

Application ref: 2020/5155/P  
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Date: 7 September 2022

**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)

Metropolis Planning and Design  
4 Underwood Row  
London  
N1 7LQ

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**529C - 529D Finchley Road  
London  
NW3 7BG**

Proposal:

Change of use of part-ground, first, second and third floors from gym (Class E) and language school (Class F.1) to create 6 self-contained residential flats (Class C3); erection of dormer window to rear roof slope; installation of rooflights to front roof slope; installation of new entrance in shopfront; creation of refuse and cycle store to rear; and associated alterations.

Drawing Nos: A00 Rev A, A50, A51, A52, A53, A150, A500 Rev B, A510 Rev B, A520, A530, A1000 Rev A, A1010 Rev B, A1020, A1030 Rev A, 5318-Finchley Road-Energy Assessment-2011-04gk, 6273 - 529 Finchley Road - Sustainability Statement-2108-17ms, 6354 - 529 Finchley Road - BREEAM DR 2014-Preliminary Report-2109-20ef, 6273 - 529 Finchley Road - Air Quality Assessment-2109-06nv

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 plans:  
A00 Rev A, A50, A51, A52, A53, A150, A500 Rev B, A510 Rev B, A520, A530, A1000 Rev A, A1010 Rev B, A1020, A1030 Rev A, 5318-Finchley Road-  
Energy Assessment-2011-04gk, 6273 - 529 Finchley Road - Sustainability  
Statement-2108-17ms, 6354 - 529 Finchley Road - BREEAM DR 2014-  
Preliminary Report-2109-20ef, 6273 - 529 Finchley Road - Air Quality  
Assessment-2109-06nv

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 The development hereby approved shall achieve a maximum internal water use of 110 litres/person/day. The dwelling/s 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.

- 5 The ground floor studio flat, as indicated on plan number A1000 Rev A hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2).

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 C6 of the London Borough of Camden Local Plan 2017.

- 6 Prior to first occupation of the development, the 10 long stay bicycle parking spaces as hereby approved shall be provided 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.

- 7 Prior to first occupation of the development, a minimum of 3 x 1100L waste and recycling storage bins for the residential units hereby approved shall be provided in their entirety, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CC5 of the London Borough of Camden Local Plan 2017.

- 8 The proposed development hereby approved shall be carried out in accordance with the measures outlined in the submitted air quality assessment ref: 6273 - 529 Finchley Road - Air Quality Assessment-2109-06nv.

Reason: To safeguard the amenity of adjoining premises and the area generally in accordance with the requirements of policies A1 and CC4 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission-

Change of use from education (Class F.1) to residential (C3) is considered acceptable in principle. Supporting documents including marketing evidence have been submitted which demonstrate a lack of interest to use the site as a Class F.1 facility and that adequate alternative sites (language schools) are available. The creation of Class C3 housing (priority land use) is welcomed and contributes to the justification of the change of use. The loss of Class E commercial space to the rear is considered to be acceptable, its loss would not compromise the existing ground floor space's ability to function. The majority of the ground floor commercial space would be retained on the street facing frontage. The retained space would continue to be viable as a commercial unit which can contribute to the vitality of the shopping parade.

The proposal would provide 6 self-contained flats and offers an acceptable unit mix- four high priority units (2-bedroom market) and two low priority (studio market) would be provided. An M4 (2) accessible unit would be provided at ground floor level and secured via condition. A payment-in-lieu (PIL) affordable housing contribution of £96,600 for the uplift in market housing is also to be secured via S106 legal agreement.

The quality of accommodation of all units is acceptable. All units would meet London Plan space standards and would have good access to daylight, sunlight and outlook.

Alterations to the shopfront, including the new entrance, is considered acceptable. The proposed rear dormer would be subordinate to the host building and of an appropriate siting, size and design.

There would be no material harm to neighbouring residential amenity. No windows/balconies would afford views into neighbouring habitable windows to an extent which would result in undue loss of privacy. There are no proposed extensions/alterations which project beyond any neighbouring buildings and therefore would not result in an undue loss of light/outlook.

The proposed development would achieve a BREEAM rating of 69.8% very good (0.2% below excellent) which is considered acceptable in this instance.

While an excellent rating is encouraged by policy CC2, it is accepted that site constraints limit opportunities to achieve a higher rating. Compliance is to be secured by way of s106 legal agreement.

The submitted sustainability statement and air quality assessment are considered to be acceptable. Sufficient measures would be implemented to ensure carbon reduction and to protect future occupiers from excessive air pollution. Compliance with submitted documents are to be secured by way of conditions and s106 legal agreement

All newly created residential units are to be car-free (parking permit rights removed). This is to be secured via S106 legal agreement. As such, there would be no additional on-street parking pressure.

Sufficient cycle and waste storage is provided. Storage meets requirements and is appropriately sited, provision and retention is to be secured via condition. Short-stay cycle parking currently exists in front of the building; 10 long-stay cycle parking spaces are proposed and secured by condition in this instance.

No objections were received following statutory consultation. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposal is in general accordance with policies G1, H1, H4, H6, H7, C2, C3, C5, C6, A1, D1, D3, CC1, CC2, CC4, CC5, T1 and T2 of the Camden Local Plan 2017 and policies 1, 2, 7, 8, 10 and 11 of the Fortune Green and West Hampstead Neighbourhood Plan 2015. The proposed development also accords with the policies of the London Plan 2021 and National Planning Policy Framework 2021.

- 2 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.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays

and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 4 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.
- 5 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.
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 7 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



Daniel Pope  
Chief Planning Officer