

Delegated Report		Analysis sheet		Expiry Date:		13/03/2014	
		N/A / attached		Consultation Expiry Date:		N/A	
Officer				Application Number(s)			
Neil Quinn				2014/0422/P			
Application Address				Drawing Numbers			
Carob Tree Restaurant 15 Highgate Road London NW5 1QX				Refer to decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Details relating to condition 9 (details of refuse and recycling storage) and condition 10 (details of cycle storage) of planning permission dated 30/03/12 (ref. 2011/3819/P) for the change of use of upper floors from ancillary restaurant accommodation (Class A3) to create three (2x2 and 1x3 bed) self-contained flats (Class C3) including rear (south) extensions at first and second floor level and roof extension to create new third floor level with external terrace areas and associated alterations including new entrance on Highgate Road (west) elevation.							
Recommendation(s):		Refuse details					
Application Type:		Approval of Details					

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	06	No. of objections	06
			No. electronic	00		
Summary of consultation responses:	<p>Five letters of objection have been received from the following occupiers:</p> <ul style="list-style-type: none"> • 26 Swain's Lane; • 33 Swain's Lane; • 39 Swain's Lane; • 34 St Albans Road; • 36 St Albans Villas. <p>The objections can be summarised as follows:</p> <ul style="list-style-type: none"> • Architectural integrity of building compromised at pivotal viewpoint of junction of Swain's Lane and Highgate Hill; • Division of outside area and new entrance already detracts from appearance of frontage – new wall and refuse area would further diminish this; • Proposal would further devalue public realm and views restricted <i><u>Officer comments:</u> See section 2.1 of main report for comment on design issues.</i> • Highways obstruction issues caused from refuse collection trucks blocking adjacent bus stop and causing congestion on surrounding roads. <i><u>Officer comments:</u> See section 2.2 of main report for comment on highways issues.</i> • Safety issues caused by new wall, giving opportunity for thieves to hide behind <i><u>Officer comments:</u> See section 2.3 of main report for comment on this issue.</i> <p>An objection has also been received from the <u>occupier at 27 St Albans Villas</u> (as Chairman of the Swain's Lane Development Committee) raising the following issues:</p> <ul style="list-style-type: none"> • New refuse area next to main road would create local eyesore and detract from public realm, and the amenities adjacent to Hampstead Heath; <i><u>Officer comments:</u> See section 2.1 of main report for comment on design issues.</i> • Highways / access issues caused by bin collection – likely that refuse collection truck would need to park in adjacent bus stop and causing further obstruction; <i><u>Officer comments:</u> See section 2.2 of main report for comment on highways issues.</i> • Security risk caused by proposed wall – compromises safety of bus users and pedestrians, especially at night; • Health risk caused by rubbish located on the public realm and adjacent to restaurant's eating area; <i><u>Officer comments:</u> See section 2.3 of main report for comment on these issues.</i> • Details relating to location of bins and bikes should have been resolved 					

before works started on the residential development.

Officer comments: While it is acknowledged that these details before works started on site, the three flats are not yet occupied. However there may be scope for enforcement action should suitable details not be agreed.

It should also be noted that objections received in connection with the approved application in March 2012 included the issue of waste, recycling and cycle storage located to the Highgate Road elevation. Paragraph 4.32 of the committee report in relation to this application gives the following concerns:

- *The provision of services here will add to congestion to an already busy pavement and significantly alter the frontage and affect the view to and from the Heath especially with the proposed refuse store on this side.*
- *Provision of such facilities in this location is an indication of how little the applicant cares for the local environment;*
- *The proposed alteration to the frontage would destroy this façade and the forecourt, by the introduction of the new flat entrance and waste storage;*
- *Refuse storage described as “impractically small, yet highly prominent refuse area behind the low front wall... would present itself as the first impression of this ugly proposed development. This contradicts DP25b which states that “the council only permits development within a conservation area that preserves character and appearance of that area”.*
- *Detailed design is particularly critical as the scheme could be significantly better or worse depending on the design detailing.*

These concerns were partly supported by Members of the DCC, who required further details to be reserved by condition.

An objection has been received from the **Swain's Lane Residents and Neighbourhood Watch Association** on the following grounds:

- The frontage of the site on Highgate Road is an important amenity;
- Location of refuse bins on Highgate Road creates an eyesore and potential sanitation problem;
- Location of cycle racks beg the question of whether or not they will even be used by the public;
- Rubbish collection from these sites cannot be made without major difficulties;
- Potentially serious safety and security risks to residents, visitors and bus passengers on Highgate Road.

Officer comments: All points raised in the objection are addressed in the main report.

It should also be noted that concerns were raised by the following CAACs and local groups regarding the impact of waste, recycling and cycle storage in this location as part of the previously approved scheme (ref. 2011/3819/P):

- Dartmouth Park CAAC,
- Highgate CAAC;
- Brookfield Residents' Association;
- Croftdown Residents' Association;
- Grove Terrace Association.

The objections raised can be summarised as concerns regarding the visual impact of the refuse storage on the appearance of the host building, the wider streetscene and the adjacent Heath, and highways / access issues. Further details on the exact nature of the objections raised can be found within the previous Committee report.

Cllr de Souza also raised an objection to the previously approved scheme on the following grounds:

- *waste bins on Highgate Road will be unsightly;*
- *waste bins will reduce the surveillance of the bicycle stands behind, facilitating theft and vandalism of bikes*
- *unclear where the recycling boxes, green and brown bins for each flat will be located;*
- *proximity of waste storage area to the external seating area will not be pleasant for diners.*

These concerns were partly supported by Members of the DCC, who required further details to be reserved by condition.

CAAC/Local groups comments:

Site Description

The application site comprises the existing Carob Tree Restaurant (previously known as The Duke of St Albans Public House), located on the junction of Highgate Road, Swain's Lane and Highgate West Hill. The building is predominantly three-storey and basement in height, although a section on the Swain's Lane (north) elevation is single storey with an existing balcony area above.

Relevant History

2011/3819/P - Change of use of upper floors from ancillary restaurant accommodation (Class A3) to create three (2x2 and 1x3 bed) self-contained flats (Class C3) including rear (south) extensions at first and second floor level and roof extension to create new third floor level with external terrace areas and associated alterations including new entrance on Highgate Road (west) elevation. **Granted Planning Permission subject to a section 106 agreement** by DCC on 30/03/2012. ***Works have commenced in relation to the internal layout of the proposed units, and the rear and roof extensions***

2013/5645/P - Erection of single storey side extension at ground floor level of restaurant (Class A3) – application **refused by DCC** on 08/04/2014 on grounds that inadequate refuse and cycle storage could be maintained as a result of the scheme being implemented:

1. The proposed size, layout and location of the combined refuse/recycling and cycle storage facilities is both inadequate and inconvenient and is likely to result in the storage of refuse and bicycles on the highway or elsewhere on the property to the detriment of the visual amenities of the property and the conservation area and would fail to comply with the London Borough of Camden Local Development Framework Development Policies with particular regard to policy CS5 (Managing the impact of growth and development), and London Borough of Camden Local Development Framework Development Policies DP17 (Walking, cycling and public transport), DP18 (Parking standards and limiting the availability of car parking) and DP26 (Managing the impact of development on occupiers and neighbours).

2 The proposed development, in the absence of a legal agreement to secure the submission and implementation of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and hazards for pedestrians, cyclists and other road users and would be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy; and policies DP20 (Movement of goods and materials), DP21 (Development connecting to the highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

Relevant policies

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development),
CS11 (Promoting sustainable and efficient travel)
CS14 Promoting high quality places and conserving our heritage
CS19 (Delivering and monitoring the Core Strategy)
DP17 (Walking, cycling and public transport)
DP18 (Parking standards and limiting the availability of car parking)
DP20 (Movement of goods and materials)
DP21 (Development connecting to the highway network)
DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance Sep 2013

CPG1 (Design)
CPG6 (Amenity)
CPG7 (Transport)

Assessment

1.0 Proposal and background

- 1.1 Planning permission was granted on 30th March 2012 for the change of use of upper floors from ancillary restaurant accommodation (Class A3) to create three (2x2 and 1x3 bed) self-contained flats (Class C3) including rear (south) extensions at first and second floor level and roof extension to create new third floor level with external terrace areas and associated alterations including new entrance on Highgate Road (west) elevation, subject to conditions - including conditions 9 and 10 - which state:

“9. Notwithstanding the details hereby approved and prior to commencement of development, details of the location, design and method of waste storage and removal (including recycled materials) shall be submitted to and approved by the Council and the approved facility shall therefore be provided prior to the first occupation of any of the new residential units and permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.”

“10. Notwithstanding the details hereby approved and prior to commencement of development details of a cycle storage area for a minimum of 4 cycles shall be submitted to and approved by the Council and the approved facility shall therefore be provided prior to the first occupation of any of the new residential units and permanently maintained and retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.”

- 1.2 This application seeks to discharge these conditions. The proposed drawings show the provision of a 1.8m high, rendered bin enclosure to the south (Highgate Road) elevation, with space for 2 x 240l refuse bins, and 1 x 240l recycling bin. The plans also show the provision of 4 x cycle stands nearest to the main elevation (and adjacent to the new residential entrance). A new 0.9m high wall would be built in front of the enclosure, and would form the main front boundary wall separating the site from Highgate Road.
- 1.3 The application needs to be read in connection with the Development Control Committee's decision to refuse permission for a ground floor extension to the restaurant on 8th April 2014 within the existing service yard (the reasons for this are outlined above within the planning history section).

2.0 Considerations

2.1 Design

- 2.1.1 Policy DP24 of the LDF (Development Plan Policies) states that the Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design, taking into account the character, setting, context and the form and scale of neighbouring buildings.
- 2.1.2 Policy DP25 goes on to state that in order to maintain the character of Camden's conservation areas, the

Council will only permit development that preserves and enhances their character and appearance. Paragraph 25.3 goes on to state that this character and appearance can be eroded through the loss of features which include garden settings, which make a particular contribution to conservation areas.

- 2.1.3 Chapter 10 of CPG1 (Design) states that one of the key considerations when planning for waste recycling and storage is that areas should be sensitively designed/located, especially in conservation areas/or with listed buildings.
- 2.1.4 It is considered that the proposed bin store would in effect be a front extension to the building, which would appear unduly prominent and incongruous when seen in context with the principal elevation of the existing building. It would also result in a significant section of the existing front garden, which currently plays an important role in ensuring the former pub does not appear over-dominant when seen from the corner of Swains Lane and Highgate Road, as well as key views from Hampstead Heath and further along Highgate Road. Although the proposed materials would not be inappropriate in their context, this does not overcome the concerns with the additional bulk and scale which would result from the bin enclosure in this location.
- 2.1.5 For these reasons, it is considered that the proposed bin store would be detrimental to the character and appearance of the host building, the streetscene and this part of the Dartmouth Park Conservation Area. It would therefore fail to comply with policies DP24 and DP25 of the LDF. The store would also fail to meet the requirements of Chapter 10 of CPG1 in that it fails to be sensitively designed and located within a conservation area.
- 2.1.6 Similarly, the proposed cycle stands would provide additional visual clutter to the Highgate Road elevation of the building, and would therefore exacerbate the harm caused to the appearance of the host building, the wider streetscene, and this part of the Dartmouth Park Conservation Area. This part of the proposal would therefore also fail to comply with policies DP24 and DP25 of the LDF.
- 2.1.7 It is considered that a more appropriate location for the refuse and cycle storage is the service yard to the Swains Lane elevation of the site, since this would ensure these areas are not publicly visible and therefore have no harmful visual impact on the host building or wider conservation area.

2.2 Highways

- 2.2.1 With regard to highway safety, the proposed refuse and cycle areas are not considered to result in any access issues or pedestrian obstruction. The proposed cycle area shows sufficient provision for four spaces (as required), and there is sufficient clearance space to meet the tests set out in CPG7. However this would not be covered, and therefore would not meet the requirements of CPG7 in terms of being properly secure and sheltered. While a roofed enclosure could resolve this issue, this would cause further concerns in design terms.
- 2.2.2 The proposed refuse store would provide 2 x 2 x 240l refuse bins, and 1 x 240l recycling bin in connection with the three new residential units. This is considered satisfactory to meet the external storage requirements set out in CPG1 (figure 15, chapter 8). It also meets the external storage area requirements set out in table 16 of CPG1, being located as close as possible to street level where it can be collected most easily, while not impeding pedestrian or vehicular access.
- 2.2.3 However this does not overcome the design concerns outlined above regarding the proposed location of either refuse or cycle stores, and therefore the application is recommended for refusal.

2.3 Other issues

- 2.3.1 Concerns have been raised that the proposed wall would result in a security and safety risk to passing pedestrians and bus users, since it would provide a concealed spot for potential criminals. However this area is generally open and overlooked by a number of residential windows, which offers a good degree of natural surveillance. It would not therefore be sustainable to refuse the application on these grounds.
- 2.3.2 Objections have also been raised regarding the health risk caused by locating the bin store immediately next to the residential entrance and restaurant seating area. Given that the bin store would be fully enclosed, and there is sufficient storage capacity to meet the requirements of the three flats, it is not

considered this would be an issue on which to refuse permission.

3.0 Recommendation: Refuse details