

<b>Address:</b>	34A-36 Kilburn High Road London NW6	
<b>Application Number:</b>	2006/3489/P	<b>Officer: Charles Thuaire</b>
<b>Ward:</b>	Kilburn	
<b>Date Received:</b>	31/07/2006	
<b>Proposal:</b>	Retention of a new 5-storey plus basement building, comprising a basement Class D2 health club/snooker hall, ground floor Class A1 retail unit, 1st –3rd floors aparthotel (Class C1) comprising 38 suites and 4 <sup>th</sup> floor residential units (Class C3) comprising 11x 1 bed and 1x 2 bed self-contained flats, as a variation to planning permission granted on 12 April 2005 (PWX0302236) for erection of a new 5-storey plus basement building comprising a basement Class D2 health club/snooker hall, ground floor Class A1 retail unit, and 1st to 4th floors Sui Generis hostel for homeless people (in the form of 40 self-contained units with communal facilities).	
<b>Drawing Numbers:</b>	Drawing No. 928-(01)-20; 928-(01)-21; 928-(01)-22; 928-(01)-23; 928-(01)-24; 928-(01)-25; 0202_91_200; 0202_91_201; 0202_sk_36; 0202_91_204; 0202_91_205; 0202_91_206; 0202_91_207; 0202_91_245A; 0202_sk_33; 0202_91_240A; 0202_sk_35; 0202_00_221a; 0202_00_241a; Schedule Of Floor Areas; General Management And Operation Structure; Planning Statement; Transport Assessment; letter from agent dated 24.11.06	
<b>RECOMMENDATION SUMMARY: Grant permission subject to S106 agreement</b>		
<b>Applicant:</b>	<b>Agent:</b>	
Wickstone Ltd. c/o Ample Estates 29 Bracknell Gardens London NW3 7EE	Archetype Ltd 3 Manchester Square London W1U 3PB	

### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing		A1 retail, B1 office, D2 health club	<b>3257m<sup>2</sup></b>
Proposed		A1 retail	618m <sup>2</sup>
		D2 health club	522 m <sup>2</sup>
		C1 Hotel	2473 m <sup>2</sup>
		C3 Dwelling House	715 m <sup>2</sup>
	<b>TOTAL</b>		<b>4328m<sup>2</sup></b>

**Residential Use Details:**

	Residential Type	No. of Habitable Rooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>									
Proposed	<i>Flat/Maisonette</i>		11	1						

**Parking Details:**

	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	
Proposed	0	

## **OFFICERS' REPORT**

**This application is being reported to the Sub-Committee as it is a Major Development comprising over 10 residential dwellings and over 1000m<sup>2</sup> of non-residential floorspace [Clause 3(i)].**

**It is a 13-week application that expires on 20<sup>th</sup> December 2006, so it must be determined at this Committee.**

### **1. SITE**

- 1.1 The site is at the northeast corner of Kilburn High Road and Springfield Lane, and has now been recently redeveloped following recent permission for a hostel plus retail store and health club (see history below). The site originally contained a large basement and 4-storey building, comprising a private members club and games centre (Class D2) on the basement floor, 2 large retail units on the ground floor, health club/gym on front 1<sup>st</sup> floor and snooker club at rear 1<sup>st</sup> floor (both Class D2 uses), and Class B1 office suites on the 2<sup>nd</sup> and 3<sup>rd</sup> floors. The newly erected building now comprises a basement health club/snooker club, ground floor Tesco store facing Kilburn High Road, side entrances facing Springfield Lane with reception areas serving the basement and upper floor uses, and 50 self-contained flats on the 1<sup>st</sup>-4<sup>th</sup> floors. The 4<sup>th</sup> floor has been fitted out but remains vacant, whilst the other 3 floors are now being operated as an aparthotel.
- 1.2 The building lies at the southern end of Kilburn High Road Major Shopping Centre, outside its core frontage and on the boundary with LB of Brent. It adjoins The Bell PH, Kilburn High Road railway station and railway line to its north, the 4-storey Red Lion PH to the south, and the tower blocks of the Springfield Lane/Goldsmiths Place housing estate at the rear. Further south is the Regents Plaza hotel and flats development. The site is within the Kilburn Town Centre regeneration area for which there is a Town Centre Manager. The site is also within the Kilburn Controlled Parking Zone (CPZ).

### **2. THE PROPOSAL**

- 2.1 Change of use from hostel on 1<sup>st</sup>-4<sup>th</sup> floors to aparthotel (comprising 38 self-contained units) on 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors and to 12 s/c flats on the 4<sup>th</sup> floor.

### **3. RELEVANT HISTORY (only key decisions shown)**

- 3.1 21.5.02 - pp granted subject to S.106 for redevelopment with additional floor, to provide hotel, retail, A3, D2 health club, B1 offices and caretakers flat, plus basement car parking.
- 3.2 17.10.02 - pp granted (subject to deed of variation of S.106) for change of use of 1<sup>st</sup> floor from office to additional 20 hotel bedrooms as variation of 21.5.02 permission for hotel redevelopment. S.106 never finalised by applicant, and decision not therefore issued.

- 3.3 6.2.03 - pp granted (subject to new S.106 on hotel operation, funding of parking bay relocation and Town Centre contributions) for 3<sup>rd</sup>-4<sup>th</sup> floor rear extensions and change of use of 1<sup>st</sup> floor office accommodation to Class C1 hotel use plus changes to internal layout and elevational design, as variation of 21.5.02 permission for hotel redevelopment. S.106 never finalised by applicant, and decision not therefore issued.
- 3.4 12.4.05- pp granted subject to S.106 for redevelopment for 5-storey building with basement, to provide basement D2 health club, ground floor A1 unit, and upper floors Sui Generis hostel for homeless families in form of 40 self-contained units with communal facilities.

#### 4. CONSULTATIONS

##### 4.1 London Borough of Brent

No comments received.

##### 4.2 Adjoining Occupiers

	<b>Original</b>
<i>Number of Letters Sent</i>	<b>42</b>
<i>Number of responses Received</i>	<b>01</b>
<i>Number in Support</i>	<b>01</b>
<i>Number of Objections</i>	<b>00</b>

- 4.3 1 resident from Brent supports scheme, as it would attract people with spending power, which would benefit local businesses and traders and have a positive impact on the area.

#### 5. POLICIES

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

##### **Replacement Unitary Development Plan 2006**

S1, S2 environmental protection (*complies*)

SD1 quality of life (*complies*)

SD2 planning obligations (*complies*)

SD3 mixed use development (*complies*)

SD5 location of devt with traffic demand (*complies*)

SD6 impact on amenity (*complies*)

B1, 2 design principles (*complies*)

T1, 2 sustainable transport (*complies*)

T7, 8 parking standards and car-free housing (*complies*)

H1 new housing (*complies*)

H7 lifetime homes (*complies*)

H8 mix of units (*complies*)

R1, 2 retail and entertainment uses (*complies*)

C3, 4 D2 leisure uses (*complies*)  
C5 tourism uses (*complies*)

## **Supplementary Planning Guidance**

### **6. ASSESSMENT**

- 6.1 The principal considerations material to the determination of this application are summarised as follows:
- acceptability of revised land use mix of hotel and flats on upper floors; and
  - impact on local amenities and parking conditions.

#### Proposal

- 6.2 The site has been subject to numerous permissions or resolutions by Committee to grant permission for a variety of land use mixes, all involving D2 and A1 uses on the basement and ground floors and with either housing, hotel or hostel uses on the upper floors. However, the 2 key decisions are that of 21.5.02 for a hotel, as amended by the later permission of 6.2.03, and that of 12.4.05 for a hostel, which establish basic principles of land use, bulk and floorspace.
- 6.3 The latest permission was for a hostel for homeless families to be managed by various local authorities. Following this permission and during continuing discussions on the precise management of the hostel, the applicants started building the scheme, which is now complete and partly occupied. They have let out the basement and ground floor units and started operating the upper floors, all of which have some variations to the layout and operation. Although the lower floors are not significantly different from the layout and land use of the approved scheme, the upper floors have now been fitted it out as 50 flats with one reception room rather than 40 flats with 2 communal lounges and large reception facilities. Furthermore, the flats are being operated as a hotel on the 1<sup>st</sup>-3<sup>rd</sup> floors whilst those on the 4th floor remain vacant, pending a resolution of this application. The reasons for this changed land use mix and operation are explained in paras 6.8-6.9 below.
- 6.4 The previous permission was not implemented in accordance with the approved plans or indeed with the requirements of the S106 and conditions (in that a hostel management plan was never submitted for approval nor financial contributions paid to the Council); hence the new building and its use is not authorised. Permission is therefore needed to regularise the layout and operation of all the floors and the application is being treated as one for retention of the new building and its land uses as a variation to the approved scheme, rather than simply a change of use of upper floors (as originally described on the application form).

#### Land use

- 6.5 The comparison between previously existing, approved (i.e. 6.2.03 and 12.4.05) and proposed land uses (in metres<sup>2</sup>) is as follows:

	Existing	Approved Hotel	Approved Hostel	Proposed Retention
A1 retail	637	942	583	618
A3 restaurant	0	296	0	0
B1 office	832	0	0	0
C1 hotel	0	3128	0	2473
SG hostel	0	0	3076	0
C3 flats	0	0	0	715
D2 leisure uses	1788	330	512	512
<b>Totals:</b>	<b><u>3257</u></b>	<b><u>4696</u></b>	<b><u>4171</u></b>	<b><u>4328</u></b>

6.6 The approved hotel had 42 self-contained serviced suites with a mixture of 2 and 3 person occupancy, accommodating up to 109 guests, plus a hotel reception. The approved hostel had 40 self-contained units with 21 x 2-person (including 2 designated for disabled people) and 19 x 3-person sized units accommodating 99 people in total, plus a staffed reception desk and 2 interview rooms on ground, communal storage on basement, and 2 large communal lounge/kitchens (in the place of 2 suites) on the 1<sup>st</sup> and 4<sup>th</sup> floors.

6.7 The proposed scheme now has a hotel on the 1<sup>st</sup> to 3<sup>rd</sup> floors comprising 38 self-contained serviced suites with a 33 x 2-person, 2 x 3-person, and 3 x 4-person sized units (including 3 designated for disabled people) accommodating up to 84 guests, plus a hotel reception; on the 4<sup>th</sup> floor, instead of the approved 9 hostel suites and communal lounge, there are now 12 self-contained residential flats (6 x 1-person, 5 x 2-person, and 1 x 3-person) including 1 designed for wheelchair use, accommodating 19 people in total.

### Background

6.8 The previous approved hostel for homeless families was proposed after extensive negotiations and discussion with the Council both as planning and housing authority. It was approved subject to details of the hostel management plan to be submitted for later approval. The detailed layout was designed in response to the various requirements of both of the intended operators, i.e. the Housing Departments of the Boroughs of Camden and Kensington & Chelsea to house their homeless families, and in particular the detailed floorplans of the suites were altered and the 1<sup>st</sup> floor communal lounge omitted in response to these demands, none of which were considered at that time to be material variations to the approved layout. On the basis of the planning permission, the building was implemented on the understanding that the detailed management by the 2 intended operators would be resolved. Unfortunately it became apparent during this year that, for various financial and legislative reasons, neither of the two authorities could commit themselves to the operation or management of the accommodation. Accordingly, the applicants have been forced to look at alternative uses for the upper floors, which would be viable, easily implementable, and yet still accord with current planning policy now embodied in the Replacement UDP.

- 6.9 The applicants have decided, after lengthy discussions with officers of both the Housing and Planning Departments, to make use of the completed units on the upper floors in the simplest way which does not involve any further physical changes to the layout or structure and to take advantage of the precedent already established for hotel use on this site. The lower 3 floors are thus proposed (and in fact now used) as an aparthotel with self-contained suites managed by a reception facility on the ground floor, and the top floor is proposed as a series of small self-contained flats. All these floors are managed by one operator "Relocation to London Ltd", who will be responsible for servicing the hotel suites and maintenance of all common parts of both hotel and flats, and who have a 24 hour reception and security facility. The hotel suites are currently let for a maximum of 90 days (3 months), with the 1<sup>st</sup> floor designated for visitors staying 1-7 nights, 2<sup>nd</sup> floor for 7-30 days, and the 3<sup>rd</sup> floor for 30-90 days. The 4<sup>th</sup> floor is intended for long-let shorthold tenancies from 6 months to 1 year. The 1<sup>st</sup> and 4<sup>th</sup> floor communal lounges, ground floor interview rooms and basement store, shown in the approved hostel scheme, have now been omitted.
- 6.10 It should be noted that there are no physical alterations to the external form and design of the approved hostel scheme, which has now been built, and effectively the only material changes to this scheme are in respect of the internal use of the upper floors.

#### Hotel land use

- 6.11 The previous permission for a hotel has established the principle of having hotel use on this site, and indeed this permission involved a larger hotel in terms of numbers of suites and bedspaces. It is considered that the principle of hotel use in the form of an aparthotel with serviced suites remains acceptable here. Land use policy has not fundamentally changed in the Replacement UDP in respect of hotel provision; this proposal for a new hotel complies with policy C5 in that it is located in Kilburn Town Centre and will not harm local residential amenity and transport conditions. The bulk and layout of the building has already been established by the previous permission. The site is well served by public transport facilities, especially with numerous bus routes outside and Kilburn railway station next door. The CPZ will prevent guests arriving by car. Springfield Lane, an underused side street, is capable of accommodating taxi drop-offs and collections without harming traffic conditions, and the operation of the hotel as apartments is unlikely to attract large coach parties. Nevertheless it is proposed, as with the previous approval, that the S106 agreement contains a requirement that no bus or coach parties visit the hotel. Thus a hotel is considered to be acceptable in this location provided it is managed as such and not used as separate self-contained dwelling. Therefore restrictions are imposed by condition and within the S106 agreement, as was the case in the previous permission.

#### Residential land use

- 6.12 The overall scheme also complies with UDP policy SD3 on mixed use development, which requires new development, which increases the total floorspace by more than 200m<sup>2</sup>, to contribute to the supply of housing with a target of 50% of the additional floorspace being used as such. In this case, the uplift from

previously existing to now built floorspace is 1071m<sup>2</sup>; the target of 50% is thus 535m<sup>2</sup>, which is satisfied by the provision of the 4<sup>th</sup> floor flats totalling 715m<sup>2</sup>. The new residential floor does not exceed 15 units or 1500m<sup>2</sup> and thus does not trigger a requirement for affordable housing. The provision of new housing is welcomed here and accords with policy H1.

- 6.13 The mix has been defined by the previous hostel arrangement (which as later amended had 11 suites and 1 communal lounge) and thus comprises a mixture of 1 and 2 person flats plus 1 x 3-person/2-bedroom flat. Although this does not include any family sized units, policy H8 requires development to provide an appropriate mix of units, and in this context it is considered that the mix is acceptable, given the location on a busy High Road on the top floor of a mixed use building and the lack of any private amenity space. All flats comply with SPG space, privacy and light standards, and the habitable room windows facing the internal lightwell have had obscured and reflective glazing added, in accordance with the previous requirement of the hostel scheme. The flats comply with most of the Lifetime Home standards in that they are accessible by lift and have a level entrance, contain all rooms on one level, and can be adapted for increased accessibility over time if necessary; in addition, one flat is specifically designed for wheelchair use.
- 6.14 The new flats trigger the requirement for educational and public open space contributions, which will benefit the local community in terms of enhancing current over-stretched local services. It should be noted in this regard that the lack of such improvements, which could not be required by the previously approved hostel use, was a criticism by local residents of the previous permission. The applicant has agreed to pay this [a total of £14,109], in addition to £15,000 for Kilburn Town Centre contributions, which was required by the previous schemes' S106's but never paid.
- 6.15 The new flats will be in a highly accessible location and should be made "car-free" in order to prevent any further congestion in surrounding streets, which are already suffering from parking stress. The applicant has agreed to this restriction as part of a S106.
- 6.16 A refuse and cycle store has already been provided on the ground floor as part of the approved scheme and this remains acceptable for use by the hotel and flats.

#### Other land uses

- 6.17 The basement D2 use has been marginally increased in size to take over the previously proposed and approved hostel store. The ground floor retail unit has been also marginally increased as a result of Tesco requirements and of the smaller size of the ancillary refuse/cycle stores and hostel/D2 reception areas. These floorspace adjustments are considered acceptable.

## **7. CONCLUSION**

- 7.1 It is considered that, in the light of the specific circumstances of this site and its planning history, this proposal, which effectively involves a change of use from an approved hostel on the upper floors to an apart-hotel on 3 upper floors and 12 self-contained flats on the top floor, is acceptable in terms of land use policy, housing



mix and quality, traffic generation and impact on local services, subject to appropriate safeguards imposed by conditions and by legal agreement.

7.2 The proposed conditions primarily relate to the use of the building and are identical to the relevant ones of the previous 2 permissions. The applicant has agreed to enter into a Section 106 legal agreement, to cover a number of issues, incorporating terms set out in the previous agreements for both the hotel and hostel permissions:

1. hotel serviced suites to be occupied as part of one planning unit, as Class C1 short-term lets for periods not exceeding 90 days, and not to be let or sold as independent separate Class C3 self-contained dwellings;
2. a Green Travel Plan to be separately produced for each future user of the proposed Class C1, D2 and A1 uses and to be submitted to the Council within 3 months of the date of the occupation of each separate use;
3. no private bus or coach parties to visit the hotel;
4. the 12 residential flats to be “car-free”, i.e. residents not able to procure on-street parking permits.
5. the applicant to contribute £15,000 to the Kilburn Town Centre Management Fund, £4339 for educational facilities, and £9770 for public open space facilities.

In the event that the Section 106 agreement referred to above has not been completed within 13 weeks of the date of the registration of the application, the Head of Development Control be given authority to refuse planning permission for the following reasons:

1. The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking congestion in the surrounding area, contrary to policies T7 and T8 of the London Borough of Camden Replacement Unitary Development Plan 2006.

2. The proposed development, in the absence of a legal agreement requiring the aparthotel to be used as short-term lets within the meaning of a Class C1 hotel, would be likely to result in the provision of Class C3 dwellings with an inappropriate housing mix, tenure and amenity, contrary to policies SD3, SD6, H1, H2, and H8 of the London Borough of Camden Replacement Unitary Development Plan 2006.

3. The proposed development, in the absence of a legal agreement preventing coach parties visiting the hotel, would be likely to result in unacceptable traffic congestion in the surrounding area, contrary to policies T1 and T2 of the London Borough of Camden Replacement Unitary Development Plan 2006.

4. The proposed development, in the absence of a legal agreement requiring the town centre contributions, would be likely to contribute unacceptably to pressure on the Kilburn Town Centre’s environment and facilities, contrary to policy SD2 of the London Borough of Camden Replacement Unitary Development Plan 2006.

5. The proposed development, in the absence of a legal agreement securing educational contributions, would be likely to contribute unacceptably to pressure on the Borough's educational facilities, contrary to policy SD2 of the London Borough of Camden Replacement Unitary Development Plan 2006.

6. The proposed development, in the absence of a legal agreement securing public open space contributions, would be likely to contribute unacceptably to pressure on the Borough's open space facilities, contrary to policy N4 of the London Borough of Camden Replacement Unitary Development Plan 2006.

## **8. LEGAL COMMENTS**

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

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