

LICENSING COMMITTEE - LICENSING HEARING
(SUB-GROUP B)
20 July 2015 at 10.30 am
Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Cllrs. McArthur, Parkin and Raikes*

(Composition: Each Sub-Committee will contain three Members of the Licensing Committee. Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees.)

IMPORTANT INFORMATION

If an interested party (e.g. a parish or town council) has not made a "relevant representation" (section 18(6) and (7) of the Licensing Act 2003), it will not receive a notice of the hearing (Reg. 6(1) Hearings Regulations). The interested party will not, therefore be "a party to the hearing" (Reg. 2 Hearings Regulations). There will therefore be no right to address the hearing (Reg. 16 Hearings Regulations).

The above also applies to a Member i.e. if s/he does not make a "relevant representation" s/he will not be a "party to the hearing" and has no right to address the hearing unless appointed by "a party to the hearing" to assist or represent that party.

Would you please note that all the reports/information listed on this agenda are available from the Democratic Services Team on request (01732 227241). Alternatively you can make an appointment to view the information at the District Council Offices by contacting the Licensing Partnership Manager on 01732 227325.

- 1. Appointment of Chairman**
- 2. Declarations of interest**
- 3. Application for a Premises License Under The Licensing Act 2003 from Mr Peter Cornwell for Treetops, Grove Road, Penshurst, Kent. TN11 8DU (Pages 1 - 34) (Penshurst, Fordcombe and Chiddingstone)**

1. Procedure at Sub-Committees of the Licensing Committee (established in accordance with Section 9 of the Licensing Act 2003)

- 1.1 In accordance with Section 9(1) of the Licensing Act 2003, the Licensing Committee has resolved to establish Sub-Committees, each consisting of three members of the Committee.
- 1.2 The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7 January 2011.
- 1.3 Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
- 1.4 The quorum for a Sub-Committee shall be two members.
- 1.5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 1.6 The order of business at hearings shall be:
 - (a) Election of Chairman.
 - (b) Declarations of interests.
 - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
 - (d) Chairman ascertains who is assisting or representing the parties.
 - (e) Applicant (or his/her representative) addresses the Sub-Committee.
 - (f) Applicant questioned by members. At the discretion of the Sub-Committee other parties may be permitted to question the applicant.
 - (g) Persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
 - (h) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.
 - (i) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
 - (j) Applicant (or his/her representative) makes closing address.
 - (k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.

- (l) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
- (m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.

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APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FROM MR PETER CORNWELL FOR TREETOPS, GROVE ROAD, PENSHURST, KENT. TN11 8DU

APPLICATION REFERENCE: 15/01679/LAPRE

Licensing Sub Committee – 20 July 2015

Report of Chief Officer of Environmental & Operational Services – Mr Richard Wilson

Status: For Decision

Also considered by: N/A

Key Decision: No

Contact Officer(s) Leeann Leeds Ext: 7270

Recommendation to Licensing Sub Committee:

Members' instructions are requested

Introduction and Background

- 1 The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached to the agenda.
- 2 The application is made by Mr Peter Cornwell of 82 St John Street, London. EC1M 4JN
- 3 Application is to allow the following licensable activities on the premises.

The application is to:

Section I	To allow the provision of late night refreshment everyday both indoors and outdoors from 23:00 hours until 00:00 hours. On New Years Eve from 10:00 hours until 02:00 hours.
Section J	To allow the sale of alcohol for consumption both on and off the premises everyday from 10:00 hours until 00:00 hours. On New Years Eve from 10:00 hours until 02:00 hours.

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Section L	Hours premises are open to the public everyday from 08:00 hours until 00:30 hours. On New Years Eve from 08:00 hours until 02:30 hours.
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The applicant intends to take the following action in order to promote the four licensing objectives if the proposed application is granted:

General

The premises will operate as a cafe/bar providing facilities for provision of food, non alcoholic beverages and provide facilities for pre-booked events.

The Prevention of Crime and Disorder

CCTV will be installed. Food will be available throughout the trading period. All staff will be trained in licensing law. Training records will be kept and be available for inspection by the police and the licensing authority.

Public Safety

Existing legislation applies that it is not necessary to duplicate here

The Prevention of Public Nuisance

The premises are located in an isolated area surrounded by trees.

It is not anticipated that a public nuisance will be caused

The Protection of Children from Harm

Challenge 25 applies. No unusual risks of harm to children have been identified.

Representations received from statutory consultees:

Fire Safety	NO COMMENTS RECEIVED
Trading Standards	NO COMMENTS RECEIVED
Social Service	NO COMMENTS RECEIVED
Police	NO OBJECTIONS
Commercial	NO COMMENTS RECEIVED
Environmental Protection	OBJECTION RECEIVED SEE APPENDIX B
Development Control	NO OBJECTIONS

Representations received from interested parties:

One received from Penshurst Parish Council

13 received from residents, one representation contains 12 signatures.

Conclusions

Without prejudice, the Officer would like to draw to Members attention issues that they may wish to consider.

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the prevention of crime and disorder and prevention of public nuisance objectives and such departure must be supported by clear and cogent reasons

Mandatory conditions – the following conditions will be added to the premises licence when it is issued.

The supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions in force from 06 April 2010

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

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- (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
2. The responsible person shall ensure that no alcohol is dispensed 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).
 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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 a holographic mark.

5. The responsible person shall ensure that -
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (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; and
- (b) customers are made aware of the availability of these measures.

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Mandatory conditions in force from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula— $P = D + (D \times V)$
where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

Conditions consistent with the Operating Schedule

A CCTV system will be installed and maintained at the premises in accordance with the recommendations of the Kent Police in line with Home Office guidelines.

Recordings will be kept for a minimum of 28 days and images made available on reasonable request to the Police or other authorised officer.

All staff will receive relevant training and endorse the Challenge 25 scheme in order to prevent any underage sales of alcohol taking place

Key Implications

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement.

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Equality Impacts

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices

Appendix A – Plan of the Premises

Appendix B – Objection received from Environmental Protection

Appendix C – Representations

Appendix D – Locality map

Background Papers:

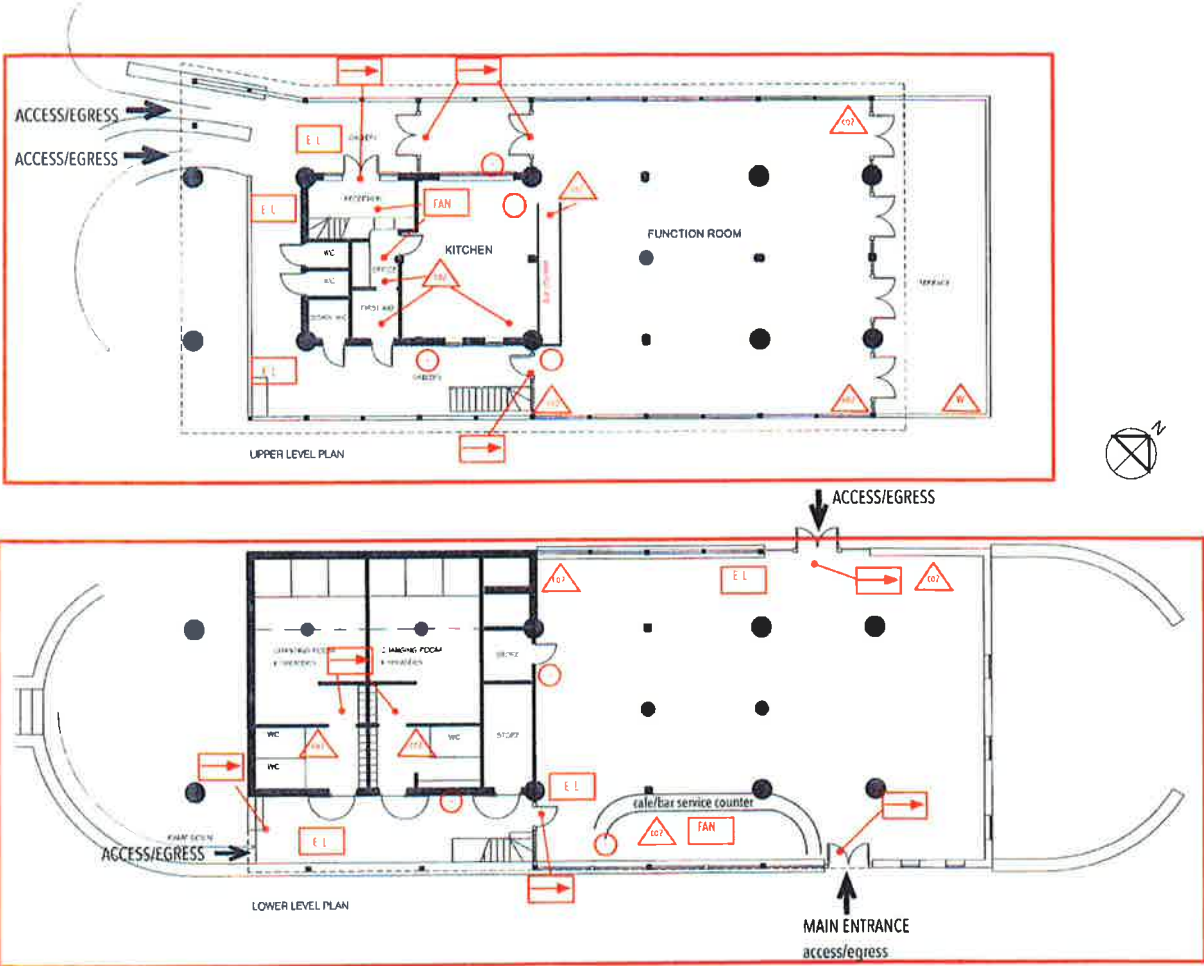
The Licensing Act 2003

Richard Wilson

Chief Officer for Environmental & Operational Services

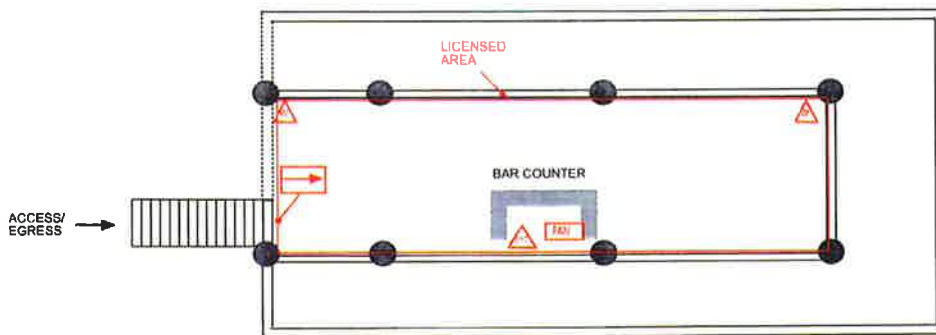
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TREETOPS
UPPER & LOWER LEVEL PLAN
SCALE 1:100



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TREETOPS
ROOF TERRACE PLAN
SCALE 1:100



From: Licensing
Sent: 30 June 2015 10:27
To: Leeann Leeds
Cc: Jessica Bolton
Subject: FW: Consultee Comments for Licensing Application 15/01679/LAPRE

FYI

Kind Regards
 Bolanle Morafa
 Licensing Administrative Officer
 for Maidstone Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council

Direct dial: 01732 227004
 Email: bolanle.morafa@sevenoaks.gov.uk
www.sevenoaks.gov.uk

P please don't print this e-mail unless you really need to

The Licensing Partnership

Sevenoaks District Council, Tunbridge Wells Borough Council and Maidstone Borough Council have a Licensing Partnership to process and issue licensing applications.

Applications should be sent to the address below where there is a central administration.

Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.

Please send all licensing applications to:



Licensing Partnership
 P.O. Box 182
 Sevenoaks
 Kent TN13 1GP

email: licensing@sevenoaks.gov.uk



tel: 01732 227004

Payments: For all licensing applications please make cheques payable to: "Sevenoaks District Council". Alternatively card payments may be made over the telephone on the number above.

Help us to improve our licensing service to you by completing our online survey [Click here to comment](#)

From: publicaccess@sevenoaks.gov.uk [mailto:publicaccess@sevenoaks.gov.uk]
Sent: 30 June 2015 10:23
To: Licensing
Subject: Consultee Comments for Licensing Application 15/01679/LAPRE

A consultee has commented on a Licensing Application. A summary of the comments is provided below.

Comments were submitted at 10:22 AM on 30 Jun 2015 from nick.chapman@sevenoaks.gov.uk.

Application Summary

Reference: 15/01679/LAPRE
Address: Grove Road Penshurst Kent TN11 8DU

Agenda Item 3

Proposal: Premises Licence

Case Officer: Leeann Leeds

[Click for further information](#)

Comments Details

Comments:

I refer to the above application which has been passed to this team for comment. I have issues/ concerns in respect of the proposals. Public Safety Owing to the woodland nature of the site, the steep slopes surrounding the access road/ clubhouse and the lack of light at night, I am very concerned about the safety of customers using the proposed café/ bar, particularly if and when inebriated. The road to the premises, car park and surrounding areas are currently unlit and there are steep changes in level within a few meters of the designated access paths. The applicant has not demonstrated how they intend to protect public safety on the site and unfortunately the Health and Safety Officer from this team has not yet had an opportunity to visit the premises. As the premises subject to this application is not currently a workplace, it is not regulated by Health and Safety legislation and has not been subject to previous inspection or council involvement. With consideration to the above I do not consider that the applicant has adequately addressed public safety. Public Nuisance The Environmental Protection Team have received a number of complaints regarding night time noise from both amplified music and people (28/02/2014, 21/06/2014, 04/07/2014 and 04/10/2014). Whilst I appreciate that live and recorded music may be undertaken without regulation under the Live Music Act 2012 (as amended) and that regulated entertainment does not form part of this application, I am concerned that owing to the very low night time background noise levels in the locality, nearby residents may be affected by noise from patrons, plant and equipment on site (including kitchen extract systems, chiller units etc), vehicles leaving and entering the premises, bottles and waste being emptied into outside bins and waste collection. Additional lighting which may be installed by the applicant (in order to protect the safety of patrons) may also adversely impact upon properties with a direct line of site to the club house. The effect of additional lighting will be increased owing to the lack of other artificial light sources within the area. With consideration to the above information I do not consider that the current application contains sufficient detail to address these concerns and that it has not been demonstrated that they will not give rise to 'public nuisance' Whilst a number of the issues I have raise may be adequately addressed through the planning process (I understand that proposed café/ bar is a change of use), I consider that the applicant has not adequately addressed the licensing objectives and therefore I wish to object to this application.

From: [REDACTED]
Sent: 29 June 2015 10:38
To: Licensing
Subject: 15/01679

For the attention of Leeann Leeds

Re: Treetops, Grove Road, Penshurst TN11 8DU
Ref: 15/01679/LAPRE

I would confirm the response forwarded on behalf of Penshurst Parish Council regarding the above application and list the following issues that particularly concern the members of the PC.

Public Nuisance:

This site has historically caused problems for not only neighbouring properties but also those further afield in the parish due to impact of noise due to music played during parties - already organised on numerous occasions over the years, plus firework displays held on occasions after the parties late at night.

The gradual increase in use of the site has naturally generated high volumes of traffic at times when parties are held and the consequent impact this has on residents when those attending events leave late at night are an unacceptable intrusion into their lives.

The site is in very quiet surroundings in the parish and therefore any increase in noise from traffic and/or music has much more impact and therefore causes even more problems for local residents.

In view of its rural setting exterior lighting will naturally have more impact on the area.

It is the understanding of the PC that no systems, such as the use of tannoy systems are permitted, this has however been regularly reported as being used to the PC as a nuisance. A further increase in noise levels would not be acceptable and would cause unacceptable nuisance to the residents both living nearby and generally in the parish.

This site has already caused a considerable amount of inconvenience and nuisance in the parish with unauthorised activities being undertaken and the subsequent impact these have had on local residents who are affected by these activities.

Public Safety:

The village approach roads to the site are narrow and the lane in which the access to the site is situated is particularly quiet and narrow and unsuitable for heavy traffic.

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The access routes to the property appear to be of a sub standard and have also to date caused problems to the ditching and road surfacing in the adjacent lane, this would further impact on the safety of clients/visitors to the site.

The possibility of the need for emergency vehicles to attend site in the event of a fire or illness of a visitor would be impeded by the quality of the access tracks leading to the property, thereby reducing the safety cover for those using the site.

In view of the above comments the request for a 'cafe' with a licence available daily for more than twelve hours a day is totally unacceptable on a site such as this and cannot be supported by the PC.

For and on behalf of
Penshurst Parish Council



15/01679/CAPRE
LICENSING PARTNERSHIP
29 JUN 2015
SEVENOAKS DISTRICT COUNCIL

The Licencing Officer
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

24 June 2015

Dear Sir/Madam

**OBJECTION TO AN APPLICATION FOR A PREMISES LICENCE AT PORC,
GROVE ROAD, PENSHURST, KENT, TN11 8DU. REF: 15/01679/LAPRE**

We are writing to express our opposition to the premises licence application recently submitted by Treetops Penshurst Ltd. The site, a cycle park clubhouse, is already causing local residents significant nuisance when late night parties are held there. Granting a premises licence would exacerbate current distresses suffered, and be wholly out of character within a quiet rural environment located in the Green Belt and High Weald Area of Outstanding Natural Beauty.

We have strong concerns regarding the following Licencing Objectives:

(A) The prevention of crime and disorder

The application refers to CCTV being installed on site, but makes no mention of the impact of potential drunken behaviour on neighbouring property. Residents on Grove Road have been woken in each of the last 2 years by loud, drunken and anti-social behaviour from pedestrians (from which the only likely source is the current PORC party venue). On those occasions there was trespass to property and 2 years ago residents were awoken by revellers banging on doors. We fear that granting a formal premises licence will exacerbate this serious level of nuisance.

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(B) Public safety

Grove Road is a quiet, rural road with minimal traffic on weekdays outside of morning and evening rush hour. At weekends, when the current venue's clubhouse is used for private functions, a significant volume of traffic travels up and down Grove Road when events finish late at night, waking up residents on repeated occasions at anti-social hours. Granting a premises licence to a venue that changes it from a cycle park clubhouse to a full time, late night, café/bar will significantly increase the traffic volumes on Grove Road and fundamentally alter the tranquillity of the environment.

Moreover, Grove Road is not a safe road and this issue has been raised already with both Kent County and Penshurst Parish Councillors. Currently streams of traffic emerge from the venue, travelling at speed, downhill round a narrow, sharp bend with an adverse camber. The latest of a number of accidents on the road occurred on June 3rd 2015 (on a bend below the premises) when one car was written off and two passengers were taken to hospital. We fear that granting this licence will exacerbate traffic volumes and risk potential for further accidents, seriously endangering public safety (especially during Winter months in adverse weather conditions). Safety is not helped during wet weather by soil and spoil from man-made tracks leading from the venue (made by the current owner) washing down the hill and settling on the road. Furthermore, when taken with the earlier example of drunken pedestrians walking down this dangerous road after the venue has closed, granting a premises licence causes a material increased risk to public safety.

(C) The prevention of public nuisance

The licence application states that "...the premises are located in an isolated area surrounded by trees. It is not anticipated that a public nuisance will be caused". This is completely disingenuous of the applicant and ignores the highly intrusive noise, at incredibly anti-social hours currently, generated by PORC at severe distress to neighbouring residents.

The venue in question is not surrounded by trees. Originally the premises comprised an undisturbed woodland as part of the listed South Park estate. Over the years, significant built development and tree felling by the current owner has opened up the site such that noise from existing parties and

events travels across the hill from Grove Road to Smarts Hill. Neighbouring residents are currently kept awake at weekends by the noise from parties and events at the venue, so much so that Sevenoaks Council has received repeated complaint and has been called out on a number of occasions to witness the noise. This is a serious level of nuisance and is completely alien to an area, outside of any settlement, within a Green Belt and Area of Outstanding Natural Beauty.

The licence application states, in Sections 10 and 11, that the applicant does not intend to provide live or recorded music at the premises. Yet, in Section 18, it states that the "...premises will operate as a café/bar providing facilities...for pre-booked events". We find this disclosure contradictory, and indeed it is highly improbable that a late night venue, catering for private hire, will not provide some form of music for customers. In which case there is a real concern that the applicant will, over time, gradually introduce music to the venue without recourse to the Council.

A granting of this licence will only make the current situation more intolerable for local residents, creating more noise at anti-social hours and materially impacting on quality of life.

It is for the above reasons that we ask this application be rejected.

Yours faithfully

[Redacted signature block containing multiple lines of blacked-out text and names, with some handwritten marks.]

[REDACTED]

LICENSING PARTNERSHIP
30 JUN 2015 JL
SEVENOAKS DISTRICT COUNCIL

Bolanle Morafa

From: publicaccess@sevenoaks.gov.uk
Sent: 23 June 2015 12:30
To: Licensing
Subject: Comments for Licensing Application 15/01679/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 12:29 PM on 23 Jun 2015 from Mr Gerard Morris.

Application Summary

Address: Grove Road Penshurst Kent TN11 8DU
Proposal: Premises Licence
Case Officer: Leeann Leeds

[Click for further information](#)

Customer Details

Name: Mr Gerard Morris
Email: Not specified

Address: 

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Licensing Application

Reasons for comment: - Noise Disturbance

Comments: 12:29 PM on 23 Jun 2015 The site is located on the top of a hill from where sound can be heard in a significant number of local residential areas. The application suggests the use of a roof terrace which, along with the general activity at the site indicates outdoor consumption so encouraging noise that has the potential to be a disturbance to the neighbours. The wide range of the application, that includes late night extensions on every day of the week along with the facility for off sales, is likely to encourage a significant increase in late night activity that is not appropriate in what is otherwise a quiet, countryside, residential area.

Sylvia Lewis

From: Jessica Bolton
Sent: 25 June 2015 13:25
To: Licensing; Leeann Leeds
Cc: Sylvia Lewis
Subject: RE: Comments for Licensing Application 15/01679/LAPRE

Hi Sylvia,

Yes, this is valid.

Thanks,
Jess

From: Licensing
Sent: 25 June 2015 13:24
To: Leeann Leeds; Jessica Bolton
Subject: FW: Comments for Licensing Application 15/01679/LAPRE

Please confirm if this is a valid rep
Thanks Sylv

From: publicaccess@sevenoaks.gov.uk [mailto:publicaccess@sevenoaks.gov.uk]
Sent: 25 June 2015 13:19
To: Licensing
Subject: Comments for Licensing Application 15/01679/LAPRE

Agenda Item 3

Licensing Application comments have been made. A summary of the comments is provided below.
Comments were submitted at 1:18 PM on 25 Jun 2015 from Mrs Julie care.

Application Summary

Address: Grove Road Penshurst Kent TN11 8DU

Proposal: Premises Licence

Case Officer: Leeann Leeds

[Click for further information](#)

Customer Details

Name: Mrs Julie care

Email:

Address:



Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:
- Noise Disturbance
- Traffic

Comments: 1:18 PM on 25 Jun 2015 The application states that no noise disturbance is anticipated as the premises lie in woodland. This is an inaccurate statement as when there is the rare private event in the area the noise resounds and amplifies due to the lay of the land. Otherwise it is an absolute silent and peaceful area with only wildlife sounds. We live in a tunnel at water level and any additional sound reverberates around the area. If this license is granted noise will be a very serious nuisance to us as local residents. It is purely a residential area with no other recreational or business premises. There will also be disturbance to local wildlife- deer, rare birds such as heron, Kingfisher, birds of prey, badgers, bats and stoats. There will also be additional traffic in Grove Road which it cannot accommodate. Please don't let this very beautiful and quiet area of Kent be ruined by noise.

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Kerry Holloway

From: [REDACTED]
Sent: 29 June 2015 10:53
To: Licensing
Subject: Objection to application

Dear Licensing department,

I would like to object to the application by Tree Tops 15/01679 for an alcohol license till 12pm weekdays and 2pm occasionally, on the basis of a public nuisance. This will cause unacceptable noise and traffic to the surrounding houses. There is also likely to be crime and disorder caused by alcohol consumption late at night, and a fear for public safety.

Yours faithfully,
Lindsey Frederick

[REDACTED]

Sent from my iPad

15/016 79/LAPRE.

LICENSING PARTNERSHIP
29 JUN 2015 ~~11~~
JL.
SEVENOAKS DISTRICT COUNCIL



The Licensing Authority
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks TN13 1RS

Dear Sir / Madam

Application for grant of a premises licence at PORC / TREETOPS, Grove Road, Penshurst TN11 8DU

I write to object to this application.

The prevention of crime and disorder

We live one field away from the premises. For the last 2 years Mike Westphal has hired out the existing cycling club house for parties, often going late into the night. We have on several occasions seen torches and/or heard voices from people that have walked down the hill and across the field. Recently my wife, who was on her own late at night, had to call a neighbour to come and safeguard her due to the number of people who were trespassing. These incidents would no doubt become more frequent and more criminal with the sale of alcohol.

The prevention of public nuisance

The statement on the application '...the premises are located in an isolated area surrounded by trees. It is not anticipated that a public nuisance will be caused.' is outrageous. The premises are located on the brow of a hill, above any remaining trees (the clue's in the new name – 'Treetops'). The area is not 'isolated'; it is on the edge of a very peaceful village, in an AONB. Being on the top of a hill noise travels far and clearly. We have often not been able to sleep when the premises have, over the past 2 years, been used for parties. We have complained to environmental health on several occasions. Many others have been similarly disturbed, but as I am sure you are aware, most people do not make official complaints. However I can assure you that there is a high level of annoyance and disturbance in the village.

I see that they are even planning an open air rooftop bar. The noise from the

enclosed first floor is unacceptable; the noise from an open rooftop bar will be unimaginable. This is simply inexcusable in such a peaceful location. The building was granted planning permission for a cycling clubhouse (which I supported) and it really must not be allowed to turn into a café/party venue/ night club etc.

I understand that the applicant believes that they can state that no live or recorded music will be played because the previous parties there did so. The intention is to have recorded music (obviously, with a party venue) but they feel they do not need to admit this. Surely this gross misrepresentation of the facts should invalidate the application?

They plan to open 08.00 – 00.30 7 days a week, with alcohol from 10.00 (why?!) to 00.00. 16½ hours a day of noise. An extra 2 on New Year's Eve. And they state that 'it is not anticipated that public nuisance will be caused'. Absurd; a clear case of lying to try and get what they want.

Public Safety

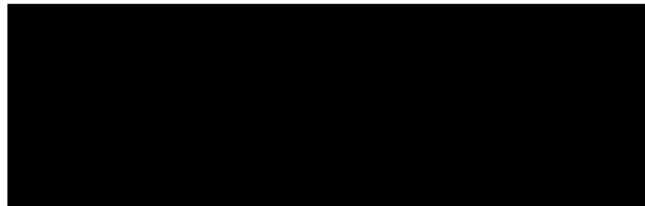

Grove Road is too small and narrow a road to safely have this quantity of traffic envisaged.

Off road cycling is dangerous – the number of ambulances and air ambulances that already attend the site is incredible. To allow easy access to alcohol to these cyclists is madness, and very dangerous.

I see that they hope to start causing mayhem on 1 August. However, a planning change of use is obviously required to change a clubhouse to an A3 café/restaurant/party venue and none has been applied for.

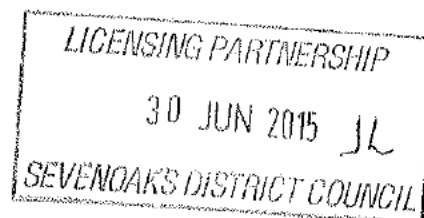
I trust that this totally inappropriate application will be refused.

Yours faithfully



Anthony and Alison Shamash

27 June 2015



Agenda Item 3

The Licencing Officer
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

19th June 2015

Objection to an application for a premises licence at PORC, Grove Road, Penshurst, Kent, TN11 8DU. Ref 15/01679/LAPRE

We are writing to express our opposition to the premises licence application submitted by Treetops Penshurst Ltd. The site is currently used as a cycle club and recently has regularly been a private hire late night party venue. Granting a premises licence would, we fear, significantly increase the level and regularity of nuisance suffered, and is wholly out of character with an environment located in the Green Belt and High Weald Area of Outstanding Natural Beauty.

Our concerns:

The Prevention of crime & disorder

The application refers to CCTV being installed on site but makes no mention of controls over the impact of potential drunken behaviour on neighbouring property. We believe that granting a late into the night formal premises licence and allowing internal and external alcohol consumption will exacerbate the potential for disorder particularly as people exit the site.

Public Safety

Grove Road is a quiet, rural road with minimal traffic on weekdays outside of morning and evening rush hour. At weekends, when the current venue's clubhouse is typically used for private functions, a significant volume of traffic travels up and down Grove Road when events finish. Granting a premises licence to a venue that changes it from a cycle park clubhouse to a full time, late night café and bar will significantly increase the traffic volumes on Grove Road and fundamentally alter the tranquillity of the environment.

Moreover, Grove Road is not a safe road and this issue has been raised already with Kent County and Penshurst Parish Councillors. Streams of traffic emerge from the venue particularly at weekends and after events and travel downhill at speed, round a narrow sharp bend. Granting this licence we fear will more frequently exacerbate traffic volumes and risk for further potential accidents and endanger public safety.

Safety is currently not helped by the spoil during wet weather that emerges onto Grove Road from the man-made cycle tracks and car access tracks on the site, again we fear that the potential for increased volumes of traffic that could result from granting this licence and introducing a bar to the site will exacerbate the level of soil being disturbed on the site and washing onto Grove Road.

The Prevention of public nuisance

We fear that granting the premises licence will increase the volume of waste produced from a café and bar; current consumption of alcohol off premise produces consistent litter in Grove Road and already causes nuisance to users of Grove Road.

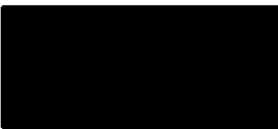
Contrary to the detail contained in the licence application the café and bar is not surrounded by trees and being located on the crest of a hill it is feared that the level of noise pollution particularly as a result of the application for late night opening will exacerbate the levels of nuisance further.

The exclusion of music and entertainment stated under Sections 10 and 11 of the application seems contrary to the intent of the café and bar to provide facilities, under Section 18, for events. Events currently organised by the cycle club are an example of the public's expectation for music and entertainment as music is always a feature of such events. It is a genuine and real concern that the applicant will have to comply with visitor request to provide music and entertainment both during general use of the café and bar and most particularly for any events. The granting of the premises licence could alter the current level of nuisance from occasional to potentially daily nuisance, create more noise at anti-social hours, and potentially increase the current level of complaints (thus increasing the burden and cost to the authorities)

It is for these reasons that we ask for this application to be rejected.

We would whilst writing enquire as to why a cycle club is requesting a premises licence for a late night café and bar? Do we take this application as an indicator that there has been a fundamental change of use of the site with the appropriate applications being required before this premises application should be made? We appreciate that this may not be part of your remit. Could you let us know the department that this question should be referred to.

Nick Blofeld & Sophie Curra



cc. Licensing Partnership,
P.O. Box 182, Sevenoaks, Kent TN13 1GP

Agenda Item 3

The Licensing Officer
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

21 June 2015

Dear Sir/Madam,

OBJECTION TO APPLICATION FOR PREMISES LICENCE:

At: PORC , Grove Road, Penshurst, Kent

REF: 15/01679/LAPRE

We live opposite one of the entrance/exits to PORC and have just observed the application for a licence which was posted on another entrance further away.

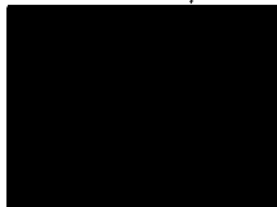
This venue is already used for large private parties with late night drinking, loud music, and drunken people shouting well into the early hours of the morning. The location of the site is high on the hill, with little tree coverage and as a result the noise travels surprisingly far.

We have experienced lots of litter, empty beer cans and bottles thrown in the road and over our hedge into our drive. We have collected multiple black bags full of it on occasions.

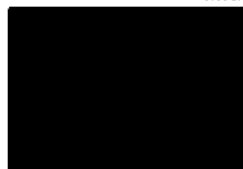
Cars leaving the venue often drive far too fast for a small country lane like this, although luckily as far as we know no serious accidents have happened to date.

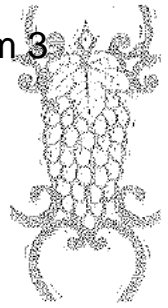
In summary we believe that this out of town location is not suitable for a licensed premise like this and we object on the grounds of public nuisance, public safety and the prevention of crime and disorder.

Yours Sincerely



Mr and Mrs G Ballard





The Licensing Authority
Council Offices,
Sevensoaks.

CLERK OF THE COUNCIL
22 JUN 2015
SEVENOAKS DISTRICT COUNCIL



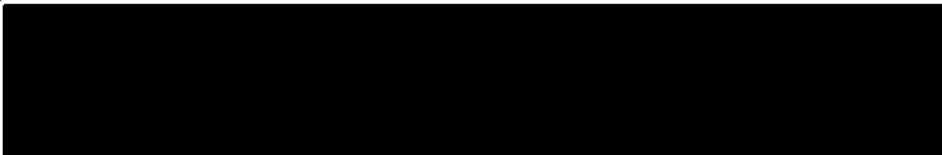
18.6.15

Dear Sirs,

Regarding Application for a Premises
License by treetops Ltd.

Please find enclosed our objection
to above application:

Yours faithfully,



Agenda Item 3

OBJECTION to the grant of a Premises Licence made by Treetops Ltd at premises formerly known as PORC, Grove Rd, Penshurst, Kent TN118DU.

Introduction.

The premises in question has planning consent granted ref 04/02527/full for a club house. The clubhouse is associated with the use of Penshurst Off Road Cycling. The centre is used daily by children and teenagers. Events have occasionally been held day and night without the necessary appropriate consents causing nuisance to us.

The location of The Premises whilst being out of general view is none the less surrounded by properties set in a rural landscape. The residents enjoy the relative peace of the location and it for this reason that they have chosen to live here.

Comment upon The Application.

Section 4. Details redacted

Section 5. Inadequate and misleading detail. A cafe by definition is 'a small or inexpensive restaurant serving light or easily prepared meals and refreshments' A cafe does a) not need to be licensed to sell alcohol b) not keep open until 0.30 seven days a week c) not have the capacity to entertain so many people over three stories of the building and outside.

Section 6--13. The answer NO to each section whilst purporting to be accurate at the time of application is clearly not the ultimate intent. It is very unlikely that a premises licensed until 24.00 seven days a week and 2.00 on New Years Eve would be devoid of music and dance.

Section 14. The activity to be authorised is stated 'to permit the provision of hot food and beverages' This is insufficient detail.

Section 16. The proposed use is incompatible with the use of a young persons cycle track.

Section 18.(d). The premises is not located in an isolated area. The site is secluded but surrounded by residential properties in their own grounds. The land is elevated and sound travels long distances. Nuisance will be caused.

(e) unusual risks to children will apply.

Grounds of Objection.

1. Protection of children from harm.

The serving of alcohol on a daily basis from 10.00 am is not conducive to the use of the site for cycling and other activities. The cycle tracks can be dangerous and accidents occur.

2. Prevention of crime and disorder.

The consumption of alcohol in the evenings and night time (after the many local Pubs have closed)will inevitably attract 'late night drinkers'. The visual seclusion of the premises will encourage disorder and will do nothing to deter crime.

3. Prevention of public nuisance.

Unauthorised public nuisance already occurs on an irregular basis. Music and tannoy daytime and loud music during evenings. Sometimes so loud that sleep is impossible. The application catagorically states that music, both live and recorded will not be played and there will be no provision for dance. Should a license be granted, music of course will follow.

The only reason why a premises would want to open until 0.30 am every day is to satisfy its wish to be party venue, with all that that entails. This is not the location for this type of use.

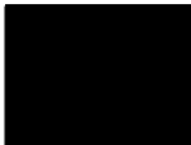
Additional traffic movement will spoil the enjoyment of our house and garden. Grove Rd is a rural lane, and one that suffers from speeding cars. The additional traffic caused by the changed use of the premises will cause noise and danger.

Litter is already a problem along the verges of Grove Rd from PORC to the Fordcombe Rd due to the existing use of the site. Greater usage will inevitably mean *more litter*.

4. Public Safety.

The proposed use of the facility will introduce a considerable additional number of vehicle movements along Grove Rd. A danger to residents,walkers and cyclists.

Mr & Mrs Dennard,

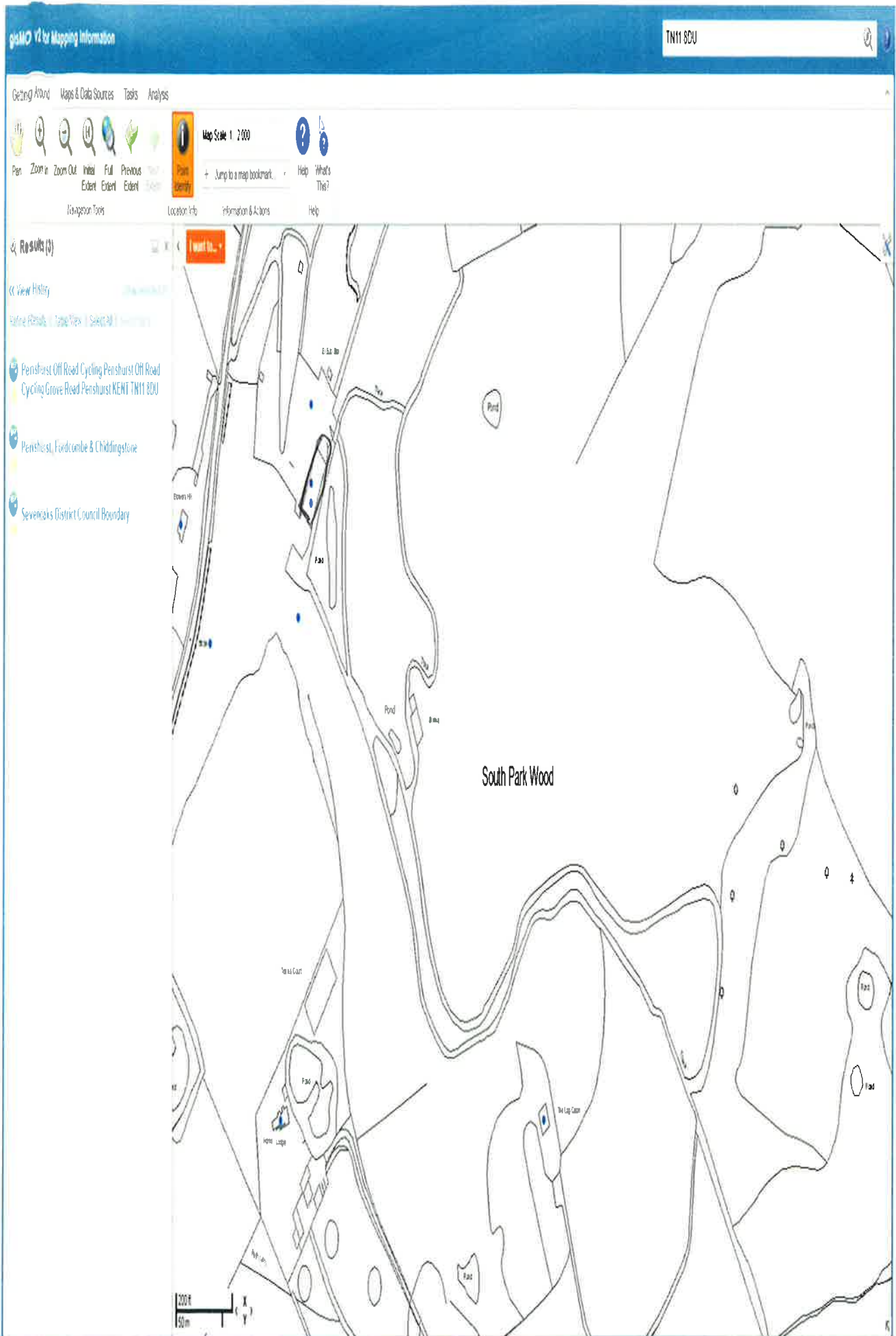


18.6.15th

15 / 01 / 2015 / Agenda Item 3

Valid - JB

LICENSING PARTNERSHIP
22 JUN 2015 JL
SEVENOAKS DISTRICT COUNCIL



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