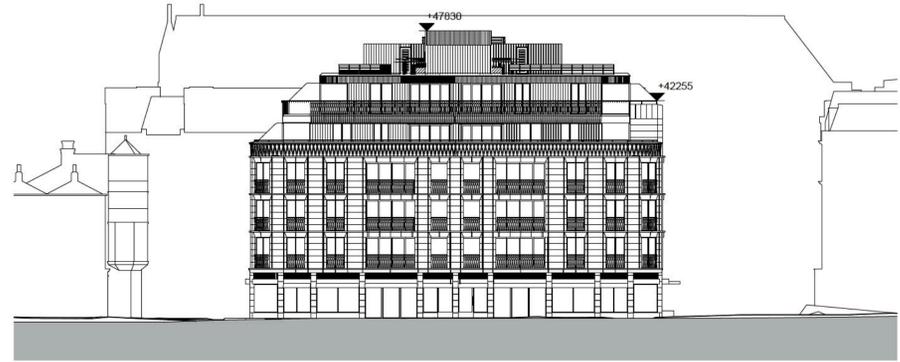
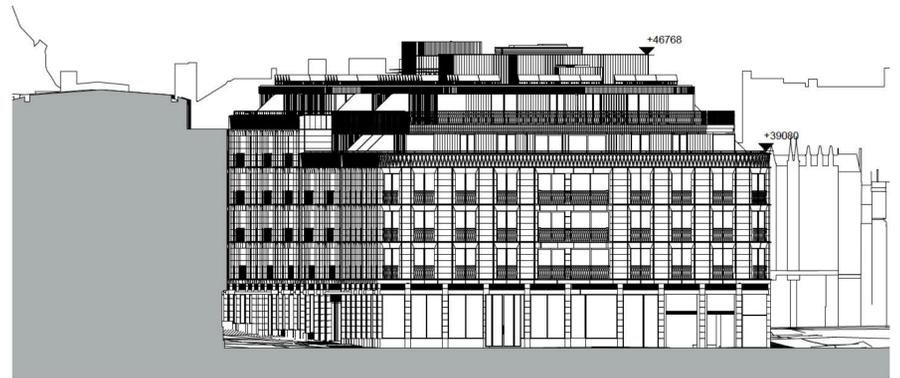


General Notes  
 - Dimensions are in millimetres unless stated otherwise.  
 - Levels are in millimetres AOD unless stated otherwise.  
 - Dimensions govern, please do not scale off drawing.  
 - All dimensions to be verified on site before proceeding.  
 - All discrepancies are to be noted in writing to E8 Design Ltd.



1 North Elevation - Moxon Street  
 1 : 200



3 South Elevation - St. Vincent Street  
 1 : 200



4 West Elevation - Aybrook Street  
 1 : 200

**Amendments**  
 1. Please lobby entrance has been amended. Ornamental gates replace the conventional glazed doors, with the design of the gate to be developed as a piece of public art.



2 East Elevation - Cramer Street  
 1 : 200

Rev	Date	Issue	Reason For Issue
16	10/06/22	S2	For information
15	06/11/18	D2	Issued for Tender
14	04/05/18	D2	Issued for Tender
13	04/05/18	S2	For information
12	10/05/18	S2	For information
11	12/10/17	S2	For information

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 W: www.e8architecture.co.uk

Client  
 Moxon Street Residential  
 The Listed Hall  
 50 Bolsover Street  
 London, W1W 5NG

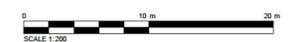
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 Marylebone Square

Drawing Title  
 NMA Application Street Elevations

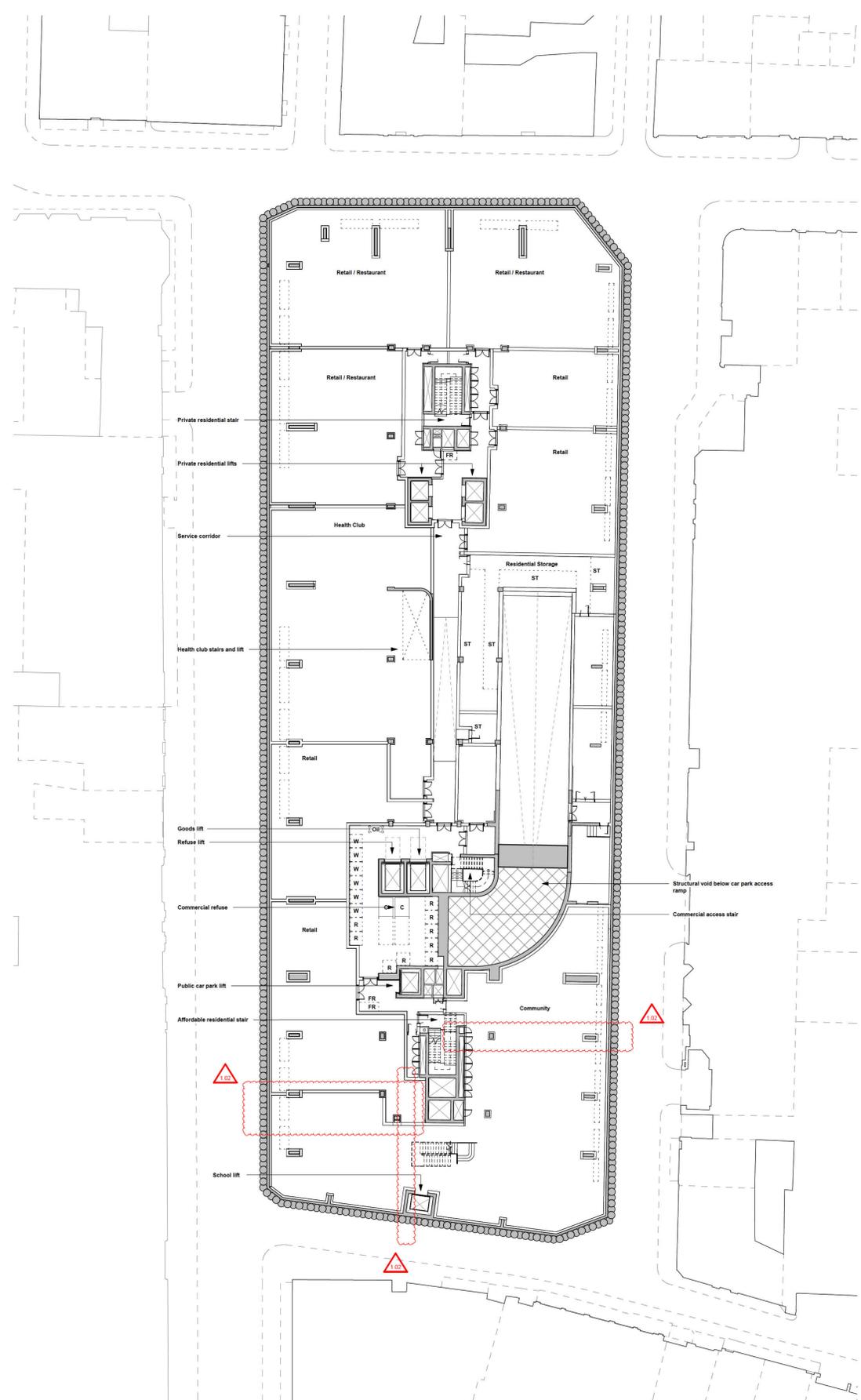
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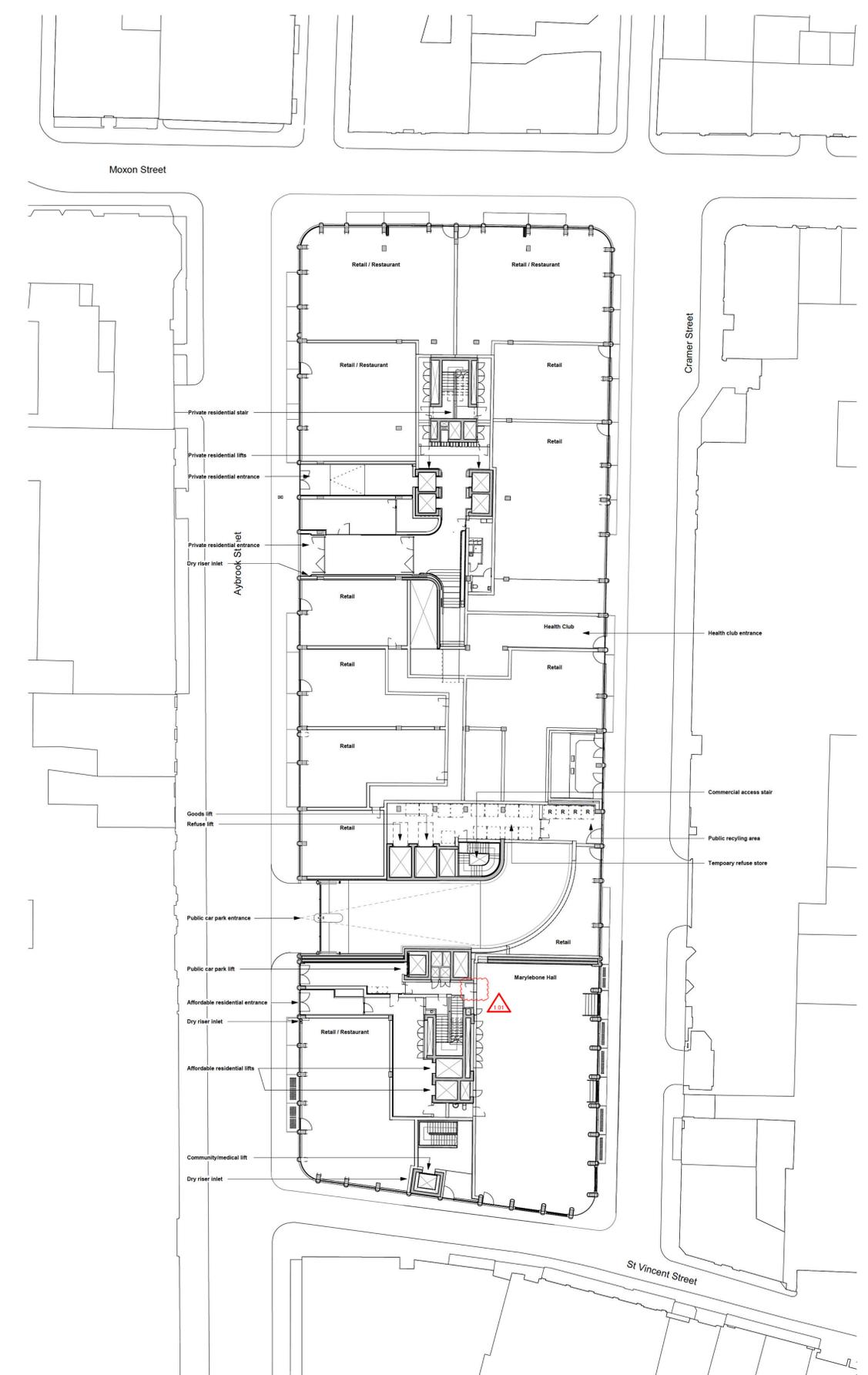
Revision Number  
 T6



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2 GA\_Lower Ground\_NMA  
 1 : 200



1 GA\_Ground\_NMA  
 1 : 200

T3	05/12/22	S2	For information
T2	04/12/22	S2	For information
T1	11/10/22	S2	For information
Rev	Date	Stat	Reason For Issue

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Project Title:  
 Marylebone Square

Drawing Title:  
 Planning - LG and G Plans

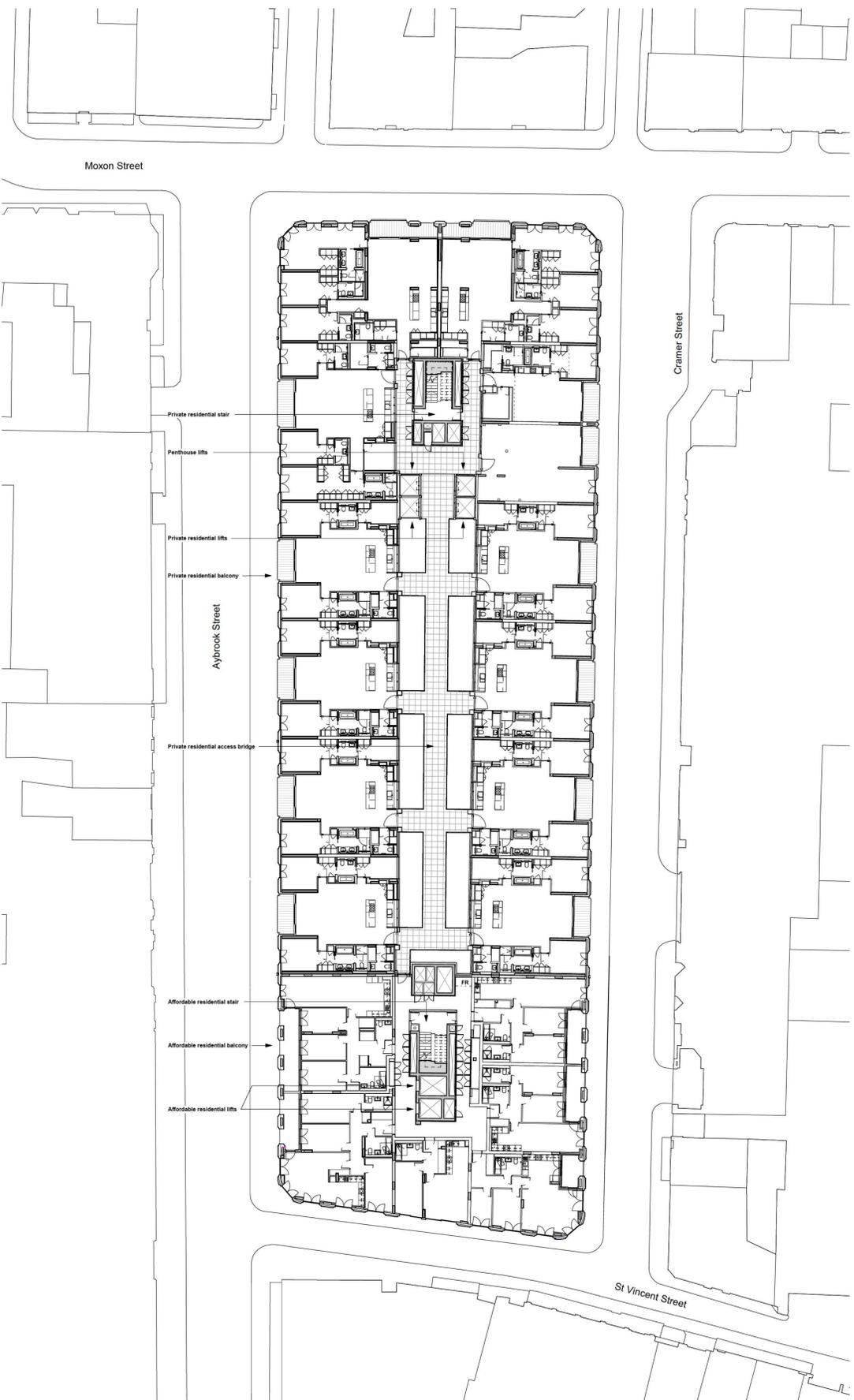
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Format:  
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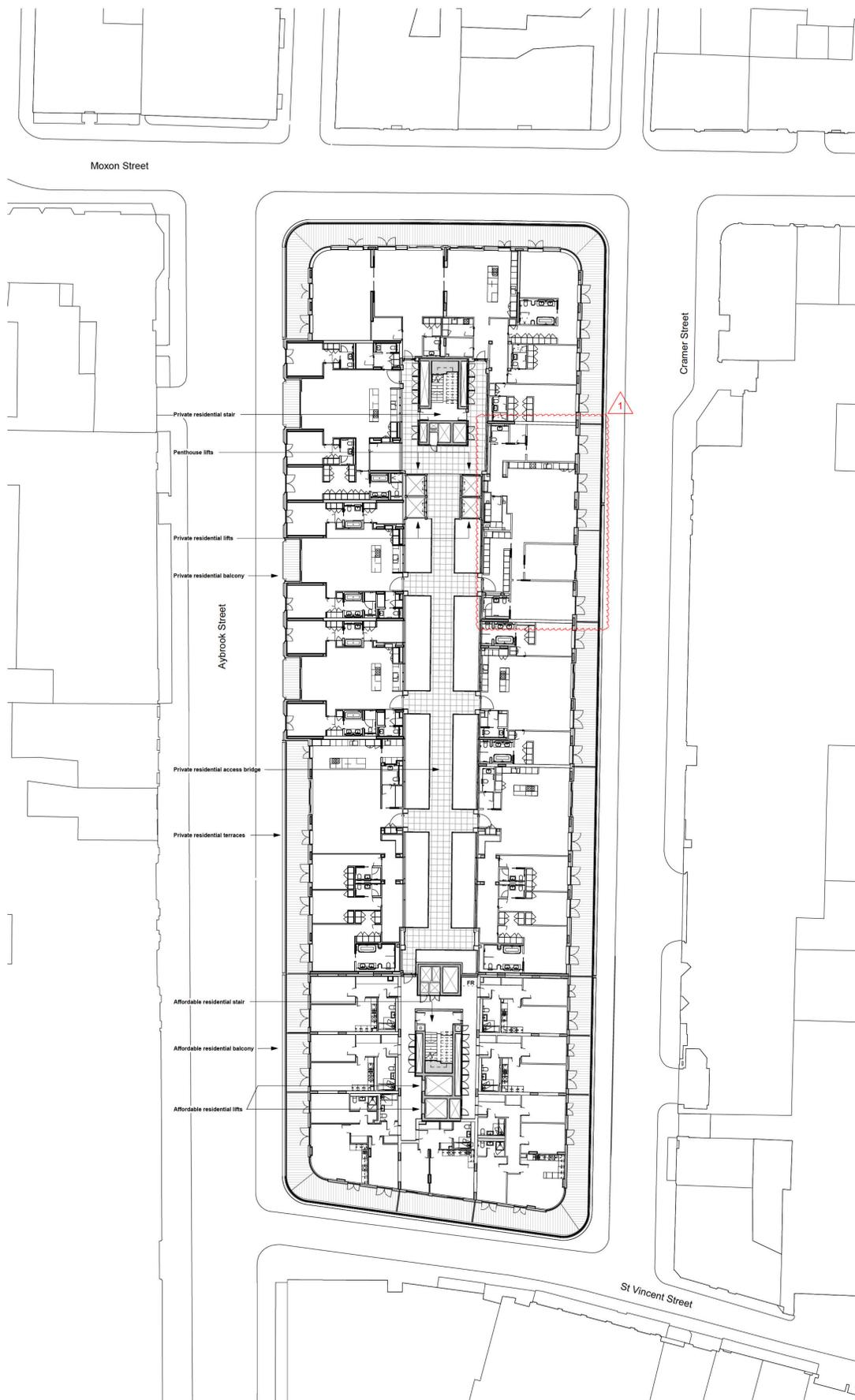
Orientation:  
 N

Drawing Number:  
 MOX-SBA-XX-A-14-012

Revision Number:  
 T3



3 GA\_03\_NMA  
1:200



4 GA\_04\_NMA  
1:200  
1. Layout of apartment A401 amended

General Notes  
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Legend  
 - Extent of Application  
 - NMA item marker  
 - EVC

T2: 1981/02/12 SZ For Information  
 T1: 12/05/19/15 SZ For Information  
 Rev: Date: Issue: Reason For Issue

**E8 Archi tecture**  
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Client: Moxon Street Residential  
 The Listed Hall  
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Project Title: Marylebone Square

Drawing Title: NMA Application- 03 and 04 Plans

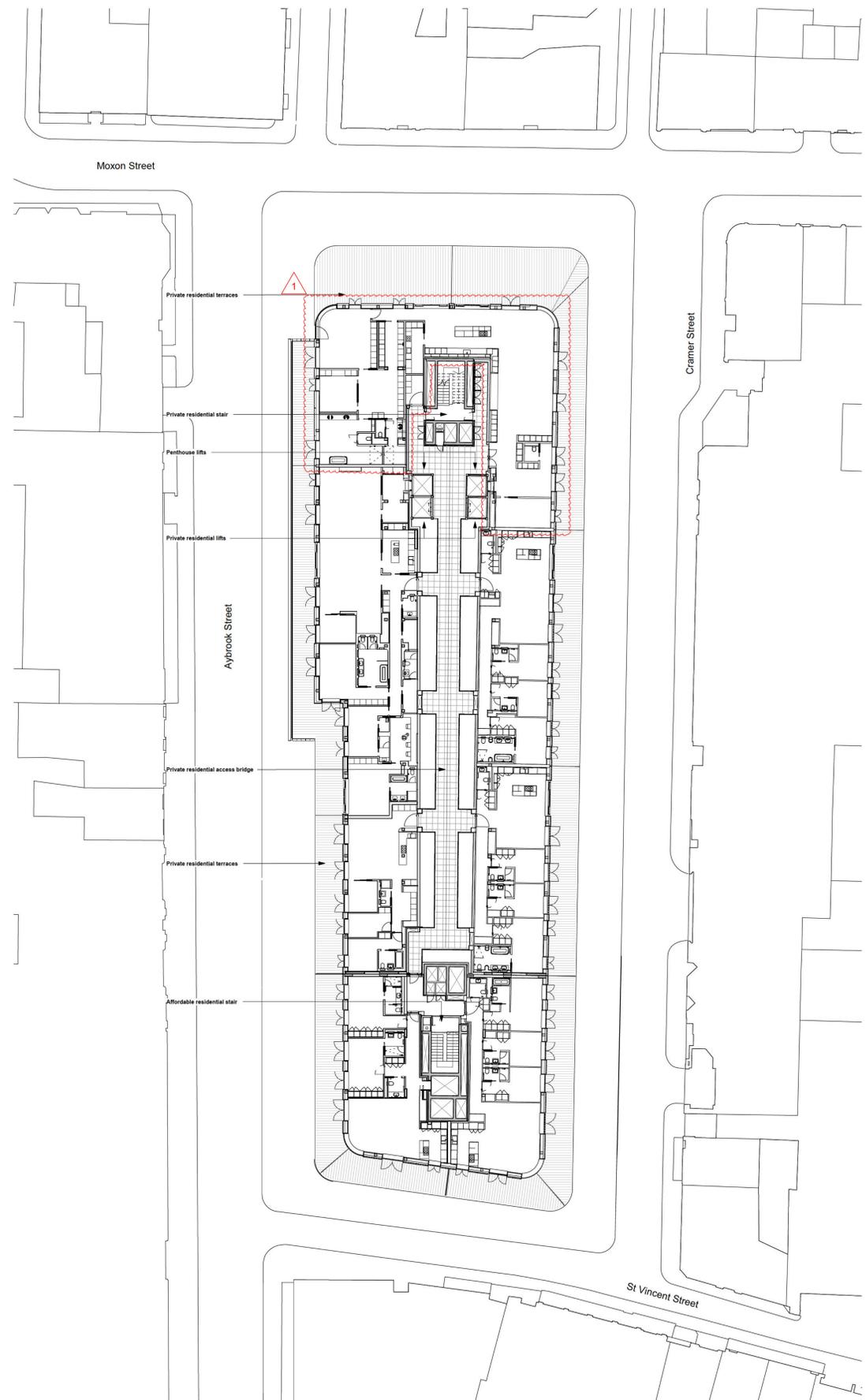
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 Revision Number

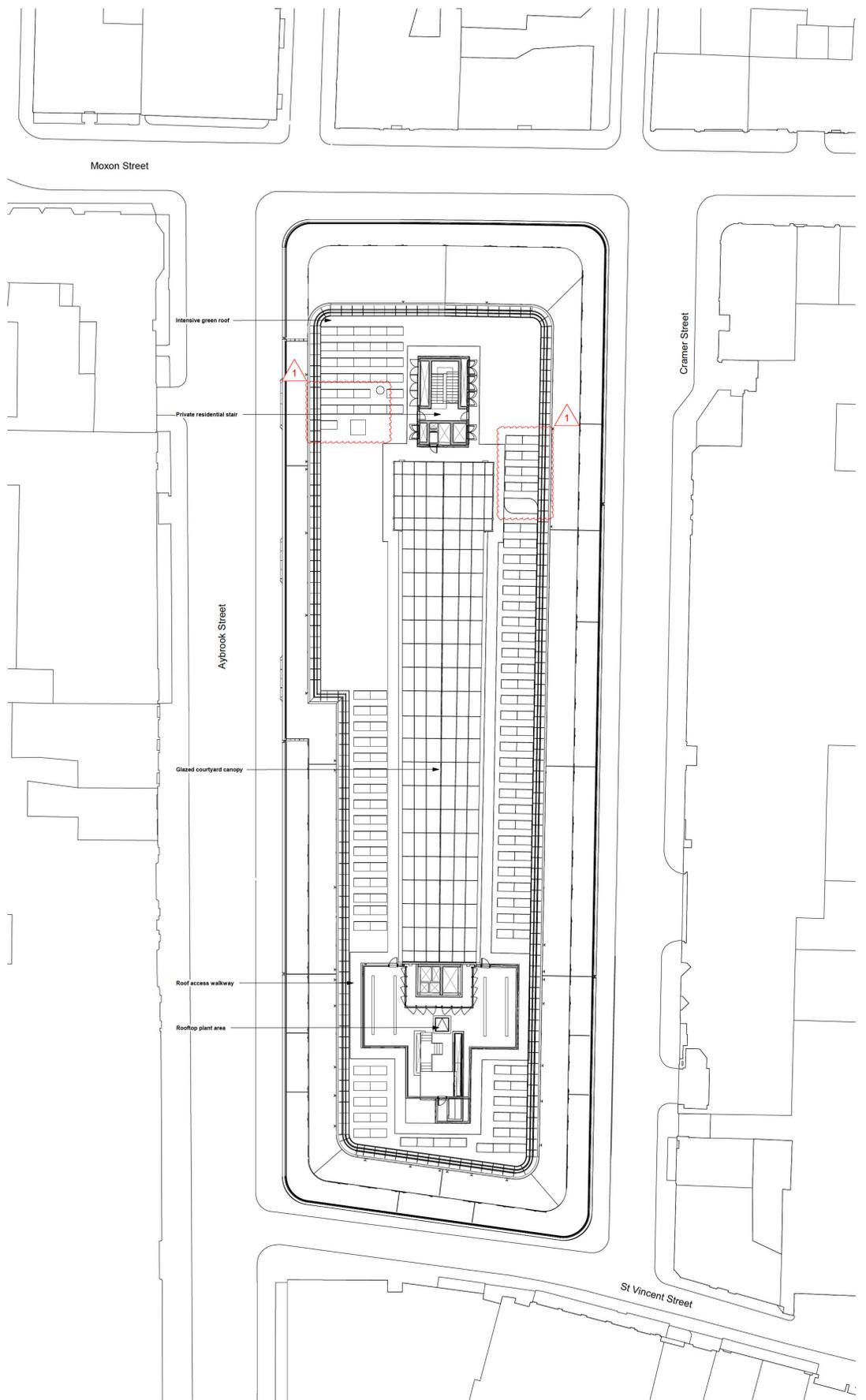


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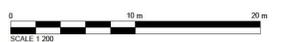
Legend  
 - Extent of Application  
 - NMA item marker  
 - EVC



**3 GA\_05\_NMA**  
 1 : 200  
 1. Apartment 501 layout has been amended



**4 GA\_Roof\_NMA**  
 1 : 200  
 1. PV panel setting out adjusted and roof lights to apartment 501 added



Rev	Date	By	For Information	Reason For Issue
T2	19/01/23	SZ		
T1	13/09/19	SZ		

**E8 Archi tecture**  
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 The Listed Hall  
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Project Title:  
 Marylebone Square

Drawing Title:  
 NMA Application - 05 and  
 Roof Plans

Scale: 1 : 200  
 Format: A0  
 Orientation: N

Drawing Number:  
 MOX-SBA-XX-ZZ-A-14-005  
 Revision Number



19 January 2024

Dear 

**Marylebone Square Development Restaurant Premises Licence Applications**

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

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

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

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

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

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

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



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

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

We are also mindful of your concerns in respect of the proximity of the unit to the school. We will carefully select and vet any future tenant to ensure it is an appropriate restaurant for the location and remind management of the importance of safeguarding.

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

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

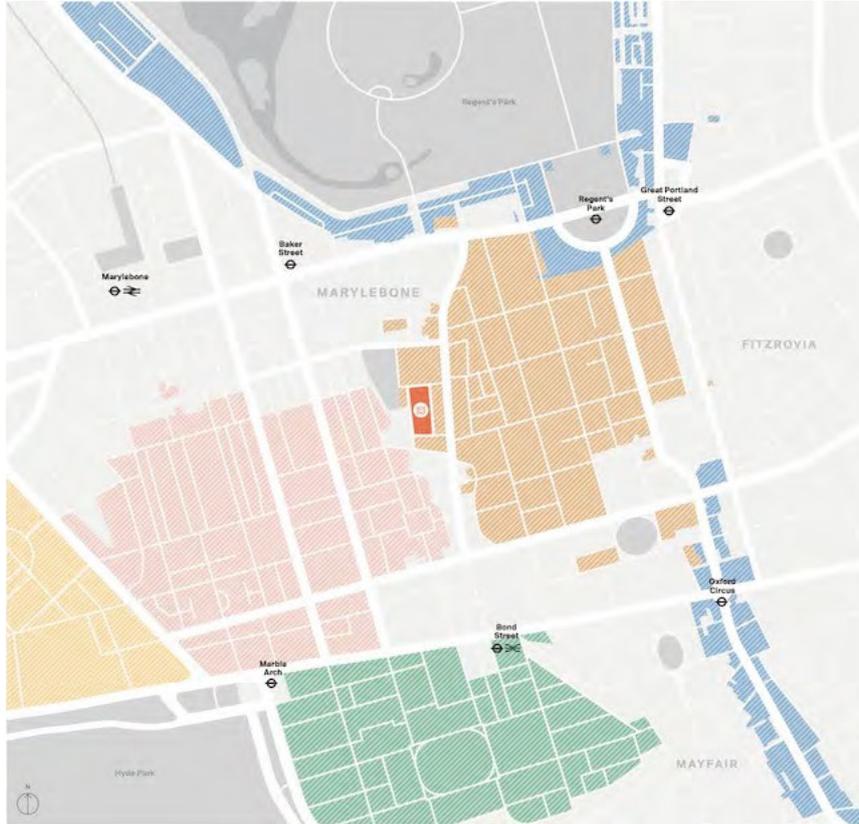
Yours sincerely

[Redacted signature block]

Concord London Developments Ltd.  
The Listed Hall, 50 Bolsover Street, London, W1W 5NG, England

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## Marylebone Square Restaurants



## ***DRAFT* Development Dispersal Policy & Appendix 11 Submission**

February 2024

Thomas & Thomas Partners LLP

Solicitors for the Applicants

## **1 Introduction**

- 1.1 This document is submitted by the Marylebone Square developer and applicant for the following Core Hours restaurant premises licences:
  - 1.1.1 Unit 2, 26 Aybrook Street London W1U 4AN reference 23/08470/LIPN
  - 1.1.2 Unit 3, 3 Cramer Street London W1U 4EA reference 23/08472/LIPN
  - 1.1.3 Unit 9, 1A St Vincent Street London W1U 4DA reference 23/08471/LIPN
- 1.2 Development management will be trained in its implementation and all licensed tenants will have to commit to the overarching operating procedures contained herein.
- 1.3 The Development is encompassed by Aybrook Street, Moxon Street, Cramer Street and St Vincent Street Marylebone W1U.
- 1.4 The Applicant is committed to a high standard of professional and responsible management to ensure that all occupiers of the Development co-exist harmoniously and that there is no adverse impact on the existing Marylebone community. The management systems will ensure that the licensed restaurants within the Development are operated sympathetically to neighbouring residents and businesses.
- 1.5 The Policy will be reviewed regularly and whenever the Development management become aware of feedback associated with the operation of the licensed premises generally or the dispersal of patrons.

## **2 Planned Management Measures for Control of Noise**

- 2.1 Robust and planned management of the dispersal process will control any noise impact associated with patrons leaving the Development, especially at night.
- 2.2 The significant majority of patrons will depart in a controlled manner across various dispersal points across the Development within Core Hours. All customers will be directed to the main public thoroughfares and nearby transport links. Dispersal will be away from the local residents and towards main transport thoroughfares.
- 2.3 All dispersal will be thoughtfully managed and coordinated by all licence holders working in partnership with the Development management.

## **3 General Operational Controls**

- 3.1 The Development management team and licensed tenants will be required to take their responsibilities as a neighbour very seriously. Management controls shall include:
  - 3.1.1 Extensive employee induction and on-going refresher training, including:

- 3.1.1.1 Responsibilities in the local area and towards local residents.
  - 3.1.1.2 Customer care and hospitality.
  - 3.1.1.3 Complaint handling.
  - 3.1.1.4 Food Safety.
  - 3.1.1.5 Health and Safety.
  - 3.1.1.6 Fire Safety.
  - 3.1.1.7 Security awareness under Met. Police “Project Argus” programme.
  - 3.1.1.8 Counter terrorism training.
  - 3.1.1.9 Safeguarding and welfare engagement training, for example WAVE training in partnership with the Westminster Police Licensing Team, drink spiking and “Ask for Angela”. Training focus on the Development’s proximity to a local school.
  - 3.1.1.10 Obligations under the Licensing Act 2003.
- 3.2 Operational procedures to mitigate nuisance in the local area, including:
- 3.2.1 Responsible management of patrons both within internal and external areas of the Development.
  - 3.2.2 Controlled management of the arrival and departure of patrons, including encouraging departing patrons to disperse quickly and quietly to their onwards direction of travel.
  - 3.2.3 Advice and recommendations from Clarke Saunders Acoustics.
  - 3.2.4 Sympathetic servicing of the Development, see section 5.
  - 3.2.5 Internal CCTV coverage including full frontal imaging of anyone entering the licensed premises within the Development.

## **4 People Arriving, Departing & in the Vicinity**

### **Dispersal Policy**

- 4.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of all patrons visiting the licensed premises within the Development.
- 4.2 The Dispersal Policy shall promote a professional and responsible management of patrons as they leave the Development to ensure they make their onward journey, without any adverse impact on local residents.

### **Entrances and Exits**

- 4.3 All access and egress points will be suitably staffed and monitored throughout the day and evening.

### **Dispersal**

- 4.4 Towards closing time of the licensed premises, the following measures, where appropriate, are taken to ensure a gradual and quiet dispersal:

4.4.1 Politely reminding patrons that the relevant premises is about to close.

4.4.2 Advising patrons that require a taxi to wait inside the premises.

- 4.5 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

### **Transport**

- 4.6 Patrons may arrive and depart by various modes of transport, including by foot and private car taxis.

- 4.7 The Development is also well serviced by various public transport options, as set out below. Staff will be familiar with the transport links so they may direct patrons, when required, to nearby transport links, as outlined below: -

### **Tube**

- 4.8 Bond Street (Central / Jubilee Lines) is located within an easy due South walk from the Development. The Central and Jubilee Lines run the Night Tube service on Friday and Saturday evenings throughout the night.

- 4.9 Oxford Circus (Victoria / Central / Bakerloo Lines) is located a few minutes' walk away or one stop from Bond Street. The Central and Victoria Lines run the Night Tube service on Friday and Saturday evenings throughout the night.

- 4.10 Marble Arch (Central Line) is located within walking distance from the Development. The Central Line runs the Night Tube service on Friday and Saturday evenings throughout the night.

- 4.11 Regents Park (Bakerloo Line) is located within walking distance from the Development.

### **Rail**

- 4.12 The Development is also located within walking distance of Marylebone Railway station where various railway lines are available serving North London, the West and beyond.

- 4.13 Other mainline Railway Stations are easily accessed by tube, bus or taxi.

### **Buses**

- 4.14 The Development is served by TFL public buses, including night buses. Routes include: 2, 13, 30, 74 113, 139, 189, 274, N2, N74 and N113.

### **Taxi**

- 4.15 Black cabs are readily available and highly accessible throughout the day and night in the area.

### **Private Car Service**

- 4.16 Private hire services are readily available throughout the day and night in the area. Where taxis are pre-arranged by the licensed premises for patrons, the taxi can be directed to wait in a designated area and arrangements can be made with Uber and the like to 'geofence' the pick-up location.
- 4.17 Patrons can wait inside until their taxi has arrived to ensure a quick and quiet dispersal, particularly at the later hours.

## **5 Deliveries & Servicing**

- 5.1 Deliveries and servicing will take place within the Development's purpose built and self-contained servicing and deliveries areas.
- 5.2 The Development's thoughtful servicing and management plan will implement tight controls on how the licensed tenants manage their waste, deliveries and general servicing. Waste will be taken directly to internal subterranean waste refuse areas before being taken up to ground floor level by the Development team ahead of scheduled collection times. Deliveries will be made via an internal loading bay before being distributed internally via servicing corridors. Full details of which were outlined during the Development's planning application and authorised by the City's Council's Planning Authority.
- 5.3 Where possible, multiple deliveries and/or collections will be combined to avoid high numbers of vehicles at any one time. In order to avoid disturbing local residents, late night and early morning delivery and collection times will be avoided.
- 5.4 Servicing vehicles shall be encouraged to load and unload goods quickly so as to ensure vehicle waiting time is limited.
- 5.5 Drivers shall be requested to turn engines off when able to reduce noise and pollution.

## **6 Smoking**

- 6.1 A small proportion of members of the public will at times wish to temporarily leave and re-enter the licensed premises within the Development to smoke. Designated smoking areas will

kept under constant review and provisionally positioned directly outside each restaurant unit where smokers can be monitored by staff.

6.2 Management controls include:

- 6.2.1 Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- 6.2.2 The Development external perimeter will be monitored and walks conducted at regular intervals to promote security and maintenance.

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**GENERAL NOTES**

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- Use figured dimensions only. Queries to be directed to the Architect.
- Refer to Structural Engineers drawings for details relating to structure.
- Any discrepancies between the Architect's drawings and those by any other party to be reported immediately.
- All drawings are not for construction unless explicitly marked for this purpose.

**GENERAL NOTES ON MATERIALS**

Materials to comply with appropriate British Standards or Agreement Certificate stamped and independently certified or otherwise to show their suitability. Materials should be in accordance with BS8000 series of documents and other accepted good practice (e.g. Quality assured to ISO9000).

- KEY**
- AREA OF LICENSABLE ACTIVITIES
  - ▬ LINEAR LUMINAIRE, SELF CONTAINED
  - ▬ LINEAR LUMINAIRE, SELF CONTAINED, EMERGENCY
  - ⊠ LUMINAIRE, SELF CONTAINED, EMERGENCY
  - ▲ EXTINGUISHER, WATER
  - ▲ EXTINGUISHER, FOAM
  - ▲ EXTINGUISHER, CO2
  - FIRE BLANKET
  - ⊕ FIRE MAIN, WET
  - ⊖ FIRE MAIN, DRY
  - ⊠ AURAL & VISUAL SOUNDERS
  - ⊠ DETECTOR, HEAT
  - ⊠ DETECTOR, SMOKE
  - ⊠ MANUAL CALL POINT
  - ⊠ IN EVENT OF FIRE, AVOID USE OF LIFT
  - ⊠ FIRE DOOR, KEEP SHUT
  - ⊠ FIRE DOOR, KEEP LOCKED
  - ⊠ FIRE ESCAPE, KEEP CLEAR
  - ⊠ FIRE EXIT
  - ⊠ PUSH BAR TO OPEN
  - ⊠ DIRECTIONAL ARROW (GREEN)
  - ⊠ FIRE ALARM CALL POINT
  - ⊠ GANGWAY KEEP CLEAR
  - ⊠ PUSH BAR IRONMONGERY
  - ⊠ VISION PANEL
  - ⊠ SELF CLOSING
  - ⊠ SMOKE RESISTING
  - ⊠ 60 MINUTES FIRE RESISTANCE
  - ⊠ 30 MINUTES FIRE RESISTANCE
  - ⊠ INTERNAL REPEATER PANEL
  - ⊠ EXTERNAL REPEATER PANEL
  - ⊠ FREE FROM FASTENINGS
  - ⊠ 30 MINUTES FIRE RESISTING CONSTRUCTION
  - ⊠ 60 MINUTES FIRE RESISTING CONSTRUCTION

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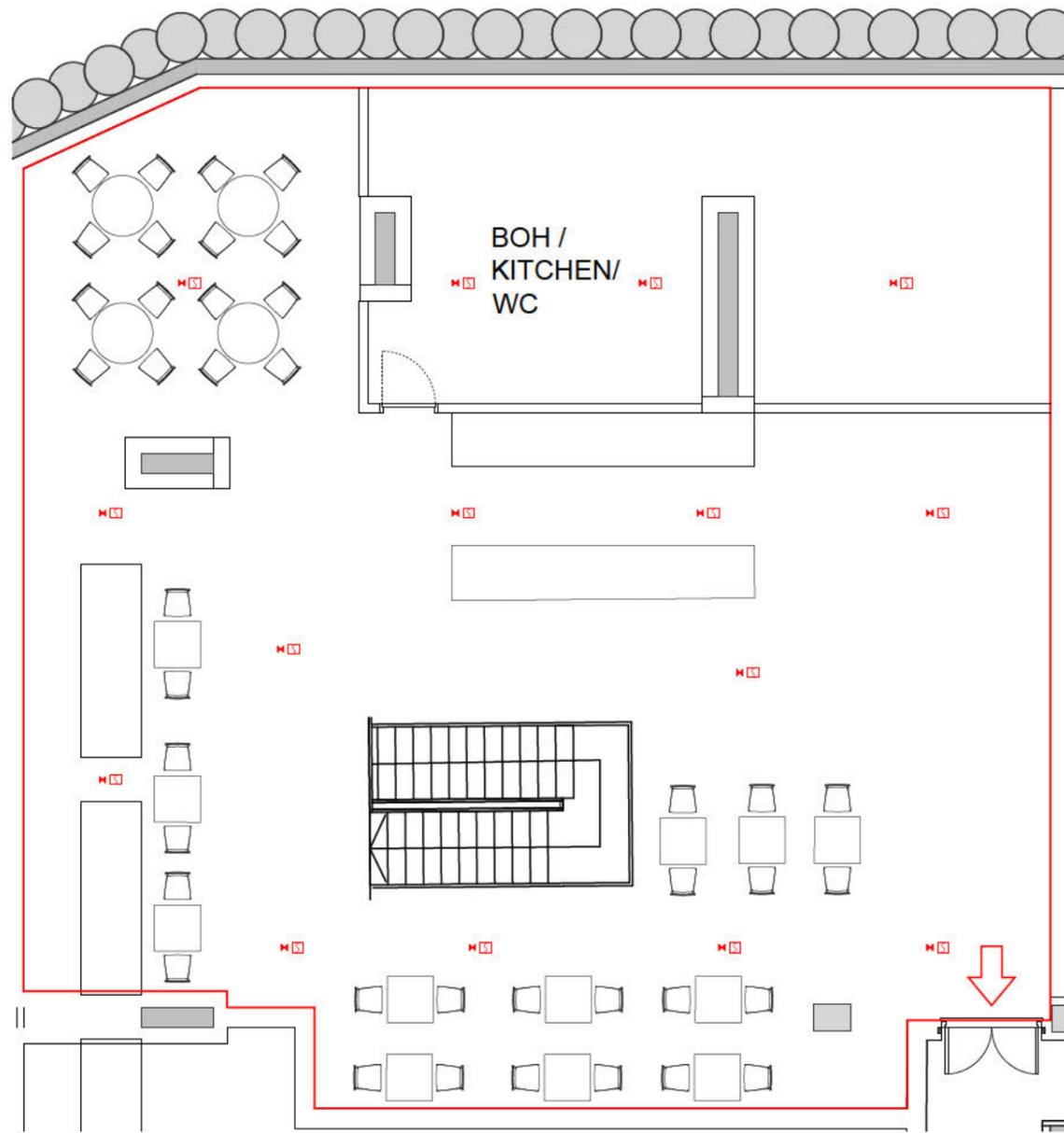
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PR1	02.12.22	FOR INFORMATION
-	10.10.22	FOR INFORMATION
rvv	date	amendment

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 30a Monmouth Street  
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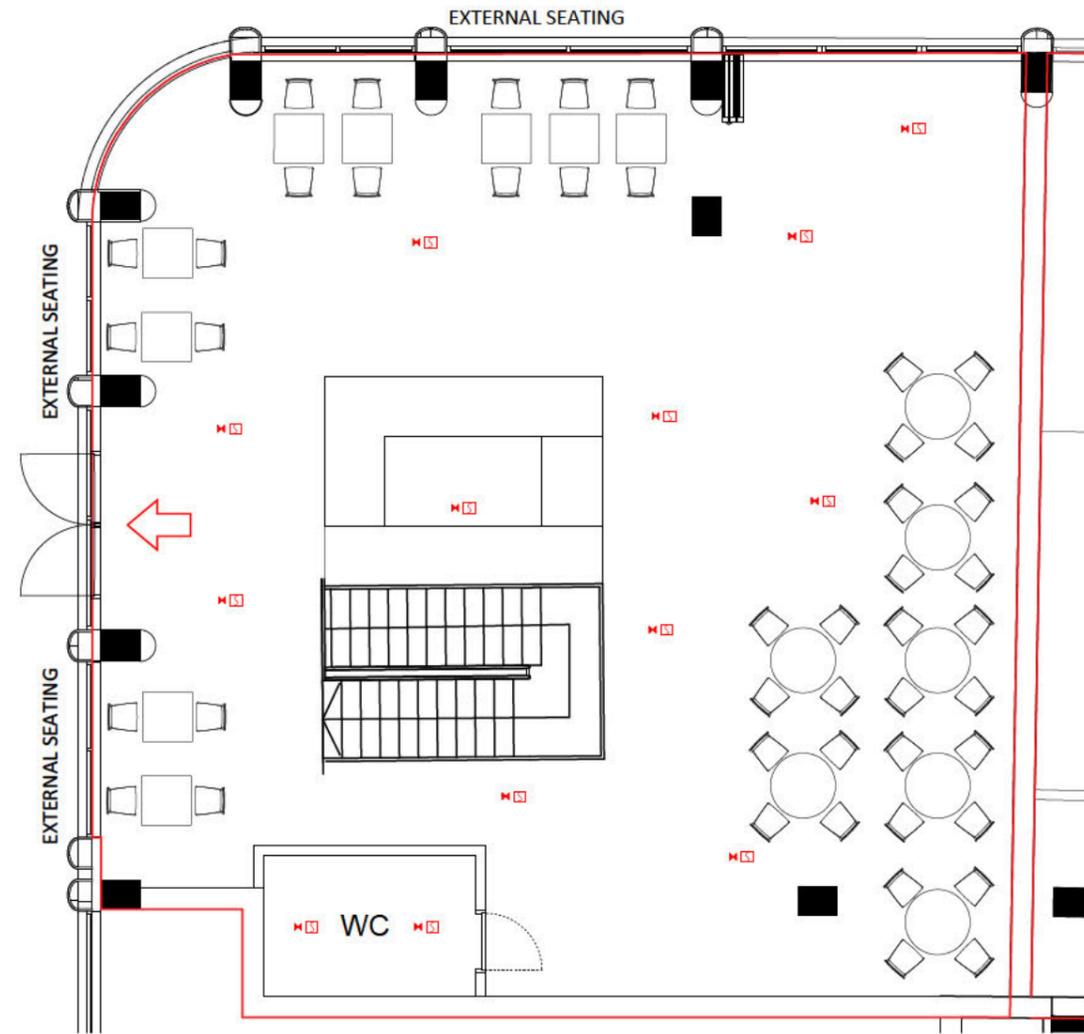
job title  
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drawing title  
 LICENSE DRAWING - UNIT 2

status	INFORMATION	drawing no.	001	revision	P02
scale	1:100 @A3 1:50 @A1	job no.	A570		



LOWER GROUND FLOOR



GROUND FLOOR



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PCG	20.12.22	FOR INFORMATION
PO1	02.12.22	FOR INFORMATION
-	10.10.22	FOR INFORMATION

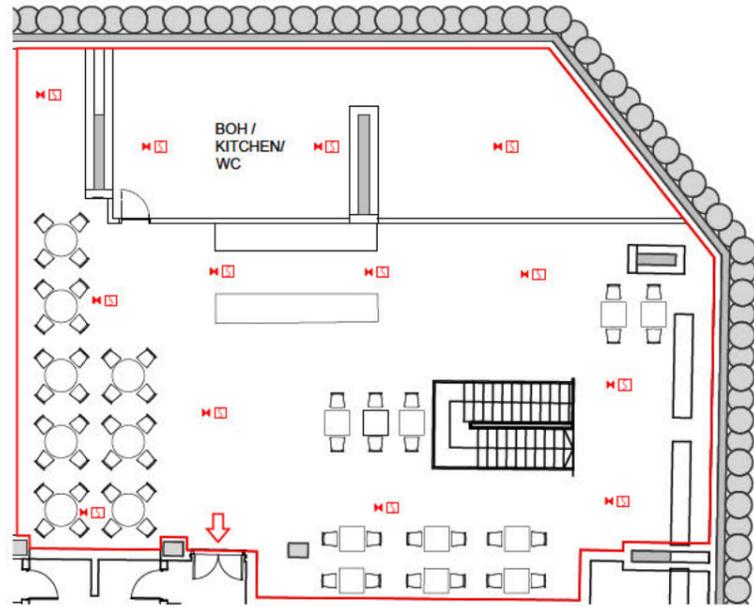
rev date amendment

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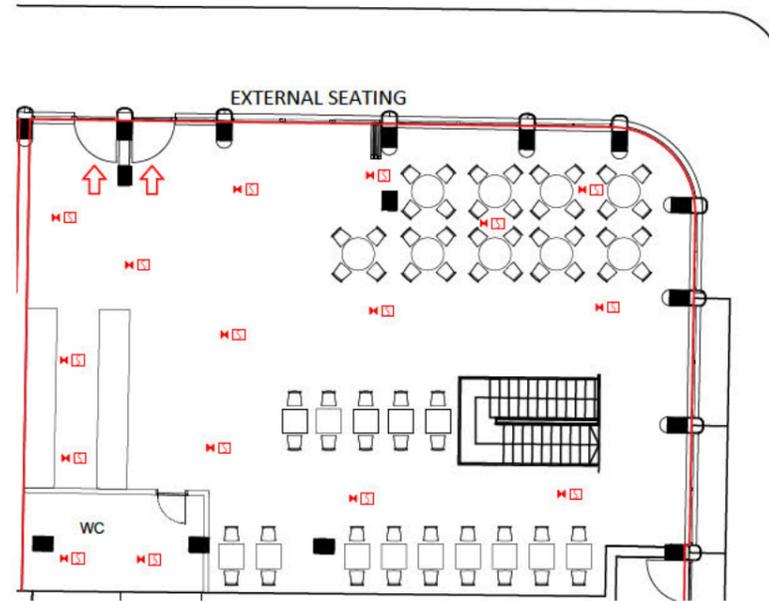
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drawing title  
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status	INFORMATION	drawing no.	002	revision	P02
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GROUND FLOOR



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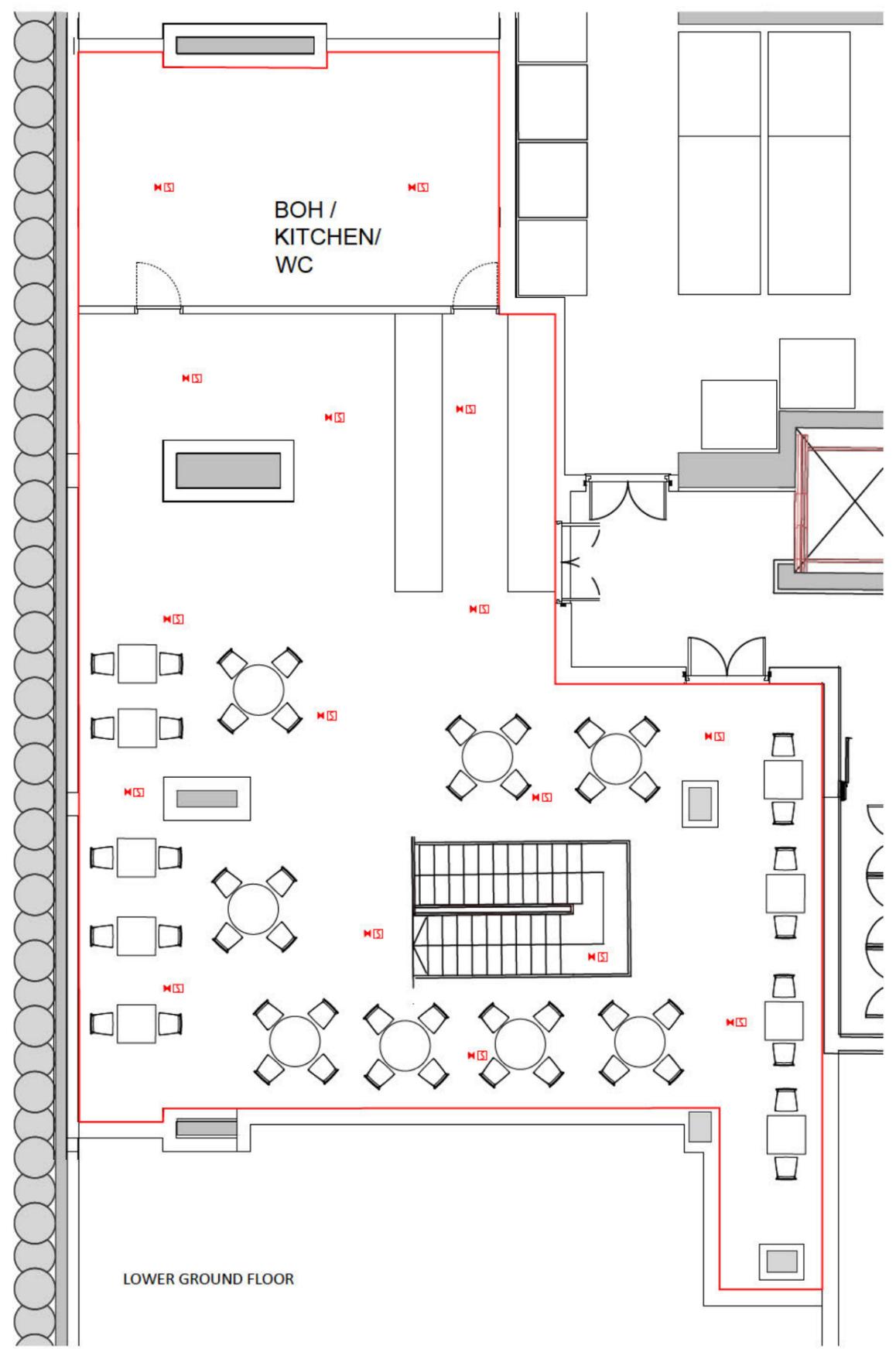
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  - ⊕ FIRE EXIT
  - ⊕ PUSH BAR TO OPEN
  - ➔ DIRECTIONAL ARROW (GREEN)
  - ⊕ FIRE ALARM CALL POINT
  - ⊕ GANGWAY KEEP CLEAR
  - ⊕ PUSH BAR IRONMONGERY
  - ⊕ VISION PANEL
  - ⊕ SELF CLOSING
  - ⊕ SMOKE RESISTING
  - ⊕ 60 MINUTES FIRE RESISTANCE
  - ⊕ 30 MINUTES FIRE RESISTANCE
  - ⊕ INTERNAL REPEATER PANEL
  - ⊕ EXTERNAL REPEATER PANEL
  - ⊕ FREE FROM FASTENINGS
  - 30 MINUTES FIRE RESISTING CONSTRUCTION
  - 60 MINUTES FIRE RESISTING CONSTRUCTION

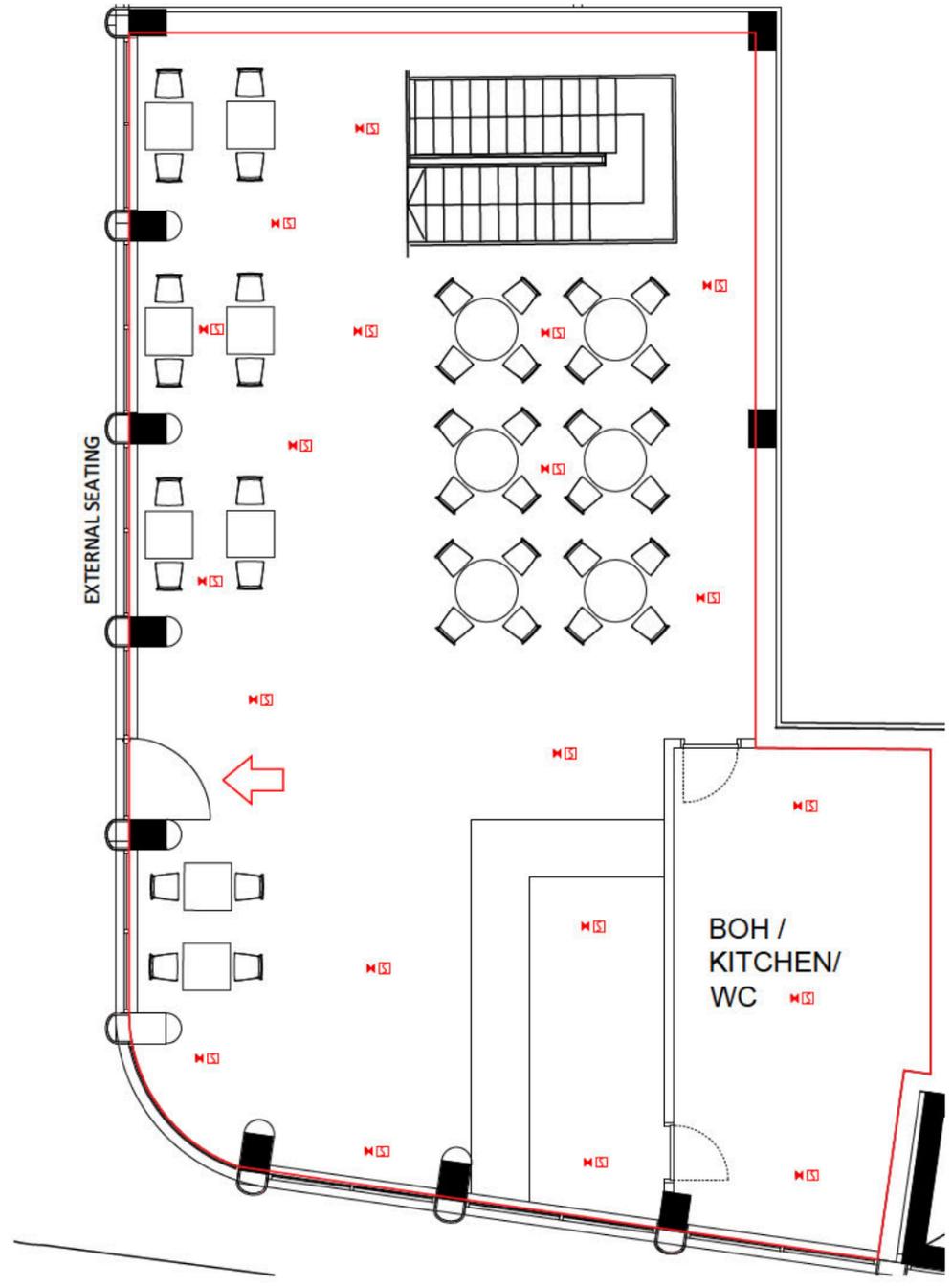
NON FIXED FURNITURE AND THE POSITIONING OF FIRE SAFETY EQUIPMENT IS INDICATIVE ONLY

P03	26.01.24	FOR INFORMATION
P02	20.12.22	FOR INFORMATION
P01	02.12.22	FOR INFORMATION
-	10.10.22	FOR INFORMATION

rev	date	amendment
<p><b>Monmouth Planning Ltd</b>          31a Monmouth Street          London          WC2H 9EP          T: 020 7042 0410          E: info@monmouthplanning.co.uk</p>		
<p>Job title          MOXON ST W1</p>		
<p>drawing title          LICENSE DRAWING - UNIT 9</p>		
status	INFORMATION	drawing no.
scale	1:100 @A3 1:50 @A1	003
job no.	A570	P03



LOWER GROUND FLOOR



GROUND FLOOR





[◀](#)
[▶](#)
[HOME](#) | [OVERVIEW](#) | [THE SPACE](#) | [CONTACT](#)



## Overview

Marylebone has it all. Community get-togethers – whether it's the farmers' market on a Sunday or an outdoor concert at Manchester Square Gardens. Today, the story of Marylebone is still being told.

Located between the Portman Estate to the west and the Howard de Walden Estate to the east, Marylebone Square captures the grandeur of its surroundings, while maintaining the sensitive approach to stewardship characteristic of the area's famous landlords.



Corner Elevation, Aybrook St / St Vincent St



[◀](#)
[▶](#)
[HOME](#) | [OVERVIEW](#) | [THE SPACE](#) | [CONTACT](#)



Corner Elevation, Moxon St / Cramer St





At Marylebone, you are perfectly placed. Paddington and Euston stations are a short ride away, while Baker Street and Marylebone stations are right on your doorstep. Bond Street underground is a five-minute walk down the road, where the Elizabeth line will connect you to Heathrow Airport or Paris via the Eurostar.

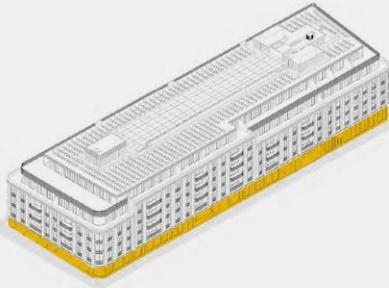


## The Space

The restaurant and retail units are each arranged on the ground and lower ground floors, linked via a stair and lift which can be installed by opening up defined soft spots in the ground floor slab.

### GROUND FLOOR

### LOWER GROUND FLOOR



Unit #		GIA (GF)	GIA (LG)	GIA (Total)
1	m <sup>2</sup>	147	210	345
	sqft	1582	2257	3714
2	m <sup>2</sup>	191	248	407
	sqft	2056	2669	4381
3	m <sup>2</sup>	191	229	540
	sqft	2056	2461	5813
4	m <sup>2</sup>	162	86	248
	sqft	1748	926	2674
5	m <sup>2</sup>	148	165	318
	sqft	1597	1776	3373
Health Club	m <sup>2</sup>	97	402	459
	sqft	1044	4327	4941
6	m <sup>2</sup>	134	0	134
	sqft	1442	0	1442
7	m <sup>2</sup>	50	0	50
	sqft	538	0	538
8	m <sup>2</sup>	315	123	457
	sqft	3391	1324	4919
9	m <sup>2</sup>	174	260	329
	sqft	1873	2799	3541
10	m <sup>2</sup>	59	0	59
	sqft	635	0	635
11	m <sup>2</sup>	101	84	218
	sqft	1087	903	2347
12	m <sup>2</sup>	91	0	100
	sqft	974	0	1076
13	m <sup>2</sup>	77	0	77
	sqft	829	0	829

Retail  
 Restaurant  
 Community Use  
 Health Club

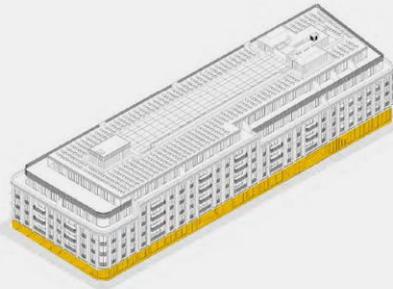


# The Space

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	Retail		Community Use
	Restaurant		Health Club



HOME | OVERVIEW | THE SPACE | CONTACT

**Letter Interested Party 8 received from Developer**



17 January 2024



**Marylebone Square Development Restaurant Promises Licence Applications**

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

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

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

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

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

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

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

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



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

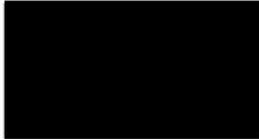
Thank you for your consideration of this letter. We hope that it has helped to address some of the concerns that you have raised. Please do not hesitate to contact us if you would like to discuss our proposals further.

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

Yours sincerely



### Interested Party 8 response to Developer



23<sup>rd</sup> January 2024

### Marylebone Square: Restaurant Premises Licence Applications

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

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

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

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

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

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

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

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

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

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

Yours sincerely,

[REDACTED]

### **Interested Party 8 further submissions**

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

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

#### A Cautionary Tale:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Planning Statement provided to WCC by DP9 Ltd dated October 2014 appears to acknowledge retail restriction but tries to justify exceeding it and the entire impetus now seems to be to maximise the retail and restaurant returns in a kind of shopping mall, competing with the businesses on Marylebone High Street instead of complementing them. What came of the

'small number of retail units at ground level'? They quote:

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

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

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

They, themselves, quote from other sources:

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

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

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

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

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

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

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

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

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

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

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

*Criteria 1: The potential for nuisance associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps which would be taken to reduce the risk of nuisance occurring.* <sup>11.1.21</sup> *This will particularly apply in areas of residential*



**Assessment Guidance when marking work of work of students identified as dyslexic and/or dyspraxic<sup>1</sup>.**

**Dyslexia:**

Can affect ability to plan and organise work, structuring difficulties  
Word recognition, spelling accuracy and fluency  
Numeracy  
Short term memory

**Dyspraxia:**

Similar to dyslexia - causes difficulties in terms of spatial recognition  
Can affect ability to follow instructions  
Ability to plan and organise work, sequencing, structuring difficulties  
Word recognition, spelling accuracy and fluency  
Numeracy  
Short term memory

**General Advice:**

Markers might find it easier to skim the assignment quickly first before a closer reading. This may allow the ideas the student is presenting to come through.

Mark for ideas and knowledge, rather than presentation. As far as possible, discount errors in spelling, grammar and punctuation and instead mark for content and ideas and critical acumen. Allowances should also be made for unorthodox narratives and for problems with structure / organisation but only where these do not hinder understanding of the content. You are not expected to give marks for what is not there or what is so unclear that no sense can be made of it.

Some dyslexic / dyspraxic students' difficulties with written expression can mean that understanding the work is extremely difficult. In such cases, lecturers should give some detailed feedback and guidance.

It may be helpful to both marker and student to use two pens when marking assessments (with this form attached). Use one colour to comment on the content/material and the use of ideas and the other for comments on use of Standard English.

**Note:**

- Marking for content over form may require re-reading the assessment.
- Marking the work of a dyslexic student is likely to take longer than marking the work of other students.

**Feedback to student:**

Comments will be most effective if they are clear explanations of what is wrong and what could be done to rectify error. Dyslexic/Dyspraxic students appreciate explicit guidance on what is good in the essay as well as what is wrong. Such students are unlikely to find general statements such as 'a point needs developing' as helpful (due to their disability).

**Academic Standards:**

It is recognised that accurate spelling, grammar, punctuation and structure (i.e. Standard English) may form explicit parts of the assessment. It is likely that most programmes will require students to demonstrate the use of Standard English as implicit 'programme' learning outcome. This should, however, be stated explicitly in programme specifications. If you are unsure whether the use of 'standard English' is a requirement in the assessment you are marking, you should seek advice from your department.

Whilst departments may utilise explicit marking criteria for the use of 'Standard English' for coursework, it may not be a requirement for take home papers, exams etc).

If the use of 'standard English' has not been cited within the marking criteria for the assessment you are marking you should follow the guidance above.

<sup>1</sup> Please consult with the disability office if you are unsure about the nature of the disability and the likely effect that it may have on academic performance – ext 2292.  
Disability Team April 2008

[REDACTED]  
[REDACTED] *when producing representations such as this. I have attached the cover page I used through out university, which I hope will provide guidance for reading this document and provide some context to why my submission may be different and inferior in quality to those of most others. I want to convey to you I have done my sincere best in writing this.*

Now I want to come to the subject of **through fare**. If only 25% of those who visit the restaurant arrive by or are collected by car, the other 75% will arrive and leave on foot. If 50% by car, then 50% by foot. Cars pulling up to drop off residents or park, and visitors on foot, both present significant public nuisance for residents **who have previously have never had restaurants here**. Especially considering the size and the scale of these restaurants (flagship) as opposed to the small boutiques shops which are the largest size permitted by the Westminster Council tender. We are still waiting for any indication of the capacity of these two story restaurants, (what X, determined by \_\_\_\_ is) but on the plans their capacity is 150 with outdoor seating.

With two requested two story restaurant licenses (which both breach the **ground floor only** specified within the Westminster Council tender) we have up to 300 people total coming to the area per table cycle (the time it takes to queue, eat a meal and drink, and leave), or 150 per restaurant. Within these hours (and in order to achieve the types of profit required to rent these spaces) we are looking at potentially 2700 diners brought to the area by the two restaurants, 1350 per restaurant per day every day, making noise, queueing outside, walking through the quiet area late at night, arriving to and leaving the restaurant. This will bring a huge amount of footfall traffic down the previously silent, entirely residential mews street of Ossington Buildings.

When they leave the Aybrook Street restaurant and walk north, diners can either go up Ashland place, up Ossington Buildings or through Paddington Gardens. When they leave the Cramer Street restaurant and walk north they can go up Garbutt Place or Ossington Buildings or through Paddington Gardens. However, Paddington Gardens closes at dark (between 16:30 and 20:00/21:00

depending on the season). Assume for the sake of argument that of 240 to 300 people, a third go north, a third east and a third south, and of those heading north half travel up Ossington Buildings, that's 40-50 people making noise walking in groups down a previously entirely residential, peaceful and basically unused thoroughfare mews every 90 minutes. If you take examples of other mews streets in in the Marylebone area, (e.g. South Devonshire Mews, Gloucester Place Mews) you would not dream of diverting high spirited dining traffic down them, or indeed any other of the many residential mews located around Marylebone (Harley St, West of Baker Street, etc.). You just wouldn't dream of putting a restaurant of any kind in them, let alone a **flagship** restaurant (flagship restaurant means "*a brand's showpiece location...it's often the largest restaurant and in a visible and high-trafficked area*"). In fact, if you even loiter in mews streets, someone will look out of the window or ask you what you are doing and ask you to move on because these are peaceful streets and not places for residential traffic. We get people sitting opposite our house on the steps to Howard House, often young kids or guys or couples and mostly to smoke cannabis. I ask them to move on partly to frighten off criminals and partly because I know the way to stop it becoming "the spot" is to ask people to move the first time they congregate there. But mostly it is because the noise of their voices is incredibly loud and intrusive within the noise canyon which is Ossington Buildings, it disturbs me. And my mother often comments about there being people outside so I do it for her too.

**Why is there any question that the Ossington Buildings mews be treated any differently to any other residential mews in Marylebone?**

**How can it be acceptable within the Westminster Licensing Act to place a Flagship restaurant, two Flagship restaurants, in a residential area?(!?)**

**When the Westminster Council tender stated, 5.49 major retail developments unacceptable, and 5.43 small scale retail units, ground floor only, how can Westminster consider licensing "Flagship Restaurants", two side by side? Given the small space and population density this can only be considered Major Retail Developments. The costs of renting the units shows they are major retail, you do not spend that much annually and it not be Major Retail.**

**If the developer has gone against the Westminster Council tender in this way, is the planning permission itself not void?**

Has any kind of noise impact assessment been done as per environmental health? If so, let us see it. If not, one needs to be done. Is there a legal requirement for a noise impact/noise pollution study to be carried out before a license can be granted? How do the members of the licencing committee propose to evaluate the impact of the public nuisance caused by licensing a restaurant/restaurants here? A license for which we don't even know the eventual premises user! Many of you will be familiar with the Chiltern Fire House, opened initially as a hotel, but operating mostly as a highly trendy restaurant and late night entertainment venue and bar for A-listers. You will be aware of the havoc this has caused in the lives of residents and their opposition to wanting to extend the premises to outdoor dining. Before the Chiltern Fire House opened, this was an utterly peaceful, quiet street.

Exactly the same underhanded or misleading process is being carried out here on these two sites (as I have demonstrated above). With residents first being told they are for retail, without any clear expression that they are in fact not for retail but for Flagship, two story restaurants operating until 23:30 Monday to Thursday and midnight Friday and Saturday and 22:30 on Sunday. "Oh yes, that's retail" the architect told my mother, and the proposed plan below clearly shows a shop.

Clearly no outside dining. Clearly people window shopping. Clearly showing goods inside. Clearly not showing a high end restaurant, with menus outside, a host/hostess, etc.

They have lied to us.

Does the fact that they have lied to, or at the very least *mised* residents, mean that you yourselves cannot grant licenses for these premises, since residents were told these would be for small ground floor retail shops?



*Figure 07: Aybrook Street - Proposed Scheme*

### **3.0 BRE GUIDELINES (2011) – DAYLIGHT AND SUNLIGHT**

#### **Introduction**

3.1 In the Introduction of 'Site Layout Planning for Daylight and Sunlight'

It really boggles my mind anyone could entertain granting a premises license here. The end user could be anyone.

A silent, private, peaceful mews street will end up with a potential 4000% increase in footfall traffic and think of forty to fifty additional cars pulling up every table cycle to park or drop people off and the amount traffic noise this will bring.

A final note on thoroughfare. Have you ever suddenly felt as if you were being watched? Only to look around and see someone staring at you? Or consider the feeling when you get out of the city and stand in a natural park or somewhere in the beautiful British countryside, the sense of bliss at the peace of it and the serenity of being alone. We have that here on Ossington Buildings. Blissful tranquillity.

Now consider being in such a crowded place, Wimbledon Tennis crowds or a busy street carnival. Adding such a large increase of footfall, as that which derives from one or two Flagship restaurants, removes the serenity of being in one's house. Adding a restaurant which looks at my front door and will almost certainly be granted outdoor dining due to COVID legislation which has not yet been repealed removes the serenity of living in a private street. These flagship restaurants create the stress of being around loads of people that lead one to want to go home and rest and have one's nervous system return to normal. This is a request to permanently turn a tranquil space into something which is busy with people 75-80% of the time. I have video evidence to prove this if in doubt. Ossington Buildings being silent from 17:00 at night onwards because the other few nearby shops are closed and the traffic remains on Marylebone High Street.

It must also be considered that we have a late night pub, which is a hugely popular night spot on Thursdays, Fridays and Saturdays, on the corner of Marylebone High Street and Moxon Street. We are talking about two hundred or more people in the pub. Yes, two hundred. Outside, inside. Absolutely packed. Extreme drunkenness. They have a DJ playing music until midnight on Friday and Saturday night and a dancefloor and nightclub lighting. I have sometimes heard residents screaming at people about the noise from their windows as I have walked past to catch Waitrose before it closes at 22:00. It is

my opinion they are taking advantage of their license, so that although they are licensed to be open until midnight, they operate in a manner never considered when their original license was granted. I believe we are at extreme risk of this happening to us. Where an initial restaurant fails because of the high rental cost and undesirable location. Faced with needing to find a new tenant, a new operator takes over the establishment with a much heavier focus on selling alcohol and providing late night entertainment. **(Consider the Prevention of Public Nuisance Policy PN1!)**

Currently, the people who come to the Marylebone to party, dance, get drunk, pick up a partner on busy nights do not come down Moxon Street into the private residential place, however, if you grant a license to the Cramer Street or Aybrook Street restaurants, it will encourage and in a sense grants the permission for them, to come onto Moxon Street and Ossington Buildings late at night. And I will not allow that to happen. With the Marylebone operating the way that it does, creating severe public nuisance for residents will be unavoidable with the granting of these licenses.

If you grant this license, we will lose our tranquillity. Every day. For the rest of our lives. You cannot inflict this on people who don't want it. Prevention of Public Nuisance Policy PN1.

This note on thorough fare needs to be taken in consideration alongside the already huge change which existing residents are already going through. Over seventy flats are sold or up for sale. That is an already massive rise in new residents added to the densely populated area. Add to that, the new public car park and all the cars it brings driving down Aybrook Street and Moxon street, as well as people parking up, visitors, deliveries, and all that may bring. The new use of space in the area will create enormous change.

Say, on average three people per house, then that is one hundred and sixty two extra people, and an enormous increase traffic (on an already tiny street serving Waitrose, the ginger Pig, Aubaine, La Fromagerie for deliveries as well as all the existing residents for food an parcel deliveries). These residents will want to invite people, perhaps a lot of people, over to entertain or to visit, etc. So you cannot grant licenses until those people have settled and the residents and the area have been able to acclimatise to the already huge increase in population and traffic.

Speaking of noise pollution, I must also raise the issue of **light pollution**. I have just been speaking to our friends at the Ginger Pig and they say it is going to be terrible for us residents. They have highlighted to me that light pollution is a huge issue to consider. The impact of restaurant lighting constantly shining into people's windows and dark, peaceful mews streets. Disrupting natural circadian rhythms. Destroying people's ability to rest in their homes.

In terms of **crime**, the extremely high price and high end living which goes along with the area makes Marylebone an increasing target for crime. You must also strongly consider who, what and where you are licensing within Marylebone as the area is potentially at most greater risk of crime due to its affluence and gentle nature. Waitrose is currently stolen from often several times a day, which I know as I talk to the staff has had a detrimental effect on the area's supermarket and on the psychological wellbeing of the staff. Many of the elderly people from the neighbourhood are frightened about going out at night, when pre-covid they weren't. Groups who seek to steal or mug or pickpocket or other gangs could well be drawn to the area. The granting of a flagship restaurant or flagship restaurants make the many dark corners or dark streets of Ossington Buildings and the wider Marylebone area increasingly appealing places to carry out robberies.

It is without doubt that licensing these restaurants will make the area immediately around my home increasingly difficult to police and at greater risk to crime. These Flagship restaurants and the far reaching advertising and marketing which are essential to Flagship stores, draw attention to the area, brings more people into the area, brings different kinds of people to the area and this will be more likely to bring people seeking to carry out crime or, through gossip, pass this information on to criminals. Our way of life is under attack. At our borders but also from within. With no idea who the end user of this restaurant site will be (and as I have already pointed out, the fact it will not be a commercially viable location for a Michelin Star restaurant and will only work as a loud, noisy large scale wine bar,) licensing this restaurant is going to draw my home to the attention of more criminals and make my house less easy to protect. This is an undeniable fact that, as a dyslexic/adhd class neurodiverse individual I struggle to articulate but if you just see the area, you will see exactly what I mean. You have to be extremely careful what you put in this site

because it could well be a jump off spot for criminals to operate in the area or a cover for criminals to operate in the area.

In terms of **disorder**, people speaking at night or in high numbers or car traffic or footfall through a previously peaceful mews street is all public disorder. At the checkout at Waitrose today, one of the incredibly hard working ladies at the check out that I see regularly told me in response to my raising the subject of the restaurant licensing representation that they increasingly see more problematic people being brought to Marylebone. On Saturday they had a violent woman trying to kick off and start a fight when she was stopped trying to shoplift because she was high on drugs. She called one of the female staff a "stupid effing bitch". Waitrose is increasingly targeted by shop-lifters who see Waitrose as helpless and a soft touch. Marylebone and Baker Street are increasingly becoming areas known to criminals and the site of scene of drunken disorder.

The Marylebone, which used to be a neighbourhood pub is now a de facto nightclub. The last time I went in there you couldn't actually move. There must have been close to two hundred or more people on a Friday night. It was so packed, I had to take my beer outside straight away, you actually could not stand in there. We currently are lucky that we have very few people passing through Ossington buildings. Now they have stopped building, it has returned to being peaceful and lovely again, for the first time in five years that we don't have constant building work.

However, the Marylebone (the pub) and the area is at a tipping point. I feel it may be necessary to challenge them for a breach of their license agreement, as it seems to upset local residents, it is getting a real reputation with people from outside the area ("it's a meat market"), including some very unpleasant people ("it would be easy to spike drinks in there").

It shows how Marylebone is on a slippery slope. So granting licenses to New Premises is going to bring more disorder and make the area, and the houses around here, at greater risk of crime. Currently, no-one has any reason to loiter around here and if they do, they're easy to be asked to move on and if they are up to no good, it is easy to inform the police. Now, people can just say, oh I am on my way to the restaurant. Their presence is harder to detect. This allows people to case houses or for houses to come to the attention of criminals. It is

putting my home at security risk. **It is therefore extremely important what restaurants and bars and how many are licensed where, at what scale and operated by whom.**

**If you grant a late night license or alcohol license to these huge sites, which will be incredibly, astronomically difficult to make successful at the annual rents being asked for, who is to say what will be using that site in two years time. What of the effect on crime and disorder.**

I am aware that there is an escalating level of public nuisance and by licensing these two Flagship restaurants, you will exacerbate this issue, by bringing the people who are currently only on Marylebone High Street. It is an invitation further into currently silent, residential streets (see supporting video evidence). Because I counsel, you as someone born in this area and who has lived here for three decades, somewhat young (mid-thirties), I can tell you Marylebone is at a tipping point.

Anthropologists/Sociologists studying the urban environment have long hypothesised that space is socially constructed and socially produced. By putting Commercial Premises in a previously residential block, you change the very nature of how the space is perceived and used. This has myriad impacts for noise and light nuisance, for crime and for disorder. And this will especially be true for the Spring/Summer/Autumn.

In continuing on crime, opposite our home there is a set of steps where people like to come and congregate and smoke weed and talk loudly. I can move them on when I feel in reasonable self-esteem but when you have a restaurant:

-it will attract people from the Marylebone to the area.

-It gives people permission to walk up there late at night as if it were a public place

-It won't be possible to move the groups who congregate on the stairs on because there will be other people being active, dining, making noise outside the proposed licensed restaurant. Young people will feel, perhaps justifiably, if these wealthy people can be out dining and awake, why can't we be out smoking weed and awake and playing music on our phones etc.

The restaurants will encourage people to walk home along Moxon street and down the private mews street, where as currently, after Aubaine is a "no-mans land" as far as people are concerned late night. You can make noise on the high

street (and they do) but not in the private mews. Long may the peace of Moxon Street and Ossington Buildings continue (now that we have survived five years of continuous building, by the Howard De Walden estate and then the Marylebone Square Development).

I am also concerned for both my safety, my health and wellbeing and the safety of my home. There will inevitably be high spirited people congregating outside, around the restaurant or walking around nearby. When they are making noise late at night I am not going to feel alright just allowing that to happen, allowing my space and my peace to be violated. I also have huge love and concern for my Mother, who is retired, and gets upset because of what she had to live through with Howard House and the aggressive students. I get upset too.

So what is going to happen if every Friday or Saturday night I have to assert our right to peace and a decent night's sleep, and come out and tell people to be quiet, to stop their shouting or screaming (probably occasionally losing my temper), stop their drunken high-spirited conversations fuelled by food, alcohol and summer sun? I have the right to assert myself. But, eventually someone is going to target my home in an act of spite or threaten me with aggressive language or perhaps with physical violence. And where does that lead to? A man has the right to defend his peace of mind, his home, his dignity and his family but if you license restaurants on Moxon Street, you are effectively telling me I no longer have the right to do so. That I don't have those rights in this area as a home owner. It is setting me on a collision course with whoever ends up managing, owning and working at the restaurant and with restaurant patrons. This will inevitably create, at best, conflict, bitterness and bad feeling, and at worst, incidents of real crime. And the truth is, it isn't my job to protect my home in this way, it's yours. There are many incidents of people who stand up for themselves against bad behaviour who ended up hospitalised, dead or targets of vicious campaigns.

I don't think anything I am saying here is unreasonable. I know it is not. You would not inflict this on someone in Gloucester Place Mews or South Devonshire Mews. You would not dream of it. Yet we are as quiet as a mews here and we are as protected.

I have come to understand about the subject of **trauma** is that its effect on an individual is that it removes choice. This happens at a neurological level. We, the family that live in [REDACTED] have been severely traumatised by the use of the space in Howard House during the eighties. We

have been traumatised by five years of non-stop building during the pandemic. I can only speak for myself here, but the proposed licensing of two huge late night restaurants, [REDACTED] is traumatising. As a traumatised person, I do not have a choice about my reaction to it. At least, not according to the leading authorities on trauma. Every time I leave my house and see these restaurant, I am going to feel the way I feel about them. Every time I hear the noises of the diners, encounter the groups of diners arriving to or leaving the restaurant I am going to have the same reaction. Please do not make a mistake, side with the developers and ignore the needs of the residents.

A final point I want to make is one of **Commercial viability**. These enormous, each more than twice the size of Aubaine and bigger than the invisible *le Vieux Comptoire*, *La Fromagerie*, and *Ginger Pig* COMBINED, are situated within an extremely expensive luxury development. I have heard people call it 7\* (seven star). How much are the landlords charging per space? I know that for the site opposite The Marylebone, on the corner of Moxon Street and Marylebone High Street, the Howard De Walden estate was charging one million pounds per year, several years before the Covid-19 pandemic and the recent inflationary pressures. Is the Landlord asking one million pounds per year rent? One point two five million? One point five million? I have heard it could be as much as £8,000 per square metre. That is four million per year.

There is no way the type of restaurant they are proposing will be able to turn a profit, given the location is not prime real estate. It is likely to be significantly higher than one million pounds per year but even given that estimate, that means £2,740 per day every day just to cover the rent. Not including staff costs, recovering initial outlay, advertising budgeted, cost of ingredients. If it is eight thousand per square metre, that requires £10,960 per day turnover. It is simply not viable for those pieces of land. The whole thing is a cash grab.

When you look at the Marylebone Square website they claim that Marylebone's rich "history starts in 1086 when the area was acquired by five aristocratic families over the course of 700 years...a rare opportunity to own a piece of Central London's rich history", yet why have they built such a monstrously out of touch building, which is totally unsympathetic to the surrounding architecture and history of the area. We live in these Victorian Tenement buildings which are more than two hundred years old and instead of

building something that would actually appeal to someone like Michel Roux Jr., captivating magic, inspiring magical inspiration, a trip back through history, they have made something which is superficial, fake and actually undesirable. It is fantasy to think they will attract Michelin star chefs to establish flagship restaurants here and any restaurant owners and patrons are going to find themselves in constant argument and confrontation with disgruntled residents.

What the developer is trying to market is Marylebone High Street. They are trying to create a cheap copy of the carefully constructed Marylebone High Street, diligently honed by the Howard De Walden estate. It has taken the estate careful work over six decades to make it approaching something akin to a mini Bond Street. The sought after addresses are Marylebone High Street. People do not want poxy Moxon Street. There's no lustre.

This is the point. The only commercially viable way of making the Aybrook Street or Cramer Street sites turn any kind of profit is for it to be a bar, *de facto nightclub*, pulling in punters from all around zones one, two and three to come and party.

### **Incongruous/Fantastical Nature of the proposed License Conditions**

I have spoken above generally about why these premises can never lawfully be licensed. I will now make the case that this particular license can never be granted.

The License Application for the Premises contain License Conditions that are, in reality and in practise, contradictory and a piece of fantasy. They appear to make sense in theory but completely fall apart at closer inspection. They are nothing more than a way of getting these huge restaurants a license and then the restaurants will stretch the conditions as far as they can and in some cases ignore them, as with The Marylebone or the Chiltern Firehouse. They will clearly lead to constant friction and battle between residents and the site's owners. The developers are interested in £800,000 per square metre.

Point 7. The existence and requirement for an incident log implies that licensing the premises will create incidents of crime and disorder and public nuisance. This incident log will only apply to those incidents on the premises and not include those that occur away from the restaurant grounds. Therefore, why not just not grant the license in the first place. The police say 75% of their work is caused through drugs, alcohol and mental health/illness. Yet, you want to start selling alcohol, in a residential area, at the end of my quiet and at

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

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

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

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

Also consider alongside point 8., point 12., that “After 11pm patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be limited to 6 persons at any one time.” Point 12 and point 8 are completely irreconcilable in two ways; firstly, the license is suggesting any number of people at any time may stand outside the restaurant and smoke or make phone calls yet point 8 says no noise generated on the premises will emanate through the doors. Secondly and furthermore, it is proposing that up to six people can talk and smoke outside the restaurant up to 11:30pm at night on a Monday-Thursday, 11:00pm-12:30 on Friday and Saturday. On the rare occasions people are talking in my street or when teenagers congregate at the steps of Howard House to smoke weed, I politely ask people to move away. I

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

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

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

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

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

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

**See Prevention of Public Noise Policy PN1 p32-35**

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

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

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

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

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

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

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

**See Prevention of Public Noise Policy PN1 p32-35**

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

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

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

### **Conclusion**

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

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

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

[REDACTED]

[REDACTED]

[REDACTED]

## **Interested Premises History**

## **Appendix 5**

There is no licence or appeal history for the premises.

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

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

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

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

**Mandatory Conditions**

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

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

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

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Conditions consistent with the operating schedule

9. The premises shall only operate as a restaurant
  - (a) in which customers are shown to their table or the customer will select a table themselves,
  - (b) where the supply of alcohol is by waiter or waitress service only,
  - (c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - (d) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
  - (e) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

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

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

10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. CCTV:
  - a. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - b. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - c. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - d. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - e. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorized council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused

the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

15. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received concerning crime and disorder
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
16. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
18. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. After 11pm patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be limited to 6 persons at any one time.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
22. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
23. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.
24. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
27. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day unless collections are

arranged during the times for the Council's own commercial waste collection service for the street.

28. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
29. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
30. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
31. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
32. Except for any authorised external seating areas, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
33. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
34. The number of persons accommodated at the premises as a whole at any one-time (excluding staff) shall not exceed (x) persons – to be determined on clearance of works condition.
35. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority. If there are minor changes during the course of construction new plans shall be submitted with the application to remove this condition.

**Conditions proposed by the Environmental Health**

None

**Conditions proposed by the Police**

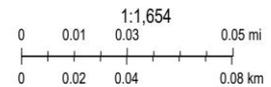
None

**Unit 2, 26 Aybrook Street, London, W1**



09/02/2024, 09:23:04

- Property Mailing List
- Ward Boundaries
- Ward Labels



**Resident Count: 184**

Licensed premises within 75m of Unit 2, 26 Aybrook Street, London, W1				
Licence Number	Trading Name	Address	Premises Type	Time Period
23/00984/LIPCH	Ginger Pig	Basement And Ground Floor 8 - 10 Moxon Street London W1U 4ES	Public house or pub restaurant	Sunday; 10:00 - 19:00   Monday to Saturday; 09:00 - 22:30
15/03547/LIPN	Le Vieux Comptoir	Basement 20 Moxon Street London W1U 4EU	Not Recorded	Sunday; 09:00 - 22:30   Monday to Saturday; 08:00 - 23:30

23/03405/LIPDPS	Gunmakers	33 Aybrook Street London W1U 4AP	Not Recorded	Monday; 10:00 - 23:30   Tuesday; 10:00 - 23:30   Wednesday; 10:00 - 23:30   Thursday; 10:00 - 23:30   Friday; 10:00 - 00:00   Saturday; 10:00 - 00:00   Sunday; 10:00 - 22:30
20/10348/LIPN	Not Recorded	3 Moxon Street London W1U 4EP	Shop	Monday to Sunday; 10:00 - 18:30
23/00767/LIPDPS	Not Recorded	Development Site At Former Car Park Cramer Street London	Markets (other than livestock)	Sunday; 10:00 - 14:00
14/04878/LIPV	La Fromagerie (Marylebone Ltd)	4 - 6 Moxon Street London W1U 4EW	Restaurant	Saturday; 09:00 - 23:30   Sunday; 10:00 - 23:00   Monday to Friday; 08:00 - 23:30
22/12004/LIPDPS	Waitrose Supermarket	98 - 101 Marylebone High Street London W1U 4SD	Shop	Monday to Sunday; 08:00 - 23:00
22/07875/LIPCH	The Marylebone	93 Marylebone High Street London W1U 4RE	Public house or pub restaurant	Sunday; 09:00 - 22:30   Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   New Year's Eve; 09:00 - 09:00
20/10957/LIPT	Aubaine	93B-101 Marylebone High Street London W1U 4RJ	Restaurant	Monday to Sunday; 08:00 - 00:00

23/08803/LIPCH	Fish Work Seafood Cafe	Ground Floor 89 Marylebone High Street London W1U 4QW	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
13/02515/LIPT	Fish Work Seafood Cafe	Ground Floor 89 Marylebone High Street London W1U 4QW	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30