

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

12 December, 2018

18/3056

SITE INFORMATION

RECEIVED	1 August, 2018
WARD	Kilburn
PLANNING AREA	Kilburn Neighbourhood Forum
LOCATION	289 Kilburn High Road, London, NW6 7JR
PROPOSAL	Demolition of existing building and erection of a part four and part five storey building comprising drinking establishment (Use class A4) at ground and basement level and 9 self-contained flats above (5 x 1-bed, 3 x 2-bed and 1 x 3-bed) including a new residents entrance gate, glazed screens and doors to side elevation fronting Drakes Courtyard, cycle and waste storage
PLAN NO'S	0502-000.00, 0502-000.01, 0502-100.02, 0502-100.03, 0502-300.02, 0502-100.03, 0502-300.01, 0502-300.02, 0502- 400.01, 0502-100.07 Rev L, 0502-100.08 Rev L, 0502-100.09 Rev K, 0502-100.13 Rev K, 0502-100.13 Rev K, 0502-300.05 Rev K, 0502-300.06 Rev K, 0502-400.03 Rev K
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_141245</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 "18/3056" (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 for commencement
2. Approved drawings/documents
3. Details of materials
4. Site investigation
5. Remediation measures
6. Treatment of Drakes Courtyard
7. A4 fit out details to be agreed
8. Retention of whole A4 unit
9. Restriction on C3 to C4 use
10. Reconstruction of access

Informatives

1. CIL liability
2. Party Wall
3. Advertisement Consent
4. Control of Pollution
5. Hours of Construction
6. Building regulations
7. Construction Licences
8. Highways agreement
9. Noise and vibration
10. Air quality
11. Notification of Highways
12. Fire safety
13. Living wage

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.

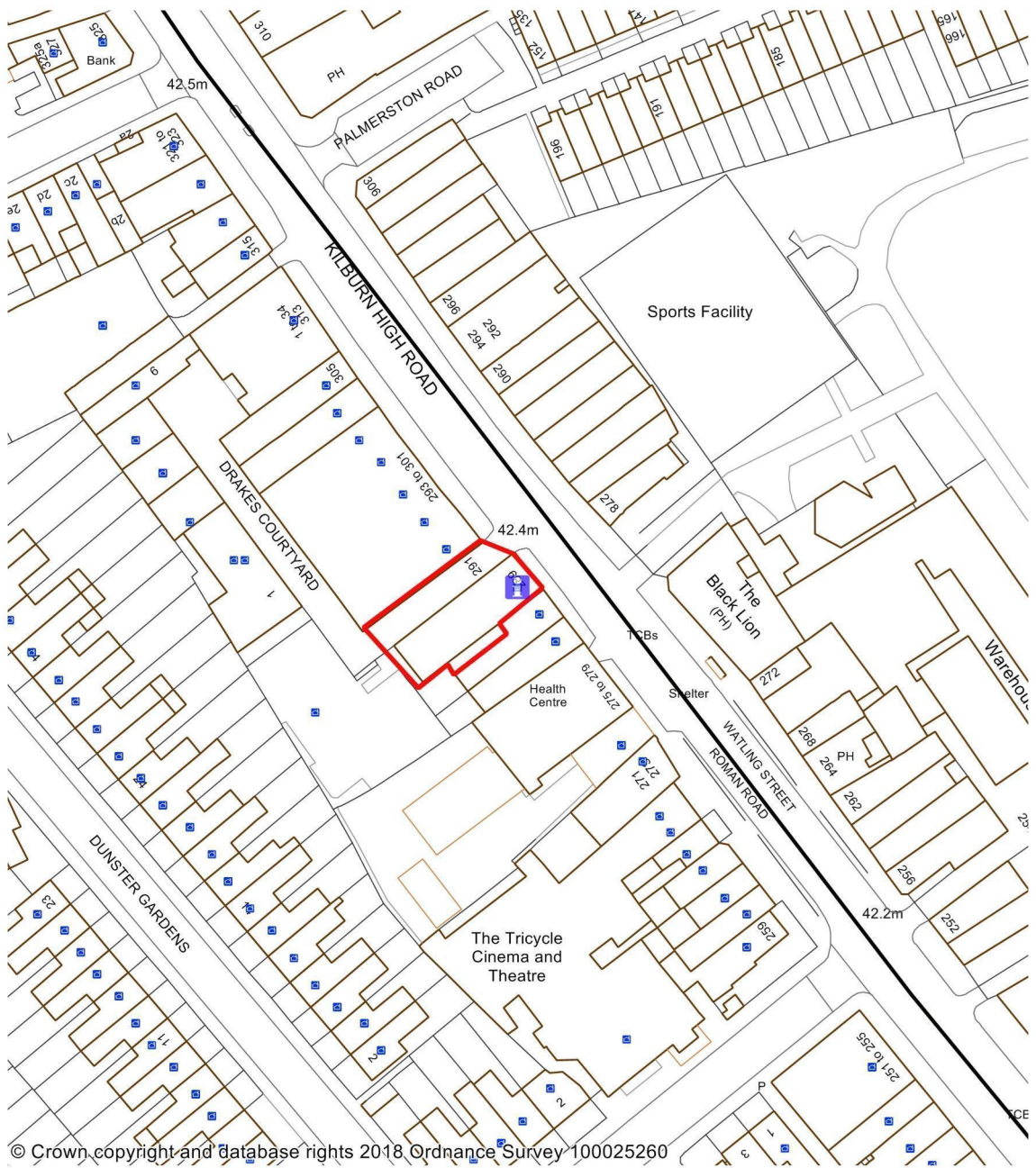
SITE MAP



Planning Committee Map

Site address: 289 Kilburn High Road, London, NW6 7JR

© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

PROPOSAL IN DETAIL

Demolition of existing building and erection of a four storey building (five storeys to the rear) comprising an A4 unit at ground and basement level and 9 flats above (5 x 1 bedroom, 3 x 2 bedroom and 1 x 3 bedroom flats) with associated bin and cycle storage.

EXISTING

The application site concerns a part single, part three storey, end of terrace building located on the western side of Kilburn High Road. The ground floor of the property is currently vacant but previously consisted of 'The Good Ship' which was in use as a public house, which held some live music events. The first and second floors of the building which are set back from the street consist of two self contained flats.

The site is located within a Secondary Shopping Frontage of Kilburn Town Centre. The site does not contain any listed buildings and is not located within a conservation area. However, the North Kilburn Conservation Area is located just over 20m to the south west of the site.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Objections have been received regarding some of these matters. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

Principle

The site is an existing mixed use site comprising an A4 unit at ground floor with residential above. The proposal would re-provide the A4 unit and would add to the Borough's Housing stock at a site within a town centre location with very good access to facilities and public transport.

Standard of accommodation

It is considered that the scheme would provide a good standard of accommodation, generally consistent with Development Plan Policies in terms of internal and external space and quality of living environment.

Design/Character and appearance

Subject to approval of details of proposed external materials, it is considered that the proposal would be in keeping with the character and appearance of the wider area.

Impact on neighbouring amenity

It is considered that the proposal will result in no material harm to the amenities of neighbouring occupiers in terms of impacts on privacy, light and outlook,

Highways/parking

Subject to a condition to secure a parking permit restrict for future residents as well as , it is considered that the proposal is acceptable in highways and transport terms.

RELEVANT SITE HISTORY

The application follows a recently refused application ref. 18/1541 for the Demolition of the existing building and erection of a four storey building (five storeys to the rear) comprising a D1 unit at ground and basement level and 9 flats above (5 x 1 bedroom, 3 x 2 bedroom and 1 x 3 bedroom). The application was refused for the following two reasons

1. *The proposal would result in the loss of an existing public house (A4) without adequate replacement or justification by failing to demonstrate that the existing public house is economically unviable*

and that sufficient marketing has taken place. The proposal would also constitute the loss of a service of particular value to the local community. The proposal is therefore considered to be contrary to Development Management Policy (2016) DMP21.

2. The proposed development would not provide an adequate overall standard of accommodation for future occupiers, by virtue of the lack of amenity space for units 03, 05, 06, 07 and 08, the poor outlook of units 01, 07 and 09 and the poor layout, narrow width of the single bedroom and usability of Unit 01 which would be contrary to Development Management Policy (2016) DMP1 and DMP19, Policy 3.5 of the London Plan consolidated with alterations since 2011 (March 2016) and the Technical Housing Standards – Nationally Described Space Standards (2015).

CONSULTATIONS

130 neighbouring properties were notified, 18 objections were received at the time of writing this report. The reasons for the objections are given below

Objection	Response
Character is being stripped from high street in favour of ugly developments	The existing building is not considered to be of any architectural merit. The proposed development is appropriate in its context
History of the area being lost to flats	The ground floor commercial unit is being retained although there would be an increase in the number of residential units
Need to preserve layout for live entertainment proposed unit too small and split level	The ground floor is comparable to the existing ground floor unit. This is discussed in detail principle section
Kilburn has a long history of live music and needs to retain this eroding vibe	It is considered that the proposed unit would be able to hold live music events if such a tenant wished. This is discussed in detail in principle section
Flats above are unlikely to fit in with music venue due to noise and reduction in space	It would not uncommon for such uses to be combined particularly in a town centre location. Noise management will be dealt with under separate legislation.
Downsizing one of the few remaining music venues to an unviable size seems inconsistent with the vision of the night time economy	The proposed unit is considered to be of an appropriate size and this is discussed in detail in the principle section
Loss of non-self-contained accommodation in the form of HMO's contrary to DMP20	Nine good quality self contained units will be provided. This is discussed in the other matters section
Development would prejudice the future development potential of the site to the rear	No development proposals have come forward for this site.
Development proposes no affordable housing	No affordable housing is required as the development is below the 10 unit threshold
Contrary to DMP21 which states site needs to be marketed before redevelopment	This is applicable if the development was resulting in the loss of the A4 unit which is no longer the case
Policy DMP2 states that the proposals should maintain an active frontage	The proposal will maintain an active frontage as the A4 unit would be retained
DMP21 states that the redevelopment should not constitute the loss of a service of particular value to the community	This is not considered to be the case and the re-configured unit has the ability to operate in the same way as the existing

External Consultation

The London Borough of Camden were consulted and have an objection to the proposal on design grounds

Internal Consultation

Design – no objection

Environmental Health – no objections

Heritage & Conservation – no objection

Transport & Highways – no objections

Trees – no objection

POLICY CONSIDERATIONS

National Planning Policy Framework (2018)

Development Management Policies (2016)

DMP1	Development Management General Policy
DMP2	Supporting Strong Centres
DMP7	Brent's Heritage Assets
DMP12	Parking
DMP18	Dwelling size and residential outbuildings
DMP19	Residential Amenity Space
DMP21	Public Houses

Core Strategy (2010)

CP2	Population and Housing Growth
CP21	A Balanced Housing Stock

London Plan (2016)

3.5 Quality and Design of Housing Developments

Supplementary Planning Document (2018)

SPD1	Brent Design Guide
------	--------------------

DETAILED CONSIDERATIONS

1. Principle

1.1 Although currently vacant the ground floor of the existing premises was previously occupied by 'The Good Ship' which was in use as a bar which held music and live entertainment events. The previous application (ref. 18/1541) was refused on the basis that the development would have resulted in the loss of the A4 unit and its replacement with a D1 unit. In the absence of any evidence to demonstrate that an A4 use was unviable, in compliance with DMP21, the proposal was not considered acceptable.

1.2 In this submission the A4 unit is proposed to be retained, although it would have a different layout to the existing unit and be split level, occupying both the proposed basement and ground floor levels. Whilst the proposed development would no longer result in a loss, it is nevertheless important to give consideration to the principles behind DMP21. Whilst the A4 unit is being re-provided, the layout is changing and therefore attention needs to be given to the quality of the unit and its ability to operate in the long-term as a viable A4 use, even if the re-development is not resulting in a loss in itself. Therefore whilst criteria a) of DMP21 is no longer relevant to the proposal, the other criteria are to be considered in turn.

1.3 Criteria c) of DMP21 states that the proposal should not constitute the loss of a service of particular value to the community. There is no evidence to suggest that the premises were and are used to host local community events such as residents or local interest group meetings. However, a significant number of objectors have referred to the value that the premises provided in terms of the local night time economy, space for bands to play in, creative space and as one of the only places in the Kilburn area to provide live

music and entertainment. The premises and its former function with Kilburn is therefore clearly valued to certain sections of the local community. It is therefore important that an acceptable A4 unit is retained. It would then be down to the operator to decide whether to continue to hold music events.

1.4 The layout of the unit is proposed to change and concern has been expressed the A4 unit would not offer good quality and useable floorspace so to appeal to a wide variety of tenants or to be used in future as a live entertainment venue similar to 'The Good Ship'. The existing unit occupies the ground floor with a sunken area to the rear and mezzanine level, with a floor area of 138m² at ground floor with the mezzanine providing a further 22sqm of floorspace. Due to the creation of the basement, the proposed new unit would have a total floor area of 332m², however it is acknowledged that greater floorspace does not necessarily equate to greater quality and part of the basement cannot be considered useable given that it would have to accommodate additional storage and toilets. Nevertheless, the basement would still increase floorspace and would be an open area contributing to the quality of the unit with the potential to operate in various ways associated with an A4 use.

1.5 In order to properly assess the quality of the space, a comparison of the useable areas of the proposed and existing ground floor, which is considered the most significant, has been undertaken. In relation to the existing unit, the main bar area measures some 6.5m wide x 11.3m long with the lower level measuring 6.6m x 4.6m. There is a circulation area adjacent the sunken floor level measuring 2.1m wide leading to the back of house area. It is raised that this area would typically not be considered practical useable space, nevertheless it has been counted as such in this assessment in that it would probably be a suitable standing area for people. In relation to the proposed unit, the main front area would measure 6.8m wide x 11.3m long (slightly wider than existing), with the opening through to the rear area measuring 4.7m (less than the existing 5.5m). At the rear the area measures between 6m / 5.1m wide x 10.5m long which equates to a total ground floor area of 146m². Therefore whilst noting that the layout would differ from the existing, with no mezzanine proposed, the area of useable floorspace at the ground floor and the proposed layout of the unit would not be very different (a loss of approx 14sqm at ground floor) from the existing so to conclude that the unit could not be used in a similar fashion to 'The Good Ship' or as a viable A4 unit in the future. The ground floor would also be double height throughout which would further ensure the quality of the space. Again, floorspace would be maximised through the provision of the basement

1.6 Objections have been received from local residents noting that Kilburn High Road has been identified as an important location for the night time economy and that the subject site makes an important contribution largely due to the fact that it is the only remaining live music venue on Kilburn High Road. The extent to which the reconfigured A4 unit would be viable as a future entertainment venue has already been discussed above, however, it is important to note that an entertainment venue would fall under use Class D2. Planning history indicates that the subject site was in A4 use long before it became the Good Ship (previously occupied by ZD bar) and there is no evidence of a planning application ever being submitted for the change of use to D2. Furthermore, if the opening hours of 'the Good Ship' are considered these would support its primary use as an A4 unit given that the premises were open Monday to Sunday with long openings hours (17:00 – 02:00 and until 04:00 Fridays and Saturdays). Therefore whilst the previous occupiers may have found their niche in terms of providing live entertainment to ensure their longer term viability, this does not appear to be the primary purpose of the unit and as such it is correct to assess the unit as an A4 use. Nevertheless, and as above, it is important to ensure that a similar venue could operate from the premises and its considered that this would be possible.

1.7 Whilst no longer a loss of the A4 use it is acknowledged that criteria b) of DMP21 states that the proposed alternative use should not detrimental affect the character and vitality of an area and should retain as much of the building's external fabric and appearance as a pub as possible. In this case, although the building would be replaced, the existing building and in particular its frontage is not considered typical of the frontage of a traditional public house. The frontage does not have features typically associated with a public house that can be seen in other premises on Kilburn High Road and therefore the proposal is acceptable in relation to criteria b). Criteria d) is not applicable in this case as the premises are not registered as an Asset of Community Value.

1.8 Therefore when considering the quality, it is considered that the re-configured unit would have an acceptable layout so as to appeal to a wide variety of tenants and would have the potential to operate as a live entertainment venue if such a tenant wished to occupy the unit in future. Furthermore, given that the unit would be of a suitable quality, it would not jeopardise or undermine the Kilburn High Roads designation within the draft London Plan as an important location for the night time economy. It is therefore considered that the previous reasons for refusal have been overcome and the principle of the re-development of the site is acceptable in this regard. A condition has been recommended to agree the fit-out details of the A4 unit, to ensure that it is constructed to a standard that will attract future occupiers and be viable.

1.9 C3 residential use on upper floors

1.10 The principle of residential on upper floors is considered to be acceptable provided that there would be no impact on the A4 use. The proposal includes 9 residential units and is therefore under the threshold to require affordable housing or a specified unit mix.

2. Character and appearance

2.1 Kilburn High Road has a variety of building types and designs with a number of modern additions located beside older and more traditional buildings. A number of objections have been made on this basis of the design of the new buildings including from The London Borough of Camden. The existing building consists of a single storey feature at ground floor level and a three storey building that is well set back from the street. This is also visible in the neighbouring buildings in the same row. The building next door has a modern ground floor but the first floor has retained some of its original features. There are also two extensions to the roof that are set back and not particularly visible from the street but are more modern in appearance.

2.2 The proposal would see quite a change from the existing situation with the proposed building increasing in height by one storey and also over sailing Drakes Courtyard which is a narrow alleyway between the application site and the neighbouring building. Although there would be an increase in scale and mass the proposed would still be well set back from the street frontage with the proposed building line the same as the existing situation. The design is also considered to be quite simple in nature and therefore not completely out of place in this location which has seen more modern buildings become more commonplace in recent times.

2.3 The North Kilburn Conservation Area is located approximately 25 metres to the west of the site. However, views from Kilburn High Road are obscured due to the presence of buildings. If views are achieved at certain intervals such as Drakes Courtyard it is only the rear of the properties within the Conservation Area that are visible. As such it is not considered that the proposal would harm the character and appearance of the Conservation Area.

2.4 Overall the design of the building is considered to be acceptable in this location.

3. Quality of accommodation

3.1 As well as the loss of the A4 unit, the previous application was also refused on the basis that a satisfactory standard of accommodation would not be provided for a proportion of the nine units proposed. DMP1 requires development to have high levels of internal and external amenity including space standards, room sizes, amenity space, outlook and access to light.

3.2 In this case, the floor plans have been amended slightly from the previous application and a daylight/sunlight report submitted.

3.3 In relation to the unit themselves, DMP18 requires the size of dwellings to be consistent with the London Plan Policy 3.5 Table 3.3 in terms of internal space standards. All units would exceed internal space standards.

3.4 With regards to private amenity space DMP19 requires all dwellings to have external private amenity space of a sufficient size and type to satisfy the proposed residents' needs. This is normally expected to be

20sqm per flat and 50sqm for family housing (including ground floor flats). In this case none of the proposed units meet the requirement of 20 sqm or 50 sqm. However, it is noted that the Mayor of London's housing SPG sets reduced standards, recommending a minimum of 5sqm for 1 and 2 bedroom units. In this case all of the units would have in excess of 5sqm with the 3 bedroom unit having access to in excess of 20sqm. Furthermore, whilst noting that all of the units would fail to meet the external amenity standards as outlined in DMP19, all of the units would have internal floor areas which exceed minimum space standards with a number of units by as much as 10%. Therefore whilst acknowledging that a reduced standard of external space would be provided, the reduced provision would to some extent be mitigated through the quality of the internal accommodation. Furthermore, when considering the constraints of the site, it would not be possible to provide significantly larger outdoor spaces. As such it is considered that the previous concern with regards to the inadequate provision of external amenity space has been overcome.

3.5 Concerns were also raised with the previous application in relation to the quality of the single aspect units proposed, particularly in the absence of any daylight/sunlight report. In this case, a daylight/ sunlight report has been submitted which confirms that all units would receive adequate levels of daylight and sunlight. Furthermore, whilst particular concerns were raised with regards to unit with of the single bedroom for unit 1, this has been widened to meet the 2.3m minimum and as such this previous concern has also been addressed.

3.6 Whilst dual aspect units would be preferable and afford a higher standard of accommodation for future residents of the units, the submitted daylight and sunlight report indicates that where this has not been achieved, the levels of daylight and sunlight would nevertheless exceed standards. The overall living conditions of the proposed flats would be acceptable.

4. Neighbouring amenity

4.1 The upper floors of the neighbouring building MP Moran's does not contained any residential properties and is occupied by offices/ancillary uses to the building providers. There is a maisonette located in the upper floors of the attached neighbouring building. The proposed building line would be level with the existing building line at both the front and rear of the site. Therefore there are no concerns that there would be a loss of light or increased sense of enclosure from the actual mass of the building.

4.2 Balconies are proposed at the front and rear of the building. Whilst it is unlikely that they would have an impact on the outlook of neighbouring properties due to their set in from the boundary, they could potentially result in overlooking. However, the applicant has proposed privacy screens on some of the balconies, further details of which will be secured by condition.

5. Parking, Access and Refuse

5.1. As the site has good access to public transport services (PTAL 4), the lower residential car parking allowances set out in Appendix 1 of the adopted DMP 2016 apply.

5.2 The existing public house has no parking allowance, whilst the two flats above would be allowed up to 1.95 spaces in total. With no parking available within the site anyway, maximum allowances are currently complied with. The nine proposed flats would be allowed up to 7.2 off-street car parking spaces, with no parking again allowed for the public house. Again, the absence of any proposed parking would accord with maximum standards.

5.3 Policy DMP12 also requires that any overspill parking that is generated can be safely accommodated on-street though. In this case, the development fronts a major London distributor road and bus route, with parking along the frontage thus prohibited during the day to maintain traffic flow. The adjoining road is therefore unable to safely accommodate the additional parking demand arising from these proposed flats. Policy DMP12 does encourage car-free development in areas with good access to public transport though. As such, in order to mitigate potential parking problems resulting from the development, the rights of future residents to on-street parking permits in the area will be withdrawn through a 'car-free' condition . This has been accepted by the applicant.

5.4 The London Plan requires at least 13 secure bicycle parking spaces for residents, plus 10 further long- and short-term spaces for the public house. An internal bicycle store at ground floor level at the rear of the building will provide 20 secure parking spaces, although there is spare capacity for a further three spaces if required. Overall requirements are therefore met, although the spaces would not be accessible to short-term visitors. The site constraints mean that this shortcoming of the proposal is reasonable.

5.5 Refuse storage for eight wheeled bins is also proposed to the rear of the building, with access from Drakes Courtyard. The store will be about 25m from Kilburn High Road, which marginally exceeds the maximum refuse carrying distance of 20m for wheeled bins. To address this, it is proposed to stand the bins on the Drakes Courtyard access road on collection days, which is not ideal given its restricted width. However, the carrying distance only marginally exceeds the usual maximum, so these arrangements can be accepted without the need to bring bins to the Kilburn High Road frontage.

5.6 Other deliveries would also need to be made from Kilburn High Road and to this end, there is an on-street loading bay immediately north of the site that can be used. The existing public house is being replaced and so whilst it would be preferable for off-street servicing space for a 10m brewery dray to be provided, the proposal does not worsen the existing substandard situation.

5.7 The proposed building would also bridge over Drakes Courtyard access at a height of 4.63m, which provides suitable headroom for this privately maintained service road. The means of supporting the oversailing structure is not clear though and any supporting columns along Drakes Courtyard should be kept to the minimum width necessary, in order to minimise any loss of width to the access road.

5.8 The drawings confirm that lighting will be provided beneath the structure and further details are sought by condition. It is also proposed to reconstruct the access into Drakes Courtyard across the Kilburn High Road footway (within the highway boundary) to make it more pedestrian friendly though, which is welcomed. These works should be funded by the applicant prior to occupation of the building and should also include an extension of the footway out into Kilburn High Road on the northern side of the access.

5.9 Finally, a revised Transport Note has been submitted with the application. This has re-considered likely future trip generation to and from the site, based on comparisons with other similar developments in London that have low levels of parking, which is considered to be appropriate. The resulting estimates predict that the development will generate 0 arrivals/2 departures in the morning peak hour (8-9am) and 36 arrivals/33 departures in the evening peak hour (5-6pm), with a total of 663 movements across the course of the day.

5.10 A total of 14 vehicles are predicted to visit the site over the course of a day, only one of which is predicted to arrive and leave in the evening peak hour. The majority of trips would be in the evening, as at present, so the predicted level of traffic generation would not have any significant impact on the local road network at peak times.

5.11 The overall figures by all modes for the evening peak hour and across the day as a whole are much higher than for the previous scheme with the medical centre. However, this is solely as a result of the public house being retained on the site, so the additional trips are not new trips on the surrounding network, but trips that already take place. The new trips associated with the flats are negligible in comparison. The proposal is therefore considered likely to have a negligible impact on bus and rail networks.

6. Other matters

6.1 An objection has been received from a neighbouring landowner that the proposed development would jeopardise the future redevelopment potential of this site to the rear which is currently a car park. However, whilst noting that the development would increase in scale, this would be comparable to other buildings on Kilburn High Road that have a similar relationship with the site to the rear. Furthermore the footprint of the building would not be significantly different to the existing. Whilst there is an increase in residential unit and balconies etc. there are already residential units above ground floor with rear facing windows and there is no reason why a suitably scaled and designed development, if policy compliant, could not be implemented on this brownfield site should it be considered appropriate and should the landowner seek to do this in the future.

6.2 Concern has also been expressed with regards to the loss of the existing residential accommodation which comprises two flats which the planning statement refers to as being HMOs. According to the objection no evidence has been provided to demonstrate that the loss of this accommodation is acceptable in

compliance with DMP20. However, in this case the non self- contained accommodation is small scale and not specialised. Furthermore, the DMP recognises that the majority of residents needs within the borough will be met by self-contained accommodation. Therefore it is important to recognise that the loss of the two small scale HMO's will be at the expense of 9 good quality self-contained units, including one family sized unit, and therefore the benefits of the scheme in this regard, outweigh the harm.

6.3 A query has also been raised with regards to the impact on emergency access due to the oversailing structure and its potential impact on the buildings to the rear. However, the Building Control department have been notified of the application and raise no concerns with regards to this. A consultation with the Fire Department will take place under the Building Regulations process.

7. Conclusion

7.1 The proposed development is acceptable in principle as it would retain a good quality A4 unit at ground floor level and would provide nine housing units to meet the needs of local residents. Furthermore, the development would have an acceptable impact on the character and appearance of the area, the local highway network and the occupants of neighbouring residential and non residential premises.

CIL DETAILS

This application is liable to pay **£217,346.09*** 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): 1143.4 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	802.68	165.6	637.08	£200.00	£35.15	£178,041.11	£31,290.72
Drinking establishments (2004)	340.72	264.4	76.32	£40.00	£35.15	£4,265.74	£3,748.52

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)	313	
Total chargeable amount	£182,306.85	£35,039.24

*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: 18/3056

To: Ms Gleeson
Firstplan
Firstplan
Bramah House
65-71 Bermondsey Street
London
SE1 3XF

I refer to your application dated **01/08/2018** proposing the following:

Demolition of existing building and erection of a part four and part five storey building comprising drinking establishment (Use class A4) at ground and basement level and 9 self-contained flats above (5 x 1-bed, 3 x 2-bed and 1 x 3-bed) including a new residents entrance gate, glazed screens and doors to side elevation fronting Drakes Courtyard, cycle and waste storage

and accompanied by plans or documents listed here:

0502-000.00, 0502-000.01, 0502-100.02, 0502-100.03, 0502-300.02, 0502-100.03, 0502-300.01, 0502-300.02, 0502- 400.01, 0502-100.07 Rev L, 0502-100.08 Rev L, 0502-100.09 Rev K, 0502-100.13 Rev K, 0502-100.13 Rev K, 0502-300.05 Rev K, 0502-300.06 Rev K, 0502-400.03 Rev K

at **289 Kilburn High Road, London, NW6 7JR**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 30/11/2018

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

Document Imaged

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework, 2018
London Plan (2016)
Core Strategy (2010)

Development Management Policies (2016)

DMP1	Development Management General Policy
DMP2	Supporting Strong Centres
DMP7	Brent's Heritage Assets
DMP12	Parking
DMP18	Dwelling size and residential outbuildings
DMP19	Residential Amenity Space
DMP21	Public Houses

- 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 drawings:

0502-000.00

0502-100.07 Rev L

0502-100.08 Rev L

0502-100.09 Rev K

0502-100.13 Rev K

0502-100.13 Rev K

0502-300.05 Rev K

0502-300.06 Rev K

0502-400.03 Rev K

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

- 3 Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011 + A2:2017 and 'Model Procedures of for the Management of Land Contamination – Contaminated Land Report 11' (CLR 11). A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an

appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site

- 4 Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site

- 5 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 6 Prior to the commencement of this element of the works, details of the future treatment of the Drakes Courtyard Access shown as being within the red line boundary shall be submitted and approved in writing by the Local Planning Authority. This shall include full details of surfacing, drainage, lighting, parking restrictions and building structures.

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

- 7 Prior to first occupation of the residential properties hereby approved, details of the fit out of the A4 unit shall be submitted to and approved in writing with the Local Planning Authority. The agreed specification shall then be implemented and marketed accordingly.

Reason: In order to ensure its occupancy and future viability as an Ad use and to comply with DMP21.

- 8 The A4 ground floor and basement unit hereby permitted shall remain as a single premises without subdivision.

Reason: To ensure that a viable, useable, practical and appropriate A4 floorspace is retained in accordance with policy DMP21.

- 9 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the

Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space in the site to accommodate additional bin or cycle storage.

- 10 Prior to the first occupation of the residential units hereby approved, full details of the proposed privacy screens shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be retained as approved for the lifetime of the development.

Reason: To avoid any overlooking or loss of privacy. In the interests of residential amenity.

- 11 No occupation of the development hereby permitted shall take place until the works to reconstruct the access into Drakes Courtyard across the Kilburn High Road footway has been carried out. These works should be funded by the applicant and should also include an extension of the footway out into Kilburn High Road on the northern side of the access.

Reason: In the interests of improving pedestrian accessibility.

- 12 Prior to the commencement of building works details of materials for all external work, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

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 Communities and Local Government website www.communities.gov.uk
- 3 Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 2007 for the erection or alteration of any
(a) illuminated fascia signs
(b) projecting box signs
(c) advertising signs
(d) hoardings
- 4 The applicant is advised to ensure that demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects.
- 5 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 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.

7 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.

8 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

9 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.

10 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.

11 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.

12 The Council recommends that the maximum standards for fire safety are achieved within the development.

13 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.

Any person wishing to inspect the above papers should contact Paige Ireland, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3395