

Committee Report

Planning Committee on 4 November, 2009

Case No.

09/0968

RECEIVED: 20 April, 2009

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Public Convenience, Victoria Road, London, NW6

PROPOSAL: Change of use of public convenience to staff office for street cleaning operatives (Sui Generis) and alteration to the layout of doors and windows

APPLICANT: Veolia Environmental

CONTACT: Cadital Ltd

PLAN NO'S: KIL/03/03/11/01

This application was deferred from the Committee meeting, held on the 8th July 2009, at the request of Members in order to enable Officers and the applicant to investigate alternative sites for the proposal and to obtain further information on the site from the Council's Property and Asset Management Team. **MEMBERS CALL-IN PROCEDURE**

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Councillor Lesley Jones

Date and Reason for Request

12 June 2009. The Committee should consider whether consultation needs to be extended and the potential use debated.

Details of any representations received

Yes. Councillor Arnold.

Name of Councillor

Councillor Mary Arnold.

Date and Reason for Request

11 June 2009. Consultation has been insufficient. The disused toilets should be considered for potential community use. A more strategic approach to community facilities in the locality needs to be taken.

Details of any representations received

Local residents, BRAT and BEST residents groups and the North Kilburn (youth partnership) Focus Group.

RECOMMENDATION

Approval

EXISTING

The subject site, located to the rear of the Primary Shopping Frontage along Kilburn High Road, is currently occupied by a single-storey disused public convenience building. The subject site is accessed from the southern side of Victoria Road and is bound to the south by a vehicular access to an underground car-park. A freestanding public convenience has been erected in front of the subject site, on Victoria Road, as a replacement for the disused public convenience.

PROPOSAL

The proposal is for the change of use of public convenience to staff office for street cleaning operatives (*sui generis*) and alteration to the layout of doors and windows

HISTORY

Planning permission for the erection of the now disused public convenience was granted in 1974. In 1999 a planning application for the change of use of the public convenience to a store was refused planning permission for failing to provide a use compatible with the function of the town centre and for failing to provide adequate servicing facilities for the proposed use.

Further history relating to the ownership of the site is detailed in the report below.

POLICY CONSIDERATIONS

London Borough of Brent Adopted 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.

- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities.
- SH6 Sets out the type of uses that are appropriate in a Primary Shopping Frontage

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

Consultation letters, dated 7th May 2009, were sent to 34 neighbouring owner/occupiers. No representations have been received directly from local residents. However, the application has been called-in for determination by Cllr Mary Arnold and Cllr Lesley Jones. They are concerned that local residents and community groups have not been properly consulted on the current proposals and consider that the site may be more suitably used to provide a community facility.

TRANSPORTATION ENGINEER

No objections.

REMARKS

Consideration of Alternative Sites

Since the application was deferred from the meeting held on the 8th July 2009 both Officers, Ward Councillors and the applicants have explored the possibility of locating the proposed facility on a number of alternative sites. As Members will be aware this process included the submission of a planning application on an alternative site at the Rathbone House garages on Algernon Road which to date remains undetermined. However, thus far all of the alternative sites considered have raised significant concerns that would outweigh their suitability for accommodating the proposed facility in comparison to that of the subject site. Having considered all of the available options the applicant has now respectfully requested that Members consider the proposals to located staff and storage facility on the site of the disused public convenience on Victoria Road.

As reported previously, Officers have spoken to colleagues within the Council's Property and Asset Management Team (P&AM) who have confirmed that they have been looking to let the subject site for some time as in the past the disused public convenience has attracted anti-social behaviour and was recently occupied by squatters. P&AM have been in discussions with a community group, supported by Cllr Arnold, with a view to providing a community use on site. However, funding for a community use on the site has not yet been secured and it was decided by P&AM that letting the subject property to Veolia for the proposed use would represent the best prospect of bringing the disused building back into use, and maintaining it as such, in the short to medium term. Veolia intend to spend a significant amount of money refurbishing the existing building for their intended use.

Since the application was deferred Officers have again been in contact with colleagues in P&AM who have confirmed, in addition to the reiteration of the above, that in the past attempts were made to obtain s106 funding for community groups to utilise the site. However, unfortunately insufficient s106 funds were available at the time of the request. P&AM have expressed concern that should the current proposal fail to go ahead that the disused public convenience would remain vacant for years to come.

Proposed Change of Use

The proposal envisages the refurbishment and change of use of the existing disused public convenience building into a staff office for street cleaning operatives. The site itself, according to the UDP proposals map, falls within land that is designated as a Primary Shopping Frontage. This means that only non-retail uses that fall within Use Classes A2 (financial and professional services), A3 (cafe & restaurants), A4 (public houses) or A5 (hot food takeaways) would normally be accepted. However, given that the public convenience is located on a constrained backland site it would appear unlikely that in the future there would be significant demand to use the site for such a purpose, particularly given the availability of more suitable commercial units along the frontage of Kilburn High Road. Indeed, from inspection, it would appear that this designation is more relevant to the protection of the frontage properties which are of greater value to the overall vitality of the town centre. As such, it is considered that in principle the proposed change of use would not result in the loss of any retail floorspace and would, on balance, introduce an appropriate use to this derelict site.

External Alterations

In terms of external alterations to the existing building, these would be minimal, consisting of the blocking and opening up of windows and doorways to the flank elevations. The rest of the building, including the front elevation would remain unchanged. Overall, the proposed alteration would facilitate the proposed change of use without unduly disturbing the existing streetscene.

In the interests of visual amenity it is recommended that any permission be subject to a condition requiring further details of landscaping for the subject site.

Transportation

The proposed site has excellent accessibility to public transport (PTAL 6) and is located within a controlled parking zone. Whilst the existing use, when operational, would have attracted unlimited members of the general public to the site the proposed use would now restrict this to a finite number of employees reducing the overall pressure on local transportation infrastructure. Employees would not be entitled to residents parking permits so it is considered that the proposed change of use would have little impact on existing on-street parking pressures.

The proposed development would be required to provide a minimum of two secure cycle spaces. No cycle storage has been indicated on the plans provided. However, it is envisaged that this could be accommodated on site and further details should be required by condition.

Alternative Uses for the Site

The application has been called-in for determination by Members at the request of Cllr Mary Arnold and Cllr Lesley Jones who have raised concerns regarding the extent of the consultation on the subject application. Cllr Arnold and Cllr Jones have expressed a view that they consider the site may be more appropriately used to provide a community facility.

Notwithstanding the concerns of Cllr Arnold and Cllr Jones, Officers consider that the extent of the consultation has been appropriate for a development of this scale and, as Members will be aware, the current planning application needs to be determined on its own planning merits. As a result, it is considered that it would be difficult to make a decision based on other proposals that may or may not be forthcoming for the site. Similarly, if planning permission were approved for the current proposal this would not prejudice any further applications for the site for alternative uses if they were to be progressed at some stage in the future.

As indicated above, the consultation procedure for the application has been carried out in accordance with the guidance set out in SPG2.

In terms of funding for local community uses, any capital receipt may allow the opportunity to provide some funding for future community provision, but this would have to be considered as part of wider corporate budgeting. It is not felt appropriate in policy terms to seek to control this through Section 106.

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:-

Built Environment: in terms of the protection and enhancement of the environment

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) 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) All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- (3) Landscape proposals for the treatment of the undeveloped land within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. The landscape works shall be completed in accordance with the approved details prior to the occupation of the building or in accordance with a programme agreed in writing with the Local Planning Authority.

Any planting that is part of the approved scheme that within a period of *five* years after completion is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and to ensure that it enhances the visual amenity of the area.

- (4) Details of the provision of a minimum of 2 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (5) The premises shall be used only for the purpose of staff office for street cleaning operatives and for no other purpose (including any other purpose in Use Class B1a specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004
Two call-in requests from Councillors.

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: Public Convenience, Victoria Road, London, NW6

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