CITY OF WESTMINSTER			
PLANNING	Date	Classification	
APPLICATIONS SUB COMMITTEE	22 August 2017	For General Release	
Report of		Ward(s) involved	
Director of Planning	St James's		
Subject of Report	Unit 4, Trocadero, 13 Coventry Street, London, W1D 7DH		
Proposal	Application 1: Installation of a new shopfront and plant at 6 th floor roof level in connection with use of the ground floor (unit 4) as restaurant (Class A3). Application 2: Installation of a new shopfront, installation of plant at sixth floor level and internal alterations. Application 3: Display of internally illuminated fascia sign measuring 1.10m x 2.37m above existing ground floor canopy.		
Agent	Mrs Rebecca Grace		
On behalf of	Happy Bar & Grill Limited		
Registered Number	Application 1: 17/04800/FULL Application 2: 17/04801/LBC Application 3: 17/05026/ADV	Date amended/ completed	1 June 2017
Date Application Received	1 June 2017		
Historic Building Grade	Grade II		
Conservation Area	Soho		

1. RECOMMENDATION

Application 1: Refuse planning permission : Loss of retail

Application 2: Grant listed building consent

Application 3:Grant advertisement consent

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2. SUMMARY

The application relates to a ground floor shop unit of the Trocadero, which fronts onto Coventry Street. It is currently in use as a souvenir shop (Class A1).

Planning permission is sought for use of the unit as a restaurant (Class A3) with a new shop front and roof level plant (application 1). Listed building consent is sought for the new shopfront internal alterations and roof level plant (application 2). An application has also been submitted for advertisement consent for an internally illuminated fascia sign (application 3).

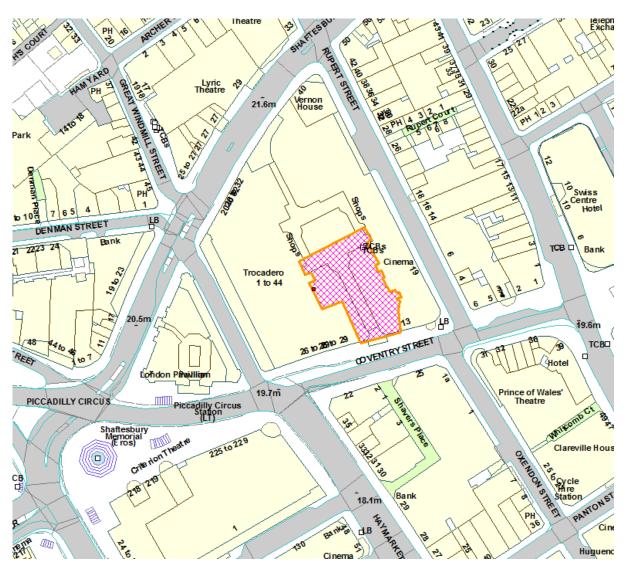
The key issues for consideration are:

- The impact of the proposals upon the character and function of the area;
- The impact of the proposals upon the environmental quality of the area and residential amenity; and
- The acceptability of the proposed works in design terms

The proposal would result in the loss of a large ground floor retail unit. The loss of retail is considered to be harmful to the character and function of the area contrary to Unitary Development Plan (UDP) and City Plan policies and as such application 1 is recommended for refusal.

The proposed works comprising the new shopfront, roof level plant and signage are considered acceptable in design terms. Consequently the applications for listed building consent and advertisement consent are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





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5. CONSULTATIONS

APPLICATIONS 1 & 2

SOHO SOCIETY:

Objection; oversaturation of restaurants in conflict with UDP policy TACE10, potential increase in anti-social behaviour and litter, take-away could become primary use.

DESIGNING OUT CRIME:

No objection

HIGHWAYS PLANNING:

No objection; subject to no delivery service

CLEANSING:

No objection

ENVIRONMENTAL HEALTH:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 101 Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

APPLICATION 3

No consultations undertaken.

6. BACKGROUND INFORMATION

6.1 The Application Site

The Trocadero comprises a large street block made up of a number of buildings bounded by Shaftesbury Avenue, Rupert Street, Coventry Street and Great Windmill Street. Three of the buildings within the Trocadero - including the application site - are Grade II listed (Nos. 18-20 Coventry Street, Nos. 7-14 Coventry Street and Nos. 20-24 Shaftesbury Avenue).

The site is located within the Core CAZ, the West End Stress Area, the West End Special Retail Policy Area (WESRPA), the West End Strategic Cultural Area and the Soho Conservation Area. The site is not on a designated Primary Shopping Frontage.

At ground floor level the Trocadero has recently been reconfigured, the original shopping arcade has now been infilled, and its frontage onto Coventry Street now comprises a number of individual commercial units. This application relates a ground floor unit which was originally the arcade.

The nearest residential properties are 18 flats located over the upper floors of Coventry House, 22 Coventry Street situated opposite the application site on the south side of

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Coventry Street. There were eight flats approved within the Trocadero as part of the hotel-led scheme granted permission on 8 November 2012. This scheme has been implemented and is currently under construction. The flats will be located at first floor level on the Rupert Street frontage and at first floor mezzanine level at the corner of Rupert Street and Coventry Street. The permission requires the completion of the flats prior to the occupation of the new hotel.

6.2 Relevant History

The Trocadero

The Trocadero was created in the early 1980s under a Greater London Authority permission issued on 22 January 1980.

Following this, a major scheme of refurbishment works was approved by the City Council on 24 November 1989 which permitted, inter alia, alterations and extensions to allow for an expanded mixed use complex incorporating retail, restaurant, entertainment, cinema and office uses. The scheme was substantially completed by the end of 1992.

Recent Relevant History

16/10435/FULL

In February 2017 permission was granted for the use of retail units 1 and 2 at the corner of Coventry Street and Gt Windmill Street as a restaurant (Class A3). The permission has been implemented and the units are operating as Fiveguys.

15/05483/FULL

In November 2015 permission was granted for the use of the lower ground, ground and mezzanine levels of 7-14 Coventry Street as a museum (Class D1) with ancillary retail and cafe floor space at ground floor level, installation of replacement shopfront to Coventry Street elevation and alterations to entrances on Rupert Street elevation, and associated external alterations. This permission has not been implemented.

13/09849/FULL

In March 2014 permission was granted for the erection of extension over second, third, and fourth floor level within lightwell behind 7-14 Coventry Street facade and use of part ground floor, both to extend cinema (Class D2). Installation of railings around existing fourth floor flat roof to allow use as terrace. Alterations to ground floor level on Great Windmill Street in the form of installation of replacement shopfront, installation of two pairs of gates in lieu of existing ground floor railings, and erection of three awnings at ground floor level. Installation of two dormer windows in roofslope at fourth floor level on Coventry Street elevation, and installation of new plant at fourth floor level. This application has been implemented.

12/02540/FULL

Planning permission and listed building consent were granted on 8 November 2012 for the erection of a two storey roof extension and use of part basement, subbasement, part ground to ninth floor levels as a hotel (Class C1) comprising of 527 bedrooms and 56 aparthotel rooms with a rooftop bar and associated terraces at eighth and ninth floor levels; use of part ground, first and first floor mezzanine levels (Rupert Street frontage) as eight flats (Class C3); use of part ground and first floor levels as a retail unit (Class A1);

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reconfiguration of the loading bay on Rupert Street and alterations to the shopfronts on Shaftesbury Avenue. The enabling works for this development are currently taking place and it is expected that the hotel will be open in 2018.

12/02627/FULL

In June 2012 permission was granted for the use of first floor (mezzanine) as a restaurant (Class A3) with retail (Class A1) accommodation at ground floor level at 7-14 Coventry Street (corner with Rupert Street). Associated external alterations including the installation of plant at roof level. This application has been implemented. Consent was granted in November 2016 to vary this permission for a temporary period of two years to enable the ancillary retail accommodation to be relocated to first floor level.

11/07360/FULL

In December 2011 permission was refused for the use of part ground floor, first floor mezzanine and part first floor at 7-14 Coventry Street (corner with Rupert Street) as a casino (sui generis); installation of plant at roof level. The application was refused on the grounds of loss of retail accommodation.

10/10150/FULL

In March 2011 permission was granted for the use of part first floor and part first floor mezzanine as two restaurants (Class A3) at 7-14 Coventry Street. Installation of extract duct to terminate at roof level.

10/10054/FULL

In March 2011 permission was refused for the use of Units 5, 6 and 7 at ground floor level as a restaurant (Class A3) and installation of a duct to terminate at sixth floor level. The application was refused on the grounds of loss of retail accommodation.

10/10053/FULL

In March 2011 permission was refused for the use of Units 25 and 26 as a restaurant (Class A3) and installation of a duct to terminate at roof level. The application was refused on the grounds of loss of retail accommodation.

09/07289/FULL

In January 2010 permission was granted for the conversion of retail accommodation at ground and part basement level at the corner of Coventry Street and Great Windmill Street into a restaurant. This application has not been implemented.

7. THE PROPOSAL

Permission and listed building consent is sought for plant at roof level, and a new shopfront and in connection with the use of a ground floor unit fronting onto Coventry Street as a restaurant (Class A3 - applications 1 and 2).

The scheme proposes the loss of a retail unit of 1107 m2, currently in use as a souvenir shop. The restaurant (Class A3) would have 390 covers, the opening hours would be 8:00 until 01:00 the following morning on Mondays to Saturdays and 8:00 to midnight on Sundays and Bank Holidays.

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An application has also been submitted for advertisement consent for an internally illuminated facia sign located on an existing ground floor canopy (application 3).

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail use

The application site is currently in use as a souvenir shop (Class A1), trading as 'Glorious London- Gift & Souvenirs'/ 'Souvenir Superstore'. Prior to the current tourist gift shop use, the unit was occupied in part by Starbucks (Class A1), and a series of smaller A1 units which formed the internal Mall for the Trocadero. The unit has therefore been in long term use for retail (Class A1) purposes.

The City Council places a high priority on retaining A1 uses and City Plan Policy S7 seeks to maintain and enhance the unique status and offer of the WESRPA. It sets out that improved retail space is a priority for the area. Policy S21 of the City Plan states that existing A1 uses will be protected throughout Westminster. Exceptions to the policies can be made if it is considered that retail use is not viable, as demonstrated by long term vacancy despite reasonable attempts to let.

As already stated the unit is not vacant and is currently occupied for retail purposes. The applicant has advanced an argument that the unit is not an attractive proposition for alternative retailers. A marketing report has been submitted by Savills which details 25 retailers that have been invited to express interest in the unit. It sets out that letting negotiations failed with regard to the previously approved Spyscape museum, and that the unit has been marketed since June 2016 although no 'fashion retailers' have expressed serious interest. The marketing report does not specify interest from non-fashion A1 retailers. The information provided does not successfully demonstrate that the unit would be unlikely to continue to operate for retail purposes. The applicant has not made a substantial case for an exception to policy S7.

Policy SS5 of the Unitary Development Plan (2007) also aims to protect retail uses within the CAZ, particularly at ground floor level. The policy does allow for some flexibility for the introduction of a non-A1 use where it would not be detrimental to the character or function of the area. The reasoned justification sets out that this is to ensure that the needs of customers and retailers are met through retention of the number of shops and overall amount of retail floorspace. It identifies that concentrations of non-A1 floorspace can harm the character and retail function of an area by breaking up its frontage.

This unit has a large retail frontage and was the original entrance to the historic arcade. Given its location at ground floor level, it is considered that the A1 should be protected in line with policy. The creation of a restaurant in this location would lead to a loss of 1107sqm of retail floorspace and whilst it is acknowledged that the proposed A3 use would attract visiting members of the public, it is considered that the loss of a large retail unit at ground floor level would undermine the shopping function of the Trocadero complex, and be harmful to the character and function of the area.

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The ground floor of the Trocadero fronting onto Coventry Street comprises 7 retail units. The mix is as follows: 4 x retail (Class A1); 1 x vacant hot food takeaway (Class A5), 1 x restaurant (Class A3) and 1 x mixed sandwich bar/café (Sui Gen). The proposal would result in the loss of a large quantum of retail floorspace to this frontage, and would reduce the number of A1 retail units on this parade to less than 50%. The proportion of active A1 frontage would be considerably less than 50%. The proposals would clearly fail to maintain and enhance the unique status and offer of the West End Special Retail Policy Area, and would undermine the shopping function of the Trocadero and Coventry Street.

It is acknowledged that consent has recently been granted for loss of A1 retail use at this unit; this application included part of the basement, and a mezzanine level and proposed a spy museum (class D1) over 5000sq.m. It was considered that this use would create a high profile tourist attraction, enhancing the cultural offer within the West End Strategic Cultural Area, and generate significant economic spinoffs through increasing visitors to the West End. The unit subject to the current application is significantly smaller than the proposed museum. The proposed restaurant (Class A3 use) would not deliver such substantial wider economic benefits as the museum (Class D1) use.

Introduction of new restaurant use

Policy S24 of Westminster's City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500m2 (GEA), will not generally be appropriate within Westminster.

UDP Policies TACE8-10 are applicable to entertainment uses and 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, whilst acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance. Due to the size of the restaurant proposed (being 1107 m2, the application must be determined against the requirements of Policy TACE10 of the UDP. Policy TACE10 considers entertainment uses 'which will only be permissible in exceptional circumstances'.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. There are several restaurants in the Trocadero complex itself and in the wider area including two large restaurants opposite the application premises namely Aberdeen Steak House, and TGI Fridays, which are both open until 1am.

As stated the nearest existing residential properties are 18 flats at Coventry House No. 20-24 Coventry Street. No objections have been received in response to neighbor consultations.

The applicant argues that Happy Bar & Grill are a high quality operator with a proven track record. The unit would have a capacity of 390 covers, the proposed opening hours are:

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8:00 to 01:00 the following morning on Mondays to Saturdays and 8:00 to midnight on Sundays and Bank Holidays.

The Soho Society have objected on the grounds that the proposal would add to an overconcentration of restaurants in the area and there is potential for a predominantly takeaway use. Given that the area experiences extremely high levels of activity both during the day and at night it is considered that subject to appropriate conditions which control the operational management the restaurant the use would not be harmful to either the local environment or residential amenity.

Environmental Health have confirmed that the proposed extract duct and plant equipment to be suitable to enable the discharge of cooking odours, and ventilation of the unit without detriment to neighbouring residential amenity. Had the loss of retail been considered acceptable in land use terms conditions would have been recommended to ensure the restaurant operated without harm to the Environment.

8.2 Townscape and Design

The design impact of the proposals centres on the impacts of the shopfront, the rooftop proposals, and internal works to install a new riser.

The existing shopfront is exceptionally poor and is openable from floor to ceiling, and secured with shutters at night. The proposed shopfront would be glazed and non-openable, with a stallriser and transoms and mullions. Whilst the proposed shop front would be predominantly glass, it would represent a vast improvement over the existing situation. New signage would make use of the existing canopy over the main entrance.

Internally there is little historic character remaining following years of successive retail fit outs. No major demolition works are to take place, and the main fabric of the building would remain in place. An original staircase to the rear would be retained. The proposed works would be consistent with the scope of the works consented to the wider building, which benefits from consent to be converted to a hotel.

The new services would be installed through an internal riser, which at roof level would be concealed behind an existing high parapet. As such, it is considered that their impact would be minimal.

Parts of the application refer to the installation of double glazing and the painting of shopfront pilasters. Double glazing is unacceptable on listed buildings and the shopfront pilasters are white faience and should not be painted. It is recommended that this is dealt with by an amending condition as part of the listed building consent.

In design terms the proposals benefit the Grade II listed building and the surrounding Soho Conservation Area. The application is in accordance with DES 1; DES 5; DES 6; DES 9; DES 10; S 25; S 28 and the NPPF.

Application 3 relates to an internally illuminated advertisement by virtue of the size, location and method of illumination, the proposed advertisements are considered acceptable in design, conservation and townscape terms.

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8.3 Residential Amenity (Daylight Sunlight/ Sense of enclosure)

The plant at roof level would not add a significant bulk to the building and would not adversely impact on the amenity of any of the surrounding residents. This aspect of the application is considered acceptable.

8.4 Transportation/Parking

Service vehicles will use the existing Trocadero service bay located in Rupert Street. It is not considered that the proposed use of the site as a restaurant (Class A3) will have any adverse impact on the public highway..

8.5 Economic Considerations

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

8.6 Access

Level access would be provided into the proposed restaurant from Coventry Street (Application 1) and an accessible WC would be provided at ground floor level. This is considered to be acceptable.

8.7 Waste & Recycling

The restaurant would have access to its own ground floor waste storage area to the east of the Trocadero site, which would accommodate both waste and recycling. Waste would be held at the back of the unit in a temporary store within the restaurant before being transported internally to the designated storage at the rear. It would be collected on a daily basis by a private waste provider via Rupert Street. Details of the refuse provision would have been secured by condition had the application been considered acceptable in land use terms.

8.8 London Plan

The proposal is considered contrary to Policy 2.10 of the London Plan which seeks to support and improve the retail offer of CAZ for residents, workers and visitors and which notes the importance of the West End as a global shopping destination.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The application does not prompt a requirement for an environmental statement.

8.12 Other Issues

Crime and security

The designing out crime officer has commented that the doors should be LPS1175 SR2 rated and fitted with laminated glass to the frontage, it is considered that this could have been secured by condition had the application been recommended for approval.

Plant

The extraction equipment proposed to serve the new restaurant is considered acceptable in amenity terms. The equipment is to be located at a high level and will not affect the occupants of the nearest residential flats. Environmental Health advise that it is unlikely that the operation of the equipment will have any adverse impact in terms of noise or odours.

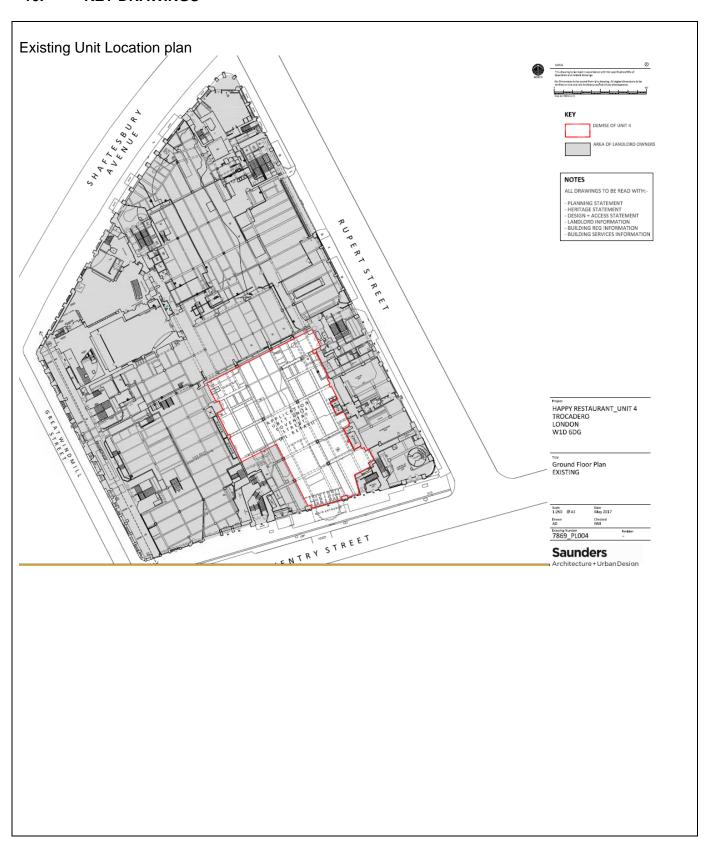
9. BACKGROUND PAPERS

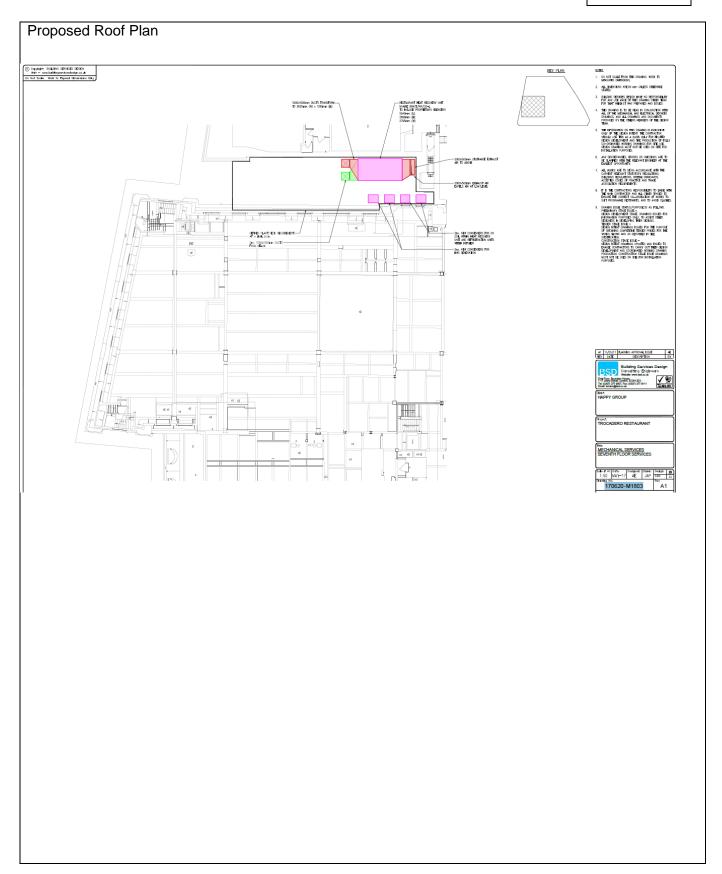
- 1. Application form
- 2. Response from Designing Out Crime, dated 8 June 2017
- Letter from occupier of St Anne's Tower, 55 Dean St, Soho, 55 Dean St, Soho, dated 10 July 2017
- 4. Response from Cleansing dated 14 June 2017 and 3 August 2017
- 5. Response from Highways Planning dated 25 June 2017

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

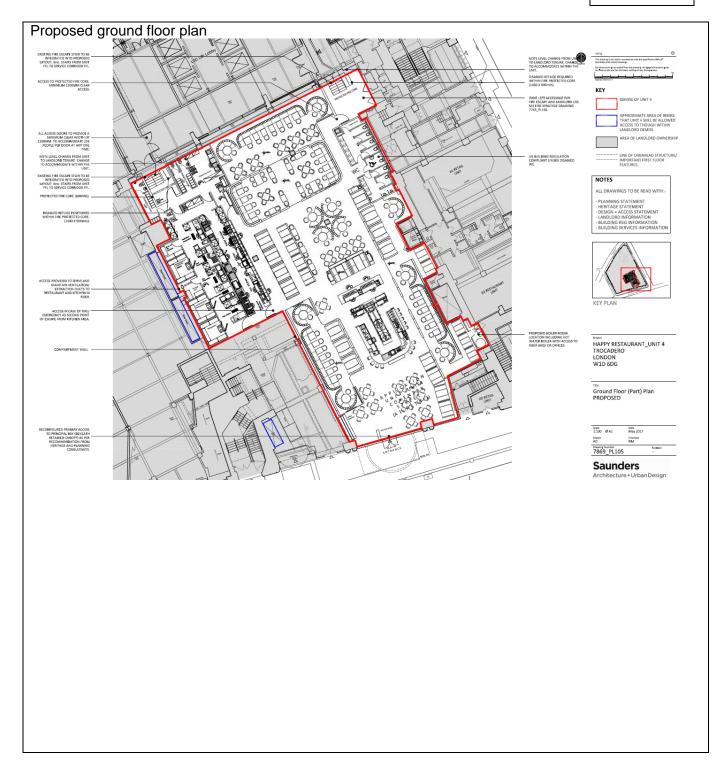
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

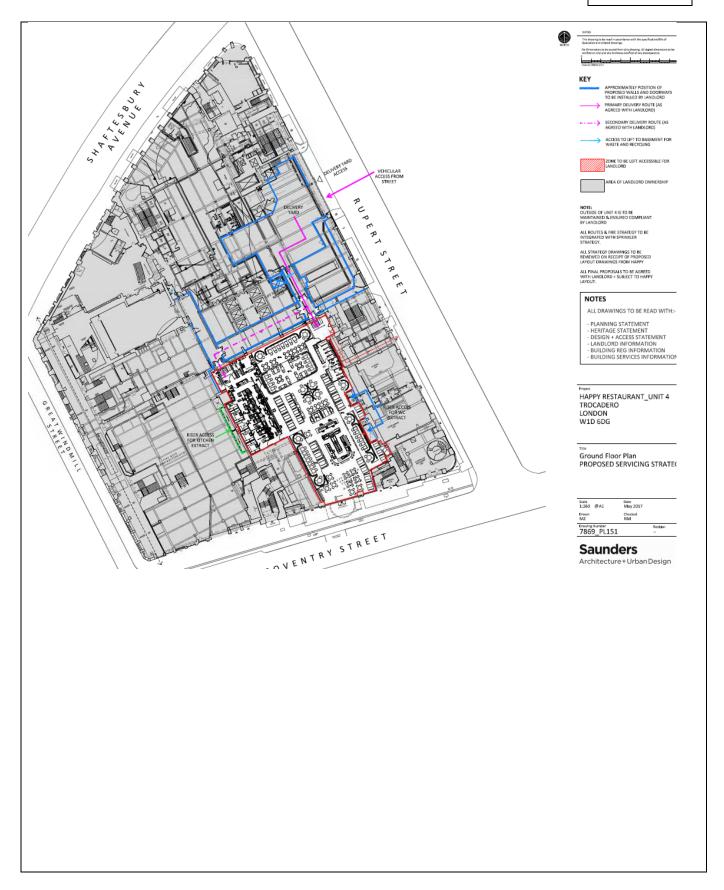


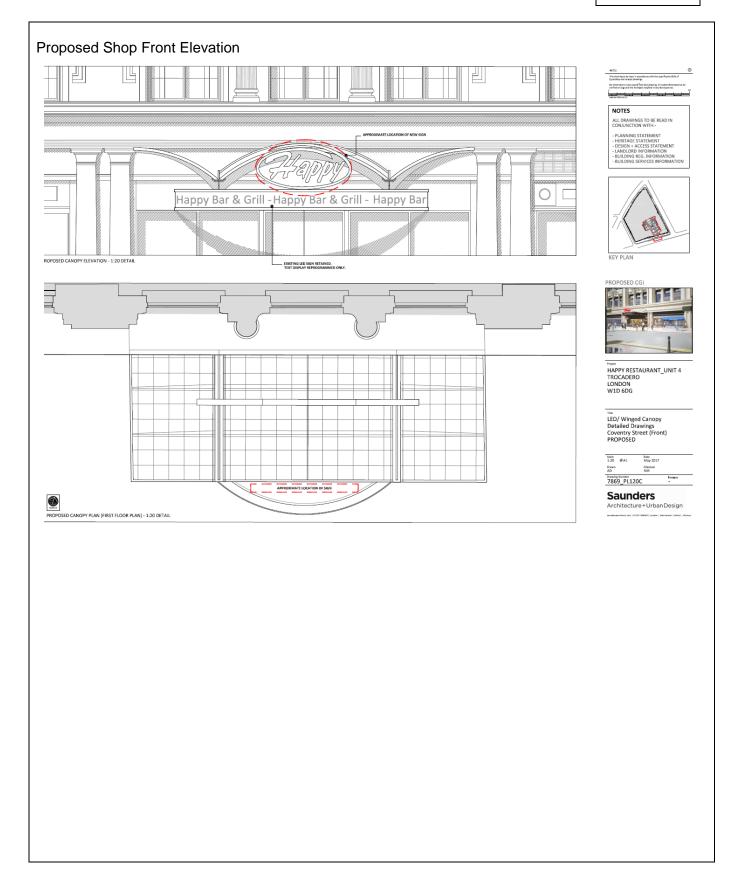


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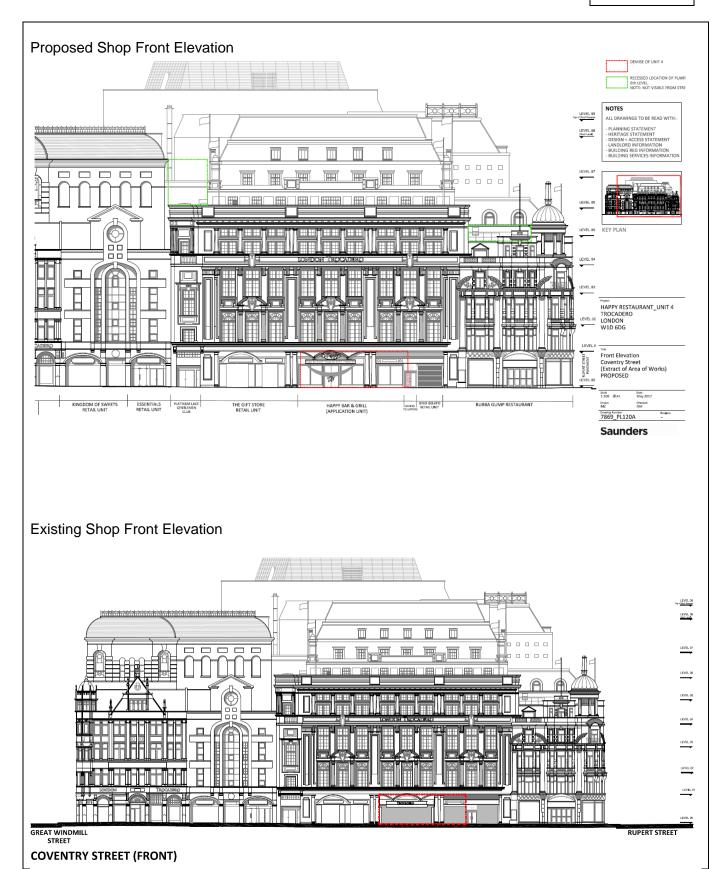


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DRAFT DECISION LETTER

Address: Unit 4, Trocadero, 13 Coventry Street, London, W1W 7DH,

Proposal: Use of ground floor level as restaurant (Class A3) with ancillary takeaway use,

installation of a new shopfront and installation of plant and HVAC at 6th floor level.

Linked to 17/04801/LBC

Reference: 17/04800/FULL

Plan Nos:

APPLICATION 1 & 2

170620 M1801 Rev A1, 170620 M1802 Rev A1, 170620 M1803 Rev A1, 170620

M1804 Rev A1,

7869 PL001,7869 PL004, 7869 PL005, 7869 PL007,

7869_PL011,7869_PL020,,7869_PL020A, ,7869_PL020B, ,7869_PL030,

7869_PL032,

7869_PL104, 7869_PL107, 7869_PL111, 7869_PL120, 7869_PL120A, 7869_PL120B, 7869_PL120C, 7869_PL150, 7869_PL151, 7869_PL170A,

3D102209, Odour Abatement Strategy by BSD ref 170620 Rev P1, Mechanical and Electrical Statement ref 170620 Rev P1, Environmental noise survey and plant noise

assessment report 24318/PNA Rev1 dated 18 May 2017

APPLICATION 3

7869 PL020, 7869 PL020A, 7869 PL020B, 7869 PL120, 7869 PL120A.

7869 PL120B, 7869 PL120C

Case Officer: Gemma Bassett Direct Tel. No. 020 7641 2814

Recommended Reason:

Application 1

Your development would lead to the loss of a large A1 retail unit which would harm the retail character and function of the area. This would not comply with policy S7 or S21 of the City Plan (November 2016) or SS5 of our Unitary Development Plan that we adopted in January 2007. It would also fail to comply with London Plan policy 2.10.

Application 2

1. The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason: For the avoidance of doubt and in the interests of proper planning.

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

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

3. You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site.

Reason:

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

4. You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings.

Reason:

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

5. You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme single glazing to the shop front;. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

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

Application 3

No reason or conditions required.

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.