

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b> N/A / attached	<b>Expiry Date:</b> 16/08/2016
			<b>Consultation Expiry Date:</b> 21/07/2016
<b>Officer</b>		<b>Application Number(s)</b>	
Charles Rose		2016/3488/L	
<b>Application Address</b>		<b>Drawing Numbers</b>	
108 St Pancras Way London NW1 9NB		Refer to decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>
<b>Proposal(s)</b>			
Discharge of condition 7 (specifications for new shopfront) granted under reference 2013/1566/L dated 03/09/13 for excavation to extend basement level and erection of two storey extension at rear of dwelling house (Class C3), external alterations to shopfront and fenestration, and associated internal works.			
<b>Recommendation(s):</b>	<b>Recommendation 1:</b> Grant listed building consent  <b>Recommendation 2:</b> That the Borough Solicitor issue a Listed Building Enforcement Notice under Section 38 of the Town & Country Planning Act 1990 as amended, requiring the replacement of the unauthorised shopfront, and officers be authorised in the event of non-compliance to prosecute under Section 43 or appropriate power and/or take direct action under Section 42 in order to secure cessation of the breach of planning control.		
<b>Application Type:</b>	<b>Listed Building Consent</b>		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>00</b>	No. of objections	<b>01</b>
			No. Electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	Press and site notice Site notice displayed between 24 <sup>th</sup> June 016 and 15 <sup>th</sup> July 2016 Press notice advertised between 30 <sup>th</sup> June and 21 <sup>st</sup> July 2016					
<b>CAAC/Local groups comments:</b>	<p><i>Historic England</i> - we do not consider that it is necessary for this application to be notified to Historic England</p> <p><i>Reed's and Rochester Place Neighbourhood Association – Objection</i>          We have noted as being incorrect [not replicating the original]:          The applicant has been asked to produce drawings to 'reproduce a scholarly replica of the early 19th century shopfront previously in situ. [...] and the detailed design of replacement features is not conjectural'.</p> <p>Until 2013 most of the original shop front, windows and doors were in situ; English Heritage visited the building and we have photographs. The owners of the shop in June 2009 had a drawn survey which was presented to Camden with their application – I attach their drawing to show the detail required of the present applicant.</p> <ul style="list-style-type: none"> <li>• the curves on the pillars are sharper (smaller diameter) on the proposed</li> <li>• the missing return on the curved pillars [left and right of the windows] against brick wall;</li> <li>• there is no detailed vertical section showing the construction of the canopy;</li> <li>• the 'canopy' above the moulding is not drawn correctly the moulding is not egg and dart.</li> <li>• the 'shop door is unlikely to have had these proportions [large fanlight plus one large glass panel in door]; the door is most likely to have been solid – is most likely to have matched the side entrance door [the original is shown in photographs];</li> <li>• the side entrance door has not replicating the original;</li> <li>• the curves and returns on the side door pillars are not accurate;</li> <li>• the steps to the side door are not a round step as the original;</li> <li>• we are really concerned about the label, 'fabricated steel grid'; what happened to the original cast iron grid</li> </ul> <p><i>Response: Refer to paragraph 2.2 and section 3.0</i></p>					
<b>Site Description</b>						
The building is also located within Jeffrey's Street Conservation Area. Furthermore, No. 108 St.Pancras Way is on English Heritage's Heritage at Risk register due to its poor condition and having been vacant for a significant period of time. The building has been squatted in the past and has suffered damage from lack of maintenance, water ingress and subsequent general deterioration of the fabric.						
<b>Relevant History</b>						
2013/1570/P / 2013/1566/L Erection of two storey rear extension and excavation to create a rear basement level extension, and associated external alterations to shopfront and fenestration of dwelling house (Class C3) Approved 03/09/2013						
2015/2152/P Variation of condition 7 (shopfront details) of Listed Building Consent 2013/1566/L dated 03/09/2013 namely to remove the part of the condition that refers to the exact matching of the original shopfront allowing for a variation in the design. Refused 19/11/2015						

## Relevant policies

### LDF Core Strategy and Development Policies

NPPF 2012

London Plan 2011

CS1 Distribution of growth

CS4 Areas of more limited change

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

DP22 Promoting sustainable design and construction

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP27 Basements and lightwells

DP28 Noise and vibration

DP30 Shopfronts

Camden Planning Guidance 2011

Jeffrey's Street Conservation Area Statement

English Heritage (1996) - London Terraced Houses 1660 – 1860

## Assessment

### 1.0 Background

1.1 The applicant has largely completed the refurbishment of the building, which remains a Building at Risk. The works included the unauthorised installation of a shopfront without consent. This matched the shopfront shown on the drawings granted under original application 2013/1566/L and 2013/1570/P. However the shopfront was not approved and considered unacceptable because it was a poor replica and of the previous shopfront which was a shopfront of merit and removed without consent. It was considered that the new should match the original adjacent work in respect of materials, detailed execution and finished appearance.

1.2 At the time Historic England (formerly English Heritage) wrote, "*removal of the shopfront without listed building consent should not be a justification for granting listed building consent for an inferior replacement in line with paragraph 130 of the NPPF. Detailed conditions should be put on any approval requiring the new shopfront to be a scholarly replica of the early 19th century shopfront previously in situ.*"

1.3 The members briefing report stated "The new shopfront is considered to be required to exactly match the original adjacent work in respect of materials, detailed execution and finished appearance. This is consistent with English Heritage Advice (see above) and is controlled via recommended condition 6 noted above."

1.4 Thus condition 7 of the listed building consent specifically confirmed that the shopfront show was not approved and a new shopfront design should be submitted to and approved in writing prior to its installation.

Condition 7 reads:

*"Notwithstanding the details and annotations shown on drawings, L11.748.06 Rev P2, L11.748.08 Rev P2, L11.748.09 Rev P2, L11.741.10 Rev P2, L11.748.11 Rev P2, plan, elevation and section drawings of the new shopfront including fascia, stallriser, glazing, pilasters, capitals and corbels at a scale of 1:10 with typical glazing bar details at 1:1 to exactly match the original shopfront shall be submitted to and approved in writing by the Council before the relevant part of the work is begun."*

1.5 The applicant has previously tried to gain permission for the unauthorised shopfront (refer to planning history) without success.

1.6 The application is now seek to formally discharge condition 7 with the submission of a new design for the shopfront. The intention would be that this would replace the unauthorised shopfront once approved.

### 2.0 Proposal

2.1 The condition specifically states that the shopfront shall '*exactly match*' the original shopfront (which was removed prior to works taking place). The details of the new shopfront submitted by the applicant have been amended during discussions with officers and during the course of the application to ensure it matches, as closely as possible, with the original shopfront having regard for the limited information we had of the previous shopfront.

2.2 The information which has informed the design includes photographs of the old shopfront and a measures measured survey carried out prior to the current owner purchasing the site.

### 3.0 Assessment

3.1 The differences highlighted by the objection have been set out below with officers' response to beneath each comment. Our response includes diagrams to explain the difference and why we feel the difference are minor enough to be acceptable.

- the curves on the pillars are sharper (smaller diameter) on the proposed

This is correct however as can be seen from the overlays in figures 1 and 2 below the margin of difference between the curve of the pillars is not considered to be sufficient to refuse the proposal

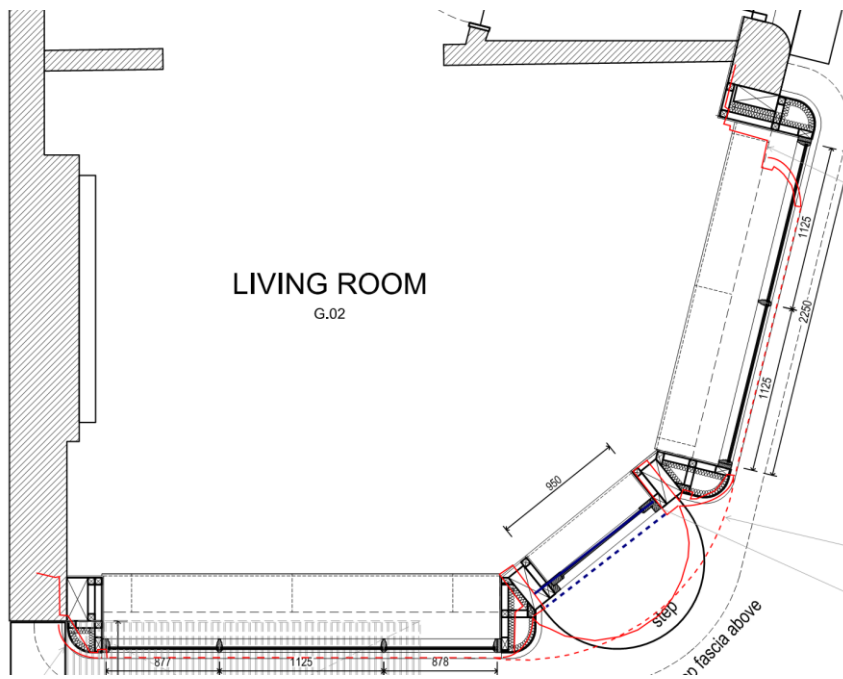


Figure 1. Proposed shopfront plan with previous shopfront outlined in red

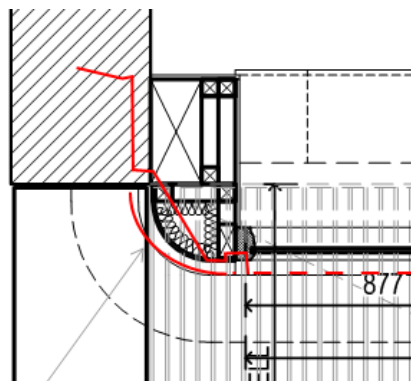


Figure 2. Corner pilasters shopfront details with previous shopfront outlined in red

- the missing return on the curved pillars [left and right of the windows] against brick wall;

The details referred to are circled in figure 3. These have not been shown to be reinstated.



Figure 3

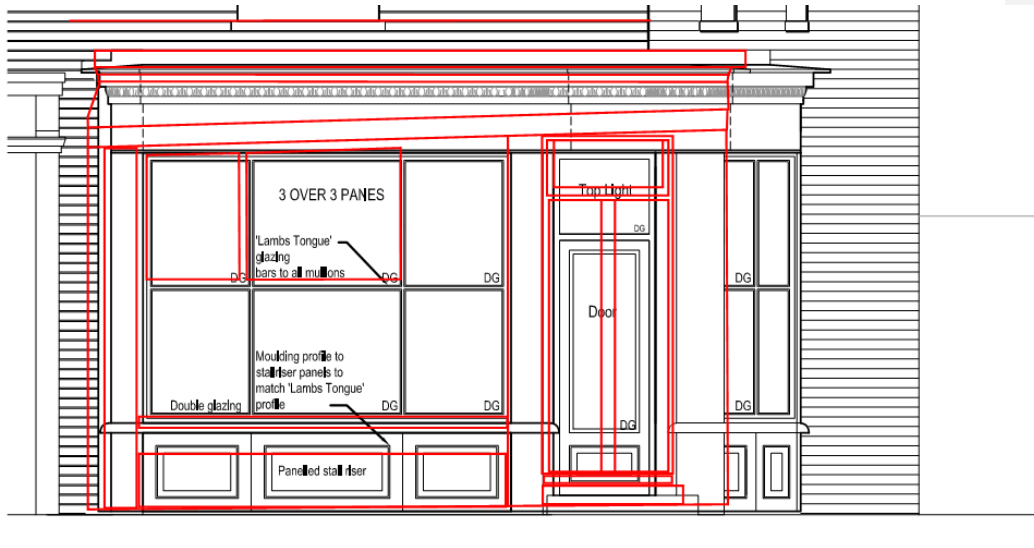


Figure 4 Proposed st pancras way elevation with the existing overlaid in red.

- there is no detailed vertical section showing the construction of the canopy;

These details have been provided. The section, in conjunction with the plans show the canopy would match the photograph of the previous shopfront shown in figure 3. The proposed canopy is shown in figure 5.

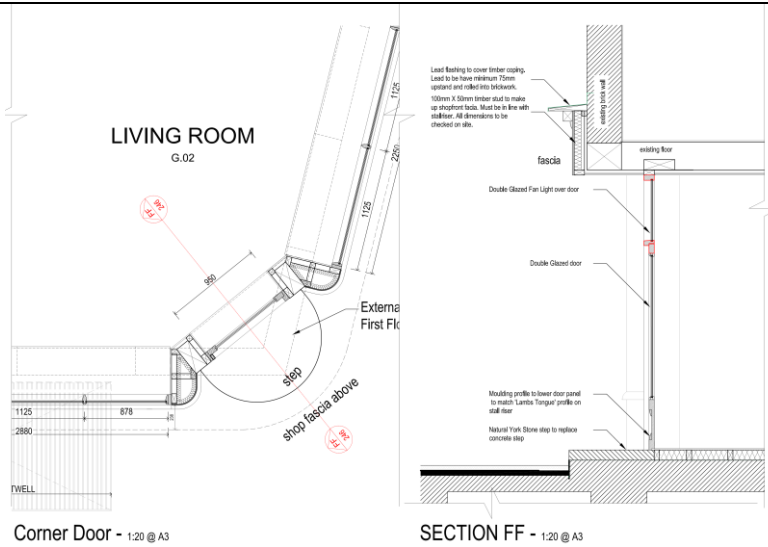


Figure 5 section and plan through the canopy

- the 'canopy' above the moulding is not drawn correctly the moulding is not egg and dart.

As can be seen from figure 3 there cornice moulding to the fascia varied across the building. Part of the cornice appears to be egg and dart of very similar (right hand photograph). Without sufficient evidence to the contrary the proposal would match the previous shopfront and the detail is considered acceptable.

- the 'shop door is unlikely to have had these proportions large fanlight plus one large glass panel in door; the door is most likely to have been solid – is most likely to have matched the side entrance door the original is shown in photographs;

Figure 6 shows the previous fanlight and doors arrangement. The exact design of the door is unknown because of the grilles in front. The proposed design does not seem to introduce the grilles. This is considered to be an improvement. The fanlight is taller than previous. However is has been lowered to allow a standard door to be inserted. This is considered to be scholarly accurate. The proposed door is to be largely glazed with a traditional raised and fielded spandrel/kickboard to its base which aligns with the stallriser. This again is considered to be a scholarly design for a shopfront door of this age and is considered acceptable.





Figure 6

- the side entrance door has not replicating the original;

The design of the door has been amended during the course of the application to exactly replicate the original.

- the curves and returns on the side door pillars are not accurate;

It is not clear from the plans if the curved pillars have actually been changed. However as you can see from figure 7 the curves almost match those from the original survey

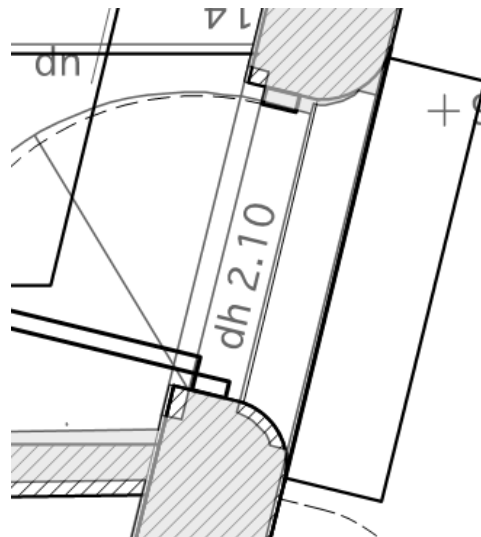


Figure 7. showing a plan of the side entrance door. The black outline is the proposed with the grey the original survey plans

- the steps to the side door are not a round step as the original;

It is unclear if the step to the side door was half round. The survey plans do not show a step and but the photographs may indicate there was one. The application has stalled a step which is square. The step is traditional York stone and matches the existing adjoining paving. This is considered an appropriate response

- we are really concerned about the label, 'fabricated steel grid'; what happened to the original cast iron grid.

The plans have been amended to remove the 'fabricated steel grid' the grille is to be cast iron.

3.2 Officers are satisfied that the proposed design is a close match to the 'original' shopfront. The shopfront includes details, not identified by the objections, which do result in a replica of the shopfront, based on the limited information we have and scholarly interpretation of a shopfront of this period. This includes the fenestration, stallriser raised and fielded panels and curved fascia. The differences between the shopfront which have been highlighted in the objection from Reed's and Rochester Place Neighbourhood Association are considered to be minor and or have been addressed as part of the application.

3.3 Officers are satisfied that special regard has been attached to the desirability of preserving the listed building and its features of special architectural or historic interest, under s.16 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

3.4 The detailed design is considered sufficient to discharge condition 7 of Listed Building Consent 2013/1566/L dated 03/09/2013 and the application is recommended for approval along with issuing and enforcement notice to ensure the work is carried out on match the approved plans in a timely manner.

**Recommendation 1:** Grant listed building consent

**Recommendation 2:** That the Borough Solicitor issue a Listed Building Enforcement Notice under Section 38 of the Town & Country Planning Act 1990 as amended, requiring the replacement of the unauthorised shopfronts, and officers be authorised in the event of non-compliance to prosecute under Section 43 or appropriate power and/or take direct action under Section 42 in order to secure cessation of the breach of planning control.

**The notice shall allege the following breaches of planning control:**

Without listed building consent, the unauthorised change to both shopfront elevations of the corner ground floor shop unit.

**WHAT ARE YOU REQUIRED TO DO:**

The Notice shall require that, within a period of six months of the Notice taking effect;

- (i) The unauthorised shopfronts shall be removed; and either
- (ii) A shopfront to match the shopfront which was previously removed (as shown on plans XXXXXX) shall be rein Comment [BE1]: Insert plans  
; or
- (iii) The shopfront approved by plan numbers: Site location plan; SPW\_797 (suffix) 237 P4; 238 P4; 242 P3; 246 P1; 249 P4; 545 P1 from listed building application Ref: 2016/3488/L shall be fitted in full.

**PERIOD OF COMPLIANCE:**

Six months

**REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:**

Reasons for Issuing the Notice:

1. The work outlined above has been carried out to this Grade II listed building without the benefit of Listed Building Consent
2. The unauthorised work to the shopfronts on this property are considered to have a detrimental impact on the special architectural and historic interest of the listed building, therefore contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 28<sup>th</sup> November 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***



