



PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM NO:	B3
Date:	22 June 2023	NON-EXEMPT	

Application number	P2021/1635/FUL
Application type	Full Planning Application
Ward	St. Marys & St James'
Listed building	N/A
Conservation area	Upper Street North Conservation Area (CA19)
Development Plan Context	Angel & Upper Street Key Area Archaeological Priority Area (Islington Village and Manor House) Site Allocation AUS1 Angel Town Centre
Licensing Implications	N/A
Site Address	Islington Square, Esther Anne Place, London, N1 1WL
Proposal	Operation of the Boulevard Market in Esther Anne Place (the piazza) of Islington Square on Fridays Saturdays and Sundays and Bank Holidays.

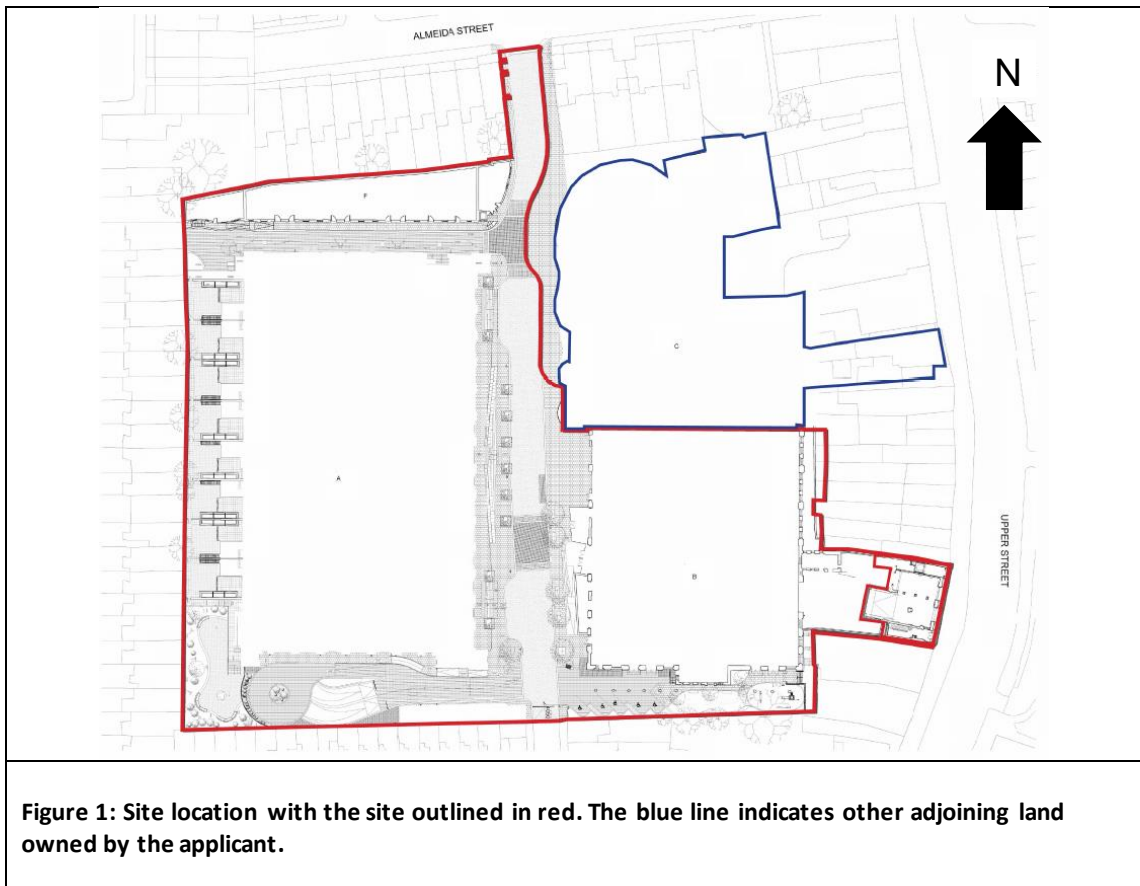
Case Officer	Stefan Kukula
Applicant	Cain International
Agent	Metropolis Planning & Design

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission:

1. subject to the conditions set out in Appendix 1;
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Figure 2: Aerial view of the site from the south



Figure 3: Aerial view of the site from the north



Figure 4: Esther Anne Place looking north



Figure 5: Esther Anne Place

4. SUMMARY

- 4.1 Islington Square is a large mixed-use development comprising of retail, restaurant, business, leisure and residential uses. Planning permission is sought to continue the use of the Boulevard Market in Esther Anne Place (the external linear plaza that runs north to south through the centre of Islington Square) for up to 25 stalls/ concessions selling fresh produce, street food and art. The market would operate on Friday between 12:00-19:00, on Saturday between 10:00-17:00 and on Sunday and Bank Holidays between 11:00-17:00.
- 4.2 Letters of objection have been received from members of the public (including letters from both the Almeida Street Resident's Association and the Moon and Studd Street Resident's Association) citing concerns in relation to noise and disturbance, parking congestion and traffic management issues and a negative economic impact on other local businesses.
- 4.3 A number of letters have also been received from members of the public in support of the proposed market, citing the market as a positive addition to the area, offering benefits for local businesses and residents, creating a family friendly environment and improving the character and atmosphere of Esther Anne Place.
- 4.4 No objections have been received from the Council's Public Protection Team. The proposed market is considered conducive to the Angel Town Centre 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, smells and fumes and traffic impacts and impacts and would comply with Development Management Policy DM2.1 and Draft Local Plan Policy R3 Islington's Retail Hierarchy and Policy R7 Markets and Specialist Shopping Areas.
- 4.5 The market is intended to operate within the amended servicing and access arrangements set out in the concurrent planning application ref: P2021/3433/S73 (full details of this application are given in section 7 of this report). Esther Anne Place is the main 'one-way' through route for all vehicles accessing the site and amendments are required to the site's permitted delivery and servicing arrangements to enable the market to operate without breaching conditions.
- 4.6 Following consultation with LBI Highways, consent for the market would be limited to a temporary period until 14th August 2024 in order to monitor the market in terms of operating times, waste management control, and traffic and operational management controls. The applicant has advised that there is a set up period of approximately two months to get the market ready for operation, allowing a 12 month period of consent for monitoring. This also applies to concurrent application P2021/3433/S73. The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved for a period until 14th August 2024.

5. SITE AND SURROUNDING

- 5.1 The application site relates to the complex of buildings at the former North London Royal Mail Centre, which occupies a large site with a frontage onto Upper Street. Known as Islington Square, the site comprises mixed-use redevelopment including residential, retail, commercial and leisure uses. There are number of elements which make up the wider Islington Square site, including the former sorting office block (Block A), the former distribution building (Block B) a part-six/part-seven storey new build (Block C), the Grade II listed Post Office fronting Upper Street at No. 116 Upper Street (Block D) and the single storey associated buildings at the northern end of the site (Block F).

- 5.2 All of the buildings are the subject of historic planning approvals for change of use, conversion and extension to provide for a mixed use development.
- 5.3 The site falls within the boundaries of the Upper Street (North) Conservation Area (CA19) while the wider site's northern, southern and western boundaries adjoin the Barnsbury Conservation Area (CA10).
- 5.4 The surrounding area is mixed use in character and form, with commercial development along Upper Street and residential in the streets to the west of Upper Street, including Studd Street, Moon Street and Almeida Street.
- 5.5 The Old Post Office building (Block D) has a statutory Grade II listing and the Mitre Public House is locally listed. All of the terraced houses immediately adjoining the western site boundary at Milner Place and Gibson Square are Grade II listed properties as is the adjoining King's Head Public House.
- 5.6 The site has a PTAL rating of 6a with a number of bus stops located within walking distance. In terms of vehicular access the development is required to operate a one-way system, whereby all vehicular access into the site is from Studd Street to the south. Vehicles are then required to travel through the middle of the site along Esther Anne Place and egress the site onto Almeida Street to the north.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks planning permission for a Boulevard Market in Esther Anne Place - the external linear access road that runs north to south through the centre of Islington Square - for up to 25 stalls/ concessions selling fresh produce, street food and art and design products. The applicant has set out that the market would complement the existing high-end/premium retail offer and the stalls would be designed to a consistent branding and quality. The market would only operate on Friday 12:00-19:00, on Saturday 10:00-17:00 and on Sunday and Bank Holidays 11:00-17:00. The hours of operation will be controlled by condition.
- 6.2 The applicant intends to set up the market stalls on the Friday morning (after 08:00) and keep the stalls in place until the Sunday/ Bank Holiday evening with all structures dismantled and removed by 18:00. The hours relating to the set up and dismantling of the market would be controlled by conditions. The stalls would be stored on site and the set up of the market would be undertaken by the Islington Square management as a single operation involving an onsite electrical buggy trailer. Each stall plot would measure 3m x 3m (where a gazebo is proposed) and would be positioned to the flanks of the Boulevard to maintain the pedestrian thoroughway access on Esther Anne Place. Following set up all traders vehicles needing to stay on site in association with their stall will be instructed to park their vehicles in the main basement level servicing area beneath Block C.
- 6.3 Islington Square, including the boulevard road at Esther Anne Place, is private land and the applicant has stated that they intend to appoint a market operator, but a contract is not yet in place. However, they are currently tendering with three market operators, who all have experience of running markets in London for several years.
- 6.4 Consent for the market would be limited to a temporary period until 14th August 2024 in order to monitor the market in terms of operating times, waste management control, and traffic and operational management controls.
- 6.5 Islington Square previously held a street market on Esther Anne Place in late 2020 for 2-3 days a week until June 2021, operating under permitted development rights. However,

closing Esther Anne Place to vehicle traffic conflicted with the site's existing traffic management plan. To address this the market is intended to operate within an amended servicing and access arrangement set out in the concurrent planning application ref: P2021/3433/S73.

- 6.6 Esther Anne Place is the main 'one-way' through route for all vehicles accessing the site. Under the proposed amendments set out in the concurrent planning application vehicles and deliveries associated with residential units at Islington Square would continue to enter the site from Studd Street but would no longer exit via Almeida Street. These vehicles would instead exit the site via the northern part of Studd Street and then turn right onto Moon Street. All vehicle deliveries/movements associated with commercial units and commercial activity would only enter and exit the site via the Almeida Street access. This arrangement would enable the market to operate without breaching the site's servicing and delivery conditions.
- 6.1 The Islington Square complex operates as one whole site, but historically the redevelopment of the Former North London Mail Centre was obtained by way of two main sets of planning permissions (see paragraphs 7.4 to 7.7). This resulted in the site's main basement level servicing and delivery area being located beneath Block C, which falls within a separate development plot and outside of the current application's red edged site area - although the adjacent land at Block C is under the same ownership and wider site management (see Figure 1: Site Location Plan, above which details the red line site area and blue line of Block C). As a result, the amended servicing and delivery routes for commercial element of the site's traffic cannot be controlled through the inclusion of a condition.
- 6.2 To address this anomaly and ensure that the proposed amended delivery and servicing arrangements would link into the site's basement servicing regime beneath Block C (including the markets traders' vehicles as well as all servicing and delivery vehicles associated with the market), the applicant will be required to enter into a separate legal agreement. Ensuring that the site's commercial traffic can be required to make use of the main servicing basement for Islington Square is integral to the acceptability of the proposed scheme.

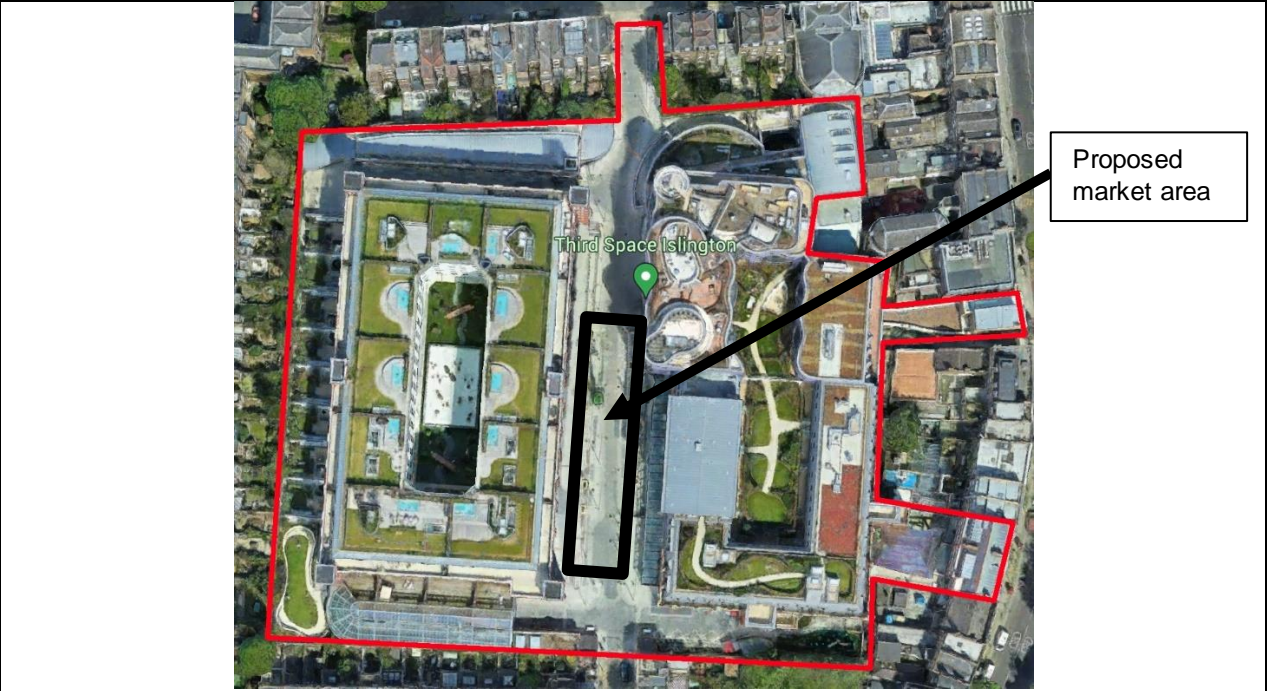


Figure 6: Location of proposed market within the Islington Square development site



Figure 7: Proposed layout of up to 25 market stalls along Esther Anne Place



Figure 8: Photograph of Boulevard Market operating under permitted development circa 2020/21.



Figure 9: Photograph of Boulevard Market operating under permitted development circa 2020/21.

7. RELEVANT HISTORY:

Amendment to Islington Square delivery and servicing routes

- 7.1 P2021/3433/S73: is a concurrent S73 planning application which seeks to amend existing conditions to allow the segregation of deliveries/vehicle movements to the commercial units from those to the residential units with each access point working two-way. Esther Anne Place is currently the main 'one-way' through route for all vehicles accessing the site and amendments are required to the site's permitted delivery and servicing arrangements to enable the market to operate without breaching conditions.
- 7.2 Under the proposed amendment vehicles and deliveries associated with residential units at Islington Square would continue to enter the site from Studd Street but would no longer exit via Almeida Street. These vehicles would instead exit the site via the northern part of Studd Street and then turn right onto Moon Street. All vehicle deliveries/movements associated with commercial units and commercial activity would only enter and exit the site via the Almeida Street access. Both access points would be subject to barrier control points and marshals to ensure the correct vehicles are using the allocated access point.
- 7.3 As is the case with the current market application, the basement level servicing area for Islington Square lies outside of the S73 application site area, but is still within the applicant's ownership. To address this the applicant will be required to enter into a separate legal agreement to secure the amended servicing proposals into the existing side wide basement servicing strategy for Islington Square.

Background and relevant planning applications

- 7.4 The redevelopment of the Former North London Mail Centre (now known as Islington Square) was obtained by way of two main sets of planning permissions. The first planning permission ref: P052245 is dated 06 July 2007, which granted:

“Partial demolition, alteration, extension and change of use of buildings A,B,D F, and associated outbuildings and structures, to provide a mixed use scheme comprising

residential (C3), with the creation of 185 new dwellings (127 private and 58 affordable). Change of use of remainder of buildings with 2348 sq m new floorspace to provide: Business (B1) Retail (A1, A2, A3 including relocation of post office counter), leisure (D2) serviced apartments (temporary sleeping accommodation as defined by the Greater London Planning Act 1973) performance space, rehearsal space and theatre storage, with associated access, parking and landscaping”.

7.5 This planning permission covered the former Mail Centre known as Blocks A, B, D and F and assumed the delivery depot would continue operating from the northern part the site.

7.6 The second main part of the redevelopment of the site was achieved in 2012 following the relocation of the delivery depot by the developer. Namely the northern part of the site (known as Block C and the former Mitre) was permitted to complete the scheme as it is now under planning permission ref: P090774, dated 30 March 2012 which granted:

“Demolition of 5-6 Almeida Street and erection of a part 2, 5, 6, 7 and 8-storey building, above two basement levels, providing for 5,137sqm Class A1 (retail) floorspace, 242sqm flexible Class A1/A3 (retail / café-restaurant) floorspace, 208sqm Class A4 (drinking establishment) floorspace, 859sqm Class B1 (business) floorspace and 78 dwellings, together with cycle parking, servicing and 12 disabled car-parking spaces. Erection of a roof extension, part 2, part 4-storey rear extension and basement to 128 and 130 Upper Street together with associated alterations, access and landscaping”.

7.7 Over the years the two initial planning permissions have been updated and amended, and there are additional planning permissions which sit alongside these two main permissions. Other recent relevant planning applications relating to the site are listed below:

Blocks A, B, D, F (Former North London Mail Centre)

- P2018/2463/S73: Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), condition 1 (plans) of planning permission ref: P2013/2697/S73. The proposed minor material amendments relate to the amalgamation of 10 units across second, third, fourth and fifth floors resulting in the creation of larger units (and involving the loss of 5 units overall) within Block A, together with layout changes to existing ground floor retail units 5 and 6. Approved with conditions and a legal agreement, 5 December 2019.
- P2018/1190/S73: Application under Section 73 to make amendments to Condition 2 (Drawing Nos.) pursuant to planning permission P2015/3555/FUL (granted on appeal 28/2/18 Ref: APP/V5570/W/16/163572) to allow provision of lift overrun at eastern end of the building and minor changes to north and east elevations – Approved with conditions, 4 September 2018
- P2016/2471/FUL: Change of use of Unit G7A (Block A) from Use Class A1 (Shops) to flexible Use Class A1 (Shops) or A3 (Restaurant/Cafe), (Associated with Planning Permission Ref: P052245 dated 6 July 2007 and Planning Permission Ref: P2013/2697/S73 dated 4 November 2014) – Approved with conditions, 9 March 2017
- P2015/3555/FUL: Change of use of Block F at basement, ground and first floor levels from Use Class B1 (Offices) to flexible Use Class B1 (Offices) or A1 (Shops), (Associated with Planning Permission Ref: P052245 dated 6 July 2007, Planning Permission Ref: P2013/2697/S73 dated 4 November 2014 and , Planning Permission Ref: P2014/4251/FUL dated 12 March 2015) – Refused, 20 February 2016. Appeal Allowed, 28 February 2018 (Ref: APP/V5570/W/16/163572).

- P2014/4251/FUL: Alterations to the inward facing facade of the retained building (Block F) in northwest corner of the site. (Associated with Planning Permission Ref: P052245 dated 6 July 2007) – Approved with conditions, 12 March 2015.
- P2013/2697/S73: Section 73 (minor material amendment application) to vary condition 2 (approved plans) of planning permission ref: P052245 dated 06 July 2007. The amendment seeks to: replace the ground floor office space (2,155 sq.m.) in 'Block A' with retail; replace the retail at the upper basement level of 'Block B' (1854 sq.m.) with planning use class D2 (Assembly and leisure) space; and, replace the approved servicing area at ground floor level of 'Block B' with retail - Approved with conditions and legal agreement, 4 November 2014.

Block C and the Mitre Public House (5 Alameda Street and 129 Upper Street)

- P2018/2466/S73: Section 73 (minor material amendment application) to vary condition 2 (approved plans) of planning permission ref: P2013/2681/S73 dated 4 November 2014. The amendment seeks to: amalgamate layouts over 4 no. various sized residential units within Block C across sixth and seventh floors resulting in loss of 2 no. units (Total reduction 78 to 76 units) together with various minor elevational alterations principally relating to rerouting of smoke extract ducting. Approved with conditions and legal agreement, 14 November 2019.
- P2018/2093/FUL: Alterations and extensions to the former Mitre Public House to include A1 and/or A3 and /or A4 uses at ground and basement and 1 x 2 bed and 1 x 3 bed apartments at first to third floor. [amended scheme from that approved by planning permission 2013/2681/S73, 4th November 2014] – Approved with conditions, 21 December 2018.
- P2018/1587/FUL: Amalgamation of two retail (use class A1) units in Block C (known as G16 and G22) and Change of Use of the amalgamated unit to a flexible use being retail (use class A1) or nursery (use class D1) – Approved with conditions, 4 April 2019.
- P2018/2093/FUL: Alterations and extensions to the former Mitre Public House to include A1 and/or A3 and /or A4 uses at ground and basement and 1 x 2 bed and 1 x 3 bed apartments at first to third floor. [amended scheme from that approved by planning permission 2013/2681/S73, 4th November 2014] – Approved with conditions, 21 December 2018.
- P2017/2866/S73: Section 73 (minor material amendment application) to vary condition 2 (approved plans) of planning permission ref: P2013/2681/S73 dated 4 November 2014. The amendment seeks to: amalgamate layouts over 4 no. various sized residential units within Block C across sixth and seventh floors resulting in loss of 2 no. units (Total reduction 78 to 76 units) together with various minor elevational alterations principally relating to rerouting of smoke extract ducting - Approved with conditions and legal agreement dated 24 December 2018.
- P2013/2681/S73: Section 73 (minor material amendment application) to vary conditions 2 (approved plans), 22 (designated Servicing Area), 26 (no amalgamation with Block B at basement levels) and 27 (disabled parking spaces) of planning permission P090774 dated 30 March 2012. The amendments are: relocate servicing level from Lower Basement to Upper Basement (replacing 2,498 sq.m. of retail space); and to introduce a multi purpose rehearsal and performance space (planning use class

D2 - Assembly and Leisure) to lower basement level. Approved with conditions and legal agreement, 4 November 2014.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 592 adjoining and nearby properties on Almeida Street, Studd Street, Moon Street, Upper Street, Milner Place, Milner Square, St Mary's Path, Gaskin Street, Theberton Street, Battishill Street, Napier Terrace, Gibson Square, Terret's Place on the 17 June 2021. A site notice and press notice were displayed on 17 June 2021.
- 8.2 The adjoining and nearby properties were reconsulted on 03 September 2021. The public consultation of the application, therefore, expired on 17 September 2021; however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of the writing of this report a total of 7 objection letters had been received from the public with regard to the application, including a letter from The Almeida Street Residents Association and a letter from the Moon and Studd Resident's Association. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Noise and disturbance from the operation of the market. (see paragraphs 10.1 to 10.5)
 - Noise and disturbance from setting up and dismantling of stalls. (see paragraphs 10.1 to 10.5)
 - Negative economic impact on other local businesses/restaurants. (see paragraphs 8.11, 10.2 to 10.10)
 - Parking congestion on neighbouring streets from stall holders parking their vehicles in parking bays outside of restricted hours at weekends, occupying spaces otherwise needed by residents. (see paragraph 10.23)
 - A temporary consent period should be considered to monitor and assess the impacts created by the market. (see paragraph 6.4)
- 8.4 A further 13 letters of support for the proposed market were also received. The comments raised can be summarised as follows:
- The market is a positive addition to the area and offers compelling benefits for local businesses and local residents.
 - Residents and the community are in favour of a market.
 - Creates a cheerful family friendly environment.
 - Encourages families to visit the area and boosts the local restaurants and bars.
 - The market improves the character and atmosphere of Esther Anne Place.
- 8.5 Given the closely inter-related proposals, representations have also been received in relation to the market through the public consultation on the concurrent S73 planning application (ref: P2021/3433/S73) which seeks to amend existing conditions to allow the segregation of deliveries/vehicle movements to the commercial units from those to the residential units with each access point working two-way. The issues raised can be summarised as follows:
- The increase in vehicles using Studd Street and Moon Street during the market's initial run was significant and caused nuisance and disturbance. (see paragraphs 10.10 to 10.16)

External Consultees

8.6 **Metropolitan Police (Crime Prevention):** no comments received.

8.7 **Transport for London:** the following comments have been received:

- Recommends a Delivery and Servicing Plan (DSP) is implemented and secured by condition to help manage the servicing of the stalls, ensuring all deliveries occur outside of peak highway hours. It could be used to code what already happens at present, and adjusting it over time if any problems occur (*see condition 5*). A street trading licence may also be required.
- All vehicles associated with the site must only park and stop in permitted locations and observe the existing on-street parking restrictions and times. (*see condition 9*)
- Cycle parking should also be provided across the market in line with policy T5 (Cycling) of the London Plan. (*see condition 14*)

Internal Consultees

8.8 **Access Officer:** Cycle parking with a proportion of accessible spaces should be provided. In addition, seating options with back and arm rests, allowing people with less strength to sit comfortably. (*see conditions 14 and 15*)

8.9 **Conservation and Design Officer:** no objections, the proposed continuation of the market would preserve the lively retail nature of the area in a manner which policy 18.5 of the Conservation Area Design Guide supports. Market stall operation is one of the oldest forms of retail in the borough, and although this site has only recently become a market, its continuation as such is supported in principle. The operation of the market and its associated structures are not considered to cause harm to the character and appearance of the conservation area, and would not harm the setting of listed buildings. The application is therefore acceptable.

8.10 **Highways and Traffic:** no objections, encouraging more activity and local services such as markets can be supported in principle as this in turn encourages more local journeys and walking and cycling. Esther Anne Place currently provides for a pleasant, open area, promotes walking and cycling as well as provides connectivity. Any proposals will need to properly secure the priority of pedestrians and cyclists and maintain a pleasant area of public realm. Any changes should either comply with existing conditions and obligations or include their amendment so that the development can be within the planning management process. The proposals are unlikely to have a detrimental effect on the operation of the Highway however there are broader transport implications and public safety issues that the planning process should actively manage. The planning permission for the overall development includes Conditions to control servicing and these should be reviewed and updated including any servicing and delivery Obligations such as a servicing and delivery plan to ensure both the mother development and the proposed market can properly function. (*see concurrent planning application P2021/3433/S73 which seeks to amend the servicing and delivery conditions attached to the site's parent consent*)

8.11 **Town Centre Inclusive Economy Officer:** no objections, the proposed market would not be a threat to our existing markets at Chapel Market & Camden Passage. Recommended the inclusion of a condition setting out the type of market permitted to operate and include a restriction on the number of days of operation (*see condition 3*). Would encourage the commodities are high end themed markets and not general markets.

8.12 **Public Protection:** no objections

8.13 **Waste and Recycling:** No comments received

9. RELEVANT POLICIES

National Guidance

- 9.1 Islington Council (Planning Committee), in determining the planning application has the main following statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
 - As the development is within or adjacent to a conservation area(s), the Council has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area (s72(1)).
- 9.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 9.3 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 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.
- 9.6 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.
- 9.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 9.8 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 equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.
- 9.10 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been given to the desirability of preserving the adjoining listed buildings, their setting and any of their features of special architectural or historic interest.

Development Plan

- 9.11 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and the Islington Development Management Policies (2013). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 9.12 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:
- Angel & Upper Street Key Area
 - Archaeological Priority Area (Islington Village and Manor House)
 - Site Allocation AUS1
 - Upper Street (North) Conservation Area (CA19)
 - Angel Town Centre

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Draft Islington Local Plan

- 9.14 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation, with consultation on the Regulation 19 draft taking place from 5 September 2019 to 18 October 2019. The Draft Local Plan was subsequently submitted to the Secretary of State for Independent Examination in February 2020. The Examination Hearings took place between 13 September and 1 October 2021, with consultation on Main Modifications running from 24 June to 30 October 2022.
- 9.15 In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- 9.16 the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- 9.17 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
- 9.18 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).
- 9.19 Given the advanced stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.
- 9.20 Emerging policies relevant to this application are set out below:
- Policy SP4 Angel and Upper Street
 - Policy H1 Thriving Communities
 - Policy R3 Islington's Retail Hierarchy
 - Policy R7 Markets and specialist shopping areas
 - Policy T1 Enhancing the Public Realm and Sustainable Transport
 - Policy T5 Delivery, Servicing and Construction
 - Policy S1 Delivering Sustainable Design

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Land Use
 - Design and Conservation
 - Operation Management and Transport Issues
 - Neighbour Amenity

Land Use

- 10.2 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*'.
- 10.3 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 Core Strategy Policy CS14 (Retail and services) which states that Islington will continue to have strong cultural and community provision with a healthy retail and service economy providing a good range of goods and services for the people who live, work and study in the borough.
- 10.4 Draft Local Plan Policy R7 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'. The supportive text for Policy R7 states that: *"Markets are very popular with shoppers and visitors because of their vibrancy and the range and variety of goods on offer. 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 Council wishes to see markets continue and thrive, and will encourage a co-ordinated approach to development and management of markets in matters such as deployment of signage, pavement furniture and other market infrastructure. New markets must make a positive contribution to character and support the existing function of the proposed location whilst complementing existing shops and services. If markets are poorly designed and managed, they can cause harm to surrounding areas in terms of congestion of local roads and pavements, rubbish and refuse, storage and noise."*

- 10.5 The site is located within the Angel Town Centre. Town centres are recognised as the primary focus for retailing in the borough. Policy DM4.4 Promoting Islington's Town Centres states that the council will seek to maintain and enhance the retail and service function of town centres and promote uses in a manner which complement and enhances the vitality, viability and character of Town Centres.
- 10.6 Draft Local Plan Policy R3 Islington's Retail Hierarchy sets out that the Council will seek to maintain and enhance the retail, service and leisure function of town centres and goes on to state that any development proposed in a town centre must: ensure adverse impacts on vibrancy, vitality, viability and character of the centre are fully mitigated; provide a frontage which engages positively with local character and the street scene; provide a high quality design including meeting policies related to accessibility and sustainability; provide a good level of amenity for residents and businesses and ensure that adverse impacts from noise, odour, fumes, anti-social behaviour and other potential harms are fully mitigated.
- 10.7 The proposed market would occupy a section of Esther Anne Place – the private road that forms the external linear access for vehicles and pedestrians running from Studd Street to the south to Almeida Street to the north through the centre of the Islington Square complex. Esther Anne Place is surrounded by buildings with commercial uses at ground floor and residential above, that enclose the central section of the site.
- 10.8 The proposed market space is privately owned and situated in the Town Centre in an area with recently established retail and commercial activity. Currently Esther Anne Place is used by local residents who live in the buildings nearby, tenants of the retail and commercial units as well as an access route for cyclists and pedestrians passing through. The layout of the stalls would ensure the central route through the site remains uninterrupted for pedestrians and cyclists (cyclists would be asked to dismount). The proposed market would operate 3 days a week (Friday 12:00-19:00, Saturday 10:00-17:00 and Sunday and Bank Holidays 11:00-17:00). This is considered acceptable in terms of days and hours of operation given its location within the Town Centre and retail complex. The applicant has set out that the market would complement the existing high-end/premium retail offer.
- 10.9 In terms of potential competition with the existing established markets within the local area at Chapel Market and Camden Passage, the Council's Inclusive Economy team have met with the applicant to discuss the proposal and have advised that given the Islington Square market's location and retail offer it would not duplicate the offer or draw some traders away from Chapel Market or Camden Passage – and, as such, do not regard the proposal as a commercial risk to the vitality and viability of these existing markets.
- 10.10 It is considered that the increased footfall attracted by the market as well as the offer would help to maintain and enhance the retail function of the town centre in accordance with policy. In this context the market would enhance the longer-term vitality and viability of the

other businesses within the Islington Square development as well as the wider Angel Town Centre. The proposed market would, therefore, support the vibrancy, vitality, viability and character of the Angel Town Centre in accordance with both London Plan and local plan policies.

Design, Conservation and Heritage Considerations

- 10.11 The site is within the Upper Street North Conservation Area and, as such, the proposal is required to pay special regard to the statutory duty (s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) for the preservation or enhancement of these heritage assets. As such the LPA has a statutory duty to consider the development in the context of a listed building or its setting and to have special regard to preserving or enhancing its visual appearance and its historic character.
- 10.12 In terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy (2011) policy CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Area Design Guidelines.
- 10.13 Core Strategy Policy CS9 states that ‘high quality architecture and urban design are key to enhancing and protecting Islington’s built environment, making it safer and more inclusive’. Policy DM2.1 states ‘All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics’.
- 10.14 In relation to heritage, Policy DM2.3 states ‘Islington’s historic environment is an irreplaceable resource, and the council will ensure that the borough’s heritage assets are conserved and enhanced in a manner appropriate to their significance’
- 10.15 The Upper Street North Conservation Area Design Guide (CADG) states:
- “18.4 The Council will operate its land use policies so as to enhance the character and vitality of the area. Planning permission will not be granted to change, expand or intensify uses which would harm the character of the conservation area.*
- 18.5 The predominant uses of the area are retail and related uses, with residential on upper floors. There are protected shopping frontages at 1-49, 213-215, 235-250 and 260-272 Upper Street, 19-25 Canonbury Lane, 27-43 Islington High Street; and a new ‘specialist’ shopping area which aims to prevent loss of retail units from the Camden Passage antiques area. The Council will seek to maintain the lively retail nature of the area and will not normally grant permission for schemes which harm this established mixed use character.”*
- 10.16 The proposed continuation of the market would preserve the lively retail nature of the area in a manner which policy 18.5 of the CADG supports. Market stall operation is one of the oldest forms of retail in the borough, and although this site has only recently become a market, its continuation, as such, is supported by Design and Conservation Officers in principle.
- 10.17 The market would comprise up to 25 stalls provided by the management of Islington Square and would be designed to a consistent branding and quality. The structures would be non-permanent and the use relates to the days of operation of the market.
- 10.18 The Design and Conservation Officer has advised that the operation of the market and its associated structures are not considered to cause harm to the character and appearance

of the conservation area and would not harm the setting of listed buildings. The application is therefore considered to be acceptable.

10.19 In conclusion, the proposal is considered to preserve the visual appearance and historic character and lively retail nature of the area. The market 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 Upper Street North Conservation Area, complying with the design advice within the Urban Design Guide (2017) and Upper Street North Conservation Area Design Guidelines. It is, therefore, considered acceptable in design and heritage terms, and compliant with the design policies within the Development Plan.

10.20 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.

Operation Management and Transport Issues

Operating Times and Set Up and Dismantling

10.21 The market would only operate on the following days and hours:

- Friday: 12:00-19:00,
- Saturday: 10:00-17:00
- Sunday and Bank Holidays: 11:00-17:00

10.22 Outside of the operating hours the set up and dismantling of the market stalls would only take place on the following days and hours:

- Friday: 08:00-20:00
- Saturday: 08:00-18:00
- Sunday and Bank Holidays: 09:00-18:00

10.23 The market stalls would be provided by the management of Islington Square and the intention would be to set up the market stalls on the Friday morning and keep the structures in place until the Sunday/ Bank Holiday evening. The stalls would be stored in an area adjacent to the service area in block C and would be taken up to the market area by the use of an onsite electrical buggy trailer as the first action in the stall set up (approximately 5 trips). There would be no on/off site vehicle movements associated with this operation. After setting up all traders vehicles needing to stay on site in association with their stall would be instructed to park their vehicles in the onsite basement level servicing area beneath Block C. The dismantling and clear up of the market would commence at the designated closing time of the market. Prior to this stall holders would be able to commence clearance of their stalls of goods and take these to the service bay parking area via the designated route. Waste and rubbish would be directed to be dealt with as part of the wider sites existing waste management procedures. Following removal of stall goods the stalls would be dismantled and taken down to the basement service area store on the electric trolley buggy (approximately 5 trips). Following removal of all stalls the paved areas would be cleaned with the estate wide cleaning machines and equipment. Dismantling of the market stalls on would be controlled by condition and required to be completed no later than 18:00 Sunday or Bank Holidays.

10.24 The Council's Public Protection Team have been consulted and have raised no objections to the proposal. As such, this timeframe is considered appropriate and would not have an unacceptable impact on the surrounding properties.

Transport Impacts – Changes to Existing Servicing and Delivery Arrangements

10.25 Esther Anne Place is the main 'one-way' through route for all vehicles accessing the site. Holding the proposed market would effectively block through traffic along Esther Anne Place and prevent vehicles from leaving the site via Almeida Street in accordance with the approved traffic management plan. To address this the applicant is seeking to amend to the site's delivery and servicing plan through a concurrent planning application (ref: P2021/3433/S73). This would enable the market to operate without breaching the existing servicing conditions.

10.26 The proposed amendments under planning application ref: P2021/3433/S73 seek to abandon the existing one-way vehicular access system by segregating deliveries/vehicle movements to the commercial units from those to residential units.

10.27 Under the proposals the residential deliveries and servicing vehicles as well as vehicles associated with the occupants of the residential units would continue to enter the site from the south using the existing narrow one-way street at Studd Street. The vehicles associated with the residential units would no longer exit via Almeida Street to the north. Instead vehicles leaving the site at Studd Street would have to immediately turn right into Moon Street and continue along the residential road to join Theberton Street.

10.28 Vehicle deliveries/movements associated with the site's commercial units would only enter and exit the site via Almeida Street to the north. There would be no vehicles associated with the commercial units entering or leaving the site via Studd Street.

10.29 The proposed changes to the access arrangements would free up the servicing road through the centre of the site. This would allow the applicant to close Esther Anne Place to vehicle through traffic and to operate the street market. Islington Square (including the access road at Esther Anne Place) is private land and an operational management plan has been submitted to work alongside the site's established management and security procedures.

Vehicle Trips

10.30 The applicant has provided a Transport Statement that examines the traffic and transportation impacts associated with the proposed market and the changes to the vehicle access arrangements.

10.31 The trip analysis suggests that the proposed change in operation would result in a rebalancing of trips into and out of the site, but the overall number of trips would be unchanged. This would include an overall reduction in vehicle trips along Studd Street, which would only take vehicle trips associated with the residential traffic. Almeida Street would see an increase in vehicle trips as it would take all of the commercial traffic entering and leaving the site.

Waste Management

10.32 With regard to the management of waste from the stalls, the applicant has confirmed that waste and rubbish from the market would be dealt with as part of the wider sites existing waste management procedures which deal specifically with the waste management of the site and boulevard at Esther Anne Place.

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

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

Cycle Parking

10.35 Cycle parking with a proportion of accessible spaces should be provided and condition 14 requires the submission of cycle parking details.

Seating

10.36 Many of those who chose to use the market stalls would be passing through trade, tourists or workers on their lunch break and seating is available along Esther Anne Place, which can accommodate them. However seating options with back and arm rests, allowing people with less strength to sit comfortably would need to be provided and condition 15 requires the submission of accessible seating details.

Operation Management and Transport Conclusions

10.37 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.

Neighbouring Amenity

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

10.39 Draft Local Plan Policy R3 Islington's Retail Hierarchy sets out that any development proposed in a town centre must provide a good level of amenity for residents and businesses and ensure that adverse impacts from noise, odour, fumes, anti-social behaviour and other potential harms are fully mitigated.

10.40 Both of the site's access points at Studd Street and Almeida Street are lined by houses and the upper floors of the buildings within the Islington Square development are mainly flats. As such, the impacts of the market on residential amenity must be carefully considered.

10.41 The main concerns raised in representations include the following:

- Noise and disturbance
- Smells from Food, Fumes and Pollution
- Parking congestion and Traffic Management

Noise and Disturbance

- 10.1 It is noted that the proposed market would bring an intensification of commercial activity to a section of Esther Anne Place which is lined by residential properties in the upper floors of the adjacent buildings. The market set up would take place from 08:00 on Friday and the stalls would be dismantled by 20:00 on Sunday or Bank Holidays.
- 10.2 The most vulnerable times for residential occupants who may be asleep is generally before 7am or late at night (after 11pm) and the market operating times (Friday: 12:00-19:00, Saturday: 10:00-17:00, Sunday and Bank Holidays: 11:00-17:00) would be contained to late morning and early evening. While the proposed operating times include weekends and Bank Holidays, the proposed hours of use are considered to be reasonable for a Town Centre location and appropriate given the ground floor commercial environment at Islington Square.
- 10.3 Conditions will be included to mitigate any adverse amenity impacts including controls on the days/ hours of operation (see condition 3), the hours of set-up and dismantling (see condition 4) and a restriction on the maximum number of market stalls (see condition 6).
- 10.4 The Public Protection Team have been consulted as part of the application and raised no objections to the market.
- 10.5 The site is within a dense urban area and given its mixed character it is considered that neighbouring residents living nearby can reasonably expect to experience a greater degree of noise and disturbance from commercial activity and vehicle movements than those living in a purely residential area. Nevertheless, the proposed location, scale and nature of the market in this instance is not considered to unduly harm the amenity of neighbouring occupiers. As such, taking into consideration the Town Centre location and the relatively limited operational times of the market, the proposal is not considered to have an unacceptable impact on neighbouring occupiers in terms of noise and disturbance in accordance with policy.

Smells from Food, Fumes and Pollution

- 10.6 The market is located in the Angel Town Centre in an area where there is a high volume of restaurants and cafes currently operating. The applicant's supporting statement sets out that the food offers will be 'street food' which will be prepared on site starting after set up but sold only during the market hours and that the demand for hot food would be low until lunchtime. The stalls would have their own customer bins and the site wide refuse system will be operating to clear waste from the site.
- 10.7 Whilst Officers acknowledge that the cooking of food at the proposed market stalls will generate some smells, a condition has been included to limit the cooking time to the operating hours. 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.
- 10.8 A condition will be included to ensure the engines of all vehicles operating as a stall within the market shall be turned off at all times whilst the market is in operation (see condition 9).

Parking congestion and Traffic Management

- 10.9 The applicant's supporting statement initially set out that after setting up the traders' vehicles would then leave the site and would be required to make their own arrangements to park their vehicles subject to the parking regime in the local area. An objection has been raised in relation to parking congestion on neighbouring streets from stall holders parking their vehicles in parking bays outside of restricted hours at weekends, occupying spaces

otherwise needed by residents. In order to mitigate the traffic and parking impacts on neighbouring streets the operation management plan for the market has been revised to state that all traders vehicles needing to stay on site in association with their stall would be instructed to park within the onsite underground serving area.

- 10.10 The proposed market will require an amendment to Islington Square's established delivery and servicing regime, which is being considered through a concurrent planning application (ref: P2021/3433/S73). The amenity impacts and considerations are set out in detail in the accompanying officer report. Given that the proposed servicing changes are inherently linked to the operation of the market the amenity impacts should be given due consideration as part of the market proposals.
- 10.11 Studd Street is a narrow one-way residential road with parking along one side and terraced houses fronting immediately onto the pavement. Planning Enforcement have received a number of complaints from neighbouring residents around the Studd Street entrance. These relate to noise nuisance due to reversing vehicles from unauthorised early morning/late night deliveries and traffic movement associated with the commercial tenants outside permitted hours. Removing commercial traffic from the narrow Studd Street access would be considered a benefit by some of the residents at Studd Street.
- 10.12 The proposed two-way movements from the Studd Street access would require vehicles leaving the site to turn right into Moon Street, which currently should not receive traffic associated with the Islington Square development. Like Studd Street, Moon Street is a narrow residential road with terraced houses fronting immediately on to the pavement and parking along one side. The proposal would therefore result in an increase in vehicles using Moon Street, albeit those associated with the residential element (private cars, taxis, delivery vans etc.). Nevertheless, this raises the potential for residents living along Moon Street experiencing increased activity from passing vehicles leaving the site.
- 10.13 It is proposed that the Almeida Street access would take all of the commercial traffic associated with delivery and serving at the site - which has raised concerns from residents living to the north of the site with regards to increased noise and disturbance. Almeida Street is a wider road in comparison to Studd Street but is also lined with houses and has parking bays along both sides creating a narrow carriageway. There are also on street delivery bays associated with the commercial activity at the junction with Upper Street and the Almeida Theatre. Highways colleagues have raised concerns that Almeida Street is not wide enough to accommodate two-way traffic for large delivery vehicles, which could result in large vehicles either reversing down Almeida Street or reversing back onto Upper Street.
- 10.14 The Almeida Street access is wider than the Studd Street access and is therefore arguably better equipped to act as a site entrance for larger commercial vehicles. The more generous width of the Almeida Street entrance road would accommodate an onsite holding bay for a delivery vehicle, rather than vehicles having to back up onto Almeida Street. This access point is also closer to the onsite ramp leading to the large basement servicing area beneath the site.
- 10.15 Officers acknowledge that the existing servicing and delivery arrangements for the wider Islington Square complex are not without fault, which is highlighted by the representations received through the public consultation responses as well as complaints received by Planning Enforcement colleagues with regards to the Studd Street access. However, concerns have been raised by Highways Officers that the proposed changes could create highway safety issues along Almeida Street/ Upper Street and unduly increase the experiences of noise and disturbance to residents to the north of the site. The proposal could also implicate additional residents to the south at Moon Street with undue amenity impacts. Nevertheless, given the existing issues with servicing Highways have suggested

trailing the proposed access arrangements for a limited period would allow the traffic impacts to be properly monitored and assessed.

- 10.16 The proposed changes to the servicing arrangements have been reviewed by the Public Protection officer and no objections have been raised to the variation of the delivery and servicing strategy. As such, taking into consideration the Town Centre location and the issues experienced by local residents with the existing servicing arrangements, trialling the proposed changes through a temporary consent until 14th August 2024 is considered to be reasonable in this instance given the specific circumstances. This would enable the impacts on highway safety and the amenity of neighbouring residents to be closely monitored and reviewed before a permanent change to the servicing arrangements is considered.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 A summary of these proposals is set out within paragraphs 4.1 to 4.6 of this report.
- 11.2 Planning permission is sought to continue the use of the Boulevard Market in Esther Anne Place (the external linear plaza that runs north to south through the centre of Islington Square) for up to 25 stalls/ concessions selling fresh produce, street food and art and design. The market would only operate on Friday between 12:00-19:00, on Saturday between 10:00-17:00 and on Sunday and Bank Holidays between 11:00-17:00.
- 11.3 Letters of objection have been received from members of the public (including letters from both the Almeida Street Resident's Association and the Moon and Studd Street Resident's Association) citing concerns in relation to noise and disturbance, parking congestion and traffic management issues and a negative economic impact on other local businesses.
- 11.4 A number of letters have also been received from members of the public in support of the proposed market, citing the market as a positive addition to the area, offering benefits for local businesses and residents, creating a family friendly environment and improving the character and atmosphere of Esther Anne Place.
- 11.5 No objections have been received from the Council's Street Trading; Environmental Health; Refuse Control' or Pollution Control Teams. The proposed market is considered conducive to the Angel Town Centre 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 Development Management Policy DM2.1 and Draft Local Plan Policy R3 Islington's Retail Hierarchy and Policy R7 Markets and Specialist Shopping Areas.
- 11.6 The market is intended to operate within the amended servicing and access arrangements set out in the concurrent planning application ref: P2021/3433/S73. Esther Anne Place is the main 'one-way' through route for all vehicles accessing the site and amendments are required to the site's permitted delivery and servicing arrangements to enable the market to operate without breaching conditions. Under the proposed amendments set out in the concurrent planning application vehicles and deliveries associated with residential units at Islington Square would continue to enter the site from Studd Street but would no longer exit via Almeida Street. These vehicles would instead exit the site via the northern part of Studd Street and then turn right onto Moon Street. All vehicle deliveries/movements associated with commercial units and commercial activity would only enter and exit the site via the Almeida Street access.

- 11.7 Following consultation with Highways, consent for the market would be limited to a temporary period until 14th August 2024 in order to monitor the market in terms of operating times, waste management control, and traffic and operational management controls. The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved for a temporary period until 14th August 2024.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service.

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks / 16 weeks (for EIA development) from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

RECOMMENDATION B

That the grant of planning permission be subject to **conditions** to secure the following, and that there is delegated to each of the following: the Head of Development Management , the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

List of Conditions:

1	Temporary Consent (until 14th August 2024)
	<p>CONDITION: The hereby approved market is granted only for a limited period, being until 14th August 2024. After that date, no further markets shall run unless further consent has been obtained from the Local Planning Authority.</p> <p>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.</p>
2	Approved Plans List
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none">- Night Time Security Management – February 2018 – prepared by: CBRE- Market Stall Location Diagram – Rev: 03 – dated: 10 August 2021- Stall Specification – 1/19 to 2/19- Boulevard Market Structure – first design – dated 03.07.20 – prepared by:CHf

	<ul style="list-style-type: none"> - Combined site Ground Floor Plan – drawing number: 1604-00-PL-A-0110 – Revision: P01 – dated: 7 June 2023 - Combined site Ground Floor Plan – Servicing Diagram – drawing number: 1604-00-PL-A-0111 – revision: P01 – dated: 7 June 2023 - Combined site Basement Floor Plan – drawing number: 1604-00-PL-A-0112 – Revision P01 – dated: 7 June 2023 - Outline Operational Plan – Draft: 1.0 - Islington Square Market – Vehicle Movements during set up - Islington Square Market, Revised Supporting Statement – dated: May 2023 <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>
3	Hours of Operation
	<p>CONDITION: The market hereby approved shall operate on the following days only:</p> <ul style="list-style-type: none"> - Friday: 12:00-19:00, - Saturday: 10:00-17:00 - Sunday and Bank Holidays: 11:00-17:00 <p>REASON: In the interest of protecting adjoining residents and offices amenity from noise, smells and disturbance.</p>
4	Market set up and dismantling
	<p>CONDITION: The set up and dismantling of the market stalls shall take place on the following days only:</p> <ul style="list-style-type: none"> • Friday: 08:00-20:00 • Saturday: 08:00-18:00 • Sunday and Bank Holidays: 09:00-18:00 <p>No more than 4 stalls shall set up at the same time.</p> <p>On days where the market is not permitted the stalls shall be removed completely.</p> <p>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.</p>
5	Market Traders
	<p>CONDITION: Market trader preparations and clear up shall take place on the following days only:</p> <ul style="list-style-type: none"> • Friday: 08:00-20:00 • Saturday: 08:00-18:00 • Sunday and Bank Holidays: 09:00-18:00

	<p>No preparations will take place outside these hours and any trader vehicles arriving early will be held in the onsite dedicated servicing basement beneath Block C until the permitted time.</p> <p>Following set up all traders vehicles needing to stay on site in association with their stall will be instructed to park in the onsite dedicated servicing basement beneath Block C for the duration of the market.</p> <p>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.</p>
6	Number of Stalls (Restrictions)
	<p>CONDITION: The market stalls shall be laid out in accordance with drawing reference 'rev03' – Market Stall Location Drawing'.</p> <p>No more than 25 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>
7	Market Supervisor / Manager
	<p>CONDITION: A market supervisor or manager shall be present during market operation times, including set up and disassembly times, on each day the market is operated. The market supervisor or manager shall be onsite 1.5 hours before traders vehicles arrive for set up 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>
8	Servicing, unloading and deliveries
	<p>CONDITION: Servicing, unloading, loading and deliveries to the hereby approved market stall development shall only occur between the hours of:</p> <ul style="list-style-type: none"> • Friday: 08:00-20:00 • Saturday: 08:00-18:00 • Sunday and Bank Holidays: 09:00-18:00 <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
9	Operational Management Plan (Compliance)
	<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>

10	Vehicular Access (Details)
	<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>
11	Vehicle Stalls (compliance)
	<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>
12	Use of Electrical Generators
	<p>CONDITION: No electrical generators shall be used as part of the market operation.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity in terms of noise.</p>
13	Monitoring Impacts of Market (over temporary consent period)
	<p>CONDITION: Every 3 months of the temporary consent a monitoring report shall be submitted to the Local Planning Authority detailing all of the following and any other relevant issues:</p> <ul style="list-style-type: none"> - delivery/servicing complaints - incidents of early arrivals - parking/traffic incidents - any other complaints from neighbouring residents - Trip analysis detailing vehicle movements at Studd Street and Almeida Street access points <p>REASON: To ensure that the proposed development can be properly monitored and does not have an adverse impact on neighbouring residential amenity in terms of noise, odour and pollution.</p>
14	Cycle Parking
	<p>CONDITION: Prior to the implementation of the temporary market hereby approved details of dedicated cycle parking facilities for market customers and traders shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p>

	REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport.
15	Accessible Seating
	<p>CONDITION: Prior to the implementation of the temporary market hereby approved details of accessible seating facilities for market customers and traders shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development is of an inclusive design.</p>

List of Informatives:

1	Legislation compliance
	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.
2	Licensing requirement
	INFORMATIVE: You are reminded that a license may be required for the operation of the site and any alcohol sales.
3	Steps/Entrances into private residential/office buildings not to be used as seating
	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 POLICIES

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

1 National Guidance

The National Planning Policy Framework 2021 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.

- National Planning Policy Framework 2021
- National Planning Practice Guidance (on-line and regularly updated)

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

Spatial Strategy

Policy CS5 (Angel and Upper Street)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS14 (Retail and Services)

Infrastructure and Implementation
Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

- DM2.1 Design
- DM2.2 Inclusive Design
- DM2.3 Heritage

Shops, culture and services

- DM4.1 Maintaining and promoting small and independent shops
- DM4.2 Entertainment and the night-time economy

DM4.3 Location and concentration of uses

- DM4.4 Promoting Islington's Town Centres
- DM4.9 Markets and specialist shopping areas

Health and open space

- DM6.1 Healthy development

Transport

- DM8.1 Movement hierarchy
- DM8.2 Managing transport impacts
- DM8.3 Public transport
- DM8.4 Walking and cycling
- DM8.5 Vehicle parking
- DM8.6 Delivery and servicing for new developments

5. Designations

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

- Angel & Upper Street Key Area
- Archaeological Priority Area (Islington Village and Manor House)
- Site Allocation AUS1
- Upper Street (North) Conservation Area (CA19)
- Angel Town Centre

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

The following SPGs and/or SPDs are relevant:

- | | |
|---------------------------------------|---|
| Islington Local Development Plan | London Plan |
| - Conservation Area Design Guidelines | - Accessible London: Achieving an Inclusive Environment |
| - Inclusive Design | - Sustainable Design & Construction |
| - Planning Obligations and S106 | - Planning for Equality and Diversity in London |
| - Urban Design Guide | |