

with policy CH1, Protection of Children from Harm, by the pro-active measures being implemented. Licensees are therefore advised to ensure their staff are fully trained as recommended under this Policy which includes access to the free training available (see page 36 in Policy).

**Note also** – before submitting an application applicants are also advised to take account of paragraphs B1 to B63 which provides advice on ‘Our Approach for Licensing in Westminster’. This details guidance, amongst others, on such issues as ‘Environmental Best Practice in Licensed Premises’

b) The criteria for promoting the Licensing Objectives in the Policy can be found under the following policies:

- PN1- Prevention of Public Nuisance
- PS1 - Promoting Public Safety
- CH1- Protection of Children from Harm
- CD1 - Prevention of Crime and Disorder

#### **ii. Model Conditions (MC)**

A list of Model Conditions are also provided on the Council’s website at the following link:

- <https://www.westminster.gov.uk/licensing/licensing-policy-and-strategy/model-conditions-licensing-act>

These should be used as the basis for any conditions proposed in an operating schedule.

Note – applicants can amend wording of MC’s, if appropriate, or provide their own additional conditions but must be worded so that they are readily enforceable

#### **iii. Spatial Policies:**

An initial consideration of any proposal is to ascertain if the premises are located in designated ‘spatial’ zones. Additional limitations or requirements normally apply for licensable activities requested in such areas. There are two types of spatial zones:

- Cumulative Impact Zone (CIZ) – where policy CIP1 applies or
- Special Consideration Zones (SCZ) – where policy SCZ1 applies.

As Aybrook Street is not located in the CIZ or any of the SCZ’s any special consideration under them will not therefore necessarily need to be applied.

#### **iv. Premises History**

The premises was granted planning permission, reference 14/10918/Full. This permission will need to be varied if the hours of use, capacities etc are not consistent with what might be granted under the Premises Licence application.

## **2. Proposed operation**

I understand all 3 premises wish to operate as restaurants with 20% bar use, regulated entertainments and the licensable hours being to 1am.

As the premises are outside any of the 'spatial' zones policy RNT1 applies This states applications will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities being within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

As the proposals are to operate beyond Core Hours careful consideration should be taken of the advice provided in paragraph F127 in the policy, in particular, *'The granting of later hours for restaurants would depend on the extent to which the service of customers, closing up operations and customers leaving premises would be likely to give rise to public nuisance and crime and disorder.'*

Note should also be taken of paragraph F123 on the nature of any bar and/or entertainment use that is separate from the restaurant use i.e. *'The operation of premises with a new premises licence granted as a restaurant solely under this policy may not include independent use of the bar or entertainment. Bar use and entertainment would have to be specifically sought and considered having regard to other policies within this statement.'*

In order to demonstrate the principal use of the premises are to be as restaurants then Model Conditions 38 or 66 should be submitted with an application. As the premises are not in the West End Cumulative Impact Zone then condition 38 should be sufficient. Using either of these conditions would normally entail specifying how much of the total capacity shall not be required to be ancillary to food or specifying a bar use area on the plans – this area better to be in the basement so that premises do not appear to be a bar to persons looking in from the street,

Alternatively to provide greater flexibility but keeping it as a restaurant use Model Condition 86 may be appropriate i.e. *'The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the as a restaurant.'*

### **a) The following Public Safety advice with regards to general Fire/Public Safety considerations:**

#### **Building Regulations**

The scope of the proposals would likely trigger a building control application. This should therefore be considered and building control sign off would form part of our clearance inspection under licensing also.

## **Health and Safety at Work Act 1974**

Ensuring the health and safety of employees, contractors and others who resort to the premises is a key statutory requirement at all times. Once the premises will be operating under a premises licence consideration should be given to the various activities proposed at the premises and these should be suitably assessed by way of risk assessments in addition to any updated documentation required in the premises health and safety policy and supporting documentation.

### **Means of Escape / Capacities.**

In general capacities are initially based on the guidance provided in the District Surveyor's Technical Standards for Places of Entertainment. Thus number of exits, travel distances, width of exits, whether inward or outward opening and standard of fire detection and alarm systems are the principal considerations.

After the initial consideration the other factors that may further limit capacity are usually the following:

- i. Usable space for the proposed uses (e.g., for restaurant use usually require 1m square per patron, for bar use 0.3 – 0.5m square per patron).
- ii. Sanitary accommodation – provision should be at least in line with BS6465.

*(Note it has not been able to provide capacity figures based on the plans submitted with this pre-application request as detailed information on the factors outlined above will normally be required. However before an application is submitted, when detailed plans are available, Environmental Health can advise on any proposed capacity).*

### **General Public Safety Guidance**

Doors;

Wherever possible all doors should open in direction of escape and where 60 or more people may need to escape the door should always open in the direction of escape (as noted in the above section also).

To clarify the width of a doorway is the clear width measured between the leaves (or, if a single door, the leaf and the frame or doorstop) of the doors when open at right angles to the frame. Door hardware may be ignored if the door opens more than 90 degrees to the frame. Doorways should be not less than 2060mm high except that the height may be reduced to 1960mm in existing buildings. Curtains or drapes should never be hung across doors or escape routes within any of the licensable areas as this could impede any evacuation.

#### Thresholds;

No door should ideally open immediately over or onto a step. A single step on the line of a doorway is not acceptable. A landing at least as wide as the door and at least as long as the width of the door plus 400mm, should be provided between the door and the first step of any stair.

There should be no upstand or threshold bar across any doorway or escape route, other than a chamfered weather bar or threshold seal for sound insulation protruding a maximum of 6mm and arranged so as not to cause a trip hazard.

#### Door fastenings;

All exit doors should be free from fastenings when public, entertainers or staff are present or have fastenings that may be readily opened in emergency without using both hands or a key to open the door.

Note 1: This does not preclude the use of a key to open the door from the outside.

Note 2: Any removable devices, such as locks, bolts, chains or padlocks, used to improve security must be removed before the premises are occupied. A door alarm system is preferable to removable security devices where possible.

Where there may be more than 60 people, any fastenings on doors should be panic bolts or panic latches operated by push bars complying with BS EN 1125.

If a room holds less than 60 people, push pads or lever handles complying with BS EN 179 are acceptable. The use of latches operated by lever handles should be avoided in public areas. Round knobs should not be used as they could be difficult to operate.

Any door furniture should be fitted between 800mm and 1200mm above floor level and should provide visual contrast with the surface of the doors. To avoid confusion push plates should usually be fitted for pushing doors and handles to pull doors.

#### Guarding and Barriers;

Any platforms, temporary or otherwise over 380mm high to which the public have access should be provided with suitable guarding.

#### Electrical Installations;

The electrical installation including the lighting installation, both normal and emergency, should comply with British Standard 7671. It should be shown to be safe and adequate before the premises operate under their license. This appears to be the case but is given for reference purposes and as guidance.

Any test and/or installation certificates for equipment brought in to support the theatrical performances, should be certified by an approved competent person and should be kept on the premises and available for inspection by authorised officers (Fire Officers, Licensing Officers, Environmental Health Officers etc.).

The approved competent person for the testing and certification of the electrical installation should be one of the following:

- (i) a qualified member of the Institution of Engineering & Technology, or
- (ii) a member of the Electrical Contractors Association, or
- (iii) a contractor enrolled with the National Inspection Council for Electrical Installation Contracting, or
- (iv) a competent person from a similar approved organisation.

All circuits should be protected by MCB over-current protection and all switchgear and distribution boards should be inaccessible to the public.

An independent switched socket should be provided adjacent to where permanent electrical equipment is installed as multi-socket outlet adaptors should not be used. Long flexible cables should be avoided because of the inherent electrical and trip hazards of such arrangements.

Note: Flexible cables should not normally exceed two metres; this includes transportable electrical equipment which is placed in position but not normally moved when connected. This limitation does not apply to mobile electrical equipment such as vacuum cleaners, which is moved while in operation or which may be easily moved from one place to another whilst connected to the electricity supply.

Electrical sockets located in any performance areas (if relevant) should be protected by residual current devices (RCDs) of 30 milliamps/30 milliseconds sensitivity complying with BS 4293. Particular reference is drawn to the stage performance area proposed.

#### Lighting;

The premises should have an adequate supply of both normal and emergency and each system should be sufficient to enable the public, performers (if applicable) and staff to see their way to move around the premises safely and to escape from the premises. Particular attention is drawn to any changes of level proposed.

Adequate emergency lighting in addition to sufficient normal lighting should be provided so that all parts of the premises including toilets and internal and external exit routes leading to the street are illuminated. All emergency lighting should comply with BS 5266: Parts, 1, 7 & 8.

Both supplies of lighting should be independently capable of providing the recommended minimum illuminance. However, whilst both normal and emergency supplies are functioning properly, either or

both supplies may operate at a reduced level so long as the minimum recommended illuminance is provided. In the event of the failure of either supply the remaining supply should be automatically restored to full illuminance.

The lighting and emergency lighting circuits should not normally be switched off by the operation of any RCD. The lighting should be operated by an automatic switching system or remain on when the public are present. Light switches should preferably not be installed in public areas such as the event space but if so installed should be key-operated or otherwise protected from unauthorised operation.

Maintained emergency lighting (that is operating whenever the premises are occupied) should be installed where the normal lighting may be dimmed. Where non-maintained emergency lighting is installed, it should come into operation on the failure of the local normal lighting circuit forming part of the normal lighting.

Lighting fittings should be fixed at least 2100mm above floor level or pitch line of stairs. Suspended fittings, other than small lamp pendants, should be provided with suitable means of suspension independent of the electric cable. Heavy fittings should be rigidly fixed or be provided with two non-combustible independent means of suspension.

People with Impaired Mobility;

A suitable and sufficient method statement should be prepared detailing the physical and management provisions in place to ensure that people who have impaired mobility can escape in the event of a hazard. Reliance on the fire brigade to assist in the evacuation of disabled patrons is not satisfactory and considerable thought should be given to this subject to ensure compliance with the Equalities Act.

Special Effects;

Special effects such as dry ice, smoke, pyrotechnics, lasers, strobe lighting and real flame effects if proposed require specialists for both installation and operation. If the premises intend to use or allow third parties to use such effects on the premises site specific risk assessments should be carried out by the operator and the third party and a suitable condition allowing us to inspect before use should be proposed at the application stage.

Exit Signage;

All exit routes should be suitably signed throughout the floor space to direct people to the exits.

**b) Sanitary accommodation**

Any sanitary accommodation provision should be based on guidance provided under *British Standard 6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances, Restaurants 'Table 10'*. Once a proposed capacity is worked out I am happy to provide further advice on the precise requirements.

Also note Building Control requirements for new premises or premises undergoing substantial refurbishment usually require provision of a disabled or accessible facility. Environmental Health would normally accept that one of the female facilities can be dual use and thus included as part of the overall provision for customers.

In addition, premises that are food led should also be providing sanitary accommodations that are separate from that provided for the public so as to be in compliance with guidance to food hygiene legislation.

Please note in premises where food and drink is provided all toilets should be separated by a lobby from food eating, storage and preparation areas. If possible, this should include disabled/accessible units but enhanced mechanical air change ventilation may be an acceptable alternative in this situation.

**c) Kitchen refurbishment/ prevention of odour and noise nuisance**

The planning permission has not specified installation of a particular scheme to prevent odour nuisance. However any scheme should be based on the detailed advice available on the Council's website at:

- <https://www.westminster.gov.uk/westminster-environment-guidance-section-b/section-b-odour>

The whole of Westminster is an Air Quality Management Area (AQMA) under the Clean Air Acts and if there is any intention to employ solid fuel cooking (e.g., wood, charcoal etc) then must also comply with smoke control area requirements – for permissible equipment and/or fuels that can be used in such areas see website at:

- <https://www.gov.uk/smoke-control-area-rules>

**3. Conditions Recommended:**

As well as the restaurant use conditions advised above the conditions below are recommended to be submitted with an application based on these proposals (please note I have also included conditions that the Police normally request):

**MC47:**

**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.**

**MC01:**

**(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.**

**MC02:**

**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.**

**MC48:**

**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**

**MC49:**

**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.**

**MC11:**

**A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:**

**(a) the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,**

**(b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,**

**(c) The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,**

**(d) No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and**

**(e) No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.**

**MC12:**

**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.**

**MC87:**

**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.**

**MC51:**

**Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority where consent has not previously been given:**

- dry ice and cryogenic fog**

- smoke machines and fog generators
- pyrotechnics including fireworks
- firearms
- lasers
- explosives and highly flammable substances.
- real flame
- strobe lighting.

**MC52:**

No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

**NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.**

**MC14:**

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

**MC21:**

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

**MC22:**

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.

**MC57:**

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

**MC24:**

**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.**

**MC99:**

**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.**

**MC65:**

**No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.**

**MC34:**

**All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.**

**MC35:**

**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.**

**MC43:**

**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.**

**MC98:**

**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.**

**MC42:**

**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.**

**MC78:**

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.

**MC72:**

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.

**MC91:**

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 but it shall not be more than (y) in any case.

**MC81:**

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.

Should you wish to discuss the matter further or seek further clarification or information please do not hesitate to contact me.

**Anil Drayan**  
Environmental Health Officer,  
EH Consultation Team  
Regulatory Support Team 2

**Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.**



Your ref: MOXON STREET RESIDENTIAL (LUXEMB  
My ref: 14/10918/FULL

Please  
reply to:  
Tel No:

Steve Brandon  
020 7641 8541

**Development Planning**  
Westminster City Council  
PO Box 732  
Redhill, RH1 9FL

12 January 2016

Dear Sir/Madam

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

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

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

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

**SCHEDULE**

<b>Application No:</b>	14/10918/FULL	<b>Application Date:</b>	31.10.2014
<b>Date Received:</b>	31.10.2014	<b>Date Amended:</b>	28.11.2014
<b>Plan Nos:</b>	P0101 Rev01, P1009 Rev01, P1010 Rev01, P1011 Rev01, P1012 Rev01, P1013 Rev01, P1101 Rev01, P1202 Rev01, P1203 Rev01, P2200 Rev01; Environmental Statement Volumes I, II and III.		
<b>Address:</b>	Car Park, Aybrook Street, London, W1U 4AR		
<b>Proposal:</b>	Erection of a building including excavation works to provide three basement storeys and six above ground storeys for mixed use purposes including up to 79 residential units, retail shops, restaurants, multi-purpose community hall, community space, cycle and car parking, servicing, landscaping, plant and other works. (Site also known as Moxon Street Car Park.)		

See next page for conditions/reasons.

Yours faithfully

**John Walker**  
Director of Planning

Note: As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk) to arrange a preliminary discussion.

**Note:**

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



**Condition(s):**

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

between 08.00 and 18.00 Monday to Friday;  
between 08.00 and 13.00 on Saturday; and  
not at all on Sundays, bank holidays and public holidays.

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

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 4 The amount of floorspace used for Class A3 purposes shall not exceed 1770sqm

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S21 and S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE10 of our Unitary Development Plan that we adopted in January 2007.

- 5 If you provide an A3 use or uses, no more than 15% of the floor area of each of the uses shall consist of a bar or bar seating. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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- 6 You must not open the Class A3 premises to customers, and you must not allow customers on the premises, outside the hours 07.00 to midnight. (C12DC)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 7 You must apply to us for approval of details of the ventilation system to get rid of cooking smells from any Class A3 use, including details of how it will be built and how it will look. You must not begin any such use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 8 You must only use the part of the property annotated as "community" on the approved drawings as a health centre or clinic. You must not use it for any other purposes, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05BB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet H10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 9 You must provide the waste storage facilities shown on drawing no. P1010 Rev01 before anyone moves into the property. You must clearly mark them and make them available at all times to everyone using the development. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 10 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 11 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

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Reason:

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

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 13 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy.

Reason:

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

- 14 None of the retail floorspace hereby approved shall be used by a supermarket or foodstore

Reason:

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

- 15 You must provide each car parking space at basement 2 level as shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 16 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins

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during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 17 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 16 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

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

Reason:

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

- 19 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 20 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within any of the uses hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity

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within any of the uses hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 21 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

- 22 You must apply to us for approval of details of how the flats will be insulated to reduce noise passing between them and the commercial uses below. The details submitted should demonstrate that internal noise levels for the flats will comply with the requirements of Condition 21. You must not start work on this part of the development until we have approved

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what you have sent us. You must then carry out the work according to the approved details before anyone moves into the flats and thereafter retain the sound insulation measures installed. (C13FB)

Reason:

To protect the living conditions of people who may use the property in future as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13DC)

- 23 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that all residential external amenity space will comply with the noise mitigation measures as stated at paragraph 8.108 of the Noise and Vibration section of the approved Environmental Statement Volume I. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 24 The development hereby permitted shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to, and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the approved strategy have been completed.

Reason:

As the development may lead to sewage flooding a drainage strategy is required to ensure that sufficient capacity is available to cope with the development and in order to avoid adverse environmental impact upon the community in accordance with STRA 34 of our Unitary Development Plan that we adopted in January 2007

- 25 **Pre Commencement Condition.** You must apply to us for approval of a detailed design and method statement relating to the foundations and all new ground work. You must not start any construction work until we have approved what you have sent us. You must then carry out the work according to the approved design and method statement. (C32AB)

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

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26 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

27 You must apply to us for approval of a crime prevention and security management plan to show how you will ensure the security of the development for occupiers and visitors. You must not occupy any part of the development until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times.

Reason:

To reduce the chances of crime as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013.

28 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

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Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.  
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 29 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 30 No demolition shall take place until a demolition management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):
- (i) a construction programme including a 24 hour emergency contact number;
  - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
  - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
  - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
  - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start demolition until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Subsequently no development/construction shall take place until a separate construction management plan (including the above details as appropriate) has been submitted to and approved in writing by the City Council as local planning authority. You must not start construction until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

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Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 31 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 32 You must apply to us for approval of detailed drawings of the following parts of the development -

1. Typical details at all levels, including roof levels
2. Shopfronts and ground floor entrances
3. Public art

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 34 The car parking spaces shown as electric charging points on the approved drawings shall be provided as such and retained thereafter.

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Reason:

To make sure the development provides the environmental sustainability features included in your application as set out in S28 and S40 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 35 The total number of residential units shall be limited to between 75 and 79 units only.

Reason:

To make sure that you carry out the development according to the terms of the planning permission and maximise the provision of residential accommodation on the site in accordance with policies H 3 of the City of Westminster Unitary Development Plan adopted January 2007 and policies S14 and S15 of Westminster's City Plan: Strategic Policies adopted November 2013.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.  
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>  
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.  
**You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

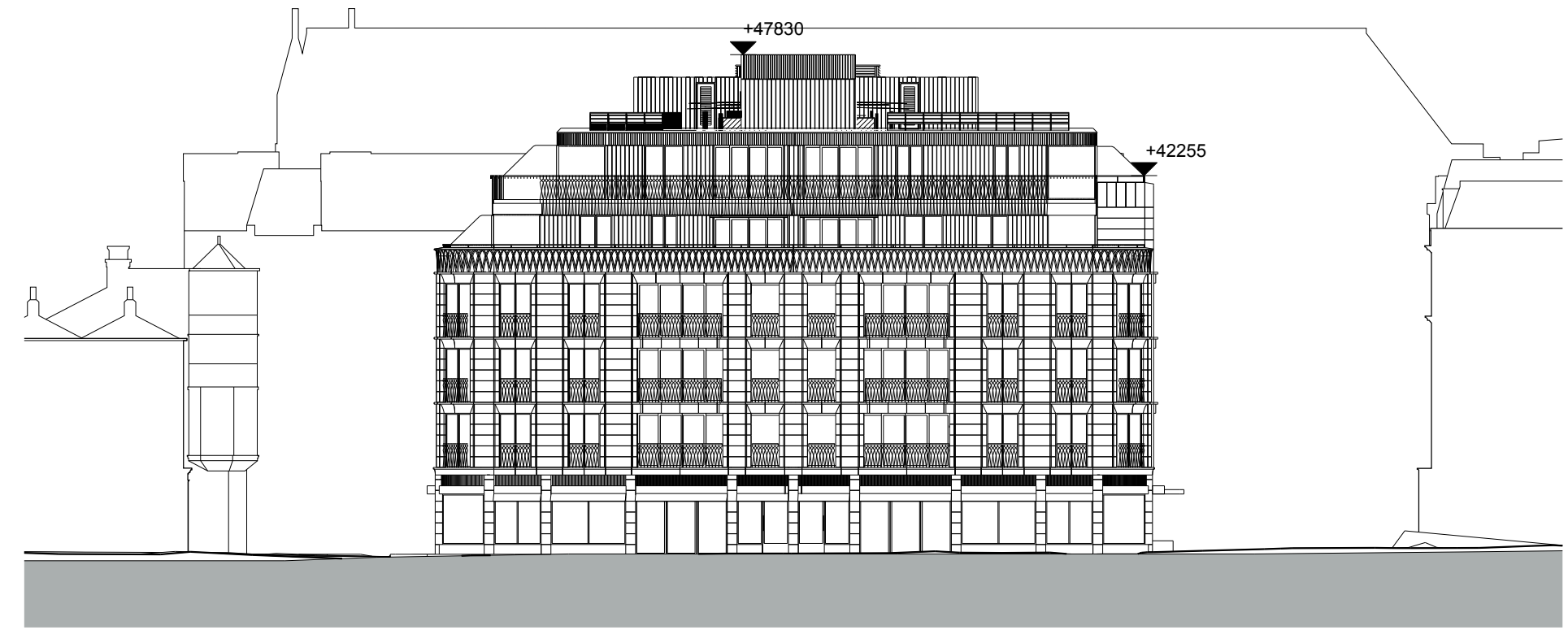
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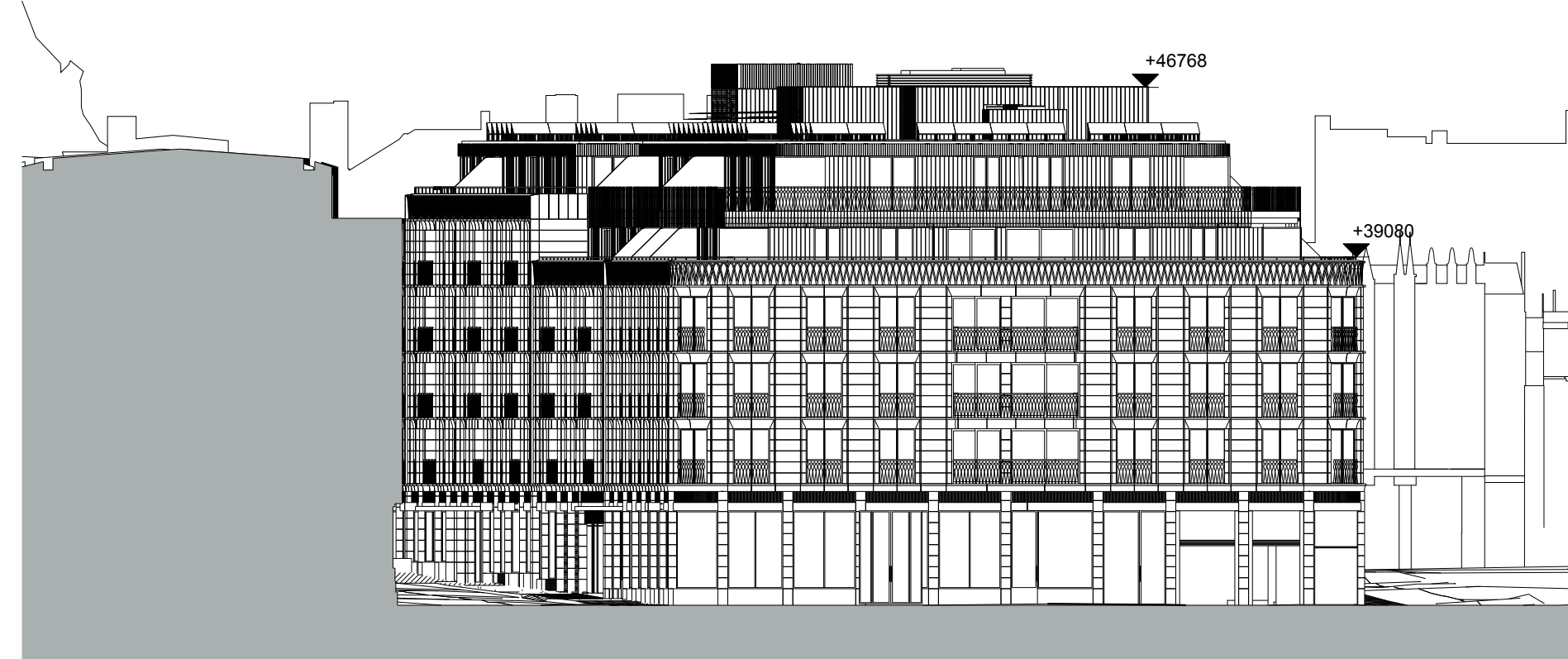


**General Notes**

- 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 EB 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 consented 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
T6	10/06/22	SZ	For information
T5	06/11/18	D2	Issued for Tender
T4	04/05/18	D2	Issued for Tender
T3	04/05/18	SZ	For information
T2	10/05/18	SZ	For information
T1	12/10/17	SZ	For information

1 Merrimore Terrace, London E8 3PN  
T: 020 3044 8871  
E: hello@e8architecture.co.uk  
W: www.e8architecture.co.uk

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

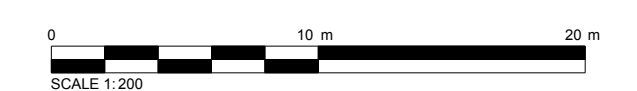
Project Title  
**Marylebone Square**

Drawing Title  
**NMA Application Street Elevations**

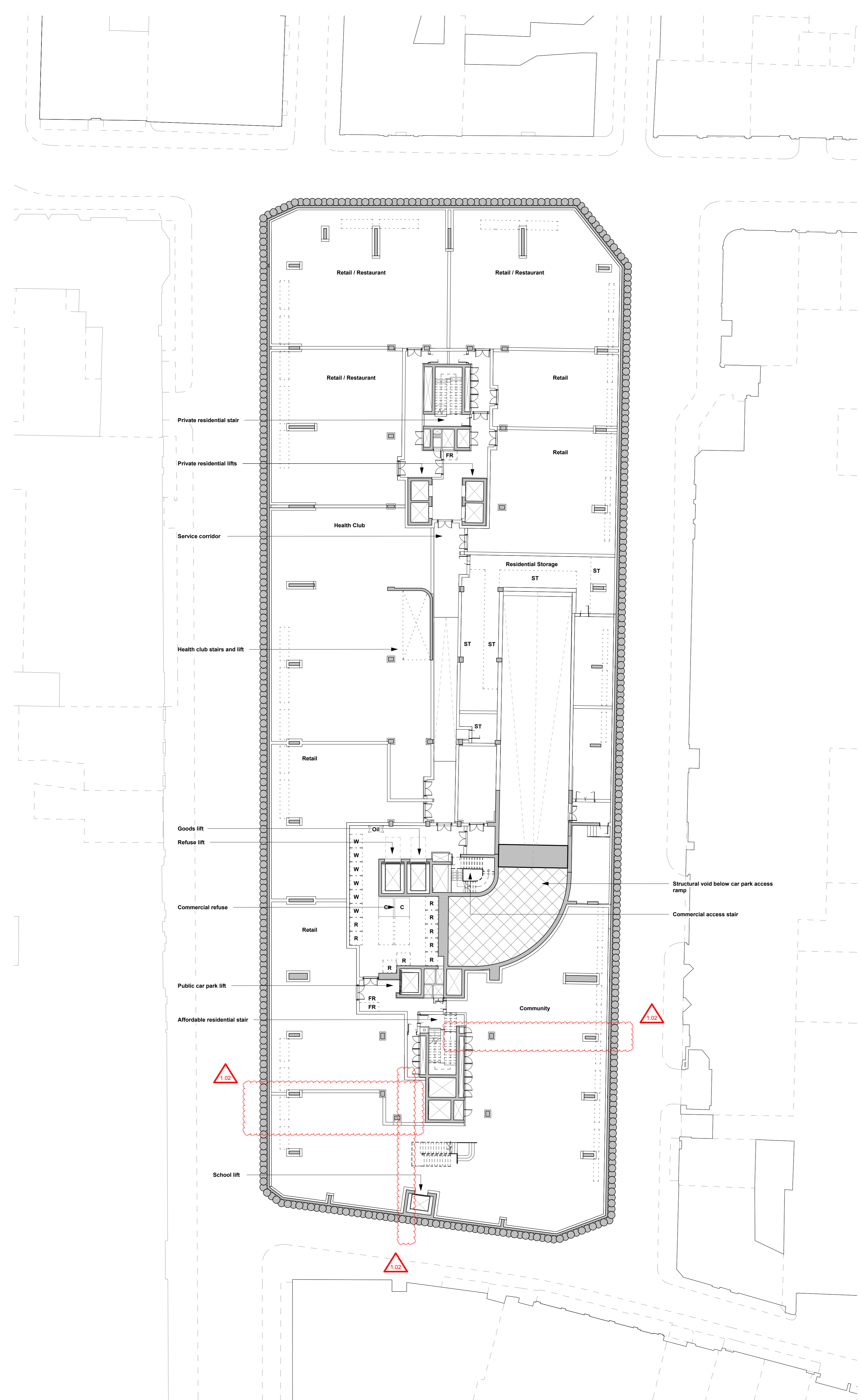
Scale Format  
**1 : 200 A0**

Drawing Number  
**MOX-SBA-XX-ZZ-DR-A-14-000**

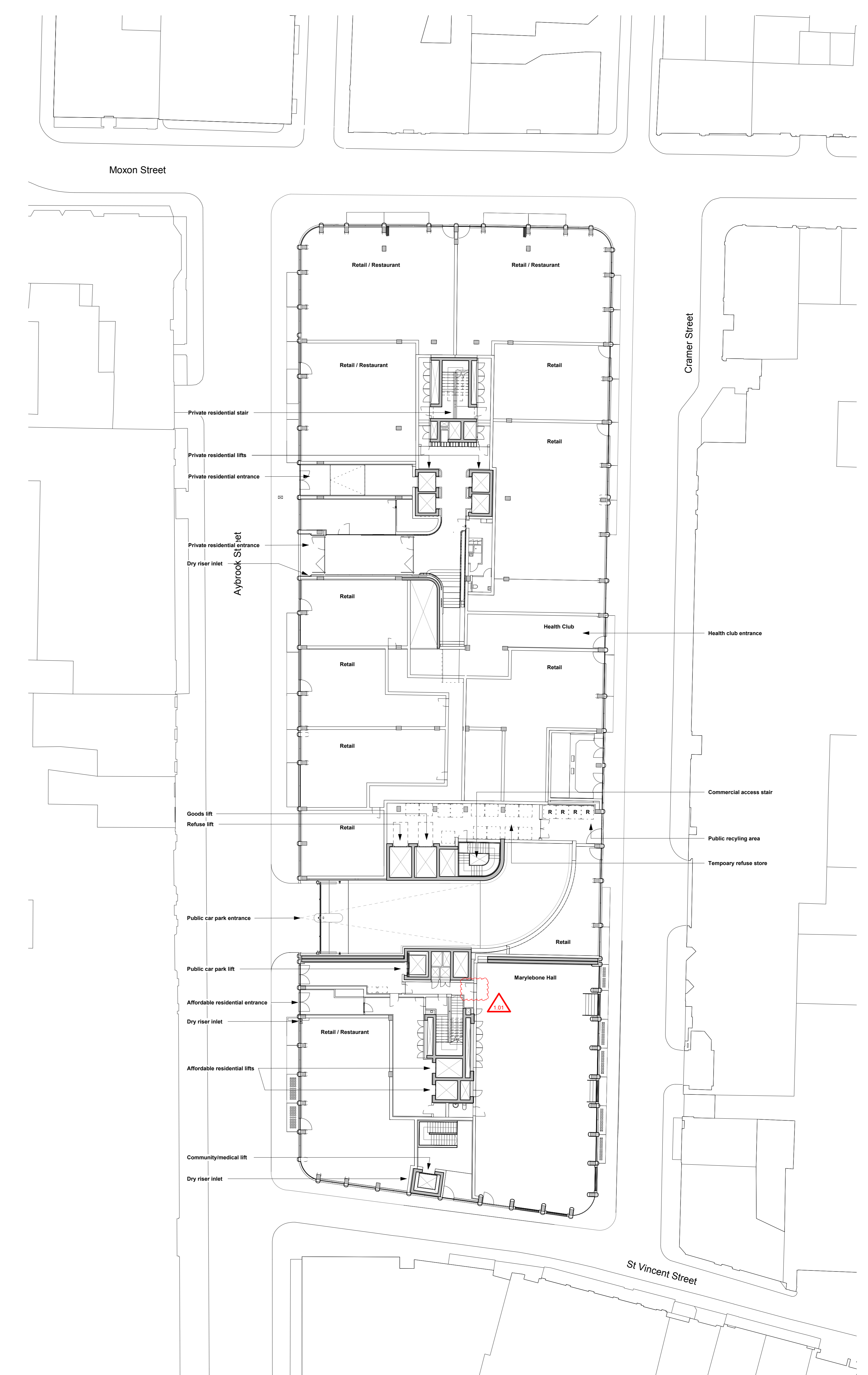
Revision Number  
**T6**



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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	06/12/22	S2	For information
T1	11/10/22	S2	For information
Rev	Date	Auth	Reason For Issue

**E8 Architecture**  
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 1 Monmore Terrace, London E8 3PN  
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Client: Moxon Street Residential  
 The Listed Hall  
 50 Bolsover Street  
 London, W1W 5NG  
 Project Title: Marylebone Square

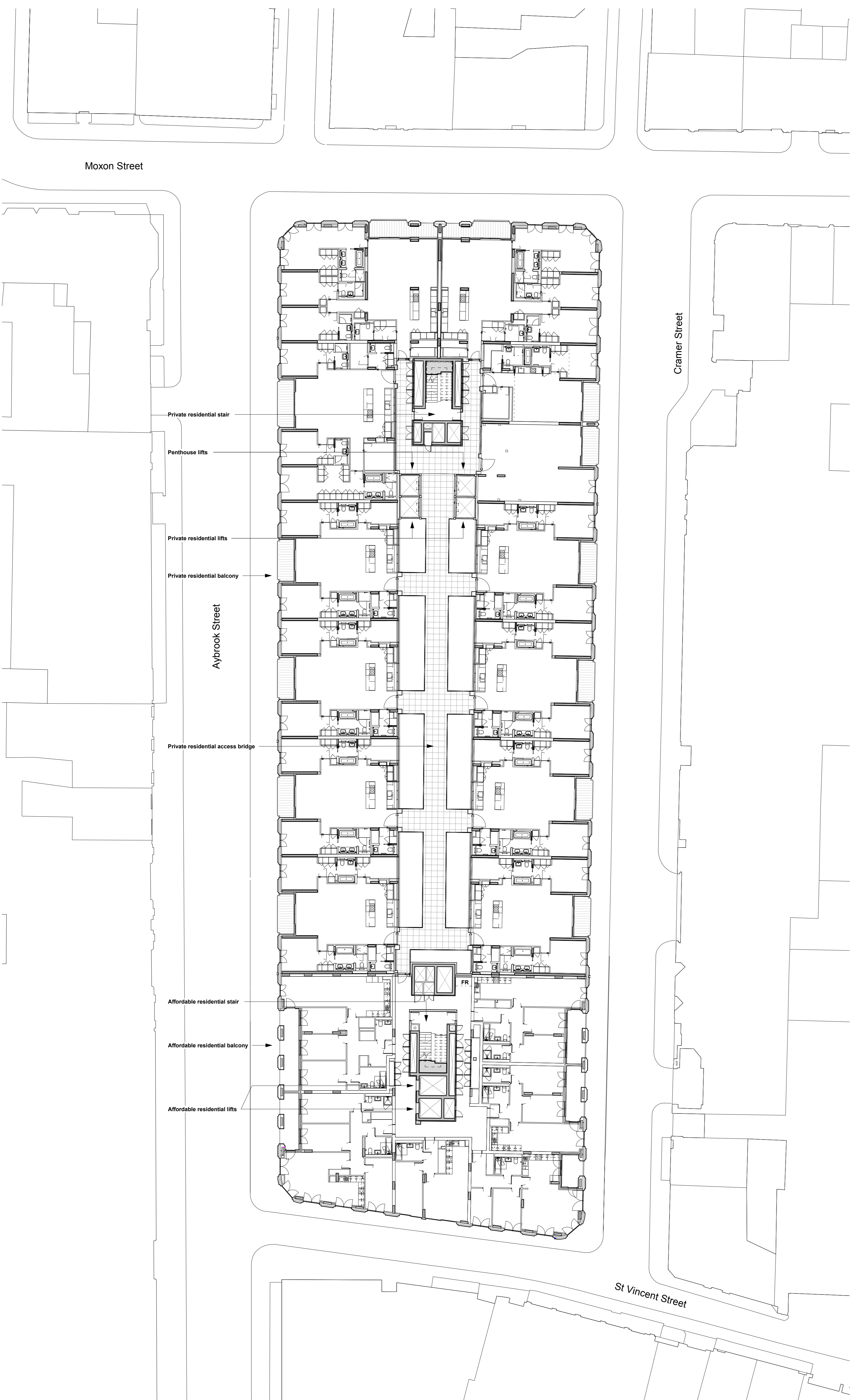
Drawing Title: Planning - LG and G Plans

Scale: 1 : 200  
 Format: A0  
 Orientation: N

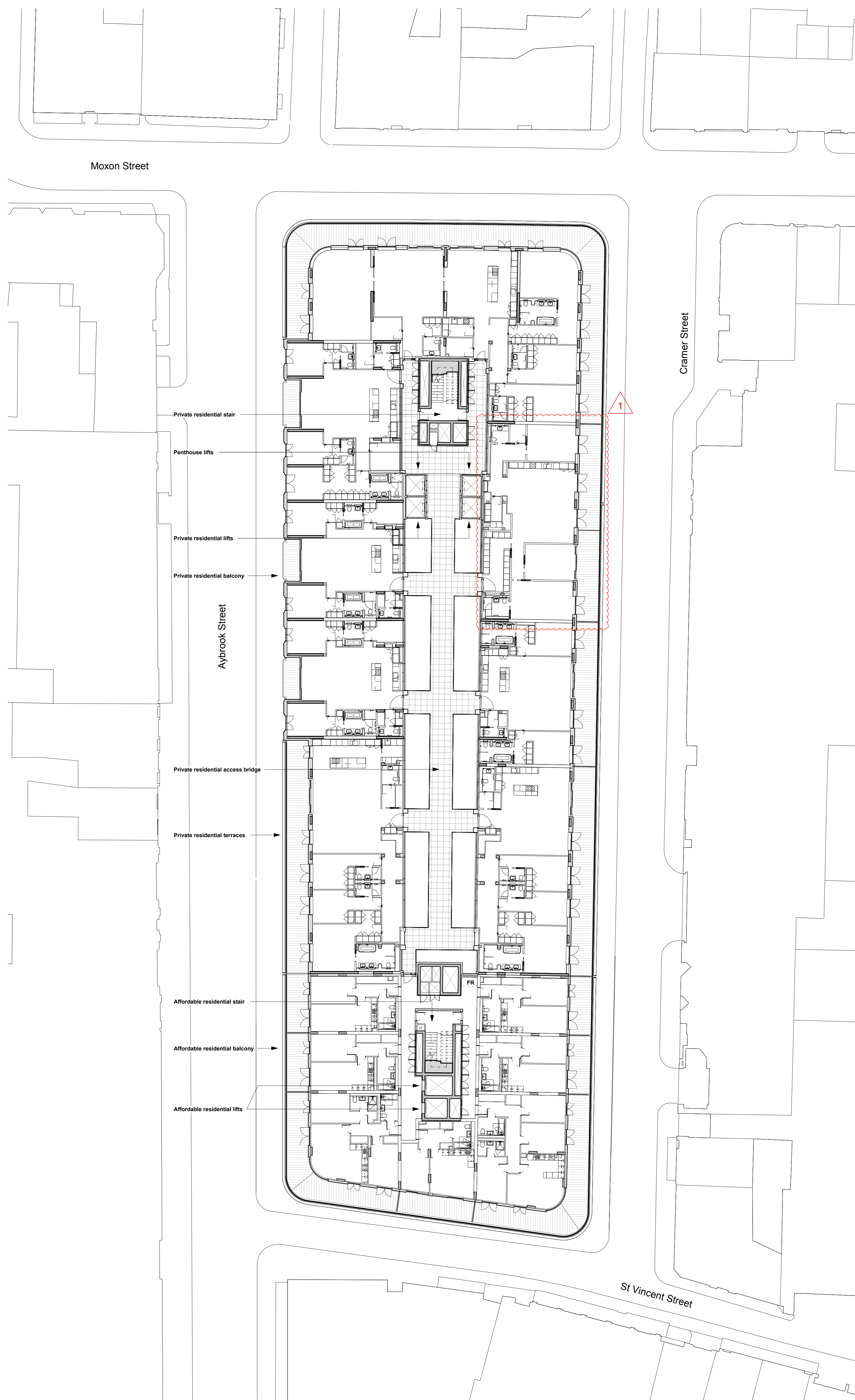
Drawing Number: MOX-SBA-XX-A-14-012  
 Revision Number

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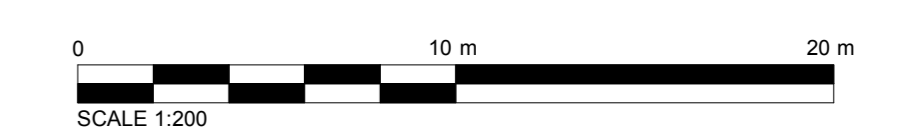
**Legend**  
 - Extent of Application  
 - NMA Item marker  
 - EVC



3 GA\_03\_NMA  
 1 : 200



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



Rev	Date	By	For Information	Reason For Issue
T2	19/01/23	SZ	For Information	
T1	12/09/19	SZ	For Information	

**E8 Archi tecture**  
 L o n d o n K r a k o w  
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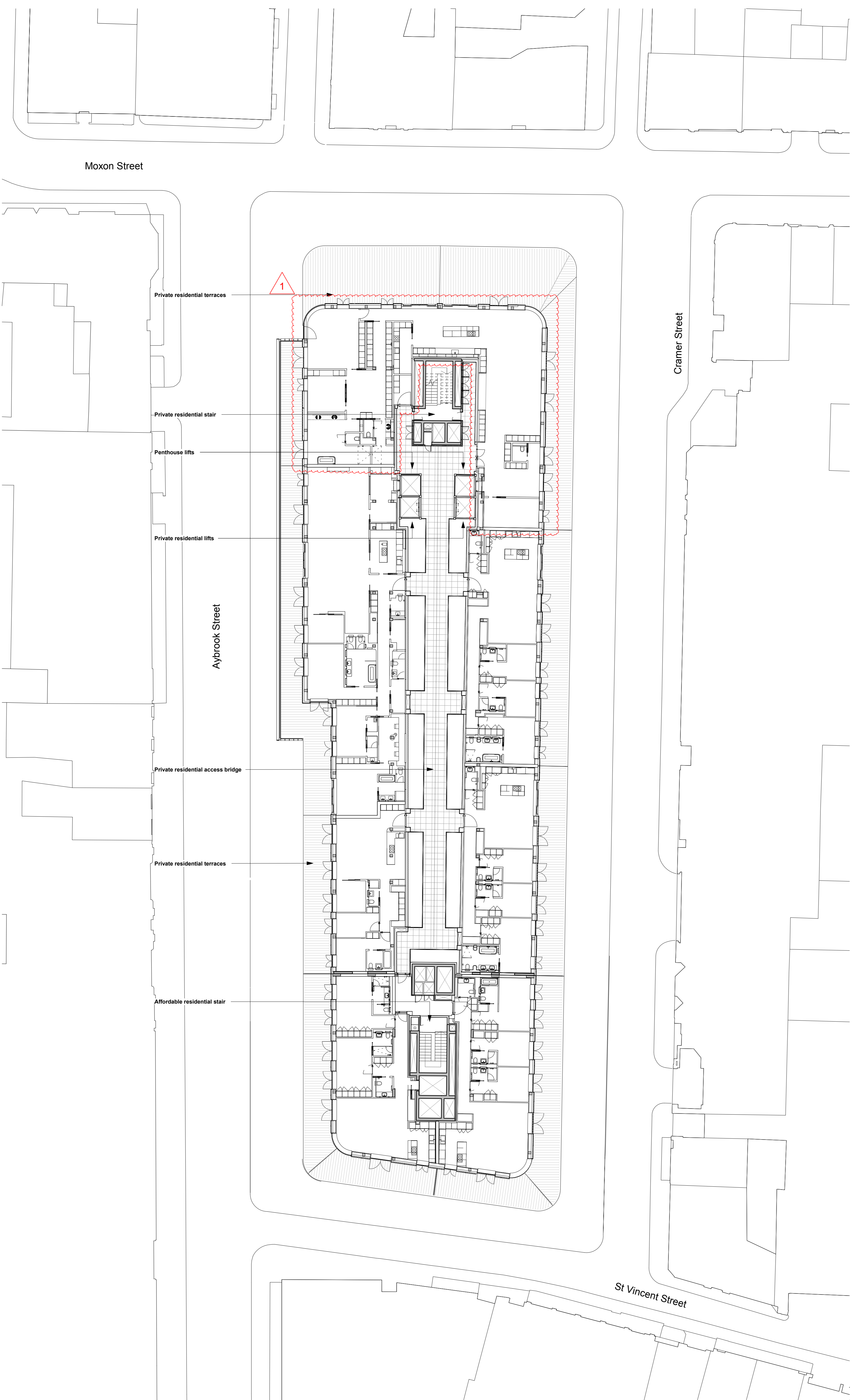
Client: Moxon Street Residential  
 The Listed Hall  
 50 Bolsover Street  
 London, W1W 5NG

Project Title: Marylebone Square

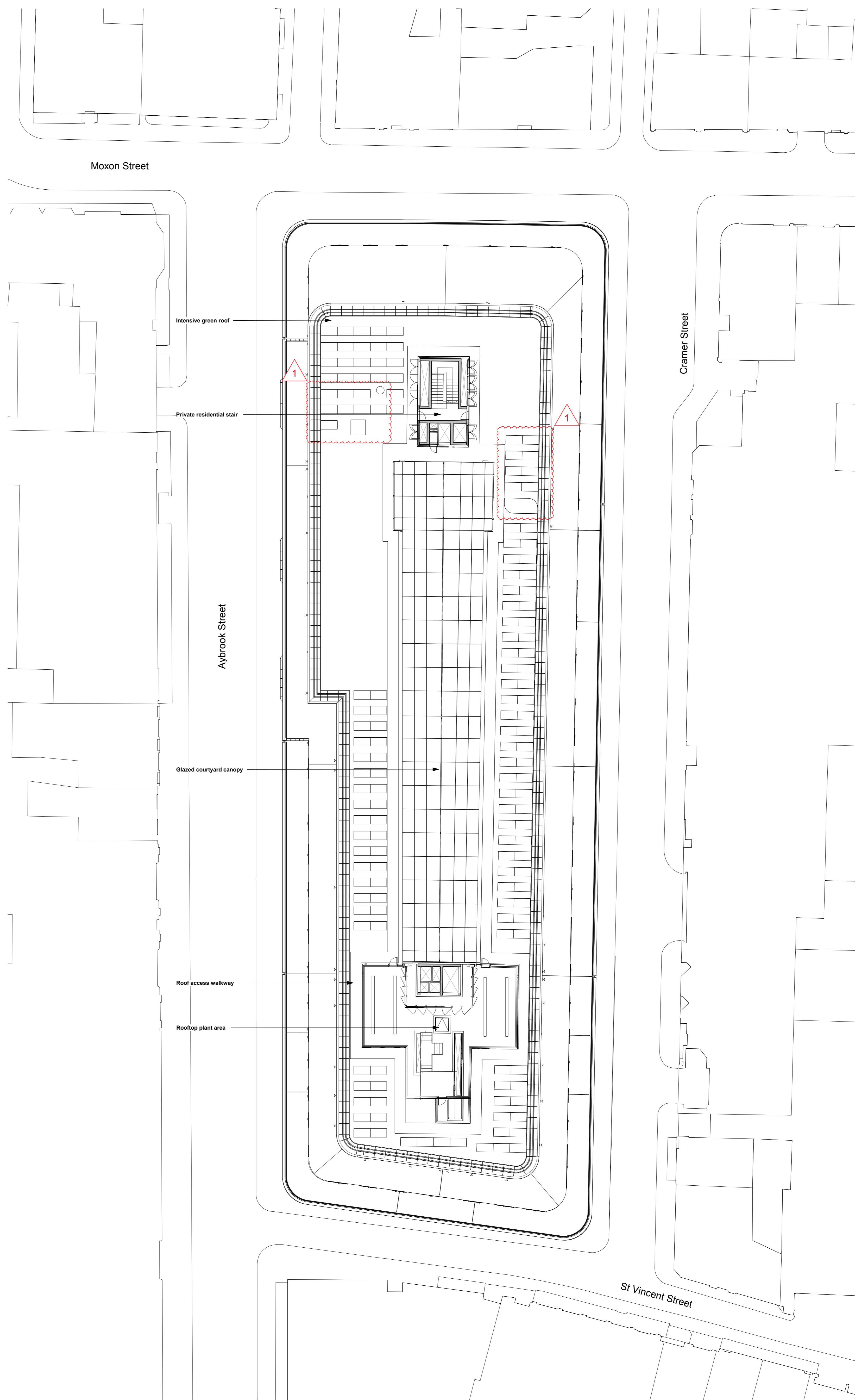
Drawing Title: NMA Application - 03 and 04 Plans

Scale: 1 : 200  
 Format: A0  
 Orientation: N

Drawing Number: MOX-SBA-XX-ZZ-DR-A-14-004  
 Revision Number: 12



**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

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 - All discrepancies are to be noted in writing to Simon Bowden Ltd.

**Legend**  
 - Extent of Application  
 - NMA Item marker  
 - EVC

T2: 19/01/23 S2 For Information  
 T1: 12/09/19 S2 For Information  
 Rev: Date Suit Reason For Issue

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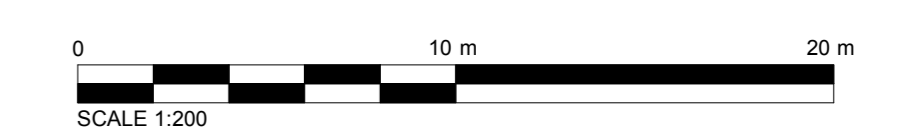
Project Title:  
 Marylebone Square

Drawing Title:  
 NMA Application - 05 and  
 Roof Plans

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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.