



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	30 November 2023
Licensing Ref No:	23/05399/LIPN - New Premises Licence
Title of Report:	Petite Cafe London 102 Great Portland Street London W1W 6PD
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:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: <a href="mailto:kabbott@westminster.gov.uk">kabbott@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	15 August 2023		
<b>Applicant:</b>	Petite Cafe London Limited		
<b>Premises:</b>	Petite Cafe London		
<b>Premises address:</b>	102 Great Portland Street London W1W 6PD	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form, the applicant proposes to operate the premises as a restaurant serving breakfast, lunch and dinner.		
<b>Premises licence history:</b>	The premises previously benefitted from a premises licence (20/11994/LIPN), but the licence lapsed due to the Licence Holder dissolving in January 2023.		
	The premises history can be found at <b>Appendix 3</b> of the report.		
<b>Applicant submissions:</b>	The applicant has provided a Noise Assessment Report, Kitchen Odour Assessment and a leaflet with the kitchen extractor.		
	These can be found at <b>Appendix 2</b> of the report.		
	The applicant has agreed a number of conditions with the Metropolitan Police and Environmental Health to form part of their operating schedule.		
<b>Applicant amendments:</b>	These can be found at <b>Appendix 4</b> of the report.		
	On original submission of the application, the applicant applied for the following.		
	<p><b>Late Night Refreshment</b> Monday to Sunday 23:00 to 00:30</p> <p><b>Retail Sale of Alcohol</b> Monday to Sunday 09:00 to 00:30</p> <p><b>Opening Hours</b> Monday to Sunday 07:00 to 00:30</p>		
The applicant has withdrawn Late Night Refreshment and since reduced the hours for Retail Sale of Alcohol which are reflected in section <b>1-B</b> of the report.			

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		Christmas and New Years Eve 09:00 to 02:00					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	08:00	08:00
<b>End:</b>	23:30	23:30	23:30	23:30	23:30	23:30	22:30
<b>Seasonal variations/ Non-standard timings:</b>		Christmas and New Years Eve 09:00 to 02:00					
<b>Adult Entertainment:</b>		None					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Andy Elliott
<b>Received:</b>	5 September 2023 ( <b>Withdrawn 13 September 2023</b> )

The Metropolitan Police Service object to this new premises licencing application, sought under the Licencing Act 2003, as it may not promote the Licencing Objectives contained within the Act, namely the prevention of Crime & Disorder and Public Safety.

The Metropolitan Police Service object to this application for the following reasons namely that this application is outside of Core Hours, although outside of the Cumulative Impact Area there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. Equally I have concerns over 'Sale by retail of Alcohol on site and off site via Takeaway and delivery service' as GREAT PORTLAND STREET which is One narrows significantly with the junction of GILDA STREET with part of the building line of the premises being within the zig zag limits of a pedestrian crossing which would provide a challenging and unsafe environment for mopeds to muster as invariably they would directly outside the premises.

**The Metropolitan Police have withdrawn their representation on the 13<sup>th</sup> September 2023 due to the applicant agreeing a number of conditions and the reducing their hours. This condition can be found at Appendix 4.**

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ayesha Bolton
<b>Received:</b>	13 September 2023

I refer to the application for a new Premises Licence for the above premises.

The applicant has submitted floor plans of the Ground Floor and Basement of the premises. This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following:

1. To provide Late Night Refreshment both Indoors and Outdoors from the premises Monday to Sunday from 23.00 to 00.30 hours. Christmas Day and New Year Eve from 23:00 to 02.00 hours.
2. To provide Supply of Alcohol both On and Off the premises Monday to Sunday from 09.00 to 00.30 hours. Christmas Day and New Year Eve from 09:00 to 02.00 hours.

I wish to make the following representation:

1. The provision and the hours requested for Late Night Refreshment will the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.
2. The provision and the hours requested for Supply of Alcohol will the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety within the area.

The applicant has provided additional information within the application which is being assessed. Additional conditions will be proposed by Environmental Health to address the licensing objectives.

Should you wish to discuss the matter further please do not hesitate to contact me.

**2-B Other Persons**

**Name:**

[REDACTED]

**Address and/or Residents Association:**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Received:**

13 September 2023 (Withdrawn 21 November 2023)

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By email only: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

Representation in respect of application for premises licence ref: 23/105399/LIPN  
102 Great Portland Street, London W1W 6PD

Dear Sir/Madam

Overview

I write to make a relevant representation concerning the above application for a new premises licence application. I represent Portland Apartments Ltd which is the Management Company for [REDACTED] situated [REDACTED]

I represent both the directors and leaseholders [REDACTED] housing approximately 50 residents ranging from professional workers, university students and retired residents with health issues who have lived in the building for over 40 years. Below our homes are above two commercial units, Ryman the stationer and Tank Form Ltd, a magazine and TV company.

I have lived, and or worked this this part of Fitzrovia for over 25 years.

[REDACTED]



Front elevation 89 GPs W1W 7LX single glazed 1950's concrete construction over 7 floors showing positions of bedrooms and living spaces in flats on 1<sup>st</sup> - 6<sup>th</sup> Floors - 12 flats single aspect and all single glazed.

This is a 1960's glass and concrete building which has two thirds single glazing, front and back elevations. The properties to the right of the stairwell are single aspect so must open their windows for ventilation. These flats are nearest to this applicant.

Site of premises application



The site is two doors down from Joe and the Juice on the corner of  
Great Portland Street and Langham Street





Proximity of applicant to our homes



#### Our immediate area

We live in a small residential enclave surrounded by a number of institutions and businesses. We have three residential blocks of flats on our block. [REDACTED] Street plus various residences in [REDACTED]. We have several commercial units including St Gorbain Showroom (commercial building materials) (#95) Tank Magazine (#91-93), Ryman Stationers (#87), Urban Living Interiors (# 85) Empty unit – ex luggage brand (#83), Chemist (#79).

Radio 1, 1Xtra and 6 and the BBC receiving bay sit next to the 30 Langham Street flats to the north. There are Embassy buildings and All Souls Church on Riding House Street and private residents and All Souls buildings/residences in All Souls Place to the south. [REDACTED] the BBC to the west. Wogan House in on the next block along with The Portland Place School so we have therefore always enjoyed quiet neighbours.



[REDACTED]

The block across the road from [REDACTED] redeveloped over the last couple of years by Great Portland Estates PLC (78-92 GPS) and Central London Property Trust (94 GPS). The mix of usage has changed from offices and showrooms to residential (private and social), liquor store, nail bar, gym, clothing with café and the proposed restaurant which is completely out of character with this residential area. The Whisky Exchange, 90-92 Great Portland Street, is restricted by TENs 17/07371/LIPN.



It is true the area is exceedingly busy with traffic in the morning and afternoon rush hours, particularly whilst deliveries and rubbish collections are being made which regularly clog up traffic flow. However, in the evenings and weekends everything goes quiet when the office staff and school children/university students go home.

Another salient point is that our building is made of concrete and glass. Sound reverberates through our building from outside due to all the hard surfaces. How do we know? Every time there is a loud music event in the BBC Piazza sound travels round under the BBC bridge which acts like a sound tunnel and up and down Great Portland Street, as does building works noise on local sites opposite and adjoining our flats.

Our residents hear noise from the surrounding area but it takes time to get out of bed, wake up, get dressed, wait for the lift and start working out where noise is coming from and walk round the streets to find the source of disturbances. This is a concern for women residents who are concerned about being alone in the streets late at night particularly if people are inebriated. This is particularly acute in the summer when the weather is hot. 12 of our 18 flats are single aspect. Therefore, residents are forced to open windows for ventilation. So, residents hear any disturbance in the area.

We live in a quiet corner of Fitzrovia which we wish to maintain and continue enjoying. Pictures below demonstrate the quiet nature of our neighbourhood now and historically and how many people reside in his area: -



Google Maps – Nov 2022 Langham Street towards BBC Piazza - North West Corner of our block



Langham Street to BBC Piazza Saturday July 28 2018 18:53:53



Was 86-94 GPS in 2008



Google Maps July 2022 Gildea Street From 102 GPS – applicant site



Google Maps July 2022 Great Portland Street quiet street from applicant location on left south towards Oxford Street





Flats on both sides of Langham Street - more detail below - July 19



From outside 27 Langham Street - residential flats on both sides of the street



Holbein Mansions 25 Langham Street & Van Dyke Mansions 27 Langham Street and Rembrandt House 100 Great Portland Street (GPS) flats - all residential



Gasfield Street – mostly residential both sides



Middleton Place – walk through from Riding House Street to Langham Street  
– predominantly residential

Our representation is based on: -

- A. the impact of this application being granted as currently presented on the promotion of the licensing objectives, particularly 'prevention of public nuisance'
- B. Evaluating what is 'reasonably acceptable' in a particular location
- C. This application is contrary to the Westminster City Council's Statement of Licensing Policy, particularly HRS1 and PN1

Our concerns: -

We are exceedingly concerned about many elements of this application including: -

**1. The lack of conditions attached to this application**

- There is no mention of normal restaurant restrictions relating to the sale of alcohol ancillary to a table meal. As we can see in the seating plan a bar is planned. This would mean this owner proposes their premises to become a drinking hole which we object to
- Nor is there any mention of any restrictions to reduce noise, nuisance, loitering outside the premises- as required under policy PN1- i.e. noise, smell
- This application appears to have no other usual condition such as on the current licence



## 2. Proposed operating hours

The proposed operating hours of 7am to 12.30am is of great concern to us and our neighbours as well exceed the existing licence. The thought of potentially 59 customers, or more, leaving these premises to find taxis after 12.30am, along with the proposal of changing a restaurant into a late-night drinking venue is no doubt going to cause disturbance to hundreds of residents. Therefore, any notion of extending hours of operation to 12.30am seven days a week is unacceptable to residents.

It should also be noted the hours sought are well outside the Council's 'core hours' policy in its Statement of Licensing Policy.

## 3. Noise and Disturbance

The proposed operation hours, along with the proposed extension of the sale of alcohol and lack of conditions attached to this application will cause noise and disturbance to neighbours. There are no conditions intended to reduce noise, nuisance, loitering outside the premises- as required under policy PN1- i.e. noise, smell

### Takeaway Services

The applicant has requested to offer a takeaway service which we have experienced noise and disturbance from Joe and the Juice, two doors away from the applicant, with delivery drivers parking and sitting under our front door canopy and frightening female residents, entering and leaving our building, with drivers by our front door wearing helmets.

Can a restriction on the time of a takeaway service be applied to this site please. The proposed late-night refreshment from 23.00 – 00.30 would mean vehicles and motor bikes parked and passing our windows and increasing traffic late at night. The photos above show the quiet nature of our streets at night and at weekends. Also, we have noise considerations due to our single aspect flats who must open their windows for ventilation and will hear this noise late at night seven days per week and the large expanse of single glazing when the windows are closed.

Does the applicant intend to use 3<sup>rd</sup> party delivery apps? If so, do they employ drivers themselves?

What vehicles will be used please? We request the Council apply the strictest conditions to noise, fumes caused by vehicles and motor bikes idling and loitering in front of and near this site. As our building offers one of the few covers against rain, this matter is of significance to all our residents and their safety late at night entering and leaving our building.

The applicant is asking for supplying late night refreshment both indoors and outdoors. Please ensure no provision can be made outside of the premises to cause further disturbance to neighbours.

### Deliveries and Rubbish/Bottle collections

We are concerned about the noise generated by deliveries and rubbish and empty bottles being put out for collection after the premises close daily and there being restrictions on the generation of noise and disturbance to neighbours seven days per week at anti-social hours.

The smell of these rubbish bags, particularly in the summer, is very unpleasant, when residents need to have their windows open for ventilation.

**4. Extended Sale of Alcohol hours**

This application goes far beyond the current licence or the council's core hours.

The sale of alcohol for consumption on and off the premises, including takeaway and delivery, from 9am to 12.30am is alarming in our residential backwater.

We wish to object to this proposed extension of sale of alcohol as such extended hours of alcohol consumption will bring noise and nuisance to our residents and neighbours.

**5. Proposed extension of late-night refreshment provision**

The application requests the provision of late-night refreshment seven days per week be extended on Thursdays - Sundays by two hours from 11.00 pm to 0.30am. This extension will likely cause noise and nuisance to all the residents living around these premises, due to the fact this licence is currently not subject to a condition of alcohol ancillary to a meal. Please see point 6 below.

We strongly object to this request. This is a highly residential area and it is the norm in other areas in London as well as in areas such as such as this that restaurants close at traditional times such as between lunch and dinner service and close between 22.00 and 23.00 ensuring they give their staff rest time and prepare for the next service and no disturbance to neighbours. Examples in Westminster and other London boroughs include: -

Vasco & Piero (1971) Poland St W1 Lunch 12.15-2.15 Tues- Fri 17.30-23.0 Tues – Sat (Closed Sun and Mon)

Baccala Bermondsey St Tues-Fri 12.00-17.00 & 18.00-21.00

Via Emilia Hoxton Square N1 and Charlotte Place W1 Mon-Thurs 12.00 -15.00 18.00-23.00

Fri 12.00-15.00 18.00-21.30 Sat 13.00-23.00 Sun 13.00 – 22.30

Enoteca Turi, Pimlico Rd SW1 Mon- Sat 12.30-14.30 & 18.00 – 22.00 Closed Sun

**Extensions on Xmas and New Year's Eve.**

We wish to object to any further extension to 2am on these dates.

**6. Capacity on Ground Floor**

Can it be confirmed if the covers on the ground floor, stated as 49, includes or excludes the 5 seats at the bar? If yes, we request the numbers may be rechecked as appear to be over 50.

If not, the matter of lack of an alcohol ancillary to a table meal condition is again raised.

**7. Alcohol ancillary to a table meal**

As per the Council's Policy Statement of Licensing Policy considerations, the premises are would not be subject to a condition that sale of alcohol is ancillary to a table meal. The inference is these premises could therefore operate as a bar, rather than a restaurant. Can the position be clarified, and this condition be initiated please.

Please also determine against alcohol alone being sold on a takeaway basis.

**8. Smoking area**

There appears be no dedicated area for smokers from within the premises. We ask smoking/vaping is restricted to no more than 2 people with a dedicated area, after

consultation with residents in the buildings above and alongside, with a sand bucket for used butts with no permission to take drinks outside whilst smoking and the applicant to regularly clean the pavement and area of smoking butts, vapes and matches.

Residents neither wish to inhale cigarette smoke/vaping around their homes, nor when walking past premises. We wish for clean air, as far as it can be with cars, taxis and lorries, to continue.

Should the Sub-Committee be minded granting any part of the application, we ask committee members to make the following conditions/restrictions: -

1. A 'restaurant' only condition with the sale of alcohol as an ancillary to a table meal where customers are seated and only served by a member of staff
2. Operations restricted to existing operating hours Monday – Sunday
3. Sunday trading restricted to 'core hours' as described in the council's licencing policy.
4. No audible noise from outside the premises in any direction. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
5. No customers to take drinks outside the premises.
6. Numbers of smokers from inside the restaurant to be restricted avoiding nuisance and noise both on the pavement and the surrounding area. Suggest maximum 2 smokers.
7. A dedicated smoking/vaping area is created with sand bucket for cigarette ends avoiding littering the pavement and street
8. (1) The responsible person ensures 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)
9. The responsible person must ensure that free tap water is provided on request to customers where it is reasonably available.
10. No rubbish to be placed outside the premises in the late evening or early mornings to prevent noise and nuisance
11. Ditto no rubbish collections to be made overnight or in the early mornings
12. No rubbish, including bottles, shall be moved, removed, or placed in outside areas between 20.00 hours and 0800 hours.

13. All waste/recycling shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
15. Can a time of 20:00 be set for all doors and windows be closed daily to minimise disturbance to so many neighbouring residents?
16. No deliveries to be made overnight or in the early mornings Monday
17. No deliveries to be made on Sundays
18. 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 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
  - (d) any incidents of disorder
  - (e) seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
20. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use of such services
21. A challenge 21 proof of age scheme 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
22. Capacity for the ground floor is determined by EH and checked

Or the equivalent most up to date conditions in use within Westminster.

We ask Committee Members to consider our concerns and that of our neighbours.

With grateful thanks for your time.

**The Interested Party has withdrawn their representation on the 21<sup>st</sup> November 2023 due to amended conditions agreed with the Police, Environmental Health and the Applicant.**

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	19 August 2023
<p>As a resident living nearby, I strongly object to the late night refreshments and the sale of alcohol beyond 11pm. The sound from these premises echoes around at the back of these properties, and in addition there are many families with young children in the surrounding blocks.</p> <p>We are in full support of vacant premises beginning new businesses, but sale of alcohol past 11pm would be out of keeping with this residential area. I urge you to reconsider .</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	22 August 2023 (Withdrawn 31 <sup>st</sup> October 2023)

**23/05399/LIPN | Premises Licence - 102 Great Portland Street London W1W 6PD**  
 I am writing about the above application for a premises licence variation. I have lived in the immediate area for over 23 years [REDACTED], which is a residential block [REDACTED], some of whom are elderly, and situated very

close to these premises.

The information given in this application is very light on detail, but if I have read it correctly, it seems to be well out of place for this area – seeking to extend the licence to provide on- and off-sales from 0900 until half-past midnight seven days a week, and 0900 until 0200 on Christmas Day and Boxing Day.

I believe the previous licence was to change from a small supermarket/sandwich shop to open a 'fine dining Indian restaurant', and was for sales of alcohol to be limited to the operations as a restaurant, i.e., alcohol to be provided only to accompany a served meal, only from 0900 until 11.00 or 11.30 pm, and with many conditions, and no 'off-sales'.

My comments are:

1. As residents, we have supported sensible applications in tune with the area, which supports a number of busy businesses in the daytime. The nights are relatively quiet and peaceful, which is well appreciated by the people who live and sleep here. Number 102 Great Portland Street is relatively close to our flats, and people entering and leaving, together with any noise emitted by customers, staff, suppliers and refuse disposal, will immediately become apparent to our block. The hours proposed are extremely late and well outside what is "normal" for the area. There is huge potential to be a public nuisance and the proposed changes would disturb many residents locally.
2. The application appears to be very "light", with insufficient detail for any serious consideration to be given, in my view. Among the details needed are:
  - Maximum numbers proposed for all areas of the building
  - Steps taken to control / minimise noise inside and outside of the building
  - Arrangement for control of smoking outside the building
3. The hours proposed are well in excess of the existing licence. I particularly do not think the closing hours proposed for Sundays and the Christmas holiday period are appropriate; it is suggested that the site closes at 12.30 am every weekday and 0200 hrs on Christmas Day and Boxing Day – these hours should be reduced materially.
4. The hours proposed are outside the "core hours" in Westminster's policy, which are already beyond what residents would wish. The application is also contrary to WCC's Statement of Licensing Policy.
5. The application is made for 'on-sales' and 'off-sales'. It should be made clear that the supply of alcohol is to be ancillary to table/served meals only. It must be made clear that no drinking outside the premises is to be permitted under any circumstances. This is not an area for breakfast binging or late-night drinking.
6. I am not sure what will be done about diners wishing to smoke. In any event, they must not be permitted to drink outside while smoking and requirements regarding noise made need to be included.
7. If qualified approval is given, compliance with PN1 – prevention of public nuisance – should be required, as well as conditions requiring measures to deal with the risk of nuisance.
8. If there is any intention to use recorded and/or live music, any agreement to the application should apply a condition to ensure that no noise can be heard outside the premises so as to cause a nuisance.
9. There is no mention of how late night dispersal of customers would be controlled. It would be next to impossible to avoid a huge amount of noise as patrons, some intoxicated, leave in the early hours, as well as the noise of car doors slamming and engines revving as cars and taxis leave.
10. There is nothing in the application regarding how the restaurant will be serviced e.g., deliveries, preparation for daily business, and waste collection and avoiding nuisance to the neighbourhood.
11. Is there a requirement for extraction and/or air conditioning equipment for the restaurant and/or basement? How will these be operated to avoid nuisance to near neighbours especially at night-times when people are sleeping?
12. If the committee is minded to approve a limited licence for "off-sales" via takeaway and delivery, does the applicant propose to use its own delivery drivers or a third party, or a



delivery app? How will these be controlled and what arrangements are made about parking during collection in an already congested street?

13. There need to be the usual conditions about operating a restaurant.
14. Providing takeaway or delivery options after 11.00 pm every night of every week offers significant scope for noise and public nuisance.
15. In passing, I note that there could be well over 70 people in the building – does the fire exit meet safety standards for this number and are the toilet facilities adequate?

I would like Mr Richard Brown to represent me at the hearing, to whom I am copying this letter.

**Further Submissions received on 24<sup>th</sup> September 2023**

Dear Licensing team

I refer to my earlier representation about the above application and would like to add to my concerns.

Living very near to the site, it seems from the outside and from an online search as if the cafe/bar is about to open as a cafe/bar.

I understood that the existing licence had lapsed as it had never been operated. The earlier application 20/11994/LIPN also had a number of conditions - are these included in the current application and for similar hours? Is the new operator able to carry on with the previous licence and did it allow operations as a bar for late night drinks?

Could you confirm that restrictions are in place to avoid cooking smells disturbing the flats above the site.

**The Interested Party have withdrawn their representation on the 31<sup>st</sup> October 2023 due to the reduction in hours and conditions agreed.**

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	12 September 2023

The FNA is the recognised Amenity society for the area; members and residents asked us to make a representation on their behalf;  
There are 5 residential units located above the premises.  
Their amenity is likely to be adversely impacted by the operations of this restaurant; the applicant does not advance any proposals to reduce or protect residents' amenity residing in the same building and nearby buildings; there are no conditions intended to reduce noise, nuisance, loitering outside the premises- as required under policy PN1- i.e. noise, smell.  
We note the lack of a proposed condition that alcohol would be auxiliary to the consumption of food at the premises, and there is no reference to the management of takeaways, or that off sales of alcohol would be auxiliary to the sale of food.  
We particularly object to granting a premises license beyond core hours for restaurant -policy HRS1 section 8 restaurants - Mon-Thurs: 0900-2330, fri and Sat: 0900-midnight, Sunday: 0900-2330.  
The applicant did not explain why he applied for longer hours, nor did he suggest conditions to protect residents' amenities [noise and smell from the premises]. in fact, scant details are provided as to the nature of the operation, capacity, arrangement for delivery of food and rubbish collections [both should not take place during the night] , condition that alcohol sale would be auxiliary to the sale and provision of food, and proposal to manage the issue of people loitering outside the premises- either smokers or deliveries.



<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	18 August 2023 ( <b>Withdrawn 17 October 2023</b> )
<p>This establishment is already known historically for selling alcohol outside of permitted hours - and for decades. It attracts anti-social behaviour because of this and does little to serve the local community. If residents want to buy alcohol they can plan ahead and buy it at the already many - in fact far too many - outlets immediately available on their doorstep. 9am is also far too early to be selling alcohol. Granting of this license will only cause ABS and bring in drinkers from far and wide.</p> <p><b>The Interested Party have withdrawn their representation on the 17<sup>th</sup> October 2023 due to the conditions agreed with Environmental Health.</b></p>	

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li> </ol>

	<p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p><b>8. Restaurants</b>  Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to 12am.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy RNT1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery</li> </ol>

	<p>of Alcohol and/or Late-Night Refreshment Policy DEL1.</p> <p>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</p> <p>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</p> <p>C. For the purposes of this policy a restaurant is defined as:</p> <p>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</p> <p>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</p> <p>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</p> <p>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</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

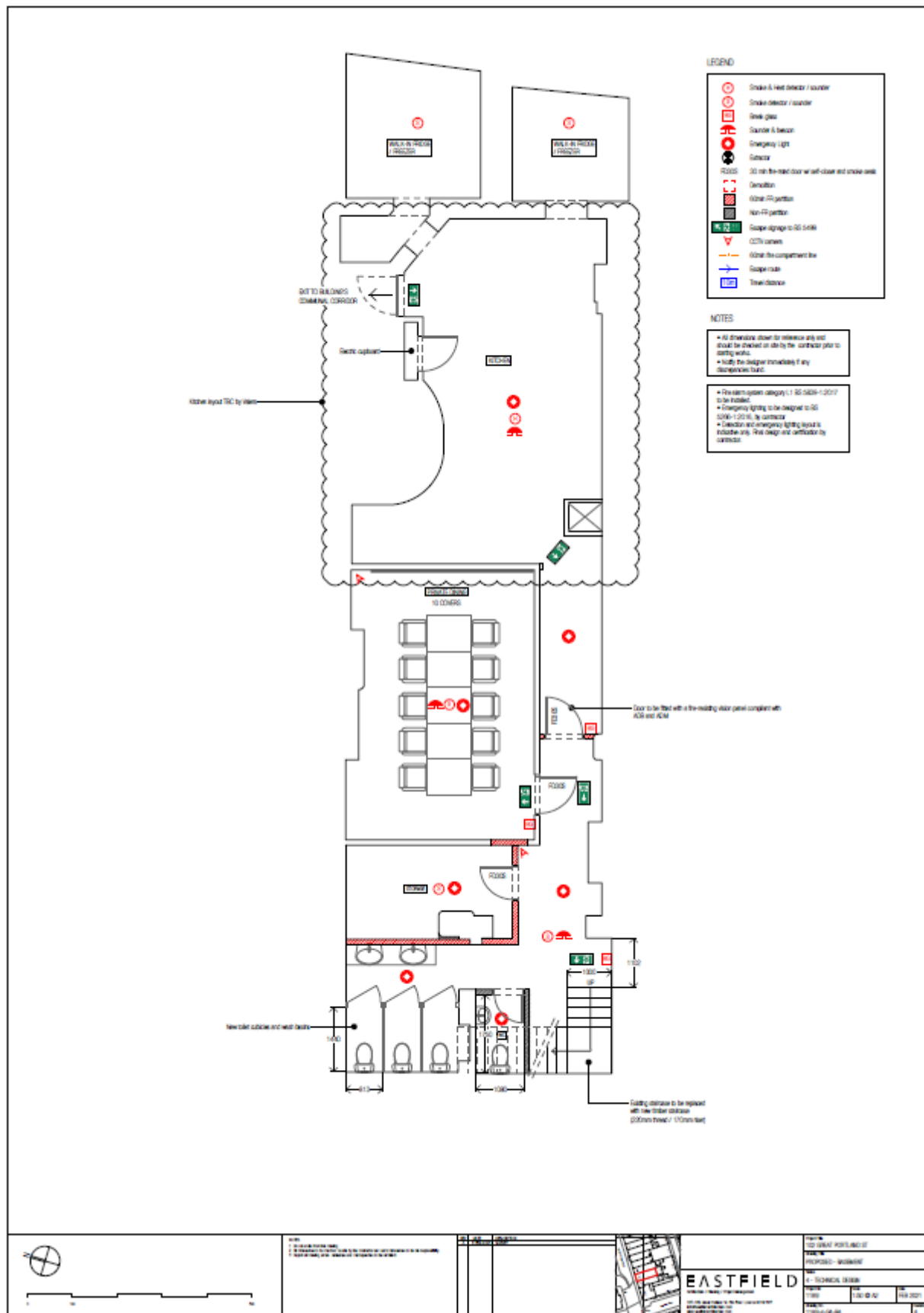
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Metropolitan Police Service <b>(Withdrawn 13 September 2023)</b>	5 September 2023
5	Environmental Health Service	13 September 2023
6	Representation 1 <b>(Withdrawn 21<sup>st</sup> November 2023)</b>	13 September 2023
7	Representation 2	19 August 2023
8	Representation 3 <b>(Withdrawn 31<sup>st</sup> October 2023)</b>	22 August 2023
9	Representation 4	12 September 2023
10	Representation 5 <b>(Withdrawn 17<sup>th</sup> October 2023)</b>	18 August 2023



Scale: 1:100

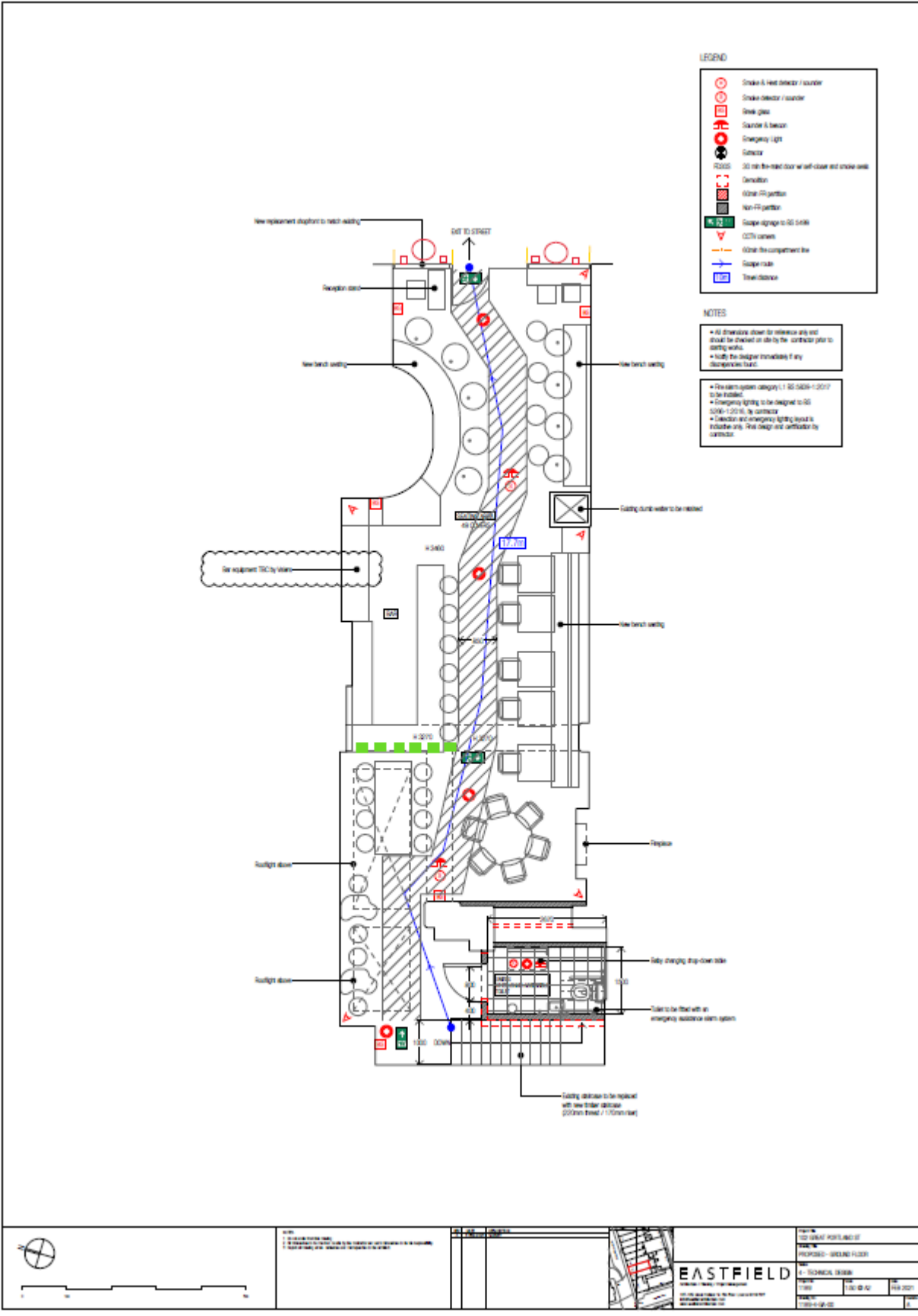
Notes: 1. In accordance with BS 5839-1:2002, 2. The alarm system shall be designed to BS 5839-1:2002, 3. The alarm system shall be designed to BS 5839-1:2002, 4. The alarm system shall be designed to BS 5839-1:2002.

NO.	DESCRIPTION
1	Smoke & Heat detector / sounder
2	Smoke detector / sounder
3	Smoke glass
4	Sounder & beacon
5	Emergency light
6	Detector
7	ROSDS
8	Call point (Call point door will self-close and smoke seal)
9	Call point
10	Alarm AP partition
11	Non-AP partition
12	Escape sign to ISO 5455
13	CCTV camera
14	Obtain the compartment fire
15	Escape route
16	Two-way door



**EASTFIELD**  
 Fire Alarm Design & Installation  
 100 Eastfield Road, Eastfield, East Sussex, TN20 9EJ  
 Tel: 01323 812345  
 Email: info@eastfieldfire.com

PROJECT INFORMATION		
PROJECT NAME	PROJECT - WORKING	
CLIENT	100-100-100	1000-1000
DATE	10/10/2024	10/10/2024
SCALE	1:100	1:100
DESIGNER	100-100-100	



**LEGEND**

- Smoke & Heat detector / sounder
- Smoke detector / sounder
- Smoke gas
- Sounder & beacon
- Emergency light
- Detector
- 30 min fire-rated door with self-close and smoke seal
- Demarcation
- Glass partition
- Non-FI partition
- Escape route to RD 5446
- CCTV camera
- Alarm the compartment fire
- Escape route
- Two-direction

**NOTES**

- All firework doors or windows and not should be checked on site by the contractor prior to starting work.
- Supply the designer immediately if any discrepancies found.
- The alarm system category is L1 AS 5446-1:2017 to be installed.
- Emergency lighting to be designed to BS 5266-1:2016, by contractor.
- Detector and emergency lighting layout is to be done only that design and verification by contractor.



NO.	REVISION	DATE	BY	CHECKED
1	ISSUE FOR TENDER ONLY			
2	FOR INFORMATION ONLY - THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION			

**EASTFIELD**  
 PROJECT - PROPOSED - GROUND FLOOR  
 DATE: 19th 2021  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO: [Number]



# REPORT



## 102 Great Portland Street Noise Impact Assessment

Date of Issue: 06/07/2023

Compiled By: Patrick Shuttleworth BSc (Hons) MIOA

Issued by: Stefan Hannan BSc(Hons) PGDip MIOA

Revision: 0



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## 1.0 Introduction

Clear Acoustic Design has been appointed to carry out a noise impact assessment in relation to the proposed mechanical plant installation at 102 Great Portland Street, London, W1W 6PD.

Proposals are for the installation of a new ventilation and air conditioning system, to serve a restaurant. The installation is comprised of 2 air handling units (AHU), and 3 extract fans (EF). Intake and exhaust air ducts are to be connected to a louvre facing in to Great Portland Street. The nearest residential receptors are understood to be the residential dwellings on upper floors, above the restaurant use.

The local planning authority has requested a noise impact assessment in order to safeguard the amenity of the surrounding receptors. The noise impact assessment is in line with BS 4142: 2014 + A1: 2019 *Methods for Rating and Assessing Industrial and Commercial Sound*. These criteria are seen to be appropriate in assessing and mitigating noise impact from this source.

### 1.1 Local Authority Requirements

A review of local planning policy has been undertaken. It is understood that for sites where the existing ambient noise levels exceed the WHO Guideline level of 55 dBA, and the noise source does not contain significant acoustic features – the rating level must be 10 dB below the existing background noise level. This will be applied to the assessment.



## 2.0 Environmental Noise Survey

In order to assess the noise impact of the proposed mechanical plant installation, an environmental noise survey has been undertaken by Clear Acoustic Design at a location representative of the nearest noise sensitive receptors. Photographs of the noise survey location are provided in Appendix B, Figure B.1.

The worst affected receptor location is taken to be the residential facades associated with the upper floors of 102 Great Portland Street. Due to distances and screening, compliance at this receptor location guarantees compliance at all other receptor locations.

The environmental noise survey has provided background noise levels representative of the receptor location, which will form the basis of the assessment in line with BS 4142. Ambient and background noise levels were measured between 27/06/23 and 29/06/23 using a single fixed noise monitor (referred to as F1).

### 2.1 Measurement Equipment and Environmental Conditions

The weather was witnessed to be overcast and dry for the duration of the survey with light wind speeds. The following measurement equipment was used for the survey.

Equipment	Serial Number	Calibration Date
Casella CEL-633C Type 1 Sound Level Meter	2145374	18/02/22
Casella CEL-495 Preampifier	002436	18/02/22
B&K 4189 Microphone	2529821	18/02/22
Casella CEL-120-1 Calibrator	113251	18/02/22

**Table 2.1 Measuring Equipment used for Survey**

## 2.2 Fixed Noise Monitoring Graph – F1

Figure 2.1 below provides a graph of the measured noise levels at Location F1. The ambient ( $L_{Aeq}$ ) and background ( $L_{A90}$ ) noise levels are shown. Ambient noise levels are above the WHO 55 dBA threshold.

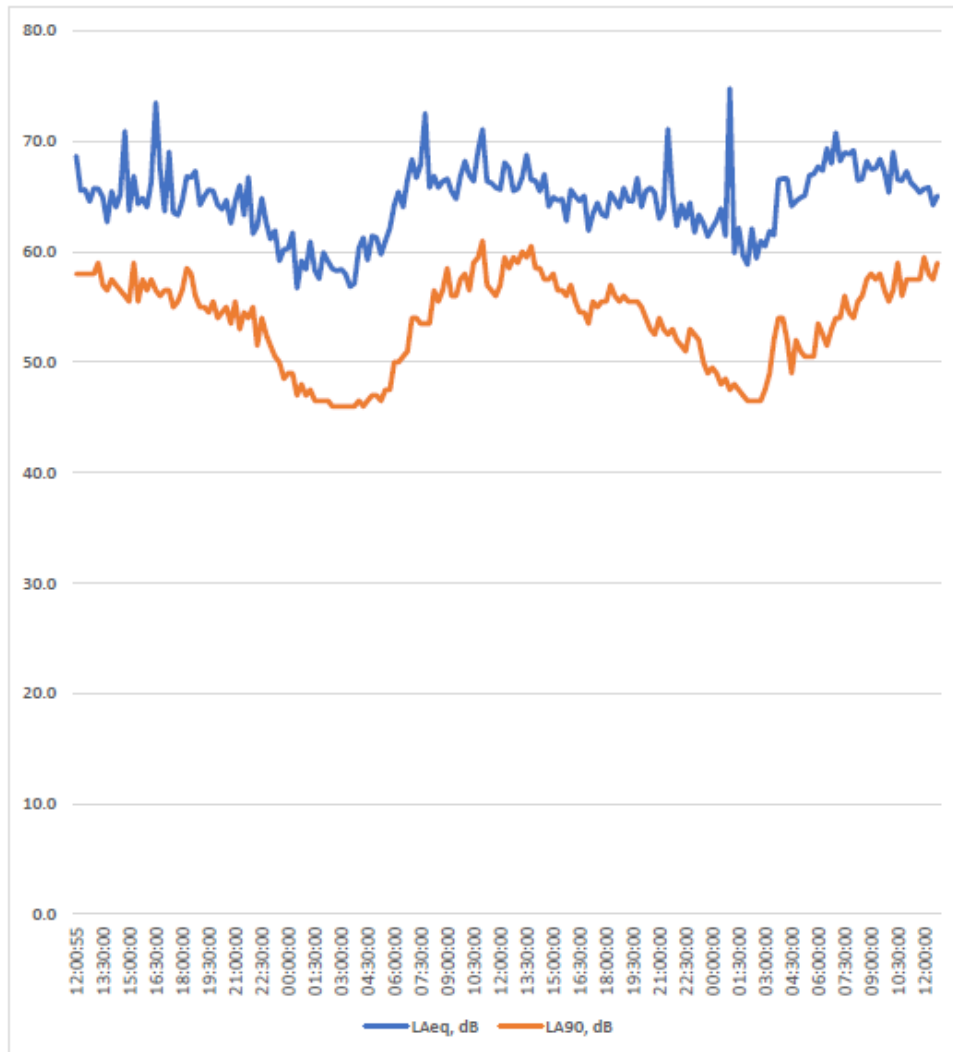


Figure 2.1 Long Term Measurement Graph – F1



### 2.2.1 Assessment Background Noise Level

In order to conduct an assessment in line with BS 4142: 2014, it is necessary to extrapolate representative background noise levels from the long term survey data. The proposed mechanical plant will operate during day time hours only. In noise terms this is defined as 0700 – 2300. The background noise levels which will form the basis of the assessment are presented in Table 2.2 below.

Assessment Background Noise Level, $L_{A90}$ dB, DAY
55

**Table 2.2: Assessment Background Noise Levels**





## 3.0 Noise Impact Assessment

### 3.1 Noise Sources

The sound power levels which have formed the basis of the assessment are presented in Table 3.1 below and are based on the technical specification. Appendix C provides an overview of the technical specification and noise data. The proposed plant is not seen to be tonal nor impulsive in nature.

The values presented in Table 3.1 - and in the supporting calculations in Appendix A - are the sound power levels at the relevant duct terminations. The duct losses including silencers and end reflections have therefore already been applied.

Clear Acoustic Design has verified the levels of attenuation provided by the proposed silencers. The levels of attenuation (silencers) are seen to be appropriate to meet the necessary rating levels, as demonstrated in Section 3.2.

Source	Type	125 Hz	250 Hz	500 Hz	1 KHz	2 KHz	4 KHz	dBA
AHU1 Intake	SWL at Facade Louvre Connection	72	66	49	42	39	37	60
AHU 2 Intake		58	66	46	31	35	46	58
EF1 Exhaust		52	57	45	46	46	47	53
EF2 Exhaust		47	60	45	39	48	50	55
EF3 Exhaust		25	39	52	56	54	55	60

**Table 3.1: Noise Source, Sound Power Levels, dB**



### 3.2 Assessment Outcome and Mitigation

Table 3.2 below provides the assessment in line with BS 4142: 2014 + A1: 2019. Supporting calculations are provided in Appendix A, Figure A.1.

As can be seen, the rating level is 12 dB below the background noise level. As defined by BS 4142: 2014, this means that there will be no adverse impact as a result of the proposed installation. This is also in full compliance with local authority requirements. No additional noise mitigation will be required. The silencers as outlined in the technical specification should be installed and maintained thereafter.

Time Period	Specific Noise Level, $L_{A,T}$ dB	Acoustic Feature Correction	Rating Noise Level, $L_{A,T}$ dB	Background Noise Level, $L_{90}$ dB	Assessment Outcome
0700-2300	43	-	43	55	- 12 dB

**Table 3.2: BS 4142 Assessment – Outcome**



---

## 4.0 Conclusion

Clear Acoustic Design has been appointed to carry out a noise impact assessment in relation to the proposed mechanical plant installation at 102 Great Portland Street, London, W1W 6PD.

The noise impact assessment is in line with BS 4142: 2014 + A1: 2019 *Methods for Rating and Assessing Industrial and Commercial Sound*. These criteria are seen to be appropriate in assessing and mitigating noise impact from this source.

As can be seen in Table 3.2 above, noise emissions from the mechanical plant installation will be 12 dB below the existing background noise level. This is therefore seen to be an acceptable outcome. Supporting Calculations are provided in Appendix A.



## Appendix A – Specific Noise Level Calculation

CLEAR		125	250	500	1000	2000	4000	dB(A)	
SWL Radiating from AHU 1 Inlet		72	66	49	42	39	37	60	
Louver / breakout losses		2	2	2	2	2	2		
Directivity Loss		-1	1	2	7	10	10		
Radiation Directivity		(1 = free space, 2 = hemispherical, 4 = 1/4-sphere, 8= 1/8 sphere)							
③ Distance (m)		2							
④ Distance (m)		3.0							
SPL @ Residence		53	45	27	15	9	7	40	
SWL Radiating from AHU 2 Inlet		58	66	46	31	35	46	58	
Louver / breakout losses		2	2	2	2	2	2		
Directivity Loss		-1	1	2	7	10	10		
Radiation Directivity		(1 = free space, 2 = hemispherical, 4 = 1/4-sphere, 8= 1/8 sphere)							
③ Distance (m)		2							
④ Distance (m)		3.0							
SPL @ Residence		39	45	24	4	5	16	37	
SWL Radiating from EF 1 Exhaust		52	57	45	46	46	47	53	
Louver / breakout losses		2	2	2	2	2	2		
Directivity Loss		-1	1	2	7	10	10		
Radiation Directivity		(1 = free space, 2 = hemispherical, 4 = 1/4-sphere, 8= 1/8 sphere)							
③ Distance (m)		2							
④ Distance (m)		3.0							
SPL @ Residence		33	36	23	19	16	17	30	
SWL Radiating from EF 2 Exhaust		47	60	45	39	48	50	55	
Louver / breakout losses		2	2	2	2	2	2		
Directivity Loss		-1	1	2	7	10	10		
Radiation Directivity		(1 = free space, 2 = hemispherical, 4 = 1/4-sphere, 8= 1/8 sphere)							
③ Distance (m)		2							
④ Distance (m)		3.0							
SPL @ Residence		28	39	23	12	18	20	32	
SWL Radiating from EF 3 Exhaust		25	39	52	56	54	55	60	
Louver / breakout losses		2	2	2	2	2	2		
Directivity Loss		-1	1	2	7	10	10		
Radiation Directivity		(1 = free space, 2 = hemispherical, 4 = 1/4-sphere, 8= 1/8 sphere)							
③ Distance (m)		2							
④ Distance (m)		3.0							
SPL @ Residence		6	18	30	29	24	25	33	
Combined Specific Noise Level		54	45	34	30	26	28	43	

Figure A.1: Specific Noise Level Calculation

## Appendix B – Noise Survey / Site Photographs



Figure B.1: Noise Survey Photographs



## Appendix C – Technical Specification

### 5.1. AHU-1 – SUPPLY SYSTEM TO THE GROUND FLOOR DINING AREA

Octave Band Centre							
Frequency [Hz]		125	250	500	1000	2000	4000
Sound Power Level of fan		87	84	70	66	59	50
Straight Duct Runs Attenuation	negligible						
Bends Attenuation:	negligible						
Attenuation due to end reflection at duct termination dB		8	4	1	0	0	0
Duct termination 0.1 [m <sup>2</sup> ]							
Silencer ATT-500-200-900		7	14	20	24	20	13
Sound power level at duct termination [dB]		72	66	49	42	39	37

### 5.2. EF-1 – EXHAUST FROM THE GROUND FLOOR DINING AREA

Octave Band Centre							
Frequency [Hz]		125	250	500	1000	2000	4000
Sound Power Level of fan		67	75	66	70	66	60
Straight Duct Runs Attenuation	negligible						
Bends Attenuation:	negligible						
Attenuation due to end reflection at duct termination dB		8	4	1	0	0	0
Duct termination 0.1 [m <sup>2</sup> ]							
Silencer ATT-500-200-900		7	14	20	24	20	13
Sound power level at duct termination [dB]		52	57	45	46	46	47



### 5.3. EF-3 – EXHAUST FROM THE BATHROOMS

Octave Band Centre						
Frequency [Hz]	125	250	500	1000	2000	4000
Sound Power Level of fan	35	46	55	56	54	55
Straight Duct Runs Attenuation	negligible					
Bends Attenuation:	negligible					
Attenuation due to end reflection at duct termination dB	11.5	7	3	0	0	0
Duct termination 0.04 [m <sup>2</sup> ]						
Silencer	Not designed					
Sound power level at duct termination [dB]	24.5	39	52	56	54	55

### 5.4. AHU-2 – GENERAL SUPPLY TO THE BASEMENT KITCHEN

Octave Band Centre						
Frequency [Hz]	125	250	500	1000	2000	4000
Sound Power Level of fan	70	78	63	59	55	52
Straight Duct Runs Attenuation	negligible					
Bends Attenuation:	negligible					
Attenuation due to end reflection at duct termination dB	8	4	1	0	0	0
Duct termination 0.1 [m <sup>2</sup> ]						
Silencer ATT-d250-500	2	4	8	14	10	3
Silencer ATT-d250-500	2	4	8	14	10	3
Sound power level at duct termination [dB]	58	66	46	31	35	46



5.5. EF -2 – GENERAL EXHAUST FROM THE KITCHEN (NOT FROM THE COOKING EQUIPMENT)

Octave Band Centre	125	250	500	1000	2000	4000
Frequency [Hz]	125	250	500	1000	2000	4000
Sound Power Level of fan	59	72	66	71	72	70
Straight Duct Runs Attenuation - 25mm lined (length 6m)	4	8	20	32	24	20
Bends Attenuation:						
Attenuation due to end reflection at duct termination dB	8	4	1	0	0	0
Duct termination 0.09 [m <sup>2</sup> ]						
Silencer –Not designed						
Sound power level at duct termination [dB]	47	60	45	39	48	50



---

**PETITTE CAFÉ LONDON LIMITED**  
**102 GREAT PORTLAND STREET, LONDON W1W 6PD**  
**KITCHEN ODOUR ASSESSMENT**

---

Client: Petite Café London Limited

Report Ref: P6569-R1-V3

Issue Date: 9<sup>th</sup> August 2023

Document Status: Version 3

**DATE ISSUED:** 9<sup>th</sup> August 2023




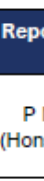
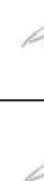

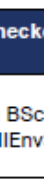
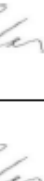

**REPORT REFERENCE:** P6569-R1-V3

**PETITTE CAFÉ LONDON LIMITED**

**102 GREAT PORTLAND STREET, LONDON, W1W 6PD**

**KITCHEN ODOUR ASSESSMENT**

**REPORT VERSION CONTROL:**

Document Reference	Date	Report Prepared by	Report Checked by	Report Authorised by
P6569-R1-V1	31/07/2023	Malcolm W Pouder BSc (Hons) PGDip CEnv MEnvSc MIAQM 	P Nolan BSc (Hons) AMEnvSc 	Malcolm W Pouder BSc (Hons) PGDip CEnv MEnvSc MIAQM 
P6569-R1-V2	02/08/2023			
P6569-R1-V2	02/08/2023			

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## APPENDICES

APPENDIX A - REPORT LIMITATIONS

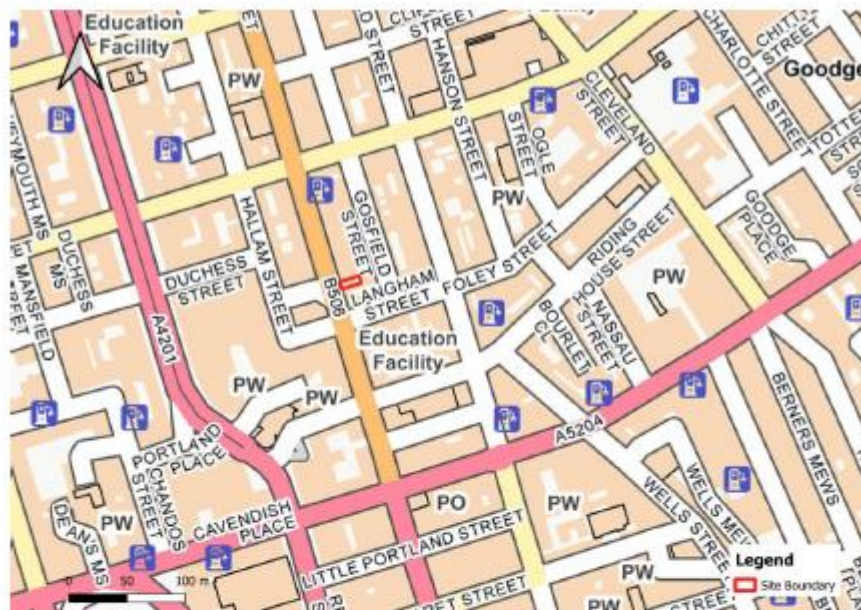
## 1 INTRODUCTION

1.1.1 NoiseAir Limited was commissioned to undertake a Kitchen Odour Assessment in support of a planning application for a Café comprising approximately 40 covers at 102 Great Portland Street, London W1W 6PD. Proposals include the installation of a commercial kitchen extraction system.

1.1.2 The Proposed Development has the potential to cause odour impacts as a result of emissions from cooking processes occurring within the restaurant kitchen. As such, an Odour Assessment was undertaken in order to evaluate potential effects as a result of the scheme and identify the necessary mitigation measures to prevent adverse impacts.

### 1.2 Site Location and Context

1.2.1 The Proposed Development is located at 102 Great Portland Street, London W1W 6PD, at approximate National Grid Reference (NGR): 529000, 181665. **Figure 1** details the location of the Site.



**Figure 1 Site Location**

1.2.2 The Proposed Development is located in an urban area. Land use in the immediate vicinity of the Site predominantly comprises commercial premises and residential properties. The closest sensitive receptors are located directly to the north and south of the Site.

The proposed hours of operation are yet to be confirmed but are understood to be approximately 10:00-19:00. The menu for the premises will be breakfasts, brunches and lunches comprising simple foods such as Eggs Benedict.

- 1.2.3 Emissions will be extracted from the kitchen via galvanised ductwork manufactured to DW 144 specification. The louvre will terminate at the façade of the building.

---

## 2 ODOUR BACKGROUND

### 2.1 Odour Definition

2.1.1 The Institute of Air Quality Management (IAQM) guidance<sup>1</sup> defines odour as:

*"[...] the human olfactory response (perception followed by psychological appraisal) to one, or more often a complex mixture of, chemical species in the air."*

2.1.2 The stated definition is considered to be relevant in the context of this assessment.

### 2.2 Odour Impacts

2.2.1 The magnitude of odour impacts depends on a number of factors and the potential for complaints varies due to the subjective nature of odour perception. The **FIDOL** acronym is a useful reminder of the factors that will determine the degree of odour pollution. These are described by the IAQM as follows:

- **Frequency** - how often an individual is exposed to odour;
- **Intensity** - the individual's perception of the strength of odour;
- **Duration** - The overall duration that individuals are exposed to an odour over time;
- **Odour unpleasantness** - Odour unpleasantness describes the character of an odour as it relates to the 'hedonic tone' (which may be pleasant, neutral or unpleasant) at a given odour concentration/intensity. This can be measured in the laboratory as the hedonic tone, and when measured by the standard method and expressed on a standard nine-point scale it is termed the hedonic score; and,
- **Location** - the type of land use and nature of human activities in the vicinity of an odour source. Tolerance and expectation of the receptor. The 'Location' factor can be considered to encompass the receptor characteristics, receptor sensitivity, and socio-economic factors.

2.2.2 It is important to note that even infrequent emissions may cause loss of amenity if odours are perceived to be particularly intense or offensive.

2.2.3 The **FIDOL** factors can be further considered to provide the following issues in regard to the potential for an odour emission to cause a nuisance:

- The rate of emission of the compound(s);

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<sup>1</sup> Guidance on the Assessment of Odour for Planning v1.1, IAQM, 2018.

- The duration and frequency of emissions;
- The time of the day that this emission occurs;
- The prevailing meteorology;
- The sensitivity of receptors to the emission i.e. whether the odorous compound is more likely to cause nuisance, such as the sick or elderly, who may be more sensitive;
- The odour detection capacity of individuals to the various compound(s); and,
- The individual perception of the odour (i.e. whether the odour is regarded as unpleasant). This is greatly subjective and may vary significantly from individual to individual. For example, some individuals may consider some odours as pleasant, such as petrol, paint and creosote.

### 2.3 Legislative Control

2.3.1 The main requirement with respect to odour control from premises not controlled under the Environmental Permitting (England and Wales) Regulations (2016) and subsequent amendments, such as the proposed school kitchen, is that provided in Section 79 of Part III of the Environmental Protection Act (1990). The Act defines nuisance as:

*"Any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance."*

2.3.2 Enforcement of the Act, in regard to nuisance, is currently under the jurisdiction of the local Environmental Health Department, whose officers are deemed to provide an independent evaluation of nuisance. If the Local Authority is satisfied that a statutory nuisance exists, or is likely to occur or happen again, it must serve an Abatement Notice under Part III of the Environmental Protection Act (1990). The only defence is to show that the process to which the nuisance has been attributed and its operation are being controlled according to best practicable means.

2.3.3 The legislative controls described above were considered as necessary throughout the undertaking of the assessment.

### 2.4 National Planning Policy

2.4.1 The revised National Planning Policy Framework<sup>2</sup> was published in July 2021 and sets out the Government's Planning policies for England and how these are expected to be applied.

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<sup>2</sup> NPPF, Ministry of Housing, Communities and Local Government, 2021.



2.4.2 The purpose of the planning system is to contribute to the achievement of sustainable development. In order to ensure this, the NPPF recognises three overarching objectives included the following of relevance to odour:

*"c) An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

2.4.3 Chapter 12 of the NPPF details objectives in relation to achieving well-designed place. It states that:

*"Planning policies and decisions should ensure that developments:[...]*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesions and resilience [...]"*

2.4.4 The implications of the NPPF have been considered throughout this assessment.

## 2.5 Local Planning Policy

2.5.1 The prevention of odour and fume nuisance from commercial kitchen exhaust systems<sup>3</sup> provides the council's Environmental Health Departments recommendations for premises running a commercial hot food operation. The department recommend commercial premises with a hot food operation to incorporate a 'full height' discharge scheme (or an acceptable 'recirculation' system). All other schemes discharging externally at low-level, even if to BPM standards, can only finally be determined as being suitable once in operation and will likely require further adaptations should the hot food operation change in the future.

2.5.2 It should be noted that the Site has previously been used for food preparation, likely with an extract in a similar location. Therefore, it is not a full change of use, so the 'full height' scheme should not apply.

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<sup>3</sup> City of Westminster Council (2021) Prevention of odour and fume nuisance from commercial kitchen exhaust systems.

### 3 METHODOLOGY

#### 3.1 Introduction

3.1.1 The Proposed Development has the potential to cause odour impacts as a result of emissions from cooking processes. An assessment has therefore been undertaken in accordance with the guidance document 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' prepared by EMAQ+ for Department for Environment, Food and Rural Affairs (DEFRA)<sup>4</sup>. This document provides an update to the 2005 guidance<sup>5</sup> produced by DEFRA.

#### 3.2 Assessment Methodology

3.2.1 The EMAQ+ and DEFRA methodology provides an approach for identifying the risk of odour impact associated with food preparation premises and defining an appropriate level of mitigation to control potential effects to an acceptable level. This methodology is also recommended by the City of Westminster guidance.

3.2.2 The first stage in the process is to score the proposed premises in accordance with the criteria outlined in **Table 1**.

Criteria	Score	Score	Details
Dispersion	Very poor	20	Low level discharge, discharge into courtyard or restriction on stack
	Poor	15	Not low level but below eaves, or discharge at below 10m/s
	Moderate	10	Discharging 1m above eaves at 10 - 15m/s
	Good	5	Discharging 1m above ridge at 15m/s
Proximity of receptors	Close	10	Closest sensitive receptor less than 20m from kitchen discharge
	Medium	5	Closest sensitive receptor between 20 and 100m from kitchen discharge
	Far	1	Closest sensitive receptor more than 100m from kitchen discharge
Size of kitchen	Large	5	More than 100 covers or large sized takeaway
	Medium	3	Between 30 and 100 covers or medium sized takeaway
	Small	1	Less than 30 covers or small take away

<sup>4</sup> Control of Odour and Noise from Commercial Kitchen Exhaust Systems, EMAQ+, 2018.

<sup>5</sup> Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, DEFRA, 2005.

Table 1: Risk Scoring Criteria			
Criteria	Score	Score	Details
Cooking type (odour and grease loading)	Very High	10	Pub (high level of fried food), fried chicken, burgers or fish & chips, Turkish, Middle Eastern or any premises cooking with solid fuel
	High	7	Vietnamese, Thai, Indian, Japanese, Chinese or steakhouse
	Medium	4	Cantonese, Italian, French, Pizza (gas fired)
	Low	1	Most pubs (no fried food, mainly reheating and sandwiches etc) or Tea rooms

3.2.3 The score obtained using the values shown in **Table 1**, is subsequently used to define the associated risk and odour control requirement. The relevant criteria are summarised in **Table 2**.

Table 2: Odour Control Requirement		
Significance Score	Impact Risk	Odour Control Requirement
Less than 20	Low to Medium	Low level odour control
20 to 35	High	High level odour control
More than 35	Very high	Very high level odour control

3.2.4 A suitable odour control system can then be identified from the techniques summarised in the EMAQ+ and DEFRA guidance.

## 4 ASSESSMENT

### 4.1 Odour Risk

4.1.1 The odour risk associated with the proposals was rated in accordance with the EMAQ+ and DEFRA methodology.

#### *Dispersion;*

4.1.2 Emissions are expected to be extracted from the hot food preparation area within the kitchen via a stainless-steel canopy fitted with grease baffle filters and will travel via a high velocity louvre and will terminate below the eaves of the property. Therefore, based on the information in **Table 1**, the risk rating for dispersion would be described as **Poor**.

#### *Proximity of receptors;*

4.1.3 The closest sensitive receptors are in the adjacent premises, likely less than 20m away from the kitchen discharge. Therefore, based on the information in **Table 1**, the risk rating for dispersion would be described as **Close**.

#### *Size of kitchen;*

4.1.4 The proposals show the kitchen will provide around 40 covers. Based on the information in **Table 1**, the risk rating for the size of kitchen would be described as **Medium**.

#### *Cooking type (odour -grease loading);*

4.1.5 The proposed kitchen menu is simple, serving breakfasts, brunch and lunch. Given many general breakfast items are usually fried, a conservative high grease load has been assumed. Based on the information in **Table 1**, the risk rating for the cooking type would be described as **Medium**.

4.1.6 The results are summarised in **Table 3**.

Criteria	Score	Score	Notes
Dispersion	Poor	10	Not low level but below eaves
Proximity of receptors	Close	10	Closest sensitive receptor less than 20m from kitchen discharge
Size of kitchen	Medium	3	Based on size of meals given the needs of the pupils

Criteria	Score	Score	Notes
Cooking type (odour and grease loading)	Low-Medium	4	Soups, pasta, boiled baby potatoes, various salads, and dishes primarily from European cuisine. Additionally, offering ready-to-go options like baguettes, bagels, and sandwiches.

4.1.7 As shown in **Table 3**, the odour risk from the proposed kitchen was scored as a conservative **27**. The risk was therefore classified as **High**, in accordance with the EMAQ+ and DEFRA criteria.

#### 4.2 Odour Control

4.2.1 Based on the assessment results, the school kitchen requires mitigation suitable for a **High** level of odour risk.

4.2.2 Emissions will be extracted from the kitchen via a stainless-steel canopy. Emissions will be discharged to the atmosphere horizontally via a dedicated louvre which will be installed on the southern elevation of the building. The louvre will terminate above the shopfront.

4.2.3 It is recommended to replace the carbon filters (if fitted) regularly, and the extraction system is regularly maintained and cleaned in order to minimise the potential for any odour related complaints.

4.2.4 The stated control measures are considered to be appropriate for the nature of the Proposed Development and are consistent with the abatement options suggested within the EMAQ+ and DEFRA guidance for cooking activities with a **High** risk of impact. The proposed unit includes a recirculating odour control unit, which would further reduce impacts.

4.2.5 Based on the findings of the assessment, it is considered that potential odour impacts at nearby sensitive receptors would be reduced to an acceptable level, subject to the inclusion of the proposed and recommended mitigation.

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## 5 CONCLUSION

- 5.1.1 NoiseAir Limited was commissioned to undertake an Odour Assessment in support of a planning application for a Café comprising approximately 40 covers at 102 Great Portland Street, London W1W 6PD. Proposals include the installation of a commercial kitchen extraction system.
- 5.1.2 The Proposed Development has the potential to cause odour impacts as a result of cooking processes within the proposed school kitchen. As such, an Odour Assessment was undertaken in order to consider potential impacts associated with the scheme and identify suitable odour control measures.
- 5.1.3 An assessment using the EMAQ+ and DEFRA methodology was undertaken in order to identify the odour risk associated with the proposals. This was based on a number of site-specific inputs.
- 5.1.4 The results of the assessment indicated the odour risk was classified as **High**. This prediction does not infer that the Proposed Development would result in significant odour impact or affect local amenity levels. However, it does suggest that appropriate mitigation options are required to reduce potential effects to an acceptable level.
- 5.1.5 The specified and recommended odour abatement strategy for the site is considered appropriate for the nature of the development and is consistent with the requirements of the EMAQ+ and DEFRA guidance for kitchens with a **High** risk of impact. It therefore follows that with this mitigation in place, potential odour impacts at nearby sensitive receptors would be reduced to an acceptable level.
- 5.1.6 Based on the findings of the assessment, it is considered that odour emissions should not represent a constraint to planning consent for the Proposed Development.

## APPENDIX A - REPORT LIMITATIONS

This Report is presented to Petite Café London Limited and may not be used or relied on by any other person or by the client in relation to any other matters not covered specifically by the scope of this report.

Notwithstanding anything to the contrary contained in the report, NoiseAir Limited is obliged to exercise reasonable skill, care and diligence in the performance of the services required by Petite Café London Limited and NoiseAir shall not be liable except to the extent that it has failed to exercise reasonable skill, care and diligence, and this report shall be read and construed accordingly.

This report has been prepared by NoiseAir Limited. No individual is personally liable in connection with the preparation of this report. By receiving this report and acting on it, the client or any other person accepts that no individual is personally liable whether in contract, tort, for breach of statutory duty or otherwise.

The conclusions and recommendations contained in this report are based upon information provided by others and upon the assumption that all relevant information has been provided by those parties from who it has been requested and that such information is accurate. Information obtained by NoiseAir Limited has not been independently verified by NoiseAir Limited unless otherwise stated in the report and should be treated accordingly.

The methodology adopted and the sources of information used by NoiseAir Limited in providing its services are outlined in this report. The work described in this report was undertaken during the dates given in Section 1 and Section 2 and is based upon the conditions encountered as detailed in Section 2 and the information available up to the said date. The scope of this report and the services are accordingly factually limited by these circumstances.

Where assessments of works or costs identified in this report are made, such assessments are based upon the information available at the time and where appropriate are subject to further investigations or information which may become available.

Where / if estimates and projects are made within this report, are made based on reasonable assumptions as of the date of this report, such statements however by their very nature involve risks and uncertainties that could cause actual results to differ materially from the results predicted. NoiseAir Limited specifically does not guarantee or warrant any estimates or projects contained in this report.

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# Recirculating kitchen extract

## For commercial foodservice

### No duct or route to atmosphere

- Unlock new locations
- Reduce fire risk
- Environmental benefits
- Problem solving
- Cost saving & flexibility



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Keys Park Road, Cannock,  
Staffordshire WS12 2HA

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Reco-Air units work at the heart of a kitchen ventilation system serving all electric catering equipment and achieving complete recirculation, with no requirement for duct or route to atmosphere.

Highly efficient filter technology removes particulates and odours and provides exhaust air independently certified as clean to re-introduce as supply air.

Significantly reducing fire risk by eliminating long duct runs to atmosphere, simplifying planning procedures enabling complete layout flexibility and providing commercial opportunities to install kitchens in previously unfeasible locations.

#### Reco-Air removes:



#### Reco-Air already work with:



#### Reduce fire risk

- Reco-Air significantly reduces fire risk by eliminating grease-laden duct work to atmosphere.

#### Emissions control

- Improve the environment.
- No odour or grease nuisance to neighbours.

#### Approvals

- CE compliant
- DW/172 2018 Compliant
- TR19
- UL710b Listed (selected models only)
- NFPA Section 13
- City of Westminster EHO & Planning
- Fire Officer
- Building Control Officers

#### Cost saving

- Reco-Air reduces CAPEX investment by eliminating fire-rated duct work to atmosphere.
- No costly specialist duct cleaning and auditing.
- Reco-Air can reduce utility usage and plant requirement.

#### Adding value

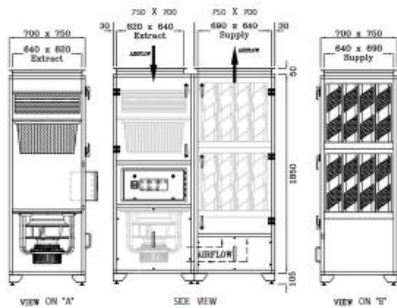
- Expand menu offers at existing locations.
- Add hot foods to kiosk and island sites.

#### Flexibility

- Reco-Air units can be located internally or externally, adjacent to or remote from the extract canopy.
- Range of models and build configurations to suit all kitchen sizes.
- Reco-Air units are easily retro-fitted or relocated.



Patented



### RA1.0 Standard Specification

- » 25mm double skin panels
- » Galvanised steel finish to interior
- » Various external finish options
- » Panels insulated with 45Kg/m<sup>3</sup> density mineral wool
- » Primary Filters sets F1, F2, F3
- » Fan section 400V
- » Three phase suitable for 0 to 10V signal control
- » Unit duty 12m<sup>3</sup>/s @ 320 Pa external
- » Fan motor: 5.5kW, 400V, 3 Phase
- » Motor full load on maximum speed 8.4amps
- » Max. ambient working temperature range 45°C
- » F4 Activated carbon cylinders
- » Unit weight with all filters fitted approx. 785Kg

### Reco-Air models

Model	UL	Void	DSI / DSE	Air flow	Pascals	Fan size	Amps	Phase
RA 0.5 S		✓		0.5 m <sup>3</sup> /s (1,800 m <sup>3</sup> /hr)	250 Pa	310 mm Ø	4	Three
RA 0.8 S		✓	✓	0.8 m <sup>3</sup> /s (2,880 m <sup>3</sup> /hr)	180 Pa	310 mm Ø	4	Three
RA 1.0 S	✓	✓	✓	0.9 m <sup>3</sup> /s (3,240 m <sup>3</sup> /hr)	250 Pa	355 mm Ø	7.2	Three
RA 1.5 S	✓	✓	✓	1.2 m <sup>3</sup> /s (4,320 m <sup>3</sup> /hr)	320 Pa	355 mm Ø	7.2	Three
RA 2.0 S	✓	✓	✓	1.8 m <sup>3</sup> /s (6,480 m <sup>3</sup> /hr)	250 Pa	450 mm Ø	8	Three
RA 2.5 S			✓	2.25 m <sup>3</sup> /s (8,100 m <sup>3</sup> /hr)	320 Pa	2 x 450 mm Ø	16	Three
RA 3.0 S			✓	2.7 m <sup>3</sup> /s (9,720 m <sup>3</sup> /hr)	320 Pa	2 x 450 mm Ø	16	Three
RA 4.0 S				3.6 m <sup>3</sup> /s (12,960 m <sup>3</sup> /hr)	250 Pa	2 x 450 mm Ø	16	Three

### Air Cleanliness Study by Validair

Site: The Waterside, Imperial Wharf, Chelsea  
Equipment: RA2.5

#### Report summary

The air quality from Reco-Air system is very clean and maintains a level of around ISO Class 7-8 for smaller particles. The larger particles are arrested during cooking periods and for these sizes ISO class 5-8 is seen.

**The air returning from the Reco-Air unit is around 1,000x cleaner than typical atmospheric conditions.**

### Acoustic report by Applied Acoustic Design

Reco-Air noise levels are very low. Casing-radiated noise from standard units are between 54 to 57 dBA when measured at 1m.



#### Slim Chickens, Bishopsgate, London

##### No route to atmosphere

New venue for Slim Chickens, in the heart of London, with no direct route to atmosphere and strict emissions controls.

Reco-Air was the best solution, delivering a reliable and proven internal kitchen extract solution.

Solution: RA2.0



#### Ottolenghi Chelsea, Pavilion Road, London

##### Space limitations

Limited route to atmosphere and no space for roof plant, in a premium residential area with no tolerance for nuisance to residential neighbours.

Our bespoke-designed unit, located in a stairwell to save valuable kitchen space, provided the ideal solution.

Solution: RA1.5



#### JD Wetherspoon, Network Rail Waverley Station, Edinburgh

##### Heritage location

Heritage Grade II listed building had no option for external extract due to strict conservation control.

Reco-Air unit installed, enabling a previously unfeasible location to trade with a full, hot food menu.

Solution: RA2.5



#### Camden Bar & Kitchen, Standed Airport

##### Unlock new location

SSP identified an opportunity to introduce a Bar & Kitchen in an airside location previously occupied by retail, and with no route to atmosphere.

The Reco-Air installation enabled an otherwise impossible location to trade with a full hot food menu.

Solution: 2x RA2.0 UL



#### Everyman, Borough Yards, London

##### Expanding hot-food offer

Leading cinema chain operating from a location with no route to atmosphere available.

Supporting the full Everyman hot-food menu, Reco-Air RA1.5 Void unit was installed enabling layout flexibility and simplified design.

Solution: RA1.5



#### The Waterside Pub & Restaurant, Imperial Wharf, London

##### Emissions control

A trading Young's site with on-going grease and odour issues for residents in apartments above.

Resolved by the retro-fit installation of a Reco-Air unit, which also gave additional fire safety to the building and its residents.

Solution: RA2.5



UL 710B listed



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**Premises History****Appendix 3**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
20/11994/LIPN	New Premises Licence – <b>Retail Sale of Alcohol</b> Monday to Sunday 09:00 to 23:00  <b>Opening Hours</b> – Monday to Friday 07:00 to 23:30 Saturday to Sunday 08:00 to 23:30	6 May 2021	Granted in Full by Licensing Sub-Committee

**\*\*\*Licence Holder dissolved in January 2023\*\*\***

There is no appeal history for the premises.

**Temporary Event Notices**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
23/07683/LITENP	Temporary Event Notice	3 November 2023	Notice Granted

**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**

None

**Conditions proposed by the Metropolitan Police Service and agreed with the applicant to form part of the operating schedule.**

9. 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 are 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. 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.
12. A Challenge 25 proof of age scheme shall be operated at the premises 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.
13. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
14. Notices shall be prominently displayed at all exits and the outside smoking area requesting patrons to respect the needs of local residents and leave the area quietly.
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. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
17. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
18. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.

**Conditions proposed by the Environmental Health and agreed with the applicant to form part of the operating schedule.**

19. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:  
Ground Floor 50 persons.  
Basement Dining Room 20 persons.  
Outside area 4 persons  
With no more than 70 persons indoors and outdoors in total
20. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.
21. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.
22. Notwithstanding condition 2 and 3 above, alcohol may be supplied to and consumed by up to 6 persons at any one time, prior to their meal in the bar area (designated on the plan).
23. All sales of alcohol for consumption off the premises shall be in sealed containers only and ancillary to a take-away meal, except for persons seated at the external table and chairs.
24. Deliveries of food and drink shall only be made to a bonafide residential or business addresses.
25. 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.
26. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner to ensure that there is no public nuisance or obstruction of the public highway.
27. 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.
28. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
29. 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.
30. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
31. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.

32. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
33. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
34. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

**Conditions proposed by an Interested Party and agreed with the applicant to form part of the operating schedule.**

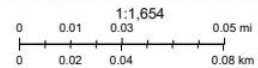
35. There shall be no consumption of alcohol outside the premises building.
36. There shall be no sale of alcohol for consumption off the premises after 11pm.
37. No deliveries from the premises, either by the licensee or a third party, shall take place between (23:00) and (08:00) hours on the following day.

102 Great Portland Street, London



15/11/2023, 11:46:02

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



**Resident Count: 288**

Licensed premises within 75 metres of 102 Great Portland Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/00591/LIPV	Fugazzina	Basement And Ground Floor 104 Great Portland Street London W1W 6PE	Shop	Sunday; 08:00 - 22:30   Monday to Saturday; 08:00 - 00:00
23/03292/LIPDPS	The Gurkhas	Basement And Ground Floor 110 Great Portland Street London W1W 6PQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
17/14779/LIPCHT	Sushi Atelier	114 Great Portland Street London W1W 6PH	Cafe	Sunday; 07:00 - 22:45   Monday to Thursday; 07:00 - 23:45   Friday to Saturday; 07:00 - 00:15   Sundays before Bank Holidays; 07:00 - 00:00
21/00262/LIPT	Not Recorded	94 Great Portland Street London	Not Recorded	Monday to Friday; 08:00 - 21:00

		W1W 7NU		Saturday to Sunday; 09:00 - 21:00
17/02261/LIPDPS	Club West One	Wogan House 99 Great Portland Street London W1W 7NY	Studio	Monday to Sunday; 00:00 - 00:00
16/13088/LIPCH	BBC	Wogan House 99 Great Portland Street London W1W 7NY	Not Recorded	Monday to Sunday; 07:00 - 00:00
23/00949/LIPCH	The Grange Langham Court Hotel	31-35 Langham Street London W1W 6BU	Hotel, 3 star or under	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30   Monday to Sunday; 00:00 - 00:00
23/06290/LIPT	The Whisky Exchange	90 Great Portland Street London W1W 7NT	Shop	Sunday; 10:00 - 18:00   Monday to Saturday; 10:00 - 20:00
23/03683/LIPDPS	Java Whiskers	105 Great Portland Street London W1W 6QF	Cafe	Monday; 10:00 - 20:00   Tuesday; 10:00 - 20:00   Wednesday; 10:00 - 20:00   Thursday; 10:00 - 21:00   Friday; 10:00 - 21:00   Saturday; 10:00 - 21:00   Sunday; 10:00 - 20:00
23/00066/LIPDPS	Yorkshire Grey Public House	46 Langham Street London W1W 7AX	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
23/04086/LIPDPS	Yorkshire Grey Public House	46 Langham Street London W1W 7AX	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
23/02021/LIPVM	Drunch And Kave	Basement And Ground Floor 71 Great Titchfield Street London W1W 6RB	Cafe	Monday; 10:00 - 23:30   Tuesday; 10:00 - 23:30   Wednesday; 10:00 - 23:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:00
17/11140/LIPN	Townhouse	Basement And Ground Floor 88 Great Portland Street London W1W 7NT	Hairdresser or beauty salon	Monday to Sunday; 07:00 - 23:00

