

Delegated Report		Analysis sheet		Expiry Date:		04/10/2006	
		N/A / attached		Consultation Expiry Date:			
Officer				Application Number(s)			
David Bloom				2004/1822/P			
Application Address				Drawing Numbers			
337 Kentish Town Road London NW5 2TJ				Site Location Plan ; Drawing No. 1354 4 ; 01; 02; 01 Photo Sheet			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		Date:		
Proposal(s)							
Installation of shopfront and roller shutter to the hot food takeaway premises (Class A5).							
Recommendation(s):		Grant Planning Permission with Conditions and Issue Enforcement Notice					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	02	No. of objections	02
Summary of consultation responses:		No responses received.					
CAAC/Local groups* comments: *Please Specify		<u>Kentish Town Road Action Response dated 31/08/2006. Comment.</u> <ul style="list-style-type: none"> Objection to any shutter that is solid because that makes for a blind looking high street and also encourages graffiti. <u>Leighton Road Neighbourhood Association dated 31st August 2006.</u> <ul style="list-style-type: none"> Objection to solid roller shutter and pierced shutter because of the dead feeling created. Open mesh shutters are preferred. 					

Site Description

The application site is located opposite Kentish Town Road underground station on the west side of Kentish Town Road. It comprises a four storey building with the ground floor being in Use Class A5 use and the upper floors used as Class C3 residential flats above.

The building is not listed and the site is not in a Conservation Area but is in part of the secondary shopping frontage of the Kentish Town District Shopping and Service Centre.

Relevant History

There is no relevant planning history.

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

London Borough of Camden Replacement Unitary Development Plan 2006

- S1 & S2 (General environmental protection and improvement)
- B1 (Design of new development)
- B4 (Shopfronts, advertisements and signs)
- SD1D (Community Safety)

There are no relevant policies in the London Plan.

Supplementary Planning Guidance Notes 2002 (adopted)

Chapter 2.9 Shopfronts

Supplementary Planning Guidance Consultation Draft 2006

Designing Safer Environments p.67

Shopfronts p.209

Shopfront security p204

Assessment

The main planning considerations relate to the impact that replacement shop front and roller shutter has on the external appearance of the building, visual amenity and community safety.

The proposal seeks to renew the existing shopfront by increasing the height of the stall riser to 400mm while retaining the level threshold for disabled access to the premises. Two additional fanlights are proposed in addition to an open grille roller shutter that is to replace an existing solid metal roller shutter. The new open grille shutter proposed is to be concealed behind the fascia sign.

The existing advertisements being displayed on the premises are to be retained. These benefit from deemed consent under Schedule 3 Part 1 Class 4a (Illuminated advertisements on business premises).

The replacement shopfront itself, notwithstanding the proposed roller shutter, is considered acceptable by virtue of its design and materials used. This development is considered to comply with advice given in the Council's respective adopted and draft Supplementary Planning Guidance notes and is considered to be a sympathetic development that improves the attractiveness of the building, the area, and would not cause harm to appearance or amenity. This proposal therefore complies with Policies, S1, S2 and B1 of the Council's Replacement Unitary Development Plan 2006.

Policy B4 states that the Council will only grant planning permission for new shopfronts / shopfront alterations, security and other features that are of a high standard of design. The heightening of the stall riser to 400mm, the insertion of 2 fanlights to lend additional detailing to this shopfront, and the inclusion of an open grille roller shutter to replace a solid roller shutter are considered welcome improvements to that which currently exists on the premises. The installation of the open grille roller shutter would enhance community safety by allowing increased passive surveillance into and out of the premises and will remove the fortress like appearance that is generated by the effect of the existing solid roller shutter. An open grille shutter would also be less likely to attract graffiti and would reduce the visual harm being caused to the building and to the visual amenity by replacing the solid roller shutter, which could help in reducing crime in this area. The proposal therefore is considered to comply with Policies B4 and SD1D.

However, sufficient details have not been provided to show the type of open grille roller shutter that is proposed, therefore a condition should be attached to any planning application granted to ensure that details of the open grille roller shutter are submitted to the Council for approval prior to its installation. This would be reasonable to ensure that an acceptable type of roller shutter is installed and so maintained in the interests of visual amenity, security, and community safety.

In order to ensure the removal of the existing solid metal roller shutter it is recommended that an Enforcement Notice be served to stop the harm currently being caused to the external appearance of the building, to visual amenity, and to address the negative impact of this type of shutter has on security and community safety. This type of shutter is also contrary to Policies in Camden Council's Replacement Unitary Development Plan 2006, in particular Policies, S1, S2, B1, B4 and SD1D and contrary to guidance given in Camden's respective adopted and draft Supplementary Planning Guidance notes that relates to shopfronts, security and designing safer environments. Therefore planning permission would not be granted for the retention of an external solid metal roller shutter and enforcement action taken.

Public Consultation:

The objections raised from the public consultation have been addressed in the main body of this report concerning the preferred type of roller shutter to replace the solid roller shutter that currently exists.

Recommendation

Planning permission should be **granted** subject to conditions and Enforcement Action to be taken.

Enforcement Notice:

That the Director of Law and Administration be instructed to issue an Enforcement Notice Under Section 172 of the Town & Country Planning Act 1990 as amended, to remove the existing external solid metal roller shutter from 337 Kentish Town Road, London, NW5 2TJ, and Officer's be authorised in the event of non-compliance, to prosecute under Section 179 or other appropriate power in order to secure the removal of the external solid metal roller shutter to cease the breach of planning control.

Steps to be taken:

The Enforcement Notice shall allege the following breaches of planning control:

- 1) The unauthorised installation of an external solid metal roller shutter to 337 Kentish Town Road, London, NW5 2TJ.

The Enforcement Notice shall require that within a period of 6 months of the Notice taking effect, the external solid metal roller shutter shall be removed from the building.

Reasons why the Council considers it expedient to issue the Enforcement Notice:

The external solid metal roller shutter has a detrimental impact on the external appearance of the building, to visual amenity and impacts negatively on community safety in this area by virtue of its design and type. This development is also contrary to Camden Council's Replacement Unitary Development Plan 2006, in particular Policies, S1, S2, B1, B4 and SD1D and against advice given in the Council's Supplementary Planning Guidance notes 2002 (adopted) and the Council's Planning Guidance Consultation Draft notes 2006.

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