

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 February, 2016

15/3695

SITE INFORMATION

RECEIVED: 25 August, 2015

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 271-273 Kilburn High Road, London, NW6 7JR

PROPOSAL: Demolition of existing building and erection of a part four, part five storey building comprising an A3 unit (restaurant/cafe) on the ground floor and 7x self-contained flats (7 x 1 bed) on the upper floors with associated bin and cycle storage

APPLICANT: Ms Taylor

CONTACT: ROH Architects

PLAN NO'S: See condition 2

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

When viewing this on an Electronic Devices

Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_123755

When viewing this in Hard Copy

Please follow the following steps

1. Please go to www.brent.gov.uk/pa
2. Select Planning and conduct a search tying "15/3695" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

SITE MAP



Planning Committee Map

Site address: 271-273 Kilburn High Road, London, NW6 7JR

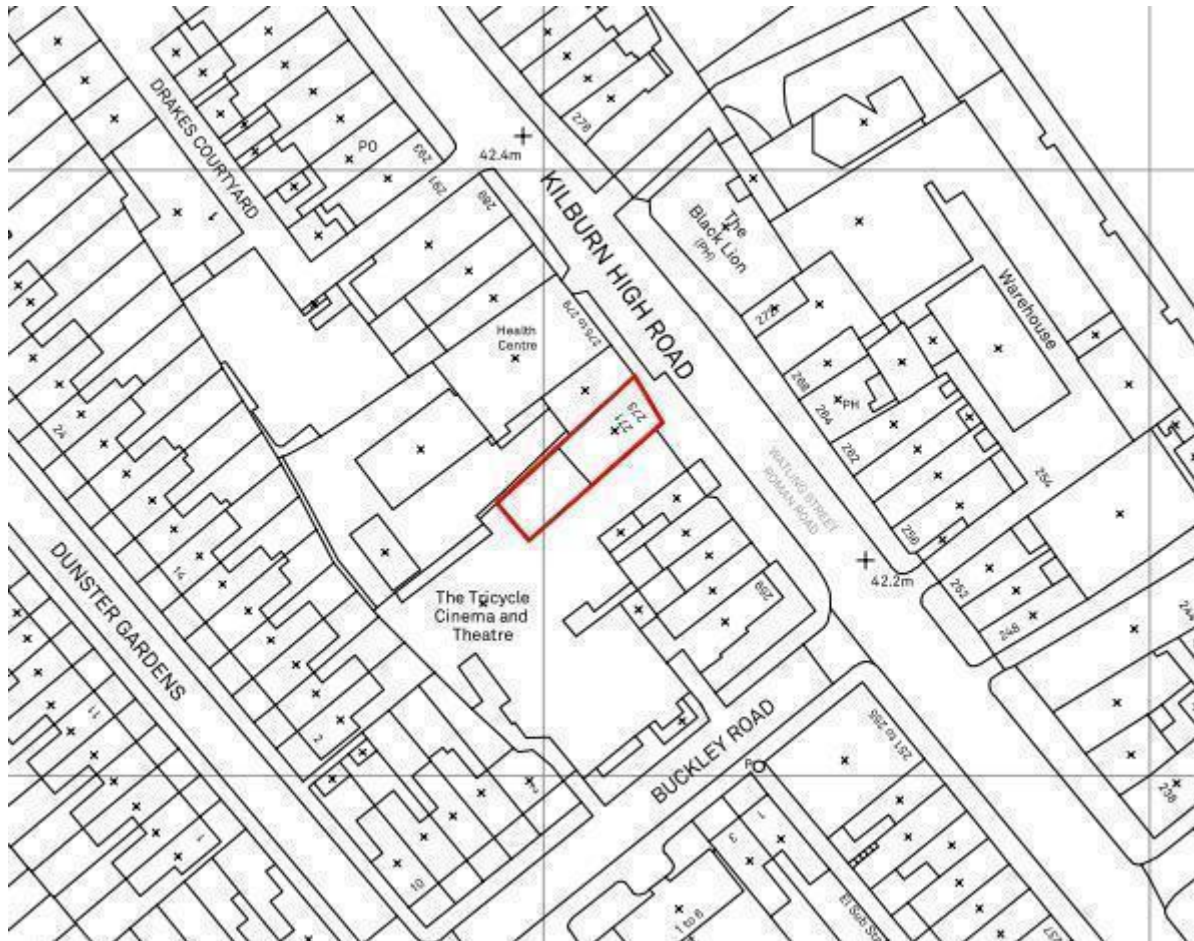
© Crown copyright and database rights 2011 Ordnance Survey 100025260

This map is indicative only.

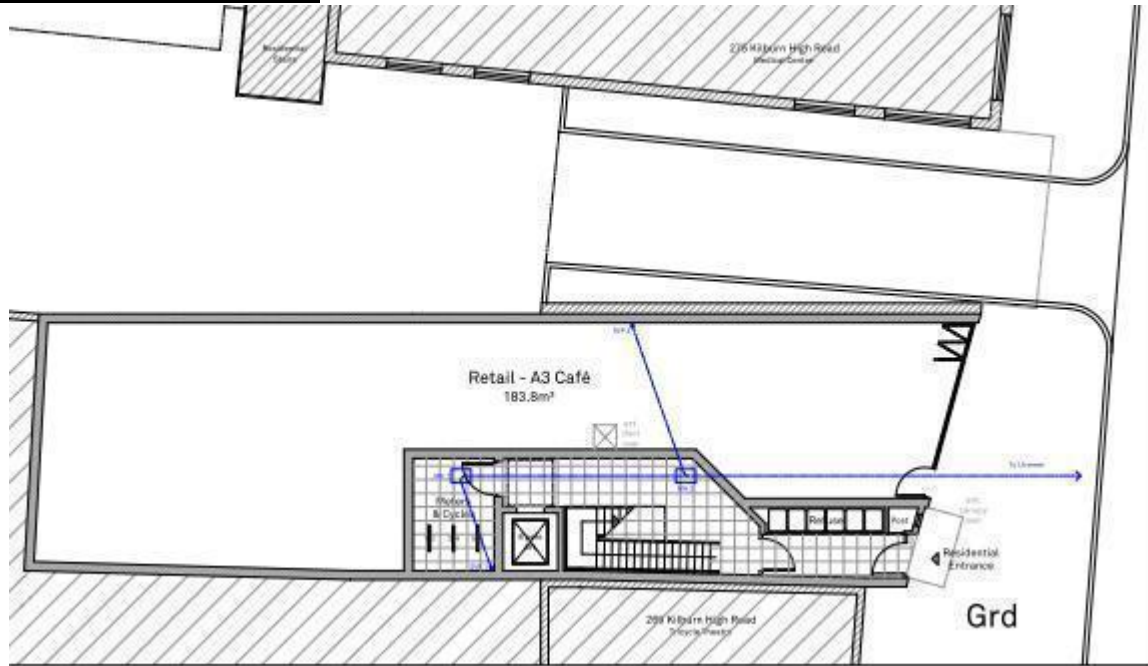
SELECTED SITE PLANS

SELECTED SITE PLANS

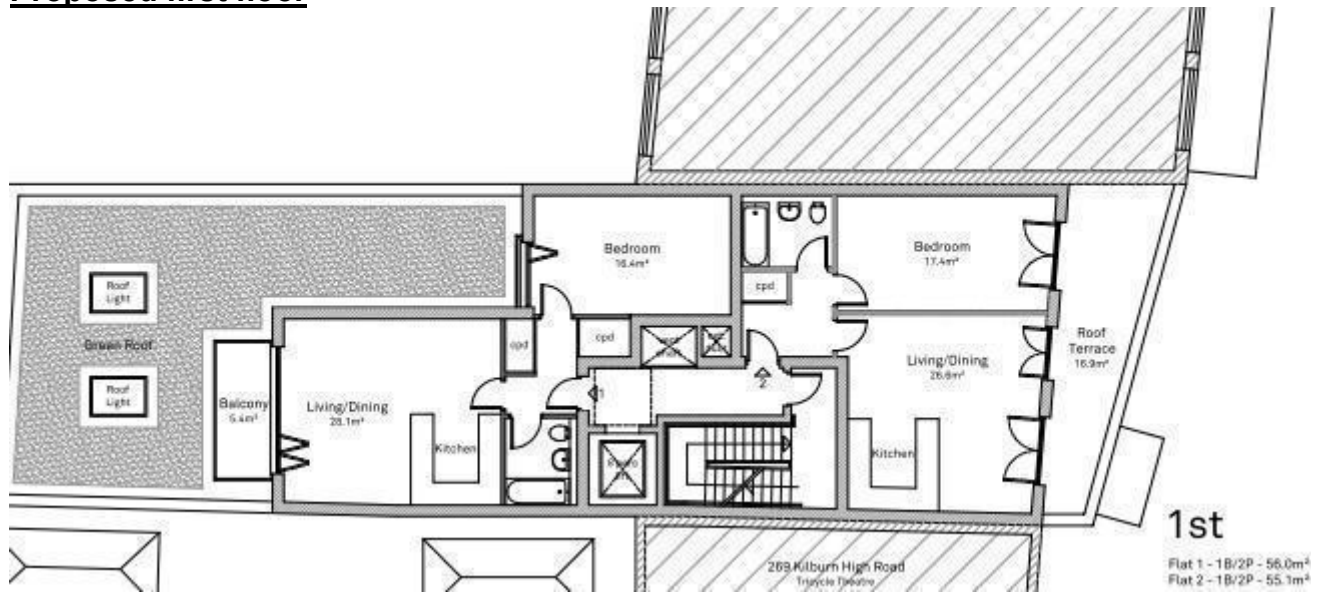
Location plan



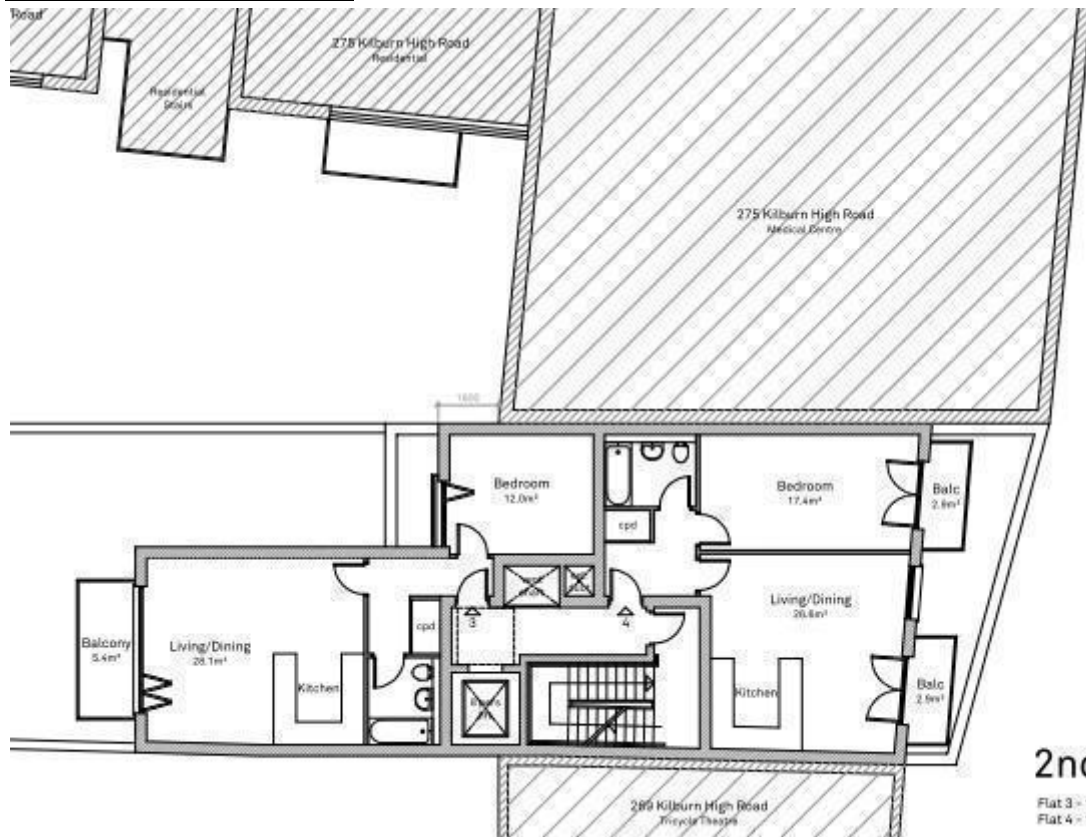
Proposed ground floor



Proposed first floor



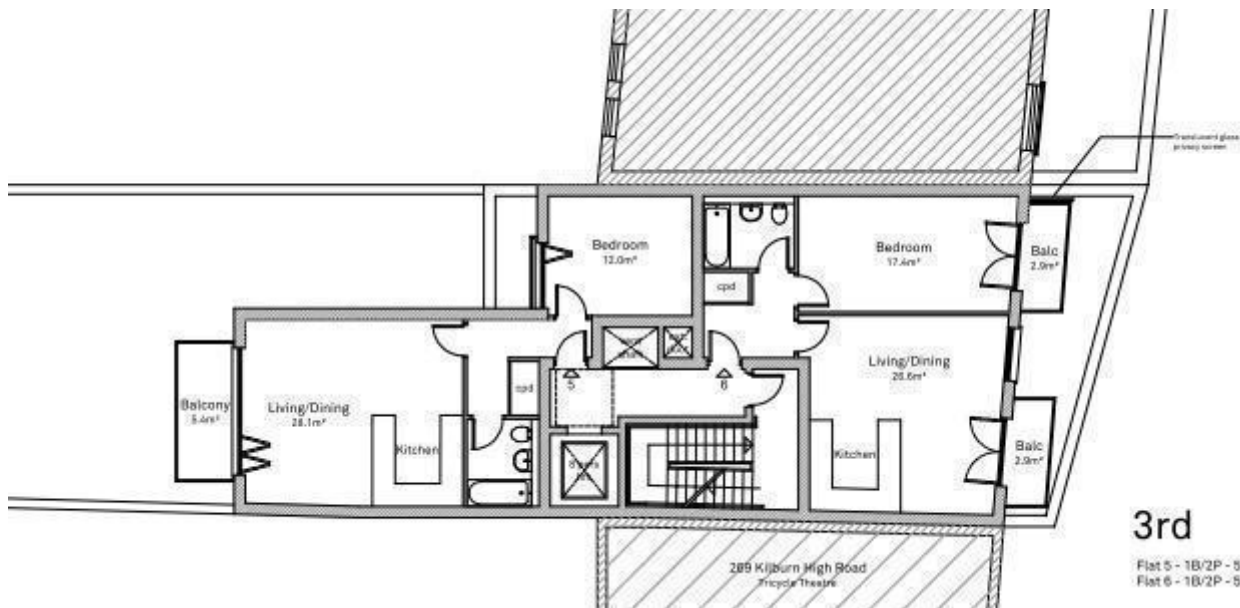
Proposed second floor



2nd

Flat 3 - 1B/2P - 51.5m²
Flat 4 - 1B/2P - 55.1m²

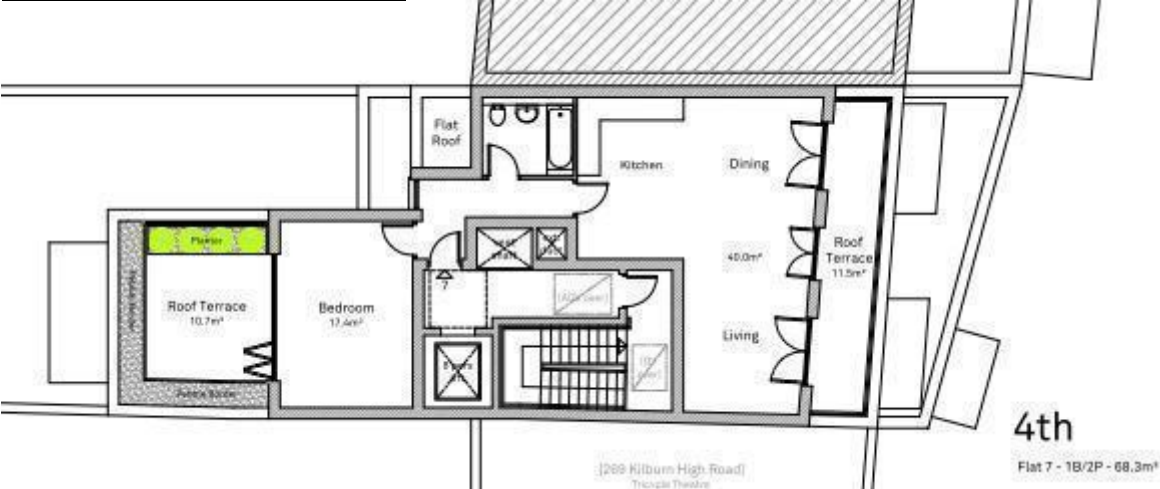
Proposed third floor



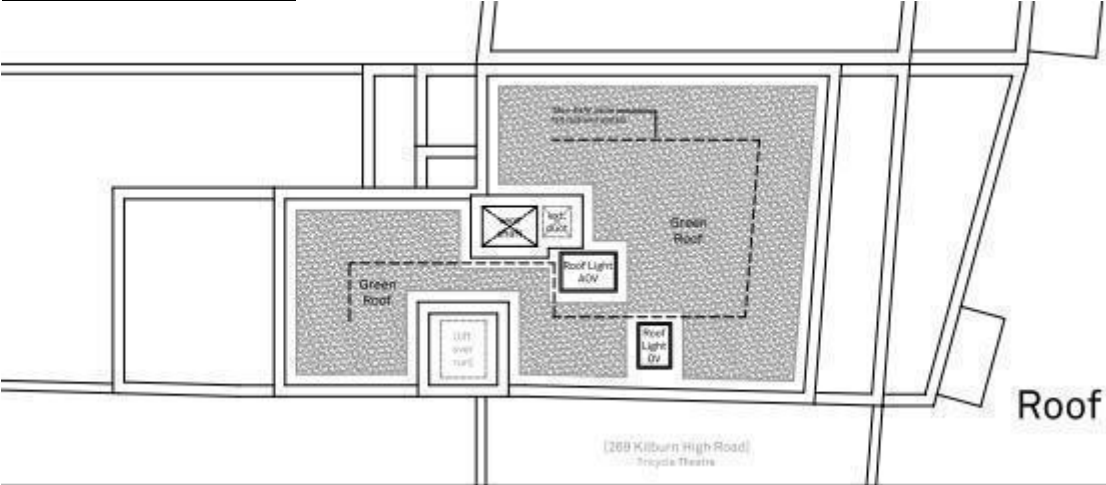
3rd

Flat 5 - 1B/2P - 51.5m²
Flat 6 - 1B/2P - 55.1m²

Proposed fourth floor plan



Proposed roof plan



Proposed rear elevation



CGI from rear



CGI from Kilburn High Road



RECOMMENDATIONS

Approval with conditions

, subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

Document Imaged

Demolition of existing building and erection of a part single storey part four and part five storey building comprising an A3 unit (restaurant/cafe) on the ground floor and 7x self-contained 1 bed flats on the upper floors with associated bin and cycle storage

B) EXISTING

The proposal relates to a three storey-mid terrace property with commercial use (A3 cafe) on the ground floor and has previously had 2 x residential units on the first floor however it is unknown when these were last used. The building is finished in brick and is believed to date from the early C20. Kilburn High Road is a busy commercial thoroughfare and the street scene in the immediate area is characterised by 3-4 storey terraced properties dating from the Victorian and Edwardian eras with commercial uses on the ground floor which gives a strong character to the street scene. The building to the north of the site is a relatively recent mixed use redevelopment from the early 2000s (LPA ref: 98/1243) comprising a four-storey medical centre on the site frontage rising to a seven-storey residential element to the rear. The building to the south is an attractive two-storey building housing the Tricycle theatre entrance and cafe. The host building is not listed nor is it within a Conservation Area. The proposal site is within a designated Secondary Shopping Frontage. The site is in a highly accessible location (PTAL 6a).

C) AMENDMENTS SINCE SUBMISSION

Amendments

Reduction of massing to the rear of the scheme

Reduction of height by alteration of floor levels

Further details of cycle storage, refuse collection and roof maintenance have been submitted.

Documents revised after submission;

- Construction Management Plan
- Sedum roof details
- Screening to terraces
- Privacy glass details
- All amended plans and elevations
-

D) SUMMARY OF KEY ISSUES

The key considerations are:

- The effect of the development on the living conditions of neighbouring residents and other businesses; and
- The effect of the development on the character and appearance of the area.

RELEVANT SITE HISTORY

Recent history of this site includes two refused planning applications for a larger scale development to the one currently before Members:

15/4364 - Outline planning permission for demolition of existing building and erection of a part 3, part 5, and part 6 storey mixed used building comprising a ground floor cafe (Use class A3), 22 self-contained student accommodation units (22 x studios) on the ground to fourth floors and 1 self-contained flat on the fifth floor (1 x 1bed) with associated cycle parking spaces and bin stores – Refused

15/1971- Outline planning permission for demolition of existing building and erection of a part 3, part 5, and part 6 storey mixed used building comprising a ground floor cafe (Use class A3), 20 self-contained student accommodation units (20xstudios) on the upper floors and 1 self-contained flat on the top floor (1x1bed) with associated cycle parking spaces and bin stores- Refused

15/1381 - Demolition of existing building and erection of part 4 to 5 storey building comprising a ground floor cafe (Use class A3) and 7x self-contained flats (3x1bed and 4x2bed) on the upper floors with associated cycle parking spaces and provision for bin stores – Withdrawn

CONSULTATIONS

CONSULTATIONS:

Statutory neighbour consultation period (21 days) started on 16/09/2015. In addition, Transportation, Environmental Health and the London Borough of Camden was also consulted.

In total, 14 comments were made on the application. Below are the concerns and the responses are outlined in the main body of the report. Objectors include the Peabody Trust and the Tricycle Theatre who own/have material interests in the adjacent premises.

Objection	Response
Reduced natural light to the adjacent flats and reduced outlook from the rear and side facing properties of 275 Kilburn High Road	See point 3.3
Increased noise from the roof terraces and balconies	See points 3.7 and 3.8
Roof terrace and balconies create loss of privacy to neighbouring properties	See points 3.7 and 3.8
Increased unofficial parking- increase in parking around the site	See point 5.1
Cooking and smoke smells from the proposed café	See point 3.10
General overdevelopment- the entire plot will be lost to this development	See point 1.3
KHR does not need another Café	See "Existing"
Reduction of the quality of working environment in the medical centre	See 3.3.3
Deliveries to and from the A3 use	See point 5.3
Noise from the extract ducts	See point 3.1.10
Proposed development will not allow an expansion of the Medical Centre	See point 6.3
Noise and vibration from the development will impact on shows held at the Theatre both in the evening and during the daytime	See point 3.15
The development potential of the theatre is restricted	See point 6.2
Concerns that the green roof(s) will be used as large terraces	See point 3.9
Proposed development does not address local housing needs	See point 1.4
Party Wall notices have not been	This has been noted however is not a planning consideration. Any future approval will include a informative to the applicant reminding them that a Party Wall notice may be required for works.
Proposed façade fronting Kilburn High Road is out of character of the rest of the street	See point 2.2

Transportation: No objection, subject to two conditions to ensure the development is "permit-free" and to approved further details of refuse and cycle storage.

Environmental Health: No objections, subject to a condition requiring approval of further details of plant including noise and vibration.

London Borough of Camden (Neighbouring Authority): No comments received.

POLICY CONSIDERATIONS

POLICY CONSIDERATIONS:

National Planning Policy Framework (2012):

Section 6 – Delivering a Wide Choice of High Quality Homes

Section 7 – Requiring Good Design

The London Plan (2015):

Policy 3.5 – Quality and Design of Housing Developments

Policy 3.8 – Housing Choice

Policy 5.2 – Minimising Carbon Dioxide Emissions

Policy 7.4 – Local Character

Policy 7.6 – Architecture

Core Strategy (2010):

CP2 – Population and Housing Growth

CP17 – Protecting and Enhancing the Suburban Character of Brent

CP19 – Brent Strategic Climate Change Mitigation and Adaptation Measures

CP21 – A Balanced Housing Stock

Brent's UDP (2004):

BE2 – Townscape: Local Context and Character

BE7 – Public Realm: Streetscape

BE9 – Architectural Quality

SH9 - Secondary Shopping Frontages

TRN3 – Environmental Impact of Traffic

TRN23 – Parking Standards – Residential Developments

TRN24 – On-Street Parking

Supplementary Planning Guidance:

SPG 5 – Altering and Extending Your Home (2002)

SPG17 – Design Guide for New Development (2001)

The London Plan Housing SPG (2012)

DETAILED CONSIDERATIONS

1. Principle of Development:

1.1. The immediate area is typified by ground floor A1, A2 and A3 uses and upper floor residential. The principle of a A3 usage on the ground floor plus upper floor self contained accommodation is generally acceptable due to its location on a Secondary Shopping Frontage and its high accessibility to public transport and local amenities.

1.2. The existing building clearly has some value and contributes towards street scene in terms of its quality, interest and features. The majority of the existing building is derelict/demolished and applications which seek to revive this plot are encouraged to address the current blank on the street scene. The existing building also has 2 x residential units on the 1st and 2nd floors.

1.3. In urban environments, it is often the case that small parcels of land are developed to make better use of them. In this case, the existing plot of land is bordered on all sides and an intensification of use is, in principle, acceptable.

1.4. This development falls below the threshold for policy CP21 (10 units or more to provide family accommodation). The location would suggest that family accommodation (3 bed property) is not appropriate in this instance and Officers are able to support this.

1.5 The utilisation of this site for mixed commercial and residential uses is welcomed as both an efficient use of land and encouraging activity in town centres outside of usual opening hours. Your officers have given significant weight to the planning merit of providing residential accommodation in a sustainable location. Notwithstanding this, the proposal must be deemed to have an acceptable standard of accommodation, respect the character of the local area and have an acceptable impact on the neighbouring amenity along

with conforming to appropriate transport, refuse and amenity requirements to be given a positive recommendation from Officers.

2. Impact on Character of the Area:

2.1. The proposed building is considered by your officers to be an acceptable form of development, the design, scale and massing of which would not materially harm the character and appearance of the area.

2.2. The proposal relates to a three storey-mid terrace property with commercial use on the ground floor. The building is finished in brick and is believed to date from the early C20. Although the building has some architectural merit the building is not considered worthy of retention in its own right. Any proposed replacement building would however need to be of a good standard of design to compensate for the loss of the existing building and to respect the character of the street scene.

2.3. Kilburn High Road is a busy commercial thoroughfare and the street scene in the immediate area is typically characterised by 3-4 storey terraced properties dating from the Victorian and Edwardian eras with commercial uses on the ground floor which gives a strong character to the street scene. The neighbouring building at No.275-279 Kilburn High Road is anomalous in the street scene as it is a relatively large and modern building four storeys in height with the upper floor stepped-back and a seven storey element to the rear which is consequently not prominent in the street scene.

2.4. The proposed building would be part 4 and part 5 storeys in height, approximately 6.2m higher than the adjacent theatre and the same height as the front element of the adjacent building at No.275-279 Kilburn High Road but lower than the rear element. The proposed building has a similar massing to the majority of buildings in the surrounding area and whilst it is taller than 269 Kilburn High Road it follows a general accord with the neighbouring building at 275 Kilburn High Road. The 5th floor has a substantial setback.

2.5. The submitted plans identify the building to be finished London Stock Brick with stainless steel balconies and aluminium framed glazed windows. These are common materials in the area. The design detailing of the façade is simple but does generally accord with the neighbouring building. It is acknowledged that the finished floor levels are slightly different; however this is likely to do with the uses of the neighbouring property on the ground and first floors (medical centre).

2.6. The applicant has submitted details of the brickwork which to provide interest to the brick finish have confirmed that there will be blind openings with recessed reveals on the side elevations. The London Stock Brickwork will have a Flemish bond finish. The windows to the front have deep reveals and provide some interest to the street.

2.7. To the rear of the proposal, there is a mismatch of building types and materials however the proposed buildings has an acceptable scale and mass when compared to the adjacent buildings and is significantly smaller than the seven storey element of 275 Kilburn High Road. The materials and size of the proposals are in general accord with the area.

2.8. At ground floor level an A3 unit would be retained with the entrance to the flats and associated bin storage provided on the ground floor accessed from Kilburn High Road. 6.3m of the 9.5m of the façade is given over to the A3 use with the rest taken up by the entrance to the flats and bin/cycle stores. Kilburn High Road is commercial in character with a variety of commercial units at ground floor level. The proposal would reduce the amount of active frontage on Kilburn High Road but retains enough to become acceptable. The residential entrance has been enhanced since the first submission with stainless steel post-box and numbering, Iroko cladding to the surround and an entrance canopy to aid in creating a sense of arrival to the residential entrance and to make it distinctive to the neighbouring commercial use.

2.9. Overall the proposal is considered to be appropriate in its relationship with neighbouring buildings, showing a significantly reduced massing compared to previously refused schemes which has convinced Officers that the impact on the surrounding area would be negligible, subject to a condition relating to the design and appearance of the signage for the commercial unit.

3. Living conditions of neighbours:

3.1. Your officers are satisfied that the proposed development would not materially harm the living conditions of neighbouring occupants. Two recently refused schemes on this site were significantly higher and deeper than this proposal and this reduced scale and improved massing has overcome your officers concerns in this regard. Your officers have also taken into account the generally higher density nature of development in the

area and the corresponding need to be flexible in the application of SPG17 guidance.

3.2. The relationship between this development and the neighbouring building at No.275-279 Kilburn High Road (275 KHR) is a key consideration. 275 KHR is roughly 'T-shaped' and features a medical centre on the ground and first floor levels with flats above. Particular consideration needs to be given to the impact on outlook and privacy of the rear projecting element of this proposed scheme. Some of the rooms in a small number of the neighbouring flats are single aspect with habitable room windows and balconies positioned directly opposite and facing the proposal site. The nearest habitable windows of the adjacent residential building - directly opposite the flank of the proposal - are 7.6m however this is only for a small section of the building and the majority of the flank is positioned 11-11.25m from the nearest habitable windows (the minimum required is 10m). These relationships are illustrated on the extract of the second floor plan shown overleaf. The rear elevation of this neighbouring building which adjoins the proposal site also feature habitable room windows facing to the rear at second and third floor level (these floors do not equate to the floors of the proposed building due to the overheight nature of the ground and first floors of the Medical Centre).

3.3. The proposed development would fill its plot at ground floor and increase the height of the existing building to four and five storeys with a projection beyond the existing rear building line. This four storey element to the rear would have a height of 12.3m and the five storey element 14.8m high. The five storey element would have a depth of 9.2m and would be situated adjacent to No.275-279 and thus only would only project beyond the rear most section of 275 KHR by 1.6m on the 2nd and 3rd. The 4 storey element would be a further 5.4m in depth with an additional 4.2 m deep balcony.

Impact on daylight and sunlight

3.4. Neighbouring residents have expressed concerns as to the impact on their properties. To this end, the applicant has submitted a daylight/sunlight assessment in accordance with BRE 2011 to address lighting concerns from both Officers and Local Residents. Whilst this is not designed to confirm the issue of impact on neighbouring amenity in terms of light/outlook, it gives a good indication as to the potential harmful effects on neighbouring properties.

3.5. The results from these assessments—which have had their methodology confirmed to be acceptable by your Officers—demonstrates that the proposed development will have little effect on the neighbouring buildings or dwellings in terms of daylight and sunlight.

3.6. With regard to the main assessments for Daylight/Sunlight, all windows and rooms have shown full compliance with the BRE criteria for all levels of assessments. The assessment did not include balconies, which is a commonly deployed methodology in urban environments. The proposed scheme is in line with the intentions of the BRE guidelines and relevant planning guidance in terms of daylight and sunlight.

Impact on outlook

3.7. With regards to outlook, the proposal complies with Brent's guidance with regards to how deep an extension should be in relation to neighbouring rear facing habitable room windows. The proposal is also in general accordance with Brent's guidance on the distance between dual aspect and sole habitable rooms and flank boundaries and buildings. In particular, there are 2 flats (at 2nd and 3rd floor level) located in 275 KHR which have two habitable room windows facing the site and to some extent reliant on it for their outlook. One of those windows serves a dual aspect kitchen/living/dining room and that room benefits from outlook to the north in addition to the south, and the other window is the sole window serving the sole bedroom of the flat. The distance from the kitchen/living/dining room window to the boundary and the proposed flank of the development is a minimum of 7.8m but this is only for a distance of 1.6m after which point, the proposed development steps away from 275KHR so that most of the proposed building is a maximum of 11.2m from that window. As the building steps away, the distance from the bedroom window to the proposed flank of the development is also 11.2m.

3.8. On the first floor that the proposal extends by 3m instead of 1.6m however the rear facing windows here are for the medical centre and are not considered to be habitable rooms and so this is considered to be acceptable.

3.9. There were initial concerns as to the view of neighbouring residents towards initially large expanses of blank facades however there has been quelled by the detailing of the elevations concerned with blind openings with recessed reveals on the side elevation.

3.10. The proposal has a substantial decrease in massing on the 1st, 2nd, 3rd and 4th floors to the rear of

the proposal when compared to the previously refused plans. The sections closest to the 275 KHR have been removed increasing the distance between habitable room to façade to 11.26m which complies with guidance outlined in SPG17.

Impact on privacy

3.11. The development does not have any side facing windows at any level. Whilst there are no windows, there are roof terraces and balconies which could amount to the same issue of loss of privacy. To this end, the applicant has submitted details of translucent glass finish to flat 6's balcony and a landscaping scheme on the 4th floor roof terrace which will aid both visual impacts and the privacy concerns of the neighbouring property. The balconies located towards the very rear of the proposals are opposite the residential stair core and not facing any habitable rooms.

Impact of noise

3.12. Neighbours have expressed concerns as to the noise omitted from balconies. All of the roof terraces are of a size which do not encourage congregation of people on them. It is not expected that the balconies will be the cause of unacceptable amounts of noise and nuisance and a certain amount of activity is to be expected when living in a dense, town centre location. There are many balconies within the immediate vicinity and is a common and appropriate way of ensuring all flats have at least a small amount of outdoor amenity space within a denser urban setting.

3.13. The applicant has confirmed that a landscaping scheme will be submitted for the green roofs and these roofs will only be available for maintenance purposes and not by future residents. These are detailed on amended plans. The applicants have submitted details of potential sedum roofs which will be conditioned.

3.14. The applicant has produced drawings of ventilation of the café premises which is acceptable. Further details of these will be conditioned to ensure the method of extraction is appropriate and that the noise impacts are in line with BS4142:2014.

3.15. Due to the close proximity of neighbours the construction phase of the development, a Construction Method Statement would be conditioned requiring measures to be taken to minimise disruption to neighbours to be submitted and approved prior to the commencement of any works including demolition. This shall also include measures to ensure the works are carried out in such a way as to accommodate the Tricycle theatres performances, as far as is reasonable: it may prove that some disruption is unavoidable. The preliminary Construction Method Statement which has been submitted by the applicant suggests that amongst many other details that:

- A site Newsletter will be circulated to inform neighbours of all major works, timing etc. and to keep neighbours informed of progress.
- Works that will cause noise and vibration such as piling will be restricted to times that will not affect performances at the Theatre. In particular no such works will take place on Wednesday, Thursday or Friday afternoons (2.00pm onwards). No works will take place after 5.30pm or on Saturday afternoons, or on Sundays or Bank Holidays.

Summary of impact on living conditions

3.16. The previous reasons for refusal were based on detrimental affects on outlooks to the proposal. Whilst your officers acknowledge that this development will have an effect on the living conditions of the occupants of those flats, it is not to the extent that their living conditions would become unacceptable. Significant weight has been given to the dense nature of the built environment in this location.

4. Standard of Accommodation:

4.1. Your officers are satisfied that the proposal would offer an acceptable standard of accommodation for future occupants. The proposal is for 7x one bedroom flats. The sizes of these units are below;

Flat 1 - 1 st 1B/2P Flat	56.0 sqm with 5.4sqm terrace
Flat 2 - 1 st 1B/2P	55.1sqm with 17sqm terrace
Flat 3 - 2 nd 1B/2P	51.5 sqm with 5.4sqm terrace
Flat 4 - 2 nd 1B/2P	55.1 sqm with 5.8sqm terrace
Flat 5 - 3 rd 1B/2P	51.5 sqm with 5.4sqm terrace
Flat 6 - 3 rd 1B/2P	55.1 sqm with 5.8sqm terrace
Flat 7 - 4 th 1B/2P	68.3 with 22 sqm terrace

4.2. The sizes of the units as demonstrated above are all slightly larger than London Plan/National Housing Standards. All habitable rooms have outlooks either to the front or rear and have large aluminium glazed windows which will allow ample light across all floors. Whilst they are single aspect units, it must be stressed that this is an dense urban location and all of the flats are either East or West facing and will be getting either the morning or evening sun.

4.3. The floor to ceiling heights of the proposals are at least 2.5m across all floors.

4.4. As per the National Housing Standards, there is ample storage space in the flats.

4.5. The residential density for the site (without the commercial unit) is 250 units per ha and 500 habitable rooms per HA This is within the suggested reimits of an urban location with a PTAL rating of 6.

5. Transportation Impact:

5.1. Kilburn High Road is a major London Distributor Road and bus route and parking/stopping to the frontage is prohibited at all times due to the proximity of a pedestrian crossing. The site is in a highly accessible to public transport (PTAL 6a). No vehicular access or parking is proposed as part of the scheme and a Car Free Scheme is supported. Car parking allowances for the existing and proposed uses on this site are set out in standards PS9 and PS13 of Brent's UDP (2004).

5.2. An A3 use exists currently and terms of servicing, standard PS20 requires the proposed café to be serviced by transit sized vans. No off-street servicing provision is proposed within the site and to provide any would in practical terms be impossible, given the absence of any vehicular access to the rear. The nearest kerbside space available for off-peak loading being about 20m north of the premises. However, the proposed café is no larger than the existing premises and as such existing servicing shortcomings would not be worsened by this proposal and it would be inappropriate to retrospectively insist on servicing arrangements given the use is able to continue without planning permission.

5.3. Your officers are alive to concerns with regards to the potential impact of construction works, especially deliveries, on the safety of the highway and pedestrians. To that end, should Members be minded to grant consent, your officers propose a condition be added requiring the submission and approval of a Construction Logistics Plan prior to commencement of any works including demolition.

6. Other

6.1. A bin store and cycle store is shown on the ground floor; further clarification would be needed with regards to the capacity of these however this could be dealt with by condition as there is ample storage room for 7 flats on the ground floor. With small scale developments on major routes such as Kilburn High Road, residents who live above commercial premises are entitled to place their waste out along with the commercial waste as per the prescribed times below.

6.2. With regards to the Commercial arrangements, collection times on Kilburn High Road are twice daily between 7.00am and 8.00am and 7.00pm and 8.00pm. The Commercial unit will be required to keep waste within their premises until just before these times and then bags are placed on the street. This is the same arrangement for every commercial unit along Kilburn High Road.

6.3. The neighbouring property (Tricycle Theatre) suggests that the development would restrict their future expansion plans. Officers feel that the development has been designed to allow for future development by 269 KHR. There are no side facing windows to compromise expansion and it would be unreasonable to suggest that the rear facing windows/balconies could affect development to the rear.

6.4. Any proposed expansion of the medical centre should not be affected as there are no habitable room windows on the side elevations.

Conclusion:

Your officers recommend approval of this scheme, subject to a number of conditions particularly in relation to mitigating the potential harm to neighbours and the highway network of the construction works. The proposed building is of an appropriate scale and design for the location and its scale and massing would not result in unacceptable harm to the living conditions of neighbouring occupants nor to the operation, current or future, of the neighbouring uses. Significant weight is given to the provision of seven residential units in a sustainable location which would also serve to enhance the vitality of this town centre location.

CIL DETAILS

This application is liable to pay **£122,752.20*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible** floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 756 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Restaurants and cafes	184	152	32	£40.00	£35.00	£1,571.43	£1,375.00
Dwelling houses	572	157	415	£200.00	£35.15	£101,897.32	£17,908.45

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	275	
Total chargeable amount	£103,468.75	£19,283.45

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

****Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.



Brent

DECISION NOTICE – APPROVAL

Application No: 15/3695

To: Mr OHara
ROH Architects
25-29 Lonsdale Road
London
NW6 6RA

I refer to your application dated 25/08/2015 proposing the following:
Demolition of existing building and erection of a part four, part five storey building comprising an A3 unit (restaurant/cafe) on the ground floor and 7x self-contained flats (7 x 1 bed) on the upper floors with associated bin and cycle storage
and accompanied by plans or documents listed here:
See condition 2
at 271-273 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:

Signature:

Head of Planning, Planning and Regeneration

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.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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

Built Environment: in terms of the protection and enhancement of the environment

Housing: in terms of protecting residential amenities and guiding new development

- 1 The areas so designated within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works with the exception of demolition workse. The landscape works shall be completed in accordance with the approved details prior to the occupation if the building and shall be retained for the lifetime of the Development.

Any planting that is part of the approved scheme that within a period of *five* years after completion 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 to ensure that it enhances the visual amenity of the area.

- 2 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.

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

P100 P8 Ground Floor Plan

P101 P6 First Floor Plan

P102 P5 Second Floor Plan

P103 P5 Third Floor Plan

P104 P5 Fourth Floor Plan

P301 P6 Front Elevation

P302 P7 Rear Elevation

P303 P7 NW Elevation

P304 P5 SE Elevation

P201 P2 Section

P-Screen

CGI Front

CGI Rear

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

- 4 Prior to first occupation of the residential units hereby approved, an assessment of the noise level from any installed plant (such as ventilation/extraction systems) together with any associated ducting, achieving 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises, shall be undertaken and submitted to the Local Planning Authority for approval. The method of assessment shall be carried out in accordance

with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. If the predicted noise levels of the plant exceed those specified within this condition, then a scheme of insulation works to mitigate the noise shall be included. The recommendations provided within the noise assessment together with any required mitigation measures shall be carried out in full accordance with the approved details prior to first use of the plant equipment hereby approved.

Reason: To protect that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

- 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 and a plaque in the entrance lobby to the development. 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 The sedum roof(s) as detailed in the approved plans shall not be accessed unless for maintenance reasons.

Reason: For the safety of future occupants and to safeguard neighbouring amenity

- 7 No works at all shall commence on site until a Construction Management Plan (CMP) have been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of measures to mitigate the impact of the demolition, construction and all associated works on noise, vibration and air quality for sensitive receptors including:

- (i) Management: Appointment of a Construction Liaison Officer to take primary responsibility for day-to-day contact on environmental matters for the borough, other external bodies (Tricycle Theatre) and the general public.
- (ii) Working Hours: works will be restricted Monday to Friday 08:00 to 17:30 hours, Saturday 08:00 to 12:00 hours, with no working on Sundays or Bank Holidays to no works which would result in noise or vibration will be carried when performances are held at the Tricycle Theatre and in particular no such works will be carried out after 14:00 Wednesday to Friday.
- (iv) Equipment: The use of quieter alternative methods, plant and/or equipment, where reasonably practicable.
- (v) Screening: The use of site hoardings, enclosures, portable screens and/or screening noisier items of plant from NSRs, where reasonably practicable.
- (vi) Location: Positioning plant, equipment, site offices, storage areas and worksites away from NSRs, where reasonably practicable.
- (vii) Maintenance: Maintaining and operating all vehicles, plant and equipment in an appropriate manner, to ensure that extraneous noise from mechanical vibration, creaking and squeaking is kept to a minimum.
- (viii) Piling: Ensuring that piling is undertaken using most appropriate technique such as CFA as opposed to driven piles, with minimal noise and vibration generation in mind. The piling method will be agreed in conjunction with local planning authority, prior to work commencing.
- (ix) BS 5228-1 indicates that between 10 and 20dB attenuation may be achieved during the construction phase by selecting the most appropriate plant and equipment and enclosing and/or screening noisier items of plant or equipment.
- (x) Site Planning: Erect solid barriers to site boundary; no bonfires; machinery and dust causing activities located away from sensitive receptors; training and management; hard surface site haul routes.
- (xi) Construction Traffic: vehicles to switch off engines; vehicle cleaning and specific fixed

wheel washing on leaving site and damping down of haul routes; all loads entering and leaving site to be covered; ensure no site runoff of water or mud; all non-road mobile machinery to be fitted with appropriate exhaust after-treatment; on-road vehicles to comply with the requirements of a possible future LEZ as a minimum; minimise movement of construction traffic around site.

- (xii) Demolition: use water as dust suppressant; use enclosed chutes and covered skips; and wrap buildings to be demolished.
- (xiii) Site Activities: minimise dust generating activities ensuring that any crushing and screening machinery is located well within the site boundary; use water as dust suppressant where applicable; enclose stockpiles or keep them securely sheeted; if applicable, ensure concrete crusher or concrete batcher has a permit to operate

The development shall be carried out strictly in accordance with the agreed details.

Reason: To minimise the noise and air quality impact of the demolition and construction works on sensitive receptors and to ensure 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.

- 8 No works shall commence, including any works of demolition or site clearance, until a Construction Logistics Plan (CLP) has been submitted to, and approved in writing by, the local planning authority. The approved CLP shall be adhered to throughout the construction period. The CLP, which shall be accompanied by a site layout plan showing the following elements, shall include details of:

- (i) the construction vehicle access;
- (ii) timing of deliveries (to avoid peak hours and to comply with local road restrictions)
- (iii) and the control of traffic entering the site;
- (iv) the parking of vehicles of site operatives and visitors;
- (v) loading and unloading of plant and materials;
- (vi) storage of plant and materials used in constructing the development;
- (vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (viii) wheel washing facilities to be installed prior to commencement of any works;

Reason: In the interests of the amenity of adjoining occupants and the interests of the free flow of traffic and highway and pedestrian safety, to ensure the footway and carriageway is not blocked during the works and in the interests of local Air Quality Management Area objectives.

- 9 Notwithstanding the plans hereby approved, the development shall not be occupied until further details of cycle and refuse storage are submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved plans. Such facilities shall be retained for the lifetime of the development.

Reason;- To ensure an adequate amount of refuse and cycle spaces are available for future occupants

- 10 The hours of operation for the ground floor A3 use (Cafe) shall be from 07.00- 23.00 Monday-Sat and 8.00-22.00 on Sunday/Bank Hols.

Reason: To safeguard neighbouring residential amenity above.

- 11 Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced with the exception of demolition work. The Development 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.

- 12 Notwithstanding the approved plans, details of the ventilation and extract system for the

commercial unit - including any internal and external ducting - shall be submitted and approved in writing prior to their installation by the Local Planning Authority.

Reason: To safeguard neighbouring amenity

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 must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 3 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.

Any person wishing to inspect the above papers should contact Robert Reeds, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 6726