

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2016/3401/P	Grant Kaye	Anderson Wilde & Harris 12 Dorrington Street London EC1N 7TB	25/07/2016 14:55:19	OBJLETTE R	<p>Dear Sir/Madam,</p> <p>RE: 135 Finchley Road, London, NW3 6JH Letter of Objection to Planning Application (reference: 2016/3401/P)</p> <p>I write raising my objection to the proposed development at 135 Finchley Road. The proposals for the site consist of:</p> <p>“Erection of decking area with landscape framed planters and balustrades”.</p> <p>The proposals will result in the intensification of the existing use of the property by creating an additional external area which could be used for dining, drinking or as a smoking area. This will harm the amenity of a significant number of residents which are in close proximity to the site. The proposals will be particularly harmful based on the number of sensitive uses residential dwellings particularly those in Centre Heights, Station House and Cresta House that are in close proximity to the site.</p> <p>Within the Council’s Development Management Plan Policy DP12 (Supporting Strong Centres and Managing the Impact of Food, Drink and Entertainment and other Town Centre Uses) the Council states that they will ensure that entertainment uses do not harm the amenity of neighbours. As the development will result in increased noise, litter and disruption for neighbours the proposals do not conform to this policy. The positioning of the terrace below the Finchley Road level will also present opportunities for anti-social behaviour and noise nuisance. The noise impact in this particular location may give rise to a noise tunnelling effect given the tall buildings on either side of this entrance; therefore, this needs to be tested. We note that the Applicant has not done this.</p> <p>The proposals also do not meet the requirements of Policy DP26 (Managing the Impact of Development on Occupiers and Neighbours) which states that the Council will only grant permission for development that does not cause harm to amenity.</p> <p>Section 5 (Food Drink and Entertainment Uses) of the Camden Planning Guidance (CPG) - Supplementary Planning Guidance (SPG) provides further guidance on the provision of food, drink and entertainment uses. This policy document makes reference to the range of issues that external facilities for dining and drinking, such as those proposed, create. These include: obstructing footways (which is particularly an issue for disabled people); impending street cleaning; and providing areas for anti-social behaviour such as begging and theft. Based on the location of the proposals on a corner plot, below street level against the retaining wall for the street level, on a public footpath very close to the entrance of the London Underground, subway and the entrance to residential properties at Centre Heights the issues identified within this policy document are extremely likely to occur. The proposals will also impact on safe access to Centre Heights which is a residential building, as the restaurant customers are likely to spill out in the area immediately in front of the residential entrance. We are also similarly concerned about odour impacts, and the potential for the deck to be used for shisha smoking.</p>

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We note that the applicant has not indicated how the proposed deck will be used; therefore, in the instance that the Council were to approve the works, conditions should be applied restricting its use to protect the amenity and address the issues identified within this letter.

Finally, we raise concerns about safety. The application implies that the deck will be accessed from a fire access; therefore, the fire strategy needs to be carefully scrutinised to ensure the safety of not only the restaurant users, but also the residential uses which are in close proximity. We note that there is a gas supply and services under the deck which need to be taken into account when considering safety. It is not clear what engagement there has been with statutory undertakers about maintaining unobstructed 24/7 access to these services, and it is noted from the Application Form that the Applicant did not notify any statutory undertakers in making the application; therefore, it is important that the Council consider this carefully as it would not be lawful to proceed with the application if there was a legal requirement to notify the statutory undertakers.

To conclude, based on the unacceptable impact on neighbouring amenity, the likely increases in antisocial behaviour and safety concerns, the proposals are not acceptable. We therefore strongly request that the application is refused. We would be happy to discuss our concerns with you further should this be helpful.

We request that we be kept informed about the progress of this application; if it is reported to planning committee, and in relation to any future applications (including amendments).

Yours sincerely,
