



PLANNING COMMITTEE		AGENDA ITEM NO: B2
Date:	19 March 2018	NON-EXEMPT

Application number	P2017/2621/S73
Application type	Removal/Variation of Condition (Section 73)
Ward	Canonbury
Listed building	No
Conservation area	No, within 50m of Canonbury Conservation Area and within 50m of East Canonbury Conservation Area
Development Plan Context	Mitchison & Baxter Open Space; Balls Pond Road Verge Open Space; Crossrail 2; Sites of Importance for Nature Conservation (Baxter Road Open Space); Site within 100m of a SRN Road
Licensing Implications	None
Site Address	Dover Court Estate, including land to north of Queen Elizabeth Court and garages to west of and land to north and east of Threadgold House, Dove Road; garages to east of Illford House, Wall Street; Romford House Mitchison Road; land to east of Westcliff House and Ongar House, Baxter Road; land to east of Greenhills Terrace; and garages to rear of and ball court to west of Warley House, Baxter Road, Islington, London, N1.,
Proposal	<p>Application to vary condition 20 (Ballcourt Playspace Management and Maintenance Strategy) and 28 (Opening hours of ballcourt and associated floodlighting) of planning permission P2016/0391/S73 which granted permission for (summary): Demolition of existing two-storey residential building and 81 garages to allow for 70 new homes across 9 infill sites; alterations and extension to ground floor of Threadgold House to create a residential unit and community rooms; a part two, part three-storey terraced row facing Wall Street; a part single, part three and part four-storey extension to the north east corner of Ongar House; a four-storey extension to the west elevation of Ongar House; a three storey terraced row replacing Romford House; a four-storey block between Warley House and No.53 Mitchinson Road; part single, part two-storey terraced row to the end of Warley House; provision of new green space and sports/play facilities, including new ball court, cycle storage, public realm improvements across the estate; and relocation of Baxter Road to the front of Romford House; and associated amendments including increase in overall building heights.</p> <p>CHANGES NOW PROPOSED: To extend the opening hours (including floodlighting) by 1.0 hour to 9.00pm.</p>

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Case Officer	Evie Learman
Applicant	Housing & Adult Social Services, Housing Needs & Strategy
Agent	Pollard Thomas Edwards - Ms Charina Coronado

1. RECOMMENDATION

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

1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;
3. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;
4. where applicable, subject to any direction by the Secretary of State (SoS) to call in the application for determination by the SoS; and/or
5. where applicable, subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

2. PHOTOS OF SITE/STREET

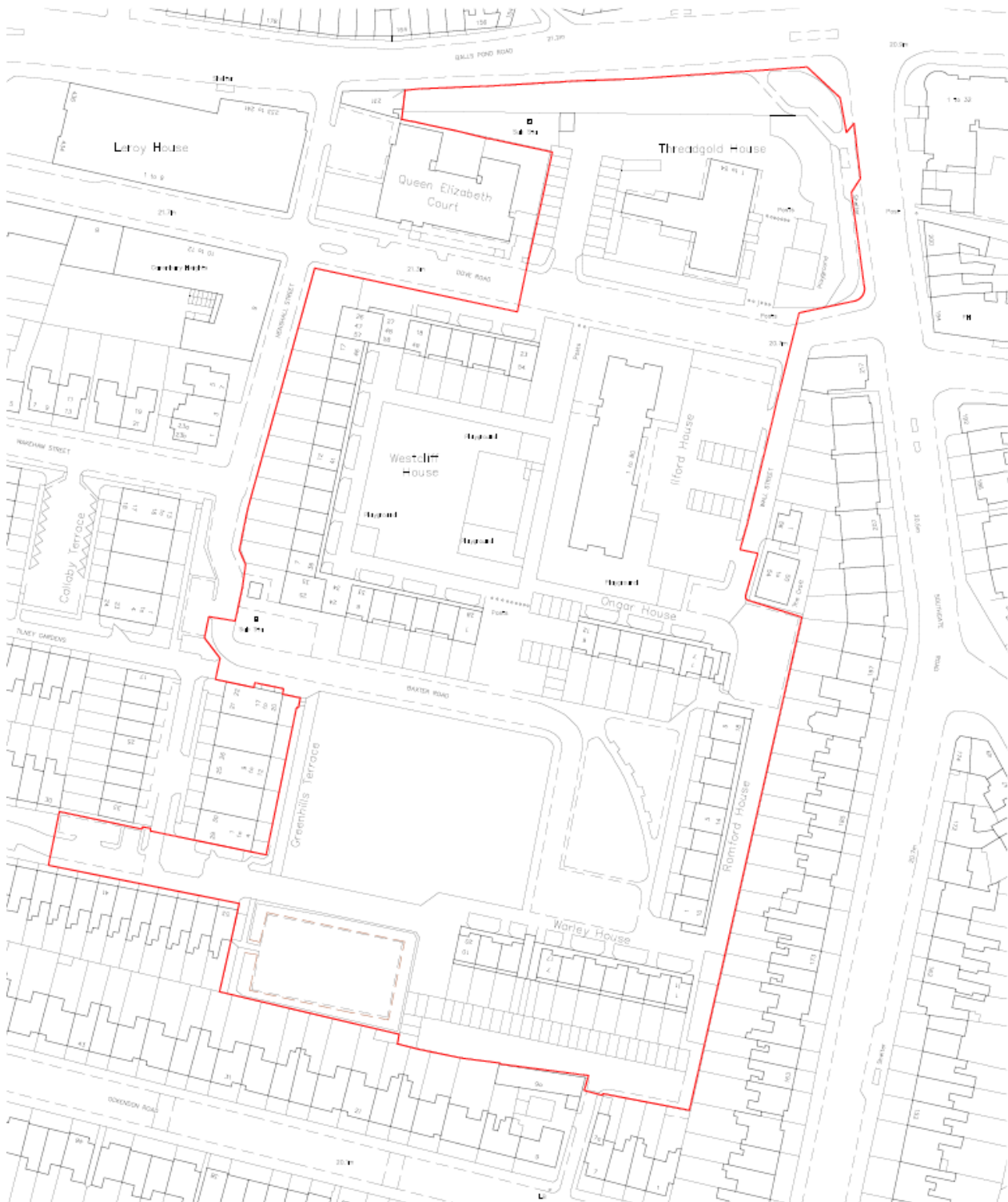
Photograph 1: Aerial View of Site



3. SITE AND SURROUNDINGS

- 3.1 Dover Court Estate is located on the eastern edge of Canonbury Ward, south of Balls Pond Road and close to the boundary with the London Borough of Hackney. The estate is intersected by Dove Road and Baxter Road both of which run east to west across the site, dividing the site into three main areas.
- 3.2 The original estate comprised of 252 homes spread across six buildings varying in height from two, four and six storey residential blocks, and two residential towers at a height of 10 storeys along with a number of single storey garage blocks and extensive estate and highway parking spaces. Planning permission was granted in 2015 for 70 new homes across various infill sites on the estate. New green space and sports & play facilities, including the ballcourt under consideration here, was also approved as part of the initial application, consented in 2015.
- 3.3 The site is not located within a conservation area, however the East Canonbury Conservation Area wraps around the east, south and west boundaries of the southern most part of the site and Canonbury Conservation Area to the north west of the site. The site and immediately neighbouring properties are not listed.

Site Plan (site outlined in red)



- 3.4 The surrounding built form is predominantly comprised of three and four storey Victorian and Georgian terraces within traditional street layouts. An exception to this is to the north west of the site where Queen Elizabeth Court, sheltered accommodation for over 55s, Leroy House, a commercial property and Canonbury Heights, a converted warehouse in residential use, are all between four and five storeys in height.
- 3.5 Mitchison ball court (under consideration here) and the green space around Baxter Road are both designated Open Space and Sites of Importance for Nature Conservation (SINCs), while the verge to the north and east of Threadgold House fronting Balls Pond Road and Southgate Road is designated Open Space.

4. PROPOSAL (IN DETAIL)

4.1 The application is made under S73 (minor material amendment) of the Town and Country Planning Act (1990) to vary condition 20 (Ballcourt Playspace Management and Maintenance Strategy) and 28 (Opening hours of ballcourt and associated floodlighting) of planning permission P2016/0391/S73 dated 19/05/2016. The amendment sought is to extend the opening hours (including floodlighting) by 1 (one) hour to 9.00pm.

4.2 The below drawings would be added to the approved drawing's/documents:

- Document entitled 'LB Islington – Dover Court New Build Development, Application: This application seeks to vary Planning Conditions 20 & 28'
- Email from Martin G Brown of Metropolitan Police to Alistair Gale of London Borough of Islington dated 05 April 2017
- Document entitled 'Mitchison Baxter Open Space' from Parkguard
- Drawing's FHA-604-PH2-L-101 REV C9; 102 REV C7; 103 REV C7

4.3 The image below shows the approved location of the ball court and also shows the previous location.

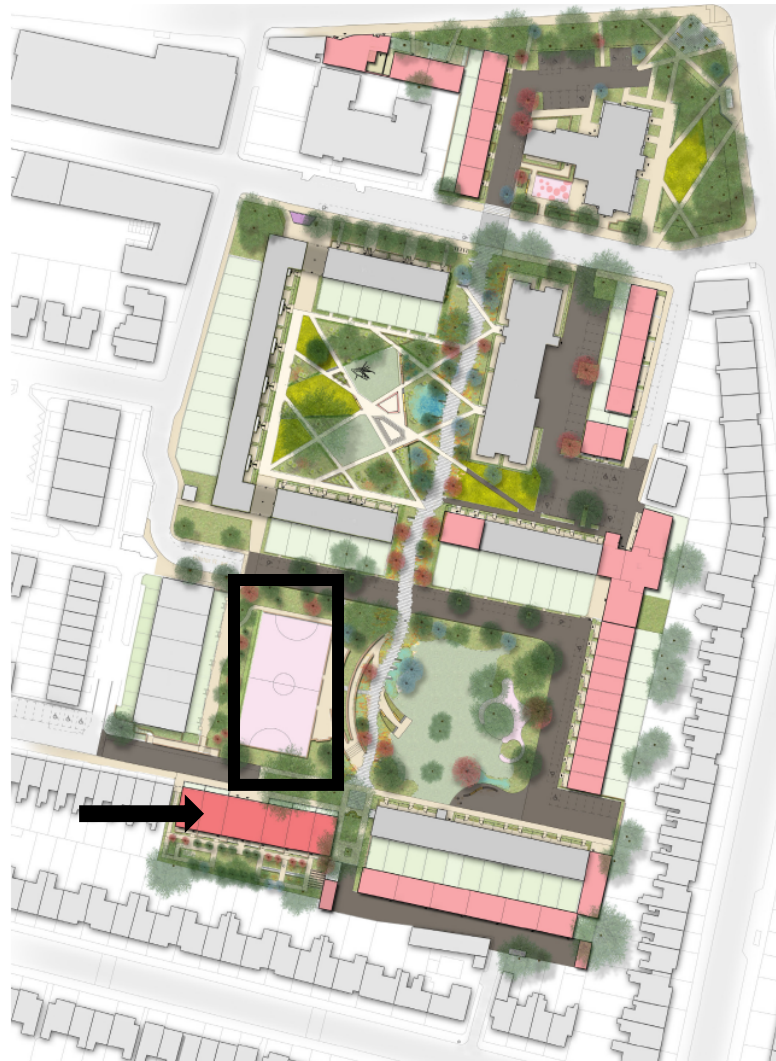


Fig.1: Arrow shows new Block H (23 x 1 bed units for over 55s) where Mitchison Road ballcourt was initially located prior to being relocated south (new location shown in rectangle)

4.4 The initial application (Ref: P2014/3363/FUL) approved at Planning Committee 04/12/2015 was for the following development description:

Demolition of an existing two-storey residential building (Romford House) (Consisting of 18 units) and 81 garages to allow for the construction of 70 new homes (27 x 1 bed, 26 x 2 bed, 15 x 3 bed and 2 x 5 bed) across nine infill sites, consisting of the construction of a part three, part four storey block and a two semi-detached pair of dwellings facing Balls Pond Road, a two-storey block between Dove Road and Balls Pond Road, alterations and extension to ground floor of Threadgold House to create a residential unit and community rooms (measuring 135.8 square metres), a part two, part three storey terraced row facing Wall Street, a part single, part three and part four storey extension to the west elevation of Ongar House, a three storey terraced row replacing Romford House, a four storey block between Warley House and No. 53 Mitchison Road and a part single, part two storey terraced row to the rear of Warley House, and the provision of new green space and sports and play facilities, including a new ball court to the east of Greenhills Terrace, cycle storage, public realm improvements across the state and the relocation of Baxter Road to the front of Romford House.

4.5 The initial application (Ref: P2014/3363/FUL) received 33 objections and 2 petitions also objecting to the application. The initial application included a new ballcourt to the east of Greenhills Terrace (i.e. Dover Court ballcourt) and this element of the proposal attracted the following comments from local residents:

- Objection to the location of the Ball Court to the front of Greenhills Terrace, resulting in noise and light disturbance, anti-social behaviour and reducing views of the front doors.
- Objection to the proposed ballcourt being located close to properties without children
- Suggestion that noise planters should be included around the whole of the new ball court

4.6 These comments were addressed in the committee report as follows

- *A number of representations and a petition have been received regarding the proposed relocation of the ball court to Mitchison Baxter Road open space. The concerns raised mainly relate to potential disturbance from its use, floodlights and anti-social behaviour.*
- *The proposed ball court would replace the existing larger ball court located approximately 15 metres to the south of the proposed location and would be incorporated within an existing amenity area. It would be set within a sunken area to the west of the amalgamated amenity space with a 3.5 metre high green acoustic wall running along the western end and planting beyond this.*
- *The proposed ball court is detailed to be available for use between the hours of 0800 hours to 2100 hours with the floodlights being in operation from dusk to 2100 hours. The submitted Maintenance Strategy for the Ball Court details that the Council's Greenspace South Area Parks Manager would be responsible for the day to day management of the park and act as a point of contact for any complaints or reports of anti-social behaviour.*
- *Whilst the ball court would undoubtedly result in some noise disturbance, this would be limited to the proposed hours of use and it should be noted that the ball court replaces an existing facility in close proximity and amenity space which is currently available for use by the public. Conditions are recommended requiring a Noise Management Plan (condition 25) and details of the proposed floodlighting (condition 30) to be submitted and approved in writing, whilst a condition restricting the hours of use of the floodlights and how these are controlled is also recommended (condition 29).*
- *These conditions together with its sunken location, green acoustic wall, planting and the efficient management of the space would ensure that disturbance from the proposed ball court would be minimised to an appropriate level.*

- 4.7 The new ballcourt has been operational since February 2017 and was initially unlocked. However, the ballcourt has been locked overnight over the last few months in order to comply with conditions 20 (Ballcourt Playspace Management and Maintenance Strategy) and 28 (Opening hours of ballcourt and associated floodlighting) of the most recent consent P2016/0391/S73.
- 4.8 The ballcourt was initially unlocked as a result of budget cuts. The applicants have stated that as a result of budget reviews in 2015 they made the decision to leave the 50% 'lowest-risk' parks unlocked. The submission documents state that a detailed review process was undertaken to determine which facilities should be prioritised for inclusion in a reduced locking service. Factors considered included levels of reported anti-social behaviour associated with sites and facilities. The existing ball court at Mitchison Baxter ball court was not found to be a priority for locking as Anti-Social Behaviour reports were very low.
- 4.9 However funds have since been allocated to facilitate the park being locked at 9pm. A mobile caretaker would undertake this task (which is currently overseen by a contractor) until a more cost effective locking solution can be found (such as a timed magnetic lock). The floodlights are timer controlled and as such they will be timed to switch off at 9pm accordingly.

5. Key Issues

- 5.1 The main issues arising from the proposal relate to:
- Acknowledgement of the scope of what may any may not be considered under Section 73 of the Town and Country Planning Act 1990
 - Nature of the variation and whether the change(s) materially/adversely alter the nature of the scheme
 - Any significant material alterations since the original grant of planning permission

6. Relevant History

- 6.1 While the site has a varied planning history, the only permissions to this variation application are the original permission reference P2014/3363/FUL dated 04 December 2015 and a subsequent section 73 application reference P2016/0391/S73 dated 19 May 2016. The original application approved the following:

“Demolition of an existing two-storey residential building (Romford House)(consisting of 18 units) and 81 garages to allow for the construction of 70 new homes (27 x 1 bed, 26 x 2 bed, 15 x 3 bed and 2 x 5 bed) across nine infill sites, consisting of the construction of a part three, part four storey block and a two semi-detached pair of dwellings facing Balls Pond Road, a two storey block between Dove Road and Balls Pond Road, alterations and extension to ground floor of Threadgold House to create a residential unit and community rooms (measuring 135.8square metres), a part two, part three storey terraced row facing Wall Street, a part single, part three and part four storey extension to the north east corner of Ongar House, a four storey extension to the west elevation of Ongar House, a three storey terraced row replacing Romford House, a four storey block between Warley House and No. 53 Mitchinson Road and a part single, part two storey terraced row to the rear of Warley House, and the provision of new green space and sports and play facilities, including a new ball court to the east of Greenhills Terrace, cycle storage, public realm improvements across the estate and the relocation of Baxter Road to the front of Romford House.”

The section 73 application approved as follows:

Application to vary condition 2 (approved drawings) of planning permission reference P2014/3363/FUL dated 4/12/2015 that granted: Demolition of an existing two-storey residential building (Romford House) & garages to allow for the construction of 70 new homes across nine infill sites, consisting of the construction of a part three, part four storey block & a two semi-detached pair of dwellings facing Balls Pond Road, a two storey block between Dove Road and Balls Pond Road, alterations and extension to ground floor of Threadgold House to create a residential unit and community rooms, a part two, part three storey terraced row facing Wall Street,

a part single, part three & part four storey extension to the north east corner of Ongar House, a four storey extension to the west elevation of Ongar House, a three storey terraced row replacing Romford House, a four storey block between Warley House and No. 53 Mitchinson Road & a part single, part two storey terraced row to the rear of Warley House, & the provision of new green space and sports & play facilities, including a new ball court to the east of Greenhills Terrace, cycle storage, public realm improvements across the estate and the relocation of Baxter Road to the front of Romford House. The amendments sought include: Alterations to blocks A1, A2-A3, B, D, E, F, G to increase the overall heights of the buildings. Two new windows to be installed at ground level & glazing proposed in lieu of railings to the deck accesses of Block H. Minor changes proposed to the garden enclosures of Block I.

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 1080 adjoining and nearby properties at Henshall Street, Threadgold House, Baxter Road, Canonbury Heights, Balls Pond Place, Southgate Road, Essex Road, Dove Road, Newington Green Road, Mitchinson Road, Mildmay Park, Ockendon Road, Wall Street, Tilney Gardens, Callaby Terrace, Greenhills Terrace, Wakeham Street on 9th November 2017. A site notice and press advert were displayed on 16th November 2017. The public consultation of the application therefore expired on 7th December 2017, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of the writing of the report a total of 8 public responses had been received from 6 respondents with regard to the application including a 43 signatory petition in support of the application and a 31 signatory petition in objection to the application. The issues raised can be summarised as follows:

Neighbour responses

Support

- 7.3 A 43-signatory petition in support from the London Hardcourt Bike Polo Association (LHBPA) has been received. The reasons for support are summarised as follows:

The ball court is used on a weekly basis to play bike polo and has been for last nine years. The bike polo team were consulted by the developers of the new court and contributed to its design which has bike polo-specific features

Closing the court at 8 instead of at 9 reduces the amount of time available for everyone to use the ball court and has led to disputes. LHBPA have historically played at the court once or twice per week for a two-hour session, from 7-9. The local children generally use the court until 7pm. Since a two-hour slot is needed to play the LHBPA are effectively unable to use the court with the 8pm closing time.

There have been no problems at the court except for those which have been caused by the earlier closing time which is resulting in some level of conflict between the LHBPA and the local children.

The LHBPA believe the earlier closing time may go against Islington's planning policy DM6.4 (Local Plan Development Management Policies, p. 104), which specifies that sport and recreation provision should not be reduced in a regeneration scheme.

Objections

- 7.4 A 31-signatory petition from local residents objecting to the application has been submitted. The reasons for objecting to the application are summarised as follows:

Council officers should not be trying to overturn the planning conditions that were required by Councillors at the Planning Committee in January 2015 and revert to their original plans – thus

ignoring the concerns of the residents expressed clearly at the time, and the decision of the Councillors.

At the original planning meeting in January 2015 a petition was submitted by residents expressing concerns about noise, anti-social behaviour and light pollution from the new ballcourt. Councillors sympathised with these concerns and accepted they were legitimate and valid and they required certain conditions to be met for the development to go ahead, including that the ballcourt was locked and lights turned off by 8pm.

The ballcourt opened in January 2017 and, during the spring and summer months in particular, the noise on the ballcourt has been significant and has attracted anti-social behaviour at night. Residents have complained multiple times issues with the ballcourt and the condition of locking it at 8pm has not been met.

Residents' original concerns still stand – 9pm is too late for this facility to be open. Unlike other facilities in the borough that might have a later closing time, this ballcourt is near proximity on almost every side of densely populated housing of four floors or above. The noise bounces off the surrounding buildings and is intrusive in people's homes, requiring residents to close windows even in the height of summer and making sleep difficult.

Extending the opening hours will be detrimental to the peace and wellbeing of residents living near the ballcourt, including those due to move in to the new block for elderly residents which is currently being built right next to the ballcourt.

- 7.5 Other responses (in addition to the petition) have also been received in objection. These concerns are largely similar to those outlined above. In addition, concern has been raised regarding users of the court yelling and screaming and the court attracting anti-social behaviour.

Officer response: some of the concerns raised are not material planning considerations. Concerns regarding noise and disturbance is discussed from paragraph 11.10.

7.6 **Relevant Statutory Duties & Development Plan Considerations & Policies**

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

- 7.8 *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);

- 7.9 The NPPF states at paragraph 14 that

“at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...”

- 7.10 It further states at Paragraph 2 that:

“Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.

- 7.11 It states at paragraph 7 that sustainable development has an economic, social and environmental role.

- 7.12 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.
- 7.13 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.
- 7.14 Members of the Planning Committee 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.
- 7.15 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.
- 7.16 **Non-planning issues**
- 7.17 Concern has been raised as to why the ball-court was built if council officers were aware that they could not comply with the planning conditions imposed at committee (given there was a two-year delay between planning committee in January 2015 and the ball-court opening in February 2017).
- 7.18 Concern has also been raised that the application should be presented to Planning Committee rather than decided under delegated authority.

8 External Consultees

Designing Out Crime Officer: no objection

Crossrail2: no comment

9 RELEVANT POLICIES

National Guidance

- 9.1 The National Planning Policy framework 2016 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 planning consideration and has been considered as part of the assessment of these proposals.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

- 9.3 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013:
- Site of Importance for Nature Conservation (SINC)
 - Open Space
 - Within 100 metres of Strategic Road Network
 - Within 50 metres of Canonbury Conservation Area
 - Within 50 metres of East Canonbury Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Environmental Impact Assessment

- 9.5 An EIA screening was not submitted. However, the general characteristics of the site and proposal are not considered to fall within Schedule 1 or 2 developments of the EIA Regulations (2011).

10 EVALUATION

Scope of the Consideration of the Case under Section 73 of the T&CPA

- 10.1 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.
- 10.2 When deciding an application that is significantly progressed on site under s.73, the local planning authority should only consider the conditions/s that are the subject of the application – it is not a complete re-consideration of the application, as the implemented permission carries substantial weight.
- 10.3 If the application is for minor material amendments to an approved scheme then the local planning authority can consider those issues which arise as a result of the new elements. In this case, there has been no change in policy relevant to the subject matter of the s73 application.
- 10.4 Section 73 amendment applications can be granted unconditionally or subject to different conditions. The original planning permission will continue to subsist whatever the outcome of the application under s.73. when assessing s.73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.

11 Nature of the variation

- 11.1 The applicant has submitted an application to amend condition 20 (Ball-court Play-space Management and Maintenance Strategy) and 28 (Opening hours of ball-court and associated floodlighting) of planning permission P2016/0391/S73 dated 19/05/2016 (carried forward from the original planning permission ref: P2014/3363/FUL). With regards to condition 20 the strategy document that was originally submitted states that *"The sports area will be open from 8am to 9pm,*

with floodlights operating from dusk until closing time. The wider park will not have a boundary fence and will therefore be open at all times". As the applicant wishes to revert to a 9pm closing time, condition 20 will remain as is.

Conditions Required to be Amended

11.2 Condition 2 (Approved Plans) will need to be updated to add the following:

- *Document entitled 'LB Islington – Dover Court New Build Development, Application: This application seeks to vary Planning Conditions 20 & 28' revised*
- *Email from Martin G Brown of Metropolitan Police to Alistair Gale of London Borough of Islington dated 05 April 2017*
- *Document entitled 'Mitchison Baxter Open Space' from Parkguard*
- *Drawing's FHA-604-PH2-L-101 REV C9; 102 REV C7; 103 REV C7*

11.3 Condition 20 (Play Space Management and Maintenance Strategy) as mentioned above, will remain unchanged as follows:

CONDITION: The ball court and play equipment, with the exception of the sand pit shall be managed and maintained in accordance with the Playspace Management and Maintenance Strategy on pages 86 and 86 of the Design and Access Statement hereby approved. (*should read 87)*

A Management and Maintenance Strategy for the sand pit shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure the safe maintenance and management of play space and equipment.

11.4 Condition 28 (Ball Court use and floodlights) will change from:

CONDITION: The ball court and associated floodlighting hereby approved shall be operated during the hours of 0800-2000 only. Outside of these hours the ball court shall be locked. The use of the floodlights within these hours shall be controlled by a photocell detector and a timer switch.

REASON: To protect the amenity of neighbouring occupiers adjacent to the ball court and to protect the wider biodiversity value of the site.

To:

CONDITION: The ball court and associated floodlighting hereby approved shall be operated during the hours of 0800-2100 only. Outside of these hours the ball court shall be locked. The use of the floodlights within these hours shall be controlled by a photocell detector and a timer switch.

REASON: To protect the amenity of neighbouring occupiers adjacent to the ball court and to protect the wider biodiversity value of the site.

11.5 The amendment would enable the ball-court to operate an hour later (until 9pm) than is currently permitted. The floodlights are already operated remotely and so the switch-off time could be adjusted accordingly. In terms of locking the court, the applicants have stated in their supporting documentation that a mobile caretaker would take over this task (which is currently being undertaken by a contractor). Whilst the mobile caretaker would aim to lock the court at 9pm, in practice it may be slightly earlier or slightly later depending on any occurrences whilst locking other sites earlier in the round. The applicants have stated that the mobile caretaker arrangement may in the future be superseded by a technological locking solution; e.g. a timer magnetic lock, which the applicants are currently looking to identify, however for the purposes of the current application

the proposal is to continue to use a contractor to lock the court in the immediate future with a view to a mobile caretaker taking over the locking of the court in the near future.

- 11.6 The condition to lock the court at 8.00pm resulted from the 2015 Planning Committee whereby, following resident concerns about noise emission from use of the court, Councillors amended the closing time of the ball court from the 9pm that was originally intended to 8pm.
- 11.7 However, since the ball-court opened in February 2017 it has not been locked. This is as a result of budget cuts which came into effect in 2015 which effectively stopped locking sites which were considered to be low-risk in terms of anti-social behaviour. The court has been locked in recent months (since the summer) because Greenspace have been able to secure a temporary additional expenditure to cover the cost of a contractor locking the court. It should be noted that whilst the ball-court can be locked it sits within a larger open space which is unfenced and thereby will be open for use by anyone once the open park space works have been completed.
- 11.8 Since opening the new ball court, there have been reports of tension developing between the long term court users and residents due to the reduced operational hours of the floodlights. It is considered that if the additional opening hour is permitted this would enable the court to be used without conflict.
- 11.9 However whilst the additional operational hour may to some degree resolve conflicts with the court users, it would also give rise to concerns from neighbouring occupiers in terms of noise and disturbance. This is further discussed below.

Neighbour Impacts

- 11.10 Concern has been raised by neighbouring occupiers that the relocation of the court has resulted in significant levels of noise and disturbance. Neighbours are concerned that an additional hour of operation will exacerbate this adverse impact.
- 11.11 The ball court has relocated approximately 15 metres to the north of the original location and has been incorporated within an existing amenity area. It is set within a sunken area to the west of the amalgamated amenity space with a 3.5 metre high green acoustic wall running along the western end and planting beyond this.
- 11.12 Whilst it is acknowledged the ball court results in some noise and disturbance, this is limited to the hours of use and it is noted that the ball court has replaced an existing facility in close proximity. It is also noted that there is public amenity space around the ball-court which is readily accessible and available to use at anytime. As such whilst the operational hours of the court can be controlled the large amenity area adjacent to the court is publicly accessible 24/7.

Crime prevention

- 11.13 The application documents include comments from the Metropolitan Police Crime Prevention facility who note as follows:

“The lighting of the site is essentially what prevents the ball court from being used – as much as locking the gates. The previous ball court operated a lighting strategy until 2100 hrs, which to my mind is a sensible and appropriate time. I understand that there are requests for these hours to be reduced until 2000 hrs, I would recommend against this, on the following rationale. The most effective way to ensure that the site is not misused, is to provide the best opportunity for it to be used by legitimate users. The period 2000-2100 hrs is not typically a time in which you will get anti-social behaviour (it needs to be later) but it is a timeframe when working people get home from work, eat etc and then go to the facility to participate in organised games. The more legitimate users present the less opportunity for crime and anti-social behaviour and the site almost becomes self-policing.

So I feel that a reduction in hours of use (by lighting) from 2100 to 2000 will potentially have a negative effect on the site – whilst it is important for the site not to encourage misuse and anti-social behaviour, its primary objective is to benefit the community and to provide access to

legitimate users...it should also be noted that during the summer months that it will be light enough beyond 2100 hrs that people could use the area if they chose to”.

Significant material alterations since the original grant of planning permission

- 11.14 Since the grant of the section 73 reference P2016/0391/S73 there have been no material changes or alterations which would be considered to have bearing on the changes under consideration here.

12. SUMMARY

12.1 The application proposes an extension of hours by 1-hour. The relocation of the court in closer proximity to neighbouring residents has the benefit of providing natural surveillance and potentially improving security of the facility. However, it also results in significant levels of noise and disturbance to these same neighbouring occupiers. The relocated ballcourt lies within a wider public amenity area which can be accessed at any time of the day and night. The ballcourt primarily attracts legitimate users wishing to use the facility for organised games whilst the wider area can be used indiscriminately.

12.2 Whilst the neighbour concerns are noted, given the location of the site within a larger amenity area, it is not considered that an increase in opening hours would result in a significant difference to the use of the wider area overall nor unacceptable noise nuisance impacts. Furthermore, any anti-social behaviour can continue to be reported to the Council’s Anti-Social Behaviour Team.

12.3 Given the above, whilst disturbance to neighbouring occupiers is noted, the wider public benefit of increased sport and recreation facility access, is considered to outweigh that harm.

13. Conclusion

13.1 It is recommended that planning permission be granted subject to conditions and Director’s letter / s106 legal agreement as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to a Director's Agreement between Housing and Adult Social Services Directorate and Planning and Development in order 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:

- On-site provision of affordable housing in line with submission documents including provision of 70% affordable housing (Social Rent). All measured by habitable rooms.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBH Highways. Conditions surveys may be required.
- The designation of 8 on-street parking bays as adopted highway parking spaces (i.e. re-designate some estate roads to publicly adopted highway). Changes to highways (and subsequent impacts on parking, street lighting and trees) are to be agreed with the Traffic and Parking, and Highways services.
- Compliance with the Code of Employment and Training.
- Facilitation of 4 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £20,000 to be paid to LBI. Developer/contractor to pay wages (must meet minimum national wage). London Borough of Islington Construction Works Team to recruit of and monitor placements.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £7136 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection. This shall be submitted prior to any works commencing on site.
- The removal of eligibility for residents' on-street parking permits.
- Prior to the demolition of the exiting building a Green Performance Plan shall be submitted to and approved by the Local Planning Authority.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £142, 931); Total amount to be confirmed by the Council's Energy Conservation Officer after approval of Condition 14 (Solar Photovoltaic Panels) and Condition 19 (Energy Efficiency).
- Submission of a draft framework Travel Plan for Council approval prior to occupation, and of a Travel Plan for Council approval 6 months from first occupation of the development or phase

(provision of a travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).

RECOMMENDATION B

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

List of Conditions:

1	<p>Commencement (Compliance)</p> <p>CONDITION: The development hereby permitted shall be begun before 04 December 2018.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list (Compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Proposed Development - Dover Court - Updated Daylight and Sunlight Study dated 23 March 2016, Letter 15-004PL dated 9 March 2016, 462-PL-500, 462-PL-311 Rev A, 462-PL-312, 462-PL-313 Rev A, 462-PL-314 Rev A, 462-PL-315, 462-PL-316, 462-PL-317 Rev A, 462-PL-318 Rev A, 462-PL-319, 462_PL_001 Rev A, 462_PL_002 Rev B, 462_PL_003 Rev B, 462_PL_004 Rev E, 12/1630 01/P, 12/1630 02/P, 12/1630 03, 12/1630 04, 12/1630 05, 12/1630 06, 12/1630 07, 12/1630 01, 12/1630 02, FHA-604-D-101 Rev C, FHA-604-D-102 Rev A, FHA-604-D-103 Rev A, FHA-604-D-104 Rev A, FHA-604-D-201 Rev C, FHA-604-D-202 Rev A, FHA-604-D-401 Rev B, FHA-604-D-402 Rev A, FHA-604-D-501 Rev A, FHA-604-D-502 Rev A, 462_SK_PL_105 Rev B, 462_PL_100 Rev C, 462_PL_101 Rev B, 462_PL_102 Rev C, 462_PL_103 Rev B, 462_PL_104 Rev D, 462_PL_110 Rev D, 462_PL_111 Rev D, 462_PL_112 Rev D, 462_PL_113 Rev D, 462_PL_114 Rev D, 462_PL_120 Rev E, 462_PL_121 Rev E, 462_PL_122 Rev E, 462_PL_123 Rev E, 462_PL_124 Rev E, 462_PL_130 Rev C, 462_PL_131 Rev C, 462_PL_132 Rev C, 462_PL_133 Rev C, 462_PL_134 Rev C, 462_PL_201 Rev B, 462_D_001 Rev B, 462_D_002 Rev B, 462_D_003 Rev B, 462_D_004 Rev B, 462_D_005 Rev B, 462_D_006 Rev B, 462_D_007 Rev B, 462_D_008 Rev B, 604_L_001 Rev B, 604_L_002 Rev A, 604_L_003 Rev A, 604_L_101 Rev C, 604_L_201 Rev C, 604_L_301604_L_401 Rev B, Planning Statement ref: LBI/DCE/02, Design and Access Statement July 2014, Arboricultural Impact Assessment Ref: DFCP2110, Transport Assessment Ref 29930 Rev 1.1, Response to LBI Transport Officer Note No. 1 (received 25/11/2014), Noise Impact Assessment Ref: 29930 Rev 01 July 2014, Proposed Ball Court Noise Impact Assessment Ref: 29930 Rev 01 April 2014, Barrier Correction details (received 24/11/2014), Air Quality Assessment Ref: 29930/3002, Ecology Appraisal June 2014, Landscape Management and Maintenance Plan Rev A, External Lighting Calculation for Planning, External Rev A, External Artificial Lighting Rev A for submission, Flood Risk Assessment and Drainage Strategy Ref: K14/0111, Energy Strategy Ref G6/K130863 Rev 02 and response to Islington Planning Comments Ref K130863 (received 24/11/2014).</p> <p><i>New drawing's/documents:</i></p> <ul style="list-style-type: none"> • Document entitled 'LB Islington – Dover Court New Build Development, Application: This application seeks to vary Planning Conditions 20 & 28' revised • Email from Martin G Brown of Metropolitan Police to Alistair Gale of London Borough of Islington dated 05 April 2017 • Document entitled 'Mitchison Baxter Open Space' from Parkguard • Drawing's FHA-604-PH2-L-101 REV C9; 102 REV C7; 103 REV C7

	<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>
3	<p>Phasing (Details)</p>
	<p>CONDITION: The development shall only be carried out in accordance with the phasing plan previously approved by the Local Planning Authority by decision dated 18 April 2016 (application reference P2016/0027/AOD).</p> <p>REASON: To ensure an adequate provision of amenity space including a ball court during construction and limit adverse impacts upon biodiversity and the amenities of neighbouring residential properties, and to ensure that the development is implemented to the satisfaction of the Local Planning Authority.</p>
4	<p>Materials and Samples (Details)</p>
	<p>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 of the relevant phase commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Facing Brickwork(s); Sample panels of proposed brickwork to be used showing the colour, texture, pointing and perforated brickwork including the glazed brick and boundary walls shall be provided; b) window reveals, soldier courses and balconies; c) Zinc cladding; c) Metal sheet cladding including perforated pattern; d) Roof capping; e) Doors; timber doors and aluminium entrances/screens; f) Aluminium/timber composite window treatment; g) Canopies; h) Timber screens; i) Balustrades; j) Balcony materials; k) Roofing materials; l) Green procurement plan; and m) Any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</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.</p>
5	<p>Demolition and Construction Management Plan and Demolition and Construction Logistics Plan (Compliance)</p>
	<p>CONDITION: The development shall only be carried out in accordance with the Demolition and Construction Management Plan (DCMP) and a Demolition and Construction Logistics Plan (DCLP) previously approved by the Local Planning Authority by decision dated 18 April 2016 (application reference P2016/0027/AOD).</p> <p>The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts.</p> <p>The development shall be carried out strictly in accordance with the approved DCMP and DCLP throughout the construction period.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
6	<p>Construction Environmental Management Plan (Compliance)</p>
	<p>CONDITION: The development shall only be carried out in accordance with the Construction Environmental Management Plan (CEMP) previously approved by the Local Planning Authority by decision dated 18 April 2016 (application reference P2016/0027/AOD).</p>

	<p>REASON: In the interests of residential and local amenity, and air quality, in accordance with policies 7.14 and 7.15 of the London Plan 2011, policy CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
7	<p>Obscure Glazing and Privacy Screens (Compliance)</p> <p>CONDITION: Notwithstanding the plans hereby approved the following windows shall only be obscurely glazed:</p> <ul style="list-style-type: none"> - First floor west (rear) facing windows to units B1, B2 and B3 - First floor east facing windows to unit D6 - First floor west facing windows to unit D7 - Easternmost first floor south (front) facing window to Unit I5 - Second floor east facing element of bay window in Unit D1 - The first, second and third floor windows in the east elevation of Block E shall only be obscurely glazed up to half the height of the window <p>And the following balconies/roof terraces shall have an obscured frameless glass privacy screen up to a height of 1.7 metres above finished floor level:</p> <ul style="list-style-type: none"> - Eastern end of third floor roof terrace to Block A; - Eastern end of first, second and third floor balconies on south elevation of Block E; <p>The obscure glazing and privacy screens shall be installed prior to the occupation of the relevant units and retained as such permanently thereafter.</p> <p>REASON: In the interest of preventing undue overlooking between habitable rooms within the development itself, to protect the future amenity and privacy of residents.</p>
8	<p>Piling Method Statement (Details)</p> <p>CONDITION: No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.</p>
9	<p>Accessible Homes (Compliance)</p> <p>CONDITION: With the exception of Unit F1 and F2 the residential dwellings hereby approved within the development, shall be constructed so that they meet building regulation M4 (2) - 'accessible and adaptable dwellings'.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
10	<p>Wheelchair Accessible Units (Compliance)</p> <p>CONDITION: The eight (8) wheelchair accessible dwellings of the development as identified in the approved documents shall be provided and fitted out prior to the first occupation of the development.</p> <p>REASON: To secure provision of the appropriate number of wheelchair accessible units in a timely fashion and to: address the backlog of and current unmet accommodation needs; produce a sustainable mix of accommodation; and provide appropriate choices and housing opportunities for wheelchair users and their families.</p>

11	<p>Wheelchair Accessible Car Parking (Compliance)</p> <p>CONDITION: The nineteen (19) disabled parking bays hereby approved shall be constructed and available for use by eligible occupants of the wheelchair accessible units approved and existing blue badge holders within this development prior to the first occupation of the development and shall be appropriately line-marked and thereafter kept available for their intended use at all times if and when required.</p> <p>REASON: To ensure that the design and construction of the disabled parking bays are appropriate and meet with the council's design criteria, furthermore that the new bays are designed to a suitable standard which ensures that they are eligible for adoption.</p>
12	<p>Code for Sustainable Homes (Compliance)</p> <p>CONDITION: With the exception of Block A and Block I, the residential units hereby approved shall achieve a standard equivalent to Code of Sustainable Homes rating of no less than 'Level 4'.</p> <p>The residential units in Block A and I shall achieve a standard equivalent to Code for Sustainable Homes rating of 3 and achieve all of the credits detailed in the Energy Strategy hereby approved.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
13	<p>Solar Photovoltaic Panels (Compliance)</p> <p>CONDITION: The development shall only be carried out in accordance with the details of solar photovoltaic panels previously approved by the Local Planning Authority by decision dated 18 March 2016 (application reference P2016/0729/AOD).</p> <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
14	<p>Water Use (Compliance)</p> <p>CONDITION: The development shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>REASON: To ensure the sustainable use of water.</p>
15	<p>Green/Brown Biodiversity Roofs (Details)</p> <p>CONDITION: Prior to any superstructure work commencing on the development details of the biodiversity (green/brown) roofs shown across the development shall be submitted to and approved in writing by the Local Planning Authority</p> <p>The green/brown roof shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80 -150mm); b) laid out in accordance with plans hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roofs should be maximised across the site and shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details as approved, shall be laid out within 3 months of next available appropriate planting season after the construction of the building it is located on and shall be maintained as such thereafter.</p>

	<p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats, valuable areas for biodiversity and minimise run-off.</p>
16	<p>Rainwater Butts and Composting (Details)</p>
	<p>CONDITION: Details of rainwater butts and composting facilities shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing onsite.</p> <p>The details as approved shall be brought into use prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: To ensure the sustainable use of water and in accordance with sustainability policy.</p>
17	<p>SUDS (Compliance)</p>
	<p>CONDITION: The sustainable urban drainage system (SUDS) shall be fully installed in strict accordance with the details hereby approved, operational prior to the first occupation of the development and maintained as such thereafter.</p> <p>REASON: In order to ensure that sustainable management of water and flood prevention.</p>
18	<p>Energy Efficiency – CO2 Reduction (Compliance/Details)</p>
	<p>CONDITION: The development shall only be carried out in accordance with the revised Energy Strategy previously approved by the Local Planning Authority by decision dated 18 March 2016 (application reference P2016/0729/AOD).</p> <p>The final agreed scheme approved by decision dated 18 March 2016 (application reference P2016/0729/AOD) shall be installed and in operation prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
19	<p>Landscaping (Details)</p>
	<p>CONDITION: Notwithstanding the submitted detail and the development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:</p> <ol style="list-style-type: none"> a) existing and proposed underground services and their relationship to both hard and soft landscaping; b) proposed trees: their location, species and size; c) soft plantings: including grass and turf areas, shrub and herbaceous areas; d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; g) all playspace equipment and structures; and h) any other landscaping feature(s) forming part of the scheme. <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p>

	<p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, playspace and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
20	<p>Play Space Management and Maintenance Strategy (Compliance/Details)</p> <p>CONDITION: The ball court and play equipment, with the exception of the sand pit shall be managed and maintained in accordance with the Playspace Management and Maintenance Strategy on pages 86 and 86 of the Design and Access Statement hereby approved.</p> <p>A Management and Maintenance Strategy for the sand pit shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the safe maintenance and management of play space and equipment.</p>
21	<p>Tree Protection and Arboricultural Method Statement</p> <p>CONDITION: The development shall only be carried out in accordance with the scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods (the arboricultural method statement, AMS) previously approved by the Local Planning Authority by decision dated 8 April 2016 (application reference P2016/0032/AOD).</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
22	<p>Site Supervision (Details)</p> <p>Condition: The development shall only be carried out in accordance with the scheme of supervision and monitoring for the arboricultural protection measures previously approved by the Local Planning Authority by decision dated 8 April 2016 (application reference P2016/0032/AOD).</p> <p>This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
23	<p>Ecological Protection Site Pack (Compliance)</p> <p>CONDITION: The development shall only be carried out in accordance with the Ecology Protection Site Pack (EPSP) approved by the Local Planning Authority by decision dated 8 April 2016 (application reference P2016/0032/AOD) unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Any breaches or non-compliances with the agreed EPSP must be reported to the Local Planning Authority's Biodiversity Team as soon as practical and confirmed in writing no later than six (6) hours of the event.</p> <p>Photographic evidence of any breaches or non-compliances together with remedial measures and proposed timescale for remediation shall be agreed in writing by the Local Planning Authority's Biodiversity Team and shall be carried out as agreed and in accordance with the agreed timescale.</p> <p>The EPSP, site inspection regime and watching brief shall be undertaken by a suitably qualified ecologist consultant.</p> <p>REASON: In the interests of ensuring that the biodiversity value and protected species that may be within the site.</p>

24	Ball Court Noise Management Plan (Details)
	<p>CONDITION: A Noise Management Plan assessing the impact of the ball court 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.</p> <p>REASON: To protect the amenity of neighbouring occupiers.</p>
25	Sound Insulation (Compliance)
	<p>CONDITION: For all the approved residential units sound insulation and noise control measures shall be used to achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour Dining rooms (07.00 -23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
26	Roof Top Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
27	Air Quality (Details)
	<p>CONDITION: Prior to the first occupation of Block A a scheme of ventilation shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be brought into use prior to the first occupation of the relevant part of the development and retained as such permanently thereafter.</p> <p>REASON: To ensure an adequate air quality to residential occupiers.</p>
28	Ball Court use and floodlights (Compliance)
	<p>CONDITION: The ball court and associated floodlighting hereby approved shall be operated during the hours of 0800 - 2100 only. Outside of these hours the ball court shall be locked. The use of the floodlights within these hours shall be controlled by a photocell detector and a timer switch.</p> <p>REASON: To protect the amenity of neighbouring occupiers adjacent to the ball court and to protect the wider biodiversity value of the site.</p>
29	Lighting Plan (Details)
	<p>CONDITION: The development shall only be carried out in accordance with the details of the lighting at the site, including floodlights to the ball court previously approved by the Local Planning Authority by decision dated 8 April 2016 (application reference P2016/0032/AOD).</p> <p>The lighting measures shall be installed prior to the first use of the relevant part of the site and shall be maintained as such thereafter.</p>

	<p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed to not adversely impact neighbouring residential amenity and are appropriate to the overall design of the buildings as well as protecting the biodiversity value of the site.</p>
30	<p>Nesting Boxes (Compliance)</p>
	<p>CONDITIONS: The development shall only be carried out in accordance with the details of bird and bat nesting boxes previously approved by the Local Planning Authority by decision dated 8 April 2016 (application reference P2016/0032/AOD).</p> <p>The nesting boxes shall be installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
31	<p>Delivery Servicing Plan (Details)</p>
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements for the residential units and the community rooms including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
32	<p>Site Waste Management Plan (Details)</p>
	<p>CONDITION: Full particulars and details of a Site Waste Management Plan (SWMP) which ensures waste produced from any demolition and construction works is minimised shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in accordance with the particulars so approved.</p> <p>The SWMP shall identify the volume and type of material to be demolished and or excavated and include an assessment of the feasibility of reuse of any demolition material in the development. The SWMP shall also consider the feasibility of waste and materials transfer to and from the site by water or rail transport wherever that is practicable.</p> <p>REASON: To maximise resource efficiency and minimise the volume of waste produced, in the interest of sustainable development.</p>
33	<p>Down pipes (Compliance)</p>
	<p>CONDITION: Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent unless submitted to and approved in writing by the local planning authority as part of discharging this condition.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would potentially detract from the appearance of the building and undermine the current assessment of the application.</p>
34	<p>Refuse/Recycling Provided (Details)</p>
	<p>CONDITION: Details of the dedicated refuse / recycling enclosure(s) shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse / recycling stores shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development, to ensure that responsible waste management practices are adhered to and to secure the high quality design of the structures proposed.</p>

35	Cycle Parking (Compliance)
	<p>CONDITION: Details of the bicycle storage areas shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle stores shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site, to promote sustainable modes of transport and to secure the high quality design of the structures proposed.</p>
36	Community Rooms (Compliance)
	<p>CONDITION: The community rooms hereby approved shall not be operated within any other use falling within the D1 use class unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that there is adequate provision of community space at the site.</p>
37	Permitted Development Rights (Compliance)
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any amended/updated subsequent Order) no works under Schedule 2, Part 1 of the above Order shall be carried out to the dwellinghouses hereby approved without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouses in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>

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

1	Planning Obligations Agreement
	<p>INFORMATIVE: You are advised that this permission has been granted subject to the completion of a director level agreement to secure agreed planning obligations.</p>
2	Superstructure
	<p>INFORMATIVE: DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: 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.</p> <p>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/whattosubmit/cil</p>

4	Car-Free Development
	<p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people, or other exemption under the Council Parking Policy Statement.</p>
5	Water Infrastructure
	<p>INFORMATIVE: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
6	Working in a Positive and Proactive Way
	<p>INFORMATIVE: To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>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</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
7	Materials
	<p>INFORMATIVE: In addition to compliance with condition 4 materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>
8	Conditions Previously Approved
	<p>CONDITIONS</p> <p>The above conditions have been re-applied largely unchanged from their original wording as set out in the permission ref: P2014/3363/FUL dated 04/12/2015 (as amended by permissions refs: P2016/0391/S73 and P2017/0941/NMA), however it is acknowledged that many of these conditions have been fully or partially discharged or rendered obsolete by the approval of applications submitted subsequent to the above mentioned permission dated 04/12/2015. For the avoidance of doubt, there is no expectation for further submissions to be made pursuant to these conditions.</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 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London

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 2.2 London and the wider metropolitan area

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 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.7 Large residential developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes

Policy 3.13 Affordable housing thresholds

Policy 3.14 Existing housing

Policy 3.15 Coordination of housing development and investment

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.17 Health and social care facilities

Policy 3.18 Education facilities

Policy 3.19 Sports facilities

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralise energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.19 Hazardous waste

Policy 5.20 Aggregates

Policy 5.21 Contaminated land

Policy 5.22 Hazardous substances and installations

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.6 Aviation

Policy 6.7 Better streets and surface transport

Policy 6.8 Coaches

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

Policy 6.15 Strategic rail freight interchanges

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 7.6 Architecture

Policy 7.7 Location and design of tall and large buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

Policy 7.11 London View Management Framework

Policy 7.12 Implementing London View Management Framework

Policy 7.13 Safety, security and resilience to emergency

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature
Policy 7.20 Geological conservation
Policy 7.21 Trees and woodlands

8 Implementation, monitoring and review

Policy 8.1 Implementation
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy
Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing Challenge)

Policy CS15 (Open Space and Green Infrastructure)
Policy CS16 (Play Space)
Policy CS17 (Sports and Recreation Provision)

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

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage

Housing

DM3.1 Mix of housing sizes
DM3.2 Existing housing
DM3.3 Residential conversions and extensions
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.6 Play space
DM3.7 Noise and vibration (residential uses)
DM3.8 Sheltered housing and care homes
DM3.9 Houses in Multiple Occupation, hostels and student accommodation

Shops, culture and services

DM4.12 Social and strategic infrastructure and cultural facilities

Health and open space

DM6.1 Healthy development
DM6.2 New and improved public open space
DM6.3 Protecting open space
DM6.4 Sport and recreation
DM6.5 Landscaping, trees and biodiversity
DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.2 Energy efficiency and carbon reduction in minor schemes
DM7.3 Decentralised energy networks
DM7.4 Sustainable design standards
DM7.5 heating and cooling

Transport

DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling
DM8.5 Vehicle parking
DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

3. **Designations**

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Rail Safeguarding Area
- Site of Importance for Nature Conservation (SINC)
- Open Space
- Within 100 metres of Strategic Road Network
- Within 50 metres of Canonbury Conservation Area
- Within 50 metres of East Canonbury Conservation Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan	London Plan
<ul style="list-style-type: none">- Environmental Design- Inclusive Landscape Design- Planning Obligations and S106- Urban Design Guide	<ul style="list-style-type: none">- Accessible London: Achieving an Inclusive Environment- Housing- Sustainable Design & Construction- Providing for Children and Young Peoples Play and Informal Recreation- Planning for Equality and Diversity in London