

Development Management Team London Borough of Camden Town Hall Extension Argyle Street London WC1 8ND	Swain's Lane Residents and Neighbourhood Watch Association, C/o 28 Swain's Lane, London, N6 6QR
	22 February, 2015

Dear Sir,

### 15 Highgate Road (Carob Tree): Response to Applications 2014/6953/P

1. When the application 2011/3819/P was passed at the meeting of the Development Control Sub Committee in February, 2012, after several previous attempts, Councillors remained concerned about a number of aspects and, in particular, the need to avoid the placement of waste and cycles on the frontage of the building. These and other concerns were reflected in the conditions set out in the Decision dated 30 March, 2012. Crucially, Para 9 and 10 of the Decision reads as follows:

“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.”

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.**”

2. Furthermore the s106 Agreement, signed on 30 March, 2012, is clear (**para 2.7**) that the **Implementation Date is the date when a material operation is carried out** – effectively prior to commencement of development. **The Agreement required (Para 2.16) that a refuse management plan should be provided and approved by the Council, as well as a Construction Management Plan (para 4.9).**

3. Despite this very clear Agreement, the owners of the site sought, through additional applications, to increase the size of the restaurant. This was despite the fact that, in order to meet concerns about over development of the site when seeking permission for Application 2011/3819/P, the owners made clear that they were prepared to accept a smaller restaurant in exchange for a change of use and a substantial increase in residential area.

4. Indeed, the owners have totally ignored the terms of the s106 agreement and commenced work on the development without any attempt to meet the conditions relating to a Construction Management Plan or approval of plans for the storage of waste and cycles. The problem of where to store refuse and cycles has arisen as a direct result of this failure and the owners' action has, in itself, prevented an acceptable solution to the storage of waste and cycles. Such a solution could have been satisfactorily achieved through internal storage or the provision of an access at the rear of the building.

5. In order to avoid their commitments, the owners have sought to confuse the Council and local opposition with numerous applications to meet various conditions, especially related to conditions 9 and 10. Many of the drawings presented in support of these applications have proved to be inaccurate and misleading in respect of key dimensions.

6. This is particularly the case with the latest application 2014/6953/P. The proposed changes to the layout are little different from the previously refused applications and present no rationale for approval. Added to which, the purported dimensions in the original drawing, and subsequent mock-ups are inaccurate and give a totally misleading indication of the area available for storage of refuse and cycles.

7. The covered cycle storage box is not only intrusive but the space provided is inadequate to allow the manoeuvrability necessary for practical use.

8. The storage bins for refuse are inadequate to allow for recyclable, non-recyclable and food waste. Added to which the space between the cycle storage and refuse storage is minimal and unlikely to prove operationally practical.

9. It will be some time, and may never materialise, that one tree would cover the 'unsightly' curved metal blades on the sub-station.

10. The planted area will be difficult to maintain and is likely to fill with litter. In practice, it will be almost impossible to enforce any commitment under an s106 Agreement to guarantee the necessary planting to landscape the site over the longer term. At the very least, any enforcement would entail a significant cost to the Council.

11. The collection of refuse from the site will be extremely difficult because of the bus border on Highgate road and the crossing at the end of Swains Lane. The site is also some distance from St. Albans road. It also raises further questions as to who will be responsible for making the bins available and for storing them after being emptied.

12. The proposal raises concerns for the safety of bus passengers and pedestrians in the evenings as it provides an ideal hiding place close to the footpath for potential muggers. Lighting is unlikely to mitigate these concerns.

13. At the end of the day, this proposal has greater shortcomings than previous proposals, notably Applications 2014/0409/P and 2014/0244/P, which were refused on Appeal

14 Finally it must be recognised that the frontage of this site on Highgate Road, at a very busy entrance to Hampstead Heath, is an important amenity in this Conservation area..

Yours sincerely,

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*Michael Zagor*

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Co-Chairmen

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