

Delegated Report		Analysis sheet		Expiry Date:		02/01/2009	
		N/A / attached		Consultation Expiry Date:			
Officer				Application Number(s)			
Barrington Bowie				2008/1965/P			
Application Address				Drawing Numbers			
146-162 Kilburn High Road (EXCEPT RETAIL UNITS) & 4-10 Kingsgate Road London NW6				Site Location Plan; Ground Investigation Plan; Covering letter dated 31 October 2008			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Application for variations of conditions 5, 8 and 10 relating to planning permission granted subject to a section 106 legal agreement dated 11 January 20008 (ref: 2007/4650/P) for partial demolition, refurbishment and conversion of upper floor office space (Class B1) and construction of additional (4th) storey at 146-162 Kilburn High Rd to provide 38 residential units (32 private, 6 shared ownership) within two blocks, plus courtyard, secondary residential entrances (Kilburn High Road), primary residential entrance and new refuse stores/cycle parking (Kingsgate Place). Erection of mainly 4, but partly 3-storey block with roof terrace & balconies fronting Kingsgate Road comprising 14 social rented residential units; plus new refuse stores/cycle parking on Kingsgate Road frontage; and enclosed mechanical equipment at first, second and third storey levels.							
Recommendation(s):		Grant with amended replacement conditions					
Application Type:		Variation or Removal of Condition(s)					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00	
			No. electronic	00			
Summary of consultation responses:		Liaison with local residents and officers of adjoining Borough (Brent). No objections raised.					
CAAC/Local groups* comments: <small>*Please Specify</small>		N/a					

Site Description

The application property currently comprises two elements:

Element 1: the main block is a basement plus 4-storey building facing Kilburn High Road (average height 12.5 to 13m); and a basement plus three commercial storeys at its Kingsgate Place frontage (maximum height 13m).

Element 2: The southernmost part of the site contains an Amazon store at ground floor with the sales area at Kilburn High Road and the servicing/storage to the rear at Kingsgate Road.

This has been demolished and site preparation and demolition works are being undertaken following planning approval to redevelop the site in January 2008 (see history).

The site is located within the Kilburn High Road Major Centre, is heavily trafficked and is well served by public transport. It is immediately adjoined to the north and south by the continuation of the retail frontage with commercial above. To the east, across Kingsgate Road, lie a 5-storey block of flats called Daynor House and Quex Road Methodist Church. There is a small group of houses to the east, across Kingsgate Place; The Cottage (No.1) is a two-storey Victorian property, whilst the remaining 5 houses are recently built and comprise a terrace of two and three- storey houses. The area is generally residential beyond the Kilburn High Road frontage.

Relevant History

Previous Applications

There have been a number of minor applications for individual premises on the site over the years. Although these are of no relevance to considerations of the application proposals, details are provided as a full background.

a) **27 January 2000.** App. No. PW9802465 (relating to the High Road frontage and the Kingsgate Road frontage). Planning permission granted, subject to the satisfactory completion of a legal agreement, for the change of use of the second and third floors from B1a offices to residential and the erection of a fourth floor for residential use to provide a total of 11 flats, the use of part of the basement for 11 car parking spaces for the residential flats and the creation of a vehicular entrance to the basement car parking at the rear, the erection of a canopy over the existing doorway, replacement and making good of the existing fascia and the replacement of the existing timber framed windows with UPVC framed windows, at Prosper House 146-154 Kilburn High Road. The legal agreement was never completed and the proposal was subsequently withdrawn.

b) **21 May 2004.** Application No. PWX0202107 (relating to adjoining premises in Kilburn High Road). After the satisfactory completion of a legal agreement, planning permission was granted for the change of use of the upper floors from vacant office space to 8 self-contained residential flats with alterations and extensions at the rear, including a terrace at rear second floor level, at 134-136 Kilburn High Road, NW6.

Appeal Applications

c) **17 June 2004.** Application No. PWX0202489. As a result of an appeal against non-determination, the sub-committee resolved that had it had the opportunity to determine the application, planning permission would have been refused for the redevelopment of: 146-162 Kilburn High Road to provide a 5 storey building (plus basement and sub-basement) including 7 retail units, 14 key-worker flats & 2 blocks comprising 56 private flats plus balconies & covered atrium; 30 sub-basement parking spaces with access from Kingsgate Place. Erection of 4 additional stories with roof terrace & balconies above existing supermarket building fronting Kingsgate Rd comprising 20 affordable flats, plus new refuse stores & cycle stands on Kingsgate Rd frontage; enclosed mechanical equipment above existing supermarket.

d) **9 September 2004.** Outline Application No. 2003/1462/P. As a result of the appeal against

non-determination, the application for outline permission was reported to sub-committee, which resolved that had it had the opportunity to determine the application, outline planning permission would have been refused for the redevelopment of: 146-162 Kilburn High Road to provide a 5-storey building (plus basement and sub-basement) including 7 retail units, 14 key-worker flats & 2 blocks comprising 56 private flats plus balconies & covered atrium; 30 sub-basement parking spaces with access from Kings gate Place. Erection of mainly 3, but partly 2 additional storeys with roof terrace & balconies above existing supermarket building fronting Kingsgate Road comprising 11 affordable flats, plus new refuse stores & cycle stands on Kingsgate Rd frontage; enclosed mechanical equipment above existing supermarket.

e) **30 November 2004.** Appeal Ref. APP/X5120/A/04/1160079. Following a Public Inquiry, the appeal against non-determination referred to in paragraph 4.5 was dismissed for design reasons.

Post-appeal approval

f) **8 September 2005.** App No. 2005/2297/P. Planning permission granted for the redevelopment of 146-162 Kilburn High Rd to provide a 5 storey building (plus basement & sub-basement) in 2 blocks including 7 retail units, 14 intermediate flats & 56 private flats plus balconies & covered atrium; 30 sub-basement parking spaces with access from Kingsgate Place and 72 basement cycle parking spaces. Erection of mainly 3, but partly 2 additional storeys (sic) with roof terrace & balconies above existing supermarket building fronting Kingsgate Road comprising 11 affordable flats; plus new refuse stores on Kingsgate Road frontage; enclosed mechanical equipment above existing supermarket.

g) **11 January 2008.** App No. 2007/4650/P. Planning permission granted for partial demolition, refurbishment and conversion of upper floor office space (Class B1) and construction of additional (4th) storey at 146-162 Kilburn High Rd to provide 38 residential units (32 private, 6 shared ownership) within two blocks, plus courtyard, secondary residential entrances (Kilburn High Road), primary residential entrance and new refuse stores/cycle parking (Kingsgate Place). Erection of mainly 4, but partly 3-storey block with roof terrace & balconies fronting Kingsgate Road comprising 14 social rented residential units; plus new refuse stores/cycle parking on Kingsgate Road frontage; and enclosed mechanical equipment at first, second and third storey levels.

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

UDP 2006 Policies:

SD1 Quality of life

SD7 Light, noise and vibration pollution

B1 General design principles

Assessment

Original Condition No.5

No works in respect of the development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas for the respective parts of the development have been submitted to and approved by the local planning authority. Such details shall include any proposed earthworks including grading, mounding and other changes in ground levels.

REASON: In order to safeguard the appearance of the premises and the character of the immediate area, in accordance with the requirements of policy B1 of the Camden Replacement Unitary Development Plan 2006.

Condition attached to ensure the submission and agreement of full details of the landscaping proposals PRIOR to commencement of ANY works on site.

Proposed Condition No.5

*No works in respect of the development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas for the respective parts of the development have been submitted to and approved by the local planning authority **before the relevant parts of the works are commenced**. Such details shall include any proposed earthworks including grading, mounding and other changes in ground levels.*

REASON: *In order to safeguard the appearance of the premises and the character of the immediate area, in accordance with the requirements of policy B1 of the Camden Replacement Unitary Development Plan 2006.*

The applicant has suggested a revised condition because details of the landscaping works CANNOT be provided prior to commencement of any works on site. Certain elements of the proposals would have a contractor's design input and full and final details will not be available until after the contract has been let and the demolition and construction phases have commenced. Thus the applicant has sought an amended wording to ensure compliance with the condition. No objections to this, provided details are submitted before the relevant part of the works is commenced and what is considered to be the "relevant parts of the works" is agreed in writing with the local planning authority. This proviso would be attached as an informative.

Original Condition No.8

Details of plant to be installed and/or relocated **that includes plant and ducting currently positioned on the store roof and external walls** (including sound attenuation and acoustic isolation from the structure) shall be submitted to and approved by the local planning authority **prior to commencement of each part of the development**. The development shall only be carried out in strict accordance with such approved details, including specified maximum noise levels, and thereafter maintained.

REASON: To ensure that the appearance of any external plant is compatible with the appearance of the building and the area and to ensure that residential amenities are protected, in accordance with the requirements of policy SD7 of the Camden Replacement Unitary Development Plan 2006.

Condition attached to ensure the submission and agreement of full details and proposed location of plant, PRIOR to commencement of ANY works on site.

Proposed Condition No.8

*Details of plant to be installed and/or relocated (including sound attenuation and acoustic isolation from the structure) shall be submitted to and approved by the local planning authority **before the relevant parts of the works are commenced**. The development shall only be carried out in strict accordance with such approved details, including specified maximum noise levels, and thereafter maintained.*

REASON: To ensure that the appearance of any external plant is compatible with the appearance of the building and the area and to ensure that residential amenities are protected, in accordance with the requirements of policy SD7 of the Camden Replacement Unitary Development Plan 2006.

The applicant has suggested a revised condition because details of the mechanical and electrical (M&E) installations CANNOT be provided prior to commencement of any works on site. Certain elements of the mechanical and electrical (M&E) installations would be tendered under performance spec written by the applicant's M&E consultants. Full and final details of the plant installations would not be available until after the contract has been let and the demolition and construction phases have commenced. Thus the applicant has sought an amended wording to ensure compliance with the condition. No objections to this, provided details are submitted before the relevant part of the works is commenced and what is considered to be the "relevant parts of the works" is agreed in writing with the local planning authority. This proviso would be attached as an informative. Furthermore, the plant and ducting that had been positioned on the store roof and external walls has been permanently removed as part of the works and no longer needs to be referred to in the condition.

Original Condition No.10

Details of security measures including external lighting, lighting to entrance areas and other related measures shall be submitted to and approved by the local planning authority **prior to commencement of the development. The development shall be carried out in accordance with any such approved measures and thereafter maintained.**

REASON: To ensure that suitable measures are taken in respect of security of the site, in accordance with the requirements of policy SD1 of the Camden Replacement Unitary Development Plan 2006.

Condition attached in the interests of safety of future occupiers of the development and existing occupiers in the vicinity.

Proposed Original Condition No.10

Details of security measures including external lighting, lighting to entrance areas and other related measures shall be submitted to and approved by the local planning authority **before the relevant parts of the works are commenced**. The development shall be carried out in accordance with any such approved measures and thereafter maintained.

REASON: To ensure that suitable measures are taken in respect of security of the site, in accordance with the requirements of policy SD1 of the Camden Replacement Unitary Development Plan 2006.

The applicant has suggested a revised condition because details of the mechanical and electrical (M&E) installations CANNOT be provided prior to commencement of any works on site. Certain elements of the mechanical and electrical (M&E) installations would be tendered under performance spec written by the applicant's M&E consultants. Full and final details of the external lighting installations would not be available until after the contract has been let and the demolition and construction phases have commenced. Thus the applicant has sought an amended wording to ensure compliance with the condition. No objections to this, provided details are submitted before the relevant part of the works is commenced and what is considered to be the "relevant parts of the works" is agreed in writing with the local planning authority. This proviso would be attached as an informative.

The suggested revisions to the wording of the conditions are satisfactory. No objections. The proposals can therefore be favourably recommended and planning permission granted.

Conditions

A. Conditions 5, 8 and 10 of the planning permission (ref 2007/4650/P) dated 11/01/2008 are hereby removed subject to the following replacement conditions being imposed:

REPLACEMENT CONDITIONS

5. No works in respect of the development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas for the respective parts of the development have been submitted to and approved by the local planning authority before the relevant parts of the works are commenced. Such details shall include any proposed earthworks including grading, mounding and other changes in ground levels.

REASON: In order to safeguard the appearance of the premises and the character of the immediate area, in accordance with the requirements of policy B1 of the Camden Replacement Unitary Development Plan 2006.

8. Details of plant to be installed and/or relocated (including sound attenuation and acoustic isolation from the structure) shall be submitted to and approved by the local planning authority before the relevant parts of the works are commenced. The development shall only be carried out in strict accordance with such approved details, including specified maximum noise levels, and thereafter maintained.

REASON: To ensure that the appearance of any external plant is compatible with the appearance of the building and the area and to ensure that residential amenities are protected, in accordance with the requirements of policy SD7 of the Camden Replacement Unitary Development Plan 2006.

10. Details of security measures including external lighting, lighting to entrance areas and other related measures shall be submitted to and approved by the local planning authority before the relevant parts of the works are commenced. The development shall be carried out in accordance with any such approved measures and thereafter maintained.

REASON: To ensure that suitable measures are taken in respect of security of the site, in accordance with the requirements of policy SD1 of the Camden Replacement Unitary Development Plan 2006.

B. In addition to the replacement conditions above, this approval shall be subject to all the extant conditions attached to the parent permission granted on 11/01/2008 under reference number 2007/4650/P.

REASON: In order to comply with the reasons for the conditions attached to the permission as set out in the notice to that effect dated 11/01/2008 under reference number 2007/4650/P.

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