

Robert Reeds - Brent Planning Officer
Planning and Regeneration, Brent Civic Centre
Engineers Way, Wembley HA9 0FJ

Thursday 10 March 2016

Corrib Rest planning application 15/4590

Dear Robert Reeds,

I am writing on behalf of the Queen's Park Area Residents' Association (QPARA) in response to the Corrib Rest Planning Committee decision on Wednesday 10th February 2016. It was particularly unfortunate (given our consistent involvement) that QPARA was not invited to the Site visit or the meeting and, therefore, not represented at either.

The clear impression which we have received is that QPARA's absence substantially influenced the Committee, both initially when discussions took place on site, and at the meeting. That absence also appears to have impacted on the discussions which took place between the Council and the owner in the days between the site visit, and the Committee meeting.

In the light of the above, QPARA seeks urgently to rectify any misunderstanding of its position. We also seek to understand the thinking which appears to have informed the apparent development of officer opinion since the report to 10 February. We believe that it is vital that QPARA's position is fully understood and considered when the officer's final report is made, and in the Committee's reaching a final decision.

Please can you guarantee that this letter will be seen by the members of the Planning Committee as part of their further consideration of the application?

1 ACV Status

Although the award of ACV status would have been considered by the Committee as a material consideration (and it will of course be familiar to you), it is worth again setting out the background to that application because it illustrates QPARA's long history of involvement with the Corrib Rest - including most recently, when residents realised that the building, with its long standing community uses - far from being "closed for refurbishment" - had been in fact sold to a developer.

Residents asked QPARA urgently to submit an application to recognise that the Corrib as an Asset of Community Value - to protect the pub and the community rooms. Our application (of 15 June 2015) was successful (Brent decision 30 July 2015) – supported by our residents, our Local Councillors and our Member of Parliament. The new owner challenged the Status – "vehemently objecting" to the listing of his building as an Asset of Community Value. The lawyer's letter cynically argued that, as the building was now closed, how could it be a community asset?

Our ACV application was successful but the new owner asked for the decision to be reviewed (in September 2015). The owner's lawyer stated that QPARA had provided no evidence that the pub furthered the social well being or social interests of the community and no evidence for the use of the community rooms. QPARA submitted another document (November 2015) to Brent Council in

support of the ACV and Brent upheld their decision to grant ACV status (decision in late December 2015).

We trust that the mentioned QPARA correspondence was shared with the Planning Committee as part of the 10 February Committee's consideration. If you are not able to confirm that, then we ask that it is presented with this letter at the Committee's next consideration on 6 April.

2 Planning Objections

Since the application, QPARA have written 2 letters (6 December and 20 December 2015) in response to the Corrib Rest plans which the new owner submitted. Our objections relate to both the pub/community space and the protection of neighbours' quality of life. QPARA is, however, uncertain that it has had sight of the latest plans put forward by the owner; without those, we are severely impeded in our ability to comment constructively from the point of view of the residents/community users whom we represent.

We would ask, therefore, that we have full information about the current proposals as soon as possible and, subject to that, that the meeting(s) referred to at the end of this letter be held at the earliest date.

The owner purchased the Corrib Rest in full knowledge of a detailed and longstanding S106 Agreement giving much valued **and used** community space to our area - which was presumably reflected in the price it paid.

Such factors notwithstanding, the owner made strenuous efforts to oppose the ACV status and deny the validity of QPARA's grounds. QPARA has good reason therefore vigorously to represent residents' concerns about the obliteration of community use, and on the viability (as well as the management) of the pub space. We - and the Council - need to ensure that (if the application is not refused on 6 April) any consent granted does not pay only lip service to the owner's responsibility to provide **adequate** and **sustainable** community space, and that it provides for a pub space which runs no risk of failure as unviable.

Kevin Barrett, on behalf of the pensioners, wrote two powerful letters explaining the extent of community use (4 December and 21 February); although Mr Barrett does not represent QPARA, we support the representations made. They too should inform the Committee's decision and preserve the availability and sustainability of community spaces and the pub.

The Council's position on such provision has also been clearly communicated by the Lead Member for Regeneration and Housing, Cllr McLennan's response to the following officer comments in the Report to 10 February Committee recommending a REJECTION of the planning application :

*"we have received a revised proposal which **we do not feel adequately re-provides the function space nor provides adequate community access** and we intend to report this application to Committee on Wednesday 10 February with a recommendation for refusal. We note that some residents of Hopefield Avenue are in favour of approving the application whilst others including QPARA are not. In reaching this recommendation we have given **significant weight to the historic community use** of the premises and we believe that a reduced but meaningful re-provision is necessary."*)

was to say

"I agree there must be re-provision of a sustainable community space within the proposal. I suggest the applicant revisit this Administration's strategy to create as many community hubs, as feasible, within new developments."

(Cllr Margaret McLennan, 25 January 2016)

3 Existing Section 106 Agreement

The Section 106 Agreement of 2000 still exists and is of full legal effect. There is no doubt from the evidence that it still serves a useful planning purpose. We are unsure that the Committee was made fully aware of this document and appreciated its legal effect, or that their attention was drawn to how it very simply and clearly describes **how** the Pub and community space were to be managed for the benefit of the **whole** community.

It has been particularly important for QPARA (and the affected residents) to realise that the interests of the local neighbours (in Hopefield Avenue) would have been protected **had** they had been aware of the existence of the Section 106 and if this Section 106 Agreement had been adhered to by the previous owners.

4 10 February Planning Committee decision

QPARA received no further information about the application following its above submissions. As far as it was aware, refusal was recommended with a serious and detailed narrative in the officer's report as to the reasons for that refusal. It had no sight of any further plans until the officer's report was published on line, at which point QPARA was in substantial difficulty understanding the "revised community space" put forward by the owner (although that provision was at the point of the report apparently still regarded as unsatisfactory by officers).

QPARA was, therefore, deeply concerned by the Planning Committee decision published in the minutes of the February Planning Meeting:

Deferred to the next meeting to enable officers to review any off-site contribution and the details of any site community provision and potential conditions regarding future use of the facilities covering hours of use, amplified sound, access arrangements and external activities .

We now understand that the Planning Committee are "minded to accept the developer's plans" subject to the provision of:

- (a) a reduced on-site community space (of 150m²) , physically separated from the pub; and
- (b) a fund (in the low £hundred thousands) from the owner either to provide future funding for community groups to seek space elsewhere or to fund a space elsewhere (looking at the cost of business space locally, we are concerned that this figure is too low to provide adequate and sustainable space in the vicinity)

As to (a), there is the access issue. We have consistently argued for the front entrance to serve the pub/community spaces, helping to protect Hopefield Ave residents from disturbance especially around closing times and also ensuring that our diverse community groups can access community space.

As you will be aware, if the community space is either physically shared - or accessed via - pub space, you will effectively bar important sections of our community from using that community space. This would be an intolerable discrimination. Effectively, that means that there would have to be a physical dividing wall – which adds to our concerns about the viability of the remaining pub space.

As to (b), QPARA has real concerns how this would be operated. Presumably you have in mind a variation of the section 106 agreement by agreement which would specify the use of this payment. Do you envisage that these monies would be used on a "subsidy" basis, or as a capital payment?

If the former, QPARA envisages real difficulties of administration. The Council – with its already limited resources – would not want to burden itself with either choosing appropriate community groups in the future, or administering the payments. Clearly, it would have a very finite life, and therefore the original intention of the section 106 agreement – which still serves a useful planning purpose – would be subverted in short time. A similar difficulty would apply if the council had in mind QPARA administering – and would be highly unlikely to be a responsibility we would wish to take on.

QPARA is also mindful of the possibility of a clawback to the developer if the monies are not spent within 5 years on the specified purposes - which seems to rule out "subsidies" for any meaningful period.

If a capital payment, then the amount would have to be assessed and agreed – with evidence – between the Council and the owner. It will not surprise you that initial investigations in the area reveal a lack of opportunity for acquisition of comparable space. A short-term lease would not suffice, and would represent an administrative burden even more onerous than the "subsidy" route under (a).

Space is at a premium in this area and (for example) a business space in Salusbury Road is currently for sale at the equivalent of £6500 per m2. This would require a sum of around £1Million to secure a similar space elsewhere.

The community space would have to be additional to other community space - either already existing, or already planned. In this regard, mention has been made of the community space within the South Kilburn development. It would be completely unacceptable to "use" existing planned space; apart from the link to QPARA locality, the already limited community space in the area should not be reduced as a result of the granting of this application – **if granted**.

From the point of view of community use requirement, QPARA can assist officers, if required, with evidence of available space in the area, and existing use and cost (or support initial work done by the Council). The Council will be aware that Brent is very short of community space (and, in particular, preserved as genuinely affordable/subsidised). The Council has policies which supports community use.

5 Any new planning consent and change to section 106 agreement

QPARA trusts that officers will ensure that any decision both adequately preserves the community space still needed (and still serving a useful planning purpose), and ensures that the pub space is viable. It is not hard to imagine the creation of space under the new plans which would not be

attractive in the market, and for the owner to come back within a short time with evidence to support a request for change of use under the Council's policy for preserving pubs as it finally emerges.

If members of the planning committee resolve to grant planning permission, then the resolution would be subject to a new section 106, and it will not be granted on the night. The Council and the owner have to agree the terms of a new section 106/variation. In that period, QPARA would ask for:

- 1 copy of the draft section 106 as soon as it comes in (presumably from the owner's solicitors); and
- 2 an opportunity to make representations on that draft.

In light of its fears - and the conduct to date of the owner – QPARA would ask that the development of the flats should be subject to a condition that they cannot be occupied without building the community space. In the report to 10 February committee, officers did not set out proposed planning conditions, were the consent to have been granted, as the report recommended refusal.

QPARA therefore wishes to impress upon the Council that, if permission is granted, it should be subject to a planning condition that no one can occupy the flats if the owner has not provided the community space. Further conditions should deal with the user of the pub, reflecting the existing section 106 agreement insofar is still applicable (and as referred to in paragraph 3 below)

In summary, and to support the above, here is QPARA's position – one we believe is supported by the majority of the community and our elected representatives (in addition to a sizeable community that has grown around the 'Save The Corrib Rest' Facebook page):

1. Corrib was originally a publicly owned and funded community resource. (see the summary in the attached ACV application from QPARA)
2. It was "sold" to a private company with strict conditions attached - protected by a legally binding s106 agreement, that it would be a community resource into the future and this was to remain in place even if the building changed hands. (the new owners would have been fully aware of this)
3. QPARA's aim continues to be to help protect a community resource and ensure that this is properly run without detriment to the residents in Hopefield Avenue. One of the provisions in the s106 states that the FRONT entrance onto Salusbury Road should be used by the pub; other provisions detail soundproofing, business hours and other requirements all or which would protect the quality of life of the local Hopefield avenue residents. Conditions should reflect this if any future planning consent is granted
4. The Queen's Park area is undergoing huge change and the community is growing rapidly. No-one can predict the exact nature of the demand from community groups in the future but your Administration has a policy to include Community Spaces in new developments.
5. QPARA is concerned that any dramatic shift from the current arrangement, secured in the s106 threatens the future and sustainability of a resource that clearly met a demand in the past. There is absolutely no evidence to suggest that there will not be a demand for an affordable, face-to-face meeting room or community space in the future. We have already supplied evidence of community groups that regularly used the Corrib community space when it was open (see attached letter written in response to the owner's appeal against the ACV status) and, in addition, QPARA knows of other local community groups currently seeking space. For example, QPARA is aware that the British Legion and Transition Town Kensal to Kilburn are keen to secure premises locally (as well as others)..

6. QPARA are concerned by the lack of clear communication. There was no letter to the QPARA Chair (who has been named in all correspondence, with clear contact details) or the Lead Planning person in QPARA (Richard Johnson) to attend the Corrib Rest Site Visit on Saturday 06 February even though Hopefield Avenue Residents had received notification. The Brent Planning portal does not include the comments that QPARA made regarding the planning application. In short, despite QPARA having written in respect of this community space expressing a view, persistently and consistently since July 2015, we were unable to present this at the meeting and to reassure the planning committee that we are not at odds to the interests of local Corrib neighbours. Indeed, our position has been developed through a democratic and open process over a period of many months. Going ahead we believe that the community is much clearer about how this community space has survived over the years and also how the s106 provides legally binding protection (if applied consistently and enforced) protecting both the space and the local residents.
7. QPARA are anxious that should planning permission be granted, the owner may convert the upstairs space into flats and leave the ground floor empty. Should an agreement be reached where all of the conditions of adequate and sustainable community space are met by the owner, we would urge the Planning Committee to add a condition that no one can be living in the flats if the owner has not fulfilled his obligation to the community - to build adequate and sustainable community space that has in place a s106 agreement that ensures the space is open to the community, subject to conditions that ensure it is well managed and secured for future generations.

QPARA understands that the next meeting of the planning committee will be on Wednesday 06 April and we would like to ask for permission to speak at this meeting. Prior to that, however, we do need to see current plans, and would urge early meetings – firstly, with you to understand the current position, and then together with the owner if appropriate.

I look forward to hearing from you. In the meantime, if you have any questions or queries regarding the QPARA position (or the contents of this letter), please contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Janis Denselow".

Janis Denselow

QPARA Chair (30 Montrose Ave, Queen's Park, London NW6 6LB)

Cc: Queen's Park Councillors(Cllr James Denselow, Cllr Neil Nerva, Councillor Ellie Southwood), Cllr Margaret McLennan, Tulip Siddiq MP, Brent Council Officers (Angus Saunders, Stephen Weeks)