

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 October 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	26-32 Romilly Street, 13-21 Old Compton Street and 38-40 Greek Street, London, W1		
Proposal	Demolition of structures and removal of plant within the former rear yard area; erection of rear extensions comprising two basement levels, ground and three upper floors; installation of a shopfront at 40 Greek Street, refurbishment of the street facades, replacement and refurbishment of windows and roofs, external terraces, plant, cycle parking and associated internal and external works in connection with uses comprising two restaurants (Class A3), restaurant with overnight rooms (sui generis) and private members club (sui generis).		
Agent	Gerald Eve LLP		
On behalf of	Soho Estates Limited & Soho House (UK) Ltd		
Registered Number	15/04634/FULL	TP / PP No	TP/23602/8221 2821/8047
Date of Application	26.05.2015	Date amended/ completed	01.06.2015
Category of Application	Minor		
Historic Building Grade	28-32 Romilly Street, 38-39 and 40 Greek Street, 13-17 Old Compton Street Grade II Listed Buildings		
Conservation Area	Soho		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Within Stress Area		
Current Licensing Position	Kettner's (Townhouse) Premises license 12:00 to 00:00 Mondays to Wednesdays; 12:00 to 00:30 Thursdays and Fridays; 11.30 to 00.30 Saturdays; 11.30 to 22.30 Sundays and Bank Holidays. Soho House Members Club premises license 08:00 to 03:30 Mondays to Fridays; 10:00 to 03.30 Saturdays 10:00 to 23:00 Sundays and Bank Holidays		

1. RECOMMENDATION

For Committee's consideration

Does Committee Agree that:

1. The land use package is unacceptable. The proposed payment towards affordable housing is insufficient to offset the loss of residential and the increase in commercial floorspace and that an improved residential offer should be negotiated?
2. The proposed rear extension is unacceptable in historic building terms and a proposal of reduced height and bulk should be negotiated?
3. Given the scale of development and the increase in commercial floorspace it is appropriate to require the applicant to fund a scheme of Environmental Improvements to Romilly Street?





26 - 32 ROMILLY STREET, 13 - 21 OLD COMPTON STREET AND 40 GREEK STREET, W1

2. SUMMARY

The site comprises 15 individual buildings (11 listed) which comprise the majority of a street block bounded by Romilly Street, Greek Street and Old Compton Street. Soho Estates own the freehold of the site, which is within the Soho Conservation Area, the Core Central Activities Zone and the West End Stress Area.

The buildings are occupied for a mixture of uses although the vast majority of the floorspace is occupied by Kettner's restaurant (Class A3) and Soho House Private Members Club (Sui Generis). The remainder of the site is occupied by two other restaurants, Café' Boheme and Soho Kitchen and bar, with residential on the upper 1st to 3rd floors of one of the buildings (No 26 Romilly Street), although the 2nd and 3rd floors have been used for purposes within the sex industry.

Permission is sought for a scheme that involves refurbishment of the block as a whole through the removal of rear extensions and large pieces of plant within an internal courtyard and the erection of a pavilion structure within the courtyard at basement to 3rd floor floors. The new pavilion would provide additional floorspace primarily to Soho House Private Members Club (some basement plant would be shared with the restaurants). The other main land use change proposed is the conversion of Kettner's restaurant to a restaurant with 28 overnight rooms, (Sui Generis). This would result in the loss of residential at 26 Romilly Street. The two other restaurants (Class A3) on the site Café' Boheme and Soho Kitchen and bar remain largely unaltered.

The key issues for consideration in this case are:

- The acceptability of the proposal in land use terms.
- The impact of the proposed extensions in design terms.

The primary land use changes, namely the extension to Soho House Private Members Club and the provision of a restaurant with overnight rooms are considered acceptable in principle, as these uses are wholly appropriate to the character and function of Soho. The loss of residential is however contrary to adopted housing policies. In response to the Council's mixed use policies in order to offset the increase in commercial floorspace the applicant has offered a financial payment of £500,000 towards affordable housing. This is however below a policy compliant sum of £1.6 million. The applicant argues that the Council's mixed use policies should be interpreted flexibly but have not put forward a viability case to support a reduced payment. The Committee is asked to agree that the proposed financial payment is unacceptable and furthermore given the significant increase in commercial floorspace of 1006 m² that it is appropriate to require the applicant to finance environmental improvements to Romilly Street.

In design terms whilst the removal of plant is welcomed, the proposed rear extensions would infill almost the entire area at the back of the buildings. This is considered to be an overdevelopment harmful to the historic buildings. It is considered that a more modestly sized scheme could be acceptable. Committee's views are also sought on this issue.

3. CONSULTATIONS

HISTORIC ENGLAND

Objection; comment that although there are heritage benefits associated with the scheme the proposal also cause harm by infilling the yards with extensions at the rear of the buildings. The extensions are considered to cause harm to the special interest of the listed buildings on the site by adversely affecting their setting and the hierarchy of their plan form. Whilst the proposal will remove unsightly additions this could be achieved with a scheme of lesser intensity.

ANCIENT MONUMENTS SOCIETY

No response received.

COUNCIL FOR BRITISH ARCHAEOLOGY:

No response received

THE GEORGIAN GROUP

No response received.

SOCIETY FOR THE PROTECTION OF ANCIENT MONUMENTS

No response received.

TWENTIETH CENTURY SOCIETY

No response received

THE VICTORIAN SOCIETY

No response received.

SOHO SOCIETY

Objection, to construction impact impacts which require designing out crime measures, particularly on Romilly Street e.g temporary lighting and CCTV should be provided; the Oak Jacobean Room at 1st floor of 32 Romilly Street and 38-39 Greek Street should not change from public use to private hotel use.

THEATRES TRUST

No objection subject to appropriate condition to manage construction noise.

ENVIRONMENTAL HEALTH

No objection, subject to appropriate conditions regarding noise levels from plant, facade insulation, and kitchen extract systems.

HIGHWAYS PLANNING MANAGER

Objection, inadequate cycle parking, insufficient detail has been provided to ensure waste storage capacity is sufficient for the development. The proposed hatch on Greek Street will cause disruption to pedestrian movements when open. Insufficient information is providing regarding servicing. Doors opening outwards over the highway will cause an obstruction to highway users.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No Consulted 141; Total No of Replies 3.

1 letter raising from an adjoining owner/occupier raising concerns that scaffolding could potentially be a place of anti social behaviour;

1 letter of support from Chinese Community Centre that the development would help prevent crime

1 letter from Nimax Theatres Ltd (operator of the Palace Theatre 102-109 Greek Street) seeking assurances that the noise from construction works would not permeate into the auditorium during performances, including mid week and weekend matinees.

4. BACKGROUND INFORMATION

4.1 The Application Site

The site is situated in the south east of Soho and covers the majority of a street block bounded by Old Compton Street to the north, Greek Street to the east, Romilly Street to the south, and Frith Street to the west.

The site comprises 15 separate buildings located on Old Compton Street, Greek Street and Romilly Street. 11 of the buildings are Grade II listed buildings and four are unlisted buildings of merit in the Soho Conservation Area.

The buildings are Georgian townhouses primarily comprising basement ground and three upper floors. The exception being No 27 Romilly Street and 21 Old Compton Street, which have 4th floors. The Romilly Street part of the site comprises 7 townhouses, there are 5 townhouses on Old Compton Street and 3 on Greek Street. The buildings on the site reflect the scale of the wider area. The former yard to the rear of the 15 buildings has a disarrangement of ad hoc structures, ductwork, flues and plant equipment.

This is a mixed use site although the majority of the floorspace is occupied as cafes' and restaurants (Class A3). The largest restaurant on the site is Kettner's which occupies the whole (basement to 3rd floors) of 27-32 Romilly Street. Café Boheme occupies the basement and ground floors of 13-17 Old Compton Street and the Soho Kitchen and bar the lower floors of Nos. 19-21 Old Compton Street. Soho House private members club (Sui Generis) occupies the upper floors (1st to 3rd floors) of Nos. 13-21 Old Compton Street. The 1st to 3rd floors of Nos. 26 Romilly Street are residential although the 2nd and 3rd floors were last used for purposes within the sex industry. The basement and ground floors of 26 and 27 Romilly Street are restaurants which do not form part of the site.

The area is predominantly commercial and domestic in scale with a tight urban grain and small plot sizes. The architecture within the Soho Conservation Area is varied, with no continuous or homogenous terraces. There is a high concentration of entertainment uses in close proximity with many restaurants and bars in the locality. The nearest residential units (other than part of the application site) are at 25,26, and 27 Frith Street which forms part of the same street block.

The site is owned by Soho Estates and lies within the Core Central Activities Zone, and the West End Stress Area.

4.2 Relevant History

13-17 Old Compton Street

Permission was granted for use of the basement and ground floors of 13-17 Old Compton Street and 40A/B Greek Street as a restaurant in April 1978 (ref 73/03038).

Permission and listed building consent was granted on 17 March 1994 (93/03879/FULL – 93/03880/LBC) for a number of internal and external alterations in association with the use of Soho House as a private Members Club. Further alterations including roof alterations were also granted during the course of construction (94/05422/FULL and 94/05423/LBC)

19-21 Old Compton Street

Permission was granted for alterations to the shopfront of 19-21 Old Compton Street and use of the ground floor as a restaurant with basement ancillary space on 15 September 1977.

In December 1999 permission was granted for use of the 1st to 4th floors as a private Members Club in connection with the existing Soho House Members Club at 13-17 Old Compton Street and external alterations including a rear extension at 1st to 3rd floors, a new shopfront and plant at roof level.

38-40 Greek Street

Planning permission and listed building consent (refs. 94/05788/FULL and 94/05789/LBC) were granted for the installation of a shopfront at 40B Greek Street on 22 November 1994.

26-27 Romilly Street

On 26 May 1978, planning permission (reference unknown) was granted for the use of the second floor and part of first floor as offices and the formation of two residential flats on the third floor at neighbouring 28-31 Romilly Street and 37-39 Greek Street.

Shopfront alterations including the installation of an openable shopfront were permitted in October 1998 (98/07583/FULL) and a replacement in November 2003 (03/07646/FULL).

28-32 Romilly Street

The statutory planning register includes a number of applications which are referred to as 29 Romilly Street.

On 29 January 1987, an application (85/05412/FULL) for advertisement consent was refused in relation to the retention of the existing vertical illuminated neon sign affixed at the first and second floor level of the junction with Greek Street. This decision was overturned at appeal with consent granted on 22 March 1988. The prominent Kettner's sign is still in situ.

5. THE PROPOSAL

Planning permission and listed building consent is sought for the refurbishment of the 15 buildings comprising the site. This includes extensive demolition at the rear, removal of plant and the erection of a large rear extension at basement to 3rd floor levels which would infill much of the centre of the street block. The 'pavilion' extension is a bronze and glass construction which would connect the Romilly Street and Old Compton Street buildings.

The proposed refurbishment scheme also includes the following works:

- New terraces will be provided at the first, second and third floors of the infill;
- Provision of a traditional shopfront at 40B Greek Street in place of two exit doors. This will provide primary access to Soho Members club;
- An entrance door will be reinstated at 28 Romilly Street;
- New roofs will be provided at 26 & 30 Romilly Street and 19 & 21 Old Compton Street;
- Retain and refurbish the Kettner's sign which is on the corner of Romilly Street and Greek Street;
- Retention of existing terraces ;
- Facades will be repainted in pale colours. Each townhouse will be painted a slightly different tone to ensure that they are read as separate buildings;
- The existing Kettner's entrance will be retained and refurbished.
- The windows at the ground floor of Kettner's restaurant will be replaced with 4 over 4 pane sash windows;
- Windows at upper levels will be replaced with 6 over 6 pane sash windows;
- The ground floor entrance at 17 Old Compton Street will be widened;
- The rear of the existing buildings will be refurbished and repointed;
- All rear windows will be painted black;

- The existing terrace balustrading will be replaced by black railings;
- The internal opening between 28 and 29 Romilly Street will be reduced in width to promote the original plan form of the two buildings;

In land use terms the two key elements to the scheme are the provision of additional floorspace to Soho House Members club (Sui generis), and the conversion of Kettner's restaurant to provide a restaurant with 28 overnight rooms (Sui Generis). This involves the loss of residential on the 1st to 3rd floors of 26 Romilly Street. The two other restaurants (Class A3) on the site Café' Boheme and Soho Kitchen and bar remain largely unaltered.

To offset the increase in commercial floorspace on the site the applicant has offered a financial payment of £5000 towards the City Council's affordable housing fund.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The existing and proposed floorspace figures are set out in the table below.

Use Class	Existing M2	Proposed M2	Change M2
Restaurants (Class A3)	2970	730	-2,240
Residential (C3)	154 (*inc 103 sex industry uses)	0	-154
Soho House Private Members Club (Sui Generis)	1363	1926	+563
Kettner's Townhouse restaurant with overnight rooms (Sui Generis)	0	2,683	+2683
Total	4,487	5,339	+852
Commercial (Cent 3)	4333	5339	+1006

6.1.2 Mixed use policy

UDP Policies CENT3 and Westminster's City Plan Strategic Policy S1 aim to encourage mixed use developments within Central Westminster, requiring any increase in commercial development to be matched by residential provision. The scheme involves an increase in commercial floorspace of 1006 m2 without an equivalent increase in residential floorspace.

It is recognised that it is sometimes impractical and/or inappropriate to provide housing on-site in certain circumstances. Where it is accepted that residential cannot reasonably be provided either on or off site the policy adopts a 'cascade' approach in which acceptable alternative uses may be provided or an appropriate financial contribution may be made towards the City Council's affordable housing. Based on the increase in commercial floorspace (1006 m2) a policy compliant payment would be £1.6 million

The applicant advises the primary uses on this site should be commercial rather than residential and that the land use priorities for the scheme are to upgrade Kettner's restaurant and introduce new overnight rooms and improve the existing members club. They consider

that this mix reflects the needs, character, function and priorities of Soho in land use terms. Accordingly on-site residential is not provided as part of this scheme.

With regards provision of residential off site, Soho Estates advise that they have no other properties available within the vicinity of the development site that would be available within the required timescales.

The applicant argues that the Council's mixed use policies which require increases in commercial floorspace to be met by commensurate residential are out of date and should be afforded reduced weight and be applied flexibly. They refer to a statement made by the Deputy Leader of the Council and Cabinet Member for the Built Environment on 18 March 2015, which sets out that "the balance of commercial to residential floorspace has tipped too far in favour of residential across the CAZ. This is causing several damaging impacts and if nothing is done to assuage the current trend it has the potential to worsen and increase the 'residentialisation' of commercial areas, eroding their character by reducing employment densities and increasing expectations of residential amenity impacting on legitimate business activities".

A further statement from the Deputy Leader on 22nd July 2015 redefined what the Council consider to be sustainable development in the context of office losses.

The statements by the Council acknowledge the need to safeguard Westminster's role as the most significant business centre in the UK, with the need to meet the borough's considerable housing needs. The new policy approach seeks to redefines what is considered to be sustainable development in the context of the loss of offices. The statement sets out this new policy approach to the loss of offices, in which the loss of offices within CAZ would only be considered acceptable where a developer can demonstrate that the benefits of a proposal, taken as a whole, outweigh the loss of the office floorspace.

The change in policy approach is not however applicable in this case, as the application does not involve a loss of offices, but would result in a significant increase in commercial floorspace on site.

The applicant also argues that the publication of a policy booklet 'mixed use revision' dated July 2015 which sets out a potential direction of travel with regards to the implementation of the Council's mixed use policies is a material factor. The document sets out a possible revised wording for Policy S1, which would allow buildings within the Core CAZ to be extended up to 30% without the need to provide residential floorspace. This booklet is however a consultation document and not adopted policy. In the circumstances it can be attributed no weight in determining applications. The policy position remains clear that in order ensure that the character and diversity of Central Westminster (CAZ) is maintained, mixed use developments should incorporate housing where appropriate and practical.

The applicant (Soho Estates) have reviewed their position with regards to a payment in lieu of on or off site residential. Based on the increase in commercial floorspace a policy compliant payment would be £1.6 million. Soho Estates set out that they have made substantial contributions to the City Council's wider strategic objectives in 2013 by providing a payment of £700,000 towards the City Council's public realm improvements works to Leicester Square. Although a credit was established this was not something which they have been able to be drawn down on so far and there is a large risk that this will be written off. In the circumstances Soho Estates have offered a financial payment of £500,000 towards the Council's affordable housing fund.

The arguments that it is inappropriate to provide residential either on site or within the vicinity and that the proposed commercial scheme will make a positive contribution to the City's economy are understood. However the applicant has not advanced a viability argument in

support of a reduced payment towards affordable housing. The proposed payment is considered to be disappointingly low. Members are asked to agree that land use package which includes a loss of residential is unacceptable and an improved offer should be negotiated.

6.1.3 Loss of Residential

There is residential accommodation on the site at 26 Romilly Street. This comprises a single bedsit at 1st floor level and two self-contained rooms which have access to a shared kitchen at both 2nd and 3rd floors. The 1st floor bedsit is 51m² the 2nd and 3rd floors are 103 m².

The scheme will result in the conversion of the upper floors of 26 Romilly Street to overnight rooms and would therefore result in the loss of residential.

The loss of residential is contrary to the strategic aim of the Council to increase the supply of good quality housing across all parts of the city to meet Westminster's housing target and to meet housing needs, including the provision of affordable housing and homes for those with special needs.

The London Plan sets out the strategic approach to increase housing across London and sets a minimum target of 1,068 homes a year to be provided within Westminster between 2015 and 2025.

Policy S15 of the City Plan: Strategic policies states that residential is a priority across Westminster and seeks to prevent the loss of housing. Policy H3 of the Unitary Development Plan (UDP) seeks to maximise the amount of land or buildings in housing use outside the CAZ and where appropriate within the CAZ.

The applicant seeks to justify the loss of residential arguing that the 1st floor studio provides a poor standard of accommodation because the internal floor area is only 32 m² GIA (below the Mayors minimum size standards) and that the unit is single aspect, located directly above a restaurant. Furthermore that the accommodation on the 2nd and 3rd floors were most recently used for purposes within the sex- industry uses (Sui Generis) rather than residential C3.

Whilst it is accepted that the lawful use of the 2nd and 3rd floors of 26 Romilly Street is unclear, and that the 1st floor is not high quality residential, housing policies seek to ensure that there is a range of accommodation throughout the City. The loss of the existing housing is *contrary to well established adopted policy*.

6.1.4 Soho House Private Members Club (Sui Generis) extension

Soho House Members Club (*Sui Generis*), is a private members club for professionals working in film, media and the creative industries. The club opened in 1995. The main entrance is at 40 Greek Street. It provides function rooms within the basement of 15-17 Old Compton Street with its principal facilities are located on the upper floors of 40 Greek Street, 13-17 Old Compton Street and 19-21 Old Compton Street, which have been amalgamated. Within the club are dining rooms, meeting rooms and bar areas.

The existing Members Club (*sui generis*) is proposed to be extended by 563 m² and reconfigured as part of the proposals. A new 'pavilion' infill would accommodate the new members club area. The capacity of the club would be increased from 440 to 670. No change is proposed to the opening hours, which will remain as follows:

Mondays to Fridays 08.00 to 03.30
Saturdays 10.00 to 03.30
Sundays and Bank Holidays 10.00 to 23.00

Westminster's City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. City Plan Policy S24 requires proposals for new and extension to existing entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, and relationship to any existing concentrations of entertainment uses. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

The applicant advises that given that the scheme would result in two floors of dining space on Romilly street being converted into overnight rooms although the scheme will result in the private members club being increased by more than 500 m², as the overall 'entertainment' floorspace on the site would be reduced, it is appropriate to assess the proposal against policy TACE 8. However given that the enlarged members club would occupy 1926 m² and would be increased by 563 m² it is considered appropriate to assess the proposal against UDP Policy TACE 10.

This area of Soho is predominantly a commercial location with a number of surrounding shops, cafes, theatres, bars and restaurants. The nearest residential flats are at nos. 25, 26 and 27 Frith Street.

It will be particularly important for the club to ensure the operation does not affect local amenity as it will also be managing overnight rooms as part of Kettner's Townhouse. Therefore it is in the interests of Soho House to ensure that noise disturbance, both inside and outside, is kept to a minimum so that it does not impact adversely on the overnight rooms.

The existing terraces at 39/40 Greek Street and 19 Old Compton Street which serve Soho House are retained as part of these proposals. External terraces are also proposed at the first, second and third floor levels of the new pavilion. As these would be enclosed on all sides by Soho House's own operations it is considered that these would not result in noise break out to any sensitive existing uses.

As part of the application submission, an Operational Management Statement has been provided which seems to demonstrate a commitment to minimising the noise impact of the proposals. An operational management plan has been submitted for the members club and restaurant with overnight rooms. The key elements of the management plan are:

- a. Doors and windows will be closed after 11pm, as currently required via planning condition;
- b. The roof terraces will not be used after 11pm, as currently required via planning condition;
- c. No alcohol sold on the premises will be able to be taken off-site;
- d. Members will be asked to leave the Club quietly and receive a warning if they do not. Repeat offences could lead to Soho House rescinding membership;
- e. Staff will be requested to leave the premises quietly;
- f. Customers temporarily leaving the premises to smoke cannot take drinks with them;
- g. Recorded music will be played during opening hours but will be fully contained within the building and terrace area;
- h. An individual senior manager will be on site at all times during operational hours to ensure compliance with the above and to make sure good practice is maintained.

The normal policy presumption would be to resist such a large extension to an entertainment use within the West End Stress Area. However given that Soho House Members Club is a longstanding use that adds to the character of Soho subject to the imposition of appropriate conditions (including adhering to an approved management plan) the expansion of the club is considered acceptable.

6.1.5 Restaurant with overnight rooms

Kettner's restaurant (Class A3) occupies the entirety of 28-32 Romilly Street and 38-39 Greek Street, which consists of basement, ground and three upper floors. This is a longstanding restaurant, which opened at the site in 1868, and is understood to have been the first foreign gourmet restaurant in Soho. It was originally located at 29 Romilly Street and was expanded in 1880s to the neighbouring Romilly Street buildings. Kettner's was renowned for fine dining and its champagne bar. It is currently leased to and operated by Pizza Express Restaurants Limited, which itself is owned by China-based private equity firm Hony Capital.

Soho House has agreed to acquire the Kettner's brand name. The Kettner's sign on the corner of Romilly Street and Greek Street would be retained and the restaurant and champagne room, along with the overnight rooms, would be named Kettner's Townhouse.

The restaurant (Class A3) will be retained at the ground floor of 28-32 Romilly Street and 38-39 Greek Street. As is the current position, the main entrance will be from Romilly Street although secondary access from Greek Street is also proposed. A champagne room will be provided at ground floor level and separate access at 28 Romilly Street is proposed. Back of house facilities including the kitchens, refuse area and toilets would be provided at the existing basement level. The existing function rooms at the upper levels of the buildings would not be retained and instead be used as 28 overnight rooms. Therefore, overall, the proposals would result in a loss of Class A3 floorspace. The number of covers would be reduced from 180 to 142.

The existing and proposed opening hours are set out in the table below:

Kettner's (Townhouse)	
Existing	Proposed
12:00 to 00:00 Mondays to Wednesdays; 12:00 to 00:00 Thursdays and Fridays; 11.30 to 00.30 Saturdays; 11.30 to 22.30 Sundays and Bank Holidays.	07:00 to 01:30 Mondays to Fridays; 08:00 to 01:30 Saturdays; 08:00 to 00:00 Sundays and Bank Holidays.
Approx 180	142
Ground Floor: 228 1 st Floor: 172 2 nd Floor: 158	Ground Floor: 228

TOTAL: 558

TOTAL: 228

The provision of a restaurant with overnight rooms is akin to a hotel and as such needs to be assessed against Council's hotel policies.

Policy S23 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE2 of the UDP adopted January 2007 are relevant. Policy S23 recognises the importance of Westminster as one of the world's premiere visitor destinations but also the need to balance this against the residential neighbourhoods so that they function well and provide a high quality of life for residents. New hotels are therefore directed to certain areas and locations, such as the Core Central Activities Zone (CAZ), which do not have a predominantly residential character.

UDP Policy TACE2 similarly seeks to ensure that a range of good quality visitor accommodation is available to support London's role as a world visitor destination without adversely affecting the quality of life of local residents and the surrounding environment. The policy sets out the criteria for assessing new hotels and extensions to existing hotels, in relation to their impact on residential areas, traffic and parking. It also directs new hotels to locations within the CAZ which do not have a predominantly residential character.

Given that the site is within a commercial area the provision of overnight rooms is considered wholly appropriate and would contribute to the vitality of the CAZ.

6.2 Townscape and Design

The site includes 11 grade 2 listed buildings and 4 unlisted buildings of merit in the Soho Conservation Area. The site dates back to the late 17th century when Soho was first built.

The buildings do not appear to retain any significant fabric from this time. The listed buildings date from the early eighteenth century and represent the first rebuilding.

The listed buildings are:

28-32 Romilly Street / 37-39 Greek Street - Kettners

These were rebuilt c.1735 – 1768, and altered as a restaurant in 1868 and 1880s.

40B Greek Street

Probably rebuilt c.1740, with later alterations.

13-17 Old Compton Street / 40 A Greek Street

These are partly late C17 or early C18 fabric but refaced or largely rebuilt c.1786 and with early to mid C20 alterations.

The special interest of the listed buildings includes their external appearance, historic fabric and plan form. The buildings have been altered over the years and there is relatively little original historic decorative fabric internally, although their plan form survives to a degree. The buildings have been linked internally over the years. Whilst the street frontages are generally in good condition, the quality of the rear of the buildings is poor, largely due to a variety of unauthorised and unlawful works which have taken place over the years, including the introduction of plant and other equipment. The roofscape has also been altered, with the addition of terraces.

The proposals

The proposals involve extensive demolition at the rear and large rear extensions which infill much of the centre of the street block. There are various internal alterations and alterations to the street frontages. The proposed rear extensions are considered to cause significant, although less than 'substantial', harm to the special interest of the listed buildings and the

character and appearance of the Soho Conservation Area. The City Council has a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the protection of the special interest of the listed buildings and the preservation and enhancement of the Soho Conservation Area. The question is whether or not the proposals deliver public benefits to outweigh the harm to the heritage assets.

The rear extensions

The prime aim of the proposals is to provide a very large extension at the rear of the listed buildings. There is no doubt that the rear of these buildings is unattractive but this is largely due to the large amount of work which has been carried out without the benefit of planning permission and listed building consent. Enforcement action could be taken to secure the removal of the unlawful work.

There is scope for new extensions at the rear of the buildings, but these should be subordinate to the existing buildings and respect their plan form, in accordance with Unitary Development Plan policies DES 5 and DES 10. The current proposals fail to achieve this because they involve almost total infill of the space in the centre of the street block, up to the same height as the existing buildings. This has two impacts:

- a. on the listed buildings themselves, and
- b. on the character and appearance of the Soho Conservation Area.

a. The listed buildings

As with all Georgian terraced houses, the rear rooms are lit by windows facing onto the open rear yard or garden. The rear wall defines the envelope and historic plan form of the building. The extensions would enclose the rear wall of the listed buildings and internalise their rear rooms. This has a major impact on the architectural integrity and the legibility of the historic plan form of the buildings. The proposal to add extensions which cover the rear walls of the buildings, and extend the full height of the buildings, obscures the historic plan form and destroys the traditional, historic relationship between the rear rooms and the outside world. The rear rooms will no longer look out on to open space but will look into the proposed extensions.

The proposals do include small lightwells at the rear of 40 Greek Street and 28 and 29 Romilly Street. These areas are very small and highly enclosed.

The site comprises a large number of buildings on their original pre-Georgian plot widths. The extensions do not reflect this plot width pattern because at ground, first and second floor levels, the extensions extend the full width of the space at the rear, and the spaces created are unrelated to the individual buildings. It is only at third floor level that there is some sort of architectural relationship between the plots and the extension, because it does not occupy the whole of the rear area at this level. It is cut back at the rear of 29 Romilly Street and 15 and 17 Old Compton Street.

b. The street block and the conservation area

Like most street blocks in Soho, and indeed, the City of Westminster as a whole, it is defined by buildings around the perimeter with an open space in the centre. This is an important characteristic of the Soho Conservation Area, and many other conservation areas. In this case it dates back to the late 17th century, when the rear area comprised the gardens to the original houses. Over time buildings in the street block have been extended into the rear area. This is a typical evolution of the street block over time. However, the openness in the centre of the block generally remains.

The current proposal would infill almost the entire area at the back of the buildings, in part up to the full height of the existing buildings. This means almost total loss of the openness at the centre of the block, a feature which has survived since the land was first developed in the late 17th century and which is characteristic, historically and physically, of the conservation area.

In terms of preserving the character and appearance of the conservation area, there is a strong presumption to maintain this openness.

Other works - Front facades, roofs and interiors

Having identified the harm caused by the proposal it has to be recognised that it does include proposals which are beneficial. However, the benefit of removing plant and other equipment which was installed with our consent, cannot be regarded as a significant public benefit, as it should not be there. The true benefits of the scheme include the following:

- Reinstatement of traditional sub-divided, multi pane, sash windows to the street facades
- Installation of a traditional shopfront at 40 Greek Street
- Roof level alterations including the removal of canopy and glass balustrades on 19 Old Compton Street
- Reinstatement of dog-leg stair in 28 Romilly Street
- Recreation of internal plan form - party walls and spine walls – in various buildings

These are all welcome changes to the buildings. However, it is not considered that these are sufficient to outweigh the significant harm caused by the proposed infill building at the rear.

An acceptable approach.

The proposals represent an over development of the site. However, it is considered that a more modestly sized scheme, with less floor space, could be acceptable, if it did not fill the whole of the area, and was lower, and more closely related to the individual plots of the listed buildings. This has been suggested to the applicant's agents in a series of meetings but they have been unwilling to make any significant changes to the scheme.

6.3 Amenity

Policy ENV 13 of the UDP states that the City Council will normally resist proposals which result in a material loss of amenity to neighbouring properties in respect of the levels of daylight and sunlight received, and any loss of privacy or increased sense of enclosure to neighbouring windows. City Plan Policy S29 also states that permission will be refused for developments that would result in a material loss of residential amenity.

6.3.1 Daylight and sunlight

The increase in bulk and mass on the site is within the rear yard. Changes are proposed to a number of the roof pitches however these are not significant to the buildings overall envelope so would not impact on levels of daylight and sunlight to neighbouring buildings. Therefore the applicants daylight and sunlight report only assesses windows of buildings within the street block namely; 25, 26 and 27 Frith Street.

The study shows that in the case of all three residential properties there will be very minor losses to daylight levels all well below 20% which the Building Research Establishment (BRE) guidelines refer to as being noticeable. None of the windows face within 90 degrees of due south and do not need to be tested with regards to sunlight. No objections have been received to a loss of light. This aspect of the application is considered acceptable.

6.3.2 Overlooking

The development would not result in a loss of privacy to the occupants of buildings in the vicinity of the site. New terraces for the private members club are proposed at 1st to 3rd floor levels but these are contained within the site and will not afford views to other buildings in the street block. The infill pavilion extension will have a window per floor on the western flank elevation which faces towards the residential flats at Frith Street. These windows will serve back of house areas for the member club. There would be a 1st floor office, second floor

kitchen and 3rd floor toilet. Given that this elevation is 10.9m away from the Frith Street properties and the new infill would be at a different level to windows at Frith Street it is considered that there would be no overlooking.

6.4 Transportation/ Parking

6.4.1 Car Parking

No car parking can be provided given the constraints of the site. Given the nature of the proposal and that site has a high level of public transport accessibility the proposal will have no significant impact on on-street car parking in the area.

6.4.2 Trip Generation

A transportation statement has been submitted in support of the application which concludes that the development is acceptable in terms of trip generation and servicing matters and there would be no adverse impact on the highway network.

The Highways Planning Manager advises that given the increase in operating hours and capacity of the venues, trip generation to the site is expected to increase. It is unclear what impact arrivals and departures of taxis and other private hire vehicles would have on the highway network. Furthermore the impact of these trips could be detrimental on the surrounding highway network. Therefore, it is unclear how the Transport Assessment reaches the conclusion that there would be no adverse impact on the highway network from the proposals.

6.4.3 Servicing

No off-street servicing is provided all servicing would take place on street as per the existing situation. The transport statement estimates 12 deliveries a day will be required to Soho House private members club, 13 for Kettner's Townhouse (restaurant with overnight rooms) and 10 for Café Bohème. The Highways Planning manager advises that any permission should require a servicing management plan (SMP) indicating how servicing will be managed to minimise the impact on the highway, in accordance with City Plan Policy S42 and UDP policy TRANS20.

6.4.4 Entrance Steps – Kettner's/Romilly Street

The application indicates the existing steps to Kettners would be altered to a hydraulic system, to all them to act as a platform lift. Generally this is acceptable provided there is no impact on the highway or highway users. The detail is unclear as to how far from the bottom of the existing step the system will extend. The applicant will need to demonstrate that the platform does not extend past the existing railing line onto highway.

6.4.6 Hatch – Greek Street

The scheme includes delivery hatch on Greek Street. The Highways Planning Manager advises that as a principle, hatches within the highway are unacceptable because they can be left open for long periods of time, resulting in a hazard. Maintaining a high quality pedestrian environment is vital to facilitate pedestrian movement. Disruptions to the pavement surface will be detrimental to the pedestrian experience. The access hatch should be deleted from the proposal.

6.4.7 Cycle Parking

Cycle parking standards require 9 cycle parking spaces for the restaurant (A3 use), 2 for the restaurant / overnight rooms (Sui Generis) and 12 for the Private Members Club (Sui Generis).

The submitted drawings indicate a total of 11 cycle parking spaces. The Transport Assessment indicates 7 cycle parking spaces for hotel staff and 4 for the private members club staff. The applicant states that despite creating a new build extension (not affected by listed elements) which includes the basement area, that space is not available for cycle parking. Given this is an infill development (which includes substantial demolition) it remains unclear as to why policy compliant cycle parking provision cannot be provided on-site.

While the provision of some cycle parking is welcomed, it is considered that the number of cycle spaces should be increased to meet the required cycle parking standards.

6.4.8 Waste

It is unclear if the size of the waste storage provided will adequately store waste for the development. Further information is required to ensure that the on site waste provision is adequate and would not result in waste associated with the operation will be left on the footways surrounding the site resulting in a significantly detrimental impact on the pedestrian environment, contrary to TRANS3. Waste will be collected twice daily between 3am and 5am and again 5pm and 7pm. The intention is that the existing contractor is retained.

6.5 Economic Considerations

Any economic benefits generated are welcomed.

6.6 Other UDP/Westminster Policy Considerations

6.6.1 Noise

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 requires disturbance from noise and vibration to be contained.

Under Policy ENV6, new developments are expected to incorporate design features and operational measures to minimise and contain noise levels in order to protect noise sensitive properties. Where developments adjoin other buildings, the applicant is required to demonstrate that, as far as reasonably practicable, schemes will be designed and operated to prevent the transmission of audible noise or vibration through the fabric of the building. The application is supported by an acoustic report.

6.6.2 Noise from Plant

The proposal includes the provision of plant equipment largely internally at lower basement level. An acoustic report has been submitted which details existing background levels. Environmental Health raise no objection to the application but as exact details of the plant are not known at this stage any permission granted should require a supplementary report to be submitted for approval to ensure that plant operates at acceptable noise levels.

6.6.3 Noise during the course of from construction

The Theatres Trust and Nimax theatres whilst not objecting to the application have sought assurances that appropriate conditions are imposed on any permission which will ensure that construction has no adverse impact upon the Palace Theatre (operated by Nimax) and Prince Edward Theatre (operated by Delfont Mackintosh) which are both in close proximity to the site. The applicant advises that they are in discussions with the respective theatres. Any permission could require adherence to a robust construction management plan to ensure that there would be no adverse impact on the theatres and other surrounding properties..

6.6.4 Ventilation

At present, there is a disarrangement of unsightly ventilation equipment to the rear of the buildings within the yard area. This has been designed on an ad hoc basis. It is proposed to remove all of this equipment to allow space for the pavilion infill to be provided.

As part of the proposals the ventilation ductwork from each of the kitchen areas has been redesigned. Undertaking a comprehensive design of the ventilation strategy has enabled the amount of equipment to be rationalised.

The ventilation equipment route will run internally until it extracts at roof level. There will be three routes. The Kettner's ventilation equipment will be to the rear of 31 Romilly Street, the Café Boheme equipment will be to the rear of 40 Greek Street/13 Old Compton Street and the members club and Soho Kitchen & Bar equipment will terminate on the roof of 21 Old Compton Street.

The ductwork will extract at roof level so that smells will disburse upwards and not harm amenity within the area. Environmental Health have no objection to this aspect of the application.

6.5 Consultation responses

The Soho Society have objected to the Oak Jacobean Room at 1st floor of 32 Romilly Street changing from a function room as a restaurant to a private room. The proposed overnight rooms would be available to the general public although it is accepted that the change of use would mean that the room is likely to be accessed by far fewer people than is presently the case. Permission could not however reasonably be withheld on this basis.

6.6 London Plan

The proposal does not raise any strategic issues and is not referable to the Mayor of London. .

6.7 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan:

Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

6.8 Planning Obligations

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc are detailed in the Council's Supplementary Planning Guidance on Planning Obligations.

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The applicant has offered a contribution to the City Council's affordable housing fund of £500,000 in lieu of on-site provision (index lined and payable upon commencement of development). A policy compliant sum would be £1.6 million. The offer is considered to be disappointing. Committee is asked to agree that the financial offer is unacceptable.

Committee views are also sought that in the light of objections raised by the Soho Society and an adjoining resident, that the area is a crime hot spot and the significant increase in commercial floorspace proposed, if it is appropriate to request the applicant to fund environmental improvements to Romilly Street.

6.9 Environmental Assessment including Sustainability and Biodiversity Issues

The application is supported by an Energy and Sustainability Statement. This statement sets out that the following passive design measures:

- i) All current building services, which were installed in an ad hoc manner and are now out of date, will be removed, redesigned and replaced with an energy efficient, centralised heating and cooling technologies;
- ii) New insulation will be provided where possible, subject to heritage constraints;
- iii) The roof of the pavilion infill has been redesigned so that it incorporates less glass, reducing the potential impacts of overheating;
- iv) Low energy luminaries and lighting controls will be provided;
- v) High performance building fabrics would be used which beat current building regulation standards;

Overall it is considered that the energy efficiency of the proposed buildings would be improved when compared against the current performance of the building stock.

7. CONCLUSION

The proposed uses would add to the character and function of Soho and subject to the imposition of appropriate conditions are considered acceptable. The loss of residential and the

applicants offer of £500,000 towards the City Council's affordable housing fund in lieu of residential are considered unacceptable. Committee views are sought on the land use package proposal and if in the circumstances it is appropriate to request the applicant make a financial contribution towards environmental improvements to Romilly Street.

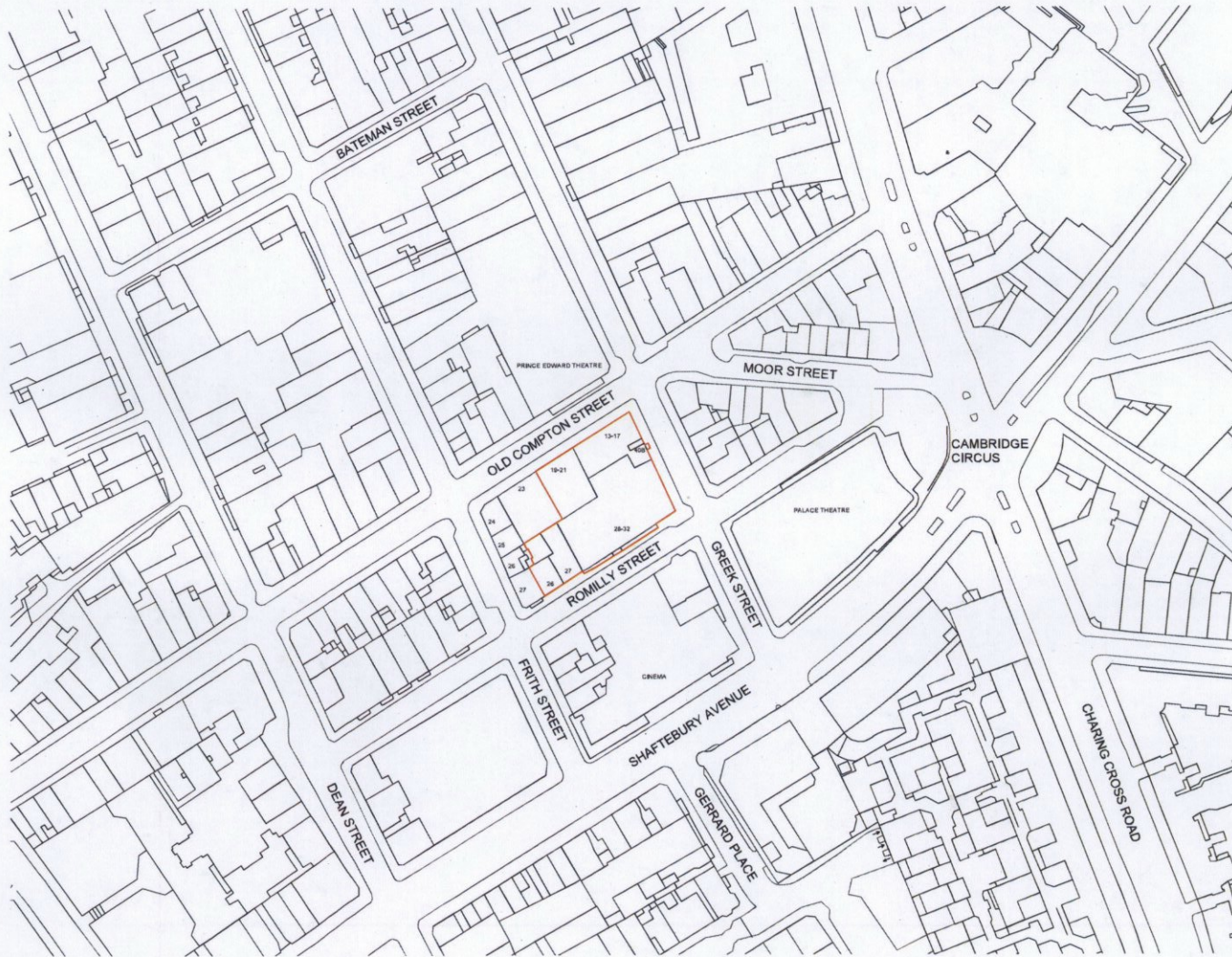
In design terms it is considered that overall the proposals harm the special architectural and historic interest of the listed buildings and the character and appearance of the Soho Conservation Area, and the proposed public benefits do not outweigh this harm. The proposals are contrary to the NPPF and to the City Council's urban design and conservation policies as set out in the City Plan and the Unitary Development Plan. The Committee is asked to confirm that the extensions should be significantly reduced in height and bulk.

BACKGROUND PAPERS

1. Application forms and agents letter dated 24 September 2015
2. Letter from Historic England dated 28 July 2015
3. Letter from The Theatres Trust dated 30 June 2015
4. Email from Soho Society dated 10 July 2015
5. Memorandum from Environmental Health dated 22 June 2015
6. Memorandum from Highways Planning Manager dated 29 June 2015
7. Email from Chinese Community Centre dated 13 June 2015
8. Email from Nimax Theatres Ltd (11 Maiden Lane) dated 25 June 2015
9. 9.Email from owner / occupier 27 Frith Street dated 30 June 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MIKE WALTON ON 020 7641 2518 OR BY E-MAIL – mwalton@westminster.gov.uk

SITE PLAN



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GENERAL NOTES

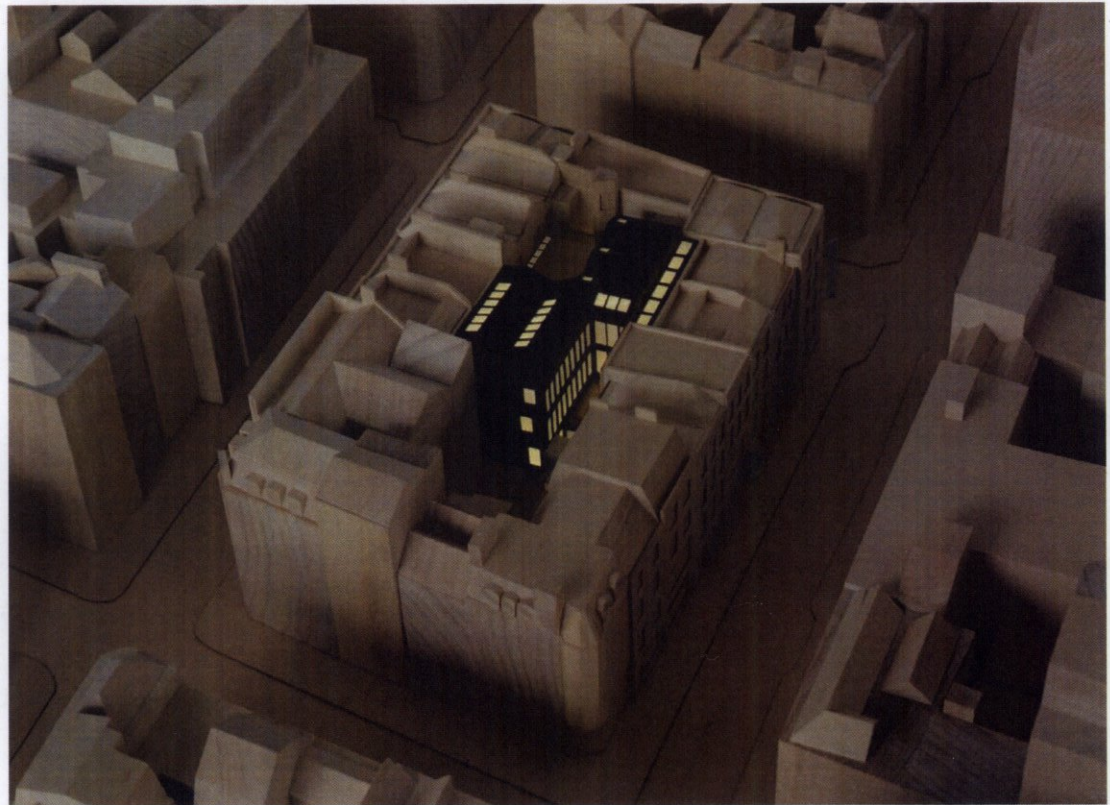
1. All dimensions to be checked on site.
2. Use 'as shown' dimensions only. Deviations to be directed to the Architect.
3. Refer to Structural Engineer's drawings for details relating to structure.
4. Any discrepancies between the Architect's drawings and those by any other party to be reported immediately.
5. All drawings are 'not for construction' unless explicitly marked for this purpose.

GENERAL NOTES ON MATERIALS

Materials to comply with appropriate British Standards or Agreement Certificate obtained and independently certified or otherwise to show that suitability. Materials should be in accordance with BS4800 series of documents and other accepted good practice (e.g. Quality assured to ISO9000).

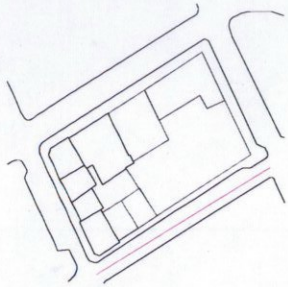
15.09.20 PLANNING SUBMISSION			
rev	date	amendment	
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<p>job title GREEK STREET II SOHO ESTATES / SOHO HOUSE</p>			
<p>drawing title GENERAL ARRANGEMENT LOCATION PLAN</p>			
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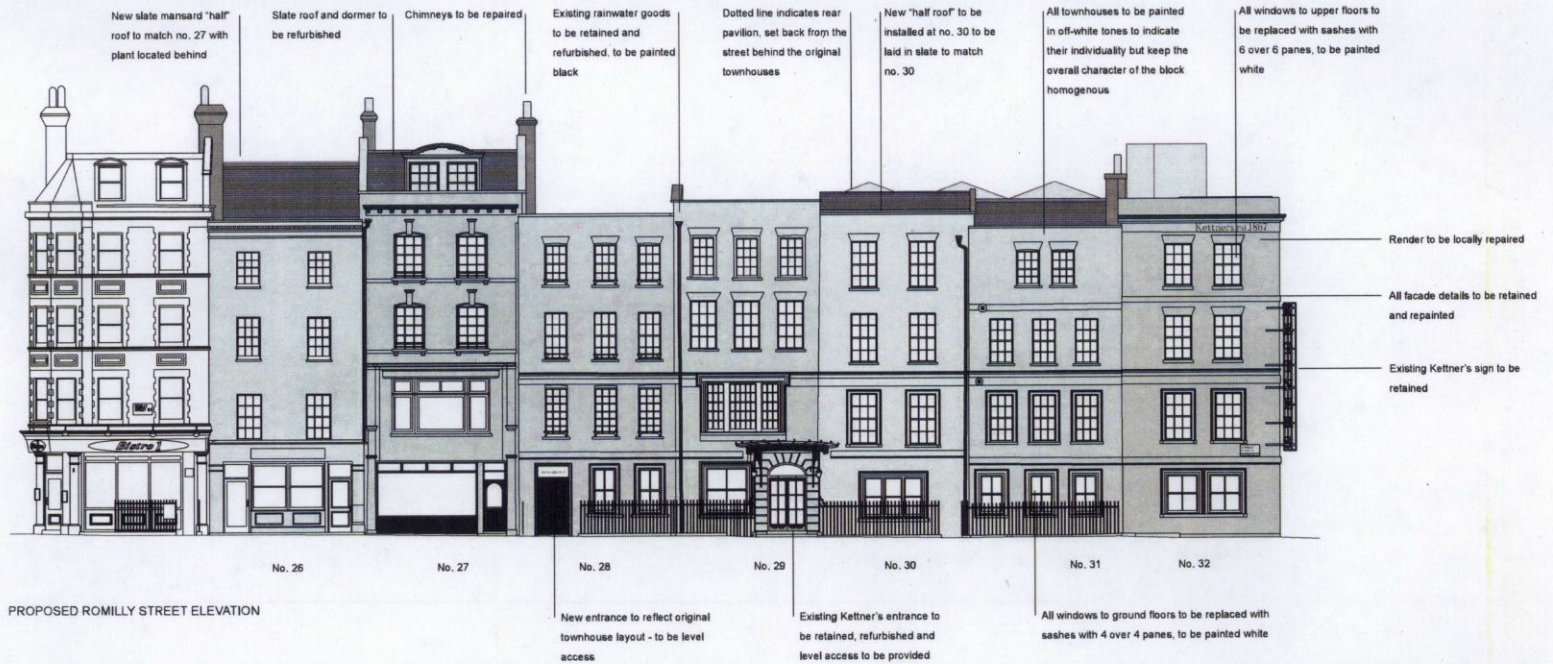


GLAZED SEPARATION VIEW OF MODEL

ROMILLY STREET ELEVATIONS



EXISTING ROMILLY STREET

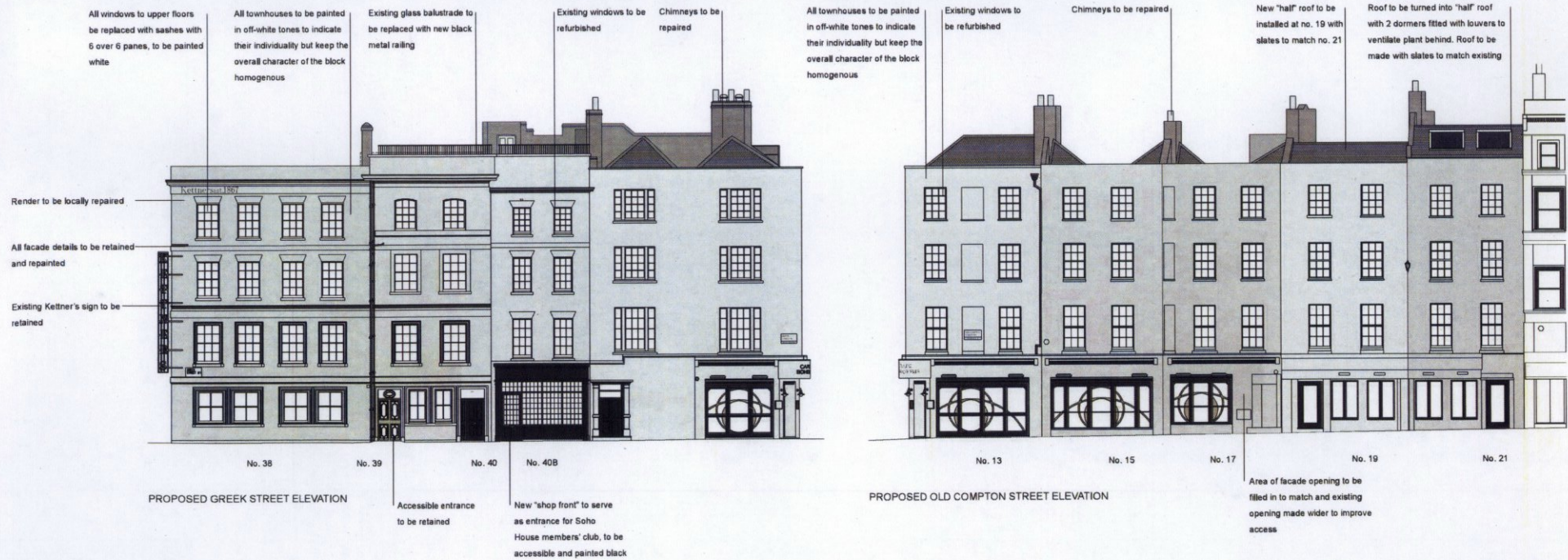
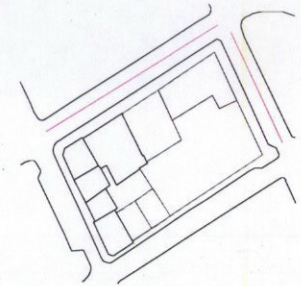


GREEK STREET AND OLD COMPTON STREET ELEVATIONS



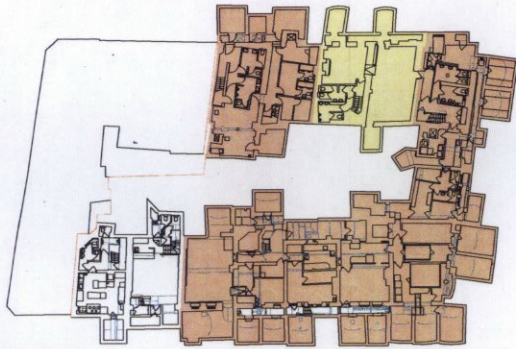
EXISTING GREEK STREET

EXISTING OLD COMPTON STREET

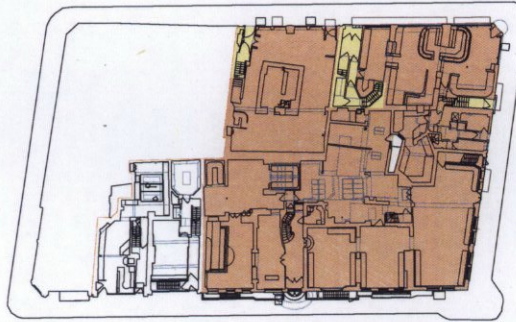


EXISTING GEA AREA

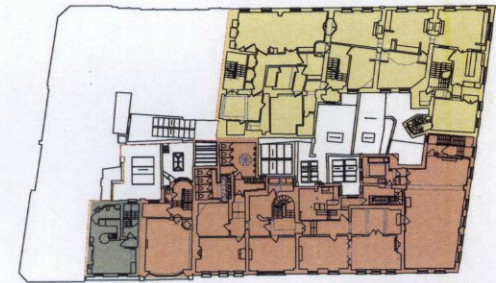
- S-G (Private members' club)
- S-G (Sex-related activities)
- A3
- C3
- TERRACE



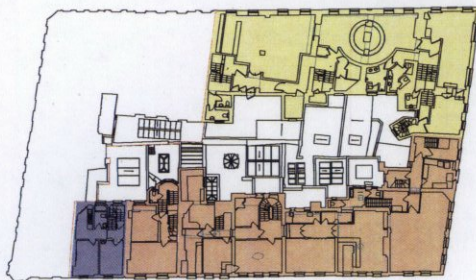
BASEMENT



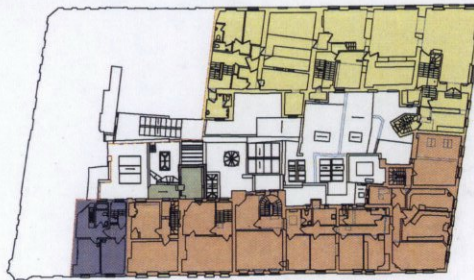
GROUND FLOOR



FIRST FLOOR



SECOND FLOOR



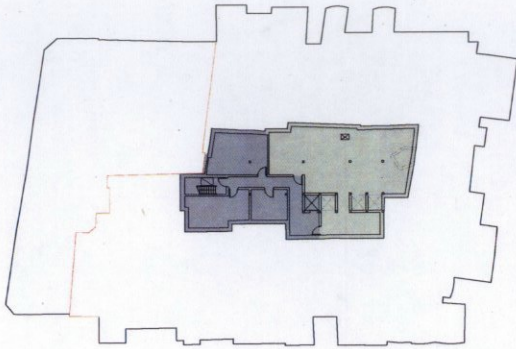
THIRD FLOOR



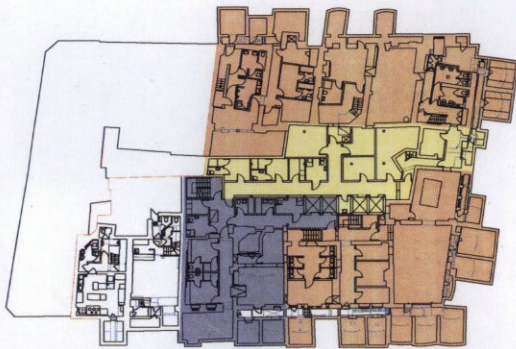
FOURTH FLOOR

PROPOSED GEA AREA

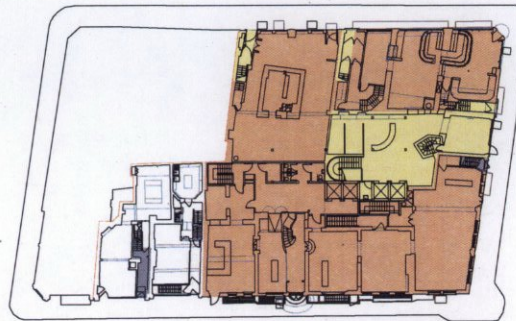
- S-G
- A3
- C1
- C3
- TERRACE
- SHARED PLANT



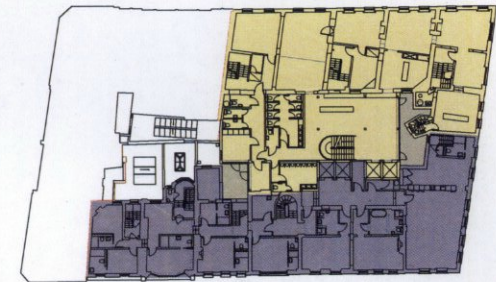
LOWER BASEMENT



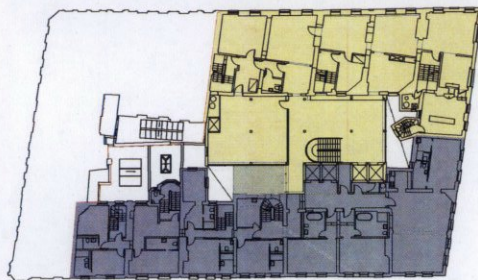
BASEMENT



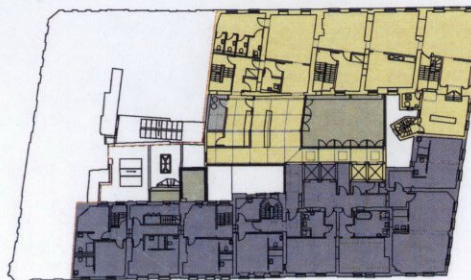
GROUND FLOOR



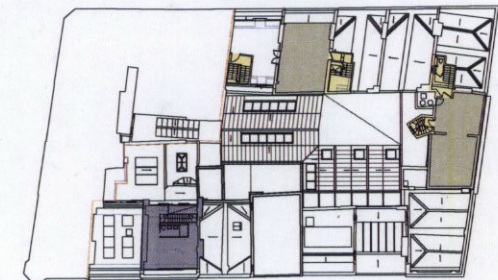
FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

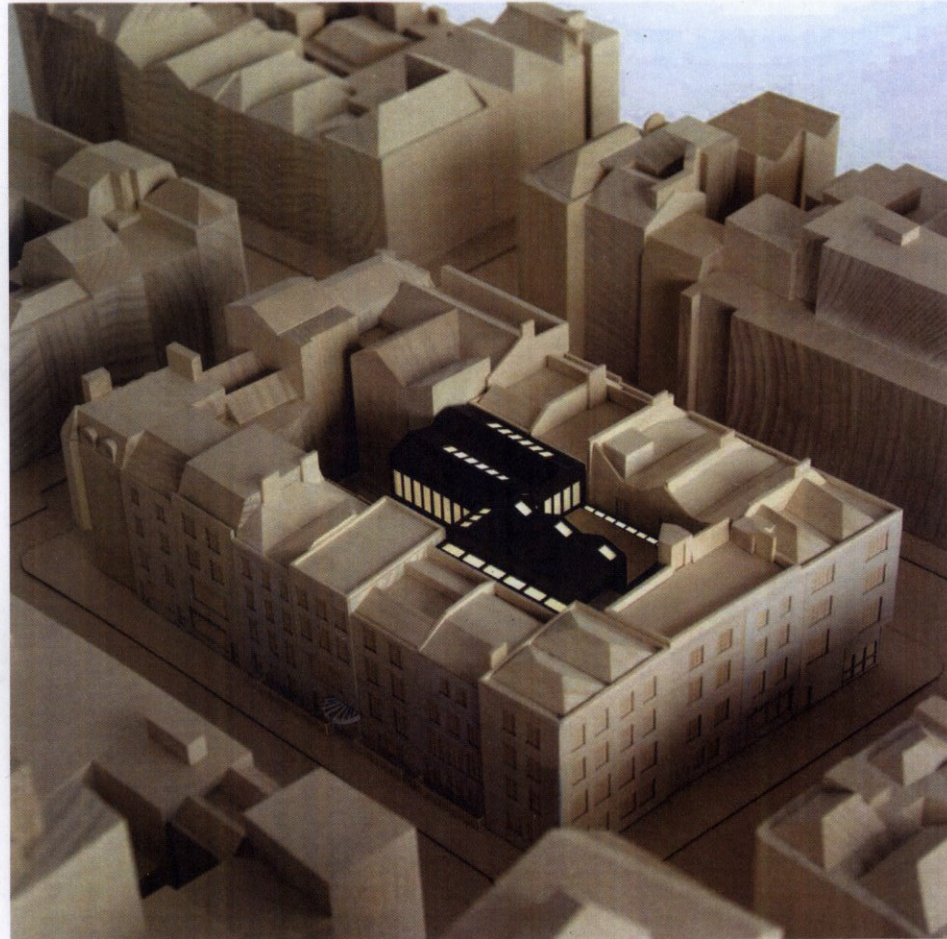


FOURTH FLOOR

BIRDS EYE VIEW OVER SITE SHOWING PROPOSED PAVILION



ROOFSCAPE TAKEN FROM THE PALACE THEATRE ROOF

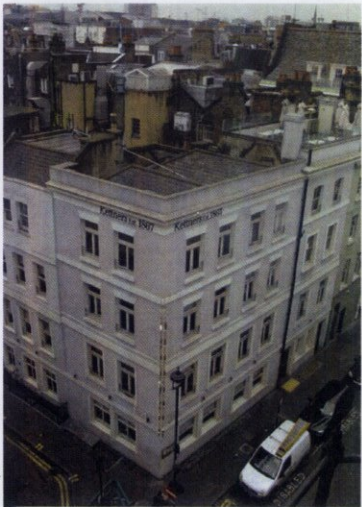


ROOFSCAPE VIEW OF MODEL

PROPOSED AERIAL VIEW

Showing sympathetic pitched roof form, lightwells and massing separated from the rear facades by lightweight glazed slots. This view shows many of the key architectural intentions including:

- Sympathetic pitched roof form, with eaves finishing below the existing parapets of the original townhouses.
- Crisp detailing of pavilion roof to include hidden gutters, with roof to be kept clear of all plant, ducting and pipework.
- The stepping back of the pavilion away from rear facades of greater heritage interest to form lightwells, which allow these elevations to be appreciated and bring natural light to the floors below.
- The insertion of glazed slots along the rear of Romilly Street and Old Compton Street allow the pavilion to touch the Listed buildings lightly.



EXISTING REAR OF NO. 29 ROMILLY STREET



PROPOSED PAVILION - "BLACK FLORENTINE" PATINATED BRONZE