



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

22 February 2024

Licensing Ref No:

23/08472/LIPN - New Premises Licence

Title of Report:

Unit 3  
11 Cramer Street  
London  
W1U 4EA

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:

Karyn Abbott  
Senior Licensing Officer

Contact details

Telephone: 020 7641 6500  
Email: [kabbott@westminster.gov.uk](mailto:kabbott@westminster.gov.uk)

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	21 November 2023		
<b>Applicant:</b>	Moxon Street Residential (Luxembourg) S.AR.L		
<b>Premises:</b>	Unit 3, 11 Cramer Street		
<b>Premises address:</b>	11 Cramer Street London W1U 4EA	<b>Ward:</b>	Marylebone
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the operating schedule the premises proposes to operate as a restaurant.		
<b>Premises licence history:</b>	<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 <b>Appendix 2</b>.</p>		
<b>Applicant submissions:</b>	<p>The applicant has proposed twenty seven conditions which can be found at <b>Appendix 6</b> 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 <b>Appendix 2</b></p>		
<b>Applicant amendments:</b>	<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 <b>1-B</b> of the report.</p> <p><b>Opening Hours</b>            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 <b>Appendix 6</b> 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
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>		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					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Years' 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
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Years' day to the start of permitted hours on New Years' eve 00:00 on Sundays immediately before Bank Holiday Monday					
<b>Adult Entertainment:</b>		None					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	19 December 2023
<p>Representations made as the proposal may undermine the licensing objectives of Prevention of Public Nuisance, Public Safety and Prevention of Harm to Children.</p> <p>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.</p> <p>The applicant is requested to contact the undersigned to discuss the above after which additional conditions may be proposed.</p>	

<b>2-B Other Persons</b>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	17 Dec 2023		

As someone who lives in the immediate vicinity 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.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>			
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	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 [REDACTED] [REDACTED]. 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 won't 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 mis-led, 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.

**Further Submissions were received on the 13<sup>th</sup> February 2024 and these can be found at Appendix 3.**

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	Marylebone Association		
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	15 Dec 2023		

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.  
 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.

We have four principle concerns:

- The hours when the restaurant is open to public
- The use of tables & chairs in the street
  - Proposed tables 9 metres from windows of some residences
- Dispersal late at night
  - 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

The proposed opening hours are beyond 'core hours'. The hours for licensable activities are to the full extent of 'core hours'.

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*

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 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 Garbutt Place 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.

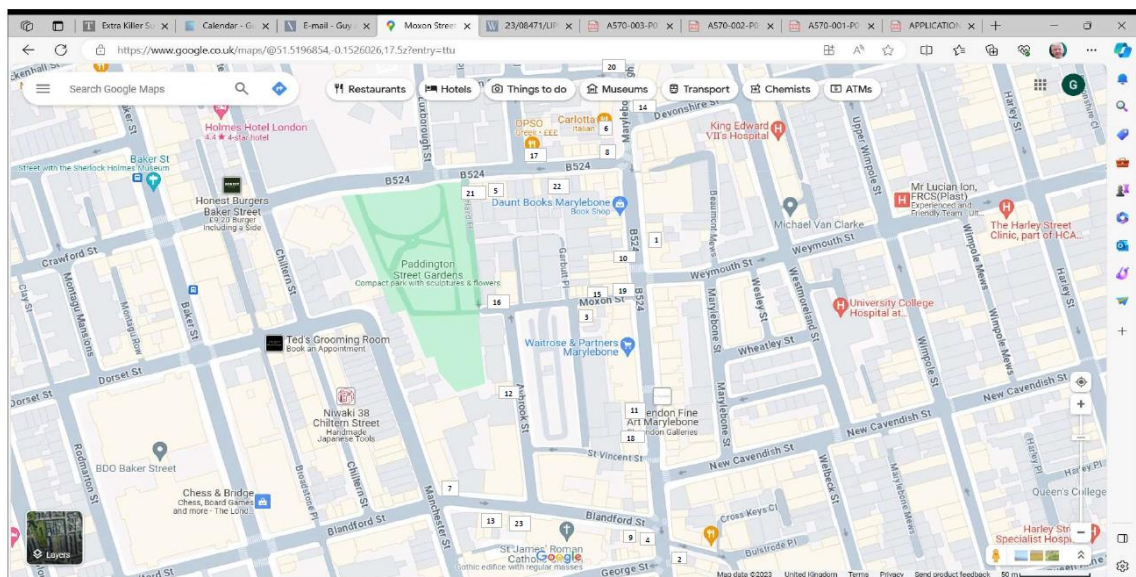
We totally accept that the developers want some certainty of licences for prospective operators so we would suggest that at this stage grant to slightly less than Core Hours now, with 19:00 limit on outside dining. If an operator regards it as extremely important for longer hours, then they should make 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 2: Closing Times

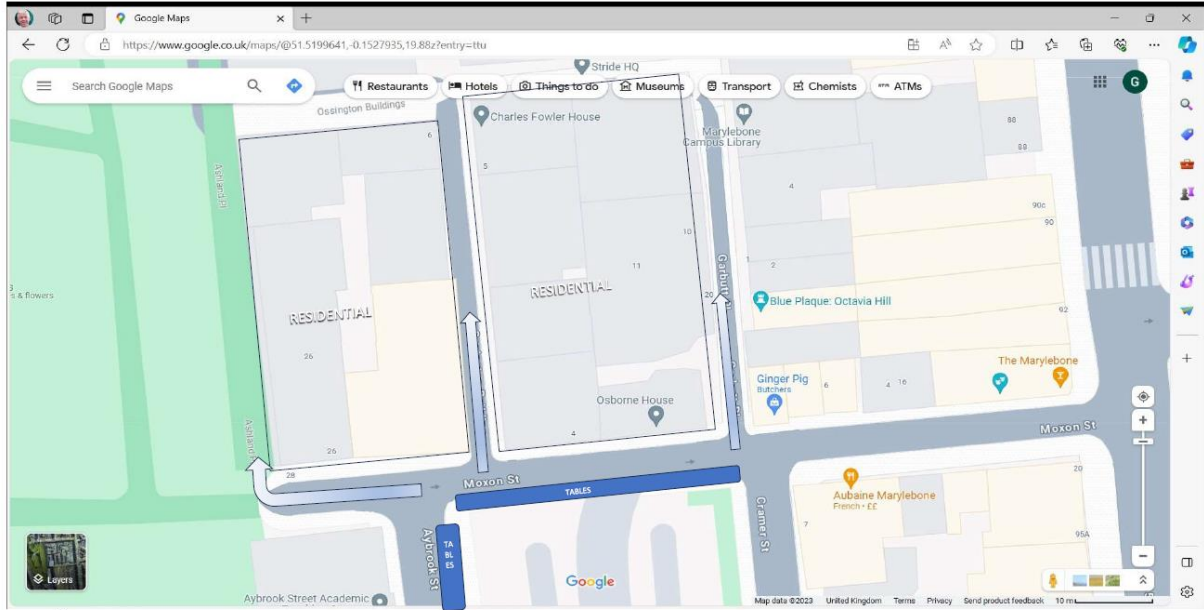
Appendix 3: Tables adjoining residential

Appendix 1: Location of restaurants local to Marylebone Square



Key: See Appendix 2: Closing Times

Appendix 3: Moxon Street tables and dispersal



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	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	22:30	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



Further Submissions received 31<sup>st</sup> January 2024

Many thanks for your letter of 17<sup>th</sup> January which has just been forwarded to me. Also many thanks for taking the trouble to engage with us and other residents to whom you have written. I am very pleased to see that you are being flexible with your application.

Clearly there is a need for developers like you to apply for licences in order to market your space more effectively. Obviously, the problem is that the operators will be unknown at the time, so this leads to uncertainty. We recognise the need, therefore, to try and agree basic parameters which give you flexibility and us some comfort. We need to push for tight conditions because once the licences are granted it becomes virtually impossible to amend them later should an inappropriate licensee starts operating.

I see that you are amending opening times. For the complete avoidance of doubt could you confirm that the proposed opening hours, that is to say when members of the public are allowed to be on the premises, will be until 23:30 Monday to Thursday, midnight Fridays and Saturdays and 22:30 on Sundays? (See Statement of Licensing Policy Licensing Act 2003: City Of Westminster: October 2021, Core Hours paragraphs C8 and D). I frequently see applicants be under the impression that Core Hours refers to the times when alcohol can be sold whereas it refers to actual opening hours.

With regard to the outside, we are all suffering from the uncertainty regarding possible legislation in this area and it has been the subject of much debate ever since Covid and the 'temporary' relaxation of restrictions. Reading your letter it would appear that you understand the issue especially as the premises are so close to many residential units – especially yours above – and removing the external area seems a sensible thing to do. It would be helpful however if conditions were proposed regarding the timing of any future tables and chairs outside as these can be deployed for unlicensed activities especially if on your private land. This I think would be helpful to you as well when trying to protect the residential amenity of your new tenants as any changes in the law may give you difficulties in keeping the noise from outside tables to acceptable times.

As I write all I see on the WCC website is the original application and draft conditions so could I clarify that these will be redrafted to take your amendments into account and that the application for off-sales is retracted.

Many thanks for corresponding with us and I wish you luck in acquiring some lovely restaurateurs to enhance our great neighbourhood.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		Marylebone Ward	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	16 Dec 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.

This particular application in Cramer Street is in very close proximity to existing residents.

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. It is not clear if these are on Cramer Street or Moxon Street but neither pavement would appear wide enough. 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 .

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 Dec 2023		

[REDACTED]  
[REDACTED] 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.

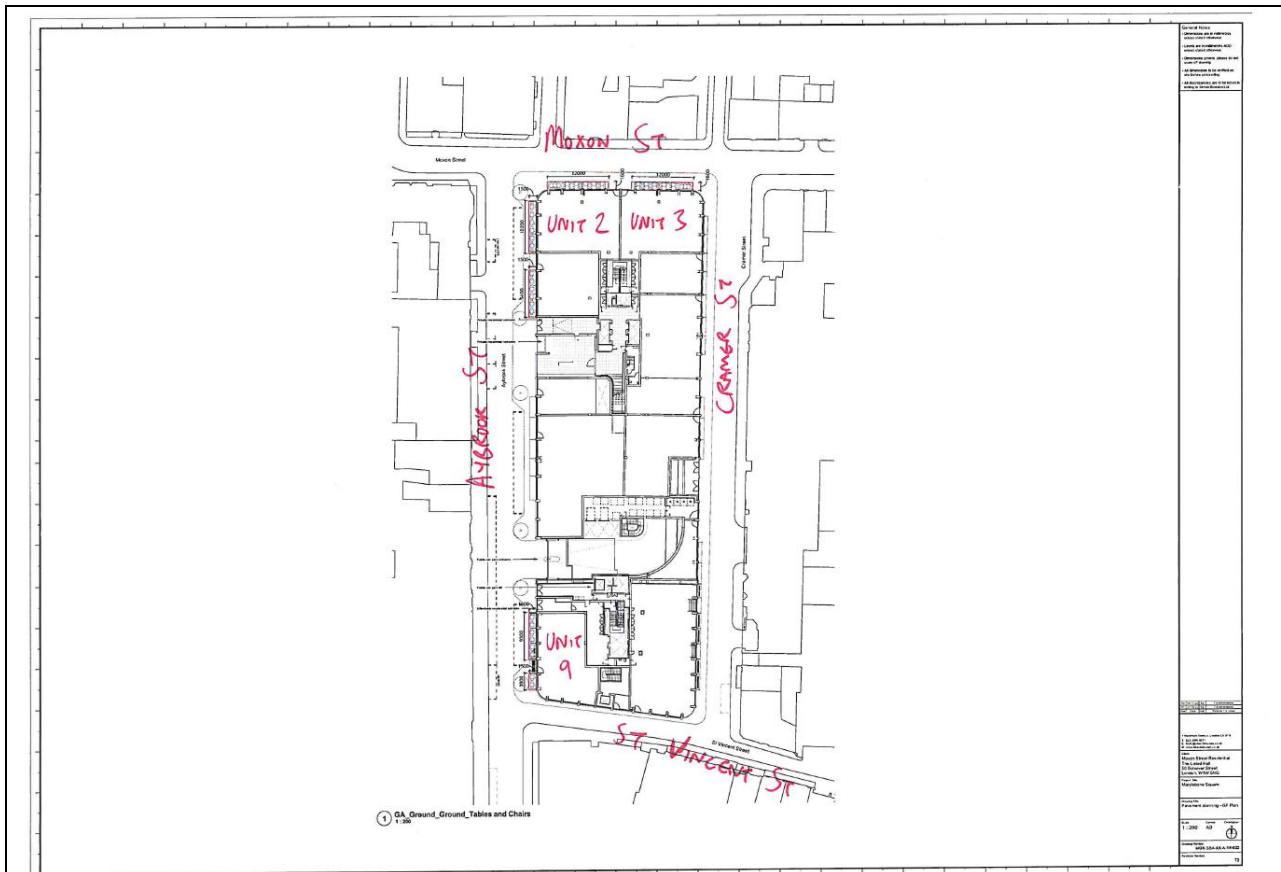
**Deliveries & Waste Collection:**

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.





**Further Submissions received on the 25<sup>th</sup> January 2024 and the attachments mentioned can be found at Appendix 4 of the report.**

I am attaching a letter the developers have sent to me, dated 17 January 24, in response to the objections I raised prior to 19 December 23 to the above licences being granted. I also attach a copy of my reply dated 23 January 24.

The amendments to the application do not mean a great deal. In fact, the application seems even more confused. I appreciate that they want to cover all eventualities for any tenant but that makes it all the more important to restrict or even postpone the decision until their plans are clearer. For example, the reference to 'some bar use' when the conditions clearly state that alcohol will only be served with a full meal. And what is 'regulated entertainment'? Live music? Live events? Private lettings? None of this is mentioned on the licence application.

The situation regarding off-sales and external serving is confused also. The application should state that there will be no off-sales and, if external tables are subsequently requested, even without off-sales, it should be made clear at the outset that they would be for restricted hours only.

The application should divulge the footage of each restaurant including both floors and give an indication of the capacity in terms of customers. And still no answer is forthcoming as to how the retracting doors will be used.

My objection is to restaurants - and particularly two adjacent restaurants - in this small street and I do propose to address this issue with the planning department. I am also astounded that the Environmental Health Officer was 'broadly content' with the proposals and will ask for this response to be reconsidered with a possible site visit.

So, while I note the amendments I have to maintain my representations as I feel the applications ought to be determined by the Licensing Sub-Committee, given their importance to the local community.

**Further Submissions were received on the 13<sup>th</sup> February 2024 and these can be found at the end of Appendix 4**

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

Hi Team,

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.

### 3. Policy & Guidance

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

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

	<p>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</p> <p>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</p> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal</li> </ol>
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#### **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

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Interested Party 2 Further Submissions
<b>Appendix 4</b>	Interested Party 5 Further Submissions
<b>Appendix 5</b>	Premises history
<b>Appendix 6</b>	Proposed conditions
<b>Appendix 7</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: kabbott@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
<b>4</b>	Cumulative Impact Assessment	04 December 2023
<b>5</b>	Environmental Health Service	19 December 2023
<b>6</b>	Representation 1	17 December 2023
<b>7</b>	Representation 2	19 December 2023
<b>8</b>	Representation 3	15 December 2023
<b>9</b>	Representation 4	16 December 2023
<b>10</b>	Representation 5	18 December 2023
<b>11</b>	Representation 6	19 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**

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**SUMMARY OF PROPOSALS**



**THOMAS & THOMAS PARTNERS LLP**

**38A MONMOUTH STREET**

**LONDON**

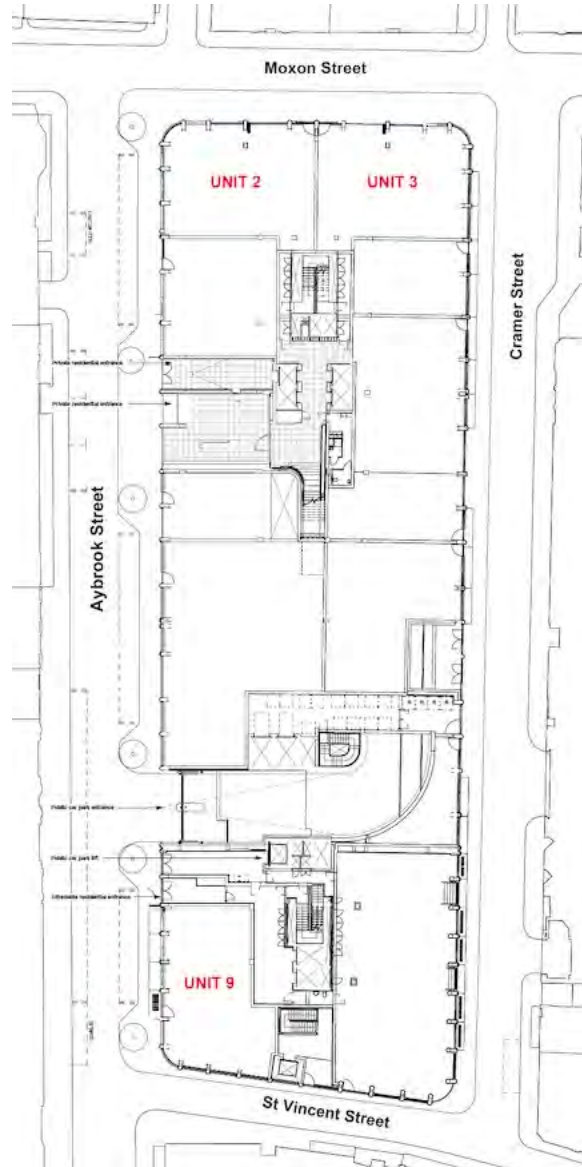
**WC2H 9EP**

**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 premises<sup>1</sup>.
- 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 amendments<sup>2</sup> 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.

<sup>1</sup> The applicant seeks to replace proposed condition 1 in the applications' operating schedules with Model Condition 66

<sup>2</sup> 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.

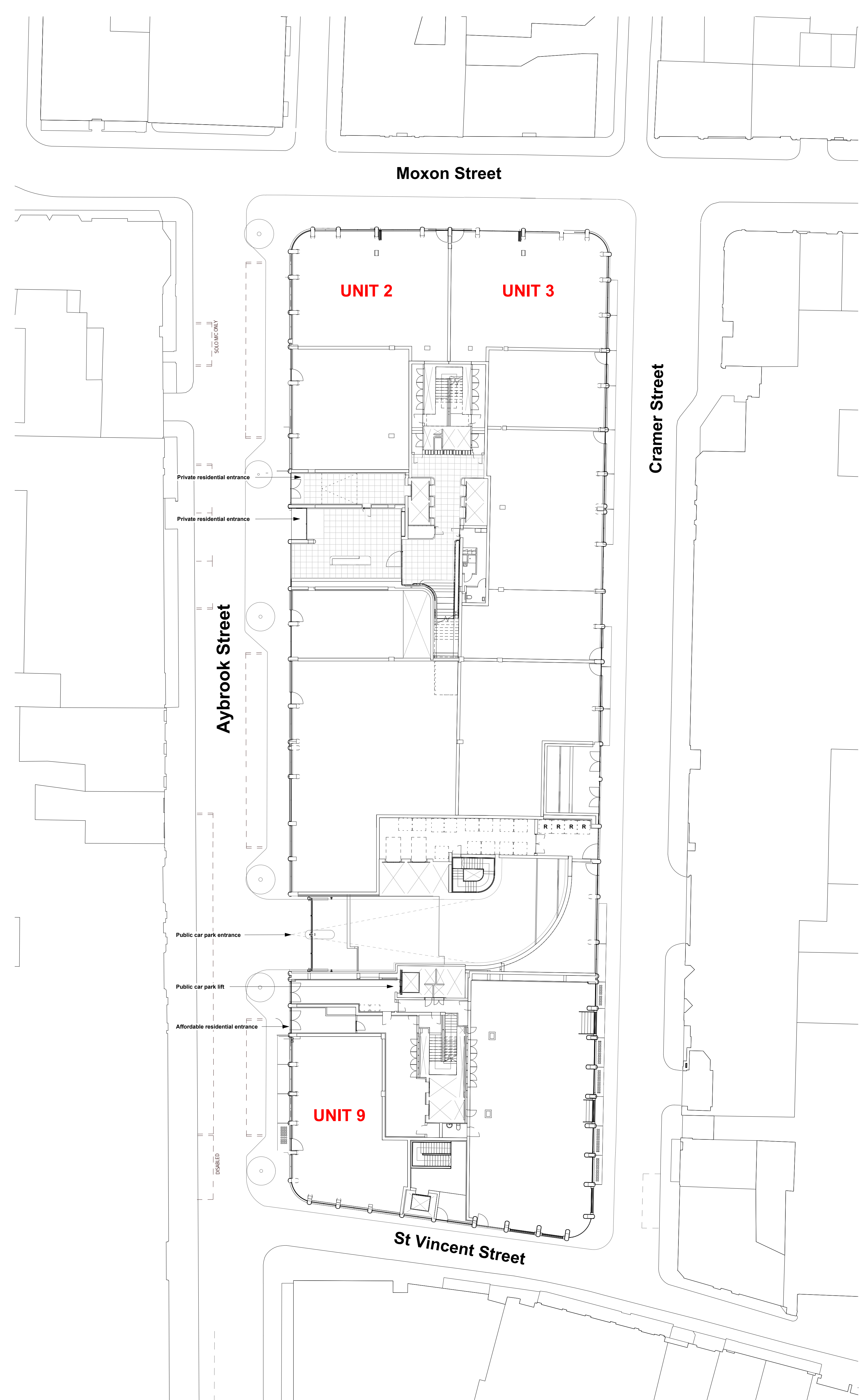
17. The comprehensive schedule of robust model licence conditions and limited licensable activities (no regulated entertainment) address the requirements of Policies CD1, PS1, PN1 and CH1.

### 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



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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

**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