

Application ref: 2019/1438/P
Contact: David Peres Da Costa
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Date: 15 August 2019

Development Management
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Nicholas Taylor + Associates
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

307 and 309 Finchley Road
London
NW3 6EH

Proposal:

Change of use of part of basement and ground floors from Strip Club (Sui Generis) and office (B1a) to office (B1a) and 4 duplex units for short term lets (Sui Generis) including creation of lightwell and other alterations to Lithos Road elevation (ground floor only), fire escape from the basement to ground floor to the rear or 309 Finchley Road and alterations to shopfront of 309 Finchley Road. Relocation of bike store and change of use of office (B1) on Lithos Road to 1 short term let unit (Sui Generis).

Drawing Nos: Site location plan (69-001); 79:-010; -011; -300; 321 Rev A; -322 Rev A; -100 Rev A; -101 Rev A; Energy & Sustainability Statement prepared by XCO2 dated March 2018

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 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 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan (69-001); 79:-010; -011; -300; 321 Rev A; -322 Rev A; -100 Rev A; -101 Rev A; Energy & Sustainability Statement prepared by XCO2 dated March 2018

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

- 4 Before the relevant part of the work is begun, 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:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) Plan, elevation and section drawings, including fascia, cornice, pilasters and glazing panels of the new shopfronts at a scale of 1:10;

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).

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 and D2 of the London Borough of Camden Local Plan 2017.

- 5 The cycle storage area for 22 cycles shown on the plans hereby approved shall be designed in accordance with London Cycling Design Standards and provided in its entirety prior to the first occupation of any of the new units, 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.

- 6 Short-term lets

The five short-term let studios at ground floor hereby approved, shall not be used as permanent residential accommodation, for occupation for periods of more than 90 days.

Reason: In order to prevent the provision of poor quality permanent residential accommodation in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 7 The refuse and recycling store, as shown on the plans hereby 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 policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting permission

Planning permission was granted 08/03/2019 for the works proposed under application ref: 2017/3710/P. The applicant has proposed to take a phased approach to the proposal so that phase 1 only includes the works at basement and ground floor and excludes the creation of dwellings at roof level and within 309 Finchley Road. The proposed alterations to the ground floor elevations of Lithos Road and Finchley Road have been modified from those previously approved.

All the works hereby proposed were assessed under the previous application and considered to be acceptable. There are no policies in the Local Plan which protect strip clubs and the existing use has a negative impact on neighbouring amenity in terms of anti-social behaviour, noise and disturbance.

The proposal would relocate the office accommodation to a single unit split over basement (86.16sqm) and ground floor (66.7sqm). In total 152.86sqm of office floorspace would be provided which would be located to the front of 307 and the whole of 309 Finchley Road at basement level and the whole of 309 at ground floor level. The development would result in an uplift of 68.76sqm of B1 use. The relocation of the office floorspace is considered acceptable and the uplift in the office floorspace in the Finchley Road / Swiss Cottage Town Centre would accord with policy E1.

Four duplex units for short term lets (Sui Generis) would be provided. In addition, the proposed development would also convert the existing cycle store and adjoining office to a further short term let unit at ground floor level. In total, 219.6sqm of short term let floorspace would be provided. While permanent residential accommodation is the priority land use of the Local Plan, in this instance the provision of permanent self-contained housing at basement and ground would provide an unacceptable quality for long-term use and would not meet residential development standards. Policy E3 (Tourism), recognises the importance of the visitor economy in Camden and supports smaller-scale

visitor accommodation in the Town Centres. A condition would be included to ensure that the short term let units could not be occupied as permanent residential accommodation. A management plan for the short term let accommodation would be secured by legal agreement.

Minor changes are proposed to the shopfront of 309 Finchley Road which would replace the current, unsympathetic shopfront design, with simpler, but more harmonious elements. A lightwell would be created at ground and basement level on the Lithos Road elevation within the existing footprint. The proposed lightwell would have minimal impact on the appearance of the building.

All of the proposed short term lets would be designated as being car free (Policy T2). This would be secured by legal agreement. The existing cycle store would be relocated to basement level accessed by a platform lift. This is considered acceptable and would be secured by condition. With regard to deliveries, the applicant acknowledges the red route and has stated all traffic would be directed to Lithos Road where permit parking, red route loading bay and the single yellow line, across the frontage of Lithos House, would be utilised. A highways contribution is not required in this instance. Given the scale of construction works a CMP would not be required.

The planning and appeal history of the site has been taken into account when coming to this decision. No objections have been received and a letter of support was received from the Neighbourhood Forum.

As such, the proposed development is in general accordance with policies D1, D2, D3, E1, E3, T1, T2, TC4 and A1 of the Camden Local Plan 2017; and Policy 2, 3, 7, 8 and 12 of the Fortune Green and West Hampstead Neighbourhood Plan. The development also accords with the NPPF and the London Plan 2016.

- 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 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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 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)

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- 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.

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 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer