

Argles James

From: Planning Support
Subject: FW: Comment Received from Public Access

Application Reference No. : HGY/2017/1235 Site Address: 26 The Broadway London N8 9ST London
Comments by: Crouch End Neighbourhood Forum

From:

Design & Character Group c/o 45
Avenue Road
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Submission: Objection

Comments: Validity of application ; The Forum considers that the application should not have been validated. Site area appears to be incorrect as it is stated as 318 sq.m but the drawings indicate the structure is 23m long and 3m wide which is 69 sq m. The ;Red line; of the application indicates the ground floor of the building (which may be 318 sq. m.) but the application relates to 69 sq. m of the land that is public square outside, but the site of the development is not stated as such. Documents therefore do not indicate or measure the land affected by the proposed works. Notice has been given to LBH only when there is another body with a long-term interest in the actual land, namely FEC, although it is unclear whether they are yet formally leaseholders or leaseholders in waiting. No access statement has been provided and there appears to be a step to the deck of the addition, so therefore it is not accessible to some people with disabilities. On these grounds the application is defective and should not be processed until these significant inaccuracies are corrected. It is not clear whether the spaces between the supports contain plastic roller screens to fully enclose the diners in the event of inclement weather ; this is often seen in similar structures.

Principles ; al fresco dining ; The Forum is not opposed to al fresco dining if it is not interfering with the free movement of people. The Forum have met with FEC and understand that there may be several opportunities for dining outside in forthcoming proposals and this way of enlivening the town square is welcomed provided it does not compromise the space for events and other special activities. This implies that equipment that facilitates Al Fresco should be readily removable (stackable tables and chairs and umbrellas that can be simply removed) as required by Haringey;s policy on the matter (see below).

Principles ; movement of people ; The Forum believes that the land on which this application is made should be indicated by a red line on part of the highway network. The public have a right to move over this land without let or hindrance (wording from the Highways Act 1980) unless it is an acceptable, temporary obstruction. The Forum takes this view because of the history of the site. At one time, there was a U shaped roadway serving the Town Hall, this side of the U was removed first and access was on the south side, this was later removed and access to the fountain and forecourt to the Town Hall arranged latterly from Hatherley Gardens. After the roadways were removed the areas were paved as footway and available for pedestrians to walk up to the showroom shopfronts in the space between the grassed garden and the buildings. Therefore, by prescription, the paved areas have become, over 80 years, part of land to which people have had free access (as are footpaths or bridleways over fields) and although the land is subject to a land transfer (as sometimes farm land changes hands) the highway and access rights remain for the public to enjoy ; these are now absolute. Equalities legislation insists that people with disabilities have equal rights to access as able-bodied people do, therefore any obstruction to or on the highway should be assessed with this in mind. This is a complex matter but if one caters for the needs of long cane and wheelchair users many issues for others are also dealt with. The proposal should be assessed to see if it is a permissible obstruction which can be licenced without damaging the rights and needs of people with disabilities as well as able bodied users. The remaining space on the highway between any seating for

eating / drinking and any other equipment (such as benches) should be assessed to ensure that there is sufficient room for predicted people flows (assuming a major event in the space or former Town Hall) to get by the obstruction without conflict. The Forum has no evidence that this assessment has been made by the applicant or checked by the authority. (Policy DM8 A c refers).

Principles ¿ flexibility in re-structuring the town square ¿ The space has been included in the transfer to new owners of the former Town Hall and with that transfer, there is an obligation to refurbish the space between the Town Hall and the Broadway and the two former showrooms. This is included in the planning permission alleged to have been started. The Forum believes that this part of the project could be improved and that flexibility is needed to get the best result in any future, revised planning application. It therefore is inappropriate to allow a structure that would compromise this review. In discussions with FEC it was understood that they anticipate this land is annexed to the former showroom on an annual licence. They also state they want to 'remove existing barriers and replace them with a design that promotes pedestrian activity in the town square¿. This proposal may be incompatible with their stated aims. It seems unwise to permanently permit a high-tech addition that might need to be reviewed / removed in a year or two. Whilst it may be acceptable to grant a time limited Street Trading Licence to use this land for restaurant / café use, and that could include moveable equipment such as umbrellas on the present paving (which is step-free, so accessible to people in wheelchairs) anything more permanent would compromise the future re-planning of this public space.

Heritage statement ¿ Whilst the early part of the Heritage statement includes quotations that are correct, the latter part is entirely inadequate as it does not assess the impact of the proposal. It states that it will not affect the original works and that the old canopy needs replacing. Whilst the old canopy is near derelict and it could be removed it does not address the visual impact on the building or the effect on the space. It is questionable that it is acceptable as an adequate ¿heritage statement¿.

Effect on the appearance of the building ¿ The application implies that because the former, shabby lean to addition was (controversially and retrospectively) granted consent, perpetuating and intensifying the solidity of the structure is therefore acceptable. Here the Forum disagrees with the Conservation Officer. The structure adds a volume of approximately 190 cubic metres to the face of the building. The building is part of the containment of a public space which is articulated at several points, but was intended to have the ¿cliff faces¿ of the various structures containing the space. This structure is an intrusion into the space and is a ¿carbuncle¿ on the bottom of the north side. It therefore damages the appearance of the building and the space which is part of the formal 1930s composition of considerable group value.

Compliance with policies and national policy framework

Using the last available set of Development Management Policies (which are in the process of amendment and final adoption at the time of writing) the Forum is of the view that the proposal is contrary to the intent of the following material policies:

¿ DM9 (Management of Historic Environment) this fails when assessed against DM9 C c which requires ¿The preservation or reinstatement of original or historic form, fabric, function or character of the asset and its setting¿. It also fails against criteria E which says: ¿Proposals for alterations and extensions to existing buildings in Conservation Areas should complement the architectural style, scale, proportions, materials and details of the host building and should not appear overbearing or intrusive¿. It also fails against DM9 F d which says ¿Extensions are restricted to less significant parts of the building, relate sensitively to the original building and not adversely affect the internal or external appearance or character of the building, curtilage or its setting.¿ DM9 C g also refers to sustainable regeneration and sustainability is also mentioned in the Conservation Officer¿s observation. The viability of a business should not be predicated by the addition of space on the public highway. This should be regarded as a temporary,

additional privilege and not a right to occupy such space. If the sustainability of the business is dependent on the provision of the 60 additional covers provided by this lean-to addition (when the number of covers internally is 56) then the business plan should be questioned if this privilege is essential to the viability of the business. This space creates more than half of the dining area and is based on something that should be regarded as a permissive addition not part of the business as a given right. Whilst the Forum supports local business and wants businesses to remain viable, permissions should not be detrimental to architectural heritage and the overall character of the town centre.

DM8 (Shopfronts and On Street Dining) This proposal fails against the council's policy in this section which says: "On-street dining (para. C c) Be composed solely of moveable furniture".

DM3 (Public Realm) This says in sub section B that "privately owned public spaces should promote secure, accessible and inclusive environments that positively relate to local context and incorporate high quality design and public realm features". Although this is not yet privately owned it will be shortly and this application fails on that basis.

DM2 (Accessible and safe environments) expects that "Proposals should ensure that new developments: a Can be used safely, easily and with dignity by all; b Are designed so that the layout improves people's access to social and community infrastructure, including local shops and public transport." For wheelchair users, this has an elevated deck and a step so is inaccessible and for a long cane user tapping their way along the building frontage to get from the Broadway to the Town Hall it is in the way.

DM1 (Delivering High Quality Design) Although this is a very general policy intended to cover many forms of development, this proposal fails on those principles.

In the final analysis, the duty is to consider the effect (which this does not) it should be permitted, if it is neutral (arguably this structure is not neutral) then it could be permitted, but if it damages the area (which this does) then it should not be permitted. This falls into the latter category and the authority has a duty to refuse.

Assessment and conclusion.

The Forum concludes that the former lean to structure was a mistake and this proposal, if permitted, would compound that mistake. Because of its negative effect on the listed structures and the space, it damages the conservation area and the appearance of the buildings and their group setting and group value. As a formulated amenity group created under the Localism Act, the Forum calls for the application to be considered by the Planning Committee, not using the system of delegated powers, and calls on the Committee to refuse both applications. Using the same tests set out above, the Forum would not oppose an area of tables and chairs with umbrellas (which could be in ground sockets and have power for light and heat and suitable barriers to guide people with impairments) as part of a street trading licence application as they are removable easily, do not abut the structure and would be neutral on the character of the conservation area and the setting of the listed buildings.

Chris Mason - Lead Member

(Design & Character Working Group, Crouch End Neighbourhood Forum)