



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Thursday 21st June, 2018**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Karen Scarborough  
Rita Begum  
Jim Glen



**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.**

**Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk) Tel: 020 7641 2783**

**Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

**AGENDA**

**PART 1 (IN PUBLIC)**

**1. MEMBERSHIP**

To report any changes to the membership.

**2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

**Licensing Applications for Determination**

**1. GROUND FLOOR, UNIT 1, 5 MARBLE ARCH, LONDON, W1H**

(Pages 1 - 62)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Bryanston & Dorset Square Ward / Edgware Road Cumulative Impact Area	Ground Floor Unit 1 5 Marble Arch London W1H	Provisional Statement (LA 2003)	18/03364/LIPST

**2. GROUND AND FIRST FLOOR, UNIT 2, 5 MARBLE ARCH W1H**

(Pages 63 - 124)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Bryanston & Dorset	Ground Floor &	Provisional Statement	18/03362/LIPST

	Square Ward / Edgware Road Cumulative Impact Area	First Floor Unit 2 5 Marble Arch London W1H	(LA 2003)	
--	---	--	-----------	--

**3. GROUND & LOWER GROUND, UNIT 1, 6 MARBLE ARCH, LONDON, W1H**

**(Pages 125  
- 186)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	Bryanston & Dorset Square Ward / Edgware Road Cumulative Impact Area	Ground & Lower Ground Unit 1 6 Marble Arch London W1H	Provisional Statement (LA 2003)	18/03365/LIPST

**4. GROUND, UNIT 3, 6 MARBLE ARCH, LONDON, W1H**

**(Pages 187  
- 248)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	Bryanston & Dorset Square Ward / Edgware Road Cumulative Impact Area	Ground Unit 3 6 Marble Arch London W1H	Provisional Statement (LA 2003)	18/03367/LIPST

**5. GROUND & LOWER GROUND, UNIT 4, 6 MARBLE ARCH,**

**(Pages 249**

**LONDON, W1H****- 318)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
5.	Bryanston & Dorset Square Ward / Edgware Road Cumulative Impact Area	Ground & Lower Ground Unit 4 6 Marble Arch London W1H	Provisional Statement (LA 2003)	18/03368/LIPST

**6. QUEENS ICE CLUB, 17 QUEENSWAY, LONDON, W2 4QP****(Pages 319 - 402)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
6.	Lancaster Gate Ward/Queensway & Bayswater Cumulative Impact Area	Queens Ice Club 17 Queensway London W2 4QP	Premises Licence Variation	18/03595/LIPV

**Stuart Love**  
**Chief Executive**  
**15 June 2018**

In considering applications for premises licences under the Licensing Act 2016, the sub-committee is advised of the following:

### **POLICY CONSIDERATIONS**

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2016.

### **GUIDANCE CONSIDERATIONS**

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2016.

### **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES** (As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

This page is intentionally left blank

Item No:	
Date:	21 June 2018
Licensing Ref No:	18/03364/LIPST – Provisional Statement (LA 2003)
Title of Report:	Ground Floor Unit 1 5 Marble Arch London W1H
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Provisional Statement, Licensing Act 2003		
<b>Application received date:</b>	27 March 2018		
<b>Applicant:</b>	Almacantar (Marble Arch) Sarl		
<b>Premises:</b>			
<b>Premises address:</b>	Ground Floor Unit 1 5 Marble Arch London W1H	<b>Ward:</b>	Bryanston & Dorset Square
		<b>Cumulative Impact Area:</b>	Edgware Road
<b>Premises description:</b>	Following the grant of planning permission 14/11220/FULL this premises is to operate as a cafe/deli.		
<b>Premises licence history:</b>	This is an application for a provisional statement and therefore no licence history exists.		
<b>Applicant submissions:</b>	The Applicant's submissions can be found at Appendix 1 of the report.		
<b>Plans</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
<b>Regulated Entertainment: Recorded Music</b>				<b>Indoors, outdoors or both</b>			Indoors
<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	N/A
<b>Seasonal variations:</b>	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						
<b>Non-standard timings:</b>	On Sunday's immediately prior to public and bank holidays 23:00 - 00:00						



<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<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	N/A
<b>Seasonal variations:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
<b>Non-standard timings:</b>		On Sunday's immediately prior to public and bank holidays 23:00 - 00:00					

<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>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	00:00	00:00	22:30
<b>Seasonal variations:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
<b>Non-standard timings:</b>		On Sunday's immediately prior to public and bank holidays 23:00 - 00:00					

<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>	00:00	00:00	00:00	00:00	00:30	00:30	23:00
<b>Seasonal variations:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
<b>Non-standard timings:</b>		On Sunday's immediately prior to public and bank holidays 23:00 - 03:00					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Ms Daisy Gadd
<b>Received:</b>	24 April 2018
<p>I write in relation to the provisional statement application for RU3, Marble Arch Place.</p> <p>As a responsible authorities under section 14 (3) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"><li>• Prevention of Public Nuisance</li><li>• Prevention of Crime &amp; Disorder</li><li>• Public Safety</li><li>• Protection of children from harm</li></ul> <p>This application seeks to permit the following licensable activities and operating times:</p> <ul style="list-style-type: none"><li>• Recorded Music: Monday to Thursday from 23:00 to 23:30 and Friday to Saturday from 23:00 to 00:00</li><li>• Late Night Refreshment: Monday to Thursday from 23:00 to 23:30 and Friday to Saturday from 23:00 to 00:00</li><li>• Supply of Alcohol: Monday to Thursday from 10:00 to 23:30, Friday to Saturday from 10:00 to 00:00 and Sunday from 10:00 to 22:30</li></ul> <p>The premises is located within a Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, HRS1 and RNT2.</p> <p>The premises currently falls within policy RNT2. At present, the applicant has offered a condition whereby the supply of alcohol at the premises shall only be to a person seated taking a table meal there. The Licensing Authority would ask that the applicant considers adding the following condition to the operating schedule to support the Council's policy relating to the sale of alcohol for consumption on the premises:</p> <ol style="list-style-type: none"><li>1) The premises shall only operate as a restaurant:<ol style="list-style-type: none"><li>(i) In which customers are shown to their table,</li><li>(ii) Where the supply of alcohol is by waiter or waitress service only,</li><li>(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 using non disposable crockery,</li><li>(iv) Which do not provide any take away service of food or drink for immediate consumption,</li><li>(v) Which do not provide any take away service of food or drink after 23:00, and</li><li>(vi) 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.</li></ol></li></ol> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p>	

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.

Furthermore, policy RNT2, as outlined in the Council's Statement of Licensing Policy 2016, states that "Applications will be granted subject to other policies... provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas". The applicant has not yet demonstrated any further information that addresses this policy concern. It would be useful for the applicant to provide further submissions as to how the premises intends to operate, and as to how the premises and its patrons will not add to cumulative impact in the Cumulative Impact Areas.

The proposed operating hours on Sunday for Supply of Alcohol currently fall outside of Westminster's Core Hours policy. The Licensing Authority encourages the applicant to consider reducing the operating hours for licensable activities in line with the Council's core hours policy.

Further discussions will be held with the applicants prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mr Anil Drayan
<b>Received:</b>	24 April 2018

I refer to the application for a new Premises Licence for the above premises which are located in the Edgware Road Cumulative Impact area.

The applicant has submitted following outline plans of the premises showing the ground floor , ref 1911-JRA-00-ZZ-DR-A-1460, dated 14/12/2017.

**The following licensable activities are being sought:**

1. To provide for the Supply of Alcohol 'On' the premises between 10:00 and 23:30 Monday to Thursday, 10:00 and 00:00 Friday and Saturday and 10:00 to 22:30 Sunday
2. Provision of Late Night Refreshment 'Indoors' 23:00 and 23:30 Monday to Thursday and 23:00 and 00:00 Friday and Saturday
3. Provision of Recorded Music 'Indoors' 23:00 and 23:30 Monday to Thursday and 23:00 and 00:00 Friday and Saturday
4. Non-standard times for all the above licensable activities on Sundays immediately prior to public and bank holiday until 00:00 and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**I wish to make the following representations based on the plans submitted and the supporting operating schedule:**

1. The hours requested for and the Supply of Alcohol may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area
2. The hours requested for and the Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area

3. The hours requested for and the Provision of Recorded Music may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area
4. Non-standard times for all the above licensable activities may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area

Environmental Health also makes the following further comments:

- An extensive list of conditions have been offered in the operating schedule and these are being considered as to whether they are sufficient to allay Environmental Health concerns
- The premises are located in a Cumulative Impact Area and any approval for 'On' sale of alcohol usually requires it to be covered by the 'model' restaurant condition (MC66) for it to be consistent with Westminster's Statement of Licensing Policy.

It is noted that the application is subject to surrender of premises licence 16/09835/LIPT and Environmental Health considers this will be a matter for the Licensing sub-Committee for determination as to whether this will be sufficient to bring it into line with Policy particularly as several new premises are being proposed.

- The premises will also need to be evaluated for its food preparation/cooking facilities in order to assess whether Public Nuisance may arise from odour and/or noise from the operation of any plant and machinery.

NOTE: the premises appears to have planning A1 use and may therefore require change of use to A3 in order to be consistent with the licensable operation – the applicant is advised to contact the planning department where special rules may apply for such a change of use.

- The provision of sanitary accommodation for any proposed capacity must be in line with the minimum standards as provided in British Standard 6465 to help prevent an increase in Public Nuisance in the West End Cumulative Impact Area. In addition, compliance with Food Hygiene guidance will also require separate facilities for staff if the overall capacity at the premises is more than 25 persons.

Representations are therefore made to this application on grounds of Public Nuisance, Public Safety and being against Westminster's Statement of Licensing Policy.

#### **Further correspondence between Environmental Health and the Applicant**

Environmental Health proposes the following changes if the premises are to operate predominantly as retail A1 units as designated under planning.  
(these will bring the proposals into line with Cumulative Impact Area requirements):

Reduce the hours for the Sale of Alcohol to 20:00 hours and the following additional conditions are advised. However if you wish to keep the hours for licensable activities as applied for then condition 1 in your proposed condition should be changed to model condition 66 as for the restaurant applications.

*(This will require, as previously advised, a change of use planning application but will not be a determining factor in the licence application.)*

Please contact me if you require further advice or information.

**Further correspondence from Applicant to Environmental Health**

Please find enclosed Schedules in respect of:

1. The A3 and A1 uses;
2. The A4 use.

I have added:

- a) A capacity (to be determined) condition;
- b) A restriction on off sales after 11pm.

I have removed the works condition as it's a provisional statement.

**Further correspondence from Environmental Health to the Applicant**

Thanks for this however I make the following comments as these premises are located in the Edgware Road Cumulative Impact Area:

1. Whilst a capacity to be determined condition is fine I strongly advise that prospective maximum capacity figures are provided for each of the units.
2. It would also be useful if you are able to provide a capacity figure for the Licence being surrendered, 16/09835/LIPT, such as might have been determined under a fire risk assessment.
3. For the hours of licensable activities proposed for the A3 and A1 units Environmental Health will be asking at LSC that these operate under MC66 so as to be policy compliant.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	11 April 2018

Police object to the following applications:  
RU3 18/03364/LIPST

With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted these applications would undermine the Licensing Objectives.

The venue is situated in the Edgware Road Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

I will contact you to discuss this objection in more detail.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy CIP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy RNT2 applies</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

### 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, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Planning Decision Notice – 14/11220/FULL
<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>	Mrs Shannon Pring Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@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	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority	24 April 2018
<b>5</b>	Environmental Health Service	11 April 2018
<b>6</b>	Metropolitan Police Service	24 April 2018

The Applicant has provided the following documents with their application. Copies of the following documents are enclosed:

- A cover letter;
- Annex document; and
- A copy of the pre-application advice 18/00782/PREAPM.



PREMISES MANAGEMENT  
LICENSING SERVICE

27 MAR 2018

CITY OF WESTMINSTER

Thomas & Thomas  
Partners LLP

38a Monmouth Street  
London WC2H 9EP  
Tel: 020 7042 0410  
Fax: 020 7379 6618

your ref:  
our ref: AT/TB/ALM.1.1

Licensing Team  
Public Protection & Licensing  
Westminster City Council  
Portland House  
22nd Floor  
Bressenden Place  
London SW1E 5RS

BY COURIER

26th March 2018

Dear Sirs

**Licensing Act 2003**  
**Marble Arch Place**  
**Development at Edgware Road**

We act for the applicant in the above matter and enclose:

1. Provisional statement applications (Units RU2, RU3, RU4, RU5, RU6), including plans;
2. Schedule of works;
3. Cheque for £1575 (£315 per application).

The applications follow pre-application advice with Mr Drayan **18/00782/PREAPM**. By way of explanation, premises licence ref 16/09835/LIPT subsists and is currently held by the applicant. Until recently, it was a Wetherspoons Public House and it is intended to redevelop the site into another vertical drinking venue, consistent with that licence and the lawful A4 planning use. However, the size of the unit will reduce.

Following the recent grant of planning permission, two further provisional statements are requested in respect of the restaurant units and two in respect of retail units. Both are subject to appropriate model conditions consistent with those uses.

The premises are (just) in the Edgware Road cumulative impact area but the application in respect of the Wetherspoons unit is subject to policy exceptions at 2.4.6 and 2.4.7 as it is being replaced by a similar but smaller use.

The restaurant and the retail applications are, subject to them being MC38, rather than MC66, subject to policy RNT2 with the difference in condition justified by the de-intensification of the A4 unit and the general improvements that the development will bring.

Yours faithfully

**Thomas and Thomas Partners LLP**

**Encs**

PREMISES MANAGEMENT  
LICENSING SERVICE  
27 MAR 2018  
CITY OF WESTMINSTER

**Annexure 10**

**The Marble Arch Retail Minimum Standard**

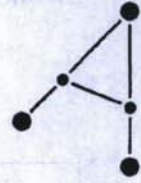


**Marble Arch Place**

**Marble Arch Retail**

**Minimum Standard**

# MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



## Marble Arch Retail Minimum Standard

14<sup>th</sup> March 2016 (Version 6)

### Introduction

The Marble Arch Retail premises are to be delivered to retail shell specification, according to the following description.

- Table 1 contains a common base specification for the A1 Unit and A3 Unit.
- Table 2 identifies further particular requirements of the A3 Unit
- Table 3 identifies further particular requirements for the A1 Unit.

The following specification should be read in conjunction with the following plans:

- RVA SK1140 (Rev 01) – Retail Unit 1&2 Incoming Services – B1 Mezz
- RVA SK1141 (Rev 01) – Retail Unit 1&2 Incoming Services – Ground Level
- RVA SK1142 (Rev 01) – Retail Unit 1&2 Incoming Services – Level 01
- RVA SK 1144 (Rev 01) – Retail Unit 1 – Plans
- RVA SK 1146 (Rev 01) - Retail Unit 2 Plans (Planning Proposal)
- RVA SK 1175 (Rev 01) – Enlarged Plans and Elevations Building 1 Oxford Street
- RVA SK 1176 (Rev 00) – Enlarged Plans and Elevations Building 1 Edgware Road

In this schedule, “Scheme Design” means the RIBA Stage E design and specification for the Works attached as Annex 8 of the Development Agreement.

**Table 1 – Common Specification**

Structural frame	<ul style="list-style-type: none"> <li>• Structural frame: steel frames (columns and beams) and composite slab</li> <li>• Frame Finish: “Ordinary” finish to national Structural concrete specification Fourth edition</li> <li>• Provision for services distribution: holes in web of steel beams</li> </ul>
Floors	<ul style="list-style-type: none"> <li>• Floor: composite metal decking and concrete slab</li> <li>• Floor finish to be provided by Tenant</li> <li>• Soft-spot to be provided in first floor opening between A1 and A3 Units as provided for in the Scheme Design.</li> </ul>
Structural slab loading (floor slabs)	<ul style="list-style-type: none"> <li>• Imposed load 5.00kN/m<sup>2</sup></li> <li>• Screed allowance 1.8kN/m<sup>2</sup></li> <li>• Services &amp; Ceiling allowance (GF) 0.5kN/m<sup>2</sup></li> <li>• Services &amp; Ceiling allowance (B1) 0.6kN/m<sup>2</sup></li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



	<ul style="list-style-type: none"> <li>Services &amp; ceiling allowance (level 1) 0.5kN/m<sup>2</sup></li> <li>Maximum deflection under full design load 30mm</li> </ul>																																	
Minimum internal heights	<ul style="list-style-type: none"> <li>Per Scheme Design.</li> </ul>																																	
Acoustic performance criteria	<p>For the purposes of this provision "Cinema Premises" has the meaning defined in the Marble Arch Retail Underlease.</p> <p>The Marble Arch Retail shall be designed so as to prevent:</p> <ul style="list-style-type: none"> <li>noise exceeding NR25 L<sub>max</sub> in any auditorium in the Cinema Premises ("Auditorium"); or</li> <li>any perceptible vibration in any Auditorium which materially impacts on the beneficial use and enjoyment of the Cinema Premises;</li> </ul> <p>provided that the following operational noise limits are not exceeded within the Marble Arch Retail premises.</p> <table border="1" data-bbox="587 1070 1353 1272"> <thead> <tr> <th rowspan="2"></th> <th colspan="6">octave band centre frequency (Hz)</th> <th rowspan="2">A</th> </tr> <tr> <th>63</th> <th>125</th> <th>250</th> <th>500</th> <th>1k</th> <th>2k</th> <th>4k</th> </tr> </thead> <tbody> <tr> <td><i>L</i><sub>eq,1min</sub></td> <td>75</td> <td>75</td> <td>75</td> <td>77</td> <td>76</td> <td>74</td> <td>68</td> <td>80</td> </tr> <tr> <td><i>L</i><sub>max</sub></td> <td>90</td> <td>88</td> <td>88</td> <td>88</td> <td>88</td> <td>85</td> <td>85</td> <td>92</td> </tr> </tbody> </table>		octave band centre frequency (Hz)						A	63	125	250	500	1k	2k	4k	<i>L</i> <sub>eq,1min</sub>	75	75	75	77	76	74	68	80	<i>L</i> <sub>max</sub>	90	88	88	88	88	85	85	92
	octave band centre frequency (Hz)						A																											
	63	125	250	500	1k	2k		4k																										
<i>L</i> <sub>eq,1min</sub>	75	75	75	77	76	74	68	80																										
<i>L</i> <sub>max</sub>	90	88	88	88	88	85	85	92																										
Internal partition walls	<ul style="list-style-type: none"> <li>Generally exposed fair faced concrete blockwork except for core areas, which will be exposed concrete.</li> </ul>																																	
Ceilings	<ul style="list-style-type: none"> <li>No ceilings: Exposed soffit of overlaying floor structure</li> </ul>																																	
Ground floor shop fronts	<ul style="list-style-type: none"> <li>Full height single glazed units with a powder coated aluminium frame.</li> <li>Glass double-leaf doors with stainless steel top and bottom rails. Suitable doors and ironmongery and locking mechanism to be provided</li> <li>Refer to General Ventilation below for description of retail louvres.</li> </ul>																																	
Internal joinery	<ul style="list-style-type: none"> <li>Metal doors and frames compliant with the fire strategy and current building regulations</li> <li>Door thresholds to be flush with finished floor levels in to common areas. The door thresholds will be set above the concrete slab for the</li> </ul>																																	

**MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD**



	<p>A3 retail unit and for the A1 retail unit to achieve levelled thresholds internally and externally where required.</p> <ul style="list-style-type: none"> <li>• Polyester powder coated finish to door and frames in standard range RAL colour to be agreed via sampling.</li> </ul>																												
<p><b>BREEAM</b></p>	<ul style="list-style-type: none"> <li>• Retail shells will be designed and constructed to achieve BREEAM excellent rating. The tenant shall design the fit out, ensuring the following is incorporated to maintain the BREEAM rating of the building:             <ul style="list-style-type: none"> <li>○ <i>The fit out design shall be designed in accordance with the following requirements:</i></li> </ul> </li> </ul> <table border="1" data-bbox="478 878 1300 1960"> <thead> <tr> <th data-bbox="478 878 933 943">Assumed Fit-out</th> <th data-bbox="933 878 1300 943">All Retail Units</th> </tr> </thead> <tbody> <tr> <td data-bbox="478 943 933 1059">Heating system type (assumed system in model)</td> <td data-bbox="933 943 1300 1059">Water source Heat Pumps + Supply and Extract</td> </tr> <tr> <td data-bbox="478 1059 933 1124">Heating Efficiency</td> <td data-bbox="933 1059 1300 1124">COP 4.5</td> </tr> <tr> <td data-bbox="478 1124 933 1227">Cooling system type (assumed system in model)</td> <td data-bbox="933 1124 1300 1227">Heat Pumps + Supply and Extract</td> </tr> <tr> <td data-bbox="478 1227 933 1292">Seasonal EER</td> <td data-bbox="933 1227 1300 1292">SEER: 5.5</td> </tr> <tr> <td data-bbox="478 1292 933 1395">Ventilation Type</td> <td data-bbox="933 1292 1300 1395">AHU Only (Local Supply &amp; Extract)</td> </tr> <tr> <td data-bbox="478 1395 933 1498">Specific Fan power of air distribution plant</td> <td data-bbox="933 1395 1300 1498">2.0 (AHU)</td> </tr> <tr> <td data-bbox="478 1498 933 1563">Duct Leakage</td> <td data-bbox="933 1498 1300 1563">Worse than A</td> </tr> <tr> <td data-bbox="478 1563 933 1628">AHU Leakage</td> <td data-bbox="933 1563 1300 1628">Worse than L3 /Not tested</td> </tr> <tr> <td data-bbox="478 1628 933 1693">Heat recovery</td> <td data-bbox="933 1628 1300 1693">By Tenant</td> </tr> <tr> <td data-bbox="478 1693 933 1758">Heat recovery</td> <td data-bbox="933 1693 1300 1758">Yes – 75%</td> </tr> <tr> <td data-bbox="478 1758 933 1823">DHW system type</td> <td data-bbox="933 1758 1300 1823">From central LTHW system</td> </tr> <tr> <td data-bbox="478 1823 933 1888">DHW system delivery efficiency</td> <td data-bbox="933 1823 1300 1888">0.85</td> </tr> <tr> <td data-bbox="478 1888 933 1960">DHW Fuel Type</td> <td data-bbox="933 1888 1300 1960">Gas</td> </tr> </tbody> </table>	Assumed Fit-out	All Retail Units	Heating system type (assumed system in model)	Water source Heat Pumps + Supply and Extract	Heating Efficiency	COP 4.5	Cooling system type (assumed system in model)	Heat Pumps + Supply and Extract	Seasonal EER	SEER: 5.5	Ventilation Type	AHU Only (Local Supply & Extract)	Specific Fan power of air distribution plant	2.0 (AHU)	Duct Leakage	Worse than A	AHU Leakage	Worse than L3 /Not tested	Heat recovery	By Tenant	Heat recovery	Yes – 75%	DHW system type	From central LTHW system	DHW system delivery efficiency	0.85	DHW Fuel Type	Gas
Assumed Fit-out	All Retail Units																												
Heating system type (assumed system in model)	Water source Heat Pumps + Supply and Extract																												
Heating Efficiency	COP 4.5																												
Cooling system type (assumed system in model)	Heat Pumps + Supply and Extract																												
Seasonal EER	SEER: 5.5																												
Ventilation Type	AHU Only (Local Supply & Extract)																												
Specific Fan power of air distribution plant	2.0 (AHU)																												
Duct Leakage	Worse than A																												
AHU Leakage	Worse than L3 /Not tested																												
Heat recovery	By Tenant																												
Heat recovery	Yes – 75%																												
DHW system type	From central LTHW system																												
DHW system delivery efficiency	0.85																												
DHW Fuel Type	Gas																												

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



	<p><b>Averaged lighting power density across each zone type</b></p> <p>1.86 W/m<sup>2</sup>/100lux</p>
	<p><b>Display Lighting</b></p> <p>80lm/W</p>
	<p><b>Renewable technologies</b></p> <p>CHP</p>
Primary Heat for HWS generation	<ul style="list-style-type: none"> <li>• From landlord's centralised heating system via plate heat exchanger.</li> <li>• Heat exchangers are to be supplied, installed and maintained by the Landlord, location to be in lowest retail level.</li> <li>• Each retail unit will be provided with a 90kW LTHW heat exchanger for production of domestic hot water only.</li> <li>• Primary flow/return design temperatures 80/ 60degrees C, secondary flow/return design temperatures 60 /10 degrees C.</li> <li>• Secondary design flow rate assumed 0.43 Kg/s. Where higher HWS demand is required, the retailer will provide HWS storage within their demise to suit their requirements.</li> <li>• A heat meter will be provided by the Landlord on the primary side of the heat exchangers, connected to the central EMS</li> <li>• The primary heating is available 24 hrs per day 7 days per week.</li> </ul>
Condenser water	<ul style="list-style-type: none"> <li>• From landlord's centralised Condenser water system via run and standby plate heat exchangers.</li> <li>• Heat exchangers are to be supplied, installed and maintained by the Landlord at the lowest retail level.</li> <li>• Primary flow/return design temperatures set point 22/28degrees C with maximum 33/39degrees C.</li> <li>• An energy meter will be provided by the Landlord on the primary side of the heat exchangers, connected to the central EMS</li> <li>• To be used for general heating and cooling via water cooled heat pump air conditioning system to be provided as part of the Tenants fit-out.</li> <li>• Condenser water is available 24 hours per day 7 days per week.</li> <li>• (For loads and temperatures see specific section for each unit)</li> <li>• (For heat rejection for use in refrigeration systems refer to general ventilation below)</li> </ul>
General Ventilation	<ul style="list-style-type: none"> <li>• All general ventilation plant equipment and system within the demise of each unit shall be provided by the tenant.</li> <li>• To facilitate the above, a system of external louvres is provided by the landlord on the façade of the unit. These run at high-level ground and</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<p>1<sup>st</sup> floor level on each unit and are backed with bird mesh, proprietary aluminium weather extrusions and insulated blanking plates in non-active areas. The extent of the high-level louvres is shown on the attached drawings.</p> <ul style="list-style-type: none"> <li>• The louvers shall not be used to discharge kitchen extract or similar which may cause nuisance to other parts of the building, to the surrounding buildings, or to the general area.</li> <li>• All filtration shall form part of the tenant fit out works.</li> </ul>
Kitchen Extract	<ul style="list-style-type: none"> <li>• A single A3 riser shall be provided from the A3 unit to roof level for the installation of kitchen extract ventilation systems.</li> <li>• For A3 unit only, an extract duct shall be provided by the Landlord from the unit to roof level extending to a suitable point of discharge.</li> <li>• The duct will be fire rated and will run at high level in corridors and via dedicated risers to roof level.</li> <li>• Full access for cleaning will be provided throughout the length of the duct.</li> <li>• The duct will be designed and installed to all current and Building Control standards, and in accordance with Ductwork Specification DW 172.</li> <li>• A section of duct at roof level shall be left out for the Tenant to provide and install an extract fan and attenuators suitable to meet the requirements of the kitchen extract system.</li> <li>• The Landlords duct will terminate within the Demise at high level for extension within the demise by the Tenant.</li> <li>• The A3 retailer shall be responsible for the supply, installation and commissioning of an ecology unit within the retail demise.</li> <li>• The size and design parameters of the installed duct for the A3 unit are described in specific section below.</li> </ul>
Water Supply	<ul style="list-style-type: none"> <li>• A metered Potable Water supply shall be provided by the Landlord to each unit.</li> <li>• The supply shall be terminated with an isolating valve within the unit. (See specific section for the size and location for each unit)</li> <li>• The Landlords supply incorporates water storage.</li> <li>• Each water supply shall be provided with a water meter located outside of the demise, connected to the landlords building management system.</li> </ul>
Gas Supply	<ul style="list-style-type: none"> <li>• For A3 unit only, a gas supply pipe shall be provided by the Landlord.</li> <li>• A supply pipe will be provided from the building's common gas meter room to the demise.</li> </ul>



## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<ul style="list-style-type: none"> <li>• The supply pipe will be afforded all protection with regard to gas escape and fire as required depending on the route between the gas meter room and the demise.</li> <li>• An automatic isolation valve shall be provided by the tenant within the demise to isolate the gas supply upon fire, interfaced with the fire alarm system, fire suppression system as well as manual activation. As required as part of the safety systems within the demise</li> <li>• Should automatic isolation be required at the gas meter end of the supply to meet the requirements of the safety systems within the building, this will be provided by the Landlord, connected to the Landlords fire alarm system.</li> <li>• The tenant shall make an application for the gas supply and meter via their own shipper and take all steps required to activate the supply.</li> </ul>
<p><b>Electrical Supply</b></p>	<ul style="list-style-type: none"> <li>• The landlord will install an electrical supply to the unit direct from the supply authorities' distribution.</li> <li>• The supply will be terminated in a service head with fuse, isolating switch and metering ICT chamber within the unit's demise. (See specific section for the size and location for each unit)</li> <li>• The landlord will provide an MPAN number to the Tenant prior to the unit's handover in good time to ensure that the supply is available at the commencement of the fitting out period.</li> <li>• The Tenant is to make a formal application for the supply and meter via their service provider.</li> </ul>
<p><b>Fire Alarm and interface</b></p>	<ul style="list-style-type: none"> <li>• A fire alarm interface unit is to be provided by the Landlord in the corridor immediately outside the rear door of each unit at ground floor level.</li> <li>• The tenant is to supply and install a standalone fire alarm system for the unit, which is compatible with the Landlords system and the cable connections to the Landlords interface unit.</li> <li>• The Landlord shall terminate the cable connections into the interface, via the buildings fire alarm installer and activate/ programme the main buildings system as required.</li> <li>• The Landlords system operates on a double knock arrangement (investigate at first alert and activate on second) the tenants system shall follow this 2 stage procedure.</li> <li>• The tenants system shall be capable of conveying and receiving the 2 stage signalling via the interface unit.</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

<p>Sprinklers, Zone Control Valves, Fire suppression &amp; Basement Smoke Ventilation</p>	<ul style="list-style-type: none"> <li>• Sprinkler system within the unit to be served by landlord's common system.</li> <li>• A sprinkler connection and zone check isolating valve is provided by the landlord for each level of the unit. Each connection is monitored by the Landlords fire alarm system.</li> <li>• The A1 Retail Unit shall be provided with a life-safety generator backed power supply terminating in an automatic transfer switch (ATS) in the A1 retail basement demise. The secondary supply of the ATS will be connected to the landlord's electrical infrastructure. The primary supply of the ATS will be connected from the tenant's incoming supply (fit out by tenant).</li> <li>• The A1 retail unit shall be provided with a smoke ventilation system that will be designed, supplied, installed and commissioned by the landlord and will be located at high level in the basement demise. The smoke ventilation ductwork will extend up through the ground floor slab, to high-level ground floor and underside of 1<sup>st</sup> floor slab before terminating onto high-level louvres in the ground floor façade</li> <li>• Each retail tenant is to design, supply and install all other fire protection systems within the units.</li> </ul>
<p>Drainage</p>	<ul style="list-style-type: none"> <li>• The Landlord shall provide 100mm diameter foul water connections (pop ups) as described in Tables 2 &amp; 3.</li> <li>• A single vent pipe shall be provided by the Landlord at high level at the highest level of the unit, which rises to roof level for venting the tenants system to atmosphere.</li> <li>• The Tenant shall provide all required grease traps, and other necessary system protection within the unit's demise, to ensure that effluent is discharged to the standards required by the Drainage Authority.</li> <li>• Except to the extent shown in the Scheme Design, no drainage pipework serving other parts of the property shall pass through the retail units.</li> </ul>
<p>Satellite services</p>	<ul style="list-style-type: none"> <li>• Provision for tenants to use landlord's common satellite installation as identified in Audio Visual Specification HPF-S-65-SP-XXX-01 document forming part of the Scheme Design.</li> <li>• The tenant shall request from the Landlord connection to the system should it be required.</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<ul style="list-style-type: none"> <li>• All costs associated with the connection will be borne by the Tenant.</li> <li>• Other than the A1 Unit, the Tenant will not be allowed to provide their own satellite dish or receiving equipment on the roof or in any location outside of the unit's demise.</li> </ul>
Telephone	<ul style="list-style-type: none"> <li>• An adequate cable containment system in the form of cable tray and conduit will be provided by the landlord from the comms intake room to the demise.</li> <li>• The Tenant shall apply for all telephone or communication services as required from their suppliers and supply and install all cabling required within the containment system provided.</li> <li>• No direct connections from the highway will be allowed.</li> </ul>
Access Control	<ul style="list-style-type: none"> <li>• All doors leading from the retail unit demise into other parts of the building (including doors for operational purposes and emergency escape doors) shall be monitored by the Landlord's security system. The monitoring shall include a door contact on each door leaf and coverage from a CCTV camera.</li> <li>• Any doors leading from the retail unit demise into other parts of the building that are used for operational purposes (i.e. to access refuse areas and storage areas) shall be provided with bi-directional access control on the Landlords Access Control System.</li> <li>• Access Controlled doors shall include green Break glass Unit overrides, leading in the direction of emergency egress, to override the locking mechanism directly in the event of an emergency or system malfunction.</li> <li>• Access Controlled doors shall include an interface with the Fire Alarm system to override the locking mechanism directly in the event of a Fire Alarm.</li> <li>• The fire alarm interface unit is to be provided by the Landlord in the corridor immediately outside the rear door of each unit at ground floor level.</li> <li>• The Tenant is to supply and install a standalone fire alarm system for the unit, which is compatible with the Landlords system and the cable connections to the Landlords interface unit.</li> <li>• The Landlord shall terminate the cable connections into the interface, via the buildings fire alarm installer and activate/ programme the main buildings system as required.</li> </ul>

# MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



**Table 2 Additional requirements for A3 Unit**

First floor external cladding	<ul style="list-style-type: none"> <li>As described in the Scheme Design.</li> </ul>				
Condenser Water	<ul style="list-style-type: none"> <li>Heat Extraction or Rejection Rate from/to plate heat exchanger: 250W/m<sup>2</sup> for 70% NIA, 440W/m<sup>2</sup> for 30%NIA. See below table for total heat rejection or extract load for retail unit.</li> <li>Secondary flow/return design temperatures set point 19/14degrees C with maximum 41/36degrees C.</li> </ul>				
	<b>Building Type</b>	<b>Retail Unit Type</b>	<b>Est. Area* (m<sup>2</sup>)</b>	<b>Delta T (K) (Secondary Side)</b>	<b>Total Heat Rejection Extraction Load (kW)</b>
	Building 1	A3	526	5	161.5
Gas	<ul style="list-style-type: none"> <li>Gas pipe will be provided by the landlord as described above to each A3 unit as per the table below:-</li> </ul>				
	<b>Building Type</b>	<b>Retail Unit Type</b>	<b>Gas flow rate (kW)</b>	<b>Gas pipe size (mm)</b>	<b>Pressure at retail demise (Pa)</b>
	Building 1	A3	200	65	2000
Electricity	<ul style="list-style-type: none"> <li>3 phase and neutral 415 volt 50 hz supply</li> <li>250A fuse and isolator located on wall at lowest level of each A3 retail demise.</li> <li>Loads as per table below, based upon 350W/m<sup>2</sup> for ground floor areas, and 200 W/m<sup>2</sup> for basement/1<sup>st</sup> floor areas</li> </ul>				
	<b>Building</b>	<b>Retail Unit Type</b>	<b>Total Load (kW)</b>		
	Building 1	A3	143		

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



<p>Kitchen Extract Duct</p>	<ul style="list-style-type: none"> <li>• Fire rated ductwork from demise to roof will be installed by landlord as described above. Free areas and flow rates will be provided as per the table below:-</li> </ul> <table border="1" data-bbox="483 562 1359 734"> <thead> <tr> <th data-bbox="483 562 834 696">Building Type</th> <th data-bbox="834 562 975 696">Retail Unit Type</th> <th data-bbox="975 562 1134 696">Kitchen Extract Duct Free Area (m<sup>2</sup>)</th> <th data-bbox="1134 562 1359 696">Max Potential Flow Rate (M<sup>3</sup>/s)</th> </tr> </thead> <tbody> <tr> <td data-bbox="483 696 834 734">Building 1</td> <td data-bbox="834 696 975 734">A3</td> <td data-bbox="975 696 1134 734">0.5</td> <td data-bbox="1134 696 1359 734">3.75</td> </tr> </tbody> </table>	Building Type	Retail Unit Type	Kitchen Extract Duct Free Area (m <sup>2</sup> )	Max Potential Flow Rate (M <sup>3</sup> /s)	Building 1	A3	0.5	3.75
Building Type	Retail Unit Type	Kitchen Extract Duct Free Area (m <sup>2</sup> )	Max Potential Flow Rate (M <sup>3</sup> /s)						
Building 1	A3	0.5	3.75						
<p>Riser and Roof plant provision</p>	<ul style="list-style-type: none"> <li>• External plant space for kitchen extract fan/attenuators will be as described in Kitchen Extract Duct section above.</li> <li>• There is a further provision of 2sqm for A3 retail tenant external plant space as defined within the Marble Arch Retail Underlease.</li> <li>• The imposed load capacity of the plant areas is 7.5kN/m<sup>2</sup></li> <li>• Vertical riser for tenant's exclusive use to be as shown on Marble Arch Retail Underlease plans</li> <li>• Refer to Scheme Design building core drawings for size of riser and access arrangements</li> <li>• Service risers will conform to the fire rating of the element through which they pass.</li> <li>• Working access platforms and edge protection to be provided within risers sufficient for maintenance and cleaning to be provided at all levels</li> </ul>								
<p>Drainage</p>	<ul style="list-style-type: none"> <li>• A3 unit ground floor 2No pop-ups</li> <li>• A3 unit first floor 1No 100mm capped connection at high level.</li> <li>• Vent pipe location. 1 No at high level ground floor and 1 No at high level first floor</li> <li>• Final positions of drainage provisions within the unit to be agreed with tenant.</li> </ul>								
<p>Potable water</p>	<ul style="list-style-type: none"> <li>• 28mm dia. Potable water supply provided at ground level demise with capacity for occupancy density of (200 serving at 7litres per serving)</li> <li>• Water supply will be terminated with a capped valved connection at high level at the lowest floor level within the retail unit.</li> <li>• The water supply to the A3 retail unit will have a capacity of 1.0 l/s with a pressure of 2-3bars</li> </ul>								

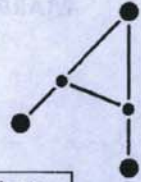
## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



**Table 3 Additional requirements for A1 retail Unit**

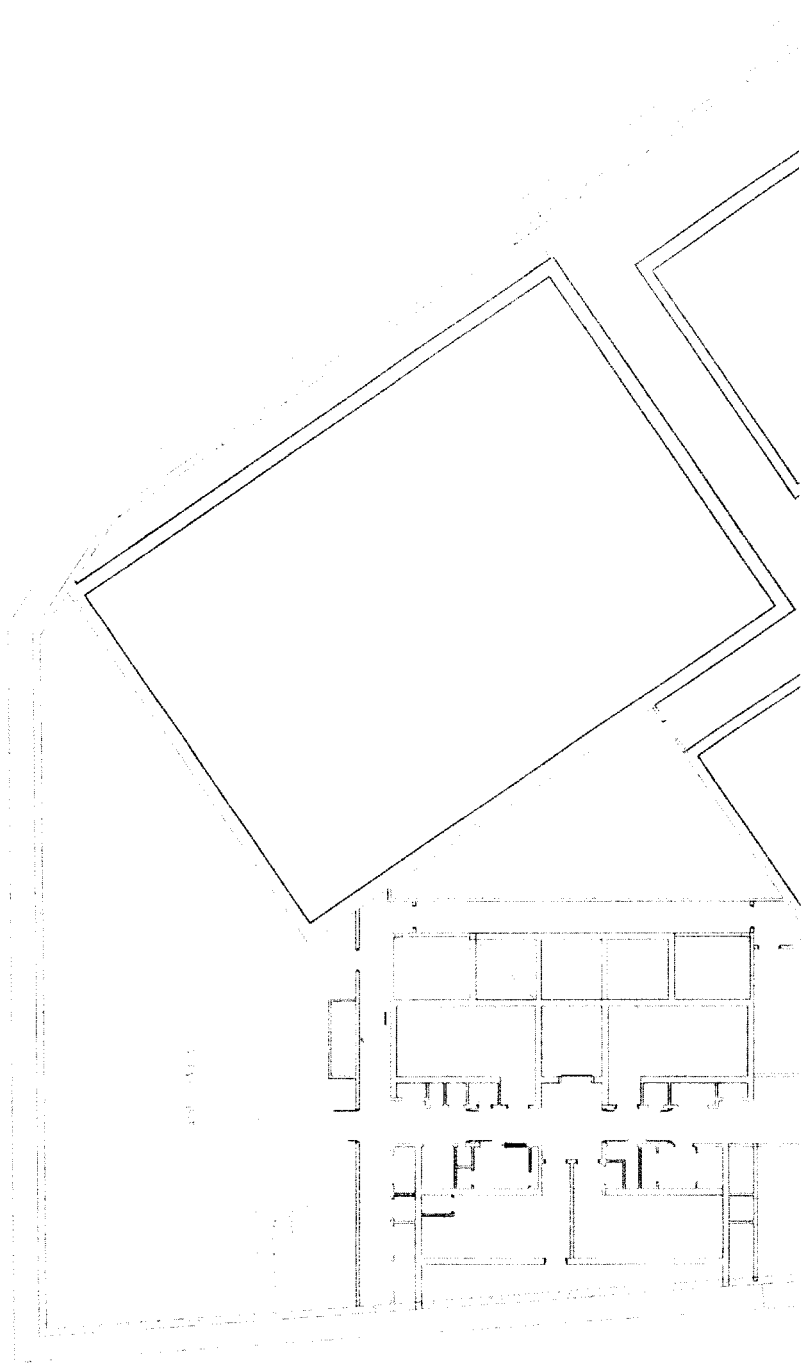
<p>Basement envelope</p>	<ul style="list-style-type: none"> <li>Basement retaining walls: 1000mm thick RC diaphragm wall</li> <li>Basement retaining walls: Hydro-duct CF or similar approved. Typical detail drawing WSL-04-OSW-401.</li> <li>The basement diaphragm wall in combination with the drained cavity construction provides a grade 3 basement in accordance with BS8102</li> </ul>										
<p>Condenser Water</p>	<ul style="list-style-type: none"> <li>Heat Extraction or Rejection Rate from/to plate heat exchanger: 250W/m<sup>2</sup> for 100% NIA. See below table for total heat rejection or extract load for retail unit.</li> <li>Secondary flow/return design temperatures set point 19/14 degrees C with maximum 41/36 degrees C.</li> </ul> <table border="1" data-bbox="483 1021 1359 1200"> <thead> <tr> <th>Building</th> <th>Retail Unit Type</th> <th>Est. Area (m<sup>2</sup>)</th> <th>Delta T (K) (Secondary Side)</th> <th>Total Heat Rejection or Extraction Load (kW)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>A1</td> <td>602</td> <td>5</td> <td>150.5</td> </tr> </tbody> </table>	Building	Retail Unit Type	Est. Area (m <sup>2</sup> )	Delta T (K) (Secondary Side)	Total Heat Rejection or Extraction Load (kW)	Building 1	A1	602	5	150.5
Building	Retail Unit Type	Est. Area (m <sup>2</sup> )	Delta T (K) (Secondary Side)	Total Heat Rejection or Extraction Load (kW)							
Building 1	A1	602	5	150.5							
<p>Electrical Supply</p>	<ul style="list-style-type: none"> <li>3 phase and neutral 415 volt 50 hz supply</li> <li>250A fuse and isolator located on wall at lowest level of each retail demise.</li> </ul> <table border="1" data-bbox="483 1529 927 1709"> <thead> <tr> <th>Building</th> <th>Retail Unit Type</th> <th>Total Load (kW)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>A1</td> <td>121</td> </tr> </tbody> </table>	Building	Retail Unit Type	Total Load (kW)	Building 1	A1	121				
Building	Retail Unit Type	Total Load (kW)									
Building 1	A1	121									
<p>Riser provision</p>	<ul style="list-style-type: none"> <li>Vertical riser for Building 1 A1 Retail tenant's exclusive use to be as shown on Marble Arch Retail Underlease plans</li> <li>Refer to building core drawings for size of riser and access arrangements</li> </ul>										

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

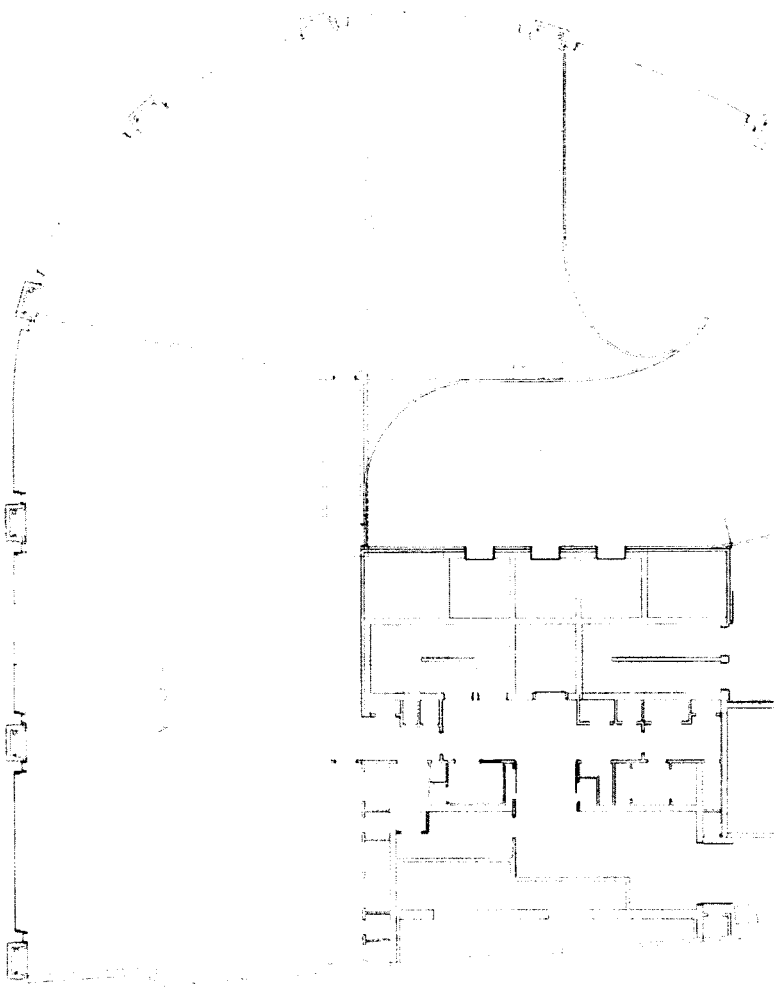


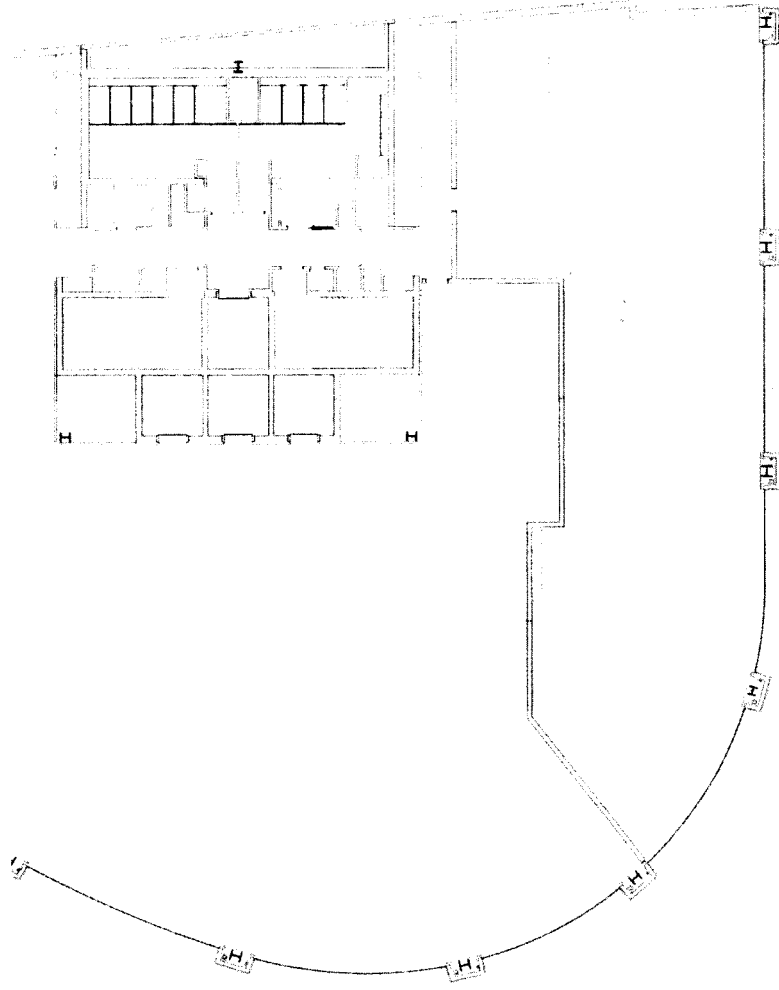
Roof plant provision	<ul style="list-style-type: none"> <li>• Provision for Building 1 A1 Retail tenant's future fit out external plant space at Building 1 level 08 as described within the Marble Arch Retail Underlease.</li> <li>• The imposed load capacity of the plant areas is 7.5kN/m<sup>2</sup></li> </ul>
Drainage	<ul style="list-style-type: none"> <li>• A1 unit will be provided with 4No pop-ups at basement level according to the Requirements of the Sainsbury's Agreement for Lease</li> <li>• A1 unit will be provided with 1No. vent pipe at the highest level only.</li> </ul>
Potable water	<ul style="list-style-type: none"> <li>• A1 unit will be provided with a 20mm TW water meter and a 25mm PE to 22mm dia. Potable water supply.</li> <li>• Water supplies will be terminated with a capped valved connection at high level at the lowest floor level within the retail unit.</li> <li>• The water supply to each A1 retail unit will have a capacity of 0.5 l/s with a pressure of 2-3bars</li> </ul>
Internal staircase, lift shaft and pit	<ul style="list-style-type: none"> <li>• To be provided according to the requirements of the Sainsbury's Agreement for Lease.</li> </ul>
Tenant's Satellite Provision	<ul style="list-style-type: none"> <li>• Facility for tenant to install Satellite dish according to requirements of Sainsbury's Agreement for Lease.</li> </ul>

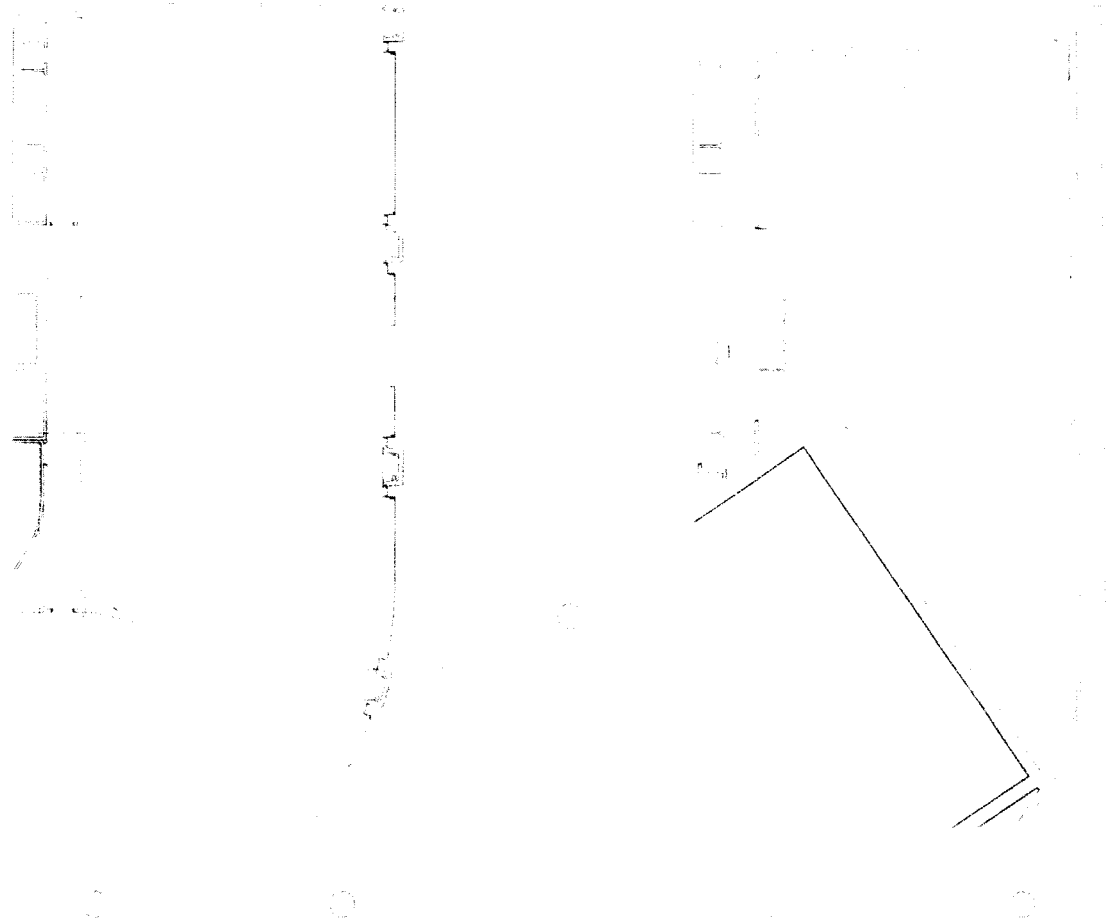
END













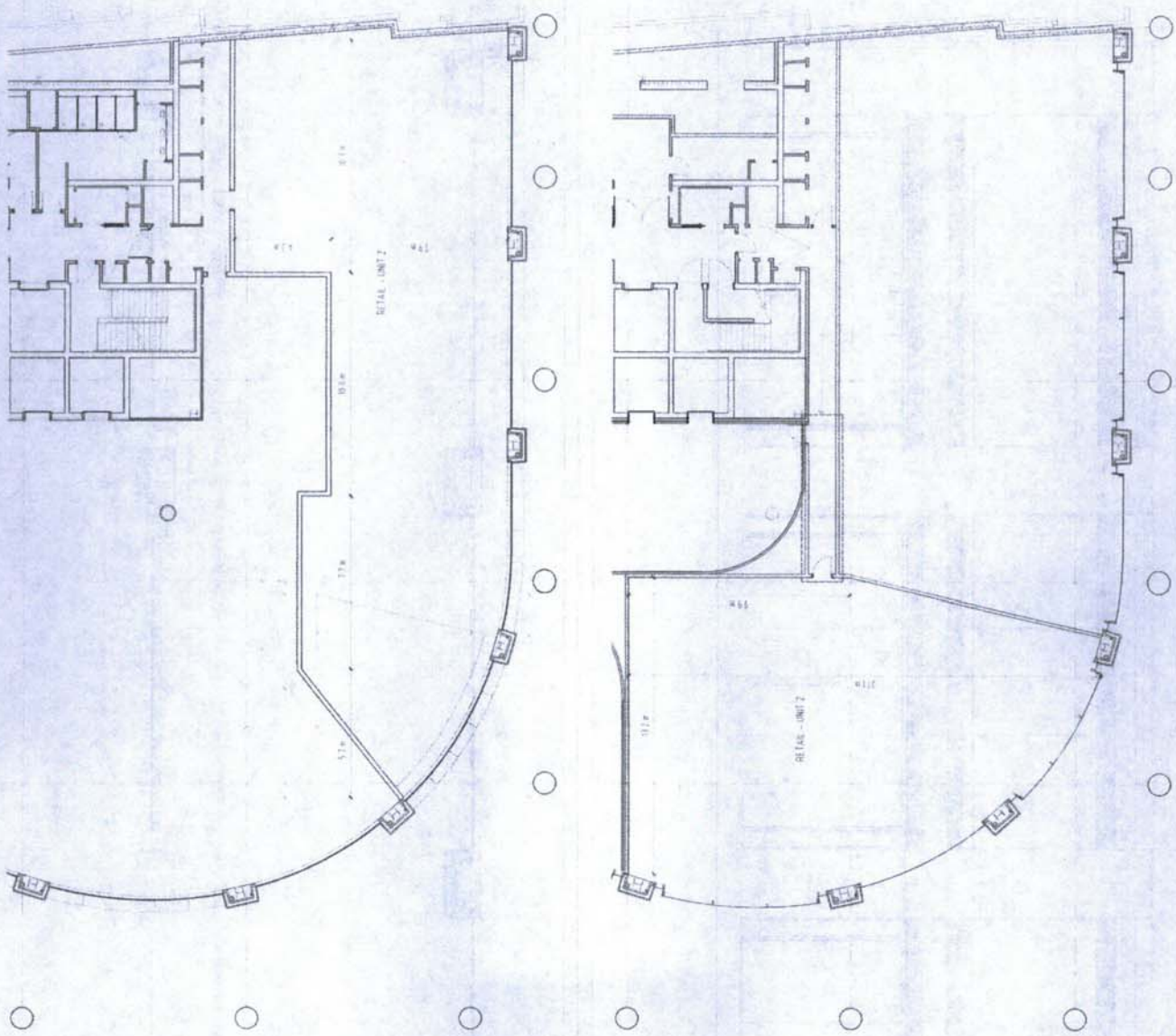
NO.	10
DATE	10/11/12
DESCRIPTION	RETAIL UNIT 2 - PLANS - PLANNING PROPOSAL
BY	RAFAEL VIÑOLY
CHKD BY	JOHN COOPER

FOR INFORMATION 02

RETAIL UNIT 2 - PLANS -  
PLANNING PROPOSAL

DATE: 10/11/12

RVA SK 1146

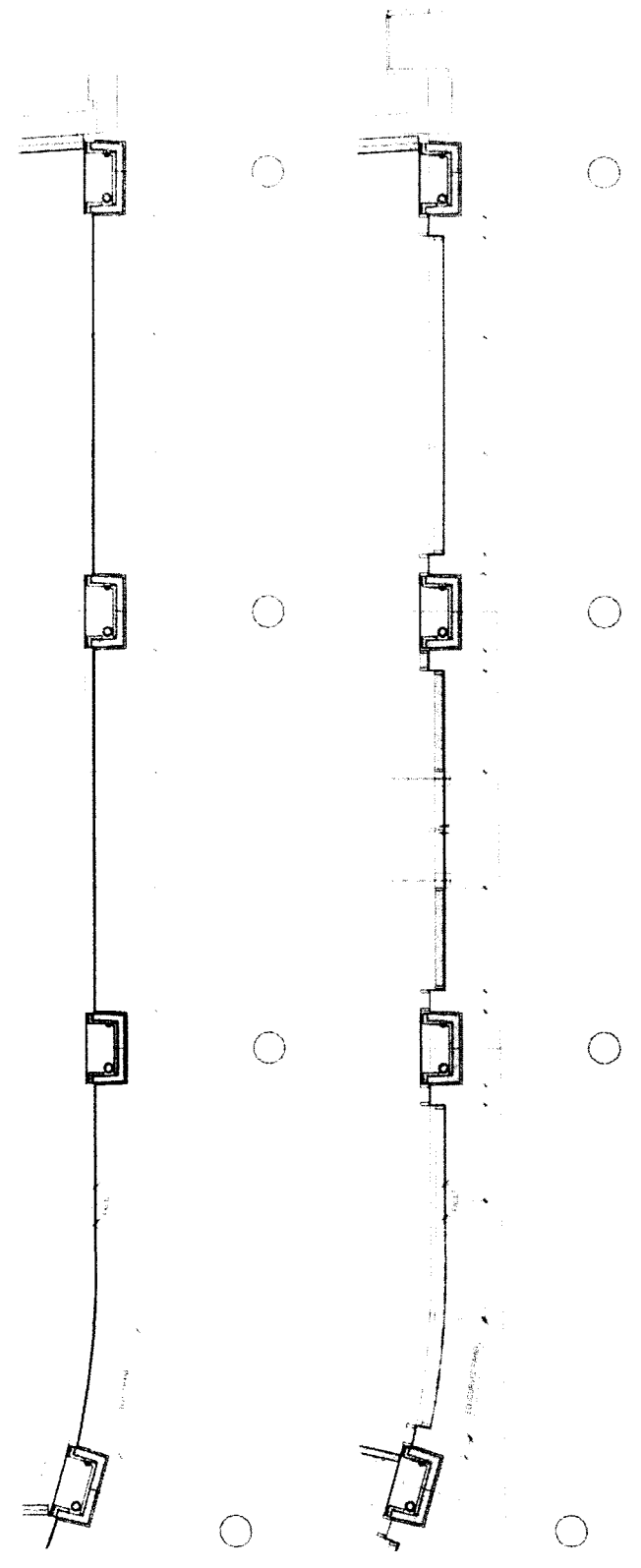
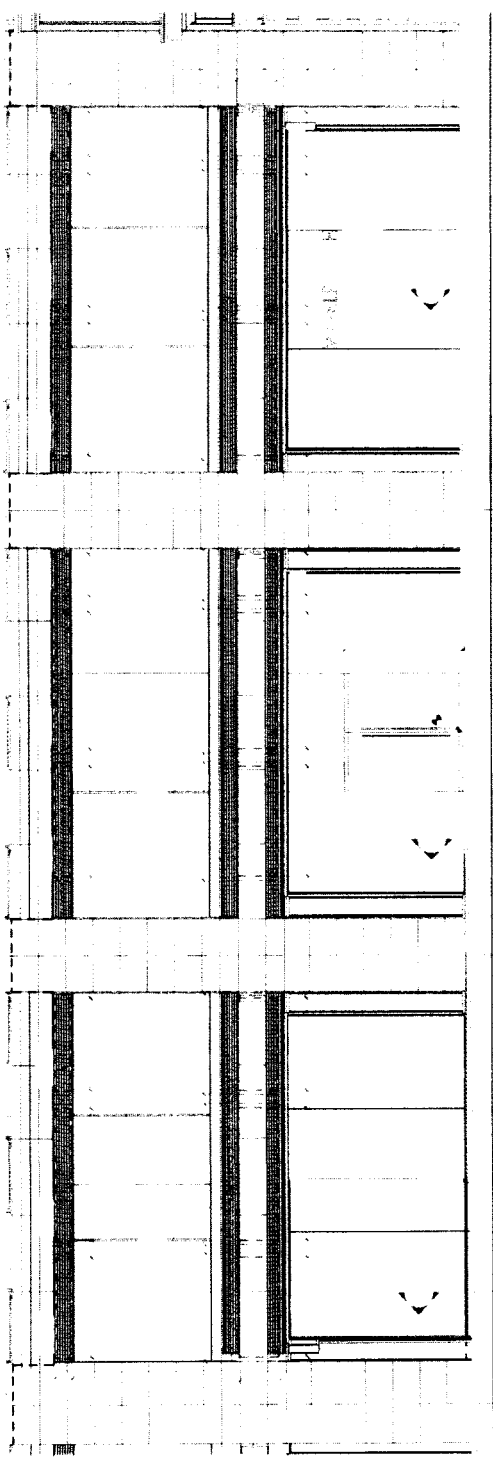


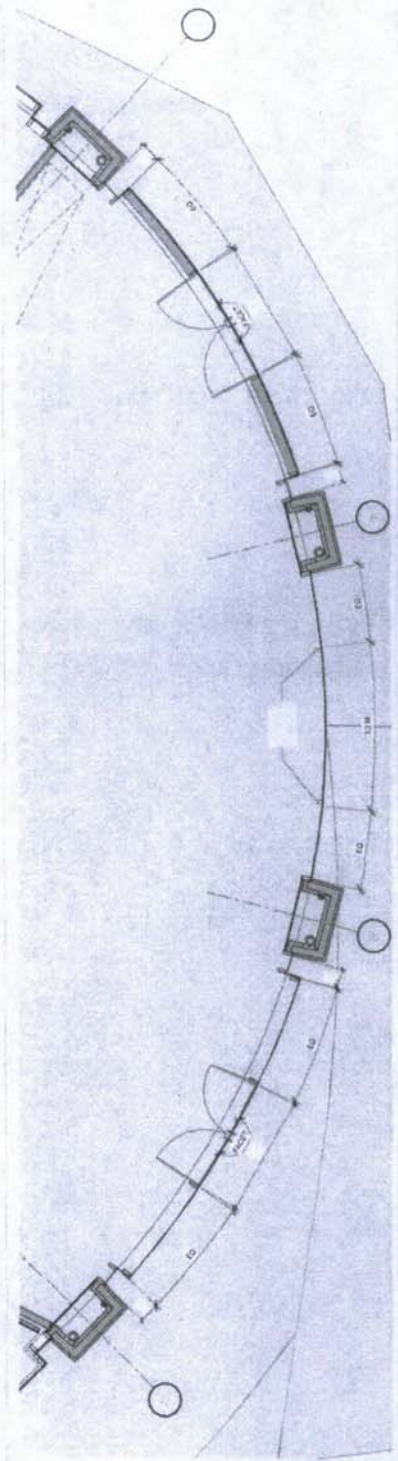
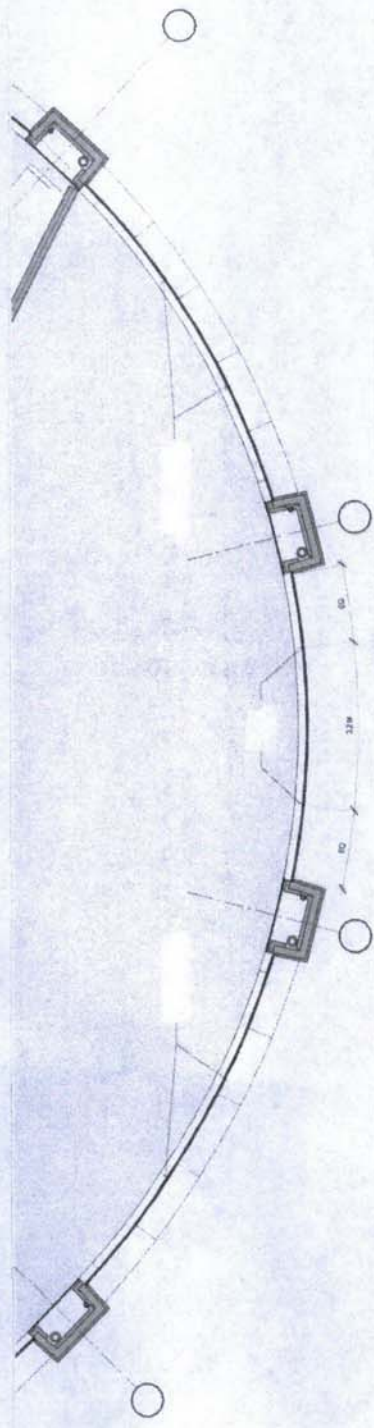
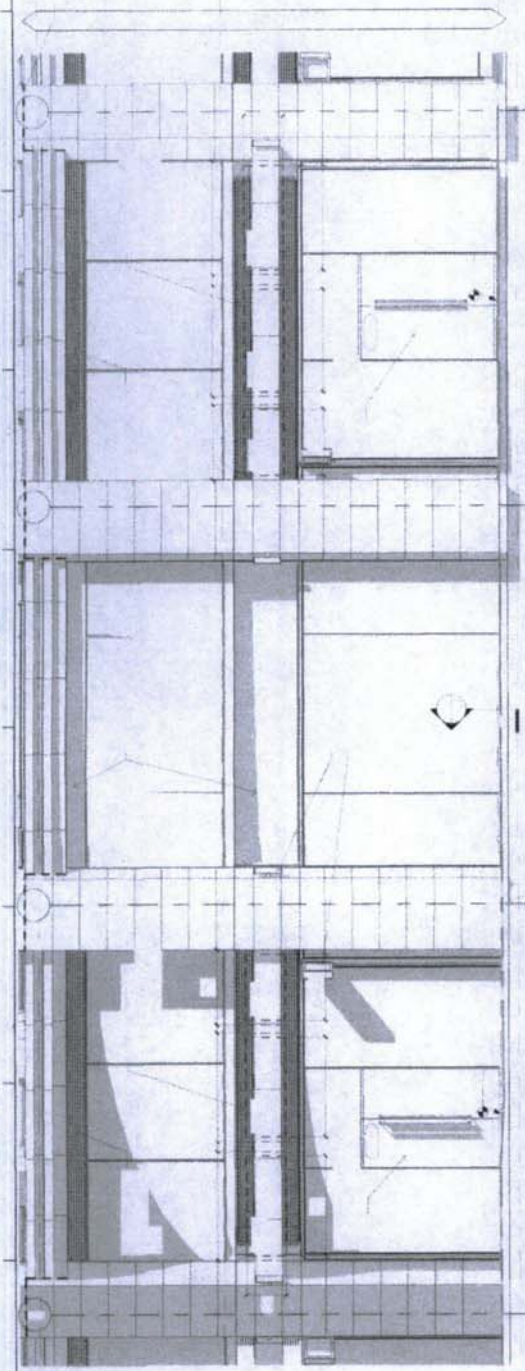
MODEL ARCHITECT

RAFAEL VINOLY  
ARCHITECTS PC

1100 BROADWAY  
SUITE 2000  
NEW YORK, NY 10019  
TEL: 212 677 8000  
WWW.RVARCHITECTS.COM

RVA SK 1075







# City of Westminster

**Office Name:** Anil Drayan  
**Designation:** EHO  
**Contact number:** 020 7641 1774  
**Email:** adrayan@westminster.gov.uk  
**Signed:** Anil Drayan

**WCC Uniform Ref Number:**  
 18/00782/PREAPM

**Address:** Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road, and 53-59 (odd) Bryanston Street

**Licenses:** 16/09835/LIPT

**Applicant:**  
 Alun Thomas  
 Thomas & Thomas  
 Partners Llp

**Cumulative Impact Area:**  
 Yes – Edgware Road

**Type of Business currently operating at the premises:**

- Development site with Planning Permission, 14/11220/FULL, for Demolition of existing building and erection of two new buildings with two basement levels and two mezzanine levels below ground. Building 1 fronting on to Marble Arch comprises ground and seven upper floors and roof top plant; Building 2 fronting onto Edgware Road comprising ground and seven upper floors with a tower to 18th floor level and roof top plant; all for a mix of uses comprising offices (Class B1), up to 54 residential units (Class C3), retail (Class A1), restaurant (Class A3), bar (Class A4) and cinema (Class D2); provision of car parking spaces, cycle parking spaces, plant and works to public realm, including a new pedestrian route between Marble Arch and Bryanston Street.

**BACKGROUND**

**Advice requested:**

*Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road, and 53-59 (odd) Bryanston Street see attached cover letter regarding proposals for provisional statements*

*Please could a site meeting be arranged to discuss the proposals, particularly the conditions which would apply to each of the statements.the basement, presuming that there may need to be a protected means of escape from there to the street.*

*I understand from our conversation that background music is restricted by planning and the tenant will be advised accordingly should that condition need to be varied.*

*It would be helpful if you could set out the conditions which you would find acceptable in addition to the hours and technical issues pertaining to capacity and sanitary*

requirements.

*There is an existing public house at 20 Edgware Road, formally a Wetherspoons and the premises licence (16/09835/LIPT) is currently held by the applicant. Following the grant of planning permission, it is proposed to obtain one provisional statements for the restaurant (A3) use, one provisional statement for the A4 use, and two provisional statements for the retail units (A1). The hours of the application will match those of the existing premises licence and in respect of the restaurant and retail use, the council's core hours for licensable activities and 30 minutes later for opening, in line with the planning.*

**Following a site visit on 1 March 2018 further clarification provided on the advice requested in an e-mail dated 7 March 2018:**

*I confirm that my client intentions are therefore as follows:*

*The existing Wetherspoons unit is reducing in size. That reduction is from 674 to 293 sq metres.*

- 1. To submit by way of provisional statement;*
- 2. For a public house/bar use upon the same terms as the existing licence which is held by my client;*
- 3. Two restaurant uses, MC38;*
- 4. Two retail uses, subject again to the same food conditions, notwithstanding the use obviously will need to remain predominantly as retail;*
- 5. The attached model conditions;*
- 6. The supermarket and Odeon will make their own applications in due course;*
- 7. I will send you further details of the servicing arrangements so obviously we can rely upon planning in that respect; and*
- 8. Your comments in relation to extract are noted and appreciated. My client will speak further with the architect and put him in touch if need be;*

**ENVIRONMENTAL HEALTH ADVICE**



**i. Cumulative Impact Area (CIA)**

The advice is based on *Westminster's Statement of Licensing Policy* which can be found on the Council's website at the following link:

<https://www.westminster.gov.uk/licensing-policy>

This also provides a connection to the list of *Model Pool of Conditions* which should be used as the basis of any conditions proposed in an operating schedule.

Please use this link to access the policies and conditions referred to when reading the advice below.

**As the premises are located within the Edgware Road Cumulative Impact Area special policy CIP1 applies which states;**

*(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.*

*(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.*

**ii. Public House in the Cumulative Impact Areas**

With regards to an application for Public Houses and Bars in the Cumulative Impact Areas - Policy PB2 applies which states:

*It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.*

However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy but *'will only be overridden in genuinely exceptional circumstances'*.

Whilst paragraphs 2.4.2-2.4.13 of the policy describes some of the exceptional circumstances the policy does not provide a list of examples of when an application may be treated as an exception.

Please note the Licensing Authority does not treat the following circumstances, on their own, as exceptional:

- The premises operate strictly to their conditions.
- The premises are well managed.
- The operator is of good character or reputation.
- The capacity of the premises is small.
- There are no residential properties in the vicinity.
- The premises have applied for Temporary Event Notices for longer hours without incident.
- Economic necessity
- The premises caters to a specialist group eg LGBT+ community

In this case the Premises Licence, 16/09835/LIPT, previously operating on part of the site, has been maintained and whether this provides an argument that in effect this is not a new application but could be considered effectively as a variation can only be determined by the Licensing sub- Committee.

However please note Paragraph 2.4.8 of the policy which states:

***'This will not apply to licences which have been surrendered or those which can have no practical effect because the premises to which they applied no longer exist, or will not continue to exist in their previous form, e.g. because of planned demolition or redevelopment.'***

Nevertheless the proposed reduction in the licensable area from 674 to 293 sq metres , additional conditions and the general improvement to the area resulting from the planning approval for the development as a whole,

particularly the addition of new residential spaces where there were none previously, may be used as part of an overall submission to demonstrate *'exceptional circumstances'*.

Please note you are also advised that the planning status of the premises will not be a material consideration as to whether any Premises Licence will be granted. Conversely, under planning legislation, the approval of a Premises Licence does not provide automatic grounds for the planning status to also be changed.

### **iii. Restaurants in the Cumulative Impact Areas**

Policy RNT2 applies which states:

*Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to Cumulative Impact in the CIA.'*

The principle condition to demonstrate compliance with policy RNT2 is if the premises operates under model condition MC66 – note only 'slight tweaks' may be permitted to this condition

As well as MC66 other considerations for demonstrating '*will not add to Cumulative Impact in the CIA*' are hours of operation, capacity restrictions, proximity of public transport etc.

### **iv. Retail operations wishing 'On' sale of alcohol in the Cumulative Impact Areas**

Any application for 'On' sale of alcohol in a predominantly retail use should have regard to paragraphs 2.4.16 to 2.4.22 and in particular paragraph 2.4.21 which states:

*'The council therefore considers that where applications for licenses to sell alcohol for consumption on the premises are made and (i) are appropriately conditioned so that the consumption of alcohol is not, and cannot become, a significant part of the operation of the premises and is regulated to promote responsible drinking; (ii) where the character of the premises is such that its customers are not likely to be involved in sustained*

***or heavy drinking at later hours; and (iii) when the sale of alcohol is not permitted beyond 20.00 hours; then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the cumulative impact area.'***

Any such application is therefore recommended to be accompanied with condition MC86 with alcohol licensing hours finishing at 20:00 hours.

**v. Capacity and works conditions**

All applications should be accompanied with an intended maximum capacity so that it provides some measure of assessment on 'cumulative impact' under condition MC90.

The plans submitted are not detailed enough for The District Surveyor to provide a precise capacity at this stage.

Any application should also submit the 'works condition' MC81 with the added phrasing:

- 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

**vi. Sanitary accommodation**

With regards to the provision of sanitary accommodation one of the reasons for a CIA designation, as stated in the policy (page 137), is;

*'(e) The fouling of doorways, alleyways and streets, which in addition to being antisocial, has consequences for public safety and health (Public Safety and Public Nuisance).'*

Environmental Health therefore requires that any new application for the provision of sanitary accommodations must be as advised in British Standard

6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances.

In addition:

- Also note Building Control requirements for new premises or premises undergoing substantial refurbishment usually require provision of a disabled or accessible facility.
- Provision for the staff; In addition, premises that are food led should also be providing sanitary accommodations that are separate from that provided for the public so as to be in compliance with guidance to food hygiene legislation.
- Please note in premises where food and drink is provided all toilets, if possible including disabled/accessible units, should be separated by a lobby from food eating, storage and preparation areas.

#### **vii. Conditions**

In addition to the conditions advised above for each type of application all applications should be submitted with the following common conditions:

#### **MC17:**

All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

#### **MC47:**

A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as a driving licence, passport or proof of

age card with the PASS Hologram.

**MC01:**

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 authorized officer throughout the entire 31-day period.

**MC02:**

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 authorized council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

**MC12:**

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.

**MC21:**

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

**MC42:**

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.

**Should you wish to discuss the matter further or seek further clarification or information please do not hesitate to contact me.**

**Anil Drayan**

**Environmental Health Officer,**

**EH Consultation Team**

**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.**

The planning decision for Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd), Bryanston Street, London is enclosed.



Your ref: ALMACANTAR PRIVATE TRUSTEE  
COMPA

Please reply to:

Mike Walton

My ref: 14/11220/FULL

Tel No:

020 7641 2521

Neil Lawrence  
Gerald Eve  
72 Welbeck Street  
London  
W1G 0AYDevelopment Planning  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

25 June 2015

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990  
PERMISSION FOR DEVELOPMENT (CONDITIONAL)

2/6/15

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

## SCHEDULE

Application No: 14/11220/FULL

Application Date: 30.10.2014

Date Received: 11.11.2014

Date Amended: 11.11.2014

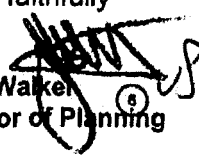
Plan Nos: RVA-0-10-095 rev 05, RVA-0-10-096 rev05, RVA-0-10-097 rev 05, RVA-0-10-098 rev05, RVA-0-10-100 rev05, RVA-0-10-101 rev02, RVA-0-10-102 rev02, RVA-0-10-103 rev02, RVA-0-10-10-104 rev02, RVA-0-10-105-rev02, RVA-0-10-106 rev05, RVA-0-10-107 rev05, RVA-0-10-108 rev02, RVA-0-10-109 rev02, RVA-0-10-110 rev05, RVA-0-10-111 rev02, RVA-0-10-112 rev02, RVA-0-10-113 rev02, RVA-0-10-114 rev02, RVA-0-10-115 rev05, RVA-0-10-116 rev05, RVA-0-10-117 rev02, RVA-0-10-118 rev02, RVA-0-10-119 rev02, RVA-0-10-120 rev02, RVA-020-001rev01, RVA-020-002rev01, RVA-020-003rev01, RVA-020-004rev02, RVA-C-20-101rev01, RVA-C-20-102rev03, RVA-R-20-201rev01, RVA-R-20-202rev01,

Address: Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd), Bryanston Street, London,

Proposal: Demolition of existing building and erection of two new buildings with two basement levels and two mezzanine levels below ground. Building 1 fronting on to Marble Arch comprises ground and seven upper floors and roof top plant; Building 2 fronting onto Edgware Road comprising ground and seven upper floors with a tower to 18th floor level and roof top plant; all for a mix of uses comprising offices (Class B1), up to 54 residential units (Class C3), retail (Class A1), restaurant (Class A3), bar (Class A4) and cinema (Class D2); provision of car parking spaces, cycle parking spaces, plant and works to public realm, including a new pedestrian route between Marble Arch and Bryanston Street.

See next page for conditions/reasons.

Yours faithfully

  
John Walker  
Director of Planning

**Condition(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 The street-facing elevations of the buildings and the entirety of the tower shall be clad in natural Portland stone; the remaining elevations of the building shall be clad in natural stone, details/samples of which shall be submitted for our written approval prior to commencement of the relevant part of the development.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development:
  1. Typical details of all facades at all levels
  2. Public art (including details of illumination and a maintenance strategy)

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 6 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:  
- between 08.00 and 18.00 Monday to Friday;  
- between 08.00 and 13.00 on Saturday; and  
- not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- between 08.00 and 18.00 Monday to Friday; and
- not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours.

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 7 Customers shall not be permitted within the restaurants (Class A3) and bar (Class A4) premises outside of the following hours: 07.00 to 0000 midnight Sunday to Thursday, bank holidays and public holidays and 07.00 to 00.30 the next day on Friday and Saturdays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must apply to us for approval of detailed drawings of the appearance and location of the ventilation system for the Class A3 use. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to the first use of the restaurant and thereafter the ventilation system shall be retained and maintained for as long as the Class A3 unit is in place.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

The use of the Class A3 unit without any kitchen ventilation would cause harm to occupiers of neighbouring properties from cooking smells. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV.5 of our Unitary Development Plan that we adopted in January 2007

- 9 You must apply to us for approval of an Operational Management Plan for the bar (Class A4) and restaurant (Class A3) uses. This shall include details of the capacity for each unit. You must not open the restaurant(s) or bar(s) to customers until we have approved what you have sent us. Thereafter you must manage the restaurant(s) and bar(s) in accordance with the approved plan.

**Reason:**

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8, TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 11 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 12 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 13 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and Informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

**14 Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

**Reason:**

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

**15** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details. (C21MB)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 16 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 17 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

**Reason:**

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 18 You must apply to us for approval of a Servicing and Delivery Management Plan, which includes details of how the retail (Class A1), restaurant (Class A3), bar (Class A4), office (Class B1), cinema (Class D2) and residential (Class C3) uses will be serviced. This plan must include details of the servicing and delivery requirements for the adjacent buildings with shared access to the servicing route and any proposed valet service for residential car parking. You must not occupy the development until we have approved what you have sent us. Thereafter you must then manage the servicing and deliveries in accordance with the Servicing and Delivery Management Plan that we approve, unless we agree an alternative Servicing and Delivery Management Plan in writing.

**Reason:**

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 You must provide the waste store shown on drawings RVA-0-10-097 rev 05, RVA-0-10-098 rev05, and RVA-0-10-100 rev 05 ,before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the properties. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 20 You must not use the roofs of building 1 at levels 2- 5 as shown on plans RVA -0-10-102 rev02, RVA -0-10-103 rev02,RVA -0-10-104 rev02,RVA -0-10-105 rev02, for sitting out or for any other purpose, unless and until appropriate measures to safeguard neighbouring residential amenity (including privacy screens and details of the proposed hours of use) have been submitted to and approved by us in writing and such measures have been installed as approved. The use of the relevant roofs as terraces must thereafter be carried out in accordance with the approved details. You can however use the roof to escape in an emergency.

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 21 You must provide all the car parking spaces shown on drawings RVA-0-10-095 rev 05 shall be retained for use by residents within the building. No more than 2 residential car parking spaces shall be allocated or used by any single residential unit. The parking spaces reserved for residents must be clearly identified.

**Reason:**

To provide parking spaces for people living in the residential part of the development as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 22 At least 20% of car parking space shall have access to an electric car charging point to be provided prior to occupation.

**Reason:**

To provide parking spaces for people using the development as set out in TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 23 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

**Reason:**

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 24 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

ground source heat pumps

You must not remove any of these features. (C44AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





**Reason:**

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 25 The glass that you put in the eastern elevation of the office building ( building 1) on the 1st to 4th floors must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 26 Unless otherwise agreed in writing with the Local Planning Authority in consultation with London Underground Limited, the development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground Limited) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

**Reason:**

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority



well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.  
  
Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)
- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



- 9 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 10 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 11 Condition 16 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 12 Conditions 10 and 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 13 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 14 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

**Note** - As the requirements of the Building Regulations may impact on the design of the proposed development, our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this free service please contact **020 7641 7230** to arrange a preliminary discussion.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



There is no licence or appeal history for the premises.

**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 supply of alcohol on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. All doors and windows to be kept closed after 23:00hours except for immediate access and egress of persons.
11. There shall be no take-away of hot food or hot drink after 23.00 hours.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only.
13. No off sales after 23:00 Monday to Saturday or 22:30 Sunday.
14. No deliveries to the premises shall be made between the hours of 23:00 hours and 07:00 hours.
15. Loudspeakers shall not be located in the entrance areas or outside the premises building.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
18. 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.
19. 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.
20. 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,
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
21. A Challenge 21 or 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.



22. 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 with a condition detailing the capacity so determined.

### **Conditions proposed by the Licensing Authority**

23. The premises shall only operate as a restaurant:
- (i) In which customers are shown to their table,
  - (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 using non disposable crockery,
  - (iv) Which do not provide any take away service of food or drink for immediate consumption,
  - (v) Which do not provide any take away service of food or drink after 23:00, and
  - (vi) 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.

24. 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.

### **Conditions proposed by the Environmental Health Service**

25. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the *(premises/building) as (offices / delicatessen / museum / theatre / hairdressers / etc.)*.
26. 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.
27. 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
28. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (x) persons. (Final figure shall be determined on clearance of 'works' conditions and shall be based on whichever gives the lower figure from an assessment of safe capacity or provision of sanitary accommodation but it shall not be more than x).



Licence Number	Trading Name	Address	Premises Type	Time Period
16/09835/LIPT	The Tyburn	The Tyburn 20 Edgware Road London W2 2EN	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 22:50   Sundays before Bank Holidays; 07:00 - 00:00
14/05500/LIPDPS	Sainsbury's	7 - 9 Marble Arch London W1H 7DX	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
18/02536/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
18/03196/LIPT	Prezzo	7 - 9 Great Cumberland Place London W1H 7LU	Restaurant	Monday to Sunday; 12:00 - 00:00
15/06410/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
17/05472/LIPN	Marble Arch Theatre	Western Traffic Island Marble Arch London W1H 7DX	Theatre	Monday to Saturday; 12:00 - 23:30   Sunday; 12:00 - 23:00
17/14156/LIPVM	Cumberland Food & Wine	11 Great Cumberland Place London W1H 7LU	Shop	Not Recorded; XXXX - XXXX
16/12791/LIPT	Arch Food & Wine	1A Great Cumberland Place London W1H 7AL	Shop	Monday to Sunday; 07:00 - 01:00
15/00329/LIPV	McDonald's Restaurants	2 - 4 Marble Arch London W1H 7EJ	Restaurant	Thursday to Saturday; 05:00 - 02:00   Sunday to Wednesday; 05:00 - 01:00

This page is intentionally left blank

Item No:	
Date:	21 June 2018
Licensing Ref No:	18/03362/LIPST - Provisional Statement (LA 2003)
Title of Report:	Ground and First Floor, Unit 2 5 Marble Arch W1H
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Provisional Statement, Licensing Act 2003		
<b>Application received date:</b>	27 March 2018		
<b>Applicant:</b>	Almacantar (Marble Arch) Sarl		
<b>Premises:</b>			
<b>Premises address:</b>	Ground and First Floor, Unit 2 5 Marble Arch W1H	<b>Ward:</b>	Bryanston & Dorset Square
		<b>Cumulative Impact Area:</b>	Edgware Road
<b>Premises description:</b>	Following the grant of planning permission 14/11220/FULL this premises is to operate as a restaurant.		
<b>Premises licence history:</b>	This is an application for a provisional statement and therefore no licence history exists.		
<b>Applicant submissions:</b>	The Applicant's submissions can be found at Appendix 1 of the report.		
<b>Plans</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
<b>Regulated Entertainment: Recorded Music</b>				<b>Indoors, outdoors or both</b>			Indoors
<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	N/A
<b>Seasonal variations:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
<b>Non-standard timings:</b>		On Sunday's immediately prior to public and bank holidays 23:00 - 00:00					

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<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	N/A
<b>Seasonal variations:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
<b>Non-standard timings:</b>		On Sunday's immediately prior to public and bank holidays 23:00 - 00:00					

<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>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	00:00	00:00	22:30
<b>Seasonal variations:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
<b>Non-standard timings:</b>		On Sunday's immediately prior to public and bank holidays 23:00 - 00:00					

<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>	00:00	00:00	00:00	00:00	00:30	00:30	23:00
<b>Seasonal variations:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
<b>Non-standard timings:</b>		On Sunday's immediately prior to public and bank holidays 23:00 - 03:00					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Ms Daisy Gadd
<b>Received:</b>	24 April 2018

I write in relation to the provisional statement application for RU2, Marble Arch Place.

As a responsible authorities under section 14 (3) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Prevention of Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

This application seeks to permit the following licensable activities and operating times:

- Recorded Music: Monday to Thursday from 23:00 to 23:30 and Friday to Saturday from 23:00 to 00:00
- Late Night Refreshment: Monday to Thursday from 23:00 to 23:30 and Friday to Saturday from 23:00 to 00:00
- Supply of Alcohol: Monday to Thursday from 10:00 to 23:30, Friday to Saturday from 10:00 to 00:00 and Sunday from 10:00 to 22:30

The premises is located within a Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, HRS1 and RNT2.

The premises currently falls within policy RNT2. At present, the applicant has offered a condition whereby the supply of alcohol at the premises shall only be to a person seated taking a table meal there. The Licensing Authority would ask that the applicant considers adding the following condition to the operating schedule to support the Council's policy relating to the sale of alcohol for consumption on the premises:

- 1) The premises shall only operate as a restaurant:
  - (i) In which customers are shown to their table,
  - (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 using non disposable crockery,
  - (iv) Which do not provide any take away service of food or drink for immediate consumption,
  - (v) Which do not provide any take away service of food or drink after 23:00, and
  - (vi) 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. 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.

Furthermore, policy RNT2, as outlined in the Council's Statement of Licensing Policy 2016, states that "Applications will be granted subject to other policies... provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas". The applicant has not yet demonstrated any further information that addresses this policy concern. It would be useful for the applicant to provide further submissions as to how the premises intends to operate, and as to how the premises and its patrons will not add to cumulative impact in the Cumulative Impact Areas.

The proposed operating hours on Sunday for Supply of Alcohol currently fall outside of Westminster's Core Hours policy. The Licensing Authority encourages the applicant to consider reducing the operating hours for licensable activities in line with the Council's core hours policy.

Further discussions will be held with the applicants prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation.

<b>Responsible Authority:</b>	Environmental Health Service
-------------------------------	------------------------------

<b>Representative:</b>	Mr Anil Drayan
------------------------	----------------

<b>Received:</b>	24 April 2018
------------------	---------------

I refer to the application for a new Premises Licence for the above premises which are located in the Edgware Road Cumulative Impact area.

The applicant has submitted following outline plans of the premises showing the ground floor, ref 1911-JRA-00-ZZ-DR-A-1458, dated 14/12/2017 and first floor, ref 1911-JRA-00-ZZ-DR-A-1459, dated 14/12/2017.

**The following licensable activities are being sought:**

1. To provide for the Supply of Alcohol 'On' the premises between 10:00 and 23:30 Monday to Thursday, 10:00 and 00:00 Friday and Saturday and 10:00 to 22:30 Sunday
2. Provision of Late Night Refreshment 'Indoors' 23:00 and 23:30 Monday to Thursday and 23:00 and 00:00 Friday and Saturday
3. Provision of Recorded Music 'Indoors' 23:00 and 23:30 Monday to Thursday and 23:00 and 00:00 Friday and Saturday
4. Non-standard times for all the above licensable activities on Sundays immediately prior to public and bank holiday until 00:00 and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**I wish to make the following representations based on the plans submitted and the supporting operating schedule:**

1. The hours requested for and the Supply of Alcohol may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area
2. The hours requested for and the Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area

3. The hours requested for and the Provision of Recorded Music may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area
4. Non-standard times for all the above licensable activities may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area

Environmental Health also makes the following further comments:

- An extensive list of conditions have been offered in the operating schedule and these are being considered as to whether they are sufficient to allay Environmental Health concerns
- The premises are located in a Cumulative Impact Area and any approval for 'On' sale of alcohol usually requires it to be covered by the 'model' restaurant condition (MC66) for it to be consistent with Westminster's Statement of Licensing Policy.

It is noted that the application is subject to surrender of premises licence 16/09835/LIPT and Environmental Health considers this will be a matter for the Licensing sub-Committee for determination as to whether this will be sufficient to bring it into line with Policy particularly as several new premises are being proposed.

- The premises will need to be assessed for Public Safety on completion. At this time a safe capacity shall be determined based on the District Surveyor's Technical Guidance on Places of Entertainment.
- The provision of sanitary accommodation for any proposed capacity must be in line with the minimum standards as provided in British Standard 6465 to help prevent an increase in Public Nuisance in the West End Cumulative Impact Area. In addition, compliance with Food Hygiene guidance will also require separate facilities for staff.

Representations are therefore made to this application on grounds of Public Nuisance, Public Safety and being against Westminster's Statement of Licensing Policy.

#### **Further correspondence from Applicant to Environmental Health**

Please find enclosed Schedules in respect of:

1. The A3 and A1 uses;
2. The A4 use.

I have added:

- a) A capacity (to be determined) condition;
- b) A restriction on off sales after 11pm.

I have removed the works condition as it's a provisional statement.

#### **Further correspondence from Environmental Health to the Applicant**

Thanks for this however I make the following comments as these premises are located in the Edgware Road Cumulative Impact Area:

1. Whilst a capacity to be determined condition is fine I strongly advise that prospective maximum capacity figures are provided for each of the units.
2. It would also be useful if you are able to provide a capacity figure for the Licence being surrendered, 16/09835/LIPT, such as might have been determined under a fire risk assessment.

3. For the hours of licensable activities proposed for the A3 and A1 units Environmental Health will be asking at LSC that these operate under MC66 so as to be policy compliant.

<b>Responsible Authority:</b>	Metropolitan Police Service
-------------------------------	-----------------------------

<b>Representative:</b>	PC Bryan Lewis
------------------------	----------------

<b>Received:</b>	11 April 2018
------------------	---------------

Police object to the following applications:  
RU2 18/03362/LIPST

With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted these applications would undermine the Licensing Objectives.

The venue is situated in the Edgware Road Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

I will contact you to discuss this objection in more detail.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy CIP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy RNT2 applies</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

### 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, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Planning Decision Notice – 14/11220/FULL
<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>	Mrs Shannon Pring Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@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	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority	24 April 2018
<b>5</b>	Metropolitan Police Service	24 April 2018
<b>6</b>	Environmental Health Service	11 April 2018

The Applicant has provided the following documents with their application. Copies of the following documents are enclosed:

- A cover letter;
- Annex document; and
- A copy of the pre-application advice 18/00782/PREAPM.

PREMISES MANAGEMENT  
LICENSING SERVICE

27 MAR 2018

CITY OF WESTMINSTER

Thomas & Thomas  
Partners LLP

38a Monmouth Street  
London WC2H 9EP  
Tel: 020 7042 0410  
Fax: 020 7379 6618

your ref:  
our ref: AT/TB/ALM.1.1

Licensing Team  
Public Protection & Licensing  
Westminster City Council  
Portland House  
22nd Floor  
Bressenden Place  
London SW1E 5RS

BY COURIER

26th March 2018

Dear Sirs

**Licensing Act 2003**  
**Marble Arch Place**  
**Development at Edgware Road**

We act for the applicant in the above matter and enclose:

1. Provisional statement applications (Units RU2, RU3, RU4, RU5, RU6), including plans;
2. Schedule of works;
3. Cheque for £1575 (£315 per application).

The applications follow pre-application advice with Mr Drayan **18/00782/PREAPM**. By way of explanation, premises licence ref 16/09835/LIPT subsists and is currently held by the applicant. Until recently, it was a Wetherspoons Public House and it is intended to redevelop the site into another vertical drinking venue, consistent with that licence and the lawful A4 planning use. However, the size of the unit will reduce.

Following the recent grant of planning permission, two further provisional statements are requested in respect of the restaurant units and two in respect of retail units. Both are subject to appropriate model conditions consistent with those uses.

The premises are (just) in the Edgware Road cumulative impact area but the application in respect of the Wetherspoons unit is subject to policy exceptions at 2.4.6 and 2.4.7 as it is being replaced by a similar but smaller use.

The restaurant and the retail applications are, subject to them being MC38, rather than MC66, subject to policy RNT2 with the difference in condition justified by the de-intensification of the A4 unit and the general improvements that the development will bring.

Yours faithfully

**Thomas and Thomas Partners LLP**

**Encs**

PREMISES MANAGEMENT  
LICENSING SERVICE  
27 MAR 2018  
CITY OF WESTMINSTER

**Annexure 10**

**The Marble Arch Retail Minimum Standard**



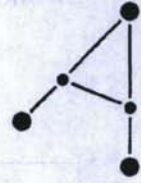


**Marble Arch Place**

**Marble Arch Retail**

**Minimum Standard**

# MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



## Marble Arch Retail Minimum Standard

14<sup>th</sup> March 2016 (Version 6)

### Introduction

The Marble Arch Retail premises are to be delivered to retail shell specification, according to the following description.

- Table 1 contains a common base specification for the A1 Unit and A3 Unit.
- Table 2 identifies further particular requirements of the A3 Unit
- Table 3 identifies further particular requirements for the A1 Unit.

The following specification should be read in conjunction with the following plans:

- RVA SK1140 (Rev 01) – Retail Unit 1&2 Incoming Services – B1 Mezz
- RVA SK1141 (Rev 01) – Retail Unit 1&2 Incoming Services – Ground Level
- RVA SK1142 (Rev 01) – Retail Unit 1&2 Incoming Services – Level 01
- RVA SK 1144 (Rev 01) – Retail Unit 1 – Plans
- RVA SK 1146 (Rev 01) - Retail Unit 2 Plans (Planning Proposal)
- RVA SK 1175 (Rev 01) – Enlarged Plans and Elevations Building 1 Oxford Street
- RVA SK 1176 (Rev 00) – Enlarged Plans and Elevations Building 1 Edgware Road

In this schedule, “Scheme Design” means the RIBA Stage E design and specification for the Works attached as Annex 8 of the Development Agreement.

**Table 1 – Common Specification**

Structural frame	<ul style="list-style-type: none"> <li>• Structural frame: steel frames (columns and beams) and composite slab</li> <li>• Frame Finish: “Ordinary” finish to national Structural concrete specification Fourth edition</li> <li>• Provision for services distribution: holes in web of steel beams</li> </ul>
Floors	<ul style="list-style-type: none"> <li>• Floor: composite metal decking and concrete slab</li> <li>• Floor finish to be provided by Tenant</li> <li>• Soft-spot to be provided in first floor opening between A1 and A3 Units as provided for in the Scheme Design.</li> </ul>
Structural slab loading (floor slabs)	<ul style="list-style-type: none"> <li>• Imposed load 5.00kN/m<sup>2</sup></li> <li>• Screed allowance 1.8kN/m<sup>2</sup></li> <li>• Services &amp; Ceiling allowance (GF) 0.5kN/m<sup>2</sup></li> <li>• Services &amp; Ceiling allowance (B1) 0.6kN/m<sup>2</sup></li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



	<ul style="list-style-type: none"> <li>Services &amp; ceiling allowance (level 1) 0.5kN/m<sup>2</sup></li> <li>Maximum deflection under full design load 30mm</li> </ul>																																	
Minimum internal heights	<ul style="list-style-type: none"> <li>Per Scheme Design.</li> </ul>																																	
Acoustic performance criteria	<p>For the purposes of this provision "Cinema Premises" has the meaning defined in the Marble Arch Retail Underlease.</p> <p>The Marble Arch Retail shall be designed so as to prevent:</p> <ul style="list-style-type: none"> <li>noise exceeding NR25 L<sub>max</sub> in any auditorium in the Cinema Premises ("Auditorium"); or</li> <li>any perceptible vibration in any Auditorium which materially impacts on the beneficial use and enjoyment of the Cinema Premises;</li> </ul> <p>provided that the following operational noise limits are not exceeded within the Marble Arch Retail premises.</p> <table border="1" data-bbox="587 1070 1353 1272"> <thead> <tr> <th rowspan="2"></th> <th colspan="6">octave band centre frequency (Hz)</th> <th rowspan="2">A</th> </tr> <tr> <th>63</th> <th>125</th> <th>250</th> <th>500</th> <th>1k</th> <th>2k</th> <th>4k</th> </tr> </thead> <tbody> <tr> <td><i>L</i><sub>eq,1min</sub></td> <td>75</td> <td>75</td> <td>75</td> <td>77</td> <td>76</td> <td>74</td> <td>68</td> <td>80</td> </tr> <tr> <td><i>L</i><sub>max</sub></td> <td>90</td> <td>88</td> <td>88</td> <td>88</td> <td>88</td> <td>85</td> <td>85</td> <td>92</td> </tr> </tbody> </table>		octave band centre frequency (Hz)						A	63	125	250	500	1k	2k	4k	<i>L</i> <sub>eq,1min</sub>	75	75	75	77	76	74	68	80	<i>L</i> <sub>max</sub>	90	88	88	88	88	85	85	92
	octave band centre frequency (Hz)						A																											
	63	125	250	500	1k	2k		4k																										
<i>L</i> <sub>eq,1min</sub>	75	75	75	77	76	74	68	80																										
<i>L</i> <sub>max</sub>	90	88	88	88	88	85	85	92																										
Internal partition walls	<ul style="list-style-type: none"> <li>Generally exposed fair faced concrete blockwork except for core areas, which will be exposed concrete.</li> </ul>																																	
Ceilings	<ul style="list-style-type: none"> <li>No ceilings: Exposed soffit of overlaying floor structure</li> </ul>																																	
Ground floor shop fronts	<ul style="list-style-type: none"> <li>Full height single glazed units with a powder coated aluminium frame.</li> <li>Glass double-leaf doors with stainless steel top and bottom rails. Suitable doors and ironmongery and locking mechanism to be provided</li> <li>Refer to General Ventilation below for description of retail louvres.</li> </ul>																																	
Internal joinery	<ul style="list-style-type: none"> <li>Metal doors and frames compliant with the fire strategy and current building regulations</li> <li>Door thresholds to be flush with finished floor levels in to common areas. The door thresholds will be set above the concrete slab for the</li> </ul>																																	

**MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD**



	<p>A3 retail unit and for the A1 retail unit to achieve levelled thresholds internally and externally where required.</p> <ul style="list-style-type: none"> <li>• Polyester powder coated finish to door and frames in standard range RAL colour to be agreed via sampling.</li> </ul>																												
<p><b>BREEAM</b></p>	<ul style="list-style-type: none"> <li>• Retail shells will be designed and constructed to achieve BREEAM excellent rating. The tenant shall design the fit out, ensuring the following is incorporated to maintain the BREEAM rating of the building:             <ul style="list-style-type: none"> <li>○ <i>The fit out design shall be designed in accordance with the following requirements:</i></li> </ul> </li> </ul> <table border="1" data-bbox="478 878 1300 1955"> <thead> <tr> <th data-bbox="478 878 933 936">Assumed Fit-out</th> <th data-bbox="933 878 1300 936">All Retail Units</th> </tr> </thead> <tbody> <tr> <td data-bbox="478 936 933 1055">Heating system type (assumed system in model)</td> <td data-bbox="933 936 1300 1055">Water source Heat Pumps + Supply and Extract</td> </tr> <tr> <td data-bbox="478 1055 933 1120">Heating Efficiency</td> <td data-bbox="933 1055 1300 1120">COP 4.5</td> </tr> <tr> <td data-bbox="478 1120 933 1223">Cooling system type (assumed system in model)</td> <td data-bbox="933 1120 1300 1223">Heat Pumps + Supply and Extract</td> </tr> <tr> <td data-bbox="478 1223 933 1285">Seasonal EER</td> <td data-bbox="933 1223 1300 1285">SEER: 5.5</td> </tr> <tr> <td data-bbox="478 1285 933 1388">Ventilation Type</td> <td data-bbox="933 1285 1300 1388">AHU Only (Local Supply &amp; Extract)</td> </tr> <tr> <td data-bbox="478 1388 933 1491">Specific Fan power of air distribution plant</td> <td data-bbox="933 1388 1300 1491">2.0 (AHU)</td> </tr> <tr> <td data-bbox="478 1491 933 1554">Duct Leakage</td> <td data-bbox="933 1491 1300 1554">Worse than A</td> </tr> <tr> <td data-bbox="478 1554 933 1617">AHU Leakage</td> <td data-bbox="933 1554 1300 1617">Worse than L3 /Not tested</td> </tr> <tr> <td data-bbox="478 1617 933 1680">Heat recovery</td> <td data-bbox="933 1617 1300 1680">By Tenant</td> </tr> <tr> <td data-bbox="478 1680 933 1742">Heat recovery</td> <td data-bbox="933 1680 1300 1742">Yes – 75%</td> </tr> <tr> <td data-bbox="478 1742 933 1832">DHW system type</td> <td data-bbox="933 1742 1300 1832">From central LTHW system</td> </tr> <tr> <td data-bbox="478 1832 933 1895">DHW system delivery efficiency</td> <td data-bbox="933 1832 1300 1895">0.85</td> </tr> <tr> <td data-bbox="478 1895 933 1955">DHW Fuel Type</td> <td data-bbox="933 1895 1300 1955">Gas</td> </tr> </tbody> </table>	Assumed Fit-out	All Retail Units	Heating system type (assumed system in model)	Water source Heat Pumps + Supply and Extract	Heating Efficiency	COP 4.5	Cooling system type (assumed system in model)	Heat Pumps + Supply and Extract	Seasonal EER	SEER: 5.5	Ventilation Type	AHU Only (Local Supply & Extract)	Specific Fan power of air distribution plant	2.0 (AHU)	Duct Leakage	Worse than A	AHU Leakage	Worse than L3 /Not tested	Heat recovery	By Tenant	Heat recovery	Yes – 75%	DHW system type	From central LTHW system	DHW system delivery efficiency	0.85	DHW Fuel Type	Gas
Assumed Fit-out	All Retail Units																												
Heating system type (assumed system in model)	Water source Heat Pumps + Supply and Extract																												
Heating Efficiency	COP 4.5																												
Cooling system type (assumed system in model)	Heat Pumps + Supply and Extract																												
Seasonal EER	SEER: 5.5																												
Ventilation Type	AHU Only (Local Supply & Extract)																												
Specific Fan power of air distribution plant	2.0 (AHU)																												
Duct Leakage	Worse than A																												
AHU Leakage	Worse than L3 /Not tested																												
Heat recovery	By Tenant																												
Heat recovery	Yes – 75%																												
DHW system type	From central LTHW system																												
DHW system delivery efficiency	0.85																												
DHW Fuel Type	Gas																												

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



	<p><b>Averaged lighting power density across each zone type</b></p> <p>1.86 W/m<sup>2</sup>/100lux</p>
	<p><b>Display Lighting</b></p> <p>80lm/W</p>
	<p><b>Renewable technologies</b></p> <p>CHP</p>
Primary Heat for HWS generation	<ul style="list-style-type: none"> <li>From landlord's centralised heating system via plate heat exchanger.</li> <li>Heat exchangers are to be supplied, installed and maintained by the Landlord, location to be in lowest retail level.</li> <li>Each retail unit will be provided with a 90kW LTHW heat exchanger for production of domestic hot water only.</li> <li>Primary flow/return design temperatures 80/ 60degrees C, secondary flow/return design temperatures 60 /10 degrees C.</li> <li>Secondary design flow rate assumed 0.43 Kg/s. Where higher HWS demand is required, the retailer will provide HWS storage within their demise to suit their requirements.</li> <li>A heat meter will be provided by the Landlord on the primary side of the heat exchangers, connected to the central EMS</li> <li>The primary heating is available 24 hrs per day 7 days per week.</li> </ul>
Condenser water	<ul style="list-style-type: none"> <li>From landlord's centralised Condenser water system via run and standby plate heat exchangers.</li> <li>Heat exchangers are to be supplied, installed and maintained by the Landlord at the lowest retail level.</li> <li>Primary flow/return design temperatures set point 22/28degrees C with maximum 33/39degrees C.</li> <li>An energy meter will be provided by the Landlord on the primary side of the heat exchangers, connected to the central EMS</li> <li>To be used for general heating and cooling via water cooled heat pump air conditioning system to be provided as part of the Tenants fit-out.</li> <li>Condenser water is available 24 hours per day 7 days per week.</li> <li>(For loads and temperatures see specific section for each unit)</li> <li>(For heat rejection for use in refrigeration systems refer to general ventilation below)</li> </ul>
General Ventilation	<ul style="list-style-type: none"> <li>All general ventilation plant equipment and system within the demise of each unit shall be provided by the tenant.</li> <li>To facilitate the above, a system of external louvres is provided by the landlord on the façade of the unit. These run at high-level ground and</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<p>1<sup>st</sup> floor level on each unit and are backed with bird mesh, proprietary aluminium weather extrusions and insulated blanking plates in non-active areas. The extent of the high-level louvres is shown on the attached drawings.</p> <ul style="list-style-type: none"> <li>• The louvers shall not be used to discharge kitchen extract or similar which may cause nuisance to other parts of the building, to the surrounding buildings, or to the general area.</li> <li>• All filtration shall form part of the tenant fit out works.</li> </ul>
Kitchen Extract	<ul style="list-style-type: none"> <li>• A single A3 riser shall be provided from the A3 unit to roof level for the installation of kitchen extract ventilation systems.</li> <li>• For A3 unit only, an extract duct shall be provided by the Landlord from the unit to roof level extending to a suitable point of discharge.</li> <li>• The duct will be fire rated and will run at high level in corridors and via dedicated risers to roof level.</li> <li>• Full access for cleaning will be provided throughout the length of the duct.</li> <li>• The duct will be designed and installed to all current and Building Control standards, and in accordance with Ductwork Specification DW 172.</li> <li>• A section of duct at roof level shall be left out for the Tenant to provide and install an extract fan and attenuators suitable to meet the requirements of the kitchen extract system.</li> <li>• The Landlords duct will terminate within the Demise at high level for extension within the demise by the Tenant.</li> <li>• The A3 retailer shall be responsible for the supply, installation and commissioning of an ecology unit within the retail demise.</li> <li>• The size and design parameters of the installed duct for the A3 unit are described in specific section below.</li> </ul>
Water Supply	<ul style="list-style-type: none"> <li>• A metered Potable Water supply shall be provided by the Landlord to each unit.</li> <li>• The supply shall be terminated with an isolating valve within the unit. (See specific section for the size and location for each unit)</li> <li>• The Landlords supply incorporates water storage.</li> <li>• Each water supply shall be provided with a water meter located outside of the demise, connected to the landlords building management system.</li> </ul>
Gas Supply	<ul style="list-style-type: none"> <li>• For A3 unit only, a gas supply pipe shall be provided by the Landlord.</li> <li>• A supply pipe will be provided from the building's common gas meter room to the demise.</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<ul style="list-style-type: none"> <li>• The supply pipe will be afforded all protection with regard to gas escape and fire as required depending on the route between the gas meter room and the demise.</li> <li>• An automatic isolation valve shall be provided by the tenant within the demise to isolate the gas supply upon fire, interfaced with the fire alarm system, fire suppression system as well as manual activation. As required as part of the safety systems within the demise</li> <li>• Should automatic isolation be required at the gas meter end of the supply to meet the requirements of the safety systems within the building, this will be provided by the Landlord, connected to the Landlords fire alarm system.</li> <li>• The tenant shall make an application for the gas supply and meter via their own shipper and take all steps required to activate the supply.</li> </ul>
<p><b>Electrical Supply</b></p>	<ul style="list-style-type: none"> <li>• The landlord will install an electrical supply to the unit direct from the supply authorities' distribution.</li> <li>• The supply will be terminated in a service head with fuse, isolating switch and metering ICT chamber within the unit's demise. (See specific section for the size and location for each unit)</li> <li>• The landlord will provide an MPAN number to the Tenant prior to the unit's handover in good time to ensure that the supply is available at the commencement of the fitting out period.</li> <li>• The Tenant is to make a formal application for the supply and meter via their service provider.</li> </ul>
<p><b>Fire Alarm and interface</b></p>	<ul style="list-style-type: none"> <li>• A fire alarm interface unit is to be provided by the Landlord in the corridor immediately outside the rear door of each unit at ground floor level.</li> <li>• The tenant is to supply and install a standalone fire alarm system for the unit, which is compatible with the Landlords system and the cable connections to the Landlords interface unit.</li> <li>• The Landlord shall terminate the cable connections into the interface, via the buildings fire alarm installer and activate/ programme the main buildings system as required.</li> <li>• The Landlords system operates on a double knock arrangement (investigate at first alert and activate on second) the tenants system shall follow this 2 stage procedure.</li> <li>• The tenants system shall be capable of conveying and receiving the 2 stage signalling via the interface unit.</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

<p>Sprinklers, Zone Control Valves, Fire suppression &amp; Basement Smoke Ventilation</p>	<ul style="list-style-type: none"> <li>• Sprinkler system within the unit to be served by landlord's common system.</li> <li>• A sprinkler connection and zone check isolating valve is provided by the landlord for each level of the unit. Each connection is monitored by the Landlords fire alarm system.</li> <li>• The A1 Retail Unit shall be provided with a life-safety generator backed power supply terminating in an automatic transfer switch (ATS) in the A1 retail basement demise. The secondary supply of the ATS will be connected to the landlord's electrical infrastructure. The primary supply of the ATS will be connected from the tenant's incoming supply (fit out by tenant).</li> <li>• The A1 retail unit shall be provided with a smoke ventilation system that will be designed, supplied, installed and commissioned by the landlord and will be located at high level in the basement demise. The smoke ventilation ductwork will extend up through the ground floor slab, to high-level ground floor and underside of 1<sup>st</sup> floor slab before terminating onto high-level louvres in the ground floor façade</li> <li>• Each retail tenant is to design, supply and install all other fire protection systems within the units.</li> </ul>
<p>Drainage</p>	<ul style="list-style-type: none"> <li>• The Landlord shall provide 100mm diameter foul water connections (pop ups) as described in Tables 2 &amp; 3.</li> <li>• A single vent pipe shall be provided by the Landlord at high level at the highest level of the unit, which rises to roof level for venting the tenants system to atmosphere.</li> <li>• The Tenant shall provide all required grease traps, and other necessary system protection within the unit's demise, to ensure that effluent is discharged to the standards required by the Drainage Authority.</li> <li>• Except to the extent shown in the Scheme Design, no drainage pipework serving other parts of the property shall pass through the retail units.</li> </ul>
<p>Satellite services</p>	<ul style="list-style-type: none"> <li>• Provision for tenants to use landlord's common satellite installation as identified in Audio Visual Specification HPF-S-65-SP-XXX-01 document forming part of the Scheme Design.</li> <li>• The tenant shall request from the Landlord connection to the system should it be required.</li> </ul>



## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<ul style="list-style-type: none"> <li>• All costs associated with the connection will be borne by the Tenant.</li> <li>• Other than the A1 Unit, the Tenant will not be allowed to provide their own satellite dish or receiving equipment on the roof or in any location outside of the unit's demise.</li> </ul>
Telephone	<ul style="list-style-type: none"> <li>• An adequate cable containment system in the form of cable tray and conduit will be provided by the landlord from the comms intake room to the demise.</li> <li>• The Tenant shall apply for all telephone or communication services as required from their suppliers and supply and install all cabling required within the containment system provided.</li> <li>• No direct connections from the highway will be allowed.</li> </ul>
Access Control	<ul style="list-style-type: none"> <li>• All doors leading from the retail unit demise into other parts of the building (including doors for operational purposes and emergency escape doors) shall be monitored by the Landlord's security system. The monitoring shall include a door contact on each door leaf and coverage from a CCTV camera.</li> <li>• Any doors leading from the retail unit demise into other parts of the building that are used for operational purposes (i.e. to access refuse areas and storage areas) shall be provided with bi-directional access control on the Landlords Access Control System.</li> <li>• Access Controlled doors shall include green Break glass Unit overrides, leading in the direction of emergency egress, to override the locking mechanism directly in the event of an emergency or system malfunction.</li> <li>• Access Controlled doors shall include an interface with the Fire Alarm system to override the locking mechanism directly in the event of a Fire Alarm.</li> <li>• The fire alarm interface unit is to be provided by the Landlord in the corridor immediately outside the rear door of each unit at ground floor level.</li> <li>• The Tenant is to supply and install a standalone fire alarm system for the unit, which is compatible with the Landlords system and the cable connections to the Landlords interface unit.</li> <li>• The Landlord shall terminate the cable connections into the interface, via the buildings fire alarm installer and activate/ programme the main buildings system as required.</li> </ul>

# MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



**Table 2 Additional requirements for A3 Unit**

First floor external cladding	<ul style="list-style-type: none"> <li>As described in the Scheme Design.</li> </ul>			
Condenser Water	<ul style="list-style-type: none"> <li>Heat Extraction or Rejection Rate from/to plate heat exchanger: 250W/m<sup>2</sup> for 70% NIA, 440W/m<sup>2</sup> for 30%NIA. See below table for total heat rejection or extract load for retail unit.</li> <li>Secondary flow/return design temperatures set point 19/14degrees C with maximum 41/36degrees C.</li> </ul>			
	<b>Building Type</b>	<b>Retail Unit Type</b>	<b>Est. Area* (m<sup>2</sup>)</b>	<b>Delta T (K) (Secondary Side)</b>
	Building 1	A3	526	5
Gas	<ul style="list-style-type: none"> <li>Gas pipe will be provided by the landlord as described above to each A3 unit as per the table below:-</li> </ul>			
	<b>Building Type</b>	<b>Retail Unit Type</b>	<b>Gas flow rate (kW)</b>	<b>Gas pipe size (mm)</b>
	Building 1	A3	200	65
Electricity	<ul style="list-style-type: none"> <li>3 phase and neutral 415 volt 50 hz supply</li> <li>250A fuse and isolator located on wall at lowest level of each A3 retail demise.</li> <li>Loads as per table below, based upon 350W/m<sup>2</sup> for ground floor areas, and 200 W/m<sup>2</sup> for basement/1<sup>st</sup> floor areas</li> </ul>			
	<b>Building</b>	<b>Retail Unit Type</b>	<b>Total Load (kW)</b>	
	Building 1	A3	143	

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



<p>Kitchen Extract Duct</p>	<ul style="list-style-type: none"> <li>Fire rated ductwork from demise to roof will be installed by landlord as described above. Free areas and flow rates will be provided as per the table below:-</li> </ul>								
	<table border="1"> <thead> <tr> <th data-bbox="485 564 833 698">Building Type</th> <th data-bbox="833 564 976 698">Retail Unit Type</th> <th data-bbox="976 564 1136 698">Kitchen Extract Duct Free Area (m<sup>2</sup>)</th> <th data-bbox="1136 564 1359 698">Max Potential Flow Rate (M<sup>3</sup>/s)</th> </tr> </thead> <tbody> <tr> <td data-bbox="485 698 833 734">Building 1</td> <td data-bbox="833 698 976 734">A3</td> <td data-bbox="976 698 1136 734">0.5</td> <td data-bbox="1136 698 1359 734">3.75</td> </tr> </tbody> </table>	Building Type	Retail Unit Type	Kitchen Extract Duct Free Area (m <sup>2</sup> )	Max Potential Flow Rate (M <sup>3</sup> /s)	Building 1	A3	0.5	3.75
Building Type	Retail Unit Type	Kitchen Extract Duct Free Area (m <sup>2</sup> )	Max Potential Flow Rate (M <sup>3</sup> /s)						
Building 1	A3	0.5	3.75						
<p>Riser and Roof plant provision</p>	<ul style="list-style-type: none"> <li>External plant space for kitchen extract fan/attenuators will be as described in Kitchen Extract Duct section above.</li> <li>There is a further provision of 2sqm for A3 retail tenant external plant space as defined within the Marble Arch Retail Underlease.</li> <li>The imposed load capacity of the plant areas is 7.5kN/m<sup>2</sup></li> <li>Vertical riser for tenant's exclusive use to be as shown on Marble Arch Retail Underlease plans</li> <li>Refer to Scheme Design building core drawings for size of riser and access arrangements</li> <li>Service risers will conform to the fire rating of the element through which they pass.</li> <li>Working access platforms and edge protection to be provided within risers sufficient for maintenance and cleaning to be provided at all levels</li> </ul>								
<p>Drainage</p>	<ul style="list-style-type: none"> <li>A3 unit ground floor 2No pop-ups</li> <li>A3 unit first floor 1No 100mm capped connection at high level.</li> <li>Vent pipe location. 1 No at high level ground floor and 1 No at high level first floor</li> <li>Final positions of drainage provisions within the unit to be agreed with tenant.</li> </ul>								
<p>Potable water</p>	<ul style="list-style-type: none"> <li>28mm dia. Potable water supply provided at ground level demise with capacity for occupancy density of (200 serving at 7litres per serving)</li> <li>Water supply will be terminated with a capped valved connection at high level at the lowest floor level within the retail unit.</li> <li>The water supply to the A3 retail unit will have a capacity of 1.0 l/s with a pressure of 2-3bars</li> </ul>								

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



**Table 3 Additional requirements for A1 retail Unit**

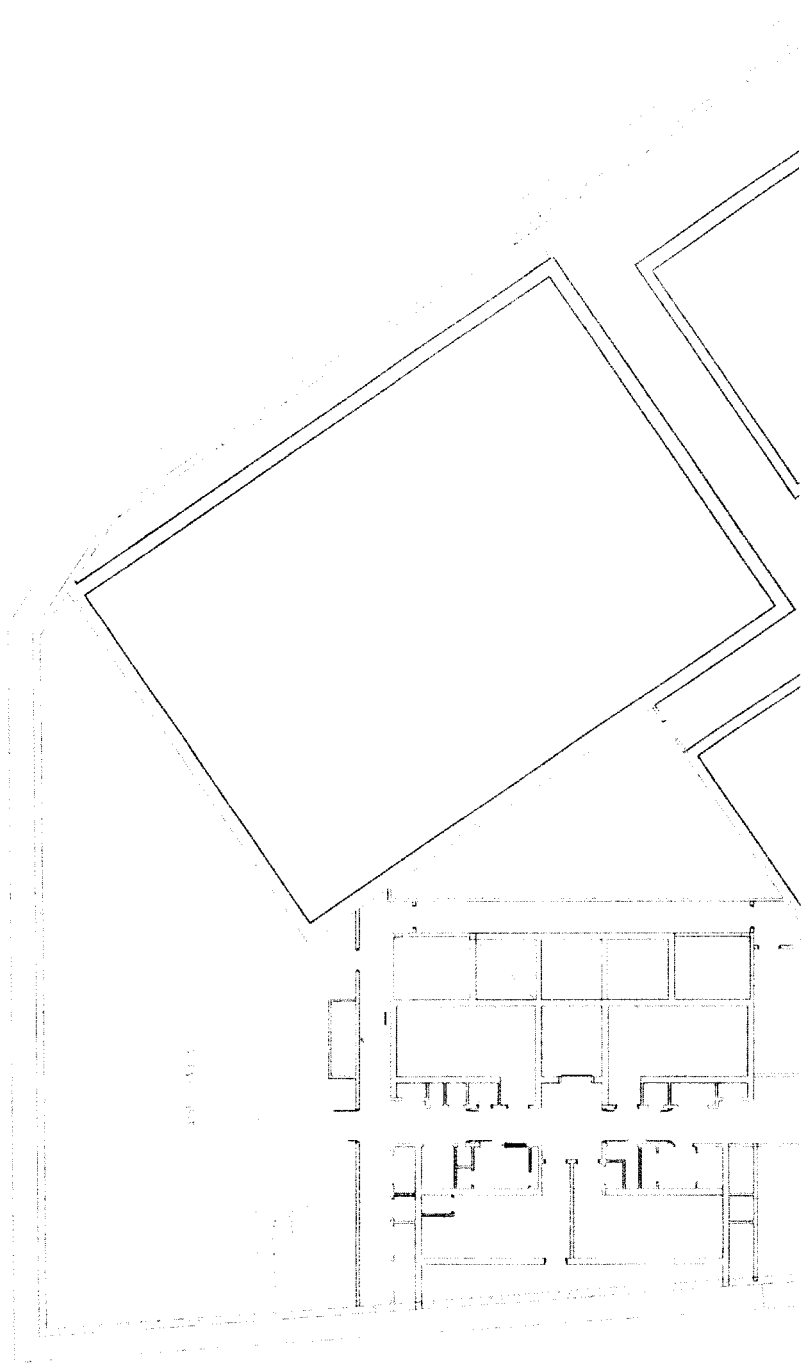
<p>Basement envelope</p>	<ul style="list-style-type: none"> <li>Basement retaining walls: 1000mm thick RC diaphragm wall</li> <li>Basement retaining walls: Hydro-duct CF or similar approved. Typical detail drawing WSL-04-OSW-401.</li> <li>The basement diaphragm wall in combination with the drained cavity construction provides a grade 3 basement in accordance with BS8102</li> </ul>										
<p>Condenser Water</p>	<ul style="list-style-type: none"> <li>Heat Extraction or Rejection Rate from/to plate heat exchanger: 250W/m<sup>2</sup> for 100% NIA. See below table for total heat rejection or extract load for retail unit.</li> <li>Secondary flow/return design temperatures set point 19/14 degrees C with maximum 41/36 degrees C.</li> </ul> <table border="1" data-bbox="483 1021 1359 1200"> <thead> <tr> <th>Building</th> <th>Retail Unit Type</th> <th>Est. Area (m<sup>2</sup>)</th> <th>Delta T (K) (Secondary Side)</th> <th>Total Heat Rejection or Extraction Load (kW)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>A1</td> <td>602</td> <td>5</td> <td>150.5</td> </tr> </tbody> </table>	Building	Retail Unit Type	Est. Area (m <sup>2</sup> )	Delta T (K) (Secondary Side)	Total Heat Rejection or Extraction Load (kW)	Building 1	A1	602	5	150.5
Building	Retail Unit Type	Est. Area (m <sup>2</sup> )	Delta T (K) (Secondary Side)	Total Heat Rejection or Extraction Load (kW)							
Building 1	A1	602	5	150.5							
<p>Electrical Supply</p>	<ul style="list-style-type: none"> <li>3 phase and neutral 415 volt 50 hz supply</li> <li>250A fuse and isolator located on wall at lowest level of each retail demise.</li> </ul> <table border="1" data-bbox="483 1529 927 1709"> <thead> <tr> <th>Building</th> <th>Retail Unit Type</th> <th>Total Load (kW)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>A1</td> <td>121</td> </tr> </tbody> </table>	Building	Retail Unit Type	Total Load (kW)	Building 1	A1	121				
Building	Retail Unit Type	Total Load (kW)									
Building 1	A1	121									
<p>Riser provision</p>	<ul style="list-style-type: none"> <li>Vertical riser for Building 1 A1 Retail tenant's exclusive use to be as shown on Marble Arch Retail Underlease plans</li> <li>Refer to building core drawings for size of riser and access arrangements</li> </ul>										

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



Roof plant provision	<ul style="list-style-type: none"> <li>• Provision for Building 1 A1 Retail tenant's future fit out external plant space at Building 1 level 08 as described within the Marble Arch Retail Underlease.</li> <li>• The imposed load capacity of the plant areas is 7.5kN/m<sup>2</sup></li> </ul>
Drainage	<ul style="list-style-type: none"> <li>• A1 unit will be provided with 4No pop-ups at basement level according to the Requirements of the Sainsbury's Agreement for Lease</li> <li>• A1 unit will be provided with 1No. vent pipe at the highest level only.</li> </ul>
Potable water	<ul style="list-style-type: none"> <li>• A1 unit will be provided with a 20mm TW water meter and a 25mm PE to 22mm dia. Potable water supply.</li> <li>• Water supplies will be terminated with a capped valved connection at high level at the lowest floor level within the retail unit.</li> <li>• The water supply to each A1 retail unit will have a capacity of 0.5 l/s with a pressure of 2-3bars</li> </ul>
Internal staircase, lift shaft and pit	<ul style="list-style-type: none"> <li>• To be provided according to the requirements of the Sainsbury's Agreement for Lease.</li> </ul>
Tenant's Satellite Provision	<ul style="list-style-type: none"> <li>• Facility for tenant to install Satellite dish according to requirements of Sainsbury's Agreement for Lease.</li> </ul>

END



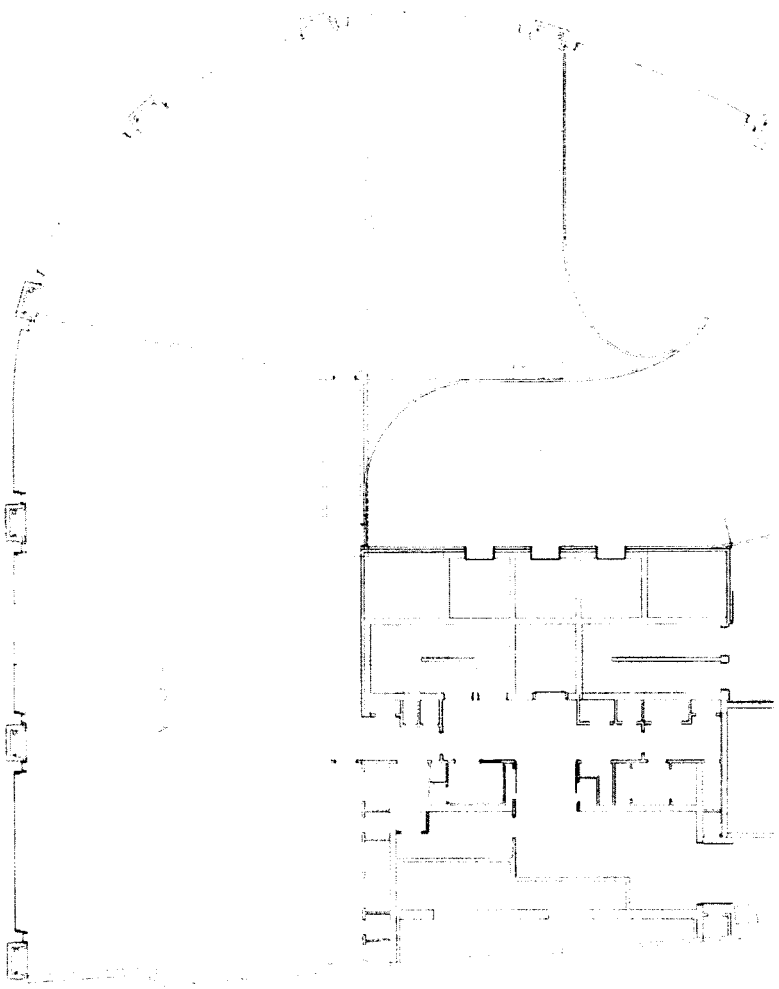
MARBLE ART PLACE

RAFAEL VINCE  
ARCHITECTS  
P.C.

88

PROJECT NO. 1140  
REVISED: 11/02

RVA SK 1140

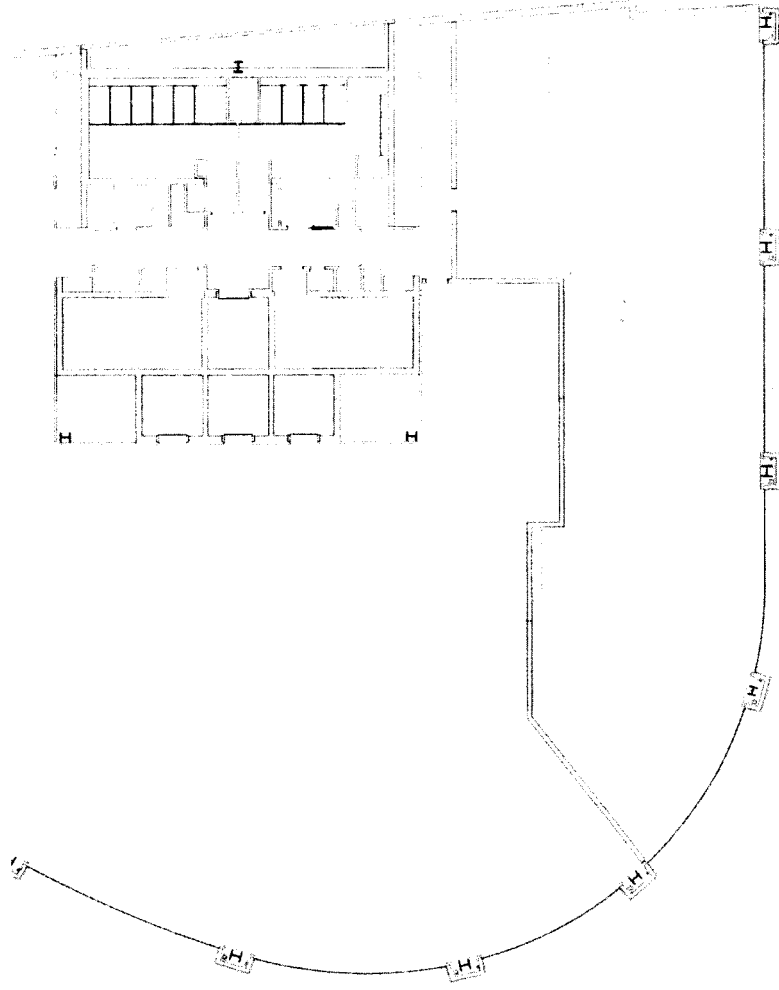


MARLE ARCHITECT

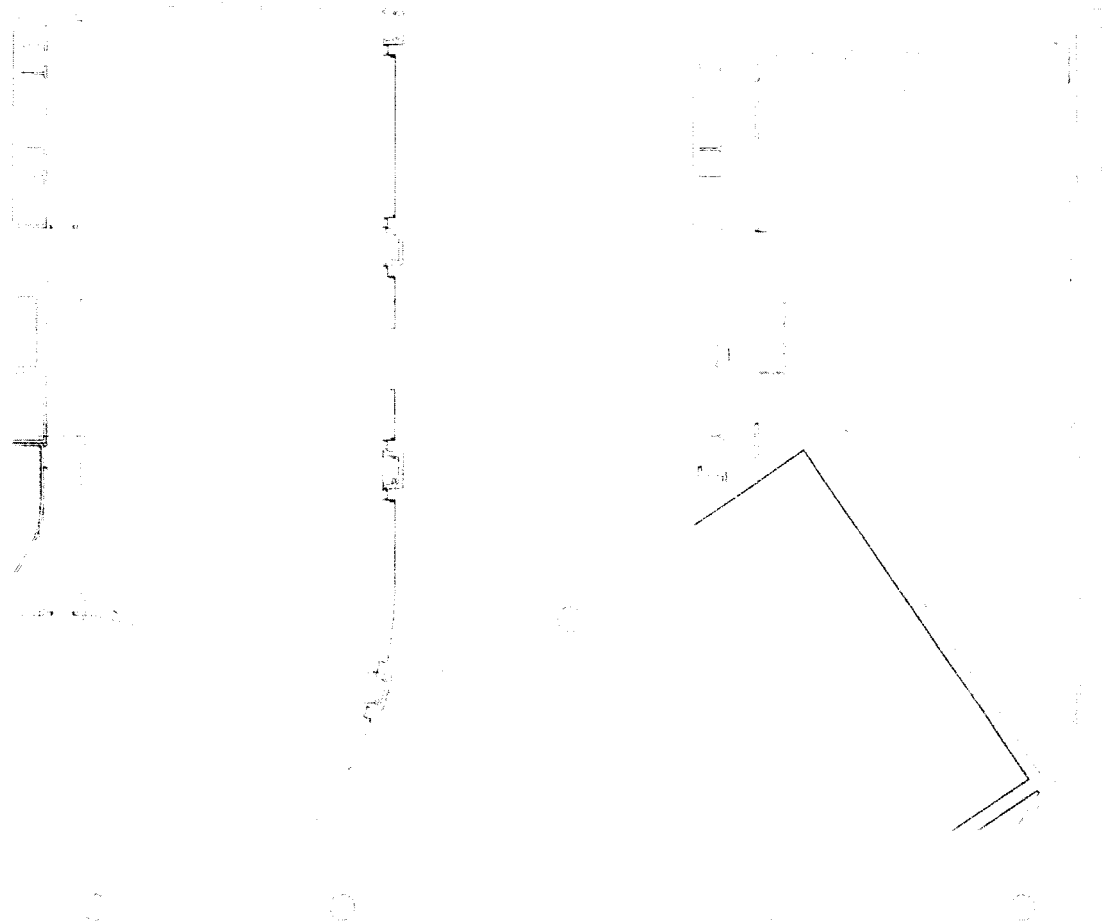
RAFAEL VINCE  
 ARCHITECTS  
 INC.

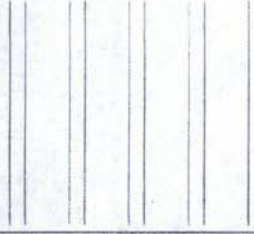
89

RVA SK 1141









RAFAEL VIÑOLY  
ARCHITECTS PC

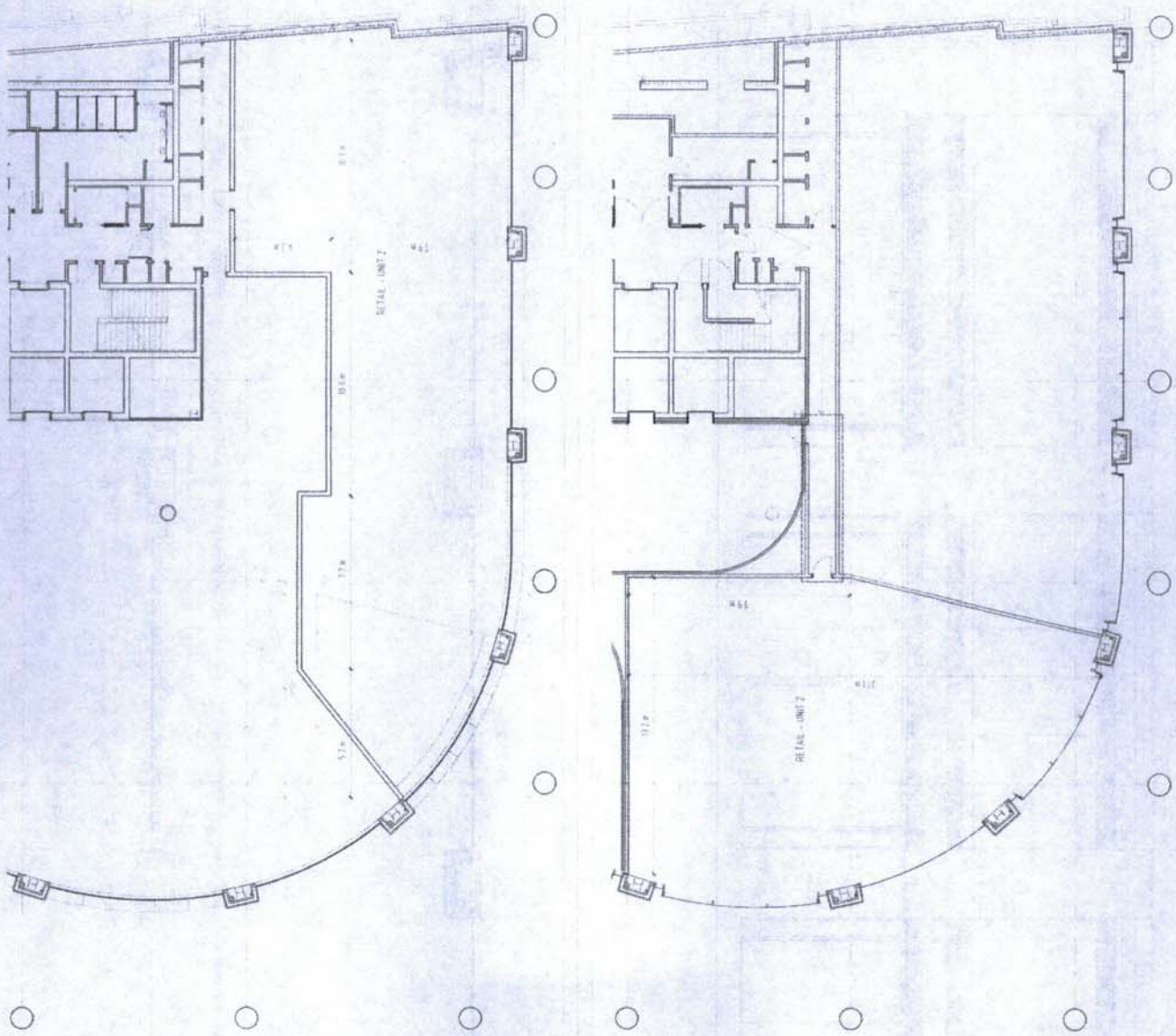
NO.	DESCRIPTION
1	PROVISIONAL
2	PROVISIONAL
3	PROVISIONAL
4	PROVISIONAL
5	PROVISIONAL
6	PROVISIONAL
7	PROVISIONAL
8	PROVISIONAL
9	PROVISIONAL
10	PROVISIONAL

FOR INFORMATION 02

RETAIL UNIT 2 - PLANS -  
PLANNING PROPOSAL

DATE: 11/11/08  
PROJECT: MARBLE ARCH PLACE

RVA SK 1146

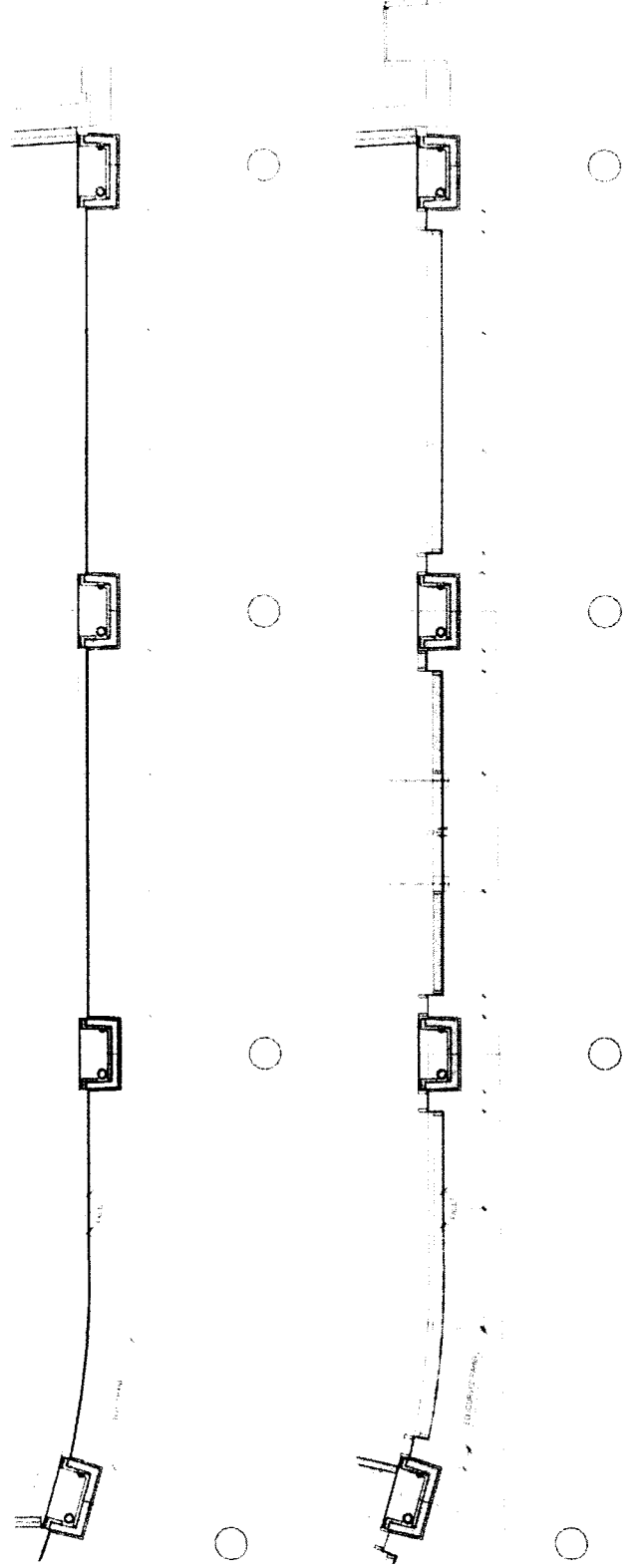
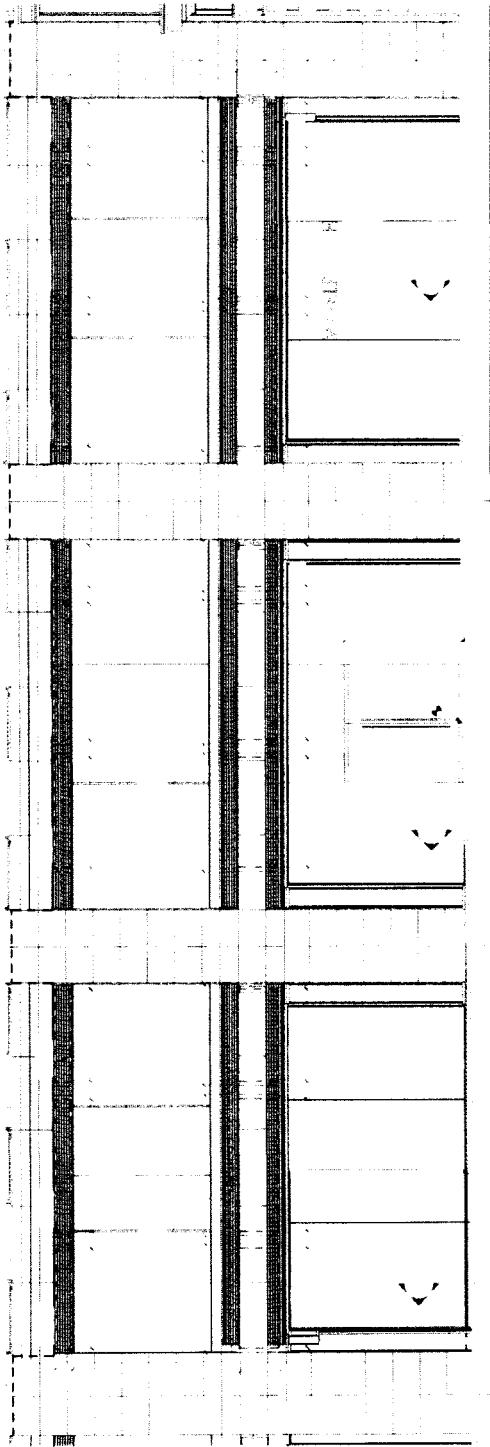


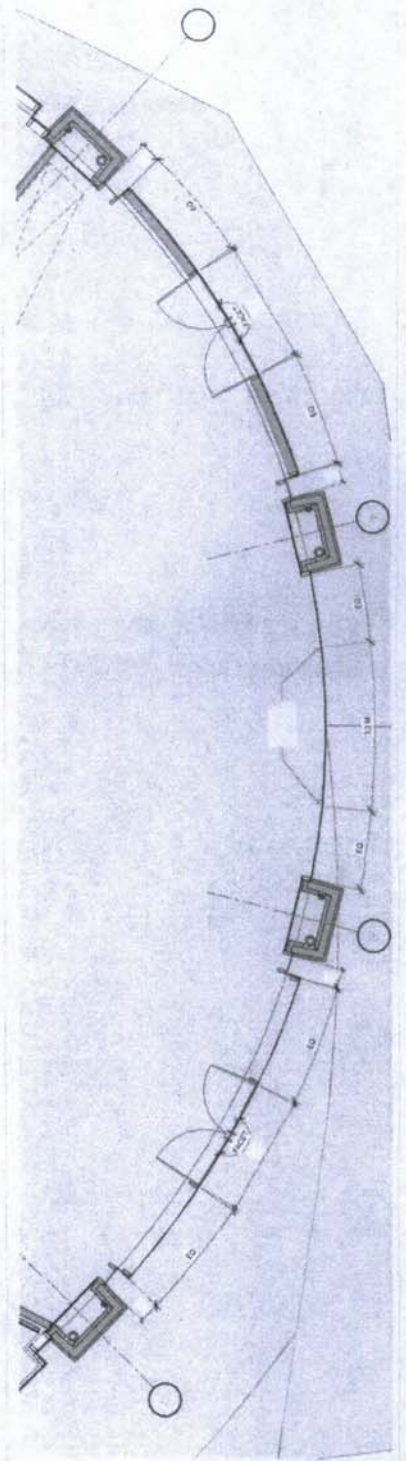
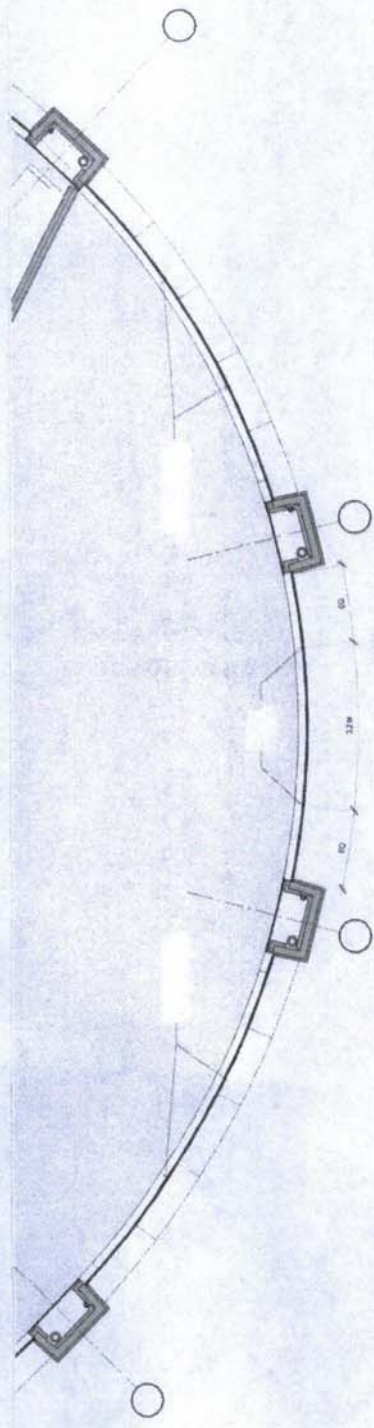
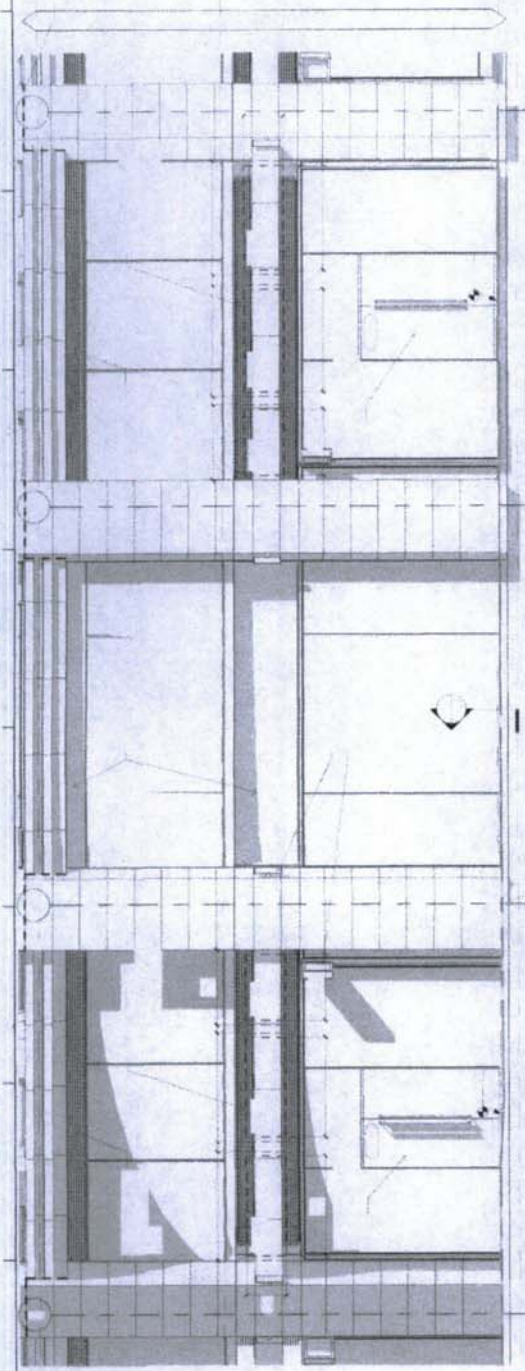
MODEL ARCHITECT

RAFAEL VINOLY  
ARCHITECTS PC

1100 BROADWAY  
SUITE 2000  
NEW YORK, NY 10004  
TEL: 212 677 2000  
WWW.RVARCHITECTS.COM

RVA SK 1075







# City of Westminster

**Office Name:** Anil Drayan  
**Designation:** EHO  
**Contact number:** 020 7641 1774  
**Email:** adrayan@westminster.gov.uk  
**Signed:** Anil Drayan

**WCC Uniform Ref Number:**  
 18/00782/PREAPM

**Address:** Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road, and 53-59 (odd) Bryanston Street

**Licenses:** 16/09835/LIPT

**Applicant:**  
 Alun Thomas  
 Thomas & Thomas  
 Partners Llp

**Cumulative Impact Area:**  
 Yes – Edgware Road

**Type of Business currently operating at the premises:**

- Development site with Planning Permission, 14/11220/FULL, for Demolition of existing building and erection of two new buildings with two basement levels and two mezzanine levels below ground. Building 1 fronting on to Marble Arch comprises ground and seven upper floors and roof top plant; Building 2 fronting onto Edgware Road comprising ground and seven upper floors with a tower to 18th floor level and roof top plant; all for a mix of uses comprising offices (Class B1), up to 54 residential units (Class C3), retail (Class A1), restaurant (Class A3), bar (Class A4) and cinema (Class D2); provision of car parking spaces, cycle parking spaces, plant and works to public realm, including a new pedestrian route between Marble Arch and Bryanston Street.

**BACKGROUND**

**Advice requested:**

*Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road, and 53-59 (odd) Bryanston Street see attached cover letter regarding proposals for provisional statements*

*Please could a site meeting be arranged to discuss the proposals, particularly the conditions which would apply to each of the statements.the basement, presuming that there may need to be a protected means of escape from there to the street.*

*I understand from our conversation that background music is restricted by planning and the tenant will be advised accordingly should that condition need to be varied.*

*It would be helpful if you could set out the conditions which you would find acceptable in addition to the hours and technical issues pertaining to capacity and sanitary*

requirements.

*There is an existing public house at 20 Edgware Road, formally a Wetherspoons and the premises licence (16/09835/LIPT) is currently held by the applicant. Following the grant of planning permission, it is proposed to obtain one provisional statements for the restaurant (A3) use, one provisional statement for the A4 use, and two provisional statements for the retail units (A1). The hours of the application will match those of the existing premises licence and in respect of the restaurant and retail use, the council's core hours for licensable activities and 30 minutes later for opening, in line with the planning.*

**Following a site visit on 1 March 2018 further clarification provided on the advice requested in an e-mail dated 7 March 2018:**

*I confirm that my client intentions are therefore as follows:*

*The existing Wetherspoons unit is reducing in size. That reduction is from 674 to 293 sq metres.*

- 1. To submit by way of provisional statement;*
- 2. For a public house/bar use upon the same terms as the existing licence which is held by my client;*
- 3. Two restaurant uses, MC38;*
- 4. Two retail uses, subject again to the same food conditions, notwithstanding the use obviously will need to remain predominantly as retail;*
- 5. The attached model conditions;*
- 6. The supermarket and Odeon will make their own applications in due course;*
- 7. I will send you further details of the servicing arrangements so obviously we can rely upon planning in that respect; and*
- 8. Your comments in relation to extract are noted and appreciated. My client will speak further with the architect and put him in touch if need be;*

**ENVIRONMENTAL HEALTH ADVICE**

**i. Cumulative Impact Area (CIA)**

The advice is based on *Westminster's Statement of Licensing Policy* which can be found on the Council's website at the following link:

<https://www.westminster.gov.uk/licensing-policy>

This also provides a connection to the list of *Model Pool of Conditions* which should be used as the basis of any conditions proposed in an operating schedule.

Please use this link to access the policies and conditions referred to when reading the advice below.

**As the premises are located within the Edgware Road Cumulative Impact Area special policy CIP1 applies which states;**

*(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.*

*(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.*

**ii. Public House in the Cumulative Impact Areas**

With regards to an application for Public Houses and Bars in the Cumulative Impact Areas - Policy PB2 applies which states:

*It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.*

However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy but *'will only be overridden in genuinely exceptional circumstances'*.

Whilst paragraphs 2.4.2-2.4.13 of the policy describes some of the exceptional circumstances the policy does not provide a list of examples of when an application may be treated as an exception.

Please note the Licensing Authority does not treat the following circumstances, on their own, as exceptional:

- The premises operate strictly to their conditions.
- The premises are well managed.
- The operator is of good character or reputation.
- The capacity of the premises is small.
- There are no residential properties in the vicinity.
- The premises have applied for Temporary Event Notices for longer hours without incident.
- Economic necessity
- The premises caters to a specialist group eg LGBT+ community

In this case the Premises Licence, 16/09835/LIPT, previously operating on part of the site, has been maintained and whether this provides an argument that in effect this is not a new application but could be considered effectively as a variation can only be determined by the Licensing sub- Committee.

However please note Paragraph 2.4.8 of the policy which states:

***'This will not apply to licences which have been surrendered or those which can have no practical effect because the premises to which they applied no longer exist, or will not continue to exist in their previous form, e.g. because of planned demolition or redevelopment.'***

Nevertheless the proposed reduction in the licensable area from 674 to 293 sq metres , additional conditions and the general improvement to the area resulting from the planning approval for the development as a whole,



particularly the addition of new residential spaces where there were none previously, may be used as part of an overall submission to demonstrate 'exceptional circumstances'.

Please note you are also advised that the planning status of the premises will not be a material consideration as to whether any Premises Licence will be granted. Conversely, under planning legislation, the approval of a Premises Licence does not provide automatic grounds for the planning status to also be changed.

### **iii. Restaurants in the Cumulative Impact Areas**

Policy RNT2 applies which states:

*Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to Cumulative Impact in the CIA.'*

The principle condition to demonstrate compliance with policy RNT2 is if the premises operates under model condition MC66 – note only 'slight tweaks' may be permitted to this condition

As well as MC66 other considerations for demonstrating 'will not add to Cumulative Impact in the CIA' are hours of operation, capacity restrictions, proximity of public transport etc.

### **iv. Retail operations wishing 'On' sale of alcohol in the Cumulative Impact Areas**

Any application for 'On' sale of alcohol in a predominantly retail use should have regard to paragraphs 2.4.16 to 2.4.22 and in particular paragraph 2.4.21 which states:

*'The council therefore considers that where applications for licenses to sell alcohol for consumption on the premises are made and (i) are appropriately conditioned so that the consumption of alcohol is not, and cannot become, a significant part of the operation of the premises and is regulated to promote responsible drinking; (ii) where the character of the premises is such that its customers are not likely to be involved in sustained*

***or heavy drinking at later hours; and (iii) when the sale of alcohol is not permitted beyond 20.00 hours; then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the cumulative impact area.'***

Any such application is therefore recommended to be accompanied with condition MC86 with alcohol licensing hours finishing at 20:00 hours.

**v. Capacity and works conditions**

All applications should be accompanied with an intended maximum capacity so that it provides some measure of assessment on 'cumulative impact' under condition MC90.

The plans submitted are not detailed enough for The District Surveyor to provide a precise capacity at this stage.

Any application should also submit the 'works condition' MC81 with the added phrasing:

- 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

**vi. Sanitary accommodation**

With regards to the provision of sanitary accommodation one of the reasons for a CIA designation, as stated in the policy (page 137), is;

*'(e) The fouling of doorways, alleyways and streets, which in addition to being antisocial, has consequences for public safety and health (Public Safety and Public Nuisance).'*

Environmental Health therefore requires that any new application for the provision of sanitary accommodations must be as advised in British Standard

6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances.

In addition:

- Also note Building Control requirements for new premises or premises undergoing substantial refurbishment usually require provision of a disabled or accessible facility.
- Provision for the staff; In addition, premises that are food led should also be providing sanitary accommodations that are separate from that provided for the public so as to be in compliance with guidance to food hygiene legislation.
- Please note in premises where food and drink is provided all toilets, if possible including disabled/accessible units, should be separated by a lobby from food eating, storage and preparation areas.

#### **vii. Conditions**

In addition to the conditions advised above for each type of application all applications should be submitted with the following common conditions:

#### **MC17:**

All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

#### **MC47:**

A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as a driving licence, passport or proof of

age card with the PASS Hologram.

**MC01:**

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 authorized officer throughout the entire 31-day period.

**MC02:**

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 authorized council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

**MC12:**

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.

**MC21:**

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

**MC42:**

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.

**Should you wish to discuss the matter further or seek further clarification or information please do not hesitate to contact me.**

**Anil Drayan**

**Environmental Health Officer,**

**EH Consultation Team**

**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.**

The planning decision for Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd), Bryanston Street, London is enclosed.

Your ref: ALMACANTAR PRIVATE TRUSTEE  
COMPA

Please reply to:

Mike Walton

My ref: 14/11220/FULL

Tel No:

020 7641 2521

Neil Lawrence  
Gerald Eve  
72 Welbeck Street  
London  
W1G 0AYDevelopment Planning  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

25 June 2015

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990  
PERMISSION FOR DEVELOPMENT (CONDITIONAL)

2/6/15

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

**SCHEDULE**

Application No: 14/11220/FULL

Application Date: 30.10.2014

Date Received: 11.11.2014

Date Amended: 11.11.2014

Plan Nos: RVA-0-10-095 rev 05, RVA-0-10-096 rev05, RVA-0-10-097 rev 05, RVA-0-10-098 rev05, RVA-0-10-100 rev05, RVA-0-10-101 rev02, RVA-0-10-102 rev02, RVA-0-10-103 rev02, RVA-0-10-104 rev02, RVA-0-10-105-rev02, RVA-0-10-106 rev05, RVA-0-10-107 rev05, RVA-0-10-108 rev02, RVA-0-10-109 rev02, RVA-0-10-110 rev05, RVA-0-10-111 rev02, RVA-0-10-112 rev02, RVA-0-10-113 rev02, RVA-0-10-114 rev02, RVA-0-10-115 rev05, RVA-0-10-116 rev05, RVA-0-10-117 rev02, RVA-0-10-118 rev02, RVA-0-10-119 rev02, RVA-0-10-120 rev02, RVA-020-001rev01, RVA-020-002rev01, RVA-020-003rev01, RVA-020-004rev02, RVA-C-20-101rev01, RVA-C-20-102rev03, RVA-R-20-201rev01, RVA-R-20-202rev01,

Address: Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road &amp; 53-59 (odd), Bryanston Street, London,

Proposal: Demolition of existing building and erection of two new buildings with two basement levels and two mezzanine levels below ground. Building 1 fronting on to Marble Arch comprises ground and seven upper floors and roof top plant; Building 2 fronting onto Edgware Road comprising ground and seven upper floors with a tower to 18th floor level and roof top plant; all for a mix of uses comprising offices (Class B1), up to 54 residential units (Class C3), retail (Class A1), restaurant (Class A3), bar (Class A4) and cinema (Class D2); provision of car parking spaces, cycle parking spaces, plant and works to public realm, including a new pedestrian route between Marble Arch and Bryanston Street.

See next page for conditions/reasons.

Yours faithfully

John Walker  
Director of Planning

**Condition(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 The street-facing elevations of the buildings and the entirety of the tower shall be clad in natural Portland stone; the remaining elevations of the building shall be clad in natural stone, details/samples of which shall be submitted for our written approval prior to commencement of the relevant part of the development.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development:

1. Typical details of all facades at all levels
2. Public art (including details of illumination and a maintenance strategy)

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

**Reason:**

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 6 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- between 08.00 and 18.00 Monday to Friday;
  - between 08.00 and 13.00 on Saturday; and
  - not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- between 08.00 and 18.00 Monday to Friday; and
- not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours.

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 7 Customers shall not be permitted within the restaurants (Class A3) and bar (Class A4) premises outside of the following hours: 07.00 to 0000 midnight Sunday to Thursday, bank holidays and public holidays and 07.00 to 00.30 the next day on Friday and Saturdays.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must apply to us for approval of detailed drawings of the appearance and location of the ventilation system for the Class A3 use. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to the first use of the restaurant and thereafter the ventilation system shall be retained and maintained for as long as the Class A3 unit is in place.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

The use of the Class A3 unit without any kitchen ventilation would cause harm to occupiers of neighbouring properties from cooking smells. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV.5 of our Unitary Development Plan that we adopted in January 2007

- 9 You must apply to us for approval of an Operational Management Plan for the bar (Class A4) and restaurant (Class A3) uses. This shall include details of the capacity for each unit. You must not open the restaurant(s) or bar(s) to customers until we have approved what you have sent us. Thereafter you must manage the restaurant(s) and bar(s) in accordance with the approved plan.

**Reason:**

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8, TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 11 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 12 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 13 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and Informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

**14 Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

**Reason:**

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

**15 No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):**

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details. (C21MB)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 16 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 17 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

**Reason:**

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 18 You must apply to us for approval of a Servicing and Delivery Management Plan, which includes details of how the retail (Class A1), restaurant (Class A3), bar (Class A4), office (Class B1), cinema (Class D2) and residential (Class C3) uses will be serviced. This plan must include details of the servicing and delivery requirements for the adjacent buildings with shared access to the servicing route and any proposed valet service for residential car parking. You must not occupy the development until we have approved what you have sent us. Thereafter you must then manage the servicing and deliveries in accordance with the Servicing and Delivery Management Plan that we approve, unless we agree an alternative Servicing and Delivery Management Plan in writing.

**Reason:**

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 You must provide the waste store shown on drawings RVA-0-10-097 rev 05, RVA-0-10-098 rev05, and RVA-0-10-100 rev 05 ,before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the properties. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 20 You must not use the roofs of building 1 at levels 2- 5 as shown on plans RVA -0-10-102 rev02, RVA -0-10-103 rev02,RVA -0-10-104 rev02,RVA -0-10-105 rev02, for sitting out or for any other purpose, unless and until appropriate measures to safeguard neighbouring residential amenity (including privacy screens and details of the proposed hours of use) have been submitted to and approved by us in writing and such measures have been installed as approved. The use of the relevant roofs as terraces must thereafter be carried out in accordance with the approved details. You can however use the roof to escape in an emergency.

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 21 You must provide all the car parking spaces shown on drawings RVA-0-10-095 rev 05 shall be retained for use by residents within the building. No more than 2 residential car parking spaces shall be allocated or used by any single residential unit. The parking spaces reserved for residents must be clearly identified.

**Reason:**

To provide parking spaces for people living in the residential part of the development as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 22 At least 20% of car parking space shall have access to an electric car charging point to be provided prior to occupation.

**Reason:**

To provide parking spaces for people using the development as set out in TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 23 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

**Reason:**

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 24 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

ground source heat pumps

You must not remove any of these features. (C44AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 25 The glass that you put in the eastern elevation of the office building ( building 1) on the 1st to 4th floors must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 26 Unless otherwise agreed in writing with the Local Planning Authority in consultation with London Underground Limited, the development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground Limited) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

**Reason:**

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





- 9 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 10 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 11 Condition 16 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 12 Conditions 10 and 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 13 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 14 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

Note - As the requirements of the Building Regulations may impact on the design of the proposed development, our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this free service please contact **020 7641 7230** to arrange a preliminary discussion.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



There is no licence or appeal history for the premises.

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

When determining an application for a provisional statement 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 supply of alcohol on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. All doors and windows to be kept closed after 23:00hours except for immediate access and egress of persons.
11. There shall be no take-away of hot food or hot drink after 23.00 hours.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only.
13. No off sales after 23:00 Monday to Saturday or 22:30 Sunday.
14. No deliveries to the premises shall be made between the hours of 23:00 hours and 07:00 hours.
15. Loudspeakers shall not be located in the entrance areas or outside the premises building.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
18. 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.
19. 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.
20. 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,
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
21. A Challenge 21 or 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.

22. 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 with a condition detailing the capacity so determined.

### **Condition proposed by the Licensing Authority**

21. The premises shall only operate as a restaurant:
- (i) In which customers are shown to their table,
  - (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 using non disposable crockery,
  - (iv) Which do not provide any take away service of food or drink for immediate consumption,
  - (v) Which do not provide any take away service of food or drink after 23:00, and
  - (vi) 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.

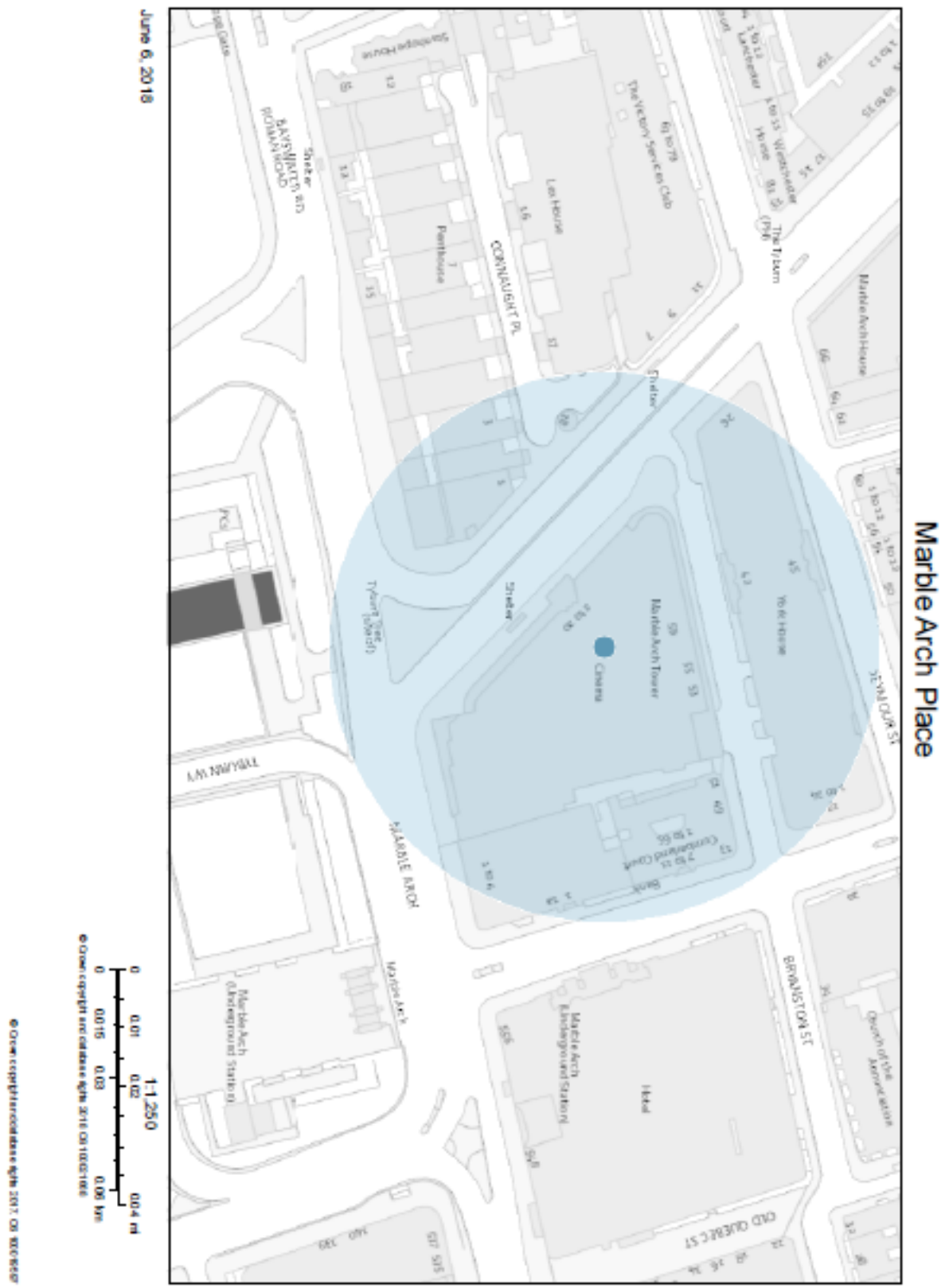
Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

### **Environmental Health has also requested this condition.**

22. 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.

### **Conditions proposed by the Environmental Health**

23. 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.
24. 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
25. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (x) persons. (Final figure shall be determined on clearance of 'works' conditions and shall be based on whichever gives the lower figure from an assessment of safe capacity or provision of sanitary accommodation but it shall not be more than x).



Resident count: 93



Licence Number	Trading Name	Address	Premises Type	Time Period
16/09835/LIPT	The Tyburn	The Tyburn 20 Edgware Road London W2 2EN	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 22:50   Sundays before Bank Holidays; 07:00 - 00:00
14/05500/LIPDPS	Sainsbury's	7 - 9 Marble Arch London W1H 7DX	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
18/02536/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
18/03196/LIPT	Prezzo	7 - 9 Great Cumberland Place London W1H 7LU	Restaurant	Monday to Sunday; 12:00 - 00:00
15/06410/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
17/05472/LIPN	Marble Arch Theatre	Western Traffic Island Marble Arch London W1H 7DX	Theatre	Monday to Saturday; 12:00 - 23:30   Sunday; 12:00 - 23:00
17/14156/LIPVM	Cumberland Food & Wine	11 Great Cumberland Place London W1H 7LU	Shop	Not Recorded; XXXX - XXXX
16/12791/LIPT	Arch Food & Wine	1A Great Cumberland Place London W1H 7AL	Shop	Monday to Sunday; 07:00 - 01:00
15/00329/LIPV	McDonald's Restaurants	2 - 4 Marble Arch London W1H 7EJ	Restaurant	Thursday to Saturday; 05:00 - 02:00   Sunday to Wednesday; 05:00 - 01:00

This page is intentionally left blank

Item No:	
Date:	21 June 2018
Licensing Ref No:	18/03365/LIPST – Provisional Statement (LA 2003)
Title of Report:	Ground & Lower Ground Unit 1 6 Marble Arch London W1H
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Provisional Statement, Licensing Act 2003		
<b>Application received date:</b>	27 March 2018		
<b>Applicant:</b>	Almacantar (Marble Arch) Sarl		
<b>Premises:</b>			
<b>Premises address:</b>	Ground & Lower Ground, Unit 1 6 Marble Arch London W1H	<b>Ward:</b>	Bryanston & Dorset Square
		<b>Cumulative Impact Area:</b>	Edgware Road
<b>Premises description:</b>	Following the grant of planning permission 14/11220/FULL this premises is to operate as a restaurant.		
<b>Premises licence history:</b>	This is an application for a provisional statement and therefore no licence history exists.		
<b>Applicant submissions:</b>	The Applicant's submissions can be found at Appendix 1 of the report.		
<b>Plans</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
<b>Regulated Entertainment: Recorded Music</b>				<b>Indoors, outdoors or both</b>			Indoors
<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	N/A
<b>Seasonal variations:</b>	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						
<b>Non-standard timings:</b>	On Sunday's immediately prior to public and bank holidays 23:00 - 00:00						

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<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>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	00:00	00:00	22:30
<b>Seasonal variations:</b>	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						
<b>Non-standard timings:</b>	On Sunday's immediately prior to public and bank holidays 23:00 - 00:00						

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	00:00	00:00	22:30
<b>Seasonal variations:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
<b>Non-standard timings:</b>		On Sunday's immediately prior to public and bank holidays 23:00 - 00:00					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:00
<b>Seasonal variations:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
<b>Non-standard timings:</b>		On Sunday's immediately prior to public and bank holidays 23:00 - 03:00					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Ms Daisy Gadd
<b>Received:</b>	23 April 2018

I write in relation to the provisional statement application for RU4, Marble Arch Place.

As a responsible authorities under section 14 (3) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Prevention of Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

This application seeks to permit the following licensable activities and operating times:

- Recorded Music: Monday to Thursday from 23:00 to 23:30 and Friday to Saturday from 23:00 to 00:00
- Late Night Refreshment: Monday to Thursday from 23:00 to 23:30 and Friday to Saturday from 23:00 to 00:00
- Supply of Alcohol: Monday to Thursday from 10:00 to 23:30, Friday to Saturday from 10:00 to 00:00 and Sunday from 10:00 to 22:30

The premises is located within a Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, HRS1 and RNT2.

The premises currently falls within policy RNT2. At present, the applicant has offered a condition whereby the supply of alcohol at the premises shall only be to a person seated taking a table meal there. The Licensing Authority would ask that the applicant considers adding the following condition to the operating schedule to support the Council's policy relating to the sale of alcohol for consumption on the premises:

- 1) The premises shall only operate as a restaurant:
  - (i) In which customers are shown to their table,
  - (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 using non disposable crockery,
  - (iv) Which do not provide any take away service of food or drink for immediate consumption,
  - (v) Which do not provide any take away service of food or drink after 23:00, and
  - (vi) 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.

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.

Furthermore, policy RNT2, as outlined in the Council's Statement of Licensing Policy 2016, states that "Applications will be granted subject to other policies... provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas". The applicant has not yet demonstrated any further information that addresses this policy concern. It would be useful for the applicant to provide further submissions as to how the premises intends to operate, and as to how the premises and its patrons will not add to cumulative impact in the Cumulative Impact Areas.

The proposed operating hours on Sunday for Supply of Alcohol currently fall outside of Westminster's Core Hours policy. The Licensing Authority encourages the applicant to consider reducing the operating hours for licensable activities in line with the Council's core hours policy.

Further discussions will be held with the applicants prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation.

<b>Responsible Authority:</b>	Environmental Health Service
-------------------------------	------------------------------

<b>Representative:</b>	Mr Anil Drayan
------------------------	----------------

<b>Received:</b>	24 April 2018
------------------	---------------

I refer to the application for a new Premises Licence for the above premises which are located in the Edgware Road Cumulative Impact area.

The applicant has submitted following outline plans of the premises showing the ground floor, ref 1911-JRA-00-ZZ-DR-A-1462, dated 14/12/2017 and lower ground floor, ref 1911-JRA-00-ZZ-DR-A-1461, dated 14/12/2017

**The following licensable activities are being sought:**

1. To provide for the Supply of Alcohol 'On' the premises between 10:00 and 23:30 Monday to Thursday, 10:00 and 00:00 Friday and Saturday and 10:00 to 22:30 Sunday
2. Provision of Late Night Refreshment 'Indoors' 23:00 and 23:30 Monday to Thursday and 23:00 and 00:00 Friday and Saturday
3. Provision of Recorded Music 'Indoors' 23:00 and 23:30 Monday to Thursday and 23:00 and 00:00 Friday and Saturday
4. Non-standard times for all the above licensable activities on Sundays immediately prior to public and bank holiday until 00:00 and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**I wish to make the following representations based on the plans submitted and the supporting operating schedule:**

1. The hours requested for and the Supply of Alcohol may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area

2. The hours requested for and the Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area
3. The hours requested for and the Provision of Recorded Music may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area
4. Non-standard times for all the above licensable activities may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area

Environmental Health also makes the following further comments:

- An extensive list of conditions have been offered in the operating schedule and these are being considered as to whether they are sufficient to allay Environmental Health concerns
- The premises are located in a Cumulative Impact Area and any approval for 'On' sale of alcohol usually requires it to be covered by the 'model' restaurant condition (MC66) for it to be consistent with Westminster's Statement of Licensing Policy.

It is noted that the application is subject to surrender of premises licence 16/09835/LIPT and Environmental Health considers this will be a matter for the Licensing sub-Committee for determination as to whether this will be sufficient to bring it into line with Policy particularly as several new premises are being proposed.

- The premises will need to be assessed for Public Safety on completion. At this time a safe capacity shall be determined based on the District Surveyor's Technical Guidance on Places of Entertainment.
- The provision of sanitary accommodation for any proposed capacity must be in line with the minimum standards as provided in British Standard 6465 to help prevent an increase in Public Nuisance in the West End Cumulative Impact Area. In addition, compliance with Food Hygiene guidance will also require separate facilities for staff.

Representations are therefore made to this application on grounds of Public Nuisance, Public Safety and being against Westminster's Statement of Licensing Policy.

#### **Further correspondence from Applicant to Environmental Health**

Please find enclosed Schedules in respect of:

1. The A3 and A1 uses;
2. The A4 use.

I have added:

- a) A capacity (to be determined) condition;
- b) A restriction on off sales after 11pm.

I have removed the works condition as it's a provisional statement.

#### **Further correspondence from Environmental Health to the Applicant**

Thanks for this however I make the following comments as these premises are located in the Edgware Road Cumulative Impact Area:

1. Whilst a capacity to be determined condition is fine I strongly advise that prospective maximum capacity figures are provided for each of the units.



2. It would also be useful if you are able to provide a capacity figure for the Licence being surrendered, 16/09835/LIPT, such as might have been determined under a fire risk assessment.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	11 April 2018

With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted these applications would undermine the Licensing Objectives.

The venue is situated in the Edgware Road Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

I will contact you to discuss this objection in more detail.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy CIP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy RNT2 applies</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

### 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, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 4. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Planning Decision Notice – 14/11220/FULL
<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>	Mrs Shannon Pring Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@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	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority	23 April 2018
<b>5</b>	Metropolitan Police Service	24 April 2018
<b>6</b>	Environmental Health Service	11 April 2018

The Applicant has provided the following documents with their application. Copies of the following documents are enclosed:

- A cover letter;
- Annex document; and
- A copy of the pre-application advice 18/00782/PREAPM.

PREMISES MANAGEMENT  
LICENSING SERVICE

27 MAR 2018

CITY OF WESTMINSTER

Thomas & Thomas  
Partners LLP

38a Monmouth Street  
London WC2H 9EP  
Tel: 020 7042 0410  
Fax: 020 7379 6618

your ref:  
our ref: AT/TB/ALM.1.1

Licensing Team  
Public Protection & Licensing  
Westminster City Council  
Portland House  
22nd Floor  
Bressenden Place  
London SW1E 5RS

BY COURIER

26th March 2018

Dear Sirs

**Licensing Act 2003**  
**Marble Arch Place**  
**Development at Edgware Road**

We act for the applicant in the above matter and enclose:

1. Provisional statement applications (Units RU2, RU3, RU4, RU5, RU6), including plans;
2. Schedule of works;
3. Cheque for £1575 (£315 per application).

The applications follow pre-application advice with Mr Drayan **18/00782/PREAPM**. By way of explanation, premises licence ref 16/09835/LIPT subsists and is currently held by the applicant. Until recently, it was a Wetherspoons Public House and it is intended to redevelop the site into another vertical drinking venue, consistent with that licence and the lawful A4 planning use. However, the size of the unit will reduce.

Following the recent grant of planning permission, two further provisional statements are requested in respect of the restaurant units and two in respect of retail units. Both are subject to appropriate model conditions consistent with those uses.

The premises are (just) in the Edgware Road cumulative impact area but the application in respect of the Wetherspoons unit is subject to policy exceptions at 2.4.6 and 2.4.7 as it is being replaced by a similar but smaller use.

The restaurant and the retail applications are, subject to them being MC38, rather than MC66, subject to policy RNT2 with the difference in condition justified by the de-intensification of the A4 unit and the general improvements that the development will bring.

Yours faithfully

**Thomas and Thomas Partners LLP**

**Encs**

PREMISES MANAGEMENT  
LICENSING SERVICE  
27 MAR 2018  
CITY OF WESTMINSTER

**Annexure 10**

**The Marble Arch Retail Minimum Standard**

PREMISES MANAGEMENT  
LICENSING SERVICE  
17 MAR 2016  
CITY OF WESTMINSTER



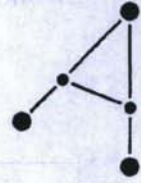
**Marble Arch Place**

**Marble Arch Retail**

**Minimum Standard**

Ver 6 - 14 March 2016

# MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



## Marble Arch Retail Minimum Standard

14<sup>th</sup> March 2016 (Version 6)

### Introduction

The Marble Arch Retail premises are to be delivered to retail shell specification, according to the following description.

- Table 1 contains a common base specification for the A1 Unit and A3 Unit.
- Table 2 identifies further particular requirements of the A3 Unit
- Table 3 identifies further particular requirements for the A1 Unit.

The following specification should be read in conjunction with the following plans:

- RVA SK1140 (Rev 01) – Retail Unit 1&2 Incoming Services – B1 Mezz
- RVA SK1141 (Rev 01) – Retail Unit 1&2 Incoming Services – Ground Level
- RVA SK1142 (Rev 01) – Retail Unit 1&2 Incoming Services – Level 01
- RVA SK 1144 (Rev 01) – Retail Unit 1 – Plans
- RVA SK 1146 (Rev 01) - Retail Unit 2 Plans (Planning Proposal)
- RVA SK 1175 (Rev 01) – Enlarged Plans and Elevations Building 1 Oxford Street
- RVA SK 1176 (Rev 00) – Enlarged Plans and Elevations Building 1 Edgware Road

In this schedule, “Scheme Design” means the RIBA Stage E design and specification for the Works attached as Annex 8 of the Development Agreement.

**Table 1 – Common Specification**

Structural frame	<ul style="list-style-type: none"> <li>• Structural frame: steel frames (columns and beams) and composite slab</li> <li>• Frame Finish: “Ordinary” finish to national Structural concrete specification Fourth edition</li> <li>• Provision for services distribution: holes in web of steel beams</li> </ul>
Floors	<ul style="list-style-type: none"> <li>• Floor: composite metal decking and concrete slab</li> <li>• Floor finish to be provided by Tenant</li> <li>• Soft-spot to be provided in first floor opening between A1 and A3 Units as provided for in the Scheme Design.</li> </ul>
Structural slab loading (floor slabs)	<ul style="list-style-type: none"> <li>• Imposed load 5.00kN/m<sup>2</sup></li> <li>• Screed allowance 1.8kN/m<sup>2</sup></li> <li>• Services &amp; Ceiling allowance (GF) 0.5kN/m<sup>2</sup></li> <li>• Services &amp; Ceiling allowance (B1) 0.6kN/m<sup>2</sup></li> </ul>



## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



	<ul style="list-style-type: none"> <li>Services &amp; ceiling allowance (level 1) 0.5kN/m<sup>2</sup></li> <li>Maximum deflection under full design load 30mm</li> </ul>																																	
Minimum internal heights	<ul style="list-style-type: none"> <li>Per Scheme Design.</li> </ul>																																	
Acoustic performance criteria	<p>For the purposes of this provision "Cinema Premises" has the meaning defined in the Marble Arch Retail Underlease.</p> <p>The Marble Arch Retail shall be designed so as to prevent:</p> <ul style="list-style-type: none"> <li>noise exceeding NR25 L<sub>max</sub> in any auditorium in the Cinema Premises ("Auditorium"); or</li> <li>any perceptible vibration in any Auditorium which materially impacts on the beneficial use and enjoyment of the Cinema Premises;</li> </ul> <p>provided that the following operational noise limits are not exceeded within the Marble Arch Retail premises.</p> <table border="1" data-bbox="587 1070 1353 1272"> <thead> <tr> <th rowspan="2"></th> <th colspan="6">octave band centre frequency (Hz)</th> <th rowspan="2">A</th> </tr> <tr> <th>63</th> <th>125</th> <th>250</th> <th>500</th> <th>1k</th> <th>2k</th> <th>4k</th> </tr> </thead> <tbody> <tr> <td><i>L</i><sub>eq,1min</sub></td> <td>75</td> <td>75</td> <td>75</td> <td>77</td> <td>76</td> <td>74</td> <td>68</td> <td>80</td> </tr> <tr> <td><i>L</i><sub>max</sub></td> <td>90</td> <td>88</td> <td>88</td> <td>88</td> <td>88</td> <td>85</td> <td>85</td> <td>92</td> </tr> </tbody> </table>		octave band centre frequency (Hz)						A	63	125	250	500	1k	2k	4k	<i>L</i> <sub>eq,1min</sub>	75	75	75	77	76	74	68	80	<i>L</i> <sub>max</sub>	90	88	88	88	88	85	85	92
	octave band centre frequency (Hz)						A																											
	63	125	250	500	1k	2k		4k																										
<i>L</i> <sub>eq,1min</sub>	75	75	75	77	76	74	68	80																										
<i>L</i> <sub>max</sub>	90	88	88	88	88	85	85	92																										
Internal partition walls	<ul style="list-style-type: none"> <li>Generally exposed fair faced concrete blockwork except for core areas, which will be exposed concrete.</li> </ul>																																	
Ceilings	<ul style="list-style-type: none"> <li>No ceilings: Exposed soffit of overlying floor structure</li> </ul>																																	
Ground floor shop fronts	<ul style="list-style-type: none"> <li>Full height single glazed units with a powder coated aluminium frame.</li> <li>Glass double-leaf doors with stainless steel top and bottom rails. Suitable doors and ironmongery and locking mechanism to be provided</li> <li>Refer to General Ventilation below for description of retail louvres.</li> </ul>																																	
Internal joinery	<ul style="list-style-type: none"> <li>Metal doors and frames compliant with the fire strategy and current building regulations</li> <li>Door thresholds to be flush with finished floor levels in to common areas. The door thresholds will be set above the concrete slab for the</li> </ul>																																	

**MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD**



	<p>A3 retail unit and for the A1 retail unit to achieve levelled thresholds internally and externally where required.</p> <ul style="list-style-type: none"> <li>• Polyester powder coated finish to door and frames in standard range RAL colour to be agreed via sampling.</li> </ul>																												
<p><b>BREEAM</b></p>	<ul style="list-style-type: none"> <li>• Retail shells will be designed and constructed to achieve BREEAM excellent rating. The tenant shall design the fit out, ensuring the following is incorporated to maintain the BREEAM rating of the building:             <ul style="list-style-type: none"> <li>○ <i>The fit out design shall be designed in accordance with the following requirements:</i></li> </ul> </li> </ul> <table border="1" data-bbox="478 878 1300 1955"> <thead> <tr> <th data-bbox="478 878 933 943">Assumed Fit-out</th> <th data-bbox="933 878 1300 943">All Retail Units</th> </tr> </thead> <tbody> <tr> <td data-bbox="478 943 933 1059">Heating system type (assumed system in model)</td> <td data-bbox="933 943 1300 1059">Water source Heat Pumps + Supply and Extract</td> </tr> <tr> <td data-bbox="478 1059 933 1124">Heating Efficiency</td> <td data-bbox="933 1059 1300 1124">COP 4.5</td> </tr> <tr> <td data-bbox="478 1124 933 1227">Cooling system type (assumed system in model)</td> <td data-bbox="933 1124 1300 1227">Heat Pumps + Supply and Extract</td> </tr> <tr> <td data-bbox="478 1227 933 1292">Seasonal EER</td> <td data-bbox="933 1227 1300 1292">SEER: 5.5</td> </tr> <tr> <td data-bbox="478 1292 933 1395">Ventilation Type</td> <td data-bbox="933 1292 1300 1395">AHU Only (Local Supply &amp; Extract)</td> </tr> <tr> <td data-bbox="478 1395 933 1498">Specific Fan power of air distribution plant</td> <td data-bbox="933 1395 1300 1498">2.0 (AHU)</td> </tr> <tr> <td data-bbox="478 1498 933 1563">Duct Leakage</td> <td data-bbox="933 1498 1300 1563">Worse than A</td> </tr> <tr> <td data-bbox="478 1563 933 1628">AHU Leakage</td> <td data-bbox="933 1563 1300 1628">Worse than L3 /Not tested</td> </tr> <tr> <td data-bbox="478 1628 933 1693">Heat recovery</td> <td data-bbox="933 1628 1300 1693">By Tenant</td> </tr> <tr> <td data-bbox="478 1693 933 1758">Heat recovery</td> <td data-bbox="933 1693 1300 1758">Yes – 75%</td> </tr> <tr> <td data-bbox="478 1758 933 1823">DHW system type</td> <td data-bbox="933 1758 1300 1823">From central LTHW system</td> </tr> <tr> <td data-bbox="478 1823 933 1888">DHW system delivery efficiency</td> <td data-bbox="933 1823 1300 1888">0.85</td> </tr> <tr> <td data-bbox="478 1888 933 1955">DHW Fuel Type</td> <td data-bbox="933 1888 1300 1955">Gas</td> </tr> </tbody> </table>	Assumed Fit-out	All Retail Units	Heating system type (assumed system in model)	Water source Heat Pumps + Supply and Extract	Heating Efficiency	COP 4.5	Cooling system type (assumed system in model)	Heat Pumps + Supply and Extract	Seasonal EER	SEER: 5.5	Ventilation Type	AHU Only (Local Supply & Extract)	Specific Fan power of air distribution plant	2.0 (AHU)	Duct Leakage	Worse than A	AHU Leakage	Worse than L3 /Not tested	Heat recovery	By Tenant	Heat recovery	Yes – 75%	DHW system type	From central LTHW system	DHW system delivery efficiency	0.85	DHW Fuel Type	Gas
Assumed Fit-out	All Retail Units																												
Heating system type (assumed system in model)	Water source Heat Pumps + Supply and Extract																												
Heating Efficiency	COP 4.5																												
Cooling system type (assumed system in model)	Heat Pumps + Supply and Extract																												
Seasonal EER	SEER: 5.5																												
Ventilation Type	AHU Only (Local Supply & Extract)																												
Specific Fan power of air distribution plant	2.0 (AHU)																												
Duct Leakage	Worse than A																												
AHU Leakage	Worse than L3 /Not tested																												
Heat recovery	By Tenant																												
Heat recovery	Yes – 75%																												
DHW system type	From central LTHW system																												
DHW system delivery efficiency	0.85																												
DHW Fuel Type	Gas																												

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<p><b>Averaged lighting power density across each zone type</b></p> <p><b>Display Lighting</b></p> <p><b>Renewable technologies</b></p>	<p>1.86 W/m<sup>2</sup>/100lux</p> <p>80lm/W</p> <p>CHP</p>
Primary Heat for HWS generation	<ul style="list-style-type: none"> <li>From landlord's centralised heating system via plate heat exchanger.</li> <li>Heat exchangers are to be supplied, installed and maintained by the Landlord, location to be in lowest retail level.</li> <li>Each retail unit will be provided with a 90kW LTHW heat exchanger for production of domestic hot water only.</li> <li>Primary flow/return design temperatures 80/ 60degrees C, secondary flow/return design temperatures 60 /10 degrees C.</li> <li>Secondary design flow rate assumed 0.43 Kg/s. Where higher HWS demand is required, the retailer will provide HWS storage within their demise to suit their requirements.</li> <li>A heat meter will be provided by the Landlord on the primary side of the heat exchangers, connected to the central EMS</li> <li>The primary heating is available 24 hrs per day 7 days per week.</li> </ul>	
Condenser water	<ul style="list-style-type: none"> <li>From landlord's centralised Condenser water system via run and standby plate heat exchangers.</li> <li>Heat exchangers are to be supplied, installed and maintained by the Landlord at the lowest retail level.</li> <li>Primary flow/return design temperatures set point 22/28degrees C with maximum 33/39degrees C.</li> <li>An energy meter will be provided by the Landlord on the primary side of the heat exchangers, connected to the central EMS</li> <li>To be used for general heating and cooling via water cooled heat pump air conditioning system to be provided as part of the Tenants fit-out.</li> <li>Condenser water is available 24 hours per day 7 days per week.</li> <li>(For loads and temperatures see specific section for each unit)</li> <li>(For heat rejection for use in refrigeration systems refer to general ventilation below)</li> </ul>	
General Ventilation	<ul style="list-style-type: none"> <li>All general ventilation plant equipment and system within the demise of each unit shall be provided by the tenant.</li> <li>To facilitate the above, a system of external louvres is provided by the landlord on the façade of the unit. These run at high-level ground and</li> </ul>	

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<p>1<sup>st</sup> floor level on each unit and are backed with bird mesh, proprietary aluminium weather extrusions and insulated blanking plates in non-active areas. The extent of the high-level louvres is shown on the attached drawings.</p> <ul style="list-style-type: none"> <li>• The louvers shall not be used to discharge kitchen extract or similar which may cause nuisance to other parts of the building, to the surrounding buildings, or to the general area.</li> <li>• All filtration shall form part of the tenant fit out works.</li> </ul>
Kitchen Extract	<ul style="list-style-type: none"> <li>• A single A3 riser shall be provided from the A3 unit to roof level for the installation of kitchen extract ventilation systems.</li> <li>• For A3 unit only, an extract duct shall be provided by the Landlord from the unit to roof level extending to a suitable point of discharge.</li> <li>• The duct will be fire rated and will run at high level in corridors and via dedicated risers to roof level.</li> <li>• Full access for cleaning will be provided throughout the length of the duct.</li> <li>• The duct will be designed and installed to all current and Building Control standards, and in accordance with Ductwork Specification DW 172.</li> <li>• A section of duct at roof level shall be left out for the Tenant to provide and install an extract fan and attenuators suitable to meet the requirements of the kitchen extract system.</li> <li>• The Landlords duct will terminate within the Demise at high level for extension within the demise by the Tenant.</li> <li>• The A3 retailer shall be responsible for the supply, installation and commissioning of an ecology unit within the retail demise.</li> <li>• The size and design parameters of the installed duct for the A3 unit are described in specific section below.</li> </ul>
Water Supply	<ul style="list-style-type: none"> <li>• A metered Potable Water supply shall be provided by the Landlord to each unit.</li> <li>• The supply shall be terminated with an isolating valve within the unit. (See specific section for the size and location for each unit)</li> <li>• The Landlords supply incorporates water storage.</li> <li>• Each water supply shall be provided with a water meter located outside of the demise, connected to the landlords building management system.</li> </ul>
Gas Supply	<ul style="list-style-type: none"> <li>• For A3 unit only, a gas supply pipe shall be provided by the Landlord.</li> <li>• A supply pipe will be provided from the building's common gas meter room to the demise.</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<ul style="list-style-type: none"> <li>• The supply pipe will be afforded all protection with regard to gas escape and fire as required depending on the route between the gas meter room and the demise.</li> <li>• An automatic isolation valve shall be provided by the tenant within the demise to isolate the gas supply upon fire, interfaced with the fire alarm system, fire suppression system as well as manual activation. As required as part of the safety systems within the demise</li> <li>• Should automatic isolation be required at the gas meter end of the supply to meet the requirements of the safety systems within the building, this will be provided by the Landlord, connected to the Landlords fire alarm system.</li> <li>• The tenant shall make an application for the gas supply and meter via their own shipper and take all steps required to activate the supply.</li> </ul>
Electrical Supply	<ul style="list-style-type: none"> <li>• The landlord will install an electrical supply to the unit direct from the supply authorities' distribution.</li> <li>• The supply will be terminated in a service head with fuse, isolating switch and metering ICT chamber within the unit's demise. (See specific section for the size and location for each unit)</li> <li>• The landlord will provide an MPAN number to the Tenant prior to the unit's handover in good time to ensure that the supply is available at the commencement of the fitting out period.</li> <li>• The Tenant is to make a formal application for the supply and meter via their service provider.</li> </ul>
Fire Alarm and interface	<ul style="list-style-type: none"> <li>• A fire alarm interface unit is to be provided by the Landlord in the corridor immediately outside the rear door of each unit at ground floor level.</li> <li>• The tenant is to supply and install a standalone fire alarm system for the unit, which is compatible with the Landlords system and the cable connections to the Landlords interface unit.</li> <li>• The Landlord shall terminate the cable connections into the interface, via the buildings fire alarm installer and activate/ programme the main buildings system as required.</li> <li>• The Landlords system operates on a double knock arrangement (investigate at first alert and activate on second) the tenants system shall follow this 2 stage procedure.</li> <li>• The tenants system shall be capable of conveying and receiving the 2 stage signalling via the interface unit.</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

<p>Sprinklers, Zone Control Valves, Fire suppression &amp; Basement Smoke Ventilation</p>	<ul style="list-style-type: none"> <li>• Sprinkler system within the unit to be served by landlord's common system.</li> <li>• A sprinkler connection and zone check isolating valve is provided by the landlord for each level of the unit. Each connection is monitored by the Landlords fire alarm system.</li> <li>• The A1 Retail Unit shall be provided with a life-safety generator backed power supply terminating in an automatic transfer switch (ATS) in the A1 retail basement demise. The secondary supply of the ATS will be connected to the landlord's electrical infrastructure. The primary supply of the ATS will be connected from the tenant's incoming supply (fit out by tenant).</li> <li>• The A1 retail unit shall be provided with a smoke ventilation system that will be designed, supplied, installed and commissioned by the landlord and will be located at high level in the basement demise. The smoke ventilation ductwork will extend up through the ground floor slab, to high-level ground floor and underside of 1<sup>st</sup> floor slab before terminating onto high-level louvres in the ground floor façade</li> <li>• Each retail tenant is to design, supply and install all other fire protection systems within the units.</li> </ul>
<p>Drainage</p>	<ul style="list-style-type: none"> <li>• The Landlord shall provide 100mm diameter foul water connections (pop ups) as described in Tables 2 &amp; 3.</li> <li>• A single vent pipe shall be provided by the Landlord at high level at the highest level of the unit, which rises to roof level for venting the tenants system to atmosphere.</li> <li>• The Tenant shall provide all required grease traps, and other necessary system protection within the unit's demise, to ensure that effluent is discharged to the standards required by the Drainage Authority.</li> <li>• Except to the extent shown in the Scheme Design, no drainage pipework serving other parts of the property shall pass through the retail units.</li> </ul>
<p>Satellite services</p>	<ul style="list-style-type: none"> <li>• Provision for tenants to use landlord's common satellite installation as identified in Audio Visual Specification HPF-S-65-SP-XXX-01 document forming part of the Scheme Design.</li> <li>• The tenant shall request from the Landlord connection to the system should it be required.</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<ul style="list-style-type: none"> <li>• All costs associated with the connection will be borne by the Tenant.</li> <li>• Other than the A1 Unit, the Tenant will not be allowed to provide their own satellite dish or receiving equipment on the roof or in any location outside of the unit's demise.</li> </ul>
Telephone	<ul style="list-style-type: none"> <li>• An adequate cable containment system in the form of cable tray and conduit will be provided by the landlord from the comms intake room to the demise.</li> <li>• The Tenant shall apply for all telephone or communication services as required from their suppliers and supply and install all cabling required within the containment system provided.</li> <li>• No direct connections from the highway will be allowed.</li> </ul>
Access Control	<ul style="list-style-type: none"> <li>• All doors leading from the retail unit demise into other parts of the building (including doors for operational purposes and emergency escape doors) shall be monitored by the Landlord's security system. The monitoring shall include a door contact on each door leaf and coverage from a CCTV camera.</li> <li>• Any doors leading from the retail unit demise into other parts of the building that are used for operational purposes (i.e. to access refuse areas and storage areas) shall be provided with bi-directional access control on the Landlords Access Control System.</li> <li>• Access Controlled doors shall include green Break glass Unit overrides, leading in the direction of emergency egress, to override the locking mechanism directly in the event of an emergency or system malfunction.</li> <li>• Access Controlled doors shall include an interface with the Fire Alarm system to override the locking mechanism directly in the event of a Fire Alarm.</li> <li>• The fire alarm interface unit is to be provided by the Landlord in the corridor immediately outside the rear door of each unit at ground floor level.</li> <li>• The Tenant is to supply and install a standalone fire alarm system for the unit, which is compatible with the Landlords system and the cable connections to the Landlords interface unit.</li> <li>• The Landlord shall terminate the cable connections into the interface, via the buildings fire alarm installer and activate/ programme the main buildings system as required.</li> </ul>

# MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



**Table 2 Additional requirements for A3 Unit**

First floor external cladding	<ul style="list-style-type: none"> <li>As described in the Scheme Design.</li> </ul>													
Condenser Water	<ul style="list-style-type: none"> <li>Heat Extraction or Rejection Rate from/to plate heat exchanger: 250W/m<sup>2</sup> for 70% NIA, 440W/m<sup>2</sup> for 30%NIA. See below table for total heat rejection or extract load for retail unit.</li> <li>Secondary flow/return design temperatures set point 19/14degrees C with maximum 41/36degrees C.</li> </ul> <table border="1" data-bbox="483 797 1370 987"> <thead> <tr> <th>Building Type</th> <th>Retail Unit Type</th> <th>Est. Area* (m<sup>2</sup>)</th> <th>Delta T (K) (Secondary Side)</th> <th>Total Heat Rejection Extraction Load (kW)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>A3</td> <td>526</td> <td>5</td> <td>161.5</td> </tr> </tbody> </table>				Building Type	Retail Unit Type	Est. Area* (m <sup>2</sup> )	Delta T (K) (Secondary Side)	Total Heat Rejection Extraction Load (kW)	Building 1	A3	526	5	161.5
Building Type	Retail Unit Type	Est. Area* (m <sup>2</sup> )	Delta T (K) (Secondary Side)	Total Heat Rejection Extraction Load (kW)										
Building 1	A3	526	5	161.5										
Gas	<ul style="list-style-type: none"> <li>Gas pipe will be provided by the landlord as described above to each A3 unit as per the table below:-</li> </ul> <table border="1" data-bbox="483 1189 1370 1361"> <thead> <tr> <th>Building Type</th> <th>Retail Unit Type</th> <th>Gas flow rate (kW)</th> <th>Gas pipe size (mm)</th> <th>Pressure at retail demise (Pa)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>A3</td> <td>200</td> <td>65</td> <td>2000</td> </tr> </tbody> </table>				Building Type	Retail Unit Type	Gas flow rate (kW)	Gas pipe size (mm)	Pressure at retail demise (Pa)	Building 1	A3	200	65	2000
Building Type	Retail Unit Type	Gas flow rate (kW)	Gas pipe size (mm)	Pressure at retail demise (Pa)										
Building 1	A3	200	65	2000										
Electricity	<ul style="list-style-type: none"> <li>3 phase and neutral 415 volt 50 hz supply</li> <li>250A fuse and isolator located on wall at lowest level of each A3 retail demise.</li> <li>Loads as per table below, based upon 350W/m<sup>2</sup> for ground floor areas, and 200 W/m<sup>2</sup> for basement/1<sup>st</sup> floor areas</li> </ul> <table border="1" data-bbox="483 1682 1088 1861"> <thead> <tr> <th>Building</th> <th>Retail Unit Type</th> <th>Total Load (kW)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>A3</td> <td>143</td> </tr> </tbody> </table>				Building	Retail Unit Type	Total Load (kW)	Building 1	A3	143				
Building	Retail Unit Type	Total Load (kW)												
Building 1	A3	143												



## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



<p>Kitchen Extract Duct</p>	<ul style="list-style-type: none"> <li>• Fire rated ductwork from demise to roof will be installed by landlord as described above. Free areas and flow rates will be provided as per the table below:-</li> </ul> <table border="1" data-bbox="483 562 1359 734"> <thead> <tr> <th data-bbox="483 562 834 696">Building Type</th> <th data-bbox="834 562 975 696">Retail Unit Type</th> <th data-bbox="975 562 1134 696">Kitchen Extract Duct Free Area (m<sup>2</sup>)</th> <th data-bbox="1134 562 1359 696">Max Potential Flow Rate (M<sup>3</sup>/s)</th> </tr> </thead> <tbody> <tr> <td data-bbox="483 696 834 734">Building 1</td> <td data-bbox="834 696 975 734">A3</td> <td data-bbox="975 696 1134 734">0.5</td> <td data-bbox="1134 696 1359 734">3.75</td> </tr> </tbody> </table>	Building Type	Retail Unit Type	Kitchen Extract Duct Free Area (m <sup>2</sup> )	Max Potential Flow Rate (M <sup>3</sup> /s)	Building 1	A3	0.5	3.75
Building Type	Retail Unit Type	Kitchen Extract Duct Free Area (m <sup>2</sup> )	Max Potential Flow Rate (M <sup>3</sup> /s)						
Building 1	A3	0.5	3.75						
<p>Riser and Roof plant provision</p>	<ul style="list-style-type: none"> <li>• External plant space for kitchen extract fan/attenuators will be as described in Kitchen Extract Duct section above.</li> <li>• There is a further provision of 2sqm for A3 retail tenant external plant space as defined within the Marble Arch Retail Underlease.</li> <li>• The imposed load capacity of the plant areas is 7.5kN/m<sup>2</sup></li> <li>• Vertical riser for tenant's exclusive use to be as shown on Marble Arch Retail Underlease plans</li> <li>• Refer to Scheme Design building core drawings for size of riser and access arrangements</li> <li>• Service risers will conform to the fire rating of the element through which they pass.</li> <li>• Working access platforms and edge protection to be provided within risers sufficient for maintenance and cleaning to be provided at all levels</li> </ul>								
<p>Drainage</p>	<ul style="list-style-type: none"> <li>• A3 unit ground floor 2No pop-ups</li> <li>• A3 unit first floor 1No 100mm capped connection at high level.</li> <li>• Vent pipe location. 1 No at high level ground floor and 1 No at high level first floor</li> <li>• Final positions of drainage provisions within the unit to be agreed with tenant.</li> </ul>								
<p>Potable water</p>	<ul style="list-style-type: none"> <li>• 28mm dia. Potable water supply provided at ground level demise with capacity for occupancy density of (200 serving at 7litres per serving)</li> <li>• Water supply will be terminated with a capped valved connection at high level at the lowest floor level within the retail unit.</li> <li>• The water supply to the A3 retail unit will have a capacity of 1.0 l/s with a pressure of 2-3bars</li> </ul>								

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



**Table 3 Additional requirements for A1 retail Unit**

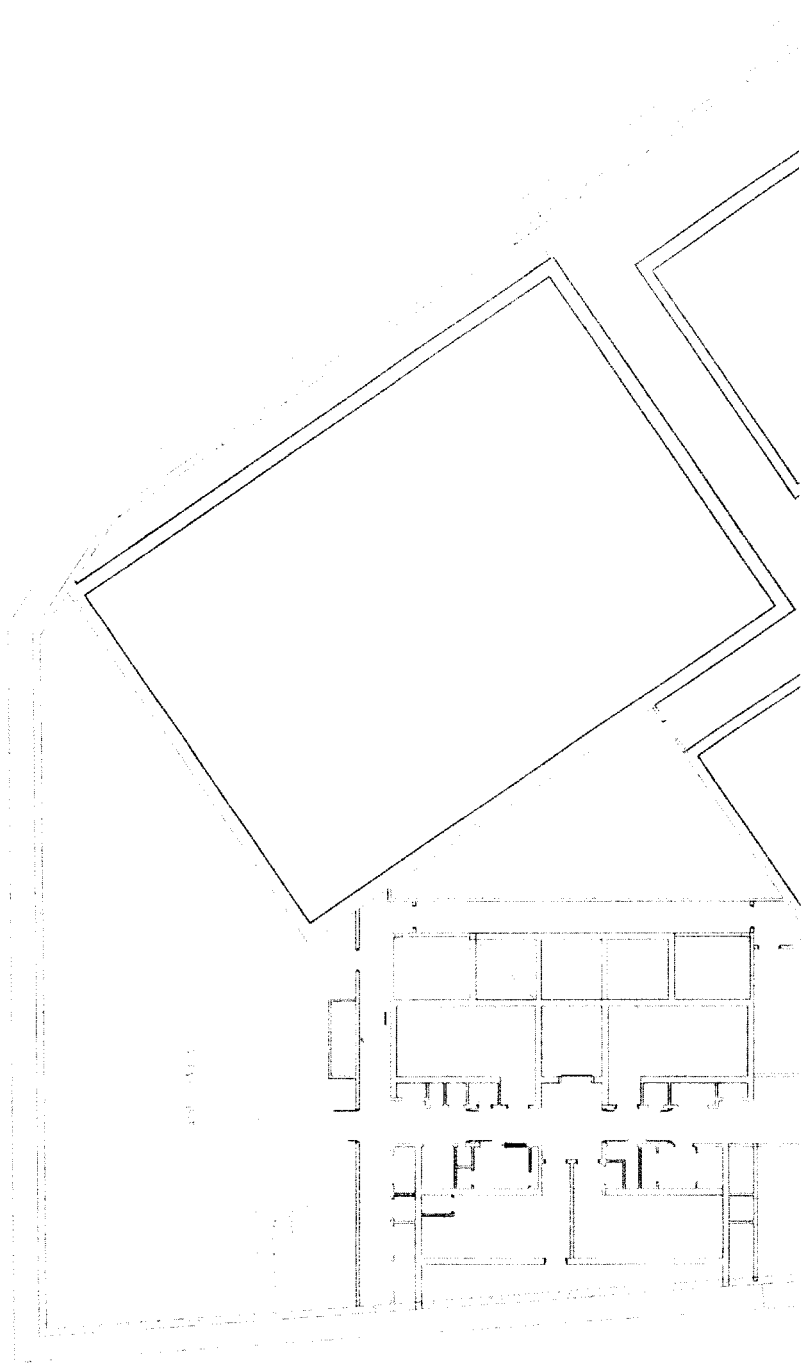
<p>Basement envelope</p>	<ul style="list-style-type: none"> <li>Basement retaining walls: 1000mm thick RC diaphragm wall</li> <li>Basement retaining walls: Hydro-duct CF or similar approved. Typical detail drawing WSL-04-OSW-401.</li> <li>The basement diaphragm wall in combination with the drained cavity construction provides a grade 3 basement in accordance with BS8102</li> </ul>										
<p>Condenser Water</p>	<ul style="list-style-type: none"> <li>Heat Extraction or Rejection Rate from/to plate heat exchanger: 250W/m<sup>2</sup> for 100% NIA. See below table for total heat rejection or extract load for retail unit.</li> <li>Secondary flow/return design temperatures set point 19/14 degrees C with maximum 41/36 degrees C.</li> </ul> <table border="1" data-bbox="483 1021 1359 1200"> <thead> <tr> <th>Building</th> <th>Retail Unit Type</th> <th>Est. Area (m<sup>2</sup>)</th> <th>Delta T (K) (Secondary Side)</th> <th>Total Heat Rejection or Extraction Load (kW)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>A1</td> <td>602</td> <td>5</td> <td>150.5</td> </tr> </tbody> </table>	Building	Retail Unit Type	Est. Area (m <sup>2</sup> )	Delta T (K) (Secondary Side)	Total Heat Rejection or Extraction Load (kW)	Building 1	A1	602	5	150.5
Building	Retail Unit Type	Est. Area (m <sup>2</sup> )	Delta T (K) (Secondary Side)	Total Heat Rejection or Extraction Load (kW)							
Building 1	A1	602	5	150.5							
<p>Electrical Supply</p>	<ul style="list-style-type: none"> <li>3 phase and neutral 415 volt 50 hz supply</li> <li>250A fuse and isolator located on wall at lowest level of each retail demise.</li> </ul> <table border="1" data-bbox="483 1529 927 1709"> <thead> <tr> <th>Building</th> <th>Retail Unit Type</th> <th>Total Load (kW)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>A1</td> <td>121</td> </tr> </tbody> </table>	Building	Retail Unit Type	Total Load (kW)	Building 1	A1	121				
Building	Retail Unit Type	Total Load (kW)									
Building 1	A1	121									
<p>Riser provision</p>	<ul style="list-style-type: none"> <li>Vertical riser for Building 1 A1 Retail tenant's exclusive use to be as shown on Marble Arch Retail Underlease plans</li> <li>Refer to building core drawings for size of riser and access arrangements</li> </ul>										

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



Roof plant provision	<ul style="list-style-type: none"> <li>• Provision for Building 1 A1 Retail tenant's future fit out external plant space at Building 1 level 08 as described within the Marble Arch Retail Underlease.</li> <li>• The imposed load capacity of the plant areas is 7.5kN/m<sup>2</sup></li> </ul>
Drainage	<ul style="list-style-type: none"> <li>• A1 unit will be provided with 4No pop-ups at basement level according to the Requirements of the Sainsbury's Agreement for Lease</li> <li>• A1 unit will be provided with 1No. vent pipe at the highest level only.</li> </ul>
Potable water	<ul style="list-style-type: none"> <li>• A1 unit will be provided with a 20mm TW water meter and a 25mm PE to 22mm dia. Potable water supply.</li> <li>• Water supplies will be terminated with a capped valved connection at high level at the lowest floor level within the retail unit.</li> <li>• The water supply to each A1 retail unit will have a capacity of 0.5 l/s with a pressure of 2-3bars</li> </ul>
Internal staircase, lift shaft and pit	<ul style="list-style-type: none"> <li>• To be provided according to the requirements of the Sainsbury's Agreement for Lease.</li> </ul>
Tenant's Satellite Provision	<ul style="list-style-type: none"> <li>• Facility for tenant to install Satellite dish according to requirements of Sainsbury's Agreement for Lease.</li> </ul>

END



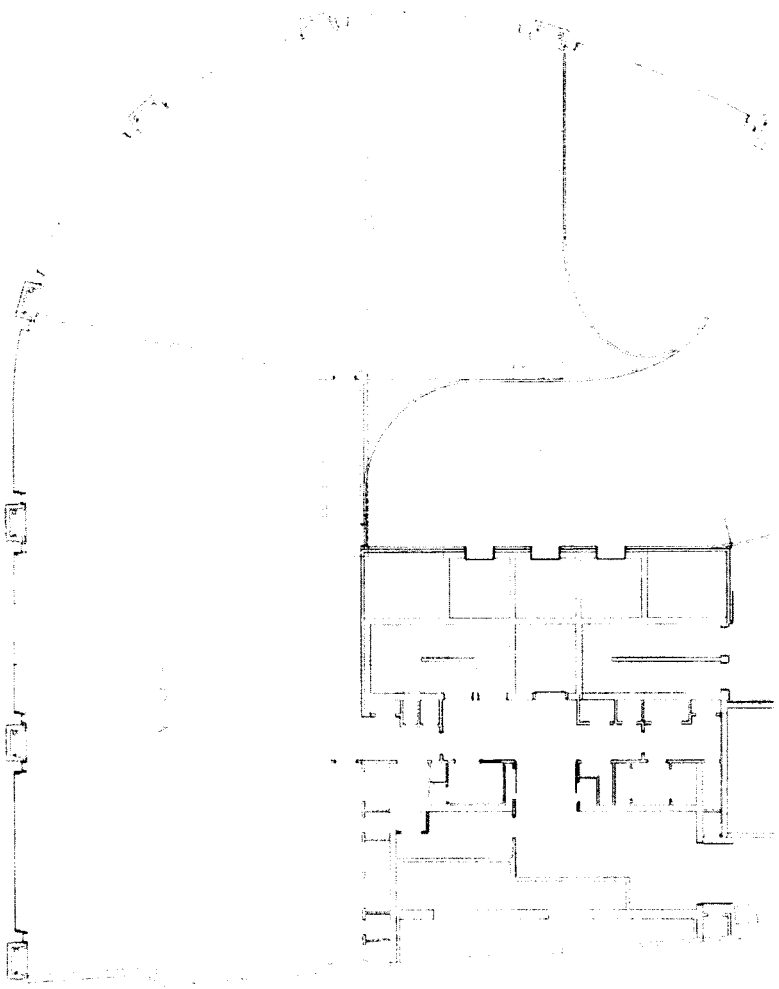
MARBLE ART-PLACE

RAFAEL VINIGLY  
ARCHITECTS  
PC

page 150

PROJECT: MARBLE ART-PLACE  
DRAWING: FLOOR PLAN

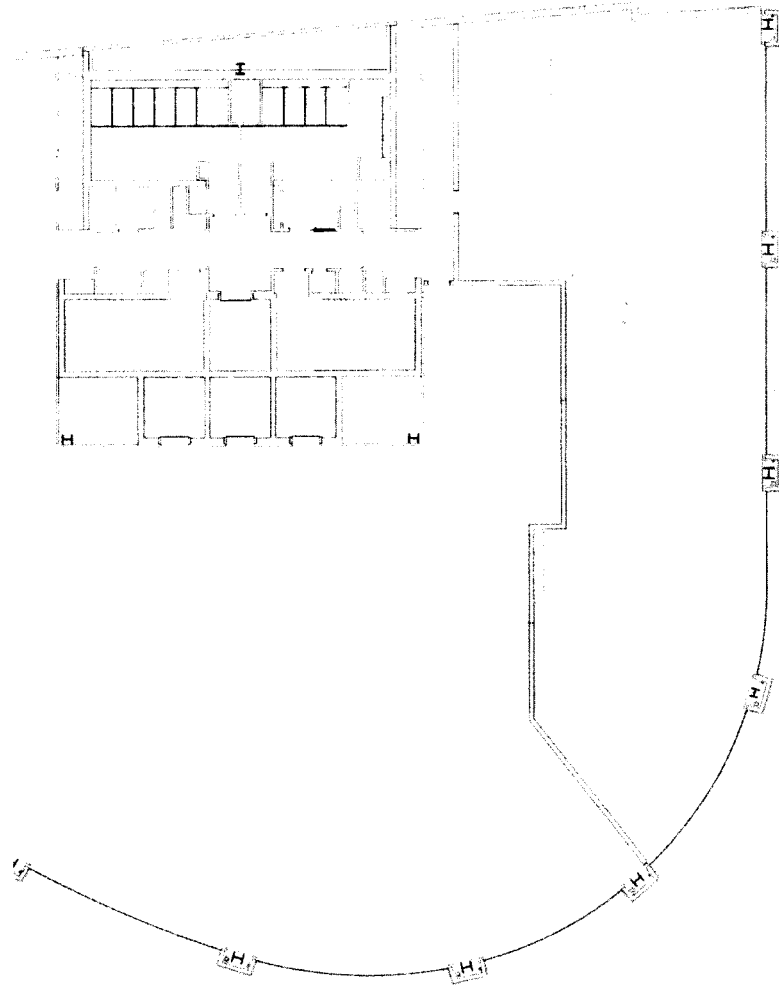
RVA SK 1140

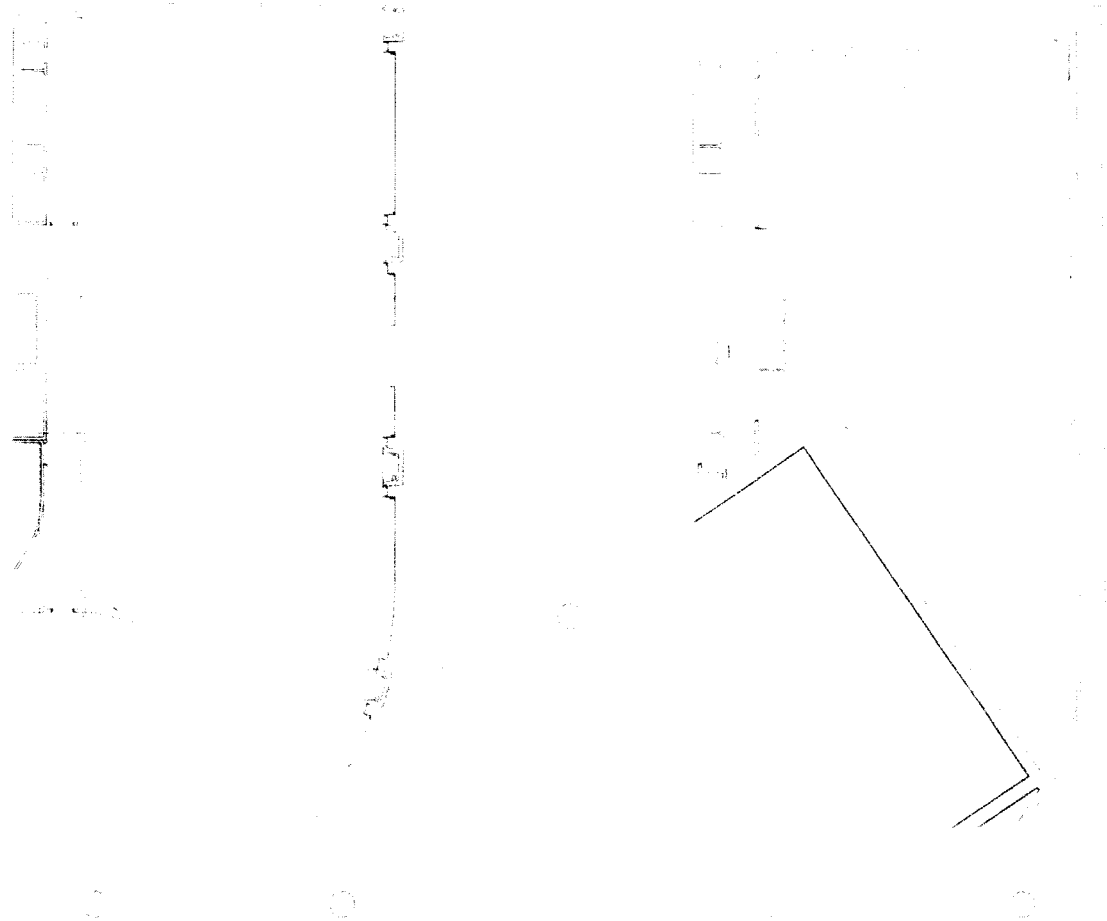


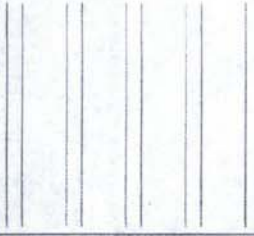
MARLE ARCHITECT

RAFAEL VINCE  
LY  
ARCHITECTS  
P.C.

PROJECT NO. 1000000000  
DATE 10/10/11  
RVA SK 1121







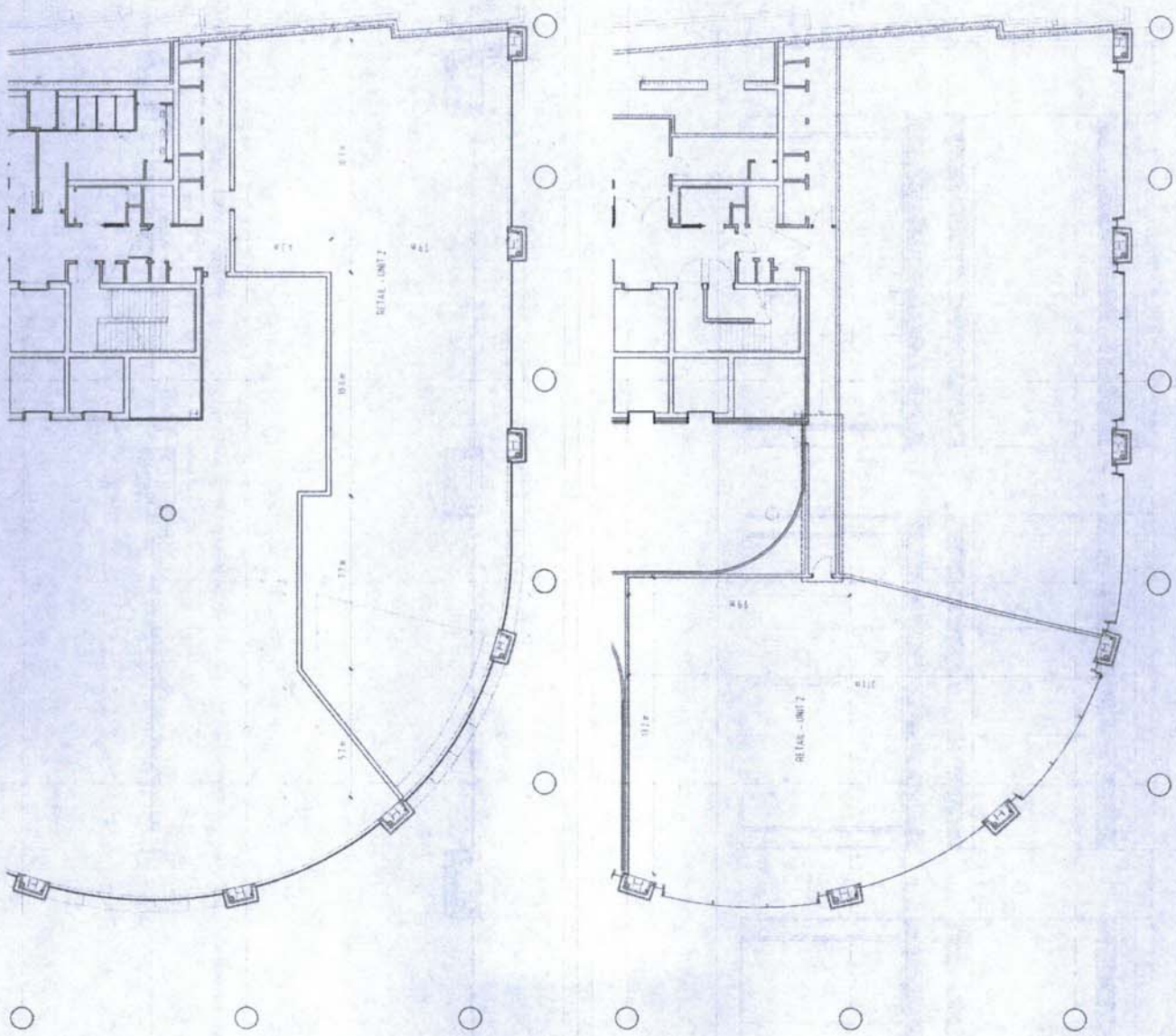
NO.	DESCRIPTION	DATE
1	PRELIMINARY	10/15/03
2	REVISED	11/10/03
3	REVISED	12/15/03
4	REVISED	01/15/04
5	REVISED	02/15/04

FOR INFORMATION 02

RETAIL UNIT 2 - PLANS -  
PLANNING PROPOSAL

DATE: 02/15/04

RVA SK 1146



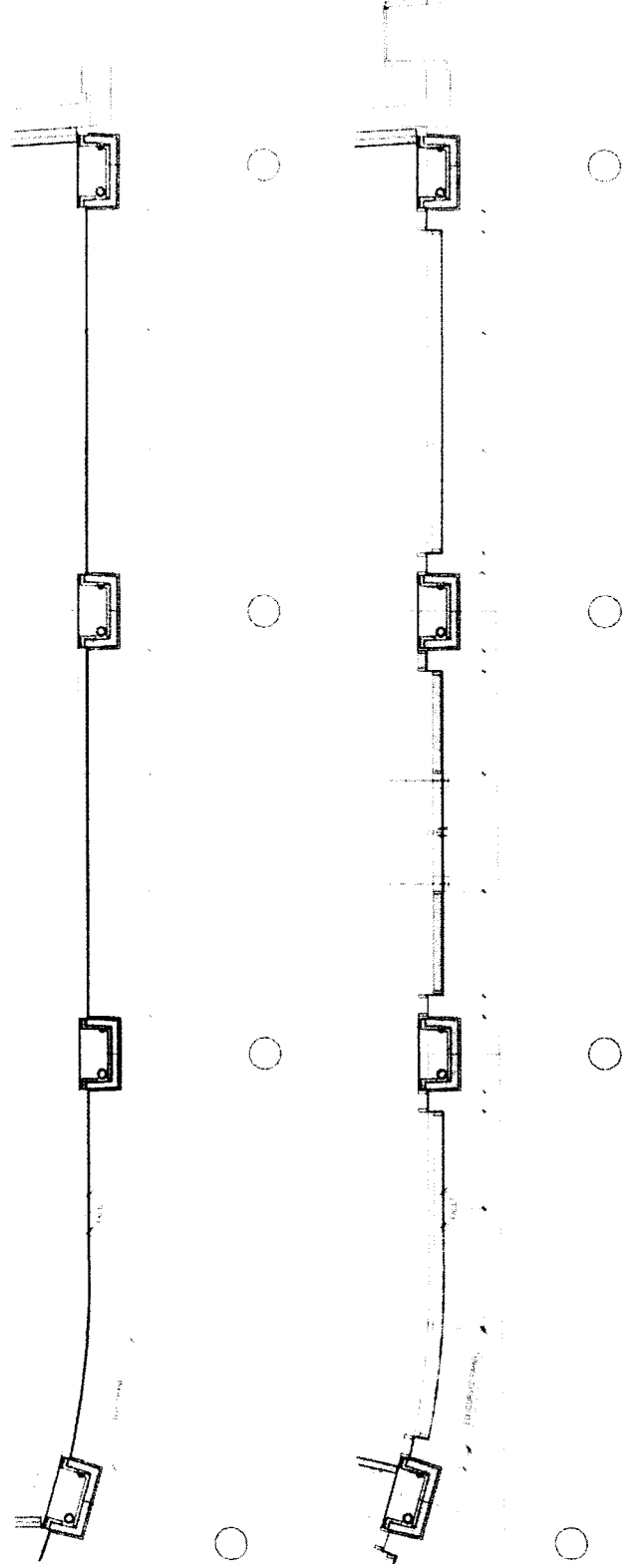
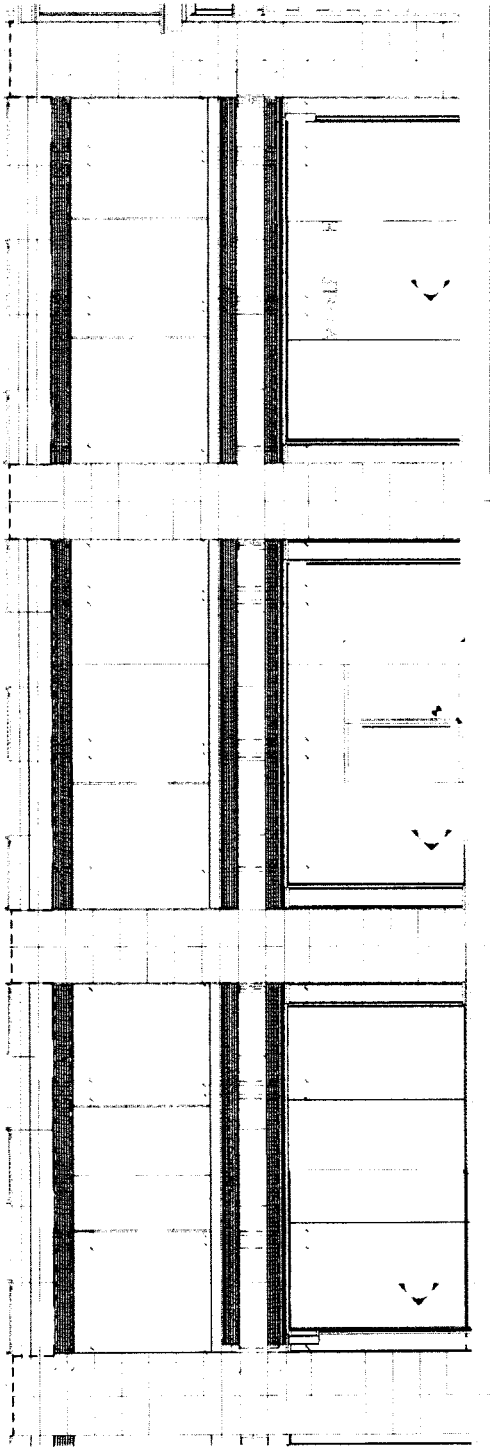


MODEL ARCHITECT

RAFAEL VINOLY  
ARCHITECTS PC

1100 BROADWAY  
NEW YORK, NY 10004  
TEL: 212 677 8000  
WWW.RVARCHITECTS.COM

RVA SK 1075

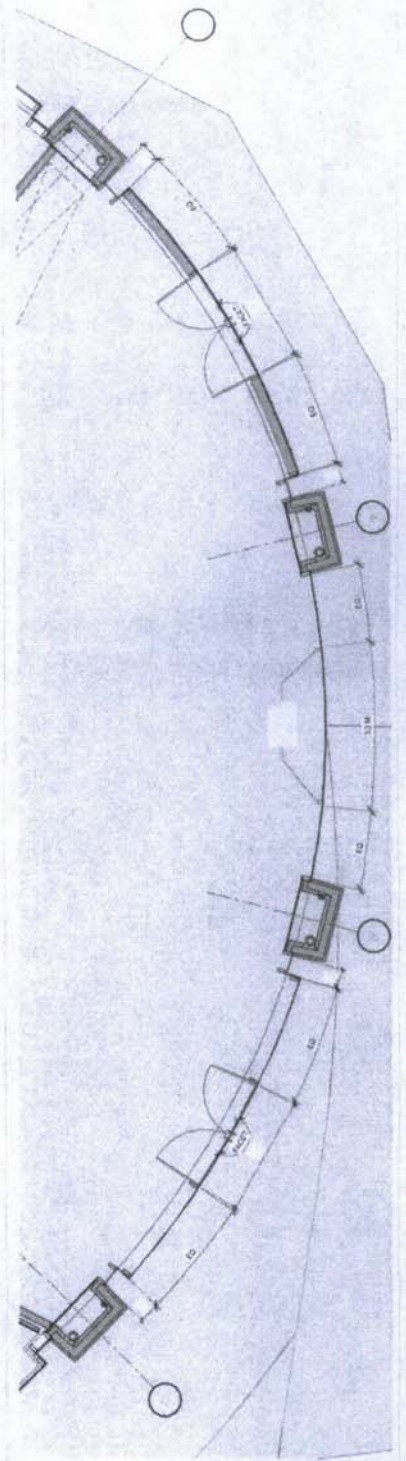
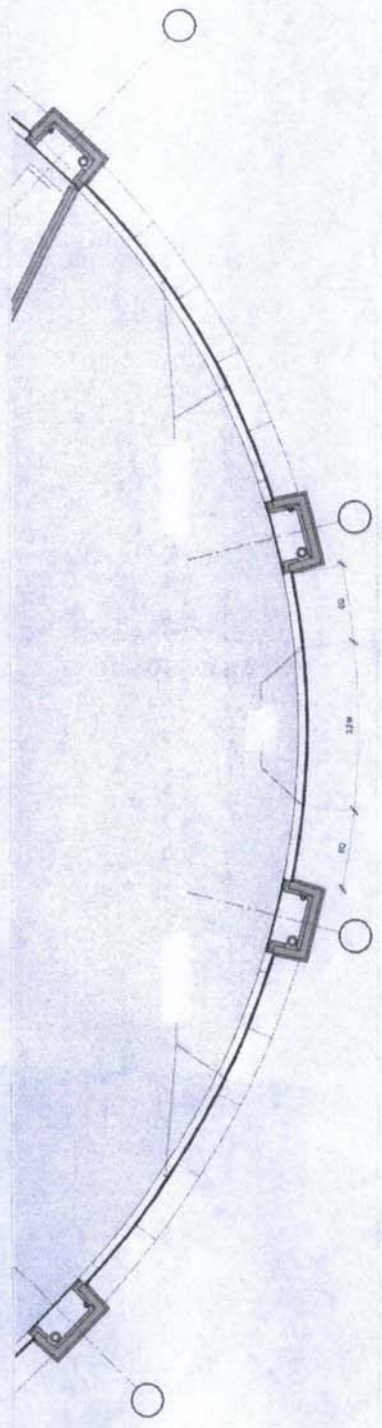
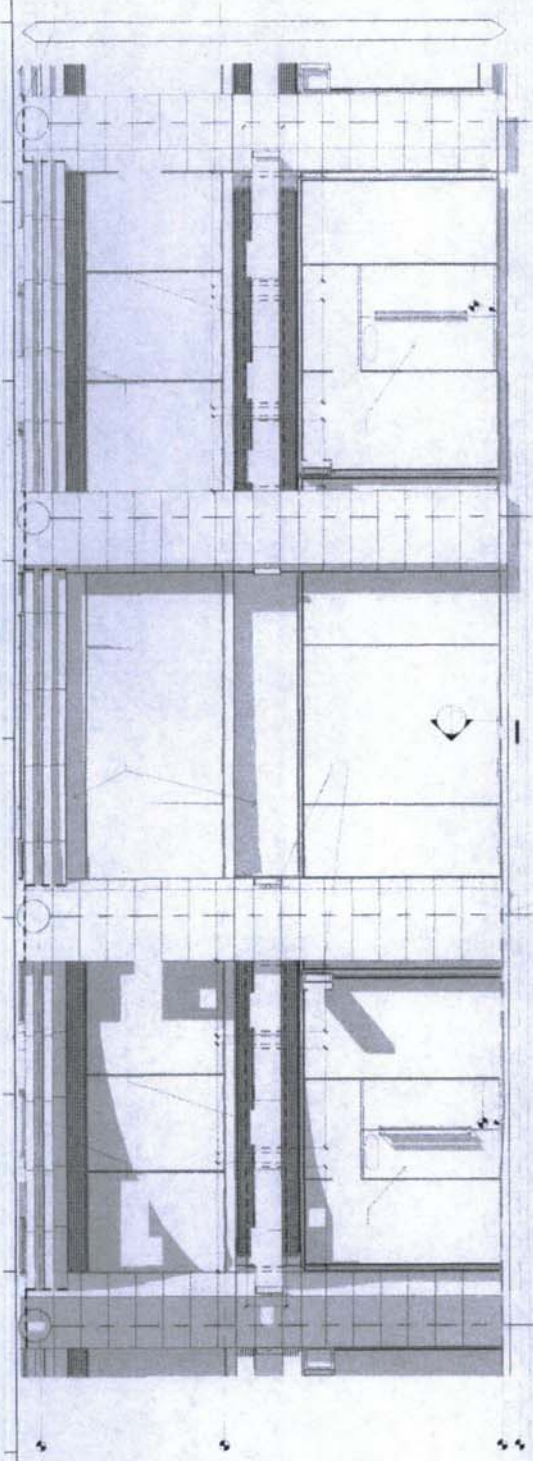




FOR INFORMATION 00

ENLARGED PLANS & ELEVATIONS  
BUILDING 1 EDGWARE RD LVL 00-0'

RVA SK 1176





# City of Westminster

**Office Name:** Anil Drayan  
**Designation:** EHO  
**Contact number:** 020 7641 1774  
**Email:** adrayan@westminster.gov.uk  
**Signed:** Anil Drayan

**WCC Uniform Ref Number:**  
 18/00782/PREAPM

**Address:** Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road, and 53-59 (odd) Bryanston Street

**Licenses:** 16/09835/LIPT

**Applicant:**  
 Alun Thomas  
 Thomas & Thomas  
 Partners Llp

**Cumulative Impact Area:**  
 Yes – Edgware Road

**Type of Business currently operating at the premises:**

- Development site with Planning Permission, 14/11220/FULL, for Demolition of existing building and erection of two new buildings with two basement levels and two mezzanine levels below ground. Building 1 fronting on to Marble Arch comprises ground and seven upper floors and roof top plant; Building 2 fronting onto Edgware Road comprising ground and seven upper floors with a tower to 18th floor level and roof top plant; all for a mix of uses comprising offices (Class B1), up to 54 residential units (Class C3), retail (Class A1), restaurant (Class A3), bar (Class A4) and cinema (Class D2); provision of car parking spaces, cycle parking spaces, plant and works to public realm, including a new pedestrian route between Marble Arch and Bryanston Street.

**BACKGROUND**

**Advice requested:**

*Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road, and 53-59 (odd) Bryanston Street see attached cover letter regarding proposals for provisional statements*

*Please could a site meeting be arranged to discuss the proposals, particularly the conditions which would apply to each of the statements.the basement, presuming that there may need to be a protected means of escape from there to the street.*

*I understand from our conversation that background music is restricted by planning and the tenant will be advised accordingly should that condition need to be varied.*

*It would be helpful if you could set out the conditions which you would find acceptable in addition to the hours and technical issues pertaining to capacity and sanitary*

requirements.

*There is an existing public house at 20 Edgware Road, formally a Wetherspoons and the premises licence (16/09835/LIPT) is currently held by the applicant. Following the grant of planning permission, it is proposed to obtain one provisional statements for the restaurant (A3) use, one provisional statement for the A4 use, and two provisional statements for the retail units (A1). The hours of the application will match those of the existing premises licence and in respect of the restaurant and retail use, the council's core hours for licensable activities and 30 minutes later for opening, in line with the planning.*

**Following a site visit on 1 March 2018 further clarification provided on the advice requested in an e-mail dated 7 March 2018:**

*I confirm that my client intentions are therefore as follows:*

*The existing Wetherspoons unit is reducing in size. That reduction is from 674 to 293 sq metres.*

- 1. To submit by way of provisional statement;*
- 2. For a public house/bar use upon the same terms as the existing licence which is held by my client;*
- 3. Two restaurant uses, MC38;*
- 4. Two retail uses, subject again to the same food conditions, notwithstanding the use obviously will need to remain predominantly as retail;*
- 5. The attached model conditions;*
- 6. The supermarket and Odeon will make their own applications in due course;*
- 7. I will send you further details of the servicing arrangements so obviously we can rely upon planning in that respect; and*
- 8. Your comments in relation to extract are noted and appreciated. My client will speak further with the architect and put him in touch if need be;*

**ENVIRONMENTAL HEALTH ADVICE**

**i. Cumulative Impact Area (CIA)**

The advice is based on *Westminster's Statement of Licensing Policy* which can be found on the Council's website at the following link:

<https://www.westminster.gov.uk/licensing-policy>

This also provides a connection to the list of *Model Pool of Conditions* which should be used as the basis of any conditions proposed in an operating schedule.

Please use this link to access the policies and conditions referred to when reading the advice below.

**As the premises are located within the Edgware Road Cumulative Impact Area special policy CIP1 applies which states;**

*(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.*

*(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.*

**ii. Public House in the Cumulative Impact Areas**

With regards to an application for Public Houses and Bars in the Cumulative Impact Areas - Policy PB2 applies which states:

*It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.*

However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy but *'will only be overridden in genuinely exceptional circumstances'*.

Whilst paragraphs 2.4.2-2.4.13 of the policy describes some of the exceptional circumstances the policy does not provide a list of examples of when an application may be treated as an exception.

Please note the Licensing Authority does not treat the following circumstances, on their own, as exceptional:

- The premises operate strictly to their conditions.
- The premises are well managed.
- The operator is of good character or reputation.
- The capacity of the premises is small.
- There are no residential properties in the vicinity.
- The premises have applied for Temporary Event Notices for longer hours without incident.
- Economic necessity
- The premises caters to a specialist group eg LGBT+ community

In this case the Premises Licence, 16/09835/LIPT, previously operating on part of the site, has been maintained and whether this provides an argument that in effect this is not a new application but could be considered effectively as a variation can only be determined by the Licensing sub- Committee.

However please note Paragraph 2.4.8 of the policy which states:

***'This will not apply to licences which have been surrendered or those which can have no practical effect because the premises to which they applied no longer exist, or will not continue to exist in their previous form, e.g. because of planned demolition or redevelopment.'***

Nevertheless the proposed reduction in the licensable area from 674 to 293 sq metres , additional conditions and the general improvement to the area resulting from the planning approval for the development as a whole,

particularly the addition of new residential spaces where there were none previously, may be used as part of an overall submission to demonstrate *'exceptional circumstances'*.

Please note you are also advised that the planning status of the premises will not be a material consideration as to whether any Premises Licence will be granted. Conversely, under planning legislation, the approval of a Premises Licence does not provide automatic grounds for the planning status to also be changed.

### **iii. Restaurants in the Cumulative Impact Areas**

Policy RNT2 applies which states:

*Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to Cumulative Impact in the CIA.'*

The principle condition to demonstrate compliance with policy RNT2 is if the premises operates under model condition MC66 – note only 'slight tweaks' may be permitted to this condition

As well as MC66 other considerations for demonstrating '*will not add to Cumulative Impact in the CIA*' are hours of operation, capacity restrictions, proximity of public transport etc.

### **iv. Retail operations wishing 'On' sale of alcohol in the Cumulative Impact Areas**

Any application for 'On' sale of alcohol in a predominantly retail use should have regard to paragraphs 2.4.16 to 2.4.22 and in particular paragraph 2.4.21 which states:

*'The council therefore considers that where applications for licenses to sell alcohol for consumption on the premises are made and (i) are appropriately conditioned so that the consumption of alcohol is not, and cannot become, a significant part of the operation of the premises and is regulated to promote responsible drinking; (ii) where the character of the premises is such that its customers are not likely to be involved in sustained*

***or heavy drinking at later hours; and (iii) when the sale of alcohol is not permitted beyond 20.00 hours; then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the cumulative impact area.'***

Any such application is therefore recommended to be accompanied with condition MC86 with alcohol licensing hours finishing at 20:00 hours.

**v. Capacity and works conditions**

All applications should be accompanied with an intended maximum capacity so that it provides some measure of assessment on 'cumulative impact' under condition MC90.

The plans submitted are not detailed enough for The District Surveyor to provide a precise capacity at this stage.

Any application should also submit the 'works condition' MC81 with the added phrasing:

- 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

**vi. Sanitary accommodation**

With regards to the provision of sanitary accommodation one of the reasons for a CIA designation, as stated in the policy (page 137), is;

*'(e) The fouling of doorways, alleyways and streets, which in addition to being antisocial, has consequences for public safety and health (Public Safety and Public Nuisance).'*

Environmental Health therefore requires that any new application for the provision of sanitary accommodations must be as advised in British Standard



6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances.

In addition:

- Also note Building Control requirements for new premises or premises undergoing substantial refurbishment usually require provision of a disabled or accessible facility.
- Provision for the staff; In addition, premises that are food led should also be providing sanitary accommodations that are separate from that provided for the public so as to be in compliance with guidance to food hygiene legislation.
- Please note in premises where food and drink is provided all toilets, if possible including disabled/accessible units, should be separated by a lobby from food eating, storage and preparation areas.

#### **vii. Conditions**

In addition to the conditions advised above for each type of application all applications should be submitted with the following common conditions:

#### **MC17:**

All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

#### **MC47:**

A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as a driving licence, passport or proof of

age card with the PASS Hologram.

**MC01:**

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 authorized officer throughout the entire 31-day period.

**MC02:**

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 authorized council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

**MC12:**

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.

**MC21:**

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

**MC42:**

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.

**Should you wish to discuss the matter further or seek further clarification or information please do not hesitate to contact me.**

**Anil Drayan**

**Environmental Health Officer,**

**EH Consultation Team**

**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.**

The planning decision for Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd), Bryanston Street, London is enclosed.

Your ref: ALMACANTAR PRIVATE TRUSTEE  
COMPA

Please reply to:

Mike Walton

My ref: 14/11220/FULL

Tel No:

020 7641 2521

Neil Lawrence  
Gerald Eve  
72 Welbeck Street  
London  
W1G 0AYDevelopment Planning  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

25 June 2015

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990  
PERMISSION FOR DEVELOPMENT (CONDITIONAL)

2/6/15

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

**SCHEDULE**

Application No: 14/11220/FULL

Application Date: 30.10.2014

Date Received: 11.11.2014

Date Amended: 11.11.2014

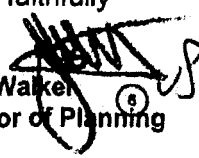
Plan Nos: RVA-0-10-095 rev 05, RVA-0-10-096 rev05, RVA-0-10-097 rev 05, RVA-0-10-098 rev05, RVA-0-10-100 rev05, RVA-0-10-101 rev02, RVA-0-10-102 rev02, RVA-0-10-103 rev02, RVA-0-10-10-104 rev02, RVA-0-10-105-rev02, RVA-0-10-106 rev05, RVA-0-10-107 rev05, RVA-0-10-108 rev02, RVA-0-10-109 rev02, RVA-0-10-110 rev05, RVA-0-10-111 rev02, RVA-0-10-112 rev02, RVA-0-10-113 rev02, RVA-0-10-114 rev02, RVA-0-10-115 rev05, RVA-0-10-116 rev05, RVA-0-10-117 rev02, RVA-0-10-118 rev02, RVA-0-10-119 rev02, RVA-0-10-120 rev02, RVA-020-001rev01, RVA-020-002rev01, RVA-020-003rev01, RVA-020-004rev02, RVA-C-20-101rev01, RVA-C-20-102rev03, RVA-R-20-201rev01, RVA-R-20-202rev01,

Address: Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd), Bryanston Street, London,

Proposal: Demolition of existing building and erection of two new buildings with two basement levels and two mezzanine levels below ground. Building 1 fronting on to Marble Arch comprises ground and seven upper floors and roof top plant; Building 2 fronting onto Edgware Road comprising ground and seven upper floors with a tower to 18th floor level and roof top plant; all for a mix of uses comprising offices (Class B1), up to 54 residential units (Class C3), retail (Class A1), restaurant (Class A3), bar (Class A4) and cinema (Class D2); provision of car parking spaces, cycle parking spaces, plant and works to public realm, including a new pedestrian route between Marble Arch and Bryanston Street.

See next page for conditions/reasons.

Yours faithfully

  
John Walker  
Director of Planning

**Condition(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 The street-facing elevations of the buildings and the entirety of the tower shall be clad in natural Portland stone; the remaining elevations of the building shall be clad in natural stone, details/samples of which shall be submitted for our written approval prior to commencement of the relevant part of the development.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development:
  1. Typical details of all facades at all levels
  2. Public art (including details of illumination and a maintenance strategy)

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

**Reason:**

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 6 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:  
- between 08.00 and 18.00 Monday to Friday;  
- between 08.00 and 13.00 on Saturday; and  
- not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- between 08.00 and 18.00 Monday to Friday; and
- not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours.

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 7 Customers shall not be permitted within the restaurants (Class A3) and bar (Class A4) premises outside of the following hours: 07.00 to 0000 midnight Sunday to Thursday, bank holidays and public holidays and 07.00 to 00.30 the next day on Friday and Saturdays.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must apply to us for approval of detailed drawings of the appearance and location of the ventilation system for the Class A3 use. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to the first use of the restaurant and thereafter the ventilation system shall be retained and maintained for as long as the Class A3 unit is in place.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

The use of the Class A3 unit without any kitchen ventilation would cause harm to occupiers of neighbouring properties from cooking smells. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV.5 of our Unitary Development Plan that we adopted in January 2007

- 9 You must apply to us for approval of an Operational Management Plan for the bar (Class A4) and restaurant (Class A3) uses. This shall include details of the capacity for each unit. You must not open the restaurant(s) or bar(s) to customers until we have approved what you have sent us. Thereafter you must manage the restaurant(s) and bar(s) in accordance with the approved plan.

**Reason:**

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8, TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 11 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 12 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 13 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and Informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

**14 Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

**Reason:**

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

**15** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details. (C21MB)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 16 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 17 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

**Reason:**

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 18 You must apply to us for approval of a Servicing and Delivery Management Plan, which includes details of how the retail (Class A1), restaurant (Class A3), bar (Class A4), office (Class B1), cinema (Class D2) and residential (Class C3) uses will be serviced. This plan must include details of the servicing and delivery requirements for the adjacent buildings with shared access to the servicing route and any proposed valet service for residential car parking. You must not occupy the development until we have approved what you have sent us. Thereafter you must then manage the servicing and deliveries in accordance with the Servicing and Delivery Management Plan that we approve, unless we agree an alternative Servicing and Delivery Management Plan in writing.

**Reason:**

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 You must provide the waste store shown on drawings RVA-0-10-097 rev 05, RVA-0-10-098 rev05, and RVA-0-10-100 rev 05 ,before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the properties. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 20 You must not use the roofs of building 1 at levels 2- 5 as shown on plans RVA -0-10-102 rev02, RVA -0-10-103 rev02,RVA -0-10-104 rev02,RVA -0-10-105 rev02, for sitting out or for any other purpose, unless and until appropriate measures to safeguard neighbouring residential amenity (including privacy screens and details of the proposed hours of use) have been submitted to and approved by us in writing and such measures have been installed as approved. The use of the relevant roofs as terraces must thereafter be carried out in accordance with the approved details. You can however use the roof to escape in an emergency.

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 21 You must provide all the car parking spaces shown on drawings RVA-0-10-095 rev 05 shall be retained for use by residents within the building. No more than 2 residential car parking spaces shall be allocated or used by any single residential unit. The parking spaces reserved for residents must be clearly identified.

**Reason:**

To provide parking spaces for people living in the residential part of the development as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 22 At least 20% of car parking space shall have access to an electric car charging point to be provided prior to occupation.

**Reason:**

To provide parking spaces for people using the development as set out in TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 23 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

**Reason:**

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 24 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

ground source heat pumps

You must not remove any of these features. (C44AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 25 The glass that you put in the eastern elevation of the office building ( building 1) on the 1st to 4th floors must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 26 Unless otherwise agreed in writing with the Local Planning Authority in consultation with London Underground Limited, the development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground Limited) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

**Reason:**

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.  
  
Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)
- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



- 9 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 10 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 11 Condition 16 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 12 Conditions 10 and 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 13 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 14 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

**Note** - As the requirements of the Building Regulations may impact on the design of the proposed development, our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this free service please contact **020 7641 7230** to arrange a preliminary discussion.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



There is no licence or appeal history for the premises.



## **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 supply of alcohol on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. All doors and windows to be kept closed after 23:00hours except for immediate access and egress of persons.
11. There shall be no take-away of hot food or hot drink after 23.00 hours.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only.
13. No off sales after 23:00 Monday to Saturday or 22:30 Sunday.
14. No deliveries to the premises shall be made between the hours of 23:00 hours and 07:00 hours.
15. Loudspeakers shall not be located in the entrance areas or outside the premises building.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
18. 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.
19. 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.
20. 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,
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
21. A Challenge 21 or 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.

22. 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 with a condition detailing the capacity so determined.

### **Condition proposed by the Licensing Authority**

21. The premises shall only operate as a restaurant:
- (i) In which customers are shown to their table,
  - (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 using non disposable crockery,
  - (iv) Which do not provide any take away service of food or drink for immediate consumption,
  - (v) Which do not provide any take away service of food or drink after 23:00, and
  - (vi) 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.

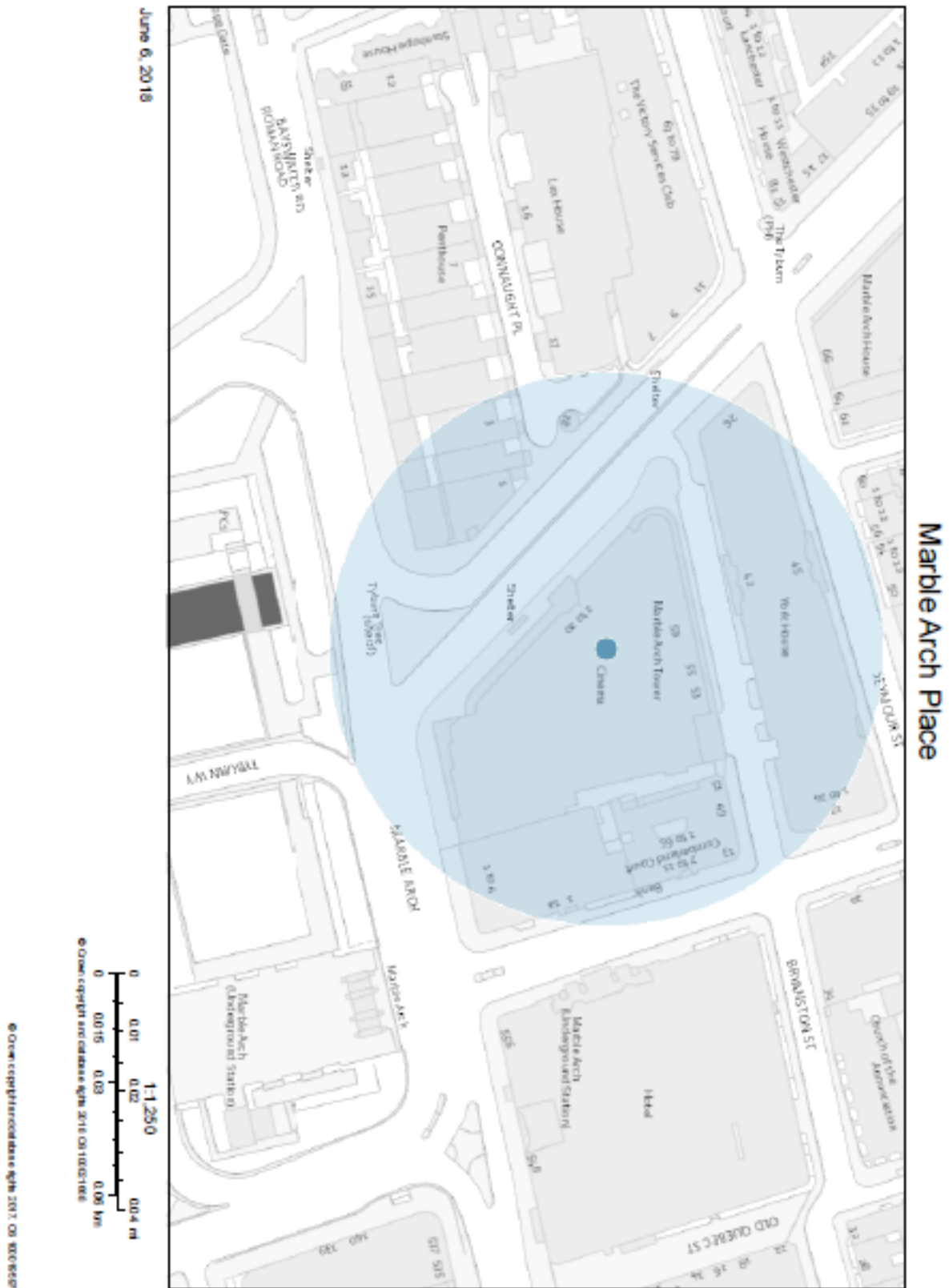
Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

### **Environmental Health has also requested this condition.**

22. 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.

### **Conditions proposed by the Environmental Health**

23. 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.
24. 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
25. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (x) persons. (Final figure shall be determined on clearance of 'works' conditions and shall be based on whichever gives the lower figure from an assessment of safe capacity or provision of sanitary accommodation but it shall not be more than x).



Resident count: 93

Licence Number	Trading Name	Address	Premises Type	Time Period
16/09835/LIPT	The Tyburn	The Tyburn 20 Edgware Road London W2 2EN	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 22:50   Sundays before Bank Holidays; 07:00 - 00:00
14/05500/LIPDPS	Sainsbury's	7 - 9 Marble Arch London W1H 7DX	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
18/02536/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
18/03196/LIPT	Prezzo	7 - 9 Great Cumberland Place London W1H 7LU	Restaurant	Monday to Sunday; 12:00 - 00:00
15/06410/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
17/05472/LIPN	Marble Arch Theatre	Western Traffic Island Marble Arch London W1H 7DX	Theatre	Monday to Saturday; 12:00 - 23:30   Sunday; 12:00 - 23:00
17/14156/LIPVM	Cumberland Food & Wine	11 Great Cumberland Place London W1H 7LU	Shop	Not Recorded; XXXX - XXXX
16/12791/LIPT	Arch Food & Wine	1A Great Cumberland Place London W1H 7AL	Shop	Monday to Sunday; 07:00 - 01:00
15/00329/LIPV	McDonald's Restaurants	2 - 4 Marble Arch London W1H 7EJ	Restaurant	Thursday to Saturday; 05:00 - 02:00   Sunday to Wednesday; 05:00 - 01:00

This page is intentionally left blank



Item No:	
Date:	21 June 2018
Licensing Ref No:	18/03367/LIPST - Provisional Statement (LA 2003)
Title of Report:	Ground Unit 3, 6 Marble Arch London W1H
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Provisional Statement, Licensing Act 2003		
<b>Application received date:</b>	27 March 2018		
<b>Applicant:</b>	Almacantar (Marble Arch) Sarl		
<b>Premises:</b>			
<b>Premises address:</b>	Ground Unit 3, 6 Marble Arch London W1H	<b>Ward:</b>	Bryanston & Dorset
		<b>Cumulative Impact Area:</b>	Edgware Road
<b>Premises description:</b>	The application states that the premises once constructed will operate as a deli/café.		
<b>Premises licence history:</b>	This is an application for a provisional statement and therefore no licence history exists.		
<b>Applicant submissions:</b>	The Applicant's submissions can be found at Appendix 1 of the report.		
<b>Plans</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
<b>Playing of Recorded Music:</b>				<b>Indoors, outdoors or both</b>			Indoors
<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	
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  On Sundays immediately prior to Bank Holidays 23:00 – 00:00.					

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<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	
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  On Sundays immediately prior to Bank Holidays 23:00 – 00:00.					

Sale by retail of alcohol				On or off sales or both:			On the Premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<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 Year's Eve to the start of permitted hours on New Year's Day.				
			On Sundays immediately prior to Bank Holidays 23:00 – 00:00.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				
			On Sundays immediately prior to Bank Holidays 23:00 – 00:30.				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Ms Daisy Gadd
<b>Received:</b>	24 April 2018
<p>I write in relation to the provisional statement application for RU3, Marble Arch Place.</p> <p>As a responsible authorities under section 14 (3) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"><li>• Prevention of Public Nuisance</li><li>• Prevention of Crime &amp; Disorder</li><li>• Public Safety</li><li>• Protection of children from harm</li></ul> <p>This application seeks to permit the following licensable activities and operating times:</p> <ul style="list-style-type: none"><li>• Recorded Music: Monday to Thursday from 23:00 to 23:30 and Friday to Saturday from 23:00 to 00:00</li><li>• Late Night Refreshment: Monday to Thursday from 23:00 to 23:30 and Friday to Saturday from 23:00 to 00:00</li><li>• Supply of Alcohol: Monday to Thursday from 10:00 to 23:30, Friday to Saturday from 10:00 to 00:00 and Sunday from 10:00 to 22:30</li></ul> <p>The premises is located within a Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, HRS1 and RNT2.</p> <p>The premises currently falls within policy RNT2. At present, the applicant has offered a condition whereby the supply of alcohol at the premises shall only be to a person seated taking a table meal there. The Licensing Authority would ask that the applicant considers adding the following condition to the operating schedule to support the Council's policy relating to the sale of alcohol for consumption on the premises:</p> <ol style="list-style-type: none"><li>1) The premises shall only operate as a restaurant:<ol style="list-style-type: none"><li>(i) In which customers are shown to their table,</li><li>(ii) Where the supply of alcohol is by waiter or waitress service only,</li><li>(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 using non disposable crockery,</li><li>(iv) Which do not provide any take away service of food or drink for immediate consumption,</li><li>(v) Which do not provide any take away service of food or drink after 23:00, and</li><li>(vi) 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.</li></ol></li></ol> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p>	

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.

Furthermore, policy RNT2, as outlined in the Council's Statement of Licensing Policy 2016, states that "Applications will be granted subject to other policies... provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas". The applicant has not yet demonstrated any further information that addresses this policy concern. It would be useful for the applicant to provide further submissions as to how the premises intends to operate, and as to how the premises and its patrons will not add to cumulative impact in the Cumulative Impact Areas.

The proposed operating hours on Sunday for Supply of Alcohol currently fall outside of Westminster's Core Hours policy. The Licensing Authority encourages the applicant to consider reducing the operating hours for licensable activities in line with the Council's core hours policy.

Further discussions will be held with the applicants prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mr Anil Drayan
<b>Received:</b>	24 April 2018

I refer to the application for a new Premises Licence for the above premises which are located in the Edgware Road Cumulative Impact area.

The applicant has submitted following outline plans of the premises showing the ground floor , ref 1911-JRA-00-ZZ-DR-A-1460, dated 14/12/2017.

**The following licensable activities are being sought:**

1. To provide for the Supply of Alcohol 'On' the premises between 10:00 and 23:30 Monday to Thursday, 10:00 and 00:00 Friday and Saturday and 10:00 to 22:30 Sunday
2. Provision of Late Night Refreshment 'Indoors' 23:00 and 23:30 Monday to Thursday and 23:00 and 00:00 Friday and Saturday
3. Provision of Recorded Music 'Indoors' 23:00 and 23:30 Monday to Thursday and 23:00 and 00:00 Friday and Saturday
4. Non-standard times for all the above licensable activities on Sundays immediately prior to public and bank holiday until 00:00 and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**I wish to make the following representations based on the plans submitted and the supporting operating schedule:**

1. The hours requested for and the Supply of Alcohol may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area
2. The hours requested for and the Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area

3. The hours requested for and the Provision of Recorded Music may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area
4. Non-standard times for all the above licensable activities may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area

Environmental Health also makes the following further comments:

- An extensive list of conditions have been offered in the operating schedule and these are being considered as to whether they are sufficient to allay Environmental Health concerns
- The premises are located in a Cumulative Impact Area and any approval for 'On' sale of alcohol usually requires it to be covered by the 'model' restaurant condition (MC66) for it to be consistent with Westminster's Statement of Licensing Policy.

It is noted that the application is subject to surrender of premises licence 16/09835/LIPT and Environmental Health considers this will be a matter for the Licensing sub-Committee for determination as to whether this will be sufficient to bring it into line with Policy particularly as several new premises are being proposed.

- The premises will also need to be evaluated for its food preparation/cooking facilities in order to assess whether Public Nuisance may arise from odour and/or noise from the operation of any plant and machinery.

NOTE: the premises appears to have planning A1 use and may therefore require change of use to A3 in order to be consistent with the licensable operation – the applicant is advised to contact the planning department where special rules may apply for such a change of use.

- The provision of sanitary accommodation for any proposed capacity must be in line with the minimum standards as provided in British Standard 6465 to help prevent an increase in Public Nuisance in the West End Cumulative Impact Area. In addition, compliance with Food Hygiene guidance will also require separate facilities for staff if the overall capacity at the premises is more than 25 persons.

Representations are therefore made to this application on grounds of Public Nuisance, Public Safety and being against Westminster's Statement of Licensing Policy.

#### **Further correspondence between Environmental Health and the Applicant**

Environmental Health proposes the following changes if the premises are to operate predominantly as retail A1 units as designated under planning.  
(these will bring the proposals into line with Cumulative Impact Area requirements):

Reduce the hours for the Sale of Alcohol to 20:00 hours and the following additional conditions are advised. However if you wish to keep the hours for licensable activities as applied for then condition 1 in your proposed condition should be changed to model condition 66 as for the restaurant applications.

*(This will require, as previously advised, a change of use planning application but will not be a determining factor in the licence application.)*

Please contact me if you require further advice or information.

**Further correspondence from Applicant to Environmental Health**

Please find enclosed Schedules in respect of:

1. The A3 and A1 uses;
2. The A4 use.

I have added:

- a) A capacity (to be determined) condition;
- b) A restriction on off sales after 11pm.

I have removed the works condition as it's a provisional statement.

**Further correspondence from Environmental Health to the Applicant**

Thanks for this however I make the following comments as these premises are located in the Edgware Road Cumulative Impact Area:

1. Whilst a capacity to be determined condition is fine I strongly advise that prospective maximum capacity figures are provided for each of the units.
2. It would also be useful if you are able to provide a capacity figure for the Licence being surrendered, 16/09835/LIPT, such as might have been determined under a fire risk assessment.
3. For the hours of licensable activities proposed for the A3 and A1 units Environmental Health will be asking at LSC that these operate under MC66 so as to be policy compliant.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	11 April 2018

Police object to the following applications:  
RU3 18/03364/LIPST

With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted these applications would undermine the Licensing Objectives.

The venue is situated in the Edgware Road Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

I will contact you to discuss this objection in more detail.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy CIP1 applies:</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy MD2 applies:</b>	<p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1. Policy FFP2 applies:</p> <p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.</p>

### 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, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.



## 5. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Planning Decision Notice – 14/11220/FULL
<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>	Miss Sam Eaton Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2700 Email: seaton@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	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Representation	24 <sup>th</sup> April 2018
<b>5</b>	Representation	11 <sup>th</sup> April 2018
<b>6</b>	Representation	23 <sup>rd</sup> April 2018

The Applicant has provided the following documents with their application. Copies of the following documents are enclosed:

- A cover letter;
- Annex document; and
- A copy of the pre-application advice 18/00782/PREAPM.

PREMISES MANAGEMENT  
LICENSING SERVICE

27 MAR 2018

CITY OF WESTMINSTER

Thomas & Thomas  
Partners LLP

38a Monmouth Street  
London WC2H 9EP  
Tel: 020 7042 0410  
Fax: 020 7379 6618

your ref:  
our ref: AT/TB/ALM.1.1

Licensing Team  
Public Protection & Licensing  
Westminster City Council  
Portland House  
22nd Floor  
Bressenden Place  
London SW1E 5RS

BY COURIER

26th March 2018

Dear Sirs

**Licensing Act 2003**  
**Marble Arch Place**  
**Development at Edgware Road**

We act for the applicant in the above matter and enclose:

1. Provisional statement applications (Units RU2, RU3, RU4, RU5, RU6), including plans;
2. Schedule of works;
3. Cheque for £1575 (£315 per application).

The applications follow pre-application advice with Mr Drayan **18/00782/PREAPM**. By way of explanation, premises licence ref 16/09835/LIPT subsists and is currently held by the applicant. Until recently, it was a Wetherspoons Public House and it is intended to redevelop the site into another vertical drinking venue, consistent with that licence and the lawful A4 planning use. However, the size of the unit will reduce.

Following the recent grant of planning permission, two further provisional statements are requested in respect of the restaurant units and two in respect of retail units. Both are subject to appropriate model conditions consistent with those uses.

The premises are (just) in the Edgware Road cumulative impact area but the application in respect of the Wetherspoons unit is subject to policy exceptions at 2.4.6 and 2.4.7 as it is being replaced by a similar but smaller use.

The restaurant and the retail applications are, subject to them being MC38, rather than MC66, subject to policy RNT2 with the difference in condition justified by the de-intensification of the A4 unit and the general improvements that the development will bring.

Yours faithfully

**Thomas and Thomas Partners LLP**

**Encs**

PREMISES MANAGEMENT  
LICENSING SERVICE  
27 MAR 2018  
CITY OF WESTMINSTER

**Annexure 10**

**The Marble Arch Retail Minimum Standard**

PREMISES MANAGEMENT  
LICENSING SERVICE  
17 MAR 2016  
CITY OF WESTMINSTER



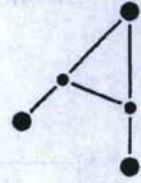
**Marble Arch Place**

**Marble Arch Retail**

**Minimum Standard**

Ver 6 - 14 March 2016

# MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



## Marble Arch Retail Minimum Standard

14<sup>th</sup> March 2016 (Version 6)

### Introduction

The Marble Arch Retail premises are to be delivered to retail shell specification, according to the following description.

- Table 1 contains a common base specification for the A1 Unit and A3 Unit.
- Table 2 identifies further particular requirements of the A3 Unit
- Table 3 identifies further particular requirements for the A1 Unit.

The following specification should be read in conjunction with the following plans:

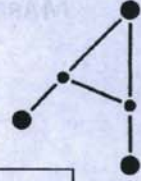
- RVA SK1140 (Rev 01) – Retail Unit 1&2 Incoming Services – B1 Mezz
- RVA SK1141 (Rev 01) – Retail Unit 1&2 Incoming Services – Ground Level
- RVA SK1142 (Rev 01) – Retail Unit 1&2 Incoming Services – Level 01
- RVA SK 1144 (Rev 01) – Retail Unit 1 – Plans
- RVA SK 1146 (Rev 01) - Retail Unit 2 Plans (Planning Proposal)
- RVA SK 1175 (Rev 01) – Enlarged Plans and Elevations Building 1 Oxford Street
- RVA SK 1176 (Rev 00) – Enlarged Plans and Elevations Building 1 Edgware Road

In this schedule, “Scheme Design” means the RIBA Stage E design and specification for the Works attached as Annex 8 of the Development Agreement.

**Table 1 – Common Specification**

Structural frame	<ul style="list-style-type: none"> <li>• Structural frame: steel frames (columns and beams) and composite slab</li> <li>• Frame Finish: “Ordinary” finish to national Structural concrete specification Fourth edition</li> <li>• Provision for services distribution: holes in web of steel beams</li> </ul>
Floors	<ul style="list-style-type: none"> <li>• Floor: composite metal decking and concrete slab</li> <li>• Floor finish to be provided by Tenant</li> <li>• Soft-spot to be provided in first floor opening between A1 and A3 Units as provided for in the Scheme Design.</li> </ul>
Structural slab loading (floor slabs)	<ul style="list-style-type: none"> <li>• Imposed load 5.00kN/m<sup>2</sup></li> <li>• Screed allowance 1.8kN/m<sup>2</sup></li> <li>• Services &amp; Ceiling allowance (GF) 0.5kN/m<sup>2</sup></li> <li>• Services &amp; Ceiling allowance (B1) 0.6kN/m<sup>2</sup></li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



	<ul style="list-style-type: none"> <li>Services &amp; ceiling allowance (level 1) 0.5kN/m<sup>2</sup></li> <li>Maximum deflection under full design load 30mm</li> </ul>																																	
Minimum internal heights	<ul style="list-style-type: none"> <li>Per Scheme Design.</li> </ul>																																	
Acoustic performance criteria	<p>For the purposes of this provision "Cinema Premises" has the meaning defined in the Marble Arch Retail Underlease.</p> <p>The Marble Arch Retail shall be designed so as to prevent:</p> <ul style="list-style-type: none"> <li>noise exceeding NR25 L<sub>max</sub> in any auditorium in the Cinema Premises ("Auditorium"); or</li> <li>any perceptible vibration in any Auditorium which materially impacts on the beneficial use and enjoyment of the Cinema Premises;</li> </ul> <p>provided that the following operational noise limits are not exceeded within the Marble Arch Retail premises.</p> <table border="1" data-bbox="587 1070 1353 1272"> <thead> <tr> <th rowspan="2"></th> <th colspan="6">octave band centre frequency (Hz)</th> <th rowspan="2">A</th> </tr> <tr> <th>63</th> <th>125</th> <th>250</th> <th>500</th> <th>1k</th> <th>2k</th> <th>4k</th> </tr> </thead> <tbody> <tr> <td><i>L<sub>eq,1min</sub></i></td> <td>75</td> <td>75</td> <td>75</td> <td>77</td> <td>76</td> <td>74</td> <td>68</td> <td>80</td> </tr> <tr> <td><i>L<sub>max</sub></i></td> <td>90</td> <td>88</td> <td>88</td> <td>88</td> <td>88</td> <td>85</td> <td>85</td> <td>92</td> </tr> </tbody> </table>		octave band centre frequency (Hz)						A	63	125	250	500	1k	2k	4k	<i>L<sub>eq,1min</sub></i>	75	75	75	77	76	74	68	80	<i>L<sub>max</sub></i>	90	88	88	88	88	85	85	92
	octave band centre frequency (Hz)						A																											
	63	125	250	500	1k	2k		4k																										
<i>L<sub>eq,1min</sub></i>	75	75	75	77	76	74	68	80																										
<i>L<sub>max</sub></i>	90	88	88	88	88	85	85	92																										
Internal partition walls	<ul style="list-style-type: none"> <li>Generally exposed fair faced concrete blockwork except for core areas, which will be exposed concrete.</li> </ul>																																	
Ceilings	<ul style="list-style-type: none"> <li>No ceilings: Exposed soffit of overlying floor structure</li> </ul>																																	
Ground floor shop fronts	<ul style="list-style-type: none"> <li>Full height single glazed units with a powder coated aluminium frame.</li> <li>Glass double-leaf doors with stainless steel top and bottom rails. Suitable doors and ironmongery and locking mechanism to be provided</li> <li>Refer to General Ventilation below for description of retail louvres.</li> </ul>																																	
Internal joinery	<ul style="list-style-type: none"> <li>Metal doors and frames compliant with the fire strategy and current building regulations</li> <li>Door thresholds to be flush with finished floor levels in to common areas. The door thresholds will be set above the concrete slab for the</li> </ul>																																	

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



	<p>A3 retail unit and for the A1 retail unit to achieve levelled thresholds internally and externally where required.</p> <ul style="list-style-type: none"> <li>• Polyester powder coated finish to door and frames in standard range RAL colour to be agreed via sampling.</li> </ul>																												
<p>BREEAM</p>	<ul style="list-style-type: none"> <li>• Retail shells will be designed and constructed to achieve BREEAM excellent rating. The tenant shall design the fit out, ensuring the following is incorporated to maintain the BREEAM rating of the building:             <ul style="list-style-type: none"> <li>○ <i>The fit out design shall be designed in accordance with the following requirements:</i></li> </ul> </li> </ul> <table border="1" data-bbox="478 880 1300 1960"> <thead> <tr> <th data-bbox="478 880 935 943">Assumed Fit-out</th> <th data-bbox="935 880 1300 943">All Retail Units</th> </tr> </thead> <tbody> <tr> <td data-bbox="478 943 935 1059">Heating system type (assumed system in model)</td> <td data-bbox="935 943 1300 1059">Water source Heat Pumps + Supply and Extract</td> </tr> <tr> <td data-bbox="478 1059 935 1122">Heating Efficiency</td> <td data-bbox="935 1059 1300 1122">COP 4.5</td> </tr> <tr> <td data-bbox="478 1122 935 1227">Cooling system type (assumed system in model)</td> <td data-bbox="935 1122 1300 1227">Heat Pumps + Supply and Extract</td> </tr> <tr> <td data-bbox="478 1227 935 1290">Seasonal EER</td> <td data-bbox="935 1227 1300 1290">SEER: 5.5</td> </tr> <tr> <td data-bbox="478 1290 935 1395">Ventilation Type</td> <td data-bbox="935 1290 1300 1395">AHU Only (Local Supply &amp; Extract)</td> </tr> <tr> <td data-bbox="478 1395 935 1498">Specific Fan power of air distribution plant</td> <td data-bbox="935 1395 1300 1498">2.0 (AHU)</td> </tr> <tr> <td data-bbox="478 1498 935 1561">Duct Leakage</td> <td data-bbox="935 1498 1300 1561">Worse than A</td> </tr> <tr> <td data-bbox="478 1561 935 1624">AHU Leakage</td> <td data-bbox="935 1561 1300 1624">Worse than L3 /Not tested</td> </tr> <tr> <td data-bbox="478 1624 935 1686">Heat recovery</td> <td data-bbox="935 1624 1300 1686">By Tenant</td> </tr> <tr> <td data-bbox="478 1686 935 1749">Heat recovery</td> <td data-bbox="935 1686 1300 1749">Yes – 75%</td> </tr> <tr> <td data-bbox="478 1749 935 1834">DHW system type</td> <td data-bbox="935 1749 1300 1834">From central LTHW system</td> </tr> <tr> <td data-bbox="478 1834 935 1897">DHW system delivery efficiency</td> <td data-bbox="935 1834 1300 1897">0.85</td> </tr> <tr> <td data-bbox="478 1897 935 1960">DHW Fuel Type</td> <td data-bbox="935 1897 1300 1960">Gas</td> </tr> </tbody> </table>	Assumed Fit-out	All Retail Units	Heating system type (assumed system in model)	Water source Heat Pumps + Supply and Extract	Heating Efficiency	COP 4.5	Cooling system type (assumed system in model)	Heat Pumps + Supply and Extract	Seasonal EER	SEER: 5.5	Ventilation Type	AHU Only (Local Supply & Extract)	Specific Fan power of air distribution plant	2.0 (AHU)	Duct Leakage	Worse than A	AHU Leakage	Worse than L3 /Not tested	Heat recovery	By Tenant	Heat recovery	Yes – 75%	DHW system type	From central LTHW system	DHW system delivery efficiency	0.85	DHW Fuel Type	Gas
Assumed Fit-out	All Retail Units																												
Heating system type (assumed system in model)	Water source Heat Pumps + Supply and Extract																												
Heating Efficiency	COP 4.5																												
Cooling system type (assumed system in model)	Heat Pumps + Supply and Extract																												
Seasonal EER	SEER: 5.5																												
Ventilation Type	AHU Only (Local Supply & Extract)																												
Specific Fan power of air distribution plant	2.0 (AHU)																												
Duct Leakage	Worse than A																												
AHU Leakage	Worse than L3 /Not tested																												
Heat recovery	By Tenant																												
Heat recovery	Yes – 75%																												
DHW system type	From central LTHW system																												
DHW system delivery efficiency	0.85																												
DHW Fuel Type	Gas																												



## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



	<p><b>Averaged lighting power density across each zone type</b></p> <p>1.86 W/m<sup>2</sup>/100lux</p>
	<p><b>Display Lighting</b></p> <p>80lm/W</p>
	<p><b>Renewable technologies</b></p> <p>CHP</p>
Primary Heat for HWS generation	<ul style="list-style-type: none"> <li>From landlord's centralised heating system via plate heat exchanger.</li> <li>Heat exchangers are to be supplied, installed and maintained by the Landlord, location to be in lowest retail level.</li> <li>Each retail unit will be provided with a 90kW LTHW heat exchanger for production of domestic hot water only.</li> <li>Primary flow/return design temperatures 80/ 60degrees C, secondary flow/return design temperatures 60 /10 degrees C.</li> <li>Secondary design flow rate assumed 0.43 Kg/s. Where higher HWS demand is required, the retailer will provide HWS storage within their demise to suit their requirements.</li> <li>A heat meter will be provided by the Landlord on the primary side of the heat exchangers, connected to the central EMS</li> <li>The primary heating is available 24 hrs per day 7 days per week.</li> </ul>
Condenser water	<ul style="list-style-type: none"> <li>From landlord's centralised Condenser water system via run and standby plate heat exchangers.</li> <li>Heat exchangers are to be supplied, installed and maintained by the Landlord at the lowest retail level.</li> <li>Primary flow/return design temperatures set point 22/28degrees C with maximum 33/39degrees C.</li> <li>An energy meter will be provided by the Landlord on the primary side of the heat exchangers, connected to the central EMS</li> <li>To be used for general heating and cooling via water cooled heat pump air conditioning system to be provided as part of the Tenants fit-out.</li> <li>Condenser water is available 24 hours per day 7 days per week.</li> <li>(For loads and temperatures see specific section for each unit)</li> <li>(For heat rejection for use in refrigeration systems refer to general ventilation below)</li> </ul>
General Ventilation	<ul style="list-style-type: none"> <li>All general ventilation plant equipment and system within the demise of each unit shall be provided by the tenant.</li> <li>To facilitate the above, a system of external louvres is provided by the landlord on the façade of the unit. These run at high-level ground and</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<p>1<sup>st</sup> floor level on each unit and are backed with bird mesh, proprietary aluminium weather extrusions and insulated blanking plates in non-active areas. The extent of the high-level louvres is shown on the attached drawings.</p> <ul style="list-style-type: none"> <li>• The louvers shall not be used to discharge kitchen extract or similar which may cause nuisance to other parts of the building, to the surrounding buildings, or to the general area.</li> <li>• All filtration shall form part of the tenant fit out works.</li> </ul>
Kitchen Extract	<ul style="list-style-type: none"> <li>• A single A3 riser shall be provided from the A3 unit to roof level for the installation of kitchen extract ventilation systems.</li> <li>• For A3 unit only, an extract duct shall be provided by the Landlord from the unit to roof level extending to a suitable point of discharge.</li> <li>• The duct will be fire rated and will run at high level in corridors and via dedicated risers to roof level.</li> <li>• Full access for cleaning will be provided throughout the length of the duct.</li> <li>• The duct will be designed and installed to all current and Building Control standards, and in accordance with Ductwork Specification DW 172.</li> <li>• A section of duct at roof level shall be left out for the Tenant to provide and install an extract fan and attenuators suitable to meet the requirements of the kitchen extract system.</li> <li>• The Landlords duct will terminate within the Demise at high level for extension within the demise by the Tenant.</li> <li>• The A3 retailer shall be responsible for the supply, installation and commissioning of an ecology unit within the retail demise.</li> <li>• The size and design parameters of the installed duct for the A3 unit are described in specific section below.</li> </ul>
Water Supply	<ul style="list-style-type: none"> <li>• A metered Potable Water supply shall be provided by the Landlord to each unit.</li> <li>• The supply shall be terminated with an isolating valve within the unit. (See specific section for the size and location for each unit)</li> <li>• The Landlords supply incorporates water storage.</li> <li>• Each water supply shall be provided with a water meter located outside of the demise, connected to the landlords building management system.</li> </ul>
Gas Supply	<ul style="list-style-type: none"> <li>• For A3 unit only, a gas supply pipe shall be provided by the Landlord.</li> <li>• A supply pipe will be provided from the building's common gas meter room to the demise.</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<ul style="list-style-type: none"> <li>• The supply pipe will be afforded all protection with regard to gas escape and fire as required depending on the route between the gas meter room and the demise.</li> <li>• An automatic isolation valve shall be provided by the tenant within the demise to isolate the gas supply upon fire, interfaced with the fire alarm system, fire suppression system as well as manual activation. As required as part of the safety systems within the demise</li> <li>• Should automatic isolation be required at the gas meter end of the supply to meet the requirements of the safety systems within the building, this will be provided by the Landlord, connected to the Landlords fire alarm system.</li> <li>• The tenant shall make an application for the gas supply and meter via their own shipper and take all steps required to activate the supply.</li> </ul>
<p><b>Electrical Supply</b></p>	<ul style="list-style-type: none"> <li>• The landlord will install an electrical supply to the unit direct from the supply authorities' distribution.</li> <li>• The supply will be terminated in a service head with fuse, isolating switch and metering ICT chamber within the unit's demise. (See specific section for the size and location for each unit)</li> <li>• The landlord will provide an MPAN number to the Tenant prior to the unit's handover in good time to ensure that the supply is available at the commencement of the fitting out period.</li> <li>• The Tenant is to make a formal application for the supply and meter via their service provider.</li> </ul>
<p><b>Fire Alarm and interface</b></p>	<ul style="list-style-type: none"> <li>• A fire alarm interface unit is to be provided by the Landlord in the corridor immediately outside the rear door of each unit at ground floor level.</li> <li>• The tenant is to supply and install a standalone fire alarm system for the unit, which is compatible with the Landlords system and the cable connections to the Landlords interface unit.</li> <li>• The Landlord shall terminate the cable connections into the interface, via the buildings fire alarm installer and activate/ programme the main buildings system as required.</li> <li>• The Landlords system operates on a double knock arrangement (investigate at first alert and activate on second) the tenants system shall follow this 2 stage procedure.</li> <li>• The tenants system shall be capable of conveying and receiving the 2 stage signalling via the interface unit.</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

<p>Sprinklers, Zone Control Valves, Fire suppression &amp; Basement Smoke Ventilation</p>	<ul style="list-style-type: none"> <li>• Sprinkler system within the unit to be served by landlord's common system.</li> <li>• A sprinkler connection and zone check isolating valve is provided by the landlord for each level of the unit. Each connection is monitored by the Landlords fire alarm system.</li> <li>• The A1 Retail Unit shall be provided with a life-safety generator backed power supply terminating in an automatic transfer switch (ATS) in the A1 retail basement demise. The secondary supply of the ATS will be connected to the landlord's electrical infrastructure. The primary supply of the ATS will be connected from the tenant's incoming supply (fit out by tenant).</li> <li>• The A1 retail unit shall be provided with a smoke ventilation system that will be designed, supplied, installed and commissioned by the landlord and will be located at high level in the basement demise. The smoke ventilation ductwork will extend up through the ground floor slab, to high-level ground floor and underside of 1<sup>st</sup> floor slab before terminating onto high-level louvres in the ground floor façade</li> <li>• Each retail tenant is to design, supply and install all other fire protection systems within the units.</li> </ul>
<p>Drainage</p>	<ul style="list-style-type: none"> <li>• The Landlord shall provide 100mm diameter foul water connections (pop ups) as described in Tables 2 &amp; 3.</li> <li>• A single vent pipe shall be provided by the Landlord at high level at the highest level of the unit, which rises to roof level for venting the tenants system to atmosphere.</li> <li>• The Tenant shall provide all required grease traps, and other necessary system protection within the unit's demise, to ensure that effluent is discharged to the standards required by the Drainage Authority.</li> <li>• Except to the extent shown in the Scheme Design, no drainage pipework serving other parts of the property shall pass through the retail units.</li> </ul>
<p>Satellite services</p>	<ul style="list-style-type: none"> <li>• Provision for tenants to use landlord's common satellite installation as identified in Audio Visual Specification HPF-S-65-SP-XXX-01 document forming part of the Scheme Design.</li> <li>• The tenant shall request from the Landlord connection to the system should it be required.</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<ul style="list-style-type: none"> <li>• All costs associated with the connection will be borne by the Tenant.</li> <li>• Other than the A1 Unit, the Tenant will not be allowed to provide their own satellite dish or receiving equipment on the roof or in any location outside of the unit's demise.</li> </ul>
Telephone	<ul style="list-style-type: none"> <li>• An adequate cable containment system in the form of cable tray and conduit will be provided by the landlord from the comms intake room to the demise.</li> <li>• The Tenant shall apply for all telephone or communication services as required from their suppliers and supply and install all cabling required within the containment system provided.</li> <li>• No direct connections from the highway will be allowed.</li> </ul>
Access Control	<ul style="list-style-type: none"> <li>• All doors leading from the retail unit demise into other parts of the building (including doors for operational purposes and emergency escape doors) shall be monitored by the Landlord's security system. The monitoring shall include a door contact on each door leaf and coverage from a CCTV camera.</li> <li>• Any doors leading from the retail unit demise into other parts of the building that are used for operational purposes (i.e. to access refuse areas and storage areas) shall be provided with bi-directional access control on the Landlords Access Control System.</li> <li>• Access Controlled doors shall include green Break glass Unit overrides, leading in the direction of emergency egress, to override the locking mechanism directly in the event of an emergency or system malfunction.</li> <li>• Access Controlled doors shall include an interface with the Fire Alarm system to override the locking mechanism directly in the event of a Fire Alarm.</li> <li>• The fire alarm interface unit is to be provided by the Landlord in the corridor immediately outside the rear door of each unit at ground floor level.</li> <li>• The Tenant is to supply and install a standalone fire alarm system for the unit, which is compatible with the Landlords system and the cable connections to the Landlords interface unit.</li> <li>• The Landlord shall terminate the cable connections into the interface, via the buildings fire alarm installer and activate/ programme the main buildings system as required.</li> </ul>

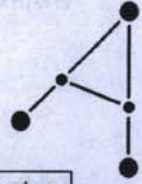
## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



**Table 2 Additional requirements for A3 Unit**

First floor external cladding	<ul style="list-style-type: none"> <li>As described in the Scheme Design.</li> </ul>				
Condenser Water	<ul style="list-style-type: none"> <li>Heat Extraction or Rejection Rate from/to plate heat exchanger: 250W/m<sup>2</sup> for 70% NIA, 440W/m<sup>2</sup> for 30%NIA. See below table for total heat rejection or extract load for retail unit.</li> <li>Secondary flow/return design temperatures set point 19/14degrees C with maximum 41/36degrees C.</li> </ul>				
	<b>Building Type</b>	<b>Retail Unit Type</b>	<b>Est. Area* (m<sup>2</sup>)</b>	<b>Delta T (K) (Secondary Side)</b>	<b>Total Heat Rejection Extraction Load (kW)</b>
	Building 1	A3	526	5	161.5
Gas	<ul style="list-style-type: none"> <li>Gas pipe will be provided by the landlord as described above to each A3 unit as per the table below:-</li> </ul>				
	<b>Building Type</b>	<b>Retail Unit Type</b>	<b>Gas flow rate (kW)</b>	<b>Gas pipe size (mm)</b>	<b>Pressure at retail demise (Pa)</b>
	Building 1	A3	200	65	2000
Electricity	<ul style="list-style-type: none"> <li>3 phase and neutral 415 volt 50 hz supply</li> <li>250A fuse and isolator located on wall at lowest level of each A3 retail demise.</li> <li>Loads as per table below, based upon 350W/m<sup>2</sup> for ground floor areas, and 200 W/m<sup>2</sup> for basement/1<sup>st</sup> floor areas</li> </ul>				
	<b>Building</b>	<b>Retail Unit Type</b>	<b>Total Load (kW)</b>		
	Building 1	A3	143		

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



<p>Kitchen Extract Duct</p>	<ul style="list-style-type: none"> <li>• Fire rated ductwork from demise to roof will be installed by landlord as described above. Free areas and flow rates will be provided as per the table below:-</li> </ul> <table border="1" data-bbox="483 562 1359 734"> <thead> <tr> <th data-bbox="483 562 834 696">Building Type</th> <th data-bbox="834 562 975 696">Retail Unit Type</th> <th data-bbox="975 562 1134 696">Kitchen Extract Duct Free Area (m<sup>2</sup>)</th> <th data-bbox="1134 562 1359 696">Max Potential Flow Rate (M<sup>3</sup>/s)</th> </tr> </thead> <tbody> <tr> <td data-bbox="483 696 834 734">Building 1</td> <td data-bbox="834 696 975 734">A3</td> <td data-bbox="975 696 1134 734">0.5</td> <td data-bbox="1134 696 1359 734">3.75</td> </tr> </tbody> </table>	Building Type	Retail Unit Type	Kitchen Extract Duct Free Area (m <sup>2</sup> )	Max Potential Flow Rate (M <sup>3</sup> /s)	Building 1	A3	0.5	3.75
Building Type	Retail Unit Type	Kitchen Extract Duct Free Area (m <sup>2</sup> )	Max Potential Flow Rate (M <sup>3</sup> /s)						
Building 1	A3	0.5	3.75						
<p>Riser and Roof plant provision</p>	<ul style="list-style-type: none"> <li>• External plant space for kitchen extract fan/attenuators will be as described in Kitchen Extract Duct section above.</li> <li>• There is a further provision of 2sqm for A3 retail tenant external plant space as defined within the Marble Arch Retail Underlease.</li> <li>• The imposed load capacity of the plant areas is 7.5kN/m<sup>2</sup></li> <li>• Vertical riser for tenant's exclusive use to be as shown on Marble Arch Retail Underlease plans</li> <li>• Refer to Scheme Design building core drawings for size of riser and access arrangements</li> <li>• Service risers will conform to the fire rating of the element through which they pass.</li> <li>• Working access platforms and edge protection to be provided within risers sufficient for maintenance and cleaning to be provided at all levels</li> </ul>								
<p>Drainage</p>	<ul style="list-style-type: none"> <li>• A3 unit ground floor 2No pop-ups</li> <li>• A3 unit first floor 1No 100mm capped connection at high level.</li> <li>• Vent pipe location. 1 No at high level ground floor and 1 No at high level first floor</li> <li>• Final positions of drainage provisions within the unit to be agreed with tenant.</li> </ul>								
<p>Potable water</p>	<ul style="list-style-type: none"> <li>• 28mm dia. Potable water supply provided at ground level demise with capacity for occupancy density of (200 serving at 7litres per serving)</li> <li>• Water supply will be terminated with a capped valved connection at high level at the lowest floor level within the retail unit.</li> <li>• The water supply to the A3 retail unit will have a capacity of 1.0 l/s with a pressure of 2-3bars</li> </ul>								

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

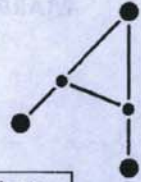


**Table 3 Additional requirements for A1 retail Unit**

<p>Basement envelope</p>	<ul style="list-style-type: none"> <li>Basement retaining walls: 1000mm thick RC diaphragm wall</li> <li>Basement retaining walls: Hydro-duct CF or similar approved. Typical detail drawing WSL-04-OSW-401.</li> <li>The basement diaphragm wall in combination with the drained cavity construction provides a grade 3 basement in accordance with BS8102</li> </ul>										
<p>Condenser Water</p>	<ul style="list-style-type: none"> <li>Heat Extraction or Rejection Rate from/to plate heat exchanger: 250W/m<sup>2</sup> for 100% NIA. See below table for total heat rejection or extract load for retail unit.</li> <li>Secondary flow/return design temperatures set point 19/14 degrees C with maximum 41/36 degrees C.</li> </ul> <table border="1" data-bbox="483 1021 1359 1205"> <thead> <tr> <th>Building</th> <th>Retail Unit Type</th> <th>Est. Area (m<sup>2</sup>)</th> <th>Delta T (K) (Secondary Side)</th> <th>Total Heat Rejection or Extraction Load (kW)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>A1</td> <td>602</td> <td>5</td> <td>150.5</td> </tr> </tbody> </table>	Building	Retail Unit Type	Est. Area (m <sup>2</sup> )	Delta T (K) (Secondary Side)	Total Heat Rejection or Extraction Load (kW)	Building 1	A1	602	5	150.5
Building	Retail Unit Type	Est. Area (m <sup>2</sup> )	Delta T (K) (Secondary Side)	Total Heat Rejection or Extraction Load (kW)							
Building 1	A1	602	5	150.5							
<p>Electrical Supply</p>	<ul style="list-style-type: none"> <li>3 phase and neutral 415 volt 50 hz supply</li> <li>250A fuse and isolator located on wall at lowest level of each retail demise.</li> </ul> <table border="1" data-bbox="483 1529 927 1713"> <thead> <tr> <th>Building</th> <th>Retail Unit Type</th> <th>Total Load (kW)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>A1</td> <td>121</td> </tr> </tbody> </table>	Building	Retail Unit Type	Total Load (kW)	Building 1	A1	121				
Building	Retail Unit Type	Total Load (kW)									
Building 1	A1	121									
<p>Riser provision</p>	<ul style="list-style-type: none"> <li>Vertical riser for Building 1 A1 Retail tenant's exclusive use to be as shown on Marble Arch Retail Underlease plans</li> <li>Refer to building core drawings for size of riser and access arrangements</li> </ul>										

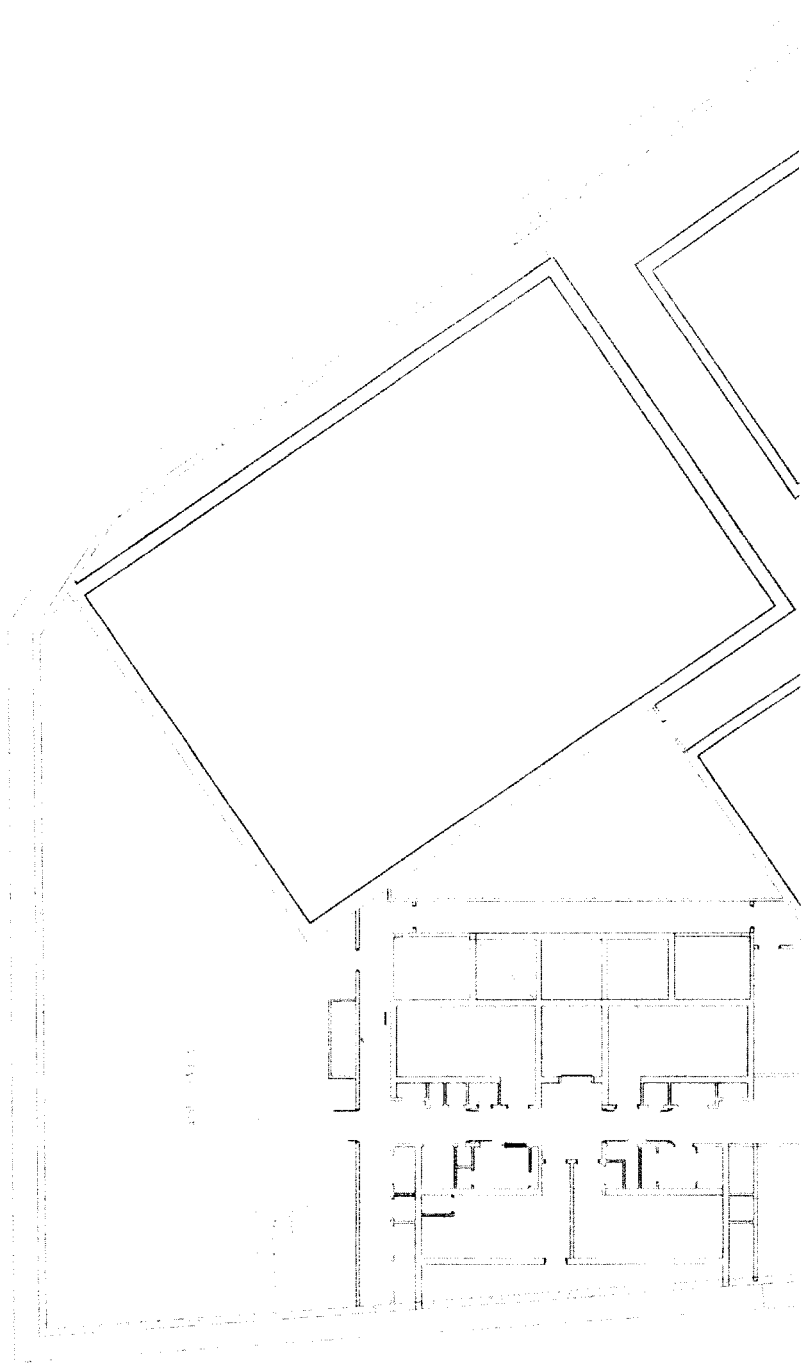


## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



Roof plant provision	<ul style="list-style-type: none"> <li>• Provision for Building 1 A1 Retail tenant's future fit out external plant space at Building 1 level 08 as described within the Marble Arch Retail Underlease.</li> <li>• The imposed load capacity of the plant areas is 7.5kN/m<sup>2</sup></li> </ul>
Drainage	<ul style="list-style-type: none"> <li>• A1 unit will be provided with 4No pop-ups at basement level according to the Requirements of the Sainsbury's Agreement for Lease</li> <li>• A1 unit will be provided with 1No. vent pipe at the highest level only.</li> </ul>
Potable water	<ul style="list-style-type: none"> <li>• A1 unit will be provided with a 20mm TW water meter and a 25mm PE to 22mm dia. Potable water supply.</li> <li>• Water supplies will be terminated with a capped valved connection at high level at the lowest floor level within the retail unit.</li> <li>• The water supply to each A1 retail unit will have a capacity of 0.5 l/s with a pressure of 2-3bars</li> </ul>
Internal staircase, lift shaft and pit	<ul style="list-style-type: none"> <li>• To be provided according to the requirements of the Sainsbury's Agreement for Lease.</li> </ul>
Tenant's Satellite Provision	<ul style="list-style-type: none"> <li>• Facility for tenant to install Satellite dish according to requirements of Sainsbury's Agreement for Lease.</li> </ul>

END



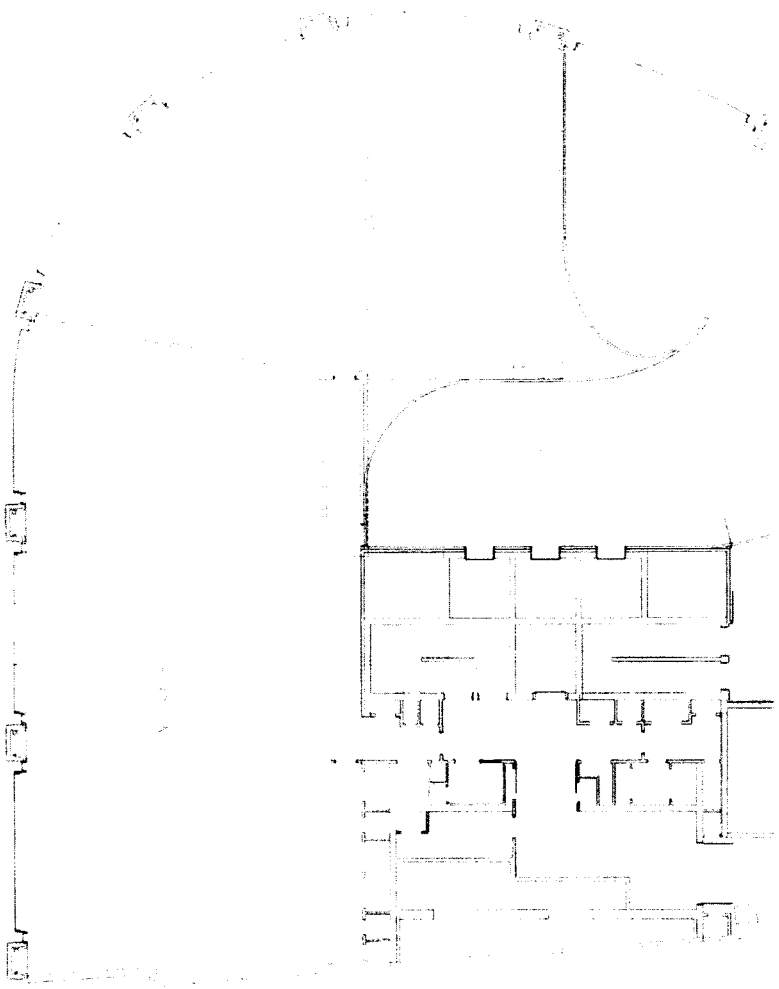
MARBLE ART-PLACE

RAFAEL VINCELY  
ARCHITECTS PC

page 212

PROJECT: MARBLE ART-PLACE  
DRAWING: FLOOR PLAN

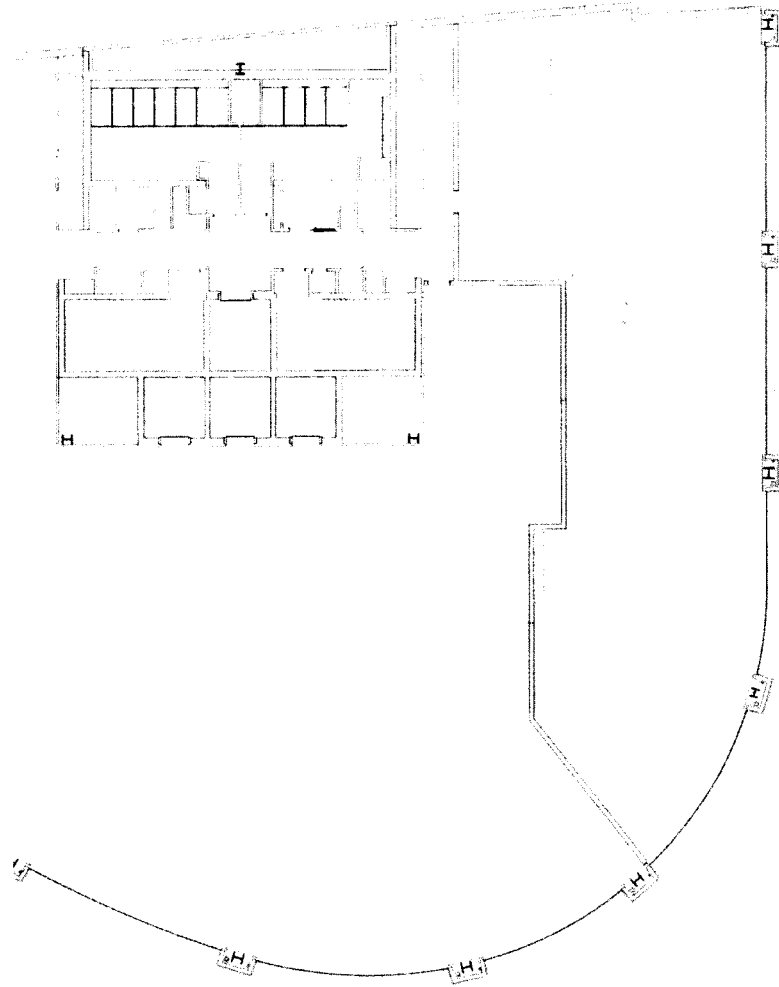
RVA SK 1140

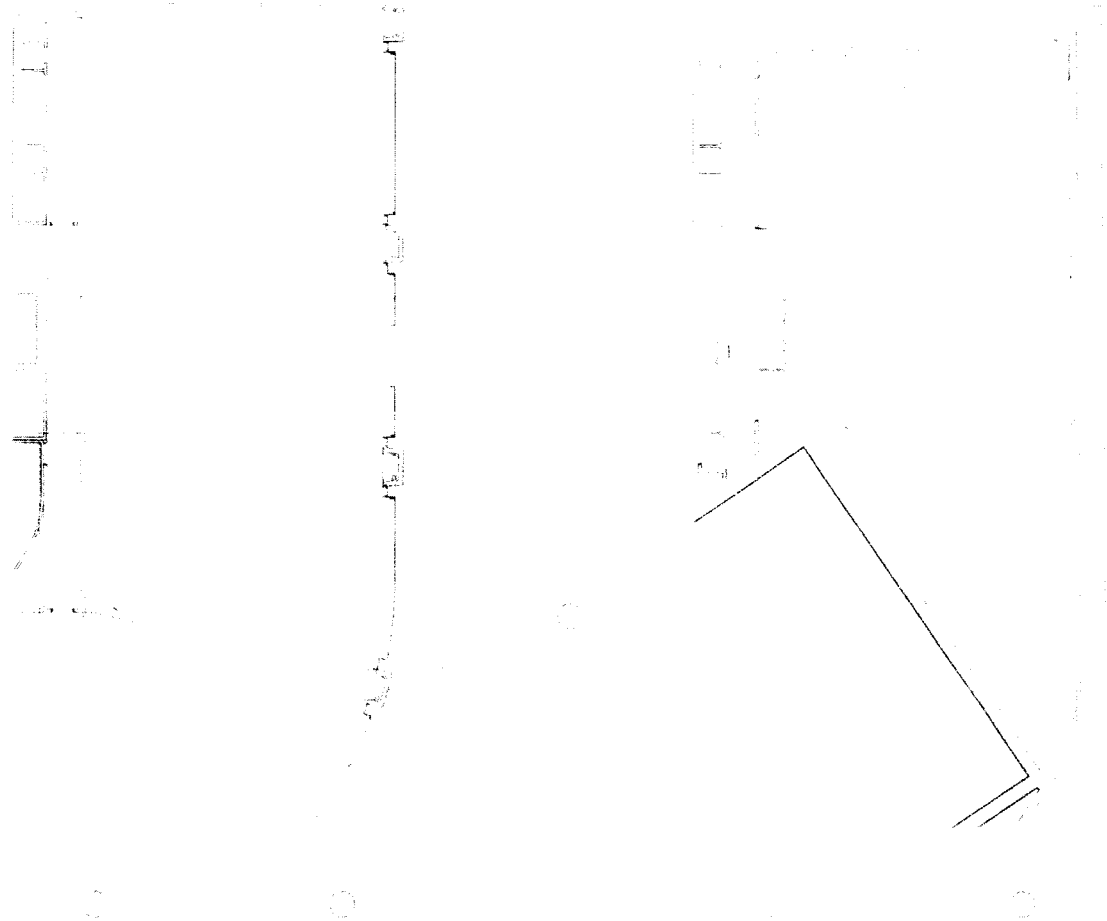


MARLE ARCHITECT

RAFAEL VINCE  
ARCHITECTS  
P.C.

PROJECT: [illegible]  
DATE: [illegible]  
RVA SK 1141





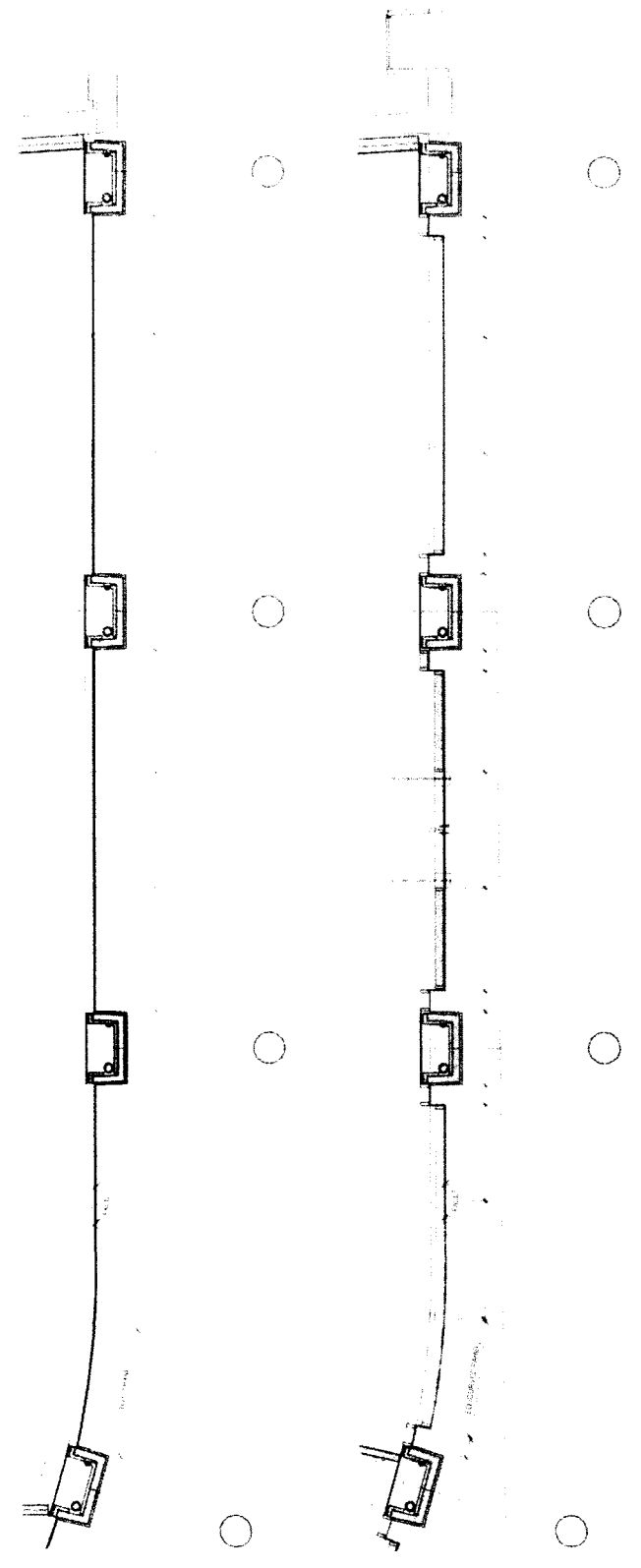
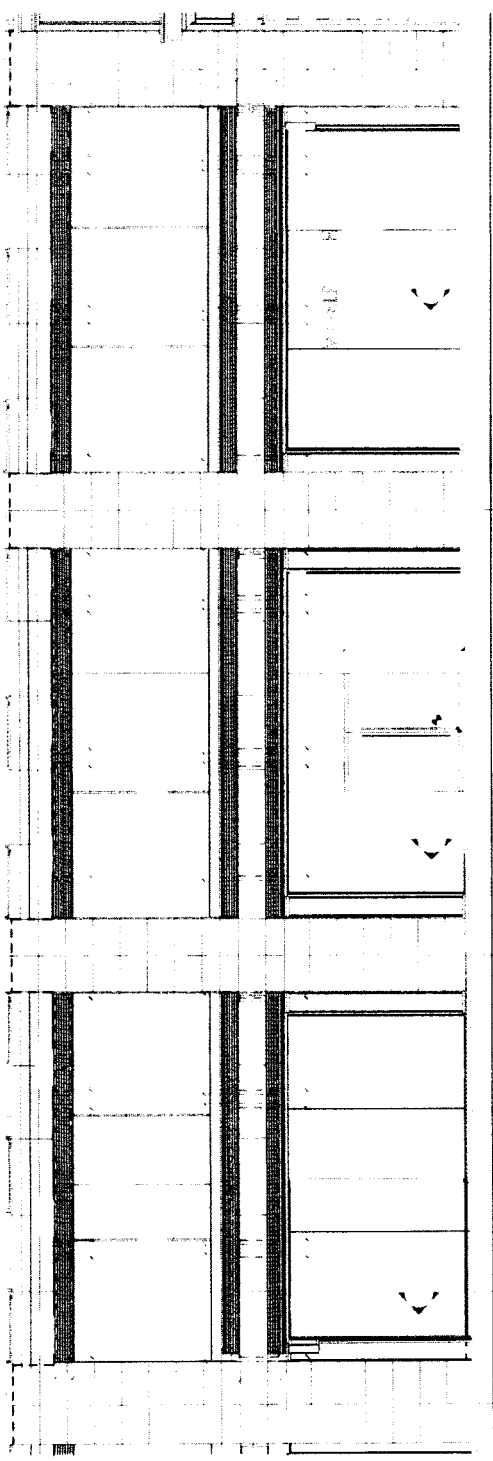


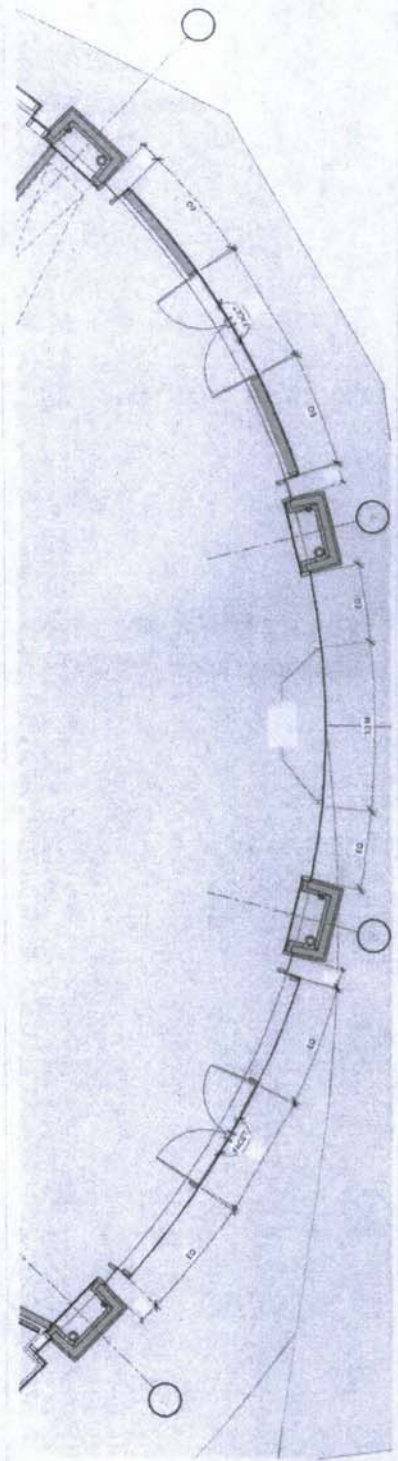
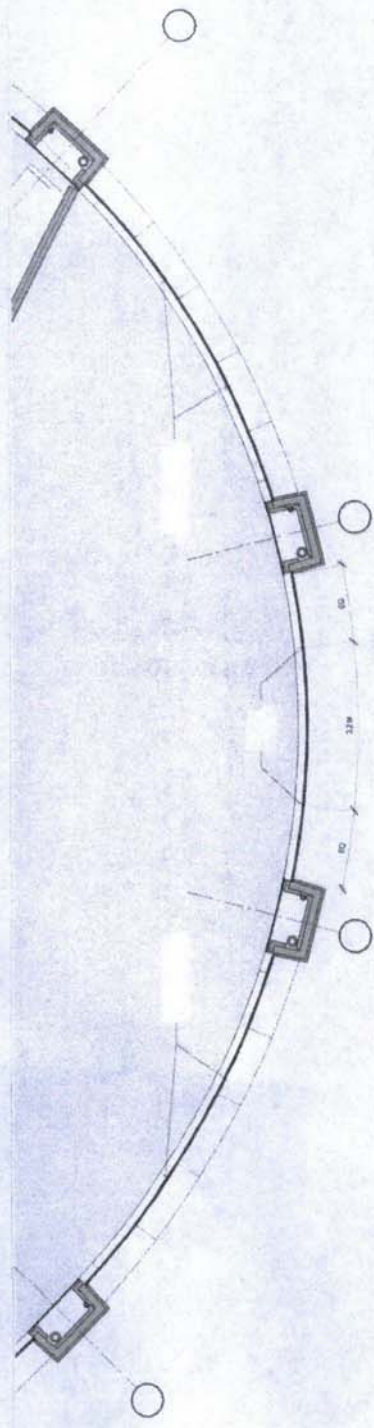
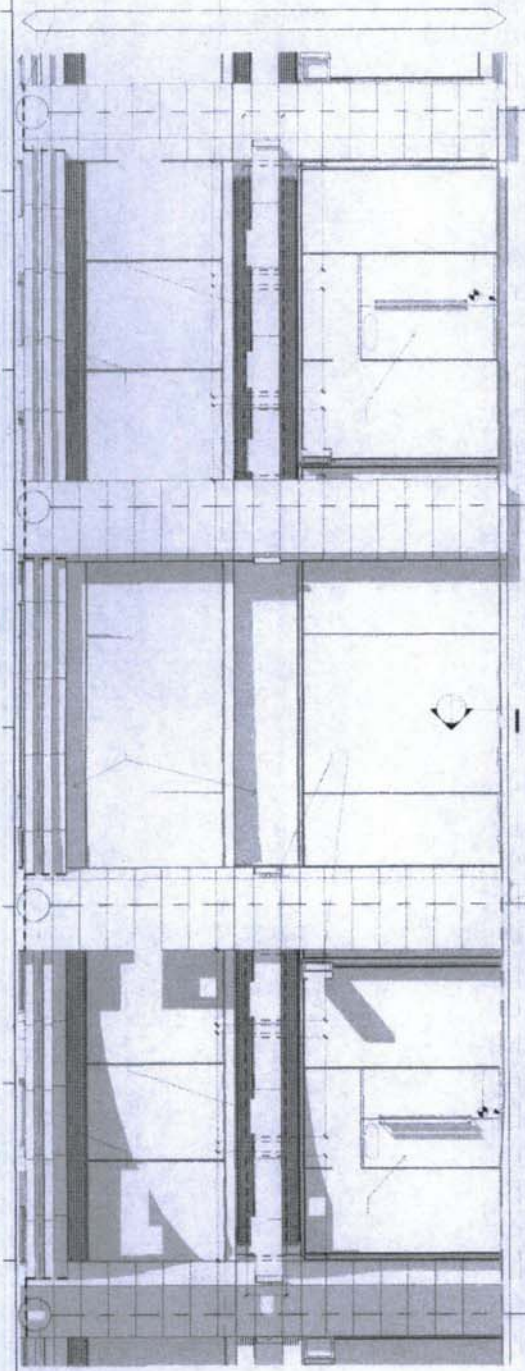
MODEL ARCHITECT

RAFAEL VINOLY  
ARCHITECTS PC

11000 10/20/05  
11000 10/20/05  
11000 10/20/05

PVA SK 1075









# City of Westminster

**Office Name:** Anil Drayan  
**Designation:** EHO  
**Contact number:** 020 7641 1774  
**Email:** adrayan@westminster.gov.uk  
**Signed:** Anil Drayan

**WCC Uniform Ref Number:**  
 18/00782/PREAPM

**Address:** Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road, and 53-59 (odd) Bryanston Street

**Licenses:** 16/09835/LIPT

**Applicant:**  
 Alun Thomas  
 Thomas & Thomas  
 Partners Llp

**Cumulative Impact Area:**  
 Yes – Edgware Road

**Type of Business currently operating at the premises:**

- Development site with Planning Permission, 14/11220/FULL, for Demolition of existing building and erection of two new buildings with two basement levels and two mezzanine levels below ground. Building 1 fronting on to Marble Arch comprises ground and seven upper floors and roof top plant; Building 2 fronting onto Edgware Road comprising ground and seven upper floors with a tower to 18th floor level and roof top plant; all for a mix of uses comprising offices (Class B1), up to 54 residential units (Class C3), retail (Class A1), restaurant (Class A3), bar (Class A4) and cinema (Class D2); provision of car parking spaces, cycle parking spaces, plant and works to public realm, including a new pedestrian route between Marble Arch and Bryanston Street.

**BACKGROUND**

**Advice requested:**

*Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road, and 53-59 (odd) Bryanston Street see attached cover letter regarding proposals for provisional statements*

*Please could a site meeting be arranged to discuss the proposals, particularly the conditions which would apply to each of the statements.the basement, presuming that there may need to be a protected means of escape from there to the street.*

*I understand from our conversation that background music is restricted by planning and the tenant will be advised accordingly should that condition need to be varied.*

*It would be helpful if you could set out the conditions which you would find acceptable in addition to the hours and technical issues pertaining to capacity and sanitary*

requirements.

*There is an existing public house at 20 Edgware Road, formally a Wetherspoons and the premises licence (16/09835/LIPT) is currently held by the applicant. Following the grant of planning permission, it is proposed to obtain one provisional statements for the restaurant (A3) use, one provisional statement for the A4 use, and two provisional statements for the retail units (A1). The hours of the application will match those of the existing premises licence and in respect of the restaurant and retail use, the council's core hours for licensable activities and 30 minutes later for opening, in line with the planning.*

**Following a site visit on 1 March 2018 further clarification provided on the advice requested in an e-mail dated 7 March 2018:**

*I confirm that my client intentions are therefore as follows:*

*The existing Wetherspoons unit is reducing in size. That reduction is from 674 to 293 sq metres.*

- 1. To submit by way of provisional statement;*
- 2. For a public house/bar use upon the same terms as the existing licence which is held by my client;*
- 3. Two restaurant uses, MC38;*
- 4. Two retail uses, subject again to the same food conditions, notwithstanding the use obviously will need to remain predominantly as retail;*
- 5. The attached model conditions;*
- 6. The supermarket and Odeon will make their own applications in due course;*
- 7. I will send you further details of the servicing arrangements so obviously we can rely upon planning in that respect; and*
- 8. Your comments in relation to extract are noted and appreciated. My client will speak further with the architect and put him in touch if need be;*

**ENVIRONMENTAL HEALTH ADVICE**

**i. Cumulative Impact Area (CIA)**

The advice is based on *Westminster's Statement of Licensing Policy* which can be found on the Council's website at the following link:

<https://www.westminster.gov.uk/licensing-policy>

This also provides a connection to the list of *Model Pool of Conditions* which should be used as the basis of any conditions proposed in an operating schedule.

Please use this link to access the policies and conditions referred to when reading the advice below.

**As the premises are located within the Edgware Road Cumulative Impact Area special policy CIP1 applies which states;**

*(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.*

*(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.*

**ii. Public House in the Cumulative Impact Areas**

With regards to an application for Public Houses and Bars in the Cumulative Impact Areas - Policy PB2 applies which states:

*It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.*

However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy but *'will only be overridden in genuinely exceptional circumstances'*.

Whilst paragraphs 2.4.2-2.4.13 of the policy describes some of the exceptional circumstances the policy does not provide a list of examples of when an application may be treated as an exception.

Please note the Licensing Authority does not treat the following circumstances, on their own, as exceptional:

- The premises operate strictly to their conditions.
- The premises are well managed.
- The operator is of good character or reputation.
- The capacity of the premises is small.
- There are no residential properties in the vicinity.
- The premises have applied for Temporary Event Notices for longer hours without incident.
- Economic necessity
- The premises caters to a specialist group eg LGBT+ community

In this case the Premises Licence, 16/09835/LIPT, previously operating on part of the site, has been maintained and whether this provides an argument that in effect this is not a new application but could be considered effectively as a variation can only be determined by the Licensing sub- Committee.

However please note Paragraph 2.4.8 of the policy which states:

***'This will not apply to licences which have been surrendered or those which can have no practical effect because the premises to which they applied no longer exist, or will not continue to exist in their previous form, e.g. because of planned demolition or redevelopment.'***

Nevertheless the proposed reduction in the licensable area from 674 to 293 sq metres , additional conditions and the general improvement to the area resulting from the planning approval for the development as a whole,

particularly the addition of new residential spaces where there were none previously, may be used as part of an overall submission to demonstrate *'exceptional circumstances'*.

Please note you are also advised that the planning status of the premises will not be a material consideration as to whether any Premises Licence will be granted. Conversely, under planning legislation, the approval of a Premises Licence does not provide automatic grounds for the planning status to also be changed.

### **iii. Restaurants in the Cumulative Impact Areas**

Policy RNT2 applies which states:

*Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to Cumulative Impact in the CIA.'*

The principle condition to demonstrate compliance with policy RNT2 is if the premises operates under model condition MC66 – note only 'slight tweaks' may be permitted to this condition

As well as MC66 other considerations for demonstrating '*will not add to Cumulative Impact in the CIA*' are hours of operation, capacity restrictions, proximity of public transport etc.

### **iv. Retail operations wishing 'On' sale of alcohol in the Cumulative Impact Areas**

Any application for 'On' sale of alcohol in a predominantly retail use should have regard to paragraphs 2.4.16 to 2.4.22 and in particular paragraph 2.4.21 which states:

*'The council therefore considers that where applications for licenses to sell alcohol for consumption on the premises are made and (i) are appropriately conditioned so that the consumption of alcohol is not, and cannot become, a significant part of the operation of the premises and is regulated to promote responsible drinking; (ii) where the character of the premises is such that its customers are not likely to be involved in sustained*

***or heavy drinking at later hours; and (iii) when the sale of alcohol is not permitted beyond 20.00 hours; then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the cumulative impact area.'***

Any such application is therefore recommended to be accompanied with condition MC86 with alcohol licensing hours finishing at 20:00 hours.

**v. Capacity and works conditions**

All applications should be accompanied with an intended maximum capacity so that it provides some measure of assessment on 'cumulative impact' under condition MC90.

The plans submitted are not detailed enough for The District Surveyor to provide a precise capacity at this stage.

Any application should also submit the 'works condition' MC81 with the added phrasing:

- 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

**vi. Sanitary accommodation**

With regards to the provision of sanitary accommodation one of the reasons for a CIA designation, as stated in the policy (page 137), is;

*'(e) The fouling of doorways, alleyways and streets, which in addition to being antisocial, has consequences for public safety and health (Public Safety and Public Nuisance).'*

Environmental Health therefore requires that any new application for the provision of sanitary accommodations must be as advised in British Standard

6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances.

In addition:

- Also note Building Control requirements for new premises or premises undergoing substantial refurbishment usually require provision of a disabled or accessible facility.
- Provision for the staff; In addition, premises that are food led should also be providing sanitary accommodations that are separate from that provided for the public so as to be in compliance with guidance to food hygiene legislation.
- Please note in premises where food and drink is provided all toilets, if possible including disabled/accessible units, should be separated by a lobby from food eating, storage and preparation areas.

#### **vii. Conditions**

In addition to the conditions advised above for each type of application all applications should be submitted with the following common conditions:

#### **MC17:**

All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

#### **MC47:**

A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as a driving licence, passport or proof of

age card with the PASS Hologram.

**MC01:**

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 authorized officer throughout the entire 31-day period.

**MC02:**

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 authorized council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

**MC12:**

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.

**MC21:**

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

**MC42:**

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.

**Should you wish to discuss the matter further or seek further clarification or information please do not hesitate to contact me.**

**Anil Drayan**

**Environmental Health Officer,**

**EH Consultation Team**

**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.**

The planning decision for Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd), Bryanston Street, London is enclosed.

Your ref: ALMACANTAR PRIVATE TRUSTEE  
COMPA

Please reply to:

Mike Walton

My ref: 14/11220/FULL

Tel No:

020 7641 2521

Neil Lawrence  
Gerald Eve  
72 Welbeck Street  
London  
W1G 0AYDevelopment Planning  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

25 June 2015

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990  
PERMISSION FOR DEVELOPMENT (CONDITIONAL)

2/6/15

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

**SCHEDULE**

Application No: 14/11220/FULL

Application Date: 30.10.2014

Date Received: 11.11.2014

Date Amended: 11.11.2014

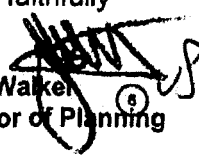
Plan Nos: RVA-0-10-095 rev 05, RVA-0-10-096 rev05, RVA-0-10-097 rev 05, RVA-0-10-098 rev05, RVA-0-10-100 rev05, RVA-0-10-101 rev02, RVA-0-10-102 rev02, RVA-0-10-103 rev02, RVA-0-10-104 rev02, RVA-0-10-105-rev02, RVA-0-10-106 rev05, RVA-0-10-107 rev05, RVA-0-10-108 rev02, RVA-0-10-109 rev02, RVA-0-10-110 rev05, RVA-0-10-111 rev02, RVA-0-10-112 rev02, RVA-0-10-113 rev02, RVA-0-10-114 rev02, RVA-0-10-115 rev05, RVA-0-10-116 rev05, RVA-0-10-117 rev02, RVA-0-10-118 rev02, RVA-0-10-119 rev02, RVA-0-10-120 rev02, RVA-020-001rev01, RVA-020-002rev01, RVA-020-003rev01, RVA-020-004rev02, RVA-C-20-101rev01, RVA-C-20-102rev03, RVA-R-20-201rev01, RVA-R-20-202rev01,

Address: Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd), Bryanston Street, London,

Proposal: Demolition of existing building and erection of two new buildings with two basement levels and two mezzanine levels below ground. Building 1 fronting on to Marble Arch comprises ground and seven upper floors and roof top plant; Building 2 fronting onto Edgware Road comprising ground and seven upper floors with a tower to 18th floor level and roof top plant; all for a mix of uses comprising offices (Class B1), up to 54 residential units (Class C3), retail (Class A1), restaurant (Class A3), bar (Class A4) and cinema (Class D2); provision of car parking spaces, cycle parking spaces, plant and works to public realm, including a new pedestrian route between Marble Arch and Bryanston Street.

See next page for conditions/reasons.

Yours faithfully

  
John Walker  
Director of Planning

**Condition(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 The street-facing elevations of the buildings and the entirety of the tower shall be clad in natural Portland stone; the remaining elevations of the building shall be clad in natural stone, details/samples of which shall be submitted for our written approval prior to commencement of the relevant part of the development.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development:
  1. Typical details of all facades at all levels
  2. Public art (including details of illumination and a maintenance strategy)

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

**Reason:**

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 6 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:  
- between 08.00 and 18.00 Monday to Friday;  
- between 08.00 and 13.00 on Saturday; and  
- not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- between 08.00 and 18.00 Monday to Friday; and
- not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours.

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 7 Customers shall not be permitted within the restaurants (Class A3) and bar (Class A4) premises outside of the following hours: 07.00 to 0000 midnight Sunday to Thursday, bank holidays and public holidays and 07.00 to 00.30 the next day on Friday and Saturdays.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must apply to us for approval of detailed drawings of the appearance and location of the ventilation system for the Class A3 use. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to the first use of the restaurant and thereafter the ventilation system shall be retained and maintained for as long as the Class A3 unit is in place.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

The use of the Class A3 unit without any kitchen ventilation would cause harm to occupiers of neighbouring properties from cooking smells. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV.5 of our Unitary Development Plan that we adopted in January 2007

- 9 You must apply to us for approval of an Operational Management Plan for the bar (Class A4) and restaurant (Class A3) uses. This shall include details of the capacity for each unit. You must not open the restaurant(s) or bar(s) to customers until we have approved what you have sent us. Thereafter you must manage the restaurant(s) and bar(s) in accordance with the approved plan.

**Reason:**

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8, TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 11 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 12 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 13 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and Informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

**14 Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

**Reason:**

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

**15** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details. (C21MB)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





**Reason:**

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 16 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 17 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

**Reason:**

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 18 You must apply to us for approval of a Servicing and Delivery Management Plan, which includes details of how the retail (Class A1), restaurant (Class A3), bar (Class A4), office (Class B1), cinema (Class D2) and residential (Class C3) uses will be serviced. This plan must include details of the servicing and delivery requirements for the adjacent buildings with shared access to the servicing route and any proposed valet service for residential car parking. You must not occupy the development until we have approved what you have sent us. Thereafter you must then manage the servicing and deliveries in accordance with the Servicing and Delivery Management Plan that we approve, unless we agree an alternative Servicing and Delivery Management Plan in writing.

**Reason:**

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 You must provide the waste store shown on drawings RVA-0-10-097 rev 05, RVA-0-10-098 rev05, and RVA-0-10-100 rev 05 ,before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the properties. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 20 You must not use the roofs of building 1 at levels 2- 5 as shown on plans RVA -0-10-102 rev02, RVA -0-10-103 rev02,RVA -0-10-104 rev02,RVA -0-10-105 rev02, for sitting out or for any other purpose, unless and until appropriate measures to safeguard neighbouring residential amenity (including privacy screens and details of the proposed hours of use) have been submitted to and approved by us in writing and such measures have been installed as approved. The use of the relevant roofs as terraces must thereafter be carried out in accordance with the approved details. You can however use the roof to escape in an emergency.

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 21 You must provide all the car parking spaces shown on drawings RVA-0-10-095 rev 05 shall be retained for use by residents within the building. No more than 2 residential car parking spaces shall be allocated or used by any single residential unit. The parking spaces reserved for residents must be clearly identified.

**Reason:**

To provide parking spaces for people living in the residential part of the development as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 22 At least 20% of car parking space shall have access to an electric car charging point to be provided prior to occupation.

**Reason:**

To provide parking spaces for people using the development as set out in TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 23 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

**Reason:**

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 24 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

ground source heat pumps

You must not remove any of these features. (C44AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 25 The glass that you put in the eastern elevation of the office building ( building 1) on the 1st to 4th floors must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 26 Unless otherwise agreed in writing with the Local Planning Authority in consultation with London Underground Limited, the development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground Limited) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

**Reason:**

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority



well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



- 9 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 10 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 11 Condition 16 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 12 Conditions 10 and 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 13 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 14 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

Note - As the requirements of the Building Regulations may impact on the design of the proposed development, our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this free service please contact **020 7641 7230** to arrange a preliminary discussion.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



There is no licence or appeal history for the premises.

**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 supply of alcohol on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. All doors and windows to be kept closed after 23:00hours except for immediate access and egress of persons.
11. There shall be no take-away of hot food or hot drink after 23.00 hours.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only.
13. No off sales after 23:00 Monday to Saturday or 22:30 Sunday.
14. No deliveries to the premises shall be made between the hours of 23:00 hours and 07:00 hours.
15. Loudspeakers shall not be located in the entrance areas or outside the premises building.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
18. 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.
19. 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.
20. 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,
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
21. A Challenge 21 or 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.

22. 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 with a condition detailing the capacity so determined.

### **Conditions proposed by the Licensing Authority**

23. The premises shall only operate as a restaurant:
- (i) In which customers are shown to their table,
  - (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 using non disposable crockery,
  - (iv) Which do not provide any take away service of food or drink for immediate consumption,
  - (v) Which do not provide any take away service of food or drink after 23:00, and
  - (vi) 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.

24. 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.

### **Conditions proposed by the Environmental Health Service**

25. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the *(premises/building) as (offices / delicatessen / museum / theatre / hairdressers / etc.)*.
26. 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.
27. 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
28. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (x) persons. (Final figure shall be determined on clearance of 'works' conditions and shall be based on whichever gives the lower figure from an assessment of safe capacity or provision of sanitary accommodation but it shall not be more than x).



Licence Number	Trading Name	Address	Premises Type	Time Period
16/09835/LIPT	The Tyburn	The Tyburn 20 Edgware Road London W2 2EN	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 22:50   Sundays before Bank Holidays; 07:00 - 00:00
14/05500/LIPDPS	Sainsbury's	7 - 9 Marble Arch London W1H 7DX	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
18/02536/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
18/03196/LIPT	Prezzo	7 - 9 Great Cumberland Place London W1H 7LU	Restaurant	Monday to Sunday; 12:00 - 00:00
15/06410/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
17/05472/LIPN	Marble Arch Theatre	Western Traffic Island Marble Arch London W1H 7DX	Theatre	Monday to Saturday; 12:00 - 23:30   Sunday; 12:00 - 23:00
17/14156/LIPVM	Cumberland Food & Wine	11 Great Cumberland Place London W1H 7LU	Shop	Not Recorded; XXXX - XXXX
16/12791/LIPT	Arch Food & Wine	1A Great Cumberland Place London W1H 7AL	Shop	Monday to Sunday; 07:00 - 01:00
15/00329/LIPV	McDonald's Restaurants	2 - 4 Marble Arch London W1H 7EJ	Restaurant	Thursday to Saturday; 05:00 - 02:00   Sunday to Wednesday; 05:00 - 01:00

This page is intentionally left blank

Item No:	
Date:	21 June 2018
Licensing Ref No:	18/03368/LIPST – Provisional Statement (LA 2003)
Title of Report:	Ground & Lower Ground Unit 4 6 Marble Arch London W1H
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Provisional Statement, Licensing Act 2003		
<b>Application received date:</b>	27 March 2018		
<b>Applicant:</b>	Almacantar (Marble Arch) Sarl		
<b>Premises:</b>			
<b>Premises address:</b>	Ground & Lower Ground Unit 4 6 Marble Arch London W1H	<b>Ward:</b>	Bryanston & Dorset Square
		<b>Cumulative Impact Area:</b>	Edgware Road
<b>Premises description:</b>	Following the grant of planning permission 14/11220/FULL this premises is to operate as a bar.		
<b>Premises licence history:</b>	The premises was previously a Wetherspoons Public House and benefits from premises licence 16/09835/LIPT. A copy of the premises licence can be found at Appendix 3 of the report.		
<b>Applicant submissions:</b>	The Applicant's submissions can be found at Appendix 1 of the report.		
<b>Plans</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
<b>Regulated Entertainment: Recorded Music</b>				<b>Indoors, outdoors or both</b>			Indoors
<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	N/A
<b>Seasonal variations:</b>	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						
<b>Non-standard timings:</b>	On Sunday's immediately prior to public and bank holidays 23:00 - 00:00						

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<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	N/A
<b>Seasonal variations:</b>	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						
<b>Non-standard timings:</b>	On Sunday's immediately prior to public and bank holidays 23:00 - 00:00						



<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>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	00:00	00:00	22:30
<b>Seasonal variations:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
<b>Non-standard timings:</b>		On Sunday's immediately prior to public and bank holidays until 00:00					

<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>	00:00	00:00	00:00	00:00	00:30	00:30	23:00
<b>Seasonal variations:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
<b>Non-standard timings:</b>		On Sunday's immediately prior to public and bank holidays until 00:30.					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Ms Daisy Gadd
<b>Received:</b>	23 April 2018
<p>I write in relation to the provisional statement application for RU6, Marble Arch Place.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Prevention of Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of children from harm</li> </ul> <p>This application seeks to permit the following licensable activities and operating times:</p> <ul style="list-style-type: none"> <li>• Recorded Music: Monday to Thursday from 23:00 to 23:30 and Friday to Saturday from 23:00 to 00:00</li> <li>• Late Night Refreshment: Monday to Thursday from 23:00 to 23:30 and Friday to Saturday from 23:00 to 00:00</li> <li>• Supply of Alcohol: Monday to Thursday from 10:00 to 23:30, Friday to Saturday from 10:00 to 00:00 and Sunday 10:00 to 22:30.</li> </ul> <p>The premises is located within a Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, PB2 and HRS1.</p> <p>The premises currently falls within policy PB2. Policy PB2 states that “It is the Licensing Authority’s policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1”. Paragraph 2.5.23 of the Council’s Statement of Licensing Policy 2016 states that “the grant of variations of new premises licence for pubs and bars in the Cumulative Impact Areas should be limited to exceptional circumstances”. It is noted that the applicant has stated that they will surrender premises licence 16/09835/LIPT as part of this application, and it will therefore be for Members to decide whether this can be viewed as a genuinely exceptional circumstance that would allow to depart from policy.</p> <p>Furthermore, the Licensing Authority note that the proposed operating hours for the Supply of Alcohol currently fall outside of Westminster’s Core Hours on Sunday. The Licensing Authority encourages the applicant to consider reducing the operating hours to be in line with the Council’s Core Hours policy.</p> <p>Further discussions will be held with the applicants prior to the hearing and any further submissions will be forwarded on for Members information.</p> <p>Please accept this as a formal representation.</p>	
<b>Responsible Authority:</b>	Environmental Health Service

<b>Representative:</b>	Mr Anil Drayan
<b>Received:</b>	24 April 2018

I refer to the application for a new Premises Licence for the above premises which are located in the Edgware Road Cumulative Impact area.

The applicant has submitted following outline plans of the premises showing the ground floor and lower ground floor, ref 1911-JRA-00-ZZ-DR-A-1464, dated 14/12/2017.

**The following licensable activities are being sought:**

1. To provide for the Supply of Alcohol 'On' the premises between 10:00 and 23:30 Monday to Thursday, 10:00 and 00:00 Friday and Saturday and 10:00 to 22:30 Sunday
2. Provision of Late Night Refreshment 'Indoors' 23:00 and 23:30 Monday to Thursday and 23:00 and 00:00 Friday and Saturday
3. Provision of Recorded Music 'Indoors' 23:00 and 23:30 Monday to Thursday and 23:00 and 00:00 Friday and Saturday
4. Non-standard times for all the above licensable activities on Sundays immediately prior to public and bank holiday until 00:00 and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**I wish to make the following representations based on the plans submitted and the supporting operating schedule:**

1. The hours requested for and the Supply of Alcohol may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area
2. The hours requested for and the Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area
3. The hours requested for and the Provision of Recorded Music may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area
4. Non-standard times for all the above licensable activities may lead to an increase in Public Nuisance in the Edgware Road Cumulative Impact Area

Environmental Health also makes the following further comments:

- An extensive list of conditions have been offered in the operating schedule and these are being considered as to whether they are sufficient to allay Environmental Health concerns
- The premises are located in a Cumulative Impact Area and any approval for 'On' sale of alcohol usually requires it to be covered by the 'model' restaurant condition (MC66) for it to be consistent with Westminster's Statement of Licensing Policy.

It is noted that the application is subject to surrender of premises licence 16/09835/LIPT and Environmental Health considers this will be a matter for the Licensing sub-Committee for determination as to whether this will be sufficient to bring it into line with Policy particularly as several new premises are being proposed.

- The premises will need to be assessed for Public Safety on completion. At this time a safe capacity shall be determined based on the District Surveyor's Technical Guidance on Places of Entertainment.
- The provision of sanitary accommodation for any proposed capacity must be in line with the minimum standards as provided in British Standard 6465 to help prevent an increase in Public Nuisance in the Edgware Road Cumulative Impact Area.

Representations are therefore made to this application on grounds of Public Nuisance, Public Safety and being against Westminster's Statement of Licensing Policy.

**Further correspondence from Applicant to Environmental Health**

Please find enclosed Schedules in respect of:

1. The A3 and A1 uses;
2. The A4 use.

I have added:

- a) A capacity (to be determined) condition;
- b) A restriction on off sales after 11pm.

I have removed the works condition as it's a provisional statement.

**Further correspondence from Environmental Health to the Applicant**

Thanks for this however I make the following comments as these premises are located in the Edgware Road Cumulative Impact Area:

1. Whilst a capacity to be determined condition is fine I strongly advise that prospective maximum capacity figures are provided for each of the units.
2. It would also be useful if you are able to provide a capacity figure for the Licence being surrendered, 16/09835/LIPT, such as might have been determined under a fire risk assessment.
3. For the hours of licensable activities proposed for the A3 and A1 units Environmental Health will be asking at LSC that these operate under MC66 so as to be policy compliant.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	24 April 2018

With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted these applications would undermine the Licensing Objectives.

The venue is situated in the Edgware Road Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

I will contact you to discuss this objection in more detail.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy CIP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy PB2 applies</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

### 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, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 4. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Planning Decision Notice – 14/11220/FULL
<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>	Mrs Shannon Pring Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@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	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority	23 April 2018
<b>5</b>	Environmental Health Service	24 April 2018
<b>6</b>	Metropolitan Police Service	10 April 2018

The Applicant has provided the following documents with their application. Copies of the following documents are enclosed:

- A cover letter;
- Annex document; and
- A copy of the pre-application advice 18/00782/PREAPM.

PREMISES MANAGEMENT  
LICENSING SERVICE

27 MAR 2018

CITY OF WESTMINSTER

Thomas & Thomas  
Partners LLP

38a Monmouth Street  
London WC2H 9EP  
Tel: 020 7042 0410  
Fax: 020 7379 6618

your ref:  
our ref: AT/TB/ALM.1.1

Licensing Team  
Public Protection & Licensing  
Westminster City Council  
Portland House  
22nd Floor  
Bressenden Place  
London SW1E 5RS

BY COURIER

26th March 2018

Dear Sirs

**Licensing Act 2003**  
**Marble Arch Place**  
**Development at Edgware Road**

We act for the applicant in the above matter and enclose:

1. Provisional statement applications (Units RU2, RU3, RU4, RU5, RU6), including plans;
2. Schedule of works;
3. Cheque for £1575 (£315 per application).

The applications follow pre-application advice with Mr Drayan **18/00782/PREAPM**. By way of explanation, premises licence ref 16/09835/LIPT subsists and is currently held by the applicant. Until recently, it was a Wetherspoons Public House and it is intended to redevelop the site into another vertical drinking venue, consistent with that licence and the lawful A4 planning use. However, the size of the unit will reduce.

Following the recent grant of planning permission, two further provisional statements are requested in respect of the restaurant units and two in respect of retail units. Both are subject to appropriate model conditions consistent with those uses.

The premises are (just) in the Edgware Road cumulative impact area but the application in respect of the Wetherspoons unit is subject to policy exceptions at 2.4.6 and 2.4.7 as it is being replaced by a similar but smaller use.

The restaurant and the retail applications are, subject to them being MC38, rather than MC66, subject to policy RNT2 with the difference in condition justified by the de-intensification of the A4 unit and the general improvements that the development will bring.

Yours faithfully

**Thomas and Thomas Partners LLP**

**Encs**



PREMISES MANAGEMENT  
LICENSING SERVICE  
27 MAR 2018  
CITY OF WESTMINSTER

**Annexure 10**

**The Marble Arch Retail Minimum Standard**

PREMISES MANAGEMENT  
LICENSING SERVICE  
17 MAR 2016  
CITY OF WESTMINSTER



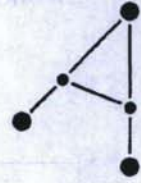
**Marble Arch Place**

**Marble Arch Retail**

**Minimum Standard**

Ver 6 - 14 March 2016

# MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



## Marble Arch Retail Minimum Standard

14<sup>th</sup> March 2016 (Version 6)

### Introduction

The Marble Arch Retail premises are to be delivered to retail shell specification, according to the following description.

- Table 1 contains a common base specification for the A1 Unit and A3 Unit.
- Table 2 identifies further particular requirements of the A3 Unit
- Table 3 identifies further particular requirements for the A1 Unit.

The following specification should be read in conjunction with the following plans:

- RVA SK1140 (Rev 01) – Retail Unit 1&2 Incoming Services – B1 Mezz
- RVA SK1141 (Rev 01) – Retail Unit 1&2 Incoming Services – Ground Level
- RVA SK1142 (Rev 01) – Retail Unit 1&2 Incoming Services – Level 01
- RVA SK 1144 (Rev 01) – Retail Unit 1 – Plans
- RVA SK 1146 (Rev 01) - Retail Unit 2 Plans (Planning Proposal)
- RVA SK 1175 (Rev 01) – Enlarged Plans and Elevations Building 1 Oxford Street
- RVA SK 1176 (Rev 00) – Enlarged Plans and Elevations Building 1 Edgware Road

In this schedule, “Scheme Design” means the RIBA Stage E design and specification for the Works attached as Annex 8 of the Development Agreement.

**Table 1 – Common Specification**

Structural frame	<ul style="list-style-type: none"> <li>• Structural frame: steel frames (columns and beams) and composite slab</li> <li>• Frame Finish: “Ordinary” finish to national Structural concrete specification Fourth edition</li> <li>• Provision for services distribution: holes in web of steel beams</li> </ul>
Floors	<ul style="list-style-type: none"> <li>• Floor: composite metal decking and concrete slab</li> <li>• Floor finish to be provided by Tenant</li> <li>• Soft-spot to be provided in first floor opening between A1 and A3 Units as provided for in the Scheme Design.</li> </ul>
Structural slab loading (floor slabs)	<ul style="list-style-type: none"> <li>• Imposed load 5.00kN/m<sup>2</sup></li> <li>• Screed allowance 1.8kN/m<sup>2</sup></li> <li>• Services &amp; Ceiling allowance (GF) 0.5kN/m<sup>2</sup></li> <li>• Services &amp; Ceiling allowance (B1) 0.6kN/m<sup>2</sup></li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



	<ul style="list-style-type: none"> <li>Services &amp; ceiling allowance (level 1) 0.5kN/m<sup>2</sup></li> <li>Maximum deflection under full design load 30mm</li> </ul>																																	
Minimum internal heights	<ul style="list-style-type: none"> <li>Per Scheme Design.</li> </ul>																																	
Acoustic performance criteria	<p>For the purposes of this provision "Cinema Premises" has the meaning defined in the Marble Arch Retail Underlease.</p> <p>The Marble Arch Retail shall be designed so as to prevent:</p> <ul style="list-style-type: none"> <li>noise exceeding NR25 L<sub>max</sub> in any auditorium in the Cinema Premises ("Auditorium"); or</li> <li>any perceptible vibration in any Auditorium which materially impacts on the beneficial use and enjoyment of the Cinema Premises;</li> </ul> <p>provided that the following operational noise limits are not exceeded within the Marble Arch Retail premises.</p> <table border="1" data-bbox="587 1070 1353 1272"> <thead> <tr> <th rowspan="2"></th> <th colspan="6">octave band centre frequency (Hz)</th> <th rowspan="2">A</th> </tr> <tr> <th>63</th> <th>125</th> <th>250</th> <th>500</th> <th>1k</th> <th>2k</th> <th>4k</th> </tr> </thead> <tbody> <tr> <td><i>L</i><sub>eq,1min</sub></td> <td>75</td> <td>75</td> <td>75</td> <td>77</td> <td>76</td> <td>74</td> <td>68</td> <td>80</td> </tr> <tr> <td><i>L</i><sub>max</sub></td> <td>90</td> <td>88</td> <td>88</td> <td>88</td> <td>88</td> <td>85</td> <td>85</td> <td>92</td> </tr> </tbody> </table>		octave band centre frequency (Hz)						A	63	125	250	500	1k	2k	4k	<i>L</i> <sub>eq,1min</sub>	75	75	75	77	76	74	68	80	<i>L</i> <sub>max</sub>	90	88	88	88	88	85	85	92
	octave band centre frequency (Hz)						A																											
	63	125	250	500	1k	2k		4k																										
<i>L</i> <sub>eq,1min</sub>	75	75	75	77	76	74	68	80																										
<i>L</i> <sub>max</sub>	90	88	88	88	88	85	85	92																										
Internal partition walls	<ul style="list-style-type: none"> <li>Generally exposed fair faced concrete blockwork except for core areas, which will be exposed concrete.</li> </ul>																																	
Ceilings	<ul style="list-style-type: none"> <li>No ceilings: Exposed soffit of overlying floor structure</li> </ul>																																	
Ground floor shop fronts	<ul style="list-style-type: none"> <li>Full height single glazed units with a powder coated aluminium frame.</li> <li>Glass double-leaf doors with stainless steel top and bottom rails. Suitable doors and ironmongery and locking mechanism to be provided</li> <li>Refer to General Ventilation below for description of retail louvres.</li> </ul>																																	
Internal joinery	<ul style="list-style-type: none"> <li>Metal doors and frames compliant with the fire strategy and current building regulations</li> <li>Door thresholds to be flush with finished floor levels in to common areas. The door thresholds will be set above the concrete slab for the</li> </ul>																																	

**MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD**



	<p>A3 retail unit and for the A1 retail unit to achieve levelled thresholds internally and externally where required.</p> <ul style="list-style-type: none"> <li>• Polyester powder coated finish to door and frames in standard range RAL colour to be agreed via sampling.</li> </ul>																												
<p><b>BREEAM</b></p>	<ul style="list-style-type: none"> <li>• Retail shells will be designed and constructed to achieve BREEAM excellent rating. The tenant shall design the fit out, ensuring the following is incorporated to maintain the BREEAM rating of the building:             <ul style="list-style-type: none"> <li>○ <i>The fit out design shall be designed in accordance with the following requirements:</i></li> </ul> </li> </ul> <table border="1" data-bbox="478 878 1300 1960"> <thead> <tr> <th data-bbox="478 878 933 943">Assumed Fit-out</th> <th data-bbox="933 878 1300 943">All Retail Units</th> </tr> </thead> <tbody> <tr> <td data-bbox="478 943 933 1059">Heating system type (assumed system in model)</td> <td data-bbox="933 943 1300 1059">Water source Heat Pumps + Supply and Extract</td> </tr> <tr> <td data-bbox="478 1059 933 1124">Heating Efficiency</td> <td data-bbox="933 1059 1300 1124">COP 4.5</td> </tr> <tr> <td data-bbox="478 1124 933 1227">Cooling system type (assumed system in model)</td> <td data-bbox="933 1124 1300 1227">Heat Pumps + Supply and Extract</td> </tr> <tr> <td data-bbox="478 1227 933 1292">Seasonal EER</td> <td data-bbox="933 1227 1300 1292">SEER: 5.5</td> </tr> <tr> <td data-bbox="478 1292 933 1395">Ventilation Type</td> <td data-bbox="933 1292 1300 1395">AHU Only (Local Supply &amp; Extract)</td> </tr> <tr> <td data-bbox="478 1395 933 1498">Specific Fan power of air distribution plant</td> <td data-bbox="933 1395 1300 1498">2.0 (AHU)</td> </tr> <tr> <td data-bbox="478 1498 933 1563">Duct Leakage</td> <td data-bbox="933 1498 1300 1563">Worse than A</td> </tr> <tr> <td data-bbox="478 1563 933 1628">AHU Leakage</td> <td data-bbox="933 1563 1300 1628">Worse than L3 /Not tested</td> </tr> <tr> <td data-bbox="478 1628 933 1693">Heat recovery</td> <td data-bbox="933 1628 1300 1693">By Tenant</td> </tr> <tr> <td data-bbox="478 1693 933 1758">Heat recovery</td> <td data-bbox="933 1693 1300 1758">Yes – 75%</td> </tr> <tr> <td data-bbox="478 1758 933 1823">DHW system type</td> <td data-bbox="933 1758 1300 1823">From central LTHW system</td> </tr> <tr> <td data-bbox="478 1823 933 1888">DHW system delivery efficiency</td> <td data-bbox="933 1823 1300 1888">0.85</td> </tr> <tr> <td data-bbox="478 1888 933 1960">DHW Fuel Type</td> <td data-bbox="933 1888 1300 1960">Gas</td> </tr> </tbody> </table>	Assumed Fit-out	All Retail Units	Heating system type (assumed system in model)	Water source Heat Pumps + Supply and Extract	Heating Efficiency	COP 4.5	Cooling system type (assumed system in model)	Heat Pumps + Supply and Extract	Seasonal EER	SEER: 5.5	Ventilation Type	AHU Only (Local Supply & Extract)	Specific Fan power of air distribution plant	2.0 (AHU)	Duct Leakage	Worse than A	AHU Leakage	Worse than L3 /Not tested	Heat recovery	By Tenant	Heat recovery	Yes – 75%	DHW system type	From central LTHW system	DHW system delivery efficiency	0.85	DHW Fuel Type	Gas
Assumed Fit-out	All Retail Units																												
Heating system type (assumed system in model)	Water source Heat Pumps + Supply and Extract																												
Heating Efficiency	COP 4.5																												
Cooling system type (assumed system in model)	Heat Pumps + Supply and Extract																												
Seasonal EER	SEER: 5.5																												
Ventilation Type	AHU Only (Local Supply & Extract)																												
Specific Fan power of air distribution plant	2.0 (AHU)																												
Duct Leakage	Worse than A																												
AHU Leakage	Worse than L3 /Not tested																												
Heat recovery	By Tenant																												
Heat recovery	Yes – 75%																												
DHW system type	From central LTHW system																												
DHW system delivery efficiency	0.85																												
DHW Fuel Type	Gas																												

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



	<p><b>Averaged lighting power density across each zone type</b></p> <p>1.86 W/m<sup>2</sup>/100lux</p>
	<p><b>Display Lighting</b></p> <p>80lm/W</p>
	<p><b>Renewable technologies</b></p> <p>CHP</p>
Primary Heat for HWS generation	<ul style="list-style-type: none"> <li>• From landlord's centralised heating system via plate heat exchanger.</li> <li>• Heat exchangers are to be supplied, installed and maintained by the Landlord, location to be in lowest retail level.</li> <li>• Each retail unit will be provided with a 90kW LTHW heat exchanger for production of domestic hot water only.</li> <li>• Primary flow/return design temperatures 80/ 60degrees C, secondary flow/return design temperatures 60 /10 degrees C.</li> <li>• Secondary design flow rate assumed 0.43 Kg/s. Where higher HWS demand is required, the retailer will provide HWS storage within their demise to suit their requirements.</li> <li>• A heat meter will be provided by the Landlord on the primary side of the heat exchangers, connected to the central EMS</li> <li>• The primary heating is available 24 hrs per day 7 days per week.</li> </ul>
Condenser water	<ul style="list-style-type: none"> <li>• From landlord's centralised Condenser water system via run and standby plate heat exchangers.</li> <li>• Heat exchangers are to be supplied, installed and maintained by the Landlord at the lowest retail level.</li> <li>• Primary flow/return design temperatures set point 22/28degrees C with maximum 33/39degrees C.</li> <li>• An energy meter will be provided by the Landlord on the primary side of the heat exchangers, connected to the central EMS</li> <li>• To be used for general heating and cooling via water cooled heat pump air conditioning system to be provided as part of the Tenants fit-out.</li> <li>• Condenser water is available 24 hours per day 7 days per week.</li> <li>• (For loads and temperatures see specific section for each unit)</li> <li>• (For heat rejection for use in refrigeration systems refer to general ventilation below)</li> </ul>
General Ventilation	<ul style="list-style-type: none"> <li>• All general ventilation plant equipment and system within the demise of each unit shall be provided by the tenant.</li> <li>• To facilitate the above, a system of external louvres is provided by the landlord on the façade of the unit. These run at high-level ground and</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<p>1<sup>st</sup> floor level on each unit and are backed with bird mesh, proprietary aluminium weather extrusions and insulated blanking plates in non-active areas. The extent of the high-level louvres is shown on the attached drawings.</p> <ul style="list-style-type: none"> <li>• The louvers shall not be used to discharge kitchen extract or similar which may cause nuisance to other parts of the building, to the surrounding buildings, or to the general area.</li> <li>• All filtration shall form part of the tenant fit out works.</li> </ul>
Kitchen Extract	<ul style="list-style-type: none"> <li>• A single A3 riser shall be provided from the A3 unit to roof level for the installation of kitchen extract ventilation systems.</li> <li>• For A3 unit only, an extract duct shall be provided by the Landlord from the unit to roof level extending to a suitable point of discharge.</li> <li>• The duct will be fire rated and will run at high level in corridors and via dedicated risers to roof level.</li> <li>• Full access for cleaning will be provided throughout the length of the duct.</li> <li>• The duct will be designed and installed to all current and Building Control standards, and in accordance with Ductwork Specification DW 172.</li> <li>• A section of duct at roof level shall be left out for the Tenant to provide and install an extract fan and attenuators suitable to meet the requirements of the kitchen extract system.</li> <li>• The Landlords duct will terminate within the Demise at high level for extension within the demise by the Tenant.</li> <li>• The A3 retailer shall be responsible for the supply, installation and commissioning of an ecology unit within the retail demise.</li> <li>• The size and design parameters of the installed duct for the A3 unit are described in specific section below.</li> </ul>
Water Supply	<ul style="list-style-type: none"> <li>• A metered Potable Water supply shall be provided by the Landlord to each unit.</li> <li>• The supply shall be terminated with an isolating valve within the unit. (See specific section for the size and location for each unit)</li> <li>• The Landlords supply incorporates water storage.</li> <li>• Each water supply shall be provided with a water meter located outside of the demise, connected to the landlords building management system.</li> </ul>
Gas Supply	<ul style="list-style-type: none"> <li>• For A3 unit only, a gas supply pipe shall be provided by the Landlord.</li> <li>• A supply pipe will be provided from the building's common gas meter room to the demise.</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<ul style="list-style-type: none"> <li>• The supply pipe will be afforded all protection with regard to gas escape and fire as required depending on the route between the gas meter room and the demise.</li> <li>• An automatic isolation valve shall be provided by the tenant within the demise to isolate the gas supply upon fire, interfaced with the fire alarm system, fire suppression system as well as manual activation. As required as part of the safety systems within the demise</li> <li>• Should automatic isolation be required at the gas meter end of the supply to meet the requirements of the safety systems within the building, this will be provided by the Landlord, connected to the Landlords fire alarm system.</li> <li>• The tenant shall make an application for the gas supply and meter via their own shipper and take all steps required to activate the supply.</li> </ul>
Electrical Supply	<ul style="list-style-type: none"> <li>• The landlord will install an electrical supply to the unit direct from the supply authorities' distribution.</li> <li>• The supply will be terminated in a service head with fuse, isolating switch and metering ICT chamber within the unit's demise. (See specific section for the size and location for each unit)</li> <li>• The landlord will provide an MPAN number to the Tenant prior to the unit's handover in good time to ensure that the supply is available at the commencement of the fitting out period.</li> <li>• The Tenant is to make a formal application for the supply and meter via their service provider.</li> </ul>
Fire Alarm and interface	<ul style="list-style-type: none"> <li>• A fire alarm interface unit is to be provided by the Landlord in the corridor immediately outside the rear door of each unit at ground floor level.</li> <li>• The tenant is to supply and install a standalone fire alarm system for the unit, which is compatible with the Landlords system and the cable connections to the Landlords interface unit.</li> <li>• The Landlord shall terminate the cable connections into the interface, via the buildings fire alarm installer and activate/ programme the main buildings system as required.</li> <li>• The Landlords system operates on a double knock arrangement (investigate at first alert and activate on second) the tenants system shall follow this 2 stage procedure.</li> <li>• The tenants system shall be capable of conveying and receiving the 2 stage signalling via the interface unit.</li> </ul>



## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

<p>Sprinklers, Zone Control Valves, Fire suppression &amp; Basement Smoke Ventilation</p>	<ul style="list-style-type: none"> <li>• Sprinkler system within the unit to be served by landlord's common system.</li> <li>• A sprinkler connection and zone check isolating valve is provided by the landlord for each level of the unit. Each connection is monitored by the Landlords fire alarm system.</li> <li>• The A1 Retail Unit shall be provided with a life-safety generator backed power supply terminating in an automatic transfer switch (ATS) in the A1 retail basement demise. The secondary supply of the ATS will be connected to the landlord's electrical infrastructure. The primary supply of the ATS will be connected from the tenant's incoming supply (fit out by tenant).</li> <li>• The A1 retail unit shall be provided with a smoke ventilation system that will be designed, supplied, installed and commissioned by the landlord and will be located at high level in the basement demise. The smoke ventilation ductwork will extend up through the ground floor slab, to high-level ground floor and underside of 1<sup>st</sup> floor slab before terminating onto high-level louvres in the ground floor façade</li> <li>• Each retail tenant is to design, supply and install all other fire protection systems within the units.</li> </ul>
<p>Drainage</p>	<ul style="list-style-type: none"> <li>• The Landlord shall provide 100mm diameter foul water connections (pop ups) as described in Tables 2 &amp; 3.</li> <li>• A single vent pipe shall be provided by the Landlord at high level at the highest level of the unit, which rises to roof level for venting the tenants system to atmosphere.</li> <li>• The Tenant shall provide all required grease traps, and other necessary system protection within the unit's demise, to ensure that effluent is discharged to the standards required by the Drainage Authority.</li> <li>• Except to the extent shown in the Scheme Design, no drainage pipework serving other parts of the property shall pass through the retail units.</li> </ul>
<p>Satellite services</p>	<ul style="list-style-type: none"> <li>• Provision for tenants to use landlord's common satellite installation as identified in Audio Visual Specification HPF-S-65-SP-XXX-01 document forming part of the Scheme Design.</li> <li>• The tenant shall request from the Landlord connection to the system should it be required.</li> </ul>

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD

	<ul style="list-style-type: none"> <li>• All costs associated with the connection will be borne by the Tenant.</li> <li>• Other than the A1 Unit, the Tenant will not be allowed to provide their own satellite dish or receiving equipment on the roof or in any location outside of the unit's demise.</li> </ul>
Telephone	<ul style="list-style-type: none"> <li>• An adequate cable containment system in the form of cable tray and conduit will be provided by the landlord from the comms intake room to the demise.</li> <li>• The Tenant shall apply for all telephone or communication services as required from their suppliers and supply and install all cabling required within the containment system provided.</li> <li>• No direct connections from the highway will be allowed.</li> </ul>
Access Control	<ul style="list-style-type: none"> <li>• All doors leading from the retail unit demise into other parts of the building (including doors for operational purposes and emergency escape doors) shall be monitored by the Landlord's security system. The monitoring shall include a door contact on each door leaf and coverage from a CCTV camera.</li> <li>• Any doors leading from the retail unit demise into other parts of the building that are used for operational purposes (i.e. to access refuse areas and storage areas) shall be provided with bi-directional access control on the Landlords Access Control System.</li> <li>• Access Controlled doors shall include green Break glass Unit overrides, leading in the direction of emergency egress, to override the locking mechanism directly in the event of an emergency or system malfunction.</li> <li>• Access Controlled doors shall include an interface with the Fire Alarm system to override the locking mechanism directly in the event of a Fire Alarm.</li> <li>• The fire alarm interface unit is to be provided by the Landlord in the corridor immediately outside the rear door of each unit at ground floor level.</li> <li>• The Tenant is to supply and install a standalone fire alarm system for the unit, which is compatible with the Landlords system and the cable connections to the Landlords interface unit.</li> <li>• The Landlord shall terminate the cable connections into the interface, via the buildings fire alarm installer and activate/ programme the main buildings system as required.</li> </ul>

# MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



**Table 2 Additional requirements for A3 Unit**

First floor external cladding	<ul style="list-style-type: none"> <li>As described in the Scheme Design.</li> </ul>			
Condenser Water	<ul style="list-style-type: none"> <li>Heat Extraction or Rejection Rate from/to plate heat exchanger: 250W/m<sup>2</sup> for 70% NIA, 440W/m<sup>2</sup> for 30%NIA. See below table for total heat rejection or extract load for retail unit.</li> <li>Secondary flow/return design temperatures set point 19/14degrees C with maximum 41/36degrees C.</li> </ul>			
	<b>Building Type</b>	<b>Retail Unit Type</b>	<b>Est. Area* (m<sup>2</sup>)</b>	<b>Delta T (K) (Secondary Side)</b>
	Building 1	A3	526	5
Gas	<ul style="list-style-type: none"> <li>Gas pipe will be provided by the landlord as described above to each A3 unit as per the table below:-</li> </ul>			
	<b>Building Type</b>	<b>Retail Unit Type</b>	<b>Gas flow rate (kW)</b>	<b>Gas pipe size (mm)</b>
	Building 1	A3	200	65
Electricity	<ul style="list-style-type: none"> <li>3 phase and neutral 415 volt 50 hz supply</li> <li>250A fuse and isolator located on wall at lowest level of each A3 retail demise.</li> <li>Loads as per table below, based upon 350W/m<sup>2</sup> for ground floor areas, and 200 W/m<sup>2</sup> for basement/1<sup>st</sup> floor areas</li> </ul>			
	<b>Building</b>	<b>Retail Unit Type</b>	<b>Total Load (kW)</b>	
	Building 1	A3	143	

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



<p>Kitchen Extract Duct</p>	<ul style="list-style-type: none"> <li>Fire rated ductwork from demise to roof will be installed by landlord as described above. Free areas and flow rates will be provided as per the table below:-</li> </ul>								
	<table border="1"> <thead> <tr> <th data-bbox="480 562 834 696">Building Type</th> <th data-bbox="834 562 975 696">Retail Unit Type</th> <th data-bbox="975 562 1134 696">Kitchen Extract Duct Free Area (m<sup>2</sup>)</th> <th data-bbox="1134 562 1359 696">Max Potential Flow Rate (M<sup>3</sup>/s)</th> </tr> </thead> <tbody> <tr> <td data-bbox="480 696 834 734">Building 1</td> <td data-bbox="834 696 975 734">A3</td> <td data-bbox="975 696 1134 734">0.5</td> <td data-bbox="1134 696 1359 734">3.75</td> </tr> </tbody> </table>	Building Type	Retail Unit Type	Kitchen Extract Duct Free Area (m <sup>2</sup> )	Max Potential Flow Rate (M <sup>3</sup> /s)	Building 1	A3	0.5	3.75
Building Type	Retail Unit Type	Kitchen Extract Duct Free Area (m <sup>2</sup> )	Max Potential Flow Rate (M <sup>3</sup> /s)						
Building 1	A3	0.5	3.75						
<p>Riser and Roof plant provision</p>	<ul style="list-style-type: none"> <li>External plant space for kitchen extract fan/attenuators will be as described in Kitchen Extract Duct section above.</li> <li>There is a further provision of 2sqm for A3 retail tenant external plant space as defined within the Marble Arch Retail Underlease.</li> <li>The imposed load capacity of the plant areas is 7.5kN/m<sup>2</sup></li> <li>Vertical riser for tenant's exclusive use to be as shown on Marble Arch Retail Underlease plans</li> <li>Refer to Scheme Design building core drawings for size of riser and access arrangements</li> <li>Service risers will conform to the fire rating of the element through which they pass.</li> <li>Working access platforms and edge protection to be provided within risers sufficient for maintenance and cleaning to be provided at all levels</li> </ul>								
<p>Drainage</p>	<ul style="list-style-type: none"> <li>A3 unit ground floor 2No pop-ups</li> <li>A3 unit first floor 1No 100mm capped connection at high level.</li> <li>Vent pipe location. 1 No at high level ground floor and 1 No at high level first floor</li> <li>Final positions of drainage provisions within the unit to be agreed with tenant.</li> </ul>								
<p>Potable water</p>	<ul style="list-style-type: none"> <li>28mm dia. Potable water supply provided at ground level demise with capacity for occupancy density of (200 serving at 7litres per serving)</li> <li>Water supply will be terminated with a capped valved connection at high level at the lowest floor level within the retail unit.</li> <li>The water supply to the A3 retail unit will have a capacity of 1.0 l/s with a pressure of 2-3bars</li> </ul>								

## MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD



**Table 3 Additional requirements for A1 retail Unit**

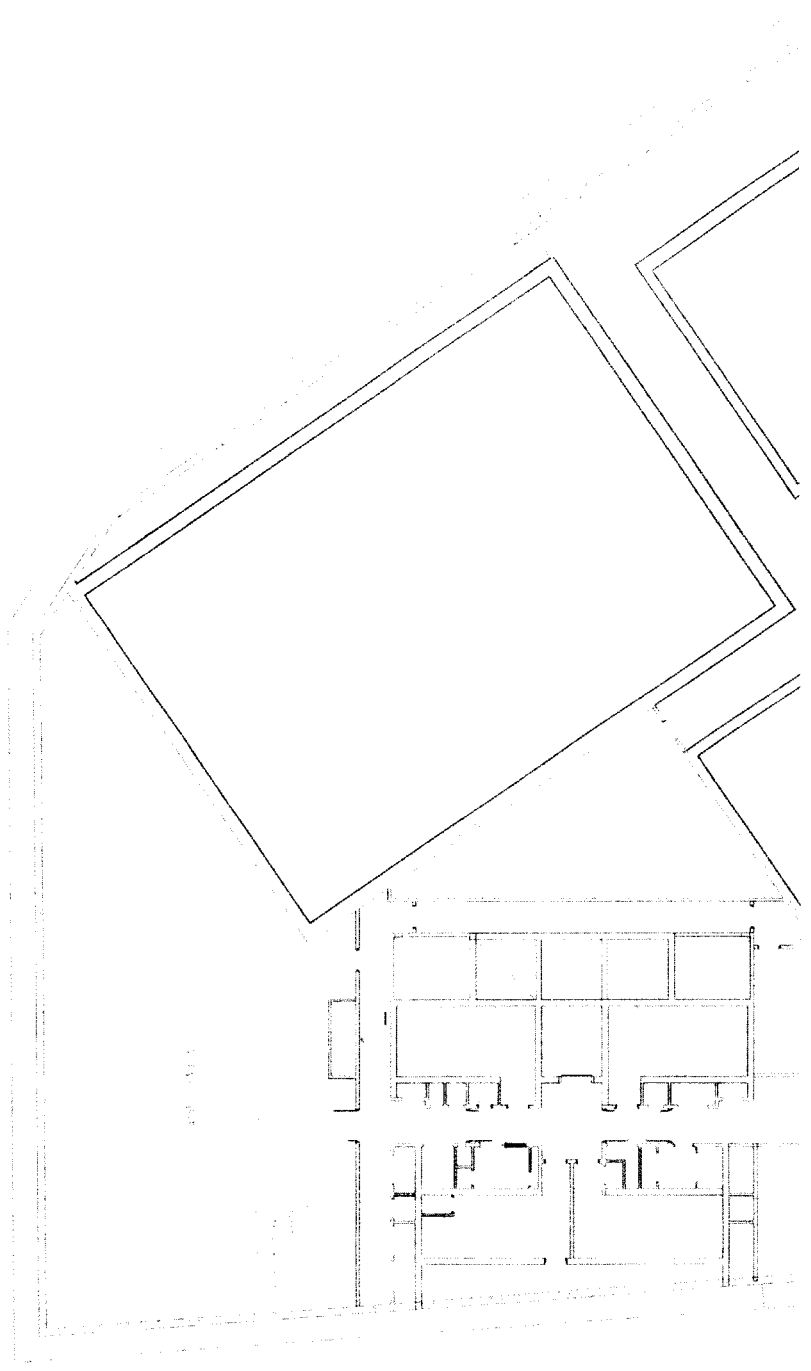
<p>Basement envelope</p>	<ul style="list-style-type: none"> <li>Basement retaining walls: 1000mm thick RC diaphragm wall</li> <li>Basement retaining walls: Hydro-duct CF or similar approved. Typical detail drawing WSL-04-OSW-401.</li> <li>The basement diaphragm wall in combination with the drained cavity construction provides a grade 3 basement in accordance with BS8102</li> </ul>										
<p>Condenser Water</p>	<ul style="list-style-type: none"> <li>Heat Extraction or Rejection Rate from/to plate heat exchanger: 250W/m<sup>2</sup> for 100% NIA. See below table for total heat rejection or extract load for retail unit.</li> <li>Secondary flow/return design temperatures set point 19/14 degrees C with maximum 41/36 degrees C.</li> </ul> <table border="1" data-bbox="483 1021 1359 1200"> <thead> <tr> <th>Building</th> <th>Retail Unit Type</th> <th>Est. Area (m<sup>2</sup>)</th> <th>Delta T (K) (Secondary Side)</th> <th>Total Heat Rejection or Extraction Load (kW)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>A1</td> <td>602</td> <td>5</td> <td>150.5</td> </tr> </tbody> </table>	Building	Retail Unit Type	Est. Area (m <sup>2</sup> )	Delta T (K) (Secondary Side)	Total Heat Rejection or Extraction Load (kW)	Building 1	A1	602	5	150.5
Building	Retail Unit Type	Est. Area (m <sup>2</sup> )	Delta T (K) (Secondary Side)	Total Heat Rejection or Extraction Load (kW)							
Building 1	A1	602	5	150.5							
<p>Electrical Supply</p>	<ul style="list-style-type: none"> <li>3 phase and neutral 415 volt 50 hz supply</li> <li>250A fuse and isolator located on wall at lowest level of each retail demise.</li> </ul> <table border="1" data-bbox="483 1529 927 1709"> <thead> <tr> <th>Building</th> <th>Retail Unit Type</th> <th>Total Load (kW)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>A1</td> <td>121</td> </tr> </tbody> </table>	Building	Retail Unit Type	Total Load (kW)	Building 1	A1	121				
Building	Retail Unit Type	Total Load (kW)									
Building 1	A1	121									
<p>Riser provision</p>	<ul style="list-style-type: none"> <li>Vertical riser for Building 1 A1 Retail tenant's exclusive use to be as shown on Marble Arch Retail Underlease plans</li> <li>Refer to building core drawings for size of riser and access arrangements</li> </ul>										

**MARBLE ARCH PLACE – MARBLE ARCH RETAIL MINIMUM STANDARD**



<p>Roof plant provision</p>	<ul style="list-style-type: none"> <li>• Provision for Building 1 A1 Retail tenant's future fit out external plant space at Building 1 level 08 as described within the Marble Arch Retail Underlease.</li> <li>• The imposed load capacity of the plant areas is 7.5kN/m<sup>2</sup></li> </ul>
<p>Drainage</p>	<ul style="list-style-type: none"> <li>• A1 unit will be provided with 4No pop-ups at basement level according to the Requirements of the Sainsbury's Agreement for Lease</li> <li>• A1 unit will be provided with 1No. vent pipe at the highest level only.</li> </ul>
<p>Potable water</p>	<ul style="list-style-type: none"> <li>• A1 unit will be provided with a 20mm TW water meter and a 25mm PE to 22mm dia. Potable water supply.</li> <li>• Water supplies will be terminated with a capped valved connection at high level at the lowest floor level within the retail unit.</li> <li>• The water supply to each A1 retail unit will have a capacity of 0.5 l/s with a pressure of 2-3bars</li> </ul>
<p>Internal staircase, lift shaft and pit</p>	<ul style="list-style-type: none"> <li>• To be provided according to the requirements of the Sainsbury's Agreement for Lease.</li> </ul>
<p>Tenant's Satellite Provision</p>	<ul style="list-style-type: none"> <li>• Facility for tenant to install Satellite dish according to requirements of Sainsbury's Agreement for Lease.</li> </ul>

END



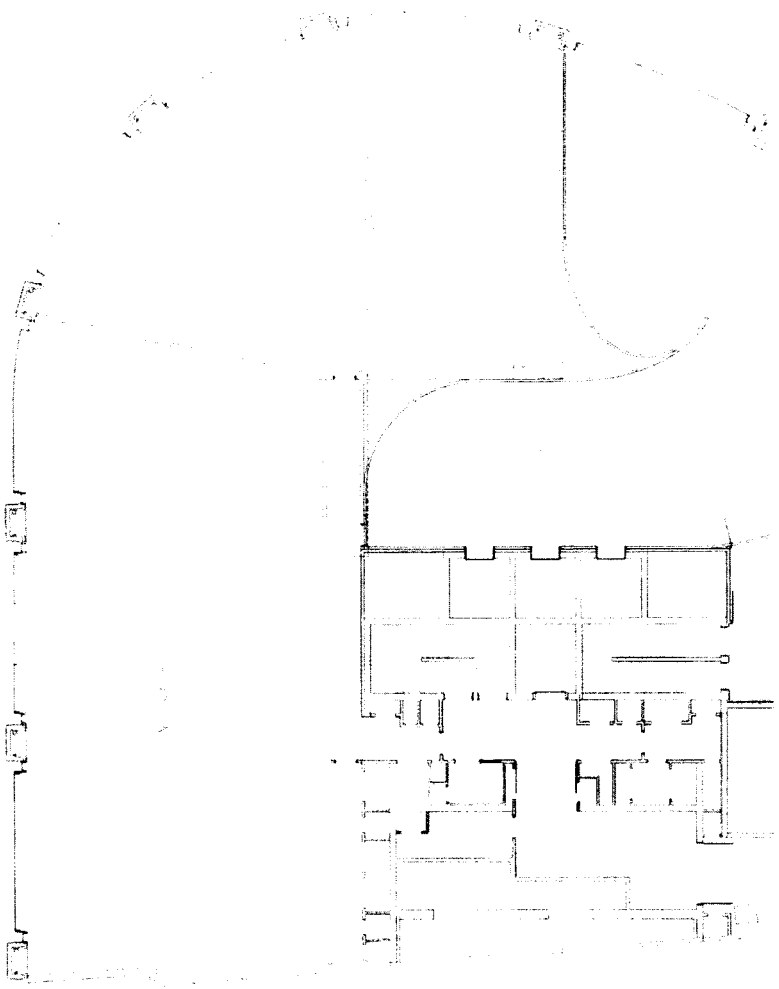
MARBLE ART-PLACE

RAFAEL VINCE  
ARCHITECTS

Page 273

PROJECT: MARBLE ART-PLACE  
DRAWING: FLOOR PLAN

RVA SK 1140



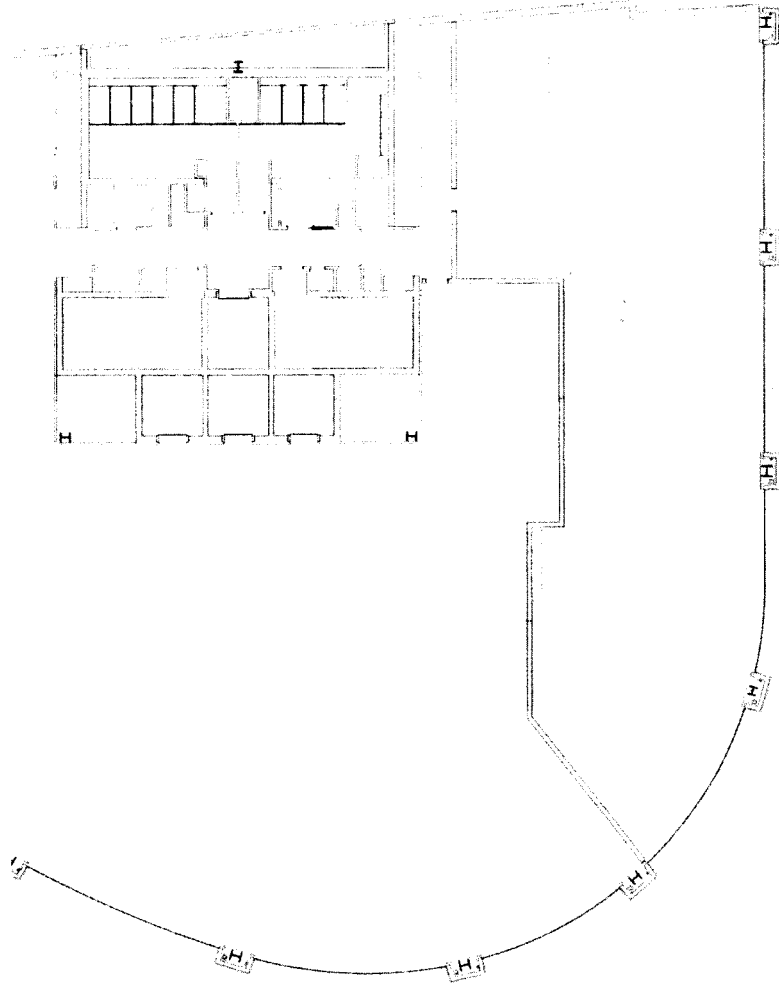
MARLE ARCHITECT

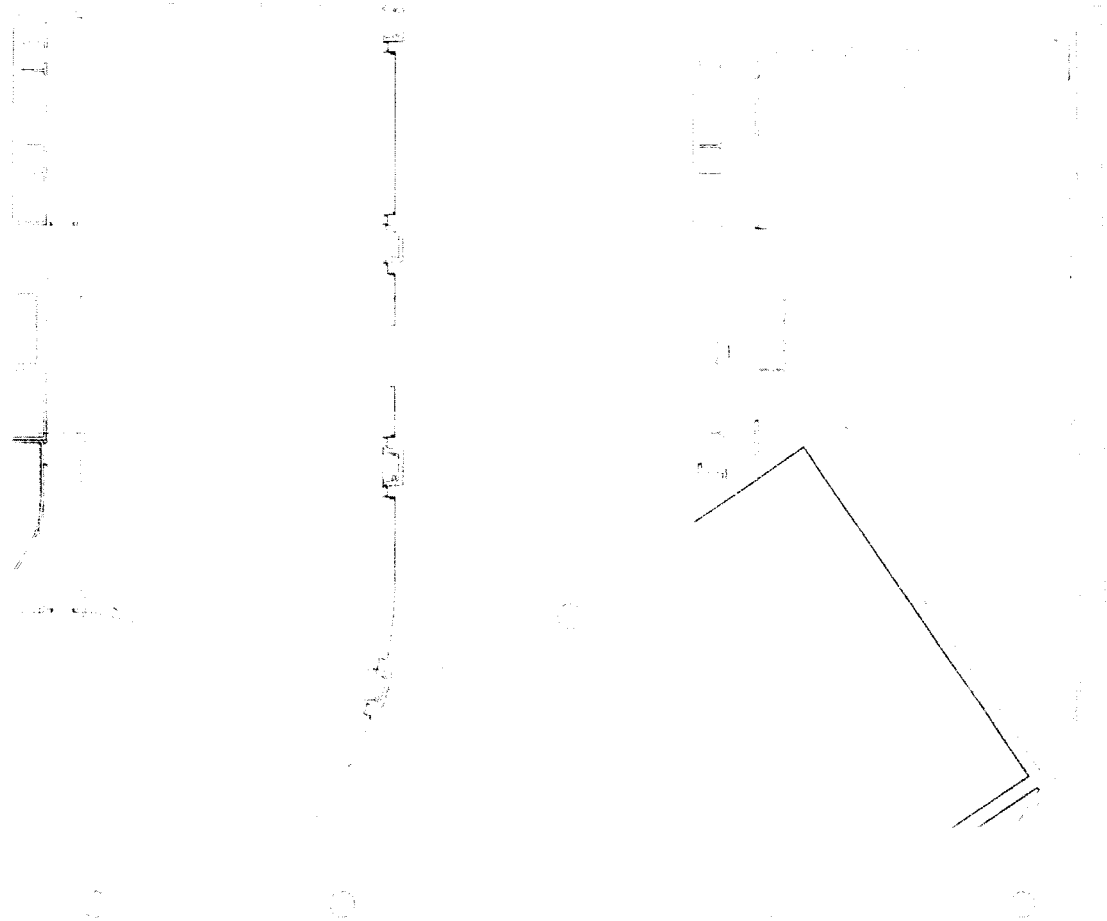
RAFAEL VINCELY  
ARCHITECTS PC

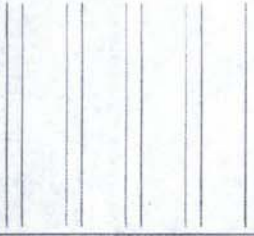
page 274

PROJECT: [illegible]  
DATE: [illegible]  
RVA SK 1121









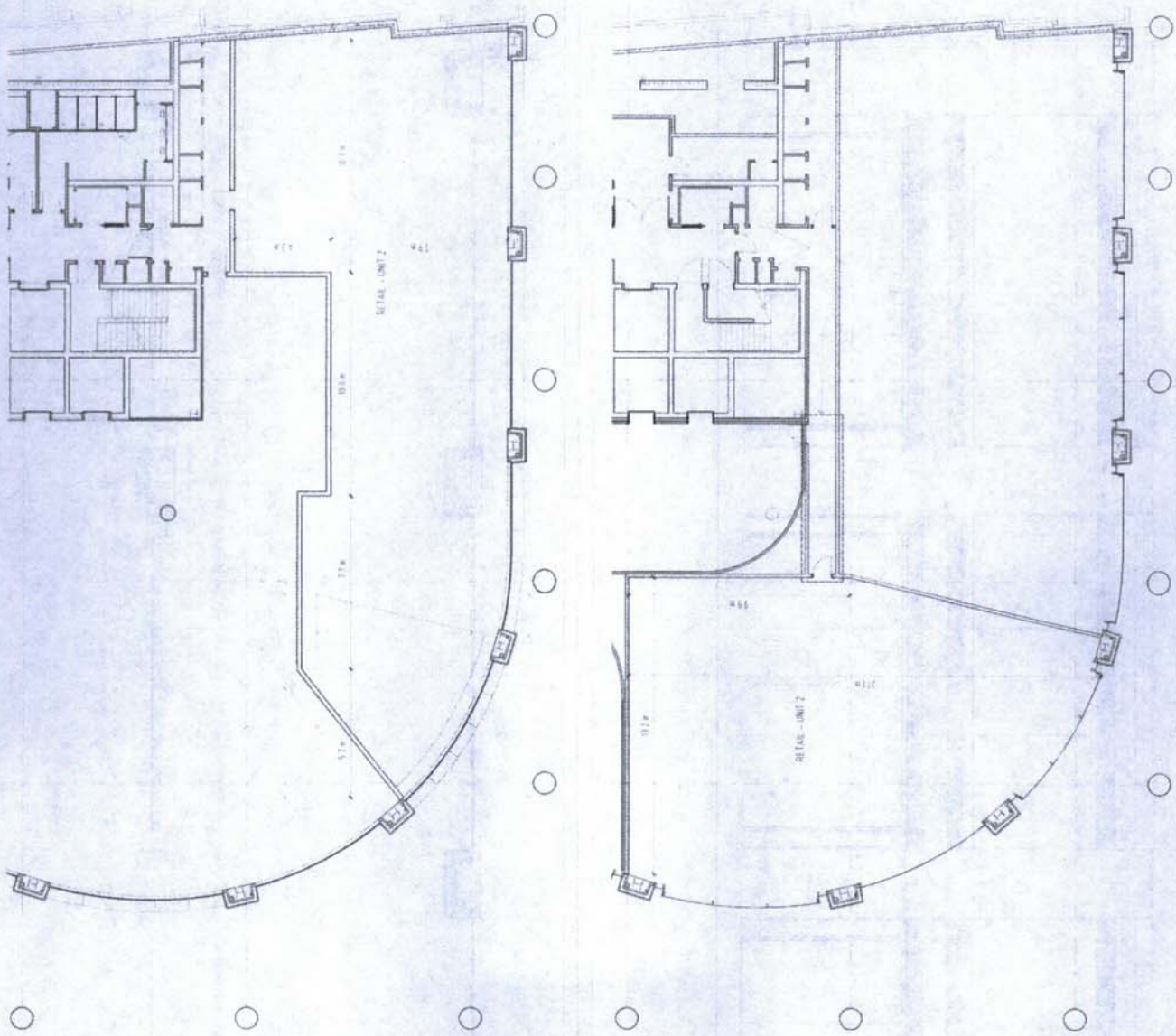
RAFAEL VIÑOLY  
ARCHITECTS PC

NO.	10
DATE	10/10/10
DESCRIPTION	RETAIL UNIT 2 - PLANS -
BY	RAFAEL VIÑOLY
DATE	10/10/10
DESCRIPTION	PLANNING PROPOSAL
FOR INFORMATION	02

RETAIL UNIT 2 - PLANS -  
PLANNING PROPOSAL

DATE: 10/10/10

RVA SK 1146

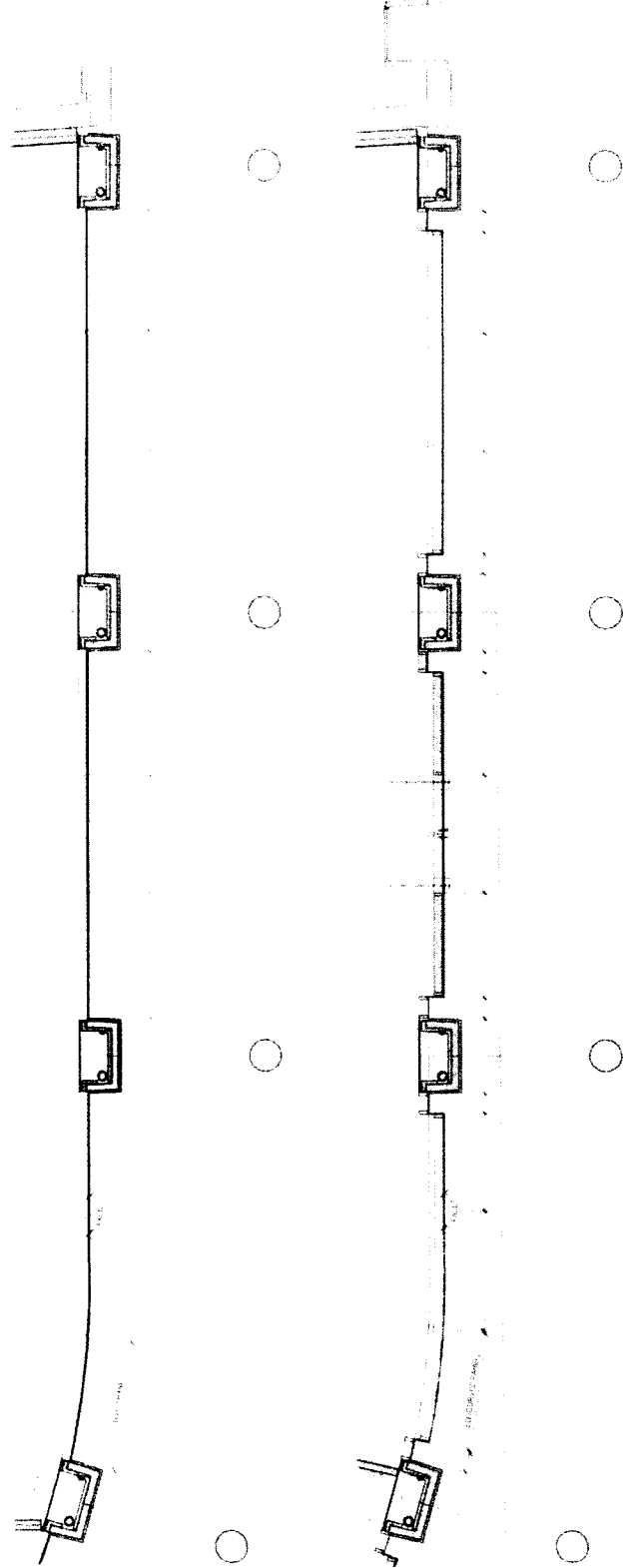
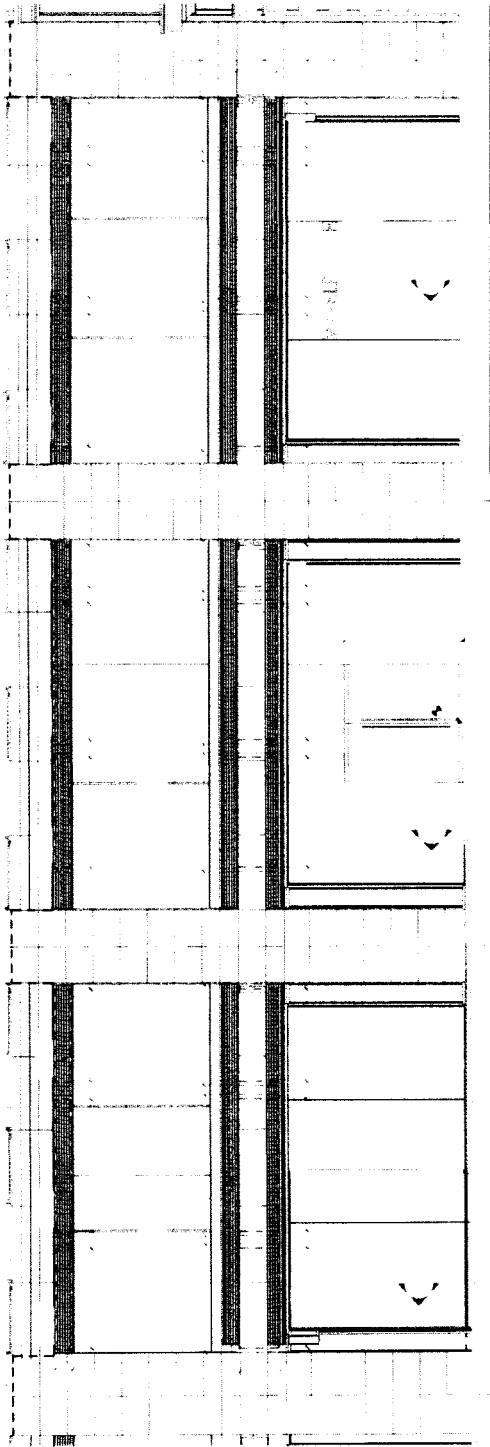


MODEL ARCHITECT

RAFAEL VINOLY  
ARCHITECTS PC

11000 10000  
10000 10000  
10000 10000

PVA SK 1075







# City of Westminster

**Office Name:** Anil Drayan  
**Designation:** EHO  
**Contact number:** 020 7641 1774  
**Email:** adrayan@westminster.gov.uk  
**Signed:** Anil Drayan

**WCC Uniform Ref Number:**  
 18/00782/PREAPM

**Address:** Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road, and 53-59 (odd) Bryanston Street

**Licenses:** 16/09835/LIPT

**Applicant:**  
 Alun Thomas  
 Thomas & Thomas  
 Partners Llp

**Cumulative Impact Area:**  
 Yes – Edgware Road

**Type of Business currently operating at the premises:**

- Development site with Planning Permission, 14/11220/FULL, for Demolition of existing building and erection of two new buildings with two basement levels and two mezzanine levels below ground. Building 1 fronting on to Marble Arch comprises ground and seven upper floors and roof top plant; Building 2 fronting onto Edgware Road comprising ground and seven upper floors with a tower to 18th floor level and roof top plant; all for a mix of uses comprising offices (Class B1), up to 54 residential units (Class C3), retail (Class A1), restaurant (Class A3), bar (Class A4) and cinema (Class D2); provision of car parking spaces, cycle parking spaces, plant and works to public realm, including a new pedestrian route between Marble Arch and Bryanston Street.

**BACKGROUND**

**Advice requested:**

*Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road, and 53-59 (odd) Bryanston Street see attached cover letter regarding proposals for provisional statements*

*Please could a site meeting be arranged to discuss the proposals, particularly the conditions which would apply to each of the statements.the basement, presuming that there may need to be a protected means of escape from there to the street.*

*I understand from our conversation that background music is restricted by planning and the tenant will be advised accordingly should that condition need to be varied.*

*It would be helpful if you could set out the conditions which you would find acceptable in addition to the hours and technical issues pertaining to capacity and sanitary*

requirements.

*There is an existing public house at 20 Edgware Road, formally a Wetherspoons and the premises licence (16/09835/LIPT) is currently held by the applicant. Following the grant of planning permission, it is proposed to obtain one provisional statements for the restaurant (A3) use, one provisional statement for the A4 use, and two provisional statements for the retail units (A1). The hours of the application will match those of the existing premises licence and in respect of the restaurant and retail use, the council's core hours for licensable activities and 30 minutes later for opening, in line with the planning.*

**Following a site visit on 1 March 2018 further clarification provided on the advice requested in an e-mail dated 7 March 2018:**

*I confirm that my client intentions are therefore as follows:*

*The existing Wetherspoons unit is reducing in size. That reduction is from 674 to 293 sq metres.*

- 1. To submit by way of provisional statement;*
- 2. For a public house/bar use upon the same terms as the existing licence which is held by my client;*
- 3. Two restaurant uses, MC38;*
- 4. Two retail uses, subject again to the same food conditions, notwithstanding the use obviously will need to remain predominantly as retail;*
- 5. The attached model conditions;*
- 6. The supermarket and Odeon will make their own applications in due course;*
- 7. I will send you further details of the servicing arrangements so obviously we can rely upon planning in that respect; and*
- 8. Your comments in relation to extract are noted and appreciated. My client will speak further with the architect and put him in touch if need be;*

**ENVIRONMENTAL HEALTH ADVICE**

**i. Cumulative Impact Area (CIA)**

The advice is based on *Westminster's Statement of Licensing Policy* which can be found on the Council's website at the following link:

<https://www.westminster.gov.uk/licensing-policy>

This also provides a connection to the list of *Model Pool of Conditions* which should be used as the basis of any conditions proposed in an operating schedule.

Please use this link to access the policies and conditions referred to when reading the advice below.

**As the premises are located within the Edgware Road Cumulative Impact Area special policy CIP1 applies which states;**

*(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.*

*(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.*

**ii. Public House in the Cumulative Impact Areas**

With regards to an application for Public Houses and Bars in the Cumulative Impact Areas - Policy PB2 applies which states:

*It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.*



However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy but *'will only be overridden in genuinely exceptional circumstances'*.

Whilst paragraphs 2.4.2-2.4.13 of the policy describes some of the exceptional circumstances the policy does not provide a list of examples of when an application may be treated as an exception.

Please note the Licensing Authority does not treat the following circumstances, on their own, as exceptional:

- The premises operate strictly to their conditions.
- The premises are well managed.
- The operator is of good character or reputation.
- The capacity of the premises is small.
- There are no residential properties in the vicinity.
- The premises have applied for Temporary Event Notices for longer hours without incident.
- Economic necessity
- The premises caters to a specialist group eg LGBT+ community

In this case the Premises Licence, 16/09835/LIPT, previously operating on part of the site, has been maintained and whether this provides an argument that in effect this is not a new application but could be considered effectively as a variation can only be determined by the Licensing sub- Committee.

However please note Paragraph 2.4.8 of the policy which states:

***'This will not apply to licences which have been surrendered or those which can have no practical effect because the premises to which they applied no longer exist, or will not continue to exist in their previous form, e.g. because of planned demolition or redevelopment.'***

Nevertheless the proposed reduction in the licensable area from 674 to 293 sq metres , additional conditions and the general improvement to the area resulting from the planning approval for the development as a whole,

particularly the addition of new residential spaces where there were none previously, may be used as part of an overall submission to demonstrate 'exceptional circumstances'.

Please note you are also advised that the planning status of the premises will not be a material consideration as to whether any Premises Licence will be granted. Conversely, under planning legislation, the approval of a Premises Licence does not provide automatic grounds for the planning status to also be changed.

### **iii. Restaurants in the Cumulative Impact Areas**

Policy RNT2 applies which states:

*Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to Cumulative Impact in the CIA.'*

The principle condition to demonstrate compliance with policy RNT2 is if the premises operates under model condition MC66 – note only 'slight tweaks' may be permitted to this condition

As well as MC66 other considerations for demonstrating 'will not add to Cumulative Impact in the CIA' are hours of operation, capacity restrictions, proximity of public transport etc.

### **iv. Retail operations wishing 'On' sale of alcohol in the Cumulative Impact Areas**

Any application for 'On' sale of alcohol in a predominantly retail use should have regard to paragraphs 2.4.16 to 2.4.22 and in particular paragraph 2.4.21 which states:

*'The council therefore considers that where applications for licenses to sell alcohol for consumption on the premises are made and (i) are appropriately conditioned so that the consumption of alcohol is not, and cannot become, a significant part of the operation of the premises and is regulated to promote responsible drinking; (ii) where the character of the premises is such that its customers are not likely to be involved in sustained*

***or heavy drinking at later hours; and (iii) when the sale of alcohol is not permitted beyond 20.00 hours; then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the cumulative impact area.'***

Any such application is therefore recommended to be accompanied with condition MC86 with alcohol licensing hours finishing at 20:00 hours.

**v. Capacity and works conditions**

All applications should be accompanied with an intended maximum capacity so that it provides some measure of assessment on 'cumulative impact' under condition MC90.

The plans submitted are not detailed enough for The District Surveyor to provide a precise capacity at this stage.

Any application should also submit the 'works condition' MC81 with the added phrasing:

- 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

**vi. Sanitary accommodation**

With regards to the provision of sanitary accommodation one of the reasons for a CIA designation, as stated in the policy (page 137), is;

*'(e) The fouling of doorways, alleyways and streets, which in addition to being antisocial, has consequences for public safety and health (Public Safety and Public Nuisance).'*

Environmental Health therefore requires that any new application for the provision of sanitary accommodations must be as advised in British Standard

6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances.

In addition:

- Also note Building Control requirements for new premises or premises undergoing substantial refurbishment usually require provision of a disabled or accessible facility.
- Provision for the staff; In addition, premises that are food led should also be providing sanitary accommodations that are separate from that provided for the public so as to be in compliance with guidance to food hygiene legislation.
- Please note in premises where food and drink is provided all toilets, if possible including disabled/accessible units, should be separated by a lobby from food eating, storage and preparation areas.

#### **vii. Conditions**

In addition to the conditions advised above for each type of application all applications should be submitted with the following common conditions:

#### **MC17:**

All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

#### **MC47:**

A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as a driving licence, passport or proof of

age card with the PASS Hologram.

**MC01:**

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 authorized officer throughout the entire 31-day period.

**MC02:**

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 authorized council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

**MC12:**

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.

**MC21:**

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

**MC42:**

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.

**Should you wish to discuss the matter further or seek further clarification or information please do not hesitate to contact me.**

**Anil Drayan**

**Environmental Health Officer,**

**EH Consultation Team**

**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.**

The planning decision for Development Site at 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd), Bryanston Street, London is enclosed.

Your ref: ALMACANTAR PRIVATE TRUSTEE  
COMPA

Please reply to:

Mike Walton

My ref: 14/11220/FULL

Tel No:

020 7641 2521

Neil Lawrence  
Gerald Eve  
72 Welbeck Street  
London  
W1G 0AYDevelopment Planning  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

25 June 2015

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990  
PERMISSION FOR DEVELOPMENT (CONDITIONAL)

2/6/15

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

## SCHEDULE

Application No: 14/11220/FULL

Application Date: 30.10.2014

Date Received: 11.11.2014

Date Amended: 11.11.2014

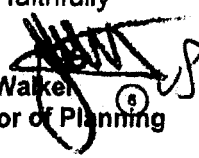
Plan Nos: RVA-0-10-095 rev 05, RVA-0-10-096 rev05, RVA-0-10-097 rev 05, RVA-0-10-098 rev05, RVA-0-10-100 rev05, RVA-0-10-101 rev02, RVA-0-10-102 rev02, RVA-0-10-103 rev02, RVA-0-10-104 rev02, RVA-0-10-105-rev02, RVA-0-10-106 rev05, RVA-0-10-107 rev05, RVA-0-10-108 rev02, RVA-0-10-109 rev02, RVA-0-10-110 rev05, RVA-0-10-111 rev02, RVA-0-10-112 rev02, RVA-0-10-113 rev02, RVA-0-10-114 rev02, RVA-0-10-115 rev05, RVA-0-10-116 rev05, RVA-0-10-117 rev02, RVA-0-10-118 rev02, RVA-0-10-119 rev02, RVA-0-10-120 rev02, RVA-020-001rev01, RVA-020-002rev01, RVA-020-003rev01, RVA-020-004rev02, RVA-C-20-101rev01, RVA-C-20-102rev03, RVA-R-20-201rev01, RVA-R-20-202rev01,

Address: Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd), Bryanston Street, London,

Proposal: Demolition of existing building and erection of two new buildings with two basement levels and two mezzanine levels below ground. Building 1 fronting on to Marble Arch comprises ground and seven upper floors and roof top plant; Building 2 fronting onto Edgware Road comprising ground and seven upper floors with a tower to 18th floor level and roof top plant; all for a mix of uses comprising offices (Class B1), up to 54 residential units (Class C3), retail (Class A1), restaurant (Class A3), bar (Class A4) and cinema (Class D2); provision of car parking spaces, cycle parking spaces, plant and works to public realm, including a new pedestrian route between Marble Arch and Bryanston Street.

See next page for conditions/reasons.

Yours faithfully

  
John Walker  
Director of Planning



**Condition(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 The street-facing elevations of the buildings and the entirety of the tower shall be clad in natural Portland stone; the remaining elevations of the building shall be clad in natural stone, details/samples of which shall be submitted for our written approval prior to commencement of the relevant part of the development.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development:
  1. Typical details of all facades at all levels
  2. Public art (including details of illumination and a maintenance strategy)

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

**Reason:**

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 6 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:  
- between 08.00 and 18.00 Monday to Friday;  
- between 08.00 and 13.00 on Saturday; and  
- not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- between 08.00 and 18.00 Monday to Friday; and
- not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours.

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 7 Customers shall not be permitted within the restaurants (Class A3) and bar (Class A4) premises outside of the following hours: 07.00 to 0000 midnight Sunday to Thursday, bank holidays and public holidays and 07.00 to 00.30 the next day on Friday and Saturdays.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must apply to us for approval of detailed drawings of the appearance and location of the ventilation system for the Class A3 use. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to the first use of the restaurant and thereafter the ventilation system shall be retained and maintained for as long as the Class A3 unit is in place.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

The use of the Class A3 unit without any kitchen ventilation would cause harm to occupiers of neighbouring properties from cooking smells. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV.5 of our Unitary Development Plan that we adopted in January 2007

- 9 You must apply to us for approval of an Operational Management Plan for the bar (Class A4) and restaurant (Class A3) uses. This shall include details of the capacity for each unit. You must not open the restaurant(s) or bar(s) to customers until we have approved what you have sent us. Thereafter you must manage the restaurant(s) and bar(s) in accordance with the approved plan.

**Reason:**

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8, TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 11 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 12 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 13 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and Informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

**14 Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

**Reason:**

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

**15** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details. (C21MB)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 16 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 17 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

**Reason:**

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 18 You must apply to us for approval of a Servicing and Delivery Management Plan, which includes details of how the retail (Class A1), restaurant (Class A3), bar (Class A4), office (Class B1), cinema (Class D2) and residential (Class C3) uses will be serviced. This plan must include details of the servicing and delivery requirements for the adjacent buildings with shared access to the servicing route and any proposed valet service for residential car parking. You must not occupy the development until we have approved what you have sent us. Thereafter you must then manage the servicing and deliveries in accordance with the Servicing and Delivery Management Plan that we approve, unless we agree an alternative Servicing and Delivery Management Plan in writing.

**Reason:**

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 You must provide the waste store shown on drawings RVA-0-10-097 rev 05, RVA-0-10-098 rev05, and RVA-0-10-100 rev 05 ,before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the properties. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 20 You must not use the roofs of building 1 at levels 2- 5 as shown on plans RVA -0-10-102 rev02, RVA -0-10-103 rev02,RVA -0-10-104 rev02,RVA -0-10-105 rev02, for sitting out or for any other purpose, unless and until appropriate measures to safeguard neighbouring residential amenity (including privacy screens and details of the proposed hours of use) have been submitted to and approved by us in writing and such measures have been installed as approved. The use of the relevant roofs as terraces must thereafter be carried out in accordance with the approved details. You can however use the roof to escape in an emergency.

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 21 You must provide all the car parking spaces shown on drawings RVA-0-10-095 rev 05 shall be retained for use by residents within the building. No more than 2 residential car parking spaces shall be allocated or used by any single residential unit. The parking spaces reserved for residents must be clearly identified.

**Reason:**

To provide parking spaces for people living in the residential part of the development as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 22 At least 20% of car parking space shall have access to an electric car charging point to be provided prior to occupation.

**Reason:**

To provide parking spaces for people using the development as set out in TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 23 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

**Reason:**

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 24 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

ground source heat pumps

You must not remove any of these features. (C44AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Reason:**

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 25 The glass that you put in the eastern elevation of the office building ( building 1) on the 1st to 4th floors must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 26 Unless otherwise agreed in writing with the Local Planning Authority in consultation with London Underground Limited, the development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground Limited) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

**Reason:**

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.  
  
Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)
- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



- 9 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 10 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 11 Condition 16 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 12 Conditions 10 and 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 13 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 14 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

Note - As the requirements of the Building Regulations may impact on the design of the proposed development, our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this free service please contact **020 7641 7230** to arrange a preliminary discussion.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



This is an application for a Provisional Statement; however the premises currently benefits from a premises licence. A copy of this licence is enclosed.



Schedule 12  
Part A

WARD: Bryanston And  
Dorset Square  
UPRN: 100023478784

# City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

16/09835/LIPT

Original Reference:

05/05695/LIPCV

## Part 1 – Premises details

### Postal address of premises:

The Tyburn  
20 Edgware Road  
London  
W2 2EN

Telephone Number: Not Supplied

### Where the licence is time limited, the dates:

Not applicable

### Licensable activities authorised by the licence:

Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

### The times the licence authorises the carrying out of licensable activities:

**Playing of Recorded Music** Unrestricted

#### Late Night Refreshment

Monday to Thursday: 23:00 to 23:30  
Friday to Saturday: 23:00 to 00:00  
Sundays before Bank Holidays: 23:00 to 00:00

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

#### Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30  
Sundays before Bank Holidays: 12:00 to 00:00

*For times authorised for New Year see conditions at Annex 1 & 3*

**The opening hours of the premises:**

Monday to Thursday:	07:00 to 23:30
Friday to Saturday:	07:00 to 00:00
Sunday:	07:00 to 22:50
Sundays before Bank Holidays:	07:00 to 00:00

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

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

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

Almacantar (Marble Arch) Sarl  
8-10 Avenue De La Gare  
L-1610 Luxembourg

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

B177.938

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** Ian James Merry

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** WPBC/06/0543  
**Licensing Authority:** Weymouth & Portland Borough Council

**Date:** 19 January 2017

This licence has been authorised by Shannon Pring on behalf of the Director - Public Protection and Licensing.

## Annex 1 – 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.

(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.
- (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.
- (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 reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions for Sale of Alcohol**

- 9. A CCTV system shall be installed, maintained and operated in accordance with the requirements of the relevant Metropolitan Police Crime Prevention Officer.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment**

- 10. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.



**Annex 2 – Conditions consistent with the operating Schedule**

None

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

11. Alcohol may be sold or supplied:
- (a) Monday - Thursday 10:00 to 23:30  
Friday - Saturday 10:00 to 00:00  
Sunday 12:00 to 22:30  
Sunday before Bank Holiday 12:00 to 00:00
  - (b) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

12. Children are to vacate the premises by 21:00 unless they are eating, in which case it will be 21:30.
13. Provided that in any calendar year there have been no applications for a Temporary Event Notice, licensable activities are permitted for a maximum of one extra hour on each occasion (not exceeding 12 occasions annually) in addition to the hours already permitted above, details of the events to be notified to the licensing authority and the police at 10 days beforehand, with the Police giving prior written consent in each one.

**Annex 4 – Plans**

Attached



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part B

WARD: Bryanston And  
Dorset Square  
UPRN: 100023478784

Premises licence  
summary

Regulation 33, 34

Premises licence number:

16/09835/LIPT

**Part 1 – Premises details**

**Postal address of premises:**

The Tyburn  
20 Edgware Road  
London  
W2 2EN

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Playing of Recorded Music** Unrestricted

**Late Night Refreshment**

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

*For times authorised for New Year see conditions at Annex 1 & 3*

**The opening hours of the premises:**

Monday to Thursday:	07:00 to 23:30
Friday to Saturday:	07:00 to 00:00
Sunday:	07:00 to 22:50
Sundays before Bank Holidays:	07:00 to 00:00

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

Alcohol is supplied for consumption both on and off the Premises.

**Name and (registered) address of holder of premises licence:**

Almacantar (Marble Arch) Sarl  
8-10 Avenue De La Gare  
L-1610 Luxembourg

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

B177.938

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

**Name:** Ian James Merry

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

Restricted

**Date:** 19 January 2017

**This licence has been authorised by Shannon Pring on behalf of the Director - Public Protection and Licensing.**

## **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. All doors and windows to be kept closed after 23:00 hours except for immediate access and egress of persons.
10. There shall be no take-away of hot food or hot drink after 23.00 hours.
11. No deliveries to the premises shall be made between the hours of 23:00 hours and 07:00 hours.
12. Loudspeakers shall not be located in the entrance areas or outside the premises building.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
15. 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.
16. 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.
17. 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,
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
18. A Challenge 21 or 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.
19. No licensable activities shall take place at the premises until premises licence 16/09835/LIPT (or such other number subsequently issued for the premises) has been surrendered

20. 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 with a condition detailing the capacity so determined.

### **Conditions proposed by the Environmental Health**

21. 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.
22. 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
23. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (x) persons. (Final figure shall be determined on clearance of 'works' conditions and shall be based on whichever gives the lower figure from an assessment of safe capacity or provision of sanitary accommodation but it shall not be more than x).



Licence Number	Trading Name	Address	Premises Type	Time Period
16/09835/LIPT	The Tyburn	The Tyburn 20 Edgware Road London W2 2EN	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 22:50   Sundays before Bank Holidays; 07:00 - 00:00
14/05500/LIPDPS	Sainsbury's	7 - 9 Marble Arch London W1H 7DX	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
18/02536/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
18/03196/LIPT	Prezzo	7 - 9 Great Cumberland Place London W1H 7LU	Restaurant	Monday to Sunday; 12:00 - 00:00
15/06410/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
17/05472/LIPN	Marble Arch Theatre	Western Traffic Island Marble Arch London W1H 7DX	Theatre	Monday to Saturday; 12:00 - 23:30   Sunday; 12:00 - 23:00
17/14156/LIPVM	Cumberland Food & Wine	11 Great Cumberland Place London W1H 7LU	Shop	Not Recorded; XXXX - XXXX
16/12791/LIPT	Arch Food & Wine	1A Great Cumberland Place London W1H 7AL	Shop	Monday to Sunday; 07:00 - 01:00
15/00329/LIPV	McDonald's Restaurants	2 - 4 Marble Arch London W1H 7EJ	Restaurant	Thursday to Saturday; 05:00 - 02:00   Sunday to Wednesday; 05:00 - 01:00



City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 6

Item No:	
Date:	21 June 2018
Licensing Ref No:	18/03595/LIPV - Premises Licence Variation
Title of Report:	Queens Ice Bowl Queens Ice Club 17 Queensway London
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	5 April 2018		
<b>Applicant:</b>	Leisure Box Limited		
<b>Premises:</b>	Queens Ice Bowl		
<b>Premises address:</b>	Queens Ice Club 17 Queensway London W2 4QP	<b>Ward:</b>	Lancaster Gate
		<b>Cumulative Impact Area:</b>	Queensway & Bayswater
<b>Premises description:</b>	The premises are a ice rink and bowling alley with cafe and restaurant.		
<b>Variation description:</b>	<p>To vary the premises licence and for clarity, this is licence number 17/03341/LIPVM:</p> <ol style="list-style-type: none"> <li>1. To remove condition 11 12 13,16 and 24.</li> <li>2. To remove the first sentence from condition 23 (See details in 1-D).</li> <li>3. To amend condition 41 such that it states as follows:- In the restaurant area the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.</li> <li>4. To extend the red line so that alcohol can be both sold and consumed in the Ice Rink Café, the Ice Rink View Café and the Viewing Gallery areas.</li> <li>5. To extend the existing restaurant area into the current games area.</li> <li>6. To allow the sale and consumption of alcohol in the Ice Rink shown hatched blue on the plan limited to when there is a pre-booked private function.</li> <li>7. To add the following conditions to promote the licensing objectives <ol style="list-style-type: none"> <li>a. The sale and consumption of alcohol in the Ice Rink shaded blue on the plan will only take place when there is a pre-booked private function using the Ice Rink.</li> <li>b. In the Ice Rink Café and the Ice Rink View Café and the related Viewing Gallery areas the supply of alcohol will only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal until 7pm.</li> </ol> </li> <li>8. All licensable activities and permitted hours and opening hours to remain as existing. All other conditions are to remain as existing subject to comments made by the Environmental Health Officer with whom there has been a pre-application meeting.</li> </ol>		
<b>Premises licence history:</b>	The premises have benefitted from a licence since July 2005. A full history can be found at Appendix 4.		
<b>Plans:</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

<p><b>Note:</b></p>	<p>An application was received on 24<sup>th</sup> May 2016 to amend plans, extend hours and amend conditions on the premises licence. The application was granted under delegated authority. A condition was proposed in the application stating “the sale of alcohol in the area coloured blue on the attached plan will only be to persons who are seated and eating a meal served by waiter/waitress service.” The blue area references a restaurant. Further to discussions with John Zamit of SEBRA, model condition MC38 was proposed and agreed as an alternative condition. However, the condition omitted the reference to the “area coloured blue”. Model condition MC38 became condition 41 in the licence which reads as follows: “the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal”. Looking at the history of the application the white areas within the red line on the current plans were intended to remain drink lead areas as existing. However, the introduction of the agreed condition restricts the sale of alcohol within the entire premises. Part of this application is to amend condition 41 to read as follows “In the restaurant area the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal”. The intention appears to be to retain permissions for the sale of alcohol throughout the white area within the red line on the premises plans. All parties who made a representation to the 2016 application will be attending the hearing. The application which is being considered introduces two new areas which will be drink lead after 19:00 (the “Ice Rink Café” and the “Ice Rink View Café” shown in green on the proposed plans) and new drink led proposals relating to the Ice Rink itself. These proposals are contrary to policy. The application form for this document can be found in the background documents list titled “historic application form - 16/05320/LIPV”</p> <p>The application was originally heard on the 31<sup>st</sup> May 2018 but was adjourned to 21<sup>st</sup> June to clarify the above.</p>
<p><b>Note:</b></p>	<p>It was highlighted at committee on 31<sup>st</sup> May 2018 that there was a discrepancy regarding the hours for Late Night Refreshment and condition 16 on the issued licence. A new licence has been amended and sent to the applicant on 15<sup>th</sup> June 2018. A copy of the updated premises licence can be found at <b>Appendix 3</b>.</p>
<p><b>Note:</b></p>	<p>On the 15<sup>th</sup> June 2018 the applicant confirmed following:</p> <ol style="list-style-type: none"> <li>1. The area shaded blue on the plans should be the blue hatched area stated in the application form. The light blue is the ice rink itself and the dark blue the walkway around it.</li> </ol> <p>Sale and consumption of alcohol will only take place on the rink ( light blue) at a function when the ice is covered and limited to 25 per year.</p> <p>On the walkway ( dark blue) consumption only when there is a function either on the ice, e.g. corporate curling event or non-ice function, see above paragraph; not when there is recreational</p>

	<p>use of the rink.</p> <p>2. After 19:00 hours the Ice Rink Café and the Ice Rink View Café and the related Viewing Gallery the applicant wishes to allow the sale without meals to the existing permitted hours.</p>
<b>Applicant submissions:</b>	<p>The applicant has submitted documentation with regards to the above condition discrepancy. Please refer to <b>Appendix 1</b> for further information.</p>



1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Performance of dance						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:00	No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
Tuesday	09:00	23:00				
Wednesday	09:00	23:00				
Thursday	09:00	23:00				
Friday	09:00	23:00				
Saturday	09:00	23:00				
Sunday	09:00	22:30				
Seasonal variations:	<b>Current:</b>					<b>Proposed:</b>
	None					None
Non-standard timings:	<b>Current:</b>					<b>Proposed:</b>
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).					No change

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:00	No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
Tuesday	09:00	23:00				
Wednesday	09:00	23:00				
Thursday	09:00	23:00				
Friday	09:00	23:00				
Saturday	09:00	23:00				
Sunday	09:00	22:30				
Seasonal variations/ Non-standard timings:	<b>Current:</b>					<b>Proposed:</b>
	None					None
Seasonal variations/ Non-standard timings:	<b>Current:</b>					<b>Proposed:</b>
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).					No change

Playing of recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	Unrestricted		No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>					<b>Proposed:</b>
	None					None
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).					No change

Private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	Unrestricted		No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>					<b>Proposed:</b>
	None					None
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).					No change

Late night refreshment						
Indoors, outdoors or both			Current :			Proposed:
			Indoors			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations/ Non-standard timings:	Current:					Proposed:
	None					None
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).					No change

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			Both			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations/ Non-standard timings:	Current:					Proposed:
	None					None
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).					No change

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	09:00	23:30	No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
<b>Tuesday</b>	09:00	23:30				
<b>Wednesday</b>	09:00	23:30				
<b>Thursday</b>	09:00	23:30				
<b>Friday</b>	09:00	00:00				
<b>Saturday</b>	09:00	00:00				
<b>Sunday</b>	09:00	23:00				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				None	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).				No change	

1-C Layout alteration
<ol style="list-style-type: none"> <li>To extend the red line so that alcohol can be both sold and consumed in the Ice Rink Café, the Ice Rink View Café and the Viewing Gallery areas.</li> <li>To extend the existing restaurant area into the current games area.</li> <li>To allow the sale and consumption of alcohol in the Ice Rink shown hatched blue on the plan limited to when there is a pre-booked private function.</li> </ol>

1-D Conditions being varied, added or removed	
Condition	Proposed variation
11. Entertainment under this licence shall be provided in the Ice Rink area only.	Proposed for deletion
12. Musical entertainment under this licence shall be limited to music accompanying any form of ice skating where ice skating is the principal form of entertainment.	Proposed for deletion
13. The exit leading into the road Queens Court and Princess Court shall not be used except in the event of an emergency – EXCEPT that this condition shall not apply during the refurbishment of the premises when the following applies – <ul style="list-style-type: none"> <li>- There is no access/exit to the premises through the main door on Queensway.</li> <li>- The only area accessible to the public will</li> </ul>	Proposed for deletion

<p>be the ice rink area.</p> <ul style="list-style-type: none"> <li>- There are no licensable activities taking place.</li> <li>- The ice rink area will only be used between 10.00am and 9.00pm with all customers vacating the premises by 9.30pm.</li> <li>- The exit will be used for entrance and exit on a temporary basis until November 2016.</li> <li>- An SIA registered door staff will be employed for queue management stationed at the main exit.</li> <li>- The number of customers will be restricted to 250 per session.</li> <li>- A manned box office will be stationed at the entrance.</li> <li>- Signage and printed media will be displayed and handed to all customers ensuring noise is kept to a minimum</li> </ul>	
<p>16. There shall be no sale or supply or consumption of intoxicating liquor other than in the areas coloured pink on the deposited plan.</p>	<p>Proposed for deletion</p>
<p>23. From the hours of 11.00am to 6.00pm Monday to Friday the reception desk at the front door of the premises will at all times be operational so as to monitor customers coming into the premises. From 2.00pm until 6.00pm on Saturday, Sundays and Bank Holiday Mondays there will be a minimum of one accredited door supervisor on duty within the public area of the licensed premises. From 6.00pm until licensable activities cease Monday to Sunday there will be a minimum of two accredited door supervisors on duty within the public area of the premises.</p>	<p><b>To be amended as follows:</b></p> <p>From 2.00pm until 6.00pm on Saturday, Sundays and Bank Holiday Mondays there will be a minimum of one accredited door supervisor on duty within the public area of the licensed premises. From 6.00pm until licensable activities cease Monday to Sunday there will be a minimum of two accredited door supervisors on duty within the public area of the premises.</p>
<p>24. Notices requesting persons to leave the premises in a quiet and orderly manner and to respect the local residents and businesses shall be placed prominently at all exits from the premises.</p>	<p>Proposed for deletion</p>
<p>41. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.</p>	<p><b>To be amended as follows:</b></p> <p>In the restaurant area the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.</p>
<p><b>To add:</b></p> <p>The sale and consumption of alcohol in the Ice Rink (shaded blue on the plan) will only take place when there is a pre-booked private function using the ice rink.</p>	

<p><b>To add:</b></p> <p>In the Ice Rink Café and the Ice Rink View Café and the related Viewing Gallery areas the supply of alcohol will only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal until 7pm.</p>	
---	--

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service <b>(Withdrawn)</b>
<b>Representative:</b>	PC Caroline Cockshull
<b>Received:</b>	26 <sup>th</sup> April 2018
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Cumulative Impact, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>We would want to see the following condition attached to the Licence</p> <ol style="list-style-type: none"> <li>1. 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: <ol style="list-style-type: none"> <li>a) All crimes reported to the venue</li> <li>b) All ejections of patrons</li> <li>c) Any complaints received concerning crime and disorder</li> <li>d) Any incidents of disorder</li> <li>e) All seizures of drugs or offensive weapons</li> <li>f) Any faults in the CCTV system</li> <li>g) Any refusal of the sale of alcohol</li> <li>h) Any visit by a relevant authority or emergency service</li> </ol> </li> </ol> <p>Please do not hesitate to contact me if you wish to discuss this further.</p> <p style="text-align: center;"><b><i>The above condition has been agreed with the applicant and the Metropolitan Police Service have subsequently withdrawn their representation.</i></b></p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mr Dave Nevitt
<b>Received:</b>	3 <sup>rd</sup> May 2018
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p>	

Further correspondence between the applicant and Environmental Health dated 16<sup>th</sup> May 2018:

Dear Dave

We met, of course, here and discussed the application at a formal pre-application meeting.

We have then submitted the application which, as you will know, goes to a hearing on Thursday, 31<sup>st</sup> May 2018.

There are representations from John Zamit who Dave Devaney is meeting next week, licensing and yourself.

We did discuss several conditions including that customers be seated in the new Viewing Gallery and Viewing Gallery Café.

Is it your proposal to suggest certain conditions to address any concerns prior to the hearing?

Further correspondence from Environmental Health and the applicant dated 23<sup>rd</sup> May 2018:

Hi James,

Yes – I was thinking maybe waiter/waitress service to seated customers in the new/extended area of the café/restaurant – the area overlooking the rink.

I was also thinking of a capacity figure to be set for the new area on the other side of the rink.

What do you think?

Further correspondence from the application and Environmental Health dated 23<sup>rd</sup> May 2018:

Thanks Dave; I will discuss with Dave Devaney and respond and also on the plans. Regards, James.

<b>Responsible Authority:</b>	Licensing Service
<b>Representative:</b>	Ms Daisy Gadd
<b>Received:</b>	1 <sup>st</sup> May 2018

I write in relation to the application submitted for a variation of the premises licence for Queens Ice Bowl, situated at 17 Queensway.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Prevention of Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

This variation application seeks the following:

To remove condition 11, 12, 13 and 16 from the licence.

To amend condition 23 and 41

To extend the red line so that alcohol can be sold and consumed in the Ice Rink Café, the Ice Rink View Café and the Viewing Gallery areas

To extend the existing restaurant area

To allow the sale and consumption of alcohol in the Ice Rink when there is a pre-booked private function using the Ice Rink.

The premises is located within a Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, PB2 and HRS1.

This application currently falls under policy PB2. As part of this application, it is proposed to extend the licensable area so that alcohol can be sold and consumed in the Ice Rink Café, the Ice Rink View Café and the Viewing Gallery areas. The applicant has proposed the following condition in relation to the operation of these areas:

*In the Ice Rink Café and the Ice Rink View Café and the related Viewing Gallery areas the supply of alcohol will only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal until 7pm.*

The Licensing Authority are concerned that, after 7pm, these areas then come to operate as bars within the Cumulative Impact Area. Paragraph 2.5.23 of the Council's Statement of Licensing Policy states that "the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the Cumulative Impact Areas should be limited to exceptional circumstances". The applicant has not yet demonstrated any genuinely exceptional circumstances that would allow to depart from policy.

The application also seeks to allow the consumption of alcohol in the Ice Rink when there is a pre-booked private function. The Licensing Authority are concerned about the operation of these pre-booked private functions and how they are to be managed, with specific regard to the consumption of alcohol on the ice rink. Paragraph 2.4.10 of the policy states that "persons leaving proprietary clubs or premises operating private functions will sometimes cause nuisance or be involved in crime, either as perpetrators or victims". The Licensing Authority require the applicant to provide further submissions as to the management and control of those attending a pre-booked function, when coupled with the fact that alcohol consumption is sought to be permitted on the ice rink during these functions.

The Licensing Authority would also like to express concern about the amended wording of condition 23 which seeks to remove the following words from the condition:

*"From the hours of 11:00am to 6:00pm Monday to Friday the reception desk at the front door of the premises will at all times be operational so as to monitor customers coming into the premises."*

The applicant needs to provide further information as to the reasoning behind removing this aspect of condition 23 and how the premises now intends to monitor customers entering the premises.

Further discussions will be held with the applicant and any additional submissions will be forwarded on for Members information.

Please accept this as a formal representation.



<b>2-B Other Persons</b>	
<b>Resident Association</b>	SEBRA
<b>Received:</b>	22 <sup>nd</sup> April 2018
<p>We note application which we are digesting and broadly agree some of proposed changes to existing conditions</p> <p>However we strongly object to any sale or consumption of alcohol or other drinks on ice rink itself</p> <p>Also yellow colouring on plan not clear as should be continued on right side on access to ice rink and elsewhere.</p> <p>Not clear where is the 'viewing gallery' is and what drinking arrangements are there.</p> <p>Also new areas for drinking on both sides of ice rink should be different colour on plan to existing red area (where at all times alcohol consumption ancillary to taking food at tables) or area hatched for ease of reference.</p> <p>Interested to hear views of Environmental Health Officer &amp; Building Surveyor at WCC &amp; Police re new proposals and fire exits etc for new 'drinking area (assume CCTV will cover these new areas) and capacity figures for each section and where, if any, 'vertical drinking', after which we may have further representations to make.</p>	

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<ul style="list-style-type: none"> <li>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</li> <li>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</li> </ul>
<b>Policy PB2 applies:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
<b>Policy CIP1 applies:</b>	<ul style="list-style-type: none"> <li>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</li> <li>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</li> </ul>

## 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, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

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

<b>Report author:</b>	Miss Sam Eaton Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2700 Email: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

**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	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service (Withdrawn)	26 <sup>th</sup> April 2018
<b>5</b>	Environmental Health Service	3 <sup>rd</sup> May 2018
<b>6</b>	Licensing Service	1 <sup>st</sup> May 2018
<b>7</b>	Representation	22 <sup>nd</sup> April 2018

## Applicant Supporting Documents

Following the Licensing Sub Committee hearing on 31<sup>st</sup> May 2018 the applicant has provided supporting documents to provide clarification on the disputed condition. Copies of the following documents are enclosed:

- Letter from Woodswhur dated 14<sup>th</sup> June 2018.
- Variation application submitted on 23 May 2016.
- The plan submitted with the application.
- My email to The Environmental Health Service of 29 June 2016.
- The rep from John Zamit.
- My email to The Licensing Service of 9 August 2016.
- Confirmation from The Licensing Service that the application was granted on 10 August 2016.
- My emails to The Licensing Service of 27 October and 23 November.
- The premises licence (14/05701/LIPT) as it was prior to the application of 23 May 2016 being submitted.

Samantha Eaton  
Westminster City Council  
Licensing Team  
Westminster City Council  
Portland House  
22nd Floor  
Bressenden Place  
London  
SW1E 5RD

Our ref AW/TB/LEI002-1-1/2521

Your ref

14 June 2018

Dear Samantha

### Queens Ice Bowl - 17 Queenways

I am writing to you further to your email conversation with James Anderson of Poppleston Allen in connection with the above premises and in particular, in connection with the variation to the Premises Licence granted by delegated powers on 10 August 2016.

I was previously instructed by Leisurebox Limited (the premises licence holder) and submitted the application for variation which was subsequently granted on 10 August 2016.

I am attaching to this letter, the following documents:

1. A copy of the relevant application submitted on 23 May 2016.
2. The plan submitted with the application.
3. My email to Dave Nevitt of 29 June 2016.
4. The rep from John Zamit.
5. My email to Yolanda of 9 August 2016.
6. Confirmation that the application was granted on 10 August 2016.
7. My emails to Yolanda of 27 October and 23 November.
8. The premises licence as it was prior to the application of 23 May 2016 being submitted.

You will be aware that these premises have operated for many years as a bowling alley and ice rink, with bar facilities and food. You will note from the premises licence in existence prior to the application of 23 May that there are no restaurant type (MC38) conditions on the premises licence, although condition 16 limited the sale and supply of alcohol to an area coloured pink. The premises have had the facility for alcohol sales (without those sales being ancillary to food) for many years.

The application submitted on 23 May 2016 was a full variation application which in summary sought consent for the following:

1. Works to be carried out at the premises immediately referred to as phase 1.
2. The creation of five new bowling lanes and a seating area which was to be carried out in the future - phase 2.
3. An extension to the terminal hour for the provision of regulated entertainment, alcohol and late night refreshments.
4. An amendment to the door supervisor condition 23.

5. An amendment to the Queens Court exit condition 13.

I met with John Zamit prior to making the application to try and reach a broad agreement with regard to this matter and following my meeting with John, I also proposed an extra 26 conditions as set out in the application as 1 - 26.

You will note that proposed condition 5 (which became condition 41 on the granted licence) clearly refers to an area coloured blue on the attached plan and limits the sale of alcohol to persons who are seated and eating a meal served by waiter/waitress **in the blue area**.

The plan itself was colour coordinated as follows:

- a. No sale or consumption in the area coloured yellow on the attached plan (therefore allowing the sale and consumption of alcohol in all other areas.)
- b. Limiting the sale of alcohol in the area coloured blue only to those persons who were seated and eating a meal.
- c. The area coloured blue was clearly a restaurant area and different from the bar area and other areas within the premises.

I arranged to meet Dave Nevitt and Toby Janes on site on 28 June 2016. Toby could not attend the meeting, but Dave attended and I met him on site, along with Dave Devaney, who has been at Queens Ice Bowl for many years and who was the Designated Premises Supervisor.

We had a walk around the site and there were no real issues and Dave had no objections generally to the application. Dave asked that the wording of some conditions proposed be tidied up and that the wording of condition 5 for the blue area be replaced by the exact wording of model condition 38 for the blue area only.

I can confirm that there was never any discussion about the restaurant condition applying to the whole of the premises. All Dave wanted was for us to use the model condition wording for the wording proposed for the blue area.

I am happy to sign a statement or affidavit specially referring to this point.

Following my meeting with Dave, I confirmed in an email on 29 June what we had agreed and referred to model condition 38, applying to proposed condition 5. The email was a "short hand" email in that I was summarising the position. The clear intention of that email following on from the specific request at our meeting, was that wording of model condition 38 applied just to the blue area. Condition 5 was a condition about the blue area and the wording of MC38 applied to that area.

There is no way that either I would have proposed, or my client would have agreed, for the whole of the premises to be covered by model condition 38 and that was never part of any discussion or any requirement put forward by Dave.

You will also note that neither the representation made by the Environmental Health Officer or by John Zamit, which is attached as document 4, requested the restaurant condition for the whole of the premises, and in fact, neither representation had any concern about this point.

There were numerous emails and discussions with Mr Zamit in particular with regard to this matter, following a Committee Hearing date being received, but when I received the Committee Report, I noticed that there was an error in the report and emailed Yolanda on 9 August (attached as document 5) pointing out the error in the Committee Report in that the restaurant condition 41 should only apply to the blue area and not to the whole of the premises.

I subsequently received an email on 10 August confirming that the application was granted and having not had a response to my email of 9 August, presumed that the Committee Report had been amended. I would never have agreed to the restaurant condition 41 applying to the whole of the premises, and in fact, **did not** agree to it, as I pointed out in my email of 9 August 2016.

I have subsequently emailed Yolanda on 27 October and 23 November, pointing out that condition 41 should have only applied to the blue area and other than an acknowledgment, I have not received any further communication. (This is not a criticism of Yolanda, I am just confirming the facts).

You will see therefore, in summary, the following:

1. The application specifically showed a blue area on the plan.
2. The proposed condition 5 only related to the blue area and was worded to permit alcohol only as ancillary to food.
3. The clear intent of my email of 29 June to Dave Nevitt (as agreed with Dave Nevitt) was to amend the wording of condition 5 but only in so far as it relates to the blue area. As this was a short summary email, it referred to changing the wording of condition 5 to model condition 38, but clearly condition 5 only ever applied to the blue area and there was never a proposal or an agreement that it related to any other areas. Any change in wording to condition 5 only related to the blue area.
4. I noticed on the Committee Report that there was an error regarding this and pointed this out on 9 August 2016 and did not agree to the application being granted as per the Committee Report, unless condition 41 was amended as per my email of 9 August.

I hope the above assists. These premises have historically never had a restaurant condition but always had a facility to sell alcohol without it being ancillary to food. As we were changing the hours slightly and relaxing one or two conditions, we proposed ourselves to create a restaurant area shown blue on the plan and to limit alcohol sales not coloured yellow. I can confirm that during my meetings with Dave Nevitt and John Zamit, this was never raised as an issue and the absolute intention was that the specific wording of model condition 38, only applied to the blue area.

The use of the premises with the restaurant condition applying to the blue area has never been questioned or been an issue, until the application submitted by James at Poppleston Allen. I will be more than happy to swear an affidavit or sign a statement confirming the above and would ask you to amend the premises licence granted by delegated powers on 10 August, as the licence was issued in error and contrary to both the application and my email of 9 August 2016.

Yours sincerely

Andrew Woods  
**Woods Whur**

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Leisure Box Limited

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> 14/0570/LIPT
--

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Queen's Ice Bowl 17 Queensway			
Post town	London	Postcode	W2 4QP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ Band E

**Part 2 – Applicant details**

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Park House 26 North End Road		
Post town	London	Postcode	NW11 7PT

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 1)

The proposed variation is to seek approval of proposed alterations (Phase 1 and Phase 2) detailed in the plan supplied with the application. The alterations comprise of the following:

Phase 1

1. The current bar/lounge area is being removed from the licensed area.
2. The reception desk is being moved to the left of the bottom of the stairs and an additional reception desk is being placed at the entrance to the premises.
3. Creation of new bar/lounge area to include bar server and new lounge area.

Phase 2 (Area edged green on the attached plan)

1. Creation of five new bowling lanes and seating area.

To extend the terminal hour for the provision of regulated entertainment (to include performance of dance and live music from the current hours of Monday to Saturday 09:00 to 23:00 to the proposed hours of Monday to Thursday 09:00 to 23:30 and Friday and Saturday 09:00 to midnight. Sunday hours will remain unchanged.

To extend the terminal hour for the sale of alcohol from the current hours of Monday to Saturday 10:00 to 23:00 to the proposed hours of Monday to Thursday 10:00 to 23:30 and Friday and Saturday 10:00 to midnight. Sunday hours will remain unchanged

To extend the terminal hour for the provision of late night refreshment from the current hours of Monday to Saturday 23:00 to 23:30 to the proposed hours of Monday to Thursday 23:00 to midnight and Friday and Saturday 23:00 to 00.30 the following morning.

The opening hours of the premises will be Monday to Thursday 09:00 to midnight and Friday and Saturday 09:00 to 00.30 the following morning and Sunday 09:00 to 23:00.

To amend condition 16 of the premises licence which reads "There shall be no sale or supply or consumption of intoxicating liquor under this licence other than in the areas coloured pink on the deposited plan" to read "There shall be no sale or consumption of alcohol in the area colored yellow on the attached plan."

To amend condition 23 of the premises licence which reads "From the hours of 11.00am to 6.00pm Monday to Friday a minimum of one accredited door supervisor shall be on duty within the public areas of the licensed premises of the Queens Ice Bowl. On Bank Holidays, Sundays and after 6p, Monday to Friday there will be a minimum of two accredited door supervisors and after 6pm Saturdays a minimum of three accredited door supervisors shall be on duty. When there are at least two door supervisors one will be responsible for supervising access at the front door" to read "From the hours of 11.00am to 6.00pm Monday



to Friday the reception desk at the front door of the premises will at all times be operational so as to monitor customers coming into the premises. From 2.00pm until 6.00pm on Saturday, Sundays and Bank Holiday Mondays there will be a minimum of one accredited door supervisor on duty within the public area of the licensed premises. From 6.00pm until licensable activities cease Monday to Sunday there will be a minimum of two accredited door supervisors on duty within the public area of the premises.”

To amend condition 13 of the premises licence which reads “The exit leading into the road Queens Court and Princess Court shall not be used except in the event of an emergency” to read “The exit leading into the road Queens Court and Princess Court shall not be used except in the event of an emergency - EXCEPT that this condition shall not apply during the refurbishment of the premises when the following applies -

- There is no access/exit to the premises through the main door on Queensway.
- The only area accessible to the public will be the ice rink area.
- There are no licensable activities taking place.
- The ice rink area will only be used between 10.00am and 9.00pm with all customers vacating the premises by 9.30pm..
- The exit will be used for entrance and exit on a temporary basis until November 2016.
- An SIA registered door staff will be employed for queue management stationed at the main exit.
- The number of customers will be restricted to 250 per session.
- A manned box office will be stationed at the entrance.
- Signage and printed media will be displayed and handed to all customers ensuring noise is kept to a minimum.”

To add the following conditions to the premises licence -

1. There shall be no admittance to the premises after 22.30
2. There shall be no unaccompanied persons under the age of 18 on the premises after 23.00.
3. 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 authorized officer throughout the entire 31 day period.
4. 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. The staff member must be able to provide a Police Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
5. The sale of alcohol in the area coloured blue on the attached plan will only be to persons who are seated and eating a meal served by waiter/waitress.
6. The premises shall operate a zero tolerance towards drugs.
7. Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
8. Suitable beverages other than intoxicating liquor, including drinking water, shall be available at the premises.
9. The premises licence holder shall use reasonable endeavours to require the DPS or another person nominated by him to attend any local Pubwatch scheme or equivalent if available.
10. Any entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted) shall not be provided.
11. 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.
12. There shall be no speakers, amplification or live entertainment to take place within the front entrance lobby of the premises.
  13. A sound limiting device shall be located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
  14. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service.
  15. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
  16. Notices will be prominently displayed at exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
  17. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and the use the area quietly.
  18. Where outside waste collection is required, all waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
  19. The area immediately outside the premises shall be swept and/or washed and liquor and sweepings collected and stored in accordance with the approved refuse storage arrangements.
  20. The Premises Licence Holder will enter into an agreement with the reputable private hire or mini cab firm to service customers leaving the premises. Information will also be made available to customers as to local transport provision.
  21. Customers leaving the venue will be directed by staff and/or notices towards the Queensway. The DPS and Premises Licence Holder will use their reasonable endeavours to ensure there be no pick up or drop off at the main entrance to Queen's Ice Bowl.
  22. Patrons temporarily leaving the premises and/or going to external areas of the premises for the purposes of smoking shall not take any drinks with them.
  23. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
  24. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
  25. The certificates listed below shall be submitted to the Licensing Authority upon written request:
    - Any emergency lighting battery or system
    - Any electrical installation
    - Any emergency warning system
  26. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risks to the safety of those using the premises. The following special effects will only be used when 10 working days prior notice is given to the licensing authority and written consent is provided from the EH Consultation Team (where consent has not previously been given).

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

N/A
-----

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur								
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)					
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur								

Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sat			
Sun			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Mon			
Tue			
Wed			
			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		

Tue			
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sat			
Sun			

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	09.00	23.30	<u>Please give further details here</u> (please read guidance note 3)		
Tue	09.00	23.30			
Wed	09.00	23.30	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	09.00	23.30			
Fri	09.00	00.00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	09.00	00.00			
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	09.00	23.30			
Tue	09.00	23.30			
Wed	09.00	23.30			
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	09.00	23.30			

Fri	09.00	00.00	<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Sat	09.00	00.00	
Sun			

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					



I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	00.00	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue	23.00	00.00			
Wed	23.00	00.00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur	23.00	00.00			
Fri	23.00	00.30	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat	23.00	00.30			
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	10.00	23.30	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)		
Tue	10.00	23.30			
Wed	10.00	23.30			
Thur	10.00	23.30	<b><u>Non-standard timings. Where you intend to use the premises for the</u></b>		

			<b>supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Fri	10.00	00.00	
Sat	10.00	00.00	
Sun			

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8).  
N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	09.00	00.00	
Tue	09.00	00.00	
Wed	09.00	00.00	
Thur	09.00	00.00	
			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)

Fri	09.00	00.30	
Sat	09.00	00.30	
Sun	09.00	23.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.  
Condition 16

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.  
Premises licence submitted with minor variation application on 17 May 2016.

## **M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

### **a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

1. Phase 1 works shall have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
2. Phase 2 works shall have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
3. The application has been discussed with the local residents group who have requested additional conditions to be added to the licence and the premises licence holder is agreeable to these conditions.
4. The application to amend plans is as a result of a major refurbishment of the premises although the style of operation ( Ice Rink/Bowling Lanes ) is not changing.
5. The general policies and procedures at the premises will continue to operate. Phase 2 (area edged green) will open at a later date to the rest of the premises.

### **b) The prevention of crime and disorder**

See (a) above

### **c) Public safety**

See (a) above

### **d) The prevention of public nuisance**

See (a) above

**e) The protection of children from harm**

See a) above
--------------

Checklist:

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	23 May 2016
Capacity	Woods Whur 2014 Limited - Solicitors for the applicant

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

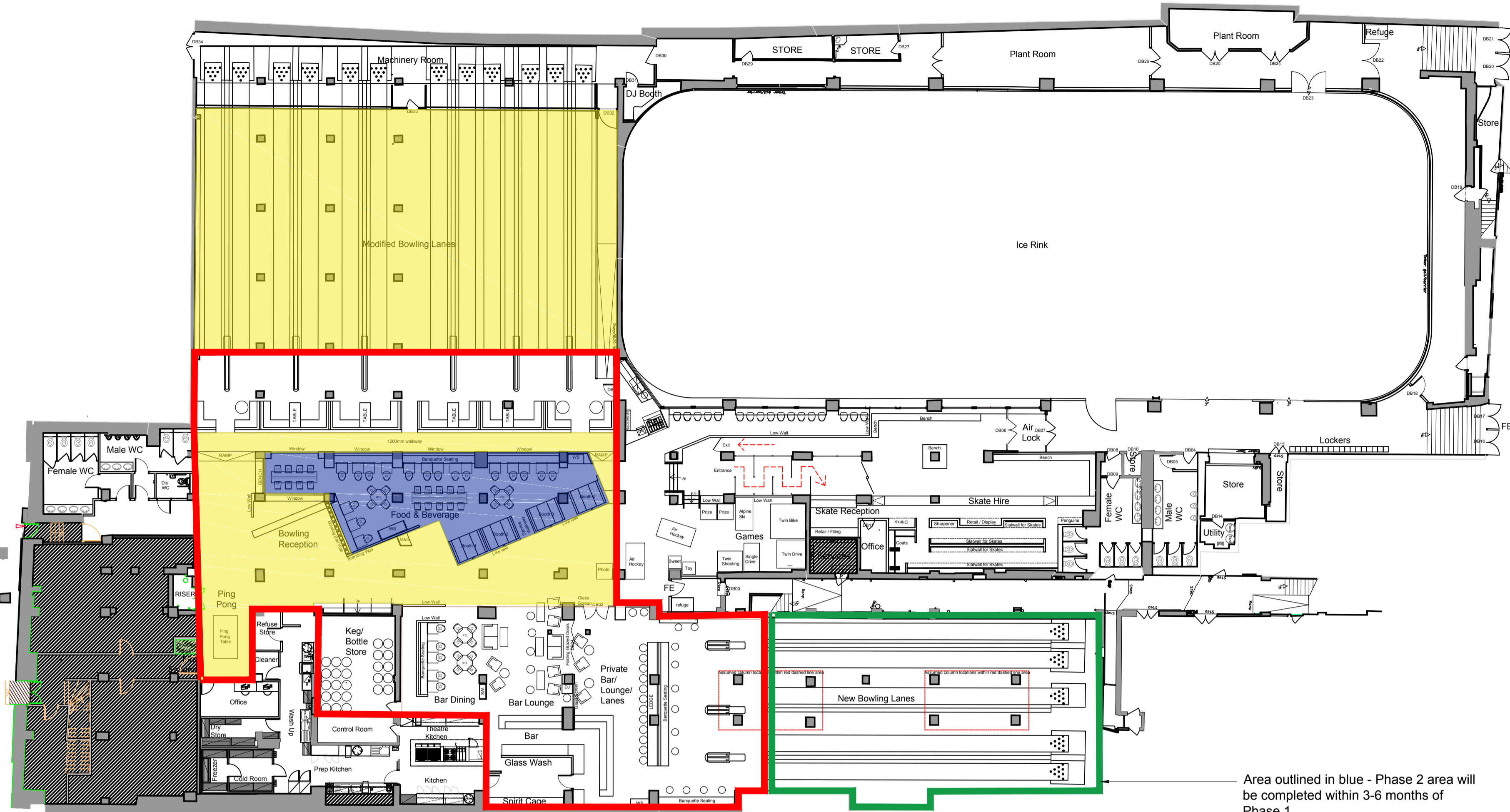
Andrew Woods  
Woods Whur 2014 Limited  
Devonshire House  
38 York Place

<b>Post town</b>	Leeds	<b>Post code</b>	LS1 2ED
------------------	-------	------------------	---------

<b>Telephone number (if any)</b>	0113 234 3055
----------------------------------	---------------

**If you would prefer us to correspond with you by e-mail, your e-mail address (optional)**

andrew@woodswhur.co.uk



Proposed Basement Plan  
Scale 1:200@A1

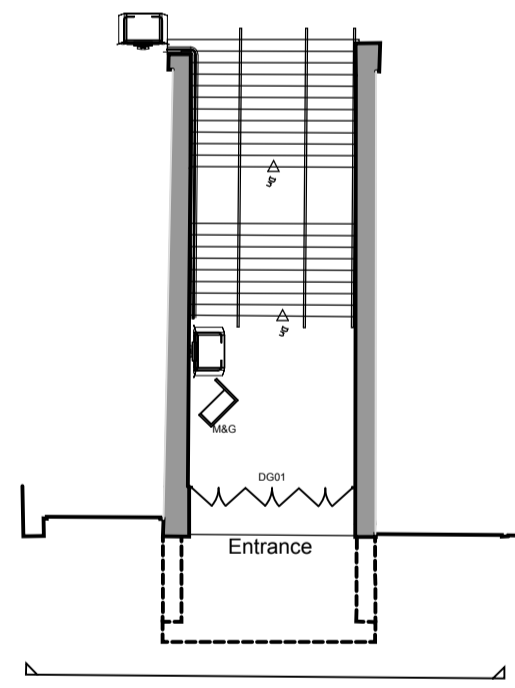
Area outlined in blue - Phase 2 area will be completed within 3-6 months of Phase 1.

NOTE: SEE ENLARGED PLAN FOR FIRE SAFETY EQUIPMENT LOCATIONS

RED OUTLINE INDICATES AREA TO BE LICENSED FOR THE SALE OF ALCOHOL AND THE PROVISION OF LATE NIGHT REFRESHMENT

AREAS OF NO ALCOHOL CONSUMPTION

RESTAURANT WITH FOOD AND ALCOHOL CONSUMPTION



Proposed Ground Floor Plan  
Scale 1:200@A1

- STANDARDS REQUIRED TO BE ACHIEVED IN RESPECT OF FIRE & SAFETY MATTERS.**
- DOORS AND PARTITIONS REQUIRED TO BE FIRE RESISTING ARE TO BE IN ACCORDANCE WITH BRITISH STANDARD BS 476 1972 AS AMENDED. ALL FIRE DOORS TO BE FD30 DOORS UNLESS STATED ON DOOR SCHEDULE. INC. INTUMESCENT STRIPS AND SMOKE SEALS ACROSS TOP AND SIDES OF DOOR. CONTRACTOR TO PROVIDE ALL NECESSARY FIRE CERTIFICATION. ANY DISCREPANCY BETWEEN THIS DRAWING AND DOOR SCHEDULE/SPEC TO BE REPORTED TO DESIGN LSM.
  - FIRE RESISTING DOORS REQUIRED TO RESIST THE PASSAGE OF SMOKE AT AMBIENT TEMPERATURE CONDITIONS SHOULD, UNLESS TESTED IN ACCORDANCE WITH BS 476 SECTION 31.1 1983, BE FITTED WITH CONTINUOUS SMOKE SEAL.
  - THE FIRE ALARM SYSTEM TO COMPLY WITH BRITISH STANDARDS BS 5839 PART 1 198. THE ATTENTION OF THE DESIGN INSTALLING ENGINEER SHOULD BE DRAWN TO PARAGRAPH 4.3 (CONSULTATION RECORDS) OF BS 5839 PART 1 1988 WHICH REQUIRES CONSULTATION WITH THE FIRE AUTHORITY.
  - THE EMERGENCY LIGHTING INSTALLATION IS TO COMPLY WITH BRITISH STANDARD BS 5266 PART 1 1999 THE ATTENTION OF THE DESIGN INSTALLING ENGINEER SHOULD BE DRAWN TO PARAGRAPH 3.1 (CONSULTATION AND RECORDS) OF BS 5266 PART 1 1999 WHICH REQUIRES CONSULTATION WITH THE FIRE AUTHORITY.
  - FIRE SAFETY RELATED SIGNS AND NOTICES ARE TO CONFORM TO CURRENT BRITISH STANDARDS.
  - ILLUMINATED 'EXIT' SIGNS ARE TO CONFORM TO BS 5499 PARTS 1&3.
  - FIRE FIGHTING EQUIPMENT IS TO COMPLY WITH BS EN3 1-6, BS 7863 (1996), BS 7867 (1997) AND BS 5306 (2000).
  - UPHOLSTERED SEATING FURNITURE MUST SATISFY, AS A MINIMUM STANDARD, IGNITION SOURCE 0 (CIGARETTE TEST) AND CRIB IGNITION SOURCE 5 AS SPECIFIED IN BS 5852 1990. METHODS OF TEST FOR ASSESSMENT OF THE IGNITABILITY OF UPHOLSTERED SEATING BY SMOLDERING AND FLAMING IGNITION SOURCES.
- IF IN ORDER TO SECURE COMPLIANCE WITH THE ABOVE STANDARDS WITH THE FABRIC SUBMITTED FOR TEST HAS BEEN TREATED BEFOREHAND WITH A FIRE RETARDANT PRODUCT, THE TESTING LABORATORY MUST BE INSTRUCTED TO SUBJECT THE SAMPLES TO BE TREATED TO A WATER SOAK TEST. IN ACCORDANCE WITH BS 5651 1989 PARAGRAPH 3, BEFORE THE BS 5852 TESTS ARE CARRIED OUT. A COPY OF THE LABORATORY TEST REPORT FROM AN ACCREDITED TESTING LABORATORY IDENTIFYING COMPLIANCE OF THE FURNISHING COMPOSITE WITH THE ABOVE MENTIONED BRITISH STANDARDS MUST BE FORWARDED TO THE LOCAL AUTHORITY BEFORE INSTALLATION AND CONFIRMATION THAT THE FURNISHING SPECIFIED IN THIS CERTIFICATE HAVE BEEN INSTALLED IN THE PREMISES.
- CURTAINS AND OTHER TEXTILE HANGINGS MUST BE INHERENTLY FLAME RETARDANT OR BE TREATED WITH A DURABLE FLAME FLAME RETARDANT. THEY MUST BE CAPABLE OF COMPLYING WITH 'TYPE B' PERFORMANCE REQUIREMENTS OF BS 5857 PART 2 1980 - 'SPECIFICATION FOR FABRICS FOR CURTAIN AND DRAPES - FLAMMABILITY REQUIREMENTS'
  - ARTIFICIAL FOLIAGE AND OTHER DECORATIVE EFFECTS ARE TO BE FIRE RETARDANT TO THE SATISFACTION OF THE FIRE AUTHORITY.
  - LININGS AND SURFACE FINISHES OF WALLS AND CEILING SHOULD HAVE SURFACE SPREAD OF FLAME RATING AS DEFINED IN THE BUILDING REGULATIONS 1991.
  - CERTIFICATES OF INSTALLATION TEST WILL BE REQUIRED IN RESPECT OF ITEMS NUMBER 3,4,6,8 AND 9 ABOVE AND MAY BE REQUIRED FOR ITEM 2.
- NOTE:**  
ANY REFERENCE TO A BRITISH STANDARD (BS) SHOULD TAKEN TO INCLUDE THE EQUIVALENT EUROPEAN STANDARD IF RELEVANT.

**GENERAL NOTES**

- ALL FINISHES ARE TO CONFORM TO THE REQUIRED CURRENT BUILDING REGULATIONS IN THE APPLICABLE COUNTRY (IN A UK RESTAURANT ALL FINISHES ARE TO BE CLASS 1 OR EQUIVALENT).
- CONTRACTOR MUST VERIFY ALL SITE DIMENSIONS, DRAWINGS, DETAILS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO DESIGN LSM LTD BEFORE PROCEEDING WITH ANY WORK.
- ALL REQUESTED DRAWINGS SHOWING FIXINGS AND CONSTRUCTION DETAILS ARE REQUIRED TO BE APPROVED BY DESIGN LSM LTD, PRIOR TO COMMENCEMENT OF WORK.
- ALL SPECIFIED ITEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS.
- CONTRACTOR TO PROVIDE A WORKING ENVIRONMENT WHICH CONFORMS TO THE CURRENT HEALTH AND SAFETY AT WORK CONDITIONS AND LOCAL AUTHORITY REGULATIONS.
- ALL FINISHES ARE TO BE CARRIED OUT TO A HIGH STANDARD.
- ANY DIMENSIONS ARE TO BE TAKEN FROM THE SETTING OUT PLAN ONLY AND ARE NOT TO BE SCALED FROM THE DRAWINGS.
- IT IS THE CONTRACTORS RESPONSIBILITY TO UNDER TAKE AND ENSURE THAT ANY BUILDING IS CARRIED OUT UNDER THE LOCAL AUTHORITY REQUIREMENTS.
- THE CONTRACTOR IS TO CHECK AND APPRAISE ALL DESIGN SHOP-FITTING AND CONSTRUCTION DETAILS AND OFFER ALTERNATIVES TO THE DESIGNER FOR APPROVAL.
- IN THE EVENT THAT DRAWING INFORMATION IS NOT THE SAME AND IF THE DESIGNER AND/OR SUPERVISING OFFICER ARE UNAVAILABLE FOR COMMENT THE PROPOSED PLAN IS TO BE READ AS CORRECT.
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE OTHER RELEVANT CONSULTANTS DRAWINGS.
- COPYRIGHT OF DESIGN LSM LIMITED. NOT TO BE REPRODUCED.

**Designers Residual Risk assessment**

--	--	--	--	--	--

REVISION	DATE	ITEM
A	18.05.16	Issued for licensing application
-	14.04.16	Issued for approval

INFORMATION ONLY

APPLICATION FOR LOCAL AUTHORITY

TENDER

CONSTRUCTION

AS BUILT

PROJECT  
Queens Ice & Bowl, Queensway, London

TITLE  
Proposed Ground Floor & Basement Licensing Plans

DRAWN	DATE	SCALE	CHECKED
SW	May 2016	1:200@A1	
PROJECT	NUMBER	REVISION	
L15 3523	07-01	A	

**DESIGNLSM**

Branding  
Architecture  
Interior design

t +44 (0)1273 820 033  
e hello@designism.com  
w www.designism.com





## Eaton, Samantha: WCC

---

**From:** Andrew Woods <andrew@woodswhur.co.uk>  
**Sent:** 15 June 2018 12:14  
**To:** Eaton, Samantha: WCC  
**Cc:** Andrew Woods  
**Subject:** FW: Queens Ice Bowl

Sam

E mail to Dave below. Apologies for all of this - the agreement was that the exact MC38 would apply to condition 5 - blue area only, There was never a discussion that it apply to the whole premises . It would have been better if my e mail below had said that ' the wording of condition 5 for the blue area be replaced by MC38 for the blue area' but I was trying to keep it brief ( I will not do that again!)

Really sorry for the hassle.

Andy

Andrew Woods

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

andrew@woodswhur.co.uk <<http://www.walkermorris.co.uk/>>

Devonshire House, 38 York Place, Leeds LS1 2ED.

From: Andrew Woods  
Sent: Wednesday, June 29, 2016 10:16  
To: Nevitt, Dave: WCC <dnevitt@westminster.gov.uk <<mailto:dnevitt@westminster.gov.uk>> >; Janes, Toby <tjanes@westminster.gov.uk <<mailto:tjanes@westminster.gov.uk>> >; Dave Devaney (dave@queensiceandbowl.co.uk <<mailto:dave@queensiceandbowl.co.uk>> ) <dave@queensiceandbowl.co.uk <<mailto:dave@queensiceandbowl.co.uk>> >; Andrew Woods <andrew@woodswhur.co.uk <<mailto:andrew@woodswhur.co.uk>> >  
Cc: Carole Collingwood <carole@woodswhur.co.uk <<mailto:carole@woodswhur.co.uk>> >  
Subject: Queens Ice Bowl

Dave N

Many thanks for all your time yesterday. I have copied Dave Devaney ( who you met ) into this e mail. Happy to meet Toby if Toby needs a further meet after you have had a chat with him.

I can also confirm with regard to the conditions the following. I am working off the application document above which has the proposed numbered conditions on pages 3 and 4

Proposed 3 is MC01

Proposed 4 is MC02

Proposed 5 should be replaced by MC 38

Proposed 9 we agree to replace 'use reasonable endeavours to require' TO 'require'.

Proposed 12 we agree to add the word 'loud' after the words ' There shall be no'.

Proposed 13,14 and 15 can be replaced by MC11

Hope that helps. Let me know if you need anything else.

Regards

Andy

Andrew Woods

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

andrew@woodswhur.co.uk <<http://www.walkermorris.co.uk/>>

Devonshire House, 38 York Place, Leeds LS1 2ED.

This email, including any attachments, is confidential and may be legally privileged. If it is received by mistake please let us know and delete from your system - do not read or copy it or disclose its contents to anyone. Any liability (in negligence or otherwise) arising from any third party relying on this email is excluded. Emails are not secure and cannot be guaranteed to be free of errors or viruses. It is your responsibility to scan emails and attachments for

## **Queens Ice Bowl 17, Queensway W2 Application for Variation to Premises Licence May 2016**

The South East Bayswater Residents' Association (SEBRA) and the Bayswater Residents' Association (BRA) object to the variation application.

Queens Ice Bowl is a very large venue (capacity 1000) and is situated in the Queensway / Bayswater Stress Area and is under a large block of flats (Queens Court) above and faces over to Consort House opposite.

The venue is very popular with families, young people and other clientele.

The hours sought on the variation are excessive and whilst there maybe some scope for minor variations we wish customers to be off premises to be of the premise sat the end of permitted hours and these hours should be no more than WCC 'Core Hours'.

We consider increase in hours could result in loss of amenity ( noise etc) and also potential for increase in crime and disorder in area

Therefore on Friday and Saturday we wish sale of alcohol to end at 23.30 not midnight.

We object to any increase in hours for Late Night Refreshment.

We object to increase in the terminal hour for the provision of regulated entertainment (to include performance of dance and live music) from the current hours of Monday to Saturday 09:00 to 23:00 to the proposed hours of Monday to Thursday 09:00 to 23:30 and Friday and Saturday 09:00 to midnight. We wish hours to remain as now Monday to Thursday at 23.00 and on Friday and Saturday can agree extension only to 23.30 so that all patrons can be off premises by end of Core Hours i.e. 23.30 Monday to Thursday and midnight Friday and Saturday.

On Monday to Thursday we would existing hours for licensable activities to be remaining unchanged so that customers can be off the premises by 23.30.

On matter of changes to doorman we maybe can consider changes to Monday to Friday 11am to 6pm provided condition that there will be

'receptionist' at all times at main ground floor entrance to premises. Other changes to door supervisors we object to, especially as revamped venue may attract more customers, especially on weekends.

On question of new layout and relocation of main bar we have some concern over where groups of children under 16 can be seated where there is no alcohol for sale. We are considering this matter and are waiting feedback from our members or other members of public and also views of the police and Environmental Health.

Johb Zamit  
SEBRA / BRA

13 June 2016

## Eaton, Samantha: WCC

---

**From:** Andrew Woods <andrew@woodswhur.co.uk>  
**Sent:** 09 August 2016 15:42  
**To:** Wade, Yolanda: WCC; Andrew Woods  
**Cc:** Nevitt, Dave: WCC  
**Subject:** FW: Copy Application Queens Ice Bowl  
**Attachments:** AMENDED - Premises Licence Application.pdf

Hi Yolanda

Just to let you know that I am still in discussion with Mr Zamit and I am hopeful of a resolution.

I have just noticed an error in the committee report. The restaurant condition ( condition 41) as agreed with Dave and Toby ( copied in) only applies to the area coloured blue on the plan at Appendix 1.

There is no sale or consumption at all in the yellow area , restaurant conditions in the blue area and nothing other than all the general conditions for the white area.

Apologies for any confusion – there have been a lot of e mails!

Regards  
Andy

### Andrew Woods

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)

Devonshire House, 38 York Place, Leeds LS1 2ED.

---

**From:** Carole Collingwood  
**Sent:** 28 June 2016 09:25  
**To:** Andrew Woods; Dave Devaney (dave@queensiceandbowl.co.uk)  
**Subject:** RE: Copy Application Queens Ice Bowl

Dave - copy of the application attached.

Kind regards

Carole Collingwood

Woods Whur 2014 Limited  
Tel: +44 (0)113 234 3055

[carole@woodswhur.co.uk](mailto:carole@woodswhur.co.uk)

Woods Whur 2014 Limited, Devonshire House, 38 York Place, Leeds LS1 2ED.

---

**From:** Andrew Woods  
**Sent:** Tuesday, June 28, 2016 09:12  
**To:** Carole Collingwood <[carole@woodswhur.co.uk](mailto:carole@woodswhur.co.uk)>; Dave Devaney ([dave@queensiceandbowl.co.uk](mailto:dave@queensiceandbowl.co.uk)) <[dave@queensiceandbowl.co.uk](mailto:dave@queensiceandbowl.co.uk)>  
**Subject:** Copy Application Queens Ice Bowl

Carole

Dave and I are meeting the authorities today. Can you please e mail Dave a copy of the application and can Dave please print it off. I am on the road and have just looked at the file and I don't have a copy.

Andy

**Andrew Woods**

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)

Devonshire House, 38 York Place, Leeds LS1 2ED.

This email, including any attachments, is confidential and may be legally privileged. If it is received by mistake please let us know and delete from your system - do not read or copy it or disclose its contents to anyone. Any liability (in negligence or otherwise) arising from any third party relying on this email is excluded. Emails are not secure and cannot be guaranteed to be free of errors or viruses. It is your responsibility to scan emails and attachments for viruses before opening them. No responsibility is accepted for emails unconnected with our business. Messages may be monitored for compliance purposes and to protect our business.

The principal office of Woods Whur 2014 Ltd is at Devonshire House, 38 York Place, Leeds LS1 2ED where a list of partners' names is open to inspection. VAT number 187289453: [info@woodswhur.co.uk](mailto:info@woodswhur.co.uk)

Woods Whur 2014 Ltd is authorised and regulated by the Solicitors Regulation Authority (the SRA), details of which can be accessed on the SRA website (<http://www.sra.org.uk/solicitors/code-of-conduct.page>) . SRA number: 613288.

## Eaton, Samantha: WCC

---

**From:** Andrew Woods <andrew@woodswhur.co.uk>  
**Sent:** 27 October 2017 00:17  
**To:** Andrew Woods  
**Subject:** FW: 16/05320/LIPV Queen's Ice Bowl 17 Queensway

### Andrew Woods

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)

Devonshire House, 38 York Place, Leeds LS1 2ED.

---

**From:** Wade, Yolanda: WCC [mailto:[ywade@westminster.gov.uk](mailto:ywade@westminster.gov.uk)]  
**Sent:** 10 August 2016 11:16  
**To:** Andrew Woods  
**Subject:** 16/05320/LIPV Queen's Ice Bowl 17 Queensway

Good morning Mr Woods

Please note the variation application for the above premises has been granted under delegated authority. The licence will be issued shortly.

Regards

*Miss Yolanda Wade*  
Senior Licensing Officer

**Licensing Team**  
Public Protection and Licensing Department  
Westminster City Council  
4th Floor East  
64 Victoria Street  
London SW1E 6QP

Tel: 020 7641 [1872]  
E-mail: [ywade@westminster.gov.uk](mailto:ywade@westminster.gov.uk)  
Web: [www.westminster.gov.uk/licensing](http://www.westminster.gov.uk/licensing)



## Eaton, Samantha: WCC

---

**From:** Andrew Woods <andrew@woodswhur.co.uk>  
**Sent:** 27 October 2017 00:17  
**To:** Andrew Woods  
**Subject:** FW: 16/05320/LIPV Queen's Ice Bowl 17 Queensway

### Andrew Woods

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)

Devonshire House, 38 York Place, Leeds LS1 2ED.

---

**From:** Wade, Yolanda: WCC [mailto:[ywade@westminster.gov.uk](mailto:ywade@westminster.gov.uk)]  
**Sent:** 10 August 2016 11:16  
**To:** Andrew Woods  
**Subject:** 16/05320/LIPV Queen's Ice Bowl 17 Queensway

Good morning Mr Woods

Please note the variation application for the above premises has been granted under delegated authority. The licence will be issued shortly.

Regards

*Miss Yolanda Wade*  
Senior Licensing Officer

**Licensing Team**  
Public Protection and Licensing Department  
Westminster City Council  
4th Floor East  
64 Victoria Street  
London SW1E 6QP

Tel: 020 7641 [1872]  
E-mail: [ywade@westminster.gov.uk](mailto:ywade@westminster.gov.uk)  
Web: [www.westminster.gov.uk/licensing](http://www.westminster.gov.uk/licensing)





## Eaton, Samantha: WCC

---

**From:** Andrew Woods <andrew@woodswhur.co.uk>  
**Sent:** 14 June 2018 13:06  
**To:** James Anderson; Eaton, Samantha: WCC  
**Subject:** FW: Queens Ice Bowl Doc 7  
**Attachments:** FW: 16/05320/LIPV Queen's Ice Bowl 17 Queensway; FW: Copy Application Queens Ice Bowl; Queens Ice Bowl Plan-CC2017102707465201.pdf; Queens Ice Bowl - Premises Licence-CC2017102707465208.pdf

**From:** Andrew Woods  
**Sent:** Thursday, November 23, 2017 08:22  
**To:** Wade, Yolanda: WCC <[ywade@westminster.gov.uk](mailto:ywade@westminster.gov.uk)>; Carole Collingwood <[carole@woodswhur.co.uk](mailto:carole@woodswhur.co.uk)>; Andrew Woods <[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)>  
**Subject:** FW: Queens Ice Bowl

Hi Yolanda

I refer to the below e mail – don't think I have received a reply. Can you confirm that the amended licence will be issued on the agreed terms?

Andy

### Andrew Woods

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)

Devonshire House, 38 York Place, Leeds LS1 2ED.

---

**From:** Andrew Woods  
**Sent:** 27 October 2017 10:36  
**To:** Wade, Yolanda: WCC; Carole Collingwood; Andrew Woods  
**Subject:** FW: Queens Ice Bowl

Hi Yolanda

Apologies for this one!! You may recall that in August 2016 we dealt with an application to vary the Premises Licence at Queens Ice Bowl , Queensway.

We initially had objections from the Police , EHO ( Dave Nevitt) and Mr Zamit but were able to resolve all issues and the application was granted under delegated authority on the 10<sup>th</sup> August 2016.

I did e mail you on the 9<sup>th</sup> August 2016 ( e mail attached) pointing out that the conditions in the report were incorrect as condition 41( in the report) required alcohol to be ancillary to substantial food ( in the whole premises) whereas the proposal had always been that Condition 41 only applied to the blue area. This is what was proposed and agreed with everyone.

I completely forgot to check that the issued licence reflected this – it took a lot of work to get everything agreed ( my excuse) and I have just done a quick catch up with my clients and noticed that condition 41 is incorrect.

This is a bowling alley and ice rink so there has never been a restaurant condition for the whole premises as it wouldn't work.

Could you issue an amended licence showing condition 41 as applying to the blue area on the plan please?  
Apologies again. I should have checked the licence when it was issued.

I attach the licence/plan and the e mails I refer to.

Andy

**Andrew Woods**

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)

Devonshire House, 38 York Place, Leeds LS1 2ED.



Schedule 12  
Part B

WARD: Lancaster Gate  
UPRN: 100023482130

**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

14/05701/LIPT

**Part 1 – Premises details**

**Postal address of premises:**

Queen's Ice Bowl  
17 Queensway  
London  
W2 4QP

**Telephone Number:** 020 7229 0172

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Saturday: 09:00 to 23:00  
Sunday: 09:00 to 22:30

**Performance of Live Music**

Monday to Saturday: 09:00 to 23:00  
Sunday: 09:00 to 22:30

**Playing of Recorded Music**

Unrestricted

**Late Night Refreshment**

Monday to Saturday: 23:00 to 23:30

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**

Monday to Saturday:

10:00 to 23:00

Sunday:

12:00 to 22:30

*For times authorised for New Year see conditions at Annex 1***The opening hours of the premises:**

Monday to Saturday:

09:00 to 23:30

Sunday:

09:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

**Name and (registered) address of holder of premises licence:**Leisurebox Limited  
Park House  
26 North End Road  
London  
NW11 7PT**Registered number of holder, for example company number, charity number (where applicable)**

0609737

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

Name: David Paul Devaney

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

Restricted

Date: 1<sup>st</sup> September 2014

Signed: pp

  
Operational Director - Premises Management

## **Annex 1 – 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 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.
  - (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 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;
      - (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.
5. 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) 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.
- (2) 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.

8. 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.

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.

9(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.

9(ii) For the purposes of the condition set out in paragraph 9(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.
- 9(iii). Where the permitted price given by Paragraph 9(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.
- 9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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 reproducing the effect of conditions subject to which the relevant existing licenses have effect.**

**Conditions relating to regulated entertainment:**

- 10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
- 11. Entertainment under this licence shall be provided in the Ice Rink area only.
- 12. Musical entertainment under this licence shall be limited to music accompanying any form of ice skating where ice skating is the principal form of entertainment.
- 13. The exit leading into the road between Queens Court and Princess Court shall not be used except in the event of an emergency.
- 14. No noise shall emanate from the premises which shall be audible in any residential premises.
- 15. The number of persons accommodated (excluding staff) at the premises shall not exceed 1000.

**Conditions related to Sale of Alcohol**

- 16. There shall be no sale or supply or consumption of intoxicating liquor other than in the areas coloured pink on the deposited plan.
- 17. There shall be no sale or supply of intoxicating liquor under this licence except when the ten pin bowling and/or the ice skating facilities are in use or available for use.
- 18. A member of staff over the age of 18 years shall be in the area of the ten pin bowling lanes during permitted licensing hours to monitor the consumption of intoxicating liquor and to ensure that good order is maintained.

19. No person under 18 years shall be allowed to consume intoxicating liquor anywhere within the licensed premises.
20. No person shall be allowed to bring intoxicating liquor into the Queens Ice Bowl from outside the premises for consumption on the premises, and notices to that effect shall be displayed at all public entrances to the premises.
21. At least one licensee shall be present on the licensed premises during all permitted hours.
22. The whole of the premises of the Queens Ice Bowl shall be covered by a closed circuit television system, installed, operated, maintained and usage monitored, to a standard that is satisfactory to the Metropolitan Police Crime Prevention Officer of the Local Police Division.
23. From the hours of 11.00am to 6.00pm Monday to Friday a minimum of one accredited door supervisor shall be on duty within the public area of the licensed premises of the Queens Ice Bowl. On Bank Holidays, Sundays and after 6p, Monday to Friday there will be a minimum of two accredited door supervisors and after 6pm Saturdays a minimum of three accredited door supervisors shall be on duty. When there are at least two door supervisors one will be responsible for supervising access at the front door.
24. Notices requesting persons to leave the premises in a quiet and orderly manner and to respect the local residents and businesses shall be placed prominently at all exits from the premises.
25. No direct access from the street to any bar.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

26. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:
  - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.



## **Annex 2 – Conditions consistent with the operating Schedule**

27. No under 18's will be permitted in the bar unless under the supervision of an adult. Signage to this effect will be displayed.
28. 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.
29. All emergency exit doors shall be available at all times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
33. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
34. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to the Council where consent has not previously been given:
  - Dry ice and cryogenic fog.
  - Smoke machines and fog generators.
  - Pyrotechnics including fireworks.
  - Firearms.
  - Lasers.
  - Explosives and highly flammable substances.
  - Real flame.
  - Strobe lighting.
35. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
36. The certificates listed below shall be submitted to the Council upon written request.
  - Any emergency lighting battery or system.
  - Any electrical installation.
  - Any fire alarm system.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

**Annex 4 – Plans**

Attached

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
05/10410/LIPC	Conversion Application	Granted Under Delegated Authority	03.10.2005
06/10171/WCCMAP	New Premises Application	Granted Under Delegated Authority	03.10.2005
13/04559/LIPV	Variation Application	Granted Under Delegated Authority	20.08.2013
14/01718/LIPT	Transfer Application	Granted Under Delegated Authority	12.03.2014
14/05701/LIPT	Transfer Application	Granted Under Delegated Authority	01.09.2014
16/05019/LIPVM	Minor Variation Application	Granted Under Delegated Authority	02.06.2016
16/05320/LIPV	Variation Application	Granted Under Delegated Authority	10.08.2016
16/09287/LIPVM	Minor Variation Application	Granted Under Delegated Authority	11.01.2017
17/01745/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	30.03.2017
17/03341/LIPVM	Minor Variation Application	Granted Under Delegated Authority	24.04.2017

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
18/00061/LITENP	Temporary Event Notice	Event allowed to proceed	09.01.2018
18/00059/LITENP	Temporary Event Notice	Event allowed to proceed	09.01.2018
17/06293/LITENP	Temporary Event Notice	Invalid Application	09.06.2017
17/06292/LITENP	Temporary Event Notice	Event allowed to proceed	14.06.2017
17/06283/LITENP	Temporary Event Notice	Invalid Application	09.06.2017
17/02588/LITENP	Temporary Event Notice	Event allowed to proceed	11.04.2017
17/00516/LITENP	Temporary Event Notice	Application Withdrawn	25.01.2017
17/00515/LITENP	Temporary Event Notice	Application Withdrawn	25.01.2017

**There is no appeal history**

## Current Premises Licence

A copy of the current premises licence (17/03341/LIPVM ) amended 15<sup>th</sup> June 2018 is enclosed.



City of Westminster  
64 Victoria Street, London,  
SW1E 6QP

Schedule 12  
Part A

WARD: Lancaster Gate  
UPRN: 100023482130

**Premises licence**

Regulation 33, 34

**Premises licence number:**

16/05320/LIPV

**Original Reference:**

05/10410/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

Queen's Ice Bowl  
17 Queensway  
London  
W2 4QP

**Telephone Number:** 020 7229 0172

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Performance of Live Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Saturday: 09:00 to 23:00  
Sunday: 09:00 to 22:30

**Performance of Live Music**

Monday to Saturday: 09:00 to 23:00  
Sunday: 09:00 to 22:30

**Playing of Recorded Music**

Unrestricted

**Late Night Refreshment**

Monday to Saturday: 23:00 to 23:30

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday	10:00 to 23:30
Sunday:	12:00 to 22:30

**The opening hours of the premises:**

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Leisurebox Limited  
Park House  
26 North End Road  
London  
NW11 7PT

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

0609737

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** Andrew Phelps

***Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.***

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** 02631  
**Licensing Authority:** London Borough of Lambeth

**Date:** 15<sup>th</sup> June 2018

This licence has been authorised by Miss Samantha Eaton on behalf of the Director - Public Protection and Licensing.



## Annex 1 – 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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

**Conditions reproducing the effect of conditions subject to which the relevant existing licenses have effect.**

**Conditions relating to regulated entertainment:**

10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. Entertainment under this licence shall be provided in the Ice Rink area only.
12. Musical entertainment under this licence shall be limited to music accompanying any form of ice skating where ice skating is the principal form of entertainment.
13. The exit leading into the road Queens Court and Princess Court shall not be used except in the event of an emergency -  
EXCEPT that this condition shall not apply during the refurbishment of the premises when the following applies -
- There is no access/exit to the premises through the main door on Queensway.
  - The only area accessible to the public will be the ice rink area.
  - There are no licensable activities taking place.
  - The ice rink area will only be used between 10.00am and 9.00pm with all customers vacating the premises by 9.30pm..
  - The exit will be used for entrance and exit on a temporary basis until November 2016.
  - An SIA registered door staff will be employed for queue management stationed at the main exit.

- The number of customers will be restricted to 250 per session.
  - A manned box office will be stationed at the entrance.
  - Signage and printed media will be displayed and handed to all customers ensuring noise is kept to a minimum
14. No noise shall emanate from the premises which shall be audible in any residential premises.
15. The number of persons accommodated (excluding staff) at the premises shall not exceed 1000.

**Conditions related to Sale of Alcohol**

16. There shall be no sale of alcohol or consumption of alcohol in the area coloured yellow on the attached plan.
17. There shall be no sale or supply of intoxicating liquor under this licence except when the ten pin bowling and/or the ice skating facilities are in use or available for use.
18. A member of staff over the age of 18 years shall be in the area of the ten pin bowling lanes during permitted licensing hours to monitor the consumption of intoxicating liquor and to ensure that good order is maintained.
19. No person under 18 years shall be allowed to consume intoxicating liquor anywhere within the licensed premises.
20. No person shall be allowed to bring intoxicating liquor into the Queens Ice Bowl from outside the premises for consumption on the premises, and notices to that effect shall be displayed at all public entrances to the premises.
21. At least one licensee shall be present on the licensed premises during all permitted hours.
22. The whole of the premises of the Queens Ice Bowl shall be covered by a closed circuit television system, installed, operated, maintained and usage monitored, to a standard that is satisfactory to the Metropolitan Police Crime Prevention Officer of the Local Police Division.
23. From the hours of 11.00am to 6.00pm Monday to Friday the reception desk at the front door of the premises will at all times be operational so as to monitor customers coming into the premises. From 2.00pm until 6.00pm on Saturday, Sundays and Bank Holiday Mondays there will be a minimum of one accredited door supervisor on duty within the public area of the licensed premises. From 6.00pm until licensable activities cease Monday to Sunday there will be a minimum of two accredited door supervisors on duty within the public area of the premises.
24. Notices requesting persons to leave the premises in a quiet and orderly manner and to respect the local residents and businesses shall be placed prominently at all exits from the premises.
25. No direct access from the street to any bar.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

26. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:

(a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,

(b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and

(c) to take all other reasonable precautions for the safety of the children.

## Annex 2 – Conditions consistent with the operating Schedule

27. No under 18's will be permitted in the bar unless under the supervision of an adult. Signage to this effect will be displayed.
28. 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.
29. All emergency exit doors shall be available at all times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
33. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
34. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to the Council where consent has not previously been given:
  - Dry ice and cryogenic fog.
  - Smoke machines and fog generators.
  - Pyrotechnics including fireworks.
  - Firearms.
  - Lasers.
  - Explosives and highly flammable substances.
  - Real flame.
  - Strobe lighting.
35. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
36. The certificates listed below shall be submitted to the Council upon written request.
  - Any emergency lighting battery or system.
  - Any electrical installation.
  - Any fire alarm system.
37. 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

38. There shall be no admittance to the premises after 22.30
39. There shall be no unaccompanied persons under the age of 18 on the premises after 23.00.
40. 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.
41. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
42. The premises shall operate a zero tolerance towards drugs.
43. Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
44. Suitable beverages other than intoxicating liquor, including drinking water, shall be available at the premises.
45. The premises licence holder shall require the DPS or another person nominated by him to attend any local Pubwatch scheme or equivalent if available.
46. Any entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted) shall not be provided.
47. 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.
48. There shall be no loud speakers, amplification or live entertainment to take place within the front entrance lobby of the premises
49. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
50. Notices will be prominently displayed at exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
51. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and the use the area quietly.
52. Where outside waste collection is required, all waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

53. The area immediately outside the premises shall be swept and/or washed and liquor and sweepings collected and stored in accordance with the approved refuse storage arrangements.
54. The Premises Licence Holder will enter into an agreement with the reputable private hire or mini cab firm to service customers leaving the premises. Information will also be made available to customers as to local transport provision.
55. Customers leaving the venue will be directed by staff and/or notices towards the Queensway. The DPS and Premises Licence Holder will use their reasonable endeavors to ensure there be no pick up or drop off at the main entrance to Queen's Ice Bowl.
56. Patrons temporarily leaving the premises and/or going to external areas of the premises for the purposes of smoking shall not take any drinks with them.
57. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
58. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
59. The certificates listed below shall be submitted to the Licensing Authority upon written request:
  - Any emergency lighting battery or system
  - Any electrical installation
  - Any emergency warning system
60. Any special effects or mechanical installations shall be arranged and stored so as to minimize any risks to the safety of those using the premises. The following special effects will only be used when 10 working days prior notice is given to the licensing authority and written consent is provided from the EH Consultation Team (where consent has not previously been given).
61. In respect of the Phase 2 Variation, no licensable activities shall take place in the affected areas until the premises has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.



**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

**Annex 4 – Plans**

Attached



City of Westminster  
64 Victoria Street, London,  
SW1E 6QP

Schedule 12  
Part B

WARD: Lancaster Gate  
UPRN: 100023482130

Premises licence  
summary

Regulation 33, 34

Premises licence number:

16/05320/LIPV

Part 1 – Premises details

Postal address of premises:

Queen's Ice Bowl  
17 Queensway  
London  
W2 4QP

Telephone Number: 020 7229 0172

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance  
Performance of Live Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Saturday: 09:00 to 23:00  
Sunday: 09:00 to 22:30

**Performance of Live Music**

Monday to Saturday: 09:00 to 23:00  
Sunday: 09:00 to 22:30

**Late Night Refreshment**

Monday to Thursday: 23:00 to 00:00  
Friday to Saturday: 23:00 to 00:30

**Playing of Recorded Music**

Unrestricted

**Late Night Refreshment**

Monday to Saturday: 23:00 to 23:30

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday	10:00 to 23:30
Sunday:	12:00 to 22:30

**The opening hours of the premises:**

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

**Name and (registered) address of holder of premises licence:**

Leisurebox Limited  
Park House  
26 North End Road  
London  
NW11 7PT

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

0609737

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

**Name:** Andrew Phelps

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

Restricted

**Date:** 15<sup>th</sup> June 2018

**This licence has been authorised by Miss Samantha Eaton on behalf of the Director - Public Protection and Licensing.**

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

When determining an application for a variation of a 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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

**Conditions: On Current Licence -**

**Mandatory:**

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.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

**Conditions reproducing the effect of conditions subject to which the relevant existing licenses have effect.**

**Conditions relating to regulated entertainment:**

10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. Entertainment under this licence shall be provided in the Ice Rink area only.  
***(Proposed for deletion)***
12. Musical entertainment under this licence shall be limited to music accompanying any form of ice skating where ice skating is the principal form of entertainment.  
***(Proposed for deletion)***
13. The exit leading into the road Queens Court and Princess Court shall not be used except in the event of an emergency -  
EXCEPT that this condition shall not apply during the refurbishment of the premises when the following applies -
  - There is no access/exit to the premises through the main door on Queensway.
  - The only area accessible to the public will be the ice rink area.
  - There are no licensable activities taking place.
  - The ice rink area will only be used between 10.00am and 9.00pm with all customers vacating the premises by 9.30pm..
  - The exit will be used for entrance and exit on a temporary basis until November 2016.
  - An SIA registered door staff will be employed for queue management stationed at the main exit.
  - The number of customers will be restricted to 250 per session.
  - A manned box office will be stationed at the entrance.
  - Signage and printed media will be displayed and handed to all customers ensuring noise is kept to a minimum***(Proposed for deletion)***
14. No noise shall emanate from the premises which shall be audible in any residential premises.
15. The number of persons accommodated (excluding staff) at the premises shall not exceed 1000.

**Conditions related to Sale of Alcohol**

16. There shall be no sale of alcohol or consumption of alcohol in the area coloured yellow on the attached plan.
17. There shall be no sale or supply of intoxicating liquor under this licence except when the ten pin bowling and/or the ice skating facilities are in use or available for use.
18. A member of staff over the age of 18 years shall be in the area of the ten pin bowling lanes during permitted licensing hours to monitor the consumption of intoxicating liquor and to ensure that good order is maintained.



19. No person under 18 years shall be allowed to consume intoxicating liquor anywhere within the licensed premises.
20. No person shall be allowed to bring intoxicating liquor into the Queens Ice Bowl from outside the premises for consumption on the premises, and notices to that effect shall be displayed at all public entrances to the premises.
21. At least one licensee shall be present on the licensed premises during all permitted hours.
22. The whole of the premises of the Queens Ice Bowl shall be covered by a closed circuit television system, installed, operated, maintained and usage monitored, to a standard that is satisfactory to the Metropolitan Police Crime Prevention Officer of the Local Police Division.
23. From the hours of 11.00am to 6.00pm Monday to Friday the reception desk at the front door of the premises will at all times be operational so as to monitor customers coming into the premises. From 2.00pm until 6.00pm on Saturday, Sundays and Bank Holiday Mondays there will be a minimum of one accredited door supervisor on duty within the public area of the licensed premises. From 6.00pm until licensable activities cease Monday to Sunday there will be a minimum of two accredited door supervisors on duty within the public area of the premises.

***Proposed to be amended as follows:***

Will at all times be operational so as to monitor customers coming into the premises. From 2.00pm until 6.00pm on Saturday, Sundays and Bank Holiday Mondays there will be a minimum of one accredited door supervisor on duty within the public area of the licensed premises. From 6.00pm until licensable activities cease Monday to Sunday there will be a minimum of two accredited door supervisors on duty within the public area of the premises.

24. Notices requesting persons to leave the premises in a quiet and orderly manner and to respect the local residents and businesses shall be placed prominently at all exits from the premises.  
***(Proposed for deletion)***
25. No direct access from the street to any bar.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

26. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:
  - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.

## **Annex 2 – Conditions consistent with the operating Schedule**

27. No under 18's will be permitted in the bar unless under the supervision of an adult. Signage to this effect will be displayed.
28. 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.
29. All emergency exit doors shall be available at all times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
33. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
34. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to the Council where consent has not previously been given:
  - Dry ice and cryogenic fog.
  - Smoke machines and fog generators.
  - Pyrotechnics including fireworks.
  - Firearms.
  - Lasers.
  - Explosives and highly flammable substances.
  - Real flame.
  - Strobe lighting.
35. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
36. The certificates listed below shall be submitted to the Council upon written request.
  - Any emergency lighting battery or system.
  - Any electrical installation.
  - Any fire alarm system.
37. 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
38. There shall be no admittance to the premises after 22.30
  39. There shall be no unaccompanied persons under the age of 18 on the premises after 23.00.
  40. 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.
  41. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

***Intended to read as follows:***

The supply of alcohol in the area coloured blue on the attached plan will only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

***Proposed to be amended as follows:***

- In the restaurant area the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
42. The premises shall operate a zero tolerance towards drugs.
  43. Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
  44. Suitable beverages other than intoxicating liquor, including drinking water, shall be available at the premises.
  45. The premises licence holder shall require the DPS or another person nominated by him to attend any local Pubwatch scheme or equivalent if available.
  46. Any entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted) shall not be provided.
  47. 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.
  48. There shall be no loud speakers, amplification or live entertainment to take place within the front entrance lobby of the premises
  49. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or

businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

50. Notices will be prominently displayed at exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
51. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and the use the area quietly.
52. Where outside waste collection is required, all waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
53. The area immediately outside the premises shall be swept and/or washed and liquor and sweepings collected and stored in accordance with the approved refuse storage arrangements.
54. The Premises Licence Holder will enter into an agreement with the reputable private hire or mini cab firm to service customers leaving the premises. Information will also be made available to customers as to local transport provision.
55. Customers leaving the venue will be directed by staff and/or notices towards the Queensway. The DPS and Premises Licence Holder will use their reasonable endeavors to ensure there be no pick up or drop off at the main entrance to Queen's Ice Bowl.
56. Patrons temporarily leaving the premises and/or going to external areas of the premises for the purposes of smoking shall not take any drinks with them.
57. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
58. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
59. The certificates listed below shall be submitted to the Licensing Authority upon written request:
  - Any emergency lighting battery or system
  - Any electrical installation
  - Any emergency warning system
60. Any special effects or mechanical installations shall be arranged and stored so as to minimize any risks to the safety of those using the premises. The following special effects will only be used when 10 working days prior notice is given to the licensing authority and written consent is provided from the EH Consultation Team (where consent has not previously been given).
61. In respect of the Phase 2 Variation, no licensable activities shall take place in the affected areas until the premises has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.  
**(To be removed – cleared by Environmental Health)**

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

None.

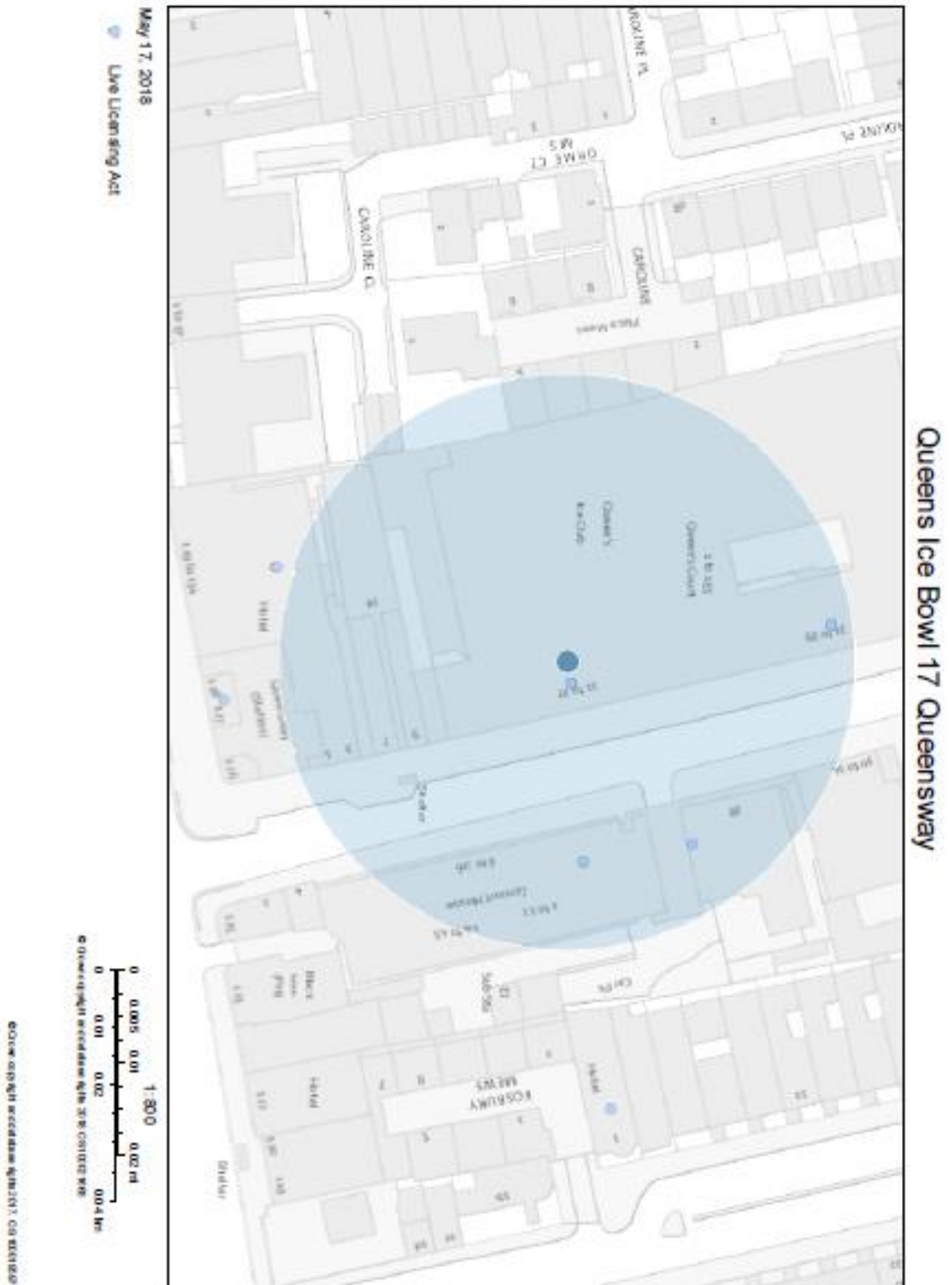
#### **Conditions proposed by the applicant to form part of the operating schedule:**

62. The sale and consumption of alcohol in the Ice Rink (shaded blue on the plan) will only take place when there is a pre-booked private function using the ice rink.
63. In the Ice Rink Café and the Ice Rink View Café and the related Viewing Gallery areas the supply of alcohol will only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal until 7pm.

#### **Conditions proposed by the Police and agreed with the applicant to form part of the operating schedule:**

64. 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
  - g) Any refusal of the sale of alcohol
  - h) Any visit by a relevant authority or emergency service

Residential Map and List of Premises in the Vicinity



Resident count: 150

**Premises within 50 metres of: 17 Queensway**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
55189	La Docta	Unit A15 Queensway Market 23 - 25 Queensway London W2 4QJ	Monday to Sunday; 10:00 - 20:30
56237	Del Casa	27 Queensway London W2 4QJ	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
56340	Queen's Ice Bowl	Queens Ice Club 17 Queensway London W2 4QP	Monday to Thursday; 09:00 - 00:00 Friday to Saturday; 09:00 - 00:30 Sunday; 09:00 - 23:00
56231	Royal China Chinese Restaurant	13 Queensway London W2 4QJ	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
29550	Casa Brasil	Unit L001 Queensway Market 23-25 Queensway London W2 4QJ	Monday to Saturday; 11:00 - 20:00 Sunday; 12:00 - 18:00
73410	Mandarin Kitchen	14-16 Queensway London W2 3RX	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
54982	Not Recorded	10 Queensway London W2 3RX	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:00
54813	Med Mezze	22 Queensway London W2 3RX	Monday to Thursday; 10:00 - 23:00 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 10:00 - 00:00
7562	Food Basics Limited	28 Queensway London W2 3RR	Monday to Saturday; 10:00 - 23:00 Sunday; 10:00 - 22:30
56295	Ground Floor	31-31A Queensway London W2 4QJ	Monday to Saturday; 07:00 - 00:00 Sunday; 08:00 - 00:00
56239	Taza Take Away	35A Queensway London W2 4QJ	Monday to Sunday; 10:00 - 00:00
56241	Kalinka	35 Queensway London W2 4QJ	Monday to Saturday; 11:00 - 20:00 Sunday; 12:00 - 18:30
56244	Queensway Food & Wine	37 Queensway London W2 4QJ	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30

11332	Caps News	35B Queensway London W2 4QJ	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
-------	-----------	--------------------------------	---