

Delegated Report			Expiry Date:	19/05/2010
Officer			Application Number(s)	
Matthias Gentet			2014/6466/A & 2014/7076/P	
Application Address			Application Type:	
194 A Haverstock Hill London NW3 2AJ			(i) Advertisement Consent (ii) Planning Permission	
1st Signature	2nd Signature (If refusal)	Conservation	Recommendation(s):	
			Part grant/refuse Advertisement Consent Refuse Planning Permission	
Proposal(s)				
<p>Advert proposal: Retention of 2 x lamppost, 3 glazed windbreaks mounted on 6 metal posts and 2 x fabric windbreaks mounted on 4 x metal poles, and 3 glazed windbreaks on 6 mounted metal posts within the forecourt. Display of 1 x internally illuminated menu box, post box and take away signs to front elevation and 1 x internally illuminated menu stand.</p> <p>Planning proposal: Retention of 2 x lamppost and 3 glazed windbreaks mounted on 6 metal posts to forecourt of restaurant (Class A3).</p>				
Consultations				
Summary of consultation responses:		N/A		
Site Description				
<p>The site is located on the north-east side of Haverstock Hill and is part of a mixture of restaurants, coffee shops and retail units at ground level with residential to upper levels of a 5-storey block (Arlingham Court), sitting on the border with Belsize Park Conservation Area to the south-west and south-east with similar residential units and commercial setting. The site consists of a shop front and forecourt accommodating a sitting area for the diners falling within the curtilage of the premises. The site is not in a conservation area.</p>				
Relevant History				
Host site:				
<p><u>9500377</u> – (granted on 03/08/1995) - The retention of a new shopfront and a two-storey rear extension for restaurant use - 194A/B Haverstock Hill.</p> <p><u>9500824</u> – (granted on 21/07/1995) - Change of use of ground floor and mezzanine to retail retention of a new shopfront and alterations to the rear elevation and the erection of a rear fire escape - 194 Haverstock Hill.</p> <p><u>9580048</u> – (granted on 07/07/1995) - The display of an internally illuminated sign (measuring approximately 6 X 0.7m) at fascia level - 194 A/B Haverstock Hill.</p> <p><u>9580087</u> – (granted on 21/07/1995) - The display of 2 externally illuminated fascia signs measuring approximately 8 x 1m and 3.5 x 0.5m - 194 Haverstock Hill.</p>				

2004/2139/A – (granted on 15/07/2004) - Retention of one internally illuminated fascia sign, one internally illuminated projecting sign and one projecting menu box - 194a Haverstock Hill.

2013/6883/A – (granted on 06/11/2013) - Display of 1 x black canvas awning, 1 x internally illuminated fascia sign and 1 x internally illuminated projecting sign on front elevation of existing restaurant - 194A Haverstock Hill.

Adjacent site:

A9602662 – (granted on 16/10/1996) - Display of advertisement on canopy, each measuring 1.5 m x 5 m externally illuminated by 8 cowl lights - 196/198 Haverstock Hill.

2009/5769/A – (granted on 03/03/2010) - Retention of internally illuminated fascia sign, internally illuminated projecting box sign and canopy awnings to front of restaurant - 196 - 198 Haverstock Hill.

AWX0203157 – (granted on 12/12/2003) - Display of externally illuminated lettering at fascia level - 196 - 198 Haverstock Hill.

Relevant policies

LDF Core Strategy and Development Policies

CS5 – Managing the impact of growth

CS14 – Promoting high quality places and conserving our heritage

DP24 – Securing high quality design

DP26 – Managing the impact of development on occupiers and neighbours

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

Camden Planning Guidance 2011 (as amended)

CPG1-chap 8

Assessment

Proposal:

The original proposal was for 6 x glazed windbreaks mounted on fixed metal poles, 3 internally illuminated box signage on the front elevation, internally illuminated fascia and projecting signs and an awning. Following a site visit, it came to light that 3 glazed windbreakers mounted on metal posts fixed to the ground, 2 fabric windbreakers mounted on poles, an internally illuminated menu stand and 2 lamps stands also fixed to the grounds are already in place without advert consent or planning permission.

The internally illuminated fascia and projecting signs and the awning have already been granted advert consent ref: 2013/6883/A. As such, they don't not form part of the current application.

Amendments

Subsequently, the proposal has been adjusted by first removing the above signs and awning and then amended to reflect the current settings by applying retrospectively for the windbreakers, posts and poles, lamps and menu stands. Advice was given that, for consent to be granted in relation to the windbreakers, they would need to be of the same style and design such as all glazed or all canvas and preferably non-fixed to the ground.

The fixed menu stand that was to be retained has been changed to an internally illuminated stand on wheels and will thus not be applied for retrospectively but as a new feature.

The 2 x lamp posts are to be assessed as part of the associated planning application ref: 2014/7076/P, along with the glazed windbreaks mounted on the fixed metal posts.

The 7 planters, sited between the 3 x glass windbreaks mounted on 6 x metal posts and 2 x fabric windbreaks mounted on 4 metal poles surrounding the sitting area, do not require either advert consent or planning permission and are thus not included in the proposal.

The final proposal is therefore for the display of 3 internally illuminated box signage on the front elevation, 3 glazed windbreakers mounted on 6 metal posts fixed to the ground, 2 fabric windbreakers mounted on 4 poles (mobile), an internally illuminated menu stand on wheels (mobile) and 2 lamps stands fixed to the ground.

The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the Council to only consider amenity and public safety matters in determining advertisement consent applications.

Amenity:

The proposed internally illuminated take away, poster and menu boxes are to be displayed on the front elevation by the entrance to the restaurant and are considered appropriate in terms of their size, design, location and method of illumination and will enhance the appearance and character of the host and adjacent buildings as well as the street scene in accordance with policies CS14 and DP24.

The internally illuminated menu stand, being on wheels, will not be a permanent feature and is considered to be an acceptable substitute to the existing internally illuminated fixed menu stand by the entry to the forecourt which does not have advert consent. The latter would not be granted retrospective advert consent as it is deemed to be too bulky and inappropriate in terms of its location and method of illumination. The existing fixed menu stand is an incongruous feature resulting in visual clutter and is harmful to the appearance of the forecourt and the street scape.

The incorporation of the two lamp posts (which are two large and over-dominant structures) is not appropriate in this restricted location and does not sit well within an already crowded sitting area,

amongst the numerous tables and chairs. Being bolted to the ground, the lamp posts are by nature permanent features and are not considered to be appropriate in terms of size, scale and location and are contrary to Camden Planning Guidance (CPG1) stating that signs and street furniture will not normally be accepted where they contribute to visual and physical clutter.

The glazed windbreaks mounted on fixed metal posts on the north-west side face the fabric windbreaks mounted on metal poles on the south-east side of the sitting area. This mix-and-match display results in visual clutter and harms the appearance of the forecourt. Having the windbreaks as mobile structures instead of fixed, as well as fabric to match the similar canvas poles mounted windbreaks currently in place around various forecourts in the proximity of the application site, would be the preferred option. These would be viewed as acceptable.

As it stands, the proposed glazed windbreaks mounted on metal posts, in terms of the material used and the fixed nature of the display would be harmful to the amenity and appearance of the street scene and surrounding area and would not enhance the character and appearance of the host and adjacent buildings and are thus considered inappropriate.

The current layout of the forecourt, by virtue of the mixture of designs, material used and large variety of items set up within the sitting/dining outdoor area - amalgamating glazed and fabric windbreaks, metal posts and poles, lamp and menu stands and plastic planters - produces visual clutter and an untidy appearance and does not respect the character and appearance of the street scape, surrounding area and/or the host building and is contrary to Camden Planning Guidance (CPG1) which clearly states that advertisements and signs should respect the scale of their setting. All signs should serve as an integral part of the immediate surroundings and be constructed of materials that are sympathetic to the surrounding area.

Recommendation:

The proposed internally illuminated menu, poster and take away box signs, mobile menu stand and the 2 canvas windbreaks mounted on metal poles (mobile) are in accordance with policies CS14, DP24 and DP25 of the Local Development Framework and this part of the application is recommended for approval.

However, the 3 windbreakers mounted on metal posts (fixed) and lamp stands are contrary to policies CS14, DP24 and DP25 of the Local Development Framework and this part of the application is therefore recommended for refusal with warning of enforcement action to be taken for their removal.

Serve an enforcement notice:

That the Head of Legal Services be instructed to issue an **Enforcement Notice** under Section 172 of the Town and Country Planning Act 1990 as amended to remove the solid roller shutter and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control

The Notice shall allege the following breach of planning control:

Retention of 2 x lamppost and 3 glazed windbreaks mounted on 6 metal posts to forecourt of restaurant (Class A3).

WHAT YOU ARE REQUIRED TO DO:

1. Removal of 2 x Lamppost, 3 x glazed windbreaks and 6 x metal posts.
2. Make good any damage to the pavement caused by the bolting down of the lampposts and

metal posts.

PERIOD OF COMPLIANCE

The Notice shall require that 2 x lamppost and 3 glazed windbreaks mounted on 6 metal posts to forecourt of restaurant be removed within a period of 2 months of the Notice taking effect.

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.

The 3 windbreakers mounted on metal posts (fixed) by reason of their sitting, design number, material and fixed nature would result in visual clutter harming the character and appearance of the host building and the wider streetscene contrary to the London Borough of Camden Local Development Framework Core Strategy 2010 policies CS14 (Promoting high quality places and conserving our heritage); and the London Borough of Camden Local Development Framework Development Policies DP24 (Securing high quality design) of the London Borough of Camden Development Policies.

The proposed fixed lamp posts, by reason of their sitting, height and design would appear as over-dominant structures resulting in visual clutter harming the character and appearance of the host building and the wider streetscene contrary to the London Borough of Camden Local Development Framework Core Strategy 2010 policies CS14 (Promoting high quality places and conserving our heritage); and the London Borough of Camden Local Development Framework Development Policies DP24 (Securing high quality design) of the London Borough of Camden Development Policies.