

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	23 Meard Street, London, W1F 0EL		
Proposal	Use of the ground and basement floors as a retail unit (Class A1) and installation of a new shopfront with entrance door.		
Agent	Firstplan		
On behalf of	Hermes Properties Ltd		
Registered Number	18/03130/FULL	Date amended/ completed	20 April 2018
Date Application Received	18 April 2018		
Historic Building Grade	Not listed		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

23 Meard Street is an unlisted building located within the Soho Conservation Area, the Core Central Activities Zone (CAZ), 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 and is entirely utilised as office accommodation (Class B1) accessed off Meard Street.

Planning permission is sought for the change of use of the basement and ground floors of 23 Meard Street to retail use and the installation of a new shopfront with entrance door.

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 impact of the proposal on the character of the street.

The loss of the existing office accommodation at basement and ground floor levels in 23 Meard Street to enable the creation of a new retail unit is considered acceptable in this instance given that the office accommodation is being converted to another commercial use. The proposal is also

Item No.

5

considered acceptable in land use, transport, design and conservation, terms and with regard the amenity of nearby residential occupiers, subject to appropriate safeguarding conditions. The application accords with the relevant Unitary Development Plan (UDP) and City Plan policies and it is recommended that conditional planning permission is granted.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.
 All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

Front elevation:



View looking east along Meard Street:



5. CONSULTATIONS

SOHO SOCIETY

Objection – supports the objection letter submitted by the Meard and Dean Street Residents Association

MEARD AND DEAN STREET RESIDENTS' ASSOCIATION (MDSRA)

Objection on the following grounds:

- Loss of office accommodation should be resisted.
- Detrimental impact of the retail premises on the residential character of the street (including cumulatively with other approved developments).
- Increased footfall will detrimentally impact upon the residential amenity of neighbouring occupiers (especially considering the ground floor residential windows).
- Insufficient consultation has been carried out on the application.
- Potential for food and drink waste in the street.
- Highways implications for servicing vehicles.
- Potential increase in anti-social behaviour.
- Submitted acoustic report is inaccurate and makes inappropriate comparisons.

CLEANSING

No objection subject to conditions.

HIGHWAYS

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 69

Total No. of replies: 3

No. of objections: 4

No. in support: 0

Objections on the following grounds:

Support the comments of the Meard and Dean Street Residents' Association.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

23 Meard Street is an unlisted building in the Soho Conservation Area comprising basement, ground and first to third floor levels, currently in lawful use as office accommodation.

The site is located within the Core Central Activities Zone (CAZ), the West End Stress Area and the West End Special Retail Policy Area.

6.2 Recent Relevant History

16/07518/FULL

Installation of a new shopfront and additional entrance door.
Application Permitted 9 November 2016

17/06840/FULL

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.
Application permitted 3 October 2017

Conditions were imposed restricting the opening hours of the extended retail unit to between 09:00 and 22:30 daily and stating that the new access door was only to be utilised by disabled patrons (who could not use the existing stepped access to the unit off Wardour Street). The reasons for these conditions was in order to protect the amenity of nearby residential occupiers in Meard Street. This consent has not been implemented and therefore the lawful use remains as office accommodation.

17/09630/FULL

Variation of Condition 9 of planning permission dated 03 October 2017 (RN 17/06840/FULL) for, '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'; NAMELY, to vary the opening hours to 07:00 to 00:00 daily for the retail unit at ground and basement floors at No. 74 and from 09.00 to 22.30 daily for the additional retail space at ground and basement floors of No. 23 Meard Street.
Application Refused 24 January 2018

This application was refused due to the potential for the proposal to result in noise disturbance to residents in nearby buildings.

7. THE PROPOSAL

The proposal results in the creation of a new retail unit over basement and ground floor levels comprising 121m² with independent access from Meard Street and a new shopfront.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	270	149	-121
Retail	0	121	+121
Total	270	270	0

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The City Council has no policies to protect office accommodation where the change of use is to another commercial use. An objection has been received with regard the loss of office accommodation in the Core CAZ but there is no policy basis for refusal of the application on these grounds and the objection on these grounds is not considered sustainable.

Proposed retail use

The provision of new retail floor space accords with the stipulations of Policies S6, S7 and S21 of the City Plan and SS4 of the UDP which seek to encourage retail growth within the Core CAZ and to enhance the offer and status of the West End Special Retail Policy Area.

Permission is again sought for the installation of the new shopfront with additional entrance door to serve the new retail unit. The proposed retail unit is replacing office accommodation so the building is already in commercial use however, the change of use to retail may result in a slight increase in footfall to the building. The new retail unit is considered small, measuring 121m² and, in common with the permission dated 3 October 2017, a condition is proposed stating that the retail unit can only open to customers between the hours of 09:00 and 22:30. The applicant has agreed to this restriction.

Planning permission was recently granted on the 27 February 2018 in relation to the redevelopment of 8-14 Meard Street (being on the north side of the street and further east) which included the introduction of a new gym alongside two new retail units. Conditions restricted the terminal opening hour of the gym to 22:00 and the retail units to 20:00.

Objections have been received to the application raising concern that the proposal would detrimentally impact upon the character of the street which the objector considers is primarily residential. Whilst the buildings along the south side of the street which front Meard Street are mainly residential. This is with the exception of the application site, 21 Meard Street and a retail unit at 15 Meard Street. The buildings along the north side of the street are primarily commercial with office, retail and restaurant units at ground floor level. It is therefore not disingenuous to describe the street as 'mixed use'. Indeed the figures submitted by the objector measure 46% of the ground floor uses in Meard Street as being residential which means over half the ground floor uses in the street (by the objectors' calculations) are commercial.

The proposed retail unit would be opposite the side wall of office accommodation and a restaurant use; both of which are accessed from Wardour Street. The application site is also currently in commercial use. For these reasons, it is not considered that the proposal will result in a detrimental change to the character of the street and the objections on these grounds cannot be sustained.

The MDSRA have commented on the potential for an increase in anti social behaviour in Meard Street resulting from the application but it is not envisaged the introduction of a small retail unit would result in a material increase in anti-social behaviour in the street. A number of conditions are proposed to address concerns raised by the objector and to ensure that the operation of the retail does not result in a detrimental impact upon the living conditions of residents in the vicinity. These include the installation of self-closing doors to the new shopfront, no music to be played in the unit which can be heard externally and that the unit cannot be used as a food retail supermarket which might have additional servicing requirements. A condition is also proposed to ensure that the unit is not amalgamated with any adjoining retail units which could create a larger unit and therefore potentially greater impact.

The MDSRA have also objected to the proposal as they consider it will result in an increase in footfall within Meard Street which will detrimentally impact upon residential amenity due to increased noise from pedestrians in the street and a loss of privacy due to the proximity of residential windows to the street. Meard Street provides a link in Soho between Wardour Street and Dean Street and has a variety of commercial and residential uses along the street. It is not considered the proposal would result in a noticeable increase in the volume of pedestrians along the street compared to the existing situation such that the proposal would result in a material increase in noise or loss of privacy to neighbouring residents. The objector has said the proposal should be considered in light of the approved redevelopment of 8-14 Meard Street and the cumulative increase in pedestrians to the street. Even taking account of the potential new retail units at 8-14 Meard Street, the proposal is considered to be acceptable. The applicant has submitted an acoustic report as part of the application which seeks to assess the impact of the change of use on the noise levels within the street. The report measures noise levels on Kingly Street (which it considers has a similar acoustic climate) and extrapolates that the proposed change of use will have minimal impact upon noise levels in Meard Street. The MDSRA has objected to numerous aspects of the acoustic report. However, having reviewed the report, it is not considered it contains sufficient relevant information to be given any weight in the determination of this application.

Given the size of the retail unit, the premises would be entitled to change use to a restaurant or café (Class A3) under permitted development rights, subject to prior approval being received from the Council in respect to a number of matters. Permitted development rights such as this can be removed by condition if the Council considers it necessary. Given the sensitivities of the site and the objections received, it is considered necessary that these permitted development rights are removed in order that any future restaurant or café (Class A3) use can be assessed in full. Such a condition is proposed.

Townscape and Design

The proposed external alterations, in the form of a new shopfront and entrance door, are acceptable in design and conservation terms and these works have been granted consent previously under separate permissions in 2016 and 2017 (although these consents have not been implemented; yet they remain extant).

The proposals are considered acceptable in design terms and accord with the Council's 2007 UDP specifically Policies DES 5, DES 9 and DES 10.

8.2 Residential Amenity

The impacts of the proposal on neighbouring residential amenity have been considered in Section 8.1 of this report.

8.3 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 new unit to be serviced from the street in a similar fashion to the existing office use 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.

Objections have been received with regard the potential for servicing vehicles to cause an obstruction to the public highway but existing on-street parking restrictions will ensure delivery vehicles only park in suitable locations and permission could not be reasonably withheld on these grounds.

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 retail 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 retail area. A condition is not therefore proposed with regard the provision of cycle parking.

8.4 Economic Considerations

No economic considerations are applicable for a development of this size.

8.5 Access

A new disabled access ramp is to be provided within the forecourt of the property to enable access to the unit. Full details of the ramp have not been provided as part of this application and therefore a condition is proposed requiring the submission of further details and the installation of the ramp before the retail accommodation can be occupied.

8.6 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Cleansing Manager has reviewed the application and requested a condition is imposed on any approval requiring the submission of detailed drawings to show the

provision of waste and recycling storage within the demise of the unit. A condition is attached as requested.

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.

8.10 Other Issues

The MDSRA has commented on the level of consultation which has been carried out by the City Council as they consider more neighbours should have been consulted. A site and press notice were displayed and further neighbour letters were sent out during the course of the application to include additional residential properties within Meard Street. It is therefore considered sufficient consultation has been carried out with regard the proposal and the City Council has exceeded the statutory requirements.

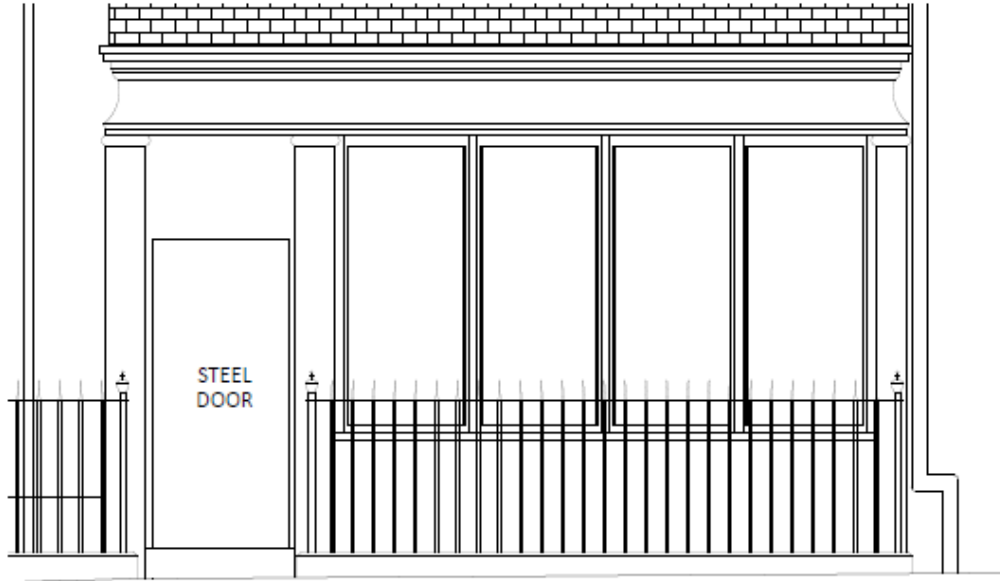
The MDSRA has suggested a large number of conditions to be imposed with regard any approval for the application. With regard the timings construction works can take place for the shopfront, the standard condition is proposed and it is not considered appropriate to restrict this further. They have also requested a condition restricting the retail use to a 'discrete boutique' but it is not possible to include a condition such as this as it open to interpretation and is not considered sufficiently precise. They have also requested no plant be installed, or tables and chairs on the highway. Planning permission would be required for these types of works and they do not form part of this application. In addition they have requested conditions to state the retail unit can not be used as a café but the application is for a retail use and not as a café and planning permission would be required for any change of use. Further, the objector has suggested conditions to limit illuminated signage. Illuminated signage would require separate express advertisement consent from the City Council. Other suggested conditions have either been applied, are not considered reasonable or are controlled by other regulations.

(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

9. KEY DRAWINGS

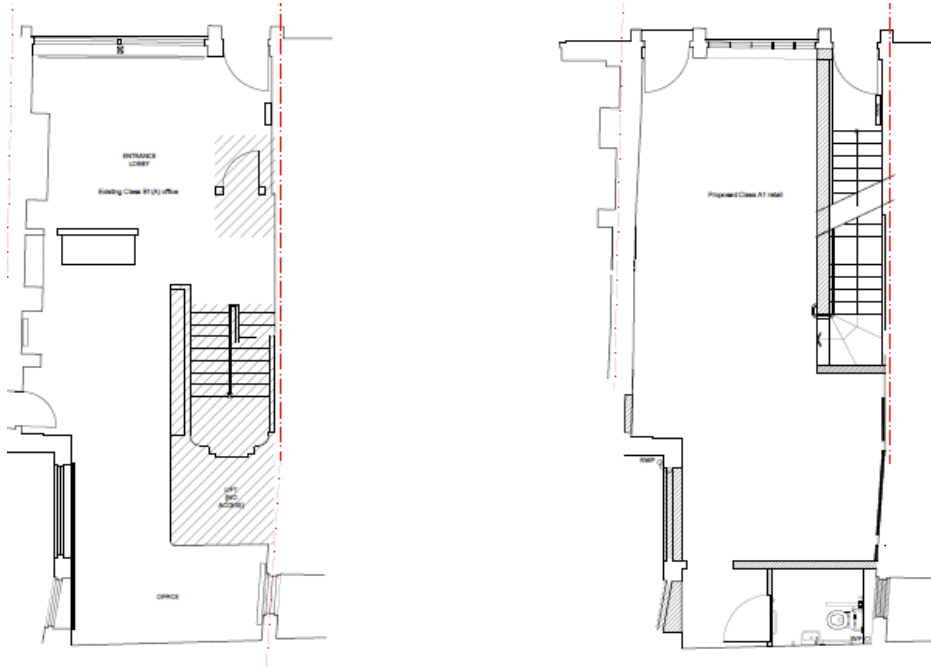
Existing Shopfront:



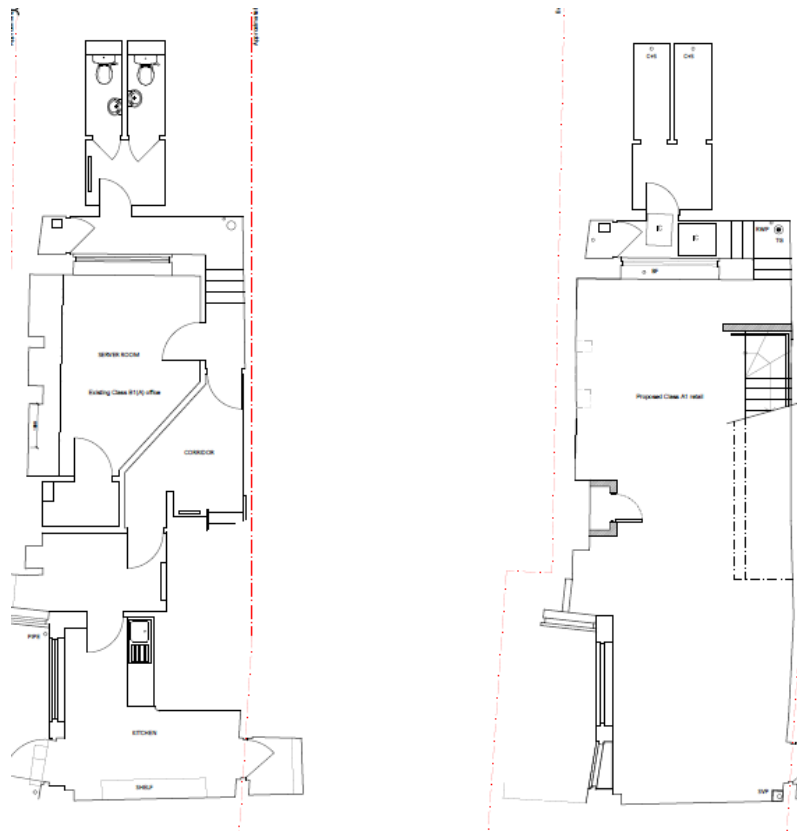
Proposed Shopfront:



Existing and Proposed Basement:



Existing and Proposed Ground Floor:



DRAFT DECISION LETTER

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

Proposal: Use of the ground and basement floors as a retail unit (Class A1) and installation of a new shopfront with entrance.

Reference: 18/03130/FULL

Plan Nos: Drawings: 474.(1).501, 474.(1).502, 474.(1)2.001 RevB.

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 occupy the ground and basement floors as a retail (Class A1) unit 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 retail premises. (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 Customers shall not be permitted within the ground and basement retail premises at 23 Meard Street before 09:00 or after 22:30 each day.

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)

- 6 The approved retail unit at basement and ground floors must be maintained as a single retail unit. It cannot be amalgamated with or expanded into any adjoining retail unit(s) in order to create a larger retail unit.

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)

- 7 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- The installation of ramped access within the forecourt of the property to the ground floor entrance door on Meard Street.

The retail (Class A1) floorspace hereby approved shall not be occupied until these detailed drawings have been approved by the City Council and the approved ramp has been installed in full. The approved ramp shall be retained in situ for the life of the development.

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 8 You must not play live or recorded music within the retail unit hereby approved which can be heard outside of the premises.

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)

- 9 You must fit self-closing doors to the main entrance to Meard Street. You must not leave these doors open except in an emergency or to carry out maintenance.

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 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail (Class A1) accommodation hereby approved shall not be used as a food retail supermarket unless otherwise agreed in writing by the City Council as local planning authority.

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.

- 11 You must not operate any delivery service from the retail (Class A1) unit hereby approved, even as an ancillary part of the primary Class A1 use.

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, and 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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must not use the retail (Class A1) unit hereby approved for any other purpose other than retail (Class A1). This is despite the provisions of Class C of Part 3 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007 or S24 of Westminster's City Plan (November 2016)

- 13 You may only service the shop hereby approved between 07.00 and 22.30 (Monday to Saturdays).

Reason:

To protect the environment of people in neighbouring properties, 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.

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.