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7 January 2016

Mr Joe Aggar (Case Officer)
Planning Department
London Borough of Islington
222 Upper Street
LONDON N1 1XR

Dear Sirs

**RE: PLANNING APPLICATION REFERENCE: P/2015/4907/FUL.
WORKS AND CHANGE OF USE TO THE PUBLIC CONVENIENCES AT
CLERKENWELL GREEN. BY EMAIL AND POST.**

I attach a copy of my letter to the Chief Executive of your Authority and would advise that this application appears to be statute barred from determination by the local planning authority and should be withdrawn as set out in that letter.

However in case the Local Planning Authority still considers and progresses the application I have been asked to submit detailed representations on behalf of the Clerkenwell Green Preservation Society, a local society with particular interest in the Green, and have done so in some detail as set out below.

I have not covered in any detail the remaining features of this original example of underground public conveniences designed by Charles Jennings, save to take the view I have always held, that they should have been listed long ago. All the more so now, as such facilities have been closed and lost over recent years. Others will make a more detailed case for protection, however I have set out detailed regard to the policy reasons for retention in adopted development plans for the Borough and in the adopted Action Area Plan.

Full consideration of all the policies referred to below will be required as these are all material considerations to a planning decision, and must be considered as a matter of law.

1 The Application.

The application site extends beyond the title plan and therefore any consideration of the application gives rise to concerns about enforceability of conditions. The application site should at least match the title plan or appropriate notices should be given to adjoining owners.

It would seem the surface land has been treated as highway land to date but the Authority do not own the land under the highway - yet structural works, it appears, are required to be undertaken beyond the site and under the highway surface. More detailed drawings are needed to make clear the vertical as well as horizontal works needed and their extent.

The internal layout and fittings as existing layout are not shown in full and should be as these are a material consideration.

No heritage assessment is submitted and this should be submitted as part of the application.

Further absent materials required by policy and guidance are missing and these are also referred to below.

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2 The Application Form.

The description states disused public toilet into a watertight refurbished shell. These are operations in, on and over land being operational development and appropriate policies apply. In addition there is no description of any advertising or surface activities or works.

There is also a proposed change of use from a sui generis use (public conveniences) to A3/Restaurant or D1 gallery. The proposed change of use appears to be to a dual use of the property and not a mixed A3/D1 use. It must be assumed a full A3 use is very likely given the potential rentals involved for A3 relative to Class D1. The Authority has recently marketed the premises by way of lease. No marketing information is submitted and should be.

This proposal will inevitably privatise space within Clerkenwell Green a historic space of public assembly since the Middle Ages and earlier. This change of use is objected to as any such change of use and privatisation will impact adversely on the Green's current function as a place of public assembly and open space. Any privatised use is incompatible with the historic use of the Green and the adopted policies for the enhancement and reinstatement of the area to fuller public use.

The Society is of the view that the conveniences are worthy of preservation and re-use as wcs for which there is a need in the area, especially when there are public assembly uses made of the Green that would lie above, e.g. May Day. **Furthermore the need for public toilets in the area is defined in the development plan documents as a priority.**

It is also noted from the form that there has been no pre-application advice taken and no public consultation contrary to guidance in the National Planning Policy Framework, para.s 188-191, and the National Planning Practice Guidance as well. Why the Council as developer, despite the history of local and wider opposition to such development, has failed to follow the NPPF and NPPG is not understood. **Neither does this accord with the adopted intentions of the Council in adopted development plan documents and in Project 28 in the Action Area Plan referred to further below.**

Given the application consultation period has been restricted to the Christmas and New Year period the local planning authority should extend the time for consultation responses. Can you please advise if this can be agreed if the application is not withdrawn?

No information appears to be given for waste collection and recycling and it is important that this should not spill over onto the street level in any way. Such details are required.

Retention and refurbishment of railings are welcome but not given the adverse impacts arising and the obvious potential for future use as public conveniences. No consideration of any continued public toilet use has been put forward despite the priority need identified in development plan documents and the response to past public consultations.

In response to Question 13 no reference is made to possible impacts of works to the Clerks Well nearby.

In response to Question 14 contamination information should be supplied given the past use and dis-use especially if an A3 use is proposed as it is at present.

Question 18 indicates only a Class A3 use for some 50 sq metres is proposed and this is not correct as the proposed use should be A3 or D1. Again this suggests only an A3 use is really being proposed. This would be the most damaging use to the Green as public open space and any A3 use is strongly objected to and should be refused.

There is no information as to staffing likely or opening hours proposed in response to questions 19 and 20 such that any benefits are not estimated, and the extent of late night disruption remains unclear in a location where there is already significant number of late night entertainment and A3 and A4 uses.

Question 21 site area is the same as the internal square metres and this cannot be correct and needs verification.

Question 24 access to the underground conveniences for inspection is required given their character and potential for listing and these cannot be seen from the highway. A Conservation Officer, and you as the Case Officer, do need to undertake a full site visit with an underground internal inspection, especially so since the internal layout is not shown in full.

Again the Certificate A is not correct – see my letter to the Chief Executive.

3 Design and Access Statement.

The D&A confirms there is an intention for a private open market letting of the premises once converted and therefore these proposed works are a speculative development on the part of the Council to increase income. **The Local Planning Authority cannot facilitate this development and must make sound independent planning decision - independent of the economics of the application.**

Apparently unpaid for informal pre-application advice has been sought from an un-named Conservation Officer and any street level development was objected to. This is strongly supported by the CGPS and any related activities such as advertising, lighting, tables and chairs etc. as these would be in direct conflict with the historic public open space and public assembly use. It is also noted a new ventilation housing is needed but no detail is given of how this will look.

However, the Conservation Officer indicated that there should be the retention of original features as far as possible. No comment was made with regard to the change of use and whether the public toilet re-use was even considered despite being a priority in the development plan documents. The CGPS believe there is scope for reinstatement and re-use as public conveniences to meet local needs and wider public needs for a public convenience with some information use for tourists as well. Increasing tourism is being experienced especially from China as a result of the nearby Marx Memorial Library.

The retention of the three urinals given the substantial works proposed and a part of terrazzo flooring is not sufficient to merit the major works proposed to form a new concrete reinforced shell.

This substantial rebuild approach is excessive and does not appear to meet the Officer's informal advice and is essentially meant to facilitate an A3 food use.

A lounge bar/restaurant use, whether A3 or A4, is not needed in Clerkenwell Green were there are already sufficient outlets and associated use of pavements for such uses. Further activities whether 30-40 or 60 people will only add to current cumulative problems of late night noise and disturbance. (The Applicant's reference to lounge bar suggests an A4 use may also be contemplated).

The improvement of the railings is a modest low cost improvement which does not require a destructive redevelopment and loss of heritage assets as an "enabling development". Works required include for example the insertion of padstones through the floor, encased beams in concrete, etc.

There is no heritage assessment provided with the application and accordingly it should be refused. There is passing reference to the "feature post" for example. This may have some connection to past events on the Green including mounting the cap of liberty.

No clear heritage asset assessment is submitted and no historical context for the open space and its use given. This is provided based on that previously submitted.

This is contrary to the NPPF, see para. 128, para. 130 which requires deterioration to be ignored, and para.s 131 to 134 apply, as there will be significant harm since this is a more than significant redevelopment. Para. 140 enabling development for railings does not apply as this is disproportionate harm relative to a very small gain.

Consequently it is not in accord with the NPPG either.

4 Summary of the Application.

It is clear that the application as submitted fails to provide sufficient contextual information, sufficient detail of the proposals and no justification for the proposed uses or any justification for the loss of the public toilet use in this location and lack of need.

No consideration of improvements without major structural works has been given as an alternative. No vertical details of the proposals are given to assess extent of the works and impacts.

The application has no named occupier but is highly likely to be an A3 or A4 user, a use well represented in the area with no additional need for another; and one that requires major works which will inevitably adversely impact on public assembly use of the Green. No consideration of the impacts or use retention as public toilets has been given either. (Despite defined as a priority).

The application requires more information and more justification but should in any event be withdrawn.

5 Historic Context and Local Opposition to Alienation.

Clerkenwell Green has been in public assembly and activity use as public open space, for over one thousand years; and it should not now be privatised in whole or part, by lease or otherwise. This application if allowed will make this possible.

Further information is submitted with this letter on the heritage context in the absence of any by the developer. (An earlier Rapid Assessment undertaken is submitted).

The CGPS was founded to save the Green for the future and for its future improvement and enhancement as a public open space and to stop the Council from selling off the toilets. Leasing off the toilets will have much the same effect for the lease term and could also allow a future sale.

The proposals are contrary to the founding objectives of the CGPS.

Other ways forward remain possible and should be explored with the CGPS and the local community and not be imposed. Consultation is required as adopted policy confirms should be undertaken.

6 Policy Context.

Apart from the failure to meet the NPPF and NPPG as above the Authority's own development plan document policies are not met and its own intentions ignored as adopted.

The proposals fail to meet or accord with so many of the policies in adopted development plan documents as to be so deficient that if to be decided upon a refusal appears inevitable and approval open to challenge.

An assessment and analysis of the proposals against the most relevant adopted development plan policies now follows for the assistance of the Authority.

This includes the Core Strategy 2011, the Development Management Policies 2013, and the local Action Area Plan 2013, and the Finsbury Local Plan which includes the Clerkenwell and Bunhill Action Area Plan which sets out adopted policies and strategies for the consequences for the Farringdon Station/Crossrail development for the immediate area.

These latter local plan adopted policies are of particular relevance and are relatively up to date, and so of great weight for the planning decision maker following guidance in the NPPF. These proposals can be readily seen not to accord with very many policies in these adopted development plan documents.

7 Core Strategy. Adopted 2011.

The proposals fail to meet adopted Core Strategy policies. Para. 2.81 states careful management is required of an area with historic value:

*“The Bunhill and Clerkenwell area is Islington’s most important employment location. It is also home to a large number of residents and has a strong sense of community. Policies of the Metropolitan Borough of Finsbury (which preceded the London Borough of Islington) have led to a high proportion of social housing in the area. **Much of the area is of historic value and requires careful management**, but it also offers significant opportunities for development, and will do so particularly following completion of the Crossrail and Thameslink rail projects, which will meet at Farringdon station.*

This application fails to reflect careful management and appears opportunistic and short term, ill-considered and badly timed.

Para. F of Policy CS7 then states:

“F . Much of the area has a rich character and is noted for its historic value. This is particularly true of Clerkenwell, which has a street pattern that dates from medieval times and contains surviving monastic precincts. But throughout Bunhill and Clerkenwell, a number of buildings, monuments, spaces and townscape attributes contribute positively to its character. This includes some locally important street level views to St. Paul’s Cathedral and other local landmarks. These historic and character-defining attributes will be protected and enhanced. In particular, improvements will be sought to the quality of views to St. Paul’s Cathedral and to the public spaces from which local views originate”.

This policy applies to Clerkenwell Green and the CGPS have contributed to the development plan making process. **This proposal damages these material considerations identified and adopted in Policy CS7F. Instead of the proposed destruction of the toilets by way of a large reinforced concrete box the future use should reflect considered and well managed protection and enhancement as required of the toilets and the Green.**

Policy CS9 requires the protection and enhancement of Islington’s historic built character and this includes heritage assets, whether designated or not, and their relationships and views. D requires coherent street frontages and the toilets are not part of this frontage and so an inappropriate location for a commercial use within a public space used for assembly. **As a Conservation Area the requirements of Policy CS9 are not complied with or met.**

Policy CS10 requires sustainable design and there is no evidence of this been submitted and so the **proposals do not accord with CS10 or the criteria set out in the Policy.**

Policy CS11 requires waste re-cycling and reduction of waste. No details for waste storage or re-cycling or collection have been submitted. **Policy is not met.**

Policy CS15A states that all open space of heritage value will be protected:

“A. Protecting all existing local open spaces, including open spaces of heritage value, as well as incidental green space, trees and private gardens. Further policies will be identified in the Development Management Policies”.

This proposal adversely impacts the public open space and historic use for public assembly and therefore fails to accord with Policy CS15 and limits future use and potential. The Green can be reinstated as a public civic open space and this proposal will stop this possibility by the introduction of private commercial use and activities that will harm the current and future functions and again this is contrary to Policy CS15. This is what the CGPS is seeking to achieve and this does not accord with the Policy and so should not be allowed to frustrate the future potential by this ill-considered application.

The reinstatement of the Green as useable open space for all at all time contributes to the healthier Islington the Plan seeks to achieve.

Summary. This Application is not in accord with vision, objectives and policies adopted in the Core Strategy and should be refused. It is not a sustainable development and harms historic Clerkenwell.

8 Development Management Policies Adopted 2013.

Policy DM2.1 A is clearly and immediately not met by a complete failure to meet full accessibility by rejecting a lift access for the impaired as has been stated in the D&A.

The user also impacts adversely on the immediate use and functions of the Green and again fails to meet DM2.1. It introduces a conflicting private space into a public open space and impacts so adversely on legibility and introduces fragmentation.

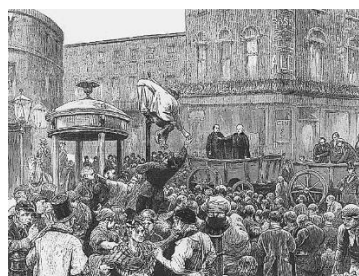
Further noise and nuisance can be generated with hours of proposed use not stated or known and the associated A3 or A4 activities will inevitably spill out up and onto the public open space above and around, which, with the inevitable adverts and signing, probable use of tables and chairs etc. will reduce and interfere with the public assembly and public recreational use. How this can safely operate with a May Day rally assembly is unclear, or other such events.

This will also additionally and cumulatively impact on both visual and residential amenity with significant impacts on the Conservation Area and the setting of the nearby listed buildings. This will inevitably affect and potentially break the ambience of, and the visual links between the steps of the Sessions House and the wider Green, all of historic importance and with the Marx Memorial Library at No.37A, where historic full public assembly will be compromised. See May Day Rally assembling 2005, and from the past below:

Temperance rally.

Reform League Rally.

Fenian Rally.



May Day 2005.



Accordingly criteria (ii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii) and (xiii) are not met and the application should be refused as conditions will not overcome these concerns and significant adverse impacts.

Likewise the requirements of **DM2.1 B** are not met as there has been no submission of any adequate materials or justifications to meet the requirements of criteria (i) to (viii). This, given the Conservation Area location and historic importance of the Green and the public toilets and their fittings is a major omission and would not be accepted from any other applicant and should not be acceptable when the Council is the Applicant. (DM2.1C is not relevant).

Policy DM2.2 requires inclusive design and this is simply ignored on grounds of cost rather than impacts. A lift should be installed for a high value A3 use. This is essential for accessibility and it has been rejected in favour of a minor amending stair design not shown which is not an acceptable solution to meet the policy requirements. **Criteria and objectives in A(i) to A(iv) are not met.**

Para. 2.31 makes clear that the toilets form part of this historic village green. The Green has been used by the public for over one thousand years and the whole is a heritage asset and the development plan confirms it should be considered accordingly, **as a valuable component and an irreplaceable resource:**

"Islington's heritage assets make a substantial positive contribution to the borough's local character and distinctiveness. They are an irreplaceable resource which justifies conservation and enhancement in a manner appropriate to their significance. Listed buildings, conservation areas, registered parks and gardens scheduled monuments and archaeological priority areas are all designated heritage assets. However, the term heritage asset includes any valued component of the historic environment, be it a building, monument, site, place, area or landscape, which is positively identified as having a degree of significance meriting consideration in planning decisions".

Policy DM2.3 requires conservation and enhancement not a virtual complete destruction to a reinforced concrete box as is being proposed. No heritage statement is submitted and no pre-application advice has been taken other than informal advice. The requirements of the Policy B (i) to (iv) have simply not been met. The Application should be refused.

Policy DM2.3C is concerned about listed buildings and their settings. The open public space between the Marx Memorial Library and the Sessions House and the wider open ground forming the Green is part of the historic setting of the Sessions House and the visual linkages between these buildings and the past events that have taken place on the Green could be lost.

The public assembly and public open space and use is fundamental to the character of the Green, as well as the feature post, which has links to the past demonstrations for the vote and against slavery. **These settings and links to the listed buildings and the frontage to the Green will be adversely impacted by an alien private commercial use and the associated activities and very likely installations arising from an A3 use. The application conflicts with Policy DM2.3C as Clerkenwell Green is a designated open space as listed in Appendix 4 to the DPD.**

Para. 2.37 summarises the position:

"The council will not permit substantial harm to or total loss of significance of a designated heritage asset unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the tests set out in Paragraph 133 of the NPPF apply".

The substantial harm to the existing public toilets and the wider adverse impacts for the Green, as well as the adverse impacts on the historic public use of the Green cannot possibly be outweighed by any marginal benefits arising from the formation and use as a café or other commercial use or A3 re-use.

Development Plan policies and para, 133 of the NPPF cannot be satisfied. No alternative public uses have been considered and submitted nor any public consultation undertaken to explore such options.

A refusal would allow consultation and consideration of alternatives to take place.

Policy DM2.6 requires advertising not to contribute to street clutter and loss of amenity (B). No advertising details are submitted but these are likely to be needed for a subterranean commercial operation **and will inevitably harm the Green and the Conservation Area contrary to Policy DM2.6.**

Para. 4.15 confirms that an A3 uses fall within the Entertainment and Night Time uses and confirms the adverse amenity effects. The Green already has a number of public houses and restaurants facing the Green, and nearby, with external seating and night time use generating such effects, more than that appropriate for an out of town centre location where these are more properly located:

“Entertainment and night-time uses include cinemas, theatres, restaurants, Public Houses and other similar uses. These uses can contribute positively to the vitality and vibrancy of Town Centres, including enhancing perceptions of personal safety by providing informal surveillance for passers-by. However, if not properly managed, such uses can result in adverse effects on surrounding neighbourhoods, with adverse amenity effects generated from factors such as noise and anti-social behaviour, particularly late at night”.

Policy DM4.2 directs such uses to the four town centres in the Borough. The proposed use is a departure from the development plan and should be advertised as such.

Furthermore the use is proposed for an inappropriate location and no justification for the location and impacts has been submitted, including cumulative impacts. **The proposal does not accord with Policy DM4.2 and is insufficiently supported by required materials to be favourably determined and so should be refused for lack of justification. The failure to accord with Policy is also a reason for refusal.**

It is the view of the CGPS that there are more than sufficient A3 uses in the area and on the Green and it is not defined as an appropriate location for A3 use.

Policy DM4.3 is also not met. This allows another A3 use that can have adverse impacts alone and cumulatively on sensitive uses, such as the nearby Marx Memorial Library where there is study and discussions of an evening. Overall however there are more than sufficient such uses and these all co-exist with residential occupation above the ground floor in many buildings around the Green. **No assessment of noise or other cumulative impacts has been submitted with the application as required by this Policy.**

Policy DM4.12 requires no loss of social infrastructure and to be safeguarded. No justification for the loss of public toilets despite being defined as a priority has been put forward with the application. **No replacement facility is proposed. The CGPS believe there is a requirement for these facilities and so the Policy is not met.**

Policy DM6.1 is not met either as any private wcs to be provided in the unit do not have to be made available to the public by reason of size of unit (below the policy threshold) and also for reasons of lack of accessibility to all.

Policy DM6.2 encourages the provision of public open space and this policy is supported by the CGPS. The Society was formed to secure the return of Clerkenwell Green to a public open space rather than a gyratory for traffic. This proposal conflicts with the fundamental objectives of the Society and the potential for Clerkenwell Green to be returned to full public use and civic open space. The CGPS have plans that have been worked on and progressed to seek to achieve this. **Policy states in D:**

“Public open space should normally be green public open space, such as a public park. Areas of new and/or improved hard landscaped public open space, such as civic space, may be considered appropriate instead of green public open space, particularly in Town Centres. In such cases it must be demonstrated that the provision of green public open space is not possible or appropriate. In relation to Part C of this policy biodiversity benefits should be maximised where appropriate for civic spaces and other hard landscaped public open space”.

It is hoped that the Council will consult on these open space plans and not seek to disrupt them by the grant of a **planning permission contrary to the objectives of the Charity established to return the Green to Civic Open Space, and contrary to Policy DM6.2.**

Policy DM6.3 likewise applies for the same reasons as above. Protection of open space is a policy that this proposal fails to accord with. Even if the public toilets are private space Policy DM6.3E is not accorded with. Para. 6.25 confirms the Green is listed in Appendix 4 and so is part of this Policy.

(It is a matter of law that explanatory paragraphs and appendices form part of the development plan policies and this application fails to accord with these).

Policy DM7.1, DM7.2 and DM7.3 (with regard to decentralised energy networks) require applications to provide sustainable development. No information as to sustainability to accord with these policies and supplementary documents and guidance has been submitted with the application. It should be refused accordingly irrespective of other matters raised as it does not accord with the NPPF.

No information is provided to accord with the Environmental Design SPD. No Sustainable Design and Construction Statement is provided. No BREEAM assessment is provided. The application should be refused.

Policy DM7.5 requires information on heating and cooling. This is not provided. Policy is not met for a building without window ventilation.

No Appendix 11 marketing evidence is provided to demonstrate that a public convenience use cannot be achieved. It may be the case that this could be achieved.

Summary. In summary there is a significant and wide ranging failure to accord with the information requirements for a planning application in Islington, and therefore this application should be refused for lack of information. The Council itself should set a high standard for all applicants and not seek to avoid the liabilities for submissions imposed on others.

There are clear failures to accord with development plan policies listed above. The proposal fails to demonstrate inclusive sustainable development. A presumption in favour of development as in the NPPF does not apply for this use as it is an inappropriate location for entertainment use and one without demonstrable benefits to outweigh the harm to the heritage assets caused.

These assets are adversely and significantly impacted and so should be refused to accord with the NPPF and the Development Management Policies DPD 2013.

9 Finsbury Local Plan. Action Area Plan for Clerkenwell and Bunhill. Adopted 2013.

This recent local plan document covers the area of the Green. **Objective 3** states:

“To enhance the quality of the local environment, improving the health and wellbeing of residents, reducing carbon emissions and adapting to climate change”.

And **Objective 4:**

“To create safe, attractive, usable and accessible streets, public spaces and transport networks”.

Clerkenwell Green’s potential as an attractive and useable public space will be lost by the introduction of this private use and activity. **It will not add to health and wellbeing but detract by adverse impacts contrary to the Local Plan Objectives 3 and 4.**

Objective 5 requires an enhancement of heritage and culture. The proposal has the opposite effect and is contrary to Objective 5.

Clerkenwell Green is included within the Farringdon Station Area in the Plan. **Policy BC5 applies.**

Of particular relevance is BC5D which states for developments associated with the accessibility of the new Crossrail Station that there should be:

"An improved public realm which promotes pedestrian circulation and which results in a series of integrated, linked and high quality public spaces, including neighbouring spaces such as Clerkenwell Green".

A high quality public open space cannot be achieved with an A3 private use being established within it and the proposal is contrary to Policy BC5D.

Policy implementation will include adopted Community infrastructure Priorities to include Public Toilets. (Page 66). Here there is an existing public toilet of architectural interest and a heritage asset within a Conservation Area that can be reinstated and re-used to meet a locally defined infrastructure priority. **There is a need for the public toilets to be safeguarded and provided again. No justification for the failure to retain this existing high priority use has been given in the application and it should be refused.**

Public realm priorities (Page 66) are also defined and adopted. These include Clerkenwell Green, Clerkenwell Close and St. James' Clerkenwell (Project 28). A priority reinstatement should not be frustrated now.

Reference is also made to the Clerkenwell Green and Charterhouse Square Conservation Area Design Guidelines (2007) which remain extant as adopted guidance.

Figure 15 confirms the Session House as a Historic Landmark and the entrance stairway have a level view to the other side of the Green so that justice could be seen to the public assembly on the Green. The Green is identified for additional planting and as a route but no commercial use allocations or frontages are defined on by fronting the Green. **The proposal is a departure from the development plan.**

Implementation is to be through consultation which has not taken place for the public spaces listed and Clerkenwell Green is listed as a space. The Plan states and this is supported by the CGPS (in bold below):

*"Public sector interventions in Historic Clerkenwell relate mainly to improvements to the area's public spaces. **The council will take forward individual improvement schemes as and when funds are available, working closely with heritage groups, the voluntary sector, local residents and businesses. The emphasis will be on making the most of the area's excellent quality spaces, for recreation, enjoyment and special events.** As such the council will work with local businesses and residents to implement events such as craft markets, festivals and performances.*

Community infrastructure priorities: *Alleyways signage and legibility Improvements to historic interpretation **Publicly accessible toilets.***

Public realm priorities (refer to Appendix 2) *Goswell Road / Clerkenwell Road junction (Project 16) Fleet Valley open spaces (Project 26) **Clerkenwell Green, Clerkenwell Close and St. James' Churchyard (Project 28)**".*

The proposals conflict with Plan implementation both in the manner brought forward and in the proposed use and works. It should be refused as premature and inappropriate.

Policy BC8 is quite clear that an A3 entertainment use as defined by the Authority should only be in Employment Areas and not in public space in Clerkenwell Green. **Again an inappropriate location and so contrary to policy:**

“New entertainment uses will only be allowed within designated Employment Priority Areas. Development Management Policies will be used to assess applications for new entertainment uses, in order to avoid an unacceptable concentration of such uses”.

Project 28 is adopted policy and very clear. The Council as Applicant has completely failed to comply with it. This is unfortunate as the CGPS (as a local historic society) very much supports the Council's approach defined and adopted so recently in 2013. It does not understand why this recently adopted approach has suddenly been dropped and this new proposal has been brought forward after apparently recently marketing the property by way of lease (no information on this marketing has been submitted to the planning authority):

“It is proposed to re-establish Clerkenwell Green as a true public space that reflects and celebrates its significant social and cultural historic value. There is potential to undertake improvements to this space alongside the Fleet Valley to create a public realm of London-wide significance. This should happen through a grassroots approach, with the local community involved from the outset, including businesses and residents who live around the green, and local amenity / historic societies”.

This proposal and the way it has been brought forward does not accord with the Council's own most local adopted development plan.

10 Supplementary Documents and Guidance.

There has not been time due to the Seasonal break to fully review supplementary planning documents and guidance. However the application fails to accord with so many adopted development plan policies and criteria and to the NPPF and NPPG that there is no need for further detailed consideration.

11 The London Plan Further Alterations. 2015.

This is essentially a strategic planning document and again time has not been available to review this before the consultation deadline expires.

If the time for comment is extended then further comments can be submitted. However, again, the application fails to accord with so many adopted Islington development plan policies and criteria and to the NPPF and NPPG that there is no need for further detailed consideration for the time being.

12 Conclusion.

I trust these detailed representations will be considered in full as there are many planning policies that are material to the proper and full consideration of this planning application. It fails to accord with so many that refusal should follow. No balanced judgment or benefits can justify approval.

A failure to take full account of all relevant policy, explanatory paragraphs and appendices of the relevant development plan documents would make any planning decision unlawful and I trust these will be considered and recorded in any planning decision making document or report.

However for the reasons set out in my letter to the Chief Executive the application should not be entertained but be withdrawn in any event.

I await advice as to whether the application is withdrawn and if considered when it might be reported to Committee.

Yours sincerely

Alan Wipperman BA MRICS MRTPI C Dip AF

Copies: Ms Ann Pembroke, Ms Helen Cagnoni CGPS Ltd.. Mr S Wortley Pinsent Mason.

Surface photographs of the conveniences during the last local campaign against privatisation:

