

Application ref: 2021/5062/P
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Date: 5 September 2022

Development Management
Regeneration and Planning
London Borough of Camden
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Nicholas Taylor + Associates
46 James Street
London
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England

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 6EF

Proposal:

Extension and alteration to Lithos Road façade on 1st, 2nd and 3rd floors and erection of an additional storey on the building, on the roof, to provide 4 self-contained residential units.

Drawing Nos: Location Plan (69-001), 90: - 010, 011, 012, 013, 014, 100, 101, 102, 103, 104, 202, 300, 301, 302, 303

Energy & Sustainability Statement (XCO2 - September 2021), Planning, Design & Access Statement (Nicholas Taylor Associates - September 2021), Heritage Statement (Built Heritage Consultancy - June 2017)

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

Condition(s) and Reason(s):

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings/documents:

Location Plan (69-001), 90: - 010, 011, 012, 013, 014, 100, 101, 102, 103, 104, 202, 300, 301, 302, 303

Energy & Sustainability Statement (XCO2 - September 2021), Planning, Design & Access Statement (Nicholas Taylor Associates - September 2021), Heritage Statement (Built Heritage Consultancy - June 2017)

Reason:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Informative(s):

1 Reasons for granting permission:

Background

On 08/03/2019 planning permission was granted (ref 2017/3710/P), subject to a legal agreement, at 307 & 309 Finchley Road, for:

- i. 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; change of use of office (B1) on Lithos Road to 1 short term let unit and conversion of the upper floors of 309 Finchley Road from 2 flats (3-bed flat and 2-bed flat) to 3 flats (2 x 2-bed and 1x 3-bed) (Class C3) including rear and side extension at 1st to 3rd floors with alterations to rear fenestration
- ii. Façade alterations (extensions on the 1st, 2nd and 3rd floors) to the Lithos Road elevation of No.307 and a roof extension to the rear of 307 to provide 4 self-contained units (2xstudio, 1x1 bed and 1x2 bed).

The legal agreement attached to 2017/3710/P comprised several Heads of Terms including contributions to affordable housing (£78,713), open space (£10,375) and a CMP implementation support scheme (£3,240).

The works to 309 Finchley Road, granted under 2017/3710/P, were undertaken in accordance with a subsequent planning permission (2019/1438/P granted, subject to a legal agreement, on 15/08/2019). Planning permission 2019/1438/P granted consent for the following:

'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 of 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)'.

The legal agreement attached to 2019/1438/P only included Heads of Terms relating to 'car free' development and a short term lets management plan.

The current proposal seeks planning permission for the works to 307 Finchley Road (and Lithos House) granted under 2017/3710/P (subject to a legal agreement) but not yet undertaken. (For the record planning permission 2017/3710/P expired on 18/04/2021).

The Site

The application site includes 309 Finchley Road but no development is proposed on this part of the site. Works are proposed to 307 Finchley Road which is the 4 storey period (1891) building at the junction with Lithos Road with the historical shopfront on the ground floor and gable red brick walls with

brick courses above. The site extends along Lithos Road (being indicated as Lithos House on the application site plan) where it is of a more contemporary architectural style featuring commercial glazed arches on the ground floor, red brick walls and sheet glazing on the upper floors. The ground floor extends to the back edge of the pavement along Lithos Road but in line with the building line of the existing (residential) buildings on the north side of Lithos Road, the building is set back on the 1st, 2nd and 3rd floors.

The buildings at the front of the site (i.e. 307 (and 309 Finchley Road) are locally listed buildings on the west side of Finchley Road (nos. 289 - 315 Finchley Road are also locally listed). The site does not lie in a Conservation Area. There is an existing basement. It includes a bicycle store with space for 2 bicycles.

The site is in commercial use on the ground floor and residential use on the 1st, 2nd and 3rd floors. The set-back to the 1st, 2nd and 3rd floors on the western end comprise small residential units at the front. The roof essentially comprises of three parts. It has a higher, part flat/part pitched on the locally Listed building, a lower flat part to the rear of this, on Lithos Road, and a higher, predominantly flat part on the set-back part of the building at the western end of the site.

2 The Proposal

Extension to the Lithos Road elevation

A 5m wide, 4.25m 1st, 2nd and 3rd floor extension is proposed on the ground floor element on Lithos Road. Abutting the distinctive 5 storey brick/glazed stairwell on the Lithos Road elevation, the extension would provide additional living space for the existing 1 bedroom units on the 1st, 2nd and 3rd floors of this part of the building.

Roof extension to provide 4 self-contained units together with associated terraces

The roof of the building on Lithos Road (behind the locally listed building at the front of the site) would be extended by way of an additional storey to provide 4 dwellings (1 x 2 bed, 1 x 1 bed and 2 x studios). The additional storey would be set back from the Lithos Road elevation and the rear of the building (where external terraces would be formed). The walls would be of metal panelling and the windows would be of grey metal.

Lithos Road façade alterations

The existing 1st, 2nd and 3rd floors of the main Lithos Road elevation would be remodelled, with uniform, matching grey metal windows and red brick bands being formed on the Lithos Road elevation on the 1st, 2nd and 3rd floors.

Assessment

Design & Appearance

The proposed extension to the 1st, 2nd and 3rd floors of Lithos House at the

western end of the site were included in the proposal for planning permission 2017/3710/P when they were assessed as 'preserving the architectural and townscape significance of the locally listed buildings'.

The additional storey on the roof of the 20th century building would also be the same as under planning permission 2017/3710/P in plan and elevational form. The proposed 4th floor roof extension would be expressed in lightweight materials, metal cladding and glass. This volume would be set back substantially from the main building line. The proposed setback and material palette would give a lightweight appearance and ensure minimum visibility from the street level. As per the proposal under application 2017/3710/P, the new 4th storey addition would also preserve the architectural and townscape significance of the locally listed buildings.

The elevational alterations to the 1st, 2nd and 3rd floors of the main (contemporary) building on Lithos Road would result in a 'clean' and well proportioned elevation to the building which would improve the appearance of the building and the streetscene. The alterations, by way of their design and materials, would be appropriate to the contemporary part of the building. Provision of new dwellings; quality of accommodation; provision of affordable housing

The four additional residential units to be provided in the additional storey in the roof and the extended units on the 1st, 2nd and 3rd floors (at the western end of the building) would comply with the Council's growth and housing policies for the provision of new dwellings.

The dwellings would be of the same size and layout as previously proposed under planning permission 2017/3710/P when they were assessed to comply with the Council's policies on residential accommodation and the nationally described Technical Housing Standards (which effectively remain the same). The sizes and layouts of the flats would result in adequately sized and oriented accommodation with natural light to all habitable rooms and private terraces for three of the four new flats on the roof.

Policy H4 aims to maximise the supply of affordable housing. All developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more should contribute to affordable housing. Where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing.

- 3 The payment has been calculated in accordance with policy H4, and guidance in the Council's Housing CPG, as £84,900 based on 283sqm additional residential GIA. This has been agreed with the applicant and would be secured by legal agreement should the application be approved.
Impact on amenity

The proposals would have no further amenity impacts in addition to those which were assessed and considered to be acceptable under planning permission 2017/3710/P. The impacts upon the light, outlook, privacy and noise would remain the same.

The Daylight & Sunlight Assessment finds that there would be no significant loss of light at any neighbouring properties. No significant additional

overlooking would occur at any neighbouring properties, although, like in application 2017/3710/P a condition regarding the provision and retention of obscure glass is required in respect of the courtyard/lightwell window of the studio unit on the fourth floor.

Transport:

When planning permission was granted it was subject to a legal agreement that included terms in respect of car free development, a Construction Management Plan, a CMP implementation support contribution (£3,240).

The current proposal should also be car free (in line with Policy T2 of the adopted Local Plan regarding reduced car use and sustainable methods of transport) and a Construction Management Plan (and the CMP implementation support scheme) would also be required as part of the legal agreement in the interests of the maintenance, safety and efficiency of the highway.

The basement cycle store (included within planning permission 2017/3710/P) would provide bicycle parking spaces for the 4 new flats on the roof, in accordance with the standards in the London Plan. These would further ensure that the development complies with the Council's policies for sustainable transport.

A servicing plan was required within the legal agreement for the original scheme (2017/3710/P). This was required in respect of the office (B1a) and 4 duplex units for short term lets (Sui Generis) in 309 Finchley Road. The current proposal (for 4 new flats on the roof of 307 Finchley Road and extensions to the existing flats on Lithos Road) would be unlikely to have servicing requirements which would put undue pressure on Finchley Road (or Lithos Road) or to cause undue congestion, nuisance etc. and so this is not considered to be necessary for this application.

Sustainability

In line with the Council's current policies for mitigating against climate change (and in line with the original permission (2017/3710/P)) Sustainability and Energy Efficiency Plans should be secured. These should be required as part of the legal agreement.

Planning permission 2017/3710/P included conditions to ensure that the development was undertaken in accordance with the submitted Energy & Sustainability Statement (by XCO2 - 28/03/2018). These are included for this permission with a requirement for 28.6% above Part L regulation reductions in carbon emissions for the development.

A condition was also attached in respect of the submission and approval of details of photovoltaic cells and air source heat pumps. These are not shown on the application drawings this time around. The condition is attached the same as before to ensure the provision of such details is in accordance with the Council's climate change and energy efficiency policies and guidance.

Contribution to open space

An open space contribution of £10,375 was required as part of the legal agreement for planning permission 2017/3710/P. As the proposal will effectively replicate the proposal under 2017/3710/P (in association with the

development undertaken under application 2019/1438/P) it has been agreed with the applicant that the same open space contribution should be included within the legal agreement attached to the current application.

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

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

Recommendation:

Grant planning permission subject to a legal agreement including the following Heads of Terms:

- " Affordable housing contribution £84,900
 - " Construction management plan (CMP)
 - " CMP implementation support contribution (£3,240)
 - " Car free (4 new flats: 2 x 1 bed, 2 x 2 bed)
 - " Open space contribution £10,375
 - " Sustainability Plan
 - " Energy efficiency plan
- 5 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).
 - 6 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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

- 7 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. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.

- 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 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 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 11 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

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

You can find advice about your rights of appeal at:

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

Yours faithfully

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

Daniel Pope
Chief Planning Officer