

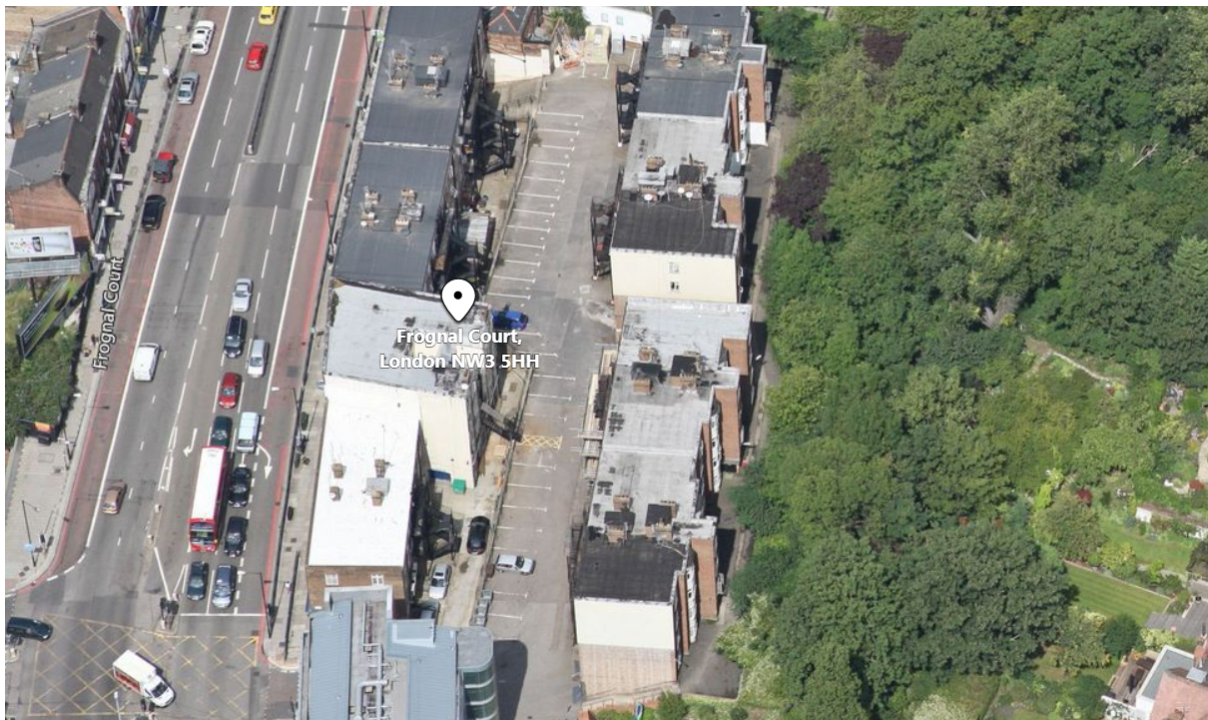
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Frognal Court, Warwick House and Midland Court, Finchley Road 2019/2895/P

Birdseye 1



Birdseye 2





Photograph 1 – front façade



Photograph 2 – front view from the south



Photograph 3 - front view from the north



Photograph 4 - rear view



Photograph 5 – rear view of Midland Court and relationship with Holiday Inn Express hotel

Photograph 6 – view from across Finchley Road highlighting the roof extension built at the rear Frogmal Court buildings



Photograph 7 – view of rear Frogmal Court buildings



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	30/07/2019
		N/A / attached		Consultation Expiry Date:	03/08/2019
Officer			Application Number(s)		
Rachel English			2019/2895/P		
Application Address			Drawing Numbers		
Frogna! Court, Warwick House and Midland Court Finchley Road London NW3 5HG			See draft decision		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of single storey mansard roof extension to create 8 x self-contained residential units (7 x 2-bed and 1 x 3-bed), installation of PV panels and external staircase access to the rear.					
Recommendation(s):		Grant conditional planning permission subject to a Section 106 Legal Agreement			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	19	No. of objections	19
			No. Electronic	00		
Summary of consultation responses:	Site notices were displayed in three locations on Finchley Road and at the rear between the front and rear buildings from 10/07/2019 until 03/08/2019					
	19 objections have been received from the following addresses:					
	3 Warwick House, 2 Midland Court, Flat 6 Warwick House, 2 Frognal Court, 6 Frognal Court, 7 Frognal Court, 9 Frognal Court, 10 Frognal Court, 11 Frognal Court, 12 Frognal Court, 15 Frognal Court, 17 Frognal Court, 20 Frognal Court, 24 Frognal Court, 25 Frognal Court, 34 of Frognal Court, 36 Frognal Court, 10 Frognal Parade, K&M Property Management Ltd, one unspecified address and 6 Pikes End, Pinner.					
	The objections are based on the following:					
	1) The proposal compromises the structural stability of the building. The building is located over a rail tunnel and is already shaking the whole building when a train is underneath. The existing building stands on shallow foundations that pass directly over the tunnels that serve Thameslink trains and East Midlands trains, as well as heavy goods trains.					
	<u>Officer response</u> A letter from a Structural Engineer has been submitted which sets out that the new extension would be a lightweight timber frame and therefore the increase in foundation loads will be minimal compared to the load from the existing load bearing masonry frame. The rear building, which is similar to the application site and has had an additional floor constructed has demonstrated that the additional load on the existing structure and foundations was acceptable and had a negligible effect upon the tunnels and was accepted by Network Rail.					
	Network Rail has responded to the consultation and has no comments to make.					
	2) The site is located above shops with a very small pavement, business is bad enough now without scaffolding up for many months/years.					
	<u>Officer response</u> It is noted that the construction could have an impact on the trade of the businesses at ground floor level however this is considered to be short term and would not be a reason to refuse the application.					
	3) At rear of building is the fire escape which will be out of use due to severe lack of space causing extreme danger to residents.					
	<u>Officer response</u> Any fire escape access would be required to be retained or an					

alternative provided during construction. The proposed development does not include the removal of the existing fire escape staircase.

- 4) The water tank is on the roof and we do not need all the problems incurred by the rear block of Frognaal Court which included severe flooding and life changing daily routine.

Officer response

This is not a material planning consideration. It is the applicant's intention to offer the remaining existing flats in the building which use the water tanks to be linked to the water mains at the applicant's expense. If this is unfeasible prior to the commencement of the development the water tanks will be relocated to ensure that residents are able to have a continued, safe water supply.

- 5) Noise, vibration and disturbance as a result of many months of building work.

Officer response

Noise from demolition and construction works is subject to Environmental Health legislation control under the Control of Pollution Act 1974. Hours of construction are limited to 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.

- 6) Noise from new flats

Officer response

The proposal would need to follow Building Control regulations regarding insulation between the existing top floor and the proposed flats. A condition is added to the decision notice that requires the development to meet the noise standards for internal rooms.

- 7) There would be no lift – no wheelchair accessible units. This is discrimination against the disabled, elderly and families,

Officer response

Whilst it is regrettable that there is no lift as part of the proposals, this is not a requirement for an existing building to provide accessible units.

- 8) It is unlikely (and it is not even promised) that the proposed new flats will include social housing within the development. It is disingenuous to indicate 'affordable-rented level'.

Officer response

See affordable housing section below

- 9) Parking for 16 new flats cannot be accommodated in the car park built for 54 flats.

Officer response

The eight new residential units will be secured as car-free via S106 legal agreement, therefore would not add to any parking stress. A new disabled parking bay would be created from one of the existing parking bays.

10) Bin storage is inadequate

Officer response

A dedicated bin store for waste and recyclables is located to rear adjacent to the existing car park. Further details are required by condition.

11) Overlooking/ loss of privacy and loss of outlook

Officer response

See section 6 (Amenity) below.

12) Loss of light for existing units. The 2014 permission already restricted light of rooms at the rear of the blocks

Officer response

A Daylight & Sunlight Assessment was submitted with the application. The report concludes that the development will have a minimal impact on the surrounding existing conditions of residential flats located to the rear and complies with the BRE guidelines on every window within the flats in the existing building below as well as flats in neighbouring properties.

13) Network Rail should be consulted

Officer response

Network Rail were consulted on the application and have no comments to make.

14) Health and safety concerns in light of the building work to the rear of the site. Concern that similar issues will arise for the new proposals as per rear roof extension which left leaseholders with significant costs.

Officer response

Health and safety is dealt with by Environmental Health and Building Regulations. Any problems arising from construction issues can be considered during the Construction Management Plan process. A consultation process specifically relating to construction impacts must take place regardless of any prior consultations relating to planning matters. The consultation will include all of those individuals that stand to be affected by the proposed construction works.

15) Concern about the chimneys not being continued as still in use on lower floors.

Officer response

The proposed plans and elevations show the existing chimneys extended upwards.

16) The proposed extension would have adverse impacts on the character and appearance of the host buildings and local area – the increased, height, bulk and scale will harm the setting of the adjacent conservation area. The proposed scheme would be an overdevelopment of the estate.

Officer response

The proposed roof extension would be an appropriate addition to this building, fronting a main thoroughfare. It follows the design of the roof extension to the rear buildings and would enable the addition of eight additional residential units for the Borough.

17)The cycle parking for 16 bikes will not oblige residents to use bicycles

Officer response

This is noted however the Council seeks to encourage sustainable modes of transport by providing bike stands within policy T1 of the Local Plan.

18) Concern about fire safety – have Fire Brigade been consulted?

Officer response

Building regulations approval is required for all work which make changes to fire escapes. This application is not a major application and would not trigger the requirement for a Fire Statement as stated in the Intend to Publish London Plan 2019. The LFB would not be a statutory consultee on an application s

19)Concern about air quality management area as a result of the increased height and enclosure.

Officer response

An air quality assessment has been submitted. See section 9 below.

20)No existing floor plans have been submitted

Officer response

Sufficient information has been submitted in order to assess this application. The layout of the lower floors would not be changed by the proposals.

21)No construction management plan has been submitted

Officer response

A draft Construction Management Plan has been submitted and would be secured by S106 legal agreement.

22)Notice has been incorrectly served on leaseholders so the planning application should be invalidated or extend the consultation period so as to ensure that the applicant properly notifies the effected parties and allow sufficient time given that it is holiday season to comment on the application.

Officer response

The application was submitted in 2019 and therefore sufficient time has passed for interested parties to comment.

23)The sustainability requirements of this development have not yet been fulfilled.

Officer response

The applicant has submitted a Sustainability Statement which meets the Council's policy requirements. A condition is added to the decision notice that seeks to ensure that the recommendations within the

	<i>Statement are implemented.</i>
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CAAC/Local groups* comments:

TfL - have the following comments:

- 1) The site of the proposed development is on A41 Finchley Road, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN, and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN. The site has an excellent Public Transport Access Level (PTAL) of 6a (on a scale of 0-6b where 6b is the most accessible).

Officer response: Noted

- 2) It is noted from the application form that 16 cycle parking spaces are proposed, while the exact mix of long-stay and short-stay spaces is unclear. In order to meet the minimum cycle parking standards set out in the draft London Plan, at least 16 long-stay and 2 short-stay spaces should be provided. This provision should be secured by condition. Cycle parking should follow the London Cycling Design Standards (LCDS) and be located in an accessible, secure, convenient and sheltered area. TfL requests clarification that the design and access of cycle parking is in compliance with the LCDS.

Officer response: The plans have been revised to show 18 longterm spaces in accordance with LCDS and 2 short term spaces. Further specification details have been submitted and TfL have confirmed that the product specification for the Cycle Hangar ensures compliance with LCDS.

- 3) It is welcomed that one disabled persons parking bay will be provided through conversion of an existing standard bay. As the DAS states that all new units will be car-free, new residents at the development should therefore be excluded from applying for Council parking permits with the exception of disabled persons.

Officer response: The new residential units would be secured as car-free via S106 legal agreement.

- 4) It is noted that a Construction Management Plan pro forma has been submitted. However as the development is on the TLRN, TfL requests that an outline Construction Logistics Plan (CLP) following TfL guidance is provided to show how construction will take place in a safe manner. This should be provided prior to determination. A full CLP should be secured by condition to be discharged prior to any construction activities taking place. The footway and carriageway on A41 Finchley Road must not be blocked during construction works. Temporary obstructions must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic. All vehicles associated with the works must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions. No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time.

Officer response: An Outline Construction Logistics Plan has been submitted and detail of construction logistics would be secured via legal agreement within the Construction Management Plan, in consultation with TfL.

	<p>Network Rail – have responded and have no comments to make</p> <p>Thames Water – have requested further information to be secured via condition regarding surface water drainage. This is secured by condition 6 of the decision notice.</p>
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Site Description

The site comprises three terraced housing blocks on the east side of Finchley Road. The three blocks are made up of Warwick Court, Midland Court and 1-12 Frognal Court. The proposal site is in the same ownership as the wider estate which is known as Frognal Court Estate. The estate consists of 2 rows of terraced blocks of flats, on either side of a central courtyard. The front block has shops at ground floor level, on Finchley Road. Access to the existing flats is from the front, on Finchley Road. Warwick Court and 1-6 and 7-12 Frognal Court are four storey blocks, which step down at Midland Court, a three storey block.

The intervening courtyard between the two residential blocks is an area of tarmac, used for car parking, with some spaces leased to the flats and some used as “pay and display” bays for local visitor/business use. At the rear of the site is an overgrown embankment rising up to Netherhall Gardens, which is designated as an area of private open space. The northern part of the site lies above the two Belsize railway tunnels. Opposite the site is the bridge over the railway lines and the service road leading to the rear of the O2 Centre.

The site is located within the Finchley Road Town Centre. The buildings are not listed and the site is not in a conservation area though the Fitzjohn’s and Netherhall Conservation Area is nearby directly to the north, lies the Redington/ Frognal Fitzjohns Area and directly to the east and south lie the Fitzjohns/ Netherhall Conservation Area.

The blocks date from the early part of the 20th Century, and are formed of red brick walls and flat roofs. They have a mix of original Crittal windows and later unsympathetic replacement windows; the rear facades are very utilitarian in appearance with large external fire escape staircases serving all of the flats. To the north of the site are 19th Century red brick 4-storey mansion blocks; to the south, opposite the O2 Centre, is a recently built 7-storey hotel block of a contemporary design.

The site is located in the Frognal and Fitzjohns CMP priority area.

Relevant History

2016/5923/P - Erection of single storey roof extension to create 8 residential flats, new lift tower to the rear and replacement flue to rear of 1-12 Frognal Court (Class use C3). Withdrawn by applicant on 03/01/2018.

2013/1914/P - The erection of a 3rd floor and mansard roof extension to 1-4 Midland court and mansard roof extensions at 4th floor level to 1-12 Frognal court and Warwick House to provide 9 self-contained flats together with the erection of 3 new lift towers to the rear elevation with external metal staircases and walkways at 3rd and 4th floor levels, installation of air source heat pumps at roof level, and the provision of 4 disabled car park spaces. Refused on 24/10/2013 on 8 grounds including design, noise and sustainability grounds.

2006/0967/P - The erection of a 4th floor mansard roof extension over Frognal Court and Warwick House to provide 6 flats and of a 3rd floor plus 4th floor mansard roof extension over Midland Court to provide 4 flats, and the extension of all existing external fire escapes at the rear. Refused on 20/07/2006 on 5 grounds including inappropriate access and not accessible housing.

Rear of site - Frognal Court, flats 14 - 45 (Rear Blocks A and B)

2014/0342/P - Erection of mansard roof to provide 8 x 2-bed flats (Class C3) associated extension to stairwell and external fire escapes, installation of solar panels and the provision of 1x disabled car park space and cycle parking. Granted on 21/01/2015 subject to a legal agreement which under clause 4.1 that the provision of affordable housing would be triggered in accordance with Camden Development Policies in the event of additional housing provided on site. This planning application has been implemented.

Holiday Inn Express 152-156 Finchley Road – to the south of the site

2017/6967/P - Alterations to the rear of existing hotel building and erection of rear extension to hotel, landscaping and parking (Amended Plans). Resolution to grant subject to the signing of the S106 following Development Control Committee on 17/10/2019.

Relevant policies

The London Plan March 2016

Intend to Publish London Plan 2019

NPPF 2019

Camden Local Plan (2017)

- G1 - Delivery and location of growth
- H1 - Maximising housing supply
- H4 - Maximising the supply of affordable housing
- H6 - Housing choice and mix
- H7 - Large and small homes
- C1 - Health and well-being
- C5 - Safety and security
- C6 - Access for all
- A1 - Managing the impact of development
- A2 - Open space
- A3 - Biodiversity
- A4 - Noise and vibration
- A5 - Basements
- D1 - Design
- CC1 - Climate change mitigation
- CC2 - Adapting to climate change
- CC3 - Water and flooding
- CC4 - Air quality
- CC5 - Waste
- T1 - Prioritising walking, cycling and public transport
- T2 - Parking and car-free development
- T3 - Transport infrastructure
- DM1 - Delivery and monitoring

Camden Planning Guidance:

- CPG Access for all (March 2019)
- CPG Air quality (March 2019)
- CPG Amenity (March 2018)
- CPG Biodiversity (March 2018)
- CPG Basements (March 2018)
- CPG Design (March 2019)
- CPG Developer contributions (March 2019)
- CPG Energy efficiency and adaptation (March 2019)
- CPG Interim Housing (March 2019)
- CPG Trees (March 2019)
- CPG 2 Housing (May 2006 Updated March 2019)
- CPG Transport (March 2019)
- CPG Planning for health and wellbeing (March 2018)
- CPG Water and flooding (March 2019)

Assessment

1.0 Proposal

1.1 Planning permission is sought for the erection of a single storey roof extension in order to create 8 self-contained flats (7 x 2-bed and 1 x 3-bed). Planning permission (ref 2014/0342/P) was granted on 21st January 2015 for the erection of 2 mansard roof extensions over the 2 rear blocks; which were tile-hung with flat roofs and several dormer windows facing both the front and rear. This permission has been implemented.

1.2 The proposed roof extensions would be at 4th floor level across 1-12 Frognal Court and Warwick House and step down to add a 3rd floor level to the roof of Midland Court. The extensions would be accessed via extending four existing stairwells, two in Frognal Court, one in Midland Court and one in Warwick House. An extension is proposed to the existing rear external staircase to allow a secondary means of escape.

1.3 The roof extension would be a zinc-clad sloped mansard extension with flat roof. The extension would have aluminium-framed window openings within zinc-clad dormers proposed at the front. To the rear, the roof extension would keep to the same building line as the floors below.

1.4 All existing plant on the roofs would be relocated onto the new flat roof, accessed from pull down ladders at 1-12 Frognal Court and Midland Court. A new mansafe walkway system will be installed along the roof extension, providing safe access to the plant. There would be 16 PV panels installed on the roof with a green roof installed on Warwick House roof.

1.5 As listed above, planning permission was granted for the erection of the extension of the rear blocks of Frognal Court Estate (14-45 Frognal Court) in 2014 (ref 2014/0342/P). These works have been implemented and are near completion.

1.6 Following Officer advice, revisions have been received which:

- a. Raise the brick parapet to match the existing and allow for weatherproofing above the new structural deck at roof level
- b. Installation of green roof
- c. Extend existing chimneys through new roof

1.7 The proposed application is assessed in terms of the following material considerations:

- Principle of the extension
- Affordable housing
- Housing mix
- Standard of proposed accommodation
- Amenity of surrounding occupiers
- Design and the impact on the surrounding streetscene
- Sustainability and energy
- Transport
- Air quality
- CIL

2.0 Principle of the extension

2.1 Policy G1 (Delivery and location of growth) promotes efficient use of land and buildings in Camden and supports growth. Policy H1 (Maximising housing supply) considers housing a priority land use and the Council will seek to maximise the supply of additional homes. The proposal would give rise to the addition of 8 additional homes in the Borough. The proposals are in line with paragraph 118e) of the NPPF which supports opportunities to use the airspace above existing residential premises.

3.0 Affordable housing

3.1 As the proposal involves the creation of eight new dwellings (632.5sqm GIA) and involves an addition of residential floorspace of 100sqm GIA or more, policy H4 of the Camden Local Plan applies, which expects a contribution to affordable housing. Policy H4 provides for payments in lieu of affordable housing where developments have capacity for fewer than 10 additional dwellings.

3.2 The applicant owns the whole of Frognaal Court including the rear blocks which was given planning permission on 21/01/2015 (ref 2014/0342/P) for a roof extension for 8 new flats. Under the development plan policies in place at the time, there was no requirement to provide affordable housing as part of that scheme. The permission was subject to a legal agreement which under clause 4.1 says that if further residential floorspace is added to the rear blocks, or if the flats were subdivided (to create additional units), then the provision of affordable housing would be triggered in accordance with Camden Development Policies. This scheme does not add any floorspace to the rear blocks, or subdivide the units within them, but it is within the same ownership. Therefore, although the requirement for affordable housing only applies to the proposal, it is considered fair and appropriate in the context of the current policy to include the additional housing proposed across both of the schemes when calculating the affordable housing percentage target. The target should only be applied to the floorspace proposed in the current application 2019/2895/P.

3.3 The payment-in-lieu calculation on that basis is as follows: taken together with the 2015 application (which also has capacity for 6 units), the total capacity of the linked schemes would be 12 units, and the affordable housing target would be 24% (equivalent to around 1.5 units).

3.4 Although there is no requirement to provide on-site affordable housing as the capacity is only for six homes, the applicant was asked to explore whether on-site provision was possible. However, given the proposed shared access arrangements and potential impact and complications associated with this shared access in terms of service charges, and the small number of units to be provided (1 to 2) a payment-in-lieu is considered appropriate in this situation, in line with policy.

3.5 Applying that to the additional floorspace proposed through this application, (GEA 666.1 sqm) gives $0.24 \times 666.1 = 159.9 \text{ sqm} \times £2,650 \text{ psm}$. An affordable housing payment-in-lieu of £423,735 is applicable and will be secured by legal agreement.

4.0 Housing mix

4.1 Policy H7 (Large and small homes) seeks to contribute to the creation of mixed and inclusive communities by securing a range of self-contained homes of different sizes (please see table below). One bed units are low priority whereas two bedroom flats and three bedroom flats are a high priority. The proposal involves the creation of one x three bedroom unit and seven x two bed units. This is considered to be an acceptable mix in compliance with the aims of policy H7 of the Local Plan.

5.0 Standard of proposed residential accommodation

5.1 The proposals would provide eight new residential units which would all be dual aspect flats. The flats would all exceed the Nationally Described Space Standards as set out below and would provide appropriate layouts:

Flat number	Number of bedrooms	Proposed GIA	Nationally Described Space Standard
401	3 bed, 4 person	77sqm	74sqm
402	2 bed, 4 person	72sqm	70sqm
403	2 bed, 4	71sqm	70sqm

	person			
404	2 bed, person	3	67sqm	61sqm
405	2 bed, person	3	66sqm	61sqm
406	2 bed, person	3	62sqm	61sqm
301	2 bed, person	3	68sqm	61sqm
302	2 bed, person	3	70sqm	61sqm

6.0 Amenity of surrounding occupiers

6.1 Protecting the amenity of residents and visitors is a key Council priority. Policy A1 (Managing the impact of development) sets out the Council's stance in this respect. The Council's adopted planning guidance provides further advice on the application of the Council's policies, such as CPG Design and CPG Amenity.

6.2 Concerns have been raised from residents of Frogna Court regarding loss of daylight and sunlight for residents in the rear blocks (30-45 Frogna Court and 14-29 Frogna Court) as well as the impact of the development on residents of the front blocks as a result of the extension on the roof of Warwick House. A Daylight & Sunlight Assessment, in accordance with BRE guidance and CPG Amenity, was submitted to support the application which looks at the impact of the additional storey on the existing occupiers of the flats on the lower floors and neighbouring occupiers. The report concludes that whilst there would be some loss of daylight and sunlight as a result of the proposed roof extension, all windows would not have more than a 20% loss and the impact would be negligible and in line with BRE guidance. The proposals would not give rise to any long term loss of amenity for the adjoining building on Finchley Road.

6.3 Concerns have been raised regarding the loss of privacy for existing residents as a result of the proposed roof extension. There is approximately 14metres between the rear of Warwick House and 22 to 29 Frogna Court and approximately 18 metres between the rear of 1 to 12 Frogna Court and 30 to 37 Frogna Court.

6.4 Given the location of the development, construction of the proposals has the potential to cause substantial disruption to the lower premises and the construction phase will have to be carefully controlled and managed. A construction management plan and support contribution is sought via S106 legal agreement in order to minimise impact on existing residents and occupiers. Further reference to Construction Management Plans is in section 10 below. This will include details of measures to control dust, noise, vibration, lighting, delivery locations, restriction of hours of work.

6.5 Floor plans have been provided for the proposed extensions, but not for the floor below, therefore it is not possible to identify if the rooms have been stacked appropriately to help prevent noise nuisance. However building regulations require a level of noise insulation and therefore it would be unreasonable to refuse the application on these grounds. In order to protect both existing and proposed residential occupiers the Council's Environmental Health Team have recommended that a condition is attached to ensure sufficient sound insulation between the existing and proposed residential accommodation. It is proposed that existing plant and services are relocated to the roof level, accordingly conditions are recommended to secure suitable mitigation and noise levels.

7.0 Design and impact on the character and appearance of the host building and the surrounding area

7.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. The Local Plan policy D1 (Design) requires development to be of the highest architectural and urban design quality which

improves the function, appearance and character of the area. Camden's Local Plan Document is supported by guidance in CPG Design. The site is not located within a Conservation Area however near to the Redington Frogmal Conservation Area and the Fitzjohns Netherhall Conservation Area.

7.2 Planning permission was refused in 2014 (ref 2013/1914/P) for roof extensions to create 9 flats. The construction of a continuous 4th floor to Frogmal Court and Warwick House was considered unacceptable. Likewise, the raising in height of Midland Court by one full storey plus a further mansard storey was considered additional bulk and unacceptable for the same reasons. The addition of a full third floor was considered likely to harm the proportions of the front façade of Midland Court. New staircases were proposed which also added to the proposed unacceptable bulk and height. The front elevation for the 2013/1914/P refused scheme is shown below:



SOUTH WEST ELEVATION (1:200)

7.3 The proposed roof would overcome these reasons for refusal by providing a single storey roof extension that steps down to reflect the change in height of Midland Court. At the front, there would be a mansard roof extension which would be a flat topped mansard set back behind a raised parapet wall with dormer windows consistent with the design of the building. At the rear of the blocks the roof extension would be set in line with the rear façade building line. The rear façade is utilitarian in appearance and the extension would be in keeping with the design of the host building. The proposed windows would align with those below and the appearance of the proposed roof extension from the street. The extension would be appropriately understated and is considered acceptable in design terms. The proposed roof extension is shown below:



7.4 It is proposed to extend the existing chimneys through the roof of the new extension and relocate existing services and plant to the roof of the building. The services will be set away from the front elevation of the new roof and therefore their visibility will be limited and will respect the original arrangement. The design of the roof extension would match the design of the roof extension to the rear buildings of Frogmal Court.

7.5 Following Officer advice, the brick parapet at the front has been raised to match existing and to allow for weatherproofing above the new structural deck at roof level. The roof extension appears

subordinate and well scaled in relation to its host building. A condition is added which requires further details of the cladding material to be submitted.

7.6 Following Officer advice, a green roof would be provided on the roof of Warwick Court. The roof plan submitted indicates the locations of the PV Panels. The PVs would not be visible from street level. Further details of the green roof and PV panels are required by condition.

7.7 A dedicated bin store for waste and recyclables is located to rear adjacent to the existing car park. Further details of the bin store are required by condition.

7.8 The proposed development is therefore considered acceptable in design terms and would not detract from the character and appearance of the host building, the character of the streetscape of this part of Finchley Road. The site is located outside of any Conservation Areas however the Fitzjohn's and Netherhall Conservation Area is nearby directly to the east and south. The Redington Frognal Conservation Area is to the north. The proposals are not considered to harm any long views from the west or be detrimental to the setting of Conservation Areas.

8.0 Sustainability and energy

8.1 The applicant has submitted an Energy and Sustainability Assessment. Following the proposed energy strategy, the new flats achieve significant carbon savings that exceed both the Target Emission Rate (TER) set by Part L of current Building Regulations and the Camden Council Target in terms of CO2 emissions i.e. 19% reduction over 2013 TER for a medium residential development. The proposals would achieve an overall reduction of 23.2% of CO2 emissions.

8.2 The roofplan shows the installation of 16 PV panels which will provide electricity to the new flats. This is encouraged by policy CC1 of the Camden Local Plan. Further information of the PV panels is requested by condition.

8.3 Following Officer advice, a green roof is included as part of the proposals and is shown on the roof of Warwick House. The green roof on top of the extension is encouraged in terms of sustainability, drainage and promotes biodiversity. Further details of the green roof in terms of planting species, maintenance and density are requested via condition on the decision notice.

8.4 All new residential flats will have low water use fittings to reduce the water consumption and the energy consumption on site. A condition is added to ensure that the development shall achieve a maximum internal water use of 105litres/person/day.

9.0 Air quality

9.1 The site is located next to a busy road which currently experiences poor levels of air quality and disturbance from noise. Policy CC4 expects developments in the area to be well protected against air and noise pollution to ensure they are suitable for occupation. An air quality report has been submitted to assess the surroundings and provide mitigation measures to include A Mechanical Ventilation Heat Recovery (MVHR).

9.2 Mechanical ventilation is proposed in the Energy and sustainability statement and further details are required by condition to ensure that the inlets for the MVHR are located away from the busy roads and the boiler stack and as close to roof height as possible.

10.0 Transport and construction

10.1 The site is located on the east side of Finchley Road, to the south of Netherhall Way and opposite Blackburn Road and the O2 shopping centre. To the immediate south of the site lies the Holiday Inn Express hotel. Finchley Road is a Red Route for which Transport for London are the highway authority. The nearest station is Finchley Road, located to the south of the site, whilst Finchley Road and Frognal station is located to the north. The nearest bus stops are located on

Finchley Road.

10.2 Policies T1 and T2 expect new developments to be car free. Given the location of the development and Camden's policies, the applicant will be required to sign up to ensure that all new residential units are secured as car free via a S106 Agreement. One disabled persons parking bay would be provided through conversion of an existing standard bay.

10.3 The applicant proposes 18 longterm cycle spaces in three cyclehoop secure bicycle shelters located in the rear courtyard and two short stay parking spaces. The long-term spaces would be covered and secure, in accordance with the long stay specification in CPG Transport. TfL have confirmed that the product spec for the Cycle Hangar ensures compliance with the London Cycling Design Standards (LCDS).

10.4 Policy A1 states that Construction Management Plans (CMPs) should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works) in order to minimise disruption to residents and increase safety and efficiency on the highway network. The site would be accessed from Finchley Road and from the rear car park area. Due to the amount of construction required for the roof top extension and the sensitive nature of the local streets, a CMP would be required to be secured by s106 legal agreement. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality, temporary loss of parking, etc.). A CMP Implementation Support Contribution of £3,136 is also recommended to be secured via Section 106 if planning permission is granted. A draft CMP has been submitted with the application which will be updated following appointment of a contractor.

10.5 Planning permission was granted at Committee on 17/10/2019 subject to the signing of a S106 legal agreement at the Holiday Inn Express to the south of site at 152-156 Finchley Road (ref 2017/6967/P). The proposal involved the erection of rear extension to the hotel. There may be cumulative impacts of the construction if the two projects were to be constructed at the same time. The CMP will ensure that this is considered and any impact is mitigated against.

10.6 As the site is located on a Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN, and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN. They have requested that a Construction Logistics Plan (CLP) is submitted. The applicant has submitted an Outline CLP which sets out how construction would take place in a safe manner in relation to the TLRN and an overview of the expected logistics activity during the construction programme. The full CLP would be secured as part of the Construction Management Plan, in consultation with TfL, via S106 legal agreement.

10.7 A CMP bond of £7,500 would also be secured via S106 to cover the Council's cost in resolving any potential compliance breaches. An obligation will also be included in the s106 Agreement to ensure the cost of the repair of any damage to the highway is secured.

11.0 CIL

11.1 The proposal will be liable for both the Mayoral and the Camden CIL as the proposal is for a new residential unit. An informative would be attached on any decision notice advising the applicant of these charges. The final charges would be decided by Camden's CIL team.

11.2 The proposal would be liable for the Mayor of London's Community Infrastructure Levy 2 (MCIL2). CIL is charged on the net additional (gross internal area) floorspace created. Based on the uplift in GIA, the applicant would be liable for £80 x 632.5sqm = £50,600.

11.3 The proposals would be liable for the Camden Community Infrastructure Levy (CIL). For this application the uplift in GIA is 632.5sqm which is multiplied by £500 = £316,250.

11.4 It is noted the above is estimated based on current floor areas. Any CIL payments will be

calculated by Camden's CIL team and would be subject to indexation.

12.0 Conclusion

12.1 The additional 8 residential units would provide much needed additional housing to the Borough. The proposed roof extension is considered subordinate in scale to the host building and appropriate in design and would match the roof extension built on the rear buildings. The materials are of good quality and would complement the existing building and the surrounding area.

12.2 The proposals would not adversely affect the amenity of existing and local residents and would include car-free restrictions for all new residential flats as well as cycle storage and biodiversity measures. The proposal is therefore considered to comply with the Local Plan policies subject to conditions and obligations listed below:

12.3 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- All new residential units to be secured as car-free
- Affordable housing payment-in-lieu of £423,735
- Construction Management Plan and associated implementation support contribution of £3,136
- Construction impact bond £7,500
- Highways contribution (amount tbc)

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 10th August 2020, 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: 2019/2895/P
Contact: Rachel English
Tel: 020 7974 2726
Date: 6 August 2020

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/planning

DP9 LTD
DP9 Limited
100 Pall Mall
London
SW1Y 5NQ

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:

**Frognal Court
Warwick House and Midland Court
Finchley Road,
London NW3 5HL NW3 5HP NW3 5HN**

Proposal:

Erection of single storey mansard roof extension to create 8 x self-contained residential units (7 x 2-bed and 1 x 3-bed), installation of PV panels and external staircase access to the rear.

Drawing Nos: Site location plan, 225_81_10, 225_81_12, 225_81_13, 225_81_30, 225_81_31, 225_81_32, 225_41_10A, 225_41_14, 225_41_15A, 225_41_20, 225_41_22, 225_41_30, 225_41_31, 225_41_32

Cover letter CJB/KB/DP4822 dated 31 May 2019, Design and Access Statement dated April 2019, Daylight & Sunlight Assessment dated 03/05/2019, Aether Air Quality Assessment dated April 2019, Energy & Sustainability Statement issue 03 dated April 2019, draft Construction Management Plan, Outline Construction Logistics dated 21/10/2019, Overheating Assessment dated October 2019 Issue 4
Plan, letter from DP9 dated 5th November 2019, Bikehangar brochure

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 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 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, 225_81_10, 225_81_12, 225_81_13, 225_81_30, 225_81_31, 225_81_32, 225_41_10A, 225_41_14, 225_41_15A, 225_41_20, 225_41_22, 225_41_30, 225_41_31, 225_41_32

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

- 4 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 and showing a variation of substrate depth with peaks and troughs
 - 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.

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.

- 5 Prior to commencement of the roof extension, 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 policy CC1 of the London Borough of Camden Local Plan 2017.

- 6 No new residential dwellings hereby permitted shall be occupied until confirmation has been provided that either:-
1. Capacity exists off site to serve the development or
 2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Or
 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

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.

- 7 The development hereby approved shall achieve a maximum internal water use of 110litres/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 London Borough of Camden Local Plan 2017.

- 8 Prior to commencement of development, full details of the mechanical ventilation system including air inlet locations shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from busy roads and the boiler stack 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 protect the amenity of residents in accordance with policy A1 and CC4 of the London Borough of Camden Local Plan 2017 and London Plan policy 7.14.

- 9 The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 10 The development shall be carried out in complete accordance with all the measures as recommended in the approved Mecserve Energy & Sustainability Statement Issue 03 Dated April 2019

Reason: In order to secure the appropriate energy and resource efficiency measures in accordance with policies G1, C1 , CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

- 11 The approved cycle facilities shall be provided in their 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.

- 12 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),

b) 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 of the London Borough of Camden Local Plan 2017.

- 13 Before the development commences, 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 CC5, 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 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.
- 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 for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 4 This consent is without prejudice to, and shall not be construed as derogating from, any of the rights, powers, and duties of the Council pursuant to any of its statutory functions or in any other capacity and, in particular, shall not restrict the Council from exercising any of its powers or duties under the Highways Act 1980 (as amended). In particular your attention is drawn to the need to obtain permission for any part of the structure which overhangs the public highway (including footway).
- 5 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council in consultation with TfL and failure to supply the relevant information may mean the Council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council in consultation with TfL.
- 6 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.
- 7 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.

- 8 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.

- 9 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.
- 10 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 11 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate