

Delegated Report		Analysis sheet		Expiry Date:		27/02/2008	
		N/A / attached		Consultation Expiry Date:			
Officer				Application Number(s)			
Neil McDonald				2008/0127/P			
Application Address				Drawing Numbers			
37-63 Fortune Green Road London NW6 1DR				Covering Letter by SLR Consulting dated 17/12/2007; Drwg 1 -location plan; Upper Basement Floor Plan 1405-6-P-200-1009 rev L; Lower Basement Floor Plan 1405-6-P-200-1008 rev J; Section drwg 1405-6-S-200-3001 rev H; Waste Disposal Duty of Care Documentation - 17 sheets.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Submission of details to supplement previously submitted validation report (reference 2007/5033/P) in order to fully discharge condition 25 (relating to a site investigation for potentially contaminated land) pursuant to outline permission (ref. 2003/1858/P) granted on appeal dated 17th February 2005 (ref. APP/X5210/A/03/ 1135364) for the redevelopment of existing public house, shop units, showroom/garage & petrol station by the erection of a part 4, part 5 storey building plus basement & sub-basement for gym use (Class D2), commercial use (Class A1, A2 or A3 use), and residential use (Class C3).							
Recommendation(s):		Granted					
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:		[Click here and type]					
CAAC/Local groups* comments: *Please Specify		[Click here and type]					

Site Description

The site was formerly a car showroom/garage with petrol filling station, parade of shops and a public house located on the west side of Fortune Green Road. Site clearance has now taken place. The land is surrounded on 3 sides by Fortune Green public open space. The site is the subject of redevelopment proposals granted on appeal for a part 4 and part 5-storey building of residential flats with basement parking and shops and a gym at ground floor/part basement. Construction has now commenced. The site is not located within any conservation area.

Relevant History

On 17 February 2005, following an inquiry held in October 2004, outline planning permission was granted for a part 4, part 5 storey building plus basement & sub-basement to provide a gym (Class D2) at part basement & part ground floor, 5 ground floor commercial units (Class A1, A2 or A3 use), 22 affordable residential units at 1st-3rd floors & 50 private residential units at 1st-4th floor levels, plus 82 ancillary parking spaces on the site comprising 37-63 Fortune Green Road. (2003/1858/P).

The approval is bound by an accompanying Unilateral Undertaking securing affordable housing; car capped housing; travel plan; contributions for education, highways works and additional planting for the adjacent public open space.

The Inspector granted outline permission with reserved matters being design, external appearance, landscaping and access. These were approved on 30/06/2006 (ref. 2006/1705/P).

Approvals of details have since been issued in respect of conditions 4 (slab levels); 5 (facing materials), 6a (layout of flats and detailed elevations); 6e (glazing); 6f (parapets); 6g (balconies); 6h (roofs); 6i (boundaries); 6l (shopfronts); 6n (staggered apex); 8 (tree survey); 9 (tree protection); 10 (tree planting); 12 (site access and visibility splays); 13 (route for construction traffic); 15 (residential parking); 16 (vehicular ramp); 17 (cycle parking); 24 (archaeological investigation); 25 (part details of site investigation); 26 (waste storage and removal); 30 (noise insulation).

Details are still outstanding in respect of conditions 27 (surface and foul drainage), 29 (sound insulation of gymnasium) and 31 (ventilation and fume extraction) and require submission. Applications for approvals of details have been submitted regarding conditions 6b (lighting), 6c (signage), 6d (planting fixed to building), 6j (entrances), 6k (gate to service area) and are receiving consideration.

Relevant policies

London Borough of Camden Replacement Unitary Development Plan –Adopted June 2006

SD10B – Contaminated land and uses

Assessment

Condition 25:

Before the development is commenced a detailed site investigation shall be carried out to establish whether the site is contaminated or affected by any landfill gas, to assess the degree and nature of the contamination present, to determine its potential for the pollution of the water environment and to avoid any potential hazards to occupiers of the development. The method and extent of this site investigation shall be agreed with the local planning authority. Details of appropriate measures to prevent pollution of groundwater and surface water and hazards to occupiers of the development, including provisions for monitoring, shall then be submitted to and approved in writing by the local planning authority before the development commences. The development shall then proceed in strict accordance with the measures approved.

The above condition was imposed by the inspector to deal with likely contamination that would exist beneath the former petrol filling station use. This had been raised as an issue by local residents who were concerned about past incidents of alleged contamination in the adjacent park during events of flooding.

Site Investigation & Initial Contamination Assessment Reports were submitted to the Council for consideration along with Land Quality Assessment and Risk Assessment Reports in April 2006. These were approved in June 2006 under reference No. 2006/1406/P as a partial approval of details of condition 25 on the further condition that a validation report will be submitted for approval upon completion of remediation of the site in order that condition 25 may be fully discharged. The content of the validation report should be sufficient for the purpose of confirming that there will be no unacceptable risks to future users of the site.

A validation report was submitted in October 2007 and registered as approval of details application ref 2007/5033/P. This was rejected due to lack of clarity about the extent of excavation, what was done with the excavated soil and the specific nature of certain identified natural organic compounds.

These issues are addressed in the letter from SLR Consulting dated 17 December 2007, which is intended as an addendum to the Validation Report. The Council's Contaminated Land Officer of the Environmental Health Team is satisfied with the letter and its attachments and it is therefore considered that condition 25 can now be discharged.

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