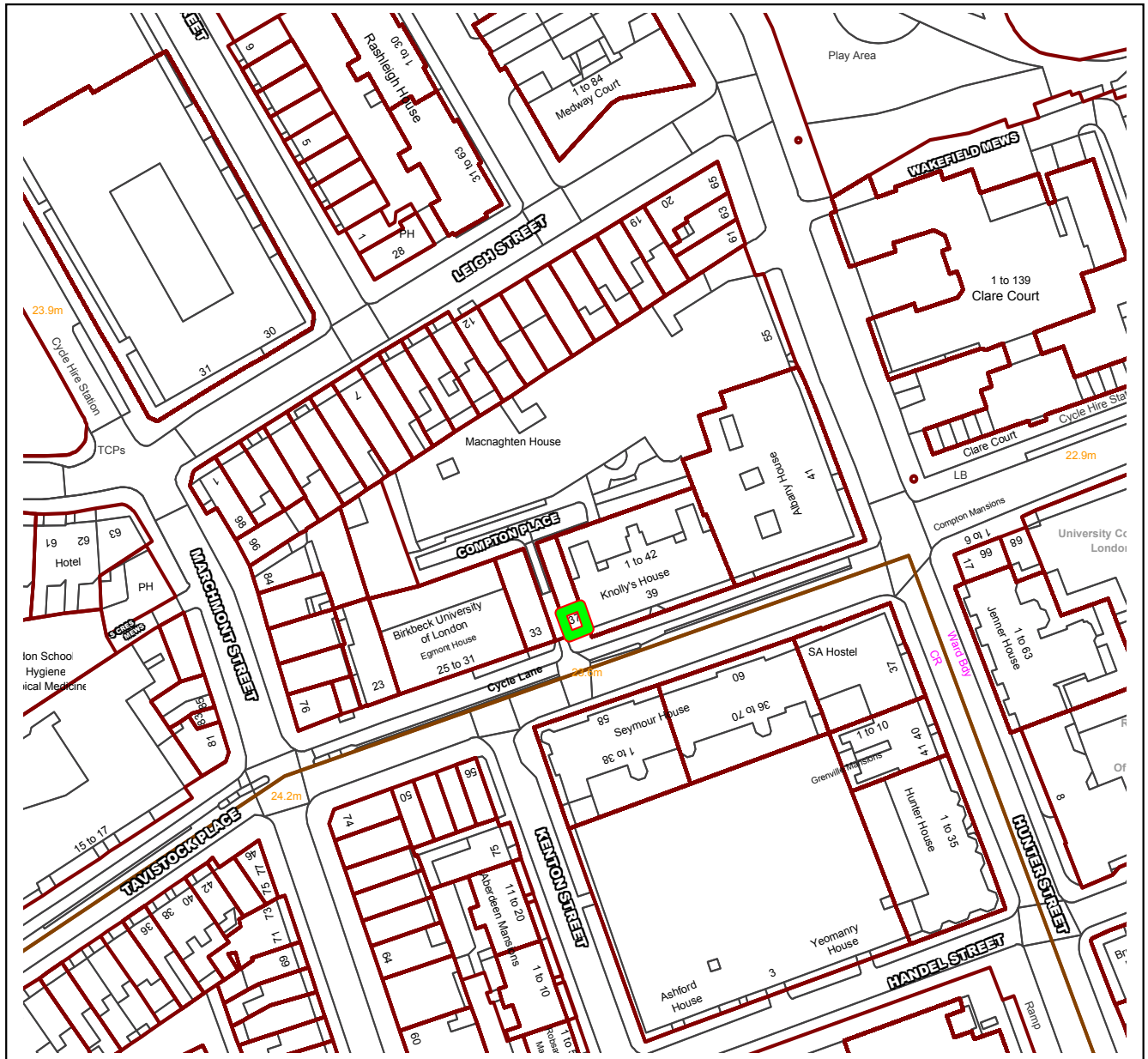


37 Tavistock Place, London, WC1H 9SE

2019/3859/P - Change of use from ancillary hostel use to coffee shop (A1)



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37 Tavistock Place, London, WC1H 9SE

Site Photographs:

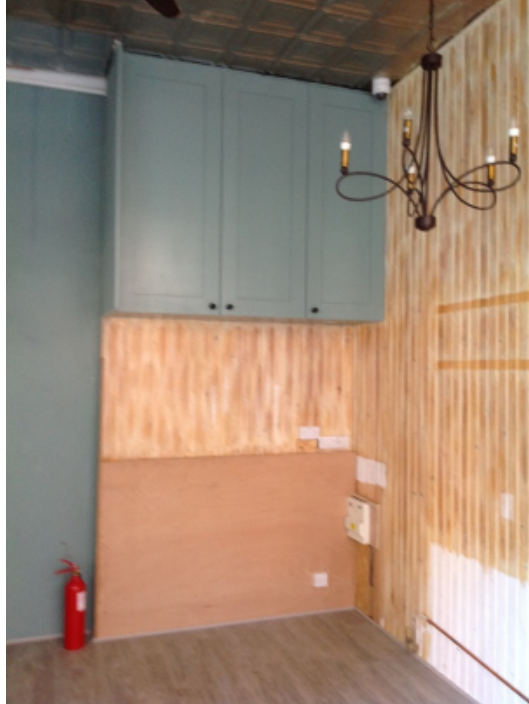
- (1) Front elevation of site (highlighted) / view along Tavistock Place (note, unit on left hand side of image marks the edge of Neighbourhood Centre)



- (2) Front elevation of site (highlighted) / view along lane towards Generator hotel



(3-5) Interior of existing unit



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	23/09/2019
		N/A / attached		Consultation Expiry Date:	27/10/2019
Officer			Application Number(s)		
John Diver			2019/3859/P		
Application Address			Drawing Numbers		
37 Tavistock Place London WC1H 9SE			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal Change of use from ancillary hostel use (Sui Generis) to coffee shop (A1).					
Recommendation:		Grant conditional planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice				
Informatives:					
Consultations					
Summary of consultation:	A site notice was displayed near to the site on the 06/09/2019 (consultation end date 30/09/2019). The development was also advertised in the local press on the 03/10/2019 (consultation end date 27/10/2019).				
Adjoining Occupiers:		No. of responses	01	No. of objections	00
Summary of consultation responses:	<p>A letter of comment was received from the owners/occupiers of 62 Marchmont Street. Their comments can be summarised as follows:</p> <ul style="list-style-type: none">- Unit originally pub from c.1841 to 1938 when it merged with 37 Tavistock Place;- Converted into offices in 1947, then later into a travel agents until 1991;- Unit acquisitioned by generator hostel more than 10yrs ago and used variably for storage and more recently as office accommodation;- Therefore cautiously welcome the proposal to bring the premises back into A1/Retail use, albeit as a coffee shop (does the locality honestly need another coffee shop?),- Look forward to commenting on the applicant's proposed alterations to the shop front. <p><u>Officers Response:</u></p> <p><i>The information relating to former history of the unit is noted, this accords with planning records. Permission is sought for the use of the unit for A1 purposes. Whilst this would allow for a takeaway café use, the consent would also allow for convenience retail. As noted, no external alterations are proposed under this application and would need to be the subject of a separate application should they later become necessary.</i></p>				
Bloomsbury Residents Action Group (BRAG)	<p>A letter of objection was received from the BRAG. Their objection comments can be summarised as follows:</p> <ul style="list-style-type: none">- <i>BRAG objects to this application on behalf of the residents of adjacent Knolly's House;</i>- <i>Change of use likely to increase noise nuisance for residents who already suffer from disturbances generated from the large hostel to the rear;</i>- <i>New use would encourage smokers to congregate and converse;</i>- <i>New use would also act to increase levels of activity in the hostel to the rear, worsening existing issues of noise;</i>- <i>Hours of operation and staff numbers are important for amenity reasons;</i>- <i>Concerned that consent would open the door for other uses on the site, or that café would start cooking food onsite leading to odour issues;</i> <p><u>Officers Response:</u></p> <ul style="list-style-type: none">- <i>Please see section 4 of the main report for a full discussion in relation to the operational impacts and assessment of impacts to residential amenity.</i>				

Knolly's House Residents Association (RA)	<p>A letter of objection was received written on behalf of the Knolly's House RA. Their objection comments can be summarised as follows:</p> <ul style="list-style-type: none"> - <i>Fully support comments raised by BRAG.</i> - <i>Existing hostel use has caused many issues for local residents and there is concern that this new use will attract even more footfall to the hostel and exacerbate those issues;</i> - <i>Risk of smells from cooking also concern;</i> - <i>Lack of information relating to signage;</i> - <i>Hostel markets itself as a 24/7 venue which is unreasonable for residents.</i> <p><u>Officers Response:</u></p> <ul style="list-style-type: none"> - <i>Please see section 4 of the main report for a full discussion in relation to the operational impacts and assessment of impacts to residential amenity</i>
Marchmont Association (MA)	<p>A letter of objection was received written on behalf of the MA. Their objection comments can be summarised as follows:</p> <ul style="list-style-type: none"> - <i>The MA have tried to foster good relations between hostel and residents for years</i> - <i>New use likely to give rise to issues of noise, concerned that café would secure late-licence</i> - <i>Smokers will congregate externally and spill out onto the pavement,</i> <p><u>Officers Response:</u></p> <ul style="list-style-type: none"> - <i>Please see section 4 of the main report for a full discussion in relation to the operational impacts and assessment of impacts to residential amenity</i>

Site Description

The application site contains a ground floor commercial unit on the Northern side of Tavistock Place adjacent to the junction with Compton Place, a single lane access road that leads to the large Generator Hostel to the rear. The unit contains a small ground floor area only, with no rear yard or basement etc. Originally, the unit appears to have been a public house and the unit retains a characterful shopfront and glazing. As set out in the history below, the public house use was lost many decades ago and has been used for various alternative purposes. The current lawful use of the unit is for purposes ancillary to the main hostel to the rear (Sui Generis).

Above the application unit are six residential flats, accessed via a door along Compton Place. To the east of the site lies Knolly's House, which is a block of residential flats. The application site is located within the Bloomsbury Conservation Area. The site is not listed, nor is it situated close to any listed buildings. The site is located within the Central London Area and has a PTAL score of 6b (highest possible) meaning that it is highly accessible by public transport.

Relevant History

The planning history for the site can be summarised as follows:

9101102: Planning permission was refused on the 14/01/1992 for the '*Change of use from a travel agency to a pizza take-away and home delivery service*'

The unit reverted to its use as a travel agency for a number of years before being converted into ancillary space for the adjacent hotel in the early 2000's.

Enforcement:

EN13/1049: Following an alleged complaint into an unlawful change of use, an enforcement investigation was closed after it was found that the use of the unit for purposes ancillary to the adjacent hotel (sui generis) remained lawful having been in situ for more than 10 years (case closed 15/11/2013).

Relevant policies

NPPF 2019

London Plan 2016

New London Plan 2019 (Consolidated Suggested Changes Version)

Camden Local Plan 2017

- Policy G1 Delivery and location of growth
- Policy A1 Managing the impact of development
- Policy A4 Noise and vibration
- Policy D1 Design
- Policy D2 Heritage
- Policy E3 Tourism
- Policy TC1 Quantity and location of retail development
- Policy T1 Prioritising walking, cycling and public transport

Camden Planning Guidance

- Design CPG (2019)
- Amenity CPG (2018)

Bloomsbury Conservation Area Appraisal and Management Plan (2011)

Assessment

1. The proposal

- 1.1. At present, the existing lawful use of the unit is purposes ancillary to the main youth hostel use (sui generis). In the past this has included for storage as well as office purposes. Planning permission is sought for the change of use of a ground floor commercial unit to form a retail unit (Use Class A1). The unit has a total area of 17.5sqm. It is intended that the unit would be used as a café within this use class. This application does not propose any physical changes to the unit.

2. Assessment

- 2.1. The principal considerations material to the determination of this application are as follows:

- Land Use / Principle of the development;
- Impact on the amenity of adjoining occupiers;
- Design and conservation; and
- Transport.

3. Land use / Principle of the development;

- 3.1. As mentioned the existing unit has an existing lawful use as an ancillary space to the large youth hostel (Generator) which is situated to the rear, despite the fact that they remain physically separated. This hostel remains in Sui Generis use as it contains a mix of uses and is not purely a C2 (short term accommodation) use. Whilst adopted policy E3(e) states that the Council will: '*protect existing visitor accommodation in appropriate locations*', in this case it is noted that the unit is very small in comparison to the main, host hostel (Generator) and that the loss of floorspace would not materially impact the operation or capacity of this premise. The loss of the ancillary hostel use (Sui Generis) is considered acceptable in principle.
- 3.2. In terms of the proposed replacement use, it is noted that policy TC1 seeks to focus new shopping and related uses into Camden's designated growth areas and designated centres. The application site is located inside of the Central London Activities Zone (CAZ) but is not located within a designated frontage or centre. That said, the designated Marchmont Street / Leigh Street / Tavistock Place neighbourhood centre is situated less than 50m to the west of the site. This designated Neighbourhood Centres in the Central London Area acts to provide for the day-to-day needs of people living, working or staying nearby. Whilst the unit is situated just outside of the defined boundary to this centre, it is located close enough so that it would be perceived to remain part of the centre by users / passers-by and would remain in clear eyeshot when stood on Marchmont St. It is noted that a similar unit is situated on the southern side of Tavistock Place, 39m from the junction with Marchmont St inside the designated centre. Given that Tavistock Place remains a well-used thoroughfare, particularly for pedestrian and cyclists, and that the site remains on the periphery of the designated centre, it is considered to remain an appropriate location for a small scale retail unit. The new retail unit would increase the offer of the neighbourhood centre and would remain complementary to its character, function and vitality. It is also noted that the area is active with students at the nearby university campuses and that the new unit would help to serve this demand. The use of the unit for retail purposes is therefore considered acceptable in land use terms in this instance.

4. Impact on the amenity of adjoining occupiers;

- 4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not unacceptably harm the amenity of residents. This includes factors such as privacy, outlook, natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacts upon by virtue of noise or vibrations.
- 4.2. Given that no external alterations are proposed, the development does not have the potential to lead to any detrimental loss of outlook, natural light, privacy or lightspill to any neighbouring resident.
- 4.3. The proposed use would remain small scale, offering a floor area of less than 20sqm. Although plans

indicate that the proposed layout would include space for 3-4 chairs internally, the majority of sales would remain takeaway in a manner conducive to a retail use, meaning that most patrons would not linger on-site once they have made their purchase. It is noted that the application unit remains in close proximity to a large number of residential units and that submitted comments have made out that there have been issues with the operation of the hostel to the rear. Whilst the owners of the hostel are the applicants, it is noted that the proposed retail unit would form an independent planning unit (which could potentially be operated by a separate occupier) and that any subsequent advertisements or external changes would require separation consents. In this instance it is therefore not considered that the operation of the retail unit would result in any rise to the level of activity or resulting issues of noise from the Generator Hostel, situated circa 50m away to the north east.

4.4. In terms of the operational impacts from the new unit itself, recommendations to approve the change of use would be subject to a number of conditions that would seek to ensure that the operation of the unit would not give rise to issues of disturbances. These would include:

- Limiting hours of operation (to ensure that the use occurs within reasonable hour)
- To prohibit primary cooking onsite (to safeguard amenity from potential odour issues)
- To ensure that any amplified music is not audible from the adjacent highway

4.5. In relation to outdoor seating and smoking, the majority of sales would be for the consumption of goods off site. That said, it may be the case that some chairs are placed immediately in front of the unit, were the relevant highways licences first obtained. Even if this were the case, the number of patrons that could gather in this space would remain very limited and, given the conditions set out above this would not be considered to result in levels of break-out noise that might warrant a reason for refusal. This is particularly the case given the general busyness of Tavistock Place and the proximity to the neighbourhood centre.

4.6. Given the minor scale of the unit, its ground floor location within a busy thoroughfare, combined with the mitigation measures secured via the above conditions, it is not considered that the proposed change of use would result in any detrimental loss of amenity to neighbouring residents. The development would therefore accord with policies A1 and A4.

5. Design and Conservation

5.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

5.2. The proposed change of use would not include any external alterations to the property, though the applicants are reminded that should any external change be later required (including advertisements), full consent would be required. In terms of the use itself, at present the unit is not publicly accessible and its shop front is partly obscurely glazed. It is noted that the use of the ground floor unit of retail purposes would increase the visual interest, activity and natural surveillance along Tavistock Place.

5.3. In order to ensure that the change of use does not subsequently change to an undersized residential unit under permitted development rights, a condition is recommended to remove those rights.

6. Transport

6.1. The unit is located within a high sustainable location with the highest PTAL score possible. No vehicular parking exists, or is proposed and the unit would sit on Tavistock Place which does not contain any street parking. Customers are likely to arrive to the site either on foot or cycle. The works would not be considered to result in any additional vehicular trip generation from customers. Owing to the small scale of the unit, it is not considered proportionate to require a legal agreement to secure car-free development.

6.2. In terms of servicing, the unit would only result in minor servicing requirements owing to its small size.

Servicing would continue to take place from the service yard along Compton Place as per the existing situation. It is not considered that the change of use would result in any adverse impacts to highways conditions as a result of servicing or deliveries.

- 6.3. The proposed change of use would not include the provision of internal cycle parking, however, it is noted that owing to the size of the unit to require such provision would likely render the use of the unit unviable. The lack of cycle parking is not objectionable in this instance.

7. Conclusion

- 7.1. The proposed change of use is supported in land use terms given that the ancillary space is not fundamental to the operation of the nearby hostel and given that the unit is sited in suitable proximity to a designated neighbourhood centre in the CAZ. Subject to securing a number of conditions, the operation of a retail unit in this location would not give rise to any detrimental loss of amenity that would warrant a refusal. Similarly, the servicing of this small unit would not result in any significant transport issues that might disrupt highway or neighbouring safety or amenity. Given that no external alterations are proposed, the development would preserve the character of the conservation area and streetscene. As such the proposed change of use is considered to accord with the development plan, with specific reference to those policies listed at the beginning of the report.

8. Recommendation

- 8.1. Grant conditional Planning Permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 4th November 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2019/3859/P
Contact: John Diver
Tel: 020 7974 6368
Date: 14 October 2019

Development Management
Regeneration and Planning
London Borough of Camden
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Judd Street
London
WC1H 9JE

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www.camden.gov.uk

WSP Indigo
Aldermay House
10-15 Queen Steet
London
EC4N 1TX
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
37 Tavistock Place
London
WC1H 9SE

DECISION

Proposal: Change of use from ancillary hostel use (Sui Generis) to coffee shop (A1)

Drawing Nos: Site Location Plan (E19-717/1); Existing and Proposed Floorplan (190520_LON_reservationsOffice dated 26.07.2019); Covering letter prepared by WSP Indigo (ref. let.001.RR.JM.30890001).

Supporting: Proposed Moodboard (showing indicative design); Proposed Interior Layout (indicative)

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (E19-717/1); Existing and Proposed Floorplan (190520_LON_reservationsOffice dated 26.07.2019); Covering letter prepared by WSP Indigo (ref. let.001.RR.JM.30890001).

Supporting: Proposed Moodboard (showing indicative design); Proposed Interior Layout (indicative)

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The use hereby permitted shall not be carried out outside the following times 07:00 - 00:00 daily.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1, A4 and TC5 of the London Borough of Camden Local Plan 2017.

- 4 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, A4 and TC5 of the London Borough of Camden Local Plan 2017.

- 5 At no point shall any primary cooking take place within the unit.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no development within Part 3, Class M, of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the ground unit for commercial purposes as to avoid the creation of substandard residential accommodation in order to ensure compliance with the requirements of policies G1, D1, A1 and H6 of London Borough of Camden Local Plan 2017.

Informative(s):

- 1 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk.
- 4 The Council supports schemes for the recycling of bottles and cans and encourages all hotels, restaurants, wine bars and public houses to do so as well. Further information can be obtained by telephoning the Council's Environment Services (Recycling) on 0207 974 6914/5 or on the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 6 For the purposes of condition 5, primary cooking involving the use of cooking facilities such as hobs, stoves and ovens but would be prohibited, though the reheating of pre-prepared goods would be excluded from this prohibition.

This permission does not grant permission for any external changes to the property. Should any external alterations be required at a later date, full planning permission would be required.

- 7 The applicant is reminded that a licence is required to place tables and chairs on the public highway for eating and drinking activities. Further information relating to such licences can be found on the Council's website here:

<https://www.camden.gov.uk/table-and-chairs-licence>

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DRAFT

DECISION