

Delegated Report		Analysis sheet		Expiry Date:		22/09/2008	
				Consultation Expiry Date:			
Officer				Application Number(s)			
Jenny Fisher				2008/2148/P			
Application Address				Drawing Numbers			
308 Kilburn High Road London NW6 2DG				Refer to decision letter			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Submission of details of facing materials and details of a soil investigation pursuant to conditions 2 and 4 of the planning permission dated 03/01/2007 (2005/1421/P) for erection of a 3 storey building to provide 4 self-contained flats.							
Recommendation(s):		Part approve/part refuse					
Application Type:		Approval of Details					
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:							
CAAC/Local groups* comments: *Please Specify							

Site Description

The site is located on the east side of Kilburn High Road, facing the cul-de-sac of Palmerston Road. The building adjacent (and from which access is gained for 4 new flats) turns the corner from Kilburn High Road into Palmerston Road, linked to the development site by a two storey building; a former ground floor shop which retains its fascia and one scroll-topped pilaster and formerly a windowless rendered first floor.

The site is not within a conservation area.

Relevant History

03/01/2007 (2005/1421) Planning permission granted subject to a S 106 Agreement was for: The erection of a 3 storey building to provide 4 self-contained flats.

Condition 2

The details of the facing materials (front brickwork/render, roof tile, window sample) to be used on the building shall not be otherwise than as shall have been submitted to and approved in writing by the Council before any work is commenced on the relevant part of the development. Such details shall include proposed slab levels of the building in relation to the existing and proposed levels of the site and the surrounding land. These parts of the development shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies EN1 and EN13 of the London Borough of Camden Unitary Development Plan 2000, and those of the Proposed Modifications to the Revised Deposit Draft [as approved by the Council's Executive on 11th January 2006] with particular regard to policies S1, S2 & B1.

Condition 4

No development shall take place until:

- a) The applicant has submitted a programme of ground investigation for the presence of soil and groundwater contamination and landfill gas for approval by the Council; and
- b) The investigation has been carried out in accordance with the approved details and the results and remediation measures (if necessary) have been submitted to and approved by the Council. All approved remediation measures shall be implemented strictly in accordance with the approved details.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy EN10 of the London Borough of Camden Unitary Development Plan 2000, and those of the Proposed Modifications to the Revised Deposit Draft [as approved by the Council's Executive on 11th January 2006] with particular regard to policies SD10B and S3.

Relevant policies

Replacement UDP: S3, SD10, B1, B3

Assessment

A significant amount of the new build has taken place. One of the Council's Enforcement Officers contacted the contractor on 4th April 2008 in response to an enquiry by Councillor King, requesting that an application for approval of details be submitted (EN08/0291). Works were in progress and planning approval had been granted on condition that details of facing materials were submitted and agreed in writing before work commenced and no development should have taken place until a programme of ground investigation had been submitted for the Council's approval. Subsequently the current application was submitted. The Enforcement file remains open and works are being monitored.

Condition 2

Required are details of facing materials (front brickwork/render, roof tile and window sample)

Front brickwork / render

Drawing 643/BB/008 Rev. C has been annotated to show that render finish would match neighbouring buildings but confirmed by e-mail (6/09/2008) that the colour of the render would match existing. Render to match existing is acceptable.

Roof tiles

Grey tiles have been installed on the new building, documentation submitted states that they are plain concrete tiles, considered acceptable.

Window samples

Drawing (643/BB/008 Rev C dated November 2006) submitted with the existing application shows that all new windows are one over one type. The accompanying documentation (fascia details and manufacturers' details dated 23/07/2008) states that the windows will be white UPVC, with windows of the casement type (although a letter from the contractor dated 09/04/08 states that the windows will be timber).

Drawing 643/BB/008 Rev. C submitted with the application for the discharge of Condition 2 varies from drawing 643/BA/002 Rev. F, one of the windows has been removed, approval is not required for this. However the two windows in the link building are the same on both drawings, but a site visit revealed that a different style of window has been installed. It is recommended that the applicant is advised that works carried should be in strict compliance with approved drawings and that it would be advisable to submit an application for planning permission for works completed that are not part of an approved scheme. The windows should be white painted timber vertical sliding sashes following the one over one glazing pattern as shown on plans and appropriate for the new building and traditional buildings in close proximity.

It is considered that since conflicting information has been submitted and no sample, the condition cannot be discharged.

It is considered important to note that the applicant has been given the opportunity to provide details required (e-mail 06/11/2008 and subsequent e-mails and telephone discussions). However to date it they have not been submitted.

Condition 4

The Council's Environmental Health Officer (contaminated land) is satisfied that the requirements of condition 4 have been fulfilled and therefore recommend that condition 4 be discharged.

Conclusion and Recommendations:

1. Discharge condition 4.
2. Part discharge condition 2. Brickwork/render and roof tiles details submitted and acceptable. A window sample has not been submitted.

An informative is recommended explaining why condition 2 cannot be fully discharged and reminding

the applicant that he is in breach of condition and that this renders the entire scheme unlawful.

Pilasters to the shop front of the link building

Only one of the pilasters appears in situ – where the drawings to accompany this application clearly show two are to be retained. No permission was granted for the removal of the pilaster. It is recommended that the applicant is advised by informative that the pilaster should be reinstated or drawings submitted with an application for planning permission for the installation of an amended shop front design. The applicant should also be advised to submit an application for planning permission to regularise development that does not match approved drawings.

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