

Hearing response to the draft Local Plan 249 and draft Municipal Plan Supplement 4 for a hotel at Finsensvej 80 (case no. 01.02.05-K04-5-26)

English version for understanding and for residents who prefer to write in English. The Danish version (hoeringssvar-skabelon-DA) is the one to submit if you can; there is no formal language requirement, and an English response is still a valid response.

From: [First name Last name]

Address: [Street, number, floor], 2000 Frederiksberg

E-mail: [your e-mail]

Date: [date]

I live at [address] and submit this response on my own behalf. My home is [choose: by Flintholm Byhave north of the hotel site / at Finsensvej 78 next to the hotel site / across the street on Finsensvej / other], and I am affected by the draft plan through [choose: the access into the garden, shadow, overlooking, noise from outdoor serving and deliveries, the construction period].

I object to the opening of the fence toward Flintholm Byhave and to a path from the hotel site into the garden. In addition, I ask that before final adoption the municipality documents the shadow effect on the garden, the playground and neighbouring roof terraces, corrects two inconsistencies in the plan material (biofactor and restaurant/deliveries), and writes the considerations that today exist only in the explanatory report into the provisions.

[WRITE 2–4 LINES YOURSELF: Which floor do you live on, and which way does your flat or balcony face? How do you use the garden, the courtyard or the playground? When during the day and the year do you have sun? Personal detail carries more weight than a template.]

1. Objection to the opening in the fence and the path into Flintholm Byhave (Local Plan 249 § 4.2, § 7.6, § 10.2, § 11.4; explanatory report p. 22; map appendix 2)

The draft plan requires a publicly accessible path through the plan area "which gives access to Flintholm Byhave" (§ 4.2), prohibits a fence on the boundary B–C (§ 7.6), cancels part of a servitude on fencing obligations (§ 10.2) and makes the path a condition for taking the buildings into use (§ 11.4). According to map appendix 2 the path exits at the north-east corner of the plan area, at or near the boundary between parcels 8t and 8u, straight into the garden's recreation and play areas. The report states that the passage "can be used by the hotel's guests and the area's residents" (p. 22).

The garden is governed by Local Plan 138 (2006). Under it the unbuilt areas are the dwellings' statutory recreation area (at least 50 % of the floor area, § 7.1) with playgrounds forming part of a joint park area (§ 7.2), and they may only be used as recreation area, publicly accessible paths, and parking and access for residents (§ 3.4). Paths and layout must follow an overall plan approved by the City Council (§ 4.2 and § 7.2). A new main access from Finsensvej for the guests of a hotel with about 110 rooms changes the use of an area planned as the residents' recreation area, and the draft plan states neither which parcel the path continues onto, whether the approved overall plan is changed, nor how the playground, recreation areas and ground-floor terraces are protected. The developer's own summary of the neighbour meeting (appendix 2, pp. 10 and 12) already records neighbours' concerns: "illogical to lead people into the private gardens", "privacy at ground level", and that the garden's shared areas are experienced "as an extension of the home". A local plan can require a path up to its own boundary, but it does not change the planning of, or the rights over, land outside the plan area.

I ask that § 4.2 and § 7.6 are removed, § 10.2 is deleted and § 11.4 is removed, so that the fence toward Flintholm Byhave is kept and the hotel is accessed from Finsensvej only.

If the City Council keeps the connection, I ask in the alternative for:

- a) the approved overall plan for the garden under Local Plan 138 § 4.2 and § 7.2, and a statement of whether and how it is changed;
- b) a map of the path's route identifying every affected parcel outside the plan area (8u, 8t and others), and who owns and maintains them;

- c) information on existing access rights on those areas, and an account of which works, permissions and agreements with the landowners are required outside the plan area;
- d) that the opening is designed as a narrow, defined opening, and that the hotel's side of the boundary is laid out with planting and screening so that the recreation areas, the playground and the ground-floor terraces are protected against overlooking and noise from the passage;
- e) a statement of whether the opening can be a gate closed at night, and whether that is compatible with § 4.2 and with Local Plan 138;
- f) that § 10.2 is limited to what the opening actually requires, and that the servitude and its map are put on record;
- g) that lighting (§ 7.18) and signage (§ 6.26) are kept on the hotel's own ground, and that no outdoor serving or signage is laid out toward the boundary with the garden.

2. Shadow on the garden, the playground and neighbouring roof terraces (report pp. 33–34; shadow diagrams pp. 35–45)

The report states that at the winter solstice the addition "will cast a broader shadow over the park and the parking spaces", but that conditions "otherwise change minimally in the winter half-year" (p. 34). The diagrams cover only 21 June (9–18 h), the equinoxes (9–17 h) and 21 December (10–14 h). They do not single out the garden, the playground or the ground-floor terraces, and they stop at 18:00 in summer although the text speaks of "increased shadow nuisance on neighbours' west-facing roof terraces" from 19:00. The buildings north of the plan area are not mentioned in the shadow section; the overlooking section only mentions a distance of "approx. 50 m" (p. 49).

A preliminary estimate using simplified building volumes indicates that the addition may increase the extent of shadow over parts of the garden in the winter half-year. The estimate does not include all existing sources of shadow and therefore does not document the actual loss of sun or the effect on particular dwellings. I ask the municipality to verify the matter with the project's correct geometry and the existing neighbouring buildings, and to give specific reasons for the conclusion on page 34 about minimal change.

Specifically I ask for:

- a) shadow diagrams for 1 November and 1 February at 12, 13, 14, 15 and 16 h, for the equinoxes at 15, 16, 17 and 18 h, and for 21 June at 19 and 20 h, with the garden, the playground, the recreation areas and neighbouring roof terraces marked, and with before/after comparison;
- b) a written assessment of the garden and of the façades facing the hotel;
- c) a proportionate adjustment of the building volume (the set-back storey in building field A and/or the height of building field C, § 5.2) if the verification shows a material effect.

3. Biofactor (§ 7.12; appendix 14A; report pp. 25, 28–29)

The plan requires a biofactor of at least 0.5 (§ 7.12). The calculation in appendix 14A reaches 0.52 for the unbuilt areas by counting "rainwater infiltration from paved area" with 375 m² (factor 0.5). At the same time the report states that an infiltration permit "with the presence of groundwater-threatening contamination, as here, will normally not be granted" (p. 28), and that a permit "cannot as a rule be expected" (p. 29). Without this supplement the calculation corresponds to a biofactor of about 0.41.

I ask that either a technically and legally feasible infiltration solution is documented before adoption, or that the landscape design and the calculation are corrected so the 0.5 requirement is met without the supplement, and that any compensating measures under the municipal plan are named and made binding. I also ask to be told what §§ 11.3 and 7.2 already secure of the landscape plan, and what is not secured.

4. Restaurant, outdoor serving and deliveries (§§ 3.1–3.3, 3.7; report pp. 24, 30–31)

The provisions permit a restaurant in the basement and ground floor of both building fields A and B. The assessment of delivery noise rests on the hotel "not containing a restaurant" (p. 31), and the report assumes "a small café" (p. 30). Outdoor serving in the courtyard between the hotel and the daycare is assessed as "a limited noise level" without calculation (p. 30). I ask to be told what extent of restaurant

floor area, deliveries, waste collection and outdoor serving underlies the assessment, and whether this covers the uses that §§ 3.2–3.3 permit in both A and B. I ask that the location and extent of the public-facing function that was actually assessed is fixed in § 3, that a provision is inserted that the roof terrace in building field B may not be used for restaurant or serving purposes, as the report already assumes (p. 30), and that the road authority sets the hours for the loading zone on Finsensvej and the conditions for any pavement serving.

Other remarks

- With its 2nd and 3rd floors, building field C gets new windows facing the garden and the playground at a distance of 20–40 m. I ask that the north-east façade is designed to limit overlooking, corresponding to § 6.23 toward the east.
- The screening toward Finsensvej 78 (pergola, trellis, no gable windows on the top floor, p. 34) should appear in the provisions to the extent it does not already (§§ 6.22–6.23).
- I ask that technical installations on the roofs are placed as far as possible from boundaries with neighbours (§ 5.5), and that noise documentation for the installations is part of the environmental authority's handling.
- I ask the municipality to state the intended phasing and enforcement of § 11 where the existing building and the addition are taken into use together or separately, and that neighbour information about the construction period becomes a condition, not an intention.
- I ask that the answers given at the open house on 30 September are reproduced in writing in the hearing memorandum.

I ask to be notified of the hearing memorandum and of the City Council's handling of the draft plans.

Yours sincerely,

[First name Last name] [Address]