



BRENT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 18/3056

To: Ms Gleeson
Firstplan
Firstplan
Bramah House
65-71 Bermondsey Street
London
SE1 3XF

I refer to your application dated **01/08/2018** proposing the following:

Demolition of existing building and erection of a part four and part five storey building comprising drinking establishment (Use class A4) at ground and basement level and 9 self-contained flats above (5 x 1-bed, 3 x 2-bed and 1 x 3-bed) including a new residents entrance gate, glazed screens and doors to side elevation fronting Drakes Courtyard, cycle and waste storage

and accompanied by plans or documents listed here:

0502-000.00, 0502-000.01, 0502-100.02, 0502-100.03, 0502-300.02, 0502-100.03, 0502-300.01, 0502-300.02, 0502- 400.01, 0502-100.07 Rev L, 0502-100.08 Rev L, 0502-100.09 Rev K, 0502-100.13 Rev K, 0502-100.13 Rev K, 0502-300.05 Rev K, 0502-300.06 Rev K, 0502-400.03 Rev K

at **289 Kilburn High Road, London, NW6 7JR**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 14/12/2018

Signature:

Alice Lester
Head of Planning, Transport and Licensing

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

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SCHEDULE 'A'

Appeals to the Secretary of State

The applicant may appeal to the Secretary of State if he or she is aggrieved by the decision of the local planning authority in respect of:

- (1) Refusal of a planning, Permission in Principle, Technical Details Consent, listed building consent or conservation area consent application, including refusal to vary or discharge conditions.
- (2) The conditions attached to a planning, Technical Details Consent, listed building consent or conservation area consent application.
- (3) Refusal, partial refusal or deemed refusal of a lawful development certificate.

The correct form must be used to appeal – Planning; Permission in Principle, Householder Planning; Listed Building Consent; Conservation Area Consent or Certificate of Lawful Use or Development Appeal Forms. Please specify form required, if requesting from Inspectorate. The time period to do this will vary depending on the application type or development type. An appeal must be made within the following time periods of the decision date:

- (1) An advertisement application must be made within 8 weeks
- (2) A full application, removal or variation of condition for a householder* development must be made within 12 weeks. (See below for definition of householder)
- (3) All other application types or development types must be made within 6 months

However, different timescales apply where the development is also the subject of an enforcement notice. If an enforcement notice has been served within two years of an application being submitted or is served before the time period for determining the application has expired, the time limit to appeal is 28 days from date of refusal or the date of determination. If an enforcement notice is served after the application's decision date or date for determination, the time limit is 28 days from the enforcement notice served date, unless this would extend the period beyond the usual time limit for cases not involving an enforcement notice.

- The Secretary of State can allow a longer period for giving notice of an appeal but he/she will not normally be prepared to use this power unless there are special circumstances which excuse the delay. Appeals must be made on a form obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State need not consider an appeal if it seems to him/her that the local planning authority would not have been able to have granted planning permission for the development or would not have been able to have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him/her.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim he can neither put the land to a reasonably beneficial use in its existing state, nor render the land capable of a reasonably beneficial use, either carrying out any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land, in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

*For the purposes of an appeal, a householder development is development in the boundary of, or to an existing dwellinghouse for purposes incidental to the enjoyment of the dwellinghouse, that does not involve change of use or a change to the number of dwellings. Please note, this does not include development in the boundary of, or to an existing flat or maisonette.

FOR OTHER INFORMATION OR ADVICE ON THIS NOTICE PLEASE CONTACT:

Planning and Regeneration Service
Brent Civic Centre
Engineers Way
Wembley, Middlesex, HA9 0FJ
Telephone: 020 8937 5210

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SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework, 2018
London Plan (2016)
Core Strategy (2010)

Development Management Policies (2016)

DMP1	Development Management General Policy
DMP2	Supporting Strong Centres
DMP7	Brent's Heritage Assets
DMP12	Parking
DMP18	Dwelling size and residential outbuildings
DMP19	Residential Amenity Space
DMP21	Public Houses

CONDITIONS

- 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 drawings:

0502-000.00

0502-100.07 Rev L

0502-100.08 Rev L

0502-100.09 Rev K

0502-100.13 Rev K

0502-100.13 Rev K

0502-300.05 Rev K

0502-300.06 Rev K

0502-400.03 Rev K

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

- 3 Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011 + A2:2017 and 'Model Procedures of for the Management of Land Contamination – Contaminated Land Report 11' (CLR 11). A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an

appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site

- 4 Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site

- 5 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 6 Prior to the commencement of this element of the works, details of the future treatment of the Drakes Courtyard Access shown as being within the red line boundary shall be submitted and approved in writing by the Local Planning Authority. This shall include full details of surfacing, drainage, lighting, parking restrictions and building structures.

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

- 7 Prior to first occupation of the residential properties hereby approved, details of the fit out of the A4 unit shall be submitted to and approved in writing with the Local Planning Authority. The agreed specification shall then be implemented and marketed accordingly.

Reason: In order to ensure its occupancy and future viability as an Ad use and to comply with DMP21.

- 8 The A4 ground floor and basement unit hereby permitted shall remain as a single premises without subdivision.

Reason: To ensure that a viable, useable, practical and appropriate A4 floorspace is retained in accordance with policy DMP21.

- 9 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the

Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space in the site to accommodate additional bin or cycle storage.

- 10 Prior to the first occupation of the residential units hereby approved, full details of the proposed privacy screens shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be retained as approved for the lifetime of the development.

Reason: To avoid any overlooking or loss of privacy. In the interests of residential amenity.

- 11 No occupation of the development hereby permitted shall take place until the works to reconstruct the access into Drakes Courtyard across the Kilburn High Road footway has been carried out. These works should be funded by the applicant and should also include an extension of the footway out into Kilburn High Road on the northern side of the access.

Reason: In the interests of improving pedestrian accessibility.

- 12 Prior to the commencement of building works details of materials for all external work, shall be submitted to and approved in writing by the Local Planning Authority. 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.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 2007 for the erection or alteration of any
(a) illuminated fascia signs
(b) projecting box signs
(c) advertising signs
(d) hoardings
- 4 The applicant is advised to ensure that demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects.
- 5 The applicant is advised that noise and vibration is controlled by the Control of Pollution Act 1974 and statutory nuisance provisions contained within the Environmental Protection Act 1990 and the British Standard Codes of practice 5228:1997 Parts 1 to 4. Key issues relating to noise from construction sites include: (i) prior consent may be sought from the Council relating to noise from construction activities (s.61 of COPA 1974); (ii) if no prior consent is sought, the Authority may serve a notice on the site/works, setting conditions of permitted work (s.60 of COPA 1974); (iii) an action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or notice (s.82 of the EPA 1990). In particular, the normal hours of work shall be between the following

hours:

Monday to Friday - 08.00 to 18.30

Saturdays – 08.00 to 13.00

Sundays and Bank Holidays – No noisy works at all

No work or ancillary operations, which are audible at the site boundary, will be permitted outside these hours unless fully justified and any such works shall be kept to an absolute minimum.

6 STRUCTURAL INTEGRITY

The applicant is advised that Building Regulations control these works and compliance is required when converting an existing basement to habitable use, excavating a new basement or extending an existing basement. Building Regulations control matters such as structure, fire safety, ventilation, drainage, waterproofing, insulation, sound proofing, heating systems and access.

For the avoidance of doubt, the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.

7 LICENCES

The applicant is advised that some aspects of construction are subject to licences. For example, the developer/contractor will be required to obtain licences from the Local Authority before: (i) erecting any scaffolding, hoardings, gantry, temporary crossing or fence on the highway; (ii) depositing a skip; or (iii) operating a mobile crane, aerial platform, concrete pump lorry or any such equipment. The contractor has a duty to inform local residents likely to be affected by such activities at least 14 days prior to undertaking the works, as well as applying for the appropriate permits and licences. The most suitable method of informing residents is through newsletters. Such newsletters should also update neighbours on site progress and projected activities that might cause loss of amenity, e.g. road closures for delivery or use of mobile cranes or abnormal deliveries to the site.

8 HIGHWAYS

The applicant is advised that the Highways Act 1980 (particularly Part IX) sets out requirements relating to construction work on or near the highway. Key requirements of the 1980 Act include: (i) permission by formal agreement from the Highway Authority (London Borough of Brent except for the North Circular Road) is required for any works to highways; (ii) licences are required for permission to place temporary obstructions on the highway (e.g. hoardings, fenced storage areas, temporary cross-overs, scaffolding, gantries and skips); (iii) deposition of mud or other such materials on the highway is prohibited. Measures to prevent this (e.g. wheel washing) can be required by order; (iv) surface drainage from a construction site must not be allowed to run across the footway part of a public highway; (v) the contractor is responsible for any damage caused by their activities to roads, kerbs or footpaths in the vicinity of the work site; (vi) any street furniture (electrical or non-electrical) cannot be removed or relocated by the developer or any of its contractors. This may only be carried out by the Highway Authority or its appointed contractor.

The applicant is also advised of their responsibility to apply to the Council for parking bay suspension:

www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations

9 VIBRATION

The applicant is advised to adhere to the following guidance in respect of vibration to ensure measures are taken to protect the residents and users of buildings close by and passers-by from nuisance or harm and protect buildings from physical damage: (i) human exposure: the contractor should refer to BS5228:1992 Part 4 'Code of Practice for Noise and Vibration Control Applicable to Piling Operations' for guidance; and (ii) protection of structures: the contractor should carry out demolition and construction activities in such a way that vibrations arising will not cause significant damage to adjacent structures and should refer to BS7385 'Evaluation and Measurement of Vibration in Building - Part 2 Guide to Damage Levels from Groundborne Vibration' for guidance.

10 AIR QUALITY

The applicant is advised that the Environmental Act 1995, Clean Air Act 1993, the Health and Safety at Work Act 1974 etc, the Environmental Protection Act 1990 all control air quality and that the EPA 1990 controls dust under the 'statutory nuisance' provisions. The contractor should: (i) take all necessary measures to avoid creating a dust nuisance during both demolition and construction works including excavations; (ii) not burn any materials on the site; (iii) avoid the occurrence of emissions or fumes from the site including from plant and ensure off-road vehicles (e.g. bulldozers, excavators etc) with compression ignition engines comply with emission standards set in EC Directive 97/68/EC, meeting Stage II limits where possible and run on low sulphur diesel; (iv) ensure on-road vehicle emissions are in line with the provisions of the Road Vehicles (Construction and Use) Regulations (as amended) and the Motor Vehicles (Type Approval) (Great Britain) Regulations made under the Road Traffic Act 1988 and the EURO standards.

11 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.

12 The Council recommends that the maximum standards for fire safety are achieved within the development.

13 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.