

Coogan & Co Architects Ltd
Glengall Exchange
3 Glengall Street
BELFAST
BT12 5AB

Application Ref: **2008/5520/P**
Please ask for: **Bethany Arbery**
Telephone: 020 7974 **2077**

12 March 2009

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)
Town and Country Planning (General Development Procedure) Order 1995
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Refused

Address:

**Multi Storey Car Park
Centre Heights
137 Finchley Road
London
NW3 6JG**

Proposal:

Erection of a building comprising basement, ground and first to third floor to provide 9 residential units (3 x 3-bedroom and 6 x 2-bedroom) with 17 car parking spaces (contract car parking) and 12 bicycle parking spaces at basement level (following demolition of existing multi-storey car park).

Drawing Nos: 05.303.101; 05.303.102; 05.303.103; 05.303.104; 05.303.106; 05.303.07B; 05.303.09C; 05.303.10C; 05.303.11D; 05.303.12D; 05.303.13D; 05.303.14D; 05.303.15C; 05.303.17D; 05.303.18C; 05.303.19E; 05.303.23D; 05.303.24C; 05.303.25C; 05.303.26C; 05.303.27C; 05.303.28B; 05.303.29A; 05.303.30A; 05.303.31A; 05.303.32; Arboricultural Method Statement by Estate & Forestry Services Ltd dated 16/10/07; and Planning Report by Coogan & Co Architects Ltd dated November 2008.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):



Reason(s) for Refusal

- 1 In the absence of sufficient evidence to justify the failure of the scheme to make a contribution to the supply of affordable housing, the proposal is contrary to policy H2 (Affordable Housing) of the London Borough of Camden Replacement Unitary Development Plan 2006 and policies 3A.10 and 3A.11 of the London Plan (consolidated with Alterations since 2004) 2008.
- 2 In the absence of sufficient evidence to the contrary, the proposed development is considered likely to cause an unacceptable loss of sunlight and daylight to Campden House, contrary to policy SD6 (Amenity for occupiers and neighbours) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.
- 3 In the absence of sufficient evidence to the contrary, the proposed car lift is likely to causing unacceptable noise disturbance and vibration to the occupants of the new residential development, harmful to their amenity, contrary to policies SD6 (Amenity of occupiers and neighbours), SD7B (Noise/Vibration Pollution) and SD8A (Disturbance from Plant and Machinery) of the London Borough of Camden Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.
- 4 The proposed development of the property to provide 3x 3-bedroom and 6x 2-bedroom units would not provide an appropriate mix of unit sizes, including both large and small units, contrary to policy H8 (Mix of units) of the London Borough of Camden Replacement Unitary Development Plan 2006 and advice contained in the Camden Planning Guidance 2006.
- 5 The proposed development fails to achieve 50% of credits in the materials category of the submitted Code for Sustainable Homes Assessment, and would fail to be sustainable in its use of resources, contrary to policy SD9 (Resources and Energy) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.
- 6 Insufficient information has been provided to demonstrate that the proposed new pedestrian footpath and entrance gates onto Belsize Road will not obstruct existing servicing vehicles which enter/exit the site or refuse vehicles serving the proposed development, contrary to policy T12 (Works Affecting Highways) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.
- 7 The proposed development, in the absence of a legal agreement securing contributions to ensure reinstatement and repaving of the footway adjacent to the entrance to the site would be likely to harm the Borough's transport infrastructure, contrary to policy SD2 (Planning Obligations) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.

- 8 The proposed development, in the absence of a legal agreement to secure the development to be built to lifetime homes standards and for 10% of the accommodation to be suitable for wheelchair users, is contrary to policy H7 (Lifetime Homes and Wheelchair Housing) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.
- 9 The proposed development, in the absence of a legal agreement for the submission of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users, and be detrimental to the amenities of the area generally, contrary to policies T12 (Works Affecting Highways) and SD8B (Disturbance from demolition and construction) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.
- 10 The proposed development, in the absence of a legal agreement to secure the 9 residential units as car-free housing, would be likely to contribute unacceptably to parking congestion in the surrounding area, contrary to policies T8 (Car Free Housing) and T9 (Impact of Parking) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.
- 11 The proposed development, in the absence of a legal agreement requiring the development to achieve a minimum of 'level 3' and a minimum of 50% credits in materials, energy and water under the Code for Sustainable Homes Assessment, would fail to be sustainable in its use of resources, contrary to policy SD9 (Resources and Energy) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.
- 12 The proposed development, in the absence of any measures designed to conserve and enhance biodiversity, including creating wildlife habitats would be contrary to policy N5 (Biodiversity) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.
- 13 The proposed development, in the absence of a legal agreement securing public open space contributions, would be likely to contribute unacceptably to pressure on the Borough's open space facilities, contrary to policy N4 (Providing Public Open Space) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.
- 14 The proposed development, in the absence of a legal agreement securing educational contributions, would be likely to contribute unacceptably to pressure on the Borough's educational facilities, contrary to policy SD2 (Planning Obligations) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.

Informative(s):

- 1 The lifetime homes statement that you have provided indicates where standards will be met, but does not justify why the remaining standards cannot be achieved. It is clear that by virtue of the development being car-free and formed of flats, a number of the standards cannot be met. However, there are some standards which you should be able to achieve. As these standards could be incorporated within the development without affecting the planning application it was considered that this matter could be adequately dealt with by the submission of further details secured through legal agreement. In the event that planning permission had been granted, the legal agreement would have included a clause which required the submission of plans showing the accommodation constructed to meet lifetime homes standards with a supporting statement to justify where standards were not met.
- 2 Whilst the loss of privacy and overlooking to Campden House does not form a reason for refusal, the relationship between the proposed development and this property is not ideal. There are two windows on the north-elevation of the development which would need to be obscure glazed in order to prevent an unacceptable level of overlooking. Given that this is a new development it would be preferable if overlooking could be designed out rather than dealt with in this manner.
- 3 Whilst matters of the building design do not form a reason for refusal, the detailed design of the ground floor, in particular the boundary treatment, is considered to lack visual interest and permeability and appears as an overly defensive and inactive frontage. The Council would seek a more active and permeable frontage in any future submission.
- 4 The sustainability measures detailed in the Planning Report by Coogan & Co Architects dated November 2008 would be welcomed in a scheme that was in all other regards acceptable. Whilst the additional sustainable measures outlined in this report did not form a reason for refusal in itself, in the event that planning permission had been granted a legal agreement would have included a clause to secure these measures.
- 5 You are advised that reasons for refusal numbered 7 - 14 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other regards acceptable.

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