



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 26 January 2023**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**
Aziz Toki (Chair)
Md Shamsed Chowdhury
Laila Cunningham

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

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am.

If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.

An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

If you require any further information, please contact Sarah Craddock, Committee and Councillor Co-ordinator.

Email: scraddock@westminster.gov.uk Tel: 0779098018
Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

Licensing Applications for Determination

1. PARK STREET HOTEL, 14 PARK STREET, W1K 2HY

(Pages 1 - 368)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * None ** None	Park Street Hotel 14 Park Street W1K 2HY	New Premises Licence	22/06767/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

Stuart Love
Chief Executive
18 January 2023

In considering applications for Premises Licences under the Licensing Act 2003, the Sub Committee is advised of the following:

Policy Considerations

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from January 2021.

Guidance Considerations

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 the Licensing Act 2003. The most recent version was published in April 2018.

Core hours When Customers Are Permitted to Be on The Premises

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

Note: The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

1. Casinos

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

2. Cinemas, Cultural Venues and Live Sporting Premises

Monday to Sunday: 09:00 hours to 24:00 hours

3. Hotels

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

4. Off licences

Monday to Saturday: 08:00 hours to 23:00 hours

Sunday: 09:00 hours to 22:30 hours

5. Outdoor Spaces

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

6. Pubs and bars, Fast Food and Music and Dance venues

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

Friday and Saturday: 10:00 hours to 24:00 hours

Sunday: 12:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 hours

7. Qualifying Clubs

Monday to Thursday: 09:00 hours to 24:00 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

8. Restaurants

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

9. Sexual Entertainment Venues and Sex Cinemas

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	26 January 2023
Licensing Ref No:	22/06767/LIPN - New Premises Licence
Title of Report:	14 Park Street London W1K 2HY
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	11 July 2022		
Applicant:	14 -16 Park Street Limited		
Premises:	Park Street Hotel		
Premises address:	14 Park Street London W1K 2HY	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form the premises proposes to operate as a 6-star Hotel and Restaurant with Residential Apartments and associated facilities.		
Premises licence history:	This application is for a new premises, and therefore no premises licence history exists.		
Applicant submissions:	This application was before the Licensing Sub-Committee on 27 October 2022 and was subsequently adjourned. The applicant has provided an additional set of proposed conditions and updated plans.		
Applicant amendments:	Following the adjournment, the applicant has amended the original application to include: amended plans for the basement and ground floor. Off sales of alcohol has been removed. Further conditions have also been submitted. A consolidated set of the conditions now proposed can be seen at Appendix 5 .		

1-B	Proposed licensable activities and hours						
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:	<p>24 Hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests.</p> <p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sundays immediately prior to a bank holiday: 09:00 to 00:00.</p>						

Sale by retail of alcohol				On or off sales or both:			On sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		<p>24 Hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests.</p> <p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sundays immediately prior to a bank holiday: 09:00 to 00:00.</p>					

Recorded Music				Indoors / Outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		<p>24 Hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests.</p> <p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sundays immediately prior to a bank holiday: 09:00 to 00:00.</p>					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		<p>24 Hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests.</p> <p>Opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sundays immediately prior to a bank holiday: 9am to 12am</p>					
Adult Entertainment:		None					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Environmental Health Consultation Service
Representative:	Ian Watson
Received:	4th August 2022
<p>I refer to the application for a New Premises Licence.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> 1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday 09.00 to 23.30 hours, Friday and Saturday between 09.00 and 00.00 hours and Sunday between 09.00 to 22.30 hours. 24 hours for residents, NYE to NYD. Sundays prior to a Bank Holiday Monday 09.00 to 00.00 hours. 2. To provide Late Night Refreshment 'Indoors' and 'Outdoors' Monday to Thursday 23.00 to 23.30 hours, Friday and Saturday between 23.00 and 00.00 hours. 24 hours for residents, NYE to NYD. Sundays prior to a Bank Holiday Monday 23.00 to 00.00 hours. 3. To provide regulated entertainment 'Indoors' comprising <ul style="list-style-type: none"> • Recorded Music Monday to Thursday 09.00 to 23.30 hours, Friday and Saturday between 09.00 and 00.00 hours and Sunday between 09.00 to 22.30 hours. 24 hours for residents, NYE to NYD. Sundays prior to a Bank Holiday Monday 09.00 to 00.00 hours. <p>I wish to make the following representation</p> <ol style="list-style-type: none"> 1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area. 2. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area. 3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area. <p>The applicant has provided additional information with the application which is being addressed.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>	

2-B	Other Persons
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	01 August 2022

Thanks for the opportunity to comment on the plans for the development of 14-16 Park Street, Mayfair.

We totally oppose these plans, as this development would drastically change the character of the neighbourhood, create serious noise pollution, create substantial congestion, in both vehicular and foot traffic, and increase the potential for crime. It would also violate our privacy and that of many Park Street residents. It would reduce the value of the adjacent residential property.

This block of Park Street and the adjacent block on Aldford are entirely residential and without commercial development. The closest commercial development is Grosvenor House, which is set well back from the street and has no commercial enterprises on the street. Park Street as a whole is very quiet with no commercial enterprises on the street.

This proposal includes a ground floor restaurant and bar on Park Street. It stipulates that patrons would be able to go out on the street to smoke. This would create unacceptable congestion and noise as Park Street is very narrow. Music would be played in this area until 23:00 or midnight, creating substantial noise pollution in a currently quiet neighbourhood.

This proposal includes plans for an external terrace on the first floor directly facing Fountain House. The terrace would be occupied, and music played until 23:00 or midnight. This is an unacceptable violation of our privacy and an unacceptable introduction of noise pollution into a quiet neighbourhood. This terrace would also alter the exterior of an historic building, which we believe is contrary to Council rules.

In sum, this proposal is entirely inconsistent with the character of this neighbourhood. It would drastically reduce the quality of life of current residents, while also drastically reducing the value of their property.

Thanks for your consideration.

Following the adjournment further submissions were received on 30 November 2022

Many thanks for your mail.

This “revised” plan from the developers does nothing to address the concerns and objections already raised by local residents. Indeed, it makes clear that this is not a “boutique” hotel, but a bar, restaurant, event space that will rely on high volume traffic for its viability.

Park and Aldford Streets are very narrow, quiet, exclusively residential streets with no commercial presence. Parking, deliver services, and trash collection are already strained. This development would create unsustainable congestion, noise, and waste disposal that would destroy the character of our neighbourhood and make it unlivable. Double parking from deliveries and livery service serving this development would make the area impassable and unsafe.

This development would also threaten the security of our neighbourhood, with people congregating on the street to smoke, parties, consumption of alcohol, and uncontrolled human traffic. Not only do we have many children residing in our neighbourhood, but there is also a primary school nearby in Mount Street Gardens. Young children walk up and down Aldford every day going between the bus stop on Park Street and their school. This development would make the neighbourhood unsafe for families and children.

The developers have consistently misrepresented their plans and have consistently misrepresented the impact of this proposal on this residential neighbourhood. Their claim, based on walking around the neighbourhood one night and seeing few lights on, that many flats are inhabited is absurd and offensive.

I trust the Council will inform these developers that the only appropriate use of this building is residential. Please do not let them destroy our neighbourhood.

Many thanks for your time and attention,

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	08 Aug 2022

We act for [REDACTED], the headleasehold owner [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Please treat this letter as our client's relevant representation by way of objection to the Application, pursuant to Section 18 of the Licensing Act 2003 ("Act").

Representation

1. The effect of the application if granted would be to undermine the licensing objectives, in particular that of the prevention of public nuisance and the protection of children from harm.
2. The premises, although addressed at 14/16 Park Street, have a greater frontage in Aldford Street, which is a predominantly residential street. The proposed front door of the premises is in Aldford Street, directly opposite the front door of 5 Rex Place.
3. From the terms of the application itself as well as proposed condition 5, the premises are said to be intended primarily for use as an 8-bedroom hotel, with 2 residential apartments, and a public restaurant. However, it can be gleaned from both this application and in documentation associated with an application for variation of the planning permission, that the proposed operation of the premises as a hotel and restaurant will include the use of the premises as a site for "pre-booked functions", "gatherings" and "social events", open for the provision of licensable activities, including the sale and supply of alcohol and recorded music, to an unlimited number of residents of the hotel or apartments and their "guests", for up to 24 hours a day.
4. It is clear from the plans that the proposed hotel is limited to 8 rooms, while the restaurant comprises but a single room on the ground floor. At the same time, the entire first floor comprises five interconnecting rooms, entitled variously as "conference room (private function room)", "private dining room", "function room", and "anteroom", as well as there being a sizeable terrace, open to the street. This is clearly an indication of the actual use to

which the premises would be put if a premises licence were to be granted. Even were the operation limited to the core hours for an unlimited number of members of the public, the disturbance and public nuisance caused to residential properties in the area would be substantial.

5. The arrival and departure/dispersal of an unlimited number of patrons at all times of the day and night would cause additional and unacceptable disturbance and public nuisance.
6. The proposed user of the Premises would have a particularly detrimental impact on the residential use and enjoyment of homes in Aldford Street and Rex Place, given the close proximity of the buildings.

Our client reserves the right to make further representations at any hearing to determine the Application, but for the reasons we set out above, our client believes that the application for a premises licence at the Premises should be rejected.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	03 August 2022

Introduction

I write to make a 'relevant representation' objecting to the grant of a premises licence for 14-16 Park Street ("the premises").

My representation is made in respect of the likely effect of granting the licence, and particularly granting the licence as applied for, being to harm the licensing objectives, particularly 'prevention of public nuisance' and 'protection of children from harm'.

Background

I own a property located at [REDACTED] which is in very close proximity to the premises. My partner and I have two children. We chose this neighbourhood for our property due to the location – a quiet neighbourhood surrounded by other residential properties and offices. My property has undergone an extensive refurbishment recently and we have made improvements throughout the house and to the outdoor space located at the back of the property.

Due to the nature of the Grade II listed building we had to preserve the existing windows and Single glaze windowpanes which allow the building to keep its original features but also provides limited protection from external noise.

There will be an undoubted negative impact on myself, and other residents should the application be granted.

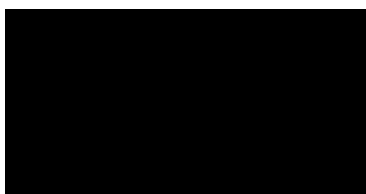
The application

The premises is described as '*Hotel and Restaurant with Residential Apartments and associated facilities.*'

The present application seeks sale of alcohol for consumption on and off the premises; late night refreshment (hot food and hot drinks); and recorded music from 9am to 11.30pm Mon-Thurs, 9am to midnight Fri-Sat, 9am to 10.30pm Sun (midnight on Sun before a bank holiday).

However, the hours are subject to two exceptions. The first is on New Year's Eve, when activities would be extended throughout the night. The second is that the activities would be available to hotel residents and their guests and possibly residents of the serviced apartments and their guests, 24 hours a day.

The application follows a recent application ref: 21/14130/LIPN which sought permission to sell alcohol, provide late night refreshment (hot food and hot drink) and provide 'regulated entertainment' in the form of plays; films; indoor sporting events; live music; recorded music; performance of dance; and anything similar. All of these activities would have been provided 24 hours a day.



The applicant company for 21/14130/LIPN was the same as for the present application.

It is difficult to ascertain from the application and Operating Schedule how the premises intends to operate. The description of the premises in the application and proposed condition 5 seems to give primacy to the restaurant use, however the restaurant area is only a small fraction of the total licensed area, which includes areas marked as lounges, function areas and conference spaces.

Whilst I appreciate that certain licensable activities may be legitimately sought for hotel guests through the night to e.g. facilitate hotel minibars, it is less clear why the application appears to i) expand the categories of persons permitted to partake of the activities to include an unlimited number of guests of hotel residents; ii) expand the categories of persons to include people staying in serviced apartments and their guests; iii) not limit activities to the hotel rooms/serviced apartments (although condition 1 appears to prevent residents of the serviced apartments and their guests from using hotel facilities after core hours'.

There are also no capacity figures indicated for the various areas or for the premises as a whole. This information is key to assessing whether the licensable activities proposed for members of the public to 'core hours' will cause a nuisance, and whether the intention to provide activities 24 hours a day to residents and guests would cause a nuisance – dispersal of people being key in each case.

This will inevitably result in noise nuisance from patrons arriving or leaving late at night; noise transmission through the premises from regulated entertainment; disturbance from servicing the premises; noise from persons attending events or publicly accessible areas; disturbance from vehicles collecting patrons at all hours of the day and night; noise from customers attending late night events or bars at the premises and smoking outside.

There are also 2 outdoor areas at the back of the building (14-16 Park street) which overlook our terrace garden. This will create a visual and acoustic nuisance throughout the day, evening and at night. I have included a photo with the letter to show the proximity of this terrace to ours. Noise from customers attending events, using the restaurant facilities and smoking outside on the terrace will be a major issue.

I am aware that a number of conditions have been proposed, but these do not provide sufficient safeguards, given the timings, activities and scope requested.

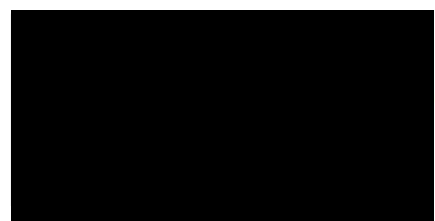
Statement of Licensing Policy ("SoLP")

The applicant needs to demonstrate that they fall within the Council's Statement of Licensing Policy, particularly 'prevention of public nuisance'.

Policy PN1 states that an application will not be granted unless it meets the criteria in that policy. The application manifestly does not do this at present.

Although the hotel policy HOT1 will clearly be relevant, it is difficult to ascertain on the information available what other policies will be relevant. I reserve the right to make further submissions in this regard in due course.

Please keep me updated as to the progress of the application, and any amendments which may be made or further documentation which may be submitted.





Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	07 August 2022
<p>I strongly object to this application. This is a residential area and having a hotel there will destroy the nature of such a residential area. The committee should reject this application! If the committee decides to grant this license, the committee will need to impose strict conditions to fully protect the residents from any noise, disturbance and traffic. I plan to speak at the hearing to discuss all the possible conditions that need to be included in the license.</p> <p>I have kept saying for years that Mayfair needs serious protection from the council to protect its residential character. As residents, rather than living in peace and enjoying our neighbourhood, we must continue fighting the greed exhibited by outside parties that are only out to maximize their profits. Residents are paying the cost of their grabbing hands. Enough is enough!</p> <p>Following the adjournment further submissions were received on 12 December 2022 Thank you so much for your email. The scope of the application is still too broad and opaque, and the proposed amendments do not really change that much. Therefore, I still strongly oppose this proposal. This premise should run as serviced rooms/apartments, where all the facilities, including the restaurants, should be only used by "residents". Non-residents should neither access nor use the building and/or any of its facilities. Please include this email among the papers for the committee.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]
Received:	12 July 2022
<p>As a local resident I should like to object to this introduction of a licensed premises into the residential heart of Mayfair with all the consequences of unacceptable noise and disturbance. The very concept of a hotel in these narrow streets is unacceptable and associated licensing will only compound the problem due to difficulties of access and dispersal and already overstretched parking facilities Please acknowledge receipt of this objection Many thanks</p> <p>Following the adjournment further submissions were received on 06 December 2022 In my view the scope of the application is still too wide for the residential location and the amendments don't really change much.</p>	

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	01 August 2022
<p>This application is premature and should be suspended until the outcome of 22/04330/FULL is known. As things stand the license applied for is prohibited by the current planning permission. Grant of this consent should not be used to put pressure on 22/04330/FULL to align with the terms of the license.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]
Received:	17 July 2022
<p>I am a representative for the leaseholders at [REDACTED] and I am writing with regard to the notification of a new premises licence application at 14-16 Park Street, which is located directly across from [REDACTED]. The application reference is 22/06767/LIPN.</p> <p>I have reviewed the detailed proposal for development of this property and have discussed it with the leaseholder. I and would like to register my strong objections for this proposal. This is the latest iteration of a previous application that aimed to install a nightclub venue at this location. The current application has eliminated the live music and sporting events, but continues to propose the disturbance of the existing residential neighbourhood.</p> <p>The times of playing or recorded music applied, is unacceptable in a residential area such as Park Street, The noise and disturbance that this will cause residents is strongly objected. Furthermore, the issue that this will cause will be the increase of traffic and parking. The additional traffic and demand for parking will adversely interfere with normal deliveries and local parking by permanent residents. It is also noted that the current development of residential housing in adjacent buildings (not yet occupied) is already going to place an additional burden on very limited parking capacity. There is currently not enough parking available for residents, let alone for guests, of the premises proposed. This will not only cause issues with parking, but the danger of more cars than can the area handle is also an issue. It is a one way system, so this will cause congestion, which will cause more noise and more pollution in the area.</p> <p>They have not allowed for the excess people loitering the area before and after they attend the premises and the disturbance this will also cause. This is a commercial development in a residential area and the application indicates the times that they will permit residents of the building and other patrons to congregate outside the building, as smoking is not permitted within the premises, outside the street leading to disturbances at all hours.</p> <p>The proposal to add a first floor exterior terrace, will allow for social events to take place in the open air, overlooking the street and looking directly into the bedrooms and reception areas of [REDACTED] flats which face on Park Street. This constitutes as an unacceptable invasion of privacy and safety for the permanent residents.</p> <p>Furthermore, the extended hours of recorded music until past 11.30pm, especially at the exterior terrace, will lead to increased level of noise, pollution and disturbance of the peace for all residents surrounding the area. Late refreshments, the sale by retail of alcohol will also create more disturbance to the residents of the buildings surrounding the proposed license after</p>	

they leave the premises inebriated with alcohol.

This application pretends to offer a low impact boutique hotel, but the plans indicate a much more extensive exterior and interior renovation that will lead to congestion, noise pollution, and privacy concerns for [REDACTED] and adjacent Park Street and Aldford Street residents. It also appears to represent a foray into commercial development of the property that will constitute an irreversible alteration of the residential character of the neighbourhood. As such, I wish to register an objection to the establishment of any hotel venue or related commercial development at this site.

Kind regards,

[REDACTED]
[REDACTED]

Following the adjournment further submissions were received on 30 November 2022

I would like to advise, that I represent 12 of the residences at [REDACTED] and would like to object on their behalf on the so called changes that the applicant has made after the meeting on the 27th October 2022. Unfortunately, they are not very clear on any of the points that were made on the day. Their responses do not make sense and anyone who resides around Park Street, Aldford Street and even Mount Street, can tell you that what they recommend and what is actually going to happen, are two different entities entirely.

The responses to the points they made are below.

1. They state that the number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 150 persons. Unless someone is at all entrances and exits with a counter, counting in and out every person entering or leaving the premises, there is no way they can know for sure how many people will be in the premises at any one time.
2. Regarding how many guests permitted per hotel room or residential apartments - they cannot really know who goes into the rooms, unless you have someone standing outside each room and counting. These numbers are ridiculous, and they are given just to satisfy the committee members and tick the box.
3. Regarding the corporate event or functions (excluding private dining) per day - They advise that they shall be no more than 1 corporate event/function per day. If this is the case, that would exceed the number mentioned in my point 1 above. Does the 150 persons include these functions if so, what are they going to do with the residents who are already either in the hotel rooms, restaurant, bar, gym/health spa? Will they ask them to leave until the function is over?
4. Permitting patrons to temporarily leave and re-enter the premises to smoke restricted to 8 at any one time- How can they determine this and where will these patrons be smoking, on Park Street, Aldford Street? This cannot be controlled! If you have a function, people do not go outside on their own to smoke, there's usually go as a group. How are the staff going to control this, will they tell the patrons to go back inside and wait their turn?
5. No deliveries to the premise shall take place between (23.00) and (8.00) hours on the following day - they even had the audacity to tell the committee members that they can put a timing on that. **NO, THEY CANNOT!** Deliveries in central London can happen at any time and they cannot stop the delivery drivers. If there is more congestion than usual, the deliveries will be delayed, therefore they cannot say that they can control the times because they do not serve breakfast. The patrons in the hotel room would want breakfast room service, so they will serve breakfast. If the delivery driver arrives late due to being delayed, will they tell the drivers that they cannot accept the delivery and turn the delivery away? They cannot guarantee this, just like they cannot guarantee the weather in the UK.
6. Core Hours for use of the premises - they state the members of the public who are not residents of the hotel or guest of the residents, be off the premises and shall not have access to the hotel facilities including the restaurant, bar and lounge areas, gym/spa, function rooms outside the Core hours mentioned. This will again exceed the number of patrons at any one given day. Anyone can say that they are visiting a resident or someone staying at the hotel. The staff will not ask and therefore, they cannot control who comes in and who does not.
7. The licence holder shall use best endeavours to ensure guests remain inside the hotel while waiting for taxis or private hire vehicles - what do they mean by "shall use best endeavours"? If

the person wants to leave, they will wait for their taxi or private car where they want. If they do not have a ride, they will wait outside, just like they do at all hotels. Park Street and Aldford Street do not have the capacity for cars waiting for patrons. Is Westminster council going to remove the resident permits that are lined on both side of both streets, Park Street and Adlford Street just so they can accommodate this one establishment? These are one-way streets, and it is already congested, and will make it worse. Again, the applicant is just saying what might stick with the committee members. Everyone knows that people do not like to be told what to do and especially intoxicated people!

8. Collection of waste or recyclable materials, shall be moved, removed from or placed in outside areas between 17hours and 07.00 hours - that is not going to work, especially since Westminster waste collection is done between 6.30 to 8.30. If you have a look at the road between the two buildings of Aldford House and Fountain House, which is across from the premises that the applicant wants to install this business, you will see the amount of rubbish that is currently dumped by people walking past or living in the buildings close by. The number of mice and rats increased this year due to this and due to the fact that Westminster waste collection was not done on time or fully.

They have not really answered any questions appropriately and all they've done is sugar coated what they are really going to do. In the end, what they are going to do is nothing, but make sure that their business is profitable and once approval is granted, they can do whatever they want.

The council should try and preserve these parts of London. If they want to open such premises, they should do so at other locations where such premises already exist, not at residential streets such as Park Street and Aldord Street. Just to be clear, my clients object.

3.	Policy & Guidance
The following policies within the City of Westminster Statement of Licensing Policy apply:	
Hotels Policy HOT1 applies	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel. 5. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 6. The application and operation of the venue meeting the definition of a Hotel as per Clause C. <p>C. For the purposes of this policy a Hotel is defined as a premises that is primarily used as an establishment providing overnight accommodation for customers.</p>
Core Hours Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>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>4. Hotels Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.</p>

4. Equality Implications

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

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

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

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

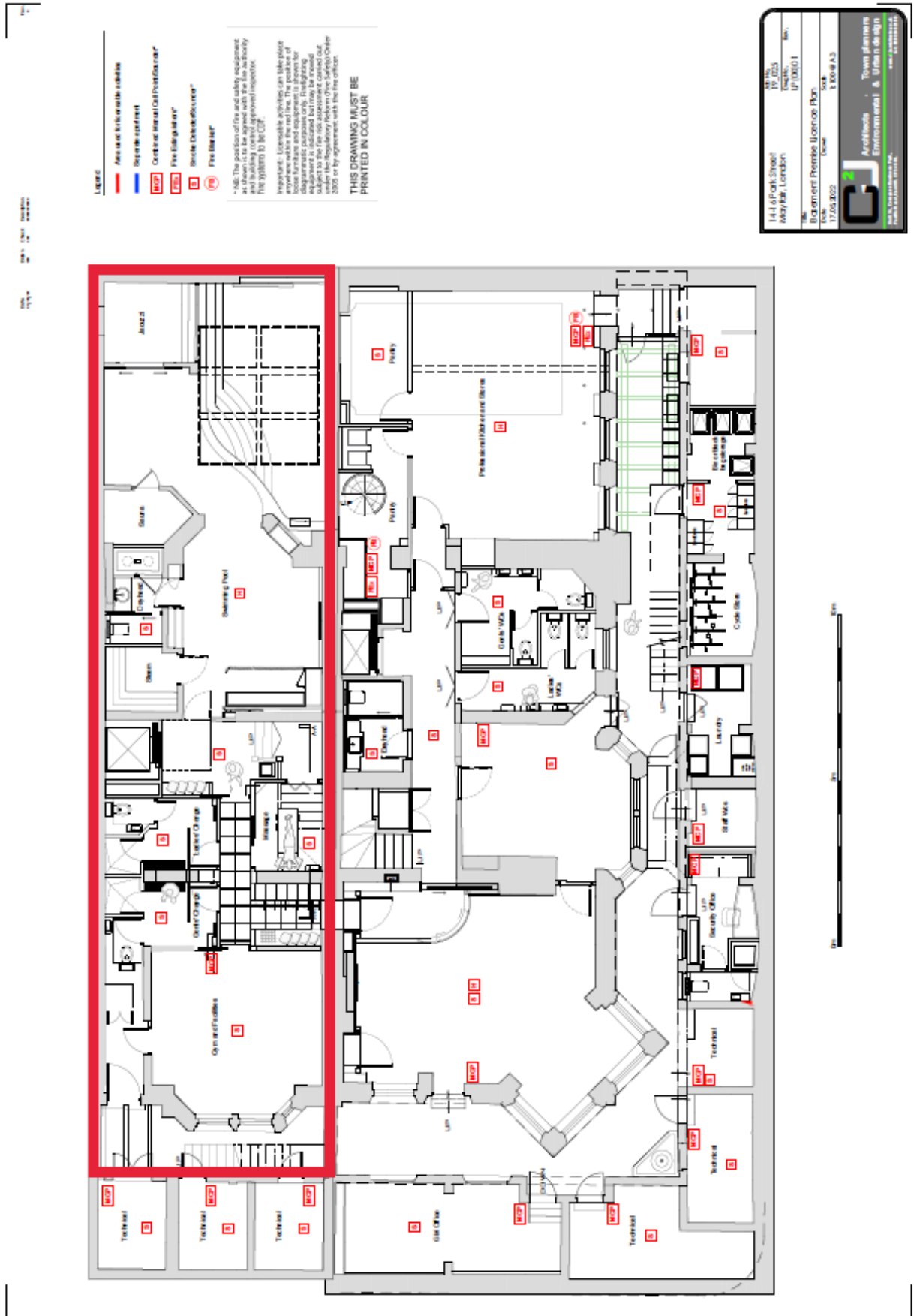
Report author:	Ms Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service representation	04 August 2022
5	Interested Party 1	01 Aug 2022
6	Interested Party 2	08 Aug 2022
7	Interested Party 3	03 August 2022
8	Interested Party 4	07 August 2022
9	Interested Party 5	12 July 2022
10	Interested Party 6	01 August 2022
11	Interested Party 7	17 July 2022

Updated Basement plan



Updated Ground floor plan

1:100
 1:100
 1:100
 1:100

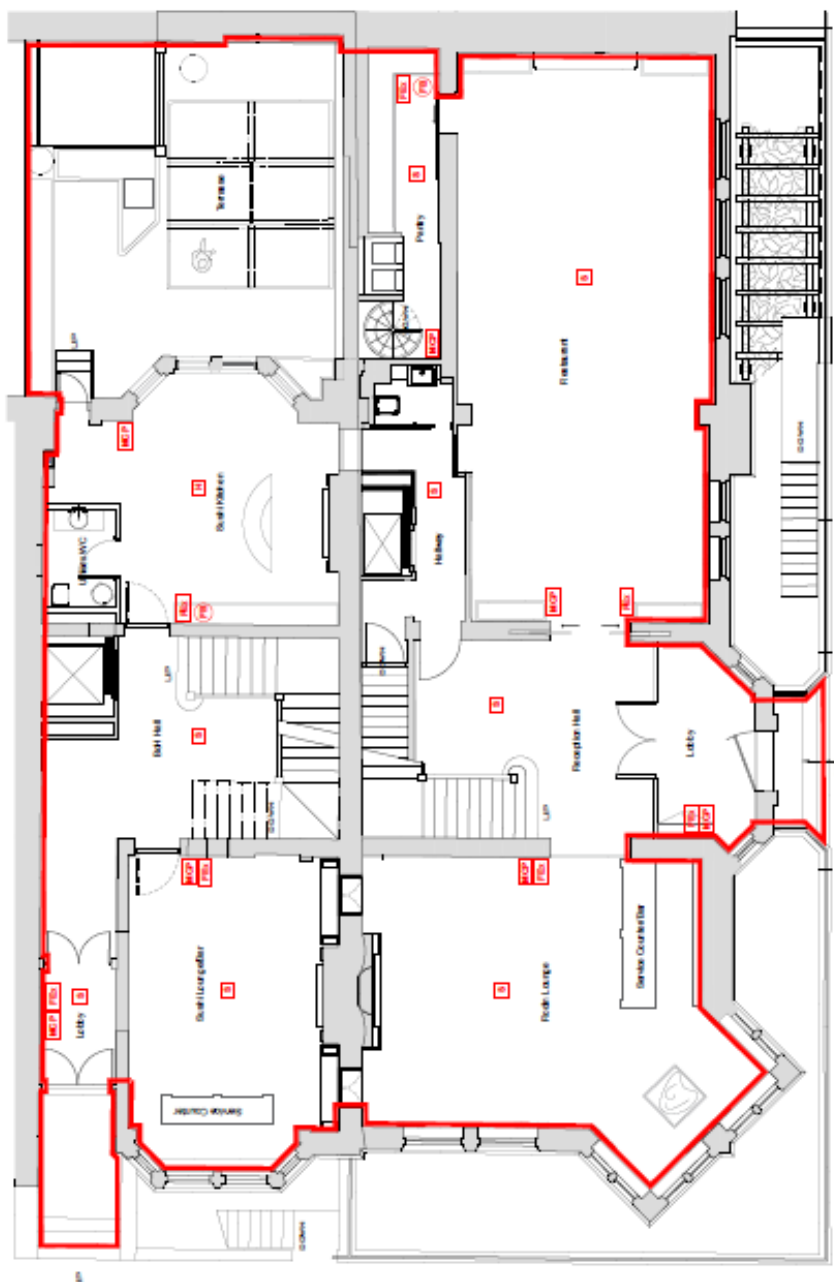
LEGEND

- Area used for fireable substance
- Separate equipment
- M2 Combined Manual Call Point/Alarm
- M3 Fire Escape Alarm
- D Smoke Detector/Alarm
- R Fire Alarm

Notes: The position of fire and safety equipment is shown for information only and building is not of approved inspection. FIRE SYSTEMS TO BE COPF.

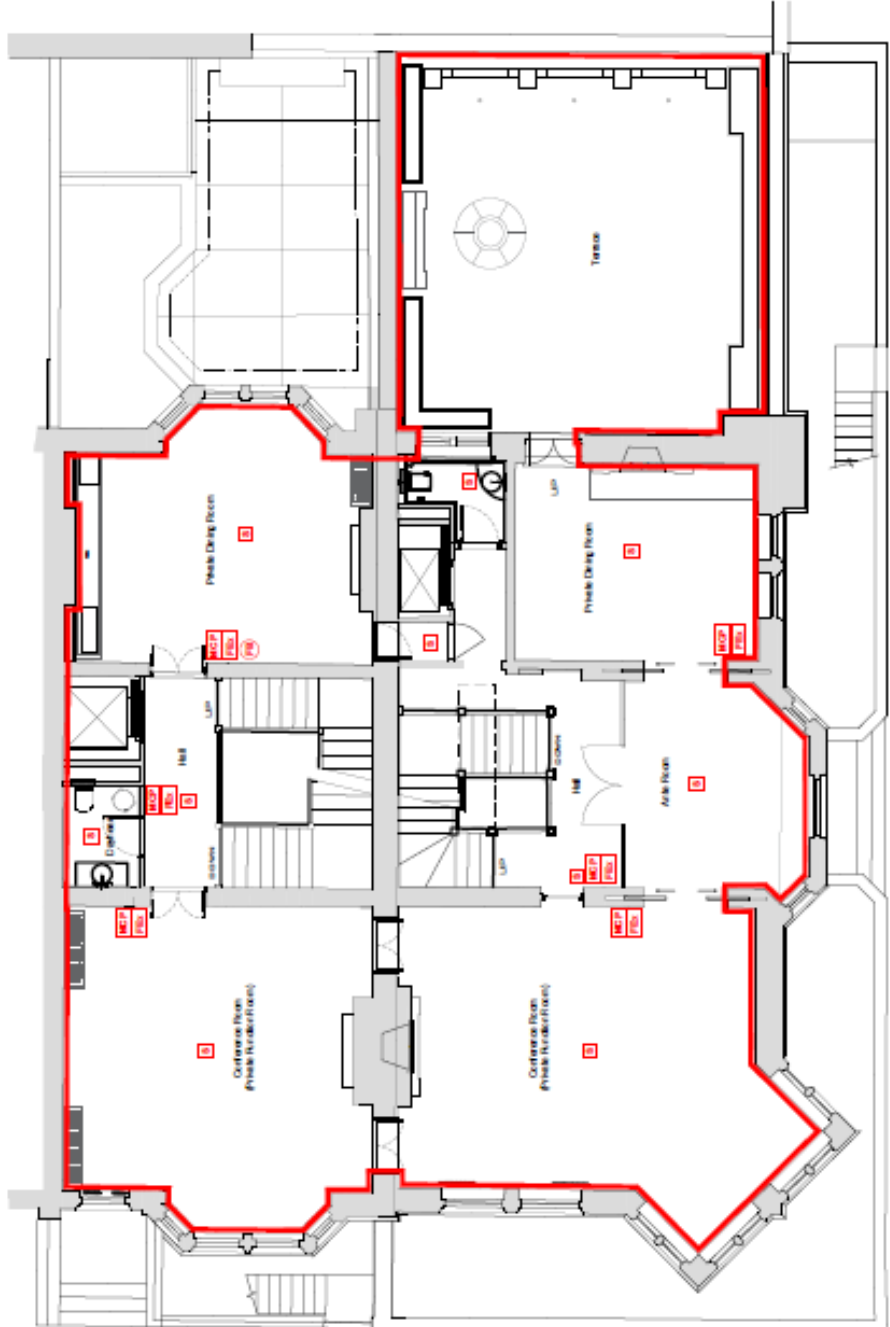
Important: Licences for fire alarm systems are issued by the fire authority. The position of fire alarm equipment is shown for information only and building is not of approved inspection. Licences for fire alarm systems are issued by the fire authority. The position of fire alarm equipment is shown for information only and building is not of approved inspection. Licences for fire alarm systems are issued by the fire authority. The position of fire alarm equipment is shown for information only and building is not of approved inspection.

THIS DRAWING MUST BE PRINTED IN COLOUR



144 Park Street Bristol, London	Ref: 19_1225	Doc: 10
Ground Floor Premises Licence Plan	Project: 17/0002	Scale: 1:100 @ A3
Date: 17.05.2022	Client: 1:100 @ A3	Author: J. Smith

Architects **Urban Partners**
 Environmental & Urban Design
 100, Victoria Road, Bristol, Avon, BS1 6BA
 Tel: 0117 927 2222



Legend

- Area used for bar/active seating
- Reception point
- R1 Continue Manual Call Point/Alarm
- R2 No fire alarm
- R3 Single Detector/Alarm
- R4 No Detector

Important: The position of fire and safety equipment as shown is to be agreed with the fire authority and building control approved inspector. The 2010/2012 BCF.

Important: Inevitable activities can take place anywhere within the red line. The position of some furniture and equipment is shown for information only. It is not intended that this equipment is dedicated but may be needed subject to the fire risk assessment carried out. The fire risk assessment is subject to change. Order 2020 or by agreement with the contractor.

THIS DRAWING MUST BE PRINTED IN COLOUR

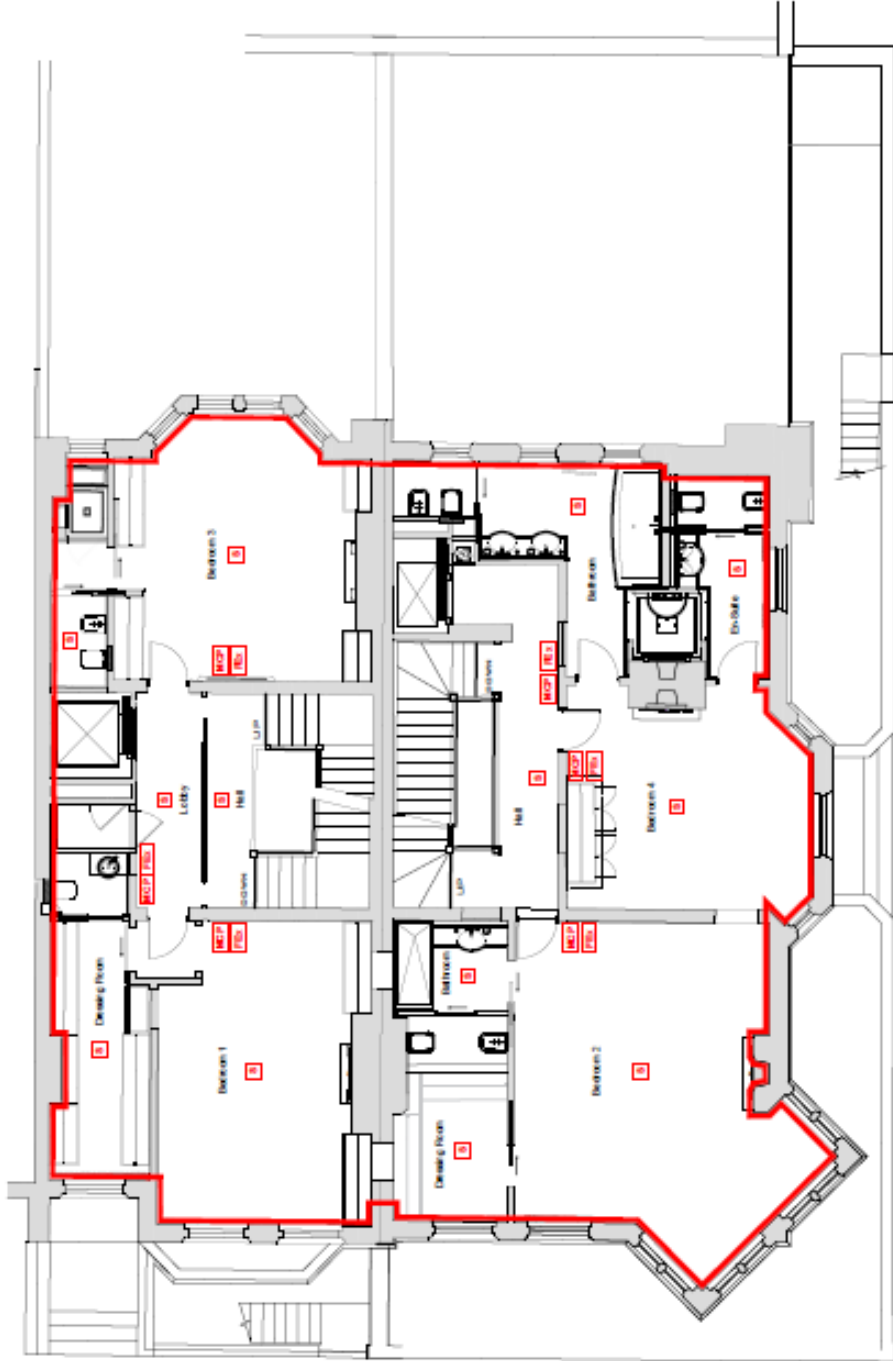
144 & Park Street
Mayfair, London

Ref: 19_025
Scale: 1/7000003

File: First floor Premise Licence Plan
Date: 12/03/2023
Scale: 1:500 @ A3

Architects : Town plans
Environment : Urban design

144 & Park Street
London W1K 1PF
Tel: 020 7493 8100
www.townplans.co.uk




Legend

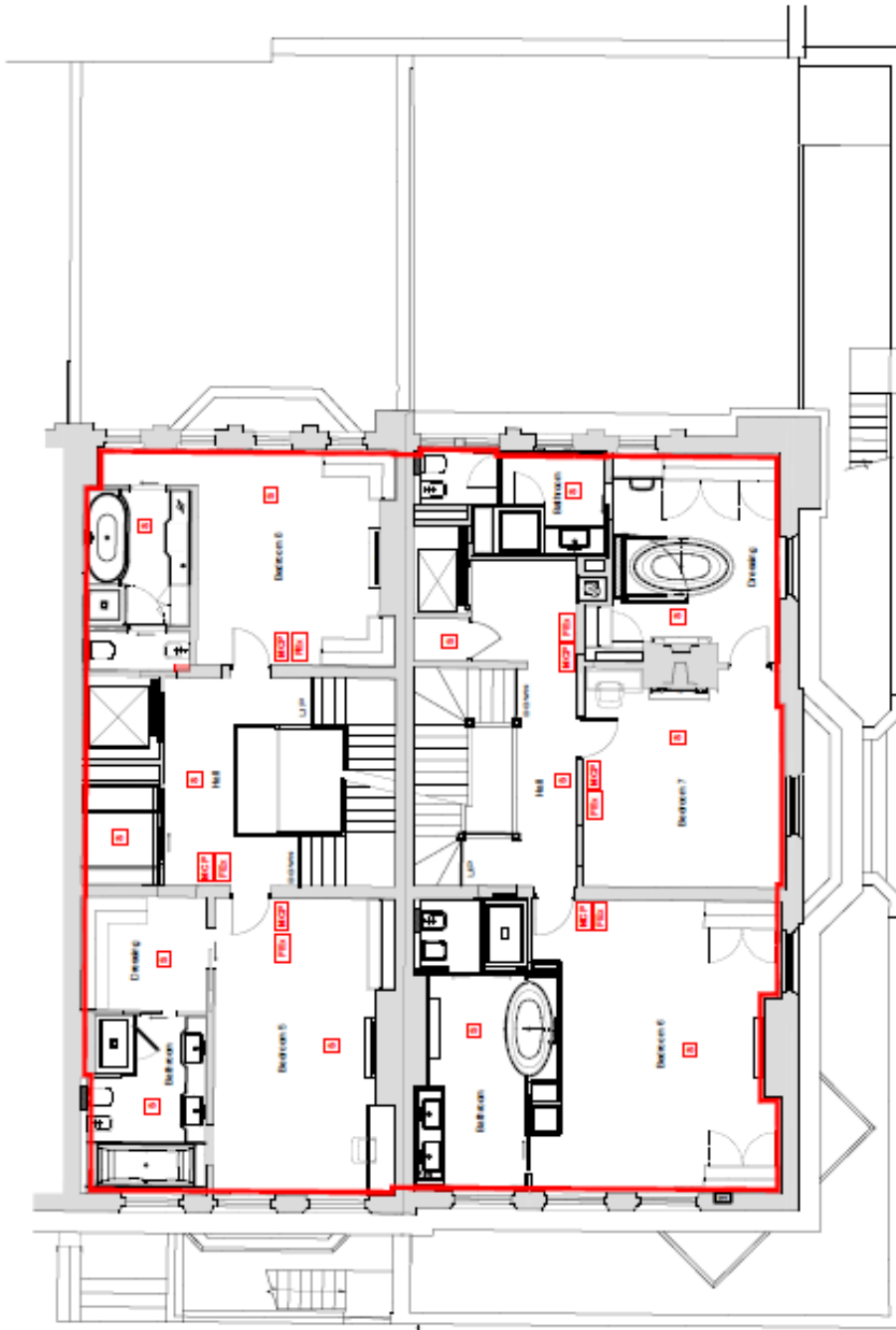
- Area used for fire risk table
- Separation wall
- MCP Combined Internal Call Point/Alarm
- R Fire Risk Alarm
- R Smoke Detector/Alarm
- R Fire Extinguisher

*NB: The position of fire and safety equipment as shown is to be agreed with the fire authority and the fire authority approved inspector.

Important - Licenseable activities can take place anywhere within the red line. The position of fire and safety equipment is shown for diagrammatic purposes only. Highlighting equipment is advised but may be moved. For more information on fire safety equipment, please refer to the Regulatory Reform (Fire Safety) Order 2005 or by agreement with the fire officer.

THIS DRAWING MUST BE PRINTED IN COLOUR

144 Park Street Mayfair, London	Arch No: 19_025	Scale: 1:1000/1:4	Date: 17.09.2022
 Architects · Town planners Environment & Urban design			
144 Park Street, London W1K 1RA Tel: 020 7493 1234 www.g3architects.co.uk			



Legend

- Area used for fire and safety equipment
- Fire equipment
- MCP Fire extinguisher
- FRS Fire risk assessment
- FRS2 Fire risk assessment
- FRS3 Fire risk assessment
- FRS4 Fire risk assessment
- FRS5 Fire risk assessment
- FRS6 Fire risk assessment
- FRS7 Fire risk assessment
- FRS8 Fire risk assessment
- FRS9 Fire risk assessment
- FRS10 Fire risk assessment
- FRS11 Fire risk assessment
- FRS12 Fire risk assessment
- FRS13 Fire risk assessment
- FRS14 Fire risk assessment
- FRS15 Fire risk assessment
- FRS16 Fire risk assessment
- FRS17 Fire risk assessment
- FRS18 Fire risk assessment
- FRS19 Fire risk assessment
- FRS20 Fire risk assessment
- FRS21 Fire risk assessment
- FRS22 Fire risk assessment
- FRS23 Fire risk assessment
- FRS24 Fire risk assessment
- FRS25 Fire risk assessment
- FRS26 Fire risk assessment
- FRS27 Fire risk assessment
- FRS28 Fire risk assessment
- FRS29 Fire risk assessment
- FRS30 Fire risk assessment
- FRS31 Fire risk assessment
- FRS32 Fire risk assessment
- FRS33 Fire risk assessment
- FRS34 Fire risk assessment
- FRS35 Fire risk assessment
- FRS36 Fire risk assessment
- FRS37 Fire risk assessment
- FRS38 Fire risk assessment
- FRS39 Fire risk assessment
- FRS40 Fire risk assessment
- FRS41 Fire risk assessment
- FRS42 Fire risk assessment
- FRS43 Fire risk assessment
- FRS44 Fire risk assessment
- FRS45 Fire risk assessment
- FRS46 Fire risk assessment
- FRS47 Fire risk assessment
- FRS48 Fire risk assessment
- FRS49 Fire risk assessment
- FRS50 Fire risk assessment
- FRS51 Fire risk assessment
- FRS52 Fire risk assessment
- FRS53 Fire risk assessment
- FRS54 Fire risk assessment
- FRS55 Fire risk assessment
- FRS56 Fire risk assessment
- FRS57 Fire risk assessment
- FRS58 Fire risk assessment
- FRS59 Fire risk assessment
- FRS60 Fire risk assessment
- FRS61 Fire risk assessment
- FRS62 Fire risk assessment
- FRS63 Fire risk assessment
- FRS64 Fire risk assessment
- FRS65 Fire risk assessment
- FRS66 Fire risk assessment
- FRS67 Fire risk assessment
- FRS68 Fire risk assessment
- FRS69 Fire risk assessment
- FRS70 Fire risk assessment
- FRS71 Fire risk assessment
- FRS72 Fire risk assessment
- FRS73 Fire risk assessment
- FRS74 Fire risk assessment
- FRS75 Fire risk assessment
- FRS76 Fire risk assessment
- FRS77 Fire risk assessment
- FRS78 Fire risk assessment
- FRS79 Fire risk assessment
- FRS80 Fire risk assessment
- FRS81 Fire risk assessment
- FRS82 Fire risk assessment
- FRS83 Fire risk assessment
- FRS84 Fire risk assessment
- FRS85 Fire risk assessment
- FRS86 Fire risk assessment
- FRS87 Fire risk assessment
- FRS88 Fire risk assessment
- FRS89 Fire risk assessment
- FRS90 Fire risk assessment
- FRS91 Fire risk assessment
- FRS92 Fire risk assessment
- FRS93 Fire risk assessment
- FRS94 Fire risk assessment
- FRS95 Fire risk assessment
- FRS96 Fire risk assessment
- FRS97 Fire risk assessment
- FRS98 Fire risk assessment
- FRS99 Fire risk assessment
- FRS100 Fire risk assessment

Note: The positions of fire and safety equipment as shown is to be agreed with the Fire Authority. This is SUBJECT TO BCDFP.

Important: Unacceptable activities can take place anywhere within the red line. The position of loose furniture and equipment is shown for information only. The fire risk assessment is subject to the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 or by agreement with the Fire Chief.

THIS DRAWING MUST BE PRINTED IN COLOUR

144 of Park Street
Mayfair, London

144 of Park Street
London
W1K 1PS
020 7730 0015

Third floor Premises Licence Plan
17/11/2023

Scale
1:100 @ A3

Architects
Environema | Urban design
www.environema.com

1:1000
1:1000
1:1000
1:1000

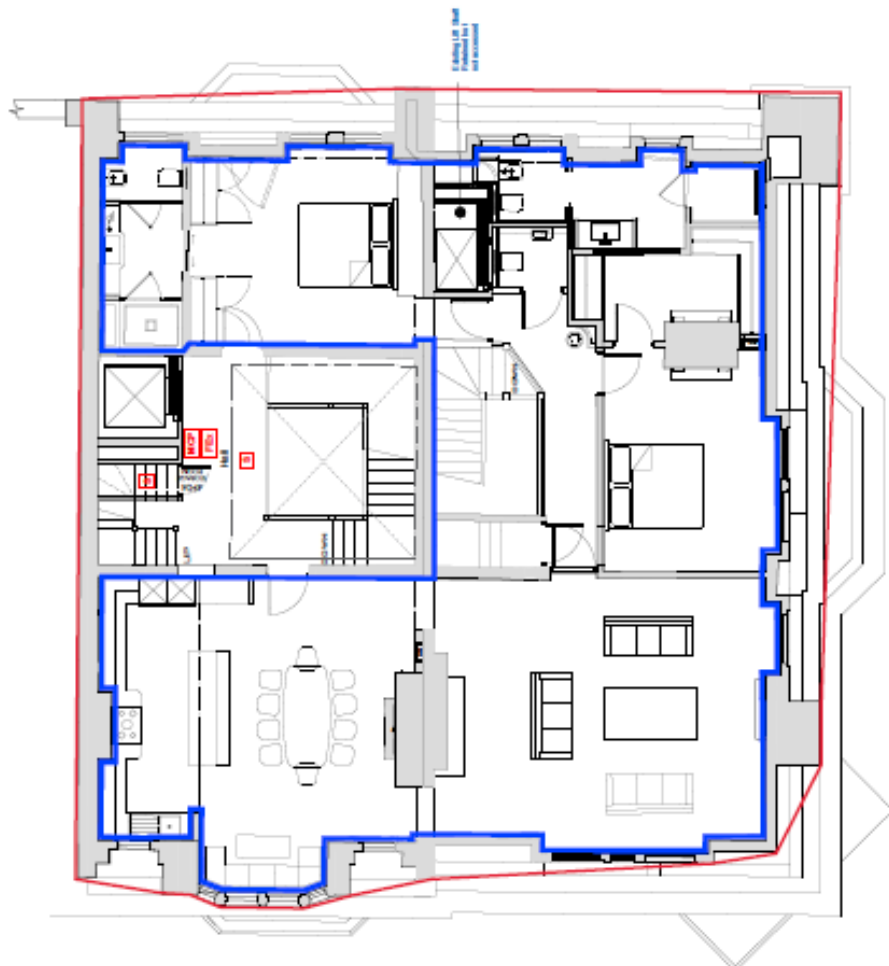
Legend

- Red line: Area used for fire risk assessment
- Blue line: Separation element
- Red box with 'F100': Corridor (Fire Risk Assessment)
- Red box with 'F105': Fire escape
- Red box with 'F106': Fire escape
- Red box with 'F107': Fire escape
- Red box with 'F108': Fire escape
- Red box with 'F109': Fire escape
- Red box with 'F110': Fire escape

*Help: The position of fire and safety equipment as shown is to be agreed with the fire authority and building control approved inspector.
The 2010/2012 BIC Code.

Important: Unacceptable activities can take place anywhere within the red line. The position of some furniture and equipment is shown for information only. The fire risk assessment is subject to the fire risk assessment carried out by the fire risk assessor. The fire risk assessor will be notified of any changes to the fire risk assessment by the fire authority. Order 2020 or by agreement with the fire authority.

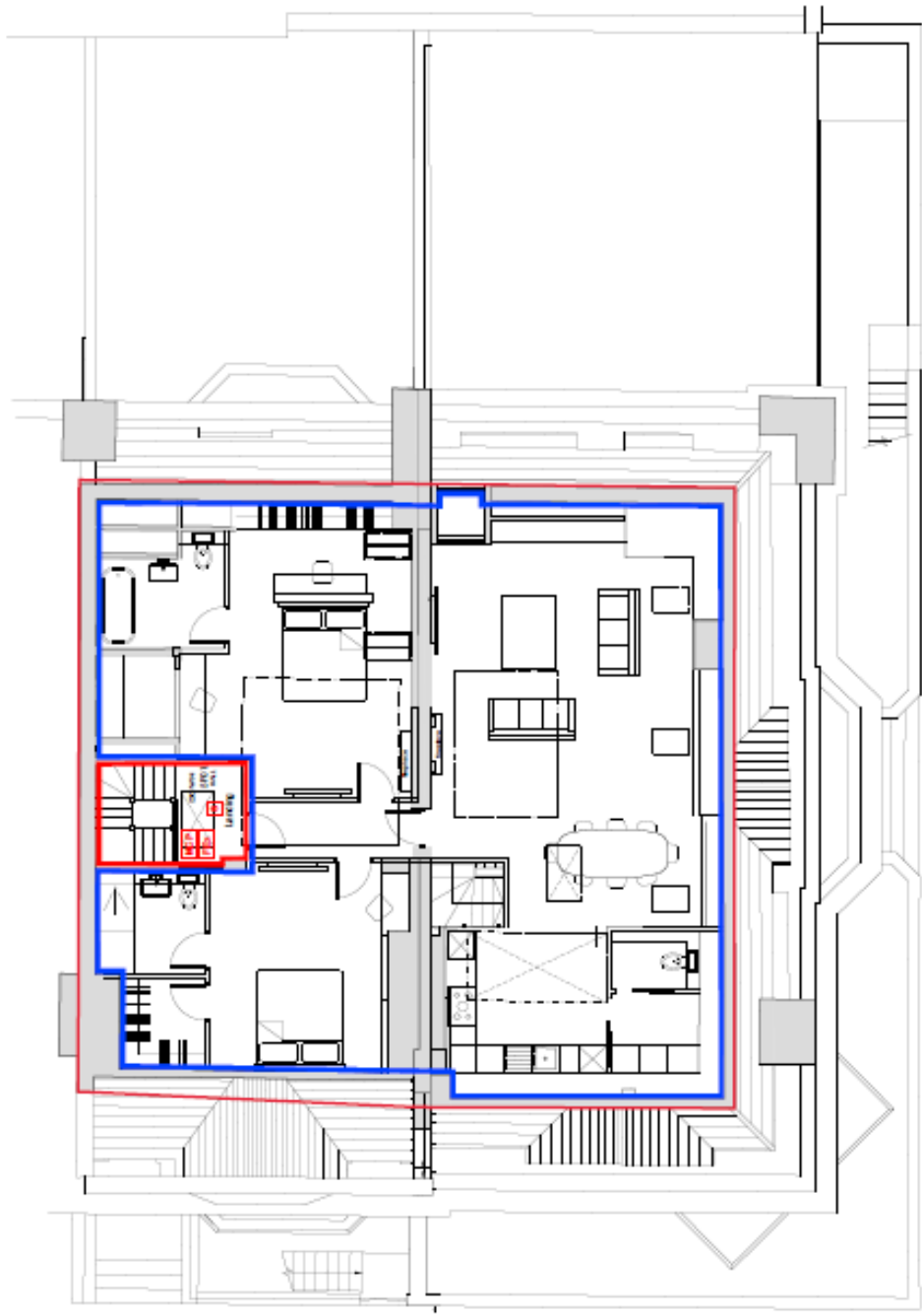
THIS DRAWING MUST BE PRINTED IN COLOUR



144 & Park Street Mayfair, London		Ref: 19_1028	Scale: 1:1000/1:500
Fourth Floor Premises Licence Plan		Project: 17/00016	Rev: 1
Date: 17/03/2023	Issue: 1	Scale: 1:1000/1:500	Rev: 1

Architects: Town plans
Environment & Urban design

144 & Park Street
Mayfair, London



- Legend
- Area used for fire alarm control
 - Separation
 - Control of Fire Out Post/Alarm
 - No fire alarm
 - Smoke Detection Alarm
 - No Barrier

* All the positions of fire and safety equipment are indicated in this drawing and shall be in accordance with the fire authority for the system to be CDFP.

Important: Locomotive activities can take place on any of the tracks in the area of the house furniture and equipment is shown for diagnostic purposes only. Highlighting equipment is indicated for fire safety purposes under the Regulatory Reform (Fire Safety) Order 2005 or by agreement with the fire officer.

THIS DRAWING MUST BE PRINTED IN COLOUR.

14-16 Park Street Mayfair, London		IP 10007 IP 10007	
14-16 Park Street Mayfair, London		IP 10007 IP 10007	
14-16 Park Street Mayfair, London		IP 10007 IP 10007	
14-16 Park Street Mayfair, London		IP 10007 IP 10007	

Architects : Town planners
 Environmental & Urban design
 www.townplanning.com

ORIGINAL PROPOSED CONDITIONS

CONDITIONS PROPOSED FOLLOWING CONSULTATION WITH RESIDENTS

1. Members of the public, who are not residents of the hotel or guests of residents, shall not have access to the hotel facilities (including the restaurant, bar and lounge areas, gym/spa, function rooms and conference facilities) outside of these hours: 09:00 to 23:30 Monday to Thursday, 09:00 to 00:00 Friday and Saturday or 09:00 to 22:30 on Sundays. **(Mirrors Proposed New Planning Condition)**
2. The two external terraces may only be used by residents of the hotel and their guests, or guests of a pre-booked function held at the hotel, between the hours of 08:00-20:30 daily.
(Repeats current Planning Condition)
3. Deliveries and servicing (including waste collections) for the hotel use will only be between 07:00-09:00 and 15:00-17:00 Monday - Saturday. **(Repeats and clarifies current Planning Condition)**
4. MC57 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

PREVENTION OF PUBLIC NUISANCE

5. Save for the provision of Licensable Activities to Residents of the Hotel and their Guests, or Residents of the Residential Apartments and their guests, The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery (except chopsticks),
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there andprovided always that the consumption of alcohol by such persons is ancillary to taking such meals.
Notwithstanding this condition customers are permitted to take from the premises part consumed, and resealed bottles of wine supplied ancillary to their meal.

6. During the hours of operation, 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.
7. 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.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
10. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
11. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
12. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
13. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
14. 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.
15. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental health Services and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the Environmental health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
16. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

PREVENTION OF CRIME AND DISORDER

17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
18. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
19. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received concerning crime and disorder;
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any refusal of sale of alcohol.
20. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.

PREVENTION OF CHILDREN FROM HARM

21. A challenge 25 proof of age scheme shall be operated at the premise where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or proof of age card with the PASS hologram.

PUBLIC SAFETY

22. 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.
23. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

24. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
25. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
26. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
27. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

WORKS CONDITIONS

28. No licensable activities shall take place at the premises until the Environmental Health Consultation Team has determined the capacity of the premises and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.
29. Before the premises open to the public, the plans as deposited will be checked by the Environmental health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
30. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team.

Additional conditions proposed following the adjournment

KEYSTONE LAW

Before the City of Westminster's Licensing Sub-Committee

In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

SCHEDULE OF CONDITIONS AS DISCUSSED AT LICENSING SUB-COMMITTEE

NOTE 1: References to time in the following format X:XX:XX are references to the timestamp of the recording made by the Council, of the Licensing Sub-Committee hearing held on 27 October 2022.

NOTE 2: References to MCXX are references to specified Model Conditions from Westminster City Council's pool of Model Conditions.

Below is a list of the additional Conditions proposed by the Applicant during the above hearing, in response to concerns expressed by stakeholders in attendance. The Applicant commends these conditions to the Members as they ensure that the grant of this Application will promote the four Licensing Objectives.

- MC99 *"a copy of the dispersal policy shall be available on the premises for inspection"*
 - Added at request of legal officer - 0:49:07.
- *"The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 150 persons."*
 - This is agreed by the Applicant's barrister Mr Grant at 0:52:35.
- *"The number of persons on Ground Floor Terrace shall not exceed 14."*
 - This is agreed by the Applicant's barrister Mr Grant at 0:48:40 and confirmed at 3:21:29 in Mr Grant's closing submissions.
- *"Number of persons on the First Floor Terrace shall not exceed 22"*
 - This is agreed by the Applicant's barrister Mr Grant at 0:48:47 and confirmed at 3:21:29 in Mr Grant's closing submissions.
- *"Residents' guests shall be limited to 6 per hotel room and the 2 Residential Apartments"*
 - This is included within Mr Grant's closing submissions beginning at 3:21:29.
- *"There shall be no more than 1 corporate event or function (excluding private dining), per day"*
 - At 0:51:35, in response to the Members' desire to restrict the number of corporate events but identifying that *"Private Dining is Fair"* Gary Grant proposed the above condition.



- *"Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to 8 at any one time"*
 - 0:43:10 – Proposed by Gary Grant, in response to questions from the Members as to whether the number of smokers can be controlled/limited. He explained that such was a *"Common condition to limit number of smokers"*.
- MC64 *"No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day."*
 - At 0:32:30, in response to the issue of deliveries to the Premises, the Committee Members asked "Can we put a timing on that". The Applicant stated "sure, we're not open for breakfast" and Gary Grant set out "So, No deliveries before 8am". This was then brought into line with the Model Condition.
- *"The Gym and Spa shall only be used by hotel or apartment residents."*
 - Proposed by Gary Grant at 1:01:35, to be added to the existing wording of proposed Condition 1. Further, In Gary Grant's closing submissions (commencing at 3:21:29) wording stating specifically that "members of the public are to be off the premises outside of Core Hours". This results in the following final wording:
 - *"Members of the public, who are not residents of the hotel or guests of residents, be off the premises and shall not have access to the hotel facilities (including the restaurant, bar and lounge areas, gym/spa, function rooms and conference facilities) outside of these hours: 09:00 to 23:30 Monday to Thursday, 09:00 to 00:00 Friday and Saturday or 09:00 to 22:30 on Sundays."*
- *"The First Floor shall only be used during Core Hours by all persons, including members of the public, residents and apartment residents, and their guests."*
 - Proposed at 3:17:42 by Gary Grant.

In response to the submissions of the Environmental Health Officer, at 3:21:29 Gary Grant listed the following additional conditions, as requested by the EHO:

- *"The licence holder shall use best endeavours to ensure guests remain inside the hotel while waiting for taxis or private hire vehicles"*
- *"The External Terraces on Ground and First Floor Shall not be used after 9pm by any persons."*
- *"MC35 No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 17.00 hours and 07.00 hours on the following day."*
 - Please note at 0:48:00 – Comment by EHO that collection hours for Park Street are to 06:30 to 08:30.
- *"The Licence Holder shall ensure that all glass bottles are crushed inside the Premises"*
- Amend MC18 as follows: *"Alcohol consumed outside the premises building or on the external terraces at ground and first floor"*.
- Amend Proposed Condition 20 to become a modified MC44 *"Other than in hotel bedrooms (or the Residential Apartments) there shall be no striptease or nudity, and*



all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence."

- Off Sales to be Removed.
- MC14 *"All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons".*
- *"All External Lights on Ground and First Floor Terrace shall be turned off by 9pm save for emergencies".*
- *"The Premises shall operate as a Hotel, being a premises that is primarily used as an establishment providing overnight accommodation for customers".*

At 3:18:20 the Applicant agreed to exclude the back-of-house areas within the Basement, from the proposed Licence Plan. A copy of the Updated Basement Plan is attached to this memo, as is a copy of the Updated Ground Floor Plan that details the new names for the Sushi Kitchen and Sushi Lounge.



Before the City of Westminster's Licensing Sub-Committee
In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

APPLICANT'S SUPPORTING BUNDLE



INDEX

<u>Document</u>	<u>Page</u>
Images of the Premises	003
Expert Report of Dr Hadfield	007
Expert Report of Adrian Studd	049
Expert Report of RBA Acoustics	056
Summary of Consultation	092
Operator's Management Plan	094
Concept Presentation	108

Before the City of Westminster's Licensing Sub-Committee
In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

Images of the Premises

Images of Proposed Bedrooms:



Images of Proposed Suites:



Image of Proposed Restaurant:



Before the City of Westminster's Licensing Sub-Committee
In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

Expert Report of Dr Hadfield

New Premises Licence Application

14-16 Park Street Hotel and Residential Apartments

Mayfair, London, W1K 2HY

Proposed Operations and Licensing
Authority Policy Assessment (September,
2022)

Dr Philip Hadfield

BA Hons (Keele) Mphil (Cantab) PhD (Durham)

Director: www.philhadfield.co.uk

**Consultant: Arcola Research LLP, Ingenium
Research, Institute of Alcohol Studies**

Advisory Board (formerly Senior Research Fellow)

**Centre for Criminal Justice Studies, School of
Law, University of Leeds**

Contents

	Page
Introduction	
1. The author	3
2. Case overview and research methods	4
3. The 14-16 Park Street Premises Licence Application	7
4. The City of Westminster Licensing Policy	9
Development site and area visit observations	
5.1 Development site and area visit observations	11
5.3 The 14-16 Park Street Premises	12

5.11 Surroundings of the Premises	14
5.20 Transport Audit (Late-Night Transport)	17
Policy Context	
6. Policy Context	22
7. Premises-specific Nuisance v Cumulative Impact	24
8. Conclusions	25
9. Declaration	27
Appendix 1: Park Street Area (September 2022)	28
Appendix 2: Professional biography of the author (September 2022)	39

1. The author

- 1.1 I am currently Director of www.philhadfield.co.uk a research and training consultancy working in the alcohol and drugs field. I have previously held posts as a Senior Research Fellow at the University of Leeds, a Research Officer at the University of Durham and a Lecturer in Criminology at the University of York.
- 1.2 My consultancy and research interests focus upon crime prevention, policing and regulatory matters, with special reference to the evening and night-time economy (ENTE). I have managed and worked on research projects on these topics since 1998 and have authored and co-authored a number of the leading books, reports and articles in this field, alongside contributing to the national and international 'conversation' on the ENTE at conferences and networking events. In recent years, I have focused, in particular, upon improving the methodology and conceptual bases for ENTE studies, ensuring they better match client requirements; providing evidence that supports complex problem solving and pragmatic decision-making. Further details of my professional activities and credentials may be found in Appendix 2 to this report.
- 1.3 In licensing consultancy matters, my approach is premised upon an independent assessment of operating standards, public policy and regulatory issues, which take the reduction of harm as their key goal.¹ This involves assessing each set of circumstances as they relate to the statutory licensing objectives and associated legislation, Home Office

¹ See Robson, G. and Marlatt, A. (2006) 'Harm Reduction and its Application to Alcohol Policy,' *International Journal of Drug Policy*, 17(4) Special Issue: 255-376.

guidance and best practice. I have particularly lengthy experience in matters of assessing licensed premises whose Premises Licences are under Review and in making assessments of cumulative impact, helping councils weigh the evidence that might underpin such area designations (or alternative interventions). I have worked in such capacities since first implementation of the Licensing Act in 2005 and previously under the Licensing Act 1964 regime, bringing broad insight into the recent development of licensing policy and practice, particularly as it relates to the gathering of empirical evidence.

- 1.4 In 2016 - 2017 I was commissioned by the City of Westminster to conduct a 'Mayfair Cumulative Impact Assessment observational exercise'. My report is referenced in the current Westminster Statement of Licensing Policy (as revised in October 2021) at Paragraph D41. In this work, I attributed negative cumulative impacts on the Licensing Objectives to the proliferation of late-night licensed premises operating in Berkeley Street, Berkeley Square and Dover Street (but not Shepherd Market). Following Westminster's later internally-produced 'Cumulative Impact Assessment' of October 2020, which assessed the statistical evidence of cumulative impacts on the Licensing Objectives in Mayfair, it was decided to allocate these (former) locations in Mayfair to the new category of 'Special Consideration Zone' (SCZ), within Westminster's Spatial Policies.

2 14-16 Park Street case overview and research methods

- 2.1 I have received instructions from Keystone Law, 48 Chancery Lane, London, WC2A 1JF, acting on behalf of 14-16 Park Street Limited in respect of the Application for a new Premises Licence, pertaining to the extensive re-development of 14-16 Park Street, a property in Mayfair. The proposal is to create a small 6-Star luxury boutique hotel with 6-8 bedrooms on the Second and Third Floors and self-contained residential

apartments on the Fourth and Fifth floors. The Lower Ground Floor will feature a Gym and Spa. The Hotel's licensed facilities are planned for the Ground Floor and First Floor, which will feature a restaurant, private dining rooms and two outdoor terraces.

- 2.2 In September 2022, Keystone Law provided me with various documents pertaining to the application for a new Premises Licence at the site. These comprised: the Premises Licence Application for the hotel, the Development Plans for all external and internal areas, a Presentation showing the Applicant's Management Plans and a draft of proposed Conditions to be attached to the Premises Licence in pursuit of the statutory Licensing Objectives and in response to local Licensing Policies and context, as suggested by the Applicant. I understand that the proposed Licence Conditions were also drafted in response to the Planning consent Conditions obtained and following consultation with local residents.
- 2.3 I was also provided with a Representation from the City of Westminster Environmental Protection Team Officer and from a number of local residents. I understand there are no Representations from the other Responsible Authorities, or other Interested Parties.
- 2.4 I established direct contact, via Keystone Law, with the Development team at 14-16 Park Street Limited who arranged an internal inspection of the premises to enhance my understanding of the Applicant's proposed ambitions for the site and associated licensing requirements.
- 2.5 In preparing this document, I also re-read the City of Westminster's 'Statement of Licensing Policy 2021' and associated 'Cumulative Impact Assessment 2020'. Read in combination, these documents gave insight into both the specifics of the proposed licensable activities at the site and their 'fit' within the broader policy context of the application in Mayfair.

- 2.6 Upon reading this documentation, I agreed to prepare this report setting out my professional assessment of how the 14-16 Park Street Limited proposals might affect promotion of the Licensing Objectives in this part of Westminster. I make reference to Westminster's Licensing Policy with respect to 'Core Hours' and to my experience of gathering and assessing research data to inform the drafting of Licensing Policies, and particularly Cumulative Impact Policies, in Westminster, and elsewhere in London Boroughs such as Hackney and Camden. These other areas of London provide useful comparisons as they have hotels located in and amongst their nightlife areas and often in close proximity to local residents, so strong management plans and effective implementation of those procedures are essential.
- 2.7 Observations of 14-16 Park Street were conducted over the period of Saturday 17 September – Sunday 18 September 2022. I began my visit on Saturday 17 September with a guided tour and explanation of the development led by Mr Ema Simione, a security officer at the premises. Mr Simione was able to answer my questions with regard to the location of proposed licensable activities at the site, as set out in the Spatial Plans and Hotel Management Strategy. I was particularly interested to consider from an internal perspective, how the proposed hotel operations would be planned, organised and managed so as to prevent any possible noise disturbance or other negative impacts to their immediate neighbours and therefore support the Licensing Objectives.
- 2.8 Following this guided-tour, I conducted my own independent investigations of the vicinity of the premises, working across a radius of 10-minutes' walking distance from 14-16 Park Street. The observations were conducted from 7pm-2am hours on Saturday 17 – Sunday 18 September 2022. These hours were chosen in order to assess the location, size and nature of the local Evening and Night-Time Economy, to consider the location of any existing noise-sensitive uses, to understand the flow of

pedestrians and vehicles at night, to observe the use of public transport hubs and to explore other aspects of the Licensing Objectives, such as the presence (or absence) of crime and disorder. I also sought to record any activity by the police, or other agencies, and from licensed operators in terms of safety and security management.

3 The 14-16 Park Street Premises Licence Application

3.1 The proposed Hotel is located at the north western edge of Mayfair, close to Park Lane and approximately 5-minutes' walk south from Marble Arch.

3.2 The Premises Licence application requests to permit (to the public):

Recorded music and sale by retail of alcohol:

Monday to Thursday 9:00am to 11:30pm;

Friday to Saturday 9:00am to midnight and

Sunday 9:00am to 10:30pm.

Late Night Refreshment:

Monday to Thursday 11pm to 11:30pm;

Friday to Saturday 11pm to midnight, and

Those same *Licensable Activities to Residents of the Hotel and their*

Guests:

24-hours-a-day, on such other times and on such other terms as set out in the application.

The *Opening Hours* requested for the proposed premises match those requested for the above Licensable Activities.

- 3.3 The City of Westminster's 'Core Hours' Policy (HRS1) specifies the following in hours in respect of Hotels:

"Monday to Thursday: 9am to 11.30pm

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours."

And for Restaurants:

"Monday to Thursday: 9am to 11.30pm

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight."

- 3.4 The Hours applied for therefore fall within 'Core Hours'. The premises are not located within one of Westminster's designated Cumulative Impact Areas (CIAs) or Special Consideration Zones (SCZs). This implies that there are no underlying 'policy presumptions' to deny the licence application. As Para E3 of the Westminster Licensing Policy outlines:

"It is the Licensing Authority's intention to generally grant licences or variations to licences where the hours when customers are permitted to be on the premises are within the 'core hours' as set out within this policy. However, this is subject to the application meeting the other policies within this statement."

4 The City of Westminster Licensing Policy

- 4.1 As noted in Para 1.4 (above) the City of Westminster have assigned

certain parts of Mayfair to the category of a Special Consideration Zone (SCZ) – see Map at p.60 / Paras D57-58.

Within a SCZ, licence applications require:

“a higher level of consideration due to the incident rates in these areas. Applicants who wish to operate within these areas or wish to vary their existing licences will be expected under this policy to consider and identify, within their operating schedules how they will mitigate the risks associated with their premises and the higher levels of incidents within the area.”

(Para: D42).

4.2. The Mayfair SCZ comprises a tightly-drawn boundary around Berkeley Street, Berkeley Square and Dover Street. It maps onto one component of the area in which I conducted the Observational Study / Behaviour Audit in Mayfair commissioned by Westminster in 2016-17.

4.3. The tight boundaries of the Mayfair SCZ should be noted. I was commissioned to look at the areas listed above and also Shepherd Market (in which no evidence of cumulative impacts was found). At no point was I asked to consider the Mayfair area more broadly; it was not part of the brief for the research; a brief that had been generated from police reports, neighbourhood complaints and anecdotal evidence of emergent ‘issues’. Subsequently, Westminster’s own Cumulative Impact Assessment exercise in 2020 did not identify evidence of a spread of cumulative impacts across Mayfair generally. This is to be expected as high concentrations of licensed premises can only be found in the south and eastern section of the neighbourhood, which has direct transport links from Green Park, Piccadilly and Berkeley Street and therefore does not spread the impact of patron dispersals into the residential and retail areas of Mayfair to the north and west.

4.4 The Home Office s182 Guidance commends a targeted and nuanced

approach to Spatial Policies and devotes much attention to recommendations and requirements (now developed and refined over 17 years) for area-based restrictions to be both proportionate and justifiable in terms of the statutory Licensing Objectives. Moreover, as the Guidance states:

“14.52 ... The Statement of Licensing Policy should emphasise the consideration which will be given to the individual merits of an application.”

- 4.5 The Guidance is specific in commending other measures, such as Review, in the case of identified ‘problem’ premises.
- 4.6 In the case of the development of new licensed premises outside of Cumulative Impact Areas (or a SCZ) the emphasis is on pre-empting any negative impacts on the vicinity of the proposed premises by devising sets of Conditions that bind the Applicant to certain high standards of operating which then work in tandem with the normal statutory requirements and industry best practice to ensure that the premises are well managed and that any potential problems or challenges have been anticipated and appropriately removed or mitigation plans set forward in advance.
- 4.7 The 14-16 Park Street application falls outside of the more restrictive policies applied by Westminster to parts of City experiencing negative cumulative impacts and towards premises that offer post-midnight attractions to the general public. The nub of this matter would therefore appear to surround the extent to which the Applicants are able to successfully address and mitigate the concerns raised in the Representations from Westminster’s EPT Officer and from local residents about the introduction of a new licensed premises in this specific location.
- 4.8 In the following paragraphs I look in detail at the location of the premises and my observations of the vicinity at night. These matters are considered in the

light of the Applicant's proposals for operation and management of the premises.

5. Development site and area visit observational report

- Date of visit: Saturday 17-Sunday 18 September
- Times: Internal inspection of the premises at 6.30-7.30pm, followed by on-street observations of the local vicinity conducted until 2am.
- Weather conditions: Dry 14C, dropping to 10C overnight.

5.1 The visit was conducted on the weekend before the State Funeral of Queen Elizabeth 2 on 19 September 2022. This was an extremely busy time for the hospitality industry. It was almost impossible to book overnight accommodation in Central London at this time, with public transport under pressure from the incoming crowds. This was Westminster at its most 'stressed' in terms of cumulative noise impacts and pressure on services and infrastructure.

5.2 The observational exercise began with an area assessment and comprehensive audit of licensed premises at a street-by-street-level, together with a record of their operating hours as advertised / operationalized (as opposed to those hours permitted by their Premises Licences). This was supplemented by an audit of transport options as well as an observational record of activity in the area. The scope of the observations was to take-in all areas within a 10-minute distance walking radius of 14-16 Park Street.

The 14-16 Park Street premises

5.3 The proposed premises inhabit a corner plot which combines two Mayfair mansion houses, with entrances on Park Street and Aldford

Street. The main entrance to the premises is proposed for Aldford Street, as shown in Appendix 1, Picture 1.

- 5.4 Viewed from Aldford Street, the premises can be seen in Appendix 1, Pictures 2 and 3, with a First-Floor outdoor terrace to the right of the building. Below the Terrace one sees the proposed restaurant dining room on the Ground Floor, with commercial kitchens planned for the Basement directly below street level.
- 5.5 The proposed premises then wrap around the corner plot to encompass 16 Park Street. Picture 4 in Appendix 1 shows the street view from Park Street, and in Picture 5, the doors to the building at 16 Park Street, which are proposed to function as the entrance to the self-contained residential apartments on the top two floors of the development.
- 5.6 The building features a spacious outdoor paved Terrace on the First Floor, which as indicated, looks onto Aldford Street to the front. There is also a smaller 'Garden' to the property at Ground Level, to the rear (see Pictures of the terrace numbered 6 and 7 and the garden area, numbered 8 and 9). These outdoor areas offer obvious potential for noise escape, however any negative impacts have been anticipated in the Proposed Conditions:

“The two external terraces may only be used by residents of the hotel and their guests, or guests of a pre-booked function held at the hotel, between the hours of 08:00-20:30 daily. (Repeats current Planning Condition)”.

And also feature in the Management Plan, which highlights that patron use of outdoor terraces will be specifically supervised by members of the staff team.

- 5.7 Internally it is immediately apparent that the premises comprise two historic buildings with many period features such as oak staircases and

panelling, wooden sash and metal windows. These features have been sympathetically complimented by new luxury fittings, such as marble and stone floors, marble kitchen and bathroom fittings and bespoke cabinetry, with built-in wardrobes and head-boards in bedrooms. The impression is one of very high quality and significant investment; an interior described by the Applicant as being of 'Mayfair' standard.

5.8 The property features a swimming pool at Lower Ground Level and I understand this is to remain intact as a facility of the Hotel.

5.9 The Applicant's Management Plan makes clear that in the Ground Floor Restaurant and all Private Dining / and Function Rooms:

“Access to the restaurant areas will generally be restricted solely to residents (or guests of residents) or guests to pre-booked tables or functions, with no general access to the public unless pre booked or they are accompanied by a guest or are permitted for special reasons or for special occasions. In effect it is not possible to walk in off the street and use the hotel facilities without prior notice and a confirmed booking or a member of senior management permitting their entry. This is to ensure guests receive high class service (Para 3.6).”

5.10 From the above we see that the Hotel Restaurant is planned as operating as a low-key venue for dining within Core Hours. Persons who are not hotel guests will need to pre-book so there will not be facilities for casual 'walk-ups'. Similarly, there will be no public bar and alcohol will be served to the public only as ancillary to a pre-booked table meal (see proposed Conditions).

Surroundings of the Premises:

5.11 The immediately neighbouring terraced property on Park Street is occupied by business offices. It was clear from my inspection that the immediate area comprises a mixture of residential and office uses. There were signs of residential use at Fountain House and in some of the Park Street and Aldford Street properties and on Rex Place. However, there was no indication that this was a highly populated residential area. On the night of my visit many of the properties were in darkness, there were few lights on in surrounding buildings. The movement of people into and out of property entrances was almost zero. There was essentially no 'street life', with very little pedestrian flow at any time of the night and only limited movement of vehicles. This lack of activity, even apparently within buildings, I found surprising; it did not match what I often see in other areas of the West End such as Marylebone and Fitzrovia in which large numbers of full-time residencies are quite apparent.

5.12 Although the very immediate area can certainly be described as 'quiet', one only has to walk for 2-minutes to find notably more street activity to the west on South Audley Street and to the east on the major Central London thoroughfare of Park Lane.

5.13 This easy proximity to the attractions of urban life is noted in on-line descriptions of an apartment in Fountain House sold by Savills Estate Agents in July 2022, which describes the local amenities as follows:

"Fountain House is located in Mayfair, on the east side of Park Lane, overlooking Hyde Park, and is just steps away from the world class amenities, boutique shops and the fine dining restaurants of Mayfair."

<https://search.savills.com/property-detail/gbmyrsmas210095>

5.14 The closest Licensed Premises to 14-16 Park Street can be found on the eastern flank of Park Lane and on South Audley Street.

5.15 Listed from north to south, the Park Lane premises comprise:

The JW Marriott Grosvenor House London, a 5-Star Hotel which features a number of public-facing dining and function / conference facilities, notably the JW Steakhouse, The Great Room and The Red Bar.

The Dorchester Hotel, world-famous hotel which features a 'collection' of restaurants and bars: <https://www.dorchestercollection.com/en/london/the-dorchester/restaurants-bars/> including The Grill at the Dorchester, Alan Ducasse, and China Tang.

45 Park Lane which is a smaller contemporary-styled hotel operated by the same ownership as The Dorchester.

EL&N London at 48 Park Lane is a small café and coffee shop which closes at midnight daily. It does not serve alcohol.

5.16 The premises on Park Lane are all strongly marketed towards international visitors to London. Access to their facilities is directly onto Park Lane, having no discernible impact on the streets of Mayfair to the east of this main thoroughfare. Photograph 10 in Appendix 1 shows the line of chauffeur driven vehicles waiting outside The Dorchester on Park Lane, near the entrance to The Ballroom. No activity from Black Cabs or PHVs was seen outside these facilities.

South Audley Street

5.17 Two blocks east of 14-16 Park Street one finds South Audley Street which presents as a long thoroughfare through Mayfair running north from

Curzon Street to Grosvenor Square. The northern section of the street, closest to the subject premises, contains a number of licensed venues, as follows:

Kai Mayfair is a Chinese Restaurant with 1 Michelin Star 2009-2022, operating daily from 6.30pm to midnight.

Harry's Bar at 26 South Audley Street is a Private Members' Club serving North Italian Cuisine. Although it has an 'active frontage', with outdoor tables and chairs, it is a discreet high-end venue and is not open to the general public. Advertised opening hours are midday – 10pm daily, however, the venue's website states *12-late*. On the night of my visit there were a number of chauffeurs / security guards waiting silently next to parked cars outside the venue for the departure of their employers.

The Audley Public House is currently undergoing redevelopment, but according to on-line hospitality industry media reports is due to re-open before the end of 2022. It will feature a revamped Audley Public House on the Ground Floor and Mount St. Restaurant on the First Floor, with upper floors dedicated to Functions and Events Hire.

<https://www.hot-dinners.com/2022051311408/Gastroblog/Latest-news/audley-mayfair-public-house-mount-street-restaurant-london>

'34 Mayfair', which describes itself as 'the hidden gem of Mayfair' is a large and popular up-market restaurant with an art-deco interior design. The menu features British game and world meats cooked on an imported Argentinian grill. It operates until midnight daily, apart from Sundays when it closes at 11pm.

- 5.18 In the streets around 14-16 Park Street there is a complete absence of the sorts of facilities such as late-night convenience stores, off-licences, fast food takeaways and taxi offices that one finds in other parts of the West End and neighbourhoods across London. Such facilities encourage patrons of licensed premises to linger on the streets following their departure from licensed premises, but are not part of the street scene in Mayfair.
- 5.19 Even though the timing of my visit corresponded with very high numbers of visitors and licensed premises occupancy across Central London, the streets around 14-16 Park Street were quiet throughout the evening and night-time period. Nonetheless, this part of Mayfair is far from being a 'backwater'; there are a number of licensed premises operating discreetly to a small upmarket audience, bringing life to the area. Sensible comparisons would therefore be with upmarket urban residential areas in major cities, and not smaller, fundamentally 'quiet' locations outside of the cities, or in the suburbs.

Transport audit (late night transport)

- 5.20 A key theme for the operators in addressing the concerns raised by the Representations in this matter is planning for the arrival and departure of patrons, especially non-resident patrons.
- 5.21 It is anticipated that a high proportion of the hotel's overnight guests will be international visitors to London who will not bring private vehicles. They are likely to arrive by taxi or chauffeur-driven vehicle. These vehicles will simply drop off and collect the guests before leaving the area either immediately, or following a short wait, and will not therefore add to the pressure on parking spaces.
- 5.22 I believe that the large majority of non-residents attending the hotel restaurant or function rooms are also likely not to use private vehicles and

not to use public transport. In my previous reporting for the City of Westminster I looked in detail at ENTE patron dispersals in Mayfair and noted the atypical popularity of PHVs, valet-parked limousines and Black Cabs. This was despite the very accessible and relatively inexpensive options of the Night Tube and Night Buses that were close at hand. These consumer choices were also strongly apparent in the quiet and staggered dispersals from licensed premises I witnessed in South Audley Street.

- 5.23 My recommendation would be for the operators to give careful consideration to the management practices surrounding the arrival and departure of taxis and other 'hired' vehicles, ensuring that any noise impacts on the neighbourhood are removed, or minimised.
- 5.24 The main entrance to the proposed premises on Aldford Street already features a lobby area which could be used as a waiting area for customers who have pre-ordered taxis (see Photograph 11, in Appendix 1).
- 5.25 I understand that the Applicant is anticipating that the Restaurant will operate with a maximum guest capacity of 48. Given that some of the diners will be hotel guests and that the restaurant will operate a number of 'sittings' we can predict that departures from this premises are also likely to be staggered. It is also likely that late-night bookings for 'dinner' will be less popular than evening bookings, given the typical occupancy flows one sees in restaurants; the numbers of patrons leaving at, or around, midnight are likely to be low and therefore quite easily manageable for an attentive staff team.
- 5.26 The Operator's Management Plan devotes considerable attention to the management of customer flows and associated activity by vehicles outside the premises, for example, at Para 7.14:

“In addition to the above controls the following measures will operated in respect of all areas:

- *Table bookings would for all areas would be co-ordinated and staggered.*
- *Departure times would also be staggered to ensure guests do not leave in groups.*
- *All guests leaving after 10pm by way of taxi, would be required to do so by pre-booking.*
- *At the time a guest pays their bill, whilst still seated at their table, staff offer to book a taxi on behalf of the named customer who then remain inside the premises until the car is available.*
- *Bellman/SIA trained to ensure guests and staff leave quietly.”*

5.27 One of the reasons that the immediate vicinity of the premises presents as ‘quiet’ is that the directional flow of road traffic is tightly controlled by one-way systems. Park Street runs south-to-north one block behind the east side of Park Lane. It runs from South Street on its southern end, crossing Aldford Street (one-way West to East), Mount Street, Reeves Mews, Upper Grosvenor Street (one-way East to West), and five more streets before its final junction with Oxford Street.

5.28 Parking, vehicular access:

A cycle tunnel under Park Lane blocks Aldford Street’s Park Lane junction from vehicular access (except bicycles). In the evenings the tunnel is used by pedestrians, more than cyclists, to cross Park Lane. As a result of this obstruction, all traffic that enters Aldford Street, which is one-way in an eastbound direction, must do so from the side streets.

Park Street is also one-way in a northbound direction, so all traffic attempting access to 14-16 Park Street must come from South Street. Vehicles can gain access to South Street and then Park Street from Park Lane south via Mount Street, onto South Audley Street southbound, then

turning left onto South Street (west bound) for Park Street's southern end. South Street is also accessible from Park Lane's southbound carriageway.

Vehicular access from Park Lane (northbound) can also be gained to the area with a right turn at Stanhope Gate, taking Deanery Street past the Dorchester and turning left onto South Audley Street northbound, then turning left onto South Street in order to access Park Street and Aldford Street (Aldford Street is one way, as noted above).

All vehicles will have to come from/via South Audley Street, or the Park Lane junction of South Street and Park Street south section, crossing Aldford Street to stop on Park Street, or turn right onto Aldford Street (one way west to east) to stop outside the main entrance to 14 Park Street on Aldford Street. This is the largest entry/exit to the building and the likely entry / exit option for the restaurant (though the Park Street access doorway could also be used).

5.29 Vehicular access to the area is also possible onto South Audley Street from further East (north east, east and south east):

- from Piccadilly and the Green Park area, via Berkeley Square, or Half Moon Street and Curzon Street.
- Berkeley Square, Hill Street
- Grosvenor Square area via Grosvenor Street, Adams Row or Mount Street.

As noted, vehicular access will come from South Audley Street essentially, onto South Street, then onto Park Street south end. Pick-ups and deliveries outside are possible on Park Street, or Aldford Street. Vehicles will have to leave either via Aldford Street, or Park Street and Mount Street, or other connecting side streets on Park Street north of Mount Street.

5.30 In relation to parking. Immediately outside 14-16 Park Street on Park Street and Aldford Street there are single yellow lines parking restrictions (8:30am-6:30pm Monday-Friday; 8:30am-1:30pm Saturdays). The cul-de-sac end of Aldford Street, diagonally opposite 14-16 Park Street is also a single yellow line area and may become a waiting area for deliveries, drop-offs and pick-ups from the premises, along with the single yellow line zone immediately outside the property. One option would be for a door supervisor to be stationed at this point whenever necessary to oversee the short walk of customers from the premises to their waiting vehicles. There are no 'No-Loading' restrictions in the immediate vicinity on Park Street, or Aldford Street.

5.31 There are pay-by-phone parking bays in the area on Park Street, the majority of the parking bays in the area are Resident-Only at all times. The nearest car parks are not far away on the Hyde Park side of Park Lane and centrally on Park Lane itself. These are:

- Q-Park Park Lane
- ParkBee Q-Park Park Lane
- Euro Car Parks Mayfair

5.32 The Q-Park car parks are accessed from the northbound (Hyde Park side) carriageway of Park Lane. Pedestrian access to Aldford Street and Park Street is possible via the cycle-tunnel. In the case of Euro Car Parks Mayfair to the south, pedestrian underpass access is possible outside the London Hilton Hotel.

5.33 Park Lane is a Red Route, with 'No Stopping' restrictions excepting buses and the taxi ranks outside the iconic hotels. Red Route restrictions affect the entrances of South Street and Mount Street at their Park Lane junctions.

5.34 Notwithstanding my comments above regarding the most *likely* and typical transport choices of visitors to Mayfair licensed premises at night, it is necessary to consider what public transport options are available.

5.35 Bus services are available from stops on Park Lane north- and south-bound, include night services, as follows:

Northbound

- Bus numbers: 2, 6, 13, 16, 23, 36, 74, 137, 148, 390, 414, N2, N16, N74, N137.

Southbound

- Bus numbers: 2, 6, 13, 16, 23, 36, 74, 137, 148, 390, 414, N2, N16, N74, N137.

5.36 Nearest London Underground stations:

- Marble Arch: Central Line
- Hyde Park Corner: Piccadilly Line
- Green Park: Jubilee, Piccadilly and Victoria Lines.

All of the above are on TFL's Night-Tube network (currently Friday and Saturday nights on the Central, Jubilee, Northern, Piccadilly and Victoria lines).

6. Policy Context

6.1 The evidence base for the City of Westminster's Statement of Licensing Policy 2021 is derived from the pre-pandemic period of 2017-2019. Since 2019 the pressures faced by the hospitality sector in Central London could not have been anticipated; however, they are an important consideration

in 2022, with much uncertainty remaining. It should be noted that in continuing their work to completion and creating new facilities and jobs, the developers of 14-16 Park Street are making something of a 'leap of faith'.

6.2 In past work in licensing I have had experience and knowledge of a number of hotels in Boroughs such as Camden, Wandsworth and Hackney that are located within Cumulative Impact Areas, in close proximity, not only to other licensed premises, but also to local residents' homes. These include hotels where I have also stayed as a guest, such as the Ham Yard Hotel in Soho and the Ace Hotel in Shoreditch (opened in 2013, closed during the pandemic and now permanently closed following an announcement by its US owners). These and similar hotels have (or had) licensing arrangements which allow guests of hotel residents to remain on-site and use hotel bar facilities late at night. Arrangements for trading beyond Borough 'Policy Hours' also apply to persons attending pre-booked events within the hotels.

6.3 The licensing permissions noted above recognise that hotels are not the same as other on-licensed premises. They have diverse paying guests staying overnight to sleep, rest and recuperate for work and leisure purposes and some will have flights to catch. I understand that 14-16 Park Lane residents will be paying approximately £1000 per night for their accommodation. Hotels are also subject to customer feedback in independent on-line reviews. These factors encourage hotel operators to pay special attention to issues such as noise nuisance and patron behaviour, having a vested interest in keeping strict management control over how their premises are run. It should also be noted that there will be residents living permanently in apartments directly above the hotel. These residents will be both the Hotel's nearest neighbours and some of its most loyal customers.

- 6.4 I understand that the number of guest bedrooms is likely to be limited to no more than eight. Therefore, despite the high price tag of overnight stays, the sustainability of the 14-16 Park Lane business model relies heavily on the licensed offer that can be made to both its guests and to the broader customer base for its Ground Floor restaurant offer. Both the accommodation and restaurant markets are highly competitive and mobile, with hotels across Central London essentially competing for many of the same pool of patrons.

7. Premises-specific Nuisance v Cumulative Impact

- 7.1 I could find no evidence of negative cumulative impacts from licensed premises in the immediate or wider vicinity of 14-16 Park Street. The patrons of licensed premises on Park Lane and South Audley Street moved directly from within the premises to waiting taxis or chauffeur-driven vehicles. There was little evidence of private car use and comprehensive and proximate public transport options are available throughout the night (although PHVs and Chauffeured vehicles are notably the transport of choice for patrons of licensed premises in this location). No movement of patrons toward residential areas or lingering in crowds on the pavements was observed. Should public transport or Black Cabs be sought the most obvious route is a 2-minute walk to Park Lane.
- 7.2 The Home Office s182 Guidance is clear in framing the denial of licences as interventions of last-resort where attempts to address problems at an individual premises-level have proved ineffective and/or insufficient as a result of the high concentration of licensed premises and intensive use of the public realm by venue patrons. My observations and comprehensive premises-auditing suggest that such negative environmental factors are not to be found in the vicinity of 14-16 Park Street.
- 7.3 Having noted the absence of 'cumulative impacts' in the vicinity it is

necessary to consider if there are any factors within the proposed operations contained within this Application that are likely to give rise to negative impacts on the Licensing Objectives.

- 7.4 The Applicant has set out their proposals for bringing all Licensable Activities within Core Hours and their existing Planning consents. This aspect would therefore appear to be non-contentious from a Policy perspective. It also appears to be the correct and sensible course of action.
- 7.5 Within their Management Plan the Applicant has given a great deal of thought and pre-planning to the issue of preventing any negative impacts on the Licensing Objectives. There are measures in place to prevent nuisance by whatever means that hotel guests and other attendees use to exit the development, with the use of outdoor spaces also constrained to an 8.30pm curfew. Pre-booked taxis are anticipated to be the main method of dispersal. Those who do use public transport are in the main likely to make the short walk to Park Lane to access Night Bus services, or Night Tube from Marble Arch. Park Lane is a location that remains busy, well-lit and heavily supervised at night, particularly around the taxi ranks that occupy the frontages of the large hotels.
- 7.6 Given these combined aspects of pre-planning and strong management I do not believe that the Application will give rise to negative impacts on the Licensing Objectives in this location.

8. Conclusions

- 8.1 In the absence of evidence of negative *cumulative* impacts upon the Licensing Objectives, the s182 Guidance to the Licensing Act 2003 strongly commends that licensing applications are considered on a case-by-case basis. At Para 14:52 the Guidance states: "*In determining*

appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.”

- 8.2 I can find no empirical evidence to support denial of the Premises Licence in this location. Such an approach would be out-of-step with the general thrust of the s182 Guidance in circumstances where cumulative impacts are absent and other measures, such as enforceable Conditions, are available to secure the Licensing Objectives.
- 8.3 I am also of the opinion that the licensing requirements of small boutique hotels such as 14-16 Park Street do not sit easily in Licensing Policies when placed within general categories of ‘on-licensed premises’ alongside pubs, bars and nightclubs. Such hotels have a very different clientele with very different expectations. Moreover, hotel operators have a vested interest in placing the interests of their overnight residents and long-term residential neighbours over the desires of casual attendees and for these reasons pay particular attention to the prevention of noise nuisance both within and around their premises.
- 8.4 In this case the Applicant has in place a comprehensive ‘Management Plan’ for 14-16 Park Street which anticipates and addresses such concerns. I would respectfully suggest that the application can be granted with a high level of confidence that the operation of this licensed premises will not give rise to a public nuisance to residents or negatively impact any of the licensing objectives, subject to the negotiation of suitable Conditions to compliment the Applicant’s Management Plan.

9. Declaration

I understand that my duty as an expert witness is to the Hearing and this report and its appendices have been prepared in compliance with that duty. All matters

relevant to the issues on which my expert evidence is given have been included in this report. I believe that the facts I have stated in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional upon the outcome of the case in any way whatsoever.



P.M. Hadfield

Director www.philhadfield.co.uk

Visiting Senior Research Associate, Centre for Criminal Justice Studies

School of Law,

University of Leeds

26 September 2022

Appendix 1: Photographs 14-16 Park Street (September 2022)



1. The main entrance to the proposed premises on Aldford Street.



2. The proposed premises as viewed from Aldford Street.



3. Wider view from Aldford Street.



4. The premises viewed from Park Street.



5. Proposed services entrance at 16 Park Street.



6. First Floor Terrace, looking north towards the 'Garden' terrace.



7. Terrace looking south towards Aldford Street.



8. The 'Garden' at the rear of the property at Ground Level. A glass roof provides light to the swimming pool area on the Lower Ground Floor.



9. The neighbouring property on Park Street is occupied by a number of business offices, as viewed from the Ground Floor garden terrace at 16 Park Street.



10. Chauffeur driven vehicles wait outside The Dorchester on Park Lane.



11. The Lobby area located behind the main entrance doors on Aldford Street.

Appendix 2: Professional biography of the author (September 2022)

Dr. Phil Hadfield is a Social Scientist and Director of www.philhadfield.co.uk an Independent Research Consultancy based in Leeds. Phil's work addresses research / data needs, problem-solving and cost v benefit analysis for clients in urban cultural planning, place management, community safety, public health and regulatory matters, with special reference to Evening and Night-time Economies (ENTEs).

Phil has a background in academia and Research Council / NGO-funded projects. He holds (or has held) Advisory Board / Steering Group roles at the University of Leeds, London School of Hygiene & Tropical Medicine, the Institute of Alcohol Studies and the City of Bordeaux. He is on the International Editorial Board of the journal Contemporary Drug Problems.

Phil has advised many Licensing Authorities, notably the City of Westminster, Camden, Hackney, Liverpool, and the City of London on their licensing policies, together with contributions to the City of Sydney, 'Open Sydney' research Programme and three EC-funded Pan-European Research Programmes.

He is the author or co-author of some of the leading (highest citation) books and research articles on the ENTE. Through his work as an Expert Witness, Phil has considerable practical experience of evidence-gathering and decision-making processes within a UK licensing framework.

Key recent projects:

The London Night-Time Data Observatory

In 2020, Phil worked in collaboration with Arcola Research LLP and the Greater London Authority (GLA) to develop a data-monitoring tool, producing outputs that

can inform the future of nightlife policy across the Capital. COVID-19 Resilience is one of the six Dashboard Indicators of the Observatory that will be used to monitor the 'health' of London's ENTE. The first iteration of the London Night-Time Observatory has been launched here: <https://data.london.gov.uk/night-time-observatory/>

Before the City of Westminster's Licensing Sub-Committee
In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

Expert Report of Adrian Studd

Park Street Hotel

14-16 Park Street, Mayfair, London, W1.

Report by

Adrian Studd, Independent Licensing Consultant.

Introduction.

1. Marcus Lavell of Keystone Law has instructed me to inspect the above premises and conduct observations in the area, to conduct a review of the licence application and proposed conditions, and to prepare a report considering the potential impact the premises will have on the surrounding area should the application be permitted. In addition I will consider any further conditions that may be required to ensure the premises operates in a manner that fully supports the Licensing Objectives and does not cause noise or nuisance to residents.

Summary of expertise – Adrian Studd.

2. I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role, I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic Park. In addition, I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice to ensure the safe and effective delivery of the Olympic Games.
3. In addition to leading my team, I visited and worked with both the Olympic Park management and many other venues, reviewing their policies and procedures, and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits

for the profile of the MPS and the United Kingdom. I was awarded an Assistant Commissioners Commendation for this work.

4. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity.
5. Providing both Overt and Covert support for policing problem licensed premises across London, my team worked with premises when licensing issues were identified, to address these problems using action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required. I devised and implemented the MPS strategy 'Safe and Sound' which sought to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, and together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.
6. From 2004 until 2008, my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role, I developed key partnerships with industry, NGOs, and Government departments to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on several Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities.
7. I was involved with Best Bar None for several years and successfully helped several boroughs to implement the initiative. I was a trained Purple Flag and Best Bar none assessor and, until my retirement, I sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years of my service, I was in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe.

During this time, I contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above, I have attended many internal MPS training and qualification courses, and I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping (BII).

8. Following my retirement I set up a licensing consultancy to improve standards and provide independent advice for premises requiring a local authority licence. Since then, I have provided evidence gathering services and advice to a broad range of licensed premises on a variety of issues, including crime and disorder, noise and nuisance, cumulative impact, sexual entertainment, street drinking, rough sleepers, age related products, betting and gaming and planning. This work has involved premises that benefit from licences for activities such as alcohol on and off licences, betting premises licences, SEV licences and late-night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings.

Proposed Premises.

9. The proposed Premises, a small boutique hotel with fine dining at 14 – 16 Park Street, Mayfair, are located on Park Street at the junction with Aldford Road, Mayfair. The premises consists of two relatively small-town houses, connected internally via doorways, which have the entrance to number 14 Park Street in Aldford Road and the entrance to number 16 in Park Street, opposite Fountain House. I understand the main entrance to the hotel premises will be from Aldford Street. The plans setting out the proposed premises is attached to the application.
10. The hours and permitted activities at the premises have been the subject of consultation with residents with tight controls in place to prevent members of the public, who are not residents of the hotel or guests of residents, from having access to the hotel facilities outside the hours of 09:00-23:30 Monday to Thursday, 09:00 to 00:00 Friday and Saturday and 09:00 to 22:30 on Sundays. This mirrors the Proposed New Planning Conditions. In total there are 30 Proposed Conditions to ensure the premises operates in a manner that fully supports the Licensing Objectives.

Observations.

11. I conducted observations in the area and inspected the premises from about 17.30 hours on Friday the 9th of September 2022 until about 23.00 hours. The Mayfair area generally was busy with traffic and pedestrians who were using the many nearby facilities including hotels and restaurants. Close by is Park Lane, a main thoroughfare, which was busy all evening and the traffic noise is a constant backdrop in Park Street.
12. Park Street itself is a relatively quiet street in comparison, for example, to busy nearby roads such as Park Lane. However, there was still a constant flow of pedestrians and cars using the street, to access not only the various residential properties located in Park Street and close by, but also to access the apartment hotels, the Park Street entrance to Grosvenor Park Hotel, extensive Taxi ranking and the nearby restaurants. There were also 'Deliveroo' and similar other delivery riders using the street as a cut through or to deliver food and goods.
13. Opposite 14 and 16 Park Street is Fountain House that offers modern apartments for rent on short or long term lets and a quick internet search, for example on Booking.com, shows regular availability and a 24-hour front desk. There are restaurants such as Kai Mayfair, Chinese restaurant at Aldford Street junction with South Audley Street and other apartment Hotels and similar in Park Street and the surrounding area including Grand Residencies by Marriot at 47 Park Street. Also in Park Street is an entrance and vehicle access to Grosvenor House hotel, a large hotel with 24-hour concierge, restaurant and bar.
14. I inspected the proposed premises in Park Street about 17.45 and was shown around the premises which is currently unoccupied. The premises covers six floors from the basement to the top floor and is spread across two houses that are interconnected via connecting doors. The layout appears to follow that of the original two separate houses and the rooms are modest in size, the largest single space being the ground floor room identified as the restaurant on plans. All fixtures and fittings appear to be 'luxury fittings' that suit a high end, luxury hotel style premises.
15. The basement contains services for the building, a small swimming pool and gym and

changing and toilet facilities. The ground floor has two entrances, what appears to be the main entrance on Aldford Street with what appears to be a secondary entrance on Park Street. This floor houses two modest lounges with interconnecting doors either side of the fireplace, a reception and concierge, a small outside terrace and the main restaurant.

16. The first floor has two conference/ function rooms looking out over Park Street that are interconnected either side of the fireplace, a couple of small private dining rooms and another small terrace to the rear.
17. The second and third floors each contain four ensuite bedrooms, a total of eight bedrooms in the hotel premises. The fourth and fifth floor each contain a small, two-bedroom, self-contained apartment.

Representations.

18. I have received copies of representations from eight residents of Park Street or Mount Street who object to this application. There is also an objection from The Environmental Health Officer.
19. The representations raise a number of similar concerns that fall broadly into the following categories:
 - I. Changing the character of the neighbourhood from entirely residential.
 - II. Create congestion from traffic and pedestrians.
 - III. Violation of privacy and noise from terraces.
 - IV. Compound the problem of overstretched parking facilities.
 - V. Increase in noise and pollution to residents.

Conclusion.

20. The proposed hotel premises is modest in size and capacity with just eight double bedrooms over two floors and two small apartments on the top two floors. There is no provision for live music and there are other facilities for guests, such as the leisure pool and gym facilities, which highlight the premises as a 'home from home' rather than a

destination restaurant or club.

21. There is a small restaurant and lounge areas that are commensurate with the small size of the hotel and have strict conditions proposed limiting the hours they can be used and who can use them, in particular only residents and guests after 22.30 on Sunday, 23.30 Monday to Thursday and midnight Friday and Saturday. Outside space at the hotel is limited to two small terraces.

22. The proposed conditions are comprehensive and have been developed as a result of consultation with the residents. The conditions significantly limit the activities that can take place at the premises, the times that those activities can take place and those who can use those facilities. These conditions provide a robust framework which will ensure that the premises can only operate in a manner that supports the Licensing Objectives and does not cause noise or nuisance to residents.

Adrian Studd,

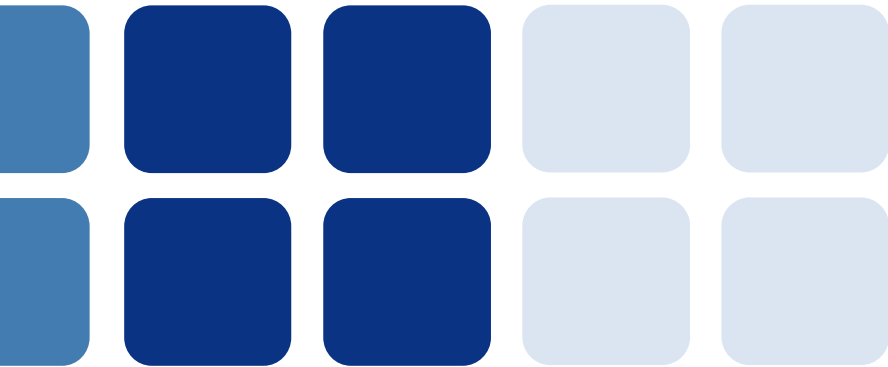
Independent Licensing Consultant.

29/09/2022.

Before the City of Westminster's Licensing Sub-Committee
In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

Expert Report of RBA Acoustics



14 – 16 PARK STREET,
LONDON W1K 2HY

Acoustic Assessment Report for Licensing

Reference: 12186.RP01.AAR.0
Prepared: 7 October 2022
Revision Number: 0

Buckingham Securities
19 Charles Street
Mayfair
London
W1J 5DT

Acoustic Assessment Report for Licensing



14 – 16 PARK STREET, LONDON W1K 2HY

Reference: 12186.RP01.AAR.0

Prepared: 7 October 2022

Revision	Comment	Date	Prepared By	Approved By
0	First issue of report	7 October 2022	Toby Walton	Torben Andersen

Terms of contract:

RBA Acoustics Ltd have prepared this report in accordance with our standard Terms & Conditions. RBA Acoustics Ltd shall not be responsible for any use of the report or its contents for any purpose other than that for which it was provided. Should the Client require the distribution of the report to other parties for information, the full report should be copied. No professional liability or warranty shall be extended to other parties by RBA Acoustics Ltd without written agreement from RBA Acoustics Ltd.

The recommendations within this report relate to acoustics performance only and will need to be integrated within the overall design by the lead designer to incorporate all other design disciplines such as fire, structural integrity, setting-out, etc. Similarly, any sketches appended to this report illustrate acoustic principles only and will need to be developed into full working drawings by the lead designer to incorporate all other design disciplines.



LONDON
44 Borough Road
London SE1 0AJ
T. +44 (0) 20 7620 1950

MANCHESTER
Bloc, 17 Marble Street
Manchester, M2 3AW
T. +44 (0) 161 661 4504

Contents

1.0	INTRODUCTION	1
2.0	SITE DESCRIPTION	1
3.0	PROPOSED CONDITIONS	2
4.0	LONG-TERM ENVIRONMENTAL NOISE SURVEY	3
5.0	SHORT-TERM ENVIRONMENTAL NOISE SURVEY.....	5
6.0	CRITERIA.....	7
7.0	ASSESSMENT OF EXTERNAL PATRON NOISE.....	14
8.0	ASSESSMENT OF PATRON PICK-UP/DROP-OFFS	16
9.0	NOISE BREAKOUT ASSESSMENT	18
10.0	CUMULATIVE RECEIVED LEVELS	20
11.0	CONCLUSION.....	22

APPENDIX A – ACOUSTIC TERMINOLOGY

APPENDIX B – INSTRUMENTATION

APPENDIX C – CDM CONSIDERATIONS

APPENDIX D – GRAPHS AND SITE PLANS

1.0 INTRODUCTION

14 – 16 Park Street Limited has applied for a Premises Licence for 14 – 16 Park Street to allow the operation of a Hotel and Restaurant with Residential Apartments and associated facilities.

RBA Acoustics have been appointed to undertake an impact assessment of the noise emitted from the use of the proposed terrace areas, patron dispersal and noise breakout from the premises.

Noise associated with the premises has been assessed and compared with the existing noise levels at the site. This report presents the results of the following assessments:

- An assessment of external patron noise – Section 6.0
- An assessment of patron pick up's/drop off's – Section 7.0
- A noise breakout assessment – Section 8.0

2.0 SITE DESCRIPTION

The building at 14 – 16 Park Street, London W1 is a five-storey structure located within a mixed-use residential and commercial area. The building itself currently comprises two residential dwelling houses. The site is bounded by Park Street to the West and Aldford Street to the South. The site is surrounded by the adjacent mixed commercial and residential premises to the east and north, which are then bounded by Rex Place (east) and Mount Street (north).

The proposed development includes a ground-floor and first-floor terrace area. The closest noise-sensitive receptors to the terraces are understood to be directly opposite at 10 Aldford Street (approximately 10 m away), the rear of 18 Park Street (approximately 10m away), and the front of 7 Aldford Street (approximately 5m away).

We understand that the terraces are proposed to operate between the following hours:

08:00 and 20:30 hours Sunday to Monday

3.0 PROPOSED CONDITIONS

We are in receipt of the proposed Licensing and Planning Conditions, and the relevant conditions are repeated below:

"1. Members of the public, who are not residents of the hotel or guests of residents, shall not have access to the hotel facilities (including the restaurant, bar and lounge areas, gym/spa, function rooms and conference facilities) outside of these hours: 09:00 to 23:30 Monday to Thursday, 09:00 Friday and Saturday or 09:00 to 22:30 on Sundays.

"2. The two external terraces may only be used by the residents of the hotel and their guests, or guests of a pre-booked function held at the hotel, between the hours of 08:00 – 20:30 daily."

"10. Loudspeakers shall not be located in the entrance lobby or outside the premise building."

"11. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly."

"14. 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."

"15. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Services and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental health service. No additional sound-generating equipment shall be used on the premises without being routed through the sound limiter device."

4.0 LONG-TERM ENVIRONMENTAL NOISE SURVEY

4.1 General

Monitoring of the prevailing background noise was undertaken over the following periods:

12:00 hours, Friday 16 October to 12:00 hours, Tuesday 20 October 2020

During the survey periods the weather conditions were generally appropriate for the noise measurement exercise, it being dry with light winds.

Measurements were made of the L_{A90} , L_{Amax} and L_{Aeq} noise levels over sample periods of 15 minutes duration.

4.2 Measurement Locations

Measurement Position 1 (Park Street)

Measurements at this position were undertaken with the microphone positioned on the A-frame, outside a first-floor level window at approximately 3m above the ground level, overlooking the Park Street.

This measurement position was considered as being representative of the noise climate as experienced at the closest residential receptors overlooking Park Street. The prevailing noise climate was noted to be dominated by the traffic and pedestrian activity along the Park Street and Aldford Street, as well as construction noise from the activity at the rear of 20 Park Street building.

Measurement Position 2 (Aldford Street)

Measurements at this position were undertaken with the microphone positioned on a tripod, at the rear terrace of 14 – 16 Park Street building at approximately 2m high above the first-floor level, overlooking the Aldford Street.

This measurement position was considered as being representative of the noise climate as experienced at the closest residential receptors at 7 Aldford Street and 9 Rex Place. The prevailing noise climate was noted to be dominated by the traffic and pedestrian activity along the Aldford Street and Rex Place, as well as construction noise from the activity at the rear of 22 Park Street building.

The measurement positions are also illustrated on the site plan in Figures 1 to 3 in Appendix C.

4.3 Instrumentation

Details of the instrumentation used to undertake the survey are provided in Appendix B.

The sound level meters were calibrated both prior to and on completion of the survey with no significant calibration drifts observed.

4.4 Weather Conditions

As the survey was unattended it is not possible to comment with certainty regarding meteorological conditions throughout the entire survey period, however, based on observations during the site visits, and weather reports for the area, it was generally considered suitable for obtaining representative noise measurements, it being dry with little wind.

4.5 Covid-19 Impact

It is accepted that the effects of COVID-19 on transport and trade may have in turn affected local noise levels as measured during the survey. In this case it is considered that any effects of COVID-19 would have caused the local noise environment to be lower, and therefore criteria based on the lowest measured background level would represent more onerous criteria for plant noise assessment and patron noise assessment. It is therefore considered appropriate to compare measurements made in 2020 with those measured as part of studies in 2014.

4.6 Results – 2020 Survey

The noise levels at the measurement positions are shown as time-histories on the attached Graphs 1 to 4

In order to ensure a worst-case assessment, the lowest background L_{A90} noise levels measured have been used in our analyses. The lowest L_{A90} and the period averaged L_{Aeq} dB noise levels measured are summarised below.

Table 1 – Measured Levels

Measurement Period	Measurement Position 1 (Park Street)		Measurement Position 2 (Aldford Street)	
	Lowest measured $L_{90, 15 \text{ minutes}}$ (dBA)	Average Measured $L_{eq, T}$ (dBA)	Lowest measured $L_{90, 15 \text{ minutes}}$ (dBA)	Average Measured $L_{eq, T}$ (dBA)
Daytime (07:00 – 19:00)	46	64	44	56
Evening (19:00 – 23:00)	50	63	46	54
Night-time (23:00 – 07:00)	42	58	44	50
Terrace Opening Hours (08:00 – 20:30)	47	64	45	56
Premises Opening Hours including Dispersal (09:00 – 00:30)*	45	64	44	55

*The opening hours for the venue are 09:00 – 00:30 as stipulated by the proposed conditions. To allow for a worst-case assessment of the dispersal of patrons, we have included an additional half an hour (up to 00:30) within our assessment.

4.7 Data Comparison – Lowest L_{90} 2014 & 2020

The Table 2 below presents the measured levels in comparison to the noise data previously acquired by RBA at the same development site during surveys in 2014 (our report 5207/ENS dated 1 August 2014 refers).

Table 2 – Measured Levels in Comparison to Historic RBA Data

Measurement Period	Measurement Position 1 (Park Street) $L_{90, 15 \text{ minutes}}$ (dBA)		Measurement Position 2 (Aldford Street) $L_{90, 15 \text{ minutes}}$ (dBA)	
	New	Previous	New	Previous
Daytime (07:00 – 19:00)	46	53	44	50
Evening (19:00 – 23:00)	50	55	46	53
Night-time (23:00 – 07:00)	42	48	44	46

As can be seen from the above, the lowest L_{90} noise levels as measured during the most recent (2020) survey are significantly lower at all times and positions than those recorded in 2014. Given the acknowledged impact of the Covid-19 restrictions on noise levels it is considered reasonable to adopt the historic 2014 measurement data for assessments requiring noise level comparisons.

5.0 SHORT-TERM ENVIRONMENTAL NOISE SURVEY

5.1 General

An engineer was in attendance over the period of 21:00 hours to 00:30 hours Thursday 22 September 2022, to undertake a traffic count and observations of local activity and to also undertake attended measurements of the prevailing noise climate.

During the survey period the weather conditions were generally appropriate for the noise measurement exercise, it being dry with light winds.

Measurements were made of the L_{A90} , L_{Amax} and L_{Aeq} noise levels over sample periods of 15 minutes duration.

5.2 Measurement Location

Measurement Position 1 (Park Street)

Measurements at this position were undertaken with the microphone positioned on a tripod at a height of 1.75 m on the corner of outside 14 Park Street, on the corner of Park Street and Alford Street.

This measurement position was considered as being representative of the noise climate as experienced at the closest residential receptors overlooking Park Street, when considering vehicle traffic. The prevailing noise climate was noted to be dominated by the traffic and pedestrian activity along Park Street and Alford Street.

5.3 Instrumentation

Details of the instrumentation used to undertake the survey are provided in Appendix B.

The sound level meter was calibrated both prior to and on completion of the survey with no significant calibration drift observed.

5.4 Results

The lowest L_{A90} and the period averaged L_{Aeq} noise levels measured are summarised in Table 3, along with the maximum L_{AFmax} levels measured.

Table 3 – Attended Survey Measured Levels

Measurement Period	Lowest $L_{A90,5min}$ (dB)	L_{Aeq} (dB)	$L_{AFmax,5min}$ (dB)
21:00 – 21:30	54	61	80
21:30 – 22:00	56	62	78
22:00 – 22:30	56	62	81
22:30 – 23:00	56	61	78
23:00 – 23:30	56	62	80
23:30 – 00:00	56	62	86

Measurement Period	Lowest $L_{A90,5min}$ (dB)	L_{Aeq} (dB)	$L_{AFmax,5min}$ (dB)
00:00 – 00:30	54	64	89

5.5 Traffic Count & Observations

The table presented below shows the number of vehicles counted within each period passing 14 – 16 Park Street.

Table 4 – Traffic Count

Period	Number of Vehicle Pass-by's			
	Private Car	Private Hire Vehicles	Powered Two-Wheeler	Van
21:00 – 21:30	6	13	1	0
21:30 – 22:00	16	20	1	1
22:00 – 22:30	16	17	3	0
22:30 – 23:00	13	13	3	0
23:00 – 23:30	15	14	2	0
23:30 – 00:00	16	16	2	0
00:00 – 00:30	18	11	0	0
Total	100	104	12	1

During the attended survey it was noted that there was significant traffic noise arising from the nearby Park Lane. Mount Street to the north was also noted to be busy with traffic movements with an audible contribution from here to the local noise climate. It was noted that 95% of the traffic was travelling along Park Street, with the remainder using Aldford Street. It was noted that the majority of the traffic consisted of private hire vehicles, with up to 40% of the private car count likely to be executive taxis. The opposite corner to the survey position, outside of 10 Aldford Street was used frequently as a drop off point for private hire vehicles dropping residents' home and to the hotel located opposite 14 – 16 Park Street.

It was noted that there was frequent pedestrian use on both Park Street and Aldford Street, with individual or groups of pedestrians passing every 1 – 2 minutes.

6.0 CRITERIA

6.1 General Westminster City Council Requirements

There are no specific WCC requirements with regards to assessing atmospheric noise breakout from patrons external to any particular premises. We therefore consider to criteria in the following sections to be applicable.

For ease of reference Policy 33C of the Westminster City Plan is as follows:

Noise and Vibration

C. Development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to:

1. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses;
2. minimising noise from plant machinery and internal activities;
3. minimising noise from servicing and deliveries; and
4. protecting the relative tranquillity in and around open spaces

6.2 Regional Planning Policy – The Mayor's London Plan

The Mayor's London Plan, published in 2021, outlines a number of policies in response to environmental issues. With specific reference to noise issues as part of the planning process. Policy D14 provides guidance to all London Boroughs on policies for controlling noise and states:

A In order to reduce, manage and mitigation noise to improve health and quality of life, residential and other non – aviation development proposals should manage noise by:

- 1) Avoiding significant adverse noise impacts on health and quality of life.
- 2) reflecting the Agent of Change principle as set out in Policy D13 Agent of Change
- 3) mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses
- 4) improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
- 5) separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials – in preference to sole reliance on sound insulation
- 6) where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles
- 7) promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

- B Boroughs, and others with relevant responsibilities, should identify and nominate new Quiet Areas and protect existing Quiet Areas in line with the procedure in Defra’s Noise Action Plan for Agglomerations.

6.3 National Planning Policy Framework

The current National Planning Policy Framework (NPPF), July 2021, sets out the Government’s planning policies for England. In respect of noise, Paragraph 185 of the NPPF states the following:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁵;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. “

6.4 WHO Environmental Noise Guidelines

To put the predicted levels into context, it is important to consider the recommendations stated in the World Health Organisation (WHO) document “Environmental Noise Guidelines for the European Region” 2018. This document sets out to define “recommended exposure levels for environmental noise in order to protect population health”. The guidance documents relates specifically to external noise levels, and recommends that “all CNG (WHO Community Noise Guidelines, 1999) indoor guideline values and any values not covered by the current guidelines (such as industrial noise and shopping areas) should remain valid”. We therefore make reference to the WHO Community Noise Guidelines for recommendations on internal noise levels.

The WHO document “Guidelines for Community Noise” describes guideline levels that are “essentially values for the onset of health effects from noise exposure”. A table of guideline values is included, relating to adverse health effects, referred to as any temporary or long term deterioration in physical, psychological, or social functioning that is associated with noise exposure. The following is an extract from Table 4.1: Guideline values for community noise in specific environments, as stated in the WHO document.

Table 5 – Guideline Values for Community Noise

Specific Environment	Critical Health Effect(s)	L _{Aeq} (dB)	Time Base (hours)	L _{Amax,f} (dB)
Outdoor living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Dwelling, indoors	Speech intelligibility and moderate annoyance, daytime and evening	35	16	-
Inside bedrooms	Sleep disturbance, night-times	30	8	45

Specific Environment	Critical Health Effect(s)	L_{Aeq} (dB)	Time Base (hours)	$L_{Amax,f}$ (dB)
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60

6.5 Noise Policy Statement for England (NPSE)

The NPSE seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. The statement applies to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise.

The statement sets out the long-term vision of the government’s noise policy, which is to “promote good health and a good quality of life through the effective management of noise within the context of policy on sustainable development”.

This long term vision is supported by three aims:

- Avoid significant adverse impacts on health and quality of life;
- Mitigate and minimise adverse impacts on health and quality of life; and
- Where possible, contribute to the improvements of health and quality of life.

The long-term policy vision and aims are designed to enable decisions to be made regarding what is an acceptable noise burden to place on society.

The Explanatory Note within the NPSE provides further guidance on defining “significant adverse effects” and “adverse effects” using the following concepts:

- No Observed Effect Level (NOEL) – the level below which no effect can be detected. Below this level no detectable effect on health and quality of life due to noise can be established;
- Lowest Observable Adverse Effect Level (LOAEL) – the level above which adverse effects on health and quality of life can be detected; and
- Significant Observed Adverse Effect Level (SOAEL) – the level above which significant adverse effects on health and quality of life occur.

The three aims can therefore be interpreted as follows:

- The first aim is to avoid noise levels above the SOAEL;
- The second aim considers situations where noise levels are between the LOAEL and SOAEL. In such circumstances, all reasonable steps should be taken to mitigate and minimise the effects. However, this does not mean that such adverse effects cannot occur; and
- The third aim considers situations where noise levels are between the LOAEL and NOEL. In these circumstances, where possible, reductions in noise levels should be sought through the proactive management of noise.

The NPSE recognises that it is not possible to have single objective noise-based measures which define the SOAEL, LOAEL and NOEL and that are applicable to all sources of noise in all situations. The levels are likely to be different for different noise sources, receptors and at different times of the day.

6.6 Planning Practice Guidance (2014)

The national Planning Practice Guidance (PPG) “advises on how planning can manage potential noise impacts in new development” and provides guidelines that are in line with the NPPF.

The PPG states that local planning authorities should take account of the acoustic environment and in doing so consider:

- Whether or not a significant adverse effect is occurring or likely to occur;
- Whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

(Paragraph: 003 Reference ID: 30-003-20190722 Revision date: 22 07 2019)

This guidance introduced the additional concepts of NOAEL (No Observed Adverse Effect Level), and SOAEL (Significant Observed Adverse Effect Level) which can be seen in Table 3 below.

Factors to be considered in determining whether noise is a concern are identified including the absolute noise level of the source, the existing ambient noise climate, time of day, frequency of occurrence, duration, character of the noise and cumulative effects (004 Reference ID: 30-004-20190722 Revision date: 22 07 2019).

With particular regard to mitigating noise effects on residential development the PPG highlights that effects may be partially off set if residents have access to a relatively quiet façade as part of their dwelling or a relatively quiet amenity space (private, shared or public) (011 Reference ID: 30-011-20190722 Revision date: 22 07 2019).

Table 6 – Planning Practice Guidance

Perception	Examples of Outcomes	Increasing Effect Level	Action
No Observed Effect Level			
Not noticeable	No effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid through use of appropriate mitigation whilst taking into account the social and economic benefit
Unacceptable Observed Adverse Effect Level			
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent through use of appropriate mitigation

6.7 Institute of Environment Management & Assessment (IEMA) and Institute of Acoustics Guidelines on Noise Impact Assessment

When assessing the subjective impact of any development it is important to consider the specific circumstances of the site. The characteristics of the various sources must therefore be considered in addition to factors common to all noise impact assessments such as existing background noise level comparisons.

The Institute of Environmental Management and Assessment (IEMA) document “Guidelines on Noise Impact Assessment” gives guidance as to how basic noise changes may be categorised.

Table 6 has been adopted to categorise the difference between the measured levels as identified in the guidelines published jointly by the IOA and IEMA. This identifies the impact of different levels of noise above the prevailing background noise.

Table 7 - Significance of Noise Level Change

Noise Change [dBA]	Category
0	No Impact
0.1-2.9	Slight Impact
3.0 – 4.9	Moderate Impact
5.0 – 9.9	Substantial Impact
10.0 and above	Severe Impact

6.8 Subjective Impact

In addition to the comparison of the difference in background noise levels in line with the above guidelines, it is important to understand the potential subjective effect of such changes in the noise level. Table 7 compares the generally accepted subjective response of typical subjects to variations in sound pressure level.

Table 8 – Subjective Response to Noise Levels

Change In Sound Level (dB)	Change in Power		Apparent Change in Loudness
	Decrease	Increase	
3	1/2	2	Just Perceptible
5	1/3	3	Clearly Noticeable
10	1/10	10	Half or Twice as Loud
20	1/100	100	Much Quieter or Louder

6.9 Summary

Based on the above guidance, we consider it appropriate that the following increases of the existing measured background noise levels due to activities as a result of the change of use of the premises will fall in the following effect level categories.

Table 7 – Categorisation of Effect Level Categories

Background Noise Level Increase $L_{eq, T}$ (dBA)	Effect(s)	NPSE Assessment	Subjective Response
0.1 – 2.9	Slight/Not Significant	No Observed Adverse Effect	Imperceptible
3.0 – 4.9	Moderate	Lowest Observed Adverse Effect	Perceptible
5.0 – 9.9	Substantial	Significant Observed Adverse Effect	Clearly Noticeable
10.0 and above	Very Substantial	Unacceptable Adverse Effect	Twice as Loud

7.0 ASSESSMENT OF EXTERNAL PATRON NOISE

7.1 Assessment

In order to predict the likely level of noise transfer to the nearest affected residential windows, we have undertaken a detailed 3-dimensional noise modelling exercise using the CadnaA software.

Our assessment has been based on a maximum occupancy of 14 people within the ground floor terrace and 22 people within the first floor terrace, with half of these patrons talking at any one time.

Patron Noise Levels

We have used the following sound power level per person within our assessment, which has been taken from Building Bulletin 93 (BB93). BB93 is a standard that sets out performance standards for the acoustics of school buildings and provides useful reference data for people speaking. It should be noted, the speech noise data used correlates well with speech levels previously measured by RBA Acoustics. A raised voice has been used as this presents a worst-case scenario.

Table 8 – Sound Power Level of 1 Person Speaking with a Raised Voice

Measurement	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
Sound Power Level (L_{eq})	65	65	70	75	72	64	57	49

7.2 Identified Receptors

We understand that the nearest residential receptors to the property are, 10 Alford Street, 7 Alford Street and the front and rear of 18 Park Street. The receptors are identified on the Site Plan in Figure 1.

7.3 Results

Based on the above, we predict the following noise levels at the identified residential receptors. The background noise levels have been taken from Measurement Position 2 of the long-term noise survey, as this was the lower noise level and therefore presents a worst-case assessment

Table 9 -Predicted Results

Receptor	Predicted Receive Level (dBA L_{eq})	Existing Background Noise Level (dBA L_{eq})	Cumulative Level (dBA)	Background Noise Level Increase (dB)
Receptor 1 - 7 Alford Street	42	56	56	0
Receptor 2 - 10 Alford Street	48		57	1
Receptor 3 - 18 Park Street Rear	27		56	0
Receptor 4 - 18 Park Street Front	51		57	1

Significance of Noise Level Change and Noise Policy Statement for England Effect Level

When comparing the increase in noise level change to the IEMA guidelines summarised in Table 7 of this report, the worst-case subjective significance of the worst-case 1 dBA change at 10 Alford Street and the rear of 18 Park Street during hours in which the terraces are in use is considered a “Slight Impact”. However, this would fall into the “No Observed Adverse Effect Level” NPSE category which can be seen in Table 6.

Subjective Response to Apparent Change of Loudness

When assessing the worst-case 1 dBA noise level increase to the subjective response of the apparent change of loudness as shown in Table 8 of this report, the change in loudness should not be discernible.

8.0 ASSESSMENT OF PATRON PICK-UP/DROP-OFFS

As customer taxi pick-up/drop off activity is formed of several different discrete events, we have used a combination of measured noise level events from our database to form the resultant noise level of a taxi pick-up/drop-off event. The following table summarises this calculation.

Table 10 – Taxi Noise Data

Activity	Sound Power SEL (dBA)	Measurement Distance (m)
Car door slams	64	3
Car starting/pulling away*	81	3
2No. taxi drive passbys*	80	3
Combination/Resultant Noise Level of Taxi Pick-up/Drop-off Event	84	3

*It should be noted that this taxi noise data is based off the older diesel engine London Black Taxi vehicle– as such, we consider the data used this assessment will provide a worst-case scenario due to the fact that as London and WCC move toward environmental targets, battery/hybrid vehicles will become more prevalent. These have significantly lower noise profiles.

The sound power level generated by 20No. taxi pick-up/drop-off events in a 5-minute period has been calculated as L_{wA} 90 dB and this level has been used in our 3D Environmental Noise Model.

This number of taxi pick-up/drop off events is based the following assumptions:

- The proposed venue capacity is for 250 patrons
- The venue operates up until 00:00 hours, as such, patrons are likely to leave prior to this time therefore it is unlikely the premises will ever be at full capacity as closing time. However, as a worst-case assessment, we have assumed all patrons will leave within the last half an hour of operation
- Not all patrons will use taxis to depart from the premises i.e. some will travel by foot to local hotels or tube stations
- A majority of patrons who do leave via taxi will leave in groups of 2 or 3
- The busiest time of patrons leaving will be in the last hour of the premise's operation i.e. between 23:30 and 00:30 hours

8.1 Results of Assessment

The results produced by our 3D environmental noise model, predicted at the identified receptors, are presented in the table below:

Table 11 – Predicted Noise Increase

Receptor	Predicted Receive Level (dBA L_{eq})	Existing Background Noise Level (dBA L_{eq})	Cumulative Level (dBA)	Background Noise Level Increase (dB)
Receptor 1 - 7 Alford Street	45	55	55	0
Receptor 2 - 10 Alford Street	47		56	1
Receptor 3 - 18 Park Street Rear	42		55	0
Receptor 4 - 18 Park Street Front	45		55	0

8.2 Context

As discussed from the results of the traffic count and observations, the current noise climate is dominated by road traffic noise. The traffic count highlighted that the majority of the vehicles in the area are private hire vehicles, with regular drop offs occurring outside 10 Alford Street.

Therefore the likely increase of traffic associated with the development is not likely to cause any noticeable increase over the current traffic type.

Significance of Noise Level Change and Noise Policy Statement for England Effect Level

When comparing the increase in noise level change to the IEMA guidelines summarised in Table 7 of this report, the worst-case subjective significance of the worst-case 1 dBA change at 10 Alford Street is considered a "Slight Impact". However, this would fall into the "No Observed Adverse Effect Level" NPSE category which can be seen in Table 6.

Subjective Response to Apparent Change of Loudness

When assessing the worst-case 1 dBA noise level increase to the subjective response of the apparent change of loudness as shown in Table 8 of this report, the change in loudness should not be discernible.

9.0 NOISE BREAKOUT ASSESSMENT

An assessment of noise breakout from the various function rooms with the proposed development to the nearby noise-sensitive properties has been undertaken to determine suitable maximum internal noise levels in order to comply with the proposed criteria.

9.1 Existing Sound Insulation

We understand that the existing single pane glazing is to be retained. We have therefore assumed the following sound reduction indices within our assessment:

Table 12 – Glazing Sound Insulation

Configuration	Sound Reduction Indices and Octave Band Centres Frequencies (dB)							R_w (dB)
	63	125	250	500	1k	2k	4k	
6 mm glass	16	20	24	31	35	29	36	32

Should the provision of secondary glazing be considered, it would be possible to play amplified music at a higher level.

9.2 Internal Amplified Noise Limits

We have carried out an assessment of noise breakout from the various function rooms within the development, which has been used to set limiting noise levels within. These limits have been set for the scenario of open doors (when considering the terraces) and for closed sealed glazing.

The following noise limits will apply when measured within the development:

Table 13 – Limiting Levels for Internal Amplified Sound

Scenario	L_{eq} Sound Level (dB) at Octave Band Centre Frequency (Hz)								L_{Aeq} (dB)
	63	125	250	500	1k	2k	4k	8k	
Closed Doors	80	80	78	78	75	70	70	65	80
Sealed Glazing	65	65	60	60	58	58	55	55	64

It should be noted that the limiting levels above should the glazing be sealed (Scenario 2) should include a lobbied door arrangement to lessen noise breakout when the door is opened. Should it not be preferable for a lobbied door to be installed then the limits for Scenario 1 would apply at all times. A noise limiting device should be fitted to any proposed systems to ensure that the above levels are not exceeded.

9.3 Received Levels at Receptors

The predicted levels at the identified receptors are presented in the table below:

Table 14 – Predicted Noise Increase

Receptor	Predicted Receive Level (dBA L_{eq})	Existing Background Noise Level (dBA L_{eq})	Cumulative Level (dBA)	Background Noise Level Increase (dB)
Receptor 1 - 7 Alford Street	40	55	55	0
Receptor 2 - 10 Alford Street	40		55	0
Receptor 3 - 18 Park Street Rear	40		55	0
Receptor 4 - 18 Park Street Front	43		55	0

10.0 CUMULATIVE RECEIVED LEVELS

To assess the impact of the noise sources identified and assessed within the previous sections, the cumulative noise level increase must be considered.

Table 15 shows the cumulative predicted levels at the identified receptors during hours within which the terraces are in operation.

Table 15 – Cumulative Levels during Terrace Opening

Receptor	Predicted Receive Level (dBA L_{eq})			Existing Background Noise Level (dBA L_{eq})	Cumulative Level (dBA)	Background Noise Level Increase (dB)
	Terraces	Taxi Arrival /Departure	Breakout			
Receptor 1 - 7 Alford Street	42	45	40	56	57	1
Receptor 2 - 10 Alford Street	48	47	40		57	1
Receptor 3 - 18 Park Street Rear	51	42	43		57	1
Receptor 4 - 18 Park Street Front	27	45	40		57	1

Table 16 shows the cumulative predicted levels at the identified receptors during hours within which the terraces are closed.

Table 16 – Cumulative Levels during Terrace Closure

Receptor	Predicted Receive Level (dBA L_{eq})			Existing Background Noise Level (dBA L_{eq})	Cumulative Level (dBA)	Background Noise Level Increase (dB)
	Terraces	Taxi Arrival /Departure	Breakout			
Receptor 1 - 7 Alford Street	0	45	40	55	56	1
Receptor 2 - 10 Alford Street	0	47	40		56	1
Receptor 3 - 18 Park Street Rear	0	42	43		55	0
Receptor 4 - 18 Park Street Front	0	45	40		56	1

10.1 Discussion of Results

Significance of Noise Level Change and Noise Policy Statement for England Effect Level

When comparing the increase in noise level change to the IEMA guidelines summarised in Table 7 of this report, the worst-case subjective significance of the worst-case 1 dBA change is considered a “Slight Impact”. However, this would fall into the “No Observed Adverse Effect Level” NPSE category which can be seen in Table 6.

Subjective Response to Apparent Change of Loudness

When assessing the worst-case 1 dBA noise level increase to the subjective response of the apparent change of loudness as shown in Table 8 of this report, the change in loudness should not be discernible.

11.0 CONCLUSION

RBA Acoustics have undertaken an assessment of potential entertainment and patron noise sources compared to the prevailing background noise levels measured at the nearby noise-sensitive receptors. Predicted noise levels have been determined and subsequently compared against a series of criteria proposed as being appropriate for the assessment of noise from licensed premises.

Our assessment demonstrates that the proposed operation of the 14 – 16 Park Street scheme will not lead to any adverse noise impact on nearby residents.

Appendix A – Acoustic Terminology

A-weighting (e.g. dB(A))	A correction applied across the frequency bands to take into account the response of the human ear, and therefore considered to be more representative of the sound levels people hear.
DeciBel (dB)	Unit used for many different acoustic parameters. It is the logarithmic ratio of the level being assessed to a standard reference level.
$L_{eq,T}$	The level of a notional steady sound which, over a stated period of time, T , would have the same acoustic energy as the fluctuating noise measured over that period. Typically used to represent the average or ambient noise level.
$L_{Aeq,T}$	The A-weighted level of a notional steady sound which, over a stated period of time, T , would have the same acoustic energy as the fluctuating noise measured over that period. Typically used to represent the average or ambient noise level.
L_{An} (e.g. L_{A10} , L_{A90})	The sound level exceeded for $n\%$ of the time. E.g. L_{A10} is the A-weighted level exceeded for 10% of the time and as such can be used to represent a typical maximum level. Similarly, L_{A90} is the level exceeded for 90% of the measurement period, and is often used to describe the underlying background noise.
$L_{Amax,T}$	The instantaneous maximum A-weighted sound pressure level which occurred during the measurement period, T . It is commonly used to measure the effect of very short duration bursts of noise, e.g. sudden bangs, shouts, car horns, emergency sirens etc. which audibly stand out from the ambient level.
Octave band	A frequency band in which the upper limit of the band is twice the frequency of the lower limit.
1/3 Octave band	A frequency band which is one-third of an octave band.
R_w	A single number quantity which characterises the airborne sound insulation of a material or building element in a laboratory test.

Appendix B – Instrumentation

The following equipment was used for the measurements.

Use	Manufacturer	Model Type	Serial No.	Calibration	
				Certificate No.	Expiry Date
Long-Term Noise Monitoring Survey	Norsonic Type 1 Sound Level Meter	Nor140	1406258	U31229	13 March 2021
	Norsonic Pre Amplifier	1209	20490		
	Norsonic ½" Microphone	1225	225526	31228	13 March 2021
	Norsonic Sound Calibrator	1251	34397	U31227	12 March 2021
	Norsonic Type 1 Sound Level Meter	Nor140	1403127	30803	30 January 2021
	Norsonic Pre Amplifier	1209A	12071	30816	31 January 2021
	Norsonic ½" Microphone	1225	41473		
	Norsonic Sound Calibrator	1251	31986	30801	30 January 2021
Attended Measurements	Norsonic Type 1 Sound Level Meter	Nor140	1406255	U37581	7 April 2023
	Norsonic Pre Amplifier	1209	20491		
	Norsonic ½" Microphone	1225	225529	37580	7 April 2023
	Norsonic Sound Calibrator	1251	34391	U37579	7 April 2023

Appendix C – Graphs and Site Plans

14 & 16 Park Street, W1K 2HY

L_{Aeq} Time History

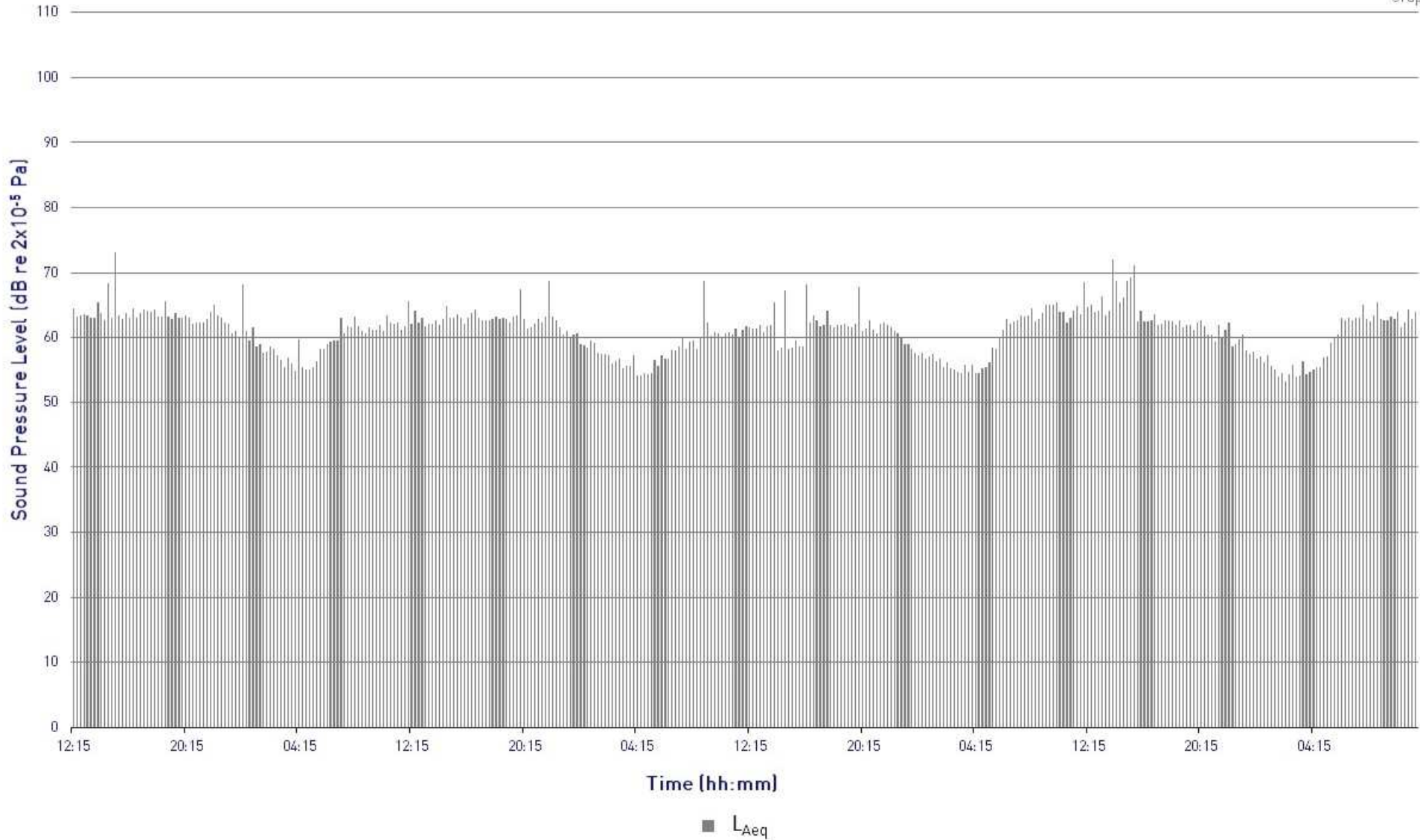
Measurement Position 1, Friday 16th October to Tuesday 20th October 2020



Project: 10553

Graph 1

page 115



14 & 16 Park Street, W1K 2HY

$L_{Amax,f}$ and L_{A90} Time History

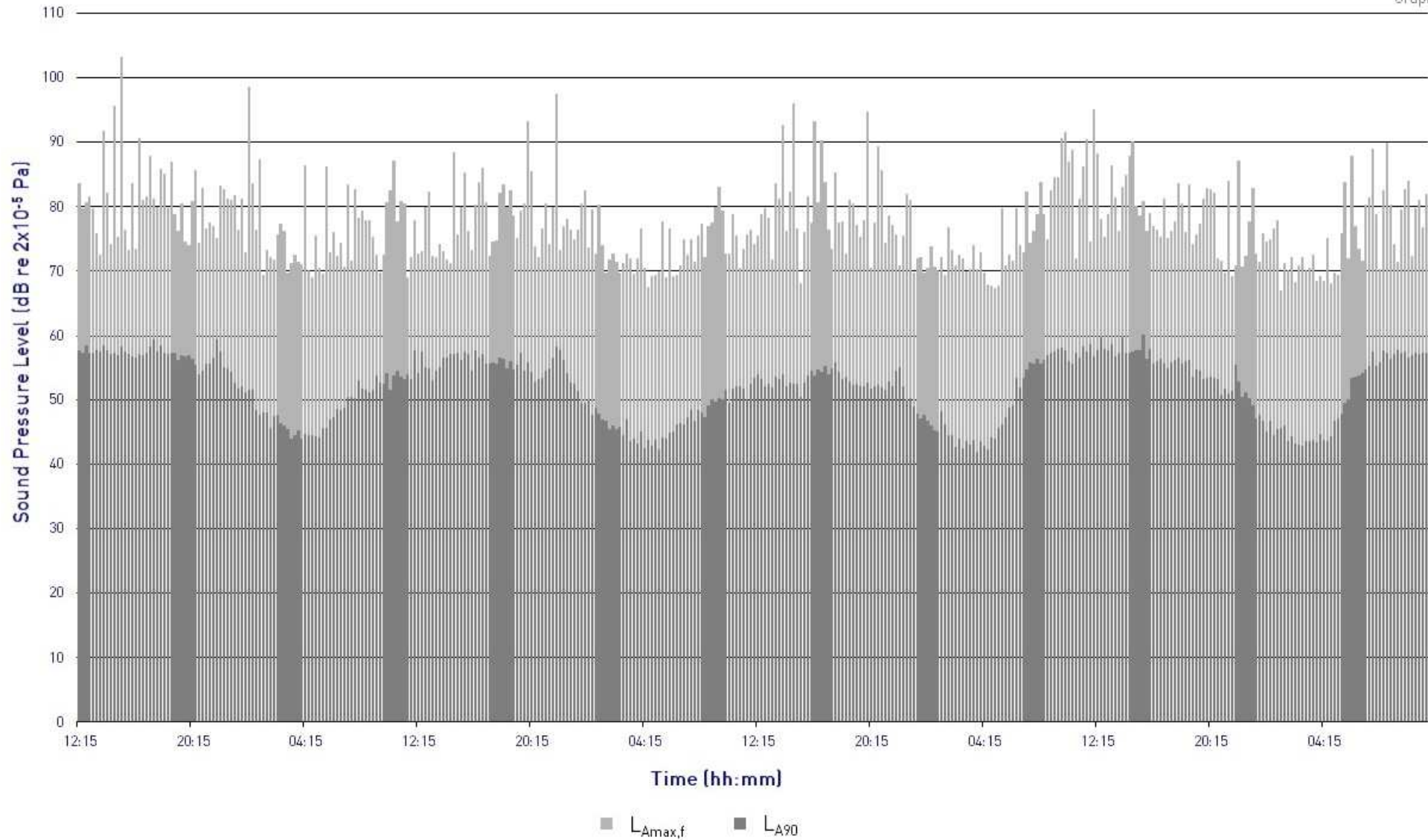
Measurement Position 1, Friday 16th October to Tuesday 20th October 2020



Project: 10553

Graph 2

page 116



14 & 16 Park Street, W1K 2HY

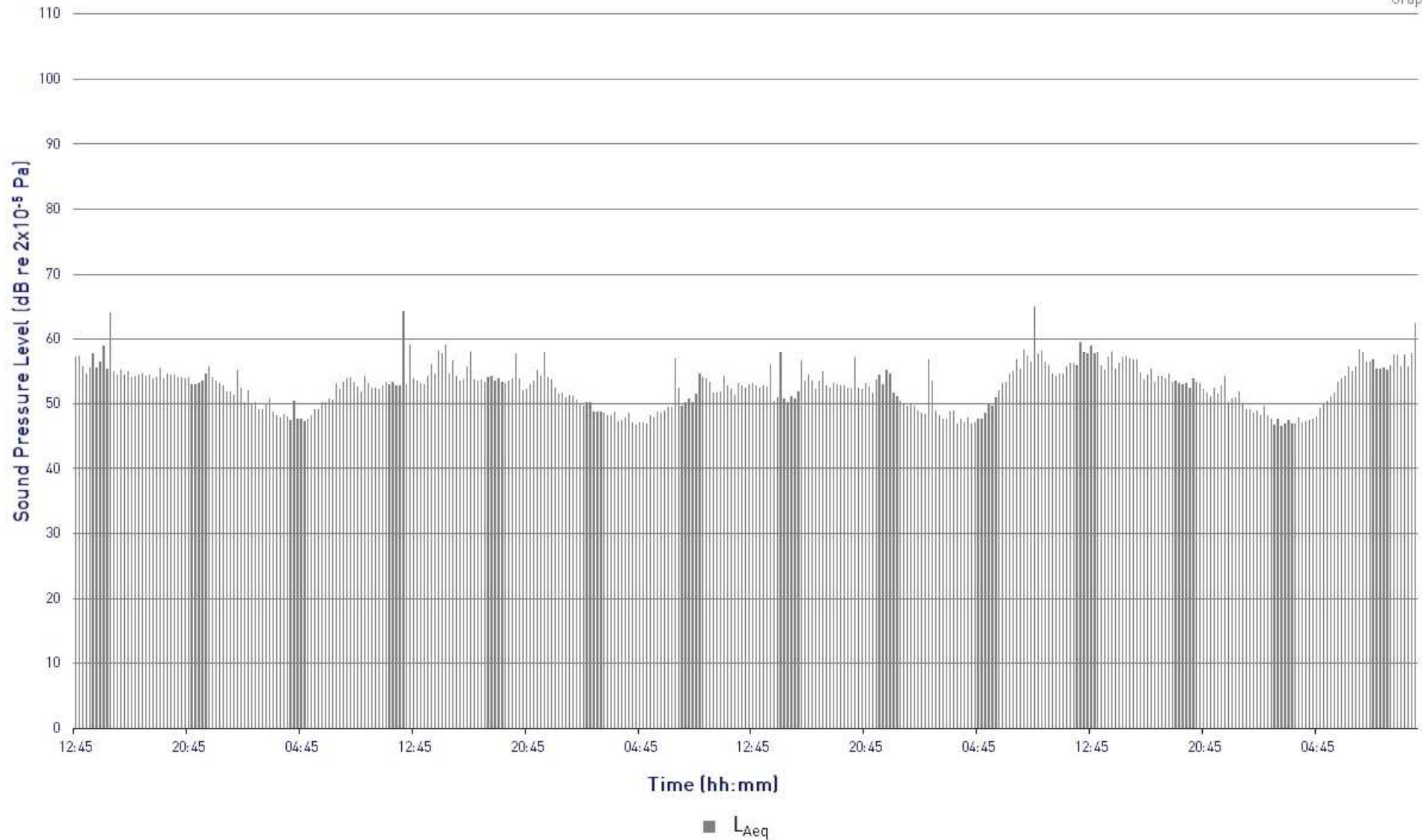
L_{Aeq} Time History

Measurement Position 2, Friday 16th October to Tuesday 20th October 2020



Project: 10553

Graph 3



page 117

14 & 16 Park Street, W1K 2HY

$L_{Amax,f}$ and L_{A90} Time History

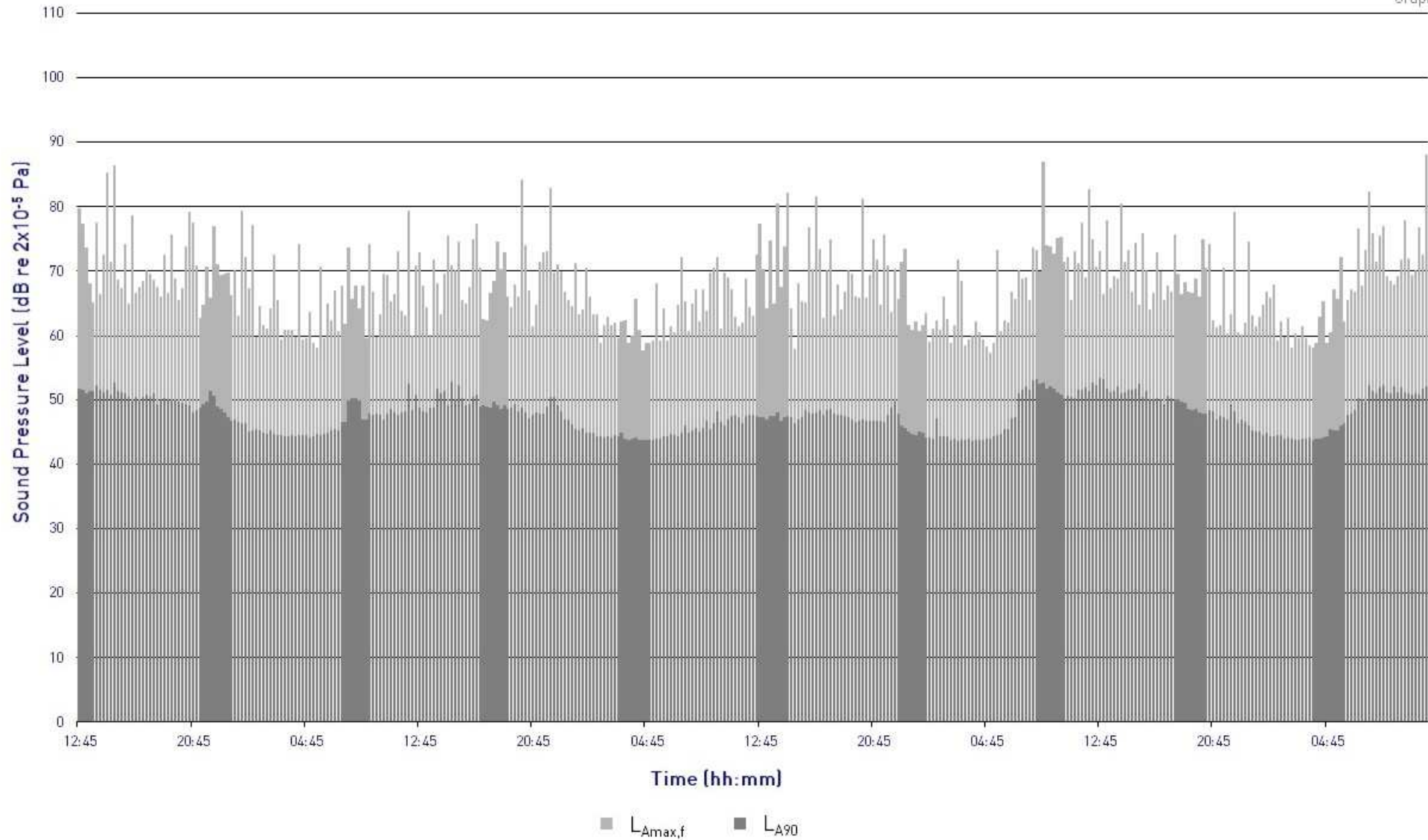
Measurement Position 2, Friday 16th October to Tuesday 20th October 2020

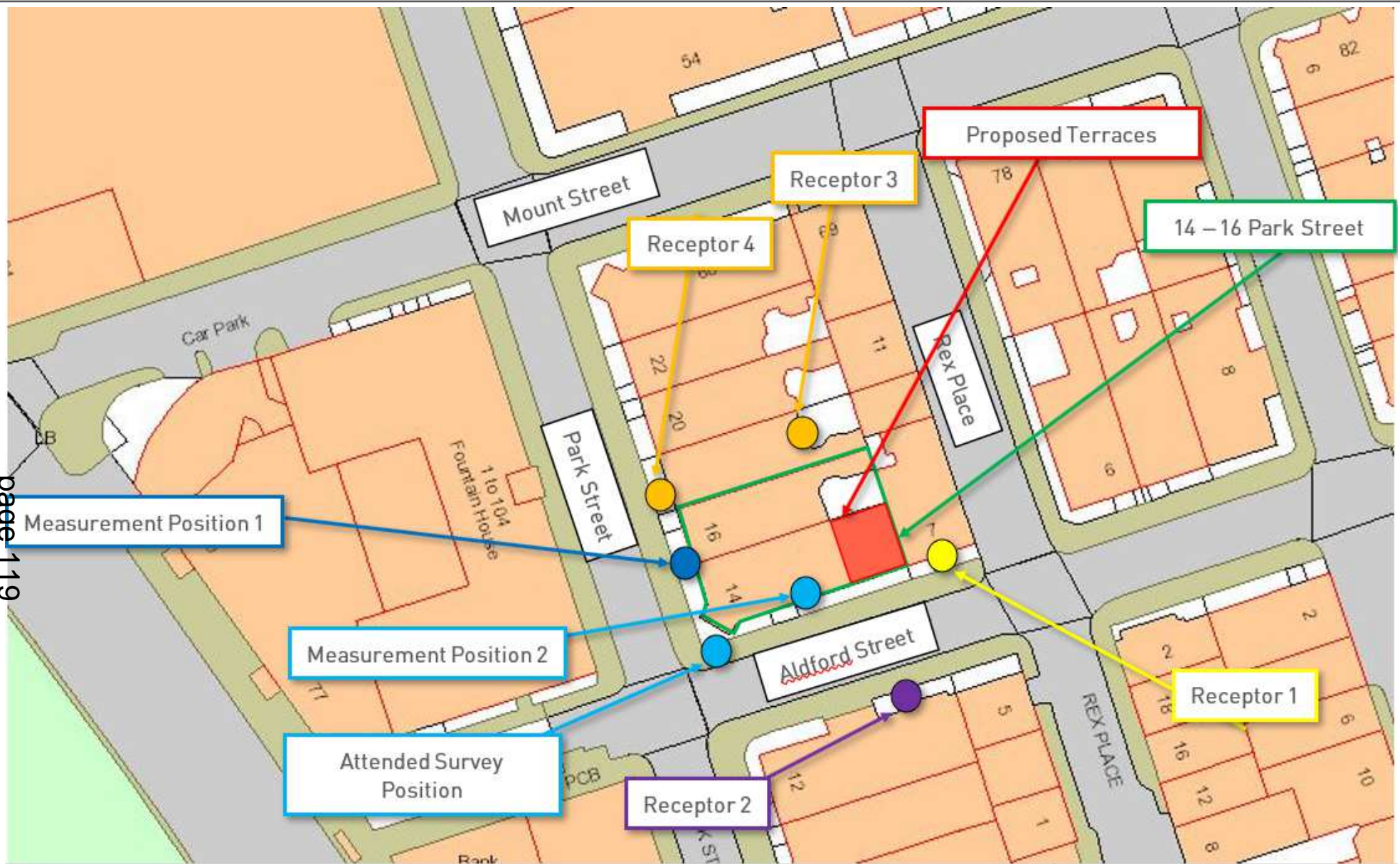


Project: 10553

Graph 4

page 118





14 - 16 Park Street, London W1K 2HY
Site Map
Project 12186

Figure 1
7 October 2022
Not to Scale



14 - 16 Park Street, London W1K 2HY
Site Plan showing Measurement Positions
Project 12186

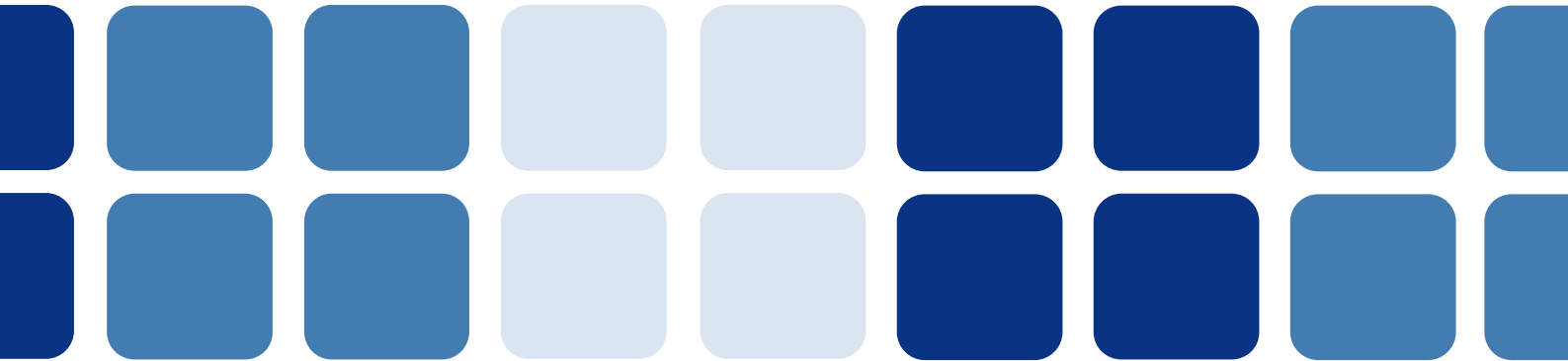
Figure 2
7 October 2022
Not to Scale



RBA ACOUSTICS
W. www.rba-acoustics.co.uk
E. info@rba-acoustics.co.uk

London:
44 Borough Road
London SE1 0AJ
T. +44 (0) 20 7620 1950

Manchester:
Bloc, 17 Marble Street
Manchester M2 3AW
T. +44 (0) 161 661 4504



Before the City of Westminster's Licensing Sub-Committee
In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

Summary of Consultation

Before the City of Westminster's Licensing Sub-Committee

In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

SUMMARY OF CONSULTATION

An Application for a New Premises Licence was submitted in 2021 (Ref: 21/14130/LIPN), and consulted upon. This received a number of Representations from the Local Community, which also cross referenced planning and sought consistency between the two. That first Application was withdrawn, to provide the Applicant with an opportunity to consult directly with those parties who made Representations, and the neighboring public generally, to explain the operation in more detail. The Applicant also used this opportunity to explain that updated licensing and planning applications would be submitted.

That consultation was carried out by Comm Comm UK Ltd, who undertook the following:

- Letters were sent to all objectors of the previous licensing application to invite them to meet on 7 June (5-7pm).
- Newsletter invitations were sent to all addresses (at least to 121 in the area and a number of other key groups and stakeholders) in the immediate vicinity for a public exhibition on 9 June (4-7pm).
- Information boards showing the layouts of the new hotel and mood boards to show the proposed character were displayed at the events on 7 and 9 June.
- A meeting was held with a representative of the Mayfair Residents' Group on 16 June where the boards were displayed.
- A meeting was held with the owner of 20 Park Street on 17 June to discuss the proposals.

Feedback was limited due to there being a surprisingly low turnout. However, those who did engage thanked the team for the consultation and said they were keen to see the details of the proposed conditions for both planning and licensing. They were pleased that the proposed hours of the restaurant were core hours. It was also understood why a hotel of this size would require a restaurant open to the public to be viable. It was also understood that the high quality and small size of the hotel would mean guests would behave accordingly.

As a result of the above consultation and sensitively reshaped terms, this Application has attracted a fraction of the Representations seen in the previous Application.

Before the City of Westminster's Licensing Sub-Committee

In the Matter of an Application for a new Premises Licence

Park Street Hotel

14-16 Park Street, London

OPERATOR'S MANAGEMENT PLAN

1.0 INTRODUCTION

- 1.1 This Operator's Management Plan has been prepared for the use of 14-16 Park Street, London W1, as a hotel with two residential flats above. The hotel will be a 6-star luxury hotel offering customary (including 24-hour concierge) and attendant amenities such as a hotel restaurant, bar and functions rooms with spa and such other ancillary services befitting of a 6-star luxury hotel. The hotel will be operated to the very highest of standards and best in -class level of service where guest experience and service is vital for long term success.
- 1.2 The principles in this management plan ensure that the operations are managed in a way that respects the needs of surrounding local residents and hotel guests 24 hours a day.
- 1.3 This document therefore sets out an Operating Management Strategy for the hotel to ensure that its operations promote the Licensing Objectives.

2.0 THE NATURE OF THE OPERATION AND FACILITIES

2.1 This section sets out the facilities associated with the hotel and their capacities, having regard to the nature of the hotel. The relevant floor plans can be found within the Premises Licence Application documents and will be appended to this OMP following the grant of a Premises Licence.

The Hotel:

The hotel is generally laid out as a luxury 8 suite hotel. The hotel will be fully staffed and managed 24 hours a day. There are 2 entrances located on Park Street and Aldford Street. The daily theoretical capacity of guests at any one time is approximately 181 persons excluding staff as indicated in the table below. The premises can safely hold a much higher number but the management want to ensure the local amenity is protected by offering a greatly reduced number. This will be set upon completion of the works and assessed by Westminster’s Licensing Environmental Health Consultation Team and any licence will not be permitted unless the proposed “Works Condition” is removed.

2.2 The following tables and sections set out how the hotel will be run and managed having regard to the capacity of each area of the hotel. In considering the capacity of each area, these are required in order for the hotel to operate effectively and viably, but the success of the hotel will also rely heavily on the guests experience and generating the reputation for the provision of a luxury service. The hotel will be exclusive, and guests made to feel special, through the quality of service and boutique feel. Further following the lessons learned from the COVID pandemic, the hotel operation has built in the ability for customers to be separated into different rooms if they so wish. This is part of the 6 star service.

2.3 Consequently, that experience cannot be delivered by operating at full capacity in every area of the hotel on every day of the week. The capacity is therefore notional, and on the occasion where full capacity is reached, this would be co-ordinated to ensure that it is for a particular facility or area of the hotel. That is not to say there will not be days on which a function or event may be held, but in the normal course of events, the occupancy of the ancillary hotel areas is expected to be low.

2.4 The steps set out in this management plan will be adhered to irrespective of the capacity on a particular day but will ensure that on busier days the effects are no more noticeable than would otherwise be the case.

2.5 The table below sets out the theoretical guest capacity of each area of the hotel.

Floor	Room Function	Approximate Guest Capacity
Lower Ground Floor	Staff Welfare Facilities	0
	Gym Spa	4
	Guest WC	0
Ground Floor	Restaurant	48
	Rodin lounge	29
	Venetia Lounge/ (now Sushi Lounge)	26
	Concierge (now Susi Kitchen)	7
	Reception	0
	Concierge	0
	Total	110

First Floor	Private Dining Room 1	14
	Private Dining Room 2WC	0
	Ante Room	0
	Conference Room / function room 1	0
	Conference Room / function room	32
	Total	21
		67
Second Floor	4 Hotel Rooms	N/A
Third Floor	4 Hotel Rooms	N/A
Fourth Floor	Self-Contained Residential Flats	N/A
Fifth Floor	Self-Contained Residential Flats	N/A
Roof Terrace	Outside seating / dining (till 8.30pm)	25

Table 1 – Theoretical Front of House Hotel Capacity

3.0 SERVICING ARRANGEMENTS

- 3.1 An aparthotel caters for an extended length of stay compared to a typical hotel, where the turnover of guests is also reduced. Given the low number of larger suites on offer together with the Spa facilities, it is expected that guests would be longer term and greater than the average of 2 nights at a five-star hotel. Therefore, the servicing requirements and guest movements of an aparthotel are also typically reduced.

Access and Operational Arrangements

- 3.2 The proposals maintain the existing building frontage, therefore access to the site will remain as per the existing situation. Vehicles can park and service the site using the existing on-street facilities. The hotel expects the vast majority of guests to be international and therefore arrive and depart by taxi / limousine.
- 3.3 The main entrance for guests and Hotel residents will be from 14 Park Street on Aldford Street . The occupiers of the residential flats will likely prefer to enter from 16 Park Street. Exit and entry via the entrance on 16 Park Street will be controlled by automated door entry system between 11:00 pm and 7:00 am to prevent casual entry but still allow for access to the residential flats.
- 3.4 Staff access to the property will be from 14 Park Street on the Aldford Street side via the external metal steps; this access also permits access for residents.
- 3.5 The external terraces areas indicated on the scheme drawings will only be open for use between 8:00am and 8:30pm.

Ground Floor Restaurant / Private Dining / Function Rooms

- 3.6 Access to the restaurant areas will generally be restricted solely to residents (or guests of residents) or guests to pre-booked tables or functions, with no general access to the public unless pre booked or they are accompanied by a guest or are permitted for special reasons or for special occasions. In effect it is not possible to walk in off the street and use the hotel facilities without prior notice and a confirmed booking or a member of senior management permitting their entry. This is to ensure guests receive high class service.
- 3.7 For members of the public (not residents of the hotel or guests of residents) access to the bar, restaurant and all other facilities will be restricted to 9.00am to 11.30pm Monday to Thursday, 9.00am to Midnight Saturday and Sunday, and 9.00am to 10.30pm on Sunday (Westminster Core Hours). The terrace areas will be accessible to residents of the hotel, their guests and guests of a pre-booked function, and will be closed from 8.30pm. The hotel does not anticipate there will be regulated entertainment. All windows and external doors to the restaurant will be closed from 11pm except for immediate access and egress of persons or for safety or other special reasons. The First-floor functions rooms are available to pre-booked in line with the Restaurant Hours. Smoking - Guests wishing to smoke after 11.30pm will on occasions be allowed to smoke under the walkway at Park Street side or in such additional areas as agreed with the Environmental Health Consultation team. For hotel residents and their bona fide guests the restaurant facility will be made available for them at any time.

Leisure Facilities

- 3.8 The leisure facilities (i.e but not limited to the gym/spa) provided at lower ground floor level will be open to residents at any time. It will have secure key access.

Taxi Drop-offs/Pick-ups

- 3.9 At present drop-offs and pick-ups are undertaken from Park Street and Aldford Street. As part of the proposals, this location will remain unchanged and as such visitors of the aparthotel will continue to be dropped off/picked up by taxis off the public highway. Typical guests are likely to be international and will not require car parking. Guest will be encouraged to pre book taxis upon paying the bill or collecting there coats and management will be on hand to assist. Trained Bellman will be on both doors to ensure smooth service of vehicles and limit taxi waiting times and ensure guests do no linger outside the premises. The Hotel is also considering a door to door chauffeur service.

Refuse and Servicing Arrangements

- 3.10 Servicing currently takes place to the west of the site from Park Street where there are single yellow lines but no loading restrictions. It is proposed that the current arrangement is maintained.
- 3.11 A service access is provided to the south of the site on Aldford Street. All goods will be trolleyed between the service access on Aldford Street and servicing/delivery vehicles parked on Park Street.
- 3.12 Delivery and service vehicles visiting the site will be restricted to transit style vans all of which will be directed to Park Street. Deliveries are pre booked and co-ordinated and supervised by a dedicated goods receiving team.
- 3.13 Similarly, waste collection, which will be undertaken by a private contractor or Westminster City Council, and will be taken from Park Street (or such other area as agreed with Westminster City Council). The bin store will be located within basement vault of 16 Park Street. Bins will be taken to the ground floor and wheeled from the site service access on to Park Street on collection days and will be placed outside just before collection.
- 3.14 Deliveries to the site and collections from the site will be restricted to 7:00am to 9:00am and 3:00pm to 5:00pm Monday to Saturday or in line with Westminster's specified times for the street. The applicant has advised that the afternoon period will experience limited servicing activity.

4.0 FREQUENCY OF DELIVERIES AND WASTE COLLECTION

Overview

- 4.1 There will be a number of servicing and deliveries associated with the aparthotel and its various ancillary facilities.
- 4.2 The applicant has advised that there will be approximately 12 deliveries to the site per day. Deliveries are pre booked and co-ordinated and supervised by a dedicated goods receiving team.
- 4.3 Table 4.1 below provides a schedule for delivery/collection activities at the site, along with frequency and time of delivery.

Delivery Type	Frequency	Time of delivery
Butchery	Once Daily Mon-Sat	0700-0900
Fishmongers	Once Daily Mon-Sat	0700-0900
Fruit and Vegetables	Once Daily Mon-Sat	0700-0900
Dairy Produce	Once Daily Mon-Sat	0700-0900
Dry goods	Once Daily Mon-Sat	0700-0900
Laundry/Linen	Once Daily Mon-Sat	0700-0900
Facility and cleaning materials	Weekly	0700-0900
Wines/Spirits/Mixers	Weekly	0700-0900

Table 4.1: Schedule of Servicing/Deliveries

5.0 SERVICING MANAGEMENT

- 5.1 The purpose of this section is to ensure that delivery and servicing activity associated with the proposals can take place in a safe, efficient and sustainable manner:
- A full management team will be on site 24 hours a day 365 days
 - Staff will be extensively trained (as well as experienced) to ensure high levels of hospitality, cleanliness, friendliness and security.
 - Rotas will ensure at any one time First Aid and SIA qualified staff (where necessary) are on shift and in hand for safety of all guests.
 - Local residents will be reached out to give direct contacts to senior management team.
- 5.2 Senior Management at the aparthotel will be responsible for the ongoing management of deliveries and servicing associated with that element of the development.
- 5.3 Senior Management will be responsible for managing the arrival of deliveries and will seek to arrange deliveries outside peak periods and will be responsible for ensuring that goods are brought directly into the site and not left or stored on the public highway. Measures taken to minimise the time the process takes include:
- Inform suppliers of the delivery location.
 - Implement a delivery booking system.
 - Peak hour delivery restrictions.
 - Communication of local loading restrictions and constraints to reduce the time spent onsite by suppliers.
 - Reduce delivery, servicing and collection frequencies.
 - Establish a centralised ordering system; and
 - Reduce or consolidate the number of suppliers.
- 5.4 To minimise the occurrence of multiple delivery vehicles, the schedule will be set out so that vehicles arrive at known times or set intervals. Suppliers will be informed of the booking system prior to the commencement of the contract and will be given details of a central contact with whom deliveries should be scheduled.

6.0 MONITORING AND REVIEW

Monitoring and Review of Servicing

- 6.1 Senior Management will be responsible for the ongoing monitoring of the OMP. The monitoring process will generate information by which the Plan can be evaluated. Monitoring activity will include continual recording of deliveries and collections made to and from the site, recording feedback and comments received from the site occupants or neighbouring residents/businesses and noting any incidents and problems with deliveries and servicing activity. This will include, but not be limited to the following:
- Date and time of delivery.
 - Delivery dwell time and time of departure.
 - Type and size of vehicle.
 - Recipient; and,
 - Type of activity, e.g., courier, maintenance, stationary/goods delivery etc.
- 6.2 The monitoring process will enable the OMP to be modified as appropriate to respond to any issues as they arise. The management of the site will undertake a comprehensive review of the Servicing Plan annually.

Complaints Handling

- 6.3 The hotels aim is first and foremost to operate in a manner such that a complaint should never arise. However, to account for such an eventuality, a contact number and / or email will be provided to neighbours, occupiers and guests for any complaints. All complaints will be addressed immediately, and the complainant responded to.
- 6.4 All complaints will be registered and logged for review by management, to investigate whether any changes can be made to the operation to ensure the issues does not reoccur.
- 6.5 The complainant will be informed of any steps taken.

7.0 THE OPERATION AND OPENING HOURS

- 7.1 The restaurant will offer a leisurely fine dining experience operated on a booking only basis. Guests will be encouraged to take their time and enjoy the experience and what the hotel has to offer.
- 7.2 The business model is focussed on the highest standards of service and reputation focussing on a luxury experience rather than a model based upon of high turnover of tables, so that patrons want to revisit the premises.
- 7.3 To that end small gatherings or social events would align with the business model, and one may hire a particular room or space and that capacity would be limited to the number of covers available. The hotel will be looking to maintain an air of sophistication and will not tolerate a noise from any of the spaces that would lead to a nuisance or a complaint by any of the hotel guests or any local resident. Therefore the premises would not trade through maximum occupancy of the hotel and its ancillary facilities. To do so would be counter to the aims of the business model and operation.
- 7.4 Such gatherings or social events through the hiring of spaces will be co-ordinated by hotel management to ensure that their frequency and timetabling is managed.
- 7.6 The capacities stated in section 2.0 therefore reflect what is possible in a particular room or space to give an idea of the likely maximum scale of event should the particular room be booked.
- 7.7 In the main, the use of the hotel will be for residents of the hotel, flats and their guests and will otherwise operate on the basis of pre-booking for attendance. It will not be possible to gain access to the hotel without a confirmed booking. Bookings and occupancy are regularly expected to be at the lower end of the indicated maximum capacities and spread out across the hotel to maintain the feeling of sophistication as well as ensuring all guests experience a good service, rather than concentrated in a particular area.
- 7.8 The tables below set out the expected use of each area in terms of the hours of operation.

Restaurant

- 7.9 We anticipate the restaurant would generally operate by bookings only, with approximately two sittings per table over the course of an evening. This will assist with staggering the arrival and departure of guests from the hotel.

Lounges First floor

- 7.10 The lounges would be served by the main restaurant kitchen, but would either be laid out for fine dining, or they may be laid out in a more informal manner, with armchairs, sofas, with a focus on daytime trade, such as afternoon teas and coffees, depending on the needs of the hotel on a particular day. These areas could be booked but would otherwise be available to occupants of the hotel and their guests and again people who may have prebooked.

First Floor Terrace

- 7.13 The first-floor terrace would form part of the fine dining offering and be for sit down meals. They would be readily available to occupants of the hotel and their guests. It would also be possible to book a table.

General

- 7.14 In addition to the above controls the following measures will operated in respect of all areas:

- Table bookings would for all areas would be co-ordinated and staggered.
- Departure times would also be staggered to ensure guests do not leave in groups.
- All guests leaving after 10pm by way of taxi, would be required to do so by pre-booking.
- At the time a guest pays their bill, whilst still seated at their table, staff offer to book a taxi on behalf of the named customer who then remain inside the premises until the car is available.
- Bellman/SIA trained to ensure guests and staff leave quietly.

8.0 NOISE

- 8.1 As noted at the outset the aim of the hotel is to provide guests with an exceptional and special experience fostered through courteous and respectful conduct of all staff and guests. This key part of the business model is the key to its success and the return of guests.
- 8.2 It is in the interest of the management to ensure that the noise and disturbance is not created to its own guests let alone neighbouring properties.
- 8.3 The co-ordination of bookings and who is visiting the hotel, and when will be a key part of managing this process as well as flows both to and from the building to ensure they do not give rise to adverse effects as a result of concentrated periods of activity.
- 8.4 The dual entrance provides the hotel to disperse activity on to two different streets if required.
- 8.5 Front of house staff will monitor for those persons who may be at risk of causing disturbance on departure and response accordingly. Additionally, although such occurrences are unlikely, Security Staff will nevertheless be trained to manage such situations and ensure that the exit from the Hotel takes place in an orderly manner.
- 8.6 Front of house staff will also monitor the use of the terrace area to ensure that it is not causing disturbance. They will also ensure in advance of the closing time, that guests are aware that the terrace closes promptly at 9pm to protect the amenity of residents and guests.

9.0 ARRIVALS/DEPARTURES

- 9.1 Our primary objective is to minimise any possible disturbance to local residents and those in local community, especially at night and therefore a number of measures will be in place to achieve this:

The hotel is served by two separate entrances. The main entrance for guests will be to 16 Park Street, taken from Aldford Street. A second entrance is located at 14 Park Street.

- 9.2 Guests will be able to arrive to either of these entrances. The mode of transport is expected to vary for all guests but will include taxi's chauffeur driven and private cars. All guests of the hotel will be asked not to park in the vicinity but to find suitable parking nearby so as not to materially effect on street parking in the immediate vicinity.

- 9.3 With respect to departures, every effort will be made to stagger these as set out in the previous section. Notices will be displayed inside the premises reminding guests to respect nearby residential properties and the hotel's own guests on departure.

- 9.4 After 10pm, any person leaving the premises who has booked a taxi will be required to wait inside the premises until the taxi has arrived. Guests will also be encouraged to book electric taxis. Our door staff and security staff will be trained and experienced to manage effectively arrivals and departures. The following Street management measures will be put into place:

- Staff will be trained to politely ask waiting cars to move on,
- Staff will politely ask drivers of any vehicles to turn off engines if waiting for a short time,
- Door staff will wear distinctive uniforms, so they are clearly identifiable,
- All hotel guests are pre-registered ensuring that their arrivals are anticipated and managed,
- The SIA door team including bellman will ensure guests leave premises quietly,
- CCTV footage will be available to review promptly for any issues,
- We will have a 24 hour presence meaning we can offer unofficial neighbourhood watch,
- Management will take appropriate actions if guests and/or staff are responsible for any ant social behaviour.

- 9.6 The door team will be trained to ask guests leaving premises to be mindful of the amenity of surrounding residents at all times. Guest will be encouraged to arrange for transports at time of paying their bills as well our concierge team will offer the same.

- 9.7 Staff will be also trained to ensure when guests leave our staff as well not to loiter on the streets and leave promptly and quietly.

CCTV

- 9.9 There will be 24h coverage throughout the hotel as well as external entrances; in the event there are complaints this can be reviewed by Management to take appropriate action.

10.0 STREET MANAGEMENT POLICY

To minimise any impact on surrounding residents the following will be adapted:

- Staff will be trained to politely ask waiting cars to move on,
- Staff will politely ask drivers of any vehicles to turn off engines if waiting for a short time,
- Door staff will wear distinctive uniforms, so they are clearly identifiable,
- All hotel guests are pre-registered ensuring that their arrivals are anticipated and managed,
- The SIA door team including bellman will ensure guests leave premises quietly,
- CCTV footage will be available to review promptly for any issues,
- We will have a 24 hour presence meaning we can offer unofficial neighbourhood watch,
- Management will take appropriate actions if guests and/or staff are responsible for any antisocial behaviour.

Before the City of Westminster's Licensing Sub-Committee
In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

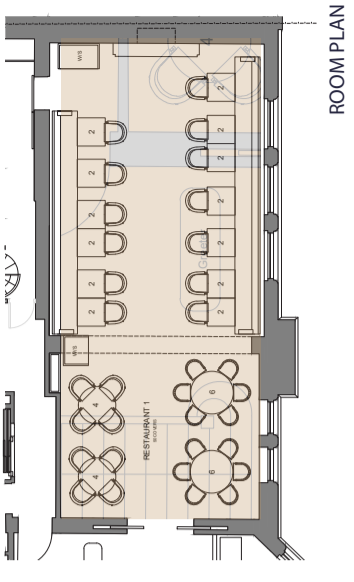
Concept Presentation

PROPOSED FACADE



GROUND FLOOR - RESTAURANT 1 & 2

CONCEPT



MIRROR DETAIL



DECORATIVE DETAIL THROUGHOUT



ART GALLERY WALLS

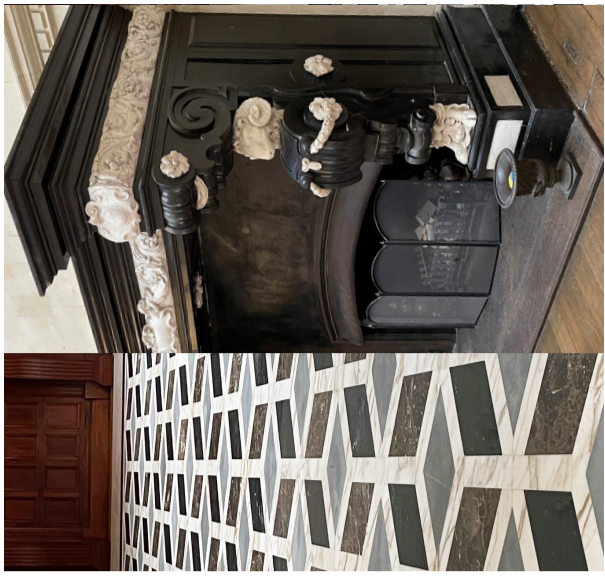


STUDDED MIRRORED PANELS



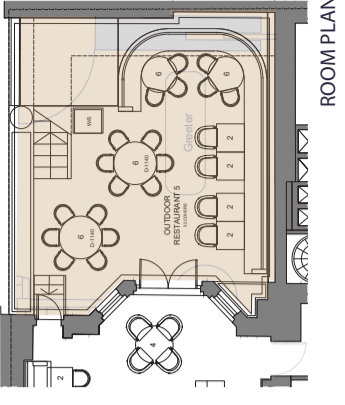
CEILING DETAILS

EXISTING FLOORING



GROUND FLOOR - SUSHI OUTDOOR TERRACE

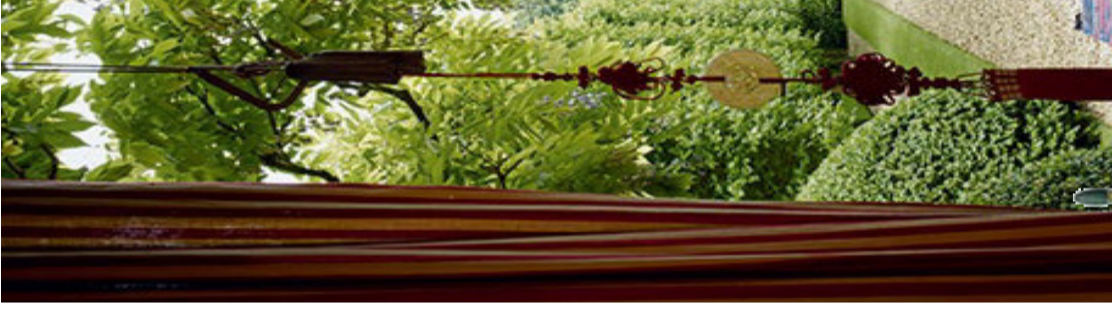
CONCEPT



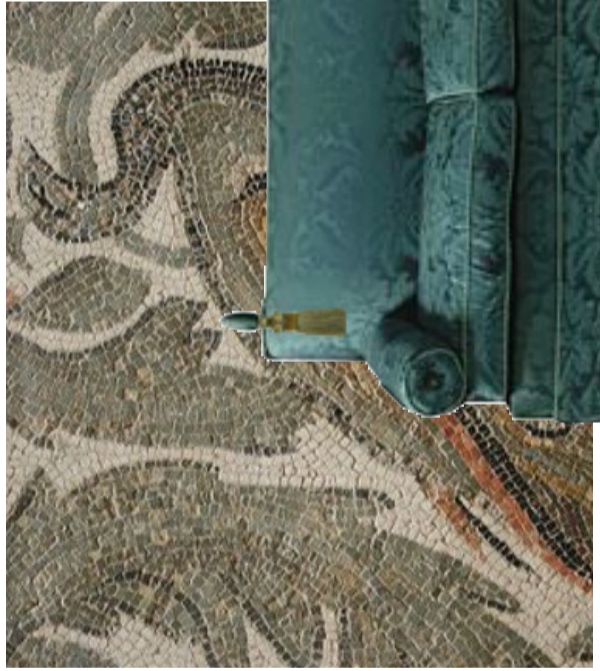
GREENERY



FEATURE DISPLAYS



MESH DETAIL



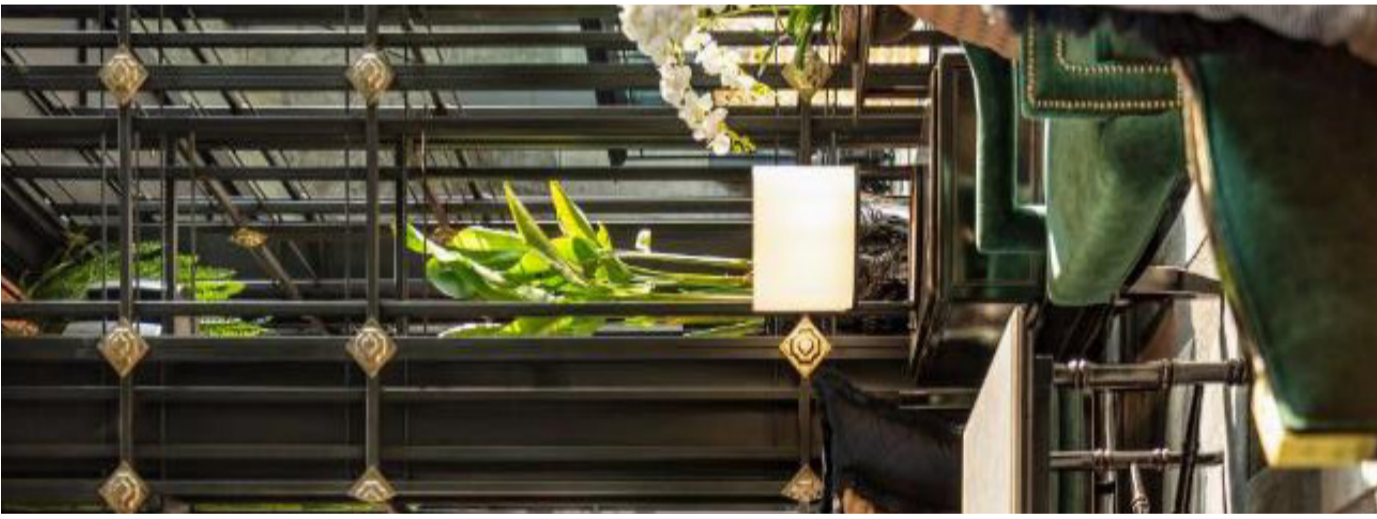
FIRST FLOOR - LOUNGE

CONCEPT

LOOK AND FEEL



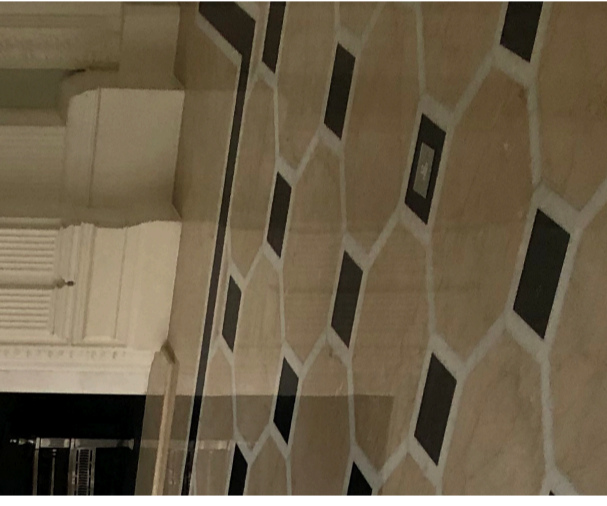
CAGE CONCEPT



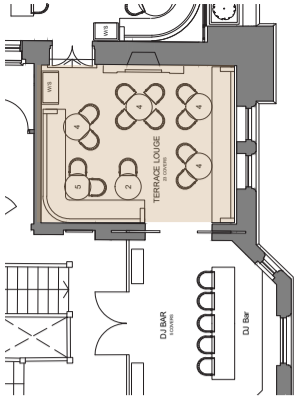
BANQUETTE SEATING



EXISTING FLOORING

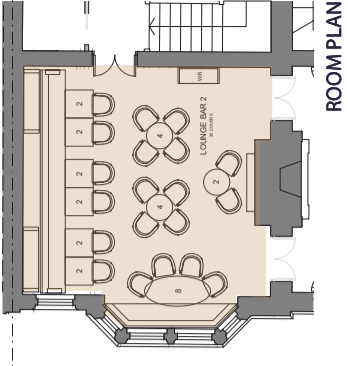


ROOM PLAN

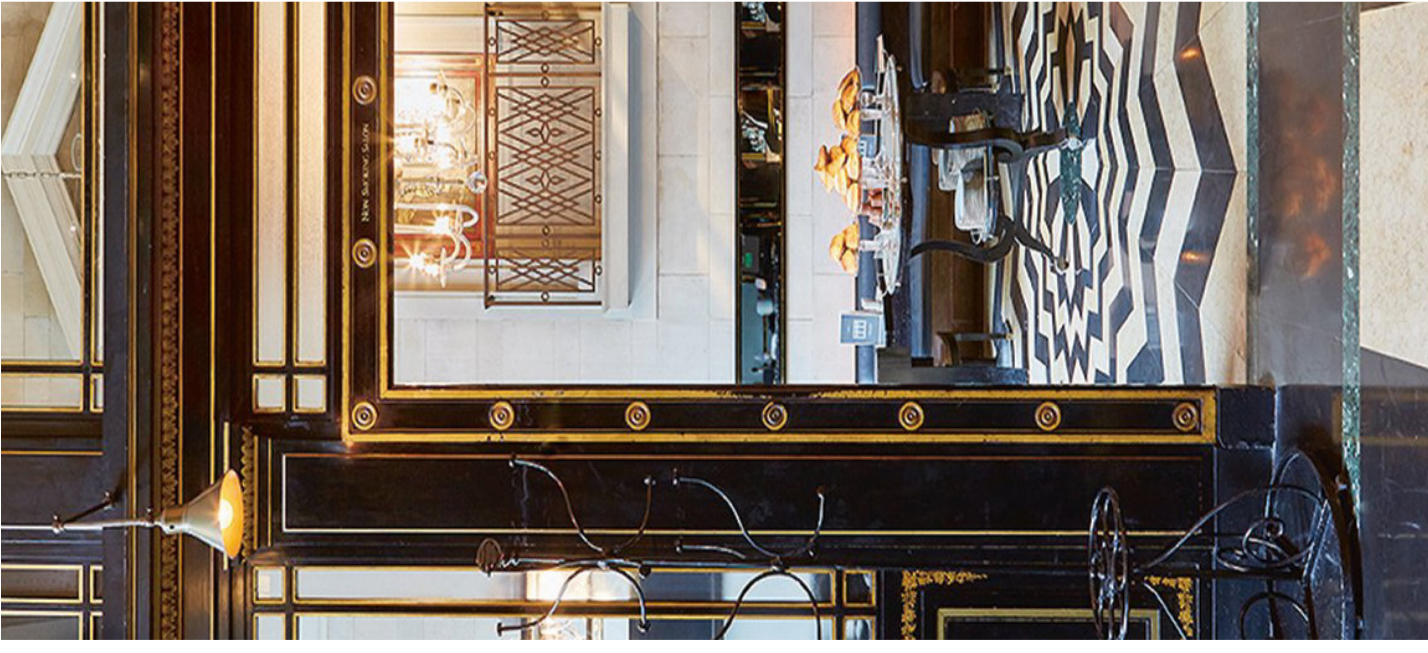


D E C O R A T I V E P A N E L L I N G

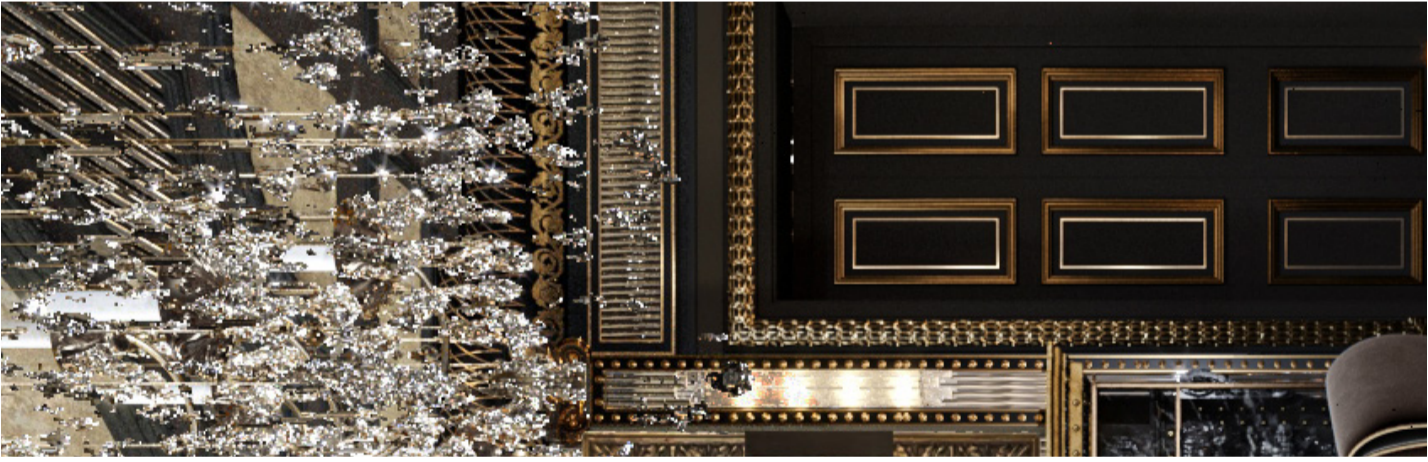
FIRST FLOOR - LOUNGE BAR
 21ST CENTURY EXPLORER - CONCEPT



LAYERED LOOK AND FEEL



TONES



BRASS INLAY STORIES TO FRONT BAR

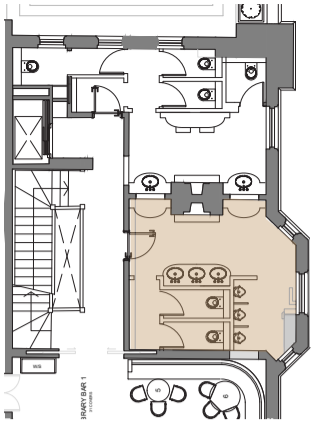
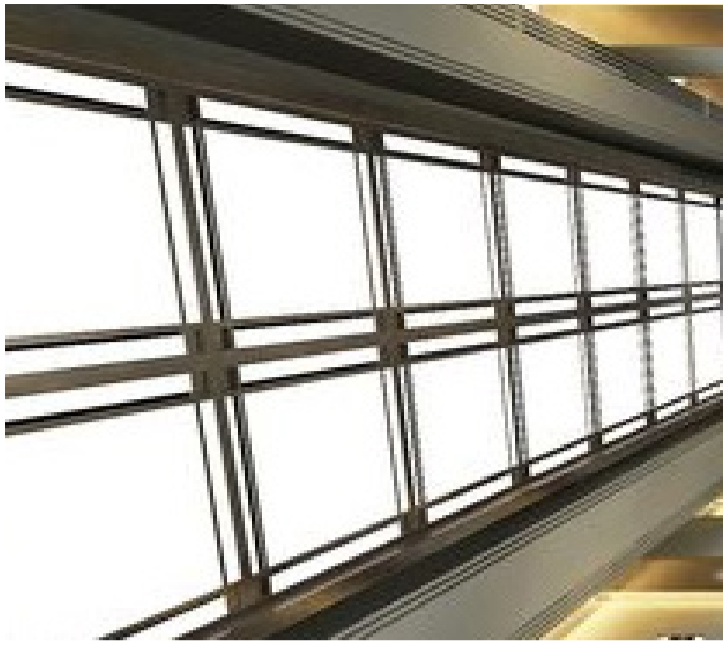
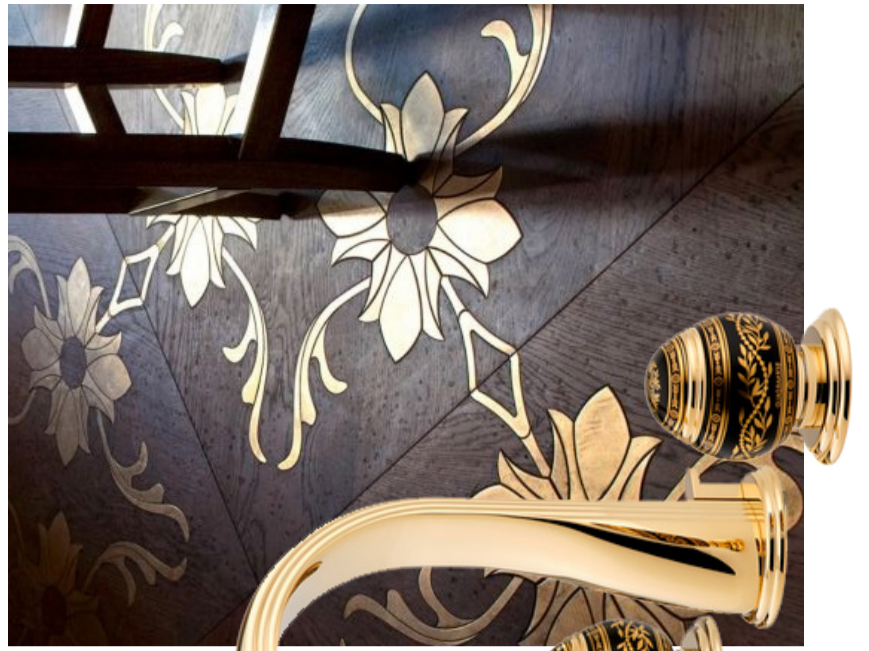
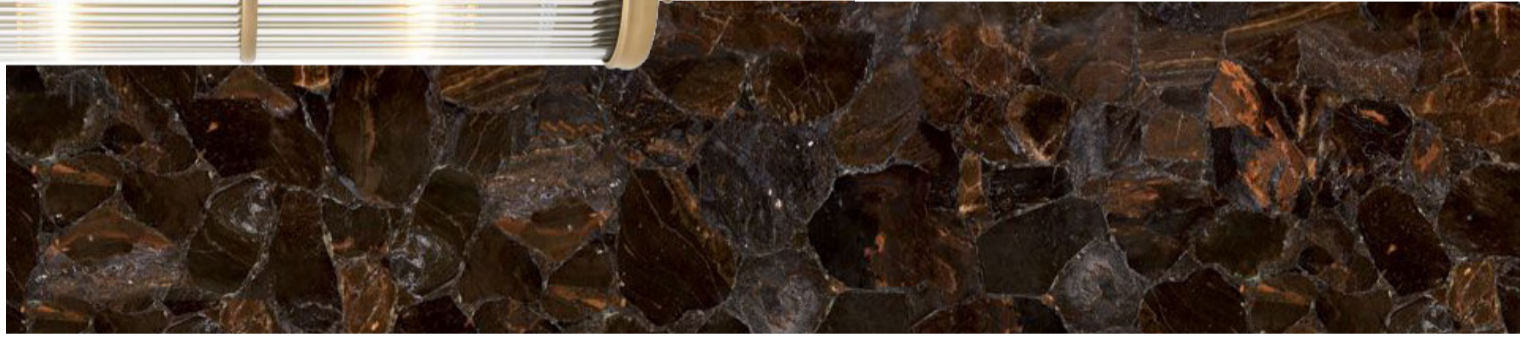


BACK BAR CONCEPT



SECOND FLOOR- MALE BATHROOM

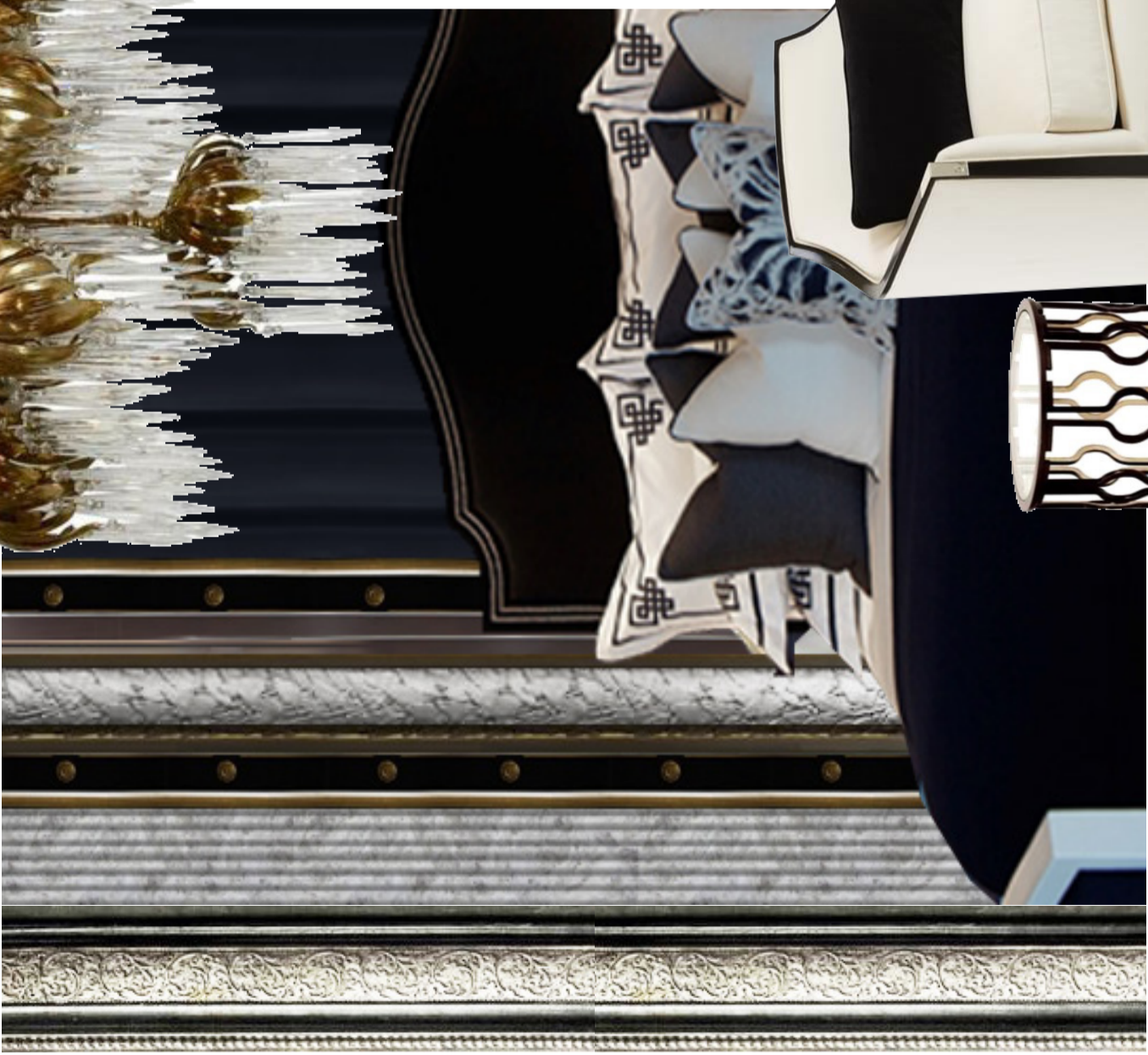
CONCEPT



THIRD FLOOR- BEDROOM SUITE 4

CONCEPT

HEADBOARD DESIGN



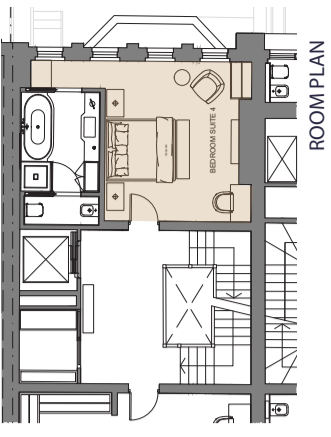
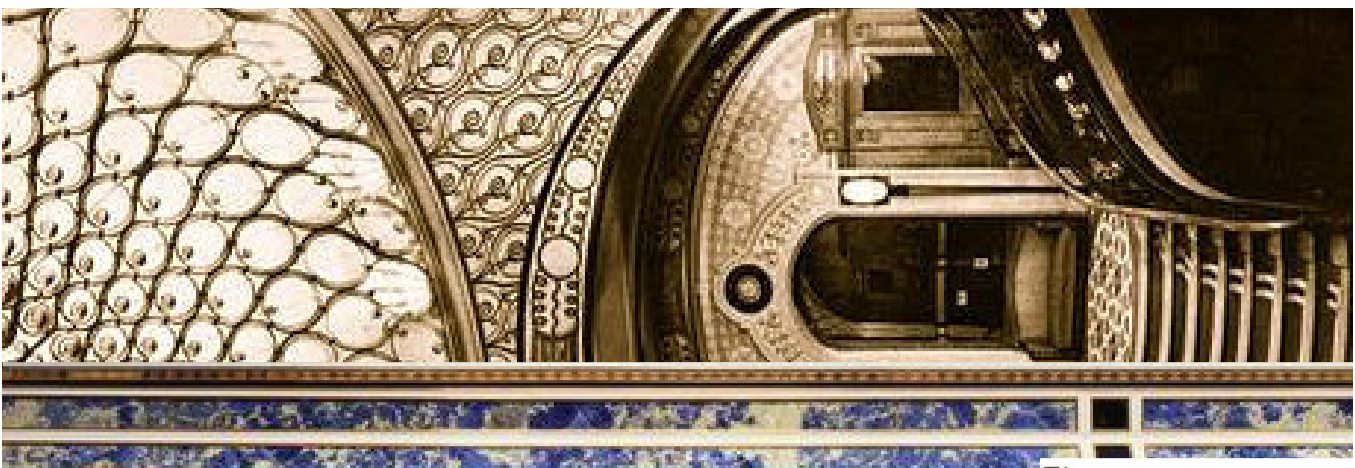
WALL DETAILS THROUGHOUT



WARDROBE DESIGN

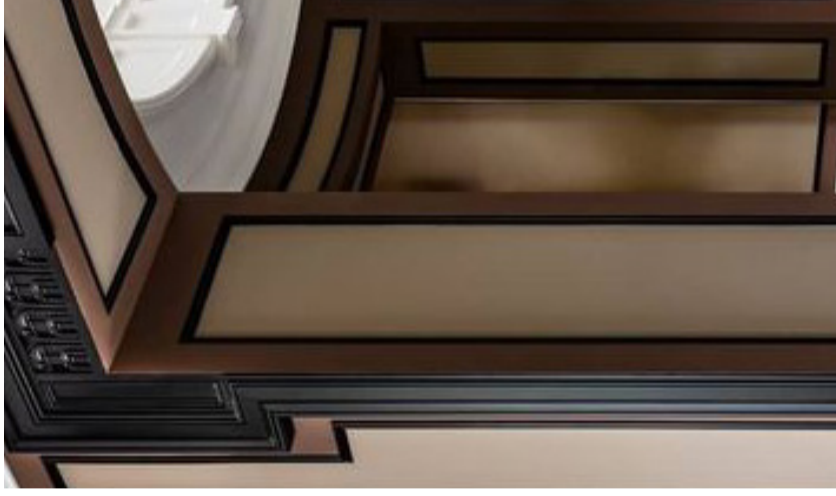


WALL EMBELLISHMENTS



FOURTH FLOOR - CLOAK ROOM

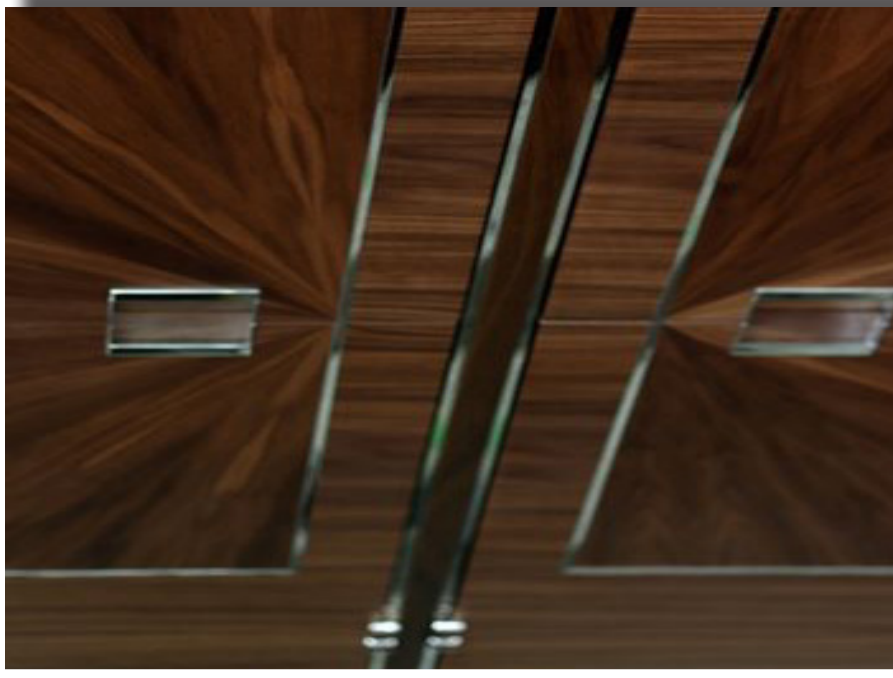
CONCEPT



RUG



WALL PANNELLING



TV UNIT



Submissions from [REDACTED] for interested parties (Hearing 27 October 2022)

Dear all,

I have been assisting [REDACTED] in respect of this application. I am representing [REDACTED] and a number of objectors at the hearing on Thursday 27th October.

These objectors are:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] has considered the content of the LSC Report, particularly the various reports produced by the applicant. He is surprised by and disagrees with a number of both the observations and conclusions therein. I attach a document where he has set out some of his comments in this regard. I may augment this at the hearing once we have considered the reports in more detail. In particular, [REDACTED] is seeking the comments of his own acoustic consultant on the acoustic report produced by the applicant and will revert with anything relevant.

Members will be aware that prior to the application being submitted the applicant withdrew a previous application for a premises licence at this site. That application was extremely wide in scope and, although it was withdrawn, the extensive nature of the activities and hours sought in that application have given rise to fears as to the longer-term intentions. Mr Trudel did attend the consultation referred to which was undertaken before submitting this application, and made his concerns clear.

The application site is sensitive. The nature and extent of the activities sought within the premises to the general public is unclear – there are a number of areas of the premises which could/would be used for licensable activities without this being specified in sufficient detail. Taken together, the capacities of these various areas mean that the impact of the application would reach far beyond that of a small, discreet, boutique hotel.

In any event, even if it were just the restaurant which was open for use by the public (i.e. non-residents of the hotel/guests of those residents), it is felt that the impact of this given the sensitive nature of the location would harm the licensing objectives.

I should be grateful if this email and attachments could be included in the Additional Documentation.

Kind regards,

[REDACTED]
[REDACTED]
[Licensing Advice Project](#)
[Citizens Advice Westminster](#)

Attachment to correspondence from [REDACTED]

Report of Dr Hadfield:

5.11 The immediately neighbouring terraced property on Park Street is occupied by business offices. It was clear from my inspection that the immediate area comprises a mixture of residential and office uses. There were signs of residential use at Fountain House and in some of the Park Street and Aldford Street properties and on Rex Place. However, there was no indication that this was a highly populated residential area. On the night of my visit many of the properties were in darkness, there were few lights on in surrounding buildings. The movement of people into and out of property entrances was almost zero. There was essentially no 'street life', with very little pedestrian flow at any time of the night and only limited movement of vehicles. This lack of activity, even apparently within buildings, I found surprising; it did not match what I often see in other areas of the West End such as Marylebone and Fitzrovia in which large numbers of full-time residencies are quite apparent.

Resident comment:

It is very surprising that Dr Hadfield feels able to state that 'there was no indication that this was a highly populated residential area'. My property is recently refurbished for the use of me and my family. Fountain House has over 100 residential apartments. There is other residential accommodation in the immediate vicinity. Indeed, the Committee Report states gives the residential count as 129. In contrast to this, there is a single licensed premises within 75m of the premises – a petrol station.

This is why the neighbourhood is so highly sought after as a residential area. It is quiet and has very little commercial traffic and residents can enjoy peace and quiet. This is not a negative aspect of the area. If you are trying to bring noise and traffic in the neighbourhood by granting an alcohol license you are changing and destroying the charm of this area. The point seems to be 'its quiet and therefore we should introduce large volume of traffic to change that', which is illogical. The area does not have the right infrastructure to sustain increase traffic and cars. It is bound to result in nuisance.

Report of Dr Hadfield:

5.16 The premises on Park Lane are all strongly marketed towards international visitors to London. Access to their facilities is directly onto Park Lane, having no discernible impact on the streets of Mayfair to the east of this main thoroughfare. Photograph 10 in Appendix 1 shows the line of chauffeur driven vehicles waiting outside The Dorchester on Park Lane, near the entrance to The Ballroom. No activity from Black Cabs or PHVs was seen outside these facilities.

Resident comment:

This is precisely the problem that we will have. There will be Chauffeur driven cars waiting on Park Street, Aldford Street and on Rex Place. These chauffeur driven cars will create pollution and waiting chauffeurs will gather and create noise pollution (this is visible on the photos that they have provided in the report). I have attached photos of the 3 streets around 14 Park Street and you can see that these streets are very narrow and not meant for heavy traffic (unlike Park lane). This is what creates the charm and maintains the residential nature of Park Street and Aldford Street. It will create a nightmare for residents to park and to circulate around the neighbourhood given the additional traffic created, but more to the point will create additional nuisance for residents (horns honking, doors slamming etc). They describe themselves as a 6 star establishment and they will have an affluent clientele for the restaurant and for functions. This clientele is typically driven to their dinner destinations. It is completely unrealistic to expect that they will attend and leave on foot/by public transport.

Report of Dr Hadfield:

5.19 Even though the timing of my visit corresponded with very high numbers of visitors and licensed premises occupancy across Central London, the streets around 14-16 Park Street were quiet throughout the evening and night-time period. Nonetheless, this part of Mayfair is far from being a 'backwater'; there are a number of licensed premises operating discreetly to a small upmarket audience, bringing life to the area. Sensible comparisons would therefore be with upmarket urban residential areas in major cities, and not smaller, fundamentally 'quiet' locations outside of the cities, or in the suburbs.

Resident comment:

This is precisely why as residents we chose to live in this area. It is extremely quiet and a safe neighbourhood. Bringing a restaurant open to the public as well as, apparently, function areas and conference rooms, and alcohol will destroy the peace and charm of this area.

Report of Dr Hadfield

5.21 It is anticipated that a high proportion of the hotel's overnight guests will be international visitors to London who will not bring private vehicles. They are likely to arrive by taxi or chauffeur-driven vehicle. These vehicles will simply drop off and collect the guests before leaving the area either immediately, or following a short wait, and will not therefore add to the pressure on parking spaces.

Resident comment:

Park Street and the surrounding streets are all one way streets and they are very narrow streets. It will create a traffic bottle neck around the hotel. The clientele will not use public transportation as suggested in the report.

Report of Dr Hadfield:

5.28 Parking, vehicular access:

5.30 In relation to parking.

5.35 Bus services are available

6.4 I understand that the number of guest bedrooms is likely to be limited to no more than eight. Therefore, despite the high price tag of overnight stays, the sustainability of the 14-16 Park Lane business model relies heavily on the licensed offer that can be made to both its guests and to the broader customer base for its Ground Floor restaurant offer. Both the accommodation and restaurant markets are highly competitive and mobile, with hotels across Central London essentially competing for many of the same pool of patrons.

Resident comment:

The Business model will rely heavily on ensuring that the restaurant, bar and other areas for which the use is unclear work at full capacity. This is the only way that this hotel can work as there are limited number of guests. This will mean that they will have a high volume of restaurant/bar/'other' guests which will create huge traffic in the area. They also failed to mention how they will service the facilities. The premises will create a huge amount of rubbish requiring large bins and trucks to remove the rubbish. It will also require suppliers for the restaurant and the bar creating heavy traffic early in the morning in a quiet residential area. This will be very disturbing to the residents.

Report of Adrian Studd

20. The proposed hotel premises is modest in size and capacity with just eight double bedrooms over two floors and two small apartments on the top two floors. There is no provision for live music and there are other facilities for guests, such as the leisure pool and gym facilities, which highlight the premises as a 'home from home' rather than a destination restaurant or club.

Resident comment:

This report contradicts the previous expert report. Mr. Studd refers to the fact that it will be a quite modest in size hotel and therefore will not create a lot of noise. But in Dr Hadfield report he states (point 6.4) that the business model of the hotel requires outside guests for the restaurant and bar. Clearly it is their intention to promote the restaurant/other facilities to the maximum. This alcohol license is not for the hotel guests but simply to ensure that the restaurant/other areas work as an independent business and this is the problem. It will create a huge amount of noise, traffic, loitering and rubbish in the neighbour.

Acoustic report:

Resident comment:

I had an acoustic report done in July 2019 when I was renovating my house. My consultant is currently looking at both reports to see if there are any discrepancies. I will have some feedback shortly.

Other:

Page 117: A meeting was held with the owner of 20 Park Street on 17 June to discuss the proposals. Feedback was limited due to there being a surprisingly low turnout. However, those who did engage thanked the team for the consultation and said they were keen to see the details of the proposed conditions for both planning and licensing. They were pleased that the proposed hours of the restaurant were core hours. It was also understood why a hotel of this size would require a restaurant open to the public to be viable. It was also understood that the high quality and small size of the hotel would mean guests would behave accordingly.

As a result of the above consultation and sensitively reshaped terms, this Application has attracted a fraction of the Representations seen in the previous Application.

Resident comment:

This is inaccurate. I told them that I was against this project and believed that financially it would never work given the small number of rooms and that they were better off selling the property in its existing condition as a nice residential property.













Submissions from [REDACTED] for interested parties (Hearing 26th January 2023)

Thank you for forwarding the applicant's additional conditions produced following the adjournment of the hearing on 27 October.

That hearing was adjourned due to the 'inconsistency of the application' and so that the applicant can submit all the conditions that were proposed on behalf of the applicant during the course of the hearing.

We comment as follows.

General

The schedule produced confirms what amendments were made to the application during the hearing. It does not address the fundamental concerns which objectors have, which go beyond what could reasonably be resolved by tweaks to particular conditions but relates to the totality of the scope of the application, the nature of which is still unclear.

There was a brief discussion at the hearing on 27 October as to the planning application submitted by the applicant (ref: 22/04330/FULL) which sought to amend conditions 9 and 19 to allow for access by members of the public by appointment (condition 9) and to provide an extension of operational hours to 09:00 to 23:30 Monday to Thursday, 09:00 to 00:00 Friday and Saturday or 09:00 to 22:30 on Sundays (condition 19).

At that time, the planning application was pending. It has now been determined. The application was refused. The nature of the application and the reasons for refusal are highly pertinent to the licence application.

Comments on specific conditions

In red below:

- MC99 "*a copy of the dispersal policy shall be available on the premises for inspection*"
 - o Added at request of legal officer - 0:49:07.

The condition simply requires there to be a dispersal policy. It does not address the issues identified by objectors in respect of dispersal in connection with the proposed hours/activities/categories and numbers of people permitted to use the premises.

- "*The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 150 persons.*"

o This is agreed by the Applicant's barrister Mr Grant at 0:52:35.

This amounts to a modest reduction on the previously stipulated capacity but in any event it remains far too high for the location of the premises and its use as a small boutique hotel.

- "The number of persons on Ground Floor Terrace shall not exceed 14."

o This is agreed by the Applicant's barrister Mr Grant at 0:48:40, and confirmed at 3:21:29 in Mr Grant's closing submissions.

The terrace overlooks Mr Trudel's property which means that there is the likelihood of noise nuisance in addition to privacy issues from a total of 36 persons plus staff using the two terraces.

- "*Number of persons on the First Floor Terrace shall not exceed 22*"

o This is agreed by the Applicant's barrister Mr Grant at 0:48:47, and confirmed at 3:21:29 in Mr Grant's closing submissions.

The terrace over looks Mr Trudel's property which means that there is the likelihood of noise nuisance in addition to privacy issues from a total of 36 persons plus staff using the two terraces.

- "Residents' guests shall be limited to 6 per hotel room and the 2 Residential Apartments"

- o This is included within Mr Grant's closing submissions beginning at 3:21:29.

This means that, assuming there are 2 residents per hotel room and 4 residents per residential apartment, there could be 64 persons under the 'hotel room' leg of the condition and 20 under the 'residential apartment' leg of the condition. The vast majority of these 84 persons would leave the premises at some point in the early hours of the morning.

- "There shall be no more than 1 corporate event or function (excluding private dining), per day"

- o At 0:51:35, in response to the Members' desire to restrict the number of corporate events but identifying that "Private Dining is Fair" Gary Grant proposed the above condition.

The condition as drafted means that there can be unlimited events or functions, corporate or otherwise, as long as dining is involved.

It means that there can be up to 365 corporate event or function per year.

The impact of events/functions, corporate or otherwise, will go far beyond the impact one would expect of a small boutique hotel.

- "Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to 8 at any one time"

- o 0:43:10 – Proposed by Gary Grant, in response to questions from the Members as to whether the number of smokers can be controlled/limited. He explained that such was a "Common condition to limit number of smokers".

We agree that the numbers of smokers can and should be limited if a licence is granted, but question the number specified. It is also not clear where smokers would go.

- MC64 "No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day."

- o At 0:32:30, in response to the issue of deliveries to the Premises, the Committee Members asked "Can we put a timing on that". The Applicant stated "sure, we're not open for breakfast" and Gary Grant set out "So, No deliveries before 8am". This was then brought into line with the Model Condition.

Condition 11 on p147 of the LSC Report specified no deliveries after 5pm.

- • "The Gym and Spa shall only be used by hotel or apartment residents."

- o Proposed by Gary Grant at 1:01:35, to be added to the existing wording of proposed Condition 1. Further, In Gary Grant's closing submissions (commencing at 3:21:29) wording stating specifically that "members of the public are to be off the premises outside of Core Hours". This results in the following final wording: "Members of the public, who are not residents of the hotel or guests of residents, be off the premises and shall not have access to the hotel facilities (including the restaurant, bar and lounge areas, gym/spa, function rooms and conference facilities) outside of these hours: 09:00 to 23:30 Monday to Thursday, 09:00 to 00:00 Friday and Saturday or 09:00 to 22:30 on Sundays."

There is no substantive difference between the original and new condition which addresses the concerns about nuisance arising from the activities/hours/numbers.
There would still be significant numbers of non-residents permitted in the premises after core hours.

- *“The First Floor shall only be used during Core Hours by all persons, including members of the public, residents and apartment residents, and their guests.”*
- o Proposed at 3:17:42 by Gary Grant.

This does not reduce the significant numbers of non-residents permitted in the premises after core hours.

In response to the submissions of the Environmental Health Officer, at 3:21:29 Gary Grant listed the following additional conditions, as requested by the EHO:

- *“The licence holder shall use best endeavours to ensure guests remain inside the hotel while waiting for taxis or private hire vehicles”*

We are concerned as to the enforceability of a condition including the phrase ‘best endeavours’.

- *“The External Terraces on Ground and First Floor Shall not be used after 9pm by any persons.”*

The application included a condition that no customers are permitted on the terraces after 8.30pm. We assume that the new condition is not a replacement for this.

In any event, the terrace over looks Mr Trudel’s property which means that there is the likelihood of noise nuisance in addition to privacy issues from a total of 36 persons plus staff using the two terraces, regardless of what time use of the terraces ceases.

- *“MC35 No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 17.00 hours and 07.00 hours on the following day.”*
- o Please note at 0:48:00 – Comment by EHO that collection hours for Park Street are to 06:30 to 08:30.

No comment.

- *“The Licence Holder shall ensure that all glass bottles are crushed inside the Premises”*

No comment.

- Amend MC18 as follows: *“Alcohol consumed outside the premises building or on the external terraces at ground and first floor”*.

It is not clear where alcohol could be consumed outside the premises building apart from the external terraces?

In any event, the concerns previously expressed about use of the terraces remain as stated.

- Amend Proposed Condition 20 to become a modified MC44 *“Other than in hotel bedrooms (or the Residential Apartments) there shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.”*

No comment.

- Off Sales to be Removed.

No comment.

- MC14 *“All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons”*.

No comment.

- *“All External Lights on Ground and First Floor Terrace shall be turned off by 9pm save for emergencies”*.

See previous comments re: the terraces.

- “The Premises shall operate as a Hotel, being a premises that is primarily used as an establishment providing overnight accommodation for customers”.

We cannot see how this condition can be complied with, given the scope of the application in terms of activities/events/numbers. It is clear from the planning application decision that the Planning Authority agree, stating in the decision that:

‘The proposals would result in a use that would no longer have the primary characteristics of a residential hotel, and the main use would be more like an entertainment-type use for non-residents. In addition, it has not been demonstrated in the submission that the proposed use would not negatively impact upon the quality of the environment and surrounding residential amenity, and it would therefore be likely to be an un-neighbourly development.’

At 3:18:20 the Applicant agreed to exclude the back-of-house areas within the Basement, from the proposed Licence Plan. A copy of the Updated Basement Plan is attached to this memo, as is a copy of the Updated Ground Floor Plan that details the new names for the Sushi Kitchen and Sushi Lounge.

Noted.

[REDACTED]
("the Objector")

**SUBMISSIONS ON
UPDATED LICENCE CONDITIONS PROPOSED BY 14-16 PARK STREET
LIMITED
("the Applicant")**

Original Hearing: 27 October 2022
Adjourned Hearing: 26 January 2023

Introduction

1. [REDACTED] is the head-leasehold proprietor of [REDACTED] [REDACTED] (a dwelling house with its main entrance on Aldford Street, directly opposite the entrance to the application premises), [REDACTED] [REDACTED], a residential dwelling adjacent to the application premises. The application premises, although addressed at 14/16 Park Street, have a greater frontage in Aldford Street, as well as having the proposed front door directly opposite the front door of 5 Rex Place.
2. In the Applicant's written submissions for the hearing on 27 October 2022, the application for a new premises licence was made on the basis that the premises would be used as a boutique hotel of 8 bedrooms with a hotel restaurant of 48 covers¹. It was asserted that "importantly, for members of the public, the use of the hotel facilities, including the restaurant and bar, will be restricted to the modest core hours for hotels set out in Westminster's Licensing Policy [HRS1] namely: Monday-Thursday: 09:00-23:30; Friday- Saturday: 09:00-00:00; and Sunday: 09:00-22:30"², and that the Applicant relied

¹ Summary of Applicant's Submissions – Additional Information Pack Agenda Supplement p.5

² Summary of Applicant's Submissions – Additional Information Pack Agenda Supplement p.6

upon Hotels Policy [HOT1] in which a Hotel is defined³ “as a premises that is primarily used as an establishment providing overnight accommodation for customers”.

3. Before the hearing on 27 October, the Applicant provided a number of proposed conditions, of which Condition 5⁴ read:

Save for the provision of Licensable Activities to Residents of the Hotel and their Guests, or Residents of the Residential Apartments and their guests, The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery (except chopsticks), (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed, and resealed bottles of wine supplied ancillary to their meal.

4. The plans of the application premises⁵ show that apart from the restaurant of 48 covers on the ground floor and the accommodation on the second, third and fourth floors, the whole of the rest of the customer area is given over to function rooms, private dining rooms, conference rooms, and, in the plans submitted for the planning application, a “club lounge/cigar lounge” and private function/dining rooms. The “guest capacity” for these areas, including the restaurant, is given in the Operator’s Management Plan⁶ as 177.
5. In the planning permission granted on 11 May 2021 [20/07652/FULL], there were two significant conditions, namely condition 9:

Access to the hotel facilities (for example but not limited to: the bar, restaurant, gym/spa, conference facilities etc.) will be solely for residents and their guests, or guests of a pre-booked function held at the hotel. There will be no general access to the public.

Reason: To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

³ HOT1 C

⁴ Public Reports Pack – Appendix 2 p.21

⁵ Public Reports Pack – Appendix 1 p.14

⁶ Public Reports Pack p.120

And condition 19:

With the exception of staff, non-residents of the hotel shall not be permitted within the hotel use hereby approved before 07.00 or after 23.00 daily.

Reason: To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

6. The proposed operation of the premises as claimed in the Applicant's written submissions would be in breach of these conditions, let alone the operation of the premises which has now emerged.
7. There was a further planning application made in June 2022 for variation of conditions 9 & 19 [22/04330/FULL], namely to allow for access by members of the public by appointment (condition 9) and to provide an extension of operational hours to 09:00 to 23:30 Monday to Thursday, 09:00 to 00:00 Friday and Saturday or 09:00 to 22:30 on Sundays (condition 19). This application was refused by Westminster City Council on 2 November 2022, five days after the hearing on 27 October.
8. In the Representation of the Objector to the Licensing Sub-committee dated 2 August 2022⁷, it was stated:

From the terms of the application itself as well as proposed condition 5, the premises are said to be intended primarily for use as an 8-bedroom hotel, with 2 residential apartments, and a public restaurant. However, it can be gleaned from both this application and in documentation associated with an application for variation of the planning permission, that the proposed operation of the premises as a hotel and restaurant will include the use of the premises as a site for "pre-booked functions", "gatherings" and "social events", open for the provision of licensable activities, including the sale and supply of alcohol and recorded music, to an unlimited number of residents of the hotel or apartments and their "guests", for up to 24 hours a day.
9. At the hearing on 27 October 2022, following questions from the Licensing Sub-committee at 10.27am, the Applicant first suggested a capacity limit of 175 and it was then revealed that this capacity was for the provision of "corporate events", "birthday" parties, "functions", and other "social events" and "celebrations". It was apparent that the reference to "members of the public" being subject to core hours in the Applicant's written submissions (para.2 above), did not include up to 175 residents and their guests. It was also apparent that the wording of Proposed Condition 5(para.3 above), namely "Save for the provision of Licensable Activities to Residents of the Hotel and their Guests, or Residents of the Residential Apartments and their guests, the premises shall

⁷ Public Reports Pack p.6

only operate as a restaurant ...”, was referring to the intention to provide restaurant facilities to a maximum of 48 persons out of a possible 175.

New Proposed Conditions

10. In his closing address to the Licensing Sub-committee on 27 October, and after the objectors had closed their cases, counsel on behalf of the Applicant, Gary Grant, invited several conditions of which the principal ones were:
 - a. First floor to be restricted to core hours;
 - b. Basement club lounge area to be outside the licensed area;
 - c. Terraces on ground/first floor not to be used after 9pm;
 - d. Terraces capacities: Ground – 14, First – 22;
 - e. Maximum 60 staff;
 - f. Maximum 6 guests per room/apartment, apparently =60;

11. Earlier, Gary Grant, in response to Ian Watson of Environmental Health had offered:
 - g. The Premises shall operate as a Hotel, being a premises that is primarily used as an establishment providing overnight accommodation for customers

12. The Schedule of Conditions provided by the Applicant since the hearing on 27 October adds nothing more.

13. None of these new conditions was offered in the Proposed Conditions⁸ provided to potential representors/objectors in the consultation period or the Licensing Sub-committee prior to the hearing on 27 October.

Submissions

14. It is clear that the Applicant has sought the grant of a new premises licence on the basis that the intention was to provide only a small boutique hotel of 8 rooms and 2 apartments with a public restaurant for 48 covers, operating inside core hours. The true intention was to provide a venue for social and corporate functions, entertainment and events for up to 365 days a year for up to 175 persons (not including staff of 60) with unlimited/all day

⁸ Public Reports Pack – Appendix 2 p.21

and night permitted hours throughout the premises, including the bedrooms and the two apartments.

15. The new proposed conditions, were a premises licence subject to them be granted, would provide a venue for social and corporate functions, entertainment and events for up to 365 days a year for up to 150 persons (not including staff of 60) with unlimited/all day and night permitted hours in the basement, the whole of the ground floor, as well as the bedrooms and the two apartments, with core hours (including up to midnight on Fridays/Saturdays) only applicable to the first floor.

16. Certainly, the combination of:

(i) The proposed licensable activities and hours in the Application of “24 Hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests”⁹;

(ii) Proposed Condition 5 (para.3 above), which provides that “*Save for the provision of Licensable Activities to Residents of the Hotel and their Guests, or Residents of the Residential Apartments and their guests, The premises shall only operate as a restaurant ...*”, and;

(iii) the new proposed condition of 6 guests per room/apartment (para.10 f. above)

means that, if a licence were granted, the premises could operate as licensed premises with licensable activities, including the sale of alcohol, provided to up to 80 persons (20 residents + 60 guests) for 24 hours a day, 365 days of the year.

17. The licence if granted would result in the coming and going of up to 210 persons (150 capacity + 60 staff) every day, and throughout the day and night, 365 days of the year.

18. Whilst Planning and Licensing are separate jurisdictions and the lack of planning permission is not a reason of itself to refuse a licensing application, the position is that the planning permission that has been granted in respect of these premises [20/07652/FULL] has conditions (which were invited by the Applicant) which would not allow the present proposed operation of the premises as a hotel with a public restaurant with the proposed permitted hours. The conditions were imposed to prevent public and noise nuisance to local residents. Furthermore, an application [22/04330/FULL] to vary those conditions (9 & 19) has been refused since the hearing on 27 October.

⁹ Application para. 1-B Public Reports Pack p.2

19. The Applicant has attempted to mislead the Sub-committee as to the true nature of the intended operation of these premises. These premises are not intended to be operated as an 8 room boutique hotel with a small public restaurant of 48 covers. They are intended to be operated, were a licence to be granted under these latest proposed conditions, as a venue for social and corporate functions, entertainment and events for up to 365 days a year for up to 150 persons plus a staff of 60, with unlimited permitted hours for the sale of alcohol and other licensable activities in substantial parts of the premises.

[REDACTED]

[REDACTED]

[REDACTED]

13 December 2022



Your ref: 14/16 Park Street - Variation...
My ref: 22/04330/FULL

Please reply to: Adam Jones
Tel No: 07779431391
Email: centralplanningteam@westminster.gov.uk

[Redacted]

Town Planning & Building Control
Westminster City Council
PO Box 732
Redhill, RH1 9FL

2 November 2022

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990
REFUSAL OF PERMISSION TO DEVELOP**

The City Council has considered your application and REFUSES to permit the development referred to below as shown on the plans submitted.

Your attention is drawn to the Applicant's Rights.

SCHEDULE

Application No: 22/04330/FULL

Application Date:

Date Received: 30.06.2022

Date Amended: 30.06.2022

Plan Nos: Application Form ; Letter from Montague Evans, dated 22 June 2022, titled "14 and 16 Park Street, London W1K 2HY, Town and Country Planning Act 1990, Application Under S.73 Vary Planning Permission 20/07652/FULL"

Address: 14 Park Street, London, W1K 2HY,

Proposal: Variation of conditions 9 & 19 of planning permission dated 11th May 2021 (RN: 20/07652/FULL) for the Use of basement, ground, 1st, 2nd and 3rd floors as a hotel (including conference and private dining facilities) (Class C1) and use of 4th and 5th floors as two self-contained flats (Class C3), re-configuration of steel staircase linking the basement to the pavement fronting Aldford Street, installation of 2x air condenser units in lower ground lightwell on Aldford Street elevation, and associated works. NAMELY, to allow for access by members of the public by appointment (condition 9) and to provide an extension of operational hours to 09:00 to 23:30 Monday to Thursday, 09:00 to 00:00 Friday and Saturday or 09:00 to 22:30 on Sundays (condition 19).

See next page for reasons for refusal.

Yours faithfully

[Redacted signature]

Director of Town Planning & Building Control

Reason(s) for Refusal:

1 The proposed opening hours of the hotel and the proposed unregulated public access would add to existing late-night activity and disturbance in this part of the city. This would harm:

- the character and function of the area;
- the quality of the area's environment; and
- the amenity (including the general quality of the living and working environment) of the community in the area, including residents.

This is as set out in Policies 7, 15, 16 and 33 of the City Plan 2019 - 2040 (April 2021) as well as Policy MRU1 of the Mayfair Neighbourhood Plan 2018 - 2038 (December 2019).

2 The proposals would result in a use that would no longer have the primary characteristics of a residential hotel, and the main use would be more like an entertainment-type use for non-residents. In addition, it has not been demonstrated in the submission that the proposed use would not negatively impact upon the quality of the environment and surrounding residential amenity, and it would therefore be likely to be an un-neighbourly development. The use may therefore be contrary to Policies 7, 14, 15, 16 and 33 of the City Plan 2019 - 2040 (April 2021), as well as Policy MRU1 of the Mayfair Neighbourhood Plan 2018 - 2038 (December 2019).

3 Insufficient information has been submitted to demonstrate that the proposals would not lead to an increase in visitor journeys to the site by motor vehicle, which would increase demand on the public highway and discourage the use of more sustainable and active transport modes. Your application has not demonstrated how the increased visitation to the site would impact on the surrounding highway network. This would not meet Policy 24 of the City Plan 2019 - 2040 (April 2021).

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

Should you consider that the points of objections raised by neighbours as well as those concerns raised in the Officers Report and Reasons for Refusal of this planning application

Note:

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



can be overcome, you may consider the submission of a fresh application incorporating the material amendments set out below which may overcome the reasons for objection/refusal (subject to consultation responses and other material considerations at the time of any future application).

Suggested amendments:

- Clearly demonstrate that the use as proposed would fall squarely within the approved hotel use,
- Clearly demonstrate the amending of conditions would not negatively impact upon the quality of the environment, would not negatively impact residential amenity, and would be a neighbourly development,
- Clearly demonstrate that the amended wording of the conditions would not add to existing late-night activity and disturbance in this part of the city, and
- Clearly demonstrate that the increase in visitor journeys to the site would not increase demand on the public highway and how the use of sustainable and active transport modes would not be discouraged.

- 2 Should it be the case that the proposed use is no longer a hotel, this would alter the approved use listed in the description of development. Changing the use in the description of development (or altering the description of development in any other way) through an application under Section 73 of the TCPA would be contrary to the conclusions of *Finney v Welsh Ministers* [2019].

Should a new use now be proposed at the application site, you would need to submit an entirely new planning application (and associated Listed Building Consent should internal/external works differ).

Note:

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





City of Westminster

TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Applicant's Rights and General Information

1. Applicant's Rights (refusals and conditional approvals)

a) *Appeals to the Planning Inspectorate*

If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The time limits for submitting an appeal may vary. The period after the date of the City Council's decision within which an appeal must be received by the Secretary of State is:

- **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- **8 weeks** in the case of an appeal against refusal of advertisement consent.
- **12 weeks** in the case of appeals made under s78(1) against refusal of any 'householder application' – that is,
 - refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house.
 - Refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.
 - Refusal of prior approvals relating to dwelling houses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.
- **12 weeks** in the case of 'minor commercial applications that is,
 - refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
 - Interested parties have no right to comment on an appeal with regards to a minor commercial development (specifically a shopfront).
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building consent application. The 6 month time limit also applies to any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

With immediate effect, prospective appellants requesting an inquiry into their appeal must

Note:

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



notify the Local Planning Authority and Planning Inspectorate at least 10 days prior to appeal submission.

If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development.

The Planning Inspectorate has an online appeals service: <https://www.gov.uk/planning-inspectorate>
The Inspectorate will publish details of your appeal on the internet. This may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. Alternatively, you can obtain a form from the **Customer Support Team, Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 444 5000**. An extension of time for lodging an appeal is unlikely to be granted except in special circumstances. There is a guide and other useful advice about appeals on line at <https://www.gov.uk/appeal-planning-decision>

APPROVAL OF DETAILS:

If your application has been granted and is subject to the approval of details reserved by condition please use the form 'Application For Approval Of Details Reserved By Condition' in order to discharge the relevant details. This form can be downloaded from the City Council's web site at www.westminster.gov.uk/planning

b) Purchase Notices

In certain circumstances the owner of a property has the right to serve a Purchase Notice on the City Council or the Department for Communities and Local Government. A Notice may be served if, following a refusal or a conditional approval, the owner considers the land cannot be put to a reasonably beneficial use in either its existing state or through development which has or would be permitted. A Purchase Notice would require the City Council to purchase the owner's interest in the land in accordance with the relevant provisions of the Acts (Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

2. General information relating to all approvals

a) Other legislative requirements

This decision has been made by the City Council as the local planning authority. You are reminded of the need to comply with other relevant regulations and statutory provisions and respect the rights of other owners/occupiers provided by relevant property legislation.

Transportation: If your proposal involves works which affect the public highway you should consult the City Council as Highways Authority. This includes works to, over or below any carriageway, footway or public forecourt. You should contact the Highways Planning Team by email highwaysplanning@westminster.gov.uk or telephone 020 7641 3326. If your proposal is related to paving works and/or is associated with an agreement under Section 106 of the Town and Country Planning Act 1990 please telephone: 020 7641 2920.

Highways Licensing: For general enquiries about temporary structures on the highway, such as

Note:

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



hoardings, skips, the excavation and storage of materials on the highways, please telephone 020 761 2000.

Building Control: You are advised to contact Westminster District Surveyors immediately to find out whether your proposal will require consent under the Building Regulations: Tel: 020 7641 6500 Email :districtsurveyors@westminster.gov.uk.

Building Regulation forms and further information is available on the Council's web site: <http://www.westminster.gov.uk/services/environment/landandpremises/buildings/forms/>

Land Drainage: Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court ,2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX Tel: 03708 506 506 or email:enquiries@environment-agency.gov.uk.

b) Provision of access and facilities for disabled people

Designing new buildings and adapting existing buildings to meet the needs of people with disabilities results in a safer and more convenient environment for all. General advice is available from planning and building control officers who can also direct you to appropriate sources of technical/specialist advice.

Note:

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



There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

less in a manner which carries a significant risk of undermining a licensing objective;

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

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

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

Conditions consistent with the operating schedule.

9. ~~Members of the public, who are not residents of the hotel or guests of residents, shall not have access to the hotel facilities (including the restaurant, bar and lounge areas, gym/spa, function rooms and conference facilities) outside of these hours: 09:00 to 23:30 Monday to Thursday, 09:00 to 00:00 Friday and Saturday or 09:00 to 22:30 on Sundays.~~

Condition 9 has been amended to read as follows:

9. Members of the public, who are not residents of the hotel or guests of residents, be off the premises and shall not have access to the hotel facilities (including the restaurant, bar and lounge areas, gym/spa, function rooms and conference facilities) outside of these hours: 09:00 to 23:30 Monday to Thursday, 09:00 to 00:00 Friday and Saturday or 09:00 to 22:30 on Sundays.
10. The two external terraces may only be used by residents of the hotel and their guests, or guests of a pre-booked function held at the hotel, between the hours of 08:00-20:30 daily.
11. Deliveries and servicing (including waste collections) for the hotel use will only be between 07:00-09:00 and 15:00-17:00 Monday - Saturday.
12. 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.
13. Save for the provision of Licensable Activities to Residents of the Hotel and their Guests, or Residents of the Residential Apartments and their guests; The premises shall only operate as a restaurant
- (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery (except chopsticks),
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- Notwithstanding this condition customers are permitted to take from the premises part consumed, and resealed bottles of wine supplied ancillary to their meal.
14. During the hours of operation, 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.
15. 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.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.

17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
18. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
20. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
22. 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.
23. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental health Services and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the Environmental health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
24. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
25. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
26. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

27. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received concerning crime and disorder;
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any refusal of sale of alcohol.
28. ~~There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.~~

Condition 28 has been amended to read as follows:

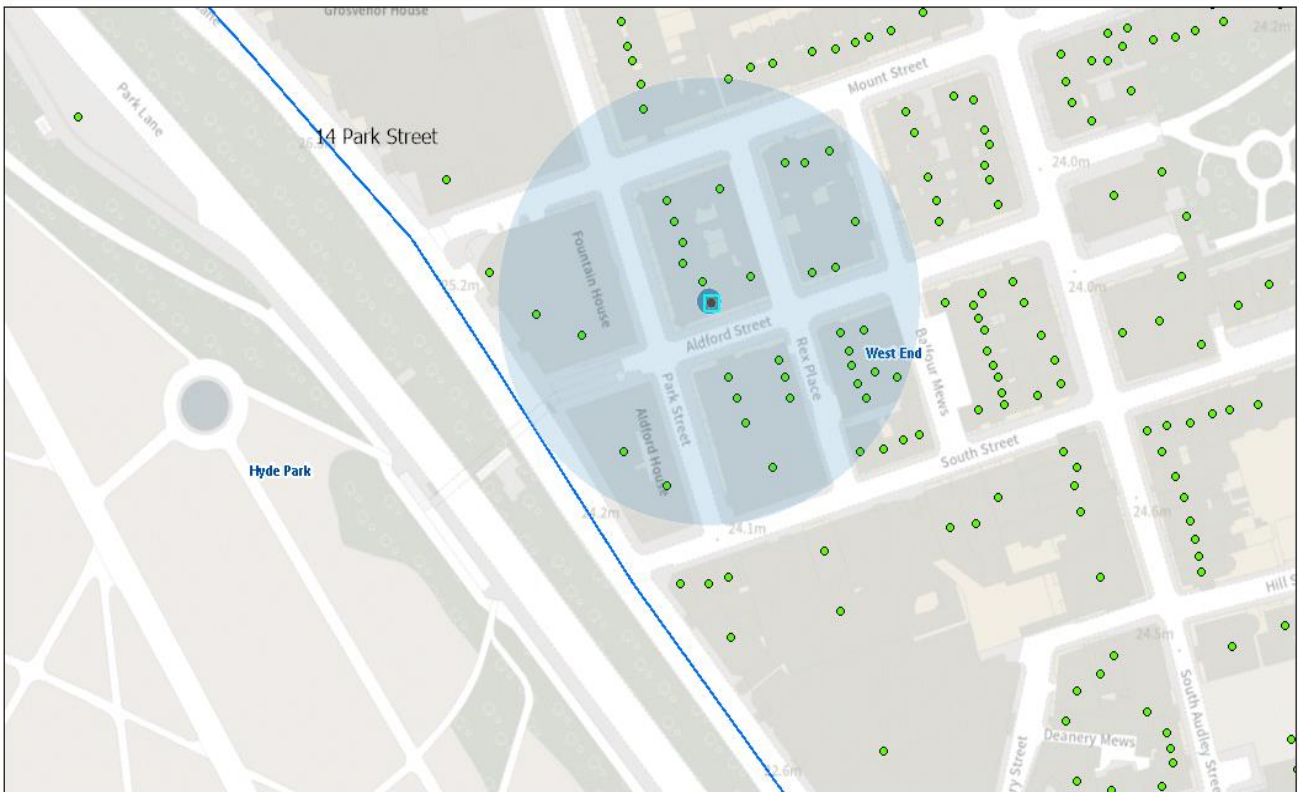
28. Other than in hotel bedrooms (or the Residential Apartments) there shall be no striptease or nudity, and all persons shall be decently attired at all times, except when
29. A challenge 25 proof of age scheme shall be operated at the premise where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or proof of age card with the PASS hologram.
30. 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.
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
34. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
35. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

Additional Conditions proposed following the adjournment

36. A copy of the dispersal policy shall be available on the premises for inspection.
37. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 150 persons.
38. The number of persons on Ground Floor Terrace shall not exceed 14.
39. Number of persons on the First Floor Terrace shall not exceed 22.
40. Residents' guests shall be limited to 6 per hotel room and the 2 Residential Apartments.
41. There shall be no more than 1 corporate event or function (excluding private dining), per day.

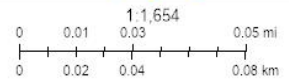
42. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to 8 at any one time.
43. No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day.
44. The First Floor shall only be used during Core Hours by all persons, including members of the public, residents and apartment residents, and their guests.
45. The licence holder shall use best endeavours to ensure guests remain inside the hotel while waiting for taxis or private hire vehicles.
46. The External Terraces on Ground and First Floor Shall not be used after 9pm by any persons.
47. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 17.00 hours and 07.00 hours on the following day.
48. The Licence Holder shall ensure that all glass bottles are crushed inside the Premises.
49. Alcohol consumed outside the premises building or on the external terraces at ground and first floor.
50. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
51. All External Lights on Ground and First Floor Terrace shall be turned off by 9pm save for emergencies.
52. The Premises shall operate as a Hotel, being a premises that is primarily used as an establishment providing overnight accommodation for customers.
53. No licensable activities shall take place at the premises until the Environmental Health Consultation Team has determined the capacity of the premises and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.
54. Before the premises open to the public, the plans as deposited will be checked by the Environmental health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
55. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team.

14 Park Street London W1K 2HY



13/10/2022, 11:55:15

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



Resident Count 129

Licenced Premises within 75 metres of 14 Park Street, London W1K 2HY				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/03229/LIPT	Malthurst Park Lane	83 Park Lane London W1K 7HB	Petrol filling station	Monday to Sunday; 00:00 - 00:00

This page is intentionally left blank