

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 6 <sup>th</sup> February 2024	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	1 Leicester Place, London, WC2H 7BP		
<b>Proposal</b>	Use of the basement and ground floors as a mix of casino and either retail and/ or restaurant (sui generis) within a single unit; shopfront alterations at ground floor level; and other associated external alterations.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Soho Estates Ltd		
<b>Registered Number</b>	23/07010/FULL	<b>Date amended/ completed</b>	9 October 2023
<b>Date Application Received</b>	9 October 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Leicester Square		
<b>Neighbourhood Plan</b>	Not applicable		

**1. RECOMMENDATION**

Grant conditional planning permission.
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**2. SUMMARY & KEY CONSIDERATIONS**

<p>1 Leicester Place, known as Queen’s House, is a prominent building fronting Leicester Square. It is located within the Leicester Square Conservation Area, West End Retail and Leisure Special Policy Area (WERLSPA) and the Central Activities Zone (CAZ). The basement is currently in use as a Casino (Sui Generis), and until recently the ground floor was in restaurant use (Class E), however, following its recent closure it has been in use as temporary retail kiosks. A hotel (Class C1) and nightclub (Sui Generis) are located on the upper floors. The current application relates to the basement and ground floor units only.</p> <p>Planning permission is sought to combine the basement and ground floors to create a single planning unit, that would constitute a sui generis use, with a casino at basement level and either</p>
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restaurant or retail use at ground level. The proposals also include the removal of the current casino entrance canopy and new doors to match the others within the frontage.

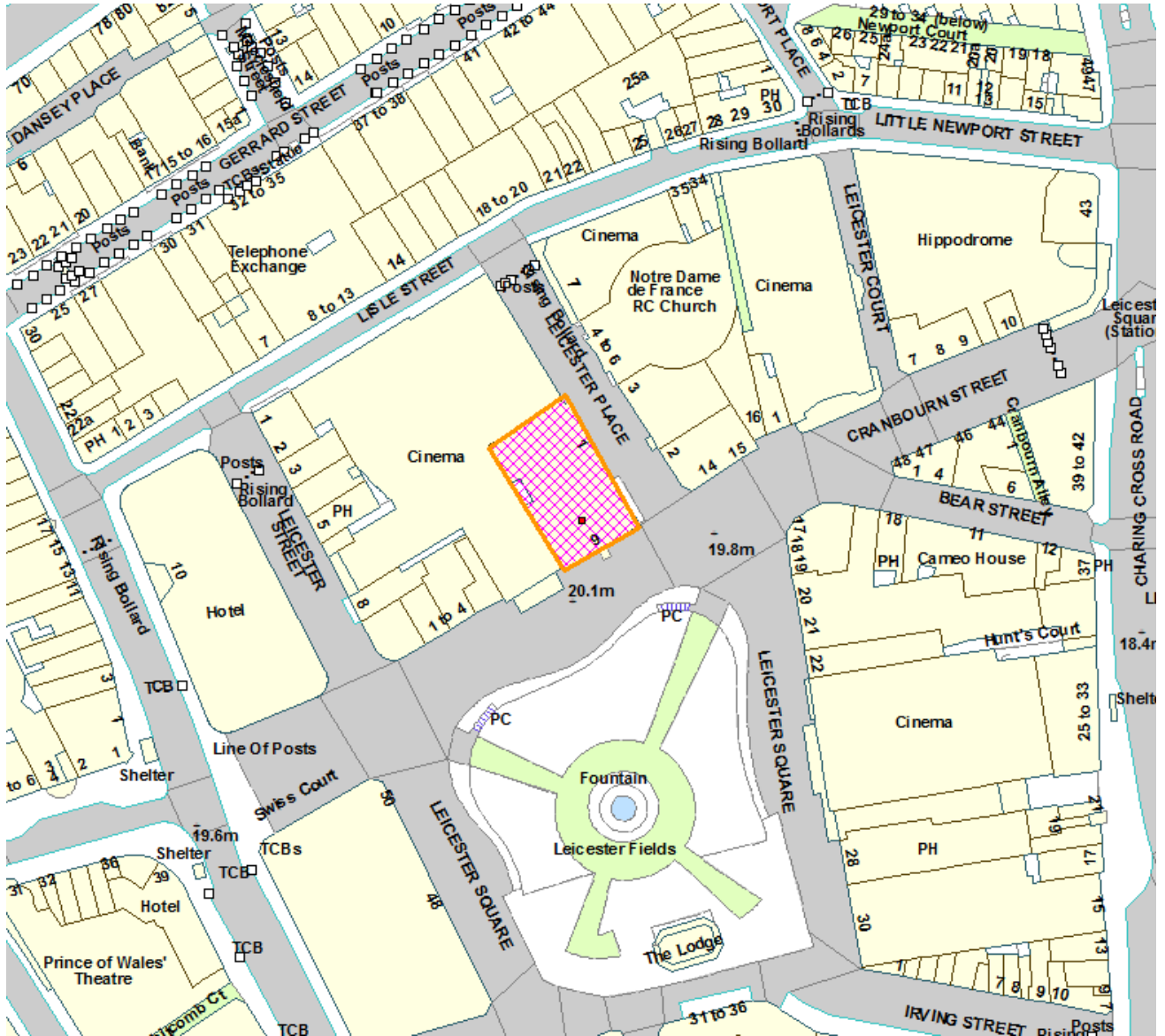
Objections have been received from the current casino operator (Horizons Casino), Leicester Square Association, London Chinatown Chinese Association, the UK Chinese Sports Federation, Chinese Community Centre and 20 members of the public on the grounds that the proposal will result in the loss of the current casino and operator, which is valued by the local community and it will be harmful to the night-time economy and the diversity of uses in the area.

The key considerations in this case are:

- The acceptability of the proposed Sui Generis use in land use terms.
- The impact of the proposed alterations on the character and appearance of the building and Leicester Square Conservation Area.
- The impact on the amenity of neighbouring residential properties and the general amenity of the area.

The proposed mixed use (sui generis) will retain a casino at basement level and either retail or restaurant use at ground floor level, thereby ensuring a night-time venue is retained on the site, as well as a ground floor use which will serve visiting members of the public with an active street frontage. It is therefore considered that the proposal will contribute positively to the diversity of uses within the area and with the conditions recommended the proposed development is acceptable in land use, design, amenity and highways terms and would accord with the relevant policies within the City Plan (April 2021).

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Current retail use



Previous restaurant use

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### SOHO SOCIETY

Any response to be reported verbally.

#### LEICESTER SQUARE ASSOCIATION

Write in support of Horizons Casino who are a good and caring neighbour.

#### DESIGNING OUT CRIME

No objection. Recommend conditions to ensure the development meets Secure by Design accreditation.

#### UK POWER NETWORKS

Any response to be reported verbally.

#### HIGHWAYS PLANNING

Recommend conditions to secure cycle parking, restrict the retail use to exclude supermarket retail and to secure a revised Servicing Management Plan.

#### ENVIRONMENTAL SCIENCES

No objection. Recommend conditions to control hours of use, a full Operational Management Plan once the occupier is known and details of any plant equipment and noise levels that may be required for the restaurant use.

#### WASTE PROJECTS

Condition required to secure a revised plan showing waste storage including provision for cooking oil.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40

Total No. of replies: 23

No. of objections: 23

No. of support: 0

Letters of objection have been received from the current occupier, Horizons Casino, The London Chinatown Chinese Association, UK Chinese Sports Federation, The Chinese Community Centre and 20 members of the public on the following grounds:

#### Land use

- The proposal would result in the loss of the existing casino, causing harm to the diversity of uses within the area and a valued night-time economy venue.
- Horizons is a smaller, more intimate casino which caters to a mature and local clientele compared to the larger casinos within the area which target a more tourist customer base. Therefore, it would result in the loss of a venue well used by the local community whilst it would also be harmful to the variety of casino offerings.
- Given the smaller nature of the casino, it has a significant, long-term clientele base who have been members for many years and the casino is also used as a space for family and friends to socialise.

- The existing casino has close links with the Chinese community and is considered a cultural venue within the area, a link which cannot be replicated by larger casinos.
- The application could result in the loss of casino floorspace and that in reality the application seeks to reduce the casino use of the site to be predominantly retail or restaurant led.
- There is already an abundance of retail and restaurant offerings and floorspace within the area.
- Given the size of the current operator and its segment within the sector, it would be unviable to find an alternative location to operate from, so it is vital Horizons is able to remain in its current location.

#### Other

- The viability of the proposed use is questioned as the proposed layout may not satisfy gambling licence operational requirements.
- The proposed spiral staircase means that the casino facilities and machines would be visible to minors using the ground floor restaurant/ retail.
- Horizons are a significant local employer, with over 120 staff, who could lose their jobs, harming local employment opportunities.
- The operator has close links with the Chinese community donating annually to supporting local community and sports projects.
- If permission were to be granted, Horizons should have ability to stay in the unit and applicant should commit to alternative temporary premises during construction.

PRESS NOTICE/ SITE NOTICE: Yes.

## 5.2 Applicant's Pre-Application Community Engagement

The Council's Early Community Engagement Guidance (February 2022) encourages developers to communicate with local stakeholders and communities through online or leaflet methods. Given the proposals relate to a change of use without creating additional floorspace, the applicant did not indicate that they have carried out Early Community Engagement prior to submission of the application.

However, it should be noted that the current application follows a withdrawn application which was submitted in June 2023 (RN: 23/03899/FULL) which proposed an enlarged Class E unit across basement and ground floor, with no replacement casino use. Over 118 letters of objection were received to the proposed loss of the casino use and more specifically, Horizon's Casino operator, as it was considered harmful to the night-time economy, diversity of uses within the area and loss of a local facility well used by the community. The current submission seeks to respond to these objections by retaining a casino use within the site.

## 6. WESTMINSTER'S DEVELOPMENT PLAN

### 6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in

the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

## **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

# **7. BACKGROUND INFORMATION**

## **7.1 The Application Site**

1 Leicester Place, known as Queen's House, is a prominent corner building with a frontage to Leicester Square. It is not listed, but lies within the Leicester Square Conservation Area, the Central Activities Zone (CAZ), West End Retail and Leisure Special Policy Area (WERLSPA) and the West End Strategic Cultural Area (WESCA).

The building comprises basement, ground and eight upper floors and is in use as a Casino (Sui Generis) at basement level, retail use as ground floor level (Class E) (formally restaurant use until the restaurant occupier recently vacated) with a nightclub (Sui Generis) at part first and second floor level and a hotel (Class C1) on the upper floors.

This application relates to the ground and basement levels only which front Leicester Square. The casino at basement level and retail/restaurant floorspace at ground floor level are currently two separate units, each with their own entrance.

## **7.2 Recent Relevant History**

85/04338/FULL

Use of basement, part ground and rear ground mezzanine as a casino.  
Application permitted 21 February 1986

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96/05053/FULL

Change of use from Class B1 office use to Class A3 restaurant use on mezzanine floor with extract ducting in the rear lightwell.

Application permitted 3 October 1996

96/09521/FULL

Use of first floor and mezzanine level for Class A3 restaurant use.

Application permitted 24 April 1997

10/08827/FULL

Use of part ground floor, part second floor and third to eighth floors as a 84-bed hotel (Class C1) with hotel restaurant at second floor level; insertion of dormer windows at eighth floor level and installation of plant with acoustic screen at main roof level.

Application Permitted 27 January 2011

11/03882/NMA

Amendments to planning permission dated 27 January 2011 (RN: 10/08827) for use of part ground floor, part second floor and third to eighth floors as a 84-bed hotel (Class C1) with hotel restaurant at second floor level; insertion of dormer windows at eighth floor level and installation of plant with acoustic screen at main roof level, namely install one dormer window at sixth floor level.

Application Permitted 18 May 2011

This application was amended by two non-material amendment applications (RN: 11/03882/NMA and ref. 11/07466/NMA), on 18 May 2011 and 31 August 2011 respectively. These amendments permitted the installation of one dormer window at sixth floor level, the reconfiguration of plant equipment at rooftop level and installation of a new extract duct.

20/02500/FULL

Installation of new replacement plant at roof level and associated ducting to serve ground floor restaurant (Site includes roof level of 1 Leicester Place).

Application Permitted 1 June 2020

23/03899/FULL

Use of the basement and ground floor as either a retail and or restaurant unit (Class E), shopfront alterations at ground floor level and associated external alterations.

Application Withdrawn 9 January 2024

## 8. THE PROPOSAL

Planning permission is sought to amalgamate the basement and ground floors to create a single planning unit, that would constitute a sui generis use, with a casino at basement level and either restaurant or retail use at ground floor level, connected by an internal spiral staircase. The proposals include the removal of the current casino entrance and canopy and new doors to match the others within the frontage.



**Table: Existing and proposed land uses.**

Land Use	Existing GIA (sqm)		Proposed GIA (sqm)	+/-
Casino (Sui Generis)	666		0	- 666
Restaurant (Class E)	446		0	- 446
Combined Casino, Retail/ Restaurant (Sui Generis)	0		1,112	+ 1,112

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Policy Context

Policy 2 of Westminster's City Plan seeks to ensure a 'diverse evening and night-time economy and enhanced cultural offer' within the West End Retail and Leisure Special Policy Area whilst requiring decision-making to ensure the 'protection of the unique character of central London's distinct and iconic places'.

Paragraph 2.9 explains that 'the West End is home to the largest evening and night-time economy in the UK with a wealth of cultural uses, pubs, bars, restaurants, nightclubs, cinemas, theatres and other leisure uses' and that 'to ensure the area is welcoming and attractive to all communities, the appropriate management and further diversification of the evening and night-time economy will be supported.'

Similarly, policy HC5 of the London Plan requires decision-making to 'promote the night-time economy... in the Central Activities Zone, strategic areas of night-time activity, and...where public transport such as the Night Tube and Night Buses are available' and 'protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues'. Supporting paragraph 7.5.5 recognises the importance that such night-time economy venues can have as cultural assets and community spaces including for different groups of people (such as young people, BAME groups and the LGBT+ community).

Policy 15 of the City Plan 'Visitor economy' seeks to '*maintain and enhance the attractiveness of Westminster as a visitor destination, balancing the needs of visitors, businesses and local communities*' and states that '*all existing arts and cultural uses and uses of cultural significance will be protected and proposals for enhancement will be supported in principle*', recognising that '*The West End Strategic Cultural Area (SCA) has one of the largest clusters of cultural and entertainment uses in the country*'.

Policy 16 of the City Plan 'Food, drink and entertainment' supports proposals for food, drink and entertainment uses where they are of a type and size appropriate to their location. However, the policy also states that such proposals may be resisted where an over-concentration of such uses could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the centre.

## **Proposed Casino & Restaurant or Retail (Sui Generis) Use**

Leicester Square, within the WERLSPA and WESCA, is an iconic area characterised by its diverse mix of leisure, cultural and entertainment uses including a variety of theatres, cinemas, pubs, clubs, restaurants and casinos.

As aforementioned, the basement currently operates as a casino (sui generis) and the ground floor as a Class E use. The proposals would see these two units amalgamated, connected internally by a central spiral staircase, and operated by a single operator with a shared main entrance, with casino floorspace at basement level and either restaurant or retail floorspace at ground floor level (sui generis).

An objection from the current operator, Horizons Casino, has questioned why planning permission is required, given that the proposals would see the basement retained as casino floorspace, and considers that the current proposals are a means of converting the existing use into a retail or restaurant led development, resulting in the loss of the casino as a meaningful use and venue.

In planning terms, given that the two units currently operate independently of one another, they are of two distinct, separate uses. As the proposals would see the two units amalgamated and operated by a single operator, they would become a unique use with a mix of casino, restaurant and retail floorspace with a single entrance, and operationally entwined. As such this would result in a material change of use of the premises, which would not fall into any defined use class, thus it would be considered 'sui generis' across the basement and ground floor unit.

The Objectors describe the nature and size of the current basement casino and its operator, as smaller and more intimate in nature when compared to other casinos within the area, therefore serving a more local clientele rather than a more tourist or visitor focused customer base. The comments also note that Horizons Casino has close links with the Chinese community and serves as a place for local communities and family members to meet and socialise. As such, they argue that the current casino provides a diversity within the casino sector itself and in turn within the wider night-time economy and cultural uses within this part of the West End and that if permission were to be granted this would result in the loss of an important local venue to the local community.

The current proposals would retain a casino use on the site. The proposed hours of use would allow the casino to operate to the same hours as the current casino (midday until 6am daily). The draft Operational Management Plan (OMP) outlines how the casino and restaurant/retail operations would function in tandem, noting that the basement casino use would still be accessible via the main entrance and connecting spiral staircase when the ground floor restaurant/retail unit is not open to customers.

The floorspace of the proposed casino will be equivalent to the existing Casino (665sqm) and it is recommended that this is secured by condition to ensure that it continues to contribute to the character and function of Leicester Square, WERLSPA and the wider night-time economy.

Objectors have raised concerns that minors using the restaurant space at ground floor level may be able to view the casino functions at basement level through the spiral staircase, which would breach gambling license requirements. These are issues controlled by the relevant licensing regime, however, the staircase would be designed to prevent such views. The draft OMP confirms that access via this staircase to the basement casino area would be controlled and managed by staff. A condition is recommended to secure a full OMP for approval once an operator has been identified to secure the proposed management measures and to protect residential amenity and local environmental quality.

The objectors also seek controls to ensure that Horizons Casino have the first right of refusal and measures to ensure that the grant of planning permission would not result in the operator being displaced. The NPPF is clear that it is rarely appropriate to use planning conditions for personal permission to an individual, company or group of people. Planning legislation does not allow the protection of a particular operator and a decision made on this basis would be unlikely to be successfully defended against any challenge brought against it. It should also be noted that the existing operator on the current site could change at any time without the need for planning permission, provided the use as a casino was maintained. It would therefore be unreasonable to withhold permission on the basis of the possible loss of the current operator at the site. Notwithstanding this, the same quantum of casino floorspace will be maintained at basement level and should planning permission be granted, it does not necessarily mean Horizons will be displaced – this will be a matter for agreement between the operator and landowner, which is beyond the remit of planning.

The inclusion of a restaurant or retail offering at ground floor level will retain a use which will serve visiting members of the public and an active street frontage. Should a restaurant use occupy the ground floor, conditions are recommended to restrict the hours of opening to between 0700 and 0100 and it will be subject to the OMP. It is proposed to utilise the existing ventilation and extraction equipment and an informative is attached that further permission would be required for any new or additional plant equipment.

Given that the same land uses will be retained on the site, albeit within one composite use, the proposal will continue to contribute positively to the character and function of Leicester Square, WERLSPA and the night-time economy, and is considered acceptable in land use terms, in accordance with policies 2, 15 and 16 of the City Plan and HC5 of the London Plan.

## **9.2 Environment & Sustainability**

### **Sustainable Design & Energy Performance**

Policies 36 and 38 of Westminster's City Plan requires developments to be designed to reduce energy demand and to incorporate sustainable design measures. Westminster's 'Environmental Supplementary Planning Document' (February 2022) provides support for measures to improve energy efficiency of existing buildings.

The proposals involve a change of use with a gross internal area of approximately 1,112 sqm, therefore a condition is recommended to secure a BREEAM Pre-Assessment to be undertaken. This will ensure that the development is designed to be as energy efficient as possible with sustainable design principles to improve the energy efficiency and performance of the building.

### 9.3 Biodiversity & Greening

Policy 34 of the City Plan seeks to encourage developments to contribute to the greening of Westminster through the provision of trees, green walls, green roofs and other green features where possible and increase biodiversity.

Given the proposal relates to an existing building which does not have external space and a limited ground floor commercial frontage, there are limited opportunities in this instance to incorporate urban greening measures into the design. Therefore, whilst the proposals do not include such measures, in this circumstance and instance it is considered acceptable.

### 9.4 Townscape, Design & Heritage Impact

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Given the proposals relate to alterations and extension of a building within the Leicester Square Conservation Area the proposals are considered within the context of policies 38, 39 and 40 of Westminster’s City Plan (April 2021).

The building lies within the Leicester Square Conservation Area, and whilst unlisted, the building has a decorative and symmetrical façade which makes a positive contribution to the character and appearance of the area. The proposals relate primarily to the change of use of the basement and ground floor levels. Externally, it is proposed to remove the current casino canopy and ensure the current casino entrance is made good to match the existing ground floor openings within the frontage. This would provide a uniformity to the ground floor façade enhancing its appearance.

The proposals would not harm the character or appearance of the conservation area or host building and are therefore considered acceptable in design terms and in line with relevant policy and planning guidance and the statutory duties set out in s. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Designing Out Crime Officers have recommended a condition to require Secure by Design Accreditation. Given the nature of the proposed use and to ensure access is

controlled and securely managed, such a condition is recommended. An informative is also recommended to remind the applicant that any new signage may require separate advertisement consent.

## 9.5 Residential Amenity

The proposed uses would be similar in nature to the existing, confined to the basement and ground floor level with no significant external manifestations. Therefore, the proposals would raise no issues in terms of loss of light, privacy or sense of enclosure to surrounding occupiers.

### Noise & Vibration

Policies 7 and 33 of the City Plan requires developments to be neighbourly and designed to ensure that proposals will not adversely affect the local environment in terms of noise and odours.

Environmental Sciences have noted that if the premises are to be used as a restaurant, details of ventilation and extraction equipment may be necessary. It is noted that the previous restaurant occupier used plant equipment approved in June 2020 (RN: 20/02500/FULL) and it is understood this equipment could be re-used by future occupiers. However, an informative is recommended to remind the applicant that should any additional or new plant equipment or ductwork be required, this would require further planning permission.

The proposed use would not be dissimilar in its noise impact to the current use. The submitted draft OMP outlines measures to protect the area from disturbance and a further condition is recommended to secure a full OMP for any future occupier.

With the recommended conditions the proposals are unlikely to result in any harm to the amenity of the area and are considered acceptable in this regard.

## 9.6 Transportation, Accessibility & Servicing

### Servicing and Waste & Recycling Storage

Policy 29 of the City Plan outlines that servicing, collection and delivery needs should be fully met within a development site whilst policy 37 requires new developments to provide dedicated waste storage facilities for separate waste streams.

The proposals are supported by a Servicing Management Plan (SMP) which will minimise the impact of the proposed development upon the highway network, particularly pedestrians and cyclists. Highways Planning have noted that there is currently a small off-street internal holding area but that it does not appear large enough for waste collection. Given the proposed use will have similar servicing requirements as the existing uses, it is not considered reasonable to require a larger holding area in this instance. Given supermarket uses would create a significantly more intense servicing requirement, a condition is recommended to exclude supermarket retail from the retail element of the proposed use.

Whilst the proposed plans indicate dedicated waste storage areas, the Waste Project Officer has note that no provision is made for waste cooking oil storage and a condition is therefore recommended to secure revised waste storage details.

**Cycling & Cycle Storage**

Policy 25 of the City Plan seeks to promote and prioritise walking and cycling as a sustainable method of transport and requires provision of dedicated cycle parking. The submitted drawings show a cycle storage area for 5 bikes. However, 7 long-stay cycle parking spaces are required. A condition is therefore recommended to secure revised details for cycle parking to meet requirements.

**Accessibility**

Policies 25 (B) and 38 (C) seek to create inclusive and accessible places. The proposal includes a new lift between the basement and ground floor level and flex steps to the ground floor entrance, which will enable access for those with mobility impairments to all uses within the development. This would be an improvement beyond the existing situation and would ensure that the proposed use would be accessible and inclusive for those with mobility needs. A condition is recommended to secure these arrangements.

**9.7 Economy including Employment & Skills**

The development is of insufficient scale to require an employment and skills plan. Given that the quantum of floorspace remains as existing and given the nature of the proposed uses, this will likely create a similar level of employment and jobs as the existing uses on the site.

**9.8 Other Considerations**

None.

**9.9 Environmental Impact Assessment**

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

**9.10 Planning Obligations & Pre-Commencement Conditions**

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

**10. Conclusion**

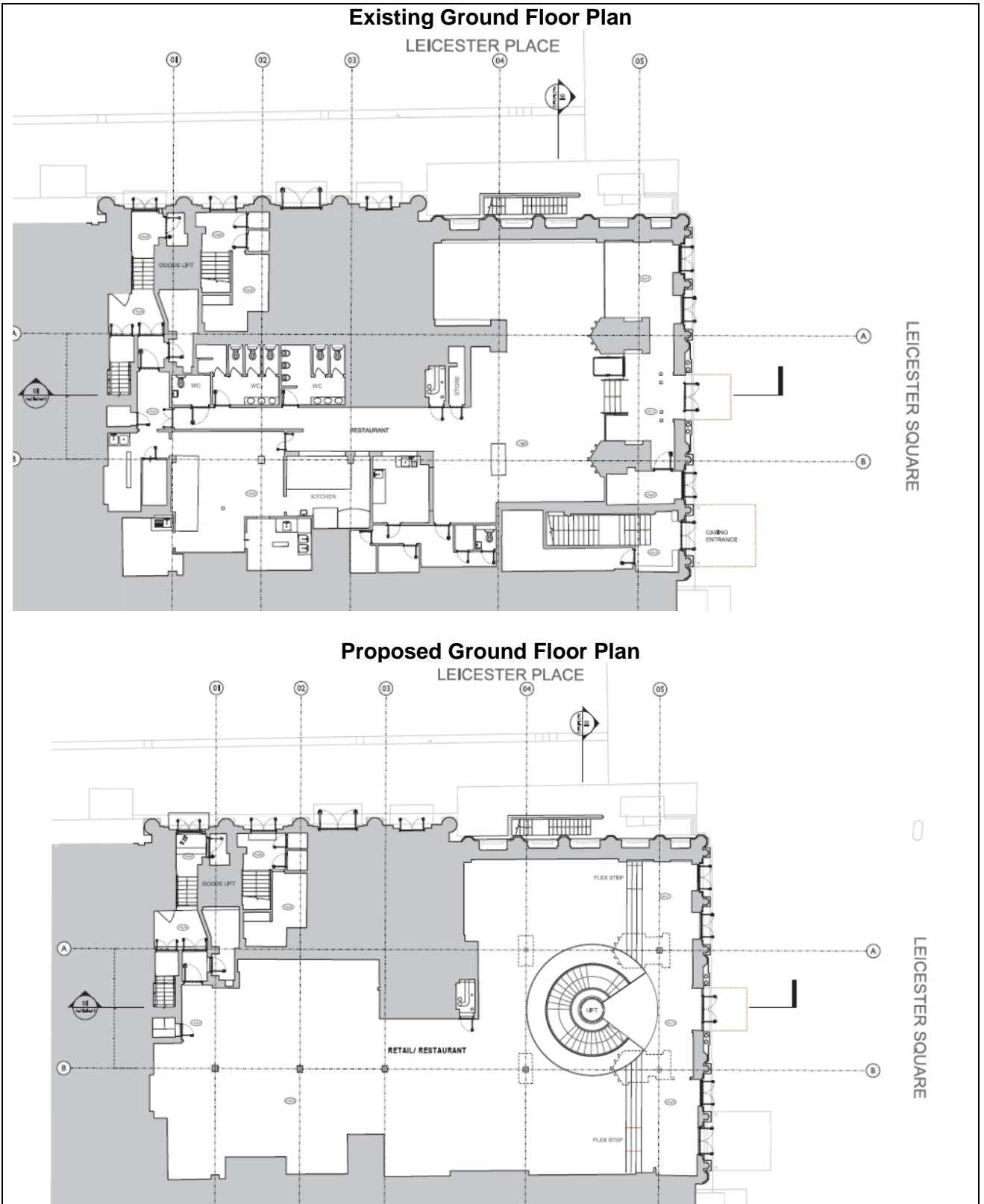
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

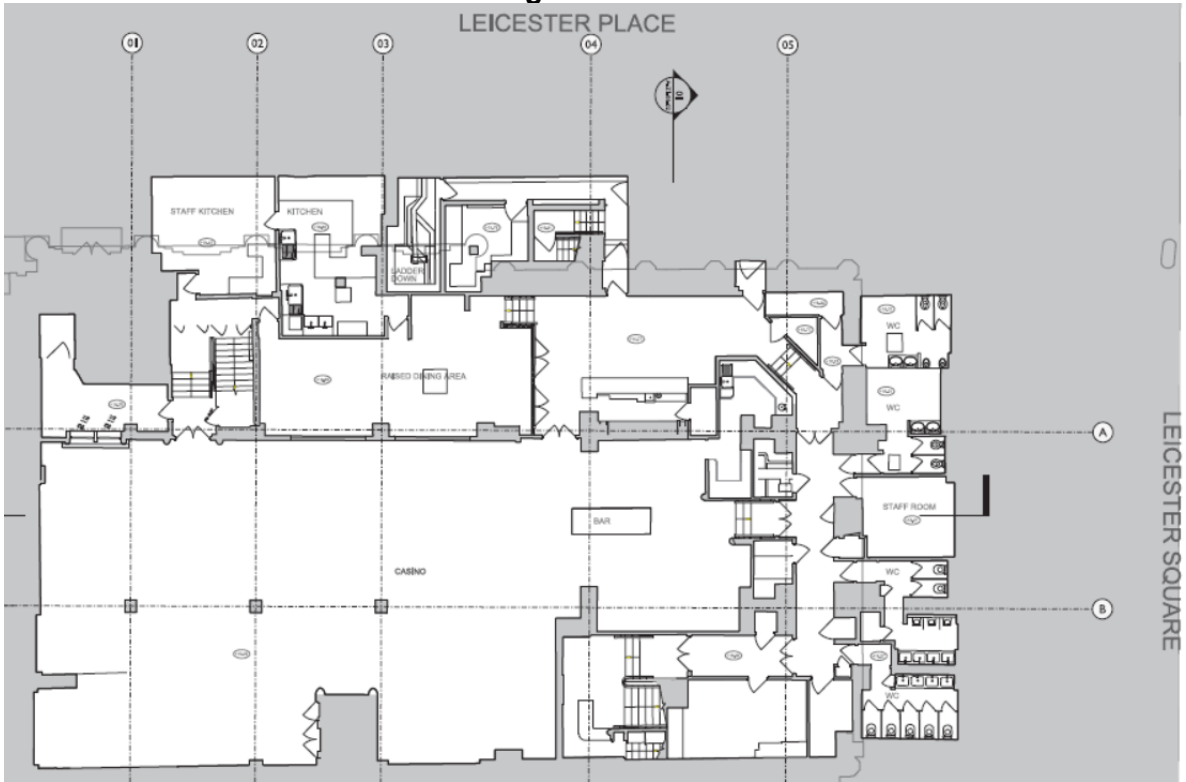
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT <a href="mailto:jasghar@westminster.gov.uk">jasghar@westminster.gov.uk</a>
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11. KEY DRAWINGS

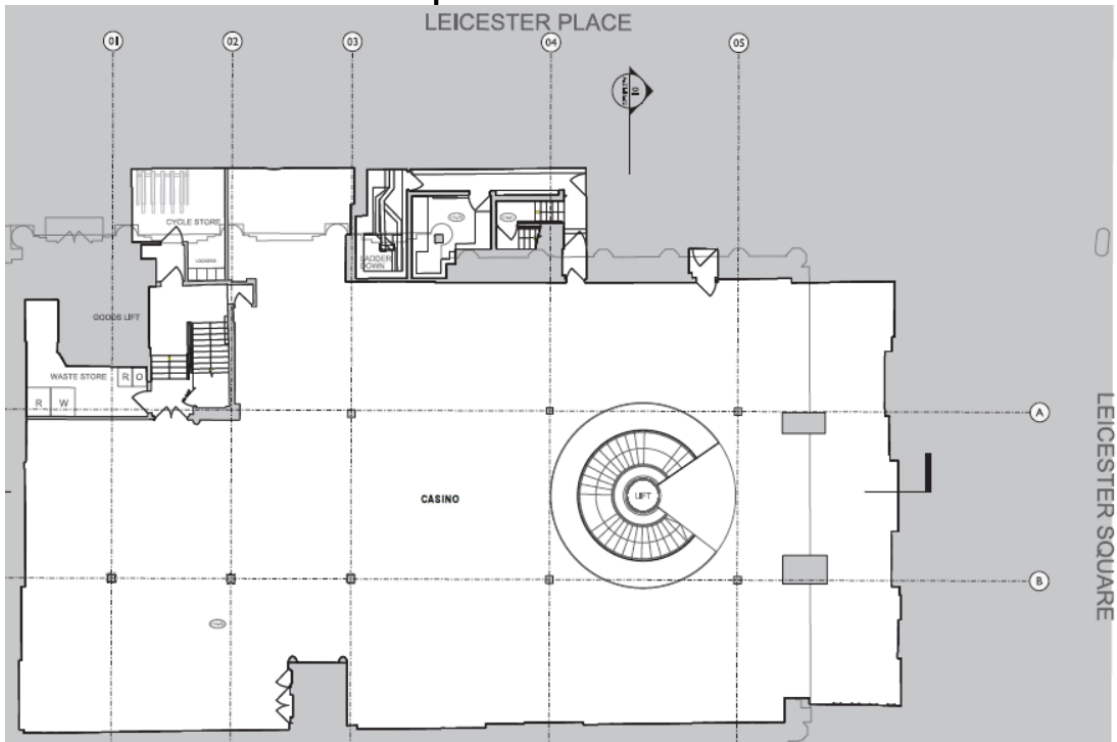




### Existing Basement Plan



### Proposed Basement Plan



**Existing Front Elevation**



Area to be demolished and re-built

**Proposed Front Elevation**



Item No.
2

## DRAFT DECISION LETTER

**Address:** 1 Leicester Place, London, WC2H 7BP

**Proposal:** Use of the basement and ground floors as a mix of casino and either retail and/ or restaurant (sui generis) within a single unit; shopfront alterations at ground floor level; and other associated external alterations.

**Reference:** 23/07010/FULL

**Plan Nos:** 028-A-07-01 B; 028-A-10-10 A; 028-A-10-09 A; 028-A-17-01 B; 028-A-11-10 A; 028-A-11-09 A; 028-A-00-00 A., , For Further Information;, Design & Access Statement dated October 2023; Cover Letter dated October 2023 ref. GBR/KFO/U0023786; 1 Leicester Place - Operational Management Statement; 1 Leicester Place Servicing Management Plan dated October 2023.

**Case Officer:** Jonathon Metcalfe

**Direct Tel. No.** 020 7641  
07866038118

### Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , onot at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies

unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Leicester Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 Customers shall not be permitted within the ground floor restaurant or retail premises before 07:00 or after 01:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 5 You must apply to us for approval of an operational management plan (OMP) to show how the new sui generis use will be managed and how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. The OMP shall include a code for the effective and prompt handling of complaints by local residents in relation to activities related to the operation of the approved uses. You must not start the uses until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the basement and ground floor are in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 6 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the sui generis use. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 7 You must apply to us for approval of details of secure cycle storage for the sui generis use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to

everyone using the premises. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 8 You must not use the premises as a food retail supermarket outlet or similar.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in policies 16, 27, 29 and 33 of Westminster's City Plan (adopted April 2021).

- 9 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 10 You must not sell any take-away food or drink or operate a delivery service from the premises, even as an ancillary part of any restaurant or retail use. (C05CC)

Reason:

To make sure that the use will not cause nuisance or obstructions for people in the area. This is as set out Policies 7, 16, 27, 29 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 11 The casino floorspace must comprise 665sqm across the development and either restaurant or retail uses shall be provided at ground floor level with active street frontage.

Reason:

To ensure the use contributes to the character, function and diversity of uses within this part of the West End Retail and Leisure Special Policy Area and Central Activities Zone and maintain active frontages. This is set out in Policies 2 and 14 of Westminster's City Plan (adopted April 2021) and HC6 of the London Plan (adopted March 2021).

- 12 You must apply to us for approval of a 'Secured by Design' accreditation for the new use. You must not occupy the development until we have approved what you have sent us. You must then carry out the work according to these details prior to occupation and all features shall be permanently retained.

Reason:

To ensure safe and secure development and contribute to reducing crime, in

accordance with the policy 38 of Westminster's City Plan (April 2021) and the NPPF.

- 13 A. You must apply to us for our written approval of an independent BREEAM Pre-Assessment (undertaken by a licensed BREEAM accredited assessor, or an equivalent independent measure of energy performance and sustainability) before the sui generis use begins. It must demonstrate it is possible to achieve a BREEAM rating of 'Excellent' or higher (or an equivalent independent measure of energy performance and sustainability), or explain why an alternative rating lower than 'Excellent' is the highest possible rating that can be achieved.
- B. Within three months of the sui generis use beginning, you must apply to us for our written approval of a post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the BREEAM rating as set out in the Pre-Assessment approved under part A.

Reason:

To ensure the development minimises achieves the highest levels of sustainable design Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17CA)

- 14 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated October 2023 prior to occupation of the use. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your

neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures)., , CONSIDERATE CONSTRUCTORS:., You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk)., , BUILDING REGULATIONS:., You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

- 3 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 4 In regards to Condition 7 drawings should show the separate storage for recyclable and residual waste and waste cooking oil with bin capacities shown. Please refer to the Council's 'Recycling and Waste Storage Requirements' guidance available at: <https://www.westminster.gov.uk/waste-storage-planning-advice>, ,
- 5 In regards to Condition 8, drawings should show at least 7 long-stay cycle parking spaces, in accordance with City Plan cycle parking requirements.
- 6 You are reminded that any new or replacement plant equipment and/or external ductwork will require planning permission.
- 7 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you ([www.equalityhumanrights.com](http://www.equalityhumanrights.com)). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide ([www.cae.org.uk](http://www.cae.org.uk)). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk)., , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering). (I54AB)
- 9 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice

about your arrangements for storing and collecting waste.

- 10 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).
- 11 You will require technical approval for the works to the highway (supporting structure) prior to commencement of development. You should contact Louisa Augustine ([laugustine@westminster.gov.uk](mailto:laugustine@westminster.gov.uk)) in Westminster Highways Infrastructure and Public Realm to progress the works to the highway.
- 12 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: fascia signage. (I04AA)

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.