

APCAR SMITH PLANNING

Chartered Town Planning Consultants

Our Ref: CA/grc/2821

Regeneration and Planning Development Management
London Borough of Camden
Town Hall
Judd Street
London
WC1H 8ND

29 October 2014

Dear sirs

The Carob Tree, 15 Highgate Road, London, NW5 1QX

This letter accompanies an application to discharge Conditions 9 and 10 of planning permission Ref: 2011/3819/P. There have been previous applications to discharge these conditions and other planning history of relevance which we summarise below.

Relevant Planning History

Planning permission Ref: 2011/3819/P for extensions and use of the upper floors as three flats was approved in March 2012 subject to a number of conditions.

Conditions 9 and 10 required that, notwithstanding the details shown on the approved plans, proposals for waste storage (including recycled materials) and cycle storage (for a minimum of 4 cycles) be submitted to the Local Authority for their approval, to be provided prior to first occupation of any of the residential units. The stated reason for Condition 9 (that which related to waste storage) referred to safeguarding the amenities of the adjoining premises and the area generally. The stated reason for the imposition of Condition 10 (in respect of cycle storage) referred to ensuring that the development provides adequate cycle parking facilities.

From the Officer's report in respect of this application it is noted (from Para 6.10) that the Council's Street Environment Services Team were satisfied in respect of the waste and recycling storage facilities as shown on the approved plans in terms of both sufficiency of space and location.

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Principal: Carolyn Apcar BA Hons. MRTPI

The proposed cycle parking was commented upon at Para 6.33 of the Officer's report. This confirmed that the 4 spaces proposed on the Highgate Road frontage were sufficient in terms of location, design and layout and suggested that they would be secured via a condition.

Following this grant of planning permission there were various applications submitted to the LPA to discharge these conditions – application Ref: 2104/0409/P which related to Condition 9, application Ref: 2014/0416/P which related to Condition 10, application Ref: 2014/0422/P which related to both Conditions 9 and 10 and application Ref: 2014/0738/P which again related to both Conditions 9 and 10.

Application Ref: 2014/0409/P showed refuse and recycling bins in an enclosed store on the Highgate Road frontage to the rear of proposed planting. Application Ref: 2014/0416/P showed a cycle store on the Highgate Road frontage to the rear of the refuse and recycle bins shown on application Ref: 2014/0409/P. Application Ref: 2014/0422/P showed the cycle spaces in front of the refuse and recycling storage. Lastly application Ref: 2014/0738/P showed refuse and cycle storage at the front of the existing yard on the Swain's Lane frontage, in front of a single storey side extension to the existing ground floor restaurant premises. All these applications to discharge Conditions 9 and 10 were refused by the Local Authority. Appeals were submitted but were all dismissed by way of a joint decision letter dated 22 September 2014. We comment below on some of the Inspector's comments as pertinent to the revised proposals.

The same joint appeal decision letter also allowed an appeal against the Council's refusal of application Ref: 2013/5645/P which was for a single storey side extension to the restaurant. This was subject to a condition that the area in front of the extension should be kept free for storage of refuse in connection with the restaurant (Condition 4).

In the meantime, and prior to the determination of the appeal, the Local Authority approved alternative details to discharge Conditions 9 and 10 (permission Ref: 2014/3461/P) which showed both bin and cycle storage adjacent to the side of the building and accessed from Swain's Lane.

By way of permission ref: 2014/0910/P the Local Authority have also approved the details relating to condition 11 of planning permission Ref: 2011/3819/P (that relating to the roof terrace).

With the details pursuant to all the conditions precedent (9, 10 and 11) thus having been approved development on the site is underway. However in view of comments made in the above mentioned appeal decision letter dated 22 September 2014 revised details are now submitted to discharge Conditions 9 and 10 of planning permission Ref: 2011/3819/P.

Relevance of Appeal Decision

It is evident from the appeal decision that the Inspector was happy for both the waste and cycle storage to be on the Highgate Road frontage. Furthermore Condition 4 of the planning permission he granted for the single storey side extension to the restaurant (LA Ref: 2013/5645/P) specifically stated that the area in front of the extension should be kept free for storage of refuse solely in connection with the restaurant.

It is clear from the Inspector's comments at Para's 11 to 13 that he was satisfied with the waste and cycle storage on the Highgate Road frontage in the positions shown on the plans submitted in respect of application Refs: 2014/0409/P and 2014/0416/P which incorporated space for planting and a reduction in height of the side front boundary wall.

At Para 11 the Inspector stated:

Whilst the enclosure would reduce some of the openness of the forecourt, it would not be in front of the main part of the building, but in front of the electricity sub-station, which is of secondary importance on the frontage.

At Para 12 he stated:

I consider that the small loss of openness would be outweighed by its beneficial effect on the character and appearance of the area by virtue of opening up the frontage through the reduction in height of the side wall and through providing landscaping that would add to the attractiveness of the area and, in time, assist in hiding the unsightly curved, rotating metal blades on top of the front wall of the sub-station.

It is clear from Para 13 that the Inspector considered the acceptability of the proposals shown on application Refs: 2014/0409/P and 2014/0416/P as being dependent on the provision of substantial landscaping at the front of the site. Concern was raised at Para 13 that the submitted plans at that time did not provide sufficient detail of the size and species of plant, whether they would be in containers or planted in the ground, or a timetable for implementation or arrangements to secure their retention and replacement if necessary. The Inspector also noted at this paragraph that it is not possible to impose a condition to secure the submission of further details on the discharge of a condition application.

It was solely on this basis, as far as matters in respect of character and appearance are concerned, that the Inspector dismissed the appeals into application Refs: 2014/0409/P and 2014/0416/P.

The Inspector's comments at Para's 20 to 23 regarding the adequacy of the cycle storage in application Ref: 2014/0416/P are also of relevance to these resubmitted details. At Para 20 the Inspector drew attention to the fact that the Council's only concern in respect of the adequacy of the cycle storage in that proposal related to the stands not being covered. At Para 21 he drew attention to the fact that the Council accepts that external cycle storage would be acceptable. At Para 23 he stated:

...as I have found that Appeal C [*the appeal into application ref: 2014/0416/P*] would provide a satisfactory location for a cycle store for residents, subject to the provision of a suitable cover, there is no necessity for cycle storage to be provided in the service yard off Swain's Lane.

No concern was raised by the Local Authority or the Inspector on the adequacy of the waste storage arrangement as shown in application Ref: 2014/0409/P.

Current Proposals

In view of the Inspector's very clear comments in the appeal decision letter the current proposals show the waste and cycle storage in the same positions as previously shown on application Refs: 2014/0409/P and 2014/0416/P but with significantly greater detail in respect of landscaping and also showing covered cycle storage.

The submitted plan (Drwg No. 15HR_MJ01 (Rev 3)) incorporates all details. It shows the side wall being lowered to match the height of the existing front wall – ie; a reduction from the existing 1,950mm to 950mm. This was specifically recognised by the Inspector as being a benefit at Para 12 of the appeal decision.

As regards landscaping the plan shows a variety of planting to include a tree, shrubs, grasses and bulbs. The tree (a *Ligustrum Lucidum Variegata*) is a small evergreen tree that thrives well in restricted areas with little maintenance required once it is established. The shrubs include Ivy providing an instant 1.8m high screen, and lower level Hebei. There would be two types of grasses as well as spring flowering bulbs. These will ensure interesting landscaping with excellent screening providing colour and interest throughout the year.

It is considered that the landscaping proposals comply with Section 6 of Camden Planning Guidance "Design" (CPG1) in respect of new landscaping being incorporated into developments, considerations for specified landscaped areas and types of landscaping. There is no existing trees or vegetation to be protected. The proposals comply with the guidance in respect of appropriate urban design at Para's 6.19 to 6.21, responding to and positively enhancing local character. It is also considered that the proposals optimise opportunities to increase the site's sustainability as referred to at Para 6.22.

The design incorporates as much soft landscaping as is possible in accordance with Para 6.25. The Appeal Inspector was satisfied that the proposed waste and cycle storage in applications Refs: 2014/0409/P and 2014/0416/P was satisfactory in principle with appropriate layout and sufficient space around for landscaping. As required by Para 6.33 of CPG1 the visual impact of the bins and cycle storage is minimised by the detailed landscaping now proposed.

The proposed soft landscaping performs the functional, ecological and aesthetic objectives discussed at Para's 6.42 to 6.47.

Given the nature of the site and the proximity to the existing building a "large canopy tree", as referred to at Para 6.44, would not be appropriate. The proposed small evergreen tree is considered appropriate given the site constraints.

The landscape designer has carefully considered the species proposed in terms of their street interest, growth and maintenance requirements. The plans detail the quantity and sizes of all plants to provide all the details possible (and responding to Para 13 of the above mentioned appeal decision).

It is assumed that should the Local Authority be satisfied with these details there would be a standard condition requiring implementation of the proposed planting during the next planting season as well as a typical condition in respect of replacement of plants that die. In recognition of the fact that the latter generally only require replacement planting within five years the Applicant is also offering a legal Undertaking pursuant to Section 106 of the Planning Act. This is provided in draft form as one of the application documents. It is not signed at the moment so as to enable the Local Authority the opportunity to provide comment and request amendments if considered appropriate before its completion. As can be seen the Undertaking undertakes to implement the planting within the next planting season. It also includes an Obligation to maintain the planting in perpetuity. This will obviously ensure that the landscaping as proposed continues to provide street interest and screening in the future and not just for a five year period as a typical landscaping condition would require. In this respect it is binding on successors in title.

With regard to the cycle storage the submitted plan shows a secure weatherproof cycle enclosure of lead coloured metal. This responds to the previous Inspector's concern about the previously proposed cycle store not being covered. The plans refer to lockable sliding doors for each of the four cycle spaces and stands for the bike to be padlocked to. The roof will be 1,750mm in height, so being 200mm lower than the adjacent existing boundary wall.

The extent of waste storage (in terms of the capacity of the bins) and the number of cycle spaces are the same as was shown in application Refs: 2014/0409/P and 2014/0416/P which were found to be acceptable previously.

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In view of the above we trust that on this occasion the Local Authority will see fit to approve the details to discharge Conditions 9 and 10 of planning permission Ref: 2011/3819/P as an alternative to the details shown on the extant discharge of these conditions (permission Ref: 2014/3461/P).

Yours faithfully

A handwritten signature in black ink, appearing to read 'CA', written in a cursive style.

Carolyn Apcar

Enc.

c.c. L Redhead Esq., Fruition Properties