Strategic planning application stage II referral


The proposal

Demolition of all existing buildings and erection of a part seven/six/five/four storey building comprising; 9,293 sq.m for a new sports and leisure centre (use class D2); 56 flats (22 x one bed and 34 x two bed); 240 sq.m of retail floor space (use classes A1/A2/A3), and; erection of 15 four bedroom terraced townhouses with associated car and cycle parking and landscaping (71 residential units in total).

The applicant

The applicant is Westminster City Council and Willmott Dixon Regen Ltd and the architects are Roberts Limbrick and Levitt Bernstein.

Strategic issues

The principle of a replacement sports and leisure centre with residential units is strongly supported, and matters of design, and inclusive access were previously supported.

Strategic issues raised at consultation stage relating to affordable housing and viability, density, residential quality and playspace, ground floor activity, energy and transport have been addressed and the scheme now fully complies with the policies of the London Plan.

The Council’s decision

In this instance Brent Council has resolved to grant planning permission subject to conditions and a S106 agreement.

Recommendation

That Brent Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.
**Context**

1. On 17 February 2014 the Mayor of London received documents from Brent Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following Categories of the Schedule to the Order 2008:

   Category 1B(c): “Development… which comprises or includes the erection of a building(s) outside Central London with a total floorspace of more than 15,000 square metres”

2. On 25 February 2014 the Mayor considered planning report D&P/3293/01, and subsequently advised Brent Council that whilst the land use principles were strongly supported, together with the design and matters of energy, transport and inclusive access were acceptable, further work was required on matters of residential quality, ground floor activity and viability evidence to support the lack of affordable housing, to ensure full compliance with the relevant policies of the London Plan. These issues were summarised in paragraph 72 of that report.

3. A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site and its history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 9 April 2014 Brent Council decided that it was minded to grant planning permission and on 24 November 2014 it notified the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct the Council under Article 6 to refuse the application or issue a direction to the Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 7 December 2014 to notify the Council of his decision and to issue any direction.

4. The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

**Update**

5. At the consultation stage, the land use principles and design of the replacement sports centre with residential units was strongly supported, and matters of inclusive access, energy and transport were broadly acceptable subject to some further information and conditions. The Council was advised that whilst the scheme broadly complied with the policies of London Plan, more information was required on viability in order to justify the zero affordable housing offer, and the architect was asked to revisit the layout in order to improve the number of dual aspect units and the ground floor activity, in order to ensure full compliance with the London Plan. These outstanding issues are addressed in turn below:

   **Affordable housing**

6. At consultation stage it was noted that the scheme was unable to provide any affordable housing on site due to the significant costs with re-providing the new sports and leisure centre and its range of facilities, including a new swimming pool. Whilst this was broadly accepted, GLA officers required confirmation through a viability appraisal and an independent assessment of that appraisal, to confirm that the scheme could not afford to subsidise any affordable housing.

7. The Council’s independent assessment of the applicant’s viability appraisal and the Council’s committee report, both confirm that based on current cost and revenue assumptions, the scheme would have a deficit of circa £3.6m, with a profit below the market norm of about 17%.
8 Viability discussions have been ongoing between the applicant’s and Council’s viability assessors, resulting in slightly revised cost assumptions. The appraisal highlights the uncertainty over the value of the townhouses, as there is little comparable data on the value of this property type in the local area, with the added complication of these properties being sold as long leaseholds instead of freehold. As indicated at consultation stage, GLA officers are pleased to see that due to this uncertainty, a review mechanism has been included in the section 106 agreement requiring the actual build and other costs and accrued sales values to be reappraised prior to occupation to see if there is any surplus, which would then be paid to the Council as a commuted sum. Whilst the Mayor would prefer to see any surplus delivered as actual affordable units, it is recognised in this instance that due to the timing of the review and the complex layout of units over the leisure centre, that it would not be suitable to mix tenures on the site.

9 There are no outstanding issues relating to affordable housing.

Density

10 At consultation stage, the applicant was asked to confirm that the density figure of 383 habitable rooms per hectare had been calculated based on the net residential site area as required by paragraph 1.3.47 of the Mayor’s Housing SPG. The applicant has stated that due to the large amount of the site being taken up by the new sports centre, it is not considered appropriate to use this formula as it produces an artificially inflated density figure, and in this instance that view is accepted. Nonetheless, the applicant has calculated the equivalent residential site area (0.48 hectares) which gives a density of 523 habitable rooms per hectare, which still comfortably falls within the ‘urban’ category.

Children’s playspace

11 At consultation stage, it was noted that the development would provide adequate playspace on-site for the 0-5 age group, and as required by GLA officers, the section 106 agreement includes obligations securing reduced rate leisure centre membership for residents of the development, providing a valuable resource for older children and teenagers. Brent Council also has a local CIL charge in place, which will be met by the applicant providing money towards local infrastructure including local parks.

12 There are no outstanding issues relating to playspace.

Residential quality

13 Whilst the consultation report noted that the residential quality was generally high across the development, the architect was asked to revisit the number of units served per core, clarify detail on floor heights and daylight values to the single aspect north-facing units, and revisit the location of the toilet and cafe storage area allowing the seating area to be extended around the corner of the building onto Banister Way to improve the relationship with the street.

14 The applicant has confirmed that the units will have a minimum 2.6 metre floor-to-ceiling height, which is acceptable. The applicant has also provided the results of the BRE Average Daylight Factor (ADF) standards demonstrating the achieved daylight levels are generally good, and by far exceed the target values set for ADF. It is noted that one unit fails, but the applicant is confident that with slight layout amendments (i.e.: reduced depth) this unit can achieve the required daylight level.

15 With regards the number of units served per core, the concern raised at consultation stage was that the fire door separating the two corridors does not provide an adequate level of separation between the two landings. The applicant has since confirmed that this fire door will be secure and fire access only gained via a break glass unit or manual over-ride facility. GLA officers
are content therefore, that the two corridors will be adequately separated and only accessible in an emergency situation.

16 There are no outstanding issues relating to residential quality.

Ground floor activity

17 At consultation stage, whilst the design was generally well supported, the architect was asked to revisit the ground floor layout of the refuse store and storage area associated with the café, in order to minimise the amount of street frontage taken up by these uses. GLA officers suggested relocating these uses and extending the seating area around the corner of Banister Road to improve the street level activity.

18 The applicant has demonstrated a way in which this can be achieved, although has not submitted formal amended plans to the Council, but stated that this would be dealt with as a non-material amendment following approval. It is disappointing that this minor layout amendment has not been secured through the planning application, and GLA officers therefore encourage the Council to secure this minor internal layout after issuing the planning permission.

19 Subject to the above revision, there are no outstanding matters relating to the design and layout.

Energy

20 Whilst the consultation report notes that the development broadly complies with the energy policies of the London Plan, further information was requested on a number of matters to verify the carbon savings, such as: confirmation that all units and non-residential uses will be connected to the site heat network, floor plans and location of the energy centre, and conditions to secure the provision of CHP.

21 All of the necessary information has been provided to the satisfaction of GLA energy officers, and the Council has secured the necessary conditions and section 106 obligations. There are no outstanding issues relating to energy.

Transport for London

22 Although this is a highly accessible site, at consultation stage TfL accepted the level of car parking provided. It is disappointing to note however, that TfL’s recommendations that all of the residential and at least one of the blue badge spaces be fitted with active electric vehicle charging points has not been met.

23 As requested at consultation stage, TfL supports the inclusion of conditions and/or section 106 obligations as appropriate to secure the following: implementation of a residential travel plan, workplace travel plan, permit-free agreement for future residents, £30,000 to review car parking zones, mini bus drop off area, minimum cycle parking and a delivery and servicing plan.

24 In summary, TfL considers that the above measures will help to mitigate the impact of this development and the application is now in conformity with London Plan transport policies.

Response to consultation

25 Brent Council’s committee report confirms that 737 residents were notified of the application in writing, together with a notice in the local press and a number of site notices placed on the streets around the site. The applicant also carried out a consultation exercise at pre-application stage. As a result of statutory consultation, the Council’s committee report confirms that 29 objections were received and 12 representations is support.
Matters raised by objectors related to the following:

- Lack of affordable housing.
- Height impact on daylight/sunlight to neighbouring properties.
- Out of keeping with the scale and character of surrounding areas.
- Increase in traffic and lack of parking.
- Detail lacking in daylight/sunlight report.
- Dislike design/architectural detail/landscaping detail.
- Lack of children’s playspace and inadequate amenity space.
- Loss of amenity for neighbouring residents (privacy, light).
- Impact on existing infrastructure.
- Loss of existing Victorian heritage buildings.
- Noise, dust, dirt and disruption during and after construction work.
- Does not address local training and employment opportunities for young people, child care and community development.
- Loss of open air sports facility.
- Impact on local ecology and trees.

Matters of support related to the following:

- Provision of improved and much needed sports facilities, including for local schools.
- Increase visitors to the area which is good for local businesses.
- Beneficial to the health of local residents.
- Appropriate building size similar to neighbouring City View.

Assembly Member, Murad Qureshi, has objected directly to the Mayor on two occasions, once following the stage one consultation report, and a second time following Brent’s planning committee decision and stage two referral. Matters of objection relate to the loss of the existing facility at Jubilee sports centre, the new facility being inadequate to accommodate users of both facilities currently, and lack of affordable housing.

In relation to the objections raised, those raised on matters of local ecology and trees, the amenity of neighbouring residential properties, local infrastructure and construction work impacts, are not in this instance, matters of strategic importance and have been addressed by the Council in its committee report. Matters relating to loss of the Jubilee centre and re-provision proposals at Moberly, affordable housing, design, height and mass, residential quality including amenity and playspace, parking and highways impact, and land use principles, have been dealt with in this and the previous report where they affect strategic policies, and the scheme has been found to be acceptable and in accordance with the London Plan.

Article 7: Direction that the Mayor is to be the local planning authority

Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and planning obligations, which satisfactorily addresses the matters raised at stage one, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The
Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

32 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

33 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

34 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

35 Having regard to the details of the application, the matters set out in the Council’s committee report, draft heads of terms for the section 106 legal agreement, and draft decision notice, the scheme is acceptable in strategic planning terms. It will deliver an excellent new sports and leisure facility for the local community subsidised by high-quality new homes, in a well-designed development.

36 Strategic planning matters raised at stage one in relation to affordable housing, density, playspace, residential quality, ground floor activity, energy and transport have been addressed and the scheme is in accordance with the London Plan.

for further information, contact GLA Planning Unit (Development & Projects Team):

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Moberly Sports Centre, Kilburn Lane, North Kensington, W10 4AH
in the London Borough of Brent
planning application no. 13/3682

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<thead>
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<td>The principle of a replacement sports and leisure centre with significantly enhanced facilities and residential units is strongly supported in strategic terms. The scheme responds well to the principles of inclusive access, energy and transport. Whilst the design is broadly supported, further work on the residential quality and ground floor activity, and viability evidence is required to justify the zero affordable housing offer.</td>
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<td>That Brent Council be advised that the application broadly complies with the London Plan but that the issues set out in paragraph 72 of this report should be addressed before the scheme is referred back to the Mayor.</td>
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**Context**

On 17 February 2014 the Mayor of London received documents from Brent Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 27 February 2014 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.
The application is referable under Category 1B of the Schedule to the Order 2008:

Category 1B: “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings (c) outside Central London and with a total floorspace of more than 15,000 square metres”

Once Brent Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

The site is roughly 0.66 hectares and forms part of an island bound by Kilburn Lane to the east, Banister Road to the north and Chamberlayne Road to the west. It is located within the southern part of the London Borough of Brent where it bounds the City of Westminster (across Kilburn Lane). To the south the site adjoins existing residential properties in Tropical Court, Westfield Court and Chamberlayne Mansions which are of brick construction and vary in height between three and four stories.

The site is currently occupied by the existing Moberly Sports Centre off Kilburn Lane. The existing sports centre provides approximately 2,700 sq.m of D2 floorspace comprising a sports hall, studio gym, multi-purpose space, nursery and changing facilities within three buildings; a three-storey utilitarian sports hall fronting Chamberlayne Road; a single storey infill building towards the centre of the site; a two/three storey former Victorian school building, and; a two-storey Victorian former schoolmasters lodge currently occupied as temporary residential accommodation fronting Banister Road. The northern part of the site also comprises hard-standing for car parking alongside a multi-use games area (MUGA).

The site lies to the south-west of Queen’s Park public open space, to the north-east of Kensal Green cemetery and to the south of a shopping parade on Chamberlayne Road. The wider area is predominantly residential in character although there is a church and small shopping parade to the south. Kilburn Lane is mainly defined by terraced houses, whereas Banister Road and Chamberlayne Road are defined by flats, with two new developments recently completed/under construction at City View and Noko.

The site is identified as site SK5 in Brent’s Site Specific Allocations Development Plan Document, as having potential for redevelopment to provide enhanced sports facilities and up to 104 residential units. It is located within the South Kilburn Growth Area in Brent’s Core Strategy.

The nearest section of the Strategic Road Network (SRN) is the A404 Harrow Road, whilst the nearest section of the Transport for London Road Network (TLRN) is the A40 Westway, located 300m and 1.5km to the south of the site respectively. There are eight bus routes located within an acceptable walking distance with the nearest stops located on Banister Road and Chamberlayne Road. The site is also located within an acceptable walking distance of Queen’s Park and Kensal Green stations, both of which provide services on the Bakerloo line and the London Overground. As such it has been demonstrated that the site records an excellent public transport accessibility level (PTAL) of 6, on a scale of 1–6 where 6 is the highest.
Details of the proposal

10 The application is submitted in full and proposes the demolition of all existing buildings, and a redevelopment to provide a total of 15,370 sq.m of new floorspace comprising a 7,598 sq.m class D2 sports and leisure centre (plus an additional 1,695 sq.m of transfer floors), 240 sq.m of flexible commercial floorspace (classes A1/A3) and 7,603 sq.m of class C3 residential accommodation.

11 The sports centre will be the equivalent of three and a half stories in height and provide D2 accommodation over the ground and first floors, including a 25 metre six lane swimming pool, a teaching swimming pool with a moveable floor to 1.9m deep, eight court sports hall with spectator seating, boxing hall, multi-use hall, community activity room, fitness suite, three exercise studios, a health spa, reception area, sports centre cafe and changing rooms/WC’s. The sports centre’s main entrance for pedestrians will be off Chamberlayne Road with the servicing access off Kilburn Lane. The retail unit will be located at ground floor to the south-west corner of the building fronting Chamberlayne Road.

12 The residential apartments will wrap the sports centre at second, third, fourth and fifth floors and will front Chamberlayne Road to the west and Banister Road to the north. A total of 56 apartments would be provided (22 one bed/two person, 18 two bed/three person and 16 two bed/four person). A terrace of 15 four bed/seven person townhouses will be provided fronting Kilburn Lane, and will include in-curtilage car parking and private amenity space.

13 In terms of parking, 15 in-curtilage garages will be provided for the townhouses, with six blue badge spaces for residential use located in the mews and a further three blue badge spaces for the sports centre, three disabled mini-bus bays and delivery and servicing bay.

14 Vehicular access will be provided off Kilburn Lane leading to both the rear of the new sports centre for servicing and into a dedicated mews which will run to the rear of the townhouses before exiting onto Banister Road. The scheme fifteen in-curtilage parking bays within the townhouses, nine spaces for blue badge holders and three mini-bus spaces for the sports centre.

Case history and relevant context

15 There is no relevant planning application history on the site. However, the scheme has been the subject of pre-application discussions and meetings with Hounslow Council and the GLA. A pre-application meeting was held with GLA officers on 27 November 2013 and an advice report from that meeting were issued on 11 December 2013. The following context is also relevant:

16 Westminster Council own the site and another leisure centre, Jubilee, only one kilometre away in Caird Street (Jubilee is located in the City of Westminster and Moberly within the London Borough of Brent). It is no longer economically viable for the council to operate two leisure centres so close together and are seeking to consolidate the leisure offer. Westminster has entered into a partnership with Wilmott Dixon Regen Ltd to use the funding secured from the delivery of private homes on the two sites, to fund the delivery of the new 9,293 sq.m sports centre on the Moberly site, with a smaller local scale sports centre on the Jubilee site. This will result in an increase in D2 floorspace of approximately 3,000 sq.m in this part of Westminster compared with the existing.

17 The application forms part of the Active Queen’s Park Programme, seeking to improve the quality, quantity and range of sports and leisure facilities in north Westminster. This wider programme includes; the demolition and redevelopment of Jubilee Sports Centre (currently 2,700 sq.m) to provide a replacement 782 sq.m sports centre (D2) with 84 dwellings comprising 72 new homes and 12 reprovided affordable homes; the delivery of a new MUGA at St.
Augustine’s School, Oxford Road, NW6, and; improvements to the free-to-access pitches with new floodlights and an outdoor gym in Queen’s Park Gardens. These other proposals are not referable to the Mayor, but it is important to understand the wider context that the Moberly Sports Centre development proposals sit within.

**Strategic planning issues and relevant policies and guidance**

18 The relevant issues and corresponding policies are as follows:

- **Principle of development**  
  London Plan
- **Sports facilities**  
  London Plan; the Mayor’s Sports Legacy Plan
- **Housing**  
  London Plan; Housing SPG; Housing Strategy; Draft Revised Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG;
- **Affordable housing**  
  London Plan; Housing SPG, Housing Strategy; Draft Revised Housing Strategy
- **Density**  
  London Plan; Housing SPG
- **Urban design**  
  London Plan; Shaping Neighbourhoods: Character and Context Draft SPG
- **Inclusive access**  
  London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)
- **Sustainable development**  
  London Plan; Sustainable Design and Construction SPG; Mayor’s Climate Change Adaptation Strategy; Mayor’s Climate Change and Energy Strategy; Mayor’s Water Strategy;
- **Transport and parking**  
  London Plan; the Mayor’s Transport Strategy
- **Crossrail**  
  London Plan; Mayoral Community Infrastructure Levy.

19 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Brent Core Strategy (adopted on 12 July 2010), the Site Specific Allocations Development Plan Document (DPD) adopted in 2011, the ‘saved’ policies of the Unitary Development Plan, originally adopted in 2004, and; the London Plan (with 2013 Alterations).

20 The following are also relevant material considerations:

- South Kilburn Growth Area Supplementary Planning Guidance (adopted by Brent in April 2005).
- Draft Further Alterations to the London Plan (January 2014)

**Principle of development**

21 London Plan Policy 3.3 seeks to increase London’s supply of housing and in doing so sets borough housing targets. The Further Alterations to the London Plan (consultation draft, January 2014) sets Brent’s target at 1,525 additional homes per year between 2015 and 2025. The proposals will contribute towards this recognised level of housing need on a site allocated by the council as having the potential for housing, and this is supported.
22 London Plan Policy 3.19 and the Mayor’s Sports Legacy Plan aim to increase participation in, and tackle inequality of access to, sport and physical activity in London. The policy strongly supports development proposals that increase or enhance the provision of sports facilities. The proposals include significantly enhanced and improved sports and leisure facilities for the local community, which include a good variety of facilities such as a 25 metre swimming pool and boxing studio, and this is strongly supported. The wider Queen’s Park Programme, of which this scheme forms part of, will further enhance the sports facilities offer in this area of London whilst reducing the costs associated with such provision.

23 The inclusion of a small flexible retail unit in this location raises no strategic concern, as it will be primarily ancillary to the sports centre and of a small scale, and is located to generate street activity which is supported.

Loss of existing school
24 London Plan Policy 3.16 states that proposals that would result in the loss of needed social infrastructure (including schools) without realistic proposals for provision, should be resisted.

25 As indicated in paragraph 6, part of the existing site contains a group of former Victorian school buildings, currently used as a children’s pre-school. The Council discussed options for the pre-school including re-providing accommodation for them in the scheme, or finding an alternative site. The planning statement submitted with the application confirms that, due to uncertainties of timing, programming and decanting logistics, they declined the option for replacement accommodation, and opted to find alternative accommodation. The statement confirmed that the pre-school has secured a new home at Lancefield Street roughly half a mile away. On that basis, there is no strategic concern with the loss of the current nursery on the site.

26 The existing Victorian school buildings are not listed, and whilst their loss in heritage terms is regrettable, GLA officers recognise that their retention is not possible in the context of the scheme being delivered.

Housing
27 The proposal includes the provision of 71 residential units. The table below sets out the indicative housing schedule at this stage:

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<thead>
<tr>
<th>Unit type</th>
<th>No. of units</th>
<th>% of total homes</th>
</tr>
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<tbody>
<tr>
<td>One bed/two person apartment</td>
<td>22</td>
<td>31%</td>
</tr>
<tr>
<td>Two bed/three person apartment</td>
<td>18</td>
<td>25%</td>
</tr>
<tr>
<td>Two bed/four person apartment</td>
<td>16</td>
<td>23%</td>
</tr>
<tr>
<td>Four bed/seven person townhouse</td>
<td>15</td>
<td>21%</td>
</tr>
<tr>
<td>Total</td>
<td>71</td>
<td>100%</td>
</tr>
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Table 1: Proposed housing mix (source: Planning Supporting Statement – Daniel Watney)

Affordable housing
28 London Plan Policies 3.11 and 3.12 require residential developments to deliver the maximum reasonable amount of affordable housing possible without compromising the developments viability and overall deliverability.

29 The applicant is not proposing any affordable housing on the Moberly Sports Centre site, although the Jubilee Sports Centre site does include the re-provision of twelve existing affordable
units. The applicant states that due to the significant financial costs involved in delivering two new leisure centres, the new housing provided across the two sites must be market housing as the value generated is required to fund the delivery of the sports centres. The value derived from the market housing sales will therefore be reinvested into improved social infrastructure, in the form of sports facilities rather than affordable housing.

30 London Plan Policy 3.19 referred to in paragraph 21 above and Policy 3.16 both give a clear indication of the importance of delivering sports facilities, stating that they are important parts of social infrastructure that provide social and health benefits for communities (paragraph 3.110). When considering this in the context of affordable housing, Policy 8.2 makes it clear that weight will be given to the provision of locally based facilities including those for health when considering appropriate mitigation from development, and; Policy 3.12 (paragraph 3.71) indicates that a degree of flexibility is required when considering viability and affordable housing levels, to ensure the most effective use of private and public investment. In this case, it is appreciated that the cost of delivering the enhanced leisure centre will be significant and represents a huge public benefit as a form of social infrastructure, which could outweigh the lack of affordable housing in this case.

31 At pre-application stage, GLA officers the principle of the leisure centre delivery as a form of social infrastructure, given the context of the existing use, its condition and the identified need by Westminster for improvements to the current provision. However, further evidence was requested through the submission of a viability appraisal to demonstrate that; there is no surplus from the market housing sales after covering the costs of delivering the leisure centres, and also; that the delivery of the leisure centres is viable with an adequate level of market housing to fund the delivery of the new facilities.

32 The application documents state that a viability appraisal conducted by GL Hearn has been submitted with the application, which confirms that based on the estimated cost of delivering the sports centre at £17.5 million, the development would be unviable if any proportion of affordable housing were to be included. The appraisal however, hasn’t been supplied to the GLA. The council should ensure that the submitted appraisal is independently verified by them or an externally appointed consultant, and the contents of both the appraisal and the independent assessment should be provided to the GLA before the application is referred back at stage two.

33 As indicated at pre-application stage, depending on the timescale for delivery of the sports centre and the complex nature of the costs involved in delivering a leisure centre, it may be appropriate for a financial review mechanism to be included in the S106. This would allow any additional financial surplus to be captured, that may be generated by an uplift in residential sales values or more accurate development costs. Before the application is referred back at stage two, and when providing the evidence requested in paragraph 30, the applicant and the council should provide more detail on the necessity for a review mechanism in the context of delivery timescales, phasing and development costs.

Housing choice

34 London Plan Policy 3.11 accords priority to affordable family housing in residential development. In addition, London Plan Policy 3.8 and the Mayor’s Housing SPG promote housing choice and seek a balanced mix of unit sizes in new developments.

35 As set out in table one of this report, the scheme would provide a range of unit types, and a very good provision of family units (four bedroom townhouses) at 21% of the total units and this is supported.
Residential quality

36  The residential quality of the scheme is generally quite high. The design and access statement and plans submitted demonstrate that all units are designed to meet the residential standards in the Mayor’s Housing SPG and the London Housing Design Guide, including meeting or exceed the internal space standards set out in London Plan Policy 3.5 and Table 3.3. All units will have private amenity space provided by way of balconies, terraces or roof gardens, which all meet or exceed the minimum required in the Housing SPG. A communal roof garden is also provided offering a further 310 sq.m of amenity.

37  The design and access statement acknowledges that there would be 11 north-facing single aspects units, and goes through the strategy for how these have been minimised, and where unavoidable, what measures have been taken to ensure their quality, and this is commended. There would be a total of eleven north-facing single aspect units which equates to about 15%. In order to maximise the residential quality of these units, the architects have oversized the units, increased frontage widths, provided recessed balconies with maximum floor-to-ceiling glazing, and included corner windows in an attempt to vary outlooks. The upper floor units also include rooflights to maximise light received. This is considered to be acceptable subject to addressing the comments in paragraph 47.

38  Private amenity space would be provided for each unit by way of recessed balconies at a minimum size of 5 sq.m per two-bed unit with an additional 1 sq.m per additional habitant. A further communal rooftop amenity garden will be provided for the apartments within the space created by the residential apartments wrapping around the two road frontages. This will create a high quality secluded space, and the landscape masterplan details the strategy for this area, which is fully supported. The level of amenity space is acceptable and complies with standards 4.10.1-4.10.3 of the Mayor’s Housing SPG.

39  As outlined in paragraph 12 of this report, the scheme includes a generous amount of private and communal amenity space with new areas of public realm, although as noted above 18 of the units (13%) would have slightly undersized private balconies (4.5 sq.m). GLA officers are satisfied in this case that taking into account the communal gardens, the scheme overall provides a generous amount of amenity space.

Density

40  London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account local context and character, design principles set out in London Plan Chapter 7 and public transport capacity. Table 3.2 provides the density matrix in support of this policy. As set out in paragraphs 5-8, the setting of the site is ‘urban’ with a high PTAL (6a), and the density matrix suggests a residential density in the region of 200-700 habitable rooms per hectare for this development.

41  The proposals include 71 residential units and 251 habitable rooms, and would have a density of 380 habitable rooms per hectare, which falls comfortably within the density range suggested. Considering the strategic and local need first and foremost to re-provide the enhanced sport and leisure centre, a density within the range proposed is supported.

42  When referring the application back at stage two, the applicant should confirm that this has been calculated based on the net residential site area in accordance with paragraph 1.3.47 of the Mayor’s Housing SPG.
Policy 3.6 of the London Plan states that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. Using the methodology within the Mayor’s Play and Informal Recreation SPG (2012), and based on the draft housing schedule outlined in Table 1, the expected child population for this development is approximately twenty. Based on this, the Mayor’s SPG indicates that the development would need to make provision for 204 sq.m of children’s play and informal recreation space. The scheme makes provision for 100 sq.m of doorstop passive playspace for the under 5’s within the second floor communal roof garden and would include level changes, stepping stones, boulders and planting to deliver an engaging play environment. The finer detail of this will need to be secured through a landscaping condition.

Whilst this would address the needs for younger children, there are insufficient on-site facilities for older children. At pre-application stage, the applicant explained the limitations in providing the full amount as there is no scope within the ground floor plan of the leisure centre, but confirmed that residents of the development could benefit from reduced fees to the leisure centre. This was accepted by GLA officers on the proviso that it is secured in the S106 agreement, and the draft heads of terms include discounted access to the leisure centre for future residents, which is acceptable.

Whilst this is acceptable, GLA officer would also expect the applicant to undertake a review of existing facilities in the immediate area for older children, as it may be necessary to provide a financial contribution through S106 agreement for the provision or improvement of off-site play facilities.

The proposed scheme has been commented on at pre-application stage, where it was set out that whilst the design was generally acceptable, there were two issues that needed addressing. These issues remain a concern and are re-iterated below.

There are eleven north facing single aspect units. The applicant is again requested to provide information on floor to ceiling heights and plans showing daylight values within all north facing units to ensure these are of a reasonable quality.

To address the issue of having a landing shared by too many households, the architect has provided a fire door splitting the landing of cores one and two. Whilst this shows an acknowledgement of this issue, it is not a long term dependable solution. The designers are advised to extend a unit at the end of the core one corridor so that each cluster of apartments is fully separated from each other. This may also reduce the number of north facing single aspect units which would be welcomed. Issues regarding fire escape can be overcome by the provision of alternative smoke extraction methods.

The second issue raised at pre-application stage was regarding the location of the bin and cycle store and fire escape stairs, which are located in the most prominent corner of the building fronting Banister Road. Officers are satisfied that given the constrained ground floor plan, the cycle and refuse storage cannot be relocated. However, consideration should be given to relocating the toilets and storage uses associated with the leisure centre cafe allowing the café seating area to further extend around the corner of the building on to Banister Way.
50 Other than the two issues above, the design of the scheme is fully supported. It’s height, massing and architecture are carefully thought out creating a simple and effective building that accommodates a range of uses and contributes to the quality of the public realm.

**Inclusive access**

51 In accordance with London Plan Policy 3.8, the design and access statement confirms that seven of the units are designed to be wheelchair accessible, representing 10% of the units, with a blue badge car parking space provided in the mews courtyard for each unit. Typical floor plans for these units have been provided to demonstrate this. The plans show that these units are located on the second and third floors and include a mix of one and two bed apartments and one townhouse. They are located so they are served by core one where the journey for wheelchair residents would not be overly cumbersome. The design and access statement also confirms that all units are designed to comply with Lifetime Homes standards.

52 The future marketing of the wheelchair accessible homes should ensure that prospective purchasers are aware of the accessibility and adaptability of these units. Specific marketing to the disability community and to older people’s organisations can help to ensure that the people who will benefit from the units accessible design are made aware of their existence.

53 In accordance with London Policy 7.2, the applicant has confirmed that the scheme incorporates the principles of inclusive design throughout. Accessible toilets and changing rooms have been incorporated into the fitness suite layout, and all equipment will be designed to Inclusive Fitness (IFI) design standards. An access consultant has also been appointed to review the design, and comments are being taken into account to ensure the design complies with all relevant legislation and best practice for this important community building. All areas of the sports centre will be accessible to wheelchair users, with wider than average doors provided in accordance with Sport England’s design guide ‘Accessible Sports Facilities’. The leisure centre also incorporates design measures to facilitate sports wheelchair users, including generous width of routes from the sports centre entrance to the first floor sports hall, a larger passenger lift and sports chair accessible WC at first floor.

54 The design and access statement also confirms that the design of signage and wayfinding accords with Sport England’s guidance and the ‘Sign Design Guide’ published by the RNIB and the Sign Design Society, to ensure all visitors can safely and successfully navigate their way around the building. Through the landscaping scheme, contrasting colours, clear typefaces, pictograms and braille will complement other signage to overcome visual and language difficulties that some visitors may experience with text only signage. Both statutory safety signage and wayfinding will be designed and located to enhance the strong concept of the building and create a readily identifiable means of orientation. These measures should be secured through condition.

**Climate change adaptation**

55 The applicant has broadly followed the energy hierarchy to reduce carbon dioxide (CO₂) emissions. Sufficient information has been provided to understand the proposals as a whole, which are broadly acceptable, although further information will be required to verify the CO₂ savings, before the application is referred back at stage two.

**Energy efficiency standards**

56 A range of passive design features and demand reduction measures are proposed to reduce the CO₂ emissions of the proposed development. Both air permeability and heat loss parameters
will be improved beyond the minimum backstop values required by Building Regulations, which is welcomed. Other features include energy efficient lighting and mechanical ventilation with heat recovery (MVHR). The demand for cooling will be minimised through optimising the glazing ratio to minimise solar gain in summer.

57 The development is estimated to achieve a reduction of eight tonnes per annum (2%) in regulated CO$_2$ emissions compared to a 2010 Building Regulations compliant development, which is supported.

**District heating**

58 The applicant has investigated whether there are any existing or planned district heating networks within the vicinity of the proposed development, and confirmed that there are none, but has designed the scheme to allow future connection to a district heating network should one become available.

59 The applicant is proposing to install a site heat network supplied from a single energy centre. Whilst this is supported, the applicant should also confirm that all apartments and non-domestic building uses will be connected to this network and provide further information on floor areas and the location of the energy centre in the scheme layout. Given the higher heat distribution losses incurred in supplying individual houses, it is accepted that the houses will not be connected to the site heat network.

**Combined heat and power (CHP)**

60 The applicant is proposing to install a 200kW$_{th}$ gas fired CHP unit as the lead heat source for the site heat network, which is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated CO$_2$ emissions of 223 tonnes per annum (59%) will be achieved through this, which is supported. Conditions should be attached to the decision to secure the provision of the CHP.

**Renewable energy technologies**

61 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install 160 sq.m of photovoltaic panels on the roofs of the townhouses, which achieves a reduction in regulated CO$_2$ emissions of 9 tonnes per annum (6%); this is also supported.

62 Based on the energy assessment submitted, a total reduction of 240 tonnes of CO$_2$ per year in regulated emissions compared to a 2010 Building Regulations compliant development is expected, equivalent to an overall saving of 62%. The CO$_2$ savings exceed the targets set within Policy 5.2 of the London Plan, and is strongly supported.

**Transport for London**

63 A total of 24 car parking spaces are proposed for the site, which includes 15 spaces within the curtilage of each of the proposed town houses, plus nine blue badge spaces for the leisure centre and the apartments. Whilst TfL would encourage a car free development in recognition of the sites highly accessible location, this level of provision is nonetheless considered acceptable as it
is in accordance with the maximum London Plan standards. TfL would recommend that all of the residential and at least one of the blue badge spaces are fitted with active electric vehicle charging points.

64 TfL notes the applicant’s intention to enter into a ‘car-free’ agreement with Brent Council so that future occupiers of the proposed development will be ineligible to apply for a residents parking permit in any local controlled parking zone. This is strongly supported by TfL who would recommend that such a requirement is secured through the s106 agreement.

65 Cycle parking for all land uses, including the provision of visitor spaces, is proposed in accordance with the London Plan standards, and is therefore acceptable.

66 TfL recommend that a full workplace and residential travel plan is secured by condition, with the requirement to implement the measures outlined to be subsequently secured, managed, monitored and enforced through the s106 agreement.

67 With regards community infrastructure levy (CIL), the Mayor has arranged boroughs into three charging bands; the rate for Brent is £35 per square metre. The required CIL should be confirmed by the applicant and the council once the components of the development have themselves been finalised.

68 In summary, subject to the above matters being addressed, TfL is satisfied that the proposals could accord with the transport policies of the London Plan.

Local planning authority’s position

69 The applicant has had pre-application meetings with Brent Council, although the Council’s position on the formal planning application is unknown at this stage.

Legal considerations

70 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor’s statement and comments.

Financial considerations

71 There are no financial considerations at this stage.

Conclusion

72 London Plan policies on the principle of development, urban design, housing, inclusive access, sustainable development and transport are relevant to this application. The application complies with the majority of these policies and is strongly supported but further
information is needed in order to fully comply with the London Plan. The potential remedies to issues of non-compliance are set out below:

- **Principle of development**: The principle of the provision of significantly enhanced sports and leisure centre with residential units, is strongly supported.

- **Housing**: Whilst the zero provision of affordable housing is broadly acceptable on the basis that market housing is required to subsidise the significant costs of delivering the leisure centre, this needs to be evidenced through the viability appraisal, which should be independently assessed and the findings confirmed to the GLA.

- The residential quality is generally high. The child yield will need updating in light of the final affordable provision and play provision revised accordingly.

- **Urban design**: Whilst the design, layout, massing and height of the buildings, is supported, the architect is urged to revisit two aspects of the scheme: the residential quality in terms of north-facing single aspect units and unit to core ratio, and; ground floor activity fronting Banister Road.

- **Children’s playspace**: The detail provided is broadly acceptable subject to an assessment of open space provision in the area and the potential for an off-site contribution.

- **Inclusive access**: Overall the scheme responds well to the principles of inclusive design.

- **Climate change**: The energy hierarchy has been followed and 62% carbon dioxide savings are proposed, which is supported. Further detail is required on the energy centre location, floorplan and confirmation that all uses will be connected to it.

- **Transport**: The scheme broadly complies with the transport policies of the London Plan, subject to conditions or obligations in relation to a travel plan, controlled parking zones.

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