

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

6 April, 2016
05
15/4590

SITE INFORMATION

RECEIVED: 22 October, 2015

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 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

APPLICANT: Ashcross Ltd

CONTACT: Icen Projects Ltd

PLAN NO'S: 5332 22 C
5332 23 C
5332 24 C
5332 25 C
5332 26 C
5332 27 C
5332 28 C
5332 29 C
5332 30 C
5332 21 C
Design and Access Statement

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

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https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_124692

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3. Click on "View Documents" tab

SITE MAP



Planning Committee Map

Site address: 76-78 Salusbury Road, London, NW6 6PA

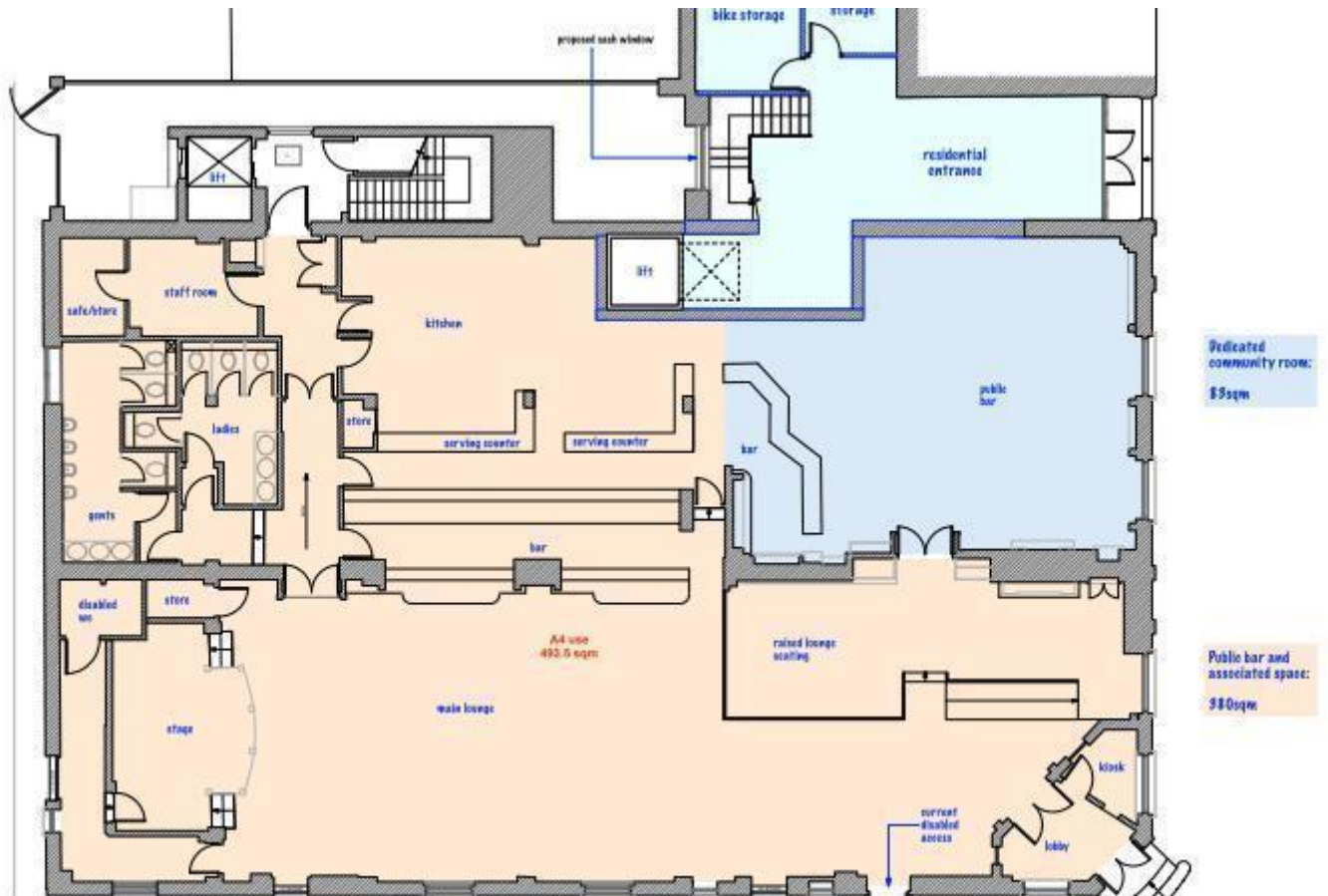
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This map is indicative only.

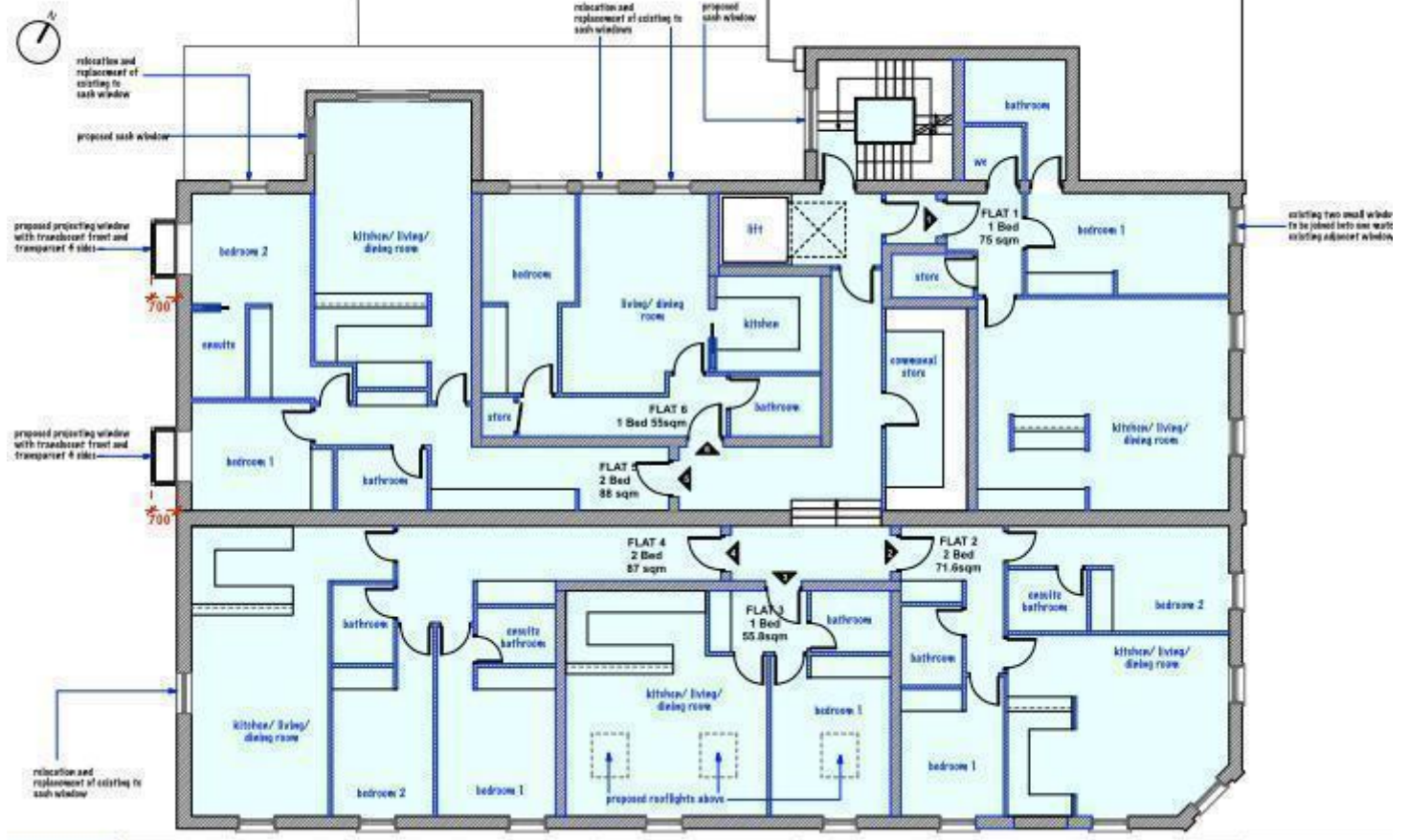
SELECTED SITE PLANS

SELECTED SITE PLANS

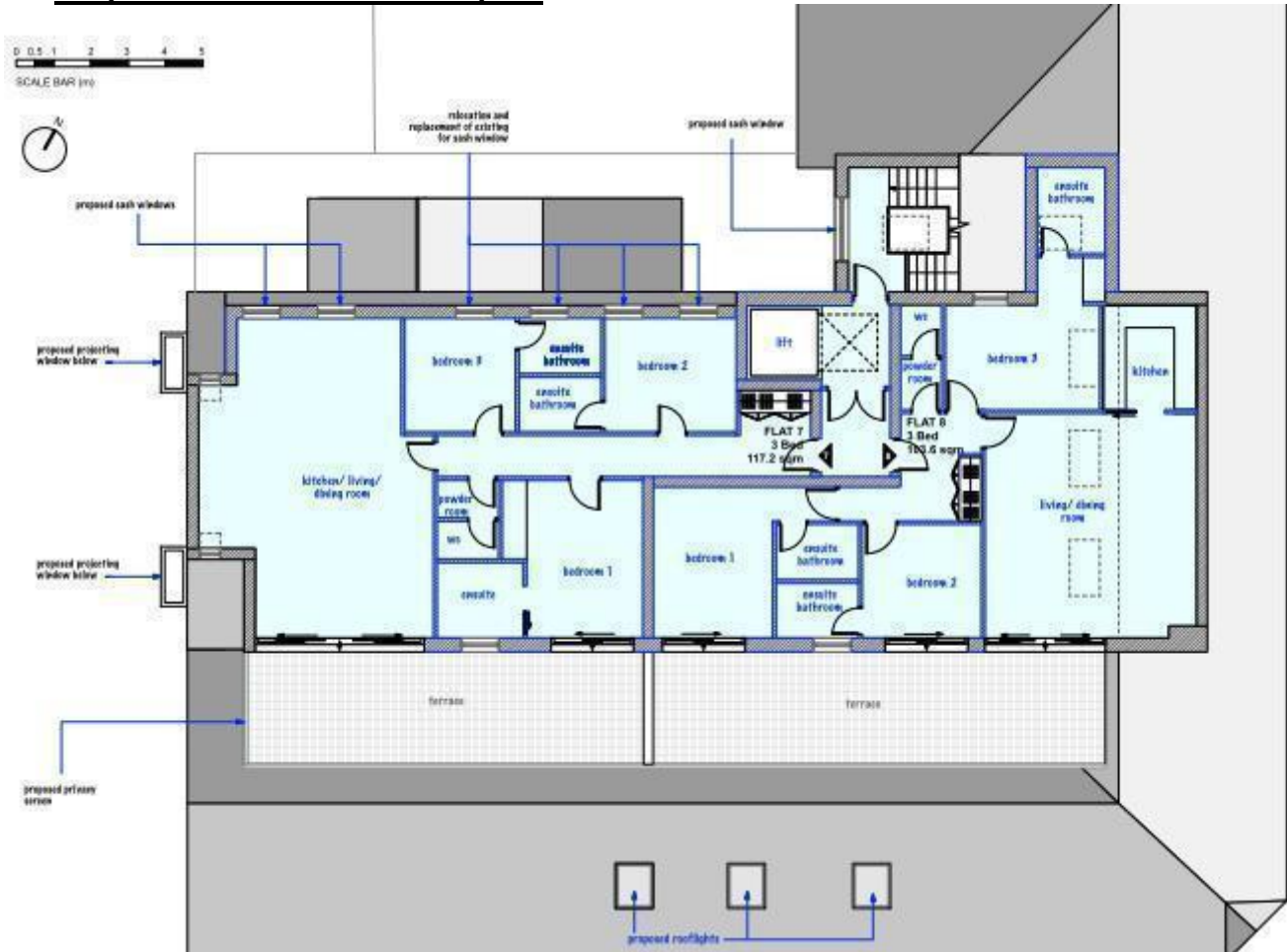
Proposed ground floor plan with community area marked



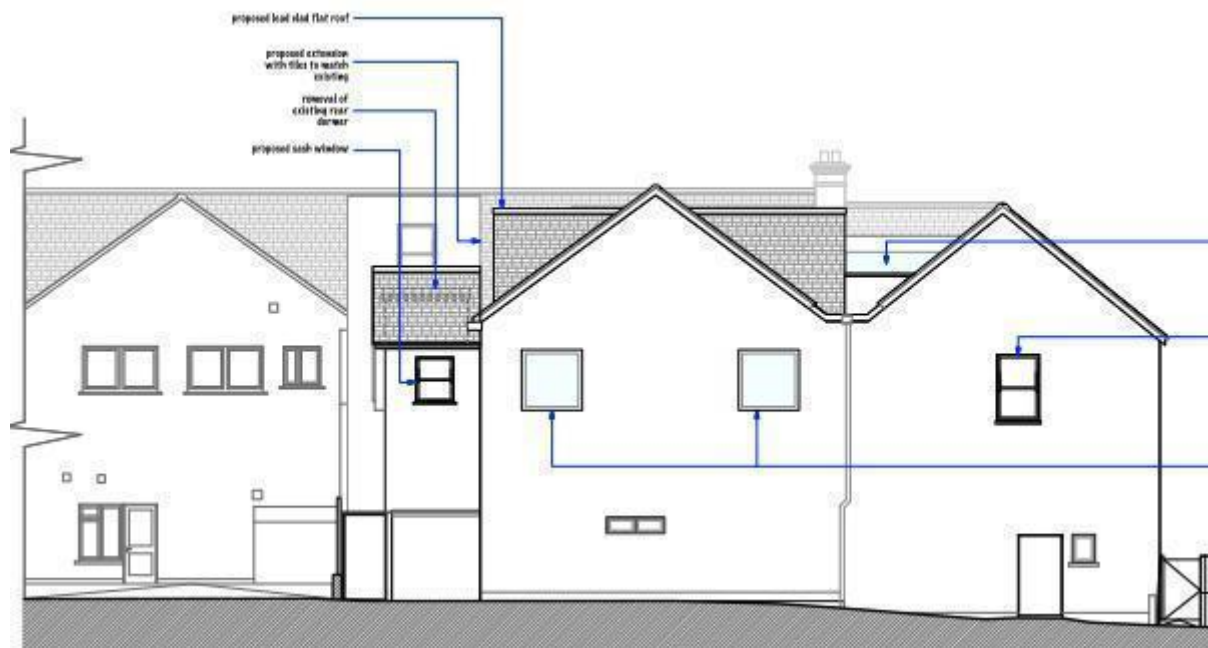
Proposed first floor



Proposed second floor/roof plan



Proposed rear elevation



Proposed CGI from Hopefield Avenue



INTRODUCTION

1. Commentary

1. Members considered this application with a recommendation for refusal at Planning Committee on 10th of February 2016. Following consideration of the facts of the case, Members indicated that they were minded to approve the application subject to officers concluding negotiations with the applicant on a combined on-site and off-site community provision; the former being in such a way that it would not harm the viability of the public house and the latter in the form of a financial contributions
2. The revised function room on the ground floor can be accessed from the main entrance of the Public House and is a fully enclosed space. The size of the proposed room is 83sqm and whilst activities such as salsa dancing, swing patrol and other large gatherings cannot be accommodated, smaller gatherings of local groups can be. Previously, the offer of the function room was 120sqm in a different part of the ground floor. This arrangement has severe issues with both the segregation of the room, the viability of the public house and the access arrangements facilities for general patrons. Whilst Officers recognise that the 83sqm proposed is smaller than the original space, the viability of the public house and access arrangements to facilities is clearly material and so, whilst your officers remain opposed to the proposal, this revised arrangement is likely to minimise harm to the viability of the public house.
3. The main part of the public house (plus kitchen, toilets and entrances) is approximately 380sqm. Officers are satisfied that an A4 use can operate viably in this space. The layout of the public house does not allow separate toilet facilities to the function room and therefore all access to facilities will be required through at least some part of the Public House. This is preferable to patrons of the Public House accessing facilities through a dedicated Community Room.
4. A Management Plan will be conditioned, which will be required to stipulate the below;

1. Details of entrances and exits to the Public House;
2. Details of measures to prevent drinking or access onto Hopefield Avenue
3. Details of security staff to the Public House and Function Room
4. Hours of opening of the Public House and Function Room
5. Officers are again aware that local residents object to the entrance on the corner of Hopefield Avenue however it is the preferred and most appropriate entrance for the premises as outlined in point 3.1 of the original Committee report.
6. There are concerns from members of the public that the current S106 is not being adhered to. If this application for a change of use of the upper floors is granted, then the existing S106 will effectively become defunct and is proposed to be replaced by a new S106 which will require the submission of and adherence to a Community Access Plan which will be enforced for the lifetime of the development.
7. Officers have been approached by members of the local community with the possibility of integrating the Royal British Legion into the Corrib Rest. Officers firstly cannot prescribe an end use to the premises and secondly cannot suggest a private members club (which the British Legion is) takes control of a A4 use as this as this would contravene both national and local policy regarding pub protection. Officers have informed Councillors that it would be the onus of BL Pall Mall (RBL HQ) on behalf of the West Kilburn RBL branch to take forward any negotiations with the developer/applicant of the Corrib Rest with regards to running the Public House.
8. In order to make the proposal acceptable in planning terms, Officers have used the below formula to come up with a contribution towards local Community facilities or groups in lieu of a full re-provision of a dedicated function room on the ground floor.
 - *211sqm* (main upper floor function room plus prep space and 1 x set of toilets) for which Community Groups have priority in the original S106) *minus 83sqm* (proposed ground floor function room) *equals 128sqm* shortfall of function room, ancillary to the Public House.
 - The *128sqm* shortfall (1378sqm) will be multiplied by how much it costs to rent a similar space in this area (£10 per sqft, information received from your Property officers) and multiplied again over a 10 year period to reach a capitalised sum. This equals a contribution of £137,800 which is proposed to be paid as a one off contribution.
 - The financial contribution can be used for infrastructure purposes (provision or improvements of community facilities) or non-infrastructure purposes (community activities). If the former, Members are asked to bear in mind the pooling restrictions put in place by the CIL Regulations 2010 (Reg 122) prevent local planning authorities from pooling the contributions of more than five planning obligations for any infrastructure project or type. As such it is necessary to be quite specific in the wording for where the contribution can be spent and your officers advise that the most flexibility that could be achieved would be for use with 800m of the site or to actually identify a specific premises that could benefit from improvement. We no longer have the ability to be entirely flexible in the contributions that we seek.
9. Officers maintain a recommendation of refusal, giving significant weight to the ACV listing, but have written up relevant conditions should Members continue to be minded to approve the application.

2. Representations

There have been further representations made on the application after the Committee hearing on 10/02/2016.

QPARA, in addition to their previous objection on the application, have made the below observations.

QPARA	
Reinforced the status of the Asset of Community Value	Covered in the previous report

The community resource of 83sqm is a limited area.	See point 1.2
If any approval is reached, then the flats should not be allowed to be occupied until the proposed function room is in use.	The Draft S106 Schedule states "Not to Occupy the Development until the Function Room is available for use"
The entrance to the public house should be from Salusbury Road.	See point 1.5
The proposed off-site contribution figure is too low	See point 1.8 for the methodology
Long standing S106 which is not being honoured	See point 1.6
Will the contribution be a subsidy basis or capital payment.	See point 1.8
Brent is very short of community space, especially affordable, and the continued use should be supported.	Covered in previous report

Mr Barrett, who has represented the Irish Pensioners amongst other groups, has reinforced their stance. There have been representations concerning the Royal British Legion leasing the premises - a situation which has been backed up by Councillor Southwood and Councillor Denselow.

Mr Kevin Barrett	
The provision of a figure in the low £100,000's is not enough.	See point 1.8
The developer should look to lease the ground floor community space to the British Legion	See point 1.7
Developer suggests that other facilities are available	Covered in previous report

Councillor Denselow has registered his formal objection to the loss of local community facilities.

Councillor Denselow (and Cllr McLennan)	
Concern over the loss of community facilities which have been part of the local area for many years. Councillors should be strongly encouraged to maintain or increase access to these.	Covered in previous report

The Office of Tulip Siddiq MP has written two letters to Officers with concerns to the below.

Tulip Siddiq MP	
Concerns have been raised about to the consultation process and Officers not keeping QPARA and local residents informed.	Officers included all representations made within the original report. Since correspondence from the MP, Officers have discussed the revised plans with QPARA.
Kilburn pensioners and the British Legion have both been in the area over 30 years and I believe that their concerns about losing their community facilities should have a high priority in considering	The applicant has understood the needs of smaller groups that have used the Corrib Rest in the past and the provision of a smaller function room on the ground floor would be capable of

<p>the planning aspects in this area. We should all be supporting our communities and community facilities are at the heart of a vibrant and thriving community.</p>	<p>providing the Irish/Kilburn Pensioners with a dedicated room. The situation regarding the British Legion is not linked to this application and therefore cannot be considered, as described in point 1.7.</p>
<p>I therefore wish to express my concern over the loss of any community facilities in the area which would deprive these groups of local amenities which they have use for long periods of time, and encourage you to use the powers which you have to maintain or increase access to them.</p>	<p>Officers are in agreement that the loss of Community facilities is a concern. However, it must be clear that the 1st floor function rooms are ancillary to the A4 Public House which is the planning use for the whole building. In addition, the plans show a re provision of a dedicated function room on the ground floor, which would be suitable for use by such groups as the Irish/Kilburn Pensioners.</p>

Conditions

- 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 drawing(s) and/or document(s):

Drawing numbers to be confirmed on approval

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

- 3) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the buildings are occupied. Such details shall include:-

- (a) materials (samples of which shall be submitted for approval by the Local Planning Authority) to be used on all external surfaces of the building;
- (b) The proposed boundary treatment including all fences, walls and gateways;
- (c) proposed planting including (plant species, sizes and number)

Reason: These details are required to ensure that a satisfactory development is achieved.

- 4) Prior to occupation of any of the residential units a post-completion test shall be carried out to demonstrate that the required internal noise levels for residential units as recommended within BS8233:2014 have been met and the results of this shall be submitted to and approved in writing the Local Planning Authority prior to first residential occupation. Should the results show that the required internal noise levels have not been met, for any of the residential units then a scheme of mitigation works shall be submitted to and approved in writing by the Local Planning Authority, and the approved works fully implemented prior to first occupation of those affected residential units.

Reason: To obtain required sound insulation and prevent noise nuisance in the interests of prospective occupiers' residential amenity.

- 5) No amplified sound systems shall be used unless details of the proposed system and associated insulation measures are submitted to and agreed in writing by the Local Planning Authority prior to the installation, and thereafter such a system shall be installed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To prevent noise nuisance to adjacent occupiers.

- 6) 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. Thereafter the cycle parking spaces and refuse recycling storage facilities shall be retained and used solely for the specified purposes in connection with the development hereby approved and shall not be obstructed or used for any other purpose/s.

Reason: To ensure safe, efficient and adequate servicing of the site and to ensure satisfactory facilities for cyclists

- 7) 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 the 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. 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.

- 8) Prior to the occupation of the development, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This 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
 - 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 order to safeguard residential amenity.

- 9) In order to mitigate the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority prior to the installation of any satellite dish. The approved details shall be fully implemented and retained for the lifetime of the development.

Reason: In the interests of the visual appearance of the development, in particular, and the locality in general.

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

Reason: To protect the amenities of nearby residents.

- 11) The rear doors to the premises at ground-floor level 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.

Reason: To protect the amenities of nearby residential occupiers.

- 12) All entrance doors shall be made self-closing to minimise emission of odours and/or noise to the neighbouring area.

Reason- To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 13) No music, public address system or any other amplified sound shall be audible at any boundary. A noise-limiter shall be installed and connected to the fixed sound system and any systems brought on site. The levels to be set by or in co-ordination with Environmental Health.

Reason: To safeguard the amenities of the adjoining occupiers.

- 14) 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:

- ramped access (preferred gradient 1:20) to the main entrance, or such other entrance as may be agreed; and to fire exits where appropriate;
- access for wheelchair users to all parts of the building which are normally accessible to non-disabled people;
- 1 parking bay of 3.6m minimum width, located as shown on Plan 5332/01b, marked out and reserved for the exclusive use of disabled people;

These facilities shall be provided within 6 months of the date of their approval and shall be maintained thereafter for the lifetime of the development.

Reason: To ensure satisfactory provision for disabled people using the premises

- 15) Toilet and washing facilities for disabled people, as indicated on the approved plans, shall be provided prior to the occupation of the development and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory facilities for disabled people.

RECOMMENDATIONS

Recommended for refusal

, subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

The proposal is for the upper floors of the Public House to be converted into flats (C3 use) and the ground floor to be retained as a Public House (A4 use). There is a small section on the ground floor which will be used for an entrance lobby, lift and residential cycle and refuse storage.

A revision to the proposal also includes an area identified be available for use by the Community on the ground floor. This will be regulated under a proposed S106. The proposed heads of terms are described later in this report.

There are external alterations including new/related roof lights, a second floor extension, creation of new roof structure/dormer, relocation of windows and two projecting windows on the western elevation.

The ground floor is generally staying as existing with a 'community' area marked out on the ground floor.

B) EXISTING

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

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 appears to be used as staff accommodation.

The ground floor has been used for traditional public house uses and the first floor comprises of a 2 x large function rooms which have been used for everything from swing dancing classes to choirs over the past 15 years. Further details of these uses will be below.

Saulsbury Road is made up of mainly ground floor commercial and upper floor residential uses with the side streets (such as Hopefield Avenue) being of traditional Victorian terraces.

Salisbury Road has very good access to amenities with bars, shops, restaurants and parks being located within walking distance of the site.

Queen's Park and Brondesbury Park are the closest stations and there are regular busses travelling up and down Saulsbury Road. The site has a PTAL rating of 4.

C) AMENDMENTS SINCE SUBMISSION

The applicants have made some amendments following Officer feedback. These are:

- Amendments to the Heads of Terms/Section 106 to include more specific timings
- Revision of ground floor plan to mark out a community area in blue
- Minor revisions to first and second floor plans to improve layout
- Revision of West elevation to remove large 'box window'
- Revision of roof extension to set it up from the eaves
- Minor design details including the relocation of a sash window and addition of small rooflights in north and south elevations

D) SUMMARY OF KEY ISSUES

The key considerations are:

- Whether sufficient mitigation is provided for any loss of community or cultural facilities;
- Whether the proposal would harm the viability of the pub to the extent that it may be lost;
- Whether the proposed residential units provide an acceptable quality of residential accommodation and amenity for future occupiers;
- Whether any proposed alterations to the existing building are in keeping with the character and appearance of the existing building and adjacent Conservation Area; and
- Whether the proposals would have an acceptable impact on the amenity of adjoining residents.

RELEVANT SITE HISTORY

History (for the building as a whole)

15/1612- Application to determine whether property is 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- Prior Approval Required

07/2496- Covered seating area with bollards and screens for use of seating area facing Salisbury Road accompanied by (4 x A4 Sheets of proposed awnings/screens, 10 x A4 colour photo sheets and 1 x A4 image of proposed seating area and awnings)- GTD

98/0315- 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 façade- GTD

96/1348- Partial Change of use from community use to residential comprising 24 units and use of rest of premises as community centre with ancillary and associated bar, with offices and training facilities (as revised

by plans received 25/09/96 and additional information submitted 16/10/96)- GTD

95/1725- Change of use from cultural and welfare centre (Class D1) to Offices (Class B1)- GTD 19/12/1985

DC/841974- Change of use to Irish Cultural and Community Centre- GTD- 19/12/1984

CONSULTATIONS

The application was advertised in the paper and 2 x site notices were put up on 19/11/2015. Letters were sent to 66 addresses.

There has been a large amount of interest in the proposals with a large petition (Irish Pensioners Group) objecting to the proposals. In addition, the Queens Park Residents Association have objected to the proposals. The Hopefield Ave QPARA street rep has also submitted comments supporting the proposals. Tulip Siddiq, the MP for Hampstead and Kilburn has been made aware of the proposals as have local Councillors.

Supporting	Response
The retention of the Public House and upper floor flats is what should happen to the premises.	See section 2.17
There should be no replacement of function space on the first floor.	See section 2.17

Neutral	
The side door which leads in to Hopefield Avenue should be permanently closed and relocated to the front of the building.	See point 3.1
That no drinking of alcohol and congregating in Hopefield should be permitted.	See 3.3 and 2.16
That additional sound proofing to the downstairs pub area be installed since noise from that area.	See 1.4, 2.11 and 4.6
That there should be restricted opening hours ie until 11pm during the week and midnight on Fridays and Saturdays.	See 1.4 and 3.2
Increase in windows and terraces affecting privacy.	See 4.5 and 6.3

Objecting	
Loss of a community/cultural facility	See section 2 in general
The obligations in the existing S106 must be upheld	See 2.7, 6.1 and 6.2
The upper floors have been used for many activities over the past 15 years and the change of use would lose these function rooms.	See section 2.3

POLICY CONSIDERATIONS

The following planning policies and guidance are considered to be of particular relevance to the determination of the current application.

National Planning Policy Framework 2012

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings are required.

NPPF

- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
 - Chapter 70- Delivery of social, recreational and cultural facilities for the community
- Section 12 Conserving and enhancing the historic environment

Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

London Plan 2011

- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.16 Protection and enhancement of Social Infrastructure
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 8.2 Planning Obligations

Core Strategy 2010

- CP2 Housing Growth
- CP14 Public Transport Improvements
- CP15 Infrastructure to Support Development
- CP17 Protecting and Enhancing the Suburban Character of Brent
- CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
- CP21 A Balanced Housing Stock
- CP23 Protection of existing and provision of new Community and Cultural Facilities

UDP 2004

- BE2 Townscape: Local Context and Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- H12 Residential Quality – Layout Considerations
- H18 Quality of Flat Conversions
- TRN3 Environmental Impact of Traffic
- TRN11 The London Cycle Network
- TRN22 Parking Standards – Non-residential Developments
- TRN23 Parking Standards – Residential Developments
- TRN34 Servicing in New Development

SPG17: 'Design Guide for New Development'

DETAILED CONSIDERATIONS

1. Principle

1.1. Your officers consider it essential that the community use aspect of the existing ancillary function rooms be re-provided in any proposed re-development, to reflect the historic use of the premises by community groups as evidenced by representations made during this application and the recent listing of the property as an Asset of Community Value (ACV). Your officers have attached significant weight to the merit of re-providing this community use. At present, the Applicant has not been able to provide your officers with

sufficient information that the proposal would adequately retain or re-provide a community use element. As such your officers are of the view that this proposal would result in the loss of a community facility and thus would be contrary to policy CP23 of the Brent Core Strategy and section 70 of the NPPF.

1.2. The proposal does include retention on the ground floor of the A4 Use and the change of use will not affect the whole premises. The principle of a change of use of part of the building from A4 (Public House) to C3 (Residential) could be supported if the resulting pub remains viable (in accordance with the emerging policy DMP21 "protection of public houses" within the Council's Development Management Policies Plan) and if there is a good standard of accommodation for future occupants which do not adversely impact on neighbouring amenity. However, the weight that can be given to the retention of the pub is substantially limited by the lack of clarity surrounding how the pub and the community element would work together to create a viable business. As such your officers feel unable to give any weight to the merit of retaining the pub use and instead conclude that it is likely that the viability of the retained pub may be harmed by the proposal for the community use area and may be lost, contrary to Brent's emerging policy on the protection of public houses, to which some weight can be given at this stage (submitted 2015 with no objections).

1.3. Your officers have given some weight to the merit of providing new homes in a sustainable location, however the weight given is tempered by the fact the proposed residential units are compromised in their layouts, resulting in a standard of accommodation that is acceptable only when balanced against that merit and against the difficulty of converting an existing building in a dense urban environment.

1.4. Your officers have also given limited weight to the merit of removing a nuisance to neighbouring residents on the basis of representations from residents of Hopefield Avenue, some of whom have expressed support for this proposal on the basis of historic noise disturbance and anti-social behaviour arising from the operation of the pub and the first floor function rooms as a party venue. Whilst this is material consideration, the weight officers have given it is limited as the pub, were it to reopen without redevelopment, would be subject to restrictions on opening hours laid out in the original permission LPA ref 98-0315 (Monday to Thursday 10:00 to 23:00; Friday to Saturday 10:00 – 00:00; and Sunday 12:00 – 23:00, extended hours until 01.00 on Sat/Sunday, NYE and St. Patricks Day for function rooms) and the harm from noise and disturbance, which can be properly addressed through Environmental legislation, from a long-established use is not considered to outweigh the harm of the loss of the community use.

1.5. As mentioned above, the Public House is now considered to be an Asset of Community Value. This was confirmed on the 30th July 2015 when a nomination by the Queens Park Residents Association proved to be successful. Whilst an ACV is not the same legislation as the planning process, it does become a material consideration and does hold weight in how an application should be viewed. It is understood that there is a current appeal on the status of the ACV currently however the current situation is that an ACV is in place on Public House, which includes all floors.

2. Community Operation

2.1. As discussed above, this is one of the key considerations in reaching a recommendation and your officers are not satisfied that the application as it stands would satisfactorily re-proved adequate community facilities to reflect historic use here.

2.2. The Applicant has suggested that the function rooms and pub did not have a significant community element; details submitted by the applicant state that there is *"no evidence to suggest that the first floor has been used for regular meetings of community groups over the past 15 years as no records exist detailing who and when have hired the first floor space or for what kind of use"*. Further submissions from the Applicant state that *"from speaking to Local Residents that in the majority of cases, the first floor of the premises has either been empty and not used or has been used for large drinking and dining events, including birthday celebrations, disco's and wedding receptions and associated with the primary use of the building as a drinking establishment (Class A4)."*

2.3. The above statements are in conflict with representations made to the Council from both local groups and local residents throughout the consultation period on the application. In addition to the ACV listing, there is evidence that the function rooms served an important community use with evidence suggesting the below activities occurred on the first floor on a regular basis for several years previously right up until the Corrib Rest closed on in early 2015:

- Swing Dancing Classes
- Zumba Classes

- Salsa Dancing Classes
- Choir rehearsals and concerts
- Irish Dancing Evenings

2.4. Further investigation by Officers, including speaking with the instructors/organisers of the classes/clubs, has confirmed this and the activities outlined above were in regular operation. There has also been collection of data by Officers to find out where these activities have been relocated to since the closing of the Pub. In general, it appears that activities such as Swing Patrol and Salsa classes have relocated out of Brent. The Park Life Singers (Choir) use the nearby school hall and smaller societies such as the MS Society and Irish Pensioners have also relocated out of the Borough.

2.5. In addition, an extract from the report listing the ACV reads;

- “It is clear that the Corrib Rest Pub was intended to be a valued community facility and its actual use in the past lived up to that expectation.”
- “The first floor function room establishes a strong link between the pub and the activities the function room was used for. It demonstrates that the actual and main use of the function room also furthered the social wellbeing and social interests of the local community.”
- “The Corrib Rest Pub has for many years had a community use. In addition to the pub which has been a meeting place for local people, there is an upstairs room that has been used for classes – Irish Dancing, Salsa being the most recent uses. The classes have been attended by local families plus people who work in the area. The upstairs room was also regularly rented out for local wedding, christening and similar family parties”

2.6. The applicants were advised of the value which your officers would attach to the community element in pre-application discussions, on the basis of national, regional and local planning policies that seek to protect community facilities, and that a community element needed to be retained or re-provided.

2.7. The proposal seeks to retain the ground floor use as a Public House however there would not be a direct re-provision of a specific room or area for “Community Use”, however an area highlighted in blue on the ground floor plan (approximately 150sqm, shown in the ‘relevant documentation’ section of the report) would be available for the use of the public. The operation of this space would be controlled by S106 planning obligation and to that end the Applicant has proposed the following Heads of Terms:

- Community space as shown on ‘plan annexed hereto’.
- Available for 15 hours per week.
- Available at comparable rates to other local authority space.
- Booking to be done at least 2 weeks in advance.
- A limit of the number of community users.
- Not to be used at peak times.
- Not to detrimentally affect the running of the ground floor business / interfere with the operator etc.
- Uses to be community groups and voluntary organisations as defined in previous s106.
- A mechanism for the owner to keep records of how well the community space is use.
- A review mechanism to stop access to the community space or reduce it in the event no one wants it / uses it.

2.8. What constitutes a community facility in respect of a pub use is not strictly defined. In some pubs, it is merely the fact that the premises are a pub, the heart of a community and an area where people come together to relax, to engage socially and perhaps to participate in formal group activities be it the local darts or cricket team or an NCT group meeting each week. These more traditional pubs are in and of themselves community facilities to a certain degree.

2.9. In this particular case, however, the community element of the pub is enhanced greatly by the two function rooms on the first floor. Originally these would have provided a valuable community facility for the local Irish community and clearly these rooms were envisaged to be places where people could have birthday parties, weddings and other large functions. Over time the local community has changed and some different groups also used the rooms for different activities until its closure, and so your officers conclude that those ancillary function rooms have a clearly established pattern of community use over many years and merit protection. In respect of the proposal, it cannot be argued that the provision of the pub without a separate

function room would necessarily result in the same type of community use as other more traditional pubs, let alone provide the level of community activity that the premises have accommodated in the past.

2.10. Retaining or re-providing a separate function room, ancillary to a viable pub, is likely to be the correct solution and together the pub and the function room would be an asset to the community. The function room would serve a dual purpose as a community facility and an extension to the pub: it would be a community facility when made available to the community at rates comparable to local authority community facilities and when made available more generally on a commercial basis to community groups.

2.11. As such your officers would not envisage that the time space is available for community groups being limited to 15 hours, rather this would be the minimum time the room would be available at reduced rates. At other times it would be expected that the room would be available for community groups at commercial rates (it may prove necessary to stipulate this amount of time as well) and at other times it would be used in support of the primary use of the business as a pub, e.g. as an overspill from the pub below or a venue to be hired out for parties or dinners (subject to suitable controls on noise, hours of operation and which exits are to be used).

2.12. Whilst it is recognised that use of any room during peak hours will have an effect on viability, this must be balanced with the expectation that some if not all community groups are likely to want to use the room at those perceived peak hours: for instance in the evening for dance classes.

2.13. Officers have assessed the offer and compared the type of space proposed to the existing situation on the first floor. Your officers are of the view that the type of activities that have occurred in the past would not be able to take place on the ground floor of the premises due to various reasons including the below:

- The space is not distinct from the pub by means of physical separation: it is therefore difficult to see how active groups or groups requiring a degree of privacy would be accommodated without causing significant disruption to the remainder of the pub or without being unattractive to those groups so that it would be unused.
- Some groups that have used the space in the past require large, open areas of space which would not be afforded by the area marked in blue, given this encompasses level differences including a stage and another raised platform area
- The Applicant has not indicated how the space would operate when not is use by community groups and without this it is difficult to envisage how the two uses would interact in a successful way
- The amount of floorspace marked blue given over to community uses is a larger area than the pub, when the kitchen, toilets, residential entrance and bar are deducted from the remaining floor area. This raises questions as to how likely it is that this pub would be viable and therefore whether this is a serious, implementable solution or merely a sop to your officers concerns.

The proposed Heads of Terms, combined with the above concerns, would not, in your officers' opinion, give community groups the amount or type of access to a community space that could compare to the original community provision, even when taking into account that a slight reduction on the existing provision is necessary to accommodate the residential element.

2.14. It is of course not essential that the community space serve exactly the same groups as before, but the existing function rooms, given their size, internal height and location (as being distinct from the main pub below) are unusual for a pub and have clearly attracted groups that require such space: for instance dance and exercise classes and choirs. As such your officers are of the view that every effort must be made to ensure a similar space is re-provided (or retained) within any redevelopment, especially since there is a lack of alternative facilities in the local area. Evidence collected through various means suggests that many established groups have moved into facilities within other Boroughs (Irish Pensioners Society, SwingPatrol and Salsa) whilst others are using substandard function space within local primary schools for their activities (ParkLife Singers).

2.15. At this point, it must be made clear that there are many Hopefield Avenue residents who have some concerns about the current/former operation of the premises and have reported the following:

- Late night operation of the premises
- Drinking in the street and in residents front gardens
- Broken bottles and glasses left lying around and with fights and other anti social behaviour.

- Parties going on until 4am in the first floor function rooms.
- Parking in Hopefield Avenue
- Residents spat at and threatened with physical violence

2.16. The representative from Hopefield Avenue has stated that *not all necessarily wholeheartedly support this planning application but that are vehemently opposed to the reinstatement of a large events room on the first floor and any pub licence beyond 11pm during the week and 12pm on Fridays and Saturdays*. The current approved hours as per variation of conditions application to the original consent- LPA ref- 01/1887 are until 12pm for the ground floor use on Friday, Saturday, NYE and St. Patricks Day and 1am for the first floor function room on the aforementioned days too.

2.17. Generally, residents in Hopefield Avenue would like to see housing on the 1st and 2nd floors however they feel that the small pub area on the ground floor should be allocated to community groups. Your officers are of a similar but not identical mind: acceptable proposal that balances the retention of a viable pub, the provision of residential accommodation and the retention of a meaningful community use may require part of the first floor to be retained as a function room; however this does not necessarily mean that the problems reported by Hopefield Avenue residents would resume. The Applicant is not a pub operator and so it is not possible at this juncture to speculate on the nature of the pub operator who may wish to take this business on beyond the Applicant's suggestion in their Operation Management Plan that it would be "high quality gastropub style establishment" and whilst previous operators may have carried out their business without regard to the amenity of their neighbours, that is not to say that it will be necessarily be repeated in the future.

2.18. Your officers recognise that there is an inherent difficulty in attempting to create the sort of mixed use pub which becomes a community asset in its own right by regulatory control: these businesses grow organically and reflect the communities they serve. However, there is a greater likelihood that this pub would retain its community element if there was a physically distinct room, to which the Owner is obliged to give minimum levels of access to community groups under a Planning Obligation backed up by a willing pub operator who can articulate their vision for how the pub and function rooms would interact so that the whole is greater than the sum of the parts. At present all these conditions for success are lacking and as a consequence your officers cannot recommend that Members approve this application, on the grounds of loss of a community facility.

3. Public House Operation

3.1. The public house would be accessed from the corner of Saulsbury Road and Hopefield Avenue. It is well documented in responses from local residents that this is not the preferred location, however from a planning perspective, the secondary entrance on Salusbury Road is directly below a neighbouring windows and this would be an inappropriate solutions no matter what existing arrangements are.

3.2. The pub, according to the Operational Management Plan suggests it will be a '*high quality, gastropub style establishment*'. Whilst this could never be conditioned or enforced, it gives some idea about the future operation. Hours of use would be conditioned, however the existing hours of operation for the ground floor bar are below:

- Monday to Thursday 10:00 to 23:00;
- Friday to Saturday 10:00 – 00:00; and
- Sunday 12:00 – 23:00.

3.3. These hours are not proposed to change and the existing licence conditions will be adhered to. Security would be placed on doors at closing time.

3.4. The majority of deliveries would take place through the rear entrance access via the private road to the rear of the property. The impact of public deliveries on shared residential / public house space should be kept to a minimum and the respective amenity of both residents and the pub would be preserved.

3.5. The existing kitchen would continue its use under the operation of the ground floor Public House and there will probably a decrease in its use given the reduction in floor area.

3.6. The waste and recycling arrangement for public house would remain as existing. Waste and recycling would be secured within eurobin containers located on the private road to the rear of the property.

3.7 As discussed above, officers are concerned that the proposed arrangements would not result in a viable public house operation and the pub may be lost as a result of these proposals, therefore officers suggest this is included as a reason for refusal.

4. Quality of Accommodation

4.1. As discussed above, your officers are of the view that the proposed residential accommodation would provide an acceptable standard of accommodation only on the basis of giving weight to the difficulties of converting an existing building in a dense urban location and giving significant weight to the merit of providing residential accommodation in a sustainable location. As such the weight officers feel able to give to the overall provision of residential units is limited.

4.2. The proposal seeks to create 8 flats comprising of 3 x 1 bed, 3 x 2 bed and 2 x 3 bed in the first floor of the flats. The proposals are in a sustainable location with a PTAL rating of 4 and close to local amenities such as schools and shops. There is outdoor amenity space, in the form of private balconies, for the 2 x 3 bed flats (approximately 32sqm) however the other 6 flats will not have access to any private amenity space. All of the proposed flats have a floor space which is larger than the London Plan/National Housing Standards and weight can be given to this to offset the lack of outdoor provision.

Flat 1	1b 2p flat. No external amenity space.	75.0 sqm
Flat 2	2b 3p flat. No external amenity space.	71.6 sqm
Flat 3	1b 2p flat. No external amenity space.	55.8 sqm
Flat 4	2b 4p flat. No external amenity space.	87.0 sqm
Flat 5	2b 3p flat. No external amenity space.	88.0 sqm
Flat 6	1b 2p flat. No external amenity space.	55.0 sqm
Flat 7	3b 5p flat. With terrace for external amenity space.	117.2 sqm (32sqm terrace)
Flat 8	3b 5p flat. With terrace for external amenity space.	103.6 sqm (32sqm terrace)

4.3. Three flats are single aspect, with flat 6 facing North. This is not considered ideal, however this is a conversion scheme and the opportunity for new windows/outlooks are very limited on the Western elevation.

4.4. The proposal includes the addition of new/replacement sash windows on the flank Northern elevation. They will, on balance, provide adequate light and outlook to future occupants.

4.5. During pre-application discussions regarding design, it was advised that windows on the Western elevation would present privacy concerns for No.1 Hopefield Avenue. As a solution to this, there are now projecting windows with a translucent front and transparent sides providing light into bedroom 1 and 2 of Flat 5 which will not result in any overlooking/loss of privacy. These are nevertheless not an ideal solution for the occupants of those rooms and only considered acceptable for the reasons set out at the start of this section. In addition, the 3 bed units on the second floor, whilst being large and whilst receiving plenty of light from the open terraces and flat roof lights, do not have ideal outlooks as they are effectively boxed in by the roof.

4.6. Should Members be minded to grant consent a condition would be sought to ensure post completion sound testing was carried out to ensure the living conditions of future residents would not be materially harmed by noise, especially from the pub below but also from vertical and horizontal noise transmission between other residential units.

5. Impact on character and appearance of the area

5.1. In order to modify the building to allow for conversion to residential use, there are external alterations proposed. Whilst the site location is only adjacent to Queens Park Conservation Area, it is considered that the building, being predominant on Saulsbury Road and clearly visible from streets and properties within the Conservation Area will need to be seen to protect or enhance the existing environment.

5.2. The existing building has a poorly positioned roof extension/dormer and the host building and immediate surroundings would benefit from its removal and replacement. The Public House, which is only one half of the 'horseshoe' of the entire building footprint, is on the whole very attractive and a unique contribution to the townscape. There are significant alterations to other parts of this building, presumed to be in different ownerships, and this will be reflected in any assessment. The exterior of the building is weary and would benefit from investment.

5.3. There are some additions, such as the rooflights and slight relocation of some windows which do not materially change the appearance of the building. The front (east) and side (south) elevations are effectively untouched - aside from a fascia uplift - and this is welcomed from both architectural viewpoint and conservation one.

5.4. The proposals include the creation of a larger dormer – set up and in from the eaves - and an extension to the existing stair core with a pitched roof. These changes and alterations to the roofline are on the northern elevation which faces away from Saulsbury Road and Hopefield Avenue.

5.5. The acceptability of these alterations rests on their ability to be subservient to the building that they relate to and being of a design and appearance which is acceptable in terms of the local context. It is considered that, on balance, given their location away from a public highway, not directly facing onto the adjacent Conservation Area and the fact there are other extensions to the building, the alterations have an acceptable impact on the surroundings.

5.6. The revival of the facades is welcomed and the general materials - which are to broadly match the existing- are also acceptable.

5.7. It can be considered that the alterations described above maintain the important and unique aspects of the building, whilst the retention, replacement and addition of sash windows further maintains the design integrity of the original building. Only limited weight is given to the retention of all existing rooflines as significant alterations have been undertaken on other parts of the building as a whole.

6. Impact on Neighbouring Amenity

6.1. Your officers are satisfied that there is an existing S106 on the site which was in part intended to control the operation of the function rooms so that the premise would become overcrowded with attendant problems for local residents. There is a perception among some residents that this was not enforced however it is not clear from the Council records whether complaints of breaches were received and if so, whether these were acted upon. The S106 required the owner to send an annual report on the use of the function rooms and there is no evidence that this was done, however that would not in itself help address much of the day-to-day anti-social behaviour that afflicted local residents in the past, rather there is other legislation available to tackle these issues: 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. Criminal activity should be reported to the Police.

6.2. Notwithstanding the problems with the past running of the building, any new permission would be accompanied by S106 or conditions to a similar effect of the existing S106 with regards to hours of operation and the Community use. Whilst there have been many suggestions that if this proposal was to be approved, the existing S106 would be required to continue, this is not the case. The existing S106 would cease to have effect when any new permission is implemented and a new set of either planning or licencing controls would need to be set and adhered to.

6.3. With regards protecting the immediate surrounding uses, the windows have been omitted on the flank elevations facing Number 1 Hopefield Avenue. These have been replaced by box lights which have obscure glazing on the Western elevation.

6.4. The proposal does look out onto the rear of St Eugene's Court (adjacent building) to the north and the increase in habitable windows in the northern elevation, whilst not giving rise to immediate concerns with regards to overlooking does limit the weight that Officers can give to the acceptability of these units, especially the ones which are single aspect.

6.5. It is acknowledged that this is a relatively dense urban environment and there will not be complete immunity to short or restrictive outlooks and this arrangement is broadly acceptable as no habitable rooms or formal private amenity space adjoining the subject property are detrimentally affected.

7. Transportation

7.1. The site has good access to public transport services and is located within a CPZ, reduced residential allowance applies and the scheme becomes eligible to be 'Car Free'.

7.2. The existing public house is permitted one space for the first 400m² floor area plus one space per 100m² thereafter, giving a total allowance of 8.85 off-street parking spaces. The existing provision of three spaces alongside the rear service road is within the maximum permitted allowance. The public house also requires servicing by 10m rigid lorries, which can also make use of the rear service road.

7.3. This proposal will remove the first floor function room area from the public house and in so doing, reduce the car parking allowance for the pub to 2.25 spaces which is strongly encouraged due to the surrounding streets being heavily parked.

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. If an operator is interested in a further space on this site, then all well and good, but it is not considered necessary to secure this by condition, given that the size of the development would not by itself support a viable Car club vehicle.

7.5. Standard PS16 requires the provision of a secure bicycle parking space per flat. An internal storage room with space to comfortably accommodate at least 10 bicycles has been shown alongside the ground floor entrance lobby, which provides a suitable level and standard of provision. Similarly, a room is also shown for refuse storage alongside the entrance lobby, with sufficient capacity to accommodate the required number of bins within 10m of the front of the building, allowing easy collection from Salusbury Road.

7.6. Should this application be minded for approval, it is advised to secure a Car Free scheme via condition to restrict the flats applying for on street permits on the surrounding streets which are known to be heavily parked.

8. Summary

8.1 Your officers have taken into consideration and given appropriate weight to the following aspects of the proposal;

- The provision of 8 x residential units in a sustainable location – along with that standard of accommodation.
- The re-provision of a 'community space' on the ground floor of the Public House and the proposed way it will function
- The external alterations of the building and the subsequent appearance of the area
- The impacts of the proposal on the local community as well as any immediate neighbours.

8.2. Officers, through analysis of the extensive consultation process, their own investigations and details of the applicants submission have given substantial weight to the need of re-providing a meaningful community facility which, some activities aside, reflects the former uses.

8.3. The weight given to the provision of residential units is limited as, although acceptable in principle, the standard of accommodation future occupiers of some units could expect is restricted due to the reasons outlined in section 4.

8.4. Whilst the renovation and investment in the building is welcomed, it is felt that this can be achieved in tandem with a more appropriate proposal and subsequent permission on the premises.

8.5. In summary, the proposals have not convinced your officers that there is a substantial, viable and meaningful re-provision of a well used, functional and established community space. As alluded to above, this holds significant weight given its historical and cultural importance to the immediate and wider community and refusal of this proposal is accordingly recommended.

CIL DETAILS

This application is liable to pay **£15,300.49*** 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): 1346 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
Drinking establishments (2004)	493	493	0	£5.00	£35.15	£0.00	£0.00
Dwelling houses	853	800	53	£200.00	£35.15	£13,013.39	£2,287.10

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)	275	
Total chargeable amount	£13,013.39	£2,287.10

*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.



Brent

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – REFUSAL

Application No: 15/4590

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

I refer to your application dated 22/10/2015 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 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

and accompanied by plans or documents listed here:

- 5332 22 C
- 5332 23 C
- 5332 24 C
- 5332 25 C
- 5332 26 C
- 5332 27 C
- 5332 28 C
- 5332 29 C
- 5332 30 C
- 5332 21 C

Design and Access Statement

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

The Council of the London Borough of Brent, the Local Planning Authority, hereby REFUSE permission for the reasons set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Note

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.

PROACTIVE WORKING STATEMENT

REASONS

- 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.
- 2 The applicant has failed to demonstrate how the proposed community access to the area marked on the refused ground floor plan would operate and interact with the remaining Asset of Community Value public house and as a result it is likely that the proposal would harm the viability of the public house to the extent that it may become lost, contrary to policy CP23 of Brent's Core Strategy 2010, emerging policy DMP21 of Brent's Submitted Development Management Policies Document 2015, policy 3.16 of the London Plan and paragraph 70 of the National Planning Policy Framework 2012.

INFORMATIVES

- 1 The applicant is advised that this development would be liable to pay the Community Infrastructure Levy if approved. In the event of a successful appeal, 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 Robert Reeds, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 6726