

REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

1. APPLICATION DETAILS	
Reference No: HGY/2015/0561	Ward: Crouch End
<p>Address: Site to rear of 38 The Broadway N8 9SU</p> <p>Proposal: Construction of single storey temporary cafe / restaurant on a vacant site accessed from The Broadway via Rose Place, formed from four recycled shipping containers, including parking for two cars, bicycle storage and refuse and recycling storage</p> <p>Applicant: Mr A Mehmet</p> <p>Ownership: Council</p> <p>Case Officer Contact: Robbie McNaugher</p> <p>Site Visit Date: 10/03/2015</p>	
<p>Date received: 23/02/2015</p> <p>Drawing number of plans: 044.130, 044.131, 044.110D, 044.005A, 044.001D, 044.02.</p>	
<p>1.1 This application has been brought to committee because the Council is the landowner and the level of local objection to the application and a ward Councillor call in.</p>	
<p>1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION</p> <p>The application site abuts the town centre boundary and given its location and temporary nature it is considered that it would not harm the town centre and could enhance the vitality, viability in the short term and would not cause harm to the Setting of the Listed Building or the Character and Appearance of the Conservation Area.</p> <p>It is considered that the proposal would not have any significant impact on neighbouring amenity subject to a condition restricting the opening hours and providing a 1 year temporary permission so that the impacts can be assessed before any further permission is granted. The proposal would not have a significant impact on parking or highway safety.</p>	

2. RECOMMENDATION

That the Committee resolve to GRANT planning permission and that the Head of Development Management is delegated authority to issue the planning permission and impose conditions and informatives

Conditions

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) Temporary permission for 1 year
- 4) Hours of opening
- 5) Waste storage
- 6) Parking

Informatives

- 1) Co-operation
2. Drainage
- 3) Fat trap
- 4) Hours of construction

In the event that member choose to make a decision contrary to officers' recommendation members will need to state their reasons.

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3.0 PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.1 Proposed development

3.1.1 This is an application for the construction of a single storey temporary cafe / restaurant on a vacant site accessed from The Broadway via Rose Place, formed from four recycled shipping containers, including parking for two cars, bicycle storage and refuse and recycling storage.

3.2 Site and Surroundings

3.2.1 The application site is a vacant site set off the Broadway in Crouch End. It is accessed from Rose Place. The site lies within the Crouch End Conservation Area and is adjacent to Hornsey Town Hall a Grade II* Listed Building. The application site is adjacent to but falls outside the designated town centre.

3.4 Relevant Planning and Enforcement history

HGY/2010/0500 GTD 12-07-10 Hornsey Town Hall, The Broadway London Refurbishment and conversion of the Town Hall Building comprising alterations, extension and change of use from B1 (Business) and Sui Generis to a mixed use scheme incorporating: D1 (Non-Residential Institutions), A3 & A4 uses (Restaurants, Cafes and drinking establishment), D2 (Assembly and Leisure) and retaining existing B1 and Sui Generis (Theatre and performance venue) use. Alterations, extensions and change of use of Link Block and East Wing from B1 (office) to C3 dwellinghouses. Extension, alteration, refurbishment and change of use of the Broadway Annexe East Part from B1 office to A1 retail and B1 office (West part to be C3 residential). New residential development comprising 123 No. units in total (35 x 1 bed flats, 61 x 2 bed flats, 20 x 3 bed flats, 3 x 4 bed flats and 4 x 4 bed houses) and associated car parking at basement level, including residential accommodation in the existing Town hall (East Wing and Link Building), the Broadway Annexe (West Part) and Mews. Erection of sub-stations. Alterations and landscape improvements including to the Town Hall Square, and use of the square for both public events and markets / small festival uses.

HGY/2010/0501 GTD 12-07-10 Hornsey Town Hall, The Broadway London Listed Building Consent for refurbishment and conversion of the Town hall Building comprising alterations, extension and change of use from B1 (Business) and Sui Generis to a mixed use scheme incorporating: D1 (Non-Residential Institutions), A3 & A4 uses (Restaurants, Cafes and drinking establishment), D2 (Assembly and Leisure) and retaining existing B1 and Sui Generis (Theatre and performance venue) use. Alterations, extensions and change of use of Link Block and East Wing from B1 (office) to C3 dwellinghouses. Extension, alteration, refurbishment and change of use of the Broadway Annexe East Part from B1 office to A1 retail and B1 office (West part to be C3 residential). New residential development comprising 123 No. units in total (35 x 1 bed flats, 61 x 2 bed flats, 20 x 3 bed flats, 3 x 4 bed flats and 4 x 4 bed houses) and associated car parking at basement level, including residential accommodation in the existing Town hall (East Wing and Link Building), the Broadway Annexe (West Part) and Mews. Erection of sub-stations. Alterations and landscape improvements including to the Town Hall Square, and use of the square for both public events and markets / small festival uses.

HGY/2010/0502 GTD 12-07-10 Hornsey Town Hall, The Broadway London Conservation Area Consent for the demolition of existing buildings, including Courtyard infill building, Library garage, Mews studio, public WCs, and removal of prefabricated unit to rear of the Town Hall. Demolition of walls, fences and removal of trees

HGY/2013/0694 GTD 13-05-13 Mews Studio Hornsey Town Hall The Broadway Hornsey London In respect of planning permissions and consents ref: HGY/2010/0500, /0501 and /0502 for the refurbishment and conversion of the Town Hall Building, new residential development and associated car parking and landscaping, variation of conditions is sought to allow for the elements of the scheme not related to Hornsey Town Hall ("preparatory implementation works") to be implemented prior to the Town Hall development. Detailed variations as below: (A) Variation of conditions attached to HGY/2010/0500 is sought to allow for the elements of the scheme not related to Hornsey Town Hall to be implemented prior to the Town Hall development. Specifically, variation of conditions 3 (Materials Samples), 4 (Landscaping), 7 (Tree Works), 8 (Excavation), 12 (Construction Vehicles Management Plan), 13 (Demolition Management Plan), 17 (Lighting), 21 (Refuse Storage), 28 (Site Investigation), 30 (Archaeological Work), 31 (s106) and 34 (Daylight/Sunlight) and removal of condition 15 (Phasing) and its replacement with a s106 obligation, attached to planning permission ref: HGY/2010/0500 to allow for preparatory implementation works to be carried out. (B) Variation of conditions 2 (Contract for Works), 3 (Demolition Method), and 4 (Site Protection) attached to HGY/2010/0501 to allow for preparatory implementation works to be carried out, variation of condition 2 to allow demolition or partial demolition of the Town Hall to occur after contracts for Phase 1 refurbishments of the Hall have been secured, variation of conditions 3, 5, 6 and 7 to clarify building to be demolished, variation of condition 4 to clarify which building the condition relates to, removal of condition 13a and its replacement with equivalent s106 obligation, attached to Listed Building Consent ref: HGY/2010/0501 and amendment of description of same Listed Building Consent to clarify that the "Mews" element is to be demolished.

4. CONSULTATION RESPONSE

4.1 The following were consulted regarding the application:

Hornsey CAAC
LBH EHS - Noise & Pollution
LBH Cleansing - West
LBH Conservation Officer
LBH Building Control
LBH Transportation Group
LBH Food & Hygiene
London Fire Brigade
Thames Water Utilities

The following responses were received :

Internal:

1) Conservation

The 1 year temporary permission would ensure that the structures can be removed thus reinstating the setting of the listed buildings. It should be noted that this is not to be considered as a precedent for future development of this site. As a temporary installation for a limited period of time, the structure would be considered far less intrusive compared to a permanent structure that may cause significant harm to the listed buildings, therefore no objections.

2) Transportation

There are no highways and transportation objections to the development proposal.

3) Waste Management

No objections

4) Environmental Health Noise

Consider that there should be restrictions on the times that any external areas can be used to avoid late night disturbance of residents. Suggest that there should be no external use after 9pm. Support the use of a continuous close boarded screen around the external seating area but recognise that there would need to be a degree of management of the area.

Provided the plant is correctly maintained it should not cause issues.

5) Environmental Health Food Safety Team

The siting of the extraction flue and provision of facilities is adequate.

External:

6) Thames Water

No objections subject to informatives

5. LOCAL REPRESENTATIONS

5.1 The following were consulted:

53 letters were sent to neighbouring properties, a site notice was erected close to the site and an advert placed in the local press.

5.2 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: 15

Objecting: 14

Supporting: 1

Others:

5.3 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:

- Overbearing and overshadowing
- Odour concerns
- Noise concerns
- Litter and refuse concerns
- Security concerns
- Highway safety
- Impact on the Conservation Area
- Support for a new restaurant in the area

5.4 The following issues raised are not material planning considerations:

- The elevation plans are incorrect and should show the containers as higher than the existing boundary wall (Officer Comment: The plans are considered to be accurate in this respect)
- The design statement refers to this as a community facility building which is disingenuous (Officer Comment: the proposal is not a community facility and has not been assessed as such)

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the proposed development are:

1. Principle of the development
2. The impact on the amenity of adjoining occupiers
3. The impact of the proposed development on the character and appearance of the conservation area and the Listed Building
4. Parking and highway safety

6.2 Principle of the development

6.2.1 Local Plan Policy SP10 - Town Centres and Saved UDP Policies seek to protect and enhance the vitality and viability of the Borough's Town Centre's. The application site falls outside the designated town centre but abuts the town centre boundary. Given its location and temporary nature it is considered that it would not harm the town centre and could enhance the vitality and viability in the short term.

6.2.2 In relation to A3 uses Saved UDP Policy TCR5 states that "the Council when assessing proposals for restaurants, cafes, drinking establishments and hot food takeaway uses that fall within A3, A4 and A5 use classes will take into account the following:

- a) the effectiveness of measures to mitigate litter, undue smell, odours and noise from the premises;
- b) the hours of opening, operation and delivery; and
- c) where appropriate the proportion of existing A3, A4 and A5 uses within the main town centres".

6.2.3 In terms of the principle of the A3 use the proposal would not result in the change from an existing A1 use so would not result in harmful increase in the proportion of A3 uses within Crouch End Town Centre. Therefore the principle of the proposal is acceptable subject to adequate mitigation for noise and smells and opening hours.

6.3 Impact on the amenity of adjoining occupiers

6.3.1 The London Plan 2011 Policy 7.6 Architecture states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. Saved Policy UD3 also requires development not to have a significant adverse impact on residential amenity in terms of loss of daylight, or sunlight, privacy overlooking, aspect and the avoidance of air, water, light and noise, pollution and of fume and smell nuisance.

6.3.2 Significant concerns have been raised in relation to the impact on neighbouring properties. With regard to overshadowing and an overbearing appearance, the site is surrounded by a 2 metre high boundary wall and the proposed containers would be 3 metres in height and some 2 metres from the rear boundary wall of the nearest neighbouring residential properties at the closest point. As shown on the applicant's site cross sections and their sunlight studies due to the height of the proposal and the distance from the boundary walls it would not have a significant impact on neighbouring daylight and sunlight or have an overbearing appearance to the neighbouring properties.

6.3.3 With regard to noise and disturbance the Council's Environmental Health Noise Team have been consulted and advised that the Noise Impact Assessment demonstrates that the plant would not cause noise issues for the neighbouring residents. There have been significant concerns raised by neighbours in relation to noise from the external seating area. It is acknowledged that it is difficult to assess the noise from external seating areas, however the proposal has been designed to minimise the impact as much as possible by orientating the structures so that the outdoor seating area is as far from the neighbouring boundaries as possible. This would mean that the noise from the outdoor seating area would be screened by the presence of the proposed containers. In response to concerns the applicant has now reduced this area to 12 covers and agreed to a condition that it shall not be used later than 7pm. The Council's Environmental Health Officer advised that this area should be used no later than 9 pm so this is considered to ensure that there would no significant impact on neighbouring properties due to noise from customers using external seating. The opening hours of the restaurant will be no later than 10 pm weekdays and 11pm on weekend nights. It is noted that there may be some noise from customers coming and going to the restaurant after the external seating area is closed however given the site's location close to a busy town centre area with several existing restaurant uses this is considered to be no more harmful than the current situation.

6.3.4 With regard to smells, the Council's Environmental Health Food Safety Team has been consulted and are satisfied with the extraction arrangements. This would also be controlled under Environmental Health legislation. With regard to

litter the proposal would largely cater for onsite dining and does not propose takeaway so is not considered to generate significant concerns in relation to litter. Concerns have also been raised in relation to the lighting proposed, this has been shown in detail to be low level lighting largely close to ground level and screened by the proposed containers to ensure there would not be significant light spill to neighbouring properties.

- 6.3.5 Therefore it is considered that the number of external covers and restricted opening hours are sufficient to ensure that the proposal would not have any significant impact on neighbouring amenity. A condition will be imposed restricting the opening hours and providing a 1 year temporary permission so that the impacts can be assessed before any further permission is granted.

6.4 Impact on the Character and appearance of the conservation area and Listed Building

- 6.4.1 The application site is adjacent to Hornsey Town Hall a Grade II* Listed Building and falls within the Crouch End Conservation Area. There is a legal requirement for the protection of the Listed Building and Conservation Area and Historic Park. 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”.

“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”.

- 6.4.2 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.”

- 6.4.3 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.

- 6.4.4 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.
- 6.4.5 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.
- 6.4.6 The Council's Conservation Officer has been consulted and advised that given the temporary nature of the proposal it would not harm the setting of the listed building. The site is currently vacant and the proposal would introduce a contemporary building for a temporary period before the comprehensive development for the site and the Town Hall takes place. This is considered to enhance the character and appearance of the Crouch End Conservation Area in the short term. The condition restricting the permission to a temporary consent will ensure that the proposed buildings are removed once the temporary period expires. Therefore overall officers consider that the proposal causes no harm to the Setting of the Listed Building or the Character and Appearance of the Conservation Area.

6.5 Parking and highway safety

- 6.5.1 Local Plan (2013) Policy SP7 Transport states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport and adopting maximum car parking standards and car free housing wherever feasible.

- 6.5.2 Concerns have been raised in relation to traffic generation and safety along Rose Place. The Council's Transportation Team have been consulted and advised that the application site has a medium Public Transport Accessibility Level of 4 and is served by the 41, 91, W3, W5 and W7 bus routes. These routes operate with a combined frequency of 131 buses per hour and provide frequent links to Turnpike Lane, Archway, Harringay and Harringay Green Lanes underground and rail stations. The site also falls within the Crouch End (A) controlled parking zone (CPZ), which operates Monday to Friday between 10:00 am – 12:00 noon and provides a degree of on-street parking control. It is therefore considered that the proposal is highly likely to attract individuals from the local area or those using sustainable modes of transport to travel to and from the site.
- 6.5.3 The Transportation Team note that the site takes its access from a privately controlled access road named Rose Place, which is lightly trafficked as it has the primary function of a service road. Rose place is restricted in width and has two segregated footways measuring just 0.6 m on northern side and approximately 1m on the southern side. However the carriageway of Rose Place is surfaced in red brick weave at its entrance and this gives drivers the impression that they are entering into a different environment and is likely to lead to typically lower traffic speeds. This is further enhanced by the narrow carriageway width of typically 2.7 m which is further enhanced by the double yellow lines which run along both sides of the road. Although the narrowness of the segregated footway does not provide sufficient width to cater for wheelchair users and those using pushchairs, the nature of the access road makes it suitable for shared pedestrian/vehicular use in line with guidance set out within "Manual for Streets" (2007).
- 6.5.4 It has been noted that the refuse collection arrangements will feed into the existing setup and that servicing for the café/restaurant will take place outside the development's operational hours, which will avoid any increase in conflicts between vehicles and pedestrians. Although there is a requirement to secure the existing two on-site parking spaces under a private agreement, there will be no on-site parking for either staff or visitors. However, any patrons wishing to travel to the site using private vehicles will have the benefit of the "Crouch End Stop & Shop" on-street parking facility available Monday to Saturday 8:00am - 6:30pm.
- 6.5.5 The Council's Transportation Team conclude that the proposed development is unlikely to result in any increase in parking pressure within the vicinity of the site or result in any significant adverse impact upon the surrounding highway network. The proposal is therefore considered to acceptable in this respect.

6.6 Waste and Recycling

- 6.6.1 London Plan Policy 5.17 'Waste Capacity', Local Plan Policy SP6 'Waste and Recycling' and Saved UDP Policy UD7 'Waste Storage', require development proposals make adequate provision for waste and recycling storage and collection. The Council's waste management team raise no objections and

waste storage has been shown to the north of the site. Concerns have been raised in relation to servicing the bins on the site, although refuse vehicles would have to reverse to the site, this is the existing arrangement so there would be not significant harm to highway safety as a result of the proposal.

6.7 Conclusion

- 6.7.1 The application site falls outside the designated town centre but abuts the town centre boundary. Given its location and temporary nature it is considered that it would not harm the town centre and could enhance the vitality and viability in the short term and would not cause harm to the Setting of the Listed Building or the Character and Appearance of the Conservation Area.
- 6.7.2 It is considered that the proposal would not have any significant impact on neighbouring amenity subject to a condition restricting the opening hours and providing a 1 year temporary permission so that the impacts can be assessed before any further permission is granted. The proposal would not have a significant impact on parking or highway safety.
- 6.7.3 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

6.8 CIL

The internal floor area would not exceed 100 sq.m. and therefore the proposal is not liable for the Major or Haringey's CIL charge.

8.0 RECOMMENDATIONS

GRANT PERMISSION subject to conditions

Applicant's drawing No.(s) 044.130, 044.131, 044.110D, 044.005A, 044.001D, 044.02.

Subject to the following condition(s)

Conditions:

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 development hereby authorised shall be carried out in accordance with the following approved plans and specifications:

044.130, 044.131, 044.110D, 044.005A, 044.001D, 044.02.

Reason: In order to avoid doubt and in the interests of good planning.

3. This permission shall be for a limited period expiring on 01/06/2016 when the building hereby approved shall be removed and the land reinstated.

Reason: The building, because of its design, size, materials and or siting, is not considered suitable for permanent retention.

4. The use hereby permitted shall not be operated before 12:00 hours or after 22:00 hours Monday to Thursday, before 10:00 hours or after 23:00 hours Saturdays and before 10:00 hours or after 18:00 hours Sundays and Bank Holidays the external seating area shall not be used after 19:00 at any time.

Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished consistent with Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

5. The proposal shall not operate until the provision of refuse and waste storage and recycling facilities shown on plan 044.001 C have been implemented and permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Saved Policy UD7 of the Haringey Unitary Development Plan 2006 and Policy 5.17 of the London Plan 2011.

6. The development shall not be occupied until the car parking and cycle storage shown on plan 044.001 C have implemented and thereafter retained. The car parking and/ or loading and unloading facilities shall not be used for any other purpose.

Reason: In order to ensure that the proposed development does not prejudice the free flow of vehicular and pedestrian traffic or the conditions of general safety of the highway consistent with Policy 6.13 of the London Plan 2011 and Saved Policies UD3 and M10 of the Haringey Unitary Development Plan 2006.

Informatives:

INFORMATIVE 1: In dealing with this application, Haringey Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 to foster the delivery of sustainable development in a positive and proactive manner.

INFORMATIVE 2: With regards to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water course, or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage

should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

INFORMATIVE 4: Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

INFORMATIVE 5: Hours of Construction Work: The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

- 8.00am - 6.00pm Monday to Friday
- 8.00am - 1.00pm Saturday
- and not at all on Sundays and Bank Holidays.

Appendix 1 Consultation Responses from internal and external agencies

No.	Stakeholder	Question/Comment	Response
	<p>INTERNAL</p> <p>Conservation</p>	<p>The site forms the rear of Nos 38b and 38c within the Crouch End Conservation Area. The site also forms part of the setting of the Grade II* listed Hornsey Town Hall and the associated Annexe buildings, listed at Grade II. The site is currently vacant and does not contribute to the conservation area or the setting of the listed buildings.</p> <p>The Town Hall itself is being considered for a regeneration project to ensure sustainable future use of the site. The use of the building would be more akin to arts related such activities.</p> <p>The applicant, in support of the application, has submitted a Design Statement. I have reviewed these documents from a conservation point of view along with other planning documents and have considered the impact of the development in accordance with the Council's statutory duty as per Planning (Listed Buildings and Conservation Areas) Act, 1990. I have not been involved in the pre-application discussions.</p> <p>COMMENTS:</p> <p>Assessment of Significance:</p>	<p>Noted, a temporary permission is recommended in accordance with these comments.</p>

No.	Stakeholder	Question/Comment	Response
		<p>The site is currently vacant and is used as parking. As such it makes no contribution to the historic environment and in fact detracts from it. Any future development on this site should be considered in the context of the listed buildings and their setting as well as the conservation area.</p> <p>Proposed development</p> <p>The scheme proposes to install four shipping containers on the vacant seating including decking and outside seating. From a conservation point of view it is considered that the overall size and number of containers along with the decking and seating arrangements would be large and overbearing in nature. It would, therefore, have a detrimental impact on the conservation area as well as the setting of the listed buildings and cause harm to the historic environment.</p> <p>It is noted that the use of the site as an eating joint would complement the uses currently at Hornsey Town Hall. The activities generated on the site would also help in invigorating the empty site and would enhance the appearance of the conservation area. However this heritage benefit does not outweigh the substantial harm caused by the overbearing size of the scheme.</p> <p>Reduction in operational hours and reduction in the</p>	

No.	Stakeholder	Question/Comment	Response
		<p>number of containers to thee may reduce the overall scale of the proposal and address the concerns raised above.</p> <p>CONCLUSION:</p> <p>From a conservation point of view, in context of the recent case on Barnwell Manor, the discharge of duty to ensure that development should preserve or enhance the character of heritage assets has been considered. The proposed scheme, by virtue of its overall size and nature would neither preserve nor enhance the setting of the listed buildings or the character and appearance of the conservation area and would cause substantial harm to them. Whilst the use of the empty site and the activities generated would complement the uses in the Town Hall and enhance the conservation area, this would not outweigh the substantial harm caused by the proposal, as per the NPPF. As such, the scheme is unacceptable under current legislation and policies.</p> <p>10/05/2015</p> <p>Following my previous comments, the applicant now wishes to reduce the time limit of the structure to 1 year. Whilst my previous concerns still stand, the reduced time limit would ensure that the structures can be removed</p>	

No.	Stakeholder	Question/Comment	Response
		<p>sooner, thus reinstating the setting of the listed buildings. I, therefore, do not have any further objections to it. However, it should be noted that this is not to be considered as a precedent for future development of this site. As a temporary installation for a limited period of time, the structure would be considered far less intrusive compared to a permanent structure that may cause significant harm to the listed buildings.</p>	
	<p>Transportation</p>	<p>The application site has a medium Public Transport Accessibility Level of 4 and is served by the 41, 91, W3, W5 and W7 bus routes. These routes operate with a combined frequency of 131 buses per hour and provide frequent links to Turnpike Lane, Archway, Harringay and Harringay Green Lanes underground and rail stations. The site also falls within the Crouch End (A) controlled parking zone (CPZ), which operates Monday to Friday between 10:00am – 12:00noon and provides a degree of on-street parking control. It is considered that the proposal is highly likely to attract individuals from the local area or those using sustainable modes of transport to travel to and from the site.</p> <p>The site takes its access from a privately controlled access road named Rose Place, which is lightly trafficked as it has the primary function of a service road. Rose place is restricted in width and has two segregated footways measuring just 0.6m on northern side and approximately 1m on the southern side. However the carriageway of Rose Place is surfaced in red brick weave at its entrance gives drivers the impression that</p>	<p>Comments noted.</p>

No.	Stakeholder	Question/Comment	Response
		<p>they are entering into a different environment and is likely to lead to typically lower traffic speeds. This is further enhanced by the narrow carriageway width of typically 2.7m which is further enhanced by the double yellow lines which run along both sides of the road. Although the narrowness of the segregated footway does not provide sufficient width to cater for wheelchair users and those using pushchairs, the nature of the access road makes it suitable for shared pedestrian/vehicular use in line with guidance set out within “Manual for Streets” (2007).</p> <p>It has been noted that the refuse collection arrangements will feed into the existing and that servicing for the café/restaurant will take place outside the developments operational hours, which will avoid any increase in conflicts between vehicles and pedestrians. Although there is a requirement to secure the existing two on-site parking spaces secured under a private agreement, there will be no on-site parking for either staff or visitors. However, any patrons wishing to travel to the site using private vehicles will have the benefit of the “Crouch End Stop & Shop” on-street parking facility available Monday to Saturday 8:00am -6:30pm.</p> <p>The proposed development is unlikely to result in any increase in parking pressure within the vicinity of the site or result in any significant adverse impact upon the surrounding highway network. Therefore, there are no highways and transportation objections to the above development proposal</p>	

No.	Stakeholder	Question/Comment	Response
	Waste Management	<p>Commercial Business must ensure all waste produced on site are disposed of responsibly under their duty of care within Environmental Protection Act 1990. It is for the business to arrange a properly documented process for waste collection from a licensed contractor of their choice. Documentation must be kept by the business and be produced on request of an authorised Council Official under section 34 of the Act. Failure to do so may result in a fixed penalty fine or prosecution through the criminal Court system.</p> <p>Waste must be properly contained to avoid spillage, side waste and wind blown litter. Waste collection arrangements must be frequent enough to avoid spillage and waste accumulations around the bin area and surrounding land both private and public.</p> <p>Access for waste collection vehicle must be unhindered and vehicle should be able to access the collection point in forward gear, collect waste and then leave still in forward gear.</p>	Noted
	EH Noise	<p>If approval were to be granted I consider that there should be restrictions on the times that any external areas can be used to avoid late night disturbance of residents by “people noise”. I would suggest that there should be no external use after 9pm. You may take the view that an earlier time is appropriate.</p> <p>I would support the use of a continuous close boarded screen around the external seating area but recognise that this alone would not mask the noise of a boisterous</p>	Noted. A condition has been imposed limiting the operating hours and the outdoor seating are to no later than 7pm.

No.	Stakeholder	Question/Comment	Response
		<p>group of diners and there would need to be a degree of management of the area.</p> <p>With regard to plant noise I don't anticipate that will be an issue provided it is correctly maintained.</p>	
	EH Food Safety	Satisfied that the provision of facilities have been met for kitchen layout and hand washing facilities and siting of extraction flue outlet in relation to neighbouring properties	Noted.
	EXTERNAL		
	Thames Water	No objections	Informatives attached as recommended
	Neighbouring Properties:	<p><u>Concern with the principle</u></p> <ul style="list-style-type: none"> • The principle of the use is not acceptable • The proposal is excessive and gives the impression that a full A3 licence will be applied for • The site falls outside the designated town centre and is therefore an entirely inappropriate use for the site <p><u>Impact on neighbouring properties</u></p> <ul style="list-style-type: none"> • Concern for security at neighbouring premises • The proposal block light to 5, 7 and 9 Weston Park • The lighting proposed will create additional light pollution to neighbouring properties • The proposal would be 3 metres high and 	<p>The principle of the use in considered under heading 6.2 and considered to be acceptable in this instance. Licensing is covered by separate legislation.</p> <p>The proposal is not considered to impact on security of neighbouring properties. The site would be remain locked whilst not in use which would change the current situation</p> <p>Addressed in para 6.3.2</p> <p>Addressed in para 6.3.4</p> <p>Addressed in para 6.3.2</p>

No.	Stakeholder	Question/Comment	Response
		<p>will be overbearing and oppressive to the neighbouring properties</p> <ul style="list-style-type: none"> • The proposed extraction chimney will create odour pollution • Storing food waste will create additional smells • Impact on neighbouring properties through noise and disturbance • Noise from extraction equipment will impact on neighbouring properties • Air heating cooling and condition equipment are likely to generate substantial noise disturbance to neighbouring properties • There is no provision for sound deadening on surfaces • No information is provided on how human noise will be managed • Loss of the enjoyment of neighbouring properties • The proposal is intended to be open until 11 pm at night which will cause noise disturbance from customer noise • Previous uses of the Town Hall have resulted in noise problems to neighbouring properties • The NIA uses noise criteria based upon industrial uses and the proposed use is not an industrial use • The noise assessment refers to outside seating but does not show these on the 	<p>Addressed in para 6.3.4</p> <p>The storage of food waste will be controlled under Environmental Health legislation Addressed in para 6.3.3</p> <p>Addressed in para 6.3.3</p> <p>Addressed in para 6.3.3</p> <p>The proposed containers are considered sufficient to screen internal noise from neighbouring properties Addressed in para 6.3.3</p> <p>Addressed under heading 6.3</p> <p>Addressed in para 6.3.3</p> <p>The site is located close to a busy commercial area where some noise has to be expected from neighbouring commercial uses The NIA has been assessed by the Council's Noise Officer who considers in adequate for assessing the plant noise</p>

No.	Stakeholder	Question/Comment	Response
		<p>plans</p> <ul style="list-style-type: none"> • The NIA has not considered noise break out • The NIA suggests a close boarded wooden fence which would not ameliorate any noise impact and is not shown on the plans • A condition is not suitable for controlling noise generated by customers • Early morning deliveries will result in noise to disturbance to neighbouring properties <ul style="list-style-type: none"> • The extraction equipment would terminate at the height of the boundary wall but should terminate 1m above the eaves of a property • The temporary permission could be extended beyond 2 years <p><u>Waste and litter</u></p> <ul style="list-style-type: none"> • The proposal will create more waste which will exacerbate problems in Rose Place • There is a strong likelihood of additional litter <p><u>Impact on the conservation area</u></p> <ul style="list-style-type: none"> • The proposal is not sympathetic to the Crouch End Conservation Area • The scale of the proposal is out of character with the Conservation Area <p><u>Parking and highways concerns</u></p>	<p>It is accepted in para 6.3.3 that noise from outside seating is difficult to assess revised plans have been received showing 12 external covers</p> <p>The Council's EH Noise officer accepts that the wooden fence would provide some mitigation and is shown on the plans The noise has been controlled by limiting opening hours Deliveries to the site are not considered to result in a material loss of amenity to the neighbouring properties in comparison to existing commercial operations in the area The Council's EH Team as satisfied with the extraction equipment</p> <p>A temporary 1 year consent is recommended to assess the impact on neighbouring properties rather than the 2 year permission requested</p> <p>Addressed in para 6.3.4</p> <p>This is addressed under heading 6.4</p> <p>The scale of the proposal is relatively low key in comparison to the approved scheme</p>

No.	Stakeholder	Question/Comment	Response
		<ul style="list-style-type: none"> • The proposal will cause traffic issues on the Broadway and Rose Place • Rose Place has no street lighting and would be dangerous at night • Concerns with increased pedestrians on Rose Place and safe pedestrian access <p><u>Support</u></p> <ul style="list-style-type: none"> • A new burger place will be very good for Crouch End 	<p>for the site and is considered acceptable</p> <p>This is addressed under heading 6.5 This is addressed under para 6.5.3, the traffic speeds are not considered to result in a risk of accidents This is addressed under para 6.5.3</p> <p>Noted</p>

Appendix 3 Plans and images

Site Location Plan



Existing site (looking north)



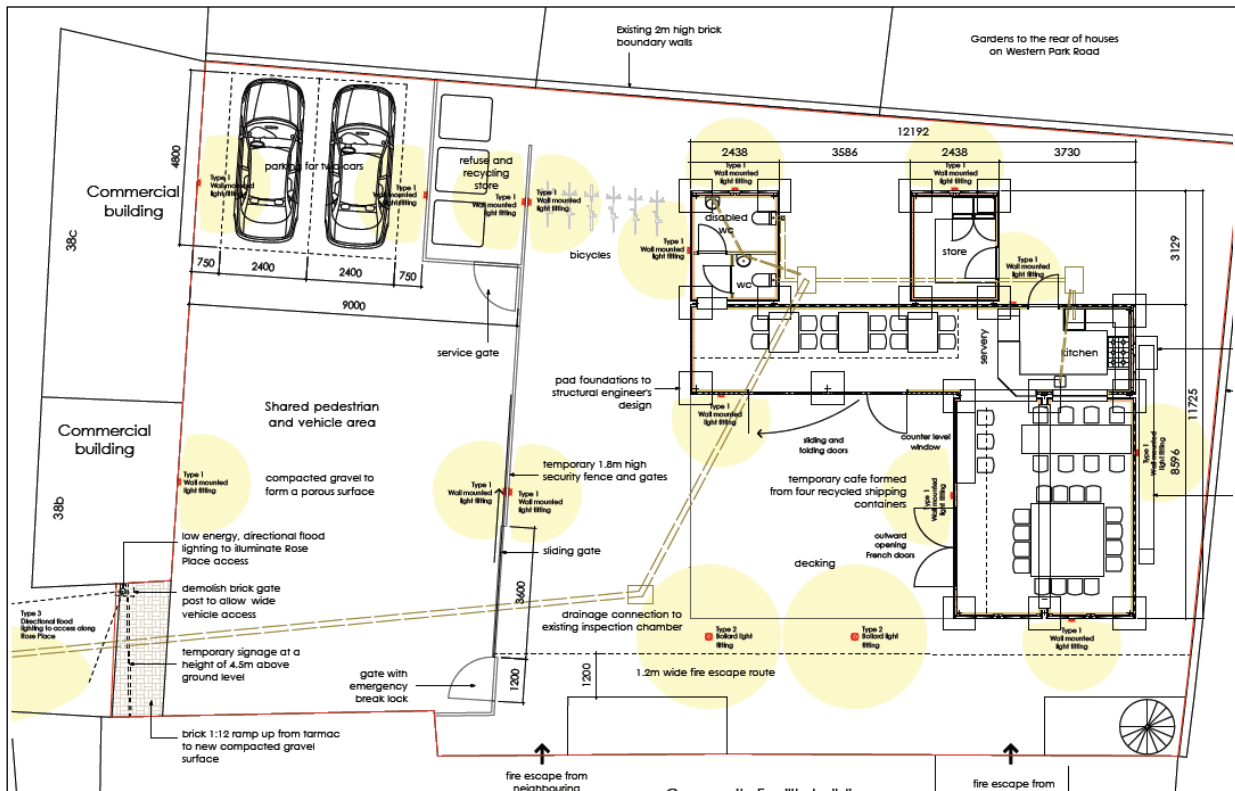
Existing site (looking south)



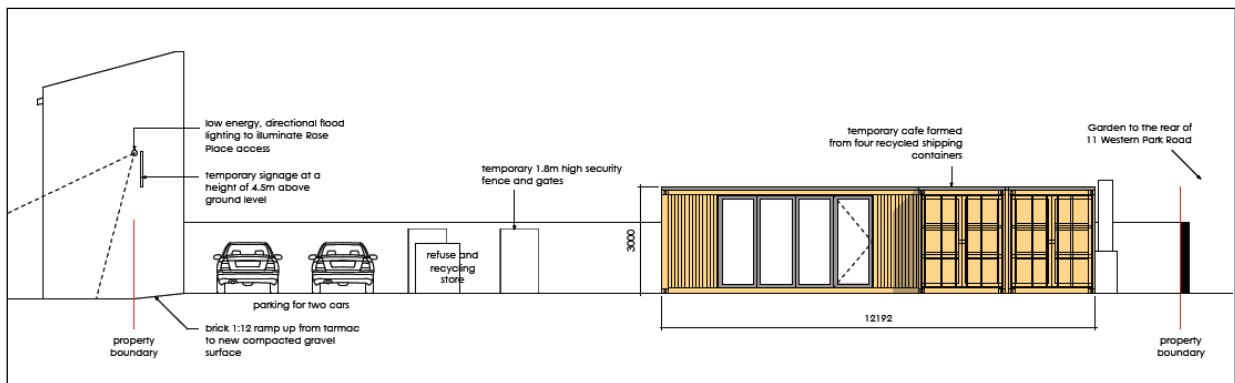
Existing site (looking east)



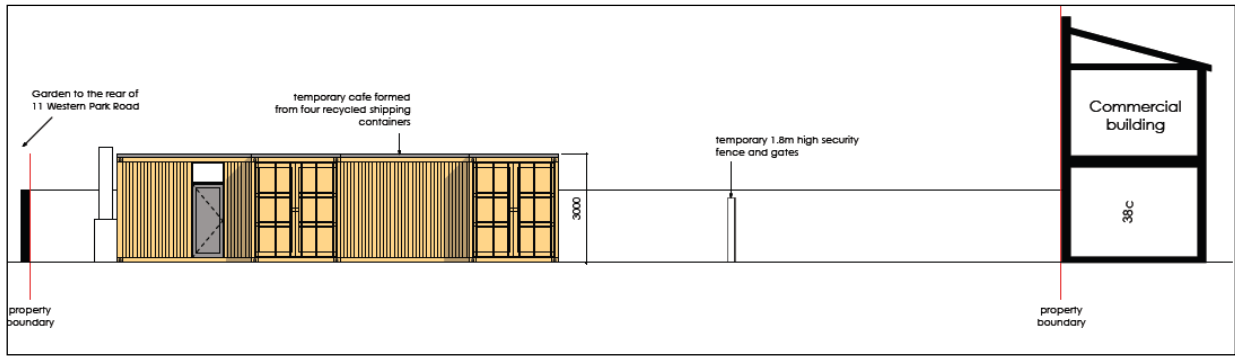
Proposed site layout



Proposed south elevation



Proposed north elevation



3D Perspective

