

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 March 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	46 Broadwick Street, London, W1F 7AF		
Proposal	Installation of a Closed Circuit Television Camera (CCTV) to the front elevation at first floor level. [RETROSPECTIVE APPLICATION]		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury Carnaby PLC		
Registered Number	19/00327/FULL 19/00328/LBC	Date amended/ completed	22 January 2019
Date Application Received	17 January 2019		
Historic Building Grade	II		
Conservation Area	Soho		

1. RECOMMENDATION

Refuse planning permission and listed building consent – detrimental impact upon the listed building and conservation area.

2. SUMMARY

This application relates to façade of a Grade II listed building located within the Soho Conservation Area. No. 46 Broadwick Street comprises a narrow four storey brick terraced townhouse with two bays of timber sash windows, likely to date from 1706. The neighbouring properties to the west, 48 to 58, are grade II* listed dating from c.1722-23.

The proposal seeks retrospective planning permission and listed building consent for the installation of a Closed Circuit Security Camera (CCTV) on the façade of the listed building, at the first floor level. This camera and associated cabling was installed unlawfully in 2017 and is the subject of an ongoing enforcement investigation.

The proposals are considered harmful to the listed building and the quality of the local townscape. The CCTV camera, therefore, fails to preserve or enhance the special character of the listed building and the character and appearance of the Soho Conservation Area.

Supporting representations have been made by the Metropolitan Police, Safer West End Business Partnership and Councillor Glanz. These supporters raise concerns about the removal of the camera and its impact on the surveillance of the area. The camera currently provides views of Lexington

Street and Broadwick Street and is linked to an overall Carnaby Estate CCTV System. The camera is currently used by Shaftesbury PLC and the Metropolitan Police.

The camera and cabling are harmful to the special interest of the grade II listed building, setting of the adjacent Grade II* listed terrace and character of the Soho Conservation Area. This application is, therefore, contrary to Saved Policies DES1, DES5, DES9 and DES10 of the UDP.

The camera was installed unlawfully. Its position on the façade of a listed building is unacceptable and the applicant has failed to provide clear and convincing justification for why the camera needs to be located on this building. Its relocation on to the neighbouring unlisted building is likely to be acceptable.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS









5. CONSULTATIONS

WARD COUNCILLORS:

Cllr Glanz – Supports the application on the ground that, whilst not necessarily an attractive element, it is essential as a contribution to Public Safety. Argues on behalf of residents, businesses and the law-enforcement community within the West End that the camera should remain in situ unless and until further effective coverage can be put in place in order to protect them.

SOHO SOCIETY:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. adjoining occupiers consulted: 9

Total No. of replies: 0

No. of objections: 0

No. in support: 0

Two letters of support have been received from interested parties:

Metropolitan Police

The police have relied on this particular CCTV camera in the past. The Metropolitan Police have designed and positioned new cameras away from this area to coincide with the position of this particular camera. The removal of this camera would hinder the investigation of future crimes in this area.

Safer West End Business Partnership –

If Shaftesbury were to successfully retain the camera located in Broadwick Street, this camera would enable improved coverage as it is currently connected to the wider network which benefits not only Shaftesbury but Carnaby security, local businesses and the work we conduct with Metropolitan Police Service.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application lies in the Core Central Activities Zone, the West End Stress Area and the Soho Conservation Area. The application building is Grade II listed.

No. 46 Broadwick Street comprises a narrow four storey brick terraced townhouse with two bays of timber sash windows, likely to date from 1706. It stands out from the neighbouring buildings, due to the lighter brick colour, lower parapet height and two-bay width. The neighbouring properties to the west, 48 to 58, are Grade II* listed dating from c.1722-23. These form larger terraces of three bays, faced in a darker brick with rubbed

brick window arches and flush courses, and stuccoed ground floor. The building to the east dates from the twentieth century and is not listed.

6.2 Recent Relevant History

According to the covering letter and officers' own research, a CCTV camera was first installed on the façade of 46 in 2008. It was replaced with a larger camera in 2016 and then again 2017. No planning or listed building consent application has been received by the Council throughout this period.

The unlawful installation of the camera, two electric heaters and illuminated projecting sign was reported to the City Council's Planning Enforcement Team 30th November 2017 (Case Ref. 17/66198/O). An enforcement notice has not yet been served requiring the removal of the camera.

7. THE PROPOSAL

These applications seek retrospective planning and listed building consent for the installation of a Closed-Circuit Television Camera (CCTV) on the front elevation at first floor level.

8. DETAILED CONSIDERATIONS

8.1 Townscape and Design

In considering the applications the City Council has a statutory duty to:

- a) Have special regard to the desirability of preserving 46 Broadwick Street or any features of special architectural or historic interest which it possesses and the setting of 48-58 Broadwick Street (Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- b) Pay special attention to the desirability of preserving or enhancing the character or appearance of the Soho Conservation Area (Section 72 of the above Act).

Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (NPPF Para. 184). The importance of protecting the significance of heritage assets is emphasised in NPPF Para. 193 that requires the City Council to give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm to, or loss of, significance of a designated heritage asset (i.e. 46 Broadwick Street, 48-58 Broadwick Street and the Soho Conservation Area) requires clear and convincing justification (NPPF Para. 194).

The size and siting of the CCTV camera at first floor level adds to visual clutter on the main elevation of the building. It is in an unsympathetic position forming a prominent detractor from the principal elevation of the building. The camera is readily and widely visible within views from both Broadwick Street and Lexington Street. Furthermore, due to its dark colour, it stands out against the light weathered yellow stock brick. Its projection beyond the building line and metallic/plastic finish sees it stand-out upon approach and contribute to a high level of clutter within the streetscene.

For these reasons, the proposals are harmful to the special interest of the Grade II listed building, the setting of the adjacent Grade II* listed terrace and character of the Soho Conservation Area. This application is, therefore, contrary to Policy 7.8 of Westminster's City Plan, policies S25 and S28 of Westminster's City Plan, 'saved' policies DES1, DES5, DES9 and DES10 of the UDP, as well as the City Council's SPGs pertaining to works and alterations to listed buildings and the siting of security equipment. Furthermore, it is also considered contrary to Policy 7.4 of the London Plan (2016).

In addition to the above, the retention of the large CCTV camera could encourage the installation of similar unauthorised works on neighbouring properties in the terrace and the surrounding area, which in turn would neither preserve or enhance the character or appearance of the Soho Conservation Area, contrary to saved UDP policy DES9.

The applicant states that the existing CCTV camera has been in position for over ten years and currently aids in the mitigation of anti-social behaviour and crime in the area. It is used by the Metropolitan Police who have raised concerns regarding its removal. A letter provided by Senate Group and Grantfen Fire & Security states that the most recent camera was installed in this location as it is the 'only position for the camera views of Lexington Street and Broadwick Street'. Furthermore, the applicant argues that the camera's position is strategically linked to the position of other cameras across the security network and has expressed concerns that its removal could disrupt the wider network and surveillance coverage of this area.

As set out above, any harm or loss of significance of a designated heritage asset requires clear and convincing justification. The applicant has failed to undertake studies that have demonstrated that an alternative site is unavailable for this camera or that additional sensitively located cameras could provide just as effective crime and security benefits without causing harm to designated heritage assets. There are, for example, modern and unlisted buildings located immediately to the east and opposite the site that could potentially be used. No information has been submitted which provides clear justification for why these buildings cannot be used.

Given the City Council's statutory duties set out above, the great weight that must be given to the conservation of heritage assets and the failure of the applicant to demonstrate that there are no alternative sites for the camera, the harm caused to the significance of the listed building, the setting of the neighbouring listed building and the harm to the character and appearance of the Soho Conservation Area is unacceptable. The applicant is advised to explore a different location for the camera that is not located on a listed building and is sited more sensitively.

8.2 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country

Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.3 Neighbourhood Plans

The Soho Neighbourhood Plan is currently at a very early stage in its development and therefore can currently be given little material weight.

8.4 London Plan

The CCTV camera is an obtrusive modern fixture, which has clearly not been informed by, or respects, the surrounding historic environment contrary to London Plan policy 7.4(e), which states 'Buildings, streets and open spaces should provide a high quality design response that is informed by the surrounding historic environment'.

8.5 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

Section 12 of the NPPF attaches great importance on well-designed places and should address the connections between people and places and the integration of new development into the natural, built and historic environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, and Paragraph 66 states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

Furthermore, Section 16 of the NPPF requires the Local Planning Authority to give great weight to the conservation of built heritage assets when considering planning applications.

Furthermore, saved policies DES1 and DES5 of the UDP require alterations to buildings to be of the highest standards of design, furthermore, saved policies DES9 and DES10 of the UDP require proposals to preserve or enhance listed buildings and the character and appearance of conservation areas.

Guidance set out within 'A Guide to the Siting of Security Cameras and other Security Equipment' states that the Council, 'in considering proposals for installing security cameras, will strive to protect and preserve the character and appearance of historic buildings, by resisting the application of excessive security hardware.' This document also provides successful and unsuccessful examples.

8.6 Other Issues

None.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk.

9. KEY DRAWINGS

FRESSON AND TEE
 6th Floor Queens House
 55-56 Lincoln's Inn Fields
 LONDON WC2A 3LJ
 020 7393 7100 www.frtat.com

NOTES:
 LOCATION PLAN @ 1:2500 AND NORTH UP
 TO CORNER OF BROADWICK STREET AND SHAFTESBURY WAY

NO.	REV.	DATE	BY	CHKD.	DESCRIPTION
1	1	15/01/18	MM	MM	ISSUED FOR PERMIT
2	1	15/01/18	MM	MM	ISSUED FOR PERMIT

**Front Elevation + Section
Proposed**

PROJECT NAME: Retention of existing CCTV

ADDRESS: 46 Broadwick Street, LONDON, W1F

CLIENT: Shaftesbury Carriaby PLC

DATE: 24/1/18

SCALE: 1:50 + 1:20 @A3

DATE: 15/01/18

DRAWN BY: RUS

CHECKED BY: NF

Front Elevation 1:50

Section A 1:20

46 Broadwick Street - Photographic Schedule - CCTV unit

		<p>Street View 2012</p> <p>Estate wide CCTV camera located above street sign at first floor level – erected in 2008 Painted white</p>
		<p>Street View July 2014</p> <p>Estate wide CCTV camera located above street sign at first floor level – still in situ Painted white</p>
		<p>Street View March 2017</p> <p>Replacement estate wide CCTV camera located above street sign at first floor level Painted white</p>
		<p>Street View September 2017</p> <p>Replacement estate wide CCTV camera located above street sign at first floor level Painted black Street sign relocated to the centre of the first floor between the windows</p>
		<p>Street View April 2018</p> <p>As existing today</p>

DRAFT DECISION LETTER (REF: 19/00327/FULL)

Address: 46 Broadwick Street, London, W1F 7AF,

Proposal: Installation of a Closed Circuit Television Camera (CCTV) to the front elevation at first floor level. (Linked to 19/00328/LBC) [RETROSPECTIVE APPLICATION]

Plan Nos: E01-A, 'AXIS Q6000-E PTZ Dome Network Camera Full 360° overview with one-click PTZ control'

Case Officer: Holly Sharpley

Direct Tel. No. 020 7641 5399

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**Reason:**

- 1 Because of the size, siting and appearance the proposed CCTV camera and associated cabling and junction box would harm the significance of this grade II listed building and harm the setting of the neighbouring Grade II* listed buildings at 48-58 Broadwick Street. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 9, DES 10 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

The applicant is advised to find a different location for the camera that is not located on a listed building and is sited more sensitively.

DRAFT DECISION LETTER (REF: 19/00328/LBC)

Address: 46 Broadwick Street, London, W1F 7AF,

Proposal: Installation of Closed Circuit Television Camera (CCTV) to the front elevation at first floor level. (Linked to 19/00327/FULL) [RETROSPECTIVE APPLICATION]

Plan Nos: E01-A, 'AXIS Q6000-E PTZ Dome Network Camera Full 360° overview with one-click PTZ control'

Case Officer: Holly Sharpley

Direct Tel. No. 020 7641 5399

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**Reason:**

- 1 Because of the size, siting and appearance the proposed CCTV camera and associated cabling and junction box would harm the significance of this grade II listed building. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 9, DES 10 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17CC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

The applicant is advised to find a different location for the camera that is not located on a listed building and is sited more sensitively.