



**Resources Department  
Town Hall, Upper Street, London, N1 2UD**

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## **AGENDA FOR THE PLANNING SUB COMMITTEE B**

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Members of Planning Sub Committee B are summoned to a meeting, which will be held in Council Chamber, Town Hall, Upper Street, N1 2UD on, **13 June 2022 at 7.30 pm.**

Enquiries to : Thomas French  
Tel : 020 7527 6568  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 3 June 2022

### **Welcome:**

Members of the public are welcome to attend this meeting.

**Consideration of Planning Applications** – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk)**

Committee Membership

Quorum: 3 councillors

Appointments to sub-committees of Planning Committee will be made at the next meeting of the Planning Committee.



**A. Formal Matters**

**Page**

1. Introductions
2. Apologies for Absence
3. Declarations of Substitute Members
4. Declarations of Interest

If you have a **Disclosable Pecuniary Interest\*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

**\*(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

**(b) Sponsorship** - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

**(c) Contracts** - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

**(d) Land** - Any beneficial interest in land which is within the council's area.

**(e) Licences**- Any licence to occupy land in the council's area for a month or longer.

**(f) Corporate tenancies** - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

**(g) Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business

1 - 2

6. Minutes of Previous Meeting

<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>
1.	Golden Lane Campus, Prior Weston Primary School	3 - 28

<b>C.</b>	<b>Consideration of other planning matters</b>	<b>Page</b>
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**D. Urgent non-exempt items**

Any non-exempt items which the Chair is of the opinion should be considered as a matter of urgency and to consider whether the special circumstances included in the report as to why it was not included on and circulated with the agenda are acceptable for recording in the minutes.

**E. Exclusion of press and public**

To consider whether, in view of the nature of the remaining items on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

<b>F.</b>	<b>Confidential/exempt items</b>	<b>Page</b>
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**G. Urgent exempt items (if any)**

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**Date of Next Meeting:** Planning Sub Committee B, 13 September 2022

**Please note all committee agendas, reports and minutes are available on the council's website: [www.democracy.islington.gov.uk](http://www.democracy.islington.gov.uk)**

**WEBCASTING NOTICE**

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 12 months. A copy of it will also be retained in accordance with the Council's data retention policy.

If you participate in the meeting you will be deemed by the Council to have consented to being filmed. By entering the Council Chamber you are also consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If

you do not wish to have your image captured you should sit in the public gallery area, overlooking the Chamber.

In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

If you have any queries regarding webcasting or the recording of meetings by the public, please contact Democratic Services on [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)

## **PROCEDURES FOR PLANNING SUB-COMMITTEES**

### **Planning Sub-Committee Membership**

Each Planning Sub-Committee consists of five locally elected members of the council who will decide on the applications for planning permission.

### **Order of Agenda**

The Chair of the Planning Sub-Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

### **Consideration of the Application**

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Sub-Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

### **What Are Relevant Planning Objections?**

The Planning Sub-Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Sub-Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

**For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Thomas French on 020 7527 6568. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk)**



## Schedule of Planning Applications

PLANNING COMMITTEE - Monday 13 June, 2022

### COMMITTEE AGENDA

**1 Golden Lane Campus**  
**Prior Weston Primary School**  
**101 Whitecross Street**  
**London**  
**EC1Y 8JA**

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**1 Golden Lane Campus**  
**Prior Weston Primary School**  
**101 Whitecross Street**  
**London**  
**EC1Y 8JA**

**Application Number:** P2021/0328/FUL

**Ward:** Bunhill

**Proposed Development:** Retrospective application for the retention of existing play structure and pergola on the rooftop play space of the school.

REASON FOR CONSULTATION: Heritage Statement

**Application Type:** Full Planning (Council's Own)

**Case Officer:** Daniel Jeffries

**Name of Applicant:** Prior Weston Primary School Lee Griffiths

**Recommendation:**

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**PLANNING COMMITTEE REPORT**

 Development Management Service  
 Planning and Development Division  
 Community Wealth Building

<b>PLANNING SUB-COMMITTEE B</b>		
<b>Date:</b>	13 <sup>th</sup> June 2022	

Application number	P2021/0328/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Within 50m of Grade II* Listed Building Ben Johnson and Breton House, Barbican Within 50m of Grade II Listed Building 38 Chiswell Street
Conservation area	Within 50m of St Luke's Conservation Area Within 50m of Chiswell Street Conservation Area
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone (CAZ) Bunhill & Clerkenwell Finsbury Local Plan Archaeological Priority Area – Moorfields Local Cycle Routes
Licensing Implications	None
Site Address	Prior Weston Primary School Golden Lane Campus, 101 Whitecross Street, London EC1Y 8JA
Proposal	Retrospective application for the retention of existing play structures and pergola on the rooftop play space of the school.

Case Officer	Daniel Jeffries
Applicant	Mr Lee Griffiths – Islington Council
Agent	Mr Lee Griffiths – Islington Council

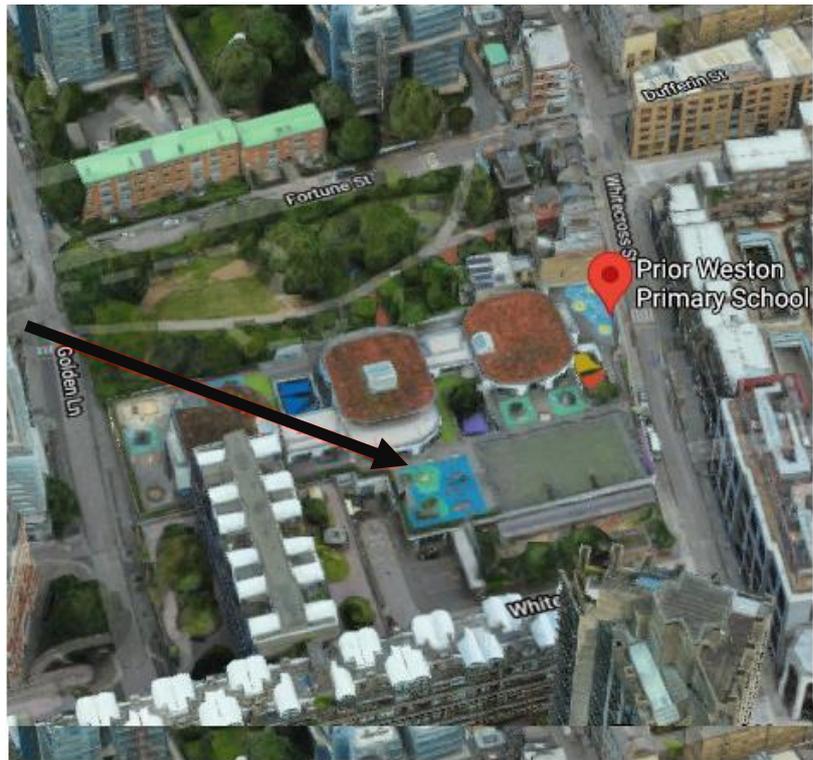
**1. RECOMMENDATION**

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

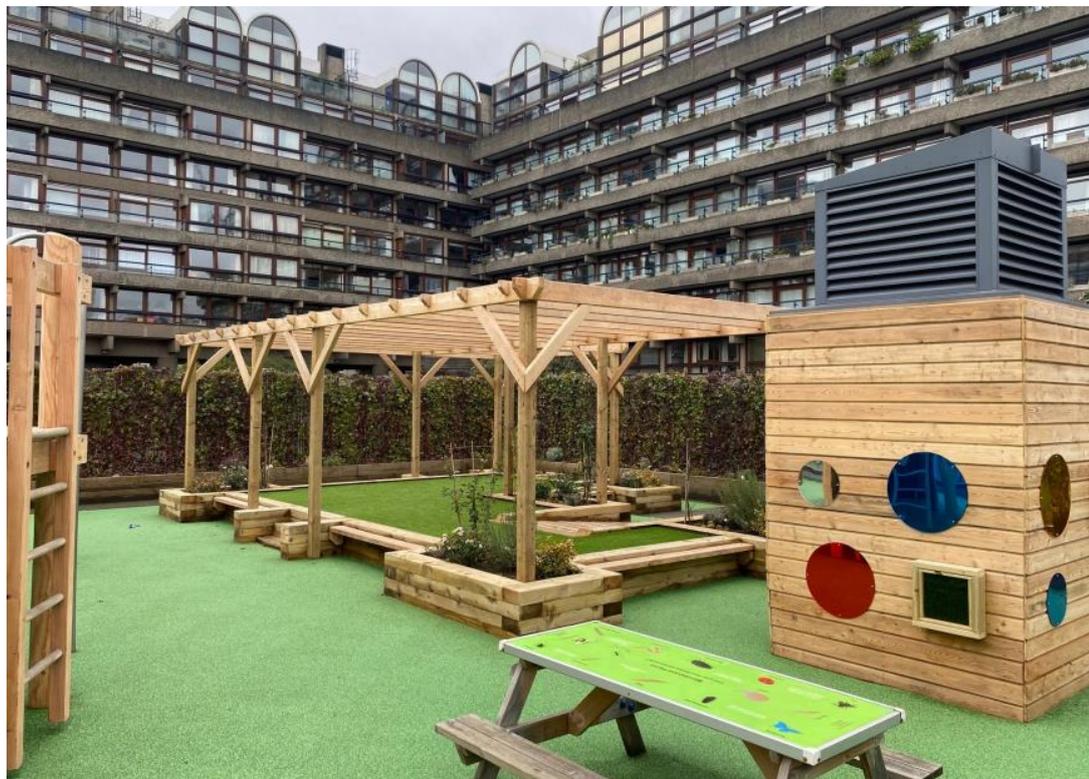
2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET



**Image 1:** Aerial view facing north arrow identifying the location of the playground equipment



**Image 2:** View of the existing pergola seeking planning permission for its retention facing towards south west corner with Barbican behind



**Image 3:** View of the existing playground equipment seeking planning permission for its retention facing towards south west corner with Barbican behind



**Image 4:** View of the existing pergola and playground equipment seeking planning permission for its retention facing towards east with the existing MUGA and the building on the opposite (east) side of Whitecross Street in the background

## **4. SUMMARY**

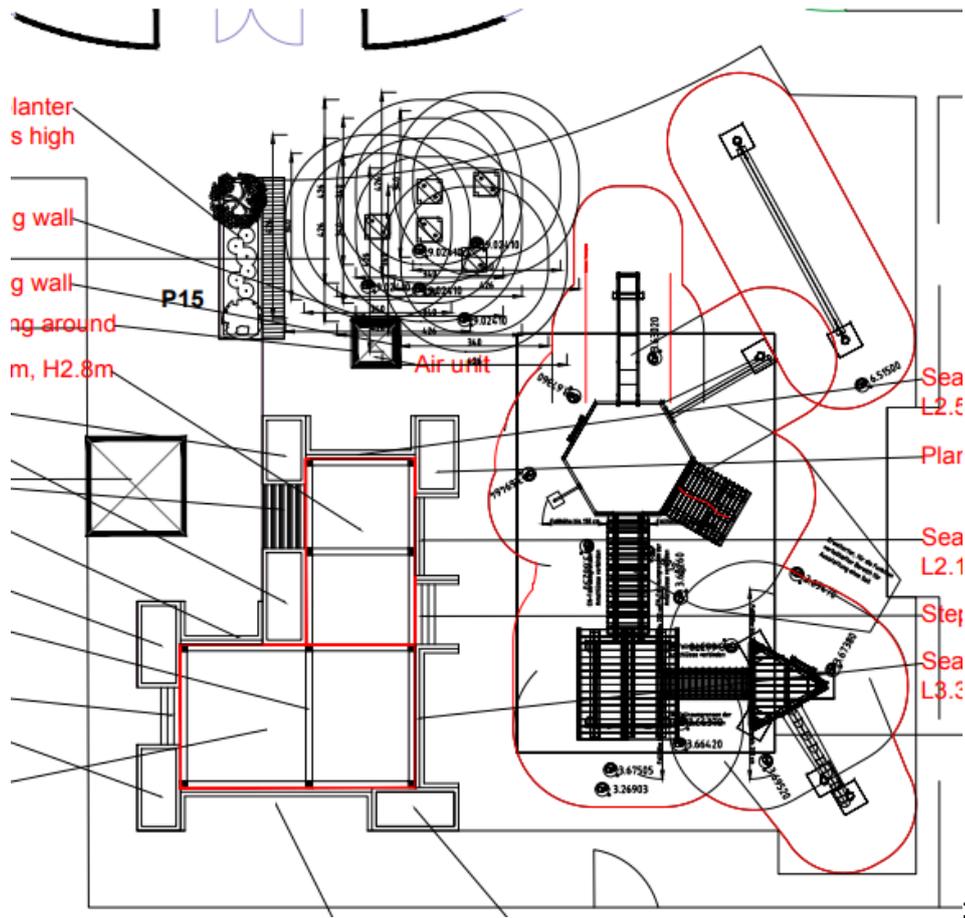
- 4.1 The application seeks retrospective planning permission for the retention of existing play structures and pergola on the rooftop play space at Prior Weston Primary School. The application was submitted following an enforcement investigation (Ref. E/2020/0275) by the Council's Planning Enforcement Team in regard to the erection of a pergola and play equipment on the roof without planning permission.
- 4.2 The principle of improving the existing school facilities is acceptable in land use terms. The design of the proposed equipment is considered to pay special regard to preserving the visual appearance and historic character of the surrounding heritage assets. It is therefore compliant with Islington Core Strategy (2011), C7, CS8 and CS9 policies, DM2.1, DM2.3, DM4.12 of the Development Management Policies (2013), the Urban Design Guide (2017) and the Chiswell Street and St Luke's Conservation Area Design Guidelines and acceptable in design terms.
- 4.3 The Council's Environmental Health Officer has no objections to the proposal. The proposal is considered to be acceptable, and it is recommended that the application be approved subject to conditions.
- 4.4 The application is brought to committee because the application is made by an employee of Islington Council, the proposal is on land that the Council has interest in and relevant objections have been received (4).

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site is located to the east of Golden Lane and to the west of Whitecross Street, and to the south of Fortune Street Park. The host property consists of a part single storey, part two storey, and part three storey building, which is used by Prior Weston Primary School, Richard Cloudesley School and the Golden Lane Children's Centre, as part of the Golden Lane Campus. The site can be accessed by Whitecross Street, to the east, and Golden Lane, to the west.
- 5.2 At first floor level there is an existing Multi-Use Games Area (MUGA), located towards the south of the site used by the school.
- 5.3 The application building is not listed and the site is not located within a conservation area but is within 50m of both St Luke's and Chiswell Street Conservation Areas and the Barbican, being a Grade II\* Listed Building. The site is also located within the Moorfields Archaeological Priority Area, Central Activities Zone, the Bunhill and Clerkenwell Finsbury Local Plan and Core Strategy Key Areas.

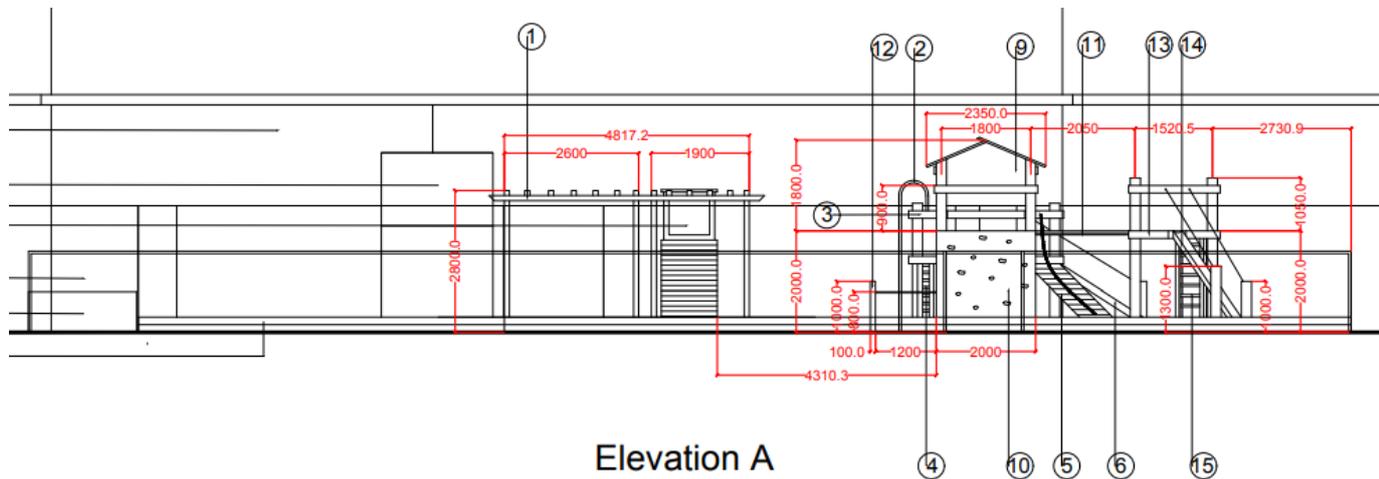
## **6. PROPOSAL (IN DETAIL)**

- 6.1 The application seeks retrospective planning permission for the retention of the existing play structure and pergola on the rooftop play space, which provide improved facilities for the school. This is following an enforcement investigation (Ref. E/2020/0275) by the Council's Planning Enforcement Team in regard to the erection of a pergola and play equipment on roof without planning permission.
- 6.2 The existing application development consists of a number of wooden structures and other associated alterations which are positioned on the existing rooftop playground at first floor level immediately adjacent (to the west) of the Multi Use Games Area which was originally approved (Ref. P052329) as part of the original development for the school. This MUGA has been subject to recent changes following the granting of planning permission (Ref. P2016/1803/FUL) for 4 no. floodlights and use of the MUGA Monday to Friday for the school's children until 8:00pm. This was followed by a more recent approval (Ref. P2020/1842/FUL) by the Planning Sub-Committee A on 4th May 2021 to retain 8 no. floodlights attached to the existing columns.
- 6.3 As shown in the layout drawing below (Image 5) and photos (Images 2, 3, and 4), the existing equipment consists of a mixture of a pergola which includes a raised platform below (to the south west corner), a balancing beam (to the north east corner), climbing frame with slide (towards the east) as well as other associated structures including seating.

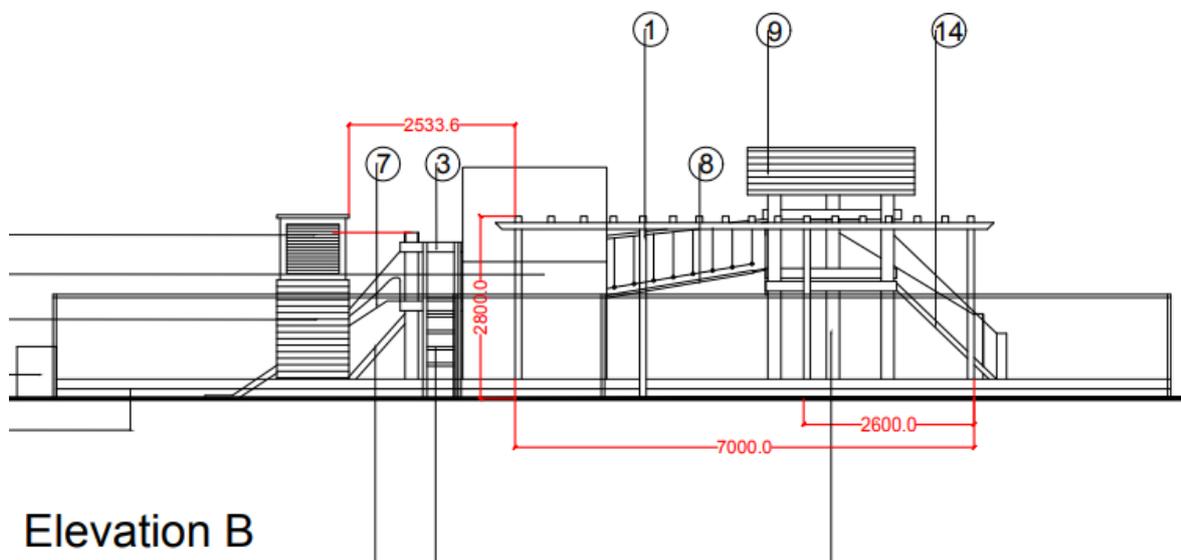


**Image 5:** Retention layouts and plans

The existing equipment consists of a number of irregular shaped wooden structures, which are shown in Images 2, 3 and 4. The pergola (shown in Images 2 and 4) measures a maximum height of 2.8m, the climbing frame with slide (shown in Image 3) measures a maximum height of 3.8m, and the balance beam is 1.5m in height.



Elevation A



Elevation B

**7. IMAGE 6: RETENTION ELEVATIONS RELEVANT HISTORY:**

*PLANNING APPLICATIONS*

- 7.1 P2020/1842/FUL - Retrospective planning permission for the retention of the existing 8 no. floodlights attached to existing columns associated with the use of the existing Multi Use Games Area, to provide an outdoor playspace for the school's children until 8.00pm Monday to Fridays only. Approved on 05/05/2021
- 7.2 P2016/1803/FUL - Installation of 4 no. floodlights attached to existing columns associated with the use of the existing Multi Use Games Area, to provide an outdoor playspace for the school's children until 8.00pm Monday to Fridays only. Approved on 20/02/2019
- 7.3 P122360 - Installation of a free standing dual pitch solar canopy. Approved with conditions on 18/02/2013.
- 7.4 P052329 - Demolition of existing buildings and the erection of a part 1, 2 and 3 storeys educational facility fronting Golden Lane and Whitecross Street to accommodate 168 children within a 'Sure Start' Early Years Centre, 360 primary students and 30 students with special needs. Erection of a first floor Multi-Use-Games-Area and separate play spaces, associated hard and soft landscaping and five kerbside and six on-site drop-off bays. A caretaker's flat is included at second floor level. Approved with conditions on 27/01/2006.
- 7.5 930161 - Construction of single storey under-fives centre with playground and access on the site facing Golden Lane to the rear of Prior Weston School and the use of part of the existing school car park as a Barrow Store for Whitecross Street traders. Approved with conditions on 29/06/1993.

- 7.6 900601 - The siting of portacabins and essential parking by John Lelliott Construction for a 6 month-12-month period in connection with adjoining refurbishment work. Present crossover only to be maintained. (withdrawn)

#### *ENFORCEMENT*

- 7.7 E08/03504 - Wall removed from Fortune Park – Case Closed - 13/11/2012
- 7.8 E/2019/0346 - Non compliance with P2016/1803/FUL (installation of 8 rather than 4 flood lights) – Case Closed – 08/06/2021.
- 7.9 E/2020/0275 - Erection of a pergola and play equipment on roof (ongoing investigation)

### **8. CONSULTATION**

#### **Public Consultation**

- 8.1 Letters were sent to occupants of 427 no. adjoining and nearby properties at Cherry Tree Walk, Golden Lane, Chiswell Street, Whitecross Street, Errol Street, Breton High Walk and Lincoln Road on the 31<sup>st</sup> March 2021, with further letters sent on 26<sup>th</sup> April 2022. This is in addition to the display of a site notice and a press advert. The consultation period expired on 10<sup>th</sup> May 2022.
- 8.2 At the time of the writing of this report a total of six responses had been received from the public with regard to the application, of which four responses raised objections. The two other responses provided support for the development, with one noting concern regarding the retrospective nature of the application. The issues raised in the objections can be summarised as follows (*with the paragraph that provides responses to each issue indicated within brackets*):

#### **Design**

- Visual appearance and impact on the heritage assets in surrounding area  
(Paragraphs 10.16 to 10.32)

#### **Neighbouring Amenity**

- Noise and privacy impact (including direct overlooking from the plays structures into habitable windows)  
(Paragraphs 10.38 to 10.39)

#### **Accessibility**

- Loss of accessible playground equipment  
(Paragraphs 10.41 to 10.44)

#### **Other matters**

- Concerns that the applicant has breached planning legislation, the retrospective nature of the proposal and the pattern of behaviour by the school  
(Paragraphs 10.48 to 10.49)

#### **External Consultees**

- 8.3 **Historic England:** confirmed that on the basis of the information provided within the application, they do not wish to offer any comments. Advice that views of specialist conservation advisers are sought.

#### **Internal Consultees**

- 8.4 **Environmental Health Pollution (Acoustic) Officer:** confirmed no objections to the proposal and that the retention of the existing structures would not result in any significant increase in noise over and above the use of the existing site.
- 8.5 **Enforcement Officer:** confirmed that the Council has an open enforcement investigation and that the applicant had been advised that they should seek to regularise the development.

8.6 **Design and Conservation Officer:** raised no objections to the proposal and considers that it would preserve the visual appearance and historic character of the setting of the heritage assets.

## 9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

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

9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the main following statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990)
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1))

9.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

9.3 The National Planning Policy Framework 2021 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.

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

9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.7 Members of the Planning Sub-Committee B must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's

rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

- 9.9 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, the Islington Development Management Policies 2013 and the Finsbury Local Plan (2013). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 9.10 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Within 50m of Grade II\* Listed Building Ben Johnson House, Barbican
  - Within 50m of St Luke's Conservation Area
  - Within 50m of Chiswell Street Conservation Area
  - Bunhill & Clerkenwell Core Strategy Key Area
  - Central Activities Zone (CAZ)
  - Bunhill & Clerkenwell Finsbury Local Plan
  - Archaeological Priority Area – Moorfields
  - Local Cycle Routes

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

- 9.11 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

### **Emerging Policies**

#### **Draft Islington Local Plan 2019**

- 9.12 The Regulation 19 draft of the Local Plan was approved at Full Council on 27<sup>th</sup> June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination consultation on pre-hearing modifications took place between is taking place from 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place from 13 September to 5 October.

- 9.13 In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.14 Emerging policies that are relevant to this application are set out in below:

- Policy PLAN1 – Site appraisal, design principles and process
- Policy SP1 – Bunhill and Clerkenwell
- Policy SC1 – Social and Community Infrastructure
- Policy DH1 – Fostering innovation and conserving and enhancing the historic environment
- Policy DH2 – Heritage assets

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation and Heritage
- Neighbouring Amenity
- Highways and Transport
- Other Matters

### Land Use

10.2 The proposal seeks planning permission for the retention of existing play structures and a pergola on the rooftop play space of the school.

10.3 The National Planning Policy Framework (NPPF) states that Local Planning Authorities should give great weight to the need to create, expand or alter schools and should take a positive approach to development that will widen the choice of education. The DCLG Policy Statement (2012) - Planning for schools - mirrors this aim, stating that local authorities should give full and thorough consideration to the importance of enabling the development of state funded schools, including free schools.

10.4 Development Management Policy DM4.12 is very supportive of new social and community infrastructure provision. Part C of this policy sets out criteria for new social infrastructure, including extensions to existing infrastructure and facilities, must:

- i. be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;*
- ii. provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;*
- iii. be sited to maximise shared use of the facility, particularly for recreational and community uses; and  
complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.*

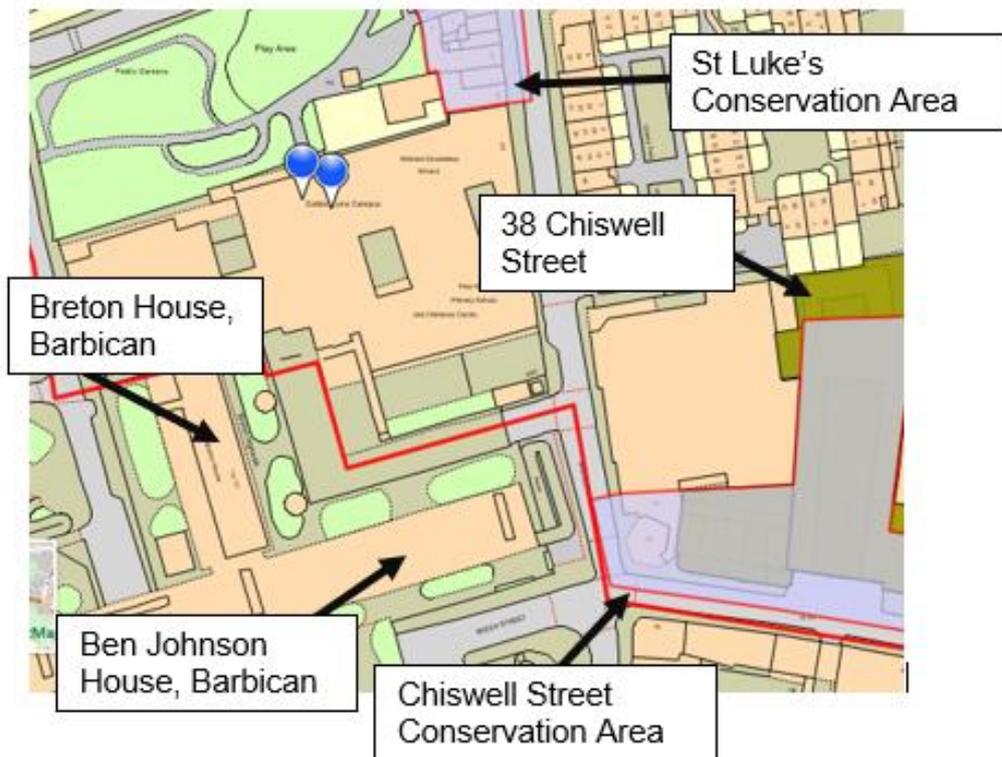
10.5 Policy CS16 is also relevant, given that the application seeks to provide more opportunities to play. Part A of this policy seeks to *improve the quality and function of existing play spaces so that they can provide more play opportunities for different age groups and disabled children*, particularly in those areas where opportunities for play are currently limited. Within the supporting text paragraph 3.6.13 confirms that a key council objective is to improve health. It highlights the importance of building on the opportunities, including the 2012 London Olympics, to promote sport and physical activity across the borough to reduce health inequality. Paragraph 3.6.14 of the Islington Core Strategy also confirms the importance of the use of outdoor sports facilities including grass and synthetic playing pitches, tennis courts, Multi-Use Game Areas (MUGAs) and bowling greens in achieving this.

- 10.6 Policy DM6.1A also seeks to ensure developments provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being, which is consistent with the proposed retention of the roof-top play equipment.
- 10.7 Policy S3 of the London Plan 2021 supports the expansion of education facilities and the enhancement of facilities for educational purposes. The provision of additional school facilities and space is classified as provision of new social infrastructure which is supported by policy DM4.12 of the Development Management Policies 2013. Paragraph 4.69 associated with this policy states '*development/redevelopment of social and strategic infrastructure should be designed to meet the needs of their intended occupants, taking into account any appropriate regulations and national design and space standards*'
- 10.8 London Plan Policy S5 Part C in relation to Sports and recreation facilities states (para. 5.5.1) that 'Sport and recreation facilities are important components of social infrastructure. Both formal and informal facilities should be provided, to encourage physical activity and deliver a range of social, health and wellbeing benefits to communities. People take part in various forms of sport and recreation which require a number of different types of facility. Many activities require minimal facilities, and often an open space or community hall can be sufficient'.
- 10.9 This policy states that 'Existing sports and recreational land (including playing fields) and facilities for sports and recreation should be retained unless:
- 1) an assessment has been undertaken which clearly shows the sports and recreational land or facilities to be surplus to requirements (for the existing or alternative sports and recreational provision) at the local and sub-regional level. Where published, a borough's assessment of need for sports and recreation facilities should inform this assessment; or
  - 2) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - 3) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use'.
- 10.10 London Plan Policy S4 supports increased opportunities for play and informal recreation and enables children and young people to be independently mobile and not result in the net loss of play provision, unless it can be demonstrated that there is no ongoing or future demand.
- 10.11 The Department for Education provide a definition of what constitutes a playing field, within Appendix A of the document 'Disposal or change of use of playing field and school land' (2014), who state school playing fields include:
- *grass pitches and artificial surface pitches set out for the playing of sports*
  - *hard surface games courts including multi-games courts, tennis courts, netball courts and hard paving marked out for games;*
  - *informal and social areas, including grassed areas, paved areas (including playgrounds) [emphasis added] outdoor seating and teaching areas including rest and quiet areas;*
  - *marginal areas, around the edges of playing fields for run-off and to allow for the cyclical realignment of pitches;*
  - *habitat areas, set aside for the formal teaching of nature or informal curriculum purposes, including meadowland, wildlife habitats (including ponds), gardens, nature trails and outdoor science areas.*
  - *local authority parkland or other open space that is used, or has been used in the last ten years, for the purposes of a maintained school*
- 10.12 Notwithstanding the above, it is important to consider the requirements of paragraph 98 of the NPPF. It should be noted that in the glossary of the NPPF, it uses the definition found within the Town and Country Planning (Development Management Procedure) (England) Order 2015 for a playing field, which means the whole of a site which encompasses at least one playing pitch. The legislation defines a 'playing pitch' as a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo.

- 10.13 The proposal includes the retention of a number of structures covering an area measuring 18.7m (width) x 18.7m (length) of the existing playground. Using the above definition, the proposal is not considered to result in the partial or total loss of a playing field or playing pitch. It is noted that the proposal area appears to have been used as a playground for a number of years with the previous playground equipment being shown on aerial photos from 2010. Whilst the structures are adjacent to the existing Multi-Use Games Area (MUGA), they do not result in the loss of sports provision or impact the use of this existing facility.
- 10.14 Meeting the needs of current and future pupils within the school grounds is evidently a key benefit of this proposal. This would be in accordance with the National Planning Policy Framework which states that the Government, “*attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement...*” The framework also states that Council’s should give “great weight to the need to create, expand or alter schools”. The London Plan is supportive of proposals which enhance education and skills provision, including the expansion of existing facilities.
- 10.15 Therefore, in land use terms, it is considered that the retention of the existing playground equipment, (including pergola which meets the Department of Education definition of a playing field) would allow retention of enhanced quality of play, recreation, socialising, facilitate increased physical activity and support mental well-being for existing and future pupils of the primary school, subject to the compliance with the requirements of Policy DM4.12C, including the design and the amenity impact which will be assessed within the body of this report. It is therefore considered that the principle of the retention of the play equipment and pergola in land use terms is acceptable, subject to all other material considerations.

#### **Design and Conservation, including Archaeology**

- 10.16 Paragraph 193 of the NPPF (2021) states that ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). Furthermore, at paragraph 196: ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.17 London-wide planning policies relevant to ‘Design’ are set out in Chapter 3, policies relevant to ‘Heritage and Culture’ are set out in Chapter 7 of the London Plan, and the Mayor of London’s Character and Context SPG is also relevant. At the local level, Policy CS9 of Islington’s Core Strategy (CS) 2011 and Policy DM2.1 of Islington’s Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington’s built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.18 Policy DM2.3 seeks to ensure that the borough’s heritage assets are conserved and enhanced in a manner appropriate to their significance. Development that makes a positive contribution to Islington’s local character and distinctiveness will be encouraged. It seeks to ensure developments within the setting of a listed building are of good quality contextual design. It also seeks to retain, repair and reuse of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.



**Image 7:** Heritage assets on proximity to proposal

10.19 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of both the St Luke's and Chiswell Street Conservation Areas. As shown in the image above the site is located on the edge of St Luke's Conservation Area to the north. However, given that proposal is on the opposite and south side of the site, with the school buildings in between, the proposal is not considered to be within its setting, and would have minimal impact on this heritage asset given the scale of the development. The Chiswell Street Conservation Area is located to the south of the site, along Whitecross Street. Whilst it would be within 50m of the playground equipment area, as shown in the street view photograph below the proposal would not be visible from within this conservation area at its nearest point along Whitecross Street due to the location of the adjacent buildings. It is therefore considered that the proposal would preserve the visual appearance and historic character of these heritage assets.



**Image 8:** Streetview facing north along Whitecross Street

- 10.20 Section 61(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 seeks to ensure special attention has been paid to the desirability of preserving or enhancing the character and appearance of the setting of listed buildings. Located to the south (within the City of London) there is the existing Grade II\* Listed Building of the Barbican, with the nearest parts of this building being Ben Johnson House to the south and Breton House to the west, as well as the Grade II Listed 38 Chiswell Street to the east.
- 10.21 The design advice found within the Islington Urban Design Guide 2017 and both St Luke's and Chiswell Street Conservation Area Design Guidelines 2002 should be taken into consideration in the design assessment of the proposal.

#### 38 Chiswell Street

- 10.22 Whilst the Grade II Listed 38 Chiswell Street is within 100m of the application site and the proposal area, it is not considered that the proposal is within the setting of this heritage asset. This listed building is positioned to the east of the public highway of Whitecross Street and the large eight storey building of 48 Chiswell Street meaning that the proposal area would be not visible from or within close proximity to the listed building.

#### The Barbican Buildings

- 10.23 The existing play equipment is located to the west of the Multi-Use Games Area, towards the south west of the site. This means that the proposal would be in close proximity to the nearest part of the Grade II\* Listed parts of the Barbican Building, being the linked Breton House to the west, and Ben Johnson House to the south, which are occupied as residential units.
- 10.24 Historic England's listing description confirms Breton House is a seven storey building and rooftop, which is entered from three entrances at mezzanine level above podium, with spinal corridor and rooms at podium level on the north-east elevation. The description identifies a number of features which contribute to its listing including the paired columns which support the cross walls, with cross beams expressed externally, white painted soffits, and the roof-top flats have higher, full-glazed round-arched form, eight to the block, set in pairs save at the ends, set behind balconies, forming a white roof-line. It notes that the lower floors have three windows per bay, each with central varnished wood door opening on to balcony with planting boxes behind metal and glass

balustrades. It also confirms that the steps up the mezzanine entrances are tiled, and each has a glass door.

- 10.25 Historic England's listing description for Ben Johnson House confirms that it is also seven storeys in height, being a 52-bay block set over open podium floor and supported on two rows each of giant paired columns. It confirms that the north elevation has balconies on levels 2, 3 and 5, with continuous glazing to levels 1 and 4. On the south elevation levels 1 and 4 are set behind the others, white painted soffits and the roof level is noted as having high round-arched motif to principal rooms. It confirms that these higher rooms are set in pairs, around lifts at either end, and in the centre, with balconies between.
- 10.26 It is acknowledged that due to the close proximity of the site, the proposal is visible from both within the upper floor units and from the balconies which face towards the development. It is acknowledged that these are from the private realm, given these views are from a heritage asset it is important that the proposal would preserve the visual appearance and historic character of the setting of these heritage assets.
- 10.27 In terms of its scale, as noted above in the proposal section above, whilst the proposal includes a number of different pieces of playground equipment and a pergola, the maximum height of the structures is 3.8m. The structures are also considered to be lightweight in nature and would benefit from a separation distance of 35m from the upper floors of the nearest elevation of these listed buildings.
- 10.28 It is acknowledged that the first floor which is used as a communal garden for occupiers of the Barbican buildings is in closer proximity to the proposal below these listed buildings, being 23m (to the east) and 25m (to the south) away, views of the lower part of the development would be obscured due to the existing boundary treatment. The scale of the proposal should also be considered in relation to the other buildings, structures and play area use of this part of the site, the existing two storey school buildings are located to the north of the proposal area, as well as the floodlights and fencing positioned immediately adjacent to the east. In addition, the proposal uses traditional materials being timber, replacing the multi-coloured equipment which were constructed using more modern materials.



**Image 9 and 10** Photos of previous playground equipment

- 10.29 Given the above assessment, the proposal is considered to preserve the visual appearance and historic character of these heritage assets, forming part of the Barbican building.
- 10.30 In terms of the wider area, it is acknowledged that the proposal is in an elevated position at first floor, whilst not within a conservation area it is important to consider views of the proposal from the public realm including from the public highway of Whitecross Street, and from private views from buildings along this street. As shown in the photo below, taken from opposite the vehicle access, to the east of the MUGA is a two storey high wall and views further south due to the separation distance, 40m, together with the boundary treatment including the existing trees. It is therefore considered that the proposal is considered to have an acceptable impact on the streetscene.



**Image 11** View towards the proposal facing west from Whitecross Street

- 10.31 The site is located within the Moorfields Archaeological Priority Area. Policy DM2.3F(ii) seeks to ensure that *all planning applications likely to affect important archaeological remains are required to include an Archaeological Assessment*. Given the proposal would be located at first floor level the proposal is not considered to affect archaeological remains and therefore is considered acceptable in this regard.

#### Conclusion

- 10.32 It is acknowledged that the site is located within the setting of a number of heritage assets, including parts of the Grade II\* listed Barbican buildings, and would be visible from private views from the occupiers of the residential units within these buildings. However, the existing equipment is considered to be of an appropriate design, scale and arrangement which would preserve the visual appearance and historic character of these heritage assets. The proposal uses traditional materials, being timber, which are considered to be appropriate within the setting of heritage assets, and the proposal is restricted to a small section of the overall school site, with views from the public realm largely obscured due to its position within the site and the existing boundary treatment. It should also be noted that this existing equipment has replaced playground equipment, which is of similar scale, which was in place prior to the installation of the equipment subject to this application, since 2010, and was constructed using modern materials. It is therefore considered that the proposal is compliant with policies CS8 and CS9 of the Islington Core Strategy (2011), DM2.1 and DM2.3 of Development Management Policies (2013) and D1, D4 and HC1 of the London Plan (2021) and is acceptable in design terms.

#### Neighbouring Amenity

- 10.33 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy D14 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing.
- 10.34 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.35 Policy D14 (part A) of the London Plan 2021 states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects

through the application of good acoustic design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.

- 10.36 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

*Daylight/Sunlight and outlook*

- 10.37 The existing playground equipment and pergola are not considered to result in any significant loss of daylight/sunlight or outlook to the occupiers of neighbouring residential properties. The proposal is considered to be limited in height, lightweight in massing terms and set away from the west and south boundaries, and 35m away from the nearest residential properties in the Barbican Building.

*Privacy*

- 10.38 The rooftop area occupied by the proposal has been in use by the school since its original development, including for previous playground equipment. Given the existing boundary treatment would largely obscure views to the nearest residential properties in the Barbican Building and along Whitecross Street, being more than 18 metres away (35m and 45m respectively), the proposal is not considered to result in any additional privacy issues, including its use as a playground particularly given the proposal would be similar in size to the removed playground equipment and no nearer to the residential units.

*Noise*

- 10.39 It is acknowledged that the use of the existing playground equipment and pergola by pupils of the school may result in noise to the surrounding area. However, the proposal is in use by the school and forms part of the school's playground, it should be noted that the proposal replaces removed equipment. It is also noted that any noise would be restricted to school hours and used only by pupils attending the school and would not result in any increase in numbers of pupils on role. It is therefore considered acceptable in this regard.

*Conclusion*

- 10.40 Overall, the proposal is considered to be compliant with Development Management Policies DM2.1, London Plan policy D14 and the NPPF.

**Accessibility and Fire Safety**

- 10.41 Policy DM2.2 seeks to ensure proposed developments provide for ease of and versatility in use and deliver safe, legible and logical environments. Concerns have been raised by occupiers of neighbouring properties in relation to the loss of 'disabled friendly' playground equipment which has been removed.

- 10.42 The Council's Inclusive Design Officer was consulted as part of the assessment of the application and confirms that the Inclusive Landscape Design SPD 2010 requires play equipment to meet the following criteria:

- *Equipment should be designed with disabled children in mind and should provide opportunities for disabled children to experience as many basic activities as possible*
- *Play equipment should encourage independence and exploration and provide a level of challenge*
- *Play equipment should not look as if it was designed specifically for use by disabled children*
- *There should be sufficient space between equipment to allow free access for wheelchairs etc.*
- *Use of equipment which provides the opportunity for sound (musical tubes, speaking tubes etc) is particularly suitable for those with visual impairment.*

- *Water features such as paddling pools etc should have slip resistant surfaces and gentle slopes to allow disabled children to completely enter the pool. There should be clear visual/surface changes around water areas to help identify them to those with visual impairment.*

- 10.43 Whilst the Inclusive Design Officer welcomes the use of a ramp for the pergola, they have considered that neither the existing or the removed play equipment meet the above requirements in being accessible.
- 10.44 Given the above advice, it is considered that whilst fully accessible, given that the removed equipment was also not fully accessible, it is not considered to warrant the refusal of the application.
- 10.45 Policy D12 of the London Plan (2021) seeks to ensure all development proposals must achieve the highest standards of fire safety. As the existing playground equipment and pergola replaced existing equipment in the same location and doesn't change the use, the provision of a Fire Statement is not considered to be proportionate. Also, in the event of a fire, the site benefits from vehicular access (shown in Image 8) for emergency vehicles.

### **Highways and Transport**

- 10.46 Policy DM8.2 seeks to ensure that development proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. In this instance, the proposal would be used solely by the school and would not result in any community use, therefore the proposal is not considered to result in any increase in journeys.
- 10.47 In addition, the site is in a highly accessible location with excellent public transport provision (PTAL – 6b (the highest level)). It is considered that given the location of the site, the proposal would not result in an increase of pupil numbers, and would not be used by external groups, it would not result in any impact on the surrounding public highway network.

### **Other Matters**

- 10.48 Concerns have been raised in representations about the behaviour of the applicant in regard to alleged breaches of planning legislation, and the retrospective nature of the proposal.
- 10.49 As noted in the proposal section above, the application has been submitted to seek to regularise a breach of planning legislation. This followed an enforcement investigation by the Council's Planning Enforcement Team. In the event that there are any further alleged breaches of planning legislation including non-compliance with conditions, the Council's Planning Enforcement Team will investigate and take the necessary course of action.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The principle of providing play structures and a pergola is supported in land use terms, as it allows for the improvement of the existing school facilities for pupils at the school, an enhancement of play, socialising, promotes an increase in physical activity and supports mental wellbeing.
- 11.2 The existing structures are considered to preserve the visual appearance and historic character of the setting of the nearby heritage assets, listed buildings, locally listed buildings and wider St Luke's and Chiswell Street Conservation Areas, and are acceptable in design terms.
- 11.3 The proposal is considered not to result in any unacceptable loss of amenity to occupiers of neighbouring properties.
- 11.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington

Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

**Conclusion**

- 11.5 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

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

### List of Conditions:

<b>1</b>	<b>Approved Plans List</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement, Elevation Drawing A, Elevation Drawing B, Elevation Drawing C, Elevation Drawing D, Design and Access Statement, Layout, OS Site Location 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>2</b>	<b>Materials (Compliance)</b>
	<p>CONDITION: The development shall be maintained in accordance with the schedule of materials noted on the approved plans and within the application form and no change shall take place.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and continues to have proper regard to the significance and the desire to preserve the character, appearance and setting of the nearby heritage assets.</p>

## **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 2021 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.

- National Planning Policy Framework 2021

### **2. Development Plan**

The new London Plan was adopted on the 2nd March 2021. The adopted London plan has now full weight and is it is considered a material consideration. The adopted London Plan policies have been fully taken into account.

Therefore, the Development Plan is comprised of the London Plan 2021, 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 2021 - Spatial Development Strategy for Greater London**

- Policy SD4 The Central Activities Zone
- Policy D1 London's form, character and capacity for growth
- Policy D4 Delivering good design
- Policy HC1 Heritage conservation and growth
- Policy S1 Developing London's social infrastructure
- Policy S3 Education and childcare facilities
- Policy S4 Play and informal recreation
- Policy S5 Sports and recreation facilities

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

- Policy CS7 Bunhill and Clerkenwell
- Policy CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment
- Policy CS10 Sustainable Design
- Policy CS16 Play space

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

- Policy DM2.1 Design
- Policy DM2.2 Inclusive Design
- Policy DM2.3 Heritage
- Policy DM4.12 Social and strategic infrastructure and cultural facilities
- Policy DM6.1 Healthy developments
- Policy DM6.4 Sport and recreation
- Policy DM8.2 Managing transport impacts
- Policy DM8.4 Walking and cycling
- Policy DM8.5 Vehicle parking

#### **D) Islington Emerging Local**

- Policy BC10 Implementation

### **E) Islington Emerging Local**

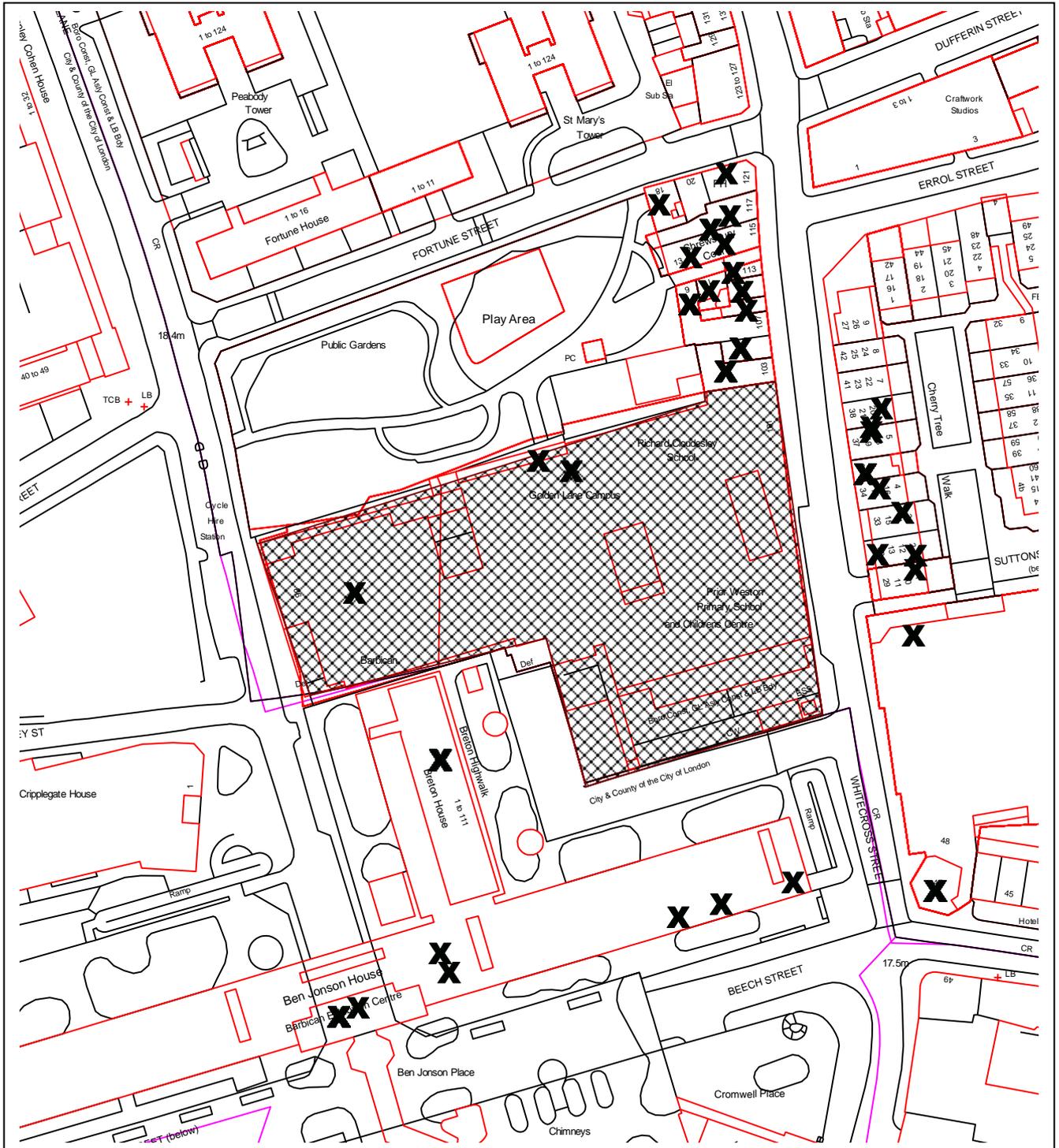
- Policy PLAN1 – Site appraisal, design principles and process
- Policy SP1 – Bunhill and Clerkenwell
- Policy SC1 – Social and Community Infrastructure
- Policy DH1 – Fostering innovation and conserving and enhancing the historic environment
- Policy DH2 – Heritage assets
- Policy D6 – Fire Safety

### **3. Designations**

- Within 50m of St Luke's Conservation Area
- Within 50m of Chiswell Street Conservation Area
- Bunhill & Clerkenwell Core Strategy Key Area
- Central Activities Zone (CAZ)
- Bunhill & Clerkenwell Finsbury Local Plan
- Archaeological Priority Area – Moorfields
- Local Cycle Routes

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# ISLINGTON



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