

## **Objection to Planning Application - 2020/2367/P by Victoria Stacey**

**Site Address: Land to the rear of 115-119 Finchley Road London NW3 6HY**

### **Introduction**

I am a member of the community working group (CWG) which was detailed in the OMP<sup>1</sup> as set out in the section 106 Agreement. I was also a member of the Local Residents' Group, Rule 6 party (LRG), as detailed in the Appeal Decision<sup>2</sup>. We are a small group and have been working with Deliveroo to ensure compliance with the OMP. I write as a member of these groups and as a local resident.

I would like to highlight that the job of the marshals, riders and site management team is an unenviable one and I place any blame for non-compliance, bad choice of community siting, illegal structures and nuisance solely with Deliveroo as an entity and not with any individuals employed to work on the site.

I am writing to object to Deliveroo Editions' request for planning permission to remain on the Swiss Cottage site and to ask that they are refused planning permission.

### **Formation of CWG, meetings and local residents' complaints**

As set out in the section 106 Agreement, the council had a responsibility to inform Deliveroo of local community groups who could form the CWG. This list was outdated and to my knowledge included such "groups" as local schools. It was not considered to invite members of the LRG Rule 6 Party. I only became a member of the CWG after I contacted John Sheehy directly, after I was advised by a fellow member of the LRG who happens to also sit as a member of a residents' group who were approached.

The meetings themselves have been used by Deliveroo mainly to show PowerPoint packs about the great benefit they bring to the area. They request us to comment upon how they should contribute charitably to the area. This was not a term of the 106 agreement which specifies "opportunity to make representations to the Owner in respect to the operation of the development". We have been bringing our evidence of breaches of the OMP to their attention. The first meeting was in person, we chose to defer the second at the beginning of the Covid outbreak due to not understanding how long lockdown would last. The third meeting was by way of Google Hangouts which proved unsuitable. None of the LRG members could access it properly and it was not clear who was speaking (the minutes reflect this as some names are confused). No slides were visible and we have asked that the next meeting be conducted by zoom.

I believe that it is not known to the wider community that Deliveroo are operating under the inspector's guidance and without planning permission. I believe that if people did know, there would be more reports of incidents. When we have discussed the site with neighbours they complain of noise and nuisance and food smells. They also say they were not aware that the site is operating illegally. There is nothing on the signage for Deliveroo to explain that they are currently operating under the OMP and where any complaints should be directed. The contact details on the sign on the slip road are in considerably smaller font than the rest of the information.

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<sup>1</sup> Any reference to the OMP refers to the document set out in the section 106 agreement

<sup>2</sup> Any reference to the "inspector" or "Appeal" refers to the Appeal decision of The Planning Inspectorate by Diane Lewis Decision date 17 September 2019, appeal ref APP/X5210/C/18/3206954

## **Signage**

In fact, the signage (which was missing for a considerable amount of time) still does not reflect the new trading hours, nor the ones for which they are applying. This is another example of their flagrant disrespect for rules and local people.

The CWG were informed of the change of hours by accident by the site manager during the CWG meeting on Wednesday 27th May and this was later confirmed on 3 June. We were provided with this confirmed notice (non confidential) " As a first step we have begun opening for trade at 12.00 on Mondays. This has enabled us to both gauge demand and ensure that processes run smoothly. From the week commencing 15th June we will be opening for trade from 12.00 each day in the week."

The signage, to date, has not been updated.

## **Legal Planning permission**

At no point have Deliveroo explained why they did not apply for planning permission before starting trading and making illegal alterations to the building. I presume this is due to their understanding that with modern planning permission rules it is possible to trade for several years before being forced to cease trading, as has happened in this case.

The area they have chosen is a residential community area and not suitable for their use. They could bring any benefits they claim to bring by operating from a more suitable industrial site.

## **OMP**

I cannot see reference to how the OMP is to be taken into consideration in relation to this new application. How can it continue to be enforced when the site already fails to keep to the OMP? This is a great concern of the LRG.

The submitted document, the Review of adopted Operational Management Plan, highlights that there were breaches witnessed by the surveyors. These reduced as the survey took place. It would be naive to believe that this was purely due to improvements in enforcement and not to do with realising that the operation was being surveyed. It focuses on riders and does note some noise by staff. It does not refer to deliveries to the site and is not very substantial when considered against the frequency of complaints raised at CWG meetings.

Another member of the CWG has submitted some lists of breaches. These are not from 24/7/365 monitoring of the site but from incidental observations by passing locals. I will detail some of mine below. When I was regularly in the area, 9/10 times I passed Deliveroo I would notice an infringement such as lack of marshals, cyclists on pavements etc. Deliveroo are also logging these incidents and claim they have logged some of the ones we have noted. This is an unsustainable process and, were it to be removed, would only add to the detriment to the local area that the OMP is supposed to prevent. The on-going breaches over the years are evidence of the inability for this to be enforced.

Deliveroo's attitude towards complaints against the OMP continues to be reactionary rather than preventative. I now notice there is a new document dated June 2020 to amend the OMP for Covid. Again, Deliveroo have not presented this to the CWG. The document itself does not address the breaches of social distancing in the streets by Deliveroo e-cyclists which has already been evidenced to Deliveroo by residents and submitted against this application. Arguably following our questions

about their response to Covid at the last CWG meeting, it may have been produced, but it still highlights their lack of response to Covid that this has been produced so late and is incomplete.

Throughout their illegal operation, Deliveroo have caused nuisance to the quality of life of the community. Despite the move from mopeds to ebikes the site continues to cause nuisance. There is still a large number of breaches of the OMP.

The riders for Deliveroo work in the modern gig economy. There are many media reports of issues, grey areas, employment rights etc regarding the employment status and responsibility of self-employed workers for companies such as Deliveroo Uber and the like. The OMP seeks to redress some of these issues but ultimately, if the Deliveroo site were not present, the breaches by individuals, regardless of their employment status, would not happen.

## **Planning obligations as set out in the Appeal**

The inspector acknowledged that the OMP is unlikely to be successful and therefore Deliveroo will be unable to prevent/mitigate noise and disturbance, odour, highway safety (particularly of pedestrians), character and appearance of premises and surrounding area as it relies to a considerable extent on the individual members of staff and visitors, including riders, complying with the code, and that it would be doubtful that the traffic marshal could effectively carry this out.

I would say this site continuously negatively affects the surrounding community, is not sufficiently enforced (as evidenced to Deliveroo and in comments to this application), and by Deliveroo's admittance to the breaches themselves.

## **Impact of the site on the area**

### **Highway safety, particularly pedestrians**

There has been no improvement to the transport impact of the e-bikes crossing the pavement and entering bus lanes and the busy Finchley Road. This is not a safe or suitable area for this.

There continues to be disruption to amenity, with riders loitering for work in side streets. This has a direct effect on local residents as they are unable to socially distance when several riders and their bags sprawl across the pavement. It also looks untidy and any litter we see we associate with the riders. Residents witness urinating in public which has happened throughout Deliveroo's location at the site. I have witnessed a moped driver and a delivery driver urinating in Dobson Close but never seen anyone else do so in my time here.

### **Noise and disturbance**

Due to Covid we have not been living in London to report breaches of the OMP. However, we were there for a few days in June/July and on 4 of those 5 days we noticed at least one breach of the delivery conditions each day. We did not pass the site at a time to be able to comment on the behaviour of delivery riders from the site but noted these incidents below of deliveries to the site which I emailed to Deliveroo. They confirm 3/4 of the incidents are in their log book and were all related to their delivery firms. We also noted to them that we could smell cooking smells in Dobson Close on all of these days and, as the weather was warm, it was particularly unpleasant.

1 Jul 7.46am	<p>A greengrocer lorry came to the top of Dobson Close and reversed to turn around, making a considerable noise. The driver then left the engine running and went up the steps to Deliveroo. One half of the gate doors on the slip road were already open.</p> <p>The driver left a few minutes later. We were disturbed again and looked out and could hear the security guard having a loud conversation with someone a distance down from her by the Deliveroo side entrance. We then witnessed a man carrying an empty plastic pallet walk up past the guard and out of the gates at 7.55. He turned left at the top, presumably walking back to a parked vehicle further up the road.</p>
24 Jun 8.20 am	<p>A rude awakening 8.20 am today with a delivery driver shouting hello....hello. As you know from the inspector's decision, sound travels a lot around here. He shouted for a while. No reply so he waited in his van for a while.</p> <p>The gates were eventually opened about 5 minutes later.</p>
20 June 11.15	<p>A black van with 'Fabulous Meat' on the side parked in the lower car park in one of the marked bays next to the e-vehicles.</p> <p>He arrived with music blaring...(that's how I noticed him) he then proceeded to keep playing his disco to the world. It's a nice day and we all had our windows open.</p> <p>There were a few minutes where he left the van before he later returned to the back to get his supplies out. Presumably he was socialising. I have a video time stamped 11.21 with the music.</p> <p>I then went out and meanwhile my wife Jo got fed up of the music and called out to him to turn it down. She noticed someone in the lower car park having a cigarette who acknowledged her, finished his cigarette and went.</p> <p>The guard eventually came over (presumably the smoker fetched him) and walked around the vehicle. Then the driver reappeared and the guard spoke to him. The driver said, "I'm my own boss I can do what I want".</p> <p>He then got in the vehicle, said something else to the driver. Closed the door and drove off music blaring. He had been there around 20 minutes.</p> <p>The security guard was wearing music headphones so hadn't heard this, is this permitted?</p> <p>Finally, can the security guards be instructed not to stand leaning on the wall at the top of the steps down to Dobson Close as it is causing a pinch point when trying to maintain a social distance when using the steps. The same would probably apply to the entrance to the flats on the other side of the slip road.</p>
18 June 7.05	<p>I noticed a delivery van in the lower part of the car park at about 7.05 this morning. It was white van sized and said "clean wipes" and had other writing on it.</p> <p>When we drove past at about 7.20 the gate to the side road was open. Are people on site from earlier than the 8am as we understand from the omp? Previously the gate has been locked until 8am.</p>

*Table: Extract from emails sent by myself to Deliveroo, all incidents were later confirmed to relate to the site by an employee of Deliveroo*

## **Odour**

As mentioned above on our last visits to London we noticed strong cooking smells in Dobson Close which cannot be attributed to flats. The smells come from Deliveroo and settle in the Close.

We have lived in the area for many years and do not remember noticing cooking smells in the area until Deliveroo set up the kitchens, even from the other restaurants on the Finchley Road. There have been smells throughout Deliveroo's occupation. This is worse in the summer but noticeable all year round.

## **External plant**

Finally, in relation to the external plant erected by Deliveroo as described in the appeal, to be removed upon failure to obtain planning permission. These are against the London Plan (2016) and the Camden Local Plan (2017) and the Site Allocations Plan (2013), particularly CLP Policy A1 and D1 to carefully integrate building services equipment. They are an eyesore. They bring an industrialised look to an otherwise residential/community area.

## **Conclusion**

In conclusion, from my experience being a local resident, a member of the LRG and CWG, I do not believe that this is a suitable location for such a large operation. It brings huge nuisance to the residential area, and the OMP has proved to be ineffective, with continual breaches over the lifetime of the site. It can no longer be the responsibility of the CWG to try and ensure compliance and Deliveroo have been unable to ensure regular and sufficient compliance.

Therefore, given all the reasons above, I would urge the Planning Committee to refuse this planning application.