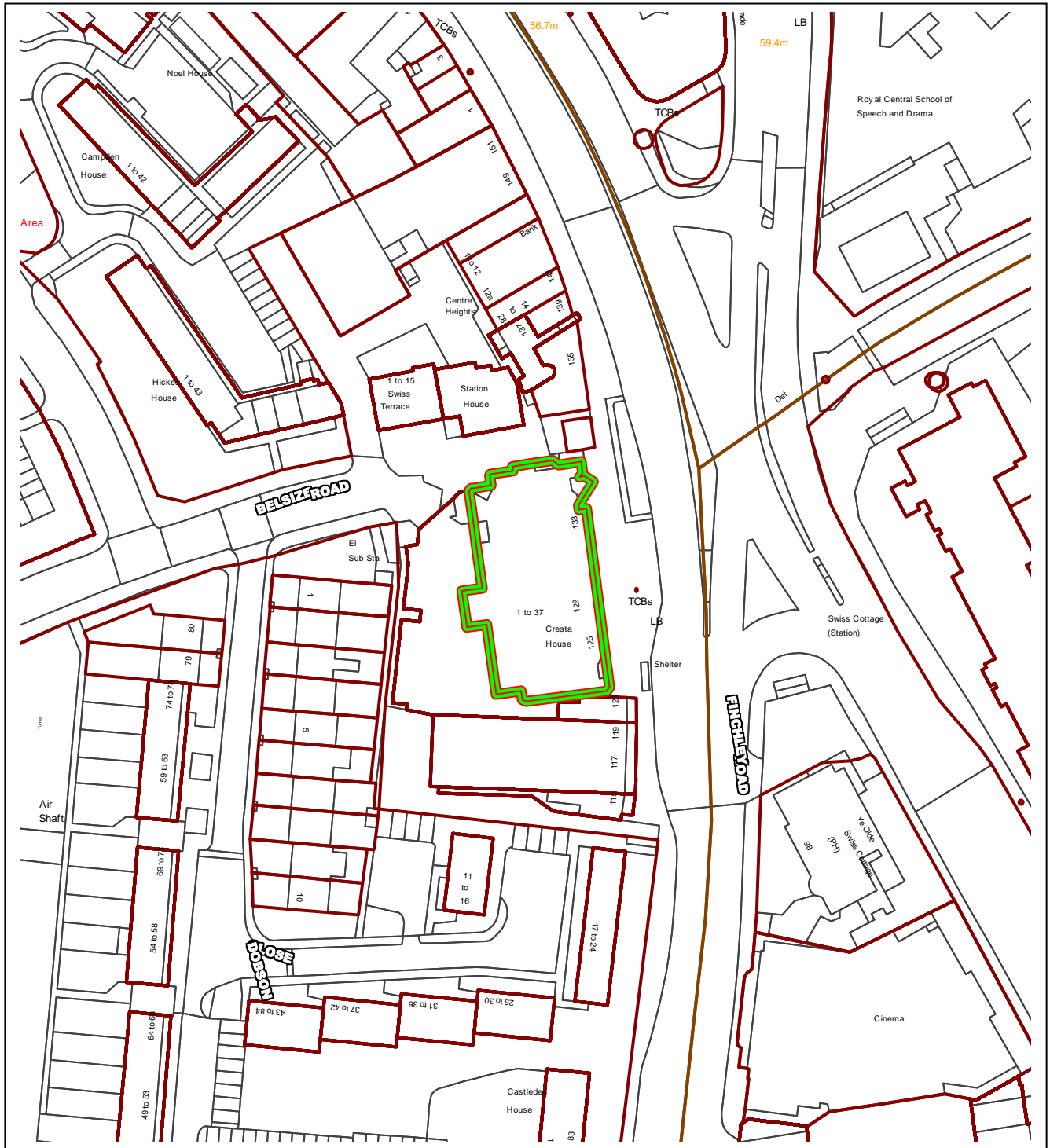


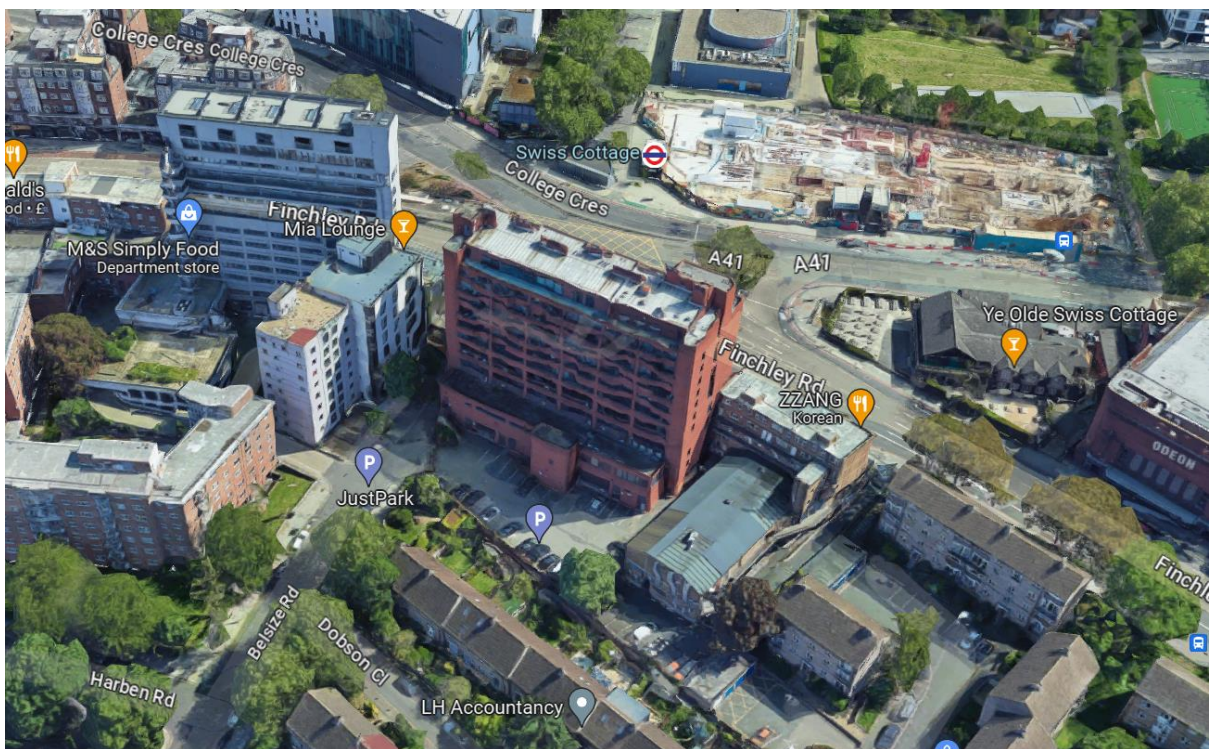
2022/5492/P – 125 Finchley Road, NW3 6HY



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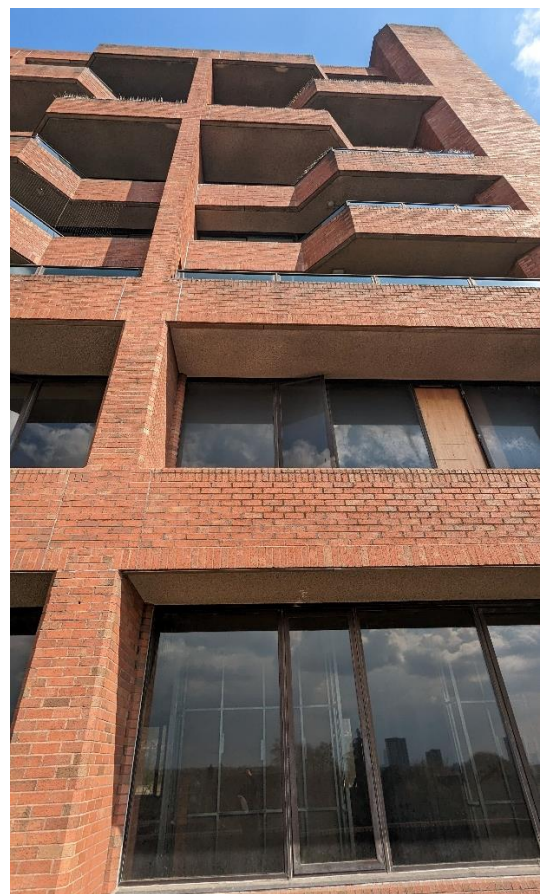
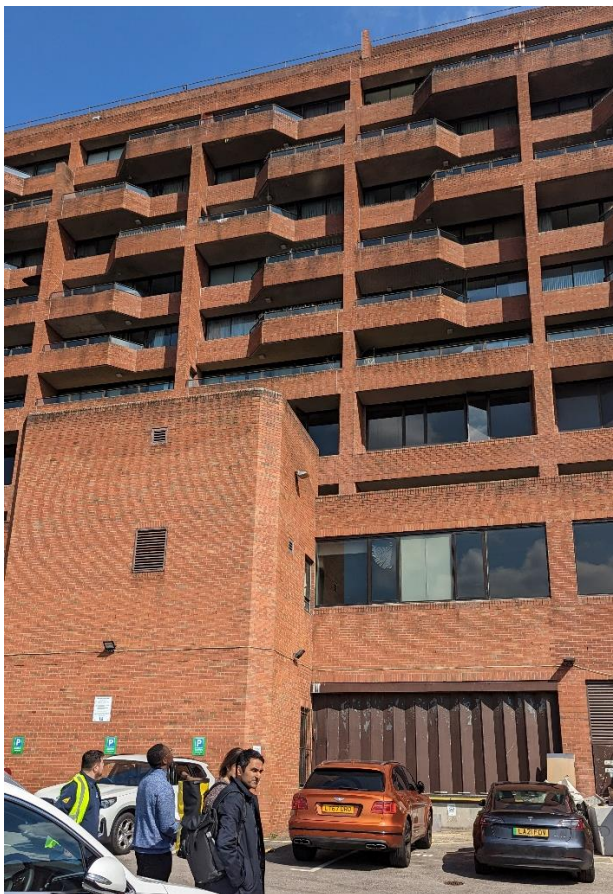
1. Aerial view (Google) showing principal façade on Finchley Road



2. Aerial view (Google) showing rear façade in context



3. Officer photo taken from across the junction looking towards building's principal façade



- 4. (Left) Officer photo taken from rear carpark of building's rear façade
- 5. (Right) Officer photo taken from first-floor flat roof (potential roof terrace) looking up towards balconies of residential flats



6. Officer photo taken of existing plant scattered on first-floor flat roof



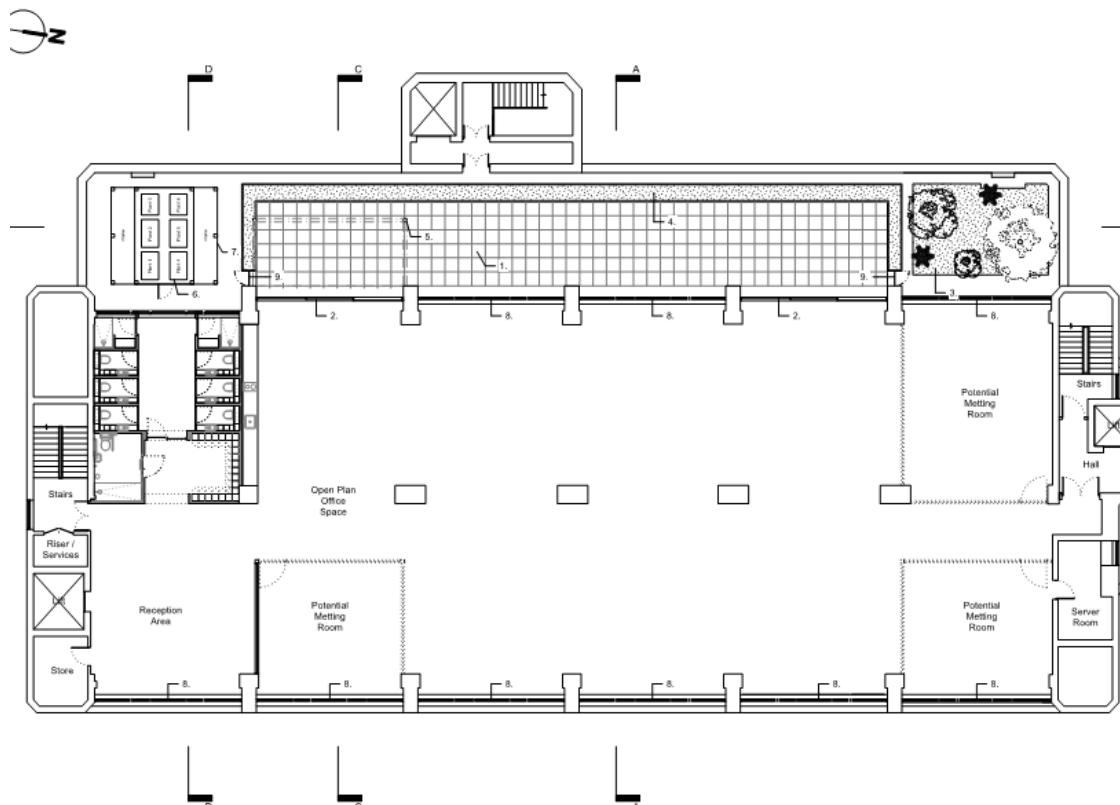
7. Officer photo taken of first-floor flat roof looking north towards Station House/Swiss Terrace apartments



8. Officer photo taken from first-floor flat roof (potential terrace) looking west towards properties on Dobson Close



9. CGI view of the front elevation, prior to revision making window line consistent at first and second floor



10. Proposed first floor plan with terrace

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	08/02/2023
		N/A / attached		Consultation Expiry Date:	11/03/2023
Officer			Application Number(s)		
Miriam Baptist			2022/5492/P		
Application Address			Drawing Numbers		
125 Finchley Road London Camden NW3 6HY			See Draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Alterations and replacement of the entrance facade to the main entrance and adjacent retail/office space. Creation of roof terrace at first floor level on existing rear flat roof and replacement of existing condenser units on rear flat roof with new plant enclosure. Replacement of all windows at first and second floor to the front and rear elevation, and repositioning of the windows.					
Recommendation(s):		Grant planning permission			
Application Type:		Full Planning Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	10	No. of objections	10
			No. Electronic	10		
Summary of consultation responses:	Site notices were displayed from 15/02/2023 until 11/03/2023 at the following locations:					
	<ul style="list-style-type: none">• 125 Finchley Rd• 2 Dobson Close• 3 Dobson Close• 8 Swiss Terrace					
	Objections were received from neighbouring residents on the following grounds:					
	<ul style="list-style-type: none">• Use of the terrace – noise, potential for smoking, potential use of terrace as a restaurant or bar, two access doors increase likely disturbance.					
	<p><i>Officer's response: Smoking is not prohibited. There is no intention for a restaurant or bar in this location – the planning application retains the existing use of the floors as solely for office purposes. Two access doors are not considered to increase the number of people using the terrace but rather aids emergency exit.</i></p>					
	<ul style="list-style-type: none">• Mechanical plant location and noise – noise and heat dissipation to flats above, large and unsightly, do not specifically mention impact to flats in Cresta House immediately above.					
	<p><i>Officer's response: The council's Environmental Health officer has reviewed the application and deems the works acceptable and not of material harm to the surrounding residential properties. Conditions will be added to the permission if granted ensuring the relevant standards are met. While the enclosure is large it is considered acceptable and will ensure plant is properly attenuated which is an improvement on the previous/existing situation. The enclosure will be of a metal finish which is considered appropriate for mechanical plant and will not draw undue attention to itself.</i></p>					
	<ul style="list-style-type: none">• Trees/planting – height of new planting proposed may assist thieves climbing up to apartments above.					
	<p><i>Officer's response: Tall planting will be encouraged to provide effective screening of nearby properties and to soften the appearance of the terrace and improve the outlook of nearby properties. Planting will not be capable of reaching 8m tall. Planting details are sought as a condition to the permission, no vegetation that could compromise security to flats above will be permitted.</i></p>					
	<ul style="list-style-type: none">• Design of the façade – window set back, and mismatch with other ground floor units. Lack of graphic representation.					

Officer's response: 3D images have been since provided showing the façade alterations and a revision provided in response to officer's request. The revision addresses the reduced window reveal and means the window set back will remain in line with the chamfer on the ends of the façade and will be consistent across the façade. At ground level the entrance improvements will regularise the front façade and larger areas of glazing are consistent with units further along.

- There is limited detail regarding the planting on the north side of the flat roof. How are they going to maintain plants/trees and ensure they do not over-grow and block the sights of residents living above.

Officer's response: It is unrealistic that such tall trees would be possible on the roof terrace due to the possible volume of soil and watering needed. Planting details are sought as a condition to the permission, no vegetation that could compromise security to flats above will be permitted.

- Proposed plant – very large, unsightly box whose bulk, heat and noise will affect flats above. Noise Impact Assessment refers to many nearby properties but not to the flats directly above.

Officer response: The Noise Impact Assessment has now been revised to refer to and take into account the flats above, and to address other issues raised. The council's Environmental Health officer has reviewed the application and deems the works acceptable and not of material harm to the surrounding residential properties. Conditions will be added to the permission if granted ensuring the relevant standards are met. While the enclosure is large it is serving large office floorplates and will ensure plant is properly attenuated which is an improvement on the previous/existing situation. The enclosure will be of a metal finish which is considered appropriate for mechanical plant and will not draw undue attention to itself.

<p>Cresta House Residents Association:</p>	<p>As well as concerns raised and responded to above by other objectors, the Cresta House Residents Association, who reside within the building above the application site, object on the following additional grounds:</p> <ul style="list-style-type: none"> • The terrace is intended for socialising/drinking/smoking and will create noise. Noise and smoke will negatively impact residents above. There is nothing to stop the applicant from turning existing office space into either a restaurant, bar or nightclub. <p><i>Officer's response: This is as use as part of the office as a breakout space, the control of the space as a non-smoking area is outside the LPA remit but it is noted that smoking is unlikely to be permitted by the office use. Although there is flexibility within Class E to convert the premises without the need for planning permission, a condition would be attached restricting use of the terrace as ancillary to office use only, as well as restricting hours/weekdays only that the terrace can be used.</i></p> <ul style="list-style-type: none"> • How will the roof terrace be monitored in terms of complying with conditions set? <p><i>Officer's response: The use of roof terrace will be self-monitored, and conditions will be a requirement of the lease. Any reported breach of conditions will be subject to planning enforcement by the council. A condition has not been set as to the number of people on the terrace at any one time, as we agree this is hard to enforce. Instead conditions limit the terrace to daytime office use only.</i></p> <ul style="list-style-type: none"> • An application to extend the hours of use of the terrace is likely, how can this be pre-empted? <p><i>Officer's response: All applications are assessed on a case-by-case basis. The applicant has a right to apply for extended hours use of the terrace and the council will assess this on its own merits.</i></p> <ul style="list-style-type: none"> • Copy and paste report, and lack of addressing closest residents – those of Cresta House above. <p><i>Officer's response: Typing errors have been corrected and report revised to directly address residents living directly above. The Environmental Health team have reviewed the report and has requested conditions which will protect neighbouring amenity.</i></p>
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Site Description

The property is a nine-storey concrete frame and red brick block on the western side of Finchley Road near the site of the Swiss Cottage tube station, looking onto the junction with College Crescent, Finchley Road and Avenue Road.

The property is not listed nor in a conservation area but is in a local plan centre. The surrounding area is both commercial and residential in nature.

Relevant History

N/A

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan (2017)

- G1 Delivery and location of growth
- A1 Managing the impact of development
- A3 Biodiversity
- A4 Noise and vibration
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding
- D1 Design
- D2 Heritage

Camden Planning Guidance (2021)

- CPG Amenity
- CPG Design

Assessment

1.0 Proposal

1.1 The application seeks permission for the following:

- Alterations and replacement of the entrance facade to the main entrance and adjacent retail/office space.
- Creation of roof terrace at first floor level on existing rear flat roof
- Replacement of existing condenser units on rear flat roof with a new plant enclosure.
- Replacement of all windows at first and second floor to the front and rear elevation, and repositioning of the window line.

1.2 Key planning issues are as follows:

- Design & Heritage
- Neighbouring Amenity

1.3 During the course of the application the applicant submitted revised drawings changing the window line as requested by the officer, and there has been a reduction to the hours of operation for the terrace as requested by the officer.

2.0 Assessment

2.1 Design & Heritage

2.1.1 Local Plan policy D1 seeks to achieve high quality design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area.

2.2.2 The principal façade of the building is highly visible from the surrounding public realm and the architectural merit of its façade is in its heavy brick mass and rhythm. At officer's request, a revision was submitted increasing the setback of all windows on first and second floor to be aligned with the chamfer of the brick frame at the corner of the building, rather than have two different window lines across the façade and eradicate more of the reveal in the central/main stretch of glazing. Although the

deep reveals will be reduced, the alteration will both increase natural light to the office floorplate and resolve the existing issue with pigeons. Overall, the change is expected to improve the appearance of the elevation and increase utilisation of current dead space.

2.2.3 At street level the two shopfronts are to be refurbished, the alterations regularise the façade bringing alignment with the other ground floor units along the front of the building. The extra glazing would increase the natural light and visibility from the street, and bronze metal will be used to enhance and highlight the entrance. As it is only for a small area of the building set back within the bay, the proposed metal is not considered to detract from the host property. The design and materials are acceptable, improving and regularising the façade.

2.2.4 To the rear, the proposed roof terrace would serve the refurbished office space, occupying the existing first-floor flat roof currently only housing scattered pieces of plant. The roof terrace works consist of the installation of paving, fixed planting, a pergola, a buffer zone of intensive planting and a mechanical plant/servicing enclosure. There would be two new sets of sliding glazed doors installed at first floor level giving access to the terrace from the office.

2.2.5 The area of the roof terrace would be bound by a fixed planter and handrail set back from the edge of the roof. At either end of the terrace area, there would be locked gates providing access only for maintenance purposes, to one side to the buffer area of planting, and to the other side to the plant enclosure. Within the roof terrace area, there would be a metal frame pergola provided by a specialist supplier providing a level of visual screening and acoustic attenuation over a seating area.

2.2.6 The buffer area would be located towards the nearest residential block, Station House to the north, and would be solely dedicated to planting. This area would be inaccessible to users of the terrace and would provide urban greening to perform as a natural screen obscuring the view towards the residential flats and giving the terrace some sense of enclosure. The details of this planting are to be secured by condition to ensure high quality and appropriate maintenance.

2.2.7 To the other end of the terrace at the southern end, a large plant enclosure will sit. The enclosure would be acoustically attenuated in a dark metal finish and would tidy and contain all necessary pieces of kit and equipment. The enclosure would provide greater attenuation than the previous/ existing situation where plant had been loose and positioned along the length of the roof.

2.2.8 In general, the works are considered to improve the appearance of the rear of the building, particularly with the high-quality planting providing greenery and a level of natural screening. The plant enclosure is large but requires adequate space for plant used to service large office floorplates. This enclosure would be located at the southern end of the flat roof, furthest from the closest residential block, Station House.

2.2 Neighbouring Amenity

2.2.1 Local plan policy A1 seeks to protect the amenity of residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by only granting permission for development that would not harm the amenity of neighbouring residents. This includes factors such as light and privacy. Local plan policy A4 seeks to protect the amenity of residents in terms of noise, vibration and odour.

2.2.2 The detailed design changes to the front façade and those regarding the terrace to the rear are not expected to result in any material harm to neighbour's amenity in terms of loss of light, noise, privacy or outlook to the amenity of surrounding properties with additional controls which will be secured by condition.

2.2.3 In terms of the nearest residential units, those above within Cresta House, their rear windows would be approximately 8m above the proposed terrace and therefore it is important to limit any disturbance. With the sharp angle there is no concern of terrace users being able to look upwards into windows of habitable rooms above, however without controls there could be other types of disturbance to the flats above which need to be mitigated.

2.2.4 The resident's association have raised concerns surrounding noise and disturbance, including potential drinking and smoking on the terrace. In response to this, conditions have been stipulated to protect nearby residents. The first condition will limit the hours of use to 09:00 to 18:00 on weekdays (no use on weekends).

2.2.5 In regard to any potential change of use of the premises which the resident's association has raised, another condition will ensure that the roof terrace is only to be used as ancillary to an office rather than for any other purposes.

2.2.6 These conditions are considered sufficient to prevent the terrace from being used as a location for evening socialising and ensure there are clear periods of quiet for the residents above. The applicant has provided an attenuation enclosure to mitigate disturbance of the mechanical plant, and are selecting a specialist pergola canopy structure with an acoustic louvered roof to create a more acoustically contained area for workspace meetings. This will also serve to reduce noise disturbance to the residents directly above.

2.2.7 In terms of residential windows to the north, in Station House and Swiss Terrace, these will be screened by a buffer area of intensive planting which will not be accessible to terrace users. The details of planting will be secured by condition to ensure the vegetation selected is tall, appropriate for screening of nearby properties and will be maintained appropriately. A condition would be attached to the permission requiring the planted buffer area to the north side of the flat roof to be inaccessible to terrace users, and accessible only for maintenance purposes. The buffer area increases the distance between the terrace and residential flats from approximately 11m to 17m. Another condition will more generally restrict users of the terrace to the area bound by the fixed planting, and another will ensure planters and planting are fixed.

2.2.8 The residents directly to the rear of the property on Dobson Close are approximately 30m away and are lower due to the topography of the land and therefore loss of privacy is not considered detrimental. Generally, the set back and fixed planting/ planting areas are considered sufficient to protect the privacy of the surrounding properties, and the urban greening should improve nearby residents' outlook.

2.2.9 New mechanical plant contained within an enclosure would replace the old plant, currently scattered along the flat roof. In terms of noise, the proposal has been reviewed by the council's Environmental Health team and is found to meet the Local Plan guidelines and therefore is acceptable in environmental health terms. Several conditions have been added to ensure the plant meets relevant standards and neighbours are not adversely affected by noise or vibration.

3.0 Recommendation

3.1 Grant conditional planning permission.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 29th May 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2022/5492/P
Contact: Miriam Baptist
Tel: 020 7974 8147
Email: Miriam.Baptist@camden.gov.uk
Date: 25 May 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE
Phone: 020 7974 4444
planning@camden.gov.uk
www.camden.gov.uk

NTA Planning LLP
46 James Street
London
W1U 1EZ

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
125 Finchley Road
London
Camden
NW3 6HY

DECISION

Proposal:

Alterations and replacement of the entrance facade to the main entrance and adjacent retail/office space. Creation of roof terrace at first floor level on existing rear flat roof and replacement of existing condenser units on rear flat roof with new plant enclosure. Replacement of all windows at first and second floor to the front and rear elevation, and repositioning of the windows.

Drawing Nos: (TP) 500 rev B, (EX) 100 rev A, (EX) 101 rev A, (EX) 102 rev A, (EX) 200 rev A, (EX) 201 rev A, (GA) 100 rev A, (GA) 101 rev C, (GA) 102 rev C, (GA) 200 rev B, (GA) 201 rev B, (GA) 202 rev A, (GA) 203 rev A, (EX) 202 rev A, (EX) 203 rev A, (GA) 300 rev C, (GA) 301 rev C, (GA) 302 rev C, (GA) 303 rev C, 2, (PL) 801 (PL) 802, (PL) 803, (PL) 804, 125 Finchley Road noise Impact Assessment Report ref 25361.NIA.01 - Rev B by KP Acoustics, 125 Finchley Road Design and Access Statement 02.05.2023, 125 Finchley Road London NW3 6HY Planning Statement prepared by NTA ref 1185 dated January 2023.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: (TP) 500 rev B, (EX) 100 rev A, (EX) 101 rev A, (EX) 102 rev A, (EX) 200 rev A, (EX) 201 rev A, (GA) 100 rev A, (GA) 101 rev C, (GA) 102 rev C, (GA), (GA) 200 rev B, (GA) 201 rev B, (GA) 202 rev A, GA) 203 rev A, (EX) 202 rev A, (EX) 203 rev A, (GA) 300 rev C, (GA) 301 rev C, (GA) 302 rev C, (GA) 303 rev C, 2, (PL) 801 (PL) 802, (PL) 803, (PL) 804, 125 Finchley Road noise Impact Assessment Report ref 25361.NIA.01 - Rev B by KP Acoustics, 125 Finchley Road Design and Access Statement 02.05.2023, 125 Finchley Road London NW3 6HY Planning Statement prepared by NTA ref 1185 dated January 2023.

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 4 The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be lower than the typical existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 The noise level in offices at the development hereby approved shall meet the noise standard specified in BS8233:2014 Guidance on sound insulation and noise reduction for buildings.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise.

- 7 Beyond the boundary of the fixed planter, balustrade and 2 gates (leading to the planting buffer zone and the mechanical plant enclosure) users of the terrace will not be permitted. Areas outside of this bounds shall not be used as a roof terrace, sitting out area or other amenity space. These areas shall only be accessed as necessary for maintenance purposes.

Reason: To protect the amenity of adjoining occupiers and the area in accordance with policies A1 and D1 of the Camden Local Plan 2017.

- 8 Prior to commencement of development, full details in respect of fixed planters throughout the terrace and the planting buffer area to the north end of the first-floor flat roof shall be submitted to and approved by the local planning authority. The details shall include:

- i. a detailed scheme of maintenance including details of watering systems
- ii. a plan and section at a scale of 1:20 with manufacturers demonstrating the construction and materials and in particular a sufficient volume of soil to be used for planters and tree pits or similar.
- iii. full details of planting species and density including indication of height to ensure vegetation is suitable for screening.

The planting shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1 and A3 of the London Borough of Camden Local Plan 2017.

- 9 The planters and planting area on the roof terrace/flat roof shall be installed as per the approved first floor plan and permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 10 The use of the roof terrace for office staff hereby permitted shall be limited to the following times: 09:00 hours to 18:00 hours - Monday to Friday.

Reason: To safeguard the amenity of the adjoining premises and the area generally in accordance with policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 11 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), the roof terrace shall only be used as ancillary to an office use (Class E (g) (i)) and for no other purposes.

Reason: To safeguard the amenity of the adjoining premises and the area generally in accordance with policies A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer

DRAFT

DECISION