

 **Planning Committee Map**  
Site address: Kingsbury Community Centre, Eton Grove, London, NW9 9LD  
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This map is indicative only.

**RECEIVED:** 19 April, 2012

**WARD:** Queensbury

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** Kingsbury Community Centre, Eton Grove, London, NW9 9LD

**PROPOSAL:** Erection of a part single/part 2 storey community centre (overall floorspace [GIA] - 1039.3 sq m) comprising:

- children's nursery (336.5sqm) for approximately 85 children
- community room (137.8sqm) with a capacity to seat between 150-200 visitors
- cafe (142.2sqm) with a capacity to seat approximately 50 visitors
- office space (123.4sqm) with a capacity to seat approximately 21 visitors
- exercise room (81.8sqm) for centre staff
- changing rooms (73sqm) for hire with use of park sports pitches
- management suite (40.0sqm) for the community centre to accommodate 5 staff
- conference room & facility (39.6sqm) to accommodate at least 30 visitors

**APPLICANT:** Pivot Point Community Development Foundation

**CONTACT:** Darnton EGS Architects

**PLAN NO'S:**

7793-PP-050A; 7793-PP-051; 7793-PP-061A; 7793-PP-062B; 7793-PP-063A; 7793-PP-064A; 7793-PP-065A; Design & Access Statement (October 2011); Tree Report (4 July 2011); Site Travel Plan - Eton Grove Community Centre (Revision 1); BREEAM and Energy Commitment Report (Nov 2011)

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**RECOMMENDATION**

Refusal

**EXISTING**

The subject site is located within Eton Grove Open Space to its south side adjacent to the multi-use games area (MUGA). The site comprises the footprint of the now demolished former local community hall that was used as a children's nursery and a portion of greenfield space adjacent to it. The open space is situated within a predominantly residential area with accesses fronting North Way and Rugby Road. There is limited car parking from the access on Rugby Road whilst the Eton Grove access is pedestrian only. The site is not in a conservation area nor does it contain any listed buildings. The public transport accessibility level (PTAL) for the open space is graded at 1a, denoting it is very low.

Within Eton Grove Open Space there had also existed a sports club house sited adjacent to the community hall. This was utilised in conjunction with the sports pitches of the open space. However, due to vandalism this building was demolished some time ago. The space on which the club house had stood has since been returned to open space.

**PROPOSAL**

The proposal is to erect a new local community centre to replace the former, now demolished, local community hall which had existed in Eton Grove Open Space and re-provide the children's nursery that was run within the hall. The proposed new centre will be much larger than the previous single storey building and is to be a part single and part 2 storey structure. The former community centre had a footprint of 280sqm. The total footprint of the proposal will be approximately 848.69sqm within a 1400sqm plot but will provide other uses within the building as listed below. In terms of internal floor space, the ground and 1st floor will

house 1040sqm of space.

This application has been submitted in response to a tender written by the Property & Asset Management Team within the Council to re-provide a children's nursery, sports changing facility and local community space. The required sport changing facilities are intended to be used in conjunction with the newly laid sports pitches and as such are for public hire. As well as providing these 3 spaces, the submitted proposal proposes a number of additional facilities: cafe, office space, exercise room, management suite, and conference room/facility. A full set of uses within the proposal and their approximate capacity is listed below.

- Children's nursery (336.5sqm) for approximately 85 children
- Community room (137.8sqm) with a capacity to seat between 150-200 visitors
- Cafe (142.2sqm) with a capacity to seat approximately 50 visitors
- Office space (123.4sqm) with a capacity to seat approximately 21 visitors
- Exercise room (81.8sqm) for centre staff
- Changing rooms (73sqm) for hire with use of park sports pitches
- Management suite (40.0sqm) for the community centre to accommodate 5 staff
- Conference room & facility (39.6sqm) to accommodate at least 30 visitors

There is no off-street parking for the community centre and no alterations are proposed to the existing accesses. Eleven bicycle stands are proposed alongside the community centre.

## **HISTORY**

**11/3254** - *Withdrawn*, 01/03/2012

Erection of a part single/part 2 storey community centre to provide a children's nursery, cafe, sports pavilion with changing facilities, office space, conference facility and gym

Officer Note: This proposal was withdrawn following concerns raised by the Council relating in particular to size and the various proposed uses within the building. The current application is unchanged from this submission.

### Related Planning history

**11/1362** - *Granted*, 27/05/2011

Certificate of lawfulness for proposed demolition of derelict community centre

**11/1711** - *Granted*, 26/08/2011

Variation of condition 2 (development to be carried out in accordance with plans) of full planning permission 10/1751 dated 31 August 2010 for Resurfacing of existing tennis court area to provide 2 tennis courts, a multi-use games area (MUGA) and ball-games area, including installation of 3m high perimeter fence and cycle stands to allow minor material amendment to: increase the height of the mesh fencing by 2.2m to form a 5.2m high fence along the south facing section of the existing MUGA

**10/3192** - *Granted*, 02/02/2011

Details pursuant to condition 4 (details of cycle stand, seating area, equipment within the Ball Play Area), 5 (trees) and 6 (management and maintenance scheme) and 7 (disabled Access) of full planning application reference 10/1751 dated 31/08/2010 for resurfacing of existing tennis court area to provide 2 tennis courts, a multi-use games area (MUGA) and ball-games area, including installation of 3m high perimeter fence and cycle stands

**10/1751** - *Granted*, 31/08/2010

Resurfacing of existing tennis court area to provide 2 tennis courts, a multi-use games area (MUGA) and ball-games area, including installation of 3m high perimeter fence and cycle stands

## **POLICY CONSIDERATIONS**

### **National Planning Policy Framework**

The NPPF was published on 27 March and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. Its intention is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

LDF Core Strategy and UDP saved policies referred to in the report below have been considered in the assessment of the application and the recommendation is considered to comply with the NPPF.

### **London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)**

This applies to relevant developments from 01/04/2012

#### *London Plan 2011*

- Policy 4.1 Developing London's Economy
- Policy 4.6 Support for and enhancement of Arts, Culture, Sport and Entertainment provision
- Policy 5.1 Climate Change Mitigation
- Policy 5.2 Minimising Carbon Dioxide Emissions
- Policy 5.3 Sustainable Design and Construction
- Policy 5.7 Renewable Energy
- Policy 6.1 Strategic Approach (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 6.10 Walking
- Policy 6.11 Smoothing Traffic Flow and Tackling Congestion
- Policy 6.13 Parking
- Policy 7.1 Building London's Neighborhoods and Communities
- Policy 7.3 Designing Out Crime
- Policy 7.4 Local Character
- Policy 7.6 Architecture
- Policy 7.14 Improving Air Quality

#### *Brent's Core Strategy (July 2010)*

- CP5 Placemaking
- CP15 Infrastructure to Support Development
- CP18 Protection of Open Space
- CP19 Brent's Strategic Climate Change Mitigation & Adaptation Measures
- CP23 Protection of and provision of new Community & Cultural Facilities

#### *Brent's Unitary Development Plan (2004)*

- BE2 Townscape: Local Context & Character
- BE9 Architectural Quality
- BE12 Environmental Design Principles
- BE17 Building Services Equipment
- EP2 Noise and Vibration
- EP4 Potentially Polluting Development
- TRN1 Transport Assessment
- TRN3 Environmental Impact of traffic
- TRN24 On-street Parking
- TRN34 Servicing in New Developments
- TRN35 Transport Access for Disabled People & Others with Mobility Difficulties
- PS6 Business use Use Class B1)parking standards
- PS9 Food & Drink Uses (Use Class A3) Parking Standards
- PS10 Assembly & Leisure (Use Class D1) Parking Standards
- PS12 Non-Residential Institutions (Use Class D1)Parking Standards
- PS16 Cycle Parking Standards
- CF2 Location of Small Scale Community Facilities
- CF4 Community Facilities Capable of Holding functions
- CF11 Day Nurseries
- SH10 Food and Drink Uses (A3)

*SPG17*: Design Guide for New Developments

*SPD*: S106

### **CONSULTATION**

A total of 295 neighbouring properties were consulted on 02 May 2012, a site notice displayed adjacent to the site and the proposal publicised in the local press. 6 letters of objection to the proposal were received

including from QARA Group of Associations; one objection was supported by 20 signatories, raising the following objections:

- support proposal to build a nursery/park changing facilities/cafe but not community centre;
- size of building excessive;
- concern regarding vehicles maneuvering and safety, in particular from nursery;
- lack of parking;
- congestion at pick-up and drop-off time for nursery;
- additional traffic cannot be supported on the roads;
- no pre-planning consultation with residents;
- loss of green space & landscaping;
- footprint is to be enlarged;
- infer that property is being developed for profit;
- road and plot never intended to contain a commercial building;
- parking for commercial building will bring unreasonable additional traffic to all surrounding roads;
- additional traffic will result in noise and pollution;
- re siting of building un-neighbourly;
- would result in loss of light, overshadowing, loss of views and privacy;
- flood concerns;
- would be better located in an area with a better PTAL and parking.

Two comments were received requesting adequate parking facilities provided for prospective users and further details of security and operation of the facility.

It is noteworthy that there is an absence of letters of support for this proposal in comparison to the previous application which was withdrawn. It is thought that this may be due to the description of the proposal explicitly stating the scale of the development

*Internal:*

#### **Transportation :**

- No Transport Assessment has been provided and therefore no detailed assessment has been carried out as to numbers of visitors, where they travel from, how they travel etc or whether there is adequate on-street parking capacity;
- Parking allowance is 21 spaces - with no new off-street spaces the standards would not be exceeded;
- Require 2 x disabled parking spaces to be provided;
- Servicing inadequate - the cafe will require provision for a transit sized van (3m x 6m) and provision needs to be made for refuse vehicles and emergency service.
- cycle parking provision - 22 spaces alongside the building is considered to be a good level of provision;
- Travel Plan - requires further development;
- Given the likely transport implications, a contribution of £50,000 is required for a building of this scale.

#### **Sports & Parks Service**

- changing rooms should be unisex (so they can be used by male and female teams);
- club/committee room not provided - unlikely teams will be able to afford commercial catering rates for use of cafe and lack of kitchen and club/room is a great concern;
- no external sports store provided;
- encroached onto green area;
- no demand for small gym;
- conference room with static seating - doesn't seem flexible for community use;
- concern regarding viability and access to cafe;
- lack of disabled access;
- concern regarding capacity of building;
- lighting of park - no information provided;
- trees should not be provided adjacent to MUGA due to maintenance as a result of leaf fall.

#### **Environmental Health:**

CHP - No clear provision for discharge of stack to dispose of waste gases from the unit and no details of the expected power rating or pollutant emissions. This could pose health risk to users and staff.

Commercial Kitchen - No details of extraction flue and not confident it could be secured by condition.

Noise - Require noise assessment to consider potential impacts from the proposed use and sound generating equipment.

## REMARKS

### **Background & Context**

Property Asset and Management Team within the Council wrote a tender bid requesting expressions of interest for the redevelopment of the former community building with re-provision of a sports changing room facility to be handed over to the Council's Sports & Parks Service; the tender was advertised in May 2010. The land would be on long lease with the offer of running a commercial children's nursery or provision of community space (non-religious) on the site. The tender document highlighted an area of land to be redeveloped, sited over the footprint of the former L-shaped community buildings comprising approximately 208sqm but extended into a square block with an envelope/curtilage of approximately 702sqm.

A report from the Director of Finance and Corporate Services seeking approval for the *redevelopment and leasing of the Eton Grove Nursery and Youth and Community Centre* was agreed at an Executive on 18 October 2010. The report put forward a preferred bidder from the tender process as the Pivot Point Community Development Foundation (PPCDF), a subsidiary of the Wembley Family Church (WFC) and iterated that a long lease for the site would be granted for a proposal from PPCDF that would include the provision of a day nursery for 85 children, a computer suite, training areas for the unemployed, meeting area, a cafe, youth engagement area and office space. An appendix to this report illustrated a proposal with an approximate footprint of 670sqm which is within the 702sqm curtilage. The proposal would also provide the much needed changing room facilities for the Parks Service. However, the report did go on to state that the design and final provision of facilities are subject to planning consent.

### **Principle**

The Council's policy sets out that uses provided within a park will be required to support or enhance activities associated with the open space. The principle of this proposal is acceptable in planning terms, in part, in that it will re-provide some previously existing uses within the open space i.e. the local community space/hall, a children's nursery and a sports changing facility. Whilst a nursery does not strictly comply with this, the principle of the provision of a nursery school is likely to be acceptable as this re-provides a facility previously on the site. However, it is noted justification has not been provided for the proposed number of places which would be required to justify the size of the nursery facility and that there is still a local need for this facility.

The provision of the sports changing facilities would serve the open space and are the type of use supported within a park. It is acknowledged that the footprint of a new local community centre will be larger than the existing footprint of the previous community hall (280sqm) on which the proposal is to sit because of the need to maintain separate spaces for these different uses. However, as set out below, there are significant concerns regarding the appropriateness of the range of uses proposed on public open space and the related impacts.

### **Key Considerations**

In assessing the proposal, the following issues are of immediate importance and will be elaborated on below: In addition to these key issues, there are further material considerations, these are the construction of the proposal, S106 and the Mayoral Community Infrastructure Levy (CIL)

- (i) *Size and Visual Impact:*
- (ii) *Impact on Neighbouring Amenity*
- (iii) *Parking, Access and Traffic Impacts*
- (iv) *Proposed different uses within a public park*
- (v) *Limitations of the Sports Changing facilities*
- (vi) *Loss of Open Space & Trees*

#### **(i) Size and Visual impact**

The proposed site area of the community centre is 1400sqm whilst the footprint of the part single/part 2 storey building within this plot is approximately 848.69sqm, with the remainder being landscaped. The proposal seeks to build outside of the 702sqm envelope of land offered within the tender document as being developable to almost double the size advertised in the tender. Given the context of the site, a small local park in close proximity to residential properties, it is considered appropriate for a new local community centre to stay within the 702sqm envelope and that the proposed expansion outside of this envelope would create a

development that is inappropriate and excessive in size and does not enhance the park area. A building on the envelope of land as set out in the tender can be justified in planning terms as it previously contained an L-shaped building housing the former local community hall/children's nursery; outside of this envelope is open park where development cannot be justified.

The Sports & Parks Service previously raised concern that the 2 storey element of the building would result in over-shadowing to the adjacent Multi Use Games Area (MUGA). However, this is unlikely to be significant because the orientation of the 2 storey section means it is unlikely to cast a shadow over this play area and that shadowing would only be present during the evening time. In addition to this, there is a 4.5m separation strip in between the MUGA and 2 storey element which provide further mitigation from overshadowing.

Design elements of the proposal include a single and two storey building, full height glazing to the cafe and nursery entrances and the use of clay bricks, render and timber cladding to the first floor for materials and finishes. There will be windows to the front and rear of the building which increases natural surveillance to the park area. The proposed materials and finishes and specific design elements are considered acceptable and sympathetic to the locality and site context. There is an absence of lighting for use of the building at night time, but this can be requested through amendments or conditions for further details. Nevertheless, although the proposal has elements of planning merit, particularly in relation to active frontages and the use of acceptable materials and finishes, the proposal fails to enhance the amenity of the park in terms of visual amenity because of its out of scale size and consequent bulk within this small park setting. As such, the proposal is considered contrary to Core Strategy policy CP18 and UDP(2004) policies BE2 and BE9.

#### ***(ii) Impact on neighbouring amenity***

The proposed development would meet standards set out in SPG17, in particular in relation to nos. 30, 32, 34 and 36 Rugby Road which have rear gardens and habitable room windows in close proximity to the proposal. As illustrated on the submitted plan (drawing no. 7793-PP-065 revision A) the 2 storey element will comply with the 30 degrees and 45 degrees line in relation to distance and outlook to residential properties. On this basis, it is considered that the impact of the 2 storey building is within acceptable limits and is unlikely to have a significant impact to neighbouring amenity. Windows to the rear of the building at first floor level are approximately 40m away from the rear habitable room windows of the above properties along Rugby Road. As such, these rear windows are unlikely to have an unacceptable impact to these neighbours' privacy. The right to a view is not a material planning consideration as this view is not protected.

The proposed size of the building has implications for the capacity use of the building, in particular during the evenings and at night time. The flexible community space alone will have a capacity to hold 150-200 visitors whilst the combined capacity of the conference room, cafe and other spaces would add a further 100 people. As such, there is potential for the centre to hold up to 300 people at any one time. This will have an impact in terms of noise generation and disturbance from functions that take place within the building and from the volume of people arriving at and leaving the site to the detriment of occupiers living around the park and local users of the park. The need for redeveloping the site within Eton Grove Open space was to provide a community centre for local use. However, the size of this proposal implies the centre will not just be for local use. Given the proposal is within an area of low public transport accessibility, there is concern about travel to the site and parking although the travel assessment for the proposal does state that visitors and users of the community centre will be local - within walking or cycling distance. Issues of travel are discussed later on in the report.

An on-site combined heat and power (CHP) unit is proposed for the community centre for energy generation. Although the use of incorporating a sustainable form of energy within the proposal is commendable, its addition to the proposal appears to be an afterthought. The plans indicate the plant room will be located in the lowest portion of the building closest to the neighbouring residential properties (within 30m). There is no clear provision for a discharge stack to dispose of the waste gasses from the unit and no details are provided of the expected power rating, use profile or pollutant emissions from the unit. As such, there is concern that unless the unit is properly controlled, it could have the potential to pose a health risk to both users and staff of the community centre and neighbouring residents and children at the nursery. Environmental Health officers are reluctant to request further details through planning conditions because of the nature of the building and the need for an Air Quality Assessment based on an appropriate unit with the location and height of the discharge indicated on plan prior to any approval. In addition to this environmental concern, officers have raised questions about the large kitchen present within the cafe and the lack of an extraction flue on the building plans. Given the location of the kitchen, centrally to the building, it is uncertain that a suitable duct and control equipment can be fitted unless the ground floor layout is reconfigured.

Given the above, the proposal will have an impact to neighbouring amenity in relation to noise and activity disturbance and potentially impacts to air quality to the detriment of residents around the park and its users.

As such, the proposal is considered contrary to UDP(2004) policies CF2, CF4 and EP2

**(iii) Parking , Access & Traffic Impact**

Transportation raise concerns about the size of the proposal and the lack of parking for the site. In addition to this, the lack of disabled parking is also highlighted. The Travel Plan submitted with the proposal does not include a Transport Assessment and as such does not provide adequate information to illustrate that this proposal will not have an impact to local parking, access and traffic. There is an absence of information as to the number of visitors that could be expected to travel throughout the week, where they might travel from, and how they might travel there and where they might park if driving, or whether adequate on-street parking capacity is available to safely accommodate such visitors. As such, there is insufficient supporting information to satisfy the transportation Unit that the impact of the proposal would be acceptable. As such the proposal fails to satisfy UDP(2004) policies TRN1, TRN3, TRN24 and TRN35.

It is noteworthy to re-iterate that local residents have also raised concerns about traffic and parking within the locality in relation to this proposal.

In terms of parking allowances for the proposal, highways officers have calculated that a total of up to 21 spaces can be allowed. However, the proposal is car-free and as such does not add to the existing situation or exceed the parking allowance. Nevertheless, it is prudent to consider that the likely over spill parking that would culminate on surrounding streets as the number of visitors to the site increases. In the absence of a parking survey with the submitted Travel Plan, this scenario can not be assessed accurately.

It is vitally important too that a community centre be accessible to disabled people. a proposal of this size should provide at least 2 disabled parking spaces which should be retained close to the building entrance in addition to any operational parking deemed necessary to cater for the parking needs mentioned. However, Head of Sports and Parks has stated that no vehicles will be allowed to drive through the park due to the danger and risk it poses to other users of the park particularly as both access routes to the park are close to the children's playground.

**(iv) Proposed different uses within a public park**

With the exception of the proposed nursery and sports changing facility, there is concern about the different uses proposed within this local community park area, many of which appear to have a commercial scale, not specified within the tender and have an absent rationale in terms of their relationship to a need within the park or locality. As follows:

- *Community room for 150-200 visitors:* It was expected that a community hall be provided as part of the tender, but not with a capacity of this size because it would be deemed unaffordable to hire for local meetings by residents groups and/or clubs. It is noted that the community room is connected to the commercial size kitchen of the cafe which implies the 'flexible' nature of the community space will be for holding large functions and events. As set out in the Local Development Framework, large community facilities should be located in town centre locations which benefit from these transport links. No information or justification has been provided regarding who would use this facility and what sort of events it would be used for.
- *Cafe for 48 visitors:* There is concern about the proposed size of the cafe, in particular because of its kitchen size and the issue of long term sustainability of a cafe in the park particularly when this park does not have a particularly high footfall. Larger parks within the borough such as Roundwood have smaller cafes but have a great footfall because of its location with a high PTAL and size. As such, there is no rationale for requiring a cafe of this size within Eton Grove Open space. Although the applicant have expressed that sports teams using the changing facilities would use the cafe, it would require the cafe to be open at the same time as the sport facilities are in use which may not always be the case.
- *Office Space for 21 visitors:* It is thought that this space could be used as the training rooms for unemployed as originally illustrated in the bid submitted by PPCDF for the tender. However it is unclear whether this is to be the case
- *Exercise room for centre staff:* The requirement for a gym for centre staff is not detailed in the design and access statement and as such is considered an unnecessary requirement within a park setting where outdoor exercise benefits are at hand.
- *Management Suite:* With a community centre of the size proposed, the need for management staff is considered acceptable however the size of the suite has not been justified.



- *Conference room for 30 visitors:* There is concern about the need for a separate conference room and facility with static seating particularly when a community space is already offered that could equally serve the needs of a meeting for 30 people albeit a conference. In terms of the proposal being a local community centre, the requirement for a bespoke conference room is considered inappropriate.

Policies relating to local community centres do not strictly specify the provision certain individual spaces or the size they must be but UDP(2004) policy CF2 does make reference to the protection of neighbouring amenity. As such, one must be mindful that Eton Grove Open space is a small park that is public land situated within a predominantly residential area with a low PTAL rating and that the majority of the uses specified within the proposal are more suited to large scale commercial hire outside of the context of a local community. Very limited information has been provided regarding the users of the conference room, gym and offices which are clearly linked internally as one large facility to the 'flexible community space' and café. Currently the application implies the café will be part of a large commercial facility to provide support for the conference, gym, offices and flexible community space shown on plan and be accessible to the public. Such a facility could not be justified in a public park.

#### **(v) Limitations of the Sports Changing facilities**

Detailed pre-application advice was provided to the applicant in February 2011 about the requirements of this facility with a need to have unisex changing room and toilets rather than separate male and female rooms because two female teams require use of the changing rooms. For example, the presence of urinals within a toilet is a nuisance for female teams. In addition to this, because a new cricket table is to be laid within the park, it was specified that the sports changing facilities have a viewing room and kitchenette for teams to use.

This is because the nature of cricket means the two teams will stop for tea and as such require space to do this. Teams usually provide this themselves and serve it from the kitchen into the clubhouse or committee room. Although the proposal does provide a cafe it is unlikely that the teams would be able to afford commercial catering rates associated with asking the cafe to provide their teas. A club room is also required for batsman waiting to take their turn and in its absence they would have to sit in the cafe, if it was open. As such, the lack of kitchen and club room is of great concern. It is also noteworthy that the tender had requested a club room with a view to the pitch.

Technical guidance provided by the England and Wales Cricket Board in 2009 stipulate standards for changing facilities that should be met when erecting a cricket pavilion. For a changing room with 12 spaces, each changing room should be 20sqm and include benches and bag storage with at least 1.8m between the front face of opposite benches. In this case, 14 spaces have been counted within in each changing room but the internal area of each space is approximately 12sqm, which falls well below the requirement. Shower spaces are additional to the space requirements of each changing room. As such, a substandard sport facility is to be provided in terms of size, lack of kitchenette and lack of club room contrary to Core Strategy policy CP18 and CP23.

#### **(vi) Loss of Open Space & trees:**

The proposed footprint of the new centre being outside of the building envelope prescribed in the tender, will encroach further onto greenfield open space. This expansion of the proposal is contrary to Core Strategy policy CP18 in that it will fail to protect or enhance the open space. There is also concern from the Sport and Parks Service that tree planting next to the MUGA would be hazardous. This is because trees potentially create leaf fall onto the courts which can cause players to slip. This is an element of the scheme that could be appropriately controlled by condition, with suitable trees being planted to take into account the impact on the adjacent MUGA.

It is acknowledged that a green/living room will be planted on top of the community centre, however, there is no management plan to show how this feature will be maintained and looked after.

#### **Further Considerations**

*Construction Works* :There is concern that a proposal of this size would render the local park unusable and dangerous to some users, in particular young children, because of the presence of building machinery and building materials stored on site. Although the applicants will sign up to the Considerate Contractors Scheme, the length of the building process is likely to deter local people from using the park.

*Servicing:* Given the commercial scale elements of this proposal, the cafe will require deliveries of stock and waste collection. Given the premise that vehicles will not be allowed to drive through the park, the proposal of a large scale cafe within Eton Grove Open Space is not considered appropriate. In addition to this, whilst an emergency vehicle would be allowed into the park, a fire engine would not be able to get within 45m of the

building entrance and turn. This further renders the proposal unfeasible in terms of planning merit.

The site is located in Flood Zone 1 where a Flood Risk Assessment was not required to be submitted with this application.

### **s106 & Mayoral CIL**

The agents have completed a CIL notice. Certain developments are exempt from paying the CIL, these include medical and education facilities. Charitable organisations can also be exempt depending on the whether the Mayor has accepted the applicants proposal for not being liable for the charge. In the meantime, the case officer has calculated that the proposal will be required to pay a CIL contribution of **£14,945**. This total is based on the £35 levy applicable to all eligible developments in Brent and the gross internal floor area (GIA) of specific spaces within the proposal, detailed below:

|                       |               |
|-----------------------|---------------|
| Cafe                  | 142.2sqm      |
| Office space          | 123.4sqm      |
| Exercise room         | 81.8sqm       |
| Management Suite      | 40sqm         |
| Conference facilities | 39.6sqm       |
| <b>Total (GIA)</b>    | <b>427sqm</b> |

The Mayoral CIL is a set charge that neither the council or its committee members have the discretion to amend.

In terms of payment of the Mayoral CIL, this is collectable on the start of the development. If planning permission is granted, a *CIL Liability Notice* will be attached to the Planning Decision Notice detailing notification of payment and consequences of non-payment.

In addition to the above, a S106 legal Agreement would be required prior to commencement of the development if approved, in which the following measures will be secured:

- Provision of sustainability standards for achieving BREEAM 'good' and signing up to the Considerate Contractors Scheme
- The provision of the sports changing facilities to be completed in full and functional prior to the nursery being open and running
- The provision of a Community Access Agreement to ensure local use of the facility;
- Contribution towards sustainable transportation.

However, the applicants have failed to complete a S106 agreement and as such the proposal is considered unacceptable.

### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

- (1) The proposed development, by reason of its size, encroachment on undeveloped public open space, the nature and range of uses proposed, insufficient information regarding the users and operation of the proposed facilities, failure to provide appropriate sports changing facilities and failure to demonstrate a local need for nursery would constitute inappropriate development on public open space which would fail to enhance the open space for recreational use contrary to the provisions of Policy CP18 and CP23 in Brent's Core Strategy (2010) and Policy CF2 in Brents Unitary Development Plan 2004.
- (2) The proposed development, by reason of its height, bulk, footprint and overall prominence would result in an obtrusive development in Eton Grove which is a small size public park contrary to policies BE2 and BE9 of the adopted Brent Unitary Development Plan 2004 and

policy CP18 of the adopted Brent Core Strategy 2010.

- (3) The proposed development, by reason of its size, number of users, operating hours, nature of uses proposed and inadequate information regarding the operation and function of the building, would have an adverse impact on the amenities of neighbouring residential occupants both adjoining the site and those in the surrounding residential streets as a result of people coming and going from the facility, noise generated by the use and traffic generated. The proposal would therefore be contrary to policies BE9, CF2, CF4 and CF11 of the adopted Brent Unitary Development Plan 2004 and the objectives of Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (4) Insufficient information has been submitted to demonstrate that appropriate extraction can be provided to serve the café and CHP plant. As such, the proposal will have an unacceptable impact on the amenities of surrounding residential occupiers as a result of noise and odour. This would be contrary to policies EP2, EP4, BE17 and SH10 of Brent's Unitary Development Plan 2004.
- (5) Insufficient information has been submitted to demonstrate that the proposal would have an acceptable transport impact in terms of the impact on parking in the local area or that the impact can be suitably mitigated, contrary to Policies CF2, CF4, CF11, TRN1, TRN3 and TRN24 of Brent's Unitary Development Plan 2004 to the detriment of traffic flow and highway safety in the area.
- (6) The proposed development has failed to provide adequate facilities for disabled, for the servicing of the building (including deliveries, refuse and emergency vehicles) and for appropriate access during construction, contrary to Policies TRN34 and TRN35 of Brent's Unitary Development Plan 2004.
- (7) In the absence of a legal agreement to control the matter, the proposed development would result in:
  - additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area;
  - Failure to meet BREEAM standards to deliver more sustainable buildings;
  - Inadequate Community Access;
  - Failure to secure the provision of sports changing facilities.

As a result, the proposal is contrary to policies EP2, EP4, TRN3, TRN4, TRN10, TRN11, CF2, CF4, CF11, and of the adopted Brent Unitary Development Plan 2004, Policy CP18 & CP19 of Brent's Core Strategy 2004 and Supplementary Planning Guidance No. 19 "Sustainable Design", Supplementary Planning Document "S106 Planning Obligations"

#### **INFORMATIVES:**

None Specified

#### **REFERENCE DOCUMENTS:**

National Planning Policy Framework  
London Plan  
Brent Core Strategy 2010  
Brent UDP(2004)  
SPG17  
SPD S106

Any person wishing to inspect the above papers should contact Harini Boteju, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5015

