

RECEIVED: 24 July, 2009

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Red Pepper, Edgware Road, Kingsbury, London, NW9 6LL

PROPOSAL: Demolition of the existing public house and erection of a 3-, 4-, 5- and 6-storey building for use as a 83-bedroom nursing home, formation of new vehicular access, with provision of 11 car-parking spaces, including 2 disabled bays and associated landscaping to site (revised version of the scheme previously granted permission under application no. 07/2128)

APPLICANT: Macneil Limited

CONTACT: DWA Architects Ltd

PLAN NO'S: L525 - Location Plan
L525 AL(0)103
L525 AL(0)104
L525 AL(0)105
L525 AL(0)106 Rev A
L525 AL(0)107
L525 AL(0)108
L525 AL(0)109
L525 AL(0)112 Rev B
L525 AL(0)113 Rev A
L525 AL(9)900
L525 AL(9)901 Rev J
L525 AL(9)902 Rev E

L525 AL(9)910 Rev C
L525 AL(9)921
L525 SK01

Design Statement ref L0525 dated July 2009
Healthcare Development Services Ltd - Site Waste Management Plan
DWA Architects and Operon Group - Multi-Residential 2008 BREEAM
Pre-Assessment Report
Survey Site Services - Flood Risk Assessment
Compass Archaeology - An Archaeological Desk-Based Assessment
L525/2.4.3 (ACS Consulting - Arboricultural Survey & Constraints Report)

Letter ref L525/3.1.1/AJ/KW/17
Letter ref L525/3.1.1/AJ/KW/19

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and

meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- a) Payment of the Council's legal and other professional costs in a) preparing and completing the agreement and b) monitoring and enforcing its performance
- b) A contribution of £1,000 per bed unit, (**£83,000**), index-linked from the date of committee for Transportation, Air Quality and Open Space in the local area.
- c) Restrict the permanent occupiers of any bedroom to those requiring nursing care, prohibiting the occupation by students and those not requiring care.
- d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum score of 50% is achieved.
- e) A detailed '**Sustainability Implementation Strategy**' shall be submitted for Council approval, at Reserved Matters stage or 4 months prior to site commencement. This shall demonstrate how the development will achieve a BREEAM 'Very Good' rating, and how the indicated Brent Checklist measures (Energy, Water, Materials, De/Construction & Pollution) will be implemented within the scheme.
- f) The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, and demolition/construction commitments made within Brent's Sustainability Checklist and other submitted documentation (or agreed by further negotiation), and adopt adequate procurement mechanisms to deliver these commitments.
- g) On completion, independent evidence (through a BRE Post-Construction Review) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least a "Very Good" rating on EcoHomes and/or BREEAM assessments.
- h) The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented.
- i) If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the applicant shall either:
 - a. propose acceptable measures to remedy the omission; or, if this is not feasible,
 - b. propose acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures, to be used by the Council to secure sustainability measures on other sites in the Borough.

All contributions due on Material Start and index-linked from the date of committee.

It is to be noted that although the gross sum is £83,000, the sum of £77,000 has already been received therefore the actual net payment would be £6,000.

EXISTING

The subject site is on the corner of Kingsbury Road and Edgware Road. Construction is currently underway for a 77-bed nursing home, granted planning permission on 17/10/2007. The site has a number of protected trees. The site is not within a Conservation Area, nor is the existing building listed.

To the southwest of the site is a mix of terraced and semi detached single family houses and flats of the late, along Kingsbury Road.

To the northwest of the site is Crummock Gardens, a residential street on Laing's Springfield Estate comprised predominantly of semi-detached dwellinghouses, and immediately adjacent to the northern boundary is a children's playground. The houses around the site are of varying styles dating from the mid twentieth century, built using traditional details and materials. Immediately to the north of the site is a public footpath providing access from The Hyde to Crummock Gardens, and beyond this an area of public open space.

To the east of the site on the Barnet side of Edgware Road is Hyde House, a 12 storey 1960's-1970's office block, to the south of which is the Homebase carpark.

The site is generally flat, although Kingsbury Road rises to the west.

PROPOSAL

The description below is slightly misleading and derives from the fact that a material alteration to a scheme that has not been completed must be considered as a new full application. Therefore the correct description of the proposal is:

Demolition of the existing public house and erection of a 3, 4, 5 and 6 storey building for use as a 83-bedroom nursing home, formation of new vehicular access, with provision of 11 car-parking spaces, including 2 disabled bays and associated landscaping to site (revised version of the scheme previously granted permission under application no. 07/2128)

but in reality the proposal is:

Fourth floor extension to 77-bed nursing home to provide 6 extra bedrooms, alterations to fenestration.

HISTORY

Details pursuant applications have been submitted to satisfy the conditions imposed on the 2007 planning permission.

09/1071 Conditions 11, 13, 29 **Case officer considering**

09/0551 Conditions 8, 9, 12, 14, 18, 26, 31 **Granted** 02/06/09

Approved documents:

L525 - AL(0)009C

L525 - AL(9)910RevC;

L525 - AL(9)921

T4522-114

T4522-118

Archaeological Desk Based Study (Dated Feb 2009) and Sample Details

07/2128 Demolition of the existing public house and erection of a 3-, 4-, 5- and 6-storey building for use as a 77-bedroom nursing home, formation of new vehicular access, with provision of 12 car-parking spaces, including 2 disabled bays, refuse and recycling store, and hard and soft landscaping to site and subject to a Deed of Agreement dated 17/10/2007 under Section 106 of the Town and Country Planning Act 1990 (as amended) **Granted** 17/10/09

POLICY CONSIDERATIONS

Unitary Development Plan Adopted in 2004

Built Environment

BE2 TOWNSCAPE: LOCAL CONTEXT & CHARACTER

Proposals should be designed with regard to their local context, making a positive contribution to the character of the area.

BE6 PUBLIC REALM: LANDSCAPE DESIGN

A high standard of landscape design is required as an integral element of development schemes and mature trees and shrubs should be retained.

BE7 PUBLIC REALM: STREETScape

A high quality of design and materials will be required for the street environment.

BE9 ARCHITECTURAL QUALITY

New development should embody a creative and appropriate design solution. Extensions and alterations to existing buildings should be designed to produce a complementary and harmonious addition.

BE33 TREE PRESERVATION ORDERS

Removal of permitted trees only when (a) high level of tree coverage in vicinity; (b) the trees do not screen or separate; (c) replacement trees are provided; (d) the protected trees are not of high landscape value

H12 RESIDENTIAL QUALITY – LAYOUT CONSIDERATIONS

The layout and urban design of residential development should comply with policies in the Built Environment chapter.

H13 RESIDENTIAL DENSITY

The primary consideration in determining the appropriate density if new residential development will be achieving an appropriate urban design which makes efficient use of land. Surrounding densities

- should be at least matched unless this would harm residential amenity.
- H16 FRONTAGE DEVELOPMENT
Replacement housing must make an equal or greater contribution to the character and quality of the streetscene. The spacing around the development should be compatible with the surrounding area.
- H22 PROTECTION OF RESIDENTIAL AMENITY
Development which results in the intensification of use likely to have an adverse environmental and traffic impact will not be permitted.
- H23 SUPPORTED HOUSING/DAY CENTRES - PRINCIPLE OF DEVELOPMENT
Applications for use of this type should meet a known need within the Borough. They are acceptable in residential areas where appropriate.
- H26 ACCESSIBLE HOUSING
Site layout, accesses and circulation around new dwellings should facilitate their use by disabled and elderly people.
- TRN22 PARKING STANDARDS FOR NON RESIDENTIAL DEVELOPMENT
Development should not provide more parking than the levels as listed in standard PS15.
- TRN34 SERVICING IN NEW DEVELOPMENT
The provision of servicing facilities is required in all development.
- TRN35 TRANSPORT ACCESS FOR DISABLED PEOPLE & OTHERS WITH MOBILITY DIFFICULTIES
Access to parking areas within development should facilitate access for disabled people, and designated car parking spaces should be set aside for the exclusive use of holders of disabled persons parking permits.

Supplementary Planning Guidance

Supplementary Planning Guidance 3: "Forming an Access onto a Road" sets out guidance for traffic safety, visibility and visual factors when considering a new development.

Supplementary Planning Guidance 17: "Design Guide for New Development" sets out the Council's minimum design standards to ensure that development does not prejudice amenities of the future occupants of neighbouring properties or the occupiers of the application site.

SUSTAINABILITY ASSESSMENT

Sustainability Checklist

The original sustainability checklist has been resubmitted. The previous case officer reported the sustainability checklist thus: *"The applicant scored the checklist at positive 38% (Fairly Positive), however your officers scored the scheme at positive 4.5% (Fairly Detrimental). Little to no evidence of the identified measures was provided, and as such officers were often required to attribute the most detrimental scores."*

In spite of this, officers considered the potential for improvement and the applicants agreed to the following clauses within the S106 agreement:

- d) *Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum score of 50% is achieved.*
- e) *A detailed 'Sustainability Implementation Strategy' shall be submitted for Council approval, at Reserved Matters stage or 4 months prior to site commencement. This shall demonstrate how the development will achieve an BREEAM 'Very Good' rating, and how the indicated Brent Checklist measures (Energy, Water, Materials, De/Construction & Pollution) will be implemented within the scheme.*
- f) *The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, and demolition/construction commitments made within Brent's Sustainability Checklist and other submitted documentation (or agreed by further negotiation), and adopt adequate procurement mechanisms to deliver these commitments.*
- g) *On completion, independent evidence (through a BRE Post-Construction Review) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least a "Very Good" rating on EcoHomes and/or BREEAM assessments.*
- h) *The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented.*
- i) *If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the applicant shall either:*
 - a. *propose acceptable measures to remedy the omission; or, if this is not feasible,*

- b. *propose acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures, to be used by the Council to secure sustainability measures on other sites in the Borough.*

The Heads of Terms for the s106 legal agreement for this proposed scheme include the same control. In addition the applicant has been able to provide a preliminary report on the pre-assessment BREEAM score for the building under construction. This shows the development reaching a rating of 'Very Good'. As this is a pre-assessment this report does not constitute confirmation of such a rating, merely that it could be achieved.

CONSULTATION

Letters to residents, local councillors, internal and external consultees, including London Borough of Barnet, were sent on 04/08/2009. A site notice was posted on 12/08/2009, a press notice on 03/09/2009.

Local

3 letters of objection was received from local residents, one of which was forwarded by Cllr Crane, the main points of objection relating to:

- Loss of light
- Loss of value of property due to loss of light
- Noise nuisance arising from proposed use
- Transport nuisance arising from proposed use
- Inappropriate development for a residential area
- Out of character, excessive height

Landscape Design

Regarding T1 Poplar situated on the eastern boundary of the site your officers are in complete agreement with the comments and facts as laid out by ACS Consulting at section **3.04** of their tree report. However, attention is drawn to the final paragraph in which they accept the tree has a significant visual amenity by virtue of its height and the lack of other trees of similar stature. It is for this reason that this mature Poplar is retained within the development site. In order to bring the tree within safer parameters, your officers allowed a crown reduction of approximately 35%. This had the effect of reducing loading within the crown area. We shall continue to monitor this tree within its new surroundings and have already made provision for a replacement with the inclusion of a young Quercus ilex (Holm Oak) to be planted below the Poplar during landscaping of this site.

Transportation

The proposal complies with the Council's parking and servicing standards, and cycle storage standards. No objection raised, subject to S106 contribution and condition regarding redundant crossover.

Social Services

Social Services have indicated there is the demand for nursing care, nursing dementia and residential dementia, therefore the proposal is supported on these grounds.

REMARKS

Summary

This application is a revision of the 2007 approval to provide an additional 6 bedrooms through the provision of an additional, third storey to the top of the northern wing as approved under 07/2128 and alterations to simplify the fenestration. A small number of other alterations are also proposed, which had previously been considered minor amendments by your officers (letter dated 10/06/2008).

No changes are proposed that would:

- (a) impact on trees and their protection;
- (b) parking levels remain acceptable;
- (c) the impact on the amenity of occupants of the nearest affected property, No. 1 Crummock Gardens, is well within normal guidance and is considered acceptable; and
- (d) the visual impact of the changes is not considered harmful.

These are the matters Members considered particularly important in the last case. In addition Social

Services have confirmed there is demand in the local area for the services provided by this extension.

As a consequence your officers recommend approval, subject to a s106 legal agreement.

Introduction

Although it is under construction at the moment, because the building has not been completed a full application is required to consider the relatively minor addition of 6 bedrooms and an additional floor.

The principle of a nursing home in this location has been established with the previous application and development has commenced, therefore many of the planning considerations covered in the previous committee report can no longer be considered, such as archaeological impact. This report will therefore focus on the changes between the approved and proposed schemes.

Your officers consider the following main planning issues to be:

- (a) whether the proposed extension to create additional third-floor space on the northern wing would have an unacceptable impact on the amenities of neighbouring residents;
- (b) whether the proposed extension would have an unacceptable impact on the visual amenities of the locality; and
- (c) whether the proposed alterations to the fenestration would have an unacceptable impact on the quality of the design.

Design

The main alteration that this scheme proposes is to the number and style of windows on the Kingsbury Road and Edgware Road elevations and the addition of 6 bedrooms to the third floor of the northern wing. The proposed scheme replaces the approved glazed curtain wall on the Kingsbury Road elevation and to the left of the stair tower on the Edgware Road elevation with irregularly spaced windows with an irregular pattern of vertical and horizontal cedar cladding. This brings the scheme into line with the elevation as previously approved to the right of the stair tower.

The alteration is driven by a combination of difficulties in arranging the furniture layout of the rooms with the curtain wall and the desire for a simplified design. Your officers have no concerns with the proposed change to the elevational treatment; the proposed elevation would result in a good quality building in a prominent location.

In terms of scale and massing there is no great difference with the addition of an additional floor (15.7m in length) to the northern wing, and such an addition does not merit refusal on grounds of visual appearance.

Residential Amenity

The proposed development provides a total of 83 en-suite bedrooms with day spaces, assisted bathrooms and showers, a roof terrace, hairdresser and laundry facilities. The internal arrangements have been developed to comply with the National Care Standards which came into force in 2002. The Planning Department does not have a specific guidance for care homes, and as such the general arrangements in terms of the residential amenities of occupants have been considered with relation to this Central Government Legislation.

As before, all of the proposed bedrooms have a minimum internal floor area of 12m², and internal day space provision is provided at a minimum of 4.1m² per resident - which is compliant with the above-mentioned National Care Standards. The addition of 6 bedrooms would not harm future residents' amenity.

Amenity Space

Your officers consider that, whilst the amenity space is relatively small, the addition of a further 6 bedrooms will not affect the amenity provision for residents of the site.

Landscaping

The applicant has submitted an arboricultural survey by ACS Consulting which was previously submitted to support the application to clear condition 26 (09/0551). It recommends the removal of a large poplar tree on the north boundary of the site. This tree is subject to a TPO and is identified as T1. Removal is recommended due to the pruning treatment and its age making the tree, in the opinion of ACS consulting, not sustainable. This document was considered by the landscape team at the time of 09/0551 and again for this application.

The tree officer is in agreement with the comments and facts as laid out by ACS Consulting at section 3.04 of their tree report. However the tree has a significant visual amenity by virtue of its height and the lack of other trees of similar stature. It is for this reason that officers require the retention of this mature Poplar within the development site. In order to bring the tree within safer parameters, a crown reduction of approximately 35% was permitted as part of the tree works. This had the effect of reducing loading within the crown area. The tree officer shall continue to monitor this tree within its new surroundings and have already made provision for a replacement with the inclusion of a young Quercus ilex (Holm Oak) to be planted below the Poplar during landscaping of this site.

Transportation

No changes are proposed to the parking, access and servicing allowances which were considered acceptable for the previous planning permission. The addition of 6 bedrooms does not raise the parking standard to the level that an extra space or spaces would be required.

Impact on Neighbouring Residential Amenity

No. 1 Crummock Gardens, a semi-detached property with part two storey, part single storey side and rear extensions dating back to 1986, sits to the northwest of the subject site and is the only property in the vicinity of the proposed extension. There is a gap of approximately 1 - 1.5 metres between the flank wall of this property, and the splayed boundary with the subject site. The proposed extension sits comfortably within the 45 degree guide with relation to adjoining amenity space. 1 Crummock Gardens has one habitable-room window at first-floor level - being a secondary bedroom window, the primary of which faces onto the street. When measured from a height of 4 metres (relating to the first-floor nature of the window) the 30-degree guide is met. This property has no ground-floor flank-wall habitable-room windows overlooking the site.

The proposed additional storey would not, therefore, have an unacceptable impact on neighbouring residential amenity and this is not considered a reason for refusal.

Response to Objections

Responses to the objectors comments are provided in the context of an extant scheme for a 77-bed care home which is under construction.

- *Loss of light*
As addressed above, the scheme is considered to comply with the guidance within SPG17 with relation to safeguarding the amenities of neighbouring properties. The additional 6 bedrooms are compliant with the 45- and 30-degree rules and maintains an acceptable set off from neighbouring properties.
- *Loss of value of property due to loss of light*
This is not a material consideration.
- *Noise nuisance arising from proposed use*
It is the opinion of your officers that an additional 6 bedrooms is unlikely to generate such noise levels as to constitute a nuisance for nearby residents.
- *Transport nuisance arising from proposed use*
The proposed car-parking levels are considered appropriate for the nature of the use, and comply fully with the Council's UDP policies in this respect. The Planning Enforcement Group do not have a record of complaints regarding the unauthorised parking of vehicles within the surrounding streets, however this may be an issue which could be investigated as a separate issue. An additional 6-bedrooms is unlikely to have a material impact.
- *Inappropriate development for a residential area*
The addition of 6 bedrooms to a 77-bed care home is not considered an inappropriate form of development for the area.
- *Out of character, including height*
The additional floor is to the northern wing, which fronts the Edgware Road. This is a major transport corridor and as such a development of 4-storeys is not considered inappropriate.

Planning Conditions

Details pursuant applications have been submitted to satisfy the conditions imposed on the 2007 planning permission. As some of these have been determined, it is prudent that these conditions not be imposed on

the new planning permission but that the approved documents be included in this application. To this end it is proposed that conditions:

- 8 (materials, supported by letter L525/3.1.1/AJ/KW/17 – written confirmation of materials)
- 9 (ground-floor noise transmission, supported by drawings T4522-114 and T4522-118)
- 11 (details of walls, fencing & gateway, supported by L525 SK01)
- 12 (landscaping, supported by drawing L525 - AL(9)910RevC)
- 14 (cycle parking, drawing L525 - AL(9)921)
- 18 (archaeological work, Compass Archaeology's *Desk Based Assessment*)
- 26 (tree protection, L525 - AL(9)910RevC)
- 31 (southwest flank elevation details, L525 - AL(0)009C)

should not be duplicated as the approved details will be on file and can be enforced against accordingly. Some will require amendment to ensure the implementation of the details occurs at the correct time and that their benefits remain enforceable.

Conditions 11 (details of walls, fencing & gateway), 13 (hard landscaping material) & 29 (noise installation) are still being considered. Condition 11, which is shown on drawing L525 SK01, is supported, however, and it is recommended this condition be removed also. Conditions 13 and 29 cannot be removed as they are not yet resolved.

Condition 22 related to asbestos management during the demolition phase and is now redundant as demolition is wholly complete. It is only this and condition 18 that can be wholly deleted.

All other conditions imposed by the 2007 permission remain valid and are therefore sought for this application.

Conclusion

The proposed alterations to the development will still provide a contemporary, attractive landmark building on this prominent corner location, providing modern, high-standard and much-needed supported accommodation for Brent residents. The proposal meets the Council's parking and servicing standards and the applicants have agreed to a section 106 agreement providing a range of benefits. Your officers accordingly recommended this application is approved.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent's Unitary Development Plan 2004
Council's Supplementary Planning Guidance 3
Council's Supplementary Planning Guidance 17

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
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services
Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with 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 approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith, prior to occupation of the building.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (3) Details of a management scheme relating to the care of residents, general operation of the premises and upkeep of the property shall be submitted to and approved in writing by the Local Planning Authority before the use commences, and the scheme shall be implemented for the duration of the use of the building as a nursing home in accordance with this permission.

Reason: To ensure a satisfactory management of the premises so as not to prejudice the enjoyment of the occupiers of neighbouring properties; and to ensure the facility is managed effectively.

- (4) The premises shall only be used only as a residential/nursing care home for persons with dementia, the physically frail, those requiring continuing care and the younger physically disabled, and for no other purpose without the further consent in writing of the Local Planning Authority.

Reason: To prevent a number of uses becoming established on the site and to ensure that the standards applied to the consideration of the approved development are maintained in connection with the completed development so approved.

- (5) Two parking bays of a minimum width of 3 metres shall be provided for the exclusive use of disabled people prior to the occupation of the buildings/commencement of the use hereby approved.

Reason: To ensure satisfactory access for disabled people.

- (6) In order to ensure that the premises are accessible to people with disabilities or people with buggies, the entrance doors shall have a minimum width of 900mm and a maximum threshold level of 25mm.

Reason: To ensure that the premises are accessible to all those people who can be expected to use it, in accordance with policy H26 of the adopted Unitary Development Plan.

- (7) Access and other facilities as indicated on the approved plans shall be provided prior to the occupation of the premises/commencement of the use and shall be maintained thereafter.

Reason: To enable satisfactory facilities and access for disabled people.

- (8) Materials for all external work, i.e., render, fenestration, roofing materials and means of enclosure, including samples and/or colours, shall be:

White render

Ibstock Staffs Slate Blue brick

Ibstock Cheddar Red brick

Sarnafil PVC lead grey roofing

Cedar boarding

Powder-coated aluminium windows and doors in dark slate-grey colour (RAL 7015)

unless otherwise agreed in writing by the Local Planning Authority.

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

- (9) The approved details for the insulation of the proposed ground floor bedrooms against the

transmission of noise from the adjacent carpark and amenity area shall be implemented in full and be completed to satisfaction of the Local Authority before any such units are occupied. The details shall remain unless otherwise agreed in writing with the Local Planning Authority. .

Reason: To safeguard the amenities of the occupiers.

- (10) Suitable and sufficient lighting, appropriately baffled where necessary to avoid glare, in accordance with details submitted to and approved in writing by the Local Planning Authority, shall be provided so as to ensure adequate safety and convenience on roads, footpaths and other pedestrian and vehicular routes within the site.

Reason: In the interests of safety, amenity and convenience.

- (11) All fencing, walls, gateways and means of enclosure as set out in drawing L525 AL(9)921 shall be completed prior to occupation and subsequently maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason: To ensure a proper standard of separation, and in the interest of the amenity of the area.

- (12) The landscape work set out in drawing L525 AL(9)910 Rev. C shall be fully completed during the first available planting season following completion of the development hereby approved, and any trees or shrubs which, within 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of the same species and size and in the same locations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance, to provide a suitable setting for the development and that the proposed development enhances the visual amenity of the locality and to provide suitable tree planting.

- (13) Details of means for marking out and providing the car-parking spaces, the accessible pedestrian path and forecourt area, including samples of proposed paving materials, and any other approved hard landscaping materials, shall be submitted to and approved in writing by the Local Planning Authority. All parking spaces and footways shall be constructed and permanently marked out prior to first occupation of any of the units hereby approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose except with the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic and pedestrians throughout the site and to provide and retain adequate cycle and car parking, servicing and access, in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (14) The details of the means of enclosure of the proposed cycle parking spaces as set out in drawing L525 AL(9)921 shall be carried out prior to occupation and must be maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason: To ensure satisfactory facilities for cyclists.

- (15) Details of adequate arrangements for the storage and disposal of:

- (a) refuse
- (b) food waste
- (c) paper and cardboard waste
- (d) including litter bins inside and outside the premises
- (e) means of enclosure for external bin stored including samples and drawings

shall be submitted to and approved, in writing, by the Local Planning Authority and shall be installed prior to the commencement of the use hereby approved.

Reason: To protect the amenities of the locality and in the interests of hygiene.

- (16) The applicant shall employ measures to mitigate against the impacts of dust and fine particles generated by the operation. This should include:
- (a) damping-down during demolition and construction, particularly in dry weather conditions;
 - (b) minimising the drop height of materials by using chutes to discharge material and damping-down the skips/spoil tips, as material is discharged;
 - (c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible;
 - (d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation;
 - (e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area;
 - (f) the use of demolition equipment that minimises the creation of dust.

Reason: To minimise dust arising from the operation.

- (17) Notwithstanding the plans hereby approved, the existing crossover to the site rendered redundant shall be reinstated to footway at the developer's expense prior to the occupation of the development hereby approved.

Reason: To ensure that the development does not prejudice conditions of safety for pedestrians on the adjoining highway, and in the interest of amenity.

- (18) During demolition and construction on site:-

(a) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;

(b) The hours of demolition and construction limited to 0800 - 1830 Mondays - Fridays, 0800-1300 Saturdays and at no other times on Sundays or Bank Holidays.

Reason: To limit the detrimental effect of demolition and construction works on adjoining residential occupiers by reason of noise and disturbance.

- (19) Before the use hereby approved commences, a scheme providing for the insulation and ventilation of the kitchen and laundry rooms shall be submitted to and approved in writing, by the Local Planning Authority. Such a scheme shall include the provision of soundproofing between floors and be installed prior to the occupation/use of the premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (20) The demolition/ building works hereby approved shall not commence until vehicle wheel-washing facilities have been provided on site, in accordance with details of such facilities to be submitted to and approved, in writing by the Local Planning Authority. Such facilities shall be used by all vehicles leaving the site and no work shall take place at any time the said facilities are not present or are otherwise incapable of use.

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

- (21) The applicant shall ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials. All asbestos-containing materials must be removed from the site prior to the commencement of the demolition works proposed.

Reason: To ensure the safe development and secure occupancy of the site proposed for use.

- (22) No more than 77 residents shall be permanently accommodated within the premises at any given time.

Reason: To protect the amenities of adjoining occupiers which may be jeopardised by an

increase in the number of residents at the premises, due to potential noise, disturbance and a change in the character of the street; and to safeguard the amenities of occupants.

- (23) Suitable and sufficient apparatus for the neutralisation of all effluvia from the processes of cooking, etc., shall be installed prior to commencement of the use and maintained thereafter (details to be submitted to and approved in writing by the Local Planning Authority before works commence on site) and the discharge outlets shall terminate 1m above eaves level.

Reason: To safeguard the amenities of the occupants.

- (24) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any future enactment of that Order, no windows or glazed doors (other than any shown on the approved plan) shall be constructed in the flank walls of the building.

Reason: In the interests of the privacy of adjoining occupiers.

- (25) The details of the means by which existing trees on the site are to be protected from damage by vehicles, stored or stacked building materials, and building plant or other equipment, as set out in drawing L525 AL(9)910A, shall be implemented before any demolition/construction work commences on site, and such protection shall be installed and retained, as approved, throughout the period of the work, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that trees which are to be retained as part of the development are not damaged by construction works in the interests of the local environment and the visual amenity of the area.

- (26) No access shall be provided to the roof of the extension by way of window, door or stairway, and the roof of the extension hereby approved shall not be used as a balcony or sitting-out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (27) Notwithstanding the plans hereby approved, further details of a screening arrangement which can obscure outlook, whilst allowing for the availability of daylight and sunlight to ground-floor bedrooms 11 - 20, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the premises, and the development shall be carried out in accordance with those details.

Reason: In the interest of safeguarding the amenities of future occupants.

- (28) Adequate noise insulation shall be provided to walls and floors between units in separate occupation in accordance with the Local Planning Authority's preferred design standards, or to such other alternative specifications as may be submitted to and approved by the Local Planning Authority, and the insulation shall be installed prior to occupation of the units hereby approved.

Reason: In the interests of the amenities of residents.

- (29) Notwithstanding the plans hereby approved, the lamp-post and bench sited within the proposed crossover shall be relocated to an appropriate location at the developer's expense prior to the occupation of the development hereby approved.

Reason: To ensure that the development does not prejudice conditions of safety for pedestrians on the adjoining highway, and in the interest of amenity.

INFORMATIVES:

- (1) The applicant is advised to contact Three Valleys Water Company regarding water supply, by writing to Three Valleys Water Company, PO Box 48, Bishops Rise, Hatfield, Herts, AL10 9AL; telephone (01707) 268111.

- (2) To ensure the surface water drainage from the site will not be detrimental to the existing sewerage system, the applicant is advised that it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on- or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- (3) Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. Further to this it is recommended, in line with best practice for the disposal of fats, oils and grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, "Best Management Practices for Catering Establishments" which can be requested by telephoning 020 8507 4321.
- (4) The applicant is advised to contact the Director of Transportation regarding the crossover and re-siting of the lamp-post associated with the development hereby approved, on 020 8937 5128.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: Red Pepper, Edgware Road, Kingsbury, London, NW9 6LL

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