

**Committee Report  
Planning Committee on 5 September, 2007**

**Item No.  
Case No.**

**2/01  
07/0126**

**RECEIVED:** 17 January, 2007

**WARD:** Kilburn

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** Stage Coach Guest House, 58 Brondesbury Road, London, NW6 6BS

**PROPOSAL:** Retention of a 9-room hostel for up to 20 people

**APPLICANT:** Mr A. C. Alexandrou

**CONTACT:** John Howse & Associates Chartered Building Surveyor

**PLAN NO'S:** 58BRO/01; Proposed Room Schedule

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**Owing to an Administrative oversight, residents and the applicants were not made aware that the following application was being reported to the Planning Committee on 15<sup>th</sup> August. The proper notifications have now been put in place and the following application is being reported again to your Committee to enable Members to take account of the views of objectors or the applicant if they wish to speak.**

### **RECOMMENDATION**

Approval subject to the completion of a satisfactory Section 106 of the Town and Country Planning Act 1990 or other Legal Agreement and delegate the authority to the Director of Environmental Services to agree the exact terms thereof, on advice from the Borough Solicitor.

### **RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

### **SECTION 106 DETAILS**

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance

The applicant to enter into a block booking agreement with Brent Council, where the owner agrees to make available solely to Brent Council all bedrooms within the property for occupation by homeless persons nominated by Brent Council on the terms and during that period specified in the agreement.

### **EXISTING**

The property is a three storey linked terraced property on the south side of Brondesbury Road within the Kilburn Conservation Area. This is a residential street made up predominantly of houses

converted into flats. The property has a hardstanding to the front garden area with off-street parking for 3 cars. In the rear garden are two single storey structures currently providing storage and ancillary space. The property is currently in use as a Hostel for Brent Homeless Persons with 9 rooms (1 used by on-site manager/care-taker) to accommodate no more than 20 people (ref: 00/2380 – temporary permission expired 3 May 2006).

## PROPOSAL

Retention of the existing use of the property as a hostel for Brent Homeless persons with no external or internal alterations.

## HISTORY

The history of the site is discussed below, in Remarks.

**Application:** Planning **Number** 00/2380  
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**Validated:** 03/01/2001 **Type:** Full Planning Permission  
**Status:** Application Decided **Date:** 01/11/2001  
**Summary:** Granted  
**Description:** Retention of existing use as Hostel for Brent Homeless Persons with on-site manager/care-taker to accommodate no more than 20 people.

**Application:** Planning **Number** M9026 810659  
:  
**Validated:** 30/03/1981 **Type:** Full Planning Permission  
**Status:** Application Decided **Date:** 28/07/1981  
**Summary:** Refused  
**Description:** EREC. OF SNGL/STOR SIDE & REAR EXTNS. & ALTS. TO ROOMS IN ROOF SPACE

**Application:** Planning **Number** M6051 800671  
:  
**Validated:** 28/03/1980 **Type:** Full Planning Permission  
**Status:** Application Decided **Date:** 28/07/1980  
**Summary:** Granted  
**Description:** C/U. FROM RESIDENTIAL TO GUEST HSE.

**Application:** Planning **Number** M2278 0464  
:  
**Validated:** 15/03/1979 **Type:**  
**Status:** Application Decided **Date:** 23/07/1979  
**Summary:** Refused  
**Description:** EST USE CERT - USE OF PREMISES AS BOARD-ING HSE (DELEGATED)

**Application:** Planning **Number** P5462 4757  
:  
**Validated:** 08/01/1968 **Type:** Full Planning Permission  
**Status:** Application Decided **Date:** 20/02/1968  
**Summary:** Granted  
**Description:** S/S REAR EXTN TO FORM BATHROOM & W.C.

## **POLICY CONSIDERATIONS**

The policies as contained in the Adopted Unitary Development Plan 2004 are relevant to consideration of this application. These raise issues of the acceptability and need for this type of accommodation in the Borough and the impact of continuing the use on the amenities and character of the surrounding area and the Kilburn Conservation Area..

BE25 Development In Conservation Areas  
H27 Hostel Accommodation  
TRN34 Servicing in New Development

## **CONSULTATION**

### External

Consultation letters were sent to surrounding residents on Brondesbury Road and to all objectors to the previous application 00/2380 and to Ward Councillors. A site notice was posted and a public notice was published in the local press.

5 letters of objection have been received, on the following grounds:

- Incongruous use to insert in residential area
- Do not agree with use
- Noise from residents
- Detrimental impact on character of area due to transient nature of residents
- Area is too expensive for homeless people

Of the 5 objection letters received, it seems that 4 believe the application is for a new proposal and not retention of an existing use.

For the avoidance of doubt, the following are not valid planning concerns:

- Do not agree with use
- Area is too expensive for homeless people

The objection that did take account of the fact this use is already in place commented that, on occasion, noise levels from the residents have been excessive and that the transient nature of the residents results in a lack of investment from them, to the detriment of the area.

Dealing with the matter of noise, although the numbers of residents in the building may amount to 20 at any one time, your Officers cannot see a causal link between the nature of the use and the level of noise generated, particularly in the context of the previous permitted use was as a Guest House. It is not something which has resulted in formal complaints to the Council's Environmental Monitoring team and there can be no legitimate basis for refusing consent on grounds of excessive noise.

With regards the harm caused to the area by lack of investment due to the nature of the use, it is worth pointing out that the property remains in private ownership and therefore those who use the hostel would not be in a position to invest, much as if the property were in private rental or in its previously permitted use as a Guest House. Therefore your Officers cannot see a link between the use and deterioration in the character of the area, particularly since the use is already established. For the avoidance of doubt, this application seeks consent for a further 3 year temporary period.

### Internal

Brent's Transportation unit have no objections to the retention of this use on condition of provision

of a front curtilage parking layout including details of refuse storage and cycle parking.

Brent Housing supports this application for retention.

Brent Environmental Monitoring has no objections to the retention of this use.

## **REMARKS**

### Introduction

The Guest House was granted planning permission in 1980, and it would appear from the planning history that some form of Guest House had been present on the site for some years before 1980. The property began to accommodate homeless occupants in 1992 and the proportion of homeless occupants increased to replace the former use of the property as a guest house offering bed and breakfast accommodation. It is important to acknowledge that the hostel use has existed at this property for many years and certainly before 1994. In 1994 alterations to the Use Class Order excluded Hostels from the C1 use, defining such uses as *sui generis*, i.e. a wholly different and separate use. Consequently as the proportion of homeless persons being accommodated at the application premises increased, the need to formalise the change in the planning status of this property became apparent and thus application 00/2380 was made and approved by Members.

That application was for a 5 year period, on the basis that Brent Council was working to provide suitable permanent accommodation over that period, so that it was hoped that it would no longer be necessary to accommodate residents in hostels of this kind. The question here is whether this has been achieved to the extent that this use is no longer required by Brent Housing, having established whether there is no longer a need for such a use within the Borough.

The policy context is set by H27, which provides a framework for determining the suitability of a site for hostel accommodation, based on location, amenity and need. Need is the key test to check whether the accommodation can allow the loss of permanent residential accommodation. This need has been checked as it is acknowledged that the use of hostel accommodation for homeless persons, albeit on a temporary basis, has long been recognised as an expedient but unsatisfactory solution to acute housing need.

As of 22 July 2007, a total of 242 households were in hostel and hotel accommodation, occupying 349 rooms. In addition there are 67 households in emergency accommodation because of the shortage of rooms available in hostels and hotels.

Brent Housing currently has guaranteed hostel accommodation in only 3 establishments under Block Booking agreements (including the Stagecoach Guest House). The three establishments are Harlesden Hostel (57 rooms), Joy House (47 rooms) and the Stagecoach Guest House (8 rooms), providing a total of 112 rooms. The remaining 200+ rooms are accessed through hotels and hostels on a night only basis. Brent Housing's year end target for the number of households in emergency accommodation is 200 but the Council is currently running at 40 households above target. This is likely to equal at least 300 rooms.

Brent Housing does not foresee a significant change in hotel figures over the next few years which would affect their requirement for at least 112 block booked rooms.

In addition to the above information, it is worth pointing out that both Harlesden Hostel and Joy House are situated in Harlesden NW10, and so the location of the Stagecoach in Kilburn is very useful to Brent Housing. On this basis this proposal satisfies that element of H27. Brent Housing has also confirmed their satisfaction with the standards and the management of the hostel over the past 8 years (since 1999) with bi-annual inspections.

The site is located close to Kilburn Town Centre and has easy access to local shops and services and very good public transport accessibility. No harm would be caused to the Conservation Area by the continuation of this use, and as the premises had an authorised use as a guest house it

does not result in any loss of permanent residential accommodation. As required by policy the accommodation is to be for a specific client group, the homeless and in particular Brent's Homeless and this will be ensured through legal agreement.

The remaining framework tests are met, by virtue of the extent and disposition of the accommodation, which has not altered in the intervening time since the previous consent, and by the legal agreement between the operators of the hostel and London Borough of Brent which ensured the accommodation is for a particular client group of Brent Homeless. It is recommended that a further legal agreement be entered into to secure this application in the same manner as before.

It is also recommended that a similar time limit be put upon this permission, to ensure the Local Planning Authority can assess the situation again in the future and test the suitability of the use against H27 or its successor in the LDF, should the needs of Brent Housing change. A further 5 years would bring the total use here to 10 years. As the use was originally only envisaged as being required for 5 years, this would appear excessive, and so it is recommended that this be reduced to 3 years.

No physical changes are proposed to the property, which comprises of 9 bedrooms over three floors each with a wash basin. The bathroom facilities are shared as are kitchen facilities, except in bed 8 which has a cooker and sink. There is a rear garden and two sheds. The previous condition ensuring the sheds are not used as additional living accommodation should be reapplied to retain control over the development.

The applicants have indicated their willingness to enter into a S106 agreement on the same terms as before, being:

The applicant enter into a block booking agreement with Brent Council, where under the owner agrees to make available solely to Brent Council all bedrooms within the property for occupation by homeless persons nominated by Brent Council on the terms and during that period specified in the agreement. Payment of Council's expenses in preparing the legal agreement.

### Character of Area

The premises have been in use for some years as a hostel for homeless persons without generating complaints to the Council, and the occupancy levels and length of stay of residents of the hostel is unlikely to change from the existing situation. It is clear that some objectors are unaware of the existing use of the premises and many have based their objections on assumptions of expected behaviour of potential residents. As it is not intended that the management of the property nor those using it will change it is not anticipated that the use will give rise to complaint in the future. Indeed there may be more potential noise and disturbance created if the premises were to revert to their permitted use as a Guest House. It should also be remembered that the current application proposes 24 hour on-site management, with details of the management scheme to be agreed with the Council.

### Highway Considerations

The Highways Engineers have stated that the current provision of three spaces on the frontage to the site is sufficient to meet the parking requirements of a hostel of this size particularly in this area which has good public transport services, is close to Kilburn Town Centre and has a Controlled Parking Zone. Accordingly Transportation do not believe the proposal will result in an unacceptable traffic impact. They have requested a condition requiring a plan showing the location of a refuse store and cycle store on the front forecourt.

## Conclusion

A further temporary permission for the use of the property to provide short-term emergency housing for Brent Homeless families is considered acceptable in this instance. The property had been used as a guest house since 1980 and therefore it does not involve a loss of permanent residential use. It is not considered that the use of the property as a hostel will have any greater impact on residential amenity than the authorised use as a guest house and, with the management and inspection control exerted through both the proposed S106 Agreement and conditions, is likely to be improved. A temporary 3 year permission is recommended at this stage to enable the situation to be reviewed in the light of progress on developing sufficient permanent accommodation.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-

Brent's Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Housing: in terms of protecting residential amenities and guiding new development

## **CONDITIONS/REASONS:**

- (1) The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (2) The premises shall only be used for the purposes of accommodation for homeless families and for no other person without the prior written consent of the Local Planning Authority.

Reason: To ensure no other use commences without the prior approval of the Local Planning Authority and to enable other uses to be considered on their merits.

- (3) The internal layout of the building shall not be altered or modified (nor any part of the building sub-divided or otherwise disposed of) without the prior written consent of the Local Planning Authority.

Reason: To ensure that no separate use commences and that no aspect of the approved use is inappropriately intensified without the prior approval of the Local Planning Authority.

- (4) The premises shall be supervised at all times in accordance with a management scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby permitted.

Reason: To ensure a satisfactory standard of accommodation and an operation of the premises that does not give rise to a loss of amenity to nearby residential occupiers.

- (5) This permission shall be for a limited period of 3 years only, expiring on 15 August 2010 when (unless a further application has been submitted to and approved by the Local Planning Authority) the use hereby approved shall be discontinued and the property reinstated to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to review the position in the light of the requirement for such accommodation at the end of this period.

- (6) The existing sheds/structures in the rear garden shall only be used for ancillary purposes and not as sleeping accommodation.

Reason: To ensure a satisfactory standard of accommodation and an operation of the premises that does not give rise to a loss of amenity to nearby residential occupiers.

- (7) The communal accommodation shall be maintained solely for that purpose and shall be available at all times for use by residents.

Reason: In order to ensure that adequate accommodation is available.

- (8) Notwithstanding the approved plans, further details are to be submitted that demonstrate the provision of a front curtilage parking layout including details of refuse storage and cycle parking prior to occupation.

Reason: To ensure servicing standards for the development are maintained and in the interests of the visual amenity of the Conservation Area.

**INFORMATIVES:**

None Specified

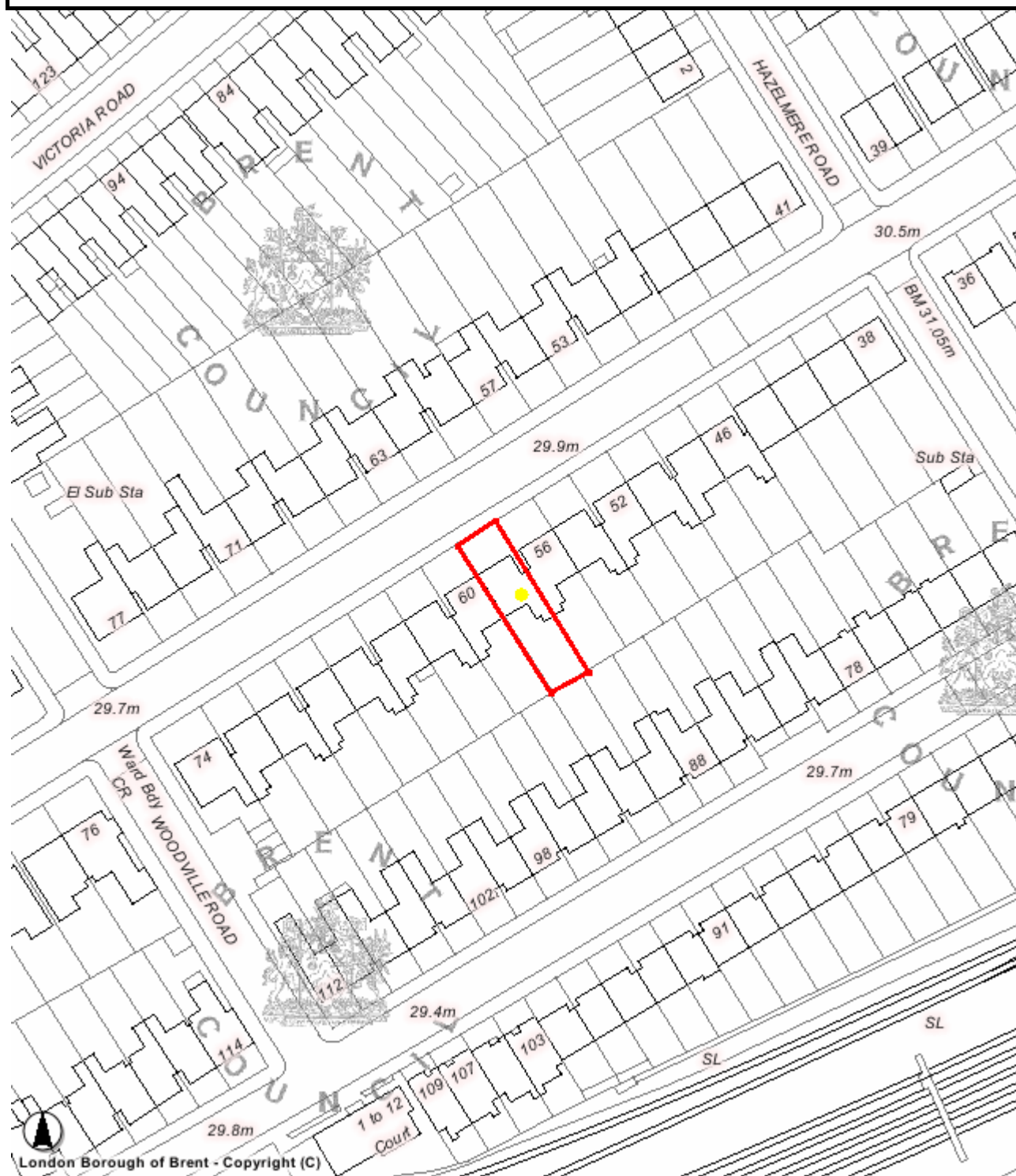
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



### Planning Committee Map

Site address: Stage Coach Guest House, 58 Brondesbury Road, London, NW6 6BS

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