

 **Planning Committee Map**
Site address: BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, NW6 5DT
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This map is indicative only.

RECEIVED: 4 November, 2013

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, NW6 5DT

PROPOSAL: Variation of condition 2 (approved plans) to allow minor material amendment including the increase in commercial floor space from 480msq to 590msq, of planning permission reference 12/1516 dated 04/09/2012 for outline application (all matters reserved) for demolition of existing structures on site and erection of new mixed use development comprising of 144 residential units and 480m² of commercial floorspace (Use Class A1/A3/A4) and subject to a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990, as amended or equivalent

APPLICANT: Bouygues Development

CONTACT: DP9

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site is currently occupied by the Former British Legion Social Club and the Former Albert Road Daycare Centre. Both buildings are currently unoccupied. The site is not within a Conservation Area and neither buildings a listed. The site is within the South Kilburn Regeneration Area.

PROPOSAL

See description above

HISTORY

Relevant Applications:

12/1516. Outline planning consent sought for demolition of existing structures on site and erection of new mixed use development comprising of 144 residential units and 480m² of commercial floorspace (Use Class A1/A3/A4) and subject to a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990, as amended or equivalent. Granted 30/08/2012.

13/1978 Approval of reserved matters relating to access, appearance, landscaping, layout and scale of outline planning permission reference 12/1516. Approved 18/10/2013.

13/3368. Non material amendment comprising:

Amendment to wording of condition 12 to require the submission of landscaping details prior to construction works commencing on site of planning permission reference 12/1516. Granted 02/12/2013.

13/2531.Details pursuant to Conditions 4 (Details) 13 (Site Waste Management Plan) 14 (details of communal television system/satellite dish provision) 16 (Flood Risk Assessment) 20 (Bin collection) 21 (Demolition or site clearance), of Outline planning permission reference 12/1516 dated 4th September 2012 for Outline application (all matters reserved) for demolition of existing structures on site and erection of new mixed use development comprising of 144 residential units and 480m² of commercial floorspace (Use Class A1/A3/A4) and subject to a Deed of Agreement under Section 106 of the Town and Country Planning Act

1990, as amended or equivalent.

Granted 27/11/2013

13/2206. Details pursuant to condition 15 (finished site and ground level), of planning permission reference 12/1516 dated 04/09/2012 for outline application (all matters reserved) for demolition of existing structures on site and erection of new mixed use development comprising of 144 residential units and 480m² of commercial floorspace (Use Class A1/A3/A4) and subject to a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990, as amended or equivalent. Grante 10/10/2013

POLICY CONSIDERATIONS

Please see those set out in reports on original outline application 12/1516 and Reserved Matters Application 13/1978.

CONSULTATION

A site notice was installed outside of the site on 27/12/2013 and a press notice was published on 9/01/2014 advertising the application as being of public interest.

No objections have been received.

REMARKS

Background

1. This site falls within the South Kilburn Regeneration Area and was subject of outline and reserved matters applications for the redevelopment of the site to provide a mixed use development containing 144 residential units arranged over 3 blocks and 480sqm of retail space fronting onto Salusbury Road. The site has been disposed of by the Council and is now being privately developed by Bouygues and London and Newcastle. The commercial space is to be let out to a retail operator.
2. Changes to Government policy have in recent years have been made to introduce more flexibility to the planning system; since 2009 applicants have been able to submit applications for amendments "whose scale and nature results in a development which is not substantially different from the one which has been approved." (CLG, 2009). In this instance the applicants seek confirmation that the proposal to increase the area of commercial floor space from 480sqm to 590sqm can be treated as a minor material amendment.

Assessment of Proposed Amendment

3. The key consideration with this application is whether the proposed additional commercial floor space would result in a development which is not substantially different from the one which was approved.
4. The additional floorspace would be in the form of a mezzanine level above the proposed sub station in the southern area of the frontage block. The applicants require this space to provide additional plant for the retail space while maximising the area of commercial floor space available as retail space. The outline planning consent gave permission for 480sqm of commercial floor space but did not approve a formal layout for the proposed floorspace. It was anticipated that there would be plant equipment provided as part of the 480sqm floor space. As such there are conditions attached to the original planning consent to ensure that each of the residential units has appropriate levels of sound insulation and that full details of any plant equipment are submitted to ensure that users of the surrounding area are do not suffer loss of amenity by reason of noise nuisance. These conditions will be attached to the new permission as set out in the paragraph on conditions below.
5. A section drawing has been submitted which shows that the mezzanine floor space also has limited headroom and will not be used as additional retail space. The parking and servicing standards will not be changed by the increase in floor space of 110sqm. Therefore there will be an acceptable impact on highway safety or parking as a result of the proposed increase in floorspace. The proposed servicing space, created by the provision of a new servicing lay-by, will remain on Salusbury Road.

Conditions

6. The conditions attached to the original decision notice are repeated, although the standard time condition is amended to reflect the original decision date and where further details have been approved, these are included in the conditions. For the avoidance of confusion the plans approved under the reserved matters application have been included in condition 2.

Conclusion

7. The changes proposed are not considered to significantly change the approved scheme, but are necessary to ensure the viability of the commercial floor space and to fit with the programme of works. Your officers recommend the minor material amendment be approved.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
Council's Supplementary Planning Guidance 17
South Kilburn SPD

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

- (1) In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of this permission, and that the development to which this permission relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of three years from the 04/09/2012; or
(ii) the expiration of two years from the final approval of the reserved matters application reference 13/1978 on 18/10/2013 .

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

- MLA-303-L-002-P1
7301-A-G100-XP-00-099
7301-A-G100-P-00-099 Rev 01
7301-A-G200-P-B1-099
7301-A-G200-P-B0-099
7301-A-G200-P-00-099 Rev 02
7301-A-G200-P-01-099 Rev 02
7301-A-G200-P-02-099 Rev 02
7301-A-G200-P-TY-099 Rev 02
7301-A-G200-P-05-099 Rev 02
7301-A-G200-P-06-099 Rev 02
7301-A-G200-P-07-099 Rev 02

7301-A-G200-P-RF-099 Rev 02
 7301-A-G100-E-N-099 Rev 01
 7301-A-G100-E-S-099 Rev 02
 7301-A-G100-E-E-099 Rev 02
 7301-A-G100-E-W-099 Rev 01
 7301-BA-A-G200-E-N-099 Rev 01
 7301-BA-A-G200-E-S-099 Rev 01
 7301-BA-A-G200-E-E-099 Rev 01
 7301-BB-A-G200-E-W-099 Rev 01
 7301-BB-A-G200-E-S-099 Rev 01
 7301-BB-A-G200-E-E-099 Rev 02
 7301-BB-A-G200-E-N-099 Rev 01
 7301-BC-A-G200-E-N-099 Rev 01
 7301-BC-A-G200-E-W-099 Rev 02
 7301-BC-A-G200-E-S-099 Rev 02
 7301-BA-A-G200-S-AA-099
 7301-BB-A-G200-S-BB-099
 7301-BC-A-G200-S-CC-099
 7301-A-G100-S-DD-099
 7301-BA-A-G200-S-DD-099
 7301-BB-A-G200-S-DD-099
 7301-BC-A-G200-S-DD-099
 7301-A-G251-D-AL-001-099
 7301-A-G251-D-AL-002-099
 7301-A-G251-D-AL-003-099
 7301-A-Z200-X-001-099
 7301-A-Z200-X-002-099 Rev 01
 7301-A-Z200-X-003-099
 7301-A-Z100-X-001-099 Rev 01
 7301-A-G200-P-00-002Rev14
 7301-A-G200-A-AARev01

- Design and Access Statement by Ian Simpson Architects July 2013

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

- (3) The development shall be carried out and completed in all respects in accordance with the details so approved under the Reserved Matters application 13/1978 approved on 18/10/2013, before the buildings are occupied.

Reason: These details are required to ensure that a satisfactory development is achieved. For the avoidance of doubt, the definitions of Reserved Matters are contained within Circular 01/2006 and other conditions may require further information concerning details required.

- (4) Prior to the commencement of any of the residential development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that residential premises will be designed in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings-Code of Practice' to attain the following internal noise levels as a minimum:

Criterion	Typical situations	Design range $L_{Aeq, T}$
Reasonable resting – 23:00) conditions	Living rooms	30 – 40 dB (day: T =16 hours 07:00
Reasonable sleeping – 07:00) conditions	Bedrooms	30 – 35 dB (night: T = 8 hours 23:00 L_{Amax} 45 dB (night 23:00 – 07:00)

If the above internal noise levels are not achieved then further works, in accordance with

details specified by the Local Planning Authority, shall be carried out in order to achieve such levels.

The submitted details shall include an up to date assessment of local noise levels including noise from the adjacent rail line.

Reason: To safeguard the amenity of future occupants of the development

- (5) An active commercial frontage shall be maintained at ground floor level along Salisbury Road unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the commercial element supports the existing district retail centre along Salisbury Road.

- (6) The development shall make an overall provision for amenity areas equivalent to a minimum 20sqm per residential unit.

Reason: To ensure a satisfactory quality of development for prospective residents.

- (7) Any car parking proposed within any future subterranean or basement car park on the site shall not exceed a parking standard of 0.5 spaces per unit.

Reason:

In order to allow the Local Planning Authority to exercise proper control over the development in the interest of highway and pedestrian safety in the locality.

- (8) All existing vehicular crossovers rendered redundant by the development, hereby approved, shall be made good, and the kerb reinstated, at the expense of the applicants, prior to the first occupation of the development.

Reason: In the interests of highway safety and in order to allow the Council to secure proper control over the development.

- (9) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987(or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the commercial floorspace hereby permitted shall only be for purposes falling within Use Class A1 or Use Class A3 or Use Class A4 providing that any extraction equipment required for those uses are approved by the Local Planning Authority in advance of occupation of the unit being served by the required extraction equipment.

Reason: No separate use should commence without the prior approval of the Local Planning Authority for the following reasons so that the use does not prejudice the amenity of the area.

- (10) No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To ensure that any piling would not have a detrimental impact on local underground water utility infrastructure.

- (11) No phase of the development hereby permitted shall commence (save for demolition) until samples of the external materials and finishes to be used for all external surfaces relevant to that phase (including but not limited to roofs, elevation treatment, glazing and balconies) have been submitted to and approved in writing by the Local Planning Authority. The relevant part of the development shall in all aspects be carried out in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order that the Local Authority is satisfied with the details of the proposed development.

- (12) The remainder of the undeveloped land within the curtilage of the site, within the relevant parts of the development hereby permitted shall be suitably treated with hard and soft landscaping, including trees/shrubs/grass (including species, plant sizes and planting densities), in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction work on the site; such landscaping work shall be completed prior to occupation of the buildings within these phases, or within six weeks of the commencement of the next planting season, if the commencement of construction of the development takes place outside the planting season, in accordance with a program to be first agreed in writing by the local planning authority. The approved maintenance arrangement shall be fully implemented.

Such a landscaping scheme shall also indicate:-

- (a) a full tree survey of all trees on the site
- (b) full details of the proposed play space including equipment, surfacing, boundary treatments and planting
- (c) all existing and proposed levels throughout the site
- (d) other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, footways and other paved pedestrian areas.
- (e) full details of the proposed arrangements for maintenance of the landscaping for the first 5 years
- (f) full details of the proposed boundary treatments and fencing within the site and around the perimeter of the site. indicating materials and heights
- (g) details of screen planting along and surrounding proposed car parking areas
- (h) areas of hard landscape works and proposed materials
- (i) full details of replacement trees and tree protection measures to be carried in accordance with BS 5837:2005 for any existing trees to be retained within the relevant parts of the development during construction.
- (j) full details of the construction of any podium decks

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 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 standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- (13) The development hereby approved shall be carried out in compliance with Site Waste Management Plan detailing all the waste streams and the measures taken to reduce construction waste generated by the development approved by the Local Planning Authority under planning reference 13/2531 approved on 27/11/2013.

Reason; to ensure that waste generated by the development is minimised.

- (14) The development hereby approved shall be carried out in accordance with the details of communal television system/satellite dish provision approved in writing by, the Local Planning Authority under planning reference 13/2531 approved on 27/11/2013

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

locality in general.

- (15) The development hereby approved shall be carried out in accordance with the Detailed drawings approved in writing by the Local Planning Authority under planning reference 13/2206 on 10/10/2013, indicating the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. The gradients of any new road or turning area should not exceed 1:25 and those of parking or loading bays should not exceed 1:40.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway, and that satisfactory gradients are achieved.

- (16) The development hereby permitted shall only be carried out in accordance with the Drainage Strategy report and other details approved in writing by the Local Planning Authority under planning reference 13/2531 on 27/11/2013.

Reason: To prevent flooding by ensuring satisfactory storage/disposal of surface water in line with Environment Agency comments.

- (17) A delivery and servicing plan must be submitted to, and approved in writing by, the Local Planning Authority prior to the development hereby approved commencing (save for demolition works).

Reason: In the interests of highway and pedestrian safety.

- (18) No water or effluent should be discharged from the site or operations on the site into the railway undertakers culverts or drains. Details of the proposed drainage shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Network Rail, and the works shall be carried out in accordance with the approved details.

Reason: In order to exercise proper control over the development.

- (19) Prior to commencement of works (not including demolition) full details of excavations and earthworks to be carried out within 10 metres of the railway undertakers boundary fence should be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Network Rail, and the works shall only be carried out in accordance with the approved details.

Reason: In order to ensure that the development does not compromise railway operational land.

- (20) Development shall take place in accordance with the refuse management strategy for the moving of bins to and from a collection point approved in writing by the local planning authority under planning reference 13/2531 approved on 27/11/2013. Once the strategy has been approved it must be fully implemented.

Reason: To ensure that the proposed development has adequate standards of hygiene and refuse collection are provided.

- (21) Works shall be carried out in accordance with the Construction Logistics Plan (CLP) approved in writing by, the local planning authority under planning reference 13/2531 on 27/11/2013. The approved CLP shall be adhered to throughout the construction period.

The demolition/site clearance/building works hereby approved shall not commence until the vehicle wheel washing facilities have been provided on site in accordance with the approved details and 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: In the interests of the amenity of adjoining occupants and the interests of the free flow of traffic and highway and pedestrian safety, to ensure the footway and carriageway is not blocked during the works and in the interests of local Air Quality Management Area objectives.

- (22) Prior to the installation of any plant (such as refrigeration, air-conditioning, ventilation system, CHP, kitchen extraction systems), further details of such apparatus including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority.

Such details shall include:

- (i) a survey of existing background noise levels undertaken prior to the commencement of the development;
- (ii) the predicted noise levels from any plant (e.g. refrigeration, air-conditioning, ventilation system, CHP, kitchen extraction system) together with any associated ducting, shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises: the method of assessment should be carried out in accordance with BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'; and
- (iii) a scheme of mitigation in the event the predicted noise levels of the plant exceed the criteria in part (ii)

The approved apparatus shall be installed in accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

- (23) 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. 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, and an appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users. 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.

- (24) Any remediation measures in relation to the site investigation 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.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Robin Sedgwick, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5229