

**Committee Report
Planning Committee on 15 February,
2012**

Case No.

11/3102



Planning Committee Map

Site address: OPEN ANSWERS, MASONS HOUSE, 1-3 Valley Drive, London, NW9 9NG

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This map is indicative only.

RECEIVED: 22 November, 2011

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: OPEN ANSWERS, MASONS HOUSE, 1-3 Valley Drive, London, NW9 9NG

PROPOSAL: Change of use of ground, first and second floors from educational institution (Use Class D1) to health and fitness centre only (Use Class D2)

APPLICANT: The Manor Health and Leisure Ltd

CONTACT: Prospect Planning Limited

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant Consent

EXISTING

Masons House is an 8 storey building which was constructed in the 1970s. The subject premises comprise three floors of vacant offices which were previously used for higher educational purposes with ten residential flats on the above floors. The application site is located on the southern side of Kingsbury Road at its junction with Valley Drive.

The site is located to the south of Roe Green Park within the north of the Borough. Located on the corner of Kingsbury Road and Valley Drive, the site is approximately 400m from Kingsbury Station to the west and 2m from the A5 to the east.

The site is mainly level, with ground level rising from Valley Drive via steps. The eastern boundary comprises the flank wall and garden of a number of blocks of flats on the south side of Old Kenton Lane and the rear gardens of properties on Sedum Close. The southern boundary is formed by Valley Drive, a residential street with mainly two storey semi-detached houses. These are set about 3-4m back from the footpath and most front gardens are used for parking; soft landscaping is minimal.

There is an existing basement which provides car parking. The basement car park contains 40 car parking spaces in total, which includes 10 spaces allocated to the existing residential flats. The car park has two vehicular means of access and egress, with access via Valley Drive and egress via Old Kenton Lane.

Public transport access to the site is moderate (PTAL 2), with Kingsbury Underground station and three bus services, two of which are nos. 183 and 204, within close proximity.

PROPOSAL

The application seeks the Council's consent to change the use of the existing educational floor space (Use Class D1) to a Health and Fitness Centre (Use Class D2). The ground, first and second floors of educational floorspace are proposed to be converted into a Health and Fitness Club, involving a floor area of 1482sq.m.

The proposed Fitness and Leisure centre provides;

Ground floor: Main Gym
First floor: Cardio-Vascular Area
Second floor: Ladies Gym

The main car park area will be located within the basement of the site. The car park will comprise:
28 health and fitness related car parking spaces;

10 resident car parking spaces;

10 cycle spaces;

Two parking spaces will be provided to the front of the site, on Valley Drive, of which will be designated for disabled use.

HISTORY

The site has a lengthy planning history. The relevant and most recent permissions have been provided below.

08/0191 Change of use to non-residential institution training centre (Use class D1). **Granted** 18/04/2008.

06/0736 Change of use from an office to a health & fitness centre (D2) **Granted** 11/10/2006.

80/1132 Change of ground floor from showroom to offices. **Granted** 30/09/1980.

POLICY CONSIDERATIONS

POLICY CONSIDERATIONS

Local

The development plan for the purposes of S38 (6) of The Planning and Compulsory Purchase Act 2004 is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

Brent Unitary Development Plan 2004

Within the 2004 UDP the following list of policies are considered to be the most pertinent to the application.

Strategic

STR3 In the interests of achieving sustainable development, development of previously developed urban land will be maximised

STR5 Reduces the need to travel, especially by car.

STR6 Parking controls

STR15 Major Development should enhance the public realm

Built Environment

BE4 Access for Disabled People

BE5 Urban Clarity & Safety

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE12 Sustainable Design Principles

Housing

H22 Protection of Residential Amenity

Transport

TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.

TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.

TRN4 Measures to make transport impact acceptable

TRN10 Walkable environments

TRN11 The London cycle network, schemes should comply with PS16

TRN12 Road safety and traffic management

TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.

TRN34 - Servicing new developments

TRN35 On transport access for disabled people and people with mobility difficulties.

PS10 Parking standards for assembly and leisure

PS15 Parking standards for disabled people

PS16 Cycle parking standards

Community Facilities

CF2 - Location of small scale community facilities

CF3 - Protection of community facilities

Open Space, Sport and Recreation

OS19 Location of indoor sports facilities

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

CP18 Protection and enhancement of Open Space, Sports & Biodiversity

CP23 Protection of existing and provision of new Community and Cultural Facilities

Brent Supplementary Planning Guidance

SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003

This supplementary planning guidance focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy and industry best practice, aiming to be practicable and cost-effective.

Regional

The revised London Plan was adopted in July 2011 and sets out an integrated social, economic and environmental framework for the future development of London. Relevant Policies include:

3.2 Improving Health and Addressing Health Inequalities

3.16 Protection and Enhancement of Social Infrastructure

3.17 Health and Social Care Facilities

3.18 Education Facilities

National

Planning Policy Statement 1 – Creating Sustainable Communities (2005)

This PPS replaces PPG1 – General Principle and Policy (Feb 1997) supports the reform programme and sets out the Government's vision for planning, and the key policies and principles, which should underpin the planning system. These are built around three themes: sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Guidance 13 – Transport (2010)

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The guidance places

an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

CONSULTATION

Local consultees

Local residents and businesses, a total of 66 addresses were consulted on 28 December 2011. Ward Councillors for Fryent were also consulted.

The consultations were carried out from 28th December for a minimum of 21 days. A total of 3 objections were received during the process raising the following issues:

- Opening times are inconvenient to the residential area
- Increase in noise, traffic and parking
- Existing soundproofing is not sufficient
- Loss of short term parking in place of the proposed disabled parking
- Security concerns if the access gate to the basement is left open all day

Officer Comment: These matters will be discussed in the *Remarks* section of the report.

Internal consultees

The Council's Transportation department and Environmental Health service were consulted, along with officers within the Policy section of the Planning service to comment on matters of sustainability.

Transportation

No objections on transportation grounds to this proposal subject to securing a Travel Plan for the centre.

Environmental Health

No objection subject to conditions securing the following:

- (1) A scheme of sound insulation measures to mitigate the potential impact of noise and vibration from the proposed use.
- (2) A report detailing measures to ensure that no amplified sound or music shall be audible beyond the site boundary to be secured by condition.

REMARKS

Introduction

In summary it is considered that the proposal benefits from significant planning merit in respect of bringing the site back into use, its day-to-day operation and the provision of additional health and fitness facilities for Brent's residents. The proposal is very similar to an unimplemented previous approval in 2006, prior to the grant of planning permission for a training centre.

Key considerations

The following are considered the main planning issues relevant to this application:

1. Principle of the Change of Use
2. Impact on neighbouring amenity
3. Transportation matters
4. Response to objections

1. Principle of the Change of Use

The proposal is to convert the three lower floors of vacant education floorspace (Use Class D1), leaving 5 levels of residential accommodation above comprising of 10 units.

Policy context

The application proposes the change of use of an education facility (Use Class D1) to a health and fitness centre (Use Class D2). As the existing use falls within Class D1, consideration must be given to Policy CP23 in the Core Strategy which seeks to protect existing community and cultural facilities, to ensure the continuing needs of Brent's diverse community are met.

The education and training centre that occupied the building was a private institution. Whilst this proposal would result in the loss of this facility (which has now ceased operating), it is considered that this is adequately compensated for by the provision of a health and fitness centre. Policy 3.16 in the London Plan highlights the importance of protecting and enhancing social infrastructure by providing a range of facilities such as recreation, sports facilities, colleges and universities. In this case, as the proposal would provide a facility which will assist in meeting the Mayor's objective to improve access to sport and recreation facilities, the principle of the change of use is acceptable subject to other policy considerations.

The overall floor area of the fitness centre is in excess of 1000sq.m therefore a sequential approach is adopted whereby the application needs to demonstrate that there is no appropriate site within the town centre. Kingsbury town centre is clearly the nearest one, and the proposal needs to ensure that the viability and vitality of the centre is not affected. The application was assessed on this basis in 2006 when planning permission was previously granted for a health and fitness centre.

The proposed use is not considered to have a significant impact on the Kingsbury Town centre due to the type of activity offered (non-retail use). In addition, Kingsbury Town centre has a high occupancy rating (as reported in Brent Retail Need and Capacity Study Feb 2006 and confirmed in a recent assessment of the occupancy in December 2011) and is very successful and vibrant and therefore it is reasonable to assume that a large vacant site suitable for this type of activity within the district centre is not readily available. Therefore, the test for the sequential approach is met.

2. Impact on neighbouring amenity

Residential Amenity

To safeguard the amenity of the residential occupiers on the above floors of the building, a condition is proposed for soundproofing and vibration details to be approved and implemented prior to commencement of the use. In addition, details to control any amplified music is also to be required by condition to protect the amenities of residential occupiers, in accordance with advice from Environmental Health.

The hours of opening would be beyond the previous use as an education facility. Given the nature of the proposed use, large numbers of people coming and going at any one time which may have been the case with an education facility is unlikely to be a characteristic of the proposed use. The entrances into the Health and Fitness Centre and the residential parts are separate thereby minimising any disruption. It is recommended that the hours of use are conditioned to accord with those agreed under the 2006 consent.

3. Parking & access

Transportation

Objections have been received regarding transportation issues and the impact arising from the proposed conversion of part of the building; in particular, the increased congestion adding to the amount of traffic using Valley Drive as a short cut.

Masons House is located on the south side of Kingsbury Road which is a local distributor road, between its junctions with Valley Drive and Old Kenton Lane. The site has a moderate access to public transport services (PTAL 2), with Kingsbury underground station (Jubilee line) and three bus services within 640 metres (8 minute walk).

The underground car parking will provide a total of 38 car spaces, which will be accessed via a 2.5m wide ramp from Valley Drive with a separate egress ramp to a minimum width of 2.5m onto Old Kenton Lane. A separate 11m long service road is also located in front of the main building entrance on Valley Drive.

Ten of the basement car parking spaces are to be allocated to the upper floor residential units, with 28 allocated to the health and fitness centre and provision will be made for cycle parking and waste/recycling refuse area. A further two disabled car parking spaces are to be marked within the service road at the front of the site. Vehicular access arrangements will otherwise remain unaltered.

Parking

Car parking allowances for the existing and proposed use of the three lower floors are set out in standards PS6 and PS10.

The proposed use as a health and fitness centre requires parking allowance for staff of 1 space per 5 employees, giving a maximum allowance of four spaces. One space is also permitted per 60 patrons, giving a further allowance of two spaces. With about 400 sq.m of non-assembly area proposed, a further two spaces would be allowed, taking the total to eight spaces.

The provision of 28 spaces provided within the basement exceeds standards. However, this is already the case and as this proposal does not alter the overall parking allowance for this site, the continued over provision of parking within the site can be accepted.

Consideration is also given to the likely impact of any overspill parking generated by the proposal on traffic flow and highway safety in the area; to this end, data from other similar facilities around outer London has been examined. This indicates that up to about 80 people could be expected to be within the centre at any time and that car use of about 40% would be typical. This would give a peak demand of about 30-35 parking spaces. This corresponds reasonably well with the applicant's own estimate of 80 members on site at peak times, of which 40% arrive by car.

This being the case, the majority of demand would be able to be accommodated within the site, with perhaps up to seven cars overspilling onto local streets at peak times. There is considered to be sufficient spare capacity along Old Kenton Lane, Valley Drive and Kingsbury Road to accommodate this level of overspill parking. It is not considered that this would have significant impacts on the use of the road network, particularly in view of the existing use as an education facility. Local residents, however, have raised concerns about overspill parking so your officers recommend a condition is attached to this permission to require the provision of a travel plan to encourage non-car modes of transport. This should aim to increase awareness of non-car and sustainable modes of transportation, such as use of bicycles, walking (using Members' postal codes), car sharing, public transport and information etc. Every effort should be made to reduce the use of motor car for travel to the centre by the staff and the members. Targets will need to be set for car use and monitored on an annual basis.

With regard to the shared on-site parking area (commercial and residential), this would be a management issue and therefore some of this information can be provided as part of the Travel Plan and a separate condition has been attached to safeguard the residential parking spaces. In practice, a fold down bollard is an example of an installation to achieve this.

Disabled parking and cycle parking

Standard PS15 requires at least 5% of spaces to be widened and marked for disabled persons, giving a requirement for two spaces. To this end, two new spaces are to be marked within the service road on the Valley Drive frontage of this site and this provision is welcomed. Standard PS16 requires at least three bicycle spaces per 10 staff, giving a total requirement for six spaces. The proposal provides 10 spaces within the basement car park.

4. Response to objections

The concerns raised in regards to opening times, soundproofing, car parking and access, potential security concerns in regards to leaving the access gate to the basement open all day have been addressed with relevant conditions applied.

Concerns raised in regards to the loss of short term parking in place of the proposed disabled parking bays is not considered to be outweighed by the need to provide accessible disabled parking bays. There is dedicated parking in the basement for the residential flats and there is no requirement to provide a short term drop off for such a use.

6. Conclusion

The proposal is considered to provide an additional community facility within the north of the Borough where such provision is insufficient and the proposal is not likely to create significant traffic problems within the immediate vicinity and therefore, as expanded above, the proposal is recommended for approval subject to conditions.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent's Unitary Development Plan 2004
Council's Supplementary Planning Guidance 19

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
Employment: in terms of maintaining and sustaining a range of employment opportunities
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning with 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):

Planning Statement (Prospect Planning Ltd, November 2011)

Appendix A to Planning Statement (Prospect Planning Ltd, November 2011)

Site Location Plan (Papa Architects Ltd, October 2011)

Drg.no. 0519_98_201

Drg.no. 0519_98_202

Drg.no. 0519_00_201C

Drg.no. 0519_00_202B

Drg.no. 0519_00_202C

Drg.no. 0519_00_203

Drg.no. 0519_00_203B

Drg.no. 0519_00_204

Drg.no. 0519_00_204B

Drg.no. 0519_00_210B

Drg.no. 0519_00_211B

Drg.no. 0519_00_212B

Drg.no. 0519_00_213B (all plans provided by Papa Architects Ltd, October 2011)

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

- (3) The application site, shall be used as a Health and fitness centre and for no other purpose (including any other purpose in Use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order or within any later additions).

Reason: For the avoidance of doubt and in the interests of controlling any other uses that fall within the D2 Use Class category.

- (4) A Sustainability statement must be submitted providing measures to incorporate targets for minimising energy use and associated measures to meet those targets, shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented prior to the commencement of the use of the building.

Reason: To ensure that the proposal takes a pro-active role in and promotes sustainable methods of energy.

- (5) Prior to the commencement of the use of the building, a Travel Plan together with a management plan of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme, to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet those targets, shall be prepared, submitted to and approved in writing by the Local Planning Authority and shall be fully implemented.

Reason: To ensure that the proposal takes a pro-active role in minimising car trips and promotes sustainable methods of travel for staff and members.

- (6) The development shall not be occupied until the car parking layout shown on the approved plans have has been marked out in accordance with the approved details, providing 10 spaces designated for residential use, 28 spaces for the health and fitness centre and 2 disabled spaces to the front of the building. The parking layout shall be retained thereafter.

Reason: To ensure that suitable parking provision is available for the use which is in accordance with the Council's policies.

- (7) Prior to commencement of the development, further details of the disabled access ramp shall be submitted to and approved in writing prior. The access ramp shall be provided in full accordance with the approved details prior to commencement of the use.

Reason: To ensure suitable access for disabled persons to the building.

- (8) The hours of use shall be limited to 0700 to 2200 hours Mondays to Saturday and 0800 to 1900 on Sundays.

Reason: To ensure that the amenity of the residential occupiers are safeguarded.

- (9) Prior to the commencement of works, a report detailing measures to ensure that no amplified sound or music shall be audible beyond the site boundary, shall be submitted for approval. All approved measures shall then be undertaken in full prior to commencement of the use.

Reason: To protect the amenity of neighbours from potential noise nuisance.

- (10) All doors within the application premises shall be fitted with self-closing devices.

Reason: To ensure that the premise does not cause nuisance to the residential occupiers on floors above

- (11) Details of arrangements for the storage and disposal of refuse and recyclable materials, and vehicle access thereto, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The approved arrangements shall be implemented in full prior to first occupation of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Miheer Mehta, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337