
RECEIVED: 11 February, 2011

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

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

PROPOSAL: 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.

APPLICANT: Jayhems Ltd

CONTACT: Shepherad Epstein Hunter

PLAN NO'S:
Refer to condition 2

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, 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 Area 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:-

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £1,000 per additional bedroom, due on material start and, index-linked from the date of committee for Training, Sustainable Transportation, Open Space & Sports and environmental improvements in the local area.
- (c) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM Excellent, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (d) Provide an on-site CHP to meet the base heat demand (hot water) and on site PV panels, unless it is technically unfeasible then to provide 20% of the site's carbon emissions supplied from onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.

- (e) Travel Plan (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;
- (f) Prior to Practical Completion enter into a s278/s35 requiring the provision of a 4m radius kerb to the proposed access on The Mall
- (g) Join and adhere to the Considerate Constructors scheme

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement by 13 May 2011.

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 opposite side of Kingsbury Circle is Kingsbury Road which contains the primary and secondary shopping frontages of Kingsbury District Centre. These buildings 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 flat roof supermarket.

PROPOSAL

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.

HISTORY

Relevant planning history

99/0040: Full Planning Permission sought for installation of rear dormer windows - Granted, 10/05/1999.

99/0027: Details pursuant to condition 7 (landscape) of full planning permission ref: 97/1215 - Granted, 22/02/1999.

98/2062: Details pursuant to condition 9 (dormer windows) of full planning permission ref: 97/1215 - Granted, 07/12/1998.

97/1215: Full Planning Permission sought for change of use of existing premises into a hotel, installation of 4 rear dormer windows and 2 velux windows, provision of 19 car parking spaces - Granted, 11/11/1997.

17896A 2532: Full Planning Permission sought for office block - Granted, 15/12/1951.

POLICY CONSIDERATIONS

The London Plan - Consolidated with Alterations since 2004

3D.7: Visitor Accommodation and Facilities
4A.2: Mitigating Climate Change
4A.4: Energy Assessment
4A.5: Provision of Heating and Cooling Networks
4A.6: Decentralised Energy - Heating, Cooling and Power
4A.7: Renewable Energy
4A.9: Adaption to Climate Change

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 Adaption 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

SPG17: Design Guide for New Development

SUSTAINABILITY ASSESSMENT

Reduction in carbon emissions and onsite renewables

Policy CP19 of Brent's Core Strategy requires developments to contribute towards climate change mitigation and adaption. Details of the measures proposed to reduce carbon emissions and consideration of onsite renewables are set out in the "Sustainable Design and Renewable Energy Report".

A number of options for onsite renewable energy measures have been considered, and the use of Combined Heat and Power (CHP) and Solar Thermal Panels have been identified as suitable options for the development, achieving a reduction of 25% in carbon emissions. The sustainability officer has reviewed the submitted information and has queried the reduction in carbon emissions.

They advise that there is no indication of the type of fuel used by the CHP, it is therefore assumed that the proposed CHP is powered by gas which is not renewable. This would leave only 4.15% energy met by renewables through the use of solar thermal which is far lower than 20% requirement. They go on to say that solar thermal panels are not generally considered to be compatible with CHP as there will be waste heat during summer months. PV Panels are a more compatible technology with CHP.

In light of the above, it is recommended that the Section 106 Agreement secures details of the CHP including size and fuel used to be submitted. To ensure that the CHP is sufficient, it should be sized to meet the base heat demand (hot water). In addition PV solar panels should be used rather than solar thermal panels. If the CHP fails to be delivered, a revised Energy demand & Renewable assessment ensuring a 20% of the site's carbon emissions are supplied from renewables on site. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.

Breem Pre-Assessment

Policy CP19 requires the development to achieve a rating of BREEAM "Excellent". A BREEAM pre-assessment report has been prepared which indicates that the scheme will achieve an "Excellent" rating. It is recommended that on completion of the development, an independent review shall be submitted on the scheme as built, verifying achievement of an "Excellent" rating, with compensation should it not be delivered. This should be secured as part of the Section 106 Heads of Terms.

Brent's Sustainable Development Checklist

This application is required to achieve a minimum score of 50% on the Brent Sustainable Development Checklist. The applicants have submitted the checklist achieving a score of 51.5%. Officers have reviewed the checklist and have a score of 24% which falls short of the required 50%. The discrepancies in the scores is larger due to a lack of evidence being submitted with the checklist. It is therefore recommended that as part of the Section 106 Heads of Terms, a revised Sustainability Checklist be submitted ensuring a minimum score of 50%, with compensation should it not be delivered.

Other Matters

In addition to the above, officers recommend that the Heads of Terms of the Section 106 Agreement secure compliance with the ICE Demolition protocol and for the development to join and adhere to the Considerate Constructors scheme.

CONSULTATION

Consultation Period: 22/02/2011 - 15/03/2011

Site Notice Displayed: 24/02/2011 - 17/03/2011

Public Consultation

242 neighbours consulted - two letters of objection and one comment received during the consultation period raising the following points:

- Height of the building should be no greater than that of nearby Azure Court, which in itself is significantly higher than all nearby buildings.
- Residential area will become more commercial
- Road will be busier
- Problems with parking spaces
- More noise pollution
- Increased disturbance at night due to tourist customer creating a nuisance

- Drop in residential property values
- Area will become more like a public place compared to a private residential place
- Plans do not show car and coach parking for 114 bedrooms

External Consultation

Kenton Ward Councillors

A letter of objection has been received from the Kenton Ward Councillors raising the following points:

- Proposal represents a gross over-development of the site
- The development would be completed out of character with the rest of the street
- There is insufficient parking for a development of this size and would result in increased traffic congestion in an already busy area

Internal Consultation

Sustainability Officer - A number of recommendations have been made in response to the Energy Demand & Renewables Assessment submitted with the application. This recommendations can be secured as part of the Section 106 Agreement for the proposal and are discussed in further detail within the Section 106 Heads of Terms and Sustainability section of this report.

Transportation - Proposal can be supported on transportation ground subject to the Section 106 Agreement securing (i) a financial contribution of £50,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site; (ii) a Travel Plan (incorporating coach management arrangements) with targets to be based upon surveys carried out on the existing hotel within 3 months of the signing of the agreement; and (iii) amendments to the proposed site access to provide 4m kerb radii

Landscape Design - No objections raised in principle. Recommends that in the even that planning permission is granted, a condition should be included to secure full details of a landscape scheme together with tree planting along the frontage.

Environmental Health - Recommended that conditions in relation to noise are included in any forthcoming planning consent to protect the amenity of neighbouring residents and the occupants of the hotel. As the site is within an Air Quality Management Area details of a Construction Method Statement and Air Quality Impact Assessment are recommended to be conditioned.

Urban Design Officer - Initial comments received from the Urban Design Officer raised concerns that the design of the building would not enable support to be given to a building of this height. Revisions to the scheme were made in response to these concerns - see Remarks Section for further details. The Urban Design Officer has advised that the amendments made to the scheme assist in reducing the perceived scale, and that the revised scheme is broadly acceptable from an urban design perspective.

REMARKS

Principal of Development

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.

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

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.

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. 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.

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.

Initial comments received from the Urban Design Officer raised concerns that the design of the building would not enable support to be given to a building of this height. Revisions to the scheme have since been made incorporating the following comments:

- Redesign the two upper floors so that they are articulated into three elements “reducing their scale” (two wings and central section). The plans have been revised to include 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
- Provide 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
- Provide a more pronounced entrance to the hotel through the use of a canopy

Your officer in Urban Design has reviewed the amended plans and has advised that the amendments assist in reducing the perceived scale of the building, and that the revised scheme is

broadly acceptable from an urban design perspective.

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.

Impact on neighbours

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

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.

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.

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

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.

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.

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 usability of the amenity space for the residential blocks on The Mall.

Noise

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 no more than 40 dB Laeq between 07.00 and 23.00 and no more than 34 dB Laeq between 23.00 and 07.00, measured at 1m distance from the nearest noise sensitive facade. 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

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.

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.

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 findings of this report are discussed in further detail below.

Car and coach parking

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. Nevertheless, to assist with any problems that may arise, your officers in transportation recommend that a financial contribution secured as

part of the Section 106 Agreement could be used towards enhanced parking controls in the area.

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 the site.

Servicing

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

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

Alterations to access on The Mall

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 as part of the Section 106 Agreement.

Impact of the proposal upon the local transport network

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 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.

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. A financial contribution towards this is therefore sought. This

will be secured as part of the Section 106 Agreement.

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, 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.

Landscaping

A landscaped area will be provided in 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. Your officers in the landscape team raise no objections in principle to the landscape proposal. They have however requested that tree planting should be proposed within the frontage and a living roof implemented on the roof. SUDS should be incorporated. It is recommended that these details are secured as part of the landscape condition for the scheme which will also include full details of soft and hard landscaping, boundary treatments, bin and bicycle stores and any lighting.

Other matters

Noise

Your officers in Environment Health recommend that a condition is secured to protect the amenity of the occupants of the hotel to be designed in accordance with BS8223:1999 'Sound insulation and noise reduction for buildings - Code of Practice'.

Air Quality

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. Such measures will be secured as part of the Construction Method Statement which forms part of the Section 106 Agreement.

No Air Quality Assessment has been undertaken to demonstrate that the development is unlikely to have a significant impact on local air quality, or what mitigation measures would be needed to ensure this. In particular the impact of the proposed CHP unit should be modelled. Your officers in Environmental Health therefore recommend that a condition is secured for an air quality impact assessment to be submitted prior to commencement of the development.

Response to objections raised

Objections have been received during the consultation period, raising a number of concerns. The following objection has not been addressed within the Remarks section of the committee report and is discussed below:

- *Drop in residential property values*

This is not a planning consideration and therefore can not be considered as part of the assessment of this application.

Conclusions

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.

Approval is accordingly recommended subject to the completion of a satisfactory Section 106 Agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

The London Plan - Consolidated with Alterations since 2004
Brent's Core Strategy 2010
Brent's UDP 2004
SPG17: Design Guide for New Development

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
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
Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

10059 001 Rev A; 002 Rev A; 003 Rev A; 004 Rev A; 005 Rev A; 010 Rev C; 011 Rev C; 012 Rev C; 018 Rev A; 020 Rev C; 021 Rev C; 023 Rev C;

Report on The Availability of Natural Daylighting for the Kingsland Hotel Site prepared by Calford Seaden LLP
Kingsland Hotel Environmental Noise Assessment prepared by WSP Acoustics
Transport Assessment prepared by Peter Brett Associates LLP
Sustainable Design and Renewable Energy Report Prepared by Vector Design Building Services Consultants
BREEAM Pre-Assessment Prepared by Vector Design Building Services Consultants
Design and Access Statement prepared by Shephard Epstein Hunter
Supplementary Design Report 2 prepared by Shephard Epstein Hunter dated 19th April 2011

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

- (3) 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.

- (4) The proposed cycle parking facilities and refuse storage facilities shall be provided in accordance with the details as shown in drawing no: 011 Rev B 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.

- (5) Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays 08:00 to 18:00

Saturday 08:00 to 13:00

At no time on Sundays or Bank Holidays

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.

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

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

- (7) 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 any demolition or 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.

- (8) 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 the commencement of works on site. 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.

- (9) The cumulative noise level from any plant, together with any associated ducting, shall be no more than 40 dB Laeq between 07.00 and 23.00 and no more than 34dB Laeq between 23.00 and 07.00, as measured at 1m from the nearest noise sensitive facade. A test shall be carried out prior to any works commencing on site to show above criterion shall be met and the results submitted and approved in writing by the Local Planning Authority, and thereafter implemented in 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.

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

Living rooms - 40dB (day: T=16 hours 07.00 - 23.00)

Bedrooms - 35dB (night T= 8 hours 23.00 - 07.00) LAmax 45dB (night 23.00 - 07.00)

A test shall be carried out prior to the discharge of this condition to show that the standard of sound insulation required shall be met and the results submitted to the Local Planning Authority for approval.

Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excessive noise from environmental and transportation sources.

- (11) 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 be conducted in accordance with an agreed methodology, taking into account the cumulative effect of all development in the area and details of all mitigation measures, and thereafter implemented in accordance with such approved details.

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

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

REFERENCE DOCUMENTS:

The London Plan - Consolidated with Alterations since 2004
Brent's Core Strategy 2010
Brent's UDP 2004
SPG17: Design Guide for New Development
Letters of objection

Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Kingsland Hotel, Kingsbury Circle, London, NW9 9RR

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



This map is indicative only.