

Delegated Report		Analysis sheet	Expiry Date:	06/08/2015
		N/A / attached	Consultation Expiry Date:	
Officer			Application Number(s)	
Zenab Haji-Ismail			2015/3362/P	
Application Address			Drawing Numbers	
545 Finchley Road London NW3 7BJ				
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of 4 storey building plus basement to provide 7 residential units, comprising 2x1bed, 3x2beds and 2x3beds, following demolition of existing building.				
Recommendation(s):				
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	44	No. of responses	11	No. of objections	10
Summary of consultation responses:	<p>11 objections were received from neighbouring properties. Existing occupier of 545 Finchley Road, neighbouring properties including occupier at 19 Gledys Road, 12 Weech Road, 547 Finchley Road, 16 Weech Road, neighbouring occupier (address not known), Flat 2- 19 Weech Road, 4 Ferncroft Avenue and 17 Weech Road.</p> <p>Land Use</p> <ul style="list-style-type: none"> Concerned about having to move out to of the existing bed-sit and being unable to afford it Concerns about the loss of bed sits/HMO Concerns about that the proposal would result in incremental pressure on local development <p><i>Officer response: see principle of use section of the report below</i></p> <p>Design</p> <ul style="list-style-type: none"> Concerned about the lack of detail in the application, ambiguous plans, concerns about the bulk and mass of the proposed building Concerns that the current proposal would disrupt the line of the existing properties as seen from Finchley Road <p><i>Officer response: see design section of the report</i></p> <p>Amenity</p> <ul style="list-style-type: none"> Concerns about the loss of privacy and light Concerns raised about the encroachment of the proposal on the openness of the existing garden Concerns raised about the noise and disruption as a result of the proposed development Impact of noise from plant equipment Concerns raised about the use of concrete adding further pollution into the area <p><i>Officer response: it is not considered that the scale of works proposed would further exacerbate pollution on Finchley Road</i></p> <ul style="list-style-type: none"> Concerns raised about the impact of the proposal on local wildlife <p><i>Officer response: it is not considered that the proposed works would have a detrimental impact on local wildlife.</i></p> <p>Basement</p> <ul style="list-style-type: none"> Concerns about the subterranean development, subsidence, structural stability, ground movement Concerns about the integrity of the developer and the history of this site contravening planning and building regulations and concerns that the developer would compromise on quality, risk safety and the integrity of the surrounding properties Does not feel a gym in the basement is necessary when there is a 24 hour gym nearby to the development <p>Transport</p> <ul style="list-style-type: none"> Concerns about the impact on parking 					

	<ul style="list-style-type: none"> • Concerns about where equipment for the construction will be stored • Concerns about the noise, pollution and the comings and going of heavy vehicles especially on Finchley Road • Concerns that over the duration of the construction, neighbouring residents that in wheelchairs and on electrical buggies will not be able to access the road and move around freely as a result of the construction <p><u>Comments from TfL</u></p> <ul style="list-style-type: none"> • Comment from TfL raised concerns that little regard has been given to the size of vehicles, the movement of vehicles, no site plan or parking tracking plots. • Vehicle must be able to manoeuvre on site as reversing onto this busy road would be highly dangerous and disruptive- this is unlikely to be achievable given the constraints of the site • The plans are not clear on where the site boundary lies in relation to the site boundary/back of footway on Finchley Road so unclear how vehicles associated with construction will serve the site once the building is being erected. • As the development proposes a basement excavation close to the public highway, applicant would require an approval in principle from TfL • TfL would require consultation throughout the process <p><i>Officer comment: please see Transport section below</i></p>
<p>Councillors</p>	<p>Councillor Russell objected on the following grounds</p> <p>Concerns about the scale of the proposal being too large for this site. Concern that the scale of the proposal would cause a loss of light, loss of privacy, loss of visual amenity and cause potential subsidence and damage to nearby properties.</p> <p>Concern that the proposal does not complement the Victorian architecture locally and is significantly taller and out of scale with the surrounding properties.</p> <p>Concerned about the loss of trees as a result of the proposal</p>

Site Description

The existing property comprises a three storey detached house which lies to the north west side of Finchley Road. The existing property is mock Tudor styled. The house currently comprises eleven bed sit units with shared kitchen facilities and the main access to the site is off Finchley Road.

Relevant History

PWX0202139- 7 May 2002 Refused retention and modification of the front dormer
P96011077- 22/08/1996 - Certificate of lawfulness for existing use issued for the use of the property as a house in multiple occupation comprising of nine bed sitting rooms
EN000825 – Enforcement notice against the illegal erection of a dormer issued 27 November 2000
EN1607- Enforcement against an illegal brick structure erected in the rear garden issued on 24 January 1997

Relevant policies

LDF Core Strategy and Development Policies

National Planning Policy Framework 2012- Paragraphs 13, 17, 32, 35, 51, 56-66, 123, 126-141 National Planning Policy Guidance 2014

London Plan March 2015, consolidated with alterations since 2011- Policies 6.9, 6.10, 7.4, 7.6 and 7.8 of Mayor's Supplementary Planning Guidance

LDF Core Strategy and Development Policies

- CS1 Distribution of growth
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- CS11 (Promoting sustainable and efficient travel)
- CS13 (Tackling climate change through promoting higher environmental standards)
- CS14 (Promoting high quality places and conserving our heritage)
- CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity)
- CS19 (Delivering and monitoring the Core Strategy)
- DP2 (Making full use of Camden's capacity for housing)
- DP3 (Contributions to the supply)
- DP4 Minimising the loss of affordable homes
- DP5 (Homes of different sizes)
- DP6 (Lifetimes homes and wheelchair housing)
- DP9 (Student housing, bedsits and other housing with shared facilities)
- DP16 (The transport implications of development)
- DP18 (Parking standards and limiting the availability of parking)
- DP20 (Movement of goods and materials)
- DP22 (Promoting sustainable design and construction)
- DP23 (Water)
- DP24 (Securing high quality design)
- DP25 (Conserving Camden's heritage)
- DP26 (Managing the impact of development on occupiers and neighbours)
- DP27 (Basements and lightwells)
- DP28 (Noise and vibration)
- DP31 (Provision of, and improvements to, public open space and outdoor sport and recreation facilities)

Camden Planning Guidance

- Camden Planning Guidance (CPG) 2011 – CPG 6, 7 and 8
- Camden Planning Guidance (CPG) 2015 – CPG 1, 2, 3 and 4

Camden's Minimum HMO and hostel Standards (Housing Act 2004).

Proposal

Planning permission is being sought for the demolition of the existing site which comprises nine bed-sits and the erection of a new 4 storey plus basement building to comprise of 7 flats.

The application is assessed in terms of:

- 1) Principle of the use
- 2) Housing
- 3) Design
- 4) Amenity
- 5) Basement
- 6) Trees
- 7) Transport

Principle of the use

Policies CS6 and DP9 (Student housing, bedsits and other housing with shared facilities) seeks diverse housing suitable for different groups. It would appear that the property was first registered as an HMO sometime in 1993 for nine units according to the Valuation Office records. Later in 2012, a further two units appear on the records of the VOA. According to the records held by VOA, each of the bedsits is a self-contained unit but according to existing plans, there are 11 bedrooms, two small kitchens and a living space at ground floor level and in the loft. The officers were not able to visit the units when a site visit was undertaken. There are no records of previous applications for the conversion of the property.

Camden's LDF, specifically policies DP4 and DP9, states *that the Council will resist development that would involve a net loss of affordable housing floorspace, including any affordable housing that takes the form of hostels, bedsits or other housing with shared facilities*. However, provision is made for the conversion of HMOs when it can be demonstrated that the accommodation is incapable of meeting the relevant standards for houses in multiple occupation. When this is the case, the preferred use is residential C3, as proposed.

On this account, aside from a brief conversation with the officer during the site visit, the applicant has not provided any evidence to demonstrate the units are substandard. Camden's Minimum HMO and hostel Standards (Housing Act 2004) stipulate that in terms of size, the minimum floor area where kitchen is provided in a separate room is 9 sq m for a single room and 11 sq m for a double room. The minimum floor area where kitchen is included is 12 sq m for a single and 14 sq m for a double room. Therefore, all the units comply with Camden's size standards.

It is acknowledged that some kitchen facilities are substandard. However, such deficiencies are easily remedied therefore the premises are capable of reaching acceptable standards under environmental health legislation, and as the proposal is not for a change to permanently available affordable housing it is contrary to policy.

Housing

Housing is the priority of the LDF and the proposal would provide a total of five new residential units. Whilst new residential dwellings are encouraged in order to provide additional housing in accordance with policies CS6 and DP2 of Camden's LDF this does not overcome the loss of the HMO.

Policy DP5 (Homes of different sizes) seeks to provide a range of unit sizes to meet demand across the borough. Policy DP5 includes a Dwelling Size Priority Table and the expectation is that any housing scheme

will meet the priorities outlined in the table. The proposals include 2 x1bedroom flats, 3x2 bedroom flats and 2x3 bedroom flats. The mix of units therefore accord with policy and the proposed mix of units is considered to be acceptable.

The proposed dwellings are considered to comply with space standards. On balance it is considered that the standard of accommodation is appropriate, however the acceptability of the standard of accommodation does not outweigh the harm which is the loss of HMO. With regards to amounts of light for future occupiers of the flats, the habitable rooms including bedrooms are mostly dual aspect it is considered that the habitable spaces will receive adequate daylight and have sufficient outlook from habitable rooms in accordance with CPG6.

Policy DP6 requires an appraisal of Part M of the building regulations to be submitted with the application which identifies design features that would maximise accessibility and the site/building's constraints. No Statement was submitted with the application. In the absence of such an assessment the proposal does not comply with DP6.

Design

Policies CS14 and DP24 of the LDF require all developments to consider the character and proportions of the existing building as well as the setting and context of neighbouring buildings. New developments are also required to comply with the design guidance

The site comprises a modest two storey plus attic building which is uniform with the properties to the south in terms of height and form. Although Finchley Road is a road that is of a varied character with a range of different architectural styles. This particular group of buildings is in fact of a uniform and intimate scale. Although the property is not in a conservation area, there is a certain character to this particular group of buildings which should be preserved.

The proposal involves the replacement of the existing building with a four storey plus basement building. The proposal is out of scale with its immediate context, the proposal is considered to be excessive in height. Any building here should respect the context in terms of building height. The proposed design is considered unsuitable for its immediate context as the height and bulk will affect the character of this part of Finchley Road.

No design details have been submitted that give an indication of the proposed materials that would be used. Based on the poor level of information that has been provided, officers are unable to make a judgement with regards to the proposed use of materials and the detailed design..

Even if the proposal was redesigned, it would not overcome the loss of HMOs and therefore considered unacceptable.

Amenity

Policy DP26 states the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The application site fronts onto Finchley Road which is a busy road which is identified as a road that experiences elevated levels of pollutant concentrations. An air quality assessment was submitted which recommended that mechanical ventilation should be included for flats at ground and first floor levels. The details of which have not been included within the submission. The details of the mechanical ventilation could have been sought by way of a condition had the proposal been considered acceptable.

The proposal due to the additional massing that is being added will create a sense of enclosure to the neighbouring properties, and the daylight and sunlight report that was submitted concluded there would be some overshadowing to some of the gardens to the north and south of the development. Although it is acknowledged that there would be some amenity impact in terms of overshadowing and a sense of enclosure, on balance this impact itself is not detrimental enough to refuse planning permission.

Basement

The proposal includes the excavations of a basement. A basement impact assessment was included in the submission however, the applicant has not included sufficient details required by Camden in order for the BIA to be independently reviewed.

The site sits within an area of hydrological constraints which include slope stability and surface water flooding.

In the absence of an independent BIA review that verifies whether the proposed basement has been designed and built to ensure the basement does not cause harm to the natural and built environment, the proposed basement is considered to be unacceptable.

Trees

The proposed basement excavation could result in harm to the trees in the vicinity of the development. In the absence of an arboricultural report identifying trees that are of significance or how the basement would be designed to mitigate any potential harm, the proposal is considered to be unacceptable.

Transport

Policies DP16 (The transport implications of development), DP17 (Walking, cycling and public transport) and DP18 (Parking standards and limiting the availability of car parking) seek to support sustainable modes of transport by limiting use of private cars and managing the impact of construction.

The proposal involves demolition and the redevelopment on a constrained site and a busy road that is managed by Transport for London. TfL have concerns that the submitted CMP does not adequately consider or adequately address the issue of how heavy vehicles would be managed on site. The constrained nature of the site would require vehicles to reverse onto Finchley Road which is considered to be dangerous. TfL have also expressed concerns about the excavation of the basement so close to the public highway. In the absence of sufficient information that considers how the proposed demolition and redevelopment could practically be achieved, and in the absence of a legal agreement securing a construction management plan to manage the movement and size of vehicles, the proposal is considered unacceptable.

The site falls within a PTAL rating of 4 which is considered to be good. The site is also a red route. As a result all units are required to be car free in accordance with the above policies. If the proposals were deemed acceptable the applicant would be required to enter into a S106 legal agreement for all new units to be car-free.

The proposed drawings do not include any cycle parking spaces at ground floor level. The proposal would be required to provide cycle parking in accordance with table 6.3 of the London Plan. If the proposal was considered acceptable, details of cycle parking spaces would have been sought by way of condition.

Recommendation: Refuse planning permission on the following grounds:

- 1) Principle of use
- 2) Design – bulk and detailed design
- 3) Insufficient basement information
- 4) Absence of S106 to secure CMP
- 5) Absence of S106 for units to be secured as car-free
- 6) Compliance with part M

