

Licensing Sub-Committee Report

Item No:	
Date:	22 February 2024
Licensing Ref No:	23/08470/LIPN - New Premises Licence
Title of Report:	Unit 2 26 Aybrook Street London W1U 4AN
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	21 November 2023		
Applicant:	Moxon Street Residential (Luxembourg) S.a R.I.		
Premises address:	Unit 2 26 Aybrook Street London W1U 4AN	Ward:	Marylebone
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form the application is for a new restaurant unit within the Marylebone Square development as shown on the plans appended to the application.		
Premises licence history:	<p>This is a new premises licence application and therefore no premises licence history exists.</p> <p>The applicant has applied for pre-application advice in 2023 and the report can be found in the applicants submissions in Appendix 2.</p>		
Applicant submissions:	<p>The applicant has proposed twenty seven conditions which can be found at Appendix 6 of the report.</p> <p>The applicant has also provided the below documentation: Summary of proposals Site plan Pre-application advice report, Planning Permission Sample Letter to Objectors Draft Dispersal Policy Amended Plans Development Presentation</p> <p>These can be found at Appendix 2</p>		
Applicant amendments:	<p>On original submission of the application the applicant applied for the opening hours below. These have since been reduced back to core hours which can be found in section 1-B of the report.</p> <p>Opening Hours Monday to Thursday 09:00 to 00:00 Friday to Saturday 09:00 00:30 Sunday 09:00 to 23:00</p> <p>The applicant has also amended condition 9 to represent the full model condition 66 eliminating any scope for bar use and removed the external areas from the on-licence demise and added a condition which is within Appendix 6 of the report.</p>		

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

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

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Years' day to the start of permitted hours on New Years' Eve 00:00 on Sundays immediately before Bank Holiday Monday				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	Adam Deweltz
Received:	18 December 2023
<p>I am writing on behalf of the Commissioner of the Metropolitan Police Service ("The Police") to make representations opposing the grant of a premises licence application for 26 Aybrook Street, W1U 4AN.</p> <p>The application seeks the following licensable activities: Sale of alcohol (Both on and off) Monday – Thursday: 09:00 – 23:30 Friday and Saturday: 09:00 – 00:00 Sunday: 09:00 - 22:30 Late Night Refreshment</p>	

Monday – Thursday: 23:00 – 23:30

Friday and Saturday: 23:00 – 00:00

Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representation:

The proposed licensable activities are likely to undermine the following licensing objective:

- The Prevention of Crime and Disorder.

The premises is located at 26 Aybrook Street, W1U 4AN. Police have made contact with the applicant in relation to their proposed restaurant condition. There is some concern with regards to the number of people that will be permitted to drink alcohol in the premises without taking a table meal and having substantial food. Patrons using the premises as a bar could have an adverse effect on the area if they become intoxicated.

Police are also waiting for a final number on the capacity of the premises.

The Police request that the licensing sub-committee consider the above points.

Responsible Authority:	Environmental Health
Representative:	Anil Drayan
Received:	19 December 2023

Representations made as the proposal may undermine the licensing objectives of Prevention of Public Nuisance, Public Safety and Prevention of Harm to Children.

The applicant has offered an extensive list of conditions but these may not be sufficient to allay Environmental Health concerns, in particular further information is requested on capacity, prevention of internal noise transfer, prevention of odour and dispersal at closing time.

The applicant is requested to contact the undersigned to discuss the above after which additional conditions may be proposed.

2-B Other Persons			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED]		
Status:	Valid	In support or objection:	Objection
Received:	19 Dec 2023		

I hope this email finds you well.

I am against opening new restaurants in Marylebone Square, I think it will be too noisy and disruptive.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	15 December 2023		
<p>The licensing hours applied for continue late into the night in a heavily residential area and directly below residential units. The hours extend well beyond the opening hours of other restaurants in the vicinity, which appear to be successful without late night service (e.g. Aubaine, Le Vieux Comptoir, Trishna, Jikoni) and also beyond nearby pub, The Gunmakers.</p> <p>Granting such licensing application would potentially create a nuisance outlier in a residential area that would like to continue its quiet enjoyment of the night time.</p>			

Name:		[REDACTED]	
Address and/or Residents Association:		Marylebone Association	
Status:	Valid	In support or objection:	Objection
Received:	15 December 2023		
<p>THIS REPRESENTATION is made by the Marylebone Association, which is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road and so represents the interests of those who live and work in this area. We are writing on behalf of the local community OBJECTING to the above applications by Moxon Street Residential (Luxembourg) S.a.r.l.</p> <p>Residents in and around what is now called Marylebone Square have had to put up with years of construction disturbance so the possibility noisy late-night diners on their doorsteps is a very real issue for them.</p> <p>We have four principle concerns:</p> <ul style="list-style-type: none"> • The hours when the restaurant is open to public • The use of tables & chairs in the street <ul style="list-style-type: none"> • Proposed tables 9 metres from windows of some residences • Dispersal late at night <ul style="list-style-type: none"> • Baker Street tube is reached via Ashland Place, Garbutt Place & Ossington Buildings • Aybrook Street one-way north via Moxon • The operators of the business are unknown <p>The proposed opening hours are beyond 'core hours'. The hours for licensable activities are to the full extent of 'core hours'.</p> <p>It may be impertinent but we would like to quote from the Statement of Licencing Policy 2021 Page 63 D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>However, even the full extent of 'core hours' is likely to stretch the balance which must be maintained between residential and business interests to breaking point. Although a vibrant</p>			

evening economy, restaurants in Marylebone Village close relatively early in general (see table/map attached Appendices 1 & 2).

Some with older licences theoretically can stay open after midnight but actually close earlier (in red in table). This point is being laboured because the high concentration of residential property in and around Marylebone High Street and it's environs make it extremely important that close attention is paid to Policy HRS1 as this is precisely the type of neighbourhood where the very fair compromise between the interests of businesses and residents, which HRS1 represents, should be most welcome. HRS1 sets out what hours will 'generally' be granted, but this is subject to myriad other considerations based on the merits of an individual case e.g. those set out in PN1 such as proximity of residential accommodation and arrangements for dispersal. It may therefore be that the merits of this case militate against the full extent of 'core hours' being granted in order to promote the licensing objectives, which is of course the Licensing Authority's overriding duty.

Marylebone High Street gets extremely busy especially at weekends as it has become a 'destination' for up-market clothes and a wide variety of restaurants. There is a great vibe with masses of outdoor eating and drinking – despite UK weather!

The new Marylebone Square building has been constructed inside an oblong of mostly residential buildings – and of course the new building itself is entirely residential above the ground floor. The proximity of residential means it is inevitable that there will be some nuisance from any restaurants.

However, Moxon St and Aybrook St are very busy thoroughfares during the day

- Through route from Marylebone High Street to Baker Street
- During the day most will use the park (Paddington Gardens) but this closes at dusk so Ashland Place, Ossington Buildings and Garbutt Place are used
- School children on the move all day – there are a number of schools around
- Bit of a car rat-run from Blandford Street into MHS
- The new car park in Aybrook St could be popular

With such a busy location during the day we see no need to object to having outside tables for lunchtime trade as obviously it will make little difference to the overall level of noise and activity.

That said, the whole area becomes much quieter in the evening. This is when the noise of chattering diners and drinkers becomes intrusive. This will be made worse by the environment dominated by hard surfaces reverberating in narrow, canyon-like streets. The applicant's plans suggest that tables will be placed extremely close to resident's windows something like 9m in Moxon Street. It should also be noted that noise from tables will travel straight up Ossington Buildings inconveniencing even more residents directly.

We would suggest tables cease to be used at 19:00, which gives plenty of time for any lunchtime overruns that may occur.

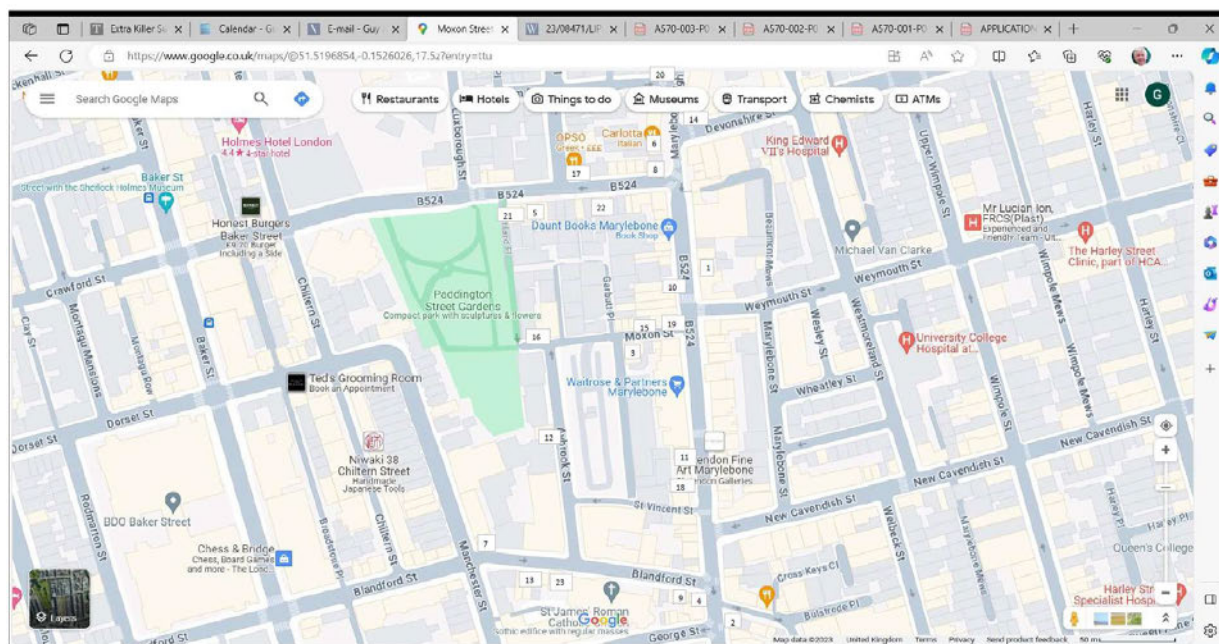
We also have a concern about dispersal where routes might be difficult to forecast. Ashland Place, Ossington Buildings and Garbutt Place all lead to Baker Street tube and are all 100% residential – and very narrow – so happy diners exiting will undoubtedly cause a noise nuisance if they walk to the tube via these routes. In addition, Aybrook Street is one-way so Ubers/taxis will have to exit Marylebone Square via Moxon Street into Marylebone High Street.

In summary, our concern is the degree of public nuisance that is likely to be an issue in contravention of Policy PN1. We believe it impossible to demonstrate promotion of the licencing objectives if the name and style of restaurant is unknown.

We totally accept that the developers want some certainty of licences for prospective operators so we would suggest that at this stage grant to slightly less than Core Hours now, with 19:00 limit on outside dining. If an operator regards it as extremely important for longer hours, then they should make the case later themselves with an application to amend at which point residents can identify the business and the operator can demonstrate how they propose to promote the Licencing Objectives.

Appendix 1: Local restaurants

Appendix 1: Location of restaurants local to Marylebone Square



Key: See Appendix 2: Closing Times

Appendix 2: Closing Times

Appendix 2: Restaurants Local to Marylebone Square and their hours

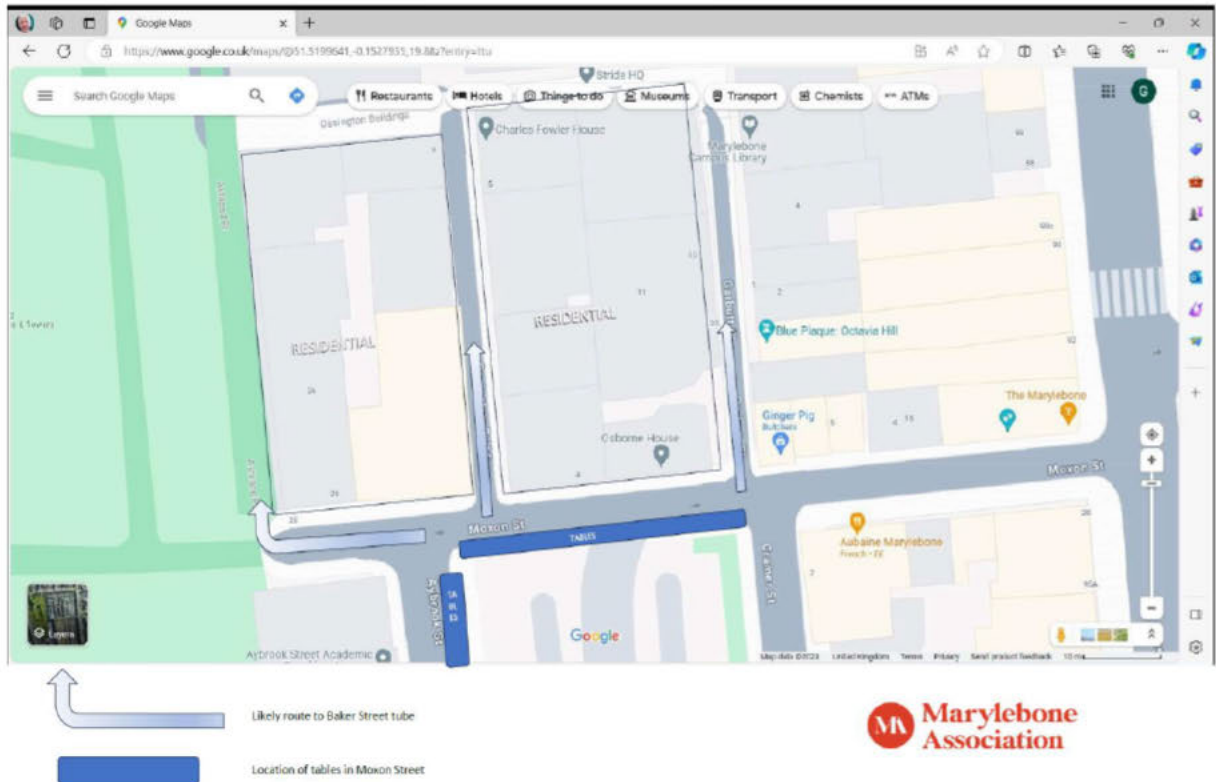
Map ref	Name	Address	Licence						Actual Closing		
			Open to customers			Alcohol hours			M-T	F&S	Su
			M-T	F&S	Su	M-T	F&S	Su			
1	31 Below	31MHS	00:30	00:30	00:00	00:00	00:00	23:30	23:00	23:00	22:30
2	Angel in the Fields	37 Thayer	23:30	23:30	23:00	23:00	23:00	22:30	23:00	23:00	22:30
3	Aubaine	7 Moxon	00:00	00:00	00:00	23:30	23:30	22:30	22:00	22:00	21:00
4	Blandford Comptoir	1 Blandford	00:30	00:30	00:00	00:00	00:00	23:30	22:00	22:00	closed
5	Bombay Spice	50 Paddington	00:30	00:30	00:00	00:00	00:00	23:30	23:30	23:30	23:30
6	Carlotta	77 MHS	23:30	00:00	22:30	23:30	00:00	22:30	21:45	21:45	21:00
7	Clarette	44 Blandford	23:30	00:00	23:00	23:30	00:00	22:30	23:00	23:00	23:00
8	Coco Momo	79 MHS	00:00	00:20	22:50	23:30	00:00	22:30	23:00	00:00	22:30
9	Fairuz	3 Blandford	23:30	23:30	23:00	23:00	23:00	22:30	23:30	23:30	22:30
10	Fishworks	89 MHS	00:30	00:30	00:00	00:00	00:00	23:30	22:30	22:30	22:30
11	Granger	105 MHS	23:30	23:30	23:00	23:30	23:30	23:00	22:30	22:30	21:30
12	Gunmakers	33 Aybrook	23:30	00:00	22:30	23:30	00:00	22:30	23:00	23:00	closed
13	Jikoni	19 Blandford	00:00	00:00	23:00	00:00	00:00	23:30	22:30	22:30	21:30
14	La Brasserie Milanese	42 MHS	00:30	00:30	00:00	00:00	00:00	23:30	23:00	23:00	23:00
15	La Fromagerie	6 Moxon	23:00	23:00	23:00	23:00	23:00	22:30	19:00	19:00	18:00
16	Le Vieux Comptoir	32 Moxon	22:30	22:30	22:30	22:30	22:30	22:30	22:30	22:30	closed
17	Opso	10 Paddington	23:30	23:30	23:00	23:00	23:00	22:30	22:00	22:00	21:30
18	Taka	109 MHS	01:30	01:30	00:30	01:30	01:30	00:30	22:00	22:00	22:00
19	The Marylebone	93 MHS	23:30	00:00	22:30	23:30	00:00	22:30	23:30	00:00	23:00
20	The Prince Regent	71 MHS	23:30	23:30	23:00	23:00	23:00	22:30	23:00	23:00	22:30
21	The Rajdoot	49 Paddington	23:30	23:30	23:00	23:00	23:00	22:30	00:00	00:00	00:00
22	The Real Greek	56 Paddington	00:30	00:30	00:00	00:00	00:00	23:30	22:00	23:00	21:00
23	Trishna	15 Blandford	00:30	00:30	00:00	00:00	00:00	23:00	22:15	22:15	21:45

- A 26 Aybrook
- B 3 Cramer
- C 1a St Vincent



Appendix 3: Tables adjoining residential

Appendix 3: Moxon Street tables and dispersal



Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	19 December 2024		
<ol style="list-style-type: none"> 1. The close proximity of the proposed venue to a primary school is not conducive with having a safe environment for children. 2. Antisocial behaviour increasing in the area due to to the presence of the venue. 3. Noise pollution in the area. 4. The litter impact on the neighbourhood from increased traffic - waste, cigarette butts, glasses etc 5. School children having to walk past the effects of antisocial behaviour and litter on the way to school. 6. Research shows the presence of these venues near schools poses a long term risk to children in terms of increased use of alcohol, as they go through the stages of child development. 			

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	19 Dec 2023		

I would like to set a scene. Before Howard House was built on the corner of Moxon street, Ashland Place and Ossington Buildings, before I was born, the land stood empty and the house we live in looked over Paddington Gardens. A beautiful view of a green open space, morning birdsong and light filtering through the windows. Then Howard House was built, blocking not only sunlight and open space but also creating an invasion of privacy so extreme it beggars belief, from pseudo bay windows over four floors provide views of living and bedrooms akin to visitors of London Zoo gazing through glass at animals, such is the way Howard House is built. It is a total invasion of the privacy of our home. Howard house itself is a hideously designed building, with red-purple protuberances so out of place with its surroundings, that if the building were able to feel it would be a spotty teenager. Speaking of spotty teenagers...

The buildings opened in the 1990s recession and only are lease hold. Unknown to us the entire block was rented as student accommodation for the teenage students over from the United States to study at the American InterContinental University, with campuses in London, Atlanta and Dubai. Party Central. And for ten years they terrorised us with pounding music, and late night noise, fuelled by alcohol, high end sports cars pulling up at all hours of the night.

My childhood bedroom was at the back of the house but pretty much every night she was kept awake by American InterContinental University students who felt entitled to throw parties until five AM and then called a f***** b**** and have a guy show his arse to her through the window for trying to challenge their fun. The council refused to consider this a change of use from private residential to student accommodation which I think is both truly disgusting and deserving of compensation.

The lease was for ten years. The Estate did nothing. The university did nothing and left the students completely unsupervised. The only support came from the Council's Environmental Health Team and one officer in particular, who insisted on a live-in supervisor whose number was available to residents, who referred to Howard House as 'The Tower of Bable', but this continued for the duration of the ten-year lease when the university moved out of Marylebone. This illustration of the damage inappropriate use of buildings can cause to the lives of powerless residents and I fear the proposal to open these two large restaurants, licensed until midnight will have the same effect. How could they not?

There are a number of reasons why commercial licenses cannot be granted for these premises. Ever. One of those is traffic. I was walking onto Marylebone High Street today from Moxon Street, standing outside The Marylebone and there is a huge traffic jam blocking Marylebone High Street. A long Waitrose van, from our beloved, ethical community supermarket, is trying to turn down Moxon Street to the rear of the supermarket but it can't because a taxi is waiting to turn from the High Street down Weymouth Street but can't because it is waiting for ever growing numbers of residents to cross the Weymouth Street zebra crossing. Eventually, the taxi is able to turn, and the waiting driver on the high street allows the Waitrose lorry to turn down but he can't because a black cab is coming down Moxon Street in the other direction. So he waits, the traffic jam growing, for the taxi to turn north up Marylebone High Street. The lorry can finally turn down Moxon street and the waiting cars, waiting for some four minutes on both directions can begin to flow again, at least until the next zebra crossing or uber or delivery van blocks their way!

Underneath Marylebone Square is a multi-story public car of unknown capacity. The residents

of the fifty-four flats will all have cars, some will own multiple cars, and now you want to open a restaurant there. Three restaurants there?! With the resulting delivery vans, cars and taxis, and presumably a row of public parking spaces on Aybrook Street again too. Are there any issues about Pollution? (B44) Its impact to residents inhaling car fumes in their homes.

No development of bespoke delivery plans besides a loading bay, traffic goes down and through already overcrowded traffic system (B44). Single lane Moxon street, with Moxon street already used as a two way road currently. It honestly seems like a nightmare waiting to happen. A four-fold increase in traffic and a five-fold or six fold increase in traffic with restaurants is possible. I am thinking here of the cumulative effect too.

I also want to add a quick note about the Marylebone Farmers Market, a favourite amenity of Marylebone. Apparently the market itself wont move but anyone who wants to return to park at home (I assume the car park will be closed to the general public at this time!?) or to leave home by car will have to be ushered through a crowd of people along the street. A street that will now have two busy restaurants, with outdoor seating, if you grant the license, and rubbish outside and possibly delivery vans too. The market is hugely popular and a vibrant part of the community. It is perfectly situated. The Market Manager I spoke to seemed to think it would be about ten to twenty cars over the six hours in total but I think it will be closer to thirty or forty. I urge you to consider the impact of licensing this restaurant, both in terms of traffic and more generally, on a favoured and highly integral element of Marylebone village.

Another really important issue to me, as you may have noted from my Howard House anecdote above, is privacy but part of what I am mentioning here also covers noise. Currently Ossington Buildings is a beautifully private, truly tranquil and unique cul-de-sac located off Moxon Street off Marylebone High street. It is one of the most desirable areas to live in in London. Before building started it was totally peaceful. Since 2018, we have had 5 consecutive years of building. First Howard de Walden decided to increase the height of Howard House and we lived opposite scaffolding, even through lockdown. The Estate also decided to gut and renovate all the flats in the adjacent tenement blocks. Overlapping this, the work began on Marylebone Square. When it looked as though our tranquillity would at last return but we have threat of two enormous restaurants a stone's throw from our door, licenced until the early hours.

The idea that Westminster might grant a license for a commercial business of any kind but especially a restaurant, where people sit and watch passers by, totally destroys the privacy of my peaceful street and front door. It alters the entire ambiance of the street and destroys a Victorian conservation zone. This is about more than just a restaurant license, this license decision in effect changes the use of the space and the behaviour of people who enter the space. In addition, on my route to and from the supermarket, I will have to pass two incredibly large restaurants, with outdoor diners. I will be gazed at as if were an animal in a zoo. I will have pairs of eyes on me whenever I come and go from the front door or take rubbish and recycling to the bin. Whoever comes and goes from the house will be the subject of an audience. My street will no longer be private. The granting of these licences will make my home far less pleasant to live in. This is utterly unacceptable. Anthropologists have long documented how the act of taking a photograph is a predatory act, how one person takes the photograph, and the other person has their essence recorded. Laura Mulvey wrote of the Hitchcockian gaze that it was sexist, objectifying the woman a sexual object. Here the resident is being preyed upon by the eyes of diners, outdoor diners no less. The privacy of the resident is being destroyed.

With regard to noise, there is just no way a license for any kind of dining can ever be built on Aybrook Street/Moxon Street corner. Any ambient noise from diners will constitute a nuisance to residents; any restaurant will create ambient noise which is unwanted and causes nuisance to residents. Architecturally, in this heritage/conservation site example of Victorian, densely packed architecture, you have a noise canyon. Five story buildings with narrow streets create an acoustic phenomenon which bounce off walls because the sound has no-where to go. It's like speaking into a cave. The noise of any restaurants will be magnified and funnelled down Ossington Buildings. There is no way you can ever not be in contravention of noise regulations

for a restaurant of that size with peak hours. If you have 150 diners, speaking at normal voice, in this acoustic environment, it creates an incredible noise. Seven days a week. Has anyone carried out a noise assessment and will one be conducted before any consideration of granting a license could be brought? At peak times, or if either restaurant is a smash hit, will people queue around the block as they do for Entrecote in Marylebone Lane?

As I said before, the development is either so poorly thought through or it has deliberately misled, claiming in 2016 to be one thing, claiming in 2018-2020 to be something else, and now claiming to be another thing again. Each time asking for more than it was given, taking more from the residents. And how many people are we talking about? These are inordinately large spaces on two floors. What is their capacity? It isn't mentioned in the documentation. It would be a great mistake to grant a license for a restaurant without knowing how many people are going to use it in order to calculate whether it breaks legislation. What of the noise of glass bottles? Large amounts of wine and beer and water will be consumed. How will these be disposed of on a daily basis. Crash! Crash! Crash! As they are put out for collection by hospitality staff, either at the end of the ridiculously late hours that have been asked for or after core hours or at 07:00 in the morning. CRAAAAAASH! As they hit the recycling bin at or before 08:00 when the Westminster Rubbish and Recycling lorry arrives. It is going to happen every single night or morning and it's going to be incredibly noisy. On top of this what about the noise of the delivery vans throughout the day? It's all cumulative. The brings further noisy human interactions, between pedestrians, contractors, residents of Marylebone Square, drivers and Uber drivers interacting with restaurant deliveries. The beeping of horns. Incidents of road rage

What about people talking outside on their mobiles or going outside to have a smoke or vape? And apparently this is to be allowed even after 23:00. The restaurant staff cannot prevent people making noise when they leave or are outside on the pavement. Finally, on the subject of noise, is drop offs and collections. The expectation is that these will be upmarket restaurants with the expectation of a lot of people arriving and departing by taxi or car. This is for a proposed restaurant seating how many? 150 in each restaurant? If half of those arrive or are collected by car that is 75 cars per table cycle. Late, say after 20:00 or 21:00 that is a 5000-10000% increase in car traffic. And what of the noise? Are we talking queues of ubers up the street, even? Beeping of horns? Loud, high-spirited interactions? Even if, the restaurant is inaudible from the inside, the noise alone outside is going to contravene law and represent a noise nuisance.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	17 December 2023		

As someone who lives [REDACTED] of the proposed premises, I strongly object to this license being granted for many different reasons.

This is a very residential pocket of Marylebone, with at least 100 flats within a one block radius, so I am shocked that something like this is even being considered. Because these are public comments, I am not comfortable going into too much detail, but both my elderly next door neighbour and myself have conditions and personal circumstances that will make premises like these so close to our flats with the inevitable noise and light pollution very, very detrimental to our mental health.

The residents of this area have already had to tolerate significant noise and disruption for this development to be built (which I believe is at least six months overdue for completion at this point) and should not be subjected to the noise and general chaos that these new proposed

establishments will bring on top of that. I am also deeply concerned that there will be an increase in petty crime (already an issue) as a result of these establishments, not to mention the increase in traffic on Moxon St. which will also bring more noise and general chaos.

Marylebone is great because it is a RESIDENTIAL area that happens to have great restaurants, shopping, etc. But this is going too far. We do not want late night establishments right outside of our front windows. If we did, we would move to Soho or Camden. There is a reason we don't live there.

Simply put, the negatives will far outweigh the positives if this goes through and I have a bad feeling I will be forced to move when my lease is up if this plan comes to fruition because my flat will no longer be livable.

I implore the council to first and foremost consider the needs and interests of the people that it is purportedly in place to serve-the residents of Westminster.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or objection:	Objection
Received:	16 December 2023		

On behalf of the Marylebone Ward Councillors we are writing to object to the above application as it will not promote the Licensing Objectives namely, Prevention of Public Nuisance, Public Safety, Children from Harm and Crime and Disorder.

We are disappointed that whilst we welcome businesses to this new development that the applicant has sought to apply for beyond Core Hours which we object to as this area surrounding Marylebone Square is already highly residential, with two schools in St Vincent Street. Whilst each application is judged on its merits two other licensing applications are being made for this new development.

We also object, to the first part of proposed Condition 1 as we do not want any part of the premises to be a bar area, other than as a holding area, for customers waiting to be seated for a table meal; not exceeding 20% of the restaurant capacity is too high.

Proposed Condition 1.

1. Except for a maximum of [X] persons [not exceeding 20% of the premises capacity] the premises shall only operate as a restaurant
 - (a) in which customers are shown to their table or the customer will select a table themselves,
 - (b) where the supply of alcohol is by waiter or waitress service only,
 - (c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - (d) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (e) 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.

There should be no deliveries after 23:00pm with reference to proposed Condition 20 together with MC36 but we would actually request no delivery service, again because this area is highly residential.

Further, tables and chairs are shown on the plan and these would need to be applied for with a Planning Application. However, we request for this application that no off sales should be permitted beyond 10pm in relation to any proposed tables and chairs and that they are rendered

unusable and/or brought inside, to promote the Licensing Objectives should permission be granted by planning.

Thank you for your consideration.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or objection:	Objection
Received:	18 December 2023		

I am the [REDACTED], where I have lived since 1963, [REDACTED] to the new development of Marylebone Square and I was dismayed to read the notifications of new premises license applications 23/08470/LIPN and 23/0872/LIPN for two proposed restaurants which are adjacent and adjoining and intend to occupy the entire ground floor at the North facing end of this large development.

The applications are misleading; they are for addresses in Cramer Street and Aybrook Street but there is no access door to either unit from these roads. The access to both units (which are symmetrical in design) is from Moxon Street and consists in each unit of both a fixed door and a six-section folding and retracting door which opens a gap of between 10-12ft directly onto the street. Moxon Street isn't mentioned in any of the application documents, nor are there photographs which would demonstrate the close proximity between the proposed units and the residential buildings opposite (Moxon House, Osborne House and Howard House). The plans accompanying the applications are unclear and the photos are inaccurately labelled but inspection of the exterior of the building and a floor plan from Thomas & Thomas Partners (attached) indicates that this is the case. There is also an application (23/08471/LIPN) for a third licensed restaurant on the corner of St Vincent Street and Aybrook Street.

At several times during the building phase of Montagu Square I have been assured that the unit on the corner of Moxon/Aybrook Streets would be retail, which I understood to mean a shop; I was further assured that the intention was to attract exclusive craft-based businesses. Two adjacent restaurants, both with ground and lower ground floor capacity is a totally unacceptable proposal. It will have great impact on the normal life of nearby residents and destroy a peaceful residential area of Marylebone, which is also a Conservation Zone. It is hard to see how such a major intrusion will not contravene Westminster's Prevention of Public Nuisance Policy.

These appear to be anonymous, hypothetical applications to attract clients to previously licensed premises, rather than for specific restaurants. All three are identical, with the same floor plans, regardless of the fact that one is smaller than the other two. I do not understand how licenses can be decided on no evidence of who the operators will be, their style and modus operandi or even the overall capacity, especially in this fragile zone.

Marylebone Square was proposed as a residential building of 52 flats and several penthouses with some retail on the ground floor. It was never proposed as a shopping mall or the new high street. It has been constructed on a cramped rectangle of land in close proximity to densely occupied buildings on all four sides. This building and the uses proposed here might suit Oxford Street or Baker Street but it is an anomaly in the very heart of residential Marylebone. Has planning permission in fact been given for three new restaurants to be opened in Marylebone Square? I would ask Westminster Council to re-consider.

The licenses applied for, I understand, exceed the Core Licence that Westminster issues. There could be no grounds whatsoever for extended opening hours to beyond midnight which will without a doubt impinge upon the lives of working people and families. Moxon Street is not the High Street as is illustrated by the closing hours of nearby licensed restaurants: Aubaine: 2200

Mon-Sat/2100 Sunday, La Fromagerie: 1900 Mon-Sat/1800 Sunday and Le Vieux Comptoire: 2230 Mon-Sat/closed Sunday).

I object to the granting of licenses on the basis of: -

Noise: with reference to PN1 as it applies to areas of residential accommodation and where there is residential accommodation in proximity of the premises, in particular to paragraphs C15/16/17.

Historical Background:

Ossington Buildings is a Conservation Area, a unique example of a Victorian urban estate, constructed in 1888, consisting of several brick tenement blocks, a communal laundry and a Ragged School, with blue plaqued examples of Octavia Hill's housing for the working classes in Garbutt Place. It is largely pedestrianised with single width roads. All the buildings are terraced so living accommodation has windows directly onto the street and, although the accommodation has been upgraded, we still live in Victorian proximity, which requires good neighbourliness. Although lively during the daytime, this area is quiet in the evening and night-time and, because it is adjacent to Paddington Gardens, there is no ambient sound of traffic. As the buildings are tall with little space between, a canyon effect amplifies any noise in the otherwise quiet streets, even a private conversation in the street or a mobile phone call can wake nearby sleepers.

The concern is of noise caused by late night diners as they vacate the building and walk through Ossington Buildings to Baker Street Underground, as many of them would surely do, and of taxis and cars arriving and departing. These appear to be large capacity restaurant units, operating on two floors although the capacity is not mentioned in the application. (PN1/C15) Despite several enquiries, I have yet to be given an indication of how it is intended the folding doors will work. If they are retracted, the restaurant in effect opens onto the street like a proscenium stage, maximising rather than controlling the escape of noise. The residential blocks opposite, Howard House, Moxon House and Osborne House are in very close proximity and the noise will project into Ossington Buildings and Garbutt Place.

Outdoor Dining:

It appears that the intention (not as submitted for the planning application but as shown on the plan kindly sent to me by Thomas & Thomas) is to have outside tables the entire length of Moxon Street and double banked tables in Aybrook Street. I object as it will be impossible to control the noise of outside dining. (PN1/C17)

Obstruction: (PN1/C16)

I further object on the grounds that outside dining in Moxon Street will create a hazard to pedestrians, forcing them to walk in the road. The developers have chosen not to widen the Moxon Street pavement substantially and it is still relatively narrow. The pavement on the other side of the street is extremely narrow and can accommodate only 2 people walking side by side or one person with shopping bags or a dog on a lead.

Moxon Street has become a lively daytime hub, the crossing point from N, S, E, W.

- Commuters from Baker Street Underground and buses use the route via Paddington Gardens, exiting into Moxon Street.
- Carers and children make their way to and from St Vincent Primary School, especially after school to enjoy the playground in Paddington Gardens.
- Many dog owners walk their dogs to and fro Paddington Gardens.
- Students from Omnium in 32 Aybrook Street often gather in groups of 20-30 on this corner.
- Columns of students from St Marylebone C of E School cross throughout the day between the 6th form building in Blandford Street and the main site on Marylebone Road.
- There are constant crocodiles of children in the *area from private nurseries and schools, that have premises in the area.*

During the building process pedestrians have learned how difficult it is to accommodate

bicycles, scooters, Deliveroo cyclists, cars, vans, and large lorries with inadequate pavements for safety. After three years, we need clean, safe pavements back.

Traffic:

Moxon Street is only wide enough to accommodate single flow traffic of which there is a steady stream from Blandford Street, down Aybrook Street. This traffic flow will surely increase once the public carpark beneath Marylebone Square is open.

Deliveries & Waste Collection:

Another concern is the timing of deliveries and waste collection. I have seen the retracting doors of Unit 3 wide open (a huge gap!) and workmen loading materials into the unit. Is this how deliveries will be made and waste collected? I strongly urge Westminster Council to explore the intended function and use of the retracting doors in these units before granting any license. When I moved into Marylebone it was an anonymous and poor area and I have seen it through several highs and depression/recession lows and re-inventions. I am delighted that it now appears buoyant and hope that this will not be yet another bubble that bursts. However, the attraction of Marylebone as a place where people make a home is that it has combined successfully, so far, a safe family location (hence the arrival of so many schools) and a rich community life, with economically vibrant commercial strands in Marylebone High Street and Baker Street. The geographical spacing of the two is key to maintaining that balance. The issues caused to residents in Chiltern Street from the opening of The Chiltern Firehouse are an illustration and similar problems will undoubtedly arise if these planning and licensing consents are given.

I would urge Westminster Council to reject all three licence applications and the idea that three restaurants can operate in the square. The developers might be encouraged to open their site with sensitivity to the location in which they have chosen to build.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	18 December 2023		

[REDACTED] The sale of alcohol within a few feet of two school premises is not appropriate. I was under the impression that that space would be used as community space for the use by local schools and as a replacement for the local market that used to be hosted in the square.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	18 December 2023		

There are numerous premises serving alcohol in the small community of Marylebone. There is no need for another to increase the antisocial behaviour in the area. The disturbance to the residents will significantly increase affecting the local residents, especially there's already another pub less than 100m away.

Also considering the close proximity of this premises to local primary and secondary. It is literally across the way from the school. It is totally inappropriate to have a business selling alcoholic beverages during school hours! We have all witnessed the drunken behaviour even in the early afternoon. This should not be a sight that children being exposed to. It also poses risk of physical harm to carers and children of the school as a result of antisocial behaviour of people under influence of alcohol.

I strongly object this license application.

3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and
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	<p>interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application as defined within this policy are:</p> <p>Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</p>
<p>Policy RNT1(A) applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

4. Equality Implications

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

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

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

5. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Interested Party 8 submissions
Appendix 4	Interested Party 5 submissions
Appendix 5	Premises history
Appendix 6	Proposed conditions
Appendix 7	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
4	Cumulative Impact Assessment	04 December 2023
5	Metropolitan Police Service representation	18 December 2023
6	Environmental Health representation	19 December 2023
7	Interested Party representation (1)	19 December 2023
8	Interested Party representation (2)	15 December 2023
9	Interested Party representation (3)	15 December 2023
10	Interested Party representation (4)	19 December 2023
11	Interested Party representation (5)	19 December 2023
12	Interested Party representation (6)	17 December 2023
13	Interested Party representation (7)	16 December 2023
14	Interested Party representation (8)	18 December 2023
15	Interested Party representation (9)	18 December 2023
16	Interested Party representation (10)	18 December 2023

Thomas & Thomas
Partners LLP

MARYLEBONE SQUARE DEVELOPMENT

Unit 2, 26 Aybrook Street London W1U 4AN reference 23/08470/LIPN

Unit 3, 3 Cramer Street London W1U 4EA reference 23/08472/LIPN

Unit 9, 1A St Vincent Street London W1U 4DA reference 23/08471/LIPN

INDEX OF SUPPORTING MATERIAL

1.	Summary of Proposals
2.	Site Plan
3.	Pre Application Advice 23/00726/PREAPM
4.	Planning Permission 14/10918/FULL
5.	Sample Letter sent to Objectors 19 January 2024
6.	Draft Dispersal Policy & Appendix 11 Submission
7.	Amended licence plans with external areas removed from on-licence demise and new basement exits in Unit 9
8.	Development Presentation (<i>lodged separately due to file size</i>)

THOMAS & THOMAS PARTNERS LLP

38A MONMOUTH STREET

LONDON

WC2H 9EP

Reference: JS/MOX.1.1

Solicitors for the Applicant

Thomas & Thomas Partners LLP is a limited liability partnership registered in England & Wales under number OC363873. A list of members is available for inspection at our registered office at 38a Monmouth Street, London WC2H 9EP. Thomas & Thomas Partners LLP is regulated by the Solicitors Regulation Authority under number 561362.

MARYLEBONE SQUARE DEVELOPMENT

Unit 2, 26 Aybrook Street London W1U 4AN reference 23/08470/LIPN

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SUMMARY OF PROPOSALS



THOMAS & THOMAS PARTNERS LLP

38A MONMOUTH STREET

LONDON

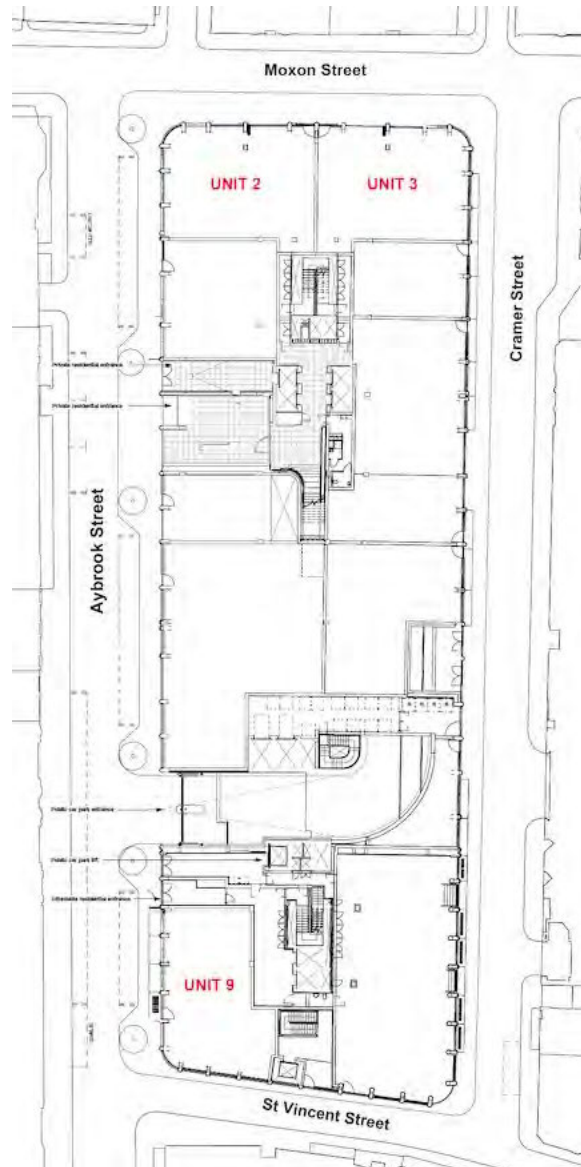
WC2H 9EP

Reference: JS/MOX.1.1

Solicitors for the Applicant

Introduction

1. The applicant is the developer of the recently completed Marylebone Square building situated in the former Moxon Street carpark bounded by Aybrook Street, Moxon Street, Cramer Street and St Vincent Street.



2. The development comprises 54 residential homes, boutique shops, a community hall and three proposed restaurants subject to the current premises licence applications. The applicant has sold longer leasehold interests in the residential homes situated on the upper floors of the building. The commercial uses on the ground and basement floors are not yet occupied.
3. The applicant will remain freeholder and assume responsibility of the general management of the building block. As a result, it is very much in the applicant's own interest to ensure all residential, commercial and community tenants coexist harmoniously. The operation of the three proposed licensed restaurants will therefore be self-policed by the applicant.

4. The applicant sought pre-application advice reference 23/00726/PREAPM and subsequently submitted the three premises licence applications at pre-letting stage. The applicant adopted this proactive approach for two key reasons:
 - a. Uniformed and comprehensively conditioned licences with appropriate hours, avoiding the possibility of individual tenants applying for licences on unreasonable and inconsistent terms.
 - b. Approved premises licences at a pre-letting stage assists the applicant in attracting the highest calibre restaurant tenants to the Development.
5. The applicant has recently commenced marketing the three restaurant units to potential tenants subject to the grant of satisfactory premises licences. All restaurant tenants will be carefully vetted and subject to robust lease controls safeguarding the professional and responsible operation of the restaurants alongside existing and new local residents in Marylebone.

Planning

6. The Development was granted planning consent reference 14/10918/FULL by the City Council's planning authority on 12 January 2016. The planning permission includes a number of robust conditions controlling the A3 restaurant premises and their potential impact on the local area. Condition 6 states:

"You must not open the class A3 premises to customers, and you must not allow customers on the premises, outside the hours 07:00 to midnight.

Reason: to make sure that the use will not cause nuisance for people in the area"

Pre-Application Advice

7. The applicant sought pre-application advice reference 23/00726/PREAPM from the Environmental Health Consultation Team. The pre-application advice was subsequently issued in anticipation of three 1.00 am premises licences authorising regulated entertainment and bar use within the restaurant's constituting 20% of the overall premises capacity.
8. Following subsequent feedback from Ward Councillors, the applicant did not proceed with 1.00 am premises licence applications, nor did the applications propose regulated entertainment. The applicant is grateful to Ward Councillors for their helpful and constructive feedback throughout the application process.

Amendments to Applications

9. Following careful consideration of the objections, consultation with the Marylebone Association and further

feedback from Ward Councillors, the applicant has reduced the scope of the applications by making the following amendments:

- a. **Reduce the proposed closing times to Core Hours** directly in accordance with a number of requests from objectors, including the Ward Councillor and Marylebone Association.
- b. **Remove any scope for bar use** within the restaurant units by volunteering Model Condition 66 to apply throughout the entirety of each premises¹.
- c. **Remove the external areas** from the on-licence demise with an associated new condition:

“All outside tables and chairs shall be rendered unusable by 21:00 hours each day”.
- d. A change to the basement layout of Unit 9 introducing secondary means of escape following feedback from the District Surveyor.

Representations

10. The applicant has written to all objectors clarifying the extent of the proposals, volunteering initial amendments² to the applications and inviting objectors to engage. The applicant is grateful to a number of objectors who have responded positively.
11. The applicant seeks to summarise and address the key concerns set out in the objections as follows:

Concern	Applicant’s Response
Closing times should end at Core Hours.	The applicant has amended the applications in line with the objectors’ request.
Bar use	The applicant has withdrawn all proposals for stand alone bars within the restaurants and agreed Model Condition 66 to apply throughout.
External areas	The applicant has withdrawn the external areas from the on-licence demise and agreed a condition that all external tables and chairs shall be rendered unusable by 9.00 pm. If proposed, any future external seating would have to be scrutinised under the pavement licence application process.

¹ The applicant seeks to replace proposed condition 1 in the applications’ operating schedules with Model Condition 66

² The initial amendments set out in the letters to the objectors include the reduction in hours and removal of external areas from the plans, but not Model Condition 66 or the new condition requiring external furniture to be rendered unusable by 9pm

Concern	Applicant's Response
	<p>Any pavement licences would only be granted on a temporary basis allowing a comprehensive and robust ongoing monitoring process with regular opportunities for the Responsible Authorities, Highways Team and local stakeholders to provide feedback on the use of external areas.</p>
<p>The impact of servicing and deliveries</p>	<p>The applicant has prepared a comprehensive and thoughtful servicing and management plan with expert input from independent consultants. The servicing and management plan sets out tight controls on how the restaurants will manage their waste, deliveries and general servicing. Waste will be taken directly to internal subterranean waste refuse areas before being taken up to ground floor level by the estate team ahead of scheduled collection times. Deliveries will be made via an internal loading bar before being distributed internally via servicing corridors.</p>
<p>Noise</p>	<p>The development proposals pre-dated the new E-Class planning regime. As a result, full planning permission requiring consent for the A3 restaurant units was required. The planning permission sets out a number of conditions controlling noise attenuation and outbreak from the commercial units within the development. The conditions have been discharged by the City Council's planning authority following approval of a noise report prepared by independent acoustic consultants and in consultation with the Environmental Health Consultation Team.</p> <p>The closest noise sensitive premises are the applicant's own residential occupiers within the building meaning the development will continue to be self-policed by the applicant.</p> <p>The applications do not propose regulated entertainment and the applicant has proposed model condition 12:</p> <p><i>"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".</i></p>

Concern	Applicant's Response
The impact of dispersal of customers	<p>The applicant has prepared a Dispersal Policy and proposed Model Condition 99:</p> <p><i>"A copy of the premises dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council".</i></p>
Unit 9's proximity to school	<p>The applicant has proposed model condition 47 requiring an age verification policy.</p> <p>The applicant will carefully vet and select a responsible and professional restaurant tenant to operate in Unit 9. The applicant will encourage the Unit 9 restaurant tenant to ensure safeguarding is maintained as a key training objective for staff and encourage engagement with the school.</p>

Policy

12. The premises is located outside the Cumulative Impact Zone and outside all Special Consideration Zones.
13. All three premises will operate as restaurants in accordance with Model Condition 66 and Policy RNT1. Policy RNT1 states that:

*"Applications outside the West End cumulative impact zone **will generally be granted**" [emphasis added]*
14. The proposed hours for licensable activities and premises opening are within Core Hours. Core Hours Policy HRS1 states:

*"Applications within the core hours set out below in this policy **will generally be granted** for the relevant premises uses subject to not being contrary to other policies in the statement of licensing policy". [emphasis added]*
15. The proposed hours, as amended, are also now less than the hours anticipated and permitted by the planning permission.
16. The new condition *"All outside tables and chairs shall be rendered unusable by 21:00 hours each day"* will

ensure that any future external seating areas close 2 hours earlier than the recommended terminal hour set out in Policy PN1, and will remain subject to the Pavement Licensing process.

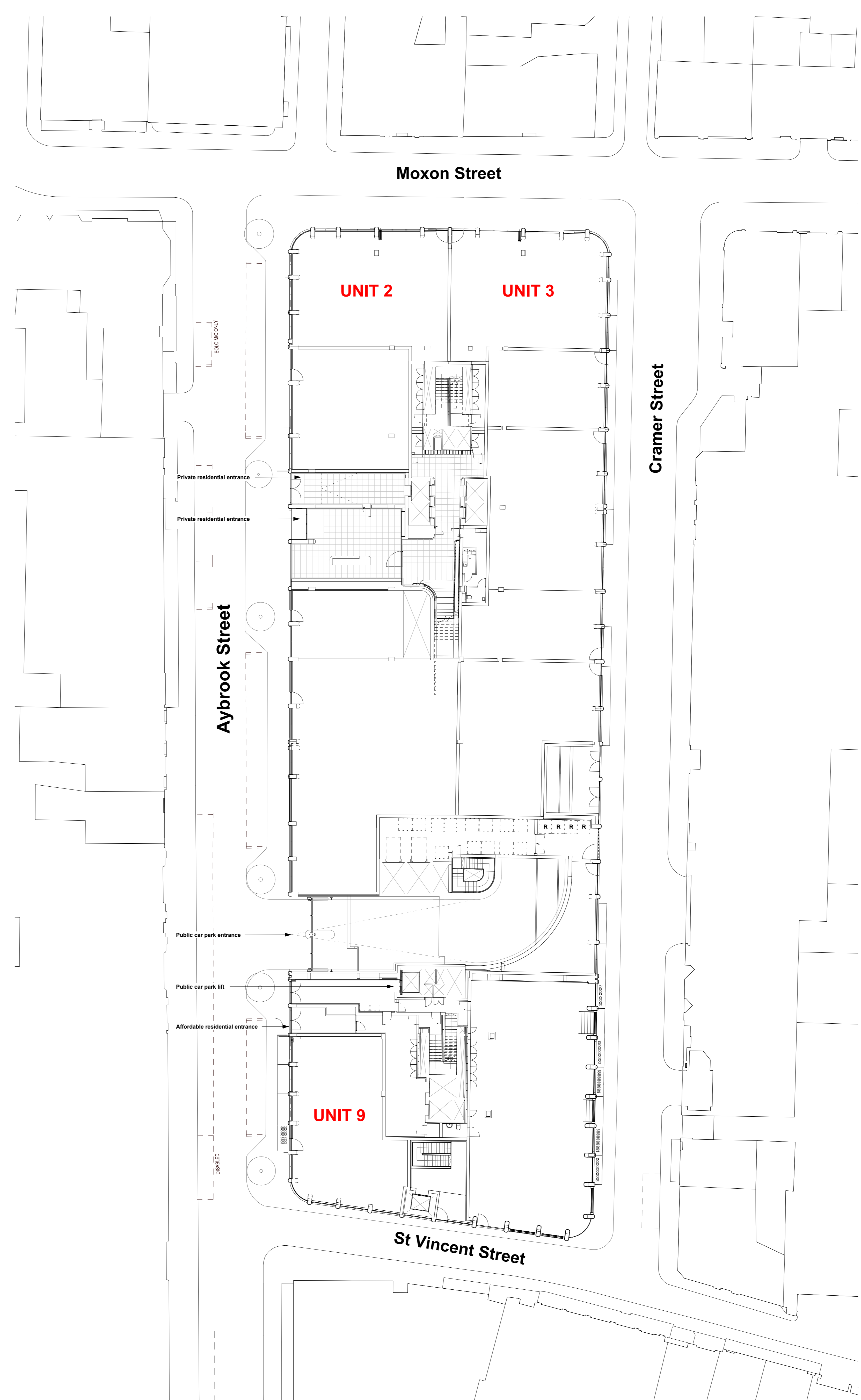
17. The comprehensive schedule of robust model licence conditions and limited licensable activities (no regulated entertainment) address the requirements of Policies CD1, PS1, PN1 and CH1.

Summary

18. The applicant submits:
 - a. The applicant has engaged with the Responsible Authorities, local stakeholders and objectors to confirm a number of voluntary amendments to the applications directly addressing concerns raised.
 - b. The amended applications propose premises licences with hours less than permitted under planning and more restrictive licences than anticipated under pre-application advice.
 - c. The comprehensive operating schedule of model conditions promote all four licensing objectives.
 - d. The proposed restaurants will be self-policed by the applicant, who is committed to robust estate management ensuring all occupiers of the development co-exist harmoniously. The estate management and strict lease controls imposed on the proposed restaurant tenants will protect existing and new local residents alike.
 - e. The Policy states that applications for premises licences on these terms in this area **will generally be granted**.
19. The applicant invites the Licensing Sub-Committee to please grant the amended applications accordingly.

Thomas & Thomas Partners LLP

February 2024



1 GA
1:200

General Notes
 - Dimensions are in millimetres unless stated otherwise.
 - Levels are in millimeters AOD unless stated otherwise.
 - Dimensions govern, please do not scale off drawing.
 - All dimensions to be verified on site before proceeding.
 - All discrepancies are to be noted in writing to Simon Bowden Ltd.

Rev	Date	Sub	Reason For Issue
T2	04/11/22	S2	For information
T1	21/10/22	S2	For information

E8 Archi tecture
 L o n d o n K i n g s t o n
 1 Monmore Terrace, London E8 3PN
 T: 020 3994 8571
 E: hello@e8architecture.co.uk
 W: www.e8architecture.co.uk

Client:
 Moxon Street Residential
 The Listed Hall
 50 Bolsover Street
 London, W1W 5NG

Project Title:
 Marylebone Square

Drawing Title:
 GF Plan

Scale: 1:200
 Format: A0
 Orientation: N

Drawing Number:
 MOX-SBA-XX-A-14-022

Revision Number: T2



City of Westminster

Office Names: [REDACTED]
Designation: Environmental Health Officer
Date: 03/07/2023
Contact number: [REDACTED]
Email: [REDACTED]
Application/Uniform Ref Number:
23/00726/PREAPM

Address: Car Park, Aybrook Street, London

Existing Licence: N/A

Applicant:
Mr Jack Spiegler
Thomas And Thomas
Solicitors,
38A Monmouth Street
London

Cumulative Impact Zone: No
Special Consideration Zones:
No

Applicant's advice request and information submitted:

Marylebone Square Development

The application proposes 3 licensed premises within the development, including Unit 2, Unit 3 and Unit 9 (subject to planning).

Please refer to the attached indicative layout plans.

Pre application advice is sought in respect of the proposals generally and technical aspects of the premises.

Please can you base your pre app report on 3 x 1.00 am licences with regulated entertainment and bar use constituting approximately 20% of the overall premises capacity.

Environmental Health advice and recommendations - this advice is provided by Westminster's Environmental Health Consultation Team (Regulatory Support Team 2) and is based on the information supplied above.

1. Westminster's Statement of Licensing Policy.

i. Licensing Policy and Licensing Objectives:

- a) Environmental Health bases any recommendations on achieving compliance with Westminster's Statement of Licensing Policy which details the requirements for promoting the Licensing Objectives. The Policy can be found on the Council's website at the following link:

- <https://www.westminster.gov.uk/node/20023>

Note – this Statement of Licensing Policy was revised by the Council in January 2021. The revised Policy places greater emphasis on licensed premises being able to demonstrate greater compliance

with policy CH1, Protection of Children from Harm, by the pro-active measures being implemented. Licensees are therefore advised to ensure their staff are fully trained as recommended under this Policy which includes access to the free training available (see page 36 in Policy).

Note also – before submitting an application applicants are also advised to take account of paragraphs B1 to B63 which provides advice on ‘Our Approach for Licensing in Westminster’. This details guidance, amongst others, on such issues as ‘Environmental Best Practice in Licensed Premises’

b) The criteria for promoting the Licensing Objectives in the Policy can be found under the following policies:

- PN1- Prevention of Public Nuisance
- PS1 - Promoting Public Safety
- CH1- Protection of Children from Harm
- CD1 - Prevention of Crime and Disorder

ii. Model Conditions (MC)

A list of Model Conditions are also provided on the Council’s website at the following link:

- <https://www.westminster.gov.uk/licensing/licensing-policy-and-strategy/model-conditions-licensing-act>

These should be used as the basis for any conditions proposed in an operating schedule.

Note – applicants can amend wording of MC’s, if appropriate, or provide their own additional conditions but must be worded so that they are readily enforceable

iii. Spatial Policies:

An initial consideration of any proposal is to ascertain if the premises are located in designated ‘spatial’ zones. Additional limitations or requirements normally apply for licensable activities requested in such areas. There are two types of spatial zones:

- Cumulative Impact Zone (CIZ) – where policy CIP1 applies or
- Special Consideration Zones (SCZ) – where policy SCZ1 applies.

As Aybrook Street is not located in the CIZ or any of the SCZ’s any special consideration under them will not therefore necessarily need to be applied.

iv. Premises History

The premises was granted planning permission, reference 14/10918/Full. This permission will need to be varied if the hours of use, capacities etc are not consistent with what might be granted under the Premises Licence application.

2. Proposed operation

I understand all 3 premises wish to operate as restaurants with 20% bar use, regulated entertainments and the licensable hours being to 1am.

As the premises are outside any of the 'spatial' zones policy RNT1 applies This states applications will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities being within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

As the proposals are to operate beyond Core Hours careful consideration should be taken of the advice provided in paragraph F127 in the policy, in particular, *'The granting of later hours for restaurants would depend on the extent to which the service of customers, closing up operations and customers leaving premises would be likely to give rise to public nuisance and crime and disorder.'*

Note should also be taken of paragraph F123 on the nature of any bar and/or entertainment use that is separate from the restaurant use i.e. *'The operation of premises with a new premises licence granted as a restaurant solely under this policy may not include independent use of the bar or entertainment. Bar use and entertainment would have to be specifically sought and considered having regard to other policies within this statement.'*

In order to demonstrate the principal use of the premises are to be as restaurants then Model Conditions 38 or 66 should be submitted with an application. As the premises are not in the West End Cumulative Impact Zone then condition 38 should be sufficient. Using either of these conditions would normally entail specifying how much of the total capacity shall not be required to be ancillary to food or specifying a bar use area on the plans – this area better to be in the basement so that premises do not appear to be a bar to persons looking in from the street,

Alternatively to provide greater flexibility but keeping it as a restaurant use Model Condition 86 may be appropriate i.e. *'The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the as a restaurant.'*

a) The following Public Safety advice with regards to general Fire/Public Safety considerations:

Building Regulations

The scope of the proposals would likely trigger a building control application. This should therefore be considered and building control sign off would form part of our clearance inspection under licensing also.

Health and Safety at Work Act 1974

Ensuring the health and safety of employees, contractors and others who resort to the premises is a key statutory requirement at all times. Once the premises will be operating under a premises licence consideration should be given to the various activities proposed at the premises and these should be suitably assessed by way of risk assessments in addition to any updated documentation required in the premises health and safety policy and supporting documentation.

Means of Escape / Capacities.

In general capacities are initially based on the guidance provided in the District Surveyor's Technical Standards for Places of Entertainment. Thus number of exits, travel distances, width of exits, whether inward or outward opening and standard of fire detection and alarm systems are the principal considerations.

After the initial consideration the other factors that may further limit capacity are usually the following:

- i. Usable space for the proposed uses (e.g., for restaurant use usually require 1m square per patron, for bar use 0.3 – 0.5m square per patron).
- ii. Sanitary accommodation – provision should be at least in line with BS6465.

(Note it has not been able to provide capacity figures based on the plans submitted with this pre-application request as detailed information on the factors outlined above will normally be required. However before an application is submitted, when detailed plans are available, Environmental Health can advise on any proposed capacity).

General Public Safety Guidance

Doors;

Wherever possible all doors should open in direction of escape and where 60 or more people may need to escape the door should always open in the direction of escape (as noted in the above section also).

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

Thresholds;

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

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

Door fastenings;

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

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

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

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

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

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

Guarding and Barriers;

Any platforms, temporary or otherwise over 380mm high to which the public have access should be provided with suitable guarding.

Electrical Installations;

The electrical installation including the lighting installation, both normal and emergency, should comply with British Standard 7671. It should be shown to be safe and adequate before the premises operate under their license. This appears to be the case but is given for reference purposes and as guidance.

Any test and/or installation certificates for equipment brought in to support the theatrical performances, should be certified by an approved competent person and should be kept on the premises and available for inspection by authorised officers (Fire Officers, Licensing Officers, Environmental Health Officers etc.).

The approved competent person for the testing and certification of the electrical installation should be one of the following:

- (i) a qualified member of the Institution of Engineering & Technology, or
- (ii) a member of the Electrical Contractors Association, or
- (iii) a contractor enrolled with the National Inspection Council for Electrical Installation Contracting, or
- (iv) a competent person from a similar approved organisation.

All circuits should be protected by MCB over-current protection and all switchgear and distribution boards should be inaccessible to the public.

An independent switched socket should be provided adjacent to where permanent electrical equipment is installed as multi-socket outlet adaptors should not be used. Long flexible cables should be avoided because of the inherent electrical and trip hazards of such arrangements.

Note: Flexible cables should not normally exceed two metres; this includes transportable electrical equipment which is placed in position but not normally moved when connected. This limitation does not apply to mobile electrical equipment such as vacuum cleaners, which is moved while in operation or which may be easily moved from one place to another whilst connected to the electricity supply.

Electrical sockets located in any performance areas (if relevant) should be protected by residual current devices (RCDs) of 30 milliamps/30 milliseconds sensitivity complying with BS 4293. Particular reference is drawn to the stage performance area proposed.

Lighting;

The premises should have an adequate supply of both normal and emergency and each system should be sufficient to enable the public, performers (if applicable) and staff to see their way to move around the premises safely and to escape from the premises. Particular attention is drawn to any changes of level proposed.

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

Both supplies of lighting should be independently capable of providing the recommended minimum illuminance. However, whilst both normal and emergency supplies are functioning properly, either or

both supplies may operate at a reduced level so long as the minimum recommended illuminance is provided. In the event of the failure of either supply the remaining supply should be automatically restored to full illuminance.

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

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

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

People with Impaired Mobility;

A suitable and sufficient method statement should be prepared detailing the physical and management provisions in place to ensure that people who have impaired mobility can escape in the event of a hazard. Reliance on the fire brigade to assist in the evacuation of disabled patrons is not satisfactory and considerable thought should be given to this subject to ensure compliance with the Equalities Act.

Special Effects;

Special effects such as dry ice, smoke, pyrotechnics, lasers, strobe lighting and real flame effects if proposed require specialists for both installation and operation. If the premises intend to use or allow third parties to use such effects on the premises site specific risk assessments should be carried out by the operator and the third party and a suitable condition allowing us to inspect before use should be proposed at the application stage.

Exit Signage;

All exit routes should be suitably signed throughout the floor space to direct people to the exits.

b) Sanitary accommodation

Any sanitary accommodation provision should be based on guidance provided under *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, Restaurants 'Table 10'*. Once a proposed capacity is worked out I am happy to provide further advice on the precise requirements.

Also note Building Control requirements for new premises or premises undergoing substantial refurbishment usually require provision of a disabled or accessible facility. Environmental Health would normally accept that one of the female facilities can be dual use and thus included as part of the overall provision for customers.

In addition, premises that are food led should also be providing sanitary accommodations that are separate from that provided for the public so as to be in compliance with guidance to food hygiene legislation.

Please note in premises where food and drink is provided all toilets should be separated by a lobby from food eating, storage and preparation areas. If possible, this should include disabled/accessible units but enhanced mechanical air change ventilation may be an acceptable alternative in this situation.

c) Kitchen refurbishment/ prevention of odour and noise nuisance

The planning permission has not specified installation of a particular scheme to prevent odour nuisance. However any scheme should be based on the detailed advice available on the Council's website at:

- <https://www.westminster.gov.uk/westminster-environment-guidance-section-b/section-b-odour>

The whole of Westminster is an Air Quality Management Area (AQMA) under the Clean Air Acts and if there is any intention to employ solid fuel cooking (e.g., wood, charcoal etc) then must also comply with smoke control area requirements – for permissible equipment and/or fuels that can be used in such areas see website at:

- <https://www.gov.uk/smoke-control-area-rules>

3. Conditions Recommended:

As well as the restaurant use conditions advised above the conditions below are recommended to be submitted with an application based on these proposals (please note I have also included conditions that the Police normally request):

MC47:

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

MC01:

(a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.

(b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

(c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.

(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

MC02:

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorized council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

MC48:

A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open

MC49:

An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue**
- (b) all ejections of patrons**
- (c) any complaints received concerning crime and disorder**
- (d) any incidents of disorder**
- (e) all seizures of drugs or offensive weapons**

(f) any faults in the CCTV system

(g) any refusal of the sale of alcohol

(h) any visit by a relevant authority or emergency service.

MC11:

A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:

(a) the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,

(b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,

(c) The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,

(d) No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and

(e) No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

MC12:

No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

MC87:

No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

MC51:

Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority where consent has not previously been given:

- dry ice and cryogenic fog**

- smoke machines and fog generators
- pyrotechnics including fireworks
- firearms
- lasers
- explosives and highly flammable substances.
- real flame
- strobe lighting.

MC52:

No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

MC14:

All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

MC21:

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

MC22:

After 11pm patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be limited to 6 persons at any one time.

MC57:

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

MC24:

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

MC99:

A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

MC65:

No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.

MC34:

All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

MC35:

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.

MC43:

No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.

MC98:

Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.

MC42:

During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

MC78:

All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

MC72:

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.

MC91:

The number of persons accommodated at the premises as a whole at any one-time (excluding staff) shall not exceed (x) persons – to be determined on clearance of works condition but it shall not be more than (y) in any case.

MC81:

No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority. If there are minor changes during the course of construction new plans shall be submitted with the application to remove this condition.

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

Anil Drayan
Environmental Health Officer,
EH Consultation Team
Regulatory Support Team 2

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.



Your ref: MOXON STREET RESIDENTIAL (LUXEMB
My ref: 14/10918/FULL

**Please
reply to:**
Tel No:

Steve Brandon
020 7641 8541

Mr Chris Deeks
DP9 Ltd
100 Pall Mall
London
SW1Y 5NQ

Development Planning
Westminster City Council
PO Box 732
Redhill, RH1 9FL

12 January 2016

Dear Sir/Madam

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

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

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

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

SCHEDULE

Application No:	14/10918/FULL	Application Date:	31.10.2014
Date Received:	31.10.2014	Date Amended:	28.11.2014
Plan Nos:	P0101 Rev01, P1009 Rev01, P1010 Rev01, P1011 Rev01, P1012 Rev01, P1013 Rev01, P1101 Rev01, P1202 Rev01, P1203 Rev01, P2200 Rev01; Environmental Statement Volumes I, II and III.		
Address:	Car Park, Aybrook Street, London, W1U 4AR		
Proposal:	Erection of a building including excavation works to provide three basement storeys and six above ground storeys for mixed use purposes including up to 79 residential units, retail shops, restaurants, multi-purpose community hall, community space, cycle and car parking, servicing, landscaping, plant and other works. (Site also known as Moxon Street Car Park.)		

See next page for conditions/reasons.

Yours faithfully

John Walker
Director of Planning

Note: As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email districtsurveyors@westminster.gov.uk to arrange a preliminary discussion.

Note:

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- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Condition(s):

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

between 08.00 and 18.00 Monday to Friday;
between 08.00 and 13.00 on Saturday; and
not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

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

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

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

Reason:

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

- 4 The amount of floorspace used for Class A3 purposes shall not exceed 1770sqm

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S21 and S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE10 of our Unitary Development Plan that we adopted in January 2007.

- 5 If you provide an A3 use or uses, no more than 15% of the floor area of each of the uses shall consist of a bar or bar seating. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

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

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- 6 You must not open the Class A3 premises to customers, and you must not allow customers on the premises, outside the hours 07.00 to midnight. (C12DC)

Reason:

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

- 7 You must apply to us for approval of details of the ventilation system to get rid of cooking smells from any Class A3 use, including details of how it will be built and how it will look. You must not begin any such use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 8 You must only use the part of the property annotated as "community" on the approved drawings as a health centre or clinic. You must not use it for any other purposes, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05BB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet H10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 9 You must provide the waste storage facilities shown on drawing no. P1010 Rev01 before anyone moves into the property. You must clearly mark them and make them available at all times to everyone using the development. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

Reason:

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

- 11 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

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Reason:

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

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

Reason:

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

- 13 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy.

Reason:

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

- 14 None of the retail floorspace hereby approved shall be used by a supermarket or foodstore

Reason:

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

- 15 You must provide each car parking space at basement 2 level as shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

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during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

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

Reason:

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

- 17 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 16 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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Reason:

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

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

Reason:

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

- 19 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

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

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within any of the uses hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

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

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

Reason:

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

- 22 You must apply to us for approval of details of how the flats will be insulated to reduce noise passing between them and the commercial uses below. The details submitted should demonstrate that internal noise levels for the flats will comply with the requirements of Condition 21. You must not start work on this part of the development until we have approved

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what you have sent us. You must then carry out the work according to the approved details before anyone moves into the flats and thereafter retain the sound insulation measures installed. (C13FB)

Reason:

To protect the living conditions of people who may use the property in future as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13DC)

- 23 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that all residential external amenity space will comply with the noise mitigation measures as stated at paragraph 8.108 of the Noise and Vibration section of the approved Environmental Statement Volume I. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

- 24 The development hereby permitted shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to, and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the approved strategy have been completed.

Reason:

As the development may lead to sewage flooding a drainage strategy is required to ensure that sufficient capacity is available to cope with the development and in order to avoid adverse environmental impact upon the community in accordance with STRA 34 of our Unitary Development Plan that we adopted in January 2007

- 25 **Pre Commencement Condition.** You must apply to us for approval of a detailed design and method statement relating to the foundations and all new ground work. You must not start any construction work until we have approved what you have sent us. You must then carry out the work according to the approved design and method statement. (C32AB)

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

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26 **Pre Commencement Condition.**

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

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

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

Reason:

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

27 You must apply to us for approval of a crime prevention and security management plan to show how you will ensure the security of the development for occupiers and visitors. You must not occupy any part of the development until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times.

Reason:

To reduce the chances of crime as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013.

28 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

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Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 29 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 30 No demolition shall take place until a demolition management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Subsequently no development/construction shall take place until a separate construction management plan (including the above details as appropriate) has been submitted to and approved in writing by the City Council as local planning authority. You must not start construction until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

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Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

- 32 You must apply to us for approval of detailed drawings of the following parts of the development -

1. Typical details at all levels, including roof levels
2. Shopfronts and ground floor entrances
3. Public art

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

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

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

Reason:

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

- 34 The car parking spaces shown as electric charging points on the approved drawings shall be provided as such and retained thereafter.

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Reason:

To make sure the development provides the environmental sustainability features included in your application as set out in S28 and S40 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 35 The total number of residential units shall be limited to between 75 and 79 units only.

Reason:

To make sure that you carry out the development according to the terms of the planning permission and maximise the provision of residential accommodation on the site in accordance with policies H 3 of the City of Westminster Unitary Development Plan adopted January 2007 and policies S14 and S15 of Westminster's City Plan: Strategic Policies adopted November 2013.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

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