

Committee Report
Planning Committee on 16 September, 2009

Item No.
Case No.

2/07
09/1294

RECEIVED: 21 July, 2009

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Rathbone House Garages, Brondesbury Road, London, NW6

PROPOSAL: Change of use of 12 garages accessed off Algernon Road to general storage of hand carts to support the Veolia street-cleansing contract, along with formation of office, restroom & toilet facilities

APPLICANT: Environmental Services

CONTACT: Veolia Environmental Services

PLAN NO'S: KIL/03/03/22/01 Rev A
KIL/03/03/22/02

RECOMMENDATION

Approval

EXISTING

The subject site, located within the grounds of Rathbone House, close to the north-eastern corner of the junction between Brondesbury Road and Algernon Road, is currently occupied by a single-storey building containing 30 domestic garages provided in association with the residential occupation of Rathbone House. The subject building has existing vehicular and pedestrian access from Algernon Road. The subject site is located opposite, but outside of, the Kilburn Conservation Area. This planning application relates to a group of 12 of the existing garages located closest to the entrance of the building.

PROPOSAL

The proposal seeks the change of use of twelve existing garages to provide storage facilities for street cleaning hand carts (eight garages), an office (one garage), a restroom for staff (one garage) and toilet facilities (two garages).

HISTORY

Planning permission (08/0548) was approved in August 2008 for the installation of a WC and washbasin within the existing garages. There is no other planning history on the site.

The current owners of the site, Kilburn Square Housing Co-op, have provided a letter, dated 16th June 2009, alongside the application stating that the garages have not been in full use by residents for some 5 years primarily because the buildings sub-ground location and the sense of insecurity that this creates. Kilburn Square Housing Co-op also state that they have sufficient parking to satisfy the demand of occupants of the 246 dwellings on the estate consisting of 141 parking bays and 36 garages.

POLICY CONSIDERATIONS

The London Borough of Brent Unitary Development Plan 2004

The development plan for the purpose of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies, which have been saved in accordance with the Planning and Compulsory Purchase Act 2004, are considered to be the most pertinent to the application.

H22 Protection of Residential Amenity
TRN23 Parking Standards Residential Developments

SUSTAINABILITY ASSESSMENT

The application does not meet the threshold that would require the submission of a sustainability assessment.

CONSULTATION

External

Consultation letters, dated 24th July 2009, were initially sent to Ward Councillors and 107 neighbouring owner/occupiers. However, following the receipt of representations from residents outside of the initial consultation area and a request from Ward Councillor Mary Arnold, consultation letters, dated 13th August 2009, were sent to an additional 69 neighbouring owner/occupiers. In total, 176 neighbouring owner/occupiers have been consulted.

As a result of the consultation 40 letters of objection and 1 petition of objection, containing 28 signatures, have been received. The concerns of the objectors include:-

- If the proposed use involves the storage of waste then this could cause environmental and public health issues.
- If refuse is collected from the site then this could cause noise and traffic problems for local residents.
- The proposed use, hours of operation and number of staff will give rise to excessive activity and noise which will disturb local residents.
- The proposed development will result in a loss of existing parking provision and generate a parking demand that will exacerbate existing problems with on-street parking and traffic in the surrounding area.
- Local residents have not been adequately consulted on the proposal/planning application.
- The proposed development will harm the character of the Kilburn Conservation Area.
- The proposed development will set a precedent for further commercial activities within the surrounding area.
- The proposed development would devalue local properties.
- The proposed development will encourage the dumping of rubbish and fly-tipping in the local area.
- There are more suitable premises for such a use within the locality including the disused public convenience in Victoria Road on which there is currently application for a similar use.

The garages could be more suitably redeveloped for other purposes, such as a gym, swimming pool or other leisure facility, for existing residents of the site.

REMARKS

Background

The current planning application is made on behalf of Veolia Environmental Services who are contracted to provide street cleaning services within the London Borough of Brent. At present, within the Kilburn area, Veolia operate their street cleaning service from within a former underground car-park located on Victoria Road. However, Veolia do not consider that the current site provides adequate facilities for their operation and they are currently seeking to relocate to an alternative site within the locality.

At a recent Planning Committee meeting, held on the 8th July 2009, Members may recall considering a previous planning application (09/0968) for the change of use of a disused public convenience on Victoria Road into a staff office for Veolia street cleansing operatives. This application was called-in for determination by Cllr Mary Arnold and Cllr Lesley Jones who were concerned that proper consideration had not been given to the provision of alternative community uses on the site. A decision on the application was deferred to allow further negotiation with the applicant and to seek a report from the Council's Property and Asset Management (PAM) team. The application remains undetermined but Veolia have indicated that they would be willing to withdraw their application for the public convenience site on Victoria Road if planning permission were to be granted for the current proposal for Rathbone House Garages.

The Principle of Development

The proposal seeks the change of use of twelve existing residential garages to provide storage facilities for approximately 16 street cleaning hand carts (eight garages), an office (one garage), a restroom, (one garage) and toilet facilities (two garages) for Veolia street cleansing operatives. The proposal does not seek to make any external changes to the exterior of the existing building. The principle of the proposed change of use would not be contrary to the development policies contained in the London Borough of Brent Unitary Development Plan 2004 provided that the proposals would not have an unreasonable impact on transportation and residential amenity within the surrounding area.

If planning permission were to be granted Veolia would be looking to secure a 7 year lease on the site. Veolia have confirmed that they would be willing to accept a temporary grant of planning consent covering their occupation which would allow the Council to reserve the right to review the situation should the premises be vacated by Veolia in the future.

Transportation

The proposed development would result in the net loss of 12 garages to Rathbone House that could potentially be used by residents for car parking. However, given an absence of demand for residents to use the garages for car parking (see 'History' section of report) and the excellent public transport accessibility (PTAL 6) of the site the Council's Transportation Unit do not consider that the loss of the garages would place any significant pressure on existing on-street parking levels in the surrounding area, particularly given the amount of off-street parking that will be retained for residents of Rathbone House.

The proposed use would be unlikely to generate significant traffic or parking problems in the surrounding area. Veolia employees would not be eligible to apply for residents parking permits and will not be able to park in the surrounding streets which lie within a controlled parking zone. Whilst Veolia have suggested that they would look to secure one employee car-parking space within one of the remaining garages this would comply with the existing use and would not generate unreasonable traffic movements.

Veolia have confirmed that the proposed use would not involve the storage or collection of refuse and that refuse collection vehicles would not be required to service the site. Furthermore, it has been confirmed by the applicant that no mechanical road-sweepers will be stored on the site. It is considered that these issues can be secured by way of planning conditions.

Access to the site would be via the existing vehicular and pedestrian doors which would be secured with the existing roller shutter when not in use. The remaining garages to the rear of the building will be locked with the keys controlled by the owner of the site. To the rear of the garage there is also an existing fire exit door which will be used for emergency purposes only.

Residential Amenity

As discussed above, the proposed use will not involve the storage or collection of refuse/waste from the site. This can be secured by way of a planning condition. Veolia have stated that the terms of their contract with Brent Council's Streetcare unit requires that refuse collected by hand-carts should be bagged up and left on the street that has been cleansed before being collected by a refuse vehicle on the same day. They confirm that all hand-carts will be empty and cleaned before being returned to the site. Officers from both the Council's Environmental Health and Streetcare units have inspected the planning application and have confirmed that they are satisfied with the proposals.

The proposed use would act as a base for approximately 22 full-time members of staff. As discussed above, it is likely that most of the staff would have no other option than to arrive on public transport or on foot as parking would not be available locally. This would reduce the likely impact of comings and goings on any nearby residential properties. The applicants intend to operate the facility from 5am to 10pm Monday to Saturday and from 5am to 3pm on Sundays although the bulk of activity is likely to occur between 5am and 2.30pm during normal street cleaning operations. The applicants state that any activity after 2.30pm is likely to be of a low key nature.

Consideration of Objections

The concerns of objectors in relation to the impact of the proposed development on transportation and residential amenity have generally been addressed in the above report. Officers consider that the planning application has been subject to an appropriate level of public consultation, as set out in the 'Consultation' section of this report, in excess of the minimum requirements for planning application consultation contained in SPG2.

Officers consider that the proposed development is unlikely to harm the character of the Kilburn Conservation Area as the proposal does not involve any external alteration to the existing building and the site is not located within the Kilburn Conservation Area.

Concerns have been raised that should planning permission be granted for the current proposal that this would set a precedent for further commercial activities within the surrounding area. The issue of precedent is rarely afforded significant weight in the determination of planning applications as each case should be determined on its individual merits and in accordance with the Council Development Plan.

As Members will be aware, the impact of any particular development on land and property values in the surrounding area is extremely difficult to quantify and is not a material planning consideration.

There is little evidence to support claims that the proposed development would give rise to an increase in fly-tipping or the dumping of rubbish in the local area. Officers are of the view that, if any, the impact of the proposed development would be positive as the use would increase natural surveillance in the local area.

The local residents association have suggested that the disused public convenience on Victoria Road would be a more suitable site for the proposed facility and that the Rathbone Garages could be better used for other purposes ancillary to the existing residential use of the site. However, there is also concern from other residents and Ward Councillors regarding the proposed siting of the facility within this alternative location (see 'Background') and there are no other current alternative proposals for Rathbone Garages at present.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent 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

Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) The use hereby permitted shall be carried on only by Veolia Environmental Services Plc and shall be for a limited period during which the premises are occupied by Veolia Environmental Services Plc and shall not be transferred with or used by any other person obtaining an interest in the land.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use.

- (2) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (3) The development, hereby approved, shall not be used for the storage, transfer or collection of waste brought to the site.

Reason: To ensure that the use would not have any adverse impact on environmental health and/or residential amenity.

- (4) The development, hereby approved, shall not be used for the storage of, or be serviced by, mechanical road sweepers or any other motorised refuse collection vehicles.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties..

- (5) The use hereby approved shall only be carried out on the site between the hours of 0500 and 2200 Mondays to Saturdays and between the hours of 0500 and 1500 on Sundays unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

INFORMATIVES:

- (1) The applicant is advised that any external changes to the existing building may require planning permission.

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004

40 letters of objection

1 petition of objection

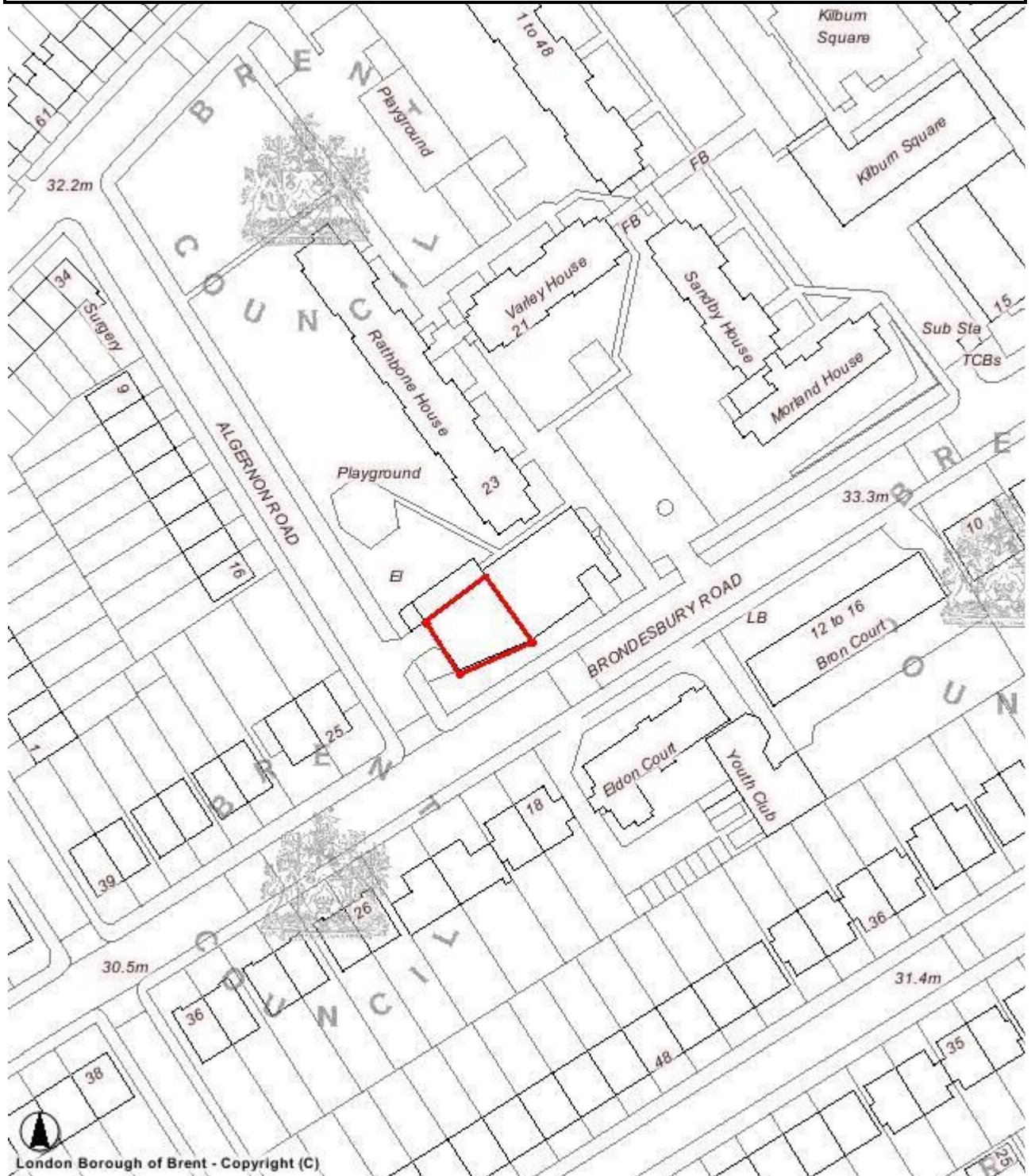
Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: Rathbone House Garages, Brondesbury Road, London, NW6

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