



Appeal Decision

Site visit made on 5 June 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/X5990/W/24/3349403

11 Strand, City of Westminster, London WC2N 5HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Allvest Company Limited against the decision of the Council of the City of Westminster.
 - The application Ref is 23/02207/FULL.
 - The development proposed is use of part upper and lower ground floors as a public house with food provision (Sui Generis) and associated external alterations including provision of mechanical plant equipment with associated enclosure on a platform within side courtyard and one air conditioning unit at rear lower ground level.
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Decision

1. The appeal is allowed and planning permission is granted for use of part upper and lower ground floors as a public house with food provision (Sui Generis) and associated external alterations including provision of mechanical plant equipment with associated enclosure on a platform within side courtyard and one air conditioning unit at rear lower ground level at 11 Strand, City of Westminster, London WC2N 5HR in accordance with the terms of the application, Ref 23/02207/FULL, subject to the conditions in the attached schedule.

Preliminary Matters

2. As the proposal is within the Trafalgar Square Conservation Area, and a number of listed buildings are within the site's surroundings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As necessary, I comment upon designated heritage assets later in my decision.

Main Issues

3. The main issues are the effects of the proposed development upon the living conditions of local residents, with particular regard to the levels of activity, noise and disturbance that it would be likely to generate, and its effects upon crime and anti-social behaviour in the area.

Reasons

4. The proposal seeks to introduce a pub within units of 11 Strand. These units previously contained two retailers, but they have been vacant since 2020 and 2021. The appeal site is located within an area designated as London's Central Activities Zone (CAZ), the West End Retail and Leisure Special Policy Area and as a CAZ retail cluster. As such, the appeal site forms part of the vibrant heart of London which exhibits a unique concentration of, and diversity of, tourism, arts, cultural and entertainment functions, including food and drink establishments, and

which is home to the largest evening and night-time economy in the UK.

Therefore, licensed premises are typical in the area and form an important part of the area's character.

5. Set across two main floors, the proposed pub would be of considerable size and customer capacity. Consequently, the comings and goings associated with it would, in turn, be quite significant. Since many of its patrons would be consuming alcohol, there will clearly be a propensity for the premises to generate a lively and partying atmosphere, with occupants engaging in loud and boisterous behaviours.
6. Furthermore, I am also particularly mindful of the representations of the Metropolitan Police which, amongst other matters, set out that high crime rates prevail in Westminster, that theft and robbery are a great problem around licensed premises and that the local area suffers from a concentration of sexual offences.
7. However, within the immediate surroundings of the appeal site, there is a diverse range of uses which includes shops and offices, including those within No 11, the adjacent Charing Cross station, and residential properties on Craven Street. Due to this range and distribution of building uses, the licensed premises within the area are well-dispersed. This means that, upon completion of the proposed development, licensed premises would not dominate the locale, and the occupiers of the Craven Street residences would not have an excessive concentration of licensed premises on their doorstep.
8. Importantly, it is proposed, and can be ensured by condition, that the customer entrance point would not be via Craven Street but instead, a considerable distance away, adjacent to the station's entrance. Customers of the premises would doubtless still use Craven Street as they travel onwards to other destinations, however, it would not be the focal point of the pub's comings and goings nor of customer congregations awaiting entry. Furthermore, the network of streets in the area means that customers would be likely to travel to and from the appeal site via a range of routes. Therefore, customer pedestrian movements would also be well-dispersed.
9. Although, overall, the operating hours of the premises would be quite extensive, it would, at the latest, close at midnight, and that would occur only on Fridays and Saturdays. Very late opening hours, until the early hours of the morning, are not proposed.
10. Within the premises, sound reduction and absorption would result from the building envelope, its non-opening windows and the provision of an entrance lobby arrangement. Noise from mechanical plant would be below background noise levels. Conditions can provide control in respect of these matters.
11. Waste and recyclable storage would be inside the building, including for glass. Therefore, the noise from the likes of bottles being disposed of into bins would be well-contained within the building. The waste materials and recyclables would only require putting out when being transferred from the site for onward disposal. A condition can ensure that this, and loading and unloading activities, only take place between 08:00 and 20:00 and in accordance with a servicing management plan.
12. I note that a particular concern of the police relates to organised gangs targeting pubs especially those with outdoor seating. An outdoor seating area does not form

a part of the appeal scheme. Consequently, the pub proposed in this case would not be as vulnerable to this type of crime as others may be.

13. The appeal is accompanied by a premises management plan which, under condition, can be revised and refined further to ensure that it contains a robust set of management measures to minimise the likelihood of the pub causing, or being the subject of, problematic and anti-social behaviours or criminality. Measures to be deployed can include, but would not be limited to, the use of door supervisors and measures to prevent outside drinking.
14. Overall, the nature of the use proposed is one which, I accept, can generate noise and disturbance and some effects which would emerge from the use, and from the actions of its patrons, would be unpredictable. Disturbances and problematic incidents at times may occur.
15. However, I have identified specific factors relating to the detail of the proposal and of the site's context which provide me with the reassurance that the noise and disturbances that the proposed development would be likely to generate would be well-controlled, and its effects upon local residents adequately mitigated. Whilst the evidence before me shows that the local area suffers from problematic crime and anti-social behaviour, and that there is a correlation between licensed premises and incidents of crime, these specific factors also lead me to the conclusion that, as far as practicable, the likelihood of the pub being a particular focal point of crime would be minimised. As a result, I find that the proposal would appropriately assimilate into the area, without any unacceptably harmful effects upon the living conditions of local residents or in relation to crime or anti-social behaviour.
16. In coming to these views, I have had regard to the appeal decision relating to a proposed pub at 6 Bedford Street in Westminster. In that case, the Inspector identified that the proposal would cause significant and unacceptable harm to the living conditions of nearby residents. However, not all the evidence which will have been before the Inspector in that case is before me. Consequently, it is not clear to me that key elements of that proposal, or of the area, are directly comparable with the case before me. Indeed, from the Inspector's decision, I can ascertain that the pub at 6 Bedford Street was anticipated to have a greater customer capacity than would be the case at 11 Strand and, furthermore, that 6 Bedford Street was identified as being within the licensing-related West End Cumulative Impact Zone, which the appellant strongly asserts is not the case with 11 Strand. Therefore, these factors serve to distinguish the scheme before me and that at Bedford Street. Consequently, the cited appeal decision is a matter of only limited weight in my determination.
17. Representations before me refer to Section 17 of the Crime and Disorder Act 1988. In summary, this places a duty upon relevant authorities to have regard to the effects of their functions upon crime and disorder and to do all that it can to prevent it. If I were to dismiss the appeal, any crime which may arise as a result of the provision of a pub at the appeal site would be prevented. However, the provision of a pub at the appeal site in the context of its CAZ and West End setting is an appropriate land-use, and I have identified mitigating factors which would limit the magnitude of the proposal's effects upon crime and disorder. In this context, allowing the appeal is proportionate and justified.

18. For these reasons, I conclude that the effects of the proposed development upon the living conditions of local residents, with particular regard to the levels of activity, noise and disturbance that it would be likely to generate, and its effect upon crime and anti-social behaviour in the area would be acceptable. Consequently, the proposed development accords with Policies 7, 16, 33 and 38 of the City of Westminster City Plan 2019 – 2040 (the City Plan) which are cited within the Council's reason for refusal. In summary, and amongst other matters, these Policies seek to protect and enhance amenity and protect residents from harmful pollution and environmental impacts, prevent harmful over-concentrations of food and drink uses and ensure people-centred design which incorporate measures that reduce the opportunity for crime and anti-social behaviour.
19. Furthermore, I also consider that the proposed development accords with Policies 1, 2, 14 and 29 of the City Plan and Policies SD4, D11, D13, D14, HC6 and HC7 of the London Plan 2021 which are relevant to the development and main issue, and which have been referenced within evidence before me. Altogether these Policies seek to achieve an appropriate balance of the CAZ's competing functions by promoting the night-time economy where appropriate but also by protecting areas with a residential character and through mitigating the noise effects of development. These Policies also seek to maintain a safe and secure environment, address the effects of licensed premises upon residents whilst also seeking to support the provision of public houses whilst accounting for their potential negative effects and, appropriately manage the servicing requirements of developments.

Other Matters

20. The proposal would result in the change of use of units previously used for retail purposes, however, the replacement use would similarly constitute a main town centre use. I have no substantive evidence that there is an applicable policy requirement for any marketing exercise demonstrations justifying the loss of the retail or introduction of a pub, nor do I have any substantive evidence that the proposal would undermine the retail function of the area nor existing night-time economy uses.
21. Some of the key factors and reasons why I have concluded that the noise and disturbance likely to be generated by the proposal would be well-controlled and acceptable in relation to local residents also apply to occupants of existing and proposed hotels adjacent to the appeal site. I have no compelling evidence that the proposal would generate any effects which would compromise the use and occupation of hotel accommodation in the area.
22. The appeal site lies within the Trafalgar Square Conservation Area (the CA). A large contribution to the significance of the CA as a whole is derived from its architectural and artistic interest. This stems from the likes of Trafalgar Square itself, with its landmark Nelson's Column and surrounding collection of stone-faced buildings of a grand scale, but also its areas of finer grain terraces and smaller-scale development which contribute to the richness of the townscape. The CA also has significant historic interest owing to the likes of its association with the work of renowned architect John Nash and due to Trafalgar Square being a historical focus of public congregations and demonstrations. The area's collection of cultural and entertainment uses, and its busy and vibrant character, also contribute to the significance of the CA.

23. There are listed buildings within the surroundings of the appeal site. This includes the Grade II* listed Queen Eleanor Memorial Cross and, behind it, the Grade II listed Charing Cross Hotel. The significance of each of these assets is principally derived from their architectural and artistic interest because of the ornate architectural detailing which they exhibit. Several of Craven Street's terraced properties are Grade II listed whilst No 36 is Grade I listed. These properties have an important group value and exhibit homogeneous traditional architecture. That they form an enclave of smaller scale and finer grain development within the CA, many maintaining a residential use, also positively contributes to their significance. No 36's association with historically significant former residents adds further to its heritage value.
24. No 11 Strand is a more contemporary building, and it is a modern addition to the area. As such it is not strongly reflective of the architecture which contributes so significantly to the character and appearance of the CA as a whole. However, its material finishes are complementary to many of the CA's grand buildings.
25. The external alterations proposed as part of the development would be modest: limited to some plant, which would be within secluded positions and well-screened, and the installation of a matching set of replacement doors. The proposed public house use would be in keeping with the CA's vibrant character. The proposal would, therefore, result in no harm to the significance of the CA.
26. Despite the site's proximity to, and position within the settings of, listed buildings, the small-scale nature of the alterations to the building would ensure that the architectural and artistic interest of them would not be harmed by the development. Neither would the proposed use or occupation harm any other aspect of their significance.
27. Finally, representations before me express the concern that the proposal may result in more broken glass in the surroundings of the appeal site which may damage the tyres of wheelchair users. Given this concern, I have borne in my mind the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 (Equality Act), which sets out the need to eliminate unlawful discrimination, harassment, victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Equality Act sets out the relevant protected characteristics which includes disability. Since no external seating, eating and drinking areas are proposed, and much of the bottle management would take place within the building, broken glass should not be a significant problem. As a result, the magnitude of any adverse effects of the proposed development upon those with protected characteristics would be low, and it does not provide sufficient reason to dismiss the appeal.

Conditions

28. The Council has provided a schedule of suggested conditions that it considers would be appropriate, and the appellant has accepted its content. I have considered these conditions in the light of the tests for the imposition of conditions set out within the National Planning Policy Framework (the Framework) and the content of the Planning Practice Guidance (the PPG). Having regard to the Framework and the PPG, and in the interests of clarity or precision and to avoid duplication, I have made some amendments to the conditions suggested to me.

29. Condition 1 sets out the standard time limitation. Condition 2 is necessary to ensure that the proposed development is carried out in accordance with the approved plans and documents for the reason of certainty.
30. A premises management plan is necessary in order to manage the pub in the interests of the living conditions of local residents and crime prevention. Although a management plan accompanies the appeal, there are elements of it I find would be unenforceable. For example, I consider it unrealistic that, on a busy night, the local planning authority could assess the precise number of patrons or seats within the premises. Consequently, I have imposed a condition requiring a revised premises management plan to be devised (condition 3), and I have omitted the suggested condition specifying occupancy and seating numbers.
31. To assimilate the development into its surrounds, further management is provided by the content of condition 16, which would ensure that no customer access point is located off Craven Street, and by condition 17 which prevents take-away and delivery services. Given the kitchen extract and mechanical layout proposals, condition 15 is necessary to control cooking and manage odours.
32. To limit noise emanating from the premises, music is prohibited through condition 13 and the opening hours via condition 14. To manage the effects of servicing upon local residents, a servicing management plan requires agreement via condition 5. I have imposed a series of conditions which provide limits to the noise and vibration levels arising from the proposed development (conditions 8, 9, 10 and 11).
33. To promote sustainable transport modes, I have imposed condition 6. Condition 7 is necessary to secure essential waste and recycling infrastructure to support the functioning of the premises.
34. The external works proposed as part of the development are modest, and I see no reason why piled foundations would be required. In condition 12, I have therefore adjusted the construction working hours proposed by the Council. This condition is again necessary in the interests of the living conditions of local residents.
35. Together, the proposed plans and the submission requirements of condition 4 sufficiently control the appearance and finishes of the external alterations to the property having regard to the character and appearance of the area. Therefore, no further conditions are necessary in relation to external finishes.

Conclusion

36. The proposed development accords with the development plan as a whole, and there are no material considerations which indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

H Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings and documents:

Site Location Plan

AL.01 Rev G

AL.02 Rev B

AL.03 Rev B

AV01 Rev D

AV02 Rev C

AV03 Rev E

TS/00 Rev B2

Energy and Sustainability Statement 12 April 2023

- 3) The development hereby permitted shall not be occupied until a Premises Management Plan has been submitted to, and approved by, the local planning authority. The Premises Management Plan shall include details of the following:
 - i) Safety and security measures including CCTV and the use of bodycams;
 - ii) The use of door staff/supervisors, including number and time periods of presence;
 - iii) Measures to prevent drinking outside;
 - iv) The management of smoking/vaping;
 - v) Management and behaviour related signage;
 - vi) Measures to manage customer build-ups/queues outside the premises;
 - vii) Confirmation that windows shall not be of the opening type;
 - viii) A pick-up protocol;
 - ix) Complaints procedure and community liaison measures; and
 - x) The incorporation, and design of, a customer entrance lobby

The premises shall be operated in accordance with the approved Premises Management Plan at all times. The customer entrance lobby shall be installed in accordance with the approved details before the development is occupied and thereafter retained.

- 4) The installation of the plant deck/acoustic housing, as identified on drawings AV03 Rev E and TS/00 Rev B2, shall not take place until drawings at 1:10 scale and sections at 1:5 scale showing the precise appearance of the plant deck/acoustic housing have been submitted to, and approved by, the local planning authority. Thereafter, the plant deck/acoustic housing shall be carried out and maintained in accordance with the approved details.
- 5) The development hereby permitted shall not be occupied until a Servicing Management Plan has been submitted to, and approved by, the local planning authority. The Servicing Management Plan shall include details of the following:

- i) servicing processes and the staffing associated with it;
- ii) storage locations;
- iii) delivery schedules; and
- iv) confirmation that all loading and unloading of goods from vehicles and the putting out of waste materials and recyclables shall take place only between 08:00 and 20:00.

The premises shall be operated in accordance with the approved Servicing Management Plan at all times.

- 6) The cycle parking, identified on drawing AL.02 Rev B, shall be carried out and made available for use before the development hereby approved is occupied and thereafter retained.
- 7) The development hereby permitted shall not be occupied until the waste and recycling bins and storage areas have been provided in accordance with the details shown on drawing AL.03 Rev B. Thereafter, the waste and recycling bins and storage areas shall be retained and made available for use at all times.
- 8) 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) shall, when operating at its noisiest, 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 has been approved in writing by the local planning authority. 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.

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 shall, when operating at its noisiest, 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 has been approved in writing by the 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.

Following installation of the plant and equipment, should an application be made to the Council for a fixed maximum noise level of the plant/machinery, the plant/machinery used within the development shall thereafter adhere to the details agreed and the fixed maximum noise level.

- 9) Where noise emitted from the internal activities of the development approved will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from those internal activities shall, at their noisiest, 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 has been approved in writing by the 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/activities at their noisiest.

Where noise emitted from the internal activities of the development approved will contain tones or will be intermittent, the 'A' weighted sound pressure level from those internal activities shall, at their noisiest, 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 has been approved in writing by the 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/activities at their noisiest.

Following occupation of the development hereby permitted, should an application be made to the Council for a fixed maximum noise level of the internal activities, the development shall thereafter adhere to the details agreed and the fixed maximum noise level.

- 10) As a result of the proposed development, 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.
- 11) The design and structure of the building shall be maintained such that it will protect residents 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.
- 12) Construction works shall take place only between 08:00 and 18:00 Monday to Friday, between 08:00 and 13:00 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 13) No live, amplified or recorded music shall be played within the premises.
- 14) The premises hereby permitted shall only be open to customers between the following hours:

Monday to Thursday: 07:00-23:30
Friday and Saturday: 07:00-00:00 (midnight)
Sundays and Bank and Public Holidays: 07:00-22:30
- 15) No gas or solid fuel cooking, no deep fat frying nor use of griddle cooking shall take place on site. Hot food shall be provided only via the use of microwave

ovens, combi reheat ovens (with built in carbon filtration), one panini grill, rotary toaster and a chip scuttle.

- 16) The only entrance and exit point to be used by customers for general access and egress of the premises is that identified as "Entrance From Train Station" on drawing AL.01 Rev G. The entrance and exit points to Craven Street shall only be used by customers in the event of an emergency.
- 17) All food and drink must be consumed on the premises, and the development hereby approved shall not offer or operate any food or drink delivery service nor a take-away service.

End of Schedule