

PLANNING COMMITTEE REPORT

 Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING SUB COMMITTEE B		AGENDA ITEM
Date:	12 th December 2023	

Application number	P2023/2365/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	N/A
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	N/A
Site Address	Land & Access Ways Rear of 13-27 Cowcross Street London EC1
Proposal	Continuation of the use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week (Temporary Planning permission previously granted P2020/1687/FUL and amended under P2022/4267/S73). 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	Ross Harvey
Applicant	Newsteer
Agent	Newsteer

1. RECOMENDATION

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

1. subject to the conditions set out in Appendix 1.

2. SITE PLAN (site highlighted in red)

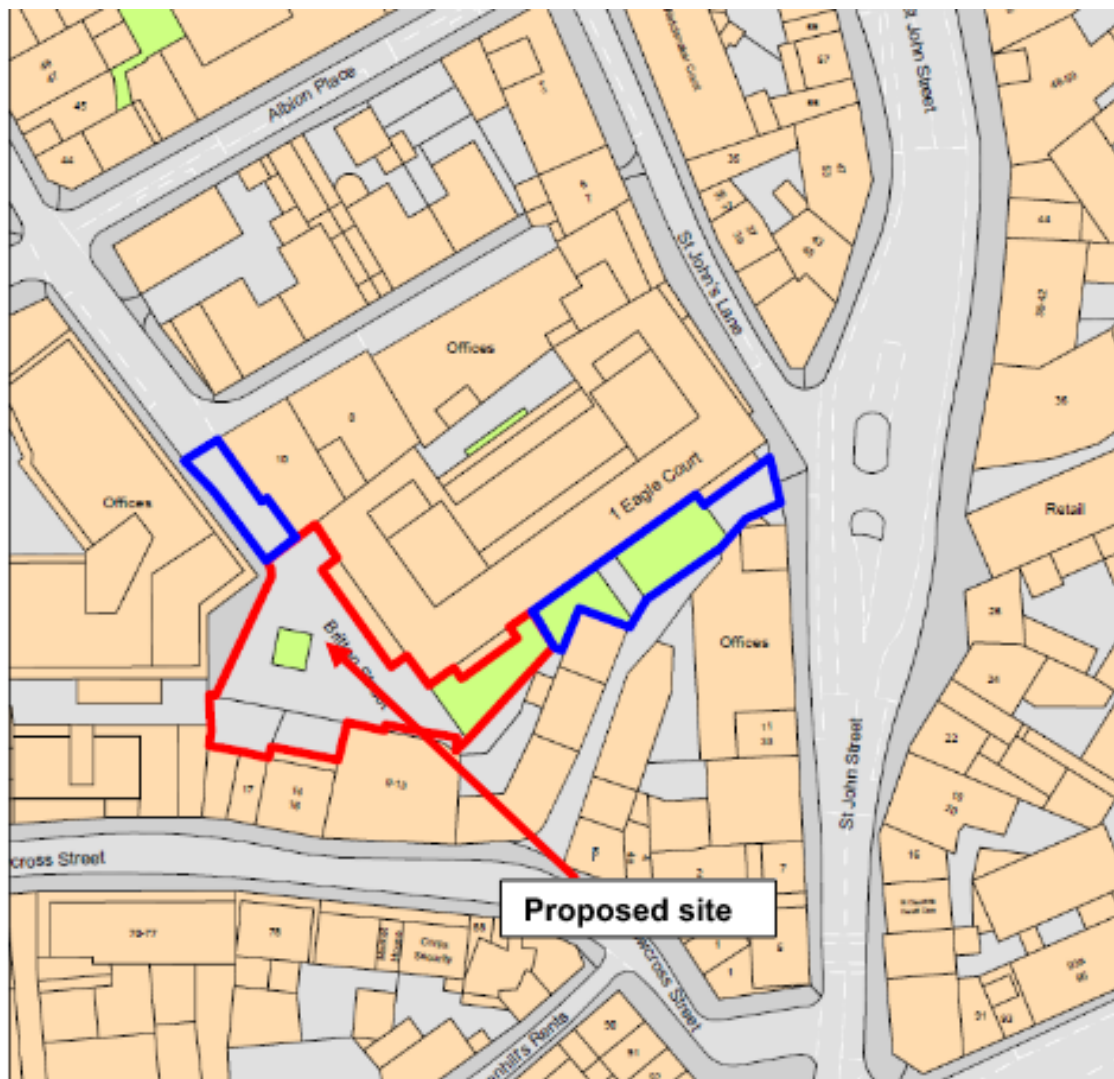


Image 1: Site Plan

3. PHOTOS OF SITE

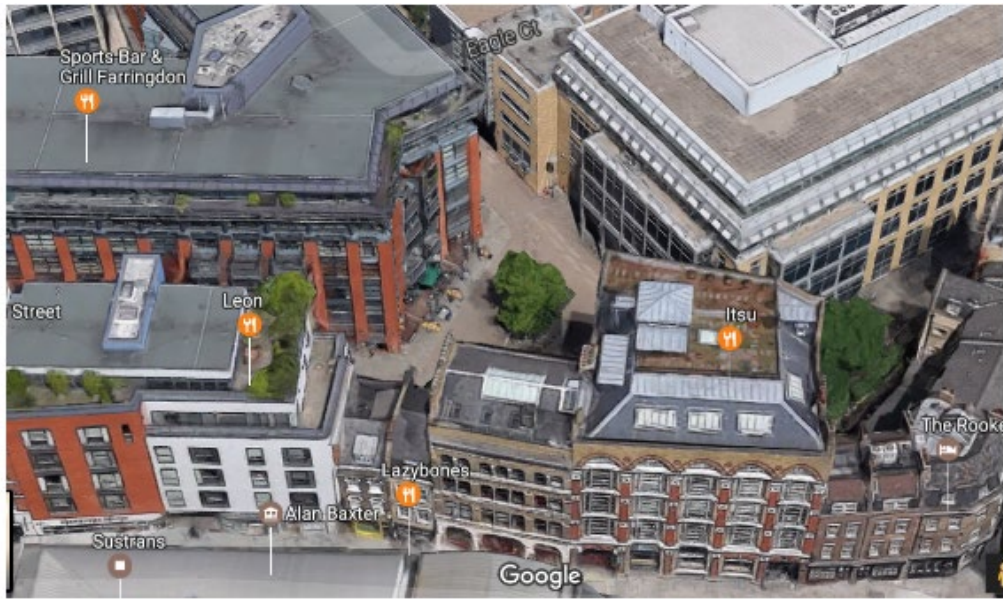


Image 2: Aerial view



Image 3: View of the Market taken from the edge of Briton Street



Image 4: 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 three previously approved temporary consents which allowed for the operation of the market for a maximum period of 3 years (ref: P2020/1687/FUL) and 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 12 objections 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 7 of this report. 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 PLAN1 of the Islington Strategic and Development Management Policies.
- 4.5 A temporary period of 3 years has been sought by the applicant. The previous permission had given a 3-year consent subject to an operational management plan which was secured by condition requiring compliance with the details approved. Prior to the previous application, a 2 year consent had been granted to allow the monitoring of the market to ensure it can operate without significantly impacting the amenities of neighbouring properties. 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 considered 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

- 5.1 The application site is situated to the rear of Nos. 13-27 Cowcross Street and comprises a small triangular shaped open plaza approximately (800sqm in size) which serves as both a private open space and 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.
- 5.2 The area is a mixture of uses including office buildings, retail, restaurants and public houses. The nearest residential units are situated with the complex known as City Pavillion at 33 Britton Street which leads onto the open space. Further residential units are situated at 8-10 Eagle Court and Zinc House (19-25 Cowcross Street).
- 5.3 The site is within the Central Activity Zone and is also an Employment Priority Area. It lies within Clerkenwell Green Conservation Area with several Grade II Listed Buildings situated within the immediate area including Nos 9-13, 14-16 and 27-27 Cowcross Street. The area is also 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 6m long x 2m 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 **P2022/4267/S73** - Section 73 application to vary the wording of Conditions 2 (Drawing & Document Numbers), 5 (Stall Layouts), 7 (Entrance and Circulation of Vehicles), and 9 (Market Operational Management Plan) of planning consent ref dated: P2020/1687/FUL dated

12/05/2021, for '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 for a further 3 years. (Temporary Planning permission previously granted P2019/1744/FUL 01/08/19). The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only'. The amendments proposed the changing of the market operator, and changes to stall layouts which will require changes to vehicle tracking movements. **(Granted 08/02/2023)**

- 7.2 **P2021/2726/AOD** - Approval of details pursuant to Condition 7 (vehicle entrance and circulation details) of planning permission Ref:P2020/1687/FUL dated 12/05/2021 for '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 for a further 3 years. (Temporary Planning permission previously granted P2019/1744/FUL 01/08/19). 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 10/11/2021)**
- 7.3 **P2020/1687/FUL** - 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 for a further 3 years. (Temporary Planning permission previously granted P2019/1744/FUL 01/08/19). 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 12/05/2021)**
- 7.4 **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 **(Granted 05/05/2021)**
- 7.5 **P2020/1143/FUL** - Proposed replacement permanent public seating **(Granted 21/10/2020)**
- 7.6 **P2020/1142/FUL** - Proposed lighting installations within alleyways between 18 - 19 and 19 - 25 Cowcross Street **(Granted 03/07/2020)**
- 7.7 **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 1no. non-illuminated wall mounted sign **(Granted 21/10/2020)**
- 7.8 **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)**
- 7.9 **P2019/0983/ADV & P2019/1119/LBC** - Wall to rear or 14-16 Cowcross Street Advertising mural applied to existing rear boundary walls of the properties at nos. 14-16, 17 and 18 Cowcross Street. The mural would front the White Horse Alley **(Granted 17/10/2019)**
- 7.10 **P2019/0747/FUL** - Public seating consisting of three groups of multi-coloured timber box structures **(Withdrawn by the Applicant)**
- 7.11 **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

- 7.12 **E/2020/004** Breach of conditions 2 & 5 of planning application reference P2019/1744/FUL. **Completed 22/06/2020**

- 7.13 **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.**
- 7.14 **E/2022/018** Change of operator of market and use of vans in breach of planning permission P2020/1687/FUL. **Completed 25/10/2023**

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

CONSULTATION

Public Consultation

- 7.15 Letters were sent to occupants of **288** adjoining and nearby properties on Britton Street, St John's Lane, Cowcross Street and Eagle Court on 03/09/2023. A site notice and press advert were also displayed on 07/09/2023. The public consultation period expired on 01/10/2023. At the time of writing this report a total of 12no. objections had been received from the public with regards to the application. The following issues were raised:

- Larger vehicles will dominate and enclose the existing open space (**paras 9.10 to 9.16**)
- Operators do not abide by current conditions and are noisy and cook before 11am (**paras 9.22 to 9.25**)
- Waste and rubbish left behind (**paras 9.34 to 9.38**)
- Additional social nuisance (**paras 9.41 to 9.47**)
- Larger vehicles will omit greater levels of noise and odour (**paras 9.44 to 9.47**)
- Lack of improved street lighting (**officer note: the market operation is predominantly limited to daylight hours. The lack of improved lighting is therefore not considered a reason to withhold planning permission in this instance**)

Internal Consultees

- 7.16 Acoustics Officer: The market has been operating for some time at this location. There was one previous complaint in relation to an office affected by vehicle exhausts/generators placed over air vents back in February 2020 which was resolved. There are no noise complaints listed. No objections from the EPPP team.
- 7.17 Highways Officer: No objections.
- 7.18 Inclusive Design: Generally supportive. Any additional gazebos, sitting areas, possibly toilets, barriers, bins. The main focus here is limiting street clutter, pavement trip hazards and providing an environment safe to people who wheel as well as residents with low vision (*Officer Note: Additional items not part of the planning application*).
- 7.19 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*)
- 7.20 Inclusive Economy: No objections.

External Consultees

7.21 The Rookery Hotel: Object to stalls 9 and 10 which appear to the front of the rear access to the hotel which is used for wheelchair access and fire evacuation. Concerns also raised regarding odour from food stalls and their impact on hotel rooms. **(Officer Note: Two stalls are proposed adjacent to the rear ramp to the rookery hotel. Their positioning will not block access nor impede visibility of the ramp and therefore no objections are raised).**

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

8.1 Islington Council (Planning Sub 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 2021 (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 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.

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 2021, Islington Strategic and Development Management Policies (SDMP) 2023, Bunhill and Clerkenwell AAP 2023 and Site Allocations 2023. 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.

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 thoroughway. The thoroughway links pedestrians across the plaza from Britton Street via Horse Lane Alley onto Cowcross Street and from St Johns Lane/Peter's Lane onto St. John Street. The plaza site is surrounded by a mixture of commercial/residential and office buildings that enclose the site and protects the space from the busier routes of Cowcross Street to the south and St Johns Street situated to the north east.
- 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. Strategic and Development Management Policy R7 is specific to markets and specialists shopping areas. It states that the council will seek to maintain, and support the enhancement of, existing markets within the borough. This is also supported by policy SP1 (Bunhill and Clerkenwell) of the Strategic and Development Management Plan which notes the areas rich variety of cultural, entertainment and leisure uses. These uses are integral to supporting the predominant office-led employment function of the area, but they also contribute to a significant night-time economy and the creation of a dynamic and attractive place in their own right which encourages tourist related development that promotes visitor economy..
- 9.5 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.

- 9.6 The market as proposed generally complies with both London Plan (2021) and local plan policies. The proposal provides 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 and is consistent with Policies R7 and SP1 of the adopted SDMP 2023.
- 9.7 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. 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.
- 9.8 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 SP1 of the SDMP 2023. 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.
- 9.9 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 and Conservation

- 9.10 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should create better places in which to live and work and helps make development acceptable to communities.
- 9.11 Policy PLAN1 of Islington's Strategic and Development Management Policies, amongst other objectives, aims to achieve development that represents a high quality of design that is sustainable and inclusive and that positively contributes to local character, legibility and distinctiveness.
- 9.12 Part A of Policy DH1 of Islington's SDMP 2023 supports innovative approaches to development while simultaneously addressing any adverse heritage impacts and protecting and enhancing the unique character of the borough. Part E of the policy states that the Council will conserve

or enhance Islington's heritage assets and their setting in a manner appropriate to the significance.

- 9.13 Policy DH2 of Islington's SDMP 2023 requires development within conservation areas and their settings to conserve or enhance the significance of the area and be of a high quality contextual design. Proposals that harm the significance of a conservation area or listed building must provide clear and convincing justification for the harm and proposals that will cause substantial harm to the significance of a conservation area or listed building will be strongly resisted.
- 9.14 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.
- 9.15 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.
- 9.16 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.

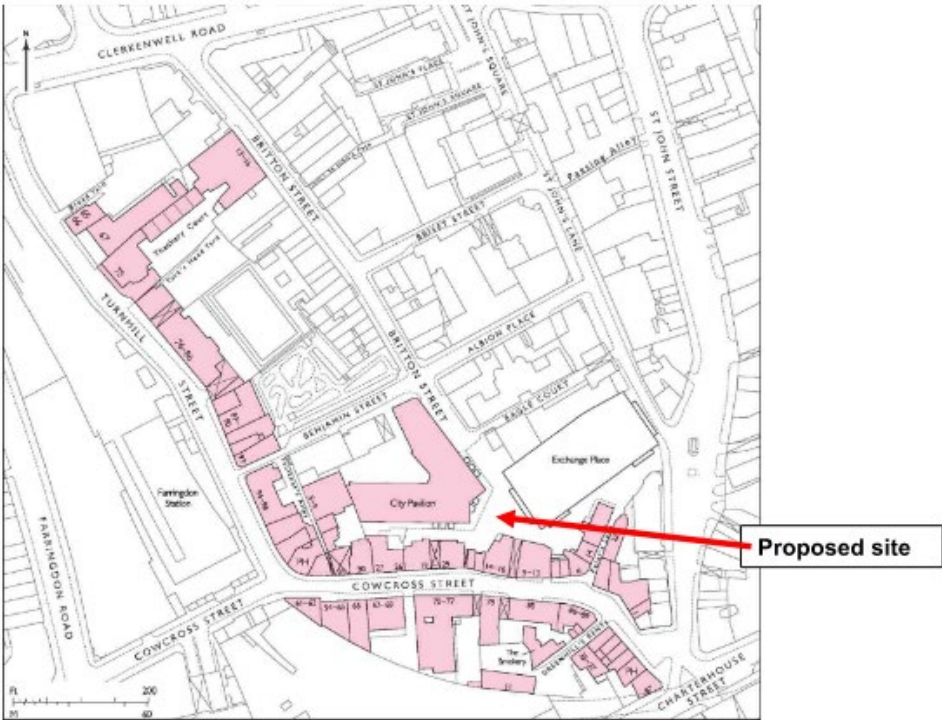


Image 5: Cowcross Street/St Johns Street and Turnmill Street historically an important route north from the City and location of cow market as far back as 12th Century taken from British History Online <https://www.british-history.ac.uk/survey-london/vol46/pp182-202>

- 9.17 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.
- 9.18 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.
- 9.19 The market would comprise 13 stalls each measuring 3m by 3m (where a gazebo is proposed) or between 6m long x 2m 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.
- 9.20 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).
- 9.21 In conclusion, the proposal is considered to preserve the visual appearance and historic character of the area whilst also re-establishing historic ties to the areas past as a market place. It would contribute to the special character and appearance 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.

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

- 9.22 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.

- 9.23 A condition was recommended during 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. The same condition was attached to P2020/1687/FUL and will be recommended as part of the current application also.
- 9.24 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.
- 9.25 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

- 9.26 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.
- 9.27 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 6) identifies the pedestrian access routes available from Cowcross Street, Horse Lane Alley, Britton Street and from St Johns Lane/Peter's Lane.



Image 6: Existing pedestrian access points serving the plaza

- 9.28 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.
- 9.29 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
- 9.30 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.
- 9.31 Previous applications have also included kerbside surveys to assess what the impacts would be on other businesses in the area. The surveys 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. Whilst the kerbside survey has not been

submitted with the current application, the previous permissions are a material consideration and no objections are raised in this regard.

- 9.32 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.
- 9.33 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

- 9.34 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.
- 9.35 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.
- 9.36 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)
- 9.37 It is illegal to drop litter and whilst there would be a responsibility of control of litter by the management of market, there is an onus on customers to comply by the law and not litter. Islington's Authorised Officers can issue fixed penalty notices to any person that drops litter intentionally. The Street Environment Services Enforcement Strategy (March 2011) states that *'it is the responsibility of every business and individual to comply with the law and it is recognised that most want to do so... we reserve the right to take enforcement action without education and advice on any occasion where offences such as littering are committed'* (Para 3.6 & 3.7 Street Environment Services Enforcement Strategy).

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

Seating

9.39 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 granted for the installation of permanent public seating around the tree at the centre of the plaza and has been implemented.

9.40 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

9.41 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy D6 as well Islington's Strategic and Development Management Policies policy PLAN1 applies to all new developments including alterations and extensions to existing buildings.

Noise and Disturbance

9.42 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.

9.43 Furthermore, the Environmental Pollution, Policy & Projects Team has confirmed that no noise complaints have been received from the existing market which has operated over the last 6 years.

Smells from Food

9.44 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 an unacceptable impacts as a result of odour to the neighbouring occupiers.

Vehicle Movement and Van Stalls within the Plaza

9.45 Representations received have raised particular concerns regarding the use of vehicles as stalls. These are described by the applicant as 6m long by 2m in width and are larger than the typical gazebo style stalls and vans 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 larger in length but narrower in width in comparison 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 provides swept path analyses for proposed vehicle stalls which clearly show that access and egress can occur in a forward gear.

- 9.46 The issues raised by neighbouring residents and commercial occupiers are broadly consistent with those received during the assessment of ref: P2019/1744/FUL and P2023/2365/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 10/11/2021 under P2021/2726/AOD. A Market Operational Management Plan has been submitted with the current application that is broadly consistent with the details approved under P2021/2726/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.
- 9.47 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

Sustainability

- 9.48 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 9.49 It is the council's and the Mayor's objective that all developments meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in CO₂ emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise CO₂ emissions.
- 9.50 Policy S1 of states that the council will seek to ensure the borough develops in a way that maximises positive effects on the environment and improves quality of life, whilst minimising or avoiding negative impacts. The policy also states that the Council will promote zero carbon development, with the aim that all buildings in Islington will be net zero carbon by 2050 and will work with partners and local communities to improve the energy efficiency of the existing building stock and wider public realm.
- 9.51 The proposal would result in limited external and physical alterations to the existing plaza. It is noted that the proposed use would contribute to vehicular movement, but this would be limited to the operation of the market and two three days a week only. Overall, the details are considered satisfactory for the minor development proposed.

10. SUMMARY AND CONCLUSION

- 10.1 A summary of these proposals is set out within paragraphs 4.1 to 4.6 of this report.
- 10.2 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.
- 10.3 The application submitted is a resubmission of three previously approved temporary consents which allowed for the operation of the market for a maximum period of 2 and 3 years (ref: P2020/1687/FUL, P2019/1744/FUL & P2016/3449/FUL). The current submission is similar in layout/number of stalls to the three previous applications and seeks to continue the use of the plaza area as a market for a further period of up to 3 years.
- 10.4 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.
- 10.5 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 PLAN1 of the Islington Strategic and Development Management Policies.
- 10.6 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved.

APPENDIX 1

RECOMENDATION A

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	COMMENCEMENT (3 YEAR CONSENT PERIOD)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	APPROVED PLANS LIST (COMPLIANCE)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Cowcross Estate, Cowcross Yards, London EC1 Waste Energy Strategy; 8269-PL-GA-108; 8269-PL-GA-109; 8269-PL-GA-110; 8269-PL-GA-1002; KERB+ Cowcross Yards Risk Assessment & Method Statement; Cover Letter by Newsteer dated 14 August 2023; Indicative Gazebo Elevations RM/DW/CSM001; Market Operational</p>

	<p>Management Plan by Kerb; Transport Note – Cowcross Yards, Farringdon dated 11 August 2023; Planning Statement by Newsteer dated August 2023</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	HOURS OF OPERATION (COMPLIANCE)
	<p>CONDITION: The market shall operate between the hours 9.00am and 4.00pm on Tuesdays, Wednesdays and Thursdays only.</p> <p>The cooking of food shall only take place between 11.00am and 2.30pm only.</p> <p>REASON: In the interest of protecting adjoining residents and offices amenity from noise, smells and disturbance.</p>
4	SITE SETUP AND CONSTRUCTION RESTRICTIONS (COMPLIANCE)
	<p>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.</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	NUMBER OF STALLS (COMPLIANCE)
	<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>
6	MARKET SUPERVISOR / MANAGER (COMPLIANCE)
	<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>
7	VEHICULAR ACCESS (COMPLIANCE)
	<p>CONDITION: The entrance and circulation of vehicles used for the purpose as a market stall shall be undertaken in accordance with the details shown on the swept path diagrams hereby approved. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity</p>
8	SERVICING UNLOADING AND DELIVERIES (COMPLIANCE)

	<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>
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 into perpetuity.</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	VEHICLE STALLS (COMPLIANCE)
	<p>CONDITION: Notwithstanding the hereby approved plans, the use of temporary generators is prohibited. Vehicles operating as a stall within the market hereby approved shall be no larger than 6m long x 2m wide and engines 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:

1	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	INFORMATIVE: You are reminded that a license may be required for the operation of the site and any alcohol sales.
3	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 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.

- NPPF (2021)

2. Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Strategic and Development Management Policies (SDMP) 2023, Bunhill and Clerkenwell AAP 2023 and

Site Allocations 2023. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021

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 Strategic and Development Management Policies September 2023

Policy PLAN1 Site appraisal, design principles and process

Policy SP1 Bunhill and Clerkenwell

Policy DH1 Fostering innovation and conserving and enhancing the historic environment

Policy DH2 Heritage assets

Policy R7 Markets and Specialist Shopping Areas

Policy T2 Sustainable Transport Choices

Policy T5 Delivery, Servicing and Construction

3. Designations

The site has the following designations under the Islington Strategic and Development Management Policies (SDMP) 2023:

- 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 Local Development Plan

- Environmental Design (2012)
- Inclusive Design in Islington (2014)
- Islington Urban Design Guide (2017)
- Conservation Area Design Guidelines 2002