



## PLANNING COMMITTEE REPORT

<b>PLANNING SUB COMMITTEE A</b>		
<b>Date:</b>	8 <sup>th</sup> September 2016	<b>NON-EXEMPT</b>

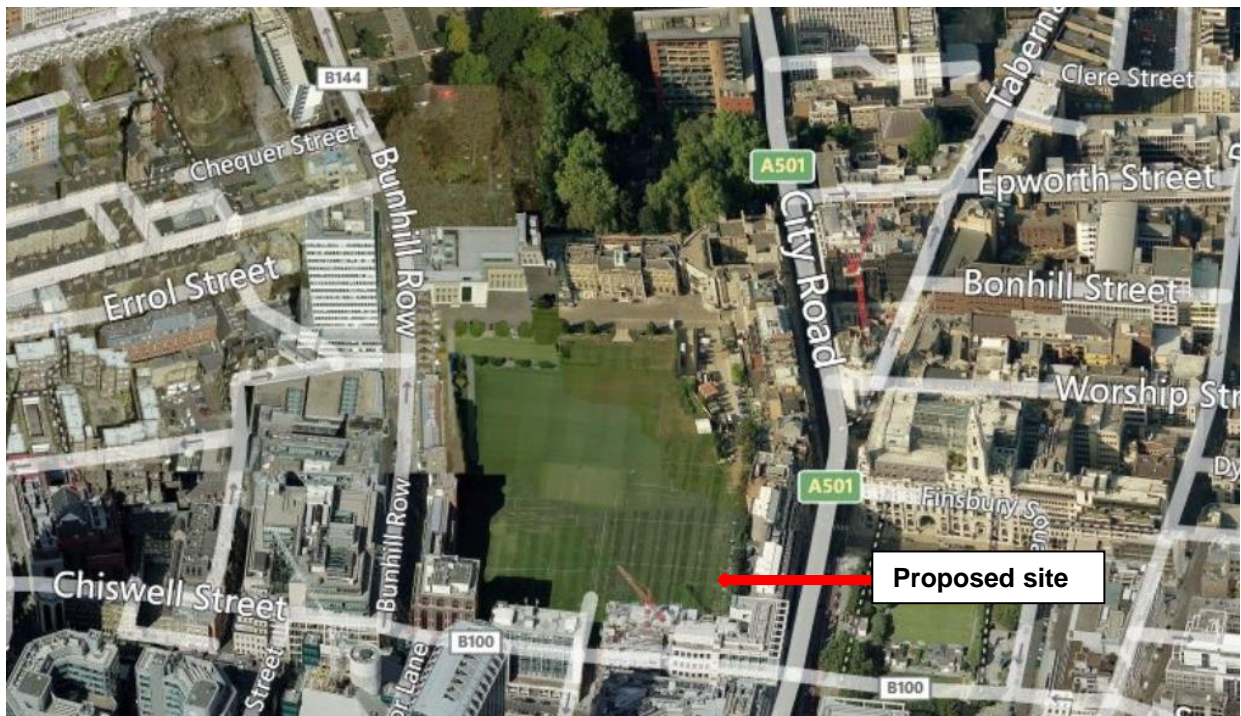
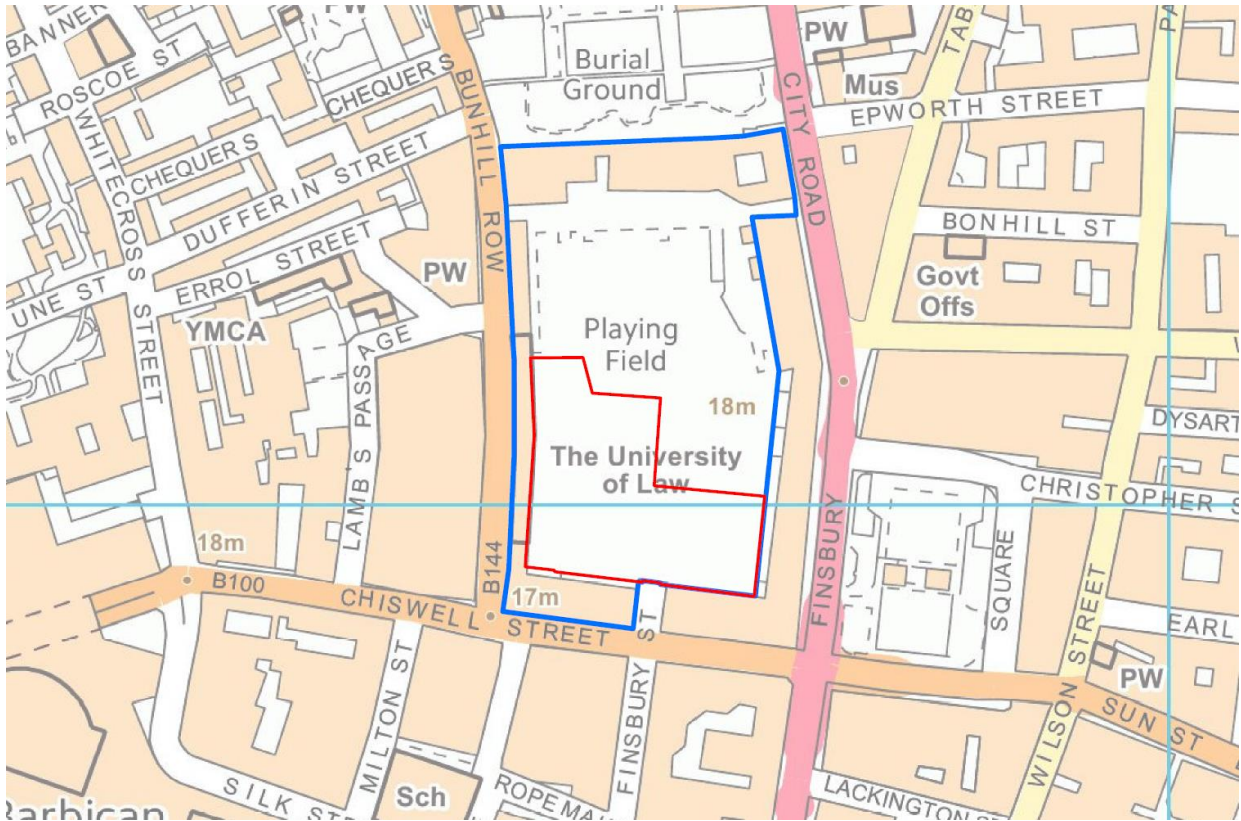
Application number	P2016/1146/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	Within curtilage of Grade II * Listed Building
Conservation area	Bunhill Fields and Finsbury Square
Development Plan Context	Central Activity Zone; Archaeological Priority Area; Employment Priority Area; Significant Private Open Space
Licensing Implications	Premises License existing with opening hours until 2am
Site Address	Playing Field Armoury House Finsbury Barracks, City Road EC1Y 2BQ
Proposal	Erection of a marquee (temporary structure) on land adjacent to the playing fields of Armoury House (along the southern boundary of the site) in order to facilitate the hosting temporary social events. The marquee would be in situ for no more than 120 days per calendar year.

Case Officer	Eoin Concannon
Applicant	Rowan Bennett
Agent	Geoff Bullock

### 1. RECOMMENDATION

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

2. **SITE PLAN (site outlined in red)**



Aerial View of Playing Field at Armoury House

3. PHOTOS OF SITE/STREET



Photo 1: Summer Layout



Photo 2: Winter Layout

## **4 SUMMARY:**

- 4.1 Planning permission is sought by Honourable Artillery Company to host events within temporary marquees situated in the playing grounds to the southern boundary of the site along Chiswell Street entrance. The events under the title of Ultimate Experience would be held during 2 periods (winter and summer season) within the calendar year. The marquee structures would be erected on the site for no greater than 120 days per calendar year. There are specific layouts for both winter and summer to coincide with both rugby and cricket season. This allows both sports to continue without interference during the event programme.
- 4.2 Types of events hosted in the marques include corporate functions, charity events, performance of plays, exhibitions of films, live and recorded music and the sale of alcohol. Events have been held at the ground continuously over the last 8 years with the HAC securing a licence in 2005 to host such temporary events. This however has been without planning permission. As such, the application subject of this assessment allows Officer's to appropriately manage/mitigate the use so it limits impact on land use, design, residential amenity and transport grounds.
- 4.3 Whilst the marquee would take up a large section of private open space, it would be proportionate to the area of private green space available on the site (approximately 25 percent of the site). Furthermore, due to the structures temporary nature and the fact it remains green space for the majority of the year (two thirds of the calendar year no structure in place), the principle of the development is considered acceptable. The Policy Planning Officer has raised no objections and does not consider the proposal a departure from the plan. A condition is recommended to restricting the temporary marquees to certain dates within the calendar. This thereby secures the legitimate use of the land as private green space.
- 4.4 Other concerns include the impact on surrounding residential properties amenity. A Noise Monitoring Report has been agreed with the Council Acoustic Officer with setting controlled to mitigate against the nearest residents to the east along City Road. Further restrictions on servicing times of the event and consumption of alcohol outdoors as well as Public Address announcements (cease before 10.30pm with exception of 15) would control noise from inside the marquee and from patrons coming and goings. These measures are considered acceptable and would reduce any adverse impact on residential amenity. Officers however consider a 24 month temporary consent necessary in order to allow for the monitoring of the events for the forthcoming seasons.
- 4.4 Given its location (easy access to public transport) and its overall access system (with separate access off different street for services, it is considered that the proposal would not lead to adverse impact on the transport system. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions.

## **5. SITE AND SURROUNDING**

- 5.1 The application site is situated within the grounds of Finsbury Barracks opposite the Grade II Listed Armoury House and comprises a large private playing field. Finsbury Barracks has a site area of approximately 2.6 hectares situated between City Road (directly east), Bunhill Row (directly west) and Chiswell Street (directly south).
- 5.2 The playing fields historically were used for archery practice with other sporting events (Cricket) dating back to the early 18<sup>th</sup> Century. Presently it is used for occasional rugby events, cricket and social events (which is subject of this application).

- 5.3 Generally the surrounding area is predominately office/commercial space within the Central Activity Zone. The nearest residential properties are situated to the east along City Road with Nos.6, 12, 16 and 18 having apartments in the upper floors that project onto the site. The College of Law abuts the site to the west with Office/commercial building along Chiswell Street.
- 5.4 As noted, the site is within the Central Activity Zone within the setting of a Grade II \* Listed Building. It is also situated within Bunhill and Clerkenwell Conservation Area as well as an Archaeological Priority Area. It is highlighted under DM6.3 (footnote 19) as a significant private open space.

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

- 6.1 The proposal seeks planning permission to erect a temporary marquee to hold organised events during the summer and winter seasons. Ultimate Experience has run marquee events over the past eight years with the premises license for entertainment in place since 2005. The earnings from these events are used to maintain and upkeep the Honourable Artillery Grounds & Armoury House which is a Grade II \* Listed Building.
- 6.2 It is proposed to erect the temporary marquees for a period no greater than 120 days per each calendar year. There are 2 specific layouts proposed in order to allow for sporting activities to continue throughout the year. The summer layout is situated along the southern boundary to allow for cricket to be played during the season. The winter layout is situated to the south west (adjacent the College of Law building) outside the perimeter of the rugby pitch to coincide with the rugby season. Both layouts are screened from the surrounding streets by large office/commercial/educational buildings along the southern and western boundaries.
- 6.3 Deliveries in relation to the events are accessed via the City Road entrance with a separate entrance access for patrons along Chiswell Street. Each of these access points has security checkpoints.
- 6.4 The Premises License allows for the following events to take place (and hours of operation)
- Performance of plays (18.30hrs to 22.30hrs daily)
  - Exhibition of films (18.30hrs to 22.30hrs daily)
  - Performance of live music (11:00hrs to 23:30hrs Mon-Sat & 11:00hrs to 23:00 Sun)
  - Performance of recorded music (11:00hrs to 23:30 hrs. daily)
  - Performance of dance (18:00 to 23:30 daily)
  - Provision of entertainment facilities for making music 11:00hrs to 23:30hrs Mon-Sat & 11:00hrs to 23:00 Sun)
  - Provision of entertainment facilities for dancing 11:00hrs to 23:30hrs Mon-Sat & 11:00hrs to 23:00 Sun)
  - Provision of late night refreshment (23:00 hrs. to 24:00 hrs. Mon-Sat & 23:00 to 23:30 Sun)

- The sale by retail of alcohol (11:30 hrs to 02:00 hrs Mon-Sat & Sun 12:00 hrs to 15:30 hrs)

## 7. RELEVANT HISTORY:

### PLANNING APPLICATIONS:

**P2014/0520/FUL** Construction of stone balustrade to existing external stairs in front of Armoury House. [Listed Building Consent application Ref P2014/0573/LBC also submitted] **(Approved decision date 02/04/2014)**

**P2014/0989/FUL** Removal of existing steel and glass gatehouse and construction of new stone clad gatehouse. Listed Building Consent application P2014/1100 also submitted **(Approved decision date 14/05/2014)**

**P110527** Alteration to three rooms to turn into a museum, installation of condenser units. **(Approved decision date 11/05/2011)**

### ENFORCEMENT:

7.1 None

### PRE-APPLICATION ADVICE:

7.2 **Q2016/0532/MIN** – Pre-app for the erection of temporary demountable structures – Officers indicated that the key concerns would be principle, design and neighbours amenity.

## 8. CONSULTATION

### Public Consultation

8.1 Letters were sent to 176 occupants of adjoining and nearby properties at City Road, Bunhill Row, Finsbury Square and Chiswell Street on the 12<sup>th</sup> April 2016. A further period of consultation was sent on the 27<sup>th</sup> July 2016 following receipt of a Late Night Operations Plan and Noise Management Protocol.

8.2 A site notice and press advert was also displayed on each consultation. The consultation period expired on the 25<sup>th</sup> August 2016. At the time of writing this report, **7 objections** have been received from nearby residents. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Significant loss of amenity of private open space. The proposal would contravene policy DM6.3 Part A and Part E of the Development Management Policies where development is not permitted where there is a significant or cumulative loss of private open space. (Paras10.2-10.8)
- Noise and disturbance resulting from the proposed use
  - i) The events marquee will be used for noise generating purposes given rise to noise nuisance to residential properties (Paras 10.15-10.29)
  - ii) The marquee events often carry on into the night when noise is a greater disturbance (Paras 10.19-10.29)

- iii) The disturbance is more greatly felt in the summer months when windows and balcony doors are open for ventilation (Paras 10.19-10.29)
  - iv) The noise is not confined to the marquees (Paras 10.19-10.29)
  - v) The noise disturbance would be prolonged with potential increase in marquee events. (10.7 & 10.32-10.33)
- A representation received suggested conditions if Officers were minded to approve including the following conditions (10.7, 10.32-10.33)
- i) Reduction in the number of days the marquee is permitted to be erected. Limit on number of consecutive days the marquee is permitted to be erected
  - ii) Cap on the number of days per week/month on which events may be held
  - iii) Limited hours of operation, set up and take down
  - iv) Temporary consent rather than full permission "Trial Run" Noise management plan
  - v) Regular inspections

#### **Internal Consultees:**

8.3 **Planning Policy:** No objections given the fixture and fittings temporary nature and its location outside the boundary of the playing fields.

8.4 **Pollution Team:** No objections subject to conditions Following a site inspection on the 31<sup>st</sup> May 2016 for the summer set up access was arranged at the residential block at 12A Finsbury Square (which backs directly onto the HAC grounds) at the third floor flat, flat 6.

The music noise levels from the site were tweaked so as to be barely audible within the residential bedroom/living room of the flat. These set levels were within the proposed condition limits. It is noted that the new condition limits are slightly more onerous than the set up over previous years. The HAC have been operating events here for a number of years. The licence has a limited number of conditions in relation to noise, hence the additional controls advised to control and minimise the impacts (albeit the hours of operation, sale of alcohol and regulated entertainment are controlled and hence not duplicated here).

8.5 **Licensing:** No objections. The site already has secured a license to numerous entertainment activities from ground, first floor and playing fields since November 2005. The planning application is in line with the current Premises Licence.

8.6 **Design & Conservation:** The temporary erection of tents as proposed will not harm the setting of Grade II listed Armoury House or the Conservation Area due to its temporary nature.

8.7 **Street Environment Services:** No objections

#### **External Consultees:**

8.8 **London Underground:** No objections

8.9 **Transport for London:** It is TfL's assumption that the marquee will be serviced from the site, and not on street. In any case, deliveries and servicing should be carefully

managed. The applicant and Council should also consider whether there is sufficient on street or on site blue badge parking to ensure that disabled people can readily access the events.

8.10 **Historic England (Grade I/Grade II):** No objections.

8.11 **Historic England (Glass):** No objections.

## **9. RELEVANT POLICIES**

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

### **National Guidance**

9.1 The National Planning Policy Framework 2012 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.

### **Development Plan**

9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

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

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

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Appearance
- Neighbouring amenity
- Transportation Issues and Events Management
- Accessibility
- Other Issues

### **Land-use**

10.2 The proposal is situated within the grounds of Finsbury Barracks and would involve the location of temporary marquees structures on the playing fields. The playing fields have been identified within policy DM6.3 of the development management policies as an area of significant private open space where development is not permitted. Part E of this policy also states that development on private open space would not be permitted where there is a significant individual or cumulative loss of open space/aspect which would impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.

10.3 The proposed marquee fixtures and fittings would be of a temporary nature with no excavation works required such as foundations which are normally associated with operational development. The structures would be in situ on the private playing field for



a maximum of 120 days of the calendar year. This period would be broken into the summer and winter period.

- 10.4 Table 1 of the Dalton Warner Davis cover letter (dated 23 March 2016) provides details of the event and structure duration since 2009. This table has been broken down highlighting the time it takes for the structure to be erected and dismantled as well as the event period. On average for each season (winter and summer), the marques structures would be in place for a period of 50 to 60 days. The seasons occur from November to January (winter) and May to the mid July (summer).
- 10.5 Between both these periods, the land is returned to a private open green space used by the Honourable Artillery Company. On average, the structures would be in place for approximately one third of the calendar year. The majority of the year it would remain as a private open space. On this basis, it is considered that the development would not represent a permanent change of use of the land given the structures are removed for four months between each season.
- 10.6 Whilst the structures would be situated on a sizeable area of space, in the overall context of the playing fields, it would be approximately 20 to 25 percent of the land. The remainder of the land would remain private green space during the events period. Furthermore, the layout of the marquees have been designed in order to allow for sporting activities to continue during the summer and winter periods with both layouts adopted to coincide with the cricket and rugby season.
- 10.7 Policy Officers have been consulted on the application and have raised no objections to the development given its temporary nature. The Policy Officer also raised no objection to the impact on ecological, biodiversity and flooding as the grass would remain. A condition is considered necessary to limit the timeframes of the development to specified periods. This would secure that the private green space is retained as open space for the majority of the year. Concerns have also been raised regarding increased number of events that could be held, however given the noise control and event management conditions that are recommended, Officers would not consider it necessary to impose a restriction on the number of events within each season. A condition on the marquee structure removal would be more appropriate in this instance following each season.
- 10.8 On the basis of the temporary design of the structure, the fact that the structures would be removed for two thirds of the calendar year, the overall size of the land to be retained as open space and the fact private sporting events can continue to be played all year round; it is considered that the proposal would be acceptable in principle. It would not result in a significant or harmful loss of private open space and generally complies with the broad aims of policy DM6.3 of the development management plan.

### **Design and Appearance**

- 10.9 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics. It is also considered that policy DM2.3 is important in relation to this application to ensure all development continues to preserve and enhance the character and appearance of the conservation area.
- 10.10 The proposed site is situated within Bunhill & Clerkenwell Conservation Area within the setting of Armoury House. The design of the structure is different for the summer and winter season but retains a similar material and height. Its visibility would be solely from

private views within the offices/commercial and residential properties that surround the site. The residential properties situated along City Road would be approximately 90 metres away from the marquees. Whilst the offices are in closer proximity, this would not cause substantial impact on the private realm to warrant a refusal. There would be limited visibility of the temporary marques from the entrance along Finsbury Street during the summer season however this would not impact the wider conservation area. The Design Officer raised no objection to the proposed scheme given its temporary nature and its overall distance from the listed building.

10.11 Therefore, given the temporary nature and its positioning (set in from the highway and away from the listed building), the proposal would not have a detrimental impact on the setting of the listed building nor detract from the character and appearance of Bunhill & Clerkenwell Conservation Area.

### **Neighbouring Amenity**

10.12 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy, safety and an increased sense of enclosure. A development's likely impact in terms of light pollution, safety, security, noise and disturbance is also assessed. London Plan Policies 7.14 and 7.15 as well as Development Management Policies DM 2.1 and DM6.1 require all developments to be safe and inclusive and maintain a good level of amenity, mitigating impacts such as noise and air quality.

10.13 Seven objections have been received which raised concerns regarding the overall noise from the events held at the site. The nearest residential properties are situated along City Road (Nos. 6, 12, 16, 18 and 20 City Road) and 12a Finsbury Square which are situated approximately 100 metres from the marquees structure. The properties along Bunhill Row are part of Finsbury Barracks (applicant). The remaining properties surrounding the site are educational, offices or commercial properties.

10.14 The objections received raised several issues related to the noise from including

- Nuisance from noise generating uses
- Hours of operation
- Seasonal disturbance greater in summer
- Noise not confined to the marques
- Number of events may increase

10.15 The nature of the use (entertainment activities/functions) would generally lead to an increase in noise levels over and above those normally associated within a private open space. Since its initial commencement (8 years' operating), there has been several noise complaints from the use, however, no previous restrictions on noise control have been secured through the planning process. Following a detailed assessment by the Council's Acoustic Officer, it is considered that the acoustic measures and night time operations management proposed would mitigate against any loss of amenity to adjoining residential properties going forward. The conditions recommended by Officers would control the noise levels to an acceptable amenity level to nearby residents whilst providing the Council with additional enforcement controls which had not previously existed. The amenity concerns are discussed in detail below.

## **Noise Transfer from Music/PA system**

- 10.16 The applicant has submitted a noise monitoring report carried out by Sustainable Acoustics Ltd (Marquee Sound Set Up for the summer period) which examined the noise levels from an event on the 31<sup>st</sup> May 2016. The noise monitoring report aimed to provide a more robust risk assessment approach for managing noise and new limits based on the measured noise levels before and after events during the last 8 years of operation and aimed to set the noise limiter. During the noise monitoring assessment, access to one of the residential properties overlooking the HAC grounded was provided which allowed attendees to assess the impacts on nearby residents (Flat 6, 12A Finsbury Square).
- 10.17 The survey on the 31<sup>st</sup> May 2016 took place between the hours of 16h00 and 20h30 and was attended by the Council's Acoustic Officer. It monitored noise from pre-event right through until the finish of the event with agreement reached between applicant and the Council's Acoustic Officer set specific noise levels for events going forward.
- 10.18 This monitoring report indicates that the summer set up includes 2 dance floors which are within "acoustic booths" inside the marquee. These acoustic booths are made from an acoustically solid structure within which the dance floor is located. Each dance floor has a separate system of loudspeakers controlled by the same mixing desk situated in the dining space and contains one open side that projects onto the large dining area (DF1) and bar area (DF2). This acts to bounce the sound back onto the dance floor thereby reducing the level that escapes to residential locations.
- 10.19 Measurements of noise levels were taken from several positions including Flat 6 12A Finsbury Square for continuous 1 minute and 5 minute periods simultaneously through the evening. These tests were examined by the Council's Acoustic Officer and settings were set (based on dancefloor levels barely audible in the bedroom and reasonably so in the lounge at daytime set up). This corresponds with the noise protocol target with the Council's Acoustic Officer satisfied that subject to music noise level restriction based on monitoring report. The Acoustic Officer has recommends a further condition on music noise levels which should not exceed those recommended in table 1 of this report as measured at monitoring position MP2 (Bunhill Row) and MP3 (City Road).

Period	Overall L <sub>Aeq</sub> , 5mins	L <sub>eq</sub> , 5mins 63Hz	L <sub>eq</sub> , 125Hz 5mins
0700 - 1800	65dBA	75dB	70dB
1800 - 2300	60dBA	75dB	65dB
23:00-07:00	55dBA	70dB	65dB

**Table 1**

- 10.20 It is also recommended that a further condition restricts the Public Address System (PA) to cease after 22:30 hours which would further reduce noise transfer during the later period of events. This condition does allow the PA system to continue up until 23:00 hours for up to 15 events per calendar year which would be agreed in writing one month before each season. In terms of operating hours, the proposal would be in line with the license that has been granted. The opening hours would run until 2am depending on the event proposed. It must be noted that the majority of the events would coincide with the closure of public transport. On the basis that the Acoustic Officer is satisfied with the noise levels settings from the events post 11pm together with the Late Operations Management Plan proposed, the hours of operation are considered acceptable in this instance.

### ***Noise control measures from comings and goings outside the Marquee***

- 10.21 A Noise Protocol and a Late Night Operations Plan has been submitted which the Acoustic Officer is satisfied will protect the amenity of residents for future marquee events. These events are organised in advance and largely booked by corporate companies, committees organising industry awards and charities with occasional private bookings. Entrance to the events is via Finsbury Street (off Chiswell Street) which is a sufficient distance from the nearest residents' limiting impact on these neighbours from coming and goings of patrons. The nearest residential properties are Nos.11/12 Finsbury Square, with access arrangements for these residents along Finsbury Square. The site entrance for patrons is situated between two commercial buildings and would be controlled by events security team (minimum six) together with CCTV cameras.
- 10.22 Given the sites inner city location, the majority of patrons would access the site via foot or through public transport. Several bus services/over-ground and underground train stations are situated within walking distance. The current Events License in place shows that the majority of events finish at 10.30pm. This would allow patrons attending an event sufficient time to access tube/overground rail services. The Late Operations Management Plan also indicates that a taxi marshalling service is provided by events security which controls taxis coming and going to the venue.

### ***Additional noise control measures (early morning and at night time)***

- 10.23 Other measures to reduce impact outside the marquees structures would include lighting and signage advising patrons to leave premises quietly. The applicant has also indicated that Event Security perform sweeps of the exit area to ensure patrons move on from surrounding streets. These can be included within the Late Night Operational Management Plan.
- 10.24 The Acoustic Officer has recommended additional measures to reduce the impact on the surrounding residents. Restrictions on beverage consumption outdoors after 22:00 hours is also recommended thereby reducing noise transfer from patrons outdoors. Whilst the Late Night Operational Management Plan indicates 23:00 hours, a revised Late Night Operational Plan can be secured through a pre-commencement condition. A condition has also been attached restricting consumption of alcohol outdoors after 22:00 which is enforceable. This would reduce noise transfer and further reduce the potential for anti-social behaviour outdoors.
- 10.25 In terms of site servicing, it is also recommended that a condition on deliveries, bottling out and servicing of the site between 23:00 hours and 07:00 hours. The Acoustic Officer has recommended a further condition on site setting up and take down restricting noisy activity outside the hours of 08:00 hours and 18:00 hours (Monday to Friday) and 08:00 hours and 13:00 hours (Saturdays). This condition would address any noise concerns during the construction and dismantling of the temporary structures and complies with the Councils Environmental Health's recommended hours of construction.
- 10.26 Officers consider that both these conditions would ensure the mitigation measures are maintained during early morning and late at night thereby adding further protection to the adjoining residents. As such, given the additional management and design measures to be imposed as well as recommended conditions, it is considered that the impact from coming and goings of patrons and servicing would be minimal.

### ***Conclusion neighbouring amenity***

- 10.27 Whilst, Officers are satisfied that the noise mitigation conditions attached would significantly improve the amenity of adjoining residents (especially during early morning

and late at night), as there have been noise investigations historically, a temporary consent would be appropriate in this instance. This would allow the Council a sufficient period of time to monitor the effective implementation of the conditions and where further restrictions are required these could be considered at the time of a re-submitted application. It is therefore recommended that temporary consent be granted for a period 24 months.

- 10.28 On this basis, it is considered that the proposed marquees and associated events would not detrimentally impact upon the amenity of the neighbouring occupiers. The proposal is therefore considered to accord with policy DM2.1 which requires development to provide a good level of amenity.

### **Transportation Issues and Events Management**

- 10.29 In terms of servicing of the site, HAC have safety barriers on each entrance to the site with only permitted vehicles allowed to park onsite. The Event Safety Management Plan states that agreement of deliveries would be required between the Events Manager, the HAC in advance with the delivery entrance via City Road. A route suitable for emergency traffic (i.e. with a minimum width of 4m) shall be provided and maintained at all times, especially during delivery or collection of plant and materials. All vehicles are unloaded within the loading pad, which reduce impact on the emergency traffic routes. This level of control should ensure that there would be no adverse impact on traffic management in the area.
- 10.30 In terms of managing and dispersing of crowd associated with the events, guests shall be by invitation only, with access via separate entrance along Chiswell Street where no residential units are positioned. It is envisaged that most guests would attend the event via public transport, foot, or taxi service. Event security would be responsible in assisting crowd management, minimise injury, prevent unauthorised entrance and assist Police and other emergency services. Event Security would be uniformed and strategically positioned prior to the event controlling the main entrance of the structure and guest would be required to present invitation on condition of entry. An incident report registers and contact details for surrounding residents shall be available to contact during events in order to record any incidents of anti-social behaviour.
- 10.31 On the basis of the information submitted, it is considered that the proposed servicing, transport issues and events management would not lead to unreasonable disturbance to the surrounding highways and transport routes during and after any event.

### **Accessibility**

- 10.32 The Islington Core Strategy (2011) Policy CS10B requires all development to achieve the highest feasible level of a nationally recognised sustainable building standard. The Event Safety Management Plan indicates that suitable and sufficient disabled ramps have been provided for ease of access and egress for disabled guests around the venue. All access and egress routes for disabled guests will be monitored closely to ensure the ease of manoeuvrability around the structures. This is considered acceptable given the temporary nature of the events.

### **Other Issues**

- 10.33 In terms of waste management, the Council's Street Environment Services have raised no objections to the proposal. The Events Management Plan indicates that a waste management plan shall be implemented by an appointed and contracted cleaning company. Collections would take place immediately after events areas have been closed

or the following day after an event pending on the time and schedule. As much as possible, waste will be segregated to ensure maximum recycling.

10.34 Officers note a number of recommended conditions submitted as part of an objection letter if the Council are of mind to approve. Where relevant, some of these conditions have been adopted as highlighted in para. 10.7 (limit on days structures erected) and 10.27 (temporary consent to monitor).

10.35 It was considered unnecessary to place restrictions on both hours of operation and the number of events. The noise controls recommended in Appendix 1 are sufficient and any additional controls would not align with the license that is presently in place since 2006. A condition is recommended requiring that the marquee and equipment to be removed from the site on specific dates after each season which would ensure the land is returned to its lawful use. Subject to complying fully with these conditions, it would not lead to a detrimental impact on the surrounding residents as discussed above in the amenity section.

## **11. SUMMARY AND CONCLUSION**

### **11.1 Summary**

In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

**11.2** It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS.

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

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

### List of Conditions:

<b>1</b>	<p><b>Temporary Consent (24 Months)</b></p> <p>CONDITION: The hereby approved development is granted only for a temporary period, being 24 months from 5 November 2016. After or before that date the temporary demountable structures shall be permanently removed and the site returned to its existing use, unless full planning permission has been granted.</p> <p>Reason: The temporary consent is such that the Local Planning Authority has a period to monitor the impact on the residents that adjoin the site and to ensure the noise mitigation measures are sufficient to protect their residential amenity.</p>																
<b>2</b>	<p><b>Approved plans list</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan, HAC Summer 2016 Site Plan, HAC Winter 2016 Site Plan, HAC Summer 2016 Structure Plan Rev E, HAC Winter 2016 Structure Plan Rev E and</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>																
<b>3</b>	<p><b>Removal of demountable structures</b></p> <p>CONDITION: The hereby approved temporary demountable structures shall only be erected and in use for two periods of the calendar year annually. The winter temporary demountable structures layout shall be erected solely between the following dates 5 November to 5 January (of the next calendar year). The summer temporary demountable structures layout shall be erected solely between the dates of 15 May and 15 July annually. The temporary demountable structures including fixtures and fitting shall be removed from the land outside both these time periods and the site returned to its existing use as private playing fields.</p> <p>Reason: In the interest of securing sustainable development, protection of private green space and neighbouring properties amenity.</p>																
<b>4</b>	<p><b>Music Noise Levels</b></p> <p>CONDITION: Music Noise Levels shall not exceed the following limits as measured at monitoring positions MP2 - Bunhill Row (free field) and MP3 - City Road (free field):</p> <table border="1" data-bbox="379 1839 1307 2022"> <thead> <tr> <th>Period</th> <th>Overall L<sub>Aeq, 5mins</sub></th> <th>L<sub>eq, 5mins</sub> 63Hz</th> <th>L<sub>eq, 5mins</sub> 125Hz</th> </tr> </thead> <tbody> <tr> <td>0700 - 1800</td> <td>65dBA</td> <td>75dB</td> <td>70dB</td> </tr> <tr> <td>1800 - 2300</td> <td>60dBA</td> <td>75dB</td> <td>65dB</td> </tr> <tr> <td>23:00-07:00</td> <td>55dBA</td> <td>70dB</td> <td>65dB</td> </tr> </tbody> </table> <p>[Note: Measurement position MP2 is described as “1.5m above ground level outside 21 Bunhill Row”. Measurement position MP3 is described as “1.5m above ground</p>	Period	Overall L <sub>Aeq, 5mins</sub>	L <sub>eq, 5mins</sub> 63Hz	L <sub>eq, 5mins</sub> 125Hz	0700 - 1800	65dBA	75dB	70dB	1800 - 2300	60dBA	75dB	65dB	23:00-07:00	55dBA	70dB	65dB
Period	Overall L <sub>Aeq, 5mins</sub>	L <sub>eq, 5mins</sub> 63Hz	L <sub>eq, 5mins</sub> 125Hz														
0700 - 1800	65dBA	75dB	70dB														
1800 - 2300	60dBA	75dB	65dB														
23:00-07:00	55dBA	70dB	65dB														

floor and 5m from the boundary wall to City Road” - (see Plan in Figure 1 of Sustainable Acoustics report no 14-0163-3 RO1 dated 3<sup>rd</sup> June 2016).]

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

**5 Public Address System**

CONDITION: Public Address system noise levels shall not exceed the following limits at MP3 (unless otherwise agreed in writing by the Local Planning Authority), and in the event of a complaint when access is granted to residential premises then not greater than the values stated:

Description	LAeq	LAMax	LA90	Frequency as Leq (Octave Band in Hz)						
				63	125	250	500	1K	2K	4K
MP3	57	60	56	63	64	58	56	51	46	38
Inside residents with window ajar	45	47	43	48	57	47	42	37	30	23

All PA system use must cease by 22:30 hours, aside from up to 15 exempt events per year where use of the PA system is authorised until 23:00 hours. One month prior to the first day of each season, the list of event dates (where PA use is extended until 23:00 hours) will be submitted to the Local Planning Authority and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

**6 Late Night Operations Plan (details)**

CONDITION: A Noise Protocol and Late Night Operations Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the next seasonal use (winter/summer) of the site for the temporary approved use. No change there from shall take place without the prior written consent of the Local Planning Authority.

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity and to ensure patrons safety.

**7 Beverage restriction outdoors**

CONDITION: There shall be no consumption of beverages in any outside area after 22:00 hours.

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 residential amenity

**8 Servicing restrictions**

CONDITION: There shall be no bottling out, deliveries or servicing between 2300 hours and 0700 hours.



	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 residential amenity
<b>9</b>	<b>Site set up construction restrictions</b>
	<p>CONDITION: During the site set up and take down no noisy work shall be undertaken outside the following times:</p> <p>Monday to Friday 08:00 - 18:00 hours Saturday 08:00 -13:00 hours.</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 residential amenity</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
<b>2</b>	<b>Other legislation</b>
	You are reminded of the need to comply with legislation outside the realms of the planning legislation including Building Regulations, Environmental Regulations, Inclusive Design etc.

## 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 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### 2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy Policy 1.1 Delivering the strategic vision and objectives for London	5 London's response to climate change Policy 5.3 Sustainable design and construction Policy 5.13 Sustainable drainage Policy 5.17 Waste capacity
2 London's places Policy 2.10 Central Activities Zone – strategic priorities Policy 2.12 Central Activities Zone – predominantly local activities Policy 2.18 Green infrastructure: the network of open and green spaces	6 London's transport Policy 6.2 Providing public transport capacity and safeguarding land for transport Policy 6.3 Assessing effects of development on transport capacity Policy 6.9 Cycling Policy 6.10 Walking Policy 6.11 Smoothing traffic flow and tackling congestion
3. Policy 3.19 Sports facilities	
4 London's economy Policy 4.1 Developing London's economy Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision Policy 4.12 Improving opportunities for all	7 London's living places and spaces Policy 7.3 Designing out crime Policy 7.4 Local character Policy 7.5 Public realm Policy 7.6 Architecture Policy 7.8 Heritage assets and archaeology

#### B) Islington Core Strategy 2011

##### **Spatial Strategy**

Policy CS7 (Bunhill and Clerkenwell)

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

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

Policy CS10 (Sustainable Design)

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

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

#### Design and Heritage

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

#### Health and open space

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

#### Employment

DM5.1 New business floorspace  
DM5.2 Loss of existing business floorspace  
DM5.3 Vale Royal / Brewery Road Locally Significant Industrial Site  
DM5.4 Size and affordability of workspace

#### Transport

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

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

BC7 Historic Clerkenwell  
BC8 Achieving a balanced mix of uses

### 5. **Designations**

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013.

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

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

The following SPGs and/or SPDs are relevant:

#### Islington Local Development Plan

- Conservation Area Design Guidelines
- Urban Design Guide

#### London Plan

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