



PLANNING COMMITTEE REPORT

PLANNING SUB-COMMITTEE A		
Date:	21 st March 2017	NON-EXEMPT

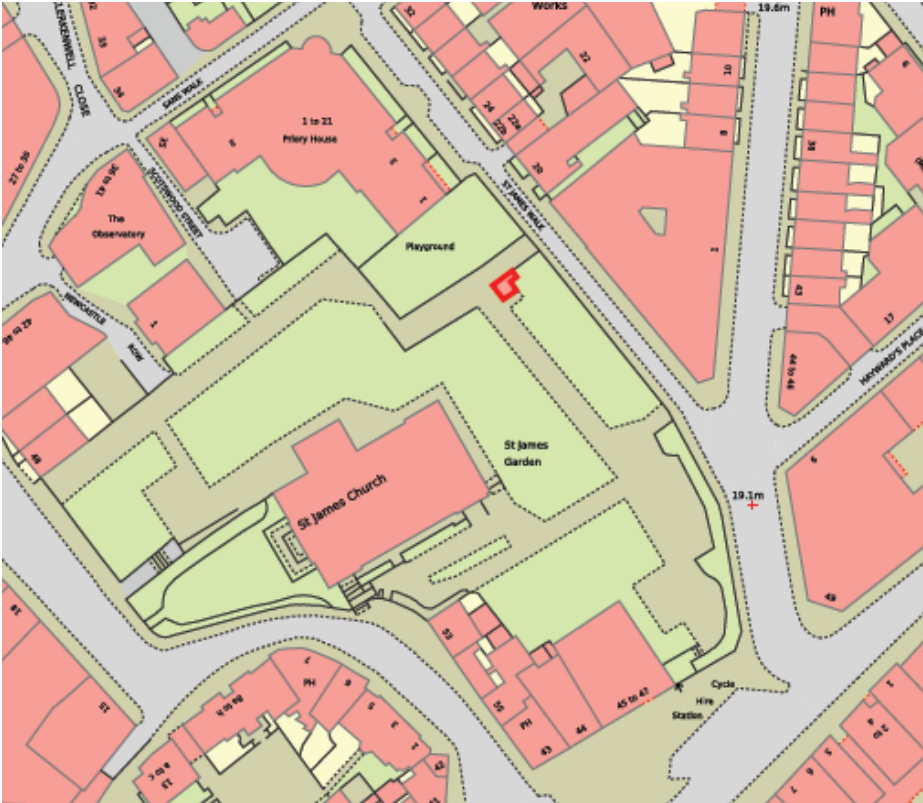
Application numbers	P2017/0072/FUL and P2017/0140/ADV
Application types	Full Planning and Advertisement consent
Ward	Clerkenwell Ward
Listed building	Unlisted
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	Central Activities Zone (CAZ), Archeological Priority Area; Rail 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
Proposals	FULL: Application for the permanent change of use of the Parks Building at St James's Church Park, Clerkenwell, which is currently operating as a coffee and food outlet Use Class A1 on a temporary basis (Temporary change of use granted 29/10/2013). Advert: Display of signage to the front and rear of shutters to three elevations of the Parks Hut in connection with Full Planning Application ref: P2017/0072/FUL.

Case Officer	Krystyna Williams
Applicant	Mr Sal Qureshi
Agent	Appleton Weiner - Mr David Appleton

1 RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and advertisement consent subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

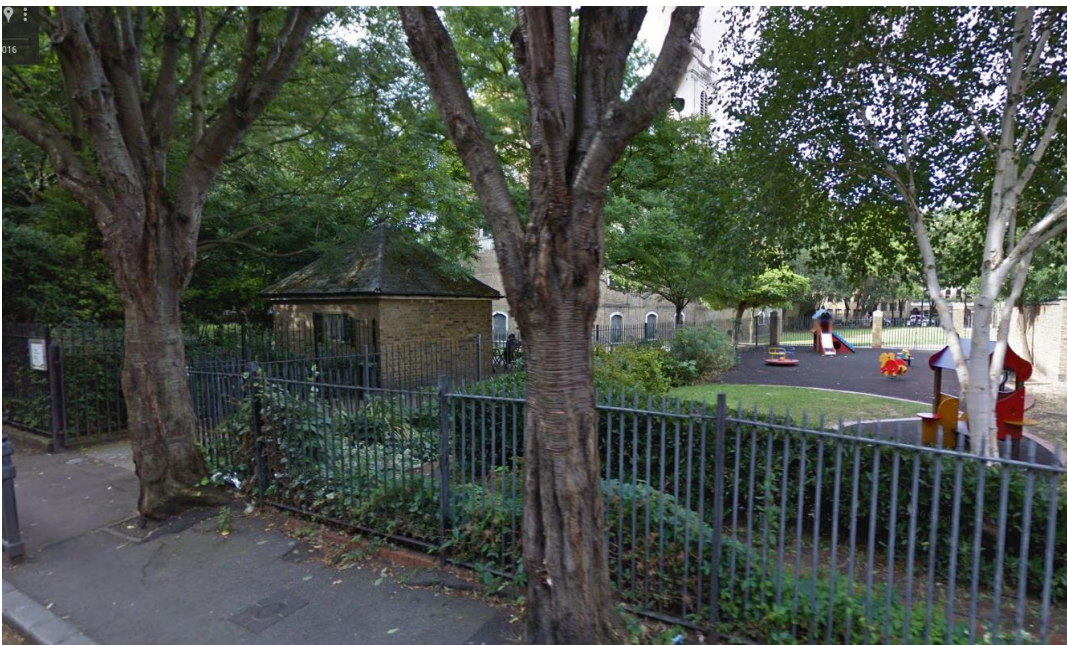


Image 1 – View of application site from St James's Walk (Outside No. 20)



Image 2 – View of café building from within St James's Church grounds



Image 3 – View of café building from within St James's Church grounds

4 SUMMARY

- 4.1 Planning permission is sought for the permanent change of use to café (Use Class A1) of the Parks Building at St James's Church Park, Clerkenwell, which is currently operating as a cafe (Use Class A1) on a temporary basis.
- 4.2 A temporary change of use (ref: P2013/1322/FUL) was granted on the 29th October 2013 following planning sub-committee A on the 24th October 2013.
- 4.3 An associated advertisement consent has also been submitted (ref: P2017/0140/ADV) for signage on the external elevations of the café building.
- 4.4 The application building is in Council ownership and is located within St James's Church grounds, near the entrance off St James's Walk. The building has a floor area of 20.7sqm and previously received limited maintenance beyond necessary works for health and safety reasons. The building now operates as a café/kiosk serving hot and cold drinks (non-alcoholic) and snacks such as sandwiches, Panini's, croissants and cakes.
- 4.5 There is 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 use.
- 4.6 The existing small business provides full time employment to one member of staff and has benefited the surrounding grounds by funding two new heritage bins in St James's Church Park. The business is a key partner in Clerkenwell Design Week and during London Coffee Week raised over £200 for the Project Waterfall charity which installs clean water facilities in poorer coffee growing nations.
- 4.7 A petition of 86 signatures of support from local members of the public for the continued operation of the café has been submitted with the application. A further 31 letters of support have been submitted by the applicant.
- 4.8 Following consultation a further one letter of support and two letters of objection have also been received in relation to the permanent change of use.
- 4.9 No objections have been received regarding the proposed advertisement consent application.
- 4.10 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.
- 4.11 The proposed permanent change of use and associated advertisements are 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.
- 4.12 The proposal is considered to be acceptable and in accordance with the Development Plan policies and planning permission is recommended for approval.

5 SITE AND SURROUNDING

- 5.1 The application building 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 site. 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 in 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 (in Detail)

- 6.1 Planning permission is sought for the permanent change of use of the Parks Building at St James's Church Park, Clerkenwell, which is currently operating as a coffee and food outlet (Use Class A1) on a temporary basis. A temporary change of use for 3 years was granted on 29 October 2013. Advertisement consent ref: P2017/0140/ADV has also been submitted.
- 6.2 The building is in Council ownership and has been operating as a café kiosk following the grant of temporary planning permission on 29 October 2013. The permanent change of use will allow the continued sale of hot and cold food and drinks (non-alcoholic) with no cooking provision at the site, however there will be provision for reheating foods. The temporary consent restricted operation 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. A condition is proposed to maintain these hours of operation. A condition is also proposed to ensure deliveries to the site remain consistent with that previously approved with the temporary consent.
- 6.3 An associated advertisement consent application has also been submitted (ref: P2017/0140/ADV) for the retention of the existing signage at the building. The signage consists of wording on shutters to three elevations of the park rangers hut. As with the previous temporary consent, signage will indicate the building is closed when the shutters are shut and advertise 'coffee and cake', when the shutters are open. The proposed signage will be non-illuminated.
- 6.4 The application has been referred to the planning sub-committee due to the building being in Council ownership.

7 RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 P2014/2494/AOD - Approval of Details pursuant to Condition 5 (Delivery and Servicing Plan) of planning application reference: 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) dated 24 October 2013. Approved 26/08/2014.
- 7.2 P2013/1322/FUL - 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 [Advertisement ref: P2013/2007/ADV also submitted]. Granted on 29 October 2013 following Planning Sub-Committee A dated 23 October 2013.
- 7.3 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. Approved 31/10/2013.

ENFORCEMENT

- 7.4 None.

PRE-APPLICATION ADVICE:

7.5 None.

8 CONSULTATION

Public Consultation

8.1 A total of 125 letters were sent to occupants of adjoining and nearby properties. A site notice and press advert was also displayed on 19 January 2016.

8.2 2 letters of objection had been received from the public with regard to the application at the time of writing this report. The objections are from the owner/occupiers of No. 20 St James's Walk and No. 8g Clerkenwell Close.

8.3 The grounds of objection raised are as follows (with the paragraph that provides response to each indicated in brackets):

- Number of tables and chairs outside the building must be monitored (See paragraph 10.20).
- As the park is an open space, the running of a commercial venture in it risks compromising public welfare (and neighbour's safety and comfort levels of crowds, litter, noise etc) if capacity is not controlled (See paragraphs 10.19).
- It is not necessary to make this facility a permanent commercial outlet for reasons stated in the original consultation. A further 3 year extension seems appropriate (See paragraphs 10.15-10.19).
- The prospect of community involvement in the care of the gardens might require in due course the return of the hut to its original purpose (See paragraphs 10.19).

External Consultees

8.4 **Historic England:** No objection.

8.5 **Clerkenwell Green Preservation Society:** No comments provided.

8.6 **The Farringdon Group:** No comments provided.

Internal Consultees

8.7 **Waste Management:** No objection.

8.8 **Design and Conservation:** No objection.

8.9 **Planning Policy:** No objection.

8.10 **Public Protection:** No objection.

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.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.3 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
 - Deregulation Bill (amendments to Building Act 1984) – to enable ‘optional requirements’
 - Deregulation Bill received Royal Assent 26 March 2015

Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2016, 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 1 to this report.

Designations

- 9.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013.

Clerkenwell Green Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10 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) is particularly encouraged within this area of the borough. It is therefore considered that the permanent change of use of this building is acceptable in principle.
- 10.3 The building is in the ownership of the London Borough of Islington and has previously been used by the Parks Team as a storage space. However, the hut was no longer

required for their use and a temporary change of use was granted in October 2013 for use as a café (Use Class A1).

- 10.4 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.
- 10.5 It is considered that the continued use of the building is appropriate for use as a café, providing a positive contribution to employment development within the Bunhill and Clerkenwell area. Such a use compliments the use of the open space associated with the Church grounds. The use has operated for three years and has funded the provision of bins within the Church grounds, is a key partner in Clerkenwell Design Week, raised over £200 during London Coffee Week for Project Waterfall Charity and maintains a close vigil on the park grounds and reports any issues to the Parks Team. Overall, the existing use as a café is considered to make a positive contribution to the area. As such, there are no land use issues which would preclude the proposed permanent change of use.

Design and Conservation

- 10.6 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.
- 10.7 The external appearance of the building will remain the same as that granted by the previous temporary consent. The building includes painted timber framed entrance door on the south west elevation with shutters for security. A fixed glass window with shutter including advertisement is located to the south east and south west elevation. The signage at the site remains as previously approved under application ref: P2013/2007/ADV consisting of wording on shutters to three elevations of the park rangers hut. As with the previous temporary consent, signage will indicate the building is closed when the shutters are shut and advertise 'coffee and cake', when the shutters are open. The proposed signage will be non-illuminated.
- 10.8 There are views of the building from the Grade II Listed Church and from a small section of St James's Walk. The continued use of the building as a café and the associated signage are considered to have no detrimental impact on the surrounding conservation area or detract from the setting of surrounding listed buildings.
- 10.9 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 continued operation of the building as a café kiosk would provide a benefit to the area in terms of maintaining the visual appearance of the building and allowing the building to be operational rather than vacant. In addition, the permanent use of the building provides facilities for park users and improves natural surveillance in the area.
- 10.10 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.
- 10.11 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

- 10.12 The site is located within St James's Gardens. Consideration must be given to the effect of the proposed development on neighbouring amenities in terms of overlooking, loss of privacy and outlook. Consideration must also be given to potential disturbance to residential amenity from activity such as hours of operation.
- 10.13 The use of the building as a café kiosk results in an increased footfall in the area which in turn results in increased natural surveillance of the area, hence providing a deterrent for anti-social behaviour.
- 10.14 The existing hours of operation for the café kiosk will be conditioned to ensure the use operates at the existing hours of between 08:00hr and 18:00hr Monday to Friday, between 10:00hr and 18:00hr Saturday, and between 10:00hr and 15:00hr on Sunday and Bank Holidays. These hours of operation are considered reasonable in this location which is mixed in character and use. Also, opening hours to the kiosk/café do not extend beyond the parks opening hours.
- 10.15 Two letters of objection had been received from the public with regard to the application at the time of writing this report. The objections are from the owner/occupiers of No. 8g Clerkenwell Close and 20 St James's Walk. One concern is that it is not necessary to make this facility a permanent commercial outlet for reasons stated in the original consultation. The local resident considers that a further 3 years extension seems more appropriate.
- 10.16 The original consent (ref: P2013/1322/FUL) was granted on a temporary basis in order for the use to be initially monitored and to prevent any further consent being granted should the use be deemed unacceptable in this location after the 3 year consent expired. In this instance the operation of the building as a café has been successful and not resulted in any complaints. It is therefore deemed acceptable to consider the permanent change of use at the site.
- 10.17 The small business employs one full time member of staff and has contributed to the Church grounds by providing bins within the vicinity to help facilitate a cleaner environment. The small business has also raised over £200 during London Coffee Week for Project Waterfall Charity. The use of the building as a café is considered to make a positive contribution to the area and compliments the use of the open space associated with the Church grounds.
- 10.18 A further issue raised is that the prospect of community involvement in the care of the gardens might require in due course the return of the hut to its original purpose. The Council must consider the application before them and from the outset the Council's Parks Manager has been supportive of the change of use of this formerly disused hut into a café. The café benefits the park in a number of ways and there are already several 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.
- 10.19 One objection relates to the risks of compromising public welfare and neighbours safety as a result of crowds, litter, noise etc. These issues were comprehensively covered in the previous committee report. Contrary to the concern about anti-social behaviour and increases in littering/noise in the area, the use of the building as a café provides beneficial facilities for park users and improves natural surveillance of the area, hence providing a deterrent for anti-social behaviour. In terms of littering, it should be noted that the planning department cannot control levels of littering by members of the public within the general church grounds. However it is acknowledged that the café has funded bins within the grounds to assist with litter control.
- 10.20 Objection has also been raised regarding the number of chairs and tables located outside the café and that these should be monitored. On the basis that tables and chairs are moved inside at the end of each day, then no concern is raised. A condition can be attached to

ensure all outdoor seating/tables are stored inside the café building outside the hours of operation.

- 10.21 Overall, it is therefore considered that subject to the attached conditions, the proposed permanent change of use and associated advertisement consent would not have a material adverse impact on adjoining resident's amenity levels and permission should be approved.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed permanent change of use and associated advertisement consent 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 continue to 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

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

APPENDIX 1 – RECOMMENDATIONS

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>OS Map, CLE 200 Revision A, CLE 201 Revision A, BEA 200 Revision A, BEA 201 Revision B, BEA 202, Planning and Heritage Statement, Design and Access Statement, Statement of Key Community Benefits.</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	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>
4	Storage of tables and chairs
	<p>CONDITION: All tables and chairs associated with the use of the building as a café are to be removed and stored inside the building outside 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, in accordance with the approved hours of operation.</p> <p>REASON: In the interests of reducing visual clutter and preserving the character and appearance of the surrounding area.</p>
5	Deliveries
	<p>CONDITION: No deliveries shall be made to the premises outside the hours of: 08.00hr to 18.00hr Monday to Friday, 10.00hr to 18.00hr Saturday, and 10.00hr to 15.00hr Sunday and Bank Holidays.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity</p>

That the grant of **advertisement consent** be subject to **conditions** to secure the following:

List of Conditions:

1	Standard Advertisement Condition (Compliance)
	<p>CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.</p> <p>Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</p> <p>No advertisement is to be displayed without permission of the owner of the site or any other people with an interest in the site entitled to grant permission.</p> <p>No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).</p>

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 and Regional 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.

- NPPF - Policy 12 - Conserving and Enhancing the Historic Environment
- Planning Practice Guide (2014)

2. Development Plan

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London

7 London's living places and spaces
Policy 7.4 Local character
Policy 7.6 Architecture
policy 7.8 Sustaining and enhancing the significance of heritage assets

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

C) Development Management Policies June 2013

DM2.1 (Design)
DM2.3 (Heritage)

3. Designations

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Islington Local Plan

East Canonbury Conservation Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Conservation Area Design Guide

Urban Design Guide 2017