

22 January 2024
Delivered by email

Zulekha Hosenally
South Planning Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Ref: CLEL3002

Dear Zulekha,

CLERMONT HOTEL CHARING CROSS, WC2N - 2 VILLIERS STREET CONCESSION

APPLICATION FOR CHANGE OF USE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

This application is made on behalf of the Clermont Hotel Group (the applicant) for a change of use application under the Town and Country Planning Act 1990 (as amended) in relation to the ancillary concession with a frontage at 2 Villiers Street, associated to the Clermont Charing Cross Hotel.

The proposal is to formally make this concession an ancillary function to the hotel, following Westminster's recent decision to refuse a Certificate of Lawfulness application relating to this proposed use of the concession at 2 Villiers Street, which advised that the proposed use was supported, but that a change of use application was required to make the unit ancillary to and operational by the hotel.

While it is unclear from the known planning history of the 2 Villiers Street concession, it is assumed through recent engagement with Westminster that the City Council consider it to be a Class E unit, which sits within the lease demise of the Class C1 Charing Cross Hotel. The unit is currently in use as a small scale convenience store as shown on the photographs below.

The proposed description of development is as follows:

"Change of use of 2 Villiers Street concession, from Class E to become ancillary to the wider C1 Hotel use."

Brownlow Yard
12 Roger Street
London
WC1N 2JU

T 020 7851 4010 turley.co.uk

THE SITE

The Clermont Charing Cross Hotel is located on the Strand at Charing Cross Station, WC2N (also known as 'The Charing Cross Station Hotel'). The 'Charing Cross Station Hotel' is a Grade II Listed Building, and is located in the Trafalgar Square Conservation Area.

The hotel was built 1863-1864 to the designs of EM Barry, constructed by the Lucas brothers. The two upper floors were reconstructed in about 1953 to the designs of FJ Wills and Son following bomb damage in 1941, and the hotel was extensively refurbished in the late-C20. The reasons for the hotel's Grade II Listing are as follows (Ref. Historic England):

Architectural interest: An ebullient design in the French Renaissance style by a noted architect of the period, richly and consistently detailed, with characterful elevations particularly those facing The Strand and Villiers Street; built with craftsmanship, using good quality materials including extensive use of terracotta and artificial stone; opulent finishes to the interiors of the hotel including the grand stairs and public rooms of the hotel, particularly the former coffee house and lounge, where sculpted details in scagliola and plasterwork are of high quality.

Historic interest: a good example of a London terminus hotel built to accommodate visitors from home and the continent at a time of railway expansion.

Group value: with a number of listed buildings nearby, including the Grade II listed Eleanor Cross in the hotel forecourt.*

This change of use application specifically relates to the existing ancillary concession, which has a frontage at 2 Villiers Street, and forms part of the hotel's wider demise and lease. The concession (as is visible in Figure 2) was originally an entrance down to the London Underground Station, which was subsequently closed and integrated into the hotel demise. It has a history of being sub-let by the hotel for a variety of commercial uses, as summarised below, and is currently occupied by a small convenience store.

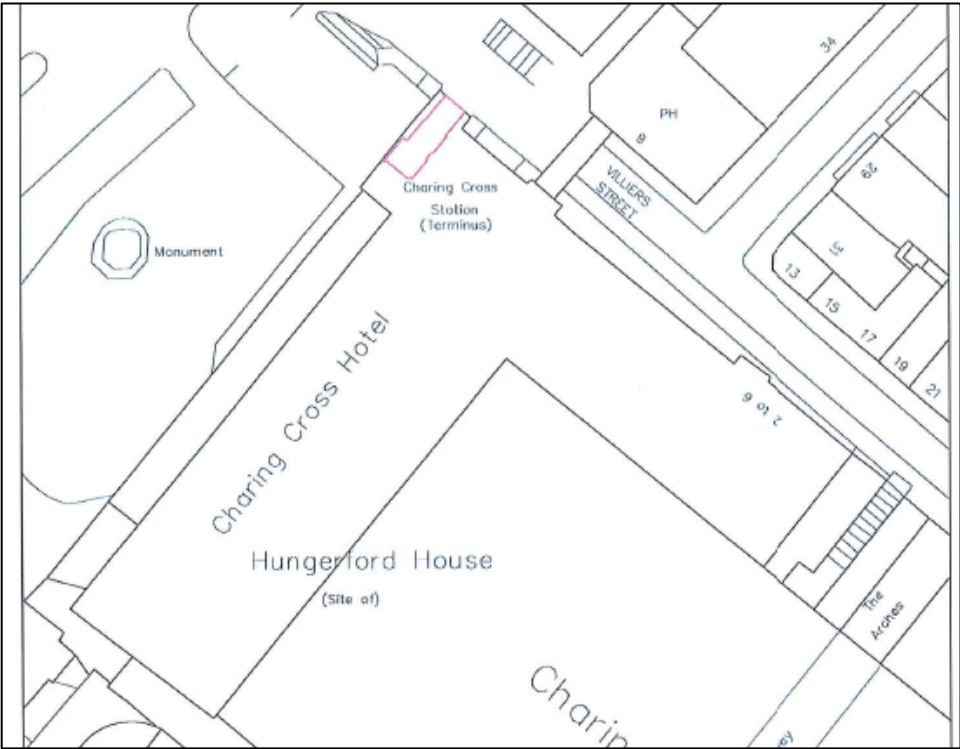
Figure 1: Charing Cross Hotel site plan (from HE)



Figure 2: 2 Villiers Street concession (Google Streetview, June 2022)



Figure 3: 2 Villiers Street concession location in Hotel footprint



PLANNING HISTORY

There is limited planning history available on Westminster’s website, which is set out in Annex 1 to this letter. There is no planning history relating to the use itself, with applications mainly relating to shopfront/advertisements, tables and chairs and other cosmetic matters.

The applicant recently submitted a Certificate of Lawfulness for Proposed Use or Development (CLOPUD) relating to the concession, with reference 23/06624/CLOPUD, in relation to its proposed use as a food concession, operated by and ancillary to the C1 hotel use. Separate advertising and listed building consent applications are being submitted for the shopfront and signage, and internal fitout of the concession.

As part of the Certificate of Lawfulness submission, a history of recent use and tenancies for the concession was submitted, along with a series of lease agreements demonstrating that the concession sits as part of the hotel's lease area and demise (with Network Rail, the freeholder), and evidence of sub-letting agreements with previous and current tenants of the concession.

The City Council concluded that there was insufficient evidence to demonstrate that 2 Villiers Street has been used as an ancillary function to the hotel, and that planning permission is therefore required for the unit to be used as a food concession ancillary to the C1 hotel use – hence the submission of this application.

Officers noted that the proposed use was supported, and that there was no objection to the unit being used for commercial use as an ancillary function to the hotel, but that it would require planning permission, leading to the submission of this application. It is also assumed from the Council's assessment that the concession is considered in their view to be a Class E unit given the letting history.

HISTORY OF TENANTS

Since the mid-1980's the concession has housed numerous tenants as set out below, including take away food, coffee shop, and various retailers.

- 1985-1998: Mr Spud – takeaway food, baked potatoes etc (see planning history in Annex 1 96/05865/FULL).
- 2000: Oi Bagel – takeaway food/sandwiches (see planning history, 2000 applications).
- 2002: Bridges Newsagents (2002 planning applications in Annex 1, and see photo in Annex 2).
- 2009: Cuppa Joes Coffee Shop (see photo in Annex 2).
- 2010 onwards: Theatre tickets/box office, evolving to general convenience/phone shop/bureau de change (current occupier/use).

PLANNING DESIGNATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless other material considerations indicate otherwise.

The Development Plan for WCC comprises:

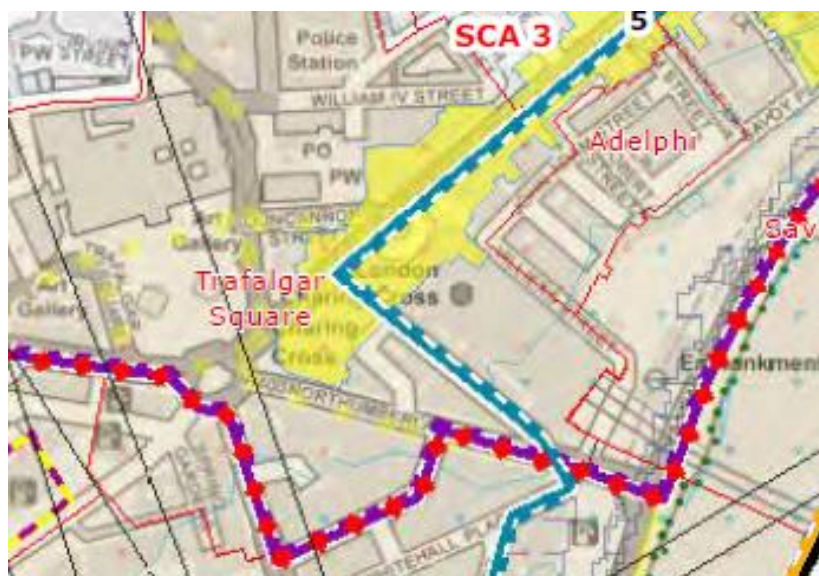
- The London Plan (March 2021).
- Westminster City Plan 2040 (April 2021).
- Westminster City Plan Policies Map (April 2021).

The following documents and guidance are further material considerations:

- The National Planning Policy Framework (NPPF) (2023)
- Nation Planning Practice Guidance (2021)
- Trafalgar Square Conservation Area Audit

- Westminster Environment SPD (2022)
- Westminster Early Community Engagement Guidance (2022)
- Other relevant GLA and Westminster guidance documents.

Figure 4: Policies Map Extract (2021)



The 2 Villiers Street concession and wider hotel site is subject to the following spatial policy designations:

- Central Activities Zone
- Trafalgar Square Conservation Area
- West End Retail and Leisure Special Policy Area
- Grade II Listed Building (Charing Cross Hotel) – see listing above
- Strand CAZ Retail Cluster
- West End Strategic Cultural Area
- Thames Policy Area

Westminster is in the early stages of undertaking a partial review to their City Plan, having undertaken a Regulation 18 informal consultation at the end of 2022. We understand that the intention is to progress to a formal Regulation 19 consultation stage in 2023. Given the early stages of preparation, the emerging policy has no weight in decision making in line with NPPF provisions.

PROPOSAL AND PLANNING ASSESSMENT

The proposal is for the change of use of 2 Villiers Street concession, which is assumed to currently be considered as a standalone Class E unit, to become a hot food concession ancillary to the C1 hotel use, to be operated by the hotel. As set out in previously submitted information associated to the refused Certificate of Lawfulness application, the concession falls under the hotel demise and lease, and has in recent years been sub-let by the hotel to other operators, under Class E uses (as summarised above).

In determining the Certificate of Lawfulness application, the City Council noted that there would be no objection to the unit being used for commercial purposes as an ancillary function to the hotel, but that it would require planning permission, leading to the submission of this application.

The proposed tenant of the concession is Wafflemeister, a franchise with several branches in Westminster (including in comparable concessions at London Underground Station entrances in the borough, including Marble Arch as set out in the CLOPUD submission), and within Clermont Group hotels in communal foyers and café areas. The franchise would be operated by the hotel, with hotel staff operating the concession which will be available to hotel guests and members of the visiting public. A separate advertising and listed building application is being concurrently submitted for a new shopfront to the unit, including the internal fit out.

The unit will remain in active commercial use, providing active frontage to Villiers Street in the form of a hot food concession. As such the unit will continue to make a contribution to the character of this part of the CAZ and CAZ Retail Cluster in line with Local Plan policy 14 Town Centres, High Streets and the CAZ, providing an active frontage serving members of the public.

The change of use application therefore purely allows the hotel to operate the concession, as an ancillary function to the hotel, retaining the commercial active frontage to Villiers Street as part of the hotel's overall demise – in a Central London and CAZ location where hotels are supported in principle under Local Plan Policy 15 Visitor Economy.

We trust the information submitted as part of this application (and any relevant information as previously submitted under application 23/06624/CLOPUD) will be sufficient to consider this change of use application – in accordance with and as supported by the Council's recommendation in determining that Certificate of Lawfulness application. If you require anything further please do contact me or Nick Edwards (nick.edwards@turley.co.uk) at our offices.

Yours sincerely



Laurence Brooker
Director, Head of Central London Planning

laurence.brooker@turley.co.uk

ANNEX 1: 2 VILLIERS STREET PLANNING HISTORY (FROM WESTMINSTER WEBSITE)

- Refurbishment of existing retail unit including retention of existing unauthorised roller shutter.
Ref. No: 00/08011/FULL | Status: Application Refused
- Display of externally illuminated fascia sign, non-illuminated projecting sign, non-illuminated poster sign, and refurbishment of retail unit including retention of unauthorised roller shutter.
Ref. No: 00/08012/LBC | Status: Application Refused
- Display of externally illuminated fascia sign, non-illuminated projecting sign and non-illuminated poster sign to north elevation.
Ref. No: 00/08013/ADV | Status: Application Refused
- Removal of roller shutter and replacement with timber shopfront (with internal brick lattice shutter) and canopy.
Ref. No: 02/01977/FULL | Status: Application Refused
- Removal and replacement of internal fixtures and fittings, removal of external roller shutter and replacement with timber shopfront (with new roller shutter behind) and canopy and new signage.
Ref. No: 02/01978/LBC | Status: Application Refused
- Display of an externally-illuminated fascia sign and externally-illuminated hanging timber projecting sign.
Ref. No: 02/01979/ADV | Status: Application Refused
- Installation of canopy.
Ref. No: 02/07852/LBC | Status: Application Permitted
- Removal of unauthorised roller shutter, installation of timber shopfront and display of timber externally illuminated fascia and projecting signage
Ref. No: 02/07853/LBC | Status: Application Permitted
- Removal of unauthorised roller shutter and replacement with timber shopfront.
Ref. No: 02/07857/FULL | Status: Application Permitted
- Display of externally illuminated timber fascia and projecting signs.
Ref. No: 02/07858/ADV | Status: Application Permitted
- USE OF PUBLIC FOOTPATH FOR THE PLACING OF TABLES & CHAIRS

Ref. No: 93/04285/FULL | Status: Application Refused

- USE OF PUBLIC FOOTPATH FOR THE PLACING OF 3 TABLES & 9 CHAIRS IN CONNECTION WITH MR SPUD LTD

Ref. No: 96/05865/FULL | Status: Application Refused