

 **Planning Committee Map**
Site address: Moberly Sports and Education Centre, Kilburn Lane, North Kensington, London, W10 4AH
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This map is indicative only.

RECEIVED: 2 December, 2013

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Moberly Sports and Education Centre, Kilburn Lane, North Kensington, London, W10 4AH

PROPOSAL: Demolition of all existing buildings and erection of a part 7/part 6/part 5/part 4-storey building with 9293sqm of Sports and Leisure Centre (Use Class D2), 56 flats (22 x 1-bed, 34 x 2-bed) and 240sqm of retail floor space (Use Class A1/A2/A3) and erection of 15 terraced townhouses (15 x 4-bed) with associated car and cycle parking and landscaping.

APPLICANT: City of Westminster Sport Leisure and Wellbeing/ Willmott Dixon Regen Ltd

CONTACT: Daniel Watney LLP

PLAN NO'S:
See condition 2

RECOMMENDATION

The Committee resolve to agree in principle to grant subject to.

(a) any direction by the Mayor of London to refuse the application. In accordance with Article 5 of the Town & Country Planning (Mayor of London) Order 2008 following the Council's determination of this application, the Mayor is allowed 14 days to decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 to refuse the application;

(b) Satisfactory prior completion of a Section 106(s) under the Town & Country Planning Act 1990 and/or other form(s) of agreement/undertaking in order to secure the S106 matters as detailed in this report.

SECTION 106 DETAILS

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
- Delivery of New Moberly Sports Centre
- London Borough of Brent Resident Fees and Charges. Detail of pricing structure to provide access for Brent residents at Brent Rates.
- Details of Scheme Fees and Pricing Arrangements for future residents.
- Compliance with sustainability checklist exceeding 50% score
- Code for Sustainable Homes Level 4
- BREEAM "Excellent" Rating
- CO2 reduction representing 25% improvement on 2010 Building Regulations
- Withdrawal of the right of future residents of the development to on-street parking permits in the area;
- Implementation of the submitted Interim Residential and Leisure Centre Travel Plans, with a sum of £2,000 set aside to cover Brent Council's monitoring charges;
- Provision of financing of up to £30,000 towards a review of CPZ operating hours on streets within Brent surrounding the site;
- Submission, approval and implementation of a Delivery and Servicing Management Plan
- An agreement under S278 of the Highways Act 1980 for (i) provision of a zebra crossing on a raised table in Kilburn Lane in broad compliance with the design set out in drawing SK-045/P01; (ii) footway works along the Kilburn Lane frontage of the site, to include replacement of concrete surfacing with modular paving (slabs or blocks), removal of redundant guardrail and planting of street trees; (iii) widening and adoption of the footway along the Chamberlayne Road frontage of the site; (iv) construction of new vehicular accesses to the site onto Kilburn Lane and Banister Road and reinstatement of all existing

lengths of vehicular crossover rendered redundant by this proposal to footway; (v) alterations to existing on-street parking bays around the site to suit new access locations;

- Membership and compliance with the 'Considerate Contractors' Scheme.
- Details of Ilbert Street Mini-bus Spaces
- On-site Coach Drop-off Pick Up (Head of term to prevent any coach accessing or exiting the site.
- Prior to any occupation, the owner must submit to the Council an independent and revised financial appraisal of the scheme that includes the actual build and other costs accrued, as well as verified sales values. If this revised appraisal reveals that the development yields a residual value surplus when measured against the sites acquisition cost, admitting a developer return of 17.5%, on the build contract value the owner will either provide affordable housing on site to a level that eliminates that residual value or give the Council a commuted sum equal to that residual value for the provision of affordable housing in the borough.
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And, to authorise the Head of Area Planning, 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.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£2,239,691.03** of which **£1,697,909.87** is Brent CIL and **£541,781.16** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The existing site has an area of approximately 6600sqm. There are no listed buildings on the site nor is it within a Conservation Area. It is however adjacent to the Queens Park Conservation Area, which is within the Westminster City Council Area. The site has a ptal rating of 6a.

The existing sports facilities include:

- i) an existing sports hall on the west boundary of the site with Chamberlayne Road;
- ii) a two-storey former Victorian School Building fronting onto Kilburn Lane;
- iii) a single storey infill building linking the sports hall with the nursery/former Victorian School Building
- iv) 2-storey Victorian former school-masters lodge currently occupied as temporary accommodation and fronting onto Bannister Road.
- v) MUGA to the north edge of the site next to Bannister Road.

I.

The frontage of the existing site on Chamberlayne Road and Banister Road is formed by a 2m high brick wall which restricts views of the site and limits informal surveillance of the surrounding streets.

These facilities are located within Brent but owned and run by Westminster City Council. The Borough boundary runs along the south east edge of the site along the centre of Kilburn Lane. The site also forms the western edge of the South Kilburn Growth Area and is within the HS2 safeguarding zone.

PROPOSAL

See description above.

HISTORY

There is a long planning history for a variety minor applications for alterations to the existing site. None of these are considered to be relevant to this application.

POLICY CONSIDERATIONS

National Planning Policy Framework 2012 (NPPF)

The NPPF was published on 27th March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

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

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

The objectives relevant to the current application include:

- Promoting healthy communities. Ensuring the vitality of town centres
- Delivering a wide choice of high quality homes
- Requiring good design
- Ensuring the vitality of town centres

Paragraphs 69 to 78 of the NPPF set out how the planning system can help promote healthy communities.

Paragraphs 69 and 70 state that the planning system can play an important role in facilitating social interaction and creating healthy communities. To deliver social, recreational and cultural facilities decisions should:

- plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.
- ensure that facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless:

- an assessment has shown that they are surplus to requirements
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Paragraphs 47-55 relate to Housing provision.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 50 states that Local Authorities should plan for a mix of housing to meet current and future demographic trends, and where affordable housing is needed the policy should have flexibility to take account of changing market conditions over time.

Paragraphs 56-68 set out that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Local Planning Authorities should not refuse planning permission for buildings or infrastructure because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.

London Plan 2011

- 2.14 - Area for Regeneration
- 3.2 - Improving Health and Addressing Health Inequalities
- 3.3 - Increasing Housing Supply
- 3.5 - Quality and Design of Housing Developments
- 3.6 - Children and Young Persons Play Space
- 3.8 - Housing Choice
- 3.12 - Affordable Housing Provision
- 3.16 - Protection and Enhancement of Social Infrastructure
- 3.19 - Sports Facilities
- 7.1 - Building London's Neighbourhoods and Communities
- 7.2 - An Inclusive Environment
- 7.3 - Designing out Crime

- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 8.2 Planning Obligations

Mayor's Housing SPG 2012

Brent's Local Development Framework

Site Specific Allocations 2011

Proposed high quality, fully accessible and highly sustainable redevelopment is promoted which re-provides the existing sports and nursery facilities currently provided on the site to a higher quality and specification that better responds to demonstrable local need. It is also proposed that given the inclusion of the site within the South Kilburn Growth Area that the scheme includes residential units above ground floor level that form part of a high-quality and fully integrated mixed use development. Development proposals should have regard to the Conservation Area designation adjacent to the site in Kilburn Lane. The indicative development capacity was 104 units.

Core Strategy 2010

- CP1 Spatial Development Strategy
- CP2 Housing Growth
- CP5 Placemaking
- CP6 Design and Density in Place Shaping
- CP9 South Kilburn Growth Area
- CP14 Public Transport Improvements
- CP15 Infrastructure to Support Development
- CP17 Protecting and Enhancing the Suburban Character of Brent
- CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
- CP21 A Balanced Housing Stock
- CP23 Protection of existing and provision of new Community and Cultural Facilities

UDP 2004

- BE2 Townscape: Local Context and Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE25 Development in Conservation Areas.
- H11 Housing on Brownfield Sites
- H12 Residential Quality – Layout Considerations
- H13 Residential Density
- TRN3 Environmental Impact of Traffic
- TRN10 Walkable Environments
- TRN11 The London Cycle Network
- TRN22 Parking Standards – Non-residential Developments
- TRN23 Parking Standards – Residential Developments
- TRN34 Servicing in New Development

SPG17: 'Design Guide for New Development'

SUSTAINABILITY ASSESSMENT

This application is accompanied by an Energy Strategy with a Code for Sustainable Homes (CfSH) Pre-Assessment, BREEAM Pre Assessment and TP6 Sustainability Checklist which confirm that the proposal will achieve a CfSH Code level of 4 and an indicative BREEAM rating of 'Very Good' with action points to show how it could be brought up to BREEAM 'Excellent'. It also notes that the scheme will achieve a 2 % reduction in CO2 emissions from 2010 Building Regulations TER through "be lean" (building fabric) measures

and a further of 40% reduction through on-site renewables (PV Panels and CHP).

The site is situated within a designated Growth Area and as such, the proposal is required to meet the minimum requirement of Code Level 4 for CfSH and BREEAM 'Excellent' rating as set out within the LDF Core Strategy. Furthermore, the 40 % target reduction in CO2 that is required by the London Plan also applies. The Energy Strategy states that

The submission contends that CHP is appropriate for this scheme and that on-site renewable energy can be generated through the use of Photo-Voltaic Panels which would be required to provide a minimum of 160sqm to meet the target but could provide up to 350-400sqm. The applicants have submitted a TP6 Sustainability Checklist which they have scored at 51 %. Your officers have assessed the checklist and have scored it at 51%. This is in compliance with the minimum score that is sought (50 %).

If officers were minded to recommend approval this would need to be secured through a s106 agreement.

CONSULTATION

This application has been subject to widespread consultation. 737 residents within Brent and Westminster were sent letters notifying them of the proposed development, site notices were installed on all streets adjacent to the development site and a press notice was published.

Consultation notices were also sent to Transportation, Environmental Health, Landscape Design, Urban Design, Parks, Policy, Sport England neighbouring Boroughs of Westminster and Kensington and Chelsea, Thames Water, local councillors HS2, GLA, Environment Agency, Kensal Triangle Residents Association and Kensal Rise Residents Association.

A widespread consultation exercise has also been undertaken by the applicants at the pre-application stage..

29 objections have been received on the following grounds:

- Lack of Affordable Housing.
- The height of the building will impact on Daylight and Sunlight to neighbouring properties
- Out of keeping with the scale of surrounding area.
- Detrimental impact on the character of Kensal Green
- Increase in traffic associated with the development will have an adverse impact on existing poor highways conditions.
- Lack of parking will result on over parking on neighbouring streets.
- Providing parking for town houses will exacerbate existing problems with volume of traffic
- The proposed town houses are too large and lack design detail of properties on the opposite side of the street
- Vertical sky component figures are not provided in daylight and sunlight report.
- The town houses will not be used by families but will become occupied by flat shares.
- The overhang of the building on Chamberlayne Road is will make the space in front of the building less inviting and usable than it would be if the whole building was set further back from the pavement edge
- The architecture is bland and dull.
- The basement is not utilised.
- Lack of child's play space in the new flats.
- Loss of privacy for neighbouring residential units.
- Impact on existing infrastructure
- Brent residents should benefit from this proposal.
- The impact on highway conditions will create poor on-street conditions for cyclists.
- Lack of soft landscaping
- The proposed facility could attract anti-social behaviour
- Lorries delivering to the Tescos at City View already block the road increasing traffic levels will exacerbate problems associated with this.
- Loss of existing Victorian buildings which are of high heritage significance.
- The proposal does not fit within Brent's Strategic Development Plan (PPG Development Plans)
- The Transport Assessment underestimates the traffic levels associated with the proposed development
- Noise and disruption from construction works
- Dust and dirt from construction will affect appearance of neighbouring building at City View.
- Dust and dirt will have a detrimental impact on environmental conditions for local residents.
- Noise and disturbance from deliveries to proposed retail unit.
- No attempt is made to address local needs such as training and employment opportunities for young

- people, child care, space for community development.
- Loss of open air sports facility.
- Detrimental impact on sparrows which nest in garden of the school house.
- Cityview is not a suitable precedent
- Lack of trees on Chamberlayne Road side of development.
- Inadequate provision of amenity space
- There is no need for another A1, A2 or A3 unit when there are existing vacant units within Kensal Rise.
- Proposal is contrary to UDP policy BE25 as it results in loss of Victorian school building
- The proposed Sports Centre will be inaccessible for residents of certain areas of London

12 comments in support have been provided on the following grounds:

- The facility will provide excellent sports facilities in an area which does not have easy access to such facilities.
- The proposed development will benefit sports provision in local schools
- The proposed development will increase visitors to the area which will be good for local businesses.
- The proposed sports facility will benefit the health of local residents.
- The building is of an appropriate size similar to neighbouring City View
- The proposal will be an improvement on the existing dilapidated facilities.
- The cost of the development will not be to taxpayers but the facilities will benefit all residents

GLA

On 16 January 2014, the Council notified the Mayor of London about this planning application as being referable to him under Category 1B of the Schedule to the Town & Country Planning (Mayor of London) Order 2008. This Category states that any development (other than development which only comprises the provision of houses, flats or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15 000sqm has to be referred to the Mayor. The GLA have provided their stage 1 response and require clarification on a few matters when the application is submitted for its Stage 2 review following consideration at the Council's Planning committee. The GLA response is discussed in the remarks section below.

Brent Sports and Parks

Brent's Sports and Parks service feel that the redevelopment of Moberly sports centre will bring fantastic new opportunities for Brent's residents to take part in a wide range of sports and recreation activities in this state of the art new leisure facility.

Brent has one of the most inactive adult populations in England and the new opportunities that Moberly bring to increase residents ability to become more active is welcomed. Brent has a number of health inequalities across the Borough including high levels of diabetes and obesity and a more active lifestyle through use of this new sports centre will help people lead a healthier life.

The range of facilities is significantly greater than that at the current Moberly centre. The inclusion of swimming pools brings a new facility dimension to the Kilburn area and will offer both adults and children the opportunity to learn and take part in swimming. Swimming was the most frequently participated in sports activity across England according to Sport England's Active People survey and the provision of only a third pool within the Borough of Brent will enable more people to take part in this popular activity.

The range of different facilities spaces available from boxing to 8 court sports hall, studios and community space reflect that a wide and ranging programme will be offered to the local communities.

From a strategic perspective, the Borough's Planning for Sport and Active recreation facilities strategy identifies the need for additional publicly accessible fitness stations and upgraded sports hall provision which Moberly will provide.

The Sport and Active Recreation Facilities Strategy has a number of themes which the provision of a new sports centre at Moberly will help to achieve, namely:

Theme 1: Increase provision of appropriate Facilities

Theme 3: Get more people active

Theme 5: Increase sports opportunities for young people

Theme 7: Improve partnership working

It will also help the Council deliver against it's Corporate priority of 'a strong community' and it's associated outcome of 'Excellent sports, leisure and cultural facilities used by more people'. Also the priority 'Improving

health and well-being' and achieving the outcome of 'More people living healthier and longer lives'.

Brent Highways Officer

No objections to the proposed development subject to a S106 Agreement to secure:-

- (a) Withdrawal of the right of future residents of the development to on-street parking permits in the area;
- (b) Implementation of the submitted Interim Residential and Leisure Centre Travel Plans, with a sum of £2,000 set aside to cover Brent Council's monitoring charges;
- (c) Provision of financing of up to £30,000 towards a review of CPZ operating hours on streets within Brent surrounding the site;
- (d) Submission, approval and implementation of a Delivery and Servicing Management Plan;

together with a condition requiring the developer to enter into a S38/S278 Agreement with Brent Council to undertake works in the highway around the site to include: (i) provision of a zebra crossing on a raised table in Kilburn Lane in broad compliance with the design set out in drawing SK-045/P01; (ii) footway works along the Kilburn Lane frontage of the site, to include replacement of concrete surfacing with modular paving (slabs or blocks), removal of redundant guardrailing and planting of street trees; (iii) widening and adoption of the footway along the Chamberlayne Road frontage of the site; (iv) construction of new vehicular accesses to the site onto Kilburn Lane and Banister Road and reinstatement of all existing lengths of vehicular crossover rendered redundant by this proposal to footway; (v) alterations to existing on-street parking bays around the site to suit new access locations.

Brent Safer Streets

No objections to the proposed development subject to the submission of a revised air quality assessment clarifying model input and boiler information, and conditions relating to noise insulation to ensure that the proposed development provides an acceptable quality of accommodation for prospective residents and has an acceptable impact on neighbouring residents.

Brent Landscape Design

No objections. A tree protection plan would also be required to show that the existing street trees will be protected and not detrimentally impact by development. Further details of all hard materials, soft landscaping and drainage would be required by condition. This should include clear details of the public realm space, roof terrace and green roofs.

Has

Kensal Rise Residents Association have **objected** to the proposal on the following grounds:

- The consultation was not sufficient in terms of the area consulted and the timing of the consultation over the Christmas period.
- The proposed design and height is not sympathetic to the area.
- The proposal will increase parking pressure on local streets.
- The proposal will exacerbate dangerous highway conditions for local residents on the junction of Chamberlayne Road with Bannister Road.

HS2 have **no objection** to the proposed development subject to appropriately worded condition.

None of the development shall be commenced until detailed design and method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

- (a) Accommodate the proposed location of the HS2 structures and tunnels as shown on the map entitled High Speed Two Draft Safeguarding Directions Map No. 6 or as shown on any subsequent or revised Safeguarding Directions that may be made in relation to HS2 issued prior to detailed design and method statements being approved pursuant to this condition.
- (b) Accommodate ground movement arising from the construction thereof, and
- (c) Mitigate the effects of noise and vibration arising from the operation of the HS2 railway within the tunnels.

The Development shall be carried out in all respects in accordance with the approved design and method statement, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs (a) to (c)

of this condition shall be completed, in their entirety, before any part of the buildings.

Karen Buck MP has written to **object** to the proposed development with three main concerns:

- Loss of leisure amenity of Queens Park Residents
- The lack of affordable housing on both the Jubilee and Moberly sites
- lack of parking and accessibility and possible impact on local Queen's Park Streets.

Royal Borough of Kensington and Chelsea have **no objections** to the proposed development.

London Amateur Boxing Association have written in **support** of the proposed application on the following grounds:

- the proposed development provides the potential for a new club base for local All Stars Boxing Club to provide long term tenure and alleviate pressures that the club currently face.
- The potential new club base will ensure the club can pro-actively plan and sustain its provision to the community.
- The proposal can positively improve the health and well being of residents throughout the City of Westminster and London whilst also delivering an iconic London Olympic Legacy project.

Pro-Active Central London have written in **support** of the proposal on the following grounds:

The proposed development will contribute to their aims as a strategic partnership for sport & physical activity for Central London to improve the lives of Londoners through increasing participation in sport and physical activity for all the resultant health, physical and social benefits. The proposal will:

- widen access and increase the use of facilities/spaces for sport and physical activity
- expand the range of opportunities for participation in sport & physical activity
- Increase participation within low and non-participant groups.

England Basketball have written in **support** of the proposed development to provide an indoor sports facility:

- the proposal will help meet increasing demand for those wanting to play basketball.
- they will be able to use the facility to for club use, academy use and extended schools and community use.
- the new basketball provision would provide the Westminster Warriors Basketball Club with a suitable home to play and train in and would be suitable for English Basketball League games.
- The facility will be integral to the delivery of basketball in the surrounding area (an area identified as a priority for England Basketball for 2013-2017).

REMARKS

Introduction

1. The Moberly Sports Centre is a facility owned by Westminster City Council (WCC) but located within Brent. This application has arisen from a strategic review of all Council Sports facilities by WCC. This review found that the facilities provided at Moberly and Jubilee Sports Centres were in close proximity to each other and were costing the Council £600,000 per year to subsidise the provision of these facilities. The vision for the Council was to create a high quality and accessible facility for residents in what is a deprived area of Westminster. However the duty falls on the London Borough of Brent to determine whether the proposed development is unacceptable or not.
2. Following public consultation proposals have been brought forward for new and upgraded facilities across 4 separate sites. The proposals include:

A new sports centre at Moberly
A new community sports facility at Jubilee
An upgraded synthetic football pitch at St Augustines School
Improvements to the free to access multi use games area and outdoor gym at Queens Park Gardens.

WCC have entered into a partnership with Wilmot Dixon and as joint applicants have sought to use funding secured from the delivery of private homes on the Moberly and Jubilee Sports Centre sites to fund the delivery of the new facilities

Principle of Development

1. The proposed development would involve the demolition of all the buildings on site and erection of a part

7/part 6/part 5/part 4-storey building with 9293sqm of Sports and Leisure Centre (Use Class D2), 56 flats (22 x 1-bed, 34 x 2-bed) and 240sqm of retail floor space (Use Class A1/A2/A3) and erection of 15 terraced townhouses (15 x 4-bed) with associated car and cycle parking and landscaping. The main planning considerations in relation to the determination of the application are:-

- Whether the proposed development provides a high quality, fully accessible and highly sustainable development which re-provides the existing sports and nursery facilities
 - the site to a higher quality and specification that better responds to demonstrable local need.
 - Whether the proposed development provides an acceptable provision of affordable housing.
 - Whether the proposed development is of an acceptable design and has an acceptable impact on the setting of the neighbouring Conservation Area.
 - Whether the proposed residential accommodation is of an acceptable quality
 - Whether the proposed development would have an acceptable impact on the amenity of neighbouring residents
 - Whether the proposed development would have an acceptable impact on local highways and parking conditions
 - Whether the proposed development would have an acceptable environmental impact.
 - Whether the proposed development has an acceptable impact on local infrastructure.
2. The above is a summary of the main planning considerations affecting the current proposal. The application should be determined in accordance with the development plan and any other material planning considerations as set out in this report.

Replacement of Existing Uses

3. The existing sports facility has a building floor space of approximately 2718sqm, which is accessed of Kilburn Lane adjacent to the former school masters lodge. While part of the site is also occupied by a nursery for pre-school children.
4. The Site Specific Allocation states that the existing sports and nursery facilities currently provided on the site should be re-provided with any redevelopment to a higher quality and specification that better responds to demonstrable local need. Brent Council's UDP states that the southern part of the Borough is most deficient in open space and the Borough as a whole is under-provided with built sports facilities.
5. The proposed facility would have a floor area of 9293 sqm and would include the following facilities:
- 25m 6-lane swimming pool;
 - 8-court sports hall;
 - Boxing hall
 - Multi-use sports hall
 - Community Activity Room
 - Fitness suite
 - Three exercise studios
 - Health Spa
6. The design and specification of the facilities has been subject to detailed consideration and review by Sport England, National Sports Governing Bodies and the preferred Leisure Centre Operator. The applicants have also stated that the proposed facility is designed to be cost neutral in terms of its operation. The proposed facility is considered to be a significant improvement on the existing facilities and while it will consolidate the existing sports provision from the existing site and the existing Jubilee Sports Centre there will still be an overall increase in the area, type and quality of facilities available. It is considered to meet local need as has been demonstrated by consultation responses in support of the proposed facilities from local groups involved in the provision of sports such as basketball and boxing. While a number of residents are concerned with the scale of development many of the objectors have confirmed support for the improved facilities along with those who have written in support of the proposals.
7. There is an existing outdoor MUGA on the site which will not be re-provided in the proposed development. To ensure that this will not have a detrimental impact on facilities on offer a replacement 3g astro-turf pitch is proposed at the St. Augustine's School site on Oxford Road. This pitch will be flood-lit and will be the same size as the pitch at the existing Moberly Centre (The existing pitch has a floor area of 750sqm.).
8. Part of the site has also been used as a nursery for pre-school children. The applicants have confirmed that they offered support to the existing nursery provider to provide new facilities but that they declined

this support due to the uncertainty surrounding the timescale for redevelopment. The nursery provider have since found suitable facilities at 20a Lancefield Street which is approximately 0.5 miles from the existing site. Therefore there is no loss of nursery facilities and the existing uses are considered to have been suitably re-provided in the local area.

9. One of the Council's strategic objectives is *Promoting Sports and other Recreational Activities - by placing particular emphasis on the provision of new facilities to address existing deficiencies and to meet the needs of new population in the growth areas, creating at least one new swimming pool in the borough in the plan period and eight new multi-use games areas.* This is supported in policy CP 18 of the Core Strategy. CP18 states that Priorities for sports facilities improvements have been identified in the Council's Planning for Sports and Active Recreation Facilities Strategy, and that the Council will seek a site for a fourth swimming pool as well as one specified for the north of the Borough.
10. The site is also within the South Kilburn Growth Area which is covered by policy CP9 of Brent's Core Strategy. This will include the delivery of 2400 new homes to 2026 and includes the delivery of new indoor and outdoor recreation uses. The proposed new facilities will help meet the need of the residents of the Growth Area and the surrounding residential areas within Brent.
11. London Plan policy 3.16 requires development proposals for community infrastructure should be accessible to all sections of the community and be located within easy reach by walking, cycling and public transport. To ensure that the facilities are accessible to Brent residents an appropriately worded clause will be included in the section 106 agreement. The fees and charges for the new Moberly Sports centre will align with arrangements across the Westminster City Council's other sports and leisure facilities. Westminster City Council will retain control of charges and will set the maximum fees and charges for all activities.
12. Brent do not have the same pricing structure for leisure services as Westminster therefore an agreement is required for agreeing the prices at which Brent residents will be able to access the proposed facilities, is required. Discussions have taken place between the Head of Sports and Recreation for the respective Councils and agreement has been reached in relation to how this will be managed.
13. It is proposed that the charges for the activities within the Brent 'core charges' for new Moberly Centre will align with the Brent core prices provided that:
 - Brent charges will never be less than those for Westminster residents (ie if there is an instance whereby the charge for an activity for Brent residents is less than that for Westminster residents, the Westminster rate shall apply)
 - Fees and charges structures proposed are as simplified as possible to minimise confusion for staff and customers and promote effective communications
 - The fees and charges will be reviewed by Westminster annually and annual inflationary increases will be applied as a minimum from opening of the new centre
14. It is also proposed that Brent residents are provided access to the Westminster Centre Membership scheme at the **Westminster resident rate**. This will provide discounts of a variety of activities (at the 'centre member' rate). It is proposed that the new fees and charges will not recognise the BActive Discount card scheme as this would be difficult to manage due to different IT infrastructure, the general fees and charges for activities would be suitable for a public sports and leisure facility and therefore public access to all residents would be promoted, some activities do not have a Westminster resident discount- this includes health and fitness memberships and some categories in the Brent discount card scheme (e.g. full time students and student nurses) are not recognised in Westminster concessionary schemes (therefore the offer to Brent would be better than that for Westminster).
15. With this agreement the proposed sport and recreational activities will be available to Brent residents at an appropriate rate and will help the Council meet a strategic objective to promote sports and recreational activities amongst Brent residents.
16. The site is located in an area with excellent public transport accessibility (PTAL 6a) and will be designed to provide access for all members of the community with the provision of mini-bus parking spaces and disabled access spaces to the rear while accesses and internal spaces will either be level or ramped.
17. The proposed facilities are therefore considered to be in compliance with National, London Plan and

Local policies which require new or improved community facilities to be accessible to all local residents and in situated in areas of very good or excellent public transport accessibility.

Housing

Unit Mix of Housing

18. The proposal will provide 71 residential units in the form of 22 x 1-bed 2person flats (31%), 18 x 2-bed 3 person flats (25%), 16 x 2-bed 4 person flats (23%) and 15 x 4-bed 7 person terraced townhouses (21%). This mix of housing unit sizes is considered to be in accordance with the Mayor's and the Council's planning policy relating to housing choice. The GLA stage 1 report states: *the scheme would provide a range of unit types, and a very good provision of family units at 21% of the total units and this is supported.* The provision of new family dwelling houses in this area of the Borough is rare and is welcomed.
19. The proposed development will provide an appropriate mix of housing.

Affordable Housing/Economic Viability

20. London Plan policy 3.12 states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes. This should have regard to current and future requirements for affordable housing at local and national level, affordable housing targets, the need to encourage rather than restrain residential development, the need to promote mixed and balanced communities, the size and type of affordable housing needed in particular locations and the specific circumstances of individual sites. Brent normally want 50% affordable housing provided on site and where none is provided this is usually determined to be unacceptable
21. The applicants have submitted a viability study which states that it would not be reasonable to provide any affordable housing as the residential element of this development and that at Jubilee is required to fund the proposed leisure and sports facilities. The planning application is accompanied by a viability appraisal, undertaken by GL Hearn, which states that the cost of delivering the new Moberly Sports Centre, at circa £17.5million, would result in an unviable scheme if any proportion of affordable housing were included in the proposals. The cost of the new sports and leisure centre will be funded through the value generated through the sale of the private residential apartments and townhouses at both the Moberly and Jubilee Sports Centre sites.
22. The viability appraisal assesses the development costs of both the Moberly and Jubilee Centre proposals. WCC and Brent Council have Lambert Smith Hampton as an independent viability expert to review the appraisal for confirmation that the assumptions of the assessment are accurate and to advise on the affordable housing package they consider the current application can viably deliver. This process is currently underway and the consultants are expected to report back prior to the planning committee and the submission of the Stage 2 documents to the GLA. At the time of writing this report the applicants
23. A financial review mechanism is to be included within the heads of terms for the section 106 to allow any financial surplus that may be generated by an uplift in residential sales values or more accurate development costs, to be captured and used for the provision of affordable housing off site. After careful consideration of the viability issues and in light the high quality sports and leisure facility that will be accessible to Brent residents at the same prices as Westminster residents the lack of affordable housing on-site will be acceptable provided there is an appropriately worded clause in the section 106 agreement to claw back any financial surplus that could be used to support the provision of affordable housing elsewhere in the Borough.
24. The sale of the proposed residential units of the proposed development and at Jubilee site will enable funding for the proposed leisure and recreational facilities which are estimated to cost £17.5million. As such the proposal is considered to be in compliance with London Plan and Brent policy on affordable housing.

Urban Design

Loss of Existing Buildings

25. The existing sports and leisure provision is accommodated in three buildings a three-storey sports hall fronting onto Chamberlayne Road, the former Victorian School building and the pitched two-storey Victorian former schoolmasters lodge (the former school building and the sports hall are linked by a single storey infill building). The proposed development will involve the demolition and replacement of all buildings on site. The only building of historical interest is the Victorian former school building.

26. A Heritage Appraisal has been submitted with the application which confirms that this building is not of sufficient architectural merit to prevent the comprehensive redevelopment of the site for an improved Sports and leisure facility with proposed housing and retail floor space. The appraisal confirms that the existing Victorian building was used as an infant school is all that remains of the Victorian School with ancillary buildings which were demolished in the 1980s. The loss of these buildings and the existing more recent sports buildings from the 1980s mean that the historic integrity of the remaining historic buildings as already been damaged. The site is not within a Conservation Area and there are no statutory or locally listed buildings within the site.
27. English Heritage were not consulted on the application as the site does not contain any listed heritage assets however the applicants have made a Certificate of Immunity from Listing application to English Heritage. The decision to issue a Certificate of Immunity from Listing was received on 21 March 2014. In the decision English Heritage state:

What now survives of the former Kilburn Lane Board School, are the more minor remnants of what was once on the site, the main school building having been demolished. While the infants school has some local interest claims, it and the caretaker's house and boundary wall are modest and/or altered. We have the benefit of sound contextual knowledge of London Board Schools following a recent designation project on the building, from which it is clear that the surviving components of Kilburn Lane School do not make the grade. Therefore a Certificate of Immunity should be issued.

28. The loss of existing buildings is considered acceptable to facilitate the wider redevelopment of the site and will not have a detrimental impact on the setting of the neighbouring Queens Park Conservation Area.

Density, Layout & Access

29. The proposed development is a mixed use development in accordance with the Site Specific Allocation. However the density of vertical mixed use schemes can be underestimated if the calculations is measured in units per hectare or habitable rooms per hectares. Over 50% of the Gross Internal Area of the proposed development is non-residential floor space therefore the applicant have used a plot ratio approach to calculate density. This uses the area of the site that the residential parts of the development cover and does not include the parts of the site that are solely used for leisure purposes. This calculation sets the residential density of the site at 523 habitable rooms per hectare. This sits comfortably within the density range of 200-700hr/ha for sites in an urban setting with a Public Transport Accessibility Level (PTAL) of 4 or more. The site is on the edge of Kensal Town Centre and has an excellent PTAL of 6a. For reference the proposed The density of the proposed development is considered to be appropriate given the setting of the site.
30. The proposed development has two distinct parts, a part four/part five/part six storey building fronting onto Chamberlayne Road and Banister Road with the proposed sports centre and retail uses on the ground and first floors and residential above and a row of 15 three storey terraced dwellings fronting onto Kilburn Lane. The residential townhouses are separated from the main building to the rear by a service road, this service road and the rear car park for the leisure centre. Each of the terraced dwellings have access to a private parking space accessed from the rear service road and there are six disabled parking spaces situated on the same road. The leisure centre as a small undercroft area to the rear containing 3 minibus parking spaces and three disabled access parking bays.
31. There are public realm improvements are proposed for the site with wider pavement and active frontages on Chamberlayne Road created by the recessed ground floor frontage. The recessed area has a maximum width of 6.19m at its widest point, 3.95m from the leisure centre access and 2.8 from the pillars while the existing pavement width is approximately 2.5m from pavement edge to wall. Other public realm improvements include proposed street tree planting on Kilburn Lane and the use of high quality materials and finishes for the building and surrounding land.
32. The proposed layout along with the lack of parking prioritizes access by foot, cycle and public transport in line with Policy BE3 of Brent's UDP. The proposal has regard to the urban grain of the location within which it is located with the proposed buildings addressing each of the three streets the site has a frontage on. There is also a significant increase in the proportion of active frontage along each of the roads with the main leisure entrance on the main town centre side of the site. This represents a significant improvement on the existing situation where there is only one entrance to the leisure centre from Kilburn Lane and a 2m high perimeter boundary wall on Banister Road and Chamberlayne Road.

33. The proposed leisure uses are situated on the ground and first floor of the main building and are accessed from a large main entrance on Chamberlayne Road and a secondary access to the rear adjacent to the undercroft car park. The main front entrance on the ground floor is accentuated by a projecting canopy with signage above spelling out the name of the leisure centre.
34. The proposed residential flats will be accessed from three separate cores. Two on Banister Road and one on Chamberlayne Road. Each of the cores will have large glazed entrances, will be clearly signed in relation to the units and will contain feature lighting that is designed to establish a clear and legible entrances. Details of the signage and lighting will be sought by condition. Each of the proposed terraced dwellinghouses will have pedestrian accesses to the front similar to those on the terraced dwellinghouses on the opposite side of the street. They will also have a under cover garage space for one car per unit which is accessed from the rear service road.
35. At the upper floor levels to the rear of the residential apartments there are flat roof terraces providing some amenity space for the prospective residents of the upper floor apartments. The boundary of the proposed amenity spaces is defined by the perimeter wall of the proposed sports centre which projects up above the floor level of the proposed terrace in the south east corner of the building. The proposed amenity space will include areas of paving and space for mature landscaping including the creation of green walls which will incorporate parts of the roof of the sports centre.
36. The proposed density, layout and access are considered to be in compliance with the relevant planning policies and guidance.

Scale, Massing and Elevational Treatment

37. Policy BE9 of Brents UDP states that proposed new buildings should embody a creative and appropriate design solution specific to their site's shape, size, location and development opportunities, and should be designed to be of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location.
38. The proposed development has two distinct elements when it comes to massing and scale. The proposed sports centre with flats above is a large perimeter block development which fronts onto Chamberlayne Road and Banister Road. The building contains the sports centre and retail uses on the ground and first floor, a 2 m high structure transfer zone then separates the ground and first floor from the residential floors above.
39. The provision of the structural transfer zone results in the provision of a half storey that means the development is approximately three and half storeys adjacent to the neighbouring apartment building to the south on Chamberlayne Road. This steps up to the north so that the proposed development has a height of 6 and half storeys on the boundary of Chambelayne Road with Banister Road. This is slightly below the maximum height of the City View building on the opposite side of the junction to the north. The top floor is recessed to reduce the visual impact of this additional storey. Along Banister Road the building steps down towards Kilburn Lane from the 6 and half storeys to 3 and a half storeys.
40. The building will be prominent when viewed from Chamberlayne Road to the north and south and from Kilburn Lane, Banister Road and Wakemans Road. However given the function of the building as a prominent leisure centre serving residents of both Westminster and Brent on the edge of a town centre in an area with very excellent public transport accessibility, the prominence and scale of the building is considered to be in keeping with its civic function.
41. The elevational treatment of the Chamberlayne Road and Banister Road frontage includes the provision of modular elements which project out or are set in to breakdown the overall scale of these elevations and to ensure that the building has a more vertical emphasis which in keeping with the vertical emphasis of neighbouring developments. Between the bays the facade is recessed with the recesses used to provide inset balconies for the residential units fronting onto Chamberlayne Road and Banister Road.
42. The ground floor level on Chamberlayne Road is recessed to widen the current pavement , enlarging the public realm and creating a colonnaded area delineated by the prominent pilasters which rise to the first floor level. The frontage of the leisure centre and retail space on the lower floors will be predominantly glazed to highlight the activity of the uses open to the members of the public.
43. The sports centre and the residential units are detached by the presence of the louvres of the transfer

zone but are linked by the presence of project brick bays with dark stock brick finish with recessed lighter brick and glazed elements. The Chamberlayne Road frontage has 5 smaller projecting bays and a large projecting bay on which wraps round the corner of the site with Banister Road. The Banister Road elevation includes the large projection on the corner and four additional projecting bays. The large projecting bay on both Banister Road and Chamberlayne Road rises projects out over the ground floor and rises 4 and half storeys to the fifth floor (including the transfer zone) the smaller type projecting bays also project out over the ground floor rising 2 and half storeys from the first floor up to the second floor where the residential starts. The entrances to the residential apartments are highlighted by the grounding of the projecting bays.

44. Inset balconies are proposed to infill the voids between the projecting bays on the main frontages while the aluminium louvres of the transfer zone are recessed behind the bays and will be covered with recessed lighter brick cladding within the projecting bays. This reduces the prominence of the transfer by ensuring it is subservient to the projecting elements and does not appear as a continuous band. The upper floor element of the main building will be appropriately linked with the lower floor elements.
45. The rear and side elevation of the proposed Sports Centre will be less prominent than the Chamberlayne Road and Banister Road frontages. However they will be visible from some public spaces and will be prominent when viewed from the flats of Tropical Court, Westfield Court and the rear windows of the proposed townhouses and therefore it is important that these elevations are treated sensitively and in manner which promotes the character of the area.
46. The rear elevation of the proposed building as viewed from the mews has been the subject of careful consideration throughout the pre-application process. The proposed rear elevations include the proposed rear wall of the sports hall at 3/4 storeys in height and the 4/5 storey flank wall of the residential block which fronts onto Banister Road and the 3/4 storey block south facing elevation.
47. The applicants propose to break down the massing and soften the appearance of the proposed block by using lighter coloured brick recessed in darker brick frames, the introduction of small trees and shrubs at the ground floor level and the introduction of planter at first floor level out of which climbing plants can grow up the wall to soften the appearance. Full details of the soft landscaping will be sought by condition.
48. On Kilburn Lane a row of 2/3 storey terraced dwellinghouses is proposed. This perimeter block will be two storey in height with a mansard roof set back behind a parapet wall and projecting front dormers. The scale and massing of these is considered to be appropriate given the situation of the site in relation to the dwellinghouses within the Queens Park Conservation Area (Westminster) on the opposite side of the road.
49. The proposed terrace town houses make reference to the design features of the terraced dwellings on the opposite side of the road. They include a modern representation of the paired porches which are accentuated by the projecting white structure. The upper floor windows are paired to match the rhythm of the buildings opposite and will have sills finished in white. Other design features include the prominent party wall, brick reveal with downpipe, brick banding above the first floor windows, white window reveals and low rise front boundary walls with railings.
50. The flank wall of the perimeter block is especially prominent on Banister Road. To ensure that this elevation is appropriately broken down secondary glazing through to the end unit is proposed, the line of the white porch is followed around from the Kilburn Lane frontage and recessed brick work is proposed at the first floor level. Likewise additional definition is given to the bookend property at the other end of the proposed terrace.
51. To the rear the proposed townhouses are three storeys in height with a flat roof which can be used for amenity purposes. The rear elevations of the town houses will be finished in a lighter brick to the frontage and Sports Centre and will contain a garage door and pedestrian entrance on the ground floor with windows on the two floors above. A glass balustrade is proposed on the roof around the amenity space.
52. The elevational treatment to the proposed townhouses is considered to be appropriate and in keeping with the character of the area in line with the requirements of Policy BE9 of Brent's UDP.

Material Finish

53. The quality of the design of the proposed buildings will be very much influenced by the quality of materials used and detailed finish of the proposed building. The applicants have provided indicative pallet of materials for the proposed development. The projecting bay features will be finished in a dark stock brick

with soldier coursing detail to upper edge and above window heads. A lighter buff stock brick will be used for the inset area of the projecting bay this will have a header course above set back and at the base of the panel. The applicants have submitted indicative samples but the not all of these would be considered to be sufficient quality as such full details of these will be sought by condition.

54. The recessed upper floors of the residential will have a aluminium cladding system with a dark finish. A dark finish is proposed but the final colour has not been specified. The final finish in terms of the colour and tone will only be agreed where it is demonstrated that it will contribute to reducing the visual impact of the proposed development. This final colouring will be agreed by condition. This colour will also be used on the aluminium frame for the curtain wall of the leisure centre and the finish of the frame for the proposed composite glazing for the residential floors. The aluminium louvres will be treated in the same manner. The front elevations of the proposed leisure centre on ground and first floor will be glazed and will include some coloured glazing to provide additional interest to these elevations.
55. The proposed Kilburn Lane town houses will have front elevations finished in dark stock brick to match that of the projecting bay elements of the Sports Centre. The roof of the proposed town houses will be finished in a standing seam metal cladding system. To the rear a lighter stock brick is proposed while the doors for the proposed garage and pedestrian doors will be timber finished in a dark stain.

Landscaping

56. The existing site is dominated by an area of asphalt car parking and existing 1 and 2 storey buildings, existing vegetation sparse although there are eleven trees on the site and two groups of trees.. 9 of these trees are classified as category c trees (low quality) while 2 are category b trees (moderate quality). All of these trees will be removed to make way for the proposed development. The Council's tree officer has been consulted and has no objection to the loss of the trees.
57. The proposed redevelopment will include new landscaping proposals for the site including 9 on-street trees on Kilburn Lane, small tree and shrub planting along the proposed mews, climber plants in planters at first floor level designed to create a green wall and additional planting within the communal and private gardens at the roof terrace level. The Council's Landscape Designer has reviewed the proposal and has no objection subject to some revisions to the types of plant proposed. Full details of the landscaping including species, quantity plant sizes and maintenance will be sought by condition.
58. The proposal also includes hardstanding interventions in the public realm. This is most notable in the mews street to the rear of the townhouses. The applicants have cited the Accordia development (a high density mews development in Cambridge which has received accolades for its high quality architecture and design) which as a precedent for the quality of materials and soft landscaping for this space. The proposed mews will contain a significant proportion of hard surfacing including a textured surface that will be used by both pedestrians using the disabled parking spaces for the flats and vehicles accessing the garages of the proposed town houses.
59. The roof terrace at the second floor level will be occupied by private gardens for flats to the rear of the Banister Road frontage and two areas of communal gardens between the flats that front onto Banister Road and the roof of the sports hall. The private gardens will contain small areas of timber decking and planter beds with mature shrubs and small trees. The roof of the proposed sports hall projects up above the roof terrace. The edge of this roof cannot be used for amenity space but can provide some additional visual amenity and will be greened with climbing plants and shrubs from planters at the edge in the roof terrace.
60. The proposed amenity space provision complies with London Plan standards but falls short of the Council's standards of 20sqm per flat and 50sqm per dwellinghouse. However it is considered to be acceptable as all of the units will have access to small private amenity space in the form of balconies. Most of the units are above Council and London Plan minimum floor areas and the residents of the development will have reduced rates access to the leisure centre facilities as secured through the section 106.
61. A small child's play space will be provided in the larger of the communal amenity spaces at the roof terrace level. This space is approximately 80sqm in size and will provide support play for toddler aged children between the ages of 0 and 5 years. The child yield for older children equates to approximately 40sqm provision. There is limited space for this to be provided on the roof therefore the applicants have offered residents access to the sports and leisure facilities with the main leisure centre including sports such as trampolining, gymnastics and swimming.

62. An ecological habitat survey has been completed and there is negligible potential for the site to support protected species although there is moderate potential for supporting nesting birds while existing vegetation and buildings were considered to have potential to support roosting bats. The proposed development will incorporate measures to support a greater range of flora and fauna through planting native species, low lighting levels and the provision of bird and bat boxes on the south east elevation. Details of these will be sought by condition.

Secured By Design

63. The proposed development has been designed in accordance with the principles of secure by design. The introduction of active frontages will significantly increase the levels of informal surveillance over neighbouring streets which should improve safety and reduce levels of fear of crime for pedestrians using the streets.
64. The site and building are clearly defined to create a sense of place and to reduce ambiguity between public and private space. The Secure by Design Officer has been involved in development of the design.

Quality of Residential Accommodation

Size

65. The proposed residential units are all of sizes equal to or greater than the London Plan 2011 minimum floor space standards with the one bed units all above 50sqm, the two bed 3-person units above 61 sqm in size, the two bed 4 person units above 71sqm in size and the proposed 4 -bed townhouses all over 140sqm in size. This is in full compliance with the Mayor's Housing design guide.

Amenity Space

66. All of the proposed residential units will have access to amenity space in accordance with the Mayor's guidelines. However the proposal will not meet the Council's standard for provision which should equate to 20sqm per unit. Where there is a shortfall of amenity space provision SPG 17 states that this should be addressed through the provision of balconies, above minimum floor areas for proposed residential units, high quality landscape intervention and additional section 106 contributions.
67. To offset the shortfall of amenity space provision and to ensure that the proposal meets the London Mayor's guidelines relating to the provision of Child playspace the applicants have agreed to a section 106 clause providing reduced rate access to the facilities for prospective residents of the development. Given the quality of the proposed sports provision a clause providing access to the facilities for prospective residents would ensure that the residents have access to appropriate levels of amenity space.

Orientation

68. The layout of the proposed development with the residential flats concentrated towards the north and east elevations of the site results in the development have 11 north facing single aspect units. This equates to 15% of all residential units. The Council seeks to ensure that north facing units are kept to a minimum. The applicants are aware of this and have sought to demonstrate that the 11 units affected would provide an appropriate quality of accommodation.
69. To address this matter the areas of the units affected have been maximised so that they all exceed the London Plan minimum floor areas and significantly exceed Brent's own minimum floor space. The frontage widths of the units have been maximised, and recessed balconies with floor to ceiling glazing and corner windows are proposed. Rooflights are also proposed in the north facing single aspect units on the upper floors. The applicants have submitted details of the
70. The GLA have considered this to be acceptable provided that the residential units daylight values are all of a reasonable level. These levels have been provided which demonstrate that all of the prospective rooms except one will have appropriate levels of daylight. Therefore while north facing single aspect units are normally unacceptable on balance it has been demonstrated that the proposed units will have reasonable levels of daylight and the applicants through design measures have provide some mitigation in the form of larger unit floor areas, wide areas of glazing and rooflights for the upper units to maximise levels of daylight and sunlight.

Accessibility

71. 10% of the proposed residential units of the development will be designed to wheelchair accessible standards. This equates to 7 units and will include 2 x 1 bed units, 4 x 2-bed units all accessed from Banister Road core and one townhouse accessed via the residential mews.

Amenity of Neighbouring Residents

72. In relation to amenity planning policy BE9 states that proposed development should be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents. Guidance in relation to the Council's standards for these amenity issues is set out in SPG17.

Daylight, sunlight and outlook.

73. SPG17 states new schemes will be expected to limit as far as possible to limit the negative consequences of their development in terms of the loss of sunlight/daylight on existing development in the immediate vicinity and amenity spaces. It goes on to state that to avoid unnecessary loss of direct daylight, developers may be required to produce sunlight and daylight study of summer and winter months to assess the impact of the proposed development. Schemes that result in the significant loss or reduction of sunlight may be considered unacceptable.

74. The proposed design of the building is such that the part of the development with the greatest height and massing is located adjacent to the recently completed City View Development which is a mixed use development of 8 storeys. The height of the proposed development is also limited along Kilburn Lane in order to respect the character of the residential properties within the Queens Park Conservation Area on the opposite side of the road.

75. A daylight and sunlight report by Schroeders and Begg has been submitted with the planning application. For the daylight assessment the applicants have used the Average Daylight Factor criteria (ADF) rather than the Vertical Sky Component (VSC) as the existing site is a relatively open for an urban site and therefore existing VSC would be disproportionately high within an urban location.

76. The sunlight analysis has been undertaken by the method set out in the Guide to determine the proportion of the annual probable sunlight hours from which the surrounding windows will benefit. The BRE Guide on sunlight states that windows facing within 90 degrees of South be assessed for sunlight. In relation to the current development this would involve assessing windows on Kilburn Lane and Banister Road

77. This states that the daylight and sunlight to neighbouring properties is not significantly adversely affected by the proposed development with levels of daylight within the habitable rooms on balance being maintained to reasonable levels. They conclude that given the location of the building within an urban location the results of the analysis show that the amenities of daylight and sunlight will be maintained to reasonable levels (greater reduction allowance having occurred to the more recent developments on Bannister Road as no significant consideration of mirror image allowed for within their design for the redevelopment of the Moberly site).

78. Within the new development the rooms will generally have good levels of light.

Banister Road

79. The main issue of reductions in daylight and sunlight relate to properties principally on Banister Road at City View and Noko, where daylight and sunlight levels are reduced on the lower floors. These developments were completed in recent years with the NOKO building approved in March 2004 (02/2218) and the City View development in November 2011(11/1287). There are four windows through to living rooms in the City View building which fail to meet the target ADF value. The reason these rooms fail is that the architects for the development proposed rooms on the first floor and second floor of the building which are narrow rooms up to 8m deep. The rooms affected are open plan kitchen/living rooms where the main living area is to the front and the kitchen section is to the rear. While there will be a loss of daylight through to these rooms the impact will be worse in the kitchen part of the room where residents are more likely to use lighting in these parts of the room.

80. There are 8 rooms within the NOKO building (3 on the ground floor and 5 on the first floor) which fail to meet the ADF target for their respective uses. The 8 rooms which do not meet the target all have ADF values of 1.0% to 1.4% which fall short of the 1.5% required for living rooms. The rooms on the ground floor were approved as livework units with the work element of the unit located towards the rear and the living area towards the front. On the first floor the rooms are residential but are similar to the City View development in that they are narrow open plan kitchen/living rooms over 8m deep with the kitchen part of the room located furthest from the front elevation. The impact of the proposed development in

terms of loss of daylight is moderate on neighbouring NOKO building. The view of the daylight and sunlight study is that there are no losses of daylight that could be considered material. In terms of sunlight 5 living room windows on City View will fail to meet 25 % of annual probable sunlight hours and 5% in winter. While 14 living room windows on NOKO building do not meet the target value in terms of APSH. Again the result of this is that the residents of these units will have to resort to lighting when using the kitchen parts of this room. It should also be noted that

Chamberlayne Road

81. To the west of the proposed development there are residential properties on the first and second floor of the buildings on Chamberlayne Road. All of the windows have been assessed in relation to ADF. The room use of the units has been assumed as the larger windows being through to living rooms and the small windows through to galley kitchens. Each of the windows have been assessed as being through to separate rooms. The row of 14 terraces directly opposite the site were assessed. Of the 84 windows facing the site there are 22 galley kitchen windows which have ADF's not meeting the target values for ADFs. The living rooms all meet the target ADF. The loss of daylight through to the galley kitchens is not of a level that will significantly affect the amenity of neighbouring residents on Chamberlayne Road.

Tropical Court

82. Of the 33 windows facing the proposed development 3 of these windows will not meet or exceed the ADF Target. These windows only just exceed the 20% loss target for ADF. The windows on Tropical Court will experience limited reductions in daylight from the proposed development with the majority of windows exceeding the target values for ADF's. As such it is not considered to result in a significant loss of daylight. As these windows are all north facing there will be no loss of sunlight through to these properties.

Kilburn Lane

83. The daylight and sunlight study has assessed the impact of the proposed development on all of the properties on Kilburn Lane. The study finds that there will be no significant loss of daylight and sunlight to the windows facing the proposed development.

84. Brent's planning policy and guidelines seek to ensure that all new development limits the detrimental impact on the amenity of neighbouring residents in terms of daylight and sunlight. There are moderate levels of loss of daylight to properties on Chamberlayne Road, Banister Road and Tropical Court. Given the undeveloped and open nature of the existing site it is acknowledged that the proposed redevelopment will have an impact on neighbouring residents and properties. However it has been well established through the site specific allocation that there would be redevelopment of the Moberly site to provide a mixed use redevelopment of existing facilities and up to 101 residential units. The proposed development provides a high quality sports and recreation facility and 71 residential units in accordance with the site specific allocation albeit with a reduced residential provision. Therefore residents would have been aware that a large building in this location was possible.

85. The proposed development is considered to comply with planning guidelines as the design has sought to limit as far as possible the negative consequences of their development on the loss of sunlight/daylight to existing development and is located in an urban area where higher density development and large buildings of 4 storeys or more are more prevail consistent with the existing character .

Privacy

86. Policy BE9 of Brent's UDP states that new development should be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other which promotes the amenity of the users providing a satisfactory level of privacy. SPG 17 provides the Council's standards for privacy. In relation to front elevations the acceptable distance would normally be determined by the character of road widths in the area in this instance 13m between the buildings on Banister Road and approximately 15.5m on Chamberlayne Road and Kilburn Lane. To the rear there should be a minimum of 20m separation distance between directly facing habitable room windows.

87. The proposed habitable room windows of the front elevation are all a roads width away from the facing habitable room windows of the residential properties on the opposite side and there will be no loss of privacy for these neighbouring units. To the rear all of the habitable room windows are over 20m from the nearest facing habitable room window.

88. In relation to balconies the guide states that while they are positive features of any development there is a need to maintain the privacy of occupants of nearby properties. No direct overlooking from proposed balconies will be permitted. The proposed balconies are all situated in positions which ensure there is no

direct overlooking of neighbouring occupants. The only units with balconies close to neighbouring occupants are the most southerly units on the Chamberlayne Road frontage adjacent to Westfield Court. To ensure that the privacy of the residents of Westfield Court is maintained these units are set back from the main frontage and an obscure glazed screen is proposed along the flanks to ensure there is no direct overlooking of habitable room windows.

Transport, Parking and Servicing

89. A transportation assessment has been submitted with the application details to demonstrate that there will be no detrimental highway conditions associated with the proposed development on transportation grounds. This has been reviewed by the Council's Highways Engineer who has confirmed there will be no detrimental impact on Highway conditions.

Access Arrangements and Highway Works

90. The proposed development involves providing a new vehicular access from Kilburn Lane and an exit only point onto Banister Road from the proposed mews road. The access is adjacent to the access point for Tropical Court. Therefore the detailed design of this space will require careful consideration. Details of the highways work required for this and other alterations will be secured through a section 278 agreement. While a condition will be attached to return all redundant crossovers to footway at the developer's expense.

91. Vehicular access through the site is considered to be fine with adequate carriageway width indicated for vehicles to pass along the main site access. The rear service road along the mews and the rear car park will have gate controlled access. Additional landscaping and design features will be required to restrict the use of the mews road for additional parking. Conditions will be attached requiring details of this and details of how the access through the gates will be controlled.

92. The Council Highways officer welcomes the removal of the boundary wall around the site and states that a benefit of this would be to allow the junction radius at the corner of Banister Road and Chamberlayne Road to be eased, which would assist buses in making the left turn into Chamberlayne Road. While it would be unreasonable to require the development to undertake very costly works to bring about this alteration a modest alteration to the corner radius may be possible at reasonable cost that does not require significant works to statutory undertakers apparatus. Therefore Transportation have requested a head of term for the section 106 for further design works and costing to be undertaken to identify a scheme that could be undertaken by the developer. The applicants have not agreed to fund this work as they contend that it would be unreasonable to do so however they have agreed that an area of land in the vicinity of the junction back to the face line along the buildings supporting columns will be dedicated to public highway via a S38 Agreement. Planning obligations should be directly related to the impact of the proposed development on local infrastructure. In this instance it is not considered to be reasonable to require the applicants to fund these works as they are not directly related to the impact of the development.

Parking Provision/Car Free/ Cycle Storage

93. Car parking allowances for the proposed use of this site are set out in standards PS7, PS10 and PS14 of the adopted UDP 2004. As the site has excellent access to public transport services, reduced allowances apply to the residential units.

94. The parking standard for the existing and proposed sports centre is based upon predicted staff and visitor numbers, with one space per five staff and one space per 60 patrons, plus one space per 200m² non-seating/assembly area permitted. Various conflicting estimates of future visitor numbers to the sports centre have been provided within the Transport Assessment and Design and Access Statement.

95. The proposed absence of any standard car parking for the sports centre and retail unit would therefore accord with standards. The residential parking allowance is 0.7 spaces per 1-2-bed flat and 1.2 spaces for the 4-bed units, giving a total allowance of 57.2 spaces. The proposed provision of just 15 standard width allocated spaces for the townhouses thus also accords with standards.

96. A total of nine disabled spaces are also indicated (three for the sports centre and six for the residential units), which is more than sufficient to satisfy the requirements of standard PS15. However, the six spaces for the upper floor flats are not particularly well located in relation to the entrance cores and lifts to the residential accommodation, with the closest space being a distance of about 60m from the nearest entrance core. To address this, an entrance door should be inserted to residential entrance lobby 1 from the mews road, thereby reducing the distance between the spaces and the nearest entrance to between 30m-50m, in line with design standards. A condition for requiring the submission and approval of revised

details for the access road will be attached to the planning permission.

97. A further three minibus spaces are proposed for the sports centre, which is welcomed as a means of dealing with small parties of visitors (schools, disabled groups etc.). Further on-street parking for minibuses is proposed in nearby Ilbert Street (a road within the remit of City of Westminster). Timetabling of visits by school groups will be managed to ensure that there is always adequate minibus parking capacity for the centre.
98. Consideration also needs to be given to the potential impact of any overspill parking from the site on traffic flow and highway safety though. In this respect, the site is located within a Controlled Parking Zone and does benefit from excellent public transport links, which will help to minimise car use and regulate any overspill parking that does occur.
99. Parking on surrounding streets is found to be very high in off peak times and as such there is very limited capacity for any additional on-street parking in the surrounding area. With the area being generally heavily parked, implementation of further measures to ensure car use is minimised is essential. To ensure that the impact on-street parking is limited the residents of the proposed flats will have their rights to a parking permit withdrawn. This will be secured through a Section 106 Agreement.
100. For the sports centre, applying existing modal share figures (16% car driver) to the increase in patronage at this site (300 peak period attendance) leads to an estimated worst-case total of up to about 50 visitors cars seeking to park in the vicinity of the site. During CPZ operating hours, this can be regulated and visitors would be able to use pay and display parking bays. Parking beat surveys of streets within Westminster suggest that there is plenty of surplus pay and display parking capacity during the day on weekdays, notably in Ilbert Street, Sixth Avenue, Droop Street and Huxley Street, which are all within a five-minute walk of the site. Pay and display capacity parking on streets within Brent is far more limited.
101. However, high levels of usage are also expected to occur in the evenings and at weekends when the local Controlled Parking Zones are not in operation. To help to address this, a financial contribution is sought to allow a review of CPZ operating hours to be undertaken, with a view to extending hours into the evening and weekends if high levels of overspill parking are generated on nearby residential streets once the new centre is open. A sum of £30,000 is recommended to allow such a review of Brent's CPZ's to be undertaken.
102. Bicycle parking standard PS16 requires one space per ten staff and one space per five visitors for sports centres, which based on the predicted peak attendance of 300 visitors, would give a requirement for 60 visitor spaces, with two further spaces required for the retail unit. The proposed provision of 31 bicycle stands (62 spaces) beneath the building overhang along the Chamberlayne Road site frontage is sufficient to meet this requirement. Six further spaces are shown at the rear of the building for use by staff, which is also sufficient. Standards for residential use require at least one secure space per dwelling. Cycle parking is proposed in accordance with London Plan standards. Full details of all cycle parking will be sought by condition.

Servicing

103. Deliveries to the sports centre and retail unit will take place from the rear gated courtyard area, which is welcomed. Tracking diagrams have been provided to demonstrate that adequate turning space will be available for refuse vehicles and box vans and more than adequate headroom (5m+) is proposed within the courtyard for delivery vehicles. Deliveries will be managed to ensure the courtyard does not become overloaded and this should be secured by condition.
104. With regard to servicing, bin storage for the flats is shown adjacent to each access core, with three stores shown accommodating four Eurobins each. This provides sufficient overall storage capacity (13,200 litres) for the number of flats proposed. The townhouses will have small front gardens within which wheeled bins can be stored and collected from Kilburn Lane. These are within the required walking distances from the residential units and the maximum collection distances of the Refuse collectors

Travel Plan

105. To help support the low car parking provision and mitigate against parking problems being caused in the local area, travel plans are proposed for both the leisure centre and the residential units. Travel Plan Co-ordinators will be appointed for each element of the building, with a steering group being established to oversee and align the Travel Plans. Both Travel Plans set out a range of measures designed to reduce car use and increase use of sustainable modes of transport, with target being set over one,

three and five year periods, based on surveys of existing modal splits (for the leisure centre) and modal share (for the residential units). Monitoring and review will be undertaken over this period and funding will be set aside for this. The implementation of the travel plans will be secured through the section 106 agreement.

Environmental Impact

105. An EIA screening request was requested from the LPA prior to the submission of this planning application. The Council issued the EIA Screening Opinion and confirmed that an EIA would not be required because the proposed scheme was not likely to have a significant effect on the environment because of its nature size or location. The assessment included consideration of the proposed development in relation to Open Space, Ecology and Nature Conservation, Archaeology and Architectural Context, Traffic Related Impacts (movement and Safety), Contamination and Groundwater and Air Quality and Noise.

Noise, Air Quality and site contamination

106. The Council's policy towards the environmental impact of the proposed development are set out in the Environmental Protection chapter of the UDP 2004. Policy EP2 relates to noise and vibration which states that noisy development will not be permitted next to sensitive locations. EP3 states regard will be had to impacts of development upon air quality while EP 6 relates to contaminated land and the need for remedial measures should a site be suspected of contamination. The applicants have submitted reports in relation to contamination, noise, air quality and other environmental matters.

107. The proposed development is not considered to result in any adverse noise or vibration impacts associated with the operation of the proposed uses. There will be some noise and disruption associated with different phases of the proposed demolition and construction works however these will not have a impact outside of the local area and will be temporary in nature. The timing of such works and the level of noise associated with them will be controlled by condition.

108. The site falls within an Air Quality Management Area. The proposed development end use will not result in a detrimental impact on local air quality however there is the risk of temporary detrimental impact during construction. To ensure that the risk is minimised and any potential harm is mitigated appropriately worded conditions will be attached to the permission at the request of the Council's Safer Streets Officer.

109. A site investigation desk study has been submitted with the application this sets out that an intrusive soil investigation is required given the history of the site. The Council's Safer Streets officer agrees with the conclusion of this and requests that conditions be attached to require additional investigation prior to the commencement of development with details of any soil contamination remediation measures required to make the ground safe.

110. Conditions will be attached to address the issues raised in the reports. Compliance with these conditions will ensure that there is no unacceptable environmental conditions associated with the proposed development.

Section 106/CIL

111. The proposed development is considered to provide a high quality Sports Centre which will provide benefits to the local community and wider public. As a major development there is also a requirement for the development to meet certain environmental and highways criteria to mitigate against the impact of the development. The Council will seek to secure the provision of the sports centre and the associated benefits along with the requirement for revised viability appraisal through an appropriately worded Section 106 Legal Agreement. The Heads of terms for this legal agreement are set out in the report above.

112. A development of this scale would normally have to provide a CIL contribution towards the Mayoral CIL and Brent's CIL. Brent as a Borough have given notice that exceptional circumstances relief from CIL is available within the Borough. The applicants have notified the Council that they intend to apply for exceptional circumstances relief from CIL if the application is approved (the regulations only allow for a developer to apply for exceptional circumstances once an application has been determined). The main contention of the applicants is that the cost of delivering the new Moberly Sports Centre at circa £17.5million would be greater than the CIL chargeable amount applied to the development. At the time of the application of exceptional CIL relief the Council will need to be satisfied that this is the case and that to grant relief for exceptional circumstances would not constitute state aid which is required to be notified to and approved by the European Commission.

Consultation

Views of the London Mayor

113. As stated above the GLA have provided their Stage 1 review of the proposed development. Their recommendation is that the proposed development broadly complies with the London Plan but that further information is required in relation to certain issues that should be addressed before the scheme is referred back to the Mayor. These issues are:

- The lack of affordable housing is broadly acceptable on the basis that market housing is required to subsidise the significant costs of delivering the leisure centre, this needs to be evidenced through the viability appraisal which should be independently assessed and the findings confirmed to the GLA.
- The architect is urged to revisit two aspects of the design of the scheme, the residential quality in terms of north-facing single aspect units and unit to core ratio, and groundfloor activity fronting Banister Road.
- Details of an off-site contribution towards open space provision.
- Details of energy centre location, floorplan and confirmation that all uses will be connected to it.

114. The applicants have provided a response on the issues raised in the Mayor's Stage 1 report.

- A viability appraisal has been submitted by the applicants which considers the viability of both the proposals which concludes that it would not be viable to provide any affordable housing. A clawback clause has been proposed in the draft heads of terms. As set out in paragraphs 19-21 above the viability appraisal is currently being reviewed by an independent consultant and Members will be updated when the review is complete.
- The applicants have confirmed that the achieved ADF levels for the lowest 'worst case' floors are generally good and exceed the target values. There is one fail for room 26. The applicants have confirmed that a condition requiring the re-design of this room to ensure that it meets ADF's is considered acceptable.
- Groundfloor activity on Banister Road could be provided by re-positioning the café of the leisure centre on the corner and introducing additional glazing that would increase informal surveillance of Banister Road. A condition will be attached requiring submission of this detail.
- The applications have provided drawings showing how all the residential apartments and non-residential floor space will be connected to the site wide heat network.
- Older Children's play is being supported through a range of initiatives associate with the applications including:
 - Discounted access to leisure facilities for families who live within the development. This will be secured through the section 106.
 - As part of Active Queens Park programme a new MUGA at St Augustine's secondary school
 - Improvements to the range and quality of free to access facilities available at Queens Park Gardens including floodlighting and a new surface to the MUGA and an open air gym.

115. A full response has been sent to the GLA by the applicants, but it remains to be seen if the GLA will decide that their concerns have been adequately addressed. Obviously, in the event that they have not addressed these concerns, including the matter of affordable housing, the Mayor will direct Brent to refuse planning permission.

Response to Public Consultation

The following issues have been raised during the consultation process.

CONSULTATION ISSUE	OFFICERS RESPONSE
Lack of Affordable Housing, supported housing and adapted homes	The issue of affordable housing is addressed in paragraphs 20-24 above. There is no requirement for the site to provide supported accommodation while the proposed development will provide appropriate levels of wheelchair friendly units. All of the units will comply with Lifetimes Homes criteria.
The height of the building will impact on Daylight and Sunlight to neighbouring properties	This issue is addressed in detail in paragraphs 72-85.

Out of keeping with the scale of surrounding area.	The main building will be a prominent building in keeping with its Civic Function and it is considered that the proposed design measures will serve to effectively break down the massing of the development which steps down away from the junction of Banister Road with Chamberlayne Road.
Detrimental impact on the character of Kensal Green	The proposed building is considered to make a positive contribution to the character of Kensal Rise while replacing an existing building which fails to make a positive contribution on the main road frontages.
Increase in traffic associated with the development will have an adverse impact on existing poor highways conditions.	Please see paragraphs 89-104.
Lack of parking will result on over parking on neighbouring streets	Please see paragraphs 89-104
Providing parking for town houses will exacerbate existing problems with volume of traffic	Parking for 1 space per townhouse is proposed. The movements of these 15 cars will not have a significantly detrimental impact on existing highway conditions.
The proposed town houses are too large and lack design detail of properties on the opposite side of the street	The design of the town houses has been carefully considered and will provide a modern representation of the successful features of the properties within the Conservation area.
Vertical sky component figures are not provided in daylight and sunlight report.	Please see paragraph 75.
The town houses will not be used by families but will become occupied by flat shares.	The proposed town houses are laid out as family accommodation and will provide acceptable numbers of bedrooms to be classified as family accommodate. Whether the units are used by a family.
The overhang of the building on Chamberlayne Road is will make the space in front of the building less inviting and usable than it would be if the whole building was set further back from the pavement edge	The recessed groundfloor provides an active frontage which is considered to be a significant improvement on the existing situation on Chamberlayne Road.
Lack of childs play space in the new flats.	Please see response to GLA comments in paragraph 115
Loss of privacy for neighbouring residential units	Please see paragraphs 86-88
Impact on existing infrastructure	The proposal involves the provision of a significant sized leisure facility which will contribute to local infrastructure. The viability information submitted contests that the provision
Brent residents should benefit from this proposal.	Brent residents will benefit from reduced rates at the new facility. This will be secured through the section 106
The impact on highway conditions will create poor on-street conditions for cyclists.	The proposals have been reviewed by the Council's Highways Engineer who has no objection to the proposed development.
Lack of soft landscaping	The proposals include additional soft landscaping interventions where possible including the provision of street trees on Kilburn Lane.
The proposed facility could attract anti-social behaviour	The proposal will significantly increase informal surveillance and on street activity which may reduce anti-social behaviour. The proposed development is to be constructed in accordance with
Lorries delivering to the Tescos at City View already block the road increasing traffic levels will exacerbate problems associated with this.	The site is in an area with excellent public transport accessibility and there is limited on-street parking on Chamberlayne Road and Banister Road directly next

	to the site as such it is not considered to significantly increase traffic levels on surrounding streets. Servicing for the retail unit will be off-street.
Loss of existing Victorian buildings which are of high heritage significance.	Please see paragraphs 25-28
The proposal does not fit within Brent's Strategic Development Plan (PPG Development Plans)	The proposal is considered to be in accordance with Brent's Development Plan as set out above.
The Transport Assessment underestimates the traffic levels associated with the proposed development	The proposals have been reviewed by the Council's Highways Engineer who has no objection to the proposed development.
Noise and disruption from construction works	Conditions will be attached to control hours of operation to limit the impact of noise and disturbance of
Dust and dirt from construction will affect appearance of neighbouring building at City View.	Conditions will be attached to ensure that dust from construction is controlled
Noise and disturbance from deliveries to proposed retail unit.	The servicing for the retail unit will be off-street and will be screened by the existing brick boundary wall for those properties closest to the site.
No attempt is made to address local needs such as training and employment opportunities for young people, child care, space for community development.	The proposal will generate local employment opportunities in the form of jobs associated with the operation of the leisure centre and the proposed retail unit.
Loss of open air sports facility.	An upgraded facility is proposed at St Augustines School and a new MUGA is proposed on Queens Park Gardens.
Detrimental impact on sparrows which nest in garden of the school house.	Additional bird boxes and bat boxes are proposed for the new development.
Cityview is not a suitable precedent	Each case is assessed on its own merits.
Lack of trees on Chamberlayne Road side of development.	The Council would welcome additional tree planting on Chamberlayne Road however pavement space directly adjacent to the site is limited. Tree planting is proposed on Kilburn Lane
Inadequate provision of amenity space	please see paragraphs 66-67
There is no need for another A1, A2 or A3 unit when there are existing vacant units within Kensal Rise.	The proposed leisure facility will increase footfall on the surrounding streets which may make a commercial unit viable. As it is on an edge of town centre location and is not of a significant size it is considered to be acceptable.
Proposal is contrary to UDP policy BE25 as it results in loss of Victorian school building	Please see paragraphs 25-28
The proposed Sports Centre will be inaccessible for residents of certain areas of London	The proposed development is in a highly accessible location and will provide appropriate arrangements for residents to access the facility.
There has been inadequate consultation on the planning application.	There has been extensive public consultation on the planning application as set out in the 'Consultation' section of this report. The proposed

CONCLUSIONS

While this scheme has raised significant concern from some sections of the community across a range of issues highlighted in this report, the proposal is considered to provide the following principal benefits:

- The proposal provides a significant civic building which will provides leisure and recreation facilities in a highly accessible location and will support the Council in its objective in support health lifestyles amongst its residents.

- Design issues have been widely reviewed and supported by the GLA.
- The Leisure and recreation facility would deliver a modern high quality building in its own right which would serve as a contribution to local regeneration.
- In terms of the housing element, overall the provision of good quality, well-designed accommodation which will contribute to the level of housing provision within the South Kilburn Growth area..

As a result, Officers consider that the application can be supported, subject to referral to the London Mayor.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
 National Planning Policy Framework 2012
 Council's Supplementary Planning Guidance Note 17: 'Design Guide for New Development

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
 Environmental Protection: in terms of protecting specific features of the environment and protecting the public
 Housing: in terms of protecting residential amenities and guiding new development
 Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
 Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
 Transport: in terms of sustainability, safety and servicing needs
 Community Facilities: in terms of meeting the demand for community services

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):

6490 PL00
 6490 PL01
 6490 PL02
 6490 PL03
 6490 PL04
 6490 PL20
 6490 PL21
 6490 PL22
 6490 PL23
 6490 PL24
 6490 PL25

6490 PL26
6490 PL27
6490 PL28
6490 PL29
6490 PL40
6490 PL50
6490 PL51
6490 PL52
6490 PL54
6490 PL70
6490 PL71
6490 PL72
6490 PL73

Design and Access Statement by Roberts Limbrick
Dated November 2013
Transport Assessment by Robrt West
Dated November 2013
Planning Suppoting Statement by Daniel Watney q
Dated November 2013
Report on Preliminary Investigation by Ian Farmer Associates
Dated November 2012
Historic Building Appraisal by Morse Heritage
Dated November 2013
Historic Environment Desk Based Assessment by PCA
Dated October 2013
Level 1 Flood Risk Assessment by AECOM
Dated November 2013
Utilities Sevices Statement by AECOM
Dated November 2013
Bat Presence Likely Absence Report by Ecology Consultancy
Dated November 2013
Bat Roost Assessment Report by Ecology Consultancy
Dated November 2013
Preliminsray Ecological Appraisal by Ecology Consultancy
Dated November 2013
Interim Residential Travel Plan by Robert West
Dated November 2013
Interim Leisure Travel Plan by Robert West
Dated November 2013
Statement of Community Involvement by PPS
Dated November 2013
Tree Survey Report by Patrick Stileman Ltd
Dated November 2013
Outline Site Environmental Management Plan by Willmot Dixon
Dated November 2013
Energy Strategy by AECOM
Dated November 2013
Preliminary Assessment for Apartments Code for Sustainable Homes by eight Associates
Dated November 2013
Preliminary Assessment for Houses Code for Sustainable Homes by eight Associates
Dated November 2013
Preliminary Assessment for BREEAM 2011 by eight Associates
Dated November 2013
Sustainability Assessment by eight Associates
Dated November 2013
Air Quality Assessment by SKM Enviros
Dated November 2013
Daylight and Sunlight Study by SchroedersBegg
Dated October 2013
Noise Assessment by Cole and Jarman
Dated November 2013

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

- (3) During demolition and/or construction works on site:-
- (a) the operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays;
 - (b) vehicular access to the adjoining and opposite premises shall not be impeded
 - (c) all plant and machinery associated with such works shall at all times be situated and operated within the curtilage of the site;
 - (c) no waste or other material shall be burnt on the application site;
 - (d) all excavated topsoil shall be stored on the site for reuse in connection with the landscape works scheme.
 - (e) a barrier shall be constructed around the site, to be erected prior to demolition
 - (f) a suitable and sufficient means of suppressing dust must be provided and maintained
 - (g) the best practical means available in accordance with BS5228: 1984 shall be employed at all times to minimise the emission of noise from the site
 - (h) all construction vehicles used during construction must meet European Emission Standards of Euro 3 during any works on site.
 - (i) all non-road mobile vehicle with compression ignition engines used on the site shall comply with the emission standard contained in EC Directive 97/68/EC.
 - (j).any diesel powered machines used on or otherwise serving the site shall be operated on ultra-low sulphur diesel meeting the specification BSEN950

Reason: To limit the detrimental effects of noise and disturbance from construction works on adjoining residential occupiers.

- (4) All existing crossovers rendered redundant by this proposal shall be reinstated to footway at the applicant's own expense and to the satisfaction of the Council's Director of Transportation prior to first occupation of the new development.

Reason: In the interests of traffic and pedestrian safety.

- (5) 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-enactingthat 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 commercial floorspace hereby permitted shall only be for purposes falling within Use Classes A1, A2, A3 providing that any extraction equipment required for those uses are submitted to and approved in writing by the Local Planning Authority in advance of occupation of the unit being served by the required extraction equipment.

Reason: No separate use should commence without the prior approval of the Local Planning Authority for the following reasons so that the use does not prejudice the amenity of the area.

- (6) 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-enactingthat 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 D1 floorspace hereby permitted shall be only used for the purposes of a Sports and Leisure Centre with ancillary uses and for no other uses within the D1 use class.

Reason: No separate use should commence without the prior approval of the Local Planning Authority for the following reasons so that the use does not prejudice the amenity of the area.

- (7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development within Classes A, B, C or D of Part 1, Schedule 2 to the said

Order shall be carried out to the proposed town houses on Kilburn Lane without the prior permission of the local planning authority obtained through the submission of a planning application.

Reason : To enable the local planning authority to maintain strict control over the extension and alteration of any of the dwellinghouses hereby permitted on restricted sites in the interests of maintaining the appearance and integrity of the development and the visual and general amenities of the locality and to safeguard the amenities of the occupiers of neighbouring properties.

- (8) Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (9) All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice' to attain the following internal noise levels:

Criterion	Typical situations	Design range LAeq, T
Reasonable resting Conditions	Living rooms	30 – 40 dB (day: T =16 hours 07:00 – 23:00)
Reasonable sleeping Conditions	Bedrooms	30 – 35 dB (night: T = 8 hours 23:00 – 07:00); LAmax 45 dB (night 23:00 – 07:00) should not normally be exceeded

Prior to the occupation of the dwellings the applicant shall submit in writing to the Local Planning Authority the results of post-completion testing undertaken to show that the above internal noise levels have been achieved.

Reason: To obtain required sound insulation and prevent noise nuisance.

- (10) Details of the provision of a minimum of one cycle parking space per flat for prospective residents and 62 publicly accessible spaces along the Chamberlayne Road frontage for the commercial unit, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (11) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site

- (12) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing by Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

(13) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority within 3 months of any site clearance, demolition or construction works beginning on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) proposed walls and fences indicating materials and heights;

(b) planters and wall climbing plants proposed for rear wall of sports centre facing the townhouses.

(c) details of drainage, irrigation and water points.

(d) areas of hard landscape works and proposed materials;

(e) details of the tree pits on the Kilburn Lane frontage

(f) drought resistant plant species for the roof terrace.

(g) details of the installation and maintenance of the green roofs

(h) details of shrub planting and protection along the mews.

(h) details of the proposed arrangements for the maintenance of the landscape works.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

(14) Prior to first occupation of the development, confirmation that all dwellings have been built to the Lifetime Homes standard and 8 of the dwellings have been constructed as Wheelchair Accessible Housing (or are easily adaptable to Wheelchair Accessible Housing) shall be submitted in writing to the Local Planning Authority.

Reason: To ensure a development that is sufficiently accessible

(15) The development is within an Air Quality Management Area and construction and demolition works are likely to contribute to background air pollution levels. The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the operation, the details of which must be submitted to and approved in writing by the Local Planning prior to commencement of the development.

Reason: To minimise dust arising from the operation

(16) In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of each relevant phase of the development. The approved details shall be fully implemented.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

- (17) No works shall commence, including any works of demolition or site clearance, until a Construction Logistics Plan (CLP) has been submitted to, and approved in writing by, the local planning authority. The approved CLP shall be adhered to throughout the construction period. The CLP, which shall be accompanied by a site layout plan showing the following elements, shall include details of:
- (i) the construction vehicle access;
 - (ii) timing of deliveries (to avoid peak hours and to comply with local road restrictions) and the control of traffic entering the site;
 - (iii) the parking of vehicles of site operatives and visitors;
 - (iv) loading and unloading of plant and materials;
 - (v) storage of plant and materials used in constructing the development, to avoid the root protection zones of retained trees either on or off the site;
 - (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vii) wheel washing facilities to be installed prior to commencement of any works;
 - (viii) measures to control the emission and mitigate the against the impacts of dust and fine particles during construction; and
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works

The demolition/site clearance/building works hereby approved shall not commence until the vehicle wheel washing facilities have been provided on site in accordance with the approved details and such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of adjoining occupants and the interests of the free flow of traffic and highway and pedestrian safety, to ensure the footway and carriageway is not blocked during the works and in the interests of local Air Quality Management Area objectives.

- (18) Notwithstanding the plans hereby approved a revised layout groundfloor layout showing the provision of disabled access parking on rear mews road within 60m of an access to the residential lobby shall be submitted to and approved in writing prior to commencement of construction works.

Reason: To ensure satisfactory access for disabled people.

- (19) The proposed parking bays of a minimum width of 3 metres and in a location approved in writing by the Local Planning Authority shall be provided for the exclusive use of disabled people prior to the occupation of the buildings/commencement of the use hereby approved. The spaces shall be clearly marked as being for use only by disabled people and shall be permanently retained (so marked) thereafter. They shall not be used for any purpose other than the parking of vehicles by disabled people.

Reason: To ensure satisfactory access for disabled people.

- (20) Notwithstanding the submitted drawings further details of the operating mechanism, position, style and materials of the site's vehicular and pedestrian access gate that shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any of

the proposed uses on the site, and thereafter implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent unnecessary highway obstructions

- (21) Prior to the commencement of construction a Delivery and Servicing Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall ensure that deliveries to Mobely Sports Centre and retail unit (as well as residential deliveries) are properly pre-planned and co-ordinated, to minimise the risk that a large number of delivery vehicles will require access to the service yard at the same time. All deliveries/ collections shall only take place within the designated servicing bay and at no time shall any servicing be provided from Chamberlayne Road, Kilburn Lane or Banister Road.

Thereafter the approved management plan shall be implemented for the lifetime of the development, and updated whenever necessary

Reason: In order to safeguard highway safety, and prevent obstructions that will overspill onto the neighbouring carriageways

- (22) Prior to the commencement of construction the applicant shall provide an Air Quality Impact Assessment demonstrating that the proposed CHP unit shall have no more than an imperceptible impact on neighbouring residents. The Assessment shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect local air quality, in accordance with Brent Policies EP3 and EP4

- (23) The proposed Combined Heat unit installed shall meet or improve upon the emissions standards and technical details described in the approved Air Quality Impact Assessment. Prior to the commencement of the use the applicant shall submit details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met, these shall be submitted to and approved in writing by the Local Planning Authority and the unit shall be maintained thereafter in accordance with these standards.

Reason: To protect local air quality, in accordance with Brent Policies EP3 and EP4

- (24) Prior to the commencement of the gym use details of post completion sound insulation testing shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that activities from the gym activity will not have a detrimental impact on residential dwellings within the building, by means of transmission of noise and the vibration.

Reason: To protect the amenity of nearby residents

- (25) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

(a) a scheme to provide designated locations for any future signage for the commercial units and the residential entrances.

Reason: These details are required to ensure that a satisfactory development is achieved and to guard against cluttering and harm to the character of the building and streetscene.

- (26) Notwithstanding the details submitted further details of a scheme for lighting the development shall be submitted and approved in writing by the local planning authority prior to the commencement of works on site, and the lighting shall be installed fully as approved thereafter. Such details shall pay attention to further reducing light spillage at sensitive boundaries with residential neighbours.

Reason: In the interests of the residential amenity of adjoining occupiers.

- (27) Prior to the commencement of construction details of proposed bird and bat nesting boxes shall be submitted to and approved by the Local Planning Authority. The installation of the approved nesting boxes shall be undertaken prior to occupation of the development.

Reason: In the interest of wildlife preservation

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Robin Sedgwick, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5229