

# PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB- COMMITTEE B</b>		<b>AGENDA ITEM NO:</b>	
<b>Date:</b>	18 <sup>th</sup> December 2014	<b>NON-EXEMPT</b>	

Application number	P2014/3720/FUL
Application type	Full Planning (Council's Own)
Ward	Highbury East
Listed Building	No
Conservation Area	Highbury Fields Conservation Area
Licensing Implications Proposal	None
Site Address	Highbury Fields Tennis Courts, Church Path, N5
Proposal	The installation of 8.00m high floodlighting to two existing outdoor tennis court No.s 5 and 6 along the eastern boundary (Highbury Grove side).

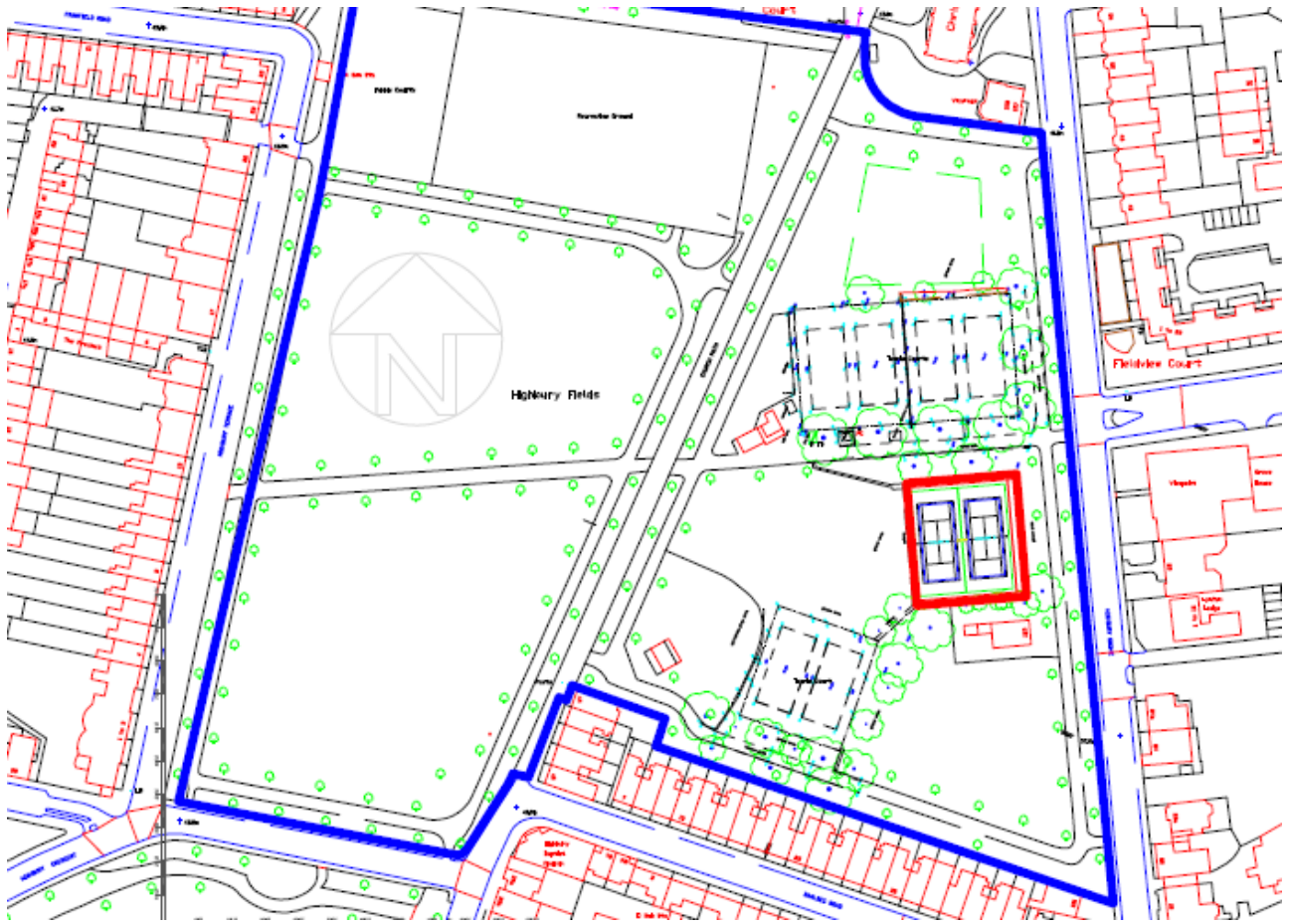
Case Officer	Eoin Concannon
Applicant	Islington Council
Agent	Mr Noel Headon

## 1. RECOMMENDATION

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

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

## 2 SITE PLAN (SITE OUTLINED IN BLACK)



### 3 PHOTOS OF SITE/STREET



**Photo 1:** Aerial view of application site



**Photo 2:** View of courts Nos. 5 & 6 from southern boundary





**Photo 3:**View of court No.s 5 & 6 from the east of the site



**Photo 4:** Near residential property to the east on opposite side of Highbury Grove

## **4 SUMMARY**

- 4.1 The application seeks permission for the installation of flood lighting around the perimeter of tennis courts 5 & 6 within Highbury Fields playing fields. The floodlights would be a maximum height of 8 metres above ground level comprising a total of 6 lights (3 each on the east flank and 3 on the west).
- 4.2 The main considerations are the impact of the development on the character and appearance of the area (including Highbury Fields Conservation Area), and the impact of the development on the residential amenity of the neighbouring occupiers. The proposal includes information that addresses the impact on the surrounding trees sited in close proximity to the development.
- 4.3 The set in of the floodlights from the perimeter of the site together with the location of trees directly behind reduces the overall visual impact on the Conservation Area. There would be sufficient distance to the nearest residential properties (opposite side of Highbury Grove highway) not to infringe on their amenity in terms of visual or light pollution. The adjacent boundary trees would be retained and protected. There would be limited impact upon bats. As such, the proposal is considered acceptable and recommended for approval.

## **5 SITE AND SURROUNDING**

- 5.1 The application site is within Highbury Fields Public Park towards the eastern boundary and comprises two tennis courts (court No.s 5 & 6) over an area of approximately 1120 square metres.
- 5.2 The site is surrounded by public green space with a right of way access route situated to the east adjacent to the Highbury Grove highway. The nearest residential neighbouring properties are situated on the opposite side of this highway approximately 40 metres to the east (Lynton Lodge and 28 Highbury Grange).
- 5.3 In general, the surrounding area comprises of open green spaces and residential properties. The site is also within Highbury Fields Conservation Area.

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

- 6.1 The application seeks planning permission to install floodlighting along the boundaries of the tennis court to allow the courts to be used later into the evening. A total of 6 flood lights would be erected. Each floodlight would have a maximum height of 8 metres and positioned strategically along the boundary court to maximise the light for playing. There would be 3 floodlights situated

on both the east and west boundaries (with approximately 14 metres distance separating each floodlight).

- 6.2 Each floodlight would have a base diameter of 168mm with a foundation depth of 1.2 metres. The box light would project 200mm out from the top of the pole at 92 degree angle. Both the box light and pole would be finish in green colour to blend in with the surrounding environment. Each fitting would be clear of the existing trees to the northern and southern elevations.

## 7 RELEVANT HISTORY

### **Planning Applications:**

- 7.1 **P111903** The removal of 15 existing floodlights and the installation of 10 new floodlights, new fencing and a new artificial turf football pitch. **(Approved 29/11/11)**

### **Enforcement:**

- 7.2 None

### **Pre-application:**

- 7.3 None

## 8 CONSULTATION

### **Public Consultation**

- 8.1 Letters were sent to occupants of adjoining and nearby properties on the 6<sup>th</sup> October 2014. A site notice was also displayed. The public consultation of the application therefore expired on 30<sup>th</sup> October 2014 however it is the Council's practice to continue to consider representations made up until the date of a decision.

- 8.2 At the time of the writing of this report, no representations were received.

### 8.3 **Internal consultees**

- **Design and Conservation:** No objections
- **Tree Officer:** No objections
- **Nature Conservation Officer:** No objections. Given the lights will only be in operation during the bat hibernation periods and careful consideration has been given to the height of the floodlights including the use of low wattage bulbs and a design to minimise light spillage, there would no significant concerns to the bats.
- **Pollution Control Officer:** No objections subject to conditions

## 9 RELEVANT 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 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.

### **Development Plan**

- 9.2 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)**

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

## 10 ASSESSMENT

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

- Principle of the development;
- Impact of the development on the character and appearance of the adjoining Conservation Area and the open space;
- Impact of the development on the residential amenities of the neighbouring occupiers;
- Landscaping and trees;
- Other issues.

### **Principle of the development**

- 10.2 The site is situated within an area designated as Open Space within the Development Management Policies. It is also highlighted as a playing field area within the Development Management Policies Plan, which would be predominately associated as a sports field. Policy CS17 (Sports and recreation provision) of the Core Strategy supports the need to improve the

quality, accessibility and capacity of sports facilities so that maximum use of all existing facilities can be made. The installation of flood lights around the perimeter of the tennis courts would allow the courts to be utilised for longer periods of the day thereby providing greater opportunities for local residents to participate in sport and recreation and maximise the use of the existing facilities.

- 10.3 Given that the floodlighting would improve a sport & recreation facility, the principle of the development is considered acceptable subject to the remaining considerations of this report. The open space would not be reduced, nor would it impact on the functionality of the site. It would therefore comply with Policy 7.18 (Protecting Local Open Space and addressing local deficiency) of the London Plan 2011, policy CS17 (Sports and recreation provision) of the Core Strategy and Policy 6.3 (Protecting Open Space) of the Development Management Policies 2013.

#### **Impact of the proposed development on the character and appearance of the Conservation area and open space**

- 10.4 Development Management policy DM2.1 states that 'all forms of development are required to be of high quality and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.'
- 10.5 The proposal would involve the erection of 8 metre high flood lighting which is required in association with the tennis courts. Each flood light would be strategically positioned along the tennis court to maximise the light for the court it would serve. The height of the floodlights would not cause a significant visual impact as it would be set in over 20 metres from the highway with a buffer of mature trees providing additional screening. This separation distance gradually increases away from the boundary for the floodlights along the west and east flank. Given this set in location of the tennis courts and their function as a sporting and leisure facility, it is considered that floodlights would not have an adverse impact on the surrounding Conservation Area. Furthermore, given the position and the direction of light fittings, light spillage will not occur.
- 10.6 Further visual protection would be provided through the location of existing trees in the background to the south and east of the boundary. These trees provide a natural buffer which would partially screen the floodlights and poles from the outer public realm and highway. A condition is proposed requiring a green coated finish to further reduce the visual impact.
- 10.7 Overall, subject to conditions, the proposed development is acceptable with regard to design and appearance and is in accordance with policies 7.4 (Local character), 7.8 (Heritage assets and archaeology) of the London Plan 2011, policies CS8 (Enhancing Islington's character) and CS9 (Protecting and enhancing Islington's built and historic environment) of Islington's Core Strategy 2011, Islington Urban Design Guide 2006 and policies DM2.1 (Design) & DM2.3 (Heritage) of the Development Management Policies 2012.



### **Neighbouring Amenity**

- 10.8 Policy DM2.1 of the Development Management Policies Plan states that 'developments are required to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.' The nearest residential properties are situated to the east on Highbury Grove and south along Baalbec Road with a separation of a minimum separation distance of approximately 40 and 70 metres respectively between these residential dwellings and the proposed floodlights.
- 10.9 No objections have been received from members of the public in relation to the effect of the works and specifically the operation of the facility on neighbouring amenity.
- 10.10 The overall positioning of the floodlights is a sufficient distance away from the adjoining neighbours properties to not cause a significant adverse impact upon their amenity. With respect to the floodlighting proposed the applicant states that 'column height, placement and configuration are calculated in order to obtain the optimum aiming angles on the luminaries'. This is to maximise the light on the playing surfacing and minimise light spill off the pitch on to adjacent areas. An assessment has been submitted with the application considering the floodlight spillage arising. The Pollution Officer has been consulted and considers the information acceptable. The floodlighting as proposed complies with the guidelines and standards produced by the Institute of Lighting Engineers for areas designated as environmental zone E3 (Small town centres and urban areas). A condition is recommended requiring a post completion test to be carried out following the installation of the floodlighting.
- 10.11 In terms of noise, the artificial lighting as proposed will allow the use of the space for greater periods than current. It is also noted that these will result in a greater intensity of use of the leisure facility. The noise level from organised sports games is unlikely to cause a significant level of noise to nearby properties given the separation distance and the nature of the use.
- 10.12 The proposed hours of operation would be until 9.00p.m. Monday to Fridays and 8.00 p.m. during the weekend. These are considered acceptable hours of use given the positioning of the tennis courts.
- 10.13 Overall, the proposed development will not cause significant adverse harm to the residential amenities enjoyed by the occupiers of neighbouring properties and is in accordance with policy DM2.1 (Design) of the Development Management Policies Plan 2013.

### **Landscaping & Trees**

- 10.14 The proposal would be situated adjacent to several mature trees along the boundary. The tree officer has been consulted and has no objections to the

scheme. The floodlights are strategically positioned to prevent any adverse impact on the trees.

- 10.15 As such, the proposed development is acceptable with regard to landscaping and trees and is in accordance with policy 7.21 (Trees and Woodlands) of the London Plan 2011 and policies DM2.1 (Design) and DM6.5 (Landscaping, trees and biodiversity) of the Development Management Policies 2013.

### **Other issues**

- 10.16 Following the request of the Planning Officer, the applicant has provided follow up information on the anticipated impact on bats. A Bat Impact Assessment has been provided which concludes that the proposed lighting scheme complies with the guidance notes for the reduction of Obstrusive Light GN01:2011 published by the Institute of Lighting Professionals (ILP). It concluded that given the restricted operating hours of the tennis courts, the potential impact of the lighting scheme will therefore be restricted to early and late season of bat activity. The information provided within the report showed that there are no bat boxes within the zone of influence of the lighting scheme.
- 10.17 The floodlights at courts 5 & 6 are positioned away from the surrounding trees and at a height of 8 metres. The company that has designed the scheme is registered with the institute of Lighting Engineers and has worked with the Bat Conservation Trust. The times of lighting would be restricted until 9pm Monday – Friday and until 8pm on a Saturday and Sunday, with floodlights only used during September to April. During summer months the lights will not be required as play ends at 9pm with daylight still available. The months of use would be in line with the bat hibernation period. The Nature Conservation Officer is content that the floodlights would not impact on bats hibernating within the area, given their height and low wattage.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 11.2 It is recommended that planning permission be granted subject to conditions for the reasons and details 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:

	<b>Commencement (Compliance)</b>
1	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
	<b>Approved Plans List: (Compliance)</b>
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>2014-060-008, 2014-060-009, 2014-060-010, 2014-060-011, 2014-060-012, 2014-060-013, Design and Access Statement (Proposed development at Highbury Fields Court NRS 5 and 6) dated 05.09.2014, Statement of proposed use and community need Highbury Fields Tennis Project date 27.8.14, S.F.P.D. Outdoor Lighting Design for Highbury Fields (Floodlight two existing tennis court NRS 5-6), Argus Ecology Bat Impact Assessment ref 14-105 dated 3<sup>rd</sup> December 2014</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
	<b>Finishes</b>
3	<p>CONDITION: The floodlight poles hereby approved shall be coated dark green prior to installation, and maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the floodlights blends in with the character of the area, surrounding trees and green open space.</p>
	<b>Floodlighting</b>
4	<p>CONDITION : The hereby approved floodlighting shall not operate (be switched on providing artificial light) outside the hours of:  Monday to Friday : 09.00 – 21.00  Saturday : 09.00 – 20:00  Sunday and Bank Holiday : 10.00 -20:00</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity</p>
5	<b>Floodlight details (Compliance)</b>
	<p>CONDITION: The lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) “Guidance Notes for the Reduction of Obtrusive Light” (GN01:2011) for zone E3. Prior to it first being brought into use, a</p>

	<p>suitably qualified contractor, shall check that any lighting installation to which this condition applies is fully compliant with the ILE guidance.</p> <p>REASON: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their premises.</p>
--	---

**List of Informatives:**

	<p><b>Positive statement</b></p>
<p>1.</p>	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
	<p><b>Other legislation</b></p>
<p>2.</p>	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations as well as Environmental and Pollution Controls.</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 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

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

##### **1 Context and strategy**

Policy 1.1 (Delivering the strategic vision and objectives for London)

Policy 7.21 (Trees and Woodlands)

Policy 7.4 (Local character)

#### **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 CS 15 Open space and green infrastructure

Policy CS 17 Sports and recreation provision

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

### **Design and Heritage**

Policy DM2.1 (Design)  
Policy DM2.3 (Heritage)

### **Health and open space**

Policy DM6.1 (Healthy development)  
Policy DM6.3 (Protecting open space)  
Policy DM6.5 (Landscaping, trees and biodiversity)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Inclusive landscape design