

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

24 October, 2023
04
23/1425

SITE INFORMATION

RECEIVED	21 April, 2023
WARD	Queens Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	9 Summerfield Avenue, London, NW6 6JT
PROPOSAL	Proposed creation of basement level with front lightwell, single storey wraparound rear extension with internal courtyard and rear patio, loft conversion with rear dormer and 1 front rooflight, replacement of ground and first floor front windows, new front boundary treatment and associated landscaping
PLAN NO'S	See Conditon 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_164549</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 "23/1425" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

Conditions

1. Three year commencement rule
2. In accordance with approved plans
3. Materials in accordance with approved plans
4. Details of landscaping to be submitted and approved
5. Rooflights to be flush with the roof covering

Informatives

1. CIL liability
2. Party Wall Act
3. Building Near Boundary
4. Structural integrity
5. Noise
6. Licenses
7. Highways
8. Vibration
9. Air quality
10. Trees

As set out within the draft decision notice

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.

SITE MAP

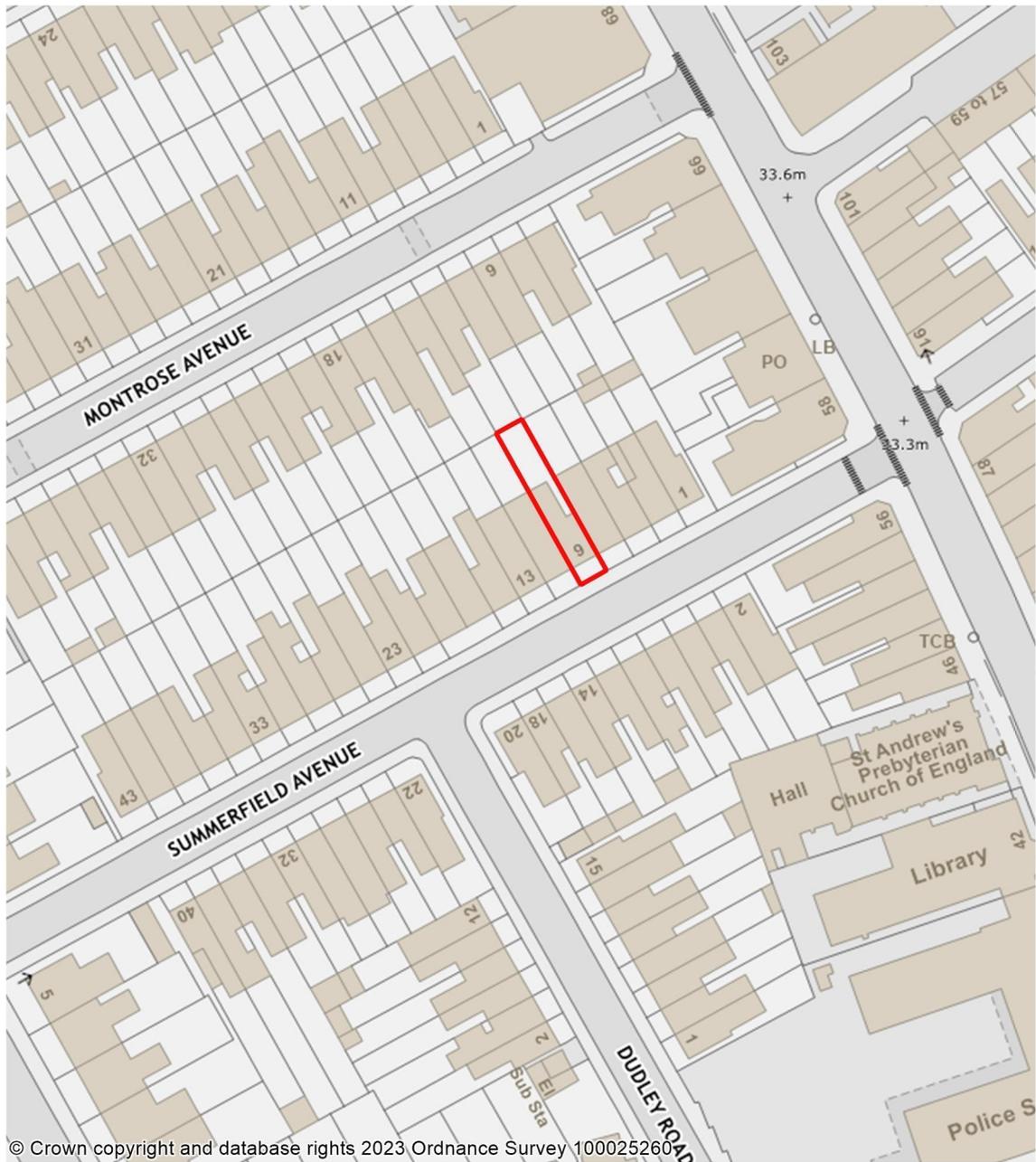


Brent

Planning Committee Map

Site address: 9 Summerfield Avenue, London, NW6 6JT

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This map is indicative only.

PROPOSAL IN DETAIL

The application is seeking planning permission for the creation of a basement which covers the entire width of the building and projects 3m beyond the existing outrigger, a single storey wraparound extension which infills the lightwell also creating an internal courtyard and projecting 3m beyond the rear of the outrigger and a rear dormer which is less than two thirds of the width of the dwelling is proposed on the rear roofslope.

Changes to the fenestration to include one new front rooflight, replacement of ground and first floor front windows are also proposed as well as a new front boundary treatment and landscaping.

Amendments were provided during the course of the application to clarify details such as materials, boundary treatments, rain gutter details and landscaping. These amendments did not fundamentally or materially alter what was being proposed and therefore further consultation was not necessary.

EXISTING

The application site is a two-storey, terraced property located on the northern side of Summerfield Avenue. It is located within the Queens Park Conservation Area and subject to an Article 4 Direction.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

Representations Received: Representations were received from 2 objectors. A number of issues were raised including the scale of the development, impact on sustainability and noise and disruption. 3 Councillors have objected to the application and requested that it is called-in to be determined by the Planning Committee. The objections are summarised in more detail below and discussed in the report.

Residential amenity: The proposal would not result in a significant impact on the residential amenities of neighbouring occupiers in terms of noise and disturbance, daylight and sunlight. This is discussed in more detail in the report.

Design and appearance: The proposal is considered to represent a good standard of design within the site and would not result in harmful impact on the character and appearance of the building or the significance of the conservation area.

RELEVANT SITE HISTORY

22/1677 - Conversion of two, self-contained flats to a single dwellinghouse - Granted

CONSULTATIONS

11 properties within the vicinity of the site were notified by letter of this proposal together with the Queens Park Residents Association for a 21 day period on 02/05/2023. A site notice was displayed close to the site on 24/05/2023 and a notice was published in the press on 11/05/2023.

Councillors Nerva, Southwood and Crabb objected to the application and requested that it is determined by the Planning Committee.

Two neighbour objections (one from Cllr Crabb) and an objection from Queens Park Residents Association were received raising the issues as discussed below.

Nature of Objection	Officer Response
The plans represent excessive over expansion of the existing dwelling and the proposal is out of keeping with the Conservation Area.	The scale of the proposal is assessed in details in the ' <u>Design, Character and Impact on the Queens Park Conservation Area</u> ' section below.
The basement covers far beyond the building envelope.	The extent of the basement is in accordance with Brent's Basement SPD.
The shrunken garden space will have a negative environmental impact in terms of greenspace/wildlife.	The gardens are large and the scale of the development would not significantly encroach and it is not deemed to have an unacceptable environmental impact.
Excessive noise and light pollution as a result of the extension.	The scale of the development is not deemed to be over and above what is acceptable in a residential area.

POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the
 London Plan 2021
 Brent Local Plan 2019-2041

Key policies include:

London Plan (2021)

- D1: London's form, character and capacity for growth
- D4: Delivering Good Design
- D6: Housing quality and standard
- D10: Basement development
- HC1: Heritage conservation and growth

G5: Urban Greening
G6: Biodiversity and Access to Nature
G7: Trees and Woodlands
SI 13: Sustainable Drainage
D12: Fire Safety

Brent Local Plan (2019-2041)

DMP1: Development Management General Policy
BD1: Leading the Way in Good Urban Design
BD3: Basement Development
BHC1: Brent's Heritage Assets
BH13: Residential Amenity Space
BG11: Green and Blue Infrastructure
BG12: Trees and Woodlands
BSUI4: On Site Water Management and Surface Water Attenuation

Other material considerations

The following are also relevant material considerations:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance
- Supplementary Planning Guidance / Documents:
 - The Queens Park Conservation Area Design Guide
 - SPD2 - Residential Extensions and Alterations
 - Brents Basements Supplementary Planning Document

DETAILED CONSIDERATIONS

Planning History Background

1. Application 22/1677 approved the reversion of the building from two flats to a single dwellinghouse. The application would alter the property based on it being a single dwellinghouse.

Design, Character and Impact on the Queens Park Conservation Area

2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("Listed Buildings Act") confirm that special attention shall be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (s.66) and preserving or enhancing the character or appearance of that area (s.72). As confirmed by the Court of Appeal (Civil Division), the decision in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137 confirmed that where an authority finds that a development proposal would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm "*considerable importance and weight*". Further case law has reconfirmed the *Barnwell* decision and the considerations to be undertaken by a planning authority: *The Forge Field Society & Ors, R v Sevenoaks District Council* [2014] EWHC 1895 (Admin), *Pugh v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin).

3. Section 16 of the NPPF ("Conserving and enhancing the historic environment") (paras.

189 to 193) advises Local Planning Authorities to recognise heritage assets as an "irreplaceable resource" and to "conserve them in a manner appropriate to their significance" (para.189). In determining applications, LPA's are advised at para.197 take into account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

4. When considering the impact of a proposed development on the significance of a designated heritage asset, it is advised at para.199 that *"great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. Consent should be refused where there is substantial harm or total loss of significance, unless there are substantial public benefits that outweigh that harm or loss (NPPF, para.201). Where there is less than substantial harm, the harm is to be weighed against the public benefits of the proposal (NPPF, para.202) and with regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF, para.203). It is also advised at para.207 that not all elements of a Conservation Area will necessarily contribute to significance.

5. London Plan Policy HC1 ("Heritage, Conservation and Growth") advises what boroughs should do at a strategic level to identify, preserve, and enhance London's heritage assets. Policies DMP1 ("Development Management General Policy") and BHC1 ("Brent's Heritage Assets") confirms the statutory duty of the Council and provides some guidance on how to present and assess applications affecting heritage assets.

L-Shaped rear extensions

6. The proposed single storey L-shaped extension infills the gap beside the two storey outrigger and projects 3m beyond the rear wall of the outrigger. The extension will be a simple, wrap-around addition and due to its subservient, single storey nature, it would not appear prominent or out of place from surrounding vantage points. It is acknowledged that the proposed modern metal doors do not match the style of the glazing on the original house, but as the extension is not especially visible, being located to the rear of the building and are single storey only, the contrasting design would not harm the conservation area. It is considered that the extension is sufficiently modest and will be subordinate in nature allowing the outrigger to remain prominent therefore preserving this key characteristic of the dwelling.

7. This addition would partly comply with the requirements of the Design Guidance. It is noted that the Queen's Park Design Guide states that 'Extensions should not "wrap around" the back of the existing outrigger or be wider than the part of the building to which it is attached'. However, these additions are often acceptable and various similar extensions have been constructed. This approach was established following a number of appeal decisions which allowed for such extensions within the Queen's Park Conservation Area. Two appeal decisions in 2017, one for a wrap around to the three storey property in Harvist Road (17/0278 61A Harvist) and the other a two-storey property in Keslake (17/3164, 70 Keslake) set examples that were acceptable in the Conservation Area. In both instances the inspector considered that the form of the original building was maintained through the presence of the upper floors. It is also noted that there were other similar extensions allowed at appeal as far back as 2014. Therefore in subsequent decisions the view has been taken that there is justification for allowing such wraparound

extensions and the conflicting requirement of the Queens Park Design Guide has been relaxed. Aside from specific site circumstances such as return frontages these type of extensions are generally now deemed to be acceptable within Queens Park Conservation Area.

8. This is highlighted by a number of recent decisions on Summerfield Avenue for similar wraparound extensions:

22/3827 – 15 Summerfield Ave.

21/4584 – 12 Summerfield Ave.

21/4581 & 2/13164 – 14 Summerfield Ave.

21/1825 – 27 Summerfield Ave.

20/1438 – 5 Summerfield Ave.

Dormer

9. Rear dormers are not generally a characteristic of the Queens Park Conservation Area. However, the Queens Park Design Guide permits dormers which have a width of two thirds of the original roof plane and these can be acceptable provided they are carefully designed. Such dormers have been permitted elsewhere subject to the parameters set out in the Queens Park Design Guide as these are considered to preserve the Conservation Area in this respect.

10. The proposed dormer is located to the rear and therefore would not be visible from public vantage points. The dormer covers no more than two thirds of the width of the dwelling and is considered to be in keeping with the main building and would not cause harm to the conservation area. Other such dormers of a similar scale and form have been approved on Summerfield Avenue (5, 14 and 27 Summerfield Avenue) and in other locations within the Queens Park Conservation Area. During the course of the application further details were acquired and following these minor amendments, the design and final finish of the rear dormer is considered to be acceptable as the glazing and materials are appropriate for the dwelling and the conservation area. The front face of the dormer is predominantly glazed as set out in the Design Guide and the use of lead cladding is an appropriate material.

11. One flush rear rooflight is proposed which is of an appropriate scale. In addition one small front conservation style rooflight is proposed which is also flush with the roof plane and aligned with the first floor window below. This would not be highly conspicuous from the streetscene and is not considered to be harmful to the Conservation area. It is noted that the design guide suggests that there should be no rooflights on the front roofslope but the modest scale and form of this rooflight is not considered to be harmful.

Basement

12. The Queens Park Conservation Area Design Guide contains clear guidance with regard to basement extensions and states that the visual impact of basements and their lightwells should be kept to a minimum. Lightwells should project from the front wall of the house by no more than 800mm and must follow the profile of the bay.

13. The basement is not more than the full width of the building and is 3m deeper than the outrigger therefore deemed proportionate to the existing building and is in accordance with the guidance set out in the Brent Basement SPD.

10 It also adheres to the guidance set out in the Queens Park Conservation Area Design Guide. The lightwell projects 800mm from the front of the house and it is not wider than the bay windows above. The section shows the grill will be painted black and will be flush with the ground floor level. Although not prominent, the landscaping within the plot could help screen this addition and it will be disguised with planting to minimise the impact on street scene. The Council's tree officer agrees that the proposed planting is sufficient to allow for a screening of a suitable height. This addition therefore would not appear prominent and is considered to have an acceptable impact on the character and appearance of the property and its setting.

Front garden works

14. The proposal introduces some soft landscaping to the front garden which is an improvement to the existing situation. The original tiles on the access to the side are proposed to be reinstated and the detailed design is shown on the submitted plans which is considered to enhance the appearance of the frontage of the building. The planting on the front boundary is deemed to be of a suitable species to grow to and be maintained at a suitable height.

15. The refuse bins are proposed to be contained in a timber slatted refuse store with soft landscaping to disguise them which is a more attractive solution to the uncovered refuse bins as existing.

16. Overall, it is considered that the proposed alterations to the front garden would be an improvement to the existing situation and would enhance the appearance of the dwelling in the street.

New windows

17. New windows are proposed which will replicate the original windows. This will be an enhancement to the property as the existing are not original.

18. Following comments from the conservation officer amended details demonstrate that the replacements have been carefully designed to match the original windows for the property in design, material, location and section but double glazed and therefore the proposed fenestration looks to be in keeping with the style of the original building. This is therefore deemed to be acceptable and will enhance the building and its appearance in the streetscene.

Impact on Residential Amenity

7 Summerfield Avenue

19. The side infill extension infills the gap between the outrigger of the subject dwelling and the boundary with the property to the south west which consists of two flats. The eaves height beside the shared boundary is 2m which complies with the maximum height specified in SPD for side infill extensions beside an outrigger. The extension also projects 3m from the rear wall of the outrigger which is in line with the guidance and the additional depth beyond the side infill would retain an appropriately low height at the boundary. The resultant dwelling would not appear overbearing or too dominant when viewed from this property. The impact on the light availability and overbearing impact for the occupiers of this dwelling is therefore considered to be sufficiently mitigated for the occupiers of this dwelling.

11 Summerfield Avenue

20. The proposed rear extension projects 3m beyond the rear wall of the outrigger beside the boundary with 16 Summerfield Avenue to the west. The flat roof extension has a height of 3m. The proposed rear extension respects the parameters set out in SPD2 in respect of the neighbouring property and therefore the size would be limited to not appear overbearing or too dominant. Therefore the impact on the occupiers of this property is considered to be acceptable.

10 Montrose Avenue

21. The rear boundary of the subject site adjoins the side boundary of this neighbour. The proposed extensions are located approximately 8m from the boundary and a sufficient separation would be retained from the extensions to prevent them from appearing dominant or overbearing. When considering there are existing first floor windows on the rear elevation, there will not be significantly increased opportunities for overlooking to neighbouring properties as a result of the proposed dormer. There is not deemed to be significant amenity issues associated with the proposed basement. The proposed development therefore would not have an acceptable impact on the overall living conditions of the adjoining occupiers.

Biodiversity and Greening

22. Policy BGI1 sets out that all development should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area. Brent Local Plan Policy BH4 requires all minor development proposals to achieve an UGF score of 0.4 on site.

23. A score table measuring the UGF has not been accompanied with this submission. Nevertheless, the proposal would involve the addition of soft landscape to the front garden and a condition is recommended to ensure appropriate landscaping would also be carried out to the rear. Appropriate landscaping top to the properties gardens would ensure that the property has an appropriate setting and the benefits of planting would also be achieved.

Sustainable Drainage

24. Policy BSUI4 sets out proposals for minor developments, householder development, and conversions should make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems.

25. The proposal would not alter existing drainage systems. The introduction of soft landscape and permeable paving would aid the natural drainage of the site, these details would be agreed through the recommended landscaping condition.

Fire Safety Considerations

26. The application has not been accompanied with the fire safety information set out within D12a of London Plan. However, formal approval under the Building Regulations will be required if the scheme goes ahead, and therefore given the scale, location and layout of the development, the absence of a Fire Safety Strategy is not considered sufficient reason to refuse the application.

Equalities

27. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has also been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

Summary

28. The proposal is considered to accord with the Development Plan and having regard to all material planning considerations the proposal would preserve the character of the property and the conservation area and there would not be an adverse impact on neighbouring amenity. Planning permission is therefore recommended to be granted subject to conditions.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 23/1425

To: Mr Hazelwood
Mapesbury Architectural Design
M.A.D Studio
37B Walm Lane
London
NW24QU

I refer to your application dated **21/04/2023** proposing the following:

Proposed creation of basement level with front lightwell, single storey wraparound rear extension with internal courtyard and rear patio, loft conversion with rear dormer and 1 front rooflight, replacement of ground and first floor front windows, new front boundary treatment and associated landscaping

and accompanied by plans or documents listed here:
See Conditon 2

at **9 Summerfield Avenue, London, NW6 6JT**

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: 16/10/2023

Signature:

Gerry Ansell
Head of Planning and Development Services

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:-

National Planning Policy Framework (2021)
The London Plan (2021)
Brent Local Plan 2019-2041
Queens Park Conservation Area Design Guide (2013).

- 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 material accordance with the following approved drawings and documents:

Site Plan – PS'01

Existing Elevations – EX'01

Existing Front Elevation and Section AA - EX'02

Proposed Elevations – E'01 Rev A

Proposed Front Elevation and Section AA – E'02 Rev A

Existing Ground Floor Plan – P'X'01 Rev A

Existing Floor Plan – P'X'02 Rev A

Proposed Basement Plan – P'01 Rev A

Proposed Ground Floor Plan – P'02 Rev A

Proposed First Floor and Roof Plan – P'03 Rev A

Proposed Front Garden Plan and Elevation - P'04 Rev A

Proposed Gutter Detail TD/G'001 Rev A

Proposed Typical Window Detail – TDW001 Rev A

Proposed Typical Window Detail – TDW002 Rev A

Proposed Typical Window Detail – TDW003 Rev A

Design and Access and Heritage Statement 06/04/23

Basement Impact Assessment 06/04/23

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

- 3 All new external work shall be carried out in materials as specified on the approved plans.

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

locality.

- 4 The areas so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted, the landscape work to be completed during the first available planting season following completion of the development hereby approved. 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 in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide appropriate natural drainage and biodiversity improvements to the site.

- 5 The roof-lights shall be detailed to be flush with the roof covering.

Reason: In the interest of visual amenity of the Queens Park Conservation Area.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the government website:
<https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>
- 3 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.
- 4 **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.
- 5 **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.

6 LICENCES

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

7 HIGHWAYS

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

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

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

8 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.

9 AIR QUALITY

The applicant is advised that the Environmental Act 1995, Clean Air Act 1993, the Health and Safety at Work Act 1974 etc, the Environmental Protection Act 1990 all control air quality and that the EPA 1990 controls dust under the 'statutory nuisance' provisions. The contractor should: (i) take all necessary measures to avoid creating a dust nuisance during both demolition and construction works including excavations; (ii) not burn any materials on the site; (iii) avoid the occurrence of emissions or fumes from the site including from plant and ensure off-road vehicles (e.g. bulldozers, excavators etc) with compression ignition engines

comply with emission standards set in EC Directive 97/68/EC, meeting Stage II limits where possible and run on low sulphur diesel; (iv) ensure on-road vehicle emissions are in line with the provisions of the Road Vehicles (Construction and Use) Regulations (as amended) and the Motor Vehicles (Type Approval) (Great Britain) Regulations made under the Road Traffic Act 1988 and the EURO standards.

- 10 Trees can be easily damaged during construction activities which may involve direct damage to the above ground parts of the tree being hit by excavators or having materials stacked against them etc. The area most often overlooked is the tree's root system, responsible for anchoring the tree in the ground as well as providing water and nutrients to keep the tree in a healthy state. Construction activity compacts the soil making it very hard for the tree to attain moisture and oxygen, leading to the tree falling into decline. The digging of foundations and inadvertent cutting of roots can also have the same negative impact.

The mixing of cement and spillage of any construction related products will also have a detrimental effect on tree health.

We recommend that a protective fence is erected as far from the trunks of the trees as possible. No construction activity including the storage of materials should take place within these areas throughout the duration of construction. See the TREE PROTECTION PLAN which is a mandatory approved document.

Under normal circumstances fencing would be erected a distance equal to a radius 12 x the diameter of the tree stem when measured at 1.5 metres above ground level. In the case of your Magnolia that may have two stems of 100mm diameter =200mm x 12= root protection area of 2.4 metres.

Any person wishing to inspect the above papers should contact Andrew Neidhardt, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1902