

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	23 Meard Street and 74 Wardour Street, London W1F 0EL		
Proposal	Use of the ground and basement floors of 23 Meard Street as retail (Class A1) in association with the existing retail unit at 74 Wardour Street to include the installation of a ground floor frontage to 23 Meard Street including new emergency and disabled access door and internal openings between 74 Wardour Street and 23 Meard Street.		
Agent	Lipton Plant Architects		
On behalf of	Consulco		
Registered Number	17/06840/FULL + 17/06841/LBC	Date amended/ completed	1 August 2017
Date Application Received	1 August 2017		
Historic Building Grade	Grade II (74 Wardour Street)		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission and listed building consent.

2. SUMMARY

23 Meard Street is an unlisted building in the Soho Conservation Area, within the designated Core Central Activities Area, the West End Stress Area and the West End Special Retail Policy Area. The property comprises of basement, ground and first to third floor levels. The entire property is in use as office accommodation (Class B1). The adjacent property to the west is 74 Wardour Street which is Grade II listed and is currently in use as retail accommodation at basement and ground floor levels with residential flats (Class C3) on the upper floors of the building. The property to the east at 21 Meard Street was recently granted permission to be converted from office accommodation to a single family dwellinghouse (Class C3).

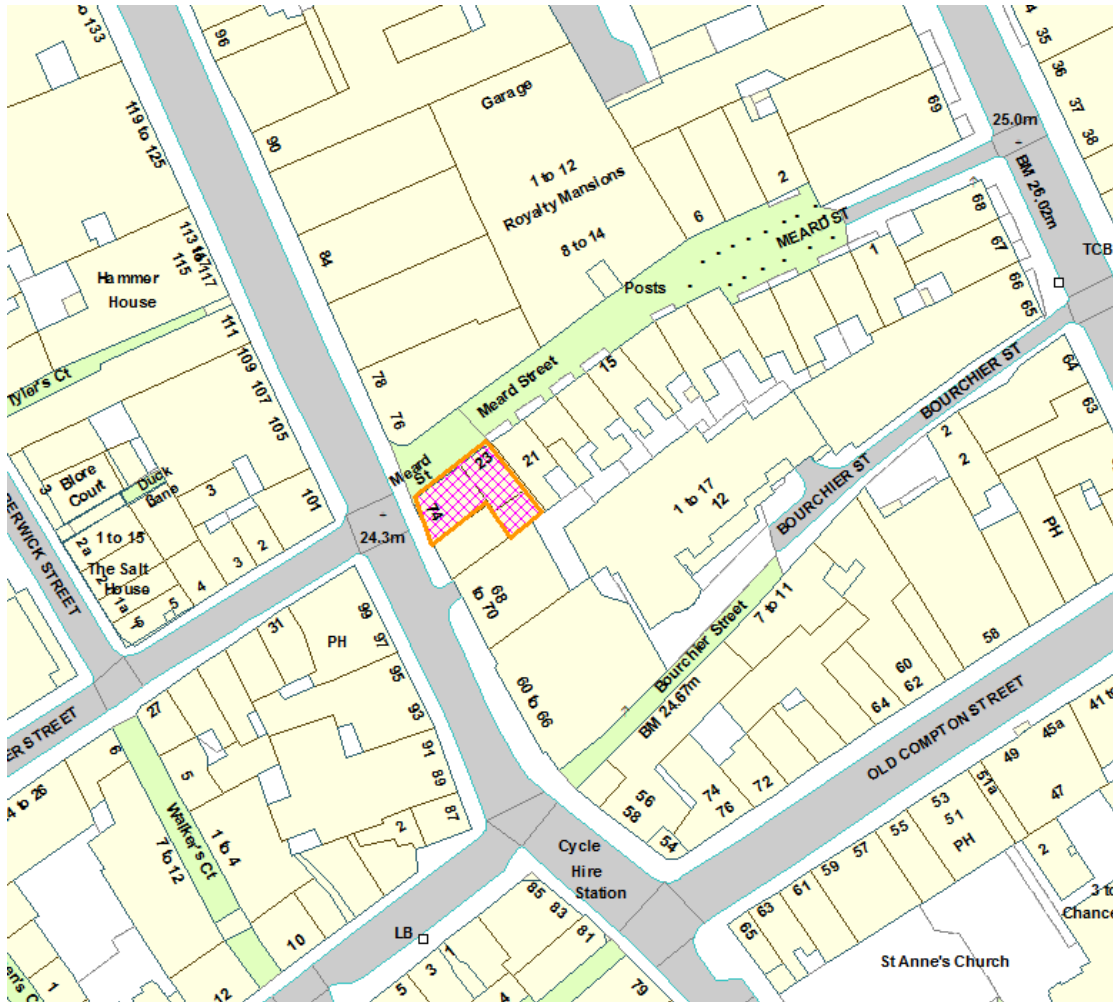
Planning permission is sought for the change of use of the basement and ground floors of 23 Meard Street to retail use in association with the existing retail at 74 Wardour Street, with internal openings proposed at basement and ground floor levels between the two properties. Permission is also sought for the installation of a new door at ground floor level to 23 Meard Street for use as a disabled entrance and emergency exit to the restaurant use.

The key issues are:

- The impact of the proposed use on the amenity of nearby sensitive occupiers.
- The installation of a new door serving the retail accommodation on Meard Street.

The loss of the existing office accommodation at basement and ground floor levels in 23 Meard Street to facilitate an extension of the existing retail unit at 74 Wardour Street is considered acceptable in this instance given that it is being converted to another commercial use. The proposal is also considered acceptable in land use, transport, design and conservation, and amenity terms and with regard the amenity of nearby residential occupiers, subject to appropriate safeguarding conditions. The internal works proposed would also not harm the special interest of 74 Wardour Street. For these reasons, the applications are recommended for conditional approval, being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

HISTORIC ENGLAND

Do not consider it necessary to have been consulted.

SOHO SOCIETY

Objection to the conversion of office accommodation to retail in this significant Soho street of heritage.

HIGHWAYS

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 79

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Objections on the following grounds:

- Noise nuisance from the proposed door to Meard Street.
- Loss of office accommodation.
- Concerns relating to noise output from potential plant items.
- Commercialisation of a residential street with a resulting increase in footfall.
- Creation of a large retail unit which is uncharacteristic of the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

23 Meard Street currently has lawful use as office accommodation across basement, ground and first to third floor levels. 74 Wardour Street was in use as restaurant accommodation but earlier in the summer a Ben and Jerry's ice cream shop opened in the premises which operated as a retail unit (Class A1) and it is considered the use of the ground and basement floors is now as retail accommodation (having changed under permitted development rights). There are residential flats on the upper floors of the property. Whilst 74 Wardour Street is a Grade II listed property, 23 Meard Street is unlisted with both properties located within the Soho Conservation Area, Core Central Activities Zone, West End Special Retail Policy Area and the designated West End Stress Area. Plant has been previously granted approval at main roof level on 74 Wardour Street in association with the commercial premises.

Planning and listed building consent applications were recently submitted for, 'Use of the ground and basement floors of 23 Meard Street as a restaurant (Class A3) in association

with the existing restaurant unit at basement and ground floor levels of 74 Wardour Street and installation of a new disabled access door to Meard Street'. These applications were withdrawn before determination as, subsequent to the applications being submitted but prior to determination, the premises at 74 Wardour Street had changed use under permitted development rights to a retail unit. As such, it was not possible to determine an application to extend a use that no longer existed.

6.2 Recent Relevant History

23 Meard Street –

Planning and listed building consent applications were withdrawn on the 1st August 2017 for the 'Use of the ground and basement floors of 23 Meard Street as a restaurant (Class A3) in association with the existing restaurant unit at basement and ground floor levels of 74 Wardour Street and installation of a new disabled access door to Meard Street.' As detailed above the applications were withdrawn as the use of the ground and basement of 74 Wardour Street had changed under permitted development rights to a retail use.

74 Wardour Street –

Planning permission and listed building consent were granted on the 20th July 2014 for, 'Installation of a high level extract duct to be routed through the property to terminate at main roof level; installation of plant and removal of a skylight at main roof level. Removal of a grille at third floor level on the Meard Street elevation of the property.'

21-23 Meard Street –

Planning permission and listed building consent were granted on the 4th July 2017 for the 'Use of 21 Meard Street as a dwellinghouse (Class C3) and associated internal alterations. (Application relates to 21 Meard Street only)'

Planning permission and listed building consent were granted on the 9th November 2016 for, 'Installation of a new shopfront and additional entrance door.'

7. THE PROPOSAL

Land Use Table:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	110	0	-110
Retail	128	238	+110
Total	238	238	0

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The City Council does not have any policies seeking the protection or retention of general office accommodation in the Core CAZ where the proposed change of use is to another

commercial activity, as is the case in this instance. An objection has been received to the application with regard the loss of office accommodation resulting from the proposal but there is no policy basis to reject the proposal on these grounds and the objection to this aspect of the application is not therefore considered sustainable.

Proposed retail use

The proposal results in an increase in the size of the existing retail unit from 128m² to 238m². The application site is located within the Core Central Activities Zone and the West End Special Retail Policy Area and the proposed increase in retail floor space accords with the stipulations of Policy SS4 of the UDP and Policies S6, S7 and S21 of the City Plan which seek to direct retail growth to the designated Shopping Centres, to maintain and enhance the unique status and offer of the West End Special Retail Policy Area and identifies the Core CAZ as a suitable location for new retail accommodation.

Objections have been received to the application from residents in Meard Street concerned at the impact of the application on the character of the street, which they consider should remain predominantly residential. Whilst these concerns are noted, the lawful use of the entire building at 23 Meard Street is commercial office accommodation and the proposal is for an extension to an existing lawful retail unit (74 Wardour Street) with the main entrance to the extended retail unit being retained on Wardour Street. The Meard Street property is also entirely opposite the side wall to a restaurant unit (Wahaca) on the opposite side of Meard Street (again accessed from Wardour Street). For these reasons the objections on these grounds are not considered sustainable and the application could not be reasonably refused on these grounds.

An objection has been received with regard the proposed size of the retail unit which the objector considers is uncharacteristically large for the area. The proposed unit is 248m², spread equally over the ground and basement floors. This is not considered especially large when compared to other units in the vicinity and is certainly not a 'large scale retail development' for the purposes of City Plan Policy S6. The objection on these grounds is not therefore considered sustainable.

8.2 Townscape and Design

The proposal seeks to make internal physical alterations to both buildings. The alterations requiring listed building consent are limited to new modest openings being made in the adjoining party wall at ground and basement and the removal of modern commercial kitchen equipment and associated fixtures and fittings. The proposals are considered modest and are acceptable in listed building and design / conservation terms. The proposed internal alterations to 23 Meard Street do not require consent / permission whilst the external alterations, in the form of a new shopfront and entrance door, are acceptable in design and conservation terms and have been recently granted permission / consent under separate permissions in 2016 (although these consents have not been implemented).

The proposals are considered acceptable in design terms and accord with the Council's 2007 UDP specifically Policies DES 9 and DES 10.

8.3 Residential Amenity

As set out above, planning permission and listed building consent were previously granted on 9 November 2016 for the installation of a new shopfront and entrance door to 23 Meard Street. Permission is again sought for the installation of the new shopfront with additional entrance door to the unit to serve the extended retail use as disabled access and an emergency fire escape. The existing main entrance from Wardour Street is stepped and alterations to make this level would be complex with implications for the floors and ceilings in the listed building. Objections have been received from residential occupiers within Meard Street concerned about the installation of the door and the potential use as general access to the restaurant unit. A condition is imposed stating it can only be used for disabled access and in the event of an emergency and is not to be left open at any other time. The applicant has been made aware of the issue and agreed to the imposition of this condition. With this safeguarding condition in place it is not considered the door would result in any detrimental impact upon residential amenity in Meard Street and the objections on these grounds are not considered sustainable.

Further an objector is concerned about the extension of retail floorspace along Meard Street, arguing that this would encourage additional footfall in the street which would detrimentally impact upon residential amenity with regard increased noise in the street and additional overlooking of peoples ground floor front windows. However, the application is to extend an existing retail unit and although the proposal includes the installation of a new ground floor frontage on Meard Street this would not allow general access to the property with the main entrance still being on Wardour Street. It is not therefore considered that the proposal would result in any increase in pedestrian footfall along Meard Street and the objection on these grounds is not considered sustainable.

8.4 Transportation/Parking

Policy TRANS20 of the UDP requires off-street servicing of commercial units where this can readily be provided. The proposed development does not include any off-street servicing, with the proposed unit to be serviced from the street in a similar fashion to the existing restaurant unit and surrounding businesses. The site is located within a Controlled Parking Zone and delivery vehicles will be subject to the existing single and double yellow lines in the vicinity which control the loading and unloading on the street. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service this property in a similar fashion to the existing use and nearby properties.

The Highways Planning Manager has requested that a condition be attached to any planning approval requiring the submission of amended drawings to show the provision of cycle parking within the restaurant unit. However, it is not considered in this instance the provision of cycle parking would be practical as any staff members taking their cycle in or out of the premises would have to take it through the main customer seating area. A condition is not therefore proposed with regard the provision of cycle parking.

8.5 Economic Considerations

The economic implications of the change of use from office to retail floor space are likely to be neutral.

8.6 Access

It is not possible to provide disabled access from the main entrance to the restaurant off Wardour Street and therefore a new disabled access door is proposed from Meard Street which will provide level access to the restaurant unit. A disabled toilet will also be provided at ground floor level. These improvements to the disabled access are welcomed.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The proposal did not indicate the provision of waste and recycling storage within the demise of the extended unit. The Cleansing Manager has requested the addition of a condition requiring the submission of amended drawings to show the provision of waste and recycling storage within the demise of the unit and a suitable condition is attached as requested.

Other

An objection referred to the potential for noise disturbance from plant associated with the retail unit. However, no plant is proposed as part of this application. There is existing plant which has been installed under a previous planning consent relating to the previous restaurant at 74 Wardour Street and the noise resulting from the operation of the plant will need to be compliant with the relevant conditions attached to this consent.

8.8 London Plan

This application raises no strategic issues.

8.9 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.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. As the application is for a change of use without additional floor area, the proposal does not include a requirement for a CIL payment.

9. BACKGROUND PAPERS

1. Application form
2. Letter from the Soho Society dated 4 September 2017
3. Letter from Historic England dated 7 August 2017

4. Memorandum from the Highways Planning Manager dated 14 September 2017
5. Memorandum from the Cleansing Manager dated 17 August 2017
6. Letter from occupier of Second Floor, 13 Meard Street, dated 18 August 2017
7. Letter from occupier of 11 Meard Street, London, dated 22 August 2017

(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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

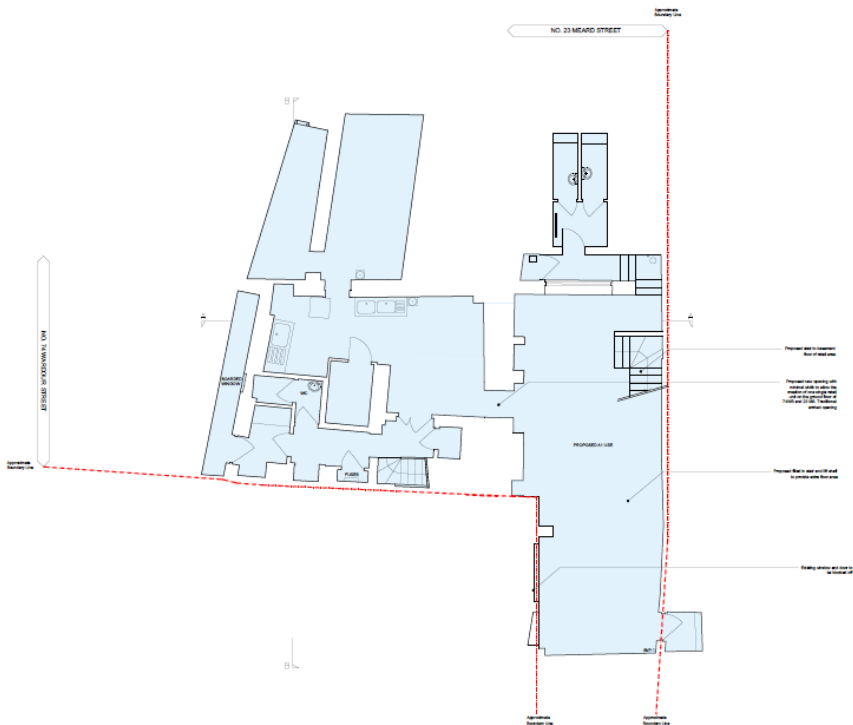
Existing Meard Street elevation -



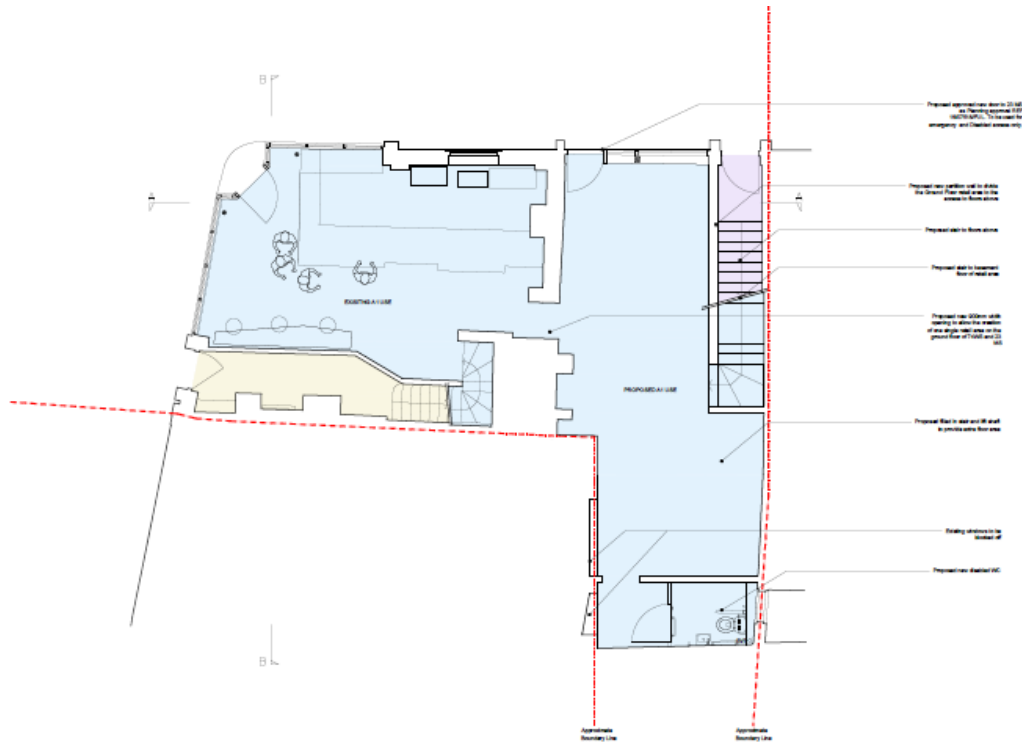
Proposed Meard Street elevation –



Proposed basement –



Proposed ground floor –



DRAFT DECISION LETTER

Address: 23 Meard Street, London, W1F 0EL,

Proposal: Use of the ground and basement floors of 23 Meard Street as retail (Class A1) in association with the existing retail unit at 74 Wardour Street to include the installation of a ground floor frontage to 23 Meard Street including new emergency and disabled access door and internal openings between 74 Wardour Street and 23 Meard Street.

Reference: 17/06840/FULL

Plan Nos: Drawings: 474 1 1.002 RevB, 474 1 1.001 RevB, 474 1 2.001 RevA, 474 1 2.002 RevA, 474 1 3.001 RevA, 474 1 3.002 RevA.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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:

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.

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

between 08.00 and 18.00 Monday to Friday;
and 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 You must apply to us for approval of details of how waste is going to be stored 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 prior to the occupation of the floorspace, clearly mark the stores and

make them available at all times to everyone using the retail unit. (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)

- 4 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho 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)

- 5 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 Soho 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)

- 6 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 7 The single door serving the retail unit on Meard Street is only to be used to provide access for disabled patrons. It is not to be used by other customers except in the case of an emergency and should not be kept open for any other purpose than providing access.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

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: 74 Wardour Street, London, W1F 0TE,

Proposal: Internal alterations at lower ground and ground floor levels to include the creation of new openings between 74 Wardour Street and 23 Meard Street.

Reference: 17/06841/LBC

Plan Nos: Drawings: 474 1 1.002 RevB, 474 1 1.001 RevB, 474 1 2.001 RevA, 474 1 2.002 RevA, 474 1 3.001 RevA, 474 1 3.002 RevA.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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 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 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 Soho of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 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 adopted in January 2007, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

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 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development - all new openings in party walls. 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 approved details. (C26DB)

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 2.3 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 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: * any extra work which is necessary after further assessments of the building's condition; * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control. Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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