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|---|----------------------------|---|-------------------------------------|--------------------------------|
| <b>Delegated Report</b>   |                            | <b>Analysis sheet</b>   | <b>Expiry Date:</b>                 | <b>A &amp; B</b><br>15/01/2018 |
|   |                            | N/A / attached  | <b>Consultation Expiry Date:</b>    | 13/12/2017                     |
| <b>Officer</b>  |                            | <b>Application Number(s)</b>  |                                     |                                |
| Oluwaseyi Enirayetan  |                            | A: 2017/3585/P<br>B: 2017/3840/A  |                                     |                                |
| <b>Application Address</b>  |                            | <b>Drawing Numbers</b>  |                                     |                                |
| 81 Kentish Town Road<br>LONDON<br>NW1 8NY   |                            | Refer to draft decision notices   |                                     |                                |
| <b>PO 3/4</b>   | <b>Area Team Signature</b> | <b>C&amp;UD</b>   | <b>Authorised Officer Signature</b> |                                |
|   |                            |   |                                     |                                |
| <b>Proposal(s)</b>  |                            |   |                                     |                                |
| A: 2017/3585/P - Installation of timber decking and balustrade on forecourt (Retrospective) |                            |   |                                     |                                |
| B: 2017/3840/A - Display of internally illuminated fascia sign (Retrospective)              |                            |   |                                     |                                |
| <b>Recommendation(s):</b>   |                            | <b>A. Refuse permission and authorise enforcement action</b><br><b>B. Refuse consent and authorise prosecution action</b> |                                     |                                |
| <b>Application Type:</b>  |                            | <b>A: Full Planning Permission</b><br><b>B: Advertisement consent</b>   |                                     |                                |

|   |  |          |                  |          |                   |          |
|---|--|----------|------------------|----------|-------------------|----------|
| <b>Conditions or Reasons for Refusal:</b> | <b>Refer to Draft Decision Notices</b>   |          |                  |          |                   |          |
| <b>Informatives:</b>                      |  |          |                  |          |                   |          |
| <b>Consultations</b>                      |  |          |                  |          |                   |          |
| <b>Adjoining Occupiers:</b>               | No. notified   | <b>0</b> | No. of responses | <b>1</b> | No. of objections | <b>1</b> |
|   |  |          | No. electronic   | <b>0</b> |                   |          |
| <b>Summary of consultation responses:</b> | <p>Site notice displayed 22/11/2017, expired 13/12/2017.</p> <p>Durdans House TRA comments on the following re 2017/3585/P (referred to as application A):</p> <ul style="list-style-type: none"> <li>Action be taken against the business that makes mockery of the planning procedure and not allow this to become a precedent.</li> </ul> |          |                  |          |                   |          |
| <b>CAAC/Local groups* comments:</b>       | <p><b>Kentish Town Neighbourhood Forum</b><br/>No reply received to date</p>   |          |                  |          |                   |          |

## Site Description

The subject site is located on the western side of Kentish Town Road. The site is located within the Kentish Town Centre, and is within the secondary frontage. The site currently operates predominantly as a Class A5 use (hot food takeaway). The property is not listed, neither is it within a conservation area, but it is within the Kentish Town Neighbourhood area.

## Relevant History

### Site Planning History:

**8602309:** Change of use of basement and ground floor from retail to restaurant including the erection of a ground-floor rear extension as shown on drawing no.KT/1 and 1-unnumbered drawing.  
**Granted on 26/02/1987.**

**8802052:** The erection of a single storey rear extension to existing restaurant and retention of the restaurant use of the ground and basement floors without compliance with Condition 1 of the planning permission dated 2nd March 1987 as shown on drawing no`s.KT/L0/02 03. **Granted 23/06/1988**

**2013/1229/P:** Change of use from restaurant/takeaway (Classes A3/A5) to takeaway (Class A5).  
**Granted 30/04/2013.**

### Site Enforcement History:

**EN16/0630:** Unauthorised timber decked platform and associated metal poles with chains on the forecourt

**EN16/0070:** New illuminated fascia sign

## Relevant policies

### Application A:

**National Planning Policy Framework 2012**

**The London Plan 2016**

**Camden's Local Plan 2017**

A1 – Managing the impact of development

D1 – Design

**Camden Planning Guidance**

CPG1 Design (2015),

CPG6 Amenity (2013)

Kentish Town Neighbourhood Plan, adopted 2016

D3 -Design principles

### Application B:

**National Planning Policy Framework 2012**

**The London Plan 2016**

**Camden's Local Plan 2017**

D1 – Design

D4 - Advertisement

## **Camden Planning Guidance**

CPG1 Design (2015),  
CPG6 Amenity (2013)

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

Kentish Town Neighbourhood Plan, adopted 2016

## **Assessment**

### 1. Proposal

1.1 The applicant seeks retrospective permission for timber decking with metal posts and chainlink located on the ground floor forecourt of the take-away unit and also for the display of an internally illuminated fascia sign.

1.2 The timber decking, associated structures and signage being already in place, consent is sought retrospectively. As a result, enforcement cases have been opened refs: EN16/0630 and EN16/0070. *[See Relevant History above]*

### **A: Planning Permission for retention of the timber decking and associated structures**

#### 2. Assessment

2.1 The principal considerations material to determining this application are as follows:

- Design
- Amenity of residents
- Impact on pedestrians

#### 3. Design

3.1 Policy D1 (Design) of the Camden Local plan states that the Council will require that all developments be of the highest standards of design and respects local context and character. The decking is modest in size, projecting 1.5m from the elevation with metal poles erected to the sides with chains.

3.2 The principle and detailed design of the proposed decking with associated poles and chains are considered inappropriate and unsympathetic to the property and streetscene and would set an unacceptable precedent. Whilst properties at Nos. 83 and 85 Kentish Town have installed timber decking at the front of the site, there is no record of planning permission ever being sought or granted. It should be noted that the enforcement action has been threatened against decking at both these properties and the decking with its front boundary timber box at no. 85 has since been removed; however nothing has happened at no.83. There are painted metal railings surrounding the forecourt at no.79 to the south. Although an enclosure may be appropriate here in principle and indeed considered to be 'permitted development' being up to 1m high, in the same way as neighbouring shopfronts have them, the existing poles here are attached to the decking which is not 'pd' and would need to be removed as part of the whole forecourt decked structure.

3.3 The Kentish Town Neighbourhood Plan in its introduction states that 'designs have left a legacy of inappropriate development over the decades with poorly designed facades and frontages, which are out of keeping with the area and have a negative impact on the visual amenity and sense of a

coherent environment'. The street view photos (2015) see below, shows the adverse impact that this type of development has on the host buildings and streetscene. The fact that adjacent properties have these structures should not serve as precedent and should not be used as justification for further bad developments. It should be noted that a coordinated approach is being taken by officers here in conjunction with nos 83 and 85 to remove such inappropriate structures.



The photograph above from left shows: Nos. 81, 83 and 85 Kentish Town Road.

#### 4. Amenity

4.1 The front forecourt at no. 81 is used for parking delivery bikes and not for a seating/amenity area. The bikes may generate an element of noise, but it is not considered to be harmful over and above that which is experienced by other transport modes.

#### 5. Highways

5.1 The timber decking is located on the forecourt within the ownership boundary of the site and does not impinge upon the width of the adjoining public pavement. It is therefore considered acceptable on transport grounds.

#### **B: Advertisement Consent**

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

#### 7. Design and Visual Amenity

7.1 The fascia sign with the red lettering (ZING ZING – see photo below) is considered to be overly large and dominant and is out of proportion in terms of its relationship with the existing streetscene. The strip lighting can also be seen behind the fascia, which detracts from the character and appearance of the host building and appears to be intermittently flashing, even though the drawing and applicant has confirmed that it is static internal illumination. This could disturb residents at night and is therefore not in line with Camden Planning Guidance which stipulates that illuminated signs should not be flashing or intermittent and that internally illuminated box signs are discouraged.



## 8 Public safety

8.1 It is not considered that the sign would cause any significant harm to public safety and is considered acceptable in this aspect.

## 9. **Recommendations**

A. Refuse Planning Permission and take enforcement action

### **Authorise Enforcement Action**

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended for the total removal of the raised timber decking installed at the front forecourt, and to pursue any legal action necessary to secure compliance 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.

The Notice shall allege the following breach of planning control:

The unauthorised installation of timber decking with associated poles and chains to the front forecourt

What you are required to do:

Totally remove the raised timber decking and make good any damage as a result of the above works.

Period of Compliance: 2 months

Reasons for issuing the notice:

The timber decking, by reason of its design, materials and location, is considered to be unattractive and incongruous and thus detrimental to the character and appearance of the host building, the existing streetscene and the wider Kentish Town Neighbourhood Area, and is thereby contrary to policy D1 of the London Borough of Camden Local Plan 2017 and policy D3 of the Kentish Town Neighbourhood Plan 2016.

B. Refuse Advertisement Consent and take prosecution action

**That the Borough Solicitor be instructed to commence prosecution under Section 220-225 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to take direct action in order to secure the cessation of this breach of planning control.**