

PLANNING COMMITTEE REPORT

 Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING SUB COMMITTEE B		AGENDA ITEM No:
Date:	18 April 2023	

Application number	P2023/0508/S73
Application type	Removal/Variation of Condition
Ward	Tollington
Listed building	Not Listed
Conservation area	N/A
Development Plan Context	AP3 Adventure Playground OS43 Cornwallis Open Space Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	17 Cornwallis Road London N19 4LP
Proposal	<p>Section 73 (minor material amendment) to remove condition 11 (Tree Planting Plan) of planning permission ref: P2021/1874/FUL dated 28/10/2021 which granted planning permission for the following:</p> <p>Demolition of existing building and erection of a replacement building for use in connection with the adventure playground and other community uses; erection of refuse facilities and associated works.</p> <p>The condition involves the planting of 6 trees within and/or around the site.</p>

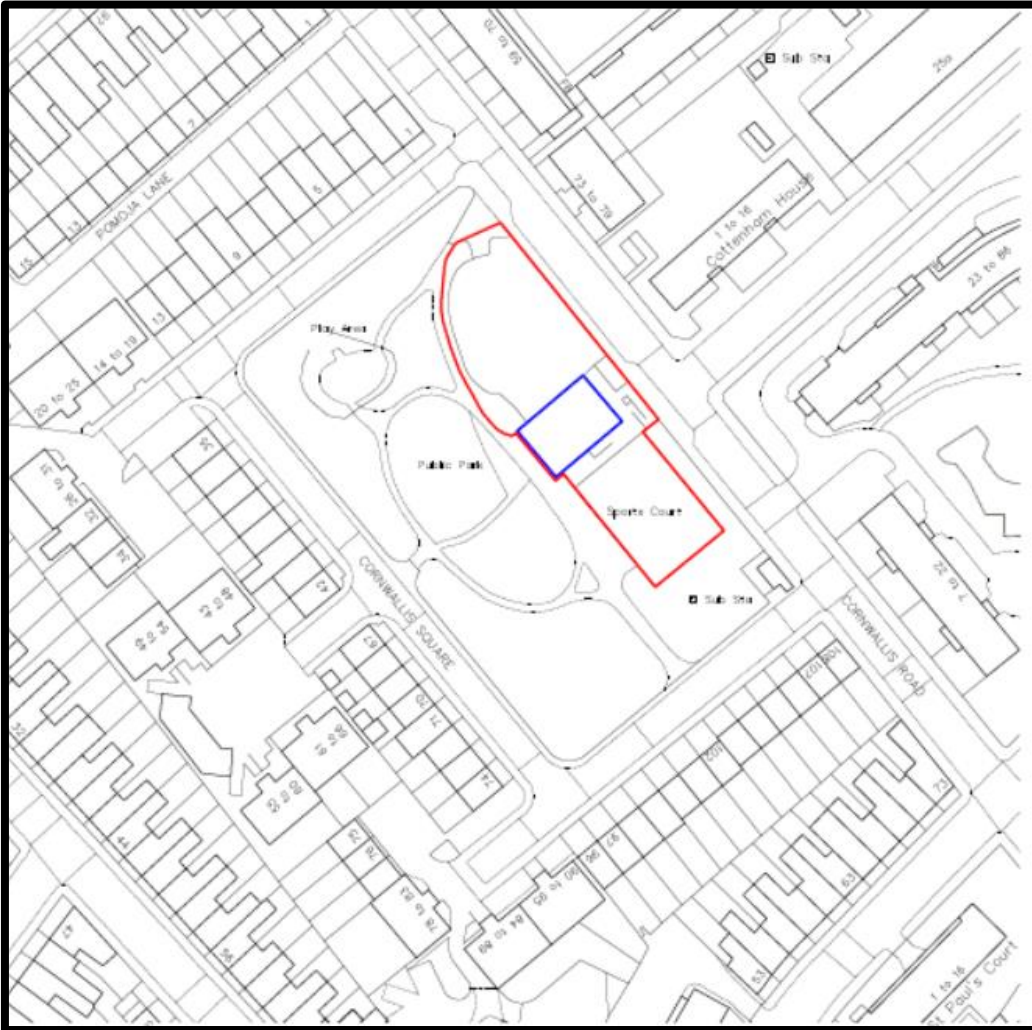
Case Officer	Samir Benmbarek
Applicant	Islington Council- Valentina Sbrana
Agent	Paper House Project- James Davies

1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1 (Recommendation B);
2. Subject to the prior completion of a Director's Letter securing the heads of terms as set out in Appendix 1 (Recommendation A)

2. SITE PLAN (site outlined in red)



Site Location Plan

3. PHOTOS OF SITE/STREET



Image 1: View of site looking north.



Image 2: View of site looking south.



Image 3: Front entrance area with tree approved to be removed.



Image 4: Tree approved to be removed.

SUMMARY

- 3.1 This application seeks to remove condition 11 (Tree Planting Plan) of planning permission ref: P2021/1874/FUL dated 28/10/2021. The condition requires the planting of 6 trees in and around the application site. This would replace the 3 trees approved to be removed to accommodate the approved development and to plant 3 additional trees.
- 3.2 Following further investigation by the applicant, in conjunction with discussions with the Tree Officer, it has been identified that the site could not reasonably accommodate 6 additional trees. Given the site's located within the wider park, it is proposed that a financial contribution is provided for planting within suitable locations within the wider vicinity (which may be further than the 200m radius as prescribed by condition 11).
- 3.3 Locations within the application site (Cornwallis Adventure Playground) and around the site (the wider Cornwallis Open Space) were discussed between the Capital Delivery Team and officers to meet the requirements of condition 11 and therefore discharge the condition. However, following these discussions it became apparent that the proposed trees were either in an unsuitable location or there were concerns on the future longevity of the trees given their location within a playground. These discussions were considered in respect to the planting of individual trees or the collective planting of the six trees. It was therefore agreed between the applicant and Greenspace that a financial contribution in lieu of the required tree planting and the removal of condition 11 would be required.
- 3.4 The financial contribution would be undertaken by way of a Director's Agreement to secure £6,000 (£1,000 per tree) towards the planting of trees within the Tollington Ward.
- 3.5 The removal of condition 11 (Tree Planting Plan) is considered acceptable and in accordance with adopted planning policy, subject to the recommended planning conditions and Director's Agreement as detailed in Appendix 1.
- 3.6 All other aspects of the extant scheme remain since the granting of planning permission ref: P2021/1874/FUL dated 28/10/2021.

4. SITE AND SURROUNDINGS

- 4.1 The application site is a children's adventure playground located along the south-western side of Cornwallis Road, within Cornwallis Park. The adventure playground and existing building is accessed by a ramp leading up from Cornwallis Road. The adventure playground consists of hard and soft landscaping and play equipment.
- 4.2 The adventure playground has an existing timber framed construction and clad, pitched roof building with a GIA of 190sqm. It is in poor condition owing to wood rot. This building is to be demolished to make way for the proposed development.
- 4.3 The site is designated as an Adventure Playground (AP3) and sits adjacent to Public Open space (OS43) under the Islington Core Strategy 2011 and the Islington Development Management Policies 2013.
- 4.4 The adventure playground building is neither statutorily or locally listed, nor is the site located within a designated conservation area.
- 4.5 The character and use of Cornwallis Adventure Playground and the wider Cornwallis Park is open space with sports, leisure and general use and enjoyment. The adventure playground and park is a focal point of an overall residential character with a mix of typical terraced housing, post-war purpose built blocks and modern residential developments within the adjoining streets.

5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks to remove condition 11 (Tree Planting Plan) of planning permission ref: P2021/1874/FUL dated 29/10/2021 for:

Demolition of existing building and erection of a replacement building for use in connection with the adventure playground and other community uses; erection of refuse facilities and associated works.

- 5.2 The Committee Report recommended that planning permission be granted subject to condition 10 pertaining to trees, as read as below:

CONDITION: If the replacement tree dies, fails to establish, is removed, destroyed, uprooted or becomes seriously damaged or diseased within five years of the date of this consent, it must be replaced with another tree of the same size and species, and in the same location within one year of dying.

REASON: To ensure the continued amenity provided by the tree and the planting of an appropriate species.

- 5.3 The application was presented at Planning Sub-Committee B on 30th September 2021, where Members recommended approval subject to the revision of condition 10 to permit the removal of the Horse Chestnut tree only (at the north of the site) and the imposition of condition 11 for details of a tree planting plan. Conditions 10 and 11 (as on the approved decision notice (Appendix 3) are as below:

CONDITION 10: Planning permission is only hereby granted for the removal of the Horse Chestnut tree as shown on drawing no. PHP COR 01 100 Rev P1 (Existing Ground Floor Plan). All other trees shall be retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the continued amenity and environmental benefits provided by the trees.

CONDITION 11): Notwithstanding the drawings and information approved, prior to first occupation of the hereby approved community building a replacement tree planting plan shall be submitted to the Local Planning Authority and approved in writing. The tree planting plan shall identify:

- a) A minimum of 3 replacement trees that shall be container grown, heavy standard nursery trees. At least one of these trees shall have a minimum stem girth of 14- 16cm and two of these trees shall have a minimum stem girth of 12-14cm. These 3 trees shall be planted within the Cornwallis Adventure Playground / Public Open Space.
- b) A further 3 replacement trees shall also be planted either within the Cornwallis Adventure Playground /Public Open space or within 200m of the boundary of the application site, within the public highway (locations to be agreed prior to planting with the Local Planning Authority) on the tree planting plan(s).
- c) The position, size and species of the replacement trees are to be shown on a submitted tree planting plan which should also be accompanied by a maintenance / management plan (including watering schedule) to cover a minimum period of 5 years. The maintenance/ management plan shall be submitted and agreed in writing by the Local Planning Authority prior to any planting taking place. P-DEC-AP1
- d) Details of soil preparation, staking, irrigation and maintenance of the trees shall also be submitted and agreed in writing by the Local Planning Authority prior to any planting taking place and shall comply with the recommendations contained within BS8545 (2014) Trees: From Nursery to independence in the landscape.
- e) To help the establishment of new trees an irrigation tube or root bag shall be installed at the time of planting as this will help to direct the water to the roots located beneath.

The 6 replacement trees are to be planted within twelve months of the removal of the existing Horse Chestnut tree. The trees shall be maintained and managed in accordance with the agreed Tree Planting Plan details for a minimum 5 year period.

To confirm compliance with this condition a photo of the planted trees should be submitted to the planning tree officer via planning (planning@islington.gov.uk) quoting the relevant application planning reference. Suitable species for this location could include the following tree species: Silver Maple (Acer saccharinum), Sweet gum (Liquidambar styraciflua), and/or Italian alder (Alnus cordata).

REASON: To ensure the continued amenity and environmental benefits provided by the trees and the planting of an appropriate species and to secure an appropriate degree of amenity and biodiversity replacement to the Horse Chestnut tree to be lost, including appropriate replacement canopy cover.

- 5.4 Condition 12, which also pertains to trees, was attached to the final decision after consideration at Sub-Committee B and reads as follows:

CONDITION 12: No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

REASON: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM 2.3 and DM 6.5, policies G1, G5 and G7 of the London Plan, policies G1 and G4 of the emerging Local Plan.

- 5.5 To confirm, this application does not seek to vary or amend conditions 10 or 12, nor would these conditions be impacted by the proposed removal of condition 11 from the extant planning permission.
- 5.6 In lieu of the details to be submitted to discharge condition 11 of planning permission ref: P2021/1874/FUL, the applicant (the Council) seeks to provide a financial contribution for the planting of trees by the Council within suitable locations nearby the site. Nearby locations may be in excess of the "within 200m" radius of the boundary of the application site requirement as directed by condition 11.

6. RELEVANT HISTORY

- 6.1 No. 17 Cornwallis Road (Cornwallis Adventure Playground):

- P2021/1874/FUL- Demolition of existing building and erection of a replacement building for use in connection with the adventure playground and other community uses; erection of refuse facilities and associated works. **Approved with conditions 28/10/2021.**
- P2022/1903/AOD- Approval of details pursuant to condition 5 (Construction Management Plan) of planning permission ref: P2021/1874/FUL dated 28/10/2021. **Approved with no conditions 08/08/2022.**
- P2022/2864/AOD- Approval of details pursuant to condition 3 (materials), 6 (cycle parking), and 8 (green roof) of planning permission ref: P2021/1874/FUL dated 28/10/2021. **Approved with no conditions 06/09/2022.**

7. CONSULTATION

Public Consultation

- 7.1 Consultation letters were sent to occupants of 354 adjoining and nearby properties on Cornwallis Road, Cornwallis Square, Pomoja Lane, Sussex Clise, Bavaria Road, and Kingsdown Road on 07/03/2023. The public consultation of the application therefore expired on 31/03/2023; 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 writing this report **2 letters of comment** had been received. The points raised within the representations are summarised below (*with reference to which sections of this report address those particular concerns in brackets*):

Trees and Landscaping

- Disappointed that the concerned condition was unrealistic;
- The planted trees under the financial contribution should be planted nearby the site; and
(Paragraphs 9.9 to 9.18)

Internal Consultees

- 7.3 **Tree Preservation Officer:** No objection following prior discussions on the delivery of trees to the approved development by way of a financial contribution.

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.) and;
- As the development is within close proximity to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

- 8.2 National Planning Policy Framework (NPPF): Paragraph 10 states: 'at the heart of the NPPF is a presumption in favour of sustainable development'.

- 8.3 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals

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

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

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

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Sub-Committee B must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to:
- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

National Guidance

- 8.9 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

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

Emerging Policies

Draft Islington Local Plan 2019

- 8.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation, with consultation on the Regulation 19 draft taking place from 5 September 2019 to 18 October 2019. The Draft Local Plan was subsequently submitted to the Secretary of State for Independent Examination in February 2020. The Examination Hearings took place between 13 September and 1 October 2021. The Council consulted on Main Modifications to the plan running from 24 June to 30 October 2022.
- 8.12 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).

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

- Policy PLAN1- Site appraisal, design principles and process
- Policy G1- Green infrastructure
- Policy G4- Biodiversity, landscape design and trees

Designations

8.14 The site has the following relevant designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- AP3 Adventure Playground
- OS43 Cornwallis Open Space
- Article 4 Direction A1-A2 (Rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

9.1 The main issues arising from this removal of condition relate to:

- Trees and biodiversity

DESIGN

9.2 The removal of condition 11 (Tree Planting Plan) of planning permission ref: P2021/1874/FUL does not result in any changes to the design of the site from the extant planning permission. The extant planning permission involved the removal of the Horse Chestnut tree along the north of the site to accommodate the new adventure playground building.

9.3 Condition 3 of the P2021/1874/FUL dated 28/10/2021 was discharged by Approval of Details ref: P2022/2864/AOD on 06/09/2022 which required details of facing materials including corrugated sheeting and cement fibre, window treatment, roofing material, and any other materials to be used.

INCLUSIVE DESIGN

9.4 The removal of condition 11 (Tree Planting Plan) of planning permission ref: P2021/1874/FUL does not result in any changes to the inclusive design measures of the site from the extant planning permission. The Horse Chestnut tree was removed as part of the extant permission to facilitate an access ramp to the entrance of the new building.

TRANSPORT

- 9.5 The removal of condition 11 (Tree Planting Plan) of planning permission ref: P2021/1874/FUL does not result in any changes in the transport and highways implications of the development.

Condition 5 of P2021/1874/FUL dated 28/10/2021 was discharged by Approval of Details ref: P2022/1903/AOD on 08/08/2022 which required a Construction Management Plan. Condition 6 of P2021/1874/FUL dated 28/10/2021 was discharged by a further Approval of Details ref: P2022/2864/AOD dated 06/09/2022 which required details of cycle parking.

ENERGY, SUSTAINABLE DESIGN AND CONSTRUCTION, AND BIODIVERSITY

- 9.6 The removal of condition 11 (Tree Planting Plan) of planning permission ref: P2021/1874/FUL does not result in any changes to aspects of energy or sustainable design and construction from the previously approved scheme.
- 9.7 It is considered that the removal of condition 11 would not adversely impact the biodiversity value that the development brings. Whilst the Horse Chestnut tree would be removed, it has been confirmed to be of limited life expectancy and would need to be felled in the future notwithstanding the scheme. The removal of condition 11 is mitigated by securing a financial contribution for tree planting in suitable locations which would promote wildlife habitats more efficiently than the condition, as discussed in the next section of this report.
- 9.8 Condition 8 of P2021/1874/FUL dated 28/10/2021 was discharged by Approval of Details ref: P2022/1903/AOD on 06/09/2022 which required details of the green biodiverse roof.

TREES AND LANDSCAPING

- 9.9 In the assessment of planning permission ref: P2021/1874/FUL, officers considered that whilst the removal of the Horse Chestnut tree was regrettable, the tree was of low value (category C) and its removal was necessary to accommodate the accessibility improvements from the public highway to the new building. The tree was also of a limited life expectancy and would be required to be removed at some point in the future, regardless of the approved development scheme.
- 9.10 Officers initially recommended a condition to plant a replacement tree to account for the loss of the Horse Chestnut. At Sub-Committee B Members proposed a motion to add a condition for an additional tree of substantial size and for officers to consider whether more tree planting could take place to ensure replacement canopy cover on the site was significant. Following this, condition 11 (Tree Planting Plan) of planning permission ref: P2021/1874/FUL secured a tree planting plan to include: (at minimum) 3 replacement trees that were to be container grown, heavy standard nursery trees; and a further 3 replacement trees to be planted either within the Cornwallis Adventure Playground, the wider Open Space or within 200m of the boundary of the application site.
- 9.11 Prior to the submission of this application, the applicant explored different ways in which the planting of the 6 trees could be implemented; however, there were concerns from Tree and Planning Officers in regard to their successful growth and longevity.
- 9.12 The first concern is within the Adventure Playground, there is limited space for trees to establish and grow, reducing the space for children to play and run around. In addition, there were concerns that given the nature of the Adventure Playground, should there be space for the trees, their longevity would be compromised from general use of the site and proximity to play structures and the building, which would hinder root growth. Tree guards were considered to overcome the concerns of damage from everyday play use; however, officers considered that such measures would appear hostile within this children's play environment.

- 9.13 Within the wider Cornwallis Open Space, there were also concerns that there was not enough space for the trees to grow (either individually or collectively). The existing arrangement for trees within the site has trees located along the perimeters of the site with a substantial cluster of trees to the south. This arrangement facilitates the use of the centre of the Open Space as space for general enjoyment including sport and relaxation with the north-eastern half of the site occupied by the Adventure Playground, associated building and pitch.
- 9.14 It is considered that planting the trees within the open area would not be appropriate as it would deplete the already limited amount of space for general enjoyment by the local community and wider public. Furthermore, it is considered that to plant the trees in line with the existing arrangement would not be feasible as the trees would not have space to grow in proximity to the established trees, and whilst located in the established arrangement, would still encroach upon the remainder of useable open space.
- 9.15 Locations within 200m from the boundary within the public highway were also explored; however, no suitable locations were identified following discussion between the applicant, Tree Officers and Highways Officers.
- 9.16 It is considered that there are significant impediments to successfully discharging and implementing condition 11 of planning permission ref: P2021/1874/FUL, and therefore officers consider it reasonable for this condition to be removed, subject to appropriate mitigation. However, to ensure that sufficient replacement tree planting is made provided for, a financial contribution of £6000 will be secured by way of a Directors Letter. Tree Officers have advised that a fee of £1000 per tree is sufficient to cover the expenses of the tree, planting works and associated investigatory works for the six trees to be secured.
- 9.17 The replacement trees will be planted within suitable locations within Tollington Ward (the application ward) with exact locations to be determined by the Council's Tree Service, and where relevant the Highways Department.
- 9.18 Whilst it is regrettable that the condition to secure the tree plan (including the 6 trees to be planted on or near the site) cannot be achieved, it is considered that the Director's Agreement to secure a financial contribution for tree planting within the local area is a more valuable (and pragmatic) measure to ensure such trees can grow and be established, which would provide amenity benefits. With the financial contribution, the tree planting can be effectively considered and implemented in suitable locations as planned by the relevant departments of the Council. This would mitigate the loss of the Horse Chestnut tree along the north-eastern perimeter of the site to facilitate the works.
- 9.19 In conclusion, the removal of condition 11, subject to the Director's Agreement to secure the financial contribution of £6,000, is considered acceptable in regard to trees and landscaping. Therefore, the S73 application is considered to comply with policy G7 of the London Plan 2021, policy CS15 of the Islington Core Strategy 2011, and policy DM6.5 of the Islington Development Management Policies 2013.

PLANNING CONDITIONS AND OBLIGATIONS

- 9.20 A number of conditions from the extant planning permission have been discharged. As such, the schedule of conditions has been updated to reflect this.
- 9.21 The application is subject to a Director's Agreement to secure a planning obligation to mitigate the tree loss. In this case, it would be a financial contribution of £6,000 (£1,000 per tree) as required under condition 11. To confirm, this would not be a Deed of Variation as the extant permission was not subject to a Director's Agreement.

CONCLUSION

- 9.22 It is recommended that planning permission be granted subject to the conditions and a Directors Agreement securing the Heads of Terms as set out in APPENDIX 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to a Director's Agreement 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:

- Tree planting contribution of £6,000 (£1,000 per tree)

If the Committee resolve to grant, resolution will include provision to provide flexibility to officers to negotiate and finalise s106 on behalf of the Committee.

That, should the Deed of Planning Obligation not be completed within 8 weeks from the date when the application was made valid or within the agreed extension of time, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY, should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation to secure to the heads of terms as set out in this report to Committee.

RECOMMENDATION B

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

List of Conditions:

1	IMPLEMENTATION PERIOD (COMPLIANCE)
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	APPROVED PLANS LIST (COMPLIANCE)
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: PHP COR 00: 100 P1; 101, PHP COR 01: 100 P1; 101 P1; 200 P1; 300 P1; 302 P1; 303 P1. PHP COR 02: 101 P2; 200 P1; 300 P1; 301 P1; 302 P1; 303 P1, PHP COR 07: 100; 200 P1, Redevelopment of Cornwallis Adventure Playground [by Paper House Project]: Design & Access Statement dated June 2021; Engagement Statement dated June 2021; Proposed Accessibility Options- Configurations A-F dated September 2021; Sustainable Design & Construction Statement dated September 2021 by Paper House Project dated September 2021 & Arboricultural Report by Tim Moya Associated dated June 2021 (Ref. 200934-pd-11). 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.
3	MATERIALS (COMPLIANCE)
	CONDITION: The development hereby permitted shall be carried out with the details so approved under ref: P2022/2864/AOD dated 06/09/2022 and shall be maintained as such thereafter. No change from the approved details therefrom shall take place without the prior written consent of the Local Planning Authority.

	<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>
4	HOURS OF OPERATION (COMPLIANCE)
	<p>CONDITION: The Adventure Playground building hereby approved shall not operate outside the hours of:</p> <p>08:00- 22:00hrs Monday- Fridays 09:00- 20:00hrs Saturdays 10:00- 20:00hrs Sundays and Bank Holidays</p> <p>The development hereby approved shall not be used in association with the existing adventure playground outside the hours of:</p> <p>08:00- 19:00hrs Monday- Fridays 08:00- 18:00hrs Saturdays, Sundays and Bank Holidays</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
5	CONSTRUCTION METHOD STATEMENT (COMPLIANCE)
	<p>CONDITION: The development hereby permitted shall be carried out strictly in accordance with the Construction Method Statement (Construction Management Plan (Cornwallis Adventure Playground) by SW Chelsea Construction dated 05/05/2022) approved under ref: P2022/1903/AOD dated 08/08/2022. No change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
6	CYCLE PARKING PROVISION (COMPLIANCE)
	<p>CONDITION: The bicycle storage area(s) shall be provided strictly in accordance with the details as approved under ref: P2022/2864/AOD dated 06/09/2022, provided/erected prior to the first occupation of the development, and maintained as such thereafter. No change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
7	SUSTAINABLE DESIGN AND CONSTRUCTION (COMPLIANCE)
	<p>CONDITION: The hereby approved development shall be carried out in accordance with the approved Sustainable Design & Construction Statement by Paper House Project dated September 2021.</p> <p>The development shall be carried out 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 ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
8	GREEN/BROWN BIODIVERSITY ROOFS (COMPLIANCE)
	<p>CONDITION: The biodiversity roof(s) shall be carried out strictly in accordance with the details as approved under ref: P2022/2864/AOD dated 06/09/2022 and shall be maintained as such thereafter. No change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <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 used in the case of essential maintenance or repair or escape in case of emergency.</p>

	REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.
9	REFUSE/RECYCLING (COMPLIANCE)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. PHP MLK 02 100 P1 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 and to ensure that responsible waste management practices are adhered to.</p>
10	TREE REMOVAL (COMPLIANCE)
	<p>CONDITION: Planning permission is only hereby granted for the removal of the Horse Chestnut tree as shown on drawing no. PHP COR 01 100 Rev P1 (Existing Ground Floor Plan). All other trees shall be retained unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure the continued amenity and environmental benefits provided by the trees.</p>
11	RETAINED TREES (COMPLIANCE)
	<p>CONDITION: No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.</p> <p>REASON: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM 2.3 and DM 6.5, policies G1, G5 and G7 of the London Plan, policies G1 and G4 of the emerging Local Plan.</p>

List of Informatives:

1	Construction Works
	<p>INFORMATIVE: Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
2	Highways Requirements
	<p>INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 - "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk. Compliance with sections 59 and 60 of the Highway Act, 1980 - "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk.</p>

3	Community Infrastructure Levy (CIL)
	<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 London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/cil, and the Islington Council website at www.islington.gov.uk/cil. CIL guidance is available.</p>
4	Legal 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>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1 **National Guidance**

The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. **Development Plan**

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 - Spatial Development Strategy for Greater London

Green Infrastructure and Natural Environment
Policy G7 Trees and woodlands

B) Islington Core Strategy 2011

Strategic Policies
Policy CS15 Open space and green infrastructure

C) Development Management Policies June 2013

Health and Open Space
Policy DM6.5 Landscaping, trees and biodiversity

E) Site Allocations June 2013

Not Allocated

3. **Designations**

The site has the following relevant designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- AP3 Adventure Playground
- OS43 Cornwallis Open Space
- Article 4 Direction A1-A2 (Rest of Borough)

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

The following SPGs and/or SPDs are relevant:

- Planning Obligations 2016

Appendix 3

PLANNING COMMITTEE REPORT



ISLINGTON

Development Management Service
Planning and Development Division
Community Wealth Building

PLANNING SUB-COMMITTEE B		
Date:	30 th September 2021	

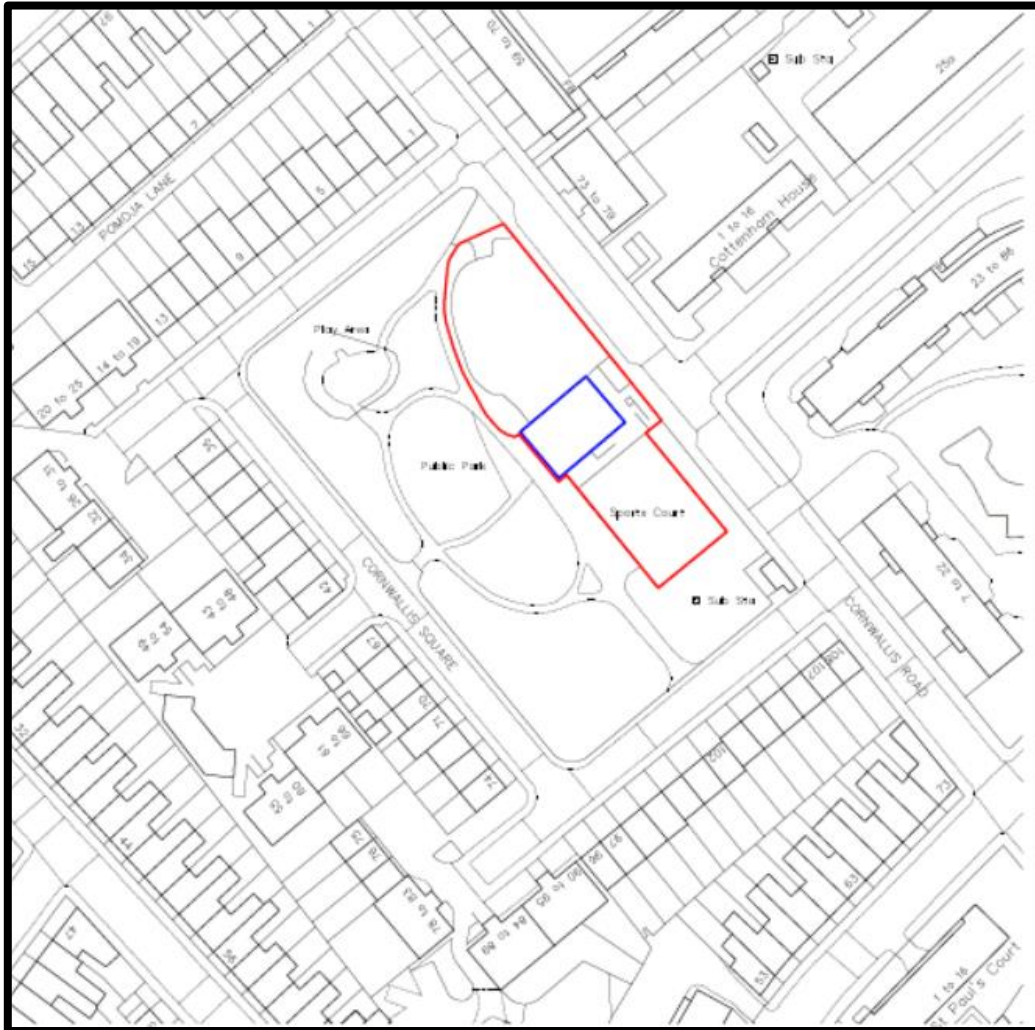
Application number	P2021/1874/FUL (Council own development)
Application type	Full Planning Application
Ward	Tollington
Listed building	No
Conservation area	N/A
Development Plan Context	AP3 Adventure Playground OS43 Cornwallis Open Space Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	Cornwallis Adventure Playground, 17 Cornwallis Road, London, N19 4LP
Proposal	Demolition of existing building and erection of a replacement building for use in connection with the adventure playground and other community uses; erection of refuse facilities and associated works.

Case Officer	Samir Benmbarek
Applicant	Islington Council
Agent	DMH Stallard

1. RECOMMENDATION

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of site looking north.



Image 2: Aerial view of site looking south.



Image 3: Front elevation of existing building.



Image 4: Existing ramp and tree.



Image 5: Rear elevation of existing building.



Image 6: Interior of existing building.

4. SUMMARY

- 4.1 The application proposes the demolition of the existing building on the site with an external footprint (205sqm) erection of a single storey building in association with the use of the children's adventure playground. The building would be constructed of corrugated metal cladding walls, aluminium framed windows and doors, and fibre cement fascia banding around the eaves. The building would be of an external footprint of 234sqm and associated metal fencing and gates would also be proposed.
- 4.2 The proposed building would be used to support the existing children's adventure playground, but will also be used for wider community uses for the local area. The internal layout of the building includes a large main function space, and office, kitchen and storage space.
- 4.3 The proposed building (234sqm) would replace an existing building (205sqm) located within the similar location. Whilst there would be a slight increase (29sqm) in external floorspace within the adventure playground, the building is proposed to directly support the main recreational function of the open space and adventure playground and in this regard, the proposed erection of the new building and minimal loss of adventure playground area is considered acceptable in land use terms particularly when considering the value of community engagement the replacement facility would continue to provide.
- 4.4 The design of the new building is considered to be acceptable and would positively contribute to the character of the local street scene.
- 4.5 The proposed development is considered to not unduly impact the residential amenity of neighbouring properties in terms of loss of daylight and sunlight, overshadowing, reduction in outlook and increased sense of enclosure, loss of privacy and overlooking. The proposed development is also considered to not cause undue impact in respect to noise and disturbance subject to conditions. The proposal therefore accords with policy DM2.1 of the Islington Development Management Policies 2013.
- 4.6 The proposal is therefore considered to be acceptable and it is recommended that the application be approved subject to conditions.
- 4.7 The application is referred to committee as it is a Council own development.

5. SITE AND SURROUNDINGS

- 5.1 The application site is a children's adventure playground located along the south-western side of Cornwallis Road, within Cornwallis Park. The adventure playground and existing building is accessed by a ramp leading up from Cornwallis Road. The adventure playground consists of hard and soft landscaping and play equipment.
- 5.2 The adventure playground has an existing timber framed construction and clad, pitched roof building with a GIA of 190sqm. It is in poor condition owing to wood rot. This building is to be demolished to make way for the proposed development.
- 5.3 The site is designated as an Adventure Playground (AP3) and sits adjacent to Public Open space (OS43) under the Islington Core Strategy 2011 and the Islington Development Management Policies 2013.
- 5.4 The adventure playground building is neither statutorily nor locally listed. The site is not located within a designated conservation area; however, it is located within close proximity to the St Mary Magdalene Conservation Area.
- 5.5 The character and use of Cornwallis Adventure Playground and the wider Cornwallis Park is open space with sports, leisure and general use and enjoyment. The adventure playground and park is a focal point of an overall residential character with a mix of typical terraced housing, post-war purpose built blocks and modern residential developments within the adjoining streets.

6. PROPOSAL (IN DETAIL)

- 6.1 The application proposes the erection of a single storey building in association with the use of the children's adventure playground. The building would be constructed of corrugated metal cladding walls, aluminium framed windows and doors, and fibre cement fascia banding around the eaves. The building would have a floor area measuring 234sqm. The building would be set back from the public highway (Cornwallis Road) by 3m.
- 6.2 The proposed building would be used to facilitate the use of the existing children's adventure playground, but will also be used for wider community uses for the local area. The internal layout of the building includes a large main function space, and office, kitchen and storage. The existing building is being demolished and replaced as the as it is in poor condition mainly due to wood rot and the building has been heavily dilapidated due to its intense and regular use. The erection of a new building would be less financial cost than prolonging the lifespan of the existing building and the new build can efficiently facilitate more events and meetings for the local community such as councillor's surgeries.
- 6.3 The building would replace the existing timber clad building with a footprint of 205qm. The resulting increase in floorspace would be 29sqm (approximately 14%).
- 6.4 The new building would also have lettering on its fascia at roof level, reading 'CORNWALLIS ADVENTURE PLAYGROUND'. The colour of palette of the proposed development would be green, grey and teal.
- 6.5 Other associated developments include the relocation and provision of an improved ramp up to the building, widened front entrance steps, removal of the existing tree by the front entrance, and the provision of a separate refuse storage area by the north east corner of the site.
- 6.6 Minor revisions were sought during the course of the application which were alterations to the front fenestration (windows) to provide more presence and interaction to the street, the lowering of the lettering onto the fascia for maintenance purposes and confirmation of measurements and minor internal revisions for accessibility needs.

7. RELEVANT HISTORY:

Application Site

- 7.1 881269- Cornwallis Road Open Space including adventure playground kickabout area and toddlers playspace and erection of a 'log cabin' of 204sq.m. **Approved with conditions 17/11/1988.**
- 7.2 P060301- Modification of the retaining wall adjacent to pavement along Cornwallis Road, erection of new fencing around adventure playground and replacement of fencing around sport court. **Approved with conditions 07/04/2006.**
- 7.3 P070443- Removal of infill railings at sports area, addition of new infill railings; Removal of planter and front steps and extension of steps. Addition of hand rail and entrance ramp. **Approved with conditions 18/05/2007.**
- 7.4 Advised that a contextual analysis of the area was required to inform the material palette for the building.
- 7.5 The applicant also undertook public consultation with the local community and Cornwallis Adventure Playground users. The overall responses encouraged the provision of a new building that can meet many functions and events used by the local community as well as the everyday use of the adventure playground. Comments were also made regarding the design and appearance of the building.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 248 adjoining and nearby properties at Cornwallis Road, Cornwallis Square, Bavaria Road and Sussex Close and a site notice was displayed on the 15/07/2021. The public consultation of the application therefore expired on 08/08/2021; 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, three responses had been received from the public with regard to the application. Two letters of objection and one letter of support was also received. The issues raised in the objections can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

Design

- Quality and appearance of proposed materials are not considered to be of high enough quality (paragraph 10.33);
- Fenestration of the building to address surveillance to the street (the view that there should be more fenestration to better address the street) (paragraph 10.30).

Trees

- Objection to removal of the horse chestnut tree (paragraphs 10.70 – 10.75).

Support

- Support for the inclusion if the biodiverse roof.

Internal Consultees

- 8.3 **Design & Conservation:** There is no objection to the design of the proposed development. It is recommended to lower the lettering so that it is on the fascia rather than on top of the building for easier maintenance.
- 8.4 **Environmental Health:** No objection subject to condition regarding details of construction process.
- 8.5 **Tree Officer:** Objection to the removal of the horse chestnut tree.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan document

National Guidance

- 9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the main following statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- 9.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 9.3 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Sub-Committee B must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Development Plan

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

Designations

- 9.10 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:
- AP3: Adventure Playground
 - OS43: Open Space

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Draft Islington Local Plan 2019

- 9.12 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 with the examination process now in progress. As part of the examination consultation on pre-hearing modifications took place between is taking place from 19 March to and 9 May 2021. The Matters and Issues have now been published with hearings currently taking place (13 September to 5 October). 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).

- 9.13 Emerging policies relevant to this application are set out below:

- Policy H1- Thriving communities
- Policy R1- Retail, leisure and services, culture and visitor accommodation
- Policy G1- Green Infrastructure
- Policy G2- Protecting open space
- Policy S1- Delivering sustainable design
- Policy S2- Sustainable design and construction
- Policy T2- Sustainable transport choices
- Policy T5- Delivery, servicing and construction
- Policy DH1- Fostering innovation while protecting heritage

10. ASSESSMENT

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

- Land Use
- Design
- Neighbouring Amenity
- Transport
- Sustainability
- Trees
- Other Matters

LAND USE

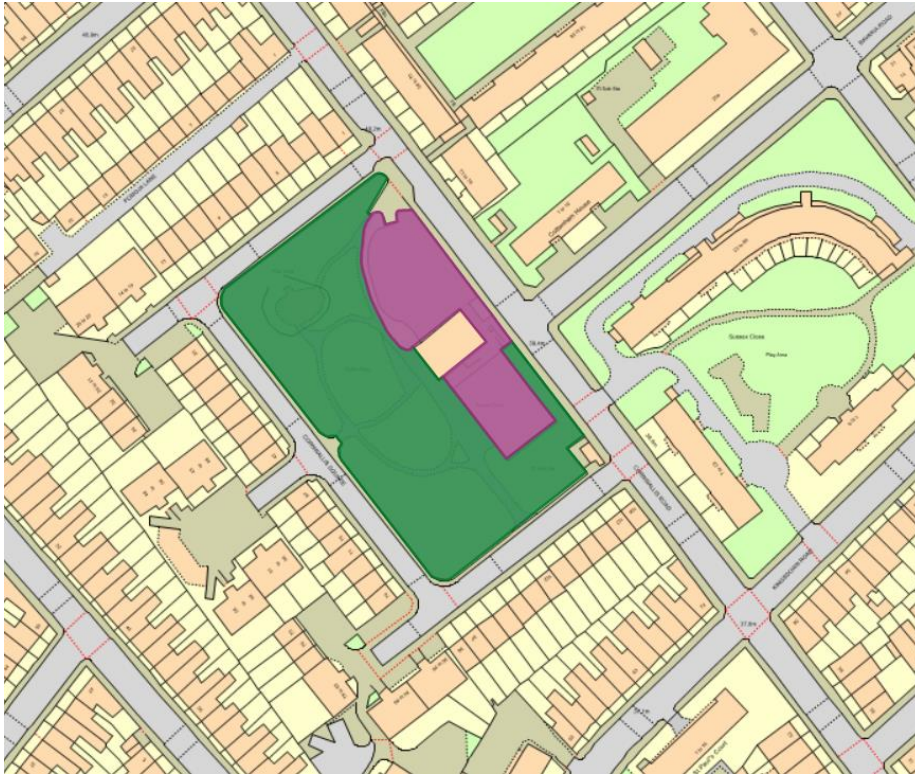


Image 7: Open Space and Adventure Playground designation taken from the Islington Council GIS map.

- 10.2 The site is a designated adventure playground, providing dedicated play space. Whilst not designated Open Space, the site immediately abuts and provides facilities to complement the designated Open Space at Cornwallis Open Space. The map image below outlines the designation between the Open Space and Adventure Playground (green denotes Open Space, purple denotes Adventure Playground). 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.
- 10.3 Policy CS16 of the Core Strategy relates to the borough's play spaces 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.
- 10.4 Part F of policy DM6.3 reads that the Council will protect existing play space 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.*
- 10.5 Part G of the policy states that all of the borough's adventure playgrounds will be protected.

- 10.6 Supporting text within paragraph 6.30 of the Development Management Policies details that given the valuable role of the borough's adventure playgrounds in providing play opportunities, their protection against change is important. The existing amount of formal play provision per child should therefore be maintained.
- 10.7 Whilst policy DM6.3 provides a general protection to all open space, such protection is qualified according to particular designation. In this case, the site is not designated as public open space so whilst recognised as having value, part F of the policy specifies that development on such space can be accepted where replacement space is provided of the equivalent size and functionality to meet the needs of the local population. Where re-provision of the same size and functionality is not possible, this will only be permitted in exceptional circumstances where there are over-riding planning merits to the proposal.
- 10.8 The proposed development would result in a replacement building with an additional 29sqm of external floorspace. This would be technically more than the equal floorspace as expected by policy and a further build within the adventure playground; however, the new building would better facilitate the use of the adventure playground, complement the existing uses and provide internal play/education space, which would result in an improved facility at the site and more opportunities for children and young adults. The introduction of a high quality building would to support the use of the site would be in accordance with the above noted policies.



Image 8: Existing and proposed building.

- 10.9 The footprint of the proposed building is 234sqm, which is an increase of the built form from the existing building by 29sqm; however the additional floorspace would be located at the existing front entrance area of the site and not within the existing core play area. There would be no loss of play equipment as a result of the proposed development, which is the key function of the designated adventure playground. The existing use would still function and would be further supported as a result of the development.
- 10.10 The existing timber building has been in existence since the late 1980s and has been known to have been used by the wider community. As well as being used in conjunction with the external equipment for children's play, the building accommodated meetings and workshops by various youth groups as well as space for occasional events by the local community. Such uses would return to the new building which is considered a public benefit overall. The slightly increased building's floorspace with dedicated spaces would also would efficiently accommodate such events in a modern building designed for such purposes.

10.11 In summary, the proposed building would also provide wider uses beyond those of the adventure playground and would benefit the community. The building can be used for internal play and recreational spaces, as well as flexible meeting spaces. This would provide accommodation for the local community and welfare groups that used the previous building as discussed above. The building would also contribute to enhanced and improved children's play and development.

10.12 The proposal would result in the loss of the existing building at the site, which provides a social infrastructure use. Part A of policy DM4.12 of the Islington Development Management Policies specifies that the Council will not permit any loss or reduction in social infrastructure uses unless:

- i) a replacement facility is provided on site which meets the need of the local population; or
- ii) the specific use is no longer required on site.

10.13 Part C of policy DM4.12 states:

"New social infrastructure and cultural facilities, including extensions to existing infrastructure and facilities, must

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

10.14 As evidenced by the existing building at the site and its known uses by the community, it is considered that the proposed building would be within a convenient location for the community. Cornwallis Open Space is a focal point of the surrounding residential area. The proposed internal space configuration of the single storey building would help users with accessible needs whilst the proposed development also includes a reconfigured ramp from the public highway to the building. A further analysis on transport accessibility is discussed further on in this report.

10.15 When considering the existing building at the site, the proposed development would result in the marginal loss of external open space (designated as Adventure Playground) due to its extension towards the street. However, as noted above, the proposal would provide a new social infrastructure facility at the site that would further support the adventure playground use and community use offer of the site, would provide an appropriate replacement for the demolished building and would support improved access and facilitation of use of play space and open space, particularly in an area of open space deprivation. The quality and functionality of the adventure playground and wider open space would be greatly improved as a result of the development and more accessible to users, which are considered significant benefits of the scheme.

10.16 On balance, the proposed development would result in an overall improvement to the quality of play provision at Cornwallis Adventure Playground, which is considered to weigh in favour of the proposal and therefore is supported by officers. The proposal would improve the function of the adventure playground in accordance with policy CS16 of the Islington Core Strategy 2011.

- 10.17 Given that the proposed building would improve play, children's development and community uses and functions, it is considered the proposed development is considered to comply with the broad aims of policies and CS16 of the Islington Core Strategy 2011 and policies DM4.12, DM6.1, and DM6.3 of the Islington Development Management Policies 2013. Whilst the proposed development would comply with the aims of policy CS15, the wider community benefits and enhancement of the user experience of the adventure playground and adjoining public open space are considered to be of a particular and sufficient public benefit to weigh against the minor loss of adventure playground space. Furthermore, the minor loss of space would be located to the frontage of the building.
- 10.18 Overall, the proposed development is considered acceptable in regards to land use; however, overall acceptability is subject to the other considerations within this report.

DESIGN

- 10.19 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 10.20 Paragraph 131 of the NPPF (2021) states that in determining planning applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.21 Policy CS8 of the Islington Core Strategy sets out the general principles to be followed by new development in the borough. Policy CS9 of the Core Strategy and policy DM2.1 of the Islington Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development
- 10.22 Paragraph 5.68 of the Islington Urban Design Guide (IUDG) reads "*The relationship between the height of building and the street/space they flank is of critical importance. A balance must be found between the need for enclosure. Surveillance and definition and the risk of creating overbearing development that starves the street of light and air.*"
- 10.23 The IUDG states further on in paragraphs 5.76 and 5.77 "*In addition to its height, the scale of a building is also determined by its bulk, width and the manner in which the façade is articulated...Vertical proportions are expressed both in the overall dimensions of a building and in its individual elements, particularly the fenestration, and the manner in which they are composed within the frontage.*"
- 10.24 For new development, the IUDG summarises what is being sought in paragraph 5.78, by reading "*High quality contemporary designs will normally be sought that are skilfully woven into their context and that respect the rhythm, scale and proportions of the existing street frontage. Where the predominant building form in the surrounding area is characterised by narrow plot widths, designs should reflect this.*"
- 10.25 Within the surrounding area, it is observed that whilst there are Victorian terraced housing (with narrow plot widths) towards the northwest; the majority of plots are spacious with wide four storey mid and post-war housing stock as well as larger late 20th/early 21st century purpose built residential developments. Whilst the existing building is part of its own context as part of the wider Cornwallis Open Space, it can also be considered that the existing building and its plot is akin to and reflects the larger neighbouring housing developments. Whilst a larger development can be accommodated within the adventure playground site, any building should still be of an appropriate and subservient scale to (whilst facilitating) the use of the site as open adventure playground.

- 10.26 The maximum height of the existing building is 3.8m (4.7m when measured from street level) at the roof pitch, lowering to 2.2m at eaves level (3.4m from street level). The building is set back from the perimeter with the public highway by 6.25m.
- 10.27 The proposed building would be single storey at a maximum height of 3.85m (5m when measured from street level) and would occupy a marginally larger area than the existing building in the same location of the adventure playground. In comparison to the existing building, the proposed new build would be brought forward towards the street by 3m, but yet still set 3m back from the highway. The proposed building is considered appropriate as it would maintain a similar impact of bulk as the existing building within the streetscene of Cornwallis Road and longer views down Bavaria Road.



Image 9: Visual of proposed building along Cornwallis Road.

- 10.28 Furthermore, the proposal maintains the open character within the street scene characterised by the neighbouring block-like buildings within spacious open plots. Therefore, in reference to paragraph 5.68 of the IUDG, it is considered that the proposed development provides a balanced relationship within the street by through its slightly increased scale and design.
- 10.29 Another factor to consider would be the relationship of the proposed development with the open space that it would flank. The footprint of the new building would be 234sqm which is a minor increase from the existing with the additional bulk not facing the open space. This in conjunction with its single-storey height is considered to be an appropriately scaled building within the adventure playground and adjacent to Cornwallis open space. When seen from within the adventure playground and wider open space, the building would not appear as overbearing, nor enclosing and the need for enclosure (which is acknowledged as of high importance given the nature of the site) is already addressed by the existing boundary wall of the site leading from the building to the outdoor play equipment. The building is an appropriate scale and would remain subservient to the open nature and scale of the adventure playground, reflecting that the prime use of the site remains outdoor children's play and development.

- 10.30 The proposed fenestration at the front elevation facing Cornwallis Road is considered to provide an active presence to the street in combination with the front elevation being moved closer to the street. A full-height door and glazed panelling is proposed at the entrance to the building on top of the modified entrance steps. The new location of the entrance door would align with Bavaria Road in which its presence can be seen within longer views down the street. Whilst protected by metal perforated privacy cladding, the 3x proposed windows on the front elevation also provide activity and surveillance along Cornwallis Road as well as forming an appropriate fenestration design for the building. This is considered an overall improvement from the existing building which appears as a blank front elevation with boarded up windows and doors providing no active frontage or surveillance to the street.
- 10.31 The northwest elevation which faces the adventure playground comprises of majority corrugated metal cladding with full-height doors which is considered acceptable as it would provide open views from the building to the playground providing a safe presence, whilst being of a sympathetic design. This elevation would not be visible from the adjoining street as it would be obscured by the high boundary metal fencing and play equipment with some views from within the wider open space.
- 10.32 The proposed fenestration is considered to reflect vertical proportions of the building in relation to its single storey height. Full windows and doors on its northern elevation would face onto the open space. Whilst also providing an expression of its vertical proportions, the fenestration would also provide an open relationship between the main internal area of the building and the adventure playground space outside. The same considerations also apply to the fenestration facing the football pitch. The elevation facing the open space would be blank; however, there is the opportunity to use the blank façade for some form of creativity further on as evidenced with the existing elevation through the painting of murals and drawings by the adventure playground users.
- 10.33 The proposed materials for the building are coloured corrugated metal cladding, aluminium framed doors, windows and glazing, perforated privacy cladding (to be placed on the windows), and fibre cement roof fascia. The proposed material choice is considered appropriate as given their durability and additionally can be found in other elements across Cornwallis Adventure Playground and Open Space.

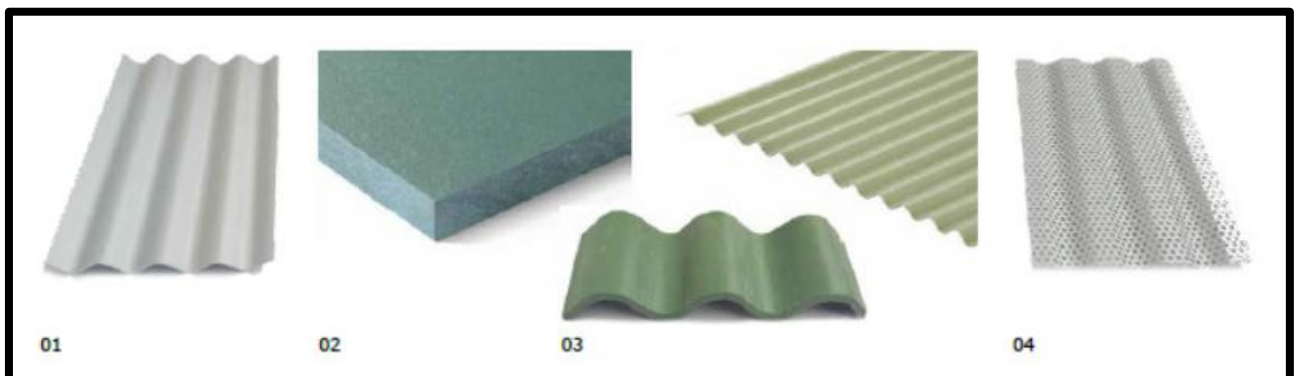


Image 10: Proposed materials.

- 10.34 Lettering is proposed on the roof fascia of the building on its north-eastern elevation that would read 'CORNWALLIS ADVENTURE PLAYGROUND'. There is no objection the design of the lettering and this considered an appropriate form of signage which would also be used on similar developments within the borough and as such, would bring a common noticeable identity.
- 10.35 In association with the new build, the front entrance area is to be redeveloped in order to provide better accessibility from the public highway along with a new reclaimed low level brick boundary wall. A metal balustrade is also proposed along the ramp and on either side of the entrance steps. Overall, the redevelopment of the front of the site is considered a significant improvement in regards to design (as well as accessibility as discussed further in this report) and to result in a more finished and welcoming appearance in comparison to the existing.

- 10.36 New metal secure fencing and gates are proposed by the football pitch which are not objected to as they are within the context of existing metal fencing.
- 10.37 The proposed development would provide a suitably high standard of design to the local area using appropriate materials in a contemporary design. The proposal is considered to relate well to the context of Cornwallis Adventure Playground and Cornwallis Open Space whilst providing an active presence along the street scene of Cornwallis Road.
- 10.38 Therefore, the proposed development complies with the National Planning Policy Framework 2021, policy D4 of the London Plan 2021, policies CS8 and CS9 of the Islington Core Strategy 2011 and policies DM2.1 and DM2.3 of the Development Management Policies 2013.
- 10.39 Whilst the proposed materials are considered to be appropriate, to ensure that they are of a high quality appearance and finish, a condition will be attached upon approval for details of all facing materials within the proposed development.

INCLUSIVE DESIGN

- 10.40 Policies D5 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in policy DM2.2 of the Islington Development Management Policies 2013, which requires developments to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone.
- 10.41 The proposed development would result in a step-free access from the pavement to the building by way of a replacement and reconfigured ramp. The entrance steps would also be altered and improved. The new access ramp would have a gradient of 1:15, with a width of 1.5m. Whilst this would not accommodate two wheelchairs to pass each other in opposite directions, it would facilitate step free-access to the new building, the play area and the football pitch. The Council's Inclusive Design Officer has reviewed the proposed development who raises no objection. The adaptations of the new building and front entrance are welcomed.
- 10.42 The internals and layout of the replacement building are also considered to be easier to navigate through and use in comparison to the existing building. New adaptations can be installed within the building for accessibility needs when such needs arise.
- 10.43 Given the constraints of the site and the approaches taken to improve accessibility for all users, the proposed development is considered to comply with policy DM2.2 of the Islington Development Management Policies 2013. Furthermore, the proposed development would be considered to overall comply with Part B of policy H4 of the Draft Local Plan which has the same aims as current policy DM2.2.

NEIGHBOURING AMENITY

- 10.44 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 10.45 Given the location of the tennis courts and the extent of the development, it is considered that the identified neighbouring properties with the potential to be impacted by the development is Cottenham House. This building is located on the opposite side of the street to the site at the corner of Cornwallis Road and Bavaria Road. The distance measured between this neighbouring building and the proposed development is approximately 40m.

Daylight, Sunlight and Overshadowing

- 10.46 It is considered by reason of its scale and location within the adventure playground, the proposed building would not adversely impact upon the daylight and sunlight of adjoining neighbouring occupiers. Given the 40m separation distance, the proposed building would not intersect a 20-degree angle taken from the habitable windows of Cottenham House.

Outlook

- 10.47 Whilst there would be a change in the outlook from neighbouring properties as the form of the building would have altered and its position within the site moved further forward towards the road, however it is considered that the proposed development would not unacceptably impact upon the outlook from neighbouring occupiers. The open outlook along Cornwallis Road would still be maintained as the development would be contained within the site with outlook into the open space already disrupted by the various play and sports equipment erected.

Privacy

- 10.48 The proposed development would not impact upon the privacy of neighbouring occupiers. Views from the building would be of the adventure playground, Cornwallis Road and longer views down Bavaria Road. There would be no direct views into neighbouring properties given the considerable separation distance of 40m.

Noise and Disturbance

- 10.49 Given the existing use of the site, it is expected that during the daytime hours there would be an expected (but considered negligible) level of noise generated from its use and due to the building providing a slightly greater floor area than the previous building at the site, the proposal would not exacerbate this. It is considered that the proposed building would not result in an adverse increase in noise and disturbance to neighbouring occupiers.
- 10.50 The proposed development would result in a flat roof to accommodate a biodiverse roof. Whilst it would be unlikely that the flat roof would be used as an amenity terrace given the green roof, a condition would be secured upon approval to ensure that the flat roof is only used for the longevity of the green roof and maintenance purposes of the building and not for use as an amenity terrace. This is to ensure no noise and disturbance is caused at first floor level and to ensure privacy is maintained to nearby residential occupiers.

Opening Hours

- 10.51 The opening hours for the proposed building are: 08:00-22:00hrs Monday to Fridays; 09:00-22:00hrs Saturdays; and 10:00-20:00hrs Sundays and bank holidays. This includes the main adventure playground use which would operate 08:00-19:00hrs weekdays and 09:00-18:00hrs weekdays and bank holidays. These hours would be the same as the existing opening hours.
- 10.52 The proposed opening hours (no change from the existing) are considered acceptable given the considerable distance away from neighbouring properties and as noise is emitted externally from the activity of the site is an existing situation with the proposed building considered to not exacerbate such issues.
- 10.53 The continued evening hours for community events and meetings are considered to be acceptable. The activity would be considered less intense than that of children's play and therefore suitable to take place during the evening period. Such events are an occasional use and the end hours of 22:00hrs weekdays and Saturdays and 20:00hrs on Sundays and bank holidays are considered a respectful time. The opening hours continued would also be in line with other adventure playground buildings within the borough.

- 10.54 No hours of use restrictions were provided within previous planning permission at this site. A condition is recommended restricting the hours to those noted above. Given the established use of the site as an adventure playground and the hours of use proposed, it is considered that an operational management plan would not be required.

Light Pollution

- 10.55 Due to the external design of the replacement building, it is considered that the proposed development would not impact neighbouring occupiers in respect to light pollution. The building would not operate into the late-night period and nearby residents would not be impacted by the internal light during the winter months as it would not be at high levels of illuminance.

Safety and Security

- 10.56 Given the existing (and continued) nature of the site, safety and security to the users is of importance. The existing boundary fencing and gates provide physical security to the site and proposed building whilst children's safeguarding is confirmed as provided by the existing operators (Awesome Adventure Play). Bringing the building closer to the street (by 3m) and introducing windows to overlook the street would also help to reduce anti-social activity when the site is not in use. As such, it is considered that further details on safety and security is not required in this instance as the same arrangements would continue.
- 10.57 Overall, the proposed development would not cause 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 2013.

TRANSPORT

- 10.58 The site has average access to public transport and the Public Transport Accessibility Level is 3.
- 10.59 The site is equidistant between Holloway Road to the west and Hornsey Road to east. Bus routes 17, 43, 263 and 271 serve Holloway Road whilst bus route 91 serves Hornsey Road.
- 10.60 Bus route 153 serves MacKenzie Road to the north of Paradise Park, whilst bus routes 43, 263, 271 and 393 serve nearby Holloway Road to the east of the site. The site is a 5 minute walk from Upper Holloway station which is served by the London Overground (Gospel Oak to Barking).
- 10.61 In accordance with Appendix 6 of the Islington Development Management Policies 2013, 1x cycle space per 275sqm of leisure/sports floorspace should be provided. No details of cycle parking spaces are provided and upon approval, a condition would be attached to secure details of at least 1x cycle parking space. It is considered the site can accommodate such and would also help encourage and promote a sustainable form of transport, particularly with younger people.

REFUSE AND RECYLING

- 10.62 The proposed development would provide a dedicated refuse store along the northern perimeter, concealed by the existing boundary wall along Cornwallis Road near the north-eastern entrance to Cornwallis Park. The proposed arrangement is considered acceptable and as demonstrated within the proposed plans would not interrupt the use of the building or adjoining park whilst the removal of the refuse would be considered not a hindrance to staff given the new gates proposed for refuse collection.

ENERGY, SUSTAINABLE DESIGN AND CONSTRUCTION, AND BIODIVERSITY

- 10.63 Policy DM7.1 of the Islington Development Management Policies states that 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'. In particular, Part C reads "*Major developments, minor developments creating new residential and/or commercial units, and extensions of 100m² or greater, shall be accompanied by a Sustainable Design and Construction Statement (SDCS), including where relevant an Energy Statement. The SDCS shall clearly set out how the application complies with relevant sustainable design and construction policies and guidance.*"
- 10.64 The applicant has submitted a Sustainable Design & Construction Statement (SDCS) outlining methods in which the new build would help promote sustainable design standards. The SDCS outlines that the new build would be a high thermal performing and airtight structure which would create an envelope which would minimise the building's operational energy requirements. This is as the building would considerably address heat loss. In turn, this would require less energy to operate the building as energy isn't consumed to replace already lost heat and energy.
- 10.65 Heating and energy would be provided to the building through the incorporation of air source heat pumps and solar PV panels. Fittings are also proposed to be installed within the finishes of the building internally to address energy usage and the borough's targets to become a net-zero borough by 2030. These measures are light fitting that are capable of only acceptable low energy light bulbs, energy labelled white goods that are A+ rated and light fittings that are efficiently greater than 40 lumens per watt. Externally, energy efficient light and security lights with controlled motion sensors are proposed.
- 10.66 The materials for the construction will be locally sourced where possible to minimise adverse environmental impacts through the types of materials as well as the shorter distance supply chain. The longevity and durability of the chosen materials would ensure that the use of additional materials would be lessened during the building's lifetime, thereby lessening harmful environmental impacts from its production and sourcing. All proposed timber for the internal structures and partitions would be specified from PEFC or FSC certified sources.
- 10.67 The development also proposes measures for water management in the form of sustainable drainage systems (SUDS). Forms of SUDS proposed for the new build are the biodiverse roof, bio retention planters, water butts and the use of permeable surfaces. Some of these SUDS also promote biodiversity values such as the biodiverse roof and planters.
- 10.68 The proposed biodiverse green roof would cover an area of approximately 195sqm. Whilst the provision of a bio-diverse green roof is supported, further details are recommended to be submitted to ensure that the proposed roof meets the council's biodiverse values and to secure its longevity. This includes details of plant species, substrate depth, and maintenance.
- 10.69 The proposed development therefore is considered to comply with policies DM6.5, DM7.1 and DM7.2 of the Islington Development Management Policies 2013. A condition is recommended that would ensure that the development is implemented in accordance with the Sustainable Design and Construction Statement to ensure the building's sustainability.

TREES AND LANDSCAPING

- 10.70 The site contains a horse chestnut tree within the front external area which is proposed to be removed to accommodate the accessibility improvements to the new building entrance, including an accessibility compliant ramp. The applicant has submitted an arboricultural report which details that the horse chestnut has been pruned and otherwise damaged and decayed with a limited life expectancy.

- 10.71 The tree has been designated as a category C2 tree and whilst the loss of this tree is regrettable, the loss of the low value tree would accommodate improved access to the development. This in turn would result in all users and members of the community being able to access the new building without any limitations.
- 10.72 Mitigation has been proposed to account for the loss of the horse chestnut tree which includes the planting of either a Silver maple, Italian alder or Sweet gum. These tree species have been chosen as they can attain the same larger mature height as the existing tree and canopy cover, thereby in turn maintaining the same arboricultural character of this part of the site and street.
- 10.73 The Council's Tree Officer has been consulted and has raised an objection to the principle loss of the larger mature horse chestnut. Whilst this objection is noted the loss of the tree has been balanced against the accessibility improvement that the site would deliver with the tree removed. The quality of the existing tree and its limited life expectancy has also been considered in which it is considered that the tree would inevitably have to be removed regardless of the scheme in the future due to its decay.
- 10.74 In order to demonstrate the requirement for the loss of tree to facilitate the accessibility works, the applicant has submitted drawings showing different ways in which proposed ramp and stairs and ramp can be facilitated whilst also maintaining the horse chestnut tree. Each option would result in either the stairs, the ramp, or both, not meeting compliance with building regulations or other accessibility requirements. The option with the tree removed would result in a compliant entrance steps and ramp that fits comfortably within its context. Furthermore siting the building closer to the road, brings safety and security improvements and the slight increase to the building footprint could not be set further back into the site or would result in loss of public open space. Taking all these considerations into account, the proposal resulting in the loss of the Category C Horse Chestnut tree is considered on-balance to be acceptable.
- 10.75 Having regard to the considerations as discussed above, the proposed development is acceptable with regard to landscaping and trees and is in accordance with policies DM2.1, DM2.2 and DM6.5 of the Islington Development Management Policies 2013.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of the proposed development is considered to be acceptable and would provide a new facility supporting the adventure playground use as well as providing space for community uses. The scale and design of the development would not appear out of character within either the street scene or the wider open space setting.
- 11.2 Whilst 29sqm adventure playground designated space would be lost, this would be at the front of the site between the existing building and the street (which would in itself bring improved safety and security to the street). The replacement building would provide for enhanced community, play and youth facilities directly supporting the adventure playground designation of the site. This would not result in a technical loss of open space and the development would bring public benefits including enhanced accessibility and safety and security.
- 11.3 Whilst the proposal would result in the loss of a horse chestnut tree to the front of the site (large mature tree) it is a category C tree and a suitable replacement species, able to reach a comparable size as the existing tree on maturing is proposed. On-balance having regard to the improved facility including accessible entrance to ensure the building and adventure playground would be accessible to all, improved safety and security and sustainability are considered to balance in favour of approval of this application.
- 11.4 It is considered that the proposal would improve the appearance of the site and would not result in detrimental harm to the amenity of surrounding occupiers, subject to appropriate conditions. The proposal accords with policies CS8 and CS9 of the Islington Core Strategy 2011, policies DM2.1 of the Islington Development Management Policies 2013, and the Urban Design Guide 2013.

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

Conclusion

- 11.6 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, and that there is delegated to each of the following: the Head of Development Management the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

List of Conditions:

1	Commencement
	<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	Approved Plans List
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>PHP COR 00: 100 P1; 101. PHP COR 01: 100 P1; 101 P1; 200 P1; 300 P1; 302 P1; 303 P1. PHP COR 02: 101 P2; 200 P1; 300 P1; 301 P1; 302 P1; 303 P1. PHP COR 07: 100; 200 P1.</p> <p>Redevelopment of Cornwallis Adventure Playground [by Paper House Project]: Design & Access Statement dated June 2021; Engagement Statement dated June 2021; Proposed Accessibility Options- Configurations A-F dated September 2021; Sustainable Design & Construction Statement dated September 2021 by Paper House Project dated September 2021.</p> <p>Arboricultural Report by Tim Moya Associated dated June 2021 (Ref. 200934-pd-11).</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	Materials (Details)
	<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 commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none">a) Corrugated sheeting and cement fibreb) window treatment (including sections and reveals);c) roofing materials; andd) 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>

<p>4</p>	<p>Hours of Operation (Compliance)</p> <p>CONDITION : The development hereby approved shall not operate outside the hours of:</p> <p>08:00- 22:00hrs Monday- Fridays 09:00- 20:00hrs Saturdays 10:00- 20:00hrs Sundays and Bank Holidays</p> <p>The development hereby approved shall not be used in association with the existing adventure playground outside the hours of:</p> <p>08:00- 19:00hrs Monday- Fridays 08:00- 18:00hrs Saturdays, Sundays and Bank Holidays</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<p>5</p>	<p>Construction Method Statement (Details)</p> <p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>The development shall be carried out 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 ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
<p>6</p>	<p>Cycle Parking (Details)</p> <p>CONDITION: Details of the design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than the 1x cycle spaces proposed.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<p>7</p>	<p>Sustainable Design and Construction (Compliance)</p> <p>CONDITION: The hereby approved development shall be carried out in accordance with the approved Sustainable Design & Construction Statement by Paper House Project dated September 2021.</p> <p>The development shall be carried out 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>

	REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.
8	Green/Brown Biodiversity Roofs (Details)
	<p>CONDITION: Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be</p> <p>d) biodiversity based with extensive substrate base (depth 80-150mm);</p> <p>e) laid out in accordance with plan PHP COR 02 101 P2 hereby approved; and</p> <p>f) planted/seeded with an agreed 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> <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 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 so approved 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>
9	Refuse/Recycling Provided (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. PHP MLK 02 100 P1 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 and to ensure that responsible waste management practices are adhered to.</p>
10	For Replacement Trees not Covered by TPO (Compliance)
	<p>CONDITION: If the replacement tree dies, fails to establish, is removed, destroyed, uprooted or becomes seriously damaged or diseased within five years of the date of this consent, it must be replaced with another tree of the same size and species, and in the same location within one year of dying.</p> <p>REASON: To ensure the continued amenity provided by the tree and the planting of an appropriate species.</p>

List of Informatives:

1	Construction Works
	<p>INFORMATIVE: Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
2	Highway Requirements
	<p>INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through</p>

	<p>streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk. Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk.</p>
3	Community Infrastructure Levy (CIL)
	<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 London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/cil, and the Islington Council website at www.islington.gov.uk/cil. CIL guidance is available on the GOV.UK website at www.gov.uk/guidance/community-infrastructure-levy.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1 **National Guidance**

The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- National Planning Policy Framework 2021

2. **Development Plan**

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 – The Spatial Development Strategy for Greater London

- Policy GC3- Creating a healthy city
- Policy D4- Delivering good design
- Policy S5- Sports and recreation facilities
- Policy HC1- Heritage conservation and growth
- PolicyG3- Metropolitan Open Land
- Policy G4- Open space
- Policy G6- Biodiversity and access to nature

B) Islington Core Strategy 2011

- Policy CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment
- Policy CS15- Open space and green infrastructure
- Policy CS17- Sports and recreation provision
- Policy CS18 Delivery and infrastructure

C) Islington Development Management Policies 2013

Design and Heritage

- Policy DM2.1- Design
- Policy DM2.3- Heritage

Shops, culture and services

- Policy DM4.12- Social and strategic infrastructure and cultural facilities

Health and open space

- Policy DM6.3- Protecting open space
- Policy DM6.4- Sport and recreation
- Policy DM6.5- Landscaping, trees and biodiversity

Energy and environmental standards

- Policy DM7.1- Sustainable design and construction
- Policy DM7.2- Energy efficiency and carbon reduction in minor schemes

Transport

- Policy DM8.4- Walking and cycling
- Policy DM8.6- Delivery and servicing for new developments

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

The following SPGs and/or SPDs are relevant:

Islington SPG/SPD

- Urban Design Guide 2019
- Environmental Design SPD

Appendix 4 : PLANNING DECISION NOTICE



C/O Agent
c/o DMH Stallard
Griffin House, 135 High Street
Crawley
RH10 1DQ

Development Management Service
Planning and Development Division
Environment & Regeneration Department
Case Officer: Samir Benmbarek
T: 0207 527 1857
E: planning@islington.gov.uk
Issue Date: 28 October 2021
Application No: P2021/1874/FUL
(Please quote in all correspondence)

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS

BOROUGH COUNCIL'S DECISION: Approve with conditions

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

Location:	17 Cornwallis Road, London, N19 4LP		
Application Type:	Full Planning Application		
Date of Application:	28 June 2021	Application Received:	28 June 2021
Application Valid:	28 June 2021	Application Target:	23 August 2021

DEVELOPMENT: Demolition of existing building and erection of a replacement building for use in connection with the adventure playground and other community uses; erection of refuse facilities and associated works.

PLAN NOS: PHP COR 00: 100 P1; 101, PHP COR 01: 100 P1; 101 P1; 200 P1; 300 P1; 302 P1; 303 P1. PHP COR 02: 101 P2; 200 P1; 300 P1; 301 P1; 302 P1; 303 P1, PHP COR 07: 100; 200 P1, Redevelopment of Cornwallis Adventure Playground [by Paper House Project]: Design & Access Statement dated June 2021; Engagement Statement dated June 2021; Proposed Accessibility Options-Configurations A-F dated September 2021; Sustainable Design & Construction Statement dated September 2021 by Paper House Project dated September 2021 & Arboricultural Report by Tim Moya Associated dated June 2021 (Ref. 200934-pd-11).

CONDITIONS:

- 1 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.

REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

- 2 DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:

PHP COR 00: 100 P1; 101, PHP COR 01: 100 P1; 101 P1; 200 P1; 300 P1; 302 P1; 303 P1. PHP COR 02: 101 P2; 200 P1; 300 P1; 301 P1; 302 P1; 303 P1, PHP COR 07: 100; 200 P1, Redevelopment of Cornwallis Adventure Playground [by Paper House Project]: Design & Access Statement dated June 2021; Engagement Statement dated June 2021; Proposed Accessibility Options- Configurations A-F dated September 2021; Sustainable Design & Construction Statement dated September 2021 by Paper House Project dated September 2021 & Arboricultural Report by Tim Moya Associated dated June 2021 (Ref. 200934-pd-11).

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.

- 3 MATERIALS (DETAILS): Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:

- a) corrugated sheeting and cement fibre
- b) window treatment (including sections and reveals);
- c) roofing materials; and
- d) any other materials to be used.

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

REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

- 4 HOURS OF OPERATION (COMPLIANCE): The development hereby approved shall not operate outside the hours of:

08:00- 22:00hrs Monday- Fridays
09:00- 20:00hrs Saturdays
10:00- 20:00hrs Sundays and Bank Holidays

The development hereby approved shall not be used in association with the existing adventure playground outside the hours of:

08:00- 19:00hrs Monday- Fridays
08:00- 18:00hrs Saturdays, Sundays and Bank Holidays

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

- 5 CONSTRUCTION METHOD STATEMENT (DETAILS): No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.

- 6 CYCLE PARKING PROVISION (DETAILS): Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than 1x cycle spaces.

The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.

REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.

- 7 SUSTAINABLE DESIGN AND CONSTRUCTION (COMPLIANCE): The hereby approved development shall be carried out in accordance with the approved Sustainable Design & Construction Statement by Paper House Project dated September 2021.

The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.

- 8 GREEN/BROWN BIODIVERSITY ROOFS (DETAILS): Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:
- a) biodiversity based with extensive substrate base (depth 80-150mm);
 - b) laid out in accordance with plan PHP COR 02 101 P2 hereby approved; and
 - c) planted/seeded with an agreed 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).

The biodiversity (green/brown) roof 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.

The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

- 9 REFUSE/RECYCLING PROVIDED (COMPLIANCE): The dedicated refuse / recycling enclosure(s) shown on the approved drawings shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.

- 10 TREE REMOVAL (COMPLIANCE): Planning permission is only hereby granted for the removal of the Horse Chestnut tree as shown on drawing no. PHP COR 01 100 Rev P1 (Existing Ground Floor Plan). All other trees shall be retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the continued amenity and environmental benefits provided by the trees.

- 11 TREE PLANTING PLAN (DETAILS): Notwithstanding the drawings and information approved, prior to first occupation of the hereby approved community building a replacement tree planting plan shall be submitted to the Local Planning Authority and approved in writing. The tree planting plan shall identify:

- a) A minimum of 3 replacement trees that shall be container grown, heavy standard nursery trees. At least one of these trees shall have a minimum stem girth of 14-16cm and two of these trees shall have a minimum stem girth of 12-14cm. These 3 trees shall be planted within the Cornwallis Adventure Playground / Public Open Space.
- b) A further 3 replacement trees shall also be planted either within the Cornwallis Adventure Playground /Public Open space or within 200m of the boundary of the application site, within the public highway (locations to be agreed prior to planting with the Local Planning Authority) on the tree planting plan(s).
- c) The position, size and species of the replacement trees are to be shown on a submitted tree planting plan which should also be accompanied by a maintenance / management plan (including watering schedule) to cover a minimum period of 5 years. The maintenance/ management plan shall be submitted and agreed in writing by the Local Planning Authority prior to any planting taking place.
- d) Details of soil preparation, staking, irrigation and maintenance of the trees shall also be submitted and agreed in writing by the Local Planning Authority prior to any planting taking place and shall comply with the recommendations contained within BS8545 (2014) Trees: From Nursery to independence in the landscape.
- e) To help the establishment of new trees an irrigation tube or root bag shall be installed at the time of planting as this will help to direct the water to the roots located beneath.

The 6 replacement trees are to be planted within twelve months of the removal of the existing Horse Chestnut tree. The trees shall be maintained and managed in accordance with the agreed Tree Planting Plan details for a minimum 5 year period.

To confirm compliance with this condition a photo of the planted trees should be submitted to the planning tree officer via planning (planning@islington.gov.uk) quoting the relevant application planning reference. Suitable species for this location could include the following tree species: Silver Maple (*Acer saccharinum*), Sweet gum (*Liquidambar styraciflua*), and/or Italian alder (*Alnus cordata*).

REASON: To ensure the continued amenity and environmental benefits provided by the trees and the planting of an appropriate species and to secure an appropriate degree of amenity and biodiversity replacement to the Horse Chestnut tree to be lost, including appropriate replacement canopy cover.

- 12 RETAINED TREES (COMPLIANCE): No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

REASON: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM 2.3 and DM 6.5, policies G1, G5 and G7 of the London Plan, policies G1 and G4 of the emerging Local Plan.

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

- 1 The following British Standards should be referred to:
 - a. BS: 3882:2015 Specification for topsoil
 - b. BS: 3998:2010 Tree work - Recommendations
 - c. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e. BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
 - g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
 - h. BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
 - i. BS: 8601:2013 Specification for subsoil and requirements for use

Certified that this document contains a true record of a decision of the Council

Yours faithfully



KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT
AND PROPER OFFICER