

LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2016/0563

Ward: Crouch End

Date received: 23/02/2016

Last amended date: 09/05/2016

Drawing number of plans: 1257-10, 1257-20,1257-00,1257-30 REV A 1257-01 & 1257-31

Address: 26 The Broadway N8 9ST

Proposal: Refurbishment of property and installation of new main entrance door

Applicant: Middeys (Crouch End) Ltd

Ownership: Private

Officer contact: Sarah Madondo

2. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions:

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) Materials to match existing

Informatives:

- 1) Advertisement signage
- 2) Reinstatement of Telephone Lettering

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

- 3.1 The application seeks planning permission and listed building consent for the refurbishment of this commercial unit with the installation of a new main entrance door.

Site and Surroundings

- 3.2 The property is the ground floor shop unit in this 3 storey building known as Broadway House located next to Hornsey Town Hall. The building is Grade 2 listed and is part of the listed complex of buildings surrounding the Town Hall green. The

property is in the heart of Crouch End Broadway's primary shopping frontage and has a 6m frontage onto The Broadway itself, with a 24m return frontage facing Town Hall square.

Relevant Planning and Enforcement history

3.3 HGY/1989/0152 REF 14-09-89 Electricity Showrooms The Broadway London Display of internally illuminated fascia & projecting box sign.

HGY/1989/0520 REF 14-09-89 26 The Broadway London Listed Building Consent for display of fascia and projecting box signs.

HGY/1989/1334 REF 29-01-91 26 The Broadway London Display of internally illuminated fascia sign.

HGY/1990/1165 REF 29-01-91 26 The Broadway London Display of internally illuminated fascia-sign.

HGY/1991/0915 GTD 07-04-92 26 The Broadway London Retention of 850mm satellite receiver dish.

HGY/1996/0431 GTD 18-02-97 26 The Broadway London Listed Building Consent

HGY/2005/0701 REF 14-06-05 26 The Broadway London Change of use of property from A1 (retail) to A2 (professional and financial services).

HGY/2005/2042 WDN 19-12-05 26 The Broadway London Display of non-illuminated fascia sign and associated projecting awning.

HGY/2005/2043 WDN 19-12-05 26 The Broadway London Listed Building

HGY/2006/0688 GTD 16-05-06 26 The Broadway London Listed Building Consent for the installation of new entrance door and provision of ventilation grill. Internal refurbishment including new kitchen, office and toilets and closing off two doors to Council area, making premises self sufficient allowing the premises to be used for the consumption of food on the premises, namely A3 Restaurant Use.

HGY/2006/0689 GTD 16-05-06 26 The Broadway London Installation of new entrance door and provision of ventilation grill. Internal refurbishment including new kitchen, office and toilet and closing off two doors to Council area, making premises self sufficient allowing the premises to be used for the consumption of food on the premises, namely A3 restaurant use.

HGY/2006/1335 GTD 24-10-06 26 The Broadway London Display of enamelled letter signage to shop fascia.

HGY/2006/1336 GTD 24-10-06 26 The Broadway London Listed Building Consent

HGY/2006/2183 GTD 12-12-06 26 The Broadway London Listed Building Consent for internal alterations to toilet ramp area.

HGY/2009/1123 REF 22-09-09 26 The Broadway London Retention of timber decking strip to secure canopy uprights.

HGY/2011/0265 REF 05-04-11 26 The Broadway London Replacement of existing fixed glass window facing The Broadway with 1 x louvered window and 1 x 3/4 glazed door, coloured to match existing hardwood timber frames, and bottom panel to match colour and

HGY/2011/0266 REF 05-04-11 26 The Broadway London Listed Building Consent for replacement of existing fixed glass window facing The Broadway with 1 x louvered window and 1 x 3/4 glazed door, coloured to match existing hardwood timber frames, and bottom panel to match colour and profile of existing plinth

OLD/1972/0095 GTD 11-12-72 21-26 The Broadway Installation of shop front.

OLD/1987/0153 GTD 01-10-87 Eastern Electricity Plc 26 The Broadway London 13/4/87 Erection of two portacabin - type units for use as model makers workshop and model makers storage in car park.

OLD/1987/0154 GTD 08-12-87 Eastern Electricity Plc 26 The Broadway London 4/6/87 LBC for erection of 2 portacabins type units for use as a model makers workshop + storage area.

PRE/2015/0114 PASENT 28-10-15 26 The Broadway London Our alteration is to relocate the main entrance to the restaurant. Also to renew our 16/05/2006 planning consent ref: HGY/2006/0689.

Planning Complaints DEP/2016/00055 00-00-00 26 The Broadway London

Planning Complaints LBW/2005/00840 CLOSED 00-00-00 26 The Broadway London

Planning Complaints LBW/2008/00318 CLOSED 00-00-00 26 The Broadway London

4. CONSULTATION RESPONSE

4.1 The following were consulted regarding the application:

Ward Councillors
Neighbouring properties
LBH Conservation Team

4.2 The following responses were received:

Internal:

1) LBH Conservation Officer:

The scheme relates to the internal refurbishment of the ground floor of this building being undertaken by the new leaseholders. The internal fabric of the building has

already been compromised in the past and the refurbishment is merely cosmetic and would not cause any additional harm to the listed building internally. The new door would again replace a modern door. The canopy and seating area already exist and the proposal would continue to use the existing license re the same. The refurbishment works would facilitate the use of the building and provide for a sustainable future which would be considered as an enhancement. This would also accord with the wider master plan of the Town Hall Complex which envisages the square to be an active area.

Overall, it is considered that the refurbishment works would cause no harm to the listed building as the interior fabric is modern. The exterior canopy and seating already exist. I have considered the proposal as per the Council's statutory duty and consider the refurbishment of the building to be an enhancement. In accordance with the National Planning Policy, the proposed works are therefore acceptable.

- 2) LBH Corporate Property & Major projects- No objections to any elements of the proposed works and reasonably satisfied that the works will have no effect on the redevelopment of the town hall.

5. LOCAL REPRESENTATIONS

- 5.1 The application has been publicised by way of site notice displayed in the vicinity of the site and 45 letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses:

Objecting:3

Supporting:1

- 5.2 The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- Seating area on town square in relation to forthcoming redevelopment;
- A3 use on the pavement which could be highway land ;
- Replacement door should framed to match the mullions of the shopfront in material;
- Signage;
- Lettering telephone box should not have been removed ;
- Certificate of application form;
- Footway space connectivity to public realm.

- 5.3 The following issues raised are not material planning considerations:

- Tables and chairs street trading licence (Licensing)

6 MATERIAL PLANNING CONSIDERATIONS

Impact on Listed Building/Conservation Area

- 6.1 As noted above the subject property is a Grade II listed building and as such there is a legal requirement for its protection. The Legal Position on the impact on these

heritage assets is as follows, and Sections 66(1) and 72(1) of the Listed Buildings Act 1990 provide: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

- 6.2 “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” Among the provisions referred to in subsection (2) are “the planning Acts”. The *Barnwell Manor Wind Farm Energy Limited v East Northamptonshire District Council* case tells us that "Parliament in enacting section 66(1) did intend that the desirability of preserving listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.” The *Queen (on the application of The Forge Field Society) v Sevenoaks District Council* says that the duties in Sections 66 and 72 of the Listed Buildings Act do not allow a Local Planning Authority to treat the desirability of preserving of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in *Barnwell*, it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area or a Historic Park, it must give that harm considerable importance and weight. This does not mean that an authority’s assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise, as the Court of Appeal emphasized in *Barnwell*, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one, but it is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. An authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 6.3 In short, there is a requirement that the impact of the proposal on the heritage assets be very carefully considered, that is to say that any harm or benefit to each element needs to be assessed individually in order to assess and come to a conclusion on the overall heritage position. If the overall heritage assessment concludes that the proposal is harmful then that should be given "considerable importance and weight" in the final balancing exercise having regard to other material considerations which would need to carry greater weight in order to prevail.
- 6.4 London Plan Policy 7.8 requires that development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale and architectural detail. Haringey Local Plan Policy SP12 requires the conservation of the historic significance of Haringey’s heritage assets. The requirements of Local

Plan policy SP12 'Conservation' and saved policy CSV4 'Alterations to Listed Buildings' apply in this case, as well as the guidance contained in SPG2. Policy CSV4 states that it is required that alterations and extensions to listed buildings to: be necessary and not detrimental to the architectural and historical integrity and detailing of a listed building's interior and exterior; relate sensitively to the original building; and not adversely affect the setting of a listed building.

- 6.5 The proposal is for internal refurbishment of the ground floor of this building being undertaken by the new leaseholders. The internal fabric of the building has already been compromised in the past and the refurbishment is merely cosmetic and would not cause any additional harm to the listed building internally. The proposal also includes the replacement of existing door with a timber framed door as apposed to the all glazed door as initially proposed.
- 6.6 The canopy and seating area already exist and the proposal would continue to use the existing license for the benefit of alfresco dining. The refurbishment works here would facilitate the use of the building and provide for a sustainable future which is considered acceptable in policy terms. This is considered to accord with the wider master plan for the Town Hall complex which envisages the square to be an active area.
- 6.7 The existing lettering "Telephones" sign has been taken off by the builders to be sent away for refurbishment. These letters will be fitted back in the same location with new fresh paint over it.

Other issues

- 6.8 Concerns have been raised by The Forum and residents in relation to seating area, replacement door, signage, Telephone lettering and wrong certificate having been signed. The applicant has submitted an amended application form with the right certification signed.
- 6.9 The seating area, as shown in the submitted drawings already exists. The new leaseholder would continue with this arrangement. The Cooperate Property & Major Projects Team have also confirmed that this is the case and that they have no objection to this arrangement.
- 6.10 In terms of the signage, this has been noted and applicant has been advised to submit a separate application. An informative would be attached to permission.
- 6.11 The existing lettering "Telephones" sign has been taken off by the builders to be sent away for refurbishment. These letters will be fitted back in the same location with new fresh paint over it.

Conclusions

- 6.12 The replacement door and internal refurbishments are considered acceptable as such ensuring the proposal is sensitively considered in terms of the appearance and setting of this Listed Building, preserving the character and appearance of the conservation area and not causing harm to it or the Listed Building.

6.13 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

7. RECOMMENDATION

GRANT PERMISSION

Registered No. HGY/2016/0563

Applicant's drawing No.(s) 1257-10, 1257-20,1257-00,1257-30 REV A 1257-01 & 1257-31

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The approved plans comprise drawing nos (1257-10, 1257-20,1257-00,1257-30 REV A 1257-01 & 1257-31). The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

3. The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy 7.6 of the London Plan 2011, Policy SP11 of the Haringey Local Plan 2013 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

INFORMATIVE: Planning permission has been granted without prejudice to the need to get advertisement consent under the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

INFORMATIVE: The applicant is reminded that the "TELEPHONE" lettering which has been removed for refurbished shall be reinstated to its former location before the re-opening of this commercial unit.