

Delegated Report (Refusal)		Analysis sheet N/A / attached		Expiry Date:	08/04/2020
				Consultation Expiry Date:	28/03/2020
Officer			Application Number(s)		
Joshua Ogunleye			2020/0691/P		
Application Address			Drawing Numbers		
The Lord Southampton 2 Southampton Road London NW5 4HX			Refer to Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
The retention of an existing hostel (Sui Generis use class) at part basement and ground floor, and entire first and second floor areas as a change of use from public house with ancillary accommodation above (Class A4).					
Recommendation(s):		Refuse planning permission and warning of enforcement action to be taken			
Application Type:	Full Planning Permission				

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informative:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	25	No. of objections	25
			No. electronic	00		
Summary of consultation responses:	<p>Four site notices were display Southampton Road and Grafton Terrace</p> <p>Site notice consultation: 04/03/2020 until 28/03/2020</p> <p>25 objections were received from neighbouring properties on Southampton Road and Grafton Terrace.</p> <p>Details of the objections have been summarised below.</p> <ul style="list-style-type: none"> • The proposed hostel is an inappropriate business for the location, its uses cause's unacceptable nuisance and a diminished quality of life for our community. • The proposed hostel use generates increased litter on the pavement. It sometimes does not feel safe when boozy pub visitors yelling right in front of the window, leaving rubbish, sometimes right in front of the door. The function is quite different from the, leafy residential street housing many families and vulnerable people. • Since the hostel opened (without planning permission in 2016) the premises have been inundated by a daily influx of hostel guests. This is an unwanted intrusion into our community, and locals have nothing to gain from the presence of such an enterprise in our midst. Indeed the hostel makes life miserable for us locals who live in proximity to it. The disturbance to local residents created by nightly drinking games, pub crawls (and loud late returns from pub crawls) and the like (as advertised in the hostel's marketing) is intolerable. • The disturbance from the proposed use cannot be mitigated if the hostel is allowed to continue to operate. The hostel is just yards away from alms houses where elderly and vulnerable people from the borough are housed, and also yards from an over-55s housing development - a completely unsuitable situation for such a business. • Local community suffers nothing but harm, disturbance, and diminished quality of life through the (hitherto unlegalised) presence of the hostel in our midst. 					
CAAC/Local groups comments:	N/A					
Site Description						
The application relates to a 3 storey corner property on the eastern side of Southampton Road northern side of Grafton Terrace. The property appears as an end of terrace unit along Southampton Road and is connected to properties on Grafton Terrace via a singles storey rear extension. The						

lawful use of the property is as an A4 Drinking establishment Known locally as the Lord Southampton Pub.

The Lord Southampton is a mid-19th century public house. The building occupies a traditional corner plot on the junction of Southampton Road with Grafton Terrace. The building is identified as a Non-Designated Heritage Asset (locally listed/positive contributor) as is the terrace of houses to which it is attached to the north (on the east side of Southampton Road) and thus are all protected under Policy 197 in the NPPF. The building also contributes to the setting of the Grade II listed St Pancras almshouses located on the opposite side of Southampton Road.

The Lord Southampton PH appears to have been subjected to some less than sympathetic alterations.

Relevant History

N/A

Relevant policies

National Planning Policy Framework 2019

London Plan (2016) and Draft London Plan (2019)

Camden Plan 2017

- A1 Managing the impact of development
- C5 Safety and security
- D1 Design
- E3 Tourism
- H3 Protecting existing homes
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development
- T4 Sustainable movement of goods and materials

Other Planning Policies / Guidance

- Amenity (2018)
- Transport (2019)

Assessment

1.0 Proposal

1.1. Retrospective planning permission is sought for:

- For the retention of an existing hostel (Sui Generis use class) on parts of the basement, parts of the ground floor (former off-sales area), and the entire first and second floor areas.
- Remaining parts of the ground floor area would be retained in its current A4 use (Public House) serving those from the local and wider community in addition to Hostel guests.
- The hostel operates a 24hours opening time in a three shift phase. The pub is retained on the ground and basement floor and its hours of operation are:

<u>Monday to Friday</u>	<u>Saturday</u>	<u>Sunday and Bank</u>
Start Time: 11:00 End Time: 23:30	Start Time: 11:00 End Time: 01:15	Start Time: 11:00 End Time: 11:00

- The guest of accommodation is arranged over the first and second floors with 4 rooms on the first floor, and on the second floor a further four rooms plus communal shower and toilet facilities. The top two floors comprise 165sqm of floor area and would provide 42 bed

spaces according to the applicant's Design and Access Statement with an average occupation rate of 73%.

- No external works are proposed as part of the application, nor has the need for any retrospective planning permission been identified for any external works.

2. Background

- 2.1. The site's Historic use is as a Public House, including a sales (i.e. off-license) area with its own entrance fronting Grafton Terrace and ancillary Public House residential accommodation on the first and second floors. Officers consider the pre-existing residential use at first and second floor level to be ancillary to the main A4 use at Ground floor level.
- 2.2. Alterations to the first and second floor level to form a hostel commenced in February 2016 by the same management team as was operating the ground floor A4 use. The Council's enforcement department served a Planning contravention notice on 4th November 2019, relating to the unlawful use of the site as a hostel (Sui Generis use class). The application being considered was as a result of enforcement action taken on the site.
- 2.3. The hostel had been in operation for three years prior to the enforcement action being taken and subsequently a year after that while a retrospective application was submitted to the council for consideration. The management measures put in place to co-exist harmoniously with neighbouring residents do not appear to be to have worked. Officers from the environmental health department receive noise and public nuisance complaints concerning the site on average once to twice monthly.

3. Land Use

- 3.1. Policy E3 of the Council's local plan recognises the importance of the visitor economy in Camden and will support tourism development and visitor accommodation. Paragraph b, of the policy states that smaller-scale visitor accommodation in the town centres of Camden Town, Kilburn, West Hampstead, Kentish Town and Finchley Road/Swiss Cottage.
- 3.2. This application comprises the formation of a hostel. Which is a form of low-cost, short-term shared lodging where guests can rent bed spaces, usually, as in this case bunk beds in a dormitory occupying 6 to 12 people, with access to shared facilities typical washrooms and a kitchen. As with most hostels there is a targeted client group which in this case is typically backpackers, cycle tourists and overnight trip tourists. As such the hostel has a high turnaround rate with average stay ranging from 1 night to two weeks.
- 3.3. Officers note that the application site sits within a predominately residential area, outside a local town centre area. All properties in the terrace adjoining the site, as well as on the nearby Quadrant Grove, Malden Place, and Thurlow Terrace are in residential use. The nearest commercial premises to the site is located on Malden Road, north easterly of the site, typically comprised of short parades of small independent shops.
- 3.4. Officers consider the hostel use, with 42 beds is in contrast to the residential character of the surrounding residential streets. The site's intensified use by virtue of it being a 24hrs operational hostel generates increased footfall, additional logistics service (taxi and takeaway delivery) requirement outside the typically acceptable 23:00hr timing. The existing public house had customers only on the ground floor, with operational hours that reflect its location in a residential area.
- 3.5. Officers note that the hostel functions in conjunction with the existing A4 use at ground floor level, which although remaining as a separate use as described in the application operates largely as a single entity in practice. Visitor accommodation sharing the same building as a pub will inevitably develop synergies between the two uses and this is intensified by virtue of the hostel's targeted clientele being young single people in this particular case. Officers consider that the combination of a pub and concentrations of young people on the same site exacerbates the

difficulties with managing behaviour, noise and activities of the clientele that would already be associated with the presence of either use in a residential area.

- 3.6. A hostel management plan was submitted with the application. The plans include 24 hours opening time, removing speakers from neighbouring party walls, monitoring visitors whilst they smoke outside, and site security. We believe the plan is currently operational but residents have not reported any improvements in the use, with their various concerns outlined above. The hostel management plan fails to give details of the procedure for neighbours to report new complaints.
- 3.7. These additional operations would be readily noticed within the residential setting as such would be considered disruptive. Officers further consider the proposed intensified use would disproportionately unbalance the residential character of the surrounding area. In the absence of the ability to mitigate the impact through a management plan that addresses these concerns officers demonstrate the proposed hostel use to be a harmful intensification of the existing commercial use to the detriment of the amenity of local residents. As such it is considered to be contrary to paragraph h of Policy E3.

4. Loss of residential

- 4.1. Policy H3 of the local plan aims to ensure that existing housing continues to meet the needs of existing and future households by resisting development that would involve a net loss of residential floor space. Officers note that the pre-existing residential spaces were ancillary to supporting the site's A4 operations. On this basis, it is considered that the loss of this ancillary floorspace would not negatively impact the overall public house business and is subsequently acceptable.

5. Amenity

- 5.1. Policy A1 states that the council will seek to protect the quality of life of occupiers and neighbours and ensure the amenities of occupiers and neighbouring is protected. Paragraph j states that factors affecting noise and vibration would be considered. The number and nature of objections demonstrates the significant impact the use is having on neighbouring residents.
- 5.2. Whilst a management plan has been submitted and we believe is being operated on site, as outlined above it has not been sufficient to resolve the concerns raised by residents. The submitted hostel management plan fails to make a suitable assessment as to the noise from patrons since patrons will be able to arrive at any time 24 hours a day would be managed.
- 5.3. Officers are concerned that since the use results in an increase in usage around the clock that the management plan does not include any statement to limit guest activities outside of the premises during hours of darkness. Officers further note that the site has no internal communal area for guests to gather socially after 23:30 as such officers are concerned that the external spaces would likely be used. Given the proximity of sensitive receptors, it is considered that the management plan fails to give detail as to how noise control issues will be assessed/monitored or managed.
- 5.4. In addition, the submitted management plan refers to the 24 hour operation and the hostel rules. There are relaxed restrictions for checking into the hostel "check in guests at any time". There is reference to operating measures which relate more to the licence conditions of the licenced premises rather than the hostel. Due to the proposed staffing numbers and reliance on the licence conditions for the pub it is questionable an effective management plan is in place for the 24 hour Hostel operation. The Hostel management plan itself demonstrates that the management of the two commercial activities comprising the pub and hostel at 2 Southampton Road is intrinsically linked. However there is an over reliance on the licence conditions applying to the pub to prevent detriment to amenity from the use of the hostel. The hostel does not carry out licensable activities itself, and therefore the licence conditions do not apply to the hostel part of the premises.

- 5.5. Furthermore, the submitted measures do not include evidence of appropriate sound insulation being used on the site for the purpose of protecting the residential amenity of neighbouring properties. For these reasons the submitted management plan falls short of what would be acceptable within a residential setting.

Travel plan and delivery plan

- 5.6. Paragraph h, states that transport impact should also be considered through the use of transportation statement, travel plan and delivery and serving management plan. As stated in the proposal, there are 42 hostel beds, which has led to an increase in people traveling to and from the site. Officers consider the frequency of visitors arriving by taxis, coaches and on foot at varying times of the day would likely generate access constraints within the local road network as well as increased pollution. The submitted documents do not include a transport management plans for visitor and staffs arriving at the site during out of hours contrary to policy A1.
- 5.7. Officers require a Transport Statement to examine the impact on transport movements arising from the development. In addition, we would seek to secure a Local Level Travel Plan and associated monitoring and measures contribution of £4,809 as section 106 planning obligations in accordance with Policy A1. However, in the absence of such agreement, failure to agree to a section 106 agreement associate with monitoring the service shall constitute a reason for refusal.

6. Transport

Cycle Provision

- 6.1. Policy T1 of the council's local plan promote sustainable transport by prioritising walking, cycling and public transport in the borough. Officers' note that the application site sits within a PTAL 3 rated area and is with 10-minute walk north of Chalk Farm Underground Station. The site is also within a 10-minute walk of Kentish Town West Railway Station and located within a 3-minute walk of two bus stops served by routes 24/46.
- 6.2. 2 long-stay and 1 short-stay cycle parking should be provided in accordance with Policy T1, cycle facilities section of CPG Transport, and the draft London Plan. The London Plan standards are shown below. Due to different security requirements, we expect long-stay cycle parking to be separated from short-stay cycle facilities. Short-stay cycle parking should be within the curtilage of the development, however as the development does not have a forecourt, we can accept a financial contribution for cycle parking on the public highway. Each Sheffield stand would cost £300 and can accommodate 2 bicycles, a total of £300 for 1 stand. The financial contribution can be secured by a section 106 agreement. However, in the absence of such agreement, failure to provide adequate cycle provision shall constitute a reason for refusal

Car free

- 6.3. Policy T2 of the local plan states that 'will limit the availability of parking and require all new developments in the borough to be car and coach-free development means that no car parking spaces are provided within the site. This is in order to reduce air pollution and congestion and improve the attractiveness of an area for local walking and cycling.
- 6.4. Officers note that surrounding streets are subject to CPZ restrictions between 8:30am and 8:30pm Monday to Saturday. The development would need to be car free in accordance with Policy T2, given the specific nature of the proposed use officers consider a coach-free agreement would also be needed. This would be in order to prevent visitors of the hostel parking on surrounding streets. A legal agreement would be needed to secure this had planning permission been granted. However, in the absence of such agreement, failure to agree to a section 106 agree to make the site car free shall constitute a reason for refusal.

Conclusion

6.5. The hostel, by reason of the scale and nature of the use, is incompatible with the surrounding residential area. The continued complaints about the use over the last four years demonstrates that it is not possible to successfully mitigate the impact of the use through a management plan. The use does not exist harmoniously with the neighbouring residential properties, to the detriment of neighbouring properties, resulting in harm to the residential character surrounding area, contrary to policies A1 (Amenity) and E3 (Tourism) of the London Borough of Camden Local Plan 2017 and the emerging London Plan 2019. It is not considered that conditions or obligations would be sufficient to mitigate this impact.

Recommendation (1): Refuse planning permission and warn of enforcement action

Enforcement action:

6.6. That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring the use of the building as a hostel to cease and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The notice shall allege the following breaches of planning control:

Without planning permission: The change of use of parts of the basement, ground and the entire first and second floor level to a Hostel (Sui Generis).

WHAT YOU ARE REQUIRED TO DO:

1. Cease the hostel use on all floors of the building.

PERIOD OF COMPLIANCE: 2 Months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

- The current hostel use by reason of the scale and intensity of the use and its associated comings and goings on a 24 hour basis, would have a detrimental impact on the character and amenity of the predominantly residential area in which it is located contrary to policies A1 (Amenity) and E3 (Tourism) of the Camden Local Plan 2017.
- The current hostel use, in the absence of a legal agreement to secure the development as car- and coach-free, would be likely to contribute unacceptably to parking congestion in the surrounding area and cause disturbance to neighbouring residents, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking), A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.
- The current hostel use, in the absence of a legal agreement to secure contribution towards, off site cycle parking would be likely to contribute unacceptably to parking congestion in the surrounding area and cause disturbance to neighbouring residents, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking), A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017
- The current hostel use, in the absence of a legal agreement securing a Delivery and Servicing Management Plan, would likely give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), T3 (Transport Infrastructure), T4 (Sustainable movement of goods and materials), DM1 (Delivery and monitoring), A4 (Noise and Vibration) and CC4 (Air quality).

