

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 31 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	143-145 Strand, London, WC2R 1JA,		
Proposal	Partial demolition at rear and erection of rear extensions at basement to roof levels; shopfront alterations; installation of plant and machinery and associated alterations in connection with the use of the building for retail purposes (Class A1) at part basement and part ground floor level and as a hotel (Class C1) throughout the rest of the building.		
Agent	Project Orange		
On behalf of	Marston Properties Ltd		
Registered Number	17/08077/FULL	Date amended/ completed	8 September 2017
Date Application Received	8 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	Strand		

1. RECOMMENDATION

Refuse permission- loss of retail and loss of an important cultural and night time entertainment use (the India Club restaurant/bar)

2. SUMMARY

143 – 145 Strand is unlisted building of merit located within the Strand Conservation Area, Core Central Activities Zone and West End Strategic Cultural Area. It is currently in use as shops on the ground floor with a hotel and restaurant/bar on the floors above. The restaurant/bar is known as the India Club, which has strong associations with the ex-pat Indian community dating back to 1951 and is considered to be of significant cultural importance. The application proposes to reduce the amount of retail floorspace and entirely remove the India Club floorspace so that the upper floors become wholly hotel in use. Rear extensions are also proposed along with a new shopfront and plant.

The key issues for consideration are:

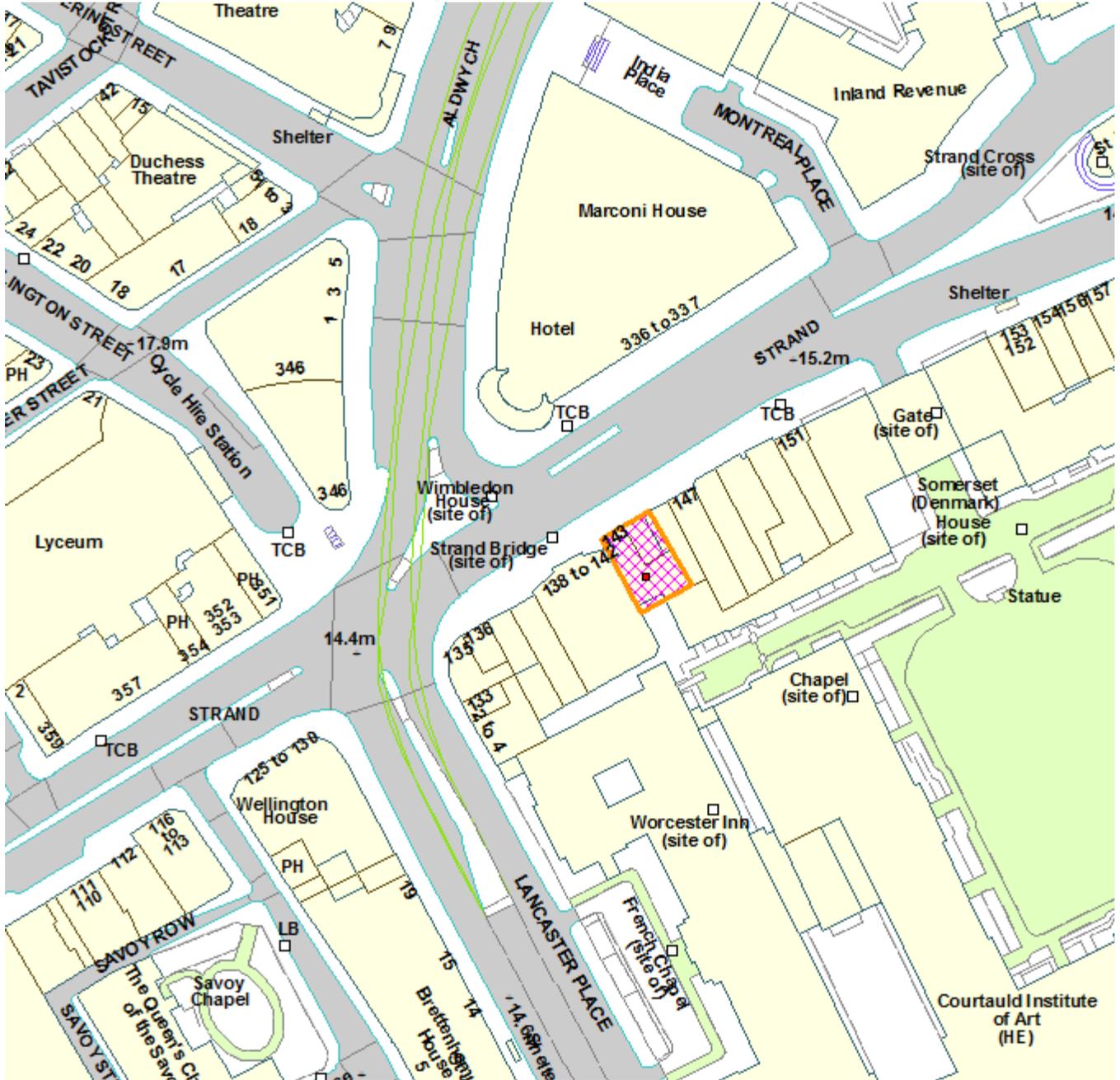
*The loss of the India Club restaurant/bar and the impact this would have on cultural and night-time entertainment provision;

*The loss of ground floor and basement A1 retail floorspace;

*The impact of the proposed physical alterations on the character and appearance of the Strand conservation area.

The application has been assessed against the relevant policies as set out in the Unitary Development Plan (January 2007), Westminster's City Plan (November 2016), The London Plan including draft changes dated December 2017 and the Mayor of London's draft Culture and the Night Time Economy Supplementary Planning Guidance dated April 2017. The application is considered unacceptable due to the loss of Class A1 retail and the loss of the India Club, an important cultural and night time entertainment use and is accordingly recommended for refusal.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

VIRENDRA SHARMA MP

Urges the Council to save the India Club.

HISTORIC ENGLAND (ARCHAEOLOGY)

A programme of archaeological investigation should be secured by condition.

COVENT GARDEN COMMUNITY ASSOCIATION:

The improvements to the streetscape are welcomed. Request conditions to ensure there is no noise nuisance from plant.

WESTMINSTER SOCIETY:

The application does not present the Society with any issues.

HIGHWAYS PLANNING MANAGER

The proposal is unlikely to have a significant impact on on-street car parking in the area. The level of servicing associated with the proposal is unlikely to significantly increase or have an adverse impact on the public highway. Cycle parking spaces are indicated along with shower and changing facilities for staff, which are welcomed.

CLEANSING MANAGER

Details of storage for residual waste and recyclable materials must be secured by condition.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 211 No. of replies: 53

No. of objections: 53

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Objections have been received on all or some of the following grounds:

Land Use

- Loss of the India Club restaurant/bar – an historically and culturally significant use because of its links with the India League and Indian Independence movement and a use which makes a significant contribution to the cultural diversity and night time entertainment provision in this part of Westminster
- Loss of existing low cost hotel accommodation

Design

- Architecturally, the building offers a complete contrast to the bland modern blocks that are now invading Strand and should be retained.
- The proposals would result in the loss of the historically important existing internal features.

Other (issues raised by Somerset House estate)

- No details provided of the restaurant mechanical extraction locations
- Concern regarding noise and vibration through the structure of the building during construction
- Hotel bedrooms should be sufficiently sound insulated
- Security measures required to ensure hotel guests cannot gain access to Somerset House at roof level

6. BACKGROUND INFORMATION

6.1 The Application Site

143-145 Strand is an unlisted building of merit located within the Strand Conservation Area, Core Central Activities Zone and West End Strategic Cultural Area, and comprises seven storeys over basement level. An application to have the building listed was refused on 8 May 2018 by the Department for Digital, Culture, Media and Sport (DCMS).

The ground floor level includes an entrance to the upper floors, which accommodate the Hotel Strand Continental and The India Club restaurant/bar. The remainder of the ground floor and the whole of the basement is split between two Class A1 retail units - these being Strand News and Greggs Bakery.

The applicant contends that the India Club is functionally and physically part of the hotel and operates ancillary to it, and therefore the upper floors together form a single planning use which is a Class C1 hotel. The applicant has provided legal counsel's opinion to support this view. Officers, however, do not agree with this and have obtained other independent legal advice which suggests that the India Club operates more than merely as an ancillary part of the hotel, meaning that the overall use of the upper floors is not a hotel but a mixed use comprising the two primary elements of a hotel and the India Club restaurant/bar.

6.2 Recent Relevant History

There is no recent planning history considered relevant to the current proposals.

7. THE PROPOSAL

The main overall intention of the proposal is to improve the quality of the hotel rooms which currently are of a poor standard comprising 26 bedrooms with shared WC/shower facilities. By extending the building at the rear and incorporating the India Club within the hotel accommodation, 5 single bedrooms and 25 double bedrooms, all with en-suite bathrooms, can be provided, but there would be no re-provision of a restaurant or bar.

The ground floor retail area would be reduced in order to accommodate a lobby/reception area for the proposed new hotel and this smaller retail area would comprise a single shop. The basement would provide both ancillary retail and hotel accommodation.

At the front, the external works to the building would consist of a new shopfront at ground floor level, the replacement of two extract panels with glazing to match existing and the cleaning of the existing stonework.

To the rear, it is proposed to demolish the existing emergency staircase, rear elevation and staircase extension at roof level and provide new extensions at all levels, mansard roof extensions at fifth and sixth floor levels and a lift shaft terminating at roof level. A plant room is proposed at sixth floor level with an open roof.

Comparative Floorspace Areas

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
A1 (Retail)	328.5	187.9	-140.6
Mixed Restaurant/bar and Hotel Use	679	0	-679
Hotel (C3)	0	931.9	+931.9
Total	1007.5	1119.8	+112.3

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Retail (Class A1)

Additional hotel floorspace is proposed at ground and basement levels to allow the creation of a ground floor lobby/reception area and ancillary floor space at basement level for staff welfare etc. The two existing retail units would be replaced by a single unit resulting in a net loss of 140.6 sqm of Class A1 retail floorspace.

Policy S21 of the City Plan states that existing Class A1 retail will be protected throughout Westminster except where it is considered that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let it. As both of the existing retail units are currently occupied, no case can be made on vacancy grounds and no information has been provided regarding the non-viability of the units.

Policy SS5 of our Unitary Development Plan seeks to achieve an appropriate balance of town centre uses in the CAZ.

Policy SS5 (A) states that Class A1 uses at ground, basement or first floor level in the CAZ and CAZ frontages will be protected.

Policy SS5 (B) states that planning permission for the introduction of a non-A1 town centre use at basement, ground and first floor level will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.

The applicant contends that because of the proposed configuration of the new unit the amount of “usable customer accessible floor space” will increase from 85sqm (Greggs Bakery shop 35sqm, Strand News 50sqm) to 89sqm, but this can only be on the assumption that any proposed new shop would have less need for back of house areas than the existing shops and would therefore be able to allocate more floorspace to trading. There is no evidence to suggest this would be a reality, and internal arrangements are solely a matter for the operator. It is therefore an artificial argument to make a distinction between trading and back of house areas, as both are important for most shop uses. Furthermore, the shopping frontage is also much reduced, with less than half of the ground floor frontage of the building to be used as a shop window display.

It is therefore considered that the loss of 140.6 sqm of Class A1 retail floorspace and the consequential reduction of A1 units from two to one, would be detrimental to the character and function of the area having a detrimental effect on local shopping facilities contrary to City Plan Policy S21 and UDP Policy SS5.

Loss of the India Club restaurant/bar

The applicant contends that part ground to sixth floor is currently in single use as a hotel and that the India Club at first and second floor is an ancillary part of this hotel. This would certainly be the case for the vast majority of hotel restaurants and bars, but the India Club is different to these in that it has a well-established reputation as a destination in its own right and it appears to be accepted that the majority of the India Club's patrons are not hotel guests. So although the India Club and the hotel share physical links, since they use the same entrance from street level and users of the India Club must walk through parts of the hotel to access it, the India Club is not so insubstantial in its own right that it is merely ancillary to the hotel, and it is in fact of equal significance to the hotel. Accordingly, it is considered that the India Club and the hotel together form a mixed use comprising elements of a hotel and elements of a restaurant/bar.

In the proposals, hotel bedrooms would replace the India Club at first and second floor levels. The loss of the India Club has led to a campaign for it to be “saved” of which there has been a great deal of interest from the public and in the media and an online petition, “Save India Club”, has gathered over 26,200 signatures.

Objectors to the application state that the India Club is of great historical and cultural value due to its links with the India League and the Indian independence movement. The accuracy of this claim has been disputed by the applicant, who states that there has been a large amount of misleading media coverage surrounding the proposals and the proprietor's bid to get the building listed, which was rejected on 8 May 2018 by the DCMS.

Historic England's report to the DCMS states that 143 – 145 was not the original home of the India Club (set up in 1951) and that the club moved to its current site in 1964

“...meaning the building lacks a connection with the Indian independence movement, having been established many years after independence was achieved. By the time the club moved to the Strand, it was one of a great number of organisations in existence in the 1960s working to promote British-Indian relations, and supporting the Indian diaspora”.

Notwithstanding Historic England’s conclusion that the application site is not the building originally occupied by the India Club, it is still linked to the India League and is considered to be of significant cultural importance. The content of the objections received make clear that the India Club is a much valued institution and has substantial community worth.

In terms of local planning policy, the application site is located within the West End Strategic Cultural Area and the India Club is therefore not just important in its own right, but important also as part of a cluster of other cultural uses which collectively contribute greatly to the character of the area. City Plan Policy S22 states that existing tourist attractions and arts and cultural uses will be protected. Although the City Plan’s glossary does not specifically state that restaurant/bars are cultural uses, it is clear that the India Club is culturally more than just a restaurant/bar and can be reasonably termed a cultural use. It is therefore considered that the loss of the India Club would be significantly harmful to cultural provision in Westminster as a whole and in particular to the West End Strategic Cultural Area, and the application is therefore not supported by City Plan policies.

Policy 4.6 of the London Plan (Support for and Enhancement of Arts, Culture, Sport and Entertainment) states that the Mayor will and boroughs should support the continued success of London’s diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors. This theme is being developed further in both the Mayor of London’s draft Culture and the Night Time Economy Supplementary Planning Guidance (April 2017) and in the emerging draft amendments to the London Plan (December 2017), in which increasing importance is being given to cultural uses as valuable and sometimes irreplaceable facilities, and Draft London Plan policy HC5 states that existing cultural venues will be protected

Even if the India Club were not as culturally important as it is, there would still be a case for its retention as a restaurant/bar. Policy S21 of the City Plan states that non-A1 retail uses will be protected from changing to uses that do not serve visiting members of the public. The India Club is a vibrant and busy meeting place for both the local community and visitors from around the world, and its replacement with additional hotel accommodation would decrease the range of places to eat and drink for visiting members of the public. This would in turn reduce the vitality and viability and harm the character and function of this part of the Central Activities Zone.

Further support to this approach is given in emerging London Plan policy HC6 and the Mayor of London’s SPG, which both emphasise the benefits in supporting, growing and diversifying London’s night-time economy, particularly within the Central Activities Zone. Draft London Plan Policy HC6(6) states that evening and night-time cultural venues such as pubs, night clubs and other arts venues should be supported and protected. It is considered that the India Club would fall within this category of use.

It is therefore clear that the loss of the India Club would have a detrimental impact on both cultural provision and night time economy and character, which would cause significant harm to both these, and the application should therefore be refused.

Increase in Hotel Floorspace (Class C1)

The proposals include an increase in hotel floorspace amounting to 931.9 sqm.

City Plan policy S23 states that existing hotels will be protected where they have no significant adverse effects on residential amenity and that proposals to improve the quality and range of hotels will be encouraged.

UDP Policy TACE 2 states that within the CAZ, in streets which do not have a predominantly residential character, planning permission will be granted for new hotels and extensions to existing hotels where:

- 1) No adverse environmental and traffic effects would be generated
- 2) Adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for setting down and picking up of visitors by coaches and for taxis serving the hotel.

The proposals will result in an increase of only 4 hotel bedrooms as the main purpose of the application is to upgrade overall standard of the bedrooms by making them all en-suite, whereas the existing hotel rooms share bathroom facilities. If it were not for the fact that the hotel upgrade results in the loss of the India Club, this would be supported. No complaints from neighbouring residents have been received in respect of the existing hotel use and it is considered that the small increase in bedrooms would be unlikely to cause adverse environmental or traffic impacts. If the proposals were otherwise considered acceptable, operational and servicing management plans would have been secured by condition.

8.2 Townscape and Design

The building is considered to make a positive contribution to the character and appearance of the Strand Conservation Area. The important front elevation is to be retained and all works, with the exception the new shopfront, are confined to the rear/ roof of the building. The works remove unsightly elements from the rear of the building, which is tightly enclosed and only visible from the upper storeys/ roof level of Somerset House. The rear extensions increase the massing on all floors and include a new mansard level. In design terms, the upper most level extensions would normally be considered contrary to UDP policies DES 5 and DES 6 as the extensions would rise above the penultimate storey and a mansard is proposed on a complete composition. However, given the existing character of the rear, the proposals represent an opportunity to improve the appearance of the elevation and with it the views from Somerset House. The works are therefore considered acceptable in design terms. The proposed works to the shopfront are also considered to enable an enhancement of the building's character.

External cleaning of the front elevation is to be undertaken by a specialist. No details of the type of cleaning method have been submitted, but in principle this is acceptable and

details would have been required by condition had the application been considered acceptable in all other respects.

The proposed design is considered to conform with Policies S25 and S28 of Westminster's City Plan (November 2016) and DES1, DES5, DES6 and DES9 of our Unitary Development Plan that we adopted in January 2007. The proposals are therefore acceptable in terms of townscape and design.

8.3 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 and encourage development which enhances the residential environment.

The closest residential properties are located on the upper floors of 147 Strand to the east of the site. Given the orientation of the property and the scale and massing of the proposed extensions, it is considered that there will be no significant loss of light or sense of enclosure to surrounding residential or commercial properties because of the proposed development compared the existing situation.

No windows are proposed to the flank elevations of the rear extensions and it is considered that the rear windows would lead to no unacceptable loss of privacy to surrounding properties. Had the application be recommended for approval, a condition would have been imposed to ensure that the roofs of the rear extensions would not be used for sitting out purposes.

Overall, it is considered that the proposals would meet City Plan policy S29 and UDP policy ENV 13 and are therefore acceptable in terms of amenity.

8.4 Transportation/Parking

No car parking is provided in the scheme, but it considered that the modest increase in hotel bedrooms from 26 to 30, would have no material impact on parking or servicing demand in the area.

8.5 Economic Considerations

Overall, the loss of the India Club as a cultural and night time venue would be likely to have a detrimental impact on the local economy, which would probably not be outweighed by the economic benefits of the upgraded hotel accommodation.

8.6 Access

The proposals would create a new level access to the building from Strand. Vertical circulation would be provided by a new lift.

8.7 Other UDP/Westminster Policy Considerations

Storage for Refuse/Recycling

The proposals do not include provision for storage of waste and recyclable materials, and therefore had the application been recommended for approval, a condition would have been imposed requiring details of waste storage to be approved prior to commencement of the use.

Plant Machinery

The proposals include a plant room at sixth floor level and an acoustic report has been provided by the applicant concerning anticipated noise emissions from this plant. Precise details of the plant specification are not currently known by the applicant and therefore had the application been recommended for approval, a condition would have been attached requiring the submission of supplementary acoustic report demonstrating that the plant, when selected, would comply with the Council's standard noise criteria.

The Somerset House Trust have stated that details should be provided of the restaurant mechanical extraction locations required to prevent noise/smells entering Somerset House Estate, but the proposals do not include a restaurant.

8.8 London Plan

The London Plan policies relevant to the proposals have been discussed earlier in this report.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

Had the development been acceptable, it would be liable to a CIL payment.

8.11 Environmental Impact Assessment

This application is not a sufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

Construction impact

Concern has been raised by the Somerset House Trust regarding possible noise and vibrations nuisance associated with the proposed demolition/construction. Had the proposals been considered acceptable the applicant would have been encouraged to comply with the Council's Code of Construction Practice and a condition would have been imposed restricting the hours of building work. With regards to concerns raised about the possible impact/damage to neighbouring property during construction works, this is controlled through the Party Wall Act and is therefore a private matter between the relevant property owners.

Crime and security

Concern has been raised by the Somerset House Trust in relation to the potential for hotel guests to gain access to their estate at roof level. Details of boundary treatment and access would be addressed during the party wall agreements between the respective landowners.

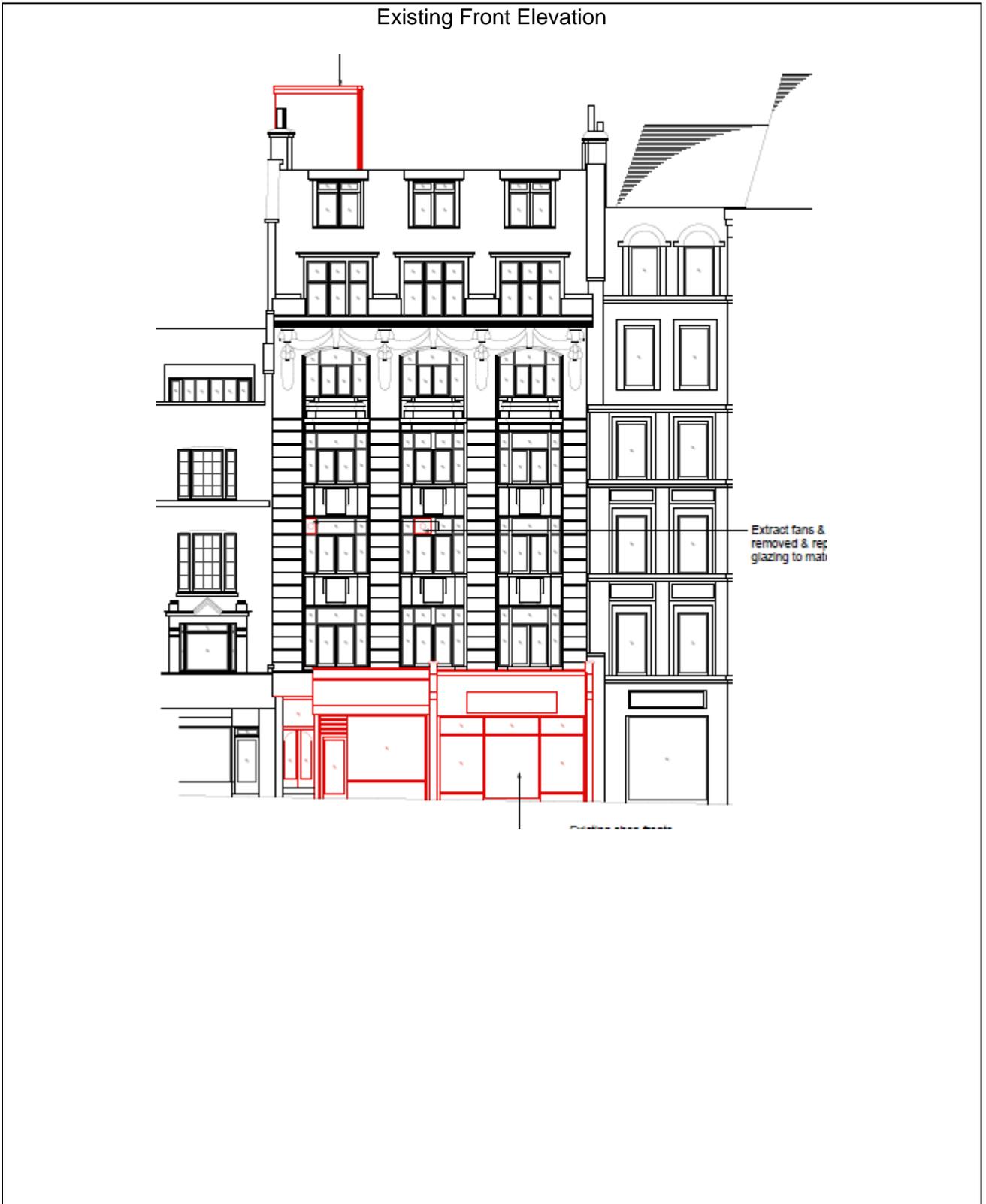
Impact on Somerset House entertainment events

The proposals seek to replace one commercial use for another. No permanent residential (Class C3) forms part of the proposals and as such the Council's internal noise standard conditions would not have been applied, had the application been considered acceptable.

(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: AMANDA JACKSON BY EMAIL AT southplanningteam@westminster.gov.uk

9. KEY DRAWINGS



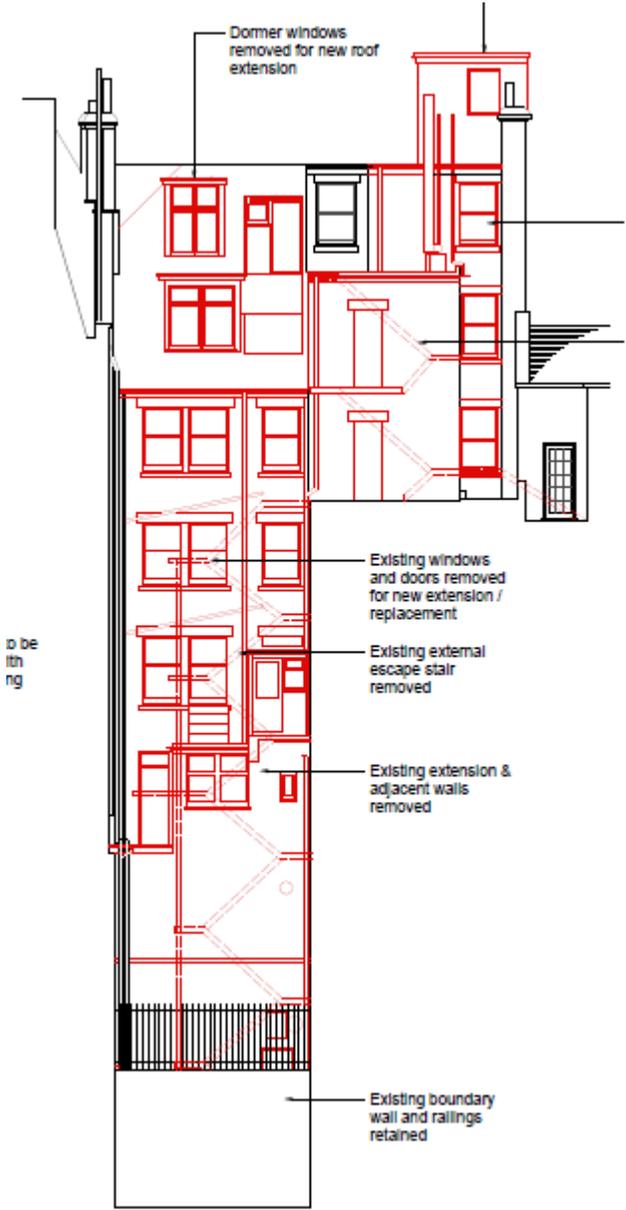
Proposed Front Elevation



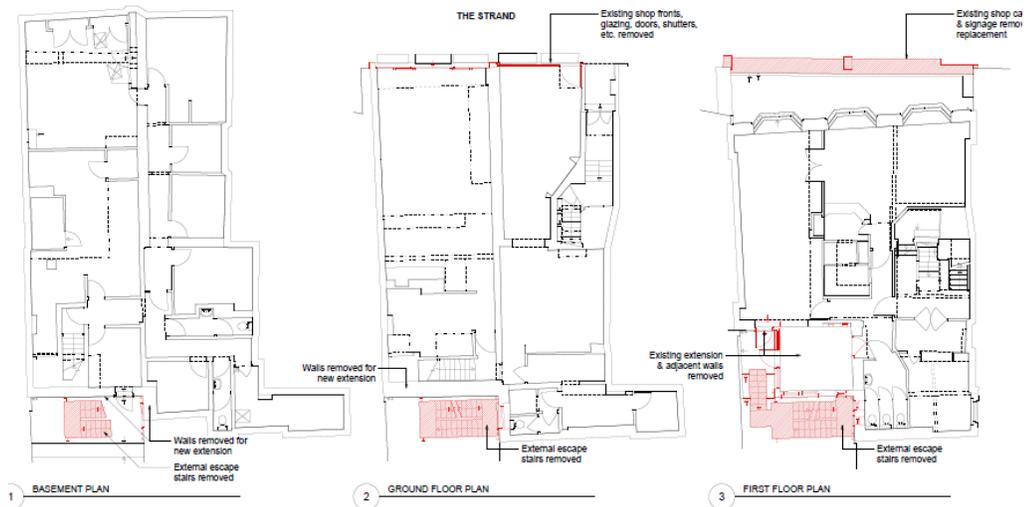
1 FRONT ELEVATION

Front elevation rationalised at street level with single frontage for hotel. Refer to drawing P220 for details.

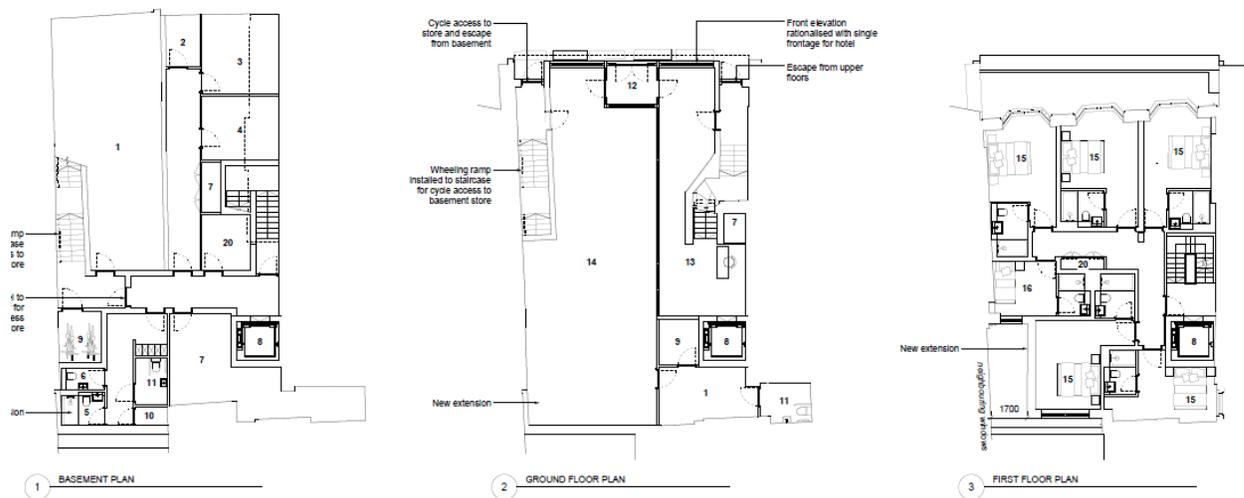
Existing Rear Elevation



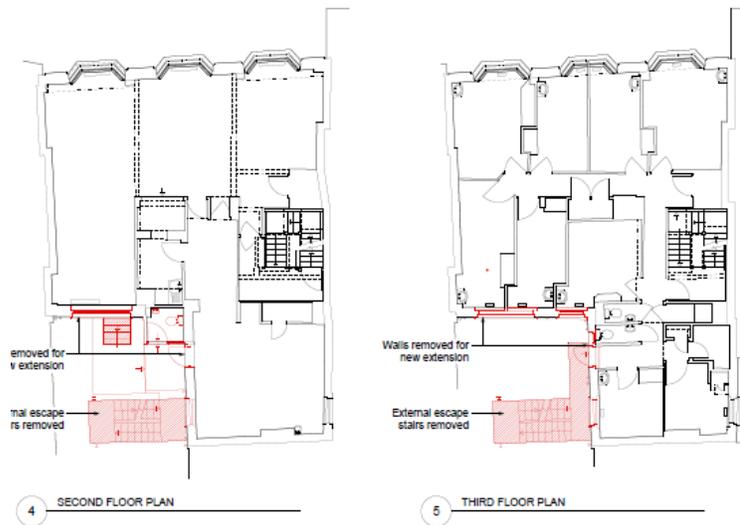
Existing Basement, Ground and First Floor Plan



Proposed Basement, Ground and First Floor Plan



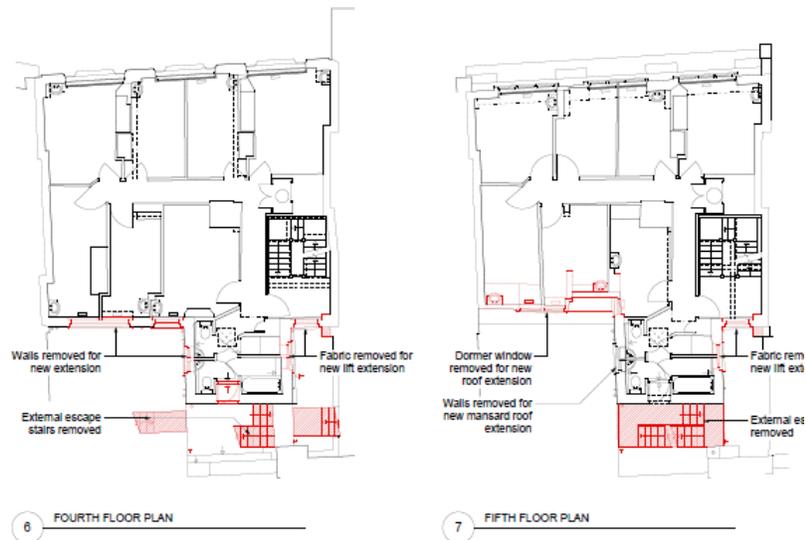
Existing Second and Third Floor Plans



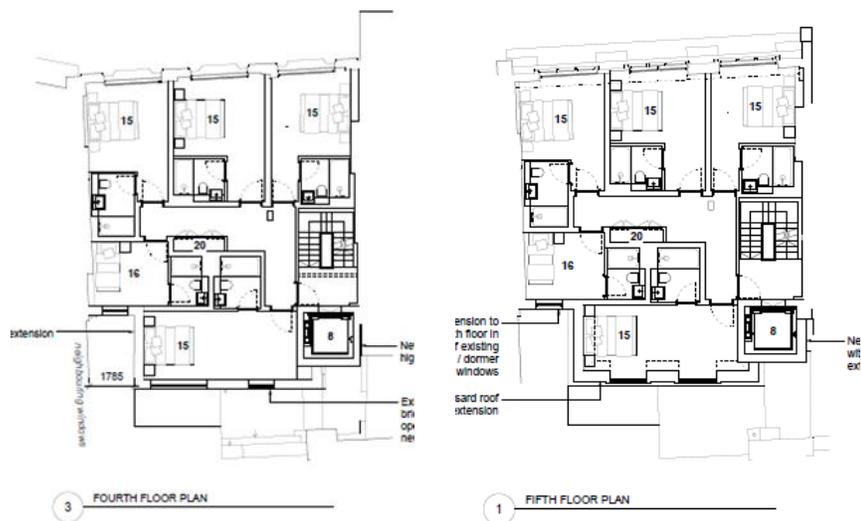
Proposed Second and Third Floor Plans



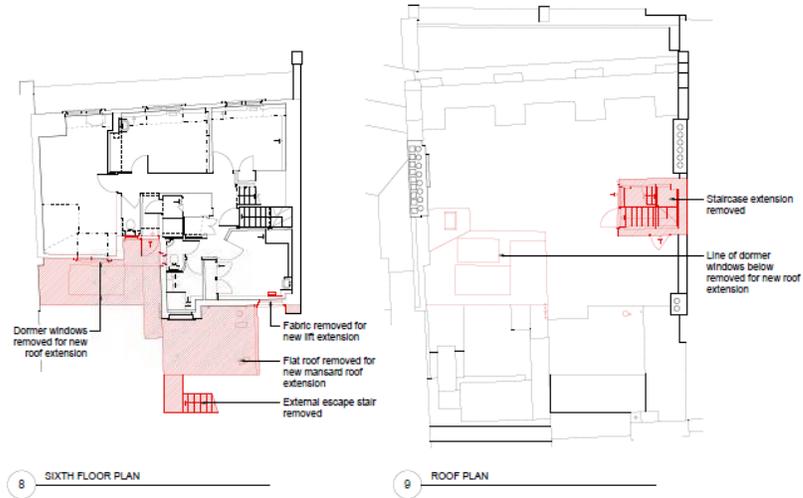
Existing Fourth and Fifth Floor Plans



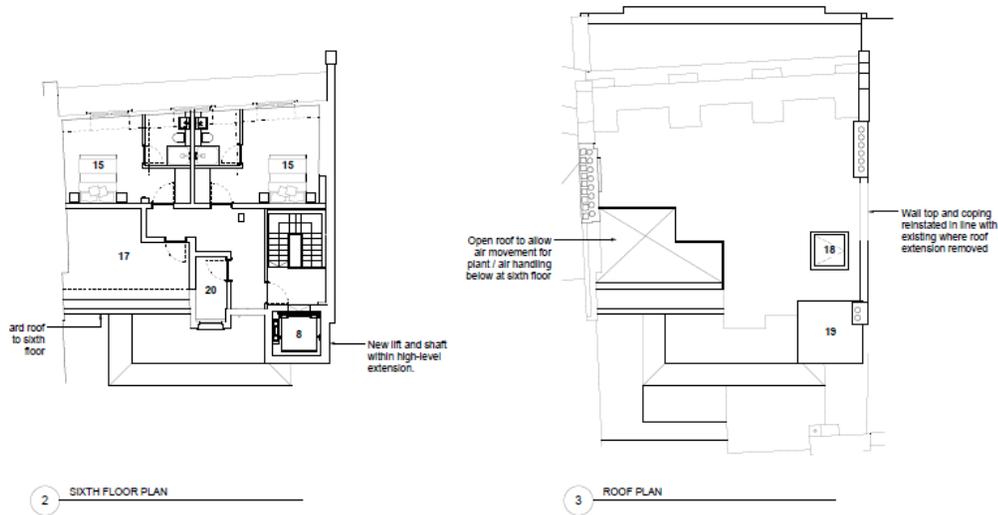
Proposed Fourth and Fifth Floor Plans



Existing Sixth Floor and Roof Plan



Proposed Sixth Floor and Roof Plan



DRAFT DECISION LETTER

Address: 143-145 Strand, London, WC2R 1JA,

Proposal: Use of part basement, part ground, part first and part second floors as Hotel (Class C1); shopfront alterations; partial demolition and erection of rear extensions at basement to roof levels; installation of plant machinery and associated alterations.

Reference: 17/08077/FULL

Plan Nos: Site Location Plan; P100 Rev. A; P110 Rev. A; P200 Rev. E; P201 Rev. B; P202 Rev. B; P210 Rev. B; P220 Rev. A; P250; P251.

For Information: Cover Letter dated 8 September 2017; Design and Access Statement Rev.B dated September 2017; Environmental Noise Survey dated 15 August 2017; Planning Statement dated August 2017; Photographs.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

1. Your development would lead to the loss of A1 retail floorspace, a consequential reduction in A1 units and a smaller shop window in the Central Activities Zone as defined by our City Plan. This would harm the retail character and function of the area and have a detrimental effect on local shopping facilities which would not meet S21 of Westminster's City Plan (November 2016) and SS7 of our Unitary Development Plan adopted January 2007.
2. Your development would lead to the loss of the India Club restaurant/bar use in the West End Strategic Cultural Area and Core Central Activities Zone as defined by our City Plan. This would be materially harmful to cultural provision and the character and function of the area which would not meet City Plan Policies S6 and S22, London Plan Policy 4.6, Draft London Plan Policy HC6 or the Mayor of London's Draft Culture and the Night Time Economy Supplementary Planning Guidance.
3. Your development would lead to the loss of the India Club restaurant/bar use in the West End Strategic Cultural Area and Core Central Activities Zone as defined by our City Plan. This would be materially harmful to the provision of evening and night time facilities which would be detrimental to the character and function of the area and would not meet City Plan Policies S6 and S21, London Plan Policy 4.6, Draft London Plan Policy HC5 or the Mayor of London's Draft Culture and the Night Time Economy Supplementary Planning Guidance.

Item No.
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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.