

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	52 - 55 Dorset Street, London, W1U 7NH		
Proposal	Alterations at basement and ground floor levels including the installation of a partially openable shopfront, erection of a bin store screen and installation of replacement plant to the rear and associated alterations. Dual/alternative use of part of the basement level as a restaurant (Class A3) and/or bakery (Class A1) and use of two areas of the private forecourt for the placing of nine tables and 18 chairs in association with the ground floor restaurant use.		
Agent	Turley		
On behalf of	A.O.K. Kitchen (Marylebone) Ltd.		
Registered Number	18/02822/FULL & 18/02823/LBC	Date amended/ completed	16 April 2018
Date Application Received	9 April 2018		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

1. Grant conditional permission;
2. Grant conditional listed building consent;
3. Agree the draft reasons for granting listed building consent as set out within informative 1 of the draft decision letter.

2. SUMMARY

This application site partly comprises a Grade II listed building (Nos. 53-55) and an unlisted building (No. 52) situated within the Portman Estate Conservation Area. The building's lawful use is as a restaurant (Class A3) set over basement and ground floors levels (though part of the basement has also functioned as a wine bar). 52 Dorset Street is a separate unlisted terraced building linked to Nos. 53-55 on the ground and basement floor levels. Above the site at first, second and third floor level is residential (Class C3) accommodation.

Planning permission and listed building consent are sought for the alterations to install a replacement shopfront, incorporating an openable element, and associated works including replacement plant and

minor works to the bin storage area. Permission is sought to introduce a bakery (Class A1) at part basement level and for use of tables and chairs on the private forecourt.

A large number of objections from neighbouring residents in the Dorset Street area have been received. The agent confirms that the applicant has been in regular contact with local community and neighbours in an attempt to resolve the matters highlighted within the consultation concerns. The scheme has been revised to address some of these concerns by:

- reducing the amount of openable windows and conditioning the hours they are open;
- reducing the amount of external tables and chairs;
- reducing the operational hours of the A1 Bakery;
- provision of an operational management plan confirming the management of the tables and chairs, the overall management of the premises, waste management and deliveries.

Furthermore the applicant has agreed to a number of conditions to protect the residential amenity, as detailed within the report.

The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residents;
- The impact of the works upon both the special interest of the listed building and the character and appearance of the conservation area.

In design and historic building terms, the proposed impact is minor, following a number of revisions throughout the application. The proposed noise mitigation measures are considered to be sufficient to ensure that the amenity of local residents will not be harmed. The proposed works are therefore considered to be acceptable in design and conservation terms and, subject to conditions, the proposal is also considered acceptable in amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster City Plan.

3. LOCATION PLAN

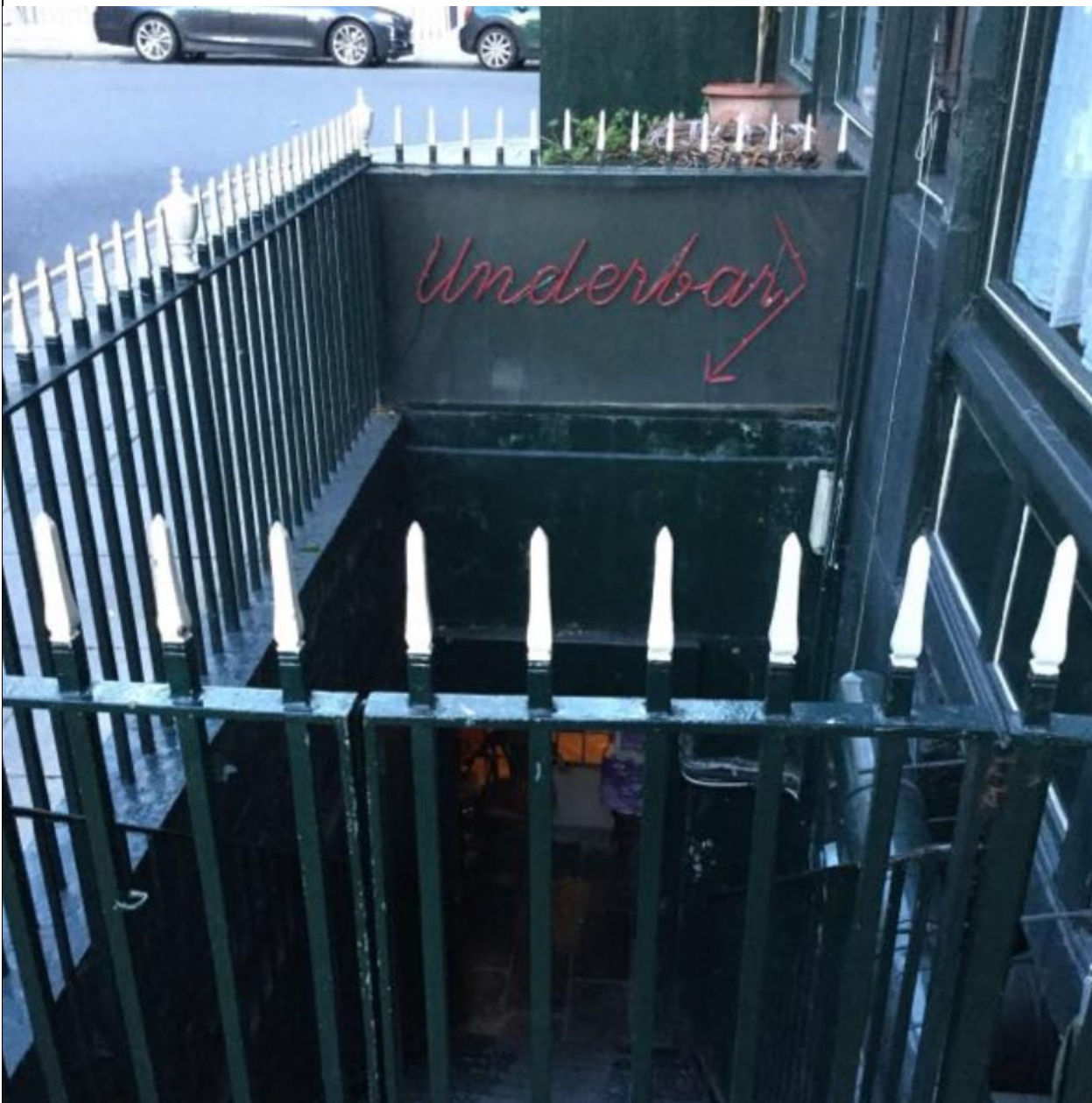


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4. PHOTOGRAPHS



Existing external entrance to basement (and proposed bakery)



5. CONSULTATIONS

HISTORIC ENGLAND:

Authorise the City Council to determine the application for listed building consent.

THE MARYLEBONE ASSOCIATION:

No objection in principle subject to the following conditions:

- The opening hours of the premises be limited to 23:00 daily;
- The permission for tables and chairs be temporary to allow future reviews;
- Further information regarding the plant be provided to confirm whether it requires acoustic housing;
- A detailed management plan be provided to ensure robust management of the unit.

ENVIRONMENTAL HEALTH:

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 120; No. of response: 40;

1 letter of support received and,

39 letters of objection received on the following grounds;

Amenity

- Extended opening hours are considered to be too early and too late;
- Larger seating area is considered to be too large with too many covers;
- Terrace should not be used beyond 20:00 daily;
- No external heaters should be allowed;
- Number of customers on terrace should be limited to 12 people;
- Noise nuisance from the additional covers, extended opening hours and live music;
- Additional noise from openable shopfront;
- Openable windows should be closed when music played;
- Windows should be double glazed to reduce noise;
- Bakery should open no earlier than 08:00 Monday to Friday and 09:00 Saturday and Sundays;
- Bakery will result in additional smells;
- The use will result in increased parking and put additional unnecessary pressure on residents parking;
- Plant should be sited away from wall adjoining 29 Manchester Square and ducting should be fitted with sound absorbing cladding;
- Hours of use of toilets and restaurant should be limited to restrict noise concerns.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 52 is an unlisted property and No. 53 - 55 is a Grade II listed property located on the southern side of Dorset Street at the corner of Manchester Street. The building comprises basement, ground and three upper floors. The site is located within the

Portman Estate Conservation Area. The lawful use of the ground and basement premises is a restaurant (Class A3) with residential properties at upper floors.

There is some uncertainty regarding the history of the basement area being used as a wine bar, but as this appears to have been in association use with the restaurant use, it is considered that the use of the premises as a whole is within Class A3.

The site is located outside the Core Central Activities Zone (but within the Central Activities Zone) and is part of a Local Shopping Centre. It is not in a Stress Area.

6.2 Recent Relevant History

Planning permission and listed building consent were granted on 6 January 2013 (13/05850/LBC) for the alterations to the existing pavement railings with new extension and double gates to match existing on the corner junction of Manchester Street and Dorset Street. This allowed for the area now used for the storage of external waste.

Planning permission and listed building consent were granted on 10 January 2001 (00/08009/FULL) for external alterations, including replacement railings, removal of some railings, new paving, two new awnings, delivery hatch and fixed roof light to rear.

Permission was granted at Committee on the 23 November 2000 for the alterations to shopfront to create openable windows at 52 Dorset Street only (00/05850/FULL). Although permitted by Members at Committee, the permission was not implemented.

Permission was refused on the 12 August 1996 with an appeal dismissed on the 24 July 1997 (96/04510/FULL) for the alterations to the shopfront at 52-55 Dorset Street which sought consent to replace the shopfront with openable sash windows. The appeal was dismissed on design grounds only. The Planning Inspector did not consider that the proposal would result in a loss of amenity to adjoining residential occupiers by way of noise and disturbance.

The use of the premises as a restaurant (Class A3) pre-dates planning history. The property is not subject to planning restrictions limiting the use of hours, capacity or deliveries. However, the premises licence restricts opening hours to the following:

Monday to Saturday: 10:00 to 00:30 (Basement)
Monday to Saturday: 10:00 to 23:30 (Other areas)
Sunday: 12:00 to 23:00 (Other areas)
Sunday: 12:00 to 00:00 (Basement)

7. THE PROPOSAL

Planning permission and listed building consent are sought dual/alternative use of part of the basement level as a restaurant (Class A3) and/or bakery (Class A1) and for alterations at basement and ground floor levels including:

- the installation of a partially openable shopfront;
- other internal alterations as detailed below;

- the provision of external seating on the private forecourt;
- erection of a bin store screen, and
- installation of replacement plant to the rear of the property, including a replacement full height kitchen extract duct.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The property lies outside the Core Central Activity Zone. The entire unit has been in use by Hardy's restaurant with wine bar in part basement since approximately 1984. There are no planning decisions for the use of the site that controls its use as a restaurant (in terms of opening hours nor capacity) nor the use of tables and chairs on the forecourt.

The proposed bakery is seen by the applicant as supplementing the main use of the premises as a restaurant, and a partial retail function is often provided by restaurants. It will have an independent access point via the existing external staircase from street level. This gives the bakery the opportunity to operate as an independent retail unit that is not completely tied to the restaurant (e.g. it could open when the restaurant is closed) but it is an integral part of the restaurant operation. There is also access to the bakery from within the restaurant at ground floor level. Such a change of use from Class A3 to Class A1 benefits from permitted development rights as detailed in Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, the applicant has formally applied to change this use for dual alternative A1/A3 purposes – this allows this part of the premises to revert to Class A3 use in the event that the bakery is not provided.

The part basement floor comprises an area of approximately 35 sqm. Primary cooking is proposed to take place within the existing restaurant kitchen at basement level, with back of house access linked directly to the bakery. The proposed opening hours of the bakery are:

Monday – Friday: 07:30 - 18:30,

Saturday: 08:00 – 18:00 and

Sunday: 08:30 – 18:00.

No details have been provided concerning the number of staff that would be employed.

The proposed bakery could potentially result in the loss of 35 sqm of restaurant (Class A3) floorspace at part basement floor. The Council does not have any policies to explicitly protect this use class.

Considering the reduction of other A3 floorspace on the site and that the part basement area will be used in association with the existing ground floor use, it is considered that the change of use to A1 floorspace is acceptable. Furthermore, given the mixed nature of Dorset Street it is not considered that the proposal would adversely affect the character and function of the area. Furthermore, as the site is part of a Local Shopping Centre, the contribution of a retail bakery is appropriate.

Objections about the amenity implications of the use are dealt with in the amenity section (8.3 below).

8.2 Townscape and Design

Internal alterations

At ground floor level, permission is sought to widen an existing opening between nos. 52 and 53. The existing internal opening was originally consented in 1990 when the buildings were linked laterally. The proposal to widen this opening will preserve a sense of the original room volume and plan form, and the unlisted separate building at no. 52 will remain legible, demonstrating that these buildings were not historically linked. A small amount of historic fabric will be lost as a result of this change. However, this aspect of the proposals will have a minimal impact on the overall special interest of the listed building and is considered acceptable.

At basement level consent is sought for internal alterations involving the removal of existing partitions and reconfiguration of the internal plan form, which does not appear to be historic. The proposed alterations within the basement affect modern fabric only, and will preserve the special interest of the listed building. Two additional openings are proposed in the party wall between nos. 52 and 53. Given that these buildings are already linked, the legibility of the historic plan form will remain and the impact on the special interest is minimal.

A new floor finish is also proposed. There are some areas where existing original floor boards are retained. Details have been submitted to show that the existing boards can be retained below the proposed finish. Subject to the imposition of a condition to secure their retention, this aspect of the proposals is also considered acceptable.

Changes to shopfront

Externally, consent is sought for alterations to the existing shopfront. The existing shopfront, whilst not entirely original, is of a traditional, panelled timber design and makes a positive contribution to the appearance of the listed building and conservation area. The shopfront to no. 53 appears to date to the early 19th century; elsewhere it is later. Consent was originally sought for openable bi-folding windows across the full frontage of the site. This was resisted in design terms because this would create a large void within the streetscape and the principle of openable glazing to the historic 19th century shopfront was considered inappropriate in listed building terms, given that historically this would always have been fixed glazing. Following negotiations, the extent of openable windows has been reduced significantly and fixed glazing is now retained in the 19th century part of the shopfront. One window is to be replaced with bi-folding windows to no. 55. Given that the fixed panelled stallriser is retained with the existing proportions preserved, and that the openable element is limited to this one window only, the proposal will preserve the character and appearance of the conservation area and the special interest of the listed building. This aspect of the proposals is therefore recommended for approval in design terms.

The submission refers to painting the existing shopfront, although the details of the proposed colour are not shown on the drawings. The visuals in the supporting document show a light grey colour. The applicant was advised during pre-application discussions that light colours such as the grey shown are not considered suitable for a traditional shopfront of this type, and a dark colour is likely to be considered more favourably. The imposition of a condition is recommended to secure details of the proposed colour.

Following negotiations, revised drawings have also been submitted which show a reduction to the size of the proposed projecting sign, which was originally designed to be a considerably larger, chunkier and internally illuminated box sign. The imposition of a condition to secure further details of this sign is recommended. The existing flag and pole at first floor level appear to have been installed unlawfully between 2012 and 2014. The proposed drawings show the flag removed following negotiations. This has been conditioned on the listed building consent to safeguard its removal.

Plant

At the rear of the site consent is sought to remove an existing duct located to the rear of No. 53, part of the listed building, which is welcomed, and install a new duct at the rear of no. 52. The proposed duct will be visible from several high level private vantage points at the rear of the site, but arguably is in a more discreet location. Like the existing duct, it will not be visible from any public vantage points. Officers consider that, visually, it would be preferable for the duct to be screened in GRP cladding to match the appearance of the existing brickwork, so that it will blend with the appearance of the palette of this historic building and will represent an improvement to the design and positioning of the existing duct. However, the use of GRP cladding would increase the bulk of the duct, which might impinge on the windows to the flats on the upper floors of the property. The applicant wishes to paint the duct in grey: given the need to assess potential options for the treatment of the duct, it is proposed to condition this matter. The imposition of a condition requiring the removal of the existing duct before the new duct is installed is also recommended to reduce visual clutter in this highly visible location.

A new rooflight and replacement air conditioning plant servicing the restaurant is also proposed on the rear flat roof which, will be concealed below the height of the boundary wall and will only be visible from a limited number high level private vantage points. Additional air conditioning plant is also proposed to the rear of the roof valley to no. 52, which is the unlisted part of the site. Again, and this will only be limited visibility and will preserve the roofscape of this group. Whilst a screening enclosure would be desirable in design terms, this would increase the massing of the roof plant to an unacceptable degree. This aspect of the proposals is also therefore recommended for approval.

Overall, subject to the conditions set out above, the proposals are considered compliant with DES 5, DES 6, DES 9 and DES 10 of the UDP and will preserve the character and appearance of this part of the conservation area and the special interest of the listed building. The application is therefore recommended for conditional approval in design terms.

8.3 Residential Amenity

A number of objections have been received following a public consultation period. It should be noted that an additional neighbour consultation process was conducted to clarify the works to the rear and roof of the property, namely the introduction of replacement plant. Several of the objections are duplicates following the second consultation. Additionally there are a number of similar objections received from different occupants within the same properties.

Openable shopfront

An appeal was dismissed on 24 July 1997 for a new shopfront to 52-55 Dorset Street with an openable element. The Inspector dismissed the appeal on design grounds only, and commented that he did not consider that the proposal would result in a loss of amenity to adjoining residential occupiers by way of noise and disturbance. However, it is noted that the openable element as originally proposed in this application was considerably larger than in the appeal decision and this has generated a number of objections from neighbouring residents. The amended proposal has now reduced the openable element to a smaller proportion than that of the 1997 appeal. The amendments address both design and amenity concerns and now include a single element of openable shopfront with the remaining windows fixed shut.

A condition restricting the hours which the openable windows may be opened to between 09.00 and 21.00 has been included on this permission, and has been agreed by the applicant to prevent any disturbance at night-time for the large number of residential occupiers in close vicinity of the site.

A condition has also been included to require the openable windows to be closed in the event that there is live music entertainment taking place at the premises.

Given these conditions and the considerable reduction in the amount of openable shopfront that was originally proposed, it is considered that the objections on these grounds have effectively been addressed.

Tables and chairs

Objections have been received regarding the size and use of the terrace beyond 20:00 daily, including the number of diners sitting outside; concerns were also raised regarding the use of external heaters.

The forecourt to the front of the premises has been in use for a varied amount of tables and chairs by the previous occupier for a number of years. The tables and chairs are located on a private forecourt, not public highway, and therefore the City Council has no control over the use of tables and chairs in this area. The applicant has however agreed to reduce the original layout of the seating area to 9 tables and 18 chairs, which now fit comfortably within the private forecourt and do not extend onto the public highway.

The applicant has also agreed to limit the use of the tables and chairs to 08:30 and 21:00 daily, this is detailed within the operational management plan which will be conditioned as part of this application.

Opening hours

A number of objections from residents and the Marylebone Association raise concerns to the opening hours of the business. The agent advises that the previous occupiers' hours of operation were as follows:

Monday to Saturday:	10:00 to 00:30
Sunday:	12:00 to 00:00

Hardy's Brasserie's website however refers to the opening times as follows [although the restaurant has now closed, their website is still online]:

Monday to Friday: 12:00 to 15:00 and 17:00 to 22:30
Saturday: 09:30 to 15:00 and 17:30 to 22:30
Sunday: 09:30 to 15:00

The premises licence issued by the Council restricted the opening hours to:

Monday to Saturday: 10:00 to 00:30 (Basement),
Monday to Saturday: 10:00 to 23:30 (Other areas),
Sunday: 12:00 to 00:00 (Basement), and
Sunday: 12:00 to 23:00 (Other areas).

It is therefore assumed that Hardy's chose not to open throughout the day, although did have the flexibility to do so. This appears to have generated a lot of the objections from local residents about the proposed change in opening hours. Objectors request that the hours of operation of the restaurant use be limited to close earlier than midnight, as currently proposed.

The fact is that there are no existing planning controls over the hours and capacity of the existing restaurant use. The use of the most of the site remains as a restaurant (Class A3) use, and the applicant confirms the hours of the restaurant to be:

Monday – Friday: 07:30 – 00:00
Saturday: 08:00 – 00:00
Sunday: 08:30 – 23:30

Again, this will be subject to control through licensing (which will need to be adjusted to allow opening of the ground floor until midnight (along with the basement). However, the applicant has agreed to accept a planning condition that controls these hours: given that the existing licence allows part of the premises to be open until midnight, there are not considered to be reasonable grounds to impose an earlier closing time.

The change of use relates to the small area within the basement where permission is sought for a bakery with the following opening hours, which can be conditioned as part of this application:

Monday – Friday: 07:30 - 18:30
Saturday: 08:00 – 18:00
Sunday: 08:30 – 18:00

Neighbouring objectors request that the hours of operation be altered to restrict the bakery to open at 08:00 or 09:00 daily. Given the mixed use nature of the location, opening at 08:00 hours on Saturday and 08:30 hours on Sunday is considered reasonable. This is similar opening hours to that of the neighbouring bakery at No. 48 Dorset Street.

The applicant advises that the previous occupiers had 90 covers on the ground floor and 30 seated or 50 standing guests at basement level. The current proposal reduces the overall amount of covers to 80.

Odours from the bakery

Objectors have raised concerns regarding additional smells from the bakery. The proposal includes the replacement of plant. This includes replacement ventilation systems which will be installed to filter out any associated smells with the bakery and restaurant via the high level duct. This objection is therefore no considered to be sustainable.

Plant

One objection raises concerns regarding the introduction of plant on the wall adjoining 29 Manchester Street. Environmental Health have assessed the revised acoustic report and have no objection to the proposal and state that the air conditioning units are likely to comply with the City Council's standard noise conditions, provided that the acoustic screen is installed prior to operation of the air conditioning units, and the hours are limited to 07.00-23.00. Therefore the objection relating to the plant being located away from the wall adjoining 29 Manchester Street are not considered sustainable to justify a reason for refusal.

The objection also requests the duct to be fitted with sound absorbing cladding. The lower part of the duct is encased in acoustic housing and the Environmental Health Officer confirms that these proposals are acceptable.

Internal noise

One objection raises concerns that the location of the toilets in the basement area and seating in the internal ground floor (seating area) in the south west corner will have a detrimental impact to their amenity due to noise from activity in these rooms travelling through the adjoining walls and impacting their main bedroom. However, given that the existing use of the premises remains as a restaurant, there are no planning grounds for controlling the existing layout.

Following a discussion with the City Council's Environmental Health Officer, the introduction of toilets within the basement level are not likely to cause additional noise activity to residential properties above. They confirm that even with small extractors, the modern units do not cause unreasonable amounts of vibration and noise.

8.4 Transportation/Parking

Increased parking and deliveries

Objections have been received which relate to the increase in on street parking on Dorset Street. As mentioned above, the amount of covers is less than that of the previous occupiers. Furthermore given the relatively small size of the bakery (35 sqm) it is unlikely to generate large increases of on street parking. Therefore, it is not considered likely that the use will add to parking pressure on residential parking along Dorset Street.

The applicant confirms that there will be no change to the existing servicing and delivery of the restaurant, which will incorporate the deliveries required for the bakery.

Cycle parking

The Highways Planning Manager references the requirement of cycle parking within the London Plan from a threshold of 100sqm for A1/A3 use - 1 space per 175sqm. The use

of the A3 restaurant remains unchanged. The use of the A1 bakery falls short of the requirement for cycle parking.

8.5 Economic Considerations

Any economic benefits are welcome.

8.6 Access

The access arrangements to the property remain unchanged. Access to the basement level bakery will be via the existing external staircase which provide an independent access to this area.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.9 Planning Obligations

Planning obligations are not relevant in the determination of this application. The proposal is not CIL-liable.

8.10 Environmental Impact Assessment

The scheme is of insufficient scale to require an Environmental Impact Assessment.

8.11 Other Issues

Waste

The Cleansing Officer raises no concerns to the proposed screen to cover the bin store, however he has requested more details regarding the waste and recycling storage requirements for the basement level restaurant (Class A3) and/or bakery (Class A1) unit.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

9. KEY DRAWINGS

PLANNING PROPOSED (CLOSED)

PLANNING PROPOSED (OPEN)

NOTES:
 Do not scale off the drawings.
 All work shall conform to the applicable building and fire codes and all other applicable codes, regulations and standards.
 The drawings are intended to provide a general understanding of the proposed work and are not intended to be used for construction purposes.
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PLANNING FORGEARCHITECTS

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 Atlanta, GA 30328 | 404.525.1111
 www.forgearchitects.com

Project: 52-55 Dorset Street

Client: ADK

Phase: Proposed Facade & Entrance Closed

Drawing Number: 1398_GA_205 E

Date: Feb 16 | Scale: 1:100

NOTES:
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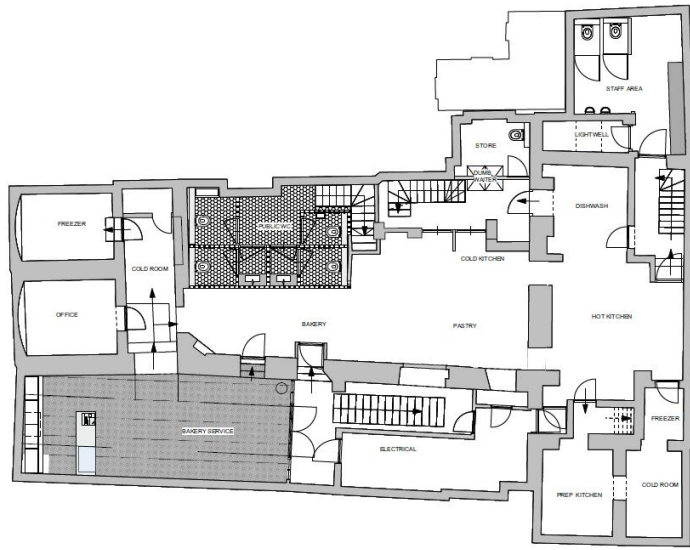
Project: 52-55 Dorset Street

Client: ADK

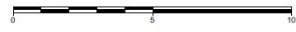
Phase: Proposed Facade & Entrance Open

Drawing Number: 1398_GA_206 E

Date: Feb 16 | Scale: 1:100



BASEMENT - ENTRANCE



PLANNING PROPOSED

NOTES
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The architect is not responsible for any cost or expense of any kind arising from the use of this drawing.
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15/17/16 - Annotations added
A/ 9/18 - Windows and doors amended

PLANNING
FORGEARCHITECTS

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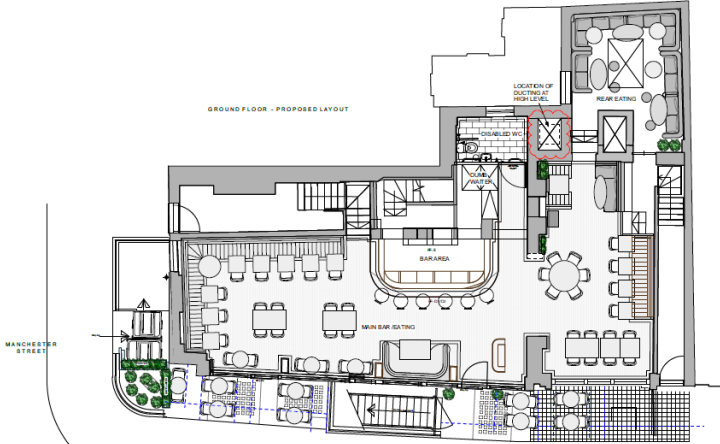
Project: 52-55 Dorset Street

Client: ACK

Drawing: Proposed Basement Plans

Drawing Number: 1398_GA_203 B

Date: Feb 18 Scale: 1:100



MANCHESTER STREET

DORSET STREET
PROPOSED EXTERNAL LAYOUT



PLANNING PROPOSED

NOTES
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The architect is not responsible for any delay or interruption of any kind arising from the use of this drawing.
The architect is not responsible for any cost or expense of any kind arising from the use of this drawing.
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F/ 15/17/16 - Annotations added and door placed in kitchen
F/ 15/17/16 - Kitchen moved away from door
E/ 15/17/16 - Changed External Chair Orientation
D/ 14/17/16 - Amended Porridge to multi-seater
C/ 13/17/16 - DCA bathroom added
B/ 13/17/16 - Storage fittings moved to kitchen (15/17/16)

PLANNING
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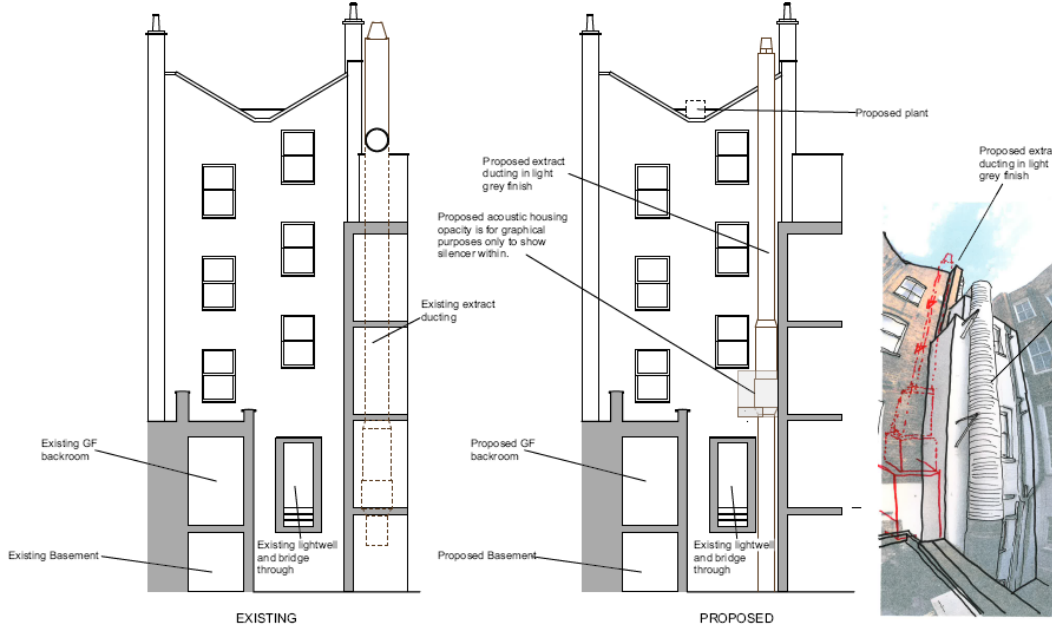
Project: 52-55 Dorset Street

Client: ACK

Drawing: Proposed Ground Floor Plans

Drawing Number: 1398_GA_204 F

Date: Feb 18 Scale: 1:100



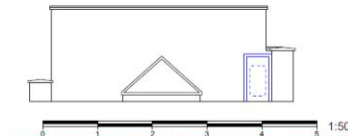
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PLANNING	
FORGEARCHITECTS	
44 Oak Street London SE1 7JH	020 738 7922 forge@forgearchitects.co.uk www.forgearchitects.co.uk
Project: 52-55 Dorset Street	
Client:	ACK
Drawn:	Rear Lightwell Section
Drawing Number:	1398_GA_223
Date:	Jul 18 Scale: 1:100

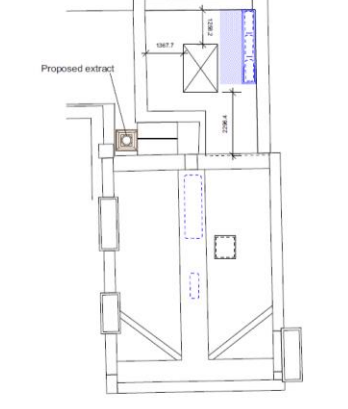
PLANNING LIGHTWELL SECTION



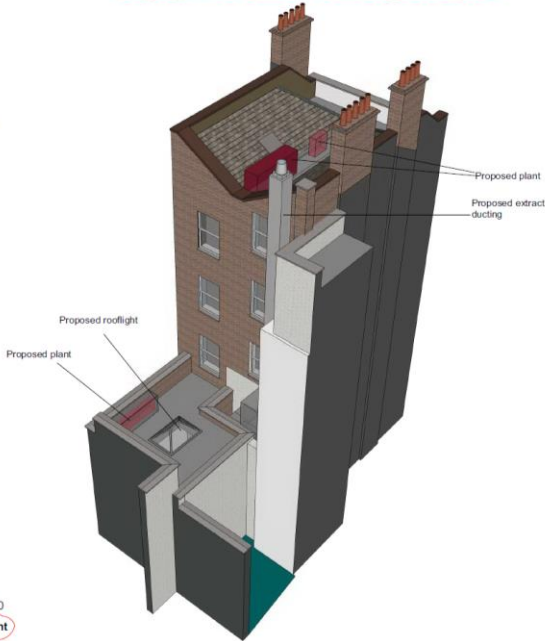
Proposed Visualisation of 52 Dorset Street Showing Proposed Plant



Proposed Flat Roof Elevation View from 52 Dorset Street



Proposed Roof Plan of 52 Dorset Street Showing Proposed Plant



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 10. To extract from existing...

B 1109/18 - This permitted to 52 Dorset Street	
A 54518 - Amendations added	
PLANNING	
FORGEARCHITECTS	
44 Oak Street London SE1 7JH	020 738 7922 forge@forgearchitects.co.uk www.forgearchitects.co.uk
Project: 52-55 Dorset Street	
Client:	ACK
Drawn:	Proposed Roof Plan
Drawing Number:	1398_GA_216 B
Date:	March 18 Scale: 1:50

PLANNING MEP ROOF PLAN PROPOSED

DRAFT DECISION LETTER

Address: 52 - 55 Dorset Street, London, W1U 7NH,

Proposal: Alterations at basement and ground floor levels including the installation of a partially openable shopfront, erection of a bin store screen and installation of replacement plant to the rear and associated alterations. Dual/alternative use of part of the basement level as a restaurant (Class A3) and/or bakery (Class A1) and use of two areas of the private forecourt for the placing of nine tables and 18 chairs in association with the ground floor restaurant use.

Reference: 18/02822/FULL

Plan Nos: AOK Kitchen - Operational Management Plan

Proposed Plans: 1398_GA_203 B, 1398_GA_204 F, 1398_GA_209_C REV C, 1398_GA_219 A, 1398_GA_216 B, 1398_GA_205 E, 1398_GA_206 E, 1398_GA_220B, 1398_GA_222, 1398_GA_223

Demolition Plans: 1398_GA_207 A, 1398_GA_208 A

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: ,
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)
- Reason:
To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)
- 4 You must apply to us for approval of details of the following parts of the development - the treatment and appearance of the new full height kitchen extract duct. You must not start use the duct until we have approved what you have sent us. You must then carry out the work according to these details.
- Reason:
To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)
- 5 You must remove the existing duct from the building before you install the new duct hereby approved.
- Reason:
To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)
- 6 You must apply to us for approval of details of the following parts of the development, 1. Awnings (1:5 and 1:20 drawings), 2. Bin store (1:20 drawings), , 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 details. (C26DB)
- Reason:
To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)
- 7 You must close the windows within the shopfronts hereby approved between 21:00 each day and 09.00 the following morning.
- Reason:
To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 8 At times when the shopfront hereby permitted is open
- (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 the restaurant, 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 when the windows within the shopfront are open, 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 within restaurant, 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 when the windows within the shopfront are open, 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 when the windows within the shopfront are open. 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 (November 2016), 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.

- 9 You must keep the external doors and windows closed whenever there is live music entertainment taking place at the premises. You can use them in an emergency or for maintenance only.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 10 No delivery service is to operate from the premises in connection with the basement level bakery use (Class A1) hereby approved.

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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 11 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (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 LA90, 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 (November 2016), 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.

- 12 The plant/machinery hereby permitted shall not be operated except between 08:30 hours and 23:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 13 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.

- 14 You must apply to us for approval of details of how waste is going to be stored in the basement level restaurant (Class A3) and/or bakery (Class A1) on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the property. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 15 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:

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 (November 2016) 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)

- 16 You must not operate the plant hereby approved until the redundant plant has been removed.

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 (November 2016) 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)

- 17 You must carry out the measures included in your AOK Kitchen Operational Management Plan received on 29 June 2018 at all times and for the life of the development.

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 (November 2016) and TACE 11 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 18 Customers shall not be permitted within the basement level bakery (Class A1) premises before 07:30 or after 18:30 Monday to Friday, before 08:00 or after 18:00 Saturday and before 08:30 or after 18:00 on Sunday and bank holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 19 You must not put the tables and chairs and planters in any other position than that shown on drawing 1398_GA_220 B. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 20 You can only put the tables and chairs on the forecourt between 09:00 and 21:00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 21 This use of the forecourt may continue until 31 July 2019. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 22 The tables and chairs must only be used by customers of the ground and basement floor restaurant and bakery. (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 23 You can only put out on the pavement the tables and chairs and planters shown on drawing 1398_GA_220 B. No other furniture, equipment or screening shall be placed on the forecourt in association with the tables and chairs hereby approved.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

- 24 Customers shall not be permitted within the restaurant premises outside of the following hours:

Monday - Friday: 07:30 - 00:00,
Saturday: 08:00 - 00:00, and
Sunday: 08:30 - 23:30..

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 25 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA).

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

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 (November 2016), 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 You are advised that advertisement consent is required for the projecting sign under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 .

3 Condition 6 of this consent requires you to submit details of the proposed paint colour for the ground floor shopfront. You are advised that light colours such as the light grey shown in your supporting documents are not considered suitable for a traditional shopfront of this type, and a dark colour is likely to be considered more favourably.

4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

* Lighting - ensure luminaires can be safely accessed for replacement.

* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

6 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use.

Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;

* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;

* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;

* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 7 Conditions 11 and 12 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 8 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 9 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.
- 10 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 11 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 12 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER

- Address:** 52 - 55 Dorset Street, London, W1U 7NH,
- Proposal:** Alterations at basement and ground floor levels including the installation of openable shopfronts, the erection of a bin store screen, installation of replacement plant and duct to the rear and internal alterations at basement and ground floor level.
- Reference:** 18/02823/LBC
- Plan Nos:** AOK Kitchen - Operational Management Plan
- Proposed Plans: 1398_GA_203 B, 1398_GA_204 F, 1398_GA_209_C REV C, 1398_GA_219 A, 1398_GA_216 B, 1398_GA_205 E, 1398_GA_206 E, 1398_GA_220B, 1398_GA_222, 1398_GA_223
- Demolition Plans: 1398_GA_207 A, 1398_GA_208 A

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

- 1 The works 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:
To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we

Item No.
1

adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The duct hereby approved shall be clad in a GRP screen to match the appearance of the existing original brickwork.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You shall remove the existing duct from the building before you install the new duct hereby approved.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must apply to us for approval of details of the following parts of the development, , 1. Awnings (1:5 and 1:20 drawings), 2. Bin store (1:20 drawings), 3. Projecting sign (1:5 and 1:20 drawings) , 4. External lighting fixtures (1:5 and 1:20), 5. Shopfront paint colour, 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 details. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 You must not disturb existing original timber floor boards and vaulted ceilings at basement level unless changes are shown on the approved drawings. (C27MA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 9 You shall remove the existing flag pole from the building before installing any new signage.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You are advised that advertisement consent is also required for the projecting sign under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 3 Condition 6 of this consent requires you to submit details of the proposed paint colour for the ground floor shopfront. You are advised that light colours such as the light grey shown in your supporting documents are not considered suitable for a traditional shopfront of this type, and a dark colour is likely to be considered more favourably.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.