

# PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
PO Box 333  
222 Upper Street  
LONDON N1 1YA

<b>PLANNING SUB- COMMITTEE A</b>		
<b>Date:</b>	3 <sup>rd</sup> March 2015	<b>NON-EXEMPT</b>

Application number	P2014/2629/FUL
Application type	Full Planning
Ward	St.Georges Ward
Listed Building	Not Listed
Conservation Area	No
Licensing Implications Proposal	None
Site Address	Hilldrop Community Centre, Community Lane Hilldrop Road, London, N7 0JE
Proposal	Conversion of part of existing residential car park to a community food growing garden.

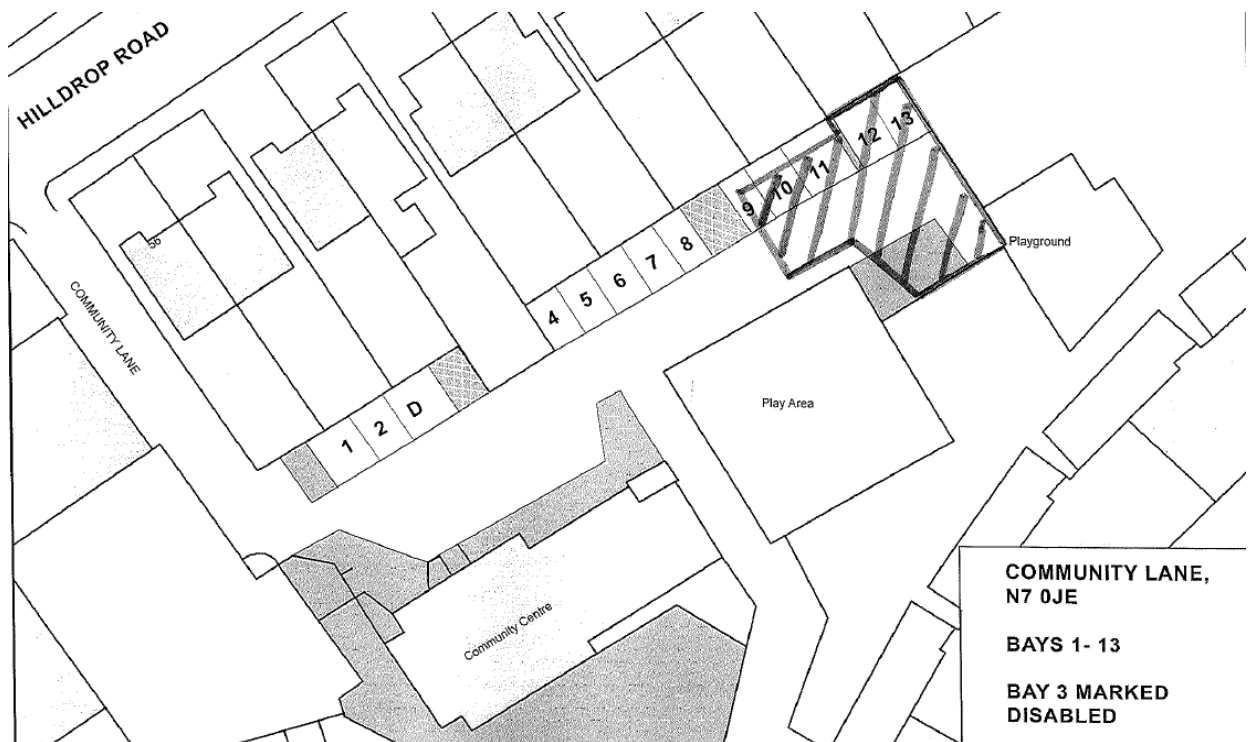
Case Officer	Eoin Concannon
Applicant	Hilldrop Community Centre
Agent	Michael Bury

## 1. RECOMMENDATION

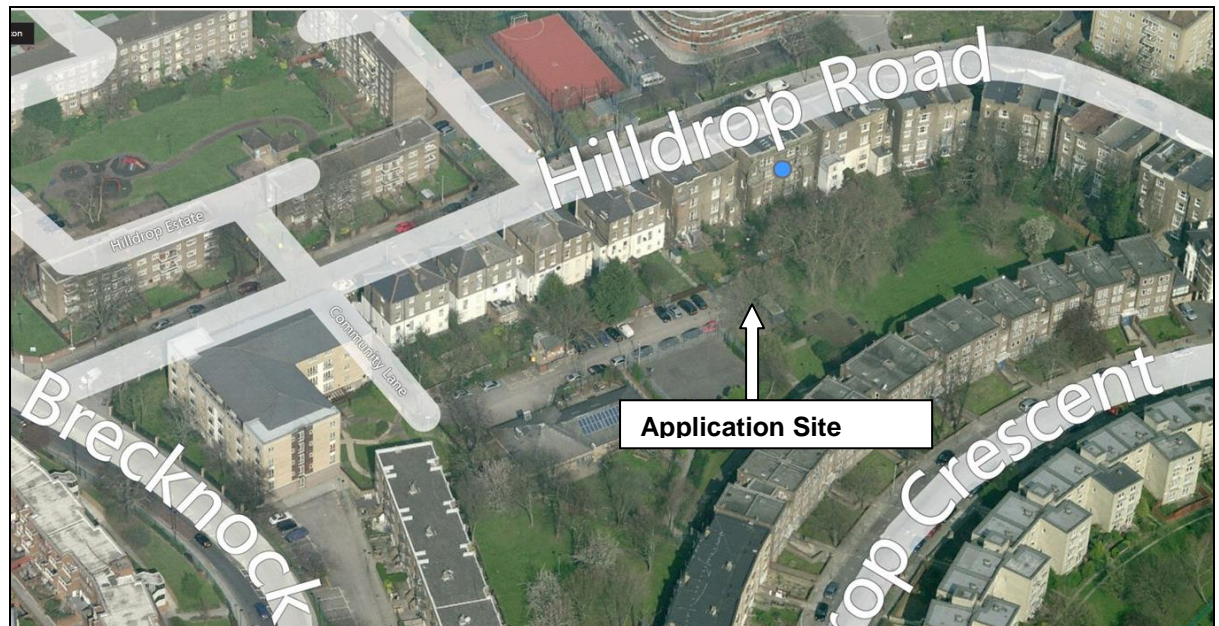
The Committee is asked to resolve to **GRANT** planning permission:

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

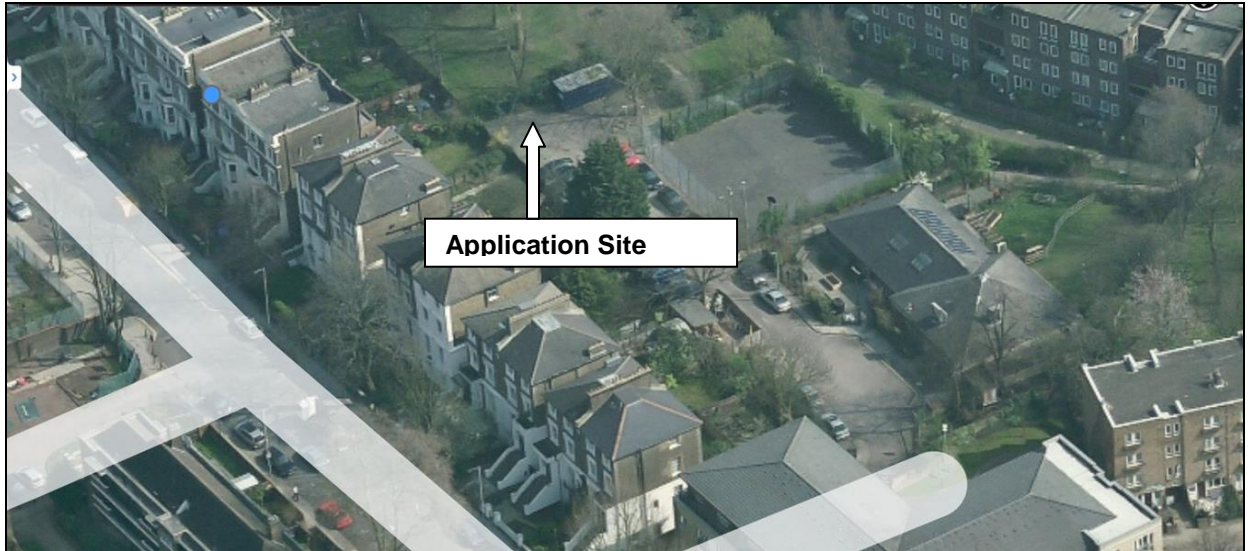
**2 SITE PLAN (SITE OUTLINED IN BLACK)**



**3 PHOTOS OF SITE/STREET**



**Photo 1:** Aerial view of existing car park to the west of Community Lane



**Photo 2:** Aerial view showing site in relation to nearest residential properties along Hilldrop Road



**Photo 3:** Existing site used as a disused car park



**Photo 4:** Rear boundary fence of neighbours Nos 49 & 50 Hilldrop Road



**Photo 5:** Site and its relationship with existing community facilities and pedestrian right of way.



**Photo 6:** Existing container to be utilise as part of scheme for storage

## **4 SUMMARY**

- 4.1 The application seeks permission for the conversion of an existing disused car park area to the west of Community Lane to form a community food growing garden to be used by the local residents in association with Wildlife Gardening Group and the nearby Hilldrop Community Centre.
- 4.2 The principle of the development is considered acceptable as it would comply with both local and national policies which support the provision of healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well being. The proposed garden's location adjacent to other community facilities would also comply with the local policies and would encourage more local residents to participate in the scheme.
- 4.3 The loss of disused car parking space supports the Council's policies for more sustainable transport. There would be no design concerns in regard the proposal as it would improve the green landscaping within a hard landscaped area. The development would not impact on neighbour's amenity and any future provision of additional facilities (such as floodlights) can be secured by condition in order to safeguard the amenity of nearby residents.
- 4.4 Concerns have been raised regarding existing access arrangements for all including those with disabilities as well as health and safety risk to other car users. These concerns have been addressed through an amended site layout with the garden now set further away from the neighbouring boundaries allowing sufficient access to the rear of these properties.
- 4.5 As such, the application is considered acceptable and recommended for approval.

## **5 SITE AND SURROUNDING**

- 5.1 The application site is situated to the south of Hilldrop Road with access off Community Lane and comprises an existing car parking area. The subject site includes car park spaces Nos 9-13, including hard and soft landscaping area adjacent to the spaces.
- 5.2 Directly north, the site lies adjacent the rear gardens of Nos. 48-50 Hilldrop Road. Nos. 48 and 50 has an access way from the rear garden onto the existing car park. No.50 has a vehicular access that abuts the site while No.48 has a pedestrian gate leading out to the car park.
- 5.3 The remainder of the site would abut existing community facilities with a new multi-purpose games area directly south. The community centre is situated to the south west. Further playground area and green space is situated to the north east of the site.
- 5.4 Generally, the area is predominately residential with a mixture of private and Council housing fronting onto community and amenity spaces. The site is not listed however it does lies adjacent to Hillmarton Conservation Area.

## 6 Proposal (in Detail)

- 6.1 The development seeks planning permission to convert the part of the existing car park to a community garden space for food growing. The application would involve turning a number of disused car parking spaces into a community garden and would be developed in partnership with Hilldrop Community Centre, the Wildlife Gardening Group and under the management of Octopus Community group.
- 6.2 The garden would comprise mainly edible plants or fruits which would benefit the local community. The proposed location would be within parking bays 9-13 at the back of the garden adjacent to the playground area. It would leave a 2.2 metre clearance between the rear boundaries of Nos. 48-50 Hilldrop Road and the boundary of the proposed development to allow access for these properties.
- 6.3 The proposed garden would be enclosed by a timber trellis-style fence (1.6 metres in height) that would support climber plants which would increase its green appearance. Fence post would be securely embedded in concrete footings set into tarmac to a depth of approximately 30cm.
- 6.4 The garden would include
- Six timber raised beds (240 x 120 x 60cm)
  - Stone herb ring
  - Oak Barrel Planters
  - Composters
  - Insect and bird boxes
  - Signage in regard information on biodiversity
- 6.5 The site would also incorporate an existing onsite shipping container into the layout which would be used as an area for storage of tools and small kitchen for potential users of the facility. The container would be finished with a green roof to provide further landscaping to the proposal.

## 7. RELEVANT HISTORY

### Planning Applications:

- 7.1 **P020006 Hilldrop Community Centre** Single storey extension to front of existing building to provide additional office and storage space and the removal of doors in rear elevation and replacement with high level windows. **(Granted 20/03/2002)**
- 7.2 **891819** Extension to existing community centre. **(Granted 06/03/90)**

7.3 **870167 Hilldrop Community Centre** Re-align footpath and fence adjacent to Hilldrop community centre and reposition Palladin store. **(Granted 19/06/1987)**

7.4 **831404** Use of former laundry and clinic building as Community Centre.. **(Granted 13/03/84)**

**Enforcement:**

7.5 None

**Pre-application:**

7.6 None

**8 CONSULTATION**

**Public Consultation**

8.1 Letters were sent to occupants adjoining and nearby properties on the 16<sup>th</sup> July 2014. A site notice was also displayed and press advert was also published in local paper. Following receipt of amended plans and documents a further letter and site notice was sent on the 5<sup>th</sup> December 2014 providing residents with further opportunity to comment. Four initial letters of objection and three letters of support have been received. No further objections were received following the second consultation letter. The issues raised can be summarised as follows (along with the paragraph numbers etc.)

8.2 The concerns raised included

- Ambiguity in the planning in terms of plans (10.18)
- Encroachment concerns onto the neighbours right of way (10.13, 10.19, 10.21)
- Potential for health and safety risk (10.19)
- Potential for anti-social behaviour (10.20)
- Parking concerns in regard loss of space (10.16)
- Access concerns to existing property for those with disability (10.13-10.15)
- Proximity of the development to existing sports area (10.3)
- Concerns over maintenance of the community garden – who will be responsible for its upkeep (10.22)

8.3 The letters of support raised the following points

- Positive community project that would allow locals to get involve
- Lead to promoting community spirit and identity, sense of community and ownership
- Offer a focal point for community organising and can lead to addressing some social concerns
- Provide more opportunities for neighbours
- Exchange of different crops and offer cultural exchange with other gardeners

- Education of neighbourhood groups and other community information
- Healthy activity in the urban environment, contribute to healthier diets, contribute towards improving peoples health
- Exposure to green space reduces stress levels
- Underutilise car park – this use would represent a positive regeneration of space.

### **Internal Consultees**

- 8.4 **Design & Conservation:** The reducing of the car park with a green would enhance the Conservation Area.
- 8.5 **Planning Policy:** The proposal is consistent with several policies within the Local Plan and is therefore supported in policy terms.
- 8.6 **Transport Planning:** Core Strategy Policy CS10 (Sustainable development), Part H, and Development Management Policy DM8.5 (Vehicle parking) both require car free development. The removal of car parking to introduce a community garden is therefore welcomed.
- 8.7 **Housing Estate Services Co-Coordinator for site:** Fully supportive of the project. Any project that can help to bring the community together for a common good which in this case providing allotment where residents can grow their own food is welcomed.
- 8.8 **Pollution Control:** No objections - All of the planting will take place in raised beds, with certified clean imported soil and membrane separating the existing hardstanding. Therefore there doesn't appear to be any potential for a pollution linkage from the growing of vegetables and gardening that could occur if more conventional allotments were proposed and the Pollution Team have no objections.

### **External Consultees**

- 8.9 **Metropolitan Police:** No comments received.

## **9 REVELANT POLICIES**

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



- 9.2 The National Planning Practice Guidance is a material consideration and has been taken into account as part of the assessment of these proposals

### **Development Plan**

- 9.3 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 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)**

- 9.4 The relevant SPGs and/or SPDs are listed in Appendix 2.

## **10 ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:

- Principle of the use
- Design
- Amenity to neighbours
- Accessibility
- Transport
- Other issues

### **Principle of the development**

- 10.2 Policy DM6.1 of the Development Management Plan states that developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well being. The Council will seek to support the provision of new and improved health facilities and their co-location with other community uses.
- 10.3 The proposed use is considered a healthy development in so far as it provides a community green space within predominately urban environment. It would convert an underutilised car park area into a space to be used for the community. Its positioning in close proximity to existing community facilities such as the Community Centre, playground and multi-purpose sports facility would contribute to creating a cluster of community facilities together to benefit of the local population. This would comply with policy DM4.12 which supports new social/community facilities in areas convenient to the communities it serves.
- 10.4 The Planning Statement submitted indicates that the community food garden would benefit the local residents within the area, providing a facility to produce food and an additional green space to the community. The proposal can also be considered consistent with policy DM6.5 in contributing to the biodiversity value of the area. A garden plan and statement have been submitted which provide further detail about what will be provided and where, although this does not explicitly address the requirements of a landscape plan consistent with DM6.5/appendix 12 of the Development Management Policies document.

Appendix 12 highlights that consideration should be given to food growing and bird boxes – both provided by this proposal.

- 10.5 As such, the proposal would comply with several local policies and consistent with the Council objectives for car free developments (CS10 and DM8.5). Therefore, the principle of the development including the loss of car parking spaces is considered to be acceptable.

### **Design**

- 10.6 A general layout of the proposed community garden has been submitted with the key design concerns relating to the boundary fence and existing container box which is to be used as a storage facility.
- 10.7 There is no planning history in regard the existing container, however from aerial photography it would appear to be in place for a period of four years or more and therefore would be considered lawful. Although, the existing storage container is not ideal from a design perspective, given the use and its overall positioning within a predominately green environment (including its proposed green roof), it would be acceptable in this instance. It can also be conditioned that the container be painted in dark green colour in order to blend with its environs. A further condition requiring the removal of the container following any cessation of the use can prevent the structure becoming a visual detraction longer term.
- 10.8 With regard the boundary fence, it is indicated that this would be a maximum 1.6 metres in height. As such, it would be below the 2 metre height allowance for a site that lies non adjacent to a public highway. A further condition can be attached (notwithstanding the details submitted) requesting further elevations drawings to be submitted if the height of the fencing exceeds 2 metres in height. The remainder of the layout would incorporate the existing container as well as low lying beds and other associated garden facilities which would enable the growth of seeds and crops.
- 10.9 Given that the proposal would replace a hard surfaced area with a predominately green space, it would not detract from the overall appearance of the surrounding area and would contribute towards urban greening. It would therefore be acceptable from a design perspective and enhance the character and appearance of the surrounding area.

### **Amenity impact upon neighbours**

- 10.10 The proposal would be situated to the rear of several properties along Hilldrop Road. The main concerns to amenity would relate to noise and overlooking. The operation of the community garden is likely to be seasonal with greater demand between spring and autumn months. It is not considered that the development would contribute to significant level of noise from people coming and goings.

- 10.11 It would lie adjacent to the multi-purpose sport facility which is likely to generate more noise. The fencing around the community garden would screen the use from the neighbouring properties. Together with the use of planting along the trellis, it would reduce any potential overlooking concerns. Whilst no floodlighting is proposed as part of the current scheme, a condition can be attached restricting the installation of fixed lighting without further planning permission been granted by the Council. This would ensure that the adjoining neighbouring properties would be protected against potential light spillage.
- 10.12 As such, it is considered that the proposal would not lead to an un-neighbourly form of development and is considered to accord with Policy DM2.1 of the Development Management Plan.

### **Accessibility**

- 10.13 The garden proposed would be accessible to all. One concern raised by the objections related to the impact on access for a local resident who uses the rear garden for access. The amended plans show that the garden would not encroach on the neighbour's land. It also shows that a 2.2 metre pathway would be retained around the perimeter of the garden thereby retaining access to those residents who abuts the site and also allowing for manoeuvring.
- 10.14 Although part of the car park would be utilised, there would still be sufficient space for ambulances and other vehicles to manoeuvre without safety concerns. The restricted yellow painted box adjacent to the site boundary would allow medical or other vehicles to pull up or manoeuvre in close proximity to the pathway. As such, it is considered that the proposal would be acceptable from an accessibility perspective and retains sufficient space to manoeuvre between the pathway and the proposed development.
- 10.15 The layout plan has also been amended to allow accessibility for all with easy movement between raised beds and other garden facilities. A gap of 1.5 metre is retained between each raised bed and it would generally conform with the Council's Inclusive Design guidance.

### **Transport**

- 10.16 The site is located next to the Hilldrop Community Centre and has a PTAL rating of 5, reflecting its good public transport accessibility. Four bus routes (29, 253, 390 and 393) are situated within 350 metres of the site. Kentish Town Station is situated approximately 880 metres from the site, providing Underground Services on the Northern Line.
- 10.17 The site is currently made up of 13 car parking spaces situated adjacent to the community centre and park. The applicant notes that the car park is currently underused. The Core Strategy Policy CS10 (Sustainable development), Part H, and Development Management Policy DM8.5 (Vehicle parking) both

require car free development. The removal of car parking to introduce a community garden is therefore complies with the Council transport policies.

### **Other issues**

- 10.18 Other issues raised during the consultation process included the ambiguity of the plans. The plans received clearly show the positioning of the garden in relation to the neighbouring properties. The supporting statement provides further information on the use of the garden. From a design perspective, there are 2 considerations of note, the container and fencing. The container already is situated on site and as noted can be condition to be removed following cessation of the use. Secondly, the fencing proposed would be less than 2 metres in height and would therefore be permitted development. As such, it is considered that there is sufficient information to determine the application.
- 10.19 Concerns have also been expressed regarding parking manoeuvring to the local residents of Hilldrop Road who use the rear garden as a car park. The plans however clearly show that the site would not encroach on the yellow box area. This is considered sufficient space to manoeuvre within a private laneway. Given that vehicles would not be manoeuvring onto a public highway, traffic safety concerns would be minimum.
- 10.20 Concerns were also raised regarding anti-social behaviour. The site is however situated to a cluster of community facilities which would reduce the likelihood of such behaviour. The site is also surrounded by residential properties which would provide a level of surveillance against such activity. Such a facility should also promote a level of ownership within the local community which would strive towards managing the site in a responsible manner.
- 10.21 The plans have also been amended bringing the garden facility away from the pathway which provides pedestrian access onto Hilldrop Crescent. This would also increase visibility along these corners with the street light providing an extra sense of security. As such, it is considered that the proposal would not lead to additional anti-social concerns over and above that of the current situation.
- 10.22 The maintenance of the community garden would be a joint partnership between Hilldrop Community Centre, Islington Council, local residents and volunteers. The success of the garden would depend heavily on community participation and volunteers locally. In general, the principle of the development is acceptable as it supports greener space and provides a healthy community facility that supports local involvement. In this instance, it would not be considered necessary to include a condition requiring a management plan given the limited size of the garden.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed development is acceptable and would not result in unacceptable harm to the existing site or the Hilldrop Conservation Area. It would not lead to an adverse impact on neighbours' amenity or accessibility concerns. The principle of the development is in accordance to the Council's local policies.

### **Conclusion**

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

# 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>	<b>Commencement (Compliance)</b>
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved Plans List: (Compliance)</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[Site Location Plan, Block Plan, Garden development proposal Community Lane (Design Summary), Hilldrop Community Food Garden Plan]</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Shipping Container</b>
	<p>CONDITION: The shipping container shall be painted in a dark green colour within three months of the use commencing and maintained as such thereafter.</p> <p>Reason: In the interest of protecting the visual amenity of the surrounding area.</p>
<b>4</b>	<b>Shipping Container (Green Roof)</b>
	<p>GREEN/BROWN BIODIVERSITY ROOFS (COMPLIANCE): The biodiversity (green/brown) roof(s) shall be:</p> <ol style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with details with Green Roof and Landscaping Guidance Document August 2014 hereby approved; and</li> <li>c) planted/seeded with a mix of species within the first planting season following the final completion of the development (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ol> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so</p>

	<p>approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>5</b>	<b>Shipping Container (Removal)</b>
	<p>CONDITION: The shipping container and associated materials shall be removed from the site within a period of three months of the date upon the cessation of the use as a community garden and shall not be replaced without further permission from the Council.</p> <p>REASON: In the interest of protecting the visual amenity of the surrounding area.</p>
<b>6</b>	<b>Fencing (over 2 metres height)</b>
	<p>CONDITION: Notwithstanding the approved plans and statement, details of any boundary fencing above 2 metres in height shall be submitted to the Council and approved prior to its construction. These details shall include elevational drawings, sample of materials to be used and its positioning.</p> <p>REASON: In the interest of protecting the visual amenity of the surrounding area.</p>
<b>7</b>	<b>Floodlights</b>
	<p>CONDITION: For avoidance of doubt no planning permission is granted for any flash/flood lighting within the curtilage of site.</p> <p>REASON: In the interest of protecting the neighbour's 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. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
<b>2.</b>	<b>Other legislation</b>
	<p>You are advised of the need to comply with other legislation outside the realms of the planning legislation including Equalities Act 2010, Environmental Act.</p>

<b>3.</b>	<b>Construction hours</b>
	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations as well as Environment Health Regulations.</p> <p>Any construction works should take place within normal working day. The Pollution Control department lists the normal operating times below.</p> <div data-bbox="327 459 1412 716" style="border: 1px solid black; padding: 5px;"><p>Delivery and operating times - the usual arrangements for noisy works are</p><ul style="list-style-type: none"><li>○ 8am –6pm Monday to Friday,</li><li>○ 8am – 1pm Saturdays;</li><li>○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances)</li></ul></div>



## **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 3.2 Improving health and addressing health inequalities

Policy 5.1 Climate Change Mitigation

Policy 5.10 Urban Greening

Policy 7.1 Building London's Neighbourhoods and communities

Policy 7.4 Local Character

Policy 7.8 Heritage Assets and Archaeology

#### **B) Islington Core Strategy 2011**

##### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

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

Policy CS10 Sustainable design

Policy CS15 Open Space and green infrastructure

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

### **Design and Heritage**

Policy DM2.1 (Design)

Policy DM2.2 Inclusive Design

Policy DM2.3 (Heritage)

### **Shops, culture and services**

Policy DM4.12 Social and strategic infrastructure and cultural facilities

### **Health and open space**

Policy DM6.1 Healthy Development

Policy DM6.2 New and improved public open spaces

Policy DM6.5 (Landscaping, trees and biodiversity)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Hilldrop Conservation Area Design Guidance Note
- Inclusive Design in Islington