

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 th October 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	80 - 82 Wardour Street, London, W1F 0TF		
Proposal	Use of the existing emergency escape doors on the Meard Street frontage for general purposes.		
Agent	Firstplan		
On behalf of	Mission Mars		
Registered Number	22/02522/FULL	Date amended/ completed	12 April 2022
Date Application Received	12 April 2022		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Neighbourhood Plan	Soho Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional planning approval.

2. SUMMARY & KEY CONSIDERATIONS

The application premises has frontages onto Wardour Street and Meard Street. The ground and basement floors are in use as a restaurant pursuant to permission granted in May 1995. A condition on this permission restricted the use of doors on Meard Street to being used in the case of emergencies only. Permission is sought to enable the doors to be used as general access to the restaurant.

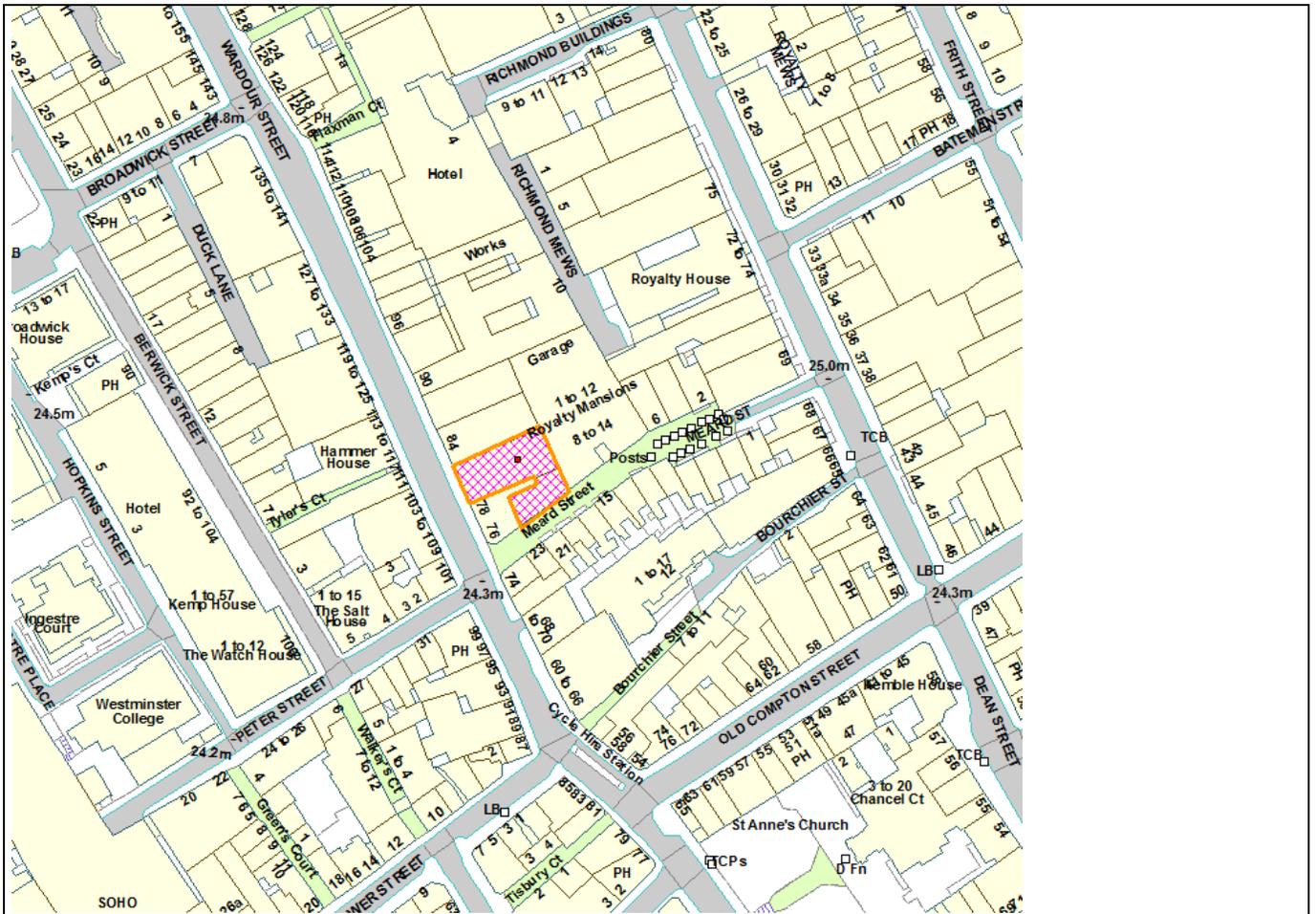
The key issue is the impact on the residential amenity of neighbouring occupiers.

With conditions controlling the hours of use of the doors and that they must be fitted with a self-closing mechanism and not be held open it is not considered the use of the doors by staff and customers would result in an unacceptable impact upon residential amenity in the vicinity. The application is therefore considered acceptable and recommended for approval.

Item No.

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3. LOCATION PLAN



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4. PHOTOGRAPHS

View of the ground floor elevation along Meard Street



View along Meard Street looking west towards Wardour Street



5. CONSULTATIONS

5.1 Application Consultations

FORMER COUNCILLOR PANCHO LEWIS

Objection on the following grounds:

Hospitality businesses are encroaching on the residential nature of Meard Street.

SOHO SOCIETY

Objection on the following grounds:

Detrimental impact on residential amenity.

Detrimental impact on the character of the street contrary to the requirement to 'preserve or enhance the character and appearance of Westminster's conservation areas'.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30

Total No. of replies: 14

No. of objections: 11 (including one from the Meard and Dean Street Residents Association (MDSRA) (6 letters were received from 3 addresses)

No. in support: 0

Objections on the following grounds:

External seating was allowed in exceptional circumstances (Covid) and would not be allowed again.

Use of the door will result in additional noise impacting on residential amenity.

Inaccuracies in the planning submission.

The provision of seating in Meard Street would affect the character of the area and the setting of listed buildings.

SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The Early Community Engagement Guidance encourages developers carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. However, given the nature of the development, the application is not required to submit details of the engagement they have undertaken with their application. The agent has confirmed there has been no discussion between the applicant and neighbours in relation to the current application.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The Soho Neighbourhood Plan includes policies on a range of matters including housing, residential amenity, air quality and climate change, traffic and servicing, green infrastructure, pedestrians and cycling and waste and recycling.

It has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on 8 October 2021. It therefore forms part of the development plan for Westminster for development within the Soho neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

80 - 82 Wardour Street is an unlisted building located within the Soho Conservation Area and the West End Retail and Leisure Special Policy Area. The ground and basement are in use as a restaurant (Class E) the upper floors are in use as offices (Class E). The main entrance to the restaurant is from Wardour Street, the premises also has a frontage on Meard Street.

7.2 Recent Relevant History

On 18 May 1995 permission was granted for 'Use of part of the ground floor and basement for Class A3 (restaurant) purposes, erection of full height ventilation duct to

rear and new escape doors on the Meard Street frontage' RN 94/08888/FULL

8. THE PROPOSAL

Permission is sought for the use of emergency escape doors' on Meard Street for general access purposes.

Condition 3 of the May 1995 consent for the use of the restaurant stated that:

"The doors onto Meard Street shall only be used for access and ingress between the hours of 9am and 11pm, and shall not be used at any other time other than emergency purposes"

The drawings submitted are annotated to refer the fitting of a self-closing device on the door. The applicant has agreed to a condition on any approval to ensure these were fitted and retained and the doors not held open.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposal raises no land use issues.

9.2 Environment & Sustainability

Not relevant to the proposal.

9.3 Biodiversity & Greening

Not relevant to the proposal.

9.4 Townscape, Design & Heritage Impact

The proposal raises no design or heritage impacts.

9.5 Residential Amenity

City Plan Policy 7 requires that development will be neighbourly by; 'protecting and where appropriate enhancing local environmental quality.' Paragraph 7.4 states that 'Polluted air, excessive smells, noise and strong vibrations are examples of environmental impacts that have an adverse impact on quality of life and health and well-being. Development must prevent unacceptable environmental impacts on existing and new users of building or its neighbours.'

Policy 33 is also relevant and considers 'local environmental impacts', Part C of the policy states; Development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to: 1. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses.' Paragraph 33.5 requires that; 'developments should ensure that any noise and vibration impacts are mitigated. They

should be constructed and operated to achieve appropriate noise levels and ensure that any cumulative effects of new noise sources (for example additional plant machinery or music) does not contribute to the existing background noise level. Careful consideration must be given to the design and location of schemes that could impact or be impacted by noise from development that includes: plant machinery, internal activities, amplified noise, transport (including servicing and deliveries) and other noise generating activities.'

The Soho Neighbourhood Plan was adopted the 8th October 2021, Policy 12 'Food and Drink Uses' states that: '*Proposals for new food uses (Class E), public houses, drinking establishments, take-aways and music venues (Sui Generis) uses which require planning permission and are contiguous to residential use must comply with the 'agent of change' principle and demonstrate that they will not have unacceptable amenity impacts (including in relation to noise, vibration and odours).*' The reasoning being '*Proposals in close proximity to residential will need to take particular account of the potential for adverse impacts and ensure that suitable and effective mitigation is in place if they are to be supported. Some examples of potential adverse impacts are structure borne noise, noise from patrons and staff, collections and deliveries at unsocial hours, odours and obstruction of residential entrances and passageways. In bringing forward their proposals applicants must show how such adverse impacts will be avoided and mitigated.*'

The justification provided by the applicant in support of the general use of the door is that the premises has external tables and chairs placed in Meard Street (which is pedestrianised). The external tables and chairs were granted a pavement license under the Planning and Business Bill. The general use of the door would allow for easier servicing of the external seating and also for customers using the external seating to access toilet facilities etc. The applicant notes that there are other shop, restaurant and office entrances along Meard Street and also that other premises (namely Honest Burger) have tables and chairs in Meard Street which have been considered acceptable in amenity terms and granted planning permission for a number of years.

Objectors argue that the provisions for external seating under the Planning and Business Bill were meant as a temporary measure during Covid so there is no reason to allow the permanent use of the door for general purposes. The provisions of the Planning and Business Bill to allow for external seating has been extended until 30th September 2023 and the premises could also apply for planning permission for tables and chairs in Meard Street at any time. It is noted that the pavement license for the tables and chairs in Meard Street was for the period 25th June 2021 until 30th September 2021.

Objections have been received from a number of residential occupiers on Meard Street (including the Meard and Dean Street Residents Association). The objectors are primarily concerned that the general use of the door by customers and staff will result in an increase in noise nuisance to neighbouring residents and a change in the character of Meard Street which is mainly residential.

Whilst the southern side of Meard Street is residential in addition to the application premises there are other commercial premises on the northern side of the street. No 8-14 Meard Street to the east is a mixed use building of offices, flats and a leisure facility occupied by a golf simulator experience. The ground floor of No 4 Meard Street is in use as a burger restaurant (opening hours are 11:30 until 22:00 Saturday to Wednesday

and 11:30 until 22:30 on Thursdays and Fridays). This premises has external tables and chairs.

Use of the doors for general purposes instead of just for emergency use would likely result in a small increase in footfall within Meard Street. However, given the mixed use of the street with a number of other commercial premises (including a restaurant with external seating) and as Meard Street provides a link for pedestrians between Wardour Street and Dean Street it is not considered the increase in footfall resulting from the general use of the doors would have any significant increase in noise levels within the street.

A condition is however recommended that the hours that the doors are used (other than in the case of emergencies) is restricted to between the hours of 09:00 and 22:00 daily. A condition is also recommended to ensure that a self closing device is installed on the doors to prevent them being left open. Subject to these conditions it is considered that there would be no material loss of amenity to nearby residents.

9.6 Transportation, Accessibility & Servicing

Not relevant to the proposal.

9.7 Economy including Employment & Skills

The development is of insufficient scale to require an employment and skills plan.

Other Considerations

A number of objectors have noted what they consider discrepancies in the planning application this includes reference in the application to residential being on the upper floors of Meard Street rather than residential townhouses in Meard Street. The application has been assessed on the basis that the residential are townhouses.

Objections are also made to the impact of external tables and chairs. This application solely relates to the use of the doors from the restaurant to Meard Street and whilst this is to allow easier servicing of external seating, external seating does not form part of the application. The external seating associated with the premises in Meard Street was granted under a license for the Summer of 2021. The applicant has stated that if general use of the doors is allowed which allows for easier servicing to Meard Street they will apply separately for the placing of tables and chairs in Meard Street. Objections have also been made that tables and chairs would adversely impact on the character of the street and the setting of listed buildings, again this cannot form part of the determination of this application.

Objectors refer to the restaurant occupier using the doors on Meard Street for access for staff and removing refuse from the site. This is the subject on ongoing enforcement investigations

9.8 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.9 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

10. Conclusion

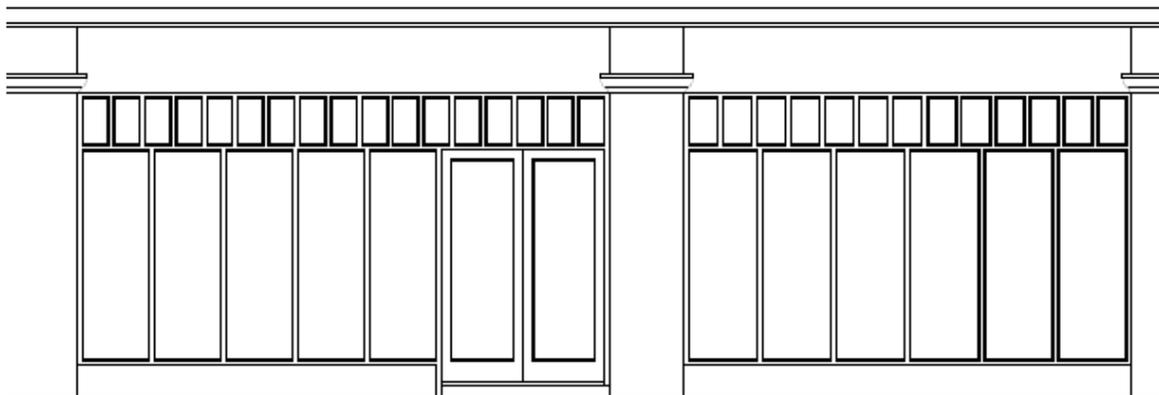
The application is considered acceptable in accordance with City Plan policies 7,16 and 33 and is compliant with the requirements of the NPPF.

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

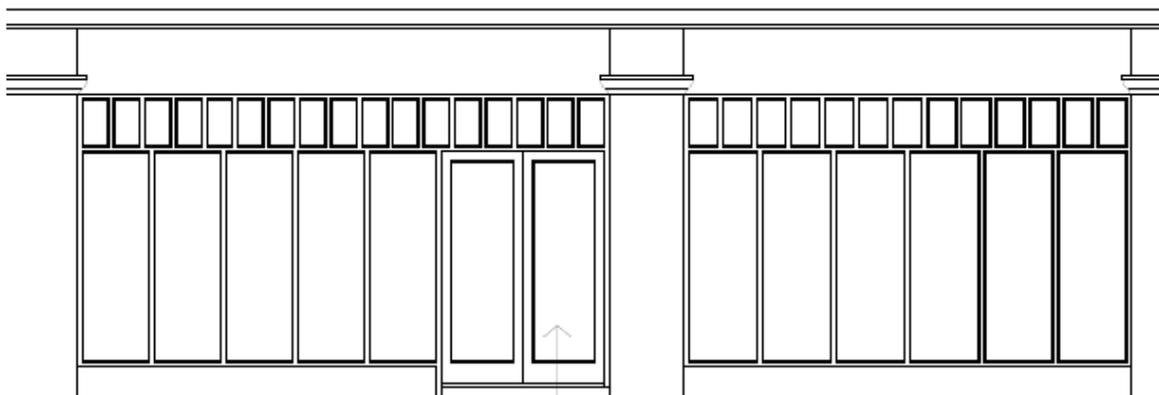
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

11. KEY DRAWINGS

Existing and Proposed Meard Street elevation:



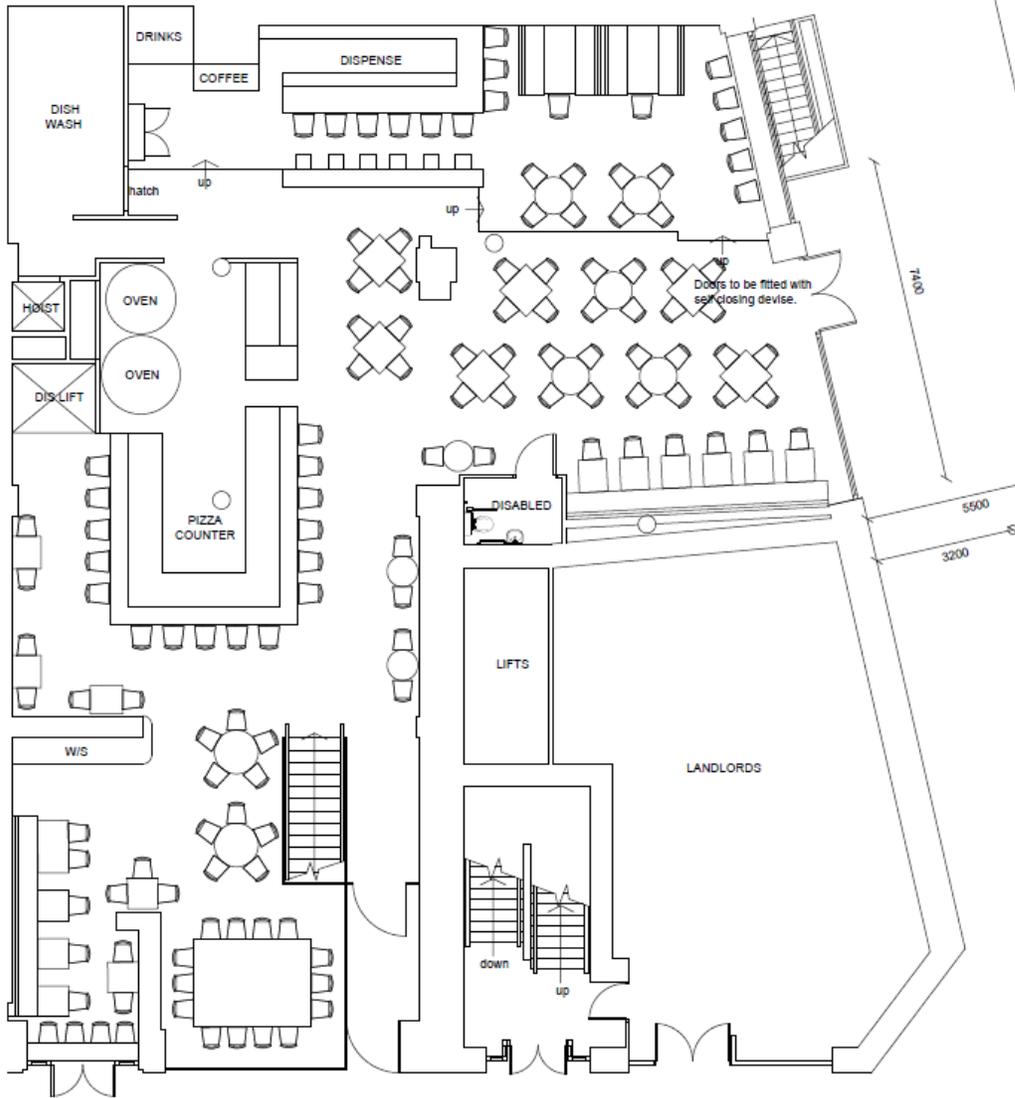
Existing Meard Street Elevation



Proposed Meard Street Elevation

Doors to be fitted with self closing devise.

Proposed Ground Floor plan:



PROPOSED GROUND FLOOR PLAN

DRAFT DECISION LETTER

Address: 80 - 82 Wardour Street, London, W1F 0TF,
Proposal: Use of the existing escape doors on the Meard Street frontage for general purposes.
Reference: 22/02522/FULL
Plan Nos: Drawings: 194 RevB, 197.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641
07866040155

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 The doors from the unit onto Meard Street must be fitted with a self-closing device which must be retained and maintained in this form unless agreed otherwise in writing with the City Council as Local Planning Authority. 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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 3 The doors from the restaurant unit onto Meard Street can only be used for general purposes between the hours of 08:00 and 22:00. Outside these hours the doors can only be used in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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.

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.