

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 31 October 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>The Lodge , Leicester Square, London, WC2H 7DE</b>		
<b>Proposal</b>	Demolition of existing two-storey building on the south side of Leicester Square and erection of new two-storey structure with terrace above to provide replacement ticket office (Class A1) and cafe (Class A3).		
<b>Agent</b>	Tim Murray		
<b>On behalf of</b>	Mr Roger Austin		
<b>Registered Number</b>	17/04586/COFUL	<b>Date amended/ completed</b>	13 July 2017
<b>Date Application Received</b>	24 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Leicester Square		

## 1. RECOMMENDATION

1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
2. That Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.
3. That officers be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

## 2. SUMMARY

Planning permission is sought for the demolition of the existing ticket office building on the south side of Leicester Square and the erection of a new two-storey structure to provide a replacement ticket office (Class A1) at ground floor level and a cafe (Class A3) at first floor level with terrace above.

The key issues for consideration are:

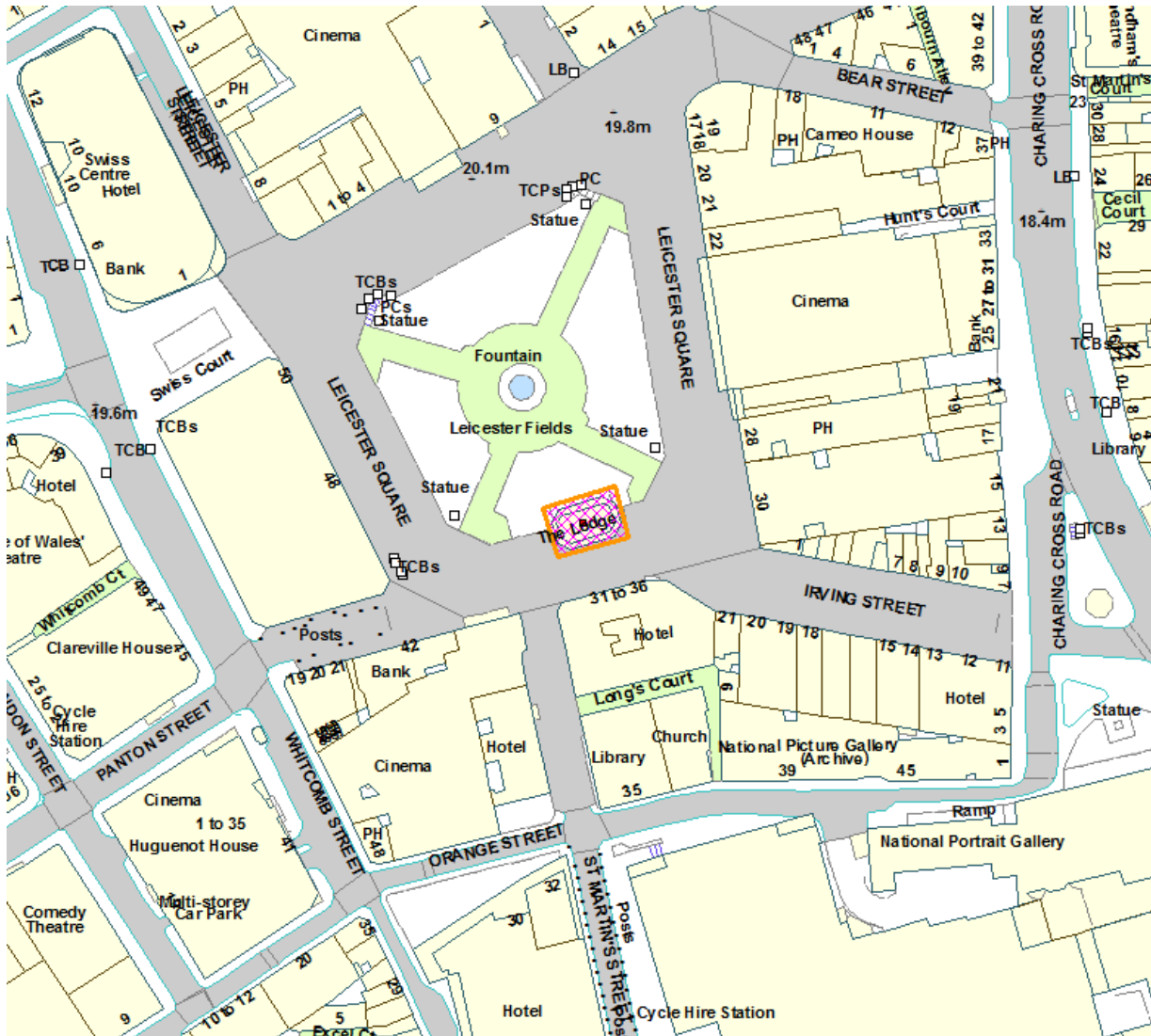
- \* The impact of the proposals on the character and appearance of the Leicester Square Conservation Area; and
- \* The land use and highways implications of the proposal.

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The proposals are considered to comply with the Council's policies in relation to design, conservation landuse and highways as set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and the application is accordingly recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

No objection. Query over what happens to existing ticket facility during construction.

### SOHO SOCIETY

No objection.

### HIGHWAYS PLANNING

Servicing hours and waste storage conditions required. Stopping up of the public highway will be required.

### ENVIRONMENTAL HEALTH

No objection, subject to conditions. As no extraction details are provided, a condition is recommended requiring no primary cooking on site.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The Lodge is located in a prominent location to the south side of Leicester Square. It falls within the West End Stress Area, the Core Central Activities Zone (CAZ) and lies within the Leicester Square Conservation Area.

### 6.2 Recent Relevant History

There is no recent relevant planning history.

## 7 THE PROPOSAL

Planning permission is sought for the demolition of the existing lodge and the erection of a new two-storey structure to provide a replacement ticket office (Class A1) at ground floor level and a cafe (Class A3) at first floor level with terrace above.

There is an existing electricity substation beneath the lodge which will remain unchanged. The proposed new building includes access and the ventilation requirements to serve to substation.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Ticket Office (Class A1)	75.1	58	-17.1

Café (Class A3)	0	63.7	63.7
Total	75.1	121.7	46.6

**7. DETAILED CONSIDERATIONS**

**7.1 Land Use**

The ground floor and first floor will be operated as two distinct planning units, that being for the retail sale of tickets (Class A1) at ground floor, and as a café (Class A3) at first floor. Proposals include a dedicated staff entrance to the ticket office on the west side of the building, with a secondary entrance providing access to the first floor space and terrace located on the east elevation.

In land use terms, the re-provision of the ticket office facility is welcomed. Policy S6 and S24 of the City Plan consider entertainment activities within the Central Activities Zone and West End Stress Area. TACE 8 of the UDP considers the introduction of new café (Class A3) accommodation under 150 sq m in the CAZ and West End Stress Area. These policies require that new entertainment uses must be appropriate in type, size, scale and the relationship to existing entertainment uses. These policies also detail that new entertainment uses should not adversely impact residential amenity, health and safety, local environmental quality or the character and function of the area.

Given the limited size of the proposed café (class A3) at 63sq, it is not considered that it will compromise environmental quality or the character and function of the area. Conditions are recommended requiring no primary cooking on the site, given the proposals do not include extraction details for the café. A condition is also recommended restricting the hours of opening to between 7am and midnight daily.

**7.2 Townscape and Design**

The existing building on the site dates from the early 1990s and is a generally undistinguished design. There are no townscape or design concerns about the demolition of the existing structure.

The replacement structure has a slightly larger footprint, with an increase in height and bulk compared to existing. However, given the open nature of the Square and the distance from adjoining buildings, it is considered that a building of this size could be accommodated on this site without undue impact on the visual balance of the Square and surrounding buildings.

The proposed building has a more simplified form and integrated design than existing and it sits very much as a free-standing “object” within the wider setting of the Square. It makes no real design reference to the surrounding buildings, but remains within the spirit of the newly designed Leicester Square gardens with their free-flowing organic forms and contemporary street furniture. The structure is contained within a wrap-around form of modelled bronze columns, which vary in width and depth to provide openings for the various uses behind. The design cleverly integrates the various uses behind the facade while maintaining a consistent and integrated expression to the exterior.

The proposals are therefore considered acceptable in design terms compliant with DES5 and DES9 of the UDP, subject to conditions including the submission of samples of all facing materials.

### **7.3 Residential Amenity**

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, noise and disturbance and encourage development which enhances the residential environment of surrounding properties.

Given its Leicester Square location, the nearest residential properties are located on Irving Street, and it is considered that the new building will materially impact upon the amenity of neighbouring properties in terms of loss of privacy, daylight or sense of enclosure or noise and disturbance.

Plant is proposed at roof level and an acoustic report has been submitted in support of the application which has been assessed by Environmental Health who has raised no objection subject to standard conditions.

As such, the proposals are considered acceptable in amenity terms, in accordance with Policies S29 of the City Plan and ENV13 of the UDP.

### **7.4 Transportation/Parking**

Servicing will be carried out on street within the limited times vehicles are allowed into this part of Leicester Square. Hours of servicing are recommended to be secured by condition to between 6am and 10am daily.

The proposed new structure will extend beyond the building line of the existing structure at ground level. This area of public highway will need to be stopped up pursuant to s247 of the Town and Country Planning Act 1990 to allow the proposed development to be implemented. The Highways Planning Manager raises no objection to this element of the scheme.

### **7.5 Economic Considerations**

This development does not generate a Mayor CIL or WCC CIL payment.

### **7.6 Access**

The proposed scheme will provide level access to the ticket booth and includes a four person lift providing level access to the first floor where an accessible WC is provided.

### **7.7 Other UDP/Westminster Policy Considerations**

#### **Trees**

The new structure will utilise the existing reinforced concrete foundations. There are two trees on the south side of Leicester Square adjacent to the existing ticket booth that are in

tree pits owing to a UKPN substation below ground and their root capacity is accordingly limited by these tree pits.

Although there will be an increase in footprint given the design, no excavation will be required and there will be no incursion into any root protection areas. Some limited pruning of the tree canopies may be required given the increased height of the proposed building. A tree protection method statement is recommended to be secured by condition in order to ensure that the trees are protected during construction.

The applicant has confirmed that the existing adjacent hard landscaping and level alignment will not be affected by the proposal. However, the existing intake vents to the north and south are proposed to be reconfigured and incorporated within a new building plinth, in order to improve the visual integration with the proposed building and existing landscaping scheme. A condition is recommended to secure further details in this regard.

### **7.8 London Plan**

This application raises no strategic issues.

### **7.9 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.

### **7.10 Planning Obligations**

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

### **7.11 Environmental Impact Assessment**

The proposals are of an insufficient scale to require an environmental impact assessment.

### **7.12 Other Issues**

None.

## **8. BACKGROUND PAPERS**

1. Application form
2. Response from Westminster Society, dated 3 August 2017
3. Response from Environmental Health, dated 11 August 2017
4. Letter from Soho Society, dated 10 August 2017
5. Response from Highways Planning, dated 22 August 2017

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

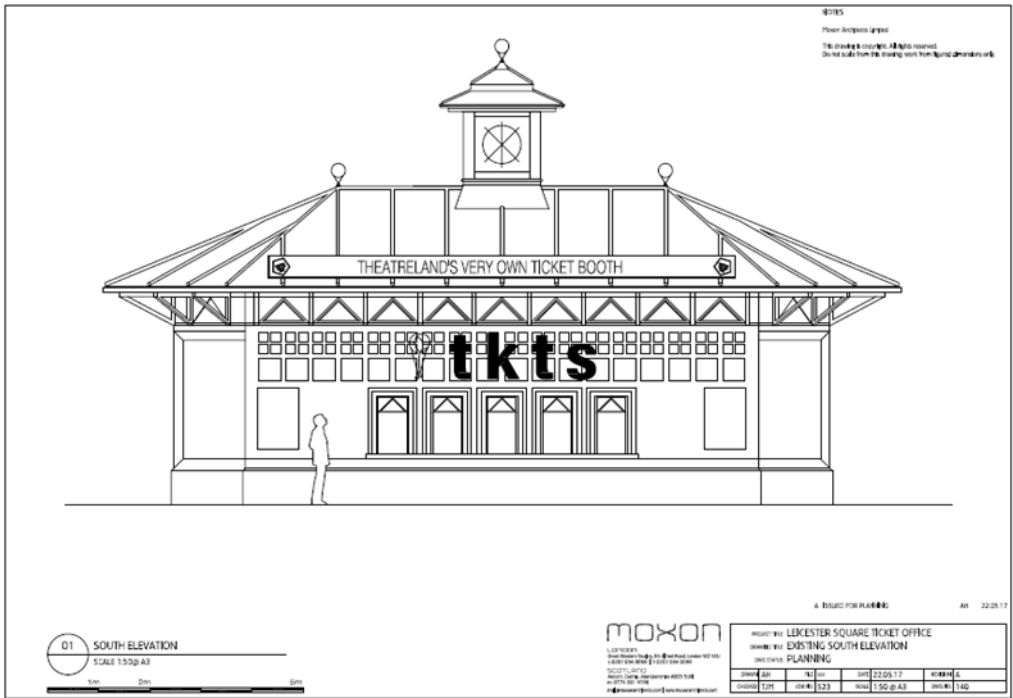


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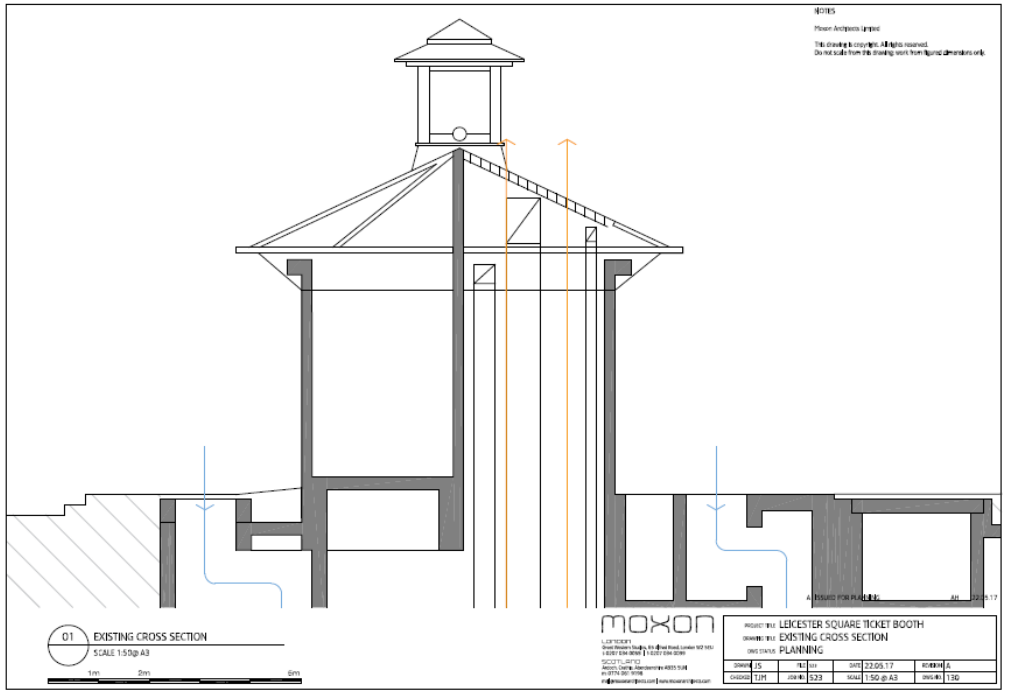
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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT <a href="mailto:jasghar@westminster.gov.uk">jasghar@westminster.gov.uk</a> .
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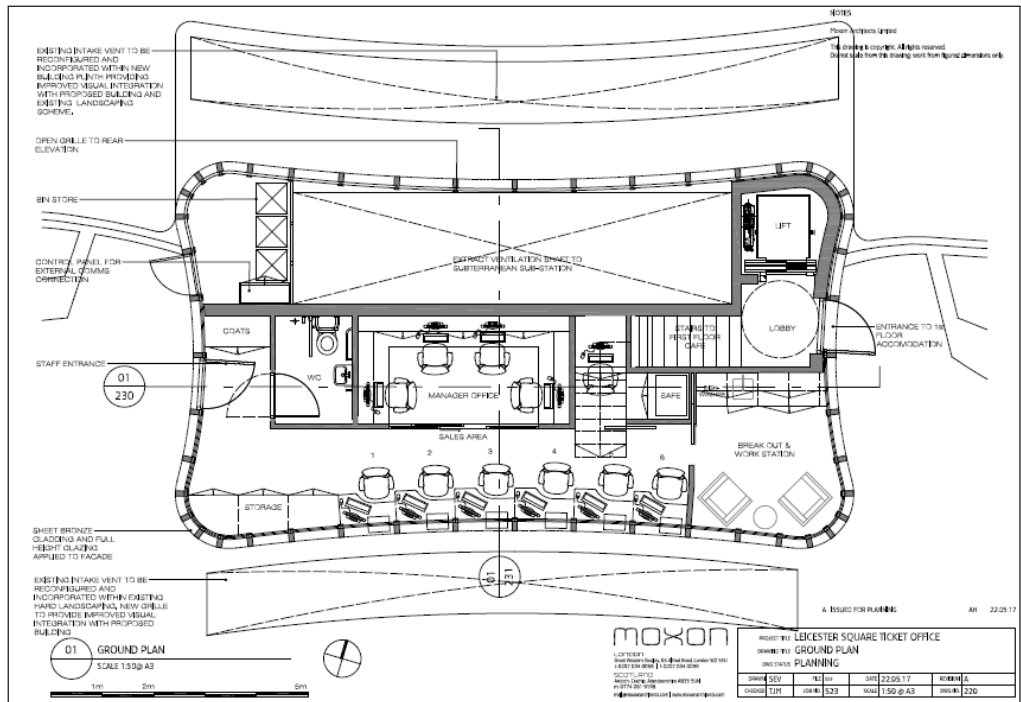




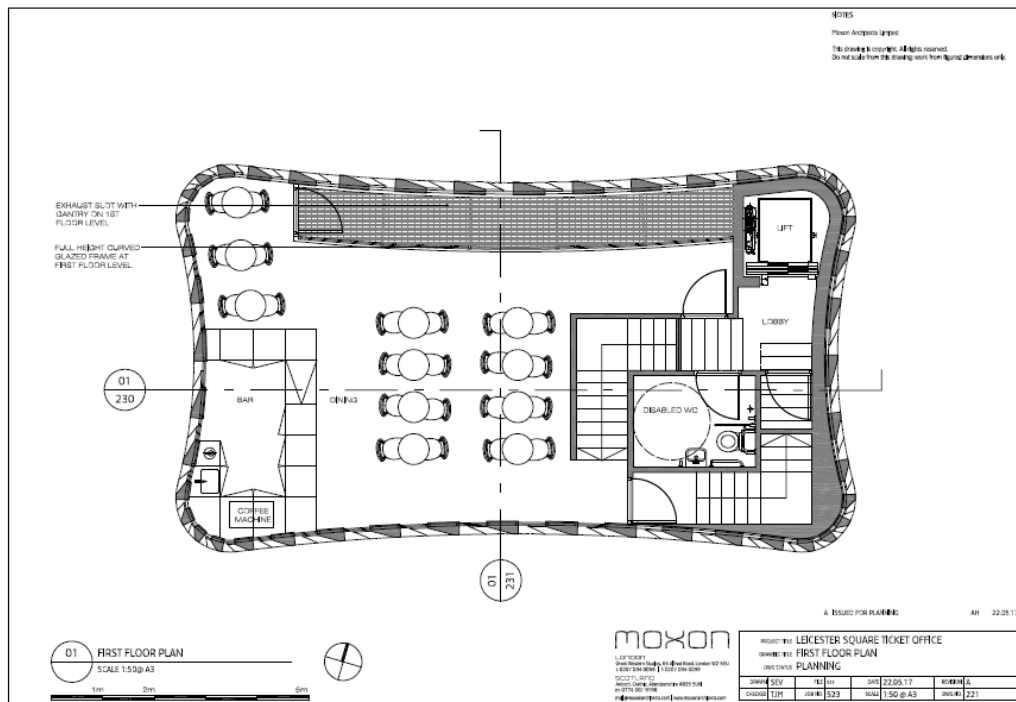
Existing South Elevation



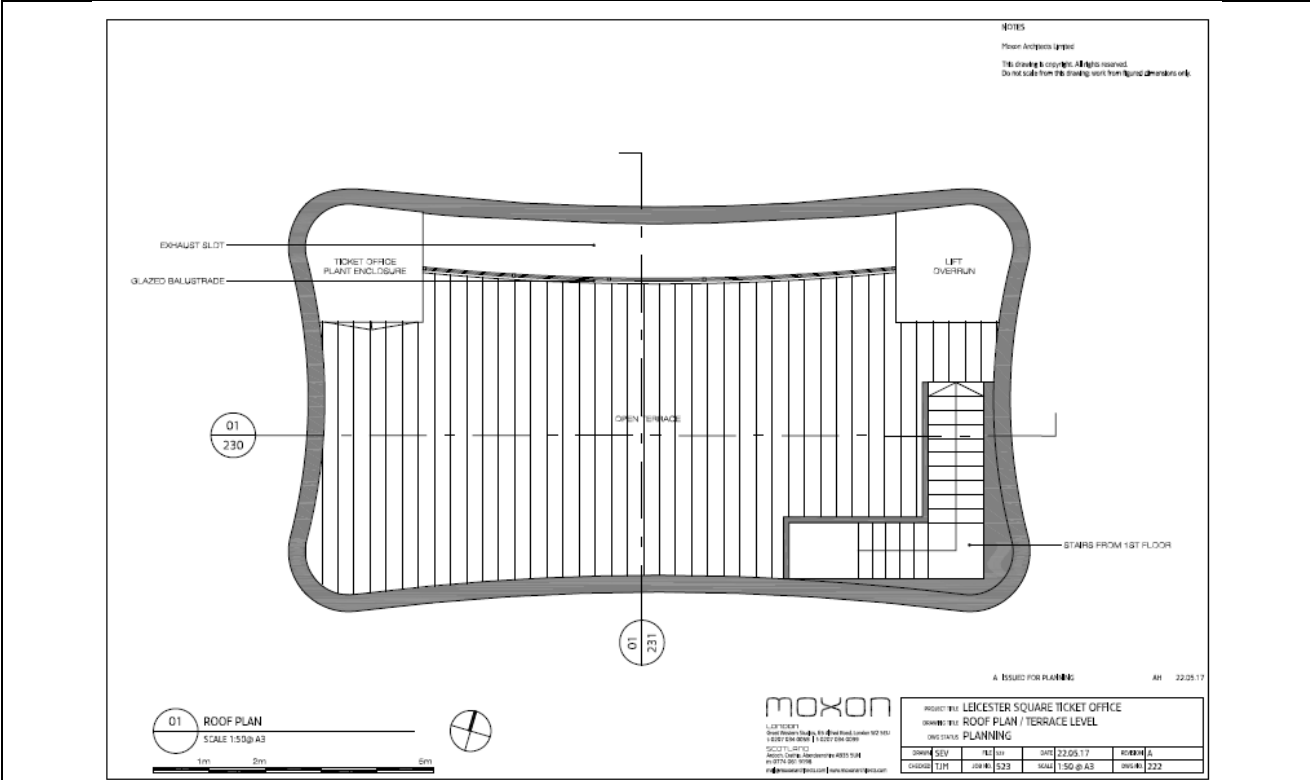
Existing Cross Section



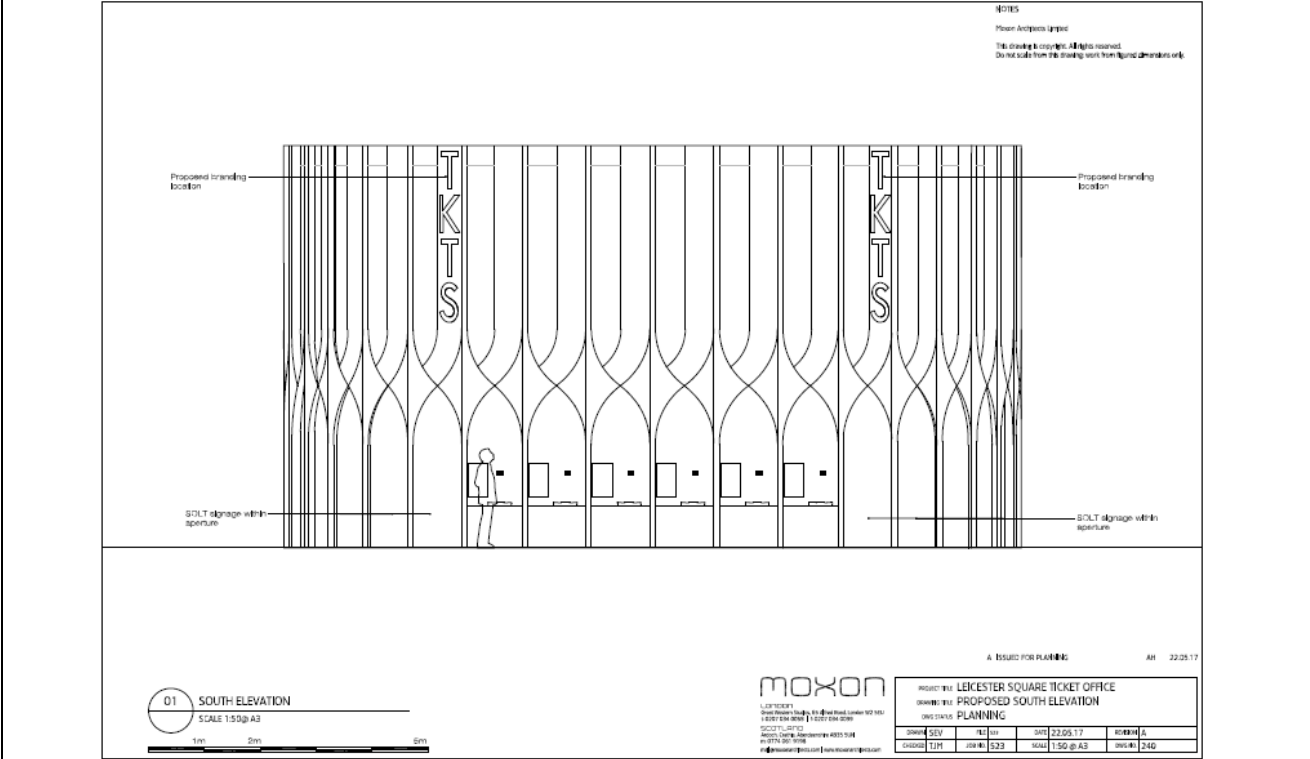
Proposed Ground Floor



Proposed First Floor



Proposed Roof Terrace



Proposed South Elevation



**Proposed North Elevation Visual**



**Proposed South Elevation Visual**

**DRAFT DECISION LETTER**

**Address:** The Lodge , Leicester Square, London, WC2H 7DE

**Proposal:** Demolition of existing two-storey building on the south side of Leicester Square and erection of new two-storey structure with terrace above to provide replacement ticket office (Class A1) and cafe (Class A3).

**Plan Nos:** 110 Rev. A; 120 Rev. A; 121 Rev. A; 130 Rev. A; 140 Rev. A; 141 Rev. A; 142 Rev. A; 143 Rev. A; 144 Rev. A; 145 Rev. A; 147 Rev. A; 122 Rev. A; 123 Rev. A; 131 Rev. A; 150 Rev. A; 151 Rev. A; 152 Rev. A; 153 Rev. A; 210 Rev. A; 220 Rev. A; 221 Rev. A; 222 Rev. A; 230 Rev. A; 231 Rev. A; 240 Rev. A; 241 Rev. A; 242 Rev. A; 243 Rev. A; 244 Rev. A; 245 Rev. A; 247 Rev. A; Plant Noise Assessment dated 11 July 2017, prepared by Bickerdike Allen Partners.

**Case Officer:** Sebastian Knox

**Direct Tel. No.** 020 7641 4208

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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
- o not 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 S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must not put structures such as canopies, umbrellas, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 220 Rev. A. You must clearly mark them and make them available at all times to everyone using the Class A1 units. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 6 Servicing of the Class A1 and Class A3 units must take place between 06:00 and 10:00 daily. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 7 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 S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)



8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3)

is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 9 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 10 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05DC)

- 11 Customers shall not be permitted within the cafe (Class A3) premises before 07:00 or after 00:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 13 You must apply to us for approval of detailed drawings of the new building plinth incorporating the reconfigured existing intake vents, including how this will relate to the surrounding landscaping. You must not start work on the relevant part of the development until we have approved what you have sent us.

**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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**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 Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, 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 Prior to the commencement of development, the highway will need to be stopped up under s247 of Planning Act. If works commence prior to the finalisation of the stopping up process, an obstruction of the highway is still occurring.
- 3 Conditions 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.