

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

13 September, 2017

17/1139

SITE INFORMATION

RECEIVED	13 March, 2017
WARD	Queens Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	Garages rear of 39 Keslake Road, Peploe Road, London
PROPOSAL	Demolition of four existing garages and erection of a 4 bedroom dwellinghouse set at ground and basement level, with associated on-street car parking, cycle parking, bin stores, landscaping and amenity space
APPLICANT	Queens Park Developments
CONTACT	Maven Plan Limited
PLAN NO'S	Please see condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>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_133170</p> <p><u>When viewing this as an Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "17/1139" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time limit
2. Carry out the development in accordance with the approved plans
3. Proposed materials to be submitted and approved by the council
4. Condition regarding the parking on the road
5. Junction details to be submitted and approved by the council
6. Details of rainwater runoff and drainage details to be submitted and approved by the council

Any other conditions considered necessary by the Head of Planning

Informatives

1. Party Wall
2. Draw the Applicant's attention to the CIL liability
3. Reference to elements that are covered through separate legislation.
4. Reference to elements that are covered through separate legislation.
5. Reference to elements that are covered through separate legislation.
6. Reference to elements that are covered through separate legislation.
7. Reference to elements that are covered through separate legislation.
8. Reference to elements that are covered through separate legislation.

Any other informatives considered necessary by the Head of Planning

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That the Committee confirms that it has paid special attention to the desirability of preserving or enhancing the character and appearance of the Queen's Park Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

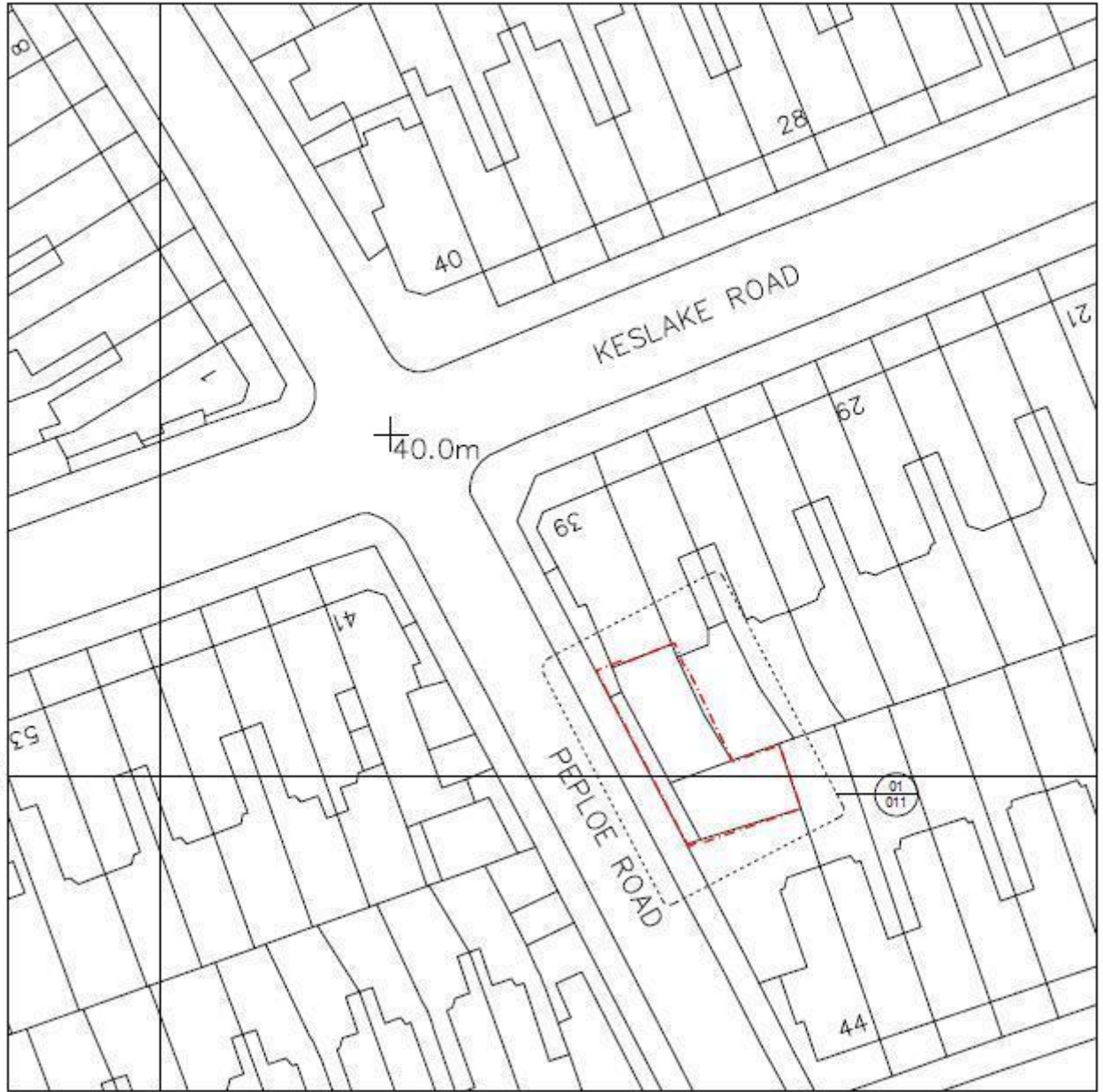
SITE MAP



Planning Committee Map

Site address: Garages rear of 39 Keslake Road, Peploe Road, London

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map is indicative only.

PROPOSAL IN DETAIL

This application seeks planning permission for the demolition of four existing garages and erection of a four bedroom dwellinghouse set at ground and basement level, with associated car and cycle parking spaces, bin stores, landscaping and amenity space

EXISTING

The application site is four single storey garages that are located on Peploe Road to the rear of Keslake Road and Kempe Road. It does not contain a listed building however it is located within the Queens Park Conservation Area.

SUMMARY OF KEY ISSUES

There is a recent appeal on the site (16/0440) that was determined on 28 December 2016. This sought consent to demolish the existing garages and replace it with a dwelling of a similar design as what is being proposed. It was approximately 1.1m taller than the current application and the appeal was dismissed due to the height, bulk and mass and the impact this would have upon the conservation area and living conditions of number 44 Kempe Road. Therefore the key issues for this application are the impact the proposed dwelling would have upon:

1. the character and appearance of the site and surrounding area:

The Inspector accepted the overall design, however found the bulk, massing and height to be harmful to the character and appearance of the site and conservation area. This has been addressed by reducing the height.

2. the living conditions of neighbours

The Inspector accepted the impact on all neighbours except those at 44 Kempe Road. This has been addressed by reducing the height.

RELEVANT SITE HISTORY

16/0440 – Dismissed at appeal

Demolition of four existing garages and erection of a 4 bedroom dwellinghouse set at ground and basement level, with associated car and cycle parking spaces, bin stores, landscaping and amenity space

15/2562 – Dismissed at appeal

Demolition of four existing garages and erection of a 4 bedroom dwellinghouse set at ground and basement level, with associated car and cycle parking spaces, bin stores, landscaping and amenity space

05/1752 – GTD

Details pursuant to condition 3 (materials) of full planning permission reference 04/2906 dated 10 December 2004 for proposed extension to existing garages and boundary wall and the provision of entrance doors and accompanied by Letter dated 29 April 2005, Yellow Stock Brick and Roof Slate.

04/2906 – GTD

Proposed extension to existing garages and boundary wall and the provision of entrance doors.

97/2464 – ALW

Proposed extension to existing garages and boundary wall, provision of entrance doors

97/0503 – REF

Extension of existing garage and boundary walls and provision of entrance doors

CONSULTATIONS

Neighbour publicity

In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the application was publicised by serving the notice on the adjoining owners or occupiers on 12/04/2017

Overall 57 letters of representation have been received but a number were from the same person. There were 34 individual letters, 11 of which were anonymous, 2 from Ward Councillors, 1 from the Queen's Park Residents Association and 20 from neighbouring properties. Two of the above objections have not confirmed their postal addresses within the consultation section and these along with the other representations raised the following material planning considerations:

Ward Councillors

It is larger than the neighbouring garages, that it would have a significantly negative impact and is out of place for the area.	Paragraph 3.1 onwards
The height and it being a 2 storey development.	Character and appearance is covered in paragraph 3.1 onwards. The impact upon living conditions is referenced in paragraph 4.1 onwards.
The construction works associated with a basement and the disruption this would cause	These are not material planning considerations. They are covered through separate legislation such as Building Control legislation and Environmental Health legislation. A number of informatives have been added to draw the applicant's attention to their responsibilities under other legislation.

Resident Association

Supported the views raised by neighbouring properties	See table below:
It is contrary to the design and development principles as set out in the Queen's Park Design Guide.	Paragraph 3.1 onwards

Other representations

Impact of the design and scale of development on the character of the conservation area	Paragraph 3.1 onwards
Principle and depth of basement setting a precedent and causing structural damage	Paragraph 2.1 onwards
Impact on highway safety and parking	Paragraph 1.5 and 6.1 onwards
Standard of accommodation for future occupants of the dwelling	Paragraph 5.1 onwards
Impact on living conditions of neighbouring occupants	Paragraph 4.1 onwards

Lack of storage for refuse and recycling	Paragraph 6.6

Concerns were also raised over works not being completed and the neighbour having not carried out their own consultation. These are not material planning considerations.

Other notifications

The following were notified regarding this application on 12/04/2017:

Queens Park Residents' Association - object, see above

Transportation officer - raise no objection subject to condition

Heritage officer - raise no objection subject to condition

Site Notice

A notice advertising the proposal was displayed outside the property from 16/05/2017 for a period of not less than 21 days.

Press Notice

A notice advertising the proposal was placed in the local press on 18/05/2017

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011).

The following are also relevant material considerations:

- s72 of the Planning (Listed Building and Conservation Areas) Act 1990
- The National Planning Policy Framework (2012)
- Housing SPG 2016
- SPG17: Design guide for new developments
- Queen's Park Design Guide
- Basements SPD

The following policies of the DMP DPD are of particular relevance:

DMP1 Development Management General Policy

DMP7 Historic environment

DMP12 Parking

DMP17 Conversion of Family Sized Dwellings

DMP18 Dwelling Size and Residential Outbuildings

DMP19 Residential Amenity Space

DETAILED CONSIDERATIONS

1 Introduction

1.1 The planning history of the site should be given appropriate weight when determining the current application. Like the current scheme, previous applications sought to replace the existing garages with a house and basement. These schemes were larger than this proposal and the latest application (16/0440) was refused by Brent for the following reasons:

1. *The proposal, by reason of its excessive height, bulk and mass would result in an over dominant, obtrusive and bulky addition to the streetscene to the detriment of the character of the street and conservation area. In addition to this the elevational treatment of the front of the building does not exhibit a satisfactory quality of design due to its repetitive façade, the materials used and front entrance which would fail to relate to its surroundings. As such the design fails to preserve or enhance the character of the street and Conservation Area in general, contrary to Policies BE2, BE7, BE9 and BE25 of Brent's adopted UDP 2004, the Queens Park Conservation Area Design Guide and SPG17 Design Guide for New Development and the NPPF (2012).*

2. *The proposal, by reason of its excessive height, bulk and mass would result in an unduly detrimental loss of outlook, overbearing impact and unacceptable sense of enclosure to the adjoining properties and their gardens at No. 37 and 39 Keslake Road and No. 42 and 44 Kempe Road, to the detriment of the amenities of occupiers of these properties. The proposal is therefore contrary to policy CP17 of Brent's Core Strategy 2010 and policies BE2 and BE9 of Brent's Unitary Development Plan 2004.*
 3. *The proposal will lead to an increase in demand for on-street parking in an area of existing high demand and be likely to lead to congestion on the adjacent highway, detrimental to the free-flow of traffic, vehicular and pedestrian safety contrary to policies TRN3 & TRN23 and parking standards PS14 of the Unitary Development Plan (2004).*
- 1.2 The decision was appealed and dismissed on 28 December 2016 for the following reasons:
1. *the impact it would have upon the character and appearance of the site and conservation area*
 2. *the impact it would have upon the living conditions of the adjacent occupiers.*
- 1.3 The current application differs in terms of the external design and height in comparison to the previously refused application.
- 1.4 Although the appeal was dismissed, paragraph 8 of the Inspector's report stated that the height and form of the garages were proportionate to their setting but they are of little architectural merit. This appeal decision also accepts the principle of a dwelling in this location.
- 1.5 Further, the Inspector reviewed the impact upon parking and highway safety and concluded that two additional parking spaces could be created through this re-development and that any harm could be controlled through an appropriately worded condition. Therefore, subject to a condition, the scheme would not have caused harm in terms of parking or highway safety.
- 1.6 This are significant material considerations which are given substantial weight.

2 Principle

- 2.1 The redevelopment of the site for residential use is supported by the Development Plan and is acceptable in principle.
- 2.2 As the garages were previously used for commercial purposes and not associated with the nearby residential units the proposal for a residential unit is acceptable in principle. Core Strategy Objective 7 – 'Housing needs' seeks to achieve a target of housing growth to meet a need of 11,200 additional homes provided in the period from 2007/08 to 2016/17 ensuring that at least 25% of all new homes built in the borough are family sized (3 bed or more). As the proposal seeks to construct a four bed unit it would comply with Objective 7 and would fulfil a housing need.

3 Character and appearance

- 3.1 The design, bulk and scale of the proposal is acceptable. In reaching this conclusion, significant weight is given to paragraph 132 of the NPPF in respect of conservation of heritage assest and the Council's duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (P(LB&CA)A 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Great weight is also given to the Inspector's conclusions.
- 3.2 The design is similar to the previous scheme. The proposal has kept the clerestory windows, the decorative brick work and the vaulted roof that has been broken up into sections. The Inspector for 16/0440 accepted these elements, noting that the decorative brickwork would reflect some of the detail that is characteristic of the properties in the surrounding area, and was of the opinion that the proposed materials were of an acceptable quality. The Inspector concluded that the detailed design of the front elevation would preserve the character and appearance of the conservation area (paragraph 15 of the Inspectors report). This is due

significant weight.

- 3.3 The overall height of the dwelling has reduced by approximately 1.1m. The new roof of the proposed dwelling would be level with the height of the existing parapet, below the height of the existing railing and approximately 0.9m higher than the existing eaves. Only the new roofline would project above the existing parapet wall. This reduction is considered significant and would allow greater views of the rear of the properties on both Keslake and Kempe Road which is an important part of the character and appearance of the conservation area.
- 3.4 The proposal would therefore not appear as bulky as what was previously proposed and it is now considered that it would preserve the character and appearance of the site and conservation area.

4 Impact upon living conditions

- 4.1 The proposal would have an acceptable impact on the living conditions of neighbouring residents.
- 4.2 The Inspector concluded the previous larger, higher proposal on the site would have an acceptable impact upon 37 and 39 Keslake Road and 42 Kempe Road but raised issue with the impact upon 44 Kempe Road. The Inspector concluded that the overall height and massing of the proposed building on the boundary of 44 Kempe Road would cause harm to the living conditions of this neighbouring property. This conclusion is given significant weight.
- 4.3 To overcome this objection, the relevant part of the proposal has been altered and would now project 0.3m above the boundary wall. For comparison, the previous scheme projected approximately 0.9m above this wall. This reduction along with the overall reduction in height has helped to limit the impact upon 44 Kempe Road and the scheme would no longer create a harmful sense of enclosure to the neighbour's garden area. The reduction in height and bulk has also helped reduce the impact upon adjacent windows/doors.
- 4.4 The current proposal has therefore overcome officer's previous concerns and would no longer cause harm in terms of outlook. The scheme therefore would not materially harm the living conditions of the adjacent occupiers.

5 Standard of accommodation

- 5.1 The standard of accommodation offered would be acceptable.
- 5.2 Policy DMP 18 require two storey houses consisting of a four bed six person house to have a minimum GIA of 106 sqm. The proposal exceeds this and would have a GIA of approximately 170 sqm. Outlook from and light to the property would be acceptable.
- 5.3 DMP 19 requires family housing to have a minimum of 50 sqm of private amenity space. The proposal would see the creation of two separate courtyards to the rear of the property which would provide 41 sqm of private space when combined together. The proposed amenity space is below the required amount which can in some cases be offset by larger internal areas and high quality design. In this case the proposed dwellinghouse is considerably above the minimum GIA required and as such the amount of amenity space is acceptable.

6 Parking and servicing

- 6.1 The parking and servicing provisions are acceptable.
- 6.2 Car parking allowances for residential use are set out in Appendix 1 of the Development Management Policies DPD (2016). As the site has good access to public transport services and is located within a Controlled Parking Zone, a reduced allowance of 1.2 spaces per 4+ bedroom property applies.
- 6.3 Four existing garages at the rear of 39 Keslake Road and 44 Kempe Road are proposed to be removed to facilitate this development. Both adjoining properties are currently subdivided into two flats, so the overall parking standard for the two sites currently totals 2.8 spaces (assuming each flat contains one or two bedrooms). The existing garages would therefore

provide parking beyond the maximum allowance for these properties. However, it is understood that they were most recently in use for parking hearses for a nearby undertaker anyway, rather than being available to residents of these properties.

- 6.4 The car parking allowance for the proposed new dwelling would be 1.2 spaces and with no off-street parking space indicated within the site, standards would be complied with. Consideration also needs to be given to the impact of this proposal on on-street parking conditions in the area though. In this regard, the removal of all vehicular access to the site would allow the existing 16m wide crossover to be removed and reinstated to footway. This would in turn allow the provision of two on-street bays, as per the proposed plans. In this way, the increased demand for on-street parking arising from the loss of the garages for the adjoining flats (who probably already park on-street as the garages have instead been used for commercial purposes) and from the new house can be satisfactorily mitigated.
- 6.5 The need for these works has been accepted by the applicant and a condition is sought requiring that the cost of the reinstatement of the crossover to footway and amendments to on-street parking bays is met by the developer prior to occupation of the development.
- 6.6 A storage room has been indicated for refuse bins and two bicycles at the front of the building, thus complying with Brent's standards. This would provide adequate shelter and security for bicycles and the doors to the store have now been amended to slide open sideways, thus addressing previous concerns regarding opening of doors over the public highway. A condition will require this be provided prior to occupation of the dwellinghouse.
- 6.7 Therefore subject to a conditions there would be no material harm on transportation grounds arising from this scheme.

7 Summary

- 7.1 The planning history on the site is a material planning consideration and as the Inspector's decision on 16/0440 is recent, it is afforded significant weight. This application addresses the Inspector's conclusions in terms of harm by reducing the height and bulk of the development so that its effect on the character and appearance of the conservation area and on the living conditions of the occupants of 44 Kempe Road would now be acceptable.
- 7.2 The scheme has therefore overcome the previous objections and would now be in compliance with DMP Policies such as DMP Policies DMP1, DMP7, DMP12, DMP16, DMP17 and DMP19, having regard to paragraph 132 of the NPPF and S72 of the P(LB&CA)A 1990. It is also in compliance with the criteria as set out in the London Plan as well as the Queen's Park Design Guide.

CIL DETAILS

This application is liable to pay **£52,841.57*** 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): 176 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
Dwelling houses	176	0	176	£200.00	£35.15	£44,942.86	£7,898.71

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)	286	
Total chargeable amount	£44,942.86	£7,898.71

*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.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 17/1139

To: Mr Sutton
Maven Plan Limited
Unit 303A Riverbank House
1 Putney Bridge Approach
Fulham
London
SW6 3JD

I refer to your application dated **13/03/2017** proposing the following:

Demolition of four existing garages and erection of a 4 bedroom dwellinghouse set at ground and basement level, with associated on-street car parking, cycle parking, bin stores, landscaping and amenity space

and accompanied by plans or documents listed here:
Please see condition 2

at **Garages rear of 39 Keslake Road, Peploe Road, London**

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: 05/09/2017

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.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with the:-
National Planning Policy Framework
London Plan (March 2016)
Brent LDF Core Strategy 2010
Brent Local Plan Development Management Policies 2016
Council's Supplementary Planning Guidance 17 - Design Guide for New Development
Council's Supplementary Planning Document - Basements

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

065-X-001 – Existing block plan,
065-X-011 – Existing ground floor plan,
065-X-012 – Existing roof plan,
065-X-101 – Existing sections AA&BB,
065-X-102 – Existing Section CC,
065-X-201 – Existing elevations A&B,
065-X-202 – Existing elevations C,
065-A-010 – Proposed lower ground floor plan,
065-A-011 – Proposed upper ground floor plan,
065-A-012 – Proposed roof plan,
065-A-101 – Proposed sections AA & BB,
065-A-102 – Proposed Section CC,
065-A-201 – Proposed elevations A&B,
065-A-202 – Proposed elevations C&D,
065-A-203 – Proposed elevations courtyard 1&2,
065-A-201 – Proposed elevation A without levels

Reason: For the avoidance of doubt and in the interests of proper planning. Also for confirmation, the height of the eaves of the new building should be no higher than the adjacent property.

- 3 The development shall not be occupied unless the following highways works have first been carried out at the developers expense;
 - (i) the reinstatement of the existing crossover back to footway and
 - (ii) the provision of two new on street car parking bays as per drawing 065-A-011 with all associated changes to line marking and associated Traffic Regulation Order costs.
The development shall not be occupied until all associated highway works have been completed to the satisfaction of the Local Highway Authority.

An informative is recommended, advising the applicant to contact the Head of Highways & Infrastructure to arrange for the various crossover works to be undertaken.

- 4 The bin and cycle store shown on drawing 065-A-011 shall be implemented prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

- 5 No works, with the exception of demolition works, shall be undertaken until full details of rainwater drainage/run off (i.e. down pipes, waste water pipes, branch pipes, flues) or other such installations shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: To preserve the character of the building and the appearance of the conservation area.

- 6 No works, except demolition works, shall be undertaken until full details (at scale 1:10, and sections, as appropriate) of the following shall be submitted to and approved in writing by the local planning authority.

- (i) The junctions with the existing boundary walls around the site.
- (ii) The relationship between the glazed clerestory and the wall below and roof structure.

The works shall be carried out in accordance with the approved details prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: To ensure a high quality design and to protect the character of the building and the visual amenity of the area

- 7 No works shall be undertaken until full details of all facing materials (to include a specification, brickwork bonding and mortar) shall be submitted to and approved and approved on site by the local authority. The works shall be carried out in accordance with the approved details prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: To ensure a high quality design and to protect the character of the building and the visual amenity of the area.

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

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

- 4 **LICENCES**

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

5 HIGHWAYS

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

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

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

6 NOISE

The applicant is advised that noise and vibration is controlled by the Control of Pollution Act 1974 and statutory nuisance provisions contained within the Environmental Protection Act 1990 and the British Standard Codes of practice 5228:1997 Parts 1 to 4. Key issues relating to noise from construction sites include: (i) prior consent may be sought from the Council relating to noise from construction activities (s.61 of COPA 1974); (ii) if no prior consent is sought, the Authority may serve a notice on the site/works, setting conditions of permitted work (s.60 of COPA 1974); (iii) an action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or notice (s.82 of the EPA 1990). In particular, the normal hours of work shall be between the following hours:

Monday to Friday - 08.00 to 18.30

Saturdays – 08.00 to 13.00

Sundays and Bank Holidays – No noisy works at all

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

7 VIBRATION

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

8 AIR QUALITY

The applicant is advised that the Environmental Act 1995, Clean Air Act 1993, the Health and

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

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