

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 333
 222 Upper Street
 LONDON N1 1YA

PLANNING SUB-COMMITTEE B		AGENDA ITEM NO:
Date:	Thursday, 24 October 2013	NON-EXEMPT

Application number	P2013/1322/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	Unlisted
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	Central Activities Zone (CAZ), Archeological Priority Area; Rail Safeguard Consultation Area; Clerkenwell/Smithfield/Area of Special Character, Scheduled Ancient Monuments.
Licensing Implications	None
Site Address	Parks Building, St. James's Church, 51 Clerkenwell Close, London EC1R 0EA
Proposal	Change of use of existing park rangers hut at St James Clerkenwell to a coffee and food outlet (A1 use); including enlargement of entrance door, creation of new window and associated works.

Case Officer	Krystyna Williams
Applicant	Mr Sal Qureshi
Agent	

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission:

1. subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Photo 1: View of application site from St James's Walk (Outside No. 22)



Photo 2: View of application site from within St James's Church grounds.



Photo 3: Existing park building which sits vacant with boarded up windows and doors.



Photo 4: View from site towards residential properties located along St James's Walk

4. SUMMARY

- 4.1 Planning permission is sought to change the use of an existing park rangers hut historically used for storage purposes to provide a kiosk/café (Use Class A1). The hut is in Council ownership and is located within St James's Church grounds, near the entrance off St James's Walk. The hut has a floor area of 20.7 sqm and is currently vacant. The building currently receives limited maintenance beyond necessary works for health and safety reasons. The proposed kiosk would serve hot and cold drinks (non-alcoholic) and snacks such as sandwiches, panini's and croissants for consumption off the premises. There would be no cooking on the premises, although some food would be reheated, for example using a microwave or sandwich grill, and therefore is considered to be an A1 retail use rather than an A3 café use. An associated advertisement consent ref: P2013/2007/ADV has also been submitted. No objections have been received regarding the proposed advertisement consent application.
- 4.2 The main issues arising from this proposal relate to the impact of the development on the character and appearance of the Clerkenwell Green Conservation Area, and potential impacts of the development on the amenity levels of adjoining occupiers.
- 4.3 The proposed change of use is considered to be acceptable and compliments the use of the surrounding open space, and will not harmfully impact upon the character and appearance of the Conservation Area or neighbouring properties' amenity.

5. SITE AND SURROUNDING

- 5.1 The park rangers hut is located within St James's gardens, situated to the north east of St James's Church, Clerkenwell. There is a children's playground located to the north of the hut. There are several thoroughfares to the gardens, and the hut is located off the entrance via St James's Walk to the east. The surrounding area is mixed in character and use, with a variety of office and residential buildings.
- 5.2 The site is located within the Clerkenwell Green Conservation Area but the building is not listed. The park building is however in close proximity to the Grade II* listed St James's Church and a number of Grade II listed buildings (No. 20, 24-32) located along St James's Walk.

6. PROPOSAL

- 6.1 It is proposed to change the use of the existing park rangers hut to provide a kiosk/café (A1 use). There will be minimal external alterations to the building. New doors, shutters, windows and an external ledge are proposed to the building. There will be no extension / increase in floorspace.
- 6.2 The existing park rangers hut is in Council ownership. The hut is presently vacant and receives minimal maintenance beyond what is necessary for health and safety reasons. The change of use to A1 use will permit the sale of food and drink from the building to be consumed off the premise. There will be no seating provision at the site. The change of use will allow the sale and hot and cold food and drinks (non-alcoholic). There will be no cooking provision at the site however there will be provision for reheating food such as panini's.
- 6.3 An associated advertisement consent application has also been submitted (ref: P2013/2007/ADV) for new signage at the building. The advertisement consent proposal has been amended to remove the 'coffee' sign to the roof which was considered

unacceptable in terms of design and will detract from the setting of the Grade II* listed Church within the grounds. There have been no objections received from members of the public regarding the proposed advertisement consent application.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 P2013/2007/ADV - Advertisement consent to display 4 no. advertisements to new shutters in connection with Full Planning Application ref: P2013/1322/FUL for the change of use of existing park rangers hut at St James Clerkenwell to a coffee and food outlet (A1 use); including enlargement of entrance door, creation of new window and associated works.
- 7.2 This advertisement consent application is currently being assessed in line with P2013/1322/FUL.

ENFORCEMENT:

- 7.3 None

PRE-APPLICATION ADVICE:

- 7.4 None

8. CONSULTATION

Public Consultation

- 8.1 A total of 114 letters were sent to occupants of adjoining and nearby properties. This included a second round of consultation to include additional properties along the northern section of St James's Walk following a request by residents to be consulted. Additional letters were sent to the occupier's of Nos. 20 – 32 St James's Walk and Sekforde Works. A site notice and press advert was also displayed on 4th July 2013.
- 8.2 7 letters of objection had been received from the public with regard to the application. The objections are from occupiers of Nos. 20, 22A, 24B, 26 and 28 St James's Walk, one unknown address and Sal & Co Solicitors on behalf of the occupants of 53 Clerkenwell Close.
- 8.2 The grounds of objection raised are as follows (with the paragraph that provides response to each issue indicated in brackets).
- Failure to advertise/consult with regard to the proposed change of use / lack of market research undertaken by applicant prior to submission (See paragraph 10.17).
 - External alterations including addition of windows will overlook residential properties as well as the children's playground (See paragraph 10.13).
 - Inappropriate location. The hut is located within the Clerkenwell Conservation Area, designated Area of Special Character. (See paragraphs 10.5 - 10.10)
 - The hut is located within a designated alcohol control zone and the Clerkenwell cumulative impact area for licensing (See paragraph 10.14)

- The park attracts large crowds of people who leave litter in the grounds. Concerns over waste management and impact on local wildlife (See paragraph 10.16)
- Increase in noise/disturbance/nuisance to the area as a result of the operation of a café. Hours of operation are excessive. Deliveries should not take place during early morning hours. Increase in smoking/drinking in the area. (See paragraph 10.12 and 10.15).
- Lack of toilet facilities in the area, and resultant anti-social behaviour as a result of this lack of provision (See paragraphs 10.15)
- Reheating food will generate unpleasant smells within the area (See paragraph 10.14).

External Consultees

- 8.3 English Heritage: No objection.
- 8.4 Clerkenwell Green Conservation Society: No objection received.
- 8.5 The Farringdon Group: No objection received.
- 8.6 LAMAS – Historic Buildings & Conservation Committee: No objection.

Internal Consultees

- 8.7 **South Area Parks Manager (Public Realm Division):** Greenspace are supportive of the application to change the disused park keepers hut into a kiosk/café. The applicant has been very good at communicating and sharing ideas and plans with them. They feel that the kiosk idea will benefit the park in a number of ways and there are already several other examples in the borough where change of use from disused huts to kiosks/cafes has added to and enhanced the facilities a park has to offer.

Visitors to parks may increase and become more regular as the facilities are improved. In this case, the new arrangement will also provide park visitors access to a toilet when the kiosk is open. This could potentially be particularly useful for playground users.

Staff can often help with basic enquiries or pass on details for council contacts to park users. St. James Clerkenwell is unstaffed and only patrolled by the Parks Patrol Service when tasked due to reported problems or during random patrols. The extra eyes offer increased security and a deterrent for anti-social behaviour. The staff in the kiosk can forward information about problems, concerns, comments etc. for our attention; the small children's play area could also benefit from the added surveillance.

Litter collection is often increased beyond the service we can provide due to the onsite presence and desire to keep the business clean and attractive.

The park building is currently closed/disused and receives very little maintenance beyond that necessary for health and safety reasons; the change of use will involve investment in the building which will cost the council nothing and result in an improved structure and increased facilities for the park.

- 8.8 **Licensing Manager (Public Protection Division):** If the café is only selling food and soft drinks up to no later than 11pm it would not require a licence. If however they decide to apply for an alcohol licence, the premises lies with the Clerkenwell cumulative impact

area, whereby they would have to convince the licensing committee that their operation would not add to the problems associated with an area already saturated with premises selling alcohol.

8.9 **Planning Policy:** No objection to proposal.

8.10 **Conservation and Design:** Please condition out the 'COFFEE' weather vane to the top of the building, it is of poor design and will detract from the setting of the Grade II* Listed church. These comments relate to the associated advertisement consent application ref: P2013/2007ADV.

9. RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, The Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

9.3 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:

- Clerkenwell Green Conservation Area - Finsbury Local Plan 2013
- Central Activities Zone (CAZ)
- Scheduled Ancient Monuments
- Archaeological Priority Area
- Clerkenwell/Smithfield Area of Special Character
- Rail Safeguard Consultation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

9.4 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

ENVIRONMENTAL IMPACT ASSESSMENT

9.5 Not required

10.0 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use;
- Design and Appearance and impacts of the surrounding Clerkenwell Conservation Area and the setting of the adjoining Grade II Listed Church;
- Neighbouring amenity impacts.

Land-use

- 10.2 The site is located within the Bunhill and Clerkenwell area of the borough which is identified in Core Strategy Policy CS7 as Islington's most important employment location. Accommodation for small/medium enterprises (SMEs) will be particularly encouraged within this area of the borough. It is therefore considered that there is scope for a change of use of this building.
- 10.3 The building is in the ownership of the London Borough of Islington and has most recently been used by the Parks Team as a storage space. However, the hut is no longer required for their use and currently sits vacant. The Council's South Area Parks Manager has been consulted and has confirmed that Greenspace are supportive of the application to change the currently disused park keepers hut into a kiosk/café. Core Strategy Policy CS 13 encourages the provision of a range of new employment space within the Central Activities Area (CAZ). Both Council and London wide policies encourage the intensification and development of land to its full potential.
- 10.4 It is considered that the existing building would be appropriate for use as a kiosk/café, providing a positive contribution to employment development within the Bunhill and Clerkenwell area. Such a use would also compliment the use of the open space associated with the Church grounds. As such, there are no land use issues which would preclude the proposed change of use.

Design and Conservation

- 10.5 The building is located within the Clerkenwell Green Conservation Area, and within the curtilage of the Grade II* listed St James's Church to the south west and a listed residential terrace of buildings along St James's Walk to the north east. Objection has been raised to the proposed development given its location within a conservation area and designated area of special character.
- 10.6 Overall the proposed external alterations to the existing structure are minimal. There is no proposal to change the existing brick exterior or the existing roof material/profile to the park hut. The proposed alterations consist of the enlargement of the existing entrance door on the south west elevation from single door to double doors with the inclusion of shutters for security. The doors are proposed to be painted timber which is considered acceptable. A replacement fixed glass window with shutter including advertisement is proposed to the south east elevation and a new fixed glass window is proposed to the south west elevation with shutter including advertisement. There are no proposed alterations to the north east, street facing elevation. A new outside ledge is proposed around the North West elevation and part south west elevation.
- 10.6 Whilst there are views of the park hut from the Grade II Listed Church and from a small section of St James's Walk, the proposed external alterations are minimal and have no detrimental impact on the surrounding conservation area or detract from the setting of surrounding listed buildings.
- 10.7 Para.134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is considered that the reuse of the building would provide a benefit to the area in

terms of the improving the visual appearance of the building by bringing the building back into use. In addition, the use of the building would improve facilities for park users and improve natural surveillance.

- 10.8 The Council's Design and Conservation Officer has been consulted and raised no objection to the proposal subject to the 'COFFEE' weather vane to the top of the building being omitted from plans. This unacceptable signage, subject to associated advertisement consent (ref: P2013/2007/ADV), has been removed from plans thereby overcoming design/appearance concerns.
- 10.9 A condition is proposed requesting details of the finish/colour of the proposed new windows, doors and shutters in order to control the visual appearance of the building. Overall, the proposal is thereby not considered to have a significant impact upon the character and appearance of the Clerkenwell Green Conservation Area. Further, the proposal is not considered to have a material impact on the adjoining Grade II Listed Church or nearby listed buildings along St James's Walk.
- 10.10 The proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2011, CS9 of the Core Strategy 2011, Policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013 and the Clerkenwell Green Conservation Area Design Guidelines.

Neighbouring Amenity

- 10.11 The site is located within St James's Gardens. Consideration has been given to the effect of the proposed development on neighbouring amenities in terms of overlooking, loss of privacy and outlook. Consideration has also been given to potential disturbance to residential amenity from activity such as hours of operation and delivery/servicing arrangements.
- 10.12 Objection has been raised with regard to perceived increases in noise disturbance as a result of the change of use of the building to kiosk/café. A further concern raised relates to potential increase in people passing through and using the park and surrounding area. Insofar as concerns of increased footfall and people lingering around the café, the area is a greenspace which encourages members of the public to access and enjoy. The proposed hours of operation for the kiosk/café are between the hours of 08:00hr and 18:00hr Monday to Thursday, between 10:00hr and 18:00hr Saturday, and between 10:00hr and 15:00hr on Sunday and Bank Holidays. These hours of operation are not considered to be excessive and seem reasonable in this location which is mixed in character and use. A condition is proposed to control hours of operation. Also, opening hours to the kiosk/café do not extend beyond the parks opening hours.
- 10.13 An objector has noted that the addition of new windows will result in increased overlooking to residential properties along St James's Walk and also to the adjoining children's playground area. The insertion of an additional window on the north westerly elevation facing towards the playground area would not create any further overlooking to the playground area than currently exists from members of the public simply walking through the gardens. In relation to increased overlooking of residential properties, the parks building is located a distance of approximately 25 metres across a highway from the closest residential use (No. 20 St James's Walk) and thereby would not create any further overlooking to surrounding properties than currently exists at the site. The proposed development is hereby not considered to have any greater impact on privacy and/or overlooking to the current situation on site whereby members of the public have access to St James's Park.

- 10.14 It is acknowledged that the building is located within a designated alcohol control zone and the Clerkenwell cumulative impact area for licensing. The Council's licensing department have been consulted and raise no objection to the proposal as the café would sell only food and non-alcoholic beverages up to and no later than 11pm, and would therefore not require a license. There is no conflict raised in this respect as the sale of alcohol is not part of the proposed development. Further objection has been raised to the generation of unpleasant smells as a result of the change of use. The proposed use is for a small café, supplying hot and cold drinks and 'snack' food. No cooking will take place on site and food will be either cold or reheated. On this basis, any food smells created are considered to be minor and would not have a negative impact on residential amenity.
- 10.15 Concern has been raised by local residents that the café will encourage smoking and drinking in the area, and result in anti-social behaviour. There is no reason why the change of use to accommodate a café in this location would have any direct impact on levels of drinking/smoking in the vicinity. Contrary to this, it is considered that the reuse of the building would provide beneficial facilities for park users and improve natural surveillance of the area, hence providing a deterrent for anti-social behaviour. A further issue raised by local residents is the lack of toilet facilities. There are existing toilet facilities within the building which are not currently publicly available. It is proposed that these will be open to members of the public which is a benefit to park users.
- 10.16 Objection has also been raised to the proposed café use resulting in heightened levels of littering within the park area. It should be noted that the Planning department can not control levels of littering by members of the public within the general Church grounds. The application form states that waste in association with the kiosk/café will be collected and stored in bins on site and would be disposed of regularly in the nearest designated location for the Council's local refuse collectors. In addition, recyclable waste would be separately collected and stored on site to be disposed of appropriately. A condition is recommended to request details of waste collection from the site, detailing servicing arrangements including the location, times and frequency.
- 10.17 One objection has been received which notes that there has been a failure to advertise/consult with regard to the proposed change of use and that there has been a lack of market research. All steps have been taken by the Council to advertise the application as per statutory requirements. A site notice and press notice were displayed and adjoining residents notified. A further round of consultation took place following interest from residents occupying properties along St James's Walk. The objection however, appears to oppose that no relevant market research/consultation has been undertaken by the applicant prior to submission of the application as stated on the application form. No marketing information has been submitted in support of this application, however, given the vacant use of the site, there is no requirement for the applicant to submit such information in support of this application.
- 10.18 Overall, it is therefore considered that subject to the attached conditions, the proposed development and A1 use would not have a material adverse impact on adjoining resident's amenity levels to warrant the refusal of planning permission.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed change of use is considered to be acceptable in terms of proposed kiosk/café (A1) use and design/appearance. Subject to conditions, it is considered that the proposed development can be operated without adversely affecting the amenity

levels of adjoining occupiers or the character and appearance of the Clerkenwell Green Conservation Area or negatively affecting the setting of adjoining listed buildings.

Conclusion

- 14.2 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following:

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Location Plan, Drawing No's: CLE100, CLE200 Rev A, CLE201 Rev A.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>CONDITION: Prior to commencement of works, details including material and colour of the proposed timber door and new windows shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building. In order to safeguard the special architectural or historic interest of adjoining heritage assets.</p>
4	Opening hours
	<p>CONDITION: The use hereby approved shall not operate except between the hours of 08:00hr and 18:00hr Monday – Friday, between 10:00hr and 18:00hr Saturday, and between 10:00hr and 15:00hr on Sunday and Bank Holidays.</p> <p>No deliveries shall be made to the premises outside the above hours of operation.</p> <p>REASON: To ensure the use does not adversely impact on existing and future residential amenity.</p>
5	Delivery Servicing Plan
	<p>CONDITION: A delivery and servicing plan (DSP), including details of waste collection from the site, detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the</p>

	<p>details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory and do not adversely impact on existing and future residential amenity.</p>
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List of Informatives:

1	<p>Positive statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>
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APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1 National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

4 London's economy

Policy 4.1 Developing London's economy

5 London's response to climate change

Policy 5.3 Sustainable design and construction

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS13 (Employment Spaces)

C) Development Management Policies June 2013

Design and Heritage

- DM2.1 Design**
- DM2.2 Inclusive Design**
- DM2.3 Heritage**

Employment

- DM5.1 New business floorspace**
- DM5.4 Size and affordability of workspace**

Energy and Environmental Standards

- DM7.2 Energy efficiency and carbon reduction in minor schemes**
- DM7.4 Sustainable design standards**

D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses

5. Designations

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- **Clerkenwell Conservation Area**
- **Clerkenwell/Smithfield Area of Special Character**
- **Rail Safeguarding Area**
- **Archaeological Priority Area**
- **Scheduled Ancient Monuments**

6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan**
- **Environmental Design**
- **Conservation Area Design Guidelines**
- **Urban Design Guide**
- London Plan**
- **Sustainable Design & Construction**