

Application ref: 2023/1479/P  
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Date: 22 November 2023

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

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[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

NTA Planning LLP  
46 James Street  
London  
W1U 1EZ

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement**

Address:  
**307 - 309 Finchley Road**  
**London**  
**NW3 6EH**

#### **Proposal:**

Variation of Condition 2 (Approved Plans) of planning reference 2021/5062/P dated 05/09/22 for extension and alteration to Lithos Road façade on 1st, 2nd and 3rd floors and erection of an additional storey on the building, on the roof, to provide 4 self-contained residential units. NAMELY: to alter construction of new Lithos Road elevation at 2nd, 3rd and 4th floors, to retain more of the existing facade/glazing.

Drawing Nos: 93-010, 93-011, 93-012, 93-013, 93-014, 93-015, 93-010, 93-101, 93-102, 93-103, 93-104, 93-200, 93-330, 93-332, 93-331, 93-333, 93-334.

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 For the purposes of this decision, condition no.2 of planning permission 2021/5062/P shall be replaced with the following condition:

**REPLACEMENT CONDITION 2**

The development hereby permitted shall be carried out in accordance with the following approved plans- 93-010, 93-011, 93-012, 93-013, 93-014, 93-015, 93-010, 93-101, 93-102, 93-103, 93-104, 93-200, 93-330, 93-332, 93-331, 93-333, 93-334.

Energy & Sustainability Statement (XCO2 - September 2021).

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 A 1.8 metre high screen, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected between the roof terraces of flat 3 and flat 4 at fourth floor level prior to commencement of use of the roof terrace and shall be permanently retained.

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.

- 5 Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells and air source heat pumps to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of meters to monitor the energy output from the approved renewable energy systems. A site-specific lifetime maintenance schedule for each system, including safe roof access arrangements, shall be provided. The equipment shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policy CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 6 The development hereby approved shall be constructed in accordance with the approved document 'ENERGY & SUSTAINABILITY STATEMENT 307 Finchley Road' dated September 2021 prepared by XCO2 to achieve a minimum 28.6% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with Policies CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

- 7 The development hereby approved shall incorporate sustainable design principles and climate change adaptation measures into the design and construction of the development in accordance with the approved document 'ENERGY & SUSTAINABILITY STATEMENT 307 Finchley Road' dated September 2021 prepared by XCO2. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 8 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 9 Prior to first occupation, the windows at 2nd, 3rd and 4th floor level on the rear elevation shall be obscure glazed as shown on the plans hereby approved and shall be retained as such.

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 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
  - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
  - iii. full details of planting species and density

The living roofs 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.

Informative(s):

1 Reasons for granting permission:

The Lithos Road section of No 307 would not retain the existing 1980s sloping glazed curtain walling and screen it with a new façade, with brick and tall fenestration framed by layered brickwork surrounds. At each level, the new façade would step back creating openings with the original No 307 building and therefore aiming to highlight the corner.

As per the approved scheme, the new top floor would be expressed in lightweight materials, metal cladding and glass. This volume would be set back from the main building line. This new volume matches exactly the already approved scheme.

The proposals simplify the late 20th-century Lithos Road frontage of the building. It is considered that the proposal would reflect the already approved Lithos Road elevation and the amendments are acceptable in terms of design.

The amendments would not have a detrimental impact on the residential amenities of the neighbouring occupiers in terms of loss of daylight, sunlight, outlook or privacy.

The full impact of the scheme has already been assessed during the determination of the permitted scheme, and it is considered that the amendments would have a minor material effect in terms of appearance and neighbouring amenity considerations. The application is granted subject to a S106 agreement, with the same heads of terms are the same as the parent permission. The heads of terms remain the same.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies G1, H1, H4, H6, A1, D1, T1, T2, T3, CC1, CC2, CC3 and DM1 of the Camden Local Plan 2017. The proposal is in accordance with policies 1, 2, 7 and 17 of the Fortune Green & West Hampstead Neighbourhood Plan 2015. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 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).
- 3 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](http://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.

- 4 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.
- 5 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 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.
- 8 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.

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>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title.

Daniel Pope  
Chief Planning Officer