



# ISLINGTON

Environment and Regeneration

Planning Service  
Public Protection Division  
PO Box 3333  
222 Upper Street  
London  
N1 1YA

Mr D Newell,  
Papneo  
Basement and Ground Floor, 169-171,  
Caledonian Road  
Islington  
London  
N1 0SL

T 020 7527 2000  
F 020 7527 2731  
E [planning@islington.gov.uk](mailto:planning@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)  
M 020 7527 1900(minicom)

Case Officer:  
David Farndon  
0207 527 2115  
**Application No: P102583**  
(Please quote on all correspondence)  
**Issue date: 24-Dec-2010**

Dear Sir/Madam,

## TOWN AND COUNTRY PLANNING ACTS REFUSAL OF PERMISSION TO DEVELOP

Notice is hereby given that the Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, on the **24-Dec-2010 resolved to REFUSE** planning permission for the development described in the undermentioned schedule, as shown on the plans submitted. Your attention is drawn to the enclosed statement of Applicants Rights and General Information (Endorsed on Part II of this notice under form Ref: TP6A/9A).

<b>SCHEDULE:</b>	Type of application:	<b>Full Planning Application</b>
	Date of Application:	19-Nov-2010
	Submission Completed:	06-Dec-2010

**LOCATION:** **Basement and Ground Floor, 169-171, Caledonian Road, Islington, London, N1 0SL**

## DEVELOPMENT:

Variation of condition 4 of Planning Permission ref P042155 so as to allow opening until 4.00am the following morning on Fridays and Saturdays  
Site Plan (LBI REG: 25832).

## REASON(S) FOR REFUSAL:

1. REASON: The extension of operating hours would have an adverse effect on the amenity of nearby residential occupiers, by reason of extended activity at night, and the associated noise and disturbance resulting. The application is therefore contrary to Policy Env 17 (Protecting Amenity) of the Islington Unitary Development Plan (2002).



PLANNING SERVICE

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

INFORMATIVE: Please note, the authorised use of the premises is as described in the planning permission (P042155). A Temporary Stop Notice was issued on 22 December 2010, preventing the use of the premises outside the hours stated in Condition 4 of the Planning Permission

Yours faithfully


A handwritten signature in black ink, appearing to read 'Louise Reid'.

**Louise Reid**

**HEAD OF SERVICE – DEVELOPMENT MANAGEMENT AND PROPER OFFICER**

*APAS/301/DEC1FRE*

## CASE OFFICER'S DELEGATED REPORT

Case officer:	DF	Date to Group Leader:	24/12/10
Report agreed by:		Date agreed:	24/12/10
Decision authorised by:		Date authorised	

West Area		
Basement and Ground Floor, 169-171, Caledonian Road, Islington, London, N1 0SL		

<b>APPLICATION NUMBER</b>	<b>P102583</b>
Type of application	Full Planning Application
Application completed	06-Dec-2010
Area team	EAST/WEST
Case officer	David Farndon
Heritage information	Barnsbury Conservation Area Notifying English Heritage not necessary, Building is not listed
Planning constraints	KC King's Cross - Special Policy Area AF10b: Article 4(2) Barnsbury 2 Site within 100m of a SRN Road
PS2 code description	All Other Developments Minor
Statutory expiry date – 56 <sup>th</sup> day	31-Jan-2011
91 <sup>st</sup> day (only applies to majors aplns)	7 March 2011
Publicity expiry date	06-Jan-2011

### PROPOSAL:

Variation of condition 4 of Planning Permission ref P042155 so as to allow opening until 4.00am the following morning on Fridays and Saturdays

### PLAN NOS.:

Site Plan (LBI REG: 25832).

### RECOMMENDATION: Refuse Consent and Enforce

1. REASON: The extension of operating hours would have an adverse effect on the amenity of nearby residential occupiers, by reason of extended activity at night, and the associated noise and disturbance resulting. The application is therefore contrary to Policy Env 17 (Protecting Amenity) of the Islington Unitary Development Plan (2002).

## INFORMATIVES (if any)

INFORMATIVE: Please note, the authorised use of the premises is as described in the planning permission (application reference: P042155). A Temporary Stop Notice was issued on 22 December 2010, preventing the use of the premises outside the hours stated in Condition 4 of the planning permission.

## **CASE OFFICERS REPORT**

1. **Site**  
Basement and Ground Floor, 169-171 Caledonian Road, N1 0SL
2. **Proposal**  
Variation of condition 4 of Planning Permission ref P042155 so as to allow opening until 4.00am the following morning on Fridays and Saturdays
3. **Site and surroundings**  
A commercial (café/bar) property located on the western side of Caledonian Road approximately 60m south of the junction with Copenhagen Street. The building is not listed but is located within the Barnsbury Conservation Area.
3. **Consultation**  
Three objections from properties in the nearby vicinity have been received with regard to this application. The following concerns were raised (summarised):
  - Would exacerbate underage youths gathering aggressively in groups outside licensed and take away premises to all hours.
  - Noise levels are already too high at night particularly at the weekends. Even if the premises keep noise levels down, the clients walk by or park their cars nearby.
  - Concerned that the venue will utilise Edward Square inappropriately late at night as they have access to it, and have even promoted the use of the space as an 'open air ' extension to the club.

Councillor Convery sought clarification as to whether a window opening at the property had planning permission. Further clarification was requested regarding the permitted use of the site.

## **EVALUATION**

4. **Conservation and Design**  
The proposed amendment to opening hours will have no impact on the appearance of the building, and thus there are no objections on such grounds.

5      **Amenity**

The primary consideration in the assessment of this application is the impact of the opening hours, until 4.00am the following morning on Fridays and Saturdays, on the amenity of neighbouring occupiers.

Islington's Unitary Development Plan Policy Env17 states that Council should seek to protect or enhance the amenities of the area.

The premises has permission for ground floor and basement to cafe bar, banqueting suite with dancing, meetings and conferences until 00:00 (midnight).

This property, due to it covering two ground floor premises, has a relatively large floorspace, which is unusual in the section of Caledonian Road. It is important to note that above the property on the upper floors along the terrace are a large number of residential dwellings, as across the road which also has a number of flats facing directly onto the street.

Considering this proximity to residential properties, the size of the premises and the associated activity of the use, and the fact that there are no other properties being used in this nature within the vicinity (although acknowledgement is given to the fact that there are cafes/restaurants in the vicinity that have been trading for a number of years that are immune from planning control), the extension of hours until 4am the following morning on Fridays and Saturdays is considered excessive, and would be detrimental to the amenity of nearby residential occupiers. The noise and disturbance associated with regard to on-site activity and, moreover, people leaving the premises is therefore considered unacceptable.

A planning enforcement case has been opened on the premises (E10/05310). This has led to a Temporary Stop Notice being issued on the premises to ensure that it ceases to be open after 00:00 (midnight). Complaints have been received by the Planning Enforcement team from local residents in the vicinity regarding the premises exceeding its hours permitted under planning application P042155, resulting in inappropriate and unauthorised noise levels. Such concerns further support the view that an extension of hours would result in demonstrable harm on residential amenity.

7      **Equality and accessibility**

No impact.

8      **Highways issues**

No impact

**Conclusion**

Recommend refusal

Produced: 24-Dec-2010	<i>APAS/1982/Case Officer delegated draft</i>
	<i>Includes rep08 in case officer's report</i>