

DATED

13 December

2023

**(1) GLENCAR PROPERTY (FINCHLEY) LTD**

-and-

**(2) LH DEVELOPMENT 1 LIMITED**

-and-

**(3) THE MAYOR AND THE BURGESSES OF  
THE LONDON BOROUGH OF CAMDEN**

---

**DEED OF VARIATION**

Relating to the Agreement dated 24 December 2021  
Between the Mayor and the Burgesses of the  
London Borough of Camden and Hampstead Properties Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**551-557 Finchley Road, London, NW3 7BJ**

---

Andrew Maughan  
Head of Legal Services  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Tel: 020 7974 1918

Fax: 020 7974 2962

G:\case files\culture & env\planning\Imm\s106 Agreements\551-557 Finchley Road (DoV)  
CLS/COM/EG/1800.2518  
DoV Final

THIS DEED is made on the 13<sup>th</sup> day of December 2023

**BETWEEN**

1. **GLENCAR PROPERTY (FINCHLEY) LTD** (Co. Regn. No. 14075715) whose registered office is at Glencar House, 32-34 Upper Marlborough Road, St Albans, Herts, United Kingdom, AL1 3UU (hereinafter called "the Owner") of the first part
2. **LH DEVELOPMENT 1 LIMITED** (Co. Regn. No. 11599807) of Chase House, 305 Chase Road, London, United Kingdom, N14 6JS (hereinafter called "the Mortgagee") of the second part
3. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the third part

**WHEREAS:**

- 1.1 The Council and Original Applicant entered into an Agreement dated 24 December 2021 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number LN57519 subject to a charge to the Mortgagee.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Deed.
- 1.5 A new planning application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 21 April 2023 for which the Council resolved to grant permission conditionally under reference 2023/0383/P subject to the conclusion of this Deed.

1.6 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106A (as amended) and is a planning obligation for the purposes of that section.

1.7 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.

## **2. INTERPRETATION**

2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Deed save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Deed.

2.2 All reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.

2.3 Where in this Deed reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Agreement.

2.4 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not be construed as part of this Agreement and shall not effect the construction of this Deed.

2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

2.6 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5 and 6 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Deed shall become binding upon the Owner upon the Implementation Date.

2.7 References in this Deed to the Owner and Mortgagee shall include their successors in title.

2.8 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.8.1 "Deed" this Deed of Variation made pursuant to Section 106A of the Act

2.8.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 24 December 2021 made between the Council and the Original Applicant

2.8.3 "Original Applicant" Hampstead Properties Limited

2.8.3 "Original Planning Permission" means the planning permission granted by the Council on 24 December 2021 referenced allowing the Part change of use from Use Class E and F1 and remodelling of the existing building to provide residential apartments (C3) along with flexible commercial (Class E)/pub/wine bar/drinking establishments (Sui Generis) uses, alterations including partial demolition and extensions at the rear at lower ground, ground and first floor levels, extension to provide an additional storey at roof level, levelling of the lower ground floor level, remodelling and restoration of front facade, amenity space, cycle parking and associated works (Site does not include 1st to 3rd floor of 551 Finchley Road) as shown on drawing numbers Existing drawings: FIN\_P\_60 rev P01, FIN\_P\_001 rev P01, FIN\_P\_002 rev P01, FIN\_P\_003 rev P01, FIN\_P\_004 rev P01, FIN\_P\_005 rev P01, FIN\_P\_007 rev P02,

FIN\_P\_008 rev P02, FIN\_P\_009 rev P02,  
FIN\_P\_010 rev P02, FIN\_P\_011 rev P02.

Proposed drawings: FIN\_P\_70 rev P02,  
FIN\_P\_90 rev P03, FIN\_P\_100 rev P05,  
FIN\_P\_110 rev P03, FIN\_P\_120 rev P03,  
FIN\_P\_130 rev P03, FIN\_P\_140 rev P03,  
FIN\_P\_150 rev P02, FIN\_P\_200 rev P02,  
FIN\_P\_210 rev P02, FIN\_P\_220 rev P02,  
FIN\_P\_230 rev P02, FIN\_P\_300 rev P02,  
FIN\_P\_310 rev P02.

Documents: Planning Statement dated  
November 2020, Design and Access Statement  
dated November 2020, Draft Construction  
Management Plan pro forma, Employment and  
Skills Plan dated November 2020, Energy  
Statement dated November 2020, Sustainability  
statement dated November 2020,  
Environmental Noise Impact Assessment dated  
November 2020, Air quality assessment dated  
November 2020, Arboricultural Impact  
Assessment Report dated 5th November 2020,  
Daylight and Sunlight Report dated September  
2020, Viability appraisal dated 22 October 2020,  
Rapid health impact assessment dated  
November 2020, Transport Statement dated  
November 2020, Internal daylight report R3 V1  
dated November 2020, Letter from Estate Office  
dated 6 November 2020, Financial Viability  
Assessment by DS2 LLP dated November  
2020, Broxap cycle parking specification sheet,  
Energy and sustainability letter dated 30 March  
2021.

### 3. VARIATION TO THE EXISTING AGREEMENT

3.1 The following definitions contained in the Existing Agreement shall be varied as follows:

#### 3.1.1 "Development"

variation of planning permission dated 24 December 2021 given planning reference number 2020/5444/P to Variation of condition 2 (approved drawings) of planning permission 2020/5444/P approved 24/12/2021 for the part change of use from Use Class E and F1 and remodelling of the existing building to provide residential apartments (C3) along with flexible commercial (Class E)/pub/wine bar/drinking establishments (Sui Generis) uses, alterations including partial demolition and extensions at the rear at lower ground, ground and first floor levels, extension to provide an additional storey at roof level, levelling of the lower ground floor level, remodelling and restoration of front facade, amenity space, cycle parking and associated works; namely, changes to approved dwelling mix and internal layouts, reduction in commercial floorspace and minor changes to elevations as shown on the following drawing numbers:

Superseded drawings: FIN\_P\_70 rev P02, FIN\_P\_90 rev P03, FIN\_P\_100 rev P05, FIN\_P\_110 rev P03, FIN\_P\_120 rev P03, FIN\_P\_130 rev P03, FIN\_P\_140 rev P03, FIN\_P\_150 rev P02, FIN\_P\_200 rev P02, FIN\_P\_210 rev P02, FIN\_P\_220 rev P02, FIN\_P\_230 rev P02, FIN\_P\_300 rev P02, FIN\_P\_310 rev P02.

Amended drawings: 22-055-A-151 rev D, 22-055-A-152 rev E, 22-055-A-153 rev C, 22-055-

A-154 rev F (proposed 3rd floor), 22-055-A-154 rev C (proposed 4th floor), 22-055-A-156 rev E, 22-055-A-207 rev D, 22-055-A-208 rev D, 22-055-A-350 rev B, 22-055-A-351 rev C, 22-055-A-352 rev C, 22-055-A-353 rev E, 22-055-A-354 rev E.

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2023/0383/P granted by the Council in the form of the draft annexed hereto

3.1.3 "Planning Application" the application for Planning Permission in respect of the Property validated on 21 April 2023 by the Owner and given reference number 2023/0383/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2020/5444/P" shall be replaced with "Planning Permission reference 2023/0383/P".

3.3 In all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

#### **4. COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2023/0383/P.

#### **5 PAYMENT OF THE COUNCIL'S LEGAL COSTS**

5.1 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed.

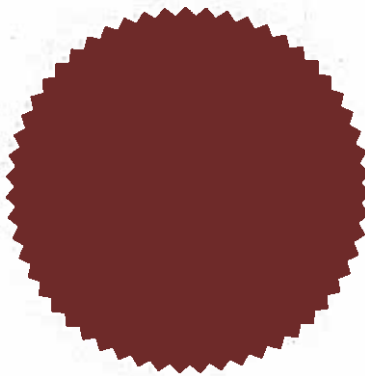
**6. REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Deed shall be registered as a Local Land Charge

**IN WITNESS WHEREOF** the Council and the Owner has caused their respective Common Seals to be affixed and the Mortgagee has caused this Deed to be executed as a Deed the day and year first above written.

**THE COMMON SEAL OF THE MAYOR  
AND BURGESSES OF THE LONDON  
BOROUGH OF CAMDEN**  
was hereunto affixed by Order:-

)  
)  
)  
)



*R. Alexander*

.....  
Duly Authorised Officer

**EXECUTED AS A DEED BY  
GLENCAR PROPERTY (FINCHLEY) LTD**  
in the presence of:-

)  
)  
)

*R. Alexander*

.....  
Director

*[Signature]*

.....  
Director/Secretary



Executed as a deed by  
LH DEVELOPMENT 1 LIMITED acting by  
a director  
In the presence of:

)  
)  
)

Signature of Director: .....

CHRISTOPHER ADAMO

Signature of witness: .....

Name of witness (in BLOCK CAPITALS):

RENZO VIGLIOTTI

Address of Witness: 104 New

Bond Street WIS1SU

.....



Application ref: 2023/0383/P  
Contact: Christopher Smith  
Tel: 020 7974 2788  
Date: 7 November 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](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Arrow Planning Ltd  
Clarks Barn, Bassetsbury Lane  
High Wycombe  
HP11 1QX  
United Kingdom

Dear Sir/Madam,

**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**551-557 Finchley Road**  
**London**  
**NW3 7BJ**

**Proposal:**

Variation of condition 2 (approved drawings) of planning permission 2020/5444/P approved 24/12/2021 for the part change of use from Use Class E and F1 and remodelling of the existing building to provide residential apartments (C3) along with flexible commercial (Class E)/pub/wine bar/drinking establishments (Sui Generis) uses, alterations including partial demolition and extensions at the rear at lower ground, ground and first floor levels, extension to provide an additional storey at roof level, levelling of the lower ground floor level, remodelling and restoration of front facade, amenity space, cycle parking and associated works; namely, changes to approved dwelling mix and internal layouts, reduction in commercial floorspace and minor changes to elevations.

**Drawing Nos:**

Superseded drawings: FIN\_P\_70 rev P02, FIN\_P\_90 rev P03, FIN\_P\_100 rev P05, FIN\_P\_110 rev P03, FIN\_P\_120 rev P03, FIN\_P\_130 rev P03, FIN\_P\_140 rev P03, FIN\_P\_150 rev P02, FIN\_P\_200 rev P02, FIN\_P\_210 rev P02, FIN\_P\_220 rev P02, FIN\_P\_230 rev P02, FIN\_P\_300 rev P02, FIN\_P\_310 rev P02.

Amended drawings: 22-055-A-151 rev D, 22-055-A-152 rev E, 22-055-A-153 rev C, 22-055-A-154 rev F (proposed 3rd floor), 22-055-A-154 rev C (proposed 4th floor), 22-055-A-156 rev E, 22-055-A-207 rev D, 22-055-A-208 rev D, 22-055-A-350 rev B, 22-055-A-351 rev C, 22-055-A-352 rev C, 22-055-A-353 rev E, 22-055-A-354 rev E.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

**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 the original permission 2020/5444/P approved on 24/12/2021.

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 2020/5444/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:

22-055-A-151 rev D, 22-055-A-152 rev E, 22-055-A-153 rev C, 22-055-A-154 rev F (proposed 3rd floor), 22-055-A-154 rev C (proposed 4th floor), 22-055-A-156 rev E, 22-055-A-207 rev D, 22-055-A-208 rev D, 22-055-A-350 rev B, 22-055-A-351 rev C, 22-055-A-352 rev C, 22-055-A-353 rev E, 22-055-A-354 rev E.

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

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including plans, coloured elevations and sections at 1:20 of all new windows (including jambs, head and cill), external doors, and balustrades;

b) Plan, coloured elevation and section drawings, including fascia, cornice, pilasters and glazing panels of the new shopfronts at a scale of 1:20;

c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site) or via high-resolution email photographs if site viewing is not possible). Samples of materials to be provided at a suitable size (eg. 1x1m);

d) Details including plans, coloured elevations and sections at 1:20 of new roof level

decorative gables;

e) Details including plans, coloured elevations and sections at 1:20 of new dormer windows;

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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 Camden Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 4 The reinstatement of the decorative gables at roof level shall be completed prior to occupation of the development hereby approved.

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 Camden Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 5 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.

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 Camden Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 6 A minimum of 76sqm of the flexible commercial floorspace hereby approved shall be provided as Class E(g) floorspace.

Reason: To safeguard the employment function of the site in accordance with policies E1 and E2 of the Camden Local Plan 2017 and policy 12 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 7 All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (1) with units 3A and 3B designed and constructed in accordance with Building Regulations Part M4 (3) adaptable.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 of the Camden Local Plan 2017.

- 8 Trees to be retained shall be protected during construction work in accordance with the details approved on 09/10/2023 under reference 2023/2536/P, or other such details as submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction" and should include details of appropriate working processes in the vicinity of trees, and details of an auditable system of site monitoring. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017 and policy 18 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 9 The proposed trellis to the terrace area of unit S1 shall be installed prior to first occupation of this unit and permanently retained and maintained as such.

Reason: In order to prevent unreasonable overlooking of the residential occupants of no.551 Finchley Road, in accordance with the requirements of Policy A1 of the Camden Local Plan 2017.

- 10 Prior to the relevant works, full details in respect of the living roof adjacent to the terrace area of unit S1 indicated on the approved second floor 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 roof 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.

The living roof shall be accessed for maintenance purposes only and shall not be used as an outside amenity area at any time.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment, and in order to prevent unreasonable overlooking of the residential occupants of no.551 Finchley Road, in accordance with policies CC1, CC2, CC3, D1, A1 and A3 of the London Borough of Camden Local Plan 2017.

- 11 The internal noise levels in the dwellings hereby approved shall not exceed an indoor ambient noise levels in unoccupied rooms of 35dB(A) LAeq,16hour (07:00-23:00 hours) and 30dB(A) LAeq, 8hour (23:00-07:00 hours) and individual noise events shall not normally exceed 45dB L<sub>Amax</sub> during the night (23:00-07:00 hours) in accordance with the details approved on 27/03/2023 under reference 2023/0690/P, or other such details as have been submitted to and approved in writing by the Local Planning Authority demonstrating compliance with these standards.

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

- 12 The external noise level emitted from plant, machinery/ equipment will be lower than the lowest 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 in accordance with the details approved on 27/03/2023 under reference 2023/0690/P, or other such details as submitted to and approved in writing by the Local Planning Authority. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 13 Prior to use, machinery, plant or equipment and ducting 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 safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 14 The proposed flexible commercial uses at ground and lower ground floor hereby approved shall not be open outside the following hours:

08:00-00:00 Monday to Sunday.

Reason: To ensure that the amenity of occupiers of residential properties in the area is not adversely affected by noise and disturbance in accordance with Policy A1 of the Camden Local Plan 2017.

- 15 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day. The dwellings shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2 and CC3 of the Camden Local Plan 2017.

- 16 Prior to commencement of above ground works (excluding demolition and any site preparation works), drawings and data sheets showing the location, extent and predicted energy generation of photovoltaic cells and associated equipment 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 a meter 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 cells 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 policies CC1 and CC2 of the Camden Local Plan 2017.

- 17 Prior to commencement of above ground works (excluding demolition and any site preparation works), details, drawings and data sheets showing the location, Seasonal Performance Factor of at least 2.5 and Be Green stage carbon saving of the air source heat pumps and associated equipment 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 a metering details including estimated costs to occupants and commitment to monitor performance of the system post construction. A site-specific lifetime maintenance schedule for each system, including safe 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 of the London Borough of Camden Local Plan 2017.

- 18 Prior to occupation, details of approval from Thames Water for the capacity into the combined sewer and evidence of their agreement to the final drainage design shall be submitted to and approved in writing by the local planning authority.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of Policy CC3 of the London Borough of Camden Local Plan 2017.

- 19 All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the [demolition and/construction] phase of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the [demolition and/construction] phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies G1, A1, CC1 and CC4 of the London Borough of Camden Local Plan 2017.

- 20 Prior to the occupation of the development, the cycle storage areas (including 26 long stay and 2 short stay spaces for the residential units and 4 long stay spaces for the commercial use) shall be provided in their entirety prior to the first occupation of the development, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017 and policies 7 and 8 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 21 At least six months prior to completion, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policies A1 and CC5 of the Camden Local Plan 2017.

- 22 The non-residential fire escape doors at lower ground floor level shall be alarmed and used only in the event of fire or emergency.

Reason: In order to provide a safe and secure development in accordance with policy C5 of the Camden Local Plan 2017.

- 23 No primary cooking shall occur within the commercial ground floor and basement flexible commercial units until details of the extraction and ventilation plant to be used has been submitted to and approved in writing by the local planning authority. The primary cooking shall not commence until the approved details are implemented and the extraction and ventilation plan shall thereafter be retained for the duration of the use and maintained in accordance with the approved details.

Reason: To safeguard the appearance of the premises and the wider area and to ensure no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or to the area generally in accordance with policy TC4, A1, A4 and D1 of the Camden Local Plan 2017.

- 24 Prior to the occupation of more than 50% of the residential units hereby permitted, or in accordance with an alternative timetable that has first been submitted to and approved in writing by the Local Planning Authority, the ground floor and basement flexible commercial elements of the development shall be fitted out to a standard where toilets and water supply are operational, the décor is neutral, and the units are provided with central heating, air conditioning, perimeter trunking to the floor and



operational lighting.

Reason: To ensure satisfactory delivery of commercial floorspace on the site in accordance with policies TC1, TC3, E1 and E2 of the Camden Local Plan 2017.

- 25 Prior to commencement of development on site (excluding site preparation works), full details of the mechanical ventilation including air inlet locations and filters shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from busy roads and other relevant sources of emissions and as close to roof level as possible, to protect internal air quality. The development shall thereafter be constructed and maintained in accordance with the approved details.

Reason: To safeguard the amenities of the prospective occupiers, adjoining premises and the area generally in accordance with the requirements of policies A1 and CC4 of the Camden Local Plan 2017.

- 26 Prior to occupation, evidence that an appropriate NO2 filtration system on the mechanical ventilation intake has been installed and a detailed mechanism to secure maintenance of this system should be submitted to the Local Planning Authority and approved in writing.

Reason: To safeguard the amenities of the prospective occupiers, adjoining premises and the area generally in accordance with the requirements of policies A1 and CC4 of the Camden Local Plan 2017.

**Informative(s):**

**1 Reasons for granting permission**

Planning permission was first granted under reference 2020/5444/P on 24/12/2021 for the change of use of the building from Use Class E and F1 and remodelling of the existing building to provide residential apartments (C3) along with flexible commercial (Class E)/pub/wine bar/drinking establishments (Sui Generis) uses, and associated alterations.

The current application seeks permission for the following amendments to the approved scheme:

- Minor design changes to the north and south elevations
- Changes to internal layouts to meet current Building Regulations
- Changes to approved dwelling mix
- Reduction of 61sqm of flexible commercial floor space

The necessity for the proposed changes has arisen principally in order to meet the requirements of fire safety Building Regulations in terms of means of escape and firefighting. As a result, there have been changes to the internal layouts and consequently the dwelling mix and amount of commercial floorspace, and minor external changes.

The development would still provide 15 new dwellings as previously approved, but the mix of dwelling sizes would be amended from 7 x 1 beds, 6 x 2 beds and 2 x 3 beds to 8 x 1 beds and 7 x 2 beds. Although the amendments would see a slight reduction in the number of high priority dwelling sizes (loss of two 3 bed units), there would still be a good mix of dwelling sizes catering to a range of occupiers. The dwellings would continue to provide a good standard of accommodation and two M4(2) compliant flats would be provided as per the original approval. All flats would now exceed nationally described space standards compared to the approved scheme where three units measured slightly less than these requirements. The revisions would also provide outside space for one additional unit, increasing from six to seven the number of flats with amenity space.

The proposed changes to the internal layout would see the loss of an internal lift core which could have a significant impact on construction costs; however, the development would be bound by a late stage viability review secured by S106 requirement, so if it becomes viable to provide affordable housing (which the original scheme wasn't), then this would be secured later through this mechanism.

The applicant has responded to officer concerns to ensure that the associated external changes are minimal compared to the approved scheme. The approved building envelope has been retained, and the changes now relate only to minor changes to the fenestration at roof level to the rear, changes to the window design at first floor level to the front elevation and very minor changes to the ground floor shop fronts, principally only affecting the design of certain doors. The design changes would be minimal, and the detailed design of windows and doors would still be controlled by condition 3 which requires the submission of detailed drawings of these elements. The development would still continue to provide sufficient bin and bike stores, with full details of these still being secured by conditions 20 and 21.

The proposed changes to the internal layouts would also see a loss of 61sqm approved commercial floor space. A letter has been provided from a letting agent outlining that there has been a reduction in market demand and an oversupply of larger commercial spaces in the local area and that providing smaller commercial units is therefore preferable as they will be more attractive to more tenants. Given the original application approved a maximum loss of over 1000sqm of commercial floor space, the loss of an additional 61sqm is considered minor in the context of the approved scheme. 184sqm of commercial floorspace would still be provided which is considered sufficient to ensure the unit(s) would be viable and attractive to future tenants.

Overall, the proposed amendments would be minor in the context of the approved scheme and are considered acceptable.

- 2 No objections were received prior to the determination of this application and 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 H1, H4, H6, H7, C5, C6, A1, D1, and T1 of the Camden Local Plan 2017 and policies 1, 2,

7, 8, 12, 17 and 18 of the Fortune Green and West Hampstead Neighbourhood Plan 2015. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

- 3 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.
- 4 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.
- 5 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 London Borough of Camden 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.
- 6 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> 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.

- 7 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk)).
- 8 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.

- 9 Mitigation measures to control construction-related air quality impacts should be secured within the Construction Management Plan as per the standard CMP Pro-Forma. The applicant will be required to complete the checklist and demonstrate that all mitigation measures relevant to the level of identified risk are being included.
- 10 You are reminded that the TfL highway should not be encroached upon during the works, if it is, a license from TfL will be required. Any temporary or permanent changes to the highways will also require the applicant to enter an agreement with TfL.
- 11 The footway directly adjacent to the site is likely to sustain damage because of the proposed demolition and construction works. As this is TfL owned, you may be required to enter into a Section 278 agreement with TfL with respect to highway repaving works adjacent to the site, if they deem this necessary.
- 12 This permission is granted without prejudice to the necessity of obtaining separate planning permission for any necessary plant and extraction equipment required by the flexible commercial uses hereby approved.
- 13 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).

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

Supporting Communities Directorate