

3069/08-1705PON01

25 May 2017



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Dear Mr McDonald,

**27 MONTAGUE STREET, LONDON, WC1B 5BH**  
**PLANNING APPLICATIONS: 2017/7062/P AND 2017/0045/L**  
**LETTER OF OBJECTION**

- 1.1 Further to your email to my client, Astor Museum Hostel, the existing long leaseholder of 27 Montague Street, on 23 May 2017 we write to provide comment on the content of a letter sent by the Applicant's Agent (Gerald Eve) to the Council on 14 March 2017, but, as acknowledged by you this letter was not added to the Council's website for review until 3 May when the officers report to the members panel was being finalised.
- 1.2 Before we provide comment on the content of the letter, we would like to record our concern regarding the circumstances in which the application was presented to the Members Panel, accompanied by a report which clearly includes extracts from the Agent's letter of 14 March.
- 1.3 As you acknowledge in your email of 23 May, Metropolis had explicitly asked to be kept updated of any response provided to our representations to afford us the right to reply on behalf of our client. What is not recorded in your email is that we were advised by the Case Officer on numerous occasions by telephone and email that no such response had been received.
- 1.4 Given the decision of the member's panel to resolve to grant approval for the scheme at their meeting of Monday 8 May, it is apparent that permission would have been issued once a S.106 agreement was executed, without any further scrutiny. It was only when checking the Council's website for a final decision, that the letter of 14 March (3 May) was discovered.

- 1.5 When the Case Officer was contacted to request clarification of the date of receipt of the letter, and an explanation as to why this had not been provided despite repeated requests, we were advised that this letter, and its content, had not been relied on in the briefing of members. This is evidently not the case.
- 1.6 The officer's report to members has relied upon information contained in the applicant's submission of 14 March in paragraphs 2.1, 2.7, 2.8, 2.11, 2.12, 3.4, 8.1 and 8.2 and all of the matters raised are disputed.
- 1.7 An explanation as to why receipt of this letter was withheld, and why this action was further compounded by the officer's contention that its content had not been relied upon, would be welcomed, as a number of questions over the probity of these actions remain unanswered.
- 1.8 The following comments are provided without prejudice to any future legal action that my client may wish to take on the procedural approach adopted by the Council in respect of this application.

## 2.0 General Clarifications

- 2.1 The Agents cite paragraph 29 of *The Planning System: General Principles 2005* which relates, as quoted to 'owners and occupiers of neighbouring properties' and the applicability of this paragraph is therefore questionable. We would however draw attention to the concluding sentence of the quoted paragraph which states: ***whether a proposal would unacceptably affect...the existing use of land and buildings which ought to be protected in the public interest.***
- 2.2 Our argument has been inaccurately characterised in the applicant's submission. The starting point for consideration of the application **MUST** be that the existing use should be protected, as it is explicitly protected in this Central London location by adopted plan policy. That policy has been drafted and adopted in the public interest.
- 2.3 It is not possible for the applicant to argue that the proposal is policy compliant, when they correctly identify that **ALL** visitor accommodation is protected by Policy DP14 in this Central Area Location. The supporting text of Policy DP14 does indeed list the types of activities that comprise 'visitor accommodation' and resists the loss of ALL of these uses.

We note that the Council's planning officer has gone one step further than this in his report to Members and has concluded that as the London Plan only seeks to resist the loss of Strategically Important Visitor Accommodation, Camden's policy position is now that you will only resist the loss of visitor accommodation over 20,000 sq m in floorspace – It is difficult to believe that is the position that the Borough wishes to adopt moving forward in light of the wording of Policy DP14 and it would surely have been clarified in the wording of Emerging Policy E3 if that is now the case.

- 2.4 Policy DP14 is explicit in its protection of the existing use and includes no circumstances or criteria where the loss of an existing tourist accommodation would be acceptable.
- 2.5 Whether or not, 'the priority use' in the Borough is residential, the lawful existing use is protected by policy. The logic of the applicants case would be that no use could be protected if the alternative proposed was residential – the Policies protecting Community Uses, or Commercial premises would be irrelevant.
- 2.6 We would also stress that there is no criteria based approach to considering the loss of the existing use – not across the whole Borough – but only in the designated Central Area – where the importance to the local economy of supporting tourism is recognised, and where the site is located.
- 2.7 The applicant has not provided any evidence that the Hostel is not viable, or vacant, as the opposite is true. This issue is never mentioned in their submissions and is replaced with spurious 'supply side' arguments as the only way to substantiate a case on the basis of material considerations. The existing use is trading very successfully and has won awards from industry bodies for the quality of the offer provided.

### Emerging Policy E3

- 2.8 The applicants have quoted from Emerging Policy E3 to support their case. However, paragraph 5.54 states that '*Visitor numbers are expected to continue to increase, creating demand for more hotels and other overnight accommodation, particularly in Central London*'. The applicant's contention is that there are 'enough' rooms for visitors, that the supply is being adequately met, when in fact there is an acknowledged shortfall.
- 2.9 Even if supply was now being met, it is hard to understand how officers can recommend the loss of a viable use:
  - for which there is an identified need,

- in the location where this need is greatest,
- where this use is currently successfully trading and
- where this use is explicitly protected by policy

2.10 The applicants refer to an objection submitted by a local resident that cites issues of amenity with the existing use among the criteria of emerging Policy E3. Despite the fact that the policy criteria would seem to relate more specifically to new build development, it should be noted that there are no records of any complaints being made to the Council's Environmental Health teams in respect of the operation of the Hostel. The Astor Museum Hostel is managed in an exemplary manner, and any concerns expressed by neighbouring residents are always swiftly addressed.

2.11 We also note that the address from which the objection mentioned has been received is shared by the offices of the Bedford Estate, the applicant.

#### Emerging Policy H2

2.12 The applicants also quote Policy H2 of the Emerging Plan, but again, the relevance of this policy is questionable, in that the opening paragraph of the supporting text states '*3.41 Policy H2 applies to all proposals for new build non-residential development.*' The application under consideration is not new build, and is not for non-residential development. H2 is a mixed use policy that has been consistent across the whole CAZ for many years.

2.13 Notwithstanding that this policy would not appear relevant, it is presumed that in citing H2, the applicants are trying to emphasise that the Borough prioritise residential to such a degree that they 'even' seek residential in new visitor accommodation developments. That being the case, surely with all of the new budget hotel accommodation that the applicants have indicated is coming forward, any contribution that the application proposal makes to the provision of new housing will be more than outweighed by the residential component required by Policy H2 in these new build schemes. We would therefore conclude that this reference to Policy H2 would warrant refusal of the application, not support for it and the argument that the loss of the existing use is insignificant compared to the gain of three residential units would carry no weight.

### 3.0 'Specific Clarifications'

- 3.1 However the applicants characterise their pre-application response from the Council, it is a matter of fact that the proposal does not comply with Policy DP14. On that basis, any support would have been qualified on the proviso that a case would need to be made to support the loss of the existing use. To date, we would argue that this case has still not been made to a satisfactory degree to outweigh the overriding policy objection.
- 3.2 The London Plan obviously encompasses the wider London Market, but Policy DP14 does not. It clearly provides protection for existing visitor accommodation in the Camden Central Area. This would seem to be the logical place for any assessment of provision to start.
- 3.3 As highlighted in our original objection, the applicant has still not provided information on existing occupancy rates, and have not queried the information provided by the Astor Museum Hostel. A further list of price comparisons have been provided by the applicant, and it is now impossible to verify the rates indicated, given discrepancy between the time of the submission of the letter and the availability of the letter for comment. We are now passed the mid-may date that was chosen for the assessment of room rates
- 3.4 Notwithstanding this point, again, the applicant's argument seems to be that there is a significant amount of availability at this price point. Whether or not this is the case, and there will certainly be greater fluctuation in room prices for the branded hotels listed depending on the time of booking, when compared to the Astor Museum Hostel, the presence of alternatives would not support the loss of the existing hostel. The hostel is operating at an annual occupancy level in excess of 80%. There is no indication that it is no longer competitive on price, or fit for purpose, the occupancy rates simply do not support this argument.
- 3.5 We have however undertaken rerun the same analysis that the applicants undertook and the prices are now markedly different. Also, none of them compare to the £20 figure that a dormitory room in the Astor Museum Hostel would cost on the same date. (see Appendix 1) There is certainly a place in the Central London Market for the low cost traveller that actively seeks out dormitory room accommodation in a youth hostel as part of the travelling experience and the opportunity to meet new people.

3.6 It is not our assertion that there is an oversupply of visitor accommodation, it is evident that this is not the case. It is also evident that the existing and emerging policies of the Borough seek to protect visitor accommodation from alternative uses, as there is a recognised need for all visitor accommodation in the Central Area.

#### **4.0 Hostels in Listed Buildings**

4.1 It is apparent that the applicant's latest submission now seeks to argue that specifically listed townhouses are not suitable for providing hostel accommodation. Of the list they provide, two of the larger hostels are indeed located in listed townhouses and are successfully trading. Of the remainder, it would be difficult to argue that the upper floors of a pub, would be a location suitable for high footfall, in that the upper parts exhibit the characteristics of the ancillary residential use for which they were originally intended.

4.2 The applicant also argues that replacing 72 affordable bed spaces with 3 flats would be to the benefit of the area and the policy objectives of the Camden Plan. This seems extremely imbalanced.

4.3 It would also seem ludicrous to compare the spend in the local economy of 72 hostel bedspaces, which would turnover on a regular basis, to bring in new visitors to the area, with three flats, but if that is the applicants assertion, it should have been substantiated in their submission. This is not the case.

#### **5.0 Conclusions**

5.1 The officer's report to members has relied upon information contained in the applicant's submission of 14 March in paragraphs 2.1, 2.7, 2.8, 2.11, 2.12, 3.4, 8.1 and 8.2 and all of the matters raised are disputed.

5.2 What is a matter of fact, is that the Councils adopted Policy DP14 seeks to protect the existing visitor accommodation. The Council's Local Plan is required to be in conformity with the London Plan, and yet, the officer's recommendation makes no mention of a failure to comply with this policy. In recommending the application, officers have failed to properly assess the compliance of the scheme with adopted policy.

5.3 We would request that this letter is made available to members in its entirety.

- 5.4 Please advise how this matter will be reported back to members, and if this letter is to be provided to the applicant and any response received.
- 5.5 Notwithstanding the above, my client reserves the right to take any legal measures available, including referral to the Local Government Ombudsman and the challenge of any decision on the application made subsequently in view of the procedural irregularities evident in the determination of this application.

Yours sincerely

Paul O'Neill  
Director

## APPENDIX 1

Accommodation	Dates	Duration	Price per single room (£)	Price per double room (£)	Price per bunk room (£)
Imperial - County	Tuesday 30/05/17	1 night	54	68	61
	Tuesday 06/06/17	1 night	54	68	61
	Saturday 10/06/17	1 night	54	68	61
	Tuesday 27/06/17	1 night	54	68	61
	Saturday 01/07/17	1 night	55	69	62
Imperial – Tavistock	Tuesday 30/05/17	1 night	83	109	N/A
	Tuesday 06/06/17	1 night	83	109	N/A
	Saturday 10/06/17	1 night	83	109	N/A
	Tuesday 27/06/17	1 night	83	109	N/A
	Saturday 01/07/17	1 night	85	111	N/A
Imperial – Royal National	Tuesday 30/05/17	1 night	81	102	N/A
	Tuesday 06/06/17	1 night	81	102	N/A
	Saturday 10/06/17	1 night	81	102	N/A
	Tuesday 27/06/17	1 night	83	103	N/A
	Saturday 01/07/17	1 night	83	103	N/A
Premier Inn - Euston	Tuesday 30/05/17	1 night	173	173	N/A
	Tuesday 06/06/17	1 night	Fully Booked	Fully booked London St Pancras @ 198	N/A
	Saturday 10/06/17	1 night	166.50	166.50	N/A
	Tuesday 27/06/17	1 night	Fully Booked	Fully booked London St	N/A



				Pancras @ 182.50	
	Saturday 01/07/17	1 night	Fully Booked London Angel available @ 166	Fully Booked	N/A
Travelodge – Royal Scot Kings Cross	Tuesday 30/05/17	1 night	Fully Booked London Farringdon available @ 99	Fully Booked London Farringdon available @ 99	N/A
	Tuesday 06/06/17	1 night	159	159	N/A
	Saturday 10/06/17	1 night	Fully Booked London Farringdon available @ 129	Fully Booked London Farringdon available @ 129	N/A
	Tuesday 27/06/17	1 night	102	102	N/A
	Saturday 01/07/17	1 night	127	127	N/A