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Date 25 November 2015
Our ref 14837/IR/LH/10277438v2
Your ref 2015/4815/P

Dear Ms Skellis-Yaoz,

London Borough of Camden: 120 Finchley Road (Ref. No. 2015/4815/P)

On behalf of Holy Trinity Church, we set out objections to the application to vary Condition 19 (development in accordance with approved plans) granted under 2010/0552/P which granted consent for the erection of a part 4/part 7 storey building.

First, we do not consider that the application should be made valid (we raised this via a phone call on 18th November), for the following reasons:

- 1 The 2010 consented Proposed Site Plan (FRD-PL-003 Rev B) shows the building almost abutting the red line boundary. Whilst a Site Plan has not been resubmitted with application 2015/4815/P (only plans and elevations), the Schedule of Amendments (August 2015) notes at 1.a. that there are no changes to area and mass. However, a review of the comparison floor plan (Dwg. No FRD-PL-100) shows the building has moved further northwards towards the Holy Trinity Church. Its north-western edge now sits on the western end of the existing property boundary. Our measurements show that this is outside the consented site boundary by about 900mm. Furthermore, the area and mass of the building has been altered. Dwg. No. FRD-PL-100 shows that the southern elevation is now stepped, as opposed to the flat elevation of the consented drawing. Similarly, on the northern elevation the step in plan on the consented scheme (on the corner of Finchley Road) has been removed.
- 2 A Section 73 application to vary a condition cannot be made to alter a consented site boundary, only to vary a condition attached to a consent. Given this, the application should not have been validated in the first place and the LPA should now make the Section 73 application invalid. If the applicant wishes to obtain planning permission for the revised proposals, within an amended application site, then a full planning application will need to be submitted.
- 3 The building currently being constructed on site is being built approximately 900mm closer to the Church than the consented drawings and is not in accordance with the approved plans.



The secant pile wall, as built, appears to encroach on land within the ownership of the Church. This means, in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 Sec. 13 (1), an applicant for planning permission must give notice of the application to any owner of the land to which the application relates (certificate B should have been completed on the application form to confirm the notice had been served on our client rather than Certificate A). For this reason, the Section 73 application is also invalid.

- 4 The drawings provided are unclear, difficult to read and have missing legends. It is not easy to understand where glazing has been retained on the north elevation and what materials are proposed in its place.
- 5 The design of the principal (west) elevation has been completely revised with a different balcony arrangement and new materials proposed, this would have a material visual impact.
- 6 The repositioned building, windows and openings would have a material effect upon Holy Trinity Church and its ongoing development. As part of the ongoing redevelopment of Holy Trinity Church, our client has presented a potential forthcoming scheme at a pre-application meeting with Camden. In the absence of agreement to construct buildings on the property boundary, the proposals place an unacceptable reliance on our client's property for future maintenance access and ventilation/light to the proposed windows.
- 7 As the Schedule of Amendments correctly notes, the Church has the rights and the intention to build on the boundary line. A party wall agreement is in place between the Church and the owners of the site. This agreement becomes void if the proposed building is not built in accordance with the consented scheme. The construction of the building on the party wall would not only void the agreement but would also disadvantage the Church and its ability to construct a new building on its site as part of its ongoing development. The foundations of the proposed building, if constructed on the basis of the Section 73 submission, appear to lie outside the ownership boundary of 120 Finchley Road and within the ownership of the Church. These foundations would impinge on the foundations of the redeveloped Church. The northern wall of the building is c. 900mm closer to the windows on the southern elevation of the Church. It has an unacceptable impact on amenity and light within the Church. The approved drawings were for this wall to be stepped back by around 900mm which would ease this impact significantly.

Notwithstanding the above, we object to the proposed changes for the following reasons:

- 1 The layout of the building on the site – as explained it is now materially closer to Holy Trinity Church than that which was previously given consent.
- 2 Windows to the north elevation are still shown on Dwg. No. FR14-MMA-002 which is contrary to the Schedule of Amendments which states "*In respect of the...party wall agreement in place, we cannot justify the use of stone cladding or construction of windows on this elevation as it will in the future be obstructed.*" It appears from the drawings, that those that are to remain (including the return window to the corner cafe) will be obscured as part of the Church's ongoing development.
- 3 The revision to the north elevation may result in problems with the building complying with Part B (Fire Safety) Regulations.



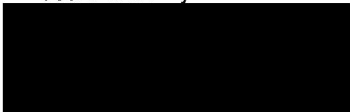
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On the basis of the above, we trust you agree you have the basis on which to invalidate the application. In any event, the proposed amendments, which are reflected in on-going construction works on site, are unacceptable.

Given the development for which permission is being sought is already underway, I would be grateful if you could contact me as a matter of urgency to discuss the client's concerns. I look forward to hearing from you.

Yours sincerely



Heather Marshall
Senior Heritage Consultant