

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	14/05/2020
		N/A / attached		Consultation Expiry Date:	05/10/2020
Officer			Application Number(s)		
Jennifer Walsh			2020/1412/P		
Application Address			Drawing Numbers		
34 Kilburn High Road London NW6 5UA			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use of existing bed and Breakfast on first, second and third floor levels (Class C1) to a Hostel (Sui Generis) with the existing pub use (Sui Generis) on the basement and ground floor levels being retained.					
Recommendation(s):		Grant conditional planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	12	No. of objections	11
			No. Electronic	00		
Summary of consultation responses:	A Belsize Road Resident objects to the proposal on the following grounds: <ul style="list-style-type: none">- Changing a bar and restaurant to a hostel seems impractical.- There is limited information within the application about how it would be done. What type of hostel would this be?- There are several serviced apartments and hotels in this part of Kilburn already.					
	A Torbay Mansions resident objects to the proposals on the following grounds: <ul style="list-style-type: none">- They dont believe there has been sufficient attempt to retain this building as a pub. This has in the past been a successful pub and I believe it could be again in the right hands.					
	35 Gascony Avenue object to the proposals on the following grounds: <ul style="list-style-type: none">- It would be very disappointing to see a beautiful, comfortable local pub transformed in a hostel. The local community would lose the possibility to enjoy their local pub, one of the few relatively high market / classy in Kilburn, forcing to go all the way to West Hampstead e.g. Gallery, Alice House.					
	18 Mortimer Crescent objects to the proposal on the following grounds: <ul style="list-style-type: none">- A hostel will not add any value to our local area. The building has operated as a pub for many centuries and should continue to do so. It is a community asset and brings the local people together.					
	A Glengall Road resident objects to the proposal on the following grounds: <ul style="list-style-type: none">- This screams trouble. A hostel and a games room doesn't sound like anything of quality and is most likely going to be a cheap do up which attracts undesirables to an already anti social area. Please don't let developers with too much money and no taste rip up old beautiful buildings like the red lion and turn it into something nasty. It should be a traditional beautiful pub as intended. I worry about the quality of businesses which go up in Kilburn and really hope that going forward the council listens to the public's concerns and take into account those who have to live near these types of outlets.					
	16 Cambridge Gardens objects to the proposals on the following grounds: <ul style="list-style-type: none">- This stunning old venue should be a restaurant or revert to being a pub. There are so few public places to visit at that location, why would you turn it into a hostel of all things? Kilburn, especially this part of Kilburn needs good quality venues NOT hostels! I totally disagree with this idea. Why can't we (I'm a local resident) have something decent, a quality pub or as I said a quality restaurant? It's an ill thought out idea, which will in no way benefit the local area, certainly not environmentally or economically. Why are you downgrading the area and not uplifting it?					
	11 Wythegate objects to the proposals on the following grounds: <ul style="list-style-type: none">- I am so disheartened when so many of our historical pubs are changed into supermarkets etc. Time for us to wake up and make a stand, please do not let this happen, we have lost so many already. This is our countries history, we have so much to be proud of and the great British pub is one of those.					
	7 Iverson Road objects to the proposals on the following grounds: <ul style="list-style-type: none">- Most of the 88 beds will be in dormitories not private bedrooms and as such contradicts policy E3, seeking to establish quality accommodation for visitors and tourists. The short term accommodation of this nature would not attract visitors with any spending power to lift up the Kilburn economy.- Kilburn already has at the bottom of Kilburn High Road a wide range of hotels and short term accommodation; the Maitrise hotel across the road, The Quarters short term lets at the back and by the Library, the Marriott hotel, Maida Vale aparthotel, and the large short term lets (illegal) on Belsize Road.- This is an historic pub, one of the only available community spaces at the bottom of Kilburn High Road. This community facility has been missed since closing as it was the only large gathering space in Kilburn. Thus a community facility, a pub, should be reinstated.- There is no provision for rubbish storage and it would be unacceptable to have kerbside collections for such a large development.- There is no space for setting down visitors. Since the development would be dormitories and is said to be aimed at tourists one would expect space for coaches, not available at this site.					

- In short I strongly object to this application providing poor quality short term accommodation, that could only lead to anti-social behaviour and removing an A4 establishment. This is not the type of development that Kilburn needs.

6 Cambridge Gardens objects to the proposals on the following grounds:

- This site has been used as a pub / restaurant since it was first established in 1444. It was then refurbished in 1890 and has been in regular use since.
- The existing public house should be categorised as an Asset of Community Value - given how long it has served the local area, and it should be re-opened as a pub/restaurant. The proposals for change of use are not in keeping with the area, given its prominence on a high street that mainly consists of retail shopping, pubs, cafes and restaurants and other facilities that provide a reason - and use - for people to visit this high street.
- High streets are already facing enormous challenges to encourage people to use them - and these proposals would lead to a decline of Kilburn High Road. Furthermore, by reducing facilities for locals to enjoy in the area, people would instead have to travel out of the area - which, would lead to a faster decline, not just of Kilburn High Road, but of the wider area too. It is essential that high streets are supported by their local Councils - and that people continue to have a reason to make use of their local high streets. Furthermore, venues such as this, especially during its recent use, encouraged people from all over London, and the UK, to visit Kilburn and to spend money in the area. This benefited the local economy and brought visitors into the area. These benefits would be permanently lost by this change of use.
- These proposals are therefore not in keeping with the existing area and, given the prominence and importance of this site on Kilburn High Road, they should be rejected.

75 Cricklewood Broadway objects to the proposals on the following grounds:

- The local area has been losing pubs that are so vital. Although it's been closed for a while it should be retained in its current form and given the chance to succeed. These are places that should be community hubs rather than gaming centres or temporary hostels. It's a historical building and has been a pub since 1400s and there is no need for this to change.

61 Cambridge Road objects to the proposals on the following grounds:

- This characterful, charming building has been in use as a public house since 1444. It is a fixture of our high street. It should be retained as a pub/restaurant. Kilburn High Road, as have most high streets recently, has been struggling. We need to attract people to come for shopping, eating and socializing and historic old buildings like this one are one of the reasons people, especially visitors to London are attracted to Kilburn.
- Another objection is the number of hostels already in close proximity. Conway House is just off Kilburn High Road on Quex Road and St. Mungo's on Chichester Road are both within a few blocks of this proposed site. Is it really necessary to have that many hostels that close together and if it is there must be many more suitable sites than this high profile property.

Officers Response: Revisions have been received to retain the pub at ground and basement level. Please see the revisions section. The hostel has also been revised to accommodate a maximum of 60 beds.

Thames Water have responded with waste and water comments where they recommended conditions to be added to any permission:

- There is no drainage strategy to review this needs to be supplied before Thames Water can make an assessment and should follow Policy 5.13 of the London Plan which requires all developments to reduce the peak flow and volume of surface water discharging off the site where greenfield rates should be aimed for and the drainage hierarchy followed: 1. Rainwater harvesting (including a combination of green and blue roofs) 2. Infiltration techniques and green roofs 3. Rainwater attenuation in open water features for gradual release 4. Rainwater discharged direct to watercourse (unless not appropriate) 5. Rainwater attenuation above ground (including blue roofs) 6. Rainwater attenuation below ground 7. Rainwater discharge to a surface water sewer or drain 8. Rainwater discharge to a combined sewer.
- Further details on the point(s) of connection, discharge method and discharge rate for surface and foul water pre and post development. For surface water please provide current discharge rates and greenfield runoff rates.

Officers Response: Conditions are recommended to be added to this permission to ensure this information is submitted prior to any works commencing on site.

	<p><i>The revised application was then reconsulted on via a site notice published on 11/09/2020-05/10/2020.</i></p> <p><i>No further responses were received.</i></p>
<p>CAAC/Local groups comments:</p>	<p>CAMRA, North London Branch object to the planning application on the following grounds:</p> <ul style="list-style-type: none"> - Camden Council's new planning policies strongly support and seek to protect our local pubs. Any loss of the pub and music venue should be resisted, and the pub could be a viable business again if run properly, contrary to National Planning Policy Framework (para. 92) 2019, Camden Local Plan (2017) policy C4, and Policy HC7 of the Draft London Plan 2019, which protects public houses. Policy D12 Agent of Change, Draft London Plan 2019 states pubs and live music venues should be protected. - There has been a pub on this site since 1444 and the current building was constructed in 1890 and has a few incarnations, including as popular music venue and late night bars Soul Store West and Love & Liquor. If retained, as a public house, it would contribute to the night time economy of the area, whilst an hostel would not any add value to the high street if occupying the ground floor of the building, especially at night time. Any games room should be resisted, as this would only have an negative impact on the area and may attract anti-social behaviour. There is already two similar premises nearby, so any new gaming centres, or betting shops should be refused. - CAMRA has devised a Public House Viability Test (PHVT) to help Councils protect pubs in their areas and to assist third parties (like CAMRA activists) in influencing Councils to come to the right decision. The Test comprises a set of detailed questions, the answers to which should address the question "What could this pub achieve if it was being properly run? In September 2019, Star Pubs and Bars applied for a premises licence, so at this point they must have considered that this would be viable pub once again. We would ask that the applicant prove that they have adequately marketed the pub, before a change of use should be considered by the council. <p>No response was received from the Kilburn Neighbourhood Forum.</p>

Site Description

The application site is a three storey public house which was established in 1444 and rebuilt in 1890. The pub had become the Westbury in 2007 and changed to a bar in 2012. The last use of the space was Soul Store West, a cocktail bar and hotel with food by the Chicago Rib Shack which closed in July 2017. The property has been vacant since. The property is not located within a Conservation Area nor is it a listed Building. The site is located within the Kilburn Neighbourhood Area.

Relevant History

Ref: PWX0002696: Planning permission was granted in November 2000 for "Change of use of the first, second and third floors from ancillary accommodation for the public house to 8 bedrooms for Bed and Breakfast accommodation on the first and second floors and a self-contained managers flat on the third floor, as part of a mixed use of the whole building for Class A3 and C1 use."

Relevant policies

National Planning Policy Framework 2019

The London Plan 2016

The London Plan (Intend to Publish) 2019

Camden Local Plan 2017

A1 – Managing the impact of development
A4 – Noise and Vibration
A5 – Basements
C2 – Community Facilities
C4 – Public Houses
C5 – Safety and Security
C6 – Access for all
CC3- Water and Flooding
CC5 – Waste
D1 – Design
E3 – Tourism
T1 – Prioritising Walking, Cycling and Public Transport

Camden Planning Guidance

Amenity (2018)
Community Uses, leisure and pubs (2018)
Design (2019)
Water and Flooding (2019)
Town Centres (2019)
Transport (2019)

Assessment

1.0 The proposal

- 1.1 This application seeks permission to change the use of the first, second and third floors from short term let accommodation (an existing bed and breakfast) to a 60 bed backpacker hostel.
- 1.2 Whilst it had previously been proposed to change the use of the basement and ground floor to a hostel as well, Officers advised that the proposal would have been contrary to Local Plan policy C4 and therefore, the proposal was revised to retain the existing pub on the ground and basement floors.
- 1.3 The property has been empty since 2017. No external alterations are proposed.

2.0 Revisions.

- 2.1 As has been discussed, revisions have been received during the process of the application. They include:
 - Retention of the existing pub (Sui Generis) at ground and basement levels;
 - Reduction in the bed spaces to a maximum of 60;
 - Reduction in the number of kitchens being proposed. Four kitchens had previously been proposed to accommodate take away operators. This has been reduced to two, one for the pub at ground floor level and one for the hostel at second floor level. The dance hall has been retained at ground floor.

3.0 The Assessment

- 3.1 The main material planning issues for consideration are:
 - The principal of a change of use;
 - Neighbour Amenity;
- 3.2 Policy E3 of the Local Plan states that the Council will guide new tourism development that is likely to attract large numbers of people to Camden's part of Central London and the growth areas of King's Cross, Euston, Holborn and Tottenham Court Road. It goes on to state that Camden will support and allow smaller-scale visitor accommodation in the town centres of Camden Town, Kilburn, West Hampstead, Kentish Town and Finchley Road/Swiss Cottage. The application has been revised to provide 60 bed spaces and therefore, whilst there are no formal definitions on sizes, this is considered to be off accommodation on the medium size, due to the size of the building and the details of the application, it is considered appropriate in terms of its location, and in compliance with the requirements of Policy E3.
- 3.3 The upper floors of pubs typically have function rooms and ancillary facilities that often make valuable contributions to the success of the pub and its role within the local community. Policy C4 of the Local Plan therefore seeks to resist applications involving the loss of pub floorspace, including facilities ancillary to the operation of the public house, where this will adversely affect the operation of the public house.
- 3.4 It is evident from the planning site history that the upper floors of the application site were originally used as ancillary staff accommodation, until planning permission was granted in 2000 to convert the 1st and 2nd floor from staff accommodation to 8-rooms for short term accommodation and a managers flat on the third floor. The information submitted indicates that the ancillary facilities are located in the basement and the previous use of the upper floors was for smaller bedrooms with shared facilities. The first, second and third floors of the pub therefore have little connection to the main pub use at ground floor and basement level, and the current proposal to change the use of these floors to provide hostel accommodation is not considered to undermine or harm the viability of the pub. On the basement floor level, it is proposed to change this into a games room area in conjunction with the pub. This additional pub floorspace is welcomed. A large dance hall and pub kitchen is to remain. The access for the pub is to remain in the same location therefore it is considered that the retention of the pub at this level is welcomed and acceptable in this instance.
- 3.5 In terms of the proposed use, hostel guests would access the site from the side entrance of Kilburn High Road. This is a separate access, which provides direct access to the hostel accommodation on the first, second and third floors. There is a separate stair which leads from the pub at ground floor up to the hostel accommodation. Whilst this is listed as a fire exit, the accommodation layout is similar to other existing hostel accommodation provided above pubs elsewhere in the borough. The proposal is therefore considered to be an appropriate use of the upper floors and would help to maintain the existing pub use as a viable business.
- 3.6 The retention of the existing pub is welcomed. The change of use to a hostel in this location is in line with the policy requirements of E3. Therefore, the change of use of the upper floors is considered acceptable in this instance, subject to planning conditions.

4.0 Amenity

- 4.1 Policy A1 (Managing the impact of development) of the Camden Local Plan 2017 states that the Council will seek to protect the quality of life of occupiers and neighbours. The Council will seek to ensure that the amenity of

communities, occupiers and neighbours is protected. The factors the Council will consider include visual privacy, outlook, sunlight, daylight and overshadowing and artificial lighting levels. This is further supported by CPG Amenity.

- 4.2 There are no external alterations are proposed. The site benefits from existing plant which previously served the pub kitchen. No further alterations are proposed to the existing situation, and planning permission would be required if further plant were to be proposed. However, a condition is added to ensure that the existing plant meets the required noise conditions to ensure the neighbouring amenity is protected.
- 4.3 The application is accompanied by a management plan which states that the building will be staffed 24 hours a day. A member of staff would be at the reception desk controlling check in and check out of the hostel guests. The management plan is not detailed however, and therefore a condition is required to secure a detailed plan to ensure noise from hostel guests is kept to a minimum and the amenity of neighbouring residents is sufficiently protected is required. It is essential that the hostel is well managed in order to minimise the impact on local amenity and the environment and therefore a condition is recommended to be added to ensure that the management plan remains in force while the hostel is in use.
- 4.4 In addition to this, a pub and a visitor hostel are considered to be a compatible mix of uses in terms of the agent of change principle and the impact on neighbouring amenity. The existing pub, whilst it has been vacant for a number of years would have generated a degree of noise during opening hours and the use of the upper floors as a hostel is unlikely to exacerbate current noise levels in the area, particularly given the site's location on a busy thoroughfare with commercial uses and a number of hotels located nearby. A condition is recommended to ensure that sufficient sound insulation between the ground and upper floors is added to minimise the potential for amenity complaints from the hostel to harm the operation of the pub.

5.0 Standard of Accommodation

- 5.1 The revised application includes a total of 60 bed spaces across the three floors. This is due to be a commercial hostel, like a youth hostel let on a nightly rate rather than on a tenancy rate, and therefore housing standards do not apply to commercial lets. However, the revised plans show a more suitable accommodation rate with the bunk beds being laid out in an acceptable manner and internal corridors creating rooms with bunks and separate shower and toilet cubicles. A condition is recommended to ensure that the capacity is capped at 60 bed spaces within the hostel at any one time. Due to the facilities available, any increase on this number would result in a substandard amount of accommodation.

6.0 Waste

- 6.1 Within the submission it is stated that the existing waste arrangements are sufficient and no changes are proposed to the current situation. However, it is considered that as there is an increase in the number of bed spaces, further information is required to be submitted to ensure that there are adequate provisions. A condition is recommended to be added to the permission to ensure that full details of the waste management are submitted prior to occupation of the development.

7.0 Thames Water

- 7.1 Thames Water requested further details in respect of the waste water infrastructure as well as the full details on the Surface water drainage. Whilst this is a change of use application with no proposed built form, it is considered that these details will relate to the existing situation and therefore such information can be conditioned. Both recommended conditions have been added to the permission.

8.0 Transport

- 8.1 The absence of any on-site cycle parking is considered acceptable in this instance given the constrained nature of the site. Furthermore, visitors are most likely to use public transport to access the site particularly given its proximity to the tube station and being well located for public transport. One objection discussed the use of buses turning up and dropping off tourists at the property. The application has been assessed by a Transport Planner who does not considered that the proposals would give rise to 'organised' private coaches and considers that the existing restrictions on Kilburn High Road are sufficient to mitigate any waiting private buses.
- 8.2 As such, the proposal is in general accordance with Policies A1, A4, A5, C2, C4, C5, C6, CC3, D1, E3 and T1 of the Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2016 and National Planning Policy Framework 2019.

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 January 2021, 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'.