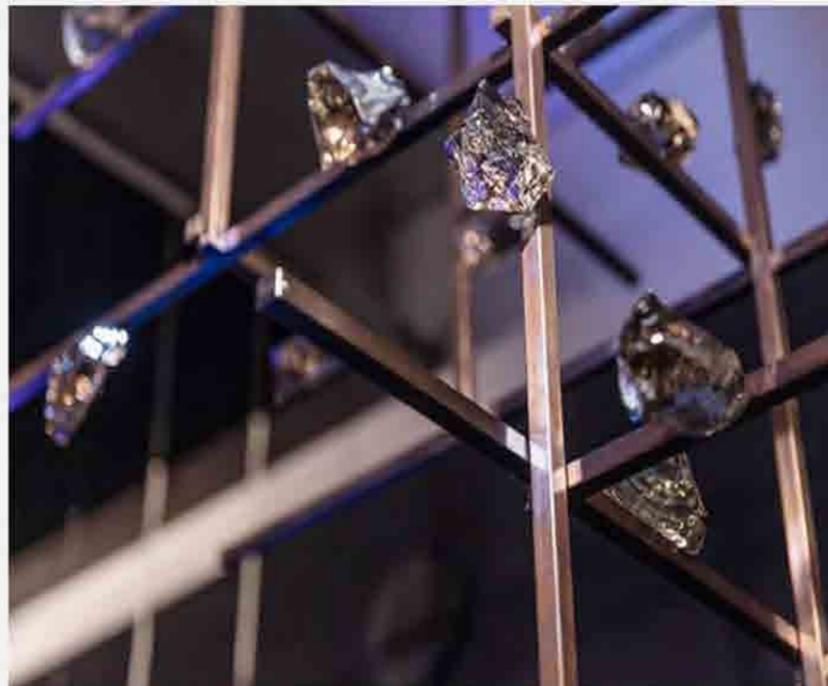
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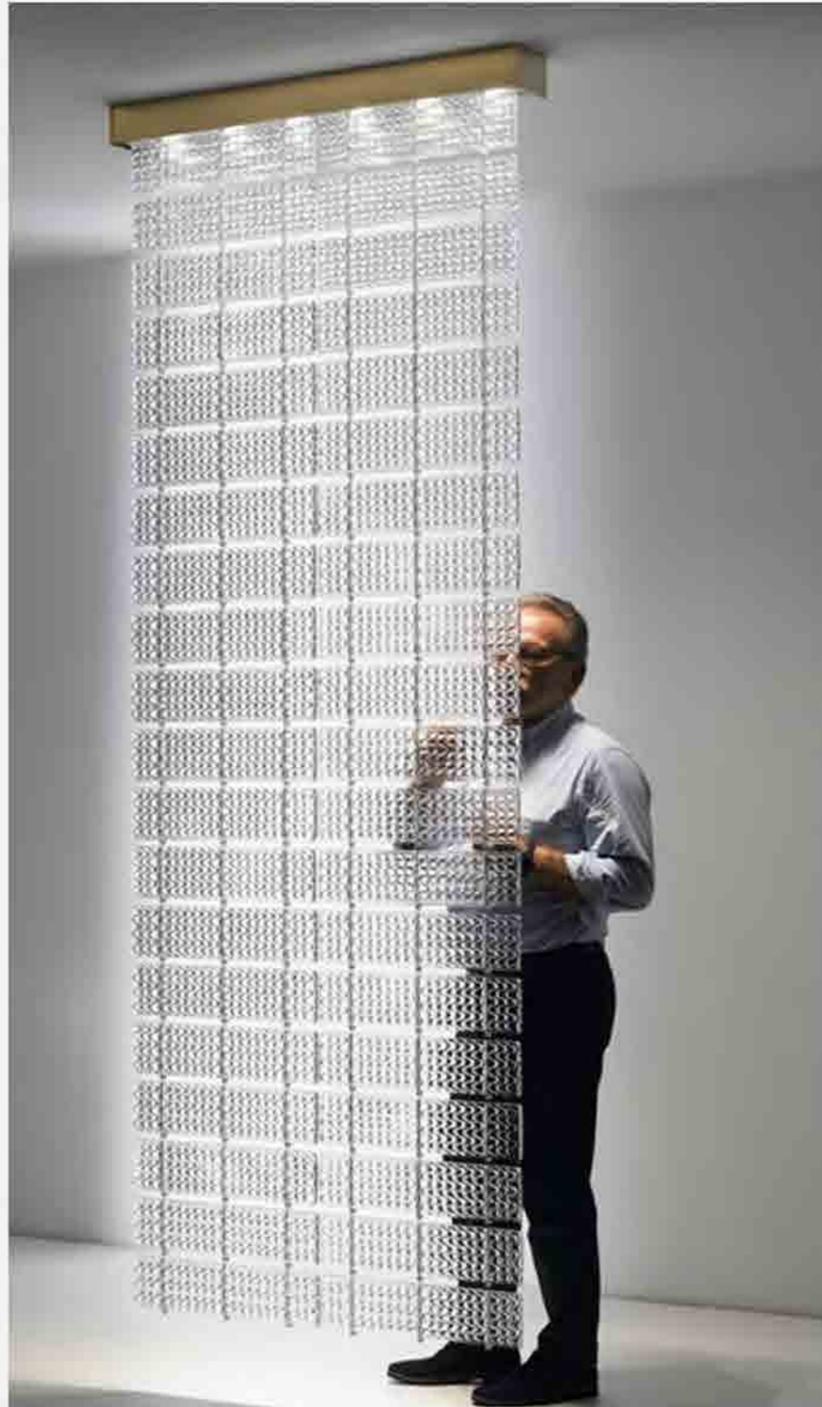
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## LIGHT



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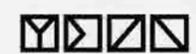
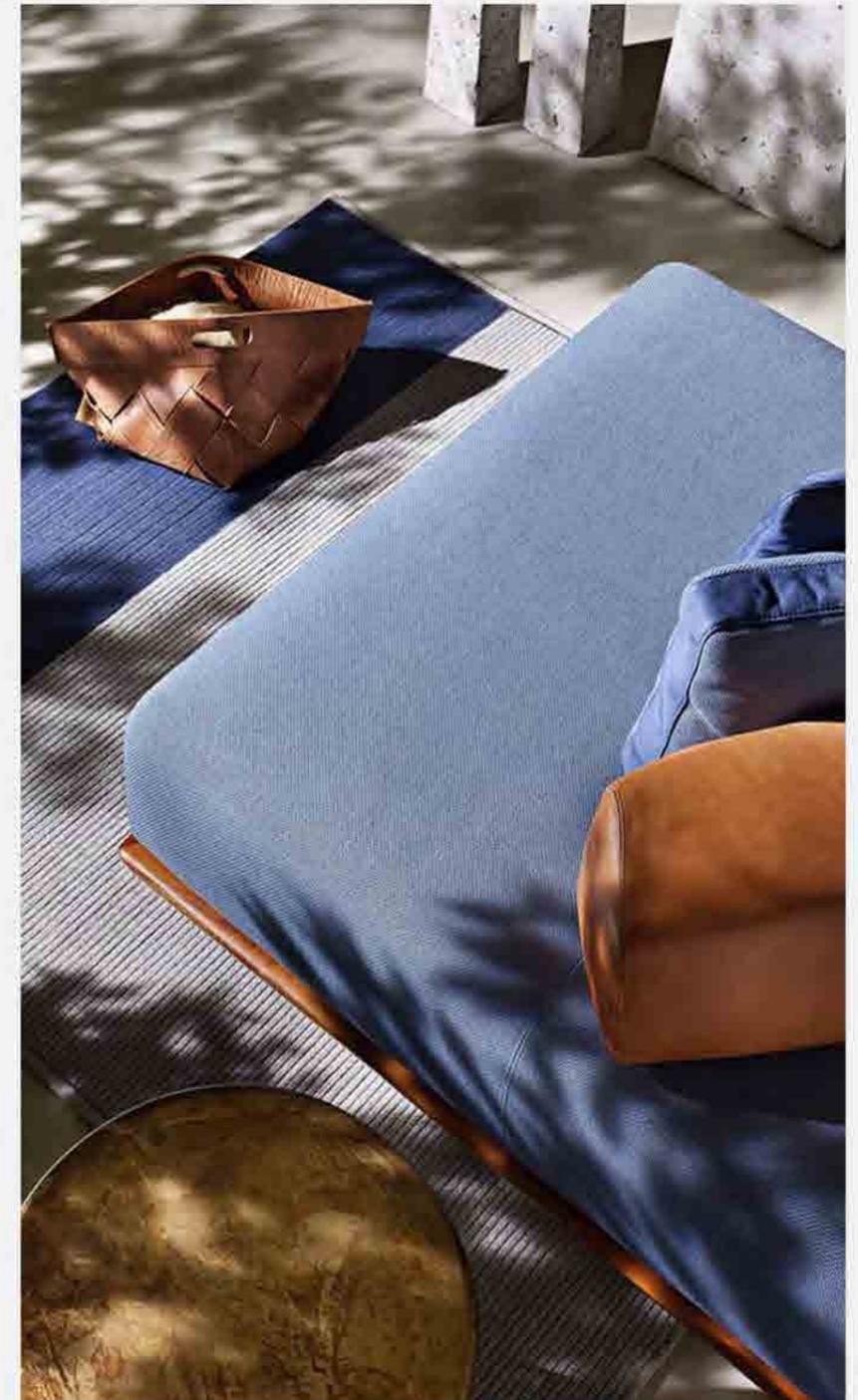
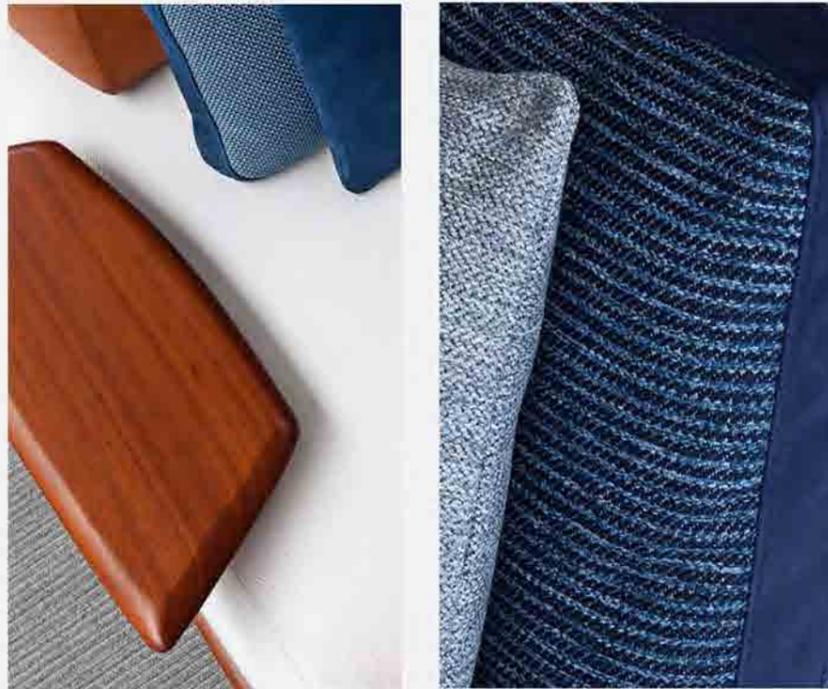
## LIGHT



# INSPIRATION

## FURNITURE

# 04



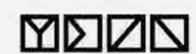
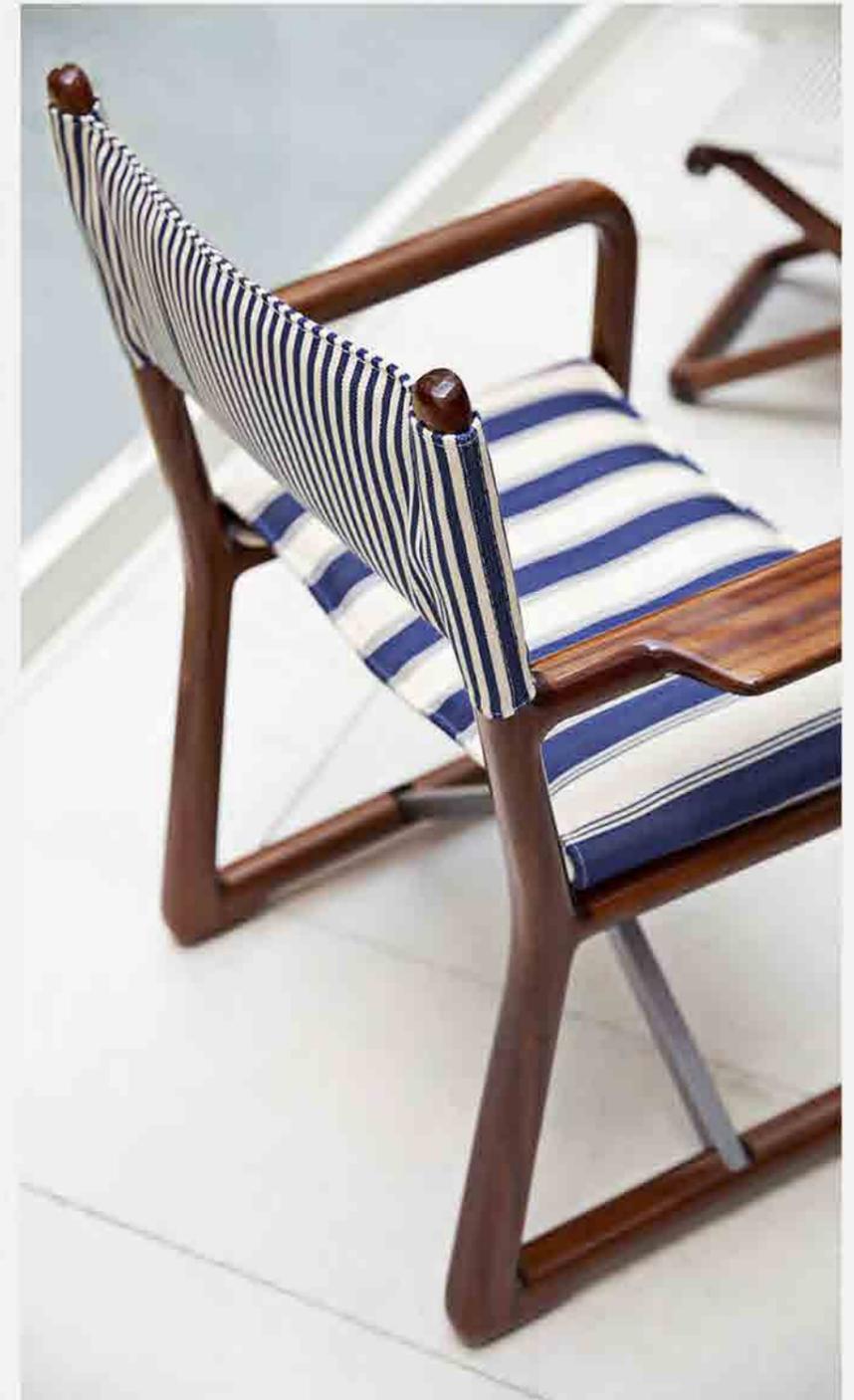
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## FURNITURE



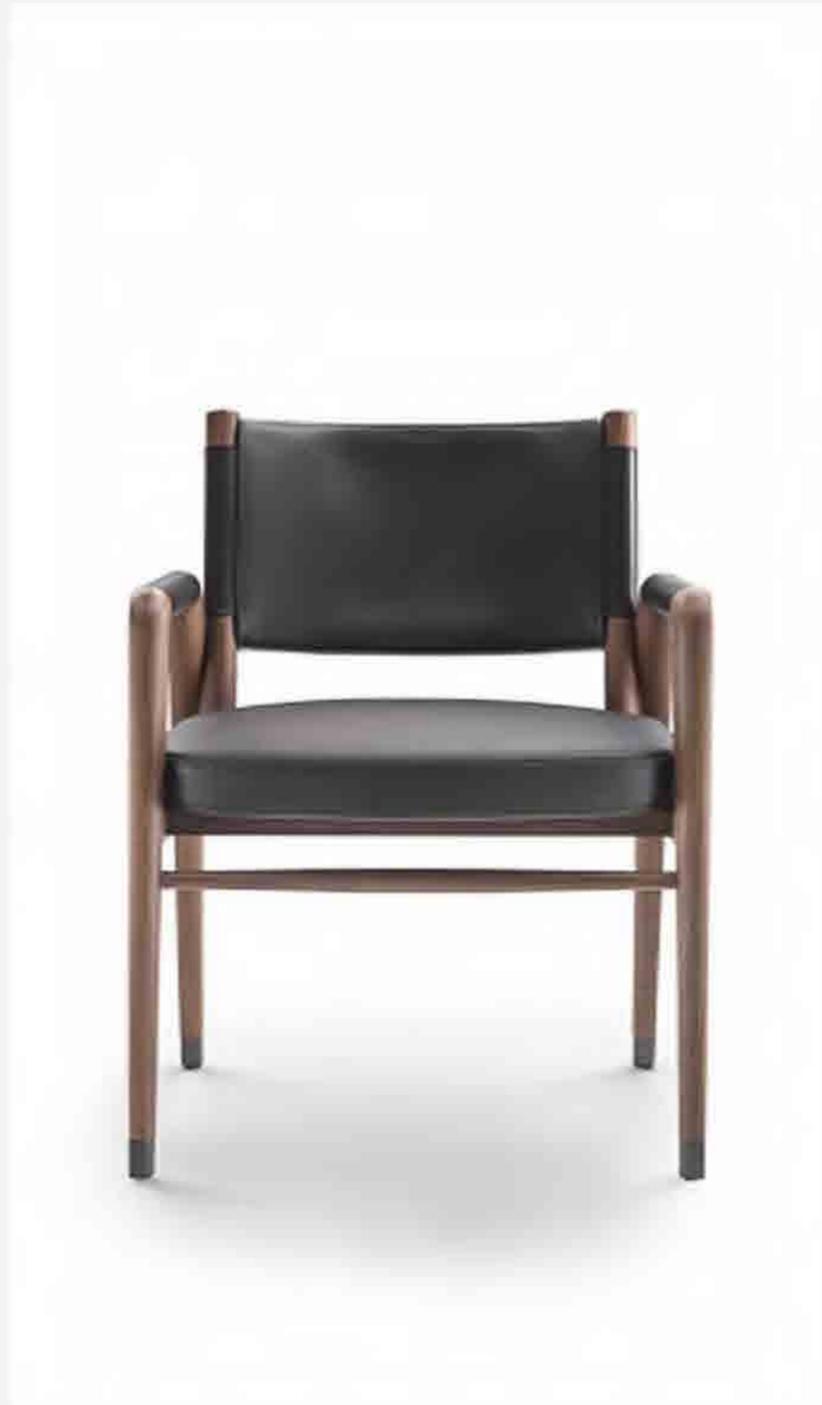
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## FURNITURE



# INSPIRATION

## FURNITURE



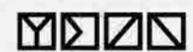
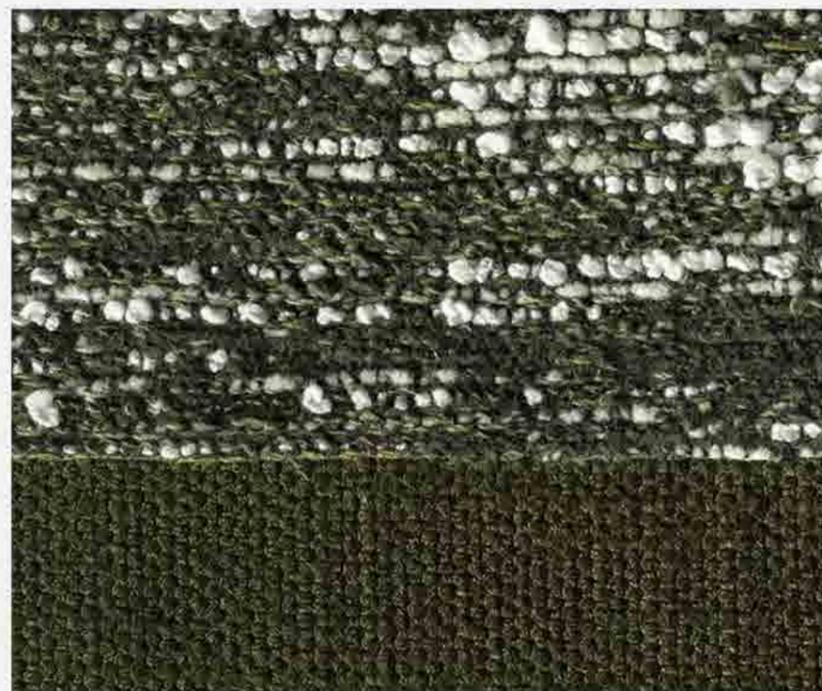
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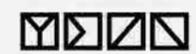
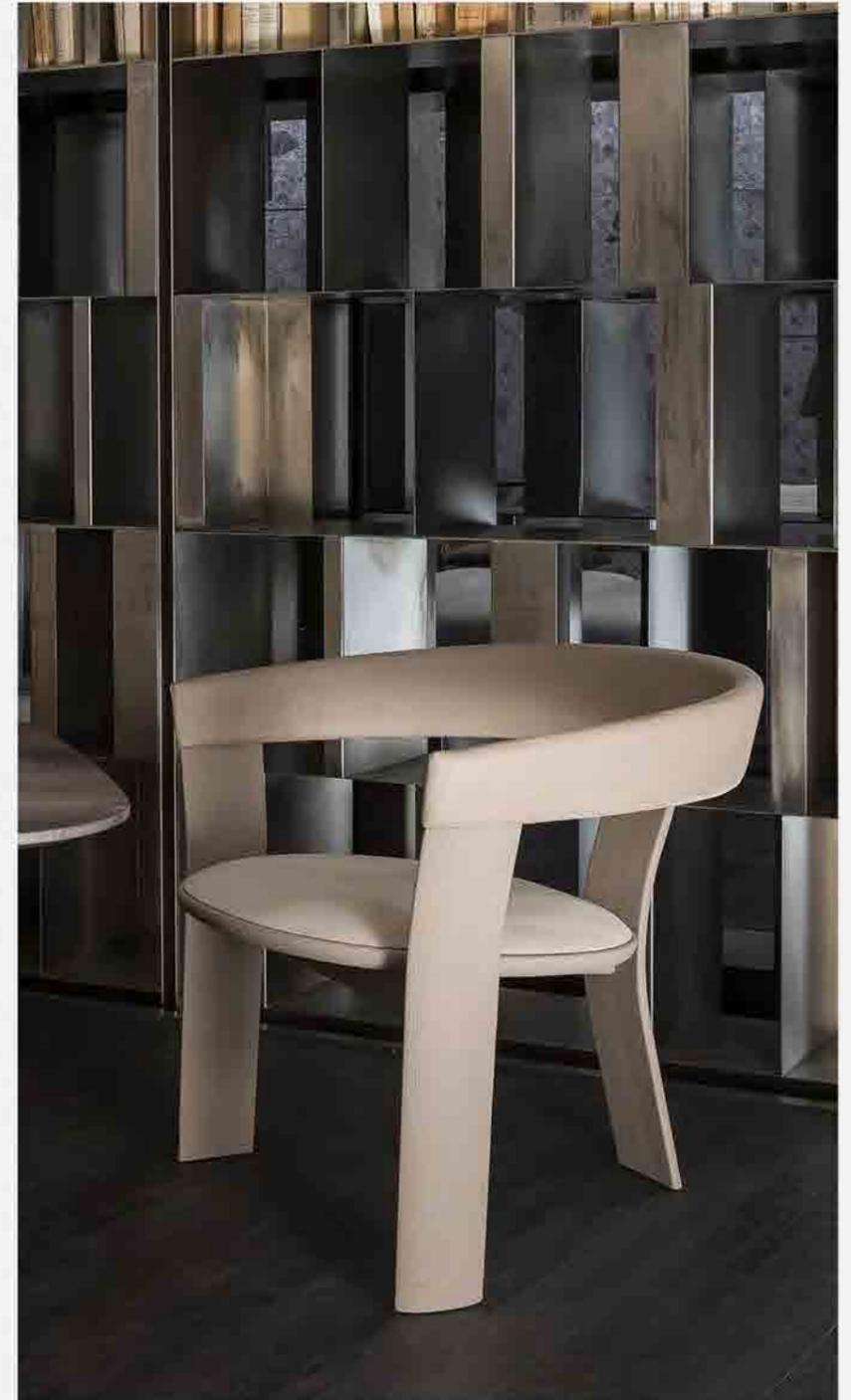
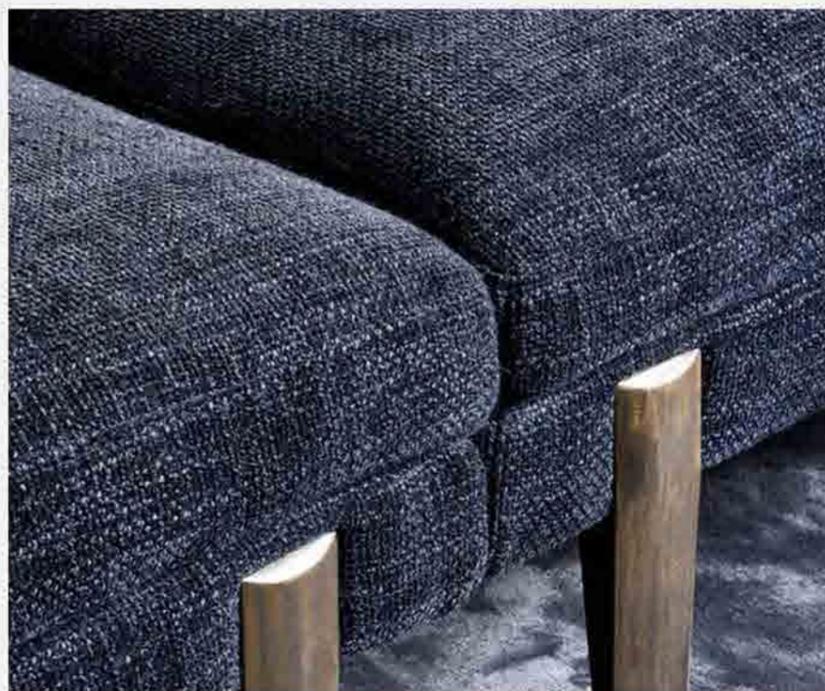
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**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
21/07425/LIPN	Application for a new premises licence seeking sale of alcohol and late night refreshment until 00:00 Monday to Saturday and 23:30 Sunday	16.12.2021	Refused by Licensing Sub Committee

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (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 a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (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.
7. 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.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) 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.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

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

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

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

(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.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

## Conditions consistent with the operating schedule

9. The premises shall only operate as a restaurant,
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
  - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

### **Interested Party 13 has proposed the following amendment:**

**The premises shall only operate as a restaurant,  
(iv) which do not provide any takeaway service of food or drink.**

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. Notwithstanding condition (1), alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of 13 persons dining at the premises.
11. The operation of the first-floor restaurant shall remain ancillary to the operation of the premises as a retail interior design showroom
12. The supply of alcohol shall only be by waiter or waitress service and to patrons seated, and to include patrons seated at the bar and served by a bartender directly.
13. Licensable activities shall only take place on the first floor of the premises
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
16. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance

**Interested Party 13 has proposed the following amendment:**

**No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which**

**(a) gives rise to a nuisance;**

**(b) at the nearest façade of the nearest noise sensitive property shall not exceed 10 dB below the minimum external background noise during the operating period; and**

**(c) at the nearest façade of the nearest noise sensitive property, the noise generated within each octave band level should not exceed 5 dB below the minimum external background noise level expressed in any of the individual octave band levels.**

17. All windows and external doors shall be kept closed after **(21:00)** hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
18. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours except for resealed part consumed bottles of wine.

**Interested Party 13 has proposed the following amendment:**

**There shall be no sales of alcohol for consumption 'Off' the premises.**

19. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.

**Interested Party 13 has proposed the following amendment:**

**There shall be no sales of hot food or hot drink for consumption off the premises.**

20. All sales of alcohol for consumption off the premises shall be in sealed containers

**Interested party 13 has proposed that this condition be deleted:**

21. Patrons permitted to temporarily leave and then re-enter the premises at ground floor level, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

**Interested Party 13 has proposed the following amendment:**

**Patrons or staff permitted to temporarily leave and then re-enter the premises at ground floor level, or who remain in the vicinity of the premises for such temporary duration, e.g. to smoke, shall not be permitted to take drinks or glass containers with them**

22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between **(20.00)** hours and **(08.00)** hours on the following day.

**Interested Party 13 has proposed the following amendment:**

**No waste or recyclable materials, including bottles, shall be moved, removed or collected from or placed in outside areas between (19:00) hours and (08.00) hours on the following day.**

25. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
26. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. No collections of waste or recycling materials (including bottles) from the restaurant premises shall take place between (20.00) and (08.00) on the following day.

**Interested party 13 has proposed that this condition be deleted:**

29. 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.
30. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
31. No deliveries to the premises for the restaurant shall take place between (20.00) and (08.00) on the following day.
32. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.
33. The external doors directly onto Brompton Road shall be kept closed after 22.00 hours daily except for the immediate access and egress of persons.

**Interested Party 13 has proposed the following amendment:**

**The external doors directly onto Brompton Road shall be kept closed after 20.00 hours daily except for the immediate access and egress of persons.**

34. A direct telephone number for the duty manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
35. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
36. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
37. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
38. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
39. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
40. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
41. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment
42. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
43. The premises may remain open for the regulated entertainment, sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

**Interested party 13 has proposed that this condition be deleted.**

**Conditions proposed by Interested Party**

44. Smoking will only be permitted in designated areas, such designated areas shall not be adjacent to, or in the immediate vicinity of Lancelot Place.
45. No deliveries to the premises of the restaurant shall take place in or be made through the courtyard. All deliveries to and from the premises of the restaurant shall be made via Brompton Road.

46. Clear signage and communication to persons entering and exiting the premises shall be implemented to prevent and control noise and crowding of persons outside the premises.
47. Measures shall be implemented to control and prevent queuing outside the premises, ensure the quiet entering and exiting of the premises by all persons and to ensure good behaviour to minimise any disturbance outside and within the Premises.
48. Arrangements shall be made for dedicated taxi or licensed minicabs to collect and to ensure that all private vehicles use designated dropping off/picking up and waiting points as agreed with the Council and away from Lancelot Place.
49. Measures managing transport arrangements to and from the premises (including staff or patron parking) shall be implemented to minimise any disturbance.
50. Drivers shall be encouraged to switch off engine during deliveries, collections and servicing, and to minimise other noise caused by their activities.
51. No outside seating areas will be permitted any time.
52. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.

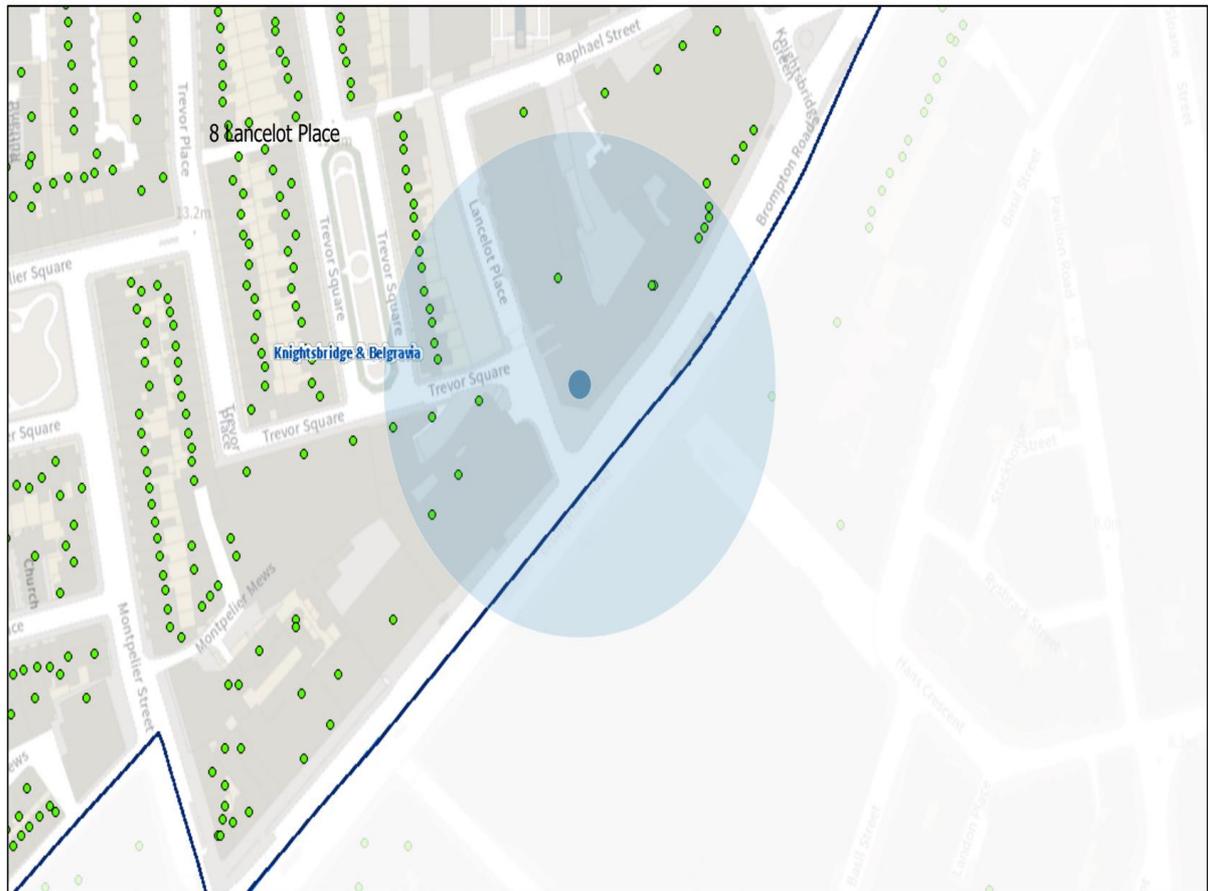
**Conditions proposed by the Environmental Health**

None

**Conditions proposed by the Police**

None

70 Brompton Road



Resident count: 159

Licensed premises within 75m of 70 Brompton Road, London, SW3				
Licence Number	Trading Name	Address	Premises Type	Time Period
16/02029/LIPV	Caffe Concerto	78 Brompton Road London SW3 1ER	Cafe	Sunday; 08:00 - 22:30   Monday to Saturday; 08:00 - 23:30
16/12708/LIPDPS	Richoux Restaurant	86 Brompton Road London SW3 1ER	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30