



Appeal Decision

Site visit made on 22 April 2024

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2024

Appeal Ref: APP/V5570/W/24/3336306
60 Farringdon Road, London EC1R 3GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joseph Thompson (Lichfields) against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2023/1132/FUL.
 - The development proposed is for the change of use of the basement, ground floor and part of the first floor from a visitor centre to office use (class E).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the basement, ground floor and part of the first floor from a visitor centre to office use (class E) at 60 Farringdon Road, London EC1R 3GA in accordance with the terms of the application, Ref P2023/1132/FUL, dated, 5 July 2023 and the plans submitted with it, subject to the conditions set out in Annex A.

Procedural Matters

2. For accuracy and clarity, I have used the address given on the Council's decision notice.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. Accordingly, for the purposes of this decision I have referred to the latest version of the Framework. As the changes do not materially affect the main issue in this case, the parties have not been invited to make further comments.
4. In September 2023 the Council adopted the Islington Local Plan Strategic and Development Management Policies (2023) (SDMP). Policy CS7 of the Islington Core Strategy (2011), Policy DM4.12 of the Islington Development Management Policies (2013), and Policies BC5 and BC8 of the Finsbury Local Plan (2013), which were given on the Council's decision notice, are now defunct and have been superseded. Consequently, in addition to Policy SD4 of the London Plan (2021) (LP), the Council now gives Policy R10 of the SDMP full weight in support of its case. This is noted and I have proceeded accordingly.

Main Issue

5. The main issue in this appeal is whether the proposal would be an unjustified loss of a cultural facility, including a visitor centre.

Reasons

6. The appeal site is located in the Clerkenwell Green Conservation Area (CA) and forms part of the Central Activities Zone (CAZ) and a designated Employment Priority Area which is surrounded by a mix of residential, commercial and office type buildings that include 'The Ray' which offers co-worker office type space.
7. The three-storey appeal building was formerly the offices of a national newspaper which had a free visitor centre for education and research. The building has also housed 'Free Word', that was an enterprise offering, amongst other things, the promotion of human rights, freedom of expression as well as creative writing and literature courses. The building has been vacant since 2021.
8. Given its previous uses, the Council contends that the appeal building is a cultural facility. As such, the Council is clear that, when tested against Policy R10 (C) of the SDMP, the loss and/or change of use of cultural facilities in the Borough will be strongly resisted. Moreover, to justify a change of use to office space, it must be demonstrated that the cultural facility has been vacant for a continuous period of at least two years. It is also necessary to demonstrate that there is no reasonable prospect for continued cultural use or other suitable cultural uses for the building. In addition, that the change would be appropriate for the area and would not affect the general character and wider cultural functioning of the area.
9. In principle and subject to a suitable condition, the main parties agree that provided no reasonable prospect for a cultural use of the building is forthcoming, office use would be appropriate in this location.
10. I noted at my site visit that 'The Ray', which is located directly opposite the appeal building, was being well used for co-worker office space. Therefore, in combination with the appellants submitted 'walking tour' of local office space and my own observations, and as the external appearance of the building is to remain unchanged, I am persuaded that the proposal would be appropriate and would not affect the general character of the immediate surrounding area.
11. Furthermore, while noting that the visitor centre was re-located to another location in the Borough, the Council's 'Retail and Leisure' study (2017) demonstrates that there are numerous cultural venues nearby, such as theatre and music venues, museums, art galleries and numerous community halls. This accords with the definition of cultural uses found in Annex 8 of the SDMP. Therefore, I conclude that the proposal would not affect the wider cultural functioning of the area.
12. However, notwithstanding that the premises have been empty for more than 2 years, the council argue that, in a similar way to a previous application¹ for the building, insufficient marketing evidence has been provided to demonstrate that there is no reasonable prospect for suitable cultural uses of the building in the future.

¹ P2021/3365/FUL

13. I acknowledge the Council's concerns that the appellants initial marketing approach for the building, which commenced in 2021, was less than ideal. Indeed, while the appellants marketing strategy over a two-year period generated some interest in the premises for office use, it's potential use as a cultural facility, for example as a visitors' centre, had not been included.
14. Nevertheless, a revised and online marketing strategy, including a corrected and updated street board, did not generate pent-up or proceedable demand for cultural uses of the building or as a visitors' centre. To the contrary, the submitted evidence demonstrates that relatively low-level number of organisations expressing interest in the building were reluctant to take on the premises, particularly with the existing mix of use Classes.
15. Consequently, given that approximately 3 years have now passed since the property became empty, and having considered in detail the appellants updated marketing strategy (January 2024), to my mind it is unlikely that an interested organisation or individual will come forward within a reasonable timeframe.
16. My opinion is reinforced by the fact that the appellants agent has reported that they haven't completed a transaction for a 'visitor centre' in Central London for over 40 years. I also have concerns that the building would lie empty and continue to be vulnerable to squatters. This would be likely to lead to deterioration of the building, which in turn would affect the general character of the surrounding area, including the CA.
17. In contrast, I am in no doubt that the use of the building as Class E offices would bring immediate social, economic and environmental benefits, such as, but not limited to, the provision of modern, sustainable, energy efficient offices that would be near to public transport and have cycling parking spaces.
18. The offices would also accommodate a sizeable number of occupants who would be likely to patronise businesses and services in the local area. The external appearance would also be retained. I am also cognizant that there are no recorded objections by third parties to the scheme.
19. Overall, and in the planning judgement, I conclude that the proposal accords with the SDMP when read as a whole, and Policy SD4 of the London Plan 2021 which says, amongst other things, that the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values.

Conditions

20. I have considered the Council's suggested conditions against Paragraph 56 of the Framework and the national Planning Practice Guidance (PPG) and imposed the following conditions: for certainty a standard time limit condition and a condition requiring that the development is carried out in accordance with the approved plans. There is a condition related to ensure that the development is of an inclusive design.
21. There is also a condition to ensure that use of the site is restricted to Class E. This is to enable the Council to retain control over the development and to preserve the amenity of neighbouring occupiers.
22. To promote sustainable transport there is a cycle parking condition. To maintain highway safety adjacent to the development there is a delivery and servicing condition.
23. In order to establish sustainable waste management there is a condition related to the re-use and recycling of materials
24. In the interests of addressing climate change, there are conditions related to sustainable development, including the requirement for a BREEAM completion certificate.

Conclusions

25. For the reasons given above, I conclude that the appeal should be allowed, subject to the conditions set out in Annex A

J E Jolly

INSPECTOR

Annex A - Conditions

- 1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans:
 - Drawing: Location Plan, Revision 01, dated 28/10/2021
 - Drawing: Lower Ground Floor, General Arrangement, Revision 01, dated 22/09/2021
 - Drawing: Ground Floor, General Arrangement, Revision 01, dated 22/09/2021
 - Drawing: Raised Ground Floor, General Arrangement, Revision 01, dated 22/09/2021
 - Drawing: First Floor, General Arrangement, Revision 01, dated 22/09/2021
 - Drawing: Second Floor, General Arrangement, Revision 01, dated 22/09/2021
- 3) Prior to occupation of the building, further details regarding circulation shall be submitted and approved in writing by the Council. These details shall include a) accessible toilet facilities, b) gender-neutral provision in addition to gendered accessible facilities and, c) showers, toilet and changing room layouts, including accessible provision of dimensions and layouts for the cycle parking areas.
- 4) Prior to occupation of the building, details of the layout, design and appearance of the bicycle storage area(s) for the site shall be submitted to and approved in writing by the Council. The storage should include 20% accessible cycle parking spaces, at least 11 long stay and at least 2 short stay spaces (of 24 spaces). The bicycle storage area(s) shall be retained thereafter.
- 5) Prior to occupation of the building, a delivery and servicing plan detailing servicing arrangements including the location, times and frequency of the deliveries and services shall be submitted to and approved in writing by the Council.
- 6) Prior to occupation of the building, the commitments set out in the Circular Economy Statement, prepared by Alphacello (dated October 2021, Version 1.0), should be implemented, including undertaking a detailed pre-refurbishment audit and setting out the administration of a Waste Management Strategy for the building.
- 7) The building shall incorporate the measures as detailed in the Energy Statement, prepared by Alphacello (dated October 2021, Version 1.0)
- 8) Within 3 months of occupation of the building, a post completion certificate shall be submitted to the Council which demonstrates a final (post-refurbishment) certified rating of Excellent under BREEAM Non-Domestic Refurbishment and Fit-out 2014 (or equivalent scheme).

*****End of Conditions*****