



The Hope Lease Ltd

Grounds of Appeal

Appeal against an Enforcement Notice ref.
EN23/0145 – KOKO music venue, 1A Camden
High Street



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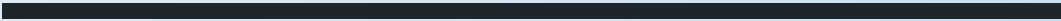
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Executive Summary





Executive Summary

This Statement of Case (SoC) has been prepared for a written representation's procedure for the Enforcement Appeal (Planning Inspectorate ref. APP/X5210/W/23/3328414) in relation to the site at KOKO, 1A Camden High Street, NW1. This appeal relates to the refusal of a planning application (LPA ref. 2022/1123/P) and listed building consent (LPA ref. 2022/1862/L) and the subsequent issuing of an Enforcement Notice by the London Borough of Camden ("the Council").

Alongside this appeal, the Appellant submitted an advertisement consent appeal (Planning Inspectorate ref. APP/X5210/Z/23/3324417) (LPA ref. 2022/1124/A). This appeal was decided on 20 October 2023, with the appeal allowed and express consent granted by the Inspectorate.

A Listed Building Enforcement Notice (LPA Enforcement ref. EN23/0145) (**Appendix 1**) was issued on 13 July 2023 in relation to works allegedly carried out without Listed Building Consent.

As well as this appeal and the advertisement consent appeal, the Appellant has appealed against the refusal of planning permission (LPA ref. 2022/1123/P) (Planning Inspectorate ref. APP/X5210/W/23/3328414) and listed building consent¹ (LPA ref. 2022/1862/L) which were submitted at the same time as this appeal. The Start Letter for this appeal (Planning Inspectorate ref. APP/X5210/W/23/3328414), issued 23 October 2023, sets out the appeals will be linked once the written exchanges for both timetables are complete.

Planning and listed building consent planning applications were submitted in March 2022 for the 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 of the site. This application was refused by the Council on 25 April 2023.

The elements proposed within the refused scheme are integral to the operation of KOKO. Each element has been designed and located to provide a proposal that is sympathetic and in keeping with the character and design of the Grade II listed music venue whilst continuing the site to operate.

Development on the site has been sympathetically revived to deliver the best possible development, transforming the site into a more useable and mixed used site. There have been significant resources put into bringing the building back to life but also evolving the site to provide greater benefits to the London Borough of Camden.

¹ WSP are in discussions with PINS regarding the validity of this appeal, the status is to be confirmed by PINS



KOKO is an internationally renowned independent live music venue and a prominent member of the local community and contributor to the London Borough of Camden and wider London economy.

KOKO has brought forward a number of significant public benefits. This includes:

- Restoration and revitalisation of a Grade II Listed Building;
- Safeguarding the longevity of KOKO as a musical and cultural asset to Camden Town and ensuring the revenue generated by music tourists of around £10.7million per annum is retained in Camden;
- Restoration and revitalisation of Hope and Anchor public house, providing a facility for both the local community and visitors to KOKO. This building is linked to the rear of KOKO music venue;
- Operation of CCTV cameras have provided support to the Police in various cases detailed in this SoC. The CCTV camera operation has contributed to the operational safety of the site and the safety of the wider surrounding area.
- Development of a private members club, increasing the number of entertainment and hospitality jobs at the site. The private members club provides free membership to local entrepreneurs and members or associates of local start up organisations. KOKO is a significant employment source for Camden, with a team of over 280 dedicated staff with a total annual wage bill of £10 million. In addition to KOKO's full-time workforce, they support hundreds of freelance professionals per year from security personnel to sound engineers and stage crew.
- KOKO is deeply committed to community involvement and has been a driving force in the local Camden community since 2004. Working closely with local schools, charities, and community groups to promote social inclusion and cultural diversity. The venue regularly hosts community events and fundraisers, providing a platform for local talent to showcase their skills and supporting local initiatives.
- The KOKO Foundation has been set up to focus on three key pillars - music, environment, and community - with the aim of promoting a more sustainable environment through direct action. The Foundation has already begun its work in the heart of Camden, creating mini forests in over 8 estates, giving trees and hedges to over 25 local schools, and rewilding Camden Fire Station. The Foundation is also developing music and mentor programs at KOKO and in local schools, with a particular focus on disadvantaged young people. Additionally, the Foundation has launched its own academy for 18-25-year-olds, specifically for Camden residents.
- Improvements to the sustainability and energy credentials of the site, through the redevelopment of the site.

Full details of the appeal have been set out below.

1 Introduction

- 1.1.1. This SoC is submitted by WSP on behalf of the Appellant, The Hope Lease Ltd (hereafter referred to as KOKO), in respect of the Listed Building Enforcement Notice (Enforcement Notice) (LPA ref. EN23/0145) issued by the Council, dated 13 July 2023.
- 1.1.2. The Enforcement Notice was issued in respect of a breach of planning control under S38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at KOKO, 1A Camden High Street, London, NW1 0JH.
- 1.1.3. The alleged breach of planning control is:
“Without listed building consent: Internal alterations and 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.”
- 1.1.4. The Enforcement Notice requires the following to be undertaken to remedy the breach within one month of the notice taking effect (Time for Compliance):
*“1. Totally remove the louvres that have been installed on the wall at 2nd 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 2nd 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. Totally remove the internal light fixing installed and that are associated with the external lighting installed on the front and side elevations of building;
5. Totally remove the CCTV camera on the Crowndale Road elevation;
6. Repair any damage caused in regards to methods used, and match the materials, colour, texture, and profile as a result of these works.”*
- 1.1.5. The Council’s reasons for issuing the Enforcement Notice were as follows:
*“a) The work outlined above has been carried out to this Grade II listed building without benefit of Listed Building Consent.
b) The louvres and generator terminal, by reason of their size, location, materials and detailed design, are considered 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.
c) The security camera located on the Crowndale Road elevation, by reason of its size, scale and location, is considered 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.

d) The internal alterations associated with the propose external lighting are considered incongruous interventions that result in the loss of the 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.”

- 1.1.6. Prior to the issuing of the Enforcement Notice the Appellant had applied for full planning permission and listed building consent for the installation of a generator terminal and louvres on the Crowndale side elevation and external lighting and security cameras on the front and side elevations at the appeal site. These works are now the subject of the Enforcement Notice.
- 1.1.7. The full planning application was refused whilst the listed building consent was part refused and part approved. The generator terminal, louvres, external lighting and security cameras were all refused as well as proposed advertisement signs 1, 4, 5 and 6a.
- 1.1.8. Alongside this Enforcement Appeal, the Appellant has submitted an appeal against the refusal of a full planning application and listed building consent and an advertisement consent appeal (Planning Inspectorate ref. APP/X5210/Z/23/3324417), which was allowed at appeal with the appeal decision attached at **Appendix 2**.
- 1.1.9. The Appellant requested that the Enforcement Appeal and the Full Planning Appeal be decided under the Hearing procedure. It has since been decided unilaterally by the Inspectorate that the appeals will be decided via Written Representation. It is noted in the Start Letter for the Enforcement Appeal that the Appellants request for a hearing will be reviewed again once the written exchanges for both timetables are complete.
- 1.1.10. A legal letter, prepared by Dentons, was submitted to the Inspectorate prior to the issuing of the Start Letter outlining the reasons why the Hearing procedure is necessary. We ask this letter is given consideration when the process for the Appeal is reviewed.
- 1.1.11. Throughout the planning process attempts were made to work co-operatively and proactively with the planning officers at the Council.
- 1.1.12. Efforts to work proactively with planning officers were undermined with a lack of response throughout the planning process.
- 1.1.13. This SoC addresses the reasons for the issue of the Enforcement Notice and pursuant to Section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, appeals the notices on a number of grounds (as detailed in Section 6). Our SoC is structured as follows:
 - **Section 2** – describes the appeal site along with the site and surroundings and the planning history for the appeal site and the appeal scheme;
 - **Section 3** – sets out the scheme and provides details of the louvres, generator terminals, security cameras and internal alterations associated with the proposed lighting.



- **Section 4** – identifies the Development Plan for the London Borough of Camden along with the planning policies relevant to this appeal;
- **Section 5** – outlines the grounds of appeal and explains why the appeal should be allowed.
- **Section 6** – sets out our conclusions in respect of the appeal.

2 Relevant Context

Site and surroundings

- 2.1.1. The appeal site is situated in the vibrant London Borough of Camden on the corner of Camden High Street and Crowndale Road. It encompasses the Grade II listed KOKO music venue, located at 1a Camden High Street, along with the attached Hope & Anchor Public House at 65 Bayham Place and 1 Bayham Street. While the latter is not formally listed, it is connected to the KOKO music venue building. The appeal existing site plan (Drawing ref. AHA/KKS/EX/0002) can be found in **Appendix 3**.
- 2.1.2. The listed building itself is a four-story structure, featuring a recently added copper dome at the roof level. The full detail of the Historic England (HE) listing is attached in **Appendix 4**.
- 2.1.3. Positioned within Camden Town Centre, as defined within the Camden Local Plan, the site benefits from its central location amidst the lively atmosphere and bustling activity of Camden. It enjoys strong connections to various other commercial units within the Camden Town Centre vicinity.
- 2.1.4. Camden Town Centre offers an array of amenities and services, including retail establishments, restaurants, commercial units, leisure facilities, and educational institutions. Notably, the renowned Camden Market is located to the north of the town centre, just a 10-minute walk from KOKO. Additionally, Camden Town Underground Station can be reached within a 10-minute walk, although the closest station is Mornington Crescent (on the Northern Line), conveniently situated directly opposite KOKO at the junction of Camden High Street, Hurdwick Place, and Eversholt Street. The appeal site benefits from a high Public Transport Accessibility Level (PTAL) rating of 6b.
- 2.1.5. Although the town centre is predominantly within commercial use, the surrounding area does contain some residential dwellings on the upper floors of the commercial buildings across the town centre and nearby areas. Furthermore, residential areas can be found behind Camden High Street (on the upper floors), Arlington Road, Albert Street, Mornington Terrace (to the west) as well as Bayham Street and Crowndale Road to the east and Oakley Square and Eversholt Street to the south.
- 2.1.6. As set out within the Appeal Decision APP/X5210/Z/23/3324417 (**Appendix 2**), the Camden Town Conservation Area is an active commercial and retail area, with a traditional wide shopping street and a mix of architectural styles. The Appeal Decision also outlines that the Camden Town Conservation Area appraisal describes the site as having a “fussy post-modern appearance”. The Inspector goes on to outline that the advertisements are in keeping with both the current and historical use of the building and so acceptable.

Local Plan Designations

- 2.1.7. The site is subject to the following designations within the Development Plan:
 - Camden Town Conservation Area;

- Camden Town Centre;
- Protected Secondary Frontage; and
- On the boundary, but outside, of Euston Area Plan.

2.1.8. An extract of the Council's Policies Map is enclosed in **Appendix 5**.

KOKO music venue business and aspirations

- 2.1.9. KOKO, established in 1990, is renowned for hosting music performances. Beyond its cultural significance, KOKO has ingrained itself deeply in Camden's social fabric, offering employment opportunities, fostering community involvement, and delivering social benefits.
- 2.1.10. Employing a dedicated and skilled workforce of over 280 individuals, KOKO has become a significant employer in the Borough of Camden. In addition to its full-time staff, KOKO also supports hundreds of freelance professionals, contributing to the livelihoods of numerous individuals within the community.
- 2.1.11. KOKO's commitment to community involvement is unwavering. By collaborating with local schools, charities, and community groups, KOKO consistently hosts community events and fundraisers. Its presence in Camden extends beyond just the venue but has a dedicated ambition to support and uplift the local community.
- 2.1.12. The KOKO Foundation, a registered charity (no. 1199564) which is linked to KOKO, is at the heart of the establishment's mission to empower young people and protect the environment. Focused on pioneering projects within the local Camden community, the foundation has made significant strides. Notably, it has created mini forests, rewilded Camden Fire Station, and donated trees and hedges to over 25 local schools. Through these efforts, the KOKO Foundation actively contributes to the environmental and educational and social well-being of the community.
- 2.1.13. As part of KOKO's S106 agreement (for planning permission ref. 2017/6058/P, see further details below), they provide a total of 25 free memberships to local people and local entrepreneurs throughout the year and for the life of the development, which is demonstrative of how KOKO has embedded itself and is committed to encouraging and supporting local talent within the area.
- 2.1.14. The site also plays an important role in safety around the site, on Camden High Street and the wider regional area of Camden and London. KOKO have worked alongside and assisted the police with a number of cases. CCTV footage provided by KOKO has assisted police across various cases, including most recently footage of a suspect in a shooting incident at Euston. KOKO continue to work alongside the police to ensure the safety of visitors and residents in Camden.
- 2.1.15. KOKO's influence stretches far beyond its immediate vicinity. Drawing visitors from across the UK and beyond, it attracts foot traffic that benefits neighbouring businesses, including convenience stores, restaurants, and bars. This ripple effect bolsters the local economy, fostering a vibrant and thriving community.

2.1.16. KOKO plays a pivotal role in both the local economy and social enrichment. Its success as a venue enables KOKO and the KOKO Foundation to continue their mission of empowering individuals in the local area. By promoting arts and culture while maintaining a steadfast commitment to socio-economic benefits, KOKO serves as an exemplary institution that embodies the fusion of creativity, community, and sustainability.

Relevant Planning History

2.1.17. The appeal site has a significant and extensive history of planning applications. The site has undergone many changes throughout the years, the site has evolved to facilitate the use and ensure the operations are up to modern standards. This has been achieved alongside the preservation of the key heritage features and design of the Grade II listed building.

2.1.18. Planning permission and listed building consent was granted on 2 May 2018 (LPA ref. 2017/6058/P and 2017/6070/L), for part-redevelopment and the erection of a private members club:

“Redevelopment involving change of use from offices (Class B1) and erection of 5 storey building at the corner of Bayham Street and Bayham Place to provide pub at ground floor and private members club (Class Sui Generis) on upper floors following demolition of 65 Bayham Place, 1 Bayham Street (façade Page 2 retained) and 74 Crowndale Road (façades retained), including enlargement of basement and subbasement, retention of ground floor and basement of Hope & Anchor PH (Class A4), change of use at 1st and 2nd floor from pub (Class A4) to private members club (Class Sui Generis), 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 (5x a/c condensers and 1 cooling unit) at roof level, erection of glazed canopy to Camden High Street and Crowndale Road elevation and erection of 4th floor glazed extension above roof of Koko to provide restaurant and bar to private members club (Sui Generis).”

2.1.19. Planning permission was later granted on 8 March 2019, for minor material amendment permission 2017/6058/P for a basement extension under LPA ref. 2018/4035/P. A corresponding application for Listed Building Consent was granted on 13 March 2019 (2018/4037/L). Further applications for Listed Building Consent seeking structural enhancements to the theatre building have also been approved.

2.1.20. In January 2020, a fire broke out at KOKO and a significant amount of the building’s interior was destroyed. In addition, the roof of the building completely collapsed and therefore, the former dome was destroyed. Most of the devastation of the building did not come directly from the fire but the water that was used to put out the fire which created a significant amount of water damage to the building. A significant number of works undertaken to the building were destroyed and new planning application(s) were submitted to rectify this damage.



- 2.1.21. On the 29 March 2022 Listed Building Consent (LPA ref. 2021/5229/L) was granted to further repair and restore the interior of the building and regularise the works necessary. This application related to rectifying the fire and water damage.
- 2.1.22. All works at the site have been undertaken and KOKO has been re-opened in April 2022.

3 The Appeal

The background

- 3.1.1. A planning application (LPA ref. 2022/1123/P), Listed Building Consent application (LPA ref. 2022/1862/L) and Advertisement Consent application (LPA ref. 2022/1124/A) were submitted to the Council on 18 March 2022.
- 3.1.2. The applications were proposing the following:
- Planning Application and listed building consent application including the following elements:
 - Installation of a generator terminal on the Crowndale Elevation;
 - Installation of louvres on the Crowndale Elevation;
 - Replacement of existing external lighting;
 - Installation and replacement of CCTV security cameras on the front and side elevation of the appeal site; and
 - Provision of advertisement and fixtures (listed building consent only).
 - Advertisement consent application including the following elements:
 - Installation of eight signs along Camden High Street and Crowndale.
- 3.1.3. The Enforcement Notice relates to the removal of the generator terminal, louvres, CCTV, and external lighting with associated internal works.
- 3.1.4. During the determination period of the submitted applications, the Appellant and its team attempted to work closely and proactively with the LPA to address any issues they had with the proposal.
- 3.1.5. The Conservation Area Advisory Committee (CAAC) for Camden provided a response on 11 May 2022 concerning the lighting, signage and louvre elements of the proposal. The full consultation response is provided in **Appendix 6**. In summary, points were raised regarding the quantity and type of flood lighting as well as the addition of signage lighting. The proposed louvres within the brickwork were considered not acceptable and incorporation within the adjacent window framing would be a more acceptable proposal. The generator terminal was considered acceptable.
- 3.1.6. To respond to the comments in relation to the louvre and duct routing options, SVM Consulting Engineers and Archer Humphryes Architects produced a memorandum and accompanying plans. The memorandum and plans set out to provide alternative options to the proposals submitted as part of the application, with key issues associated with the alternative potential options set out. The memorandum concluded that the submitted louvre option was the most suitable option to retain the important features of this listed building. The memorandum and plans were submitted to the Council during the determination stage and is attached in **Appendix 7 and 8**.

- 3.1.7. No further response was provided by the CAAC or the Council in response to the provided justification material. Furthermore, the officer's report, detailed below, when assessing the proposals for determination, fails to acknowledge the evidence provided in the memorandum and plans in relation to the alternative routing options examined and their suitability.
- 3.1.8. Subsequently, listed building consent (as well as the advertisement consent application) was part granted and part refused on 25 April 2023.
- 3.1.9. The decision notice for listed building consent (LPA ref. 2022/1862/L) stated the reason for refusal:
- “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.”*
- 3.1.10. The decision notice for the listed building consent and planning permission have been attached in **Appendix 9**.
- 3.1.11. The officer's report provided further details for the refusal, with the single report addressing both the planning application and listed building consent and is attached in **Appendix 10**.
- 3.1.12. The officer's report had also outlined that the Enforcement Team had been contacted regarding the breaches of planning to works undertaken on the building.
- 3.1.13. The Council provided details of the time period in which the Appellant was required to address the issues, outlining the Appellant had one month from the date of decision to remove works and make good on any damage.
- 3.1.14. It was considered the one month time to remove the works was not appropriate given the level of work required to remove the implemented works.



3.1.15. The planning officer confirmed via email (**Appendix 11**) they would agree to an extension of compliance to 6 months in respect of any enforcement notice issued. However, this was on the basis that the Appellant would not appeal the notice.

4 Planning Policy

- 4.1.1. This section sets out the national, regional and local planning policy framework relevant to the appeal scheme.
- 4.1.2. The Listed Building Enforcement Notice has been issued in relation to the louvres, generator terminal and CCTV cameras which have been installed on the Crowndale Road elevation of KOKO. It is argued that listed building consent should be granted for these works and as such an appeal is made in relation to s.39(1)(e) of the Planning (Listed Building and Conservation Areas) Act 1990 which reads:

A person having an interest in the building to which a listed building enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice on any of the following grounds—

(e) that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;

National Planning Policy Framework

- 4.1.3. The National Planning Policy Framework (NPPF) September 2023 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth taking into account local business needs and wider opportunities (paragraph 81). Paragraph 86 goes on to state that planning policies and decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation.
- 4.1.4. The appeal site lies within the Camden Town Centre and therefore, clearly provides a socio-economic facility that serves both the local area and the wider catchment population of this part of Camden.
- 4.1.5. Planning policies and decisions should ensure developments function well and are visually attractive as a result of good architecture. In addition, planning policies and decisions should establish a strong sense of place to attract attractive, welcoming and distinctive places to live, work and visit.
- 4.1.6. Paragraph 195 of the NPPF states that LPAs should assess the particular significance of any heritage asset that may be affected by the proposal and should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 4.1.7. In relation to heritage asset's, the NPPF also states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the

substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 201).

- 4.1.8. Where a development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 202).
- 4.1.9. Paragraph 38 requires Local planning authorities to approach decisions on proposed development in a positive and creative way.

The Development Plan

- 4.1.10. The planning policy context against which this SoC needs to be assessed comprises of the London Plan (2021) and the Camden Local Plan (2017).
- 4.1.11. The key policies and guidance relevant to this appeal are as follows:

London Plan (2021)

- 4.1.12. Policy HC1 - Heritage conservation and growth: Part states that development affecting heritage asset's, and their siting's, should conserve their significance, by being sympathetic to the assets' significance and appreciate within their surroundings. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations in the design process.
- 4.1.13. Policy D8 - Public Realm: States that lighting, including for advertisements, should be carefully considered, and well designed to minimise intrusive lighting and reduce light pollution.

Camden Local Plan (2017)

- 4.1.14. Policy D2 – Heritage: Development within the conservation area should preserve or enhance the appearance of the area. As well as the protection and conservation of Listed Buildings by resisting development that could harm the significance of a listed building.

London Borough of Camden SPDs

- 4.1.15. The Council has a number of adopted planning guidance documents and area appraisals in relation to Camden Town Conservation Area, Design and Amenity.

Camden Town Conservation Area Appraisal and Management Strategy (2007)

- 4.1.16. Development proposals within the Conservation Area will be expected to preserve or enhance the character or appearance of the Camden Town Conservation Area.

5 Grounds for Appeal

- 5.1.1. This section of our appeal sets out the Ground for Appeal. Each Ground for Appeal will be set out to address the reasons within the Council's Enforcement Notice.
- 5.1.2. Within this section we have addressed specific individual elements of the works and why we believe the Enforcement Notice should be quashed and planning permission granted.
- 5.1.3. We are appealing the Enforcement Notice under Grounds 39(1) (e), (g), (h), (i) and (j).

Ground (e)

- 5.1.4. Under this ground, it is argued that listed building consent should be granted for what is alleged in the Enforcement Notice. Schedule 4 of the Enforcement Notice sets out four reasons why the enforcement notice was issued and why presumably consent would not be granted for the development sought in the Listed Building Consent application (LPA ref. 2022/1862/L).
- 5.1.5. Alongside this planning enforcement appeal, the appellant has submitted a planning appeal (informal hearing procedure) against the decisions for the relevant Listed Building Consent (LPA ref. 2022/1862/L) and planning permission (LPA ref. 2022/1123/P). The justification of why Listed Building Consent should be granted has been set out in the informal hearing appeal and set out again under Ground (e) of the Grounds of Appeal.
- 5.1.6. Paragraph 4 of the Enforcement Notice sets out the reasons for issuing the notice, we address each of these reasons below in the context of ground (e).

Reason 4(a)

- 5.1.7. Reason 4(a) for issuing the Enforcement Notice states that:

“The work outlined above has been carried out to this Grade II listed building without the benefit of Listed Building Consent.”

- 5.1.8. Whilst the Appellant does not contest Reason 4(a), under Ground (e) this section will set out why listed building consent should be granted for the alleged breaches. The Appellant disagrees with the outcome of the relevant applications and has begun the relevant appeal processes to address the refused proposals.

Reason 4(b)

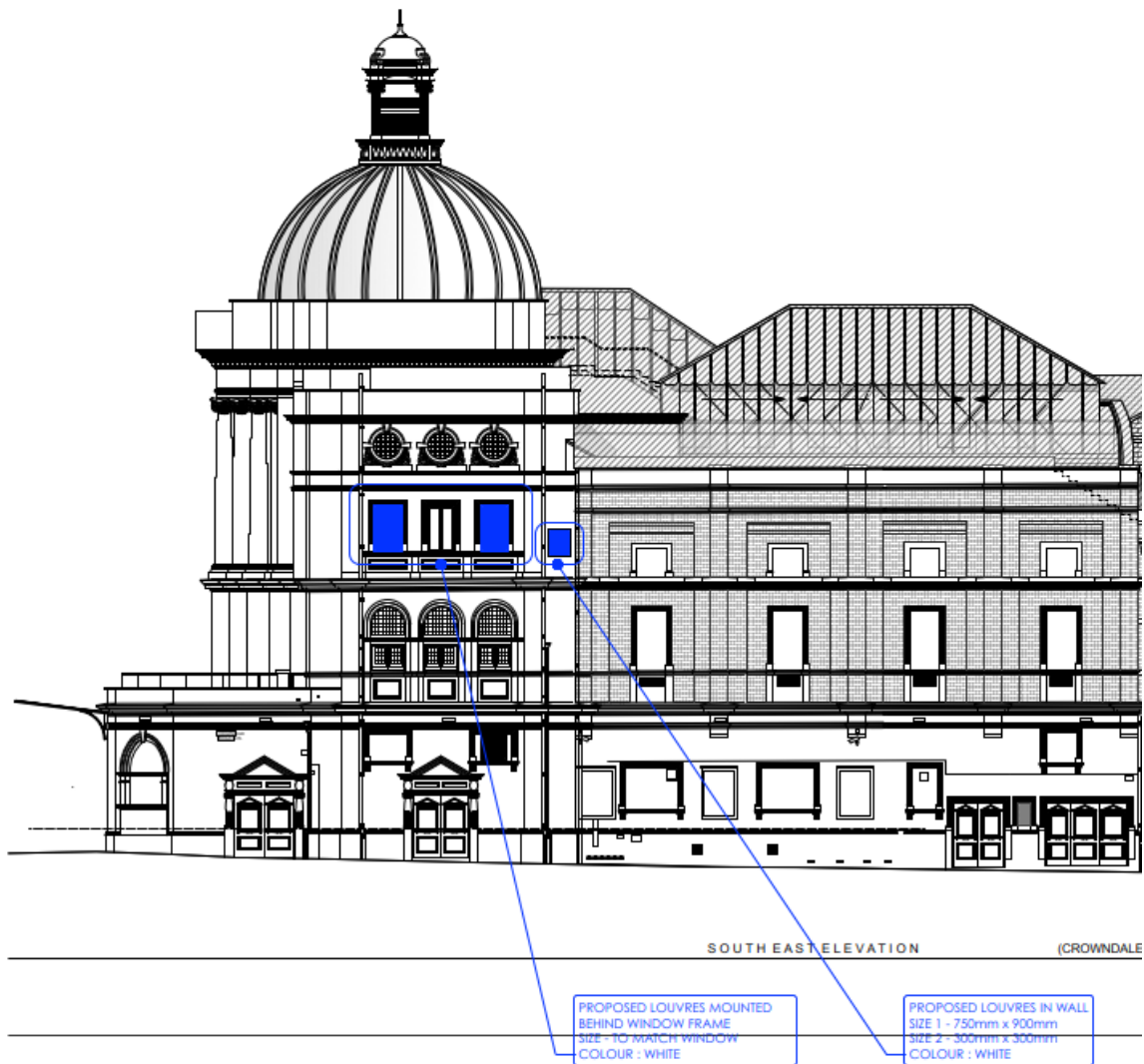
- 5.1.9. Reason 4(b) of the Enforcement Notice states that:

“The louvres and generator terminal, by reason of their size, location, materials and detailed design, are considered 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.”

Louvres

- 5.1.10. Figure 5-1 is a screenshot taken from drawing ref. AHA/KKR/PL/201LR. The drawing was submitted for consideration as part of the planning and listed building consent applications and relates to the louvre element of the proposal.
- 5.1.11. The drawing highlights the location, scale and design of the louvre element in the context of the site and side elevation.

Figure 5-1 - Screenshot taken from drawing ref. AHA/KKR/PL/201LR



- 5.1.12. The proposed louvred windows and panel were refused based on the following reasoning set out within the officer’s report:

“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.”

- 5.1.13. The louvre element of the proposal was refused by reason of size, location, materials and detailed design are considered to be an incongruous feature that cause harm to the special interest of the Grade II listed building as well as being inappropriate and visually intrusive.
- 5.1.14. The proposed louvre windows and panels have been proposed and implemented within the window voids and brickwork of the south eastern elevation at the second level. It is worth noting in the recent advertisement decision (ref: APP/X5210/Z/23/3324417) that the Inspector found that the main large sign (Sign 1) was not harmful to the exterior of building and column finials and details remained legible. It is no different in this instance whereby a louvre have been sympathetically installed to leave the main features of this elevation equally legible. During the determination period of the application a memorandum (produced by SVM Consulting Engineers), attached in **Appendix 7**, was submitted to the Council outlining that the proposed location of the louvres was the most sensitive and practical means of implementation with consideration to the key heritage features, both, internally and externally. The memorandum set out why two alternative options were not viable and was accompanied by the presentation of duct to AV room (proposed method) and various options of possible re-route drawings and photographs (produced by Archer Humphryes Architects) and is attached in **Appendix 8**.
- 5.1.15. Option 1 was for the re-routing of ductwork to the roof. This option would require a strip out of the ceilings and local wall finishes to gain access to the existing duct connections and local breaking out of walls / slabs to install new ducts through completed areas of the site. The option was dismissed given the significant invasive and consequential detrimental impact this would have on the listed building. Furthermore, the option would require the replacement of the existing plant equipment. The ductwork/terminals on the roof would need to be accessible for inspection and installation, there is currently no existing access to this roof and therefore, further works would be required for a maintenance access.
- 5.1.16. Option 2 would require re-routing of ductwork to lower levels. Again, this option would require the strip out of ceilings and local wall finishes to gain access to the existing duct connections and local breakout of walls/slabs to install new ducts. This option would require

floor slabs to be penetrated. Furthermore, Part 4 of the Building Regulations outlines that ventilation air intakes should not be installed at a low level and should be installed as high as possible to avoid intake of pollutants, a particular concern given the heavy traffic at ground floor level of Crowndale Road.

5.1.17. The louvre option implemented and proposed within the planning application and listed building consent application is the most sympathetic and least intrusive option. The location of the louvres makes use of the existing AV room, given the opportunity to implement the louvres without significant impact on the fabric of the building. The proposed option, again, sought to concentrate key operation facilities to this area of the site. The alternative options would require extensive and intrusive building works and would cause significant harm to the key design and heritage of the building.

5.1.18. Furthermore, the officer's report states:

“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.”

5.1.19. This statement is inaccurate and disregards the content of submitted memorandum and additional presentation document. The memorandum sets out alternative options as well as the impact this would have on the plant room, including how moving the plant room would impact the internal fabric of the building and negatively impact the heritage features of the site. Therefore, the officer's report does not give due consideration to the information provided during the application process and the appropriate balance against policy has not been made to warrant the reasoning behind the refusal made.

5.1.20. It should also be noted that relocation of the plant room would not only be detrimental to the building itself have huge impact on the venue operationally and impact on the trade generated and employment levels of the business. The benefits of KOKO as an entertainment venue in the Camden community are well established and maintaining operation is vital to these wider benefits. The plant room enables the venue to operate, works to relocate this equipment would inevitably result in the venue needing to close for a prolonged period given the works that would be required as well as the need for Listed Building Consent and Planning Permission. Therefore, not only are there no other suitable locations for the plant room as established above, it's relocation should be avoided to ensure the venue remains operational.

5.1.21. In addition to the overall operation of the louvre and plant system, the proposal was refused on grounds of design and appearance. In response, the proposed louvres match the existing colours of the window frames at the second floor level, the louvres are also set back from the original frames. The louvres have been designed sympathetically to the existing building, located high on the elevation and in keeping with the existing scale and form to

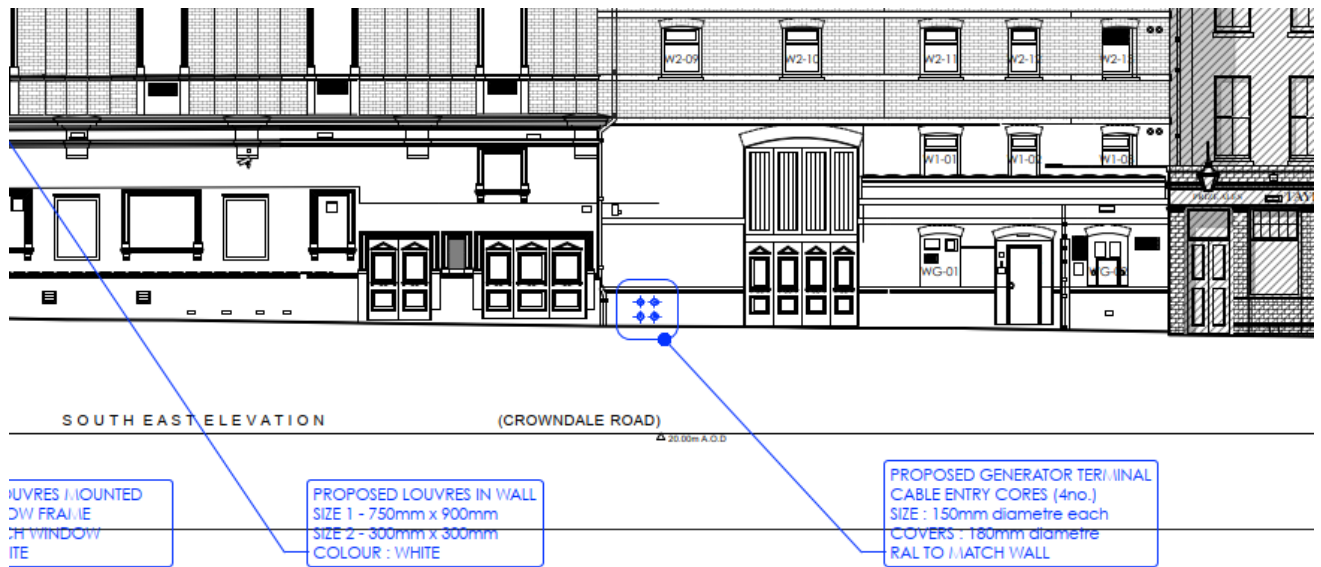
minimise visual impact and preserve the character of the Grade II listed building and the conservation area.

- 5.1.22. Furthermore, in support of this appeal a letter (**Appendix 12**) and Heritage Statement (**Appendix 13**), have been produced by Icení. The report has been authored by Rebecca Mason who is an Associate in their Built Heritage team and a former Area and Urban Design and Conservation Officer at Westminster City Council. The letter notes that where change has arisen this has followed good conservation principles, and this should be assessed in the context of the benefits of having the building in use and functioning as a venue as originally intended. As such the proposals are considered to have no impact on the special interest of the heritage asset and are in accordance with the aims of Camden's Local Plan policies D1, D2 and D4 as they contribute to the creation of a visually engaging, economically prosperous and sustainable venue as well as creating a safe and attractive night-time environment. The principle not only applies to the louvres, but also the addition of the other items listed below however this is not repeated at each point for the sake of brevity.
- 5.1.23. The installation of the louvres was sought to be minimally invasive and therefore has followed good conservation principles.
- 5.1.24. In light of the above, with consideration to D2 of the Camden Local Plan, Camden Town Conservation Area Appraisal and Management Plan, the relevant Camden Planning Guidance and the London Plan the proposed louvres are sympathetic in their design and location to the Grade II listed building and the conservation area given the proposed scale, colour and siting of the louvres, their siting is a result of careful consideration to the fabric of the building and to ensure key design details are preserved. The louvres serve an important purpose and are necessary to ensure the operation of the building and therefore, Listed Building Consent ought to be granted.

Generator Terminal

- 5.1.25. Figure 5-2 is a screenshot taken from drawing ref. AHA/KKR/PL/201LR. The drawing relates to the generator terminal and highlights the location and scale of the proposed element.
- 5.1.26. In addition to this screenshot, the Appellant has provided a photograph of the generator terminal in location.

Figure 5-2 - Screenshot taken from drawing ref. AHA/KKR/PL/201LR



5.1.27. The officer’s report sets out the following reasoning for the refusal of the generator terminal element of the Listed Building Consent application:

“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.”

5.1.28. Overall, the generator terminal was refused 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, streetscene and conservation area.

5.1.29. In response, the generator terminal is a fundamental component of the building to ensure the sites continued operation. The proposed generator terminal has been located to allow for the internal operations of the site to be concentrated in an area of the site where existing infrastructure exists. The siting of the generator terminal would, therefore, have significantly less impact on the fabric and appearance of the Grade II listed building given the existing operational infrastructure in this area of the building.

5.1.30. In terms design and appearance, the generator terminal is small in scale and discrete in its setting as well as being painted the same colour to match the elevation fronting Crowndale Road (photograph at Figure 5-2). It is evident from the photograph (figure 5-2) that the generator terminal element has been painted to match the walls of the side elevation and is well integrated into the fabric of the building. The recent Advertisement Consent Appeal Decision (**Appendix 2**) (Appeal Decision APP/X5210/Z/23/3324417) outlines the Inspector’s view on the importance of the matching colour of development has in ensuring development is acceptable. The approach taken in the Advertisement Consent, to ensure works match

the appearance of the building, has also been adopted with the generator terminal element. This is to ensure the generator terminal is sympathetic and in keeping to the character and appearance of the listed building and conservation area. Furthermore, the Camden Town CAAC outlined in their consultation response that they considered the generator terminal element an acceptable element of the proposal.

Figure 5-3 - Photograph of generator terminal element



- 5.1.31. As part of this SoC, we have attached a Heritage Letter and Statement (**Appendix 12 and 13**), prepared by Icen, who have also assessed each element of the proposal and the appropriateness of each element in their location. The Heritage Letter and Statement reiterates the point made in paragraph 6.1.7. above that the generator terminal is of such small scale the impact is considered to be extremely limited and would not detract from the heritage asset or conservation area.
- 5.1.32. The generator terminal has been located to ensure that minimal impact is had both internally and externally on the building and within the conservation area. The relocation of the generator terminal will have a detrimental to the buildings historic fabric and appearance given the level of intrusive works required to facilitate any changes to the operation of the building. The generator terminal is integral apparatus needed for the day to day operations of the building, the removal and relocation of the generator terminal would have significant implications on the operations of the site as well as the appearance and character of the Grade II listed building.
- 5.1.33. In light of the above, with consideration to D2 of the Camden Local Plan, Camden Town Conservation Area Appraisal and Management Plan, the relevant Camden Planning Guidance and the London Plan the proposed generator terminal is located sympathetically

for the preservation of the character and appearance of the listed building within the conservation area, Listed Building Consent ought to be granted.

Reason 4(c)

5.1.34. Reason 4(c) of the Enforcement Notice sets out:

“The security camera located on the Crowndale Road elevation, by reason its size, scale and location, is considered 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.”

CCTV Security Cameras

5.1.35. Figure 5-4 is a screenshot from submitted drawings showing the location of CCTV security cameras on the sites front and side elevations. Figure 5-5 is screenshot from Google Street View in 2009 showing the CCTV elements previously in situ on the site.

Figure 5-4 - Screenshot taken from drawing ref. AHA/KKR/PL/201-1CCTV

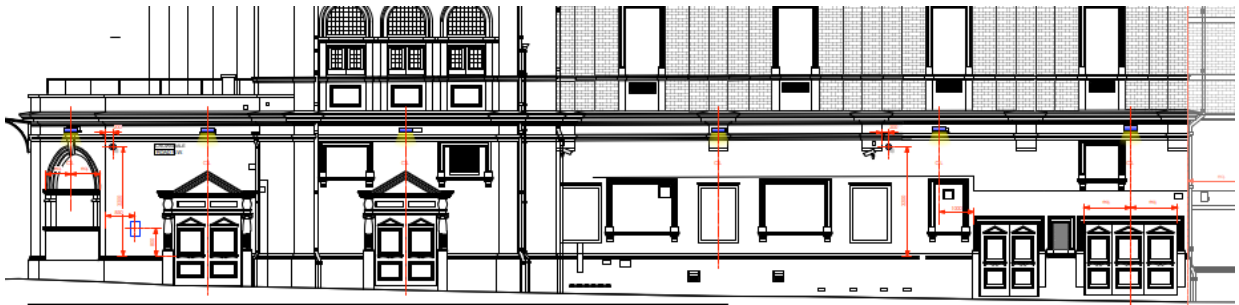
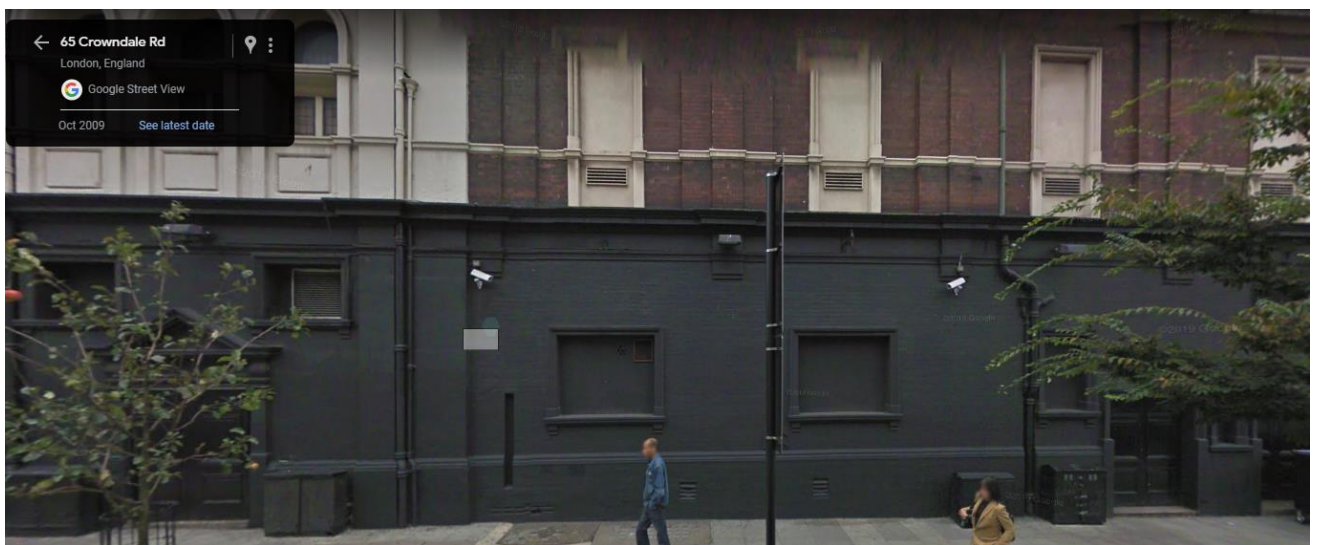


Figure 5-5 - Google Street View of the previous CCTV cameras at Crowndale Road elevation



5.1.36. The officer's report set out the following reasons for the refusal of the CCTV security cameras:

“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.”

- 5.1.37. The recommendations section of the officer's report outlines 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 as well as the proposal being inappropriate and visually intrusive.
- 5.1.38. As outlined in paragraphs 6.33 to 6.38 of the submitted Heritage Statement (Appendix 13), the Crowndale Road elevation has historically contained two CCTV cameras. The previous CCTV cameras are shown in Figure 5-5 and have now been removed and replaced by four CCTV cameras that are smaller in scale, more discreet and placed sympathetically on the elevation. The CCTV cameras blend in with the permitted colour of the Crowndale Road elevation and presents development that is more in keeping with the character and appearance of the building. The replacement of larger, more prominent cameras is an enhancement on the previous position of the Grade II listed building and Conservation Area.
- 5.1.39. The reason for refusal set out in the officer's report is contradictory. The officer considers the installation of security cameras on the front and side elevations acceptable, however, then goes on to state that security cameras on Crowndale Road elevation is considered unacceptable as it would be located on the principal elevation.
- 5.1.40. The CCTV cameras are located to the front and side elevation (Crowndale Road), a total of four CCTV cameras are on the side elevation at Crowndale Road. The CCTV cameras replace the existing CCTV cameras, with the cameras smaller in size and less visible in terms of design. The CCTV cameras replaced are similar to those on the Mornington Crescent elevation of the neighbouring building, The Camden.
- 5.1.41. In comparison The Camden which is located opposite includes two, large CCTV cameras. The CCTV cameras on the elevation of the neighbouring property are significantly more prominent than those on the appeal site. Furthermore, it illustrates that CCTV cameras are prevalent and necessary within the surrounding area and, therefore, the appeal site is not setting a precedent or impacting the character or appearance of the surrounding conservation area.
- 5.1.42. The officer's report states the security camera on Crowndale Road would interrupt the architecture and detailing of the façade and adding to unnecessary clutter to the building and the surrounding conservation area. However, the proposed CCTV is considerably smaller in scale and blended with the colour of the elevation, unlike before.

- 5.1.43. The Appeal Decision (APP/X5210/Z/23/3324417) (**Appendix 2**), although referring to advertisement boards, outlines that the development is consistent with those expected on a former theatre and the current leisure use of the building. Furthermore, the Inspector outlines the acceptability of development in keeping with the current and historical use of the building. Given the long standing use of the site as a music venue and its prominent location, the CCTV cameras are considered in keeping with the current use of the site.
- 5.1.44. Given the scale of the Crowndale Road elevation, the CCTV cameras have minimal impact on the architecture and, if anything, reduced the clutter of the Crowndale Road elevation. The proposal removes two existing CCTV cameras which are significantly more prominent. Therefore, the replacement of the old CCTV cameras with the proposed improves the issue of clutter and would be more in keeping and sympathetic to the architecture and character of the Grade II listed building and within the conservation area. This is further supported by the Heritage Letter (**Appendix 12**).
- 5.1.45. The Heritage Statement (**Appendix 13**), prepared by Iceni, further reiterates the sentiment of this SoC by outlining that the Council have accepted the principle of replacing the CCTV cameras on both elevations and therefore the concerns of the Council in relation to Crowndale Road are perplexing. It is also outlined that the proposed CCTV cameras have been kept to a minimum in terms of numbers, they are discreet in terms of scale and design and have been placed so as not to detract from architectural fixtures.
- 5.1.46. Consideration should also be given to the principle of the CCTV cameras. CCTV cameras serve as an important infrastructure on the site given the nature of the use and the prominence of the site. **Appendix 14 and 15** highlight recent cases where KOKO has assisted the Police with two different cases using the CCTV footage from the sites CCTV cameras. This included providing CCTV footage of a mobile phone theft on Crowndale Road and CCTV footage assisting with the arrest of a suspect in the Euston Shooting case in January 2023.
- 5.1.47. In addition, the Police have emailed KOKO directly following the issuing of the Enforcement Notice on the CCTV cameras and have specifically stated that the cameras are to be “kept in place to assist with the prevention and detection of crime”. The email from the Police has been attached in **Appendix 16**. It is, therefore, imperative that the CCTV cameras not only remain in situ but should be granted planning permission as they are fundamental part of helping to prevent crime within the area. Not only are the Police requiring the CCTV cameras to remain in situ, KOKO is required to operate CCTV whilst open and operating under their premises license, and provide CCTV recordings to the Police, and crucially the Licencing Authority. The relevant excerpt from the premises license has been provided below:

Figure 5-6 - Extract of KOKOs premises licence relating to CCTV

38. CCTV must be operational at all times while the premises remains open to the public and all images captured will be recorded and stored on site for a minimum period of 31 days ,
39. Copies of CCTV recordings will be made available to the Police and/or the Licensing authority on request within 48 hours of the request being made, together with facilities for viewing where requested.
40. If the CCTV equipment is inoperative, or is otherwise not installed and working to the satisfaction of the Police and Licensing Authority, then within 48 hours the Police and Licensing Authority shall be notified and an estimate given of the repair timescale. The premises will comply with all reasonable requests from the police and/or a duly appointed authorised officer of the Licensing Authority, which may include the suspension of licensable activities.

5.1.48. Therefore, the CCTV cameras are paramount to the operation of KOKO, they are required as part of the premises licence and their location on the principal elevations play an important function both in monitoring crime and anti-social behaviour, but also to ensure KOKO complies with its premises licence; a failure to comply with the licence terms puts KOKO at risk of prosecution and/or its licence being revoked. The proposed cameras are an improvement on the existing, by way of their scale and design, and therefore the increase in numbers is offset. The case officer has stated that the proposed CCTV cameras are acceptable on the front and side elevations of the site, given this and the scale of the proposed CCTV cameras it is unclear as to why the Crowndale Road element was refused and are now the subject of the Enforcement Notice.

5.1.49. In light of the above, with consideration to Policy D1 and D2 of the Camden Local Plan, Camden Town Conservation Area Appraisal and Management Plan, the relevant Camden Planning Guidance and the London Plan the proposed CCTV cameras are sympathetic in their scale and design, they serve an important purpose and fundamentally the site cannot operate without them and the contradicting nature of the officer's report where it is stated that CCTV cameras are acceptable on both elevations but the reason for refusal states the Crowndale Road elevation cameras are not acceptable, therefore, listed building consent should be granted.

Reason 4(d)

5.1.50. Reason 4(d) as set out within the Enforcement Notice states:

“The internal alterations associated with the proposed external lighting are considered incongruous interventions that result in the loss of the 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.”

Lighting

Figure 5-7 - Screenshot taken from drawing ref. AHA/KKR/PL/200CCTV – Front Elevation

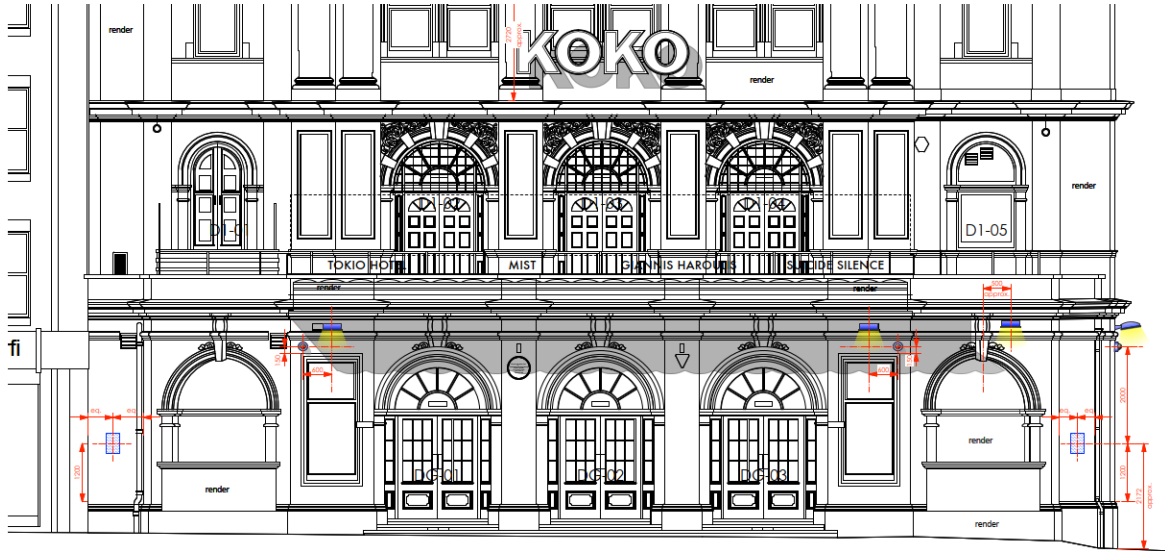


Figure 5-8 - Screenshot taken from drawing ref. AHA/KKR/PL/201-1CCTV – Side Elevation (Crowndale Road)

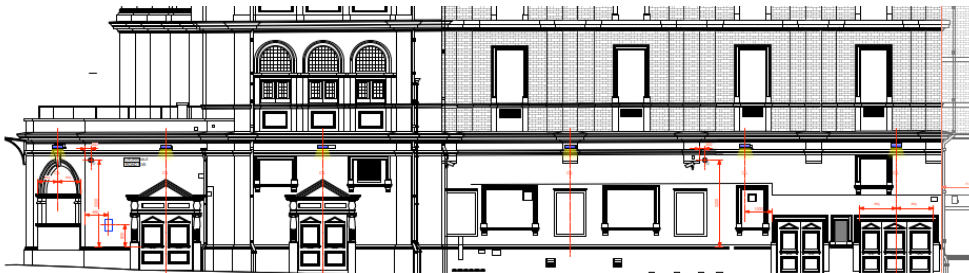
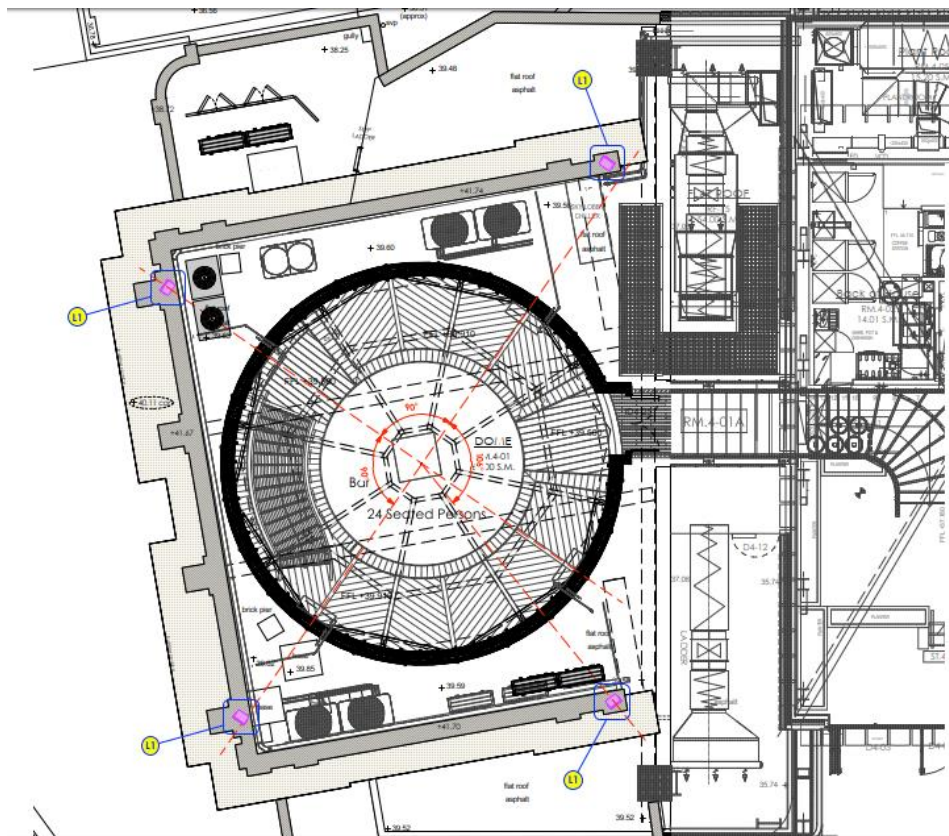


Figure 5-9 - Screenshot taken from drawing AHA/KKR/PR/101 – Terrace Lighting



Figure 5-10 - Screenshot taken from drawing AHA/KKR/PR/104LT – Dome Lighting



5.1.51. The external lighting element of the proposal was refused for the following reasons set out in the officer’s report:

“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.”

- 5.1.52. The case officer’s reason for refusal set out for the listed building consent outlines that 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.
- 5.1.53. The external lights are a historical feature of the site, in keeping with the use of the building. Development in keeping with the existing and historical use of the building have been considered acceptable in principle in Appeal Decision APP/X5210/Z/23/3324417 (**Appendix 2**). This application proposed to replace the existing flood lights with like for like lighting in terms of location, scale and design. The proposed lighting replacements has seen the replacement of existing lighting fixings with the associated wiring in a like for like position.
- 5.1.54. The case officer’s assessment of the lighting found it to be acceptable however it stated that the fixings were unacceptable. The reason for refusal does not explicitly refer to the fixings and instead, states the internal alterations associated with the proposed external lighting are considered to be incongruous interventions. As stated in the submitted Heritage Statement (**Appendix 13**), the wording of the reason for refusal is ambiguous as it fails to specify the fixings of the proposed light as the reason for refusal and therefore, we question its validity.
- 5.1.55. Paragraph 6.59, 6.60 and 6.61 of the Heritage Statement (**Appendix 13**) outlines that the principle of replacement floodlights has been accepted given the lights have been installed in the same location and the location of the fixings has remained unchanged, with a change in method to support to new fittings. Where there has been intervention, this has been minimally invasive and fully repairable should the lights be removed in the future. Any impact is limited on the listed building and conservation area.
- 5.1.56. Indeed, there are no internal impacts as a result of the lighting being installed on the exterior of the building.
- 5.1.57. Furthermore, the replacement of the existing lighting has not changed the character and appearance of the building within the conservation area and therefore, there is no impact on the conservation area.
- 5.1.58. The lights are an important feature of the site given the use of the site and the prominence of the site. The sites use as a music venue relies heavily on the marketability and appearance of the building. The lighting features across the ground floor, terrace and dome all contribute positively to the marketability and appearance of the site as well as having a functional purpose in terms of safety and security to those visiting and within the vicinity of the site.

5.1.59. In light of the above, with consideration to Policy D2 of the Camden Local Plan, Camden Town Conservation Area Appraisal and Management Plan, the relevant Camden Planning Guidance and the London Plan the lighting are a like for like replacement with fixings installed that have minimal impact on the internal fabric of the Grade II listed building. Therefore, Listed Building Consent should be granted.

Ground (g)

5.1.60. Ground (g) relates to the requirements of the notice exceeding what is necessary for restoring the building to its condition before the works were carried out.

5.1.61. The Enforcement Notice requires the following to be undertaken to remedy the breach within one month of the notice taking effect (Time for Compliance):

“1. Totally remove the louvres that have been installed on the wall at 2nd 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 2nd 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. Totally remove the internal light fixing installed and that are associated with the external lighting installed on the front and side elevations of building;

5. Totally remove the CCTV camera on the Crowndale Road elevation;

6. Repair any damage caused in regards to methods used, and match the materials, colour, texture, and profile as a result of these works.”

5.1.62. The total removal of the louvres on the wall and internal louvres installed behind the windows located at Crowndale Road elevation would be excessive given the fundamental importance of the louvres for the function and continued use of the building. The implemented louvres have been set back from the window frame whilst being painted to match the existing features, they have been well integrated into the existing fabric of the building. Furthermore, the alternative options, as outlined in Ground I, are considerably more invasive and damaging to the special interest of the Grade II building.

5.1.63. The installation of the generator terminal and its retention has no impact on the condition of the building, therefore, the removal of the generator terminal would be excessive. The generator terminal has been built out and designed to fit in with the character and appearance of the Grade II listed building. The generator terminal is small in scale and has been painted to match the existing wall at Crowndale Road. The removal of generator terminal would have significant impact on the sites ability to operate, this would be excessive given the benefits of the site and the minimal impact of the generator terminal on the listed building and conservation area.

- 5.1.64. The removal of the external light fixings would be counterproductive and excessive given that the light fixings are replacements for previous light fixings. The proposed external light fixings and wirings are located in the same location as the previous with minor alterations to their configuration. Any alterations to the fabric of the building required to fit the replacement internal light fixings have been done sympathetically and can be repaired in the future if the fixings were to be removed. However, in principle the fixings have previously existed and any damage to the historical fabric and special interest of the Grade II listed building is negligible.
- 5.1.65. The removal of the CCTV camera at the Crowndale Road elevation is similarly unreasonable and excessive. The CCTV camera is vital in allowing KOKO to work co-operatively with the Police and Licencing Authority, being a requirement in the KOKO's operational licence. The CCTV cameras have assisted with the police with various cases as detailed in Ground I and play a vital role in ensuring the safety of those visiting the site but also those in the wider Camden Area. Surveillance and safety is paramount to KOKO given the sites use and prominent location on Camden High Street. The removal of the CCTV cameras, which are a reduction in scale and an improvement in design in comparison to the previous CCTV cameras (which have been removed), would compromise the safety of the site, visitors and the local community. The alternative would see the reinstatement of the previous larger CCTV cameras which cause greater damage to the Grade II listed building and conservation area given they are larger in scale and now dated in their design. The officer's report states that the CCTV cameras are acceptable on the front and side elevation and therefore the removal on Crowndale Road is considered excessive and unnecessary.
- 5.1.66. The alternative option would be to revert back to previous iterations of each element. This would have a significant impact on the operations of the site and its ability to continue to run effectively. The proposed works are considered to be a significant improvement to the design, appearance and character of the Grade II listed building in comparison to the methods/infrastructure they replace, therefore, to remove these works would have a detrimental impact on the very heritage considerations we are trying to preserve and enhance.
- 5.1.67. Overall, the requirements of the Enforcement Notice exceed what is necessary for restoring the building to its condition before the works were carried out. The proposed removal of the elements would have greater implications on the condition of the Grade II listed building than the retention of the works, the works allow the site to operate. Therefore, reverting to previous measures, i.e., reinstating the previous CCTV cameras, would have greater impact on the condition of the building. There are clearly lesser steps than the complete removal of the works that could be undertaken to mitigate harm should it be identified.

Ground (h)

- 5.1.68. Under this ground, it is argued that the time to comply with the Enforcement Notice is too short. Whilst for reasons provided in this Section, it is submitted that listed building consent should be granted, it is necessary to given consideration to Ground (h) in the event that the

Enforcement Notice is upheld. Schedule 5 of the Enforcement Notice states that the time for compliance is one month after the notice takes effect.

- 5.1.69. The notice requires the total removal of the louvres, internal louvres, generator terminal, light fixings and CCTV camera on Crowndale Road as well as to repair any damage caused in regard to methods used, and match the materials, colour, texture, and profile as a result of these works.
- 5.1.70. These works will require specialist contractors and protective equipment. Given the heritage nature of the building and operational infrastructure disassembly will require the correct protective equipment to be used and specialist contractors with experience in working on designated heritage assets.
- 5.1.71. Total removal is a larger and more complex operation than envisaged by the Council. Although the works are minor in their appearance and impact, the domino effect of removing/altering them has a greater impact on other operational infrastructure. Therefore, given the complexity the Appellant will need sufficient time to procure and appoint properly qualified contractors and understand the methodology to be employed in carrying out the works so that, if required, further listed building consents can be secured for the remediation works.
- 5.1.72. Furthermore, the various different works have been undertaken by different specialist contractors. One month would be a significantly short period of time to re-engage with those contractors, provide notice of works required, organise a date for the works and then the time taken to complete the necessary works to remove the individuals works.
- 5.1.73. Consequently, it is very unlikely that the works could be removed and the original elements reinstated within one month of today if that were necessary. The decision on this appeal could extend into 2024, plus the outcome of the Listed Building Consent and Planning Permission² appeals are also subject to different timeframes. This uncertainty should be reflected in greater flexibility with the timescale for compliance.
- 5.1.74. Allied to the fact that the site continues to operate as a music venue and has committed to a number of events up until May 2024. KOKO have 91 scheduled events, the impact on the site's operation as a music venue would be significantly detrimental. One month would not allow KOKO to adequately plan, adapt or mitigate any circumstances that could arise from the removal of works. Any cancellation or impact on shows or the overall operations of the site would significant financial and social implications for KOKO and those associated with KOKO such as employees.

² See above in terms

5.1.75. As mentioned previously, the operations of the building could not continue without these elements in place and therefore, we also urge the Inspector to recognise that if the appeals are to be dismissed, KOKO will need to time prepare a new application (planning, listed building and advertisement) for all unlawful matters but the elements that are in place will need to remain in situ until a solution has been submitted and agreed by the Council. Below is a high-level sequence of events that will need to occur and the likely timescales:

- The appeals are dismissed with the Appellant to review the reasons for dismissal. The Appellant will need to discuss this dismissal with the design and heritage team to discuss a strategy. The design and heritage team will need to agree a strategy for replacement of all elements and agree with the Appellant the scope of works that are required to rectify these matters (at least **two months**);
- The Appellant will need to instruct the relevant parties to prepare planning, listed building and advertisement application for submission to the Council (at least **one month**);
- We would also seek to get pre-application advice moving forward with the Council and therefore, prepare an application for this and attend meetings with the Council to discuss the proposed scheme in more detail (at least **two months**);
- The instructed team will need to prepare relevant planning material to submit as part of a planning, listed building and advertisement applications and the application be submitted to the Council (at least **three months**);
- The applications will be full assessed and discussed by the Council. The Council previously took approximately 15months to refuse the elements currently being addressed under the appeals, however, we would expect at least **six months** for this;
- Any conditions to be complied with (including preparation, submission and determination of the applications) (at least **three months**);
- Implementation works (at least **two months**) and rectify the dismissed elements of the appeal.

5.1.76. Based on the timescales mentioned above, we have identified a total of 19months to deal with any subsequent applications following the determination of this appeal. We, therefore, seek to request an extension of the one month time period to at least 19months which will allow for the Appellant to reasonably and carefully respond to the appeal decision and rectify the enforcement matters without the risk of being prosecuted. This minimum timescale will be needed in order to allow KOKO to continue to operate whilst an alternative generating/plant location system is assessed, necessary consents obtained and subsequent removal and replacing of the equipment essential to the functioning of the venue.

5.1.77. The Appellant is willing to enter into a planning agreement with the Council to secure and commit to a timetable to facilitate and allow each of the components above to be complied with.

Ground (i)

- 5.1.78. Ground (i) sets out *“the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose”*.
- 5.1.79. Ground (i) is of particular relevance to the external lighting and louvre element of the works.
- 5.1.80. As set out in the Heritage Letter and Statement (**Appendix 12 and 13**), regarding the external floodlights, the Enforcement Notice relates to internal routing associated with the external lighting fixtures. The Appellant disputes this item as no internal alterations were proposed as part of the replacement of the external floodlights. Reason D for issuing the enforcement notice relates *“internal alterations associated with the proposed external lighting*.
- 5.1.81. The works undertaken included the replacement of light fittings, in the same location as existing light fixtures, with the existing internal routing being reused.
- 5.1.82. Therefore, in relation to the external lighting element of the works, we question the validity of this item and believe that the steps required to restore the character of the building – to totally remove the external light fixings – would be excessive and unnecessary.
- 5.1.83. The removal of the louvres installed within two window openings is also contested under Ground (i). The enforcement notice requires the total removal of the internal louvres that have been installed behind the windows of the Crowndale Road elevation at the second floor.
- 5.1.84. The actions required by the Enforcement Notice has assumed that the internal louvres are located behind the existing windows of the site, however, the louvres have been installed as a replacement to the existing windows. This is important to the operation and performance of the louvres, given they allow for the circulation of air enable the plant/generating equipment to properly operate.
- 5.1.85. The removal of the louvres and there being no window elements left in place would leave the building open and exposed. It would mean that the requirements of the notice cannot be complied with as the actions required would not restore the character of the building to its former state.

Ground (j)

- 5.1.86. The Enforcement Notice requires the CCTV security cameras on the Crowndale Road elevation to be removed. The removal of the CCTV cameras exceeds what is necessary to alleviate the effects of the works to the building.

- 5.1.87. Ground (j) related to:

that steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building;

- 5.1.88. As set out in Ground (e) of this Grounds of Appeal, the CCTV cameras as installed are replacements of larger CCTV cameras that were significantly more intrusive and harmful to the character on the appearance of the building given their scale and appearance.
- 5.1.89. Furthermore, the purpose that the CCTV cameras serve make them crucial to the buildings operation given the use as a night-time entertainment venue. The CCTV cameras have a significant importance to the site and surrounding area, providing safety and surveillance to visitors and local residents and are supported by the Metropolitan Police Force. The CCTV cameras have played a key role in supporting police officer's with investigations and this is highlighted in **Appendix 14, 15 and 16**.
- 5.1.90. The removal would have significant detrimental implications to the site and surrounding area in terms of safety and their removal is objected to by the police. Therefore, the removal of the CCTV cameras is excessive, unnecessary and would compromise local safety.

6 Conclusions

6.1.1. Conclusions in respect of this appeal are as follows:

Under Ground (e)

- The louvres have been sympathetically designed and located in order to ensure the character and fabric of the Grade II listed building is preserved and enhanced. The locations of the louvres and associated works is the most viable solution given the level of intrusiveness and the impact on the design and fabric of the Grade II listed building other options would have. These options have been tested at length.
- The generator terminal is small in scale and has been painted to match the existing brickwork of the Crowndale Road elevation. Therefore, the works have been implemented sympathetically to the design and appearance of the Grade II listed building. At worst, the works have a neutral impact on the special interest of the Grade II listed building.
- The security cameras are an up-to-date replacement of larger security cameras. The security cameras installed are smaller and more discreet, replacing cameras which are much larger. The CCTV cameras now blend more readily with the colour of the façade, reduce the bulk of items on the Crowndale Road elevation and would not impact the character and appearance of the listed building and conservation area.
- Furthermore, the purpose of the CCTV cameras and the role they play in assisting the police and licencing authority and ensuring the safety of visitors and the wider area is paramount to the operations of the site. Under the operating licence of the site, the site is required to operate CCTV cameras. The officer's report states the installation of the security cameras on the front and side elevations are acceptable but then goes on to state that the installation of a security camera on the Crowndale elevation (side elevation) is considered unacceptable as it would be located on the principal elevation. This is a contradictory statement made by the case officer which undermines the decisions made.
- The internal alterations associated with the proposed external lighting refer to the proposed fixings. The proposed lighting has been considered acceptable by the case officer, but the proposed internal fixings are considered unacceptable. The proposed fixings are replacements for the existing fixings and would not introduce additional fixings. Therefore, it is considered that there is no loss of the historic fabric or harm to the special interest of the Grade II listed building.

Under Ground (g)

- The lack of harm that arises from the scheme has been illustrated and a robust explanation has been provided to justify these works. Therefore, the removal of the works would mean reinstating previous lesser measures which are more incongruous and impactful on the special interest of the Grade II listed building, and as such lesser steps should be substituted for those proposed by the Council.

Under Ground (h)

- The current timescale required for compliance with the Enforcement Notice would likely result in the closure of the venue as the plant/generating equipment cannot operate without suitable venting. 19 months is a more reasonable time to secure the removal of works in the circumstances of the case. Specialist contractors and the number of specialist constructors needed mean it will be difficult to give sufficient notice to get contractors to undertake the work in the defined window.
- This is compounded by the fact that specialist contractors are likely to be required to undertake the work and the Appellant has committed to events up to eight months in advance. If a one month window was to be followed, this would have significant impact on the site's operations.

Under Ground (i)

- There is a question of validity in the reasoning and actions required by the Enforcement Notice to restore the character of the building to its former state.
- In relation to the louvre element of the works, the removal of the implemented louvres at the second floor level would not restore the character of the building. Given the louvres have replaced the previous windows, the actions required by the Enforcement Notice by way of the removal of the louvres would leave this part of the site open to the elements.

Under Ground (j)

- The CCTV cameras in place have replaced the previous CCTV cameras which are considered far more intrusive and damaging to the appearance and character of the listed building. Furthermore, the CCTV cameras operate to serve an important function, in terms of safety, given the sites use and predominant siting in Camden.

6.1.2. For all these reasons, the Appellant argues that the decision to serve an Enforcement Notice was ill founded and unjustified with respect to the harm that was assumed to arise. In light of this, the Inspector is requested to allow the appeal and quash the Enforcement Notice.



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