

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

9 March, 2016

15/4559

SITE INFORMATION

RECEIVED: 19 October, 2015

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Community Centre, Crystal House, 2 Agate Close, London, NW10 7FJ

PROPOSAL: Variation of condition 23 (to allow the change of use of the ground floor from a doctor's surgery into a day nursery Use class D1) of full planning permission reference 04/0401 dated 26/04/2005 for Demolition of Guinness Sports and Social Club building and 2 squash courts and redevelopment of land to West of Abbeyfields Close and to rear (South) of Abbeyfields Close and Moyne Place to provide a total of 192 residential units (80 affordable) and community facility, doctors' surgery and childcare facility.

APPLICANT: London & Regional Properties Ltd

CONTACT: emad Al-Ebadi

PLAN NO'S: See Condition 2

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

[When viewing this on an Electronic Device](#)

Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_124660

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1. Please go to pa.brent.gov.uk
2. Select Planning and conduct a search tying "15/4559" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

SITE MAP



Planning Committee Map

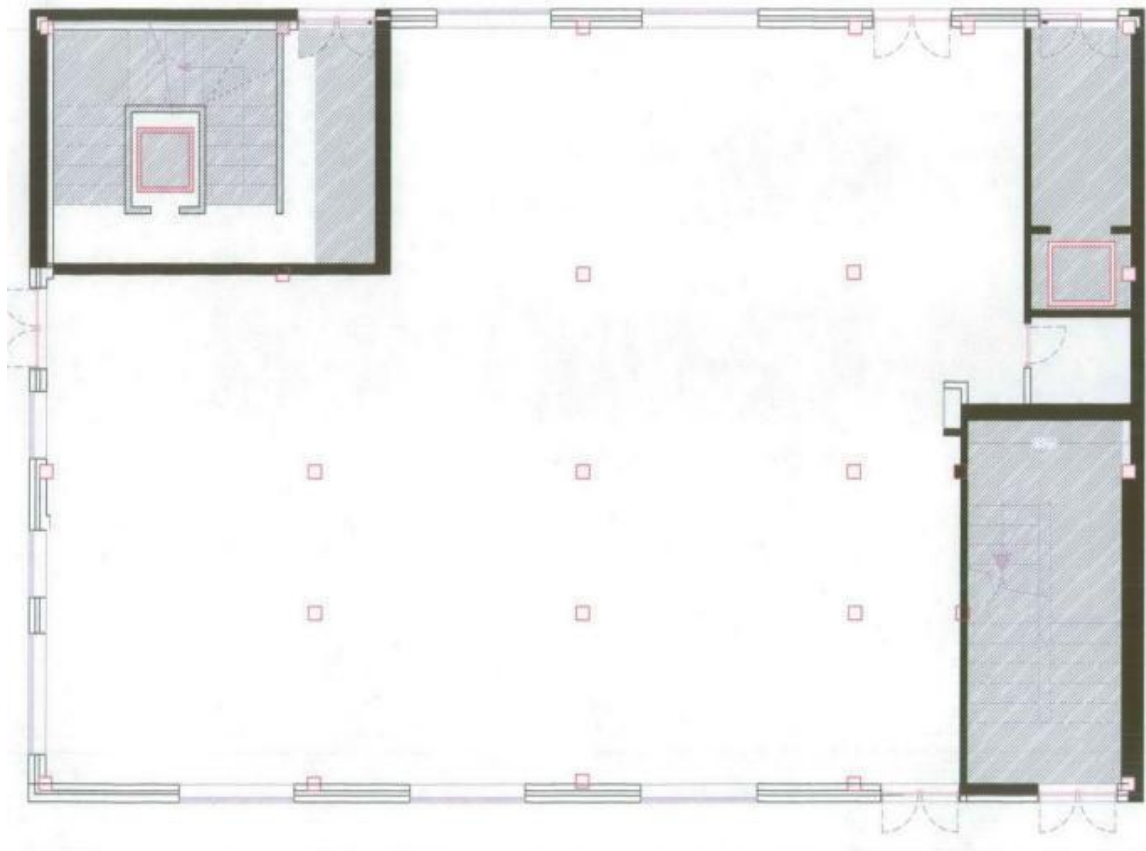
Site address: Community Centre, Crystal House, 2 Agate Close, London, NW10 7FJ

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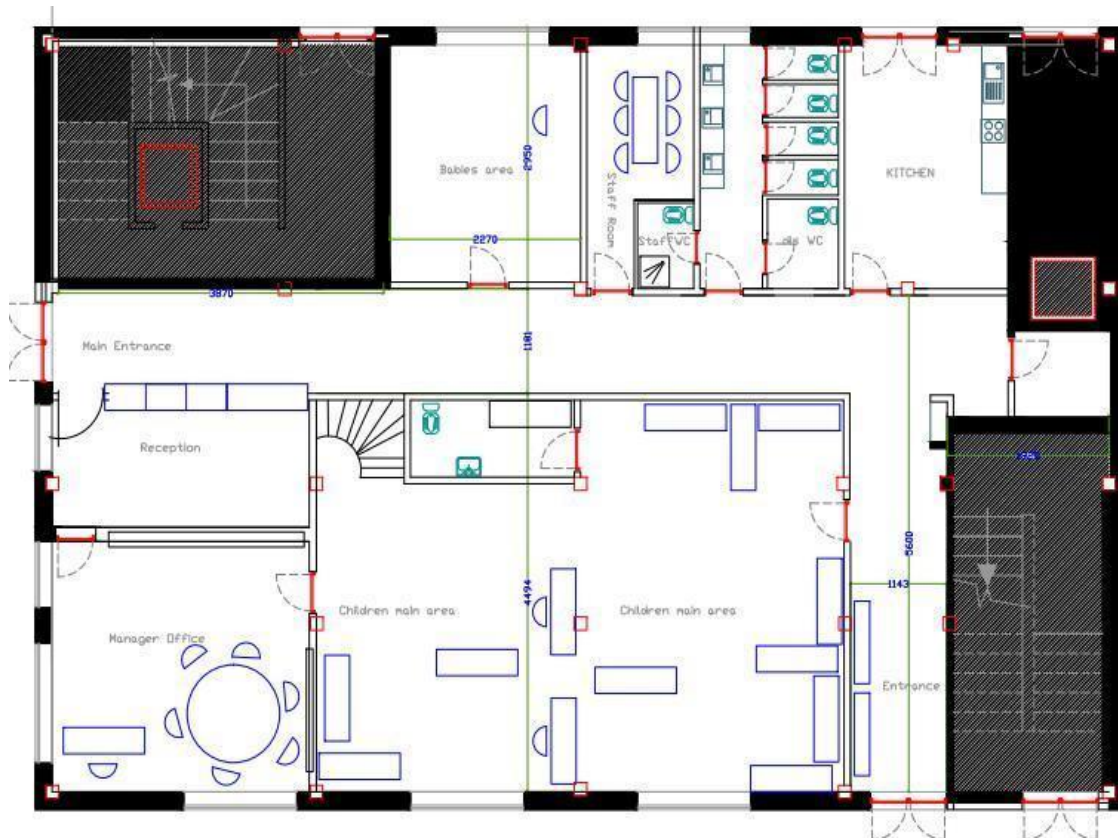


This map is indicative only.

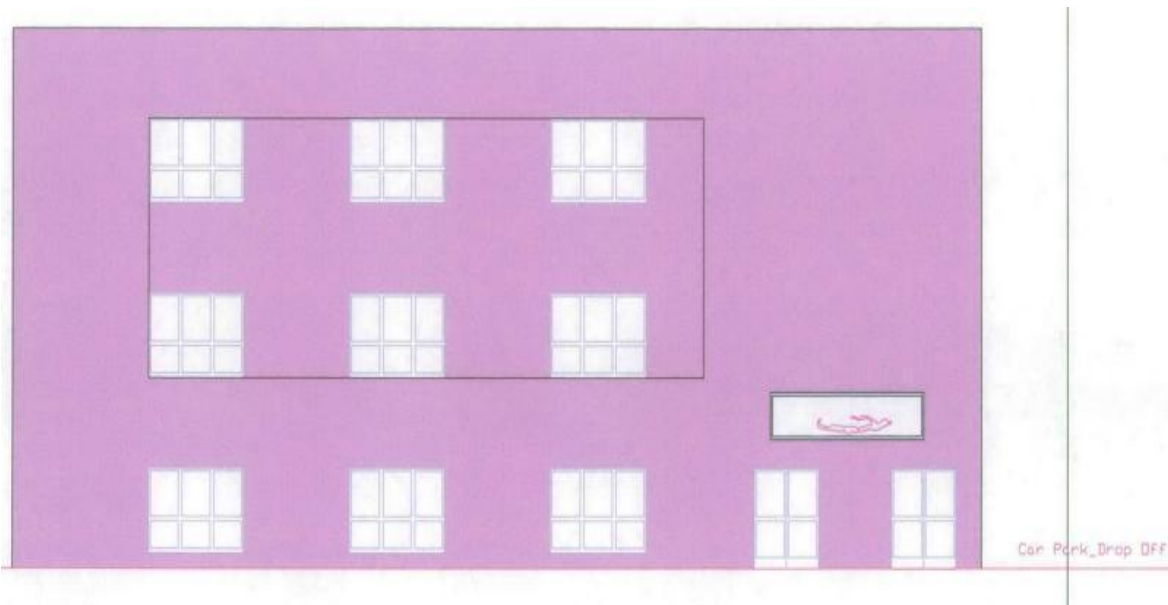
SELECTED SITE PLANS
SELECTED SITE PLANS
Existing floor plan



Proposed floor plan for nursery



Proposed front elevation



RECOMMENDATIONS

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

A) PROPOSAL

Variation of condition 23 (to allow the change of use of the ground floor from a doctor's surgery into a day nursery Use class D1) of full planning permission reference 04/0401 dated 26/04/2005 for Demolition of Guinness Sports and Social Club building and 2 squash courts and redevelopment of land to West of Abbeyfields Close and to rear (South) of Abbeyfields Close and Moyne Place to provide a total of 192

residential units (80 affordable) and community facility, doctors' surgery and childcare facility.

B) EXISTING

The application site comprises the ground floor space of a 3 storey building that was erected as a community facility for D1 and D2 uses as part of a large regeneration development of the former Guinness site in 2005. The ground floor is specifically reserved by Planning Condition for D1-medical use; whilst the upper floors are for D2 use. The building is named Crystal House.

The site is not within a conservation area nor is it a listed building.

C) AMENDMENTS SINCE SUBMISSION

None made during the course of the application

D) SUMMARY OF KEY ISSUES

Loss of medical facility which made permission 04/0401 acceptable in planning terms:

- The original planning permission for the site required the provision of a doctors surgery because of the quantum of residential proposed. As such, a restrictive planning condition was placed on the decision notice as Condition 23 to ensure the ground floor of the community building would remain a space for a doctors surgery.

As set out in paragraph 5 of this report, under the remit of spatial planning, members are requested to retain the Use of a doctors surgery but also allow for an extension of the restricted D1 use by widening the restriction to encompass a childrens nursery use too.

E) MONITORING

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Non-residential institutions	360	360	0	0	

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
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RELEVANT SITE HISTORY

E/15/0349 - Registered in June 2015 because fascia signage erected outside of Crystal House indicated the building had been unlawfully changed from D1 (community use) to a Restaurant and Hall.

09/2645 - *Refused*, 17/03/2010

Change of use of the ground floor from a medical centre (Use Class D1) to dual mixed use retail (Use Class A1) and a medical centre (Use Class D1)

Reasons for refusal:

- 1 The proposal by failing to provide sufficient guarantee that an adequate level of floor space for community use would be retained could result in:
 - i) the permanent loss of a purpose built D1 facility without appropriate local re-provision or
 - ii) adequate compensation for D1 loss in an area that is deficient in community facilities

As such, the proposed is considered contrary to policies CF3 and CF13 of the Council's adopted Unitary Development Plan(2004) and Policies 3A.18 and 3A.21 of the London Plan(2008) and the adopted S106 Planning Obligations Supplementary Planning Document

- 2 The proposed retail development, by reason of the potential amount of A1 floorspace in an out-of-centre location, and the failure to consider sequentially preferable sites would be detrimental to the vitality and viability of existing local shopping centres in the vicinity, detracting from the attractiveness of those centres, contrary to guidance within PPS4, policies 2A.8, 3D.1 and 3D.2 of the London Plan and policies STR2, STR29, STR30 and SH5 of the Brent Unitary Development Plan 2004.

09/0614 - Application withdrawn, 07/08/2009

Variation of condition 25 of planning permission 04/0401 (to allow the community centre to be closed at 23.30 Monday to Wednesday and at 01.00 on Thursday to Sunday and all patrons shall leave the premises within 30 minutes of closing and the premises shall not re-open or be used before 08.00 on any day)

07/2088 - Application withdrawn, 18/02/2009

Change of Use of part of the ground floor to offices (use class B1 or A2)

CONSULTATIONS

Dated: 10 Nov 2015

Site Notice: 19 Nov 2015

- Eighty four (84) neighbouring properties were consulted including the West Twyford Residents Association.
- Local Councillors for the Stonebridge ward were also notified.
- Ealing Planning Dept were consulted on 26 January 2016.

In total, 8 representations were received comprising 2 in favour of the proposal; and 6 objections. Comments are tabulated below and in summary, the objections are concerned about the existing absence of a local GP surgery given the increased number of new units that are being built in the area and the needs of the local community who are elderly.

Objections	Officers Response
There is a need for a new GP surgery in the locality, particularly since there are further new residential units being built in the locality, up to 600, including the existing new builds, in Summer 2016. This demonstrates there will be a greater need for a service	Discussion with the local clinical Commissioning Group (CCG) was undertaken as part of this application. The CCG have a new strategy for provision of primary healthcare which the existing GP/medical space does not meet the requirements of. As such, the CCG are willing to let the space become a childrens nursery so that they do not need to maintain a void space.
The local community has many elderly and infirm who will find it difficult to travel to other GP	The new primary health care strategy by the local CCG will have taken this issue into

surgeries	account. Their decision to release the GP space demonstrates that travel to any new sites for local care will take this issue into account for various users.
Childcare already exists at the local primary school and childrens centre for up to 50 children. A new nursery may threaten the existence of this established provision and as such lead to a decrease in funding towards it.	This nursery will be privately run and as such will offer a different provision of childcare including longer hours for working parents, particularly children under 2 years old.
The original permission 04/0401, had a nursery with the permission. But this space was converted into residential a few years later. Why is now a requirement for childcare?	It is likely that the loss of the previous space for childcare was considered as not required at that time. Given the increase in local homes, childcare needs will have increased.
The S106 Agreement for 04/0401 required the ground floor to remain as a GP space	There is no clause within the S106 which refers to retention of the ground floor of the site for use as a GP/Doctors surgery - this is covered by condition.
<i>In favour</i>	
<ul style="list-style-type: none"> I understand that the space does not meet the local CCG criteria for a GP provision. As such, I am happy for the space to be used for childcare which is a good use for the building 	
<ul style="list-style-type: none"> Good use of building since existing childcare provision at the school is full 	

POLICY CONSIDERATIONS

National policy guidance

National Planning Policy Framework 2012 : This sets out 12 core planning principles, of which the following are relevant. Planning should:

- be genuinely plan-led, empowering local people to shape their surroundings;
- proactively drive and support sustainable economic development to deliver the homes, infrastructure and thriving local places.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation,

- flood risk mitigation, carbon storage, or food production);
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Regional policy guidance

The Further & Minor Alterations to the London Plan 2015

The London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London. London boroughs' local plans need to be in general conformity with the London Plan, and its policies guide decisions on planning applications.

Chapter 3 - London's People

- Policy 3.2: Improving Health and addressing Health Inequalities
- Policy 3.17: Health and Social Care Facilities
- Policy 3.16: Protection and Enhancement of Social Infrastructure
- Policy 3.18: Education facilities

Chapter 4 - London's Economy

Chapter 6 - London's Transport

- Policy 6.3: Assessing Effects of Development on Transport Capacity
- Policy 6.5: Funding Crossrail and other strategically important transport infrastructure
- Policy 6.9: Cycling
- Policy 6.13: Parking

Chapter 7 - London's Living Places and Spaces

- Policy 7.2: An Inclusive Environment
- Policy 7.4: Local Character
- Policy 7.5: Public Realm
- Policy 7.6: Architecture
- Policy 7.15: Reducing Noise and Enhancing Soundscapes
- Policy 7.19: Biodiversity and Access to Nature

Chapter 8 - Implementation, Monitoring and Review

- Policy 8.3: Community Infrastructure Levy

Local policy guidance

Brent's Core Strategy 2010

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight. The relevant policies for this application include:

CP1: Spatial Development Strategy

CP23: Protection of Existing and Provision of New Community & Cultural Facilities

Brent's Unitary Development Plan 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

Built Environment

BE2: Townscape - Local Context & Character

BE3: Urban Structure - Space & Movement

BE5: Urban Clarity & Safety

BE6: Public Realm - Landscape Design

BE7: Public Realm - Streetscape

BE9: Architectural Quality

BE11: Intensive and Mixed Use Developments

BE12: Sustainable Design Principles

BE25 - Development in Conservation Areas

BE26 - Alterations and Extensions to Buildings in Conservation Areas

Transport

TRN3: Environmental Impact of Traffic

TRN4: Measures to make Transport Impact Acceptable

TRN10: Walkable Environments

TRN11: The London Cycle Network

TRN22: Parking Standards - Non-Residential Developments

Community Facilities

CF1: Location of Large Scale Community Facilities

CF11: Day Nurseries

CF13: Primary Health Care/GP Surgeries

DETAILED CONSIDERATIONS

Background

1. *Original permission:* Planning permission, LPA ref: 04/0401, approved in 2005, required the provision of a community centre/facility in order to make the proposal acceptable in planning terms. As such, a 3 storey purpose built building was proposed for the site. Given the large number of new residential units proposed, the permission had required the provision of a GP space as part of its S106 obligations. A GP space was reserved for the ground floor of the Community building with a restrictive Condition attached to the ground floor, Condition 23. It is noteworthy that the 1st and 2nd floors of the community facility can be used for D2 use, which encompasses assembly and leisure uses and is restricted by Condition 24. A nursery space was provided in a separate building, Aqua house, as part of the original permission but was subsequently converted into 5 flats under permission 08/3190.

2. *Planning Condition 23:* This condition, cited below, specifies that the ground floor of the community facility be only utilised as a doctors surgery under use class D1. No other use within D1 is allowed

23 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the use of the doctors' surgery hereby permitted shall only be used for that purpose and for no other purpose within Class D1 of the said Order, except with the prior permission of the local planning authority obtained through the submission of a planning application.

Reason : To accord with the terms of the application, to enable the local planning authority to maintain control over any future use of the premises in the interests of the amenities of the occupiers of neighbouring properties and to ensure adequate parking and servicing is available for alternative uses.

3. *Previous planning applications:* LPA ref 09/2645 for this site was refused in 2009 because the proposal entailed the complete loss of the D1 use of the ground floor to A1. This which would not conform with the council's policy requirements for retaining community facilities or the original planning permission.

4. *Enforcement case E/15/0349:* This was registered in June 2015 when it was noted by a planning officer that signage had been erected to indicate a restaurant & hall had opened within the community centre, specifically on the 1st and 2nd floors of the building. Given the 1st & 2nd floor only have a D2 use (assembly & leisure) a restaurant use would be in breach of planning. The enforcement investigation is on-going

Principle for Change of Use

5. *Clinical Commissioning Group (CCG):* The existing space has remained vacant since it was completed in 2006. Discussion with the CCG has found that a new primary health care strategy is being drafted and in which the application site is not featured. Details of the proposed new strategy are not available for public consumption yet; but the CCG are adamant that they no longer require the purpose built doctors space. This echoes views from the PCT before the CCG was introduced. As such, loss of this GP site is acceptable to the CCG.

6. *Spatial Planning:* In relation to the original permission, the requirement for a new GP service was considered given the number of new homes that were being permitted. These new homes are now established and no new GP service has emerged. In this respect one could assume that a GP service was not required, however this is not the case, and it is more likely that budget restrictions to local health

services have restricted the capacity of the CCG to input new health services. However, it is recommended that the decision is amended to allow nursery use as an option. This would then not restrict an appropriate medical use if one came forward. As such, your officers suggest the description of the application be altered to "*Variation of condition 23 (to allow the inclusion of use of the ground floor as a childrens nursery and/or a doctor's surgery within Use class D1) of full planning permission reference 04/0401 dated 26/04/2005 for Demolition of Guinness Sports and Social Club building and 2 squash courts and redevelopment of land to West of Abbeyfields Close and to rear (South) of Abbeyfields Close and Moyne Place to provide a total of 192 residential units (80 affordable) and community facility, doctors' surgery and childcare facility.*"

Proposal

7. *Size of the proposed childrens nursery:* The applicant has not provided details about the proposed capacity of the childrens nursery but Ofsted regulations will determine the number of children and age range which the proposal can accommodate.
8. *Hours of Use:* It is assumed that the nursery will operate from Monday to Friday, not at weekends nor on Bank Holidays as is generally the case for nurseries. Condition 25 of the original permission, 04/0401, restricted the use of the building in relation to it being utilised as a community centre rather than a childrens nursery. As such, a new condition will be attached to the ground floor allowing for hours of use from 7am to 7pm Monday to Friday, and a separate hours of use condition for the 1st and 2nd floors of the building.
9. *Impact to neighbouring amenity:* Given the existing building is for community use, it is not considered that the inclusion of nursery use to the ground floor would adversely alter the potential for nuisance noise. As such, it is considered that there will be no significant impact to neighbouring amenity as a result of this proposal.
10. *Visual impact:* The submitted covering letter state there will be no external alterations to the building except for signage which will be submitted through a separate planning application. Nevertheless, it is noted that the proposed elevations are illustrated incorrectly but this is considered a minor issue for which further details can be requested by condition if Members see fit.

Highways/transportation

11. *Transportation:* Overall, it is considered that the existing access arrangement for the community facility will remain unaltered and as such is acceptable.
12. *Car parking:* Staffing numbers are unlikely to differ significantly between the original Doctors Surgery and proposed childrens nursery. As such, there is unlikely to be a significant impact on parking standards as a result of this proposal. However, a nursery use is likely to generate a different pattern of arrivals in terms of short-term parking at the start and finish of sessions. Because this impact is closely tied to the number of pupils (which has not been detailed) and to the arrangements for flexible and/or staggered starting and finishing times (which have also not been detailed), further details of the proposed operation will be sought by condition prior to the nursery use being implemented. A Travel Plan will also be requested by condition for approval prior to implementation of the nursery use with measures set out for managing travel arrangements for staff and children to help to minimise any adverse impact.
13. *Disabled parking:* This requirement is already catered for through the existing provision of one marked wide space within the row of spaces on the eastern side of the building
14. *Cycle parking:* This will be requested by condition for use by staff.

Conclusion

15. *Summary:* The proposal can be approved provided the variation to Condition 23 retains the use of the doctors surgery as well as allowing the use of the space as a childrens nursery in order to remain within the remit of spatial planning. This would then allow the space to be converted back into a GP service, without the requirement of planning permission, were the childrens nursery use to cease. It is suggested that the revised description be that cited at paragraph 5 of this report i.e. "*Variation of condition 23 (to allow the inclusion of use of the ground floor as a childrens nursery and/or a doctor's surgery within Use class D1) of full planning permission reference 04/0401 dated 26/04/2005 for Demolition of Guinness Sports and Social Club building and 2 squash courts and redevelopment of land to West of Abbeyfields Close and to rear (South) of Abbeyfields Close and Moyne Place to provide a total of 192 residential units (80 affordable) and community facility, doctors' surgery and childcare facility.*"

16. *Conditions to be attached:* Conditions will be attached requiring further details for a Travel Plan and cycle parking. A restriction on the hours of use for the ground floor and the upper floors will be added.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

=====

Application No: 15/4559

To: Mr Emad AL-EBADI
emad Al-Ebadi
16 WYKEHAM HILL
WEMBLEY
MIDDLESEX
HA9 9RZ

I refer to your application dated 19/10/2015 proposing the following:
Variation of condition 23 (to allow the change of use of the ground floor from a doctor's surgery into a day nursery Use class D1) of full planning permission reference 04/0401 dated 26/04/2005 for Demolition of Guinness Sports and Social Club building and 2 squash courts and redevelopment of land to West of Abbeyfields Close and to rear (South) of Abbeyfields Close and Moyne Place to provide a total of 192 residential units (80 affordable) and community facility, doctors' surgery and childcare facility.
and accompanied by plans or documents listed here:
See Condition 2
at Community Centre, Crystal House, 2 Agate Close, London, NW10 7FJ

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

1. 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.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Core Strategy 2010
London Plan 2015

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

- 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):

15/EAK/TWY/01;
15/EAK/TWY/02;
15/EAK/TWY/05;
15/EAK/TWY/06.

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

- 3 *Ground floor:* Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification) the use of the ground floor of the community building hereby permitted shall only be used for the purpose of a Doctors Surgery and/or childrens nursery and for no other purpose within the Use Class D1 or the said Order, except with the prior permission of the local planning authority obtained though the submission of a full planning application.

First & second floors: Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification) the use of the 1st and 2nd floors of the community centre hereby permitted shall only be used for that purpose and for no other purpose within D2 of the said Order, except with the prior permission of the local planning authority obtained though the submission of a full planning application.

Reason: To accord with the terms of the planning permission 04/0401, to enable the local planning authority to maintain control over any future use of the premises in the interests of the amenities of the occupiers of neighbouring properties and to ensure adequate parking and servicing is available for alternative uses.

- 4 No Change of Use through permitted development shall be allowed to within the community building, notwithstanding the provisions of Part 3 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: To prevent an over development of the site and undue loss of community use of the building to local occupiers

- 5 *Hours of Use:* The ground floor of the community building hereby permitted for use as a doctors surgery or childrens nursery shall be closed on Saturdays, Sundays and Bank holidays. The hours of use shall be restricted to Monday to Friday from 7am to 7pm.

The permitted D2 use for the 1st and 2nd floors of the community building shall remain as 8am to 10.30pm from Sunday to Thursday; and 8am to 11.30pm on Friday and Saturday only; and closed on Bank Holidays. All patrons and personnel shall leave the premises within 30 minutes of closing.

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

- 6 Details of the provision of a minimum of at least 5 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- 7 Prior to implementation of the childrens nursery to the ground floor of the community building, further details shall be submitted to and approved in writing by the Local Planning Authority detailing:

- *The Operation of the nursery:* The number and age of children to be accomodated within the nursery
- *A Travel Plan :* Of sufficient quality for managing the the travel arrangements for staff and children to help minimise any adverse impacts. Details for the management of the short-term drop off and pick-up of children by the nursery staff shall be provided. The travel plan shall aim to score a PASS rating when assessed under the Transport for London ATTrBuTE programme (or any replacement thereof), to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet those targets,

On first occupation of the ground floor as a childrens nursery the Travel Plan shall be fully implemented for the lifetime of the Development, or as amended by the agreement of the Local Planning Authority in writing.

Reason: In order to promote sustainable transport measures where on-street parking and manoeuvring may cause highway safety problems with short-term parking.

Any person wishing to inspect the above papers should contact Angus Saunders, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5017