

DECISION NOTICE – APPROVAL

Application No: 16/5462

To: Mr Worthington
DP9 Limited
100
Pall Mall
London
SW1Y 5NQ

I refer to your application dated 16/12/2016 proposing the following:

Variation of conditions numbered 1, 3, 6, 7, 8, 9, 11, 15, 16 and 18 (to allow appropriate timings for the conditions) of commenced planning permission 12/0788. (Demolition of Keniston Press, Premier House, Cullen House and the Falcon public house and redevelopment of 137 flats (39 affordable), along with new public space, 1270 square metres of commercial space (Use classes A1/A3/A4) and 959 square metres of office space (Use class B1a for dedicated use by TfL) within a part 4, part 5, part 6, part 8 and part 9 storey building. Application includes the stopping up of the gyratory system and the introduction of a new signalled junction at Kilburn Lane and Salusbury Road/Carlton Vale)

and accompanied by plans or documents listed here:

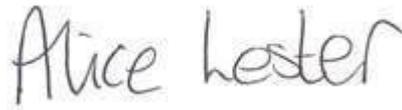
See condition 3

at Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and car parks

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: 06/04/2017

Signature:



Alice Lester

Head of Planning, Transport and Licensing

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SCHEDULE 'A'

Appeals to the Secretary of State

The applicant may appeal to the Secretary of State if he or she is aggrieved by the decision of the local planning authority in respect of:

- (1) Refusal of a planning, listed building consent or conservation area consent application, including refusal to vary or discharge conditions.
- (2) The conditions attached to a planning, listed building consent or conservation area consent application.
- (3) Refusal, partial refusal or deemed refusal of a lawful development certificate.

The correct form must be used to appeal – Planning; Householder Planning; Listed Building Consent; Conservation Area Consent or Certificate of Lawful Use or Development Appeal Forms. Please specify form required, if requesting from Inspectorate. The time period to do this will vary depending on the application type or development type. An appeal must be made within the following time periods of the decision date:

- (1) An advertisement application must be made within 8 weeks
- (2) A full application, removal or variation of condition for a householder* development must be made within 12 weeks. (See below for definition of householder)
- (3) All other application types or development types must be made within 6 months

However, different timescales apply where the development is also the subject of an enforcement notice. If an enforcement notice has been served within two years of an application being submitted or is served before the time period for determining the application has expired, the time limit to appeal is 28 days from date of refusal or the date of determination. If an enforcement notice is served after the application's decision date or date for determination, the time limit is 28 days from the enforcement notice served date, unless this would extend the period beyond the usual time limit for cases not involving an enforcement notice.

- The Secretary of State can allow a longer period for giving notice of an appeal but he/she will not normally be prepared to use this power unless there are special circumstances which excuse the delay. Appeals must be made on a form obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State need not consider an appeal if it seems to him/her that the local planning authority would not have been able to have granted planning permission for the development or would not have been able to have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him/her.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim he can neither put the land to a reasonably beneficial use in its existing state, nor render the land capable of a reasonably beneficial use, either carrying out any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land, in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

*For the purposes of an appeal, a householder development is development in the boundary of, or to an existing dwellinghouse for purposes incidental to the enjoyment of the dwellinghouse, that does not involve change of use or a change to the number of dwellings. Please note, this does not include development in the boundary of, or to an existing flat or maisonette.

FOR OTHER INFORMATION OR ADVICE ON THIS NOTICE PLEASE CONTACT:

Planning and Regeneration Service
Brent Civic Centre
Engineers Way
Wembley, Middlesex, HA9 0FJ
Telephone: 020 8937 5210

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-
Development Management Policies (2016)

CONDITIONS

- 1 During demolition and/or construction works 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 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays;
 - (b) vehicular access to the adjoining and opposite premises shall not be impeded
 - (c) all plant and machinery associated with such works shall at all times be situated and operated within the curtilage of the site;
 - (c) no waste or other material shall be burnt on the application site;
 - (d) all excavated topsoil shall be stored on the site for reuse in connection with the landscape works scheme.
 - (e) at all times during demolition and/or construction a barrier shall be maintained around the area where demolition and/or construction is taking place
 - (f) a suitable and sufficient means of suppressing dust must be provided and maintained
 - (g) the best practical means available in accordance with BS5228: 1984 shall be employed at all times to minimise the emission of noise from the site
 - (h) all construction vehicles used during construction must meet European Emission Standards of Euro 3 during any works on site.
 - (i) all non-road mobile vehicle with compression ignition engines used on the site shall comply with the emission standard contained in EC Directive 97/68/EC.
 - (j).any diesel powered machines used on or otherwise serving the site shall be operated on ultra-low sulphur diesel meeting the specification BSEN950

Reason: To limit the detrimental effects of noise and disturbance from construction works on adjoining residential occupiers.

- 2 Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works of the non-public areas of the development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on that part of the development. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-
- (a) proposed walls and fences including between private garden areas indicating materials and heights;
 - (b) screen planting along the boundaries of the first floor residential units;
 - (c) details of drainage, irrigation and water points.
 - (d) areas of hard landscape works and proposed materials;
 - (e) details of the tree pits to ensure suitable soil depth (minimum of 600mm)
 - (f) details of the childrens play space (at least 200sqm) with equipment age range 3- 8 years, play animals, surfacing in play areas, details of new proposals for fixed equipment which may include netting, omission of the large expanse of blackbird netting.
 - (g) details of the proposed arrangements for the maintenance of the landscape works.

- (h) trees within communal courtyard to be planted at size 10-12 cm girth
- (i) omission of purple moor grass and inclusion of wildflower meadow or other flowering plants appropriate to size and scale of the courtyard.
- (j) Detail of planters and proposed species to the balconies on the recessed top floors of the development.

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- 3 The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

MLA/295/L/001

MLA/295/L/010

MLA/295/L/011

MLA/295/L/020

MLA/295/L/100

MLA/295/L/101

MLA/295/L/102

MLA/295/L/103

MLA/295/L/104

MLA/295/L/105

MLA/295/L/106

MLA/295/L/107

MLA/295/L/108

MLA/295/L/120

MLA/295/L/121

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MLA/295/L/401
MLA/295/L/420
MLA/295/L/421
MLA/295/L/MA/500
MLA/295/L/MA/501
MLA/295/L/MA/502
MLA/295/L/MA/503
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VO-QP-200-1

VO-QP-sect250-3-a

VO-QP-sect250-3-b

1627/10/001 C

1627/10/002 CDocument Imaged DocFDN

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1627/10/003 A

1627/10/004

1627/20/003

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

- 4 The commercial premises (A1, A3, A4) shall not be used except between the hours of:-
0700 hours and 0000 hours Mondays to Saturdays
0900 hours and 2300 hours on Sundays and Bank Holidays

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties

- 5 The areas approved by the Local Planning Authority for car parking, loading, unloading and parking of service vehicles; vehicle turning space; and parking and access provision for disabled persons shall be used only for those purposes.

Reasons: To ensure that these areas are permanently retained for these uses in compliance with the Council's parking and servicing standards, in the interests of the general amenities of the locality and in the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways.

- 6 Further details of the treatment of public areas in the proposed development shall be submitted to and approved in writing by the Local Planning Authority before work commences on that part of the development, and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

(a) A scheme for the landscape works adjacent to the walkway at the northern end of the site (including species, plant sizes and planting densities).

(b) Omission of Gleditsia and Acer campestre as the tree type in the public space and replacement with Prunus mackii 'Amber Beauty' (single stem) planted at 18-20cm girth.

(c) Omit cast iron tree grilles and replace with a permeable resin bound surface, including full specification of tree pit.

(d) Submission of further design detail including samples of materials for public space.

NOTE - Other conditions may provide further information concerning details required.

Reason: These details are required to ensure that a satisfactory development is achieved.

- 7 In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented and so maintained.

Reason: In the interests of the visual appearance of the development in particular and the

locality in general

- 8 The development and construction works shall not be carried out other than in accordance with the Construction Method Statement (CMS) approved with the conditions application under reference 15/4855. This shall include, but not be limited to, evidence of measures to adopt and implement the ICE Demolition Protocol, and Considerate Contractor Scheme registration and operation. The approved Statement shall be fully implemented.

Reason: To minimise nuisance caused during demolition and construction activities and ensure demolition waste is sustainably reused or recycled locally, minimising waste sent to landfill.

- 9 All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice' to attain the following internal noise levels:

Criterion Typical situations Design range LAeq , T

Reasonable resting conditions Living rooms 40 dB (day: T=16 hours 07:00-23:00)

Reasonable sleeping conditions Bedrooms 35 dB (night: T=8 Hours 23:00-07:00)

LAm_{ax} 45 dB (night 23:00-07:00)

A test shall be carried out prior to the discharge of this condition to show the standard of sound insulation

required shall be met and the results submitted to the Local Planning Authority for approval.

Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources.

- 10 The demolition/building works hereby approved shall not be carried out other than in accordance with the vehicle wheel washing procedure approved within conditions application 15/4855. Such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

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

- 11 Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before work commences on that part of the development and shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

(a) sustainable drainage system to attenuate additional run off from site

NOTE - Other conditions may provide further information concerning details required.

Reason: These details are required to ensure that a satisfactory development is achieved.

- 12 The car park access from Claremont Road shall be increased in width to a minimum width of 5.4m (including 300mm margins) prior to occupation of any part of the development.

Reason: To ensure adequate space is provided to accommodate two cars passing one another.

- 13 Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before work commences on that part of the development and shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

(a) further consideration of the architectural composition of the corner element of the building to enable the building to have a greater streetscape presence and add to the legibility of

the
locality as a landmark (consideration of balconies, entrance canopy, parapet detail etc.)
(b) detail of proposed window system and depth of reveals
(c) architectural detail to create more distinction between commercial units and residential uses above including a scheme to provide designated locations for any future signage for the commercial units.
(d) further detail of design cycle/bin stores and residential entrances on Claremont Road to create visual interest at street level.
NOTE - Other conditions may provide further information concerning details required.

Reason: These details are required to ensure that a satisfactory development is achieved.

- 14 Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before work commences on that part of the development. The work shall be carried out in accordance with the approved details, and be so maintained.

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

- 15 Prior to the commencement of that part of the development the applicant shall provide details of the predicted Carbon Monoxide levels in the underground car park shall not exceed 30 ppm averaged over any 8-hour period and shall also not exceed 90ppm averaged over 15 minutes. If the forecast does not achieve acceptable levels, mechanical ventilation will be needed. This information shall be submitted to and approved in writing by the LPA prior to commencement, and the development shall be undertaken in accordance with the approved detail.

Reason: To protect the amenity of residents of the proposed development.

- 16 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 a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. 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 proposed for domestic use in accordance with the NPPF

- 17 Any 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 permitted 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 proposed for domestic use in accordance with the NPPF

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

- 2 The applicant is advised that the provision of any water tank, air-conditioning or ventilation

plant, extraction equipment or other roof structure (other than those shown on the drawings hereby approved) would require a separate grant of planning permission.