PLANNING COMMITTEE REPORT

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

PLANNING SUB COMMITTEE A		
Date:	9 th July 2015	NON-EXEMPT

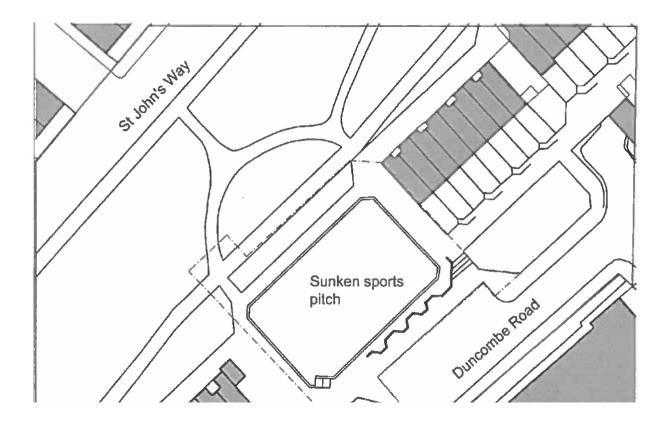
Application number	P2015/0904/FUL
Application type	Full Planning Application (Council's Own)
Ward	Tollington
Listed building	Unlisted
Conservation area	Not located in a conservation area
Development Plan Context	 Local Cycle Route Core Strategy Key area- Archway
Licensing Implications	None
Site Address	Sunken Sports Pitch at Land at Elthorne Estate, Mulkern Road, London N19
Proposal	Refurbishment works to existing sunken pitch including reduction of existing walls on three side and installation of sports fencing, new gates, fencing and ramp, spectator seating on benches, renewal of existing floodlights, resurfacing of paved areas and associated landscape works
Case Officer	Clara Dragos

Case Officer	Clare Preece
Applicant	London Borough of Islington
Agent	Ground work London

1. **RECOMMENDATION**

The Committee is asked to resolve to **GRANT** planning permission - subject to the conditions set out in Appendix 1 and conditional upon the completion of a Directors Service Level Agreement securing the heads of terms set out in Appendix 1

SITE PLAN (site outlined in black)



2.

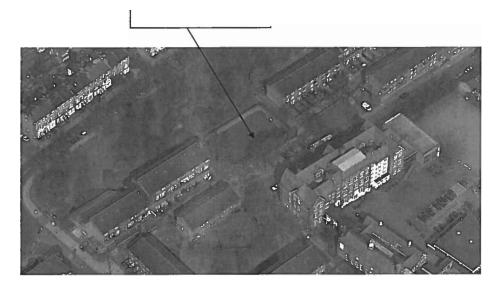




Image 2: View from SE boking towards N.E



mage 3: View from Mitford Road



Image 5: View from Duncombe Road



Image 6: View from North



Image 7: View from south west

4. SUMMARY

- 4.1 The proposal seeks planning permission for refurbishment works to existing sunken pitch including reduction of existing walls on three sides and installation of sports fencing, new gates, fencing and ramp, spectator seating on benches, renewal of existing floodlights, resurfacing of paved areas and associated landscape works.
- 4.2 The main issues arising from this application relate to design and appearance; neighbouring amenity; landscaping and trees; Given the public benefit, the separation distance to neighbouring properties and subject to conditions, the proposal is considered acceptable and in accordance with the relevant policies listed at Appendix 2.

5. SITE AND SURROUNDING

- 5.1 The site comprises existing sunken games pitch located between Duncombe Road and Holland Walk within the Elthorne Estate.
- 5.2 The existing pitch has a black asphalt surface which is between 1m and 2.3m below ground level. Retaining walls surround the pitch which project up to 2.6m above ground level. The pitch is accessed from a single set of paved steps located at its southern corner.
- 5.3 The site is not located within a Conservation Area.
- 5.4 The surrounding area is generally residential in character containing three and four storey blocks of flats. Mount Carmel Roman Catholic College is located to the south east of the site.

6. PROPOSAL (N DETAIL)

- 6.1 Planning permission is sought for refurbishment works to the existing sunken pitch including reduction of existing walls on three sides and the installation of sports fencing, new gates, fencing and ramp, spectator seating on benches, renewal of existing floodlights, resurfacing of paved areas and associated landscape works.
- 6.2 It is proposed to reduce the height of the existing walls on three sides of the pitch (North West, southwest and north east sides by 1.1m and install rebound sports fencing (dark green in colour) on top to the same height as the existing wall.
- 6.3 The gate and existing steps onto the pitch would be removed and replaced with a new gate to match the fencing. A new ramp will also be installed along the south western edge of the pitch.
- 6.4 The eastern corner of the outer pitch wall would be removed to allow for the installation of a matching gate and steps to run along the north eastern side of the pitch.
- 6.5 An accessible 2.Sm wide red bitmac surfaced corridor would run along the north western side of the pitch to link the ends of the steps and ramp to provide an area for a limited amount of spectator seating on benches. This area would be separated by a continuation of the internal fencing alongside the ramp and steps and would be fitted with two gates providing access to the playing surfaces.

- 6.6 The existing 6 floodlights will be replaced by 6 x 6m high galvanised columns, each fitted with double 250 W floodlights. Some columns will be relocated along each side to ensure a consistent level of lighting can be achieved.
- 6.7 It is also proposed to resurface paved areas around the pitch with a small amount of replanting in the western corner of the site.

7. Relevant History:

Planning Applications:

- 7.1 None
- 7.2 No history

8. CONSULTATION Public Consultation

8.1 Letters were sent to occupants of adjoining and nearby properties.

Site notices were also displayed around the site. The public consultation of the application therefore expired on 11th June 2015. However it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report one letter had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Youths congregating in the surrounding residential area (10.19 - 1021)

Noise (10.14-10.16)

Parking shortage (10.17-10.18)

Playing football in 'No games area' (10.22)

External Consules

8.3 None

Internal Consultees

8.4 Landscape Tree officer - The report is rather brief and the referenced British Standards have been superseded but in general the detail within the report, with appropriate supervision, will be adequate to protect the trees through construction. There are no proposed tree losses and the impacts to the retained trees can be managed. Subject to conditions no objections raised.

- 8.5 Noise/pollution The application includes removing much of the brick wall structure around the pitch which provided acoustic screening for the nearby residents. The replacement rebound fencing will not provide the same effect, but it is considered that the removal of the walls in itself is unlikely to have a significant adverse effect on nearby residential amenity.
- 8.6 The lighting information is not particularly helpful as it only sets out the impact of the lighting on the sports pitch rather than the surrounding area. The lighting report should follow the Institute of Lighting Engineers' guidance. However the lighting will replace existing units and there are two fewer columns. The simplest way to control the noise and lighting impact is to control the hours of use.

9. RELEVANT POLICES

9.1 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

9.2 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. Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

9.3 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), slington Core Strategy 2011, Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

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- 9.4 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:
 - Design and appearance
 - Neighbouring amenity
 - Landscaping and trees
 - Security

Design and conservation

- 10.2 Islington's Planning Policies and Gudance encourage high quality design which complements the character of an area. h particular, Policy DM2.1 of slington's adopted Development Planning Policies requires all forms of development to be of 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. Furthermore, planning applications are required to demonstrate how natural features, such as topography, trees, boundary treatments, planting and biodiversity have been successfully addressed.
- 10.3 Given the existing pitch is already in place and is sunken, there will be no increase in bulk or mass. The fencing will allow more light onto the pitch, improve the existing oppressive appearance from inside and outside the pitch and improve the sightlines. The replacement fencing will be the same height as the existing wall. The fencing will provide visual transparency and help to reduce any anti-social behaviour.
- 10.4 It is proposed to reduce the height of the existing walls on three sides of the pitch (north west, southwest and north east sides) by 1.1m and install rebound sports fencing (dark green in colour) on top, to the same height as the existing wall.
- 10.5 The gate and existing steps onto the pitch would be removed and replaced with a new gate to match the fencing. A new ramp will also be installed along the south western edge of the pitch.
- 10.6 An accessble 2.Sm wide red bitmac surfaced corridor would run along the north western side of the pitch to link the ends of the steps and ramp to provide an area for a limited amount of spectator seating on benches. This area would be separated by a continuation of the internal fencing alongside the ramp and steps and would be fitted with two gates providing access to the playing surfaces.
- 10.7 Whilst conditions will be required in relation to the quality of materials proposed, the proposal is considered to be acceptable with regard to design and appearance, consistent with the existing street and still provide an open aspect that will improve an existing community facility.
- 10.8 Overall, the proposed development is acceptable with regard to design and appearance and is in accordance with policy 7.4 (Local character) of the London Plan 2011, policies CSB (Enhancing Islington's character) and CS9 (Protecting and enhancing Islington's built and historic environment) of Islington's Core Strategy 2011, section 2.4.5 (Front boundaries) of the Islington Urban Design Guide 2006 and policy DM2.1 (Design) of the Development Management Policies 2012

Landscaping and Trees

- 10.9 The arboricultural report submitted with the application is considered to be acceptable, with appropriate supervision, will be adequate to protect the trees through construction. No trees will be best and the impacts to the retained trees can be managed.
- 10.10 Council's Tree officer recommends two conditions to be attached to the decision notice, one relating to a scheme of supervision and monitoring for the arboriculture protection measures and one relating to tree pruning works. These conditions have been attached.

- 10.11 Council's tree officer has also explored the possibility of planting trees in the empty pits indicated on the plans but these pits have remained empty due to the narrow footpaths in the area and the trees restricting access. The pits are still present but there is no current proposal to re-plant.
- 10.12 There will be a small amount of replantation of low maintenance shrubs and plants on the western corner of the site where the paths across.
- 10.13 Overall, the proposed development is acceptable with regard to landscaping and trees and is in accordance with policy 721 (Trees and woodlands) of the London Plan 2011 and policies DM2.1 (Design) and DM6.5 (Landscaping, trees and biodversity) of the Development Management Policies 2013.

Neighbouring Amenity

- 10.14 The sunken pitch is already in place and Council's acoustic officer has stated that the removals of the walls in itself are unikely to have a significant adverse effect on nearby residential amenity. On the most exposed facades, Mount Carmel Catholic College is located to the south east with open ground to the north and the flank walls of adjoining residential properties to the north east and north west of the site. The existing gap between the site and the flank and rear elevations of 142-162 St John's Way measuring 5 metres would remain unchanged and the gap between the site and the flank wall of the adjoining terrace to the north west of the site which is set further back.
- 10.15 The existing Sm high floodlights will be replaced by 6m high columns. The light pollution from the proposed floodlights has been assessed. The lighting proposed is of a good quality and modern standard and has been orientated towards the pitch to avoid spillage. Notwithstanding this, the hours of operation of the floodlighting shall be controlled by a condition to secure that adjoining residents amenity levels are safeguard into the future.
- 10.16 Overall, the proposed development is not considered to cause harm to the residential amenities enjoyed by the occupiers of neighbouring properties and is in accordance with pol cy DM2.1 (Design) of the Development Management Policies 2013

Highways and Transportation

- 10.17 The sunken pitch is already in place within the estate and the proposal is for the refurbishment of this pitch. The refurbishment works have been designed to meet the needs of the bcal community. In this regard, it is expected that the vast majority of the users of the space will be from the immediate vicinity of the site and would thus come to the site on foot. As a consequence, the lack of provision of car or cycle parking facilities is considered acceptable.
- 10.18 Given the nature of the development, it is not considered that the proposal would have a negative impact on the operation of transport infrastructure.

Security

- 10.19 The safety and security and the potential for attracting anti-social behaviour has been raised as an objection by some residents. The pitch is well-overlooked by neighbouring residential properties. Surveillance of this nature is a well-established method of preventing crime and anti-social behaviour.
- 10.20 Additionally as stated above in the design section, the proposed fencing will provide visual transparency from within inside and outside of the pitch. This would provide a secure environment for people using the pitch and surrounding residents, without compromising the overall design.
- 10.21 Overall, the proposed development is considered acceptable with regard to security and in accordance with policy DM2.1 (Design) of the Development Management Pobies 2013.
- 10.22 In relation to concerns regarding people playing football in 'no ball areas', this could occur now and therefore is not considered to be a reason to refuse the application. However with the refurbishment of the existing pitch this should encourage people to use the facility
- 10.23 The new sports pitches would be subject to a Community Use and Management agreement to ensure that the space is suitably managed and public access is guaranteed. The agreement will be secured through a Directors' Agreement pursuant to section 106.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed multi use games area would provide much needed recreational facilities for the existing school and wider community. In addition, proposal has been sympathetically designed and would not have a detrimental impact on the character and appearance of the property and wider site or wider locality.
- 11.2 The proposed development is considered to be acceptable with regards to the land use, detailed design, neighbour amenity, transport and highways, accessibility and Section 106.
- 11.3 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

11.4 It is recommended that planning permission be granted subject to conditions and Directors' agreement, the details of which are set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Directors Service Level Agreement between the Director of Children's Services and the Director of Environment and Regeneration to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development/Head of Service – Development Management or in their absence the Deputy Head of Service:

1. A Community Use and Management Agreement to ensure suitable management and community use.

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
	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).
2	Approved plans list
	CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:
	S072_LOC_001;S072_ES002; IS072_EE-007;1S072_GA005; IS072_EE- 008 IS072_PP-15; IS072_LP-017; IS072_PS-018; IS072_PS-019; Design and Access
	Statement dated January 2015; Arboricultural method statement dated January 2015; Existing site photos; Outdoor lighting prepared by Marwood Electrical Company Limited
	REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.
3	Materials
	CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include: a) Samples of all boundary treatment
	 b) Paving details; c) Details of proposed lighting;
	d) Any other materials to be used.
	The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.
	REASON: In the interest of securing sustainable development and to ensure that the

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	residential amenity.
7	Noise Control Measures
	CONDITION: A Noise Management Plan assessing the impact of the Multi Use Games Area shall be submitted to and approved in writing by the Local Planning Authority prior to the ball court use commencing on site. The report shall assess impacts during the operational phase of the ball court on nearby residents and other occupiers together with means of mitigating any identified impacts. The ball court shall be operated strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. REASON: To ensure that existing residential amenity is maintained.
8	Sustainable Urban Drainage
	CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.
	The Drainage Strategy shall include the following details:
	a) A drainage plan detailing the proposed method for disposing of surface water by means of appropriate sustainable drainage systems. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve no net increase in surface water runoff from the site post-development.
	The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.
	REASON: In the interest of sustainability.
9	Code of Construction Practice
	CONDITION: During the demolition and construction on site, the developer shall comply with Islington Council's Code of Construction Practice and the GLA's Best
	Practice Guidance for the control of dust and emissions from construction and demolition. The developer shall ensure that:
	1. The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.
	The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be
	carried out between the hours of 08.00-18.00 Monday- Fridays, 08.00- 13.00 Saturdays and at no time during Sundays or public holidays. 3. All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.
	REASON: In order to safeguard the amenity levels of adjoining occupiers during the construction process.

List of Informatives:

1	Positive Statement
	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.
	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.
	The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.
2	Highways
	- Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <u>streetworks@islington.gov.uk</u> .
	All agreements relating to the above need to be in place prior to works commencing.
	- Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing.
	- Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.
	Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk
	Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.
	- Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.
	- Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.
	- Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months' notice to meet the requirements of the Traffic Management Act, 2004.
	- Development will ensure that all new statutory services are complete prior to footway.

3	Community Infrastructure Levy (CIL)	
	Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/	
4	Other legislation	
	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations & the Party Wall etc. Act 1996 ("the Act")	
5	Service Level agreement	
	Your attention is drawn to the fact that this grant of permission is subject to a Service Level agreement.	

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan polices 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.

Since March 2014 Planning Practice Guidance for England has been published online.

2. Development Plan

The Development Plan is comprised of the London Plan 2015, 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 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context Policy 2.9 Inner London Policy 2.14 Areas for regeneration Policy 2.18 Green infrastructure: the network of open and green spaces

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.6 Children and young people's play and informal recreation facilities Policy 3.17 Health and social care Policy 3.18 Education facilities

- Policy 3.16 Education facilities
- Policy 3.19 Sports facilities

4 London's economy

Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision

Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.3 Sustainable design and construction Policy 5.10 Urban greening Policy 5.12 Flood risk management Policy 5.13 Sustainable drainage

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 6.7 Better streets and surface transport Policy 6.10 Walking

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities Policy 7.2 An inclusive environment Policy 7.3 Designing out crime Policy 7.4 Local character Policy 7.5 Public realm Policy 7.11 London View Management Framework Policy 7.15 Reducing noise and enhancing soundscapes use

8 Implementation, monitoring and review

Policy 8.1 Implementation Policy 8.2 Planning obligations

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell) Policy CS8 (Enhancing Islington's Character)

Strategic Policies

DM3.6 Play space

DM3.7 Noise and vibration

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) Policy CS10 (Sustainable Design)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure) Policy CS19 (Health Impact Assessments) Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and HeritageHealth and Open spaceDM2.1 DesignDM6.1 Healthy developmentDM2.2 Inclusive DesignSpaceDM6.4 Sport and recreationDM6.6 Flood prevention

Energy and Environmental Standards DM7.4 Sustainable design standards

Transport DM8.1 Movement hierarchy DM8.2 Managing transport impacts

DM8.3 Public transport DM8.4 Walking and cycling

Infrastructure DM9.2 Planning obligations DM9.3 Implementation

3. Designations

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

- Local Cycle Route
- Major Cycle Route

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Inclusive Landscape Design
- Planning Obligations and S106
 Urban Design Guide

London Plan

- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & ConstructionPlanning for Equality and Diversity in London