



PLANNING COMMITTEE REPORT

PLANNING SUB COMMITTEE B		AGENDA ITEM	B2
Date:	21 May 2020	NON-EXEMPT	

Application number	P2019/3723/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	N/A
Conservation area	N/A
Development Plan Context	Designated adventure playgrounds (ref: AP5 - Hayward); Market Road Garden Site of Importance for Nature Conservation (ref: SINC 37 – Borough grade 2); Viewing corridors: Local Views LV4 (Archway Road) and LV5 (Archway Bridge); Adjacent to Locally Significant Industrial Sites (LSIS).
Licensing Implications	N/A
Site Address	Hayward Adventure Playground, Market Road, London, N7 9PL
Proposal	Refurbishment and extension of adventure playground facility and associated landscaping.

Case Officer	Stefan Kukula
Applicant	c/o agent
Agent	DP9 Limited

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)



Figure 1: Site Location Plan (site outlined in red)

3. PHOTOS OF SITE/STREET

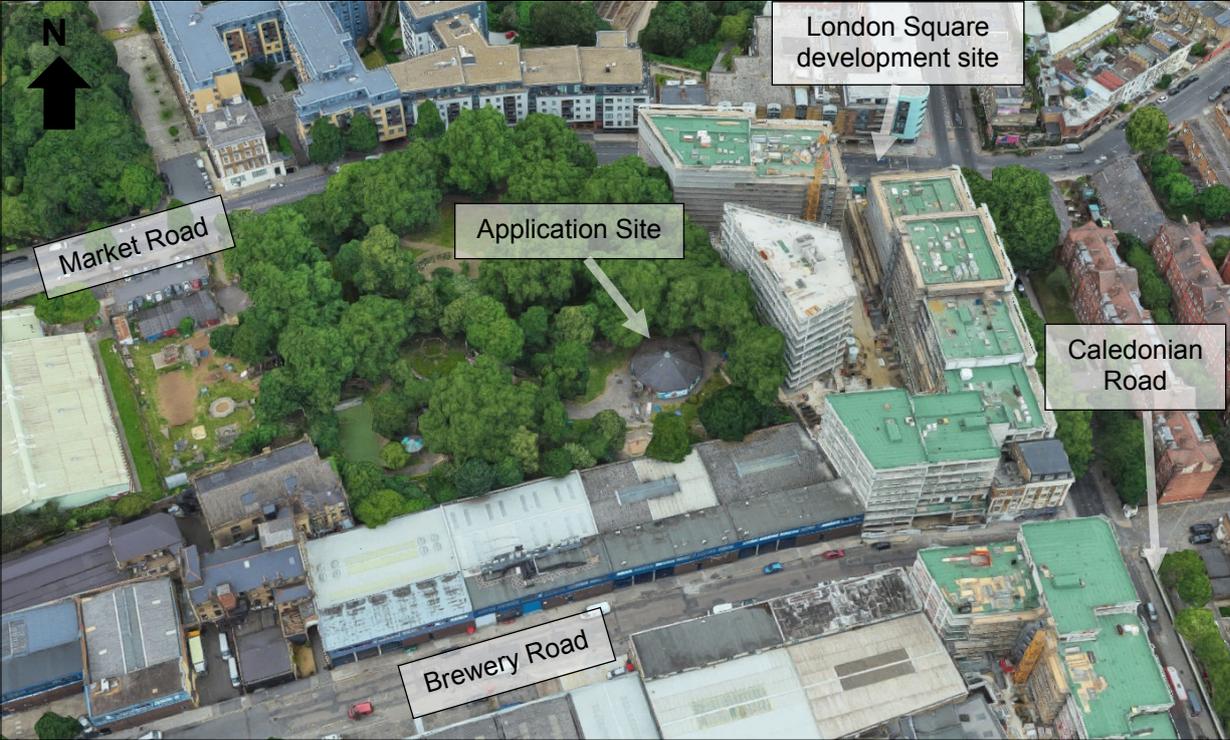


Figure 2: Aerial view of the site looking north

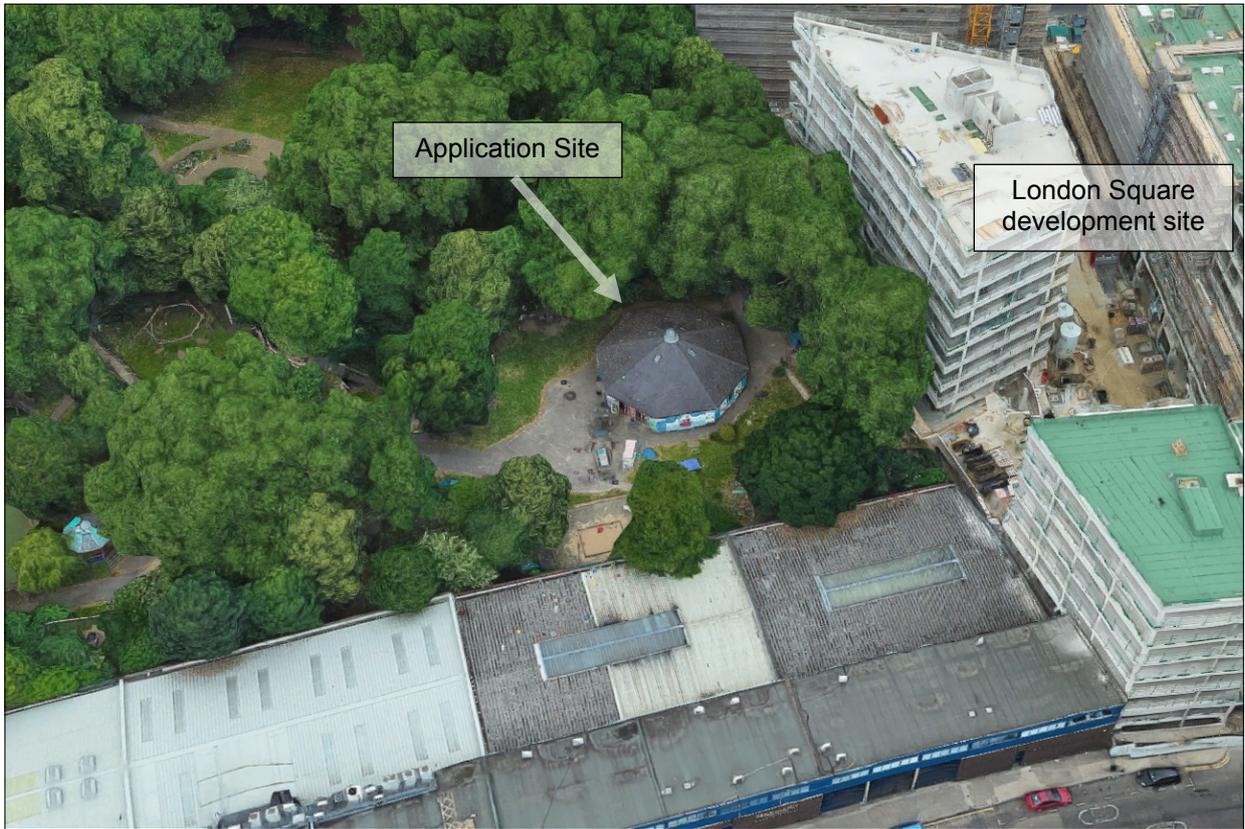


Figure 3: Aerial view from the north

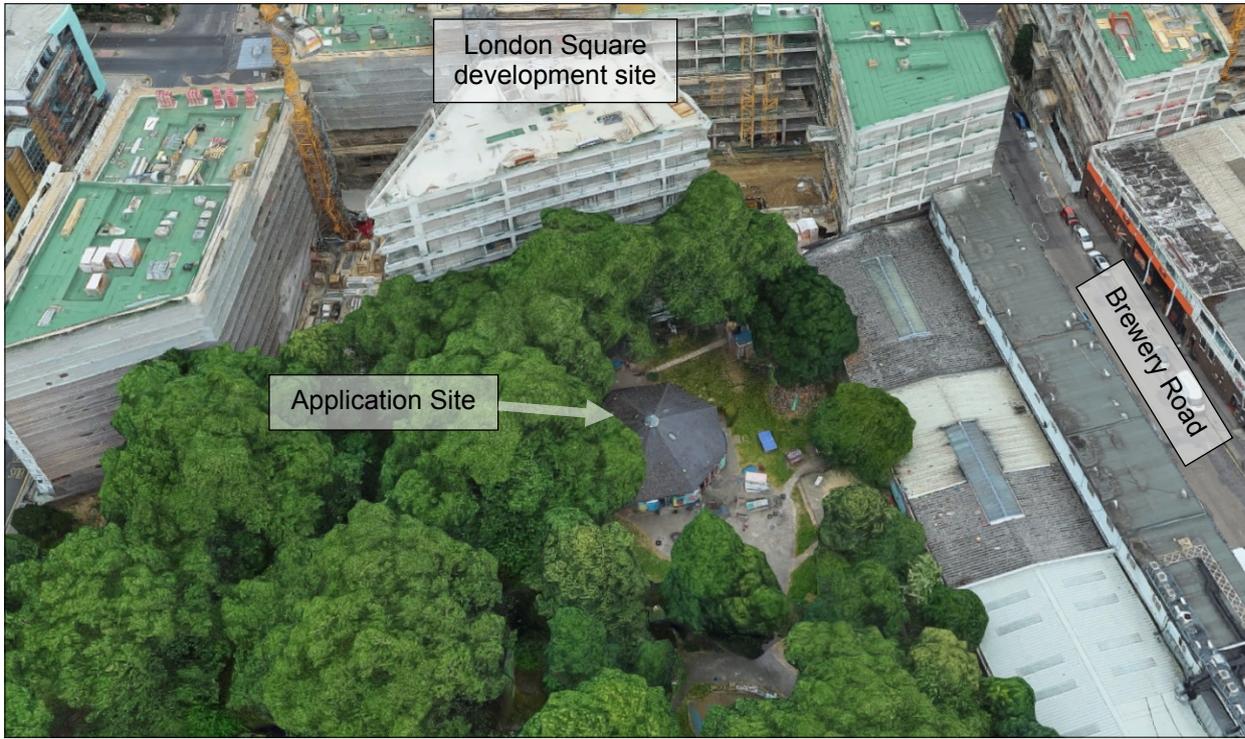


Figure 4: Aerial view from the west

4. SUMMARY

- 4.1 Haywards Adventure Playground is a facility for children and young people between the age of 5 and 25 with special educational needs and/or disabilities, and provides a valuable safe space for those who may be at risk of self-harm and who may have limited understanding of potential dangers to themselves.
- 4.2 The proposal has been brought forward by the Council's Children's Services department in conjunction with the developer of the adjacent London Square mixed use development site. The application seeks planning permission for the refurbishment and extension of the playground facility in order to mitigate overlooking and privacy impacts from the new residential blocks that have been constructed adjacent to the playground. This includes a single storey extension to the existing playground building to help to screen the external play areas from overlooking and provide additional internal play space and a sensory room. The proposal also involves landscaping works to the wider playground to improve accessibility for playground users and enhance the site's biodiversity.
- 4.3 The proposal is considered to be acceptable in terms of land use, design, heritage impacts, neighbouring residential amenity, trees and landscaping, and sustainability and biodiversity implications and adequately mitigates the impacts of the London Square development. The benefits of the proposed scheme include an overall enhancement to the quality of play provision and facilities at the site and an improvement to the function and accessibility of the adventure playground, which weighs heavily in favour of the proposal in the planning balance.
- 4.4 All other matters relevant to planning are considered to be acceptable. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application relates to the Hayward Adventure Playground at Market Road. The playground covers an area of over 300 square metres and includes a single storey octagonal shaped pavilion building providing activity and soft play room facilities as well as ancillary office, kitchen, toilet and storage areas. The external areas of the site include a games pitch, swings, climbing structures, quiet places and a large sandpit.
- 5.2 The facility is used by children and young people aged between 5 and 25 with special educational needs and/or disabilities. The playground provides a safe space for children who may be at risk of self-harm and who may have limited understanding of potential dangers to themselves. Secure fencing and controlled entrances/exits prevent children from leaving the site and ensure they are kept safe whilst enjoying the freedom to play.
- 5.3 The site is bounded by Market Road Garden open space to the north and the rear of a series of industrial units and warehouses accessed from Brewery Road to the south. Site 2 of the London Square Caledonian Road mixed use development site (including residential, commercial and community floorspace) is located to the east. Islington Tennis Centre and Gym is located to the west.
- 5.4 The site is not located within a Conservation Area, nor are there any statutory listed buildings on or immediately adjacent. There are several listed buildings within the wider vicinity of the site, including Caledonian Market Clock Tower, a Grade II* listed building which is also designated as a local landmark (ref: LL5), and is located approximately 300m to the north west. Other surrounding heritage assets include Grade II listed buildings / structures at Carrick House (90m to east), Caledonian Road Methodist Church (70m to north east), Market House (110m to the north) and Caledonian Park railings, walls and

gates (140m to the north). Market Road Garden is identified on The London Parks and Gardens Trust's Inventory of Historic Green Spaces (2011) list of historic parks and gardens, London squares and other heritage landscapes.

- 5.5 The site is within the Market Road Garden Site of Importance for Nature Conservation (ref: SINC 37 – Borough grade II) and is included in the schedule of designated adventure playgrounds (ref: AP5 - Hayward). The site is also located within the viewing corridors for Local Views LV4 (Archway Road) and LV5 (Archway Bridge). The site is immediately adjacent to the Vale Royal Locally Significant Industrial Sites (LSIS) designation area.

6. PROPOSAL

Background

- 6.1 Planning permission was granted on 9 August 2016 at the adjacent London Square development site (423-425, 429-435 [odd] Caledonian Road; 1-11 Balmoral Grove; 4-6 [even] Brewery Road & Grove House 1 Market Road) to provide a mixed use development, including: 252 residential units; flexible employment floorspace (use class B1a-c); flexible retail floorspace (use class A1-A3); and community floorspace (use class D1).
- 6.2 As part of the planning permission the developer is obliged through the terms of the S106 legal agreement to provide a form of screening to mitigate the impact of the new development on Haywards Adventure Playground. This is in relation to concerns over the proximity of one of the proposed residential blocks, which would effectively overlook the playground, potentially reducing privacy for the children and young people within the space. The close relationship of the new residential block and playground could also generate complaints from future residents, particularly as some users of the playground can behave in a challenging way. As such a visual and physical barrier between the playground and the lower floors of the main residential block was considered necessary and its delivery was secured through a S106 obligation.
- 6.3 Following further discussions with the Council's Children's Services department the obligation was considered to represent an opportunity to develop a more comprehensive scheme which adequately mitigates the impacts of the London Square development whilst also delivering an enhanced facility for the Haywards Adventure Playground. London Square have agreed to commit funding for professional fees and the construction of the facility.

Current Proposal

- 6.4 The application proposes the refurbishment and extension of the existing single storey playground building, including the reconfiguration of the internal layout to facilitate a new single storey extension to the southern elevation.



Figure 5: Proposed site layout

- 6.5 The extension would incorporate a flat roof design with a sedum green roof and provide additional play areas and a sensory room. It is intended that the extension could operate either in conjunction with the existing octagonal playground building or independently, with the extension fitted out with a kitchenette and a wheelchair accessible toilet.
- 6.6 The western elevation of the extension would comprise of recessed floor length glazing panels with ivory coloured blockwork pillars and patio doors opening out into the children’s play area, to enable ‘free flow’ play. The eastern elevation of the extension would be constructed of sections of hollow blockwork arranged in front of glazing panels to serve as a decorative visual screen between the children’s facility and the adjacent residential block at the London Square development site. The hollow blockwork would provide a source of daylight and allow users of the extension to have some internal views out towards a proposed outdoor staff area, whilst preventing direct overlooking of the facility from the neighbouring residential block.



Figure 5: Proposed extension - western elevation

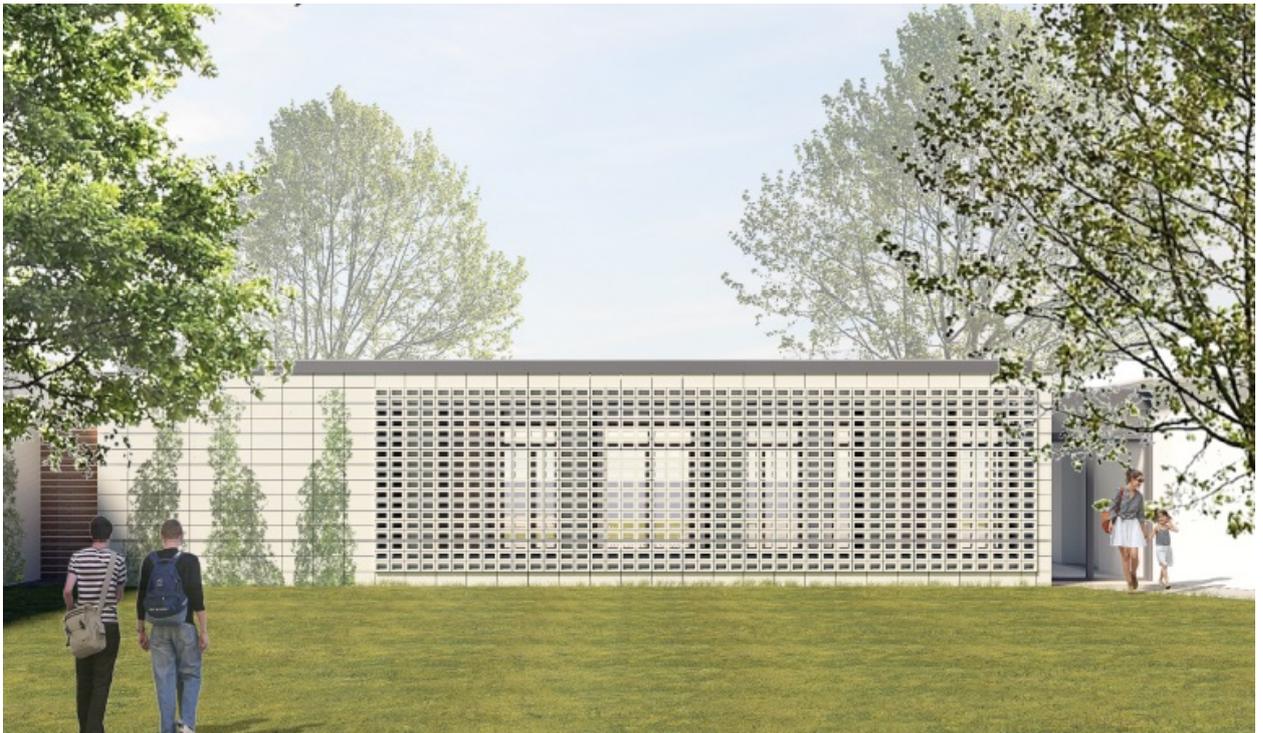


Figure 6: Proposed extension - eastern elevation treated with hollow blockwork screen.

- 6.7 The proposal would also involve landscaping changes to the layout of the playground, including the creation of a staff area to the east, to enhance the buffer space between the children's facility and the adjacent residential block.
- 6.8 A new gate for the playground users would be installed in the existing palisade fence line to the northwest of the site, which would also include the installation of a new accessible pedestrian path to the playground area.
- 6.9 The proposal would result in the loss of 1no. cherry tree to the south of the site.

7. RELEVANT HISTORY:

- 7.1 There is no recent relevant planning history relating to the application site.
- 7.2 Planning permission (ref: P2015/3989/FUL) was granted on 9 August 2016 at the adjacent London Square development site (423-425, 429-435 [odd] Caledonian Road; 1-11 Balmoral Grove; 4-6 [even] Brewery Road & Grove House 1 Market Road) to provide a mixed use development, including: 252 residential units; flexible employment floorspace (use class B1a-c); flexible retail floorspace (use class A1-A3); and community floorspace (use class D1).
- 7.3 Construction work on the scheme is well under way and the superstructure elements for some parts of the development are nearing completion.



Figure 7: The London Square development looking east from Market Road Garden.

8. CONSULTATION

Public Consultation

- 8.1 Letters were initially sent to occupants of 75 adjoining and nearby properties on 15 January 2020 and a site notice was displayed on 13 January 2019.
- 8.2 Following a discrepancy relating to the application site address, a second public consultation was undertaken and letters were sent to occupants of 75 adjoining and nearby properties on 19 February 2020. A site notice was displayed on 22 February 2020. The public consultation on the proposal therefore expired on 17 March 2020, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of writing this report a total of 2 representations had been received from the public.
- 8.4 One letter has been received from a neighbouring resident and can be summarised as follows:
- Support making the playground buildings fully accessible and moving the gate into the playground is likely to improve amenity for the playground users with no impact elsewhere.

- The overall plan has the result of reducing the area of the playground for play and reducing the outdoor space too. Whilst it is desirable to have some covered areas for shade and shelter from rain, the new structures will dramatically reduce the space available for outdoor play and reduce the quality of the play spaces.

Officer response: Noted, paragraphs 10.2 to 10.10 consider the implications for the loss of outdoor play space and addresses the benefits of the scheme.

- The new structure is of questionable quality and suitability for the playground users.

Officer response: Noted, paragraphs 10.14 to 10.21 consider the design and appearance of the proposed extension and the implications for visual amenity.

- There is no consideration of adjustments for children with sensory impairments, and the building appears designed to make repeating shadows and flickering patterns of light and shade, which are likely to be confusing to children with visual impairments and disturbing for children with disorders of perception or attention.

Officer response: Noted, the applicant's architect has provided additional commentary on this matter; The proposed screen is located on the Northeast elevation, so given the orientation any internal shadowing as a result of direct sunlight will be very subtle and only occur at very early hours in the morning. During the rest of the day, only daylight will cast internal shadows, and due to the nature of this ambient light, the shadows will be very subtle and would not produce flickering patterns. It is anticipated that the delicate internal contrasts of light and shade would encourage positive stimulus in the children using the building. The concrete block screen at the rear of the new extension responds to the need to provide privacy and safeguarding from the adjacent new tall residential buildings, which is the main driver for the project.

- It is difficult to see how a single storey building will make any difference to being overlooked by a ten-storey building.

Officer response: Noted, paragraph 10.21 considers implications for the privacy of children using the playground facility.

8.5 One letter has been received from the owner / occupier of an adjacent commercial premises, which can be summarised as follows:

- Our property has a right of escape which passes through the site. We would like confirmation that this is maintained, and appropriate measures undertaken to provide a safe exit at all times during construction and after construction.

Officer response: the proposed single storey extension would be positioned approximately 2 metres away from 2no. fire escape doors located in the rear elevation of the adjacent premises at 14A Brewery Road. Two further fire gates comprised of a single leaf swing door and fixed side panel (including a push bar mechanism) will be installed at either end of the passageway in-between the new extension and the rear of 14A Brewery Road. This would ensure that the adjacent properties right of emergency escape through the application site is maintained and appropriately secured.

External Consultees

8.6 **Transport for London Spatial Planning** – No objection to the proposal.

8.7 **London Underground Infrastructure Protection** – No objection to the proposal.

- 8.8 **Network Rail** – No objection to the proposal.
- 8.9 **Islington Swifts Group** - welcome the inclusion of a green roof, and request that is a biodiverse type to ensure a gain for biodiversity. Additional bat and bird boxes would also be welcome to further enhance biodiversity (*see conditions 5 & 7*).

Internal Consultees

- 8.10 **Design and Conservation Officer** – No objection to the proposal. A condition should be imposed to secure details of the external materials (*see condition 3*).
- 8.11 **Tree Officer** – No objection to the proposal and the loss of 1no. cherry tree, subject to the inclusion of a landscaping condition detailing additional tree planting to mitigate the loss and a Tree Protection Plan and Arboricultural Method Statement condition to ensure that the retained trees are suitably protected during construction (*see conditions 4 & 6*).

9. 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 The National Planning Policy Framework seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online. Under the Ministerial Statement of 18/12/2014, the Government seeks to increase the weight given to SUDs being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that local planning authorities will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policies

- 9.5 Draft London Plan (Intend to Publish Version), December 2019
- 9.6 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be

published by March 2020. The Secretary of State has now considered the 'Intend to Publish' version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspectors' report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

GG1 Building strong and inclusive communities
D4 Delivering good design
D5 Inclusive design
D8 Public realm
D12 Fire safety
D14 Noise
S1 Developing London's social infrastructure
S2 Health and social care facilities
S3 Education and childcare facilities
S4 Play and informal recreation
HC1 Heritage conservation and growth
HC3 Strategic and Local Views
G4 Open space
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands

9.7 It should be noted that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions. In any event, given what is proposed in the application the direction does not alter the assessment in this case.

Draft Islington Local Plan 2019

9.8 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 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. Due to the constraints posed by Covid-19 crisis, it is anticipated that the Examination hearings are likely to take place in September 2020.

9.9 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).

9.10 Emerging policies relevant to this application are set out below:

SC1: Social and Community Infrastructure
SC2: Play space
G1: Green Infrastructure

G2: Protecting open space
G3: New public open space
G4: Biodiversity, landscape design and trees
G5: Green roofs and vertical greening
S1: Delivering Sustainable Design
S2: Sustainable Design and Construction
S3: Sustainable Design Standards
S4: Minimising greenhouse gas emissions
T4: Public realm
DH2: Heritage assets

Designations

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

- Designated adventure playgrounds (ref: AP5 - Hayward)
- Market Road Garden Site of Importance for Nature Conservation (ref: SINC 37 – Borough grade 2)
- Viewing corridors: Local Views LV4 (Archway Road) and LV5 (Archway Bridge)

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use;
- Design and Appearance;
- Heritage Assets;
- Neighbouring Amenity;
- Trees and Landscaping;
- Sustainability;
- Parking and Servicing

Land-use

10.2 The application site is within the schedule of Designated Adventure Playgrounds (ref: AP5 – Hayward) and Market Road Gardens Site of Importance for Nature Conservation (ref: SINC 37 – Borough grade II). The land-use implications for the proposed development are set out below:

Designated Adventure Playgrounds

10.3 Policy CS15 of the Core Strategy states that the council will provide inclusive spaces for residents and visitors, and create a greener borough by protecting all existing local open spaces, including open spaces of heritage value, as well as incidental green space, trees and private gardens.

10.4 Policy CS16 of the Core Strategy is concerned with play space and states that opportunities for play in Islington will be maximised through improving 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.

10.5 Development Management Policy DM6.3 Part F is relevant and states that:

F. The council will protect existing play spaces across the borough by resisting their loss, unless:

- i. a replacement play space of equivalent size and functionality is provided to meet the needs of the local population. Where this is not possible development will only be permitted in exceptional circumstances where there are over-riding planning merits to the proposal, and the capacity of other local play spaces shall be increased through a financial contribution to pay for expanded and improved provision that is adequate to meet the needs that the space lost was capable of meeting, plus the needs associated with any uplift or intensification proposed; or*
- ii. it can be demonstrated robustly that they are no longer required and that their loss would not lead to a shortfall in overall play provision in the local area.*

10.6 The supporting text at paragraph 6.30 of the Development Management Policies document states that:

'The borough's adventure playgrounds are valuable in providing a unique range of play opportunities for children and young people. Protecting them against change is therefore important. The existing amount of formal play provision per child should be maintained as set out in the Core Strategy. This will require the protection of existing play facilities and provision of new ones in line with population growth.'

10.7 Whilst policy DM6.3 gives broad protection to all open space, that protection is qualified according to the particular designation. In this case, the site is not designated as public open space so whilst it is recognised as having value, part D of the policy specifies that development on such space can be accepted where there is replacement space and there are over-riding planning benefits. The proposed extension to the existing building would involve the loss of open space but would provide a facility to support and complement the open play space and would provide additional internal play space. The use of the area of play space between the playground buildings and the London Square apartment block would be more restricted in that it would be used for staff and on a supervised basis as a quiet play space, but it would continue to provide benefits as a play space.

10.8 Overall, it is anticipated that the Children's Services proposal would enhance the ability of Haywards Adventure Playground to deliver the following public benefits:

- Reducing safeguarding risks through the early intervention and prevention of issues escalating for an already vulnerable group of children, young people and families with a wide range of complex needs.
- A bespoke play space that supports children and young people's physical and emotional needs in a non-judgemental and inclusive environment, ensuring they can develop confidence, resilience, independence and positive mental health outcomes.
- Access to out of school activities throughout the year that support children and young people's long-term physical health outcomes in a safe, inclusive environment with access to highly trained play work staff and a unique outdoor environment.
- Engagement with a range of other professionals who support children and young people with Special Educational Needs and Disability (SEND) holistically in a non-medical and non-judgemental environment.
- Social interaction between children and young people with SEND and their peers, contributing to important life skills.
- Respite for parents and carers of children and young people with SEND.

- 10.9 The proposed development would result in the loss of open space and in that respect could be said to run counter to the broad aim of policy CS15. However, this policy also supports improved access to open space particularly in areas of open space deprivation such as this. It is considered that the proposal would result in an overall enhancement to the quality of play provision at Haywards Adventure Playground which weighs in favour of the proposal and in the view of Officers justifies the loss of open space. The proposal would improve the function of the adventure playground in accordance with policy CS16.
- 10.10 Policy DM6.3 Part F is concerned with the loss of play space to another use. On the basis that the proposed building would be ancillary to the use of the site as a play space (adventure playground) it is considered that there would not be a conflict with Policy DM6.3 Part F and that the benefits of the proposed scheme carry significant weight.

Sites of Importance for Nature Conservation (SINC)

- 10.11 The supporting text at paragraph 6.28 of the Development Management Policies document sets out that the protection and enhancement of biodiversity habitats is important given pressure from development, climate change and deficiencies in access to nature within the borough. Policy DM6.3 Part C, states that SINC sites of Borough grade II (such as the application site) are considered to be of ecological value, and also of value to local communities, and are therefore afforded strong protection.
- 10.12 The proposed development would be located within an existing playground area on lawn and hardstanding space currently used for outdoor play activities. Given the condition and nature of the site it is not considered that the proposal would result in an undue impact on biodiversity in this part of the SINC. Whilst the proposed extension requires the removal of 1no. tree, the applicant sets out in the supporting Design and Access Statement the intention to replace the tree by planting up to three other trees along with other plants as part of a series of wider landscaping measures to enhance biodiversity at the playground. The proposed extension would incorporate a flat roof design with a green roof to enhance the development's biodiversity offer and support the established diversity of insects and wildlife of the SINC. Both the landscaping measures and delivery of the green roof will be secured through conditions (see conditions 5 & 6). A condition requiring the installation of bird or bat boxes will also be included to further enhance biodiversity (see condition 7).
- 10.13 The proposal would provide a series of enhancements for local biodiversity and wildlife and as a result there would not be a conflict with policy DM6.3 Part C. It is therefore considered that the scheme would be acceptable in terms of the impact on the Market Road Garden SINC.

Design and Appearance

- 10.14 Planning policies relevant to design are set out in chapter 7 of the London Plan, Policy CS9 and policies in chapter 2 of Islington's Development Management Policies.
- 10.15 London Plan Policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan Policy 7.6 states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London's Character and Context SPG notes at paragraph 7.26 that "the key or essential characteristics of a place provide an important reference point against which change can be assessed".

- 10.16 At the local level, policy CS9 of Islington's Core Strategy (2011) sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity.
- 10.17 The site's immediate setting is enclosed by the rear of a series of industrial units and warehouses accessed from Brewery Road and Site 2 of the London Square Caledonian Road mixed use development site, of which the tall residential blocks currently under construction appear prominently to the east of the playground. As a result, views into the site from the public realm are limited to Market Road Garden to the north and given the tree cover the existing playground and pavilion building, sit relatively discretely within these surroundings.
- 10.18 The proposed extension would incorporate a flat roof design with a sedum green roof and provide additional play areas and a sensory room. It is intended that the extension could operate either in conjunction with the existing octagonal playground building or independently with the extension fitted out with a kitchenette and a wheelchair accessible toilet.
- 10.19 The western elevation of the extension would comprise of recessed floor to ceiling glazing panels with ivory coloured blockwork pillars and patio doors opening out into the children's play area. The eastern elevation of the extension would be constructed of sections of hollow blockwork arranged in front of glazing panels to serve as a decorative visual screen between the children's facility and the adjacent residential block at the London Square development site. The hollow blockwork would provide a source of daylight and allow users of the extension to have some internal views out towards a proposed outdoor staff area, whilst preventing direct overlooking of the facility from the neighbouring residential block.
- 10.20 Given that the proposed extension would project from the southern element of the existing building, the majority of the new addition would be screened from public views by the massing of the existing building, minimising any arising visual impact. It is considered that the proposed extension would form a proportionate and sympathetic addition. The contemporary flat roof design of the rear extension is considered to be successful and serves to reduce the overall bulk and massing of the addition whilst serving to mitigate visual impacts on the neighbouring public open space.
- 10.21 Given the height and positioning of the proposed extension, it is the view of officers that it would serve as an appropriate screen, significantly limiting overlooking from the neighbouring residential block whilst also providing a modern play space for children and young people using the facility.
- 10.22 The Council's Design and Conservation Officer has reviewed the proposed details and raised no objection to the design. The finishing materials for the extension are proposed to be secured via condition (Condition 3).

Heritage Assets

- 10.23 In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66 of the Town and Country Planning Act states that the local planning authority shall have special regard to the desirability of preserving the setting or any features of special architectural or historic interest which the heritage asset possesses.
- 10.24 The site is not located within or adjacent to a Conservation Area nor are there any statutory listed buildings on or immediately adjacent. There are several listed buildings within the wider vicinity of the site, including Caledonian Market Clock Tower, a Grade II* listed building which is also designated as a local landmark, which is located approximately 300m

to the north west. Other surrounding heritage assets include Grade II listed buildings/ structures at Carrick House (90m to east), Caledonian Road Methodist Church (70m to north east), Market House (110m to the north) and Caledonian Park railings, walls and gates (140m to the north).

- 10.25 Market Road Garden is identified on The London Parks and Gardens Trust's Inventory of Historic Green Spaces (2011) list of historic parks and gardens, London squares and other heritage landscapes.
- 10.26 It is the Council's statutory duty to preserve to do no harm to heritage assets. Officers have been mindful of the duty and placed great weight on this. Therefore, the impact on the setting of nearby heritage assets is a key consideration in assessing this proposal. Given the relatively minor scale, height and discreet location of the proposed development within an existing designated playground, coupled with the generous distance from the nearest listed buildings and Historic Green Space, any arising visual impact is lessened. It is therefore considered that the proposal would not unduly harm the setting of heritage assets and as such is acceptable in heritage terms.

Neighbouring Amenity

- 10.27 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.
- 10.28 Islington Development Management Policies (2013) DM2.1, DM4.3, DM4.4 and DM6.1(G) require development proposals to provide a good level of amenity including consideration of noise, disturbance, hours of operation, overlooking, privacy, sense of enclosure and outlook.
- 10.29 The nearest residential accommodation is currently being constructed some 20 metres away to the east of the playground at the London Square development site. Given the distance from the new residential units and the relatively minor scale and massing of the proposed extension there would be no undue impacts on the residential properties in terms of daylight and sunlight or a sense of enclosure.
- 10.30 The Hayward Adventure Playground is an existing established facility, which pre-dates the adjacent London Square development. The playground's proximity to the new residential accommodation, which is being delivered at the neighbouring site, was taken into consideration and judged to be acceptable as part of the assessment of that planning permission. Future occupiers of the London Square residential accommodation will be aware of the playground and as such can reasonably expect to experience a degree of ambient noise from the activities at the adjacent children's facility.
- 10.31 The proposed enhancements to the playground have been configured to contain the children's play areas away from the neighbouring residential properties, in order to minimise noise and disturbance to the future occupiers of the neighbouring flats and to ensure the safety, privacy and well-being of children and young people using the facility. The proposed extension would effectively act as a buffer between the playground and the residential accommodation providing screening to secure the safeguarding of children whilst also reducing noise and disturbance impacts to residents. The proposed

development would therefore be unlikely to cause undue nuisance with regard to noise and disturbance to neighbouring occupiers. It therefore fulfils the requirements of the terms of the Section 106 legal agreement.

- 10.32 The existing playground is already well secured by 2 metre high palisade fencing, which would be retained. It is not therefore anticipated that the proposed development would lead to increased opportunities for anti-social behaviour or crime when the children's facility is not in use.

Landscaping and Trees

- 10.33 The proposed extension would result in the loss of 1 no. cherry tree located to the south of the site adjacent to the rear elevation of the industrial units at Brewery Road. The Council's Tree officer has reviewed the proposed details and raised no objections to the removal of the cherry tree, subject to the inclusion of a landscaping condition detailing additional tree planting to mitigate the loss. In addition, a Tree Protection Plan and Arboricultural Method Statement will be required via condition to ensure that the retained trees are suitably protected during construction.

- 10.34 The proposal would also involve landscaping changes to the layout of the playground, including the creation of a staff area to the east, to enhance the buffer space between the children's facility and the adjacent residential block. A new gate for the playground users would be installed in the existing palisade fence line to the northwest of the site, which would also include the installation of a new accessible pedestrian path linking to the playground area. It is considered that these landscaping measures would serve to enhance accessibility and make the facility more inclusive for its users in accordance with Islington's Inclusive Design SPD.

Sustainability

- 10.35 The proposed extension would incorporate a flat roof design with a green roof to enhance the development's biodiversity offer and support the established diversity of insects and wildlife of the Market Garden Site of Importance for Nature Conservation (SINC). Should consent be granted, specification details for the green roof, including the irrigation system within the substrate to ensure adequate water is provided and the mix of plant species would be secured by condition 5, which will also require the applicant to replace any plants that die, become severely damaged or diseased.

Parking and Servicing

- 10.36 The proposed extension and refurbishment works are intended to improve and enhance the facility for the existing playground users rather than increase capacity. The scheme would not therefore equate to an increase in the number of children and young people using the playground facility. As a result, it is not considered that revised servicing arrangements to those already in place at Haywards Adventure Playground would be required. Likewise, no increase in car parking provision is deemed to be necessary in this instance. The proposal is therefore considered to be acceptable in terms of servicing and parking.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal is considered to be acceptable in terms of land use, design, heritage impacts, neighbouring residential amenity, trees and landscaping, and sustainability and

biodiversity implications. The benefits of the proposed development include an overall enhancement to the quality of play provision and facilities at the site and an improvement to the function and accessibility of the adventure playground, which weighs heavily in favour of the proposal.

- 11.2 All other matters relevant to planning are considered to be acceptable. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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 not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans and documents list (Compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>15708/OG/1 - EXISTING SITE & SERVICES LAYOUT 15708/SP/2 - GROUND FLOOR PLAN 15708/SP/3 - ELEVATIONS 1 – 6 15708/SP/4 - ELEVATIONS 7 & 8 AND CROSS SECTION A-A HAP_001 Rev 0 – Site Location HAP_002 Rev 0 – Existing Landscape Layout. Demolitions HAP_003 Rev 0 – Existing Ground Floor Plan. Demolitions HAP_004 Rev 0 – Proposed Ground Floor Plan HAP_005 Rev 0 – Proposed Roof Plan HAP_006 Rev 0 – Proposed Elevations 1 and 2 HAP_007 Rev 0 – Proposed Elevation 3 HAP_008 Rev 0 – Proposed Sections 1 and 2 HAP_009 Rev 0 – Proposed Landscape Layout HAP_009 Rev 1 – Proposed Landscape Layout HAP_010 Rev 0 – Proposed View 1 HAP_011 Rev 0 – Proposed View 2 HAP_012 Rev 0 – Proposed View 3 HAP_013 Rev 0 – Elevation 4 Existing and proposed fence and access gates</p> <p>Design & Access Statement – November 2019 (produced by Islington Architects) BS5837 Arboricultural Impact Assessment – October 2019 (produced by Tamla Trees Consulting Arborists)</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>
3	<p>Materials and samples (Details)</p> <p>CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the works commence on site. The details and samples shall include:</p> <p>a) Window manufacturer’s detail including glazing, sections;</p>

	<p>b) Details and sample of all external finishing materials, including hollow blockwork; c) Details of all rooftop materials; f) Details of all entrances and openings; g) Any other materials to be used; h) Any external boundary treatments, courtyard landscaping and/or gates;</p> <p>The development shall be carried out strictly in accordance with the details and samples so 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: 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>
<p>4</p>	<p>Tree Protection (Pre-commencement)</p>
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> a) Location and installation of services/ utilities/ drainage. b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c) Details of construction within the RPA or that may impact on the retained trees. d) A full specification for the installation of boundary treatment works. e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h) A specification for scaffolding and ground protection within tree protection zones. i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires. k) Boundary treatments within the RPA. l) Methodology and detailed assessment of root pruning. m) Reporting of inspection and supervision. n) Methods to improve the rooting environment for retained and proposed trees and landscaping. o) Veteran and ancient tree protection and management.

	<p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy DM 6.5, policies 7.19 and 7.21 of the London Plan and pursuant to section 197 of the Town and Country Planning Act 1990.</p>
<p>5</p>	<p>Green/Brown Biodiversity Roofs (Details)</p> <p>CONDITION: Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to practical completion of the development hereby approved, demonstrating the following:</p> <ul style="list-style-type: none"> a) green/brown roofs shall be biodiversity based with extensive substrate base (depth 120 -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) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.</p>
<p>6</p>	<p>Landscaping (Compliance)</p> <p>CONDITION: A landscaping scheme, including details of replacement tree planting, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing above ground level or such other time as agreed in writing by the Local Planning Authority.</p> <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>

	REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.
7	Bird Boxes (Compliance)
	<p>CONDITION: A total of 2no. bird or bat boxes shall be installed prior to the first occupation of the building to which they form a 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 in respect of the creation of habitats and valuable areas for biodiversity.</p>

List of Informatives:

1	The Building Acts and Building Regulations
	<p>To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p> <p>T: 020 7527 5999</p> <p>E:</p>
2	Tree Protection
	<p>The following British Standards should be referred to:</p> <p>a. BS: 3998:2010 Tree work – Recommendations</p> <p>b. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations</p>
3	Inclusive Design and Access for Disabled People
	<p>The London Plan, Islington’s Core Strategy and relevant Supplementary Planning Documents and Part M of the Building Regulations require the creation/maintenance of an Inclusive Environment. If you require any further information or advice on the application of the principles of Inclusive Design contact the Inclusive Design officers. Other applicable standards and design guidance are set out in:</p> <ul style="list-style-type: none"> • Inclusive Mobility – www.dft.gov.uk/publications/inclusive-mobility • Approved Document M – Access to and use of buildings • Islington’s Accessible Housing SPD – http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Publicity/Publicconsultation/2011-2012/(2012-03-03)-Accessible-Housing-SPD-Adopted-March-09.pdf • Islington’s Inclusive Landscape Design SPD - http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Quality-andperformance/Reporting/2011-2012/(2012-03-03)-Inclusive-Landscape-Design-SPDJanuary-2010.pdf • BS8300:2009 – Design of buildings and their approaches to meet the needs of disabled people. <p>Regardless of any Planning or Building Regulations approval your client and or future occupant may have duties under the Equalities Act 2010 (which supersedes the Disability Discrimination Act). Those duties include to take all reasonable steps to ensure that disabled person experiences no less favourable treatment, which will involve the elimination of obstructive physical features.</p> <p>T: 020 7527 2394</p>

	E: planning@islington.gov.uk
4	Nuisance from Construction Work
	<p>Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:</p> <ul style="list-style-type: none"> • 08:00 to 18:00 Monday to Friday • 08:00 to 13:00 Saturday • No work on Sundays and Public Holidays <p>If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties, then you should contact the Pollution Project Team.</p> <p>T: 020 7527 7272 E: pollution@islington.gov.uk</p>
5	Fire Precautions
	<p>If you require continued maintenance of fire precautions in existing buildings where no building work is planned contact the London Fire Brigade.</p> <p>T: 020 8555 1200 (ext: 59163) A: Eastern Command, Fire Safety Department Units 5-6 City Forum City Road, LONDON EC1V 2FB</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 2019 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 and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy Policy 1.1 Delivering the strategic vision and objectives for London	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 7.8 Heritage assets and archaeology Policy 7.11 London View Management Framework Policy 7.12 Implementing the London View Management Framework Policy 7.13 Safety, security and resilience to emergency Policy 7.14 Improving air quality Policy 7.15 Reducing noise and enhancing soundscapes
3 London's people Policy 3.1 Ensuring equal life chances for all Policy 3.2 Improving health and addressing health inequalities Policy 3.6 Children and young people's play and informal recreation facilities Policy 3.16 Protection and enhancement of social infrastructure	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
5 London's response to climate change Policy 5.3 Sustainable design and construction Policy 5.10 Urban greening Policy 5.11 Green roofs and development site environs	
7 London's living places and spaces Policy 7.1 Building London's neighbourhoods and communities	

B) Islington Core Strategy 2011

Spatial Strategy Policy CS6 (King's Cross) Policy CS8 (Enhancing Islington's Character)	Strategic Policies Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) Policy CS10 (Sustainable Design) Policy CS15 (Open Space and Green Infrastructure) Policy CS16 (Play Space)
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C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
DM2.4 Protected views
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

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Infrastructure

DM9.1 Infrastructure
DM9.2 Planning obligations
DM9.3 Implementation

5. Designations

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

- Designated adventure playgrounds (ref: AP5 - Hayward)
- Market Road Garden Site of Importance for Nature Conservation (ref: SINC 37 – Borough grade 2)
- Viewing corridors: Local Views LV4 (Archway Road) and LV5 (Archway Bridge)

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

The following SPGs and/or SPDs are relevant:

- | | |
|----------------------------------|---|
| Islington Local Development Plan | London Plan |
| - Environmental Design | - Accessible London: Achieving and Inclusive Environment |
| - Inclusive Landscape Design | - Sustainable Design & Construction |
| - Planning Obligations and S106 | - Providing for Children and Young Peoples Play and Informal Recreation |
| - Urban Design Guide | - Planning for Equality and Diversity in London |