

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Community Wealth Building

<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	4 <sup>th</sup> May 2021	<b>NON-EXEMPT</b>

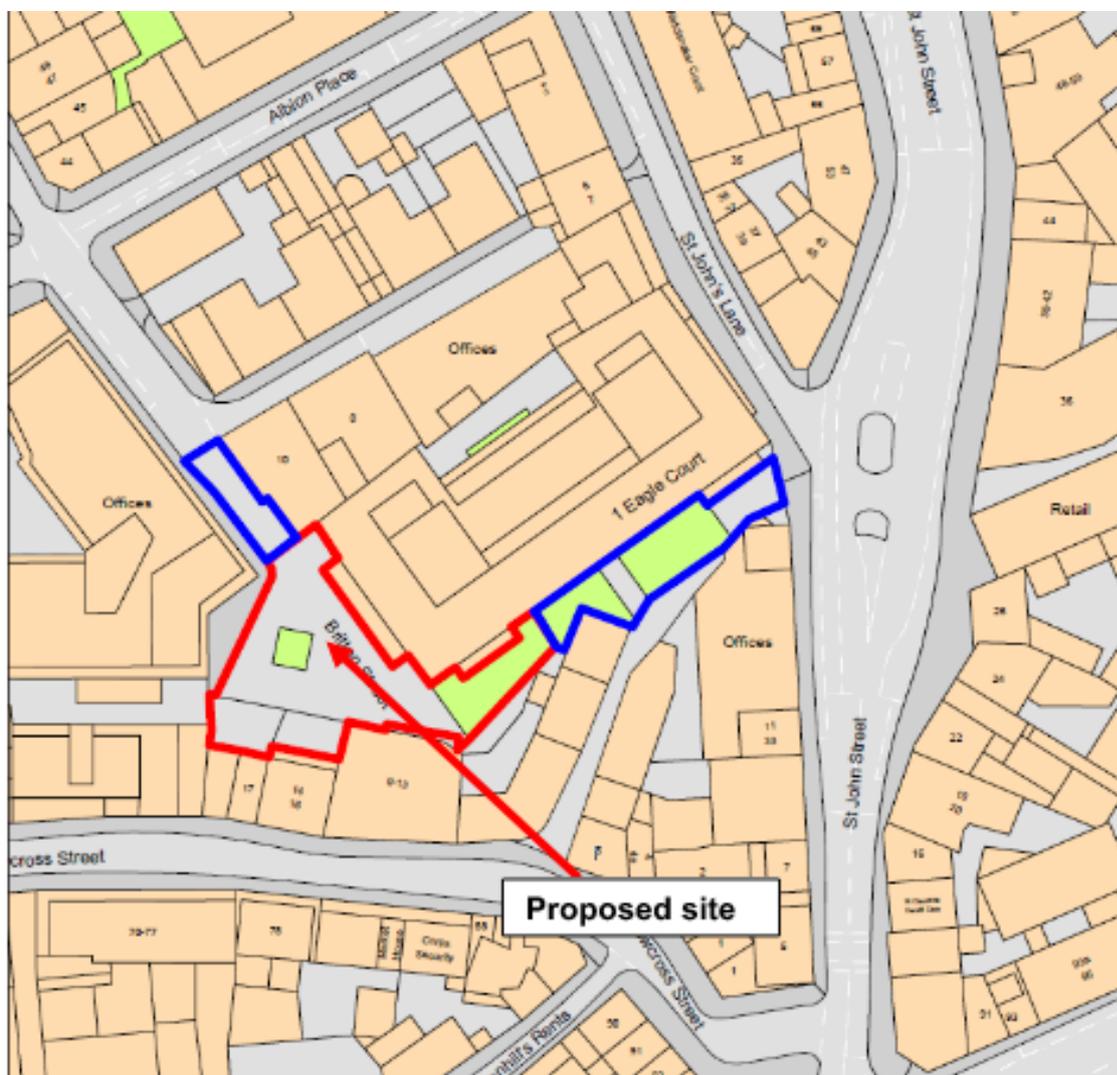
Application number	P2020/1687/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	No
Conservation area	Clerkenwell Green
Development Plan Context	Central Activity Zone; Bunhill & Clerkenwell (Finsbury Local Plan); Employment Priority Area, Private Open Space, Archaeological Priority Area, Crossrail Safeguarding Area
Licensing Implications	None
Site Address	Land & Access Ways Rear of 13-27 Cowcross Street London EC1
Proposal	Continuation of the temporary use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week for a further 3 years. (Temporary Planning permission previously granted P2019/1744/FUL 01/08/19) for a period of three years. The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only.

Case Officer	Mr Ross Harvey
Applicant	Newsteer
Agent	Newsteer

### 1. RECOMMENDATION

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

2. SITE PLAN (Outlined in red)



### 3. PHOTOS OF SITE



**Image 1:** Aerial view of the site



**Image 2:** View of the Market taken from the edge of Briton Street.



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

#### **4. SUMMARY**

- 4.1 Planning permission is sought to continue the temporary use of the external plaza area for a food market of up to a maximum of 13 stalls for a (maximum) of 3 days per week for a period of three years. The market would operate on Tuesdays, Wednesdays and Thursdays between 9.00am and 4.00pm with food cooked and served between 11.00am and 2.30pm only.
- 4.2 The application submitted is a resubmission of two previously approved temporary consents which allowed for the operation of the market for a maximum period of 2 years (ref: P2019/1744/FUL & P2016/3449/FUL). The current submission is similar in layout/number of stalls to the two previous applications and seeks to continue the use of the plaza area as a market for a further period of up to 3 years.
- 4.3 The application is presented to committee due to the number of objections received raising material planning issues. During the consultation, a total of 7 objections and 1 letter of support were received. The main issues highlighted include noise, disturbance, smells, hours of operation and parking issues. A summary of the objections raised is highlighted in section 8.2. The use and overall layout would be acceptable in principle and would not impact on the character and appearance of the conservation area or the setting of surrounding listed buildings.
- 4.4 No objections have been received from the Council's Street Trading; Environmental Health; Refuse Control' or Pollution Control Teams. The use is considered conducive to the central location and subject to conditions relating to the control of hours and intensity of use, the proposal would not prejudice the residential amenity of the neighbouring properties insofar as undue noise or disturbance and would comply with policy DM2.1 of the Islington Development Management Policies.
- 4.5 A temporary period of 3 years has been sought by the applicant. The previous permission had given a 2-year consent to allow a substantial period of time to monitor the use in terms of operating times, waste management control, traffic and operational management controls. As no significant concerns have been identified by internal/external consultees during the consultation period and from the previous two-year operational period, officers consider that a further 3-year temporary consent is reasonable in this instance.

- 4.6 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved

## 5. SITE AND SURROUNDING

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

## 6. PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks planning permission to use the external plaza area known as Cowcross Estate for a food market for a maximum of 3 days a week – Tuesdays, Wednesdays and Thursdays only. This application is for a continuation of the temporary 2-year consent granted in 2017, which was renewed in 2019.
- 6.2 The market would continue to operate a maximum of 13 stalls with the market operating between 9.00am and 4.00pm each permitted day. As previously agreed, the cooking of food would take place between 11.00am and 2.30pm only. The applicant does, however, seek to serve cold drinks and heated food outside the cooking times to allow customers to use the market earlier and later in the day.
- 6.3 The market will be run by a specialist food operator (Urban Food Fest) under the same restrictions and conditions as the existing market.
- 6.4 Each stall would measure 3m x 3m (where a gazebo is proposed) or between 3.5 to 5m long x 2.5m width (where a vehicle is proposed) and would be positioned to maintain the throughway access between Britton Street, White Horse Alley and Peters Lane. In terms of servicing, unloading and loading will be available Britton Street, Peter's Lane (St John's Lane) and Cowcross Street entrances, subject to available kerbside space for a light panel van to park. It is proposed that each stall would take 20 minutes to unload and load with a maximum of 4 vans unloading at a time.

## 7. RELEVANT HISTORY:

### *Planning Applications*

- 7.1 **P2020/1390/FUL & P2020/1431/LBC** - Routing of power cable from Denmark House in to Cowcross Yard and the installation of 7 no. in-ground power sockets (**Under consideration**)
- 7.2 **P2020/1143/FUL** - Proposed replacement permanent public seating (**Granted 21/10/2020**)

- 7.3 **P2020/1142/FUL** - Proposed lighting installations within alleyways between 18 - 19 and 19 - 25 Cowcross Street (**Granted 03/07/2020**)
- 7.4 **P2020/1141/ADV** - Advert Consent for the display of 2 X non-illuminated fascia signs fronting Cowcross Street, 1 X free standing non-illuminated gantry sign and 1 no. non-illuminated wall mounted sign (**Granted 21/10/2020**)
- 7.5 **P2019/1868/FUL & P2019/2884/LBC** - Installation of 10no. lighting frames within alley between 9-13 and 14-16 Cowcross Street and the installation of 2no. anchor plates along the rear elevation of 14-16 Cowcross Street (**Granted 10/03/2020**)
- 7.6 **P2019/0983/ADV & P2019/1119/LBC** - Wall to rear of 14-16 Cowcross Street Advertising mural applied to existing rear boundary walls of the properties at nos. 14-16, 17 and 18 Cowcross Street. The mural would front the White Horse Alley (**Granted 17/10/2019**)
- 7.7 **P2019/0747/FUL** - Public seating consisting of three groups of multi-coloured timber box structures (**Withdrawn by the Applicant**)
- 7.8 **P2016/3449/FUL** Use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week. The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only. (**Granted 07/07/2017**)

#### *Enforcement*

- 7.9 **E/2020/004** Breach of conditions 2 & 5 of planning application reference P2019/1744/FUL. **Completed 22/06/2020**
- 7.10 **E/2019/032** More stalls than 4 being set up at any one time in breach of condition (4) and breaches of conditions (6) and (8) of P2019/1744/FUL. **Completed 25/11/2019**

***Officer Comment: Planning Enforcement Comments provided below with regards to the closed enforcement cases.***

#### **Public Consultation**

- 7.11 Letters were sent to occupants of 218 adjoining and nearby properties at Britton Street, St John's Lane, Cowcross Street and Eagle Court on the 24th July 2020.
- 7.12 A site notice and press advert were also displayed on the 30th July 2020. The consultation period expired on 23<sup>rd</sup> August 2020 and at the time of writing this report, 7 objections have been received as well as 1 letter of support. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).
- Noise disturbance from the use. (**Noise issues are addressed from paragraph 9.45**)
  - No cars should be permitted to park in the plaza (**Transport issues are addressed from paragraph 9.29**)
  - Object to the use of food trucks which are larger than the gazebos and impact the appearance of the area and are less likely to be local. No vehicles should be allowed within the pavilion (**Design and Character issues addressed from paragraph 9.12**)
  - Weekend cleaning of the piazza should be conditioned (**waste management and cleaning addressed from paragraph 9.36**)
  - Use of noisy mobile power generators are disruptive to local residents (**noise issues are addressed from paragraph 9.45**)

- 13 stalls are too many and disrupt the licence area and deliveries to adjacent commercial properties (**Neighbour amenity issues addressed from paragraph 9.43**)
- No basis for a market in a residential area (**Neighbour amenity issues addressed from paragraph 9.43**)
- Rubbish and waste issues within the piazza due to the market activity (**waste management and cleaning addressed from paragraph 9.36**)
- Vehicles will impact parking availability and traffic flow within Britton Street which is residential (**Transport issues are addressed from paragraph 9.29**)
- No information has been submitted regarding crowding/hygiene and possible spread of Coronavirus (**COVID 19 implications addressed from 9.51**)
- Incorrect assertions in the Transport Statement implying that there are not many residential properties within the immediate area (**Transport issues are addressed from paragraph 9.29**)
- Use of private passageway beneath Denmark House as a public thoroughfare will result in potential anti-social behaviour. (**Addressed under paragraph 9.55**)
- Use will lead to more pedestrian and vehicle traffic (**Transport issues area addressed from paragraph 9.29**)

### **Internal Consultees**

7.13 **Planning Policy:** No objections raised during previous submissions.

7.14 **Public Protection:** Not aware of any noise complaints. The EPPP team have no objections.

*Officer Comment: Conditions were recommended by the Acoustic Officer during P2019/1744/FUL, including limiting the hours of operation of the market and an Operational Management Plan to be submitted. These conditions have been replicated given the similarities between the current application and the recent temporary permission.*

7.15 **Environmental Health:** No objections. Sought clarification regarding the water source in the market and whether traders had to bring their own.

*Officer Comment: the Market Operational Management Plan submitted with the application confirmed that there will be a water supply on site, however, all traders will be responsible for bringing a supply of water as per their requirements*

7.16 **Street Trading:** No objections.

7.17 **Licensing:** Comments from P2019/1744/FUL: The premises would not require a premises license unless they are selling alcohol. If that is the case and the market is every week, the land owner would have to apply for full Premises License.

7.18 **Design and Conservation:** No objections to the proposal. Historically this is one of the main market areas of London and such uses are welcomed

7.19 **Inclusive Design and Transport Planning:** No objections in Inclusive Design terms and the layout appears acceptable. However, clarification needed on planning statement point 5.15: Clarification was sought whether vehicular access to the plaza was sought for unloading. **OFFICER COMMENT: The submitted Transport Statement confirms that no changes are proposed to the existing market's operational practice from the previous planning permissions.**

- 7.20 **Planning Enforcement:** Concerns raised by the public in relation to noise nuisance and illegal parking generated when the market is operating. The noise issue could not be established by Enforcement Officers and the illegal parking is not a matter that could be controlled by planning. The last enforcement case file was closed in December 20.

*The concerns reported relate to noise emanating from generators when the market stalls are in situ. The food market at this site was permitted to operate under a temporary planning permission (Ref.:P2019/1744/FUL) which expired 01 August 2020. There were no planning conditions to control noise level. A further planning application (P2020/1143/FUL) has been submitted since April 2020 but has remained undetermined. Notwithstanding the above, pursuant to Class B of Part 4, Class BA of Part 12 (The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020) under "additional temporary use of land during the relevant period" the land in question can operate as a temporary market without planning permission between 1st July 2020 to 31st December 2020. Within this context, it would appear that the use of the market is permitted and no breach of planning control has occurred. Any noise issue would have to be dealt with under Environmental Health regulations*

### **External Consultees**

- 7.21 **Secure by Design Officer:** No objections or comments on P2019/1744/FUL
- 7.22 **London Underground Infrastructure Protection:** No comments to make on this application
- 7.23 **Crossrail:** Crossrail Limited do not wish to make comments on this application as submitted
- 7.24 **Transport for London:** TFL has no strategic transport comments to make
- 7.25 **Network Rail:** No observations or comments to make.

## **8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES**

- 8.1 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).
- 8.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 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.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.

- 8.5 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.
- 8.6 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.
  - 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.
- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

### **Emerging Policies**

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

- 8.11 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. As part of the examination, consultation on pre-hearing modifications is taking place from 19 March to 9 May.

8.12 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)

8.13 The emerging policies relevant to this application are set out below:

- Policy H1 Thriving Communities
- Policy T1 Enhancing the Public Realm and Sustainable Transport
- Policy T5 Delivery, Servicing and Construction
- Policy S1 Delivering Sustainable Design

## 9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design & Conservation
- Operation Management and Transport Issues
- Neighbour Amenity
- Other Issues

### Land Use

9.2 The proposal is situated to the rear of Cowcross Street and comprises a private plaza that is also used as a pedestrian throughway. The throughway links pedestrians across the plaza from Britton Street via Horse Lane Alley onto Cowcross Street and from St Johns Lane/Peter's Lane onto St. John Street. The plaza site is surrounded by a mixture of commercial/residential and office buildings that enclose the site and protects the space from the busier routes of Cowcross Street to the south and St Johns Street situated to the north east.

9.3 Policy E9 of the London Plan 2021 deals specifically with retail, markets and hot food takeaway. Under part C (5) of this policy, it states '*...support London's markets in their full variety, including street markets, covered markets, specialist and farmers' markets, complementing other measures to improve their management, enhance their offer and contribute to local identity and the vitality of town centres and the Central Activities Zone*'.

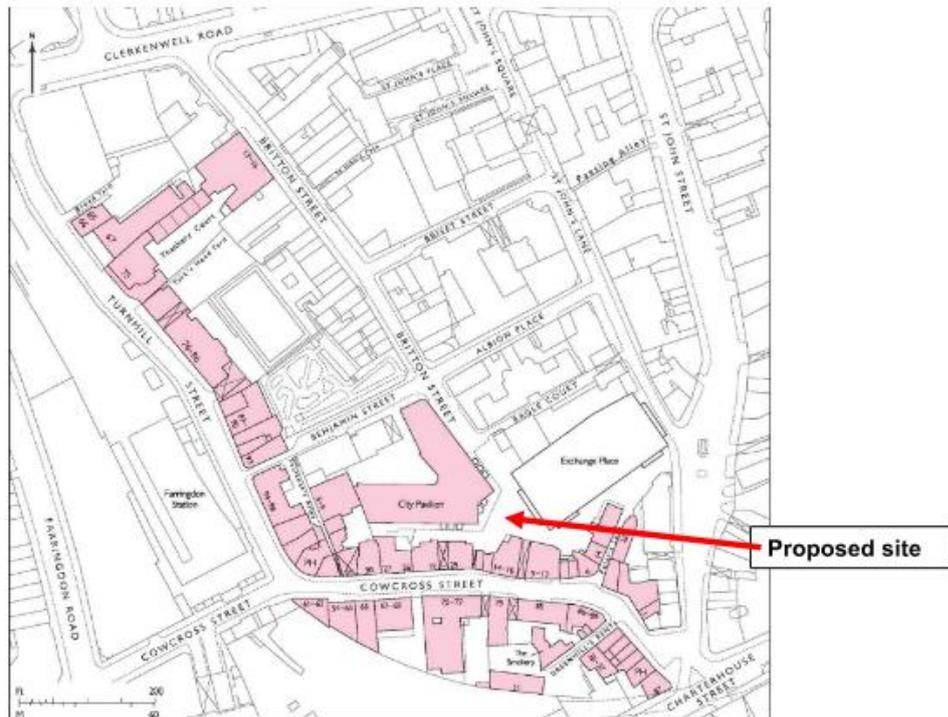
9.4 The Council's local policies are also supportive of markets that continue to provide additional retail/service function within the Central Activities Zone. Street markets add to the character of local areas. Development Management Policy DM4.9 is specific to markets and specialists shopping areas. It states that the council will seek to maintain existing traditional street markets. It highlights markets as popular with shoppers and visitors due to their vibrancy and range of goods to offer. This is also supported by policies CS7 (Bunhill and Clerkenwell) of the Core Strategy which encourages tourist related development that promotes visitor economy. CS14 (Retail and services) also states that Islington will continue to have strong cultural and community provision with a healthy retail and service economy providing a good range of goods and services for the people who live, work and study in the borough.

- 9.5 The Finsbury Local Plan BC7 (Historic Clerkenwell) places a strong emphasis on heritage-led development that reinforces its uniqueness, integrity and socio-cultural value. It focuses on individual spaces which present opportunities for creating additional public space by transferring underused roads and parking areas into pedestrian use. Such improvements must aim to maximise the use and vitality of the space in a manner that reinforces the character and economy of the local area. This may incorporate spaces suitable for entertainment and events, markets, outdoor seating area.
- 9.6 The Draft Islington Local Plan Policy seeks to maintain, and support the enhancement of, existing markets within the borough. It also states that 'New markets are encouraged in Town Centres and appropriate locations in the CAZ, where they support and enhance the function of a specific locality and do not adversely impact any predominant 'bricks-and-mortar' based uses'.
- 9.7 The subject space is privately owned and situated in an area of Clerkenwell that has historic links to market activity. Currently the space is used by both local residents who live in the buildings nearby including City Pavillion, 8-10 Eagle Court and Zinc House (19-25 Cowcross Street) and office workers who work locally. The space remains an important private open space to those who reside and work in the area. The proposal would continue to maintain the space as an amenity area and whilst also providing a commercial activity for a limited period within the week. The layout of the stalls ensures the central plaza remains uninterrupted and this space would remain available as an amenity area. The proposed market would operate a maximum of 3 days a week between the hours 9am and 4pm. This is considered acceptable in terms of days and hours of operation given its location within the Central Activity Zone and within an Employment Priority Area. It must also be noted that the market would not operate at the weekends and the space will function entirely as a private open space to local residents and visitors to the area.
- 9.8 The market as proposed generally complies with both London Plan (2021) and local plan policies. As noted, the Finsbury Local Plan seeks to ensure heritage led development is reinforced and focuses on presenting opportunities in underused areas with an aim of maximising the use and vitality of these spaces whilst reinforcing the character of the local area. The proposal does provide an opportunity to improve pedestrian use by local residents, workers, tourists and visitors to the area through providing greater active use to the space. It would add a secondary commercial function in a safe and secure area which provides a wider choice of food to visitors and people who live, work and study in the borough.
- 9.9 The site is also situated to the rear of Cowcross Street. Historically, Cowcross Street evolved as a market area over the centuries. It is noted in the British History Online (BHO) that as well as Smithfield Market, which was in existence by 1123, there was a separate cow market which Cowcross Street is named after. Whilst this application relates to a food market to the rear of Cowcross Street, Officers do note the links to activities that took place and helped create the sense of place in the area. It would correlate with the guidance in policy BC7 of Finsbury Local Plan which aims to have heritage led development. Creating spaces and markets which have some connections to the historic past and also enable to support the retail and tourist function in the area.
- 9.10 The site's unique location within a private plaza connected by several historic lanes represents an opportunity to provide an additional commercial function that contributes to providing a range of goods and services for the people who live, work and study in the borough as set out in CS14 of the Core Strategy. The strategic layout along the periphery of the plaza also ensure that the space can be maintained as an area of relaxation and ensure that pedestrian traffic is unaffected.

- 9.11 The market would seek to operate on set days with limited hours for cooking and operation. It would operate on 3 days of the week (Tuesday, Wednesday and Thursday's) with the space returned to a plaza outside of these hours/days. The principle of the use is considered acceptable subject to a temporary consent.

### **Design, Conservation and Heritage Considerations**

- 9.12 The site is situated within Clerkenwell Green Conservation Area and as such the proposal is required to pay special regard to the statutory duty (s72(1)) for the preservation or enhancement of these heritage assets. There is also a Grade II Listed Building in the immediate area (Nos 9-13, 14-16 and 27-27 Cowcross Street) and as such the LPA has a statutory duty to consider the development in the context of a listed building or its setting and to have special regard to preserving or enhancing its visual appearance and its historic character.
- 9.13 In terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy (2011) policy CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Area Design Guidelines.
- 9.14 Core Strategy Policy CS9 states that 'high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive'. Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics'.
- 9.15 In relation to heritage, Policy DM2.3 states 'Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance'
- 9.16 As noted the site is situated within Clerkenwell Green Conservation Area which has a special character and appearance which stems from its mix of uses, its architecture and its history. The fabric of the area derives from incremental development from Norman times. The Clerkenwell Green Guidance identifies Clerkenwell/Smithfield as a special area, which merits a special level of protection.
- 9.17 Paragraph 1.6 of the conservation area guidance highlights specialist craft and light industrial workshops are traditional to Clerkenwell. Other uses synonymous with the area historically include retail, showroom, eating and drinking, residential, educational, community and museum uses which all contribute to the areas variety and vitality. The inclusion of a food market would therefore correlate with the range of historic uses in the area. As already noted, markets have historically been present within this area as far back as the 12th Century.
- 9.18 The Ordnance Survey map below taken from British Historic Online shows the intersection of Turnmill Street and Cowcross Street and describes this area as a lively thoroughfare within proximity of Farringdon Station (British History Online). The historic paper further discusses how Cowcross Street and Turnmill Street historically formed a single important route north from the City and became a narrow and thoroughfare largely due to market or commercial activity that took place on its route. As discussed in para 9.9, a cow market operated at the junction of St John Street, Cowcross Street. Both Cowcross and Turnmill Streets were used for driving animals in connection with this market. The surrounding laneways and streets would have contributed to the markets functioning as it evolved.



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

- 9.19 From the map above, it shows the proximity of the proposed site to the junctions of Cowcross/St John and Turnmill Street where a cow market and droving of animals were once a fundamental part of the fabric. Although the current application relates to a food market, given that markets have been engrained in the fabric of this area, the proposal is welcomed as it provides a historic link to the activities that once dominated the area.
- 9.20 Under the proposals, the same number of market stall plots have been proposed as previously approved. The stalls would be a combination of the same gazebo-type structures with open-sides (as per the previous approvals), as well as vehicle ‘stalls’. The Design and Conservation Officer has been consulted and has noted that whilst the layout of market stalls would change, they would be contained to the same area of open court ‘plaza’ and therefore they have not objected to the application.
- 9.21 The market would comprise 13 stalls each measuring 3m by 3m (where a gazebo is proposed) or between 3.5 to 5m long x 2.5m width (where a vehicle is proposed) and would be situated along the perimeter of the plaza thereby reducing the impact on other pedestrians using the space. The application has not specified the precise mix of gazebos and trucks allowing flexibility to market stall operators.
- 9.22 It is noted that the site was originally an enclosed court of buildings. Although it has been redeveloped as a more open space it still retains a courtyard appearance and a commercial atmosphere, for which a modest market use would not be inappropriate in terms of heritage and design. There would be no permanent alteration to the urban fabric of the site under this application. The only physical element of the application relates to temporary tents or vans for the temporary market stalls. Given the historic usage of the area for commercial activity and markets, it would not harm the character of the conservation area. The temporary of the structures would also not impact on the setting of the nearby listed buildings (9-13,14-16 and 27-27 Cowcross Street).

- 9.23 In conclusion, the proposal is considered to preserve the visual appearance and historic character of the area whilst also re-establishing historic ties to the areas past as a market place. It would contribute to the special character and appearance of the conservation area, which stems from its mix of uses and as such preserves the associated heritage assets, including the wider Clerkenwell Green Conservation Area and the setting of the Grade II Listed Building, complying with the design advice within the Urban Design Guide (2017) and Clerkenwell Green Conservation Area Design Guidelines. It is therefore considered acceptable in design and heritage terms, and compliant with the design policies within the Development Plan.
- 9.24 In accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the adjacent conservation area. The proposal is not considered to cause harm to the character nor the appearance of the conservation area as no external alterations are proposed.

### **Operational Management and Transportation Issues**

#### *Operating and cooking times*

- 9.25 The market would operate from 09.00am and finish at 4.00pm on Tuesday, Wednesday and Thursdays weekly. In order to limit the impact on the surrounding residents, offices and other commercial buildings, the hours in which food would be cooked would remain between 11.00am and 2.30pm. The application seeks to alter the times in which food is served (outside cooking times) to allow customers to use the market earlier and later in the day without having the impact of cooking smells. The Council's Environmental Health Team have been consulted and have raised no objections to the proposal.
- 9.26 A condition was recommended during the most recent application (P2019/1744/FUL) requiring that the water supply must be of drinking water quality and the water supply must be adequately maintained by appropriate persons to ensure the principles of water supply hygiene are adhered to. These details have been approved within the 2019 application, under P2019/2434/AOD. The details submitted are consistent with those already approved and therefore considered acceptable.
- 9.27 Whilst Officer's note concerns raised regarding smells from cooking and hours of operation, given that this would largely take place between the normal lunch hours, it is considered insufficient reasoning to warrant a refusal in this instance. The smells associated with the cooking of food are considered acceptable due to the limited time period (3 ½ hours) and the location within an open air space
- 9.28 Outside of these hours (9am-11am & 2.30pm-4pm), in addition to sales, the market stalls would undertake preparation, serving of food and cleaning/removal of equipment. This timeframe is considered appropriate and would not have an unacceptable impact on the surrounding properties.

#### *Site Setup/Transport Issues*

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

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



**Image 5:** Existing pedestrian access points serving the plaza

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

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

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

- 9.33 Cowcross Street has the largest capacity for delivery activities, with a combination of permit bays and double yellow lines. Further double yellow lines near the junction of St. John's Lane and St John Street provides alternative loading opportunity for the traders. The double yellow lines in the streets that surround the site restrict use between 8.00am and 8.30am, which is outside the operating times proposed and therefore would not impact on the vehicle unloading. Both single and double yellow lines allow loading for up to 40 minutes. As the average set up time for the market stall is approximately 20 minutes, this would be sufficient to ensure that each market trader has time to set up and move their vehicle on.
- 9.34 The Transport Statement also includes a kerbside survey that was originally carried out to assess what the impacts would be on other businesses in the area. Appendix A of the Transport Statement showed very low levels of use of the double yellow lines on Cowcross Street throughout the survey period. The busiest time period was between 10:00am-10:30am (three light good vehicles using unloading area). However, extra capacity on Britton Street and St. John Street allowed for any spill over of vehicles. The survey concluded that there is sufficient spare capacity for on-street unloading opportunities to accommodate the market and it would not have a detrimental impact on the local highway system.
- 9.35 Access will be available via Britton Street for market vendors operating out of a small vehicle. The applicants have confirmed that the bollards restricting access to Cowcross Yards will be lowered at opening and closing of the market to allow these market operators to enter and exit the site.
- 9.36 Both Transport for London and the Council's Highways Officers have been consulted on this application and the most recent applications, and have raised no objections to the market given its location in a private space. Notwithstanding this, Officers consider a condition restricting loading and unloading before 9am and after 4.30pm necessary given its inner city location. This will allow sufficient time in the mornings and evenings for all stall operators to install/remove their equipment with limited impact on the highway network and the local population (both residential and commercial).

#### *Waste Management*

- 9.37 With regard to the management of waste from the stalls, the applicant has confirmed a private commercial agreement with DOC Cleaning and also have an ongoing contract agreement with Pulse Environmental Ltd who deal specifically with the waste management of the plaza.
- 9.38 Representations received raise concerns regarding litter and waste management which has led to rodent issues in the area. It is noted that these comments appear to highlight issues associated with commercial premises in general within the area, as a factor contributing to potential rodent problem and not solely the market use., Officers recognise the potential for additional litter and waste from a market in the area and the requirement to have a market supervisor/manager on site during operation times is necessary to ensure issues such as site set-up and waste management are continuously monitored and improved. The Planning Statement indicates that refuse is collected from the site every day Monday to Friday. In addition, the market stall operators would be responsible for cleaning up after themselves on days of operation.
- 9.39 The applicant has also provided a waste strategy for Cowcross Yard going forward. The plan is set out in the Planning Statement, which is recommended to be secured by condition (Condition 2) and includes:

- Daily cleaning of Cowcross Yards (DOC is the appointed cleaning contractor)
- Daily emptying of public bins in Cowcross Yards (Pulse Environmental Ltd is the appointed waste subcontractor)
- Introduction of weekend cleaning and bin emptying on Cowcross Yards
- Additional waste storage on site (temporary waste storage, permission has not been sought for the installation of permanent waste enclosures)
- Clear communication plan with street vendors and market sellers about waste disposal particularly for food vendors
- Clear waste signage for vendors and public
- Increased number of accessible bins (potentially have vendors provide access to their bins for public use)

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

9.41 As such, it is considered that sufficient controls, are in place to address refuse associated with the site.

#### *Seating*

9.42 Seating is available centrally within the plaza, which can accommodate up to 15/20 people and no additional seating is proposed. Many of those who chose to use the stalls would be passing through trade, tourists or workers on their lunch break. In addition, P2020/1143/FUL was recently granted for the installation of permanent public seating around the tree at the centre of the plaza.

9.43 Overall, based on the information provided in terms of loading, hours of operation, waste management and supervisor arrangements, it is considered that the proposed market can continue to operate successfully without resulting in unacceptable impacts on the surrounding residents and commercial properties.

#### **Neighbour Amenity**

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

9.45 The main concerns raised in representations include the following:

- Noise and disturbance
- Smells from food
- Vehicle and use of vans as stalls within the market

### *Noise and Disturbance*

- 9.46 The Pollution Control Team have been consulted as part of the application and raised no objections to the market. The hours of operation would not be early morning (before 7am) or late at night (after 11pm). These times are considered the most vulnerable times for residential occupants who may be at sleep. The operating times proposed are 9am to 4pm, for three days a week during working hours. Outside of these times/days the plaza would have no additional activity. Given the limited operational times of the market, it is considered not to have an unacceptable impact on neighbouring occupiers.
- 9.47 Furthermore, the Environmental Pollution, Policy & Projects Team has confirmed that no complaints have been received from the existing market which has operated over the last 4 years.

### *Smells from Food*

- 9.48 The market is located in an area where there is a high volume of restaurants currently operating. Whilst Officers acknowledge that the cooking of food will generate some smells, a condition has been attached to limit the cooking time between the hours of 11am and 2.30pm. Subject to this condition, it is considered that the proposal would not result in unacceptable impacts as a result of odour to the neighbouring occupiers.

### *Vehicle movement and van stalls within the plaza*

- 9.49 Representations received have raised particular concerns regarding the use of vehicles as stalls. These are described by the applicant as 3.5m to 5m long by 2.5m in width and are larger than the typical gazebo style stalls which have previously occupied the market. The submitted Planning Statement confirms that where a vehicle is brought onto the site to trade it would fit within the allocated market stall area, which is consistent with the most recent approval. Access for these vehicles will be available via Britton Street. The applicants have confirmed that the bollards restricting access to Cowcross Yards will be lowered at opening and closing of the market to allow these market operators to enter and exit the site. It has also been confirmed that these would use an existing fixed source of power supply and therefore engines will not be in use. A condition has therefore been included requiring that vehicle engines are not turned on whilst the market is in operation. The Transport Statement submitted with the application has not been updated since the temporary permission was last granted in 2019. It is therefore not clear how the vehicle stalls will access the site and how they may impact on pedestrian flow throughout the plaza. A condition has therefore been recommended requiring the full details and vehicular access and egress within the plaza to be submitted prior to the first occupation of the temporary market.
- 9.50 The issues raised by neighbouring residents and commercial occupiers are broadly consistent with those received during the assessment of ref: P2019/1744/FUL. A condition was included on the previous application requiring a Market Operational Management Plan to be approved prior to the commencement. The operational management plan sought details regarding unloading and loading timings, details of site supervisor/supervision of the market stalls, details of a fixed supply of hot and/or cold potable water supply, refuse plans, facilities locations and collection arrangements, litter control measures, noise control measures, and details of Community Liaison Officer and contact number. The full details were submitted and agreed by Islington Council on 19/11/2019 under P2019/2434/AOD. A Market Operational Management Plan has been submitted with the current application that is broadly consistent with the details approved under P2019/2434/AOD and officers are satisfied that sufficient information has been provided to ensure that the proposed development does not have an adverse impact on neighbouring residential amenity and highways safety and congestion in the surrounding area.

A compliance condition has been recommended to ensure the market is operated in accordance with the details provided within the Market Operational Management Plan.

- 9.51 On this basis, it is considered that the proposed market would not result in unacceptable harm to the amenity of the neighbouring occupiers. The proposal is therefore considered to accord with policy DM2.1 which requires development to provide good levels of amenity.

### **Other Matters**

- 9.52 Concerns have been raised by the public regarding social distancing, hygiene and the markets contribution to the possible spread of COVID 19. The applicants have submitted an alternative site plan showing 9 market stalls instead of 13, and pedestrian flows throughout the plaza allowing 2m gaps between people and a 2m wide clear route through Cowcross Yards. Whilst permission is sought for up to 13 market stalls, it is understood that the site will be used in accordance with the 9 market stall scheme whilst social distancing requirements are in place.
- 9.53 In addition, the market operators have prepared their traders policies to account for COVID 19 regulations. The updated policies document requires that vendors maintain up to date valid health & safety documents, licenses, insurances and other relevant documents required for trading, and carry out Covid risk assessments. It also includes more stringent cleaning requirements, including the use of ground sheets beneath each truck/stall, 3 walls and store frontages. All vendors will be required to bring adequate hand washing facilities and to wear face masks and gloves at all times.
- 9.54 It is considered that the details submitted provide confidence that the market operators will ensure the site is managed appropriately to stop the spread of COVID 19 as much as practicable. It is also noted that once operational, the market vendors and operators will need to be compliant with relevant Environmental Health practices and regulations which require mitigation to stop the spread of COVID 19.
- 9.55 Notwithstanding the information submitted, a detailed Operational Management Plan has been submitted and is consistent with that already approved under P2019/2434/AOD. Prior to commencement of the development. These details include information of the Market Operator, details of the site supervisor controls and responsibilities, measures to ensure fire exits and right of ways maintained, fixed water supply, further detailed waste management strategy and litter control measures. The Operational Management Plan is listed as an approved document and therefore compliance with the details submitted is required.
- 9.56 Pedestrians will be able to access the market via existing passageways and via Britton Street and Peter's Lane and White Horse Alley. Concerns have been raised regarding the use of the passageway beneath Denmark House and the potential implications in secure by design and crime prevention terms. The proposals do not clearly indicate that the Denmark House passage will be used as part of the current application. However, it is acknowledged that applications have been received for the lighting of this passageway which indicate it will be made publicly accessible in the future. As the passageway is privately owned, it being accessible by the public cannot be restricted via the planning process provided no physical alterations are proposed to the building which is not the case in this instance. Notwithstanding this, given the ongoing management obligations of the market as well as the other already accessible narrow passageways, it would not be considered that the use of the Denmark House passageway would promote anti-social behaviour to an extent that would be considered harmful.

9.57 The applicant has not sought permission for the permanent use of the site as a market. Officers consider a new temporary consent as a suitable mechanism to monitor issues of noise and anti-social issues including litter/rodent and delivery complaints, as was the case with the 2019 application. The applicant is seeking a minimum of 36-month consent to for the use of the site as a market. Officers have reviewed this request and given that there have been no significant concerns raised from both internal and external consultees during the previous two-year monitoring period, it is considered acceptable to extend the permission for a 36-month period.

## **10. SUMMARY AND CONCLUSION**

### **Summary**

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

9.59 Planning permission is sought to continue the temporary use of the external plaza area for a food market of up to a maximum of 13 stalls for a (maximum) of 3 days per week for a period of three years. The market would operate on Tuesdays, Wednesdays and Thursdays between 9.00am and 4.00pm with food cooked and served between 11.00am and 2.30pm only.

9.60 The application submitted is a resubmission of two previously approved temporary consents which allowed for the operation of the market for a maximum period of 2 years (ref: P2019/1744/FUL & P2016/3449/FUL). The current submission is similar in layout/number of stalls to the two previous applications and seeks to continue the use of the plaza area as a market for a further period of up to 3 years.

9.61 The use and overall layout would be acceptable in principle and would not impact on the character and appearance of the conservation area or the setting of surrounding listed buildings.

9.62 No objections have been received from the Council's Street Trading; Environmental Health; Refuse Control' or Pollution Control Teams. The use is considered conducive to the central location and subject to conditions relating to the control of hours and intensity of use, the proposal would not prejudice the residential amenity of the neighbouring properties insofar of undue noise or disturbance and would comply with policy DM2.1 of the Islington Development Management Policies.

9.63 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approve

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Temporary Consent (36 Months)</b>  CONDITION: The hereby approved market is granted only for a limited period, being 36 months from the issue of this permission. After that date, no further markets shall run unless further consent has been obtained from the Local Planning Authority.  REASON: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.
<b>2</b>	<b>APPROVED PLANS LIST</b>  CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:  Dwg 8269-PL-GA-1002; Dwg 001; Dwg 8269-PL-GA-110 Rev A; Dwg 8269-PL-GA-109 Rev A; Dwg 8269-PL-GA-108 Rev B; Market Operational Management Plan; Cowcross Estate, Cowcross Yards, London EC1 Waste Strategy; Transport Statement by DPZ Investors Ltd; Planning Statement by Newsteer; Cover Letter by Newsteer; COWCROSS YARDS Sketchbook 25 - Market stall studies 3; Traders Policies Cowcross Yards 2020 – Urban Food Fest – Updated for Covid Regulations.  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.
<b>3</b>	<b>Hours of Operation</b>  CONDITION: The market shall operate between the hours 9.00am and 4.00pm on Tuesdays, Wednesdays and Thursdays only.  The cooking of food shall only take place between 11.00am and 2.30pm only.  REASON: In the interest of protecting adjoining residents and offices amenity from noise, smells and disturbance.
<b>4</b>	<b>Site set up and Construction Restrictions</b>  CONDITION: The site set up and removal shall take place between the hours of 9.00am and 4.00pm. No more than 4 stalls shall set up at the same time.  REASON: To mitigate against noisy activities that may lead to noise transfer and ensure that the proposed development does not have an adverse impact on neighbouring amenity.

<b>5</b>	<b>Number of Stalls (Restrictions)</b>
	<p>CONDITION: The stalls shall be laid out in accordance to drawing reference 8269-PL-GA-1002</p> <p>No more than 13 stalls shall operate or be allowed on site at any one time.</p> <p>REASON: In order to maintain the pedestrian access way (congestion) and maintain the primary function of the private space as area of open space and to protect the amenity of adjoining neighbouring properties.</p>
<b>6</b>	<b>Market Supervisor / Manager</b>
	<p>CONDITION: A market supervisor or manager shall be present during market operation times (9.00am-4.00pm) on each day the market is operated.</p> <p>REASON: To ensure the operational management of the market complies with the site set up arrangements, waste disposal and to liaise with the adjoining residents on any issues of concern.</p>
<b>7</b>	<b>Vehicular Access (Details)</b>
	<p>CONDITION: Full details of entrance and circulation of vehicles used for the purpose as a market stall shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the market hereby approved.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
<b>7</b>	<b>Servicing, unloading and deliveries</b>
	<p>CONDITION: Servicing, unloading, loading and deliveries to the hereby approved market stall development shall only occur between the hours of 9.00am and 4.30pm on the approved market days being Tuesdays, Wednesdays and Thursdays.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
<b>8</b>	<b>Operational Management Plan (Compliance)</b>
	<p>CONDITION: The use of the market shall be managed and operated in accordance with details as described within the Market Operational Management Plan hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity and highways safety and congestion in the surrounding area.</p>
<b>9</b>	<b>Vehicle Stalls (compliance)</b>
	<p>CONDITION: Engines of all vehicles operating as a stall within the market hereby approved shall be turned off at all times whilst the market is in operation.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity in terms of noise, odour and pollution.</p>

## List of Informatives

<b>1</b>	INFORMATIVE: You are reminded of the need to comply with legislation outside the realms of the planning legislation including Building Regulations, Environmental Regulations (including noise and litter), Inclusive Design etc.
<b>2</b>	INFORMATIVE: You are reminded that a license may be required for the operation of the site and any alcohol sales.
<b>3</b>	INFORMATIVE: You are advised to remind customers of the market not to sit on steps or entrances into private residential and office buildings. Whilst it is not a planning issue, it is a third party civil matter between the owner of the property and the individual

## **APPENDIX 2: RELEVANT 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 2021, 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 2021 - Spatial Development Strategy for Greater London**

Policy D4 Delivering good design  
Policy D14 Noise  
Policy E9 Retail, markets and hot food takeaways  
Policy T1 Strategic Approach to Transport  
Policy T2 Healthy Streets  
Policy T3 Transport capacity, connectivity and safeguarding  
Policy T4 Assessing and Mitigating Transport Impacts  
Policy T7 Deliveries, Servicing and Construction

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

Policy CS8 Enhancing Islington's character  
Policy CS9 Protecting and enhancing Islington's built and historic environment

#### **C) Development Management Policies June 2013**

DM2.1 Design  
DM2.2 Inclusive Design  
DM2.3 Heritage  
DM2.4 Protected views  
DM4.9 Markets and specialist shopping Areas  
DM6.3 Protecting open space  
DM6.5 Landscaping, trees and biodiversity  
DM8.1 Movement hierarchy  
DM8.2 Managing transport impacts  
DM8.3 Public transport  
DM8.4 Walking and cycling

#### **D) Finsbury Local Plan 2013**

BC7 Historic Clerkenwell

BC8 Achieving a balanced mix of uses

### **3. Designations**

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Finsbury Local Plan Area
- Conservation Area
- Local views
- Open Space
- Archaeological Priority Area
- Core Strategy Key Area
- Conservation Area
- Central Activities Zone

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

The following SPGs and/or SPDs are relevant:

#### *Islington*

- Conservation Area Design Guidelines
- Urban Design Guide

#### *London Plan*

- Accessible London: Achieving and
- Sustainable Design & Construction
- Planning for Equality and Diversity in London



## PLANNING DECISION NOTICE

GL Hearn  
65 Gresham Street  
London  
EC2V 7NQ

Development Management Service  
Planning and Development Division  
Environment & Regeneration Department

Case Officer: Eoin Concannon  
T: 020 7527 4746  
E: [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

Issue Date: 01 August 2019  
Application No: P2019/1744/FUL

*(Please quote in all correspondence)*

Dear Sir or Madam

### TOWN AND COUNTRY PLANNING ACTS

#### BOROUGH COUNCIL'S DECISION: Approve with conditions

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

Location:	Land & Access Ways Rear of 13-27 Cowcross Street, London EC1		
Application Type:	Full Planning Application		
Date of Application:	06 June 2019	Application Received:	06 June 2019
Application Valid:	06 June 2019	Application Target:	01 August 2019

**DEVELOPMENT:** Continuation of the use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week (Temporary Planning permission previously granted P2016/3449/FUL 07/07/17). The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only.

**PLAN NOS:** Site Location Plan, 001, 8269- PL-GA-103, Planning, Design & Access Statement dated June 2019, Cowcross Estate Transport Statement by DPZ Investors Ltd dated June 2019, Cowcross Estates, Cowcross Yards Waste Strategy (Initial and Target Plan)

#### CONDITIONS:

- 1 **CONDITION:** The hereby approved market is granted only for a limited period, being 12 months from the issue of this permission. After that date, no further markets shall run unless further consent has been obtained from the Local Planning Authority.

Reason: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.

- 2 DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan, 001, 8269- PL-GA-103, Planning, Design & Access Statement dated June 2019, Cowcross Estate Transport Statement by DPZ Investors Ltd dated June 2019, Cowcross Estates, Cowcross Yards Waste Strategy (Initial and Target Plan)

REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

- 3 CONDITION: The market shall operate between the hours 9.00am and 4.00pm on Tuesdays, Wednesdays and Thursdays only.

The cooking of food shall only take place between 11.00am and 2.30pm only.

Reason: In the interest of protecting adjoining residents and offices amenity from noise, smells and disturbance.

- 4 CONDITION: The site set up and removal shall take place between the hours of 9.00am and 4.00pm. No more than 4 stalls shall set up at the same time.

REASON: To mitigate against noisy activities that may lead to noise transfer and ensure that the proposed development does not have an adverse impact on neighbouring amenity

- 5 CONDITION: The stalls shall be laid out in accordance to drawing reference 8269-PL-GA-103

No more than 13 stalls shall operate or be allowed on site at any one time.

Reason: In order to maintain the pedestrian access way (congestion) and maintain the primary function of the private space as area of open space and to protect the amenity of adjoining neighbouring properties.

- 6 CONDITION: A market supervisor or manager shall be present during market operation times (9.00am-4.00pm) on each day the market is operated,

Reason: To ensure the operational management of the market complies with the site set up arrangements, waste disposal and to liaise with the adjoining residents on any issues of concern.

- 7 CONDITION: Servicing, unloading, loading and deliveries to the hereby approved market stall development shall only occur between the hours of 9.00am and 4.30pm on the approved market days being Tuesdays, Wednesdays and Thursdays.

REASON: In the interests of highway's safety and congestion and neighbourhood amenity.

- 8 **CONDITION:** Prior to commencement of the hereby approved use, a Market Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The operational management plan should detail how the development will be managed and controlled to address the following related activities:

- 1 Unloading and loading timings, locations and parking arrangements related to the development.
- 2 Details of site supervisor/supervision of the market stalls and controls and responsibilities
- 3 Measures to ensure fire exits and right ways maintained)
4. Details of a fixed supply of hot and/or cold potable water supply.
5. Refuse plans, facilities locations and collection arrangements.
6. Litter control measures.
7. Any necessary noise control measures
8. Details of Community Liaison Officer and contact number

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. No change there from shall take place without the prior written consent of the Local Planning Authority

**REASON:** To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity and highways safety and congestion in the surrounding area.

Your attention is drawn to any **INFORMATIVES** that may be listed below

Certified that this document contains a true record of a decision of the Council

Yours faithfully

A rectangular box containing a handwritten signature in black ink that reads "Karen Sullivan".

**KAREN SULLIVAN  
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT  
AND PROPER OFFICER**