

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

28 June, 2017

16/5398

SITE INFORMATION

RECEIVED	14 December, 2016
WARD	Queens Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	76-78 Salusbury Road, London, NW6 6PA
PROPOSAL	Change of use of the 1st, 2nd and part of the ground floor of the public house (Use class A4) to create 9 self-contained flats (2 x 1bed, 3 x 2bed, 2 x 3bed and 2 x 4bed), retention of the ground floor public house including the provision of an ancilliary function room together with associated alterations to include erection of a partial third floor, new 2nd floor rear extension, replacement and relocation of some of the windows, insertion of new windows and rooflights, terraces and screening and bin stores
APPLICANT	Ashcross Ltd
CONTACT	Iceni Projects
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_131699</p> <p><u>When viewing this as an Hard Copy</u> .</p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "16/5398" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:
The prior completion of a legal agreement to secure the following planning obligations:

1. Payment on completion of the deed of the Council's legal and professional fees in preparing and thereafter monitoring the agreement
2. Notice of commencement within 28 days of a material operation
3. Owners obligations
4. Lettings policy
5. Community Facilities contribution
6. Any other planning obligation(s) considered necessary by the Head of Planning

That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions (and informatives) to secure the following matters:


Conditions:

1. Standard 3 year permission
2. Approved plan numbers / documents
3. Permit free development
4. Noise mitigation measures
5. Tables and chairs on forecourt
6. Access and Egress
7. A4 use class restriction and removal of PD rights
8. Occupancy
9. Function room store
10. Privacy screens
11. Materials
12. Cycle and refuse storage
13. Management plan
14. Disabled access and egress

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That, if by 1 September 2017 the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

SITE MAP

	<p>Planning Committee Map</p> <p>Site address: 76-78 Salusbury Road, London, NW6 6PA</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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PROPOSAL IN DETAIL

The application proposes changing the use of the first and second floors and the erection of a second floor roof extension and additional storey at third floor level to create nine residential units.

The first floor currently consists of two large function rooms and the second floor consists of ancillary residential accommodation that was previously used by staff of the public house. The residential units would be made up of 2 x 1bed, 3 x 2bed, 2 x 3bed and 2 x 4bed. The additional floor at third floor level would also contain a terrace to be used by the residents of the top floor flat.

The ground floor of the existing public house would be retained however it would also include an ancillary function room with an area of 153 sqm. The function room would be available to use by members of the local community, community groups and voluntary sector groups between the hours of 12:00 and 22:00 hours, Monday to Thursday. The use of the function room for community groups and voluntary sector groups would be secured as part of a s106 legal agreement.

Some alterations to the exterior of the building are proposed including the blocking up of the entrance on the corner of Salisbury Road and Hopefield Avenue, the replacement and relocation of some of the windows and the insertion of new windows to the rear of the building.

EXISTING

The application site is the Corrib Rest Public House, 76-78 Salisbury Road, London, NW6 6PA. The building is part of a block that occupies a large plot between Hopefield Avenue and Windermere Avenue however the Public house, and associated upper floors, is on the corner of Salisbury Road and Hopefield Avenue.

The building is not listed and is not located within a conservation area however the site is located on the boundary of the Queen's Park Conservation Area, which lies to the west of the site.

The building at present accommodates the Corrib Rest public house (Class A4) at basement, ground and first floor levels with an ancillary residential unit at second floor level, which was previously used as staff accommodation but is currently occupied by live in guardians. The public house is not in use and was closed in February 2015. The public house is considered to be an Asset of Community Value (ACV) and was confirmed as such on the 30th of July 2015 following a nomination by the Queens Park Area Residents Association.

SUMMARY OF KEY ISSUES

Principle

The existing function rooms at first floor level would be lost due to their conversion to residential units. However the pub would be retained and a replacement function room would be provided at ground floor level and its priority use for community groups and local people on certain days secured via a legal agreement. The principle of development is therefore considered to be acceptable.

Representations Received

Objections were received from 149 residents, three local Councillors, QPARA and in the form of two petitions raising concerns regarding the loss of the community facility, the viability of the public house, the design of the proposal, parking and the impact on neighbouring amenity and loss of daylight/sunlight.

Character and Appearance

The proposal is considered to have a high quality design that has regard to the character of its surroundings and to not inappropriately challenge or dominate surrounding development.

Standard of Accommodation

The living conditions of future occupiers of the development would be acceptable and would meet the relevant standards.

Impact on Neighbouring Amenity

Document Imaged

The additional storey would be set back from the building edge and privacy screens would be used to limit overlooking. The relationship between the proposed development and all surrounding properties is considered to be acceptable.

Parking & Servicing

The development would be 'car free' which would be secured by condition thereby removing the rights of future residents to apply for parking permits in the local area. Servicing of the public house would be done via the service alley to the rear and is considered acceptable.

RELEVANT SITE HISTORY

15/4590 – REF

Change of use of the 1st, 2nd and part of the ground floor of the public house (Use class A4) to create 8 self-contained flats (3 x 1bed, 3 x 2bed and 2 x 3bed) together with associated alterations to include removal of rear dormer window, new 2nd floor rear extension, stairwell extension, replacement and relocation of some of the windows, insertion of new windows and rooflights, terraces and screening, cycle parking spaces and bin stores

This application was refused on the 28/04/2016 following a decision by Committee Members on the 06/04/2016. The application was recommended for refusal by officers for the following reason:

- 1. The applicant has failed to demonstrate that the proposed works would adequately re-provide a sufficient quality and quantum of community space with appropriate minimum access arrangements to compensate for the loss of the community use of the Asset of Community Value first floor function rooms and in the absence of this and a legal agreement or other means to secure the community access arrangements the proposals would result in the loss of a community facility, contrary to policy CP23 of Brent's Core Strategy 2010, policy 3.16 of the London Plan and paragraph 70 of the National Planning Policy Framework 2012.*

15/1612

This application was to determine whether the property was designated an 'Asset of Community Value' as required by Class A, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015. A reply was made on 10/06/2015 which found that an application to nominate the above property an ACV under section 89(2) of the Localism Act 2011 was received.

98/0315 – GTD

Use of ground floor as public house (A3 Use), use of function rooms on first floor as A3 use, ancillary to ground floor including availability for community use and provision of disabled access, staff accommodation on 2nd floor, extension of hours on Friday and Saturday nights, New Year's Eve and St Patrick's Day until 1 a.m. for first-floor large function room and until midnight for ground-floor large bar, and retention of improved facade

CONSULTATIONS

Neighbour consultation letters were issued to 94 properties on the 01/02/2017. A site notice was displayed on 07/02/2017. Press notice advertised on 09/02/2017

To date the three local ward Councillors for Queens Park have objected to the proposal for the following reasons:

- The proposal would not guarantee a viable pub.
- The proposal would not protect the use of the building for the local community
- Loss of existing community space

QPARA, the local residents group, have been notified and have submitted a letter on the 14th March 2017 objecting to the proposal on the following grounds:

1. The limited amount of time that community groups and voluntary bodies would have access to the function room
2. QPARA dispute the content of the planning statement which states that they are in support of the proposal

3. The pub and community space should not be compromised
4. The default position in the s.106 agreement should be for use by community organisations whenever the pub is open.

Following revisions to the heads of terms in the s106, QPARA, the local residents group, wrote on the 15th of June 2017 replacing earlier comments. This letter was based on a meeting with the applicant and the revised hours of access proposed for the function room for community and voluntary groups. The main points from the letter are the following:

Point raised	Response
QPARA regard the increase in hours from 23 to 40 as a significant improvement. However QPARA have also stated that they believe that it would be consistent with the viability of the public house for access to the community room to be available up to 3pm on Fridays and requests that this be incorporated in the s.106 agreement.	The 40 hours that are proposed from Monday to Thursday are the minimum hours that the function room must be made available to community groups and voluntary sector groups and is, on balance, considered appropriate. Nevertheless, there is nothing stopping the owner of the public house offering the use of the function room outside of the agreed minimum hours.
QPARA also wishes to see flexibility in the arrangements such as would allow, for example, mother and toddler groups to use the community room before 12 noon during weekdays.	As above
With regard to the proposed financial sum, QPARA state that it will be for Brent Council to be satisfied that the scheme represents value for money and that the lettings policy for community and other outside bodies is appropriate and in line with that for the community room in the Corrib Rest.	The LPA consider that the financial sum and scheme proposed represents value for money and that the lettings policy is reasonable and will provide community groups with a reasonable level of access.
QPARA are satisfied with the make-up of the Residents' Management Board. However QPARA are not sure if it is clear enough that the Board will oversee the lettings policy for the function room.	The lettings policy concerns the administration of the community access to the function room and would be the subject to the legal agreement between the Council and interested parties.
QPARA are satisfied that the standard of acoustic protection in the plans is adequate provided tests are carried out next to Hopefield houses and not just immediately outside the building.	A condition recommending a post completion test to be carried out to demonstrate that the acoustic insulation measures result in the required internal noise levels for residential units within the building and to the nearest noise sensitive receivers on Hopefield Avenue comply with standards has been recommended by officers.
QPARA want the limit of 75 persons attending social functions to apply to all parts of the ground floor of the building and not just the function room.	This is not considered to be reasonable or enforceable.

To date 149 objections have been received from local people that have raised the following concerns:

Objection	Response
The loss of the community/function rooms	There is no objection in principle to converting the existing pub's function rooms to flats provided that an acceptable space is re-provided within the

	building with priority for community groups to book that space.
The developer wont work with the local community and is unreliable	The s106 agreement is a legal document that would ensure that the owner is legally obliged to provide the priority use of the function room for community and voluntary groups for 40 hours per week.
Viability of the pub would be affected due to the residential development. The viability of the pub should be tested against the CAMRA viability test.	<p>The ground floor of the pub would be retained and as such the only loss of floorspace would be the function rooms which are ancillary to the pub. The pub is currently closed and the proposal would see it re-open and provide a dedicated space for local people to use.</p> <p>When applying the CAMRA viability tests to the public house it was found that the site is located within an urban area, in a town centre and close to a large park that is regularly frequented by visitors. In terms of competition there are three pubs in the area but the proposed pub would offer flexibility with the inclusion of the function room. Parking is limited but there is good access to public transport with a regular bus service and an Overground/underground station located 375 metres away. The area also has multiple facilities including shops, a post office and schools. As such the public house appears to accord with the criteria set out in the Public House Viability Text.</p>
Displacement of businesses/people outside of the borough who used to use the function rooms to hold classes	Contact has been made and it has been established that a number of people who previously held classes have found alternative locations within the borough. The pub's function room would also be able to be used by these individuals if they wished to return.
There are clauses in the draft s106 to remove the s106 altogether which would remove the function room.	The clause here refers to a review mechanism whereby if the function room has been properly advertised but has not been used by community groups or Voluntary Sector Organisations then the requirement to provide the function room to community groups would cease.
The size of the community room is too small for dance groups and choirs and its location beside the pub would not be suitable.	The function rooms in the first floor consist of two separate rooms with areas of approximately 118 and 188 sqm. The proposed function room would have an area of 152 sqm which is the average size of both rooms and would therefore likely be sufficient to hold classes. The pub's function room would be separated from the main part of the pub.
The wording of the s106 restricts the use of the community room for social groups.	The s106 is in draft form and the wording has been changed to be more inclusive for social groups.
23 hours per week is not enough access for local people.	This has been increased to 40 hours per week and would form a legal obligation within the s106.
Inclusion of two family units is inconsistent with location over a commercial premises	There is no policy against providing family units above commercial premises provided they are of an acceptable standard of accommodation.
Potential to convert the community room into residential accommodation	DMP21 seeks to protect existing public houses and the applicant would have to apply for planning permission to change the use of the pub's function room to residential accommodation.
The proposed community room would have no	A revised ground floor plan would be secured by

reasonable secondary fire access and would be difficult for wheel chair users to access as the corridor is only 0.9 metres wide.	condition that includes a secondary fire access. A disabled management strategy for safe access and egress would be secured by condition.
The residential stair core would block access to the community room.	The stair core would separate the community room and pub. However, access to the pub's function room would be via the front entrance of the pub and through its own corridor once inside, located away from the stair core.
Limited toilet facilities	The pub would have its own toilets including male, female and disabled. The pub's function room would have its own individual toilets including a unisex toilet and separate disabled toilet.
Overlooking of proposed residential units to Hopefield Avenue	Windows on the upper floors of the building would be obscure glazed and the proposed additional storey and terrace would be set in from the building edge.
Reduction in the amount of space dedicated to community use.	The proposed pub function room would have an area of 152 sqm which is the average size of both existing rooms that would previously have been used separately. The shortfall in space would be offset by a financial contribution to community facilities in the local area.
If the development is approved the ACV status would be removed	If the application were to be granted this would not automatically result in the loss of the ACV listing.
Impact of additional floor to building	The additional floor would be set back from the edge of the building and would largely be out of view of the surrounding area
The nine flats will not be affordable homes	The number of flats proposed is under the threshold of ten that requires a proportion to be affordable.
The original s106 should not be changed	The proposed s106 has been amended by officers to reflect the spirit of the original s106
Impact on parking in the area	A 'permit free' condition restricting the rights of residents to parking permits in the area has been recommended.
The pub should not be turned into housing	The ground floor pub would be retained. The upper floors would be converted to residential units.
Loss of light	The daylight/sunlight report has confirmed that there would be no material loss of light to neighbouring residential properties adjacent to the site.
Flaws in the daylight/sunlight report	The flaws concern the points that the calculation of the windows was taken at, the glazing and the build up of dirt. This has been clarified in the main body of the report.
There is already a lack of community facilities in the area	The proposal would result in a replacement function room for which community groups would have a priority to book it for their use for 10hours a day Monday to Thursday inclusive.

In addition to the letters of objection two petitions have been received. The first petition consists of 1,410 names and addresses and states that the petitioners wish to ensure that people retain the use of the community rooms as demanded in the 106 agreement. The second petition consists of 558 signatures and addresses and states that the petitioners object to the redevelopment of the Corrib Rest Community Rooms into luxury flats and wish to retain a community facility as agreed in the section 106 agreements of 2000 and the pub on the ground floor.

To date five letters of support have been received that raised the following points:

- Noise disturbance from the function rooms and anti social behaviour would be removed
- Use of ground floor as community room would benefit the community
- The entrance to the pub on Salusbury Road would be an improvement and help to reduce noise
- The third floor extension would be hidden from view

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011).

The following are also relevant material considerations:

- The National Planning Policy Framework (2012)

Development Management Policies

DMP1	Development Management General Policy
DMP7	Heritage Assets
DMP12	Parking
DMP18	Dwelling Size and Residential Outbuildings
DMP19	Residential Amenity Space
DMP21	Public Houses

Supplementary Planning Guidance

SPG17 Design Guide for New Development

DETAILED CONSIDERATIONS

Officers hold the key considerations to be the following:

1. Principle
2. Public House Operation
3. Function Room Operation and Community Use
4. Standard of Accommodation
5. Character and Appearance
6. Impact on neighbours
7. Parking and Access
8. Energy and Sustainability

1. Principle

1.1 Core Strategy policy CP23 seeks to protect existing community facilities or mitigate their loss where necessary. Policy DMP 21 seeks to protect public houses. Therefore Officers consider it essential that the viability of the pub not be harmed and a space for the community to use, on a similar priority booking basis as secured by the extant s106, be adequately re-provided. This would reflect the historic use of the pub's functions rooms by community groups, as evidenced by representations made during this application and the listing of the property as an Asset of Community Value (ACV) in July 2015. As part of the current application the upper floors of the existing building where the function rooms are currently located would be converted to residential use and a single function room would be re-provided at ground floor level. This would result in the loss of two function rooms with a combined space of over 300sqm and their replacement with a function room with an area of 152sqm at ground floor level. This is a significant decrease; however, weight has been given to:

- The layout, which means the proposed function room would be more accessible to all the community and this better connection between the function room and the main part of the pub means when not in use for community purposes it can support the viability of the pub.
- The fact the premises are currently closed and therefore currently local people do not have any access.
- The need to use land efficiently and to maximise the development of sites, in a balanced and sustainable manner. In this case the development as a whole provides the significant merit of the provision of new homes in a sustainable urban location.
- The re-opening and renovation of a public house, as supported by policy DMP21.

- Physical and management changes to reduce harmful impacts on Hopefield Avenue residents.
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Therefore the loss of some 148sqm of pub function space is acceptable, on balance.

2. Public House Operation

2.1 As previously discussed the public house is currently closed and has been since 2015. As part of the application the ground floor would be retained as a public house. The area of the pub that could be used on a daily basis would reduce, as the function room would at times be used by community or voluntary groups. However, the main part of the pub would remain viable as it would be better laid out than current, renovated to increase its attractiveness as a venue and given new kitchen facilities to support a food offer, which is common to many pubs in London. Bring this vacant pub back into use combined with these improvements offset any harm from the reduction in size and thus the proposal would still comply with policy DMP 21.

2.2 The entrance to the pub would be moved to Salusbury Road. This change is welcomed due to a number of historic complaints from neighbours on Hopefield Avenue and letters of support from residents for the change.

2.3 The applicant has submitted an Operational Management Plan in support of the proposal that would be controlled by condition to ensure that the day to day use of the premises does not harm neighbouring amenity. The hours of use of the premises would be controlled by the same condition and would not change from the existing licence with the exception of New Years Eve where the premise would remain open until 1am.

2.4 The applicant has proposed that the management of the building will be run by means of a Residents Management Board (RMB) that would form part of the s106 agreement. The RMB would be made up of five individuals who would review the running of the public house and community space to see whether there were any harmful impacts on neighbouring amenity.

3. Function room operation and community use

3.1 It is common ground that the pub's function rooms have historically been used for community activities and also used by customers for special events. Presently this is secured by a legal agreement pursuant to permission 98/0315 by which one of the function rooms is dedicated for priority use by community or voluntary groups (with the other used for those groups if the first is taken for other activities). This in turn reflects the intent of permission reference 96/1348, which gave permission for the wider block to be converted to residential and for this unit to be a community centre with ancillary bar.

3.2 The evolution of the space from community centre with ancillary bar to pub with ancillary function rooms with community uses occurred in a short space of time at the end of the last century. Officers are satisfied that the use of the first floor space continued to meet the objectives of permission 98/0315 until the business was closed. For instance, evidence has been provided by a number of local businesses that classes such as swing dancing, Zumba, salsa, choir and Irish Dancing all took place regularly. Significant weight has been given to the need to re-provide a function room for similar priority community use within the development.

3.3 The applicant proposes that use of the community room would be limited to 40 hours per week between 12pm and 10pm Mondays to Thursday (up from 23 hours per week on Mondays to Wednesdays as originally proposed). Whilst the local residents' group have requested additional hours, Officers are satisfied the number of hours and days of the week offered are acceptable. This conclusion is based on balancing the need for community access with the need to maintain the viability of the pub as a whole and the desirability of making efficient use of the site by providing residential units. Officers recommend a legal agreement be entered into with the applicant, and any other necessary parties, to ensure the administration and operation of the function room reflects that of the existing function rooms. Key elements to secure include:

- As set out above, the time when it is available on a priority basis for community and voluntary groups
- The rates at which it can be hired
- The means by which it will be advertised, to ensure use reflects demand
- Other management details

3.4 The function rooms have also provided a place where local people can hold special events such as birthday parties. A large number of objectors have raised concerns that this facility will be lost. The dedicated function room at ground floor level could again serve this purpose and be used as ancillary space to the pub which would also go some way towards its viability, however it would be for the pub operator to decide

whether the function room would be available for such events, and if so it would be up to the operator to determine the cost of hire. The s106 agreement would only control the cost of hiring for community and voluntary groups.

3.5 Officers have also given consideration to the fact that the pub's function room would be on the ground floor so level access can be provided for all members of the community, but separate to the main part of the public house so that it would provide a good degree of privacy. This is a significant merit. The proposed space would also have dedicated storage and toilets and access to the kitchen should food be needed. Although the room would be smaller than existing provision, a contribution would be sought via the S106 for the provision and/or improvement of community facilities in the local area, to mitigate this shortfall.

3.5 A number of objectors have raised concerns that the public house would lose its ACV status. However the grant of planning permission would not automatically result in the loss of an ACV listing. The ACV currently applies to the ground and first floor and if the first floors were to be converted to residential this would remove the first floor of the building from the ACV listing. However permission for the pub and the ancillary community use on the ground floor would almost certainly have no adverse impact on the overall listing of the premises as an ACV. If anything, it would validate the listing as the inclusion of a function room with priority for community groups at ground floor level would reinforce the fact that the public house has community value.

3.6 In summary, the proposal would maintain adequate community access to the pub's function room, subject to controls on its administration and management and a financial contribution to mitigate the reduction in floorspace, secured via a S106 agreement.

4. Standard of accommodation

4.1 DMP18 requires dwellings to be consistent with London Plan policy 3.5 Table 3.3. In this case all flats would comply with minimum size standards.

4.2 DMP19 requires all new dwellings to have external amenity space with 20sqm per flats and 50sqm per family sized or three bed unit. The proposed units on the first floor would not have access to any amenity space. However in this case it would not be practical to provide balconies as this would involve large extensions to the building that may harm its character and appearance and neighbouring amenity. In addition to this the majority of the units exceed minimum size standards. As the proposal is a conversion a more flexible approach can also be taken. The units on the second floor would have access to individual terraces with areas of 33 and 22 sqm respectively. The top floor unit would have access to two separate terraces giving a combined area of 42 sqm.

4.3 With the exception of Flat 6 all units would have good access to natural light. Flat 6 would be north facing which would restrict light slightly however as the proposal is a conversion again a more flexible approach can be taken.

5. Character and Appearance

5.1 The application proposes alterations to the existing building at ground floor level and an additional storey to the building. The building already has an existing dormer style addition to the rear of the building which is considered to be poorly positioned. The site also borders the Queens Park Conservation Area located directly to the west of the site and separated by the service yard. It is therefore important to consider views into and out of the conservation area so the conservation area is not materially harmed.

5.2 The proposed second floor extension would consist of tiles to match the existing roof and the additional storey would consist of light grey Rheinzink to blend in with the sky and appear as a lightweight structure on top of the building. The roof would consist of a single-ply membrane to match the appearance of lead and traditional roofs in the area. This design approach has been taken in order to ensure that the additional storey and extensions do not draw unnecessary attention to the building or impact on views of the adjacent conservation area. Officers are of the opinion that the existing second floor extension does not make a positive contribution and whilst it is well established, the role it would play in the future development would justify it being reclad to match or complement the new extension. The standard material condition would be used to require further details of materials and can specify that further details of the cladding of the existing roof extension be reconsidered.

5.3 As part of the submission the applicant has prepared a number of CGIs and views taken from points around the application site including Hopefield Avenue and Salusbury Road. These views highlight the fact

that due to the additional storey's set in from the edge of the building the only location from which it will be readily visible is directly beside the site on Hopefield Avenue and across the road on Salusbury Road. The other alterations to the building include the insertion of rooflights, the relocation of windows and the blocking up of the corner entrance at ground floor level. The building could do with some renovation and the proposed alterations will help to improve its appearance and that of the streetscene.

5.4 In summary, there are no concerns with the alterations and additional storey as they will not materially harm the character or appearance of the building or the neighbouring conservation area, subject to further details of materials and specifically reconsidering the cladding of the existing roof extension.

6. Impact on neighbours

6.1 The development would not materially harm the living conditions of neighbouring residents.

6.2 With regard to the residential aspect of the development, obscure glazing is proposed on the western elevation overlooking Hopefield Avenue to reduce overlooking. The windows on the northern elevation would look towards residential properties however the separation distance would ensure that this would not be materially harmful. Privacy screens are also proposed for the roof terraces to again ensure that overlooking would be kept to a minimum.

6.3 An objector has raised concerns about potential loss of light to neighbouring properties. The report has analysed the potential loss of light to habitable room windows in neighbouring buildings and found that with regard to daylight and sunlight all windows would pass the Vertical Sky Component and Daylight Distribution Test and BRE direct sunlight requirements. In addition to this the report found that all gardens and open spaces would receive at least 2 hours of sunlight on the 21 March which is equal to the BRE recommendations. The objector has also raised concerns with potential inaccuracies in the report that concern the calculation points taken, the window glazing, the window transmission and the dirt correction. Officers are satisfied the report has been carried out correctly. The report has marked each of the windows on photographs and plans that formed part of the analysis. However this is not to show that the calculation was taken from outside but rather to clearly identify the windows. With regard to glazing in this particular area there is a mixture of single and double glazing in properties. Dirt correction concerns a build up of dust or oil on windows or whether a window is broken or not. However the BRE good practice guidelines do not refer to the need to take into account dirt correction. It was also noted during the site visit that there are no broken windows present in the neighbouring sites and that for the most part they appeared relatively free from dirt or other substances.

6.4 As previously discussed neighbouring residents have reported problems with the premises mostly to do with excessive noise and parties that extended past normal opening hours. Generally pubs which operate outside of their licensed hours can be investigated and have those licenses removed and the licensees prosecuted. Similarly, pubs which cause noise disturbance can be served with Notices under the Control of Pollution Act 1974 with further criminal activity should be reported to the Police. In order to reduce noise from the premises the applicant has provided evidence that they will use acoustic equipment to limit noise and also implement the Operational Management Plan that would see the use of security staff. In addition to this the corner entrance would be blocked up from the inside to prevent patrons from congregating on Hopefield Avenue. All of the proposed measures would form part of the s106 that in tandem with environmental legislation would go towards protecting residential amenity. Due to historic complaints regarding noise and disturbance from the pub by some residents in Hopefield Avenue, the application has proposed acoustic protection for the building to limit noise.

6.5 In summary the impact on the living conditions of neighbours would not be materially harmful.

7. Parking and Access

7.1 The development would be acceptable in terms of parking and servicing, subject to a condition to restrict parking permits and further details of cycle and refuse storage.

7.2 The public house requires servicing by 10m rigid lorries for deliveries which can take place via the rear service road, as existing.

7.3 Car parking allowances for the existing and proposed uses of this building are set out in Appendix 1 of the adopted DMP 2016, with servicing requirements set out in Appendix 2. As the site has good access to public transport services and is located within a CPZ, the lower residential allowance applies. There are no particular parking standards for the existing public house. The three existing spaces alongside the rear

service road are therefore surplus to requirements.. The nine proposed flats will be permitted a maximum of 8.55 parking spaces, which is a significant increase in the parking standard for the site. With no alterations to off-site parking provision, the maximum standards will continue to be complied with.

7.4 The applicant proposes to retain two of the off-street parking spaces for use by the larger 3-bedroom flats and to designate the other for use as a Car Club bay. However, the surrounding area is already very well served by Car Club bays, with at least five vehicles stationed on-street within a 500m radius of the site. Given the size of the development it is not considered that the proposal would support a viable Car club vehicle. It is proposed instead to condition that this become a disabled bay. The applicant also refers to seven further off-street spaces alongside the rear access road to the north, but these appear to be allocated to 25 existing flats at St. Eugene Court to the north. However, the three spaces that are available are unlikely to satisfy parking demand from these nine flats. In cases where limited off-street parking is proposed, Policy DMP12 requires that any additional on-street parking that is generated can be safely accommodated on-street or restricted in some other way. In this case, Salusbury Road is a distributor road and bus route that is not generally suitable for on-street residential parking, whilst Hopefield Avenue is already heavily parked so has no spare capacity.

7.5 As such, mitigation is sought to minimise any increase in parking demand in the area and to this end, Policy DMP12 encourages 'car-free' developments in areas with good access to public transport services. An agreement to oblige the developer to notify all prospective future residents that they will not be entitled to on-street parking permits is therefore recommended, to be secured through a planning condition.

7.6 The London Plan requires the provision of a secure bicycle parking space per 1-bed flat and two spaces per 2+bed flat, giving a requirement for 16 secure spaces. An internal storage room is proposed, which is welcomed, but it appears possibly a little small unless bikes are mounted on double-height racks. Further details of bicycle storage are therefore sought as a condition of any approval. Similarly, a room is also shown for refuse storage alongside the entrance lobby and this also appears small for the amount of residential development to be served, so further details of refuse storage are also sought by conditions.

7.7 The public house would be accessed via a doorway on Salusbury Road that previously provided access to the bar area and a stairs to the function rooms on the 1st floor. An existing door on the corner of Salusbury Road/Hopefield Avenue is proposed to be fixed shut. This is based on historic complaints from residents and is to ensure that patrons don't exit via Hopefield Avenue. The function room would be accessed via a corridor to the rear of the public house. A fire exit is proposed in the service alley to the rear of the site. However following consultation with Building Control officers a secondary fire exit would also be necessary. The most practical location for this exit would be the doorway on the corner of Salusbury Road/Hopefield Avenue. The applicant has agreed to this and a revised ground floor plan will showing this arrangement will be secured by condition. In addition to this a Disabled Management Strategy will also be secured by condition to ensure that there are safe measures in place in the event of an emergency.

8. Energy and Sustainability

8.1 Policy 5.2 of the London Plan requires major development proposals to submit a detailed energy assessment. Also as outlined in the Housing SPG, from 1 October 2016 the Mayor will apply a zero carbon standard to new residential development. In this case neither the residential or commercial aspects of the proposal are on their own considered to be 'major' developments, and compliance with these elements can be difficult to achieve in conversion schemes such as this. Therefore Officers are satisfied that policy 5.2 is not relevant in this case.

9. Conclusion

9.1 Overall the proposal would bring back into use a vacant pub with an ancillary community use and would make efficient use of a site that is currently vacant by introducing nine flats to the boroughs housing stock. The proposal would be subject to a legal agreement to re-provide a function room for community groups to use for forty hours per week, along with a financial contribution. Officers consider that the proposal would have significant planning merits and are therefore recommending the application for approval.

S106 DETAILS

A legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) is required to secure a number of planning obligations that are most appropriate to secure as obligations rather than as planning conditions. See 'Recommendation' section for further details.

CIL DETAILS

This application is liable to pay **£291,979.66*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible** floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 972.5 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	972.5		972.5	£200.00	£35.15	£248,334.82	£43,644.84

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	286	
Total chargeable amount	£248,334.82	£43,644.84

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

****Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 16/5398

To: Mr Hodgson
Iceni Projects
Flitcroft House
114-116 Charing Cross Road
London
WC2H 0JR

I refer to your application dated 14/12/2016 proposing the following:

Change of use of the 1st, 2nd and part of the ground floor of the public house (Use class A4) to create 9 self-contained flats (2 x 1bed, 3 x 2bed, 2 x 3bed and 2 x 4bed), retention of the ground floor public house including the provision of an ancilliary function room together with associated alterations to include erection of a partial third floor, new 2nd floor rear extension, replacement and relocation of some of the windows, insertion of new windows and rooflights, terraces and screening and bin stores and accompanied by plans or documents listed here:

See condition 2

at 76-78 Salisbury Road, London, NW6 6PA

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 16/06/2017

Signature:

A handwritten signature in black ink that reads "Alice Lester".

Alice Lester

Head of Planning, Transport and Licensing

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL**1 STANDARD TIME LIMIT**

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.

2 APPROVED DRAWINGS/DOCUMENTS

The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

5331/021
5332/022B
5332/023A
5332/024A
5332/025
5332/025.1A
5332/026A
5332/027A
5332/028A
5332/028.1A
5332/029A
5332/030A
5332/031A
5332/031.1A

Reason: For the avoidance of doubt and in the interests of proper planning.

3 NO RESIDENTS PARKING PERMITS

Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within any existing or future Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

4 NOISE MITIGATION MEASURES AND AMPLIFIED SOUND

(a) Within three months of the commencement of the development, further details of noise insulation shall be submitted to and approved in writing by the local planning authority. Such details shall include means of mitigating the transmission of sound from the ground floor

uses to the upper floor residential units within the building and beyond the building envelope to nearest noise sensitive receivers on Hopefield Avenue so that the development complies with BS8233:2014.

- (b) Prior to the installation or use of any proposed fixed or portable amplified sound system, further details of the system and any noise mitigation measures shall be submitted to and approved in writing by the local planning authority. Any such system shall be specified to ensure the required internal noise levels for residential units within the building and to the nearest noise sensitive receivers on Hopefield Avenue comply with BS8233:2014 and be accompanied by such mitigation measures as are necessary. Any system shall be installed and maintained in accordance with the approved details.
- (c) Prior to the use of any fixed or portable amplified sound system, the results of a post-completion test shall be submitted to and approved in writing by the Local Planning Authority. Such a test shall confirm the efficacy of the acoustic insulation measures. This acoustic test shall include a minimum of 2 testing locations at properties along Hopefield Avenue. Should the results show that the required internal noise levels for residential units within the building and to the nearest noise sensitive receiver have not been met, a scheme of further mitigation works shall be submitted to and approved in writing by the Local Planning Authority, and the approved works fully implemented prior to a further post-completion test to also be submitted to and approved in writing by the Local Planning Authority, before the system is used. The system shall be maintained in accordance with the approved details for the lifetime of the development.
- (d) Prior to the installation of any mechanical plant together with any associated ancillary equipment ('the plant') further details of the plant shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include: (i) manufacturer's specifications and literature of the plant; (ii) an assessment of the expected noise levels of the plant carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'; and (iii) any mitigation measures necessary for the plant to achieve noise levels of not louder than 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. The plant shall be installed and maintained in accordance with the approved details for the lifetime of the development.
- (e) During the operation of the public house, no noise, music, public address system or any other amplified sound shall be audible shall be heard within the dwellings within the building and in surrounding residential properties that exceeds the maximum noise levels within BS8233:2014.

Reason: To protect acceptable local noise levels, having regard to the amenity of neighbouring residents within the building and nearby, in accordance with Brent's Noise Policy

5 TABLES AND CHAIRS

No tables and chairs shall be placed on the forecourt of the premises.

Reason: in the interest of neighbouring amenity

6 ACCESS AND EGRESS

The public house and ancillary function shall not be occupied unless, and thereafter shall at all times be operated in accordance with, the following measures have been carried out:

- (i) All entrance doors shall be made self-closing to minimise emission of odours and/or noise to the neighbouring area.
- (ii) All doors or gates must be hung so that they do not open over or across the road or pavement.
- (iii) The rear doors to the premises at the northern side ground-floor level, as shown on the approved plans, shall not be used by the public, except for disabled access to or exit from the premises, save in the case of emergency, but shall only be used by staff.
- (iv) The door at the rear of the community room, as shown on the approved plans, shall only be used as an exit in the event of fire or other emergency. The door shall be a standard fire

door unable to be opened from the outside and shall be installed with an audible alarm which shall sound in the event that the door is open.

- (v) Notwithstanding the approved plans, a door shall be provided at the corner of Hopefield Avenue and Salisbury Road which shall only be used as an exit in the event of fire or other emergency. The door shall be a standard fire door unable to be opened from the outside and shall be installed with an audible alarm which shall sound in the event that the door is open

Reason: in the interest of neighbouring amenity and fire safety

7 A4 USE CLASS RESTRICTION AND REMOVAL OF PERMITTED DEVELOPMENT RIGHTS TO CHANGE USE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), the ground floor of the building shall be used as a drinking establishment (Use Class A4) with ancillary function room only and for no other purpose whatsoever without express planning permission first being obtained from the Local Planning Authority.

Reason: in light of the weight given to the merit of re-providing the public house in accordance with policy DMP21

8 OCCUPANCY

The public house and ancillary function room shall be operated so that, unless fire safety or licencing dictates a lower figure, the maximum occupancy of the entire public house and ancillary function room shall be 300 patrons and the maximum occupancy of the ancillary function room on its own shall be 75 patrons.

Reason: in the interest of safety and neighbouring amenity

9 FUNCTION ROOM STORE

The storage room provided within the function room shall only be used by community groups and not the public house operator.

Reason: to provide adequate facilities for community/voluntary groups

10 PRIVACY SCREENS

The security privacy screen to the balcony of Flat 7 and Flat 9 shall be installed, maintained, retained and fixed permanently in position prior to the occupation of the flats. The privacy screens shall not be removed without the express written permission of the Local Planning Authority

Reason: To ensure the amenity of neighbouring properties on Hopefield Avenue is protected.

11 SUBMIT MATERIALS

Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. Such details shall include:-

- (a) materials (samples and or manufacturer's literature) to be used on all external surfaces of the building, including balustrades/privacy screens;
(b) further details of the cladding to the existing roof extension

The development shall be carried out in accordance with the details so approved before the buildings are occupied.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

12 CYCLE AND REFUSE STORAGE

The cycle parking spaces and refuse/recycling storage facilities (for both the residential units and Public House/Function Room) shall be fully installed in accordance with details to be submitted to and approved in writing by the local planning authority prior to the first occupation of a residential flat. The approved details shall be maintained as such for the lifetime of the development.

Reason: in the interest of sustainable travel and proper refuse storage

13 MANAGEMENT PLAN

Prior to the occupation of the development, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall contain:

- (i) Details of entrances and exits to the Public House;
- (ii) Details of measures to prevent drinking or access onto Hopefield Avenue
- (iii) Details of security staff for the Public House and Function Room
- (iv) Hours of opening of the Public House which shall be:
 - 08:00 hours and 23:00 hours Mondays to Fridays
 - 10:00 hours and 00:00 hours Saturdays
 - 10:00 hours and 23:00 hours Sunday and Public Holidays and at no other time except on New Year's Eve when the premise may stay open until 01:00
- (v) The servicing of the Public House from the rear service road
- (vi) Arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site

The approved details shall be adhered to for the lifetime of the development.

Reason: in the interest of neighbouring amenity

14 DISABLED ACCESS/EGRESS

Details of facilities necessary to enable disabled people (including wheelchair users and people with sensory disabilities) to use and escape from the building(s) shall be submitted to and approved by the Local Plan prior to the commencement of works. Such facilities shall include:

- (i) ramped access (preferred gradient 1:20) to the main entrance, or such other entrance as may be agreed, and to fire exits where appropriate;
- (ii) access for wheelchair users to all parts of the building which are normally accessible to non-disabled people;
- (iii) 1 parking bay of 3.6m minimum width, marked out and reserved for the exclusive use of disabled people

The works shall be carried out in accordance with the approved details prior to occupation of the development and shall be retained for the lifetime of the development.

Reason: in the interest of safety.

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 The applicant is advised that this development is liable to pay the Community Infrastructure

Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.

Any person wishing to inspect the above papers should contact Barry Henn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5232