

Licensing Sub-Committee Report

Item No:	
Date:	9 January 2020
Licensing Ref No:	19/14847/LIPN - New Premises Licence
Title of Report:	8 Baker Street London W1U 3AA
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 020 7641 8094 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	12 November 2019		
Applicant:	10 Portman Square Trustees No.1 And No.2 Limited		
Premises address:	8 Baker Street London W1U 3AA	Ward:	Marylebone High Street
		Cumulative Impact Area:	
Premises description:	According to the application form the application is to reinstate a lapsed premises licence, licence number 16/09070/LIPDPS, on the same terms as previously permitted.		
Premises licence history:	The premises have previously held a premises licence, licence number 16/09070/LIPDPS. This licence lapsed in June 2019 when the licence holder, EK Baker St Limited, went in to liquidation. A copy of the previous premises licence is attached as Appendix 2 of this report. A full licence history for the premises appears at Appendix 3.		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:		Sunday Immediately Prior to Bank Holidays 23:00 to 00:00. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		Sunday Immediately Prior to Bank Holidays 12:00 to 00:00. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	06:30	06:30	06:30	06:30	06:30	06:30	06:30
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		Sunday Immediately Prior to Bank Holidays 06:30 to 00:00. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day					
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ian Watson
Received:	5 December 2019
<p>I refer to the application for a New Premises Licence for the above premises.</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 between 10.00 and 23.30 hours, Friday Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 22.30 hours. Sunday before Bank Holiday 12.00 to 00.00 hours, New Year's Eve to New Year's Day. 2. To provide Late Night Refreshment 'Indoors' Monday to Thursday 23.00 to 23.30 hours and Friday and Saturday 23.00 to 00.00 hours. Sunday before Bank Holiday 23.00 to 00.00 hours, New Year's Eve to New Year's Day <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. <p>The applicant has provided additional information with the application which is being considered.</p>	
Responsible Authority:	Metropolitan Police Service (<i>Withdrawn 5 December 2019</i>)
Representative:	Dave Morgan
Received:	22 November 2019
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application on the basis that it is our belief that if the application is granted, it would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>Police request the following condition to be added – There shall be no sales of alcohol for consumption off the premises after (23.00).</p> <p>Once you have agreed to amend the operating schedule to include the above, the Police representation will be reconsidered.</p> <p>Following agreement of the proposed condition, the Metropolitan Police withdrew their representation on 5 December 2019</p>	

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	25 November 2019
<p>I would like to make a representation regarding application no: 19/14847/LIPN. 8 Bakers Street.</p> <p>I gather the application wishes to extend opening hours on serving alcohol until 23:30 midweek and midnight on the Sunday before a bank holiday.</p> <p>I live in the mews behind, with a young family and I along with a few other residents will object to this. We fear that with the extended opening times of whatever premises is allowed to open (assume a restaurant - but the application is unclear; indeed Karen in the Licensing team was unable clarify what type of establishment is to be opened) then there will be noise from the cleaning / clearing up - during and after hours. There is already noise late into the evening such as banging glass after Co-Op closes and with the extended hours this will continue much later.</p> <p>Will you be changing the allowable opening times of the loading bay at the back of their building - which directly affects us?</p> <p>I would like to add some further documents and concerns to the above application, if I may.</p> <p>Attached are various planning authority documents in relation to the loading bay at the back of 10 Portman Square (formerly 2-14 Baker Street). I live in Bakers Mews and traffic effects my living condition. Throughout the documents it states that there are on average 40+ deliveries per day and that deliveries have to be made between the hours of 07:30 and 19:00. Currently the loading bay is closed from 19:00 every evening and is opened at 07:30 every morning, meaning that no deliveries can be made during those hours, i.e. evening to morning.</p> <p>Ultimately, I am not too concerned about the terminal hour for the premises changing to 23:30. Indeed my understanding is that Waitrose (when there) was allowed to open until 23:00, but choose to close at 22:00. Co-Op currently closes at 22:00, too.</p> <p>My concern is that the licensing application will inadvertently change the already enforced rule (and planning rule) that states loading/ deliveries can only be made up to 19:00. I do not wish for this to happen and will be very concerned if it does. It will cause a noise pollution and a nuisance to my family and the residents in the street.</p> <p>The servicing condition cannot be changed to 23:00 and as such I would strongly be in favour of the pre-existing condition to remain at 19:00. There are residents on the street with young children. Bakers Mews is quiet in the evening; there are no fumes from articulated lorries and delivery drivers – and especially from those waiting to getting in the loading bay while a lorry is busy unloading (which happens throughout the day) and the noise associated with loading and unloading can be above acceptable levels - something I have had Westminster Noise Team to have to deal with (on a number of occasions).</p> <p>I would like the licence condition to reflect the current planning conditions on servicing - i.e. ensure the loading bay is closed for deliveries from 19:00 until 07:30. In previous representations the following seemed to suffice: "No deliveries to the premises shall take place between 23:00 and 07:00 on the following day save that this restriction does not apply to newspapers and magazines or diary or bakery products. No deliveries whatsoever shall take</p>	

place via the loading bay at the rear of the premises in Bakers Mews between 19:00 and 07:30 each day."

Attached are the various documents and the case reference number is: 14/05476/ADFULL.

Thank you and please can you acknowledge receipt. I am happy for anyone to contact me regarding this application [REDACTED]

3. Policy & Guidance

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

Policy HRS1 applies	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
Policy PB1 applies	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1

4. Equality Implications

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

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

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

5. Appendices

Appendix 1	Premises plans
Appendix 2	Premises Licence 16/09070/LIPDPS
Appendix 3	Documents submitted with interested party representation
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 020 7641 8094 Email: Kevin Jackaman@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	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service Representation	5 December 2019
5	Metropolitan Police Service Representation <i>(Withdrawn)</i>	22 November 2019
6	Interested Party Representation	25 November 2019



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Marylebone High
Street
UPRN: 100023463178

Premises licence

Regulation 33, 34

Premises licence number:

16/09070/LIPDPS

Original Reference:

16/02488/LIPN

Part 1 – Premises details

Postal address of premises:

Maison Kayser, Unit 2
8 Baker Street
London
W1U 3BS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00

Non-standard Timings: Sunday Immediately Prior to Bank Holidays 23:00 to 00:00.

Seasonal Details: From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Non-standard Timings: Sunday Immediately Prior to Bank Holidays 23:00 to 00:00.

Seasonal Details: From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

The opening hours of the premises:

Monday to Thursday:	06:30 to 23:30
Friday to Saturday:	06:30 to 00:00
Sunday:	06:30 to 22:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

EK Baker St Ltd
17-18 Aylesbury Street
London
EC1R 0DB

Registered number of holder, for example company number, charity number (where applicable)

09876928

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Mr Lionel Livet

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: LN/216001973
Licensing Authority: Metropolitan Borough of Wirral

Date: 17 January 2017

This licence has been authorised by Shannon Pring on behalf of the Director - Public Protection and Licensing.

Annex 1 – 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.

Annex 2 – Conditions consistent with the operating Schedule

9. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
10. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
11. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
12. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
13. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
14. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors or removed from the sales area so as to prevent access to the alcohol by both customers and staff.
15. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
16. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
17. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
18. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as delicatessen/café
19. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
20. The number of persons permitted in the premises at any one time (excluding staff and retail shoppers) shall not exceed (X) persons.(final figure to be determined on removal of works condition but shall not be more than 60 if there is no increase in the current sanitary accommodation).
21. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority on request. If there are minor layout changes during course of construction new plans shall deposited with the licensing authority when requesting removal of this condition.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
23. 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.

24. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
25. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
26. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time.
28. 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 entire 31 day period.
29. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
30. 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.
31. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
32. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

Attached



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: Marylebone High
Street
UPRN: 100023463178

Premises licence
summary

Regulation 33, 34

Premises licence number:

16/09070/LIPDPS

Part 1 – Premises details

Postal address of premises:

Maison Kayser, Unit 2
8 Baker Street
London
W1U 3BS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00

Non-standard Timings: Sunday Immediately Prior to Bank Holidays 23:00 to 00:00.

Seasonal Details: From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Sale by Retail of Alcohol

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

Non-standard Timings: Sunday Immediately Prior to Bank Holidays 23:00 to 00:00.

Seasonal Details: From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

The opening hours of the premises:

Monday to Thursday:	06:30 to 23:30
Friday to Saturday:	06:30 to 00:00
Sunday:	06:30 to 22:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

EK Baker St Ltd
17-18 Aylesbury Street
London
EC1R 0DB

Registered number of holder, for example company number, charity number (where applicable)

09876928

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mr Lionel Livet

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 17 January 2017

This licence has been authorised by Shannon Pring on behalf of the Director - Public Protection and Licensing.

Premises History**Appendix 3**

Application	Details of Application	Date Determined	Decision
16/02488/LIPN	New licence application	03.05.2016	Granted under delegated authority
16/09070/LIPDPS	Variation of DPS	17.01.2017	Granted under delegated authority (Licence lapsed June 2019)

There is no appeal history

Item No.

Variation of Conditions 20 and 23 of planning permission dated 16 March 2009 (08/10830) subject to a Non Material Amendment agreed on 1 June 2011 (11/03542/NMA) for redevelopment of 2-14 Baker Street to provide a mixed use development comprising retail (Class A1, A2 and A3) at part basement and part ground floor, offices (Class B1) at part basement, part ground and the upper seven floors. Plant at roof level and parking within basement: namely, to allow the use of Jura Limestone and to allow for minor material amendments to the terraces, rooftop plant and cleaning gantry (Application under Section 73).

Application Permitted 6 January 2012

Considerations:

The Servicing Management Plan is acceptable and the condition can be discharged.

Servicing is to take place via a loading bay located on Bakers Mews. It is estimated there will be 41 servicing trips made daily and 3 waste collections (a week). Servicing of the retail and restaurant units will take place between 07.30 and 23.00.

It is noted that the condition has been previously discharged on the 15.02.2013 but the condition on this restricted the servicing to between 07:30 - 23:00 Monday to Saturday. As the retail unit is now proposed to be open on Sundays permission is sought to extend the hours. It is also considered necessary to use slightly longer lorries than previously. This is considered acceptable subject to consultation.

Recommendation:

Grant approval of details.

Case Officer or Morning Meeting Officer: Matthew Giles	Date: 16 June 2014
Reason (if over 8/13 wk deadline):	

DRAFT DECISION LETTER

Address: 12 - 14 Baker Street, London, W1U 3BU,

Proposal: Approval of details pursuant to Condition 19 of planning permission dated 5 January 2012 (RN: 11/06469) for the variation of Conditions 20 and 23 of planning permission dated 16 March 2009 (08/10830) subject to a Non Material Amendment agreed on 1 June 2011 (11/03542/NMA) for redevelopment of 2-14 Baker Street to provide a mixed use development comprising retail (Class A1, A2 and A3) at part basement and part ground floor, offices (Class B1) at part basement, part ground and the upper seven floors. Plant at roof level and parking within basement: namely, to allow the use of Jura Limestone and to allow for minor material amendments to the terraces, rooftop plant and cleaning gantry (Application under Section 73); namely the submission of a Servicing Management Plan.

Plan Nos: Servicing Management Plan dated May 2014.

Case Officer: Ken Powell

Direct Tel. No. 020 7641 2927

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 All servicing must take place between the hours of 07.30 and 19.00. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

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



Your ref: NJB/NLR/J5326
My ref: 11/06469/FULL

Please reply to: Kathryn Moran
Tel No: 020 7641 5974
Email: centralplanningteam@westminster.gov.uk

Mrs Natalie Rowland
Gerald Eve
72 Welbeck Street
London
W1G 0AY

Development Planning
Westminster City Hall
64 Victoria Street
London SW1E 6QP

6th JANUARY 2012
CERTIFIED TRUE RECORDS OF
COUNCIL'S DECISION OF...

Dear Sir/Madam

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

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

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

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

SCHEDULE

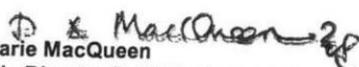
Application No:	11/06469/FULL	Application Date:	08.07.2011
Date Received:	11.07.2011	Date Amended:	11.07.2011
Plan Nos:	2361-JW-108 P04; 109 P03; 115 P03; 116 P03; 117 P03; 118 P04; 150 P05; 151 P05; 152 P06; 153 P05; 140 P04; 141 P05; 142 P04; 143 P0; Samples of Sandblasted Jura Bed 24 limestone; Mill Finished Standing Seam Roof profile;; Dichroic glass; High Performance Solar Control Double Glazing; Aluminium Eave Soffit Panel		

Address: 2-14 Baker Street, London, W1U 6RN,

Proposal: Variation of Conditions 20 and 23 of planning permission dated 16 March 2009 (08/10830) subject to a Non Material Amendment agreed on 1 June 2011 (11/03542/NMA) for redevelopment of 2-14 Baker Street to provide a mixed use development comprising retail (Class A1, A2 and A3) at part basement and part ground floor, offices (Class B1) at part basement, part ground and the upper seven floors. Plant at roof level and parking within basement: namely, to allow the use of Jura Limestone and to allow for minor material amendments to the terraces, rooftop plant and cleaning gantry (Application under Section 73).

See next page for conditions/reasons.

Yours faithfully


Rosemarie MacQueen
Strategic Director Built Environment

Condition(s):

- 1 You must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

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

Reason:

To protect the environment of neighbouring residents. This is as set out in CS28 and CS31 of our Core Strategy that we adopted in January 2011 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 2 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in CS31 of our Core Strategy that we adopted in January 2011, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 4 You must provide the waste store shown on drawing 2361-JW-109 P02 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the premises. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in CS43 of our Core Strategy that we adopted in January 2011 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 5 The storage area for bicycles shown on drawing No. 2115-0101 P06 shall be provided before any of the uses in the building commence and thereafter permanently maintained and made available to occupiers of the building.

Reason:

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

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6 No works shall commence on site until details have been submitted to and approved by us in writing as local authority of appropriate arrangements to secure the following:

i) The provision of 24 residential flats including five affordable housing units at 95-99 Baker Street and 4-6 Durweston Mews in accordance with planning permission dated 26 February 2009 RN: 08/10831/FULL;

ii) Public realm works in accordance with the SPG on Planning Obligations;

iii) CCTV in accordance with the SPG on Planning Obligations.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in CS32 of our Core Strategy that we adopted in January 2011 and in H4 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in CS40 of our Core Strategy that we adopted in January 2011 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

8 You must apply to us for approval of details of the proposed management of the car park via a traffic light system. The details must be approved by the City Council and then implemented prior to the occupation of the offices and retained thereafter.

Proposals must be contained within the property boundary of the developer.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in CS41 of our Core Strategy that we adopted in January 2011 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

9 The plant shall only operate at any time between the hours of 07.00 and 23.00 inclusive. If any plant is required to operate in night time hours (23.00-07.00) a supplementary acoustic report for individually specified plant items shall be submitted for our approval. As part of the approval the applicant must install an automated program / switch to ensure that only the specified plant items are able to run during night time hours (23.00-07.00).

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in CS31 of our Core Strategy that we adopted in January 2011 and ENV 6 and ENV 7 of

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our Unitary Development Plan that we adopted in January 2007.

- 10 There shall be no more than 490m² of Class A3 (Restaurant) floorspace within the completed development. This shall be primarily at basement level with an entrance at ground floor level on Baker Street.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 11 Prior to the occupation of the A3 units hereby approved, you must apply to us for approval of detailed drawings of the layouts of these units in plan form at a scale of 1:200.

Reason:

To ensure compliance with the City Council's policies as set out in TACE 8 of our Unitary Development Plan adopted in 2007.

- 12 Outside the following times, you must not open the Class A3 uses hereby approved to customers and you must not allow customers on the premises: between 0800 and 2400 hours Mondays to Saturdays and between 1000 and 2300 on Sundays.

Reason:

To protect the environment of people in neighbouring properties as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011 and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

To protect the environment of people in neighbouring properties as set out in ENV 5; ENV 6 and ENV 7 of our Unitary Development Plan adopted in 2007.

- 14 There shall be no more than 364m² of Class A2 floorspace within the completed development.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SS5 of our Unitary Development Plan adopted in 2007.

- 15 You must provide the environmental sustainability features outlined in your Environmental Performance Statement and Assessment of Energy Demand and Carbon Emissions before you start to use any part of the development, as set out in your application. You must not remove any of these features, unless we have given you our permission in writing.

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In particular, a total photovoltaic modules area of at least 150sq.m, should be installed on the building roof to deliver at least a 1% carbon emissions saving. The implementation of the ground source heat pumps should also follow the initial guidelines detailed in the energy strategy assessment of energy demand and carbon (Faber Maunsell and Caldwell Consulting 2 December 2008) which set out at least a 4% carbon saving from this technology.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in CS39 or CS27, or both, of our Core Strategy that we adopted in January 2011. (R44AC)

- 16 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development 2

- a. Typical facade bays at all floor levels, including the roof
- b. Shopfronts
- c. Ground floor entrances
- d. Service bay doors
- e. Public art

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in CS27 of our Core Strategy that we adopted in January 2011 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 17 You must apply to us for approval of samples of all facing materials including glazing. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these samples

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in CS27 of our Core Strategy that we adopted in January 2011 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

Because these would harm the appearance of the building, and would not meet CS24 or CS27, or both, of our Core Strategy that we adopted in January 2011 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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- 19 You must apply to us for approval of a Servicing Management Plan to show how you will prevent noise from deliveries causing nuisance for people in the area, including people who live in nearby buildings prior to the occupation of the A1, A2 and A3 units at ground and basement level. You must not start the A1, A2 and A3 units until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that any of the A1, A2 and A3 units are occupied, unless otherwise agreed in writing with the City Council.

Reason:

To protect neighbouring residents from noise nuisance, as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 20 The external stonework shall be natural Jura stone as shown on the approved drawings. You must carry out the work in accordance with the approved drawings unless otherwise agreed in writing with the local authority.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in CS27 of our Core Strategy that we adopted in January 2011 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 21 Prior to the occupation of the office use hereby approved, details of a Construction Logistics Plan shall be submitted to and approved by the City Council as local planning authority in consultation with the Greater London Authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in CS41 of our Core Strategy that we adopted in January 2011 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 22 Prior to the occupation of the office use hereby approved, details of a Travel Plan shall be submitted to and approved by the City Council as local planning authority, in consultation with Greater London Authority. The use shall thereafter be carried out in accordance with the terms of the Travel Plan thus approved.

Reason:

To ensure that the proposed use is sustainable and meets the City Council's sustainable development objectives as set out in TRANS 1 of the Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

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Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION - In reaching the decision to grant planning permission the City Council has had regard to the relevant policies in the Draft National Planning Policy Framework July 2011, the London Plan July 2011, the City of Westminster Core Strategy adopted January 2011, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposal is acceptable in design, amenity, transportation and land use terms

In reaching this decision the following policies of the City of Westminster Core Strategy and the Unitary Development Plan were of particular relevance:
COM 2; CENT 3; ENV 1; ENV 6; ENV 7; ENV 13; TRANS 10. TRANS 20; TRANS 22; CS 43; CS 32; CS40; CS 41; CS 39; CS 27; CS 23; CS 28; CS 31

- 2 You are advised that informatives attached to the decision 08/10830/FULL still apply.
- 3 It is noted that conditions 6, 16 (a,b,c and d) and 21 have already been discharged and therefore you do not need to apply to discharge these conditions.
- 4 With regards to condition 17 you are advised that that samples submitted to the City Council on 28 November 2011 are acceptable and therefore this condition has been discharged.

Note - As the requirements of the Building Regulations may impact on the design of the proposed development, our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this free service please contact **020 7641 7230** to arrange a preliminary discussion.

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Westminster City Council

Westminster City Hall
64 Victoria Street
London SW1E 6QP

020 7641 6500
westminster.gov.uk



City of Westminster

Your ref: BRITISH LAND COMPANY PLC
My ref: 14/05476/ADFULL

Please reply to:
Tel No:

Ken Powell
020 7641 2927

Mr Gary Brook
Gerald Eve LLP
72 Welbeck Street
London
W1G OAY

Development Planning
Westminster City Hall
64 Victoria Street
London SW1E 6QP

24 July 2014

CERTIFIED TRUE RECORDS OF
COUNCIL'S DECISION OF 24/7/14

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

The City Council has considered the application referred to below and APPROVES (CONDITIONALLY) the reserved matters which you have submitted pursuant to the original planning permission as detailed below:

SCHEDULE

Application No: 14/05476/ADFULL Application Date: 09.06.2014
Date Received: 09.06.2014 Date Amended: 17.06.2014

Plan Nos: Servicing Management Plan dated May 2014.

Address: 12 - 14 Baker Street, London, W1U 3BU,

Proposal: Approval of details pursuant to Condition 19 of planning permission dated 5 January 2012 (RN: 11/06469) for the variation of Conditions 20 and 23 of planning permission dated 16 March 2009 (08/10830) subject to a Non Material Amendment agreed on 1 June 2011 (11/03542/NMA) for redevelopment of 2-14 Baker Street to provide a mixed use development comprising retail (Class A1, A2 and A3) at part basement and part ground floor, offices (Class B1) at part basement, part ground and the upper seven floors. Plant at roof level and parking within basement: namely, to allow the use of Jura Limestone and to allow for minor material amendments to the terraces, rooftop plant and cleaning gantry (Application under Section 73); namely the submission of a Servicing Management Plan.

Schedule 1: Approved development:

Variation of Conditions 20 and 23 of planning permission dated 16 March 2009 (08/10830) subject to a Non Material Amendment agreed on 1 June 2011 (11/03542/NMA) for redevelopment of 2-14 Baker Street to provide a mixed use development comprising retail (Class A1, A2 and A3) at part basement and part ground floor, offices (Class B1) at part basement, part ground and the upper seven floors. Plant at roof level and parking within basement: namely, to allow the use of Jura Limestone and to allow for minor material amendments to the terraces, rooftop plant and cleaning gantry (Application under Section 73).

See next page for conditions/reasons.

Yours faithfully

Rosemarie MacQueen
Strategic Director Built Environment

Note - As the requirements of the Building Regulations may impact on the design of the proposed development, our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this free service please contact 020 7641 7230 to arrange a preliminary discussion.

Condition(s):

- 1 All servicing must take place between the hours of 07.30 and 19.00. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

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

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Westminster City Council

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64 Victoria Street
London SW1E 6QP

020 7641 6500
westminster.gov.uk



City of Westminster

Your ref: BRITISH LAND COMPANY PLC
My ref: 14/05476/ADFULL

Please reply to:
Tel No:

Ken Powell
020 7641 2927

Mr Gary Brook
Gerald Eve LLP
72 Welbeck Street
London
W1G OAY

Development Planning
Westminster City Hall
64 Victoria Street
London SW1E 6QP

24 July 2014



Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

The City Council has considered the application referred to below and APPROVES (CONDITIONALLY) the reserved matters which you have submitted pursuant to the original planning permission as detailed below:

SCHEDULE

Application No: 14/05476/ADFULL **Application Date:** 09.06.2014
Date Received: 09.06.2014 **Date Amended:** 17.06.2014

Plan Nos: Servicing Management Plan dated May 2014.

Address: 12 - 14 Baker Street, London, W1U 3BU,

Proposal: Approval of details pursuant to Condition 19 of planning permission dated 5 January 2012 (RN: 11/06469) for the variation of Conditions 20 and 23 of planning permission dated 16 March 2009 (08/10830) subject to a Non Material Amendment agreed on 1 June 2011 (11/03542/NMA) for redevelopment of 2-14 Baker Street to provide a mixed use development comprising retail (Class A1, A2 and A3) at part basement and part ground floor, offices (Class B1) at part basement, part ground and the upper seven floors. Plant at roof level and parking within basement; namely, to allow the use of Jura Limestone and to allow for minor material amendments to the terraces, rooftop plant and cleaning gantry (Application under Section 73); namely the submission of a Servicing Management Plan.

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Variation of Conditions 20 and 23 of planning permission dated 16 March 2009 (08/10830) subject to a Non Material Amendment agreed on 1 June 2011 (11/03542/NMA) for redevelopment of 2-14 Baker Street to provide a mixed use development comprising retail (Class A1, A2 and A3) at part basement and part ground floor, offices (Class B1) at part basement, part ground and the upper seven floors. Plant at roof level and parking within basement; namely, to allow the use of Jura Limestone and to allow for minor material amendments to the terraces, rooftop plant and cleaning gantry (Application under Section 73).

See next page for conditions/reasons.

Yours faithfully

Rosemarie MacQueen
Strategic Director Built Environment

Note - As the requirements of the Building Regulations may impact on the design of the proposed development, our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this free service please contact 020 7641 7230 to arrange a preliminary discussion.

Condition(s):

- 1 All servicing must take place between the hours of 07.30 and 19.00. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

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

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2 - 14 Baker Street, London



Servicing Management Plan

May 2014

McAler & Rushe Group



2 - 14 Baker Street,
London

Servicing Management Plan

May 2014

McAleer & Rushe Group

17 - 19 Dungannon Road
Cookstown
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BT80 8TL

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Issue and revision record

Revision	Date	Originator	Checker	Approver	Description	Standard
A	November 2012	JM Hazell	CN Jolley	SZ Chaudhry	First Issue	
B	April 2014	JM Hazell	CN Jolley	SZ Chaudhry	Draft – amended to include revised service vehicle dimensions	
C	May 2014	JM Hazell	CN Jolley	SZ Chaudhry	Amended to include additional client comments	

This document is issued for the party which commissioned it and for specific purposes connected with the above-captioned project only. It should not be relied upon by any other party or used for any other purpose.

We accept no responsibility for the consequences of this document being relied upon by any other party, or being used for any other purpose, or containing any error or omission which is due to an error or omission in data supplied to us by other parties.

This document contains confidential information and proprietary intellectual property. It should not be shown to other parties without consent from us and from the party which commissioned it.

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Executive Summary

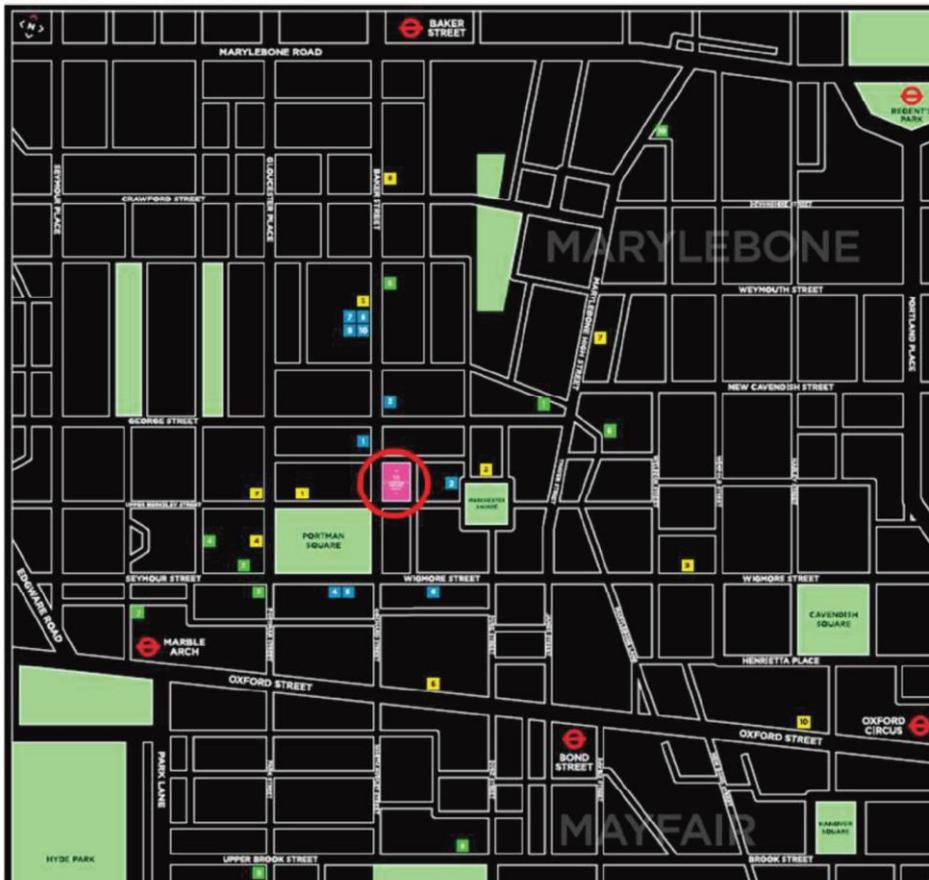
Mott MacDonald has been commissioned by the McAleer & Rushe Group to produce a Servicing Management Plan for the development at 2 – 14 Baker Street. The Servicing Management Plan details how the development will be serviced and considers access arrangements for service vehicles. A delivery schedule should be developed prior to site operation which will help manage servicing access to the building.

1 General Information

The development at 2 – 14 Baker Street is located in Central London towards the south of Baker Street in close proximity to Oxford Street. The site is bounded by Baker Street to the west, Robert Adam Street to the north, Fitzhardinge Street to the south and Bakers Mews to the east. Bakers Mews is a courtyard to the rear of the development and provides access to a small number of residential properties and servicing access to an office on Manchester Square.

The development will comprise 10,575m² of office space spread over seven floors and 1,858m² of retail space spread across four units on the ground floor fronting onto Baker Street and Robert Adam Street.

Map 1.1: Site Location Plan



Source: www.10portmansquare.com accessed November 2012.

2 Servicing and Delivery Proposals

2.1 Existing Site Information

Bakers Mews is a small courtyard to the rear of the development and is bounded by a small number of residential properties to the east and west. A loading bay for servicing to the office at 20 Manchester Court is located on the northern side of the courtyard.

Access into Bakers Mews is off Baker Street via either Robert Adam Street or Fitzhardinge Street. Both Robert Adam Street and Fitzhardinge Street feature on street parking for permit holders with no loading permitted between 08:30 and 18:30 on weekdays.

No loading is permitted on Baker Street between the hours of 08:00 to 19:00 Monday to Saturday. In addition waiting is prohibited between the times of 07:00 to 19:00 Monday to Saturday. It is expected that deliveries to the retail units on Baker Street during these times will use the servicing access point on Bakers Mews.

Bakers Mews is currently served by a twice weekly waste collection by the City of Westminster on Tuesdays and Fridays between the hours of 11:00 to 13:00. A recycling collection is carried out on Tuesdays between 08:00 and 12:00.

2.2 Proposed Servicing Arrangements

The site will be serviced by a single loading bay located at the rear of the site on Bakers Mews. Access to the loading bay will be controlled by a roller shutter door. The waste and recycling area is to be situated adjacent to the service vehicle loading bay. Goods lift access from the loading bay will be available to all floors via a dock loader. This layout is shown on the architect's drawing included in Appendix A.

The proposed loading bay has been designed to accommodate a medium servicing vehicle with a length of approximately 9.4m, width of 2.6m and height of 3.9m. Due to the site location within central London servicing by articulated heavy goods vehicles is not expected. The proposed vehicle servicing route would be via Baker Street with vehicles turning at the priority junction into Robert Adam Street then turning right into Bakers Mews. To access the loading bay vehicles will need to pull forward into the Bakers Mews courtyard and reverse into the loading bay.

A swept path analysis has been undertaken using AutoTrack software and is included in Appendix B. The swept path diagrams indicate that a 9.4m length box lorry would be able to access the servicing area by entering the site in forward gear via Robert Adam Street, turning within Bakers Mews and reversing into the loading bay. Service vehicles would exit the loading bay pulling forward into Bakers Mews reversing to the right and pulling forward to access Robert Adam Street.

2.3 Service Vehicle Trip Generation

The estimated number of trips to the site by servicing vehicles is shown below in Table 1.1 based on the Gross Floor Area of the development. For the retail development a delivery trip generation rate of 0.502 trips per 100m² GFA has been assumed. This is based on the average trip rates for light goods vehicles (LGVs) at retail London sites listed in the TRICS Servicing Vehicle Requirements Technical Note published in August 2006.

For the office development a lower delivery generation rate has been assumed of 0.300 trips per 100m² GFA based on Central London TRAVL sites.

Table 2.1: Service Vehicle Trip Generation

Land Use	AM Peak 08:00 – 09:00	PM Peak 17:00 – 18:00	Total Daily Trips
Office – 10,498m ²	5	2	32
Retail – 1858m ²	1	1	9
Total	6	3	41
Waste Collection	1 weekly	0	3 weekly

The table indicates that a total of 41 daily servicing trips will access the development

It is considered that the two land use types will exhibit different trip patterns. Trips related to the office development will be spread throughout the working day ie. 09:00 to 17:00. It is considered that retail servicing trips will be limited throughout business hours eg couriers, with the majority of retail servicing trips likely to fall outside business hours during off peak times.

2.4 Servicing Strategy

2.4.1 Introduction

This section outlines the overarching measures and initiatives included within the Servicing Management Plan which are applicable to the development site. This Servicing Management Plan will specifically aim to ensure that servicing of the development can be carried out efficiently whilst minimising any effects on the local highway network, residents and commercial occupiers within and surrounding the site, and the environment.

2.4.2 Objectives

Delivery and Servicing Plans developed through the planning process seek to support sustainable development. They are drafted within the context of the guidance provided within the London Freight Plan and TfL's best practice guidance.

This Servicing Management Plan is to achieve the following objectives:

- Demonstrate that goods and services can be delivered and waste removed in a safe, efficient and environmentally friendly way;
- Identify deliveries that could be reduced, re-timed or even consolidated, particularly during busy periods;
- Improve the reliability of deliveries to the site;
- Reduce the operating costs of building occupants and freight companies; and
- Reduce the impact of freight activity on local residents and the environment.

2.4.3 Mitigation Measures

This section details measures for consideration to minimise the potential impact of service vehicles at the proposed development and on the local road network:

- A site delivery schedule should be established to manage the movement of servicing vehicles to and from the site.
- The deliveries of the retail and office units should be coordinated to ensure that deliveries are separated. This will reduce demand for the single loading bay and the potential for service vehicles waiting within Bakers Mews and on connecting streets.
- The delivery schedule should be organised by the site management team, Broadgate Estates Limited. This could be organised through service companies booking a timed slot in advance through the site management team. The implementation of time slots up to 60 minutes in duration would manage the dwell times of service vehicles allowing the most efficient use of the single loading bay.
- Vehicles arriving outside of their allocated time may be refused by the servicing area supervisor until the next free slot becomes available. If the vehicle cannot be accommodated immediately it will have to leave until the next free slot. Given the predicted levels of servicing to the development this is considered to be an unlikely occurrence.
- The delivery schedule should also take account of local waste collection times to reduce conflict with other vehicles servicing the development.
- Broadgate Estates Limited will be responsible for providing funding and time resources for all of their site based staff to receive appropriate training relating to the processes and procedures in the operation on the development site.
- No loading is permitted on Baker Street, Robert Adam Street and Fitzhardinge Street during business hours as indicated by local road signs. Deliveries during these times will be via the loading bay on Bakers Mews.
- Waste and recycling storage are to be located adjacent to the loading bay on the ground floor. This is to be serviced by the local council.
- The majority of retail deliveries will be during the off peak period to reduce the impact for residents on Bakers Mews.
- Special deliveries to the site such as plant maintenance vehicles will need to be pre-arranged. The delivery time and duration will be negotiated with the site management office to minimise the impact on routine servicing. Deliveries should be encouraged outside of peak times where possible.
- Procurement process should demonstrate an awareness of all vehicle activity associated with the site, its impacts and appropriate measures to reduce it. This will be undertaken by site management.

- If necessary a delivery survey could be undertaken by Broadgate Estates Limited after occupation of all units. This would provide a benchmark review of servicing access to the development and identify areas for improvement and further monitoring.

2.4.4 Conclusion

Servicing arrangements for the development at 2-14 Baker Street will feature a single loading bay located on Bakers Mews. This can accommodate service vehicles in size up to a 9.4m in length.

It is estimated that the development will generate 41 daily servicing trips. It is considered that delivery trips to the retail and office elements of the development will exhibit different patterns throughout the day. Restrictions on local roads will ensure that the majority of servicing will be undertaken on site at the designated loading bay on Bakers Mews.

A servicing strategy should be developed by the management team of 2–14 Baker Street to schedule and coordinate deliveries to the site, this will minimise conflict with other road users and reduce the impact upon local residents.

Appendices

Appendix A. Site Layout Drawing	7
Appendix B. Swept Path Diagrams	9

Appendix A. Site Layout Drawing

KEY



Revision	Description	Date
01	ISSUE FOR TENDER	
02	FOR CONSTRUCTION	
03	AS BUILT	



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 LANDSCAPE ARCHITECT

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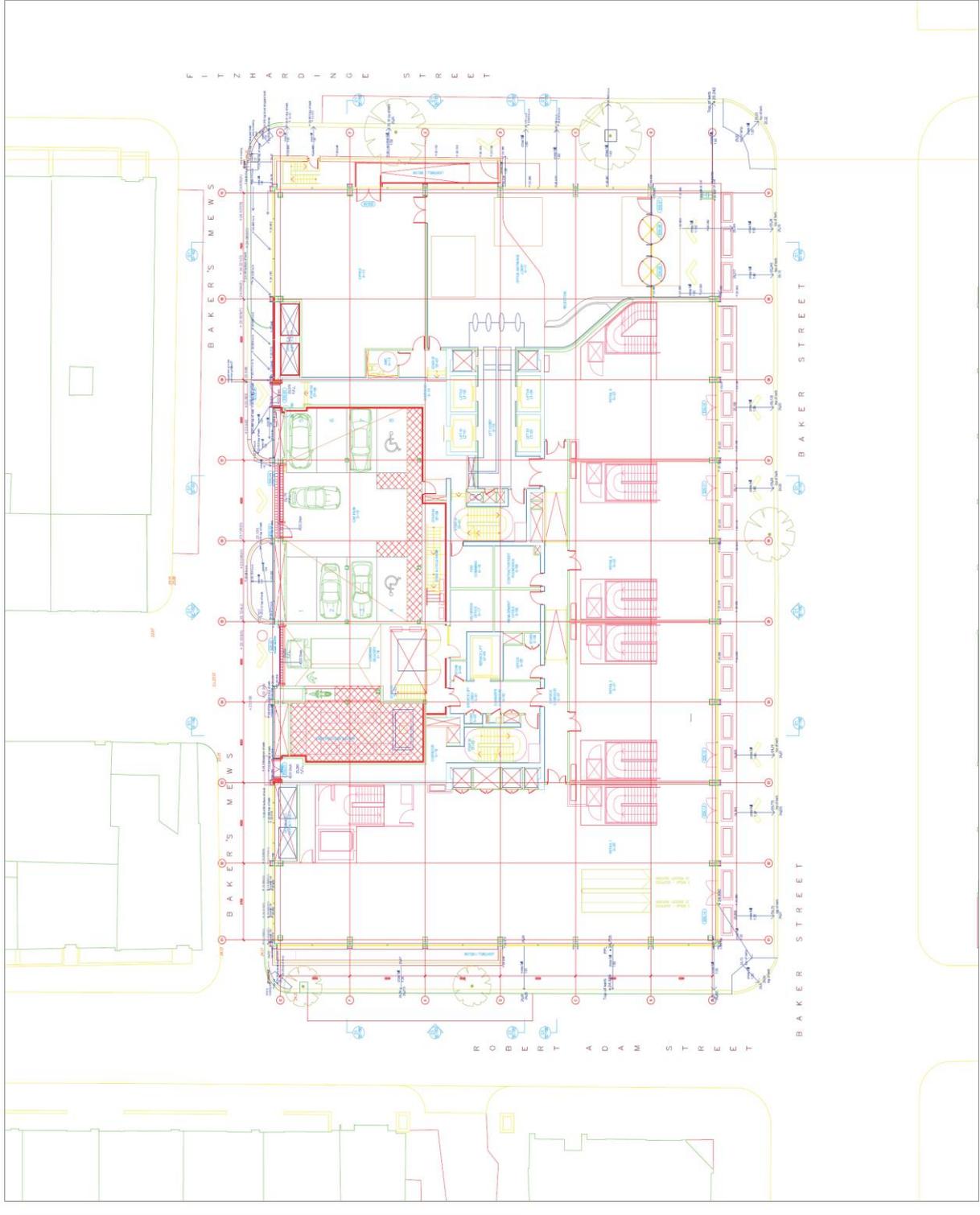
Job: 2-14 Baker Street

Title: External Levels

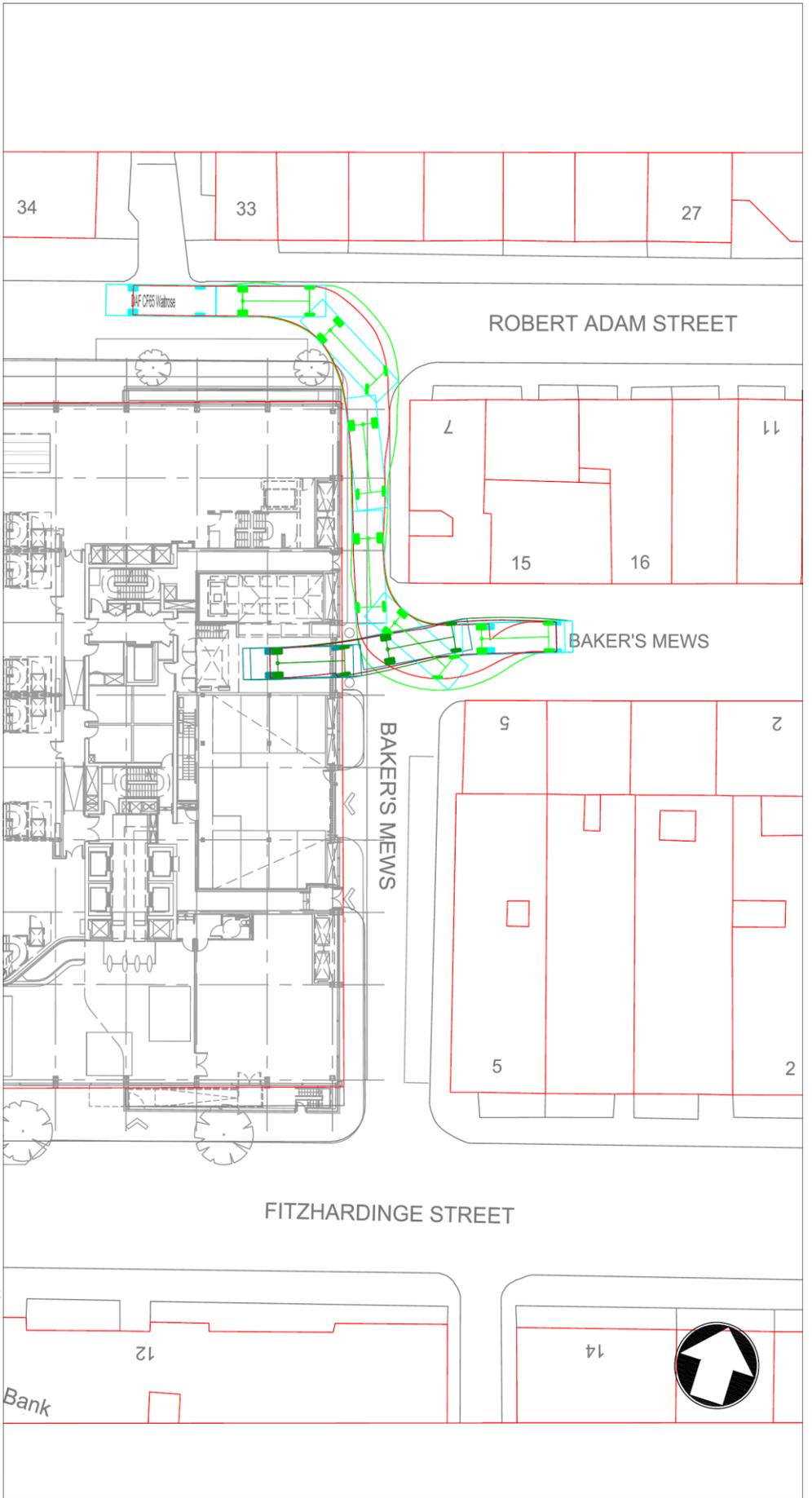
Proj No: 0391 Dwg No: 05E

Scale: 1:100 Date: 10/10/2012

Drawn By: cs Chk By: dc



Appendix B. Swept Path Diagrams



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 Mott MacDonald Stanton's Wharf 112 Quayside Newcastle on Tyne, NE1 3DX United Kingdom T +44 (0)191 261 0866 F +44 (0)191 261 1100 W www.mottmac.com		 MCALEER & RUSHE GROUP PROPERTY DEVELOPMENT CONSTRUCTION		Drawing Number MMD-245194-C-DR-00-XX-0052		Security STD		Status PRE		Rev P1	
Client Mott MacDonald		Title 2 - 14 Baker Street AutoTrack Manoeuvres 9.4m Vehicle In		Scale at A3 1:200		Drawn S Weston		Checked J Hazell		Approved C N Jolley	
Rev	Date	Drawn	Description	Chk'd	App'd						
P1	08.05.14	SW	Preliminary Issue	JH	CNU						



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Rev	Date	Drawn	Description	Chk'd	App'd	Title	Drawn	Checked	Approved	Scale at A3	Security	Status	Rev
P1	08.05.14	SW	Preliminary Issue	JH	GNU	2 - 14 Baker Street AutoTrack Manoeuvres 9.4m Vehicle Out	J Weston	J Hazell	C N Jolley	1:200	STD	PRE	P1
Drawing Number MMD-245194-C-DR-00-XX-0053													



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PROPERTY DEVELOPMENT CONSTRUCTION

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. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
10. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
11. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
12. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
13. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
14. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors or removed from the sales area so as to prevent access to the alcohol by both customers and staff.
15. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
16. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
17. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
18. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as delicatessen/café
19. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
20. The number of persons permitted in the premises at any one time (excluding staff and retail shoppers) shall not exceed (X) persons.(final figure to be determined on removal of works condition but shall not be more than 60 if there is no increase in the current sanitary accommodation).
21. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority on request. If there are minor layout changes during course of construction new plans shall deposited with the licensing authority when requesting removal of this condition.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

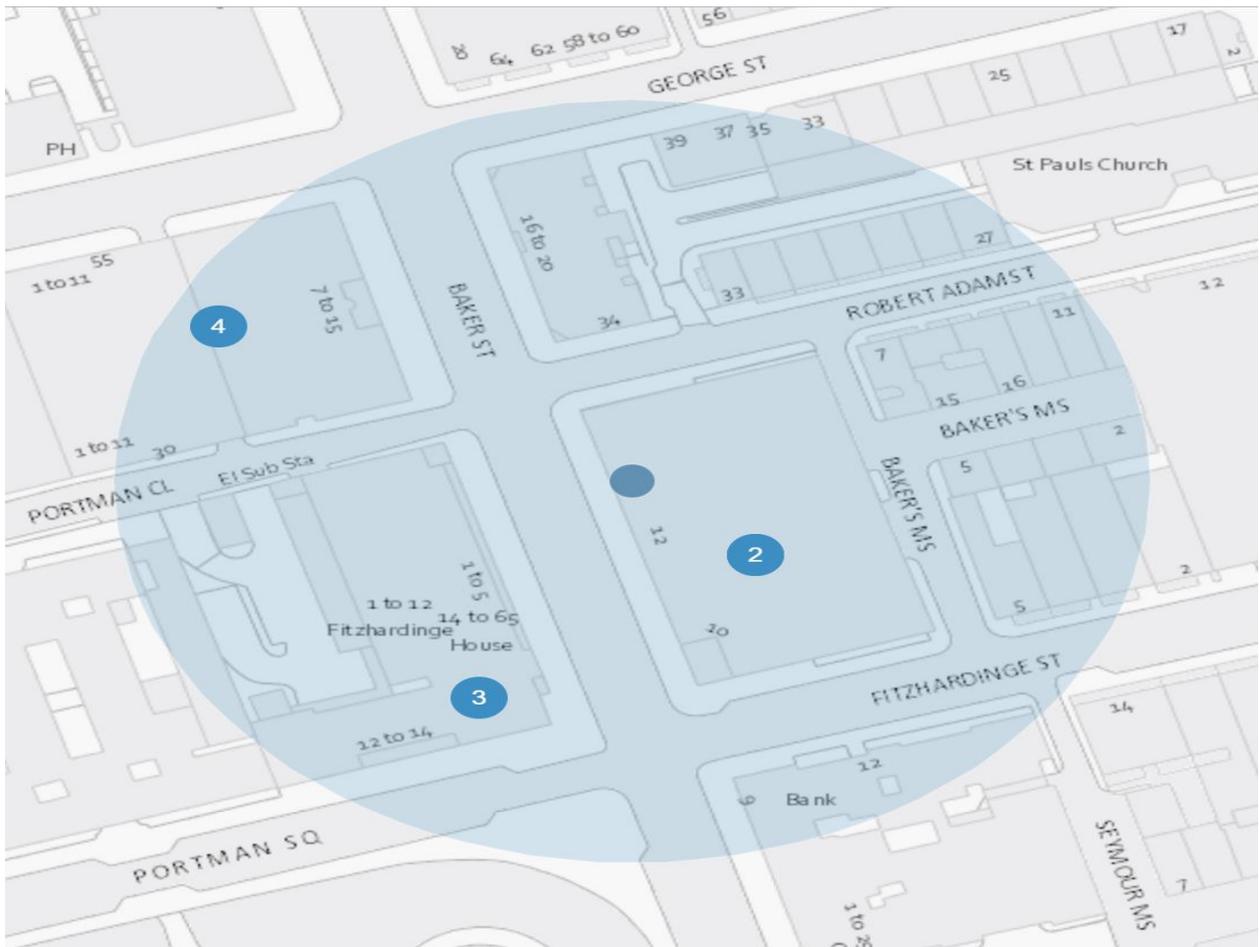
23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
24. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
25. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
26. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time.
28. 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 entire 31 day period.
29. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
30. 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.
31. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
32. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Conditions proposed by the Environmental Health

None

Conditions proposed by the Police

33. There shall be no sales of alcohol for consumption off the premises after (23.00).



Resident count: 147

Licensed premises within 75 metres of 8 Baker Street, London, W1U 3AA				
Licence Number	Trading Name	Address	Premises Type	Time Period
18/09421/LIPN	Co-operative	Unit 1 10 Portman Square London W1H 6AZ	Hypermarket or superstore	Monday to Sunday; 07:00 - 23:00
16/09070/LIPDPS	Maison Kayser, Unit 2	8 Baker Street London W1U 3BS	Not Recorded	Monday to Thursday; 06:30 - 23:30 Friday to Saturday; 06:30 - 00:00 Sunday; 06:30 - 22:30 Sundays before Bank Holidays; 06:30 - 00:00

19/10525/LIPDPS	The Barracuda	1D Baker Street London W1U 8ED	Casino or gambling club	Monday to Sunday; 00:00 - 00:00
17/14437/LIPN	Itsu	15 Baker Street London W1U 3AH	Restaurant	Monday to Saturday; 07:00 - 23:30 Sunday; 07:00 - 23:00