

**Committee Report
Planning Committee on 14 April, 2010**

Item No. 8
Case No. 10/0003

RECEIVED: 29 January, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Formerly The Shamrock, Carlton Vale, London, NW6 5DA

PROPOSAL: Retention of change of use from public bar (Use Class A4) on basement and ground floor to community centre (Use Class D1)

APPLICANT: Kosova Islamic Centre UK Ltd

CONTACT: Bartletts

PLAN NO'S:
(see condition 2 for details)

RECOMMENDATION

Approve

EXISTING

This site is located on the northern side of Carlton Vale, opposite its junction with Malvern Road. The site was formerly occupied by The Shamrock public house, comprising basement cellar and ground-floor bar. The property is located within a Major Estate Regeneration Area (MERAs), as shown on the UDP proposals map being located within South Kilburn.

PROPOSAL

Retention of change of use from public bar (Use Class A4) on basement and ground floor to community centre (use class D1)

HISTORY

Full planning permission (Ref No: 01/0844) for the Change of use of one room to rear of public house to radio base for mini-cab office was granted planning permission on the 26th of October 2001

POLICY CONSIDERATIONS

- **Brent Unitary Development Plan 2004**

CF2 Location of Small Scale Community Facilities
PS9 Food and drink uses
PS12 Non Residential Institutions for car parking standards

CONSULTATION

External

95 neighbouring residents, relevant Ward Councillors and neighbouring Local Authority (Westminster) were consulted on the 15th of February 2010. To date, 4 representations have been

received: one letter of support, one comment from the London Borough of Westminster (no objection) and two objections.

The principle objections are as outlined below:

- No demand for an Islamic centre in the area, given the close proximity of other such facilities
- Loss of a pub

Principle of Support:

- The D1 use will improve the poor servicing of the property.

Internal

Transportation Engineer: No objection

Environmental Health Officer: No objection

REMARKS

1. Context

This proposal involves the change of use of the ground floor and basement of the building to a community facility for an Islamic group. The proposal as shown on the plans submitted by the applicant includes a common room (150m²) and small meeting room (20m²) at ground-floor level, together with toilets and a basement storage area. Two members of staff will be employed at the centre. Whilst the proposed use of the first floor area is not specified, the existing use appears to be residential. The parking and access arrangements will remain unaltered.

2. Principle of development

Major Estate Regeneration Area

As mentioned above the property is located within a Major Estate Regeneration Area (MERAs), as shown on the UDP proposals map being located within South Kilburn. The council has commenced the redevelopment of the south Kilburn estate with applications to redevelop four key sites, including one in Albert Road, close to the application site. Officers are about to commence the second phase of the redevelopment proposals and will instruct architects to work up four more sites which will include Bond house, Hicks-Bolton house and the former Shamrock pub site (the application site). This will create new residential units in which to decant tenants from other parts of the estate. Although the design work is programmed to start in spring 2010, the shamrock pub site will only be built when the adjacent Hicks-Bolton House can be decanted. This is not likely to be before late 2011/2012 at the earliest and will be subject to the availability of public funding in the form of housing grant from the Homes and Communities Agency. Because of this uncertainty it is not considered that it would be appropriate for any application to be refused on the grounds of prematurity that it will significantly affect the future South Kilburn SPD proposals. The application proposals do not alter the shell of the building (i.e. creating additional volume) so they do not add to the financial burden which the council would have had in any case because it would have to purchase the public house. The owners of the site have indicated that they are currently amenable to re-location if the council can offer alternative premises. Officers are therefore content to negotiate with the new owners or enter into compulsory purchase proceedings at the appropriate time. The change of use does not significantly alter progress of the redevelopment and would therefore not be objected to on that basis. Moreover the council is not in a position financially to be able to purchase the site at the present time but will be able to do when the redevelopment proposals are further progressed and a RSL or other housing partner secured.

The Council does not protect public houses as a matter of policy but has on occasion sought to protect or seek compensation for the community space that may be lost. This does not apply in this case. Officers would support the development of religious and community facilities in principle, to meet the needs of a new population in the area.

In summary, although redevelopment proposals are not that far away, the proposed use does not prejudice those proposals any more than the existing use, and will be dealt with appropriately at the time when the redevelopment proposals are progressed.

Loss of Public House

It has been suggested that the Public House use is a community facility and as such, its loss should be resisted. Whilst these sentiments are understood, Public Houses are not classed in this way, being Use Class A4, and in any event there is also no shortage of such uses in the vicinity. Whilst the loss of this public house may be considered unfortunate by some, its loss and replacement with a community facility cannot be resisted in principle on planning grounds.

Community Use

Policy CF2 states small-scale community facilities serving a neighbourhood could be located on a site with moderate or better transport accessibility. The area is generally lightly parked. Public transport access to the site is very good (PTAL 5), with Queens Park station (Bakerloo and London Overground lines) and five bus services within 640 metres (8 minutes' walk). As such, the principle of the development is supported

However, the site also lies on the edge of a residential area and policy CF2 does preclude such developments where it would result in an unacceptable impact on nearby residential amenity. In addition highway safety and parking concerns for a community use need to be considered. As such this sets the parameters for determining the application and a major factor in considering both of these issues is the link with the resulting 'intensity' of any use.

3. Impact on Residential Amenity

The building that is designated as the 'storage area' at basement level and a 'common room' for the community is moderate in size and this acts in providing a natural upper limit of the number of visitors due to its limited capacity. The common room has a floor area of approximately 120m² which equates to a maximum capacity of around 100.

The site is proposed by the applicants to be open between 9am and 10pm only every day. People would attend daily for religious observance or meditation. In addition to this, there would be 5 services throughout the day, which would last between 15 and 30 minutes and are at: 5am, 12 noon, 4pm, 6pm and 9pm. The applicant outlines that they expect the average number of attendees to be 12, with the maximum towards 15. Friday noon prayers will attract between 70-100 people

The applicants have stated the use of the site is not intended for the exclusive use of the Kosova community but will also cater for the local community. These include family events such as weddings or birthdays

Owing to the moderate size of the common room, the parking provision, parking restrictions (CPZ in place) and property being very accessible by public transportation, officers are not of the view these events will cause a detrimental harm to neighbouring residents or, indeed, the character of the area. However, in an effort to ensure no detrimental harm is caused, detail of an event-management plan will be secured by condition.

The relationship with any residential accommodation above the community centre is important. Whilst flats above pubs are common, historically these residential units were used by staff members. The applicant has not clarified who will occupy the floorspace here and details of sound-insulation will be secured by condition so to protect the amenity of residents. In comparison with the existing use of the site as a pub, the sound-proofed residential units will improve the quality of accommodation for future occupiers.

4. Highway considerations and Access

Car parking allowances for the existing and proposed uses of the site are set out in standards PS9 and PS12 of the adopted UDP 2004. These permit one space per 400m² for the existing public house (i.e. one space), whilst the proposed use would be permitted one space per five staff and one space per 20 visitors

Given the number of attendees and time of meetings, officers are certain that the car parking allowance would increase with this proposal. Approximately twelve car-parking spaces are available at the rear and side of the building, which far exceeds the existing maximum allowance for the public house. As such, the proposal would reduce the existing over-provision of parking.

Consideration also needs to be given to the potential impact of any overspill on-street parking on traffic flow and road safety and to assess this properly, the typical attendance, hours of use, the common room being of a moderate size, with a dozen or so car parking spaces available, a CPZ in operation on surrounding streets and very good access to public transport services, it is considered unlikely that the use would lead to significant levels of overspill parking that would cause detrimental harm.

The applicant has suggested that the basement will be used as a meeting room. However, the submitted plans indicate the basement will be used for storage only. Owing to the basement having no wheelchair accessibility, officers do not consider it acceptable for the basement in its current form to be used as anything other than a storage facility. In the interest of a good-quality development, the use of the basement will be restricted by way of condition to a use of storage only.

The removal of the public house will reduce servicing requirements for the site considerably.

5. External Alterations

The development that is the subject of this application does not involve any external alterations. However it is evident that a number of external changes have taken place. These changes do require planning permission. The applicant will be advised by way of an informative to submit the relevant application for the Council's consideration.

6. Response to Objectors' Concerns:

- No demand for an Islamic centre in the area, given the close proximity of other such facilities. The question of need is not something that the Planning Service should be overly involved with. The applicant clearly feels that the need is there. Officers would of course become concerned if there was an excessive concentration of similar uses that resulted in amenity concerns

- Loss of a pub used by residents.

As demonstrated above, there are no grounds to refuse the application on planning policy grounds. The applicants have stated that the D1 use is not exclusive to the Kosova community, and will be accessible to the local community. That said, officers do understand the concerns that people have when a public house is lost.

7. Conclusion

The proposed level and extent of use appears acceptable within its local context, if operated as proposed, and should not significantly affect residential amenity. The proposal complies with Policies contained in Brent's UDP 2004, as such it is recommended that full planning permission be granted for the use of the site for Use Class D1.

REASONS FOR CONDITIONS

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

Transport: in terms of sustainability, safety and servicing needs

Community Facilities: in terms of meeting the demand for community services

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) The development hereby permitted shall be carried out in accordance with the following approved drawings and/or documents:

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050_220
050_230
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050_250

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

- (3) Activities within the designated building/site shall only be permitted between 0900 - 2200 hours on any day, with the premises cleared within 30 minutes after these times (unless the Local Planning Authority agrees other hours in writing).

Reason: To ensure that the proposed use does not prejudice the enjoyment of the neighbouring occupiers.

- (4) No music, public-address system or any other amplified sound shall be audible at any boundary either attached to or in the vicinity of the subject premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (5) An Event Management Plan shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of issue of this permission.

Reason: To ensure that the use is carried out as approved so as to avoid any detriment to the amenities of occupiers of neighbouring sites, the movement of traffic on neighbouring roads and on the visual amenity of the area, and allow for a safe and accessible use.

- (6) The courtyard and external areas shall only be used for parking and servicing and must not be used for the consumption of food and drink or any activities associated

with the Community Centre. All 12 parking bays must be marked out within three months of the date of this decision and used permanently for such uses.

Reason: To safeguard the amenities of the adjoining occupiers.

- (7) The basement shall be used for storage facilities only and not for any other purpose without the prior written permission of the Local Planning Authority.

Reason: To protect the residential amenities of the locality and 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.

- (8) Details of sound-insulation for the building shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of issue of this permission.

Reason: To safeguard the amenities of the occupiers.

- (9) Details of facilities necessary to enable disabled people (including wheelchair users and people with sensory disabilities) to use and escape from the building shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of issue of this permission. Such facilities shall include:-

(a) Level or ramped access (preferred gradient 1:20) to the main entrance, or such other entrance as may be agreed and to fire exits.

(b) Access for wheelchair users to all parts of the building which are normally accessible to non-disabled people.

(c) Suitable toilets, washing and baby-changing facilities, suitably designed for wheelchair users.

(d) Positive measures to encourage disabled people to use the building(s), such as signs, bells to enable assistance to be sought, visual-alerting systems and sound-enhancement systems for hearing-impaired people, etc.

Reason: To ensure satisfactory provision for disabled people.

INFORMATIVES:

- (1) The applicant is informed that the external changes undertaken require Planning Permission and Advertisement Consent will also be required for any new signage

REFERENCE DOCUMENTS:

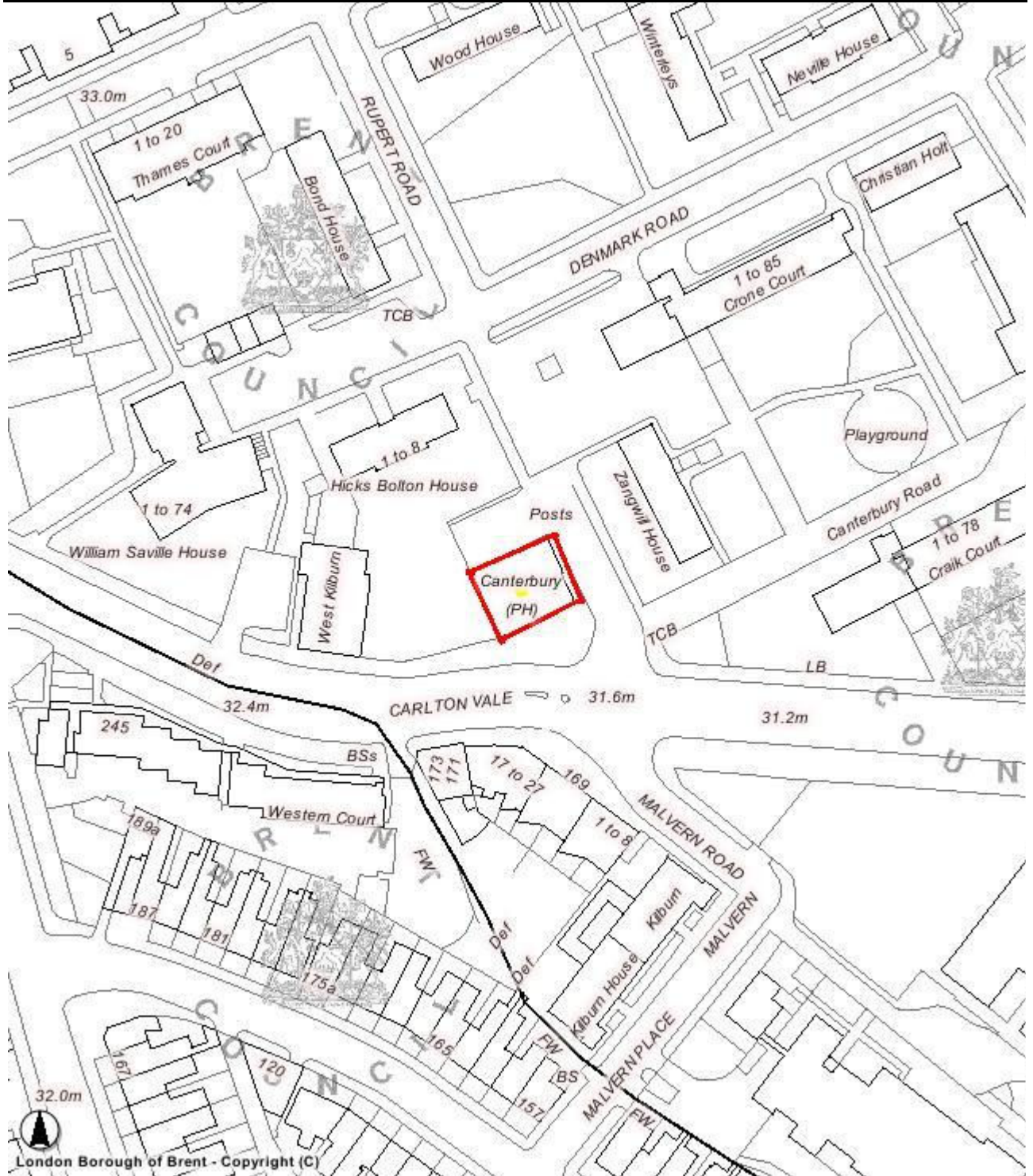
Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: Formerly The Shamrock, Carlton Vale, London, NW6 5DA

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