



General Purposes Committee

Wednesday 6 December 2017 at 6.00 pm

Board Room 2 - Brent Civic Centre, Engineers Way,
Wembley HA9 0FJ

Membership:

Members

Councillors:

Butt (Chair)
McLennan (Vice-Chair)
Farah
Hirani
M Patel
Southwood
Tatler
Warren

Substitute Members

Councillors:

Aden, Denselow, Kabir, Mahmood, Miller, Moher and
Krupa Sheth

Councillors:

Maurice and Ms Shaw

For further information contact: James Kinsella, Governance Manager
Tel: 020 8937 2063, Email: james.kinsella@brent.gov.uk

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting.

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
 - To which you are appointed by the council;
 - which exercises functions of a public nature;
 - which is directed is to charitable purposes;
 - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
 - (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;
- or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above

Agenda

Introductions, if appropriate.

Item		Page
1	Apologies for absence and clarification of alternate members	
2	Declarations of interests Members are invited to declare at this stage of the meeting, any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda.	
3	Deputations (if any) To hear any deputations received from members of the public in accordance with Standing Order 67.	
4	Minutes of the previous meeting To approve the minutes of the previous meeting as a correct record.	1 - 4
5	Matters arising (if any) To consider any matters arising from the minutes of the previous meeting.	
6	Calculation of Council Tax Base 2017-18 The report is presented to enable the Council to fulfil its statutory role to set a council tax base for 2018/19. The Local Government Finance Act (LGFA) 1992, as amended by the LGFA 2003 & LGFA 2012, requires the Authority formally to calculate the Council Tax Base for 2018/19 and pass this information to precepting authorities by 31 January 2017.	5 - 10

Ward Affected:
All Wards

Contact Officer: Conrad Hall
Chief Finance Officer
Tel: 020 8937 6528
Email: conrad.hall@brent.gov.uk

7 Stopping Up Order - The Un-Named Road which links Kilburn Lane and Salusbury Road. (also known as Premier Corner) 11 - 36

The report seeks authorisation to make a Stopping Up Order for an area of public highway that lies to the east of No. 313 Kilburn Lane on The Un-Named Road which links Kilburn Lane and Salusbury Road. (also known as Premier Corner) under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990).

Ward Affected:
Kilburn; Queens
Park

Contact Officer: Nicolaas Potgieter
Traffic Order Team Leader (Acting)
Tel: 020 8937 5600
Email: nicolaas.potgieter@brent.gov.uk

8 Appointments to Sub-Committees and Outside Bodies (if any)

9 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 64.

Date of the next meeting: Monday 29 January 2018



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.



LONDON BOROUGH OF BRENT

MINUTES OF THE GENERAL PURPOSES COMMITTEE

Tuesday 21 November 2017 at 5.30 pm

PRESENT: Councillors Butt (Chair), McLennan (Vice-Chair), Farah, Hirani, Tatler and Warren

1. **Apologies for absence and clarification of alternate members**

Apologies for absence were received from Councillors M.Patel and Southwood.

2. **Declarations of interests**

There were no declarations received from Members.

3. **Deputations (if any)**

There were no deputations received at the meeting.

4. **Minutes of the previous meeting**

RESOLVED that the minutes of the previous meeting held on 8 November 2017 be approved as an accurate record of the meeting.

5. **Matters arising (if any)**

Min 6: Future Provision of the Pension Administration Service (General Purposes Committee – 8 November 2017)

The Committee noted that the information relating to financial clawback under the contract with Capita for the Pension Administration Service had been provided for members, as requested at their last meeting.

6. **Revised Attendance Policy and Procedure**

Sandra Simmonds (Interim HR Manager) introduced a report detailing a number of recommended amendments to the Council's Attendance Management Policy and Procedure.

The Committee noted that the Policy had been subject to an extensive review and consultation process involving a wide range of stakeholders (including Trade Unions and operational managers). As a result, a number of changes to the policy had been identified, which were designed to provide a more streamlined and transparent process whilst providing more discretion for managers to be able to

take account of individual circumstances when managing absence. The key revisions to the policy were identified as follows:

- removal of the distinction between the management of long term and short term absence, although trigger levels remained in order to prompt management action;
- the policy no longer set targets for automatic escalation following each stage. Attendance was expected to be monitored based upon the sickness triggers and if there was a cause for concern in line with service need;
- the revised policy also clarified the treatment of annual leave carry-over in terms of sickness absence and provided further guidance on the treatment of employees under the Equality Act 2010;

In terms of issues raised on the revised Policy, Members sought further details on the extended advice relating to medical redeployment; the appeals process and policy in respect of flexible working arrangements. In response, Sandra Simmonds felt it was important to recognise that the Policy was designed to support employee attendance in the workplace with the help of reasonable adjustments or, where necessary, the consideration of alternative employment opportunities, hence more detailed advice and guidance being provided around issues such as medical redeployment etc. In relation to the dismissal appeals process, confirmation was provided that the appointment of an Appeal Hearing Officer would vary depending on each case but the individual would be a senior manager graded at Head of Service or above. In relation to the flexible working policy, clarification was also provided that if a member of staff was deemed as not fit to work they would be expected to report that as an absence.

RESOLVED that the revisions to the Attendance Management Policy and Procedure be approved for immediate implementation.

7. Exclusion of Press and Public

RESOLVED that under Section 100A (4) of the Government Act 1972 the press and public be excluded from the meeting during consideration of Agenda Item 8 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 (information relating to any individual) and 3 (information relating to the financial or business affairs of any particular person, including the authority holding that information) of Part 1 of Schedule 12A of the Act (as amended).

8. Severance Arrangements

Althea Loderick (Strategic Director Resources) introduced a report seeking approval to the contractual redundancy and early retirement costs for the Director of Human Resources and Occupational Development.

The Committee noted that the proposed severance arrangements had arisen as a result of a restructuring of the Senior Management Team within Resources, approved by Cabinet on 23 October 2017. Under the Localism Act 2011 there was a requirement for severance packages above a set financial threshold (taking account of any capital costs payable to the pension scheme) to be formally

approved by Council or a Committee appointed for that purpose. The severance arrangements detailed within the report were therefore being presented to General Purposes Committee for approval.

In response to queries raised by Members, further details were provided on the calculation of the capital costs payable to the pension scheme as part of the overall arrangements detailed within the report. In addition, clarification was provided on the timing of the senior management team restructure within Resources, which members were advised had been designed to deliver further capacity on key corporate priorities whilst generating additional efficiencies. Clarification was also provided in relation to future consultancy activity.

RESOLVED that the Committee approve the contractual redundancy, severance and capital costs of early release of pension as detailed within the report, relating to the termination of employment of the Director of Human Resources and Occupational Development on the grounds of redundancy.


9. **Any other urgent business**

None.

The meeting closed at 6:45pm

COUNCILLOR MUHAMMED BUTT
Chair

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	General Purposes Committee 6 December 2017
	Report from the Chief Finance Officer
Calculation of Council Tax Base 2017/18	

Wards Affected:	ALL
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	N/A
Background Papers:	N/A
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Conrad Hall Chief Finance Officer Tel: 020 8937 6528 Email: conrad.hall@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report is presented to enable the Council to fulfil its statutory role to set a council tax base for 2018/19. The Local Government Finance Act (LGFA) 1992, as amended by the LGFA 2003 & LGFA 2012, requires the Authority formally to calculate the Council Tax Base for 2018/19 and pass this information to precepting authorities by 31 January 2017. The tax base must be set between 1 December 2016 and 31 January 2017.

2.0 Recommendation(s)

- 2.1 Agree that the band D equivalent number of properties is calculated, as shown, in accordance with the Government regulations;
- 2.2 Agree that the collection rate for council tax for 2018/19 is set at 97.63%.
- 2.3 Subject to (2.1) and (2.2) above, a Council Tax Base for 2018/19 of 95,677

Band D equivalent properties (being 98,000 x 97.63%) be approved.

3.0 Detail

3.1 The calculation of the tax base is one of the technical stages in the process of setting the council tax, which is scheduled for the Council Meeting on 26 February 2018.

3.2 The Local Government Finance Act (LGFA) 1992, as amended by the LGFA 2003 & LGFA 2012, requires the Authority formally to calculate the Council Tax Base for 2018/19 and pass this information to precepting authorities by 31 January 2017. The tax base must be set between 1 December 2016 and 31 January 2017.

3.3 Brent, like all Local Authorities, has to work out how much next year's band D council tax should be so that the total tax that will be collected equals the budget required to pay for its services. To work out the band D tax, the budget requirement is divided by a figure called the council tax base, which is calculated in this report. In effect, the tax base represents the aggregate taxable value of all residential property in Brent. As well as Brent, the Greater London Authority also needs the tax base figure to work out how much they need to add on to Brent's council tax to pay for their services. This is formally known as their 'precept'.

3.4 The Council's 'number of taxable properties' has been calculated, according to the relevant procedures and guidance for 2018/19, at 98,000 net properties. The Tax Base has two parts:

(a) The number of taxable properties shown as 'band D equivalents' and

(b) The expected collection rate for the year.

3.5 The calculation method is set out in the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as amended. For calculating the Tax Base, (and setting the Council Tax) properties in each of the eight valuation bands are given different weightings. These weightings are shown as a proportion of the band D value. These are shown below:

Band	A	B	C	D	E	F	G	H
Weighting	6/9	7/9	8/9	1	11/9	13/9	15/9	2

3.6 The calculation is primarily based on the council tax base return submitted to the Department of Communities and Local Government in October 2017, which is used in Government grant calculations. This sets out the factual number of Band D properties, after taking account of the level of council tax support. An estimate is also made for the growth in the tax base arising out of new housing developments across the borough.

3.7 Very strictly speaking, then, the council tax base for 2018/19 could be expressed as:

- The Band D equivalent properties as at 1 October 2017; plus
- The estimated growth in Band D properties between 1 October 2017 and 31 March 2018 (as all of these properties will be liable for council tax in 2018/19); plus
- Half of the estimated growth in Band D properties during 2018/19 (all of these properties will be liable for council tax in 2018/19 but as they will complete, on average, half-way through the year, only half of their tax raising potential should be taken into account).

4.0 Council Tax Collection Rate

- 4.1 The figure for Band D properties then needs to be adjusted to reflect the fact that 100% collection of council tax will never be achieved. The council tax base set by the council takes account of what is eventually expected to be collected, not just by the end of the financial year in question.
- 4.2 Between 2001/02 and 2012/13 the council's lifetime collection rate was set at 97.5% as an assessment of the amount to be collected for the relevant year. For 2013/14 this was reduced to 96% to take account of the anticipated impact of households formerly receiving council tax benefit who now have to pay at least part of their council tax bill. In practice the effect of this has been less than anticipated, and an assumption of 97.63% eventual collection is recommended for 2018/19, unchanged from 97.63% in 2017/18.
- 4.3 This recommendation is based on a historical analysis of collection rates, where collection of council tax continues for several years after the payment was first due. For example, the collection rate for 2013/14 as at November 2017 was 97.31% and in November 2016 it was 97.09%. If this trend were to continue it is possible that a 97.63% collection rate could be achieved in two years' time.

Note: The "budgeted" collection rate differs from the "in year" collection rate. The budgeted collection rate is a lifetime collection rate and is based on all payments received after the year in which the council tax relates. The in year collection reflects payments actually received between 1st of April and 31st March of the year for which the council tax relates.

- 4.4 This does not mean that collection efforts will stop once the budgeted collection levels have been reached, or that eventual losses will necessarily be 2.37%. It is, however, essential that an adequate non-collection allowance be made each year. The Government recognises that no billing authority can collect every pound of Council Tax and that an element of collection will continue after the relevant year. The legislation provides for an allowance for non-collection to be incorporated into the calculation of the tax base.
- 4.5 If an over-optimistic assumption of the achievable collection rate is made, at some later stage a deficit in the Collection Fund will have to be declared, resulting in the need to increase the level of Council Tax in subsequent years to recover the deficit. Alternatively if the assumed collection rate is exceeded, a surplus could be declared later on. For 2018/19 it is considered realistic to assume an overall eventual collection level of 97.63%, as outlined above.

5.0 Setting the Council Tax Base

- 5.1 There are currently a number of sizeable new housing developments taking place within the borough which will result in a significant number of new properties coming in to rating. Another consideration in setting the tax base is council tax support. There has been a slight reduction in the number of properties where residents are eligible for council tax support and this trend is expected to continue. Overall, an increase in the absolute number of properties with a reduction in the number of properties eligible for council tax support will have the impact of increasing the overall tax base and the trend in the last four years confirm this.
- 5.2 Considering the dynamics set out above, the calculation of the tax base for 2018/19 is as follows:

Band D equivalent properties = 98,000

Multiplied by: The estimated lifetime rate of collection (97.63%)

This produces the following calculation: $98,000 \times 97.63\% = 95,677$

6.0 Financial Implications

- 6.1 The proposed council tax base for 2018/19 of 95,677 represents an increase of 2,358 over the figure for 2017/18. This will form part of the overall calculation of the Council's budget. It is similar to the assumptions made in the budget reported to Cabinet in February 2017, but a little lower, reflecting the slight slowdown in housing growth. Dealing with the financial consequences of this is not a matter for general purposes committee, although for information it may be helpful to remind Members that all budgets contain estimates and contingent sums, and that this variation is well within the expected range.
- 6.2 There is a risk that should the actual tax base set in this report (for budget setting purposes) be less than the actual prevailing tax base in the borough (likewise for the assumed vs the actual collection rate), a deficit on the collection fund will have to be declared resulting in the need to increase the level of Council Tax in subsequent years. Alternatively if the assumed collection rate is exceeded, a surplus could be declared.

7.0 Legal Implications

- 7.1 The Council Tax Base is the equivalent number of Band D dwellings (after taking account of discounts and exemptions) which would raise the same amount of tax as the actual number of liable dwellings in the borough, with their actual spread of bands. The Band D equivalent total is then multiplied by the estimated collection rate for the year, to give the Council Tax Base figure. In the Council Tax calculation process to be undertaken at Full Council on 26th February 2018 this figure will be used to calculate the amount of tax to be levied for a Band D dwelling. The Council Tax level for each valuation band is then calculated by a fixed ratio which each band bears to the Band D figure. The Council's Constitution currently requires that the calculation of the Council Tax Base be carried out by the General Purposes Committee.

- 7.2 Section 11A of the 1992 Local Government Act enables the Secretary of State to designate by regulations: (i) Categories of properties in respect of which the discount available in respect of empty properties may be reduced to a percentage of at least 10% (section 11A(3)); and (ii) Categories of properties in respect of which the discount may be reduced to any percentage or eliminated entirely (section 11A(4)). In the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 the Secretary of State has designated furnished dwellings which are not the sole or main residence of an individual for the purposes of section 11A(3) (except caravan pitches and boat moorings) and unfurnished unoccupied properties for the purposes of section 11A(4). Sections 11 and 12 of the Local Government Finance Act 2012 give billing authorities the discretion to vary the discounts applicable to specific classes of empty properties, second homes and long term empty properties from 1 April 2013.

8.0 Equality Implications

- 8.1 None arising directly from this report

9.0 Consultation with Ward Members and Stakeholders

- 9.1 Not applicable for this report.


10.0 Human Resources/Property Implications (if appropriate)

- 10.1 None arising directly from this report

Report sign off:

Conrad Hall
Chief Finance Officer

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 Brent	General Purposes Committee 6 December 2017
	Report from the Strategic Director of Regeneration and Environment
Stopping Up Order – The Un-Named Road which links Kilburn Lane and Salusbury Road. (also known as Premier Corner)	

Wards Affected:	Kilburn and Queens Park
Key or Non-Key Decision:	Non Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Three: <ul style="list-style-type: none"> • Statutory Consultation responses (WCC and Thames Water) • Withdrawal responses • Stopping Up Order with notice and plan
Background Papers:	Planning Decision Notice Approval Application No. 16/5462
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Nicolaas Potgieter Traffic Order Team Leader (Acting) Tel: 020 8937 5600 Email: nicolaas.potgieter@brent.gov.uk Marie Frederick Senior Project Manager (Estate Regeneration), Tel: 020 8937 1621 Email: marie.frederick@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report seeks authorisation to make a Stopping Up Order for an area of public highway that lies to the east of No. 313 Kilburn Lane on The Un-Named Road which links Kilburn Lane and Salusbury Road. (also known as Premier Corner) under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990).
- 1.2 This Stopping Up Order is required to complete the development situated at Kilburn Lane, Salusbury Road, Claremont Road and Carlton Vale which consists of the demolition of Keniston Press, Premier House, Cullen House and the Falcon Public House. The redevelopment of 137 flats (39 affordable), along

with a new public space, 1270 square meters of commercial space (uses A1/A3/A4) and 959 square meters of office space (Use class B1a for dedicated use by Transport for London (TfL)) within a Part 4, 5, 6, 8, and 9 storey building.

- 1.3 The application includes the Stopping Up of the gyratory system and the introduction of a new signalled junction at Kilburn Lane, Salusbury Road and Carlton Vale.

2.0 Recommendation

- 2.1 That members note that the draft Stopping Up Order has been advertised in accordance with the requirements of Section 247 TCPA 1990 and that in response to the consultation eight consultees have informed the Council that they have either no objections or no record of apparatus in the immediate vicinity of our enquiry. Thames Water wanted assurances that their apparatus will not be affected by the proposed works, that their rights of access will not be impeded and that there are no proposals to build over or close to their apparatus, Westminster City Council (WCC) did not object to the Order being made but did comment of the potential impact on traffic congestion and road safety.
- 2.2 That members note that all the objections and responses received during the statutory consultation have been considered and resolved. The formal responses from WCC and Thames Water can be seen in Appendix A and the subsequent withdrawal responses can be seen in Appendix B.
- 2.3 That the Committee approve the making of the Stopping Up Order and that a notice of making be advertised.

3.0 Detail

- 3.1 Planning consent was granted for the development of the site following the Planning Committee meeting of 9 November 2012 under planning application 12/0788 and as amended by planning application 16/5462 on 6 April 2017.
- 3.2 Subsequent planning applications were also granted in July 2017, which related to s96a (non-material amendment) planning application 17/1639 and s73 (minor-material amendment) planning application 17/1370 for the demolition of Keniston Press (since demolished), Premier House, Cullen House and the Falcon Public House.
- 3.3 The planning applications included the redevelopment of 137 flats (39 affordable), along with new public space, 1270 square meters of commercial space (uses A1/A3/A4) and 959 square meters of office space (Use class B1a for dedicated use by TfL) within a Part 4, Part 5, Part, 6, Part 8, and Part 9 storey building, the stopping up of the gyratory system and the introduction of a new signalled junction at Kilburn Lane, Salusbury Road and Carlton Vale.
- 3.4 The Council appointed consultants have produced a Traffic Signal Technical Report and a study that sets out the assessment work to justify the new signalled junction at Kilburn Lane, Salusbury Road and Carlton Vale. This includes the removal of the existing one way gyratory, in order to create a unified development site followed by the demolition of the existing buildings.

The production of the report followed extensive consultation with TfL including London Buses, and have secured an agreement in principle to the scheme.

- 3.5 The consultant has submitted the report to TfL inclusive of the Council's signal junction design proposal and setting out the impact it would have on the network. This report is currently under assessment and waiting approval from TfL signals unit.
- 3.6 The new signal junction affects the Carlton Vale cycle route, officers have been working with the consultant to ensure that the design will retain the level of service for cyclists.
- 3.7. This development is part of the Council's South Kilburn Regeneration development programme and sits within phases 3a/3b.
- 3.8. A Stopping Up Order was duly prepared and a notice of proposal was advertised under Section 247 TCPA 1990 that would enable the redevelopment to take place. A copy of the Order is attached at Appendix C, together with the relevant plan showing the proposed area to be stopped up and the notice of proposal advertised on 6 July 2017 in the local press and the London Gazette.
- 3.9 Statutory consultees, namely utility companies, TfL and WCC were notified of the proposed Stopping-Up Order by e-mail and correspondence.
- 3.10 The Council's advertised statutory notice of proposal and Stopping Up Order received eight responses from utility companies with either no objections or no record of apparatus in the immediate vicinity of our enquiry. These were from:
 - BT Openreach
 - C.A. Telecom Ltd (Colt Technology Services)
 - Cadentgas
 - London Underground
 - Network Rail
 - Scottish & Southern Electricity Networks (SSE)
 - TfL
 - Vodafone
- 3.11 WCC responded with a formal letter and did not object to the Order being made but did make comments on the potential of the new junction to adversely affect traffic flows and safety at the Fernhead Road junction in Westminster. Assurances have been given in relation to the traffic control measures at this junction specifically taking into account the new proposed signalised junction at Kilburn Lane, Salusbury Road and Carlton Vale.
- 3.12 Upon receipt of the letter dated 21 July 2017 from Westminster, an email was sent by Marie Frederick (Senior Project Manager, Brent Council) to WCC asking them to withdraw the points raised following her subsequent response to their initial concerns.
- 3.13 A formal withdrawal response from WCC dated 18 August 2017 was received and within WCC confirms the withdrawal of any objection they might have had to the proposed stopping up and is herewith attached in Appendix B.

- 3.14 Thames Water requested assurance that their apparatus will not be affected by the proposed works, that their rights of access will not be impeded and that there are no proposals to build over or close to their apparatus.
- 3.15 Upon receipt of the email dated 11 July 2017 from Thames Water, an email was sent by Marie Frederick (Senior Project Manager, Brent Council) to Thames Water providing the drawing of all the existing utilities of the site alongside the proposed site water modification drawing. The email further stated that Thames Water had already been approached to remove this service as part of the enabling works.
- 3.16 Thames Water's response of 11 August 2017 confirms receipt of Brent Council's confirmation to remove their service as part of the enabling works. Thames Water states that as long as our confirmation is adhered to, have no objection to the proposal (see Appendix B).
- 3.17 Members are now requested to approve the making of the Stopping Up Order which is necessary to proceed with the development.

4.0 Financial Implications

- 4.1 The Stopping Up Order is estimated to cost approximately £5k and will be funded from the South Kilburn Programme budget.

5.0 Legal Implications

- 5.1 Section 247 of the Town and Country Planning Act 1990 (TCPA 1990) permits the making of an order for the stopping up of a highway necessary to enable development to be carried in accordance with a valid planning permission.
- 5.2 Officers have taken the Council's legal advice as to the statutory requirements in relation to the promotion of the Stopping Up Order. If it is agreed to make the Order a notice of making of the Order will be publicised. It will not be open to further objection by the public or other authorities.

6.0 Equality Implications

- 6.1 The public sector equality duty, as set out in section 149 of the Equalities Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 This includes enquiring into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic. For

example, taking account of disabled persons' disabilities and the action that could be taken to help a disabled person.

- 6.3 The design of the new junction following the stopping up will consider people with disabilities and officers do not envisage any equality implications in this report.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Statutory consultees, namely utility companies, TfL and WCC were consulted on the proposed Stopping-Up Order by e-mail and correspondence, as required under TCPA 1990.

- 7.2 Local ward Councillors were also consulted.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 None specific

Report sign off:

Mr Amar Dave

Strategic Director of Regeneration and Environment

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Appendix A – Statutory Consultation responses (WCC and Thames Water)

Westminster City Council

Pending Applications
Westminster City Hall
PO Box 1
Redhill

westminster.gov.uk



Brent London Borough Council
Brent Civic Centre,
Engineers Way,
Wembley,
HA9 0FJ

John Walker
Director of Planning
Growth Planning & Housing
Please reply to: Jeffrey Perkins
Direct Line: (020) 7641 2642
Email: jperkins@westminster.gov.uk

Your ref: TO/23/024/NP
My ref: DP/HP/JRP/201707065
Date: 21 July 2017

Dear Sir,

The un-named road in Brent between Kilburn Lane and Salusbury Road, situated between 313 and 341 Kilburn Lane, London, W9 ("the un-named road")

I refer to your statutory notice dated 5 July 2017, of an order your authority proposes to make under section 247 of the Town and Country Planning Act 1990; to authorise the stopping up of the un-named Road. I have consulted the relevant groups within Westminster City Council and the Council's response is as follows:

Westminster City Council does not object to the proposed order being made. However, the Council would like to make the following comments, which are concerned with performing the duty under the Road Traffic Regulation Act 1984 to secure free flowing traffic and that of section 41 of the Highways Act 1980 not to allow a highway to become dangerous:

1. Presently the road junction of Kilburn Lane, Salusbury Road and Carton Vale as well as providing vehicular feeds between those three roads, the junction also avails a route into and out of Fernhead Road; and a dedicated carriageway directing vehicles between Salusbury Road and Fernhead Road.
2. The proposed order applies to the un-named road. Your authority proposes to control traffic movement at the junction of Kilburn Lane, Salusbury Road and Carton Vale, as an alternative to the present gyratory system, of which the un-named road is a part. My concern is that, with the extinguishment of the un-named road and not accounting for Fernhead Road in the proposed control of vehicular movement between Kilburn Lane, Salusbury Road and Carton Vale, vehicular movement into and out of Fernhead Road at this junction will be impaired, even causing congestion at times when vehicles attempt to turn from or into Fernhead Road. Kilburn Lane and Carton Vale are local distributor roads (arcs of the distributor road network) and Salusbury Road in practice would fall into that category of a vehicular route. Vehicular flow at that junction would at times of the day be a high rate of flow. That infers an importance of those roads. Attempts for vehicular ingress and egress at the Fernhead Road junction would give rise to difficult even hazardous manoeuvres at that junction; at minimum giving rise to temporary congestion into an out of Fernhead Road, that does not presently exist.
3. To avoid the difficulties in 2 above, the controlled and phased vehicular movement between Kilburn Lane, Salusbury Road and Carton Vale, as well pedestrian crossings at


that junction, must include a phase in each cycle for vehicular movement into and out of Fernhead Road.

4. I also understand that the proposed public realm space (footway) is to provide a route for vehicular servicing of the adjacent premises. I have a concern that those vehicles will need to enter and exit that space and its probable that egress from the footway would be via Kilburn Lane. The location of the public realm footway is to be nearer to the proposed controlled junction, than the un-named road. That will cause difficulties for both vehicles proceeding in Kilburn Lane and those exiting the public realm footway. I presume that the frequency of that manoeuvre will be low, servicing a finite number of premises. But if it's for servicing then it's likely there will be a period daily when a number of vehicles make that manoeuvre. I understand that the alternative of parking remotely would be unacceptable to users and the public, but I ask that some strategy be put in place to ensure or attempt to avail a means by which that manoeuvre will be carried out without causing congestion or other difficulties in any of the adjacent roads. A similar difficulty would exist if vehicles entered from Kilburn Lane and exited via Salusbury Road. By either route, a right turn across on-coming traffic would be required.

5. Applying the guidance of the Planning Inspectorate, the question must be do the socio-economic benefits to be afforded to the district by the proposed permitted development outweigh the loss to the highway network? That loss would be the difficulty created at the above road junction which does not exist in the present gyratory system. The socio-economic benefits to be afforded to the district include the creation of substantial affordable and private housing, in place of a car park and redundant light industrial premises, and additionally would create a place of public resort where members of the public may congregate. The public realm space would also provide a commodious pedestrian route between Kilburn Lane and the Queen's Park parish and Queen's Park railway station, in place of a narrower urban footway.

6. Westminster City Council could object to the order being made unless assurances were given that the traffic control measure at the junction would avail a phase for Fernhead Road; that is proportionate to the traffic flow at its junction with Carlton Vale. Indeed, for the purposes of section 116 of the Highways Act 1980 that need might cause the un-named road to be necessary contrary to an argument for stopping it up, unless Fernhead Road were to be included in the traffic control measure.

7. The socio-economic benefits that the permitted development would afford to the district are substantial and that development requires statutory authority for the stopping up of the un-named road, for it to be carried out. The possible loss to the highway network may be deleted by accounting for Fernhead Road in the control of the Kilburn Lane, Salusbury Road and Carlton Vale carriageway junction. Therefore the socio-economic benefits to the district outweigh the possible loss to the highway network, and so Westminster City Council does not object to the proposed order; to authorise the stopping up of the highway in the un-named road to enable permitted development to be carried out, being made under section 247 of the Town and Country Planning Act 1990.

Yours faithfully, 
For John Walker, Director of Planning



11 July 2017

STOPPING UP: PREMIER CORNER

Dear Sir,

Thank you for your recent correspondence with regards to the above location.

Our records show that Thames Water has apparatus in the area you are proposing to carry out your works.

We may be willing to rely on the rights preserved in the Order under Section 261 (4) of the Town and Country Planning Act in respect of apparatus in the land. However, before we can determine this could you please confirm that our apparatus will not be affected by the proposed works, that our rights of access will not be impeded and that there are no proposals to build over or close to our apparatus.

If we are satisfied with your assurances, we will not raise any objection to the proposed Order.

Your Sincerely

Developer Services - Planner
0203 5779998
devcon.team@thameswater.co.uk

Maple Lodge STW, Denham Way, Rickmansworth, WD3 9SQ



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Appendix B – Withdrawal responses

Westminster City Council

Pending Applications
Westminster City Hall
PO Box 1
Redhill

westminster.gov.uk



Brent London Borough Council
Brent Civic Centre,
Engineers Way,
Wembley,
HA9 0FJ

John Walker
Director of Planning
Growth Planning & Housing
Please reply to: Jeffrey Perkins
Direct Line: (020) 7641 2642
Email: jperkins@westminster.gov.uk

Your ref: TO/23/024/NP
My ref: DP/HP/JRP/201707065
Date: 18 August 2017

Dear Sir,

The un-named road in Brent between Kilburn Lane and Salusbury Road, situated between 313 and 341 Kilburn Lane, London, W9 ("the un-named road")

I refer to your statutory notice dated 5 July 2017, of an order your authority proposes to make under section 247 of the Town and Country Planning Act 1990; to authorise the stopping up of the un-named Road, to enable the proposed permitted development to be carried out. I also refer to this Council's response dated 21 July 2017 to that statutory notice.

Brent London Borough Council responded on 11 August 2017 to this Council's response to the statutory notice, advising that:

"

Fernhead Road will not be closed to traffic as part of the new junction scheme.

Once Premier Corner is stopped up, Fernhead Road, will benefit from its own phase within the traffic signal controlled junction that will be created.

Servicing will be managed on-site with vehicles able to enter and exit in a forward gear from Salusbury Road, as well as making use of new on-street loading facilities

"

I can confirm Westminster City Council withdraws any objection this Council may have had to the proposed stopping up of the un-named road.

Yours faithfully,

A handwritten signature in black ink, appearing to be "J Walker".

For John Walker
Director of Planning

From: Devcon Team [<mailto:devcon.team@thameswater.co.uk>]
Sent: 11 August 2017 14:36
To: Frederick, Marie <Marie.Frederick@brent.gov.uk>
Subject: Your Ref: TO/23/024/NP Our Ref: 11319



11 August 2017

STOPPING UP: Carlton Vale Brent

Dear Marie,

Thank you for your recent correspondence with regards to the above location.

Our records show that Thames Water has apparatus in the area you are proposing to carry out your works.

We are in receipt of your confirmation regarding the approach to Thames Water to remove this service as part of the enabling works. As long as this is adhered to we would therefore have no objection to your proposal.

Yours sincerely,

Development Planning

0203 577 9998

devcon.team@thameswater.co.uk

Thames Water Utilities Ltd, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire
WD3 9SQ

Appendix C – Stopping Up Order with notice and plan



THE LONDON BOROUGH OF BRENT

SECTION 247 OF THE TOWN AND COUNTRY PLANNING ACT 1990

THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. *) ORDER 201*

Made * 201*

THIS ORDER is made by the Mayor and Burgesses of the London Borough of Brent ("the Council") acting in its capacity as a local highway authority and in exercise of its powers under Section 247 of the Town and Country Planning Act 1990 ("the Act") (as amended) and in particular as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 and of all other powers enabling it in that behalf.

BY THIS ORDER:

1. The Council authorises the stopping up of an area of public highway described in Schedule 1 to this order and shown hatched black ("the Highway") on the Deposited Plan, in order to enable development described in Schedule 2 to this order to be carried out in accordance with the planning permission granted under Part III of the Act by the Council on 9th November 2012 under planning application No. 12/0788 (and as amended by planning permission 16/5462 on 6th April 2017) ("the Development").
2. Where immediately before the date of this order there is any apparatus of statutory undertakers under, in, on, over, along or across any area of the highway authorised to be stopped up pursuant to this order then, subject to Section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that area of the highway is stopped up as they had immediately beforehand.
3. In this order "the Deposited Plan" means the plan deposited in the offices of Highways Infrastructure, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ under drawing No. E17-0264
4. This order shall come into force on the date on which notice that it has been made is first published in accordance with Section 252(10) of the Act, and be cited as The London Borough of Brent (Stopping Up Of Highways) (No. *) Order 201*.

SCHEDULE 1

Description of Public Highway to be Stopped Up

The area of public highway to be stopped up is shown hatched black on the Deposited Plan and comprises of an irregular shaped length of carriageway that lies to the east of No. 313 Kilburn Lane on THE UN-NAMED ROAD which links Kilburn Lane and Salusbury Road. (also known as Premier Corner).

SCHEDULE 2

The Development

The demolition of Keniston Press, Premier House, Cullen House and the Falcon public house and the redevelopment of 137 flats (39 affordable), along with new public space, 1270 square metres of commercial space (Use classes A1/A3/A4) and 959 square metres of office space (Use class B1a for dedicated use by Transport for London) within a part 4, part 5, part 6, part 8 and part 9 storey building.

The Common Seal of THE MAYOR AND)
BURGESSES OF THE LONDON BOROUGH)
OF BRENT was hereunto affixed in the)
presence of:)

.....
Solicitor



LONDON BOROUGH OF BRENT

SECTION 247 TOWN AND COUNTRY PLANNING ACT 1990

THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. *) ORDER 201*

1. NOTICE IS HEREBY GIVEN that The Mayor and Burgesses of the London Borough of Brent propose to make an order under Section 247 of the Town and Country Planning Act 1990 ("the Act") (as amended) and in particular as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 to authorise the stopping up of an area of public highway described in Schedule 1 to this notice.
2. If the order is made, the stopping up will be authorised only in order to enable the development described in Schedule 2 to this notice to be carried out in accordance with the planning permission granted under Part III of the Act by the London Borough of Brent as the local planning authority on 9th November 2012 under planning application No. 12/0788 (and as amended by planning permission 16/5462 on 6th April 2017)
3. A copy of the draft stopping up order and of the Deposited Plan of the relevant area can be inspected and a copy requested free of charge during 9.00am – 4.30pm on Mondays to Fridays inclusive until the expiration of a period of 28 days from the 6th July 2017 at Brent Customer Services, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ.
4. Persons desiring to object to the making of the proposed order should send a statement in writing of their objection and the grounds thereof, to the Head of Highways and Infrastructure, Highways Infrastructure Services, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ, or via email to trafficorders@brent.gov.uk, quoting the reference TO/23/024NP, within the period of 28 days from the 6th July 2017.
5. In preparing an objection it should be borne in mind that the substance of it may be imparted to other persons who may be affected by it and that those persons may wish to communicate with the objector about it.

Dated 6 July 2017.

Mr Tony Kennedy
Head of Highways and Infrastructure

SCHEDULE 1

The area of public highway to be stopped up is shown hatched black on the Deposited Plan and comprises of an irregular shaped length of carriageway that lies to the east of No. 313 Kilburn Lane on THE UN-NAMED ROAD which links Kilburn Lane and Salusbury Road. (also known as Premier Corner).


SCHEDULE 2

The demolition of Keniston Press, Premier House, Cullen House and the Falcon public house and redevelopment of 137 flats (39 affordable), along with new public space, 1270 square metres of commercial space (Use classes A1/A3/A4) and 959 square metres of office space (Use class B1a for dedicated use by Transport for London) within a part 4, part 5, part 6, part 8 and part 9 storey building.



Drawn CM
 Checked MK
 Date JUNE17
 Scale @ A3 1:500

LONDON BOROUGH OF BRENT
 STOPPING UP OF HIGHWAYS (NO*) ORDER 201*

 AREA TO BE STOPPED UP

PLAN REF : E17-0264





Brent

BRENT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 16/5462

To: Mr Worthington
DP9 Limited
100
Pall Mall
London
SW1Y 5NQ

I refer to your application dated 16/12/2016 proposing the following:

Variation of conditions numbered 1, 3, 6, 7, 8, 9, 11, 15, 16 and 18 (to allow appropriate timings for the conditions) of commenced planning permission 12/0788. (Demolition of Keniston Press, Premier House, Cullen House and the Falcon public house and redevelopment of 137 flats (39 affordable), along with new public space, 1270 square metres of commercial space (Use classes A1/A3/A4) and 959 square metres of office space (Use class B1a for dedicated use by TfL) within a part 4, part 5, part 6, part 8 and part 9 storey building. Application includes the stopping up of the gyratory system and the introduction of a new signalled junction at Kilburn Lane and Salusbury Road/Carlton Vale)

and accompanied by plans or documents listed here:

See condition 3

at Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and car parks

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: 06/04/2017

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, listed building consent or conservation area consent application, including refusal to vary or discharge conditions.
- (2) The conditions attached to a planning, 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; 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

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-
Development Management Policies (2016)

CONDITIONS

- 1 During demolition and/or construction works on site:-
- (a) the operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays;
 - (b) vehicular access to the adjoining and opposite premises shall not be impeded
 - (c) all plant and machinery associated with such works shall at all times be situated and operated within the curtilage of the site;
 - (c) no waste or other material shall be burnt on the application site;
 - (d) all excavated topsoil shall be stored on the site for reuse in connection with the landscape works scheme.
 - (e) at all times during demolition and/or construction a barrier shall be maintained around the area where demolition and/or construction is taking place
 - (f) a suitable and sufficient means of suppressing dust must be provided and maintained
 - (g) the best practical means available in accordance with BS5228: 1984 shall be employed at all times to minimise the emission of noise from the site
 - (h) all construction vehicles used during construction must meet European Emission Standards of Euro 3 during any works on site.
 - (i) all non-road mobile vehicle with compression ignition engines used on the site shall comply with the emission standard contained in EC Directive 97/68/EC.
 - (j).any diesel powered machines used on or otherwise serving the site shall be operated on ultra-low sulphur diesel meeting the specification BSEN950

Reason: To limit the detrimental effects of noise and disturbance from construction works on adjoining residential occupiers.

- 2 Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works of the non-public areas of the development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on that part of the development. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) proposed walls and fences including between private garden areas indicating materials and heights;
- (b) screen planting along the boundaries of the first floor residential units;
- (c) details of drainage, irrigation and water points.
- (d) areas of hard landscape works and proposed materials;
- (e) details of the tree pits to ensure suitable soil depth (minimum of 600mm)
- (f) details of the childrens play space (at least 200sqm) with equipment age range 3- 8 years, play animals, surfacing in play areas, details of new proposals for fixed equipment which may include netting, omission of the large expanse of blackbird netting.
- (g) details of the proposed arrangements for the maintenance of the landscape works.

- (h) trees within communal courtyard to be planted at size 10-12 cm girth
- (i) omission of purple moor grass and inclusion of wildflower meadow or other flowering plants appropriate to size and scale of the courtyard.
- (j) Detail of planters and proposed species to the balconies on the recessed top floors of the development.

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

MLA/295/L/001

MLA/295/L/010

MLA/295/L/011

MLA/295/L/020

MLA/295/L/100

MLA/295/L/101

MLA/295/L/102

MLA/295/L/103

MLA/295/L/104

MLA/295/L/105

MLA/295/L/106

MLA/295/L/107

MLA/295/L/108

MLA/295/L/120

MLA/295/L/121

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MLA/295/L/420
MLA/295/L/421
MLA/295/L/MA/500
MLA/295/L/MA/501
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VO-QP-sect250-3-a

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Ref: 12/0788 Page 5 of 8

1627/10/003 A

1627/10/004

1627/20/003

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

- 4 The commercial premises (A1, A3, A4) shall not be used except between the hours of:-
0700 hours and 0000 hours Mondays to Saturdays
0900 hours and 2300 hours on Sundays and Bank Holidays

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties

- 5 The areas approved by the Local Planning Authority for car parking, loading, unloading and parking of service vehicles; vehicle turning space; and parking and access provision for disabled persons shall be used only for those purposes.

Reasons: To ensure that these areas are permanently retained for these uses in compliance with the Council's parking and servicing standards, in the interests of the general amenities of the locality and in the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways.

- 6 Further details of the treatment of public areas in the proposed development shall be submitted to and approved in writing by the Local Planning Authority before work commences on that part of the development, and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

(a) A scheme for the landscape works adjacent to the walkway at the northern end of the site (including species, plant sizes and planting densities).

(b) Omission of Gleditsia and Acer campestre as the tree type in the public space and replacement with Prunus mackii 'Amber Beauty' (single stem) planted at 18-20cm girth.

(c) Omit cast iron tree grilles and replace with a permeable resin bound surface, including full specification of tree pit.

(d) Submission of further design detail including samples of materials for public space.

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

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

- 7 In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented and so maintained.

Reason: In the interests of the visual appearance of the development in particular and the

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locality in general

- 8 The development and construction works shall not be carried out other than in accordance with the Construction Method Statement (CMS) approved with the conditions application under reference 15/4855. This shall include, but not be limited to, evidence of measures to adopt and implement the ICE Demolition Protocol, and Considerate Contractor Scheme registration and operation. The approved Statement shall be fully implemented.

Reason: To minimise nuisance caused during demolition and construction activities and ensure demolition waste is sustainably reused or recycled locally, minimising waste sent to landfill.

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

Criterion Typical situations Design range LAeq , T

Reasonable resting conditions Living rooms 40 dB (day: T=16 hours 07:00-23:00)

Reasonable sleeping conditions Bedrooms 35 dB (night: T=8 Hours 23:00-07:00)

LAmx 45 dB (night 23:00-07:00)

A test shall be carried out prior to the discharge of this condition to show the standard of sound insulation

required shall be met and the results submitted to the Local Planning Authority for approval.

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

- 10 The demolition/building works hereby approved shall not be carried out other than in accordance with the vehicle wheel washing procedure approved within conditions application 15/4855. Such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

Reason: To ensure that the construction of the proposed development does not prejudice conditions of safety and cleanliness along the neighbouring highway.

- 11 Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before work commences on that part of the development and shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

(a) sustainable drainage system to attenuate additional run off from site

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

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

- 12 The car park access from Claremont Road shall be increased in width to a minimum width of 5.4m (including 300mm margins) prior to occupation of any part of the development.

Reason: To ensure adequate space is provided to accommodate two cars passing one another.

- 13 Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before work commences on that part of the development and shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

(a) further consideration of the architectural composition of the corner element of the building to enable the building to have a greater streetscape presence and add to the legibility of

the
locality as a landmark (consideration of balconies, entrance canopy, parapet detail etc.)
(b) detail of proposed window system and depth of reveals
(c) architectural detail to create more distinction between commercial units and residential uses above including a scheme to provide designated locations for any future signage for the commercial units.
(d) further detail of design cycle/bin stores and residential entrances on Claremont Road to create visual interest at street level.
NOTE - Other conditions may provide further information concerning details required.

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

- 14 Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before work commences on that part of the development. The work shall be carried out in accordance with the approved details, and be so maintained.

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

- 15 Prior to the commencement of that part of the development the applicant shall provide details of the predicted Carbon Monoxide levels in the underground car park shall not exceed 30 ppm averaged over any 8-hour period and shall also not exceed 90ppm averaged over 15 minutes. If the forecast does not achieve acceptable levels, mechanical ventilation will be needed. This information shall be submitted to and approved in writing by the LPA prior to commencement, and the development shall be undertaken in accordance with the approved detail.

Reason: To protect the amenity of residents of the proposed development.

- 16 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 a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. 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 proposed for domestic use in accordance with the NPPF

- 17 Any 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 permitted 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 proposed for domestic use in accordance with the NPPF

INFORMATIVES

- 1 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
- 2 The applicant is advised that the provision of any water tank, air-conditioning or ventilation

plant, extraction equipment or other roof structure (other than those shown on the drawings hereby approved) would require a separate grant of planning permission.

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