

Delegated Report		Analysis sheet		Expiry Date:	03/02/2016
		N/A		Consultation Expiry Date:	27/11/2015
Officer			Application Number(s)		
Matthias Gentet			2015/6040/P and 2014/7968/A		
Application Address			Drawing Numbers		
10 Highgate Road London NW5 1NR			Planning Statement; Letter from Landlord (dated 15/05/2010); Site Location Plan; 586/1; 586/2.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Installation of glazed shopfront to retail unit (Class A1) [Retrospective] and Display of 1 x externally illuminated fascia sign.					
Recommendation(s):		Refuse Permission with Warning of Enforcement Action to be Taken Refuse Advert Consent with Warning of Enforcement Action to be Taken			
Application Type:		Full Planning Permission Advert Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	41	No. of responses	02	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>Comments were received following the statutory consultation carried out in the form of consultation letters to the relevant parties (expiry date: 25/11/2015) and a Site Notice (erected on 06/11/2015 and expiry date: 27/11/2015).</p> <p><u>Comments and Objections:</u></p> <p>An objection from the Owner/Occupier at 54 Twisden Road, LONDON, NW5 1DN has been received, summarised as follow:</p> <ul style="list-style-type: none"> ○ No mention of a change of use from A1 to A5; ○ Assessing the provision of Waste and Recycling Storage; ○ Ground floor plan required to assess if adequate space provision for such storage within the curtilage of the premises is provided; ○ Increasing problem with refuse left out on the public pavement; ○ Does rear ventilation duct installation need consent; ○ Drawing labelled “As built” online is actually labelled “As existing” and undated; ○ Elevation does not show the original shopfront that was removed without consent; ○ Only neighbours to either sides have been consulted; ○ Adjacent shopfront have a timber frontage with stallriser; ○ This small unit should be designed in context of its similarly sized neighbour; ○ Full glazing out of character; ○ Property sits across listed building though not itself in a Conservation Area; ○ The proposed fascia is shown reduced in height but with a depth still bulky and still housing the shutter box; ○ Projecting sign not showing on the drawing but is to be lowered to relate to the ground floor. <p>A comment from Cllr Meric Apak has been received, summarised as follow:</p> <ul style="list-style-type: none"> ○ Need to ensure adequate storage provision for waste in included for the proposed development. <p><u>Officer’s response to comment and objection:</u></p> <ul style="list-style-type: none"> • The matter with the A1 or A5 use class of the premises was raised with the initial enforcement investigation (EN14/0687). The business provides mainly cold drinks and food to eat off the premises. The presence of a couple of tables with 4 stools cannot warrant for the premises to be classified as a restaurant (A3 Class) and the lack of cooked/fried food to take away also limit the operation to be viewed 					

	<p>as a Hot food/Takeaway (A5 Class). As such, it was agreed to accept that the operating of the business be as Retail (A1 Class).</p> <ul style="list-style-type: none"> • A change of use, though discussed on site with the current tenants running Carrots + Daikon, was not in this case required and that the business is operating within the A1 use class. Any reference to the waste management in the above comment and objection is therefore not relevant to this proposal and couldn't be taken into consideration during the assessment of the retention of the shopfront and display of a fascia sign. • The tenants, the landlord and the agent were advised that the current full glazed shopfront was unacceptable and that the Council would only consider granting planning permission to have the traditional timber shopfront with stallriser re-instated. The retrospective application clearly does not reflect the advice given by the planning officer and the Enforcement officer. • The fascia sign can only be implemented accurately by removing the roller shutter box and roller shutter to be displayed flat against the elevation. Although it has been reduced in size, its reduction does not address the bulkiness and over projection away from the elevation. There to the relevant parties were advised of the amendments required to secure a granting of advert consent but there too the proposed fascia sign does not reflect the advice by the planning officer and Enforcement officer.
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>N/A</p>

Site Description

The site address is a 3-storey with residential at upper levels and retail at ground floor level located at the lower end of Highgate Road and overlooking a row of Grade II listed building such as Christ Apostolic Church, the Forum (Ballroom), four raised part 3/part 4-storey Georgian properties with retail at lower ground floor and The Bull and Gate (PH).

The application site is flanked by a modern 4 storey residential block and a more traditional 3-storey building with mansard, both with retail units at ground floor level. The site is not in a Conservation Area.

Relevant History

Host Site:

2010/5547/A – (refused - and warning of prosecution action to be taken – on 10/12/2010) - Retention of 1 x internally illuminated fascia sign and display of 1 x internally illuminated projecting sign to shopfront;

2010/5515/P – (refused - and warning of enforcement action to be taken – on 10/12/2010) - Retention of box shutter and associated solid shutter to shopfront;

2010/2228/P – (refused on 23/07/2010) - Existing use of ground floor as hot food takeaway (Class A5).

Adjacent Sites:

2015/4412/A – (granted on 11/09/2015) - Display of internally illuminated box sign. [Retrospective] - **Public lavatories at the junction of Fortress Road and Highgate Road;**

2013/5076/A – (part granted/part refused) - The temporary display of 28 x non illuminated static advertising/information frames constructed to various sizes attached to existing security hoarding until 08/08/2014 - **Tally Ho Apartments, Highgate Road;**

2008/3165/A – (granted on 15/04/2009) - Display of an externally spotlight fascia sign - **7 Highgate Road.**

Host Site Enforcement History:

The following list conjures up the enforcement history for unlawful works attached to the premises to be taken into consideration and in conjunction with the various advert consent applications for the site address as listed above which have been refused:

- **EN14/0687** - Unauthorised shopfront and COU
- **EN10/1131** - Unauthorised illuminated fascia sign and box sign.
- **EN10/1130** - Unauthorised installation of a roller shutter
- **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.
- **EN05/0034** - 1 x illuminated hoarding - flank elevation

Relevant policies

LDF Core Strategy and Development Policies

Core Strategies Policies

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

Development Policies

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP30 – Shopfronts

Camden Planning Guidance 2015 (As amended)

CPG1 (Design) chapter 7 & 8

CPG6 (Amenity)

Assessment

1. Introduction:

1.1 The application for the shopfront has been made retrospectively following an enforcement investigating the unlawful installation of a shopfront and possible change of use from A1 to A5.

1.2 Following this, an advert consent application for the retention of the unlawful display of a fascia sign was submitted.

1.3 The applicant was advised against applying for the retention of the full height glazed shopfront and has been advised that traditional timber shopfront with stall riser would be acceptable.

1.4 The meeting on site between the officer, the Enforcement officer and the tenant also raised the issue of the roller shutter and shutter box. In order to permit for the display of an acceptable fascia sign, the removal or relocation (internally) of the shutter box would be a necessity. However, this has not been included in this planning application which only addresses the matter of the retention of the unauthorised shopfront.

1.5 The relevant parties – tenants, landlord and of late, the agent – were advised to remove or apply to relocate the roller shutter internally (along with the roller shutter box). This, however, has not been followed and the roller shutter and shutter box are not being included as part of this proposal.

1.6 The advert consent application is for a fascia sign.

1.7 The matter of the change of use from A1 to A5 was investigated and it was found that due to the business selling cold drinks and cold food (to take away), this did not fall within the criteria that would reflect an A5 use (Hot food/Takeaway). A possible A3 use (restaurant) was also questioned in view of the presence of a couple of tables and four stools on the premises. However, this was also dismissed as not applicable in this particular case and also supported by the lack of toilet facilities for the customers. *[see paragraph 2.1 from the Officer's response*

under summary and consultation responses above]

1.8 The roller shutter box, though part of the enforcement case does not form part the application. However, the shutter box is shown on the drawings. Furthermore, due to the particular nature and design of the proposal it has been included in the below assessment to provide a better understanding of how the three components – fascia sign, shopfront and roller shutter and shutter box – are interlinked rendering the dealing of one issue impossible without addressing all other matters at the same time.

2. Proposal:

2.1 The proposal seeks the retention of the full height glazed shopfront and for the replacement of the unauthorised fascia sign with a proposed externally illuminated fascia sign smaller in size.

3. Design:

3.1 The unauthorised fully glazed shopfront measures 2.6m in height x 3.3m in width and is made of 3 sections measuring 1.1m in width each which includes 2 panels flanking the entrance door which measures 2.2m in height with a fixed glazed panel atop measuring 0.5m in height.

3.2 The Council aims to retain traditional frontages and the full glazed shopfront does not reflect the traditional architectural appearance of the host property.

3.3 As such, the proposed fully glazed shopfront is considered to be unacceptable and is contrary to CPG1 (Design) which supports the retention of stall risers as well as the incorporation of stall risers within new developments. Historic. Locally distinctive or characteristic shopfronts contributing to the streetscape should be retained and the reinstatement of missing features to be encouraged.

3.4 The unauthorised fully glazed shopfront is clearly contrary to the Councils Planning Guidance and as such, is considered to be unacceptable.

3.5 To accommodate the overall increase in height of the unauthorised shopfront, the existing roller shutter box has been moved up into the fascia area further pushing the fascia sign up against the first floor windows cill.

3.6 The roller shutter box – though not part of the proposal - is now perched above the shopfront instead of being an integrated fixture within the shopfront and projects forward of the fascia. Shutter boxes should be a discrete addition to be assimilated within the design of the shopfront.

3.7 Camden Planning Guidance doesn't support fascia signs that are above fascia level. To address this, the height of the proposed fascia sign has been reduced in accordance to CPG1 (Design) However, to accommodate a reasonable gap between the proposed fascia sign and the first floor windows' cill, it is now stretching over the residential entrance to the left of the shopfront. Furthermore, it is still to be set over the unauthorised shutter box, resulting in the overall projecting of both fixtures out from the building to be viewed as excessive.

3.8 For the fascia to be deemed acceptable, it requires the removal of the shutter box to permit for the display of the proposed fascia sign to be affixed to the elevation itself.

3.9 The method of illumination, being external, is considered to be acceptable.

3.11 The proposal in terms of its size, design, and material used is considered to be unacceptable.

4. Amenity:

4.1 The proposed shopfront and externally illuminated fascia sign, in terms of its design, scale, location and method of illumination will not impact on the neighbours' amenity nor would it be harmful to either pedestrian or vehicular safety and would not impact on the daylight, sunlight and overlooking in relation to the adjoining properties.

5. Conclusion:

5.1 The proposed externally illuminated fascia sign and shopfront, by virtue of its size, scale, design, location and material to be used are considered to be unacceptable and contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP30 (Shopfronts) of the London Borough of Camden Local Development Framework Development Policies.

6. Recommendation:

- a. Refuse planning permission; and**
- b. 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:

Installation of glazed shopfront to retail unit (Class A1) [Retrospective] and Display of 1 x externally illuminated fascia sign.

WHAT YOU ARE REQUIRED TO DO:

1. Remove the non-illuminated fascia sign;
2. Re-instate the original traditional timber frame shopfront with stall riser;
3. Remove or relocate the roller shutter box and roller shutters internally.

PERIOD OF COMPLIANCE

The Notice shall require that **non-illuminated fascia sign, roller shutters and roller shutter box and fully glazed shopfront** be removed within a period of **3 months** of the Notice taking effect.

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

The proposed externally illuminated fascia sign and the retention of the unauthorised shopfront, by virtue of its size, scale, design, location and material to be used are considered to be unacceptable and contrary to Policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design), DP26 (Managing the impact of development on occupiers and neighbours) and DP30 (Shopfronts) of the London Borough of Camden Local Development Framework Development Policies.

