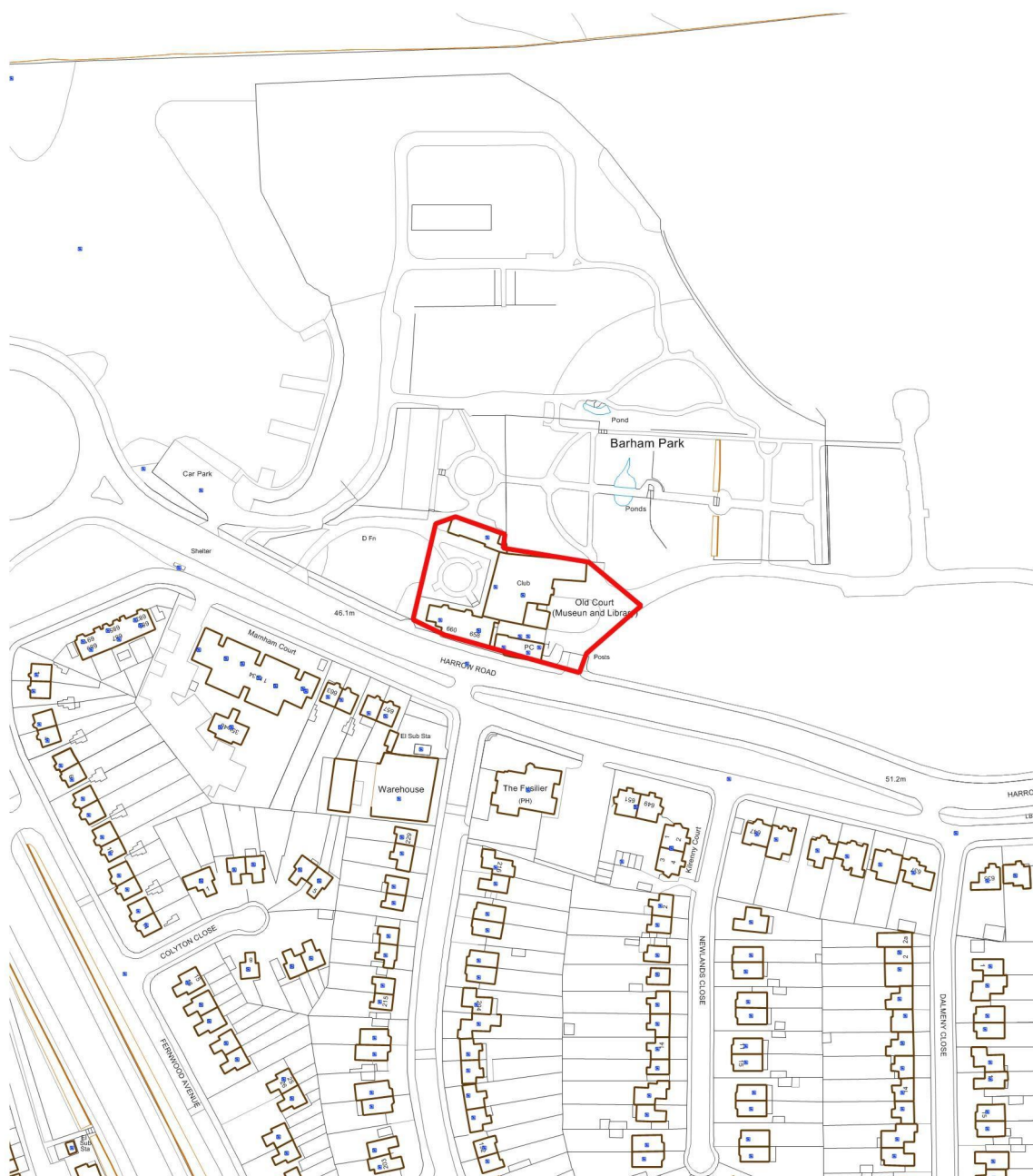




### Planning Committee Map

Site address: BARHAM PARK BRANCH LIBRARY and PARKS OFFICE, Harrow Road, Wembley, HA0 2HB

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This map is indicative only.

**RECEIVED:** 1 August, 2013

**WARD:** Sudbury

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** BARHAM PARK BRANCH LIBRARY and PARKS OFFICE, Harrow Road, Wembley, HA0 2HB

**PROPOSAL:** Change of use of parts of the Barham Park complex of buildings from Use Class D1 (library) and Sui Generis (parks office) to Artists Studios (Use Class B1) and the change of use from Sui Generis (parks office with some community use) to Use Class D1 (Community).

**APPLICANT:** Barham Park Trust

**CONTACT:** Mr Howard Fertleman

**PLAN NO'S:**  
See condition No. 2.

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## RECOMMENDATION

Grant Planning Permission

## EXISTING

The subject site comprises a number of units within the Barham Park complex of buildings which are managed by the Barham Park Trust. Parts of the grounds of Barham Park are statutorily listed. However, the building is itself is locally listed.

## DEVELOPMENT SCHEDULE

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

#### USE

| Number | Primary Use                  | Sub Use |
|--------|------------------------------|---------|
| 1      | general business use         |         |
| 2      | non-residential institutions |         |

#### FLOORSPACE in sqm

| Number | Existing | Retained | Lost | New | Net gain |
|--------|----------|----------|------|-----|----------|
| 1      | 558      | 558      | 0    | 301 | 301      |
| 2      | 896      | 595      | 301  | 0   | -301     |

#### TOTALS in sqm

| Totals | Existing | Retained | Lost | New | Net gain |
|--------|----------|----------|------|-----|----------|
|        | 1454     | 1153     | 301  | 301 | 0        |

## PROPOSAL

See description above.

## HISTORY

**13/2081 – Granted 16 August 2013**

Certificate of lawfulness for the existing use of unit 4 and unit 5 on the first floor of the Barham Park complex for purposes within Use Class B1 (offices)

This application sought confirmation that two of the units have been used for purposes within Use Class B1 for a period of at least 10 years and that the lawful use of these units therefore falls within this use class. The submitted information was considered to be sufficient to confirm that these units were used for this period of time.

**POLICY CONSIDERATIONS**

The following planning policies and guidance are considered to be of particular relevance to the determination of the current application.

**National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant.

Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

**London Plan 2011**

3.16 Protection and enhancement of Social Infrastructure

**Core Strategy 2010**

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

**UDP 2004**

TRN11 The London Cycle Network

TRN22 Parking Standards – Non-residential Developments

TRN34 Servicing in New Development

**SUSTAINABILITY ASSESSMENT**

Not applicable.

**CONSULTATION****Public Consultation**

Letters were sent to other units within the complex, ward councillors, the Friends of Barham Park, Sudbury Town Residents' Association.

A site notice was also erected.

Objections were received from 25 people and one supporting e-mail was received. Objections were also received from Councillor Lorber.

A second round of consultation (14 days) was undertaken following the receipt of the Community Facilities Assessment. The consultation period for this only commenced at the start of this week and the comments on this document will be discussed in the Supplementary Report.

The objections can be summarised as follows:

| Category     | Objection   | Discussion  |
|--------------|---|---|
| Alternatives | The Council was prevented from selling Preston Library and it became a resource for local schools. At the very least, the same should be done here. | This application must be considered on its own merit and alternatives cannot be considered, save for those which may demonstrate that there is a need for the community facilities. |
| Alternatives | There is an opportunity to provide arts workshops in B1 parts of the building, but Unit 3 should stay in D1 use.                                    | As above  |

|              |  |   |
|--------------|--|---|
| Alternatives | The co-location of the Children's Centre with the previous library and children's library could have provided multi-use facility of which there is a shortage in the borough.                | As above  |
| Alternatives | Discussions with the Borough's health strategies have emphasised the lack of free local space for community use.   | The community facilities assessment shows that significant capacity exists within the bookable facilities on site and in the vicinity and highlights the range of other community facilities. It also highlights the improvements to the Ealing Road library which includes space for informal and study activities.            |
| Alternatives | Barham Park should be better used for sport and physical activity.   | The Council's sports strategy does not highlight the need to provide facilities in Barham Park to meet need.  |
| Covenant     | The building and grounds at Barham Park were left under the protection of the Local Council for the recreation of the public. The proposed private studios/workshops would go against this.  | Covenants cannot be considered within applications for planning permission.   |
| Disturbance  | ACAVA should be questioned about the proposed 24 Hour access which will cause significant noise and disturbance, in terms of the building and the associated parking an surrounding streets. | ACAVA have provided information on their late night use. They highlight that the hours that artists work are irregular but that they seldom work late at night. Most activity to take place during the day and the late night use will be infrequent and may relate to deadlines etc.   |
| Inaccuracies | The use of the lounge for community purposes has been long established and the comment in the planning statement that it will "formalise the use" is misleading.                             | The changes that were set out in the original Planning Statement have been clarified within the Community Facilities Assessment, whereby the majority of the space within the Lounge is already used for community purposes and the increase in the floorspace relates to the part that was used as the Parks Office reception. |
| Inaccuracies | The space will be denied for long term community benefit and the planning statement is misleading.   | The changes in the amount of floorspace that will be available for community use are clarified in the Community Facilities Assessment.  |
| Inaccuracies | The change in Community Floorspace that is set out in the Planning Statement is misleading   | This has been clarified within the Community Facilities Assessment.   |
| Libraries    | Distance and cost of travelling to the Civic Centre library by public transport, particularly those with mobility issues.  | As above, the rationale for the closure of some libraries and improvement of others and the provision of the new Civic Centre library cannot be considered within this application and the resulting distances to the libraries cannot be considered within this application.   |
| Libraries    | The libraries should not have been closed.   | As above.   |

|               |   |  |
|---------------|---|--|
| Libraries     | Barham library provided an "out of hours" service for children with access to books, computers, and support with reading and writing which isn't necessarily available in the home environment.   | As above.  |
| Libraries     | As the library is within a park and in a gated location it provides a safe and secure space for children, especially those who require frequent physical exercise to maintain concentration (e.g.. Children with A.D.H.D)   | As above.  |
| Libraries     | 1 in 3 children start school with significantly impaired reading levels, highlighting the social need to provide a community library space.   | As above.  |
| Libraries     | Friends of Barham Park operate from a shop unit on the high road and TfL have granted an affordable lease as a part of their social responsibilities policies. However, these premises are not are not big enough. The Barham Complex is big enough to accommodate a community library as a part of a shared use. | Friends of Barham Park bid for the unit, but were unsuccessful. It is recommended that they liaise with the Trust about this matter as it cannot be considered within this application.  |
| Libraries     | The efforts of the Friends of Barham Park are being blocked by another charity which proposes services that local people don't see a local need for.  | The decision to close the library and let the units to ACAVA was taken by the Council and not by ACAVA.  |
| Libraries     | The facility was greatly used for study and other activities  | As above, the libraries programme cannot be considered within this application.  |
| Libraries     | The local community want and need libraries and these provide an essential service for the local community  | As above, the libraries programme cannot be considered within this application.  |
| Local listing | The Barham Park is a locally listed building. Substantial alterations will undoubtedly be required for the proposed use and the proposal should have regard to this.  | No physical works that require planning permission have been proposed. The applicant has specified that renovation and repair work will be undertaken. However, this does not normally require planning permission. Local listings can only be taken into account if physical works that require planning permission are to be undertaken. |
| Mitigation    | Confirming Unit 2 as community use is not providing any new community space and this does not compensate for the change of unit 3 from D1 to B1   | This has been clarified within the Community Facilities Assessment, which sets out the actual change in D1 floorspace.   |
| Mitigation    | The proposal does not demonstrate that mitigation is being proposed for the D1 floorspace that is proposed to be lost.  | This is also clarified within the Community Facilities Assessment. Improvements to spaces are proposed. The proposal results in a reduction in community (D1) floorspace, but shows  |

|         |   |  |
|---------|---|--|
|         |   | that the space that will remain will meet demand.  |
| Need    | The planning statement does not demonstrate that local community use is not needed.   | This is considered in the Community Facilities Assessment.   |
| Need    | The use by 1,200 residents per month is more effective than the use of the building by 29 artists.  | While this application will consider the loss of Community floorspace (purposes within Use Class D1), the rationale for the closure of the libraries and improvement of facilities (or provision of new facilities) cannot be considered within this application. The displacement of visitors from libraries that are closed to those that have been improved or the new Civic Centre library forms a part of that decision. The number of people who visited the library cannot be directly compared with the proposed use by ACAVA as the nature of the uses differ significantly and the proposed use will not attract the visitor numbers that the library did. This will be the case for many other uses, including both D1 community uses and other uses such as that proposed. |
| Need    | The need for a community library service is demonstrated by the success of the volunteer library run by Friends of Barham Library.  | As above, the libraries programme cannot be considered within this application.  |
| Need    | As there is need for the facilities, the proposal is contrary to Core Strategy Policy CP23, the London Plan and the NPPF.   | The need for community facilities has been discussed in the Community Facilities Assessment.   |
| Need    | The presence of other bids for the units for community purposes demonstrates that there is a need for the community facilities. If market rents weren't requested by the Council then more bids may have been received. | This does help to show that there is some interest in the use of the floorspace for community purposes. However, it is considered that the submission demonstrates that significant capacity exists within the community floorspace that continues to be available in the complex and area.  |
| Need    | There is no demand for so much space by local artists   | ACAVA believe that there is some interest and have commented that they will seek interest from local artists. Nevertheless, this application proposes the loss of D1 community use and is considered on this basis.  |
| Other   | CIL should be payable as the space has been vacant for more than 12 months  | CIL is only payable where a development involves the construction of at least 100 square metres of new build floorspace or of new residential units. As such, CIL is not payable for this development.   |
| Parking | The suggestion that parking in local streets is free is inaccurate as nearby areas are all within CPZs.   | This has been clarified within the Community Facilities Assessment and within this report.   |

|         |  |  |
|---------|--|--|
| Parking | Objection on the basis of visual amenity in connection with highway safety   | It is unclear how this relates to the proposal. Parking is proposed within the pay-and-display car parks and not in any locations that are detrimental to visual amenity.  |
| Parking | The use of the pay-and-display car park will affect other users of the park and complex  | Levels of parking are likely to be low, and lower than that for the former library.  |
| Parking | At times it is impossible to park in the pay-and-display car park  | See above.   |
| Parking | Parking congestion is already high as a result of the Barham Park development and commuter parking.  | See above.   |
| Parking | Levels of parking have not been analysed in the submission.  | This has been examined by Highways and further information has been provided in the Community Facilities Assessment.   |
| Policy  | This is not in line with the coalition plan.   | The proposal must materially conform with planning policy and guidance which are set or can be altered by Government. Whether or not it is in accordance with the coalition plan cannot be considered.   |
| Policy  | The proposal is not in compliance with the Council's open space strategy because it militates against a wider community use and a proposal in the strategy for the park to provide public toilets and a café.  | The community facilities that remain are considered to be sufficient to meet demand. Proposals for a café have not been received. If one is proposed then it will be considered on its merits. The proposal does not prevent this from coming forward.   |
| Policy  | The consideration of this application should take into account what the Neighbourhood Plan may say about community uses and this complex and the Council should refuse to determine this application on the basis of prematurity   | The Council's policy team have advised that earlier versions of the Sudbury Town Neighbourhood Plan did not include proposals to retain the community floorspace within the Barham Park complex. As the Plan has not been adopted yet, limited weight can be given to it even if it did include such provisions. The application must be considered on the basis of current planning policy and could not be seen to be premature. |
| Policy  | The neighbourhood plan will say that Local People want their library back and they want the Barham Park buildings to be used by and available for community space for the wider community and not just for the restricted few.   | See above.   |
| Policy  | This consideration of this application should take the same approach as the application relating to the Kensal Rise library where the development must address local demands for wider forms of community facilities rather than the re-provision of the library itself. | This has been considered through the submission and assessment of the Community Facilities Assessment.   |

|              |  |  |
|--------------|--|--|
| Previous use | Significant areas of the building have been vacant for years, preceded by partial use by the Parks Department and since then should have been available for community use. | This proposal will bring a large proportion of the complex back into use.  |
| Process      | No residents were consulted for this application while letters were sent to empty parts of the Barham Complex.   | The Council is required to consult adjoining units and some of those units are in use. To ensure that local residents were aware, site notices were erected and consultation letters were sent to ward councillors, Friends of Barham Park and the Sudbury Town Residents Association. |
| Process      | The planning application should have been submitted by ACAVA so that their proposals could be scrutinised.   | Planning applications do not have to be submitted by the end user and it is common for them to be submitted on behalf of the owner. ACAVA have provided information about their proposed use.  |
| Process      | The Council should treat itself as a trustee of Barham Park the same as the private developers of the Kensal Rise library.   | The consideration of the proposals must have regard for planning policy. The nature of the owner cannot be considered within an application. This proposal has been considered on its planning merits.   |
| Process      | The ACAVA use may be considered to be educational. Why, therefore, is a change of use required?  | This is discussed in the report, whereby the use is considered to fall within Use Class B1 with ancillary community activity.  |
| Proposed use | The future of the other community units is not clear.  | No applications have been submitted for the other community units.   |
| Proposed use | The consent sought is for B1 use and there are no guarantees that the artists will ever come from Brent.   | ACAVA have confirmed that they will engage with local artists. However, your officers consider it unreasonable to restrict the consent to Brent Artists only.  |
| Proposed use | The use by ACAVA excludes the local residents' general participation, and the public recorded amount of access is only two days a year                                     | The community engagement programmes that Avaca have implemented elsewhere are set out within the Community Facilities Assessment. Nevertheless, the proposal has been considered on the basis that it will result in a reduction in community floorspace.                              |
| Restrictions | If officers are minded to approve, permission should only be temporary so that it reverts to D1 use. Alternatively, the use could be personal to ACAVA.                    | Your officers agree with this statement and have included such a condition.  |

The supporting e-mail specified that the library is being re-provided elsewhere in the borough and that the proposal represented a good use of the redundant space.

#### **Internal Consultation**

**Highways:** No objection. The comments from Highways are discussed in more detail in the Transportation section of this report.



## REMARKS

### Primary Considerations

1. This proposal would involve the change of use of units within the Barham Park Complex into artists' studios (Use Class B1) which are to be operated by the Association for Cultural Advancement through Visual Arts (ACAVA). This includes the former Barham Library, community workshop and the first floor of the former Parks Office.
2. The use of the Parks Office would normally fall within Use Class B1 and as such, no consent would be required for the change. However, as the office, which is situated on the ground and first floor, is mixed and internally connected to the Community Lounge, the use of the units 1 and 2 is Sui Generis despite the fact that the individual uses would fall within Use Class D1 and B1. Nevertheless, this report discusses the change in the actual use of the floorspace rather than change from Sui Generis to D1 or B1.
3. The application is accompanied by a Community Facilities Assessment which is discussed in detail later in the report. In addition to examining the change in community (Use Class D1 purposes) floorspace, it also provides information about the use of the premises by ACAVA. The studios that are to be provided through the use of movable partitions within the units are to be let to artists at affordable rates and as such, the use is considered to fall within Use Class B1. However, the artists that occupy studios run by ACAVA undertake a number of community outreach and engagement programmes and events and there is a reasonable amount of crossover between this work and an activity falling within Use Class D1. Nevertheless, the use is considered to be a B1 use with some ancillary D1 activities rather than a D1 use.
4. The primary planning considerations in relation to the determination of this application are:
  - the loss of floorspace used for community purposes, the need for community floorspace and any mitigation that is proposed;
  - the transportation implications of the proposal;
  - whether the proposal is likely to result in the disturbance of nearby sensitive uses / occupants.

### Community Facilities

5. The majority of the community floorspace that is to be lost to other uses is within the former Barham Park Library unit. The library was closed on 13th October 2011 as a part of the Council's Library Transformation Project which reviewed and invested in the future library service across the borough. However, proposals need to demonstrate that local demands for wider forms of community facilities can be provided in the area. Whilst the Council's library use has ceased, the building remains capable of being used to meet other wider community needs and therefore sufficient mitigation would need to be provided or it must be demonstrated that there is sufficient space to meet demand if the loss of community floorspace is to be supported.
6. The applicant has submitted a Community Facilities Assessment which examines the amount of Community floorspace that is to be lost, mitigation measures and the demand for community facilities in the local area.
7. Planning policy presumes against the loss of community floorspace for which there is an identified need unless suitable mitigation is provided. Policy CF23 of the LDF Core Strategy refers to the need to ensure that the "continuing needs of Brent's diverse community are met", with facilities protected or mitigated where necessary. London Plan policy 3.16 sets out that proposals that result in the loss of social infrastructure in areas of defined need should be resisted unless there are realistic proposals for re-provision. With regard to redundant social infrastructure, it sets out the need to examine the suitability of the premises for other forms of social infrastructure for which there is a defined need. The National Planning Policy Framework also relates the provision of community and social infrastructure to local need, setting out the need to "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs".
8. The Assessment sets out that there is net reduction of 301 square metres of floorspace that is used for Use Class D1 purposes. The total amount of Use Class D1 floorspace would reduce from 896 to 595 square metres, of a total of 1454 square metres of floorspace within the complex. While a significant amount of D1 community space would remain, the proposal would result in a reduction in community floorspace within the complex. As such, whether there is a local need for the community floorspace and whether proposed mitigation measures are sufficient needs to be considered.
9. The proposal includes the change of use of the Lounge and former Parks Office reception to Use Class D1. This increases the amount of D1 floorspace within the unit from 143 to 178 square metres. This

increase is factored into the net reduction discussed above. However, it provides two interconnected rooms within Unit 2 which could be hired or used separately if needs be. This unit is also to be refurbished as a part of the proposal, including the provision of a new kitchen and disabled toilet. The proposed refurbishment and inclusion of two hireable rooms within this unit are considered to be positive element in the reprovision of community facilities, but in themselves would not be considered to be sufficient to off-set the proposed loss of community floorspace.

10. The Community Facilities Assessment also examines the usage of the units within the Barham Park Complex and other council facilities in the vicinity (Vale Farm). It also highlights what other facilities are available to hire in the area. It concludes that the amount of community floorspace that will remain in the complex area and the local area will meet local demand and need.
11. Hireage data is presented for the Community Room within unit 2, with usage levels of this room being low and the space unused 89% of the time that it is available for bookings. Hireage information is not provided for the other units within the complex as those units are not available for formal bookings.
12. The library was used until it closed and is now proposed to change to artists' studios. The Community Facilities Assessment highlights the 2011 executive report on the Libraries Transformation Project which specified that the library was underused. The actual number of visitors has not been presented within the report. However, objectors specify that the library received 60,000 visitors per year. The visitor numbers associated with the library are likely to be associated with its various roles as a library and those facilities are to be provided in new and approved facilities in Ealing Road and the Civic Centre. as a part of the Libraries Transformation Programme. Objectors have said that the success of the pop-up library run by the Friends of Barham Park group highlights the need for a local library. They have also said that some have difficulties getting to the Civic Centre library due to cost, time or mobility issues. The decision to provide fewer better facilities in a more cost effective manner was taken as a part of the Libraries Transformation programme and the merits of this approach versus a greater number of smaller libraries cannot be assessed within this application. This assessment therefore concentrates on the usage of the other facilities within the complex and others in the vicinity.
13. Other units in the complex include the Children's Centre, the card room which is used by the Barham Park Veteran's Club in the afternoon and the pottery room which was used by Brent Learning Disabilities until 2011 but has been vacant since then. Aside from the Library and the pottery room, the remaining rooms are to remain within D1 use.
14. The Community Facilities Assessment also assesses the usage of facilities within the nearby Vale Farm complex which is also operated on behalf of the Council. Whilst levels of usage within Vale Farm are higher than Barham, the hireable rooms are only booked 52 % (Conference room), 59 % (Studio) and 62 % (Dojo) of the time.
15. The submitted Community Facilities Assessment also includes a list of non-Council facilities that are available for community hire in the local area.
16. Whilst the proposal results in a net reduction in the amount of community (Use Class D1) floorspace by 301 square metres, your officers consider that the submitted Community Facilities Assessment demonstrates that sufficient capacity exists within the units that remain within the complex and nearby. The refurbishment of the Community Lounge and change of the Parks office reception will improve this facility and provide two rooms of different sizes that can be used and accessed separately. The other rooms within the complex also have capacity. Whilst these are not available to hire, they would remain in Use Class D1 usage and under the control of the Trust and therefore could be opened up to multi-community use in the future. The Vale Farm complex supplements the community provision within this complex. The rooms within Vale Farm are due to be refurbished shortly, but will be available again after this has been completed. Opportunities for drop-in community use and access exist in the recently refurbished Ealing Road Library and the Community Facilities Assessment also highlights that a number of other rooms are available for hireage in the local area. As such, your officers consider that the proposal demonstrates that community facilities that will remain in the complex and local area are likely to be sufficient to meet local demand.
17. While your officers consider that the submission has demonstrated that the community facilities will meet demand, this submission puts weight on the nature of the use by ACAVA and that use has significant community benefits and as such, your officers recommend that the use is restricted to ACAVA, or other similar arts based charities, and that it will revert to the former D1 use if that use ceases. In terms of the other similar charities, this could include other similar arts based charitable organisations who provide

affordable studios such as Acme.

### **Transportation**

18. The proposal looks to promote non-car access to the site for artists and to utilise existing public parking facilities in the area where artists do need to drive. The site has good public transport accessibility (PTAL 4). No car parking is provided within the complex itself, but cycle parking facilities are available.
19. The comments from Highways highlight the location of the nearby pay-and-display car park and the presence of a CPZ which operates between 10 am and 3pm on weekdays and longer hours on event days, but which includes some pay and display parking. There are parking restrictions on Harrow Road which prevent parking between the hours of 8-9.30 am and 4.30-6.30 pm. Distances to the nearest uncontrolled streets (i.e. non CPZ or event day only) are approximately 350 m from the units.
20. Highways are supportive of the absence of parking for the use and comment that the presence of the CPZ in the surrounding streets and the availability of pay-and-display parking will help to control potential overspill parking. The information submitted on behalf of ACAVA specifies that actual levels of parking are typically low for their studios and that they successfully run other studios without parking in other locations without detrimental impact on the surrounding streets. Given the public transport access levels of the site, your officers consider that the absence of parking is acceptable but that a condition should be attached which requires information about sustainable modes of transport to be made available for artists.
21. The submission specifies that servicing for artists will be undertaken from the nearby pay-and-display car park, with goods trolleyed to the studios. ACAVA has confirmed that the majority of goods are light and can be transported in this fashion. It should also be noted that the parking restrictions on Harrow Road only apply between 8 and 9:30 am and between 4:30 and 6:30 pm. Outside of these times vehicles can stop on the single yellow lines on Harrow Road to drop-off and pick up art supplies. Given that these restrictions would have been put in place to ensure the free and safe flow traffic on Harrow Road, parking outside of these times must therefore be considered to be acceptable. Highways have commented that they consider the servicing arrangements to be acceptable.
22. Objectors have expressed concerns regarding the potential levels of parking within the surrounding streets and that servicing may take place from Harrow Road. They also comment that the pay-and-display car park is often full. Given the nature of the use and the presence of the CPZ and pay-and-display parking facilities, your officers consider that the proposal is likely to give rise to significantly detrimental levels of parking in the surrounding area. The parking demand for the artists' studios is likely to be lower than that for the former library. With regard to servicing on Harrow Road, this is considered to be acceptable if it does not take place during the restricted hours.
23. In summary, it is considered that the proposal is unlikely to result in significant levels of overspill parking due to the nature of the use and the presence of a CPZ and pay-and-display parking facilities. However, it is considered appropriate to attach a condition regarding the provision of information to artists regarding non-car modes of access to the site. Servicing can safely take place from the pay-and-display parking areas or from Harrow Road outside of the restricted hours.

### **Noise and disturbance**

24. Sensitive uses that are near to the Artists' Studios include the other units within the complex and the homes on the opposite side of Harrow Road. The proposed use falls within Use Class B1 and as such, is a use that is appropriate for residential areas.
25. Objectors have raised concern regarding the nature of the use as artists studios which they contend includes heavy industrial processes and the proximity of these uses to other units and to homes. ACAVA have responded to this by specifying that the majority of the activities undertaken by their artists do not create significant levels of noise or other disturbances, and that they will manage their artists so that they do not disturb or otherwise affect sensitive uses such as the children's centre. From a planning perspective, uses that may cause significant disturbance are not appropriate within a residential area and would fall within Use Class B2 (general industrial). If such uses took place within the premises then a change of use would take place (irrespective of whether they are still used as artists' studios) and action could be taken by the Council. Nevertheless, your officers consider that sufficient reassurance has been provided regarding the intended use of the studios to confirm that they are intended to fall within Use Class B1.
26. Objectors have also raised concern regarding the potential 24 hour use of the premises. Again, ACAVA

has provided further clarification regarding this matter. They comment that while the hours kept by artists are irregular, late night working will be infrequent and typically related to deadlines. They do not envisage that this will occur very often. On this basis and given the separation between the units and the nearest residential homes (on the opposite side of Harrow Road) and the nature of the use which is to fall within Use Class B1 and not B2, this is considered to provide sufficient reassurance. If there are isolated instances where excessive noise is created then this can be dealt with as a noise nuisance.

27. Objectors also highlight the potential for disturbance caused by artists who park outside of residential homes. Given that the number of artists who work late is likely to be low and that parking is possible in the street outside the public house opposite the site and on Harrow Road late at night, it is considered unlikely to result in significant noise and disturbance.

### **Summary**

28. The proposal results in the loss of approximately 300 square metres of community floorspace (Use Class D1). However, your officers consider that the submitted Community Facilities Assessment confirms that the Community Lounge will be renovated and improved and that the facilities that remain in the complex will meet local demand. The proposed use, while falling within Use Class B1, includes some community access together with community out-reach programmes and as such, your officers consider that the consent should be restricted to ACAVA or other similar organisations.

29. It is considered likely that levels of parking and servicing will be low and unlikely to result in significant levels of on-street parking given nature of the use, the Public Transport Accessibility of the site and the presence of parking restrictions and pay-and-display parking.

30. It is also considered unlikely that the use will result in significant noise and disturbance given the nature of the use.

Your officers recommend that planning permission is granted.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

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

National Planning Policy Framework  
London Plan 2011  
LDF Core Strategy 2010  
Brent Unitary Development Plan 2004

### **CONDITIONS/REASONS:**

- (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):

“Community Facilities Assessment for Planning Application 13/2179”  
“Location Plan”  
“Ground Floor”  
“Ground Floor” [Change of use]  
“First Floor”  
“First Floor” [Change of use]

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

- (3) Notwithstanding the provisions of 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 with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the use class B1 floorspace hereby permitted shall only be by A.C.A.V.A. or other comparable arts based charitable organisations, details of which shall be submitted to and approved in writing by the Council prior to the commencement of use by those organisations, for purposes within Use Class B1 and following the cessation of the use by such organisations, the relevant premises shall be used for purposes within Use Class D1 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an appropriate use having regard to the potential future requirements for community infrastructure.

- (4) Details of how sustainable and non-car modes of access to the site will be promoted to future occupiers and visitors to the units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use and the approved details shall thereafter be implemented.

Reason: To ensure a sustainable development and in the interest in the free and safe flow of traffic on the local highway network.

**INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact David Glover, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5344