

Dated

6 February 2023

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**TOWN AND COUNTRY PLANNING ACT  
SUPPORTING STATEMENTS PREPARED BY EI  
GROUP LIMITED IN RESPECT OF THE  
NORTHUMBERLAND ARMS**

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## 1. INTRODUCTION

This statement is produced on behalf of Ei Group Limited (the **Applicant**) in support of its application for the change of use of the first and second floors of The Northumberland Arms, 141 King's Cross Road, WC1X 9BJ (the **Property**) from drinking establishment (Use Class A4 until 31 August 2020 and Sui Generis from 1 September 2020) to backpacker hostel accommodation (Sui Generis) (the **Application**). The Property is outlined in red on the site location plan submitted with the Application.

## 2. THE APPLICANT

2.1 The Applicant is a private limited company incorporated in England and Wales with company registration number 02562808 registered at 3 Monkspath Hall Road, Shirley, Solihull, West Midlands, B90 4SJ.

2.2 The Applicant is a subsidiary of and operates as part of the group of companies owned by Stonegate Pub Company Topco Sarl, the largest pub company in the UK. The principal activity of the Applicant is the ownership of an estate of public houses in the UK. The Applicant owns and manages 4,573 pubs across the UK.

## 3. SITE LOCATION AND DESCRIPTION

3.1 The Property is a three storey building located on the corner of Wicklow Street and King's Cross Road. The Property is easily accessible by Kings Cross, St Pancras International, and Euston underground and railway stations. Local bus provision is excellent and there are bus stops in close proximity to the Property.

3.2 The Property is identified as being highly accessible and appropriate for development by policy GI of the Camden Local Plan and falls within the Central Activity Zone.

## 4. PLANNING HISTORY OF THE PROPERTY

4.1 A search of Camden planning portal has revealed the following limited planning history:

4.1.1 Application reference 2007/1587/P which was granted for the installation of awning to Wicklow Street elevation to existing pub (Class A4); and

4.1.2 Application reference 2019/4428/P which was granted for change of use of first and second floors above existing pub from short term let accommodation to 78 bed hostel use (Sui Generis) (the **2019 Permission**).

## 5. THE APPLICATION

5.1 The Application is for a change of use of the first and second floors of the Property from ancillary pub use (Use Class A4 until 31 August 2020 and Sui Generis from 1 September 2020) to backpacker hostel accommodation (Sui Generis).

5.2 The Application is substantially the same as the 2019 Permission and is being made because the 2019 Permission lapsed on 12 December 2022.

5.3 For operational reasons the Applicant was unable to implement the 2019 Permission. As the 2019 Permission was not implemented, the Applicant is reapplying for the same consent which it hopes to implement later this year.

5.4 The Application will allow the Applicant to provide an important service to tourists visiting the area whilst also ensuring the ongoing viability of the ground floor public house use for visitors and local residents alike.

## 6. EXISTING AND PROPOSED USE

6.1 The existing and proposed layout of the property can be seen on plans submitted with the application but in summary:

6.1.1 The basement is currently used for cellaring and ancillary storage space to the public house. The Application is for the creation of a washing-up area at basement level. The Application will result in only very limited loss of storage space which will be more than mitigated by a better use of space in the proposed layout. The Application will not in any way adversely impact on the operational viability of the Property in the long term due to a better use of space;

6.1.2 The ground floor is used as a public house and will remain in its current use although a 'theatre' style open kitchen is proposed as set out on the enclosed plans. The space will be generally reconfigured to make it a more modern and comfortable environment for customers;

6.1.3 The first floor currently houses the kitchen and 4 ancillary rooms let as guest rooms typically for periods of five - seven days. Guest are typically contractors coming into London during the working week to work on nearby construction sites. These guests spend very little in the pub and the rental income is minimal. As stated above it is proposed that the kitchen, which is not currently used for commercial catering be relocated to the ground floor. The kitchen will be replaced with showers, WCs and secure guest storage; and

6.1.4 The second floor comprises a smaller kitchen, separate bathroom and shower rooms, and 5 ancillary rooms let on the same terms as those on the first floor. The kitchen and bathrooms will be reconfigured to provide showers, WCs and secure guest storage.

6.2 The proposed use of the first and second a floors is as backpackers' hostel accommodation with:

6.2.1 First floor comprising 4 rooms and 39 beds as set out below:

Room 1	3 triple bunks (9 beds in total)
Room 2	2 triple bunks (6 beds in total)
Room 3	4 triple bunks (12 beds in total)
Room 4	4 triple bunks (12 beds in total)

6.2.2 Second floor comprising 5 rooms and 39 beds as set out below:

Room 5	3 triple bunks (9 beds in total)
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Room 6	2 triple bunks (6 beds in total)
Room 7	3 triple bunks (9 beds in total)
Room 8	2 triple bunks (6 beds in total)
Room 9	3 triple bunks (9 beds in total)

6.3 The proposed use of the upper floors as backpacker accommodation will provide a complimentary business that will help drive additional revenue in the ground floor bar. The Applicant proposes to introduce a food offering at the Property via the open kitchen. Food is not currently offered to customers due to the unfortunate kitchen configuration and presence of guests in the upper floors meaning a substantial loss in potential revenue. The Council will be aware of the pressure on public houses to diversify away from a purely drinks led business if they are to survive.

## 7. OPERATION OF THE PROPERTY

7.1 The Applicant proposes to operate the Property as premium hostel accommodation catering to a market of predominantly foreign 'backpacker' tourists who wish to visit London. The area around the Property has a proven market for high quality backpacker accommodation and demand at the nearby Exmouth Arms has demonstrated there to be an undersupply of such.

7.2 The Property would be operated in much the same way as traditional hotel accommodation. Reservations would be made in advance either online or over the telephone and paid for by credit or debit card. On arrival guests would check in with a member of staff and must provide identification, typically a passport. At least one member of staff would be on site 24 hours a day to assist with the guests needs and monitor access.

7.3 Guests would not arrive from the street without reservations. Guests would usually arrive by foot using the local public transport hubs which are all within walking distance of the Property. The location is highly sustainable and the vast majority of guests are unlikely to have access to private transport. The Applicant would not take large group bookings which would result in the use of coaches.

7.4 Included in the guests' nightly rate would be complimentary Wi-Fi access. Food and beverages would be available from the public house. Guests would also be provided with complementary storage lockers, linen and there would be luggage storage for larger items available.

7.5 It is envisaged that the Property will require the following 9 full time positions:

7.5.1 General manager;

7.5.2 Assistant manager;

7.5.3 Bar supervisor;

7.5.4 2 x bartenders;

7.5.5 Senior chef;

- 7.5.6 2 x Chefs; and
- 7.5.7 2 x night porters.
- 7.6 The Property will also need employ the following three positions on a part time basis:
  - 7.6.1 2 x bartenders; and
  - 7.6.2 Chef.
- 7.7 The Applicant's external cleaning contractor also will also employ two full time and one part time housekeepers for the Property specifically. The operation of the Property as applied for will therefore be responsible for the creation of sixteen jobs in the Borough.
- 7.8 The Applicant's indicative management plan (the **Management Plan**) showing how guests would be managed and antisocial behaviour minimised is included with the Application.
- 7.9 The nearby Exmouth Arms has provided backpacker accommodation of a similar scale to that applied for since 2015. In this time the Council has not received any complaints from the local community regarding noise or anti-social behaviour as a result of guests.

## 8. DETERMINING THE APPLICATION

- 8.1 Section 70(2) of the Town and Country Planning Act 1990 requires the decision maker in determining a planning application to have regard to the provisions of the development plan so far as material to the application and to any other material considerations.
- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) states that:
 

*"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 8.3 In considering this application the London Borough of Camden (the Council) will have regard to the Camden Local Plan 2017 (the Local Plan), the London Plan and National Planning Policy Framework (the NPPF). The Council must determine the Application in accordance with the Local Plan and the London Plan unless material considerations indicate otherwise. Those material considerations will include the NPPF.
- 8.4 The NPPF recognises that the purpose of the planning system is to contribute to the achievement of sustainable development and a presumption in favour of sustainable development is at the heart of the framework. Paragraph 11 of the NPPF identifies what this presumption means. For decision takers, the presumption requires the approval of development proposals that accord with an up-to-date development plan without delay. Where the development plan is silent or the relevant policies are out of date, permission should be granted unless:
  - 8.4.1 there is a clear reason for refusing the development because specific NPPF policies protect areas or assets of particular importance; or
  - 8.4.2 any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

- 8.5 Part 6 of the NPPF outlines the Government's intention that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs. This commitment reflects the economic objective at heart of the NPPF to help build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places to support growth.
- 8.6 We have reviewed the Council's Local Plan and identify below the social and economic benefits that the Application would bring to Camden.

## 9. **PLANNING POLICY**

- 9.1 The Application is in accordance with the following Local Plan policies:

### 9.1.1 Delivery and location of growth

Policy G1 sets out the Borough's policy in relation to providing the infrastructure and facilities needed to support Camden's population and those who work in and visit the Borough. The Application is in line with this policy as it provides much needed visitor accommodation in an area of proven demand, within the CAZ and in very close proximity to two designated areas for growth at Euston and Kings Cross.

### 9.1.2 Public Houses

Policy C4 sets out the Borough's policy in relation to preserving and protecting public houses as assets of community value. While the Application involves a change of use from ancillary Sui Generis (previously Class A4 floor space) to a different Sui Generis use there is no intention by the Applicant to in any way adversely affect the operation of the public house. The Applicant's objective is to financially secure the long term viability of the public house by offering high quality backpacker accommodation which is entirely complimentary to the pub use at the ground floor. The Applicant also proposes to offer food at the Property which is not currently the case.

The operation of the backpacker type accommodation is complimentary with the use of the Property as a public house. The Applicant's objective is that guests are able to enjoy high quality accommodation offering without impacting on the Property's ability to operate as a successful pub. Noise and antisocial behaviour will be managed as set out below and in line with its Management Plan.

### 9.1.3 Employment

Policy E2 sets out the Borough's policy in relation to employment premises and sites. The Application is in line with this policy as it supports the continued business use of the Premises and we have set out above the additional employment in the Borough that the Application would generate if granted.

### 9.1.4 Tourism

- (a) Policy E3 sets out the Borough's policy in relation to the location of accommodation and attractions likely to appeal to tourists.
- (b) It is submitted that the Application is in line with policy E3 in attracting tourism to the Borough and specifically to the Kings Cross / Euston area

that are specifically identified as being suitable for supporting visitor accommodation. The Property offers the Council the opportunity to attract a type of guest who can only be serviced by a limited number of similar backpacker/hostel type accommodation in the Borough.

- (c) By permitting this Application and supporting the Applicant will be able to continue to encourage tourism in the Borough whilst having a de minimis impact on residential amenity or highway safety. The Property would generate very little traffic as guests would almost exclusively travel to and from the premises by public transport.
- (d) The Application will not lead to the loss of any permanent residential accommodation. The Property is not nor ever has been operated or licensed as a HMO. Letting the upper floors as residential accommodation would also be in breach of the lease and this is monitored by the freeholder.

#### 9.1.5 Transport

- (a) The Property is situated in a major transport hub, with guests serviced by a wealth of different train, tube and bus routes. There are also significant cycle hire facilities within the area. The Property's use as backpacker's accommodation is clearly supported by policy T1 in being accessible by foot and public transport.
- (b) Any increase in traffic to the Property as a result of the change in use would be negligible in accordance with policy T2.

#### 9.1.6 The London Plan and Mayoral SPG's

- (a) The London Plan 2021 (the **London Plan**) provides the context for the growth and locational requirements of the hotel sector in London, to provide both tourist and business visitor accommodation. It identifies a target of seeking 58,000 net additional bedrooms of serviced accommodation by 2041, seeking to improve the range and quality of provision and improving the availability of genuinely accessible accommodation. It seeks to ensure that new hotel provision is in accessible locations.
- (b) The London Plan states that outside of the Central Activities Zone provision should be focused on town centres and opportunity and intensification areas where there is good public transport, access to central London and international and national transport termini. The Application accords with these requirements in all respects.
- (c) The Application is fully compliant with policy HC7 of the London Plan in that the hostel accommodation operated from the first and floors would not compromise the operation or viability of the public house.
- (d) The London Plan sets out that changes to residential use in ancillary areas of a public house can limit the operational flexibility and threaten the viability of the public house. The Application does not raise these concerns as it is not for conversion to residential use but to backpacker type hostel accommodation which is complementary to the continued ground floor use as a public house.

- (e) The London Plan also states that where proposals for redevelopment of associated accommodation, facilities or development would not compromise the operation or viability of the public house, developers must put in place measures that would mitigate the impacts of noise for new and subsequent residents. The demographic of those booking inexpensive hostel accommodation are not concerned by any residual noise emanating from the ground floors and are aware that the accommodation is above a pub at the point of booking. For many guests this will be seen as a bonus.
- (f) The Application is also compliant with policy HC6 in that protects and supports the public house as an evening and night-time cultural venue.

## 10. NEIGHBOURING PROPERTIES

10.1 Maintaining a positive relationship with the local community is of paramount importance to the success of the Applicant's business. The Applicant proposes to take steps to address the following issues to ensure that any adverse impact of the development on residential amenity is minimised.

10.1.1 Noise control measures to ensure that disturbance to neighbours from those arriving at or leaving the premises, or standing outside the premises, will be minimised - the Applicant will operate noise management measures as set out in the Management Plan submitted with the Application and as detailed below.

10.1.2 How noise complaints or other issues of disturbance relating to residents of the hostel accommodation will be dealt with –

**Example 1:** A group of people talking late at night with the kitchen window open.

**Response:** Subsequent to receiving a complaint, via email regarding the noise, changes to the building management and staff training would be made immediately to ensure that staff members lock the kitchen windows shut every evening from 11pm to 7am which negate any further complaints.

**Example 2:** Contractors working on site in the early hours

**Response:** Subsequent to receiving a complaint, regarding the noise, the contractors would be informed immediately that no works should be completed outside of reasonable hours which negate any further complaints.

**Example 3:** People sat outside on the Public House benches after licensing hours

**Response:** Subsequent to receiving a complaint, regarding the noise, changes to the building management and staff training would be made immediately to ensure the staff members tip the benches up on their sides every evening from 11pm to 10am. If guests proceeded to place the benches back down to sit down staff members would be immediately instructed to chain the benches up on their sides and padlock them to inhibit their use out of licensing hours which negate any further complaints.



10.1.3 Signs and notices that will be installed to notify users of the residential nature of the street – the Applicant proposes to erect signs throughout the public house and the hostel accommodation asking guests and patrons to respect the residential character of the street.

## 11. **CONCLUSION**

- 11.1 The Applicant wishes to genuinely enhance the Property as a public house. The Application would allow considerable investment in the ground floor to improve the food and beverage proposition and make the ground floor a more pleasant environment for customers.
- 11.2 The current use of the upper floors does not enhance the public house offering. Providing accommodation to backpackers has proven to be a successful and complimentary business which provides much needed additional revenue and drives food and beverage sales in the public house.
- 11.3 The Application will safeguard the future use of the Property as a public house; a position supported by the British Beer and Pub Association and the Council's own planning policy. The British Beer and Pub Association confirm that, across the UK, many of these hubs of local life are closed at a detriment to the local economy and community.
- 11.4 The Application as proposed allows for 4 metres squared per bed base (as shown on the enclosed plans) and therefore meets the Visit Britain publication Quality in Tourism – Hostel Accommodation: Quality Standards which recommends a minimum floor space of 4 square metres per bunk base.
- 11.5 As set out in the NPPF, the local planning authorities should support sustainable development and seek to promote sustainable diversified and balanced economies. The Application should be approved without delay unless there are any adverse impacts that would significantly and demonstrably outweigh the benefit.
- 11.6 The Application entirely accords with the principles of the NPPF and section 38(6) of the 2004 Act. It is therefore submitted that planning permission should be granted.