

nighttime silent, mews street, eight metres from my house and opposite a primary school. Drawing crowds from a rampant Bar nearby. Creating a night spot, with all the potential for crime and disorder that this has the potential to create. When there is previously no crime and disorder. The log book, point seven, is an admission of increasing crime, at an estimated rental value of £800,000 per square metre.

The mere fact there is a requirement to have a log book and log incidents of disorder and crime denotes that there is statistically likely to be an increase in crime and disorder.

Point 8. States “no noise generated on the premises....shall emanate from the premises...which gives rise to nuisance” yet, Point 10 says that “windows and external doors shall be closed after 21:00”. These two points are completely at odds with each other. A large restaurant, a flagship restaurant and outdoor dining, will create a loud ambient noise. This restaurant is situated in a noise canyon (narrow mews street, 5-6m wide with five story buildings either side) so that noise will be amplified. Point 8 is therefore meaningless because noise, (we don't know how many but say the noise of 150 diners per restaurant) will be emanating from the restaurant until 21:00. Therefore the licensing conditions contradict themselves and this license application can neither be granted or taken seriously.

The only way you can grant the license without contradicting the conditions is to make there no outdoor dining and windows and doors to be closed at all times, even in the hottest days of summer. 40 degrees Celcius. Otherwise they are in breach of point 8. Similarly queues outside the restaurant must be seen as the restaurants making noise.

Also consider alongside point 8., point 12., that “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.” Point 12 and point 8 are completely irreconcilable in two ways; firstly, the license is suggesting any number of people at any time may stand outside the restaurant and smoke or make phone calls yet point 8 says no noise generated on the premises will emanate through the doors. Secondly and furthermore, it is proposing that up to six people can talk and smoke outside the restaurant up to 11:30pm at night on a Monday-Thursday, 11:00pm-12:30 on Friday and Saturday. On the rare occasions people are talking in my street or when teenagers congregate at the steps of Howard House to smoke weed, I politely ask people to move away. I

do not allow this to become a spot where people can make noise. It is a silent/quiet muse street. If I heard people from a restaurant making noise outside, talking and smoking or on their mobile phone, I would go outside and tell them to please be quiet and respect the residents desire for quiet. If there are ever cases when people do not, I will report it to Westminster Council, although in all cases people are understanding and apologetic (likely because Marylebone is a nice area and the space around my home is clearly, purely residential), because they will be breaking the licensing agreement.

Thirdly, this is complete and utter fantasy. The idea this will be policeable is highly unlikely. Think about a 35 degree Celcius day in the summer, people are going to refuse to not be allowed to stand outside or to go for a smoke if they want one and unlikely to accept being refused to go outside. The restaurant staff cannot police this by law. Yet, the restaurant will be breaching the conditions of the license.

Point 8 also cannot be reconciled with point 17. 18. 19 and 20. In that deliveries will need to be made, at various times, waste will need to be disposed of, glass bottles. It is an enormous restaurant. To turn profit it will need thousands of diners per day. Even at a rent of £1,000,000 per year, when you add gas/electric, staff costs, ingredients, advertising and marketing, etc., they will need at least 1500 customers per day to turn a small profit. This is going to generate huge waste, require huge amounts of ingredients. The idea this wont create noise and public nuisance is totally farcical. You can see that can't you. Look at the **size** and **scale** of each of these sites. The amount of noise these will generate in spring, summer, and autumn, **all day long, every single day** will be astronomical. Even if all deliveries and waste removal are managed internally, you have huge lorries which will struggle to turn down the narrow Victorian and extremely busy streets of Aybrook St, Moxon St, Cramer Street and Marylebone High Street. These streets serve Waitrose, the Ginger Pig, La Fromagerie, the Amazon deliveries for the residents, royal mail, the constant Ubers, and Deliveroo bikes. It is not only about the fact they can deliver to the restaurants internally, look at how much traffic we have, we have fifty empty flats and an massively underused car park. You need to see for yourself the scale of disruption of the traffic we will already have to deal with even before you license the restaurants. I am not explaining this well but what I mean is

The area cannot handle two flagship restaurant delivery and car traffic down Aybrook and Moxon street on top of 54 new flats and a multi story public car park. It is full enough already and it wont handle the flagship stores.

Before granting these licenses, Westminster council needs to assure itself that the arrangements for clearing rubbish and recycling, especially glass bottles and other noisy waste, will not create public nuisance. The same applies to goods going in and staff arrivals and departures. Points 16., 17., 18., and 19., detail that the rubbish can be put out no earlier than 08:00 and no later than 23:00. Our rubbish and recycling trucks are like clockwork, they arrive at 08:00 and they are gone by 08:15. This will create public nuisance.

See Statement of Licensing Policy 2021, Appendix 11 p.151

See Prevention of Public Noise Policy PN1 p32-35

Point 11. States “notices shall be **prominently** displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.” With an upmarket restaurant, as we are told they will be, I find it hard to believe displaying these kinds of signs will fit with upmarket dining. Are you telling me a restaurant serving five hundred people per day, a Michelin class restaurant, will display signs at its exits, **PROMINENTLY**, saying “respect the needs of local residents”?? As they go outside to smoke as a group of no more than six or make phone calls at 23:00 at night? This is total fantasy. Why not just not license something which is going to cause public nuisance, and acknowledges it needs to tell people, with signage, not to make the public nuisance, they will otherwise make. It is fantasy. There is very little reality to this document.

When leaving restaurants, no matter how many signs you put up, when people are excited after a wonderful evening, feeling connected, full and inebriated, they wont even see the signs. Even if restaurant staff tell them to please be mindful of residents and be quiet, people in that state often can't control themselves. Or don't care because they are drunk. That is what I am like. In high spirits. No amount of signage will really prevent high spirited people who want to be high spirited.

Restaurant staff don't have that strong a motivation to quieten noisy guests.

And finally, when patrons are away from the restaurant there is actually no motivation for them to keep quiet. This was made clear to me when at

10:20PM on Sunday evening, when I passed the Chiltern Firehouse and a girl was shrieking at the top of her voice and the group of five were laughing very loudly. And this was in winter in early December. Imagine the noise created during hot spring or summer months.

The fact that there is even a need for signage shows that the landlord knows there is the likelihood to create severe public nuisance. A new Premises here, two new premises here, each more than twice as big as anything else in the area, dwarfing everything except Aubaine, has a significant risk of creating public disorder and public nuisance. It would be best not to grant the license at all. It is clearly going to create these things, that's why there is a need to place Signs up to try to minimise the obvious public disorder. If you believe signs are going to stop this public disorder/nuisance, you are feeding in as much to the fantasy that the land lords and developers have. It is like Todd Bohely at Chelsea, thinking an algorithm can instantly build a winning football team. Or perhaps the developers do not actually care.

See Statement of Licensing Policy 2021, Appendix 11 p.151

See Prevention of Public Noise Policy PN1 p32-35

Point 26. States "the number of persons accommodated at the premises as a whole at any one-time shall not exceed (x) persons – to be determined on clearance of works condition." If you don't know how many people the space is for, how can you accurately even analyse for prevention of public disorder or prevention of public nuisance? You simply cant. If, with outdoor seating as with the architect's plans we have seen, 150 per Flagship restaurant, how do you calculate the impact of that formulaically?

In addition, we do not even know what the restaurants will be, so it is impossible to safely grant a New Premises License for a restaurant that you do not know the name and style of, in a densely populated residential area. You simply cannot know that in practice. When the license was granted for the Marylebone, was it granted for a pub or a nightclub? When you walk past Friday or Saturday you hear the music pounding in the street even with the doors closed. People shout and make too much noise in the street or drink in the road causing a hazard. Especially in summer, in the heat. They cannot be controlled by the staff. Who is to say that after you grant the license, the restaurant will stick to the conditions imposed? Who is going to police them?

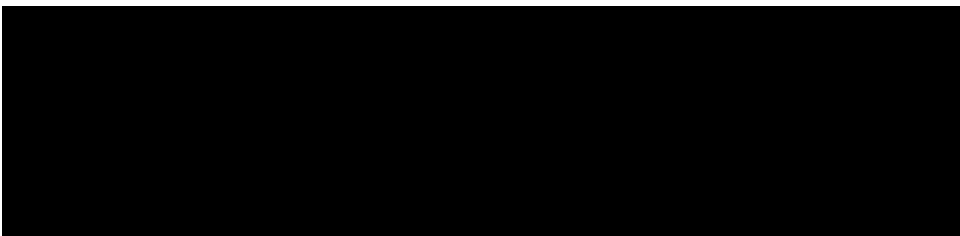
The conditions above were the requirement for The Planning Permission on the A3 Retail space. I put it to you that no restaurant using this huge space, will ever be able to comply with the Proposed Conditions alongside which the Planning Permission was granted. I therefore put it to you that the Planning is void.

Conclusion

Some of you on the committee may be women (or men) who know little about the Premier League, however, I trust at least one committee member will be familiar enough about football in England to explain this analogy.

Just like Chelsea Football Club's recruitment strategy, Marylebone Square is trying to impose itself within an ecosystem which runs by different rules. Just like you can't put fifteen algorithmically chosen youngers into a club with no structure, without senior role models and expect the team to develop the way an algorithm predicts, so you can't take a laboratory grown luxury property development and dump it (*vvvvvroom, vvvvvvroom, vvvvvvroom*) like a Tardis into the middle of an extremely delicate residential ecosystem. I was born in Marylebone and have lived here for three and a half decades. My family have lived here for six (decades). We know what the area does and doesn't need, what will work and wont work. The Howard de Walden estate know what will and wont work in this area. The Marylebone Association know what will and won't work in this area.

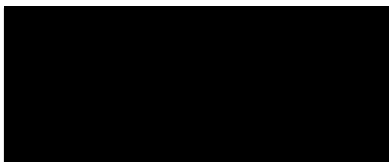
Even if a license is granted, I will continue to challenge and oppose any restaurants, wine bars or A-lister nightspots on Aybrook Street or Cramer Street.



This is image from video one of ther I have been desperately trying to send but cannot edit



Letter Interested Party 5 received from Developer



17 January 2024



Marylebone Square Development Restaurant Premises Licence Applications

We hope that this letter finds you well after a restful festive break.

The Westminster Licensing Authority has sent us a copy of your representation in respect of our premises licence applications. Thank you for taking the time to comment on our proposals. We would be grateful for your consideration of this letter, which we hope will help to clarify the extent of our proposals and address some of the concerns that you have raised.

The three premises licence applications relate to the units that have already been granted planning permission for restaurant use. As a proactive developer, we decided to apply for licences for two key reasons. Firstly, we want to ensure appropriate hours and robust licence conditions are imposed to safeguard the responsible operation of the restaurants. Secondly, obtaining licences at a pre-letting stage will help us to attract the highest calibre of restaurant tenants appropriate for the development and local area.

We adopted this proactive approach as part of our commitment to enter leases with professional restaurant operators that will complement the development and co-exist harmoniously alongside you and your new neighbours moving into the upper floor apartments. It is absolutely not in our interest to enter leases with late-night bar operators or badly managed restaurants that are likely to disturb the local community and our new residents.

We obtained pre-application advice from the Westminster Environmental Health Consultation Team. The Environmental Health Officer was broadly content with proposals for 1.00 am licences authorising some bar use and regulated entertainment. Following careful consideration and local stakeholder feedback, we proposed more tightly conditioned licences with no regulated entertainment. The applications also proposed licensable activities within Westminster's policy 'Core Hours', with an additional 30 minutes for customers to leave the premises.

Having undertaken a further careful review of feedback in your representation and others, we are proposing the following amendments to the applications to address your concerns:

1. **A reduction in closing times by 30 minutes each day, meaning each restaurant will close in accordance with Westminster's policy Core Hours: 10.30 pm Sunday, 11.30 pm Monday – Thursday and midnight on Fridays and Saturdays.**
2. **Withdrawing the external areas from the licence demise.** This means that the internal restaurant areas will be licensed for on-sales only. Our restaurant tenants would therefore have to make separate applications for temporary pavement licences if they wished to have external seating areas in the future. The pavement licence process will allow an extra level of scrutiny on the use of the external areas generally, permitted hours and the amount of furniture permitted. Importantly, any consent would also only be granted on a temporary basis facilitating an ongoing review and monitoring.

The comprehensive and robust conditions proposed with the applications will remain to ensure a professional and responsible management of the restaurants.

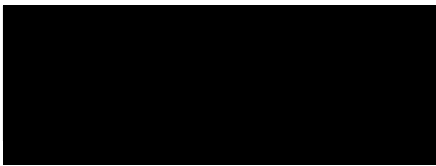


In addition, the development's thoughtful servicing and management plan will implement tight controls on how the restaurants manage their waste, deliveries and general servicing. Waste will be taken directly to internal subterranean waste refuse areas before being taken up to ground floor level by the estate team ahead of scheduled collection times. Deliveries will be made via an internal loading bay before being distributed internally via servicing corridors.

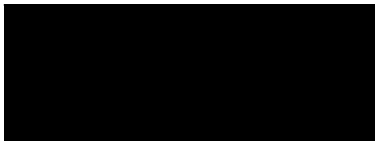
Thank you for your consideration of this letter. We hope that it has helped to address some of the concerns that you have raised. Please do not hesitate to contact us if you would like to discuss our proposals further.

Finally, may I please take the opportunity to wish you and your family a Happy New Year.

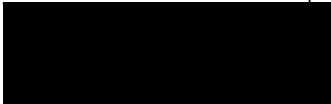
Yours sincerely



Interested Party 5's response to Developer



Gavin de Klerk
Concord London Developments Ltd



23rd January 2024

Dear Mr de Klerk

Marylebone Square: Restaurant Premises Licence Applications

Thank you for your letter of 17th January in response to my objections submitted to Westminster City Council to the granting of licensing applications at proposed new restaurants in the Marylebone Square development.

I appreciate why the developers wish to obtain licenses on these units in order to attract tenants. I also appreciate the amendments proposed to the applications - i.e. a reversion to Westminster Core Hours - but why was there ever a case for requesting extended licensing hours in the first place? The existing small restaurants in Moxon Street already operate at less than the Core Hours. I also appreciate the proposed removal of an application for outdoor areas from the licence demise, at least for the time being.

But my point is that these two large adjacent units should not be restaurants and I had been assured on several occasions that the Aybrook Street/Moxon Street corner unit, which is very close to my home, was for retail use and not as a restaurant or café. As late as when residents were invited to a consultation about the 'community space' after the Sunday market had withdrawn, this was confirmed to me again by one of the architects who actually consulted the ground plan. We went on to discuss the kind of retail the developers were hoping to attract and I commented that this particular plot was large for the bespoke retailer he described to be able to afford, although it could, of course, be a flagship store for a larger company. I understand the Marylebone Association also advised the developers to create smaller retail units and it was noticeable that during the Covid lockdown several of the vacant large spaces in the High Street were converted to smaller units which have since been successfully let.

When I was confronted just before Christmas with the licence applications, I felt betrayed; had I been given any indication that the entire length of the building in Moxon Street was to be converted into two large restaurants, I would have lodged my objections with the planners at Westminster Council immediately and I have been denied that opportunity.

I am frankly astounded that the Environmental Health Officer was 'broadly content' with proposals for 1am licences and 'some bar use' and 'regulated entertainment' in this densely populated, quiet, residential area when they must have been aware that it could not but infringe Westminster's Prevention of Public Nuisance Policy and cause issues that would eventually end up on their desk. And what is 'regulated entertainment', now entering the discussion for the first time? This paints a picture of a very different kind of venue to the one described in your letter and the one I fear, if these licencing applications are granted, we will end up with, which would be disastrous.

In none of the documents is there any reference to the dimensions of the spaces or the estimated joint capacity of both restaurants if they are both to work as going concerns. Both figures would be large and are relevant. Nor have I been able to get any answer to the purpose of the two 6-panel retracting doors which open each space directly onto the pavement.

I may be wrong but it feels to me that this is a change of heart and that these premises were originally conceived as retail units and not as restaurants. The configuration of 5 or 6 wide, full-length windows in each unit is ideal for a shop to display its wares but not for a restaurant where people, especially when fine dining, do not wish to be gawped at by passers-by. Nor do I think a high-end restaurateur or chef will be attracted by such a bland, open space where it is hard to envisage they can create their unique ambiance. Nor could I envisage them wanting to be sited immediately adjacent to a competitor seeking to establish his own individual brand in identical premises. This mirror effect works for a retail environment and the retracting doors could also work in the façade of a retail unit but neither suit the high end restaurant you are describing.

The successful restaurants in Marylebone have discreet front access, with small or half windows, but deep, protected interiors for diners. They are either small and intimate or sometimes use the on-street section for a different purpose: for example, Fishworks is a fishmonger on the street and a restaurant in the interior. Carlotta has a façade that completely obscures the interior. The spaces you are marketing do not offer this opportunity, nor is there any special feature that gives them cachet and I fear they will not attract the level of tenant you are hoping for, which means there is no guarantee the high standards of responsibility you propose will be achievable or maintained. And I fear there is every possibility that they could degenerate into large glorified wine bars.

High end shops with opening hours from 9am to 8 or 9pm would work very well in Moxon Street and could be achieved with no disruption to the residential community.

I'm sorry but your letter does not satisfy or invalidate the objections I have made to Westminster City Council. I know to my cost that, once permission is given, the situation is irrevocable and residents have to live thereafter with the repercussions. I appreciate the developers have to recoup the investment they have made in Marylebone Square and I genuinely believe it would be worth their while to re-consider these proposals which will inevitably cause discord with long-term residents.

Yours sincerely,




Further Submissions received on 13th February 2024

LICENCE APPLICATION 23/08470/LIPN – Sub-Committee: 22 February

Once a planning/licensing decision is made by Council officials, it is irrevocable and residents have to live with the repercussions. Everyone turns their back and the only recourse to mitigate the havoc a decision may cause in your life is the Environmental Health Department, which has limited powers. I have learned this to my cost.

A Cautionary Tale:

The Howard de Walden Estate applied for permission to build Howard House, a block of apartments on a vacant site . It was to open in 1988, the centenary of the opening of the original tenement buildings. I objected on various grounds but mainly on the grounds of loss of privacy, light and noise pollution. The windows look directly into my house which itself has large casement windows. Despite the proximity of the two buildings, they introduced mock-bay windows projecting over the street, containing velux-type units that open upwards and outwards, providing no visual screen and acting as sound projectors. Despite the address being in Moxon Street, the only access to all 12 flats was immediately opposite my front door.

My objections were ignored by WCC (despite the planning officer agreeing that the development would ruin my house) and permission was granted. However, the development reached completion just as the UK economy and property market fell into steep decline and only one of the flats sold. Without warning or consultation, the entire building was leased for 10 years as student accommodation to a private university that had taken over all vacant spaces in Marylebone, the American International University, with campuses in Atlanta, London and Dubai.

Teenage students were crammed in, up to 4 per flat, without supervision or control. I endured 10 years of hell. WCC refused to acknowledge this as a change of user and the freeholders weren't interested in helping. The Noise Officer attended at least weekly. Marylebone is my home but moving seemed the only solution. But the UK was in recession and who would want to buy into my situation? It ended only when the University decided not to renew the lease at the end of 10 years and they eventually moved out of Marylebone altogether. It is no consolation that planning officers now tell me Howard House would never get planning consent today. I can't reclaim those 10 years.

This story is relevant because the impact of allowing this huge development, Marylebone Square, to take over and impose itself on such a unique and carefully nurtured residential area has the potential to cause the same damage again to me, my family and to many other people. I ask the Council to protect us.

In addition to the papers I have already submitted, I wish to add the following: -

The Council's planning brief for the Moxon Street Car Park site, dated February 2009 sets out the following priorities which are relevant to the current licensing applications.

3.4 The site is located outside of the Central Activities Zone as defined in the UDP and is designated in Schedule 2 of the UDP as an Opportunity Site with the preferred land uses being specified as residential and community uses.

Marylebone High Street has been greatly improved in recent years and currently contains a wide variety of small shops, two supermarkets, restaurants and pubs. There are some retail uses on the northern side of Moxon Street (between Marylebone High Street and Cramer Street) which are designated secondary retail frontages in the UDP (Map 7.5). The remainder of the northern side of Moxon Street comprises residential uses including Moxon House and Osbourne House (dating from the late nineteenth century) and late twentieth century infill housing (Ossington Buildings).

Where appropriate the priority development on sites identified in Schedule 2 will be for housing. The preferred long-term uses for the Moxon Street as identified in Schedule 2 are for residential and community uses.

5.28 A primary aim of the UDP is to both support and protect the residential environment of existing housing and to increase the amount of housing stock within the council area (Policy STRA 14).

5.43 A small number of small scale retail units (Class A1, Class A2 and Class A3 uses) may be appropriate at ground floor level, where it is considered that they may complement the shopping character and function of Marylebone High Street (Policies SS8, SS10, also see Map 4). (Elsewhere the term 'modest' is used.)

5.44 Careful consideration and justification of any Class A3 units will be required to ensure that adjacent residential amenity is protected from adverse impacts.

5.45 The site is located outside the CAZ, and therefore is not appropriate for large-scale facilities as this would detract from the primarily residential nature of the area.

7.15 The development should be planned and designed to minimise noise transmission and breakout between dwellings in the development and surrounding area....These standards are intended to prevent increases to ambient noise levels and to enable a reduction in ambient noise levels over time, to ensure liveability for those who work or live in the area.

8.1 There is a balance to be struck between the need for schemes to mitigate the impacts which they give rise to, and to contribute to the City and promote economic prosperity.

The Planning Statement provided to WCC by DP9 Ltd dated October 2014 appears to acknowledge retail restriction but tries to justify exceeding it and the entire impetus now seems

to be to maximise the retail and restaurant returns in a kind of shopping mall, competing with the businesses on Marylebone High Street instead of complementing them. What came of the 'small number of retail units at ground level'? They quote:

4.8 The overarching aims of the Planning Brief were to promote a 'comprehensive approach to the site' and create 'a new development over an entire city block' through a mix of suitable land uses, with a particular emphasis on residential, community and other supporting town centre uses, including a small number of retail units at ground floor level.

4.33 While the total Class A floorspace proposed in this application exceeds the 2,500 sq.m threshold, the retail and restaurant components will give rise to different impacts, and both components are below the threshold at which an impact assessment may be required. Furthermore, both are modest compared to the scale of existing retail and restaurant uses in the CAZ frontage, which is evidently a vital and viable centre showing no signs of vulnerability.

4.43 The supporting Retail Statement prepared by DP9 Ltd considers that the Class A1-3 elements of the proposals are in accordance with the relevant provisions of the London Plan and WCC's Development Plan.

They, themselves, quote from other sources:

4.100 Paragraph 123 within the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Planners should be aware of 'impacts on the natural and historical environment or human health and the cumulative effects of multiple impacts from individual sites within the policy.'

Para 522 of the City Plan states that new developments should 'take measures to minimise light to acceptable levels and improve the amenity for neighbours by addressing issues of privacy, overlooking, natural light, enclosure and disturbance.'

In the light of all of this, I fail to understand how WCC can even be considering licensing two adjacent restaurants, each of over 500 sq.m. and thus in total over 1,000 sq.m in one block, in effect taking up 50% of a road in an otherwise totally residential location. And the intention is to open, not just these two but four restaurants in hitherto residential streets!

I echo one objector: 'The character of the conservation area is not purely about physical characteristics but also about land use and **intensity** of such uses.'

I draw your attention to the Cumulative Impact Assessment Findings in WCC Policy defined as: 'the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. It is often not that licensed premises on their own are operating in a way that is detrimental to the licensing objectives, but it is the cumulation of the premises and the people attending them that creates the increased problems and demands on services.'

Policy SS4 states that: *'The size and type of units must be appropriate to the character and function of the street.'* The existing businesses in Moxon Street, La Fromagerie, Ginger Pig, Aubaine, Le Vieux Comptoir are, and do respect residents. These proposed large units are disproportionate and would be so in even in Marylebone High Street.

The Howard de Walden Estate make the point that the majority of retail units on the High Street (CAZ) are less than 200 sqm or even 100 sqm and are very successful. The A1 units in Marylebone Square, their agents report, are from 55 sqm to 493 sqm with an average of 366 sqm. Out of 11 units, 4 are designated as restaurants which will take up 1,557 sqm of the 3,468 sqm allocated for retail. The evidence is that, even on the High Street, the large shops quickly fold and several of the larger High Street units have quite recently been subdivided into smaller ones. I understand the Marylebone Association also advised the developers at the planning stage that their retail units were too large.

It should also be born in mind that Marylebone High Street is itself 'on the edge' of the even larger CAZ area of Oxford Street. A few minutes' walk takes you to one of London's great department stores, Selfridges, and on to the big brands in Oxford Street and the flagship stores of the great fashion houses and jewellers in Bond Street. Where then is the **need** for flag-ship retail shops and huge restaurants in Marylebone? There is none. It is entirely manufactured by commercial interests and can only cause harm to a community that has achieved the correct balance of retail, restaurants and residential.

The data in the planning application from the developers seems to relate to a period from 2006–2013 with some updating in 2014, which is 10 years out of date and is pre-Covid and precedes the changes in shopping habits that have evolved since the epidemic. It also doesn't take into account the amount of good work that has been done in the High Street in those 10 years, introducing many new, vibrant brands and restaurants – most of them small in scale and with difference.

In my response to the letter dated 17th January 24 from Concord, I have set out my reasoning that these proposed restaurant units on Moxon Street will not attract the level of client they envisage and will inevitably go down market to attract the number of customers their clients will **need** to make the rental and costs viable which means cheaper, mass-market catering and probably a younger and noisier clientele. As I said above, once a license is granted, the file is closed and we residents will be left to cope.

The granting of licenses to these premises cannot co-exist alongside the Council's Public Nuisance Policy LPN1.

Criteria 1: The potential for nuisance associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps which would be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where

there is residential accommodation in proximity of the premises.

If even the developer doesn't know what the business will be, how can WCC be assured about this point and agree to license the premises?

C12: Applies to Public Nuisance affecting a few people living locally as well as a major disturbance affecting the whole community.

C13: Westminster has a substantial residential population and the council as a Licensing Authority has a duty to protect it from nuisance.

C14/15/16 are all particularly relevant, especially at night when the ambient noise of Moxon Street and the surrounding areas is extremely low as it borders Paddington Gardens. Here we have a harmonious, problem-free community. By overloading it with a number of licensed premises WCC would be responsible for aiding and abetting the creation of a Public Liability Nuisance and introducing stresses and problems that do not need to exist.

There is already a prime example a few streets away. The Chiltern Fire House was granted permission for conversion into a hotel but is primarily an expensive restaurant and late night watering place for young people and celebrities, with outside dining and drinking. This has severely blighted the lives of residents who have lived there quietly for many years and my heart bleeds for them because their lives are now irrevocably altered.

Marylebone used to be one of the safest areas in London but it doesn't feel like that anymore. Prosperity attracts dishonest people and opportunistic crime. Currently there is nothing to bring these people into our residential streets but, if you transform it into a late-night entertainment district, they will follow. Some of my elderly friends are already afraid to venture out in the evenings.

The Council's Planning Brief stated that this was a 'once in a lifetime' opportunity' to build something wonderful for the community. Alas, it is an opportunity missed. Marylebone Square brings nothing to Marylebone. It is entirely parasitic, feeding off what was already there, carefully crafted over centuries and, as a vital and vigorous centre where people want to live, over the last 50 years or so, with ups and downs and re-starts. Marylebone Square has not created any part of what Marylebone is; it has attached itself to the success that others have built and the great danger is that parasites destroy what they feed off.

I urge Westminster City Council to temper the opening of this development and work with the developers to re-consider the location, size and number of licensed premises they will permit and the conditions they will impose.

Premises History

Appendix 5

There is no licence or appeal history for the premises.

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

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing

objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. The 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.

For the purposes of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. 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.
12. CCTV:
 - (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.
13. 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.
14. 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

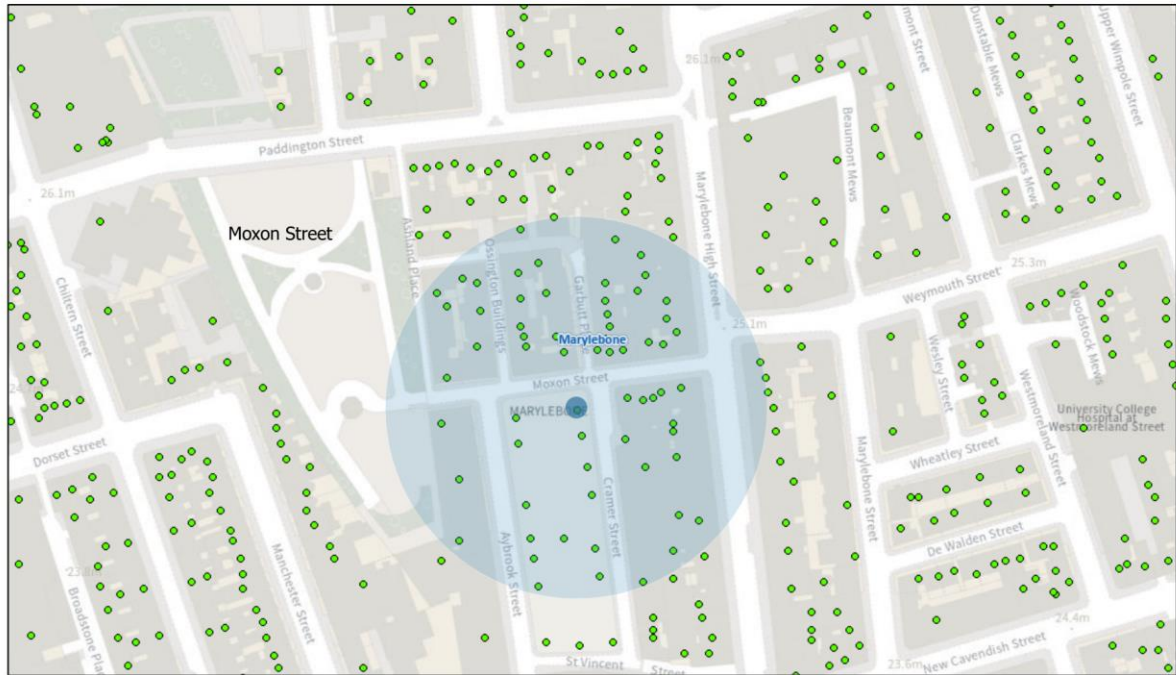
15. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) 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.
16. 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.
17. 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.
18. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. 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.
21. 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.
22. 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.
23. 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.
24. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. 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.
27. 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.

28. 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.
29. 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.
30. 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.
31. 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.
32. Except for any authorised external seating areas, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
33. All outside tables and chairs shall be rendered unusable by 21:00 hours each day
34. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
35. 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.
36. 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.

Conditions proposed by the Environmental Health Service

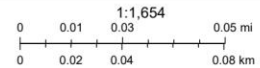
None

Unit 3, 11 Cramer Street, London



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- Property Mailing List
- Ward Boundaries
- Ward Labels



Resident Count: 228

Licensed premises within 75m of Unit 3, 11 Cramer Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
23/00984/LIPCH	Ginger Pig	Basement And Ground Floor 8 - 10 Moxon Street London W1U 4ES	Public house or pub restaurant	Sunday; 10:00 - 19:00 Monday to Saturday; 09:00 - 22:30
20/10348/LIPN	Not Recorded	3 Moxon Street London W1U 4EP	Shop	Monday to Sunday; 10:00 - 18:30
14/04878/LIPV	La Fromagerie (Marylebone Ltd)	4 - 6 Moxon Street London W1U 4EW	Restaurant	Saturday; 09:00 - 23:30 Sunday; 10:00 - 23:00 Monday to Friday; 08:00 - 23:30
20/10957/LIPT	Aubaine	93B-101 Marylebone High Street London W1U 4RJ	Restaurant	Monday to Sunday; 08:00 - 00:00

22/07875/LIPCH	The Marylebone	93 Marylebone High Street London W1U 4RE	Public house or pub restaurant	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 New Year's Eve; 09:00 - 09:00
22/12004/LIPDPS	Waitrose Supermarket	98 - 101 Marylebone High Street London W1U 4SD	Shop	Monday to Sunday; 08:00 - 23:00
13/02515/LIPT	Fish Work Seafood Cafe	Ground Floor 89 Marylebone High Street London W1U 4QW	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
23/08803/LIPCH	Fish Work Seafood Cafe	Ground Floor 89 Marylebone High Street London W1U 4QW	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
23/00767/LIPDPS	Not Recorded	Development Site At Former Car Park Cramer Street London	Markets (other than livestock)	Sunday; 10:00 - 14:00
15/03547/LIPN	Le Vieux Comptoir	Basement 20 Moxon Street London W1U 4EU	Not Recorded	Sunday; 09:00 - 22:30 Monday to Saturday; 08:00 - 23:30
23/03405/LIPDPS	Gunmakers	33 Aybrook Street London W1U 4AP	Not Recorded	Monday; 10:00 - 23:30 Tuesday; 10:00 - 23:30 Wednesday; 10:00 - 23:30 Thursday; 10:00 - 23:30 Friday; 10:00 - 00:00 Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:30