

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:	25 th November 2013	NON-EXEMPT

Application number	P2013/3174/FUL
Application type	Full Planning Application
Ward	Mildmay
Listed building	Unlisted
Conservation area	n/a
Development Plan Context	Archaeological Priority Area (Newington Green Hamlet)
Licensing Implications	Where alcohol is sold a licence would be required. A Temporary Event Notice (TEN) license has been used for the markets on 24 th October 2013 and 3 rd November 2013.
Site Address	Newington Green Primary School 105 Matthias Road London N16 8NP
Proposal	Use of school playground for weekly Sunday market between the hours of 10:00 to 14:00.

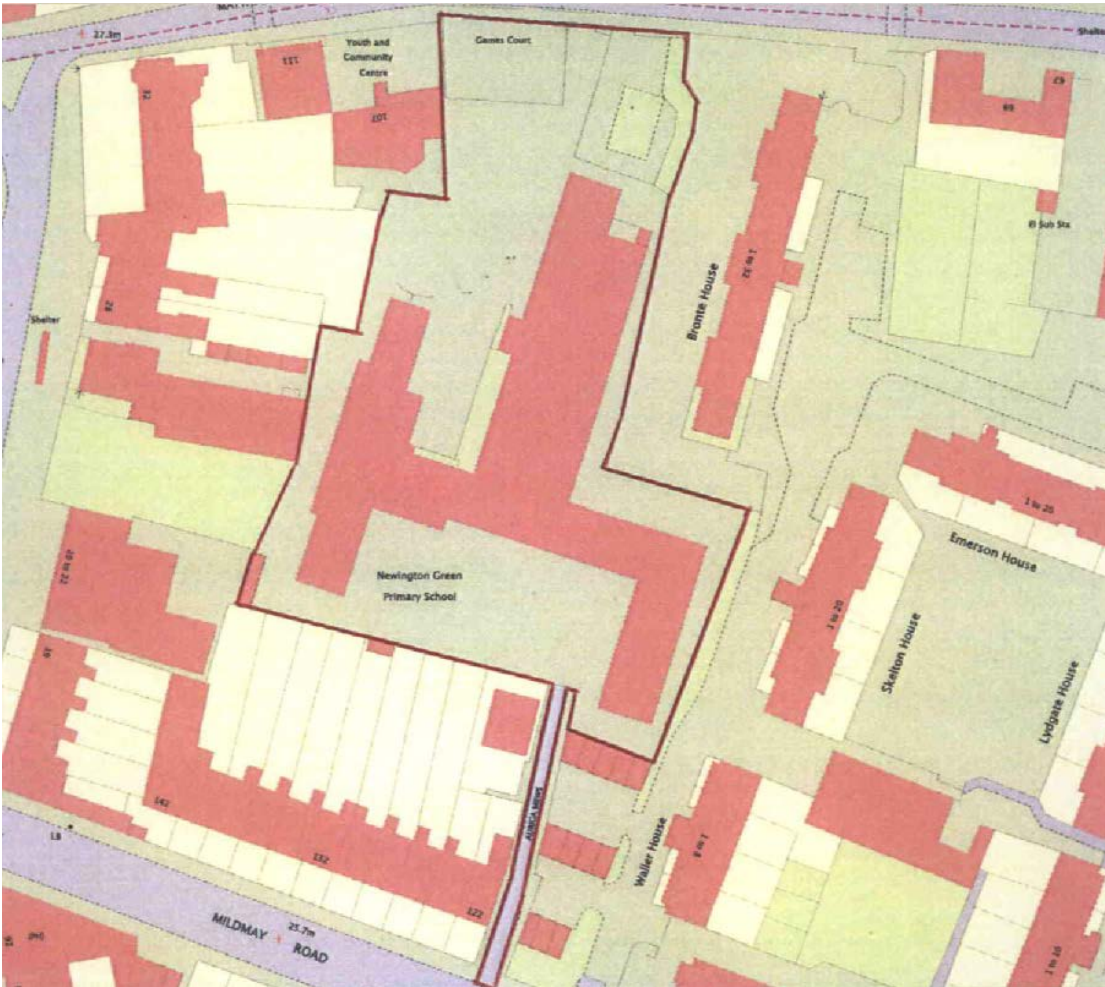
Case Officer	Nathaniel Baker
Applicant	Jessica van de Sande - Haringay Market Ltd
Agent	n/a

1.0 RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

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

2.0 SITE PLAN (site outlined in red)



3.0 PHOTOS OF SITE/STREET

Photo 1: View of north playground from Matthias Road:



Photo 2: View from Mildmay Road along Auriga Mews:

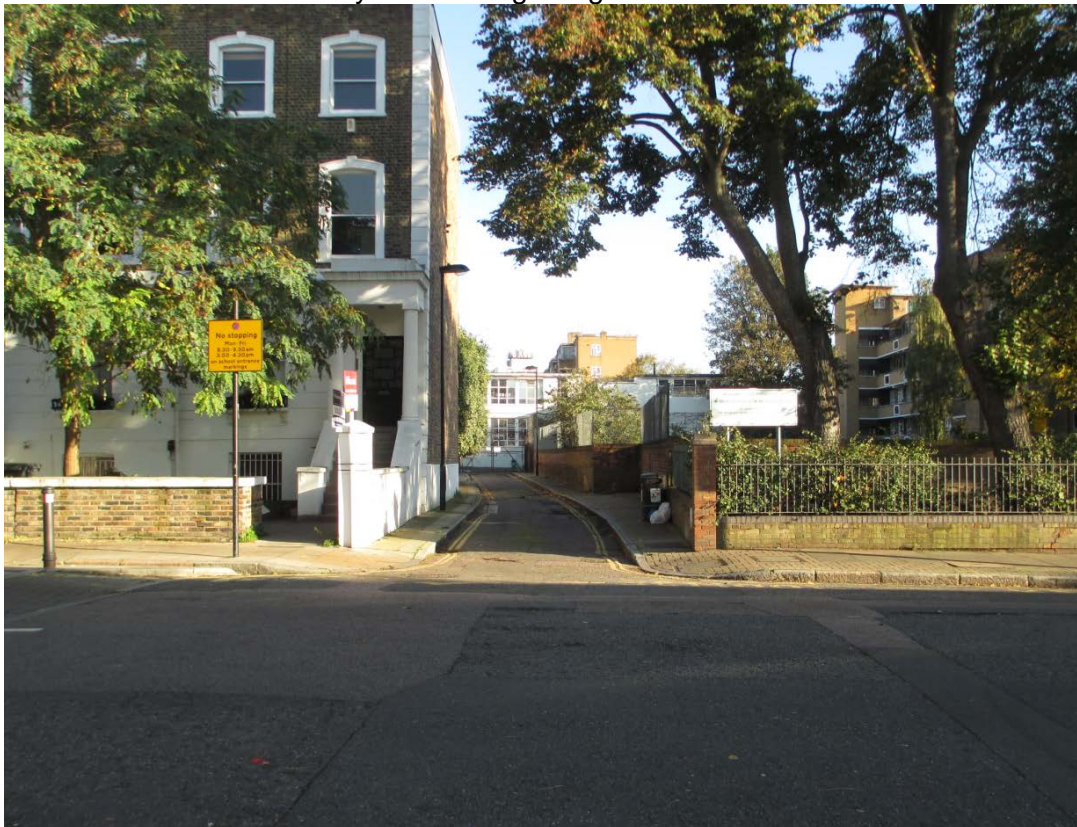


Photo 3: Aerial view of whole site:



4.0 SUMMARY

- 4.1 Planning permission is sought for a weekly Sunday market between the hours of 1000 and 1400 within the playground of Newington Green Primary School. The market would be accessed by customers from Matthias Road with traders accessing and parking within the southern playground area accessed from Auriga Mews.
- 4.2 The proposal would not result in a loss of any social infrastructure and would add to the character and vibrancy of the area. The hours of operation are reasonable and a condition is recommended to restrict the commencement of set up of the market to no earlier than 0900 hours to protect residential amenity. The proposal does not include any customer parking and due to its restricted scale, limited hours of operation, high level of public accessibility and existing on street parking restrictions, the proposal would not result in additional stress on the local highway and parking network. Furthermore, a trader parking area to the rear of the site is reasonably required and would provide sufficient parking and manoeuvring space.
- 4.3 Any permission would be subject to suitably worded conditions set out in Appendix 1 to ensure that residential and visual amenity is protected.

5.0 SITE AND SURROUNDING

- 5.1 The site consists of Newington Green Primary School which is set between Matthias Road to the north and Mildmay Road to the south. Pedestrian access to the school site is from Matthias Road and leads directly into the main playground area proposed to house the market stalls. The vehicular access to the site is from Auriga Mews (leading off Mildmay Road) to the south of the site and leads directly onto the play ground area to the south of the school building, which is intended to be used as parking for traders. Whilst the school site is not located within the Newington Green Conservation Area, the western border of the site forms the eastern extent of the conservation area.
- 5.2 The site is surrounded by predominantly residential properties, a number of which face onto/over the playground area and a Youth and Community Centre adjoining the north west of the site.

6.0 PROPOSAL (in Detail)

- 6.1 The proposal is to use the existing playground for a weekly Sunday Market between the hours of 1000 to 1400. The market would include local food traders, street food, farmers produce, local charity support and a seating area. It would not require any permanent structures and would include up to 20 stalls (each measuring approximately 2.7 metres by 2.7 metres with a height of 2.5 metres) all set within the northern playground fronting Matthias Road.

7.0 RELEVANT HISTORY:

Planning Applications

- 7.1 **P2013/2368/FUL** - Refurbishment and alterations to main School building (Block A) including construction of entrance canopy, replacement windows and doors, insulation and re-cladding works to walls and roofing, and associated works – Granted Conditional Permission (02/09/2013).
- 7.2 **P040910** - Installation of boundary fencing and gates and creation of 6 car parking spaces and refurbishment/redesign of existing garden/play area – Granted Conditional Permission (13/07/2004).

- 7.3 **P031493** - Installation of new boundary fencing (four metres high) – Granted Conditional Permission (16/09/2013).

Enforcement:

- 7.4 None.

Pre-application Advice:

- 7.5 None.

8.0 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 259 adjoining and nearby properties at Howard Road, Watson Close, Matthias Road, Woodville Road and Mildmay Road on 23rd September 2013. A site notice and press advert were displayed on 26th September 2013. The public consultation of the application therefore expired on 17th October 2013, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of 7 responses (all of which objected) had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- The proposal would result in additional local parking stress which is currently insufficient (Para 10.12 – 10.17);
 - Traders would have to park on double yellow lines to load and unload (Para 10.12 – 10.17);
 - There would be an increase in traffic on Matthias Road and Mildmay Road making it more dangerous and Noisy (Para 10.12 – 10.17);
 - Concern raised regarding noise and disturbance from the set up of the market and the market itself (Para 10.6 – 10.10);
 - There would be additional litter in the area (Para 10.19); and
 - The use of the playground as a market is not in keeping with the character and appearance of Newington Green (Para 10.3 and 10.18).

Internal Consultees

- 8.3 **Access and Inclusive Design Officer** – No response received.
- 8.4 **Design and Conservation Officer** – No objection.
- 8.5 **Planning Policy** –

Change of use of the playground from D1:

The market is proposed to run for four hours a week on a Sunday. According to the planning statement there are no other activities scheduled to take place on this day/time. Assuming that this does not interfere with other community uses then this temporary use of the grounds of the school for a market would not be considered to constitute the loss of social infrastructure triggering DM4.12.

The acceptability of a new market:

There is no specific local policy around the creation of new markets. The supporting text to DM4.9 which deals with existing markets highlights that markets are popular because of their vibrancy and range of goods and add to the character of local area. The NPPF (paragraph 23) stresses the importance of retaining, creating and enhancing markets.

Whilst there is no objection to the principle of new markets a key consideration is their impact on the neighbouring area particularly congestion on local roads/pavements, rubbish and refuse, storage and noise. Only some of these issues appear to be addressed in the planning statement. There is limited information on how aspects such as storage and noise will be managed. In addition, whilst it is proposed that larger refuse will be taken away by traders at the end of each day, smaller items will be discarded on site. I would question if there is enough capacity for this on-site and if this fits in with the schools arrangements.

Parking:

The provision of parking for 17 vehicles is proposed on-site. In line with the council's car free policy and consistent with DM8.5 any non-residential parking will only be allowed where this is essential for operational requirements and integral to the nature of the business/service. The case officer will need to be convinced that essential need has been demonstrated and the provision of parking would not conflict with other policies. I'm not aware of any evidence submitted which provides a justification for this.

It is stated that there will be no provision for customer parking; this is consistent with the car free policy.

Further comments received following receipt of further information from the applicant dated 21st October 2013:

The information clarifies the element about refuse.

In terms of noise, details of how the stalls are positioned and their set-up/operation will minimise noise impact on surrounding residential properties would be useful, particularly as the stalls would begin setting up early on a Sunday morning. Whilst the applicant suggests noise cannot be heard - this is dependent upon where you are. In addition the perception of noise and its impacts can be subjective.

It is useful to know that most traders will drop off their products/stalls. However some will still park on the site. In order to comply with policy DM8.5, we would be looking for further justification as to why stall holder parking is essential for the operation of the market and integral to its nature.

8.6 **Spatial Planning and Transport (Transport Officer) –**

Pedestrian access:

A separate pedestrian access is provided via Matthias Road, which we welcome. To ensure compliance with Development Management Policy DM8.4 (Walking and cycling), Part F (which seeks to prevent pedestrian/vehicle conflict) this area should not be occupied by cars when the market is on (school staff should therefore move their cars). A temporary measure should be put in place every Sunday to restrict vehicles coming in and out of this access point, such as an A-board.

Area for parking and loading/unloading for trader vehicles:

Further detail is required to confirm that there is adequate space for 17 vehicles to park and manoeuvre on site (swept paths should be provided).

8.7 **Parks and Open Space** – No response received.

8.8 **Refuse and Recycling** – No response received.

8.9 **Public Protection Division (Noise)** –

The set-up time they are proposing is from 8.30am which seems acceptable, this should be conditioned.

Recommend the submission of a management plan to ensure vehicles aren't queuing outside of the school and idling their engines during set up, and again you may wish to formalise the time that vehicles can start arriving from.

Details of whether any of the stalls would require mains power or generators have not been submitted. Advise that generators are not allowed as this area is likely to be very quiet on Sunday mornings so the residential amenity may be affected by this.

External Consultees

8.10 South Mildmay Tenants Co-Operative Ltd – No response received.

9.0 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, 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

9.4 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:

Islington Local Plan – Core Strategy

- Within 50 metres of Archaeological Priority Area (Newington Green Hamlet)
- Within 50 metres of Newington Green Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10.0 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Neighbour Amenity
- Accessibility
- Highways and Transportation
- Design

Land-use

10.2 The proposal would introduce a Sunday market to Newington Green Primary School between the hours of 1000 and 1400 on Sundays. The applicant has detailed that there are no other uses at the school at this time/day and the planning history of the site does not indicate any other permissions for alternative uses on a Sunday. As such, the proposal would not result in the loss of any social infrastructure, in accordance with policy DM4.12 of the Development Management Policies.

10.3 The supporting text to DM4.9, which deals with existing markets highlights that markets are popular because of their vibrancy and range of goods and add to the character of local area. In addition to this, whilst not located within it, the school borders the eastern extent of the Newington Green Conservation Area and the Design Guidelines for this area state that the Council will operate its land use policies so as to enhance the character and vitality of the area. This guidance goes further to state that planning permission will not be granted to change, expand or intensify uses which would harm the character of the conservation area.

10.4 This area does not currently benefit from a Sunday market and the proposal would introduce a service to the area, providing food stuffs and products to the local community within an existing community facility, which would add to the vibrancy and character of the area.

10.5 As such, it is considered that the use of the site as a Sunday market is acceptable in land use terms, subject to an assessment of all other relevant policy, the impact upon neighbour amenity and highways and any other relevant material planning consideration.

Neighbouring Amenity

10.6 Relevant Council policy identifies that residential amenities should be appropriately safeguarded when assessing the implications of development proposals. The proposed market would involve no permanent structures, with stalls being small in scale and set up and taken down on a Sunday only. As such, the main amenity consideration relates to potential disturbance from the proposed use.

10.7 The market would operate between the hours of 1000 and 1400, and would have a small number of stalls due to the site limitations. The proposed hours of operation are similar to other markets within the Borough and considered to be reasonable on a Sunday.

10.8 However, the applicant proposes to commence set up from 0830, which would involve vehicles accessing the site from Auriga Mews, parking, the unloading of vehicles and transportation of stalls along the unloading route to the west of the site and the setting up of stalls within the playground to the north of the site. Whilst the surrounding properties front onto busy roads, to the rear these properties overlook the normally quiet school playground.

The set up of the market at 0830 hours is likely to lead to unacceptable level of disturbance to the neighbouring occupiers, particularly those to the south and west of the site. As such, a condition is recommended which restricts the commencement of the set up of the market to no earlier than 0900 to protect neighbour amenity.

- 10.9 Any additional disturbance from the site such as music and/or refuse could be adequately guarded against through other Council controls, including Public protection and licensing.
- 10.10 The proposed market is considered to be in accordance with policy DM2.1 of the Development Management Policies and policy 7.15 of the London Plan with regard to neighbour amenity.

Accessibility

- 10.11 The site is accessed via a large wide gate with a gently sloping ramp down into the playground which has a consistent level. The market stalls would be arranged in lines around the perimeter of the northern playground area, with a number of stalls centrally located (as seen at the time of the case officer's site visit on 3rd November 2013), allowing for the free flow of pedestrians around the market. As such, the site would have a sufficient level of accessibility.

Highways and Transportation

- 10.12 The site, when measured from the pedestrian access has a PTAL of 5, which is 'Very Good', with a number of bus stops located on Newington Green and Dalston Kingsland, Dalston Junction and Canonbury railway stations are all within walking distance of the site.
- 10.13 The proposed market is only accessible to customers through the pedestrian access from Matthias Road. This entrance would not be used as a vehicular entrance and also provides sufficient space for bicycles to be brought into the site.
- 10.14 The proposal does not include any customer vehicle parking, in accordance with policy DM8.5 of the Development Management Policy. Whilst concern has been raised regarding pressure on local parking provision during the market, the surrounding roads are subject to parking controls in the form of resident's permits, pay and display bays and road markings. Due to this, the restricted scale of the market, the limited hours of operation and the high levels of public accessibility at site, the proposal would not result in additional stress on the local highway and parking network.
- 10.15 The applicant has detailed that market traders would access the site via the existing vehicular access off Auriga Mews and would park their vehicles within the existing hard landscaped playground to the rear of the site. Policy DM8.5 of the Development Management Policies states that parking will only be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business. Due to the informal nature of a market, traders normally require vehicular access to transport, set up and take down their stalls and parking provision for their vehicles during the operation of the market.
- 10.16 Concern has been raised regarding parking space provision and manoeuvring for trader vehicles to the rear of the site. However, there is an existing wide vehicular access to the site from Auriga Mews and due to the large extent of space within the rear playground, the limited scale of the market, that some stalls would be dropped off and the vehicle taken away, and the relatively small scale of vehicles required for a market, the rear parking area would provide sufficient parking space and vehicles would be able to access and egress the site in a forward gear.

- 10.17 The proposed market is considered to be in accordance with policies DM8.2, DM8.3, DM8.4, DM8.5 and DM8.6.

Design

- 10.18 The proposed market involves no permanent structures, with stalls being set up and taken down on a Sunday only. Due to the limited timescale of the market, that it would involve only temporary structures, its location within a defined school playground area and that it is considered to be an appropriate use, the proposed Sunday market would not detract from the character and appearance of the area or impact upon the nearby conservation area.

Other Matters

- 10.19 With regard to refuse, the applicant has detailed that all refuse would be removed from the site by market traders and a condition to this effect is recommended. Furthermore, the school site has a number of bins located around the playground and there are regularly spaced bins along Matthias Road.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal would not result in a loss of any social infrastructure and would add to the character and vibrancy of the area. The hours of operation are reasonable and a condition is recommended to restrict the commencement of set up of the market to no earlier than 0900 hours to protect residential amenity. The proposal does not include any customer parking and due to its restricted scale, limited hours of operation, high level of public accessibility and existing on street parking restrictions, the proposal would not result in additional stress on the local highway and parking network. Furthermore, a trader parking area to the rear of the site is reasonably required and would provide sufficient parking and manoeuvring space.
- 11.2 As such, the proposed market is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

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 permitted shall be carried out in accordance with the following approved plans: Location plan, Plan 02, Plan 03 and Planning Statement.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Hours of Operations
	<p>CONDITION: The Sunday Market hereby approved shall only operate between the hours of 1000 and 1400 on Sunday and not at all on any other day.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>
4	Commencement of Set up
	<p>CONDITION: Stall Holders shall not enter the site or commence setting up stalls before 0900 hours.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>
5	Refuse
	<p>CONDITION: All refuse generated on site by the market hereby approved shall be removed at the end of the days trading.</p> <p>REASON: To ensure there is a satisfactorily standard of visual amenity maintained.</p>
6	Temporary Signage
	<p>CONDITION: Any temporary signage associated with the market hereby approved shall be removed at the end of the days trading.</p> <p>REASON: In the interest of visual amenity.</p>
7	Generators
	<p>CONDITION: No generator machinery shall be used at any time at the market hereby approved.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>

List of Informatives:

1	Positive Statement
	<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.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>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>

APPENDIX 2: RELEVANT POLICIES

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

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.

Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 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

3 London's people	Policy 6.9 Cycling
Policy 3.16 Protection and enhancement of social infrastructure	Policy 6.10 Walking
	Policy 6.12 Road network capacity
	Policy 6.13 Parking
4 London's economy	
Policy 4.1 Developing London's economy	7 London's living places and spaces
Policy 4.7 Retail and town centre development	Policy 7.2 An inclusive environment
Policy 4.8 Supporting a successful and diverse retail sector	Policy 7.4 Local character
	Policy 7.5 Public realm
	Policy 7.6 Architecture
	Policy 7.8 Heritage assets and archaeology
6 London's transport	Policy 7.15 Reducing noise and enhancing soundscapes
Policy 6.3 Assessing effects of development on transport capacity	

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's Character)

Strategic Policies
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS14 (Retail and Services)

C) Development Management Policies June 2013

Design and Heritage	Transport
DM2.1 Design	DM8.2 Managing transport impacts
DM2.2 Inclusive Design	DM8.3 Public transport
DM2.3 Heritage	DM8.4 Walking and cycling
	DM8.5 Vehicle parking
Shops, culture and services	DM8.6 Delivery and servicing for new developments
DM4.3 Location and concentration of uses	
DM4.9 Markets and specialist shopping areas	
DM4.12 Social and strategic infrastructure and cultural facilities	

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:

Islington Local Plan

- Within 50 metres of Archaeological Priority Area (Newington Green Hamlet)
- Within 50 metres of Newington Green Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

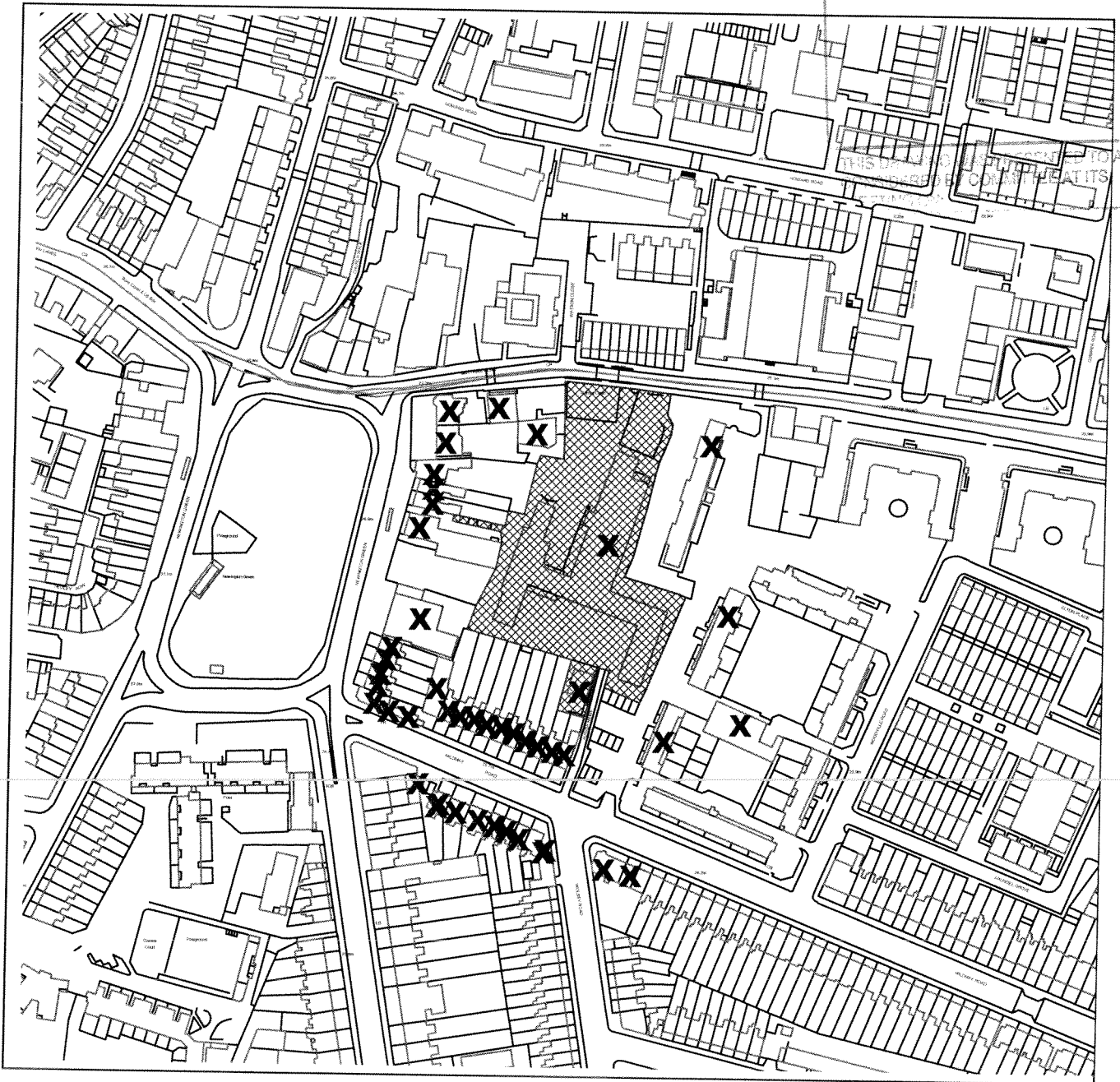
The following SPGs and/or SPDs are relevant:

Islington Local Plan

Conservation Area Design Guidelines
Urban Design Guide

London Plan

Accessible London: Achieving and Inclusive



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2013/3174/FUL

LOCATION: NEWINGTON GREEN PRIMARY SCHOOL 105
MATTHIAS ROAD LONDON N16 8NP

SCALE: 2500

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