

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department



PLANNING SUB COMMITTEE B		AGENDA ITEM NO : B4
Date:	16 th July 2019	NON-EXEMPT

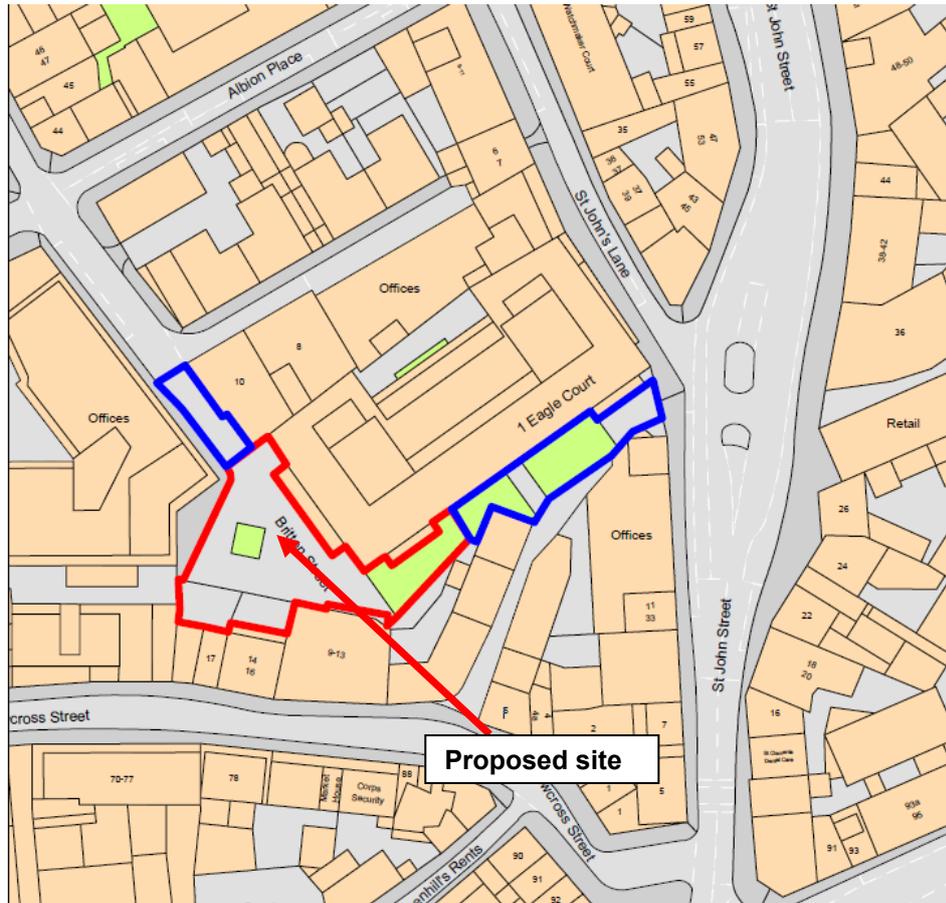
Application number	P2019/1744/FUL
Application type	Full Planning Permission
Ward	Clerkenwell
Listed building	No
Conservation area	Clerkenwell Green
Development Plan Context	Central Activity Zone; Bunhill & Clerkenwell (Finsbury Local Plan); Employment Priority Area, Private Open Space, Archaeological Priority Area, Crossrail Safeguarding Area,
Licensing Implications	None
Site Address	Land & Access Ways Rear of 13-27 Cowcross Street London EC1
Proposal	Continuation of the use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week (Temporary Planning permission previously granted P2016/3449/FUL 07/07/17). The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only.

Case Officer	Eoin Concannon
Applicant	DTZ Investors
Agent	GL Hearn

1. **RECOMMENDATION**

- 1.1 The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

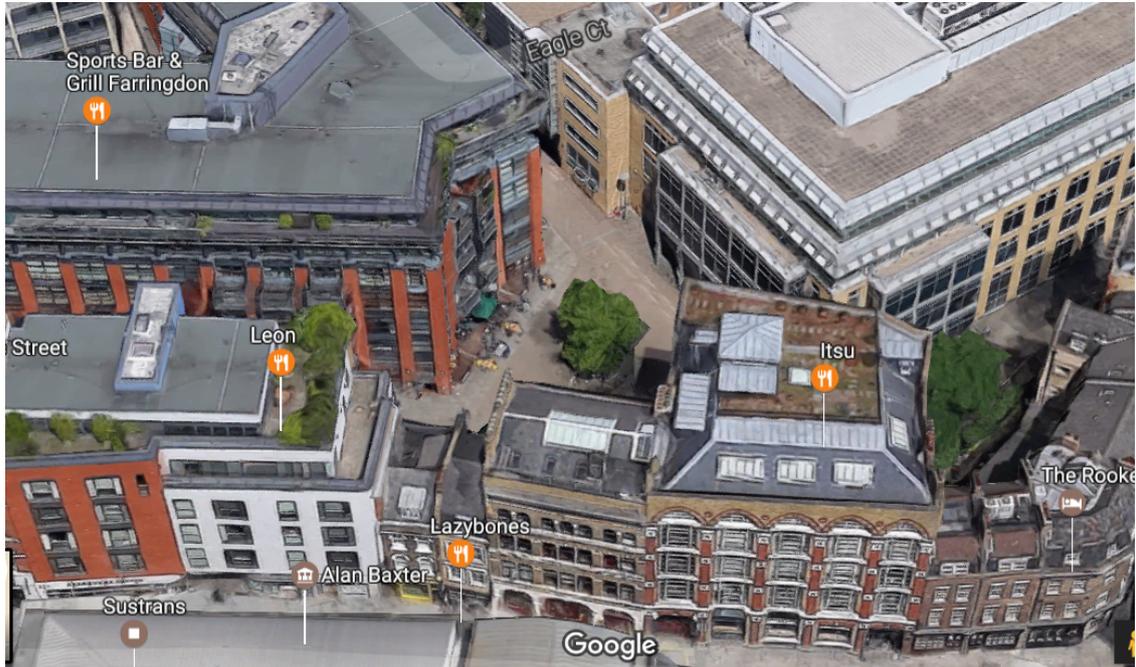


Image 1: Aerial view of the site arrow pointing at location of built extension



Image 2: View of the market taken from the edge of Britton Street



Image 3: View of private open plaza from rear of 13-27 Cowcross Street

4. SUMMARY

- 4.1 Planning permission is sought to continue the use of the external plaza area for a food market of up to a maximum of 13 stalls for a (maximum) of 3 days per week. The market would operate on Tuesdays, Wednesdays and Thursdays between 9.00am and 4.00pm with food cooked and served between 11.00am and 2.30pm only.
- 4.2 The application submitted is a resubmission of a previously approved temporary consent which allowed for the operation of the market for a maximum period of 2 years. The current submission is similar in layout/number of stalls and seeks to continue the use of the plaza area as a market for a further period of up to 3 years.
- 4.3 The application is presented to committee due to the number of objections received raising material planning issues. During the consultation, a total of 16 objections and 1 letter of support were received. The main issues highlighted include noise, disturbance, smells, hours of operation and parking issues. A full list of the objections raised is highlighted in section 8.2. The use and overall layout would be acceptable in principle and would not impact on the character and appearance of the conservation area or the setting of surrounding listed buildings.
- 4.4 No objections have been received from Street Trading; Environmental Health; Refuse Control' or Pollution Control. Whilst the residential and commercial properties concerns are acknowledged, given the sites location in a private plaza and its overall

limited operational period (3 days a week), it is considered acceptable and policy compliant.

- 4.5 The use is considered conducive to the central location and subject to conditions relating to the control of hours and intensity of use, the proposal would not prejudice the residential amenity of the neighbouring properties insofar of undue noise or disturbance and would comply with policy DM2.1 of the Islington Development Management Policies
- 4.6 In order for the market to remain viable, a minimum period of 3 years has been sought by the applicant. The previous permission had given a 2-year consent to allow a substantial period of time to monitor the use in terms of operating times, waste management control, traffic and operational management controls. As no significant concerns have been identified by internal/external consultees during the consultation period and from the previous two-year operational period, officers consider that a further 3-year temporary consent is reasonable in this instance.
- 4.7 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved.

5. SITE AND SURROUNDING

- 5.1 The application site is situated to the rear of Nos. 13-27 Cowcross Street and comprises a small triangular shaped open plaza approximately (800sqm in size) which serves as both a private open space and thoroughway from Britton Street (north-west) to Peter's Lane (north east). White Horse Alley connects the site from Cowcross Street (south) towards the north east where it intersects with the laneways of St.Peter's and St John's Lane at the junction with St John Street.
- 5.2 The area is a mixture of uses including office buildings, retail, restaurants and public houses. The nearest residential units are situated with the complex known as City Pavillion at 33 Britton Street which leads onto the open space. Further residential units are situated at 8-10 Eagle Court and Zinc House (19-25 Cowcross Street).
- 5.3 The site is within the Central Activity Zone and is also an Employment Priority Area. It lies within Clerkenwell Green Conservation Area with several Grade II Listed Buildings situated within the immediate area including Nos 9-13, 14-16 and 27-27 Cowcross Street. The area is also Archaeological Priority Area and Crossrail Safeguarding Area.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks planning permission to use the external plaza area known as Cowcross Estate for a food market for a maximum of 3 days a week – Tuesdays, Wednesdays and Thursdays only. This application is for a continuation of the temporary 2-year consent granted in 2017.
- 6.2 The market would continue to operate a maximum of 13 stalls with the market operating between 9.00am and 4.00pm each permitted day. As previously agreed, the cooking of food would take place between 11.00am and 2.30pm only. The applicant does, however, seek to serve cold drinks and heated food outside the cooking times to allow customers to use the market earlier and later in the day.

- 6.3 The food will be run by a specialist food operator under the same restrictions and conditions as the existing market. The aim is to provide a diverse choice of fine, British and International foods to customers.
- 6.4 Each stall would measure 3m x 3m and would be strategically positioned to maintain the throughway access between Britton Street, White Horse Alley and Peters Lane. In terms of servicing, unloading will take place from either Britton Street, Peter's Lane (St John's Lane) or Cowcross Street entrances. It is proposed that each stall would take 20 minutes to unload and load with a maximum of 4 vans unloading at a time.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P2019/0983/ADV Wall to rear or 14-16 Cowcross Street** Advertising mural applied to existing rear boundary walls of the properties at nos. 14-16, 17 and 18 Cowcross Street. The mural would front the White Horse Alley (**Decision pending**)
- 7.2 **P2019/0747/FUL** Public seating consisting of three groups of multi-coloured timber box structures (**Decision Pending**)
- 7.3 **P2016/3449/FUL** Use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week. The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only. (**Granted 07/07/2017**)

ENFORCEMENT

- 7.4 None

PRE-APPLICATION ADVICE

- 7.5 **Q2019/0799/MIN** – Pre-application for use of the site as a market and public realm improvements – the principle of the market was acceptable subject to controls on its use. Concerns raised regarding mural design and public realm improvements which are currently being amended.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 219 no. occupants of adjoining and nearby properties at Britton Street, St John's Lane, Cowcross Street and Eagle Court on the 07th June 2019.
- 8.2 A site notice and press advert was also displayed on the 13th June 2019. The consultation period expired on the 7th July 2019 and at the time of writing this report, 16 objections have been received from nearby residents and commercial businesses as well as 1 letter of support. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Food market not in keeping with the character of the area. There is no basis for setting up a market in this area (paras 10.8, 10.16-10.21)

- The market adds very little or variety to the area with no benefit to the community including the residents (paras 10.7)
- Noise from the market in operation. It would affect the quiet nature of the plaza and its residential surrounds (paras 10.43-10.44)
- The plaza is a private amenity space and should be kept as such. Space already used by residents and local workers for relaxing, walking dog (paras 10.6 & 10.46)
- Smells from market in operation (paras 10.23, 10.45)
- Waste management concerns leading to vermin problem in the area; No drainage for liquid waste, cleaning or other needs (paras 10.33-10.38)
- Congestion due to the food stalls - Loading and unloading concerns and market stallers blocking entrances of commercial premises. (10.25-10.32)
- Existing markets already closeby along Leather Lane; already abundance restaurants in the pavilion and backing on the pavilion (paras 10.2-10.10)

Internal Consultees

- 8.3 **Planning Policy:** No objections.
- 8.4 **Environmental Health:** No objections The Environmental Health Officer requested further information on the provision of portable water to be conditioned.
- 8.5 **Environmental Pollution, Policy & Projects Team:** No comments or objections on the changes from the previous scheme. No noise complaint has been received in regard the market over the last two years.
- 8.6 **Street Trading:** No objections. A boards and advertising are not placed on the highway without appropriate A Board license (obtained by Street Trading) or planning approval.
- 8.7 **Licensing:** The premises would not require a premises license unless they are having stalls selling alcohol. If that is the case and market is every week, the land owner would have to apply for full Premises License
- 8.8 **Highways:** No objections given its located in a private open space.
- 8.9 **Design and Conservation:** No objections to the proposal. Historically this is one of the main market areas of London and such uses are welcomed.

External Consultees

- 8.10 **Secure by Design Officer:** No objections or comments on the scheme proposed
- 8.11 **London Underground Infrastructure Protection:** No comments to make on this application
- 8.12 **Crossrail:** Crossrail Limited do not wish to make comments on this application as submitted.
- 8.13 **Transport for London:** TFL has no strategic transport comments to make
- 8.14 **Network Rail:** No observations or comments to make

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1) s66(1)).

9.2 National Planning Policy Framework (NPPF): Paragraph 14 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."

9.3 At paragraph 7 the NPPF states: "that sustainable development has an economic, social and environmental role".

9.4 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

9.5 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.6 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by

law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 9.7 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.8 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.9 Policies in the Draft London Plan are attributed some weight.

Designations

- 9.10 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:
- Clerkenwell Green Conservation Area
 - Adjacent to Charterhouse Square Conservation Area
 - Clerkenwell Archaeological Priority Area
 - Bunhill & Clerkenwell (Core Strategy)
 - Central Activity Zone
 - Employment Priority Area (Finsbury Local Plan)
 - Rail Safeguarding Area
 - Crossrail Safeguarding Area

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.11 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 Conservation
- Operation Management and Transportation Issues
- Neighbouring amenity

- Other Issues

Land-use

- 10.2 The proposal is situated to the rear of Cowcross Street and comprises a private plaza that is also used as a pedestrian thoroughway. The thoroughway links pedestrians across the plaza from Britton Street via Horse Lane Alley onto Cowcross Street and from St Johns Lane/Peter's Lane onto St. John Street. The plaza site is surrounded by a mixture of commercial/residential and office buildings that enclose the site and protects the space from the busier routes of Cowcross Street to the south and St Johns Street situated to the north east.
- 10.3 Policy 4.8 of the London Plan deals specifically with providing a diverse retail sector and related facilities and services. Under part B (e) of this policy, it supports a range of London's markets, including street, farmers and strategic markets which enhance their offer and contribute to the vitality of town centres. The supporting text recognises that street and farmers' markets make valuable and distinctive contribution to meeting Londoners varied dietary requirements and extending competitive choice and access to a range of goods, as well as contributing to the vitality and wider offer of town centres.
- 10.4 The Council local policies are also supportive of markets that continue to provide additional retail/service function to a town centre. Street markets add to the character of local areas. Development Management Policy DM4.9 is specific to markets and specialists shopping areas. It states that the council will seek to maintain existing traditional street markets. It highlights markets as popular with shoppers and visitors due to their vibrancy and range of goods to offer. This is also supported by policies CS7 (Bunhill and Clerkenwell) of the Core Strategy which encourages tourist related development that promotes visitor economy. CS14 (Retail and services) also states that Islington will continue to have strong cultural and community provision with a healthy retail and service economy providing a good range of goods and services for the people who live, work and study in the borough.
- 10.5 The Finsbury Local Plan BC7 (Historic Clerkenwell) places a strong emphasis on heritage-led development that reinforces its uniqueness, integrity and socio-cultural value. It focuses on individual spaces which present opportunities for creating additional public space by transferring underused roads and parking areas into pedestrian use. Such improvements must aim to maximise the use and vitality of the space in a manner that reinforces the character and economy of the local area. This may incorporate spaces suitable for entertainment and events, markets, outdoor seating area.
- 10.6 The subject space is privately owned and situated in an area of Clerkenwell that has historic links to market activity. Currently the space is enjoyed by both local residents who live in the buildings nearby including City Pavillion, 8-10 Eagle Court and Zinc House (19-25 Cowcross Street) and office workers who work locally. The space remains an important private open space centrally to those who reside and work in the area. This can continue to be retained as an amenity space to those residing in the area and at the same time provide a commercial activity for a limited period within the week. The layout of the stalls ensures the central plaza remains uninterrupted and this space would remain available as an amenity area. The proposed market would operate a maximum of 3 days a week between the hours 9am and 4pm. This is considered acceptable in terms of days and hours of operation given its location within the Central Activity Zone and within an Employment Priority Area. It must also

be noted that the market would not operate at the weekends and the space will function entirely as a private open space to local residents and visitors to the area.

- 10.7 The market as proposed generally complies with both London Plan (2016) and local plan policies. As noted, the Finsbury Local Plan seeks to ensure heritage led development is reinforced and focuses on presenting opportunities in underused areas with an aim of maximising the use and vitality whilst reinforcing the character of the local area. The proposal does provide an opportunity to improve pedestrian use by local residents, workers, tourists and the wider population. It would add secondary commercial function in a safe and secure area which provides a wider choice of food to visitors and people who live, work and study in the borough. This site is in a historic part of London with a significant number of tourists passing through the area daily and the market would complement rather than compete with the existing local shops and restaurants that already operate thereby contributing further to the local economy.
- 10.8 The site is also situated to the rear of Cowcross Street. Historically, Cowcross Street evolved as a market area over the centuries. It is noted in the British History Online (BHO) that as well as Smithfield Market which was in existence by 1123, there was a separate cow market with its market cross which Cowcross Street is named after. Whilst this application relates to a food market to the rear of Cowcross Street, Officers do note the links to activities that took place and helped create the sense of place in the area. It would correlate with the guidance in policy BC7 of Finsbury Local Plan which aims to have heritage led development. Creating spaces and markets which have some connections to the historic past and also enable to support the retail and tourist function in the area
- 10.9 It has been noted by the objectors that there are other markets in proximity to the area (Leather Lane). Officers would note the policies listed above which support market functions in the London Plan and Local Plan. The proximity of the site to where a historic market had previously taken place is also a reason to support this. The sites unique location within private plaza connected by several historic lanes represents an opportunity to provide an additional commercial function that contributes to providing a range of goods and services for the people who live, work and study in the borough as set out in CS14 of the Core Strategy. It represents an ideal secure location for a market given these historic laneways which allows pedestrian traffic to flow. The strategic layout along the periphery of the plaza also ensure that the space can be maintained as an area of relaxation and ensure that pedestrian traffic is unaffected.
- 10.10 The market would seek to operate on set days with limited hours for cooking and operation. It would operate on 3 days of the week (Tuesday, Wednesday and Thursday's) with the space returned to a plaza on the other days. On the basis of the council's local policies, the principle of the use is considered acceptable subject to a temporary consent.

Design and Conservation

- 10.11 The site is situated within Clerkenwell Green Conservation Area and as such the proposal is required to pay special regard to the statutory duty (s72(1)) for the preservation or enhancement of these heritage assets. There is also a Grade II Listed Building in the immediate area (Nos 9-13, 14-16 and 27-27 Cowcross Street) and as such the LPA has a statutory duty to consider the development in the context of a listed building or its setting and to have special regard to preserving or enhancing its visual appearance and its historic character.

- 10.12 In terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy (2011) policy CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Area Design Guidelines.
- 10.13 Core Strategy Policy CS9 states that 'high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive'. Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics'.
- 10.14 In relation to heritage, Policy DM2.3 states 'Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance'.
- 10.15 As noted the site is situated within Clerkenwell Green Conservation Area which has a special character and appearance which stems from its mix of uses, its architecture and its history. The fabric of the area derives from incremental development from Norman times. The Clerkenwell Green Guidance identifies Clerkenwell/Smithfield as a special area which merits a special level of protection.
- 10.16 Paragraph 1.6 of the conservation area guidance highlights specialist craft and light industrial workshops are traditional to Clerkenwell. Other uses synonymous with the area historically include retail, showroom, eating and drinking, residential, educational, community and museum uses which all contribute to the areas variety and vitality. The inclusion of a food market would therefore correlate with the range of historic uses in the area. As already noted, markets have historically been present within this area as far back as the 12th Century.
- 10.17 The Ordnance Survey map below taken from British Historic Online shows the intersection of Turnmill Street and Cowcross Street and describes this area as a *cherished thoroughfare which owes its charm to its gently course and close-knit scale, and its liveliness to the proximity of Farringdon Station*. (British History Online). The historic paper further discusses how Cowcross Street and Turnmill Street historically formed a single important route north from the City and became a narrow and thoroughfare largely due to market or commercial activity that took place on its route. As discussed in para 10.8, a cow market operated at the junction of St John Street, Cowcross Street. Both Cowcross and Turnmill Streets were used for droving animals in connection with this market. The surrounding laneways and streets would have contributed to the markets functioning as it evolved.

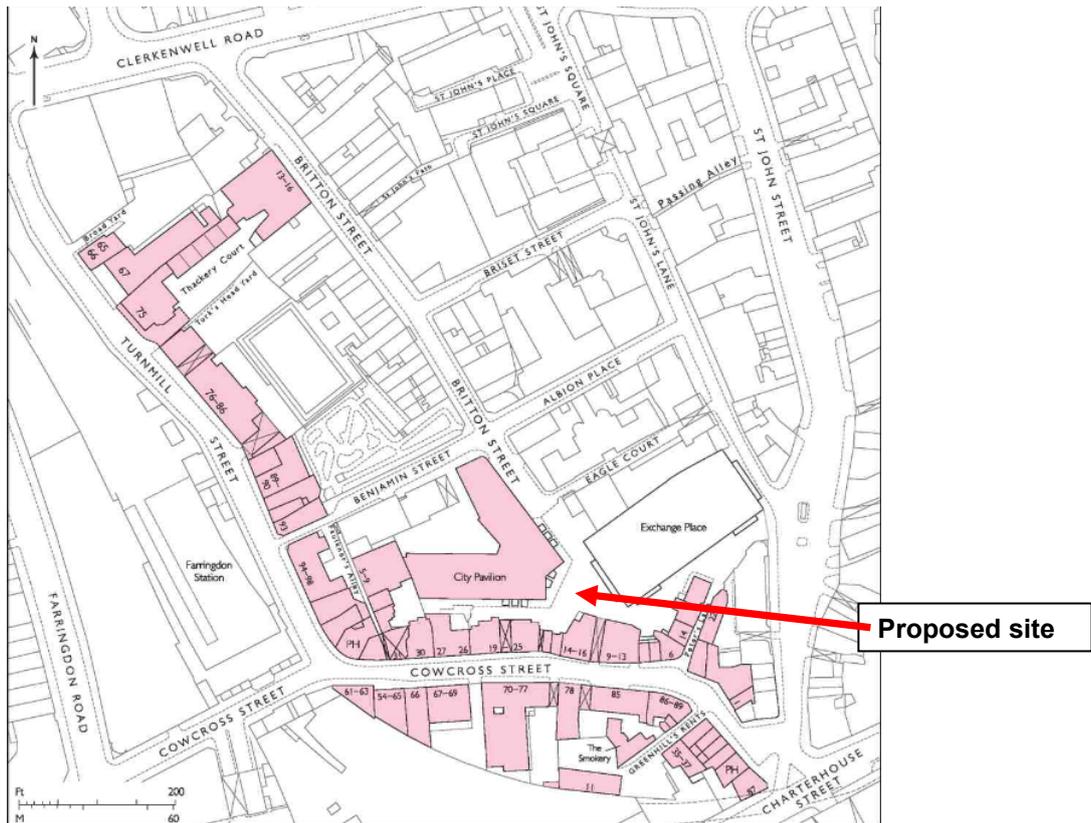


Image 4 Cowcross Street/St Johns Street and Turnmill Street historically an important route north from the City and location of cow market as far back as 12th Century taken from British History Online <https://www.british-history.ac.uk/survey-london/vol46/pp182-202>

10.18 From the map above, it shows the proximity of the proposed site to the junctions of Cowcross/St John and Turnmill Street where a cow market and droving of animals were once a fundamental part of the fabric. Although the current application relates to a pop up food market, given that markets have been engrained in the fabric of this area, the proposal is welcomed as it provides a historic link to the activities that once dominated the area.

10.19 The market would comprise 13 stalls each measuring 3m by 3m and would be situated along the perimeter of the plaza thereby reducing the impact on other pedestrians using the space. The Design and Conservation Officer has been consulted and has raised no objections to the proposal given the historic ties within the area to market activity and the temporary nature of the structures.

10.20 The Design and Conservation Officer commented that the site was originally an enclosed court of buildings. Although it has been redeveloped as a more open space it still retains a courtyard appearance and a commercial atmosphere, for which a modest market use does not seem inappropriate in terms of heritage and design. There would be no permanent alteration to the urban fabric of the site under this application. The Design and Conservation Officer also highlighted that the only physical element of the application relates to temporary tents for the temporary market stalls. Given the historic usage of the area for commercial activity and markets, it would not harm the character of the conservation area. The temporary of the structures would also not impact on the setting of the nearby listed buildings (9-13, 14-16 and 27-27 Cowcross Street).

10.21 In conclusion, the proposal is considered to preserve the visual appearance and historic character of the area whilst also re-establishing historic ties to the areas past as a market place. It would contribute to the special character and appearance which stems from its mix of uses and as such preserves the associated heritage assets, including the wider Clerkenwell Green Conservation Area and the setting of the Grade II Listed Building, complying with the design advice within the Urban Design Guide (2017) and Clerkenwell Green Conservation Area Design Guidelines. It is therefore considered acceptable in design terms, and compliant with the design policies within the Development Plan.

Operational Management and Transportation Issues

Operating and cooking times

10.22 The market would operate from 09.00am and finish at 4.00pm. In order to limit the impact on the surrounding residents, offices and other commercial buildings, the hours in which food would be cooked would remain between 11.00am and 2.30pm. The applicant does seek to alter the times in which food is served (outside cooking times) to allow customers to use the market earlier and later in the day without having the impact of cooking smells. The Council's Environmental Health Team have been consulted and has raised no objections to the proposal subject to the provision to a fixed supply of hot and/or cold potable water supply. The water supply must be of drinking water quality and the water supply must be adequately maintained by appropriate persons to ensure the principles of water supply hygiene are adhered to. These details have been included within condition 8 (Operational Management Plan).

10.23 The cooking times proposed would coincide with standard lunch time hours (12-2pm). The serving of food outside the cooking times is considered reasonable alteration from previous submission, once the cooking of food remains within the previously agreed timeframes (11am to 2.30pm). A revised condition is recommended to ensure that the cooking remains within these timeframes. Whilst Officer's note some businesses concerns of smells from cooking, hours of operation etc., given that this would largely take place between the normal lunch hours, it is considered insufficient reasoning to warrant a refusal in this instance. The area is within central part of London which has a historic association with a mixture of uses including eating and drinking as highlighted in the Clerkenwell Green Conservation Area guidance. The smells associated with the cooking of food within a limited time period (3 ½ hours) is considered acceptable given its location.

10.24 Outside of these hours (9am-11am & 2.30pm-4pm), the market stalls would require preparation, serving of food and cleaning/removal of equipment periods. This timeframe is considered acceptable and would have limited impact on the surrounding properties than what would be expected in such a central urban area (from day to day deliveries).

Site set up/transport issues

10.25 In terms of site set up, the applicant has confirmed that there would be a Site Supervisor on-site at all times to supervise activity. The stalls are positioned along the perimeter of the plaza which ensures that limited disruption would be caused to passing pedestrians during peak hours of movement in the morning and evening times. The setting up process would take approximately 20 minutes per trader with each stall holder carrying their equipment on a trolley.

10.26 The applicant has provided a Transport Statement which examines the traffic and transportation impacts associated with the proposals. Within the statement, it highlights that the site has good pedestrian links and an established network of footways that provide access to nearby facilities including Farringdon Station. The aerial photograph below (image 5) identifies the pedestrian access routes available from Cowcross Street, Horse Lane Alley, Britton Street and from St Johns Lane/Peter's Lane.



Image 5: Existing pedestrian access points serving the plaza

10.27 The number of access points serving the plaza ensures that the market would not cause significant congestion to commuters/passers-by and that pedestrian traffic would continue to flow steadily between the main public transport stations and the surrounding streets.

10.28 The plaza is privately managed and not part of the adopted highway network. The market stall traders would not have vehicle access to the site and would be required to unload their vehicles from either the Britton Street, Peter's Lane or Cowcross Street entrances. The Transport Statement highlights that the previously consented arrangements for unloading and site set up would remain in operation

- No more than four vehicles unloading at a time from 9am
- Market manager in attendance at all times
- Pedestrian through routes to be maintained at all times
- Trader vehicles to park at Smithfield Market between setup and break-down
- All waste to be removed by individual stall holders and final sweep by the market manager
- Break-down activity generally from 2.30pm with all market activity ceased and cleared by 4pm.

- 10.29 Cowcross Street has the largest capacity for delivery activities, with a combination of permit bays and double yellow lines. Further double yellow line near the junction of St. John's Lane and St John Street provides alternative loading opportunity for the traders. The double yellow lines in the streets that surround the site restrict use between 8.00am and 8.30am which is outside the operating times proposed and therefore would not impact on the vehicle unloading. Both single and double lines allow loading for up to 40 minutes. As the average set up time for the market stall is approximately 20 minutes, this would be sufficient to ensure that each market trader has time to set up and move their vehicle on.
- 10.30 The transport statement also includes a kerbside survey that was originally carried out to see what the impacts would be on other businesses in the areas. Appendix A of the Transport Statement showed very low levels of use of the double yellow lines on Cowcross Street throughout the survey period. The busiest time period was between 10:00am-10:30am (three light good vehicles using unloading area). However extra capacity on Britton Street and St. John Street allowed for any spill over of vehicles. The survey concluded that there is sufficient spare capacity for on-street unloading opportunities to accommodate the market and it would not have a detrimental impact on the local highway system.
- 10.31 Both Transport for London and the Council's Highways Officers have been consulted on this application and have raised no objections to the market given its location on a private street. Notwithstanding this, Officers consider a condition restricting loading and unloading before 9am and after 4.30pm necessary given its inner city location. This will allow sufficient time in the mornings and evenings for all stall operators to install/remove their equipment with limited impact on the highway network and the local population (both residential and commercial).
- 10.32 Concerns have been raised by a commercial office regarding the setting up arrangements which have occasionally obstructed a fire exit serving a neighbouring building. The applicant has confirmed that a market manager will be in attendance at all times with pedestrian routes being maintained at all times. This will include fire exit routes and access into adjacent buildings. The market manager will ensure that servicing activity does not block access or egress from any of the buildings surrounding the market. The applicant is currently in talks with a new market operator who uses market managers at all times as standard and is committed to operating the market as stated. Details of the market manager/supervisor including their responsibilities shall be submitted as part of the Operational Management Plan. This is highlighted within condition 8.

Waste Management

- 10.33 With regard the management of waste from the stalls, the applicant has confirmed a private commercial agreement with DOC Cleaning and also have an ongoing contract agreement with Pulse Environmental Ltd who deal specifically with waste management of the plaza.
- 10.34 Objectors have raised concerns in regard litter and waste management which has led to rodent issues in the area. Officers would comment that these objections received appear to highlight the commercial premises in general within the area, as a factor contributing to potential rodent problem and not the proposed site entirely. Whilst the potential for rodents is a serious concern for residents and entire community as a whole, there is a collective responsibility to all commercial premises, individuals and the council to keep the streets clean and improve waste management locally. Notwithstanding this, Officers do recognise the potential for additional litter and waste

from a market in the area and the requirement to have a market supervisor/manager on site during operation times is necessary to ensure issues such as site set up and waste management are continuously monitored and improved. The planning statement indicates that refuse is collected from the site every day Monday to Friday. In addition, the market stall operators would be responsible for cleaning up after themselves on days of operation.

10.35 The applicant has also provided further information on a waste strategy for the Cowcross Yard going forward. The initial plan would include

- Daily cleaning of Cowcross Yards (DOC is the appointed cleaning contractor)
- Daily emptying of public bins in Cowcross Yards (Pulse Environmental Ltd is the appointed waste subcontractor)
- Introduction of weekend cleaning and bin emptying on Cowcross Yards,
- Additional waste storage on site,
- Clear communication plan with street vendors and market sellers about waste disposal particularly for food vendors
- Clear waste signage for vendors and public Increased number of accessible bins (potentially have vendors provide access to their bins for public use (always a hassle when purchasing something and there are no accessible bins even from the person bought from)

10.36 The longer target would seek to promote a reduction in plastic use, promote waste reduction and encourage refuse recycling or segregation of waste. The information submitted provides additional comfort going forward that further measures are introduced to tackle waste within the plaza and improve the appearance of the public realm thereby mitigating against potential rodent problems in the future. Further details on the waste management strategy of the site would be required within condition 8 (Operational Management Plan).

10.37 It is illegal to drop litter and whilst there would be a responsibility of control of litter by the management of market, there is an onus on customers to comply by the law and not litter. Islington's Authorised Officers can issue fixed penalty notices to any person that drops litter intentionally. The Street Environment Services Enforcement Strategy (March 2011) states that *it is the responsibility of every business and individual to comply with the law and it is recognised that most want to do so... we reserve the right to take enforcement action without education and advice on any occasion where offences such as littering are committed.* (Para 3.6 & 3.7 Street Environment Services Enforcement Strategy)

10.38 On the basis of the information provided and following Planning Officer's inspection on the day of market, there was no significant litter concern to warrant a refusal. Continuing to improve waste management from commercial premises and consumers remains a collective responsibility.

Seating

10.39 Whilst the market does not provide seating, this would be typical of a market of this type where people consume while on the move. There is some seating available centrally within the plaza which can accommodate up to 15/20 people who may need

seating arrangements. Many of those who chose to use the stalls would be passing through trade, tourists or workers on their lunch break. Concerns have been raised by many of the residents and offices in the vicinity of customers using steps as a seating area. This however would be a civil matter and it would not be justified to refuse the application for this reason.

10.40 Overall, based on the information provided in terms of loading, hours of operation, waste management and supervisor, it is considered that the proposed market can continue to operate successfully with limited impact on the surrounding residents and commercial properties. To ensure that the standards of operation are maintained going forward, a condition is recommended that a full Operation Management Plan detailing Market Manager (and responsibilities), refuse plans and collection arrangements, litter control measures, unloading and loading timing and further litter control measures shall be submitted and approved within 2 months of implementation. It is considered acceptable subject to conditions discussed above.

Neighbours Amenity

10.41 Policy DM2.1(x) seeks to ensure developments provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

10.42 The main concerns raised by residents surrounding the market include the following

- Noise and disturbance
- Smells from food
- Area should be kept as open space

Noise and disturbance

10.43 Concerns have been raised by noise generated from the site. The Pollution Control team have been consulted and raised no objections to the market. The hours of operation would not be early morning (before 7am) or late at night (after 11pm). These times are considered the most vulnerable times for residential occupants who may be at sleep. The operating times are 9am to 4pm, for three days a week during working hours. The remaining hours and days, the plaza would have no additional activity. Given the hours and percentage time of operation, it is not considered to have an adverse impact on residential properties. Whilst concerns have also been raised by offices in the vicinity, the noise generated from site set up and customers of the market would not be sufficient to warrant a refusal given its central location. There is an expected level of noise within central locations from businesses and people coming and goings during the working day.

10.44 Furthermore, the Acoustic Officer has highlighted that no complaints have been received from the existing market which has operated over the last 2 years. The Planning Officer has also inspected the existing market during the lunchtime period and did not experience significant increases in noise levels. Given the site's locations and time of operation, it would not cause significant noise concerns in this instance.

Smells from food

10.45 The market is located in an area where there is a high volume of restaurants currently operating. This however is a central London location where there is a significant demand for eateries and wide variety of food choice. Whilst Officers acknowledge that the cooking of food will generate some smells that at the time of cooking, a condition has been attached to limit the cooking time between the hours of 11am and 2.30pm. This would coincide with lunchtime period and the cooking of food within a limited time period (3 ½ hours) for a period of 3 days per week is considered acceptable given its central location.

Area kept as private open space

10.46 One of the objections received highlighted that the plaza remains one of the only areas of private open space centrally that residents can enjoy some tranquillity. Officers acknowledge these concerns raised and the conditions of operation ensure that the space is only used as a market for a limited period during the day and week. The market is conditioned to operate a maximum of 3 days a week within a specific time (9am-4pm). Outside the days and times proposed, the space would be free of commercial activity. It must be noted during evenings and weekends, there would be no market activity within the plaza. These reflect the times when the most residents are likely to seek amenity space to relax and unwind.

10.47 On this basis, it is considered that the proposed market would not detrimentally impact upon the amenity of the neighbouring occupiers. The proposal is therefore considered to accord with policy DM2.1 which requires development to provide good level of amenity.

Other matters

10.48 Officers are satisfied with the principle of the market operating and the initial details submitted within the Transport Statement and Waste Management Strategy. Notwithstanding the information submitted, a detailed Operational Management Plan shall be submitted prior to commencement of the development. These details shall include of the Market Operator, details of the site supervisor controls and responsibilities, measures to ensure fire exits and right of ways maintained, fixed water supply, further detailed waste management strategy and litter control measures. These details shall be provided prior to commencement of the use.

10.49 Officers would also highlight the fall-back position which allows street markets to operate under permitted development for a period of 14 days per year (allowed under permitted development rights Part 4, Class B of the Town & Country Order 2015).

10.50 Officers consider a temporary consent as a more suitable mechanism to monitor issues of noise and anti-social issues including litter/rodent and delivery complaints. For the market to remain viable, the applicant requires a minimum of 36-month consent to ensure commitment from market vendors and the necessary financing. Officers have reviewed this request and given that there have been no significant concerns raised from both internal and external consultees during the previous two-year monitoring period, it is considered acceptable to extend the permission for a 36-month period.

10.51 This would give the Council a longer period of time to monitor the conditions and formal complaints on the site. It is therefore recommended that temporary consent be granted for a period 36 months.

11. SUMMARY AND CONCLUSION

Summary

11.1 A summary of these proposals is set out within paragraphs 4.1 to 4.6 of this report.

Conclusion

11.2 It is recommended that planning permission be granted subject to conditions 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	Temporary Consent (36 Months) CONDITION: The hereby approved market is granted only for a limited period, being 36 months from the issue of this permission. After that date, no further markets shall run unless further consent has been obtained from the Local Planning Authority. Reason: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.
2	Approved plans list DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: Site Location Plan, 001, 8269- PL-GA-103, Planning, Design & Access Statement dated June 2019, Cowcross Estate Transport Statement by DPZ Investors Ltd dated June 2019 REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
3	Hours of operation CONDITION: The market shall operate between the hours 9.00am and 4.00pm on Tuesdays, Wednesdays and Thursdays only. The cooking of food shall only take place between 11.00am and 2.30pm only. Reason: In the interest of protecting adjoining residents and offices amenity from noise, smells and disturbance.
4	Site set up construction restrictions CONDITION: The site set up and removal shall take place between the hours of 9.00am and 4.00pm. No more than 4 stalls shall set up at the same time. REASON: To mitigate against noisy activities that may lead to noise transfer and ensure that the proposed development does not have an adverse impact on neighbouring amenity
5	Number of stalls (restriction) CONDITION: The stalls shall be laid out in accordance to drawing reference 8269-PL-GA-103

	<p>No more than 13 stalls shall operate or be allowed on site at any one time.</p> <p>Reason: In order to maintain the pedestrian access way (congestion) and maintain the primary function of the private space as area of open space and to protect the amenity of adjoining neighbouring properties.</p>
6	Market Supervisor/Manager
	<p>CONDITION: A market supervisor or manager shall be present during market operation times (9.00am-4.00pm) on each day the market is operated,</p> <p>Reason: To ensure the operational management of the market complies with the site set up arrangements, waste disposal and to liase with the adjoining residents on any issues of concern.</p>
7	Servicing, unloading and deliveries
	<p>CONDITION: Servicing, unloading, loading and deliveries to the hereby approved market stall development shall only occur between the hours of 9.00am and 4.30pm on the approved market days being Tuesdays, Wednesdays and Thursdays.</p> <p>REASON: In the interests of highway's safety and congestion and neighbourhood amenity.</p>
8	Market Operational Management Plan
	<p>CONDITION: Prior to commencement of the hereby approved use, a Market Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The operational management plan should detail how the development will be managed and controlled to address the following related activities:</p> <ol style="list-style-type: none"> 1 Unloading and loading timings, locations and parking arrangements related to the development. 2 Details of site supervisor/supervision of the market stalls and controls and responsibilities 3 Measures to ensure fire exits and right ways maintained) 4. Details of a fixed supply of hot and/or cold potable water supply. 5. Refuse plans, facilities locations and collection arrangements. 6. Litter control measures. 7. Any necessary noise control measures <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. No change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity and highways safety and congestion in the surrounding area.</p>

List of Informatives

1	Other legislation
	You are reminded of the need to comply with legislation outside the realms of the planning legislation including Building Regulations, Environmental Regulations (including noise and litter), Inclusive Design etc.
2	Licensing: You are reminded that a license would be required if any of the stalls wish to sell alcohol. If that is the case, the land owner would have to apply for a full Premises License.
3	Private property: You are advised to remind customers of the market not to sit on steps or entrances into private residential and office buildings. Whilst it is not a planning issue, it is a third party civil matter between the owner of the property and the individual.

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 2019 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 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

<p>1 Context and strategy Policy 1.1 Delivering the strategic vision and objectives for London</p> <p>2 London's places Policy 2.10 Central Activities Zone – strategic priorities Policy 2.12 Central Activities Zone – predominantly local activities Policy 2.18 Green infrastructure: the network of open and green spaces</p> <p>3. Policy 3.19 Sports facilities</p>	<p>5 London's response to climate change Policy 5.3 Sustainable design and construction Policy 5.13 Sustainable drainage Policy 5.17 Waste capacity</p> <p>6 London's transport Policy 6.2 Providing public transport capacity and safeguarding land for transport Policy 6.3 Assessing effects of development on transport capacity Policy 6.9 Cycling Policy 6.10 Walking Policy 6.11 Smoothing traffic flow and tackling congestion</p> <p>7 London's living places and spaces</p>
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4 London's economy
Policy 4.1 Developing London's economy
Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision
Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services

Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
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)

Policy CS15 (Open Space and Green Infrastructure)
Policy CS11 (Waste)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
DM2.4 Protected views

Health and open space

DM6.3 Protecting open space
DM6.5 Landscaping, trees and biodiversity

Shops, culture and services

DM4.9 Markets and specialist shopping areas

Transport

DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling

D) Finsbury Local Plan June 2013

BC7 Historic Clerkenwell
BC8 Achieving a balanced mix of uses

5. Designations

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

- Finsbury Local Plan Area
- Conservation Area
- Local views

- Open Space
- Archaeological Priority Area
- Core Strategy Key Area
- Conservation Area
- Central Activities Zone

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

London Plan

- Conservation Area Design Guidelines
- Urban Design Guide
- Accessible London: Achieving and
- Sustainable Design & Construction
- Planning for Equality and Diversity in London