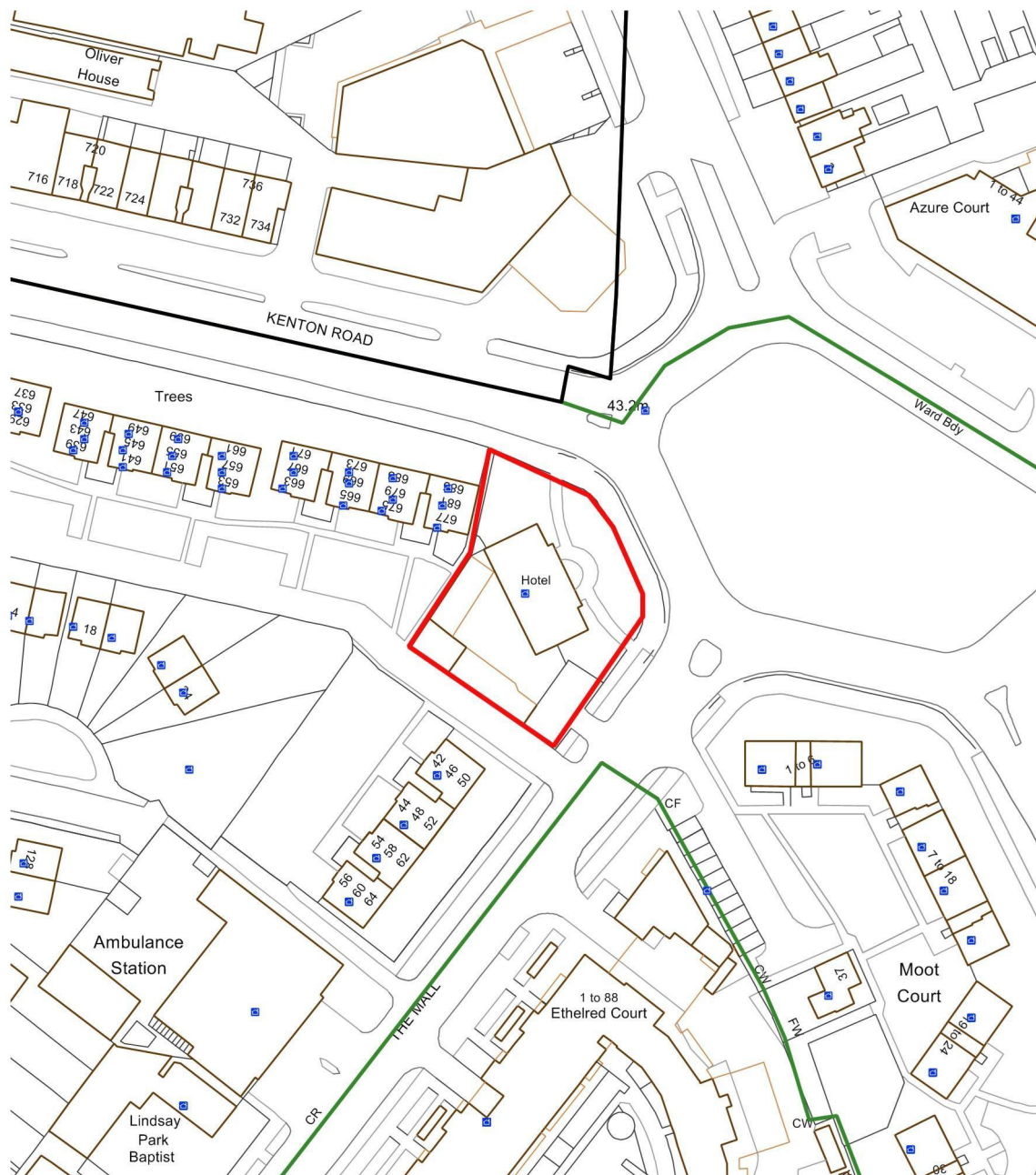
 **Planning Committee Map**  
Site address: Kingsland Hotel, Kingsbury Circle, London, NW9 9RR  
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This map is indicative only.

**RECEIVED:** 22 July, 2014

**WARD:** Kenton

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** Kingsland Hotel, Kingsbury Circle, London, NW9 9RR

**PROPOSAL:** Outline planning application for demolition of the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage (matters to be determined: access, appearance, layout and scale)

**APPLICANT:** JAYHEMS LIMITED

**CONTACT:** CgMs Consulting

**PLAN NO'S:**  
Refer to Condition 3

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## **RECOMMENDATION**

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report and subject to conditions listed after paragraph 48, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Planning, or other duly authorised person, to refuse planning permission

## **SECTION 106 DETAILS**

The application requires a Section 106 Agreement, in order to secure the following benefits:-

1. Payment of the Council's legal and other professional costs in a) preparing and completing the agreement and b) monitoring and enforcing its performance
2. A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing prior to the piling of foundations for the development hereby approved. This shall demonstrate:
  - a. How the development will achieve BREEAM Excellent;
  - b. How the indicated Brent Sustainability Checklist measures will be implemented within the scheme (or other such measures approved by the Council which meet a level of at least 50%).
  - c. How the scheme will achieve a minimum CO2 reduction of 35 % from 2013 TER (regulated) including a minimum of reduction of 7% through on-site renewables (after "be lean" and "be clean" measures have been applied) or other such revised measures as approved by the Council which achieve the same levels of CO2 reduction;
3. The applicant shall implement the approved Sustainability Implementation Strategy and shall thereafter retain those measures.
4. On completion, independent evidence (through a BRE Post-Construction Review and completion certificates) shall be submitted on the scheme as built, to verify the achievement of BREEAM Excellent
5. If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required:

- a. the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
  - b. the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough.
6. To implement the Travel Plan from first occupation of the development, (incorporating coach management arrangements) with targets to be based on a suitable baseline survey of the existing hotel within 3 months of signing the agreement;
7. Join and adhere to the Considerate Constructors scheme
8. Training and employment
- a. To prepare and gain approval of a Employment Enterprise and Training Plan prior to commencement and to implement the Plan
  - b. To offer an interview to any job applicant who is a resident in Brent and meets the minimum criteria for the job
  - c. To use reasonable endeavours to: achieve 1 in 10 of the projected construction jobs to be held by Brent residents and for every 1 in 100 construction jobs to provide paid training for a previously unemployed Brent resident or Brent school leaver for at least 6 months
  - d. From material start, to provide monthly verification of the number of Brent Residents employed or provided training during construction and if the above targets are not being met, to implement measures to achieve them
  - e. Prior to occupation, verify to the Council the number of Brent Residents employed during construction and unemployed/school leavers who received training.

And, to authorise the Head of 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 London Plan 2011, Brent's Core Strategy and 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 **£363,134.75** of which £268,676.34 is Brent CIL and £94,458.41 is Mayoral CIL.

#### **CIL Liable?**

Yes/No: Yes

#### **EXISTING**

The application site comprises a three storey building with accommodation in the roof space on Kingsbury Circle between The Mall and Kenton Road. It was originally built as an office building but has since been converted to a hotel in 1997. The site is not located within a conservation area nor is it a listed building. Kenton Road is a London Distributor Road and The Mall is a Local Distributor Road.

There is a mixture of uses within the vicinity of the site. These include three storey residential developments along Kenton Road, The Mall and Fryent Way. On the eastern side of The Mall is more recently constructed five storey residential buildings.

On the opposite side of Kingsbury Circle is Kingsbury Road which contains the primary and secondary shopping frontages of Kingsbury District Centre. These building are two and three storeys in height, comprising retail and other town centre uses at ground floor and predominantly residential use on the upper floors. Directly opposite the application site is Azure Court, a five storey development, which contains Tescos at ground floor and residential flats above. Planning permission was granted for this development in February 2006 (LPA Ref: 05/1204). The opposite side of Kenton Road falls within the ownership of the London Borough of Harrow. It comprises three storey terraced buildings and close to the roundabout a two storey flatted roof supermarket.

#### **DEVELOPMENT SCHEDULE**

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

## Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain
hotels	780		780	3341	2561

## **TOTALS in sqm**

Totals	Existing	Retained	Lost	New	Net gain
	780		780	3341	2561

## **PROPOSAL**

Outline planning application for demolition of the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage (matters to be determined: access, appearance, layout and scale)

## **HISTORY**

### Relevant planning history

**10/3262:** Full Planning Permission sought for demolition of the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey, 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage and subject to a Deed of Agreement dated 6th October 2011 under Section 106 of the Town and Country Planning Act 1990, as amended - Granted, 14/10/2011.

## **POLICY CONSIDERATIONS**

The London Plan 2011 (adopted July 2011) and Revised Early Minor Alterations to the London Plan published on 11 October 2013

- 4.5: London's Visitor Infrastructure
- 5.2: Minimising Carbon Dioxide Emissions
- 5.6: Decentralised Energy in Development Proposals
- 5.7: Renewable Energy
- 8.3: Community Infrastructure Levy

### Brent's Core Strategy 2010

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight.

CP19: Brent Strategic Climate Mitigation and Adaptation Measures

### Brent's UDP 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

- BE2: Townscape - Local Context & Character
- BE5: Urban Clarity & Safety
- BE6: Public Realm - Landscape Design
- BE9: Architectural Quality
- BE12: Sustainable Design Principles
- BE20: Advertisements on Buildings
- EP2: Noise & Vibration
- EP3: Local Air Quality Management

TRN1: Transport Assessment  
TRN4: Measures to Make Transport Impact Acceptable  
TRN14: Highway Design  
TRN22: Parking Standards - Non Residential Developments  
TRN30: Coaches and Taxis  
TEA6: Large-Scale Hotel Development

### Supplementary Planning Guidance

Mayor's Town Centres Supplementary Planning Guidance (SPG) adopted July 2014  
SPG17: Design Guide for New Development adopted 2001

## **CONSULTATION**

**Consultation Period: 12/08/2014 - 02/09/2014**

**Additional consultation period: 27/10/2014 - 17/11/2014**

**Site Notice: 13/08/2014 - 03/09/2014**

**Press Notice: 14/08/2014 - 04/09/2014**

333 neighbour consulted - Three letters of objection raising the following concerns:

- Site should be used by residents to do their shopping
- Existing parking pressures on neighbouring roads due to nearby school and other developments. A larger hotel with less parking will make the situation worse.
- Coach parking on road is likely to cause traffic congestion on heavily used roads - measures required to ensure coach follows management plan
- Unlikely that visitors will use public transport to access the hotel due to heavy luggage
- Will the hotel be used by standard guest hotel or for temporary social housing.
- Concern with anti social behaviour from visitors travelling to Wembley Stadium
- Increase in air pollution and rubbish in the area - this development will add to these concerns

### External Consultation

London Borough of Harrow - Objections raised on the following grounds: The new hotel by reason of its excessive height and visual bulk would appear unduly prominent and would not relate satisfactorily to its immediate surroundings and to the built form of the adjacent part of the London Borough of Harrow.

Councillor Colwill (Kenton Ward and Deputy leader of the Conservative Group) - Objections raised on the grounds that the scheme is an overbuild and will create even more stress on an already very busy roundabout (Kingsbury Road - Fryent Way - The Mall - Kenton Road).

### Internal Consultation

Transportation - No objections subject to a Travel Plan (including coach management arrangements) to be secured within the Section 106 Agreement and a condition requiring an amendment to the proposed site access to provide 4m kerb radii.

Environmental Health - No objections such to conditions in relation to air quality, plant noise and contaminated land.

## **REMARKS**

### **Background**

1. Full planning permission was granted on 14 October 2011 to demolish the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey, 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage (LPA Ref:10/3262). This application was subject to a Deed of Agreement dated 6th October 2011 under Section 106 of the Town and Country Planning Act 1990, as amended. This planning permission has not been implemented and has now expired.

2. This application seeks planning permission for a similar development as described above. The difference between the current application and the previous scheme from 2010 is that outline planning permission is

now being sought rather than full planning permission. Outline planning permission is seeking to agree the principle of development, without providing details of all elements of the proposal. In this case, the application is seeking for the Local Planning Authority to consider access, appearance, layout and scale at this stage and for landscape details to be reserved for future approval.

3. When assessing the current application, regard has to be had to any changes in policy since the previous approval. The London Plan has been updated since the previous approval, and such changes to have implications on the number of wheelchair accessible bedrooms and sustainability requirements for the new building. The Mayor has also introduced a Supplementary Planning Guidance on Town Centres which provides further guidance on wheelchair accessible rooms and Accessibility Management Plan. These matters are discussed below in further detail.

4. Both Brent's Core Strategy 2010 and Unitary Development Plan 2004 are saved policies and are still material considerations for the assessment of the current application. There has since been the introduction of both Mayoral Community Infrastructure Levy (CIL) on 1 April 2012 and Brent's CIL on 1 July 2013. The introduction of CIL does have implications on the Heads of Terms for the Section 106 Agreement and this is discussed in further detail below in paragraph x below. The CIL replaces the standard charges within Brent's Section 106 Planning Obligations Supplementary Planning Document

### **Principal of Development**

5. Policy TEA6 permits a large scale hotel where the site is located within a town centre or edge of centre subject to the proposal not having an unacceptable traffic impact and complying with the Council's policy on taxi and coach parking; not having a significant adverse impact upon the residential amenity or character of the area; and not resulting in the loss of land or accommodation that can best be used, with or without adaption, for permanent residential purposes.

6. The site is located on the edge of Kingsbury District Centre. As the site already contains a 28 bedroom hotel, the principle of a hotel use is already established on the site. Therefore, a larger 92 bedroom hotel is acceptable subject to it not having an unacceptable traffic impact and complying with the Council's policy on taxi and coach parking; not having a significant adverse impact upon the residential amenity or character of the area. These aspects are discussed in further detail below:

### **Design, massing and scale**

7. The existing hotel is three storeys in height with rear dormer windows to accommodate additional bedrooms within the roof space. In terms of the relationship with the adjoining properties, the existing building is up to 1.2m higher than the neighbouring residential blocks on The Mall and Kenton Road, which are also three storeys in height. The hotel has a footprint of approx. 245sqm and has a total floor area of 780sqm. It is sited at an angle within the plot, set in from the western boundary by approx. 1.6m at its closest point, the front boundary (fronting Kingsbury Circle) by 7.5m at its closest point and the southern boundary by approx. 12m at its closest point. An established landscape area is provided along the frontage.

8. The proposed hotel building is to be six storeys in height with a basement (overall height 19.5m) and has a floor area of 3341sqm. In the vicinity of the site there are a variety of buildings of differing scale and design. Of particular relevance is Azure Court on the opposite side of Kingsbury Circle (this building contains the Tesco store at ground floor), which is five storeys in height. The proposed hotel building would be the tallest building in the immediate locality, however, whilst the proposed building is an additional storey in height when compared to Azure Court, it is only approx. 0.5 higher overall due to the different floor to ceiling heights for the respective uses. It is also noted since the previous approval, that a new residential development of up to five storeys in height has been built at Ethelred Court (formally known as 1 to 3 The Mall - LPA Ref: 09/2650) on the eastern side of The Mall. Given the context of the site, it is considered that the principle of a taller building can be supported subject to being an appropriate design and having an acceptable relationship with the neighbouring properties.

9. The building has been designed to relate to the form of the smaller buildings by incorporating two brick panels that are intended reflect the elevations of the residential blocks on The Mall and Kenton Road. The fourth and fifth storey is proposed to be set in at both sides to take account of the height of the adjacent buildings; the proposed building will be four storeys next to the residential properties on The Mall and no higher than the ridge of the roof of the residential properties on Kenton Road. The sixth storey is proposed to be set in at both the sides and set back from the front elevation to reduce the overall bulk and prominence of the top storey. The footprint of the building will follow the line of the site, providing a curved front facade, allowing space for some landscaping; the building is aligned with the adjacent building lines on The Mall and

Kenton Road.

10. Design detailing has been provided within the elevations to break up the mass and bulk of the building. Such features include:

- The two upper floors are articulated into three elements “reducing their scale” (two wings and central section). This has been achieved with the central element in coloured panels up to the fifth floor, and the wings in brick work (fourth floor) and glazed (fifth floor). The roofline has also been articulated to break up the skyline
- An expressed joint line between the third and fourth floors
- Use of facing brick for the fourth floor so that it heavier in appearance. The brick work will be patterned to differentiate it from the floors below. This will assist in reflecting the scale of the neighbouring buildings
- Fifth floor to be lighter in appearance incorporating more glazing with oversailing eaves
- A more pronounced entrance to the hotel through the use of a canopy

11. Whilst it is acknowledged that the proposed building will exceed the height of other buildings in the locality, on balance, it is considered that this prominent site can support a taller building. It is considered that the building is of an appropriate design, taking account of the surrounding context with a elements of the adjoining buildings reflected in the elevational treatment. The same design of building was approved in 2011, and in policy terms there have been no changes to design policies since the previous approval.

### **Wheelchair accessible units and Accessibility Management Plan**

12. In line with the requirements of policy 4.5 of the London Plan 2011, 10 of the hotel rooms will be wheelchair accessible, accounting for over 10% of rooms. The location of the wheelchair accessible rooms have been annotated on the floor plans and a supplement to the Design and Access Statement has been provided that discusses disabled rooms and facilities within the hotel. This meets the objectives of policy 4.5 of the London Plan 2011.

13. The application is also accompanied by an Accessibility Management Plan. The purpose of this document is to consider the management and operation of accessible rooms from the outset of the design. Such details have been set out within the Accessibility Management Plan (AMP) but as the application is outline only, full details have not been agreed with the hotel operator. It is therefore recommended that further details are conditioned to any forthcoming consent with a review mechanism secured to review the AMP on a yearly basis.

### **Impact on neighbours**

14. To the west and south of the site lies the three storey residential blocks of flats on Kenton Road and The Mall. The residential blocks on Kenton Road are separated from the development by a footpath that provides access from Kenton Road to both the entrances of these residential blocks and a vehicular access road that runs parallel with Kenton Road from The Mall to Preston Hill. The residential block on The Mall is separated from the development by the vehicular access road that runs parallel with Kenton Road from The Mall to Preston Hill.

#### *Overbearing appearance and outlook*

15. Due to the unusual relationship of the building with the neighbouring properties, the proposal does not directly face the rear habitable room windows of the surrounding residential properties or adjoin private amenity/garden areas, and thus the guidance as outlined in SPG17 is not directly applicable. However, your officers consider that the principles of SPG17 should be considered to assist in the assessment of the impact on the amenities of surrounding neighbouring properties. The applicant has demonstrated in the Design and Access Statement that the height of the main body of the development is within a line drawn at 45 degrees measured from the amenity space of the properties in Kenton Road. This amenity space is informal and not private, fronting onto the access road and is more of a landscaped space. The measurement is taken where the development faces directly onto the amenity area. However, as the building is curved within the plot, not all of the building would meet the 45 degree guidance. Your officers are of the view that given that the development is at an oblique angle in relation to the amenity space and only the angled part would not fully comply with the guidance, the impact is not considered, on balance, to be so significant as to warrant a reason for refusal.

16. The development is separated from the private amenity space of the properties on The Mall by the

vehicular access road. Whilst part of the development fails the 45 degree angle when measured from this amenity space, given the visual separation provided by the access road and compliance with 2:1 guideline (again not directly applicable but a useful too), it is considered that the development would not harm the amenity of neighbouring properties to an unacceptable degree. In addition, due to the orientation, there will be no significant loss of sunlighting as a result of the development impacting on the useability of the amenity space.

17. The oblique angle, projection of the development from the rear habitable room windows of the flats within The Mall and Kenton Road, and curved angle of the building, allows for an acceptable level of outlook to be maintained for the occupants of adjoining residential properties.

#### *Daylight and Sunlight*

18. A Daylight and Sunlight Assessment has been submitted. This concludes that the affect of the development upon the daylight to habitable rooms in adjacent properties will be negligible.

19. Sunlight to the habitable rooms for the residential blocks on Kenton Road and The Mall will not be significantly affected by the development. The report does identify that sunlight to the front windows of the property in Kingsbury Circle will be affected, however this is largely because these habitable room windows face in a northerly direction, and already receive limited sunlight. These rooms would already fail guidance levels and any further reduction would also fail, though it is not considered the reduction would be to an unacceptable degree. As such, this is not considered so significant to warrant refusal.

20. Whilst it is noted that the landscaped area in between the residential blocks on Kenton Road and the vehicular access road will experience a reduction in the amount of sunlight received, this will only be for a limited part of the day (early morning). As referred to above, due to the orientation, there will be no significant loss of sunlighting as a result of the development impacting on the useability of the amenity space for the residential blocks on The Mall.

21. It should be noted that the relationship of the new hotel building to neighbouring residential properties is the same than the previous approval, and that there have not been any changes in policy terms in respect of consideration neighbouring amenity.

#### *Noise*

22. The applicants have submitted an Environmental Noise Assessment which outlines the noise emission levels that would need to be met by plant and services at the hotel to be likely to not cause a nuisance to neighbouring properties. Your officers in Environmental Health have reviewed this document and recommend that a condition is secured as part of any forthcoming planning consent to require the cumulative noise level from any plant, together with any associated ducting, be at least 10dB below the measured background noise level when measured at the nearest noise sensitive premises. This is to ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason for noise nuisance from plant and machinery.

#### **Transportation**

23. The site has moderate access to public transport (PTAL 3), with Kingsbury Underground Station and five bus services within 640 metres (8 minutes walk). On street parking around the site frontage is prohibited at all times. Unrestricted parking is available on The Mall, and on street parking is also available along Kenton Road to the west outside of peak hours. These roads are generally well parked during the day, due to the amount of commercial activity in the area, but less so at night.

24. The existing hotel has a car park and service yard at the rear of the site, providing 15 to 20 car parking spaces. The car park is accessed via a 4.8m wide crossover with 2.5m kerb radii from The Mall. A rising barrier is located at the highway boundary. The new hotel will provide seven car parking spaces (including 4 disabled bays) at the rear of the site. These spaces will be made available to disabled hotel guests and staff. No general parking will be provided for the guests. Access will still be provided from The Mall, but via a widened 5.5m crossover and driveway with 450mm margins through a 4.5m high archway through the building. A rising barrier is retained at the highway boundary. Pedestrian access remains a footpath across a landscaped area to the front of the building.

25. The scale of this proposal is such that careful consideration must be given to the local transport network. Therefore in accordance with policy TRN1 the applicants have provided a Transport Statement. The finding



of this report are discussed in further detail below.

#### *Car and coach parking*

26. Car parking allowances for hotel uses are set out in standard PS11 of the UDP. This permits up to one car parking space per five bedrooms, plus one space per five staff, giving a total maximum allowance of 21 spaces. Seven parking spaces (including four disabled bays) are proposed for this development. These will be for use by disabled guests and staff members of the hotel. No general guest parking is proposed and guests will be notified at the time of booking that no parking is available on site. Your officers in transportation have considered that shortfall and the likely impact of overspill parking from the site, and have advised that there is generally on-street parking spaces available along The Mall and Kenton Road in the evenings and pay and display parking along Kingsbury Road, which can together safely accommodate overspill parking from the site without the need for guests to park in nearby residential streets.

27. Parking standard PS11 also required a coach parking space to be provided for the hotel as it contains more than 50 bedrooms. Given the constrained nature of this site, it is not practical to provide a permanently marked coach parking space. It is therefore proposed to cordon off spaces within the rear car park whenever a coach is pre-booked, which would allow the coach to enter and turn within the site, before parking along the driveway, which has sufficient width to allow cars to pass a parked coach. As a large coach party would occupy a large proportion of the hotel rooms, this system should not cause too much disruption to other guests. It is therefore recommended that as part of the Travel Plan for the site, details of the management arrangements for the coaches including the use of a concierge service whereby guests will be required to leave their vehicle keys with hotel staff to allow the cars to be manoeuvred so that the area can be made available in advance of the coach arriving, is recommended to be secured as part of the Section 106 Agreement for this scheme. This management arrangement was secured as part of the Travel Plan for the previous scheme.

#### *Servicing*

28. Standard PS21 as set out in the UDP requires hotels to be serviced by 8m rigid vehicles. This size of vehicle can enter and turn within the site without any parking spaces needing to be taken out, thus satisfying servicing requirements.

#### *Bicycles*

29. There is no particular standard for bicycle parking, but the proposed provision of a secure store of eight bicycles is considered acceptable, providing one staff for every two staff.

#### *Alterations to access on The Mall*

30. The driveway and crossover are to be retained in their current position, accessed off The Mall, but slightly widened to accommodate service vehicles and coaches. In addition to increasing the width of the crossover to 5.5m, your officers in transportation have requested that the existing kerb radii will also need to be increased to at least 4m. It is recommended that these alterations are secured by condition.

#### *Impact of the proposal upon the local transport network*

31. The applicants have submitted a Transport Statement to accompany the application. As discussed above, the proposed hotel will not provide any general parking for hotel guests. Management arrangements will be secured through a Travel Plan as part of the Section 106 Agreement and guests will be notified at the time of booking that no on site parking is available. Officers in Transportation have advised that any overspill parking can be safely accommodated on the surrounding streets without needing to park in the residential roads.

32. The Transport Statement has considered the likely number of trips generated by the proposal hotel in the morning and evening peak hours, based on comparisons with data held for other hotels across London with similar levels of public transport accessibility (PTALs). This estimated trips by all modes totalling 18 arrivals/44 departures in the morning peak (8-9am) and 31 arrivals/22 departures in the evening peak hour (5-6pm), of which 5 arrivals/8 departures in the am peak and 10 arrivals/4 departures in the pm peak would be by car. The traffic figures represent less than 1% of the existing flow on the adjacent roads, and your officers in transportation have advised that this is not considered to be significant enough to warrant any further junction capacity assessment in the area. Similarly, the impact on local bus and rail services is not considered to be significant. However, the development will add to pedestrian movements in the vicinity of the

site and there is a need to improve crossing facilities on the Fryent Way arm of Kingsbury Circle roundabout (i.e. replacing the zebra crossing with a pelican crossing), thereby improving safety between the site and Kingsbury Underground station. The previous scheme secured sustainable transport provisions in the vicinity of the site as part of the Section 106 Agreement. As Brent has now adopted it CIL such contributions need to be provided as part of the monies obtained from Brent's CIL.

33. In addition, as the proposed hotel exceeds the threshold set out in TfL's Guidance for Workplace Travel Plans of 50 bedrooms, a full Travel Plan is required to be produced. This is recommended to be secured through the Section 106 Agreement for this scheme, with a requirement to undertake a baseline survey of the existing hotel within three months of the signing of the agreement and to submit and approval a full Travel Plan prior to occupation of the development.

### **Sustainability**

34. Achieving sustainable development is essential to climate change mitigation and adaptation. The most recent relevant policy framework includes Brent's adopted Core Strategy 2010 policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures* and the GLA's London Plan 2011 policies within Chapter Five *London's Response to Climate Change*.

#### *Compliance with Brent policies*

35. In support of the objective of satisfying Core Strategy policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures*, a BREEAM Pre Assessment Report has been submitted predicting the development would achieve a score of 71% which gives a rating of Excellent. This is to be secured as part of the section 106 agreement.

36. Brent's UDP 2004 policy BE12 and SPG19 *Sustainable Design, Construction & Pollution Control 2003* require the submission of a Sustainable Development Checklist; the application is supported by a completed Brent Sustainable Development Checklist which demonstrates a score of over 50% can be achieved. The Sustainable Development Checklist is to be secured as part of the section 106 agreement.

37. In respect of Brent's sustainability policies, the proposal is considered acceptable.

#### *Compliance with London Plan 2011*

38. The scheme includes measures to minimise the impact of this proposal on, and mitigate for the effects of, climate change and your officers consider the proposal to be in accordance with the energy hierarchy as required by London Plan 2011 policy 5.2 *Minimising carbon dioxide emissions* part (a): (i) be lean: use less energy; (ii) be clean: supply energy efficiently; (iii) be green: use renewable energy.

39. The application is supported by an Energy Strategy. In summary, the proposal meets the criteria of London Plan policy 5.2 for 35% improvement on Part L 2013 Building Regulations. A total reduction of 37% is proposed. Such measures are to be secured as part of the Section 106 Agreement.

- Lean measures

The buildings will be constructed using a range of passive design features to meet building regulations, including higher fabric specification and improvement over building regulations air permeability target. Efficient building service systems are proposed including efficient lighting, mechanical ventilation and heat recovery where feasible.

- Clean measures

The proposal will incorporate a Combined Heat and Power System (CHP).

- Green measures

The scheme proposes to install Photovoltaic Panels, accounting for 7% renewable energy. . Whilst this is less than the minimum requirement of 20% renewable energy requirement set out in policy 5.7 of the London Plan, given that the overall scheme achieves a carbon reduction of at least 35% improvement on Part L 2013 Building Regulations and achieves BREEAM Excellent, this shortfall is not considered in itself sufficient to warrant a reason for refusal.

## **Air Quality**

40. The proposed development is within an Air Quality Management Area, so extra care needs to be taken during the demolition and construction phases to prevent dust emissions. It is recommended that a Construction Method Statement is conditioned to any forthcoming consent to control dust, noise and other environmental impacts of the development.

41. It is also noted that the scheme proposes a Combined Heat and Power plant (CHP). Such a heating system was proposed as part of the previous approval. As CHP has the potential to impact on local air quality, your officers in environmental health have recommend that a condition is secured for an air quality impact assessment to be submitted prior to commencement of the development.

## **Landscaping**

42. As part of the outline planning consent, landscape is to be reserved to a later stage. A site plan has been provided that indicatively shows the areas of landscaping, which are predominantly contained to the front of the hotel incorporating a pedestrian pathway to the entrance. A landscape strip is also provided along the rear boundary with a new boundary wall. A green/brown roof proposed. Full details of landscaping will be secured at the reserved matters and will include tree planting within the frontage and a living roof implemented on the roof. It is also recommended that SUDS are to be incorporated.

## **Section 106 Agreement and Community Infrastructure Levy**

43. The previous approval was subject to a Section 106 Agreement that secured a number of clauses. A number of these clauses will be provided in the Section 106 Agreement to this scheme including the Travel Plan with coach parking management arrangements, Considerate Contractors Scheme and sustainability measures (although the sustainability requirements have been updated to reflect current policy - see paragraphs 34 to 39 above).

44. As discussed above, standards charges have been replaced with Brent's CIL. The previous consent secured a financial contribution of £719 per additional bedroom (£46,016) to be utilised by the Council towards the provision and/or improvement of all or some of the following measures:

- (a) Employment training opportunities in the local area
- (b) Sustainable transport in the local area
- (c) Sport and/or open space in the area
- (d) Environmental improvements in the local area.

It also required the hotel to offer a contract of paid training and employment for a period of not less than one year to two unemployed or school leaver residents living in the Council's area. If this obligation was not complied with an additional £281 per additional bedroom would be required for the measures as set out above. This would bring the overall contribution to £64,000.

45. As Brent has adopted its CIL a standard contribution can no longer be applied. The Brent CIL contribution for this scheme is £268,676.34 which will go towards improvements in the area such as sustainable transport in the local area, sport and/or open space in the area and environmental improvements in the local area. In line with the Council's Planning Obligations SPD, the current Section 106 Agreement requires the owner to enter into a Training and Employment Programme which will include the approval of an Employment Enterprise and Training Plan. This will seek to achieve 1 in 10 of the projected construction jobs to be held by Brent residents and for every 1 in 100 construction jobs to provide paid training for a previously unemployed Brent resident or Brent school leaver for at least 6 months. The overall amount of local employment will be greater than 2 employees as set out in the previous Section 106 Agreement.

## **Response to objections raised**

46. Objections have been received during the consultation period, raising a number of concerns. These are set out below:

<b>Point of objection</b>	<b>Response</b>
Site should be used by residents to do their shopping	The site is already in use as a hotel. As discussed in paragraphs 5 and 6 above, a larger hotel is considered acceptable in this location.

Existing parking pressures on neighbouring roads due to nearby school and other developments. A larger hotel with less parking will make the situation worse.	The parking requirements and consideration of overspill parking onto surrounding streets is discussed in paragraphs 26, 27, 31, 32 and 33 above.
Coach parking on road is likely to cause traffic congestion on heavily used roads - measures required to ensure coach follows management plan	Management arrangement for coaches will be secured as part of the Travel Plan for the site as part of the Section 106 Agreement. This is discussed in further detail in paragraph 27 above.
Unlikely that visitors will use public transport to access the hotel due to heavy luggage	The site has moderate access to public transport (PTAL 3), with Kingsbury Underground Station and five bus services within 640 metres (8 minutes walk). The scheme will be subject to a Travel Plan that will encourage alternative modes of transport to private cars.
Will the hotel be used by standard guest hotel or for temporary social housing.	The new building will be used for the purpose of a hotel falling within use class C1.
Concern with anti social behaviour from visitors travelling to Wembley Stadium	This is a matter that is outside the control of planning.
Increase in air pollution and rubbish in the area - this development will add to these concerns	Consideration of air pollution is discussed in paragraphs 40 and 41 above. Details of refuse facilities of the new hotel will be conditioned to any forthcoming consent.
Scale and visual bulk of the building excessive and poorly relates to its surroundings	The design, scale and massing of the new hotel is discussed in paragraphs 7 to 11 above.

## **Conclusions**

47. In conclusion, it is considered that this site can support a large scale hotel as it is located on the edge of Kingsbury District Centre. The report has considered the traffic impact of the proposal and the impact on the amenity of surrounding residential properties, whereby it is not considered to cause significant harm. It is considered that the scale and design of the building is appropriate for this prominent site that respects the character of the area.

48. Approval is accordingly recommended subject to the completion of a satisfactory Section 106 Agreement and planning conditions as set out below.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

The London Plan 2011 (adopted July 2011) and Revised Early Minor Alterations to the London

Plan published on 11 October 2013  
Brent's Core Strategy 2010  
Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17 "Design Guide for New Development"  
Mayor's Town Centres Supplementary Planning Guidance (SPG) adopted July 2014

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  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities  
Transport: in terms of sustainability, safety and servicing needs

### **CONDITIONS/REASONS:**

- (1) In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of this permission, and that the development to which this permission relates must be begun not later than whichever is the later of the following dates:-
- (i) the expiration of three years from the date of this permission; or
  - (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990.

- (2) Details of the reserved matters for the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on the development and the development shall be carried out and completed in all respects in accordance with the details so approved before the building is occupied. Such details shall include:

(a) landscaping

NOTE - Other conditions may provide further information concerning details required.

Reason: These details are required to ensure that a satisfactory development is achieved.

- (3) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

001 Rev A - Site Location Plan  
002 Rev A - Existing Site Plan  
003 Rev A - Demolition Plan  
004 Rev A - Existing Elevations AA, BB and CC  
005 Rev A - Existing Elevations DD and EE  
010 Rev C - Proposed Site Plan  
011 Rev C - Proposed Floor Plans Basement, Ground and First to Third  
012 Rev C - Proposed Floor Plans Fourth, Fifth and Roof  
018 Rev A - Parking Management Plan for Coach Access  
020 Rev C - Proposed Elevations AA, BB and CC  
021 Rev C - Proposed Elevations DD and EE  
023 Rev C - Proposed Sections AA and BB  
SK008 Rev B - Location of Accessible Rooms

## Supporting Documents

Transport Statement prepared by Peter Brett Associates LLP  
Design and Access Statement prepared by Shephard Epstein Hunter  
Design and Access Supplement - Accessible rooms and facilities  
Report on the availability of Natural Daylight prepared by Calford Seaden  
Supplementary Design Report 2 prepared by Shephard Epstein Hunter  
Environmental Noise Assessment prepared by WSP  
Accessibility Management Plan  
Energy Statement prepared by Pick Everard

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

- (4) All of the parking spaces proposed in the rear car park, as shown on drawing no: 011 Rev C, shall be constructed and permanently marked out prior to first occupation of hotel hereby approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, other than for coach parking, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (5) The proposed cycle parking facilities and refuse storage facilities shall be provided in accordance with the details as shown in drawing no: 011 Rev C prior to the first occupation of the proposed hotel, and thereafter retained in accordance with such approved details unless the prior written approval of the Local Planning Authority has been obtained.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality and to provide adequate facilities for cyclists.

- (6) Prior to commencement of any works on site including demolition, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. The CMS shall include measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall be carried out in full accordance with the approved details.

Reason: to safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance from noise, dust, odour.

- (7) Prior to commencement of any works on site, an air quality impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The air quality assessment shall demonstrate that the development and proposed Combined Heat and Power unit shall have no more than an imperceptible impact on local air quality and neighbouring residents, and thereafter implemented in accordance with such approved details.

Reason: To safeguard future and current residents from poor air quality.

- (8) Prior to commencing any works on site, a scheme shall be submitted to and approved in writing by the local highway authority to provide the vehicular access onto The Mall to be widened to 5.5m with 4m kerb radii.

The works shall be carried out at the applicants expense and the hotel hereby approved shall not be occupied until the above works have been completed in full accordance with the above points.

Reason: In the interest of highway and pedestrian safety.

- (9) Prior to commencement of any works on site, further details of all exterior materials including samples (to be prearranged to be viewed on site) and/or manufacturer's literature shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

- (i) building envelope materials e.g. bricks, roof tiles;
- (ii) windows, doors and glazing systems including colour samples; and
- (iii) balconies and screens

The development shall thereafter be carried out in full accordance with the approved details.

Reason: In the interests of the visual amenities of the locality.

- (10) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works for the proposed hotel shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works 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:-

- (i) areas of hard landscape works including details of location, materials and finishes. These shall have a permeable construction;
- (ii) details of proposed boundary treatments including screening, walls and fencing, indicating materials and dimensions;
- (iii) details of all planting including location, species, size, density and number including tree planting incorporated for the frontage;
- (iv) The location of and details of any external lighting, including details of light spillage
- (v) details of the living roof to be implemented on the roof including a cross section showing the depth of the soil and details of all planting including location, species, size, density and number
- (vi) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

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.

- (11) The Combined Heat and Power unit installed shall meet or improve upon the emissions standards and technical details described in the approved Air Quality Impact Assessment. Prior to first occupation of the hotel hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority that provide details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met and shall maintain the unit thereafter so as to ensure that these standards continue to be met.

Reason: To protect local air quality.

- (12) The development hereby approved shall not be occupied until an Accessibility Management Plan which details how the continuing management of the hotel will ensure the accessible rooms are maintained and managed has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full.

Reason: To ensure an accessible development.

- (13) Prior to first occupation of the hotel hereby approved, an assessment of the noise level from

any installed plant (such as air handling units, generators, ventilation/extraction systems) together with any associated ducting, achieving 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises, shall be undertaken and submitted to the Local Planning Authority for approval. The method of assessment shall be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. It shall be assumed that each item of plant incurs a +5dB(A) penalty to account for tonal qualities, unless it can be demonstrated that tonal qualities do not apply. If the predicted noise levels of the plant exceed those specified within this condition, then a scheme of insulation works to mitigate the noise shall be included. The recommendations provided within the noise assessment together with any required mitigation measures shall be carried out in full accordance with the approved details prior to first use of the plant equipment hereby approved.

Reason: To protect that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

- (14) Further details of the proposed signage, including details of location, materials, design and illumination, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the hotel hereby approved. The signage shall thereafter be fully implemented in accordance with the approved details unless the prior written approval of the Local Planning Authority has been obtained.

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

#### **INFORMATIVES:**

- (1) It is important that the workers are vigilant for signs of potential contamination in the soil during excavation works. This may include obvious visual or olfactory residues, fuel or oil stains, asbestos, buried drums, buried waste, drains, interceptors, tanks or any other unexpected hazards that may be discovered during site works. If any unforeseen contamination is found during works Environmental Health must be notified immediately. Tel: 020 8937 5252. Fax: 020 8937 5150. Email:env.health@brent.gov.uk
- (2) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)

Any person wishing to inspect the above papers should contact Victoria McDonagh, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5337