

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b> /2022
			<b>Consultation Expiry Date:</b> 13/02/2023
<b>Officer</b>		<b>Application Number(s)</b>	
Enya Fogarty		I. 2022/1123/P II. 2022/1862/L III. 2022/1124/A	
<b>Application Address</b>		<b>Drawing Numbers</b>	
1A Camden High Street London NW1 7JE		See decision	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>
<b>Proposal(s)</b>			
<p>I. Installation of a generator terminal and louvres on the Crowndale Road side elevation and external lighting and security cameras on the front and side elevations</p> <p>II. Installation of a generator terminal and louvres on the Crowndale Road side elevation and external lighting, security cameras and signage on the front and side elevations</p> <p>III. Installation of advertisements on Camden High Street, Bayham Place, Bayham Street and Crowndale Road elevations.</p>			
<b>Recommendation(s):</b>		<p>I. Refuse Planning Permission and warning of enforcement action to be taken</p> <p>II. Part Refuse/Grant Listed Building Consent</p> <p>III. Part Refuse/Grant Advertisement Consent;</p>	
<b>Application Type:</b>		<p>I. Full Planning Application</p> <p>II. Listed building Consent</p> <p>III. Advertisement consent</p>	

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	0	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>Site Notices displayed 29/06/2022 Expired on 23/07/2022. The development was also advertised in the local press on the 30/06/2022 Expired on 24/07/2022.</p> <p>No responses were received from neighbouring occupiers.</p>					
Camden Town CAAC	<p><b>CAAC comments are as follows-</b></p> <p><i>The Committee is very concerned about the quantity and type of flood lighting that is being proposed for this building, in addition to the signage lighting (which is already large and potentially very bright).</i></p> <p><i>Any lighting scheme should be sensitive to the Listed building's status and enhance its appearance. The building should not be overlit it so that it acts as an advertising beacon for the venue, nor cause night time light pollution (both for biodiversity reasons and because residents live very close by on the High Street). A CGI visual should be provided to show the effects of all of the lighting together to enable a proper judgement to be made and ensure that proposals enhance the visual appearance of the building at night and do not distract from it. NB Reinstating the poorly designed ugly ground floor lighting is not acceptable – there must be more appropriate fittings available that would not stick out from the first floor parapet which would achieve a similar function to light up the pavement around the base of the building.</i></p> <p><i>Members consider that the size of the proposed signage is acceptable but are concerned, again, that light levels produced from it will be too high. Whilst the Committee would not object to the provision of small light boxes with a static image providing information about the current performance, the proposed digital screens at ground floor level could be utilised for general advertising and other non-static images at LED-level brightness which would be unsympathetic to the Listed Building and also distracting for drivers at this dangerous junction. If permission is to be given a Condition should be imposed to prevent this alternative use. We note that the large signs elsewhere state these will have static lettering/graphics and only relate to the current event - the same must be the case with the ground floor light boxes. The main sign at first floor parapet level should not be internally illuminated as that will distract from the KOKO signage above.</i></p> <p><i>The proposed louvres in brickwork adjacent to those behind windows are not acceptable and must be incorporated within adjacent window framing. The generator terminal is acceptable, but a Condition should be imposed to ensure it is only used occasionally, to control noise levels and to ensure that it is not diesel powered to preserve air quality.</i></p>					

## Site Description

1A Camden High Street, now known as Koko but formerly the Camden Palace Theatre, is a grade II listed building within the Camden Town conservation area built in 1900-1901 by WGR Sprague. The principal façade is symmetrical in a Baroque pastiche style. The building is set over four floors with a large copper dome at roof level. The interior is symmetrically planned with an elaborate foyer with pilasters and moulded ceilings.

## Relevant History

### Application Site

- **2020/4491/L** - Reinstatement of the building's interiors and finishes. Internal alterations. Retrospective and ongoing strip out works. Drying out works. Repainting of the southern and western elevations. **Granted on 30/11/2020.**
- **2017/6058/P & 2017/6070/L**- Erection of 4 storey extension above north west side of 1A Camden High Street (Koko) and erection of 5 storey building to provide pub at ground floor and private members club on upper floors following demolition of 65 Bayham Place, 1 Bayham Street (façade retained) and 74 Crowndale Road (façades retained), including enlargement of basement and sub-basement, mansard roof extension to 74 Crowndale Road, creation of terraces at 3rd and 4th floor level, relocation of chillers and air handling unit to 3rd floor plant enclosure with additional plant at roof level, erection of 4th floor glazed extension above roof of Koko to provide restaurant and bar to private members club, minor reconfiguration to circulation space within Koko, conversion of Koko dome to private bar, erection of glazed canopy to Camden High Street and Crowndale Road elevation and refurbishment and restoration of Koko. **Granted Subject to a Section 106 Legal Agreement on 02/05/2018**

## Relevant policies

### National Planning Policy Framework 2021

### The London Plan (2021)

### Camden Planning Guidance 2017

- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- D4 Advertisements

### Camden Planning Guidance

- CPG1 Design (January 2021)
- CPG Amenity (January 2021)
- CPG Advertisement (March 2018)

Camden Town Conservation Area Appraisal and Management Plan (2007)

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

## Assessment

### 1.0 PROPOSAL

1.1 Planning permission is sought for the

- The installation of a generator terminal on the south-eastern elevation.
- The installation of louvres to the southeast elevation to accommodate ventilation ducts.
- External lighting on the front and side elevations
- Signage on the front and side elevations

### 2.0 ASSESSMENT

2.1 The material considerations for this application are summarised as follows:

- Design
- Amenity of neighbours
- Transport

It should be noted some works have occurred without planning and listed building consent and as a result an enforcement case was opened under EN23/0145.

### 3.0 Design

Local Plan Policies D1 (Design) is aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Policy D2 (Heritage) requires that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.

Policy D4 (Advertisements) of the Camden Local Plan 2017 states that applications for advertisements will be supported where they 'a. preserve the character and amenity of the area; and b. preserve or enhance heritage assets and conservation areas'. It states further that 'Shroud advertisements, banners, hoardings / billboards / large outdoor signboards are subject to further criteria as set out in supplementary planning document Camden Planning Guidance on advertisements'.

CPG (Advertisement) 2018 states that 'Digital advertisements are by design visually prominent and attention-grabbing with their illuminated images, especially when they are large in size. They are not suitable for locating in some areas. Factors which make a location less suitable for digital billboards include locations within conservation areas, within predominantly residential areas, where the advertisement could become the most prominent feature of the street scene'.

The guidance further states that 'Good quality advertisements respect the architectural features of the host building and the character and appearance of the surrounding area. As a general guide, the most satisfactory advertisements are those which take into account the character and design of the property, its surroundings and alter the external fabric of the host building as little as possible. Advertisements and signs should respect the form, fabric, design and scale of the host building and setting. All signs should serve as an integral part of the immediate surroundings and be constructed of materials that are sympathetic to the host building and the surrounding area.'

The Camden Town Conservation Area Appraisal and Management Plan (2007) further states that hoarding advertisements because of their size and scale are not considered acceptable forms of advertising within the conservation area.

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013 require special regard to be attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. S.72 of this Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

The effect of these sections of the Act is that there is a statutory presumption in favour of the preservation of listed buildings and the character or appearance of Conservation Areas.

Where harm is caused to a heritage asset, local planning authorities should give 'great weight' to preserving the asset's significance, in accordance with paragraph 200 of Section 16 of the National Planning Policy Framework (NPPF). Any harm or loss should require clear and convincing justification and where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial, paragraph 202 requires that harm to be weighed against the public benefits of the proposals.

This is further supported in Local Plan Policy D2 Heritage which states 'The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm'. Each element of the proposal is discussed below;

Given that the signage relates to a theatre and intends to advertise the relevant show/ musical/ audition/ rehearsal/ film on a short and medium term basis, the principle of some form of sign has been considered to be generally acceptable subject to an appropriate design which includes the facets of siting, scale, suitability in its context and material finish.

#### Sign 1

It is considered the principle of this sign on the front elevation is acceptable as there has historically been a sign like this in this position for some time. The sign has already been erected but in a different location. The sign should be lower so that the window behind is not obscured to such a degree. In addition, the current sign is not only internally illuminated but is also illuminated by external trough lighting. The trough lighting is excessive and unnecessary and adds clutter to the elevation. Thus it is unacceptable.

#### Signs 2 & 3

The size, position and illumination of these signs on the front façade were granted planning permission and listed building consent refs 2017/6058/P and 2017/6070/L. These signs are the same signs that were approved and are therefore acceptable.

#### Sign 4

These are illuminated signs located above the poster boxes (sign 5) on either side of the front entrance. These signs have been erected and the purpose of these signs are unknown. The signage would detract from the appearance of the grade II listed building creating an incongruous feature.

#### Sign 5

These signs have bronze frames with an internally illuminated LED screen on either side of the front entrance. It is considered any adverts here should be paper and should be externally illuminated, in order to protect the special interest of the listed building. Similar to sign 4, these signs have been erected without consent.

#### Sign 6a

These 3 signs on Crowndale Road have been revised by removing signs 6b and 6c and now having 3 identical sized smaller signs called 6a. The adverts are located within the historic frames with external illumination. However, the poster boxes would have an LED screen which is considered unacceptable and would harm the special interest of the listed building.

#### Sign 7

These 2 signs at the rear of the Anchor & Hope pub on Bayham Place and Street would be internally illuminated and be used to show the menu of pub restaurant. Although these signs should normally be externally illuminated, given their location and size, they are considered acceptable.

#### Sign 8

This sign also at the rear in Bayham Street has been erected and been present for many years. The sign would be externally illuminated and would be constructed in aluminium and timber as per the original design which is considered acceptable and would preserve the appearance of the grade II listed building.

As outlined above the proposed signs 1, 4, 5 and 6A are considered to cause harm to the significance of the grade II listed building and the character of the streetscene and conservation area. Therefore, these elements of the proposal should be refused LB and advert consent. The proposed signs 2, 3, 7 and 8 are considered to be acceptable as they would preserve the appearance of the grade II listed building and the surrounding conservation area and thus these elements of the proposal can be approved.

#### Generator terminal on the southeast (Crowndale Road) elevation

The installation of a generator terminal would be located on a prominent and significant elevation and would be highly visible. The generator has been installed without consent and is considered unacceptable. The generator would appear as an incongruous addition to this listed building and as such causes unacceptable harm to the listed building and the surrounding conservation area.

#### Louvres on the southeast (Crowndale Road) elevation

It is proposed to locate the louvres within the window voids and within the brickwork on the south eastern elevation. The proposed louvres which have already been implemented are not considered acceptable. The punctuation of and insertion of louvres in a principal and highly visible elevation is harmful to the special interest of the building. It alters the composition and rhythm of the fenestration and elevation as a whole by introducing an alien element on a highly visible elevation harming the special interest of the building. The removal of fabric and the alteration to the rhythm of the elevation harms the fabric and the intended architecture. The applicant has submitted supporting documents to demonstrate the need for the louvres. However, despite the submitted information, it is not clear that all possible methods of ventilating for the plant room have been explored. For example, no evidence has been provided to demonstrate if the plant room could have been moved to a different part of the building and ventilated through a less sensitive part of the building.

As such they cause unacceptable harm to the listed building and the surrounding conservation area.

#### CCTV

Overall, the installation of the security cameras on the front and side elevations are considered acceptable. However, the installation of a security camera on the Crowndale elevation is considered unacceptable as it would be located on the principal elevation, interrupting the architecture and detailing of the façade and adding to unnecessary clutter to the building and the surrounding conservation area.

#### Lighting

The proposed lighting on the front and side elevations is considered acceptable; however, the fixings are considered unacceptable. The existing fittings were not reused and repaired, and this should have been taken into consideration. Furthermore, no details have been given on the proposed fixings, which may well have damaging implications for the historic structure. Additionally, the lighting has already been erected without consent.

#### Conclusion

The Council's view is that the overall harm of all the alterations in this case is 'less than substantial'. The proposal does not meet the public benefit test. A proposal which would cause harm should only be permitted where public benefits outweigh the heritage interest. There are no public benefits to outweigh the harm in this instance. Therefore, the proposal has not met the requirements the NPPF.

It is considered the proposal would harm the fabric, appearance and setting of the host listed building and the character and appearance of the conservation area and thus would not comply with policies D1 and D2 of the Camden Local Plan. However some of the adverts as specified above are considered acceptable and can be approved as part of a split decision on the listed building and advertisement applications.

#### **4.0 Amenity of neighbouring residential occupants**

Policy A1 seeks to ensure that the amenity of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy.

Due to the location, size and nature of the proposals, they would not harm the neighbour's amenity in terms of the loss of natural light, outlook or privacy and of the creation of additional light spill or noise.

The proposed development is not considered to lead to a significant impact upon the amenities of any neighbouring resident. The development is thus considered to be in accordance with policies A1 and A4.

## **5.0 Transport**

The size and location of the signage results in a prominent addition to the streetscape; however, given the level of illumination within the adjacent shopping parade and illumination of Camden High Street generally, coupled with the static nature of the external illumination proposed, the signage is considered not to form a significant public safety hazard or distraction to pedestrians and motorists.

As such, the proposed signage presents no public safety issues or concerns.

## **6.0 Recommendations:**

### **A. Refuse planning permission, part refuse/approve listed building consent and part refuse/approve advertisement consent.**

The reasons for refusal/approval are listed below:

#### **Planning Permission**

##### Refuse-

1. The louvres and generator terminal, by reason of their size, location, materials and detailed design, are considered to be incongruous features that harm the character and appearance of the host listed building and the conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
2. The CCTV camera located on the Crowndale Road elevation, by reason of its size, scale and location, is considered to be an inappropriate and visually intrusive element that harms the character and appearance of the host listed building, streetscene and conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

#### **Listed building consent-**

##### Refuse-

1. The louvres and generator terminal, by reason of their size, location, materials and detailed design, are considered to be incongruous features that cause harm to the special interest of the grade II listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.
2. The CCTV camera located on the Crowndale Road elevation, by reason of its size, scale and location, is considered to be an inappropriate and visually intrusive element that harms the special interest of the grade II listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.
3. The internal alterations associated with the proposed external lighting are considered to be incongruous interventions that result in the loss of historic fabric and harm the special interest of the Grade II listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.
4. The signs 1, 4, 5 and 6a, by reason of their number, location, design, materials and method of illumination, are considered to result in excessive visual clutter and be harmful to the special interest of the Grade II listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.

##### Approve-

5. The signs 2, 3, 7 and 8, by reason of their number, location, design, materials and method of illumination, are considered acceptable and do not harm the special interest of the Grade II listed building. Thus they are in accordance with policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.

#### **Advertisement consent-**

##### Refuse-

1. The signs 1, 4, 5 and 6a, by reason of their number, location, design, materials and method of illumination, are considered to result in excessive visual clutter and be harmful to the character and appearance of the host listed building, streetscene and conservation area, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the London Borough of Camden Local Plan 2017.

##### Approve-

2. The signs 2, 3, 7 and 8, by reason of their number, location, design, materials and method of illumination, are considered acceptable and do not harm the character and appearance of the host listed building, streetscene and conservation area. Thus they are in accordance with policy D4 (Advertisements) of the London Borough of Camden Local Plan 2017.

#### **B. Issue an Enforcement Notice-**

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended to remove the front gate to front of property and that officers be authorised, in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

#### **The notice shall allege the following breaches of planning control:**

Installation of internal and external louvres on the side elevation of the building at 2<sup>nd</sup> floor level, and a generator terminal at ground floor level on the Crowndale Road elevation

#### **What are you required to do:**

1. Totally remove the louvres that have been installed on the wall at 2<sup>nd</sup> floor level on the Crowndale Road elevation;
2. Totally remove the internal louvres that have been installed behind the windows located on the far western side of the building at 2<sup>nd</sup> floor level on the Crowndale Road elevation;
3. Totally remove the generator terminal that has been installed at ground floor level on the Crowndale Road elevation;
4. Make good any damage caused as a result of the above works

#### **Period of compliance: 1 Month**

#### **Reasons why the Council consider it expedient to issue the notice:**

1. It appears to the Council that the above breach of planning control has occurred within 4 years
2. The louvres and generator terminal, by reason of their size, location, materials and detailed design, are considered to be incongruous features that harm the special interest of the grade II listed building and the character and appearance of the conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.