



## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

<b>PLANNING COMMITTEE</b>		AGENDA ITEM: B1
<b>Date:</b>	9 <sup>th</sup> February 2021	<b>NON-EXEMPT</b>

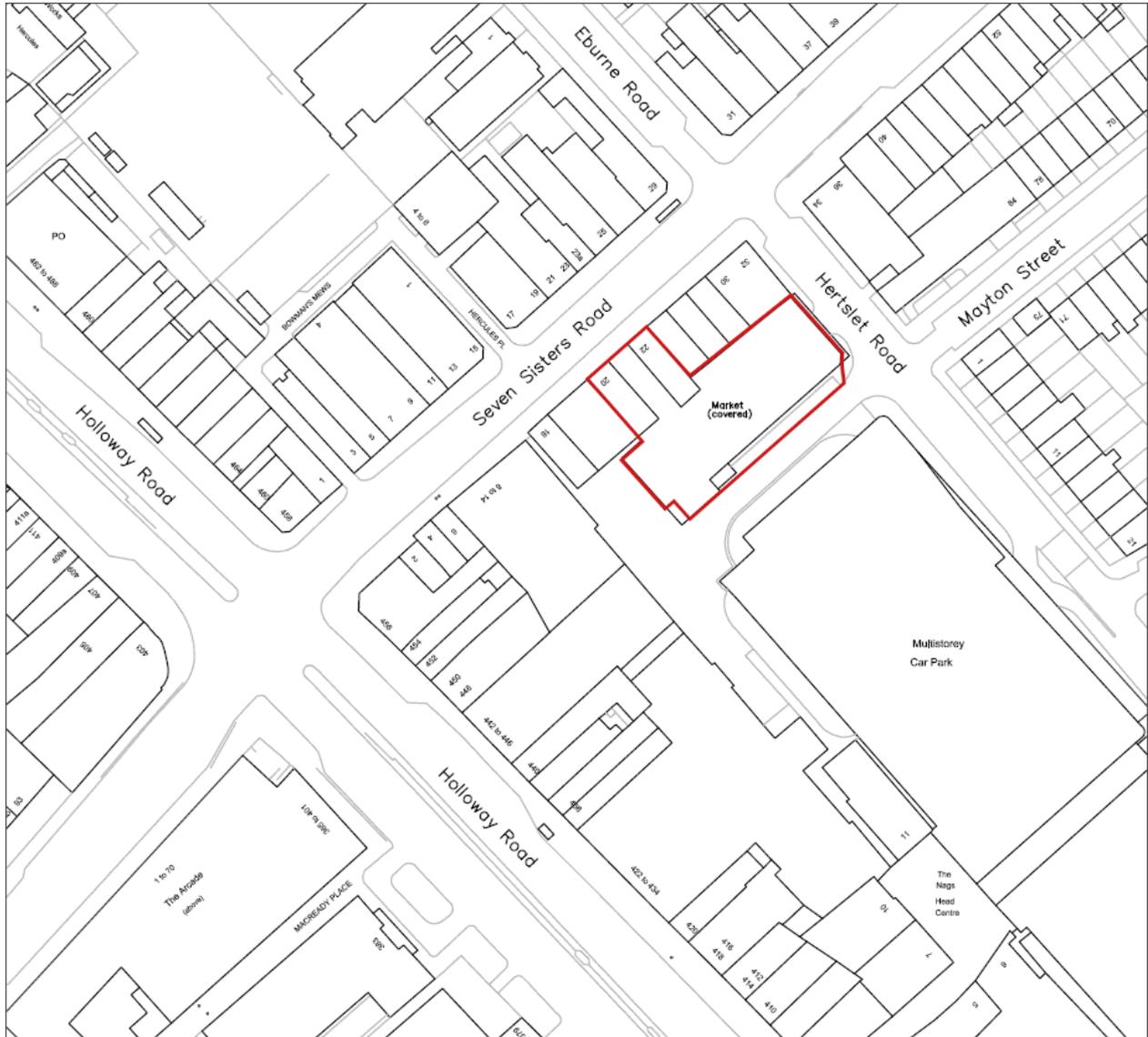
Application number	P2020/0079/FUL
Application type	Full Planning Application
Ward	Finsbury Park
Listed building	No
Conservation area	No
Development Plan Context	Core Strategy Key Areas (Nags Head and Upper Holloway) Cycle routes (Major) Primary Retail Frontage (Nags Head) Site allocation (NH1) Site within 100m of a TLRN Road (Holloway Road) Town Centre (Nags Head)
Licensing Implications	Yes
Site Address	Nags Head Covered Market, 22 Seven Sisters Road, N7 6AG
Proposal	Proposed use of mezzanine floor for food and drink uses in association with the retention of Ground Floor Market use (Sui Generis), with associated first floor access door and staircase (emergency escape) to south elevation, and creation of covered first floor terrace to the west elevation, together with the retention of first floor central glazing and built up brickwork to south elevation, retention of north flank first floor central glazing and brick wall enclosure and retention of alterations to rear extractor/plant equipment, louvered screen and associated works.

Case Officer	Jake Shiels
Applicant	C/o Agent
Agent	Mr Jim Tarzey – Pegasus Group

## 1. RECOMMENDATION

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 red)



**Image 1:** Location Plan

### 3. PHOTOS OF SITE/STREET



**Image 2:** 3D street view towards south elevation



**Image 3:** 3D street view towards north elevation



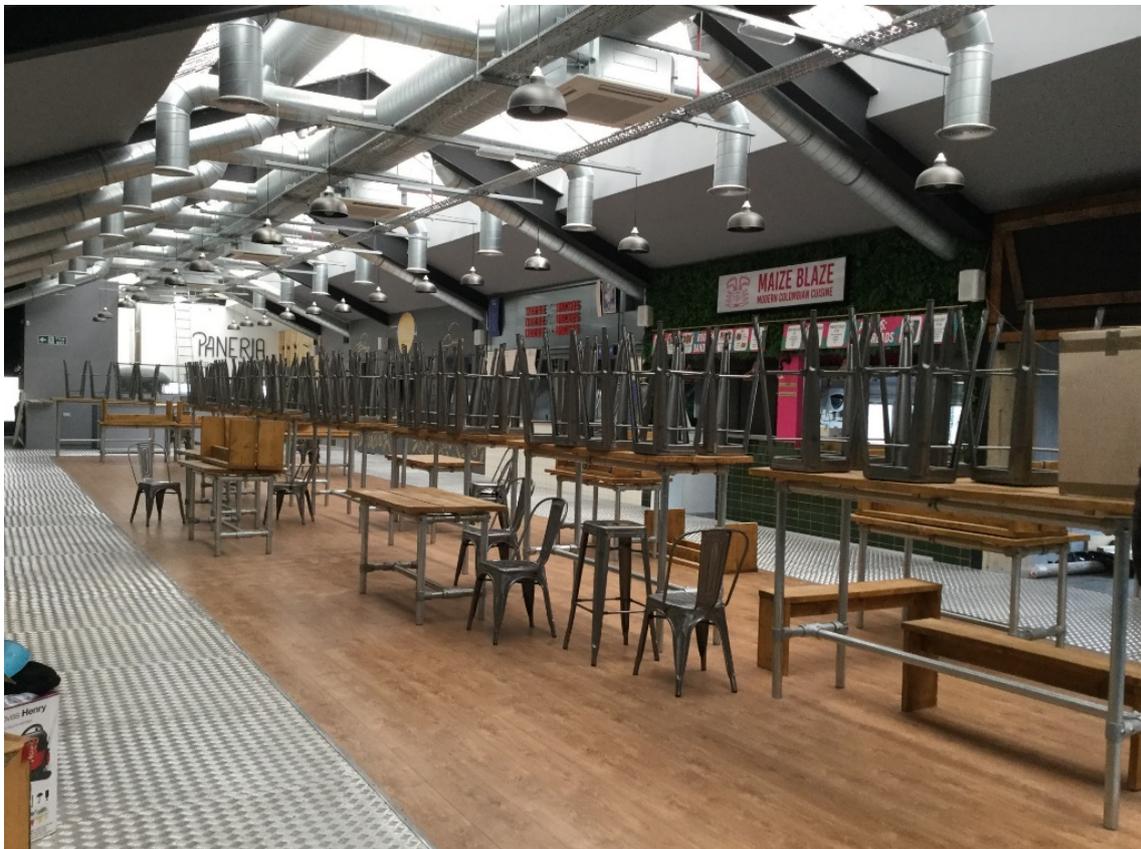
**Image 4:** Seven Sisters Road Elevation



**Image 5:** Hertslet Road Elevation



**Image 6:** South elevation and service yard Hertslet Road



**Image 7:** Internal Mezzanine – 'The Upper Place'

## **SUMMARY**

- 3.1 The application proposes the use of the mezzanine floor at the market for food and drink uses, containing 16 new units, intended to be opened as a 'street food' market called 'the Upper Place'. It would house restaurant vendors, toilets, a main communal eating space, an ancillary bar and a smoking area on a terrace to the rear. The proposal also seeks to regularise the ground floor market use of the site, inclusive of retail, restaurant and hot food takeaway uses that together with the proposed mezzanine floor use would constitute a single planning unit in Sui Generis use.
- 3.2 In addition to the proposed additional units at mezzanine level, internal alterations and the regularisation of the ground floor use, the application also proposes a first floor access door and staircase, the creation of a covered first floor terrace, retention of alterations to rear extractor/plant equipment, louvered screen and associated works, retention of first floor central glazing and built up brickwork to the south elevation and the retention of the north flank first floor central glazing and wall enclosure.
- 3.3 The market is a two storey building which was originally established in 1975 and currently includes a variety of stalls, shops, cafés, restaurants and hot food takeaway units. The ground floor comprises 46 units in total, with a number of formerly separate units having been amalgamated. The market also contains a first floor level with offices associated with the operation of both the ground floor and a mezzanine level.
- 3.4 The proposal would help support the wider function of the Nags Head Town Centre, providing opportunities for small scale business and supporting a wider mix of retail and service opportunities. The proposal would complement existing leisure and retail uses and would support efforts to address the need for more family friendly evening functions (such as restaurants) within the town centre, as identified in the Nag's Head Town Centre Strategy 2007 for leisure provision for young people and for families. The range of food outlets and the central seating layout offered at mezzanine level is considered to contribute to these aims.
- 3.5 The external alterations and development to be retained are considered acceptable in design terms and officers are satisfied that the proposed external alterations would not harm the character and appearance of the area.
- 3.6 The proposed development is considered not to prejudice the residential amenity of neighbouring occupiers insofar of noise, disturbance, public safety, odour and pollution. The submission and conditioning of any permission in accordance with the submitted Operational Management Plan and Late Night Operations Plan, provides a clear means by which the use can operate without detrimentally impacting neighbour amenity and any breaches of Planning control are capable of being reasonably enforced.
- 3.7 The application is referred to committee given the number of responses received to the consultation.

## **4. SITE AND SURROUNDING**

- 4.1 The application site contains the land and building named the Nags Head Covered Market. The land and building, which has a footprint of approximately 1,260 square metres is located on the south side of Seven Sisters Road and is located east of Holloway Road. The market has two public accesses, one from Seven Sisters Road and another from Hertslet Road. There is an existing servicing road and yard accessed off Hertslet Road to the south of the market which serves deliveries to the market.

- 4.2 The market is a two storey building which was originally established in 1975 and includes a variety of stalls, shops, cafés/restaurants and hot food takeaway units. The majority of the shops are only visible from inside the enclosed market area although a limited number of the shops do have frontages onto Seven Sisters Road. The ground floor of the market consists of retail, restaurant and hot food takeaway uses, consisting of 46 units in total, with a number of formerly separate units having been amalgamated. The market also contains a first floor level with offices associated with the ground floor and a mezzanine level. The mezzanine floor was originally introduced in 2005 with an area of 342sqm, this was extended by 264 square metres in 2016 and completed in 2017. The re-constructed part of the mezzanine has a floorspace of 606 square metres in total. The mezzanine level is currently fitted out to provide 16 restaurant vendors and bar and is waiting to be brought into use subject to this application.
- 4.3 Visually, the market is made up of brick external walls to the north, east and south with a lateral band of glazing at first floor extending around the east, south and partially around the north elevation. The rear of the market (west elevation) has corrugated clad elevations, with louvred cladding enclosing plant machinery at first floor level above a single storey projection to the rear of the site. The roof and upper levels of the market to the west, east and south feature corrugated cladding. There are shopfronts within the existing facades on the west entrance to Seven Sisters Road and the north entrance onto Hertslet Road includes awnings with illuminated signage upon fascias.
- 4.4 Externally, there are also storage containers, a meter access door and a ventilation flue to the south elevation of the existing building. Planning application reference P2020/0584/FUL, which is pending a decision seeks to alter these works.
- 4.5 To the north the site fronts onto the busy commercial high street of Seven Sisters Road, which is characterised by a number of retail, restaurant and hot food takeaway uses.
- 4.6 Directly to the south of Nag's Head Market is a supermarket (Morrisons) and associated multi-storey car park. The brick-clad building stretches along Hertslet Road. To the east of the site is the Old Fire Station which comprises glazed bricks with fascias in green tiles and green door frames. Mayton Street directly east of the site comprises 3 storey terraced properties, a 4 storey residential block (Hood Court) and the five storey Old Fire Station building that serves residential properties and the Holloway Neighbourhood Group.
- 4.7 The application site is not listed nor is it located within a conservation area. The site is situated within the Nag's Head Town Centre and Nags Head Primary Retail Frontage.

## **5. PROPOSAL (IN DETAIL)**

- 5.1 The proposal seeks permission for the use of the mezzanine floor for food and drink uses. The mezzanine floor would contain 16 food units and is intended to be opened as a 'street food' market called 'the Upper Place'. Each unit has been fitted out to the specifications required by each individual occupier. The proposal includes seating areas at the centre of the mezzanine level for approximately 250 covers around which the vendors would be located.
- 5.2 The proposed mezzanine floor would house restaurant vendors, an ancillary bar, W.C facilities, a central communal eating space and a smoking area on a terrace to the rear. The mezzanine would have a new formal access door to the eastern end of the ground floor and a sliding door from Hertslet Road. A lift would provide access from the ground floor up to the mezzanine level. There is also an ancillary bar located at mezzanine level that would serve drinks only to customers who have bought food and are seated to ensure that this use remains ancillary to the primary function of the market. It is expected that each café/restaurant unit may provide ancillary takeaway services.

5.3 The proposal also seeks to regularize the use of the ground floor space, which given the mix of retail, café/restaurant and hot food takeaway units, together with the mezzanine uses would comprise a Sui Generis use. Of the 46 ground floor units, 28 (60%) are in retail use, 9 (20%) are in café/restaurant use and 9 (20%) are in hot food takeaway use.

5.4 In addition to the proposed regularisation and additional uses, and alterations within the market, the proposal includes a number of other alterations, which are detailed below.

*First floor access door and staircase (emergency escape) to south elevation*

5.5 The application seeks to retain the black metal secondary stair as a fire escape. A staircase has been present to this elevation since 2012 but has recently been extended over the unauthorised containers at ground floor level. As part of this application the door at its head would be widened to 1200mm to enable its use as a fire escape.

*Creation of covered first floor terrace (west elevation)*

5.6 The smoking terrace would utilise the first floor rear area of the market, providing approximately 45 square metres of floor space and utilises existing ground floor stairs from the market. The outer walls and roof would consist of metal corrugated cladding to match the materials to the rear of the site.

*Retention of alterations to rear extractor/plant equipment, louvered screen and associated works*

5.7 In June 2018 mechanical plant (extractors, air conditioning units and silencers) towards the rear of the market were granted planning permission (P2018/1092/FUL). In 2019 during the construction of this consented scheme the mechanical plant was not installed at the height consented. Two of the extractor pipes are protruding out of the rear of the building higher than approved and the air conditioning units are located in a marginally different position, albeit being less in number than the approval. The rear louvered screen to this plant has horizontal slats instead of the approved vertical slats. The door and window openings have not been inserted into the elevations. This application seeks to regularise the mechanical plant.

*Retention of first floor central glazing and built up brickwork to south elevation, and north flank first floor central glazing and wall enclosure*

5.8 In November 2017, planning permission (ref: P2017/2553/FUL) was granted for new shop fronts and awnings along with fascias on existing facades. It also included alterations to the Hertslet Road elevation (east elevation) with windows to the central void on the first floor and the existing brickwork painted. The permission did not include the south elevation which had a continuation of this glazing and built-up brickwork and also a small section of glazing with wall enclosure across the north elevation. This permission seeks to regularise these works.

*Further works subject to separate planning application*

5.9 A separate planning application (ref: P2020/0584/FUL) has been submitted that seeks to overcome the reason for refusal on a previously refused application (ref: P2019/0490/FUL) for the retention of such works. This is a part retrospective application for the retention of storage containers, meter access door and a ventilation flue to the south east elevation of the existing building associated with the ground floor use of the market. The proposal seeks to clad the containers and ventilation flue. This application will be presented to the Planning Committee for determination.

## 6. RELEVANT HISTORY:

- 6.1 910585: Redevelopment to provide retail shops and market hall associated retail storage area office space and car parking at ground and first floor levels minor alterations to scheme approved in May 1990. **Approved** with conditions at Committee on 17/07/1991.
- 6.2 911493: Submission of details of facing materials pursuant to condition no.2 of planning permission ref.91/0585 dated 17th July 1991 (as amended by letter dated 18th December 1991). **Approved with no conditions** on 01/05/1992.
- 6.3 920031: Installation of internally illuminated signs on covered market consisting of (1) projecting box sign three fascia signs and strip lights on Seven Sisters Road frontage and (2) projecting box sign and strip lights on Hertslet Road frontage. **Approved** with conditions on 01/04/1992.
- 6.4 P062433: Internal alterations and change of use to provide new office units at vacant first floor level. Installation of a new shop fronts to incorporate access to first floor area. **Approved** with conditions on 25/01/2007.
- 6.5 P2017/2553/FUL: Installation of new shop fronts on the existing facades on the west entrance on Seven Sisters Road and the north entrance on Hertslet Road including the installation of new awnings. The central void on the first floor will in turn be developed into new windows. Existing brickwork to be painted. Alterations to North Entrance on Hertslet Road including installation of a timber fascia and signage suspended above entrance. The width of the entrance will be expanded via demolishing a portion of the brickwork around the existing entrance. Down-facing lights will also be installed on the existing overhang. Existing brickwork will be painted. **Approved** with conditions on 02/11/2017.
- 6.6 P2017/2652/ADV: Display of 1no. externally illuminated fascia sign containing small light bulbs spelling out 'Nags Head Market' and display of 1no. internally illuminated hanging sign on Seven Sisters Road Elevation and 1no. externally illuminated fascia sign containing small light bulbs spelling out 'Nags Head Market' on Hertslet Road elevation. **Approved** with conditions on 02/11/2017.
- 6.7 P2017/4532/COL: Certificate of Lawfulness (Existing) for the retention of an existing first floor mezzanine level internally located and used as an extension to the existing covered market in sui generis use. **Approved** with no conditions on 23/01/2018.
- 6.8 P2018/1070/AOD: Approval of details for condition 4 of planning application P2017/2553/FUL dated 2nd November 2017. **Approved** with no conditions on 22/05/2018.
- 6.9 P2018/1092/FUL: Erection of a two-storey extension to enclose a staircase, with associated plant on its roof. **Approved** with conditions on 04/06/2018.
- 6.10 P2019/0490/FUL: A retrospective application for the retention of an external staircase, meter access door, storage containers and a ventilation flue upon the east elevation of the existing building. **Refused** on 14/06/2019 for the following reasons:

*REASON: The proposed storage containers and associated staircase and balustraded platform area, by reason of their design, size and siting, would be incongruous and unsympathetic features that would harm the character and appearance of the street scene and wider area. The proposal is therefore considered to be contrary to policies DM2.1 of the Development Management Policies 2013, CS3 and CS8 of the Core Strategy 2011, 7.4 and 7.6 of the London Plan 2016, the Urban Design Guide 2017.*

*REASON: The proposed external flue by reason of its scale and prominent position on the building would be harmful to the visual amenity of the area. The proposal is therefore considered to be contrary to policies DM2.1 of the Development Management Policies 2013, CS3 and CS8 of the Core Strategy 2011, 7.4 and 7.6 of the London Plan 2016, the Urban Design Guide 2017.*

**Dismissed at appeal** on 18/11/2019.

- 6.11 P2019/1010/ADV: Display of 2 no. cut out backlit individual letters spelling out "The Upper Place" on Seven Sisters Road and Hertslet Road elevations, one new projecting sign on Seven Sisters Road, as well as alterations to previously consented vinyl signage (P2017/2652/ADV) relating to Nags Head Market for Display of 1no. externally illuminated fascia sign containing light bulbs spelling out 'Nags Head Market' and display of 1no. internally illuminated hanging sign on Seven Sisters Road Elevation and 1no. externally illuminated fascia sign containing light bulbs spelling out 'Nags Head Market' on Hertslet Road elevation. **Pending Decision.**
- 6.12 P2019/2300/COLP: Certificate of Lawfulness (Proposed) for sui generis uses on the ground floor and mezzanine floor of the market. **Refused** on 11/10/2019 for the following reason:

*The information submitted with the application is not considered sufficient to satisfy the local planning authority that the uses described would be lawful under Section 192 of the Town and Country Planning Act 1990 (as amended) if instituted or begun at the time of the application. Therefore, it is recommended that the certificate is refused and planning permission is required.*

P2020/0584/FUL: Part retrospective application for the retention of storage containers, meter access door, and a ventilation flue to the south east elevation of the existing building, plus cladding of the containers and ventilation flue. **Pending Decision.**

## **CONSULTATION**

### **Public Consultation**

- 6.13 Letters were sent to occupants of 117 adjoining and nearby properties at Seven Sisters Road, Holloway Road, Hertslet Road and Mayton Street on 13/05/20. A site and press notice also advertised the proposed development on the same date. The public consultation of the application therefore expired on 14/06/20 however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 6.14 A total of 43 comments were received, 29 in support, 3 with neutral comments and 11 raising objection.
- 6.15 Further consultation was undertaken on 09/11/20 and ended on 06/12/20 following the receipt of additional submission documents from the application. These comprised:
- Plans detailing retention of brickwork and glazing to south elevation;
  - Plans detailing retention of glazing and wall enclosure to north elevation; and
  - Amended/Additional Transport Statement, Active Travel Zone Healthy Streets Assessment and Servicing and Delivery Management Plan.
- 6.16 At the time of the writing of this report a total of 13 further responses had been received from the public with regard to the latest round of consultation. A total of 2 comments of support and 11 objections were received, none of which are new entries/individuals to the original consultation detailed in paragraph 6.14.

- 6.17 A written petition in support of the proposals at the market has been received with 17 signatures, whilst an online e-petition supporting the proposal received 93 signatures. The ePetition ran from 27/06/2020 to 10/08/2020 and has now closed.
- 6.18 An e-petition objecting to the market development received 34 signatures. The ePetition ran from 06/07/2020 to 31/08/2020 and has now closed.
- 6.19 Councillor Heather has submitted an objection to the proposal on behalf of the Ward Councillors for Finsbury Park.
- 6.20 The points raised in the representations can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

### **Representations in Support**

#### *Benefits to local area, including jobs and vitality*

- General support for application.
  - Proposal will attract more business and residents to the area.
  - Will be a positive change and a great asset for the Nags Head community.
  - 'The Junction' a similar local business does not have issue arising from hot food takeaway collection.
  - Will support the provision of jobs and make the area more appealing.
  - High quality commercial tenants will support the Nags Head area and help transform area for the better, making it feel safer, cleaner and more attractive to all.
  - Issue with street drinking is associated to sale of alcohol from supermarkets.
- (Paragraphs 8.26-8.40)**

#### *Food hall use and options*

- Proposal would provide further options for local residents and rejuvenate the Nags Head area given the loss of major retail shops in that area.
  - Food hall would support small restaurant business start-ups.
  - Mezzanine use would introduce more jobs and offer further options of restaurants and venues to go out to in evening.
  - Current market is poor quality and does not feel safe and proposal would improve this.
  - It would bring visitors from outside the Holloway area, helping to support and invest in the area.
  - The proposal would address lack of independent small restaurant choices in the area.
  - Fulham, Victoria, Covent Garden and Oxford Circus all have market halls, and this is the direction dining out is moving. Residents have to travel to other parts of London for a similar offering.
  - There is a high level of local support and Council consultation should have been wider.
- (Paragraphs 8.32-8.40)**

#### *Impact on residential amenity*

- Support exit of evening customers onto Seven Sisters and not Hertslet Road.
- (Paragraph 8.64)**

## Neutral Comments

- Support proposal but note that traffic issues, litter, overprovision of fast food and pricing of food should be addressed.
- Building works should be limited during Covid-19 pandemic.  
**(Paragraph 8.79-8.93 and Informative 1)**

## Representations Raising Objection

### *Lawfulness of mezzanine*

- There is no valid planning permission in place for the construction of the first floor mezzanine level at the Market. Planning permission should be sought for this.
- No planning permission is in place to sell hot food on the ground floor of the Market, and as such this use cannot be sold from the mezzanine.  
**(Paragraphs 8.15-8.18)**

### *Unauthorised works*

- The two Planning Applications need to be considered together as they linked.
- Previous LPA and Planning Inspectorate decisions note that part of the existing ground floor of the Market (being the shipping/storage containers) currently exist unlawfully.
- Works have been undertaken over a number of years to demonstrate operation and business capacity, but are in breach of planning control.
- No consideration of local community and no benefits proposed.
- No Enforcement action has been taken regarding the changes of use at the market.
- The installed staircase is narrow and prior to 2018 there was no platform.
- Market can only stay open to 7pm but it has regularly opened until 10/11pm.  
**(Paragraphs 8.2-8.5)**

### *Repeat applications*

- Confusion regarding why two separate planning applications are submitted.
- There has been no material change to the Market or its activities since consideration of a certificate of lawful use (ref: P2019/2300/COLP). This matter should not be considered further.
- The applications are a further attempt to regularise unauthorised works and uses to try to avoid Enforcement action.
- The applications should not have been validated or processed due to lack of detail addressing uses or hours of use.  
**(Paragraphs 6.1-6.12 and 8.6-8.14)**

### *Design, appearance and access*

- Piecemeal additions and poor construction result in a poor design.
- Concerns raised regarding safety associated with building quality and proposed uses.
- Access and egress to and from the market, in fire safety and impact on residents needs further consideration and public consultation.
- Management and security of the service road is required to address anti-social behaviour and parking of delivery/collection vehicles.  
**(Paragraphs 8.41-8.54)**

### *Loss of retail*

- The market needs to be more diverse in its retail offer and cater for the needs of local shoppers. It must not become dominated by hot food outlets. No justification for the proposed uses has been provided.  
**(Paragraphs 8.26-8.31 and 8.40)**

### *Introduction of non-retail uses*

- The area has currently has high levels of food sellers and does not need additional food outlets that would promote obesity.
- This area is a cumulative impact area and all planning for such an establishment should be rejected on these grounds alone.
- The busy day and night-time leisure and social scene the proposal would generate must seriously be taken into account by Islington Council.  
**(Paragraphs 8.32-8.37)**

### *Management and Operations*

- The management plan and operation of the market seems insufficient. The ability of two security staff to manage anti-social behaviour is questioned and questions raised regarding management of deliveries after 8pm from Herslet Road.
- Questions raised regarding management of health and safety, fire safety and evacuation.
- Questions raised regarding suitability of waste management and recycling for the market.  
**(Paragraphs 8.61-8.70 - 8.101-8.111)**

### *Neighbouring amenity*

#### Noise

- Concern raised regarding noise pollution from music and crowds.
- Existing disturbance issues from hot food takeaway collection vehicles together with service and delivery vehicles would be further exacerbated.
- Site could be used as a party/night-club venue.
- Sale of alcohol raises concerns.
- The smoking area would result in disturbance.  
**(Paragraphs 8.55-8.78)**

#### Odour, Pollution, Litter and other impacts on public health

- The proposal would result in poorer air quality and particulate matter from cooking is dangerous to children's development and to anyone with breathing problems.
- The proposal would help spread Covid-19.
- Increases in refuse would result in issues with pest control.
- Concern regarding additional use on football match-days and resultant litter.  
**(Paragraphs 8.90 and 8.94-8.99)**
- The storage of refuse and construction of the refuse store is a fire risk that should be reviewed by the London Fire Brigade to ensure it is safe.
- A fire safety plan has not been submitted and the site should be approved by the London Fire Brigade.  
**(Paragraphs 8.101-8.107)**

### Anti-Social Behaviour

- Concern raised regarding health and safety of young children.
- Proposal would increase anti-social behaviour in the area.
- Concern regarding sale of alcohol and associated crime and disorder issues.
- The ancillary bar will be used as a bar for stand-up alcohol consumption, with higher numbers than the maximum capacity on match-days at Emirates Stadium.
- Sale of drugs likely to increase.

**(Paragraphs 8.56-8.70)**

### *Highway Safety and Traffic*

- Concern regarding increased car parking pressure, higher levels of traffic and larger numbers of pedestrians
- Concern regarding congregation of hot food takeaway collection vehicles and disregard of highway controls.
- Updated Delivery and Servicing Plan does not provide any new information.
- The "Healthy Streets Assessment - Active Travel Zone" is notes that the author did not visit the site or surrounding area to prepare it.

**(Paragraphs 8.79-8.93 and 8.109-8.11)**

- 6.21 Copies of all representations received will be provided to Members of the Planning Committee prior to the Committee meeting.

### Internal Consultees

- 6.22 **Building Control:** The building regulations application is retrospective. It covers fit out of the mezzanine food hall. The previous works including structural alterations were subject to an Approved Inspectors review. Before Building Control's involvement the London Fire Brigade had issued a Prohibition Notice. The works Building Control are checking are supported by architects and a Fire Engineer Consultant. The Fire Strategy produced has been consulted with the London Fire Brigade and accepted. Fire evacuation relies on two stairways; one from the entrance at Hertslett Road and the other from the South elevation onto the service road. In addition to the fire safety aspects Building Control will be checking further design information from the project including ventilation, drainage, energy use, access and safety.

- 6.23 **Commercial Environmental Health Officer:** In regards to the smoking terrace, to comply with the Smoke-free (Premises and Enforcement) Regulations 2006, the smoking shelter must not be wholly enclosed or substantially enclosed. In practice this means the smoking shelter must not have sides (including doors, windows or other fittings that can be opened or shut) that enclose more than 50% of the shelter.

Consideration must also be taken to avoid fires from nearby bins or anything that may be flammable. It needs to be ensured that commercial waste location needs to comply with the above Regulations.

Local residents must also be considered to ensure no odour or noise nuisance is created.

- 6.24 **Highways Officer:** No comments or concerns with regards to the planning application.

- 6.25 **Inclusive Design Officer:** Comments/requests made on the following:

- Requested provision of 2<sup>nd</sup> lift in addition to existing lift required
- Welcomes wheelchair level counters, but needs to go further with an accessible toilet

- Applicant needs to ensure there are a range of table heights are available, with the clear space to the underside of the tables between 700 mm and 800 mm
- Location of cycle parking should be specified
- Welcomes post 20:00 non-motor delivery.

6.26 **Planning Policy:** Whilst the proposal represents a lost opportunity for additional retail floorspace it is considered that it will help support the wider function of the town centre, providing opportunities for small scale business and supporting a wider mix of retail opportunities. The policy team is supportive in principle providing clarity is provided over the issues raised in these comments. In particular we are concerned that the markets role in providing retail goods and services for the local community is maintained and ensuring a commitment which achieves a proportion of retail market floorspace is achieved should form part of the decision.

6.27 **Public Protection (Licencing):** No objections raised.

6.28 **Public Protection (Noise):** There is the potential for adverse impacts from noise and it seems like there are still issues that need to be addressed within the documents submitted, three conditions are therefore advised:

- 1) A final Noise Management and Late Night Operations Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the site for the approved use.
- 2) To mitigate the impacts from servicing and deliveries the following condition is advised "There shall be no bottling out, deliveries or servicing between 2300 hours and 0800 hours on any day."
- 3) With amplified music, recorded music is exempt from licensing from 0800-2300 hours. Therefore it may be appropriate to condition music limits in line with the assumption within the report:

"Full particulars and details of any amplified sound system along with any noise control measures for the use hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing on site. This shall include details of the speaker positions, sound limiter and  $L_{Aeq}$ ,  $L_{eq}$ , 63Hz and 125Hz measurements at specified monitoring points for the limiter setting along with any sound insulation proposed. The sound limiter shall be installed prior to the use commencing and all amplified music and sound shall be subject to the control of a noise limiter at all times. The sound limiter shall be regularly maintained and calibrated annually as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority."

### **External Consultees**

6.29 **London Fire Brigade:** No objection, comments read:

*'With reference to your letter dated 13/05/2020, your town and country application, reference number: P2020/0079/FUL, in respect of the above-mentioned premises has been examined I am satisfied with the proposals in relation to the fire precautionary arrangements, this includes fire-fighting provisions including number of hydrants available and fire-fighter access.*

*This is without prejudice to any requirements or recommendations that may be made by the Commissioner under the Regulatory Reform (Fire Safety) Order 2005/Petroleum (Consolidation) Act 1928, the local authority or the Health and Safety Executive.'*

6.30 **Metropolitan Police (Crime Prevention):** No objections to the proposal. Notes that management of the premises is a considerable contributory factor to preventing and deterring crime. Additional recommendations made to ensure safety, include:

- Suggested that the external staircases are secured so that they cannot be accessed out of hours. These areas should also be well lit with bulkhead lighting to deter any illegitimate users trying to gain access out of hours.
- Suggested that the widened staircase door meets minimum security standards.
- Suggested that Chelsea hooks are installed on the tables in the eating area.
- The other matters in relation to operational management appear to have been well covered.

6.30 **Transport for London (TfL):** In response to the first consultation TfL requested additional information including an Active Travel Zone (ATZ) Assessment, cycle parking details, an updated transport assessment and delivery and servicing details.

Following the receipt of an Active Travel Zone (ATZ) assessment, updated Transport Statement and a Servicing and Delivery Plan TfL were re-consulted and provided the following comments:

TfL **does not object** to the Council approving the application, subject to the applicant addressing the points raised below and conditions being secured:

1. *The layout of the servicing along Hertslet Road remains unclear. TfL recommend a good management plan which shows the prioritisation of pedestrian lines along Hertslet Road, segregated moped pick-up points and refuse collection outside peak times to be secured through condition.*
2. *TfL recommends safety training for the moped drivers to ensure their safety along the access routes particularly along Seven sisters Road and A10 Holloway Road*
3. *The applicant is required to provide 10 cycle spaces in line with the intend to publish London Plan. At least 5% cycle parking should be available for larger, adapted cycles and e-cargo bikes. TfL recommend the applicant should investigate methods of sustainable travel away from diesel and petrol. Cycle parking design should be secured through condition.*

## 7. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

7.1 The National Planning Islington Council (Planning Committee), 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).

- 7.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: “at the heart of the NPPF is a presumption in favour of sustainable development.
- 7.3 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.
- 7.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 7.5 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.
- 7.6 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
- 7.7 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.
- 7.8 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.
- 7.9 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 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.
- 7.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 7.11 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

## **Emerging Policies**

### **Draft London Plan (Intend to Publish Version), December 2019**

7.12 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with an ‘Intend to Publish’ version of the plan version. The Secretary of State considered the ‘Intend to Publish’ version and the proposed changes and made several Directions in March and December 2020 setting out changes to some policies. On 21 December 2020 the Mayor formally approved a new ‘Publication London Plan’, prepared to address the Secretary of State’s Directions which has been sent to the Secretary of State for his consideration. The Secretary of State has up to 6 weeks to decide if he is content for the Mayor to formally publish the London Plan. Given the advanced stage at which the draft London Plan is at the policies in the plan which are not subject to Directions can be afforded significant weight. Given what is proposed in the application, the Directions are not considered to effect the assessment of this case. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

#### **Chapter 1**

Policy SD6 Town centres and high streets

#### **Chapter 3**

Policy D4 Delivering good design

Policy D11 Safety, Security and Resilience to Emergency

Policy D14 Noise

#### **Chapter 10**

Policy T2 Healthy Streets

Policy T4 Assessing and Mitigating Transport Impacts

Policy T5 Cycling

Policy T7 Deliveries, Servicing and Construction

### **Draft Islington Local Plan 2019**

7.14 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress.

In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- and the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

7.15 Emerging policies relevant to this application are set out below:

Policy H1 Thriving Communities  
Policy R2 Primary Retail Frontages  
Policy R3 Islington's Town Centres  
Policy R7 Markets and specialist shopping areas  
Policy S1 Delivering Sustainable Design

Policy S3 Sustainable Design Standards  
Policy SP5 Nag's Head and Holloway  
Policy T2 Sustainable Transport Choices  
Policy T3 Car Free Development Parking  
Policy T5 Delivery, Servicing and Construction

Policy S2 Sustainable Design and Construction

### Use Class Order

- 7.16 The Town and Country Planning (Use Classes) Regulations were updated on 1<sup>st</sup> September 2020, with former use classes A1 (Retail), A2 (Financial and Professional Services), A3 (Café/Restaurant), B1 (Office, Research and Development and Light Industrial) and parts of D1 (Medical Centre, Crèche, Day Nursery) and D2 (Gymnasium) becoming Class E, and A5 (Hot Food Takeaway) uses becomes Sui Generis. This enables buildings to have a number of flexible uses and changes to a use within the same class do not require planning permission.
- 7.17 The Town and Country Planning (Use Classes) Regulations 2020 detail that where an application is submitted prior to the updated regulations coming into force, as is the case here, it must be determined by reference to the uses or use classes under the Use Classes Order in force on 31<sup>st</sup> August 2020. Notwithstanding this, the updated Use Class Order is a material planning consideration in the assessment of the application.

## **8. ASSESSMENT**

- 8.1 The main issues arising from this proposal relate to:
- Land Use
  - Loss of retail uses
  - Introduction of non-retail uses
  - Design
  - Impact on the amenity of neighbouring residents
  - Highways and Transport impacts
  - Accessibility
  - Refuse and Recycling facilities
  - Other areas.

### **Procedural Note on Enforcement Matters**

- 8.2 On 10<sup>th</sup> December 2020 Enforcement Notices were served on all persons, owners and vendors who have an interest in the market in relation to the unauthorised development currently on site, as noted below.
- 8.3 Unless an appeal is received, the notice comes in to effect on 12<sup>th</sup> February 2021.
- 8.4 Should this planning application and application ref: P2020/0584/FUL be approved the unauthorised works would be regularised subject to the removal of the first floor container and the cladding of containers and flue within a 6 MONTH time limit from the date of permission granted.
- 8.5 The recommendation for the notice is detailed below:

*It is RECOMMENDED that an enforcement notice is issued pursuant to Section 172 of The Town and Country Planning Act 1990 (as Amended), and that all necessary steps to secure compliance with the Notice are authorised.*

### *Breach of Planning Control*

*Without planning permission, adjacent to or upon the south east elevation of the building, the installation of shipping/storage containers, an external metal staircase from first floor level with balustrades and platform/landing area, meter access door and housing structure and a ventilation flue running along the side of the building and extending above eaves level.*

#### *Steps required:*

- (i) Remove all the shipping/storage containers and associated plinths, blockwork, supporting posts, affixed side metal panelling, pipework and the step and handrail from the entrance to the double container adjacent to the south east elevation of the building;*
- (ii) Remove the metal staircase and associated balustrades, platform/balcony area, supporting posts and fixings adjacent to and upon the south east elevation of the building;*
- (iii) Demolish and remove the meter housing structure, door and associated pipework and fixings from the south east elevation of the building;*
- (iv) Remove the ventilation flue running along the side of the south east elevation of the building and extending above eaves level and all associated supporting brackets and fixings; and*
- (v) On completion of steps (i), (ii), (iii) and (iv) remove from the Land all the structures, materials and debris arising from the works.*

#### *Time for compliance:*

*Within ten (10) calendar months after this notice takes effect.*

## **Land-use**

### **Procedural note on lawful uses on site**

- 8.6 A certificate of lawful use (P2017/4532/COL) was granted for a first floor mezzanine on 23<sup>rd</sup> January 2018 on the basis that the information submitted satisfied The Local Authority that it was lawful under s55(2)(a)(i) of the Town and Country Planning Act 1990, as amended and Article 44 of the Town and Country Planning (Development Management Procedure) Order 2015, as amended.
- 8.7 Application reference P2019/2300/COLP sought approval for the Sui Generis uses at the site on the ground and mezzanine floor of the market which was refused on 11<sup>th</sup> October 2019.
- 8.8 The application argued that the mezzanine floor level above the ground floor level of the market, approved under application reference P2017/4532/COL provided a lawful basis for the proposed Sui Generis use.
- 8.9 The information submitted with the application was not considered sufficient to satisfy the local planning authority that the operations described would be lawful under Section 192

of the Town and Country Planning (General Permitted Development) Order 2015 if instituted or begun at the time of the application. A legal opinion was acquired in relation to the use of the mezzanine at this time.

- 8.10 Officers considered that the Certificate of Lawfulness for Existing Use in 2018 under application reference P2017/4532/COL only concluded that the operational development associated with the mezzanine was lawful, and is not conclusive as to the lawfulness of the use of the market or mezzanine floor. Additionally, when application reference P2017/4532/COL was issued it did not change what was an unlawful use of the ground floor of the market (prior to issue of the Certificate of Lawful Development) into a lawful use (after issue of the Certificate of Lawful Development).
- 8.11 Further to the above, it should be noted that the application form for application P2017/4532/COL was only for the operational development and not the use it was under s.191(1)(b) not (a) and not under s.192(1)(a). The local planning authority cannot grant more than applied, s.193(4) is clear that it is only if the application asks for two or more uses, operations or other matters, that the certificate can be issued to cover some or all of them. Given there was no application for use there could be no grant in respect of use.
- 8.12 Officers acknowledge that the wording of the previous certificate refers to use and Sui Generis. Notwithstanding this, the application was for an existing development, the mezzanine. The wording of the application was "*for retention of existing mezzanine level internally located and used as an extension to the existing covered market*". The application was for "retention" of that which is described in italics. It was not for "use" as an extension. The words "used as an extension" are descriptive of the operational development and not a separate part of the application to cover use.
- 8.13 The submitted information in support of the application argued that the proposed use of the market (as a whole) as Sui Generis is solely premised on the grant of the existing use application for the mezzanine level. There was no planning permission for the change to Sui Generis use from the lawful A1 use of the site, no certificate issued in reference to the use, and there hasn't been an application submitted demonstrating a continuous 10 year period of operation prior to the submission of the application, nor are there any permitted development rights for the proposed use. Therefore, the lawful use of the building remains A1 retail.
- 8.14 The current application seeks to regularise the use of the ground floor as a Sui Generis use, which is made up of retail, cafe/restaurant and hot food takeaway units. There are currently 45 units in total at ground floor level with a number of formerly separate units having been amalgamated (the plans detail a maximum of 65). This is to be assessed within this planning application along with the use of the mezzanine level for food and drink uses. The proposed use of the mezzanine and retained uses at ground floor, when taken together are considered to constitute a Sui Generis use.

### **Mezzanine floor**

- 8.15 The applicant, during the application stage provided further information in the form of construction drawings for the mezzanine level. The applicant has confirmed that the structure is independent and not connected to the side brick walls. The plans show that the mezzanine was constructed using steel upright beams which were concreted in 1m deep holes. The beams were bolted together using the same size horizontal beams, with wooden struts between them which were secured by noggings and covered by insulating material and boarding.
- 8.16 The permission granted for application P2017/4532/COL was on the premise that the mezzanine construction does not materially impact the external appearance of the building.

From the information provided the mezzanine is not supported by the exterior works undertaken at the site, which are the subject of this planning application for retention (brick build up and glazing to south elevation). These works are consistent with works to the east elevation of the market as consented under application P2017/2553/FUL.

- 8.17 Representations received have questioned whether the works to erect the mezzanine resulted in an alteration to the external appearance. A legal opinion has been received on this matter. This is, a planning judgement not a legal judgement. However, under section 191(2) development is lawful if no enforcement action may be taken (either because it does not involve development, does not require planning permission, or the time for enforcement has expired) or it does not contravene an existing enforcement notice. Under section 55(2) the carrying out of maintenance, improvement, alternation or other building works do not constitute development if they only affect the interior of the building or do not materially affect the external appearance of the building. Whether or not the mezzanine relied on the exterior works, and whether or not those exterior works resulted in a material alteration to the external appearance is a planning judgement/factual question.
- 8.18 Noting the above, the mezzanine floor is subject to a certificate of lawful development and therefore considered to be lawful in planning terms.

### **Policy Context**

- 8.19 The site lies within the Nags Head Town Centre, as defined by Islington's Local Plan: Development Management Policies 2013.
- 8.20 Part A of Policy DM4.3 seeks to ensure proposals for cafés and restaurants, being A3 uses, are resisted where they result in negative cumulative impacts due to an unacceptable concentration of such uses in one area; or cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.
- 8.21 Policy DM4.4 seeks to maintain and enhance the retail and service function of the Town Centre. The Nags Head is considered a major town centre in the hierarchy of shopping areas.
- 8.22 The site is also located within the Nags Head Primary Frontage. Policy DM4.5 is therefore applicable which seeks to ensure the retention of retail (A1) uses while permitting a limited number of non-retail uses.
- 8.23 Policy R2 of the Council's Regulation 19 draft Local Plan Part 'A' details that within Primary Shopping Areas, the percentage of retail (A1) uses must be maintained at a minimum of 60% in Angel and Nag's Head Major Town Centres; 55% in Finsbury Park District Town Centre; and 50% in Archway District Town Centre.
- 8.24 This policy states that to ensure vitality and viability is maintained, the Primary Shopping Areas of Islington's Town Centres will be protected and enhanced. Primary Shopping Areas contain the greatest concentration of shops (A1 retail use); are the most accessible part of the Town Centre; and are key to protecting the character and function of Town Centres and ensuring their continued vibrancy, vitality and viability. Where proposals within Town Centres fall outside the Primary Shopping Area, Policy R3 will apply.
- 8.25 The policy at paragraph 4.88 of the draft Local Plan states further that to determine the existing Primary Shopping Areas retail (A1) percentage figure, the number of Use Class A1 units with a ground floor presence within the Primary Shopping Area should be divided by the total number of units with a ground floor presence within the Primary Shopping Area.

## Loss of retail uses

- 8.26 Nag's Head is a busy and vibrant Major Town Centre offering a range of both independent and national retailers. The Town Centre has a strong convenience (daily goods) retail offer, which meets both local residents and wider needs. It includes an indoor market and also offers a good range of comparison shops including an independent department store. The centre specialises in fresh produce with a number of butchers, fishmongers, grocers and bakeries. There are various specialist shops, particularly outside the Primary Shopping Area, which further enriches the retail experience. The focus of retail (A1) use will be in the Primary Shopping Area as detailed within paragraph 4.31 of the Development Management Policies Document (2013).
- 8.27 Planning permission was granted in 1991 (application ref: 910585) for the use of the ground floor for retail shops and a market hall, with associated retail storage and office space. Previously the physical mezzanine and floorspace was approved via a certificate of lawfulness application reference P2017/4532/COL on the basis that it was over 200 square metres of Sui Generis floorspace.
- 8.28 In terms of the retail function and character of the area, the proposal would represent a loss in A1 floorspace and an increase in café/restaurant and hot food takeaway floorspace. This would affect the character and function of the market as well as this part of the town centre. However, due to the retention of a significant proportion of retail use at the ground floor this is not considered to have a negative impact on the vitality and viability of the town centre and would maintain the retail and service function of this part of the town centre. The Draft Local Plan evidence base, Retail and Leisure Study (2017) recognises the variety of food stalls as a great asset to the market which should be retained, recognising this element has the potential to make Nag's Head more of a destination centre. On this basis the proposal, whilst a lost opportunity for additional retail floorspace would help support the wider function of the town centre, providing opportunities for small scale business and supporting a wider mix of retail opportunities. The importance of maintaining the markets retail provision to provide goods and services for the local community and workers is important and a condition (No.3) is proposed to maintain an appropriate level of retail provision at ground floor level.
- 8.29 During the course of the application an updated ground floor use plan was provided by the applicant. This details where units have been amalgamated and is a representation of the current market layout, with details of individual unit uses across the ground floor of the market. The site currently comprises 46 units at ground floor level. 28 units are currently operating as retail (Use Class A1), comprising 60% of total units, 9 operate as café/restaurants (Use Class A3) comprising 20% of total units and 9 units operate as hot food takeaway (Use Class A5) comprising 20%. The Planning Statement details that retail will continue to be an important function of the market and proposes that the ground floor be maintained at 45% retail (A1) use. There are 16 additional units proposed to be retained as part of the 606 square metre floorspace on the mezzanine. Although the applicant originally proposed to maintain 45% of units at ground floor level as retail (A1) use, this is a significant and unacceptable reduction from the existing retail provision at the site. The Council's Planning Policy Team detailed that a higher percentage should be required, noting the threshold of 70% retail as set out in adopted Development Management Plan Policy DM4.5.
- 8.30 It is also noted that the Islington Local Plan (2019) Proposed Submission (Regulation 19) policy for Primary Shopping Areas, in which the site would be located, sets out in policy R2 (Primary Shopping Areas) would apply a 60% threshold for ground floor retail uses. Primary shopping areas are proposed to replace primary frontages. The changing

threshold recognises the changing retail environment and is supported by the Council's evidence base, notably the Retail and Leisure Study Assessment (2017).

- 8.31 Although the policies of the Regulation 19, draft Local Plan currently carry limited weight, the Retail and Leisure study (2017) that forms part of the evidence base of the draft Local Plan clearly identifies the wider offering of uses within the Nags Head Market as an asset to the Nags Head Town Centre. Recognising this and the draft Local Plan requirement for 60% of ground floor uses within this location to be in retail use, it is considered that subject to a condition (no.3) requiring 60% of the ground floor units to remain in retail use, the reduction in retail provision at the site is considered to be acceptable, in this case.

### **Introduction of non-retail uses**

- 8.32 Policy DM4.3 Location and Concentration of Uses of the Development Management Policies details that cafés, restaurants, drinking establishments, off licences and hot food takeaways are resisted where they:

- i) Would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area
- ii) Would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.

- 8.33 In terms of scale, character and function the proposal is considered appropriate. The market is located centrally in the town centre, Nag's Head is a Major Town Centre and a food hall of this scale and kind, together with the retained ground floor café/restaurant and hot food takeaway offer is appropriate in respect of Nag's Head and its position in the retail hierarchy of the Borough. It is considered that the proposal would help support the vitality and viability of the Town Centre, providing a unique offer which does not exist elsewhere.

- 8.34 The policy objectives are to protect and enhance the amenity of residents and businesses; and avoid development which could negatively impact the character and function of specific areas or negatively impact on the health and wellbeing of the borough's residents. In this instance the impact is a concentration of small scale café/retail and hot food takeaway uses. The impact on the other businesses in the market is minimised as the use is largely isolated to the mezzanine, likewise this isolation minimises the impacts on the function of surrounding shops and businesses.

- 8.35 Policy R8 in the emerging draft Local Plan does not include cafes and restaurants as a use which should be considered with regards to an unacceptable concentration of uses. The applicant has detailed that the Upper Place would provide a variety of street food vendors, including coffee shops and hot and cold drinks. The market vendors would provide a number of fresh food items cooked mainly on site within the mezzanine, providing a variety of culinary options that would be an attraction for visitors to the market and the wider Nags Head Town Centre. It also provides alternative options as a food hall in comparison to the existing café/restaurant offer within the area.

- 8.36 The proposal also incorporates an ancillary bar which is located to the south of the mezzanine. The submitted Operational Management Plan details that the bar which will be subsidiary to the mezzanine floor vendors can serve drinks only to customers who have bought food and are seated to ensure that this use remains ancillary to the primary function of the market. A condition is recommended requiring the operation of the mezzanine floor in accordance with the submitted Late Night Operations Plan. It is also expected that each unit may have ancillary takeaway services to ensure flexibility of the vendors and to ensure the vitality and viability of the individual vendors and market. The impacts of both are closely considered within the impacts on neighbouring amenity section of this report, and

are considered not to come in to conflict with the planning policies highlighted due to their ancillary nature to the main Town Centre uses proposed.

- 8.37 Core Strategy Spatial Policy CS3 Nag's Head and Upper Holloway does not identify the market specifically but does encourage evening economy uses that complement existing leisure and retail uses. In paragraph 2.4.5 of the Core Strategy, it identifies the need for more family friendly evening functions (such as restaurants) within the town centre. This is supported by the Nag's Head Town Centre Strategy 2007 which identified that members of the public wish to see more leisure provision for young people and for families. The food hall use is considered to contribute to these aims.

#### Market and specialist shopping areas

- 8.38 The market is not recognised in the existing Local Plan in policy DM4.9 which references street markets only. The Draft Local Plan in Policy R7: Markets and specialist shopping areas identifies the market at Nag's Head. The emerging policy in the supporting text identifies that markets '*also add to the character of local areas, create employment opportunities, support regeneration and promote social interaction. They can also act as a testing ground for new small businesses.*' The Draft Local Plan SP5: Nag's Head identifies the market and states in part F of the policy that '*Enhancements to the covered market are encouraged where they fit with the wider function of the area and do not lead to adverse amenity impacts.*' The proposal would support the aspirations of these draft policies.

#### Site Allocation NH1

- 8.39 The site is allocated in the Site Allocations plan (2013) (site NH1) for retail-led mixed-use development, with other employment uses which together should maximise the retail offer of Nag's Head Town Centre. The site also retains a similar allocation in the emerging draft Local Plan. The allocation covers a large area including the Morrison's supermarket site to the south, the car park and covered shopping centre as well as the market and snooker hall. The allocation identifies that an improved market facility is encouraged as part of any redevelopment. Officers consider that the proposal would support this.

#### Conclusion

- 8.40 The proposal is considered to satisfy the Local Development Management Policies DM4.3, DM4.4 and DM4.5, policy CS3 of the Core Strategy and emerging Policy R2 of the Council's Emerging Local Plan subject to a condition to ensure 60% of ground floor units are maintained in retail use. The introduction of the food and drink vendors is considered a complimentary use within the Town Centre, aligning with the policy principles and is considered acceptable subject to a number of controls to limit the potential impact to residential amenity.

#### Design and Appearance Considerations

- 8.41 Core Strategy Policy CS8 states that the scale of development will need to reflect the character of the area. The businesses and shops which provide the mixed use character of Islington will be maintained through employment, retail and design policies.
- 8.42 Development Management Policies DM2.1 requires all forms of development 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.

### First floor access door and staircase (emergency escape) to south elevation

- 8.43 The application seeks to retain the black metal secondary stair as a fire escape only. A staircase has been present to this elevation since 2012 but has recently been extended over the unauthorised containers at ground floor level. As part of this application the door at its head is proposed to be widened to 1200mm to enable its use as a fire escape access.
- 8.44 It is acknowledged that a previous planning application for the retention of the staircase (application reference P2019/0490/FUL) was refused in combination with the retention of the meter access door, storage containers and the ventilation flue. The refusal was appealed and upheld by the Inspector (APP/V5570/W/19/3234229).
- 8.45 Whilst not forming part of this application, a separate application (ref: P2020/0584/FUL) is under consideration which proposes alterations to the refused scheme under application P2019/0490/FUL. The storage containers at first floor level beyond the staircase, doubles up to a height of approximately 4.2m with a length of 3m and are proposed to be removed. The staircase itself would still benefit from a container below the structure as part of application P2020/0584/FUL. However, the staircase with the reduced massing and scale of the containers as proposed under P2020/0584/FUL, lessens the adverse impacts identified within the Officers report. Additionally, the mass reduction in combination with the design, colour and material approach of the containers, ventilation flue and meter access door reduces the cumulatively adverse impact from the unauthorised structures to the south elevation on the market as a whole. This assessment is detailed within the report associated with P2020/0584/FUL. The acceptability of the staircase in its own right can only be achieved by conditions to ensure the staircase is used in the case of emergency only and subject to the removal of first floor storage containers and cladding of unauthorised structures to match local buildings.

### Creation of covered first floor terrace (west elevation)

- 8.46 The proposed smoking terrace would utilise the first floor rear floor area of the market, which accommodates approximately 45 square metres and utilises existing ground floor stairs from the market. It would be open to 3 elevations, supported by metal balustrades. The outer walls and roof would consist of metal corrugated cladding to match the materials to the rear of the site.
- 8.47 This element would face on to the rear yard of the site and is set in from main pitches of the roof. It would not be visible from public vantage points and due to its limited scale and integration with the market building it would not detrimentally impact on the character of the area or appearance of the market.

### Retention of alterations to rear extractor/plant equipment, louvered screen and associated works

- 8.48 In June 2018, plant (extractors, air conditioning units and silencers) towards the rear of the market were granted planning permission (P2018/1092/FUL). In 2019 during the construction of this consented scheme (shown on the existing drawings) the plant was not installed at the height consented. Two of the extractor pipes are protruding out of the rear of the building slightly higher than approved, the air conditioning units are sited marginally differently than the approved plans, albeit, also being less in number than the permission. The rear louvered screen to this plant has horizontal slats instead of vertical slats as approved. The door and window openings have not been inserted in to the elevations. This application seeks to regularise the plant as built.
- 8.49 Similar to the covered first floor terrace, the plant would be located deep to the rear of the site. The plant machinery would be located on the roof of the permitted first floor extension.

It would be screened from public view by louvred panels as detailed within the Officers Report for previous application ref: P2018/1092/FUL and the minor alterations detailed under this application are not considered to alter this view.

Retention of first floor central glazing and build up brickwork to south elevation, retention of north flank first floor central glazing and wall enclosure



**Image 8:** First floor windows

- 8.50 In November 2017, planning permission (ref: P2017/2553/FUL) was granted for new shop fronts and awnings along with fascia on existing facades. It did also included alterations to the Hertslet Road elevation (east elevation) with windows to the central void on the first floor and existing brickwork painted. The permission however did not include the south elevation which had a continuation of this glazing and built up brickwork and also a small section of glazing with wall enclosure across the north elevation. This permission seeks to regularise these works replacing the metal framed fencing and plastic corrugated sheeting that can be seen in Image 8 above.
  
- 8.51 The images below detail how the market has changed since 2008, with the works noted above visible from the public realm.



2008



2012



2014



2016



2019

**Image 9, 10, 11, 12 and 13:** External appearance

- 8.52 As viewed from the south elevation, the market externally has been altered, with the metal framed fencing visible in 2008 removed and further enclosures added since its original open walled structure and design. Permission was granted for glazing to the Hertslet Road elevation along with fascia alterations and re-painting. The Officers report detailing these works (Reference: P2017/2553/FUL) stated that the proposed windows are considered acceptable in terms of their design and appearance and would improve the appearance of the property from this elevation. The windows, 0.9m built up wall, painting of the brickwork to south elevation and glazing to the north elevation with walled enclosure would be consistent with the Hertslet Road elevation and the overall design of the market, bringing regularity and uniformity which officers raise no objection to in design terms.

Other matters

- 8.53 A representation has been received raising issues with a ground floor rear extension. Aerial photos indicate that an extension to the footprint of the current extension has existed since at least 2008. As this is more than 4 years ago, even if planning permission would have been required, it would now be immune from planning enforcement action by virtue of s.171(B) of the Town and Country Planning Act 1990. Subsequent elevational alterations to this extension are permitted development and do not require planning permission.

Conclusion

- 8.54 Given the above, the proposal is considered not to cause harm to the character or appearance of the host building or the character of the immediate area. The application therefore complies with the NPPF 2019, policies 7.4 and 7.6 of the London Plan 2016, Policy CS8 of the Islington Core Strategy 2011 and policy DM2.1 of the Islington Development Management Policies 2013.

## **Neighbouring Amenity**

- 8.55 All new development is subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

### **Operational Management of Noise, Disturbance and Anti-Social Behaviour**

- 8.56 A number of representations have been received raising concern regarding the impact the use of the mezzanine would have on noise to residential receptors, late night disturbance and the impacts on anti-social behaviour. The market is located upon Seven Sisters Road which is a busy commercial area containing a number of retail, restaurant and takeaway uses. The site is also located next to Morrisons supermarket and its associated car park and opposite the Enkel Arms Public House.
- 8.57 Residential properties are located along the upper levels of Seven Sisters Road and to the east on Mayton Street and Hertslet Road. Roden Street and Arthur Road are located further to the east and south of the site.
- 8.58 The site is located within the Holloway and Finsbury Park cumulative impact area identified in Islington's Licensing Policy 2013-2017 in regards to Licenced activities. This special policy creates a rebuttable presumption that licensing applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitation.
- 8.59 Paragraph 4.82 of the Islington Draft Plan, Policy R1 states that the amenity of local residents and businesses in the vicinity of licensed premises will be considered and protected. Islington Council's licensing policy mitigates impacts such as noise, odour and litter. The Council's Licensing Team and licensing policy is separate to material planning considerations and planning policies. However, the Council's Licensing Team have been consulted on this application due to the proposed licensable activity. In most cases, except in exceptional circumstances, the Council's Licensing Policy expects applicants to have planning consent before making an application for a premises license.
- 8.60 The mezzanine proposes to be operational serving 16 food and drink vendors. The submitted details advise that the seating located to the centre of the Upper Place would accommodate approximately 250 covers (diners with meals).
- 8.61 In order to protect the amenity of residents, the proposal includes an Operational Management Plan for the mezzanine floor and a similar document for the ground floor which seeks to continue with a mix of uses. A Late Night Operations Plan is also submitted for the mezzanine floor, detailing a number of operational measures that would be in place to mitigate noise, disturbance and anti-social behavior occurring from the venue.
- 8.62 The dispersal times and proposed opening hours of the mezzanine floor are detailed below:

Sunday-Thursday - 09:00am - 10:30pm

Friday and Saturday - 09:00am – 11:00pm

No alcohol will be served after 10pm (Sunday – Thursday) and 10.30pm (Friday – Saturday)

Staff will be required to leave the premise by 11pm (Sunday – Thursday) and 11.30pm (Friday – Saturday)

- 8.63 From the submitted documentation the peak time for usage of the mezzanine floor is anticipated at lunchtime (12-3pm) and early evening (5-8pm), with customer numbers likely to diminish outside of these hours. The proposal as detailed is food led comprising 16 units on the mezzanine level. The Late Night Operations Plan details that there would be no scope for customers to drink alcohol unless accompanied by a meal. Licensed door supervisors will supervise the entrance and use clickers to record the number of patrons inside the premise to manage its capacity and prevent overcrowding.
- 8.64 In order to mitigate noise and disturbance towards the residential properties to the east of the market, customers leaving after 8pm will be required to use the main exit onto Seven Sisters Road, as opposed to the Hertslet Road access. As required by the Dispersal Policy the premises shall display signs at all exits, asking customers to be respectful to neighbours when they leave the premises. The premise will also operate a 30 minute "wind down" period once the sale of food and drinks has ceased, to aid the gradual and controlled dispersal of patrons.
- 8.65 The management of patrons will be supervised by experienced door staff (which shall be a minimum of 2) to ensure that those customers that leave the premises during the late night period do so in a quiet and orderly fashion whilst reminding them to be respectful to neighbours/local residents when leaving, whilst internal lighting levels are to be gradually increased over the "wind down" period, with full lighting restored 15 minutes prior to closure.
- 8.66 The submitted documentation notes that the mezzanine floor is intended for those who are eating and there will be no 'vertical drinking' permitted. The management of this in operation will need to be strictly enforced given the scale of the venue overall and the drinking element should maintain its ancillary function to the food element so as to ensure the integrity of the café/restaurant use is maintained.
- 8.67 In tackling any anti-social behavior and crime, CCTV is proposed to be installed, operated and maintained at all times that the premises is open and would comply with specified criteria relating to the checking of cameras, and ensuring that the cameras are made available to the Police as required, in accordance with all such criteria laid down by any future license for the premises.
- 8.68 It is considered that the management strategies and plan is sufficient at this stage to ensure that there would be no unacceptable impact upon neighbour amenity as a result of the operation of the site. The opening hours are not considered to be excessive, correlating with other restaurant uses within the vicinity. Exiting only from Seven Sisters Road after 8pm is considered acceptable to mitigate noise and disturbance to residential occupiers. As detailed, the food led mezzanine with no vertical drinking and alcohol only permitted with a meal is considered satisfactory to discouraging anti-social behaviour that could have adverse impacts on noise. The management in this regard is acceptable, however, further details would be required by condition (Condition No.18). A condition is recommended requiring a final Noise Management and Late Night Operations Plan to be submitted to and approved in writing by the Local Planning Authority prior to the mezzanine use at the site. No change there from shall take place without the prior written consent of the Local Planning Authority.

- 8.69 The application details have been shared with the Council's Licencing Team and no objection has been raised to the measures proposed. Officers consider that the submission of the Operational Management Plan and the Late Night Operation Plan alongside the planning application, are both capable of being referred to in Planning Conditions, and provide a clear means by which any breaches are capable of being enforced by the Council.
- 8.70 It should be noted that the operation of the mezzanine would also be subject to requirements for a license, which if granted would also include appropriate controls.

#### *Noise assessments*

- 8.71 In addition to the Operational Management Plan details provided, the application submission includes a Noise Assessment Report by RBA Acoustics. The submission assess noise breakout from the mezzanine floor and smoking terrace to the rear of the site and has been reviewed by the Council's Acoustic Officer (Public Protection).
- 8.72 The closest residential receptors that were tested were 32 Seven Sisters at a distance of 8m from the market, with 1 Hertslet Road being a little further away (approximate distance of 22m), with the predicted sound levels there being 12dB lower compared to 32 Seven Sisters Road.
- 8.73 The report uses a test of amplified music within the market, with measurements taken at 1m from the rear window of 32 Seven Sisters Road where the music was adjusted until it was observed to be "only just discernible" at the position. The assessment details that at this level it was considered that music intrusion would not be sufficient to cause a noise disturbance or noise nuisance to residents of this property.
- 8.74 The internal noise level limit has been targeted at 75dBA due to the lightweight roof area of the market building, which would effectively result in no or very low background music at 75dBA. Predicted internal noise levels from patrons inside the venue is not anticipated to exceed the noise level of 75dBA. When internal levels are at these limits, the assessment on 1 Hertslet Road is concluded that the development is not expected to cause a noise disturbance. Whilst the details provided at this stage detail no harm, in line with the comments received from the Acoustic Officer (Public Protection) it is appropriate to condition music limits in line with the assumption within the report to include full particulars and details of any amplified sound system along with any noise control measures for the use prior to the use commencing on site. This shall include details of the speaker positions, sound limiter and  $L_{Aeq}$ ,  $L_{eq}$ , 63Hz and 125Hz measurements at specified monitoring points for the limiter setting along with any sound insulation proposed. The sound limiter shall be installed prior to the use commencing and all amplified music and sound shall be subject to the control of a noise limiter at all times. The sound limiter shall be regularly maintained and calibrated annually as such thereafter.
- 8.75 The submitted operational management documents advise that management staff on site will be trained in the findings of the submitted Noise Assessment to ensure that its recommendations are adhered to in the interests of good noise management. In addition to this, the contact telephone number of a responsible person employed at the venue will be made available for all local residents and businesses to allow them to report any noise disturbance caused from within the licensed premises. A condition (Condition 19) is recommended to ensure that these details in regards to control of noise and a contact telephone is secured prior to use. Other measures to be added include a condition (Condition 14) to ensure that the windows are non-opening at first floor level to ensure there is no escape of noise from within the building. In addition to these measures, there shall be no use of the staircase for amenity use and for emergency escape only so as to ensure noise breaches do not occur from patrons within the mezzanine and from those outside the staircase. There will be no bottling out after 11pm also in order to ensure there is no noise and disturbance to neighbouring amenity.

- 8.76 To the west elevation and rear of the market, the mechanical plant was granted planning permission (P2018/1092/FUL). Two of the extractor pipes are protruding out the rear of the building slightly higher, the air conditioning units are located marginally differently to the approval, albeit, being less in number than the permission. The original officer assessment for the plant raised no harm subject to two conditions restricting noise and a dedicated timer limiting the hours of use of the plant in order to safeguard the amenity levels of adjoining occupiers. These conditions are recommended to be replicated.
- 8.77 An assessment has also been made on the smoking area to the west elevation which is an area tucked away to the rear of the site. The location of the terrace is considered the most suitable location in regards to its siting away from neighbouring properties on Mayton Street and Hertslet Road. The maximum capacity of the smoking area is identified as 25 people and the associated noise levels assessed are based on 12 persons using the smoking area while talking with raised voices at any one time. The assessment states that predicted noise levels from the proposed smoking area are below prevailing background levels measured on site, and are therefore not expected to cause a disturbance. As part of the management plan, smokers will be discouraged from loitering outside and on the smoking terrace for longer than is required. They will not be permitted to take their drinks with them (and signs to this effect will be erected at the exit door) to the first floor smoking area. A condition would be applied to the hours of use for the terrace which would ensure no access is made beyond 9pm. Based on the restrictions and assessments made it is considered that the proposed mezzanine use would not result in unacceptable noise impacts.
- 8.78 It is considered that the plans and information provided for the management of development and associated evidence within the noise assessment, the proposed uses would not result in unacceptable increase in noise, disturbance or anti-social behaviour and would not have a detrimental impact upon nearby amenity levels taken and accords with Policy DM2.1.

#### Delivery and servicing

- 8.79 Paragraph 111 of the National Planning Policy Framework states:
- “All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.*
- 8.80 Paragraph 108 and 109 of the National Planning Policy Framework states:
- “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
  - b) safe and suitable access to the site can be achieved for all users; and*
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be **severe**.”*
- 8.81 Policy DM8.2, Part A in relation to ‘Managing transport impacts’ states that:
- Development proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative*

*impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated. In order for developments to be considered acceptable they are required to:*

- i) fully mitigate any adverse impacts upon the capacity of transport infrastructure, including pavements and other walking routes, cycle routes, public transport and roads;*
- ii) have no negative impacts on the safe and efficient operation of transport infrastructure;*
- iii) maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians, cyclists and public transport users;*
- iv) provide equal access for all people, including inclusive access for disabled people;*
- v) adequately address delivery, servicing and drop-off requirements, and*
- vi) have no significant negative impacts from transport arrangements on the local and wider environment.*

8.82 Part B states that:

*Development proposals are required to include the submission of either a Transport Assessment and Travel Plan, or a Transport Statement and Local Level Travel Plan, in accordance with the thresholds outlined in **Appendix 5** and any subsequent update to these thresholds. The submitted information is required to be sufficiently detailed and accurate to enable the council to fully assess the development proposal. Construction Logistics Plans and Delivery and Servicing Plans may be required for developments where there may be an impact on roads. These plans should demonstrate how any potential impacts will be mitigated.*

8.83 Policy DM8.6, in relation to Delivery and servicing for new developments states at Part A:

*Provision for delivery and servicing should be provided off-street, particularly for commercial developments over 200m<sup>2</sup> gross floor area. In order to ensure proposed delivery and servicing arrangements are acceptable:*

- i) It must be demonstrated that servicing and delivery vehicles can enter and exit the site in forward gear*
- ii) Details shall be submitted to establish the delivery and servicing needs of developments*
- iii) Delivery and servicing bays are required to be strictly controlled, clearly signed and only used for the specific agreed purpose*

8.84 A number of representations have been received raising concerns in regard to delivery and servicing and the existing impacts from the market, along with individual riders and mopeds operating within the area for the collection of hot food takeaway.

8.85 A Transport Statement and a Delivery and Servicing Management Plan have been submitted assessing the impacts to local highways, motorists, cyclists and pedestrians.

8.86 Deliveries will be restricted to the hours between 08:00am and 19:00pm Monday to Saturday and will be taken to the existing servicing yard off Hertslet Road to the rear of the market. This access is understood to be an existing delivery arrangement.

8.87 In regard to how deliveries will work, suppliers to the site will enter the gate from Hertslet Road, park in the internal designated bay and deliver the goods using the main staircase inside the market or using the lift which is shown on the plan below. Vehicles should not park or stop on Hertslet Road and use the entrance there, at any time. These measures ensure that there would be no conflict with pedestrians and other road users on Hertslet Road. In regard to routing, servicing and delivery vans will be routed from Seven Sisters Road due to the one way nature of the site and enter the site without bypassing through the neighbouring residential road.

8.88 It is recognised that the street food outlets at mezzanine level along with existing hot food takeaway on the ground floor will offer food for collection by collection drivers. Collection services will require couriers to park within a space in the servicing area whilst collecting the goods. A condition (Condition 10) is recommended requiring further details to be submitted prior to the use of the mezzanine in order to confirm the layout and function of the servicing bay, means of entrance to the site by those collecting hot food takeaway for delivery and to ensure this does not conflict with larger delivery vehicles within this space.



**Image 14:** Delivery and servicing plan

8.89 In order to protect amenity and other road users, delivery drivers will not be allowed to congregate on Hertslet Road or any other residential street in the vicinity of the site. The Delivery and Servicing plan states that the management team for the development, who will be on site from opening to closing time, Monday-Sunday will not allow delivery drivers to carry out collections unless they respect the instructions and restrictions imposed. It is considered that this measure would ensure that there is no congregation of delivery drivers at Hertslet Road and collection within the servicing yard only will ensure there is no hindering of pedestrians from the pavement and ensuring their movement and safety is not adversely impacted. All collections will be made through the door starred in Image 14 from the servicing bay which will ensure there is no conflict with pedestrians and road users

8.90 A number of representations received have raised concern with regard to noise from delivery vehicles and odours, pollution and adverse air quality within the area. The Delivery and Servicing plan proposes that collections by delivery drivers/riders that take place after 20:00 hours will be required to be carried out by non-motorised vehicles. Sustainable modes of travel are increasingly being encouraged and this measure will ensure that deliveries later in to the evening do not increase noise or further impact air quality within the area. A condition will be attached to ensure this is complied with by the market operator.

- 8.91 With regard to highway and pedestrian safety, a review of Personal Injury Collisions in the vicinity of the site details that a large proportion of the collisions that have occurred on the highway network in the vicinity of the site are caused by pedestrians crossing away from crossing locations, despite these being provided on both Seven Sisters Road and Hertslet Road. It is concluded that the information submitted demonstrates that the residual cumulative impacts of the proposals on the surrounding highway network are not 'severe'.
- 8.92 Overall, the assessment made within the Transport Statement and Delivery and Servicing Plan demonstrate that whilst there is likely to be an increase in trip generation the residual cumulative impacts of the proposals on the surrounding network are not 'severe' as defined within the NPPF.
- 8.93 Officers would also note that traffic restrictions on Mayton Street (and Roden Street) were implemented on the 15<sup>th</sup> August 2020. No motor vehicles are allowed to access Hertslet Road from Mayton Street (and Roden Street). The scheme is enforced by cameras and is in place under an 18 month experimental traffic order. This scheme is part of Islington Council's continuing efforts to make the borough's streets more people-friendly. These measures were made to ensure that Mayton Street's use as a cut-through is no longer, reducing air and noise pollution whilst making the street safer for local people. The proposal is not considered to conflict with this as there will be no access to the site from these routes.

#### Waste Management

- 8.94 A number of concerns have been raised in representations regarding refuse, odour and litter within and near the site and also the collection of waste from the proposed development.
- 8.95 Policy CS11 states that the council will encourage sustainable waste management by requiring development to provide waste and recycling facilities which fit current and future collection practices and are accessible for all.
- 8.96 Paragraph 5.3 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for commercial and industrial collections. Restaurants require 1.5 cubic metres per 20 dining spaces in regards to waste storage requirements per 1,000sq.m of floor space. 50% of this capacity shall be for recycling.
- 8.97 The submission details that each occupier will collect their own waste and be responsible for transferring it to communal refuse containers located to the rear of the market, underneath the smoking area terrace, accessed via the service access road from Hertslet Road. Refuse collection, oil collection and cardboard collection will be shared with the existing on-site service, this ensures there will be no additional vehicles required to access the site. Refuse collections will only be permitted between 07:00-23:00 hours. It is considered that waste collection during these hours is acceptable from the rear of the site away from the public highway. The proposed refuse storage requirements are acceptable and would cause no harm to the character or appearance of the host building. They would be located away from Hertslet Road and away from the closest residential properties on Hertslet Road and Mayton Street which would ensure there is no adverse impact from odour.
- 8.98 Considerations must be taken to avoid fires from nearby refuse stores or anything that may be flammable. The arrangements may be acceptable in principle, however a condition is recommended requiring further details including plans of the refuse area including volume and number of bins for recycling to be submitted to and approved in writing by the Local Planning Authority prior to first use of the mezzanine floor. The condition also requires information on ensuring there is no conflict or hazard between the operations on the mezzanine level and refuse facilities.

- 8.99 The smoking terrace proposed at first floor must have a design that complies with the requirements of the Smoke-free (Premises and Enforcement) Regulations 2006. To comply with the Regulations, the smoking shelter must not be wholly enclosed or substantially enclosed. In practice this means the smoking shelter must not have sides (including doors, windows or other fittings that can be opened or shut) that enclose more than 50% of the shelter.
- 8.100 Whilst this is separate to planning, the terrace would be open to all sides, with balustrades to ensure safety to the 3 open ends with 50% or more of the walls missing.

#### Building Control and Fire Safety

- 8.101 Representations have been received raising concerns regarding Fire Safety, specifically the construction of the mezzanine and means of escape when in use.
- 8.102 With regard to the physical mezzanine structure and associated structural alterations, these were approved by an Approved Inspector (i.e. not the Council) in 2016. As such, the Council is only in a position to assess the Fire Safety Strategy relating to the use of the mezzanine floor.
- 8.103 Building Control Officers have visited the market, with the London Fire Brigade (LFB) also in attendance. The LFB subsequently issued a Prohibition Notice restricting the numbers able to occupy the mezzanine floor due to reliance on a single safe means of escape). The lifting of the Prohibition Notice would be at the discretion of the LFB.
- 8.104 The applicant's Approved Inspector left the project and as such the Council has been obliged to consider the fit out of the mezzanine. The Council's Building Control Team is subsequently considering a retrospective application for this.
- 8.105 A Fire Strategy relating to the use of the mezzanine floor has been submitted as part of the Building regulations Application and the applicant has employed a Fire Engineer. The Fire Strategy has been reviewed by the Council's Building Control Team and in consultation with the London Fire Brigade this is understood to be acceptable. The Fire Strategy is reliant on the second staircase proposed in the Planning application providing a further means of escape.
- 8.106 Under the Regulatory Reform (Fire Safety) Order 2005 the LFB would be responsible for any control of Fire Strategies and Fire Audits.
- 8.107 London Fire Brigade have been consulted and assessed the planning proposals and have commented that they are satisfied with the proposals in relation to the fire precautionary arrangements, this includes fire-fighting provisions including number of hydrants available and fire-fighter access.

#### Conclusion

- 8.108 Accordingly, the proposal does not conflict with policy DM2.1 of the Development Management Policies 2013 or policy 7.6 of the London Plan 2016 insofar as they aim to safeguard residential amenity.

#### Transport

- 8.109 The proposal is supported by an Active Travel Zone (ATZ) Healthy Streets Assessment as requested by TfL to detail how visitors would access and travel to the site based on the existing transport network. The assessment details that the site is highly accessible. A PTAL (public transport access levels) report has been obtained and the site has a value of 6a, 'high'. This is the second highest rating a location can be given based on the PTAL criteria and therefore the site is considered to be highly accessible by public transport.

Customers are expected to arrive on foot or by using public transport and no objection is raised to this by TfL.

- 8.110 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) is required in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the Development Management Policies 2013. In accordance with Appendix 6; there should be a separate cycle parking space for every 60sqm of café/restaurant use. Therefore a minimum of 10 spaces are required for the mezzanine floor. A condition is recommended requiring further details of cycle parking prior to use of the mezzanine floor. The proposal is considered to accord with policy DM8.4 and Appendix 6 of the Development Management Policies 2013 and the Cycle Parking Standards – TfL Proposed Guidance subject to the recommended condition.
- 8.111 Development Management Policy DM8.5 stipulates 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 or service (e.g. car hire, Use Class B8 storage and distribution uses). In such cases, parking will only be permitted where an essential need has been demonstrated to the satisfaction of the council and where the provision of parking would not conflict with other council policies. Normal staff parking will not be considered essential and will not be permitted. The proposal would be car free in regards to persons visiting the site, with vehicles only entering the site for collection and deliveries.

### **Access and Inclusive Design**

- 8.112 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone.
- 8.113 The applicant should have regard to the guidance contained within Section 4 of the Inclusive Design in Islington SPD (2014).
- 8.114 Internally, a lift would be provided which is welcomed by the Inclusive Design Officer along with wheelchair level counters. The Inclusive Design Officer also advises that the applicant needs to ensure there are a range of table heights are available, with the clear space to the underside of the tables between 700mm and 800mm. These comments are recommended to be included as an informative for the applicant.
- 8.115 A condition is recommended requiring the provision of an accessible W.C in order to ensure that the site is visitable and accessible for all users prior to use of the mezzanine. Although a second lift would enable a greater level of accessibility, when considering the existing site circumstances and layout of units this is not considered a reasonable request.

### **Crime Prevention**

- 8.116 The Crime Prevention Officer does not object to the proposal, but has provided a number of recommendations in relation to the staircase and widened door and advises Chelsea hooks underneath tables upon the Upper Place to ensure personal belongings are kept safe and this is detailed within recommended Informative 3.
- 8.117 The Crime Prevention Officer notes that the effective management of the premises would be a key contributory factor to preventing and deterring crime. Officers consider that this

can be managed via the Operational Management Plans and the Late Night Operations Plan.

## **9. SUMMARY AND CONCLUSION**

### **Summary**

- 9.1 The development is considered acceptable in land use terms and would provide town centre uses in line with the existing and draft development plans. It is considered that the proposal would help support the vitality and viability of the town centre providing a unique offer which does not exist elsewhere. In compliance with the Regulation 19 draft Islington Local Plan, the market would retain an adequate level of retail units in order to protect the function of the Nags Head Town Centre.
- 9.2 It is considered that the development would not result in unacceptable noise, disturbance or anti-social behaviour to the occupiers of adjoining residential properties having regard to the restrictions within the Operational Management Plans and Late Night Operations Plan. The proposal would not cause an unacceptable impact on the highway, road users and pedestrians having regard to the Transport Statement and Delivery and Servicing details and would therefore not detrimentally impact upon nearby amenity levels taken as a whole and accords with Policy DM2.1.
- 9.3 Subject to the recommended conditions, the proposal is considered acceptable and would accord with policies DM2.1 of the Development Management Policies 2013 and policy CS9 of the Core Strategy 2011.
- 9.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 9.5 It is recommended that planning permission 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:

<b>1</b>	<b>COMMENCEMENT</b>
	<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>
<b>2</b>	<b>APPROVED PLANS LIST</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>001 Rev A, 100 Rev A, 101 Rev A, 200 Rev A, 201 Rev A, 202 Rev A, 203 Rev A, 204 Rev A, 300 Rev A, 5006/1 Rev A (Deliveries and Entrance Plan), Use Class Plan – 21/01/21 ref: NHM2001, Design and Access Statement (February 2020), Operational Management Plan – Nag’s Head Market Ground Floor (Undated), Late Night Operations Plan (May 2020) by Pegasus Group, Operational Management Plan (Upper Place) by Pegasus Group (December 2019), Operational Management Plan - Appendix 1 (The Upper Place), Operational Management Plan - Appendix 2 (The Upper Place Regulations), Planning Statement by Pegasus Group (December 2019), Noise Report by RBA Acoustics Rev 2 (3 February 2020), Servicing and Delivery Management Plan by Sanderson Associates (September 2020), Transport Statement by Sanderson Associates (September 2020), Active Travel Zone/Healthy Streets Assessment by Sanderson Associates (September 2020),</p> <p>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.</p>
<b>3</b>	<b>PERMITTED USES (COMPLIANCE)</b>
	<p>CONDITION: The ground floor of the market use hereby approved shall only be laid out and operated in accordance with the approved Use Class Plan – 21/01/21 ref: NHM2001. No less than 60% of the total ground floor units shall be in retail use at any one time. With the exception of a change to a retail use, the units identified on the approved Use Class Plan – 21/01/21 ref: NHM2001 shall remain in the approved use only, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To protect the retail function of the Nags Head Town Centre and Primary Retail Frontage.</p>
<b>4</b>	<b>MATERIALS (COMPLIANCE)</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p>

	<p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>5</b>	<p><b>OPENING HOURS - MEZZANINE (COMPLIANCE)</b></p> <p>CONDITION: The mezzanine floor use hereby permitted shall only operate within the hours detailed below and at no other time unless otherwise approved in writing by the Local Planning Authority:</p> <p>Sunday to Thursday and Bank Holidays: 0900 hours to 2230 hours Friday and Saturday: 0900 hours to 2300 hours</p> <p>REASON: To protect the amenities of residential properties.</p>
<b>6</b>	<p><b>OPENING HOURS - GROUND FLOOR (COMPLIANCE)</b></p> <p>CONDITION: The ground floor Sui Generis market use hereby permitted shall only operate within the hours detailed below and at no other time unless otherwise approved in writing by the Local Planning Authority:</p> <p>Monday to Saturday: 0600 hours to 2300 hours Sunday and Bank Holidays: 0700 hours to 2200 hours.</p> <p>REASON: To protect the amenities of residential properties.</p>
<b>7</b>	<p><b>HOURS OF USE - SMOKING TERRACE (COMPLIANCE)</b></p> <p>CONDITION: The first floor smoking terrace hereby permitted shall only operate between 1000 hours and 2100 hours on any day and at no other time unless otherwise approved in writing by the Local Planning Authority.</p> <p>The smoking terrace shall not be used for the consumption of food or beverages, the cooking of food and no fixed seating shall be provided at any time.</p> <p>REASON: To protect the amenities of residential properties.</p>
<b>8</b>	<p><b>NO EXIT HERTSLET ROAD AFTER 2000 HOURS (COMPLIANCE)</b></p> <p>CONDITION: Customers of the site shall not exit the site via the Hertslet Road access after 2000 hours on any day.</p> <p>REASON: To protect the amenity of residential occupiers.</p>
<b>9</b>	<p><b>NON-MOTORISED COLLECTION VEHICLES AFTER 8pm (COMPLIANCE)</b></p> <p>CONDITION: The collection of hot food takeaway and goods for delivery shall only be undertaken by non-motorised vehicles after 2000 hours on any day.</p> <p>REASON: To protect the amenity of residential occupiers and support sustainable modes of transport.</p>
<b>10</b>	<p><b>COLLECTION AND DELIVERY (DETAILS)</b></p> <p>CONDITION: Prior to the use of the mezzanine commencing on site a detailed servicing and delivery plan shall be submitted to and approved in</p>

	<p>writing by the Local Planning Authority. The Servicing and Delivery Plan shall include (but not be limited to):</p> <ul style="list-style-type: none"> <li>- The layout of the servicing bay;</li> <li>- Predicted number of vehicle movements associated with servicing and delivery;</li> <li>- Collections arrangements for hot food takeaway and goods collections and delivery vehicles; and</li> <li>- Details of any proposed facilities for collection/delivery drivers/riders associated with the collection of hot food takeaway and goods for delivery</li> </ul> <p>Servicing shall be carried out strictly in compliance with the details approved unless agreed in writing with the Local Planning Authority.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
<b>11</b>	<b>SERVICING AND DELIVERY HOURS (COMPLIANCE)</b>
	<p>CONDITION: The delivery of goods and servicing of the site shall not occur outside of the following hours and not at all on Sundays and Bank Holidays unless otherwise approved in writing by the Local Planning Authority:</p> <p>Monday to Saturday: 08:00 hours to 1900 hours</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
<b>12</b>	<b>COLLECTIONS (COMPLIANCE)</b>
	<p>CONDITION: Collection and delivery vehicles associated with hot food takeaway functions at the site shall only park, collect and enter the site from within the designated service yard area as detailed on Drawing No. 5006/1 Rev A (Deliveries and Entrance Plan). There shall be no collection from Hertslet Road at any time.</p> <p>REASON: To ensure that resulting collection arrangements do not adversely impact on pedestrians and road users.</p>
<b>13</b>	<b>BOTTLING OUT (COMPLIANCE)</b>
	<p>CONDITION: There shall be no bottling out between 2300 hours and 0800 hours on any day.</p> <p>REASON: To protect the amenity of residential occupiers.</p>
<b>14</b>	<b>NON OPENING WINDOWS (COMPLIANCE)</b>
	<p>CONDITION: The first floor windows of the building shall not open for any purpose other than maintenance.</p> <p>REASON: To protect the amenity of residential occupiers.</p>
<b>15</b>	<b>STAIRCASE (NO USE FOR AMENITY PURPOSES)</b>
	<p>CONDITION: The emergency only staircase hereby approved to the south elevation of the building shall not be use as a sitting out space or amenity space for patrons at any time and shall only be use in the case of emergency.</p>

	REASON: To protect the amenity of residential occupiers.
<b>16</b>	<b>REFUSE/RECYCLING (DETAILS)</b>
	<p>CONDITION: Details of refuse / recycling storage, collection and detailed management arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the mezzanine commencing on site.</p> <p>The refuse / recycling storage and collection arrangements shall ensure that storage bins do not obstruct operations within the site nor pose a fire risk. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>17</b>	<b>CYCLE PARKING (DETAILS)</b>
	<p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the mezzanine commencing on site. The cycle storage area(s) shall be secure and provide for no less than 10 cycle spaces for the commercial use hereby approved.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the mezzanine floor, and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>18</b>	<b>NOISE MANAGEMENT AND LATE NIGHT OPERATIONS FINAL (DETAILS)</b>
	<p>CONDITION: A Noise Management and Late Night Operations Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the mezzanine commencing on site. The site shall only be operated in accordance with the approved details and no changes shall take place unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To protect the amenity of residential occupiers.</p>
<b>19</b>	<b>AMPLIFIED SOUND SYSTEM (DETAILS)</b>
	<p>CONDITION: Full particulars and details of any amplified sound system along with any noise control measures for the use hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing on site. This shall include details of the speaker positions, sound limiter and <math>L_{Aeq}</math>, <math>L_{eq}</math>, 63Hz and 125Hz measurements at specified monitoring points for the limiter setting along with any sound insulation proposed. The sound limiter shall be installed prior to the use of the mezzanine commencing on site and all amplified music and sound shall be subject to the control of a noise limiter at all times. The sound limiter shall</p>

	<p>be regularly maintained and calibrated annually as such thereafter and no change there from shall take place unless otherwise approved in writing by the Local Authority.</p> <p>A contact telephone number must also be received and secured prior to use.</p> <p>REASON: To protect the amenities of residential properties.</p>
<b>20</b>	<b>ACCESSIBLE TOILET (DETAILS)</b>
	<p>CONDITION: Prior to the use of the mezzanine commencing on site hereby approved, details of an additional accessible W.C shall be submitted to and approved in writing by the Local Planning Authority. The W.C shall be installed in accordance with the approved details and maintained as such thereafter.</p> <p>REASON: To ensure a suitable level of accessibility in compliance with the Inclusive Design in Islington SPD (2014).</p>

**List of Informatives:**

<b>1</b>	<b>Construction works</b>
	<p>INFORMATIVE: Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
<b>2</b>	<b>Crime Prevention Recommendations</b>
	<p>INFORMATIVE: The following recommendations are suggested:</p> <p>External staircases should be secured so that they cannot be accessed out of hours. This should be done with an LPS1175 SR1 gate as a minimum. These areas should also be well lit with bulkhead lighting to deter any illegitimate users trying to gain access out of hours.</p> <p>Widened staircase door should be an LPS1175 SR2 door as a minimum security standard. This would withstand communal use and also provide adequate security for property within once closed.</p> <p>Chelsea hooks are installed on the tables in the eating area. This will ensure that customers are able to store their bags close to their persons and limit the opportunity for criminals to steal items. The other matters in relation to licensing appear to have been well covered.</p>
<b>3</b>	<b>Car Free Development</b>
	<p>INFORMATIVE: All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011.</p>
<b>4</b>	<b>Table Counter Heights</b>

	INFORMATIVE: You are advised to ensure that there are a range of table heights available, with the clear space to the underside of the tables between 700mm and 800mm.
<b>5</b>	<b>Planning Permission</b>
	INFORMATIVE: You are advised that should the number of ground floor retail units at the site be proposed to be reduced below 60% of total units Planning Permission would be required.

## **APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE**

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 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.

- NPPF (2019)

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 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**

Policy 2.15 Town centres  
 Policy 4.1 Developing London's economy  
 Policy 4.7 Retail and town centre development  
 Policy 4.8 Supporting a successful and diverse retail sector  
 Policy 4.9 Small shops  
 Policy 6.7 Better streets and surface transport  
 Policy 6.9 Cycling  
 Policy 6.10 Walking  
 Policy 6.13 Parking  
 Policy 7.2 An inclusive environment  
 Policy 7.4 Local Character

#### **B) Islington Core Strategy 2011**

Policy CS2 Finsbury Park  
 Policy CS8 Enhancing Islington's character  
 Policy CS11 Waste  
 Policy CS14 Retail and Services  
 Policy CS18 Delivery and infrastructure

## C) Development Management Policies June 2013

### Design and Heritage

- DM2.1 Design
- DM2.2 Inclusive Design
- DM4.3 Location and concentration of uses
- DM4.4 Promoting Islington's Town Centres
- DM4.5 Primary and Secondary Frontages

### Transport

- DM8.2 Managing transport impacts
- DM8.4 Walking and Cycling
- DM8.5 Vehicle Parking
- DM8.6 Delivery and servicing for new developments

### **3. Designations**

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

- Core Strategy Key Areas (Nags Head and Upper Holloway)
- Cycle routes (Major)
- Primary Retail Frontage (Nags Head)
- Site allocation (NH1)
- Site within 100m of a TLRN Road (Holloway Road)
- Town Centre (Nags Head)

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

The following SPGs and/or SPDs are relevant:

<u>London Plan</u>	Accessible London (2016) Character and Context (2014) Sustainable Design and Construction (2014) Town Centres (2014)
--------------------	---

<u>Islington</u>	Inclusive Design in Islington (2014) Islington Urban Design Guide (2017)
------------------	---

### **5. Emerging Policies**

Draft London Plan (Intend to Publish Version, December 2019)

The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

- Chapter 1**  
Policy SD6 Town centres and high streets

### **Chapter 3**

Policy D4 Delivering good design

Policy D11 Safety, Security and Resilience to Emergency

Policy D14 Noise

### **Chapter 10**

Policy T2 Healthy Streets

Policy T4 Assessing and Mitigating Transport Impacts

Policy T5 Cycling

Policy T7 Deliveries, Servicing and Construction

## Draft Islington Local Plan 2019

Emerging policies relevant to this application are set out below:

Policy H1 Thriving Communities

Policy T2 Sustainable Transport Choices

Policy T3 Car Free Development Parking

Policy R2 Primary Retail Frontages

Policy T5 Delivery, Servicing and Construction

Policy R3 Islington's Town Centres

Policy R7 Markets and specialist shopping areas

Policy S1 Delivering Sustainable Design

Policy S3 Sustainable Design Standards

Policy S2 Sustainable Design and Construction

Policy SP5 Nag's Head and Holloway