

Gentet, Matthias

From: Steven Fisher <[REDACTED]>
Sent: 09 August 2017 22:56
To: Thuaire, Charles; Planning
Subject: Re: 2017/2064/P, 2017/2211/L and 2017/2171/P

Dear Sir/Madam

I am writing to make additional comments to supplement those already provided in respect of these three planning applications. Since submitting my original comments, I have been able to read the Transport Statement and the Planning and Heritage Statement prepared by the applicant. The additional comments below relate to those supporting documents.

Transport Statement

The Transport Statement acknowledges (paras 3.2.7 to 3.2.9) that the removal of four spaces from the Jack Straws Castle car park will result in the displacement of four vehicles into the nearby on-street controlled parking zones, which are already under severe congestion pressure. The document also acknowledges that this will breach paragraph 19:14 of the Camden Development Policy. The solution proposed is that four of the existing residents will be required to sign an agreement with the council to sacrifice the right to obtain an on-street parking permit. Although the document does not state this, presumably the residents of the two new properties would also need to sign such an agreement, making six in total.

This appears to be a bizarre, and likely unworkable, proposal. Will these legal agreements with the council apply to future residents of these properties, as well as those signing the agreements? If not, then the agreements are almost worthless to the council in its efforts to manage parking congestion in the borough. The displacement of parking will simply be deferred until the existing short-term tenancies come to an end, which with rapid rental turnover could easily be within the first 12 months. Alternatively, if these legal agreements are intended to bind all future residents in perpetuity, then this will also be problematic for the fair treatment of future tenants. I can all too easily imagine future tenants placing deposits and signing up to rental leases, only to discover subsequently in the small print that they are prohibited from accessing a key council service (i.e. residents parking permits). And even if that issue can be managed, can it really be desirable to create within Camden what will effectively become a two-tier system of citizenship: those who retain the right to access council services, and a second class of citizen who are legally prevented from accessing certain services?

In addition, the Transport Statement makes no attempt to address the council's requirement that any reduction in off-street parking provision should not lead to a shortfall in provision for people with disabilities. With no access to off-street parking, no right to a residents parking permit, and no nearby spaces suitable for blue badge parking (and also noting the council's decision several years ago to prohibit daytime parking along the closest stretch of North End Way in order to facilitate traffic flow), how will the parking needs of future residents with disabilities be addressed?

Given the unworkability of the proposed solution, and the applicant's own acknowledgement that absent this solution the development will breach Camden Development Policy, it is clear that the application must be rejected.

As an additional observation, although this is not central to the applicant's case, I note that the Transport Statement also includes a usage survey of the Hampstead Heath public car park, conducted over a week in November/December, and concluding that the car park contains ample daytime space. This may be true in the winter. On a warm and sunny day in the spring or summer, however, the car park can often be full, and

it would therefore be wrong to conclude that the heath car park has capacity to accommodate displaced vehicles from Jack Straws Castle.

Planning and Heritage Statement

This document goes to great lengths in seeking to demonstrate that there are differences between the current applications, and the earlier applications which were rejected by the council (and subsequently). However, despite the slick presentation of the document, it is highly selective in the issues that it addresses, and those that it ignores.

Of the two prior appeal decisions, the 2004 decision is relatively brief, but makes cross-reference to the 2003 appeal decision, which gave more detailed reasons (and which, being given in relation to a three-story development, is arguably the more pertinent of the two). The reasons included the following:

- the development would compromise the "character and appearance [of Jack Straws Castle] of being isolated and remote."
- it "would appear as a substantial addition to the listed building."
- the development would be "protruding into the openness of the surrounding area."
- the development would be "unduly intensifying the amount and scale of development."
- "it would appear bulky and unduly obtrusive."
- it compromises "the manner in which the listed building has been set away from the north boundary [which] contributes significantly to openness of the surrounding area and in my opinion to the setting of the listed building."
- it "would create a high and hard edge along Heath Brow that would be out of character with the semi-rural character of that road."

I dispute the applicant's suggestion that the original concerns that led to the rejection of earlier plans have now been addressed. Whilst there have of course been some changes, it is also evident that many of the original objections, as itemised above, should apply equally to the new proposal.

I also reiterate the Council's previous statement that: "You are advised that the Council is of the opinion that no further development would be possible on this open carpark site, except for minor extensions or structures ancillary to the use of Jack Straws Castle." This is as clear and unambiguous statement that can be imagined, and there is nothing within the detailed documentation submitted by the applicant that can characterise the proposed development as a "minor extension or structure ancillary to the use of Jack Straws Castle."

Yours sincerely
Steven Fisher

On 19 June 2017 at 08:37, Steven Fisher [REDACTED] wrote:
Dear Sir/Madam

I am writing to comment on the planning applications, 2017/2064/P, 2017/2211/L and 2017/2171/P, all of which relate to a proposed development at Jack Straws Castle on North End Way.

For information, I am (and have been since 2004) the owner-occupier of one of the residential apartments at Jack Straws Castle. I wish to oppose these planning applications.

Previous applications

The documentation accompanying the planning application acknowledges that three previous applications - all of them in a similar vein to this latest one - were rejected by the Council, with this decision also being upheld at a subsequent appeal. Indeed, the Council went as far as to state explicitly that: "You are advised

that the Council is of the opinion that no further development would be possible on this open carpark site, except for minor extensions or structures ancillary to the use of Jack Straws Castle."

The Applicant seeks to argue that this project is wholly different to the previous proposals. I disagree. The Council previously cited as the primary reason for rejection that the proposed structure, "by reason of its size, height, bulk, location and detailed design, would be harmful to the setting and appearance of the adjoining building, to local views in the streetscene and from the Heath, and to the character and appearance of this part of the conservation area." But this new project is of greater size/height/bulk than the earlier rejected proposals, being three storeys rather than the original two, and the location is the same as previously. Even if it can be argued that the new design is an improvement on the previous ones, can this really outweigh the failure to address the other four characteristics (size, height, bulk, location) which are either unchanged or give added reason for objection? I would argue that it cannot. Indeed, the proposal is a world apart from "a minor extension or structure ancillary to the use of Jack Straws Castle", which represents the Council's previously stated limit of acceptability.

Given that nothing has fundamentally changed to undermine the basis for those earlier planning decisions, and taking into account the much greater scale of the current applications which can only serve to reinforce those consistent earlier decisions, I struggle to see any basis for agreeing to this latest variation on a recurring theme.

Parking implications

In addition, I wish to raise concerns about the parking implications of the new development. The proposal is to reduce the number of parking spaces from eleven to seven. At the same time, the number of residential units will increase by two. As a current resident and user of the carpark, I can confirm that the site is at full usage. I have personally received no request from the Applicant to release my current parking space, but if the Applicant somehow succeeds in the mooted plan to persuade four leaseholders to release their spaces, the existing vehicles will not simply vanish into thin air. Rather, the impact of this will simply be to displace four vehicles into the already congested on-street parking around Hampstead. More realistically, it will likely be six displaced vehicles adding to the local parking congestion, as it is simply unrealistic to imagine that the families at which the two new four-bedroom houses are targeted will be car-free. This is additional congestion from which the Council can easily protect the local community, by rejecting this planning application.

I also have two more specific objections to the proposed layout of the reduced carpark.

- First, the proposal includes no allowance for a "turning space" for drivers to reverse in/out of when entering/exiting the carpark. The current turning space is at the western end of the carpark, but this space will disappear under the new plan, which is simply impractical for providing drivers access in/out of their parking spaces. This is a fairly basic design requirement, and it is worrying that it has not been seriously considered.

- Second, there is no space for the communal bins within the proposed layout. The Applicant has previously explained to me that fire regulations prohibit the bins from being located directly adjacent to the existing structure of Jack Straws Castle. But the new proposed layout leaves no other space for the bins, once the allocated parking bays and entrance gate are taken into account. It goes without saying that, at the time of writing, the importance of fire regulations appears more significant than ever.

I note that parking was a second reason cited by the Council for the rejection of the previous applications. For the reasons set out above, these concerns continue to be pertinent, and give additional reason to reject the latest applications.

Other considerations

Last, I would like to comment on the implications of the building work itself. I live very close by, and am likely to experience severe noise disturbance. Whilst I appreciate that this will not in itself be a reason to

refuse planning permission, I would ask that in the event that planning permission is granted, appropriate conditions are attached to prevent noise disturbance during weekends, evenings and early mornings.

In a similar vein, if planning permission is granted, the Council will need to consider site access for heavy vehicles, etc. I anticipate that the residual part of the Jack Straws Castle carpark will remain in use for existing leaseholders, as per the Applicant's contractual obligations under the terms of his extant leases. As such, it might be expected that there will be a concentration of heavy vehicles in Heath Brow (or even on North End Way), and this may have implications for access to the neighbouring Hampstead Heath public carpark and/or the broader traffic flow in the area.

Many thanks for considering these comments.

Yours sincerely
Steven Fisher