



Area Residents' Association
Our local neighbourhood in NW6

14 March 2017

Barry Henn
Planning Department
London Borough of Brent
Civic Centre
Engineer's Way
HA9 0FJ

Dear Mr Henn,

Planning Application 16/5398

The Corrib Rest, 76-78 Salusbury Road, NW6 6PA

This letter sets out the position of Queen's Park Area Residents' Association (QPARA) on the above application. It reflects debates and votes at our monthly meetings in December 2016 and January 2017 on the substantive issues which were fully reported. This did not include any discussion of the applicant's planning statement.

In addition at our February 2017 meeting we invited non-members who were concerned about the developer's plans to attend and speak, which several did. Most of those who spoke opposed the proposal to develop six flats on the first floor of the building and wished to keep the function rooms 1 and 2 in place rather than to have a new single community room on the ground floor. **They were encouraged to submit their own objections to the application.**

QPARA is a residents' association established in 1973 with a membership of over 400. We are a not-for-profit democratic body and operate under a constitution which can be found at www.qpark.org.uk.

In summary QPARA **objects** to the developer's proposal in the draft s.106 to limit access by community groups and voluntary bodies to the proposed ground floor community room to three days per week, i.e. Mondays to Wednesdays only. This is crucial objection and not a difference of opinion. It undermines significant improvements in various aspects of the plans since the previous application was refused in April 2016. **Thus we cannot accept the claim in the Planning Statement from the developer that 99% of QPARA requests have been met.** In short it serves little purpose if the developer proposes a larger community room than was in the previous planning application and then restricts access to it in a totally unacceptable way.

As the Planning Committee will be aware from the Planning Statement QPARA has, at the invitation of the developer, been much engaged in negotiation with the applicant's representatives during the preparation of this revised planning application, from June to early December 2016. We deeply regret that these negotiations ended in disagreement, due to a last minute "out of the blue" hardening of position on the part of the developer.

There is considerable concern about the way the negotiations with QPARA are portrayed as implying community endorsement in the submitted Planning Statement. We take exception to the way in which the applicant has felt the need to articulate claimed support of their plans for the Corrib. The sub-group made it clear that all discussions were *ad referendum* to the QPARA monthly meeting which takes decisions. Discussion with QPARA can NOT be conflated with our support of this application. QPARA habitually does not support planning applications but objects to all or part or makes no comment. We would like the Planning Committee to appreciate that the developer's "Consultation and Engagement" must NOT be equated with approval or endorsement of the application. Indeed, at odds with the commentary in section 4 of the Planning Statement, we do NOT APPROVE OR ENDORSE this planning application.

We wish to make it clear at the outset that QPARA has in this instance concerned itself with those aspects of the scheme that affect the viability of the pub, the provision of adequate, sustainable and accessible community space and the protection of neighbouring residents (in the building and in Hopefield Avenue) from noise from activities and anti-social behaviour from departing patrons. These have been our objectives throughout the long process. **We have called them our three "non-negotiables"**.

The application as submitted does not satisfy these three objectives when they are taken together as a package. Indeed it suggests that adequate access to the community room is not compatible with the viability of the pub. It is clear that where compromise is felt to be necessary, the developer has decided this compromise is to be shouldered by the community and not the developer. It is important to remind the planning committee that this whole building is protected by an ACV with a robust s106 still in place protecting community use and neighbouring amenity. The pub and community space are not to be compromised.

We have **not** addressed the question of whether there should or should not be residential development, the type and size of flats, the issue of luxury versus affordable housing or the changes to the external skyline arising from the penthouse proposal. We are not supporting the development as a whole, in accordance with our normal practice. We are seeking the best outcome for the interests of the community from the situation as we find it.

In addition to the incorrect impressions of QPARA's position in the planning statement, we reject the misrepresentations to which we have been subject by a local campaign and which suggest that by engaging in exchanges with the developer to secure improvements to the community provisions and protection for local residents we are thereby offering support to the developer. We recognise that the planning system requires developers to engage with the community where appropriate and we do not apologise for responding to approaches from his representatives. Consultation and engagement, however, must not be conflated with endorsement and approval.

Again because misrepresentation of QPARA's position became current in both traditional and social media even before the planning application was published, we recall that:

- QPARA applied for and was granted ACV status for the pub in 2015, against vigorous representations from the current developer;
- QPARA objected strongly to the previous planning application on the grounds that the proposed community space at 83 sq m was seriously inadequate in various respects and the Planning Committee agreed;
- Although the s.106 agreement made in 2000 contained effective provisions to protect the interests of local residents against noise and anti-social behaviour these were not enforced or indeed made known to residents: hence the 50+ complaints/incidents recorded in the new Planning Statement.

After a false start in June showing virtually no change to the rejected plans. Ashcross's representatives, Icenic and Cratus, met a QPARA Corrib sub-group in July 2016 and tabled drawing/plan showing:

- A re-ordered ground floor providing an entrance to the pub and community room in Salusbury Road, while closing up the corner Hopefield/Salusbury entrance which had encouraged noisy patrons to wander up Hopefield;
- A self-contained community room of 151 sq m with access mostly if not completely separated from the pub area
- Disabled access and toilet for community room patrons
- An extra flat on the third floor
- A reduction of the proposed off-site s.106 monies to £64k to compensate for the larger size of the community room
- Some elements of a new s.106.

We wish to record here that while QPARA acknowledges the principle of the provision of monies for community benefit off-site (as originally suggested by a QPARA member) we are not saying that we are satisfied, much less have agreed or endorsed (as the Planning Statement could infer) the sum of £64,000. We understand that this figure results from a formula proposed by Brent officers and is somehow related to a notional rental of a space by a voluntary group over a period of 10 years. If that is correct we suggest it would be useful to indicate where the 10 years comes from, bearing in mind the s.106 is not so limited. If the proposal to allocate the sum available to Salusbury Primary School to improve the acoustics of the main hall/dining room at the Salusbury Rooms is pursued it will be for Brent officers to be satisfied that the scheme represents value for money and that the lettings policy for community and other outside bodies is appropriate.

After the July meeting with Icenic/Cratus QPARA asked for further improvements and a properly drafted s.106 agreement linked to a draft Management Plan. In October these were forthcoming and after subsequent negotiations further progress was reflected by the following additional features:

- A proposed Residents' Management Board, including representatives from Hopefield, the building itself and the wider community, to oversee the lettings policy and deal with ASB issues – this is intended to support enforcement which was absent under the existing s.106;

- Full acoustic protection for neighbours
- A limit of 75 persons attending private parties
- Clarification that at least 23 hours of use of the community room by community groups were being offered (as compared with at least 17 in the earlier planning application).

All these matters were discussed constructively and amicably in good faith on our part.

It was only when we wanted to ensure that the s.106 and Management Plan would not contain any loophole enabling the pub operator to offer unrealistic or effectively useless time slots to prospective community groups that we learned to our dismay that the developer wanted to allow community group access on Mondays to Wednesdays only.

We submit that this is completely unreasonable and undermines almost all the progress made on other fronts.

It should be recalled that under the existing s.106 which operated from 2000 until early in 2015 when the previous owner closed the pub and facilities, community and voluntary groups had full priority to use one or the other of two large rooms on the first floor **at all times when the pub was open and for seven days a week.**

Once the proposal to have residential accommodation on the first floor is accepted in principle, community use there is extinguished and the provision of alternative and overall smaller community space on the ground floor along with the pub represents a substantial compromise.

The developer wishes to take this compromise much, much further and to limit priority community use to only 3 days per week, Mondays to Wednesdays, for a total of 23 hours. The proposal is:

Mondays and Tuesdays 12.00 to 14.30 and 16.00 to 22.00

Wednesdays 16.00 to 22.00.

The original draft of the s.106 sent to us in October had envisaged community use from Mondays to Thursdays and we had been expecting to be able to negotiate use up to say late afternoon on a Friday at least. We were taken aback when at the last minute the owner insisted on Mondays to Wednesdays only, on the grounds that the new publican might want to run a gastro-pub and that opening a restaurant from Thursday lunchtime onwards would be a key trading requirement. (Incidentally we were told that no prospective pub tenant had been identified at the time when the application was submitted in mid-December, meaning that the gastro-pub argument is entirely speculative.)

The developer has not shown us any evidence to support this claim relating to gastro-pub trading patterns and the numbers of tables/covers that might be needed for profitable turnover and the consequent space requirements. We beg leave to doubt the claim. But as this planning proposal categorically states that access to the community room HAS to be sacrificed in order to secure a viable pub, the orders plans have to be rejected.

While QPARA was prepared to be flexible during the pre-submission negotiations and to contemplate having the position reviewed after a year in conjunction with the Residents' Management Board to assess competing demand from community groups versus restaurant facilities, we have since reviewed our position in the light of the developer's unexpected demand to allow community groups access from Monday to Wednesday only.

QPARA now considers that the default position in the s.106 agreement should be for use by community organisations whenever the pub is open.

QPARA submits that, while changes to the ground floor plans requested by us and the introduction of the Residents' Management Board (RMB) are very welcome, **reasonable times of access for community groups are essential to the core purpose of the revised s. 106.**

Therefore QPARA is asking for the planning application and associated draft s.106 agreement to be refused on the grounds that community access to the community room is seriously inadequate and that the applicant has not shown how a viable pub can be integrated with a community room which is accessible to community groups at reasonable times throughout the week.

Given that this planning application declares absolute incompatibility between the community space and a viable pub, QPARA argue that these plans **MUST** be rejected. We are **not convinced** that the applicant – who bought the building with clear knowledge of its history and complete understanding of the implications of the current s.106 – has demonstrated a sincere commitment to securing the community space for future generations. Brent Planning Committee must be 100% convinced otherwise if they are mindful to approve this application. This is a very serious responsibility given the breadth and depth of community feeling.

In view of the scale of the documentation accompanying this application we should point out that while we have done our best to ensure that the documents are consistent with one another and reflect the agreements we have reached with Icen/Cratus we look to the Council, if it decides to grant permission, to ensure that the s.106, accompanying Management Plan and other relevant documents are both consistent and legally effective.

Yours sincerely

Virginia Brand

QPARA, Chair