

# Licensing Sub-Committee Report

Item No:	
Date:	1 March 2018
Licensing Ref No:	17/14610/LIPN - New Premises Licence
Title of Report:	The Plaza 116-128 Oxford Street London W1D 1LT
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	8 December 2017		
<b>Applicant:</b>	Inpaella Ltd		
<b>Premises:</b>	The Plaza		
<b>Premises address:</b>	116-128 Oxford Street London W1D 1LT	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	A restaurant unit situated within The Plaza. According to the application the premises will operate as a restaurant with a holding bar for diners only.		
<b>Premises licence history:</b>	This is a new premises licence and therefore no history exists.		
<b>Applicant submissions:</b>	<p>The site is the restaurant unit within the building known as The Plaza in 120 Oxford Street. The premises comprises the ground floor (3500 sqft) and the first floor (5750 sqft) of the corner of the building in Wells Street and Eastcastle Streets.</p> <p>The team behind this project comprises two teams with a vast experience in the sector. On the one side the Iberica Restaurants teams which runs eight restaurants in the UK, with 5 in London and two within the City of Westminster, in Victoria and Marylebone, and has done so without any issues having arisen in establishments in relation to within others the licensing objectives.</p> <p>The other side of the team is the renowned and highly awarded Quique Dacosta, within the top 100 Chefs in the world with a total of 4 Michelin stars (3+1).</p> <p>We intend to create a very high end restaurant with an ancillary holding bar which will never occupy more than 15% of the site. Our plans are to create a restaurant with a total of 70 at ground floor and 110 in the first floor, all seated except for the small bar area.</p> <p>The restaurant is still in design change and thus can adapt its build to requisites that may arise from this license.</p> <p>The applicant has provided submissions at Appendix 1 of the report and the proposed conditions have been</p>		

	incorporated into Appendix 3.
<b>Plan</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.

<b>1-B Proposed licensable activities and hours</b>							
<b>Since the original application was received the applicant has amended the hours for licensable activities, to less than core hours for the Retail Sale of Alcohol and Recorded Music and within core hours for Late Night Refreshment</b>							
<b>Regulated Entertainment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Playing of Recorded Music</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>	11:00	11:00	11:00	11:00	11:00	11:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	23:30	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			<ul style="list-style-type: none"> <li>- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</li> <li>- On the day British Summer time commences for an additional hour following the terminal hour.</li> <li>- Sundays before bank holidays 12:00-00:00 hours.</li> </ul>				

<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>			<ul style="list-style-type: none"> <li>- From the start time on New Year's Eve to the terminal hour for New Year's Day.</li> <li>- Sunday before a bank holiday 23:00 to 00:00.</li> <li>- On the day British Summer time commences for an additional hour following the terminal hour.</li> </ul>				

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			<ul style="list-style-type: none"> <li>- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</li> <li>- On the day British Summer time commences for an additional hour following the terminal hour.</li> <li>- Sundays before bank holidays 12:00-00:00 hours.</li> </ul>				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:00
<b>Seasonal variations/ Non-standard timings:</b>			<p>On the day British Summer Time commences: one additional hour following the terminal hour.</p> <p>From the start time on New Year's Eve to the terminal hour for New Year's Day</p> <p>Sundays before Bank Holiday from 11:00 to 00:30</p>				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Metropolitan Police ( <b>withdrawn</b> )
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	14 <sup>th</sup> December 2017

With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

Would it be possible to attend the premises at some stage with Environmental Health and discuss the application?

I look forward to your prompt response.

**Further correspondence from the Police to Applicant:**

**The Plaza, Oxford Street, W1 - 17/14610/LIPN**

I hope you are well. I have been through the operating schedule and note your conditions. I am happy with them.

I have also consulted with Sally and from a Police point of view, I fully support Environmental Health.

The condition I would like agreed to is:

*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 condition (MC66), alcohol may be supplied and consumed prior to and after their meal in the bar area (**hatched on the plan**), by up to a maximum at any one time, of (15% of the total capacity) persons dining at the premises.*

**Following agreed conditions proposed by the Police and accepted by the applicant, the Police have withdrawn their representation**

<b>Responsible Authority:</b>	The Environmental Health Service ( <b>withdrawn</b> )
<b>Representative:</b>	Sally Fabbriatore
<b>Received:</b>	5 <sup>th</sup> January 2018

I refer to the application for a new Premises Licence for the above premises.

**The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.**

This representation is based on the Operating Schedule and the submitted plans, for the ground and first floor, titled with the address and drawing number 1110L-1 and dated 08/05/17.

The applicant is seeking the following on the ground and first floors:

1. To allow the Supply of Alcohol 'on' the premises Monday to Thursday 11:00–00:00 hours, Friday and Saturday 11:00–00:00 hours and Sunday 11:00–23:00 hours.
2. To allow Late Night Refreshment 'indoors' Monday to Thursday 23:00–00:00 hours, and Friday and Saturday 23:00–00:30 hours.
3. To allow the provision of Regulated Entertainment of Recorded Music 'indoors' Monday to Thursday 10:00–00:00 hours, Friday and Saturday 10:00–00:30 hours and Sunday 10:00–23:00 hours.
4. To allow the above provisions from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
5. To allow the above provisions for an extra hour on the commencement of British Summertime.
6. To allow the above provisions on a Sunday before a bank holiday from 10:00 to 00:30 hours.

I wish to make the following representation in relation to the above application:

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area, it may also impact on Public Safety.
2. The provision of Late Night Refreshment may cause an increase in Public

Nuisance in the cumulative impact area.

3. The provision of Regulated Entertainment may cause an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.
4. The non-standard timings may cause an increase in Public Nuisance in the cumulative impact area.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.**

***Following the agreement of conditions, Environmental Health have withdrawn their representation.***

<b>Responsible Authority:</b>	The Licensing Authority
<b>Representative:</b>	Mr David Sycamore
<b>Received:</b>	5 <sup>th</sup> January 2018

I write in relation to the application submitted for a variation of a Premises Licence for the following premises

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:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

The conditions currently proposed could allow for the ground floor and outside terrace to become a drinks led venue and would be contrary to PB2, which 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. We also believe conditions could be re-drafted so that it fits in better with RNT2, which relates to restaurants in the cumulative impact area.

We are also concerned that the hours sought for recorded music, late night refreshment and opening hours go beyond those defined in HRS1. We believe the conditions and hours can be amended to make to make to the application fit better with our Statement of Licensing Policy and we will be available to assist you as the applicant to do this.

For the reasons stated above please accept this as a formal objection and we look forward to hearing from you in the near future.

***Correspondence exchange between the Licensing Authority and the Applicant dated 12.02.2018:***

Dear David

I hope this reaches you well. I write to update you on the current licence application made by Inpaella Limited.

**Objections**

Following the end of consultation there were effectively 4 objections and these were:-

Local residents association - The Fitzrovia Residents Association  
Police – Adam Dewaltz  
EHO – Sally Fabbriatore  
and your good self.

**Current status of Objections**

After very helpful and constructive discussions, all objections have now been withdrawn except for Licensing. I understand as part of the conditions offered the applicant has tried to address the points you have raised, namely hours and persons retiring to a bar area to free up tables. I attach the final set of conditions agreed with all parties.

You will see the application is now core hours and also the amendment to persons being in the hatched area after their meal has been removed. I have been asked by the applicant to see if you could consider withdrawing your representation on the basis that we have managed to get everyone to withdraw including local residents that would have been directly affected.

The applicant considers the followings are some of the key submissions for you to consider:

- 1) Planning permission was granted for the unit and it is very important to recognise the reasoning for this. The Plaza, had a food court with many fast food outlets ranging from KFC, Burger King, Subway, Pizza Hut Express, Taza La Plaza and Spud U like that occupied 1,440m<sup>2</sup>. The new restaurant has a reduction of floor space to 865 m<sup>2</sup> and the rest will be converted to A1 retail space. Therefore by reducing the restaurant area, albeit with an offering of alcohol would be an overall reduction in size of a restaurant by 575 m<sup>2</sup>.



- 2) The previous operators within the Plaza were there focused on fast food for dining in a food court area with disposable crockery and strong takeaway emphasis. The new offering is more formal high quality dining and fits squarely within MC66 which has been offered.
- 3) The residents have withdrawn after being satisfied with concerns.
- 4) EHO and Police who specialise in dealing with the public nuisance/safety, crime and disorder and protection of children have all withdrawn.
- 5) We hope that we can try and avoid unnecessary delay and costs. The applicant has already sought the most expensive licensing pre-application advice and therefore he felt all concerns should have been mentioned at the time. I think the applicant paid in the region of £1373.40 for the pre-app and have accepted all the proposals from the EHO and yourself and has made the necessary amendments to cut back to core house and remove post dining drinks.

In light of the above I hope you can consider withdrawing your representation. If you are unable to, please can you confirm what else you may need or what other discussions need to take place prior to the hearing. We will be available to meet at any time or would be happy to have a telephone conversation at any time. We will be engaging a barrister next week and ideally the applicant would like to avoid the cost of this if at all possible.

For ease, I attach the agreed conditions by all parties which show in detail the various changes that were made to the application and the conditions agreed.

The applicant is committed to working with you and all interested parties.

We look forward to hearing from you and as always are grateful for your time and assistance on this matter.

**From: David Sycamore**  
**To: Andrew Wong**

Hi Andrew

Sadly as this is a new premises in the CIA we are unlikely to be able to withdraw our representation. However, we are pleased that some good progress has been made with the application. The point for you and your client to consider remains RNT2 of the Policy, that any new application must demonstrate how it will not add to cumulative impact, this was raised on the pre-application report.

Kind regards

David

<b>2-B Other Persons</b>	
<b>Received:</b>	14 <sup>th</sup> December 2017 ( <b>representation withdrawn</b> )
3:47 PM on 14 Dec 2017 We have concerns about some of the activities going outside of core hours. There are residents nearby whose amenity we wish to protect. We would like to prevent any public nuisance due to noise and alcohol related poor behaviour. We would also like to see a clear condition that requires alcohol to be sold only to those seated and taking a meal. (ancillary to a meal). We'd like all tables of chairs out of use after 9pm. Conditions for disposal of waste, bottles etc and deliveries. We are happy to discuss with applicant.	

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies:	<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>
Policy HRS1 applies:	<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>
Policy RNT2 applies:	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>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Pre-Application Report
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1872 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@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 2017
<b>4</b>	Application Form	8 <sup>th</sup> December 2017
<b>5</b>	The Licensing Authority- Representation	5 <sup>th</sup> January 2018
<b>6</b>	The Environmental Health Service- Representation (withdrawn)	5 <sup>th</sup> January 2018
<b>7</b>	The Metropolitan Police Service Representation- (withdrawn)	14 <sup>th</sup> December 2017
<b>8</b>	Representation (withdrawn)	14 <sup>th</sup> December 2017

**The Plaza, 116-128 Oxford Street, London**  
**Summary of Amalgamated Conditions**  
**Dated 17/1/18**

**Revised Hours for Licensable activities**

	<b>Days</b>	<b>Original Application</b>	<b>Revised Application</b>	<b>Changes from original</b>	<b>Comparison of revised proposal to Core Hours</b>
Sale of Alcohol	Monday	11:00 – 23:30	11:00 – 23:30	Stays the same	Less than core hours
	Tuesday	11:00 – 23:30	11:00 – 23:30	Stays the same	Less than core hours
	Wednesday	11:00 – 23:30	11:00 – 23:30	Stays the same	Less than core hours
	Thursday	11:00 – 23:30	11:00 – 23:30	Stays the same	Less than core hours
	Friday	11:00 – 00:00	11:00 – 00:00	Stays the same	Less than core hours
	Saturday	11:00 – 00:00	11:00 – 00:00	Stays the same	Less than core hours
	Sunday	11:00 – 23:00	12:00 – 22:30	Decrease 1h 30m	Within Core hours
Late night Refreshment	Monday	23:00 – 00:00	23:00 – 23:30	Decrease 30mins	Within Core hours
	Tuesday	23:00 – 00:00	23:00 – 23:30	Decrease 30mins	Within Core hours
	Wednesday	23:00 – 00:00	23:00 – 23:30	Decrease 30mins	Within Core hours
	Thursday	23:00 – 00:00	23:00 – 23:30	Decrease 30mins	Within Core hours
	Friday	23:00 – 00:30	23:00 – 00:00	Decrease 30mins	Within Core hours
	Saturday	23:00 – 00:30	23:00 – 00:00	Decrease 30mins	Within Core hours
	Sunday	N/a	N/a	No Change	Within Core hours
Recorded Music	Monday	10:00 – 00:00	11:00 – 23:30	Decrease 1h 30m	Less than core hours
	Tuesday	10:00 – 00:00	11:00 – 23:30	Decrease 1h 30m	Less than core hours
	Wednesday	10:00 – 00:00	11:00 – 23:30	Decrease 1h 30m	Less than core hours
	Thursday	10:00 – 00:00	11:00 – 23:30	Decrease 1h 30m	Less than core hours
	Friday	10:00 – 00:30	11:00 – 00:00	Decrease 1h 30m	Less than core hours
	Saturday	10:00 – 00:30	11:00 – 00:00	Decrease 1h 30m	Less than core hours

	Sunday	10:00 – 23:00	12:00 – 22:30	Decrease 2h 30m	Within Core hours
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**Non Standard Timings**

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day
- On the day British Summer time commences for an additional hour following the terminal hour.
- Sundays before bank holidays 11:00-00:00 hours.

120 OXFORD STREET  
SERVICE MANAGEMENT PLAN  
FRAMEWORK



OCTOBER 2016

**120 OXFORD STREET**  
**SERVICE MANAGEMENT PLAN**  
**FRAMEWORK**  
**Sirosa Ltd**

**Report**

Project no: 24421289  
Date: October 2016

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# QUALITY MANAGEMENT

ISSUE/ REVISION	REVISION 1	REVISION 2		
Remarks	Draft	For Planning		
Date	17/10/2016	31/10/2016		
Prepared by	Kay Nyakpo	Kay Nyakpo		
Signature	KKN	Nyakpo, Kay Author 2016.10.31 16:22:59 Z		
Checked by	Richard Thomas	Richard Thomas		
Signature	RMT	Thomas, Richard I am approving this document 2016.10.31 16:38:23 Z		
Authorised by	Richard Thomas	Richard Thomas		
Signature	RMT	Thomas, Richard I am approving this document 2016.10.31 16:38:38 Z		
Project number	24421289	24421289		
Report number	SMPF001	SMPF001		
File reference	V:\24421289 - Colegrave Hs - Oxford STIF OUT Surveys Specs & Reports\Service Management Plan Framework	V:\24421289 - Colegrave Hs - Oxford STIF OUT Surveys Specs & Reports\Service Management Plan Framework		

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# PRODUCTION TEAM

## CLIENT

Cushman & Wakefield (C&W) on  
behalf of Sirosa Limited

## WSP | PARSONS BRINCKERHOFF

Transport Planner Kay Nyakpo

Technical Director Richard Thomas

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## APPENDICES

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A P P E N D I X	B	DRAWINGS

# 1 INTRODUCTION

## 1.1 BACKGROUND

1.1.1 WSP | Parsons Brinckerhoff has been appointed by Sirosa Limited to provide transportation consultancy advice in support of a new planning application for proposals to subdivide and partially change the land use to Class A3 of what has previously been designated as MSU2 within the planning consent (ref. 12/12420/FULL) issued in October 2013, for refurbishment works at 120 Oxford Street, London.

1.1.2 The building is located on the northern side of the A40 Oxford Street, London and current occupiers are the Arcadia Group and EasyGym. At present the building is primarily serviced from a loading area located on Wells Street, to the west of the building. The location of the site is shown on **Figure 1.1**.

1.1.3 The loading area is used for a wide variety of functions, including refuse collection, delivery of goods and contractor parking.

## 1.2 SCOPE

1.2.1 The purpose of this Service Management Plan Framework is to inform the authorities of the intent of the applicant in managing delivery and service vehicle trips to and from the development to minimise the impact of these goods vehicle trips on the surrounding public highway and increase the operational efficiency of the building.

1.2.2 This will ensure that there is no conflict in use of the loading area between the proposed A3 land user and the existing/proposed retail and office operators.

## 1.3 REPORT STRUCTURE

1.3.1 Following this introduction the report is set out as follows:

- **Section 2** describes the existing situation;
- **Section 3** summarises the development proposals;
- **Section 4** sets out the relevant planning policy pertinent to Delivery and Service Management Plans;
- **Section 5** identifies the objectives of the Serving Management Plan Framework and presents measures and initiatives to increase servicing efficiency for the site; and
- **Section 6** presents the finding and recommendations for servicing at the site.

## 2 EXISTING CONDITIONS

### 2.1 INTRODUCTION

2.1.1 This chapter provides a review of the current uses at the site and describes the existing operation of the loading area. This review has been based on the findings of a site visit undertaken on 13 October 2016 and information provided on behalf of the client.

### 2.2 SITE LOCATION AND EXISTING USE

2.2.1 The site is located in the City of Westminster, on the northern side of the A40 Oxford Street and is bounded to the west by Wells Street, to the north by Eastcastle Street and to the east by Berners Street.

2.2.2 The location of the site is shown on **Figure 1.1**. The building comprises eight floors, which consist of a basement level, the ground floor and six upper floors.

2.2.3 The basement area occupies most of the amenities serving the building, car parking and cycle storage areas and an area allocated for a New Retail Unit (MSU1). The ground floor accommodates the loading area for the building, as well as space allocated for use as New Retail Units (MSU1 & MSU2). The first floor is currently vacant and has been allocated for the use as New Retail Units (MSU1 & MSU2) as per the planning consent (ref. 12/12420/FULL). The second floor is partly occupied by EasyGym and the Arcadia Group, who also occupy much of the remainder of the building.

2.2.4 The floors of relevance to this application are those assigned for use as MSU2 as per the planning consent (ref. 12/12420/FULL), and these are the ground floor and the first floors. Drawing Numbers **1110/P-1(--)-010** and **1110/P-1(--)-011** included in **Appendix B** show the consented arrangements for the ground and first floors respectively.

### 2.3 SERVICING AND DELIVERIES

#### EXISTING SERVICING REGIME

2.3.1 At present the building is primarily serviced from a loading area located on Wells Street to the western side of the building. The loading area is currently used for the following:

- Goods deliveries;
- Refuse collection – both the collection from compactors and recycling bins;
- Parking for on-site contractors; and
- Access to the car lifts (two bays).

- 2.3.2 Photographs showing the loading bay area are presented on **Figure 2.1**.
- 2.3.3 The loading bay has limited headroom of 3.3m and depth of 10m which means that it can only be utilised by a rigid heavy goods vehicle (HGV) or smaller vehicle types.
- 2.3.4 There are some deliveries that are undertaken on street, specifically on the western side of Wells Street. The existing occupiers use the loading area for a wide variety of functions, including refuse collection, delivery of goods and contractor parking. It is noted that some of the retail units do have deliveries using large and articulated delivery vehicles, which have to park on street whilst their deliveries are unloaded. It is understood that these deliveries take place approximately two to three times a week and during the permitted loading periods. This practice is however not promoted or authorised by the site management team at 120 Oxford Street. Given the Central London location this is a common practice, and we understand the existing regime adequately serves the site.
- 2.3.5 Due to the building's location on Oxford Street in Central London, the majority of the deliveries to the site are undertaken in early morning (before 6am) so that the delivery vehicles avoid the busier periods and loading restrictions.

## WELLS STREET

- 2.3.6 Wells Street currently operates a one-way system, with vehicles only permitted to travel in a southbound direction. In addition the following parking restriction apply:
- The eastern side of Wells Street has two sets of road markings along its length. At the entrances of both the northern and southern ends there are double yellow lines in the vicinity of the pedestrian crossings. Furthermore a single yellow line runs from the northern to the southern ends of the road with double yellow lines marked on the kerb at regular intervals from one end to the other, indicating that loading /unloading is prohibited on that side of the road at all times
  - On the western side of Wells Street, there are parking spaces for disabled persons, taxi spaces and 'pay-to-park' car park spaces (operational on Monday to Saturday from 8:30 – 6:30pm). The remainder of the western side of Wells Street is controlled by single yellow lines prohibiting waiting and loading during certain time periods. No signs specifying the time periods for which waiting or loading are allowed were observed on site, therefore it is assumed to be outside the following time period, in line with what was observed on Eastcastle Street and Berners Street.
  - Monday to Friday – 08:30 to 18:30
  - Saturday – 08:30 to 13:30

## 2.4 SUMMARY

- 2.4.1 The existing loading area is constrained by its limited size and headroom. However, it is understood that it adequately serves the building. There are a variety of parking restrictions on Wells Street. However, large delivery vehicles e.g. articulated heavy goods vehicles, do park on the street for their deliveries to 120 Oxford Street and these deliveries are within the permitted time periods previously discussed, and consistent with the current planning permission.

# 3 REFURBISHMENT PROPOSALS

## 3.1 INTRODUCTION

3.1.1 This section of report sets out the nature of the development proposals and how they relate to what had been approved in the planning consent (ref. 12/12420/FULL) issued in October 2013.

## 3.2 LAND USE

3.2.1 The existing planning permission (ref. 12/12420/FULL) issued in October 2013 grants consent for the formation of new retail units (MSU2) over the Ground and First Floors of approximately 2,218sqm to be primarily accessed via Eastcastle Street ('Consented Scheme'). Following the conclusion of a Lease Agreement for the Unit fronting Oxford Street, preliminary marketing of MSU2 identified a variety of potential occupiers for the Unit. This application responds directly to the identified demand and interest obtained by this process.

3.2.2 It is proposed that the consented MSU2 Ground Floor area of approximately 942sqm is subdivided to form three separate units and associated ancillary areas. Whilst two of the Units (SU1 and SU2), that occupy a significant proportion of the floor area, will be retained for Class A1 Retail purposes, the development proposes the reintroduction of a Class A3 Restaurant Unit, which will enhance the vitality and viability of the shop frontage at the corner of Eastcastle and Wells Street. Owing to the fact that the existing streetscape in this location is mixed in character and provides a variety of different uses (including A1, A3, A4 and B1), it is considered that the introduction of a restaurant unit on this corner would be consistent with the character and function of this part of the site.

3.2.3 In addition, both SU1 and the proposed Restaurant Unit will be afforded vertical connectivity to First Floor level, where the consented MSU2 floor area of approximately 1,276sqm will be further divided between them and any associated ancillary areas. Drawing Numbers **1110/P-1(--)**100 and **1110/P-1(--)**101 included in **Appendix B** shows the subdivision and new land use allocations relevant to this planning application.

3.2.4 Prior to the undertaking of works to enact the consented scheme, the ground floor of 120 Oxford Street comprised 17 A1 retail units. Comparatively, the first floor of the building housed 10 A1 retail units and a food court consisting of 8 A3 units.

3.2.5 The subdivision of the proposed floorspace by use classification is shown in **Table 3.1**.



### 3.3 SERVICING AND DELIVERIES PROPOSALS

- 3.3.1 Servicing for the proposed Units will be as per the existing arrangement, with deliveries being received via the building's Loading Bay on Wells Street. The loading bay area has four loading bays, two of which are off-limits due to the presence of car lifts in front of them. The remaining two bays will be used for servicing and deliveries to all the units in the building.
- 3.3.2 Each of the proposed units has been designed to achieve a level floor throughout. Level differences between the units and communal areas, such as the loading bays and service corridors (employee areas only), are accommodated using ramps with a minimum slope of 1:12.
- 3.3.3 A total of 5x1100ltr wheelie bins (glass/food/plastic) and a cardboard baler will also be provided within the loading bays. Drawing Number **1110/P-1(--)**400 included in **Appendix B** shows the proposed arrangement for the loading bay area.
- 3.3.4 The refuse compactor is now proposed to be moved closer to the car lifts and in so doing freeing space in the largest loading bay area.
- 3.3.5 Given that the existing building would clearly require some on-street deliveries to take place and that the number of daily deliveries that the development would generate is relatively limited, it is considered that the existing lengths of single yellow line on the site frontage could readily accommodate these deliveries without any impact upon the operation of the surrounding highway network.
- 3.3.1 Arcadia Group also propose that they will have a separate refuse collection, and that their waste and recycle containers will be kept in the basement, although on collection the containers will need to be wheeled into the loading areas and will be stored adjacent to the existing compactor while awaiting collection.
- 3.3.2 A new site management office will be located within the loading bay area to facilitate the efficient management and coordination of the activities within the loading bay area. It is also considered likely that as part of the refurbishment that the wall at the back of the loading area would be removed to allow access between the delivery area and retail unit.

# 4 PLANNING POLICY AND GUIDANCE DOCUMENTS

## 4.1 INTRODUCTION

4.1.1 This section summaries the relevant transport policies and guidance documents at national, regional and local level relating servicing and deliveries to developments.

## 4.2 TRANSPORT AND STREETS SUPPLEMENTARY PLANNING DOCUMENT, 2016

4.2.1 *'Servicing facilities should be designed and managed to avoid undue impacts on highway users, the streetscape or neighbour amenity, while being effective in satisfying developments' servicing needs.'*

4.2.2 National Planning Policy Framework, paragraph 35 states that *'development should be located and designed where practical to accommodate the efficient delivery of goods and supplies and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter.'*

4.2.3 *'Servicing vehicles must not reverse out onto the highway. Such manoeuvres could endanger pedestrians and other road users. Servicing facilities must be designed to minimise the need to reverse on or from the highway. Sufficient visibility splays must be provided to enable safe manoeuvring to take place. Depending on the context, the use of banksmen may be required.'*

4.2.4 *'All servicing activity should be managed to minimise any impacts on highway operation, residential amenity or the environment.'*

4.2.5 *'Servicing Management Plans are required for all sites with off-street servicing facilities and all developments likely to generate significant servicing on-street such as supermarkets, tourist attractions and large hotels.'*

## 4.3 WESTMINSTER UDP (SAVED POLICIES JANUARY 2010)

4.3.1 Westminster City Council resolved to adopt its core Strategy in January 2011. The adoption of the Core Strategy resulted in the deletion of a number of the City Council's historic UDP policies; however, the traffic/ transport policies relevant to this planning application were retained.

4.3.2 As there may be elements of off-street servicing and deliveries associated with the development Policy TRANS 20 of the Westminster UDP has been consulted.

4.3.3 Policy TRANS 20 (Off-Street Servicing, Deliveries and Collection) of the Westminster City Plan states that:

*'The City Council will require convenient access to all premises for servicing vehicles (to include access for emergency services) and will, in most cases, require that the servicing needs of authorised development are adequately accommodated on-site and off-street, preferably either behind or under new or converted buildings. Such provision should be adequate to cater for the size, type and anticipated frequency of arrival of vehicles likely to be used for collection and delivery. Conditions may be imposed in order to restrict servicing activity to certain times and to ensure that the facilities are kept permanently available for their intended use, in order to minimise or prevent disturbance and inconvenience to adjoining occupants.'*

#### **4.4 WESTMINSTER'S CITY PLAN: STRATEGIC POLICIES (JULY 2016)**

4.4.1 Parts of the Westminster Unitary Development Plan have been replaced with the Westminster City Plan (July 2016) which is now the key policy document for determining planning applications in Westminster, as such it takes priority over the Unitary Development Policies.

4.4.1 Policy S42 (Servicing and Deliveries) of the Westminster City Plan states that:

*'Developments must demonstrate that the freight, servicing and deliveries required will be managed in such a way that minimises adverse impacts. This may include the provision of off-site consolidation centres, shared delivery arrangements, and/or restrictions on the types of vehicles or timing of deliveries, especially where the quality of the public realm, local pollution, and/or function and reliability of the transport network would be otherwise compromised.'*

*Servicing and delivery needs will be fully met within each development site, except where the council considers that this is not possible, in which case the servicing and delivery needs will be met in such a way that minimises the adverse effects on other highway and public realm users, and other residential or commercial activity. Where some or all of the servicing and delivery needs are met through use of the public highway, the development will meet the initial and on-going costs associated with that use of the public highway.'*

#### **4.5 TRICS RESEARCH & DEVELOPMENT SERVICING VEHICLE REQUIREMENTS – TECHNICAL NOTE (AUGUST 2016)**

4.5.1 The TRICS Technical Note develops a methodology for estimating servicing bay requirements based on the premise that servicing requirements are influenced by two key factors i.e. vehicle dwell times (itself a product of vehicle size) and arrival patterns. Through its research work it made a lot of findings and recommendations with regards to servicing and deliveries to developments.

4.5.2 A few of these findings and recommendations are detailed below;

*'The aim of this assessment is to develop a robust assessment methodology for servicing bay requirements based on observed influential factors. Site observations indicate that two key factors that influence servicing requirements are dwell times, often related to vehicle size or type and the random arrival patterns of service vehicles.'*

*'Currently, servicing bays for developments are generally provided on an ad-hoc basis which often leads to over or under provision which results in ineffective use of space and can have an impact on the highway network. It has also been found that the estimation of service vehicle trips and required bays for developments using conventional methods of applying trip rates have been proven to yield unrealistic results. Additionally, there is currently limited guidance in assessing the required number of service bays for developments.'*

*'In addition to providing a sufficient number of servicing bays, it is important that servicing areas are well located because if goods/refuse have to be trolleyed significant distances or man-handled within service areas, this will affect the turnover time and hence the average number of bays in use at one time.'*

*'With respect to quantum, it is considered that servicing needs may vary slightly if a site is small or large but not significantly. For example, servicing needs for a small restaurant compared to a large restaurant would be expected to be more or less the same, with variations more likely to be in the sizes of packages, servicing vehicle types and an increase in service vehicle dwell times.'*

*'It is noted that TRICS® provides specific trip rates for HGVs but not for LGVs. In the case of LGVs, TRICS® provides surveyed LGVs as a proportion of all surveyed vehicles. This information therefore assumes the arrival and departure times of LGVs are the same as those of all vehicles. It is also noted that the use of the LGV trip rate information infers that all surveyed LGVs are servicing vehicles. As a result, the provided LGV trip rates can be considered as an extreme case.'*

## **4.6 SUMMARY**

- 4.6.1 The above planning policy and guidance documents have been consulted in the preparation of this Service Management Plan Framework.

# 5 DELIVERY AND SERVICING PLAN

## 5.1 OBJECTIVES

5.1.1 This Servicing and Delivery Management Plan Framework informs of the intent of the applicant in managing delivery and service vehicle trips to and from the development to minimise the impact on the surrounding public highway and increase the operational efficiency of the redeveloped 120 Oxford Street.

5.1.2 As such, this Servicing and Delivery Management Plan Framework has the following objectives:

- Demonstrate that goods and services can be delivered in a safe, efficient and environmentally-friendly way;
- Identify deliveries that could be reduced, re-timed or even consolidated;
- Improve the reliability of deliveries to the site;
- Reduce the impact of servicing and delivery activities on the local highway network, other occupiers and the environment.

## 5.2 MEASURES

5.2.1 This chapter outlines the overarching measures and initiatives included within the Servicing and Delivery Management Plan Framework that are applicable to the redevelopment of 120 Oxford Street.

5.2.2 This Servicing and Delivery Management Plan Framework will specifically aim to ensure that servicing of the reconfigured building can be carried out efficiently without creating any negative impacts upon the local highway network, other commercial occupiers within and surrounding the building, and the environment.

5.2.3 The site management team will appoint a member of staff to oversee to all servicing related issues at 120 Oxford Street. In addition to this, the following proposed management measures and initiatives will be implemented. These have been grouped into the following broad areas:

- Design;
- Procurement Strategy;
- Operational Efficiency; and
- Waste Management.

## 5.3 DESIGN

5.3.1 It is recognised that good design can minimise disturbance for residents surrounding the site and the impact of servicing upon the local highway network. The specific design related measures as part of the redevelopment are set out in turn below:

## SERVICING FACILITIES

- 5.3.2 The proposed redevelopment has been designed to ensure that all delivery and servicing activities will take place as they do currently, i.e. mainly via the loading bay area provided on Wells Street, in such a way that the local network is unaffected by their operation. Details of the servicing proposals are provided within **Section 3.3** of this report.
- 5.3.3 Notably, it is anticipated that the quantum of servicing and delivery trips will not materially change as a result of the introduction of an A3 land use in place of the consented A1 land use within the building (see **Section 5.7**).

## RISK ASSESSMENT OF SERVICING AREAS

- 5.3.4 A risk assessment will be undertaken by suitably trained site management staff prior to use. This assessment will examine the following issues.
- Adequate manoeuvring space for the vehicles;
  - Interaction with pedestrians;
  - Interaction with other vehicles;
  - Adequate unloading area;
  - Level route from vehicle to destination.

## ACCOMMODATING SPECIAL DELIVERIES

- 5.3.5 Any special deliveries to the site such as oversized vehicles will need to be done on-street as the loading bays have a height and depth restriction. The occupiers will be coordinated to conduct such deliveries outside peak hours where possible.

## 5.4 PROCUREMENT STRATEGY

### SHARED SUPPLIERS

- 5.4.1 The site management team will encourage the occupiers to use the same suppliers where appropriate by making the new occupiers aware of suppliers already servicing the building. The new occupiers will also be made aware of the benefits associated with having shared suppliers across the site.
- 5.4.2 This will allow for servicing and deliveries to the site to be reduced, re-timed and/or consolidated where possible and appropriate.

## 5.5 OPERATIONAL EFFICIENCY

- 5.5.1 It is considered that measures to ensure operational efficiency can minimise disturbance for surrounding occupiers and the impact of servicing upon the local highway network.
- 5.5.2 The site management team will meet with all occupiers to the site to gain an understanding of their servicing and delivery needs and develop a servicing plan that builds on this framework report and best meets the requirements of all occupiers, both existing and new.

5.5.3 A review exercise of the servicing and delivery regime will be carried out every 6 months to ascertain whether it is operating efficiently. This process will provide the opportunity for up-to-date delivery and servicing operations and procedures on the site to be reviewed and new management measures implemented.

5.5.4 There is currently, a 20 minutes parking time restriction for loading bays, this will be reviewed by the site management team once the new occupiers are known.

## 5.6 WASTE MANAGEMENT

### REFUSE COLLECTION PROCEDURES

5.6.1 A refuse compactor is already in place within the loading bay area to service the whole building. In addition to this, 5x1100ltr wheelie bins (glass/food/plastic) and a cardboard baler will be provided within the loading bay area. Refuse collection will be outside of the peak hours as is already the case.

5.6.2 Currently, refuse collection is organised by the site management team and it is collected 3 times a week, between 1am- 5am.

## 5.7 SERVICE VEHICLE TRIPS AND DWELL TIME

5.7.1 The following paragraphs discuss the daily numbers of service vehicle trips typically associated with A1 and A3 land uses, so as to quantify the impact of the proposed change in land use on the level of servicing and deliveries to the site. This exercise has been mostly based on the TRICS Research Vehicle Requirements Report (2006).

### A3 RESTAURANT UNITS

5.7.2 The proposed A3 land use covers a total floor space of 865sqm (i.e.325sqm+540sqm) over ground and first floors.

5.7.3 It is anticipated that a typical A3 restaurateur would have a daily delivery of the following;

- Fish
- Meat
- Fresh Vegetables
- Dairy (Milk, Eggs, cheese, etc.)

5.7.4 In addition to this, it is anticipated that there will be 1 or 2 deliveries a week for drinks and non-perishable items to the A3 unit. This means that at worst case a total of 6 deliveries per day are anticipated for an A3 land use at the site.

5.7.5 It is likely that the deliveries to the A3 unit would be between 9:30 to 11:30 and the dwell time associated with these deliveries is expected to be between 15 to 20 minutes, allowing for 6 to 8 deliveries per day for the A3 unit within the specified timeframe.

## A1 RETAIL UNITS

- 5.7.6 The TRICS Research Vehicle Requirements Report (2006), includes daily trip rates for service vehicles arriving at various mixed used sites, mostly A1 retail units (see **Appendix A**). These trip rates with the floorspace area being now proposed for A3 land use (i.e. 865sqm see **Table 3.1**) have been used to estimate the number of service vehicles associated with an A1 land use over the same floorspace (see **Table 5.1**).

**Table 5-1 Service Vehicle Trips (865 sqm floorspace area)**

Period	A1 Retail Unit Trip Rates (per 100sqm)		A1 Retail Unit Trip Generation (No. Vehs)		A1 Retail Unit Trip Generation (PCU)	
	LGVs	HGVs	LGVs	HGVs	LGVs	HGVs
Daily (00:00 to 24:00)	0.49	0.13	5	2	5	4

\*Assuming a pcu conversion factor of 2 for HGVs (i.e. 1 HGV is equivalent to 2 cars/light goods vehicle in terms on impact on the highway and parking, and in this case dwell time)

\*Trip rates have been obtained from the TRICS Research Vehicle Requirements Report (2006)

## COMPARISON OF DELIVERIES BETWEEN A1 AND A3 UNITS

- 5.7.7 **Table 5.1** shows that an A1 land use covering the same floorspace as being proposed for A3 land use is likely to produce 7 service vehicle trips per day to the site as opposed to the 6 vehicle trips anticipated for an A3 land use at the site (see section 5.7.4).
- 5.7.8 The TRICS Research Vehicle Requirements Report (2006) from its extensive research on service vehicle requirements states that the size of the delivery vehicle has a direct impact on the amount of dwell time required to unload. In order to understand the impact of the proposed change in land use as far as the dwell time of service vehicle is concerned, the number of services vehicles associated with the two land uses has been converted to PCUs (Passenger Car Units).
- 5.7.9 Most of the A3 land use service vehicle trips are expected to be made by light goods vehicles as opposed to the A1 land use which is expected to have a number of heavy goods vehicles servicing it. This means that service vehicles associated with an A1 land use are likely to require more dwell time to unload as opposed to an A3 land Use. The A3 land use is expected to generate 6pcus of service vehicle trips a day and as shown in **Table 5.1** the A1 land use is expected to generate 9pcus of service vehicle trips per day.
- 5.7.10 As shown above it is anticipated that the A3 Units at worst case will produce a total of 6vehs/6pcus of service vehicles per day and an equivalent A1 unit in terms of floorspace will produce a total of 7vehs/9pcus of delivery vehicles per day. Comparing the two land uses, it can be seen that the A3 land use is likely to produce fewer service vehicle trips and would have less impact on the loading area as far as dwell time is concerned.
- 5.7.11 It is therefore concluded that there will be no material impact on the loading bay area as a resultant of changing part of the previously consented land use to class A3.



## 5.8 MONITORING AND OPERATIONAL REVIEW

- 5.8.1 Cushman & Wakefield will appoint a member of their site management team to oversee to the activities of the loading bay area and will be responsible for organising refuse disposal on-site. Monitoring and review of deliveries to the site will be the responsibility of the site management team.
- 5.8.2 Management and co-ordination of deliveries and services would be implemented to ensure the most efficient use of the loading area. The following measures (source: TRICS Research & Development Servicing Vehicle Requirement – Technical Note (August 2006)) will be considered by the site management team at the outset of occupation of the building and during the review exercise:
- Specifying set delivery times for units/land uses in order to make maximum use of provided spaces.
  - Considering consolidating refuse collection points as far as possible, therefore minimising refuse vehicles movements and service bays.
  - Considering the use of smaller size refuse vehicles to reduce dwell times.
  - Ensuring the use of waste compactors to minimise waste volume and hence requirements for waste collection.
  - Ensuring centre management is present during core hours to ensure efficient operation of the loading area.
  - Preventing the use of loading bay area as dumping grounds for pallets, cages, trolleys etc.

# 6 REPORT SUMMARY

## 6.1 SUMMARY

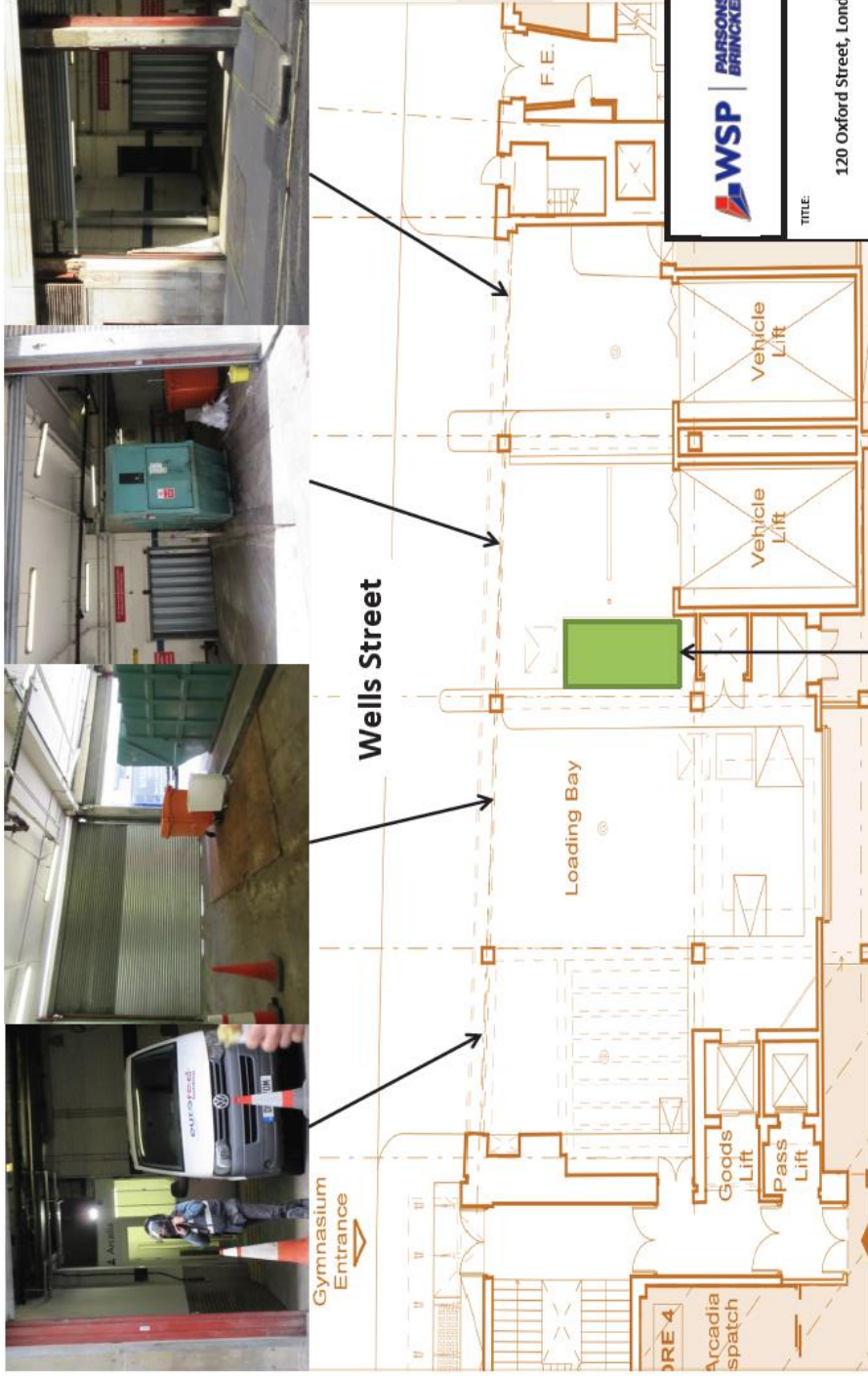
- 6.1.1 This report has provided a review of the servicing and delivery regime at 120 Oxford Street, London and considered the implications of the proposal to introduce an element of A3 land use within the previously consented arrangements (ref. 12/12420/FULL).
- 6.1.2 An assessment of potential level of service vehicle trips associated with the proposed A3 land use has been carried out. This concluded that the proposed change of land use to Class A3 (restaurant unit) will not lead to any material increase in the servicing demand on the site compared to the consented arrangements.
- 6.1.3 All vehicular deliveries and refuse collection will take place as per the existing arrangements (i.e. via the loading bay area on Wells Street). Given the existing office use of the site it is considered that the proposal will not add to the demand for on-street servicing in the vicinity.
- 6.1.4 The site management team will be responsible for coordinating the activities of the loading area (including refuse disposal) and will apply a number of control measures to facilitate the efficient use of the available loading bays.
- 6.1.5 More so, the building previously accommodated elements of A3 land use prior to the consented changes in land use at the site, these were mainly fast food restaurants like KFC, Pizza Hut and Subway just to mention a few and covered a total floor area of approximately 1,440sqm. It is understood that there were no major servicing issues associated with these facilities when they were in operation, therefore the reintroduction of an A3 land use at the site is not expected to cause any major issues as far as deliveries to the site is concerned.

## 6.2 CONCLUSION

- 6.2.1 Servicing for the proposed units will be per the existing arrangement, with deliveries being received via the building's Loading bay on Wells Street.
- 6.2.2 It is anticipated that the quantum of servicing and delivery trips will not materially change as a result of the introduction of an A3 land use within the building (see Section 5.7) as compared to the previously consented land use arrangements.
- 6.2.3 Overall, it is important that the servicing needs of the occupiers are clearly understood at the outset, the level of bay provision comprehensively assessed for each occupier and the affairs of the loading bay area coordinated amongst the occupiers through a service and delivery management process.
- 6.2.4 The site management team will appoint a member of staff to manage the activities of loading area to ensure its efficient operation.

## FIGURES





**WSP** | **PARSONS BRINCKERHOFF**

TITLE: 120 Oxford Street, London

FIGURE No. Figure 2.1 Loading Bay Area

# Appendix A

## **SERVICING AND DELIVERY FACILITIES –TRIP RATES**

(Extracts from the TRICS Research Vehicle Requirements Report (2006))

Appendix C  
Service Vehicle Trip Rates &  
Estimated Servicing Arrival Trips

O2 Centre Delivery Vehicle Survey Summary

**Thursday 9 February 2006**

	No. of Arrivals	Vehicle Class	Type	Average Dwell Times
	31	LGV ( $\leq 7.5T$ )	Transit/Box	00:21
	24	HGV ( $<7.5T$ )	Rigid	00:21
	6	HGV ( $<7.5T$ )	Artic	01:04
<b>Total</b>	<b>61</b>			

**Friday 10 February 2006**

	No. of Arrivals	Vehicle Class	Type	Average Dwell Times
	15	LGV ( $\leq 7.5T$ )	Transit/Box	00:15
	32	HGV ( $<7.5T$ )	Rigid	00:23
	5	HGV ( $<7.5T$ )	Artic	01:10
<b>Total</b>	<b>52</b>			

**Thursday & Friday Average**

	No. of Arrivals	Vehicle Class	Type	Average Dwell Times	85th Percentile Dwell Times
41%	46	LGV ( $\leq 7.5T$ )	Transit/Box	00:20	00:35
50%	56	HGV ( $<7.5T$ )	Rigid	00:22	00:40
10%	11	HGV ( $<7.5T$ )	Artic	01:07	01:49
<b>Total</b>	<b>113</b>				

Rigid/Artic split

67	Rigid	84%
	Artic	16%



Appendix C  
Service Vehicle Trip Rates &  
Estimated Servicing Arrival Trips

## SERVICING ARRIVAL TRIP RATES

Time	LGVs	HGV
	A1, A3 & D1/D2	A1, A3 & D1/D2
00:00-01:00	0.00	0.00
01:00-02:00	0.00	0.00
02:00-03:00	0.00	0.00
03:00-04:00	0.00	0.00
04:00-05:00	0.00	0.00
05:00-06:00	0.00	0.00
06:00-07:00	0.00	0.00
07:00-08:00	0.01	0.01
08:00-09:00	0.02	0.01
09:00-10:00	0.05	0.04
10:00-11:00	0.04	0.01
11:00-12:00	0.04	0.01
12:00-13:00	0.04	0.03
13:00-14:00	0.04	0.01
14:00-15:00	0.03	0.00
15:00-16:00	0.04	0.00
16:00-17:00	0.03	0.01
17:00-18:00	0.03	0.00
18:00-19:00	0.04	0.00
19:00-20:00	0.03	0.00
20:00-21:00	0.03	0.00
21:00-22:00	0.02	0.00
22:00-23:00	0.00	0.00
23:00-24:00	0.00	0.00
<b>Total</b>	<b>0.49</b>	<b>0.13</b>

IN PAELLA  
— QUIQUE DACOSTA —



LICENSING PRESENTATION TO  
WESTMINSTER CITY COUNCIL

# SUMMARY OF SUBMISSIONS

1. InPaella is the first venture outside Spain by Quique Dacosta, the internationally renowned chef whose flagship restaurant in Alicante, Spain has held 3 Michelin Stars since 2012. Snr Dacosta's experienced UK partners are Iberica Restaurants who currently operate eight restaurants in the UK, including two in the City of Westminster (in Marylebone and Victoria). Their CEO is Marcos Fernandez Pardo who will be attending the sub-committee hearing.
2. This fine dining concept aims to elevate traditional Spanish paella dishes to haute-cuisine standards. Projected customer spend is £100 per head.
3. The project intends to invest £4 million as an anchor-tenant of The Plaza in Oxford Street which is currently being regenerated. Should this premises licence be granted, the overall impact on the West End Stress Area is likely to be reduced. InPaella will replace a number of fast food restaurants (including Burger King, KFC, Spud u Like, Subway and Pizza Hut Express) that previously operated from The Plaza's food court. These outlets occupied 1,440m<sup>2</sup> of space in the stress area. InPaella, by contrast, will occupy just 865m<sup>2</sup> (a reduction of restaurant use by 575m<sup>2</sup>). The remainder will be occupied by retail units. Therefore the intensity of use in this location will be significantly reduced from before if InPaella is permitted to open.
4. In March 2017 planning permission was granted by the City of Westminster authorising the use of this unit as a restaurant (16/11237/FULL). The conditioned operating hours within the permission were 07:00 – midnight (Monday to Thursday), 07:00 – 00:30hrs (Friday-Saturday) and 07:00 – 23:00hrs (Sunday). The hours of this revised premises licence application therefore fall within the existing planning permission. Although the planning permission envisages a capacity of 250 persons, this licence application caps the customer occupancy at 190 persons (80 on ground floor and 110 on first floor).
5. Although a licensing sub-committee is, of course, not bound by a planning decision the sub-committee "should have regard" to that recent decision: Forster v SoS for Communities and Local Government [2016] EWCA Civ 609 (per Laws LJ at 24).
6. Following extensive engagement with the responsible authorities and the Fitzrovia Neighbourhood Association a number of robust and substantive conditions have been agreed. This premises licence, if granted, will be subject to Westminster's full model restaurant condition with a pre-dinner holding bar limited to 25 persons. There will be no outside drinking or external dining area. Smokers are limited to 10 persons outside.
7. As a result of this engagement the police, environmental health and the Fitzrovia Neighbourhood Association have all now withdrawn their representations. The only remaining representation is from the licensing authority on policy grounds.
8. Given the nature of this application, and what will be replaced, it is submitted that a grant is unlikely to add to the cumulative impact in the West End stress area (Policy RNT2). Westminster's Statement of Licensing Policy (at 2.5.12) recognises that the "*wide variety of restaurants is a feature of Westminster and contributes to its status as a world class city*". InPaella is a restaurant that is likely to enhance the area rather than detract from it. The grant of this premises licence will allow this project to become a reality.

# ABOUT QUIQUI DACOSTA



Quique Dacosta is a world renowned chef whose eponymous flagship restaurant in Denia, Alicante, Spain is recognised as one of the “World’s 50 Best Restaurants”. Snr Dacosta also operates the following restaurants in Valencia, Spain:

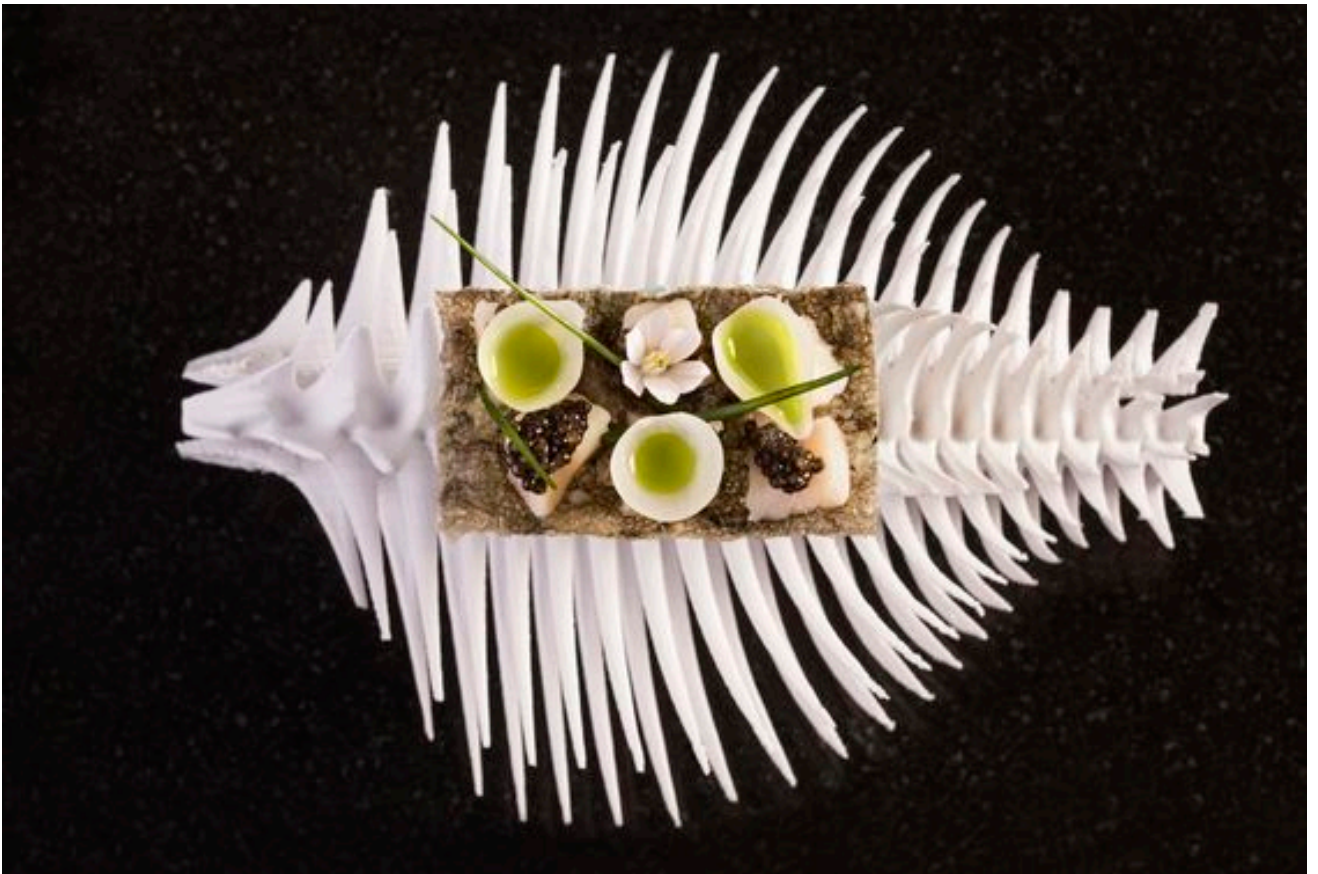
- El Poblet – haute cuisine. One Michelin Star.
- Vuelve Carolina – international avant garde cuisine.
- Mercat – world traditional cuisine with a new Market casual atmosphere.

Quique Dacosta was born in 1972 in Jarandilla de la Vera and began his career as a chef in 1986, aged just 14 when he started working at a pizzeria. Largely self-educated, he has since built a strong international presence. He has published numerous books, including one of the “bibles” on rice cooking and is recognised around the world for his artistic expression of the kitchen. A timeline of his achievements are set out below

- Year 1999 - Best restaurant on the Costa Blanca, by the Tourist Board.
- Year 2000 - Award for Chef and Restaurant of the year by the Levante Newspaper.
- Year 2002- Best Chef of the year in Spain, by Lo Mejor de la Gastronomía and obtains his first star in the prestigious Michelin Guide 2002/2003.
- Year 2004 - Chef of the Year Award by Lo Mejor de la Gastronomía.
- Year 2005 - Publishes *Arroces Contemporáneos (Contemporary rices)* Montagué Editor (a bible for rice dishes), Chef of the Year Award by the *Gourmetour Guide* and is placed in the top 10 chefs in the world
- Year 2006 - Accomplishes the second star in the prestigious Michelin Guide.
- Year 2007- On June 2nd, he was named Honorary Citizen of the city of Denia and named Best Chef of the Year on June 14 by Canal Cocina.
- Year 2008 - The restaurant previously known as El Poblet is renamed to Quique Dacosta
- Year 2012- Michelin Guide awards three stars to Quique Dacosta Restaurant.
- Year 2015- Exhibition ‘Quique Dacosta. Transformed Landscapes’ (“Quique Dacosta. Paisajes Transformados”) open its doors at the MuVIM (Valencian Museum of Illustration and Modernity) in Valencia. It is one step further for the award-winning chef in his desire to carry his culinary concept beyond the kitchen, a concept receiving national and international recognition.
- Year 2018- Opening of first UK restaurant in London’s Oxford Street (?)

# EXAMPLES OF QUIQUI DACOSTA DISHES





# PHOTOS OF EXISTING PREMISES

Wells Street View



Eastcastle Street View



The Old Food Court





# SAMPLE MOOD IMAGES OF NEW RESTAURANT

1ST FLOOR. OVERALL LOOK- DINING 3



LÁZARO ROSA-VIOLÁN  
STUDIO

GROUND FLOOR. OVERALL LOOK- DINING 1 KITCHEN AREA



LÁZARO ROSA-VIOLÁN  
STUDIO

# EXAMPLE PRESS ARTICLES ON QUIQUI DACOSTA AND INPAELLA

NEW YORK TIMES ARTICLE



BEST CHEFS ARTICLE



BEST RESTUARANTS ARTICLE



100 BEST CHEFS



ESQUIRE INTERVIEW



GOURMET MAGAZINE INTERVIEW



# EXTRACT - THE HOTTEST NEW OPENINGS TO LOOK FORWARD TO IN 2018

https://www.stenderd.co\_o.rk/go!ondon/rest!!lrants/th11-12-hottest-r111w-r\$UU.in1nt-openings-to-look-f,;rward-to-in-2018-dn8S21.html

## GO LONDON

Website: Park Chinos  
Created:  
Author:  
URL:

Going Out in London

Discover



RESTAURANTS

### The hottest new restaurant openings to look forward to in 2018

New look: The Mirror Room at Annabel's in Mayfair

BEN

ALIS BRENNAN, NORUM

Friday 5 January 2018 11:25

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## GO LONDON

If you thought you ate well in 2017, then gird your tastebuds and grab your elasticated trousers, because 2018 will see a host of delectable foodie offerings opening up in the capitals.

From vegan fast food to Spanish sensations, from bright young things to the reopening of a grand dame, here's to 2018 being a year of very good eatings.

### Annabel's

Since 1963, few London party scene hotspots have courted quite such a galaxy of stars as Annabel's has. From the Prince of Wales to Frank Sinatra, Diana Ross to Lady Gaga, the Mayfair nightclub and dining has welcomed A-Listers aplenty over the last 50 years, as both members and performers. This year, it will leave its home at 44 Berkeley Square to move down the road to a Grade I listed townhouse at 46 Berkeley Square (see above). Reopening in spring 2018, the new location will feature restaurants, bars, a workspace, private dining rooms, a spa and even a cigar salon, with interiors designed by Martin Brudnizki, the man responsible for the refurbishment of The Ivy among many others.

### Sabor



Grill menu: NievesBarragan Mohacho (Chris Terry)

A decade after she joined trailblazing tapas restaurant Barrafina, Spanish chef Nieves Barragán Mohacho has left the Michelin-starred counter-dining mecca to set up her own hotly anticipated restaurant Sabor, which she will run with the former general manager at [Barrafina](#), José Etura. It will open on Heddon Street early in the year, and promises to take customers on a journey through some of Spain's less familiar foods.

### Pure Filth

## GO LONDON



TV chef and all-round food personality Gizzi Erskine teamed up with nutritionist Rosemary Ferguson for her veggie fast food pop-up Pure Filth at Tate Modern late last year. The pair also announced that they will be opening a permanent site for the concept, due early in the year, and that they're in the process of planning two further sites. Plant-based patties here we come.

13



Fiery-tempered chef Tom Sellers isn't happy with just the two restaurants - [Michelin-starred Story](#) in Bermondsey and follow-up [Ours](#) in South Ken - he's launching another. Details are scarce, but Sellers told us it will be called 12 and it will be aimed towards the youth of London, and look set to feed in

## GO LONDON



Life's a peach: sweet duck-egg custard dumplings at A.Wong

Andrew Wong has come quite a way from helping out at his parents' Victoria restaurant as a teenager. Under his instruction, Chinese restaurant [A.Wong](#) now holds a Michelin star and plentiful critical acclaim. Wong is now setting his sights on the City, confirming that he will open a new restaurant in the Bloomberg Arcade, scheduled for 2018. The restaurant will showcase Wong's innovative take on classic Chinese food in an all-day dining format, and is rumoured to be named Madame Wong - after

### InPaella

London is already home to three restaurants which hold a coveted third Michelin stars but, in 2018, the capital will be welcoming the culinary skills another chef who holds the accolade. Spanish chef Quique Dacosta, who hold three stars for his eponymous restaurant in Denia, Alicante, will be opening the first in an international string of paella restaurants, called In Paella, in London in 2018. In partnership with the team behind Iberica, the restaurant will serve up authentic plates of the one-pot rice dish to Londoners who've got the munchies for the Mediterranean.

DINING NEWS

## The 17 Most Anticipated Restaurant Openings in London

By **Lauren Hill & Will Grice**

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10 of 17

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### InPaella



With the accomplished Spanish chef Quique Dacosta of the three-Michelin-starred restaurant Denia behind this new venue, InPaella is sure to be one of London's most talked about Spanish dining spots when it opens later this year on Oxford Street. Working in partnership with the Iberica group, Dacosta is making his London debut a homage to the traditional Spanish plate the restaurant takes its name from, with 25 meters of stove to see the dish being made at.

[quiquedacosta.es](http://quiquedacosta.es)

## Andrew Wong

---

**From:** Fitzrovia Neighbourhood Association <fitzroviacentre@yahoo.co.uk>  
**Sent:** 17 January 2018 19:27  
**To:** Andrew Wong; Wade, Yolanda: WCC  
**Cc:** Fitzrovia Neighbourhood Association; sthomas4@westminster.gov.uk; dsycamore@westminster.gov.uk  
**Subject:** Re: App no: - 17/14610/LIPN The Plaza 116-128 Oxford Street - Application for new premises licence

Dear Yolanda

I can confirm that my colleague and I are entirely satisfied with the conditions suggested by Andrew and as a result we are happy to withdraw our representation of objection to this application because of these amendments.

I'd like to thank Andrew for being very helpful and efficient in dealing with this. We were both particularly impressed with his attention to detail.

We wish the applicants every success with their venture.

Regards

Linus Rees  
director and trustee

--

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We publish Fitzrovia News our neighbourhood newspaper [news.fitzrovia.org.uk](http://news.fitzrovia.org.uk) Sign up for our [newsletter](#).

---

**From:** Andrew Wong <Andrew.Wong@keystonelaw.co.uk>  
**To:** "Wade, Yolanda: WCC" <ywade@westminster.gov.uk>  
**Cc:** Fitzrovia Neighbourhood Association <fna@fitzrovia.org.uk>; "sthomas4@westminster.gov.uk" <sthomas4@westminster.gov.uk>; "dsycamore@westminster.gov.uk" <dsycamore@westminster.gov.uk>  
**Sent:** Wednesday, 17 January 2018, 14:25  
**Subject:** App no: - 17/14610/LIPN The Plaza 116-128 Oxford Street - Application for new premises licence

Dear Yolanda,

I represent the applicant in respect of the above application.

### **Meeting**

I had a very helpful and productive meeting with the Fitzrovia Neighbours Association's representatives Mr Linus Rees and Mr Yoram Blumann. We have effectively reached agreement in respect of the proposed conditions attached which I understand now satisfy their concerns. In light of this I think Mr Rees who is representing the association will be writing to you shortly following this email. I have also tried to address the recommendations from David and Sally and have adopted all the recommendations.

### **Formal Amendments to application**

I therefore write to confirm that the applicant agrees to amend their application together with the

operating schedule to reflect the changes set out in the attached document and encompassing the changes shown in red. These changes take into account all comments that we have received so far and hopefully will assist addressing the concerns. I also attach the new plan that shows the area for the holding bar for the purposes of being able to serve pre-dinner drinks that was agreed as now referred to in proposed condition 55.

In light of the above agreements I would be grateful for any further comments from David, Sally or Linus and if all concerns have been addresses for you to consider withdrawing your representations.

**Best regards**

**Andrew Wong**  
Consultant Solicitor  
Mobile: 07492 709977  
Tel: 020 3319 3700

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## **Premises History**

Appendix 2

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. No drinks shall be taken outside the premises.
10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed,  
  
First Floor (110) persons  
  
Ground Floor 80 persons
12. A Challenge 21 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.
13. 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.
14. Loudspeakers shall not be located in the entrance lobby or outside the premises building. Recorded music played in the restaurant shall not be audible externally,
15. The premises will have a zero tolerance policy to drugs and drunken/violent behaviour. We will also encourage responsible drinking and the consumption of food with alcoholic beverages
16. We will train our staff to recognise binge drinking and to refuse to serve people who show signs of having already consumed too much.
17. Any person who appears to be intoxicated or who is behaving in a disorderly manner will not be allowed entry to the venue. Any person within the venue who appears to be intoxicated or who is behaving in a disorderly manner will be given care and consideration when being asked to leave the venue.
18. We will 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. We will not carry out any 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. We 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).

19. A comprehensive cloakroom will be available. Access to the restaurant is always through a manned reception.
20. 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 preceding 31 day period.
21. 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 premise 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.
22. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
23. The restaurants main entrance will have self-closing doors and a two door lobby,

24. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
25. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
26. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
27. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
28. 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.
29. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours Monday to Saturday and not before 10am or after 10:30pm on Sundays. These will occur between the times of 08:00 and 19:00 using the buildings loading bays in accordance to the submitted servicing plan to the planning department of Westminster Council – Included in Annex **(Agreed with EHO and further reduced hours following discussions with Resident)**
30. No deliveries to the premises shall take place between 23:00 and 08:00 Monday to Saturday and not before 10am or after 10:30pm on Sundays. These will occur between the times of 08:00 and 19:00 using the buildings loading bays in accordance to the submitted servicing plan to the planning department of Westminster Council – Included in Annex-**(Agreed with EHO and further reduced hours following discussions with Resident)**
31. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the highway.
32. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received 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
33. There shall be no sales of hot food or hot drink for consumption 'Off' the premises.
  34. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
  35. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
  36. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
  37. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
  38. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
  39. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
  40. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

**ADDITIONAL CONDITIONS PROPOSED FOLLOWING DISCUSSIONS WITH EHO AND INTERESTED PARTIES AND AGREED**

41. 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.

42. Notwithstanding condition (MC66), alcohol may be supplied and consumed prior to their meal in the bar area (***hatched in blue on the plan***), by up to a maximum of 25 customers at any one time
43. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (10) persons at any one time.
44. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
45. No licensable activities shall take place at the premises until it has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.





**Office Name:** Sally Fabbricatore/Alan Lynagh  
**Designation:** EHO/District Surveyor– Senior Practitioners  
**Date:** 22/12/17  
**Contact number:** 020 7641 2788  
**Email:** sfabbricatore@westminster.gov.uk  
**Signed:** Sally Fabbricatore  
**WCC Ref Number:** 17/13487/PREAPL

<b>Trading name of business and Address:</b> Iberica, The Plaza, 116-128 Oxford Street, London, W1D 1LT										
<b>Licence:</b> No	<b>Applicant/solicitor:</b> Mr Marcos Fernandez Pardo	<b>Cumulative Impact Area:</b> Yes – West End								
<p><b>Pre application advice purpose:</b> To assess the proposed operation of a restaurant within the Cumulative Impact Area.</p> <p><b>Background to application:</b> The proposed hours for licensable activities are as follows:</p> <p><b>Proposed Hours</b></p> <table border="1"> <tr> <td>Sale of Alcohol on the premises</td> <td>Monday– Thursday: 11:00 – 23:30 Friday and Saturday: 11:00 – 00:00 Sunday: 11:00 – 23:00</td> </tr> <tr> <td>Late Night Refreshment</td> <td>Monday – Thursday: 23:00 – 00:00 Friday and Saturday: 23:00 – 00:30</td> </tr> <tr> <td>Recorded Music</td> <td>Monday– Thursday: 10:00 – 00:00 Friday and Saturday: 10:00 – 00:30 Sunday: 10:00 – 23:00</td> </tr> <tr> <td>Opening Hours</td> <td>Monday – Thursday: 11:00 – 00:00 Friday and Saturday: 11:00 – 00:30 Sunday: 11:00 – 23:00</td> </tr> </table>			Sale of Alcohol on the premises	Monday– Thursday: 11:00 – 23:30 Friday and Saturday: 11:00 – 00:00 Sunday: 11:00 – 23:00	Late Night Refreshment	Monday – Thursday: 23:00 – 00:00 Friday and Saturday: 23:00 – 00:30	Recorded Music	Monday– Thursday: 10:00 – 00:00 Friday and Saturday: 10:00 – 00:30 Sunday: 10:00 – 23:00	Opening Hours	Monday – Thursday: 11:00 – 00:00 Friday and Saturday: 11:00 – 00:30 Sunday: 11:00 – 23:00
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<p>Non-standard timings;</p> <ul style="list-style-type: none"> <li>- From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day</li> <li>- On the day British Summer time commences for an additional hour following the terminal hour.</li> <li>- Sundays before bank holidays 11:00-00:00 hours.</li> </ul>										

The whole building comprises of floors from the basement to the 6<sup>th</sup> floor. The basement will comprise of back of house facilities and retail. The ground and first floor will consist of this premises and retail use. Floors two to six will be offices and a gym. There is no residential proposed in the building.

The premises is operate on the ground floor and basement.

**The main Environmental Health considerations to the proposal as submitted are the following:**

### **1. Cumulative Impact Area**

The premises are in the West End Cumulative Impact Area as defined in Westminster's Statement of Licensing policy. The policy can be found on the Council's website at the following link:

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

Therefore WCC Policies **HRS1, CIP1, RNT2** apply.

The proposal is to operate as a restaurant slightly beyond the core hours (Policy HRS1). If the premise was to operate as restaurant within the core hours there is no presumption against the granting of a restaurant in the Cumulative Impact Area so long as it does not impact on the Licensing Objectives nor add to Cumulative Impact (Policy RNT2). Applications beyond core hours within the cumulative impact area will be assessed on individual merit.

The core hours are as follows for the supply of alcohol for consumption on the premises:

- Monday to Thursday: 10:00 to 23:30
- Friday and Saturday: 10:00 to midnight
- Sundays immediately prior to Bank Holidays: Midday to midnight
- Other Sundays: Midday to 22:30

For recorded music and late night refreshment:

- Monday to Thursday: 09:00 to 23.30
- Friday and Saturday: 09:00 to midnight
- Sundays immediately prior to Bank Holidays: 09:00 to midnight
- Other Sundays: 09:00 to 22:30

The premises is to operate as a restaurant with a holding bar for diners only. The applicant wishes to allow diners to drink before and after their meal and this will be limited to 15% of the agreed capacity.

### **2. Sanitary accommodation**

One of the reasons for an area being designated as a Cumulative Impact Area is due to the lack of adequate facilities leading to Public Nuisance concerns in the area. Environmental Health therefore requires the provision of sanitary accommodations to be in compliance with the minimum provision as stated 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: Table 10; restaurants and other places*

*where seating is provided for eating and drinking.*

The proposed maximum capacity in total is 180 customers over both floors. (It is likely to be 70 on the ground and 110 on the first floor). For this there will need to be 4 female WCs (one of which could be an accessible WC) and 2 male WCs and 2 urinals.

With regard to what the building can cope with regards to floor space and means of escape this would be a maximum of 110 on the first floor and 100 on the ground, so a total of 210. This would require 5 female WCs (one of which could be an accessible WC) and the same male provisions as above.

If wash hand basins are provided in the cubicle this will reduce the capacity by 25%. A hand wash basin should be provided per WC.

Separate staff facilities should be provided. Under the Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 20, the following numbers of WCs are stated for staff facilities: 1 WC for 1-5 staff, 2 WCs for 6-15 and 3 WCs for 16-30.

All toilets in food business premises should be separated by a lobby from food eating or preparation areas.

### **3. External Area and Windows**

External use for dining has not been proposed, the red line for licensable activity does not include the outside area. However, it is likely customers will smoke outside the premises on Eastcastle Street. Ensure that any smoking area is compliant with the Health Act 2006.

If tables and chairs are proposed these could potentially be used for non-licensable activities. Please note if these are placed on the highway a street trading licence may be necessary.

The access to the premises will be through a lobby and there will be no openable windows.

### **4. Food Hygiene**

No detailed kitchen layout plans have been provided therefore the layout has not been assessed for food hygiene requirements.

Dumb waiters have been proposed to manage the dirty plates side of the operation, but staff will use non-public staircases if movement between floors is required.

Full height extract ventilation has been proposed within the planning application.

### **5. Type of application**

A new application has already been submitted. To allow partly consumed bottles of wine to be taken off the premises this would be considered an off sale. Within the application only on sales has been ticked, therefore this activity would not be allowed. To allow this the licence (if and once granted) would need to be varied by way of a full variation.

## 6. Wood Oven

Due to Westminster being a Smoke Control Area under The Clean Air Act, the wood burning oven will need to be an approved appliance as detailed under DEFRA Guidance. The operator will need to also ensure there is no smoke or odour nuisance caused even if planning permission has been sought. For further advice please contact [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)

## 7. Conditions

In addition to your conditions proposed on your application the following conditions should be considered in order to minimise the impact on the Licensing Objectives:

- MC66. 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 condition (MC66), alcohol may be supplied and consumed prior to and after their meal in the bar area (***hatched on the plan***), by up to a maximum at any one time, of (15% of the total capacity) persons dining at the premises.
  
- MC22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (10) persons at any one time.
  
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
  
- No licensable activities shall take place at the premises until it has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

With reference to your proposed conditions in your application please see the comments below, some conditions are not necessary as they duplicate other legislation or are not necessary to be attached to the licence in order to promote the licensing objectives:

- Conditions 1 and 2 are mandatory conditions so they will automatically be placed on the licence.
- Condition 3 to be replaced with the restaurant condition (MC66).
- Condition 4 – superseded by MC66
- Condition 5- agreed no drinks were to be taken outside the premises

- Condition 6, 9, 11, 14, 20, 21, 23, 24, 25, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 – Keep
- Condition 7 - superseded by MC66
- Condition 8 - Replace with *'The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Ground floor 70 persons; first floor 110 persons.'*
- Condition 10 – remove – off sales have not been applied for
- Condition 12 – replace with *'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.'*
- Condition 13 – remove as this is covered under the planning permission
- Condition 15 – Police to comment
- Conditions 16, 17, 18 – these actions are required but do not need to be attached as conditions, however Police to also comment
- Condition 19 – Can keep
- Condition 22, 30, 31, 32, 35 – not necessary as a condition
- Condition 26, 27, 28 – not necessary as a condition
- Condition 29, 34 remove
- Conditions 52 & 53 are for off licence operations rather than restaurants, so I would recommend to remove if possible.

**District Surveyor Comments**

Comments to follow.

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

**Sally Fabbicatore**

**Environmental Health Officer – Senior Practitioner**

**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 Plaza 116-128 Oxford Street



February 15, 2018

Resident Count: 41

DISTANCE	OBJECTID	LicenceNumber	Trading Name	Address	PremisesType	TimePeriod
42.65849	63532	16/11750/LIPN	The Good Eating Company C/o Arcadia	Colegrave House 70 Berners Street London W1T 3NQ	Restaurant	
43.44772	68088	13/04968/LIPN	Cookhouse Joe	55 Berwick Street London W1F 8SP	Restaurant	Monday to Thursday; 08:00 - 00:00   Friday to Saturday; 08:00 - 00:30   Sunday; 10:00 - 23:00
48.88733	14337	17/14167/LIPD PS	Nando's	Ground Floor 1 - 2 Berners Street London W1T 3LA	Restaurant	Monday to Sunday; 11:00 - 00:30
48.88733	40023	15/07474/LIPD PS	Sainsbury's	Basement And Ground Floor 1 Berners Street London W1T 3LA	Food store (large)	Monday to Sunday; 00:00 - 00:00
55.64477	20705	17/07575/LIPD PS	PC Soho	201-203 Wardour Street London W1F 8ZD	Night clubs and discos	Monday to Saturday; 10:00 - 06:00   Sunday; 10:00 - 00:30

60.7259	5825	17/07395/LIPV	Green Man Public House	The Green Man 57 Berwick Street London W1F 8SR	Public house or pub restaurant	Monday to Wednesday; 07:00 - 23:30   Thursday to Saturday; 07:00 - 01:30   Sunday; 07:00 - 22:50   Sundays before Bank Holidays; 07:00 - 00:00
61.47691	39430	16/11965/LIPD PS	Gourmet Burger Kitchen	Basement And Ground Floor 3 Berners Street London W1T 3LF	Cafe	Monday to Sunday; 10:00 - 00:30
63.794	63371	17/08247/LIPV M	Scandal	78 Wells Street London W1T 3QL	Night clubs and discos	Monday to Saturday; 09:00 - 06:00   Sunday; 09:00 - 04:30
67.66865	3867	16/05222/LIPC H	The Real Greek	Ground Floor 50 - 51 Berwick Street London W1F 8SJ	Restaurant	Monday to Saturday; 11:00 - 00:00   Sunday; 11:00 - 23:00



67.66865	41780	16/05293/LIPC H	Franco Manca	51 Berwick Street London W1F 8SJ	Restaurant	Monday to Saturday; 11:00 - 00:00   Sunday; 11:00 - 23:00
69.22587	63815	17/02735/LIPD PS	Patara Fine Thai Cuisine	5 Berners Street London W1T 3LF	Restaurant	Friday; 11:00 - 00:00   Saturday; 11:00 - 00:00   Sunday to Thursday; 11:00 - 23:30
74.36127	40696	17/11977/LIPD PS	Ember Yard	Development Site At 60 - 61 Berwick Street London	Restaurant	Monday to Saturday; 10:00 - 01:00   Sunday; 12:00 - 00:00