

Committee Report
Planning Committee on 16 March, 2010

Case No. 09/2645

RECEIVED: 6 January, 2010

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

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

PROPOSAL: Change of use of the ground floor from a medical centre (Use Class D1) to mixed use retail (Use Class A1) or a medical centre (Use Class D1)

APPLICANT: London and Regional Properties

CONTACT: Cushman & Wakefield

PLAN NO'S:
Location Plan
Ground floor doctors surgery 5486 (L) 190Rev B
Planning Statement

RECOMMENDATION

Refuse consent

SECTION 106 DETAILS

In this instance it is considered that the use of the entire floorspace 350sqm as retail and its loss as a medical / community facility is not acceptable in principle, but if it were to be, compensation for its loss would be sought in accordance with Policy CF3. The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £400,000 due on material start and, index-linked from the date of committee for community facilities/ primary health care provision in the local area

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The proposal relates to the ground floor of Crystal House a new 3 storey block located on the corner of Twyford Abbey Road and Bodiam Way (the bus only link) in which there was proposed to be a medical centre/ doctor's surgery on the ground floor and community centre use on the upper two floors. The building is part of a larger residential development approved in 2004 as part of the redevelopment of the former Guinness Brewery site. The site is within Park Royal in an area identified as Park Royal Western Gateway Opportunity Site.

This application relates specifically to the ground floor of Crystal House which is currently vacant but has planning permission for use as a doctors' surgery or for other medical uses and for no other purpose within Class D1.

PROPOSAL

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

HISTORY

The site has a long planning history. The following are most relevant to the current proposal:

- 09/0614 Variation of condition 25 of planning permission 04/0401 (to allow the community centre to be closed at 23.30 Monday to Wednesday and at 01.00 on Thursday to Sunday and all patrons shall leave the premises within 30 minutes of closing and the premises shall not re-open or be used before 08.00 on any day) withdrawn
- 07/2087 Change of use of part of the ground floor to retail (Use class A1) - pending
- 07/2088 Change of use of part of the ground floor to offices (use class B1 or A2) - withdrawn
- 05/1307 Variation of condition 23 (to allow doctors' surgery to be used for other medical uses) of planning permission reference 04/0401 for demolition of Guinness Sports and Social Club building and 2 squash courts and redevelopment of land to West of Abbeyfields Close and to rear (South) of Abbeyfields Close and Moyne Place to provide a total of 192 residential units (80 affordable) and community facility, doctors' surgery and childcare facility (as set out in the agents letter dated 25 April 2005). – granted
Condition 23 was revised to the following :
- Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the use of the doctors' surgery hereby permitted shall only be used for that purpose or for other medical uses and for no other purpose within Class D1 of the said Order, except with the prior permission of the local planning authority obtained through the submission of a planning application.*
- Reason : To accord with the terms of the application, to enable the local planning authority to maintain control over any future use of the premises in the interests of the amenities of the occupiers of neighbouring properties and to ensure adequate parking and servicing is available for alternative uses.*
- 04/0401 Full planning application for "Demolition of Guinness Sports and Social Club building and 2 squash courts and redevelopment of land to West of Abbeyfields Close and to rear (South) of Abbeyfields Close and Moyne Place to provide a total of 192 residential units (80 affordable) and community facility, doctors' surgery and childcare facility" was Approved Subject to Legal Agreement.
- 02/0016 Reserved matters - Residential development on land to the rear of Abbeyfields Close and Moyne Place to provide 42 units within 5 buildings consisting of the erection of a part two-storey and three-storey terrace of 1 three-bedroom house, 1 four-bedroom house, 2 three-bedroom maisonettes, 2 four-bedroom maisonettes and 4 one-bedroom flats (Block 1), a two-storey terrace of 3 four-bedroom houses and 2 three-bedroom

houses (Block 2) a three-storey terrace of 1 five-bedroom house, 4 three-bedroom maisonettes and 2 two-bedroom flats (Block 3) a part two-storey and three-storey terrace of 4 three-bedroom houses, 4 three-bedroom maisonettes and 2 two-bedroom flats (Block 4) and a four-storey terrace of 5 three-bedroom maisonettes and 5 one-bedroom flats (Block 5) as part of Phase 1 reserved matters pursuant to condition 1 (time limit) and condition 2(i) (phase 1 residential) (access road) of planning permission 98/0016 dated 15/07/1999 for new access road from A40 and outline planning application for mixed-use development on a 22.18-hectare site, including 116,100m² of offices (Use Class B1); 61 residential units; Underground station including ancillary retail; 150-bed hotel; indoor leisure facilities and open space; with associated access/servicing, landscaping and car-parking, including demolition of existing brewery and leisure buildings. Granted

98/0016 Outline planning application for new access road from A40 and outline planning application for mixed-use development on a 22.18-hectare site, including 116,100m² of offices (Use Class B1); 61 residential units; Underground station including ancillary retail; 150-bed hotel; indoor leisure facilities and open space; with associated access/servicing, landscaping and car-parking, including demolition of existing brewery and leisure buildings (as amended by plans and documentation dated 12 October 1998, 23 October 1998, 6 November 1998, 12 November 1998 and 18 November 1998) - Approved on 15 July 1999.

Adjacent building

08/3190 Change of use of ground floor of Aqua House from nursery to 5 self contained flats and formation of existing door to a window on ground floor north west elevation of residential block and subject to a Deed of Agreement dated 16th July 2009 under Section 106 of the Town and Country Planning Act 1990, as amended Approved 30th July 2009

POLICY CONSIDERATIONS

PPS4- Planning for Sustainable Economic Growth

London Plan 2004 as consolidated with amendments

Policy 2A.8 Town Centres

Policy 3D.1 Supporting town centres

Policy 3D.2 Town centre development

Policy 3A.18 Protection and enhancement of social infrastructure and community facilities –resist facilities loss

Policy 3A.21 Locations for health care- prioritise health care

Policy 5F.1 The strategic priorities for West London

Brent's Unitary Development Plan 2004

STR2 – Retail uses or uses that attract a lot of people will be directed sequentially

STR3 - In the interest of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

STR11 - The quality and character of the Borough's built and natural environment will be protected

and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the Borough will be refused.

STR14 - New development will be expected to make positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to: townscape (local context and character) urban structure (space and movement), urban clarity and safety, the public realm (landscaped and streetscape), architectural quality and sustainability, detailed in part II of the plan.

STR29 a development should enhance the vitality and viability of the Borough's Town Centres

STR30 a widespread distribution of local shopping facilities and other local services will be maintained.

BE2 Local Context

BE3 Urban Structure: Space & Movement

BE4 Access for disabled people

BE5 Urban clarity and safety

BE6 Landscape design

BE7 Streetscene

BE9 Architectural Quality

BE12 Sustainable design principles

BE17 Building services Equipment

EP2 Noise and Vibration

EP3 Local air quality management

H22 Protection of Residential Amenity

TRN3 Environmental Impact of Traffic

TRN4 Measures to make transport impact acceptable

TRN11 The London Cycle Network

TRN22 Parking Standards – non-residential developments

TRN34 Servicing in new developments

TRN35 Transport access for disabled people & others with mobility difficulties

SH5 Out of Centre Retail Developments

EMP4 Access to Employment Opportunities

CF2 Location of small scale community facilities

CF3 Protection of community facilities. The loss of a community facility falling within the D1 use class will be resisted unless the facility is appropriately replaced or adequate compensation is made for its loss, or unless both the site and any buildings are unsuitable for redevelopment for community uses.

Exceptionally a reduction in the size of a communal facility may be permitted where the size of a community facility is too large for modern needs and the development is essential to secure community use (with equivalent community access) on the remainder of the site.

CF5 - Community facilities will be secured in very large scale residential or mixed use schemes where these are necessary to meet the needs of the new community and the need for them arises as a result of the development.

CF13 - In partnership with the health care providers the improvement of primary health care facilities is supported. The development or extension of healthcare/GP surgeries will be permitted in residential areas and in town and local centres where there is no significant loss of residential amenity, would not create highway safety or traffic problems and facilities are accessible to the whole community

Purpose built group practices are generally encouraged

Where necessary, a condition may be applied limiting the use to that applied for.

PR1 - Major developments within Park Royal will be expected to make a substantial contribution towards the overall enhancement and regeneration of the area. Planning obligations will be secured for the improvement of local infrastructure and public transport, where the transport impact of the proposal justifies such measures.

PR2 - The following transport improvements serving Park Royal will be pursued : new upgraded stations including the Park Royal Interchange, bus priority/service improvements on key routes linking stations employment areas and their residential hinterland, an improved cycle network and pedestrian routes, action to restrict the use and parking of cars within the area by extending the scope of existing parking controls, construction of the Western Gateway Link, promotion of the area travel plan initiative,. Such measures will be secured where they are necessary to mitigate the transport impact of development to acceptable levels.

PR5 - Park Royal Western Gateway Opportunity Site - Major development including a business park. This should incorporate a new Park Royal Interchange Station on the Central Line with a link to the Piccadilly Line. A minimum of 2 hectares of additional public open space should be provided together with compensatory loss for the loss of playing fields. This public open space should form a link to the areas of Metropolitan Open Space designated in Ealing (Jellicoe Mounds and Twyford Abbey).

Development is subject to any application being accompanied by an urban design framework showing how different phases will be developed and the relationship between the built and landscaped areas and major development is subject to the construction of the Western Gateway Link Road and 'Concord Link' (within Ealing) and shall include a link road from Coronation Road to Rainsford Road (whilst retaining the railway sidings) and there should be traffic restrictions on Twyford Abbey Road and Coronation Road. It should include sufficient improvements to the trunk road network to enable the development to be accessed safely without unacceptably causing congestion.

Brent Council's Supplementary Planning Guidance and Documents

SPG12 Access for disabled people

SPG17 Design Guide for New Development

SPG19 Sustainable design, construction and pollution control

SPD Section 106 Planning Obligations

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

73 properties have been notified on 11/01/10, including occupiers of Opal House, Aqua House, Azure house. It is understood that the London Borough of Ealing has also notified some residents within their Borough. In addition site notices were erected on 15/01/10.

2 letters of support received

- Support the idea for the provision of both a doctors and convenience store.
- There has been problems with a vacant ground floor unit in the past with antisocial behaviour. However, a well-managed establishment would not lead to such problems.
- Most customers will be on foot and therefore the proposal will not lead to parking problems

9 letters of objection including a representative for the west Twyford Residents Association, raising the following issues:

- Local residents suffer from the lack of a doctor, could Brent and Ealing share this facility? There is currently a need for a local doctors/ dentist facility. Shops are already available on all 4 corners of Hanger Lane
- Twyford Abbey development in Ealing and First Central development in Brent are imminent- massively increasing the local population.
- Concern that if the change of use is granted, the D1 use will be ignored.
- Seek delay of the decision and clarification regarding what "retail" is proposed. This could be widely interpreted, for example a small convenience store/ grocers/ newsagents may be welcomed by Brent and Ealing residents but they would object to other uses such as the sales of alcohol in a residential area.
- Concern that a shop may lead to young people hanging around, particularly with the number of low-cost residential units being proposed in the area.
- Concern about the long opening hours of a convenience store
- The proposal may result in parking problems- functions at Crystals community centre have caused issues in the past on local roads overspill – with no traffic calming measures. Here is a lack of parking provision proposed for a shop
- Brent and Ealing Councils should work towards meeting residents' needs, local residents have lost lots including open fields, sports facilities, and a community centre
- A retail use will attract signage, litter and noise
- First Central have a proposed retail outlet in this development, which should be used rather than the application site
- The residential use of West Twyford was reinforced with covenants preventing the use of properties as commercial enterprises
- The community centre is operated as a business, and is on its third tenant, and not part of the community. The proposed nursery, doctors surgery and park have yet to materialise despite the s106
- No all local residents are aware of the proposal, which affects a community use, and this is unfair, and should not be a delegated matter. The application affects the whole of West Twyford and has wide implications
- The proximity of a proposed shop to a primary school, may lead to accidents as children cross the road to use it.
- The unit has been vacant for some time, but other D1 uses could benefit the local community

Ealing Cllr Nigel Sumner –raises concerns about the proposal as this links to the early Guinness s106 and there are local residents' concerns about future development in the area and renegotiations on s106 obligations

Ealing Council- raise no objection

Planning Policy Officers -object to the proposal, consider community uses on site should be further explored, and up to 350sqm A1 floorspace will be harmful and fail the sequential test- failing to comply with planning policies

Transportation –No objections subject to the provision of appropriate servicing/ parking/ refuse/ recycling and secure cycle storage on site.

Brent PCT - there is clear local need for PCT provision which will increase further when the rest of this development is built out. The local PCT provision is being concentrated at the Central Middlesex Hospital (CMH). Therefore if this D1 space was to be loss they would require a substantial contribution towards off site medical and PCT facilities at CMH.

REMARKS

Introduction

This application seeks a change of use of the ground floor from a medical centre (Use Class D1) to mixed use retail (Use Class A1) or a medical centre (Use Class D1.) The ground floor of the building encompasses 350sqm and since the erection of the building, this floor has remained vacant. The lawful planning use of the existing ground floor is as either a doctors' surgery or for other medical uses and for no other purpose within Class D1. The applicants therefore seek a flexible consent, that the floorspace may be used as either retail, or a medical centre, or any combination of the two uses.

Community medical facility

Crystal House was approved as part of the redevelopment of the former Guinness Brewery site. Condition 23 of application 04/0401 sought to restrict the use of the designated area, (the application site,) which was later varied to allow the provision of either a doctor's surgery or a medical centre. It is considered that this facility is important social infrastructure to help establish this part of Park Royal as a good place to live and work. Policy 5F.1 of the London Plan states that a priority in Western London is to ensure that the expansion of population expected in West London is accommodated in sustainable communities, taking into account *their needs for social and community infrastructure* and capacity building, and capturing significant benefits from the economic generators within the sub-region for residents (officer's italics.)

Unitary Development Plan Policy CF3 states that the loss of D1 floorspace will be resisted unless the facility is appropriately replaced, or adequate compensation is made for the loss. Policy 3A.18 of the London Plan seeks to resist the net loss of community facilities such as healthcare. Policy CF13 of the UDP seeks to encourage the provision of primary care facilities, and in particular purpose-built group practice facilities.

The D1 medical provision on site was originally secured to mitigate the extra impact of both the local residential and office users. Any reduction of this medical provision must be considered in terms of the residential units that have already been constructed, and that the permission for the rest of the office space employing thousands remains extant. Members should also note that more residential units were ultimately provided on site (131units) than the numbers originally envisaged within the outline application (61 units) leading to a total of 192 units. The nearest GP surgery to the application site is in excess of 1400m from the site. Furthermore additional growth is expected on the First Central site, where an additional planning application is awaited. The applicants state that this will include "a significant number of residential units and circa 90,000sqm of office floorspace." This is expected to heighten local need for a medical facility. Local residents also mention the advent of Twyford Abbey residential development in Ealing.

The applicants have stated that Ealing PCT no-longer require the floorspace as they are not promoting this model of healthcare. Brent PCT has confirmed that there is a local need for primary healthcare, however they may not wish to occupy the floorspace. It is understood that Brent local PCT provision is being concentrated at the Central Middlesex Hospital (CMH). Therefore if the

medical facility on site is not to be occupied by the PCT, they would require a substantial contribution towards off-site medical and PCT facilities at Central Middlesex Hospital, which will provide local primary health care. This different approach to medical facility provision is in line with London Plan Policy 3A.21 which prioritises facilities in town centres/ places of good public transport, particularly in accordance with the local NHS plan.

Within the Planning Statement accompanying the application, the applicants state that they do recognise the need for a local Medical Centre, which is why they are seeking dual use consent. In reality though, if a flexible consent is granted officers are concerned that there would be no reason for the applicants not to let the entire 350sqm floorspace as a retail premises. Indeed, the applicants have stated that they have been unable to gain PCT support either from Brent or Ealing to take-up the facility. This would potentially lead to the facility being lost with no compensation to allow provision elsewhere. The applicants seek to demonstrate that the floorspace has never been occupied, and argue allowing the change of use of this space would only be the loss of a potential community use rather than actual. However, officers disagree with this assessment.

Policy CF5 states that community facilities will be secured in very large scale residential or mixed use schemes where these are necessary to meet the needs of the new community and the need for them arises as a result of the development. Planning permission would not have been granted for Crystal House without a specified planning use. The committee report associated with application 04/0401 summarised that the proposed doctor's surgery was appropriate to its context, particularly when at that time the availability of GP facilities in West Twyford was (and remains) limited. The loss of a community facility/ medical centre, which is considered an established use, should therefore be addressed in policy terms, which includes compensation when appropriate.

In accordance with Policy CF3 and CF13 of Brent's Unitary Development Plan the Local Planning Authority would seek a commuted sum of £400,000 to compensate for the loss of 350sqm of dedicated doctor's surgery/ medical centre, (D1 floorspace.) Brent PCT has stated that they would use this money towards off- site medical and PCT facilities at Central Middlesex Hospital, where they are concentrating such facilities. This would be sought through a s106 associated with the grant of any future planning application on site. It is considered that without appropriate compensation there will be a net loss of an established community facility, which is harmful to the social infrastructure of the area.

The Local Planning Authority is concerned that the majority of community facilities envisaged at the time of the 2004 planning permission for the site have not been realised. The facilities are considered important to the viability of the wider area. During summer 2009 the Local Planning Authority became aware that the community centre occupying the first and second floor of Crystal House was no-longer operative. Officers have also had concerns that the facility has been operating as a commercial enterprise rather than strictly operating as a community facility. There have been concerns about the social infrastructure on offer to local residents and employees.

The 2004 planning permission for the development was considered on the basis of the proposal at that time. This included the doctor's surgery (later medical centre,) as there was a limited availability of GP facilities in West Twyford, community centre, and crèche. The crèche was considered appropriate for employers/employees within the new and existing employment sites in Park Royal and for residents of the area.

The Local Planning Authority had previously asked the applicants to consider the use of the ground-floor as for alternate community uses, and in particular a nursery as this is no-longer being provided in Aqua House. The findings within Appendix 5 of the submitted Planning Statement have been considered, which demonstrate that the applicants have endeavoured to market the unit as a nursery. It is unknown how much contact was made with crèche providers and what information was provided to them. However, it is understood that past reticence to the site was in part caused by a lack of external play-space. To this end, the Local Planning Authority have suggested the use of the wide paved/landscaping strip to the west of Crystals House and adjoining Bodiam Way in

order to create capacity for an external play-space associated with the adjoining building. This will require reconfiguration of the area, including the resiting of a footpath alongside Crystals House. Nevertheless this area has potential to create a playspace of approximately 70sqm. It is considered that if the ground-floor of Crystals House were to be marketed for a nursery with the incorporation of this landscaped verge as a playspace, then the proposal would be likely to generate more interest. The applicants have not responded to this recently raised issue at the time of writing this report.

The proposal allows the applicants the option to implement either the community facility or retail unit and the flexibility of such a dual consent for the entire floorspace would mean that the Local Planning Authority would have no way to safeguard any community floorspace provision for the ground-floor.

The applicant's Planning Statement intimates that the presence of the first and second floor Crystals House community centre means that other community uses are not viable for the ground-floor. This has not been substantiated. The Council has received recent enquiries about nurseries. It is preferred if the ground-floor space is used for other D1 uses, such as a nursery or education/ training centre, rather than losing the space as an established facility for community benefit. The community facilities were laid out in accordance with the applicants' proposals rather than being specified by the Local Planning Authority. It is considered premature to agree to the loss of a community facility particularly with the expected development on the future First Central site. Until the character and quantum of the future development is known it would be difficult for the Local Planning Authority to permit the further loss of a community asset, when the likely demand for such a facility is anticipated to increase. This approach is in accordance with Policy CF5 of Brent's Unitary Development Plan that requires that community facilities are secured in large-scale residential or mixed-use schemes to meet the needs of the new community.

Alternate retail facility

The Council's Policy division comment that the proposal, which could incorporate 350sqm of retail (A1) floorspace in an out of centre location is greater than would normally be considered to meet local need and would therefore harm the vitality and viability of existing local centres.

Policy SH5 of Brent's Unitary Development Plan specifies that out-of-centre proposals for the development of retail uses will only be permitted where:

- a) there is a need for the proposal in the format proposed;
- b) there is no sequentially preferable site available;
- c) the proposal by itself or cumulatively would not have an unacceptable impact on the vitality and viability of Town or District Centres;
- d) the site is or could be made accessible by means of a choice of transport including having moderate or better public transport accessibility and suitable pedestrian and cycle access exists or could be provided.

The applicants specify within the submitted Planning Statement that the proposal meets the local need for retail convenience within the Borough. However, the survey of local parades demonstrates that this additional floorspace can be accommodated within Brent's and Ealing's existing local centres. The applicants provide assessments of Ashbourne Parade on Hanger Lane, Norbeck Parade, Hanger Green, Abbey Parade and a parade on North Circular Road. They discount Hanger Green as it is 1.2km from the site, which they consider greater than walking distance. Your officers have assessed these local centre findings and agree with the names of units that have been provided. The survey shows that Abbey Parade is the closest to the application site, at a distance of 520m from the site and Ashbourne Parade is the furthest at 700m. The survey findings show that there are vacant units on North Circular Road parade and Hanger Green centre. The applicants have therefore failed to demonstrate why they are not seeking to occupy sequentially preferable locations within established local centres. The proposed development would introduce an out-of centre retail use in a location which, by reason of its

proximity to established local centres, is considered likely to draw custom from these centres and as such, detract from their vitality and viability.

The applicants make reference to the 400m distance cited within Policy SH17 of Brent's Unitary Development Plan as a measure of a reasonable walking distance but this policy does not state or imply that there is a direct need for a shop within 400m of every new dwelling. The policy states that the loss of an isolated shop more than 400m from other parades would be noticeable. Therefore units within other established local centres that are located more than 400m from Crystal House (the application site,) may be considered sequentially preferable sites, despite the applicant's interpretation of Unitary Development Plan policy.

A recent appeal decision issued on 25/09/07 regarding a convenience retail shop (application reference 06/3246, and appeal reference APP/T5150/A/07/2042360,) demonstrated that a Planning Inspector found that whilst the proposed 315sqm retail store would have a limited catchment this was sufficient to result in "significant competition" to nearby centres including a district centre 450m from the application site. He concluded that the location and catchment of the 315sqm store "would result in the long-term viability of (their) convenience shops being threatened adversely affecting the inter-related trade of their other shops and services and reducing the retail attraction of (both) centres as a whole." This would harm the long-term vitality and viability of the centres. It follows that the (larger) proposed retail unit on the application site of up to 350sqm A1 floorspace is also likely to significantly affect local centres 520m from the application site.

Brent's Core Strategy has recently been to an examination in public but it is not yet formally adopted. The Unitary Development Plan has recently been reviewed to identify the saved policies and therefore is still considered an up-to-date development plan. The applicants also make reference to PPS6. However, since their planning statement was submitted, this has been superseded by PPS4 - Planning for Sustainable Economic Growth. This makes the assessment of "need" less important and instead considered the "impact" of a retail proposal. This includes impact on local (town) centres' vitality and viability. The sequential test remains an important consideration for the siting of a proposed town centre use.

Whilst the officers note the applicant's local convenience retail need arguments, they consider that, on balance, the harm caused by the impact of a floorspace of 350sqm A1 as an out-of-centre retail use is likely to have unacceptable impacts upon the vitality and viability of existing centres, particularly those with vacant units. The proposal is accordingly considered contrary to guidance within PPS4, policies 2A.8, 3D.1 and 3D.2 of the London Plan and policies STR2, STR29, STR30 and SH5 of the Brent Unitary Development Plan 2004.

Transportation

The application does not detail relevant servicing/ parking requirements, this is contrary to policies TRN11, TRN22, TRN34 of Brent's Unitary Development Plan.

The existing D1 floorspace requires up to 2 parking space, but a proposed retail unit would only need the provision of one space including consideration of a disabled parking space. The proposed A1 use would also need access to a servicing bay for up to transit sized vehicles. The Council's Highway Engineers find that refuse and recycling storage have not been detailed. At least 2 secure cycle spaces should be provided for the unit. Therefore the main difference arising from the proposal is the provision of a servicing bay (3m x 5.5m) bay which would be required to be maintained clear from obstructions and available for the use of the unit as A1.

The Planning Statement comments that a report by Mott McDonalds commissioned by the applicant concludes the transport implications of the proposal are neutral, and the Council's Engineers accord with this. The red-line only incorporates Crystal House building. However as the applicant owns surrounding land, (although this is not indicated in the application,) it is considered that such information including a servicing management plan could be conditioned/ sought through obligation prior to the commencement of the use if the application was to be approved. Accordingly this will not form a reason for refusal.

Response to representations

Many of the objectors comments have already been addressed in the body of this report. However, it should be clarified that a retail use class A1 could encompass a shop selling alcohol and the planning system does not have control over the types of products on sale and this issue would therefore not be possible to deal with by planning condition.

It should also be noted that the s106 associated with the original planning applications for the site: 98/0016 and 04/0401 make reference to the community centre and nursery, but do not refer to the provision of a doctor's surgery. This requirement was introduced as condition 23 of application 04/0401.

Conclusion

The loss of a community floorspace without recourse and the provision of up to 350sqm of A1 floorspace, which is considered greater than required for local convenience need and harmful to existing local centres is considered contrary to planning policy for the reasons set out above. The application is recommended for refusal.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposal by failing to provide sufficient guarantee that an adequate level of floor space for community use would be retained could result in the potential loss of the existing community facility without appropriate re-provision in the area or adequate compensation for its loss in an area deficient of community facilities is contrary to policy CF3 and CF13 of the Council's adopted Unitary Development Plan and Policies 3A.18 and 3A.21 of the London Plan and the adopted S106 Planning Obligations Supplementary Planning Document

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

PPS4- Planning for Sustainable Economic Growth
London Plan 2004 as consolidated with amendments
Brent's Unitary Development Plan 2004
SPG12 Access for disabled people; SPG17 Design Guide for New Development; SPG19
Sustainable design, construction and pollution control; SPD Section 106 Planning
Obligations

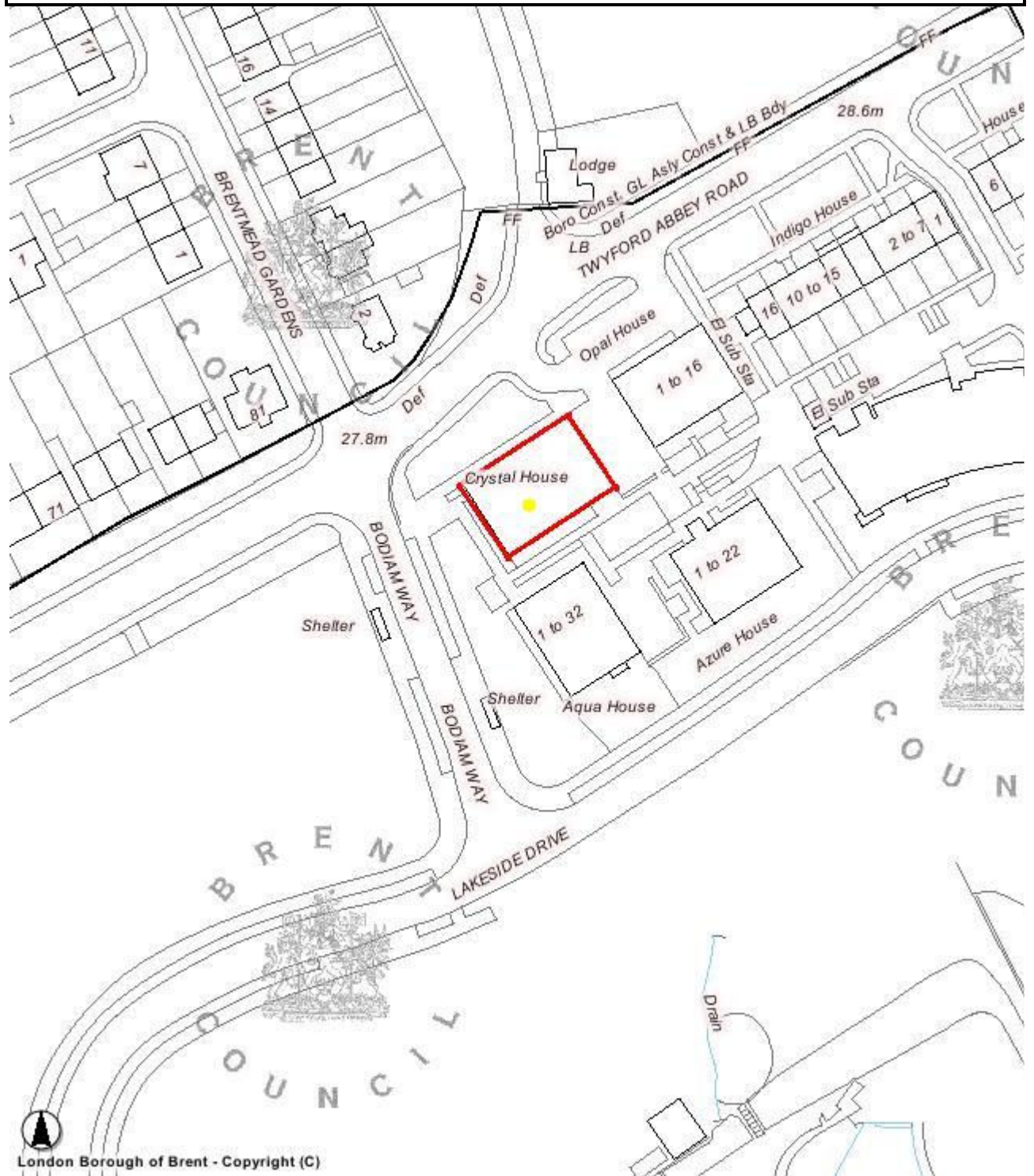
Any person wishing to inspect the above papers should contact Amy Collins, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



Planning Committee Map

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

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