

**former Kingsbury Pool site**

in the London Borough of Brent

planning application no. 02/2002

**Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999; Town & Country Planning (Mayor of London) Order 2000 – strategic planning application stage 1 referral**

**Erection of a two storey building to be used as a racquets and fitness centre with public and private indoor swimming pools and outdoor facilities, including pool and tennis courts, landscaping, car parking and re-alignment of public footpaths**

**Context**

1 On 4 October 2002 Brent Council consulted the Mayor of London on a proposal to develop the above site for the above uses. Under the provisions of the Town & Country Planning (Mayor of London) Order 2000 the Mayor has the same opportunity as other statutory consultees to comment on the proposal. This report sets out information for the Mayor's use in deciding what comments to make.

2 The application is referable under Categories 3E and 3F of the Schedule of the Order 2000: "3E - Development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated and – (a) comprises or includes the provision of more than 2,500 square metres of floor space for a use falling within any of the following Classes in the Use Classes Order – (x) class D2 (assembly and leisure); and 3F – Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use."

3 If Brent Council subsequently decides that it is minded to grant planning permission, it must first allow the Mayor an opportunity to decide whether to direct the Council to refuse permission.

4 The Mayor of London's comments on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

**Site description**

5 The 2.1 hectares site is situated within the south-east section of Roe Green Park (public open space). Roe Green Park is located between Kingsbury and Queensbury in north-west London, and is bounded to the north by Kingsbury High and Roe Green Junior and Infants schools and their playing fields, and to the east and west by residential development. The

southern side of the park is bounded by the A4006, Kingsbury Road, with residential development further south.

## Details of the proposal

6 A detailed planning application has been submitted by Next Generation Clubs Limited for a development that will comprise a private leisure club of approximately 14,700 square metres of gross internal floor area with 270 car parking spaces. Next Generation Clubs Limited is a concept by David Lloyd, who built up the David Lloyd Centres into the country's leading brand of commercial leisure clubs before selling to Whitbread in 1995. David Lloyd is the chief executive of Next Generation (Holdings) Limited and has a stated aim of opening twenty centres by 2004. The applicant currently operates eight centres in the United Kingdom at Edinburgh, Dundee, Glasgow, Chorley, Dudley, Ipswich, Bristol and Heston in West London. Two clubs will be opening this year in York and Dartford. Further planning permissions have been obtained in Cambridge, Romford, Gateshead, Wolverhampton, Hatfield and Hertford.

7 The applicant's three main objectives are:

- To increase the number of indoor tennis facilities in the United Kingdom.
- To increase the number of people involved in tennis.
- To increase the level of tennis playing ability and all sports to win more medals in top competition.

8 The building footprint will be approximately 8,200 square metres. The proposed facilities of the leisure club include:

- An indoor hall with sufficient space to accommodate six full-sized courts on the ground floor (3,150 square metres).
- Private indoor swimming pool (740 square metres) with shower and changing facilities (670 square metres) and a children's pool.
- Private outdoor swimming pool with terrace.
- Public swimming pool (700 square metres) and kids pool with shower and changing facilities.
- Three indoor squash courts (200 square metres) on the ground floor.
- Children's nursery (290 square metres) on the ground floor.
- Bar/restaurant/cafe facilities (total of 700 square metres) in two separate areas on the ground floor.
- Kitchen stores (150 square metres) on the ground floor.
- Seven outdoor tennis courts.
- Two indoor spectators' areas on the ground floor adjoining the public swimming pool and the indoor hall and squash courts.
- Shop (185 square metres) on the ground floor.
- Private cinema and conference areas (100 square metres) on the ground floor.
- Function room (265 square metres); hair and beauty salon (140 square metres); dance studio (300 square metres); and an open terrace (240 square metres) on the first floor.
- Fitness hall (705 square metres) and teens zone area adjoining (160 square metres) on the first floor.
- 130 space car park on the lower ground floor.
- 140 space surface car park including 19 disabled persons parking spaces and two coach parking bays.

9 The applicant advises that the following facilities will be made available to the public:

- 25 metres x 12 metres indoor swimming pool.
- 50-seat spectator area.
- Male and female changing areas.
- Function room/cafe area.
- Health and beauty suites.
- Creche/nursery.
- Sports shop.
- Access to 270 car parking spaces.

10 The applicant further advises that the provision of the indoor pool can only be accommodated through a membership-based racquets and fitness facility at the site. The applicant seeks to offer a diverse range of sporting and leisure facilities, which the applicant claims are required to provide indoor tennis as well as the public indoor pool. The following facilities will be made available to members of the proposed facility:

- Five indoor and 5 outdoor tennis courts
- Indoor and outdoor heated swimming pools
- Four badminton and three squash courts
- Health and fitness suite
- Aerobics studio
- Steam room/Sauna/Spa
- Kids room/Play area
- Kids cinema
- Access to 270 car parking spaces

11 The applicant states it's commitment to increasing the participation in tennis around Britain and has been running a variety of schemes that aims to encourage all sectors of the population to play tennis (competitively or for the first time). As such, the applicant proposes to implement the following schemes:

- (i) **Outreach programme to local schools.** This will involve initiating a rota of complimentary, off-peak access arrangements for various local schools in order to increase the awareness of racquet sports to promote the need for a healthy, active lifestyle. This will involve providing 500 hours of court time and specialist coaching. The applicant states that it is willing to enter into a formal planning agreement with Brent Council to define the extent of this package.
- (ii) **David Lloyd Academy.** This is to be entirely funded by the applicant. It is an exclusive arrangement with the current Davis Cup captain, specifically designed to raise the profile of tennis within the junior community. The Academy aims to identify juniors with special talent by holding a series of 'siftings' open to any junior with an interest in tennis (all equipment including courts and coaching will be supplied by the applicant). If selected for the full Academy, the junior will receive regular coaching sessions with some of the UK's top coaches, free court hours and supplementary incentives. The applicant advises that David Lloyd discovered and produced Tim Henman through this form of academy, and is hopeful of repeating the success.

12 The applicant states that membership at the club will be open to all members of the public. There is to be no "playing-in tests" or the need for "proposers" and "seconders".

Juniors will have full playing rights. The membership fees are set with a principal objective of providing value for money. The target is to ensure that the cost to an enthusiast will be no more than that which someone who frequently plays on a “pay and play” basis would be charged. The applicant states that in the first few years of its operations, it has seen a higher than expected take up of family memberships and high numbers of young children enjoying sport activity. Over 70% of the members have taken advantage of the full range of sports provided within the centres.

## Case history

13 Kingsbury Pool (an open-air pool) was opened in 1939 and closed in 1988. Following the tragedy of a drowning incident the pool was filled-in, in 1989. A planning brief for the Kingsbury Pool site (a formerly council-owned leisure facility), of 1.16 hectares within Roe Green Park, for leisure activities specifically with the inclusion of an indoor public swimming pool for use by residents in the area, was published in November 2000. The brief was subsequently adopted as supplementary planning guidance. A site-specific proposal for the Kingsbury Pool site has been included within the adopted Brent Unitary Development Plan (policies OS25 and DP2 for leisure pool/sports/leisure and ancillary car parking on a 1.16 hectare site) and emerging revised Brent Unitary Development Plan (policy DP3 for leisure pool/sports/leisure (not cinema) and food and drink (A3) uses on a 1.2 hectare site).

14 Brent Council granted planning permission for two unimplemented schemes in May 1992 (application by Wiggins for the redevelopment of the site to provide a leisure complex comprising of a leisure pool, library, sports hall, conference rooms, take-away restaurant and car parking) and in April 1989 (application by Shareline Limited for the redevelopment of Kingsbury Pool to provide a new indoor leisure pool, with sports and bowling halls, aerobics and dance rooms and associated facilities).

15 The Government Office for London on behalf of the Greater London Authority in May 2000 submitted objections to various policies of the emerging revised Brent UDP (first deposit, 2000): SH1 (network of town centres), SH3 (sequential approach to major development), OS19 (indoor sports development priorities), OS20 (location of indoor sports facilities) and proposal DP3 (site specific proposal for the site of former Kingsbury Pool, 282A Kingsbury Road). Brent Council amended policies SH1, SH3 and OS20 and proposal DP3 and deleted policy OS19 within the Revised Deposit Brent UDP (2001). The public inquiry into objections to the Brent Replacement UDP was held in February/March 2002. The Inquiry Inspector’s report was received by Brent Council on 1 November 2002. The Council has a period of eight weeks to make the document publicly available. To date, GLA officers have not yet been able to gain sight of the document.

## Strategic planning issues and relevant policies and guidance

16 The relevant issues and corresponding policies are as follows:

- Loss of open land *draft London Plan; PPG17*
- Leisure *draft London Plan; PPG21*
- Urban design *draft London Plan: PPG1*
- Transport *draft London Plan; the Mayor’s Transport Strategy; PPG13*
- Parking *draft London Plan; the Mayor’s Transport Strategy; PPG13*
- Biodiversity *draft London Plan; the Biodiversity Strategy; PPG9*
- Access *draft London Plan*
- Equal opportunities *draft London Plan*

- Sustainable development *draft London Plan: PPG3; PPG13*

## **Loss of open land**

17 The Brent adopted and emerging UDPs contain a restrictive policy on the development of public open space (OS8 and OS6 respectively) but contains a site-specific policy (DP2 and DP3 respectively) that encourages the development of 1.16 hectares (adopted UDP) and 1.2 hectares (emerging UDP) of the site of the former Kingsbury Pool in Roe Green Park. The current application, however, is for a building of approximately 15,000 square metres with a building footprint of 8,200 square metres, within a site area of 2.1 hectares. This includes uses such as a cinema, hair and beauty salon and function room that are not ancillary to the main use of Roe Green Park and appear to have no relationship with the predominant tennis use other than to increase income. A 140 space surface car park is included with a lower ground floor 130 space car park. This is a significant land take.

18 The Mayor's vision for London as enshrined within the draft London Plan recognises the significant population growth that is set to take place within London over the next decade and thus puts significant emphasis on a design-led approach of high quality and strong protection of existing open spaces, whether they are Green Belt, Metropolitan Open Land or not (policies 3D.8, 3D.9 and 3D.10 of the draft London Plan deal with the issue of improving London's open environment). The applicant argues that the dearth of indoor tennis courts, nationally and strategically, supports the quantum of development, including the necessary ancillary food and drink uses that are required to help finance the development and deliver Brent Council's long cherished desire to provide a public indoor swimming pool for the area.

19 The applicant has not given a sufficiently robust justification for the increased land take of the development, over and beyond that set out in the adopted and emerging Brent Council UDP and the supplementary planning guidance that consists of the Kingsbury Pool site planning brief. The loss of public open space therefore remains an issue of strategic concern until further supporting information comes forward.

## **Leisure**

20 In broad strategic planning terms the Mayor's draft London Plan supports enhanced sport and leisure facilities (policy 3D.6). It is acknowledged that there is a dearth of tennis playing facilities (both indoor and outdoors) nationally, strategically and locally. However, the concern is whether this justifies a quantum of development that involves a significant loss of public open space. The adopted and emerging Brent UDP recognises that the site area for a leisure development with a sports emphasis and ancillary commercial development including food and drink use should be no larger than 1.16 hectares or 1.2 hectares respectively. The emerging Brent UDP (2001) states that a sequential approach had been used for the site-specific proposal DP3 for a site area of 1.2 hectares. The applicant has not submitted any evidence to demonstrate how the larger development has been made subject of a sequential test.

## **Urban design**

21 The new building will be positioned some 17.5 metres from the back edge of footpath behind a soft landscape strip of approximately 3 metres (width) x 50 metres (length) and 85 spaces (including 15 disabled persons spaces and the two coach parking bays) of the 140 space surface car park and access to the basement

22 As such, the building has little presence on the street. The residential dwellings adjacent on Kingsbury Road are facing onto a surface car park. The building footprint should be brought forward to address the street. The massing and scale of the building should ideally respect the adjacent properties. Car parking should be significantly reduced if not removed from the frontage, side and rear of the building, bearing in mind the site's openness and visibility, except for car parking for disabled persons and the coach parking bays.

23 The building footprint is considered to be "chunky" and shed like. It is certainly not a robust built form. A design statement should be submitted to justify the land take. It is considered that there must be more innovative ways to deliver this floorspace.

24 The front elevation is bulky and very high in relation to residential scale in this open space context. However, even if the building line is brought forward, this building form is unlikely to suit its context. The architectural style is considered to be dated and the same development aspirations for residential and retail should be expected for developments of this nature.

25 It is considered that the surface car parking area should be largely removed, except for disabled and coach parking bays that can be relocated to the side. In addition, the building should be brought forward, and the scale of the street frontage redesigned to better complement or contrast with the surrounding context.

## **Transport and parking**

26 Transport for London notes that the proposed level of car parking on site, at 270 spaces, or one space per 54 square metres of floor space, falls within the maximum guidelines established in both PPG13 and the draft London Plan. However, the applicant has not supplied any parking accumulation data and it is therefore not possible to assess whether this amount of car parking will have any sort of constraint on car access.

27 Furthermore, and more significantly, the applicant has not given any indication as to likely access modes by users or staff. Despite making reference to potential enhancements to walking, cycling and public transport (by others) in the transport assessment, the applicant has not given any indication of the potential impact on the modal split. These matters are included within the transport assessment and require quantification. The developer should consider the funding of such enhancements where it is not available from other sources.

28 The transport assessment makes welcome reference to a green travel plan. However, this appears to be a reason for not directly addressing measures, as mentioned above, to influence modal split, but rather leaving them as "indeterminates" to be considered at a later stage. This is not considered to be best practice and the applicant should, at this stage, be making convincing statements about envisaged modal splits and how they will be developed.

29 There also appears to be little information within the transport assessment detailing the availability of bicycle parking facilities. Given the nature of this site as a leisure/fitness centre, one would expect a significant proportion of visitors to access the site by cycle. It would be entirely appropriate for the developer to help fund both cycle routes in the vicinity and on-site cycle parking, especially where the applicant's transport assessment notes a requirement to enhance the local cycle network in the vicinity of the site, along Kingsbury Road/Old Kenton Lane as well as through traffic-free routes to the rear of the site. Thus, Transport for London recommends that safe and secure cycle storage should be provided on site, in line with the London Cycle Network design manual standards of one space per ten members of staff plus one space per twenty peak visitors.

## **Biodiversity**

30 Roe Green Park is designated as a Site of Importance for Nature Conservation, at Borough Grade II level. However, the majority of the Park is of little biodiversity interest. The site boundary is one of convenience to combine the few features of interest, which include a walled garden; a 'nature area' in the west of the site; and the in-filled redundant swimming pool.

31 The redundant pool is at the centre of the application site and is therefore of particular relevance. It supports typical vegetation including various ruderal species, sparse grassland and bramble scrub. At present, it has potential to increase in value for biodiversity. The application also suggests the removal of parkland trees within the rest of the application site. The loss of the swimming pool site should be compensated through a biodiversity enhancement package for the management of land elsewhere in Roe Green Park and be secured through a Section 106 agreement. This course would be best pursued by negotiation between the applicant and Brent Council's planning and parks services' officers.

32 There is insufficient information with the application concerning the removal of existing trees. In the absence of this, the principle to be upheld is for the loss of any veteran trees to be avoided (through redesign if necessary) and that any younger trees should be replaced.

## **Access/equal opportunities**

33 Disabled persons car parking facilities for nineteen vehicles will be provided within the surface car park area near the principal entrance of the building which will have level access. The car parking provision amounts to 7% (excluding the two coach parking bays provision). The applicant states that membership to the club is open and should not preclude equity, as based on the ability to pay. It would be positive to see the outreach programme include disabled persons organisations and ethnic/religious organisations.

## **Sustainable development**

34 The applicant states that the development will re-use previously developed land, in accordance with central government guidance in PPG1 and the principles of sustainability. Annex C of PPG3 specifically states that previously-developed land excludes land in built-up areas which has not been developed previously (for example, parks, recreation grounds, and allotments – even though these areas may contain certain urban features such as paths, pavilions and other buildings). This definition has been upheld recently (June 2002) on an appeal involving the Mayor regarding the former Barking Lido site, Barking Park, that was recovered by the Secretary of State.

## **Local planning authority's position**

35 Brent Council has made a long-term commitment to making provision for a replacement swimming pool at the site and has formulated a site-specific policy as part of its UDP review and adopted a planning brief to guide potential developers. It is understood that, as of the time that this report was being written, there was officer concern about the amount of car parking proposed and the design of the new building. It is unclear what the officer attitude is to the enlarged land take, over and beyond that set out in the Brent UDP and supplementary planning guidance.

## Legal considerations

36 Under the arrangements set out in article 3 of the Town and Country Planning (Mayor of London) Order 2000 the Mayor has an opportunity to make representations to Brent Council at this stage. If the Council subsequently resolves to grant planning permission, it must allow the Mayor an opportunity to decide whether to direct it to refuse planning permission. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's comments unless specifically stated.

## Financial considerations

37 There are no financial considerations at this stage.

## Conclusion

38 Whilst the provision of enhanced sport and leisure facilities is in principle welcomed and in accordance with the Mayor's draft London Plan, the application does not contain sufficiently robust information to justify the development's significant land take of public open space, over and beyond what has been set out in the Brent UDP and supplementary planning guidance. In addition, it does not show how it meets the sequential test approach that is required for such development. Some of the proposed activities within the leisure club are not normally acceptable uses in public open space. The application currently fails to demonstrate how it will widen modal choice and reduce the use of private cars. The proposed building would benefit from a redesign with more pedestrian emphasis; a closer relationship to the street; removal of the frontage surface car parking areas, except for disabled persons, coach and operational parking; and the provision of a higher quality of architectural design. As such, the application proposal would appear to be contrary to established and emerging strategic planning policy. It is therefore in need of significant revisions to provide a more acceptable development in strategic terms.

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