

Committee Report
Planning Committee on 16 September, 2009

Item No. 2/02
Case No. 09/1508

RECEIVED: 30 June, 2009

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Gaumont State Cinema, 197-199 Kilburn High Road, London, NW6 7HY

PROPOSAL: Proposed change of use from theatre club (Use Class Sui Generis) to place of worship (Use Class D1); demolition and replacement of single-storey WC block to side of auditorium, demolition and replacement of single-storey and mezzanine meeting-rooms to front of site; 7 new rooflights to mezzanine, erection of new side entrance and WC extension, installation of metal "stage access" door and new metal mesh screen at rear of site; new vehicular access from The Terrace, new refuse store and metal gates from Willesden Lane; re-landscaping of site, including 50 bicycle stores, 50 car-parking spaces and 3 disabled car-parking spaces, and restoration of front elevations facing Kilburn High Road and Willesden Lane

APPLICANT: Senior Pastor John Francis

CONTACT: Tim Foster Architects

PLAN NO'S: EXISTING
446/00/00; 01; 02; 03; 04 (lower mezz); 05 (upper mezz); 06; 07; 08;
09; 10; 11; 12; 13; 14; 15; 16; 17; 20; 21; 22; 23; 24.

PROPOSED
446/02/01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 12; 13; 14; 15; 16; 17; 20;
21; 22; 23; 24; 25; 26; 27; 28.

REPORTS
Design & Access Statement (June 2009), Planning Statement (June 2009), Conservation Plan (December 2008), Operational Statement (June 2009), Acoustic and Environmental Design (May 2009), Transport Statement (June 2009), Framework Travel Plan (June 2009), Statement of Community Involvement (June 2009).

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Undertaking an energy audit of the building, before and after occupation. Incorporation of SMART metres for utilities to monitor and manage energy consumption e.g. for lighting, heating & cooling, IT. If new heating and cooling systems are to be incorporated into the building, would the applicant consider low carbon technologies & insulation; solar panels for lighting and water heating; a rain water recycling system for landscaping and toilet flushing; permeable hard surfacing for rainwater drainage; use of low energy light bulbs, water efficient fittings.
- (c) Prior to occupation, submit, gain approval and implement a Travel Plan.
- (d) Prior to occupation, submit, gain approval and implement a Management Plan- to allow public access to the building, meeting rooms and main hall for at least 8 hours a week within one year of the implementation of this permission.
- (e) The provision of local history archive and pictures to the public at no charge a minimum of 1 day a week, housing information about the building and local area within one year of the implementation of this permission.
- (f) Prior to occupation, a contribution of £20,000 to the Council, index-linked from the date of Committee for local transportation mitigation.

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

EXISTING

This is the Gaumont State building on the western side of Kilburn High Road. The building is Grade II* listed and although vacant at the moment was most recently used as a Mecca bingo hall, closing in 2007. The building fronts the High Road as well as Willesden Lane. To the south of the building is a car park that is accessed off The Terrace.

The building operated as a 4,000 seater auditorium/cinema with an associated restaurant at first floor level. This was converted into a cinema itself in 1967. This continued until 1983 when the auditorium was converted into a 2,060 seater bingo hall.

The Gaumont State is subject to a site specific proposal in both the adopted Brent UDP (site MOS3) and the emerging LDF Site Specific Allocations DPD (site 30).

PROPOSAL

This application seeks planning permission for the change of use of the Gaumont State building from theatre club (Use Class Sui Generis) to a place of worship (Use Class D1). The application also involves the demolition and replacement of a single-storey WC block to the side of auditorium, demolition and replacement of single-storey and mezzanine meeting-rooms to the Willesden Lane front of the site; 7 new rooflights to mezzanine, erection of new side entrance and WC extension, installation of metal "stage access" door and new metal mesh screen at rear of site; new vehicular access from The Terrace, new refuse store and metal gates from Willesden Lane; re-landscaping of site, including 50 bicycle stores, 50 car-parking spaces and 3 disabled car-parking spaces, and restoration of front elevations facing Kilburn High Road and Willesden Lane.

HISTORY

There have been a number of relatively small scale planning and listed building applications submitted over the years, but none of them are considered relevant to the determination of this current proposal.

A report on the related listed building consent application (09/1522) appears elsewhere on this Agenda.

POLICY CONSIDERATIONS

PPG15 - "Planning and the Historic Environment".

STR4 Major Opportunities Sites.

STR11 Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.

STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.

STR16 Listed buildings.

STR29 The role of Kilburn as a major centre within London will be supported.

STR31 Existing ACE facilities will be protected.

STR37 Community facilities.

BE2 Townscape: Local Context & Character

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

BE12 Environmental Design Principles.

SH2 Major Town Centres.

SH6 Non-retail uses appropriate to primary shopping frontages.

TRN1 Transport Assessment.

TRN3 Environmental impact of traffic.

TRN4 Measures to make transport impact acceptable.

TRN22 Parking standards-non residential developments.

TRN27 Retention of essential off-street parking.

TRN34 Servicing in new development.

PS10 Parking standards for D2 uses.

PS12 Parking standards for D1 uses.

PS15 Parking for disabled people

PS16 Bicycle parking standards.

CF1 Location of large scale community facilities

CF4 Community facilities capable of holding functions

CF14 Places of worship

Supplementary Planning Guidance Note 17: Design Guide for New Development

Supplementary Planning Document: S106 Planning Obligations

UDP Site Specific proposal MOS3. Proposals "Community, retail, or arts/culture/entertainment or employment use suitable for retaining integrity of listed building."

LDF Site Specific Proposal 30. "The Council is seeking a use that can provide an opportunity to reconnect local residents, occupiers and visitors with an important visual, social and historic landmark and Listed Building in the Borough, as well as improve and diversify the uses available along the High Road."

SUSTAINABILITY ASSESSMENT

The question of sustainability will need to be controlled via a Section 106 legal agreement and is discussed below. Members will be updated about the issue in a Supplementary report.

CONSULTATION

A total of 540 letters were sent to adjoining occupiers about the application on 7 July 2009. A total of 5 site notices were posted around the site on 10 July 2009 and a press notice was published on

16 July 2009, advertising the application as "Of Public Interest".

In addition, English Heritage, Camden Council and Brent Councillors in Kilburn, Queens Park and Brondesbury Park Wards were also notified about the proposal.

A number of other interested parties were also consulted about the application, given the status of the building to which it relates, and their comments are summarised below.

NEIGHBOURS

A total of 3 objection letters have been received in relation to the consultation exercise (in addition to 3 letters of support/comment). The points of concern raised can be summarised as follows:-

- car parking/traffic congestion.
- the area adjacent to the Willesden Lane building should be enhanced (lighting) and the proposed planters will be abused. Perhaps trees could be planted?
- proposal adds nothing to the community.
- building must be made available to the community. If it is not the proposal is of no benefit to Brent.
- proposed mezzanine floor level in Willesden Lane block will relate unacceptably to Brondesbury Mews, which is a locally listed building.
- query over land ownership issues.
- "cycle doctor" scheme should be re-introduced to the site.

ENGLISH HERITAGE

No comments received.

LEADER OF CAMDEN COUNCIL (Councillor Keith Moffitt)

Wishes to register formal support for the proposal. The restoration and reuse of such a local landmark and Grade II* listed building will bring a historical gem back into community use and will also give an extra impetus and dynamic to the regeneration of Kilburn High Road to the benefit of both Boroughs.

LONDON BOROUGH OF CAMDEN

No comments received.

THE TWENTIETH CENTURY SOCIETY

Welcomes the proposal. The Society has no objections to the proposed alterations and extensions to the backstage and understage accommodation, nor to the proposals regarding the original offices above the High Road entrance. The Society welcomes the retention of original architectural features in all key public areas, as well as key technological remnants (eg: control panels, stage elevator) and the listed Wurlitzer organ.

Detailed drawings will follow as the project progresses and the Society reserves the right to withdraw their support in the event that any changes are subsequently considered to have a detrimental effect on the character of the listed building.

THE THEATRES TRUST

Supports the proposals in principle as it will provide a sustainable future and preserve the special interest of the listed theatre building. It will also allow the building to be used for performances as well as preserving the potential of the theatre should it be required in the future strictly as a live performance venue. .

THE CINEMA THEATRE ASSOCIATION

Welcomes the attention and care given to the plans for a phased refurbishment of the building. No objections are raised to the proposals.

CAMDEN WARD COUNCILLORS (Kilburn Ward)

The three Councillors are pleased to support the proposal. Four key issues 1. Community Use. Meeting space for community and voluntary groups needs to be provided, but at an affordable rate. 2. Supporting the Town Centre. Bringing building back into use will be an important development in the Town Centre. External frontages could be used to promote local community centres from time to time. 3. Heritage. A museum is welcomed, but it should be done in conjunction with Brent & Camden archives. Church could work with Councils and other institutions to bring people together in the heart of Kilburn. 4. Travel and Transport. The area of most concern. Need to ensure that the use does not cause problems for the locality in the future and that there is the necessary control over the use, along with appropriate mechanisms in place in the event that problems do occur. The submitted Transport Assessment is not enough to answer all concerns.

REMARKS

Members will be familiar with the Gaumont State building and the fact that it is something of a landmark within this part of North-West London, with its tower rising over 30 metres in height. Its location on one of the main thoroughfares into Central London, which itself forms the boundary between two Boroughs (with Camden on the east and Brent on the west of the High Road) also means that interest about the future of the Gaumont State extends outside of the Borough boundary.

LISTED BUILDING ISSUES

A formal consideration of the impact of the proposed change of use on the integrity of the listed building can be found elsewhere in this Agenda in connection with application 09/1522. However, it is important to say that this building, built in 1937 as one of the largest, most impressive theatres in the country and which is now Grade II* listed (only approx. 5% of all listed buildings fall within this category) is one of the most important buildings in Brent, in particular, and London, in general. Any development proposals that detract from this integrity would be likely to be resisted.

THE PROPOSALS

This planning application fundamentally seeks consent to change the use of the building from a bingo hall (use class D2) to a place of worship (use class D1) with an associated cafe, community facilities and administrative offices. In addition, there are a number of smaller elements (both internal and external) that relate to the change to a place of worship and which may only require listed building consent, rather than full planning permission. Amongst these are:

- 3 single storey extensions including one to the side of the Willesden Lane building.
- creation of a children's hall to replace the existing office space.
- erection of new fencing and gates to The Terrace and the Willesden Lane entrances.
- creation of small museum.
- restoration works including relighting the tower.
- bicycle parking.
- refuse and recycling store.

THE USE

The attention of Members is drawn towards the "Consultation" section of this report where a range of views are expressed about the proposed change of use. Whilst there are, understandably, some areas of concern, given the nature of the proposal, Officers would refer to the strong level of support from external amenity groups (The Theatres Trust, Twentieth Century Society and the Cinema Theatre Association) as well as the adjoining Local Authority, although it is acknowledged that some of this support is conditional. It seems clear that the bringing back into use of this important landmark building is something that is welcomed by many.

As indicated elsewhere, this is a Grade II* listed building and it is recognised in Planning Policy Guidance (PPG15) that the best, most sustainable, way of securing the long term future of buildings of this kind is to identify an active use for them. This is the situation with the Gaumont State as the original use is no longer considered to be viable.

One of the difficulties that the Gaumont has experienced in the past is that its sheer size has made it difficult to secure a viable long-term user who would, in turn, be able to use the building in its original state without needing to impact on the integrity of the historic building (by for example internal sub-division) as a result of the way that they wished to use it. It is considered that the proposal would be an opportunity to provide for a viable use that would also allow the building to be in many ways restored to its former glory, by allowing many of the less attractive physical changes to be reversed. The applicant has made the point that the use of the building as a church, which hopes to entertain large gatherings or community uses, is well suited to the historic plan form of the Gaumont. The main auditorium would be used for services, whilst the smaller accommodation spaces would be able to be used for the other types of gatherings/meetings associated with the church, as well as the wider community. It is considered that other uses that could take place in the building could be likely to have more of a significant impact on the integrity and physical fabric of the building, certainly when compared to the current submission and Officers feel that this is something that needs to be taken into consideration in the overall assessment of this application.

There are a number of issues that are raised by the use of the building as a Church, and these are discussed further below. However, it is the view of Officers that, while policies MO53 of the UDP and the LDF site specific allocations do not refer specifically to a D1 Use the proposed change of use is acceptable in principle.

HIGHWAY ISSUES

Perhaps inevitably the matter of the amount of traffic generation associated with the church is one of the issues that has most often been raised, although there are a number of uncertainties about understanding precisely what the future impact of the use on the locality will be. The capacity of the building obviously creates the possibility of a large number of visitors to it at any one time, but the church has no expectation that it will attract those sorts of numbers, certainly whilst it seeks to build up its congregation in this part of London. This assessment also needs to be seen in the context of the fact that the building could have been brought back into use without planning permission (as long as it remained as a D2 use), with potentially the same number of visitors, as the capacity of the building does not increase through this church proposal.

The applicants have submitted a Transport Statement and a Framework Travel Plan (both dated June 2009) which the Council's Transportation Engineer has studied.

This site is located on the western side of Kilburn High Road (a London distributor road), between its signalized junction with Willesden Lane (also a London distributor road) and The Terrace (a local access road). A 55-space car park is located to the rear of the site, accessed via 6m wide entrance from The Terrace. A pedestrian passage is provided from this car park to Kilburn High Road, whilst back stage access into the building is also available from this car park. A further 7.5m wide crossover is located onto Willesden Lane to provide access to a rear alleyway/fire escape, with gates set 7m from the highway boundary.

The site is located within Kilburn Controlled Parking Zone KD, which operates between 8.30am and 6.30pm Mondays to Fridays. Parking on the three roads fronting the site is very restricted though, with only the northern side of Willesden Lane offering any nearby pay and display parking bays. Surveys show the surrounding residential streets to be heavily parked at night. Public transport access to the site is very good (PTAL 6), with Kilburn High Street (London Overground), Brondesbury (London Overground), Kilburn Park (Bakerloo line) and Kilburn (Jubilee line) stations within 960 metres (12 minutes' walk) and nine bus services within 640 metres (8 minutes' walk).

An initial maximum congregation of up to 1,000 people is anticipated (although this may grow in the future), which is anticipated between 11am-1pm and 7-9pm on Sundays, with about 500 people anticipated between 2-4pm on Sundays and 7-9pm on Tuesdays. Smaller events of up to 200 people are anticipated at other times (mainly evenings) through the week. Up to 60 staff are proposed to work in the building.

The car park to the rear is to be resurfaced and reconfigured to provide 50 car parking spaces (incl. three disabled) and 58 bicycle parking spaces (46 visitor and 12 staff), plus a 10m loading bay into the rear of the building. The access from The Terrace is to be widened accordingly to 6m with 6m kerb radii and gates at the highway boundary to accommodate service vehicles. The vehicular access from Willesden Lane is to be made redundant, through the provision of planting and a row of pedestrian gates across the rear service passage.

Car parking allowances for the existing and proposed uses of the building are set out in standards PS10 and PS12 of the adopted UDP respectively. The existing use is permitted up to one space per 60 patrons and one space per five staff, which based upon the original capacity of the building totals about 70 spaces. This would increase to two spaces per five visitors for the proposed use, giving a maximum allowance of 400 spaces for the proposed use.

The continued provision of 47 standard width spaces would, therefore, comply with standards, whilst the provision of a further three wide disabled spaces also satisfies the requirements of standard PS15.

In terms of bicycle parking, there are no specific standards for places of worship, but the proposed provision of 58 such spaces (incl. 12 secure parking spaces for staff along the western boundary of the site) within the car park, all of which will be covered, is welcomed by the Transportation Engineer. The remaining spaces are shown as being located partly beneath the covered pedestrian walkway off of Kilburn High Road whilst still retaining sufficient space for people to pass the racks on foot. A comment has been made by an objector that the amount of bicycle parking is excessive, but Officers consider that the ability of visitors to cycle to the building and park their bicycle in a safe and secure location would be an important element of seeking a balanced approach to non-car modes of travel. Similarly, the provision of a 10m loading bay for deliveries is welcomed, despite the absence of any particular standard for this use. The proposed siting of the refuse storage area alongside this loading bay will allow easy collection by waste contractors.

The proposed widening of the car park access onto The Terrace will ease access by delivery vehicles and is therefore acceptable. AUTOTRACK runs have been produced to show that the revised access arrangements will be able to cater for 10m rigid lorries and midi-buses. The Transportation Engineer has commented that the proposed provision of gates at the highway boundary is less welcome and that these should be kept open throughout the opening hours of the building, to minimise obstruction to the highway by vehicles waiting to enter the site.

Members will be aware that in all developments, but certainly ones of this nature, an important consideration is the impact of any overspill parking from the site on traffic flow and highway safety. In this respect, as stated above, the capacity of the building will remain largely unaltered, although it is not anticipated that the use will approach full capacity for many years. However, the periods when the building will be busiest will alter from in the past being the evenings (esp. weekends) to in the future Sunday mornings/evenings.

As mentioned above, a Transport Statement has been prepared on behalf of the applicants. In order to assess the likely impact of the proposal, surveys of existing members of the church congregation were undertaken at their current premises in Brixton. These showed 21% of members driving to the church (with a further 6% as passengers), whilst 71% used public transport. Applying these percentages to the proposed Sunday congregations of 1,000 people results in 210 cars being attracted to the site. A further 13 cars are expected to be generated by members of staff, giving a total of 223 cars.

With only 50 car parking spaces available within the site, the remainder would be seeking on-street parking space in the area. To assess the impact of this, parking beat surveys were undertaken for the surrounding area (i.e. within 500-600m of the site) at 10.30am, 1.30pm and 6.30pm on Sunday 16th November 2008. These showed the area to be generally between 65-70% parked, with about 1,300 on-street spaces available on average.

However, a check on the capacity of the nearby streets within Brent has led the Council's Transportation Engineer to suggest that the parking capacity has been overestimated by the consultants and a re-assessment on this basis suggests these streets to be closer to 80-85% parked. Nevertheless, this still leaves 300-400 free spaces on the Brent side of Kilburn High Road alone, so there is technically considered to be sufficient spare parking capacity in the area on a Sunday to accommodate the demand from this proposal.

Furthermore, the pre-existing use would also have generated significant amounts of overspill parking, albeit at different times of the day/week. Indeed, some of the previous uses are likely to have generated more traffic at sensitive times, such as during the evening peak hour. As a result, the Transportation Engineer considers the proposal to be acceptable, in principle.

Nevertheless, a Travel Plan is considered essential to help limit the impact of traffic and parking as far as is possible, particularly if the church is to expand its membership in the future. To this end, a draft Travel Plan has been prepared for the church. The Plan sets out a number of measures such as promoting walking, cycling, motorcycle use, public transport use, car sharing, car park management (priority allocation of spaces to essential users, car sharers etc.). The main target is to reduce car use by 5% within one year of the site opening and this will be monitored on an annual basis. A Travel Plan Co-ordinator will be appointed to oversee the implementation and monitoring of the plan and steering groups will be arranged to monitor progress.

The Transportation Engineer states that the draft Travel Plan is of a good standard and that in his view with some minor changes, it could be incorporated as an appendix to the S106 Agreement, under an obligation to implement the plan as set out. The main amendments required are to provide confirmation that adequate time and funding will be committed to the Travel Plan, confirm that all future monitoring surveys will conform to the i-TRACE/TRAVL format and to set targets beyond one year to the fifth year after occupation.

In terms of the highway issue, one final major measure that is considered significant to supporting the Travel Plan would be the extension of the CPZ operational hours in the area to apply at evenings and weekends. Whilst the Council cannot guarantee that it would be possible to do this, as it would rely on the support of local residents at the appropriate time, a sum of £20,000 is sought towards undertaking a review of the CPZ in the area. This review may also need to be on-going over a number of years if the church expands as proposed. Members will note that the issue of how to control, and respond to, the future characteristics of the growing church enterprise has been specifically raised by the Camden Council Ward Councillors who have commented on this application.

The possible use of the car park as a shoppers car park for the benefit of the Town Centre has been raised. Whilst such a provision could obviously be a useful addition to Kilburn, it is a privately owned site and it would be difficult to insist on it been used by members of the public controlled through this change of use application.

COMMUNITY ACCESS

The issue of how the wider community would benefit from the rejuvenation of the Gaumont State is something that has been discussed extensively by Officers and third parties. It is obviously the case that the building is privately owned, but there remains the need to seek to ensure that as many people as possible are able to benefit from having such an important listed building in this location. The church has acknowledged, and seeks to encourage, the fact that their proposals could be at the heart of the local community, as well as helping to regenerate the Kilburn Town Centre. The issue is how to ensure that community access is provided at an appropriate level and that adequate control is exercised over this access, through a legal agreement.

The reports submitted with the application make it clear that the applicants understand the issue and the desire of the wider community to benefit from the Gaumont State in some way. As

indicated above, the concern of Officers is that the matter is controlled. The church state that in terms of occasional visits to the building it will be open every Sunday for Services and it is intended that the lobby/foyer area will be open every day as a coffee shop and bookstore. They will ensure that the building is open on Open House weekend (Saturday only), for one day a year to accommodate local school graduation ceremonies and also for one day a year for an organ recital day. They would look to market the use of the various spaces to commercial organisations for occasional conferences. The church have emphasised the wider benefit to the community as a result of the work that they have carried out with children and also seeking to assist in reducing crime. Whilst all of this is acknowledged, it is not something that, in itself, could be deemed to be a material planning consideration in weighing up the acceptability of this particular application.

In terms of allowing space for meetings and events to be made available, the applicants have indicated that they would be "delighted" to formalise arrangements with local community groups and that they would let such spaces "at cost." The question of timing comes into play, however, because the phasing of works, inevitable in a project of this size, means that the spaces that would obviously lend themselves to being used for community use (the Willesden Lane element) would not be available in the first phase of works. The applicants have estimated that it may be two to three years before these specific spaces could be available, but Officers feel that it would be more appropriate, and more reasonable, to insist on a shorter period, acknowledging that there would be other means of providing the community accommodation. As a result, the suggested Heads of Terms require the public access to be provided within a year of the use commencing.

Officers are keen to ensure that the matter is controlled through the Section 106 agreement. As a result, the following Heads of Terms have been suggested:

- Prior to occupation, submit, gain approval and implement a Management Plan to allow public access to the building, meeting rooms and main hall for at least 8 hours a week to be provided within one year of the implementation of this permission.
- The provision of a local history archive and pictures to the public at no charge a minimum of 1 day a week, containing information about the building and local area, to be provided within one year of the implementation of this permission.

Representations have been made about the use of the scene dock on the site. Previously it has been used by a bike project for weekly maintenance drop in sessions which certain third parties have asked be re-instated. The Church do not feel that they can accommodate the project at this moment in time. It is their view that the Scene Dock would be more appropriately used for some form of scenic production and they are in discussions with the Tricycle theatre with regards to letting the space to them because facilities of this nature are so rare in London. From a planning point of view there is no policy justification for insisting on the sort of bike project described above on this site, however popular it might have been, and as the owners of the site, the Church are entitled to decide that at this stage they do not wish to accommodate it.

EXTENSIONS/ALTERATIONS

A number of small single storey extensions are proposed to the building. The new additions to create additional toilet accommodation and improve circulation space on the north-west and south-east side of the building are considered to be fairly non-contentious. However, concern has been expressed about the proposed extension to the north-east corner of the building, specifically from an occupier of Brondesbury Mews. The proposed extension would include a mezzanine floor and would provide two meeting rooms and office space. The concerns relate to the impact on the Mews, which is locally listed. Officers have looked at these concerns but can see no basis for them, certainly in terms of the impact on either occupiers of the Mews or the physical fabric of the building. The extension is shown as being no higher than the height of the existing projecting canopy on the application building itself. Although the extension would front Willesden Lane and, consequently, would have an impact on the streetscene, as well as the listed building, the design and appearance of the addition is considered to be acceptable.

There is an existing large vehicular crossover onto Willesden Lane that the Transportation Engineer would wish, as is normal, to see reinstated as footpath as part of the proposal to minimise the number of accesses onto the London Distributor Road. The submitted drawings show tree planting to the front of the building between the back of the footpath and the area to the side of the proposed church, which would be welcomed by Officers in streetscene terms. The applicants have now stated that this crossover may still need to be retained for use by the fire brigade and consequently it should stay, whilst the tree planting would need to be provided in a different form, as it is proposed in front of this access area. There is no need to have a dropped kerb in order to allow fire tenders to access a site (as tenders can bump up the kerb) and so Officers consider that the need to reinstate the footpath remains (without it, it is likely that the crossover would be used for off-street car parking, as appears to happen at present). The revised tree planting would be considered as part of the proposed landscaping condition.

SUSTAINABILITY ISSUES

Although a sustainability checklist is not strictly required for this application, given that it does not relate to a new development, Officers consider that compliance with policy BE12 of the adopted UDP is something that should be encouraged. Members will be aware of the Borough's commitment to reducing carbon emissions in the future.

In order to support this approach, it is intended that a number of measures should be incorporated into the Section 106 legal agreement. Given the historic importance of the listed building, there needs to be a balanced approach taken to the issue to ensure that works do not detrimentally impact on the integrity of the building. Officers consider that the following (in addition to the Travel Plan referred to elsewhere) should be capable of implementation:-

- Undertaking an energy audit of the building, before and after occupation.
- Incorporation of SMART metres for utilities to monitor and manage energy consumption e.g. for lighting, heating & cooling, IT. (This is a huge venue and so energy consumption through space heating and lighting is an issue of concern).
- If new heating and cooling systems are to be incorporated into the building, the applicant should consider low carbon technologies & insulation.
- solar panels for lighting and water heating?
- rain water recycling system for landscaping and toilet flushing
- use of low energy light bulbs, water efficient fittings.

SECTION 106 AGREEMENT

Officers have been in discussion with the applicants about the need for a legal agreement and the specific Heads of Terms that should form the basis of this agreement. The representatives of the applicants have indicated that whilst they accept the need for the Section 106, they have queried the precise details of it, specifically questioning the financial contribution sought to look at the CPZ extension to mitigate any highway impacts. Whilst Officers do acknowledge that there are a large number of positives generated by this proposal that are set out in this report and that they would not wish to insist on measures that might call the viability of the overall project into question, it is considered that the draft Heads of Terms are fair, reasonable and necessary if Officers are to be able to support the application scheme. The sustainability aspects are vital in ensuring the building is used in the most efficient way, with minimum impact on the environment, whilst the Travel and Management Plans should mitigate the potential transport and access impacts, while allowing for defined community access, which is a key policy consideration.

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
- Central Government Guidance
- Council's Supplementary Planning Guidance

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
- 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
- Community Facilities: in terms of meeting the demand for community services
- Site-Specific Policies

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 approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities of the locality.

(3) Details of materials for all external work including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details. These details shall include:-

- windows/doors.
- roof details.
- canopies.

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

(4) Notwithstanding the plans hereby approved, a scheme for the landscape works and treatment throughout the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on the site. Any approved planting 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 bollards, railings, walls and fences indicating materials and heights
- (b) adequate physical separation, such as protective walls and fencing between landscaped and paved areas
- (c) areas of hard landscape works and proposed materials
- (d) other appropriate matters within the context of a landscaping scheme, such as details of seating, usage of areas etc
- (e) details of the treatment of the area to the front of the Willesden Lane building, including tree planting.
- (f) details of the proposed management responsibilities and arrangements for the maintenance of the landscape works.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species.

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

- (5) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on site 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:-

- details of refuse and recycling facilities;
- details of bicycle storage facilities;

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

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

- (6) The existing vehicular crossover on Willesden Lane rendered redundant by the development, hereby approved, shall be made good, and the kerb reinstated, at the expense of the applicants, prior to the first occupation of the development.

Reason: In the interests of highway safety and in order to allow the Council to secure proper control over the development.

- (7) The car-parking spaces shown on the drawings hereby approved must be provided and retained thereafter for the accommodation of motor vehicles of the occupiers and users of the buildings on the application site and shall not be used for any other purpose. Furthermore, the disabled parking spaces and loading bay shall be marked out and not used for any other purpose.

Reason: To ensure the provision and permanent retention of car-parking spaces and servicing provision so as to ensure the development does not result in additional pressure for on-street parking.

- (8) The widening of the car park access onto The Terrace, as shown on the approved drawings, shall be implemented prior to the revised car parking arrangements being brought into use. In addition, the vehicular gates shown at this access must be kept open at all times when the car park is in use in order to prevent obstruction to the highway.

Reason: In the interests of highway safety and in order to allow the Planning Authority to exercise proper control over the development.

INFORMATIVES:

- (1) The applicant is informed that this permission does not extend to any advertisements on the building that will require formal advertisement consent in their own right from the Local Planning Authority.

REFERENCE DOCUMENTS:

- Brent UDP
- SPG17 & SPG19
- 3 letters of objection.
- 3 letters of support.

Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5228



Planning Committee Map

Site address: Gaumont State Cinema, 197-199 Kilburn High Road, London, NW6 7HY

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