

Delegated Report		Analysis sheet		Expiry Date:		10/12/2010	
		N/A / attached		Consultation Expiry Date:		18/11/2010	
Officer				Application Number(s)			
David Glasgow				(1)2010/5515/P (2)2010/5547/A			
Application Address				Drawing Numbers			
10 Highgate Road London NW5 1NR				Refer draft decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
<p>(1) Retrospective application for the installation of box shutter to shop front. (2) Retention of 1 x internally illuminated fascia sign and installation of 1 x internally illuminated projecting sign to existing restaurant(Class A3)</p>							
Recommendation(s):		(1) Refuse Planning Permission (2) Refuse Advertisement consent					
Application Type:		Full Planning Permission Advertisement Consent					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	38	No. of responses	4	No. of objections	04
				No. electronic	00		
Summary of consultation responses:		<p>The occupier of 54 Twisden Road, Dartmouth Park objected to the proposals on the following grounds:</p> <ul style="list-style-type: none"> The roller shutter is damaging both visually in its townscape setting with the listed buildings opposite and in the context of community safety by introducing dead frontage- a hostile element in the streetscape removing transparency and natural surveillance to the public realm <p><u>Officer comment:</u> See assessment section below.</p> <ul style="list-style-type: none"> The relatively recent shutters at no 2 and 4 Highgate Road to my knowledge have no planning consent. Approval would encourage similar negative fit outs to continue at the ground floor units at the Tally Ho building adjacent. <p><u>Officer comment:</u> See assessment section below</p> <ul style="list-style-type: none"> Residents of the listed buildings opposite who have a full view of the 					

installation have not been consulted.

Officer comment: A site notice was displayed outside the site satisfying the statutory notification requirements. Presumably the residents who have full view of the installation also had full view of the site notice.

- The use of the premises as takeaway without use class A5 consent seems inappropriate in this location

Officer comment: The use forms no part of these applications. This is subject to separate enforcement action.

- The advertising wording includes a reference to the operation as 'Take Away', although an A5 Use Class has not been granted for these premises. It was historically operated as a small quiet café. Several A5 uses are established in the row of shops south of the Bull and Gate on the Kentish Town Road, but never previously in this location.

Officer comment: The content of the signage is not a material planning consideration.

- The installation has had a most intrusive effect, during the day as the box frames are poorly designed, and after dark have jarring illumination. The backdrop here has always been unlit or with subtle lighting after dark, with only the Forum venue's building canopy border illuminated on those nights there is a performance.

Officer comment: see assessment section

- The building is located in a highly sensitive location, opposite and affecting the setting of a row of listed buildings namely: the Bull and Gate, the terrace 1-7 Highgate Road and the Forum. The corner building No 2 Highgate Road was previously a Grade II listed building and when the category was removed by English Heritage it would have been transferred as a building of local significance. Highgate Road along its length is strewn with listed buildings as it runs through the Dartmouth Park CA (starting at College Yard just to the north), Holly Lodge CA and Highgate CA. The ambience here at Highgate Road's gateway is entirely different from premises along Kentish Town Road and Fortess Road in being subdued in character and interspersed with many residential street frontages.

Officer comment: see assessment section below

- In relation to the above, a recent application for internally illuminated signage was refused for the business premises opposite at the listed building Nos (5-7).

Officer comment: There is no record of a refusal of illuminated signage at 5-7 Highgate Road.

- There is no other illumination in this location that has consent and if this application were allowed it would set an unstoppable precedent for the retail units of the Tally Ho development adjacent, which wraps around the corner into Fortess Walk, and the adjacent retail outlet under construction adjacent at 8A Highgate Road. The Tally Ho units are currently still vacant to be let as 'shell and core' units but future owners may assume deemed consent if this application is approved.

Officer comment: see assessment section below

- Kentish Town has seen noticeable improvements in the Council's monitoring of shopfronts and advertisement consents in recent years.

	<p>Therefore the granting of consent of these illuminated signs (and the undoubted precedent this would set for the whole block) could set this good progress well back. It would also be in defiance of the Camden's LDF, CS and DP policies and CPG guidance on good design and established character.</p> <p><u>Officer comment:</u> see assessment section below</p>
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>Kentish Town Road Action: Objection</p> <p>The solid shutter has a very detrimental effect at night time on Highgate Road. It gives the street a blind unsafe look. Solid shutters encourage graffiti and add to the destitute look of Highgate road at night</p> <p><u>Officer comment:</u> See assessment section below</p> <ul style="list-style-type: none"> The sign clearly states Indian takeaway, and yet the owners have no permission to run a takeaway. <p>Officer comment: The content of the signage is not a material planning consideration.</p>

Site Description

The site is a three storey building located on the eastern side of Highgate Road approximately 100m from the junction between Kentish Town Road, Highgate Road and Fortess Road. The site is located across the road from a row of listed buildings: the Bull and Gate, the terrace 1-7 Highgate Road and the Forum. To the north lies the recent Tally Ho development (No.12) comprising mixed residential and commercial use and a vacant site with approval for ground floor retail use to the south. The site is not located in a Conservation Area and is not a Listed Building. The application relates to the ground floor Restaurant.

Relevant History

Planning History

10 Highate Road

- A9600840 - Display of illuminated ultra-vision sign on flank wall of building, as shown on drawing Nos: HR/1, HR/2, HR/3. Refused 14/01/1997
- 2010/2228/P - Existing use of ground floor as hot food takeaway (Class A5). Refused certificate of lawfulness 23/07/2010

8A Highate Road

- 2005/0271/P Erection of a three storey building comprising a retail units (Class A1) on the ground floor and 2x 1-bedroom residential flats (Class C3) above. Approved 23./08/2005

12 Highate road

- 2005/2242/P- Demolition of existing public house and erection of a part 5 part 6-storey building comprising 33 residential flats including 13 affordable flats and retail at ground floor level. Approved 09/09/2010.

Enforcement History

- EN09/0831- Change of use from restaurant (Class A3) to take-away (Class A5) without planning permission and the unauthorised installation of internally illuminated signage and roller shutter.

- EN10/0633 - Illuminated signage and roller shutter, affecting listed buildings on opposite side of road.
- EN10/0711 - Unauthorised internally illuminated signage fitted without consent. Opposite row of listed buildings and The Forum

Relevant policies

LDF Core Strategy and Development Policies

Camden Planning Guidance: December 2006

Relevant Policies in Camden Core Strategy

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

Relevant Policies in Camden Development Policies

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP30 - Shopfronts

Other Material Considerations

PPG19 Outdoor Advertisement Control

Assessment

Background

The application is in response to enforcement case ref EN10/0633 & EN10/0711 for the installation of a solid roller shutter and internally illuminated fascia and projecting signage. The roller shutter, shutter box and fascia signage in situ have been applied for, however the existing projecting sign is proposed to be lowered to fascia level as part of the advertising consent application.

Proposal

Planning permission is sought for the retention of a shutter box and solid roller shutter. Advertisement consent is sought for the retention of an internally illuminated fascia sign and the installation of an internally illuminated projecting sign. The fascia sign measures 4.5m in length, 0.5m in height and projects 0.3m from the building fascia. The projecting sign measures 0.7m in height, 0.7m in width and 0.1m thick. The signs are aluminium framed semi-transparent white plastic and are internally illuminated.

Signage

Amenity

DP 24 states that all development must respect the character and appearance of the local area and neighbouring buildings. Camden Planning Guidance states that signage must respect local character and expressly discourages internally illuminated box and fascia signage noting that the illumination of individual letters and not the whole box and fascia is generally more appropriate.

The site at present is semi-isolated, in that there are vacant retail units associated with the recently approved development at No. 12 Highgate Road to the north, and a site presently under construction to the south. This adjacent site when complete will contain ground floor retail units linking the subject site with existing ground floor commercial units at No. 2- 6 Highgate Road, none of which have internally illuminated signage. The closest parade of tenanted shops are nos 379 – 387 Kentish Town Road located approximately 100m away near the junction with Highgate Road and Fortress Road. Several of these shops contain internally illuminated fascia and projecting signs however none of have the benefit of planning permission.

Opposite the site is a row of listed buildings namely: the Bull and Gate, the terrace 1-7 Highgate Road and the Forum. Although the forum has a large fully illuminated fascia sign this type of signage is common to this type of venue and serves to affirm the presence and purpose of the building. It is not considered to serve as precedent for method of illumination for surrounding commercial premises. There are no other examples of internally illuminated signage in the vicinity with the benefit of planning permission.

It is considered that the internally illuminated signage, illuminating the entire fascia and box sign, does not respect the character and appearance of the local area. The large projection from the existing fascia, obtrusive and bulky design, poor quality materials and method of full illumination is considered to have a harmful effect on visual amenity and is detrimental to the character of the host building and the surrounding streetscene, contrary to the CPG and DP24.

Highway Safety:

It is not considered that the signage would pose a risk to highway safety.

Roller Shutter and Shutter Box

DP30 states that solid shutters will generally not be acceptable as they are unsightly, encourage graffiti and generate feelings of insecurity in those walking by. It is considered that the existing shutter has a negative impact on the character and appearance of the shopfront and on the wider area by providing a negative, blank frontage during the hours when the restaurant is not open. The shutter box is large and bulky and considered to have a detrimental impact on the appearance of the host building and the surrounding area. With the establishment of the neighbouring ground floor commercial units the site has the potential to form part of a high quality and vibrant commercial parade. The approval of the shutter would also set a negative precedent for the surrounding retail units.

Recommendations

1. Refuse planning permission and warn of enforcement action.
2. That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended, and officers be authorised in the event of non-compliance, to

prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

Reason why it is considered expedient to enforce against unlawful works:

The proposed solid shutter and shutter box, by reason of its appearance, form and impact on natural surveillance would be detrimental to visual amenity and community safety, contrary to policies to policies CS14 (Promoting high quality places and conserving our heritage) and CS17 (Making Camden a safer place) of the London Borough of Camden Core Strategy Development Plan Document (pre-adoption version 2010); and policies DP24 (Securing high quality design) and DP30 (Shopfronts) of the London Borough of Camden Development Framework Development Policies.

The Enforcement Notice shall require that within a period of 3 calendar months of the Notice taking effect: The shutter box and shutter shall be removed and the shop front frame repaired where necessary.

3. Refuse Advertisement Consent and warn of prosecution.

4. That the Head of Legal Services is instructed to prosecute under Section 224 (3) of the Town and Country Planning Act as amended and Regulation 30 of the Town and Country Planning (Control of Advertisements) Regulations 2007, to secure the removal of the unauthorised fascia and projecting sign at 10 Highgate Road.

Reason why it is considered expedient to prosecute the breach of advertisement control:

The fascia sign and projecting sign, by reason of their size, appearance and method of internal illumination, are considered to be visually obtrusive and to harm to the character and appearance of the host building, the streetscene and surrounding area, contrary to policies CS14 (promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

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