

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	22/10/2007
		N/A		<b>Consultation Expiry Date:</b>	07/09/2007
<b>Officer</b>			<b>Application Number(s)</b>		
Bethany Arbery			2007/2801/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Site to the rear of 202 - 204 Finchley Road London NW3 6BX			Refer to draft decision notice.		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of a building comprising lower/upper ground, first and second floor level accessed off Finchley Road, for use as offices (Class B1) with green roof and plant at roof level, provision of 6 car parking spaces and 8 cycle spaces at ground floor level and associated landscaping (following demolition of existing single-storey bungalow/lodge).					
<b>Recommendation(s):</b>		Refuse permission			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	52	No. of responses	02	No. of objections	02
			No. electronic	00		
Summary of consultation responses:	<p>A site notice and press notice were displayed on 17/08/07 and expired on 07/09/07.</p> <p><b>Adjoining owners/occupiers</b> The occupiers of 25B and 25E Frognal have raised objection to the proposal on the following grounds:</p> <ul style="list-style-type: none"><li>• Impact of the height of the development on houses on Frognal is unacceptable;</li><li>• Loss of land which could be used for housing;</li><li>• It is too tall;</li><li>• Overdevelopment of the site;</li><li>• Impact on structural stability of neighbouring properties;</li><li>• Noise and disruption from construction; and</li><li>• Loss of privacy.</li></ul>					
CAAC/Local groups comments:	<p><b>Redington/Frognal CAAC</b> Object. We consider that this is an excessive development of this site and an unacceptable intrusion on the adjoining residential area.</p> <p><b>Heath and Hampstead Society</b> “Do we really need new office floorspace in 2007? With no compensatory features such as affordable housing etc ...” Additional car access onto Finchley Road would add to the already chronic traffic situation on this major bus route/trunk road. The loss of several trees (at least 7) trees is particularly unacceptable in this area, which forms a buffer between residential areas such as Frognal, behind the site and Finchley Road. Re-planting proposals would not compensate and are unconvincing. The height would impact unfavourably on the houses in Frognal behind the site.</p>					

## Site Description

The site (as a whole) is located on the north-eastern side of Finchley Road, south of its junction with Arkwright Road.

202-204 Finchley Road is a five-storey building which fronts onto Finchley Road. The building provides B1 offices on the ground and first floor and residential flats on the upper (2<sup>nd</sup> to 4<sup>th</sup>) floors. There was previously a single-storey extension to the rear of the building which was also occupied by the business use on the site.

In 2003 planning permission was granted for demolition of the single-storey rear business unit (retaining the main building onto Finchley Road) and redevelopment of this part of the site to provide 11 two-storey business units. It also included the erection of a two-storey circulation stairwell to the rear elevation of Meridian House, air conditioning, landscaping and a reduction in the provision of car parking. The proposal allowed an increase in B1 floorspace from 1160sqm to 2605sqm.

Following this an application was granted in 2004 for extensions and alterations to the existing building located to the rear of Meridian House to provide additional B1 floorspace. The design of the building was amended by a later permission also granted in 2004. This later permission has now been implemented. This has left the rear part of the site undeveloped (it was to be developed by the 2003 permission).

The current application relates to the undeveloped part of the site, the eastern section of the plot. The application site is 919sqm of land, with approximately 400sqm of this being wooded corpse. This part of the site is split into two halves north and south by a retaining wall. The northern part is largely corpse and the south is occupied by a small lodge/bungalow. The western part of the site provides car parking. The site slopes with the eastern end being approximately 2m higher than the western end. The site is located south of 25 Frognal and those garages located to its rear, west of the rear gardens of 19 and 21 Frognal and north of a modern two-storey infill development known as Hampstead Gate and the rear garden of 17 Frognal. The site is located outside a conservation area, but it is situated adjacent to the Redington/Frognal Conservation Area. The North London Line runs below the site.

## Relevant History

### **PWX0302161**

Planning permission was granted on 14/08/03 for the demolition of the existing single storey business units (Use Class B1) as defined within the Town and Country Planning (Use Classes) Order 1987, and the redevelopment of the site by the erection of 11 two-storey business units, together with the erection of a two-storey circulation stairwell to the rear elevation of Meridian House and the relocation of air condensing units adjacent to Meridian House.

### **PWX0002544**

Planning permission was granted on 03/09/04 for extension and alteration of existing building at the rear, including erection of a glazed atrium link to the main building, following demolition of part of existing rear extension, for office use under Class B1, together with hard and soft landscaping improvements. The permission was subject to a section 106 agreement for a green travel plan.

### **2004/2561**

Planning permission was granted on 03/09/04 for minor amendments to height, bulk and footprint, as a variation to planning permission (reference PWX0002544) dated 02/04/04, for the extension and alteration of existing building at the rear, including erection of a glazed atrium link to the main building, following demolition of part of existing rear extension, for office use under Class B1, plus hard and soft landscaping improvements, together with approval of details of elevations and materials (pursuant to Condition 2 of the substantive permission).

## Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against. However, it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

### **London Borough of Camden Unitary Development Plan 2006**

S1/S2 Sustainable development  
SD1 Quality of life  
SD2 Planning obligations  
SD3 Mixed use development  
SD4 Density of development  
SD5 Location of development with significant travel demand  
SD6 Amenity for occupiers and neighbours  
SD7B Noise/vibration pollution  
SD8A Disturbance from plant and machinery  
SD9 Resources and energy  
SD12 Development and construction waste  
B1 General design principles  
B7 Conservation areas  
N8 Ancient woodlands and trees  
T1 Sustainable transport  
T2 Capacity of transport provision  
T3 Pedestrians and cycling  
T7 Off street parking, city car clubs and city bike schemes  
T9 Impact of parking  
T12 Works affecting highways  
E1 Location of business uses

### **Camden Planning Guidance (2006)**

### **Redington/Frognaal Conservation Area Statement (2004)**

## Assessment

Planning permission is sought to erect a building comprising lower/upper ground, first and second floor level to the rear of 202-204 Finchley Road. The building would be accessed off Finchley Road by the existing vehicular entrance which runs under Nos. 202-204. The new building would provide 1534 sqm (GIA) of B1 office accommodation. The proposed new building incorporates a green roof and plant at roof level. There is the provision of 6 car parking spaces and 8 cycle spaces on site at ground floor level. The remaining surrounding ground area is to be landscaped.

The applicant states that the proposal is to provide the additional 2003 consented office floorspace in a new building which works in conjunction with the building already constructed. The consented scheme provided 670sqm in units 11 and 6 which would have been on this land under the 2003 permission. The new scheme provides way in excess of this.

### Land Use

The proposal is to provide 1534sqm of B1 office floorspace in a new building on land to the rear of 202-204 Finchley Road. Policy E1 of the Unitary Development Plan (2006) states that the Council will grant planning permission for office development in locations accessible by a choice of means of transport in accordance with the sequential approach laid out in Policy SD5. The application site is located on the edge of a town centre (it is just outside the boundary for the town centre) and is easily accessible by public transport, it is therefore considered to be an appropriate location for a development of this nature.

Policy SD3 of the Unitary Development Plan (2006) seeks a mix of uses in new developments. It states that the Council will seek a mix of uses in development including a contribution to the supply of housing unless it is considered that the particular characteristics of the proposal, site or area would make development of housing or a mix of uses inappropriate. The policy goes on to state that in the Central London Area and Town Centres where a proposal increases the total gross floorspace by more than 200sqm the Council will expect a contribution to the supply of housing and where appropriate negotiate up to 50% of additional gross floorspace as housing. The site is just outside the Finchley Road Centre and therefore the requirement under Policy SD3 for commercial uplift to be accompanied by an equivalent uplift in residential accommodation is not applicable in this particular instance. However, the general requirement of this policy to seek mixed use developments is applicable and the onus lies with the applicant to demonstrate why housing or a mixed use development would not be appropriate on this site. The applicant has provided no justification as to why they cannot provide a mixed use development on this site. It is noted that the building on 202-204 Finchley Road is mixed, combining commercial and residential accommodation. In the absence of this information it is recommended that the application be refused on the grounds that as a purely office development it does not comply with the requirements of Policy SD3.

### Design Issues

The application site is bounded to the north, east and south by the Redington/Frognaal Conservation Area. The local topography and the fact that the site lies in a railway cutting means that the surrounding houses and gardens sit higher than the site, and look down onto it, particularly on the north and east sides.

Despite this fact, the height, scale and massing of the proposal means that it will dwarf its closest neighbours, the two-storey office units (Hampstead Gate) to the south, and have a significant impact in views from the gardens of the houses on Frognaal, to the east and south. It will also be visible in gaps between the houses on Frognaal and Arkwright Road.

The eastern elevation shown as ivory coloured glass reinforced concrete panels will present a sheer unarticulated wall at 2-storeys at the end of gardens to Frognaal to the east. The glazed southern elevation will be visible to 4-storeys (higher than any neighbouring buildings) from the rear of gardens on Frognaal to the south. The highest point of the building sits in close proximity to the lowest buildings in the vicinity, those in Hampstead Gate; presenting an uncomfortably overwhelming presence from within this development (no visualisations from this viewpoint have been submitted). From the cottage to the north-east of the site, reached by a lane from Frognaal the development will significantly alter its current open aspect in views to the west.

The scale does not reflect its backland setting, rising higher than some of the frontage buildings. The elevational detailing, though interesting and of quality in its own right, does not integrate well enough with the highly wooded and garden setting on 3 sides of the site. The bulk and massing leads to uncomfortable relationships with surrounding buildings, particularly those in Hampstead Gate and Frognaal.

The proposal by virtue of its height, bulk, mass and design will have an adverse impact on the character and

appearance of the area and the neighbouring conservation area, it is therefore contrary to Policies B1 and B7 of the Unitary Development Plan (2006).

Planning permission (PWX0302161) for two linear blocks of two-storeys was previously granted consent for this site, and it is considered that much in excess of this scale and height would be unlikely to be acceptable here due to impact on the character and appearance of the conservation area. It is considered that were a revised scheme to be submitted which was lower the applicant should be encouraged to consider the use of design and materials that tie in more sensitively into the wooded/garden setting and reduce its visibility, particularly on the east and south elevations - timber cladding, natural coloured renders, red/brown brick, use of green roofs and vertical habitats would be welcome.

### **Transportation Issues**

Both Transport for London (TfL) and the Council's highways department have raised no objection to the proposal in principle, however, they have offered a number of comments regarding the information provided which are included within the paragraphs which follow.

The Transport Statement provided does not assess public transport provision to the site in terms of a PTAL rating. This should be carried out to provide quantitative evidence to demonstrate that the site can be accessed easily by prospective users by public transport.

Under Policy T1(c) the Council requires the submission of travel plans to manage travel arising from any development which is likely to significantly increase travel demand or would otherwise have a significant impact on travel or the transport system. The travel plan which had been submitted as part of this application is of a high standard. However, the targets included within it are based on the Camden 2001 census and are not specific to the proposed site. Were the proposal to be acceptable in all other respects a travel plan would need to be secured via legal agreement which develops targets specific to the site. It would also require that a full staff survey be carried out as soon as the development is occupied. The applicant would need to action the travel plan submitted in June 2006 (part of a previous permission) before a new travel plan could be approved. The applicant refers to the BOOST scheme in section 6.3.6 of the travel plan, this is no longer operational and would need to be replaced by Cyclescheme or another cycle shop scheme such as those offered by Evans or Halfords.

Policy T3 requires that developments make satisfactory provision for pedestrians and cyclists. The policy requires the provision of 1 cycle space per 250sqm (or part thereof) of B1 floorspace, plus provision of a minimum of 2 cycle parking spaces for any visitors if they are expected. If visitors are expected then the proposal falls short of this requirement as it only provides 8 spaces (9 are required 7 for staff and 2 for visitors). The cycle parking also does not meet the requirements of Council policy and guidelines (see Policy T3 and Section 13) as it has not been designed so that it is secure as it is not enclosed and CCTV cameras have not been provided.

Under council policy regarding car parking provision for office developments the proposal would be allowed a maximum of 1 car parking space (1 per 1000sqm floorspace). The site currently has 39 car parking spaces which are used by Allied Irish, the residential apartments and Tindall Overseas. The transport statement states that some of the existing spaces (8) will be lost as a result of the proposed development. Six of these are to be re-provided in the undercroft of the new building. Overall on the site there will be a net loss of two car parking spaces resulting in the provision of 37 spaces overall. The reduction in on-site car parking provision is welcomed. Were the application to be acceptable in all other respects it would be recommended that the number of car parks be restricted to 37 by legal agreement. This advice is offered on the basis of the information contained in the submitted transport statement. The applicant has not provided a plan showing all existing 39 car parking spaces and their allocation and also how 37 will be re-provided, so it is not possible to verify that this is the case. From the drawings submitted these figures do not seem to be correct, they only show 30 spaces 'as proposed'.

The vehicle access ramp does not meet Council guidelines (see Section 49 of Camden Planning Guidance 2006). The guidelines state that the width of a roadway between kerbs on a curved ramp should be a minimum of 3.5m, only for one direction of flow. In this case the provision is for 3.5m for both directions of flow. If the ramp is to accommodate two directions of flow there will need to be adequate space provided for vehicles to wait whilst other vehicles pass and also a traffic light system to control traffic flow in and out of the car park.

Under Policy T12 if the proposal were acceptable in all other respects a construction management plan would be required by legal agreement to minimise traffic disruption and avoid dangerous situations for pedestrians and other road users. We would also require a servicing management plan to ensure that the servicing arrangements for the site do not cause obstruction to traffic and possible dangerous situations for pedestrians

and other road users. In the event that the proposal was acceptable a legal agreement would also be used to cover associated highways works resulting from the development.

### **Amenity Issues**

Policy SD6 of the Unitary Development Plan (2006) states that the Council will not grant planning permission for development that it considers would cause harm to the amenity of the occupiers of neighbouring properties. It states that the Council should consider the impact on daylight, sunlight, outlook, privacy and noise.

The application site is located to the rear of 202-204 Finchley Road. Immediately west of the proposed development is the rear two storey extension added to the rear of Nos. 202-204 and granted planning permission in 2004. The two-storey structure is all commercial floorspace and therefore it is not considered to be necessary to consider the impact of the proposed development on the amenity of this property. The main building beyond does accommodate some residential accommodation, but this is sufficiently distanced (more than 100m) from the proposed development for the amenity of the residential properties to be unaffected. To the south-west of the site is a two-storey development known as Hampstead Gate which again provides office accommodation and therefore it is not necessary to consider the impact on this property.

North of the site is 25B Frognal and some garages, beyond that are properties which front onto Arkwright Road. The latter are sufficiently distanced that there will be no adverse impact on them. In terms of the potential impact on No 25B, the south elevation of the property faces directly towards the proposed development and is only 12.5m distant. The section AA provided suggests that there is a 2.5m high fence adjacent to this elevation which would already restrict light to any windows on this elevation (the property is only single-storey). The property was extremely enclosed by vegetation when the site visit was carried out and it wasn't possible to ascertain whether the elevation was blank or had openings providing light to habitable residential floorspace, however, there did appear to be a fence in place. There would be no adverse impact on this property, even if there are windows on this elevation, if its relationship to the fence is shown accurately on the drawings. It would be useful if this could be clarified further as part of any future submission.

East of the site are properties located on Frognal, Nos. 21, 19 and 17 are all residential properties which have windows in their rear elevation facing west towards the application site. There is quite a considerable distance (more than 30m if the drawings are accurate) between the rear elevation of these properties and the proposed east elevation of the development. The site sections provided show the land sloping up hill towards No. 19, but this does not seem to correspond with the photographs taken on site. The level changes need further clarification. It is also not clear from the sections the exact position of the windows on the rear elevation of No. 19 Frognal. However, even if we were to take the worse case scenario in terms of their position it is considered that the 25 degree line would not be broken, but it would be extremely useful again if additional information could be submitted in support of this.

If the distance is correct then it is considered that there will be no significant loss of daylight or sunlight (even if the land were to be level) to neighbouring windows as a result of the proposed development.

Separate from the issue of daylight and sunlight is the issue of outlook. It is noted that the proposed development will be highly visible from the rear windows of Frognal who currently enjoy an open aspect across their garden and this undeveloped land. The loss of private view is not a material planning consideration unless it would result in either loss of outlook, daylight or sunlight. In this instance it has already been established that there is unlikely to be any significant loss of light. In terms of outlook whilst the proposed development will have an overbearing impact on the rear garden of the properties it is unlikely to result in a feeling of claustrophobia and enclosure within the rooms in these properties which is what outlook seeks to deal with. However, it is considered that the overbearing impact of the proposed development of this property is highly undesirable.

### **Overlooking**

18m is considered to be sufficient distance between facing windows to prevent any unacceptable level of overlooking. Given the distance of the proposed development from neighbouring windows of properties on Arkwright Mansions and 202-204 Finchley Road it is not considered that there would be any unacceptable overlooking to their habitable windows. There are no windows in the east elevation of the proposed development which would allow views to those properties on Frognal. It appears that there are no windows at 25B Frognal which could be affected in terms of loss of privacy; however, this is assuming that the drawings provided are accurate and any window on the south elevation of this property would look onto the high level fence.

### **Noise**

Environmental Health has considered the information submitted in support of the plant element of their

proposal. They had a number of discussions with Bickerdike Allen Partners before providing final comments which are summarised below.

The proposal includes the installation of plant on the roof of the proposed development and in the plant room at lower ground floor level. The following equipment is to be provided: Air Handling Unit; WC Extract; Ground Source Heat Pump; Dry Cooler, and Lift Over-run.

An acoustic report has been prepared by Bickerdike Allen Partners in support of the application. This, however, only refers to the air handling unit on the roof to demonstrate that Camden's planning noise condition would be met. Fulcrum Consulting Engineers have advised that the plant items on the roof have not been sized and selected yet and as such they are unable to give noise emission levels for them. There is no information on plant/equipment to be installed in the lower ground floor level plant room or noise emission levels from them. There is insufficient information submitted to demonstrate that the proposed plant can operate within the noise levels required by the Council (see Policy SD7, SD8 and Appendix 1 of the Unitary Development Plan). Any subsequent planning application should be accompanied by an acoustic report which demonstrates that all plant items both on the roof and in the lower ground floor plant room can comply with the noise condition(s) to meet the Council's standards in Appendix 1 of the UDP.

### **Crime Prevention**

The applicant met with the Crime Prevention Design Adviser (CPDA) from the Metropolitan Police. The CPDA advise that whilst they have no objection to the proposal in principle they suggested some revisions. They recommend that a perimeter fence is established to a height of 2.2m around the outside of the site and that full height gates are fitted at the entrance to the site. He also suggests that an audio and video link should be fitted. It is further recommended that security gating should be fitted to the sides of the building to prevent access to the rear which may include the fire route and as such have appropriate locks. Furthermore there should be no opening windows on the ground floor. Some of these measures may not be desirable in design terms and also run contrary to council policy which resists the idea of 'gated developments'. If the applicant were to include these measures as part of a later scheme we would need to give further consideration to their acceptability in design terms.

### **Access Issues**

The proposal includes the construction of a new building which is expected to be fully accessible and meet the relevant requirements of Part M of the Building Regulations. The design and access statement that has been submitted provides limited information on access issues and there are minimal details provided in respect of the building's approach. The approach route should be fully accessible and there should be a minimum of one designated disabled persons parking bay provided. It is noted that the applicant is providing two disabled parking spaces which is welcomed. The entrance door should be of a suitable width and weight and manifestations provided to the large areas of glazing. Internally there may be additional requirements; however, these should not affect the planning application.

### **Contaminated Land**

The former use of the site was as railway land and adjacent land was formerly used as a chemical works and builders yard. It is therefore possible that there may be contamination on this site. If the proposal were considered to be acceptable in all other respects and a subsequent application is made, the applicant is advised to prepare a desk top assessment. Subsequently a condition would need to be imposed to secure the submission of a programme for investigation of site contamination and recommendations for any necessary remedial works. This would need to be provided prior to the commencement of any development work on this site.

### **Sustainability Issues**

A BREEAM pre-assessment estimator has been undertaken in respect of the new commercial development. The assessment shows that the proposal is likely to achieve a rating of 60% which gives it a 'very good' rating. Council policy SD9 and Section 44 of the CPG require that commercial developments achieve a BREEAM rating of either 'very good' or 'excellent'. The development should also achieve 60% of the available credits in each of the energy and water sections and 40% in the materials section. The proposal meets the overall BREEAM rating; however, it does not meet all the targets within each of the three sections specified above. The energy credit is only 39%, the water credits exceed the recommend target with 66%, but the materials are substantially below getting only 25% of the available credits. The proposal therefore does not fully comply with Policy SD9 of the Unitary Development Plan.

As a major development there is a requirement that at least 10% of the predicated energy requirements should



be provided by renewable energy sources.

The predicted annual carbon emission for the development is 202,274kWh/yr or 72,878kg C/year. In order to comply with Policy SD9 carbon emissions should be reduced by 10%, which means it should be reduced by at least 7,287kg C/year. It is proposed to use ground source cooling via a closed loop borehole system to reduce the predicted energy demands by 10%. The energy statement submitted in support of the application indicates that this will result in a predicted reduction of 40,094kWh/yr or 16,919kg C/year. The proposal therefore exceeds the 10% requirement of Policy SD9 resulting in a reduction in CO2 emissions of 23.2% from renewable energy technologies

### **Tree Issues**

Trees on the land at the rear of 21 Frognaal are covered by a TPO. Discussion of the treatment/ preservation of this area took place at an early stage between the Council's Arboricultural Officer and the applicant. Early concerns and recommendations relating to the TPOed trees have been satisfactorily addressed in Catherine Bickmore's and Philip Cave's Ecological and Design Report. Further details could be adequately dealt with by condition.

However, the current proposals have omitted to address the impact of the development on trees in other adjoining gardens. The rear of the proposed development directly abuts the rear boundary with 19 Frognaal. There are two Norway Maples and a Chestnut along this rear boundary. The two Norway Maples grow close together and the smaller tree closest to the development is being suppressed by the larger tree and is in poor condition. This tree could be removed. The larger Norway Maple contributes to the continuity of the tree canopy along the rear of the back gardens and is considered to form part of the character of the Conservation Area. It would also provide a screening function to any development on the adjoining site. The proposals would take excavations within a metre of the trunk of the tree. In terms of BS 5837:2005 "Trees in Relation to Construction" any excavation would need to be 3.9 from the trunk of this tree. This would require the removal of the proposed fire escape and taking the rear elevation of the proposed building back by approx one metre. The effect of these changes would also provide sufficient space for the preservation of the Chestnut to the south of the Norway Maple.

I also noted a large Sycamore in the rear garden of 17 Frognaal which may be impacted upon by the proposed developments. Therefore in addition to the survey of trees in the garden of No 21 a further survey and impact assessment according to the standards of BS5837:2005 is required.

Any future proposals should maintain the inclusion of green roof components for the built construction.

**Recommendation:** Refuse planning permission.