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BY E-MAIL

Sunday, 19 July 2020

Planning (Major Applications) sub Committee Meeting 21 July 2020
31 - 32 Soho Square, 65-66 Frith Street, 22-25 Dean Street and 10 Chapone Place,
W1D 3AP,

19/04164/FULL

We write with respect to the meeting on the application for the demolition of Twentieth Century House that is to take place on 21 July.

We have read with interest the officers' report but note that while the report:-

reaches the conclusion that the proposed development is within planning guidelines at page 34;

“The principle of demolishing an unlisted, twentieth century commercial building, such as Century House, behind its retained street facades, and creating new office space behind, is not contrary to the City Council's urban design and conservation policies.” ;

yet at no point in the report is the relevant planning guidance from the NPPF or the UDP stated or analysed with respect to the application in any proper detail or, in some cases, even at all.

The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. Registered Charity Number: 1146589 Company Number: 07899282

Relevant planning guidance includes:-

NPPF para 127, 192, 197
WCC UDP DES1, DES6, and crucially, DES9
London Plan 7.4, 7.8

Although brief reference to the Soho Neighbourhood Plan is made this is the least significant of all the guidance that presumably the officers considered. Reference to the statute is cursory.

The relevant guidance from the NPPF is attached - we will not attempt to summarise it beyond saying that it evidences a clear concern to protect non-designated heritage assets such as 20C House.

DES9, the council's own guidance, is not even quoted in the officers' report. The closest officers get is at page 34 para 2 which refers to the presumption against demolition. However DES9 (B) needs to be read in full:-

POLICY DES 9: CONSERVATION AREAS

- (B) Planning applications involving demolition in conservation areas
- 1) **Buildings identified as of local architectural, historical or topographical interest in adopted conservation area audits will enjoy a general presumption against demolition.**
 - 2) Development proposals within conservation areas, involving the demolition of unlisted buildings, may be permitted
 - a) If the building makes either a negative or insignificant contribution to the character or appearance of the area, and/or
 - b) If the design quality of the proposed development is considered to result in an enhancement of the conservation area's overall character or appearance, having regard to issues of economic viability, including the viability of retaining and repairing the existing building
 - 3) In any such case, there should also be firm and appropriately detailed proposals for the future viable redevelopment of the application site that have been approved and their implementation assured by planning condition or agreement.

Although officers accept that 20C house does make a positive contribution to the Soho Conservation Area at no point in the report do we discover whether:-

- (1) officers consider that some part of the proposed scheme "enhances the conservation area's overall character or appearance"
- (2) officers considered that such "enhancement" is due to
 - (i) the new larger modern office building;
 - (ii) the re-development of Chapone Place;

- (iii) the new shops;
 - (iv) the new restaurant;
 - (v) the reference to the herbarium and the use of planters in Chapone Place; or
 - (vi) the pedestrian link between Soho Square and Dean Street
- (3) officers consider refurbishment of the existing building is viable. A point on which the applicant has refused to engage with the Society on 3 or more occasions.

If officers had made these arguments clear in the report it is (extremely) likely objectors would have views and would want members of the committee to be aware of that view before making a decision.

For example, we do not agree that a modern office building, shops or restaurants enhance the historic or architectural interest of the conservation area to justify the demolition of Twentieth Century House. Any improvements to Chapone Place could be achieved without destroying the heritage asset and are of extremely limited historical value - signage and planting that refers to Banks' herbarium. The new pedestrian link will damage the conservation area by adding a retail element to one of London's most historic squares which is still relatively quiet and peaceful. Other properties in the Square have been successfully refurbished and let at viable rents.

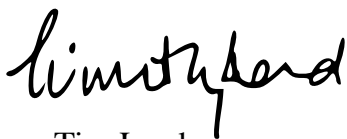
However the committee is not properly appraised of these arguments because the report does not set out the relevant policy guidance or the reasoning as to how the officers' reached their conclusion.

The committee appears to be in the invidious position on Tuesday of being asked to decide the application without the benefit of seeing:

- (1) the relevant policies that apply to this application to demolish an undesignated heritage asset in the conservation area - including the council's own policy on this point;
- (2) the officers reasoning in applying both NPPF and UDP policy to the application which is almost entirely absent from the report; and
- (3) objectors responses to that reasoning either in writing or at the meeting.

In these circumstances we don't see how the committee can proceed to a decision on Tuesday which is procedurally fair as objectors have had no proper opportunity to comment on the officers' reasoning - reasoning which remains entirely opaque and insufficient.

Yours faithfully



Tim Lord
Chair of the Soho Society

TWENTIETH CENTURY HOUSE - 31-32, SOHO SQUARE, 65-66, FRITH STREET, 22-25, DEAN STREET, AND 10, CHAPONE PLACE, SOHO, LONDON, W.1.

COMMENTS ON THE OFFICERS' REPORT TO THE MEETING OF THE PLANNING APPLICATIONS SUB-COMMITTEE SCHEDULED FOR THE 21st JULY, 2020

These comments are based on a careful reading of the officers' report on the application for Planning Permission for the demolition and redevelopment of Twentieth Century House behind partly retained street-elevations and the redevelopment of adjoining buildings recently made available for public scrutiny. They focus specifically on Section 8.2 of the report, headed 'Townscape and Design' (but not – significantly - 'Conservation').

Most regrettably, this fundamentally relevant part of the officers' report reflects an unsound and substantially unbalanced position on the important conservation and urban design aspects of the proposals on the part of officers, leading to the highly questionable recommendation of approval for a scheme which includes key features which will seriously harm the significance of both designated heritage assets, such as the Soho Conservation Area and a non-designated heritage asset - Twentieth Century House – as well as damaging the settings of nearby listed buildings – all contrary to relevant national, London-wide and local planning policies.

Policy matters:

In referring to the national planning policies contained in the *National Planning Policy Framework (NPPF)*, officers summarise in only the briefest terms the highly relevant, seven paragraphs in the policy document. Members are not being advised of the particular relevance of all seven policies contained in paragraphs 127.c, 130, 193, 194, 195/196 or 197. Similarly, members are not being advised of the particular relevance of Policies, DES 1 (A), DES 2 (E) and (F), DES 5 (A), DES 6 (A)(1) and (4) and (B)(1),(2) and (3), DES 9 (1) and (2)(b) and DES 10 (D) of the *City of Westminster UDP* of January, 2007. Importantly, key aspects of the proposals are in fundamental conflict with these national and local planning policies. In addition, officers fail to refer to highly relevant, London-wide planning policies contained in the *London Plan* - namely Policies 7.4 (B) relating to respecting local character, and 7.8 (D) relating to conserving the significance of heritage assets.

Officers state that 'the principle of demolishing an unlisted, twentieth century commercial building, such as Century House (sic), behind its retained (sic) facades, and creating new office space behind, is not contrary to the City Council's urban design and conservation policies', whereas, it is clearly contrary to the 'general presumption' contained policy DES 9 (B) relating to proposals for the demolition of unlisted buildings identified as of local architectural, historical or topographical interest in adopted conservation audits, such as Twentieth Century House. In responding to the expressed concerns of the Soho Society, officers state that 'the current proposals for partial demolition and redevelopment are considered, in principle, to be compliant with the City Council's policies and approach to such commercial buildings'. As noted above, they are NOT compliant.

Officers rightly acknowledge that 'This is a highly controversial scheme'; that 'the revised proposals address many of the objections raised by officers to the original scheme, although they do not address the concerns of a large number of objectors'; that 'the revised scheme will still cause (less than substantial) harm to the character and appearance of the Soho Conservation Area'; that 'the scheme does not comply with some (sic) of the policies in the draft Soho neighbourhood Plan', but then go on to claim controversially that 'overall the scheme includes public benefits which will outweigh that harm' and that 'taken as a whole it is considered to comply with the City Council's urban design and conservation policies' and 'the *NPPF*'.

Officers clearly justify their position on the view that the 'harm' effected by the proposals on the character, appearance and significance of the Soho Conservation Area is 'less than substantial' – to use the term used in the *NPPF*. However, taken overall, the proposals will cause 'substantial harm', not only to the significance

of the conservation area as 'a designated heritage asset' – to use the term used in the *NPPF*; but as importantly, to the significance of Twentieth Century House as a 'non-designated heritage asset' contrary to paragraph 197 of the *NPPF*. On this basis, the potential public benefits of the proposals need to be 'substantial' and sufficient to outweigh the substantial harm to the significance of both the Soho Conservation Area AND Twentieth Century House in order to accord with paragraphs 195 and 196 of the *NPPF*.

Omissions:

Importantly, officers fail to advise the committee that Twentieth Century House has been formally identified as a 'Building of Merit' in the *Soho Conservation Area Audit*. (However, they do acknowledge that the building makes a positive contribution to the Soho Conservation Area). Importantly, officers fail to advise members of the Committee, that as such, the building may be considered as a 'non-designated heritage asset' for the purposes of the policy considerations in the *NPPF* or of the highly relevant policy relating to such assets at paragraph 197 of the *NPPF*.

Officers fail to respond adequately to the concerns expressed by the Soho Society regarding the potentially damaging impact of the upward stretching of Twentieth Century House at fourth floor level on the particular significance of Twentieth Century House, or of the excessive bulk and damaging profile of the development at roof level on the particular architectural integrity, townscape value and significance of Twentieth Century House or on the character, appearance and significance of the Soho Conservation Area or the settings of nearby listed buildings. Such deficiencies are merely dismissed as 'relatively small' and 'acceptable in principle'. The officers claim that that 'the new build elements of the scheme are generally acceptable in urban design and conservation terms' suggests a serious lack of sound judgement on the part of the officers.

Conclusion:

The substantial deficiencies contained in the officers' report identified above bring into serious doubt the soundness of the officers' recommendation to approve the scheme as presently submitted.