

London Borough of Camden Proof of Evidence Rear of 115-119 Finchley Road

JS1

Monitoring Evidence and Officer Statements

PLANNING SERVICES

**TOWN & COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES) RULES 2000**

Ramesh Depala

**PROOF OF EVIDENCE
FOR PUBLIC INQUIRY COMMENCING ON 30th of July 2019**

APPEAL SITE

Rear of 115-119 Finchley Road, London NW3 6HY

APPELLANT

Roofoods Limited

SUBJECT OF APPEAL

- Enforcement notice issued for change of use from light industrial use (Class B1) to Commercial Kitchens and Delivery Centre (Sui Generis); and installation of external plant, including 3 extract ducts, 4 flues, 3 air intake louvres, 1 rooftop extract and 3 air condenser units.

COUNCIL REFERENCE:

EN17/1005

PLANNING INSPECTORATE REFERENCE:

APP/X5210/C/18/3206954

PROOF OF EVIDENCE OF RAMESH DEPALA

QUALIFICATIONS

i. I have a Bachelor of Arts Degree in Architecture from Greenwich University, and a Masters Degree in Architecture from Edinburgh University. I am eligible for membership of the Royal Town Planning Institute. I am a Planning enforcement officer have worked in the Camden' Planning Service since 15 May 2017. I have been responsible for investigating and remedying breaches in planning regulation of varying degrees which includes residential, commercial and listed properties.

ii. Prior to my employment with the London Borough of Camden I worked for Dacorum Borough Council, London Borough of Barnet and ARP Associates LLP as detailed below;

Dacorum Borough Council

- *Planning Enforcement Officer from 02/2017 to 05/2017*

RE Ltd – (London Borough of Barnet / Capita) 11/2012 –12/2016

- *Senior Planning Enforcement Officer from 11/2012 to 12/2014*
- *Principal Planning and Design Consultant from 12/2014 to 11/2016*

ARP Associates LLP

- *Planning and Design Consultant 11/2006 - 11/2012*

iii. I am familiar with the site and its context.

1.0 Background

1.1 The background information relevant to this appeal is set out in the proof of my colleague, John Sheehy. In this proof, I set out detail about my monitoring of the appeal site at the rear of 115-119 Finchley Road, London NW3 6HY (“the site”).

2.0 Monitoring Exercise

- 2.1 In order to gather further evidence in relation to the operation of the site, the council monitored it over four weeks from late March until late April 2019.
- 2.2 I was asked by colleagues in the enforcement team to monitor the site in an effort to better understand the impact of the use by Deliveroo. I was asked to note the amount of delivery motorbikes that visited the site, the number of incidents of conflict between motorbikes and pedestrians, and other measures relating to the operation of the use. I was asked to record my observations on a standard template.
- 2.3 I visited the site on Sunday 21st April 2019 and arrived at approximately 1900hrs. The following table sets out a summary of the evidence I gathered and the template I completed is attached as Exhibit RD01.

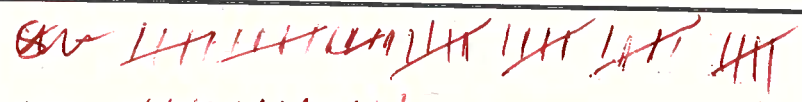

Motorbike visits to site	Incidents of Motorbike – pedestrian conflict on pavement	Motorbikes using stretches of pavement other than crossover	Motorbikes parked over wide areas of pavement	Noise from motorbikes audible in the vicinity of the site	Smells/ Odours emanating from the appeal site
114	0	1	No	Yes	No

- 2.4 In summary I had witnessed multiple scooters coming to the property, parking on the front drive, then waiting and engaging in conversation with other drivers while they waited for their order. They would after a brief period enter and exit the building leaving with a package often encased in a box with a Deliveroo logo on it. There was one marshal present at all times and was often seen talking and giving direction to the drivers. I did not notice any smells but did find that the scooters were revved before they exited creating an unacceptable level of noise, what I believed to be a material impact to residential amenity.

EXHIBIT RD01

Monitoring template for Sunday 21 April 2019

Weekend monitoring form, 115-117 Finchley Road

Location	TE OLDE SWISS COTTAGE
Date	21/04/2019
Time 7pm to 8pm	7pm
Officers	RAMESH DEBATA
Delivery motorbikes visiting the site (Exact number)	<p>20 </p> 
Incident of motorbike/ pedestrian conflict on the pavement (number + details)	None
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	1 - too far to read plate R466 RVJ. - STOPPED ON LEG ROUTE - HELD UP TRAFFIC.
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	None
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	YES - BEER GARDEN - BIKES LEAVING. - GENERAL CHATTER
Smells emanating from the appeal site (Yes/ No and details of location)	None
Litter from the appeal site on the pavement (Yes/ No + details of location)	None

Continued...

<p>Time 8pm to 9pm</p>	
<p>Delivery motorbikes visiting the site (Exact number)</p>	<p> </p>
<p>Incident of motorbike/ pedestrian conflict on the pavement (number + details)</p>	<p>None</p>
<p>Delivery motorbikes using stretches of the pavement other than the crossover (number + details)</p>	<p>None</p>
<p>Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)</p>	<p>None</p>
<p>Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)</p>	<p>Revving of Bikes in general - Resi-lane park</p>
<p>Smells emanating from the appeal site (Yes/ No and details of location)</p>	<p>None</p>
<p>Litter from the appeal site on the pavement (Yes/ No + details of location)</p>	<p>None</p>

PLANNING SERVICES

**TOWN & COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES) RULES 2000**

PLANNING SERVICES

Allen Gillespie

**PROOF OF EVIDENCE
FOR PUBLIC INQUIRY COMMENCING ON 30th of July 2019**

APPEAL SITE

Rear of 115-119 Finchley Road, London NW3 6HY

APPELLANT

Roofoods Limited

SUBJECT OF APPEAL

- Enforcement notice issued for change of use from light industrial use (Class B1) to Commercial Kitchens and Delivery Centre (Sui Generis); and installation of external plant, including 3 extract ducts, 4 flues, 3 air intake louvres, 1 rooftop extract and 3 air condenser units.

COUNCIL REFERENCE:

EN17/1005

PLANNING INSPECTORATE REFERENCE:

APP/X5210/C/18/3206954

PROOF OF EVIDENCE OF ALLEN GILLESPIE

QUALIFICATIONS

- i. I am an enforcement officer (CMP) and have worked in the Camden' Planning Service since July 2004. I have been responsible for dealing with planning enforcement matters in my current role and also in my former role as a planning site inspector.
- ii. Prior to my employment with the London Borough of Camden I worked for Camden Valuation Office which was a branch of the Inland Revenue. I worked there for ten years.
- iii. I am familiar with the site and its context.

1.0 Background

- 1.1 The background information relevant to this appeal is set out in the proof of my colleague, John Sheehy. In this proof, I set out detail about my monitoring of the appeal site at the rear of 115-119 Finchley Road, London NW3 6HY ("the site").

2.0 Monitoring Exercise

- 2.1 In order to gather further evidence in relation to the operation of the site, the council monitored it over four weeks from late March until late April 2019.
- 2.2 I was asked by colleagues in the enforcement team to monitor the site in an effort to better understand the impact of the use by Deliveroo. I was asked to note the amount of delivery motorbikes that visited the site, the number of incidents of conflict between motorbikes and pedestrians, and other measures relating to the operation of the use. I was asked to record my observations on a standard template.
- 2.3 I visited the site on 10th April 2019 and arrived at approximately 19.00 and left at 21.00. The following table sets out a summary of the evidence I gathered and the template I completed is attached as Exhibit AG01.

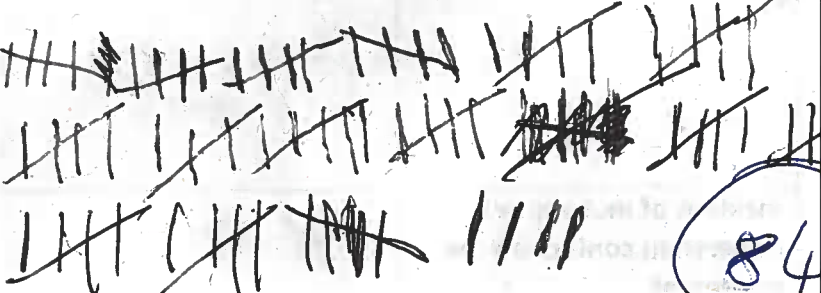
Motorbike visits to site	Incidents of Motorbike – pedestrian conflict on pavement	Motorbikes using stretches of pavement other than crossover	Motorbikes parked over wide areas of pavement	Noise from motorbikes audible in the vicinity of the site	Smells/ Odours emanating from the appeal site
84	-	-	Yes	No	No

- 2.4 During the time I was observing the site 84 motorbikes and cyclists entered and left. They accessed the site from Finchley Road riding over a crossover.
- 2.5 The vehicles had a branded Deliveroo box and many displayed an L plate.
- 2.6 There was some congestion at the entrance to the site and at all times there were vehicles idling across the road outside the Odeon cinema waiting to access the site.
- 2.7 A marshal was present at the entrance to the site the entire time however this did not appear to ease the congestion.
- 2.8 Traffic on the main Finchley Road had to slow down in order to accommodate vehicles entering and leaving the site.

EXHIBIT AG01

Monitoring template for Wednesday 10 April 2019

Weekend monitoring form, 115-117 Finchley Road

Location	SWISS COTTAGE PH.
Date	10/4/19
Time 7pm to 8pm	✓
Officers	ALLEN GIUSEPPE & JACKIE BAILEY
Delivery motorbikes visiting the site (Exact number)	
Incident of motorbike/ pedestrian conflict on the pavement (number + details)	SOME CONGREGATION OF BIKES AT ENTRANCE TO SITE AT VARIOUS TIMES
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	Parked outside cinema waiting to drive across road to drive in - initially waiting enough room to park for s/b bikes.
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	—
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	BIKES WERE AUDIBLE FROM OUR Vantage POINT
Smells emanating from the appeal site (Yes/ No and details of location)	—
Litter from the appeal site on the pavement (Yes/ No + details of location)	—

PLANNING SERVICES

**TOWN & COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES) RULES 2000**

Gary Bakall

**PROOF OF EVIDENCE
FOR PUBLIC INQUIRY COMMENCING ON 30th of July 2019**

APPEAL SITE

Rear of 115-119 Finchley Road, London NW3 6HY

APPELLANT

Roofoods Limited

SUBJECT OF APPEAL

- Enforcement notice issued for change of use from light industrial use (Class B1) to Commercial Kitchens and Delivery Centre (Sui Generis); and installation of external plant, including 3 extract ducts, 4 flues, 3 air intake louvres, 1 rooftop extract and 3 air condenser units.

COUNCIL REFERENCE:

EN17/1005

PLANNING INSPECTORATE REFERENCE:

APP/X5210/C/18/3206954

PROOF OF EVIDENCE OF GARY BAKALL

QUALIFICATIONS

- i. I have a Bachelor of Arts and Diploma in Urban Planning from The University of Westminster. I am eligible for membership of the Royal Town Planning Institute. I am a Principal Planning Officer and have worked in the Camden' Planning Service since June 1998 where I have been responsible for the enforcement of regulations relating to planning control.
- ii. I am familiar with the site and its context.

1.0 Background

- 1.1 The background information relevant to this appeal is set out in the proof of my colleague, John Sheehy. In this proof, I set out detail about my monitoring of the appeal site at the rear of 115-119 Finchley Road, London NW3 6HY ("the site").

2.0 Monitoring Exercise

- 2.1 In order to gather further evidence in relation to the operation of the site, the council monitored it over four weeks from late March until late April 2019.
- 2.2 I was asked by colleagues in the enforcement team to monitor the site in an effort to better understand the impact of the use by Deliveroo. I was asked to note the amount of delivery motorbikes that visited the site, the number of incidents of conflict between motorbikes and pedestrians, and other measures relating to the operation of the use. I was asked to record my observations on a standard template.
- 2.3 I visited the site on Sunday 7th April 2019 and arrived at approximately 19:00hrs until 21:00hrs. The following table sets out a summary of the evidence I gathered and the template I completed is attached as Exhibit GB01.

Motorbike visits to site	Incidents of Motorbike – pedestrian conflict on pavement	Motorbikes using stretches of pavement other than crossover	Motorbikes parked over wide areas of pavement	Noise from motorbikes audible in the vicinity of the site	Smells/ Odours emanating from the appeal site
110	11	2	Yes (1)	No	Not clear

- 2.4 In summary I witnessed in excess of 100 scooters arriving at the site, parking on the front drive and the drivers waiting around and chatting together while they waited for deliveries. At times there was too many scooters to park at the top of the slip road on the drive and scooter drivers would wait on the slip road impeding pedestrians.
- 2.5 I witnessed multiple incidents of conflict between the scooters and pedestrians crossing the drive, sometimes with multiple scooters blocking the drive while pedestrians were trying to cross. I also witnessed two scooters driving across the pavement. There was always a Traffic Marshall on duty who was talking to and providing direction to the scooter drivers.
- 2.6 There was a smell of frying in the area but I could not be certain this emanated from the Deliveroo premises. The noise of the scooters engines was audible from across the busy road where I was watching from and I would consider it a nuisance. Some of the scooter drivers appeared reckless in their driving across the busy roadway in order to get on to the one way system going the opposite way.

EXHIBIT GB01

Monitoring template for Sunday 7 April 2019

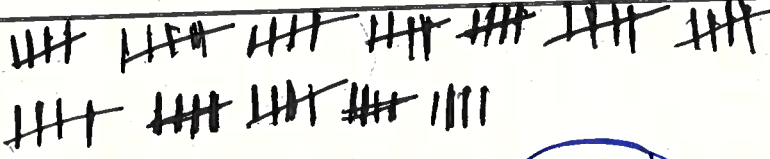



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Weekend monitoring form, 115-117 Finchley Road

Location	16 Old Swiss Cottage
Date	07/04/2019
Time 7pm to 8pm	
Officers	Gary Beall & Josh Lambert
Delivery motorbikes visiting the site (Exact number)	11 1 51
Incident of motorbike/ pedestrian conflict on the pavement (number + details)	2 (waiting in middle of street waiting for parking) 1 waiting while parking 1 multiple scooters trying to get in " " " " " " " "
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	11 2
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	
Smells emanating from the appeal site (Yes/ No and details of location)	could smell frying chips near site @ 8:45
Litter from the appeal site on the pavement (Yes/ No + details of location)	

G Beall

Continued...

<p>Time 8pm to 9pm</p>	
<p>Delivery motorbikes visiting the site (Exact number)</p>	<p>   </p>
<p>Incident of motorbike/ pedestrian conflict on the pavement (number + details)</p>	<p>  lots of bikes on crossover 1 " " " " " 1 " " " " "  </p>
<p>Delivery motorbikes using stretches of the pavement other than the crossover (number + details)</p>	
<p>Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)</p>	
<p>Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)</p>	
<p>Smells emanating from the appeal site (Yes/ No and details of location)</p>	
<p>Litter from the appeal site on the pavement (Yes/ No + details of location)</p>	

G. Barball
6

PLANNING SERVICES

**TOWN & COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES) RULES 2000**

Jennifer Watson

**PROOF OF EVIDENCE
FOR PUBLIC INQUIRY COMMENCING ON 30th of July 2019**

APPEAL SITE

Rear of 115-119 Finchley Road, London NW3 6HY

APPELLANT

Roofoods Limited

SUBJECT OF APPEAL

- Enforcement notice issued for change of use from light industrial use (Class B1) to Commercial Kitchens and Delivery Centre (Sui Generis); and installation of external plant, including 3 extract ducts, 4 flues, 3 air intake louvres, 1 rooftop extract and 3 air condenser units.

COUNCIL REFERENCE:

EN17/1005

PLANNING INSPECTORATE REFERENCE:

APP/X5210/C/18/3206954

PROOF OF EVIDENCE OF JENNIFER WATSON

QUALIFICATIONS

- i. I have a Bachelor of Arts in French and Spanish and a Masters Degree in Spatial Planning from Cardiff University. I am eligible for membership of the Royal Town Planning Institute. I am a Planning Enforcement Officer have worked in the Camden' Planning Service since 21st May 2019. I have been responsible for investigating and remedying breaches in planning regulation of varying degrees which includes residential, commercial and listed properties.
- ii. Prior to my employment with the London Borough of Camden I worked for Westminster City Council for 2.5 years. During this time I formed part of the enforcement team.
- iii. I am familiar with the site and its context.

1.0 Background

- 1.1 The background information relevant to this appeal is set out in the proof of my colleague, John Sheehy. In this proof, I set out detail about my monitoring of the appeal site at the rear of 115-119 Finchley Road, London NW3 6HY ("the site").

2.0 Monitoring Exercise

- 2.1 In order to gather further evidence in relation to the operation of the site, the council monitored it over four weeks from late March until late April 2019.
- 2.2 I was asked by colleagues in the enforcement team to monitor the site in an effort to better understand the impact of the use by Deliveroo. I was asked to note the amount of delivery motorbikes that visited the site, the number of incidents of conflict between motorbikes and pedestrians, and other measures relating to the operation of the use. I was asked to record my observations on a standard template.

2.3 I visited the site on Saturday 6th April 2019 and arrived at approximately at 19:00. The following table sets out a summary of the evidence I gathered and the template I completed is attached as Exhibit JW01.

Motorbike visits to site	Incidents of Motorbike – pedestrian conflict on pavement	Motorbikes using stretches of pavement other than crossover	Motorbikes parked over wide areas of pavement	Noise from motorbikes audible in the vicinity of the site	Smells/ Odours emanating from the appeal site
115	7	0	No	Yes	No

2.4 I visited the site on Saturday 6 April 2019 with my colleague Katrina Lamont at 19:00. The number of vehicles entering the site and other observations related to this were written down on a notepad. The results were then typed up on Monday 8th April 2019. The above table sets out a summary of the evidence I gathered and the template I completed is attached as Exhibit JW01.

2.5 Between 19:00 and 21:00, I witnessed 115 motorbikes and cyclists entering and leaving the site. The vehicles entered the site from the south. The Deliveroo delivery boxes made it clear that the drivers were working for Deliveroo. I witnessed 7 incidents of pedestrian conflict, noteworthy examples included motorbikes having to brake sharply and pedestrians being required to walk around the vehicles.

2.6 A marshal directed the vehicles in and out of the site during the full two hours.

2.7 There were numerous near misses between vehicles when attempting to enter and leave the site due to the sheer quantity of motorcycles in the vicinity. This spilled over into the road, with drivers having to stop or slow down in order to facilitate the Deliveroo drivers' entry or departure.

2.8 At times there was not enough space for all the vehicles to fit into the neck of the site, meaning that several drivers parked across the road.

EXHIBIT JW01

Monitoring template for Saturday 6 April 2019

Weekend monitoring form, 115-117 Finchley Road

Location	Ye Olde Swiss Cottage Outdoors Benches
Date	06/04/2019
Time 7pm to 8pm	
Officers	Jennifer Watson and Katrina Lamont
Delivery motorbikes visiting the site (Exact number)	55 motorcyclists + 3 bicyclists
Incident of motorbike/ pedestrian conflict on the pavement (number + details)	5 pedestrians had to move around the motorcyclists
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	0
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	0
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	Yes
Smells emanating from the appeal site (Yes/ No and details of location)	No
Litter from the appeal site on the pavement (Yes/ No + details of location)	No

Continued...

Time 8pm to 9pm	
Delivery motorbikes visiting the site (Exact number)	60
Incident of motorbike/ pedestrian conflict on the pavement (number + details)	2 pedestrians had to move around the motorcyclists
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	0
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	0
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	No
Smells emanating from the appeal site (Yes/ No and details of location)	No
Litter from the appeal site on the pavement (Yes/ No + details of location)	No

PLANNING SERVICES

**TOWN & COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES) RULES 2000**

Jonathon McClue

**PROOF OF EVIDENCE
FOR PUBLIC INQUIRY COMMENCING ON 30th of July 2019**

APPEAL SITE

Rear of 115-119 Finchley Road, London NW3 6HY

APPELLANT

Roofoods Limited

SUBJECT OF APPEAL

- Enforcement notice issued for change of use from light industrial use (Class B1) to Commercial Kitchens and Delivery Centre (Sui Generis); and installation of external plant, including 3 extract ducts, 4 flues, 3 air intake louvres, 1 rooftop extract and 3 air condenser units.

COUNCIL REFERENCE:

EN17/1005

PLANNING INSPECTORATE REFERENCE:

APP/X5210/C/18/3206954

PROOF OF EVIDENCE OF JONATHON MCCLUE

QUALIFICATIONS

- i. I, Jonathon McClue, have prepared this proof of evidence for the Public Inquiry into the appeal. I hold a Bachelor of Planning with Honours from the University of Auckland in New Zealand.
- ii. I have over nine years' experience working as a Development Management Planning Officer, including over seven and half years in the United Kingdom. I was formerly a Principal Planning Officer at the London Borough of Redbridge. Since September 2014 I have been working in Camden Council's Local Planning Authority and I was promoted to a Principal Planning Officer (previously a Senior Planning Officer) in May 2016. During my professional career as a planning officer I have dealt with a wide range of planning applications including strategic, major, minor and householder development proposals. During my experience I have undertaken a number of planning enforcement duties, including monitoring breaches of planning control.
- iii. I am familiar with the appeal site. The evidence that I have provided for this appeal is accurate to the best of my ability and I confirm that any professional opinions expressed are my own.

1.0 Background

- 1.1 The background information relevant to this appeal is set out in the proof of my colleague, John Sheehy. In this proof, I set out detail about my monitoring of the appeal site at the rear of 115-119 Finchley Road, London NW3 6HY ("the site").

2.0 Monitoring Exercise

- 2.1 In order to gather further evidence in relation to the operation of the site, the Council monitored it over four weeks from late March until late April 2019.

2.2 I was asked by colleagues in the enforcement team to monitor the site in an effort to better understand the impact of the use by Deliveroo. I was asked to note the amount of delivery motorbikes that visited the site, the number of incidents of conflict between motorbikes and pedestrians, and other measures relating to the operation of the use. I was asked to record my observations on a standard template.

2.3 I visited the site on Friday 12th April 2019 and arrived at approximately 1900hrs until approximately 2100hrs. The following table sets out a summary of the evidence I gathered and the template I completed is attached as Exhibit JM1.

Motorbike visits to site	Incidents of Motorbike – pedestrian conflict on pavement	Motorbikes using stretches of pavement other than crossover	Motorbikes parked over wide areas of pavement	Noise from motorbikes audible in the vicinity of the site	Smells/ Odours emanating from the appeal site
114	16	49	No	Yes	Yes

2.4 During my observations I witnessed a large number of scooters visiting the property. Some of the scooters used the vehicular crossing on Finchley Road and went down the driveway, while the majority gathered on the front drive. When the front drive was fully occupied by scooters, other scooter drivers were lined up waiting along Finchley Road from opposite the site outside the Odeon down to the traffic light junction. The drivers would walk down to the building and return with a package, before departing from the site to be replaced by another driver. While waiting the drivers would be engaged in conversation. A marshal in a high visibility vest was around during the observation. They would direct the drivers and engage with them while they waited. The scooters had a significant presence in the area, not only by way of their visibility but by their noise that is noticeable over background noise. I saw many instances of scooters occupying the pavement making three-point turns, and near collisions with pedestrians using the pavement. A number of pedestrians had to wait while scooter drivers occupied the pavement. On my walks around the area I could smell and hear the kitchen equipment. I also noticed scooter drivers exiting the rear of the site. In my view the operation was having a materially harmful impact on residential amenity.

EXHIBIT JM01

Monitoring template for Friday 12 April 2019

Dawn

Weekend monitoring form, 115-117 Finchley Road

Location	
Date	
Time 7pm to 8pm	
Officers	
Delivery motorbikes visiting the site (Exact number) <i>No of bikes</i>	
Incident of motorbike/ pedestrian conflict on the pavement (number + details) <i>No</i>	
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	At Odeon x 2
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	Yes
Smells emanating from the appeal site (Yes/ No and details of location)	Yes T.50 Dobson Close jnc Belsize Rd
Litter from the appeal site on the pavement (Yes/ No + details of location)	

Walk {

Jonathan

Continued...

Time 8pm to 9pm	
Delivery motorbikes visiting the site (Exact number)	<p> </p> <p> </p> <p> </p>
Incident of motorbike/ pedestrian conflict on the pavement (number + details)	<p> </p> <p>Mostly blocking pavement doing ↓ 3 point turns</p>
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	<p> </p>
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	<p>- ODEON - on pavement + a patch - walking bike down pavement of Fisher's Road</p>
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	<p>Yes - audible over horns, continuous noise, internal working</p>
Smells emanating from the appeal site (Yes/ No and details of location)	<p>Yes - Belize Road</p>
Litter from the appeal site on the pavement (Yes/ No + details of location)	

Mopeds very quiet Dobson

Page 2 of 2

Part heard from

Dobson (last 2nd-deck
near Fisher's Road)

PLANNING SERVICES

**TOWN & COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES) RULES 2000**

Katrina Lamont

**PROOF OF EVIDENCE
FOR PUBLIC INQUIRY COMMENCING ON 30th of July 2019**

APPEAL SITE

Rear of 115-119 Finchley Road, London NW3 6HY

APPELLANT

Roofoods Limited

SUBJECT OF APPEAL

- Enforcement notice issued for change of use from light industrial use (Class B1) to Commercial Kitchens and Delivery Centre (Sui Generis); and installation of external plant, including 3 extract ducts, 4 flues, 3 air intake louvres, 1 rooftop extract and 3 air condenser units.

COUNCIL REFERENCE:

EN17/1005

PLANNING INSPECTORATE REFERENCE:

APP/X5210/C/18/3206954

PROOF OF EVIDENCE OF KATRINA LAMONT

QUALIFICATIONS

- i. I have a Bachelor of Science Degree in Architecture from Queen's University Belfast, and a Masters Degree in Spatial Planning from UCL. I am eligible for membership of the Royal Town Planning Institute. I am a Planning Enforcement Officer have worked in the Camden' Planning Service since 6 November 2016. I have been responsible for investigating and remedying breaches in planning regulation of varying degrees which includes residential, commercial and listed properties.
- ii. Prior to my employment with the London Borough of Camden I worked for London Borough of Brent as a Planning Officer for 2 years and 2 months. During this time I mostly accessed planning applications for residential and commercial sites.
- iii. I am familiar with the site and its context. The evidence that I have provided for this appeal is accurate to the best of my ability and I confirm that any professional opinions expressed are my own.

1.0 Background

- 1.1 The background information relevant to this appeal is set out in the proof of my colleague, John Sheehy. In this proof, I set out detail about my monitoring of the appeal site at the rear of 115-119 Finchley Road, London NW3 6HY ("the site").

2.0 Monitoring Exercise

- 2.1 In order to gather further evidence in relation to the operation of the site, the council monitored it over four weeks from late March until late April 2019.
- 2.2 I was asked by colleagues in the enforcement team to monitor the site in an effort to better understand the impact of the use by Deliveroo. I was asked to note the amount of delivery motorbikes that visited the site, the number of

incidents of conflict between motorbikes and pedestrians, and other measures relating to the operation of the use. I was asked to record my observations on a standard template.

2.3 I visited the site on Saturday 6th April 2019 with my colleague Jennifer Watson and arrived approximately at 19:00. Observations and a tally of motorbikes and cyclists were jotted down on a notebook. Findings were then typed up on Monday 8th April 2019. The following table sets out a summary of the evidence I gathered and the template I completed is attached as Exhibit KL01.

Motorbike visits to site	Incidents of Motorbike – pedestrian conflict on pavement	Motorbikes using stretches of pavement other than crossover	Motorbikes parked over wide areas of pavement	Noise from motorbikes audible in the vicinity of the site	Smells/ Odours emanating from the appeal site
115	7	0	No	Yes	No

2.4 During the hours of 19:00 – 21:00, 115 motorbikes and cyclists entered and left the site. They accessed the site from the south travelling along Finchley Road riding over a cross over. Seven incidents of pedestrian conflict were noted, including instances whereby a motorbike would have to brake sharply and pedestrians would have to move around the motorbike. It was clear the motorbikes were in relation to the Deliveroo use as most of them had a branded Deliveroo delivery box on their vehicle.

2.5 One Marshal appeared to be present during the entirety of the two hour surveillance. They appeared to mostly usher vehicles in and out of the site.

2.6 There was notable congestion particular after the cross over whereby several motorbikes were crammed in. At times it was so congested, motorbikes parked across the road and the driver jay walked across the road to get to the site.

2.7 There were often several motorbikes attempting to leave the site at the same time and others arriving to the site at the same time, causing traffic to slow down to accommodate them.

EXHIBIT KL01

Monitoring template for Saturday 6 April 2019

Weekend monitoring form, 115-117 Finchley Road

Location	Ye Olde Swiss Cottage Outdoors Benches
Date	06/04/2019
Time 7pm to 8pm	
Officers	Jennifer Watson and Katrina Lamont
Delivery motorbikes visiting the site (Exact number)	55 motorcyclists + 3 bicyclists
Incident of motorbike/ pedestrian conflict on the pavement (number + details)	5 pedestrians had to move around the motorcyclists
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	0
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	0
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	Yes
Smells emanating from the appeal site (Yes/ No and details of location)	No
Litter from the appeal site on the pavement (Yes/ No + details of location)	No

Continued...

Time 8pm to 9pm	
Delivery motorbikes visiting the site (Exact number)	60
Incident of motorbike/ pedestrian conflict on the pavement (number + details)	2 pedestrians had to move around the motorcyclists
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	0
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	0
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	No
Smells emanating from the appeal site (Yes/ No and details of location)	No
Litter from the appeal site on the pavement (Yes/ No + details of location)	No

JS1




Monitoring Template: John Sheehy (see main proof)

Weekend monitoring form, 115-117 Finchley Road

Location	Swiss Cottage pub
Date	30 th March 2019
Time 7pm to 8pm	
Officers	John Sheehy MP
Delivery motorbikes visiting the site (Exact number)	<p> </p> <p> </p> <p> </p> <p>Marshall's 2x up us 1x plain</p>
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	<p>1</p> <p>Event due to rear yard</p> <p>→ 1</p>
Incident of motorbike/pedestrian conflict on the pavement (number + details)	<p> </p> <p>old pedestrian made to pick way through bike</p> <p>waits on pavement / pedestrian made to wait</p> <p>collision of bikes / pedestrian cannot pass / pedestrian has to change course / step and follow / OY68XKJ</p>
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	<p>NO</p> <p>Yam duns - delayed + collision on pavement</p>
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	<p>Yes, in Robson Clae, both courtyards</p> <p>Delivery bikes noticeable above general traffic noise</p>
Smells emanating from the appeal site (Yes/ No and details of location)	<p>Faint cooking smell in Robson Clae but not clear if origin is good site</p>
Litter from the appeal site on the pavement (Yes/ No + details of location)	<p>NO</p>

8.21 PM - 8.24
8063 0149
ADDISON LEE - (RE-DIRECTED N. ALONG FINCHLEY RD.)
~~DELIVERED~~ ~~CARRIED~~ ~~BY~~ ~~DELIVERY~~ ~~VAN.~~
COURIER VAN.
BUSSES MOVEMENT
PAVEMENT / PEDESTRIAN

Continued...

<p>Time 8pm to 9pm</p>	
<p>Delivery motorbikes visiting the site (Exact number)</p> <p><i>Motorbikes</i> 1 x high vis 1 x plain clothes</p>	 <p>→ small number - cycle all the way to back (park/bikes) → number of delivery riders on foot</p>
<p>Delivery motorbikes using stretches of the pavement other than the crossover (number + details)</p>	 <p>- from both directions</p>
<p>Incident of motorbike/pedestrian conflict on the pavement (number + details)</p>	 <p>pedestrians forced to change path/forced to wait/forced to step outside kerb onto kerb - voice if groups/pedestrian barrier - induced pedestrian</p>
<p>Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)</p>	<p>1008.35 PM 3-4 BIKES PARKED / WAITING AT 00EON.</p> <p>pedestrian forced onto sense of the road / pedestrian safety bikes waiting to join road/walkway forced to wait with rolling case obstruction path of rider + pedestrian collision</p>
<p>Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)</p>	<p>MAYBE A BIT OF THROTTLE NOISE, BUT HAD TO IDENTIFY PRECISE LOCATION/SOURCE.</p>
<p>Smells emanating from the appeal site (Yes/ No and details of location)</p>	<p>ON WALK AROUND, NO DISCERNABLE SMELLS.</p>
<p>Litter from the appeal site on the pavement (Yes/ No + details of location)</p>	<p>NO DISCERNABLE LITTER EMANATING FROM SITE</p>

JS1

Monitoring Templates

No Officer Statement

Weekend monitoring form, 115-117 Finchley Road

Location	5/04/2019 Smys Cottage Pub Garden	
Date		
Time 7pm to 8pm	7:30pm 8:30pm	
Officers	NORA CONSTANTINESCU	
* Delivery motorbikes visiting the site (leaving) (Exact number) 1 Marshall No Marshall - 19:35. 1 Marshall - 19:39 * Parked opposite * Arriving with no motorbikes	 	(87) (2) (10)
* Incident of motorbike/pedestrian conflict on the pavement (number + details)	 	(walle around) (22) (wait) (10) (run) (4)
* Incident - motorbike across the opposite lane * Incident - car trying to go into the site	 (19:39) - 19:44 - car in - car out - 20:15 20:22 - block highway - 20:24 car left.	(13) (K900NN) (pulled across to opposite lane - block traffic.)
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	(manover over pavement) (on the street)	(7) (1)
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	[in front of 115-121] (bike) [on the street] (6) [on the crossover] (7)	(3) (1)
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	Yes! Pavement full of bikes at frequent times to the rear of the site in the two parking areas (3) & (4) as shown on the map.	
Smells emanating from the appeal site (Yes/ No and details of location)	Windy / Hard to detect; however ^{strong} smell of Indian Food at 20:45 at the end of Belize Road / Smys Cottage Tube station; some smell in the parking area (3) & (4)	
Litter from the appeal site on the pavement (Yes/ No + details of location)	No.	

20:45

20:58

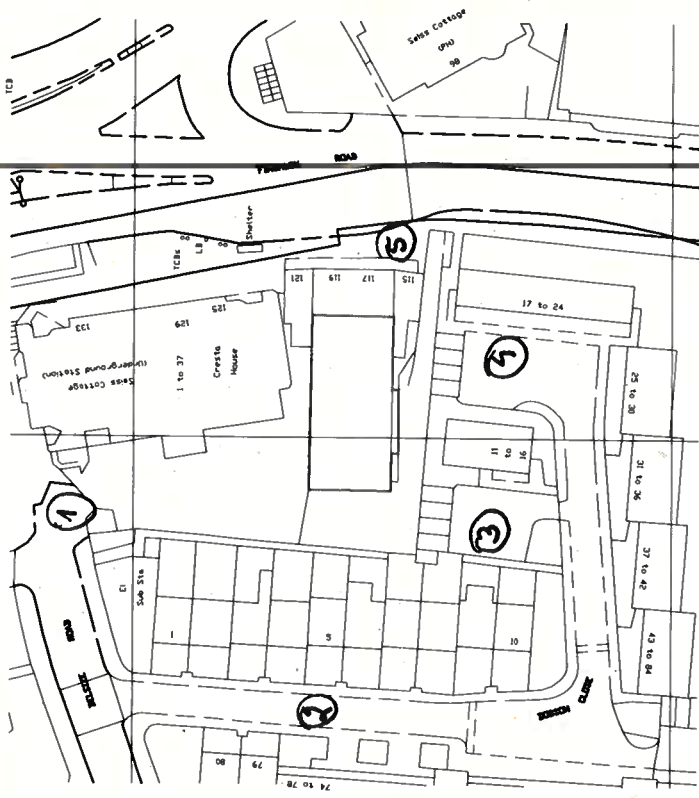
Odour/Smell Noise
Smell of Indian Food.

① No smell particular - windy

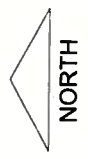
② Some smell of food
Noise of motorbikes
- from from fan

③ - Some smell of food - more than ③
- Noise of motorbikes + hum from fan

④ - No particular smell
- Great noise of motorbikes.



Block Plan 1:500



NORTH



Location Plan 1:1250



NORTH

Rev	Date	Notes
Rev A	10/06/17	Plot added to plan

PLANNING

LBF Architects

Project:
117 FINCHLEY ROAD
SWISS COTTAGE
LONDON

Client:
DELIVEROO

Drawing:
BLOCK AND LOCATION PLANS

S.E.B.	Drawn	Checked	Date
1500 & 11250	KH	DJP	JULY 2017

D.T.G. n.o. Rev:

NORA COMSTANTINESCU
05/04/2015

Weekend monitoring form, 115-117 Finchley Road

Location	Swiss Cottage Pub Garden (Opposite entrance ramp)		
Date	05/04/19		
Time 7pm to 8pm	20.30pm → 21.30pm		
Officers	John Diver		
Delivery motorbikes visiting the site (Exact number) No marshals visible. 9pm marshals loitering but no high viz. 9.10 2nd marshals (in high viz's) arrives	IHH - IHH 90		
Incident of motorbike/ pedestrian conflict on the pavement (number + details)	IHH IHH IHH IHH IHH IHH IHH IHH IHH I IHH IHH	24 - Ped. walk around scooter 15 - Ped. wait 6 - Close to collision! 10 - Pram forced into road / Ped. forced into road.	
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	IHH IHH IHH IHH 14	• Parked opposite side of road on pavement • Stopped in road as turning • Manned on pavement w/ crossing	
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	IHH 5		None
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	IHH IHH IHH IHH 19	Pavement fully blocked w. bikes: 20.35, 8.57, 8.59, 8.46, 8.52, 8.53, 8.54 9.01 → 9.04 (into road as well), 9.05, 9.16 9.24, 9.26, 9.29	Driver arrive on foot (parked elsewhere but unknown)
Smells emanating from the appeal site (Yes/ No and details of location)			
Litter from the appeal site on the pavement (Yes/ No + details of location)	NO		

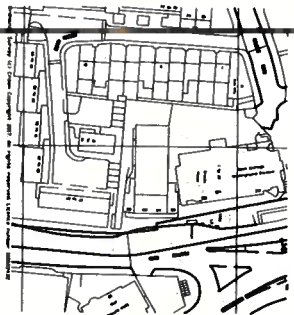
No windings / too to detect

① Sound of plant but unsure of source @ 19:40pm
No odors but fairly windy from NE

② No plant noise but seeder revolving audible @ 19:45
No odors but still windy.
2x Driveway seeder above part w. Deliveroo Boxes

③ Plant noise audible. Sound of seeder's revolving and
(fan whir) strutting from delivery drivers.
No odors but windy still.

④ Fours clearly audible. Road quieter due to blocks
Engines starting and revving clearly audible @
No odors - windy Seeder's parked @ Drivers walk around
to site (Deliveroo)



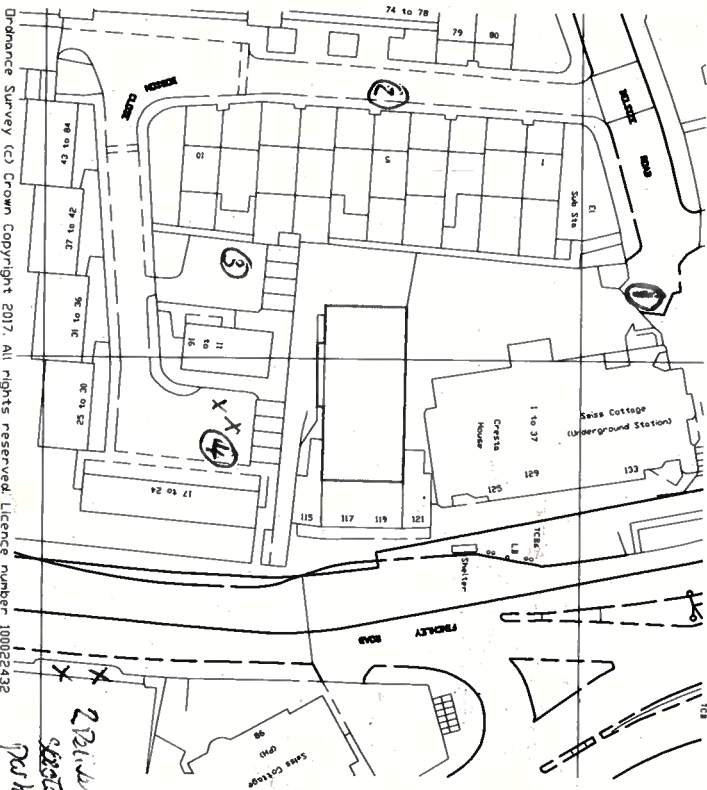
Location Plan 1:1250



2x Driveway
seeder's
parked on
pavement
as I walked past.
I did not walk to Deliveroo
site with bag.

19:40pm

19:48pm



Drainage Survey (c) Crown Copyright 2017. All rights reserved. Licence number 100022432

19:45pm

19:48pm

Block Plan 1:500



05/04/19 SD

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SWISS COTTAGE
LONDON

Client:
DELIVEROO

Drawing:
BLOCK AND LOCATION PLANS

Scale:	Drawn:	Checked:	Date:
1:500 & 1:1250 (A1 RHI)	CLP	HLV/2017	
DWG NO:	Rev:		
2017-075-106	A		

Weekend monitoring form, 115-117 Finchley Road

Location	Swiss Cottage Pub Garden
Date	26/04/2019
Time 7pm to 8pm	6:45 PM - 7:45 PM
Officers	NORA CONSTANTINESCU
Delivery motorbikes visiting the site (Exact number) Manchalls x 2. No motorbikes Bikes.	<p>HHH HHH HHH HHH HHH HHH HHH HHH HHH III 48</p> <p>HHH HHH II 12 II 2</p> <p style="text-align: right;">7 on site 7:45 PM</p>
Incident of motorbike/ pedestrian conflict on the pavement (number + details)	<p>Waiting: 1 Running: III Walk around: HHH II Walk into the street:</p> <p style="text-align: right;">① ③ ⑦ ⑤</p> <p>Traffic conflict. ①</p>
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	Reversing on pavement: IIII ④
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	
Smells emanating from the appeal site (Yes/ No and details of location)	
Litter from the appeal site on the pavement (Yes/ No + details of location)	

Gates installed further down the alley.

No Marshal visible ^{marshals} 20:10 back

Continued...

Time 8pm to 9pm 19.45 - 20.45	
Delivery motorbikes visiting the site (Exact number)	<p> </p> <p> </p> <p>(96)</p>
<p>On Foot, Parked (No Motorbike) elsewhere: (20)</p> <p>Push bike: (3)</p>	
Incident of motorbike/ pedestrian conflict on the pavement (number + details)	<p>Waiting: (7)</p> <p>Pushed: (2)</p> <p>Walk into Road: (3)</p> <p>Walk around: (11)</p> <p>Pram/WC obstruct: (1)</p>
Delivery motorbikes using stretches of the pavement other than the crossover (number + details)	<p>Over Pavement: (8)</p> <p>Parked on Pavement: (1)</p>
Proliferation of delivery motorbikes over wide areas of pavement (number of areas + details)	<p> (10)</p> <p>(Blocking crossovers fully or backed up onto road)</p>
Noise from delivery motorbikes audible in the vicinity of the site (Yes/ No + details of location)	<p>Yes.</p>
Smells emanating from the appeal site (Yes/ No and details of location)	<p>No - Swiss Cottage PH. See marked up Plan for walk around.</p>
Litter from the appeal site on the pavement (Yes/ No + details of location)	<p>No</p>

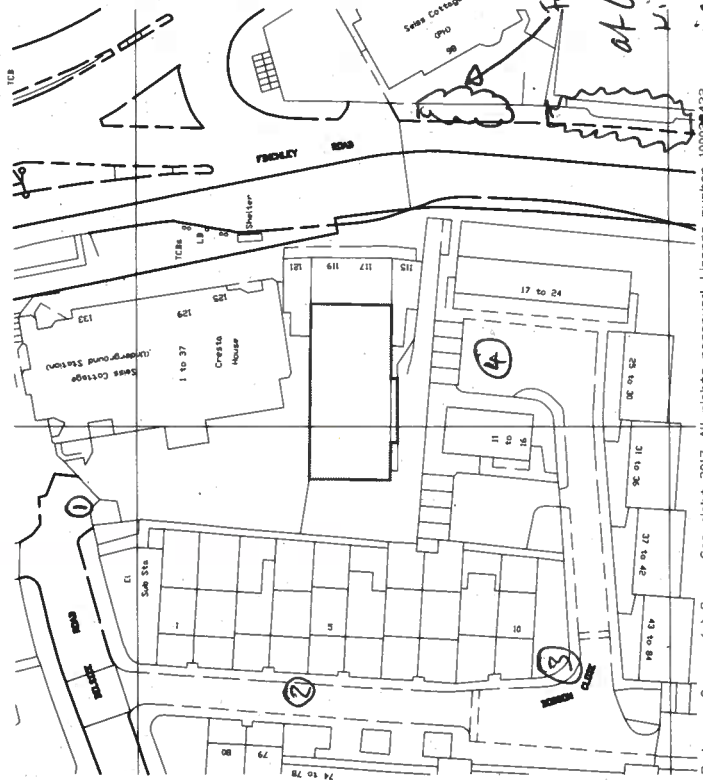
cleaning with food delivery

John Dives
26/04/19

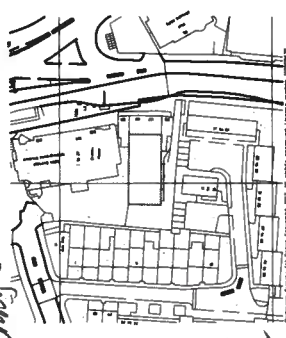
Site Visit 26th April 2019
@ 18.45pm

Clear conditions but strong wind from west

- ① Noise of plant hum, but difficult to identify source. Light smell of cooking but not sure of source. Smell of oil frying but faint due to wind.
- ② Distant traffic noise main source of noise, though several beeps from motorbikes/scooters could be heard over the top. More cooking smells but could be from surrounding flats as smell ~~was~~ less like frying.
- ③ Traffic from Hillgrove main source of noise. No smells but fairly strong winds.
- ④ Traffic from Finchley Rd main source of noise but revving + occasional beeps from scooters clearly audible. No sounds from fans. Smelly of strong cooking, though intermittent due to gusts. Also can't be sure of service.



Further 2 parked on street here.
at least 9 motor scooters
w/ in delivery boxes waiting
in this area. Drivers stand
together nearby. Photographed
@ 19.00pm



Block Plan 1:500

Location Plan 1:1250

NORTH

PLANNING

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Project:
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SWISS COTTAGE
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Client:
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1:500 & 1:1250	KH	DJF	JULY 2017
DWG. NO.:	Rev:		
2017-075-106	A		

[Signature]
20/04/19

NORTH

20:05 - 20:15

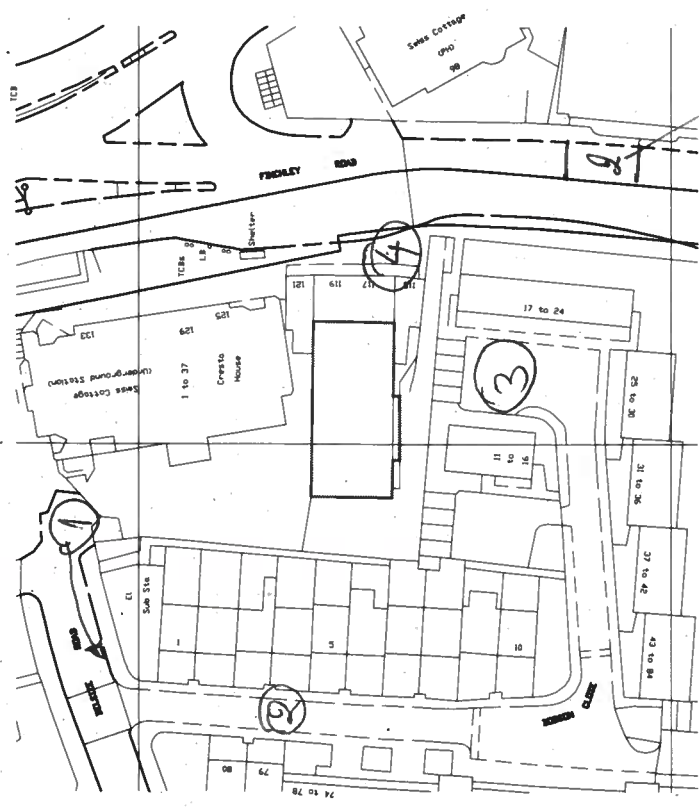
Smell of food / curry / Indian - quite strong.
 No particular noise

No particular smell or noise

Strong smell of food (fish / spicy)
 Noise of motorbikes

Smell of food
 Noise of motorbikes & general traffic

- ①
- ②
- ③
- ④

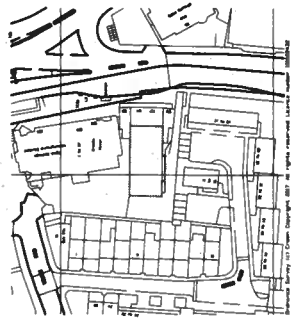


2 motorbikes
 for delivery
 parked

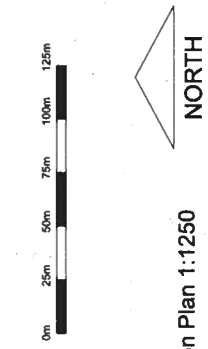
Block Plan 1:500

• noise
 • smell

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Location Plan 1:1250



Rev	Date	Notes
Rev A	09/08/17	Read smoke line altered

PLANNING

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 117 FINCHLEY ROAD
 SWISS COTTAGE
 LONDON

Client:
 DELIVEROO

Drawing:
 BLOCK AND LOCATION PLANS

Scale:	Owner:	Checked:	Date:
1:500 & 1:1250	LBF	DP	JULY 2017
Dwg No.:	Rev.:		
2017-075-106	A		