

Delegated Report		Analysis sheet		Expiry Date:		28/06/2019	
		N/A / attached		Consultation Expiry Date:			
Officer				Application Number(s)			
Matthew Dempsey				2018/6241/P			
Application Address				Drawing Numbers			
120 Finchley Road London NW3 5HT				Site Location Plan E18-049 SIT000, As Existing West Elevation, As Proposed West Elevation, PH01 Photographs, Proposed Floor Plans 1-6. Dlalux External lighting Calculation 01/05/2019.			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Installation of external lighting to front facade (Retrospective).							
Recommendation(s):		Refuse and Enforce					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	01	No. of objections	01
Summary of consultation responses:		Site Notice: Displayed 17 th May 2019, expired 15/06/2019. One objection was received from a local resident (occupier of St Johns Court) whom complained about the brightness of the installation.					
CAAC/Local groups* comments: <small>*Please Specify</small>		N/a					

Site Description

The host property is a mixed use building, comprising hostel (sui generis) with commercial floor space for flexible (B1 (office), retail (Class A1), financial/professional services (Class A2), restaurant/cafe (Class A3) and drinking establishment (Class A4) uses, across seven storeys, plus basement and roof top plant room, fronting Finchley Road, opposite the junction of Canfield Gardens and Finchley Road Station. The building was recently constructed following planning permission reference 2010/0552/P, and subsequent approval of details applications.

The site is not listed, nor within a conservation area, however it is in close proximity to both the South Hampstead CA and the Dartmouth Park CA, and there is also a locally listed heritage assets close by, namely; St John's Court, opposite the site on Finchley Road.

Relevant History

2010/0552/P - Erection of part 4-storey, part 7-storey building over two floors of basements to provide hostel (sui generis) with commercial floor space for flexible (B1 (office), retail (Class A1), financial/professional services (Class A2), restaurant/cafe (Class A3) and drinking establishment (Class A4)) uses, including works of hard and soft landscaping. (following the demolition of existing buildings). **Granted Subject to a Section 106 Legal Agreement 30/04/2010.**

2010/3181/P - Erection of an additional storey to provide further hostel accommodation as an amendment to planning permission 2010/0552/P granted 30/04/2010 (for the erection of part 4-storey, part 7-storey building over two floors of basements to provide hostel (sui generis) with commercial floor space for flexible (B1 (office), retail (Class A1), financial/professional services (Class A2), restaurant/cafe (Class A3) and drinking establishment (Class A4)) uses, including works of hard and soft landscaping). **Refused 23/11/2010.**

2011/2522/P - Demolition of five storey building fronting Finchley Road and buildings to rear of site. **Prior Approval Refused 07/07/2011.**

2012/5608/P - Erection of an additional storey to provide further hostel accommodation as an amendment to planning permission 2010/0552/P granted 30/04/2010 (for the erection of part 4-storey, part 7-storey building over two floors of basements to provide hostel (sui generis) with commercial floor space for flexible (B1 (office), retail (Class A1), financial/professional services (Class A2), restaurant/cafe (Class A3) and drinking establishment (Class A4)) uses, including works of hard and soft landscaping). **Refused 23/01/2013.**

Neighbouring property: Holy Trinity Church, Finchley Road

2017/2092/P – Erection of 6 storey building (including excavation of ground floor level) to provide a Christian community centre (Class SG), including worship space and performance venue (450 seat auditorium), café, flexible community space, recording studio, employment readiness training facilities, sheltered supported residential accommodation for vulnerable 16-25 year olds at 4th floor (2 x 2-bed flat & 1 x 3-bed flats) and theological student accommodation at 5th floor level (1x1bed flat and 1x2 bed flat) with rear and side roof terraces at 5th and 3rd floor level, balcony at 4th floor level, associated bin store, cycle store and substation following demolition of existing church. **Resolution to Grant by Planning Committee subject to a Section 106 Agreement 26/10/2017.**

Relevant policies

National Planning Policy Framework (2019)

The London Plan (2016)

Camden Local Plan (2017)

A1 Managing the impact of development

D1 Design

D2 Heritage

Camden Planning Guidance (CPG)

CPG Amenity (March 2018)

CPG Design (March 2019)

CPG7 Transport (2011)

Assessment

1.0 Proposal

1.1 Planning permission is sought for retrospective consent relating to the installation of various types of lighting to the front façade and under-croft of the host building.

1.2 Specific types of lighting installations proposed are:

- i) 10 x wall mounted cube lights.
- ii) LED strip lighting to the underside of 24 x balconies.
- iii) A continuous linear luminaire fitted to wrap across the building at upper terrace level, down the south eastern side and back across the building at fascia level.
- iv) Recessed downlight to under-croft at entrance.

2.0 Assessment:

2.1 The principle planning considerations for this proposal are as follows:

- Design / Heritage
- Neighbouring amenity
- Transport considerations

3.0 Design / Heritage:

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

3.2 The host property, No.120, is of recent construction in a prominent position on Finchley Road. The introduction of several types of feature lighting is considered excessive and the sheer amount of lighting proposed is not justified.

3.3 It is considered that the down light to the under-croft could be acceptable in principle, subject to controls over the illumination levels, however the proposed cube lighting combined with the LED strip

lights and the linear luminaire are not considered acceptable in design terms.

3.3 It is considered the visual prominence of the development would be detrimental to the appearance of the host building and the wider street scene contrary to Policies D1 (Design) of the Camden Local Plan 2017.

4.0 Neighbouring amenity:

4.1 Policy A1 of the Camden Local Plan seeks to protect the quality of life of neighbouring occupiers. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; noise and vibration. It should be noted that residential units exist within the immediate vicinity, including opposite the host site at St John's Court.

4.2 Due to the position of the site facing a residential block, there is concern about the potential for light pollution impacting on the amenity of the occupants at St John's Court. Similarly, there is also concern about the potential impact on the neighbouring building, namely; Holy Trinity Church.

4.3 The scheme at Holy Trinity Church which has been given resolution to grant at Planning Committee will house both visitors and residents throughout the year. It will also be an educational facility for theological students and provide sheltered accommodation to vulnerable people.

4.4 It is noted that a complaint about the lighting was received from an occupier of St John's Court whom complained about the brightness.

4.5 It is considered that the development would cause a harmful impact on residential occupiers and therefore the application should be refused.

5.0 Transport considerations:

5.1 CPG Transport seeks to ensure that developments do not present any adverse impacts on the highways network, including public footpaths and cross over points with consideration for pedestrians, cyclists and vehicular traffic.

5.2 Transport for London were consulted as part of the application process and commented to suggest that illumination levels should be restricted to prevent distraction to passing drivers.

5.3 Having consulted the Council Transport Officer, it is considered that were permission to be granted, conditions would need to be added to ensure public safety. Conditions suggested would include but not be limited to;

- ensure that all illumination is limited to a level agreed with the Local Planning Authority (cd/m^2),
- ensure that all illumination is switched off during daylight hours and that illumination may only be switched on during a time period agreed with the Local Planning Authority, and;
- ensure that all illumination is of a static nature in perpetuity.

5.5 The Council Environmental Health Officer was consulted on the scheme and commented to state that were permission granted for the scheme then a condition should be added to the decision to state; External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes Reduction of Obtrusive Light'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes. The Camden area would fall under Environmental zone E4 in relation to the current guidance. The applicant would have to demonstrate that all criteria within the guidance levels will be achieved.

5.6 Although conditions could be imposed to soften the potential impacts of the development, due to

the prominent position of the host property at the junction of Finchley Road and Canfield Gardens with associated traffic management infrastructure such as traffic lights and pedestrian crossing points in place, it is considered that the amount of illumination proposed would potentially cause a distraction to drivers of vehicles, cyclists and pedestrians alike and for this reason should be refused permission.

6.0 Recommendation:

6.1 Refuse retrospective planning permission with warning of enforcement action to be taken.

7.0 Planning Enforcement informative:

7.1 That the Head of Legal Services issue an Enforcement Notice under section 172 of the Town & Country Planning Act 1990 as amended, and officers be authorised in the event of non-compliance to prosecute under section 179 or appropriate power and/or take direct action under section 178 in order to secure cessation of the breach of planning control.

7.2 The Notice shall allege the following breach of planning control:

Installation of external lighting to front façade of 120 Finchley Road, NW3 5HT.

The Notice shall require that, within a period of 6 months of the Notice taking effect, the unconsented lighting shall be removed and the façade of the building shall be made good.

7.3 Reasons for Issuing the Notice:

It appears to the Council that the above breach of planning control has occurred within the last 10 years.

The unauthorised development has resulted in the unacceptable impact on residential amenity and harm to the character of the host property contrary to policies A1, D1 and D2 of the London Borough of Camden Local Plan 2017.