

Application 2018/1335/P

Installation of fixed LED lighting strips to existing aluminium perforated screen facade on the front and side elevations of the restaurant and bar (Use Class A3 / A4) (**retrospective**)

July 11 2018

Dear John Diver

I am writing to object to MIA's request for retrospective planning permission for LED lighting strips on the façade of the front and side elevations of MIA Restaurant. I object on the grounds that:

- The illuminated façades bring Las Vegas to Swiss Cottage.
- The illuminated façades are **not in keeping** with the surrounding nighttime street environment which is low key and above all residential.
- Despite MIA's claims to the contrary [Supporting Document [SD]: 2.8] there is no other building illuminated anywhere near to this degree – if at all - for miles in all directions from Oxford Street to the south and north up the Finchley Road and beyond.
- The double aspect 3 story high illuminated façades are in essence **advertising hoardings** [MIA admits as much in its Supporting Document:7.2] that give MIA an unfair advantage over all other nighttime businesses in the area.
- This is not, as claimed, just LED lighting. It is **neon** lighting which is a known attention-grabbing advertising device. If the Council allows excessive neon lighting here, more will follow – if only in marketing self-defense.
- If other nearby evening/night venues light up their premises in order to compete, this would cheapen the current 'plain' [MIA's word, not mine: SD:2.7] low key night time atmosphere at Swiss Cottage.
- Throughout a long planning history MIA has never been granted permission to **illuminate** its façades – despite its claim to have written confirmation that permission is not necessary.
- Throughout a long planning history MIA has never been granted permission to **advertise** on its façades.
- MIA have over a long period of time demonstrated that they are willing to ignore their own assurances in regard to lighting limitations [photographs 2-6].
- To the best of my knowledge, MIA has still not displayed a planning permission notice anywhere in the immediate vicinity.

Planning History from Camden's planning records:

Application 2012/0076/A Display of internally illuminated digital display panel on monopole – **REFUSED** at Appeal

Application 2013/8151/A Digital media display on a freestanding advertising display unit – **REFUSED** at Appeal

Having been refused permission for an internally illuminated display panel and an advertising display unit MIA applied for permission for **non-illuminated** fascia signs and permission to install perforated screen facades:

Application 2015/5554/P Installation of aluminium perforated screen façade fixed on aluminium rails on the existing front and side elevations [applied for October 10 2015] - **GRANTED** [December 21 2015]

Application 2015/6098/A The display of 2 non-illuminated fascia signs to the front and side elevation at raised ground floor level [applied for November 20 2015] - **GRANTED** [December 21 2015]

Mia were given permission for non-illuminated fascia signs. What they were **not** given planning permission for was **illumination** of their front and side elevations.

MIA's almost simultaneous request for permission for perforated screens was a clear indication that they intended to circumvent the council's refusal for illumination of the façades. Why else install perforated screens if not to illuminate them from behind?

When I wrote to alert the Council that MIA was in the process of installing lighting without planning permission [photo 1] – the installation was not stopped then and there because MIA's owner assured a Council officer that they had written proof that planning permission was not necessary:

*"...It would appear that **an element of lighting was agreed at the site...**and that "the owner obtained **written confirmation** that this would **not require planning permission** (which has been verified)."*
[Angela Ryan to Edie Raff: 17 May 2016]

Although now irrelevant because MIA has since been required to seek planning permission, I think it nonetheless important that MIA provides evidence of this written confirmation and I ask them to do so.

In the same email the officer went on to confirm that

"The effect of the lighting was to give a lit backing to the panels that was a subtle ... static glow"
[Angela Ryan to Edie Raff: 17 May 2016]

And again in a subsequent email:

*I would confirm that... the Owner's consultant... confirmed that the **background LED lighting** ... will act as a **subtle lighting hue** to the panels."* [Angela Ryan: 10 June 2016]

For examples of this subtle lighting taken **after** MIA's assurances that the lighting would be 'subtle'. please refer to photographs 2,3,4,5 and 6.

I will now deal specifically with the points MIA raises in their Supporting Document [SD]:

1. Light does not spill directly into local residents' windows. [SD:7.4]

This is true.

2. MIA is situated on a part of Finchley road that is "**dominated by large internally illuminated facades.**" This is patently not true. (In any case, the real problem with MIA is that it is **externally illuminated**):

1)

"... in the immediate vicinity of the application site...retail and commercial uses ... front on to Finchley Road. At upper floor level ... this part of Finchley Road is dominated by large high rise monolithic buildings..." [Supporting Documents: SD:2.7]

What MIA does not point out is that **all** the upper floor level buildings that dominate this part of the Finchley Road are not retail and commercial but **residential buildings where people live and make their homes.**

2)

"Photograph 7 below illustrate the high level illuminated sign installed at 3rd to 5th floor level at New College Parade, Finchley Road located just to the north of the application site." [SD: 2.8]

The sign they are referring to is **not** located "**just** to the north of the application site" but is, in fact, **36 shop fronts beyond** the application site, across the street and 6 lanes of the Finchley Road, and entirely **out of sight** of MIA because of a bend in the Finchley Road.

3)

"Photograph 8 below shows the illuminated signs opposite the application site adjacent to Royal Centre [College] of Speech and Drama located on College Crescent opposite the application site and Cresta House." [SD:2.8 cont'd.]

MIA claims that Photograph 8 shows illuminated signs across the Finchley Road from MIA. It is, in fact, a photograph of the storage unit used by local market stall holders that is sometimes internally uplit or downlit at night with normal – not neon – lights. As someone who has lived opposite it for as long as it has been there, I can categorically say that never in all that time was this one- story shed used as illuminated signage.

In any case, MIA should only compare like with like: what this shed is comparable to is not MIA's externally lit facades, but the double-height glass window on its front façade that **is** internally lit with chandeliers. [please see photos 7 and 8];

4)

*“This [examples 2 and 3] clearly demonstrates that this part of Finchley Road is **dominated by large internally illuminated facades**.” [SD:2.8 cont’d.]*

To conclude that one sign that cannot be seen from MIA and normal lighting coming from a storage unit ‘clearly demonstrate’ that MIA is on a part of the Finchley Road that is “**dominated** by large internally illuminated facades” - is patently ridiculous and seriously undermines one of the only two supporting arguments they make.

If MIA is tempted to cite the recently re-installed advertising hoarding on the side wall of 121 Finchley Road as part of their argument that the area is **dominated** by illuminated signs, I would point out that this one example does little to bolster their case:

In 2011 the hoarding [nothing like as big as MIA’s illuminated 2 facades) was refused planning permission [2011/6188/A] on the grounds of its “siting, size, bulk and method of illumination... having an **overbearing and dominant visual impact upon the immediate surroundings**.” Subsequent failed appeals, new owners and a withdrawn application followed until very recently the hoarding was allowed, but **with the following conditions**: [Decision: 2016/4961/A: 27 October **2016**]

- *The advertisement permitted is for a **temporary** period only and shall be removed within three years of the date of this permission or before.*
*Reason: The type of advert is not such as the Council is prepared to approve, other than for a limited period, in view of its appearance. Its permanent display would be **contrary to the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies**.*
- *The hoarding is **restricted to 6m x 3m***
- *the intensity of illumination shall not exceed 300 cd/m and must be static*
- *the screen will be **switched off between 23:00 and 07:00**.*

3.

*“ ... The lighting proposed will provide for a warm **white light**...” [SD.3.1]*

Please refer to photographs 3, 4, 5 and 6 which were taken **after** publication of the Supporting Document.

4.

*“This application seeks permission to illuminate the front and side external façade **in part to enable improved visibility of the building**.* [SD: 7.2]

MIA says that part of their reason for illuminating the facades is to make the building easier to see. As the building is clearly visible – what they must mean is that they want permission to draw attention to it which is the same thing as wanting permission to better **advertise** it.

Just because MIA is situated on an unattractive part of the Finchley Road does not mean that Swiss Cottage should not be protected from profit-motivated visual noise.

5.

*“The overall aim of the proposals is ... **not to illuminate the building in such a way that would harm local amenity.** [SD: 3.2]*

The Lighting Strategy Supporting Document for the application claims to provide *“details of the proposals and **the likely impact upon local amenity in terms of light spill**”*.

The document only deals with the impact of light spill upon local amenity. Not one of its 8 supporting photographs illustrates what the facades actually look like when lit nor what the illuminated building looks like in the context of its street setting.

I think it's fair to assume they calculated it would harm their case if they did.

Conclusion:

While MIA is asking for retrospective permission to install lighting strips – what they are really seeking is permission to use these installed lighting strips to illuminate a major portion of the exterior of their building. The underlying assumption that because the lighting comes from **behind** the perforations it is “**internal** illumination” is ridiculous: the lighting on the facades comes not only from behind the perforated screens but from the 15 neon strips that are not behind anything. [see photographs 2-6]

I propose that **15 lit strips of 2-3 story high neon** tubing (roughly equivalent to 60 or 70 fully lit Xmas trees) is harmful to the local amenity. MIA must not be granted permission to dominate and cheapen the visual amenity of the streetscape that surrounds it.

For the above reasons I respectfully request that this application be refused by the council.

Kind Regards

Edie Raff

Chair, Cresta House Residents Association

SUPPORTING PHOTOGRAPHS DOCUMENTING NEON LIGHTS at MIA:

Photo 1: Installation of Neon Strip Lighting in progress [May 2016]



Photo 2: MIA in the context of the neighbouring street scene October 2016



Photo 3: November 2016

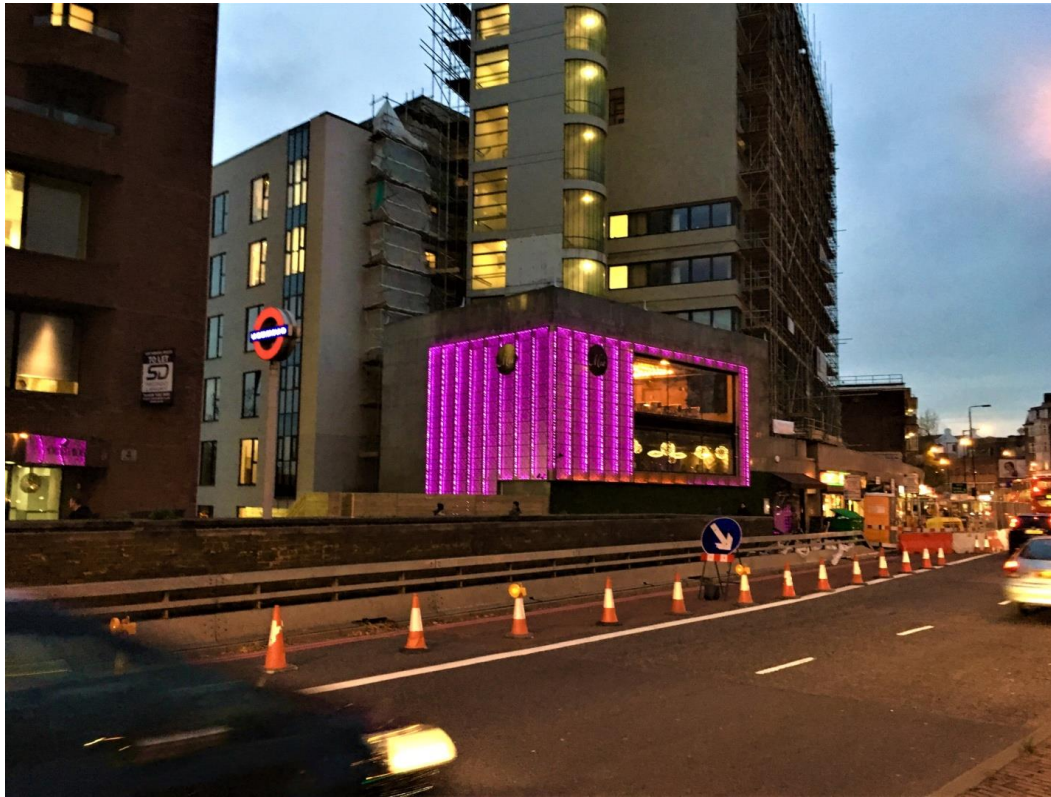


Photo 4: November 2017



Photo 5: June 27 2018



Photo 6: June 29 2018

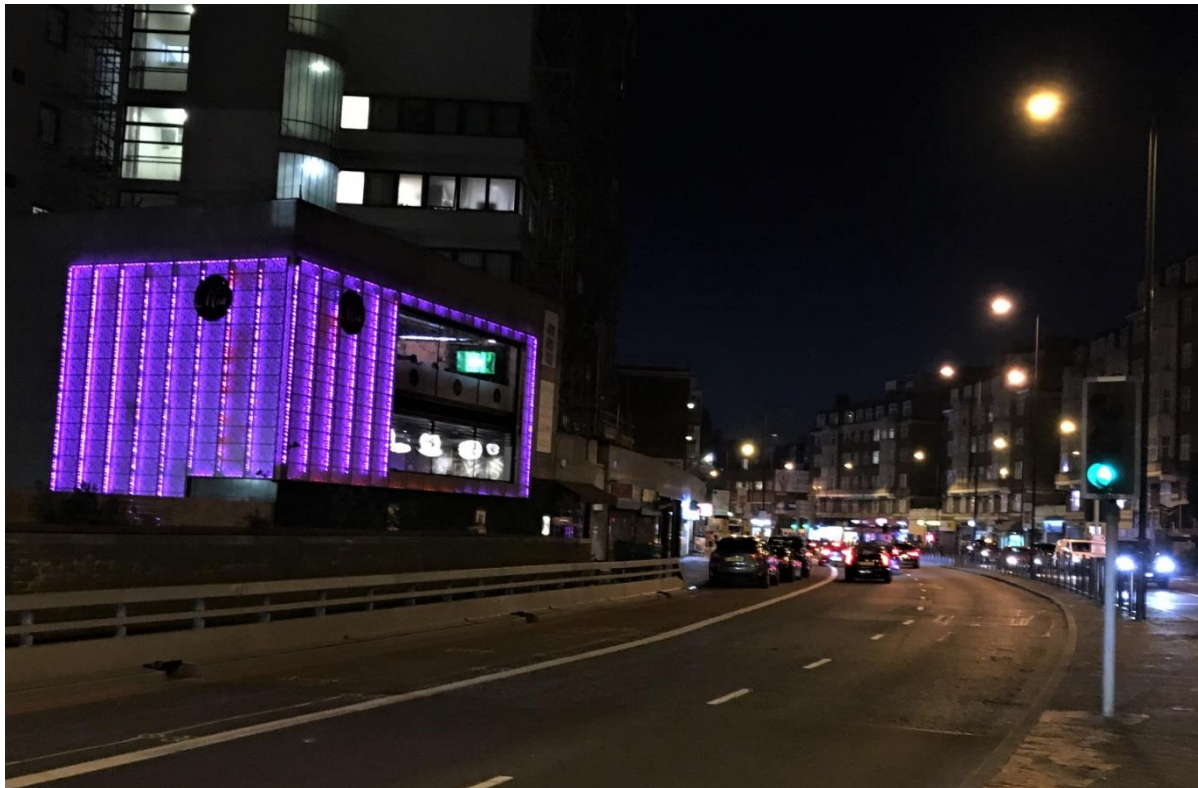


Photo 7: July 5 2018: 20:44 Close up lighting of shed



Photo 8: July 5 2018: 20:44: Interior lighting at MIA

