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Location      Community Centre, Crystal House, 2 Agate Close, London, NW10 7FJ  
Description   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)

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Officers have received further comments from objectors. They are not able to attend committee but they wish to reiterate the strength of their opposition to the proposed retail unit. The reasons for their objection are set out in the committee report.

Officers have received an update from the applicants regarding the potential use of the land to the side of the building as external play space in order to allow the ground floor to be used as a children's nursery as an alternative community use. This land has been transferred to the ownership of the management company which in turn is owned by all the property owners within the estate. Given the ownership constraints it is possible that the land may not be available for a play area although this would depend on future negotiations. Officers have made enquires and a future nursery could be created and meet Welfare Requirements for future child/ baby users without an associated external amenity area as long as children have daily trips out to an open-space. However, this does raise supervision and staffing issues, and so is not ideal.

Officers acknowledge that the ground-floor unit has been vacant for some time. The applicants have approached the Brent and Ealing PCTs to establish their requirements for the unit. Brent PCT have reconfirmed that it is their intention to focus primary care facilities at Central Middlesex Hospital rather than using the application site.

The applicants have made some attempt to market the unit as a nursery. Nevertheless officers have concerns that the flexibility of the proposed consent would enable the creation of a 350 sqm retail unit in an inappropriate location and harm local shopping parades as well. The applicants have offered to limit the size of the retail unit to take up no more than half the ground floor of Crystal House. However officers remain concerned that this would reduce the range of community uses that could operate viably from the site, accordingly the recommendation remains refusal.

Following advice from Policy officers, wording of refusal reason 1 to be revised to:

*The proposal by failing to provide sufficient guarantee that an adequate level of floor space for community use would be retained could result in:*

- i) the permanent loss of a purpose built D1 facility without appropriate local re-provision or*
- ii) adequate compensation for D1 loss in an area that is deficient in community facilities*

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

**Recommendation:** Refuse consent.