

Agenda Item 07

Supplementary Information

Planning Committee on 28 June, 2017

Case No.

16/5398

Location	76-78 Salusbury Road, London, NW6 6PA
Description	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 ancillary 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

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1. Committee site visit

Members visited the site on 24 of June 2017 and viewed the site from the surrounding area. Members also viewed the ground floor where the proposed function room would be located and the first floor where the current function rooms are located. Members queried:

- how people would access the community space;
- how the booking system would operate; and
- what would constitute a 'community' activity.

1.1 People would access the function room via the ground floor main entrance of the public house located in Salusbury Road.

1.2 Bookings could be made up to six weeks before an event and would be made either over the telephone or in writing at least 10 days before the event. This would be secured as an obligation in a s106 agreement.

1.3 There is no statutory definition of 'community' activities however the draft s106 has provided a definition of 'community groups' that are defined as "groups or organisations set up for charitable, benevolent or philanthropic purposes that include a substantial amount of activity or control by members of the public in a voluntary capacity, or provide organised training in the performing arts associated with specific cultural groups".

2. Further representations

2.1 Cllr Duffy has raised the following concerns:

- Use of the term 'minimum' in referring to the number of hours the community would be able to use the function room
- Request the hearing be deferred to permit further public debate where Planning Officers explain the reasoning behind the recommendation. This has also been raised by a local resident.

2.1.1 The use of the word 'minimum' refers to the fact that legally the owner will have to provide priority access for community groups for 40 hours per week from 12:00 to 22:00 hours Monday to Thursday. This would not prevent the owner from hiring out the room to individuals or community groups outside of the set 40 hours: it would be for the pub operator to determine what would best ensure the viability of their business.

2.1.2 The committee hearing is the public meeting at which a planning application is debated. The application has been widely publicised between the end of February and the report's publication in mid June.

2.2 Cllr Denselow has queried the use of a restrictive condition on the occupation of the proposed flats unless the public house is occupied. Officers recommend a planning obligation or condition is imposed requiring approval of an effective marketing plan for the pub and that the applicant uses reasonable endeavours to ensure the pub is operational before occupation of the flat. Officers consider this to be reasonable because if the applicant was not able to find a tenant they would not be able to change the use of the public house without first obtaining planning permission due to recommended condition 7 and the ACV status of the

premises. However Cllr Denselow confirmed that he would still be objecting to the proposal.

2.3 A local resident raised a query regarding the amount of notice individuals would have to give before booking the function room. Please see response in paragraph 1.2.

2.4 A resident has reiterated their concerns with the accuracy of the Daylight/Sunlight report. This was addressed in paragraph 6.3 of the committee report however the applicants' consultant has provided a further response to the points raised. As a consequence, Officers remain satisfied that the daylight/sunlight report has been properly prepared and the impact on neighbouring amenity would be acceptable.

2.5 A resident has raised concerns with the timing of the building being listed as an Asset of Community Value (ACV). The asset was listed in July 2015 and the title updated to reflect this in April 2016. This is not a material planning consideration as it does not affect the status of the ACV listing. It is understood that the delay was due to the applicant not providing a relevant information.

3. Notifications of committee

3.1 Ward Councillors did not receive the standard notification letter detailing the committee date. All Ward Councillors are aware of the meeting and as such have not been prejudiced in any way.

4. Corrections to the report

4.1 The consultation dates in the 'Consultation' section of the committee report were incorrectly listed and should have read that neighbour consultation letters were issued to 68 properties on the 21/02/2017. A site notice was displayed on 24/02/2017. Press notice advertised on 02/03/2017.

4.2 The number of objections received was incorrectly listed in the 'Consultation' section of the committee report as 149 and should have read 151. All objections were however taken into account during the assessment of the application.

5. Additional conditions and obligations

5.1 Officers recommend a further planning obligation be imposed, draft text as follows: Within 3 months of material start submit to the Council for its approval a marketing plan for the public house and function room and not to occupy any part of the residential development unless the marketing plan has been approved and implemented and the public house and function room marketed in accordance with the approved plan for an agreed period of time and the applicant uses all reasonable endeavours to ensure the public house and function room is operational before occupation of any part of the residential development.

5.2 The applicant has also requested that they be permitted to place table and chairs on the Salusbury Road frontage. Officers recommend condition 5 be varied to expressly prohibit the placing of tables and chairs on Hopefield Avenue frontage and to place no tables or chairs on the Salusbury Road frontage unless in accordance with a plan covering their siting and hours of use to be approved by the local planning authority.

Recommendation: Remains approval subject to conditions and section 106 legal agreement.