



Appeal Decision

Site visit made on 18 July 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2023

Appeal Ref: APP/X5990/W/23/3316472

11 Strand, London WC2N 5HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Allvest Limited against the decision of City of Westminster Council.
 - The application Ref 22/07207/FULL, dated 26 October 2022, was refused by notice dated 25 January 2023.
 - The development proposed is the infilling at ground floor (undercroft) level to Charing Cross frontage to create additional commercial floorspace (Class E).
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Decision

1. The appeal is allowed and planning permission is granted for the infilling at ground floor (undercroft) level to Charing Cross frontage to create additional commercial floorspace (Class E) at 11 Strand, London WC2N 5HR in accordance with the terms of the application, Ref 22/07207/FULL, dated 26 October 2022, subject to the conditions in the attached schedule.

Preliminary Matter

2. The description of development was amended during the course of the application. I have utilised the amended description in this appeal.

Main Issue

3. The main issue is the effect of the proposed development on pedestrian safety.

Reasons

4. The appeal site is situated immediately adjacent to Charing Cross Station and an entrance to Charing Cross Underground Station. At ground floor level, the property comprises of an undercroft area over which there are a number of floors. To the front of the station is a cobbled forecourt area that is used by taxis and this is separated from areas used by pedestrians by bollards.
5. The appeal proposal seeks to infill part of the undercroft area between Charing Cross Station and Strand. The Council consider this area forms a key pedestrian link to and from the Station and state that an existing pedestrian desire line would be blocked by the proposal. There is no doubt that Charing Cross Station is very busy, despite it having a number of access points and caters for a significant number of passengers on a daily basis, particularly during the weekdays and when events are being held nearby at Trafalgar Square.
6. In this respect, the Council has provided pedestrian count data of movement through the undercroft area. Whilst this shows that this undercroft space was

used constantly by pedestrians, there are limited further details presented. In particular, there is a lack of comparative information on how pedestrian movements through the undercroft area that is subject of this appeal compared with movements along the main pedestrian footway directly to the front of the nearby access to Charing Cross Station.

7. The appellant has undertaken a pedestrian count and this demonstrates that of the high levels of footfall passing between the front of the station building to the Strand, the majority (ranging from 72% to 75%) were not passing along the covered walkway that is proposed to be infilled. This was confirmed by my observations at the time of my site visit where most pedestrians were passing directly to and from the station entrance without using the undercroft area subject of this appeal. Whilst the Council has taken a consistent position in relation to protecting this existing footway, this proposal does not seek to completely fill the undercroft area. The access point to Charing Cross Underground Station adjacent to the site would also not be unduly affected as pedestrians would still be able to enter and leave it in the direction of the Strand and continue to walk across the undercroft area that would not be infilled.
8. It is common ground between the main parties that the proposal would only require a minor diversion of a few metres for pedestrians. The Council however consider any reduction in the convenient pedestrian movements in the area would represent a disbenefit. There is conflicting evidence before me on whether the area subject of this proposal benefits from highway rights. Even if it did, and whilst noting Policy 28 of the City Plan 2019-2040 (City Plan) seeks to resist the loss of highway land, the supporting text to this policy sets out that there may be circumstances where a minor loss of highway would deliver benefits. The proposal would move pedestrian movements away from the undercroft area that is subject to anti-social behaviour, which would represent an improvement to the pedestrian environment. In terms of people with disabilities, I see no reason why they would be disadvantaged by the proposal, and they would have the same access as able-bodied persons.
9. At busy times pedestrians share the cobbled carriageway space outside Charing Cross Station, but I have not been made aware of any safety issues arising from this. Even if the proposal did result in some increase in the number of pedestrians using this carriageway space, as it is set back from the Strand and vehicles are manoeuvring at low speeds, I do not consider this would impact adversely on pedestrian safety.
10. I therefore conclude that the proposed development would not have an unacceptable adverse impact on pedestrian safety. As such, there would be no conflict with Policies 25, 28 and 43 of the City Plan, which seek, amongst other matters, to promote sustainable transport and a public realm that is safe, attractive and accessible to all. It would also not conflict with the Westminster Way Supplementary Planning Document or Paragraph 112 of the National Planning Policy Framework, which seek to prioritise pedestrian and cycle movements and to create places that are safe, secure and attractive.

Other Matters

11. The Council has raised concerns on this appeal development setting a precedent that would hinder their ability to deal with the loss of highway land. I

have however dealt with this appeal on its own particular merits, having regard to the evidence and specific circumstances of the case.

12. I also note concerns that the existing café would be set further back, but as the development would infill a covered area and the café has a wide entrance and access, I do not consider that it would be unduly secluded.

Conditions

13. I have considered the conditions suggested by the Council and consultees, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the wording of some of the suggested conditions as appropriate.
14. A condition relating to materials, including window details, is necessary in the interests of ensuring the development's acceptable appearance in order to preserve the character and appearance of the Trafalgar Square Conservation Area.
15. Design and method statements and a Construction Logistics Plan are required given the location of the site in close proximity to a busy station. It is essential for both of these to be pre-commencement conditions to ensure there is no adverse impact on transport infrastructure and public safety.
16. Given the location of the site in Central London, conditions are necessary limiting the hours of construction, and other works in the interests of surrounding occupiers, including those at the nearby hotel.
17. Reference has been made to conditions relating to cycle storage and revised waste arrangements. Given the limited scale of the development, and the details provided on existing bicycle and waste storage, I do not consider that such conditions are required.

Conclusion

18. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (100.00 P0), Site Plan (100.01 P0), Proposed Undercroft Extension, Elevations and Sections (200.00 P2), Existing Bike Racks in Basement Car Park Plan and Bin Storage on Lower Ground Floor Plan.
- 3) No development above floor slab level shall take place until details and samples of all proposed external materials, including window details at a scale of 1:10 (Elevations) and 1:5 (Sections), have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details/samples.
- 4) No development shall take place, including any works of demolition, until detailed design and method statements have been submitted to, and approved in writing by the LPA which shall provide details:
 - a. of all panel footings,
 - b. on all loading,
 - c. of the use of tall plant/scaffolding,
 - d. accommodating the location of existing London Underground structures,
 - e. demonstrating that there will at no time be any potential security risk to railway, property or structures,
 - f. accommodating ground movement arising from the construction thereof, and
 - g. of mitigating the effects of noise and vibration arising from the adjoining operations within the structures.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

- 5) No development shall take place until a Construction Logistics Plan, prepared in line with Transport for London guidance has been submitted to, and approved in writing by the LPA which shall provide details showing there will be no obstruction of the footway and the carriageway of Strand during demolition and construction works. The approved Construction Logistics Plan shall be adhered to throughout the demolition/construction period of the development.
- 6) Construction works, other than piling, excavation and demolition, shall take place only between 08.00 and 18.00 on Monday to Friday, 08.00 and 13.00 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) Piling, excavation and demolition works shall take place only between 08.00 and 18.00 on Monday to Friday and shall not take place at any time on Saturdays, Sundays or on Bank or Public Holidays.

End