

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	11 Strand, London, WC2N 5HR		
Proposal	<p>Application 1: Use of upper ground and lower ground floor as a public house with food provision (Sui Generis) and installation of mechanical plant equipment on platform with associated enclosure within side courtyard and one air conditioning unit at rear lower ground floor level.</p> <p>Application 2: Use of two areas of the public highway, measuring 1.2m x 5.63m to Craven Street frontage for the placing of 2 tables and 4 chairs, and 1.2m x 11.4m to Charing Cross Station forecourt frontage for the placing of 5 tables, 10 chairs and one planter and two additional planters to under croft, in connection with the ground floor use.</p>		
Agent	Mr Matthew Mortonson		
On behalf of	Allvest Company Limited		
Registered Number	Application 1: 23/02207/FULL Application 2: 23/02248/TCH	Date amended/ completed	Application 1: 17 May 2023 Application 2: 16 June 2023
Date Application Received	Application 1: 3 April 2023 Application 2: 4 April 2023		
Historic Building Grade	Unlisted		
Conservation Area	Trafalgar Square		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Application 1 :
Grant conditional permission.

Application 2 :
Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

11 Strand is an eight storey plus basement unlisted building within the Trafalgar Square Conservation Area, Central Activities Zone (CAZ), Strand CAZ Retail Cluster and the West End Retail and Leisure Special Policy Area (WERLSPA). The application relates to the two existing retail units at upper and lower ground floor level.

Application 1 seeks permission for the use of upper and lower ground floors as a public house with food provision (Sui Generis) and the installation of mechanical plant equipment within a side courtyard and at rear lower ground floor level.

Application 2 seeks permission for the use of two areas of the public highway to Charing Cross Station and Craven Street frontages for the placing of tables and chairs in connection with the new ground floor use.

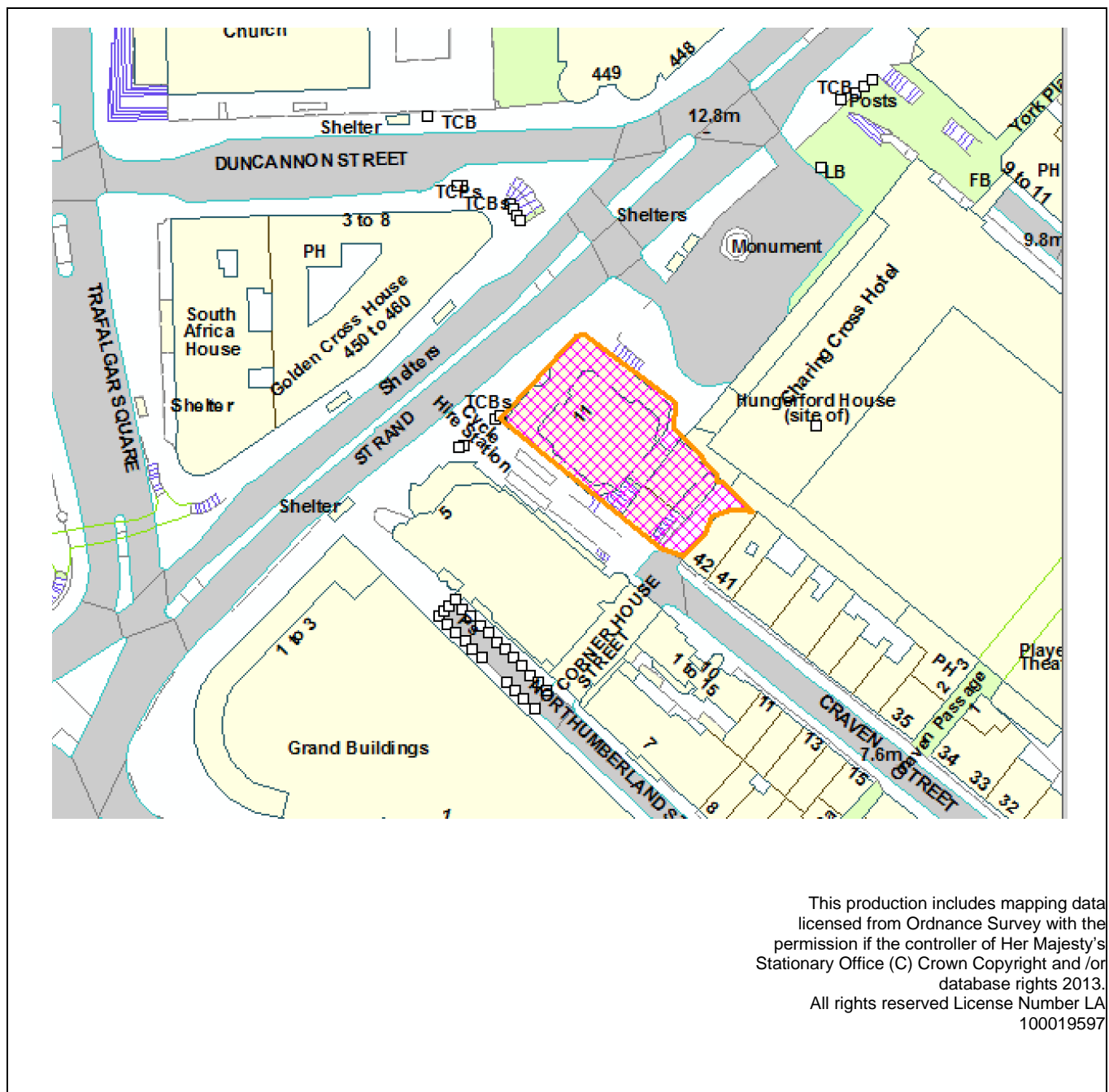
The key considerations in both cases are:

- The acceptability of a public house in this location in land use terms;
- The impact of the use, outdoor seating and proposed equipment on the amenity of neighbouring properties and local environmental quality;
- The impact of the proposed plant on the character and appearance of the building and Trafalgar Square Conservation Area; and
- The impact of the outdoor seating on the highway.

Objections have been received from the Covent Garden Community Association, the Northbank BID Project and local residents primarily on the grounds of harm to residential amenity due to late-night disturbance, increased anti-social behaviour and the over-concentration of drinking establishments.

As set out in this report, and following amendments to the proposal (to reduce the opening hours, outdoor seating area and the submission of an operational management plan) the proposed development accords with the relevant policies in the Westminster's City Plan 2019 – 2040 (the City Plan), the London Plan and the guidance set out in the Mayor's Culture and the Night Time Economy Supplementary Planning Guidance (SPG). The applications are therefore considered acceptable in land use, design, amenity and highway terms, and is recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



4. PHOTOGRAPHS



Front elevation



Charing Cross station forecourt frontage



Craven Street corner

5. CONSULTATIONS

5.1 Application Consultations

Application 1

TRANSPORT FOR LONDON (TfL)

Long stay cycle parking is provided which is compliant with London Plan Policy. Short stay cycle parking should be secured on site. The deliveries and servicing strategy is acceptable. During construction the footway and carriageway on the Strand which is part of the Strategic Road Network must be not blocked, temporary obstructions kept to a minimum, all vehicles must only park/stop at permitted locations and in accordance with on-street restrictions and no skips or construction material shall be kept on footway or carriageway.

LONDON UNDERGROUND:

No objection, but require details of how the odour and fumes from the the kitchen extraction system can be prevented from entering into Craven Street Vent Shaft.

METROPOLITAN POLICE

Application not supported. The area experiences high levels of crime. There is particular issues with organised gangs targeting pubs and their patrons, problems with robberies in the evening and Westminster has one of the highest reported crimes for violence against women and girls within London. No considerations for security of the premises, staff or patrons in the application. There are three entrances/exits to the venue which make it very permeable. No information how outside seating areas will be managed. The undercroft is a spot for rough sleepers at night, they will use the furniture to sleep on.

COVENT GARDEN COMMUNITY ASSOCIATION:

- The site is unsuitable for a large new public house operating from early in the morning until 1.30 every night.
- The proposed development is a drink-led operation with 361 square metres (3,886 square feet) of customer space over two floors, plus outside customer space. There is a lack of clarity over the number of covers and hours of operation.
- The planning statement does not address the significant residential community in Craven Street, the guests of the Clermont hotel and the future hotel opposite on Craven Street which the proposed development will impact on.
- Noise and anti-social behaviour impact. Craven Street is quiet at night. Loud noise after 10 pm cause "noise peaks" which echo and wake people. Anti-social behaviour reported by residents. Some customers would inevitably progress down Craven Street adding to the current problems. Period of nuisance will be extended by 3 hours. If outside drinking were allowed after 10pm it would likely cause nuisance. Proposal contrary to Policy 33.
- Deliveries and waste collections for public houses in the West End often cause distress to residents. It will be carried out close to residential flats so the impact must be addressed and hours must be controlled by condition. Glass waste should be disposed in a quiet way on Strand and hours must be controlled by planning conditions.
- Conservation and frontage considerations: objection to the location of the new plant

- on the East elevation which would harm the Trafalgar Conservation Area and the context of nearby listed buildings.
- Amalgamation of units would harm the character of the conservation area. Proposal fails policy 13 of the City Plan.
 - Loss of retail: prime location of shops, if offered in the market at a competitive price the units could be brought back into successful retail. The Local Planning Authority should act where possible to maintain a healthy mix of uses so local residents and workers are well served.
 - Rebuttal of applicant's policy justification: No net economic benefit - drink-led operations are costly in terms of clean-up and late-night venues can damage nearby hotel business. Employment opportunities would be similar to less harmful uses and economic cost of disturbed sleep and mental health consequences to be taken into consideration. No social benefit – the proposed development is not a service that the community needs, no consultation carried out, area already well served by drinking establishments. No environmental benefit.

WESTMINSTER SOCIETY:

No response to date.

NORTHBANK BID PROJECT:

Lack of pre-application engagement about the proposed change of use. Loss of retail floorspace in this important gateway location. Lack of marketing evidence relating to the vacancy. As footfall continues to increase the provision of a full and varied retail offer is essential. Lack of clarity to the split of floorspace between the restaurant and public house. Over-concentration of late-night activity uses. The proposal can have a disproportionate impact on the "crime and anti-social behaviour hotspots". An additional public house with extended operational hours will undoubtedly cause additional harm and disturbance to the local business and residential community and environmental quality of adjacent streets.

Operational management and effects on the local neighbourhood: little information on the operational management approach and no information on construction logistics and management during fit out. Hours of operation and transfer of external patron noise to be considered carefully in the context of adjacent hotel and residential bedrooms. Craven Street has potential to be a clean air walking route. Associated outdoor seating would add to internal capacity and is considered excessive.

HIGHWAYS PLANNING TEAM:

Four cycle parking spaces provided in accordance with policy. Conditions recommended to secure a servicing management plan, waste storage provision and no delivery service.

WASTE PROJECT OFFICER:

Following revisions, the details are in line with the Council's waste storage requirements.

ENVIRONMENTAL HEALTH:

The main issues are as follows:

- Noise nuisance from internal activity affecting other users within building block – conditions recommended.

- Noise nuisance from internal activity noise breakout affecting users of nearby premises - conditions recommended.
- Noise nuisance from patrons dispersing late at night – not assessed in the acoustic report, measures recommended to minimise impact to be secured by condition.
- Noise nuisance from plant and machinery – no objection subject to recommended conditions.
- Following revisions proposals for preventing odour nuisance from the kitchen operation are considered to be satisfactory. Condition and informative recommended.
- General comments – bar operation will have to comply with the “core” hours under Licensing Policy and informative recommended about sanitary and washing facilities.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 93

Total No. of replies: 17

No. of objections: 17

No. in support: 0

Land use/Amenity

- Proposals will not meet community need and will not support the diversification of the West End.
- Area already served by pubs, bars and restaurants. Will lead to reduced diversity by causing additional competition to existing businesses.
- No regeneration or tourist attraction needed.
- Failure to address impacts on residents’ amenity.
- Neighbourhood already well served by pub establishments and community currently dealing with considerable disturbances from existing late-night operations.
- Will exacerbate the current issues of noise and disturbance late at night.
- Hotspot/hub of anti-social behaviour, risk of escalation of anti-social behaviour and crimes.
- Entrance on Craven Street is wholly inappropriate as it is a quiet residential street with very little traffic or pedestrian flow.
- Disruption associated with additional influx of foot traffic and vehicular traffic.
- Proposed opening hours and hours of use of the external area are inappropriate.
- Noise report downplays the severe noise and disruption that another late-night venue would bring to the residential area. Noise assessment does not identify noise impacts associated with external seating areas, noise generated inside and outside the premises, external congregation, waste disposal and deliveries and does not assess noise impact on sleep. Real-life application of theoretical findings questioned –particularly due to unpredictability of human behaviour.
- Noise pollution due to installation of mechanical plant equipment within the courtyard and at the rear lower ground floor level.
- Noise travels very effectively along Craven Street and Hungerford Lane. It is not possible to mitigate impacts with double-glazing because some of the buildings are listed.
- The extant hotel at 5 Strand is not identified in the planning statement which is very

sensitive to noise.

- Contrary to Licensing policies and the objective of preventing crime and disorder.
- Small size of kitchen shows that the premises will be primarily a pub/bar.
- Proposal poses a serious threat to the balance between commercial development and the welfare of local residents. Importance of a balanced and liveable community where the welfare of residents is prioritised.

Design

- Heritage impacts of the proposal not properly considered as regards to Craven Street
- External seating/furniture will not be consistent with the streets heritage character.
- Active community of residents brings life to the street heritage value and enhance it.

Highways

- Increased vehicular traffic required for servicing
- Likely to result in a significant increase in daily deliveries when compared to the existing retail.
- A Delivery and Servicing Plan should be provided before determination.
- Obstruction and increased congestion on pavement and associated safety concerns.
- Increased broken glass which will risk damaging wheelchair tyres.
- Noise and pollution caused by increased requirement of vehicles servicing the venue in addition to the hotel redevelopment at 5 Strand.
- Will attract all sorts of types of transport including pedi-cabs causing disturbance, traffic and parking congestion in residential area.

Other matters

- Proposed external seating and delivery route in Craven Street may undermine and restrict delivery of significant public realm improvements contrary to Policies D8 of the London Plan and 43 of the City Plan.
- Pollution and CO2 associated with increased vehicular traffic.
- No pre-application engagement with local community.

PRESS NOTICE/ SITE NOTICE:

Yes

Application 2

TRANSPORT FOR LONDON:

The external seating in the undercroft of the building is acceptable against TfL streetscape guidance. TfL requests that the tables and chairs on the western side to 11 Strand are moved away from the Cycle Hire Station to allow for sufficient access behind the cycle hire stands.

LONDON UNDERGROUND:

No comment.

COVENT GARDEN COMMUNITY ASSOCIATION:

18.07.23 - Objection on the grounds of obstruction in an area of heavy pedestrian flow, site unsuitable for outside vertical drinking, noise disturbance and the hours of operation

of outdoor seating. Contrary to planning statement, there are residential units in the vicinity and family hotel bedrooms that will be impacted by the proposal.

21.11.23 - Disappointing that the tables and chairs are retained. Querying if the proposal accords with Westminster's guidance in relation to doorway and the docking station, space between the building and bicycles is used as footway. Lack of engagement.

WESTMINSTER SOCIETY:

No response to date.

NORTHBANK BID PROJECT:

Same comments as application 1 (see above).

HIGHWAYS PLANNING:

14.07.23 - Unacceptable as the pedestrian clearway does not satisfy the City Council's 2m minimum requirement for pedestrian movement and it should not pass through the permitted area. It has not been demonstrated that the planters are mobile and no items from the proposal should be left on the highway overnight. The removal of outer row of tables and chairs is recommended.

24.08.23 – Revised scheme is acceptable subject to recommended conditions.

WASTE PROJECT OFFICER:

26.06.23 - Objection as drawings do not show the tables and chairs layout and the 2m allowance gap for street maintenance activities.

30.10.23 – No objection to the revised proposal.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 122

Total No. of replies: 12

No. of objections: 12

No. in support: 0

Objections raised on some or all of the grounds outlined in Application 1. Additional objection reasons on the following grounds:

Land use/Amenity

- Will seriously impair Craven Street's residential amenity as a result of noise, disturbance and anti-social behaviour from proposed operational hours, outdoor patrons and dragging of chairs, behaviour of departing patrons via Craven Street and removal of empty bottles and broken glass.
- The venue will be busiest at peak evening and weekend hours, when residents are most likely to be at home and entitled not to have their quiet enjoyment compromised by noise emanating from an outdoor venue.
- Noise studies undertaken by the applicant do not address the impacts on residential amenity of patrons using the proposed outdoor seating.
- Exacerbate anti-social behaviour. Council's Cumulative Impact Assessment (October 2022) demonstrates correlation between licenses premises and crime and anti-social behaviour, both generally and specifically in the vicinity of Charing Cross Station.

Design

- Heritage impacts of outdoor seating on Craven Street not considered, and is not consistent with the street's heritage character.
- The supporting statement is misleading in heritage terms, the entire intact terrace of houses on the east side of the street is listed and part of the terrace on the west side, the view east along Craven Street of the uniform terraced properties is identified as an "important local view".

Highways

- Use of the undercroft for outdoor seating will lead to severe reduction in the pavement capacity from/to the station leading to unacceptable levels of congestion for pedestrians, worsening levels of overcrowding and increasing the risks of danger to cyclists and pedestrians.
- Degradation of pedestrian environment.
- Patrons standing outside in Craven Street in addition to Santander bikes, street furniture and entrance of the forthcoming hotel would obstruct the pedestrian route.

Other

- Lack of engagement with local community
- Outdoor seating will be conducive to more pick-pocketing and similar crimes and attract beggars, creating a deeply unpleasant experience for visitors and tourists.
- Adverse impacts on local air quality due to increased human activity.
- Increased littering
- Smoking in outdoor areas.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The objections received point out that there has been a lack of public engagement from the applicant.

The Early Community Engagement guidance encourages early engagement where a change of use would have a significant impact on residential amenity. It is therefore regrettable that none was undertaken.

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) (July 2021) and should be afforded full weight in accordance with paragraph 219 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 49 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 (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The site lies on the south side of the Strand with its eastern elevation fronting Charing Cross Station forecourt which is set back at ground floor level, to create a pedestrian arcade. The western elevation faces the pedestrianised section of Craven Street and to the rear the building faces Hungerford Lane where access to the sites basement parking is located. The building is not listed and lies within the Trafalgar Square Conservation Area, the Central Activities Zone (CAZ), Strand CAZ Retail Cluster and the West End Retail and Leisure Special Policy Area (WERLSPA).

The building is in office use (class E) with two separate retail units (Class E) at lower and upper ground floor level which are currently vacant. This application relates to the retail units, the smaller unit faces Strand and Charing Cross station forecourt, with the larger unit over two levels, due the difference in street levels, facing Charing Cross station forecourt, Strand and Craven Street.

7.2 Recent Relevant History

In 1984, planning permission was granted to the use of the 7th floor as offices together with the installation of plantroom at roof level (RN: 84/01425/FULL). In 1986 and 1997 planning permissions were granted for the installation of air conditioning units on seventh floor roof and main roof level (RNs: 86/03648/FULL and 96/09669/FULL).

In 1986 and 1995 planning permissions were granted for the installation of new shopfront (RNs: 85/05106/FULL, 86/03648/FULL and 95/03937/FULL)

On 12 August 2005 planning permission was granted for erection of extension within covered walkway linking Charing Cross Station and Craven Street to provide additional floorspace to existing retail unit (Class A1). (RN: 05/04878/FULL).

On 28 October 2008 planning permission was granted for “extension at ground and upper ground floor level to Strand and Craven Street frontages to bring building in line with existing columns to create additional retail (Class A1) and office (Class B1) floorspace.” (RN: 08/06124/FULL).

On 17 March 2010 permission was granted for the extension at ground and upper ground floor level to Strand and Craven Street frontages to bring building in line with existing columns to create additional retail (Class A1) and office (Class B1) floorspace, installation of louvres to service existing plant and smoke vents and minor alterations to building facade (RN: 10/00437/FULL).

On 3 November 2021 planning permissions were granted for the replacement of existing window openings with louvres to two rear south east facing elevations to serve mechanical plant and the installation of 14 condenser units at roof level (RNs: 21/05976/FULL and 21/05975/FULL).

Planning permission was refused on 01 August 2022 for “Development comprising infilling at ground floor (undercroft) level to Strand and Charing Cross frontages to create additional retail floorspace (Use Class E(a))” (RN: 21/08610/FULL) on the grounds the development would lead to the loss of an existing footway and would divert the flow of pedestrians elsewhere and this would increase demand on remaining highway space and would not improve the pedestrian environment.

Planning permission was refused on 25 January 2023 for the infilling at ground floor (undercroft) level to Charing Cross frontage to create additional commercial floorspace Class E (RN: 22/07207/FULL) on the grounds that development would lead to the loss of an existing footway and would divert the flow of pedestrians elsewhere and this would increase demand on remaining highway space and would not improve the pedestrian environment. Permission was allowed at appeal on 03 October 2023.

8. THE PROPOSAL

Application 1

Planning permission is sought to change the use of the two retail units to a public house with food provision (sui generis). The application includes the installation of mechanical plant equipment and enclosure on a platform within the side courtyard to Craven Street and one air conditioning unit at rear lower ground floor level.

The public house will be accessed from two existing sets of doors, one facing Charing Cross station forecourt and the other on Craven Street next to the Strand corner. A further door lower down Craven Street will be for emergency use only. The proposed opening hours have been reduced during the course of the application and it is now proposed to be open between 07:00 until 23:30 Monday to Thursday, 07:00 until 00:00 on Friday and Saturday, and 07:00 until 22:30 Sunday and Bank Holidays with a maximum capacity of 340.

Table: Existing and proposed land uses

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class E)	480	0	-480
Public House (Sui Generis)	0	480	+480
Total	480	480	0

Application 2

Planning permission is sought for the placing of tables, chairs and planters on the public highway. Following negotiations, the outdoor furniture and hours of operation have been reduced to provide 2 tables and 4 chairs outside the entrance on Craven Street next to the Strand corner; and 5 tables, 10 chairs and 3 planters within the arcade fronting Charing Cross station forecourt, between the hours of 10:00 to 22:30 each day.

9. DETAILED CONSIDERATIONS**9.1 Land Use****Land Use Policy Overview**

The National Planning Policy Framework (NPPF) in paragraph 93 supports positive planning for the provision of community facilities including public houses. The London Plan also recognises the important role that public houses can play in the social fabric of communities, meeting local needs, and supporting the night-time economy in the CAZ (London Plan Policies HC6 and HC7). The Mayor's Culture and the Night Time Economy Supplementary Planning Guidance is also a material consideration in planning decisions. This promotes the night-time economy, particularly in the CAZ, and states boroughs should support proposals for new public houses, where appropriate.

London Plan Policy SD4 concerns the CAZ and seeks to promote unique international, national and London-wide roles of the CAZ, based on an agglomeration and rich mix of strategic functions and local uses. The policy also states that "the unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions should be promoted and enhanced".

City Plan Policy 1 sets out Westminster's spatial strategy, it seeks to ensure the competing functions of the CAZ are balanced and supports the intensification of the CAZ and the West End to provide growth in leisure. Policy 2 relates to the WERLSPA and seeks improved leisure experiences and a diverse evening and night-time economy.

City Plan Policy 14 concerns town centres, high streets and the CAZ, with their intensification supported in principle for main town centre uses. Uses that provide active frontages will be required at ground floor level (Part B). Part C of the policy details that development within the WERLSPA will provide a wide mix of commercial uses that support the West End's role as a cultural hub and centre for visitor, evening and night-time economy and within the CAZ Retail Clusters will provide further large format retail and complementary town centres uses to meet the needs of residents, workers and visitors. Policy 14 goes on to state that town centre uses will be supported in principle

through the CAZ with a commercial or mixed-use character, having regard to existing mix of land uses. The supporting text (paragraph 14.5, 14.6 and 14.7) acknowledges that, to ensure their long-term sustainability, town centres will need to provide a mix of commercial uses to create an environment which encourages customers to shop, access services, and spend leisure time, whilst also supporting their role as major employment hubs and visitor destinations., "...town centre uses such as pubs and drinking establishments, exhibition spaces, cultural and leisure uses, can all help support the future success of these key clusters of commercial activity..."

City Plan Policy 16 relates to food, drink and entertainment and states proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. It notes that the over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. In relation to public houses specifically, the supporting text notes they can play an important role as social hubs at the heart of communities, add to the diversity of commercial areas, and make a positive contribution towards townscape and local identity.

City Plan Policy 7 states development will be neighbourly, including by protecting neighbouring amenity. The Plan recognises that factors such as polluted air, excessive smells, poor waste management, noise and strong vibrations are examples of environmental impacts that have an adverse impact on quality of life and health and well-being. Development must prevent unacceptable environmental impacts on existing and new users of building or its neighbours. It confirms that the Council will place the burden on the applicant to ensure mitigation measures are included to safeguard future local amenity and to ensure that development does not cause existing nearby uses from having to curtail their activities.

City Plan Policy 33 requires that development proposals do not have an adverse impact upon the amenity and local environment of existing and future residents and development to prevent the adverse effects of noise and vibration with particular attention to minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses; minimising noise from plant machinery and internal activities and minimising noise from servicing and deliveries.

City Plan Policy 43D relates to proposals for trading from premises extending into the street (including provision of tables and chairs on the highway) and states that they will be supported where they would not: 1. harm local amenity; 2. compromise pedestrian movement or traffic conditions; 3. impede refuse storage and street cleansing arrangements.

Consideration (Application 1)

Loss of Retail Accommodation

The Covent Garden Community Association and the Northbank BID Project object to the loss of the retail use and lack of marketing evidence to justify its loss.

Whilst vacant, the ground floor units are in lawful retail use (class E), last occupied by a clothes retailer and a bakery/sandwich shop. Under Class E of the use classes order the

proposed unit could change to other uses within Class E, including a restaurant, without the need to obtain planning permission. Pubs and drinking establishments (sui generis) fall outside class E but are recognised as complementary town centre uses. The proposed use as a public House will retain the three existing active street frontages at ground floor level. The principle of losing the retail to another use that serves visiting members of the public therefore accords with the aims of Policy 14 part B.

In addition, the reuse of the units that are currently vacant (the larger unit since 2020) is welcome. There are no policy requirements to request marketing evidence in this instance and the loss of retail is therefore considered acceptable.

Proposed public house use

The site is in an area of a predominantly commercial character, typical of the WERLSPA, CAZ and Strand CAZ Retail Cluster. The land use pattern is very mixed with a transport terminal, offices, hotels, retail, cafes, restaurants, public houses and theatres. However, there are also residential houses in close proximity to the site, located further south on Craven Street.

The Covent Garden Community Association, Northbank BID and local residents raise strong objections to the principle of a public house in this location on the grounds that the proposal would add to the concentration of alcohol-based and late-night premises within the local area. The objectors contend that the proposed public house would worsen existing issues of anti-social behaviour and result in noise and disturbance to residents late at night. The objectors point out that the noise report submitted in support of application does not assess the impact of noise from patrons inside and outside the premises, dispersing late at night and from waste collection and deliveries and fails to take into consideration residents who work from home or have different sleeping patterns.

The principle of losing retail to another use that serves visiting members of the public would accord with the aims of the City Plan, but in this case that is subject to the acceptability of the alternative drinking establishment use. Drinking establishment uses have greater potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. However, there can be considerable variation between the effects of different types of food, drink and entertainment uses.

The supporting text to Policy 16 does state that “the cumulative impact of multiple food, drink and entertainment uses in a particular area can have a negative impact on the functioning and use of an area and can negatively impact residential amenity. We will therefore prevent the over-concentration of these uses and require proposals to make sure any negative impacts are managed (applying the Agent of Change principle).”

It is acknowledged that there are a number of licensed establishments in the vicinity of the site, including:

- Ship and Shovell PH at 1-3 Craven Passage (licensed opening hours 10:00 to 23:30 Monday to Saturday and 12:00 to 23:00 on Sundays);
- Sherlock Holmes PH at 10-11 Northumberland Street (licensing hours of 08:00 to 23:30 Sunday to Wednesday and 08:00 to 00:30 Thursday to Saturday);
- Heaven nightclub at 10A The Arches (licensed opening hours of 00:00 till 00:00);

- The New Players Theatre restaurant and bar at 15 The Arches (licensed opening hours of 06:30 to 03:00);
- Champagne Charlies wine bar at 17 The Arches (licensed opening hours of 07:30 to 00:30 Monday to Saturday and 12:00 to 23:00 on Sundays);
- Halfway to Haven at 7 Duncannon Street (licensed opening hours of 10:00 to 01:30 Monday to Thursday, 10:00 to 03:30 Friday to Saturday and 10:00 to 23:30 on Sundays);
- All Bar One at 6 Villiers Street (licensed opening hours of 08:00 till 23:30 Monday to Wednesday, 08:00 to 00:00 Thursday to Saturday and 08:00 till 23:00 on Sundays);
- Princess of Wales PH at 27 Villiers Street (licensed opening hours of 07:00 to 00:30);
- Gordon's wine bar at 47 Villiers Street (licensed opening hours of 08:00 to 23:30 Monday to Saturday and 10:00 to 22:30 on Sundays).

Given the dispersed nature of these premises, it is not considered that the additional public house would result in an over concentration of such uses, and that it would be compatible with the character and function of the area.

In acknowledgement of the proximity of residential properties on Craven Street, the applicant has updated their submission during the course of the application, to clarify the capacity, reduce the proposed opening hours and outdoor seating areas and has provided an Operational Management Plan.

The proposed public house will be accessed from two existing sets of doors, one facing Charing Cross station forecourt and the other on Craven Street next to the Strand corner. A further door lower down Craven Street will be for emergency use only. Internally, the maximum capacity of the premises would be 340 patrons, but the premises would provide 256 covers (seats). As tables and chairs would cover most of the internal area, the applicant considers it is highly unlikely that there would ever be 340 customers on site. The proposed outdoor seating would provide 18 additional covers,

The opening hours have been reduced (from a terminal hour of 01:30 as originally proposed) to 07:00 to 23:30 Monday to Thursday, 07:00 to 00:00 Friday and Saturday and 07:00 to 22:30 on Sundays. The hours of operation of the tables and chairs have also been reduced to between 10:00 to 22:30 each day. The revised opening hours are consistent with the licensing hours of other public house and bars in the local area and are considered reasonable.

The Operational Management Plan (OMP) submitted details how the use would operate to minimise noise and disturbance to local residents and includes the following:

- The venue will have a maximum capacity of 340 customers, with a minimum of 256 seats maintained at all times.
- No amplified music will be played inside the venue.
- Food will be available to all patrons from any part of the customer area, each day from opening until 30mins prior to its closure.
- There will be two customer entrance/exits, one in the northwest corner onto Craven Street's intersection with Strand and the other in the pedestrian area, fronting onto Charing Cross Station.
- Both entrances to be fitted with self-closing doors and internal lobby to minimise noise spillage.

- The entrance located to the southwest corner fronting Craven Street will be used as an emergency exit only.
- No external vertical drinking permitted.
- Designated smoking area near Charing Cross station forecourt entrance. Customers smoking will not be allowed to bring their drinks outside, only people that are seated outside will be allowed drinks.
- Signage to remind customers of the need to respect the neighbouring residents when leaving the premises.
- At peak trading times, door staff will operate the entrances/exits to the premises. and remind customers to keep quiet upon exiting the venue and encourage them to leave using the Strand and Charing Cross Station.
- Procedures in place for the management of external spaces and seating areas;
- procedures for security and management of poor customer behaviour, dealing with any complaints and a process to liaise with neighbours to manage operational issues; and
- Installation of CCTV cameras.

While public houses have greater potential to generate noise, disturbance and other nuisances, in this case, with appropriate conditions relating to capacity, hours of operation, restrictions to the doors, food provision and to prevent the playing of music and no vertical drinking outside, it is considered that the public house could operate without causing notable harm. Given the location of the entrances and the management measures proposed, it is considered that most customers would use the Strand and Charing Cross Station when arriving and leaving the premises, away from the residential properties further south on Craven Street.

The Council's Environmental Health team raise no objection to the proposal subject to conditions to control the use and ensure that the applicant adheres to the operational management plan.

The impacts in terms of noise and odour from plant and the kitchen extract system is discussed in section 9.5 of this report, and the impact of servicing and deliveries are discussed in section 9.6, where it is explained that these elements could be carried out without harm to residential amenity and local environmental quality.

As such, the proposed public house is considered to be of a type and size (480 sqm) appropriate to this location. In these circumstances, the proposals would accord with the NPPF, the City Plan, the London Plan and the Mayor's Culture and the Night Time Economy SPG and so is considered acceptable in land use terms.

Application 2 - External seating area

With regards to the proposed external seating, the largest area proposed (14 seats) is located in the arcade/undercroft adjacent to Charing Cross station forecourt where there are no residential properties. In Craven Street the capacity would be limited to two tables/four seats immediately adjacent to the entrance, close to the busy Strand corner. The nearest residential properties are located further south on Craven Street approximately 46m away. Given the limited number of external seats in this location and

that the hours of use of the external furniture is to be restricted to 22:30, after which time it will be removed from the highway, it is considered that this will prevent noise being generated at unsociable hours and minimise disruption to nearby residential occupiers.

However, it is recommended that the outdoor seating area is only granted for a temporary period of one year, so that the impact can be reviewed. For the reasons stated above, and subject to the proposed conditions, it is considered that the proposal is acceptable in land use and amenity terms.

9.2 Environment & Sustainability

Sustainability

City Plan Policies 36 and 38 expect all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change and seek to ensure development responds to the likely risks and consequences of climate change by incorporating principles of sustainable design, including providing flexible spaces, enabling incorporation of future services/ facilities, optimising resource and water efficiency and minimising the need for plant and machinery.

The applicant has provided an Energy and Sustainability Statement to support their application which details the baseline energy requirements for the site and proposes energy efficiency measures with the installation of heat pumps and insulation. These measures accord with the aims of the City Plan.

Air quality

Policy Plan 32 of the 2019-2014 City plan states that the Council is committed to improve the air quality in the City.

The adverse impacts on local air quality due to increased human activity and vehicular traffic and the new air conditioning units were mentioned in the representations. Given the size of the premises, the proposed change of use does not trigger the need to provide an air quality assessment and it is not considered that the proposal will significantly impact the local air quality.

9.3 Biodiversity & Greening

Not relevant in the determination of the application.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any*

works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the LBCA Act 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.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore 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. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Detailed Design

Objections have been received on the grounds that the heritage assessment is misleading and to the heritage impact of the proposal, in particular the external seating/furniture to Craven Street will not be consistent with the streets heritage character.

Application 1

It is proposed to install one air conditioning unit to the rear elevation (adjacent to Hungerford Lane) at lower ground floor level and five air conditioning/ air handling units upon a new plant platform above a disused flight to external steps in a recessed part of the South elevation (running alongside Craven Street) at upper ground floor level.

The proposed single unit to the rear elevation would be wall-mounted under a recess adjoining the basement car park access. Given its secluded location in an area with clear servicing character, it would have a negligible impact on the appearance of the building or character of the conservation area.

More significantly, it is proposed to install a new metal platform sitting above the exiting disused recessed flight of external steps, upon which the proposed five air conditioning/ ai handling units will be located at upper ground floor level adjacent to the proposed service access doors at lower ground floor level below. The steps are currently fenced off by a black painted metal railing, which would be retained. The proposed platform support metal work would be visible through these railings, and a louvred screen is proposed to be installed in front of the plant deck at upper ground floor level, which would be set behind and back form the existing railings.

Subject to a condition to secure details of the plant deck and louvred screen to ensure it

is suitably integrated in appearance with the host building, the proposals are considered acceptable in design terms. Whilst they will be visible in some glimpsed passing views from the public realm, given their discreet location within a deeply recessed aspect of the building and set behind existing railings it is not considered that the proposal would significantly harm the appearance of the building or diminish the character of the Trafalgar Square Conservation area.

Application 2

Given the size and temporary nature of the external furniture it is not considered that the proposals would have a detrimental impact on the townscape, views towards Craven Street or the character and appearance of the Conservation Area to merit a refusal on these grounds.

9.5 Residential Amenity

The amenity and local environmental impacts associated with the proposed use and outdoor seating, are detailed in Section 9.1 of this report.

Plant Equipment – noise, vibration and odours

In relation to noise from the proposed plant, the application has been considered in the context of Policy 33 of the City Plan 2019-2040. This policy seeks to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant operation.

An acoustic report has been submitted in relation to the proposed plant equipment. The Council's Environmental Health officer has confirmed that the proposed plant is likely to comply with the Council's standard noise and vibration conditions and it is therefore considered acceptable.

London Underground have requested a condition demonstrating how the odour and fumes from the kitchen extraction system can be prevented from entering into Craven Street Vent shaft.

The applicant has clarified that there will be no external discharge to the atmosphere of cooking fumes. The use of the existing grilles to the side elevation (Craven Street) and rear elevation is for air exchange within the kitchen area. The applicant has provided details of the kitchen equipment and layout and confirmed that the kitchen will serve foods such as paninis, toasted sandwiches and pre-prepared re-heated foods, with no gas or solid fuel cooking or deep fat frying. On this basis, the Environmental Health officer raises no objection subject to a condition to restrict the type of cooking carried out (no primary cooking).

9.6 Transportation, Accessibility & Servicing

Application 1

Covent Garden Community Association and local residents and businesses have raised objection on the grounds of the impact of servicing and waste collection, increased pedestrian and vehicular traffic and pedestrian obstruction.

The Highways Planning Manager notes that the trip rates associated with the site may increase from that of the current retail use. However, the site is well-served by public transport, and will be easily accessed from the Strand and Charing Cross station, the forecourt of which provides a taxi rank.

The applicant states that the proposed unit will be serviced as existing, via the exiting side entrance off Craven Street and there will be up to 5 deliveries a week. The Highways Planning Manager recommends conditions to secure a Servicing Management Plan and to prevent a food delivery service from being operated from the premises. A condition is also recommended to restrict the hours of servicing, including waste collection to between 08:00 to 20:00 in line with the OMP, to protect the amenity of local residents.

The waste and recycling storage details have been revised to accord with the Council's waste requirements and will be secured by condition.

Four cycle spaces are proposed at basement level, which accords with Policy T5 of the London Plan and will be secured by condition. TFL have requested the provision of short-stay cycle parking. Whilst the lack of this provision is regrettable, the site is adjacent to a TFL cycle docking station.

Application 2

Strong objections have been received on the grounds of obstruction of the pavement and pedestrian congestion in an area of high pedestrian flow.

In Craven Street, two tables and four chairs are proposed, in a section that is fully pedestrianised (approximately 9m wide) which would meet the Council's requirement not to occupy more than 25% of the shared footway. However, the proposed seating is in close proximity to a cycle hire docking station, and clarification is currently being sought to ensure that there will be a clearance of 2m between the proposed tables and chairs and cycle docking station. This matter will be reported verbally at the Planning applications Sub-Committee.

With regards to the Charing Cross station forecourt frontage, originally the scheme included 20 tables, 40 chairs and 4 planters. This proposal was not considered to satisfy the City Council's requirement, leaving only a pedestrian clearway of 1.45m (a minimum of 2m is required) and the available route was passing through the proposed area for outdoor furniture. The application has therefore been revised to reduce the outdoor furniture on that frontage to 5 tables, 10 chairs and 3 planters. This leaves a 3.1m area for pedestrian movement satisfying the City Council's requirements.

The details submitted show that the planters will have wheels and the applicant confirmed that all elements of the outdoor furniture will be removed after 22:30 daily. This will be secured by condition.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the fitout and operational phases, providing opportunities for local employment and spending in the local area.

9.8 Other Considerations

Safety

The Metropolitan Police have objected on the grounds that the area experiences high levels of crimes and lack of consideration has been given to security, with multiple entrances into the property.

As outlined in section 9.1 above, two entrances are proposed into the premises, one at the northern end of Craven Street on the Stand corner and the other on the Charing Cross Station frontage. The third entrance will be for emergency use only. The OMP outlines the security measures proposed, including the use of CCTV and body-cams, door staff at peak times, staff dedicated to the outdoor seating area and procedures to deal with poor customer behaviour. The outdoor furniture will be removed from the highway after 22:30 daily. The units are currently empty, and their re-use will also contribute to passive surveillance.

With these measures in place, it is not considered sustainable to refuse the permission on safety grounds.

5 Strand redevelopment

One representation mentions that the proposals for the redevelopment at 5 Strand include public realm works and that the proposed outdoor seating and delivery route along Craven Street may undermine and restrict the delivery of the public realm works.

There is a currently a planning application for the redevelopment of 5 Strand which is being assessed.

The use of the public highway for outdoor seating would be temporary (one year) so the circumstances can be reviewed. It is proposed to use the existing servicing rout to the building. he public realm works, if approved, will need to take into consideration the existing constraints and requirements of neighbouring buildings.

Construction

The Northbank BID Project mentioned the lack of information on construction logistics and management during fit out works. Given the nature of the proposal, a condition limiting the hours for noisy works is recommended and an informative to remind the applicant to get separate consent for any temporary structure on the highway are considered sufficient.

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

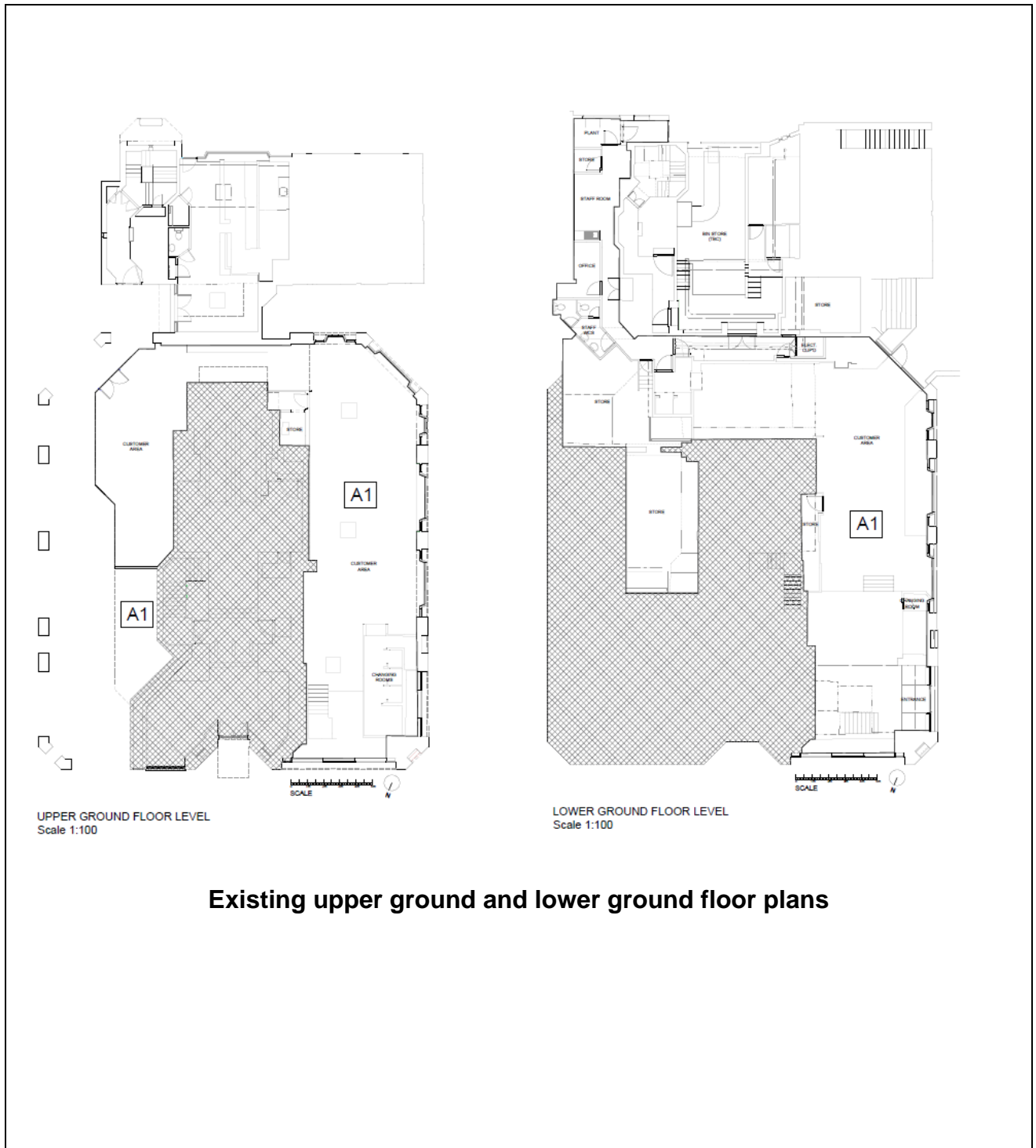
Public houses and restaurants can support the social fabric of communities, contribute to the viability of the city and support the evening/night-time economy. Nevertheless, the local residents' concerns are understood, as they can also negatively impact on residential amenity and local environmental quality if they are of a type and size inappropriate to their location. In this case, the site is within a busy location adjacent to the Strand and Charing Cross Station, and whilst there are residents on Craven Street, it is considered that with the controls proposed, which are recommended to be secured by condition, the proposed public House and the associated tables and chairs would not cause significant harm to residential amenity or local environmental quality.

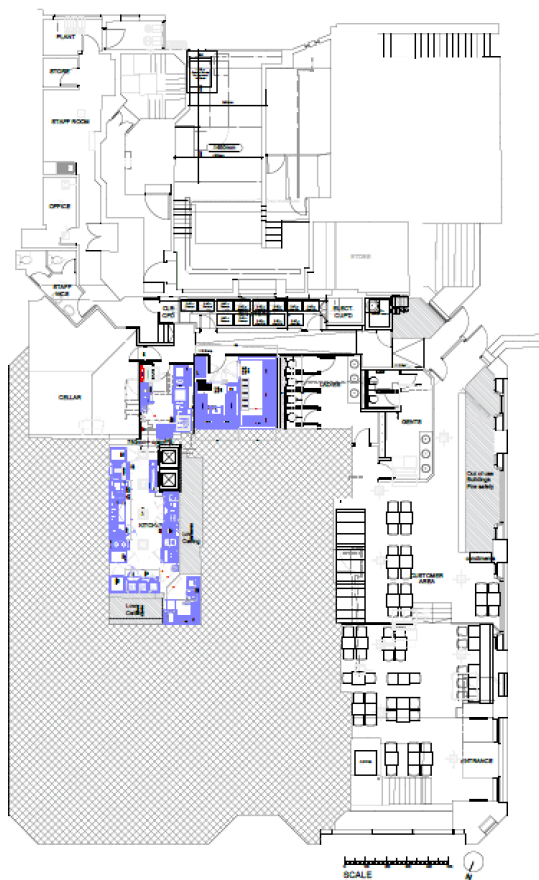
Accordingly, the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

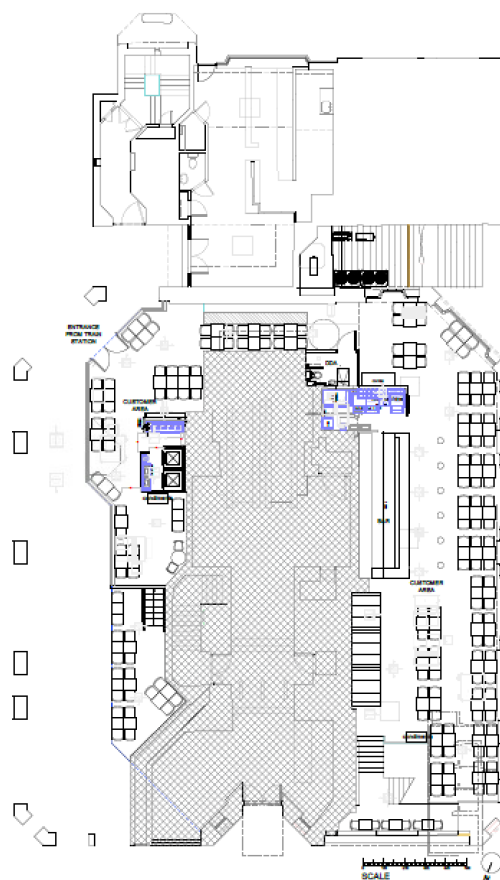
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

11. KEY DRAWINGS



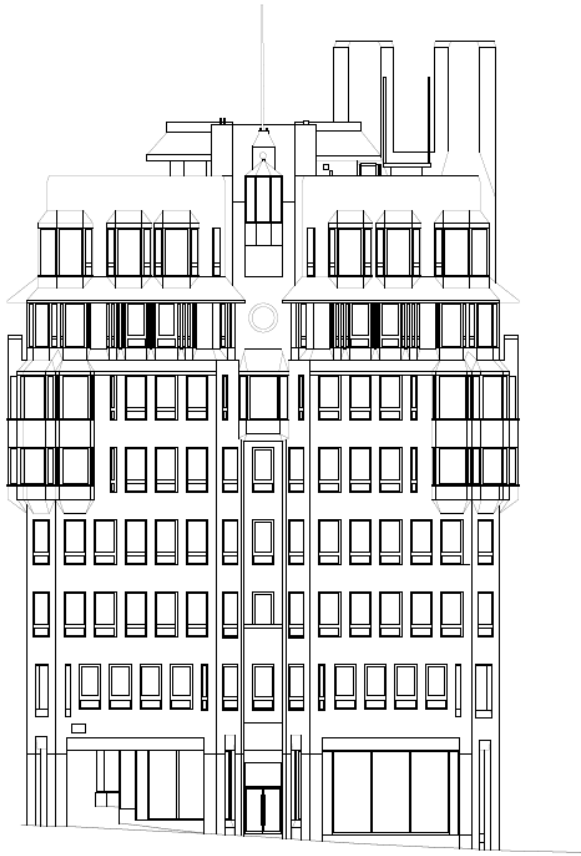


LOWER GROUND FLOOR LEVEL
Scale 1:100

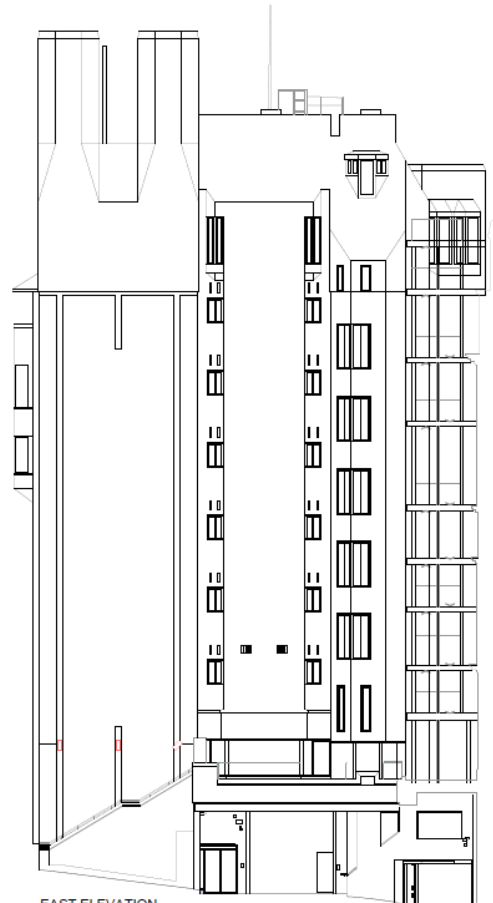


UPPER GROUND FLOOR LEVEL
Scale 1:100

Proposed upper ground and lower ground floor plans



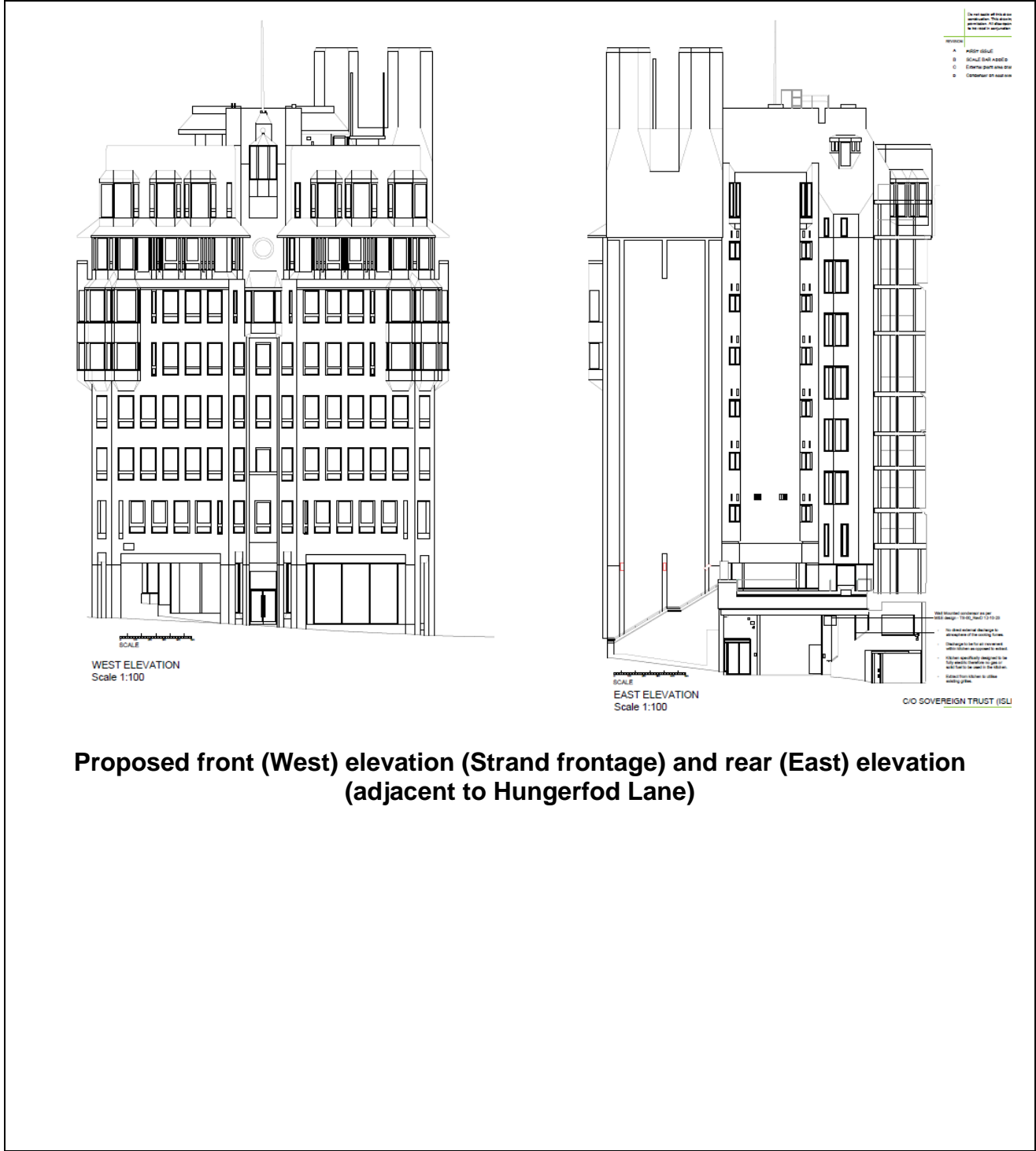
WEST ELEVATION
Scale 1:100



EAST ELEVATION
Scale 1:100

G/O SOVEREK

Existing front elevation (Strand frontage) and rear elevation

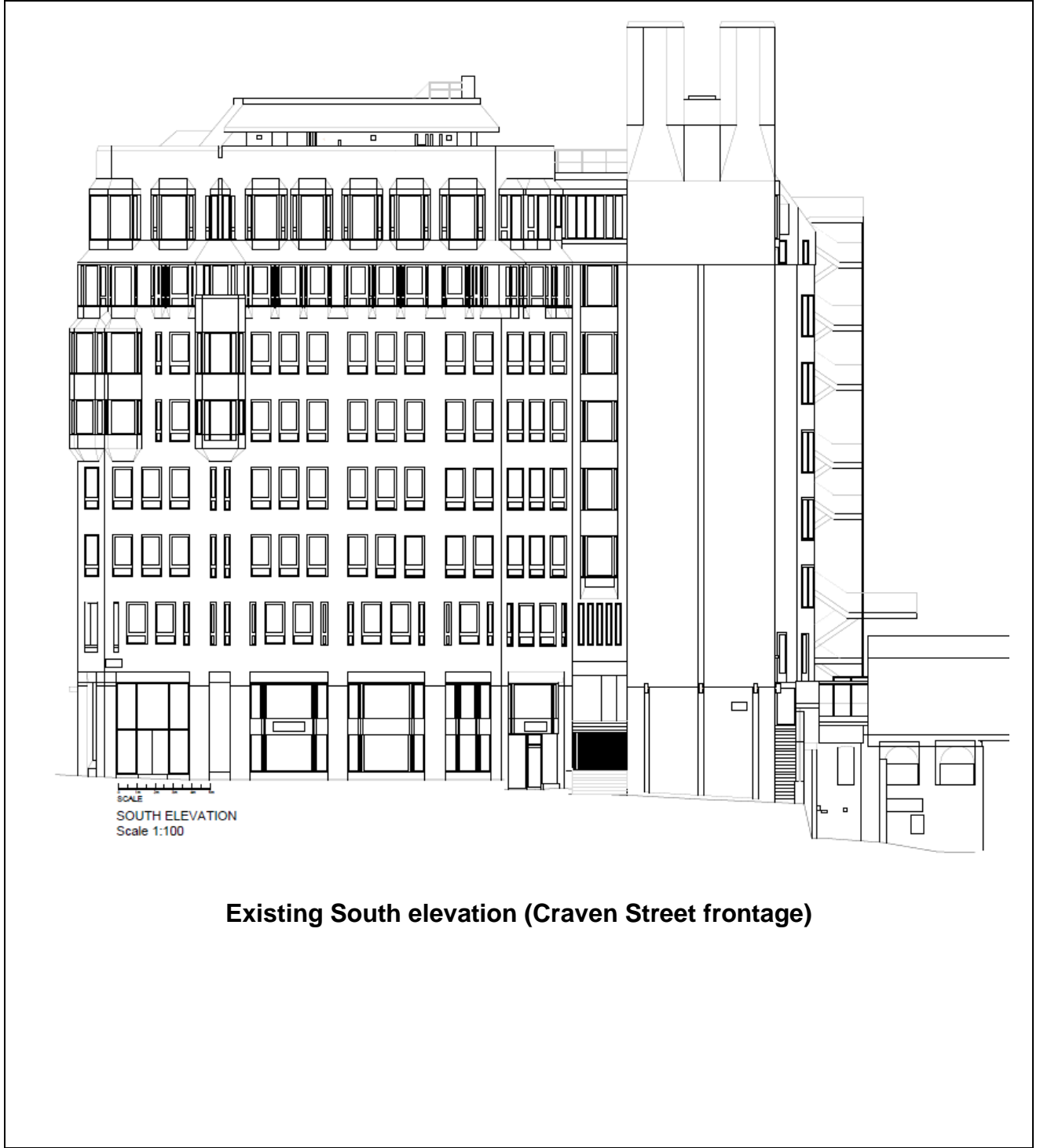


WEST ELEVATION
Scale 1:100

EAST ELEVATION
Scale 1:100

Proposed front (West) elevation (Strand frontage) and rear (East) elevation (adjacent to Hungerford Lane)

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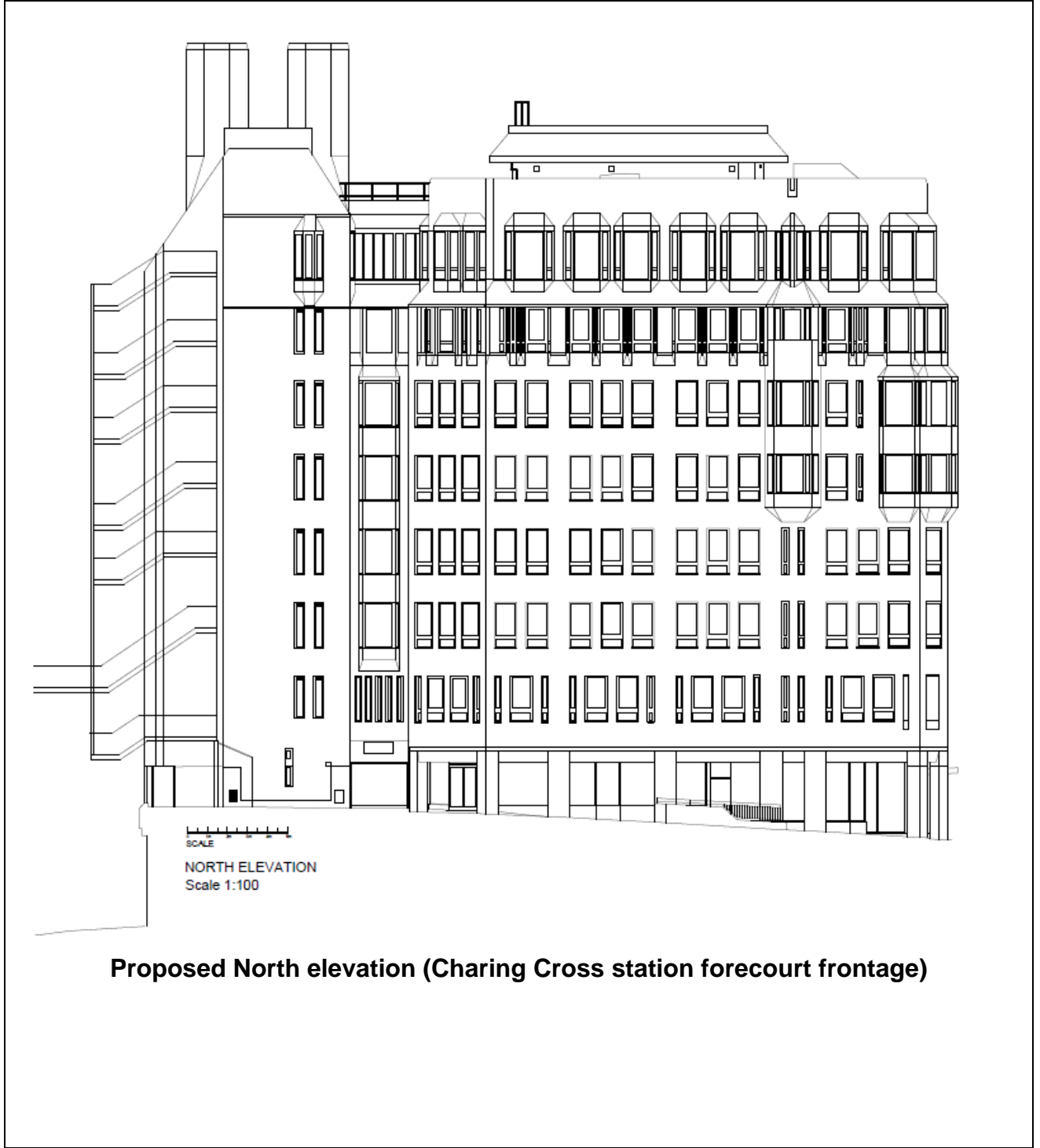


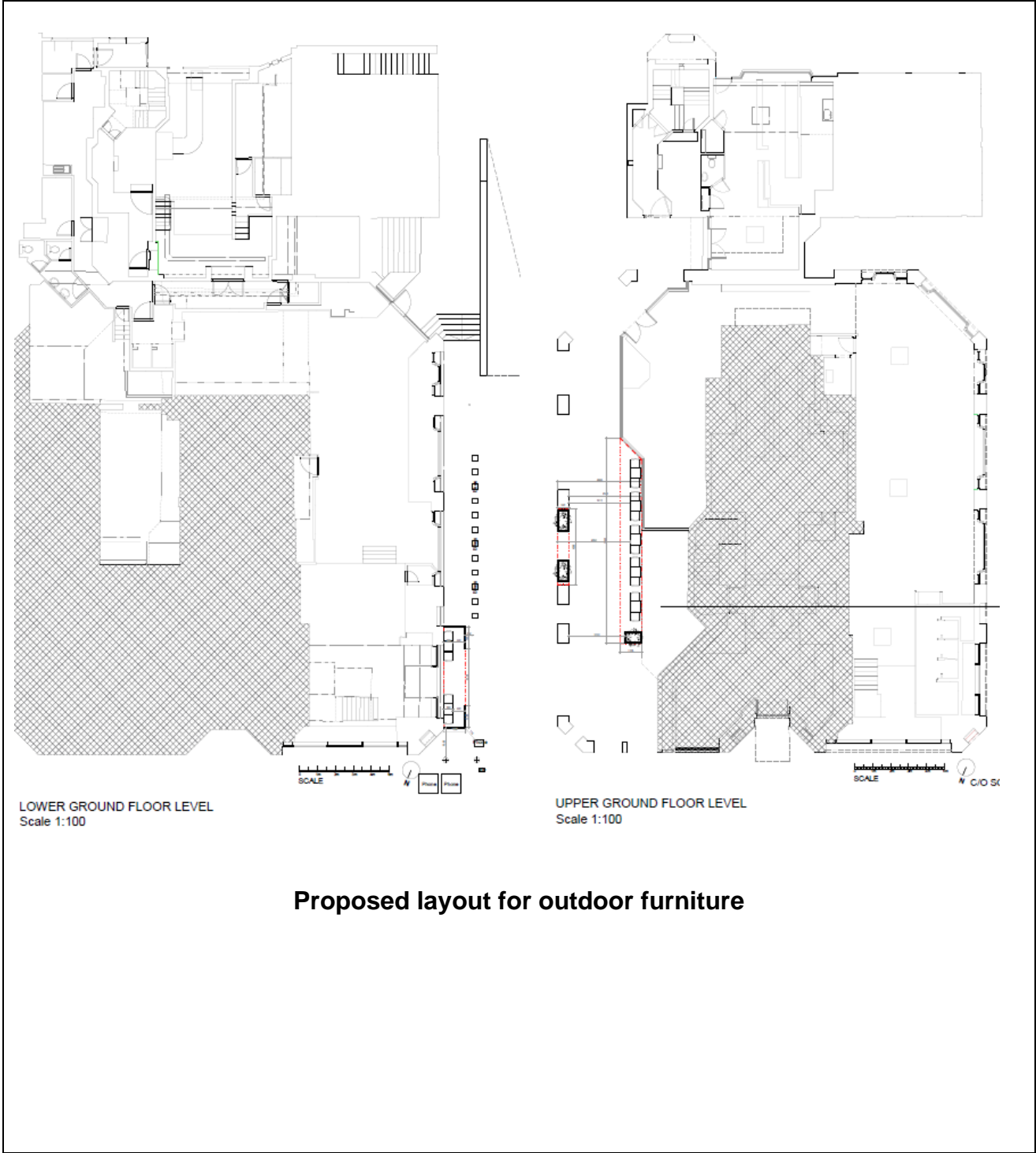
Existing South elevation (Craven Street frontage)





Existing North elevation (Charing Cross station forecourt frontage)





DRAFT DECISION LETTER

- Address:** 11 Strand, London, WC2N 5HR
- Proposal:** Use of ground and lower ground floor as a public house and restaurant (Sui Generis) including associated external alterations and the provision of mechanical plant equipment within courtyard and at rear lower ground level.
- Reference:** 23/02207/FULL
- Plan Nos:** Site location plan; AL.01 rev. G; AL.02 rev. B; AL.03/B; AP.01 rev. B; AS01 rev. D; AS02 rev.C; AS093; AS04 rev.D; AS05 rev. C; AV01 rev. D; AV02 rev. C; AV03 rev. E; TS/00 rev.B2; Premises Management Plan dated November 2023; Proposed visual; Planning noise impact assessment ref: RK3564/23126/Rev 1.

For information only:

Planning statement dated March 2023; Energy and sustainability statement dated 12 April 2023.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

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
- 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 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 Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 (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 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 in writing 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 15 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)#

- 5 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 6 You must not play live or recorded music within the premises.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 7 You must not allow more than 340 customers into the property at any one time, and you must maintain 256 covers (seats) for customers at all times the public house is 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)

- 8 Customers shall not be permitted within the Public House premises before 0700 or after 2330 on Monday to Thursday; before 0700 or after 00:00 on Fridays and Saturdays; and before 07:00 or after 22:30 Sundays and Bank Holidays.

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)

- 9 You must carry out the measures included in your Operational Management Plan dated November 2023 at all times that the Public House is 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)

- 10 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number AL.03/B prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the sui generis use. (C14FC)

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)

- 11 The public house use allowed by this permission must not begin until you have fitted an internal lobby at the two entrances. The entrance doors and the doors fitted to the internal lobbies shall be self-closing doors and you must not leave these doors open except in an emergency or to carry out maintenance. The lobbies shall be retained in situ for the life of the development.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 12 There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises. The reheating of food, the cooking equipment used and hot food products served shall be limited to ensure:
- No gas or solid fuel cooking
 - No deep fat frying or use of griddle cooking
 - Hot food to be provided only via microwave ovens, combi reheat ovens (with built in carbon filtration), one panini grill, rotary toaster and a chip scuttle.

(Please refer to Informative 5).

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 13 The design and structure of the building shall be of such a standard that it will protect

residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

14 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the sui generis use 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the ^IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

(a) The location of most affected noise sensitive receptor location and the most affected window of it;

(b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(d) The lowest existing LA90, 15 mins measurement recorded under (c) above;

(e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;

(f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 15 The entrance on Craven Street in the southwest corner shall not be used as an exit except in emergencies.

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)

- 16 You must apply to us for approval of detailed drawings at 1:10 and sections at 1:5 (specifying finished appearance) of the of the following parts of the development:

- plant deck (including support legs) and louvred screen.

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 according to these details and erect the screen before installation of the plant. The screen must then be maintained in the form shown as long as the plant and deck remains in place.

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 Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 17 You must not sell any take-away food or drink on the premises and you must not operate a delivery service, even as an ancillary part of the primary public house/restaurant use.

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 18 You must not allow customers to drink on the pavement outside the premises.

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)

- 19 You must provide each cycle parking space shown on the approved drawings prior to

occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

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)

- 20 All servicing must take place between 0800 and 2000. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 21 You must apply to us for approval of a Servicing Management Plan, which must identify the process, internal storage locations, scheduling of deliveries and staffing. You must not occupy the Public House until we have approved what you have sent us. You must then carry out the measures outlined in your servicing management plan for the lifetime of the development, unless a revised strategy is approved in writing by the Local Planning Authority. (Please refer to informative 6).

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

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.

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, sitenquiries@ccscheme.org.uk or visit 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

- 3 Conditions 4 and 5 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 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.
Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm

The following are available from the British Standards Institute - see shop.bsigroup.com/:

BS 6465-1:2009: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

BS 6465-3:2009: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 5 The general ventilation within the kitchen must be designed to achieve an upper ambient temperature of not more than 25 centigrade and provide sufficient air changes within the workspace in compliance with Building & Engineering Services Association (BESA) guidance DW172 -2018 or as updated.

If in future deep fat frying and or cooking by griddle is intended then you must first install a fully recirculation scheme based on the standards set out on the Council's website for the prevention of odour nuisance from kitchen ventilation systems at: <https://www.westminster.gov.uk/westminster-environment-guidance-section-b/section-b-odour> or as updated. Any external equipment will require planning permission.

- 6 In order to meet the requirements of condition 21 the Servicing Management Plan (SMP) should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for occupants (process, internal storage locations, scheduling of deliveries

and staffing). A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations.

The idea of the SMP is to ensure that the goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to the other highway users. The SMP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (i.e. set out how the occupant is expected to service the unit). A supplier instructions sheet is a helpful part of the SMP.

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.

DRAFT DECISION LETTER

Address: 11 Strand, London, WC2N 5HR

Proposal: Use of two areas of the public highway, measuring 1.2m x 5.63m to Craven Street frontage for the placing of 2 tables and 4 chairs and 1.2m x 11.4m to Charing Cross Station forecourt frontage for the placing of 5 tables, 10 chairs and one planter and two additional planters to undercroft, in connection with the ground floor use.

Reference: 23/02248/TCH

Plan Nos: Site location plan; AP.02; AL.01 rev. I.

For information only: AD01; Planning statement dated March 2023.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

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 You must not put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing AL.01 rev. I. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out Policies 25 and 43 of the City Plan 2019 - 2040 (April 2021). (R25AD)

- 3 You can only put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved on the pavement between 1000 and 2230. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out Policies 7, 33 and 43 of the City Plan 2019 - 2040 (April 2021). (R25BE)

- 4 The tables and chairs must only be used by customers of ground floor unit at 11 Strand. (C25CA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets Policies 25 and 43 of the City Plan 2019 - 2040 (April 2021). For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission. (R25DD)

- 5 This use of the pavement may continue until 31 December 2024. You must then remove the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved. (C25DA)

Reason:

In the interests of public safety and to avoid blocking the road as set out Policies 25 and 43 of the City Plan 2019 - 2040 (April 2021). (R25AD)

- 6 You can only put out on the pavement the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved shown on drawing AL.01 rev.I. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved. (C25EA)

Reason:

In the interests of public safety and to avoid blocking the road as set out Policies 25 and 43 of the City Plan 2019 - 2040 (April 2021). (R25AD)

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 You cannot put tables and chairs in the area unless you have a street trading licence, which can be applied for at the following link: www.westminster.gov.uk/tables-and-chairs-licence., , If you want to know about the progress of your application for a licence, you can contact our Licensing Service by email to streettradinglicensing@westminster.gov.uk. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for

planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times.

- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 4 The furniture must be lifted when removed from the public highways and not dragged to avoid noise.

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.