

Date: 24/05/2016
Our ref: 2015/4362/P

Your Ref: Ref APP/X5210/W/16/3147661
Contact: Jonathon McClue
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Anton Godfrey
The Planning Inspectorate
3/05a Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Dear Anton Godfrey,

Appeal by FRUITION ASSETS LTD
Site Address: Carob Tree, Highgate Road, LONDON, NW5 1QX

Application proposal: Bin and cycle storage along with landscaping scheme for the residential flats.

Reason for refusal: The proposed external structures, due to their size, height and massing, would result in a permanent loss to the openness of the forecourt and an incongruous and cramped development to the detriment of the character and appearance of the host property and wider streetscene and would not preserve or enhance the Dartmouth Park Conservation Area.

The Council's case is set out in the officer's delegated report (Appendix 2) which details the proposal, site and surroundings, the site history, consultation responses and an assessment of the proposal. A copy of the report was sent with the questionnaire and is attached within the appendices.

In addition to the information sent with the questionnaire I would be pleased if the Inspector would take into account the following information and comments before deciding the appeal.

1.0 Site and Surrounding Area

1.1 The appeal site comprises of the Carob Tree Restaurant on the ground floor and basement with 3 self-contained residential flats located on the floors above (1-3). The property is located on the junction of Highgate Road, Swain's Lane and Highgate West Hill. Attached to the host building on the southern elevation (facing Highgate Road) is a single storey structure which encloses a substation. It includes metal blades above its flat roof.

1.2 Elsewhere on this junction is a single storey parade of shops to the north on Swain's

Lane, a variety of mainly two-storey buildings (shops with residential accommodation above) to the east of the application site on the south side of Swain's Lane and the four storey 1-4 Highgate West Hill (again shop units with residential accommodation above). To the south and west of 1-4 Highgate West Hill is Hampstead Heath, while further to the north is the residential Brookfield Mansions.

1.3 The building is not listed but is located in the Dartmouth Park Conservation Area. Furthermore, it is situated in close proximity to the boundary with both Highgate Village Conservation Area (30 metres) and Holly Lodge Estate Conservation Area (35 metres). It is also located within a designated neighbourhood shopping centre. To the south of the site on the opposite side of Highgate Road lies an entrance to Parliament Hill Fields. This entrance is being improved as part of Swain's Lane landscape improvements being undertaken by the City of London. The works include the removal of overgrown shrubs and undergrowth; timber fences and barriers will replace existing metal railings and there will be planting of native plants, hedges and trees. More information can be found at <http://democracy.cityoflondon.gov.uk/mgAi.aspx?ID=42759> and on Figure 1 (below para 1.4).

1.4 The appeal site was granted permission for a new third floor and 3 self-contained flats under 2011/3819/P. The development works are substantially completed and the units are thought to be occupied. Conditions 9 and 10 of the approval relate to bin and bike storage. These conditions have been formally discharged and implemented under 2014/3461/P. The residential bin and cycle storage facilities have been incorporated within a rear yard behind the host building that is accessed from the side of the property from Swain's Lane. Planning permission also exists for a single storey side/rear extension to the ground floor restaurant (ref: 2013/5645/P) that would extend over the majority of this yard. The development of the ground floor extension has not commenced.



Figure 1 (above): Swain's Lane landscape improvements sign detailing the works to improve the entrance to Hampstead Heath.

2.0 Relevant History

2.1 The relevant history is detailed within the officer report (Appendix 2). There have been a number of refusals and appeals relating to the discharge of conditions 9 and 10 of 2011/3819/P which this planning appeal is seeking to provide details of. The most recent refusal was under 2014/6953/P which was dismissed at appeal under APP/X5210/W/15/3133949. The other appeal references were all considered as part of a consolidated decision by the Planning Inspectorate made on 22/09/2014. A copy of this decision is attached as Appendix 4.

2011/3819/P: Planning permission was granted subject to a Section 106 Agreement on 30/03/2012 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". Conditions 9 and 10 of this permission are the subject of the appeal proposal.

2013/5645/P: Planning permission was refused on 08/04/2014 for the "Erection of single storey side extension at ground floor level of restaurant (Class A3)". The reasons for

refusal were based on the proposed size, layout and location of the combined refuse/recycling and cycle storage facilities to the rear of the site as they were both inadequate and inconvenient and due to the failure to secure a Section 106 agreement for a Construction Management Plan.

A subsequent appeal was allowed on 22/09/2014 under APP/X5210/A/14/2221154.

2014/0409/P: An approval of details application was refused on 12/05/2014 for details relating to condition 9 (details of waste storage) of planning permission dated 30/03/2012 under 2011/3819/P. It was refused on the basis of the facilities being harmful to the visual amenities of the property, the street scene and the Dartmouth Park Conservation Area.

A subsequent appeal was dismissed on 22/09/2014 under APP/X5210/A/14/2221155.

2014/0416/P: An approval of details application was refused on 12/05/2014 for details relating to condition 10 (details of cycle storage) of planning permission dated 30/03/2012 under 2011/3819/P. The reasons for refusal were based on visual amenity and the un-covered cycle stands failed to provide secure, sheltered cycle provision.

A subsequent appeal was dismissed on 22/09/2014 under APP/X5210/A/14/2221156.

2014/0422/P: An approval of details application was refused on 12/05/2014 for "Details relating to conditions 9 &10 (details of waste and cycle storage) of planning permission dated 30/03/2012 under 2011/3819/P. The reasons for refusal were based on visual amenity and the un-covered cycle stands failed to provide secure, sheltered cycle provision.

A subsequent appeal was dismissed on 22/09/2014 under APP/X5210/A/14/2221157.

2014/0738/P: An approval of details application was refused on 12/05/2014 for details relating to conditions 9 &10 (details of waste and cycle storage) of planning permission dated 30/03/2012 under 2011/3819/P. The reason for refusal was due to the size, layout and location of the refuse and cycling facilities being both inadequate and inconvenient.

A subsequent appeal was dismissed on 22/09/2014 under APP/X5210/A/14/2221159.

2014/3461/P: An approval of details application was approved on 07/07/2014 for details relating to conditions 9 and 10 (details of cycle and refuse storage) of planning permission dated 30/03/12 under 2011/3819/P. The proposal incorporates the cycle and refuse within the rear yard area (accessed from Swain's Lane) on space that would also form part of the footprint of the side/rear extension that was approved at appeal under 2013/5645/P. These details have been implemented on site.

2014/6953/P: An approval of details application was refused on 05/03/2015 with a warning of enforcement action to be undertaken regarding the breach of conditions 9 and 10 of 2011/3819/P. The reasons for refusal were based on the physical constraints and technical inadequacies of the refuse and cycle stores and the absence of a suitable control mechanism to ensure the proposed landscaping would be implemented and maintained thereafter.

A subsequent appeal was dismissed on 03/01/2016 under APP/X5210/W/15/3133949

EN09/0332: An enforcement case was opened after the removal of a cherry tree to the front of the property. The enforcement case was closed on 12/11/2010 after a satisfactory replacement cherry tree was planted. The replacement tree still stands today.

EN14/0289: A Breach of Conditions Notice was issued based on the failure to discharge conditions 9 and 10 (details of cycle and refuse storage) of planning permission ref. 2011/3819/P. No further action was taken after the landowner complied with the Notice on 21/07/2015 by implementing the details approved under 2014/3461/P. Therefore, the terms of the Notice have been met.

3.0 Reason for refusal

The appeal proposal was refused for the following reason:

1) The proposed development, due to the size, height and bulk of the external storage structures, would result in a loss of openness within the forecourt and an incongruous and cramped development that would be materially harmful to the character and appearance of the host property, the wider streetscene and would neither preserve nor enhance the character and appearance of the Dartmouth Park Conservation Area. Therefore, the proposal would fail to comply with the London Borough of Camden Local Development Framework Development Policies with particular regard to policy CS14 (Promoting high quality places and conserving our heritage) and London Borough of Camden Local Development Framework Development Policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage).

4.0 Planning Policy Framework

National Policy Documents

4.1 On the 27th of March 2012 the Government published the National Planning Policy Framework (NPPF). The policies contained in the NPPF are material considerations which should be taken into account in determining planning applications. Paragraphs 14, 17, 29-41, 56-68 and 126-141 are most relevant.

Planning (Listed Buildings and Conservation Areas) Act 1990

4.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities and decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Local and Regional Planning Policy Framework

4.3 The Development Plan for the area comprises the London Plan 2016 and the Local Development Framework, containing the Camden Core Strategy and the Camden Development Policies.

4.4 The London Plan Policies most applicable here include policies 6.9 (Cycling), 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage Assets and Archaeology).

Local Development Framework

4.5 The primary documents within the Local Development Framework (LDF) relevant to this appeal are the Camden Core Strategy 2010-2025 and Camden Development Policies documents, both formally adopted on 8th November 2010 after due public consultation and examination. The Inspector is therefore invited to give substantial weight to the LDF policies and supporting text. The 4 Strategic objectives of the LDF are;

- A sustainable Camden that adapts to a growing population;
- A strong Camden economy that includes everyone;
- A connected Camden where people lead healthy active lives; and;
- A safe Camden that is a vibrant part of our world city.

4.6 The relevant LDF policies to this appeal are as follows:

Core strategies

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)

Development policies

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 (CPG)

CPG1 (Design) 2015

CPG6 (Amenity) 2011

CPG7 (Transport) 2011

Dartmouth Park Conservation Area Appraisal and Management Statement (Jan 2009)

Conflicting Policies

4.7 The policies listed on the decision notice under the reasons for refusal are CS14 (Promoting high quality places and conserving our heritage), DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage).

5.0 The Appellant's Grounds of Appeal

5.1 The appellant has submitted 'Statement in Support of Planning Appeal in Respect of Carob Tree, 15 Highgate Road (ref: CA/2821)' by Apar Smith Planning dated March 2016 as part of the appeal submission. The statement includes 12 appendices which include planning permissions, s106 agreements, appeal decisions, drawings and elevations and officer reports.

5.2 The appellant's statement addresses the only reason for refusal and argues a case for the appeal proposal. The comments made within the appellant's statement will be addressed within section 6 (below).

6.0 Response to the Appellant's Statement

Comments from Planning History section

6.1 Paragraph 2.06 of the Appellant's Statement claims that the Officer's report for the original approval under 2011/3819/P confirms that the waste facilities are adequate and the cycle parking facilities are sufficient in terms of location, design and layout. It is noted that the Committee Report represents an Officer's opinion only and is not a binding view of the Council. The matter of the design and location of the waste and cycle storage was discussed at length by Members of the Planning Committee. Members considered that the waste and cycle storage should be relocated to the rear yard of the property accessed from Swain's Lane. This was discussed with the applicant at the public meeting who confirmed that it would be possible to redesign the location of the bin enclosure/cycle storage. Following this, Members agreed to approve the application subject to additional conditions requiring details of waste and cycle storage. This can be seen in the Development Control Committee Minutes from 23/05/2012 on page 6 of Appendix 5. It is noted that both the waste and cycle storage conditions were originally drafted as compliance conditions (i.e. the submitted details needed to be implemented prior to the occupation of the development) and they were both modified to become pre-commencement conditions requiring details prior to the commencement of the development. This change to the wording of the conditions is crucial as it shows that the Council found the submitted details of waste and cycle storage unacceptable. Rather than refuse the application the Council decided to reserve these details for condition to be agreed at a later date.

6.2 The submitted details of the waste/cycle storage under 2011/3819/P included two bins hidden behind a front boundary wall and two open Sheffield Stands for cycles on the Highgate Road frontage of the appeal site. This location was considered unacceptable by the Council as it would affect the openness of the front yard. It is noted that neither the bins nor stands were within an enclosed structure which reduced their visual presence in the yard. They were more acceptable visually than the current appeal proposal which proposes much more substantial structures along with associated landscaping to screen them. The cycle storage facilities submitted as part of the original proposal were especially unacceptable as they were open, unsecure and not weather proof. The Inspector as part of a combined appeal decision on 22/09/2014 (see page 6 of Appendix 4) noted "*that it is important for bikes to be kept under cover, as bikes which are wet, or covered in frost or snow, are less likely to be used, and prolonged exposure to the elements would make it more difficult to maintain the bicycles in good order.*"

6.3 The waste and cycle storage details required under conditions 9 and 10 of 2011/3819/P have already been approved and implemented under 2014/3461/P as para 2.10 of the Appellant's Statement suggests. The facilities have been provided within the rear service yard accessed from Swain's Lane. Due to the presence of a tall secure gate on Swain's Lane, the waste and cycle facilities would be both secure and hidden from public view.

6.4 Paragraph 2.12 of the Appellant's Statement makes reference to the recent refusal under 2014/6953/P which was dismissed at appeal. It notes that the Inspector considered that the details included significantly greater detail in respect of landscaping and that they were happy with the impact on the character and appearance of the area. The dismissed scheme was materially different to the current appeal proposal. It contained significantly more landscaping – including a large tree and a significant variety of planting within a larger landscaped area to the front of the site – and the storage structures had a greater setback from Highgate Road. The refused details were technically insufficient (in terms of the amount of space provided within the enclosures) which has led to reduced landscaping (in terms of amount, type and variety) and provision of cycle parking in the appeal proposal. See Figures 2 and 3 below for a comparison of the dismissed scheme under 2014/6953/P with the current appeal proposal:

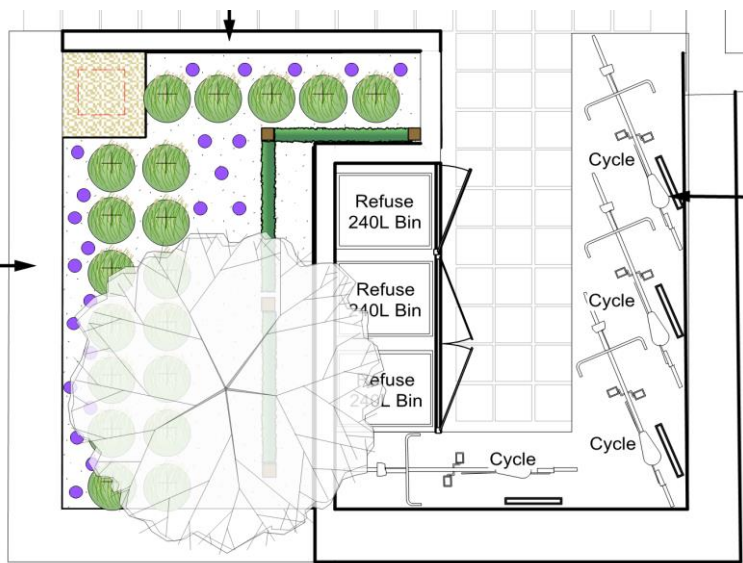


Figure 2 (above): Proposed plan from refused Approval of Details application ref: 2014/6953/P

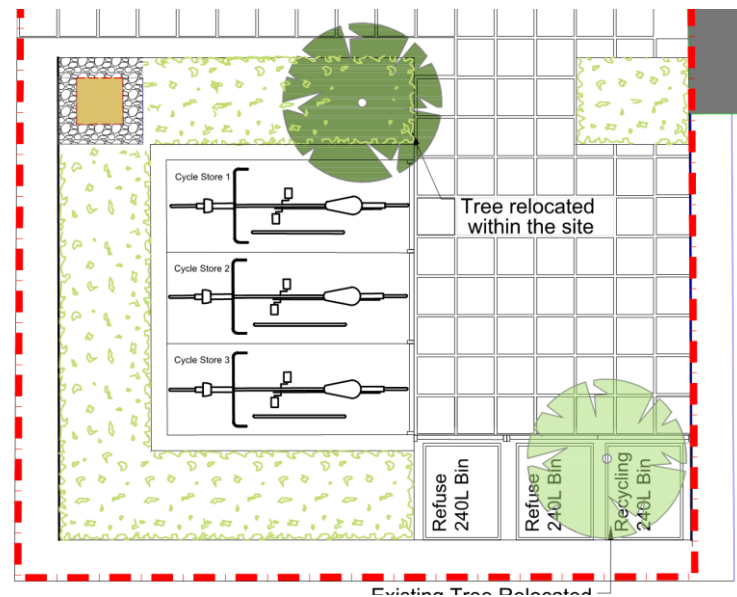


Figure 3 (above): Proposed plan from the appeal proposal ref: 2015/4362/P

Comments from Planning Appraisal section

6.5 Paragraph 6.02 of the Appellant's Statement mentions that this part of the site has never been landscaped, that it has always been hard surfaced, that existing walls already harm the openness of the forecourt and that the existing metal blades above the electricity substation detract from the character and appearance of the appeal site and surrounding area. This part of the site has always had some form of landscaping, predominantly through a mature cherry tree (shown in Figures 4 and 5 below) which was unlawfully

removed and through various potted plants. While the area has been hard surfaced for a number of years, the Council does not consider that this affects the openness of the forecourt or detracts from its appearance. The mere presence of a hard surface certainly does not justify putting permanent structures over it. The 1.8m high side boundary wall and “unsightly metal blades” that the Appellant refers to are not being improved by the appeal proposal. Under previous proposals, the reduction in height to the 1.8m side wall and additional landscaping that could eventually cover the metal blades of the substation were seen as benefits that would outweigh the loss of openness to the forecourt. This point is made in paragraph 12 of the appeal decision on 22/09/2014 (see page 4 of Appendix 4):

“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 substation.”

6.6 Figures 4-8 below show the appeal site’s development from July 2008-May 2016.



Figure 4 (above): Front elevation of appeal site from Highate Road in July 2008 (Source: Google Streetview). Note: large mature tree, lower front and side boundary walls.



Figure 5 (above): Front/side elevation of appeal site from junction of Swain's Lane and Highgate Road in July 2008 (Source: Google Streetview)



Figure 6 (above): Front elevation of appeal site from Highgate Road in May 2009 (Source: Google Streetview). Note: mature tree removed, boundary treatment altered.



Figure 7 (above): Front elevation of appeal site from Highgate Road in June 2014 (Source: Google Streetview). Note: forecourt has now been divided into two.



Figure 8 (above): Front/side elevation of appeal site from junction of Swain's Lane and Highgate Road in May 2016

6.7 Further to the above the type of surfacing to an open space (whether hard or soft) does not deter openness. The walls enclosing the forecourt are around its perimeter so do not affect its openness within. The front boundary wall is low in height with views over it possible so onlookers can appreciate the openness of the area behind it. The Appellant suggests in para 6.03 that the substation will be “significantly screened” by the landscaping which is not correct. The landscaping is limited to hedging to the front of the site, an existing tree would be moved which currently does not offer much in the way of screening and wildflower planting (which could never feasibly grow to a height that could screen the substation behind it) would be placed over the cycle enclosure. Due to the nature of the landscaping the Council considers that it would not screen the unsightly curved, rotating blades on top of the front wall of the substation as the planting would not reach a great enough height to do so.

6.8 Paragraph 6.04 of the Appellant’s Statement considers that the waste and cycle storage structures take up a relatively small proportion of the overall forecourt area and that the landscaping would add to the attractiveness of the area. It is important to note that overall, the forecourt area would lose a significant amount of openness due to the storage structures and the associated landscaping. Furthermore, in terms of the part of the forecourt that the appeal proposal is related to, the enclosures and landscaping would occupy a large proportion of it leaving this area cramped. This is best demonstrated by the Appellant’s own 3D image that was submitted with the original planning application (see Figure 9 below):



Figure 9 (above): Submitted 3D drawing of the proposal as part of the appeal proposal.

6.9 The Appellant also claims that the proposed landscaping would add to the attractiveness of the area. The landscaping scheme as part of the appeal proposal is not as attractive as previous submissions. It has made the approach of providing a hard hedgerow around the enclosures to screen them and to place a wildlife blanket on top. The hedge and limited planting is unlikely to add visual interest and will draw attention to the structures they are attempting to mask.

7.0 Conclusion

7.1 On the basis of information available and having regard to the entirety of the Council's submissions, including the contents of this letter, the Inspector is respectfully requested to dismiss the appeal. Without prejudice to the appeal, a list of suggested conditions is attached as Appendix 1.

7.2 If any further clarification of the appeal submissions are required please do not hesitate to contact Jonathon McClue on the above direct dial number or email address.

Yours sincerely,

Jonathon McClue
Principal Planning Officer
Regeneration and Planning
Supporting Communities

8.0 Appendices

Appendix 1: Suggested conditions

Appendix 2: Officer's Report for 2015/4362/P

Appendix 3: Decision Notice for 2015/4362/P dated 02/11/2015

Appendix 4: Appeal Decisions dated 22/09/2014

Appendix 5: Development Control Committee Minutes 23/02/2012

Appendix 1: Suggested conditions

- 1) The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3) Prior to the commencement of any works on site, a detailed method statement for the relocation of the existing tree on site (as annotated on drawing no. 15HR/P/140/6) shall be submitted to and approved by the Council in writing.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 4) No development shall take place until the submission of a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 5) No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

Appendix 2: Officer's Report for 2015/4362/P

Delegated Report		Analysis sheet		Expiry Date:	23/09/2015
		N/A / attached		Consultation Expiry Date:	03/09/2015
Officer			Application Number(s)		
Jonathan McClue			2015/4362/P		
Application Address			Drawing Numbers		
15 Highgate Road London NW5 1QX			Refer to Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Bin and cycle storage along with landscaping scheme for the residential flats					
Recommendation(s):		Refuse			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	07	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>A site notice was displayed on 12/08/2015 and the application was advertised in the local press on 13/08/2015.</p> <p>9 written objections were received from residents at 23B, 31, 34, 39, 44, 45, 46 and 2 Court View Swain's Lane. The objections from the individual letters are summarised below:</p> <ul style="list-style-type: none"> • The proposal would harm the character and appearance of the front of the property and detract from the corner of Highgate Road and Swain's Lane • The proposed planting would be an inadequate replacement of illegally cut down cherry tree (officer comment: this has now been addressed as the replacement tree would be replanted) • The landowners have not complied with many of the conditions set out in the original permission for the residential flats (ref: 2011/3819/P) (officer comment: the conditions of the original permission are currently considered to be complied with) • An application has been implemented for refuse and cycle storage to the rear of the site under 2014/3461/P 					
CAAC/Local groups* comments: *Please Specify	<p>Dartmouth Park CAAC were consulted on 10/08/2015 and an objection was received on 05/10/2015. Objections were also received from the Swain's Lane R&NW Association and the Swain's Lane Development Committee. The concerns raised are summarised below:</p> <ul style="list-style-type: none"> • The proposal would harm the character and appearance of the conservation area in a sensitive site opposite an entrance to Hampstead Heath • The position of the bins would create collection problems • The refuse would create health and safety concerns as it would be adjacent to an outdoor seating area • The landscaped area would create a hiding place for potential attackers • The cycle area is unusable due to its positioning and size • Less than 4 spaces would be provided which is a requirement of condition 10 of the original planning permission under 2011/3819/P. This is inadequate for 3 flats • A significant tree was removed from the front of the premises in 2009. The Council required suitable replacement trees to be planted. The replacement tree adds to the feeling of bulk in proposed position and would not screen the electricity substation to the rear • 3 x 240L storage bins would not be sufficient • The planting required would be difficult to maintain and would become an eyesore • An application has been implemented for refuse and cycle storage to the rear of the site under 2014/3461/P. Therefore, there is no need to 					

consider the current application

- Refuse left on the pavement would create health and safety issues
- Gas access points, meters and pipework have been installed without permission on the front of the property. These are not shown on the drawings of the current application. They cause visual amenity issues and are a fire hazard

Officer comment:

- *See section 3 below (Character and Appearance) for assessment on harm to conservation area*
- *See section 4 below (Assessment of Refuse Storage Details)*
- *The refuse would be contained within a closed storage structure, would be behind a low level wall and landscaping separating the residential and restaurant forecourts and would have a significant setback (6.7m) from the eating area which is limited to three small tables. The refuse area is therefore unlikely to result in health and safety issues*
- *The proposal is not considered more likely to provide a hiding place than the existing situation as the forecourt has front and side boundary walls that could act as a hiding place*
- *See section 5 below (Assessment of Cycle Storage Details)*
- *This planning application is an independent submission and not in relation to the details required by the conditions of 2011/3819/P. Therefore, there is no requirement in terms of cycle space numbers*
- *See section 3 below (Character and Appearance) for assessment on the landscaping on screening the rear substation*
- *See section 4 below (Assessment of Refuse Storage Details) regarding number of refuse bins*
- *A landscaping and maintenance scheme could be required via planning condition*
- *Although an alternative scheme has been implemented under 2014/3461/P to the rear of the site, the Council has a statutory obligation to consider the merits of the current scheme*
- *The provided bin storage is considered adequate and issues involving refuse left on the public highway would become a planning enforcement matter*
- *The gas installations to the front of the application building do not form part of the proposal and are therefore not required to be shown on the drawings or assessed. Whether they need planning permission is a separate enforcement matter*

Site Description

The application site comprises of the Carob Tree Restaurant on the ground floor and basement with 3 self-contained residential flats located on the above floors (1-3). The property is located on the junction of Highgate Road, Swain's Lane and Highgate West Hill. Elsewhere on this junction is a single storey parade of shops to the north on Swain's Lane, a variety of mainly two-storey buildings (shops with residential accommodation above) to the east of the application site (on the south side of Swain's Lane) and the four storey 1-4 Highgate West Hill (again shop units with residential accommodation above). To the south and west of 1-4 Highgate West Hill is Hampstead Heath, while further to the north is the residential Brookfield Mansions.

The host building is not listed but is located in the Dartmouth Park Conservation Area. Furthermore, it is situated in close proximity to the boundary with both Highgate Village Conservation Area (30 metres) and Holly Lodge Estate Conservation Area (35 metres away). An entrance to Hampstead Heath lies adjacent on the opposite side of Highgate Road. In addition, the property is located within a designated neighbourhood shopping centre.

The site was granted planning permission for a new third floor and 3 self-contained flats under 2011/3819/P. Conditions 9 and 10 of this approval relate to bin and bike storage. These conditions have been formally discharged and implemented under 2014/3461/P. The residential cycle and bin storage facilities have been incorporated within a rear yard behind the host building that is accessed from the side of the property from Swain's Lane. Planning permission also exists for a single storey side/rear extension to the ground floor restaurant (ref: 2013/5645/P) that would extend over the majority of this yard. The development of the ground floor extension has not commenced. While this application is an independent planning permission and must be assessed as such, the bin and cycle storage that form part of the proposal would serve the residential units created under 2011/3819/P.

Relevant History

There have been a number of refusals and appeals relating to the discharge of conditions 9 and 10 of 2011/3819/P which relate to the bin, cycle and landscaping details which are the subject of this planning application. A summary of the applications, appeals and enforcement history is provided below. The appeal references below were all considered as part of a consolidated decision by the Planning Inspectorate on 22/09/2014.

Planning applications:

2011/3819/P: Planning permission was granted subject to a Section 106 Agreement on 30/03/2012 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". Conditions 9 and 10 required bin and cycle storage detailed to be provided before the occupation of the residential units.

2013/5645/P: Planning permission was refused on 08/04/2014 for the "Erection of single storey side extension at ground floor level of restaurant (Class A3)". The reasons for refusal were based on the proposed size, layout and location of the combined refuse/recycling and cycle storage facilities to the rear of the site as they were both inadequate and inconvenient and due to the failure to secure a Section 106 agreement for a Construction Management Plan.

A subsequent appeal was allowed on 22/09/2014 under APP/X5210/A/14/2221154.

2014/0409/P: An approval of details application was refused on 12/05/2014 for details relating to condition 9 (details of waste storage) of planning permission dated 30/03/2012 under 2011/3819/P. It was refused on the basis of the facilities being harmful to the visual amenities of the property, the

street scene and the Dartmouth Park Conservation Area.

A subsequent appeal was dismissed on 22/09/2014 under APP/X5210/A/14/2221155.

2014/0416/P: An approval of details application was refused on 12/05/2014 for details relating to condition 10 (details of cycle storage) of planning permission dated 30/03/2012 under 2011/3819/P. The reasons for refusal were based on visual amenity and the un-covered cycle stands failed to provide secure, sheltered cycle provision.

A subsequent appeal was dismissed on 22/09/2014 under APP/X5210/A/14/2221156.

2014/0422/P: An approval of details application was refused on 12/05/2014 for “Details relating to conditions 9 &10 (details of waste and cycle storage) of planning permission dated 30/03/2012 under 2011/3819/P. The reasons for refusal were based on visual amenity and the un-covered cycle stands failed to provide secure, sheltered cycle provision.

A subsequent appeal was dismissed on 22/09/2014 under APP/X5210/A/14/2221157.

2014/0738/P: An approval of details application was refused on 12/05/2014 for details relating to conditions 9 &10 (details of waste and cycle storage) of planning permission dated 30/03/2012 under 2011/3819/P. The reason for refusal was due to the size, layout and location of the refuse and cycling facilities being both inadequate and inconvenient.

A subsequent appeal was dismissed on 22/09/2014 under APP/X5210/A/14/2221159.

2014/3461/P: An approval of details application was approved on 07/07/2014 for details relating to conditions 9 and 10 (details of cycle and refuse storage) of planning permission dated 30/03/12 under 2011/3819/P. The proposal incorporates the cycle and refuse within the rear yard area (accessed from Swain’s Lane) on space that would also form part of the footprint of the side/rear extension that was approved at appeal under 2013/5645/P. These details have been implemented on site.

2014/6953/P: An approval of details application was refused on 05/03/2015 with a warning of enforcement action to be undertaken regarding the breach of conditions 9 and 10 of 2011/3819/P. The reasons for refusal were based on the physical constraints and technical inadequacies of the refuse and cycle stores and the absence of a suitable control mechanism to ensure the proposed landscaping would be implemented and maintained thereafter.

The application has subsequently been appealed and is ongoing under APP/X5210/W/15/3133949.

Planning appeals:

The appeals referenced above were all considered together under a decision made on 22/09/2014. The appeal for the single storey extension to the restaurant (APP/X5210/A/14/2221154) was allowed while the four Approval of Details applications were all dismissed by the Inspector. In dismissing the Approval of Details appeals for bin and cycle storage within the forecourt of the premises, the Inspector considered that there would be a small loss of openness, however, that there would be benefits such as 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 eventually assist in hiding the unsightly metal blades on top of the front wall to the substation located behind the application site. The Inspector also stated that whether a proposal within the forecourt would be acceptable would be subject to a substantial landscaping scheme.

Planning enforcement:

EN09/0332: An enforcement case was opened after the removal of a cherry tree to the front of the property. The enforcement case was closed on 12/11/2010 after a satisfactory replacement was planted. The replacement tree still stands today.

EN14/0289: A Breach of Conditions Notice was issued based on the failure to discharge conditions 9 and 10 (details of cycle and refuse storage) of planning permission ref. 2011/3819/P. The Notice was issued after the appeal proposal was refused by the Council. No further action was taken after the landowner complied with the Notice on 21/07/2015 by implementing the details approved under 2014/3461/P. Therefore, the terms of the Notice have been met.

Relevant policies

NPPF 2012

London Plan March 2015, consolidated with alterations since 2011

Local Development Framework 2010

Core Strategy

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)

Development Policies

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 (CPG)

CPG1 (Design) 2015

CPG6 (Amenity) 2011

CPG7 (Transport) 2011

Dartmouth Park Conservation Area Appraisal and Management Statement (Adopted 22 January 2009)

Assessment

1.0 Background

1.1 Planning permission was granted on 30/03/2012 under 2011/3819/P to create three (2x2 and 1x3 bed) self-contained flats; rear extensions at first and second floor level and a roof extension to create a third floor. This approval was subject to a number of pre-commencement conditions including conditions 9 and 10 which require details of bin and cycle storage to be implemented prior to the occupation of the development.

1.2 Following the above approval, the Council refused a subsequent planning application for a ground floor extension to the restaurant over the rear service yard of the property under 2013/5645/P on 08/04/2013. The main reason for refusal was in relation to the proposed waste and cycle storage being inadequate, inconvenient and of an unacceptable harm to the character and appearance of the host property and the conservation area. The proposed waste and cycle facilities were proposed in part of the existing service yard accessed from Swain's Lane.

1.3 The refusal of 2013/5645/P was allowed on appeal under APP/X5210/A/14/2221154 (on 22/09/2014). Within the decision, the Inspector considered the details of the cycle storage inadequate to the rear of the site as the small space available (due to the majority of the yard being covered by the proposed extension) would make it difficult to access and use the area.

1.4 Four separate Approval of Details (AOD) applications in relation to conditions 9 and 10 of 2011/3819/P were refused by the Council and dismissed at appeal on 22/09/2014. These are 2014/0409/P, 2014/0416/P, 2014/0422/P and 2014/0738/P. The first three of the dismissed proposals were for bin and cycle storage within the forecourt. Following the outcome of the appeal decision, a further application was submitted under 2014/6953/P. This refusal is the subject of a current appeal under APP/X5210/W/15/3133949 and also proposed for the bin and cycle storage to be contained within the forecourt.

1.5 An Approval of Details application was approved under 2014/3461/P relating to conditions 9 and 10 (details of cycle and refuse storage) of 2011/3819/P. The proposal incorporates the bin and cycle storage within the rear yard of the application site that would also form part of the footprint of the rear/side extension referred to in paras 1.2 and 1.3 above. The details were approved on 07/07/2014 and have been implemented.

2.0 Proposal

2.1 Planning permission is sought for bin and cycle storage and a landscaping scheme for the residential flats on the application site. The proposal would be located in the forecourt of the building which fronts Highgate Road. It is noted that this application is an independent planning application in its own right and should not be assessed against the requirements of conditions 9 and 10 of 2011/3819/P, however, the proposal relates to those details required and the detailed planning history should be taken into account when considering the appropriateness of the development here.

2.2 The proposal includes an enclosure for 3 x 240L refuse bins that would have a height of 1.74m, a width of 798mm and a length of 2.01m.

2.3 The cycle enclosure would be secure and weather proof with a height of 1.29m and total dimensions of 1.94m by 2.31m. It would include 3 separate cycle storage areas with Sheffield Stands.

2.4 The landscaping details include a large hedge along the front and side of the cycle storage to provide screening, a green roof to the cycle storage and an existing cherry tree would be relocated. Details of the planting species proposed and a planting maintenance schedule have been submitted.

3.0 Character and Appearance

3.1 Policy DP24 of the Local Development Framework (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. 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 further states that this character and appearance can be eroded through the loss of features including garden settings, which make a particular contribution to conservation areas. 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 and located, especially in conservation areas.

3.2 The Highgate Road frontage of the application site represents the principal elevation of the building, which occupies a highly prominent location on the corner of Swains Lane and Highgate Road and importantly is located opposite Hampstead Heath. The existing forecourt is considered to provide an open frontage which contributes positively to the character and appearance of the Dartmouth Park Conservation Area. It is considered that the proposed bin and cycle storage facilities, due to their large scale, height and significantly bulky appearance, would result in a significant loss of openness within this forecourt and would appear unduly prominent, incongruous and cramped in appearance. The proposed structures would 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. It is noted that previous refusals on the application site for bin and cycle storage involved open cycle stands with no external structures. The additional structure to store the cycles would therefore result in a materially greater loss of openness to the forecourt than those refusals which were dismissed at appeal.

3.3 Within the relevant appeal decision on the application site on 22/09/2014 in paragraph 12, the Inspector stated that the loss of openness would be outweighed through the reduction in height of the side wall and by providing a landscaping scheme that would add to the attractiveness of the area and would assist in hiding the unsightly metal blades located on top of the front wall of the substation. Paragraph 13 of that decision states that the acceptability of a proposal within the forecourt would be dependent on the provision of a substantial landscaping scheme.

3.4 The proposal here would retain the side wall in the courtyard and not lower it as the proposals which were dismissed at appeal would. Therefore, this improvement to the character and appearance of the conservation area would be lost. The proposed landscaping scheme has also been significantly reduced from those previously dismissed at appeal in terms of the area covered by planting and the range of species provided. The scheme as proposed simply includes a high level hedge to screen the cycle storage structure. It is not considered the proposed hedge would add to the attractiveness of the area, and, due to its location and height/type of planting, would not assist in hiding the metal blades of the substation's front wall as suggested by the Inspector. Therefore, the harm caused to the openness of the forecourt would not be outweighed by any associated benefits given the side wall would remain and the landscaping would be less than substantial and unable to screen the metal blades above the substation's front wall. Given the loss of openness is greater in the current proposal than those refused at appeal and that there are no benefits to outweigh this harm, the application must be refused.

3.5 Overall, the proposal would result in a cramped form of development in this small yet open forecourt. It would comprise of a low level wall, hedging and two large incongruous storage structures that would lead to a complete loss of the forecourt's open character. Furthermore, there would be no associated benefits of the development to outweigh this harm.

3.6 The proposal would therefore result in a significant level of harm to the character and appearance of the host building, the wider streetscene and would neither preserve nor enhance the character and appearance of the Dartmouth Park Conservation Area. This is contrary to policies DP24 and DP25 of the Local Development Framework. The storage structures 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.

3.7 It is considered that a more appropriate location for the bin and cycle storage is the rear service yard accessed by the Swain's Lane elevation of the site, since this would ensure it would not be publicly visible and therefore have no harmful visual impact on the host building or wider conservation

area. Based on the previous refusals on the application site and the inappropriateness of the scheme here, the Council considers that it would not be possible to find a solution within the forecourt and that the only workable solution is to use the entire existing service yard for the provision of these stores, as demonstrated by the fact there is an approved scheme in place that has been implemented under 2014/3461/P.

4.0 Assessment of Refuse Storage Details

4.1 The refuse store would provide 2 x 240L refuse bins and a 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.

5.0 Assessment of Cycle Storage Details

5.1 CPG7 (Transport) provides guidance on cycle parking standards and details of their design and layout within section 9. The submitted details state that a secure weather proof enclosure would be provided with 3 lockable doors with Sheffield Stands inside. This would be in accordance with CPG7 with page 49 stating that Camden recommends either “Camden” or Sheffield stands for the provision of off-street cycle parking. While the submission does not demonstrate that the store is secure and weatherproof, these details could be reserved via planning condition if the proposal was deemed acceptable.

5.2 Figures 3 and 4 and paragraphs 9.25 and 9.26 within CPG7 provide further design details for Sheffield stands. The stand itself needs to measure between 700-800mm (in length) and be at a height of 1500mm. An elevation of the Sheffield Stand has been submitted as drawing number 15HR/P/140/4. The stands would be approximately 790mm in height and 770mm in length. While the height is lower than the guidance provided this is not considered to justify a refusal in this instance. The final details of the Sheffield Stands could be required via a condition to overcome this shortfall and as they are within an external structure a lower height may be acceptable.

5.3 For adjacent stands, which is the case here, an area of at least 1800mm by 500mm is required next to each stand. The submitted plans demonstrate that these dimensions would be complied with.

5.4 Cycle track plots have been submitted within drawings numbers 15HR/P/140/7 and 15HR/P/140/8. They demonstrate that access to the cycle stores would be possible although it would be restricted. The plans show a small hedge attached to the front wall of the building which would make access to the bin and cycle storage area of the forecourt more difficult. Officers consider that if this were to be removed that it would improve the ability of residents to manoeuvre their cycles in and out of the area. This however would lead to a further reduction to the landscaping scheme which is already considered insufficient.

6.0 Recommendation: Refuse Planning Permission

Appendix 3: Decision Notice for 2015/4362/P dated 02/11/2015

Miss Hersha Bhundia
7 Europa Studios,
Victoria Road,
London NW10 6ND
United Kingdom

Application Ref: **2015/4362/P**
Please ask for: **Jonathan McClue**
Telephone: 020 7974 4908

2 November 2015

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused

Address:
15 Highgate Road
London
NW5 1QX

Proposal:

Bin and cycle storage along with landscaping scheme for the residential flats
Drawing Nos: (15HR/)L/06 Rev D; P/12 Rev A; P/140/4; P/140/5; P/140/6; P/140/7;
P/140/8; E/010, 2015-010-L01-P1, Design and Access Statement dated July 2015; 15
Highgate Road Planting Species and Planting Maintenance Schedule.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed development, due to the size, height and bulk of the external storage structures, would result in a loss of openness within the forecourt and an incongruous and cramped development that would be materially harmful to the character and appearance of the host property, the wider streetscene and would neither preserve nor enhance the character and appearance of the Dartmouth Park Conservation Area. Therefore, the proposal would fail to comply with the London Borough of Camden Local Development Framework Development Policies with particular regard to policy CS14 (Promoting high quality places and conserving our



heritage) and London Borough of Camden Local Development Framework Development Policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ed Watson', with a stylized flourish at the end.

Ed Watson
Director of Culture & Environment

Appendix 4: Appeal Decisions dated 22/09/2014

Appeal Decisions

Site visit made on 18 August 2014

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 September 2014

Appeal A Ref: APP/X5210/A/14/2221154

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Fruition Properties against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/5645/P, dated 5 September 2013, was refused by notice dated 8 April 2014.
 - The development proposed is a single storey side extension to the Carob Tree restaurant.
-

Appeal B Ref: APP/X5210/A/14/2221155

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Fruition Properties against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/0409/P, dated 15 January 2014, sought approval of details pursuant to condition No 9 of a planning permission Ref 2011/3819/P, granted on 30 March 2012.
 - The application was refused by notice dated 12 May 2014.
 - The development proposed is a 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.
 - The details for which approval is sought are those of waste storage and removal facilities.
-

Appeal C Ref: APP/X5210/A/14/2221156

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Fruition Properties against the decision of the Council of the London Borough of Camden.
- The application Ref 2014/0416/P, dated 16 January 2014, sought approval of details pursuant to condition No 10 of a planning permission Ref 2011/3819/P, granted on 30 March 2012.
- The application was refused by notice dated 12 May 2014.
- The development proposed is a 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.

- The details for which approval is sought are those of cycle storage.
-

Appeal D Ref: APP/X5210/A/14/2221157

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Fruition Properties against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/0422/P, dated 16 January 2014, sought approval of details pursuant to conditions Nos 9 and 10 of a planning permission Ref 2011/3819/P, granted on 30 March 2012.
 - The application was refused by notice dated 12 May 2014.
 - The development proposed is a 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.
 - The details for which approval is sought are those of waste storage and removal and cycle storage.
-

Appeal E Ref: APP/X5210/A/14/2221159

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Fruition Properties against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/738/P, dated 16 January 2014, sought approval of details pursuant to conditions Nos 9 and 10 of a planning permission Ref 2011/3819/P, granted on 30 March 2012.
 - The application was refused by notice dated 12 May 2014
 - The development proposed is a 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.
 - The details for which approval is sought are those of waste storage and removal and cycle storage.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for a single storey side extension to the Carob Tree restaurant at The Carob Tree, 15 Highgate Road, London NW5 1QX in accordance with the terms of the application, Ref 2013/5645/P, dated 5 September 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos Site Location Plan,

SA/PL/101/03A, SA/PL/101//04A, SA/PL/101/05B, 15HR/P106A, 15HR/P109A, 15HR/P110A, 15HR/P111 and 15HR/P112A except in respect of the waste and cycle storage details shown on plan Nos 15HR/P/106A and 15HR/110/A.

- 3) All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.
- 4) The area in front of the extension shown on drawing 15HR/P/106A shall be kept free for the storage of refuse in connection with the restaurant, and prior to the occupation of the extension hereby approved, a 1100L Eurobin and a 940L box paladin shall be provided within this area, and shall thereafter be retained in connection with the restaurant use.

Appeals B, C, D and E

2. The appeals are dismissed.

Procedural matter

3. A unilateral undertaking under S.106 of the Town and Country Planning Act 1990 has been submitted by the appellants, dealing with construction management. I shall refer to this further below.

Background

4. Planning permission Ref 2011/3819/P was granted for the change of use, enlargement and alteration of the upper floors above the restaurant to create 3 flats, subject to conditions which, amongst other things, required details of waste and cycle storage to be submitted to and approved by the Council. There were only two external areas where storage could be provided, on the Highgate Road frontage and in the service yard at the side of the restaurant accessed from Swains Lane.
5. The application subject of Appeal A seeks to extend the restaurant into most of the service yard, leaving an area nearest to Swains Lane, where it is proposed to site both waste and cycle storage. Approval of such an arrangement was sought through the application which is the subject of Appeal E. Alternative proposals were made in the applications subject of Appeals B (waste), C (cycle storage) and D, (waste and cycle storage), all involving the part of the site fronting Highgate Road.
6. Since the making of the appeals, approval in discharge of conditions 9 and 10 has been granted by the Council on 7 July 2014, Ref 2014/3461P, with both waste and cycle storage sited within the service yard accessed from Swains Lane. This approved solution would preclude the erection of the proposed extension, subject of Appeal A.

Main Issues

7. The main issues are:
 - i) whether the cycle and waste storage arrangements would preserve or enhance the character and appearance of the Dartmouth Park Conservation Area, (Appeals B, C and D)

- ii) the acceptability of the proposed arrangements for the storage for cycles (Appeals A, C, D and E)
- iii) the acceptability of the proposed arrangements for the storage and removal of waste (Appeals A and E), and
- iv) whether suitable arrangements are in place to ensure that neighbours' living conditions and the convenience and safety of road users can be safeguarded during construction (Appeal A).

Reasons

Character and appearance - Appeals B, C and D

8. These proposals seek to provide storage for waste and cycles at the front of the premises, facing Highgate Road. Appeals B and C show the same layout, and seek approval for waste and cycle storage respectively, whilst Appeal D seeks approval of both waste and cycle storage in an alternative layout.
9. The Council's concern with all of these proposals relates to appearance. The appeal site is located on the corner of Highgate Road and Swains Lane, and opposite one of the pedestrian access points to Hampstead Heath. It is in a prominent position, and the forecourt of the site, which is mainly enclosed to the front by a 1m high wall, is readily visible to passers-by.
10. To the south of the appeal site is a block of flats, the front elevation of which is roughly in line with the front of the building on the appeal site. The front garden of the flats is bounded by a low wall and hedge, and is separated from the appeal site by a wall about 1.8m high. Accordingly, there is not a long, uninterrupted frontage along the Highgate Road, and whilst there are largely open frontages on the opposite side of Highgate Road, again, they are not uninterrupted.
11. The proposal subject of Appeals B and C would see a combined refuse and cycle store in a walled enclosure in front of the existing electricity sub-station. The plan shows planting in the 2m wide gap between the enclosure and the reduction in the height of the side wall. 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.
12. 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.
13. However, the acceptability of the proposals subject of Appeals B and C is dependent on the provision of substantial landscaping at the front of the site. The submitted plans and documents do not provide sufficient detail of the size and species of plants, whether they would be in containers or planted in the ground, a timetable for implementation or arrangements to secure their retention and replacement if necessary. It is not possible to impose a condition to secure the submission of further details on the discharge of a condition of

this nature, and without sufficient safeguards to ensure that the planting would provide a necessary and appropriate screen, I conclude that the proposals subject of Appeals B and C would not preserve the character and appearance of the Dartmouth Park Conservation Area, and would conflict with London Borough of Camden Local Development Framework Development Policies (DP) Policies DP24 and DP25, which respectively deal with securing high quality design and conserving Camden's heritage.

14. The proposal subject of Appeal D would result in a larger, but more open area to be used for the storage of bikes and refuse. The area would only be partly screened by planting, and this could not be relied upon to provide an effective means of preventing the bins and bikes being visible when seen from Highgate Road; this would appear cluttered and unsightly which would be out of keeping with the largely open nature and pleasing appearance of the forecourts in the vicinity.
15. I refer below to the need to ensure that the cycle storage area is under cover, and although in respect of the proposal in Appeals B and C, any such cover would be largely hidden by the front wall, in this proposal, there would be no wall to screen it, and the cover would be likely to add to the incongruity that I have found.
16. I therefore consider that the proposed storage arrangements which are the subject of Appeal D would not preserve or enhance the character or appearance of the Dartmouth Park Conservation Area, and would conflict with the design and heritage policies referred to above.

Adequacy of cycle storage (Appeals A, C, D and E)

17. Appeals A and E propose providing both waste and cycle storage in part of an existing service yard accessed from Swains Lane. The size of the yard would be smaller than currently exists.
18. The cycle store is proposed to be sited to the rear of the waste storage area, in an area separated by gates/railings. The bike store area would measure about 1m by 3m and is intended to accommodate 4 bicycles. No details of the proposed bicycle stands have been provided, nor have specific drawings showing how 4 bikes could be accommodated. The layout as shown would not comply with the Council's guidance on space for cycle stands. From what I saw on my visit, I consider that the small space available would make it very difficult for occupiers to manoeuvre bikes in and out of the storage area, even if a steeply-angled type of rack were to be used.
19. Access to the cycle store through the restricted space in the waste storage area would also be difficult, especially if the bins were not placed right up against the side walls or if other rubbish were placed on the ground. I recognise that the need to access the bike store through the waste storage area could make it unpleasant if the waste becomes smelly. These factors could also deter use of the bike store. I therefore find that the cycle storage arrangements proposed in respect of Appeals A and E would be unacceptable.
20. Turning to Appeals C and D, the cycle storage would be located at the front of the site, facing Highgate Lane. The only concern that the Council has indicated about the adequacy of the proposed arrangements (as opposed to their

appearance) relates to the stands not being covered. I acknowledge that such an arrangement was proposed on the plans for the planning permission (Ref: 2011/3819/P), and that there was no criticism of them in the officer's report. However, the Council specifically required separate details to be provided for cycle storage, so there is no inconsistency in approach, although I recognise that the reason for requiring such details did not include ensuring their adequacy.

21. The Council's adopted Supplementary Planning Guidance (SPG) *Camden Planning Guidance 7* seeks cycle storage for residents to be within the building. There is no ability to provide internal storage in this case, and the Council accepts that external storage would be acceptable. However, in such circumstances I agree that it is important for bikes to be kept under cover, as bikes which are wet, or covered in frost or snow, are less likely to be used, and prolonged exposure to the elements would make it more difficult to maintain the bicycles in good order. Although not shown on the submitted plans, the appellants argue that a condition could be imposed to require the submission and approval of a cover. As referred to above, there is no power to enable me to impose conditions on the discharge of a condition.
22. I therefore find that the cycle storage arrangements proposed for Appeals A, C D and E would not be satisfactory. No on-site car parking is provided, and although the site is close to bus stops, I nevertheless consider that the provision of adequate bike storage facilities is important to provide sustainable travel choice and to comply with local and national policies which aim to promote cycling as a sustainable transport mode. This is a sufficient reason to dismiss Appeals C, D and E.
23. However, as I have found that Appeal C 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 Swains Lane. Thus, there is no reason to withhold planning permission in respect of Appeal A for reasons relating to cycle storage.

Adequacy of waste storage (Appeals A and E)

24. Turning to waste storage, it is proposed to provide 3 bins in total, two 940L box paladins, one for the 3 flats and one for the restaurant, and a 1100L Eurobin for the restaurant, to be located in a reduced service yard accessed from Swains Lane. Officers confirmed in the report to Committee on this application that this level of provision complied with the standards set out in *Camden Planning Guidance: Design - Waste recycling and storage* (CPG16).
25. The siting would not comply with the advice in that guidance that such storage should be located within 10 metres of an external access, as the entrance to the flats is on the Highgate Road frontage. However, the Council objects to the siting of waste in that location, and thus the service yard is the only other location available. The approved scheme also fails to comply with this criterion. I therefore attach little weight to the failure to comply with this aspect of the advice.
26. The Council also argues that the area is too cramped, and would not comply with the advice in Figure 16 of CPG16 which says that the storage area should be accessible for collection purposes and not impede pedestrian or vehicular

access on public thoroughfares or to and from buildings. I consider that the bins could be sited within the area proposed, although the restricted size of the area would be likely to make it difficult, but not impossible, to manoeuvre them. However, if they were not placed exactly in the right position, or if additional waste were to be stored on the ground, the small size of the space would make it more difficult for the bins to be used or moved efficiently.

27. The Council's principal concern is that the restricted nature of the refuse storage would lead to waste being left out on the footway, impeding pedestrian traffic. Notwithstanding my view that the proposed arrangements would be satisfactory, even if waste were to be left on the footway, the Council has a range of powers under the Highways Act 1980 to deal with it.
28. The shortcomings that I have identified add to my concerns about inadequacy of the cycle storage arrangements in relation to the proposed solutions in Appeals A and E. In isolation, these shortcomings would not be sufficient to dismiss the appeals, but if I were to allow it, it would leave inadequate space for cycle storage within the service yard.
29. However, I consider that the waste and cycle storage proposals subject of Appeals B and C are broadly satisfactory, and accordingly, the remaining area of the service yard as proposed under Appeal A would be sufficient to accommodate the waste storage for the restaurant, and therefore a condition could be imposed to require that the service yard be used for the storage of waste, and the provision of a 1100L Eurobin and a 940L box paladin, facilities which the Council accept to be satisfactory to serve the restaurant.
30. I therefore conclude that the proposed waste storage arrangements in respect of Appeal A would be satisfactory and would not conflict with DP Policies CS5 (Managing the impact of growth and development), DP17 (Walking, cycling and public transport), DP18 (Parking standards and limiting the availability of car parking) or DP26 (Managing the impact of development on occupiers and neighbours). The proposed waste storage arrangements in respect of Appeal E would leave insufficient cycle storage space, and would not be satisfactory, and would conflict with the above mentioned policies.

Construction management (Appeal A)

31. The unilateral undertaking submitted by the appellants sets out measures that aim to mitigate adverse effects of construction on nearby occupiers and users of the highway. The Council has no objection to the substantive part of the obligation, but has raised concerns about legal issues in respect of the wording of the obligation. The most significant of these points concerns the parties to the obligation, but the appellants have explained that whilst the lessees of the restaurant are not party to the agreement, they do not have a legal interest in the part of the land where the development is proposed. I am thus satisfied that the obligation would be valid and enforceable.
32. The other criticisms of the obligation, whilst not without foundation, do not undermine the validity, content or enforceability of the obligation. I am therefore satisfied that it is sound, and otherwise meets the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. However, the Council has not explained why the provisions of the obligation

could not be achieved through the imposition of a condition, and this limits the weight that I attach to it.

Conditions

33. The Council has suggested a number of conditions which I have considered in the light of national guidance. A condition to require matching materials is required in the interests of appearance. I have referred to the need to impose a condition relating to refuse storage above. A condition to require the development to be carried out in accordance with the approved plans is needed in the interests of good planning and for the avoidance of doubt.

Conclusions

34. The interrelated nature of these appeals gives rise to some complexity. However, to pull the threads together, I find that although the cycle and waste storage arrangements shown on the plans for Appeal A would result in inadequate cycle storage for residents, as I have found that a satisfactory solution could be satisfactorily achieved by providing waste and cycle storage on the Highgate Road frontage, and by providing restaurant waste storage in the service yard accessed off Swains Lane, there is no impediment to granting permission for the proposed extension. Thus, I shall allow Appeal A but dismiss Appeal E, as the proposed cycle storage arrangements would not be satisfactory.
35. The waste and storage arrangements subject of Appeals B and C could only be made satisfactory if further details of landscaping and a covered cycle storage area were to be provided, something which cannot be achieved through an appeal under s.78. As these are necessary in order to arrive at a satisfactory provision of cycle and waste storage, Appeals B and C must also be dismissed.
36. The proposals subject of Appeal D would harm the character and appearance of the conservation area and it is unacceptable for that reason, and this too must be dismissed.
37. Accordingly, for the reasons given above, Appeal A is allowed, and Appeals B, C, D and E are dismissed.

JP Roberts

INSPECTOR

Appendix 5: Development Control Committee Minutes 23/02/2012

THE LONDON BOROUGH OF CAMDEN

At a meeting of the **DEVELOPMENT CONTROL COMMITTEE** held on **THURSDAY, 23RD FEBRUARY, 2012** at 7.00 pm in the Council Chamber, Town Hall, Judd Street

MEMBERS OF THE COMMITTEE PRESENT

Councillors Milena Nuti (Chair), Roger Freeman (Vice-Chair), Meric Apak, Paul Braithwaite, Sally Gimson, Sarah Hayward, Jenny Headlam-Wells, Valerie Leach and Gillian Risso-Gill

MEMBERS OF THE COMMITTEE ABSENT

Councillors Heather Johnson, Andrew Marshall, Thomas Neumark, Flick Rea, Matthew Sanders, Laura Trott and Sue Vincent

ALSO PRESENT

Councillors Maya de Souza and Adam Harrison

The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of this Committee.

MINUTES

1. APOLOGIES

Apologies for absence were received from Councillors, Johnson, Marshall, Rea, Trott and Vincent.

2. DECLARATIONS BY MEMBERS OF PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA

In relation to Item 7(1 & 2) The Old Dairy, Councillor Hayward stated that she had previously spoken against the item. She considered this to be a prejudicial interest and thus would not take part in the consideration and the voting of the item.

In relation to Item 7(4 & 5) 128A Camden Road, Councillor Braithwaite stated that he knew Mark McCarthy, the depute in objection, but had not discussed the application with him. He did not consider this to be a prejudicial interest and thus took part in the consideration and voting of the item.

In relation to Item 7(7) the Carob Tree Restaurant, Councillor Gimson and Leach declared they were ward Councillors for Highgate, but had not discussed the

application with anyone. Therefore they did not considered this to be a prejudicial interest and took part in the consideration and voting of the item.

In relation to Item 7(7) The Carob Tree Restaurant, Councillor Freeman declared that he lived close to the application site and had previously spoken against the application. He considered this to be a prejudicial interest and thus would not take part in the consideration and voting of the item.

3. ANNOUNCEMENTS

Webcasting

The Chair announced that the meeting was being broadcast live to the internet and would be capable of repeated viewing and copies of the recording could be made available to those that requested them. Those seated in the chamber were deemed to be consenting to being filmed and those addressing the Committee would be recorded and broadcast. Anyone wishing to avoid appearing on the webcast should move to one of the galleries.

Extra Meeting 1st March 2012

The Head of Development Management announced that there would be an extra meeting of the Committee on 1st March 2012.

Development Management Forum

The Head of Development Management announced that there was a Development Management Forum taking place on Tuesday 28th February at 6.30pm on the King's College/Kiddepore Avenue Site.

4. REPRESENTATIONS TO THE COMMITTEE

RESOLVED –

THAT the written submissions and deputation requests set out in the supplementary agenda be accepted.

5. NOTIFICATION OF ANY ITEMS OF BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT

There was no such business.

6. MINUTES

RESOLVED –

THAT the minutes of the meeting held on 2nd February 2012 be approved and signed by the Chair as a correct record.

7. PLANNING APPLICATIONS

Consideration was given to a report of the Director of Culture and Environment.

(1) THE OLD DAIRY, 7 WAKEFIELD STREET, LONDON, WC1N 1PG

(2) RELATED APPLICATION

The planning officer gave a brief presentation and stated that the previous scheme was currently under appeal and that if the Committee were minded to approve the application, the applicant would withdraw the appeal. It was also stated that the applicant had agreed to the design architect being retained on-site for the construction stage. Both of the amendments would be written in the Section 106 agreement.

The Committee considered the written submissions as referred to in Item 4 above.

In response to a question relating to social rented calculation, it was stated that registered social landlords had been notified, but would not be interested in the scheme, and therefore there would be an upfront contribution of £500,000 and a deferred contribution of up to £364,000.

On being put to the vote, it was unanimously

RESOLVED –

- (i) THAT planning permission be granted subject to conditions and a Section 106 agreement as set out in the report;
- (ii) THAT conservation area consent be granted subject to conditions and a Section 106 agreement as set out in the report; and
- (iii) THAT listed building consent be granted subject to conditions as set out in the report.

**ACTION BY: Director of Culture and Environment
Borough Solicitor (AB)**

(3) CHARLOTTE HOUSE, 14 WINDMILL STREET, LONDON, W1T 2JG

The planning officer gave a presentation.

The Committee considered the additional information contained in the supplementary agenda and the deputation requests referred to in Item 4 above.

Councillor Adam Harrison, ward Councillor for Bloomsbury, addressed the Committee.

Concerns were raised regarding the affordable housing contribution and the lack of affordable housing either on or off site. In response to Members concerns, the planning officer clarified that the deferred contribution clause would secure up to £1.64 million not £792,000 as stated in the report in the event that the viability of the scheme changed. The applicant clarified the ownership of the site and made clear that the site owner did not have any connections with other sites in the vicinity, therefore it was not possible to provide off-site affordable housing.

Further concerns were expressed by the Committee in relation to the loss of employment space and the lack of evidence to demonstrate lack of demand as there was no marketing evidence. In response the planning officer stated that, it would normally be expected that applicants would gather marketing evidence for approximately two years before the application stage, however, there was not a requirement for this to happen. She further stated that would the Committee want to see an empty property in central Fitzrovia for two years whilst it was being marketed before the Council would consider conversion, it was acknowledged that it was a balancing act. It was highlighted that advice had been sought from the Economic and Regeneration Team of the Council who advised that it would be unlikely to have high demand of grade B office space in the area.

Further discussion took place regarding vacant residential properties in the vicinity and the possibility of increasing the office space to grade A and loosing residential space on site.

Following the debate, with 1 in favour of the officer recommendation, 6 against and 2 abstentions, it was

RESOLVED –

THAT planning permission be refused for the following reasons:-

The proposed development would result in the loss of employment floorspace which remains suitable for use, it would fail to support economic activity in Camden particularly small and medium sized businesses and would result in the loss of employment opportunities within the Borough contrary to policy

CS8 of the London Borough of Camden LDF Core Strategy and DP13 London Borough of Camden LDF Development Policies.

And an informative be attached to the decision advising the following:-

In the event that a revised application is submitted you are advised that officers would expect further consideration to be given to the provision of affordable housing on or off-site within the local area.

ACTION BY: Director of Culture and Environment.

(4) 128A CAMDEN ROAD, LONDON, NW1 9EE

(5) RELATED APPLICATION

The planning officer gave a brief presentation.

The Committee considered the written submission and deputation requests referred to in Item 4 above.

In response to concerns from the Committee the conservation officer stated that the design reflected the overall character of the area.

On being put to the vote, with 6 in favour and 3 against, it was

RESOLVED –

- (i) THAT planning permission be granted subject to conditions and a Section 106 agreement as set out in the report; and
- (ii) THAT conservation area consent be granted subject to conditions.

**ACTION BY: Director of Culture and Environment
Borough Solicitor (AB)**

(6) NORTHGATE HOUSE, 67-69 LINCOLN'S INN FIELDS, LONDON, WC2A 3JB

The planning officer gave a brief presentation and stated that an extra condition was recommended limiting the use of the building to education/office purposes only.

On being put to the vote, it was unanimously

RESOLVED –

THAT planning permission be granted subject to conditions and a Section 106 agreement as set out in the report and the addition of the condition outlined above.

**ACTION BY: Director of Culture and Environment
Borough Solicitor (AB)**

(7) CAROB TREE RESTAURANT, HIGHGATE ROAD, LONDON, NW5 1QX

The planning officer gave a presentation and stated that two late written submissions had been received. The first related to procedural matters, it was clarified that advice had been sought from the Legal Advisor and it was confirmed that it was ok to proceed without adjournment. The second letter did not raise any new issues. It was also stated that if Members were minded to grant approval, they could attach an additional condition to retain the pub sign.

The Committee considered the written submissions and deputation requests referred to in Item 4 above.

Councillor Maya de Souza, ward Councillor for Highgate, addressed the Committee.

The Committee raised concerns regarding the roof terrace, the provision for bike storage and the location of the bin store. The Committee were advised that a condition could be added on the use of the roof terrace, only if there was planning justification. The planning officer stated that the inspector did not raise the roof terrace as a concern. It was clarified that the report included a condition for four cycle stands.

During discussion the applicant confirmed that it would be possible to redesign the location of the bin enclosure/cycle storage and would be happy to look at the design of the roof terrace to ensure less overlooking.

On being put to the vote, with the addition of conditions to:-

- 1) submit details of the location, design and method of waste storage and removal (including recycled materials)
- 2) submit details of a cycle storage area for a minimum of 4 cycles
- 3) submit details of the roof terrace including clear annotations of the usable/non usable areas
- 4) To retain the pub sign.

with 6 in favour and 2 against, it was

RESOLVED –

THAT planning permission be granted subject to conditions and a Section 106 agreement as set out in the report and additional conditions as outlined above.

**ACTION BY: Director of Culture and Environment
Borough Solicitor**

(8) 73-75 AVENUE ROAD, LONDON, NW8 6JD

The planning officer gave a brief presentation.

The Committee considered the additional information contained in the supplementary agenda.

On being put to the vote, it was unanimously

RESOLVED –

THAT planning permission be granted subject to conditions and a Section 106 agreement as set out in the report.

**ACTION BY: Director of Culture and Environment
Borough Solicitor (AB)**

(9) 23A HAMPSTEAD HILL GARDENS, LONDON, NW3 2PJ

(10) RELATED APPLICATION

The planning officer gave a brief presentation and stated that one late written submission had been received objecting to the application, which did not raise any additional issues. It was clarified that a green roof was not part of the application.

The Committee considered the written submissions referred to in Item 4 above.

On being put to the vote, it was unanimously

RESOLVED –

- (i) THAT planning permission be granted subject to conditions and a Section 106 agreement as set out in the report; and
- (ii) THAT conservation area consent be granted subject to subject to conditions and a Section 106 agreement as set out in the report

**ACTION BY: Director of Culture and Environment
Borough Solicitor (AB)**

(11) 149 FINCHLEY ROAD, LONDON, NW3 6JH

(12) RELATED APPLICATION

The Committee considered the additional information contained in the supplementary agenda.

On being put to the vote, it was unanimously

RESOLVED –

- (i) THAT planning permission be granted subject to conditions and a Section 106 agreement as set out in the report; and
- (ii) THAT advertisement consent be granted subject to conditions as set out in the report.

**ACTION BY: Director of Culture and Environment
Borough Solicitor (AB)**

(13) 106-109 SAFFRON HILL, LONDON, EC1N 8QS

(14) RELATED APPLICATION

The planning officer gave a brief presentation.

The Committee considered the deputation requests referred to in Item 4 above.

The applicant circulated an additional map, at the discretion of the Chair, attached at **Appendix A**, to these minutes, which illustrated the sight line from Paul House.

On being put to the vote, it was unanimously

RESOLVED –

- (i) THAT planning permission be granted subject to conditions and a Section 106 agreement as set out in the report; and
- (ii) THAT conservation area consent be granted subject to conditions as set out in the report.

**ACTION BY: Director of Culture and Environment
Borough Solicitor (AB)**

(15) 13 MURRAY MEWS, LONDON, NW1 9RJ

(16) RELATED APPLICATION

On being put to the vote, it was unanimously

RESOLVED –

- (i) THAT renewal of planning permission be granted subject to conditions as set out in the report; and
- (ii) THAT renewal of conservation area consent be granted subject to conditions as set out in the report.

ACTION BY: Director of Culture and Environment.

(17) CRAVEN HOUSE, 119-123 KINGSWAY, LONDON, WC2B 6PA

The Committee considered the additional information contained in the supplementary agenda.

On being put to the vote, it was unanimously

RESOLVED –

THAT planning permission be granted subject to conditions as set out in the report.

ACTION BY: Director of Culture and Environment

8. DATE OF NEXT MEETING

It was noted that the next meeting of the Committee would be held on 1st March 2012 in the Council Chamber.

9. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no such business.

The meeting ended at 9.36pm

Development Control Committee - Thursday, 23rd February, 2012

CHAIR

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MINUTES END